

**HALIFAX REGIONAL MUNICIPALITY
BYLAW N-300**

RESPECTING NUISANCES

The Council of the Halifax Regional Municipality under the authority vested in it by Section 172(1)(a), (b), (c) and (d) and Section 174(f) of the *Municipal Government Act*, enacts as follows:

Short Title

1. This Bylaw may be cited as Bylaw N-300, the “Nuisance 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;
 - (b) “cat” means a non-feral or feral cat, either male or female;
 - (c) "Council" means the Regional Council of the Municipality;
 - (d) "Inspector" means the Inspector appointed by the Chief Administrative Officer or his designate;
 - (e) “Municipality” means the Halifax Regional Municipality;
 - (f) “owner” means, 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;
 - (g) “owner of a cat” means any person who possesses, has the care of, has the control of or harbours the animal, and where the person is a minor, includes the person responsible for the custody of the minor;
 - (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) "public place" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, alley, park, square, water courses including the shore of the water course, municipal,

provincial or federal owned lands or any other place to which the public has access as a right or by invitation, express or implied;

- (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;
- (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 Municipal Government Act.

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 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 - CATS

Duties of Cat Owner

12. (1) No cat shall:
 - (a) damage public or private property; or
 - (b) defecate on any public or private property, other than the property of it's owner, without the owner of the cat immediately removing the defecation.
- (2) Any owner of a cat which cat engages in any of the prohibited activities or fails to comply with any of the duties in subsection (1) shall be guilty of an offence under this By-Law and liable upon summary conviction to a minimum penalty of not less than two hundred dollars (\$200.00) and a maximum penalty of not more than five thousand dollars (\$5000.00), and in default of this payment, to imprisonment for a term not exceeding sixty (60) days.
- (3) This Part shall come into effect on the 1st day of July 2008.

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

I, Julia Horncastle, Acting 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 August 7, 2007.

Julia Horncastle, Acting Municipal Clerk

By-Law N-300

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 : No Public Hearing Held	May 31, 2008
Second Reading:	June 17, 2008
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	June 28, 2008