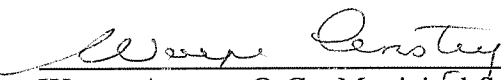


**Halifax Regional Council**  
**April 16, 2002**  
**6:00 p.m.**

**TO:** Mayor Kelly and Members of Regional Council

**SUBMITTED BY:**   
Wayne Anstey, Q.C., Municipal Solicitor

**DATE** 10 April 2002

**SUBJECT** By-law R-105 - Repeal of Redundant By-laws

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**SUPPLEMENTARY REPORT**

**ORIGIN**

At the meeting of Halifax Regional Council held on March 26, 2002, a staff report providing more detail on why each by-law was being recommended for repeal and a copy of the by-laws being repealed be provided to Council was requested. In particular, it was indicated that staff would provide a report indicating what the usage, impact and relevance the Tag Day By-law has had over the last several years.

**BACKGROUND/DISCUSSION:**

The reasons for the recommended repeal of the various by-law are as follows:

**Halifax Regional Municipality By-law:**

N-100 Re Noise - This Bylaw was a one time only by-law dealing with the construction of the third lane on the MacDonald Bridge and with the completion of that project is no longer needed.

**Former City of Halifax Ordinances:**

34 Re Curfew - This By-law is contrary to the Charter of Rights and Freedoms being an unreasonable violation of the rights respecting discrimination based on age and therefore is unenforceable. A report was prepared for Halifax City Council on this issue on December 07, 1992. A copy of that report is attached as Appendix "A" to this report. The legal situation has not changed since that report was written. No such by-laws existed in any of the former municipalities prior to amalgamation. It is understood that this was due to the constitutional problem. Furthermore, the existing By-law has not been enforced by the Police for some years.

37 Re Fire Crackers - This By-law is redundant in that it deals with a subject matter which is now regulated by the *Fireworks Act*.

55 Re Tag Days - This By-law has not been utilized as much in recent years since the popularity of tag days has diminished in relation to other forms of fund raising. In the past, in the City of Halifax, there were often several requests for tag day permits for each weekend of the year. The total number of licenses issued annually was well over 100. The main purpose of the by-law was to ensure that only a limited number of groups were out in the community raising funds through this medium at any one time. In recent years, the popularity of tag days as a fund raising medium has diminished.. Furthermore, for those that continue, the most popular spots for such activities are at shopping centers and other private property. The number of taggers at these locations is controlled by the owners and do not require the intervention of the municipality. No such Bylaws exist in the other areas of the municipality other than the former City of Halifax. The number of licenses issued in recent years have been:

1999 - 11 organizations requested tag days  
2000 - 11 organizations requested tag days  
2001 - 09 organizations requested tag days  
2002 - 02 requests to June 2002

101 Re Corporate Seal, Armorial Achievement and Flag - This By-law has been replaced by Administrative Order 19.

#### **Former City of Dartmouth By-laws**

A-400 Re Armorial Achievement - This By-law has been replaced by Administrative Order 19.

C-200 Re Circus Owners and Operators - The matters covered in this By-law now come under the Fire and Health Regulations.

C-400 Re Community Planning and Development Control - This By-law has been superceded by the new Corporate Structure and the Planning and Subdivision provisions and procedures under the *Municipal Government Act*, and a copy of the by-laws being repealed be provided to Council

F-400 Re Flag - This By-law has been replaced by Administrative Order 19.

L-300 Re Licensing - This By-law has been superceded by the new Corporate Structure.

P-700 Re Pesticides - This By-law was replaced by HRM By-law P-800.

T-101 Re Repeal of Tag Day By-law T-100 - Redundant.

**Former Town of Bedford By-laws**

15104 Re Tax Deed Fees - This By-law was replaced by HRM By-law T-500.

22401 Re Bonfires - This By-law was replaced by HRM By-law O-101.

Economic Development Commission By-law - This organization no longer exists.

**Former Halifax County Municipality By-laws**

17 Re Municipal Parking - The subject matter of this By-law is now covered by the *Protection of Property Act* and signage posted pursuant to that legislation.

32 Re Ocean View Manor - This organization no longer exists.

54 Re Curfew - The subject matter of this By-law is now covered by the *Protection of Property Act* and signage posted pursuant to that legislation.

59 Re Cole Harbour Place Board - This organization no longer exists. The current board is incorporated under the *Societies Act*.

61 Re Sackville Community Committee - This organization no longer exists.

61 Re Cole Harbour/Westphal Community Committee - This organization no longer exists.

61 Re The Western Community Committee - This organization no longer exists.


Copies of the Bylaws which are available are attached to this report.

**ATTACHMENTS**

Appendix "A" - Opinion Re Curfew By-law  
- Copies of By-laws.

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Wayne Anstey, Q.C., Municipal Solicitor 490-4229.

Report approved by:   
Wayne Anstey, Director of Administrative Services 490-4229

## Appendix "A"

Committee of the Whole  
9 December 1992  
2:00 p.m.

TO : Her Worship the Mayor and Members of City Council

FROM : Wayne Anstey, Q.C., City Solicitor

DATE : 7 December 1992

SUBJECT : Ordinance 34 Respecting Children Under Sixteen  
Years of Age Being on the Streets of the City  
at Night (Alderman O'Malley)

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At the 12 November meeting of Halifax City Council Alderman O'Malley, reporting as a member of the Committee on the Concerns of Aging, noted that seniors are becoming extremely distressed by the increasing reports of groups of teenagers roaming the City's streets and threatening both passersby and property. The Alderman made reference to City Ordinance 34, Respecting "Children Under Sixteen Years of Age Being on the Streets of the City at Night", and suggested that the provisions of this bylaw might somehow be used to combat this problem

It was therefore moved by Alderman O'Malley, seconded by Alderman Hanson that this matter might be placed on the Agenda of the next Committee of the Whole (**scheduled for Wednesday, 18 November 1992**), and that the City Solicitor and the Chief of Police be asked to prepare a report on the feasibility of imposing a City curfew under the provisions of Ordinance 34.

A copy of Ordinance 34 is attached as Appendix "A" hereto. The Ordinance purports to make it unlawful for any youth under the age of 16 years to be on the streets of the City or in any other public place after the hour of 9:00 p.m. unless the youth is accompanied by a person over the age of 18 years in charge of such person or unless the youth is returning directly to his place of residence having left his place of residence before 9:00 p.m. The Ordinance also purports to empower the police to take any youth so found into custody. The Ordinance also purports to place a duty on the parent, guardian or legal custodian of such a youth to prevent the youth from contravening the Ordinance. The failure to perform this duty makes the parent, guardian or custodian liable to a fine not exceeding Twenty-five Dollars.

A separate report will be submitted by the Chief of Police outlining the problems which would be encountered by his Department in enforcing such an Ordinance.

Before looking at any constitutional problems which may exist with the Ordinance, it has been observed by our staff that there are some practical legal problems with the Ordinance as it is now drafted.

Firstly, in such regulations there is always the problem for the police officer in determining whether in fact a particular youth is under the age of sixteen years. Secondly, the fact that it would be a defence that the youth was accompanied by a person over the age of eighteen will cause problems when any youth is accompanied by an older person, both in determining the age of the older person and determining whether the person is "in charge". Finally, the "returning home" defence will create problems for the police in proving that the youth in fact did leave home before 9:00 p.m.

### **YOUNG PERSONS SUMMARY PROCEEDINGS ACT**

The Young Persons Summary Proceedings Act, S.N.S. 1985, c. 11, s. 2. will impact on this Ordinance and the ability of the police to enforce it.

Section 4 prevents anyone under the age of twelve years from being charged under the curfew or any other ordinance.

Section 7(1) authorizes arrest only if it is necessary to establish the identity of the offender or prevent continuation of the offence. Following arrest, Section 7 (2) requires that the young person be released unconditionally or unconditionally in the care of a parent.

