



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HIGHWAY SIGNAGE ACT REGULATIONS

PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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HIGHWAY SIGNAGE ACT

Chapter H-4.1

REGULATIONS

Pursuant to section 16 of the *Highway Signage Act* R.S.P.E.I. 1988, Cap. H-4.1, Council made the following regulations:

1. Definitions

(1) In these regulations

- (a) “**Act**” means the *Highway Signage Act* R.S.P.E.I. 1988, Cap. H-4.1;
- (a.1) “**canopy sign**” means a sign that is attached to or applied on a canopy;
- (b) “**directional sign for a tourism business**” means a sign that is erected, displayed, maintained or placed for a tourism business under section 8 of the Act;
- (c) “**former Act**” means the *Highway Advertisements Act* R.S.P.E.I. 1988, Cap. H-4;
- (c.1) “**off-premises sign**” means a sign that contains one or more advertisements that direct attention to a business, commodity, service, industry or other activity that is sold, offered or conducted on a property other than the property on which the sign is erected, displayed, maintained or placed;
- (d) “**on-premises sign**” means a sign that contains one or more advertisements that direct attention to a business, commodity, service, industry or other activity that is sold, offered or conducted on the property on which the sign is erected, displayed, maintained or placed;
- (e) “**parcel**” includes any lot, block or other area in which land is held;
- (e.1) “**sandwich board sign**” means a portable sign of an A-frame or T-frame construction;
- (f) “**special event sign**” means a temporary sign that contains an advertisement relating to a special event or exhibition of a patriotic, religious, charitable, artistic, social, sporting or similar nature;
- (g) “**tourism establishment**” means a tourism establishment as defined in clause 1(i) of the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3;
- (h) “**window sign**” means a sign that is
 - (i) attached to or applied on an exterior window or door of a building, or
 - (ii) hanging parallel to, and within one metre of, an exterior window or door of a building.

Definitions

- (2) In the Act and these regulations
- (a) “**fascia sign**” means a sign that is attached to or applied on the exterior of a wall of a building;
 - (a.1) “**land**” or “**property**” means a parcel of land, and includes a building or premises situated on the parcel of land;
 - (b) “**mobile sign**” means a sign, other than a sandwich board, that is designed to be moved from one location to another, whether or not the wheels or other means of moving the sign are attached or in working order, and includes a stationary vehicle with a sign that is parked, within view of a highway and for a period of more than three consecutive days, on a property that is not owned or occupied by the person or organization whose business, commodity, service, industry or other activity is promoted by the sign;
 - (c) “**tourism business**” means
 - (i) a business that operates a tourism establishment for which a license issued under the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3 is in full force and in effect,
 - (ii) a restaurant,
 - (iii) a tourist attraction, including a museum, historic site, theme or amusement park, art gallery, recreation facility, and a cultural, animal or plant attraction,
 - (iv) a liquor store,
 - (v) a craft shop or gift shop,
 - (vi) an antique shop,
 - (vii) a gas station,
 - (viii) a convenience store or grocery store,
 - (ix) a fresh food market,
 - (x) a youth camp,
 - (xi) a church,
 - (xii) a legion home,
 - (xiii) a pharmacy, or
 - (xiv) a business for which, on the day before this section comes into force, one or more directional signs for the business are erected, displayed, maintained or placed at locations along a highway pursuant to the Highway Informational Signage System Program operated by the Department under the former Act.
(EC298/03; 44/13; 120/23)

APPLICATION**2. Exempt municipalities**

- (1) The following municipalities are exempt from the application of the Act and these regulations:
- (a) Alberton;
 - (b) Borden-Carleton;
 - (c) Charlottetown;
 - (d) Cornwall;

- (e) Georgetown;
- (f) Kensington;
- (g) Miltonvale Park;
- (h) Montague;
- (i) New Haven-Riverdale;
- (j) Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico;
- (k) Stratford;
- (l) Souris;
- (m) Summerside;

Traffic signs

- (2) These regulations do not apply to traffic signs erected, displayed, maintained or placed under the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5 or its regulations. (EC298/03; 44/13)

