

Royal Gazette

Part II Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 42, No. 6

March 16, 2018

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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 33/2018

Made: February 14, 2018

Filed: February 22, 2018

Summary Offence Tickets Regulations—amendment

Order dated February 14, 2018

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act*

**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 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 designate certain offences under the Municipality of the County of Victoria by-laws as summary offence ticket offences 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 listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made February 14, 2018, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Mark Furey*

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,
[the *Summary Proceedings Act*]**

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, are amended by adding the following Schedule immediately after Schedule M-31:

**Schedule M-32
Municipality of the County of Victoria By-laws**

Offence	Section	Out of Court Settlement
Dog Control By-law		
1 Owing dog that runs at large	38(a)	\$237.50

2	Owning dog that is unregistered	38(b)	\$237.50
3	Owning dog that is not wearing its dog tag	38(c)	\$237.50
4	Owning dog that persistently disturbs quiet of neighbourhood by barking, howling or otherwise	38(d)	\$237.50
5	Owner failing to remove dog's feces from property other than owner's	38(e)	\$237.50
6	Owner failing to confine unspayed female dog	38(f)	\$237.50
7	Owner neglecting or refusing to provide written statement or information required	38(g)	\$237.50
8	Owner interfering with Dog Control Officer	38(h)	\$237.50
9	Owner refusing to hand over dog to Dog Control Officer when directed	38(i)	\$237.50
10	Owner (specify action by owner) contrary to (specify by-law provision containing prohibition) of by-law	38(j)	\$237.50
11	Owner neglecting to (specify) as required by (specify by-law provision containing requirement) of by-law	38(j)	\$237.50
12	Owner failing to (specify) as required by (specify by-law provision containing requirement) of by-law	38(j)	\$237.50

N.S. Reg. 34/2018

Made: February 22, 2018

Filed: February 23, 2018

Prescribed Petroleum Products Prices

Order dated February 22, 2018
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M08551**

In the matter of the *Petroleum Products Pricing Act*

- and -

**In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Peter W. Gurnham, Q.C., Chair

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board ("Board") considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended February 21, 2018, are:

Grade 1 Regular gasoline	59.2¢ per litre
Ultra-low-sulfur diesel oil	63.6¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	59.2¢ per litre
Grade 2	62.2¢ per litre
Grade 3	65.2¢ per litre
Ultra-low-sulfur diesel oil	63.6¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.3¢ per litre
Ultra-low-sulfur diesel oil:	minus 0.6¢ per litre

And whereas a winter blending adjustment of plus 5.2¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., February 23, 2018.

Dated at Halifax, Nova Scotia, this 22nd day of February, 2018.

sgd: *Lisa Wallace*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on February 23, 2018**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	66.1	10.0	15.5	91.6	111.2	113.4	111.2	999.9
Mid-Grade Unleaded	69.1	10.0	15.5	94.6	114.7	116.8	114.7	999.9
Premium Unleaded	72.1	10.0	15.5	97.6	118.1	120.3	118.1	999.9
Ultra-Low-Sulfur Diesel	75.4	4.0	15.4	94.8	114.9	117.1	114.9	999.9

Zone 2								
Regular Unleaded	66.6	10.0	15.5	92.1	111.8	114.0	111.8	999.9
Mid-Grade Unleaded	69.6	10.0	15.5	95.1	115.2	117.4	115.2	999.9
Premium Unleaded	72.6	10.0	15.5	98.1	118.7	120.9	118.7	999.9
Ultra-Low-Sulfur Diesel	75.9	4.0	15.4	95.3	115.5	117.6	115.5	999.9
Zone 3								
Regular Unleaded	67.0	10.0	15.5	92.5	112.2	114.4	112.2	999.9
Mid-Grade Unleaded	70.0	10.0	15.5	95.5	115.7	117.9	115.7	999.9
Premium Unleaded	73.0	10.0	15.5	98.5	119.1	121.3	119.1	999.9
Ultra-Low-Sulfur Diesel	76.3	4.0	15.4	95.7	115.9	118.1	115.9	999.9
Zone 4								
Regular Unleaded	67.1	10.0	15.5	92.6	112.4	114.5	112.4	999.9
Mid-Grade Unleaded	70.1	10.0	15.5	95.6	115.8	118.0	115.8	999.9
Premium Unleaded	73.1	10.0	15.5	98.6	119.3	121.4	119.3	999.9
Ultra-Low-Sulfur Diesel	76.4	4.0	15.4	95.8	116.0	118.2	116.0	999.9
Zone 5								
Regular Unleaded	67.1	10.0	15.5	92.6	112.4	114.5	112.4	999.9
Mid-Grade Unleaded	70.1	10.0	15.5	95.6	115.8	118.0	115.8	999.9
Premium Unleaded	73.1	10.0	15.5	98.6	119.3	121.4	119.3	999.9
Ultra-Low-Sulfur Diesel	76.4	4.0	15.4	95.8	116.0	118.2	116.0	999.9
Zone 6								
Regular Unleaded	67.8	10.0	15.5	93.3	113.2	115.3	113.2	999.9
Mid-Grade Unleaded	70.8	10.0	15.5	96.3	116.6	118.8	116.6	999.9
Premium Unleaded	73.8	10.0	15.5	99.3	120.1	122.2	120.1	999.9
Ultra-Low-Sulfur Diesel	77.1	4.0	15.4	96.5	116.8	119.0	116.8	999.9

N.S. Reg. 35/2018

Made: February 28, 2018

Filed: February 28, 2018

Spring Weight Restriction Regulations—amendment

Order dated February 28, 2018

Amendment to regulations made by the Director of Operations Services,
 Department of Transportation and Infrastructure Renewal
 pursuant to subsection 20(1) of the *Public Highways Act*

**In the matter of subsection 20(1) of
 Chapter 371 of the Revised Statutes of Nova Scotia, 1989,
 the *Public Highways Act***

Order

I, Guy Deveau, Director of Operations Services, Department of Transportation and Infrastructure Renewal, as delegated by the Minister of Transportation and Infrastructure Renewal under subsection 20(1) of Chapter 371 of the Revised Statutes of Nova Scotia, 1989, the *Public Highways Act*, hereby order that Schedule A of the *Spring Weight Restriction Regulations*, N.S. Reg. 31/2018, made by the Executive Director of Maintenance and Operations, Department of Transportation and Infrastructure Renewal on February 21, 2018, is amended by,

- (a) under the heading “Antigonish County”,
- (i) adding the following item immediately after item 3:
- 3A. **Trunk 4**, from Route 316 westerly to Brierly Brook gypsum quarry, 16.1 km.
- (ii) striking out “Harve” in item 5 and substituting “Havre”;
- (iii) adding the following item immediately after item 15:
16. **Taylor’s Road (0510)**, from Route 316 easterly, 1.4 km.
- (b) under the heading “Colchester County”, adding the following item immediately after item 30:
- 30A. **Little Dyke Road (0678)**, from Trunk 2 westerly, 1.5 km (south end).
- (c) under the heading “Yarmouth County”, renumbering items 9 to 35 as 6 to 32.

