



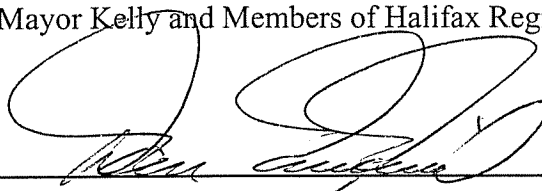
PO Box 1749
Halifax, Nova Scotia
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**Halifax Regional Council
Committee of the Whole**

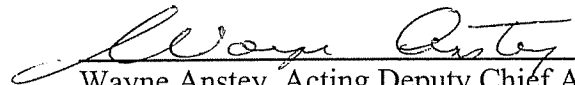
January 24, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Acting Deputy Chief Administrative Officer

DATE: December 28, 2005

SUBJECT: By-Law N-300, Respecting Nuisances

ORIGIN

By-Law Rationalization Working Group.

RECOMMENDATION

It is recommended that Regional Council approve in principle:

1. By-law N-300, respecting Nuisances (attached as Appendix A);
2. An amendment to Administrative Order 15, Respecting License, Permit and Processing Fees (attached as Appendix B);

and authorize staff to arrange for the formal adoption of the By-Law and Administrative Order.

BACKGROUND

The By-Law Rationalization Working Group has been working on harmonizing a number of former municipal unit by-laws (attached as Appendix C) regarding "nuisance" related issues including:

- discharge of firearms
- possession, use, sale of air rifles and pellet guns
- nuisances on the streets
- loitering/solicitation
- littering
- odours

Smoke from wood burning devices and abandoned shopping carts are other nuisance related issues that the Working Group was asked to review, as there is no legislation in place to address these issues.

The by-laws from the former municipal units that are considered redundant or unenforceable and recommended for repeal include:

Former City of Halifax

Ordinance 51 - Abatement of Smoke and Other Atmospheric Pollution

Ordinance 159 - Discharge of Guns and Other Firearms

Ordinance 180, Part VI - Abatement of Nuisances on Streets

Former City of Dartmouth

By-Law A-300 - Air Guns and Rifles

By-Law F-300 - Firearms

By-Law L-400 - Littering

By-Law L-600 - Loitering

By-Law N-300 - Abatement of Nuisances

Former Town of Bedford

By-Law 22104 - Loitering

By-Law 22141 - Discharge of Firearms

Former County

By-Law 8: Section 4 - Loitering

Section 5 & 5A - Air Guns and Sling Shots

Section 6 - Firearms

By-Law 39 - Loitering

By-Law 47 - Dumping of Garbage & Litter

Staff completed nationwide research on legislation and best practices in other municipalities. In addition, business processes have been analysed and refined for each Part of the proposed by-law

to enhance service delivery.

DISCUSSION

The criterion used to determine the applicable regulations for the proposed by-law are:

- Which current regulations are redundant to other municipal, provincial or federal legislation?
- Are the current regulations enforceable?
- Which current regulations are still applicable?
- What other regulations were asked to be considered?

Current Regulations Considered Redundant

Firearms Related Regulations

The Working Group agreed that all weapons related by-laws/ordinances overlap with legislation under the *Criminal Code of Canada* and the *Nova Scotia Wildlife Act*. The Provincial/Federal legislation is more effective to enforce as it provides police with the proper authority to deal with weapons infractions. Appendix D provides an overview of the applicable provisions under the Provincial/Federal legislation.

The current municipal by-laws do not allow Police to perform investigative techniques such as search & seizure or arrest and detain. The main provision in all of the former municipal unit by-laws relates to the discharging of a firearm and or air gun in the respective former municipality. Police believe their investigative/enforcement focus should be on the use of these weapons, as it is the inappropriate use of these weapons which endangers public safety. A police response to the discharge of a firearm or air rifle is currently investigated under the aforementioned Provincial/Federal legislation, not a municipal by-law. Therefore, firearms related regulations are not represented in the proposed By-Law N-300, Respecting Nuisances.

Solicitation/Panhandling Regulations

The Supreme Court of Canada has considered the issue of panhandling in relation to the freedoms protected by the Charter of Rights and Freedoms and has ruled that panhandling in and of itself is not unlawful. As a result, efforts by governments to legislate against simple panhandling have proved ineffective. However, recent legislative efforts by municipalities in legislating against aggressive solicitation and by provincial statutes respecting safe streets have been upheld by the courts.

On June 14th, 2005 Regional Council approved that a request be sent to the Province of Nova Scotia to adopt the drafted Safe Streets Act (attached as Appendix E) in an effort to address aggressive solicitation within HRM. Adopting this act would give police powers to arrest and detain those who are soliciting or panhandling in an aggressive manner according to the act. Staff understand that the Province is continuing to proceed with the process for adopting the Safe Streets Act, therefore to adopt new municipal legislation would be redundant. Accordingly, Solicitation/Panhandling regulations have not been included in the proposed By-law N-300, Respecting Nuisances.

Littering Regulations

Based upon existing Provincial legislation and HRM's By-Law S-300, the Working Group believes the framework for effective litter enforcement is available without the requirement of an additional HRM by-law; therefore staff have not included litter regulations in the proposed By-Law N-300, Respecting Nuisance. Sections 99(2) of the *Nova Scotia Environment Act*, Section 173(4) of the *Nova Scotia Motor Vehicle Act* and Part II (Littering) of HRM By-Law S-300 (attached as Appendix F) provide for the issuance of Summary Offence Tickets in the amounts of \$445, \$387.50 and \$215 respectively. Staff are collectively reviewing education, communication and enforcement strategies currently undertaken by business units and Environmental Management Services (Solid Waste Division) will be leading the Spring 2006 Litter Campaign.

Current Regulations Considered Unenforceable

Odour Regulations

There are provisions for "obnoxious" odours in the current Land Use By-Laws. However, if there is a permitted use from which an odour may be expected as a normal product of the use, the odour would likely not be considered unreasonable. The Land Use By-Law provisions would only apply where the odour could be reasonably avoided by the occupant through the use of technology generally used in the industry.

It was determined that the current legislation in place in the former City of Dartmouth (By-Law N-300, Respecting the Abatement of Nuisances) is not enforceable because it is based on an enabling provision which no longer exists in the MGA. Similar to HRM By-Law N-200, Respecting Noise, the evidence that someone was disturbed by a particular odour would have to be proved in a court of law. A successful prosecution would be dependent on the evidence and the testimony of the person being disturbed by the odour. Accordingly, new/additional odour regulations have not been included in the proposed By-Law N-300, Respecting Nuisances.

There are 3 Parts being recommended to commence through the proposed nuisance by-law as follows:

Current Regulations Considered Applicable

Part 1 - Nuisance On Streets: Addresses loitering and activities that when conducted in a particular manner create a nuisance or disturbs an individual, causes damage to private or public property and causes safety issues. This Part of the by-law consists entirely of regulations, harmonized from previous by-laws in the former municipal units. The Police, as the policy and enforcement lead, felt that the existing legislation was effective in meeting operational requirements and did not require amendments.

