

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW A-500**

RESPECTING THE BY-LAW TO AMEND BY-LAWS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the Halifax Regional Municipality Charter, 2008, c39 including Section 188 as follows:

SHORT TITLE

1. This by-law will be known as by-law Number A-500 and may be cited as the “Amending By-law”.

E-200 ENCROACHMENT BY-LAW

2. The Encroachment By-law is amended as follows:
 - (1) Inserting the following defined term:

“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (2) In Subsection (2) of Section 8 by:
 - (a) deleting the words “Where the encroachment is located in an area of the municipality where there exists a community council”;
 - (b) deleting the words “and in all other cases, the appeal shall be to the Council”;
 - (c) deleting and replacing the words “community council” with “Appeals Committee”; and
 - (d) deleting and replacing the lower case letter “t” with the upper case letter “T” in the sentence beginning with the phrase “The appeal shall be to”.
 - (3) In Subsection (4) of Section 8 by:
 - (a) deleting and replacing the word “Council” with the phrase “The Appeals Committee”: and
 - (b) adding after the word “license” the phrase “upon such terms and conditions that the Appeals Committee determines may be appropriate.”
 - (4) In Subsection (5) of Section 8 by:

- (a) inserting the phrase “If the” at the beginning of the sentence; and
 - (b) deleting the phrase “Council or community council” and replacing with the words “Appeals Committee”.
- (5) in section 2, adding the following clause immediately after clause (f) and before clause (g):
 - (fa) "owner" includes
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building, and
 - (ii) in the absence of proof to the contrary, the person or persons assessed for the property;
- (6) In clause (g) of section 2:
 - (a) striking out the words, “includes a corporation” immediately after the word “person”, and
 - (b) adding the following immediately after the word “person”

means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the Halifax Regional Municipality Charter, and includes the heirs, executors or other legal representatives of a person, or owner;
- (7) In subclause (ii) of section 4 by adding the word “and” immediately after the semicolon at the end of the subclause.
- (8) In subclause (iii) of section 4 by:
 - (a) striking out the semicolon at the end of the subclause, and
 - (b) adding a period at the end of the subclause.
- (9) Repealing subclause (iv) of section 4.
- (10) Adding the following section immediately after subclause 4(b)(iii) and before section 5:
 - 4A The Engineer may authorize a temporary encroachment in association with construction, demolition or restoration of a structure abutting a street if the Engineer is satisfied that the temporary encroachment complies with the conditions set out in Administrative Order 2016-003-ADM and such further conditions as may be imposed by the Engineer in the interest of public safety.

- (11) Adding the following sections immediately after subsection (3) of section 7 and before section 8:

Orders by the Engineer

- 7A (1) If after an inspection, the Engineer is satisfied that in some respect the encroachment is not constructed or maintained in compliance with the conditions of the encroachment license, the Engineer shall serve or cause to be served to the owner(s) of the encroachment license, an Order to comply.
- (2) Every Order shall contain:
- (a) the standards to which the encroachment does not comply;
- (b) the date after which the encroachment will be subject to a re-inspection to confirm compliance with the Order; and
- (c) the action that will be taken against the owner, should the encroachment not comply to the prescribed standards at the time of the re-inspection.
- (3) Where an Order has been served upon an owner, and the owner provides the Engineer with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Engineer may accept or amend the schedule at which time the schedule will become a part of the Order.
- (4) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Engineer may enter upon the property and carry out the work specified in the Order.

- (12) In subsection (2) of section 9 by:

- (a) striking out the comma after the word “encroachment” and before the word “and”, and
- (b) striking out the words “and the cost of the removal may be recovered from such owner by action in any court of competent jurisdiction” at the end of the subsection.

- (13) By adding the following sections immediately after subsection (3) of section 9 and before section 10:

Cost of Work

- 9A If the Council, a committee, the Inspector or another employee of the HRM causes work to be done pursuant to section 7A or subsection 9(2) the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.
- 9B In addition to any other remedies at law, if the Council, a committee, the Engineer, Inspector or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

- 9C (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the license, by electronic mail or by facsimile.
- (2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

D-300 DERELICT BUILDINGS BY-LAW

3. The Derelict Buildings By-law is amended as follows:

- (1) In the enacting statement by:
- (a) deleting the phrase “section 172 and Part XV of”; and
 - (b) deleting the phrase the “Municipal Government Act” and replacing with the phrase “Halifax Regional Municipality Charter, 2008, c.39 including Section 188”.
- (2) Inserting the defined term:
- “Appeals Committee” means the Appeal Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
- (3) In Section 5 by:
- deleting the phrase “Dangerous or Unsightly Premises Committee of the

Municipality” and replacing with the phrase “Appeals Committee”.