Dated and made at Halifax, Nova Scotia, on February 28, 2018.

sgd: *Guy Deveau*
 Guy Deveau, P. Eng.
 Director of Operations Services
 Department of Transportation and Infrastructure Renewal

N.S. Reg. 36/2018

Made: March 1, 2018

Filed: March 2, 2018

Prescribed Petroleum Products Prices

Order dated March 1, 2018
 made by the Nova Scotia Utility and Review Board
 pursuant to Section 14 of the *Petroleum Products Pricing Act*
 and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order

M08560

In the matter of the *Petroleum Products Pricing Act*

- and -

**In the matter of prescribing prices for petroleum products
 pursuant to Section 14 of the *Petroleum Products Pricing Act* and
 Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Steven M. Murphy, MBA, P.Eng., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended February 28, 2018, are:

Grade 1 Regular gasoline	61.1¢ per litre
Ultra-low-sulfur diesel oil	65.3¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	61.1¢ per litre
Grade 2	64.1¢ per litre
Grade 3	67.1¢ per litre
Ultra-low-sulfur diesel oil	65.3¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil ¢ per litre
Ultra-low-sulfur diesel oil:	nil ¢ per litre

And whereas a winter blending adjustment of plus 5.5¢ per litre is required for ultra-low-sulfur diesel oil;

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., March 2, 2018.

Dated at Halifax, Nova Scotia, this 1st day of March, 2018.

sgd: *Bruce A. Kiley*
Clerk of the Board

Schedule “A”

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on March 2, 2018**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	68.3	10.0	15.5	93.8	113.7	115.9	113.7	999.9
Mid-Grade Unleaded	71.3	10.0	15.5	96.8	117.2	119.4	117.2	999.9
Premium Unleaded	74.3	10.0	15.5	99.8	120.6	122.8	120.6	999.9
Ultra-Low-Sulfur Diesel	78.0	4.0	15.4	97.4	117.9	120.1	117.9	999.9

Zone 2								
Regular Unleaded	68.8	10.0	15.5	94.3	114.3	116.5	114.3	999.9
Mid-Grade Unleaded	71.8	10.0	15.5	97.3	117.8	119.9	117.8	999.9
Premium Unleaded	74.8	10.0	15.5	100.3	121.2	123.4	121.2	999.9
Ultra-Low-Sulfur Diesel	78.5	4.0	15.4	97.9	118.4	120.6	118.4	999.9
Zone 3								
Regular Unleaded	69.2	10.0	15.5	94.7	114.8	117.0	114.8	999.9
Mid-Grade Unleaded	72.2	10.0	15.5	97.7	118.2	120.4	118.2	999.9
Premium Unleaded	75.2	10.0	15.5	100.7	121.7	123.9	121.7	999.9
Ultra-Low-Sulfur Diesel	78.9	4.0	15.4	98.3	118.9	121.1	118.9	999.9
Zone 4								
Regular Unleaded	69.3	10.0	15.5	94.8	114.9	117.1	114.9	999.9
Mid-Grade Unleaded	72.3	10.0	15.5	97.8	118.3	120.5	118.3	999.9
Premium Unleaded	75.3	10.0	15.5	100.8	121.8	124.0	121.8	999.9
Ultra-Low-Sulfur Diesel	79.0	4.0	15.4	98.4	119.0	121.2	119.0	999.9
Zone 5								
Regular Unleaded	69.3	10.0	15.5	94.8	114.9	117.1	114.9	999.9
Mid-Grade Unleaded	72.3	10.0	15.5	97.8	118.3	120.5	118.3	999.9
Premium Unleaded	75.3	10.0	15.5	100.8	121.8	124.0	121.8	999.9
Ultra-Low-Sulfur Diesel	79.0	4.0	15.4	98.4	119.0	121.2	119.0	999.9
Zone 6								
Regular Unleaded	70.0	10.0	15.5	95.5	115.7	117.9	115.7	999.9
Mid-Grade Unleaded	73.0	10.0	15.5	98.5	119.1	121.3	119.1	999.9
Premium Unleaded	76.0	10.0	15.5	101.5	122.6	124.8	122.6	999.9
Ultra-Low-Sulfur Diesel	79.7	4.0	15.4	99.1	119.8	122.0	119.8	999.9

N.S. Reg. 37/2018

Made: February 28, 2018

Filed: March 5, 2018

Elevating Device Mechanic Trade Regulations

Order dated February 28, 2018

Regulations made by the Apprenticeship Board

pursuant to Section 17A of the *Apprenticeship and Trades Qualifications Act***Apprenticeship Board****Elevating Device Mechanic Trade Regulations under Section 17A of the
*Apprenticeship and Trades Qualifications Act***

I, Carol MacCulloch, Chair of the Apprenticeship Board for the Province of Nova Scotia, certify that at a meeting on February 28, 2018, the Apprenticeship Board, pursuant to Section 17A of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*, carried a motion, effective on and after April 1, 2018, to designate the elevating device mechanic trade as a trade for the purpose of the Act and make regulations respecting the elevating device mechanic trade in the form set forth in the attached Schedule "A".

