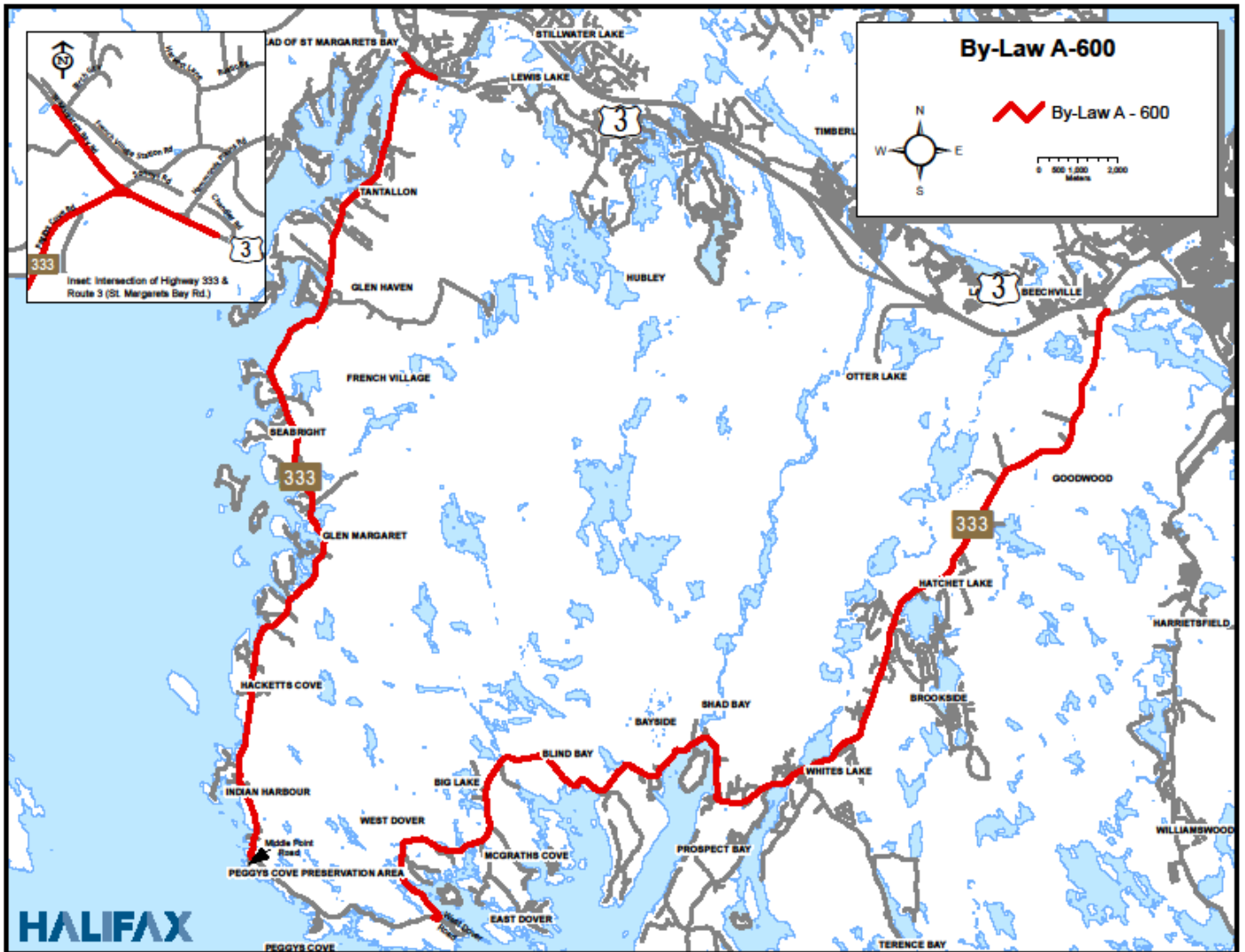


BY-LAW NUMBER A-600
RESPECTING ADVERTISEMENTS ON PROVINCIAL HIGHWAYS

The By-law was reviewed and approved by the Minister of Transportation and Infrastructure Renewal and the Minister of Municipal Affairs subject to the following conditions:

1. A TIR “Work Within Highway Right-of-Way Permit” is required prior to the installation of any advertising structures;
2. No advertising signs are permitted along the section of Route 333 designated by Order in Council as a parkway (Peggy’s Cove Parkway) beginning approximately 500 feet (150m) west of West Dover Rd (Authority #903) and extending westerly to Middle Point Rd. (Authority #487).
3. A plan showing “identified highway(s)” must be provided to TIR and made available to the public.



**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-600
RESPECTING ADVERTISEMENTS ON PROVINCIAL HIGHWAYS**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 49A of the *Public Highways Act*, 1989 R.S.N.S. c. 371, as amended, as follows:

Whereas the purpose of this By-law is to provide a level of management of advertising signage along certain provincial highways to preserve and enhance the beauty of the Municipality, provide a useful and accurate way of providing information to travellers and to ensure the placement and installation of advertisements are carried out in a safe and fair manner.

