

**Municipal Council Meeting Agenda**  
**Tuesday, March 8, 2022 – 9:00 a.m. Via**  
**Video/Audio Teleconferencing**

- 1. Call to Order**
  - 1.1 Mi'kma'ki Territorial Acknowledgement
- 2. Announcements, Acknowledgements, Recognition**
  - 2.1 Proclamation – International Women's Day
- 3. Approval of Agenda** (as circulated)
- 4. Approval of Minutes – February 22, 2022**
- 5. Business Arising from Minutes**
- 6. Awarding of Tenders/RFPs - Nil**
- 7. Presentations/Scheduled Times**
  - 7.1 Christmas Tree Producers Assoc., Murray Crouse, President ..... 9:15 a.m. 1-5
- 8. Consideration of Correspondence - Nil**
- 9. Recommendations from Committees & Boards**
  - 9.1 Finance Committee**
    - 9.1.1 Donation to Red Cross Ukraine Humanitarian Crisis Appeal ..... 6
  - 9.2 Fire & Emergency Services Committee**
    - 9.2.1 2022-2023 Fire Department Grants ..... 7
  - 9.3 Municipal Joint Services Board**
    - 9.3.1 Amendments to By-law 039 Solid Waste Collection and Disposal..... 8-43
  - 9.4 Planning Advisory Committee** ..... 44
    - 9.4.1 By-law 020E Osprey Village Plan Review ..... 45-62
    - 9.4.2 Exploration of Affordable Housing Options
  - 9.5 Nominating Committee**
    - 9.5.1 Appointment to Sustainability Committee ..... 63
    - 9.5.2 Appointments to Boundary Review Committee..... 64
- 10. Staff Reports**
  - 10.1 Recreation Department**
    - 10.1.1 Designated Communities Fund – South Shore Annapolis Valley Trail Assoc ..... 65

**10.2 Planning Department**

- 10.2.1 Private Road Maintenance Charge Area – Botany Woods Landowners Assoc. .... 66-71
- 10.2.2 Private Road Maintenance Charge Area – Forest Lake Lot Owner’s Assoc..... 72-77
- 10.2.3 Private Road Maintenance Charge Area – Russells Cove Road Assoc..... 78-83

**10.3 Economic Development**

- 10.3.1 MODL Land Review Plan ..... 84-124

**10.4 Engineering Department**

- 10.4.1 Cookville Wastewater Collection – I&I..... 125-126

**11. Mayor’s/Deputy Mayor’s/Councillors’ Matters**

- 11.1 Bridgewater Area Chamber of Commerce – Councillor Haysom
- 11.2 MJSB Update
- 11.3 Deputy Mayor’s Update
- 11.4 Mayor’s Update

**12. Added Items**

**13. In Camera**

- 13.1 Contract Negotiations re Water Tower under Section 22(2)(e) of the MGA

**14. Adjournment**

**Council**

Item: #7.1

Date: March 8, 2022

Authorization: T. MacEwan

---

**From:** Murray <lindaandmurray@eastlink.ca>  
**Sent:** March 3, 2022 12:23 AM  
**To:** Tina Robichaud-Bond  
**Subject:** RE: Tues. Mar. 8th Presentation to Council

Tina, Thank- you for your reply. The LCCTPA is looking for funding [\$5,500] to replace the roof on, and bathroom in, the association building located at 5255, Trunk 10 ,New Germany. The why part, is partly because of the impacts of the Covid Protocols on our fund raising events, aging membership and the need to keep the Christmas tree industry alive here in western Nova Scotia.

