



DEPARTMENT
OF
MUNICIPAL AFFAIRS
NOVA SCOTIA

OFFICE OF THE DEPUTY MINISTER

HALIFAX, NOVA SCOTIA

January 17, 1972

Miss Annie L. Ross
Town Clerk
Town of Westville
Westville, Nova Scotia

Dear Miss Ross:

Re: Peace and Good Order By-law

This by-law was passed by your Council on November 22 and sent to us with your letter of December 2. There are one or two items to which I call your attention.

We cannot find any authority for a by-law to name certain persons who may require a loiterer to move. The offence is loitering, and we do not think it makes very much difference that no one ordered the accused to move. I know that your Section is not an unusual way of drafting a by-law, although it does have some persons in it that are not usual. The danger is that the accused will argue, perhaps successfully, that his offense has become a refusal to do as someone ordered him and has ceased to be loitering.

It seems to us, also, that some of the same matter is covered by your General By-laws of 1921 and these have not been repealed. In fact, Section 4 seems to be the only new provision in the by-law. Perhaps you should consider repealing the old Section so as to avoid confusion.

I return one copy of the by-law bearing the approval of the Minister dated January 14, 1972.

Yours very truly,

W. E. Moseley
W.E. Moseley,
DEPUTY MINISTER.

mh
Encl.

BE IT RESOLVED by the Town Council of the Town of Westville that the following by-law be and the same is hereby enacted and that the Clerk be and is hereby instructed to forward to the Minister of Municipal Affairs with a request for his approval hereof.

Peace and Good Order By-Law

1. No person shall without lawful justification make any noise by shouting, singing, swearing or otherwise in any street or place or in the vicinity thereof that may be likely to disturb the residents of such street or place.
2. No person shall perform or engage in any stunt or other activity upon a street or place so as to unduly disturb residents of any such street, place or part thereof.
3. No person shall enter or remain in any private dwelling or place of business after he has been ordered to leave by the occupier thereof.
4. No person shall loiter in or about the front of any place of religious worship, or any place to which the public has access or in any public place in the Town, after being requested to move away by the Mayor or a Councillor, a judicial officer or peace officer or constable of the Town, or by any person in charge of premises adjacent to such place.

I, Annie L. Ross, Town Clerk of the Town of Westville, do hereby certify that the foregoing is a true copy of a by-law duly passed by the Council of the Town of Westville at a meeting of the Town Council duly held and convened on the 22nd day of November A.D., 1971

GIVEN under the hand of the Town Clerk and under the corporate seal of the said Town this 23rd day of November A.D., 1971.

Annie L. Ross
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TOWN CLERK

DEPARTMENT OF MUNICIPAL AFFAIRS

Recommended for approval of the Minister

W. M. Mosely
Deputy Minister

APPROVED this *14* day
of *Jan* 19 *72*

[Signature]
Minister of Municipal Affairs