



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of the West Hants Regional Municipal Council

Submitted by: _____
Deanna Snair, Municipal Clerk

Date: February 24, 2026

Subject: Peace and Good Order By-law RCOPG-001

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 24 (2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the municipality.

Municipal Government Act, Section 172 (1) A council may make by-laws, for municipal purposes, respecting (d) nuisances, activities, and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations, and without limiting the generality of the foregoing, by-laws;

(i) prescribing a distance beyond which noise shall not be audible,

(ii) distinguishing between one type of noise and another,

(iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,

(iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the by-law is prohibited,

(v) authorizing the granting of exemptions in such cases as the by-law provides,

(vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of neighborhoods.

RECOMMENDATION or DECISION REQUEST

Should Council wish to support the proposed Peace and Good Order By-Law the following motion would need to be made:

...THAT COUNCIL APPROVES THE PEACE AND GOOD ORDER BY-LAW RCOPG-001 ATTACHED AS APPENDIX A SUBSTANTIVELY THE SAME AS THE REPORT PRESENTED AT THE FEBRUARY 24, 2026 COUNCIL MEETING.

BACKGROUND

Property ✓	Public Opinion ✓	Environment ✓	Social ✓	Economic ☐	Councillor Activity ☐
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Since 2021, the Municipality of West Hants has been considering the development of a regional noise and Peace and Good Order by-law to address community concerns, particularly within the former District of West Hants, which did not previously have a noise by-law. This followed municipal consolidation and the recognition that the former Towns of Windsor and Hantsport already had similar regulations in place.

Several draft by-laws were developed with the intent of establishing clear, respectful standards for noise and public order across the municipality, balancing residents' peaceful enjoyment with economic growth and development. Despite multiple iterations, none initially received sufficient support for adoption.

On May 13, 2025, staff presented a draft Peace and Good Order By-law to the Committee of the Whole, based on a by-law from a neighbouring municipality. The Committee recommended proceeding to First Reading, which occurred on May 27, 2025. Council approved advancing the by-law to the Public Hearing stage.

Public feedback was invited until June 20, 2025. While limited in volume, the majority of submissions opposed the draft by-law, citing concerns related to government overreach, clarity and enforceability, and the potential for disproportionate impacts on unhoused and marginalized individuals.

In response, staff revised the draft to narrow its scope, focusing more specifically on municipal public spaces and reducing impacts on private properties and personal activities. Council subsequently postponed the Public Hearing and Second Reading to allow for further review and legal guidance. Due to a missed advertising requirement, the Public Hearing was later rescheduled.

Throughout this process, the Diverse, Equitable, and Inclusive Communities Committee reviewed the proposed by-law and raised concerns about its potential impact on marginalized populations, particularly individuals experiencing homelessness or mental illness. At the Committee's request, Council deferred the Public Hearing and Second Reading to February 24, 2026 to allow for a thorough review through a Diversity, Equity, and Inclusion (DEI) lens.

On January 27, 2026, the Committee's Co-Chairs presented the recommended amendments to Council. Key concerns included vague or overly broad language, the potential regulation of behaviour in private residences, and enforcement practices that could disproportionately affect vulnerable individuals. Recommended changes included clarifying definitions, refining or removing certain prohibitions already addressed in other legislation, and adopting a proportional and restorative approach to enforcement.

Additional recommendations included clarifying exemptions for legitimate agricultural activities and introducing a guiding principle affirming that the by-law is not intended to criminalize homelessness or mental illness, nor restrict lawful assembly or protest.

Adoption of these amendments would improve clarity, consistency, and fairness in the application of the Peace and Good Order By-law, reduce the risk of unintended or disproportionate impacts, and strengthen public trust by aligning enforcement with equity, proportionality, and existing legislation.

DISCUSSION

Following the January 27, 2026 Council meeting and approval of the amendments proposed by the Diverse, Equitable, and Inclusive Communities Committee, the Public Hearing was advertised on the Municipal website beginning February 6, 2026, and on the Municipality's Facebook page beginning February 9, 2026. Advertisements were also placed in the Valley Journal Advertiser on February 13 and February 20, 2026. A copy of the draft by-law was made available for public review on the Municipality's website at <https://www.westhants.ca/government/by-laws-and-policies/by-laws>.

Residents were invited to attend the Public Hearing either in person or virtually. Written comments on the proposed draft by-law were accepted until February 20, 2026.