Best, Murray

---

LCCTPA MONTHLY STATEMENT  
PERIOD JANUARY 2022 ENDED JANUARY 2022

REVENUE	MONTH	YTD 2022	YTD 2021	BUDGET
1 Commercial Membership	\$450.00	\$450.00	\$525.00	\$825.00
2 Grower Membership	\$2,125.00	\$2,125.00	\$2,800.00	\$5,000.00
3 Grower/Commercial Membership	\$200.00	\$200.00	\$400.00	\$200.00
4 Associate Membership	\$250.00	\$250.00	\$275.00	\$500.00
5 Sale of Trees	\$0.00	\$0.00	\$5,277.75	\$5,500.00
6 Spring Technical Session	\$0.00	\$0.00	\$0.00	\$1,600.00
7 Fall Technical Session	\$0.00	\$0.00	\$0.00	\$1,600.00
8 Advertisements in InfoNote	\$0.00	\$0.00	\$0.00	\$425.00
9 Souvenir Sales	\$15.00	\$15.00	\$0.00	\$50.00
10 Courses	\$0.00	\$0.00	\$0.00	\$800.00
11 Growers Page/Website	\$80.00	\$80.00	\$140.00	\$220.00
12 Miscellaneous	\$110.00	\$110.00	\$0.00	\$0.00
13 Float (In)	\$0.00	\$0.00	\$0.00	\$200.00
14 Forest Products Rebate	\$0.00	\$0.00	\$0.00	\$1,500.00
15 Interest on Investments	\$0.00	\$0.00	\$0.00	\$200.00
16 Rental of Office	\$200.00	\$200.00	\$200.00	\$2,400.00
<b>Total:</b>	<b>\$3,430.00</b>	<b>\$3,430.00</b>	<b>\$9,617.75</b>	<b>\$21,020.00</b>

EXPENDITURES				
17 Dues to CTCNS	\$89.24	\$89.24	\$80.73	\$1,600.00
18 Dues Other	\$144.37	\$144.37	\$135.74	\$380.00
19 Spring Technical Session	\$0.00	\$0.00	\$0.00	\$1,250.00
20 Fall Technical Session	\$0.00	\$0.00	\$0.00	\$1,250.00
21 Meeting Expense	\$0.00	\$0.00	\$0.00	\$0.00
22 Advertising & Promotions	\$0.00	\$0.00	\$0.00	\$0.00
23 Prizes, Donations & Trophies	\$0.00	\$0.00	\$0.00	\$100.00
24 Purchase of Souvenirs	\$0.00	\$0.00	\$0.00	\$0.00
25 Courses	\$0.00	\$0.00	\$0.00	\$500.00
26 Photocopy Costs	\$0.00	\$0.00	\$0.00	\$450.00
27 Tree Lot - Seffernsville	\$0.00	\$0.00	\$0.00	\$1,725.00
28 Secretary/Treasurer Wages	\$0.00	\$0.00	\$416.25	\$5,800.00
29 Telephone/Internet	\$284.14	\$284.14	\$260.71	\$1,550.00
30 Office Supplies	\$0.00	\$0.00	\$0.00	\$275.00
31 Bank Service Charges	\$8.50	\$8.50	\$10.62	\$250.00
32 Postage	\$105.80	\$105.80	\$117.01	\$300.00
33 Website	\$0.00	\$0.00	\$0.00	\$295.00
34 Insurance - Building Contents	\$0.00	\$0.00	\$0.00	\$775.00
35 Utilities - Heat & Lights	\$0.00	\$0.00	\$214.84	\$1,500.00
36 Property Taxes	\$0.00	\$0.00	\$0.00	\$500.00
37 Building Maintenance	\$0.00	\$0.00	\$0.00	\$300.00
38 Miscellaneous	\$51.75	\$51.75	\$0.00	\$0.00
39 InfoNote Copying	\$0.00	\$0.00	\$0.00	\$125.00
40 Investment Loss	\$0.00	\$0.00	\$0.00	\$0.00
41 Float (Out)	\$0.00	\$0.00	\$0.00	\$200.00
<b>Total:</b>	<b>\$683.80</b>	<b>\$683.80</b>	<b>\$1,235.90</b>	<b>\$19,125.00</b>

Month - Total Revenue	\$3,430.00	Yr - Total Revenue	\$3,430.00
Month - Total Expenses	\$683.80	Yr - Total Expenses	\$683.80
	<u>\$2,746.20</u>		<u>\$2,746.20</u>

