

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER S - 300

BY-LAW RESPECTING STREETS

Number and Short Title

1. This By-law shall be known as By-law Number S-300 and shall be cited as the “Streets By-law”.

Application

2. This by-law shall apply to all public streets in the Halifax Regional Municipality, except for bridges vested in the Halifax-Dartmouth Bridge Commission and streets vested in His Majesty in right of the Province.

Definitions

3. In this By-law:

(a) "abutter" means the owner, lessee, or occupier of any premises or lot in the Municipality which abuts a street, and where the premises or lot has been registered as a condominium under the Condominium Property Act, includes the condominium corporation which manages the premises or lot;

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

(ab) “applicant” means any person who makes an application for, and obtains, any permit under the provisions of this by-law;

(b) “construct” includes the installation, alteration, or removal of any facility;

(ba) “contractor” includes any person who, for another person, carries out work or supplies labour for the alteration, construction, demolition, excavation, or development of land or a structure;

(c) repealed;

(d) "Council" means the Council of the Halifax Regional Municipality;

(e) “crosswalk” means that portion of a roadway ordinarily included within the prolongation or connection of curblines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface;

(ea) “driveway” means that portion of a street between the curb or edge of the roadway

and the abutting property line which is improved to allow vehicular access to the property;

(f) Repealed;

(g) "Engineer" means the Engineer of the Halifax Regional Municipality and includes a person acting under the supervision and direction of the Engineer;

(h) "facility" means any pole, pole lines (including braces and anchors), wires, duct bank, aerial cables, manholes, conduits, underground cables, pipes for the carriage of gas or liquids, and associated apparatus for the provision of utility services, including amplifiers, connection panels, transformers, valves and other fittings or equipment.

(i) "municipal infrastructure" includes infrastructure that supports the provision of municipal services and without restricting the generality of the foregoing includes public trees, street lighting, traffic lights, traffic signs and other municipal signs;

(j) "municipal street furniture" includes banners, flower pot and other decorations owned by the Municipality;

(k) "Municipality" means the Halifax Regional Municipality;

(ka) "oversized vehicle" means a vehicle, including any trailer or load connected thereto, having dimensions in excess of 30.5 metres in length, 3.7 metres in width; or 4.5 metres in height;

(l) "owner" includes

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building, and

(ii) in the absence of proof to the contrary, the person or persons assessed for the property;

(la) "person" means a natural person, corporation, partnership, an association, society, firm, agent, trustee, or registered Canadian charitable organization as defined in section 3(bc) of the *Halifax Regional Municipality Charter*, and includes the heirs, executors or other legal representatives of a person, or owner;

(m) "public tree" means a tree of which the majority of the trunk is on public land within the Municipality;

(n) "roadway" means that portion of a street between the curb lines or the travelled portion of a street designed for vehicular travel;

(o) "sidewalk" means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway;

(p) “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge and square, and the curbs, gutters, culverts and retaining walls in connection therewith, and without restricting the generality of the foregoing includes the full right of way width, but does not include bridges vested in the Halifax-Dartmouth Bridge Commission and streets vested in His Majesty in right of the Province;

(pa) “structure” includes any building, bridge, pedway, balcony, bay window, elevator, fence, foundation wall, grating, hatch, hatchway, loading platform, manhole, porch, portico, railing, retaining wall, permanent sign attached to a building, step, storage tank, tunnel, vault, veranda, or any part thereof;

(pb) “undergrounding area” means the area of the Municipality shown on Schedule 1;

(q) “utility” includes any person or corporation that provides water, wastewater services, stormwater services, electric power, telecommunications service, natural gas or other gas intended for use as fuel to the public.

(r) Repealed.

PART 1 - REMOVAL OF ICE AND SNOW FROM SIDEWALKS

Removal of Snow and Ice

4. (1) Owner, except where snow removal service is provided by the Municipality, shall remove all snow and ice,
- (a) from any sidewalk which abuts any side of their property; provided , however, that where a property containing a detached one-family dwelling unit, a duplex dwelling or a semi-detached dwelling unit as defined in the Land Use Bylaws has frontage on a street at both the front and rear of the property, the owner shall not be required to remove the snow and ice from a sidewalk which is part of the street at the rear of the property, where the street at the front of the property is defined as the street on which the property has its civic address, and
 - (b) from any pathway leading from a sidewalk abutting their property to the roadway, and
 - (c) between any sidewalk abutting their property and a crosswalk

for a minimum width of 1.6 metres or the full width of the paved sidewalk, whichever is less, within twelve hours after the end of any snowfall or, where the snow stops falling during the night, six hours after daylight, and without restricting the generality of the foregoing, owners shall render the sidewalk completely free of snow and ice to bare pavement within said times.

- (2) No person shall deposit snow or ice on the travelled way of any street.

Removal of Icicles

5. No person shall permit icicles to accumulate on any part of a structure owned or occupied by them so as to become dangerous to persons passing on the street.

Engineer May Remove

6. (1) Where the owner fails to remove snow or ice from a sidewalk or a structure as required by this By-law, the Engineer or a peace officer may serve an Order to Remove Snow and Ice upon the owner by posting the Order in a conspicuous place upon the property.

