

1. Title:

This Bylaw shall be titled and referred to as the “Nuisance Party Bylaw”.

2. Background:

The Nova Scotia Municipal Government Act (NS MGA), Section 172 gives Council the specific authority to establish Bylaws. Sections 172(1) of the NS MGA authorizes Council to establish bylaws for municipal purposes respecting (a) the health, well-being, safety and protection of persons; (b) the safety and protection of property; (c) persons, activities and things, in, on or near a public place or place that is open to the public; (d) nuisances, activities and things that maybe or may cause nuisances.

The purpose of this Bylaw is to create a duty upon those hosting a social gathering or party to control the participants’ behavior and to give enforcement personnel a mechanism to disperse persons at a gathering that’s become a public nuisance, bridging a gap between existing Bylaws and the Criminal Code.

3. Definitions:

In this Bylaw;

“**Building**” means any permanent structure consisting of a roof supported by walls that is used or intended to be used for the shelter, accommodation of persons, animals, goods, chattels or equipment;

“**Bylaw Enforcement Officer**” means a person appointed by the Chief Administrative Officer who is a Special Constable or Bylaw officer pursuant to the Nova Scotia Police Act or similar legislation and empowered by such appointment to enforce this bylaw;

“**Dwelling**” means a Building containing one or more units for human habitation;

“**Town**” means the Town of Wolfville;

“**Highway**” includes public highway, street, lane, road, alley, sidewalk, parking lot, driveway, park, beach, or place including bridges, any part of which is intended for or used by the general public for the passage of vehicles or persons, and includes private property that is designed to be and is accessible to the general public for the pedestrian and motor vehicle use;

“**Municipality**” means the land within the geographic limit of the Town of Wolfville;

“**Nuisance Party**” means a gathering on Property which, by reason of the conduct of any one or more of the Person(s) in attendance, is characterized by any one or more of the following elements:

- (a) public intoxication;
- (b) the unlawful sale, furnishing, or distribution of alcoholic beverages or

- controlled substances;
- (c) the unauthorized deposit of litter on public or private property;
- (d) damage to public or private property;
- (e) the obstruction of vehicular or pedestrian traffic, or interference with the ability to provide emergency services;
- (f) sound that is unusual or excessive, or that is likely to be unwanted by or disturbing to persons, as described in the Prevention of Excessive Noise Bylaw;
- (g) unauthorized open burning as described in the Open Fires Bylaw;
- (h) public disturbance, including confrontations and violence;
- (a) outdoor public urination or defecation;
- (j) use of or entry upon a roof not intended for such occupancy.

“Officer” means a Police Officer or any Bylaw Enforcement Officer, assigned to administering or enforcing this bylaw;

“Police Officer” means a member of the Royal Canadian Mounted Police or municipal police service authorized to provide police services to the Municipality;

“Person” means a corporation as well as an individual;

“Public Place” means a Highway, public park, parking lot or other lands to which the public has access as of right or by invitation and includes private property that is exposed to public view;

“Property” means any public or private place in the Municipality, including but not limited to Highways, parks, parking lots, yards appurtenant to a Building or Dwelling, or vacant lands.

4. Bylaw Offences:

4.1 No person shall sponsor, conduct, continue, host, create or attend a Nuisance Party.

4.2 No person who, individually or jointly with others, is an owner, occupant, tenant, or who otherwise has rightful possession of or possessory control of any Property, shall allow, cause or permit a Nuisance Party on the Property under their possession or control.

4.3 No person, not residing at the Property, shall fail to leave the Property after having been directed to leave by an order to discontinue activity under this bylaw.

4.4 No person shall urinate or defecate in a Public Place.

4.5 No person shall stand, sit upon or otherwise occupy any roof of any Building unless carrying out legitimate maintenance or construction.

4.6 No person shall fail to comply with an order pursuant to Section 5.1 of this bylaw.

4.7 No person shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, rights, functions, powers or authority under this bylaw.

5. Order to Discontinue Activity:

5.1 Upon an order of an Officer to discontinue a Nuisance Party, the Nuisance Party shall cease and all persons, not residing on the Property, shall leave the Property where it is occurring.

5.2 The order under this section shall identify:

- (a) the location of the Property of the Nuisance party occurrence;
- (b) the elements in determining the Nuisance Party;
- (c) the date and time by which there must be compliance with the order.

5.3 An order issued under this bylaw, as outlined in Section 5.1 and 5.2, may be given immediately verbally or may be served personally on the person to whom it is directed. If the order is given by regular mail to the last known address of that person, and if given by registered mail, it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be carried out by registered mail to the corporate mailing address.

5.4 A Police Officer may temporarily close any Highway or portion thereof to public travel where a Nuisance party is occurring adjacent to the Highway to ensure public safety.

5.5 Where a Highway or portion of a Highway has been closed, the common law right of passage by the public over the Highway and the common law right of access to the Highway by an owner of land abutting the Highway are restricted as directed by a Police Officer.

5.6 No person shall use a Highway or portion of a Highway that has been temporarily closed under this bylaw except with lawful authority or in accordance with direction of a Police Officer.

6. Enforcement and Inspection:

6.1 The provisions of this bylaw may be enforced by an Officer of the Municipality.

6.2 Any Officer may enter upon Property for the purpose of investigation and enforcement of this bylaw.

6.3 Each Officer is hereby authorized to inform any person of the provisions of this bylaw and to request compliance.

6.4 When an Officer believes on reasonable grounds that an offence under this bylaw has been committed by a person, the Officer may require the name, address, proof of the identity of that person, and that person shall supply the required information.

6.5 Every person who contravenes or who causes or permits a contravention of any provisions of this bylaw is guilty of an offence.



6.6 Every director or officer of a corporation who knowingly concurs in the convention of any provision of this bylaw by the corporation is guilty of an offence.

6.7 Any Officer who believes on reasonable grounds that there has been a violation of this bylaw may issue a summary offence ticket to that person.

7. Ownership Provision:

7.1 As soon as practicable following the order to discontinue a Nuisance Party pursuant to Section 5.1 of this bylaw, a notice of the order shall be sent to the owner(s) of the property at which the Nuisance Party was discontinued;

7.2 The notice of the order to the owner will include all the information outlined in Section 5.2 of this bylaw;

7.3 The notice of the order will be deemed delivered as outlined in Section 5.3 of this bylaw;

7.4 A subsequent Nuisance Party is determined when a Nuisance party that re-occurs within two (2) years after an initial order to discontinue a Nuisance Party at the property is identified in an order, pursuant to Section 5.1 of this bylaw;

7.5 No person, who individually or jointly with others, is an owner or otherwise has rightful possession of or possessory control of any property, shall allow, cause, permit a subsequent Nuisance party on the said Property identified in the order.

8. Penalty:

8.1 Every person who contravenes or fails to comply with any provisions of this bylaw shall be liable to a penalty of not less than four hundred dollars (\$400.00) for a first offence, not less than six hundred dollars (\$600.00) for the second offence, and not less than nine hundred dollars (\$900.00) for a third and any subsequent offences.

Clerk's Annotation for Official Bylaw Book

Date of first reading: 2019-05-21

Date of advertisement of Notice of Intent to Consider: 2019-05-28

Date of second reading: 2019-06-18

Date of advertisement of Passage of By-law: 2019-07-02

Date of mailing to Minister a certified copy of By-law: 2019-07-02

I certify that this **Nuisance Party Bylaw 97--** was adopted by Council and published as indicated above.

W. M. Maudin

Town Clerk & CAO

2019-07-02
Date