

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

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Jacques Dubé, Chief Administrative Officer

**DATE:** January 5, 2021

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

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## SUPPLEMENTARY REPORT

### ORIGIN

On March 26, 2019, the following motion of Regional Council was put and passed regarding item 15.1.1:

THAT the matter be deferred pending a supplemental report with additional consultation from stakeholders.

### LEGISLATIVE AUTHORITY

*Halifax Regional Municipality Charter*. R.S.N.S. 2008, c.39, clauses 188(1)(c) & (f): Council may make bylaws, 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 amend the deferred motion of March 26<sup>th</sup>, 2019 to direct that the Chief Administrative Officer draft amendments for Council's consideration to By-law S-801, Respecting Licensing of Temporary Signs and Administrative Order 15, License, Permits and Processing Fees, as identified in Attachment A to the supplementary report dated January 5, 2021.

## **BACKGROUND**

Further to their consideration of a staff report dated January 25, 2019<sup>1</sup>, Regional Council on March 26, 2019 requested that the matter be deferred pending a supplemental report with additional consultation from stakeholders.

On July 8, 2019 staff met with stakeholders to discuss the proposed amendments to By-law S-801. Representatives from Glow Parties, Giant Promotions, Hyper Promotions and HRM staff were present. Attachment A – Table 1 summarizes the proposed amendments and stakeholder's feedback.

Staff have conducted a jurisdictional scan of 7 Canadian hub cities which included Calgary, Edmonton, Saskatoon, Winnipeg, Toronto, Montreal and Vancouver. Those findings are included in the Summary section of this report.

## **DISCUSSION**

Based on the further consultation with the stakeholders, staff is recommending the following amendments to By-law S-801:

### *a) Business License:*

To improve service for temporary sign companies in the high-volume rental sign business, staff recommends a business license be made available. The business license will remove the requirement for individual applications for each sign the company provides to individuals or organizations. With this amendment proof of insurance will need to be provided to meet the requirements of the HRM Streets By-law for any signs that may be placed in the right of way.

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.

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 situations where the annual business license does not apply, individual applications will be accepted using the current system and fee structure.

Stakeholders agree with the proposed business license and put forward the recommendation to no longer require a permission letter from property owners when submitting for an individual application for a temporary sign license. Staff agree with the stakeholder's recommendation and therefore recommend the removal of this requirement for signs placed on private property. A sign placed on Municipal property will still require a permission letter from the facility general manager.

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<sup>1</sup> See report online at <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/190326rc1511.pdf>

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.

Staff recommends that the placement of other forms of temporary signs be allowed in the right of way, provided they satisfy certain setback measurements from the curb, sidewalk, or ditch. The initial concern raised by stakeholders was that, short of unreasonably requiring the land be surveyed before making a sign application, the applicant cannot be certain that the requested location is not on the municipal right of way. Introducing a measurement provision will simplify the process for the external stakeholders and staff.

There is disagreement between stakeholders and staff regarding the measurement provision has to do with the proposed setback from the sidewalk or ditch. Staff proposed *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*. Stakeholders suggested the removal of the *1.5m from the back of the sidewalk or the edge of the ditch* and simply use the measurement of 4.0m from the face of the curb or 6.5m from the edge of the asphalt. Staff recommend keeping the 1.5m measurement in the proposed placement criteria.

The proposed measurement criteria will be a single set of placement rules to fit an almost endless number of possible right of way configurations. Under the Business Licence model proposed above, staff will not be reviewing proposed sign placements in advance, and therefore have to design the criteria such that we are confident that they will not interfere with any safety or operational requirements. To that end, staff recommend the criteria remain *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*.

c) Box signs:

Stakeholders suggested that box signs stay within the Temporary Sign By-law and not be considered as permanent signs. Staff recommends transitioning Box Signs to be classified as permanent signs because by their constructed design they are not temporary and cannot be moved without being deconstructed. Therefore, Box Signs should be repealed from By-law S-801 and be regulated under HRM's various Land Use Bylaws which will require a permit which is the same as any other permanent ground-oriented sign.

d) Mobile Signs and Inflatables:

Currently, By-law S-801 allows for a mobile sign or inflatable sign license for a period not exceeding one year and must be a minimum distance of 30.5m (100ft) from any other Mobile or Box Sign. The original proposed amendment in Attachment A recommended a license period of 90 days or less for a mobile sign or inflatable sign. The signs would be required to be removed for a period of at least 30 days before being re-erected.