(2) If the owner fails to comply with the Order to Remove Snow and Ice within 24 hours of service of the Order, the Engineer or a peace officer may remove such snow and ice and may recover the cost of such work from the owner.

(3) The Municipality's cost in removing the snow and ice pursuant to subsection (2) shall constitute a lien against the property which shall be applied and enforced in the same manner as for rates and taxes under the Assessment Act.

PART II - USE OF SIDEWALKS AND BOULEVARDS

Animals on Sidewalk

7. No person shall drive or ride any horse, cow, sheep or other animal, on any sidewalk where the passage or excrement of such animal would be likely to cause annoyance to persons using the sidewalk.

Damage to Sidewalks, Curbs and Landscaping

8. Whenever any sidewalk, curb, or landscaping between the edge of the roadway and the property line has been broken or otherwise damaged by the abutter, their contractor or agent, the Engineer may serve notice in writing upon the owner of the abutting property requiring the owner to take immediate action to render the damaged area in a safe condition, to obtain a permit to repair said damage within 48 hours, as hereinafter provided, and to effect repair of such damage within 7 days from service of such notice or such time as stated on the notice, and if the owner fails to make such repairs within such time, the Engineer may cause the same to be done at the expense of the owner.

Encroaching hedges, tree roots, tree branches

9. (1) Abutters shall trim the branches or roots of any tree, hedging, bush or other shrubbery which encroaches from the abutting property over or under any street so as to prevent such trees, hedging, bushes or other shrubbery from interfering with or affecting the sightlines of any person travelling on a street or interfering with any structure on or in a street.

(2) Where the abutter has failed to comply with subsection (1), the Engineer may serve notice in writing upon the abutter requiring the trimming of said tree, hedging, bush

or other shrubbery within such time as stated on the notice, and if the abutter fails to do so within such time, the Engineer may cause the same to be done at the expense of the abutter.

Littering

10. (1) Owners shall maintain the area between the edge of the roadway and their property line free from garbage, waste or debris whether or not it is placed in containers.
- (2) Where the owner fails to maintain the area between the edge of the roadway and their property line as required by subsection (1) the Engineer or a peace officer may serve an Order to remove Improperly Placed Solid Waste upon the owner by posting the Order in a conspicuous place upon the property. Such an Order shall not be given on a collection day for the property pursuant to By-Law S-600 Solid Waste Collection and Disposal by-law.
- (3) If the garbage, waste or debris is not removed in accordance with the by-law and the time period outlined in the Order to Remove Improperly Placed Solid Waste, the Engineer or a peace officer, may remove or cause to be removed such garbage, waste or debris at the expense of the abutting owner.
- (4) The Municipality's cost in removing the garbage, waste or debris pursuant to subsection (3) shall constitute a lien against the property which shall be applied and enforced in the same manner as for rates and taxes under the Assessment Act.
- (5) Repealed.

Maintenance of Grass

11. Abutters, except where grass cutting and maintenance service is provided by the Municipality or the Halifax Regional Water Commission, shall maintain any grass between the edge of the roadway and the edge of the property line, closely clipped and to a height not greater than 15 cm and shall keep such areas in good order including raking and renewal of the grass as necessary.

Boulevard Gardens

- 11A (1) Section 11 shall not apply where a boulevard garden has been placed in accordance with the Boulevard Gardens Administrative Order.
- (2) For greater certainty, a Streets and Services Permit is not required for a boulevard garden as set out in subsection (1).
- 11B. (1) A boulevard garden shall be constructed in accordance with the Boulevard Gardens Administrative Order.
- (2) Where the Engineer is satisfied that a boulevard garden is
- (a) not constructed in accordance with the Boulevard Gardens Administrative

Order,

- (b) a hazard to public safety, or
- (c) a hinderance to municipal or utility operations,

the Engineer may issue an Order to Comply to the abutter.

(3) Every Order to Comply shall contain:

- (a) the standards to which the boulevard garden does not comply;
- (b) the date after which the boulevard garden will be subject to re-inspection to confirm compliance with the Order to Comply; and
- (c) the action that will be taken against the abutter should the boulevard garden not comply with the standards at the time of re-inspection.

(4) Where an abutter fails to comply with the requirements of an Order to Comply within the time specified in the Order to Comply, the Engineer may enter upon the property and carry out the work specified in the Order to Comply.

11C. A boulevard garden that becomes unsightly or is not maintained may be removed by the Municipality.

11D. No person shall plant an invasive species, as set out in the Boulevard Gardens Administrative Order, in a boulevard garden.

PART III UTILITIES

Application

12. This Part shall apply to any utility constructing a facility in or upon any street.

Permit Required

13. (1) No facility shall be constructed by a utility without first obtaining a permit therefor from the Engineer in accordance with Part IV of this by-law, and such facility shall be constructed in accordance with the conditions set out in the permit. The location thereof shall be subject to the approval of the Engineer.
- (2) A separate permit shall be required for the construction of a facility on each street affected.