Other Regulations Considered

Part 2 - Shopping Carts: Prevents the abandoning of shopping carts on public/private property, by

placing an onus on the cart owners to provide a cart recovery service. The proposed by-law provides for the seizure of abandoned carts, impoundment by the municipality, retrieval by owners, disposal by Municipality, and the collection of an impound fee from the cart owner. The cart owners can also be issued a Summary Offence Ticket for a shopping cart being removed from their property.

Part 3 - Nuisance From Smoke: Addresses activities that create smoke emissions into the atmosphere which unreasonably disturbs the comfort of or inconveniences persons in the vicinity, but does not include the emission of smoke as a result of smoking a cigarette, cigar or pipe.

Proposed Administrative Order 15 Amendment

Amendment to Administrative Order 15, Respecting License, Permit and Processing Fees: Required to establish a \$50.00 impound fee for retrieval of shopping carts impounded by HRM according to Section 8(c) of the proposed by-law.

BUDGET IMPLICATIONS

Part 1 - Nuisance On Streets: The proposed regulations are being retained from former municipal unit legislation, thus there will be no additional service demands. Hence, additional funding is not required.

Part 2 - Shopping Carts: The following funding will be requested in the 2006-07 Operating Budget Plan to provide the required cart impounding service: Real Property & Asset Management will require \$15,000 additional funding in cost from cost centre R381 and Transportation and Public Works will require \$15,000 in cost centre R721. If the required funding is not approved, there will not be adequate resources to provide the service.

Part 3 - Nuisance From Smoke: It is not anticipated that there will be a significant increase in calls for the service with the proposed regulations. Hence, additional funding is not required at this time.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

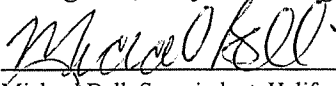
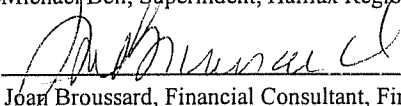
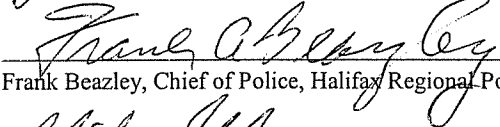
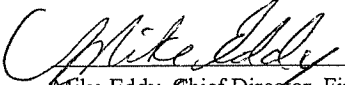
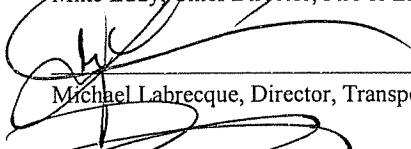
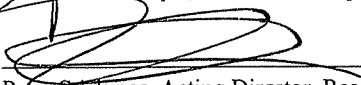
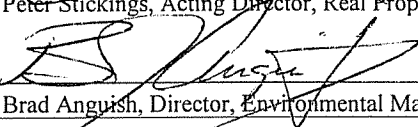
Council's alternatives include:

1. Maintaining the status quo, and not adopt By-Law N-300, Respecting Nuisances.
2. Adopt only certain Sections of By-Law N-300, Respecting Nuisances.
3. Adopt the three Part of the proposed by-law as three individual by-laws, to potentially enhance citizen awareness and understanding.

ATTACHMENTS

- Appendix A: Proposed By-Law N-300, Respecting Nuisances
Appendix B: Amendment to Administrative Order 15, Respecting License, Permit and Processing Fees
Appendix C: Former municipal by-laws being repealed through the proposed Nuisance By-Law
Appendix D: Applicable provisions in the *Criminal Code of Canada* and the *Nova Scotia Wildlife Act* regulating firearms
Appendix E: Proposed Provincial Safe Streets Act
Appendix F: Applicable provisions in the *Nova Scotia Environment Act*, *Nova Scotia Motor Vehicle Act* and *HRM By-Law S-300* regarding littering

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:	 Michael Bell, Superintendent, Halifax Regional Police	426-7485
Financial Review:	 Joan Broussard, Financial Consultant, Financial Services	490-6267
Report Approved by:	 Frank Beazley, Chief of Police, Halifax Regional Police	490-6500
	 Mike Eddy, Chief Director, Fire & Emergency Services	490-4238
	 Michael Labrecque, Director, Transportation and Public Works Services	490-4855
	 Peter Stickings, Acting Director, Real Property & Asset Management	490-7129
	 Brad Anguish, Director, Environmental Management Services	490-4825

APPENDIX A

HALIFAX REGIONAL MUNICIPALITY BYLAW N-300 RESPECTING NUISANCES

The Council of the Halifax Regional Municipality under the authority vested in it by Section 172(1)(a), (b), (c) and (d) and Section 174(f) of the *Municipal Government 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 owning the shopping cart.
 - (b) "Council" means the Regional Council of the Municipality;
 - (c) "Inspector" means the Inspector appointed by the Chief Administrative Officer or his designate;
 - (d) “Municipality” means the Halifax Regional Municipality”;
 - (e) “owner” means a person or business owning or providing shopping carts to its customers;
 - (f) “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.
 - (g) “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.

- (h) "public place" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, alley, park, square, lake, lake shore, municipal, provincial or federal owned lands or any other place to which the public has access to as a right or by invitation, express or implied;
- (i) "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.

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
 - (ii) obstructs any person,
 - (ii) creates a disturbance, or
 - (iii) causes any damage to any structure, sod, plant or tree;
 - (b) playing any game or sport including but without limiting the generality of the foregoing:
 - (i) sleighing, coasting or tobogganing;
 - (ii) climbing upon any trees or structures in a street;
 - (iii) throwing, propelling, flying, or hanging any objects, goods, stones, balls, snowballs or ice into or over a street;
 - (c) loitering, congregating or assembling in a manner which obstructs or disturbs other persons;
 - (d) 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.;
 - (e) entering, travelling, 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 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 of a business shall suffer or permit a shopping cart owned 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 of a business shall suffer or permit a shopping cart owned by the business to be abandoned upon any public or private property.

(3) No owner of a business shall knowingly have on their premises for the use of their customers shopping carts identified as belonging to another business establishment.

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

(5) The provisions of this section, with the exception of subsection (4) shall not apply to a business

(b) which has in place and implements a proactive cart-recovery service meeting the requirements of Section 7; or

(c) whose carts are equipped mechanically or electronically in such a manner that the carts cannot be easily removed from the premises

Information Required On Shopping Carts

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

(a) Name of cart owner or business or both;

(b) Valid telephone number and address for returning cart to owner; and

- (c) 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 parameters of a proactive cart-recovery service shall be:

- (b) Establishment of a dedicated phone line (telephone number as in clause (b) of Section 6 above).;
- (c) Notification on premises 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 prohibited;
- (d) Carts to be retrieved by owner within 24 hours of receipt of notification through dedicated phone line;
- (e) Cart retrieval to be at the expense of the cart owner.

Impoundment by Municipality

8. (a) Any municipal employee or agent may retrieve and impound any shopping cart abandoned on public property.
- (b) Notice of impoundment shall be given by the municipality to the owner within twenty-four (24) hours of cart impoundment.
- (c) An impound fee in the amount set by Administrative Order 15 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 of the shopping cart on the payment of the impound fee pursuant to subsection (c) of Section 8.