Short Title

1. This By-law shall be known as By-law A-600, the *Advertising on Provincial Highways By-law*.

Interpretation

2. In this By-law,

(a) “Administrative Order 15” means the *License, Permits and Processing Fees Administrative Order*;

(b) “advertisement” includes:

(i) any sign, placard, boarding, billboard or any other form or means or device whatsoever of public notice or announcement that is displayed; or

(ii) any sign, placard, boarding or billboard or other device or medium intended or suitable or adapted as a form or means of public notice or announcement whether or not the same is at the time actually displayed for such purpose,

(c) “advertising structure” means an erection or structure that is:

(i) constructed by, or on behalf of, the Municipality, to display advertisements;
and

(ii) is located on an identified highway pursuant to section 3;

(d) “Applicant” means the person who applies for a license pursuant to this By-law;

(e) “Committee” means the Appeals Committee established pursuant to By-law A-100, *the Appeals Committee By-law*;

(f) “days” means calendar days;

(g) “display” means to erect, maintain, paste, paint or expose;

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- (h) “election sign ” means:
 - (i) an advertisement that promotes a candidate for an election; or
 - (ii) an advertisement that promotes an approval or disapproval in respect of the question being posed in referendum or plebiscite;
- (i) “Engineer” means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer;
- (j) “highway” means a highway vested in Her Majesty in Right of the Province but excludes a highway or that portion of a highway that is designated as a controlled access highway pursuant to section 21 of the *Public Highways Act*;
- (k) “identified highway” means a highway listed in Schedule 1;
- (l) “license” means a license to display an advertisement issued pursuant to this By-law and includes a renewal of such license;
- (m) “License Administrator” means the person designated by the Chief Administrative Officer, and includes a person acting under the supervision and direction of the License Administrator;
- (n) “Municipality” means the Halifax Regional Municipality;
- (o) “person” includes a business, charity, cooperative, corporation, organization, partnership, and society;
- (p) “personal message “ means an advertisement used for the purpose of expressing a personal opinion that does not identify, describe, promote, or direct a person to a particular person, land use or sale; and
- (q) “subject” includes an event, festival, monument and person.

Application of the By-law

3. This By-law shall apply

- (a) to an identified highway or a portion of an identified highway;
- (b) within two and one-half (2.5) kilometres from an advertising structure, measured along the paved portion of an identified highway; and
- (c) along the paved portion of Route 3 for a distance of five hundred (500) metres from the intersection of Highway 333 and Route 3 (St. Margaret’s Bay Road).

4. This By-law shall not apply to

- (a) a personal message; or
- (b) an election sign during an election or plebiscite in the area in which that election sign is located if the election sign complies with the laws governing the election or plebiscite.

Prohibition

- 5. No person shall display, permit or cause to be displayed an advertisement on a highway unless the advertisement is allowed under this By-law.
- 6. No person shall display, permit or cause to be displayed an advertisement on an identified highway unless:
 - (a) the person holds a valid license granted by the Municipality;
 - (b) the advertisement is displayed on an advertising structure that is located on the highway;
 - (c) the advertisement is created or constructed by:
 - (i) the Municipality; or
 - (ii) a person under contract with the Municipality for the creation or construction;
 - (d) the advertisement is displayed by:
 - (i) the Municipality; or
 - (ii) a person under contract with the Municipality to display an advertisement; and
 - (e) the subject of the advertisement is located on a portion of an identified highway.

Application for License or Renewal of a License

- 7. (1) An application for a license shall include:
 - (a) the name and address of the Applicant and of the person which will be on the advertisement;
 - (b) the electronic mail address or facsimile number of the Applicant and the name of the person which will be on the advertisement;
 - (c) the preferred advertising structure along an identified highway where the advertisement will be displayed on an existing advertising structure;
 - (d) the distance between the location of the subject of the advertisement and the preferred advertising structure;

- (e) the prescribed fee set out in Administrative Order 15; and
 - (f) any other information that, in the opinion of License Administrator, is necessary for the public to locate the person which will be on the advertisement; and
- (2) An application for a renewal of a license shall include:
- (a) all the information required in subsection 1 of this section; and
 - (b) the license number.

Granting or Refusal of License or Renewal of a License

8. The License Administrator is authorized and empowered to:
- (a) grant a license or a renewal of a license under this By-law; and
 - (b) refuse to grant a license or a renewal of a license under this By-law.
9. (1) If a space on an advertising structure is unavailable, the License Administrator shall refuse to grant the license.
- (2) If space becomes available on an advertising structure within thirty (30) days of the refusal pursuant to subsection (1),
- (a) the License Administrator may grant the license to the Applicant provided all the sections of this By-law are satisfied; and
 - (b) an additional application fee is not required.

