

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW P-600
RESPECTING MUNICIPAL PARKS**

BE IT ENACTED by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This By-law shall be known as By-law Number P-600, and may be cited as the “Municipal Parks By-law”.

Interpretation

2. In this By-law,

(a) “Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;

(aa) “bicycle” means

(i) a vehicle propelled by human power upon which or in which a person may ride and that has two tandem wheels either of which is 350 millimetres or more in diameter or that has four wheels any two of which are 350 millimetres or more in diameter but does not include a wheelchair, or

(ii) a vehicle propelled by human and mechanical power that is fitted with pedals that are operable at all times to propel the bicycle, that has the same wheel requirements as set out in subclause (i) and that has an attached motor driven by electricity not producing more than 500 watts or with a piston displacement of not more than 50 cubic centimetres and is incapable of providing further assistance when the vehicle attains a speed of thirty kilometres per hour on level ground;

(b) “Director” means the Director responsible for Parks and Recreation, or their designate;

(ba) “model aircraft” means an aircraft, the total weight of which does not exceed 35 kg (77.2 pounds), that is mechanically driven or launched into flight for recreational purposes and that is not designed to carry persons or other living creatures;

(c) “Park” means any land, owned, leased, or controlled by the Region, designated or used as parkland or as a trail, including gardens, playgrounds, sports fields and beach areas;

(ca) “personal transporter” means a self-balancing electric vehicle with two side-by-side wheels and designed for the personal transportation of a single person and, for greater certainty, includes a Segway;

(caa) “Region” means the Halifax Regional Municipality;

(cab) “smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

(d) “Trail” includes walkways within a park or which abut a park and provide a means of access to a park;

(da) “unmanned air vehicle” means a power-driven aircraft other than a model aircraft, that is designed to fly without a human operator on board;

(e) "Utility" means any corporation that provides water, power, telecommunication services, natural gas or other gas intended for use as a fuel;

(ea) "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheelchair and devices moved by human power or used exclusively upon stationary rails or tracks; and

(f) "Watercourse" includes the bed and shore of every river, stream, lake creek, pond, spring, lagoon or other natural body of water, and the water therein, whether or not it contains water or not, and all ground water.

Protection of Park

3. (1) While in any park, no person shall do, cause or permit any of the following:

(a) add to, remove, destroy, defile, or damage any fauna or flora, or any park facility, structure, equipment, or sign;

(b) indulge in any riotous, boisterous, violent, or threatening conduct or use profane or abusive language;

(c) play any game in an area where signs have been erected pursuant to this By-law prohibiting such use;

(d) create a nuisance by spying, accosting, frightening, annoying or otherwise disturbing other persons;

(e) abandon any animal or plant any tree; or

(f) foul or pollute any foundation or watercourse.

Protection of Wildlife

4. No person shall molest, disturb, frighten, injure, kill, catch, trap, or ensnare any wildlife in a park unless it is performed by the police, fire department, or staff of the Department of Natural Resources in the course of their duties.

Fire

5. No person shall light an open fire without permission and in full compliance with all municipal by-laws and provincial acts and regulations.

Firearms and Offensive Weapons

6. While in any park, no person shall be in possession of or use any firearm, air gun, bow and arrow, axe or offensive weapon of any kind, except by permission.

Garbage

7. (1) No person shall dispose of or dump any garbage, litter, tree trimmings or any other refuse in a park except that which is generated through the normal use of the park and shall only deposit same in receptacles provided for such purposes.

(2) No person shall bring, carry or transport any waste, refuse or garbage into any park.

Smoking

7A (1) No person shall smoke within the boundaries of a park.

(2) Subsection (1) shall not restrict the rights of Indigenous people respecting traditional Indigenous spiritual or cultural practices or ceremonies.

Penalty

7B. Every person who violates the provisions of section 7A shall be liable to a penalty of not less than Twenty Five Dollars (\$25.00) and not exceeding Two Thousand Dollars (\$2,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

Camping

8. (1) Camping is prohibited in a park unless otherwise posted or by permission.

(2) No person shall erect or place in a park anything for the purpose of temporary or permanent accommodation without permission.

(3) Notwithstanding subsections (1) and (2), the Africville Genealogical Society may hold their annual picnic or reunion in Africville, subject to obtaining the approval of the Director as to the date therefor, which approval shall not be unreasonably withheld.

Unmanned Air Vehicles and Model Aircraft

8A (1) No person shall operate an unmanned air vehicle or model aircraft from within the boundaries of a park except in the circumstances set out in subsection (2).

(2) A person may apply to operate an unmanned air vehicle or model aircraft from within the boundaries of a park on a form as prescribed by the Director.

Special Events

9. Community festivals, ceremonies, and celebrations which have traditionally utilized a Park on an annual basis for more than five consecutive years may continue to be held at the same location, subject to the approval of the Director, which approval shall not be unreasonably withheld.

