

Nuisance Party By-Law

1.0 Title

This by-law shall be titled and referred to as the “Nuisance Party By-law”.

2.0 Background and Purpose:

The Nova Scotia Municipal Government Act (NS MGA), Section 172 gives Council the specific authority to establish by-laws. Section 172(1) of the NS MGA authorizes Council to establish by-laws 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 by-law is to provide for the parameters that define a Nuisance Party and to create a duty upon those hosting and/or creating a social gathering or party to control the participants’ behaviour, and to give enforcement personnel a mechanism to disperse persons at a gathering that has become a public nuisance. Additionally, this by-law provides mechanisms to Enforcement Officers to address those offenses created by this by-law, including conducting, hosting, creating, or attending a Nuisance Party, allowing a Nuisance Party on property, failing to leave a Nuisance Party when directed, and obstructing or interfering with enforcement personnel in the execution of their duties.

3.0 Definitions

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, personal property or equipment.

Dwelling – means a Building containing one or more units for human habitation.

Enforcement Officer – means a member of the Royal Canadian Mounted Police or a Town of Antigonish By-Law Enforcement Officer.

Municipality – means the land within the geographic limit of the Town of Antigonish.

Nuisance Party – means a gathering on property which, by reason of the conduct or 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 other 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 Town of Antigonish Noise Control By-Law;
- (g) unauthorized open burning as described in the Outdoor Fire By-Law;
- (h) public disturbance, including confrontations or violence;
- (i) outdoor public urination or defecation; or
- (j) use of or entry upon a roof not intended for such occupancy.

Person – means a corporation or an individual.

Property – means any public or private lands in the Municipality, including but not limited to Streets, parks, parking lots, Buildings and Dwellings and yards appurtenant thereto, or vacant lands.

Public Place – means a Street, sidewalk, 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.

Street – means a public roadway, lane, alley, sidewalk, trail, or place, including bridges, which is intended for or used by the general public for passage of vehicles or persons, and includes private property that is designed to be and is accessible to the general public for pedestrian and motor vehicle use.

Town – means Town of Antigonish.

4.0 By-Law 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 a Property after having been directed to leave by an order to discontinue activity under this by-law.
- 4.4 No person shall urinate or defecate in a Public Place.
- 4.5 No person shall stand upon, sit upon, jump from, or otherwise occupy any roof of any Building unless carrying out a legitimate maintenance or construction activity.

- 4.6 No person shall purposefully damage or cause harm to public or private property, or cause a public disturbance, or promote the unsafe consumption of intoxicating substances as a result of or in connection with the attendance at or hosting of a Nuisance Party.
- 4.7 No person shall willfully obstruct, hinder, or otherwise interfere with an Enforcement Officer in the performance of the Enforcement Officer's duties, rights, functions, powers or authority under this by-law.
- 4.8 No person shall hang and/or install any poster, banner, or signage containing offensive language in or on a Public Place.
- 4.9 No person shall fail to comply with an order pursuant to Section 5.1 of this by-law.

5.0 Order to Discontinue Activity

- 5.1 Upon an order of an Enforcement Officer to discontinue a Nuisance Party, the Nuisance Party shall cease and all persons not residing on the Property shall leave the Property where the event 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 considered in determining that a Nuisance Party was taking place;
 - (c) The date and time by which there must be compliance with the order;
 - (d) Documentation of violation of any other Town of Antigonish By-Laws.
- 5.3 An order issued under this by-law, as outlined in Sections 5.1 and 5.2, may be given immediately verbally or may be served personally on the person to whom it is directed, either on the date of the event or within a reasonable amount of time following the event. If the order is given by regular mail to the last known address of that person, or 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 An Enforcement Officer may temporarily close any Street or portion thereof to public travel where a Nuisance Party is occurring adjacent to the Street to ensure public safety.
- 5.5 Where a Street or portion of a Street has been closed, the common law right of passage by the public over the Street and the common law right of access to the Street by an owner of land abutting the Street are restricted as directed by an Enforcement Officer.

5.6 No person shall use a Street or portion of the Street that has been temporarily closed under this by-law except with lawful authority or in accordance with the direction of an Enforcement Officer.

6.0 Enforcement and Inspection

- 6.1 The provisions of this by-law may be enforced by an Enforcement Officer.
- 6.2 Any Enforcement Officer may enter upon Property for the purpose of investigation and enforcement of this by-law.
- 6.3 Each Enforcement Officer is hereby authorized to inform any person of the provisions of this by-law and to request compliance.
- 6.4 Every person who contravenes or who causes or permits a contravention of any provisions of this by-law is guilty of an offence.
- 6.5 Every director or officer of a corporation who knowingly permits a contravention of any provision of this by-law by the corporation is guilty of an offence.
- 6.6 When an Enforcement Officer believes on reasonable grounds that an offence under this by-law has been committed by a person, the Enforcement Officer may require the name, address, proof of the identity of that person, and that person shall supply the required information.
- 6.7 Any Enforcement Officer who believes on reasonable grounds that there has been a violation of this by-law may issue a summary offence ticket to that person.
- 6.8 An Enforcement Officer who issues a summary offence ticket in relation to a violation of this by-law need not issue such a ticket on the same day that the violation takes place, and may issue such a ticket within a reasonable amount of time after that violation takes place.

7.0 Ownership Provision

- 7.1 As soon as practicable following the order to discontinue a Nuisance Party pursuant to Section 5.1 of this by-law, 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 by-law.
- 7.3 The notice of the order will be deemed delivered as outlined in Section 5.3 of this by-law.
- 7.4 A subsequent Nuisance Party is determined to occur at a Property when a Nuisance Party occurs at that Property within two (2) years after an initial order to discontinue a Nuisance Party at the

same Property has been issued pursuant to Section 5.1 of this by-law. Offences that occur within this two-year timeframe are subject to higher fines.

- 7.5 A person, who individually or jointly with others, is an owner or otherwise has rightful possession of or possessory control of a Property at which a subsequent Nuisance Party occurs is guilty of an offence, unless the person proves that they took reasonable steps to prevent the subsequent Nuisance Party from taking place.

8.0 Penalties

- 8.1 Every person who contravenes or fails to comply with any provisions of this by-law shall be liable to a penalty of not less than four hundred dollars (\$400.00) for a first offense, not less than six hundred (\$600.00) for second offense and no less than nine hundred (\$900.00) for a third and any subsequent offences.

Date of First Reading:	
Date of Advertisement for Intent to Consider:	
Date of Second Reading:	
Date of Advertisement & Approval:	
Date of Mailing Certified Copy to SNS & MR:	
I certify that this Nuisance Party By-Law was adopted by Council and published as indicated above:	
_____	_____
Chief Administrative Officer	Date