Contents of Application

14. The application shall include plans satisfactory to the Engineer showing the location of

such facility, existing municipal and utility infrastructure, including public trees.

Permit Conditions for Utilities

15. In addition to the conditions set out therein, every permit issued to a utility is deemed to include the following conditions:
- (a) every line of poles must be run on one side of the street only, except when absolutely necessary to change to the other side, but such change may be made only by the permission of the Engineer;
 - (b) new poles must not be deposited on any street more than 3 days in advance of their erection;
 - (c) two lines of poles shall not be erected on the same side of the street;
 - (d) when directed by the Engineer, or when required to clear trees, poles and wires shall be of such height as the Engineer deems necessary;
 - (e) repealed;
 - (ea) in the undergrounding area all wires, cables, pipes, and other Facilities associated with the transmission, delivery or furnishing of telecommunications, electricity, water, wastewater, stormwater, steam, gas, geothermal energy or other utilities, shall be constructed underground and in conduits or vaults, unless authorized otherwise by the Engineer;
 - (f) underground facilities shall be constructed no less than 750 mm below grade under paved surfaces or otherwise no less than 600 mm below the surface grade of the street;
 - (g) repealed.

Removal of Wires and Poles

16. (1) All broken and dead wires, and all wires, poles and fixtures not actually in use must be removed by the utility unless permitted to remain by the Engineer.
- (2) Any broken pole or dead wire that is on any street more than 3 days may be removed by the Engineer at the expense of the utility, after three days' notice to remove same.
- (3) When a pole is taken down it must be removed the same day.

Change of Location

17. Where in the opinion of the Engineer the location of any facility shall interfere with any works or undertakings of the Municipality, the facility shall be changed or altered and, wherever necessary removed; whenever the Engineer orders such changes of location or removal, it shall be done by the utility without unnecessary delay and at its expense, or it may be done by the Engineer at the expense of the utility.

18. Repealed.

Conflict with Agreements under By-Law E-200

18A. Notwithstanding the provisions of this By-law, if a utility has an agreement with the Municipality pursuant to section 10 of By-law E-200, *the Encroachment By-Law*, and the terms of that agreement conflict with any of the provisions contained herein, the terms of the agreement shall prevail.

Use by Municipality

19. Every utility owning poles shall allow the Municipality free of charge,

(a) (i) the use of a portion of each pole for the purpose of erecting and maintaining thereon municipal infrastructure or municipal street furniture owned by the Municipality, and appurtenances thereto advance notification of which will be provided to the utility; and

(ii) the Municipality indemnifies and saves the utility harmless in the event of any claim made as a result of the presence, operation and maintenance on poles of the utility of such municipal infrastructure or municipal street furniture, except to the extent that such loss or damage is caused by the utility or by a party or parties other than the Municipality;

(b) where the utility wishes to remove a pole which is being used to support municipal infrastructure, the Municipality shall have the option of requiring the pole to remain, and upon removal of the utility's facilities from the pole, ownership of and responsibility for the pole shall be transferred to the Municipality.

Records

20. When required by the Engineer, every utility shall file in the office of the Engineer such records of the facilities owned by it as the Engineer requires.

Public Trees

21. (1) Except in the event of an emergency, no utility shall disturb a public tree by pruning or other means without first obtaining permission therefor from the Engineer.

(2) In constructing any facility, a utility shall minimize any disturbance to a public tree.

(3) Where it is necessary for a utility to alter a public tree, the Engineer may assign an inspector to supervise the work, the cost of which shall be borne by the utility.

(4) The Engineer may require that the utility do such things as are necessary to ensure the health and safety of public trees affected by any works carried out by the utility, even where not required by the utility's own standards.

(5) Where a utility disturbs a tree by pruning or other means, the utility shall use sound arboricultural practices as determined by the Engineer.

Non-Compliance

22. Every utility constructing a facility in or upon a street shall comply with this bylaw; and in the event of failure to do so within the time specified by the Engineer, the Engineer may require the removal of the facility.

PART IV - PERMITS**Permit Required**

23. (1) No person shall, without first obtaining a permit therefore from the Engineer:
- (a) make any excavation in a street;
 - (b) install or repair any facility on a street;
 - (c) obstruct a street;
 - (d) construct a driveway;
 - (e) operate an oversized vehicle on a street; or
 - (f) close off or make use of the street, or any portion thereof, for any activity other than as a right of way or a use already regulated under this or any other by-law of the Halifax Regional Municipality.
- (2) Every permit application shall include: the appropriate application fee, dependent upon the type of activity to be undertaken, as specified in Administrative Order 15.
- (3) Where the activity is in association with a construction, demolition or restoration project on property abutting a street, the permit shall include the name of the contractor engaged in work in the right of way, if different from the applicant.

Performance Security & Warranty

24. (1) Where there is an excavation within the street, the application shall include:
- a) a security deposit as specified in Administrative Order 15, or bonding in a form and amount acceptable to the Engineer, and
 - b) for excavations within pavement areas, a non-refundable pavement impact fee as specified in Administrative Order 15.
 - (c) repealed.
- (2) The security deposit shall be retained as a warranty that the applicant or contractor will properly perform and complete the work for which the permit is granted, and restore and keep the surface of the street when such work is done, to a good

condition and to the satisfaction of the Engineer, for a period of twenty-four months after the reinstatement works are inspected and approved by the Municipality.