**Bank Balance @ Jan. 31, 2022                      \$20,255.72**







January 24, 2022  
 1-902-298-3022  
 1314 NS-325, Blockhouse  
 BOJ 1E0  
 HST# 821445780 RT0001

QUOTE# 675-480

Notes:

To:

**Lunenburg County Christmas Tree Producers**

(902) 634-1908  
 info@christmastreeproducers.com  
 5255 Nova Scotia Trunk 10  
 New Germany, NS

**This quote includes the following:**

- Strapping, metal panels, trims, roof ventilation,
- Chimney flashing, vent flashing, roof installation,
- Cleanup, garbage disposal.
- 5 Year Workmanship Warranty

Roofing Options	Description	Price <i>(tax included)</i>
Glossy 28 Gauge ABM Panel	This is our most affordable, painted metal panel. It comes in a smooth, gloss finish with a more traditional metal roofing appearance.	\$ 4,748.71
Textured 26 Gauge ABM Panel	This is our thicker gauge metal panel that has in a modern, matte finish, making it the most popular choice among homeowners.	\$ 5,084.45

*Sincerely, Walls Metal Roofing*

**Terms & Conditions:**

This quote is valid for 30 days  
 Any services absent above, such as shimming, shingle removal, chimney removal, etc. are not included in this quote. A 25% deposit is required for order confirmation with the remaining balance due upon completion.  
 10% of the total order price is non-refundable  
 Accounts overdue by 15 days will be subject to a 2% monthly interest charge until amount owing is paid.  
 Payments can be made with the following options, please contact our office for more details:

- E-Transfer to: payments@wallsmetalroofing.com
- Online at WallsMetalRoofing.com/payments
- Cheque / Debit / Cash / Credit Card (credit card payments are limited to \$8,000 CAD per invoice)



## 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](http://www.modl.ca)

March 1, 2022

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Finance Committee, in session on Tuesday, March 1, 2022, made the following  
recommendations to Council:

1. that Municipal Council provide a donation in the amount of \$10,000 to the Red Cross  
Ukraine Humanitarian Crisis Appeal.

Respectfully submitted,

Chairman and Members  
Finance Committee

/rh  
Attachments

**Council**  
Item: #9.2.1  
Date: March 8, 2022  
Authorization: T. MacEwan



## 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](http://www.modl.ca)

January 25, 2022

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Fire & Emergency Services Committee, in session on Monday, January 10, 2022 made the following recommendation to Council:

**That Municipal Council approve a 2% increase (totalling \$3,723.00) over the 2021/2022 grant amounts, with the 2022/2023 fiscal year grants being:**

<b>Matching Grant</b>	<b>\$ 44,115.00</b>
<b>Municipal Grant</b>	<b>\$ 66,698.00</b>
<b>Training Grant</b>	<b>\$ 11,343.00</b>
<b>Insurance Grant</b>	<b>\$ 56,304.00</b>
<b>Personnel Insurance Grant</b>	<b><u>\$ 11,343.00</u></b>
<b>Total Grants</b>	<b>\$189,803.00</b>

Respectfully submitted,

Chairman and Members  
Fire & Emergency Services Committee

/ck

**Council**  
Item: #9.3.1  
Date: March 8, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Mayor & Municipal Council  
**Submitted by:** April Whynot-Lohnes, Municipal Clerk  
**Date:** March 8, 2022  
**Re:** Proposed Amendments to By-law 039 Solid Waste Collection & Disposal

---

#### **Recommendation**

**“that Municipal Council give notice of its intention to approve the amendments to By-law 039 Solid Waste Collection & Disposal, as presented, and conduct First Reading of same and gives notice of Second Reading on April 12, 2022.”**

#### **Background**

At the November 23, 2021 meeting of the Municipal Joint Services Board (MJSB), the Board recommended that Council amend By-law 039 Solid Waste Collection & Disposal, dated March 20, 2017, to deal with contamination within the organics stream.

