

M A N I T O B A

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Order No. 73/10

THE HIGHWAYS PROTECTION ACT

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July 13, 2010

BEFORE: Graham Lane, CA, Chairman  
Susan Proven, P.H.Ec., Member

APPEAL OF A HIGHWAY TRAFFIC BOARD  
DECISION: PROVINCIAL TRUNK HIGHWAY 3,  
RURAL MUNICIPALITY OF STANLEY

**SUMMARY:**

By this Order, the Public Utilities Board (Board) overturns two Highway Traffic Board (HTB) decisions denying Pattison Outdoor Advertising (Pattison) approval to construct three unlighted off-premises advertising signs proposed to be located adjacent to Provincial Trunk Highway No. 3 (PTH 3) on properties adjacent to the highway and within 10 kilometers of the Town of Morden's eastern boundary.

**BACKGROUND:**

Pattison applied to HTB for permits to construct three off-premises advertising signs adjacent to PTH 3 on properties adjacent to the highway (NW 1/4 2-3-5W in the Rural Municipality of Stanley).

Pattison's first application, for two signs, was partly denied by HTB on December 23, 2009. In that decision, Pattison was granted a permit to construct only one sign. Pattison's second application, for another sign, bringing to three proposed signs, to be constructed on the same property was denied by HTB on March 10, 2010.

In denying the applications, HTB advised: *"Except in special circumstances as solely determined by the (HTB) Board, only one off-premises sign adjacent to a Provincial Trunk Highway, in any direction of traffic, shall be permitted to any person, business or activity."*

Following Pattison's appeals, Board Chairman Lane held a public hearing on June 7, 2010 in the RM's Council Chambers, on a *de novo* and "hear and report" basis. Towards achieving both cost and time efficiency, the Board, with the approval of both Pattison and Manitoba Infrastructure and Transportation (MIT), dealt with both of Pattison's appeals and related HTB decisions.

Present at the Hearing were Pattison and its legal counsel, the HTB and its counsel, MIT, and the RM. As previously indicated, parties present accepted that the Board would rule on all matters at issue.

The three signs that Pattison has sought to construct would be placed on adjacent properties owned by P.J. Trailers and the owner of P.J. Trailers, Mr. Peter Zacharias.

Prior to the hearing, Board Chairman Lane viewed the property and area on and in which the signs, if approved, would be located.

**THE APPLICANT:**

Pattison was represented by Mr. Rob Sedgwick and Mr. Charles Chappell, the latter being legal counsel for Pattison.

Pattison provided a drawing (entered into evidence as Exhibit Pattison #15) indicating the particulars of the signs for which permits were sought - the three proposed signs would be located

200 meters from each other. (Pattison noted, with no objection indicated by MIT, that MIT agreed that the plan was to construct the proposed signs 200 meters apart from each other.)

Pattison submitted that a provision of a HTB policy was the fundamental reason that HTB had denied its applications, and suggested that the policy in question was outdated and required revision. Pattison observed that a strict interpretation of the policy would mean that Pattison would only be allowed one sign in each direction on each highway in Manitoba. Pattison opined that, in short, that provision with the policy does not make sense.

Pattison further noted that HTB's policy is not a Regulation and, as such, is also not a law. Pattison suggested that the policy be revised to represent an approach more reflective of an emphasis on the enhancement of traffic safety, and that the revised policy be both explicit and easily understandable.

Pattison further noted, agreed to by MIT, that its applications had not been rejected by HTB in the interest of advancing traffic safety, but to reflect a provision of the existing policy (Section 8 of the policy, which was also admitted into evidence).

Pattison advised that if the Board overturned HTB's decisions and allowed the signs to be constructed, the signs would not be lighted and, as well, the messages on the signs would not be such as to create a series of messages likely to divert motorists' attention from the roadway (examples cited as not

being appropriate were signage of Wall Drug in the United States and former signage along highways promoting "Burma Shave").

#### **MANITOBA INFRASTRUCTURE AND TRANSPORTATION**

MIT's representation included Mr. Eric Christiansen, Director of Highway Planning and Design, Mr. Kevin Nimchuk, A/Access Management Technologist, and Pauline Knight, Access Management Permit Administrator Highways Planning and Design Winnipeg.

