

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.1.1
Halifax Regional Council
March 26, 2019

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: January 25, 2019

SUBJECT: **Direction to Amend By-law S-801 and Administrative Order 15, Respecting Licensing of Temporary Signs**

ORIGIN

On April 25, 2017 the following motion of Regional Council was put and passed:

“That Halifax Regional Council direct staff to undertake consultations with internal and external stakeholders to consider possible by-law and administrative amendments to By-law S-801, Respecting Licensing of Temporary Signs and Administrative Order 15, Respecting License, Permit and Processing Fees and prepare a recommendation report with proposed amendments for Regional Council’s consideration.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter. R.S.N.S. 2008, c.39, clauses 188(1)(c) & (f): Council may make by-laws, for municipal purposes respecting

- (c) persons, activities and things in, on or near a public place or place that is open to the public;
- (f) businesses, business activities and persons engaged in business;

and clauses 188(2)(a) & (e): Without restricting the generality of subsection (1) but subject to Part VIII, the Council may, in any by-law

- (a) regulate or prohibit;
- (e) provide for a system of licenses, permits or approvals...

By-law S-801, *Respecting Licensing of Temporary Signs*

Administrative Order #15, *Respecting License, Permit and Processing Fees*

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to draft amendments for Council’s consideration to By-law S-801, Temporary Signs and Administrative Order Number 15, the License, Permits and Processing Fees Administrative Order, as identified in Attachment A.

BACKGROUND

As a prominent part of the scenery, signs attract the eye of the public and can affect the safety of vehicular and pedestrian traffic. The Temporary Sign By-law, by its very name, applies to signs that are erected on a temporary basis. The By-law's purpose is to provide for and regulate, the location of temporary signs to ensure signs are compatible with surrounding land uses, are well maintained, numbers are limited and express the identity of the individual business or event. The By-law accomplishes a balance between advertising needs, the freedom of expression, and the necessity of regulation.

By-law S-801 Respecting Temporary Signs came into effect April 17, 2015. On June 6, 2016, the processing of Temporary Signs applications was transitioned from a permitting to a licensing process under the responsibility of the License Administrator. Following this transition, concerns from the sign industry about the new process were brought to the attention of Council.

On April 26, 2017, Regional Council directed staff to undertake consultation with internal and external stakeholders to consider possible by-law and administrative amendments to By-law S-801, Respecting Licensing of Temporary Signs and Administrative Order 15, Respecting License, Permit and Processing Fees (AO 15).

On May 24, 2017 licensing staff held an external stakeholder's engagement session with sign industry members to discuss options on how to move forward to reduce the "red tape" while striking a good balance between social, environmental and economic goals.

On June 12, 2017 licensing staff held an internal stakeholder's engagement meeting with the HRM business units involved in the licensing of Temporary Signs and reviewed industry's concerns and options for moving forward, the results of which are outlined in the Discussion section of this report.

The work to date with By-law S-801 is consistent with the Joint Project on Regulatory Modernization to reduce undue regulatory burden and red-tape for business. By modernizing regulation, administrative processes, and customer service, it will be easier to do business in Halifax, having a net positive impact for business, government, and community.

As per the Charter for the Regulatory Modernization Project, the proposed amendments are intended to help achieve the following outcomes:

Business Outcomes for HRM:

- Decrease operational costs through streamlined processes
- Improve compliance levels and decrease enforcement intervention
- Improve customer service to better meet the needs of businesses and support economic growth
- Improve stakeholder confidence in Municipal service delivery

Customer Benefits:

- Faster processing times for permit and license applications and inquiries
- Decreased cost to business to comply with regulation
- Increase in customer service satisfaction
- Improved business confidence in Municipal service delivery
- Improved business confidence in economic development opportunity

DISCUSSION

During discussions at the external stakeholder engagement meeting on May 24, 2017, sign industry members were receptive to developing a new licensing process for sign businesses which grants the assumption of compliance and eliminates the need of individual sign applications and approvals. Companies requested consideration of the placement of signs in the street right-of-way with an easier process to determine a minimum setback from the road's edge by measurement. Companies will indemnify HRM by ensuring that proper insurance is in place to protect HRM.

Staff recommends the following amendments for Council to consider:

a) *Business License:*

To improve service for temporary sign companies and other temporary sign users, licenses for businesses can be offered which will allow significant efficiencies especially to those in the high-volume rental sign business. Companies would not be confronted with the administrative burden of individual applications; their review and licenses being issued for each sign. This will allow the companies to provide signs to their customers more quickly. Companies would operate under the expectation that they know the regulations and will actively comply with them. Compliance is then achieved on a complaint and audit basis. Noncompliance will result in remedies (order to correct – relocation or removal, or fines) with the additional potential of jeopardizing one's right to hold the business license option.

Staff recommends that licenses be made available to companies that provide temporary signs to individuals or organizations.

A fee structure will be designed with an annual license fee based on the number of signs available for lease. The license term would run from April 1 to March 31. The recommended annual license fee per sign is \$75.00 with additional licenses purchased after October 1 at a rate of \$40.00.

