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Police Advisory Board Meeting Agenda
Wednesday, April 24, 2024 – 9:00 a.m.
MODL Council Chambers – 10 Allée Champlain Drive, Cookville

- 1. Call to Order**
- 2. Nomination of Chair & Vice Chair**
- 3. Approval of Agenda** (as circulated)
- 4. Business Arising from the Notes**
 - 4.1. Speed Radar Signs Update - Provincial Letter1
- 5. New Business**
 - 5.1. Joint Police Advisory Board for Lunenburg County 2-5
 - 5.2. Neighbourhood Nuisance Bylaw 6-11
 - 5.3. Electronic Speed Sign - Pentz School Zone (K. Zwicker) 12-13
- 6. Committee Member Matters**
- 7. Added Items**
- 8. In Camera**
 - 8.1. Public Security under Section 22(2)(h) - RCMP Report October - December 2023
 - 8.2. Public Security under Section 22(2)(h) - RCMP Report January - March 2024
- 9. Next Meeting – Wednesday, July 24, 2024 at 9:00 a.m.**
- 10. Adjournment**



**Public Works
Office of the Minister**

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

DEC 13 2023

Her Worship Carolyn Bolivar-Getson, E.C.N.S
Mayor, Municipality of the District of Lunenburg
10 Allee Champlain Drive
Cookville, NS B4V 9E4
mayor@modl.ca

Dear Mayor Bolivar-Getson:

Thank you for your email dated November 14, 2023, regarding the application process for Speed Display Devices on Provincial Highways.

I appreciate your dedication to enhancing public safety in Lunenburg and acknowledge the concerns raised by the Police Advisory Board about the approval process for speed display devices as per Policy PO1060. As such, I am pleased to share that our local area office has recently acquired an additional Radar Unit. This will support in expediting the processing time for Speed Display Devices requests, especially in cases where the Municipality is unable to provide its own speed data conforming to the policy.

It is important to note that Policy PO1060 is in place to ensure a consistent approach to the deployment of these devices on provincially owned roads. While the Province does not govern the use of these devices on private and municipal roads, in some regions, municipalities have chosen to install these devices independently of the stipulated provincial policy guidelines.

The primary consideration for denying a Speed Display Device is in situations where traffic data does not indicate prevalent speeding. However, our local office is committed to working closely with the Municipality to streamline the permit process. We aim to avoid unnecessary delays while adhering to the Provincial Policy, ensuring that the devices are used effectively and where most needed for public safety.

Thank you once again for bringing your concerns forward. If there are any further questions on this matter, or for additional information, please contact Mitchell Conrad, Area Manager for Lunenburg/Queens, via phone at 902-543-4572 or via email at mitchell.conrad@novascotia.ca.

Yours sincerely,

Kim D. Masland
Minister

c: Honourable Becky Druhan, MLA Lunenburg West
Honourable Susan Corkum-Greek, MLA Lunenburg
Dan Leopold, A/District Director, Western
Mitchell Conrad, Area Manager, Lunenburg/Queens



Memorandum

To: Police Advisory Board Members, Municipality of the District of Lunenburg (MODL)
From: Chris Kennedy, Fire Services Coordinator
Date: April 24, 2024
Re: Viability of a Joint Police Advisory Board

At the March 19, 2024, MODL Policy and Strategy meeting Deputy CAO Alex Dumaresq put forward a request for decision regarding the possibility of a Joint Municipal Police Advisory Board. This would be comprised of the Municipality of the District of Chester, the Municipality of the District of Lunenburg, the Town of Mahone Bay, and the Town of Lunenburg. (See attached report)

The Policy and Strategy Committee made the following motion at the March 19, 2024, meeting regarding this request for decision.

“That the Policy & Strategy Committee refer the matter of the creation of a Joint Police Advisory Board for Lunenburg County to the Police Advisory Board, and further request that they provide feedback before the May 14, 2024 Council meeting.”

Respectfully Submitted

Chris Kennedy, Fire Services Coordinator



Municipality of the District of Lunenburg

Request for Decision

Report to: Municipal Councils of the District of Lunenburg, Town of Mahone Bay, District of Chester and Town of Lunenburg

Submitted by: Alex Dumaresq, Deputy CAO, MODL

Date: March 19, 2024

Re: Proposed Joint Police Advisory Board for Lunenburg County

Recommendation

Move that Council support the creation of a Joint Police Advisory Board comprising of the Municipality of the District of Chester, the Municipality of the District of Lunenburg, the Town of Mahone Bay and the Town of Lunenburg and authorize the Mayors/Warden to write a joint letter to the provincial Department of Justice requesting Ministerial Approval for a joint board.