Dated and signed February 28, 2018, at Halifax Regional Municipality, Province of ~~Province of~~ Nova Scotia.

sgd: Carol MacCulloch
Carol MacCulloch
Chair, Apprenticeship Board

Schedule "A"

Regulations Respecting the Elevating Device Mechanic Trade made by the Apprenticeship Board under Section 17A of Chapter 1 of the Acts of 2003, the *Apprenticeship and Trades Qualifications Act*

Citation

1 These trade regulations may be cited as the *Elevating Device Mechanic Trade Regulations*.

Definitions

2 (1) In these trade regulations,

“Act” means the *Apprenticeship and Trades Qualifications Act*;

“elevating device” means an elevating device as that term is defined in the *Elevators and Lifts Act*;

“elevating device mechanic trade” means the occupation of an elevating device mechanic, consisting of constructing, installing, altering, repairing, maintaining, servicing, inspecting, examining and testing an elevating device;

“General Regulations” means the *Apprenticeship and Trades Qualifications Act General Regulations* made under the Act.

(2) A term defined in the General Regulations has the same meaning when used in these trade regulations.

Designation

3 The elevating device mechanic trade is designated as a trade for the purpose of the Act.

Certificate in elevating device mechanic trade through trade qualification

4 (1) The period of employment in the designated trade that is required by paragraph 30(1)(a)(ii)(B) of the General Regulations for a person who does not hold a certificate of apprenticeship and is applying for a certificate of qualification in the trade is 10 800 hours.

(2) It is a requirement for the purposes of clause 30(1)(e) of the General Regulations that, before they can apply for a certificate of qualification, a person who does not hold a certificate of apprenticeship must complete, to the satisfaction of the Chief Inspector appointed under the *Elevators and Lifts Act*, an educational program acceptable to the Chief Inspector that is equivalent to the 4-year program of practical skills and theoretical training provided by the Canadian Elevator Industry Education Program.

N.S. Reg. 38/2018

Made: March 6, 2018

Filed: March 6, 2018

Proclamation, S. 36, S.N.S. 2011, c. 44

Order in Council 2018-46 dated March 6, 2018
Proclamation made by the Governor in Council
pursuant to Section 36 of the
Safe Body Art Act

The Governor in Council on the report and recommendation of the Minister of Health and Wellness and the Minister of Environment dated February 2, 2018, and pursuant to Section 36 of Chapter 44 of the Acts of 2011, the *Safe Body Art Act*, and subsection 3(7) of Chapter 235 of the Revised Statutes of Nova Scotia, 1989, the *Interpretation Act*, is pleased to order and declare by proclamation that Chapter 44 of the Acts of 2011, the *Safe Body Art Act*, except Section 35, do come into force on and not before February 1, 2019.

PROVINCE OF NOVA SCOTIA

sgd: **Arthur J. LeBlanc**

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 36 of Chapter 44 of the Acts of 2011, the *Safe Body Art Act*, it is enacted as follows:

- 36** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 44 of the Acts of 2011, the *Safe Body Art Act*, except Section 35, do come into force on and not before February 1, 2019;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 44 of the Acts of 2011, the *Safe Body Art Act*, except Section 35, do come into force on and not before February 1, 2019, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the Great Seal of
Nova Scotia to be hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
Arthur J. LeBlanc, ONS, Q.C., Lieutenant Governor of
the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 6th day of March in the year of Our Lord two thousand and eighteen and in the sixty-seventh year of Our Reign.

BY COMMAND:

sgd: Honourable Mark Furey
Provincial Secretary
Attorney General and Minister of Justice

N.S. Reg. 39/2018

Made: March 6, 2018

Filed: March 6, 2018

Safe Body Art Regulations

Order in Council 2018-47 dated March 6, 2018
Regulations made by the Governor in Council
pursuant to Section 33 of the *Safe Body Art Act*

The Governor in Council on the report and recommendation of the Minister of Health and Wellness and the Minister of Environment dated February 2, 2018, and pursuant to Section 33 of Chapter 44 of the Acts of 2011, the *Safe Body Art Act*, is pleased to make new regulations respecting body art facilities in the form set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after February 1, 2019.

Schedule “A”

**Regulations Respecting Safe Body Art
made by the Governor in Council under
Section 33 of Chapter 44 of the Acts of 2011,
the *Safe Body Art Act***

Citation

1 These regulations may be cited as the *Safe Body Art Regulations*.

Definitions

2 (1) In these regulations,

“Act” means the *Safe Body Art Act*;

“adequate” means satisfactory or acceptable in quality or quantity as determined by the Administrator or a public health inspector;

“appropriate” means suitable or proper in the circumstances as determined by the Administrator or a public health inspector;

“aseptic technique” means work practices used to prevent cross-contamination;

“body art product” means any substance used in connection with a body art service, including ink, pigment, skin antiseptic, gentian violet, green soap and disinfectant;

“class”, in relation to a permit, refers to a class of permit set out in Section 9;

“cross-contamination” means a transfer of a biological, physical, chemical or infectious agent from a contaminated source;

“decontamination area” means an area in a body art facility where instruments and equipment are cleaned and then disinfected or sterilized;

“disinfect” means to carry out a process that inactivates many, but not necessarily all, recognized disease-causing microorganisms;

“equipment” means machinery, apparatuses or appurtenances used in connection with carrying out a body art service, including fixtures, containers, vessels, tools, furniture, display areas, storage areas and sinks;

“high-contact surface” means a surface that is likely to be contaminated with or come in contact with blood or other body fluids or non-intact skin, or to come in contact with contaminated instruments, contaminated body art products or the contaminated hands of the personnel of a body art facility;

“infection prevention plan” means a plan established by an operator of a body art facility in accordance with Section 24 for controlling biological hazards associated with the body art services being carried out at the facility;

“instrument” means any device used to carry out a body art service, including needles, needle bars, needle tubes, forceps, hemostats, tweezers, razors and razor blades;

“mobile body art facility” means a body art facility that is a readily moveable motorized or towed wheeled vehicle designed and equipped for body art services to be carried out in it;

“operator” means a person who, either alone or through an agent, owns or operates a body art facility, and includes an occupier of a body art facility;

“permanent body art facility” means a body art facility that is in a permanent location and is intended to be operated continuously in that location;

“personnel”, in relation to a body art facility, means any of the following:

- (i) persons carrying out body art services at the body art facility,
- (ii) persons involved in handling contaminated instruments, equipment and surfaces at the body art facility,
- (iii) persons who interact with clients at the body art facility other than by carrying out body art services;

“potable” means safe for human consumption;