Disposal by the Municipality

10. (a) 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 notice.
- (b) The Municipality may immediately sell or otherwise dispose of any impounded shopping cart not identified as outlined in section 6 of this by-law.
- (c) All expenses incurred by the Inspector in seizing, removing, impounding, storing and disposing of the shopping cart may be recovered as a debt due from the owner of the

shopping cart as identified pursuant to Section 8 of this By-Law.

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.

Effective Date Of Part

12. This Part shall come into effect 1st day of June 2006.

PART 3 - NUISANCE FROM SMOKE

Smoke Nuisance Defined and Prohibited

13. (a) For the purposes of this Part, nuisance means the emission into the atmosphere of smoke by any means, which disturbs the comfort of or inconveniences persons in the vicinity, but does not include the emission of smoke as a result of smoking a cigarette, cigar or pipe.

(b) No person shall carry on any activity that creates or continues or suffers to be created or continued a nuisance in accordance with this Part.

Penalty

14. Any person who violates any of the provisions of this Part shall be guilty of an offence and shall, on summary conviction, be liable

- (a)** for the first offence to a penalty of not less than Two Hundred and Fifty Dollars (\$250.00) and of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a period of not more than one year or both, including the imposition of the minimum fine;
- (b)** for the second offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine;
- (c)** for the third offence or any subsequent offence to a penalty of not less than One Thousand Dollars (\$1,000.00) and of not more than Five Thousand Dollars (\$5,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.

REPEAL OF BY-LAWS

15. 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 Nuisance By-Law;
Ordinance 51 of the former City of Halifax, the Abatement of Smoke and Other Atmospheric Pollution
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

APPENDIX B

HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15

Respecting License, Permit and Processing Fees

BE IT ENACTED by the Council for the Halifax Regional Municipality that Administrative Order Number 15, Respecting License, Permit and Processing Fees, be amended as follows:

	<u>By-Law #</u>	<u>Short Title</u>	<u>Section</u>	<u>Fee</u>
2.	By-Law N-300	Nuisance By-law	S. 8(c)	\$50.00

Done and passed by Council this day of ,2003

MAYOR

MUNICIPAL CLERK

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted bylaw was passed at a meeting of the Halifax Regional Council held on

Vi Carmichael, Municipal Clerk

APPENDIX C

CITY OF HALIFAX ORDINANCE NUMBER 51

RESPECTING THE ABATEMENT OF SMOKE AND OTHER ATMOSPHERIC POLLUTION

BE IT ENACTED by the Mayor and City Council of the City of Halifax as follows:

1. This Ordinance may be referred to as "The Smoke Abatement Ordinance".

2. In this Ordinance and in the regulations - "dust" means gas-borne and air-borne particles larger than 10 microns in mean diameter; "dust-separating equipment" means an apparatus or device for separating solid matter from the gas medium in which it is carried; "fly-ash" means fine solid particles, consisting mostly of incombustible material, that are entrained in and carried by the gaseous products of combustion;

"fuel-burning equipment" means a furnace, incinerator, refuse-burning equipment, boiler, chimney, flue, stack, or any other apparatus, device, mechanism, or structure used on or in connection with the process of burning fuel or other combustible material, and includes a coal-burning steam shovel, but does not include an internal combustion engine or a vehicle; "fumes" means gases or vapours that are of such character as to create an unclean, destructive, offensive or unhealthful condition; "Inspector" means the Inspector of Buildings of the City of Halifax or the person from time to time performing the duties of that official under this Ordinance; "internal combustion engine" means an engine or turbine in which combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders or combustion chambers; "person" includes a partnership, association, syndicate, trust, corporation, department, bureau, agency or any other entity recognized by law as the subject of rights and duties; "regulations" means the resolutions passed by the Smoke Advisory Board pursuant to clause (d) of subsection (2) of Section 12 of this Ordinance; "Ringlemann Smoke Chart" means the Ringlemann Smoke Chart with instructions for its use as published by the United States Bureau of Mines when the same is used in accordance with such instructions; "smoke" means the gas-borne particles consisting essentially of carbonaceous material in sufficient number to be observable; "soot" means agglomerated particles consisting essentially of carbonaceous material; "stack" or "chimney" includes a flue, conduit or other opening arranged for emitting gases into the open air; "vehicle" includes a roller, derrick, crane, pile-driver, trencher, excavating machine other than a coal-burning steam shovel, portable hoisting engine, tar kettle or other apparatus which is not ordinarily permanently installed in one location but is used at various places over a wide area. 3. (1) The discharge or emission to the atmosphere or open air, within the limits of the City of Halifax, of smoke, dust, fly-ash, soot, fumes, or other solid or gaseous product or combustion the shade or appearance of which is equal to or greater than that described as No. 3 of the Ringlemann Smoke Chart or so dense that it cannot be seen through at the point of emission for a period of or periods aggregating six minutes in any one hour, is prohibited. (2) The discharge or emission to the atmosphere or open air, within the limits of the City of Halifax, of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion, the shade or appearance of which is equal to or greater than that described as No. 2 on the Ringlemann Smoke Chart, or so

dense as to be dimly seen through at the point of emission for a period of or periods aggregating ten minutes or more than any one hour, is prohibited.

(3) No person shall, in the City of Halifax, cause, suffer or allow to be discharged or emitted from any fuel burning equipment, internal combustion engine, vehicle, outside open fire, or premises, any smoke, dust, fly- ash, soot or fumes or other solid or gaseous product of combustion in violation of subsection (1) and (2) of this Section or to an extent which is detrimental to the property of any other person not being therein or thereupon engaged.

(4) All fuel-burning equipment in which pulverized fuel is or is intended or designed to be burned, spreader stokers or similar types of suspension-burning equipment, installed in the City of Halifax, after the coming into effect of this Ordinance, shall be provided with dust-separating equipment.

(5) No person shall, in the City of Halifax, cause, suffer or allow to be discharged or emitted from any fuel-burning or dust separating equipment, any dust, soot, or fly-ash exceeding 0.85 pounds per 1,000 pounds of gases, adjusted to 12 percent CO₂, except that dust, soot or fly-ash not exceeding 15 percent of the total dust soot or fly-ash entering any dust-separating equipment may be discharged or emitted to the atmosphere or open air; and for the purposes of this paragraph the amount of dust, soot or fly-ash in the gases shall be determined according to the Test Code for Dust Separating Apparatus of the American Society of Mechanical Engineers as attached to this Ordinance and signed by the Mayor and City Clerk.

4. (1) Each stack or chimney of every plant that burns or is intended or designed to burn solid or liquid fuel and has more than 500 square foot of boiler heating surface (50 H.P.) shall be equipped with an approved smoke indicator or recorder.

(2) For the purpose of this Section, "smoke indicator" includes, in the case of a boiler room having a fireman in constant attendance, a mirror or other device enabling the fireman to determine conditions at the top of the stack or chimney from the boiler room at all times, and, in the case of a boiler room not having a fireman in constant attendance, means a smoke indicator of a type which will sound an alarm or flash a signal to attract the attention of the fireman.