- (3) If the Engineer is of the opinion that the work is not being properly performed, or the surface of the street is not kept in good condition, the Engineer may, with notice, perform such work in respect of the work or street as the Engineer considers necessary and the cost shall be deducted from the deposit, and the balance, if any, returned upon the expiry of the twenty-four month period referred to in subsection (2). If the cost of such work exceeds the deposit, the applicant and contractor are liable to the Municipality for the remainder.
- (4) Subject to subsection (3) if the permit is in association with a construction, demolition or restoration project on property abutting a street, the balance with interest at the rate determine by Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.

Annual Permits

- 25. (1) The Engineer may grant a periodic or annual permit for routine work and maintenance including pavement patching related thereto which require excavation in municipal streets, subject to such conditions as the Engineer may determine, and, without restricting the generality of the foregoing, any such permit shall require that the Engineer be informed of the location, contractor and time of such work prior to its commencement and that the contractor provide liability insurance in accordance with clause 28(h).
- (2) Applications for annual permits shall include the appropriate application fee and security deposit in the amounts specified in Administrative Order 15.
- (3) The provisions of s.24 shall apply, mutatis mutandis, to the annual permit security deposit and the said security deposit shall be returnable, upon the Engineer being satisfied that the provisions of this bylaw have been adhered to, on expiration of the permit.
- (4) Every holder of an annual permit shall file in the office of the Engineer a notice of completion of work for all facilities constructed or repaired within a street within one week of the completion of the work.
- (5) Every holder of an annual permit shall be responsible to keep records and inform the Engineer of excavations made in the roadway portion of the street by the permit holder for any works undertaken pursuant to the issuance of an annual permit and shall pay the pavement impact fee specified in clause 24(1)(b).
- (6) All excavation work carried out under an annual permit is subject to inspection by the Municipality and said inspection is subject to an inspection fee as set out in Administrative Order 15.

Closing of Openings

26. (1) Every excavation in a street shall, after notice, either written or verbal, given by the Engineer to the applicant, contractor or abutter, be closed and filled as required by the notice, and if not so closed and filled within 48 hours after such notice, then it may be closed and filled by the Engineer at the expense of the applicant, contractor or abutter.
- (2) If, in the opinion of the Engineer, the excavation poses a hazard, the Engineer may immediately fill the excavation and recover the costs thereof from the applicant, contractor or the abutter.

Protection of Excavations

27. Every person obtaining a permit to make any excavation or opening in or near any street shall comply with all applicable health & safety regulations and instructions from the Engineer, and take all reasonable measures (including the erection of fencing, lighting, plating and signage as appropriate) to safeguard the work site and to protect workers and the public.

Temporary Street Closure Permits

- 27A (1) Notwithstanding any other by-law or policy, the Engineer may grant a permit for the temporary closure of a street, or part thereof, for any purpose that the Engineer deems beneficial to the public interest.
- (2) An application to temporarily close a street, or part thereof, shall include the following:
- (a) a depiction or description of the proposed closure limits;
 - (b) an outline of how the street will be used during the closure and how this use is beneficial to the public interest;
 - (c) the date, time and duration of the proposed closure;
 - (d) confirmation that sidewalks will remain fully open and that a 6-metre fire lane will be maintained at all times;
 - (e) if requested by the Engineer, a petition showing the support of abutters within the area of the proposed closure; and
 - (f) any other information that the Engineer may deem appropriate in the circumstances.
- (3) In determining whether to grant a permit for a temporary street closure, the Engineer shall consider:
- (a) information contained in the application;
 - (b) impacts of the proposed closure on traffic flow and transit services;
 - (c) the recommendations, if any, of Regional Council, the Special Events Task Force, and other HRM staff; and
 - (d) any other criteria that the Engineer deems appropriate.

Permit Conditions

28. In addition to any other conditions imposed by the Engineer, all permits shall be subject to the following conditions:

- (a) the Engineer may stipulate the hours of work;
- (b) the applicant or contractor shall keep the work site at all times safe with respect to vehicular and pedestrian traffic, including direction of traffic, barricades, lights, signs, and supply of properly equipped and trained Traffic Control personnel for protection of traffic, in accordance with the Temporary Workplace Control Manual in force pursuant to the Occupational Health and Safety Act;
- (c) notice being given to the Engineer prior to the installation of temporary steel plates over openings;
- (d) the Engineer may order additional precautions, work stoppages and restorations of the street should circumstances warrant such action; upon the failure of the applicant or contractor to comply within 24 hours with such order or in the event of an emergency, the Engineer may undertake any necessary action and recover the cost of such action from the applicant or contractor;
- (e) the applicant or contractor shall ensure that the street is kept free from nuisance, dirt, and dust;
- (f) repealed;
- (g) the applicant or contractor shall ensure that all excavations are backfilled and restored in such manner and with such material as is approved by the Engineer and that advance notice of a minimum of 24 hours of the backfilling operation shall be provided to the Engineer so that it may be properly inspected;
- (h) the applicant or contractor shall provide and maintain liability insurance in an amount as outlined in Administrative Order 15 with the Municipality named as additional insured, and such insurance shall indemnify the Municipality and its employees from any and all claims made as a result of the actions of the applicant or contractor undertaken pursuant to a permit issued under this by-law.
- (i) repealed;
- (ia) All pavement cuts must comply with the requirements of the Municipal Design Guidelines;
- (j) unless otherwise authorized by the Engineer, pavement cuts shall not be permitted
 - (i) for two calendar years on streets which have been resurfaced, reconstructed or have received a pavement treatment, or