SIGNS – RESTRICTIONS AND EXCEPTIONS

3. No signs resembling traffic control devices

No person shall erect, display, maintain or place, within view of a highway, a sign that resembles a traffic control device, including one that

- (a) contains the words “stop”, “caution” or “danger”; or
- (b) incorporates red, amber or green lights. (EC298/03; 44/13)

3.1 Off-premises signs – prohibition and exceptions

- (1) No person shall erect, display, maintain or place an off-premises sign within view of a highway, unless the sign
- (a) concerns public safety and welfare;
 - (b) relates to a federal, provincial, municipal or school board election, provided the sign is not erected, displayed, maintained or placed
 - (i) until after the election writ has been issued for a provincial or federal election, or
 - (ii) more than one month before the date of a municipal or school board election;
 - (c) is erected, displayed, maintained or placed pursuant to an enactment or a court order;
 - (d) relates to a yard sale, provided the sign is erected, displayed, maintained or placed not more than seven days prior to the date of the yard sale;
 - (e) is part of a floral or landscaping arrangement;
 - (f) was, on the day before the Act came into force, erected, displayed, maintained or placed under the Highway Informational Signage System Program operated by the Department under the former Act;
 - (g) is erected, displayed, maintained or placed by the Department, including
 - (i) a directional sign for a map stop,
 - (ii) a directional sign for a tourism business,
 - (iii) a sign respecting a coastal touring route, and
 - (iv) a symbol board sign;

- (h) is erected, displayed, maintained or placed under the authority of a special event sign registration permit issued under subsection 4(1); or
- (i) is one of the following types, erected by a provincial, regional or municipal authority:
 - (i) a welcome sign indicating the name of the province, a region of the province, or a municipality, where the sign is located at an entrance point to the province, region, or municipality, as the case may be,
 - (ii) a directional sign respecting parking or a street entrance or exit,
 - (iii) a sign identifying a residential neighbourhood, where the sign is located at an entrance point to the residential neighbourhood,
 - (iv) a flag or pennant of a municipal, provincial or federal government.

Removal of off-premises election sign

- (2) Any person who erects, displays, maintains or places a sign referred to in clause (1)(b) shall ensure that the sign is removed within seven days after the date of the election.

Removal of off-premises yard sale sign

- (3) Any person who erects, displays, maintains or places a sign referred to in clause (1)(d) shall ensure that the sign is removed within two days after the date of the yard sale. *(EC44/13)*

3.2 On-premises signs – permit required, exceptions

No person shall erect, display, maintain or place an on-premises sign within view of a highway without a registration permit, unless the sign

- (a) identifies
 - (i) a church or community centre,
 - (ii) a non-profit service club or organization,
 - (iii) a historical building or historical site,
 - (iv) a park or natural area,
 - (v) a sports field or arena,
 - (vi) a school or post-secondary educational institution, or
 - (vii) a dump, waste depot or recycling centre operated by a municipality or the provincial government;
- (b) relates to construction on the property, provided the sign is erected, displayed, maintained or placed only while construction is ongoing;
- (c) prohibits trespassing;
- (d) indicates the name or address of a property owner or occupier;
- (e) advertises real estate;
- (f) contains a religious belief or message; or
- (g) is one the following types, provided it is not a special event sign:
 - (i) a sandwich board sign,
 - (ii) a window sign,
 - (iii) a fascia sign. *(EC44/13)*

3.3 Compliance with permit

Every permit holder shall ensure that a sign erected, displayed, maintained or placed under the authority of a registration permit

- (a) meets any conditions attached to the permit; and
- (b) is erected, displayed, maintained or placed in accordance with any conditions attached to the permit. *(EC44/13)*

3.4 Size and number of sandwich board signs

No person shall erect, display, maintain or place, within view of a highway,

- (a) a sandwich board sign that exceeds 1.5 square metres (16.15 square feet) in area; or
- (b) more than two sandwich board signs on a single property. *(EC44/13)*

3.5 Size and placement of free-standing signs

- (1) No person shall erect, display, maintain or place, within view of a highway, a free-standing sign that

- (a) exceeds 8 metres (26.25 feet) in height above the main grade of the ground in which it is placed; or
- (b) has a surface area, excluding supports, that exceeds
 - (i) 3 square metres (32.3 square feet), if the sign is located at the boundary of the property and a highway, or
 - (ii) the sum of
 - (A) 3 square metres (32.3 square feet), and
 - (B) 1 square metre (10.7 square feet) for each linear metre that the sign is set back from the nearest boundary of the property and a highway, up to a maximum of 14 square metres (150.64 square feet),if the sign is not located at the boundary of the property and a highway.