“procedure area” means an area where body art services are carried out in a body art facility;

“reprocessing” means the process of rendering a contaminated reusable device safe and effective for reuse, and includes cleaning and preparing devices for disinfection or sterilization according to device-specific manufacturer’s instructions for use and published reprocessing standards;

“reusable”, in relation to an instrument or piece of equipment, means designed by the manufacturer of the instrument or equipment, through the selection of materials and components, as suitable to be reprocessed and reused;

“sharps” means any objects that may cut, pierce or penetrate the skin or mucus membrane, including needles, scalpel blades and razor blades;

“single-use” means intended for use by 1 person at 1 time on 1 client, intended to be disposed of after use, and not suitable for reprocessing, and applies to items such as cotton swabs and balls, tissue and other paper products, paper or plastic cups, gauze and other sanitary coverings, piercing needles, scalpel blades, stencils, ink cups and protective gloves;

“Standards” means the latest edition of the *Nova Scotia Body Art Standards* or its successor document as established by the Minister;

“sterilization log” means the record of testing and verification of sterility required by clause 32(2)(b);

“sterilize” means to carry out a process that destroys all forms of microbial life including bacteria, viruses, spores and fungi;

“temporary body art event” means an event of no longer than 14 consecutive days at which body art services are offered or carried out by 1 or more operators outside of a permanent body art facility;

“temporary body art facility” means a body art facility operated by a single operator in a temporary location as part of a temporary body art event;

“ultrasonic cleaning unit” means a unit physically large enough to fully submerge instruments in liquid and that removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

(2) In the Act and these regulations,

“cleaning” means removing foreign material, such as dust and soil, or organic material, such as blood, secretions and micro-organisms, using water, detergent and physical or mechanical action;

“piercing” means creating an opening in any part of a person’s body for the purpose of inserting jewelry or other decoration;

“tattooing” means inserting pigment into a person’s skin by piercing with a needle or other instrument, and includes any procedure referred to as cosmetic tattooing, permanent make-up, micropigmentation, micropigment implantation, microblading or dermagraphics.

(3) In the Act, “branding” means burning a mark or marks into a person’s skin with hot or cold instruments with the intention of leaving a permanent scar.

Exemption from regulations

- 3 (1) The Administrator may exempt an operator who holds a permit from any provision of these regulations if the operator demonstrates to the Administrator that they can achieve compliance using another method.
- (2) A person who pierces only the lobe of the ear with a pre-sterilized single-use cartridge ear-piercing system is exempt from these regulations, and this service is not a body art service.

Standards

- 4 (1) The Standards, as amended from time to time, are incorporated by reference into these regulations.
- (2) The Standards must be made available to the public, clearly identifying amendments and effective dates, on the Province's website.
- (3) An operator must ensure a body art facility is equipped, operated and maintained in accordance with the Standards.

Inspection frequency

- 5 The Administrator may establish the frequency of inspections for body art facilities.

Permits for Body Art Facilities**Restrictions on mobile and temporary body art facilities**

- 6 An operator of a mobile body art facility or a temporary body art facility must not offer or carry out any body art services other than tattooing or piercing.

Application for permit

- 7 (1) An application for a permit must be accompanied by all of the following:
- (a) the applicable permit fee prescribed in Section 9;
 - (b) any information reasonably required by the Administrator to determine compliance with the Act or these regulations.
- (2) An operator of a temporary body art facility must submit an application for a permit at least 30 days before the first day of the temporary body art event.

Permit not transferable

- 8 (1) A person who holds a permit must not transfer the permit to another person.
- (2) A transfer of a permit contrary to subsection (1) is void.

Fees and terms for permits

- 9 The fee and term for each class of permit are as set out in the following table:

Class of Body Art Facility Permit	Term of Permit	Fee
Class 1: Body Art Facility (permanent body art facility or mobile body art facility)	10 years	\$195 + HST
Class 2: Temporary Body Art Facility	1-14 days, as specified on permit	\$30 + HST

Posting permit

10 An operator must post their permit in a conspicuous location in their body art facility so that it can be viewed by potential clients before body art services are carried out.

Renewing permit

11 (1) Except as provided in subsection (2), an operator may renew a permit on or before its expiry date by submitting a completed renewal application to the Administrator together with all of the following:

- (a) the applicable permit fee prescribed in Section 9;
- (b) any information reasonably required by the Administrator to determine compliance with the Act or these regulations.

(2) A Class 2 permit is not renewable.

Suspension or revocation of permit

12 (1) The Administrator must notify, in writing, an operator whose permit is suspended or revoked.

(2) The Administrator may serve a notice of closure on an operator whose permit is suspended or revoked, and must post the notice in a conspicuous place at the entrance to the body art facility.

(3) When an operator receives notice that their permit is suspended or revoked, they must immediately

- (a) cease operating the body art facility; and
- (b) close the body art facility.

(4) A person must not remove a notice of closure posted under subsection (2) or reopen a body art facility required to be closed under clause (3)(b) until the permit for the body art facility is reinstated or reissued.

Appeals**Appeal to Minister on suspension or revocation of permit**

13 An operator who appeals a decision of the Administrator under Section 10 of the Act must serve the Minister with a notice of appeal no later than 30 days after the date they are advised of the Administrator's decision.

Decision in appeal

14 The Minister's decision in an appeal must be issued in writing and sent by registered mail no later than 60 business days after the date the Minister receives the appeal.

Location, Design, Construction, Equipment and Maintenance**Location, design, construction, equipment and maintenance requirements**

15 (1) Each operator must ensure that their body art facility meets the requirements in this Section and the criteria set out in the Standards.

