



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HIGHWAY SIGNAGE ACT

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca



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HIGHWAY SIGNAGE ACT

CHAPTER H-4.1

INTERPRETATION AND APPLICATION

1. Definitions

In this Act

- (a) “**compliance officer**” means a compliance officer designated under subsection 4(1);
- (b) “**Department**” means the Department of Transportation and Infrastructure;
- (c) “**erecting**”, in respect of a sign, includes the painting, pasting and posting of the sign;
- (d) “**highway**” has the same meaning as it does in clause 1(h.1) of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5;
- (e) “**map-stop**” means a visitor information kiosk established and maintained by the Department under subsection 9(2);
- (f) “**map-stop area**” means an area of the province designated as a map-stop area under subsection 9(1);
- (g) “**Minister**” means the Minister designated by the Lieutenant Governor in Council to administer this Act;
- (h) “**registration permit**” means a permit issued by the Registrar under subsection 5(2) showing that a sign has been duly registered;
- (i) “**regulations**” means the regulations made under section 16;
- (j) “**sign**” means any visual communication device, notice or medium, including its structure and components, created or manufactured for the purpose of providing information about promoting a business, commodity, event, property, service or activity and includes any electric sign, fascia sign, flag, freestanding sign, mobile sign, notice, boarding, billboard or sandwich board used for that purpose. *2002,c.12,s.1; 2010,c.31,s.3; 2015,c.28,s.3; 2019,c.1,s.3; 2023,c.20,s.2; 2023,c.22,s.1.*

2. Application

This Act applies to all areas of the province except within the boundaries of a municipality or an area of the province exempted by the regulations. *2002,c.12,s.2.*

PURPOSES

3. Purposes

This Act provides for the control of the erection, display, maintenance and placement of signs that are within view of a highway for the purposes of

- (a) promoting the safety of persons using the highways;
- (b) preserving and enhancing the beauty of the unique landscape of the province; and
- (c) providing an effective way-finding system for the travelling public. *2002, c.12, s.3.*

ADMINISTRATION

4. Compliance officers

- (1) The Minister may designate employees of the Department as compliance officers for the purposes of this Act.

Function

- (2) The function of a compliance officer is to enforce such requirements of this Act and the regulations.

Identification

- (3) A copy of an identification card purporting to be signed by the Minister is proof that the individual named therein is a compliance officer.

Tickets

- (4) A compliance officer may issue tickets under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 in respect of a contravention of this Act or the regulations.

Right of entry to examine signs

- (5) For the purposes of enforcing this Act and the regulations, a compliance officer or his or her agent may, at any reasonable time and without a warrant, enter any land and examine any sign located on that land.

Dwelling-place

- (6) A compliance officer may not enter a dwelling-place.

Obstruction

- (7) No person shall obstruct or assault a compliance officer, or any person assisting a compliance officer, while the compliance officer is exercising his or her authority or performing a duty under this Act or the regulations. *2002, c.12, s.4.*

5. Registrar

- (1) The Minister may designate an employee of the Department as the Registrar of Signs.

Functions

- (2) In accordance with the regulations, the Registrar shall issue, and may revoke or refuse to issue, registration permits for signs.

Idem

- (3) The Registrar shall, in addition to the functions referred to in subsection (2), exercise such other powers and perform such duties as are vested in the Registrar by this Act or the regulations. *2002, c.12, s.5.*

REMOVAL OF SIGNS

6. Notice to removal

- (1) Where
 - (a) a compliance officer who finds a sign that is erected, displayed, maintained or placed contrary to the regulations; or
 - (b) the Registrar revokes a registration permit for a sign under the regulations,the compliance officer or the Registrar, as the case may be, may serve a notice to remove the sign, in the prescribed form, on the registered owner of the land on which the sign is erected, displayed, maintained or placed.

Service of notice

- (2) The notice referred to in subsection (1) may be served by registered letter, or by personal service, to the registered owner of land referred to in subsection (1).

