

## 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) “Construction activity” means activity incidental to erection, alteration, or installation of buildings, structures, roads, or appurtenances, including land clearing, grading, excavating and filling;
- c) “Council” means the Council for the Municipality of the County of Colchester;
- d) “Engineer” means an engineer as defined by section 3(ad) of the Municipal Government Act;
- e) “Heavy equipment” means heavy machinery, earthmovers, construction vehicles, or heavy-duty

equipment specially designed to execute construction tasks involving earthwork operations or other large construction tasks including but not limited to pile drivers, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, off-highway haulers or trucks, ditchers, compactors and rollers, graders and other material handling equipment;

f)“Motor vehicle” means a motor vehicle as defined by section 2(ad) of the Motor Vehicle Act;

g)“Municipality” means the Municipality of the County of Colchester;

h)“Obstruction” means to hinder or block from passage, action or operation, either in whole or in part

i)“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.
- c) Construction activity involving the use of heavy equipment is prohibited within 150 metres of an adjacent dwelling unit outside the following hours unless an exemption has been requested and approved in writing by the CAO of the Municipality:

Weekdays 7:00 a.m. to 8:00 p.m.

Saturday 8:00 a.m. to 7:00 p.m.

Sunday and holidays 9:00 a.m. to 7:00 p.m.

Requests to the CAO must be received 10 calendar days prior to the exemption.

#### 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 30<sup>th</sup> day of May, A.D., 2024.

**GIVEN** under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 6<sup>th</sup> day of June, A.D., 2024.

Dan Troke

Municipal Clerk



**Notice of Approval  
Chapter 2 – Neighbourhood  
Nuisance By-law**

TAKE NOTICE that on Thursday, May 30, 2024, Council of the Municipality of the County of Colchester approved, by way of Second Reading, amendments to Chapter 2, Neighbourhood Nuisance Use By-law.

The amendments to the Neighbourhood Nuisance By-law are intended to assist in addressing the timing and proximity of construction involving heavy equipment near residences.

The By-law may be obtained from the Administration Office, 1 Church Street, Truro, or is available on the County website at [www.colchester.ca/administration/by-laws](http://www.colchester.ca/administration/by-laws).

Dated June 6, 2024  
Dan Troke  
Chief Administrative Officer

I, Dan Troke, 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, June 6, 2024, issue of the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 6<sup>th</sup> day of June, 2024.

Dan Troke  
Municipal Clerk

*First Reading of Amended By-law: April 25, 2024  
Notice of Intent: May 9 and 23, 2024  
Second Reading: May 30, 2024  
Notice of Approval: June 6, 2024*