(3) This Section shall not apply to a stack or chimney that is readily visible to the fireman from the boiler room without the aid or use of a smoke indicator if a fireman is in constant attendance in such boiler room.

5. (1) Subject to the provisions of subsection (4) of this Section, no person shall in the City of Halifax erect, construct, reconstruct, install, alter or repair any fuel-burning equipment unless and until he shall have first obtained a permit, known as an Installation Permit, from the Inspector of Buildings.

(2) Every applicant for an Installation Permit shall file with the Inspector of Buildings at his office an application in the form provided by the Inspector, signed by himself or his duly authorized agent, which application shall be accompanied by the fees prescribed by Section 7, and plans and specifications, in duplicate, of the fuel-burning equipment and all work proposed in connection therewith, including the form, description and dimensions thereof, and of the building, if any, in which the fuel-burning equipment is or is to be located, the means provided or

proposed for admitting air for combustion, the character of the fuel to be used, the maximum quantity of fuel to be burned per hour, the operating requirements and the use to be made of such fuel-burning equipment and generally all particulars necessary to establish that the fuel-burning equipment and all proposed work in connection therewith for which application is made complies with this Ordinance and the regulations.

(3) Whenever an application in conformity with subsection (2) of this Section is filed with the Inspector of Buildings, he shall thereupon examine and either approve or reject the same, and in the event of approval the Inspector shall issue the permit applied for.

(4) (a) Subsection (1) of this Section shall not apply in the case of routine maintenance work or minor alterations or repairs which do not change the capacity of fuel-burning equipment to the method of combustion or do not adversely affect the production, emission or discharge of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion.

(b) In the case of an emergency repair where serious consequences would otherwise result, provided that application for the necessary Installation Permit is filed otherwise, in accordance with this Section, on the first business day following commencement of the repair work.

(5) The work of erecting, constructing, reconstructing, installing, altering or repairing fuel-burning equipment shall be commenced and proceeded with within one year from the date of the Installation Permit in respect to such work otherwise such permit shall be void.

(6) After any work of erecting, constructing, reconstructing, installing, altering or repairing any fuel-burning equipment is completed, the Inspector of Buildings shall inspect the same and, if such work conforms to the application, plans and specifications filed in respect of and to the provisions of this Ordinance and the regulations shall issue a permit, known as an Operating Permit, to the person to whom the necessary Installation Permit was issued, which Operating Permit shall be posted in a conspicuous position adjacent to the equipment.

(7) No person shall:

(a) commence, proceed with or continue any work of erecting, reconstructing, installing, altering or repairing any fuel-burning equipment without an Installation Permit or which is not in accordance with the application and plans and specifications filed pursuant to subsection (2) of this Section.

(b) Operate or use or cause, suffer or allow to be operated or used any fuel-burning equipment in respect of which an Installation Permit has been issued unless and until he shall have first obtained an Operating Permit pursuant to subsection

(6) of this Section and each day of operation of such equipment without such Permit shall constitute a separate offence.

(8) The issue of an Installation or Operating Permit shall not constitute a defence to a prosecution for a violation of any provision of Section 3 of this Ordinance.

6. (1) Where any prior existing chimney or stack is so located that the emissions or discharges therefrom are nuisance to the occupants of any building or structure subsequently erected or

where any building or structure subsequently erected adversely affects the draft of any such chimney or stack, such nuisance shall be abated or the adverse effect upon such draft shall be corrected as the case may be, either by increasing the height of the chimney or stack, or by making such other provision as may be deemed effective by the Inspector of Buildings.

(2) The work of increasing the height of the chimney or stack or making such other provisions as may be deemed effective by such Inspector shall be done by the owner of the building or structure of which the chimney or stack forms part and at his expense.

7. Every applicant for a Permit under this Ordinance shall pay, at the time of filing his permit application, a fee of five dollars (\$5.00) for the permit to be issued.

8. The Inspector of Buildings shall be reasonable for the enforcement of this Ordinance and the regulations and his duties shall, among others be as follows:

(a) to investigate complaints, make observations of smoke conditions and take the necessary and proper action to abate nuisances therefrom;

(b) to issue permits, certificates and notices under this Ordinance and the regulations, and to keep records of applications, plans, specifications, permits, certificates, violations, complaints and other matters on file for Departmental use only;

(c) to examine the plans and specifications for all new buildings and alterations of or repairs to existing buildings for the purpose of ascertaining that such buildings when erected, altered or repaired will meet the requirements of this Ordinance and the regulations;

(d) to examine the plans and specifications for the erection, construction, reconstruction, installation, alteration or repair of fuel-burning equipment and the issuance of Installation Permits in respect thereof;

(e) to inspect the erection, construction, reconstruction, installation, alteration or repair of all fuel-burning equipment for which Installation Permits have been issued and the issuance of Operating Permits in respect thereto;

(f) to publish and disseminate information on the method of smoke reduction;

(g) to enlist the cooperation of civic, technical, scientific and educational groups, societies or organizations in respect of the reduction and abatement of smoke and other atmospheric pollution.

9. (1) The Inspector and every person appointed to assist him in carrying out his duties under this Ordinance and the regulations may, at all reasonable hours, enter upon any property in order to ascertain whether or not this Ordinance or regulations are being complied with.

(2) The Inspector may require the owner, occupant, manager or agent of any property to make such tests of or alterations in fuel- burning equipment thereon or the manner of operating the same as may, in his opinion, be necessary to prevent or lessen the emission or discharge to the atmosphere or open air of smoke, dust, fly-ash, soot, fumes or other solid or gaseous products of combustion.

10. No person shall in any manner obstruct, hinder, delay, resist, prevent or in any way interfere or attempt to interfere with the Inspector or any person appointed to assist him in the carrying out of his duties under this Ordinance or the regulations or refuse them or any of them entry upon any property or premises at any reasonable time in the course of duty.

11. Notwithstanding any provision of this Ordinance or of the regulations, the Inspector may permit deviations or exemptions from the requirements of this Ordinance and the regulations for such period of time and to such extent and upon such terms and conditions as he may from time to time determine.

12. (1) (a) A Board, named the Smoke Abatement Advisory Board, (hereinafter referred to as the Board), consisting of seven members, six of whom shall be appointed by the Council is hereby established.

(b) The Inspector shall be a member ex officio of the Board and a majority of the members shall not be members of the Council.

(c) Except in the case of the Inspector, the members of the Board shall hold office for the term of four years and until their respective successors are appointed and shall be eligible for reappointment, provided that any member appointed from the Council shall upon ceasing to be a member of the Council cease to be a member of the Board.

(d) Upon the death or resignation of any member of the Board, his successor shall be appointed by the Council at the next following meeting thereof for the balance of such term of office.

(e) Four members of the Board shall constitute a quorum.

(f) The Board shall at the first meeting in each year appoint one of its members to be Chairman.

(g) The Board may meet and adjourn from time to time, at pleasure, or may be summoned at any time by its Chairman.

(h) The City Clerk shall provide all secretarial and clerical facilities required by the Board.

(2) The Board shall have the following duties and powers:

(a) to act in a general advisory capacity to the Council and to the Inspector.