If the arrest is to be justified on the basis of continuation of the offence, it is logical that release to a parent would be the only acceptable form of release. This in fact was the procedure when the Ordinance was enforced. This raises the question however of what the police are to do with the young person while they wait for parent to pick the child up or in some cases while they try to locate the parents. Will the police put 12-15 year olds in jail? They must be kept separate from adults. What if parents cannot be located? Who will guard them and for how long? Will Children's Aid accept them? The same questions have been raised in the past when this Ordinance has become the topic of debate. In the 20 August 1969 Council Minutes the Mayor at the time suggested that "although the ordinance might order them off the streets, it did nothing to solve the problem as to where they go". There was no answer to the problem at that time and the statement is equally applicable today, even more so when one considers the changes in the laws since that time.

Section 5 of the Young Persons Summary Proceedings Act places a duty upon a police officer before charging a young person to determine if the young person is best dealt with in accordance with the provisions of the Children Services Act: (now the : Children and Family Services Act S.N.S. 1990 c. 5.)

### **The Children and Family Services Act**

The Children And Family Services Act, unlike other provincial Child Welfare Acts, does not specifically deal with the curfew issue. Police Officers can only take a young person into custody if the young person is in need of protective services. In order for the child to be in need of protective services the child would have to be in real risk of some form of danger, physical, emotional or otherwise.

The Act places a duty on police officers when dealing with persons under twelve years of age who have committed an offence to deal with them in a specific manner.

27 (2) Where a peace officer has reasonable and probable grounds to believe that a child has committed an offence for which the child cannot be convicted because the child was under twelve years of age, the peace officer may detain the child and shall forthwith take such reasonable steps as are necessary to

(a) return the child to the child's parent or guardian;  
or

(b) deliver the child to an agent or, where an agent so instructs, return the child to the child's parent or guardian.

In short the Children and Family Services Act at present would not be of much assistance in the curfew situation. If anything it adds to the responsibility of the police when dealing with persons under the age of twelve years.

### **The Canadian Charter of Rights and Freedoms**

Any law which has as its basis of distinction a personal characteristic such as age will undoubtedly find itself in conflict with Canadian Charter of Rights and Freedoms.

Section 15 (1) the Charter of Rights and Freedoms states:

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

There is little doubt that ordinance 34 offends section 15 (1). It clearly discriminates based on age. In R v. Music Explosion Ltd. (1990) 59 C.C.C. 571 ( Man. C.A.) the court considered a similar piece of legislation. The City of Winnipeg enacted a by-law which prohibited the playing of video games in amusement arcades by any person under the age of 16 years. The owner of an arcade could face prosecution for allowing persons under 16 to play.

Justice Huband said:

I cannot escape the conclusion that the by-law contravenes s. 15 (1) of the Charter. Paraphrasing, this provision states that every individual is entitled to equal benefit of the law without discrimination based on age. It seems to me that this by-law imposes a restriction or limitation on what a person "under 16 years of age" can do as opposed to an older person.

In Montreal (City) v. Arcade Amusements Inc. (1985), 29 M.L.P.R. 220 the Supreme Court Of Canada found a municipal by-law, which prohibited any person under the age of 18 years from entering amusement halls, discriminatory and struck down that provision in the by-law. The court could find no authority in the Montreal City Charter that authorized discrimination based on age and struck the law down on that basis. Section 15 (1) of the Charter of Rights and Freedoms was not considered. While, it is clear that s. 355 of the Halifax City Charter does authorize discrimination on basis on age in respect of a curfew by-law, it is not sufficient to say that such discriminatory legislation is authorized in the City Charter. It was clear in R. v. Music Explosion Ltd., supra, that similar authority for the by-law could not save the by-law from Charter of Rights and Freedoms scrutiny. It was held that the by-law must still meet that standard set in Andrews v. The Law Society of B.C. (1989) 56 D.L.R. 1.

In Andrews, supra, the Supreme Court held that a law which creates distinctions which result in unequal treatment, and is discriminatory in its purpose or effect will offend s. 15 (1) of the Charter of Rights and Freedoms. Discrimination was defined by Justice McIntyre as:

I would say discrimination may be described as a distinction whether intentional or not but based upon grounds relating to personal characteristics of the individual or group, which have the effect of imposing burdens, obligations, or disadvantages on such individual or groups not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.

As stated earlier, there is little doubt that the curfew ordinance would offend s. 15 (1) of the Charter of Rights and Freedoms, as it places limits on what a person under 16 years of age can do as opposed to an older person.

It may be argued that the exceptions in Ordinance 34 limit its discriminatory effect. In R. v. Music Explosion Ltd., supra, similar exceptions existed. The Winnipeg by-law allowed persons with parental consent to be exempted from the by-law. Justice Huband said that:

Even if one were to assume that every child could obtain the necessary parental consent in writing, the by-law still imposes a restriction or restraint upon this entire class of persons which does not apply to all other. The legislation is discriminatory.

Assuming a violation of s 15 (1) of the Charter of Rights and Freedoms we are left to consider the effects of s 1. Section 1 states:

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

In R v. Oakes (1986), 24 C.C.C. (3d) 321. the Supreme Court of Canada laid out the test to be applied to any Section 1 analysis. The onus of proving that a limitation on any Charter right is reasonable and demonstrably justified in a free and democratic society rests upon the person seeking

to uphold the law, in this case the City. First, the objective to be served by the limiting law must of sufficient importance to override a constitutionally protected right. It must relate to societal concerns which are pressing and substantial.

The objective of Ordinance 34 is not clear. It appears to be based on some child welfare notion or some notion of crime prevention. If it is based on a crime prevention basis it may be beyond the jurisdiction of the City and enter into the area of Criminal Law.

Upon looking at the background material on Ordinance 34 it appears the ordinance was considered to deal with problems of vandalism. City Council Minutes from August 20, 1969 refer to broken windows.

It is worth noting, that the mayor at the time expressed concern that the law could only be enforced in a discriminatory fashion.

It should also be noted that again in 1992 discussion of the Ordinance is raised when there appears to be an increase in vandalism and other street crimes by young persons. The public is frustrated with what they believe is the inability of the Young Offenders Act to deal with these problems.

Assuming that it could be established that the by-law fulfils an important social function it must still pass the second stage of the test in Oaks, supra. Oaks requires that the means chosen be reasonable and demonstrably justified, in proportion to the importance of the social objective. The proportionality test involves three components. First the measures must be fair and not arbitrary, carefully designed to achieve the objective in question, and rationally connected to that objective; secondly the means should impair the Charter right as little as possible; and finally there must be a proportionality between the effects of the limiting measure and the objective.

It is at this stage of the analysis that we consider that Ordinance 34 would fail. There is no evidence to suggest keeping all children off the street would do anything to promote child welfare or crime prevention. Will those children who lack any parental guidance become more controllable because of the curfew. Is it logical to think that the curfew will suddenly make parents more responsible for their children?

It can also be argued that there are presently laws in place to deal with both of these social concerns. The Children and Family Services Act in section 22 creates a strict objective standard for determining a child in need of protection. The section could be applied to children found on the street. Similarly children committing crimes could be dealt with under the Young Offenders Act and avail themselves of the protection afforded them therein. Ordinance 34 is not based on an objective standard on which to apply it. The provision is absolute. It applies equally to children who are not causing any problems as to those who are.

In conclusion it is our opinion that Ordinance 34 would not survive a Charter challenge in the Courts.

#### OTHER PROVINCIAL LEGISLATION

Some other provinces had addressed the problem by making appropriate provisions in their Child Welfare legislation. The Ontario Act, for example, provides:

79 (5) No parent of a child less than sixteen years of age shall permit the child to,

(a) loiter in a public place between the hours of midnight and 6 a.m.; or

(b) be in a place of public entertainment between the hours of midnight and 6 a.m., unless the parent accompanies the child or authorizes a specific individual eighteen years of age or older to accompany the child.