On January 25, 2022, Stephanie Smits, Outreach and Compliance Officer, gave a presentation to Council detailing the types of contaminations and provided the Lunenburg Regional Community Recycling Centre’s plan to decrease these types of contaminations.

#### **Discussion**

Section 168(1) of the Municipal Government Act states that a by-law shall be read twice and that at least 14 days’ notice of council’s intent to do the second reading be published in a local newspaper.

Council will conduct second reading at the April 12, 2022 Council meeting.

In February 2021, Council approved the Lunenburg County Accessibility Plan. Accessibility encompasses a large scope of changes, one of which is accessible documents. The guidelines for accessible documents include changes to formatting and writing styles. The proposed By-law 039, as presented, has been revised according to the accessibility guidelines for documents.

---

Department: **Administration**

Report Prepared By: **April Whynot-Lohnes**

Date: **March 1, 2022**

Report Approved By:

Date:

Reviewed By CAO:

Date:

# Municipality of the District of Lunenburg

## By-law

<b>Title:</b> Solid Waste Collection & Disposal By-law	
<b>By-law No.</b> 039	<b>Legislative authority:</b> MGA – 325
<b>Effective date:</b> March 4, 2020	<b>Amended date:</b> June 24, 2014

### Definitions

- 1 In this by-law, Governing Authorities mean:
  - a) **N.S.E.** means that department of the Nova Scotia Provincial Government currently called **Nova Scotia Environment** or its successor provincial department should there be a name change.
  - b) **Divert Nova Scotia** a not-for-profit Board regulated by the Nova Scotia Solid Waste-Resource Management Regulations, under Section 102 of the **Environment Act**. The Board’s mandates administering resource recovery fund as prescribed in Section 4 of the Solid Waste Regulations.
  - c) **Council** means the council of the Municipality of the District of Lunenburg.
  - d) **Municipal Joint Services Board** referred to in this Bylaw as **the MJSB**, means a corporate body established pursuant to an Intermunicipal Services Agreement to which this municipality is a party. The municipal parties to that Agreement have given the MJSB responsibility for the management of solid waste within their respective jurisdictions, pursuant to the s. 60 of the **Municipal Government Act**; and
  - e) **LRCRC** means Lunenburg Regional Community Recycling Centre, a division under the mandate of the MJSB, overseeing the management of the Solid Waste system. The facility is located at 908 Mullock Road, Whynott’s Settlement.
  
- 2 **Solid waste** means collectible waste, non-collectible waste, bulky waste, construction or demolition materials, household hazardous waste, residual waste – all as defined herein and any other waste or discarded tangible personal property but excludes wastes from any industrial activity regulated by way of an approval under the **Environment Act**.

- 3 Words used in this by-law shall **will** take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
- (a) **Blue Bag Recyclables** means glass jars and bottles, tins, aluminum cans, plastic bottles, rigid plastic containers, plastic bags, film stretch and pallet wrap, and milk and juice containers. Other materials may be identified, from time to time, by N.S.E.'s **Regulations Respecting Solid Waste-Resource Management**, November 1995, as amended or other successive solid waste legislation.
  - (b) **Branches and Limbs** means branches, limbs and brush.
  - (c) **Boxboard** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items.
  - (d) **Bulky Waste** means large items of a household nature including vacuum cleaners, plastic barrels, furniture (upholstered or wooden) mattresses, box springs and porcelain bathroom items such as toilets and sinks, but excluding compostable materials, paper, household waste, blue bag recyclables, household hazardous waste, designated electronic products, Christmas trees, asphalt shingles, discarded appliances, metal items, white goods, wooden pallets, metal or wooden barrels, artificial Christmas trees, car parts.
  - (e) **Collectable Waste** means those wastes which are eligible for collection, within the volume and other restrictions elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories:
    - i) compostable materials (as defined herein);
    - ii) recyclables (as defined herein);
    - iii) residual waste (as defined herein);
    - iv) paper (as defined herein);
    - v) non-transparent bag (as defined herein); and
    - vi) bulky waste.
  - (f) **Commercial Container** means any container used for the storage of properly sorted solid waste excluding household hazardous waste generated from multi-residential, institutional, commercial, industrial or other premises within the Municipality which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this bylaw and which container is designed to be emptied by, and the waste transported by, a hauler.
  - (g) **Compostable Materials** means vegetable peelings, dairy products, meat, fish and shellfish, eggshells, bones, waste food products, coffee grounds and filters, grass trimmings, leaves, garden waste, ashes or soot, soiled and wet paper, table