- (ii) from November 1st through April 30th of any calendar year;
- (k) any other condition that the Engineer may impose;
- (l) the Engineer may require the completion of a Construction Management Plan as set out in Administrative Order 2016-003-ADM; and
- (m) the applicant or contractor must maintain a copy of the issued permit at the work site, and produce it to the Engineer, an HRM by-law enforcement officer, or a peace officer upon request.

Emergencies

29. Despite anything to the contrary in this By-law, a person who owns a structure or facility in a street may do emergency work with respect to such structure or facility without first obtaining a permit or delivering notice to the Engineer, if:
- (a) the work requires immediate completion to avoid endangerment to health, safety, or to provide an essential service;
 - (b) obtaining a permit or consent from the Engineer before doing the work is not practicable;
 - (c) the person does only such work as is necessary to end the emergency;
 - (d) the person notifies the Engineer of the work and applies for any applicable permits as soon as possible (and in any event, no later than 5 business days after the emergency work commences);
 - (e) the person provides to the Engineer such information concerning the work as the Engineer may reasonably require; and
 - (f) after the emergency, the person complies with the requirements of this By-law to the extent it is still possible to do so.

Obstructions

30. (1) No person shall obstruct any street without first obtaining a permit from the Engineer.
- (1a) Subsection 1 shall not apply to a roadside memorial as set out in the Roadside Memorials Administrative Order.
 - (2) Where an obstruction may cause damage to the street, the Engineer may require a security deposit in the amount specified in Administrative Order 15, such deposit to be held until the Engineer is satisfied that no damage has occurred to the street after the obstruction has been removed.
 - (3) The Engineer may permit any person to use any portion of a street for

construction or other temporary purpose subject to any conditions that the Engineer may reasonably impose.

- (4) The Engineer may refuse to issue a permit when it is in the public interest to do so.

PART IVA – CROSSWALK FLAGS

- 30A (1) No person shall install crosswalk flags on or near a street except in accordance with this section.
- (2) A person may request permission from the Engineer to install crosswalk flags on or near a street pursuant to the Placement of Crosswalk Flags Administrative Order.
- (3) If permission is granted, the crosswalk flags shall be installed in accordance with the conditions set out in the permission, and such permission shall be provided to the requestor.
- (4) If permission has been granted by the Engineer, every crosswalk flag shall
- (a) be bright orange in colour;
 - (b) not exceed forty (40) centimeters by forty (40) centimeters in width; and
 - (c) be attached to a dowel or rod that does not exceed 75 centimeters in length.

PART V - DRIVEWAY ACCESS

Permit Required

31. Every property owner is required to obtain a permit from the Engineer before constructing a driveway.

Cost and Driveway Specifications

32. Every driveway shall be constructed and maintained at the expense of the property owner of the lot served, in conformance with the specifications as determined by the Engineer in accordance with good engineering practice, and in compliance with all applicable laws and regulations.

Separate Driveways

33. (1) With the exception of signalized intersections, where more than 100 vehicles will enter or leave a street in any one hour, separate driveways are required, one for egress and the other for access, subject to the following conditions:
- (a) separate driveways shall not be permitted to join or meet the roadway at an angle less than 45 degrees;

- (b) separate driveways shall be physically separated from other driveways and shall be clearly marked as an entrance or an exit to the property the driveway will serve; and
 - (c) separate driveways shall have a width greater than 3 metres and less than 7 metres at the point where the driveway joins the roadway.
- (2) Notwithstanding subsection (1), the Engineer may approve a single driveway for access and egress subject to special conditions, where in the opinion of the Engineer the driveway will not affect the safe movement of traffic.

Two-Way Driveways

34. (1) Driveways permitted to allow vehicles to both enter and leave a street by means of the same driveway shall conform to the following requirements:
- (a) two-way driveways shall not be permitted to join the roadway at an angle less than 70 degrees;
 - (b) Two-way driveways serving residentially used property with 4 or fewer units shall have a width not less than 3 metres and not greater than 5 metres at a point where the driveway meets the roadway, except where the property frontage exceeds 18 metres, a driveway up to 6 metres in width may be permitted;
 - (c) Two-way driveways serving commercially, institutionally or residentially used property with 5 or more units shall have a width not less than 7 metres and not greater than 10 metres at a point where the driveway meets the roadway; and
 - (d) Two-way driveways serving industrial used property or property which is zoned for industrial or construction and demolition use shall have a width not less than 10 metres and not greater than 12 metres at a point where the driveway meets the roadway.
- (2) Notwithstanding subsection (1), where there are limiting or special circumstances, the Engineer may approve a driveway width subject to special conditions, where in the opinion of the Engineer the driveway will not affect the safe movement of traffic.

