

MUNICIPALITY OF THE COUNTY OF COLCHESTER

Chapter 2 - Neighbourhood Nuisance By-law

Whereas section 172(1)(d) of the Municipal Government Act empowers Municipalities to make by-laws respecting “nuisances, activities, and things that, in the opinion of Council, may be or may cause nuisances.” and,

Whereas section 172(1)(a) of the Municipal Government Act empowers Municipalities to make by-laws respecting “the health, well being, safety and protection of persons.” and,

Whereas section 309(1) of the Municipal Government Act empowers Municipalities to make by-laws respecting “the protection of streets and may limit the by-law to certain streets, or to certain times of the year, or to both.” and,

Whereas section 318(1)(a) of the Municipal Government Act provides that “no person shall obstruct a street in a municipality,” except in accordance with the Municipal Government Act; and,

Whereas section 318(4) of the Municipal Government Act authorizes the engineer to remedy an obstruction of a street in a municipality if, upon notice, it has not been remedied; and,

Whereas it is the wish of Council to use that power to prevent the unreasonable interference with the enjoyment of property; and,

Whereas it is the wish of Council to use that power to prevent the obstruction of streets in the municipality, including in a manner which causes a safety hazard to the public or damage to streets in the municipality.

1. Title

This By-Law is entitled the “Neighbourhood Nuisance By-Law”.

2. Preamble

Residents of the Municipality of Colchester are encouraged to be good neighbours by exercising courtesy, consideration, and tolerance. Anyone that engages in behavior that does not demonstrate common courtesy or consideration of others and causes a frequent or persistent annoyance to the neighbourhood; or obstructs a street in the municipality, including in a manner which causes a safety hazard to the public or damage to the street, may be in contravention of this By-law.

3. Definitions

- a) “Appropriate” means as being reasonable in the circumstances taking into account the intensity, frequency, duration, and timing of the activity;
- b) “Council” means the Council for the Municipality of the County of Colchester;
- c) “Engineer” means an engineer as defined by section 3(ad) of the Municipal Government Act; and
- d) “Motor vehicle” means a motor vehicle as defined by section 2(ad) of the Motor Vehicle Act.
- e) “Municipality” means the Municipality of the County of Colchester;

- f) "Obstruction" means to hinder or block from passage, action or operation, either in whole or in part
- g) "Street" means a street as defined by section 307 of the Municipal Government Act;

4. Prohibitions

- a) No person shall engage in activity that by frequency or intensity unreasonably interferes with the enjoyment of the neighbourhood, including but not limited to any one or more resident.
- b) No person shall obstruct a street by any means, including by parking or leaving standing a motor vehicle, which interferes with the use of the street, including in a manner that causes a safety hazard to the public or causes damage to the street.

5. Fixed Exemption

This By-Law does not apply to:

- a) Disturbances that may result from a response to an emergency, including the parking or standing of emergency vehicles by police, fire, or ambulance services while engaged in the discharge of their duties.
- b) Businesses operating lawfully and in a manner that is appropriate to the nature of the business enterprise.
- c) Recreation activity carried out lawfully and in a manner that is appropriate to the nature of the activity.
- d) Community events carried out lawfully and in a manner that is appropriate to the nature of the event.

6. Remedying Obstruction of Street

- a) Where any person is found in violation or non-compliance with section 4(b) of this By-law, the Engineer may serve notice on the person to remedy the contravention within the time specified in the notice.
- b) Where the obstruction is not remedied within the time specified in the notice, the Engineer may cause the obstruction to be remedied.
- c) All costs to remedy the obstruction of a street shall be the sole responsibility of the person in violation or non-compliance with section 4(b) of this By-law, including any costs related to the towing and impounding of the motor vehicle.

7. Penalty

Any person who violates any of the provisions of this By-law may be guilty of an offence and may, on summary conviction, be liable

- a) for the first 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 one year or both, including the imposition of the minimum fine;
- b) for the second offence to a penalty of not less than Seven Hundred Dollars (\$700.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine;

- c) for the third offence or any subsequent offence to a penalty of not less than One Thousand Dollars (\$1,000.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.

THIS IS TO CERTIFY, that amendments to Chapter 2 – Neighbourhood Nuisance By-law was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 23rd day of June, A.D., 2022.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this of 12th day of July, A.D., 2022.

Rob Simonds
Municipal Clerk


Colchester
NOTICE OF APPROVAL
CHAPTER 2 –
NEIGHBOURHOOD NUISANCE BY-LAW

TAKE NOTICE that on Thursday, June 23, 2022, Council of the Municipality of Colchester approved, by way of Second Reading, amendments to Chapter 2 – Neighbourhood Nuisance By-law.

The amendments to the By-law incorporates the authority under Section 318 of the Municipal Government Act (MGA) to deal with street obstructions.

The By-law may be inspected or a copy obtained from the Administration Office, 1 Church Street, Truro, or is available on the County website at www.colchester.ca.

Dated July 7, 2022
Rob Simonds
Chief Administrative Officer

I, Rob Simonds, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 2 – Neighbourhood Nuisance By-law, duly advertised in the Thursday, July 7, 2022, issue to the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 12th day of July, 2022.

Rob Simonds
Municipal Clerk

First Reading: May 26, 2022
Notice of Intent: June 7, 2022
Second Reading: June 23, 2022
Notice of Approval: July 7, 2022