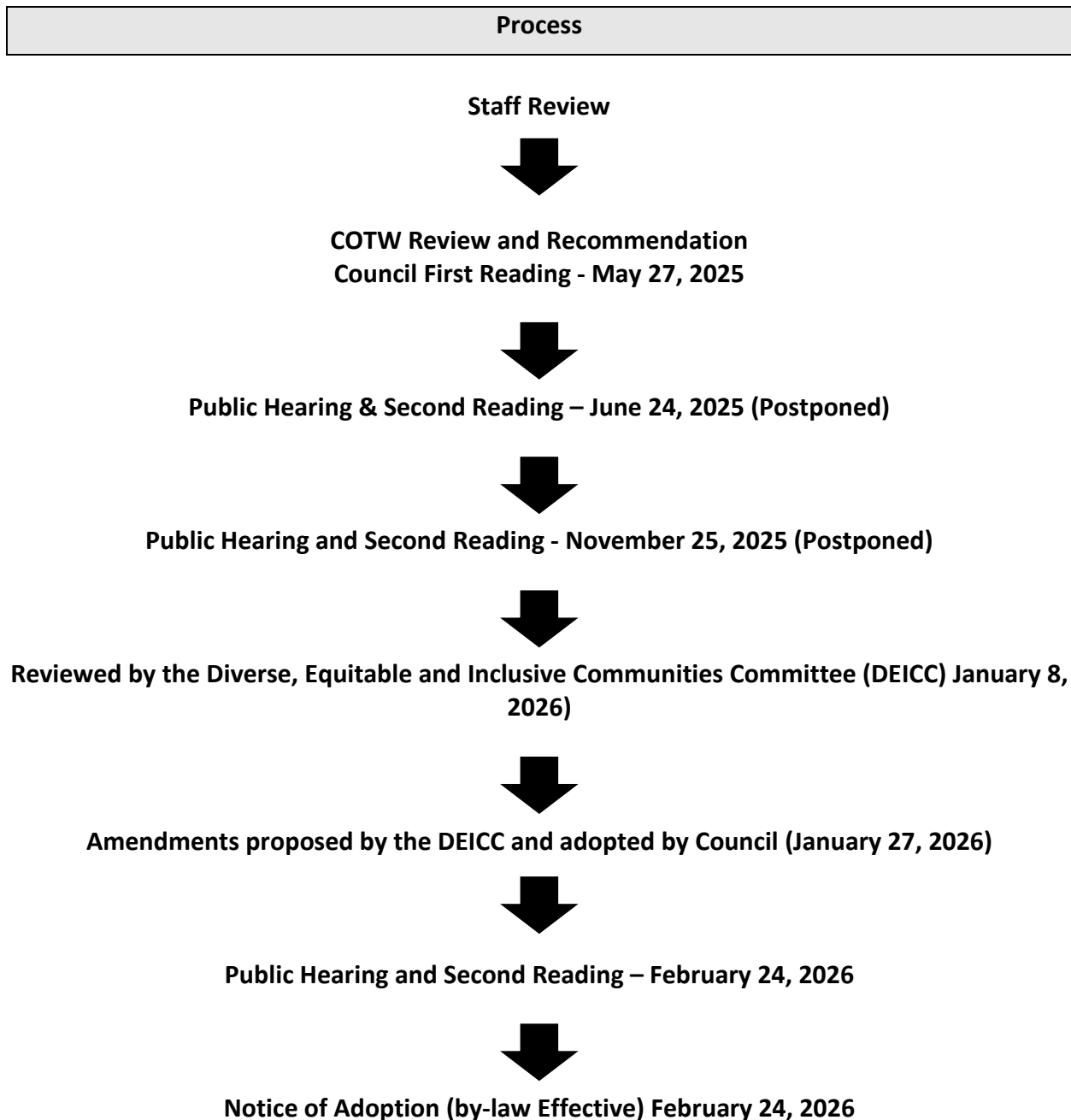
During the open comment period, staff received two emails (attached). One resident voiced they did not support the newly drafted proposed draft by-law. The writer questioned why the peace and good order bylaw was being considered, arguing that it threatened free speech in Canada. They emphasized that true protection of free speech includes allowing speech that may be offensive, and they viewed the proposed bylaw as government overreach. The writer expressed concern that restricting certain words could lead to further limitations, such as suppressing criticism. They urged council to reconsider the bylaw, warning that such laws could negatively impact future generations.

