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December 20, 2018

Via email (mpayne@town.berwick.ns.ca)

Town of Berwick
236 Commercial Street
P.O. Box 130
Berwick, NS B0P 1E0

Attn: Mike Payne, CAO


Dear Mr. Payne:

RE: Town of Berwick Bylaw Listings of SOT – Our File 130-778

We are pleased to report that the offences pursuant to the *Protection from Second-hand Smoke By-law* listed in Schedule M-33 of the *Summary Offence Ticket Regulations* have been amended. The Town can now use summary offence tickets for the amended *Protection from Second-hand Smoke By-law*.

Enclosed please find a copy of a letter from the Department of Justice, dated December 19, 2018, a copy of an Order from the Minister of Justice, dated December 13, 2018, and a copy of a Schedule showing the listing of the amended summary offence tickets.

Lastly, upon our review of the amendments to the *Protection of Second-hand Smoke By-law*, we noticed a typographical error in the amended section 3(c). It appears an "or" is inadvertently missing after the word cannabis.

If you have any questions, please do not hesitate to contact us.

Yours truly,


Geoff Muttart
GPM/nm

Enclosures

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December 19, 2018

Nick Moore
Barrister & Solicitor
Muttarts Law Firm
PO Box 515, 20 Cornwallis Street
Kentville, NS B4N 3X3

Dear Mr. Moore:

Re: Summary Offence Ticket Regulations, Town of Berwick, Schedule M-33 to the Summary Offence Ticket Regulations

I am pleased to advise that the Attorney General and Minister of Justice has approved your request to amend SOT Schedule M-33 to the *Summary Offence Ticket Regulations*. The amendments include the following:

Town of Berwick

- *Protection from Second-hand Smoke By-law*

I have attached a copy of the Minister's Order, dated December 13, 2018, and the accompanying Schedule showing the amendments. These were filed with the Registrar of Regulations on December 17, 2018. **As per Section 3(6)(a) of the *Regulations Act*, the effective date of the amendments is December 13, 2018.** The Minister's Order has been filed with the Registry of Regulations as N.S. Reg 224/2018 and will be published in the January 3, 2019 edition of the Royal Gazette Vol II.

Following publication, this information will also be available on the website of the Registry of Regulations at:

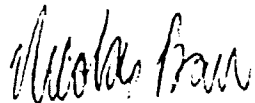
<https://www.novascotia.ca/just/regulations/sots/index.htm>

I suggest that you take steps to inform the public that these regulations are in effect. Except for publication in the Royal Gazette and on the Registry of Regulations website, it is the Town's responsibility to provide this information to the public.

Finally, please be advised that changes to the regulations may be required if the Town amends or creates a new edition of any of the listed by-laws. The language used in the regulations is now based on the versions of the by-laws that were submitted to the Department of Municipal Affairs in October 2018.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Nick Barr". The signature is written in a cursive, slightly slanted style.

Nick Barr
Manager, Legislative & Policy Services

cc Heather Burchill, Solicitor, Department of Justice

N.S. Regulations 224/2018
FILED
Date December 17, 2018
RACHEL L. JONES
REGISTRAR OF REGULATIONS


Order

**Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Mark Furey, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend Schedule M-33 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to repeal and replace all offences designated under the Town of Berwick Protection from Second-hand Smoke By-law in the manner set forth in the attached Schedule "A"; and
- (b) order and direct that the penalty to be entered on a summons in respect of an offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule "A", is the out-of-court settlement amount set out opposite the description of that offence, and the out-of-court settlement amount includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made December 13, 2018, at Halifax, Halifax Regional Municipality,
Province of Nova Scotia.



Honourable Mark Furey
Attorney General and Minister of Justice

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,**

Schedule M-33, Town of Berwick By-laws, to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by repealing all items under the heading "Protection from Second-hand Smoke By-law" and substituting the following items:

1	Smoking at park or playground (specify) on town property	4(a)	\$237.50
2	Smoking at outdoor recreational facility on town property	4(b)	\$237.50
3	Smoking on grounds of town building	4(c)	\$237.50
4	Smoking on grounds of event on town property that is open to public	4(d)	\$237.50
5	Smoking on path on town property or property that town is licensed to maintain (specify)	4(e)	\$237.50
6	Smoking on street or sidewalk (specify)	4(f)	\$237.50
7	Smoking at bus stop or within 4 m of bus stop (specify)	4(g)	\$237.50