MIT noted that it had reviewed Pattison's appeals in the context of HTB's advertising policy. MIT allowed that the proposed spacing between the three signs being sought by Pattison meet the requirements of the HTB policy. MIT also accepted that the signs, if constructed as proposed by Pattison, would be far enough back from the highway to also meet the requirements of MIT. (As to the intended contents of the signs, MIT made no comment.)

Further, MIT accepted that Pattison's proposed signs would be similar to other signs constructed in the environs, and would also not be lighted but would "carry" a simple and single message.

MIT noted that HTB's sign Policy went through a thorough vetting process during its development approximately twenty years ago, and "attempted" to deal with issues beyond traffic safety, such as whether a property owner, or a sign company with the permission of an owner, could put up three identical signs

and/or sell space on one or more signs to different businesses (the latter being the intention of Pattison).

MIT noted that in developing highway policy, while safety is the paramount issue, another issue that was addressed, with the participation of other parties including municipalities and chambers of commerce, was to avoid the possibility that one company would monopolize signage along a highway. MIT agreed with Pattison that the ownership of signs is not a safety issue.

#### **Other Comments**

Ms. Iris Murrell, Secretary to HTB, Ms. Tanys Bjornson, Counsel to HTB, and Ms. Michelle Slotin, Assistant HTB Secretary, were also present, to assist the Board in understanding issues.

It was noted a concern addressed by the policy is that of the risk of sequential signs leading to an "answer", an approach all parties granted could inappropriately divert motorists' attention. Also, HTB attendees supported the view that business owners wanted to avoid the risk of the monopolizing of advertising presence, and that the best and most appropriate approach was one that allowed different businesses to be advertised by signs both appropriately spaced and constructed.

It was acknowledged that the policy, as is, had been applied differently by HTB in at least one other location. In addition, it was noted that although there has been interest in revisiting the 1991 policy, various other priorities have taken precedence and the policy has yet to be reviewed.

It was further noted that under existing law, the RM had the authority to create a sign policy but had, instead, relied on HTB's policy. The RM, represented as indicated above, stated it had no objection to Pattison's plans, while confirming that it did not have a sign policy of its own.

### **Board Findings**

The Board has reviewed the application for the permits, as submitted by Pattison, the subsequent decisions of the HTB, dated December 23, 2009 and March 10, 2010, and Pattison's appeals.

In addition, the Board notes that, as per the HTB decision of December 23, 2009, Permit No. 033-10 was issued by the HTB and already allows for the construction of one of the three signs sought by Pattison.

All parties attending the hearing accepted that the Board's intention, as expressed, to rule on all three signs sought by Pattison, those being proposed to be constructed on properties owned by P.J. Trailers and Peter Zacharias.

The Board has reviewed HTB's sign policy and confirms that in all Board deliberations with respect to appeals of HTB decisions, the Board gives serious consideration to published, relevant and transparent government policy. In this case, the Board accepts that HTB's policy was representative of government policy when it was drafted, but also notes that twenty years

have past and HTB itself has acknowledged a need to revisit the policy to ensure it best reflects the public interest.

All parties at the hearing accepted that the basis on which HTB rejected the three signs was Section 8 of HTB's August 1991 Advertising Sign Policy - specifically:

***Prohibition***

*"Except in special circumstances as solely determined by the (HTB) Board, only one off-premises sign adjacent to a Provincial Trunk Highway, in any one direction of traffic, shall be permitted to any person, business or activity."*

The Board further notes that all parties present were polled at the hearing and accepted the premise that the denial of the Pattison's applications was based on Section 8 of HTB's policy, and that Section 8 is not concerned with "highway safety", per se, but as to the business "concern of the day" (as perceived by the drafters of the 1991 policy), that one sign company or business could "monopolize" signage along a particular highway to the detriment of other businesses and the public interest.

The Board notes that the RM does not oppose Pattison's application, and has expressed no interest in regulating the ownership of signs.