The second resident expressed concerns regarding the proposed by-law, particularly around the clarity, scope, and necessity of the provisions. The resident questioned how "public place" and "public gathering" would be defined, especially in relation to private homes and social events, and whether speech on private property could be captured. They noted that terms such as "profane" and "offends public decency" appear broad and subjective, potentially leading to inconsistent or uneven enforcement. The resident also raised concerns about alignment with the Canadian Charter of Rights and Freedoms, specifically freedom of expression protections, and asked whether legal counsel has reviewed the by-law for Charter compliance. Additionally, they questioned whether the by-law duplicates existing Criminal Code and municipal provisions addressing disturbances, harassment, or noise, and requested clarification on what enforcement gap the by-law is intended to fill, as well as what safeguards and enforcement protocols would be in place

NEXT STEPS

To be determined by Council

The process for this application is outlined as follows:



FINANCIAL IMPLICATIONS

At this time there are no financial implication associated with this report. Should Council support the draft By-Law as written there would be financial costs associated with public advertising and educational pieces; however, all advertising costs are included in the annual operating budget.

ALTERNATIVES

The next step is at the discretion of Council. Council may hold

- Provide an alternative direction, such as requesting further information on a specific topic or area within the draft by-law.
- Direct staff to plan and facilitate a workshop that will allow Council to review key considerations, discuss priorities, and determine their overall vision for a regional bylaw.

ATTACHMENTS

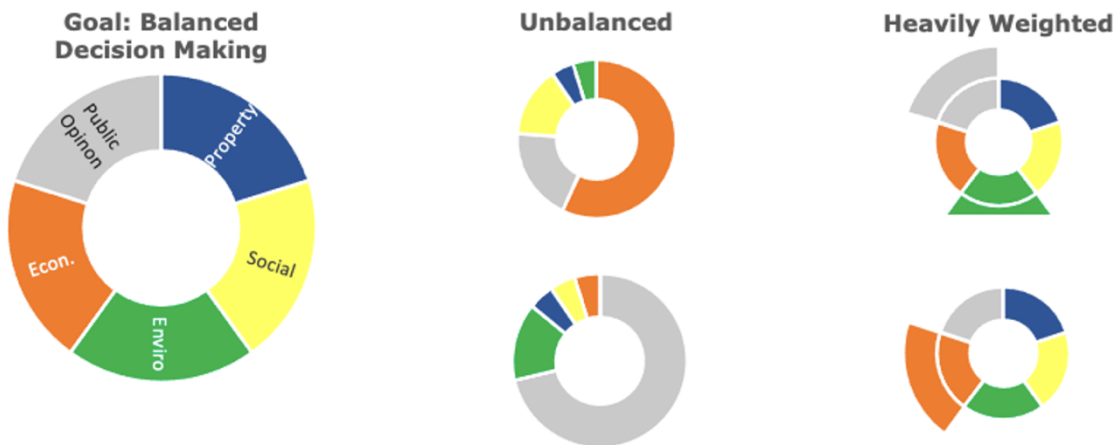
Attachment A - "Draft" Peace and Good Order By-Law RCOPG-001

Attachment B – Public Feedback Comments

CHIEF ADMINISTRATIVE OFFICER REVIEW

Staff await the position of Council regarding this matter. I support the draft presented by the DEICC and was present for their discussion and review.

Council has been provided with a reference taken from the Meeting and Committee Procedural Policy , Appendix C "Decision Making by Council and Committee of the Whole" as a reminder of the principles highlighted for good decision making.



Report Prepared by: _____

Deanna Snair, Municipal Clerk

Report Approved by: _____

Mark Phillips, Chief Administrative Officer

LEGISLATIVE AUTHORITY

Municipal Government Act, Section 172 (1)(a), (b), and (d) provides municipalities with the power to make bylaws respecting the health, wellbeing, safety and protection of persons, the safety and protection of property and activities that may cause nuisances including burning, odours and fumes.

1.0 TITLE

This by-law will be known as the “Peace and Good Order By-law”.

2.0 PURPOSE

The purpose of this by-law is to regulate excessive or unnecessary noise, profane, obscene, lewd, racial or discriminatory language and destructive or violent behaviour that make public spaces uncomfortable and unsafe for others who are present.

3.0 GUIDELINES

This by-law is not intended to punish anyone who suffers from mental illness or who does not have access to private space. Rather, it is intended to work in concert with efforts to find appropriate supports for those who require them;

It is intended to be enforced with responses proportionate to the disturbance and threat to safety involved for everyone in the situation;

It is not intended to prohibit lawful expression, assembly or protest.