(6) Where a child who is actually or apparently less than sixteen years of age is in a place to which the public has access between the hours of midnight and 6:00 a.m. and is not accompanied by a person described in clause (5) (b), a peace officer may apprehend the child without warrant and proceed as if the child had been apprehended under subsection 42(1). [a child in need of protection]

While such a provision also discriminates on the basis of age, in our opinion the provision is more likely to survive a Charter attack because of the fact that it is clearly intended to be Child Welfare legislation which is clearly within the legislative jurisdiction of the Province.

Therefore it is considered that the most appropriate action which the City could take would be to lobbying the provincial government to change the Children and Family Services Act to include a provision such as the foregoing which is clearly aimed at addressing the problem from a child welfare point of view rather than attempting to address the problem by use of a municipal curfew ordinance which has a suspect constitutional basis.

Since the matter was raised we surveyed the major municipalities across the country to obtain their experiences on this topic. Very few of the municipalities that responded actually have municipal curfew by-laws in place at the present time and we were not able to find any municipality in which the by-law was being actively enforced.

Respectfully submitted,

Wayne Anstey, Q.C.  
City Solicitor

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER N-100  
RESPECTING THE CONTROL OF NOISE  
FOR THE HALIFAX REGIONAL MUNICIPALITY**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 118 of the Halifax Regional Municipality Act, Stats. N.S. 1995, c.3 as follows:

**Short Title**

1. This By-law shall be known as By-law No. N-100 and may be cited as the "Noise By-law".

**Ordinance 113 Amended**

2. Ordinance 113, the Noise Ordinance, which applies to the part of the Halifax Regional Municipality which formerly was the City of Halifax is amended by adding to Section 8 the following:

“(d) A person or employee of any firm or corporation, performing any work for or on behalf of the Halifax-Dartmouth Bridge Commission, while such person or employee is employed in the execution of duties in connection with the approach spans deck replacement and third lane project on the Angus L. Macdonald Bridge.”

**By-law No. N-200 Amended**

3. By-law No. N-200 respecting the control of noise which applies to that part of the Halifax Regional Municipality which formerly was the City of Dartmouth, is amended by adding as Section 5 the following:

“5. Notwithstanding any other provision of this by-law, this by-law shall not apply to a person or employee of any firm or corporation, performing any work for or on behalf of the Halifax-Dartmouth Bridge Commission, while such person or employee is employed in the execution of duties in connection with the approach spans deck replacement and third lane project on the Angus L. Macdonald Bridge.”

Done and passed in Council this 4th day of February, 1997.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

CITY OF HALIFAX

ORDINANCE NUMBER 34

RESPECTING CHILDREN UNDER SIXTEEN YEARS OF AGE  
BEING ON THE STREETS OF THE CITY AT NIGHT

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

ORDINANCE NUMBER 34, Respecting "Children under Sixteen years  
of age being on the Streets of the City at Night", is hereby  
repealed and the following substituted therefore:

1. Except as hereinafter provided, no person under the age of sixteen years shall be in or upon the public streets, highways, road, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places in the City of Halifax between the hours of half past nine o'clock in the afternoon and six o'clock in the following morning.
2. The provisions of Section 1 of this Ordinance shall not apply to any person under the age of sixteen years, or to the parents, guardian or persons with whom such person resides, who is in or upon any public streets, highways, road, alleys, parts, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places in the said City of Halifax between the hours aforesaid, and who is accompanied by a person over eighteen years of age in charge of such person, or to any such person under the age of sixteen years who between the hours aforesaid is returning directly to his place of residence, having left such place of residence prior to the hour of half-past nine o'clock in the afternoon.
3. The Chief of Police shall issue to any person under the age of sixteen years who is engaged in the employment of messenger boy, errand boy, clerk, or similar occupation with the consent of his parents or guardians, a certificate setting forth such employment and consent, and such person shall be exempt from the operation of this Ordinance. Such certificate must be produced and shown to any Police Officer when the same is requested.
4. It shall be lawful for any Police Officer of the City of

Halifax to take into custody any person under the age of sixteen years who is found in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places in the said City of Halifax on any day between the hours mentioned in the first Section of this Ordinance.

5. The parents, guardians, or persons having the legal custody or control of any person under the age of sixteen years shall prevent such person from contravening the provisions of this Ordinance.

6. Every parent, guardian, or person having the legal custody or control of any person under the age of sixteen years who contravenes or fails to comply with the provisions of this Ordinance shall, for every offence upon summary conviction, be liable to a penalty not exceeding Twenty-Five Dollars (\$25.00) and in default of payment to imprisonment for a term not exceeding twelve days (12 days).

7. The times mentioned in this Ordinance shall be either Atlantic Standard Time or Daylight Saving Time, whichever is in force at the time by virtue of any enactment or of any resolution of the council of the City of Halifax then in force.

8. This Ordinance shall be known as Ordinance Number 34.

9. Ordinance Number 34 as heretofore enacted and the amendments thereto, are hereby repealed.

Passed City Council:

First Reading: July 14, 1960

Second Reading: August 11, 1960

Approval of M.M.A.: September 27, 1960

## ORDINANCE NUMBER 37

### RESPECTING THE SALE OR USE OF FIRE CRACKERS

1. In this Ordinance, the expression "fire cracker" means fire cracker or sparklers, squib, fireworks or other pyrotechnic device.
2. No person shall in the City of Halifax keep or offer for sale by retail or sell by retail any fire cracker.
3. No person shall within the City of Halifax set fire to, discharge or cause to explode or discharge any fire cracker.
4. Where a permit has been issued by the Fire Marshall - or a local assistant to the Fire Marshall under the authority of the Fireworks Act R.S.N.S. 1967, c. 108, it is lawful to explode or discharge fire crackers pursuant to the provisions of that license.

Passed Council on October 17, 1940 and November 14, 1940.  
Approved G.I.C., subject to amendment to Section 1 thereof, on November 30, 1940. Passed by Council on December 12, 1940.

No. 1 Section 1, 3 and 4 amended  
Passed Council April 13, 1961 and April 27, 1961  
Approved M.M.A.: June 9, 1961

No. 2 Amendments: Section 1 and 4  
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.: April 11, 1985

No. 3 Amendment: Section 4 repealed and substituted  
Notice of Motion to Introduce: November 26, 1987  
First Reading: December 17, 1987  
Committee of the Whole Council: January 20, 1988  
Second Reading: January 28, 1988  
Approval of M.M.A.: February 25, 1988

CITY OF HALIFAX

ORDINANCE NUMBER 55

RESPECTING TAG DAYS AND THE SOLICITATION OF MONEY ON THE STREETS

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 Tag Day Ordinance".
2. No person, association, society, or organization, or other body or group of persons shall, on the streets or from door to door or elsewhere in the City of Halifax, raise funds, collect money or solicit donations for any purpose of, for, or on behalf of any organization through the medium of "tag days" or similar means, unless such person, association, society, organization or other body or group has previously obtained permission therefor from the City Council, which may in its discretion grant or refuse such permission.
3. Any person, association, society, or organization, or other body or group or persons desiring permission, under the provisions of Section (2) hereof, shall at the same time as applying for permission, file with the City Manager a petition, which petition shall bear the name or names of the person who are to have the general charge or supervision of such collection or solicitation; the purpose of which and the place where the funds derived therefrom are to be used; and such other information as the City Council may direct.
4. It shall be unlawful for any person, association, society or organization, or other body or group of persons holding a "Tag Day" under the provisions of this Ordinance, to allow any person under the age of eighteen (18) years to participate in such collection or solicitation, without the express permission of City Council.
5. Every person who, or association, society, organization or other body or group of persons which, violates any of the provisions of this Ordinance shall be liable upon summary conviction to a penalty not exceeding five hundred dollars (\$500.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.
6. This Ordinance shall be known as Ordinance Number 55.