The Board also observes that on the other side of Highway 3 (across from P. J. Trailers and Zacharias' property) signs of a similar nature to those Pattison intends to erect, separated from each other by at least 200 meters, are present.



The Board accepts Pattison's comments on the ambiguity of Section 8 of the sign policy, and notes that no party to the proceeding disputed the assertion that Section 8 was ambiguous and required clarification.

The Board notes MIT's acknowledgement that the proposed signs meet the requirements of the policy, except for Section 8. In short, the Board is persuaded that Section 8 of HTB's 1991 policy was not intended to enhance traffic safety, assuming the signs were not of a "Burma Shave" variety and that the signs meet the other provisions of the policy, but were intended to prevent one owner or sign company from "monopolizing" a section of highway, a situation not likely to occur with Pattison's expressed plans.

The Board takes note that Pattison undertook that, if permits were provided for an additional three signs, making for four signs owned by Pattison in the stated vicinity of the highway, none of the signs would be lighted and the signs would meet all the other provisions of the sign policy.

Pattison further indicated undertaking that the four signs, the one already provided for by a HTB permit plus three more rejected by HTB, would be for different businesses or institutions, and thus would not provide one business an unfair advertising advantage, and the Board agrees with that premise.

Pattison also indicated that its signs would not unduly attract travellers' attention through the use of a "continuing message",

and the Board accepts this intent and design as well. A series of signs intended to lead the viewer of one sign to see the message on the next sign is not consistent with the objectives of traffic safety.

On the matter of the sign policy, the Board is of the view that after 20 years the HTB policy, particularly given the ambiguity of provision 8, would best be revisited by HTB and MIT.

The Board observes that pursuant to Section 8, and parties present agreed, if different owners were involved, signs of the nature sought by Pattison could be constructed at 200 metre intervals along the entire length of every highway in Manitoba. The Board is not at all comfortable that such a situation would reflect the general public interest.

The Board notes that HTB also considers permit applications for electronic signs, and recommends that the sign policy, when updated, be integrated with the policy with respect to electronic signs.

A new and comprehensive policy, when developed, should best be widely circulated ahead of its coming into force, and then, once implemented, be reviewed at least on a triannual basis.

### *Conclusion*

The Board will grant permission for the three additional signs sought by Pattison. This, based on the signs meeting with all

the requirements of HTB other than Section 8 of its Advertising Sign Policy, and with an additional condition, that being that Pattison is not to seek another permit for the construction of another sign on that stretch of PTH 3 for two years, to allow time for HTB to consider the policy and consult with the industry, the municipalities, MIT and the Province.

In addition, the Board expects that Pattison will adhere to its undertakings that the four signs would be for different businesses or institutions and would not unduly attract travelers' attention through the use of a "continuing message".

Safety is the primary interest of not only MIT and HTB, but also this Board when considering signs to be constructed adjacent to provincial highways.

In this hearing, no evidence was presented that having four signs along that stretch of highway, signs meeting HTB's sign policy other than with respect to section 8, would represent an undue safety risk.

In granting the appeal, the Board does not intend to cast doubt on the need for a sign policy, to the contrary. And, this decision is not to be taken as a precedent, but as a decision based on the particular circumstances of the case.

It is made on the basis that HTB will review its policy ahead of Pattison or any other sign company aggressively marketing

multiple signs along relatively short stretches of provincial highways.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with section 36 of the Board's Rules of Practice and Procedure (Rules). The Board's Rules may be viewed on the Board's website, [www.pub.gov.mb.ca](http://www.pub.gov.mb.ca).

**IT IS THEREFORE ORDERED THAT:**

The appeal BE AND IS HEREBY GRANTED SUBJECT TO THE FOLLOWING  
CONDITIONS:

- a) the signs are to meet with all the requirements of the HTB signs policy other than Section 8;
- b) Pattison is not to seek another permit for the construction of another sign on that stretch of PTH 3 (i.e. within 15 kilometers of Morden's eastern boundary) for at least two years; and
- c) Pattison adhere to its undertakings that the four signs would not be lighted, and be for different businesses or institutions so as not to attract travelers' attention unduly through the use of a "continuing message".

