



LEGISLATIVE AUTHORITY

Municipal Government Act, Section 172 (1)(a), (b), and (d) provides municipalities with the power to make bylaws respecting the health, wellbeing, safety and protection of persons, the safety and protection of property and activities that may cause nuisances including burning, odours and fumes.

1.0 TITLE

This by-law will be known as the “Peace and Good Order By-law”.

2.0 PURPOSE

The purpose of this by-law is to regulate excessive or unnecessary noise, profane, obscene, lewd, racial or discriminatory language and destructive or violent behaviour that make public spaces uncomfortable and unsafe for others who are present.

3.0 GUIDELINES

This by-law is not intended to punish anyone who suffers from mental illness or who does not have access to private space. Rather, it is intended to work in concert with efforts to find appropriate supports for those who require them;

It is intended to be enforced with responses proportionate to the disturbance and threat to safety involved for everyone in the situation;

It is not intended to prohibit lawful expression, assembly or protest.

4.0 DEFINITIONS

- (a) “CAO” means the Chief Administrative Officer of West Hants Regional Municipality;
- (b) “Council” means the Council of West Hants Regional Municipality;
- (c) “Municipality” means the West Hants Regional Municipality;
- (d) “Noise” means any unwanted sound that doesn’t happen in a natural environment and can include sounds coming from people, machinery, equipment, residential and commercial properties, as well as industrial places.
- (e) “Growth Centres” means a geographic area that has been identified as having the potential for economic growth and development. For this purpose, the communities of Three Mile Plains, Windsor, Falmouth and Hantsport are identified as Growth Centres.
- (f) “Rural Areas” means a geographic area located outside an identified growth



centre.

- (g) “Disorderly conduct” means any behaviour(s) that disrupts the peace and quiet of a public area, or that offends public decency.

5.0 SCOPE

This By-law applies to the Municipality in its entirety.

6.0 PROHIBITIONS AND INTERPREATTIONS

No person(s) shall use profane, obscene, lewd, racial or discriminatory language or behave in a lewd or obscene manner in a public place or at any public gathering or meeting in any store, shop, house or building.

No person(s) shall publish, or post on public property any profane, obscene, lewd, racial or discriminatory drawings, pictures, poster, placards or writing on public property within the municipality.

No person(s) shall defecate or urinate in public.

No person(s) shall challenge anyone to fight, nor use abusive or provoking language, taunting or threatening gestures towards any person without lawful excuse.

No person(s) shall encourage any animals to fight in any public place within the municipality.

No person(s) shall fire any gun, air rifle or other firearm of any kind in the growth centres, unless that person is a peace officer doing so in the lawful exercise of the duty of the peace officer; or hunt with a weapon of any type or description within the municipality without a license to hunt.

No person(s) shall without lawful authority wantonly or willfully meddle or interfere with or desecrate, disfigure, destroy, damage any gravestone, tomb, vault or any railing or curbing on a lot or plot for the burying of the dead in any cemetery or burial ground within the municipality, nor take away, destroy or damage any flower plant or shrub of any kind growing, placed or being upon or around any grave, tomb, or vault or in any lot in any such cemetery or burial ground.

7.0 EXEMPTIONS

7.1 Emergency response personnel engaged in emergency response duties, including



operation of comfort centres and emergency shelters with generators;

- 7.2 Emission of sound in connection with any organized traditional, festive, or religious activity;
- 7.3 Emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- 7.4 Noises in connection with organized athletic or recreational activities in municipal, school, public park areas, arenas, or community centres and halls;
- 7.5 Noise caused by the Municipality, Government of Canada, Province of Nova Scotia, Nova Scotia Power Corporation, and/or telecommunication companies and their contractors and employees when acting in the reasonable execution of their duties;
- 7.6 Any noise emitted from, or associated with, any Industrial operation permitted by the relevant land use by-law; and
- 7.7 *Any noise generated by agricultural practices which are protected by the Nova Scotia Farm Act 2000, c3, s1, An Act to Protect Farmers Engaged in Normal Farm Practices from Being Sued in Nuisance or Negligence.”*
<https://nslegislature.ca/sites/default/files/legc/statutes/farmprac.htm>

8.0 PENALTIES AND ENFORCEMENT

This by-law may be enforced by a Municipal By Law Enforcement Officer or a police officer. Any person who fails to comply with any of the provisions of this By-law shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than sixty (60) days. *Whenever possible, a process similar to restorative justice practices shall replace a fine and/or imprisonment.*

9.0 EFFECTIVE DATE

This By-law shall come into full force and effect on the date it is passed.

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____(month), _____(year).

(Signature of Municipal Clerk)

(Typed name of Municipal Clerk)



**WEST HANTS REGIONAL MUNICIPALITY
PEACE AND GOOD ORDER BY-LAW**

RCOPG-001

By-law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	
Final Publication	
Notice to Municipal Affairs	
Description:	

DRAFT



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