ORDINANCE NO. 101

RESPECTING THE CORPORATE SEAL,  
ARMORIAL ACHIEVEMENT AND FLAG

BE IT ENACTED by the Mayor and City Council of the City of Halifax, under the authority of Sections 5 and 6 of the Halifax City Charter, 1963, as follows:

**Number and Ordinance**

1. This Ordinance shall be known as Number 101 and may be cited as the "Seal, Arms and Flag Ordinance".

**Definitions**

2. In this Ordinance;

- (a) "City" means the City of Halifax;
- (b) "Council" means the City Council of the City of Halifax;
- (c) "Mayor" means the Mayor of the City.

**Seal**

3. The Corporate Seal of the City, having engraved on it a view of the City and the words;

"Recte Faciendo Secura Halifax, Condita A.D.  
1749,"

"Civitatis regimine donata A.D. 1841,"

shall continue to be the city seal.

**Arms**

4. (1) The arms of the city shall be as follows:

"Azure a crested Kingfisher or, Crest;  
Out of a mural coronet or a sprig of  
mayflowers in bloom proper. Supporters:  
dexter, a deep sea fisherman with a  
codfish dependent from his exterior  
hand; sinister, a naval seaman, all  
proper."

Motto: E. Mari Merces.

(2) The foregoing heraldic description shall be interpreted as follows:

"A gold kingfisher on a blue shield surmounted by a golden mural crown issuing from which is a natural sprig of mayflowers in bloom. The shield is supported on its right (on the left as one faces it) by a deep sea fisherman with a codfish hanging from his right hand and on its left by a naval seaman of the Period of adoption (circa 1860). The motto is to be shown below on a ribbon or scroll as "E MARI MERCES", which may be freely translated as "WEALTH FROM THE SEA."

5. The following directions shall be followed by any person rendering the arms of the City: While a certain degree of artistic latitude may be permitted any person in rendering the arms, strict adherence shall be given to placement and colouring where designated. The Kingfisher shall be the crested kingfisher (*Ceryle Alcyon*) and shall be readily recognizable as the North American Kingfisher common to this locality. The supporters shall be shown in the natural dress of the period of the original adoption of these Arms by the City of Halifax - about 1860. The supporters shall be shown standing (not walking) on a "mount" or hillock. The mural coronet or crown shall be shown resting upon the shield without any wreath and shall be shown with three courses of masonry surmounted by five battlements. The mayflower shall be shown as the trailing arbutus (*Epigaea repens*, Linn). The kingfisher shall occupy as much of the space within the shield as possible. The supporters shall be shown as manly and vigorous.

6. In any case in which the Arms of the City are not rendered in colours, the colours hereinbefore defined shall be indicated as follows:

For blue: by fine lateral lines on the background of the shield;

For gold: by fine dots upon kingfisher and the mural crown.

When colours are used, yellow may be substituted for gold and any suitable shade of blue may be used where that colour is to be shown.

7. The arms alone may be used, and the crest may be used alone. Where the complete armorial achievement is shown, the crest and both supporters shall be used.

8. The Arms shall be used on official City notices, City stationery, City buildings, vehicles and other City property, badges and uniforms of the officers in the employ of the City and in any other manner determined by the Council for the purpose of indicating the authority, property or officials of the City.

**Flag**

9. There shall be an official flag of the City. The flag shall be blue charged with a gold or yellow kingfisher as defined in the Arms of the City. The kingfisher shall be shown facing the mast both on the obverse and reverse sides.

**Use of Flag**

10. Repealed.

11. The flag and the Arms of the City as above defined are primarily a mark of the City.

**Reproduction of Arms and Flag for Sale**

12. (1) The flag of the City may be used in any appropriate and respectful manner by any corporation or individual.

**Penalty**

13. Any person violating any of the provisions of this Ordinance shall be liable on summary conviction to a penalty not exceeding FiftyDollars (\$50.00) for each and every offence and upon default of payment to imprisonment for period not exceeding fifteen days.

**Repeal**

14. Ordinance Number 1, the "City Seal and Arms" is repealed.

BY-LAW NO. A-400

Being a by-law of the City of Dartmouth with respect to an  
Armorial Achievement for the City of Dartmouth

The Council of the City of Dartmouth enacts as follows:

1. The armorial achievement attached hereto as Schedule "A" is hereby adopted as the armorial achievement for the City of Dartmouth.
2. No one shall make use of the City's armorial achievement without the approval of the Council of the City of Dartmouth
3. By-law C-453 is hereby repealed.

## CITY OF DARTMOUTH

### BY-LAW C-200

Being a by-law of the City of Dartmouth respecting  
the licencing of Circus Owners and Operators.

Pursuant to its authority contained in Part V of the Dartmouth City Charter as amended, the Council of the City of Dartmouth enacts as follows:

1. In this by-law:

- (a) "circus" is a commercial operation and may include among other operations a midway, animal barns and arena, tent show and all other concessions, booths or games associated therewith;
- (b) "City Clerk" means the City Clerk for the City of Dartmouth;
- (c) "person" means any person, male or female, and any body corporate and includes a partnership.

2. (1) No person shall operate a circus either wholly or partly on land situate within the City of Dartmouth unless he has first obtained and is possession of a valid licence from the City of Dartmouth permitting him to operate the same.

(2) The owner or operator of a circus shall pay a licence fee of one hundred dollars for every day that the circus is open for business, such fee being due and payable on the issuance of the licence.

(3) It is an offence against this by-law if a licence fee required to be paid upon the issuance of a licence is not paid when it is due.

(4) All licences issued pursuant to this by-law shall expire on the date set out in the licence.

3. Any person desiring to operate a circus wholly or partly situate on land within the City of Dartmouth shall make application in writing to the City Clerk for a circus licence providing the following particulars in such application:

- (a) the applicant's name, his local and his permanent address;
- (b) the name of the owner upon whose land the applicant

proposes to locate the circus and the location and size of these lands;

- (c) a signed statement from an official appointed pursuant to the Health Act indicating that the proposed sanitary facilities (including the water supply, sewage disposal system and toilet facilities) are satisfactory for their purposes;
- (d) a signed statement from the applicant that all the food concessions which are a part of or located with the circus operation have obtained and are in possession of valid permits to operate Temporary Eating Establishments and attaching a copy of each such permit to the statement;
- (e) a statement signed by the Chief of Police to the effect that satisfactory parking is available for persons attending the circus and that there will be no serious traffic problems associated with the operation of the circus.

4. By-law C-313 is hereby repealed.

CITY OF DARTMOUTH  
BY-LAW C-400

Being a by-law relating to Community Planning and Development Control for the City of Dartmouth.

The Council of the City of Dartmouth enacts as follows:

1. City Council may approve or amend development schemes which conform to the official Plan of the City and which cover an area owned by the applicant of not less than ten acres.
2. City Council may approve or amend development schemes which cover not less than ten acres for the purpose of making such schemes a part of the official Plan of the City.
3. Before approving or amending a development scheme Council shall consider the suitability and inter-relation of the uses to be made of the buildings to be constructed under the scheme; the adequacy of proposed collector and arterial streets and pedestrian walkways; the adequacy of open space, playground and recreational areas; the proposed population density and its effect on the development scheme and on the surrounding area; the efficiency of water, sanitary and storm sewer patterns and their costs; access to transit services; the choices of activities available to residents of the development scheme; the availability of educational services; the provision of police and fire protection; the quality of architectural design and the preservation and use of the natural beauty of the area.
4. Before the City Council approves or amends a development scheme under this by-law, Notice shall be given of a public hearing for the meeting at which the City Council is to consider approving or amending the development scheme. The Notice shall be given by not less than two insertions, at least six days apart in the newspaper circulating in the area and the first insertion shall be published at least three weeks before the meeting of City Council.
5. Approval by City Council pursuant to Section 1 of this by-law shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with the City containing such terms and conditions as the Council may direct, and the agreement shall be supported by a bond or other satisfactory security,

sufficient in amount to ensure the performance of the agreement by the owner of the land.

6. Unless otherwise provided in the agreement, between the owner and City Council, the subdivision regulations and the street regulations of the City of Dartmouth shall apply to the development scheme.