THE PUBLIC UTILITIES BOARD

"GRAHAM LANE, CA"  
Chairman

"H. M. SINGH"  
Acting Secretary

Certified a true copy of Order No.  
73/10 issued by The Public  
Utilities Board

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Acting Secretary

**Appendix "A"**

**APPEARANCES :**

Mr. Rob Sedgwick	The Applicant, Pattison Outdoor Advertising
Mr. Charles Chappell	Counsel, Pattison Outdoor Advertising
Mr. Eric Christiansen	Director of Highway Planning and Design, Highways Planning and Design (Winnipeg), Manitoba Infrastructure and Transportation
Mr. Kevin Nimchuk	A/Access Management Technologist, Manitoba Infrastructure and Transportation
Ms. Pauline Knight	Access Management Permit Administrator, Manitoba Infrastructure and Transportation
Ms. Iris Murrell	Secretary, Highway Traffic Board
Ms. Tanys Bjornson	Counsel, Highway Traffic Board
Ms. Michelle Slotin	Assistant Secretary, Highway Traffic Board
Mr. Dale Toews	Chief Administrative Officer, Rural Municipality of Stanley

**Appendix "B"**

**Exhibit List**

Exhibit 1	Pattison's application to HTB of November 12, 2009, supported by Manitoba Status of Title No: 2205769, and permission from the landowner, P.J. Trailers, granting Pattison permission to apply for a Development Permit. Pattison seeks permission to install two permanent off-premise, lighted commercial signs.
Exhibit 2	Glenn Cuthbertson's note of November 13, 2009 indicating MIT had no concerns with the application, subject to undertaking a field inspection to consider glare.
Exhibit 3	HTB's letter of December 23, 2009 approving only one of the two applied for signs.
Exhibit 4	Pattison's appeal of January 21, 2010.
Exhibit 5	HTB Permit No: 033-10, dated February 9, 2001, granting permission for construction of one of the two sign applied for by Pattison in its first application.
Exhibit 6	Pattison's appeal of April 7, 2010 appealing HTB's decision of March 10, 2010.
Exhibit 7	Pattison's submission of April 13, 2010.
Exhibit 8	Manitoba Hydro's letter of April 15, 2010, objecting to Pattison's proposal.
Exhibit 9	Manitoba Hydro's letter of April 20, 2010 rescinding its earlier objection.
Exhibit 10	Crown Counsel's letter of April 22, 2010 responding to PUB's information request and indicating the possibility of attendance at the Hearing
Exhibit 11	Mr. Chappell's letter of April 22, 2010 concerning the granting of intervener status for HTB.
Exhibit 12	Letter from Crown Counsel, dated May 12, 2010, responded to an information request of PUB.
Exhibit 13	Notice of Hearing dated May 27, 2010
Exhibit 14	Submission of MIT dated May 31, 2010
Exhibit 15	Sketch submitted by Pattison Outdoor Advertising

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**Appendix "C"**

**Advertising Sign Policy – August 1991**



**Manitoba**   
Highway Traffic Board

**Advertising  
SIGN POLICY**

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**FOR ALL  
PROVINCIAL TRUNK HIGHWAYS  
UNDER  
THE HIGHWAYS PROTECTION ACT**

**AUGUST 1991 EDITION**

## INTRODUCTION:

The Policy, as described herein, is intended to address the problem of controlling the placement of advertising signs within the control areas of Provincial Trunk Highways.

## BACKGROUND:

The Highways Protection Act, brought into effect in 1961, established all Provincial Trunk Highways and certain Provincial Roads as Limited Access Highways.

The purpose of this Act is to control the erection of structures along certain Highways; with the object of protecting the interests of the public in the highways, promoting the safety of persons using the highways, and generally furthering the amenities of travel on the highways.

The Act designated structure-free control areas adjacent to the rights-of-way of these Provincial Trunk Highways. These controlled areas vary from 38.1 metres (125') to 76.2 metres (250') adjacent to Provincial Trunk Highway rights-of-way. This area increases to 152.4 metres (500'), 304.8 metres (1,000') and 457.2 metres (1,500') radii control circles at intersections.