Size of canopy sign

- (2) No person shall erect, display, maintain or place, within view of a highway, a canopy sign that exceeds
- (a) twenty-five percent of the surface area of the canopy; or
 - (b) the surface area, excluding supports, of any free-standing sign located on the same property. *(EC44/13)*

3.6 Size of fascia sign

- (1) No person shall erect, display, maintain or place, within view of a highway, a fascia sign that exceeds ten percent of the surface area of the wall to which the sign is attached or applied.

Ibid

- (2) No person shall attach or apply to a single wall, within view of a highway, more than one fascia sign. *(EC44/13)*

3.7 Size of sign on roof

No person shall attach or apply to the roof of a building, within view of a highway, a sign that exceeds ten percent of the surface area of the roof. *(EC44/13)*

3.8 No signs on utility pole or tree

- (1) No person shall, within view of a highway, attach or apply a sign to, or support a sign with, a utility pole or a tree.

Placement of sign

- (2) No person shall erect, display, maintain or place a sign
- (a) within a public right-of-way;
 - (b) where it impedes the sight lines of persons travelling on a highway;
 - (c) in a green area, located within a traffic intersection or at the entrance to a driveway; or
 - (d) where it encroaches on a sidewalk or other pedestrian path. *(EC44/13)*

4. Registration permit

- (1) The Registrar shall, on application, issue a registration permit to the applicant if
- (a) the applicant
 - (i) applies for the permit in accordance with these regulations, and
 - (ii) pays the prescribed fee; and
 - (b) the Registrar is satisfied
 - (i) that the sign or signs to be authorized by the permit will be erected, displayed, maintained and placed consistent with the requirements and restrictions of these regulations,
 - (ii) that there are no outstanding costs owing from the applicant to the Government in respect of the removal of any unauthorized sign previously erected, displayed, maintained or placed by the applicant,
 - (iii) that the sign or signs to be authorized by the permit do not by reason of illumination, size or proximity to the highway constitute a hazard to the safety of users of the highway,
 - (iv) that the requirements of subsection 11(1) or 12(1) are met, and
 - (v) that the applicant meets the requirements of any enactment governing the sale, offer or conduct of the business, commodity, service, industry or other activity to which the sign or signs to be authorized by the permit relate.

Application for registration permit

- (2) An application for a registration permit shall be made in a form acceptable to, and include the information required by, the Registrar.

Number and date on permit

- (3) Every registration permit issued by the Registrar shall be numbered and dated with the date of issue.

Number or sticker

- (4) A registration number or a registration sticker with a registration number shall be given by the Registrar to a person who is issued the initial sign registration permit for a sign.

Duty to apply number or sticker

- (5) Every person given a registration number or a registration sticker under subsection (4) shall have the registration number printed on, or the registration sticker attached to, the sign to which it applies.

Registration

- (6) On issuing a registration permit, the Registrar shall enter in a register
- (a) the name and business address of the permit holder;
 - (b) the date the permit is issued;
 - (c) the date the permit expires, if any;
 - (d) the number of signs authorized by the permit;
 - (d.1) if specified on the permit, the structure and size of each sign authorized by the permit;
 - (d.2) any conditions attached to the permit under section 5;
 - (e) information describing either
 - (i) the property to which the registration permit applies, if it is an on-premises sign registration permit, or
 - (ii) the property or properties to which the registration permit applies, if it is a special event sign registration permit; and
 - (f) the registration number of each sign authorized by the permit. *(EC298/03; 44/13; 120/23)*

5. Conditions

The Registrar may, when issuing a registration permit, attach such conditions as the Registrar considers appropriate in respect of the structure size or location of a sign, or the number of signs, authorized by the permit. *(EC298/03; 44/13)*

