



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 5
Halifax Regional Council
March 26, 2024

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Cathie O'Toole, Chief Administrative Officer

DATE: November 17, 2023

SUBJECT: **By-law P-600 Review and Bay Lookout Park**

INFORMATION REPORT

ORIGIN

August 23, 2022 Halifax Regional Council motion (Item 14.1):

MOVED by Deputy Mayor Lovelace, seconded by Councillor Blackburn

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to provide a staff report with corresponding amendments to modernize By-law P-600, Respecting Municipal Parks, including recommendations for fines for overnight mooring, overnight camping, commercial fishing use, and compliance plan.

MOTION PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, SNS 2008, c 39

Resolutions, policies, by-laws

Section 58(1): The Council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Powers of Municipality regarding property

Section 61(3): the property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.

Power to make by-laws

Section 188(1) The Council may make by-laws, for municipal purposes, respecting...(c) persons, activities, and things in, on or near a public place or place that is open to the public.

BACKGROUND

Bay Lookout Park is located at 7124 and 7146 St. Margarets Bay Road in Boutilliers Point, which is a rural community approximately 30 kilometers west of Downtown Halifax. The park is 2.4 hectares in size and has two distinct areas, each with their own driveway access (Attachment A):

- a lower area that contains a former government wharf and includes a parking area, maintenance equipment storage building, and a boat launch; and
- an upper area that is predominantly comprised of wooded areas with informal trails, along with a parking lot, and a grassed picnic area.

The park, including the wharf, boat launch, three accessory buildings, and water lot came into municipal ownership in 1998 through a Federal Government wharf divestiture program.

On August 23, 2022, Regional Council requested a staff report to address ongoing nuisance issues within the park, including nighttime mooring, camping, and commercial fishing. It was suggested that the Parks By-law P-600 be amended to address these and other concerns, and generally be modernized to consider other emerging issues across the municipality.

DISCUSSION

Bay Lookout Park

Prior to the mid-1990s, Bay Lookout Park was the site of both a Federal Government Department of Fisheries and Oceans research facility and a government wharf. In 1996 the Federal Government launched the Port Divestiture Program to transfer ownership of 549 regional and local ports across Canada to municipalities and non-profit organizations. The Municipality received a letter from the Federal Government identifying the wharf at 7124 St Margarets Bay Road and associated lands at 7146 St Margarets Bay Road as surplus, and to inquire about the Municipality's interest in assuming their ownership.

The community within Boutilliers Point had a strong interest in the Municipality obtaining the site as parkland, identifying it as one of the few publicly owned areas of land on the west side of St. Margaret's Bay. It was further presented as an opportunity for the community to have access to recreation space and use of the wharf. The Bay Lookout Association (the Association) was formed as a park stewardship group and became a registered society in December 1996. The Association, with the Municipality, undertook community engagement and visioning exercises for the development of the site as a park over a period of 18 months.

In May of 1998 the Federal Government transferred ownership of the lands and water lot to the Municipality. Shortly after, the Association signed the first of many consecutive agreements with the Municipality for grass cutting, garbage clean-up, and general oversight of the park. The Association used one of the accessory buildings for maintenance equipment storage. The Municipality also inherited a relationship with a local commercial fishing operator for the mooring of his boat and the storage of fishing gear in a separate accessory building. The fishing operator paid a nominal fee for this use under separate lease agreement.

In 2010, Hurricane Earl caused significant damage to the wharf. After the completion of an engineering assessment, the Municipality rebuilt substantial parts of the wharf at a cost of \$958,727.

Many changes occurred in 2019 that impacted the use and care of the site. The Association ceased acting as a stewardship group after considering increasing liabilities and experiencing declining community participation. The longtime commercial fishing operator retired and stopped using the wharf and storage building. This building, and one other on the site were subsequently demolished. Since then, there have been no license agreements for community oversight or use within the park.

Issues Within Bay Lookout Park

By-Law P-600 (Parks By-law) prohibits public access to parks between 10:00 p.m. and 5:00 a.m., unless permission is granted by the Municipality. Between 2019 and 2022, the Municipality received increasing numbers of complaints from area residents about after-hours activities within the park, including:

- nuisance activities such as the setting of bonfires, camping, and unruly behaviour in the upper area;
- nighttime squid fishing from the wharf; and
- claims of periodic drug activity.

Measures have been introduced to address these issues, including:

- the installation of gates for both driveways, which are being opened and closed daily in line with permitted hours of operation;
- the installation of signage to clearly identify park regulations;
- the installation of a timer that turns off the wharf lighting overnight;
- public education of these changes and the regulations; and
- referrals by residents of any suspected drug activities to law enforcement.

These actions have improved the situations being reported.

An additional issue is that the wharf is regularly being used by a new commercial fishing operator, without an agreement with the Municipality. The Municipality's retention and upkeep of the wharf has been a consequence of its history as a government wharf. This continued use, given that the wharf is within a park, is being assessed. Determinations about this are currently being made in consideration of risks and liabilities, appropriateness for the park, and the municipal purpose in licensing such an activity.

P-600 By-Law Amendments

The issues at Bay Lookout Park are being addressed under the existing By-law P-600 Respecting Municipal Parks (Parks By-law) without the need for amendments. The Parks By-law has regulations over hours of operation, prohibitions on camping and fires, conditions for the protection of wildlife, and regulations to address unruly behavior. It also specifies penalties, with minimum (\$100.00) and maximum (\$10,000) fines for violations, should these need to be levied.

While amendments have not been needed for Bay Lookout Park, the periodic review and updating of by-laws is important to ensure municipal regulations are able to respond to emerging issues. A project to consider potential amendments could be considered in a future Business Plan.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

RISK CONSIDERATION

There are few risks with not amending the Parks By-law at this time. The existing Parks By-law has been used to address the issues being experienced in Bay Lookout Park.

COMMUNITY ENGAGEMENT

The Bay Lookout Association was contacted to understand its current and past role with Bay Lookout Park.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report. The protection of the environment will be considered in any future By-law P-600 amendment exercise.

ATTACHMENTS

Attachment A Aerial Photo of Bay Lookout Park

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Mark Inness, Community Planner, Parks & Recreation, 902.240.8525
Jacqueline Bélisle, Policy Planning Coordinator, Parks & Recreation, 902.430.4092

Attachment A
Aerial Photo of Bay Lookout Park

