

**HALIFAX REGIONAL MUNICIPALITY  
BYLAW N-300  
RESPECTING NUISANCES**

The Council of the Halifax Regional Municipality under the authority vested in it by clauses 188 (1)(a), (b), (c) and (d) and 192(f) of the *Halifax Regional Municipality Charter*, and subsection 16(1) of the *Smoke Free Places Act*, enacts as follows:

**Short Title**

1. This Bylaw may be cited as Bylaw N-300, the “Nuisance Bylaw”.

**Interpretation**

2. In this Bylaw

(a) “abandon” means to leave a shopping cart on any public or private property outside the premises of the business that owns the shopping cart;

(aa) “accessory building” means a detached subordinate building, not used for human habitation, that is

(i) located on the same lot as the main building or use to which it is accessory,

(ii) wholly constructed of rigid materials such as metal, wood, or glass;

(b) Repealed;

(c) “Council” means the Regional Council of the Municipality;

(ca) “dwelling unit” means living quarters that

(i) are accessible from a private entrance, either outside the building or in a common area within the building,

(ii) are occupied or, if unoccupied, are reasonably fit for occupancy,

(iii) contain kitchen facilities within the unit, and

(iv) have toilet facilities that are not shared with the occupants of other dwelling units,

excluding any

(i) detached structure that is not an accessory building, or

(ii) structure that is attached to the exterior wall of the dwelling unit or the building containing the dwelling unit, such as a balcony, deck, patio, porch, terrace, or veranda;

(d) “Inspector” means the Inspector appointed by the Chief Administrative Officer or his designate;

(da) “licensed producer” means an individual or corporation issued a producer’s license in accordance with the *Access to Cannabis for Medical Purposes Regulations* (Canada);

(db) “municipal property” means any land owned, occupied, or leased by the Municipality, including a street, and a park as defined by the *Municipal Parks By-law*;

- (e) "Municipality" means the Halifax Regional Municipality;
- (f) "owner" means,
  - (i) in respect of a shopping cart, a person or business who owns or provides shopping carts to its customers, or the assessed owner of the property where the business who provides shopping carts to its customers is located, or
  - (ii) in all other respects, as defined by clause 3(av) of the *Halifax Regional Municipality Charter*;
- (g) Repealed;
- (h) "parking area" means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;
- (i) "premises" means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, "premises" shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;
- (j) "public place" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, alley, park, square, water courses including the shore of the water course, municipal, provincial or federal owned lands or any other place to which the public has access as a right or by invitation, express or implied;
- (ja) "serviced area" means the urban serviced area shown on Schedule B, the service requirement map, of the Regional Subdivision By-law;
- (k) "shopping cart" means a non-motorized basket which is mounted on wheels, or a similar device, generally used by a customer of a business for the purpose of transporting goods;
- (ka) "smoke" means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;
- (l) "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in the *Halifax Regional Municipality Charter*, and
- (m) "weed" means a cannabis plant as defined by the *Cannabis Act* (Canada).

## **PART 1 - NUISANCE ON STREETS**

### **Street Nuisance Defined and Prohibited**

3. (1) No person shall create, continue or suffer any nuisance to exist on or near a street.
- (2) For the purposes of this Part, nuisance includes:
  - (a) engaging in any activity or pastime which:
    - (i) obstructs any person;
    - (ii) creates a disturbance; or
    - (iii) causes any damage to any structure, object, sod, plant or tree.

(b) interfering with, moving, damaging, or altering in any way, the operation of any barrier or fence, warning sign, signal or light placed on or near a street for purposes of closing the street or part thereof or for purposes of ensuring control of traffic or the safety of persons using the street; and

(c) entering, traveling, or driving, in along or across any closed street or within the closed portion of any street without the permission of the Director of Public Works and Transportation.

**Penalty**

4. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

**PART 1A – SMOKE ON MUNICIPAL LANDS**

**Smoking on Municipal Property**

3A. (1) No person shall smoke on municipal property.

(2) Notwithstanding subsection (1), the CAO or delegate may designate a portion of municipal land as a smoking area.

**Penalty**

3B. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Twenty-five Dollars (\$25.00) and not exceeding Two Thousand Dollars (\$2,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

**PART 2 - SHOPPING CARTS**

**Removal Or Abandonment Prohibited**

5. (1) No owner shall suffer or permit a shopping cart owned or used by the business to be removed from the premises of the business without providing written consent to the person removing the shopping cart.

(2) No owner shall suffer or permit a shopping cart owned or used by the business to be abandoned upon any public or private property.

(3) No owner shall knowingly have on their premises shopping carts identified as belonging to another business.

(4) This section shall not apply to shopping carts removed as authorized by the owner for the purposes of repair, maintenance or disposal.