6. Revocation

The Registrar may revoke a registration permit, and order the removal of any sign the permit holder is authorized to erect, display, maintain or place under the registration permit, if

- (a) the permit holder contravenes a provision of, or ceases to meet the requirements of
 - (i) the Act or these regulations,
 - (ii) any condition attached to the permit, or
 - (iii) any enactment governing the sale, offer or conduct of the business, commodity, service, industry or other activity to which the sign relates; or
- (b) a sign erected, displayed, maintained or placed under the permit
 - (i) pertains to a business that has ceased to operate for a period of three or more consecutive months, or
 - (ii) represents a safety hazard, in the opinion of the Registrar. *(EC298/03; 44/13)*

7. Classes of registration permits

A registration permit of one of the following classes may be issued by the Registrar:

- (a) an on-premises sign registration permit;
- (b) a special event sign registration permit. *(EC298/03)*

8. Expiry of special event sign registration permit

- (1) A special event sign registration permit expires on the date shown on the permit, unless sooner revoked under these regulations, and is not transferable.

Expiry of on-premises sign or permit

- (2) An on-premises sign registration permit does not expire, unless revoked under these regulations, and may be transferred to a purchaser or a new occupant of the property to which it applies. (EC298/03)

9. Removal of signs

On the expiry or revocation of a registration permit, the person who was issued the permit shall, within three days of the expiry or revocation, remove or cause the removal of any sign erected, displayed, maintained or placed under the authority of the permit. (EC298/03)

10. Licenses issued under former Act

Any license issued under the former Act that is in effect on the date this section comes into force is deemed, for the purpose of these regulations, to be an on-premises sign registration permit, and any condition attached to the license under the former Act is deemed to be a condition attached under section 5. (EC298/03)

ON-PREMISES SIGN REGISTRATION PERMITS**11. Requirements**

- (1) An on-premises sign registration permit may only be issued to an applicant if, with respect to the property to which the permit will apply,
- (a) the applicant
 - (i) owns or leases the property, and
 - (ii) holds a valid and subsisting registration certificate issued under the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14 with respect to the business, commodity, service, industry or other activity sold, offered or conducted on the property and to which the sign relates;
 - (b) there is no other on-premises sign registration permit in effect for the property; and
 - (c) infrastructure is located on the property, out of which the business, commodity, service, industry or other activity to which the sign relates is sold, offered or conducted by one or more individuals on site.

Application of permit to specific property

- (2) An on-premises sign registration permit may only be issued in respect of a single property and the property to which it applies shall be specified on the permit.

Signs authorized by on-premises sign registration permit

- (3) An on-premises sign registration permit authorizes the permit holder to erect, display, maintain or place, within view of a highway, on the property to which the permit applies,
- (a) either
 - (i) one free-standing sign, if the property is not adjacent to the intersection of two or more highways, or
 - (ii) up to two free-standing signs, if the property is adjacent to the intersection of two or more highways; and
 - (b) one canopy sign. (EC298/03; 44/13)

SPECIAL EVENT SIGN REGISTRATION PERMITS

12. Special event sign registration permits

- (1) A special event sign registration permit may only be issued to an applicant if
 - (a) the application is made in respect of the erection, display, maintenance or placement of a special event sign on a property that is not owned or occupied by the applicant; and
 - (b) the applicant provides the Registrar with the written consent of the owner or current occupant of the property.

Application of permit to specified property

- (2) A special event sign registration permit may be issued in respect of one or more properties of a type referred to in subsection (1) and the properties to which the permit applies shall be specified on the permit.

Signs authorized by temporary sign registration permit

- (3) A special event sign registration permit authorizes the permit holder to erect, display, maintain or place signs
 - (a) of the size and in the number specified on the permit;
 - (b) at the property or properties specified on the permit; and
 - (c) for the period or periods specified on the permit. (*EC298/03; 44/13*)

DIRECTIONAL SIGNS FOR TOURISM BUSINESSES

13. Application for directional signs for tourism business

An application under subsection 8(1) or (3) of the Act in respect of directional signs for a tourism business shall be made in a form acceptable to, and include the information required by, the Registrar. (*EC298/03*)

14. Number of signs for a tourism business

- (1) Subject to subsection (2), only four directional signs for a tourism business may be erected, displayed, maintained or placed in the province.

