
Public Highway Signage By-Law

General:

1. This By-Law is entitled the "Public Highway Signage By-Law".
2. This By-Law is made pursuant to the provisions of Section 49A of the *Public Highways Act*.
3. Nothing in this By-Law is intended to limit or change the application of the Municipality's Land Use By-Law.
4. Should any section of this by-law be declared by a court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part has been struck out.
5. Should the provisions of this by-law be found to conflict with any provisions of any other by-law of the municipality, the provisions of the by-law providing the greater degree of safety shall prevail.

Definitions:

6. In this By-Law:
 - a. "Municipality" means the Municipality of the County of Cumberland;
 - b. "Council" means the Council of the Municipality;
 - c. "Public Highway" means a roadway vested in Her Majesty in right of the Province of Nova Scotia, and for clarity includes the full width of the roadway, including what is commonly referred to as the "public right of-way". As set out in section 15 (1) of the Public Highways Act, a Public Highway is deemed to be at least 20.1168 metres in width until the contrary is shown; and
 - d. "sign" means a structure or device used to advertise or draw attention to any product, place, person, business, institution, or organization, including any directional or way-finding purpose, and including any posts or other material installed to support the sign. Signs placed by, or under the authority of, the Province of Nova Scotia or the Municipality are not subject to this By-Law.

Purpose:

7. The purpose of this By-Law is to eliminate or reduce unsightly accumulations of signs within designated portions of Public Highways in the Municipality.

8. The intention is to protect the scenic beauty along the public and private roads in Cumberland County, promote vehicular and pedestrian safety, and provide for sign advertisement in a uniform and consistent manner where Council has determined that it is warranted.

Interpretation:

9. This By-Law does not apply to:
 - a. any part of a highway that has been designated as a controlled access highway under section 21 of the *Public Highways Act*;
 - b. signs placed by, or under the authority of, the Province of Nova Scotia or the Municipality; and
 - c. campaign signs during an election or plebiscite in the area in which the sign is located or any sign specifically exempted under section 49 of the *Public Highways Act*.

Signs Prohibited

10. Signs, including existing signs, are prohibited within the sections of Public Highway designated in Schedule "A" of this By-Law.

Removal of Signs

11. Any sign existing within the sections of Public Highway designated in Schedule "A" of this By-Law at the time it becomes effective shall be posted with a notice indicating that the sign will be removed by the Municipality after thirty days, unless the sign is first removed by the owner. When the notice period has elapsed, the sign may be removed by the Municipality.
12. Any sign placed in contravention of this By-Law may be removed by the Municipality without notice.
13. Any signs removed by the Municipality will be destroyed. The Municipality is not responsible for any losses or damages suffered by the owner of a sign as a result of the sign being removed and destroyed.

Administration and Enforcement

14. The Municipality's Engineer or designate is authorized and responsible to take any action or perform any work required to implement and achieve the purpose of this By-Law. The Engineer or designate may retain and direct the services of third parties in order to carry out work and exercise authority as set out in this By-Law.
15. This By-Law comes into force upon approval by the Minister of Transportation and Infrastructure Renewal, and upon publication.

Schedule "A"

All that section of Fort Lawrence Road, Cumberland County extending 150m in either direction from the intersection with Trunk 2, (also known as Old Trunk 2 and Highway 2); and also Trunk 2, in Fort Lawrence, from its intersection with the Fort Lawrence Road, south to the limits or boundary of the Town of Amherst, are hereby designated for the purposes of the Public Highway Signage By-Law of the Municipality of Cumberland.

Clerk's Annotation For Official By-Law Book

Date of first reading	<u>April 7</u> , 2021
Date of advertisement of Notice of Intent to Consider:	<u>May 19</u> , 2021
Date of second reading:	<u>June 2</u> , 2021
*Date of advertisement of Passage of By-Law:	-
Date of mailing to Minister a certified copy of By-Law:	_____, 2023

I certify that this Public Highway Signage BY-LAW was adopted by Council and published as indicated above.


Municipal Clerk

Nov 21, 2022
Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law