4.0 DEFINITIONS

- (a) “CAO” means the Chief Administrative Officer of West Hants Regional Municipality;
- (b) “Council” means the Council of West Hants Regional Municipality;
- (c) “Municipality” means the West Hants Regional Municipality;
- (d) “Noise” means any unwanted sound that doesn’t happen in a natural environment and can include sounds coming from people, machinery, equipment, residential and commercial properties, as well as industrial places.
- (e) “Growth Centres” means a geographic area that has been identified as having the potential for economic growth and development. For this purpose, the communities of Three Mile Plains, Windsor, Falmouth and Hantsport are identified as Growths Centres.
- (f) “Rural Areas” means a geographic area located outside an identified growth

centre.

- (g) “Disorderly conduct” means any behaviour(s) that disrupts the peace and quiet of a public area, or that offends public decency.

5.0 SCOPE

This By-law applies to the Municipality in its entirety.

6.0 PROHIBITIONS AND INTERPREATTIONS

No person(s) shall use profane, obscene, lewd, racial or discriminatory language or behave in a lewd or obscene manner in a public place or at any public gathering or meeting in any store, shop, house or building.

No person(s) shall publish, or post on public property any profane, obscene, lewd, racial or discriminatory drawings, pictures, poster, placards or writing on public property within the municipality.

No person(s) shall defecate or urinate in public.

No person(s) shall challenge anyone to fight, nor use abusive or provoking language, taunting or threatening gestures towards any person without lawful excuse.

No person(s) shall encourage any animals to fight in any public place within the municipality.

No person(s) shall fire any gun, air rifle or other firearm of any kind in the growth centres, unless that person is a peace officer doing so in the lawful exercise of the duty of the peace officer; or hunt with a weapon of any type or description within the municipality without a license to hunt.

No person(s) shall without lawful authority wantonly or willfully meddle or interfere with or desecrate, disfigure, destroy, damage any gravestone, tomb, vault or any railing or curbing on a lot or plot for the burying of the dead in any cemetery or burial ground within the municipality, nor take away, destroy or damage any flower plant or shrub of any kind growing, placed or being upon or around any grave, tomb, or vault or in any lot in any such cemetery or burial ground.

7.0 EXEMPTIONS

7.1 Emergency response personnel engaged in emergency response duties, including



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PEACE AND GOOD ORDER BY-LAW

RCOPG-001

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- operation of comfort centres and emergency shelters with generators;
- 7.2 Emission of sound in connection with any organized traditional, festive, or religious activity;
- 7.3 Emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- 7.4 Noises in connection with organized athletic or recreational activities in municipal, school, public park areas, arenas, or community centres and halls;
- 7.5 Noise caused by the Municipality, Government of Canada, Province of Nova Scotia, Nova Scotia Power Corporation, and/or telecommunication companies and their contractors and employees when acting in the reasonable execution of their duties;
- 7.6 Any noise emitted from, or associated with, any Industrial operation permitted by the relevant land use by-law; and
- 7.7 *Any noise generated by agricultural practices which are protected by the Nova Scotia Farm Act 2000, c3, s1, An Act to Protect Farmers Engaged in Normal Farm Practices from Being Sued in Nuisance or Negligence."*
<https://nslegislature.ca/sites/default/files/legc/statutes/farmprac.htm>

8.0 PENALTIES AND ENFORCEMENT

This by-law may be enforced by a Municipal By Law Enforcement Officer or a police officer. Any person who fails to comply with any of the provisions of this By-law shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than sixty (60) days. *Whenever possible, a process similar to restorative justice practices shall replace a fine and/or imprisonment.*

9.0 EFFECTIVE DATE

This By-law shall come into full force and effect on the date it is passed.

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk)

(Typed name of Municipal Clerk)



**WEST HANTS REGIONAL MUNICIPALITY
PEACE AND GOOD ORDER BY-LAW**

RCOPG-001

By-law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	
Final Publication	
Notice to Municipal Affairs	
Description:	



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PEACE AND GOOD ORDER BY-LAW**

RCOPG-001



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**WEST HANTS REGIONAL MUNICIPALITY
PEACE AND GOOD ORDER BY-LAW**

RCOPG-001

From: Jonas Mueller
To:
Cc: [Deanna Snair](#); [Shawn Levy](#)
Subject: RE: Proposed peace and good order bylaw
Date: February 10, 2026 8:25:57 AM

From: Jonas Mueller
Sent: Tuesday, February 10, 2026 7:45 AM
To: WHRM By-law Enforcement <bylawenforcement@westhants.ca>
Subject: Proposed peace and good order bylaw

Hello,

I'm writing in regards to the peace and good order bylaw. My question is why is this even being considered? Canada is a country founded on freedom and that includes free speech.