Extra signs

- (2) The Registrar may cause directional signs for a tourism business to be erected, displayed, maintained or placed in such number, in excess of four, as the Registrar considers appropriate where the Registrar is satisfied that the location of the tourism business warrants additional signs.

Locations

- (3) A directional sign for a tourism business may be erected, displayed, maintained or placed only
 - (a) at an intersection of two or more highways, within a 15-km radius of the tourism business; and
 - (b) at a location where the sign does not indicate to oncoming traffic that the tourism business is straight ahead.

Characters on sign

- (4) A directional sign for a tourism business
- (a) shall not contain more than
 - (i) 28 characters, if it does not contain a symbol, or
 - (ii) 20 characters, if it contains a symbol or symbols; and
 - (b) shall not have more than 14 characters per line;
 - (c) shall, on the left side of the sign, include a left or right turn arrow and indicate the distance in kilometres to the tourism business; and
 - (d) shall, if a symbol or symbols are used in the sign, include the symbol or symbols on the right side of the sign.

“character”, defined

- (5) For the purposes of subsection (4), a “character” includes a space between characters.

Language

- (6) The information set out in a directional sign for a tourism business may be displayed in such language as is preferred by the tourism business. *(EC298/03; 44/13)*

15. Annual fee

- (1) For each year following the initial year that the Registrar causes directional signs for a tourism business to be erected, displayed, maintained or placed, the tourism business shall pay to the Registrar, by the date requested, the annual fee prescribed for the continued erection, display, maintenance or placement of such signs.

Removal

- (2) The Registrar shall cause the directional signs for a tourism business to be removed if the tourism business fails to pay the annual fee prescribed by the date requested by the Registrar. *(EC298/03)*

MAP-STOPS**16. Application for display of information**

An application, under subsection 9(3) of the Act, by a tourism business for the display of information respecting the business in a map-stop shall be made in a form acceptable to, and include the information required by, the Register. *(EC298/03; 44/13)*

GENERAL**17. Fees**

The fees prescribed for the purposes of the Act and these regulations are set out in the Schedule 1 and shall be paid to the Registrar. *(EC298/03; 44/13)*

17.1 Notice

The form of the notice to remove a sign prescribed for the purposes of the Act and these regulations is set out in Schedule 2. *(EC44/13)*

18. Revocation

The *Highway Advertisements Act Regulations (EC141/86)* are revoked. (EC298/03)

SCHEDULE 1

FEEs

1. The fee payable for an application for an on-premises sign registration permit is ..\$25.
2. The fee payable for an application for a special event sign registration permit is ...\$10.
3. The fee payable for an application for each new directional sign for a tourism business is \$160 per sign.
4. The annual fee payable for the continued erection, display, maintenance or placement of directional signs for a tourism business is \$60 per sign.
5. The fee payable for an application under subsection 8(3) of the Act to relocate or replace directional signs for a tourism business is \$100 per sign.
6. The annual fee payable for the display at a map-stop of information respecting a tourism business is\$50.
7. The fee payable for changing the information respecting a tourism business displayed at a map stop is.....\$50.

(EC298/03; 44/13)

SCHEDULE 2

NOTICE TO REMOVE SIGN

Date Issued: Parcel/Property N°:

Business and Sign Name/Descriptor:

Civic Address of the property on which the sign is erected:

.....

Community Name:.....

Registered Property Owner's Name:

Mailing Address:.....

This Notice to Remove Sign is being issued to you because the sign that you have erected, displayed, maintained or placed on your property is not compliant with the *Highway Signage Act* R.S.P.E.I. 1988, Cap. H-4.1, or the regulations made pursuant to it, which states:

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.

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.

Cost 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.

Take notice by the issuance and service of this Notice to Remove Sign you are required to have the above noted sign removed from the said property within five (5) days from the date of receipt as per section 6 of the *Highway Signage Act*.

ISSUED BY:
Registrar of Signs or Compliance Officer
Department of Transportation and Infrastructure
Province of Prince Edward Island

(EC44/13; 120/23)