(b) to advise the Inspector as to progress in fuel- burning technique and equipment.

(c) to hear and determine appeals from decisions and orders of the Inspector brought in accordance with Section 13 and to confirm, vary or reverse any such decision or order.

(d) to pass resolutions regulating, in a manner not inconsistent with this Ordinance, the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of fuel-burning equipment, internal combustion engines and vehicles, and, from time to time, alter or revoke any such regulation.

13. (1) Any person complaining of an order or decision of the Inspector may personally, or by his agent, give notice in writing to the Inspector that he intends to appeal such order or decision and

shall therein state the name and address where notices may be served upon him.

(2) The notice of appeal shall be given to the Inspector within ten (10) days after the day upon which the order or decision complained of is made.

(3) The Inspector shall forthwith, after receipt of a notice of appeal, forward the same to the Chairman of the Board and the Chairman shall appoint a day within fifteen (15) days after receipt of the notice for the hearing of the appeal.

(4) The Board shall communicate its decision to the Inspector who shall forthwith notify the appellant.

14. Every person engaged in selling or leasing for installation in the City of Halifax any fuel-burning equipment shall, within ten (10) days of every sale or lease by him of any such equipment, report in writing to the Inspector particulars of such sale or lease, including the name and address of the purchaser, a description of the equipment sold or leased, the place of delivery and the location of the building or place in which the equipment is to be installed.

15. All persons owning, operating, or in charge or control of any fuel-burning equipment who violate or cause, suffer or allow any violation of this Ordinance or of the regulations, either as owners, occupants, managers, agents, superintendents, janitors, engineers, firemen, constructors, installers, mechanics, repairmen, or otherwise shall be jointly and severally liable to the penalties imposed by this Ordinance.

16. Every person who contravenes:

(a) any of the provisions of this Ordinance or of the regulations;

(b) any decision or order of the Inspector pursuant to this Ordinance; or,

(c) any decision of the Board, shall upon conviction thereof be liable to a penalty not exceeding Fifty Dollars (\$50.00) for the first offence, One Hundred Dollars (\$100.00) for the second offence, and Two Hundred Dollars (\$200.00) for the third and for each subsequent offence.

17. No action or prosecution for a violation of this Ordinance shall be commenced without the consent of the Committee on Works of the City of Halifax nor after the expiration of sixty (60) days from the time of the commission of the alleged offence.

18. This Ordinance shall be known as "Ordinance Number 51".

Passed City Council:

First Reading: October 11, 1956

Second Reading: November 15, 1956

Approval of M.M.A.: December 5, 1956

Subsection (1) of Section 12 - passed Council

First Reading: January 16, 1958

Second Reading: February 13, 1958

Approval of M.M.A.: March 4, 1958

CITY OF HALIFAX
ORDINANCE NUMBER 159

RESPECTING THE DISCHARGE OF GUNS OR OTHER FIREARMS

BE IT ENACTED by the City Council of the City of Halifax, under the authority of Section 341(k) of the Halifax City Charter, 1963, as that clause is enacted by Section 4 of Chapter 77 of the Acts of 1973, as follows:

Number and Short Title

1. This Ordinance shall be known as Ordinance Number 159, and may be cited as the "Firearms Ordinance".

Definitions

2. In this Ordinance

(a) "air-rifle" means an air-rifle, air-gun, or any instrument or device for projecting missiles by air pressure obtained by mechanical means;

(b) "City" means the City of Halifax;

(c) "firearm" means any lethal barrelled weapon of any description from which a projectile or other missile can be discharged by the action of an explosive or compressed gas, or the igniting of flammable or explosive substances and includes an air-rifle.

Prohibit

3. No person shall fire or discharge a firearm in the City.

Exceptions

4. The provisions of this Ordinance shall not apply to

(a) a peace officer in the lawful discharge of his duty;

(b) a member of the Armed Forces, for drill or ceremonial purposes;

(c) the discharge of a firearm by any person in self-defence when his life is endangered;

(d) the discharge of a starting pistol by any person when used to start a sporting event;

(e) the discharge of a firearm on a firing range.

Penalty

5. Every person who violates the provisions of this Ordinance shall be liable to a penalty not exceeding Five Hundred Dollars for each offence, and in default of payment thereof to imprisonment for a period not exceeding sixty days.

Notice of Motion to Introduce: August 16, 1973

First Reading: August 30, 1973

Committee of the Whole Council: September 5, 1973

Second Reading: September 11, 1973

Approval of M.M.A.: October 31, 1973

WE HEREBY CERTIFY THAT THE FOREGOING ORDINANCE NUMBER 159 OF THE CITY OF HALIFAX RESPECTING "THE DISCHARGE OF GUNS OR OTHER FIREARMS" WAS READ AND PASSED A FIRST AND SECOND TIME AT REGULAR MEETINGS OF THE HALIFAX CITY COUNCIL HELD ON AUGUST 30 AND SEPTEMBER 11, 1973, RESPECTIVELY.

(Signed) W.R. Fitzgerald
MAYOR

(Signed) R.H. Stoddard
CITY CLERK

AMENDMENTS:

No.1 Notice of Motion to Introduce: January 31, 1985

First Reading: February 14, 1985

Committee of the Whole Council: February 20, 1985

Second Reading: February 28, 1985

Approval of M.M.A.: March 29, 1985

ORDINANCE 180

PART VI - ABATEMENT OF NUISANCE ON STREETS

41. (1) No person shall create, continue or suffer any nuisance to exist on or near a street.

(2) 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, sod, plant or tree.

(b) playing any game or sport including but without limiting the generality of the foregoing:

(i) sleighing, coasting or tobogganing;

(ii) football, cricket, baseball, or hockey;

(iii) performing ropewalking, gymnastics displays or athletic feats;

(iv) climbing upon any trees or structures in a street;

(v) throwing, propelling, flying, or hanging any objects, goods, stones, balls, snowballs or ice into or over a street.

(c) loitering, congregating or assembling in a manner which obstructs or disturbs other persons.

(d) shouting, swearing, using provocative, loud, obscene, suggestive, or profane language or gestures or challenging other persons to fight.

(e) 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 the safety of persons using the street.

(f) entering, travelling, or driving, in along or across any closed street or within the closed portion of any street without the permission of the Director.

(g) placing upon the street for sale, or showing, any goods, wares or merchandise or any sign board or advertising board, except in accordance with Parts VII and VIII of this Ordinance.

(h) distributing any handbills or other papers by scattering them on the street.

(i) raising or hoisting any goods into any door or window of any upper store, or lower or throw down any goods from such door or window.

42. Persons waiting in any street in attendance for the opening of any theatre or other place of amusement or public meeting or any other place open to the public or at any public transit stop shall do so in an orderly manner so as not to obstruct the use of the street nor the approach to any adjacent premises; and every person so attending shall obey the instructions of any police officer as to where he shall stand or take a following place in any queue or line of persons so in attendance, and any person failing to obey any such instructions shall be liable to a penalty as hereinafter provided.