(2) Each body art facility must be located, designed, constructed, equipped and maintained in a manner that is appropriate for the body art services being offered at the facility and that ensures all of the following requirements are met:

- (a) the design and layout of the facility must allow for the facility to be appropriately maintained, cleaned and disinfected;
 - (b) there must be effective controls in place to prevent cross-contamination, as detailed in the Standards;
 - (c) high-contact surfaces in a procedure area, decontamination area or any other area must be made of smooth, non-absorbent and non-porous materials and able to withstand repeated cleaning and disinfection;
 - (d) there must be effective protection to prevent the access and sheltering of insects, rodents and other pests.
- (3) Except as provided in subsection (6) for an operator with a Class 2 permit, each body art facility must have all of the following:
- (a) lighting, electrical power and ventilation that are adequate for operating the facility and for the services being provided;
 - (b) an adequate supply of plumbed hot and cold potable water at adequate pressure and volume, with appropriate facilities to store and distribute the water, control its temperature and prevent backflow;
 - (c) at least 1 washroom, with each washroom meeting all of the following criteria:
 - (i) it is adequately designed and equipped, as detailed in the Standards,
 - (ii) it is located so that personnel and clients do not require passage through a procedure area or decontamination area,
 - (iii) its walls, floors and equipment surfaces are smooth, non-absorbent and easily cleanable;
 - (d) waste disposal systems that are adequate for removing solid and liquid waste;
 - (e) adequate storage for clean and sterile instruments and for equipment, body art products and materials, including inks, chemicals and other supplies necessary to safely provide a body art service;
 - (f) adequate storage for personal items belonging to personnel;
 - (g) for any door or window that is to remain open during a body art service, a screen that
 - (i) is constructed to cover the entirety of the opening, and
 - (ii) has mesh capable of preventing pests from entering;
 - (h) a waiting area that is separate from the procedure area, storage area and decontamination area;
 - (i) a procedure area that complies with subsection (4);
 - (j) a decontamination area that complies with in subsection (5);
 - (k) walls, floors and ceilings.

- (4) A procedure area must meet all of the following requirements:
- (a) it must be separate from all of the following areas in the body art facility:
 - (i) any area used for traffic flow, for retail sales or for any other activity that may result in cross-contamination of instruments, equipment, work surfaces or body art products,
 - (ii) the waiting area required by clause (3)(h),
 - (iii) the decontamination area required by clause (3)(j),
 - (iv) any washroom as required by clause (3)(c);
 - (b) it must be large enough to ensure that the body art services being offered can be safely carried out;
 - (c) each of its wall, floor, counter, procedure chair, table and storage surfaces and any high-contact surfaces must be smooth, non-absorbent, free of open holes or cracks, cleanable and in good repair;
 - (d) it must provide unimpeded access, without the necessity of opening a door, to an adequately designed and equipped hand-wash station, as detailed in the Standards;
 - (e) it must be equipped for the body art services being offered and, in particular, must have all of the following:
 - (i) a chair or procedure table that is capable of reclining,
 - (ii) adequate counter and storage space,
 - (iii) an alcohol-based hand-rub station at the point of service,
 - (iv) if reusable instruments are used, a designated leak- and puncture-resistant container that is clearly labelled as a container to be used for instruments for reprocessing,
 - (v) a sharps container for safe disposal of sharps at the point of service that meets the criteria outlined in the Standards Council of Canada's standard CAN/CSA Z316.6-14 for sharps containers,
 - (vi) a garbage receptacle.
- (5) A decontamination area must meet all of the following requirements:
- (a) it must be separate from all of the following areas in the body art facility:
 - (i) any area used for traffic flow, for retail sales or for any other activity that may result in cross-contamination of instruments, equipment, work surfaces or body art products,
 - (ii) the waiting area required by clause (3)(h),
 - (iii) the procedure area required by clause (3)(i),
 - (iv) any washroom area as required by clause (3)(c);

- (b) each of its wall, floor, sinks, counters and high-contact surfaces must be smooth, non-absorbent, free of open holes or cracks, cleanable and in good repair;
- (c) it must be appropriately equipped to ensure that, if required, instruments used to carry out body art services can be effectively cleaned and then disinfected or sterilized;
- (d) it must be designed to have a 1-way work flow with distinct zones for dirty, clean and sterile instruments;
- (e) it must be equipped with all of the following:
 - (i) adequate counter and storage space,
 - (ii) if instruments are to be sterilized, adequate space for preparing and packaging instruments for sterilization,
 - (iii) a plumbed cleaning sink that is designated for cleaning instruments and equipment and is large enough so that the largest instrument or piece of equipment to be cleaned can be submerged,
 - (iv) a sharps container as described in subclause (4)(e)(v),
 - (v) an appropriately equipped and plumbed hand-wash station used only for handwashing and separate from a cleaning sink,
 - (vi) an alcohol-based hand-rub station,
 - (vii) a garbage receptacle.
- (6) None of the following apply to an operator with a Class 2 permit:
 - (a) clause (3)(b) respecting a water supply;
 - (b) clause (3)(c) respecting washrooms;
 - (c) clause (3)(h) respecting a waiting area;
 - (d) clause (3)(j) respecting a decontamination area;
 - (e) the requirement in clause (4)(c) for a wall to be smooth, non-absorbent, free of open holes or cracks, cleanable and in good repair.

Additional requirements for permanent body art facility

- 16 (1)** In addition to the requirements of Section 15, a permanent body art facility must be contained in a permanent building with walls, a roof and a floor.
- (2)** An operator must ensure that a permanent body art facility located in the same building as a residential dwelling has a separate entrance and washroom, and is entirely separated by a solid partition from the residential dwelling.
- (3)** Each door connecting a permanent body art facility with any other type of establishment or any area used for human habitation must be solid and equipped with a self-closing mechanism.

- (4) A permanent body art facility must have either
- (a) a janitorial sink to be used for emptying wastewater from cleaning activity; or
 - (b) if there is no janitorial sink, a written procedure for maintaining sanitation using another sink.

Additional requirements for mobile body art facility

17 (1) In clause (2)(b), “commissary” means any place in which body art supplies are safely stored.

- (2) In addition to the requirements of Section 15, an operator of a mobile body art facility must ensure that the facility meets all of the following requirements with respect to location, design, construction, equipment and maintenance:
- (a) the facility must be able to be moved;
 - (b) the facility must be operated by an operator of a permanent body art facility operated under a Class 1 permit or have a commissary in the Province that is accessible for inspection;
 - (c) the facility must have all of the following:
 - (i) a liquid waste storage tank with a capacity that is 15% greater than the storage capacity for the facility’s on-board potable water,
 - (ii) independent electrical power and potable water sources.

