

## TOWN OF NEW GLASGOW

### PUBLIC PLACES BY-LAW

**BE IT RESOLVED** that this By-law, known as the Public Places By-law for the Town of New Glasgow be enacted effective this 30th day of March, 2023.

#### TITLE

1. This By-law shall be known as the "Public Places By-law."

#### DEFINITIONS AND INTERPRETATION

2. In this By-law:

(a) **"Abutter"** means the owner or occupier of any land or premises that abut a sidewalk or street;

(b) **"Begging"** means soliciting or requesting a donation and includes providing a service without being expressly requested to do so in the expectation or hope of obtaining a donation or payment for that service;

(c) **"Cannabis"** is as defined in the *Cannabis Act*, S.C. 2018 c. 16;

(d) **"CAO"** has the same meaning as in the *Municipal Government Act*, S.N.S. 1998 c. 18, of the Province of Nova Scotia or successor legislation as may be enacted from time to time;

(e) **"Council"** means the Council of the Town of New Glasgow;

(f) **"Crosswalk" and "Highway" and "Roadway" and "Sidewalk"** are as defined in the *Motor Vehicle Act*, R.S. c. 293 of the Province of Nova Scotia or successor legislation as may be enacted from time to time;

(g) **"Daytime"** means, unless otherwise provided in this By-law, from seven o'clock in the morning (07:00 hours) to ten o'clock in the evening (22:00 hours) any day of the week;

(h) **"Loiter"** means to stand idly around or move slowly about, to linger or spend time idly, or to impede the passage of other Persons;

(i) **"Motor Vehicle"** has the same meaning as defined in the *Motor Vehicle Act*, R.S. c. 293 of the Province of Nova Scotia or successor legislation as may be enacted from time to time;

(j) **"Nighttime"** means any time not included in the definition of Daytime;

(k) **"Park"** means any land owned, leased or controlled by the Town of New Glasgow, designated or otherwise used as parkland, a trail, public gardens, playgrounds, sports fields or waterfront recreational areas;

(l) **"Passive Begging"** mean Begging:

- i. in a non-threatening manner;
- ii. without physical approach or touching a Person from whom a donation is sought;
- iii. that is not aggressive or persistent;
- iv. in which the Begging Person can be circumnavigated by a receiving Person with a clearance of a minimum of one metre without having to step into a Roadway; and
- v. if the Begging Person is playing a musical instrument or otherwise performing a service, and a container is placed on the ground and not passed for donations.

(m) **"Peace Officer"** means a member of the Provincial Police as defined in the *Police Act*, S.N.S. 2004, c. 31;

(n) **"Person"** includes a body corporate or politic, or party, including a citizen, owner or occupier of property;

(o) **"Policy Officer"** means any employee of the Town or other employee in connection with the Town charged with enforcement of the policies or By-laws of the Town, including, without limitation, a By-law enforcement officer;

(p) **"Public Places"** means streets, Highways, Roadways, Sidewalks, public parks and trails, property owned by the Town, including without limitation municipal parking lots, recreation facilities funded in whole or in part by the Town, private property that is designed to be and is accessible to the general public for the operation of a Motor Vehicle, and all lands not within the definition of parks that are owned leased or controlled by the Town of New Glasgow and generally used by the general public;

(q) **"Roadway"** means that portion of a street between the curb lines or the traveled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes a crosswalk;

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

(s) **"Shopping Cart"** means a non-motorized basket mounted on wheels, or other device, including any attachments, that is for the purpose of transporting goods while on the premises of a business;

(t) **"Special Event"** includes a festival, procession, march, protest or demonstration, drill, parade, political, religious or musical function or religious organized event of other public meeting or assembly;

(u) **“Street”** means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, 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 and includes streets not owned by the Town of New Glasgow;

(v) **“Town”** means the Town of New Glasgow;

(w) **“Trail”** means walkways within Parks and Public Spaces and those walkways, owned, leased or controlled by the Town of New Glasgow which provide means of access to any Public Space or Park.