Stakeholders agree that the signs must be 30.5m apart but requested extending the license period from 90 consecutive days to 120 consecutive days.

Staff recommends amending the by-law license period for Mobile Signs and Inflatables to reflect the original proposed amendment of a license period of not more than 90 consecutive days and the signs must 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. The original proposed amendment recommended 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.

Stakeholders suggested that Variable Messaging Mobile Signs not be required to be turned off when the business is closed. Staff recommends a limit of one Variable Messaging Mobile Sign per property but that the sign may be illuminated when the business is closed. Individual applications must be submitted for all Variable Messaging Signs.

f) Free Standing Signs:

The current By-law S-801 does not have any provisions for other temporary signs such as standalone flags or banners. The original proposed amendment was to include these signs with no license requirement and require that all standalone flags or banners in the municipal right of way must have a weighted base and a limit of 5 per property, either in the right of way or on private property.

Stakeholders suggested that 10 signs per property was appropriate and an exception for special, short term events allow unlimited signs on a property for up to 14 days.

Staff recommends an amendment to include these signs with no license requirement, to apply a weighted base restriction for signs in the municipal right of way and a limit of 5 signs per property, either in the right of way or on private property. If an applicant requests more than 5 signs, an individual application and additional review by HRM staff will be required. Additional signs approved by staff will depend on property size. For special, short term events, unlimited signs may be erected for up to 14 days. 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. Stakeholders were in agreement with this amendment.

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 stakeholders, staff recommends amending the 7 calendar days to 10 calendar 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. Stakeholders are in agreement with this amendment.

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." The original proposed amendment noted that the Light Standard or Pole Signs not exceed 2.79m (30 square feet) and will remain unlicensed.

Stakeholders provided feedback to request enlarge sizing to reflect the largest size sign of 42 square feet.

Staff recommends the By-law be amended to include poles and increase the surface area of the signs to not exceed 3.90 square meters (42 square feet) and they continue to not require a license. Signs are not permitted on traffic light standards.

l) Mobile Signs Bedford:

Currently 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. Stakeholders are not concerned with this change and the amended By-law will include an attachment outlining the boundary of the Bedford Municipal Planning Strategy.

**Additional items brought forward by Stakeholders:**

Multiple Resident Signs:

Currently, the by-law states that "A Sign License for a Multiple Resident Sign may be issued for a period of sixty (60) days twice per year provided that: it is for an apartment buildings containing more than 50 units".

Stakeholders suggested that multiple resident signs follow the current rules of box signs and mobile signs, for buildings with 50 units or more, which would allow for these signs to be erected for a longer period of time.

Staff recommends a sign license period for multiple resident signs for 90 days; the sign shall be removed after expiry or cancellation for a period of at least 30 days.

Banner Signs:

Currently, By-law S-801 states “A license for a Banner may be issued provided that: such sign shall not be placed for a period exceeding 30 consecutive calendar days”.

Stakeholders suggested permitting the banners to be erected for more than 30 consecutive calendar days at a time. They also requested increasing the buildings coverage percentage from ten to twenty percent.

Staff recommend that a banner sign should not be placed for a period exceeding 90 consecutive calendar days to keep consistent timing with the other recommendations in this report.

Part XI, Chapter 2: Signage Requirements for D, CEN-2, CEN-1, COR, HR-2, HR-1, and CDD Zones (section 222) of the Centre Plan states that : *(2) In any D, CEN-2, CEN-1, COR, HR-2, HR-1, or CDD zone, the combined area of all fascia signs on a building wall shall not exceed 10% of the area of the wall.* To maintain consistency with the Centre Plan, staff recommend that banner signs should not exceed a maximum of ten percent coverage of the building wall. Staff also recommend that no more than one license will be issued within a 30-day period.

**Summary:**

On March 26, 2019, Regional Council directed staff to undertake additional consultation from stakeholders. Staff met with stakeholders on July 8, 2019 and reviewed proposed amendments to By-law S-801. Stakeholders provided input on staff recommendations which is included in the Discussion section of this report. The updated summary of the proposed amendments is included in Appendix A – Table 1.