Additional requirements for temporary body art facility

18 (1) In addition to the requirements of Section 15, each temporary body art facility must meet the following requirements:

- (a) it must be located in a permanent building or a temporary enclosure that has all of the following:
 - (i) an adequate number of washrooms for the public and personnel,
 - (ii) an adequate number of hand-wash stations as described in clause 15(4)(d) that are accessible to personnel only,
 - (iii) permanent or temporary walls or partitions, a roof and a floor,
 - (iv) access to a potable water supply,
 - (v) access to an equipment cleaning area as described in the Standards;
 - (b) it must be constructed so that the procedure area is separated from the public to protect the procedure area from cross-contamination and to prevent the public from being accidentally exposed to a body art service being carried out.
- (2) A temporary body art facility operator must ensure that material and services are available in accordance with the Standards for each temporary body art facility they operate.

Operating Body Art Facility

Personnel policies and procedures

19 Each member of the personnel of a body art facility must meet all of the following requirements:

- (a) they must be clean and sanitary and have good personal hygiene;
- (b) they must refrain from any behaviour or practice that risks transmitting disease or causing bodily injury during a body art service.

Client awareness and after-care instruction

- 20** (1) Before a body art service is carried out on a client, the operator or personnel of the body art facility must ensure the client is provided both verbally and in writing with client awareness and after-care instructions, as detailed in the Standards.
- (2) An operator must ensure that the information provided under subsection (1) is not misleading.
- (3) An operator must ensure that each client signs a client awareness form indicating they have read and understand the information provided under subsection (1).
- (4) An operator must keep client awareness records, as detailed in the Standards.

Exposure response plan

- 21** (1) An operator must have a written exposure response plan that includes procedures on how to respond to accidental exposures of all of the following types at the body art facility:
- (a) puncture wounds or abrasions to personnel or clients;
 - (b) blood or body fluid contact with broken skin;
 - (c) blood or body fluid contact with eyes, nose or mouth.
- (2) An operator must keep exposure response records, as detailed in the Standards.

Use of procedure area

- 22** (1) An operator must ensure that the procedure area in their body art facility is not used for any purpose other than carrying out body art services.
- (2) An operator must ensure that all body art procedures are carried out in a procedure area.

Person or persons in charge

- 23** (1) An operator must ensure that there is a person or persons in charge of the premises at all times during which body art services are being offered or carried out.
- (2) In subsection (1), “person or persons in charge” means a representative or representatives of the operator who oversee the operation of the body art facility.

Controlling Hazards

Infection prevention plan

- 24** (1) An operator must have a written infection prevention plan that complies with any requirements determined by the Administrator and that includes practices and procedures for all of the following:

- (a) disinfecting agents used in their body art facility, including their intended uses, concentrations and wet contact times;
 - (b) cleaning, disinfecting, sterilizing and maintaining instruments, equipment and surfaces used in the body art facility;
 - (c) maintenance schedules for instruments and equipment used in the body art facility;
 - (d) aseptic techniques and the use of routine practices when providing body art services or reprocessing;
 - (e) auditing the effectiveness of the plan in achieving the results set out in subsection (2).
- (2) An infection prevention plan must be designed so that, when followed, all of the following will be achieved:
- (a) appropriate maintenance of the body art facility and all instruments and equipment used;
 - (b) appropriate cleaning and disinfecting of the body art facility;
 - (c) appropriate cleaning and disinfecting and cleaning and sterilizing of instruments and equipment;
 - (d) appropriate management of waste generated by the body art facility;
 - (e) appropriate use of aseptic techniques and routine practices in carrying out body art services, including service set-up, service delivery, service tear-down and decontamination procedures.
- (3) An operator must ensure that each member of the personnel of the body art facility follows the infection prevention plan.
- (4) Each member of the personnel of a body art facility must follow the infection prevention plan.

Operator and personnel training

- 25 (1) Each operator and each member of the personnel of a body art facility must successfully complete infection prevention training recognized by the Administrator.
- (2) An operator must ensure that each member of the personnel of their body art facility, whether or not they carry out body art services, is trained in the practices and procedures set out in the facility's infection prevention plan to the extent the operator determines to be necessary for the duties they perform.
- (3) An operator or member of the personnel of a body art facility must provide confirmation that they have received the training required by subsections (1) and (2) to a public health inspector when requested.

Protective equipment for personnel

- 26 An operator must ensure that each member of the personnel of their body art facility is equipped, at a minimum, with all personal protective equipment specified in the Standards.

Instruments, equipment and body art product requirements

- 27 (1)** An operator must ensure that each instrument, piece of equipment and body art product used to carry out a body art service in their body art facility meets all of the following criteria:
- (a) it is designed for use on humans;
 - (b) it is appropriate for the service being offered.
- (2)** An operator must ensure that each instrument, piece of equipment and body art product used to carry out a body art service in their body art facility is used in accordance with the following requirements:
- (a) it must be maintained in good repair;
 - (b) it must be protected from cross-contamination.
- (3)** Any person carrying out a body art service in a body art facility must ensure that each instrument, piece of equipment and body art product used to carry out the body art service meets the criteria in subsections (1) and (2).

Instruments in mobile or temporary body art facility

- 28 (1)** Except as provided in this Section, only instruments that are specified in the Standards and that are purchased as disposable, single-use and pre-sterilized may be used to carry out body art services in a mobile body art facility or a temporary body art facility.
- (2)** An operator must keep the sterilization certificate required by Section 33 on the premises of their mobile body art facility or temporary body art facility for each purchased disposable, single-use, pre-sterilized instrument to be used in the facility.
- (3)** Subsection (1) does not apply to a mobile body art facility or temporary body art facility whose operator also operates a permanent body art facility in the Province that is equipped to reprocess reusable instruments, if the operator can demonstrate to the Administrator's or a public health inspector's satisfaction that all of the following requirements are met:
- (a) reusable instruments used at the mobile body art facility or temporary body art facility must have been effectively cleaned and then disinfected or sterilized at the permanent body art facility;
 - (b) the operator must keep a copy of the sterilization log for the reusable instruments to be used at the mobile body art facility or temporary body art facility and make the log available to a public health inspector for review;
 - (c) the operator must establish a process for safely moving used instruments from the mobile body art facility or temporary body art facility back to their permanent body art facility for cleaning and sterilization;
 - (d) a back-up supply of purchased disposable, single-use, pre-sterilized instruments must be available at the mobile body art facility or temporary body art facility;
 - (e) the operator has sufficient sterile instruments for the time period proposed for the operation of the mobile body art facility or temporary body art facility.