Vehicles in Parks

10. (1) No person shall operate any vehicle or personal transporter within a park except wheelchairs, bicycles, Municipal or utility vehicles, unless otherwise posted, or by permission.

(2) No person shall ride a horse or bicycle in a park except on paths therefor.

(3) No person shall ride a horse or a bicycle within a park where a sign prohibiting the same has been posted.

Vending

11. Repealed by HRM By-law C-500

Signage

12. (1) The Director may cause to be erected a sign or other device specifying an area in a park where specific activities are permitted, prohibited or restricted.

(1A) If Council approved specific activities that are permitted, prohibited or restricted in an Off-Leash Dog Area in accordance with *Off-Leash Dog Areas Administrative Order*, the Director shall cause to be erected a sign or other device that specifies in that Off-Leash Dog Area those activities that are permitted, prohibited or restricted.

(2) Every person in a park shall observe and obey every prohibition and restriction stipulated by a sign or other device erected under the above-noted section.

(3) The Director may cause to be erected any sign deemed appropriate in any park or on any trail including, but not excluding, interpretive, special event, and commemorative signage.

Hours of Operation

13. (1) The Director may post signs respecting the hours during which a park is opened or closed.
- (2) No person shall enter or use a park where the entry or use is prohibited by notice.
- (3) No person shall be in a park at any time during the period 10:00 p.m. till 5:00 a.m. without permission.

Permission

14. Any permission required pursuant to this By-law shall be given by the Director in writing.

Permits

15. Any permits approved by Council as required within a park shall be given by the Director in writing, including, but not excluding, permits for special events, sports fields, and festivals.

Revocation of Permits

16. The Director may cancel, revoke or suspend any permit where there is a violation of this By-law and any condition of any permit issued under the authority of this By-law.

Appeal Procedure

- 16A. (1) Any person who has been refused a permit or whose permit has been revoked pursuant to the exercise of any discretion of the Director may appeal to the Appeals Committee.
- (2) All appeals shall be in writing, in the form of a notice, and filed with the Municipal Clerk within 15 days of the refusal or revocation and shall clearly state the grounds of the appeal.
- (3) The Appeals Committee shall choose to:
 - (a) hear the appeal at a time and place as it determines, and may confirm the refusal or revocation by the Director or;
 - (b) direct the immediate issuance or re-issuance of the permit by the Director.

Liability

17. Nothing in this By-law shall affect the Halifax Regional Municipality's right to commence an action for damages incurred by the Region as a result of any of the matters regulated by this By-law.

Penalty

18. (1) Every person who violates or fails to comply with any of the provisions of this By-law or the conditions of any permit or order issued under the By-law is guilty of an offence and is liable on summary conviction to a penalty of not less than \$100.00 and not exceeding \$10,000.00, or in default of payment, to imprisonment for a term not exceeding one year. Each day that the offence continues shall constitute a fresh offence.
- (2) A person, who is alleged to have violated this By-law and is given notice of the alleged violation with the amount of the fine completed on the face of the notice, must pay a penalty in the amount of \$100.00 to the Halifax Regional Municipality; provided that, said payment is made within a period of 14 days following the day on which the alleged violation was committed, and where the said notice provides for payment in this manner, may make such payment in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for the violation.

Repeal

19. The following By-laws and Ordinances are hereby repealed except insofar as they repeal any other By-law or Ordinance.

City of Halifax Ordinance Number 188, Respecting City Parks;

City of Dartmouth By-law Number C-300, Respecting City Owned Lands;
Town of Bedford By-law Number 27200, Respecting Parks and Playgrounds.

Done and passed by Council this 25th day of May, 1999.

Mayor

Municipal Clerk

Notice of Motion:	April 27, 1999
First Reading:	May 4, 1999
Notice of Intend Publication:	May 8, 1999
Second Reading:	May 25, 1999
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	June 5, 1999

Amendment # 1 - (V-101, Amending Section 18)

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

Amendment # 2 – (C-500, Amending Part 11)

Notice of Motion:	July 4, 2006
First Reading:	August 1, 2006
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Second Reading:	September 12, 2006
Approval of Service Nova Scotia and Municipal Relations:	N/A
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Amendment # 3 – (A-500, Amending Section 2 and 16)

Notice of Motion:	March 20, 2012
First Reading:	March 27, 2012
Notice of Second Reading Publication:	March 31, 2012
Second Reading:	April 17, 2012
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	April 21, 2012

Amendment # 4 – (P-601)

Notice of Motion:	December 5, 2017
First Reading:	December 12, 2017
Notice of Second Reading Publication:	December 23, 2017
Second Reading:	January 16, 2018
Approval of Service Nova Scotia and Municipal Relations:	N/A
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Amendment # 5 – (P-602)

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