The Highway Traffic Board, established under The Highways Protection Act, has the administrative and adjudicative responsibility for the issuance and cancellation of permits relating to the placement of signs within the control areas. A sign permit application, accompanied with a fee, must be approved by the Board for permission to erect a permanent, temporary or portable sign within the control area. No person shall erect or place an advertising sign within a controlled area unless he holds a valid and subsisting Permit for the purpose.

It should be noted that any area designated as highway rights-of-way falls under the jurisdiction of The Highways and Transportation Department Act, and is reserved for traffic, regulatory, advisory and informational road signs only. Erection of private signs within the rights-of-way is prohibited in the interests of safety.

In the early 1970's, the Government recognized the need for more control over highway advertising signs, and a review was undertaken of both on-premises and off-premises signs. On-premises advertising signs are those erected or displayed on the property of the owner or lessee where the product is available or the business is conducted. While acknowledging that on-premises signs were not a major problem with regard to aesthetics or highway safety, the Traffic Board adopted an interim procedure to control on-premises signs in order to prevent such problems from arising in the future. This procedure has proven to be reasonably effective.

With respect to off-premises signs advertising a product, service, organization or business not conducted or available on the property, there was a concern that these signs may detract motorists from driving responsibilities. As a result, the Traffic Board adopted a strict practice of allowing only those off-premises advertising signs which provided information on essential services (food, lodging and gas), announced sites of historical interest (if placed near the entrance to the site), announced recreational facilities and advertised community events (if placed at the entrances to the community).

#### DISCUSSION:

In the years since the adoption of this practice, it has become apparent that the needs of the public are not being adequately met. An increasing number of unauthorized signs have been erected on highway rights-of-way and within control areas. Attempts to control these illegal signs have been ineffective. Further, the great demand from the public for permission to advertise along the highway indicates the need for reconsideration of the strict practice currently in place.

The Board receives an estimated 200 to 300 requests per year for permits for on and off-premises signs. Since many communities are situated some distance from the highway, local business operators feel the need to advertise their services in order to attract the travelling public. Under the current practice, a business located on a highway can advertise on-premises, while a competing business situated off the highway does not have access to highway advertising.

Given the apparent need and desirability for a more pragmatic off-premises highway sign policy, in 1987 the Government established a Sign Committee to review the current practice and recommend changes to create a fair and equitable policy. The Committee was comprised of representatives from the Traffic Board, the Department of Highways and Transportation, the Union of Manitoba Municipalities, the Manitoba Association of Urban Municipalities and the Tourism Industry Association of Manitoba.

In order to accommodate off-premises advertising in a controlled and reasonable manner, while keeping in mind the Highway Traffic Board's objective: "To protect the integrity of the highway system for reasons of economics, aesthetics, environment and safety"; the Committee developed new policy guidelines for the approval of advertising signs adjacent to the Provincial Trunk Highways.

The major thrust of the new policy is to allow any business to advertise by means of on and off-premises highway signs, provided that the business is not illegal and that the sign conforms to these guidelines. The guidelines set out the spacing between signs and their placement in proximity to service centres, as well as general design standards. The guidelines may be relaxed in isolated regions, and more stringent within Provincial Parks and other designated areas. In order to maintain a high standard of aesthetics, sign permits will be subject to renewal every five years.

#### **CONSULTATION AND IMPLEMENTATION PROCESS:**

The Board held consultation meetings throughout the Province to allow for public input into the policy development process, prior to finalizing the policy. The new Advertising Sign Policy was then widely circulated. Subsequently, the Board adopted the refined policy and guidelines.

The new policy applies to all sign placements. For existing signs, a provision will apply whereby owners of all signs which have not previously received Board approval, will receive written notification of the new policy and will be requested to submit an application for a

permit. If, after six (6) months, the Board has not received a response and the owner has not complied, the sign will be removed and disposed of.

**MUNICIPAL BY-LAWS:**

Advertising signs are subject to all by-laws established by the Municipality in which the signs are to be erected. When The Highway Traffic Board issues a Permit, the sign must still conform to all municipal by-laws. Sign owners are advised to check with municipal offices for their by-laws.