## **APPLICATION**

3. This By-law is enacted pursuant to Section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18.
4. This By-law applies to Public Places within the Town.
5. This By-law is intended to add to, and not to conflict with or subtract from, the requirements contained in valid provincial or federal legislation and regulations in force from time to time and shall be interpreted accordingly.

## **GENERAL**

### **Specific Prohibitions**

6. No Person shall unreasonably interfere with the lawful use and enjoyment of a Public Place by other Persons.
7. Without limitation to Section 6 herein:
  - (a) no Person shall light or have a fire in a Public Place;
  - (b) no Person shall camp or tent in a Public Place;
  - (c) no Person shall erect, place or maintain any thing in any Park or other Public Space for the purpose of temporary or permanent accommodation without advance permission of Council in the form of a Council Resolution;
  - (d) no Person shall sleep in a Public Place during the Daytime or Nighttime;
  - (e) no Person shall engage in Begging or Passive Begging in a Public Place;
  - (f) no Person shall use, place, leave, abandon, deposit or stop a Shopping Cart in a Public Place; and
  - (g) no Person shall cultivate Cannabis in a Public Place.

### **Special Events**

8. A Special Event is not permitted in any park unless written permission is first obtained from the CAO or their designate, provided that:

(1) the person seeking permission shall complete an application of the nature of the proposed Special Event, the number of people expected, the time and duration of the proposed Special Event and any other information required a minimum of one (1) month prior to the proposed date of the Special Event unless otherwise agreed by the CAO or her designate;

(2) the person seeking permission shall be responsible for any damage that results from the Special Event; and

(3) the written permission in section (1) may be subject to such conditions as the CAO or their designate deems appropriate.

#### Revocation of Permission

9. (1) The CAO or their designate may cancel, revoke or suspend any permission granted where there is a violation of this By-law or of any condition of any permission granted under this By-law.

(2) Any person who has been refused permission or for whom permission has been revoked pursuant to the exercise of any discretion by the CAO or their designate may appeal to the Council.

(3) All appeals must be in writing, such notice of appeal which shall be filed with the Town within 15 days of the refusal or revocation and shall clearly state the grounds for the appeal.

(4) The Council must choose to:

(a) hear the appeal at a time and place as it determines, and may confirm the refusal or revocation by the CAO or their designate; or

(b) direct the immediate issuance or re-issuance of permission by the CAO or their designate.

10. Liability

Nothing in this By-law shall affect the Town's right to commence an action for damages incurred by the Town as a result of any of the matters regulated herein.

## **OFFENCE ENFORCEMENT AND PENALTY**

11. . No Person shall contravene or fail to comply with any provision of this By-law.

12. This By-law may be enforced, at the discretion of the Town, by any Peace Officer or Policy Officer, in accordance with the procedures set out in the *Municipal Government Act* or by means of a Summary Offence Ticket under the *Municipal Government Act* or *Summary Proceedings Act*.

13. The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-law.

14. Except as otherwise provided in this By-law, any Person who violates any of the provisions of the By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-law, shall be liable upon summary conviction:

- a) for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
- b) for the second offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
- c) for the third or subsequent offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both.

## **REPEAL**

15. The Town of New Glasgow By-law known as the Public Places By-law dated the 16<sup>th</sup> day of March 2020 and all amendments thereto is hereby repealed and the Bylaw Respecting Municipal Parks and Public Places dated January 16, 2012 and all amendments thereto is hereby repealed.

**CAO ANNOTATION**

Date of First Reading: February 21, 2023

Date of advertisement of Notice of Intent to Consider: March 2, 2023

Date of Second Reading: March 20, 2023

Date of advertisement of Passage of By-law: March 30, 2023

Date of mailing to Minister a certified copy of By-law: March 23, 2023

I certify that the above PUBLIC PLACES BY-LAW was duly adopted by New Glasgow Town Council at duly called meetings and was published as indicated above.

  
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Chief Administrative Officer