napkins, paper towels, pizza boxes, household cooking oil, household grease and fat, Branches and Limbs, untreated wood sawdust, wood chips and wood shavings. Other materials may be identified, from time to time, by N.S.E.'s **Regulations Respecting Solid Waste-Resource Management**, November 1995, as amended or other successive solid waste legislation.

- (h) **Construction Or Demolition Materials** means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fibreglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – regardless of whether such left-over material is regulated by the Province of Nova Scotia or meets the definition of “C & D Debris” in the N.S.E. 1997 Guidelines for same.
- (i) **Curb** means that portion of the public road right-of-way between the travelled portion or parking area and the property line, which parallels the street centre line.
- (j) **Dispose** means any form of disposal of any material, including solid waste as defined herein: deposit, storage, placement, burning or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container, barrel, or any other containment device.
- (k) **Dwelling Unit** means a room or series of rooms operated as a housekeeping unit, used, or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- (l) **Electronics** means any electronic device that is acceptable under the provincial Electronic Products Recycling Association (EPR) program. The list of items under this category may change from time to time, as determined by EPR.
- (m) **Eligible Premises** means those properties within the Municipality, which are eligible for collection services - up to the maximum restrictions, outlined elsewhere in this by-law – and includes all properties in the Municipality including properties located on private roads.
- (n) **Hauler** means any company or person who transports solid waste within the Municipality or within the boundaries of the municipal member units of the LRCRC (defined herein).
- (o) **Household Hazardous Waste** means any corrosive, flammable or poisonous material or substance such as oil and oil products, radioactive materials, acids, poisons, insecticides or other poisons used for agricultural purposes or for rodent control, any substance or chemical highly lethal to mammalian or aquatic

life and any substance or chemical dangerous to the environment – including but not limited to: batteries, left-over liquid paint, left-over corrosive cleaners, pesticides or herbicides, gasoline, fuel oil and used motor oil, solvents and thinners, pharmaceuticals, drugs and needles, aerosol cans, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches and marine flares.

- (p) **Metal Items** means medium to large metal items including metal fencing, water tanks, oil tanks - subject to ~~special~~ **specific** requirements elsewhere in this bylaw – and metal containers other than containers designed to hold either household hazardous waste (as defined herein) or anything intended for human consumption.
- (q) **Municipality** means the Municipality of the District of Lunenburg.
- (r) **Natural Christmas Tree Waste** means discarded non-artificial Christmas trees.
- (s) **Non-Transparent Bag** means residual waste which has been placed for collection subject to ~~special~~ **specific** requirements elsewhere in this by-law.
- (t) **Occupant** means any person who, in addition to or instead of the owner, resides in or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Municipality and includes any assignee or legal representative ~~of same~~.
- (u) **One-Sided Collection** means collection of solid waste from only one side of a Public Highway.
- (v) **Owner** means to the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property.
- (w) **Paper** means newspapers, flyers, magazines, catalogues, boxboard, flattened corrugated cardboard, bond paper, computer paper, hard cover books (covers removed), telephone and other soft cover books, file folders – both traditional and expandable, envelopes (other than padded or bubbled envelopes), non-metallic wrapping paper and paper egg cartons, Third Class Mail and other materials as are identified, from time to time, by N.S.E.'s **Regulations Respecting Solid Waste Resource Management**, November, 1995, as amended or other successive solid waste legislation.
- (x) **Residual Waste** means broken bottles, crockery and glassware – subject to

special requirements elsewhere in this bylaw – and floor sweepings, pet litter, light bulbs, disposable diapers, hygiene items, discarded clothing and furnishings, broken toys, mats and small carpets, non-recyclable plastic, non-recyclable packaging including Styrofoam™ and padded or bubbled envelopes, wax coated drink cups, poly-coated paper drink cups, bowls and plates, metallic wrapping paper, non-passenger tires, non-repairable household goods and other household waste.