Appeals

10. When an application for a license or a renewal of a license has been refused, the Applicant for the license or the renewal of a license may, within seven (7) days of receiving the refusal, appeal the decision of the License Administrator to the Committee.
11. An appeal shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.
12. After hearing an appeal, the Committee may:
- (a) deny the appeal and affirm the decision of the License Administrator; or
 - (b) allow the appeal, reverse the decision of the License Administrator and grant the license or the renewal of the license.

Requirements of License

13. Every license shall be numbered, dated with the date the license is granted and the expiry date of the license.
14. Every renewal of a license shall be dated with the date the renewal of the license is granted and the expiry date of the renewed license.
15. Every license or renewal of a license shall expire one (1) year from the date of the granting of the license or the renewal of the license, unless a further renewal of the license has been granted by the Municipality.

Advertising Structures

16. An advertising structure shall be:
 - (a) located at least one hundred (100) metres apart located from another advertising structure; or
 - (b) located at least two hundred (200) metres apart from any intersection approach .

Creating and Locating Advertisement

17. After the granting of a license, the Municipality, or the person under contract with the Municipality, shall:
 - (a) create or construct the advertisement which shall include the name of the person who is advertising on the advertisement and the approximate distance of that person from the advertising structure where the advertisement will be located; and
 - (b) display the advertisement on an advertising structure.
18. During the term of a valid license, if the advertisement is in disrepair, the Municipality, or the person under contract with the Municipality, may:
 - (a) have a new advertisement created or constructed;
 - (b) remove and dispose of the advertisement in disrepair;
 - (c) display the new advertisement on an advertising structure; or
 - (d) any combination of clauses (a), (b) or (c) of this section.

Location of Advertising Structure and Advertisement

19. The location of an advertising structure on an identified highway, the location of an advertisement on an advertising structure and whether a space is available on an advertising structure shall be determined solely by the Engineer.

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20. The Municipality may, at any time, re-locate an advertisement on an advertising structure to
- (a) another advertising structure located on the same identified highway; or
 - (b) another location on the same advertising structure.

Removal of Advertisement

21. The license holder shall notify the Municipality within seven (7) days of the subject of the advertisement closing, occurring, or relocating to a different address.

22. (1) The Municipality may remove an advertisement the day after the subject of the advertisement has closed, occurred, or relocated to a different address.

(2) The Applicant or the license holder shall not be reimbursed for the remaining term of the removed license.

23. An advertisement that is not displayed pursuant to this By-law may be removed and destroyed or otherwise disposed of by the Municipality if:

(a) a new advertising structure is erected, notice in a newspaper is provided once a week for two consecutive weeks indicating the identified highway and date when the advertisements will be removed and destroyed; or

(b) in all other instances, after fourteen (14) days' notice to the person that is the subject of the advertisement.

Removal of Advertisement

24. The Municipality may, without notice, remove any advertisement on an advertising structure if the Province of Nova Scotia revokes or refuses to grant permission for the construction or continued placement of an advertising structure in or on an identified highway.

Service

25. The day the person receives a refusal or a notice under this By-law shall not be counted in determining the period of days.

26. Any notice pursuant to this By-law may be served:

- (a) personally;
- (b) by mailing it to the person at the latest address shown on the application for the license or the assessment rolls;
- (c) by electronic mail;
- (d) by facsimile; or

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(e) if the person to be served cannot be identified for the purposes of clauses (a), (b), (c) and (d) of this section, by posting the notice near the advertisement.

27. A notice is deemed to have been served on the third day after it was sent.

Transfer

28. A license granted under this By-law is non-transferable.

Maps and Schedules

29. Any maps or Schedules attached hereto shall form part of this By-law.

Defacing Advertisement

30. No person shall remove, deface, damage or tamper with an advertisement or part of an advertisement.

31. No person shall remove, deface, damage or tamper with an advertisement structure except the Municipality or a person acting on behalf of the Municipality.

Offences

32. A person who contravenes any provision of this By-law shall be guilty of an offence.

33. A person who contravenes any provision of this By-law is liable on summary conviction to a penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), in default of payment, to imprisonment for not more than ten days.

Done and passed in Council this 3rd day of February, 2015.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on February 3, 2015.

Cathy Mellett, Municipal Clerk

Advertising on Provincial Highways By-law

Notice of Motion:	December 9, 2014
First Reading:	January 13, 2015
Notice of Second Reading Publication:	January 17, 2015
Second Reading:	February 3, 2015
Approved by Regional Council:	February 3, 2015
Approved by Minister of Transportation & Infrastructure Renewal	May 20, 2015
Approved by Minister of Municipal Affairs	May 22, 2015
Effective Date:	September 5, 2015

Schedule 1
Identified Highways

This By-law applies to the following Highway

1. Highway 333, Tantallon Nova Scotia.
2. Portion of Route 3 for a distance of five hundred (500) meters from the intersection of Highway 333 and Route 3.