Maximum Number of Driveways

35. (1) All driveways must conform with the following requirements:
- (a) no more than one driveway may serve any residentially used or zoned lot having less than 30 metres of frontage on one street, except where the lot is a corner lot fronting on two local streets in which case one driveway on each street may be permitted by the Engineer;
 - (b) no more than two driveways may serve any residentially used or zoned lot

having less than 180 metres and more than 30 metres of frontage on one street;

- (c) no more than two driveways may serve any non-residentially used or zoned lot having less than 30 metres of frontage on one street;
- (d) no more than three driveways may be permitted to serve any non-residentially used or zoned lot which has less than 180 metres and more than 30 metres of frontage on one street; and
- (e) any lots having more than 180 metres of frontage on one street may be permitted an additional driveway for each additional 150 metres of lot frontage on the street.

(2) Notwithstanding subsection (1), the Engineer may refuse to issue a permit for more than one driveway per lot where the additional driveway would affect the safe movement of traffic on the street due to high traffic volumes or other reason.

(3) Notwithstanding subsection (1), where there are limiting or special circumstances, the Engineer may approve an additional driveway subject to special conditions, where in the opinion of the Engineer the driveway will not affect the safe movement of traffic.

Proximity to Intersections

36. (1) No driveway shall be located

- (a) within 30 metres of a street intersection controlled by traffic signals;
- (b) within 30 metres of the intersection of a major street; or
- (c) within 8 metres of the intersection of a local street;

measured from the extension of the edge of the roadway of the intersecting street, excluding any curb return or flare.

(2) Except where the property to be served abuts two local streets, no driveway shall be located on any street where the property to be served abuts and has reasonable access to another street that carries a lesser amount of daily traffic

(3) Notwithstanding subsection (1), the Engineer may approve a driveway where the proposed driveway will form part of the intersection, or where there is no other means of access to the lot, and in such cases, the Engineer may issue the permit subject to any condition which, in the opinion of the Engineer, will minimize the impact to traffic by reason of said access.

(4) Notwithstanding subsection (1) or (2), the Engineer may refuse access, or approve access subject to special conditions, where there are limiting circumstances such as

compound curves, right turn by-pass lanes, acceleration or deceleration lanes.

Driveway Culverts

37. Where a driveway crosses an existing ditch, the property owner shall install a culvert at the owner's expense and in conformance with the specifications as determined by the Engineer in accordance with good engineering practice, and in accordance with the instructions and approvals of other authorities having jurisdiction.

Sight Distances

38. (1) All driveways shall meet minimum stopping sight distances requirements in conformance with the specifications as determined by the Engineer in accordance with good engineering practice.
- (2) Notwithstanding subsection (1), the Engineer may approve a driveway where there is no other means of access to the lot, and in such cases, the Engineer may issue the permit subject to special conditions.

Curbs

39. No person shall drive a vehicle over a curb.

Driveway Drainage

40. Driveways shall be constructed and maintained so as to prevent surface drainage, dirt or dust from private property such as to constitute a nuisance or hazard or in such amount as will enter the public sewer system, from being carried onto the street or sidewalk by means of the surface of a driveway.

GENERAL PROVISIONS

Encroaching Gates

41. No person, other than the Municipality with the approval of the Engineer, shall construct or permit to be used any gate or barriers that open into or encroach upon any portion of the street or that may in any way impede pedestrian or vehicular traffic.

Revocation of Permits

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

(5) For the purposes of this section, permit includes permission under Part IVA.

Dirt and Other Nuisances

43. No person shall place, permit to be placed, or permit to escape from an abutting property dirt, dust, or other nuisance onto the street surface.

Signs

44. No person shall place or allow to be placed any sign or advertising board, including sandwich boards, within the street without first obtaining a permit therefor pursuant to a sign or encroachment bylaw.

Penalty

45. (1) Any person who contravenes any provision of this By-law, an order issued pursuant to this By-Law, or a permit issued pursuant to this By-law is guilty of an offence and is liable on summary conviction to a penalty of not less than one hundred dollars (\$100) and not more than ten thousand (\$10,000.00) dollars.

(2) Repealed.

Schedule

45A. Any Schedule attached to this By-law shall form part of this By-law.

Repeal

46. Ordinance 180, the Streets Ordinance of the City of Halifax; Bylaw S-1400 of the City of Dartmouth; Halifax County Municipality Bylaw No. 6 respecting Municipal Streets and Property; City of Halifax Ordinance No. 7 respecting Poles and Wires in Streets; and City of Halifax Ordinance No. 7A respecting Wires, Cables, Conduits, Ducts and Pipes in the Street are repealed but City of Dartmouth amending bylaw S-1401 is not repealed.

Done and passed in Council this 18th day of November, 1997.