7. The agreement or development scheme under Section 2 of this by-law may define the uses permitted in the development area which may not be altered without an amendment according to the provisions of this by-law. It shall be an offence to alter the uses defined in any agreement or development scheme other than by amendment to the agreement or development scheme.

8. Where the enforcement of the provisions of an agreement under this by-law or a development scheme approved by City Council under Section 2 of this by-law will cause undue hardship or have a deleterious effect on the development of the area or when the exception to the regulations is very minor, the City Council on recommendation of the Development Officer, may grant a variation of or an exception to the application of the provision of the agreement, or the provisions of the development scheme approved under Section 2, hereof.

9. Any agreement under this by-law or any development scheme under Section 2 of this by-law shall be recorded at the Registry of Deeds at Halifax.

10. There shall be an appeal to the N. S. Municipal Board by an interested party from any decision of City Council under a by-law pursuant to this Section.

11. Where there is any conflict between a by-law under this section and the Planning Act or Zoning By-laws, the by-law under this Section shall prevail except in regard to the provisions relating to non-conforming use.

12. Where a development plan has been approved by City Council and has been recorded at the Registry of Deeds in Halifax, it shall be an offence to change the use of the land as defined in the Agreement or in the development scheme unless the Agreement or the development scheme has been amended to allow for such change of use.

13. By-law C-188 is hereby repealed.

BY-LAW NO. F-400

Being a by-law of the City of Dartmouth with respect to a flag for the City of Dartmouth.

The Council of the City of Dartmouth enacts as follows:

1. The City hereby adopts a flag for the City of Dartmouth as shown on Schedule "A" hereto attached.
2. No one shall make use of the City's flag without the approval of the Council of the City of Dartmouth.
3. By-law C-589 is hereby repealed.

## BY-LAW L-300

Being a by-law of the City of Dartmouth respecting Licensing.

Pursuant to its authority in Part V of the Dartmouth City Charter, and all other authority vested in it, the Council of the City of Dartmouth enacts as follows:

1. In this by-law:
  - (a) "City Clerk" means the City Clerk-Treasurer for the City of Dartmouth;
  - (b) "Council or City Council" means the City Council for the City of Dartmouth.
2. The City Clerk is hereby designated the officer of the City of Dartmouth to administer all by-laws of the City respecting licensing enacted by the Council of the City of Dartmouth pursuant to Part V of the Dartmouth City Charter except the Mobile Home Parks By-law. (C-490)
3. The City Clerk shall exercise all the powers set forth in Section 278 of the Dartmouth City Charter.
4. Any person who thinks himself aggrieved by any decision of the City Clerk made in pursuance of this by-law may appeal to the City Council from such decision by filing a written notice of his appeal with the City Clerk who shall immediately bring such notice to the attention of the Mayor. The Mayor shall thereupon set a time not later than the next regular meeting of Council for the hearing of such appeal and cause notice of the time and place of the hearing of such appeal to be given by personal service or registered post to the appellant.

### GENERAL LICENSING PROVISIONS

5. Each license issued pursuant to a by-law of the City of Dartmouth shall terminate on the thirty-first day of December of the year in which it was granted unless a specific licensing by-law of the City of Dartmouth authorizes the issuance of a license to expire on another specified date.
6. By-law number C-318 as amended is hereby repealed.

## BY-LAW P-700

Being a by-law of the City of Dartmouth with respect to the use of pesticides in the City.

Be it enacted by Dartmouth City Council as follows:

1. In this by-law:
  - (a) "Children" shall mean any person or persons actually or apparently under the age of 16 years.
  - (b) "land" means any real property in the City of Dartmouth not enclosed by a building;
  - (c) "pesticide" shall mean any chemical pest control product and shall include, without restricting the generality of the foregoing, any insecticide, herbicide or fungicide;
2. No person shall spray or otherwise apply to any land in the City of Dartmouth any pesticide except in compliance with this by-law.
3. Where pesticide is applied to vegetation which is less than 10 feet in height or is applied to the foundation of a building, a warning sign as prescribed in Section 5 shall be posted before the application of the pesticide.
4. In all cases of application of pesticide other than those described in Section 3, a warning sign as prescribed in Section 5 shall be posted not later than 48 hours before the application of pesticide.
5. The warning sign required by Section 3 and 4 shall be posted in a prominent position on the land where pesticide is to be applied, and shall be placed so that it is clearly visible and legible from any street abutting the said lands.
6. The warning sign required by Sections 3 and 4 hereof shall measure not less than 20cm by 20cm and shall:
  - (a) contain the following information:
    - (i) The word "ATTENTION" in bold face, red color, at least 2.5cm in height, and followed by "this area will be chemically treated on or after (date)" or

words of equal effect;

- (ii) The common trade name, Pest Control Product Number and concentration of the pesticide used;
- (iii) the proposed date and time of the pesticide application pursuant to Section 4, or the date of pesticide application, pursuant to Section 3;
- (iv) the name and business telephone number of the person applying the pesticide;
- (v) the words "AVOID CONTACT WITH TREATED AREAS"; and
- (vi) the words "if you require emergency medical information, the Poison Control Centre telephone number is \_\_\_\_\_" (insert here the current telephone number for the Poison Control Centre at the IWK Hospital for Children); and

(b) be constructed in the following manner:

- (i) rectangular in shape; and
- (ii) designed such that the lettering is at least 1cm high in capitals and in contrasting color to the background.

7. Any person who applies a pesticide to any land in the City shall ensure that the sign referred to in Section 3 and Section 4 herein remains posted as described therein for a period not less than 48 hours following the application of the pesticide.

8. Notwithstanding any other provision of this by-law if the street frontage of the property to which pesticides are to be applied exceeds 30 meters, warning signs shall be erected and maintained at intervals not exceeding 25 meters along the entire street frontage of the said property.

9. It shall be an offence to remove a sign posted pursuant to this by-law earlier than 48 hours after the application of the pesticide.

10. All persons who apply any pesticide to land in the City of Dartmouth shall provide a sample of the pesticide suitable for

analysis

to the Environmental Health Engineer of the City on demand, and a failure to provide such a sample shall be an offence.

11. The provisions of this by-law other than Section 10 shall not apply to the application of the following non-toxic chemicals: dormant oil, lime sulphur, insecticidal soap sprays, and bacillus thuringiensis formulations.

12. It shall be an offence to apply a pesticide to any land in the City of Dartmouth without complying with the requirements of this by-law.

13. This by-law shall not apply:

(a) to the application of of a pesticide in respect of a residential premises on a casual basis by a person who does not operate a business involving the use or application of pesticide or;

(b) to generally accepted ordinary activities of individuals and households.

14. No person shall apply pesticide within 50 feet of any children without first:

(a) warning an adult person, where such children are accompanied by an adult; or

(b) warning the children and taking reasonable measures to ensure that they are removed from within 50 feet of the area where the pesticide is to be applied, where they are not accompanied by an adult.

15. By-law C-675 is hereby repealed.

BY-LAW NUMBER 15104  
RESPECTING FEE FOR TAX DEEDS

1. This By-Law shall be known as By-Law number 15104 and may be cited as the Tax Deed By-Law.
2. The purchaser of land at a sale under the Assessment Act, or his assigns or other legal representatives, shall pay the fee of fifty dollars (\$50.00) to the Town for preparation and execution of a Deed of the land to the purchaser or his assigns or legal representatives.

TOWN OF BEDFORD

BY-LAW NUMBER 22401

RESPECTING

REGULATING AND CONTROLLING THE MAKING OF BONFIRES

BE IT ENACTED by the Town Council of the Town of Bedford, under the authority of Section 221(20) of the Towns Act, R.S.N.S. 1967, as follows:

1. This By-Law shall be known as By-Law Number and may be cited as the "Controlling of Bonfires By-Law".
2. No person shall, in the Town of Bedford, light, ignite, ignited or started a fire of any kind whatsoever in the open air without first having obtained a written permit to do so from the Chief Officer of the Bedford Fire Department or his agent.
3. A person to whom a permit has been so issued under Section 2, shall place and keep a competent person at all times in charge of the fire while it is burning or smouldering and shall provide that person with appliances or equipment sufficient to prevent the fire from getting beyond control or causing damage or becoming dangerous.
4. The provisions of this By-Law shall not apply to small confined fires used to cook food in grills or barbecues.
5. Every person who violates or fails to comply with any provision of this By-Law shall, for each such offence, be liable to a penalty not exceeding One Thousand Dollars, (\$1,000.00) and in default of payment to imprisonment for a period not exceeding ten (10) days.