Background

The Royal Canadian Mounted Police (RCMP) provide police services to four of the five municipalities in Lunenburg County including the Districts of Chester and Lunenburg, and the Towns of Mahone Bay and Lunenburg. Currently the District of Chester, the District of Lunenburg, and the Town of Mahone Bay have active boards. The Town of Lunenburg is in the process of activating an advisory board and inquired with municipal staff in neighbouring units if there would be interest in exploring a joint board.

Under the Police Act, all municipalities contracting with the RCMP must have an Advisory Board. The composition of a Police Advisory Board for an individual municipality consists of either five or seven members. One member of the committee is appointed by the Minister of Justice, and the remaining seats are filled half with council members and half with citizens.

Section 57A permits municipalities to create a Joint Advisory Board. The composition of a joint board includes 2 members from each partner council, two resident members from each partner unit and one member appointed by the Minister. Police Board meetings are required to be held quarterly.

Discussions with staff at the Department of Justice have confirmed that a joint board would not be inappropriate, and the process is relatively simple. Municipalities seeking a joint board must write a letter to the minister seeking approval and outlining the reasons for seeking a joint board.

Discussion

Requests to the Minister for joint boards require explicit rationale for the approach. The primary benefits of this proposal include better matching the inter-jurisdictional nature of policing; addressing the current gap in local police board governance in the Town of Lunenburg; and increased administrative efficiency.

Of note, discussion with senior RCMP staff in Lunenburg County has confirmed that the detachment is supportive of the request to merge the local boards. Below is a short explanation of each of these primary reasons for pursuing a joint board.

Interjurisdictional Nature of Policing

While each municipality holds a separate contract with the province to provide policing through the Provincial Policing Contract, the service is provided by the RCMP and is an integrated one, with the same officers and structure providing police services to all of the units.

The nature of criminal activity does not align with existing municipal boundaries, and therefore, police response must operate without regard to these political boundaries to provide an effective service. One of the primary functions of a police board is to provide input to the police service on “priorities, objectives and goals of the police force” (s. 68(3)(a)). A joint board will be able to provide improved perspective on the needs of the local community because the joint board will include the views and perspectives of the community as a whole, as opposed to operating in the silo of existing municipal boundaries.

A joint policing board may also gain synergies with other inter-municipal cooperation initiatives. The 4 partners currently share a regional Accessibility Coordinator and are in the process of hiring a regional Anti-racism Coordinator. The creation of a joint board will provide a streamlined avenue for input from the regional committees and coordinators focused on providing more inclusive services.

A joint regional board would provide a more cohesive view for the local governance of policing, better aligning with the jurisdictional scope of the police force and increase the potential for input from regional efforts to increase inclusion and equity.

Increased Governance

Currently the Town of Lunenburg does not have an active police board. By pursuing a regional board, this would address the gap in local governance of policing required in the Police Act. There have also been issues in recruiting members of the public to the citizen seats on the boards and even greater difficulty in recruiting a provincial representative. By creating a joint board, it reduces the need for provincial appointments from four to one, significantly reducing the likelihood that the board will be without a provincial representative.

Administrative Efficiency

Currently the RCMP prepares a report for policing in Lunenburg County which is then tailored for the 4 units and presented at each of the committees. The proposal would reduce the amount of time spent by the RCMP in tailoring the regular reports and would reduce the time spent by senior officers attending current advisory board meetings, without negatively impacting governance. There would also be a small reduction in municipal staff time by holding a single regional meeting as opposed to each unit managing individual committees. MODL has offered to provide program support to the committee in the form of the Fire Services Coordinator. MODC has indicated they would be prepared to provide administrative support including preparing of agendas and minutes from their clerk's office.

Alternatives

While the Police Act requires all municipalities policed by the RCMP to have a Police Advisory Board, the decision to create a joint board for the region is a voluntary one. The municipal partners could choose to retain individual boards.

Conclusion

The RCMP provides policing services to four of the Municipalities in Lunenburg County. A joint regional board would provide a more cohesive view for the local governance of policing, better aligning with the jurisdictional scope of the police force. Switching to a Regional Police Advisory Board would address the Town of Lunenburg's lack of a committee, reduce the administrative burden on the other units, and free up more of the RCMP's time for other policing duties.

Report Preparation	
Department	
Report Prepared by	
Report Approved by	

Police Advisory Board

Item #: 5.2

Date: April 24, 2024



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

April 16, 2024

To the Chair and Members
of the Police Advisory Board

Dear Chair and Members:

The Policy & Strategy Committee, in session on Tuesday, April 16, 2024, made the following recommendation to the Police Advisory Board:

1. That the Policy & Strategy Committee refer the proposed Neighbourhood Nuisance By-law to the Police Advisory Board, and further request that they provide feedback before the May 14, 2024, Council meeting.