Walter R. Fitzgerald

MAYOR

Vi Carmichael

MUNICIPAL CLERK

I, Vi Carmichael, 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 November 18, 1997.

BY-LAW S-300

Notice of Motion:	September 15, 1997
First Reading:	September 30, 1997
Notice of Intent Publication:	October 18, 1997
Second Reading:	November 18, 1997
Third Reading:	November 18, 1997
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	November 22, 1997

No. 1 Amendment by S-301**Subsection (2) of Section 23**

Notice of Motion:	November 17, 1998
First Reading:	December 1, 1998
Notice of Intent Publication:	December 5, 1998
Second Reading:	December 15, 1998
Third Reading:	December 15, 1998
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	January 2, 1999

No. 2 Amended by S-302**Clause (a) and (c) of Subsection (1) of Section 4**

Notice of Motion:	February 20, 2001
First Reading:	March 6, 2001
Notice of Intent Publication:	March 10, 2001
Second Reading:	March 27, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	March 31, 2001

No. 3 Amended by S-304

Subsection (1) of Section 10; Subsection (2) of Section 10 is renumbered as subsection (5) and subsections (2), (3), and (4), inserted between subsections (1) and (5).

Notice of Motion:	July 17, 2001
First Reading:	August 21, 2001
Notice of Intent Publication:	August 25, 2001
Second Reading:	October 2, 2001
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 6, 2001

No. 4 (V-101)**Amending Subsection (1) of Section 45**

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
Notice of Public Hearing Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

No. 5 (S-305)	
Amending Subsection (3) of Section 24	
Amending Section 34 & 35	
Amending Subsection 2 and 4 of Section 42	
Notice of Motion:	December 16, 2003
First Reading:	January 13, 2004
Notice of Public Hearing Publication:	January 17, 2004
Second Reading:	February 3, 2004
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	February 7, 2004

No. 6 (S-307)	
Amending Sections 4, 5 6 and 10	
Notice of Motion:	October 26, 2004
First Reading:	November 9, 2004
Notice of Public Hearing Publication:	November 20, 2004
Second Reading:	December 7, 2004
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	December 11, 2004

No. 7 (S-308)	
Amending section 3, 15, 18, 23, 24, 25 & 28	
Notice of Motion:	May 13, 2008
First Reading:	May 27, 2008
Notice of Public Hearing Publication:	June 7, 2008
Second Reading:	June 24, 2008
Approved by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 12, 2008

No. 8 (S-309)	
Amending sections 3, 23, 24, 25, 28 & 30	
Notice of Motion:	June 22, 2010
First Reading:	July 6, 2010
Notice of Public Hearing Publication:	July 17, 2010
Second Reading:	August 3, 2010
Approved by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	August 7, 2010

No. 9 (A-500)	
Amending Section 42	
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

No. 10 (A-501)	
Notice of Motion:	June 14, 2016
First Reading:	June 21, 2016
Notice of Public Hearing Publication:	July 2, 2016
Second Reading:	July 19, 2016
Approval by Service Nova Scotia and Municipal Relations:	N/A
<u>Effective Date:</u>	<u>July 23, 2016</u>

No. 11 (S-311)	
Amending Sections 5, 24, 25, 30	
Notice of Motion:	August 18, 2020
First Reading:	September 1, 2020
Notice of Second Reading Publication:	September 5, 2020
Second Reading:	September 22, 2020
Approval by Minister of Municipal Affairs and Housing:	N/A
<u>Effective Date:</u>	<u>September 26, 2020</u>

No. 12 (S-312)	
Adding sections 11A, 11B, 11C, 11D	
Notice of Motion:	February 9, 2021
First Reading:	February 23, 2021
Notice of Second Reading Publication:	February 27, 2021
Second Reading:	March 23, 2021
Approval by Minister of Municipal Affairs and Housing:	N/A
<u>Effective Date:</u>	<u>March 27, 2021</u>

No. 13 (S-315)	
Adding subsection 30(1a)	
Notice of Motion:	May 18, 2021
First Reading:	June 8, 2021
Notice of Second Reading Publication:	June 12, 2021
Second Reading:	June 29, 2021
Approval by Minister of Municipal Affairs and Housing:	N/A
<u>Effective Date:</u>	<u>July 3, 2021</u>

No. 14 (S-316)	
Amend sections 3 and 15; add section 45A (Schedule 1)	
Notice of Motion:	August 31, 2021
First Reading:	September 14, 2021
Notice of Second Reading Publication:	September 18, 2021
Second Reading:	October 5, 2021
Approval by Minister of Municipal Affairs and Housing:	N/A
<u>Effective Date:</u>	<u>October 9, 2021</u>

No. 15 (S-313)	
Adding sections 30A & 42(5)	
Notice of Motion:	June 28, 2022
First Reading:	July 12, 2022
Notice of Second Reading Publication:	August 6, 2022
Second Reading:	August 23, 2022
Approval by Minister of Municipal Affairs and Housing:	N/A
<u>Effective Date:</u>	<u>August 27, 2022</u>

No. 16 (S-317)	
Amending sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 15, 16, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31,	