This structure would provide program revenues similar to current levels but would significantly improve the efficiency for businesses with multiple rentals per year. Businesses would likely see cost savings from a significant reduction in processing times for approvals.

The sign industry members were receptive to developing a licensing process for sign businesses which grants the assumption of compliance and eliminates the need of individual sign applications and approvals. There is potential for revocation of a business license for a sign company which exceeds six sign by-law violations per year. The sign company could lose their business license option and be required to submit individual sign applications for review and approval. The proposed amendments provide significant incentive for business compliance and opportunity for less enforcement and administrative cost to HRM.

Exceptions to Business Licenses: Individual applications must be submitted for all Variable Messaging Mobile Signs and signs that will be placed on municipal properties (including parks). For those for whom the annual business license does not apply, individual applications will be accepted using the current system and fee structure.

b) *Temporary signs to be permitted in right-of-way:*

Currently By-law S-801 only permits Sandwich Board signs, election signs and posters in the right-of-way – election signs and posters do not need a license. Following consultation with the industry and internal stakeholders, staff recommends that temporary signs be permitted in the right-of-way, but must have setbacks that are 4.0m from the face of a curb or 6.5m from the edge of the asphalt (where there is no curb), and 1.5m from the back of a sidewalk or the edge of the ditch; whichever is greater. On corner lots, these measurements must be respected from both roadways. Industry stated that they do not know where the edge of the right-of-way is, and that it varies from street to street. They requested simplified criteria – measurement - for placement that will allow them to install signs with confidence that they are in compliance

with the By-Law. With this amendment there would be a requirement for proof of insurance meeting the requirements of the HRM Streets By-Law.

Sandwich boards will still require an individual license/business. Argyle and Grafton Streets are specialized streetscapes without a curb but by-law regulations still apply within 2.1 m (7 feet) of a pedestrian walkway.

c) Box signs:

The definition of Box Signs in the current By-law S-801 is: “a sign that has a wooden box-shaped base with an enclosed weighted system, a double-sided sign and a decorative header above the sign face;” Box Signs are not temporary by their constructed design and cannot be moved without being deconstructed. Staff recommends transitioning Box Signs to be classified as permanent signs requiring a permit rather than a license. Therefore, Box Signs should be repealed from By-law S-801. Subsequent to the approval of the proposed amendments to By-Law S-801, box signs would be regulated under HRM’s various Land Use By-laws in a manner the same as any other permanent ground-oriented signs.

d) Mobile Signs and Inflatables:

The current By-law S-801 allows for a mobile sign or inflatable sign license for a period not exceeding one year. Staff recommends amending the by-law license period to 90 days or less for a mobile sign or inflatable. The signs shall be required to be removed for a period of at least 30 days before being re-erected. A period for sign erection and a rest period is in keeping with signs being placed on a temporary basis, not being renewed in perpetuity.

e) Variable Messaging Mobile Sign (electronic):

Mobile Signs are currently regulated by By-law S-801, however there is no provision for Variable Messaging Mobile Signs. Staff recommends creating a subsection within Mobile Signs that would limit one Variable Messaging Mobile Sign per property and only allow illumination when the business is open. Individual applications must be submitted for all Variable Messaging Signs.

f) Free Standing Signs:

Currently By-law S-801 does not have any provisions for other temporary signs such as standalone flags or banners. Staff recommends an amendment to include these signs with no license requirement, to apply a weight-based restriction for signs in the municipal right of way and a limit of 5 per property, either in the right of way or on private property. These signs must not interfere with pedestrian traffic.

g) Municipal Property (including parks):

Currently, By-law S-801 only permits community event signs on municipal property and limits the duration of these signs to no more than 60 days. Staff recommends, in addition to community event signs, mobile signs for businesses that lease permanent space and businesses that lease temporary space (special sales events) on/in municipal property be permitted, one at a time, for a period not exceeding 10 days from June – September and 14 days for the other months. Individual applications must be submitted for all temporary signs that will be placed on municipal properties and must be consistent with the terms and conditions of the business’ lease and have written permission of the facility general manager. The suggested change will reflect the current practice for the recommended time periods and expand the option for other sign types.

h) Waiving Fees:

The current By-law S-801 and AO 15 requires fees for signs placed on school and church properties. Staff recommends amending the by-law and AO to waive the fees for licenses at these locations. In addition, the current by-law indicates the fees shall be waived for community events, however the AO indicates a \$20.00 fee. The AO should be amended to align with the by-law by removing the fee.

i) Short Term Events:

The current By-law S-801 states: "Short Term Events signs are placed for a period not exceeding 7 calendar days." Based on comments from the industry, staff recommends amending the 7 days to 10 days.

j) New Types of Temporary Signs:

The temporary sign industry is constantly changing with the introduction of new signs. Staff recommends including a provision that would permit the potential review by staff on a case by case basis and the issuance of licenses for new types of temporary signs not currently in the by-law.