Protecting free speech means you protect people's right to speak how they wish even if it offends you or others.

Speech that you like or agree with doesn't need protection.

This proposed bylaw is a case of major government overreach.

What makes Canada great is the freedom compared to many other parts of the world. Why would you want to change this? I see no good and honest reason why. What is the next step after this? We go from not being allowed to say a word deemed not appropriate to not being able to voice criticism?

I would urge you and council to think this through before perhaps you or your children in the future are found to be on the wrong side of the laws you created one day.

Thanks,
Jonas

I would urge you and council to think this through before perhaps you or your children in the future are found to be on the wrong side of the laws you created one day.

Thanks,

Jonas

From: Richard Poole
To: [Deanna Snair](#)
Subject: Peace and good order by-law
Date: February 20, 2026 12:50:01 PM
Attachments: [image144307.png](#)

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good morning Deanna, I have decided to submit my questions and concerns via email. I will be unable to attend in person but would like to attend virtually if you could please add me and sent me the link.

First off where it states:

“No person(s) shall use profane, obscene, lewd, racial or discriminatory language... in a public place or at any public gathering or meeting in any store, shop, house or building.”

Although the wording says public and not private space, if you host a summer party or birthday party does that become a public place? If someone holds an open invitation at their residence, does that become a public place?

It seems that some of the wording is very vague and can be open to interpretation. What may offend one person may not necessarily offend another. If the wording is vague, it could lead to enforcement being inconsistent.

As you know under the charter of rights and freedoms. Freedom of expression is protected as long as it does not cross the threshold of hate speech, threats, violence, etc.

So a key question is:

What threshold must be met before language becomes enforceable?

Would it require a disturbance complaint?

Could one offended person trigger enforcement?

Questions to be clarified.

How does the by-law define “public gathering” in a private home?

Would swearing on one’s own private property be captured under this by-law?

What threshold must be met before “profane” language becomes an offense?

How will “offends public decency” be interpreted and by whom?

How does this align with Charter-protected freedom of expression?

Why is this needed if police already handle threats, harassment, and disturbing the peace?

Has legal counsel reviewed it for Charter compliance?

Questions in relation to enforcement.

What training will by-law officers receive to avoid subjective enforcement?

How many complaints per year currently exist that this by-law would address?

Is there evidence of a gap in existing Criminal Code or municipal authority?

There seems there would be duplicating by-laws as current laws and by-laws are already in existence. For example causing a disturbance under the criminal code as well as various municipal noise by-laws.

What specific gap does this by-law fill that existing law does not?

Some of my concerns are that it contains broad, subjective language. There is a potential for uneven enforcement and that it overlaps with existing laws and by-laws.

Also in relation to enforcement,

Will enforcement be complaint-based only?

Will warnings be issued before fines?

What safeguards prevent selective enforcement?

Has legal counsel confirmed Charter compliance?

I support maintaining public order, but I'd like clarification on how "public gathering" and "profane language" will be defined to ensure Charter-protected expression and private property rights are respected.

If you could acknowledge receipt of this email it would be greatly appreciated.

Thank you,

Richard Poole

On Tue, Feb 10, 2026 at 08:45 Deanna Snair <DSnair@westhants.ca> wrote:

Good morning,

Thank you for your inquiry.

To help ensure we can fully address your questions, you may find it helpful to share them in

advance of the meeting. Any comments or questions received ahead of time will be included in the report that is circulated prior to the meeting to members of Council and the public.

That said, if you prefer to provide your comments or questions in person at the meeting, that is perfectly fine as well. We are happy to proceed in whichever way you are most comfortable.

Please note that the draft bylaw has undergone review by the Diverse, Equitable, and Inclusive Communities Committee, which proposed amendments for Council's consideration. These amendments were accepted and will be presented at the Public Hearing scheduled for February 24, 2026.

Kind regards,

Deanna



Deanna Snair

Executive Assistant

West Hants Regional Municipality

PO Box 3000, [76 Morison Drive](#), Windsor, NS, B0N 2T0

T 902-798-8391 Ext. 134

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E DSnair@westhants.ca

W www.westhants.ca

From: Richard Poole

Sent: February 9, 2026 5:33 PM

To: Deanna Snair <DSnair@westhants.ca>

Subject: Peace and good order by-law

Caution [External Email]

This email comes from an outside sender. Verify the sender and use caution with any requests, links or attachments.

Good evening, in relation to the meeting being held on Feb 24th. Is it beneficial to send questions and comments on the 20th or can they be brought up during the meeting?

Thank you,

Richard