Respectfully submitted,

Chairperson and Members
Policy & Strategy Committee

/jp



Municipality of the District of Lunenburg

Request for Decision

Report to: Policy & Strategy Committee
Submitted by: Tom MacEwan, CAO
Date: April 16, 2024
Re: Neighbourhood Nuisance Bylaw

Council Direction

On October 10, 2023, Council gave direction to staff to present a report to Council on Nuisance Bylaws.

Authority

Pursuant to section 172(1)(a) of the **Municipal Government Act** (“MGA”), Council has the general authority to make bylaws respecting the “health, well-being, safety and protection of persons”.

More specifically, section 172(1)(d) of the MGA provides Council with the authority to make bylaws respecting “nuisances, activities and things that, in the opinion of Council, may be or cause nuisances”.

Nuisance

While not defined in the MGA, “nuisance” is generally defined as interference with the use and enjoyment of land belonging to another.

The draft Bylaw prohibits people from engaging in activity that unreasonably disturbs the peace of the neighbourhood and makes it an offence for any person to engage in an activity that unreasonably disturbs the peace of the neighbourhood.

“Neighbourhood” is defined to mean in the same area or nearby including but not limited to the area within sight and/or sound of the subject property and/or the activity.

In considering whether the peace of the neighbourhood has been unreasonably disturbed, the Bylaw provides that in a prosecution for a violation of the Bylaw, evidence that two (2) or more residents occupying at least two (2) different properties are disturbed by the activity is proof that the activity has unreasonably disturbed the peace of the neighbourhood.

Exemptions

The draft Bylaw provides for a number of exemptions including disturbances caused by emergency vehicles as well as business activity, recreation activities and community events that are taking place in a manner that is appropriate to the nature of the business enterprise, activity or event.

The draft Bylaw defines “appropriate” to mean being reasonable in the circumstances taking into account the intensity, frequency, duration and timing of the activity.

Penalty

Any person who is convicted of an offence under the Bylaw would be subject to a penalty ranging from \$295 (for the first offence) to \$467.50 (for a second offence) and \$812 (for a third or subsequent offence) and, in default of payment, to imprisonment for a period not exceeding 60 days.

Summary Offence Ticket

The draft Bylaw also provides for the designation of the Bylaw under the Summary Offences Ticket Regulations to permit the use of Summary Offence Tickets (SOTs) for prosecuting offences which can permit for automatic convictions.

Report Preparation	
Department	Administration
Report Prepared by	Tom MacEwan, CAO
Report Approved by	
Date Reviewed by C.A.O.	

Municipality of the District of Lunenburg

By-law Details	
Name	Neighbourhood Nuisance By-law
Number	XXX
Legislative Authority	Section 172(1)(a) and (d) of the Municipal Government Act
Effective Date	

Title

- 1 This By-Law is entitled the “Neighbourhood Nuisance By-Law”.

Preamble

- 2 Residents of the Municipality of the District of Lunenburg are encouraged to be good neighbours by exercising courtesy, consideration, and tolerance. Anyone that engages in behaviour that does not demonstrate common courtesy or consideration of others and causes a frequent or persistent annoyance to the neighbourhood may be in contravention of this By-law.

Authority

- 3 (1) Section 172(1)(a) of the **Municipal Government Act** empowers Municipalities to make by-laws respecting “the health, well-being, safety and protection of persons.”
(2) Section 172(1)(d) of the **Municipal Government Act** empowers Municipalities to make by-laws respecting “nuisances, activities, and things that, in the opinion of Council, may be or may cause nuisances.”

Definitions

- 4 (1) In this By-law, the following means:
 - (a) **Appropriate** means as being reasonable in the circumstances taking into account the intensity, frequency, duration, and timing of the activity;
 - (b) **Council** means the Council for the Municipality of the District of Lunenburg;
 - (c) **Municipality** means the Municipality of the District of Lunenburg;
 - (d) **Neighborhood** means in the same area or nearby including but not limited to the area within sight and/or sound of the subject property and/or the activity.

Prohibitions

- 5 (1) No person shall engage in activity that unreasonably disturbs the peace of the neighbourhood.
- (2) Any person who engages in an activity that unreasonably disturbs the peace of the neighborhood is guilty of an offence.
- (3) In a prosecution for a violation of the Bylaw, evidence that two (2) or more residents occupying at least two (2) different properties are disturbed by the activity is prima facie evidence that the activity has unreasonably disturbed the peace of the neighbourhood.

Exemptions

- 6 (1) This By-Law does not apply to:
 - (a) disturbances that may result from a response to an emergency, including the parking or standing of emergency vehicles by police, fire, or ambulance services while engaged in the discharge of their duties.
 - (b) businesses operating lawfully and in a manner that is appropriate to the nature of the business enterprise.
 - (c) recreation activity carried out lawfully and in a manner that is appropriate to the nature of the activity.
 - (d) community events carried out lawfully and in a manner that is appropriate to the nature of the event.