32, 33, 34, 35, 36, 37, 41, 45, 46; Adding sections 18A & 27A

Notice of Motion:

June 10, 2025

First Reading:

June 24, 2025

Notice of Second Reading Publication:

June 28, 2025

Second Reading:

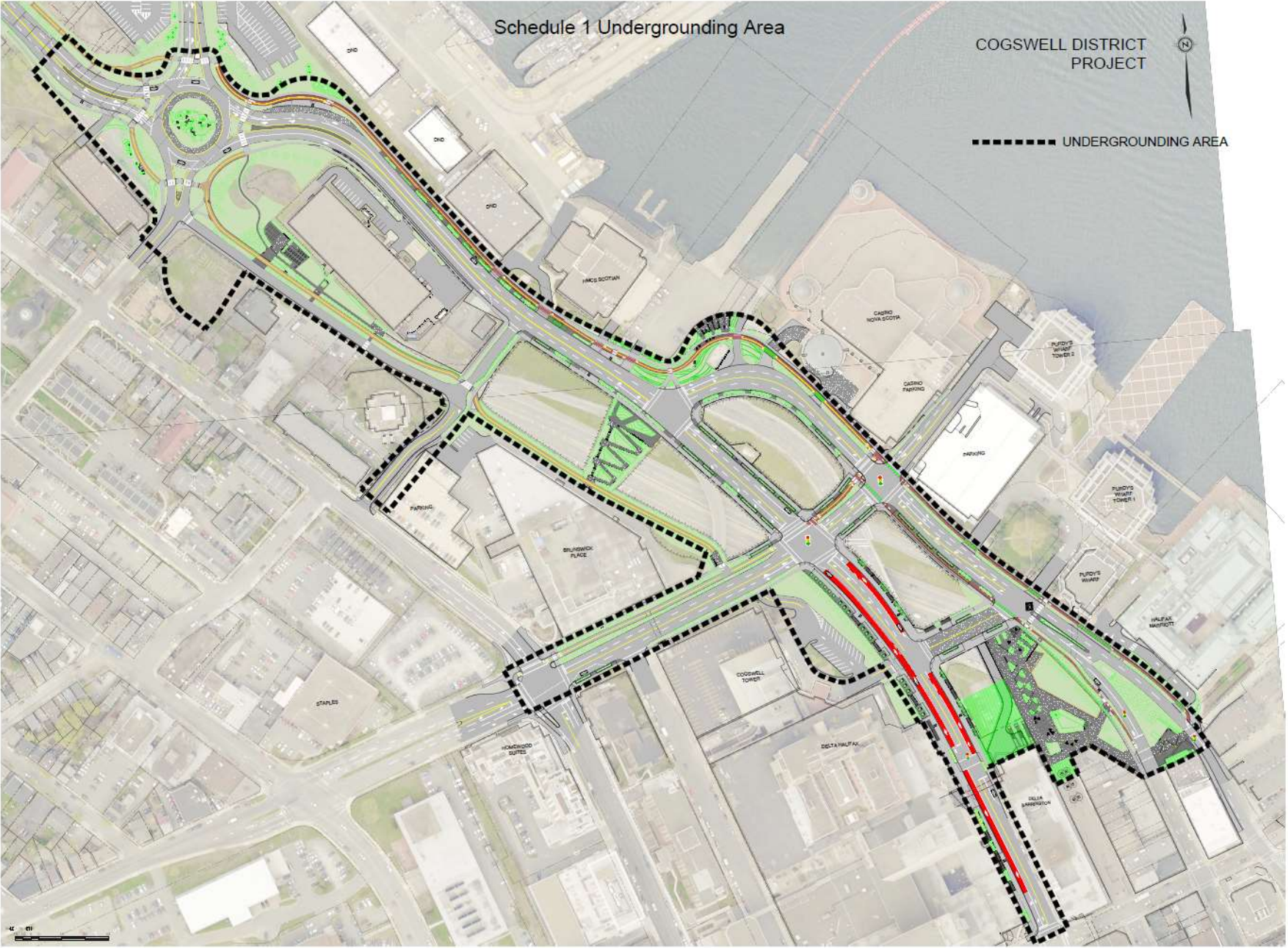
August 5, 2025

Approval by Minister of Municipal Affairs and Housing:

N/A

Effective Date:

August 16, 2025



Schedule 1 Undergrounding Area

COGSWELL DISTRICT PROJECT

UNDERGROUNDING AREA

Staples

HomeWood Suites

Brunswick Place

Cogswell Tower

Delta Halifax

Casino Nova Scotia

Casino Parking

Purdy's Wharf Towers

Purdy's Wharf

Halifax Marriott

Delta Transportation

Scale: 0 10 20 Meters

Schedule 1 Undergrounding Area

COGSWELL DISTRICT PROJECT

UNDERGROUNDING AREA

Staples

HomeWood Suites

Brunswick Place

Cogswell Tower

Delta Halifax

Casino Nova Scotia

Casino Parking

Purdy's Wharf Towers

Purdy's Wharf

Halifax Marriott

Delta Transportation

Scale: 1:10,000