

**HALIFAX REGIONAL MUNICIPALITY
BYLAW N-300
RESPECTING NUISANCES AND SMOKING**

The Council of the Halifax Regional Municipality under the authority vested in it by clauses 188 (1)(a), (b), (c) and (d) and 192(f) of the *Halifax Regional Municipality Charter*, and subsection 16(1) of the *Smoke Free Places Act*, enacts as follows:

Short Title

1. This Bylaw may be cited as Bylaw N-300, the “Nuisance and Smoking Bylaw”.

Interpretation

2. In this Bylaw

(a) “abandon” means to leave a shopping cart on any public or private property outside the premises of the business that owns the shopping cart;

(aa) “accessory building” means a detached subordinate building, not used for human habitation, that is

(i) located on the same lot as the main building or use to which it is accessory,

(ii) wholly constructed of rigid materials such as metal, wood, or glass;

(b) Repealed;

(ba) “cannabis plant” means a weed that is a cannabis plant as defined in the *Cannabis Act* (Canada);

(c) “Council” means the Regional Council of the Municipality;

(ca) “dwelling unit” means living quarters that

(i) are accessible from a private entrance, either outside the building or in a common area within the building,

(ii) are occupied or, if unoccupied, are reasonably fit for occupancy,

(iii) contain kitchen facilities within the unit, and

(iv) have toilet facilities that are not shared with the occupants of other dwelling units,

excluding any

(i) detached structure that is not an accessory building, or

(ii) structure that is attached to the exterior wall of the dwelling unit or the building containing the dwelling unit, such as a balcony, deck, patio, porch, terrace, or veranda;

(d) “Inspector” means the Inspector appointed by the Chief Administrative Officer or his designate;

(da) “licensed producer” means an individual or corporation issued a producer’s license in accordance with the *Access to Cannabis for Medical Purposes Regulations* (Canada);

(db) “municipal property” means any land owned, occupied, or leased by the Municipality, including a street, and a park as defined by the *Municipal Parks By-law*;

(e) “Municipality” means the Halifax Regional Municipality;

(f) “owner” means,

(i) in respect of a shopping cart, a person or business who owns or provides shopping carts to its customers, or the assessed owner of the property where the business who provides shopping carts to its customers is located, or

(ii) in all other respects, as defined by clause 3(av) of the *Halifax Regional Municipality Charter*;

(g) Repealed;

(h) “parking area” means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;

(i) “premises” means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, “premises” shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;

(j) Repealed;

(ja) “serviced area” means the urban serviced area shown on Schedule B, the service requirement map, of the *Regional Subdivision By-law*;

(k) “shopping cart” means a non-motorized basket which is mounted on wheels, or a similar device, generally used by a customer of a business for the purpose of transporting goods;

(ka) “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;

(l) “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in the *Halifax Regional Municipality Charter*, and

(m) Repealed.

PART 1 - NUISANCE ON STREETS

Street Nuisance Defined and Prohibited

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

(2) For the purposes of this Part, nuisance includes:

(a) engaging in any activity or pastime which:

(i) obstructs any person;

(ii) creates a disturbance; or

(iii) causes any damage to any structure, object, sod, plant or tree.

(b) interfering with, moving, damaging, or altering in any way, the operation of any barrier or fence, warning sign, signal or light placed on or near a street for purposes of closing the street or part thereof or for purposes of ensuring control of traffic or the safety of persons using the street; and

(c) entering, traveling, or driving, in along or across any closed street or within the closed portion of any street without the permission of the Director of Public Works and Transportation.

Penalty

4. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

PART 1A – SMOKE ON MUNICIPAL PROPERTY

Smoking on Municipal Property

3A. (1) No person shall smoke on municipal property.

(2) Notwithstanding subsection (1), the CAO or delegate may designate a portion of municipal property as a smoking area.

Penalty

3B. Every person who violates the provisions of this Part 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.

PART 2 - SHOPPING CARTS

Removal Or Abandonment Prohibited

5. (1) No owner shall suffer or permit a shopping cart owned or used by the business to be removed from the premises of the business without providing written consent to the person removing the shopping cart.

(2) No owner shall suffer or permit a shopping cart owned or used by the business to be abandoned upon any public or private property.

(3) No owner shall knowingly have on their premises shopping carts identified as belonging to another business.

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

Information Required On Shopping Carts

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

(1) name of shopping cart owner or business or both;

(2) valid published telephone number and address for returning shopping cart to owner; and

(3) notification that removal of a shopping cart from the owner's premises, unauthorized possession of a shopping cart and abandonment of a shopping cart on public or private property is not permitted.

Parameters Of Cart Recovery Service

7. The owner of a business shall have a proactive shopping cart recovery service which shall include:

- (1) establishment of a dedicated phone line with 24 hour machine answering service (telephone number as in subsection 6(2));
- (2) conspicuous notification on premises that the following are prohibited:
 - (ii) the removal of a shopping cart from the owner's premises;
 - (iii) the unauthorized possession of a shopping cart; and
 - (iv) the abandonment of a shopping cart on public or private property.
- (3) retrieval of the shopping carts by the owner within 24 hours of receipt of notification through a dedicated phone line; and
- (4) shopping cart retrieval at the expense of the owner.