43. Persons shall not stand or loiter in the doorway of any place, or in any private alley, or other private place opening on to any street, unless they are standing or loitering for the purpose of obtaining access to such place, or for some other purpose of business requiring their presence in that place, and the burden of proving such purpose shall be on any person so standing or loitering, and any person failing to satisfy a police officer that he is so standing or loitering from some purpose of business, and failing to depart from such place when so directed may be arrested.

CITY OF DARTMOUTH

BY-LAW A-300

Being a by-law of the City of Dartmouth to restrict the use of air guns and air rifles or any instrument or device for projecting objects.

The Council of the City of Dartmouth enacts as follows:

1. In this by-law "air rifle" means any air gun or air rifle or any instrument or device for projecting objects:

(a) by air pressure obtained by mechanical means, or

(b) by means of cylinders or containers of compressed gas.

2. No person shall within the City of Dartmouth discharge any air rifle.

3. Every person who contravenes any provisions of this by-law shall be liable to a fine of not less than \$50.00 and not exceeding \$100.00 and in default of payment to imprisonment for a period not exceeding ten days.

4. By-law C-466 is hereby repealed.

Done and Passed in Council this _____ day of _____, A.D. 198 .

Mayor

City Clerk

BY-LAW F-300

Being a By-law of the City of Dartmouth to prohibit the firing of guns or other firearms in the City of Dartmouth.

The Council of the City of Dartmouth hereby enacts as follows:

1. No person shall within the City of Dartmouth discharge any gun, rifle, pistol or firearm of any kind.
2. This by-law shall not apply to:
 - (a) any Peace Officer or licensed armed guard who discharges a firearm in the performance of his duties; or
 - (b) the use of a fire arm for target practice upon the premises of and under the auspices of a Shooting club which has been approved by the Attorney General of Nova Scotia pursuant to the Criminal Code.
3. Every person who contravenes any provision of this by-law shall be liable to on conviction a penalty of not less than \$100.00 dollars and not exceeding \$500.00 dollars and in default of payment to imprisonment for a period not exceeding 10 days.
4. By-law C-518 is hereby repealed.

Done and passed in Council this day of A.D. 198

Mayor

City Clerk

BY-LAW L-400

Being a by-law of the City of Dartmouth to prohibit the Littering of Streets and Public Places.

1. No person, firm or corporation shall litter any of the streets, alleys, sidewalks, parks, lakes, lake shores, City owned lands or public places within the City of Dartmouth by throwing, depositing, dropping, dumping or spilling any trash, paper, dirt, mud, ashes, sand, grass, leaves, garbage or bottles.
2. Every person, firm or corporation owning or operating a commercial business from the ground level of premises abutting a public sidewalk shall keep the sidewalk and gutter in front of the premises broom-clean and free of all litter. Litter shall not be swept from the sidewalks into the abutting gutter or street.
3. Every person, firm or corporation, club, society or church selling food or drink or confectionery anywhere in the City of Dartmouth, excepting in an area zoned C-1, C-1A, C-2, C-2A, I-1, I-1A, I-1B, G-C or S-C, shall provide and locate all waste and disposal containers as required by the Building Inspector of the City of Dartmouth and shall maintain all streets, sidewalks, and public land within 500 feet of the premises from which the goods are sold free of paper, bottles and other litter.
4. By-law C-119 is hereby repealed. Done and Passed in Council this day of , 198

Mayor

City Clerk

BY-LAW L-600

Being a by-law of the City of Dartmouth with respect to the abatement of nuisance from Loitering.

The Council of the City of Dartmouth enacts as follows:

1. In this by-law "common area" includes an entrance, a hall, corridor, washroom, parking area, driveway, road, street, sidewalk or alley of any shopping centre, shopping mall or other shopping complex.

2. (1) No person shall stand or loiter on or about the doorway, step or entrance of buildings or on or about school property or on any road, street, walkway or alley in the City of Dartmouth;

(2) No one shall stand or loiter in the common areas of a shopping centre, shopping malls or shopping complex in the City of Dartmouth. (C- 439)

3. It shall be a defence to any prosecution under this by-law if the accused establishes that he was standing or loitering in a prohibited place for the purpose of obtaining access to such place or for some other purpose of business requiring his presence in that place.

4. Any person who violates any provision of this by-law is guilty of an offense and liable to a penalty not exceeding Fifty Dollars (\$50.00) and in default of payment, to imprisonment for a period not exceeding thirty (30) days,

5. By-law C-326 as amended is hereby repealed. Done and Passed in Council this day of A.D. 19

Mayor

City Clerk

By-Law No. N-300

Being a by-law of the City of Dartmouth with respect to the abatement of Nuisances.

1. In this by-law a nuisance shall be deemed to be any odor or substance which unreasonably interferes with the enjoyment of life by a person or persons in the City of Dartmouth.

2. On receipt of a complaint of a nuisance, City Council may direct the City Clerk to send a Notice of

Hearing to the person creating the nuisance, or the assessed owner, tenant, or occupant of the land and

buildings from which the nuisance emanates.

3. The City Council, not earlier than ten (10) days after the Notice of Hearing has been served on the assessed owner, tenant, or occupant, shall hear the complain and any answer thereto by the assessed owner, tenant, or occupant.

4. If City Council is satisfied that a nuisance is emanating from the land of the assessed owner, tenant, or occupant, City Council shall order the assessed owner, tenant, or occupant to take immediate steps within his, or her or its power to abate the nuisance and City Council shall specify what steps the assessed owner, tenant, or occupant shall take and the time within which the action is to be taken.

5. If the assessed owner, tenant, or occupant fails to take any of the steps to abate the nuisance within the time specified by Council, the assessed owner, tenant, or occupant shall be guilty of an offence against this by-law.

6. Service on an assessed owner, tenant, or occupant as required under this by-law shall be sufficient if

sent by registered mail to the address of the assessed owner, tenant, or occupant, or if served personally.

Done and passed in Council this 5th day of September 1989.

Mayor

City Clerk

BE IT RESOLVED that the following be adopted and enacted as a By-Law of the Town of Bedford under the authority of the Town's Act, R.S.N.S. 1989, c.472, as amended when and if the same receives the approval of the Minister of Municipal Affairs, and the Clerk is hereby instructed to forward same to the Minister of Municipal Affairs with a request for his approval.

TOWN OF BEDFORD

BY-LAW NO. 22104

LOITERING BY-LAW

1. No person shall loiter on or about the steps or entrances of buildings nor on the streets of the Town of Bedford.
2. Any person who violates this By-Law is guilty of an offence and liable, upon summary conviction, to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars to exceed Fifteen (15) days.
3. By-Law No. 22104 of the By-Laws of the Town of Bedford - a By-Law respecting Loitering - which had been a By-Law of the operation of the County of Halifax and which has been in operation in the Town of Bedford by an Order issued pursuant to the Municipal Boundaries and Representation Act, is hereby repealed for all areas within the jurisdiction of the Town of Bedford.

APPROVED BY TOWN COUNCIL ON

OCTOBER 15, 1991

APPROVED BY MINISTER OF

MUNICIPAL AFFAIRS ON DECEMBER

2, 1991

TOWN OF BEDFORD
by-law NUMBER 22141
RESPECTING THE DISCHARGE OF FIREARMS

BE IT ENACTED by the Town Council of the Town of Bedford, under the authority of Sections 221(19), and 227 (1) of the Town's Act, R.S.N.S. 1967, and amendments thereto.