Offence, fine

- (3) The registered owner of land who fails to remove a sign, or to cause it to be removed, within five days after receipt of a notice in writing from a compliance officer requiring that person to do so is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and in default of payment is liable to imprisonment for a term not exceeding 30 days.
2002, c.12, s.6.

7. Removal by compliance officer

- (1) Where the registered owner of land fails to remove a sign within five days from the date the notice to remove is deemed to be received by the registered owner under subsection 6(2), a compliance officer or his or her agents may, without a warrant, enter the land on which the sign is located and remove the sign or cause it to be removed.

Idem

- (2) Where a sign is erected, displayed, maintained or placed that is, in the opinion of a compliance officer, similar to a sign that has been removed in accordance with subsection (1), the compliance officer or his or her agents may, without further notice, enter the land on which it is located and remove the sign or cause it to be removed.

Costs payable by owner

- (3) Any costs resulting from the removal of any sign pursuant to subsection (2) shall be borne by the registered owner of the land on which the sign is located and shall be a debt due the Government. *2002, c.12, s.7; 2022, c.62, s.33.*

VISITOR INFORMATION

Tourism Directional Signs

8. Application for tourism business directional signage

- (1) The Registrar shall, on application by a tourism business, cause directional signage for a tourism business to be erected, displayed, maintained or placed at locations along a highway if

- (a) the application is made in accordance with the regulations;
- (b) the applicant pays the prescribed fee; and
- (c) the Registrar is satisfied that the erection, display, maintenance or placement of the directional signs at those locations is consistent with the purposes and provisions of this Act and the regulations.

Requirements

- (2) The number, location and characteristics of the directional signs for a tourism business that are erected, displayed, maintained or placed under subsection (1) must comply with the requirements of the regulations.

Moving, replacing and removing

- (3) Where directional signs, maintained or placed for a tourism business have been erected, displayed, maintained or placed, under subsection (1), the Registrar shall, on application by the tourism business, cause the signs to be relocated, replaced or removed without replacement if
 - (a) the application is made in accordance with the regulations;
 - (b) the applicant pays the prescribed fee; and
 - (c) the Registrar is satisfied, if the application concerns the relocation or replacement of the signs, that the erection, display, maintenance or placement of the directional signs at the locations requested is consistent with the purposes and provisions of this Act and the regulations.

Removal on designation of map-stop area

- (4) Where an area of the province is designated as a map-stop area under subsection 9(1), the Registrar shall cause the removal of all directional signs for tourism businesses that have been erected, displayed, maintained or placed in the map-stop area under this section.
2002, c.12, s.8.

Map-Stop Areas

9. Designation of map-stop area

- (1) Where the Minister considers, after consultation with the Registrar, that there is a significant demand for the erection, display, maintenance or placement of directional signs for tourism businesses in an area of the province, the Minister may, by order published in the Gazette, designate the area of the province to be a map-stop area.

Map-stops to be established

- (2) After a designation is made under subsection (1), the Department shall establish and maintain a map-stop in the designated area for the purpose of providing visitors with information respecting tourism businesses in the map-stop area.

Application for display of information

- (3) The Registrar shall, on application by a tourism business operating in a map-stop area, cause information respecting the tourism business to be displayed in a map-stop for one year if
 - (a) the application is made in accordance with the regulations; and
 - (b) the applicant pays the prescribed fee.

Information displayed

- (4) The information respecting a tourism business that is displayed in a map-stop under subsection (3) must comply with the requirements of the regulations. *2002, c.12, s.9.*

GENERAL**10. Liability of officers**

The Minister, Registrar, compliance officers and any other person acting under the authority of this Act or the regulations are not personally liable for any loss or damage suffered by any person by reason of anything in good faith due or omitted to be done in the purported exercise of any powers or performances of any duties, given by this Act or the regulations. *2002, c.12, s.10.*

11. Regulations contravention

- (1) Any person who contravenes or violates a provision of this Act or the regulations is guilty of an offence and liable on summary conviction
- (a) in the case of a first offence, to a fine of not less than \$500; and
 - (b) in the case of a second or subsequent offence, to a fine of not less than \$1,000 or to imprisonment for a term not exceeding 30 days or to both fines and imprisonment.