k) Light Standard Signs/Poles:

The current By-law S-801 states: "a sign license for light standard signs or light standard banners is not required provided that such signs and banners do not exceed 0.56 square meters (6 square feet) per surface." Staff recommends the by-law be amended to include poles and increase the surface area of the signs to not exceed 2.79 square meters (30 square feet) and they continue to not require a license.

l) Mobile Signs Bedford:

The current By-law S-801 states: "Mobile Signs shall be permitted only once per business for a maximum period of sixty days for new business openings, within a commercial and industrial zone within the boundaries of the Bedford Municipality Planning Strategy." Staff recommends amending this provision to only apply to commercial and industrial zones fronting the Bedford Highway and within the boundaries of the Bedford Municipal Planning Strategy.

Summary:

In April 2017, Regional Council directed staff to undertake consultation with internal and external stakeholders to consider by-law and administrative amendments with respect to the licensing of temporary signs. Staff engaged the industry stakeholders and various internal agencies with a view to streamlining processes and reducing red tape for business. The recommended amendments are contained in Attachment A. Staff is seeking Regional Council's direction concerning the suggested changes to the temporary sign by-law such that they may prepare the necessary amendments for Council's consideration.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. The proposed new fee structure is expected to generate revenues similar to the current levels. The amendments to By-law S-801 and Administrative Order 15, as well as the described process improvements, can be accommodated with current Planning & Development resource and budget levels. No changes to by-law enforcement efforts are expected to be required.

Staff have conducted a Business Impact Assessment (BIA) to evaluate impacts to firms from any changes. Using the BIA and associated statistical analysis, firms may see modest savings from these amendments through less labour hours devoted to compliance for firms in the temporary sign industry.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this Report. The risk is considered Low.

COMMUNITY ENGAGEMENT

The Origin of this report was as a result of the sign industry advising councillors and staff of their concerns regarding the Temporary Sign By-law and perceived red tape. Staff have met with the sign companies, the Automobile Dealers' Association and staff who administer the temporary sign applications. Recommendations in this report are as a direct result of working with these groups to better reflect the needs of the community.

ENVIRONMENTAL IMPLICATIONS

There are no Environmental Implications.

ALTERNATIVES

Regional Council may choose to direct staff to:

1. Not initiate amendments to By-law S-801, Respecting Licensing of Temporary Signs and Administrative Order 15, Respecting License, Permit and Processing Fees.
2. Prepare amendments to By-law S-801, Respecting Licensing of Temporary Signs and Administrative Order 15, Respecting License, Permit and Processing Fees that are different from those recommended in this report. Specific direction concerning the nature of any such amendments would need to be provided by Council.

ATTACHMENTS

Attachment A – Table 1 Summary of Proposed Amendments

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Andrea MacDonald, Program Manager License Standards, 902.490.7371

Report Approved by: Penny Henneberry, Manager Buildings & Compliance, 902.579.0250

Financial Approval by: Jane Fraser, Director of Finance, Asset Management and ICT/CFO, 902.490.4630

Report Approved by: Kelly Denty, Director of Planning & Development, 902.490.4800

Attachment A

Table 1: Summary of Proposed Amendments

a) An annual business license for sign companies with an annual license fee per each sign, with the option to purchase additional licenses if required, subject to the following requirements/provisions: <ul style="list-style-type: none">i. that licensed sign companies be permitted to place signs with the expectation of compliance without requiring permission letters from property owners, and without individual application submission or review;ii. that should a sign company exceed six violations per year the license could be revoked and the sign company would be required to submit individual sign applications for review and approval;
b) Temporary Signs permitted within the public street and must have a setback of 4.0m from the face of the curb or 6.5m from the edge of the asphalt (where there is no curb), and 1.5m from the back of the sidewalk or the edge of the ditch; whichever is greater. On corner lots, these measurements must be respected from both roadways. Proof of indemnity insurance will be required;
c) Repeal of “Box Signs” from Temporary Sign By-law;
d) A license period for “Mobile Signs” and “Inflatables” of not more than 90 consecutive days. The sign shall be removed after expiry or cancellation for a period of at least 30 days;
e) Variable Messaging Mobile Signs (VMMS) should be added as a sub section to Mobile Signs with the provisions: limit one per property and only illuminate when business is open;
f) Free Standing Signs will not require a license but will be restricted to a maximum of 5 per property;
g) Community Events signs shall not be placed for more than 10 days;
h) Waiving of temporary sign fees for schools and churches;
i) Short Term Events signs will be allowed for up to 10 days;
j) Addition of a provision that takes into consideration review and licensing for new types of temporary signs that do not fit in the by-law currently;
k) Light Standard or Pole Signs shall not exceed 2.79 m (30 square feet) and will remain unlicensed; and
l) Mobile Sign exception for Bedford to apply to the Bedford Highway only. The current legislation applies to the commercial and industrial zones within the boundaries of the Bedford Municipality Planning Strategy.