TOWN OF BEDFORD  
ECONOMIC DEVELOPMENT COMMISSION BY-LAW

The Bedford Economic Development Commission, a body corporate, under and by the virtue of the power conferred upon it by the Industrial Commission Act, Chapter 37, Revised Statutes of Nova Scotia, 1967, does hereby make and publish the following By-Law:

1. In this By-Law:

- "Chairman" means the Chairman of the Commission.
- "Commission" means the Bedford Economic Development Commission.
- "Council" means the Town Council of the Town of Bedford.
- "Meeting" means a meeting of the members of the Commission.
- "Member" means a member of the Commission duly and lawfully appointed.
- "Secretary" means the Secretary of the Commission.
- "Treasurer" means the Treasurer of the Commission.

2. The Commission shall consist of eleven (11) members, comprising two (2) members of Town Council, nine (9) members of the Community at Large. All members shall be appointed by Council for a three year term except those whose appointments are staggered as herein provided. All members of the Commission holding Office immediately preceding the Special meeting of the Commission to be held in November 1991 or such later date as such meeting may be held, shall cease to hold Office upon the appointment of nine members as follows:

- (a) six (6) members of the community at large shall be appointed to the commission by Town Council.
- (b) two (2) members nominated by the Bedford Board of Trade shall be appointed to the Commission by Town Council.
- (c) one (1) member nominated by the Urban Development Institute shall be appointed to the Commission by Town Council.
- (d) two (2) members of the Town Council of the Town of Bedford shall be appointed to the Commission by Town Council.
- (e) members shall hold Office for a three year term and until their respective successors are appointed, except for members whose Terms of Office shall be staggered due to Section 6(2) of the Industrial Commission Act and due to their appointment by lot at the Special meeting of the Commission in November 1991.

BY-LAW NO. 17

A BY-LAW RESPECTING PARKING ON MUNICIPAL PROPERTY

**Short Title**

1. This By-law shall be known as and may be cited as the "Municipal Parking By-law".

**Parking Ban**

2. No driver of a vehicle shall stop, stand or park the vehicle whether attended or unattended except where necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control signal on any property owned by the Municipality, except as hereinafter provided.

**Exceptions**

3. The provisions of Section 2 shall not apply to: (Passed February 7, 1984; Approved February 29, 1984)

i) Designated parking areas at the municipal administration building during the hours when such building is open for business, or when Council or Committees or Council are in session.

ii) Designated parking areas at any public school in the Municipality during school hours or when the school is being used by any individual group or organization with the authority of the Halifax County-Bedford District School Board. (Passed September 20, 1983; Approved October 13, 1983)

4. This by-law shall not apply to the Councillors, officials or employees of the Municipality while they are engaged in the discharge of their duties as such Councillors, officials or employees.

**Penalty**

5. Any person who violates any provision of this By-law shall be liable to a penalty not exceeding fifteen dollars (\$15.00) and in default to a term of imprisonment not exceeding one week. (Passed September 20, 1983; Approved October 13, 1983)

**Repeal**

6. All former Parking on Municipal Property By-law passed by the Council are hereby repealed and this By-law substituted therefor.

BY-LAW NO. 32  
A BY-LAW RESPECTING OCEAN VIEW MANOR

PART I - INTERPRETATION

**Short Title**

1. This By-Law shall be known as and may be cited as the "Ocean View Manor By-Law".

**Definitions**

2. In this By-Law unless the context otherwise indicates:

(a) "Board" means the Board of Management for Ocean View Manor established pursuant to the provisions of these by-laws;

(b) "Administrator" means that person appointed as the Administrator of the Home;

(c) "Council" means the duly elected members of the Halifax County Council;

(d) "Director" means a person so designated by the Minister;

(e) "Home" means the Municipal Home known as "Ocean View Manor" situate at Eastern Passage in the County of Halifax;

(f) "Minister" means the Minister of Social Services;

(g) "Regulations" means regulations for the conduct of the Home and care of the residents passed or approved by the Council or Board of Management;

(h) "Resident" includes every person residing in the Home other than staff;

(i) "Treasurer" means the Director of Finance for the County of Halifax.

PART II - BOARD OF MANAGEMENT FOR OCEAN VIEW MANOR

**Board of Management**

3. The Board of Management shall consist of five members. Of these, four members shall be appointed annually by the Council and one member shall be appointed from time to time by the Governor in Council. A member appointed by the Council shall hold office for one year and until his successor is appointed, but shall cease to be a member if he ceases to be a Councillor. The Chairman shall be elected from among the members of the Board for a one-year period.

3A. (a) A member of the Board of Management shall be paid the sum of Eight Hundred Dollars (\$800) per annum and the Chair of the Board shall be paid the sum of One Thousand, Two Hundred Dollars (\$1,200), inclusive of the membership sum, per annum, one-third of which shall be paid to such member as an expense allowance on account of expenses other than mileage incidental to

the discharge of the duties of an elected officer of the Municipality.

(b) Each member of the Board of Management shall, in addition to the remuneration set out in subsection (a) be paid for actual miles travelled once each day for travelling to and returning from every daily session of a regular or special meeting of the Board or committee thereof at the maximum rate for reimbursement for mileage prescribed from time to time for employees of the Provincial Government.

#### **Board of Management & Report**

4. The Board of Management shall supervise, manage and control the Home and property belonging hereto (in accordance with the approved budget, these By-laws and the Provincial Act and Regulations respecting Homes for Special Care), and shall report to the Council, at least annually, regarding the complete operation of the Home, including expenditures made and income received.

#### **Meeting of The Board of Management**

5. The Board of Management shall meet monthly at the Home on the first Thursday of each and every month, or on such other date as can be conveniently arranged. Special meetings may be called by the Chairman when deemed necessary by giving three days' notice in writing. However, such notice may be waived with the unanimous consent of the Board of Management members.

#### **Special Meetings**

6. Deleted. (Passed June 20, 1989; Approved July 28, 1989).

#### **Quorum**

7. A majority of the Board of Management shall constitute a quorum.

#### **Administrator**

8. The Board of Management shall nominate and recommend for appointment the Administrator of the Home, whose appointment shall become effective after approval by Council and the Minister. The Board of Management, subject to Council's approval, shall appoint an acting Administrator in the case of prolonged absence of the Administrator.

#### **Attendance**

9. The Administrator of the Home shall attend the Board of Management meetings except when excused therefrom by the Board of Management, but without a voting privilege. When requested by the Board of Management, the Administrator shall act as Secretary and maintain a record of the proceedings in accordance with the instructions given by the Board of Management.

#### **Absence**

10. The Board of Management shall approve the time and conditions under which the Administrator shall be absent from his duties in the Home for periods in excess of forty-eight hours. Prior to such absences, the Administrator shall inform the Board of Management concerning his replacement.

#### **Home Medical Officers**

11. The Board of Management shall appoint the Home Medical Health Officers, whose

appointments shall become effective when confirmed by Council.

#### **Home Solicitor**

12. The Solicitor for the Manor is the Municipal Solicitor for the Halifax County Municipality.

#### **Operating Budget**

13. The Board of Management shall establish an operating budget for the Home subject to the approval of Council.

#### **Sufficient Staff**

14. The Board of Management shall ensure that sufficient personnel be employed as will provide adequate personal and nursing care of residents, satisfactory supervision of residents in case of emergency, and the observance of all other requirements of these by-laws.

#### **On duty**

15. The Board of Management shall ensure that sufficient staff members are on duty at all times.

#### **Income**

16. The Administrator shall ensure that the financial affairs of the operation are in order, with a statistical report presented monthly to the Board of Management.