Impoundment by Municipality

8. (1) Any municipal employee or agent may retrieve and impound any shopping cart abandoned on public property.

(2) Within 48 hours, the Municipality shall inform the owner that the shopping cart has been impounded by phoning the owner's dedicated phone line.

(3) An impound fee in the amount set by Administrative Order 15, Respecting License, Permit and Processing Fees shall apply to each shopping cart impounded pursuant to subsection (1).

Retrieval By Owner

9. The Municipality shall release impounded shopping carts to the owner on the payment of the impound fee pursuant to clause 8(3).

Disposal by the Municipality

10. (1) The Municipality may sell or otherwise dispose of any impounded shopping carts not retrieved by the owner within 7 working days following the date of impoundment.

(2) The Municipality may immediately sell or otherwise dispose of any impounded shopping cart not identified as outlined in section 6.

(3) All expenses incurred by the Municipality in seizing, removing, impounding, storing and disposing of the shopping cart may be recovered as a debt due from the owner.

Penalty

11. Every person who violates the provisions of this Part shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) dollars and not exceeding One Thousand Dollars (\$1,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding sixty days.

PART 3

12. Repealed.

PART 4 – PLANTS AND OTHER WEEDS

- 12A** (1) Within the serviced area and subject to subsection 2, no person shall
- (a) cultivate, propagate, dry, or harvest a cannabis plant, unless the cultivating, propagating, drying, or harvesting occurs wholly within a dwelling unit or an accessory building;
 - (b) own or occupy property where a cannabis plant is cultivated, propagated, dried, or harvested, unless the cannabis plant is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building; or
 - (c) permit or allow a cannabis plant to be cultivated, propagated, dried, or harvested on property they own or occupy, unless the cannabis plant is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building.
- (2) Subsection (1) of this section shall not apply to a licensed producer.
- 12B** (1) Every person who violates the provisions of this Part shall be guilty of an offence and shall be liable to a penalty of not less than One Thousand Dollars (\$1000.00) dollars and not exceeding Ten Thousand Dollars (\$10,000.00) for each offence and in default of payment thereof to imprisonment for a period not exceeding one year.
- (2) Every day during which an offence pursuant to subsection (1) continues is a separate offence.
- (3) In addition to a penalty imposed for a contravention of this By-law in accordance with subsection (1) of this section, the judge may order that the cannabis plant be removed and destroyed.
- (4) Any costs incurred by the Municipality relating to an order for the removal and the destruction of the cannabis plant, shall be a first lien on the property upon which the cannabis plant was removed.

REPEAL OF BY-LAWS

13. The following by-laws are repealed:

By-Law 22104 of the former Town of Bedford, the Loitering By-Law;
By-Law 22141 of the former Town of Bedford, the discharge of Firearms By-Law;
By-Law A-300 of the Former City of Dartmouth, the Air Guns and Rifles By-Law;
By-Law F-300 of the Former City of Dartmouth, the Firearms By-law;
By-Law L-400 of the former City of Dartmouth, the Littering By-Law;
By-Law L-600 of the former City of Dartmouth, the Loitering By-Law;
By-Law N-300 of the former City of Dartmouth, the Abatement of Nuisances By-Law;
Ordinance 159 of the former City of Halifax, the discharge of Guns and Other Firearms;
Part VI of Ordinance 180 of the former City of Halifax, the Streets Ordinance;
Sections 4, 5, 5A and 6 of By-law 8 of the former Halifax County Municipality, the Mischiefs and Nuisance By-Law;
By-Law 39 of the former Halifax County Municipality, the Loitering By-Law,
By-Law 47 of the former Halifax County Municipality, the Dumping of Garbage and Litter By-law, and any amendments thereto

Done and passed in Council this 7th day of August, 2007.

MAYOR

MUNICIPAL CLERK

Notice of Motion:	June 26, 2007
First Reading:	July 3, 2007
Notice of Public Hearing - Publication:	July 21, 2007
Second Reading:	August 7, 2007
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	Part 1 - August 18, 2007; Part 2 - January 1, 2008

Amendment # 1 – By-law N-301

Notice of Motion:	
Please see March 18, 2008 Regional Council minutes	
First Reading:	May 27, 2008
Notice of Second Reading- Publication:	May 31, 2008
Second Reading:	June 17, 2008
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	June 28, 2008

Amendment # 2 – By-law N-302

Notice of Motion:	October 6, 2015
First Reading:	October 20, 2015
Notice of Second Reading - Publication:	October 24, 2015
Second Reading:	November 10, 2015
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	November 28, 2015

Amendment # 3 – By-law N-303

Notice of Motion:	June 5, 2018
First Reading:	June 19, 2018
Notice of Second Reading - Publication:	June 30, 2018
Second Reading:	July 17, 2018
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 15, 2018

Amendment # 4 – By-law N-304

Notice of Motion:	August 14, 2018
First Reading:	September 11, 2018
Notice of Second Reading - Publication:	September 15, 2018
Second Reading:	October 2, 2018
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 15, 2018