**NOTE: THE BOARD ADVISES THAT ADVERTISING SIGNS  
SHOULD NOT BE CONSTRUCTED UNTIL  
A PERMIT HAS BEEN ISSUED.**

**ADVERTISING SIGNS IN CONTROLLED AREAS  
ADJACENT TO PROVINCIAL TRUNK HIGHWAYS**

Policy Guideline pertaining to the erection, placing, removal, and fees of advertising signs adjacent to Provincial Trunk Highways.

Under The Highways Protection Act, The Highway Traffic Board is limited and can only issue permits for advertising signs within the controlled areas of limited access highways, and has no jurisdiction on highway rights-of-way or lands adjacent to Provincial or Municipal roads.

**DEFINITIONS**

- 1 "Sign" (Advertising Sign) means any publicly displayed device that bears information or advertising and includes any free-standing structure or thing that supports the device.

"Control Area" means the area between the edge of the right-of-way of a limited access highway and the control line in relation to that highway, as set out in The Highways Protection Act.

"Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations, providing for the movement of traffic between two or more roadways on a different level.

"Major Intersection" means where two or more Provincial Roads join at an angle or cross; or two Provincial Trunk Highways join at an angle or cross; or a Provincial Trunk Highway and a Provincial Road join at an angle or cross.

"Modified Speed Zone" means a highway or part of a highway designated as a modified speed zone under The Highway Traffic Act, and the speed limit is set at below that of the statutory 90 km/h.

**"Off-Premises Sign"** means a sign other than an On-Premises Sign.

**"On-Premises Sign"** means a sign that is erected or located on land within the controlled area:

- a) where the business or activity referred to in the sign is conducted; or
- b) to which the subject matter of the sign relates.

**"Portable Sign"** means a sign that is capable of being readily moved.

**"Restricted Speed Area"** means a highway or part of a highway for which the speed limit is designated at 50 km/h.

**"Right-of-Way"** means the property owned by Her Majesty the Queen in right of Manitoba for a Provincial Highway or Roadway.

**"Seasonal Sign"** means a sign advertising a business or function that operates or occurs during a specific time of year only.

**"Traffic Control Devices"** mean a sign, signal, light, marking, or device, placed or erected for the purpose of regulating, warning or guiding traffic.

## **Application Fees**

- 2 Each application for a Permit must be accompanied by the fee as established by regulation.

## **Application**

3(1) Subject to sub-section 3(2), any person intending to erect or place an advertising sign within the controlled area of a Provincial Trunk Highway must first submit an application to The Highway Traffic Board for a Permit.

3(2) No permit application is required for the following; however, these signs must conform to The Highway Traffic Board's Policy Guidelines.

A) Signs, whether on-premises or off-premises:

- i) that are erected seasonally for the sale of agricultural produce;
- ii) indicating that agricultural research is taking place;
- iii) giving warning or notice of a danger;
- iv) posted in respect of an election;
- v) respecting wildlife management areas;
- vi) respecting range patrols;
- vii) respecting neighbourhood watch areas.

B) Signs, on-premises only:

- i) for the sale or rental of real property;
- ii) for auction sales, not including a permanent auction sale location;
- iii) forbidding trespassing or hunting;
- iv) identifying religious establishments;
- v) identifying cemeteries;
- vi) name signs:
  - a) that display the name, address, trade, profession, calling and telephone number of the occupant; and
  - b) that are not more than .5 m in height and not more than 1.0 m in width; and
- vii) entrance and/or exit sign:
  - a) that may be used to direct traffic into or out of a business establishment;
  - b) that are not larger than .91 metres by .61 metres; and
  - c) that may contain arrows or chevrons.



## ON AND OFF PREMISES SIGNS

### Design, Location, Construction

- 4 An on or off-premises sign shall meet the following requirements:
- A) the face of the sign shall be readily legible by a person with ordinary vision looking toward the face from a distance from the sign of at least 100 metres from that portion of a highway over which vehicles are entitled to pass;
  - B) the lettering or symbols on the sign shall not be less than 16 cm in height;
  - C) the sign shall be supported and anchored in such a manner as to withstand wind and other elements;
  - D) electric signs shall conform to any applicable Canadian Standards Association standards and to applicable standards under any Act of the Legislature;
  - E) the sign shall not be erected or located closer than:
    - i) 3.0 metres to the nearest boundary of a highway; or
    - ii) a distance as directed by the Board; or
    - iii) a distance which is sufficiently far from the travelled portion of any adjacent highway that, if the sign fell, it would not result in the sign falling on that portion of the highway,whichever is the greater;
  - F) the sign shall not be located so as to obscure another sign or a traffic control device.