Maintaining instruments, body art products and equipment

29 An operator and each member of the personnel of the body art facility must ensure that all of the following requirements are met for maintaining and using instruments and equipment to carry out a body art service at the body art facility:

- (a) after each use and between clients, a reusable instrument or piece of equipment must be cleaned, then disinfected or sterilized;
- (b) an instrument intended to break the skin or come in contact with broken skin must remain sterile until the point of use;
- (c) jewelry placed in newly pierced skin must comply with all of the following:
 - (i) it must be sterile,
 - (ii) it must be free of nicks, scratches and irregular surfaces,
 - (iii) it must be made of materials specified in the Standards;
- (d) all sharps that are intended to break skin or mucous membranes must be purchased as disposable, single-use and pre-sterilized;
- (e) all of the following must be discarded appropriately and immediately after being used:
 - (i) an instrument or piece of equipment that is required to, but cannot because of its design, be cleaned and then disinfected or sterilized after each use,
 - (ii) an instrument or piece of equipment that is specified single-use by its manufacturer;
- (f) bulk body art products must be dispensed so as not to contaminate the bulk supply;
- (g) an instrument, piece of equipment or high-contact surface that is used in carrying out a body art service and that cannot be submerged or sterilized, does not enter a body cavity and is not intended to be single-use must be covered with a disposable, impermeable protective barrier that is discarded after each use, and the instrument or piece of equipment must then be reprocessed and the surface cleaned, disinfected and sterilized, as detailed in the Standards;
- (h) manufacturers' instructions, manuals and operating procedures for any mechanical sterilizers, ultrasonic machines or any other mechanical equipment used for cleaning and sterilizing instruments must be kept at the body art facility and provided to a public health inspector when requested;
- (i) for any mechanical sterilizer used at the facility, the manufacturer's operational instructions must clearly state that the mechanical sterilizer
 - (i) is suitable for the instruments intended to be sterilized,
 - (ii) is suitable for packaged instruments,
 - (iii) has a drying cycle, and
 - (iv) is capable of being monitored for physical, chemical and biological parameters for each cycle or setting.

Testing and verifying cleaning and sterilization equipment

- 30** (1) An operator must test equipment used to clean, disinfect and sterilize instruments and equipment used for body art services at their body art facility and verify that they are operating effectively and as intended.
- (2) An operator must ensure that, for each mechanical sterilizer used at their body art facility, the testing and verification required by subsection (1) includes monitoring in accordance with the Standards for physical, chemical and biological parameters, as referred to in subclause 29(i)(iv).

Back-up plan for mechanical sterilizer failure

- 31** An operator must have a written back-up plan that sets out procedures to be followed if a mechanical sterilizer used at the body art facility fails.

Records**Records of cleaning and sterilization equipment testing and verification**

- 32** (1) An operator must ensure that records are kept of the testing and verification required by Section 30 for equipment used at their body art facility to clean, disinfect and sterilize instruments and equipment.
- (2) The testing and verification records required by subsection (1) must include all of the following:
- (a) records of appropriate testing and verification of any equipment used to clean and disinfect instruments and equipment;
 - (b) a sterilization log setting out the details specified in the Standards of the testing and verification of sterility required by Section 30 for mechanical sterilizers used to sterilize reusable instruments.
- (3) In addition to the testing and verification records required by subsection (1), an operator must keep any records specified in the Standards respecting the cleaning and sterilizing of equipment.
- (4) The testing and verification records required by subsection (1) and any records required by subsection (3) must be provided to a public health inspector when requested.

Sterilization certificate for pre-sterilized single-use instrument

- 33** (1) An operator must ensure that a sterilization certificate for each single-use pre-sterilized instrument used at their body art facility is kept for 2 years.
- (2) A sterilization certificate required by subsection (1) must include at least all of the following information:
- (a) the manufacturer's name;
 - (b) the method used to sterilize the instrument;
 - (c) the lot number or, if no lot number, the date the instrument was sterilized;
 - (d) the expiry date, if applicable.
- (3) A sterilization certificate required by subsection (1) must be provided to a public health inspector when requested.

Client records

- 34** (1) In this Section, “client record” means a record required by subsection (2) for each client of a body art facility.
- (2) An operator must ensure that a record is kept for each client of their body art facility.
- (3) A client record must include at least all of the following information:
- (a) the name and civic address of the body art facility;
 - (b) the client’s contact information, including
 - (i) full name,
 - (ii) mailing address,
 - (iii) phone number,
 - (iv) any information specified in the Standards;
 - (c) for each body art service carried out for the client,
 - (i) the name of the person who carried out the service,
 - (ii) a description of the service, including the type and location of the body art,
 - (iii) the date the service was carried out,
 - (iv) information that links the client record to the sterilization lot number or date, or the equivalent information, for a sterilized instrument or piece of equipment used in carrying out the service,
 - (v) the signed client awareness form required by subsection 20(3).
- (4) An operator must keep a client record for at least 2 years after the date of the most recent body art service carried out for the client.
- (5) An operator must provide a client record to a public health inspector when requested.

Personnel records

- 35** (1) An operator must maintain the following information about each member of the personnel of their body art facility:
- (a) full legal name;
 - (b) home address and home phone number.
- (2) An operator must provide the information required by subsection (1) to a public health inspector on request.

N.S. Reg. 40/2018

Made: March 2, 2018

Filed: March 6, 2018

Summary Offence Tickets Regulations—amendment

Order dated March 2, 2018

Amendment to regulations made by the Attorney General and Minister of Justice pursuant to Section 8 of the *Summary Proceedings Act***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 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 designate certain offences under the Town of Berwick by-laws as summary offence ticket offences 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 listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the *Act*.