**Information Required On Shopping Carts**

6. The owner shall permanently affix to the front of each shopping cart a weather proof sign including the following information:

(1) name of shopping cart owner or business or both;

(2) valid published telephone number and address for returning shopping cart to owner; and

(3) notification that removal of a shopping cart from the owner's premises, unauthorized possession of a shopping cart and abandonment of a shopping cart on public or private property is not permitted.

### **Parameters Of Cart Recovery Service**

7. The owner of a business shall have a proactive shopping cart recovery service which shall include:

- (1) establishment of a dedicated phone line with 24 hour machine answering service (telephone number as in subsection 6(2));
- (2) conspicuous notification on premises that the following are prohibited:
  - (ii) the removal of a shopping cart from the owner's premises;
  - (iii) the unauthorized possession of a shopping cart; and
  - (iv) the abandonment of a shopping cart on public or private property.
- (3) retrieval of the shopping carts by the owner within 24 hours of receipt of notification through a dedicated phone line; and
- (4) shopping cart retrieval at the expense of the owner.

### **Impoundment by Municipality**

8. (1) Any municipal employee or agent may retrieve and impound any shopping cart abandoned on public property.

(2) Within 48 hours, the Municipality shall inform the owner that the shopping cart has been impounded by phoning the owner's dedicated phone line.

(3) An impound fee in the amount set by Administrative Order 15, Respecting License, Permit and Processing Fees shall apply to each shopping cart impounded pursuant to subsection (1).

### **Retrieval By Owner**

9. The Municipality shall release impounded shopping carts to the owner on the payment of the impound fee pursuant to clause 8(3).

### **Disposal by the Municipality**

10. (1) The Municipality may sell or otherwise dispose of any impounded shopping carts not retrieved by the owner within 7 working days following the date of impoundment.

(2) The Municipality may immediately sell or otherwise dispose of any impounded shopping cart not identified as outlined in section 6.

(3) All expenses incurred by the Municipality in seizing, removing, impounding, storing and disposing of the shopping cart may be recovered as a debt due from the owner.

### **Penalty**

11. Every person who violates the provisions of this Part shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) dollars and not exceeding One Thousand Dollars (\$1,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding sixty days.

## **PART 3**

12. Repealed.

## **PART 4**

12A (1) Within the serviced area and subject to subsection 2, no person shall

- (a) cultivate, propagate, dry, or harvest weed, unless the cultivating, propagating, drying, or harvesting occurs wholly within a dwelling unit or an accessory building;

(b) own or occupy property where weed is cultivated, propagated, dried, or harvested, unless the weed is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building; or

(c) permit or allow weed to be cultivated, propagated, dried, or harvested on property they own or occupy, unless the weed is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building.

(2) Subsection (1) of this section shall not apply to a licensed producer.

12B (1) Every person who violates the provisions of this Part shall be guilty of an offence and shall be liable to a penalty of not less than One Thousand Dollars (\$1000.00) dollars and not exceeding Ten Thousand Dollars (\$10,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding one year.

(2) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

(3) In addition to a penalty imposed for a contravention of this By-law in accordance with subsection (1) of this section, the judge may order that the weed be removed and destroyed.

(4) Any costs incurred by the Municipality relating to an order for the removal and the destruction of the weed, shall be a first lien on the property upon which the weed was removed.

#### **REPEAL OF BY-LAWS**

13. The following by-laws are repealed:

**By-Law 22104** of the former Town of Bedford, the Loitering By-Law;

**By-Law 22141** of the former Town of Bedford, the discharge of Firearms By-Law;

**By-Law A-300** of the Former City of Dartmouth, the Air Guns and Rifles By-Law;

**By-Law F-300** of the Former City of Dartmouth, the Firearms By-law;

**By-Law L-400** of the former City of Dartmouth, the Littering By-Law;

**By-Law L-600** of the former City of Dartmouth, the Loitering By-Law;

**By-Law N-300** of the former City of Dartmouth, the Abatement of Nuisances By-Law;

**Ordinance 159** of the former City of Halifax, the discharge of Guns and Other Firearms;

**Part VI of Ordinance 180** of the former City of Halifax, the Streets Ordinance;

**Sections 4, 5, 5A and 6 of By-law 8** of the former Halifax County Municipality, the Mischiefs and Nuisance By-Law;

**By-Law 39** of the former Halifax County Municipality, the Loitering By-Law,

**By-Law 47** of the former Halifax County Municipality, the Dumping of Garbage and Litter By-law, and any amendments thereto

Done and passed in Council this 7<sup>th</sup> day of August, 2007.

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MAYOR

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MUNICIPAL CLERK

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Approval by Service Nova Scotia and Municipal Relations:	N/A
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Amendment # 1 – By-law N-301

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Amendment # 2 – By-law N-302

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Approval of Service Nova Scotia and Municipal Relations:	N/A
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