T-600 TREE BY-LAW

4. The Tree By-law is amended as follows:

(1) In the enacting statement by:

- (a) deleting the phrase “Section 118 (2) (a) of”;
- (b) deleting the word “Act” and replacing with the word “Charter”;
- (c) deleting the year 1995 and replacing with the year 2008; and
- (d) deleting the phrase “R.S.N.S., Chapter 3” and replacing with the designator c.39.

(2) Inserting the defined term:

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

(3) In Subsection (2) of Section 4 by:

deleting the word “Council” and replacing with the phrase “Appeals Committee”;

(4) In Subsection (4) of Section 4 by:

deleting the word “Council” and replacing with the phrase “Appeals Committee”.

L-200 C & D MATERIALS RECYCLING AND DISPOSAL LICENSE BY-LAW

5. The C & D Materials Recycling and Disposal License By-law is amended as follows:

(1) By inserting the phrase

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

(2) In Subsection (1) of Section 7 by:

- (a) adding the letter “s” to the word Appeal; and
- (b) deleting the phrase “of Regional Council”.

- (3) In Subsection (4) of Section 7 by:
Adding the letter “s” to the word “Appeal”.
- (4) In Subsection (5) of Section 7 by:
Adding the letter “s” to the word “Appeal”.

P-600 MUNICIPAL PARKS BY-LAW

6. The Municipal Parks By-law is amended as follows:

- (1) By inserting the defined term:
“Appeals Committee” means the Appeals Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
- (2) By amending Subsection (2) of the un-numbered section on page 5 entitled “Appeal Procedure” by:
deleting the word “Council” and replacing with the phrase “Appeals Committee”.
- (3) By amending Subsection (4) of the un-numbered section on page 5 entitled “Appeal Procedure” by:
 - (a) Numbering the section by inserting “16A”;
 - (b) deleting the word “Council” and replacing with the phrase “Appeals Committee”.

M-100 STANDARDS FOR RESIDENTIAL OCCUPANCIES BY-LAW

7. The Standards for Residential Occupancies By-law is amended as follows:

- (1) In the enacting statement by:
 - (a) adding the phrase “Pursuant to” at the beginning of the statement;
 - (b) deleting the phrase “Section 181 of the Municipal Government Act” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008, c.39, including Section 188”.
- (2) By inserting the defined term:

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

- (3) In Subsection (4) of Section 7 by:
 - (a) deleting the phrase “Dangerous or Unsightly Premises Committee of the “ and replacing with the phrase “Appeals Committee”; and
 - (b) deleting the word “Municipality”.
- (4) In Subsection (8) of Section 31 by:

deleting the phrase “License Appeals Committee of the Municipality” and replacing with the phrase “Appeals Committee”.

S-800 TEMPORARY SIGNS BY-LAW

8. The By-law for Temporary Signs is amended as follows:
 - (1) In the enacting statement by:

deleting the phrase “Section 172 of the Municipal Government Act” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008 c.39 including Section 188” as follows:
 - (2) By inserting the defined term:

“Appeals Committee” means the Appeal Committee established pursuant to Halifax Regional Municipality By-law A-100, the Appeals Committee By-law;
 - (3) In Subsection 9.1 of Part 9 by:
 - (a) deleting the abbreviation “HRM”; and
 - (b) deleting the phrase “pursuant to the provisions of By-law A-100, Respecting License and Permit Appeals”.

T-108 THE REGULATION OF TAXIS AND LIMOUSINES BY-LAW

9. The Regulation of Taxis and Limousines By-law is amended as follows:
 - (1) In the defined term “committee” by:
 - (a) capitalizing the word “committee” to “Committee”; and

- (b) capitalizing the word “by-law” to “By-law”.

S-900 CONTROLLED ACCESS STREETS BY-LAW

10. The Controlled Access Streets By-law is amended as follows:

- (1) In the enacting statement by:

deleting the phrase “section 309 (4) of the Municipal Government Act, being Chapter 18 of the Statutes of Nova Scotia, 1998” and replacing with the phrase “the Halifax Regional Municipality Charter, 2008, c.39 including Section 188”.