Continuing offence

- (2) Where a contravention or violation of any provision of this Act or the regulations continues for more than one day, the person committing the offence is guilty of a separate offence for each day that the contravention or violation continues. *2002, c.12, s.11.*

12. Limitation period

Proceedings with respect to an offence under this Act or the regulations may be instituted at any time within two years after the time when the subject matter of the proceeding arose. *2002, c.12, s.12.*

13. Certificate of Registrar evidence of certain facts

- (1) In any prosecution under this Act or the regulations, a certificate in the prescribed form signed by the Registrar, to the effect that a registration permit has not been issued to the person being prosecuted is *prima facie* evidence of the fact, and the certificate shall be so admissible as *prima facie* evidence of the fact recorded therein.

Proof of signature not required

- (2) It shall not be necessary to prove the signature or official position of the person by whom the certificate purports to be signed.

Certificate of ownership

- (3) A certificate signed by a member in good standing of the Law Society of Prince Edward Island stating the name of the most recent registered owner of land described in the certificate is *prima facie* proof that the person named in the certificate is the registered owner of the land therein referred to. *2002, c.12, s.13.*

14. Destruction or defacing of signs

Any person who destroys or defaces any sign that is either lawfully authorized under this Act or that is the property of the Government, is guilty of an offence and liable on summary conviction to a fine of not less than \$250. *2002,c.12,s.14; 2022,c.62,s.33.*

15. Burden of proof

In any prosecution under this Act or regulations, the burden of proving that an authorization, exception, exemption, excuse or qualification provided under or by the Act or regulations operates in favour of the person charged is on the person charged, and the prosecution is not required, except by way of rebuttal, to prove that the authorization, exception, exemption, excuse or qualification does not operate in favour of the person charged. *2002,c.12,s.15.*

REGULATIONS

16. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) prohibiting and regulating the erection, display, maintenance and placement of signs, but nothing in this clause empowers regulations that apply to the pasting or painting of signs prior to their being put on public display;
 - (b) respecting the removal of signs erected, displayed, maintained or placed contrary to the Act or the regulations;
 - (c) requiring the holding of a registration permit for the erection, display, maintenance or placement of a sign;
 - (d) respecting the registration of signs and the issuance of registration permits,
 - (i) including establishing the conditions under which a registration permit may be issued, and
 - (ii) authorizing the Registrar to attach conditions to a registration permit;
 - (e) requiring the identification, by registration number or other means, of signs for which a registration permit has been issued;
 - (f) respecting directional signs for a tourism business;
 - (g) respecting map-stops;
 - (h) providing for or establishing classes of registration permits for signs;
 - (i) respecting the expiry and revocation of a registration permit issued for a sign;
 - (j) prescribing the fees to be charged for the issuance of a registration permit;
 - (k) establishing minimum signage standards;
 - (l) prescribing forms and providing for their use;
 - (m) respecting the enforcement of this Act;
 - (n) defining any word or expression used in this Act that is not defined in this Act;
 - (o) exempting classes or types of signs from the application of all or any of the provisions of this Act or the regulations, including non-tourism business signs;
 - (p) authorizing the Registrar to exempt signs from the application of all or any of the provisions of this Act or the regulations, including establishing the conditions under, and the means by which, such an exemption may be given or revoked;

- (q) exempting municipalities or areas of the province from the application of all or any of the provisions of this Act or the regulations; and
- (r) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act. *2002, c.12, s.16.*

17. Repeal

- (1) The *Highway Advertisements Act* R.S.P.E.I. 1988, Cap. H-4 is repealed.

Idem

- (2) The *Roadside Signs Act* S.P.E.I. 1992, c.62 is repealed. *2002, c.12, s.17.*