

BY-LAW NO. S-900
RESPECTING THE ESTABLISHMENT OF CONTROLLED ACCESS STREETS
FOR STREETS WITHIN THE HALIFAX REGIONAL MUNICIPALITY

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality, under the authority of the Halifax Regional Municipality Charter, 2008, s.39 including Section 188 as amended, as follows:

Number and Short Title

1. This by-law shall be known as By-Law No. S-900, and may be cited as the "Controlled Access Streets By-Law". This by-law shall apply to those areas of the Halifax Regional Municipality located in the Urban Core Service Area.

Purpose And Intent

2. The purpose of this by-law is to promote the safe and efficient ingress and egress to specific Halifax Regional Municipality streets in the interest of public safety, convenience and general welfare; to protect the public investment in streets by preventing premature functional obsolescence; to reduce accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists and Halifax Regional Municipality; and to enhance the street appearance by making street travel more pleasant. This by-law also provides for the review and approval of proposed new points of access onto streets designated as "controlled access".

Definitions:

3. In this by-law:
 - (a) "municipality" means the Halifax Regional Municipality.
 - (b) "street" means all public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, and all curbs, gutters, culverts and retaining walls in connection therewith, and without restricting the generality of the foregoing, includes the full right of way width of a street.
 - (c) "private road" is a road that is not accepted by the municipality as a public right of way and includes a driveway.
 - (d) "controlled access street" means a street or a portion thereof listed in Schedule "A".
 - (e) "Engineer" means the Director of Transportation and Public Works and includes a person acting under his/her authority.

(f) “core area” means that portion of the municipality for which the municipality has assumed responsibility for maintenance of public streets and is more particularly described in Agreement No. HRM - 01 between the municipality and the Minister of Transportation & Public Works which became effective on June 24, 1996, as may be amended from time to time.

(g) “existing parcel” means any parcel of land which legally exists on the date this by-law is approved by Halifax Regional Council.

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

Designated Streets

4. The streets, or portions thereof, within the core area and under the control of the municipality as listed in Schedule A are hereby designated as controlled access streets where no new access will be permitted except in exceptional circumstances and only in accordance with good street access management principles.

By-Law S-300

5. Where there is a conflict between By-Law S-300 Respecting Streets - Section V and this by-law, this by-law prevails.

Prohibited Activity on Schedule A Streets

6. (1) Where a street, or a portion thereof, or any land has been designated as a controlled access street, as listed in Schedule “A”, no new public roadway or driveway connections shall be permitted except as approved by the Engineer.

(2) On a street listed in Schedule A, no person shall, without a written permit from the Engineer:

(a) construct, use or allow the use of, any public road, private road, entrance-way or gate which or part of which is connected with or opens upon the controlled access street; or

(b) sell, or offer or expose for sale, any vegetables, fruit, meat, fish or other produce, or any goods, wares or merchandise upon or within forty-five meters of the limit of the controlled access street.

Exemption For Public Utilities

7. This by-law shall not apply to municipal vehicles or public utility vehicles while actively engaged in maintenance and repair work on municipal streets or utility appurtenances included therein, or to emergency vehicles.

Closure of Private Road or Gate

8. The Engineer or any person acting under his authority may at any time block access to a private road, entrance-way or a gate that has been constructed, opened or used in violation of this by-law and, for that purpose, may enter by himself, his servants and agents, if necessary, into and upon any land or part thereof to remedy.
9. The Engineer may seek to recover the costs associated with remedying a violation of this by-law from the person or corporation in violation.

Existing Points of Access

10. All existing points of access approved by The Municipality and/or Nova Scotia Transportation and Public Works as of the date of approval of this by-law may be continued after the implementation of this by-law. However, if the use of an established point of access is discontinued for a period of one year, the Engineer may revoke the access privilege or require alterations or changes to achieve compliance with this by-law.
11. In the interest of public health, safety and general welfare, the Engineer may revoke an access permit or may require modifications to remedy a problem situation.

Revocation of Permits

12. (1) The Engineer may cancel, revoke or suspend any permit where there is a violation of this by-law, any order made pursuant to this by-law and any condition of any permit issued under the authority of this by-law.

(2) Any person who has been refused a permit or whose permit has been revoked pursuant to the exercise of any discretion by the Engineer may appeal to the Appeals Committee.

(3) 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 for the appeal.

(4) The Appeals Committee shall hear the appeal at a time and place as it determines and may confirm the refusal or revocation by the Engineer or direct the

immediate issuance or re-issuance of the permit by the Engineer subject to such conditions as the Appeals Committee may determine.

Penalties

13. (1) Every person who contravenes any of the provisions of this by-law, or who fails to comply with the terms or conditions of any permit issued under the authority of this by-law is guilty of an offence and shall be liable, upon conviction, to a penalty of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00).
- (2) In the case of a violation of this by-law of a continuing nature, in addition to any other remedy and to any other penalty imposed, Council may direct the Clerk to apply to a Judge of the Trial Division of the Supreme Court, by way of action or originating notice for an injunction ordering the person violating to cease the violation and the Judge may make any order that in the Judge's opinion the justice of the case requires.

Done and passed by Council this 3rd day of July, 2007.

Mayor

Municipal Clerk

I, Jan Gibson, Municipal Clerk for the Municipality hereby certify that the above-noted By-law was passed at a meeting of the Council held on July 3, 2007.

Jan Gibson, Municipal Clerk

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| Notice of Motion: | May 29, 2007 |
| First Reading: | June 12, 2007 |
| Notice of Public Hearing - Publication: | June 16, 2007 |
| Second Reading: | July 3, 2007 |
| Approval of Service Nova Scotia and Municipal Relations: | N/A |
| Effective Date: | July 7, 2007 |

Amendment # 1

Amendment to Schedule A

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| Notice of Motion: | August 3, 2010 |
| First Reading: | August 10, 2010 |
| Notice of Second Reading - Publication: | September 4, 2010 |
| Second Reading: | September 21, 2010 |
| Effective Date: | September 25, 2010 |

Amendment # 2

Amendment Sections 3 & 12

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| 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 by Service Nova Scotia and Municipal Relations: | N/A |
| Effective Date: | April 21, 2012 |

Schedule "A"

Private and Public Roadway Access Prohibited

| <u>Street Name</u> | <u>Between</u> |
|---------------------------|--|
| Portland Street | Green Village Lane & Bruce Street |
| Forest Hills Drive | Main Street & Cole Harbour Road |
| Burnside Drive | Highway 111 and Akerley Boulevard |
| Cogswell Interchange | entire |
| Dunbrack Street | North West Arm Drive & Kearney Lake Road |
| Glendale Avenue | Cobequid Road & Duke Street |
| Glendale Drive | Beaver Bank Road & Cobequid Road |
| Hammonds Plains Road | Pockwock Road & Highway 103 |
| Massachusetts Avenue | Robie Street & McKay Bridge Ramps |
| Mount Hope Avenue | Orion Court & south east end |
| Timberlea Village Parkway | St. Margarets Bay Road & Highway 103 |
| Victoria Road (Dartmouth) | Highfield Park Drive & Windmill Road |
| Woodland Avenue | Highway 118 & Pinehill Road |
| Wright Avenue | Burnside Drive & Highway 118 |
| Washmill Lake Drive | between a point 170 metres from the centreline of Chain Lake Drive measured along with centreline of Washmill Lake Drive and a point 950 metres from Chain Lake Drive measured along the centreline of Washmill Lake Drive |