#### **Accounts**

17. The Administrator shall provide the Board of Management with an accounting of all monthly expenditures for the Home.

#### **Salaries**

18. The Board and the Council shall both ratify the salary scale for the various positions in the Home.

#### **Compliance**

19. The Board of Management shall ensure that the Home operation is in compliance with the Homes for Special Care Act and Regulations and the mission, goals and objectives of the Manor which have been approved by Council. (Passed June 20, 1989; Approved July 28, 1989).

19A. The Board of Management shall ensure that there are developed long range plans for the Manor, which have been approved by Council, including those in response to and required for good community relations. (Passed June 20, 1989; Approved July 28, 1989).

### **PART III ADMINISTRATOR**

#### **Administrator**

20. The Administrator has the authority to fulfil and is responsible to the Board for those duties as set forth below. He may delegate to other members of staff appropriate portions of his responsibility with proportionate authority for their fulfilment, but he may not delegate or relinquish his overall responsibility or for any portion of his accountability.

### **Duties of the Administrator**

21. The Administrator shall:

- (a) employ staff to fill the positions as laid down by the Board of Management in order to operate the Home in an efficient manner;
- (b) discipline, or for sufficient cause, dismiss any employee;
- (c) arrange for vacations, sick leave replacements and temporary absences from the Home;
- (d) post, for all staff, in a conspicuous location within the Home, a work schedule and a copy of all rules and regulations necessary for the efficient performance of all staff-related duties;
- (e) report all resignations and staff changes to the Board of Management at the regular monthly meetings;
- (f) analyze projected operational expenditures to be incurred by the Home so as to ensure the most economical services required;
- (g) advise the Board of Management on requirements necessary for the Home to be maintained in the best possible condition to ensure maximum resident comfort and care;
- (h) hold fire drills monthly and ensure that all fire doors and other fire protection equipment is in good working order at all times; draw up suitable fire orders and other emergency procedures as required by the Act and Regulations for Homes for Special Care, and submit to the Board of Management;
- (i) in conjunction with the Treasurer, set up a system of bookkeeping for the recording and safekeeping of all monies and valuables received from, or on behalf of residents during their time of residency;
- (j) keep a record of each resident showing full name, date of admission, age, sex, previous address, religious denomination, property brought into the Home, all information as may reasonably be required by the Department appointed by the Government-in-Council responsible for Homes for Special Care;
- (k) ensure that a Medical Practitioner examine each applicant before admission and that a copy of this medical examination be submitted to the Home;
- (l) ensure that regulations for the use and safekeeping of all nursing supplies and medicine are enforced.

### **PART IV - MEDICAL HEALTH OFFICER**

### **Duties of Medical Health Officer**

22. The Medical Health Officer, or in his absence a qualified Medical Practitioner shall:

(a) examine each resident within 48 hours after admission to the Home and shall complete a written report on the results of his examination; (Passed June 20, 1989; Approved July 28, 1989).

(b) visit the Home regularly to examine and treat any resident who may require medical attention; (Passed June 20, 1989; Approved July 28, 1989).

(c) advise the Administrator in all matters relating to the physical and mental health of the residents and report, in writing, to the Administrator, any instances in which, in his opinion, the medical care being provided to a resident is inadequate;

(d) recommend and arrange for medical consultations from a specialist, including dental treatment, as required;

(e) compile and make available, such information as the Minister may, from time-to-time, require with respect to residents;

(f) assist the Administrator to draw up regulations for the use and safekeeping of all medicines and account for all narcotics in accordance with the regulations of the Division of Narcotic Control Department of National Health and Welfare.

### **Medical Examination**

23. Every resident of a nursing home or Home for the Aged shall be personally seen by a qualified Medical Practitioner at least once every six months and the Medical Practitioner shall examine the medical records of the resident and determine on each occasion whether the resident requires a physical examination.

## **PART V - MISCELLANEOUS**

### **Admission To Home**

24. A person shall not be admitted to or remain in the Home without the written approval of the Director. However, an emergency case requiring immediate care, but not hospital care, may be admitted to the Home pending the immediate application for admittance and written approval of the Director.

### **Visitors**

25. (1) Visitors may visit residents at such time as may be set down by the Board of Management.

(2) Except with the knowledge and consent of the Administrator, no person shall bring in the Home, or give to any resident any;

- a) intoxicating liquors or drugs;
- b) dangerous weapons;
- c) explosives or inflammable materials;
- d) sharp-edged tools or implements;

- e) food;
  - f) anything which the Administrator of the Board of Management prohibits.
- (Passed June 20, 1989; Approved July 28, 1989).

### **Religious Services**

26. (1) The Board of Management and the Administrator shall see that religious services, and attendances of denominations to which residents belong, are facilitated under such conditions as the Board of Management deems proper.

(2) No resident shall be required to attend the religious services of any denomination.

### **Health**

27. No person shall be employed in the Home unless such person provides a certificate of health satisfactory to the Board of Management or the Administrator, signed by a medical doctor, and/or submits to such medical examination and tests including X-ray examinations, as may be required.

### **Rules and Regulations**

28. (1) The Administrator, in consultation with the Medical Officer, shall draw up rules and regulations governing the care and conduct of residents, the duties of the staff and submit them to the Board of Management for approval. (Passed June 20, 1989; Approved July 28, 1989).

(2) The Administrator shall be responsible for the implementation of rules and regulations approved by the Board of Management. (Passed June 20, 1989; Approved July 28, 1989)

(3) The Administrator may modify the rules and regulations where the health or good order of particular residents requires such and any such modification shall be reported to the Board of Management by the Administrator at the next regular business meeting.

### **General**

29. Throughout these By-laws, the masculine includes the feminine and the plural includes the singular and vice versa as the context requires.

### **Repeal**

30. All former Ocean View Manor By-laws passed by the Council are hereby repealed and this By-law substituted therefore.

### **Amendments**

31. The Board of Management shall be empowered to initiate and recommend to Council, amendments to these By-laws as and when deemed necessary. (Passed June 20, 1989; Approved July 28, 1989).

BY-LAW NO. 54

CURFEW BY-LAW

1. This By-Law shall be known as and may be cited as the "Curfew By-Law".
2. No person shall be on school grounds or other municipally owned property in Halifax County Municipality between the hours of 10:00 p.m. and 6:00 a.m. daily where such school grounds or municipally owned property have been posted with a sign or signs stating: NO TRESPASSING BETWEEN 10:00 P.M. AND 6:00 A.M., however, it shall be a defence to any prosecution under this Section if the accused can establish that he was on such school grounds or municipally owned property with the consent of either the Principal of the school in question or his delegate or the Halifax County - Bedford District School Board or the Clerk of the Municipality.
3. Any person who violates this by-law shall be guilty of an offence and liable to a penalty of not less than \$100.00 and not exceeding \$1,000.00 and in default of payment to imprisonment for a term not exceeding thirty (30) days.

## COLE HARBOUR PLACE BOARD BY-LAW

### BY-LAW NO. 59

#### **Title**

1. This By-Law shall be known as and may be cited as the "Cole Harbour Place Board By-Law".

#### **Definitions**

2. In this By-Law, unless there be something in the subject or context inconsistent therewith:

- (a) "Board" means Cole Harbour Place Board;
- (b) "Council" means the Municipal Council for Halifax County Municipality;
- (c) "Councillors" means members of the Municipal Council for Halifax County Municipality;
- (d) "Board Member" means a member of the Cole Harbour Place Board.

(e) "Service Commission" means the Cole Harbour and Area Service Commission established by Act of the Legislation of Nova Scotia, S.N.S. 1953, c.75 as amended.

#### **Establishment of Cole Harbour Place**

3. There is hereby established a Board to be known as the Cole Harbour Place Board whose function will be to provide advice and recommendations to Council with respect to all aspects of the promotion, development, operation and administration of Cole Harbour Place and its recreational programs.