### Signs Which are Potentially Dangerous Distractions

- 5(1) An on or off-premises sign which is a potentially dangerous distraction to the operator of a motor vehicle on a highway shall not be erected or located in the controlled area.

- 5(2) The following types of on or off-premises signs may be deemed to be a potentially dangerous distraction:
- A) signs which have variable illumination, including any moving, flashing, scintillating, blinking or travelling lights, or reflective paint or material;
  - B) a sign, any portion of which is capable of, or is intended to move;
  - C) signs containing running or changing messages;
  - D) signs containing chevrons or arrows, whether or not lighted;
  - E) a sign which is located so close to another sign as not to allow a reasonable reader to read and understand it when travelling at the maximum rate of speed permitted on the highway.

### **Signs Resembling Traffic Control Devices**

- 6 The Board does not have the authority to approve signs which resemble or may be confused with a traffic control device, or with any emergency vehicle or vehicle used in the maintenance of highways, or which obscures the view of any traffic control device.

## **OFF-PREMISES SIGNS**

### **Design, Location, Construction**

- 7(1) In addition to complying with sections 4 to 6, an off-premises sign shall meet the following requirements:
- A) a sign shall face on-coming traffic on the same side of the highway as the direction of that traffic, unless the highway adjacent to the sign is a modified speed zone or restricted speed area;

- B) a sign may be orientated such that its face is at an angle no greater than 45° from a line drawn perpendicular to the centre line of the highway;
  - C) a sign shall not be erected or located closer than:
    - i) 200 metres to a major intersection;
    - ii) 200 metres measured along the centre line of the straight portion of a highway from the point where a curve in a highway commences, unless the curve is in a modified speed zone or restricted speed area;
    - iii) 2 kilometres to an interchange;
    - iv) 200 metres to a railway crossing;
    - v) 200 metres to any other sign, including those signs outside the controlled area; or
    - vi) 1 metre to the ground;
  - D) subject to subsection (2), a sign shall not contain more than 12 words or symbols.
- 7(2) A non-profit organization or group of organizations, or a community, may locate or erect a sign containing 13 or more words and symbols if the sign:
- A) is located or erected near the boundaries of a community in which each of the non-profit organizations or community conducts its activities; and
  - B) contains only information or symbols referring to the non-profit organization or the community.

### Prohibition

- 8 Except in special circumstances as solely determined by the Board, only one off-premises sign adjacent to a Provincial Trunk Highway, in any one direction of traffic, shall be permitted to any person, business or activity.

## **Terms and Conditions in Permits**

- 9 Every Permit issued for a sign is subject to the following terms and conditions:
- A) it is a condition of a permit that it expires on the earliest of:
    - i) where the permit was issued after the coming into force of this Policy Guideline, five years from the date of its issue;
    - ii) the date given in the permit.
  - B) it is a condition of a permit that it may be cancelled:
    - i) three months after the date the business or activity referred to in the sign ceases to be conducted or take place, or the goods, services or facilities referred to in the sign cease to be provided;
    - ii) if the sign is becoming unsafe or is falling into disrepair.

## **Removal and Procedure**

- 10(1) Where a sign is placed or erected in a manner that contravenes the Act, the Traffic Board may, by Order, require:
- A) the owner of the sign; or
  - B) the person on whose land the sign is placed or erected; or
  - C) any person responsible for placing or erecting the sign;
- to remove the sign at his/her own cost, forthwith or within such period of time that may be specified in the Order.
- 10(2) Where a person under subsection (1) fails or refuses to remove a sign in accordance with an Order, the Traffic Board may, at any time after the expiry of the time allowed for removal, remove or cause the sign to be removed.