1. This by-law shall be known as by-law Number 22141-1 and shall be cited as the "Firearms by-law".

2. In this by-law:

(a) "Town" means the Town of Bedford.

(b) "Town Boundaries" means the boundaries of the Town of Bedford.

(c) "Firearm" means any barrelled device from which any shot, bullet, or other projectile may be discharged, and includes anything that can be adapted for use as a firearm.

3. No person shall discharge a firearm within the Town Boundaries.

4.* Section 3 of this by-law shall not apply to:

(a) a member of any police force who discharges a firearm in the course of duty;

(b) a duly appointed special constable who discharges a firearm in the course of duty;

(c) any person who discharges a firearm, under the supervision of a Range Officer, on the property of the Department of National Defence rifle range located within the Town boundaries of the Town of Bedford;

(d) a person who discharges a firearm, using blank cartridges, as part of a sporting event within the Town of Bedford;

5. Every person who contravenes or fails to comply with the provisions of this by-law shall be liable to a penalty not exceeding One Thousand Dollars (\$1,000.00); and in default of payment of such penalty, to imprisonment for a period not exceeding ninety (90) days.

APPROVED BY TOWN COUNCIL ON
SEPTEMBER 22, 1986.

APPROVED BY MINISTER OF
MUNICIPAL AFFAIRS ON
SEPTEMBER 30, 1986.

*AMENDMENT APPROVED BY TOWN
COUNCIL ON OCTOBER 19, 1987.

*AMENDMENT APPROVED BY
MINISTER OF MUNICIPAL AFFAIRS
ON DECEMBER 1, 1987.

Halifax County Municipality By-law 08

Loitering

4. No person shall loiter on or around the steps or entrances of buildings, or on roads, streets or sidewalks.

Air Guns and Sling Shots

5. No person shall buy, sell or keep any air rifle, air gun or sling shot.

5A. Section 5 shall not apply to

- (i) the keeping of an air rifle or air gun for the sole purpose of being used on a firing range approved by the Minister of Justice;
- (ii) the keeping of CO2 powered paint marking devices in and the transporting of same to those areas of the Municipality identified and described in Schedule "B".

(Passed May 2, 1995; Approved May 25, 1995, Passed October 17, 1995; Approved November 17, 1995)

Firearms

6. No person shall without due regard to the safety of others discharge any gun or other firearm in or near any public place or way, or in or near any dwelling, store or other building, or in any cultivated field, or in any enclosure.

BE IT RESOLVED that the following be and the same is hereby adopted and enacted as a By-law of the Municipality of the County of Halifax when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

**1975 SEPTEMBER SESSION
BY-LAW NO. 39**

A BY-LAW RESPECTING LOITERING

Short Title

1. This By-Law shall be known as and may be cited as the "Loitering By- Law".
2. In this By-Law "common area" includes entrances, halls, corridors, washrooms, parking areas, driveways, roads, streets, sidewalks or alleys of any shopping centre, shopping mall or other shopping complex. (Passed July 20, 1976, Approved August 9, 1976)

No Loitering

3. No person shall stand or loiter on or about the doorways, steps or entrances of buildings, school property, or on any roads, streets, walkways or alleys, or in the common areas of shopping centres, shopping malls or shopping complexes, in Halifax County Municipality. (Passed July 29, 1976, Approved August 9, 1976).

Defence

4. It shall be a defence to any prosecution under this By-Law if the accused establishes that he was standing or loitering in a prohibited place for the purpose of obtaining access to such place or for some other purpose of business requiring his presence in that place. (Passed July 20, 1976, Approve August 9, 1976)

Penalty

5. Any person who violates any provision of this By-Law is guilty of an offence and liable to a penalty not exceeding Fifty Dollars (\$50.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days. (Passed July 20, 1976, Approved August 9, 1976)

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy was duly passed at a duly called meeting of the Municipal Council of Halifax County Municipality duly held on the 16th day of September A.D. 1975.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this 19th day of September A.D. 1975.

H.G. Bensted (sgd.)
Municipal Clerk

DEPARTMENT OF MUNICIPAL AFFAIRS
Recommended for approval of the Minister

(sgd) F. Robertson
Departmental Solicitor

APPROVED this 12th day of February, 1976.

(sgd) J.F. Mooney Minister of Municipal Affairs

BE IT RESOLVED that the following be and the same is hereby adopted and enacted as a By-law of Halifax County Municipality when and if the same has received the approval of the Minister of Municipal Affairs, and that the Municipal Clerk be and he is hereby instructed to forward the same to the Minister and request his approval hereof.

1981 SECOND SEPTEMBER SESSION

BY-LAW NO. 47

**A BY-LAW RESPECTING THE DUMPING OF
GARBAGE AND LITTER**

Title

1. This by-law shall be known as and may be cited as the "Anti-Dumping By-Law".

Depositing of Litter Prohibited

2. It shall be unlawful for any person, firm or corporation in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in Halifax County Municipality or within the jurisdiction of Halifax County Municipality, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. This section shall not apply to the deposit of material under a permit authorized by an ordinance of the County; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two hours after being so deposited; or to articles or things deposited in or conducted into the sewer system through lawful drains in accordance with the Bylaws and Regulations of the County relating thereto.

2A. The collection of garbage and litter shall be made throughout Halifax County Municipality at least once a week provided that such garbage and litter is properly stored for collection, near an easily accessible roadway, in a tightly covered container or a plastic bag which shall have a capacity so that it may be lifted and carried easily by one man. Garbage and litter to be so removed shall only be so placed subsequent to the hour of 10:00 p.m. on the evening prior to the designated day of collection. (Amended September 15, 1981, approved October 5, 1981).

Penalty

3. Any person, firm or corporation violating any of the provisions of this By-Law shall be liable on summary conviction penalty of not less than Two Hundred and Fifty Dollars and not more than One Thousand Dollars for each offense, and in default

of payment to imprisonment for a term of not more than ten (10) days.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy was duly passed at a duly called meeting of the Municipal Council of Halifax County Municipality duly held on the 15th day of September A.D.1981.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this 16th day of September A.D. 1981.

Municipal Clerk

DEPARTMENT OF MUNICIPAL AFFAIRS

Recommended for approval of the Minister

(sgd) F. Robertson

Departmental Solicitor

APPROVED this 25th day of

November, 1981.

(sgd) Jack MacIsaac

Minister of Municipal Affairs

Amendment # 1 HRM V-101

Amending Section 3

Notice of Motion: August 19, 2003

First Reading: August 26, 2003

“Notice of Public Hearing” Publication: September 6, 2003

Second Reading: September 23, 2003

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

Effective Date: September 27, 2003

APPENDIX D

CRIMINAL CODE OF CANADA

Definitions:

imitation firearm - means any thing that imitates a firearm, and includes a replica firearm

replica firearm - means any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm, and that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm

weapon - means any thing used, designed to be used or intended for use

(a) in causing death or injury to any person, or

3. for the purpose of threatening or intimidating any person

and, without restricting the generality of the foregoing, includes a firearm

86 (1) Every person commits an offence who, without lawful excuse, uses, carries, handles, ships, transports or stores a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any ammunition or in a careless manner or without reasonable precautions for the safety of other persons.