Dated and made March 2, 2018 at Halifax Regional Municipality, Province of Nova Scotia.

sgd: *Mark Furey*

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,
the *Summary Proceedings Act***

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, are amended by adding the following Schedule immediately after Schedule M-32:

Schedule M-33
Town of Berwick By-laws

Offence	Section	Out of Court Settlement
Dog By-law		
1 Owing unregistered dog	2	\$237.50
2 Owner failing to report transfer of ownership of dog	9	\$237.50
3 Owing dog that is not wearing valid dog tag	11	\$237.50
4 Owner neglecting or refusing to provide written statement of number of dogs owned	13	\$237.50
5 Owing dog that runs at large	16	\$237.50
6 Owing fierce and dangerous dog	19	\$237.50
7 Owing dog that persistently disturbs quiet of neighbourhood	20	\$237.50
8 Owner failing to remove dog's feces	21	\$237.50
Lot Grading and Drainage By-law		
1 Developing lot without Lot Grading Permit	6	\$237.50
Outdoor Fire By-law		
1 Having outdoor fire not contained in acceptable fire pit, for first offence	3(1)	\$410.00
second offence		\$1272.50
third or subsequent offence		\$5872.50
2 Burning general waste or garden and yard waste (specify), for first offence	3(2)	\$410.00
second offence		\$1272.50
third or subsequent offence		\$5872.50
Protection from Second-hand Smoke By-law		
1 Smoking at park on town property or sidewalk adjacent to park (specify)	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 that fronts commercially zoned property	4(f)	\$237.50
7 Smoking on street along parade route while parade in progress	4(g)	\$237.50
8 Smoking on street within school area designated under <i>Motor Vehicle Act</i>	4(h)	\$237.50
9 Smoking at bus stop or within 4 m of bus stop (specify)	4(i)	\$237.50
Smoke-free Indoor Public Places By-law		
1 Smoking in place of public assembly	3(a)	\$180.00
2 Smoking within radius of 1 m (3.28 ft.) from public entrance or air intake to building	3(b)	\$180.00
3 Smoking at service counter in premises or unenclosed area behind service counter (specify)	3(c)	\$180.00
4 Smoking in service line on premises	3(d)	\$180.00

5	Smoking in reception area or unenclosed area adjoining reception area (specify)	3(e)	\$180.00
6	Smoking in elevator, escalator or stairway (specify) generally used by and open to public	3(f)	\$180.00
7	Smoking in public transportation facility or public transportation vehicle (specify)	3(g)	\$180.00
8	Smoking in rest room generally used by and open to public	3(h)	\$180.00
9	Smoking in drinking establishment	3(i)	\$180.00
10	Smoking in restaurant	3(j)	\$180.00
11	Smoking in arena, bowling alley or pool hall (specify)	3(k)	\$180.00
12	Smoking in retail establishment	3(l)	\$180.00
13	Individual failing to ensure no-smoking signs displayed as required	4	\$180.00
14	Corporation failing to ensure no-smoking signs displayed as required	4	\$352.50
15	Proprietor (individual) failing to ensure person is immediately directed to stop smoking where prohibited	5	\$180.00
16	Proprietor (corporation) failing to ensure person is immediately directed to stop smoking where prohibited	5	\$352.50
17	Proprietor (individual) failing to ensure person is directed to leave place when person fails to comply with direction to stop smoking	5	\$180.00
18	Proprietor (corporation) failing to ensure person is directed to leave place when person fails to comply with direction to stop smoking	5	\$352.50
Street Encroachment By-law			
1	Constructing or maintaining (specify) encroachment over street in Town without valid Street Encroachment License	3	\$237.50
Swimming Pool By-law			
1	Owner failing to have proper fence around outdoor pool	2	\$237.50
2	Failing to have proper gate for fence around outdoor pool	3	\$237.50
3	Failing to keep gate closed and locked when pool not under competent supervision	4	\$237.50
4	Failing to have proper wall section of fence or failing to keep wall opening locked and blocked when pool not under competent supervision (specify)	5	\$237.50
5	Using device that projects electric current through pool fence	6	\$237.50
Valley Region Solid Waste-Resource Management By-law			
1	Failing to comply with policies	2.4	\$237.50
2	Disposing of banned solid waste	3.4	\$237.50
3	Accumulating solid waste	3.7	\$237.50
4	Placing waste for collection on other person's property	3.8	\$237.50
5	Improper container placement	5.1	\$237.50
6	Setting out waste at improper time	5.2	\$237.50
7	Failing to remove uncollected container or waste (specify)	5.3	\$237.50
8	Occupant failing to fulfill responsibilities (specify)	5.6.2	\$237.50
9	Interfering with collection	5.8.1	\$237.50
10	Failing to obey written directive	2.9	\$697.50
11	Illegal disposal	3.1	\$697.50

12	Illegal disposal at licensed facility	3.2	\$697.50
13	Illegal burning	3.3	\$697.50
14	Illegal removal or export of residual or unsorted (specify) waste	3.5	\$697.50
15	Failing to source-separate solid waste	4.2	\$697.50
16	Failing to provide for source-separation of public waste	4.3	\$697.50
17	Property owner failing to fulfill responsibilities (specify)	5.6.1	\$697.50
18	Illegal collection	5.8.2	\$697.50
19	Illegal removal of collection containers	5.8.3	\$697.50
20	Failing to remove uncollected waste	6.1	\$697.50
21	Failing to ensure storage facility meets requirements (specify)	6.2	\$697.50
22	Unauthorized use of waste storage facility	6.3	\$697.50
23	Failing to ensure waste is source-separated and packaged	6.5	\$697.50
24	Failing to keep waste source-separated and packaged	6.6	\$697.50
25	Failing to provide manifest	7.4	\$697.50

Vending By-law

1	Vending from mobile canteen or stand in public space	3(a)	\$237.50
2	Vending from mobile canteen or stand on private property without valid Vending Permit	3(b)	\$237.50
3	Vending within 200 m of school grounds between 1/2 hour before start of school day and 1/2 hour after dismissal at end of school day	16(a)	\$237.50
4	Selling food or beverages for immediate consumption without suitable litter and recycling receptacle for customer use	16(b)	\$237.50
5	Leaving vending location without disposing of all litter associated with vending activity	16(c)	\$237.50
6	Vending when customers are standing in roadway or obstructing traffic of pedestrians on sidewalk (specify)	16(d)	\$237.50
7	Vending within 25 ft. (7.62 m) of driveway entrance to police or fire station, or within 15 ft. (4.57 m) of driveway other than as allowed by by-law (specify)	16(e)	\$237.50
8	Vending within 25 ft. (7.62 m) of crosswalk at intersection	16(f)	\$237.50