#### **Board Members**

4. (1) The number of Board Members shall be eleven (11).

- (2) The Board Members shall be appointed by Council as follows:

- (a) Three (3) Members from persons nominated by the Service Commission;
- (b) One (1) member from persons nominated by the Government of the Province of Nova Scotia;
- (c) Provided that if the Service Commission or the Government of the Province of Nova Scotia should decline or fail to nominate Members for the Board in any given year, the Council shall nominate such other persons as they think appropriate notwithstanding that they may not be nominated or approved by the Service Commission or the Government of the Province of Nova Scotia;
- (d) With respect to the remaining Board Members appointed by Council, one (1) shall be a staff member of Halifax County Municipality, and two (2) shall be Councillors representing Districts

7, 23, 24, or 25 or any successor districts created from time to time by redistribution;

(e) Four (4) members appointed by Council.

(3) All Board Members shall be appointed for a term of one (1) year. In order to be considered for appointment, any nominations by the Service Commission or the Government of the Province of Nova Scotia shall be given to Council no later than one (1) month before the expiry of the term of appointment of the then current Board Members. A Board Member may serve more than one term in succession.

(4) If any Board Member should resign prior to the expiration of his term of appointment, Council shall appoint a replacement for the remainder of his term. Where the Board Member has been nominated by the Service Commission or the Government of the Province of Nova Scotia, Council shall, where practical, appoint a replacement member from nominees provided by those bodies.

(5) No remuneration is payable to the Board or any Member for their service except reimbursement for reasonable expenses incurred in relation to the exercise of their duties which shall be paid by Council.

#### **.Powers of Board**

5. The Board shall have the following powers:

(a) To hold meetings to discuss or review any aspect of the promotion, development, operation or administration of Cole Harbour Place and its recreational programs including the power to collect information from any person or source with respect to these items;

(b) To consider any question or matter referred to it by Council related to the promotion, development, operation or administration of Cole Harbour Place and its recreational programs;

(c) To provide recommendations, reports and advice to Council with respect to any matter considered by it or referred to it by Council;

(d) To do all acts necessary, incidental or beneficial to the exercise of its power.

#### **Meetings of Board**

6. (1) The Board will hold regular meetings at regular intervals but no less than once every three (3) months.

(2) a) An extraordinary meeting of the Board may be called by the Chairman or the Council at any time.

b) An extraordinary meeting of the Board may also be called by Board Members at any time. In such cases, such a meeting will be called ir requisitioned in writing by at least fifty percentum (50%) of the number of Board Members.

(3) No report, recommendation or advice shall be given to Council unless it is in writing and concurred in by no less than six (6) of the Board Members.

(4) a) The Board shall appoint a Chairman, Vice Chairman and Secretary from among its members who will hold office for a period of one (1) year.

b) The Board shall appoint such other committees as from time to time are required by the Board members. These will be composed of such members as the Board members from time to time determine; who shall hold office for one year or until their successors are elected.

c) If there is no Chairman or if at any meeting he is not present at the time of holding the same, the Vice Chairman shall preside as Chairman.

d) If there is no Chairman or Vice Chairman or if at any meeting, neither the Chairman nor the Vice Chairman is present at the holding of the same, the Board Members present shall choose one of their number to be Chairman of that meeting.

(5) Every Board Member shall have one vote and no more and voting shall be done by show of hands.

(6) The Secretary shall keep a record of all business transacted by the Board and minutes of all meetings and shall prepare any report, recommendation or advice to be given to Council.

(7) The Board may determine its own procedures for its meetings.

7. The Council may recover annually from the area service by Cole Harbour Place the amount required to cover any operating subsidy requirements of the said Cole Harbour Place which may be paid by the Council by the rating and collecting of same through an area rate.

## COLE HARBOUR PLACE BOARD BY-LAW

### BY-LAW NO. 59

#### **Title**

1. This By-Law shall be known as and may be cited as the "Cole Harbour Place Board By-Law".

#### **Definitions**

2. In this By-Law, unless there be something in the subject or context inconsistent therewith:

- (a) "Board" means Cole Harbour Place Board;
- (b) "Council" means the Municipal Council for Halifax County Municipality;
- (c) "Councillors" means members of the Municipal Council for Halifax County Municipality;
- (d) "Board Member" means a member of the Cole Harbour Place Board.

(e) "Service Commission" means the Cole Harbour and Area Service Commission established by Act of the Legislation of Nova Scotia, S.N.S. 1953, c.75 as amended.

#### **Establishment of Cole Harbour Place**

3. There is hereby established a Board to be known as the Cole Harbour Place Board whose function will be to provide advice and recommendations to Council with respect to all aspects of the promotion, development, operation and administration of Cole Harbour Place and its recreational programs.

#### **Board Members**

4. (1) The number of Board Members shall be eleven (11).

- (2) The Board Members shall be appointed by Council as follows:

- (a) Three (3) Members from persons nominated by the Service Commission;
- (b) One (1) member from persons nominated by the Government of the Province of Nova Scotia;
- (c) Provided that if the Service Commission or the Government of the Province of Nova Scotia should decline or fail to nominate Members for the Board in any given year, the Council shall nominate such other persons as they think appropriate notwithstanding that they may not be nominated or approved by the Service Commission or the Government of the Province of Nova Scotia;
- (d) With respect to the remaining Board Members appointed by Council, one (1) shall be a staff member of Halifax County Municipality, and two (2) shall be Councillors representing Districts

7, 23, 24, or 25 or any successor districts created from time to time by redistribution;

(e) Four (4) members appointed by Council.

(3) All Board Members shall be appointed for a term of one (1) year. In order to be considered for appointment, any nominations by the Service Commission or the Government of the Province of Nova Scotia shall be given to Council no later than one (1) month before the expiry of the term of appointment of the then current Board Members. A Board Member may serve more than one term in succession.

(4) If any Board Member should resign prior to the expiration of his term of appointment, Council shall appoint a replacement for the remainder of his term. Where the Board Member has been nominated by the Service Commission or the Government of the Province of Nova Scotia, Council shall, where practical, appoint a replacement member from nominees provided by those bodies.

(5) No remuneration is payable to the Board or any Member for their service except reimbursement for reasonable expenses incurred in relation to the exercise of their duties which shall be paid by Council.

#### **.Powers of Board**

5. The Board shall have the following powers:

(a) To hold meetings to discuss or review any aspect of the promotion, development, operation or administration of Cole Harbour Place and its recreational programs including the power to collect information from any person or source with respect to these items;

(b) To consider any question or matter referred to it by Council related to the promotion, development, operation or administration of Cole Harbour Place and its recreational programs;

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b) An extraordinary meeting of the Board may also be called by Board Members at any time. In such cases, such a meeting will be called if requisitioned in writing by at least fifty percentum (50%) of the number of Board Members.

(3) No report, recommendation or advice shall be given to Council unless it is in writing and concurred in by no less than six (6) of the Board Members.

(4) a) The Board shall appoint a Chairman, Vice Chairman and Secretary from among its members who will hold office for a period of one (1) year.

b) The Board shall appoint such other committees as from time to time are required by the Board members. These will be composed of such members as the Board members from time to time determine; who shall hold office for one year or until their successors are elected.

c) If there is no Chairman or if at any meeting he is not present at the time of holding the same, the Vice Chairman shall preside as Chairman.

d) If there is no Chairman or Vice Chairman or if at any meeting, neither the Chairman nor the Vice Chairman is present at the holding of the same, the Board Members present shall choose one of their number to be Chairman of that meeting.

(5) Every Board Member shall have one vote and no more and voting shall be done by show of hands.

(6) The Secretary shall keep a record of all business transacted by the Board and minutes of all meetings and shall prepare any report, recommendation or advice to be given to Council.

(7) The Board may determine its own procedures for its meetings.

7. The Council may recover annually from the area service by Cole Harbour Place the amount required to cover any operating subsidy requirements of the said Cole Harbour Place which may be paid by the Council by the rating and collecting of same through an area rate.