Penalty

- 7 (1) Any person who violates any of the provisions of this By-law may be guilty of an offence and may, on summary conviction, be liable
 - (a) for the first offence to a penalty of Two Hundred Ninety-Five Dollars (\$295.00) and, in default of payment, to imprisonment for a period not exceeding sixty (60) days;
 - (b) for the second offence to a penalty of Four Hundred Sixty-Seven Dollars and Fifty Cents (\$467.50) and, in default of payment, to imprisonment for a period not exceeding sixty (60) days;
 - (c) for the third offence or any subsequent offence to a penalty of Eight Hundred

Twelve Dollars (\$812.00) and, in default of payment, to imprisonment for a period not exceeding sixty (60) days.

Summary Offence Ticket

- 8 Municipal Staff shall apply to the Governor in Council pursuant to the **Summary Proceedings Act**, RSNS 1989, c. 450 as amended, to have the offences under this By-law designated by the Summary Offences Ticket Regulations to permit the use of Summary Offence Tickets for prosecuting such offences in appropriate circumstances.

By-law Adoption	
Effective date of original by-law	
Date of first reading	
Date of advertisement of notice of intent to consider	
Date of second reading	
Date of advertisement of passage of by-law	
Effective date of the by-law unless otherwise specified in the text of this by-law.	
Date of mailing a certified copy of by-law to Minister	
Date of Ministerial Approval	
I certify that this "Neighbourhood Nuisance By-law" was adopted by Municipal Council and published as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
Original	Neighbourhood Nuisance By-law	
By-law # & suffix	<<short description of amendments>	<<date>>

Police Advisory Board

Item #: 5.3

Date: April 24, 2024

RECEIVED

FEB 01 2024

Ken Zwicker
2766 Highway 331
Pentz, NS B0R 1G0

January 30, 2024

Municipality of the District of Lunenburg
10 Allée Champlain Drive
Cookville, NS B4V 9E4

ATTN: Chair, MODL Police Advisory Board

Dear Chair,

RE: Electronic Speed Sign, Pentz School Zone

I have recently learned through a social media post by Councillor Martin Bell that, at his request, a permanent electronic speed sign has been approved for installation in the school zone (area) at the Pentz Elementary School.

Given my background in law enforcement and my continued passion for traffic safety, I generally support the use of these unmanned devices to encourage the voluntary compliance of motorists in obeying our province's speed laws and I congratulate Councillor Bell in his efforts. However, my concern is that these signs should only be used in areas with single, fixed posted speed limits. As you know, school zone (area) speed limits change depending on whether children are present, the definition of "present" being prescribed by the NS School Area Regulations as being *outdoors and on the highway in the school area or on land within 30 m of the centre line of the travelled portion of the highway in the school area*.

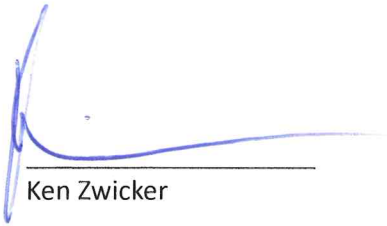
As far as I know, current electronic speed signs are not capable of discerning when a child is present. Therefore, a sign that is programmed to send an alert to a motorist who is exceeding the reduced school area speed but not the normal posted limit when a child is not legally present will be sending a false message. In my opinion there is a reasonable probability these false messages will contribute to the apparent confusion motorists already seem to have about school area speed limits and will encourage them to drive at speeds well below the limit in effect. At Pentz, this could be as much as 30 km/h below the posted limit. I suggest the possible differential in the speeds of vehicles in this area could result in unintended, unsafe consequences such as an increased risk of collision with other vehicles, aggressive driving, and an eventual disrespect for electronic speed signs. Driving 30 km/h below the speed limit might also be considered non-compliance with Section 107 of the NS Motor Vehicle Act (slow driving).

Councillor Bell also wrote in his social media post that the data recorded by the electronic speed sign will inform the police in terms of the number of drivers who are speeding, data they could use to schedule enforcement. If the recorded speeds don't differentiate between when children are present and when they are not, I suggest the data could over-report the number of "speeders" to an unknown degree and, therefore, be less valuable to the police.

With all due respect, I suggest that the problem of motorists speeding in school zones might be best addressed through more complete public education of the law combined with appropriate enforcement. An informed public would not only increase voluntary compliance, but observers may also be less likely to complain about what they previously considered to be "speeders".

I urge the Board to reconsider having the electronic speed sign installed within the Pentz school area (and any other school areas) and, instead, install it in an area that has a single, fixed speed limit and a perceived speed compliance problem. We know there are many of the latter.

Sincerely,



Ken Zwicker