A jurisdictional scan was completed of 7 Canadian hub cities. The scan showed that the majority of the legislation, limits the time period for a temporary sign to be erected to a maximum of 90 calendar days and limits only 1 sign on a parcel at a time. Most of the cities only permit sandwich boards in the right of way.

Staff is seeking Regional Council's direction concerning the proposed amendments 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 within the current operating budget for Planning & Development. 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**

Staff met with stakeholders which included representatives from Glow Parties, Giant Promotions, and Hyper Promotions. Attachment A – Table 1 summarizes the proposed amendments and stakeholder's feedback.

### **ENVIRONMENTAL IMPLICATIONS**

None.

### **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

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Hilary Hayes, Supervisor – Licensing 902.490.2550

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Table 1: Summary of Proposed Amendments

Original Proposed Amendment	Stakeholder Feedback	Updated Proposed Amendment
<p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> </ul>	<p>Agree with proposed amendment. Requesting the removal of the property owner permission letter for individual applications.</p>	<p>Original amendment recommended by staff with the removal of the property owner permission letter for individual applications.</p>
<p>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;</p>	<p>Remove the 1.5m from the back of the sidewalk or the edge of the ditch or 4.5m from the curb and only use the 4.0m and 6.5m measurement.</p>	<p>Original amendment recommended by staff.</p>
<p>c) Repeal of "Box Signs" from Temporary Sign By-law;</p>	<p>Box signs have a nicer appearance, are less expensive for the customer and don't require engineered stamps as a permanent sign would.</p>	<p>Original amendment recommended by staff.</p>

Original Proposed Amendment	Stakeholder Feedback	Updated Proposed Amendment
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;	Many customers want these signs up for a longer period of time. Extending the approved erected time is suggested.	Original amendment recommended by staff.
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;	Variable Messaging signs should be allowed to stay illuminated even if the business is not open.	Original amendment recommended by staff with the change that signs may be illuminated when business is closed.
f) Free Standing Signs will not require a license but will be restricted to a maximum of 5 per property;	Recommend up to 10 signs/property depending on the property size. For special, short term event unlimited signs on a property for up to 14 days.	Original amendment recommended by staff as the business license would cover the maximum of 5 signs per property. If the applicant would like more than 5 signs, an individual application and additional review by HRM staff will be required. For a special, short term event unlimited signs may be erected for up to 14 days.
g) Community Events signs shall not be placed for more than 10 days;	Allow businesses who lease space within Municipal Property to advertise their business on a sign.	Original amendment recommended. 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.
h) Waiving of temporary sign fees for schools and churches;	Stakeholders agree with amendment.	Original amendment recommended
i) Short Term Events signs will be allowed for up to 10 days;	Stakeholders agree with amendment.	Original amendment recommended
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;	Stakeholders agree with amendment.	Original amendment recommended
k) Light Standard or Pole Signs shall not exceed 2.79m (30 square feet) and will remain unlicensed; and	Requested to enlarge sizing to reflect largest size sign.	Light Standard or Pole Signs shall not exceed 3.90m (42 square feet) and will remain unlicensed; and

Original Proposed Amendment	Stakeholder Feedback	Updated Proposed Amendment
<p>i) 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.</p>	<p>Stakeholders agree and have requested map to outline boundary.</p>	<p>Original amendment recommended with the inclusion of map outlining the boundary.</p>

<b>Additional Items Brought Forward by Stakeholders</b>		
<p>Multiple Resident Signs</p> <p>A Sign License for a Multiple Resident Sign may be issued for a period of sixty (60) days twice per year provided that:</p> <p>i) It is for an apartment building containing more than 50 units</p>	<p>Stakeholders suggest that multiple resident signs follow the same rules of box signs and mobile signs, as long as they are 50 units or more.</p>	<p>A sign License for a Multiple Resident Sign may be issued for a period of 60 days; the sign shall be removed after expiry or cancellation for a period of at least 30 days.</p>
<p>Banner</p> <p>A license for a Banner may be issued provided that:</p> <p>i) such sign shall not be placed for a period exceeding 30 consecutive calendar days;</p>	<p>Stakeholders suggest permitting banners for more than 30 consecutive calendar days at a time.</p> <p>Also request increasing the building coverage percentage from ten to twenty percent.</p>	<p>Such sign shall not be placed for a period exceeding 90 consecutive calendar days; No more than one license will be issued within a 30-day period; Such sign shall not exceed a maximum of ten percent coverage of the building way.</p>