Town of Truro – Policy & Procedure Manual

Subject: Commercial Signage in the Right of Way
Policy Number: P160-004
Approval Date: January 10, 2005
Departments: Planning & Development

PURPOSE

1. This policy is intended to regulate the content, size, location, and maintenance of third party signs situated on Town owned lands and public right-of-ways and to establish a procedure for the issuance of permits for erecting such a sign. The regulations prescribed herein are meant to ensure that signs erected on Town owned lands and public right-of-ways are governed by a clear approval process that gives Town Staff the ability to refuse signage that: is deemed to be a threat to public safety; obstructs the free movement of pedestrians and vehicles within the right-of-way; or that is deemed to be offensive or inappropriate in terms of content. This policy is also intended to ensure that any provision for third party signs on Town owned land or within public right-of-ways does not allow for their proliferation within the Town, but rather that they be permitted in a controlled, safe, and aesthetically pleasing manner.

DEFINITIONS

2. In this Policy:

   a) "**Person**" means an individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor, or other legal representatives of a person.

   b) "**Sign**" means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, industry or business, or which shall display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement,

   c) "**Third Party Signage**" means a sign advertising or identifying any object, product, place, activity, person, institution, organization, industry, or business not situated on the property where the sign is situated.

d) "**Public Right-of-Way**" means any street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith owned by the Town of Truro and without restricting the generality of the foregoing, includes any medians, traffic islands, or boulevards to comprise the full width of the right-of-way.

SCOPE

3. No person shall erect a sign within any area of a public right-of-way or on Town owned lands within the Town of Truro unless otherwise permitted by this Policy.

EXEMPTIONS

4. Signs erected by The Town and bearing no commercial advertising, such as traffic signs, tourism orientated destination signs, railway crossing signs, and safety signs may be erected within a public right-of-way.

5. Canopy signs, projecting wall signs, or sandwich board signs may be situated within or extended over a public right-of-way provided:

   a) The sign is erected immediately adjacent to the premises where the object, product, place, activity, person, organization, or business being advertised or identified is located; and

   b) The sign has been erected in accordance with the Town of Truro's *Land Use By-law.*

PROCEDURE

6. No person shall erect a third party sign within a public right-of-way without having obtained a Third Party Signage Permit from the Town's Development Officer.

7. Prior to the issuance of a Third Party Signage Permit, the Town's Development Officer shall require the submission of a completed Third Party Signage Permit Application form together with detailed plans of the proposed signage and any supporting structure indicating the sign's location, size, design, and means of illumination.

8. The Town's Development Officer shall not issue a permit for third party signage on Town owned lands or within a public right-of-way until the Town's Traffic Authority and Town Engineer, or their designate(s), have reviewed and endorsed the application and accompanying plans submitted in accordance with Section 7.

9. The Traffic Authority and Town Engineer, or their designate(s) may refuse an application for a third party sign where, in their opinion:

a) The sign or sign structure poses a threat to public safety;

b) The sign or sign structure obstructs the free movement of pedestrians and vehicles within the right-of-way;

c) The sign or sign structure obstructs maintenance or snow-clearing of streets or sidewalks;

d) The sign is deemed to be offensive or inappropriate in terms of content or design;

e) The sign would create or contribute to visual clutter within a public right-of-way or on Town owned Lands; and

f) The sign is not consistent with the overall objective of this policy, which is to ensure that any provision for third party signs on Town owned land or within public right-of-ways does not allow for their proliferation throughout the Town.

10. Third Party Sign Permits issued in accordance with this Policy are effective for one year from the date of issue, and may be renewed from year to year.

11. The content of the sign may change within the time period the Third Party Sign Permit is valid.

REVOCATION OF PERMITS

12. The Town reserves the right to revoke a Third Party Signage Permit if there is a violation of the provisions of this policy or any condition under which the permit is issued.

13. The Town's Development Officer may revoke a Third Party Signage Permit where the content of the sign is deemed:

a) To demean or expose to ridicule individuals or groups based on, but not limited to, grounds of sex, sexual orientation, race, ethnicity, national origin, creed or disability;

b) To be obscene;

c) To incite hatred or violence.

MAINTENANCE

14. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention by-laws.

15. All signs and all parts thereof shall be maintained and kept in a good state of repair.

OFFENCE

16. Town Staff will remove any sign or sign structure found to not conform with the requirements of this Policy.

17. A sign or sign structure removed pursuant to Section 15 may be reclaimed by the owner within 30 days upon payment of a $50.00 service charge per sign plus costs incurred by The Town during removal.

18. The Town will not be liable for any damages to signage that occurs during removal pursuant to Section 16.

APPEAL

19. A decision by the Development Officer to refuse an application for a Third Party Signage Permit may be appealed to Town Council.

20. A decision by the Development Officer to revoke or to not renew a Third Party Signage Permit may be appealed to Town Council.

21. The appeal shall be made to Town Council within ten (10) days of being notified of the Development Officer's refusal.