88 (1) Every person commits an offence who carries or possess a weapon, an imitation of a weapon, a prohibited device or any ammunition or prohibited ammunition for a purpose dangerous to the public peace or for the purpose of committing an offence

NOVA SCOTIA WILDLIFE ACT

11 (1) No person shall at any time hunt, take or kill or attempt to hunt, take or kill wildlife or discharge a weapon within 804 metres of a school

3. ... a firearm loaded with a rifle cartridge, single ball or slug within 402 meters of a dwelling, playground, golf course, athletic field, woods operation, place of business or public building other than a school

4. ... a shotgun loaded with shot or a bow within 182 meters of a dwelling, playground, golf course, athletic field, woods operation, place of business or public building other than a school

APPENDIX E

PROPOSED SAFE STREETS ACT

Be it enacted by the Governor and Assembly as follows:

Name

1. This Act be cited as the *Safe Streets Act*.

Definition

2. In this Act,
 - (a) “aggressive manner” means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security;
 - (b) “highway” has the same meaning as in the *Motor Vehicle Act*;
 - (c) “public transit vehicle” means a vehicle operated by, for or on behalf of the Government of Nova Scotia, a municipality in Nova Scotia or a transit commission or authority in Nova Scotia, as part of a regular passenger transportation service;
 - (d) “solicit” means to request, in person, the immediate provision of money or another thing in value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means;
 - (e) “vehicle” includes automobile, motorcycle, van, truck, trailer, bus, mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, streetcar, and any other vehicle drawn, propelled or driven by any kind of power, including muscular power.

Solicitation in aggressive manner prohibited

3. (1) No person shall solicit in an aggressive manner.

Examples

- (2) Without limiting subsection (1), a person who engages in one or more of the following activities shall be deemed to be soliciting in an aggressive manner for the purpose of this section:
 - (a) Threatening the person solicited with physical harm, by word, gesture or other means, during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 - (b) Obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 - (c) Using abusive language during the solicitation or after the person solicited

responds or fails to respond to the solicitation;

- (d) Proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
- (e) Soliciting while intoxicated by alcohol or drugs; or
- (f) Continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation.

Solicitation of captive audience prohibited

4. (1) No person shall,

- (a) solicit a person who is using, waiting to use, or departing from an automated teller machine;
- (b) solicit a person who is using or waiting to use a pay telephone or a public toilet facility;
- (c) solicit a person who is waiting at a taxi stand or a public transit stop;
- (d) solicit a person who is in or on a public transit vehicle;
- (e) solicit a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
- (f) while on a highway, solicit a person who is in or on a stopped, standing or parked vehicle.

Exceptions

(2) Subsection (1) does not apply to fund-raising activities that meet the following conditions:

- (a) They are conducted by a charitable organization recognized by Revenue Canada;
- (b) They are conducted by a non-profit organization on a roadway where the maximum speed limit is 50 kilometres per hour; and
- (c) They are permitted by a By-Law of the municipality.

Offence

5. (1) Every person who contravenes section 3 or 4 of this Statute is guilty of an offence and is liable, on summary conviction
- (a) on a first conviction, to a penalty of not less than one hundred dollars nor more than five hundred dollars; and
 - (b) on each subsequent conviction, to a penalty of not less than two hundred dollars nor more than one thousand dollars
- or to imprisonment for a term not more than six months, or to both.

Subsequent conviction

- (2) For the purpose of determining the penalty to which a person is liable under subsection (1),
- (a) a conviction of the person of a contravention of Section 3 is a subsequent conviction only if the person has previously been convicted of a contravention of Section 3 or 4; and
 - (b) a conviction of the person of a contravention of Section 4 is a subsequent conviction only if the person has previously been convicted of a contravention of Section 3 or 4.

Arrest without warrant

6. A police officer who believes on reasonable and probable grounds that a person has contravened Section 3 or 4 may arrest the person without warrant if,
- (a) before the alleged contravention of Section 3 or 4, the police officer directed the person not to engage in activity that contravenes that section; or
 - (b) the police officer believes on reasonable and probable grounds that it is necessary to arrest the person without warrant in order to establish the identity of the person or to prevent the person from continuing or repeating the contravention.

APPENDIX F

NOVA SCOTIA ENVIRONMENT ACT

Litter prevention

(2) No person shall release or permit the release of litter into the environment, except as authorized by this Act or the regulations. 1994-95, c. 1, s. 99.

NOVA SCOTIA MOTOR VEHICLE ACT

Throwing object at vehicle or on highway

(4) No person shall throw or otherwise deposit from any vehicle on the highway any litter, refuse, garbage, rubbish or other matter.

HRM BY-LAW S-300, RESPECTING STREETS

PART II - USE OF SIDEWALKS

Littering

10. (1) Owners shall maintain the area between the curb and their property line free from garbage, waste or debris whether or not it is placed in containers.

(2) Where the owner fails to maintain the area between the curb and their property line as required by subsection (1) the Engineer or a peace officer may serve an Order to remove Improperly Placed Solid Waste upon the owner by posting the Order in a conspicuous place
5

upon the property. Such an Order shall not be given on a collection day for the property pursuant to By-Law S-600 Solid Waste Collection and Disposal by-law.

(3) If the solid waste is not removed from the sidewalk in accordance to the by-law and t 24 hour time period outlined in the Order to Remove Improperly Placed Solid Waste, t h e Engineer or a peace officer, may remove such garbage, waste or debris and may recover the cost of such work from the owner.

(4) The Municipality's cost in removing the garbage, waste or debris pursuant to subsection (3) shall constitute a lien against the property which shall be applied and enforced in the same manner as for rates and taxes under the Assessment Act.

(5) Abutters who operate an eating establishment shall empty all garbage receptacles within the sidewalk abutting the eating establishment immediately prior to closing each day.

INFORMATION ITEMS
January 24, 2006

1. Proclamation - White Cane Week - February 5 -12, 2006
2. Memorandum from Director, Financial Services dated January 20,2006
re: Second Quarter 2005 / 2006 Financial Report
3. Memorandum from Acting Director, Legal Services dated
January 19, 2006 re: Status of By-Law Prosecutions
4. Memorandum from Acting Director, Legal Services dated
January 13, 2006 re: Amalthea Holding Ltd. Planning Appeal -
5621 Rainnie Drive, Halifax
5. Memorandum from Director, Human Resource Services dated
January 20, 2006 re: Council Remuneration
6. Memorandum from Director, Transportation and Public Works
dated January 9, 2006 re: Amendments to Parking By-Law /
Municipal Parking Garage, Parking Exemption for Motor Scooters
and Motorcycles
7. Memorandum from Director, Transportation and Public Works
dated January 10, 2006 re: Petition - Dartmouth Road
8. Memorandum from the Municipal Clerk, dated January 19, 2006
re: Requests for Presentations to Council - None