- (2) By inserting the defined term:

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

- (3) In Subsection (2) of Section 12 by:

adding the letter “s” to the word “Appeal”.

- (4) In Subsection (4) of Section 12 by:

adding the letter “s” to the words “Appeal”.

S-300 STREETS BY-LAW

11. The Streets By-law is amended as follows:

- (1) By inserting the defined term:

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

- (2) In Subsection (2) of Section 42 by:

adding the letter “s” to the word “Appeal”.

- (3) In Subsection (4) of Section 42 by:

adding the letter “s” to the words “Appeal”.

- (4) In section 3 by:

- (a) adding the following definition immediately after the definition for “abutter” and before the definition for “construct”:
 - (aa) “applicant” means any person who makes an application for, and obtains, any permit under the provisions of this by-law;
 - (b) adding the following definition immediately after the definition for “construct” and before the definition for “core area”:
 - (ba) “contractor” includes any person who, for another person, carries out work or supplies labour for the alteration, construction, demolition, excavation, or development of land or a structure;
 - (c) adding the following immediately after the definition for “owner” and before the definition for “public tree”:
 - (la) “person” means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;
- (5) In section 23 by adding the following subsection immediately after subsection (2):
 - (3) Where the activity is in association with a construction, demolition or restoration project on property abutting a street, the Streets and Services permit shall include the name of the contractor engaged in work in the right of way, if different from the applicant.
- (6) In section 24 by:
 - (a) adding the words “or contractor” immediately after the word “applicant” and before the word “will” in the first line of subsection (2), and
 - (b) adding the following subsection immediately after subsection (3):
 - (4) Subject to subsection (3) if the permit is in association with a construction, demolition or restoration project on property abutting a street, the balance with interest at the rate determine by Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.
- (7) In section 26 by:

- (a) striking out the words “permit holder” in the second and fourth lines in subsection (1);
 - (b) adding the words “applicant, contractor” after the word “the” and before the word “or” in the second and fourth lines in subsection (1);
 - (c) striking the words “permit holder” after the word “the and before the word “or” in subsection (2); and
 - (d) adding the words “applicant, contractor” after the word “the” and before the word “or” in subsection (2).
- (8) In section 28 by:
- (a) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (b);
 - (b) adding the words “or contractor” after the word “applicant” and before the word “to” in the second line of clause (d);
 - (c) adding the words “or contractor” after the word “applicant” and before the semicolon at the end of clause (d);
 - (d) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (e);
 - (e) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (f);
 - (f) adding the words “or contractor” after the word “applicant” and before the word “shall” in clause (g);
 - (g) adding numbering for clause (h) immediately after clause (g) and before subclause (i);
 - (h) adding the words “or contractor” after the word “applicant” and before the word “shall” in subclause (i);
 - (i) striking out the word “and” at the end of clause (j);
 - (j) striking out the period at the end of clause (k);
 - (k) adding a semicolon and the word “and” at the end of clause (k); and
 - (l) adding the following clause immediately after clause (k)

(l) the Engineer may require the completion of a Construction Management Plan as set out in Administrative Order 2016-003-ADM.

B-201 BUILDING BY-LAW

12. The Building By-law is amended as follows:

- (1) Subsection (2) of section 2 is amended by
 - (a) striking out the period at the end of clause (c);
 - (b) adding a semicolon and the word “and” at the end of clause (c); and
 - (c) adding the following immediately after clause (c):

- (d) "CMP" means a Construction Management Plan prepared in accordance with Administrative Order 2016-003-ADM.
- (2) Section 5 is amended by adding the following immediate after subsection (2) and before subsection (3):
 - (2A) An application for a Demolition Permit shall include a CMP.
- (3) Appendix C is amended by:
 - (a) striking out the number "5" in the brackets in the second line of the first paragraph;
 - (b) adding the number "3" in the brackets in the second line of the first paragraph; and
 - (c) adding the following section immediately after section 5:
 - 6. **Construction Management Plan (CMP)** – a detailed construction management plan prepared in accordance with Administrative Order 2016-003-ADM.

Done and passed in Council this 17th day of April, 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on April 17, 2012.

Cathy Mellett, Municipal Clerk

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Amendment # 1 (A-501)

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