- (y) **Unacceptable Waste** means all material other than collectable waste, without limiting the generality of the foregoing, includes:
- i) highly combustible or explosive materials including, without limiting, flares, fireworks, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, ammunition, dynamite, or other similar material;
  - ii) materials that are considered pathogenic or biomedical including, without limiting, dressings, bandages or other infected materials or sharps discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
  - iii) a whole or part carcasses of domestic ruminants, including cattle;
  - iv) waste listed or characterized as hazardous by any Federal or Provincial law – other than household hazardous waste as defined herein;
  - v) electronics, with the exception of an annual electronics collection;
  - vi) solid waste generated, or originating from, outside the Municipality without prior approval;
  - vii) liquid waste or material that has attained a fluid consistency and has not been drained;
  - viii) soil, rock and stumps;
  - ix) construction or demolition materials (as defined herein) – other than the exception as allowed under the definition of “bulky waste” in this bylaw;
  - x) septic tank pumping, raw sewage or industrial sludge;
  - xi) radioactive materials;
  - xii) contaminated soil;
  - xiii) all passenger tires up to 24.5 inches as per the Tire Management Program administered by Divert Nova Scotia;
  - xiv) industrial waste from factories or manufacturing processes;
  - xv) manure, kennel waste, excreta, fish processing waste;
  - xvi) lead-acid automotive batteries and propane tanks;
  - xvii) waste which has been placed for collection but not in accordance with the provisions of this bylaw; and
  - xviii) materials banned from landfill disposal by the N.S.E. Regulations Respecting Solid Waste-Resource Management, November 1995, as amended – other than recyclable materials or organic materials from eligible premises.

- (z) **Wheeled Aerated Cart** shall **will** be of either 140 litre capacity, 240 litre capacity or other MJSB approved capacity, brand and model.
- (aa) **White Goods** means any large household appliance including but not limited to stoves, dishwashers, washers, dryers, hot water heaters, refrigerators, freezers, dehumidifiers, and air conditioners – the last four (4) being subject to ~~special~~ **specific** requirements elsewhere in this bylaw.
- (bb) **Waste** means scrap wood, wooden pallets, wooden barrels and wooden furniture.

### Collection

- 4 (1) Collection of Solid Waste shall **will** be as follows:
  - a) A collection for Residual Waste, two (2) Bulky Waste items, Compostable Materials, Blue Bag Recyclables and Paper shall **will** be made at least once in every fourteen (14) days, commencing at the hour of seven o'clock in the forenoon (7:00 a.m.), provided, however, that when a holiday occurs, as indicated on the collection calendar, on a collection day, such collections shall **will** be made on the following Saturday, unless otherwise specified by the ~~Municipal Engineer~~ **MJSB** .
  - b) Collection shall **will** include all properties in the Municipality which abut a public listed and maintained road, which generate for disposal, quantities of Solid Waste not exceeding the limits specified in Section 9.
  - c) a property does not abut a public listed and maintained road, and in areas of private roads where the owner has a long driveway, on island or in other circumstances where conventional collection may be impractical, the owner may transport eligible Solid Waste to the nearest public listed and maintained road for collection.
  - d) Collection of Electronics, per restrictions noted elsewhere in this by-law, shall **will** take place once in the fall of each year on a date to be specified by the ~~Municipal Engineer~~ **MJSB**.
  - e) Collection of Wood Waste and Metal, per restrictions noted elsewhere in this by-law, shall **will** take place once in the fall of each year on a date to be specified by the ~~Municipal Engineer~~ **MJSB**.
  - f) Collection of properly - prepared Natural Christmas Trees, per restrictions noted elsewhere in this by-law, shall **will** take place annually in the

month of January on a date to be specified by the ~~Municipal Engineer~~ **MJSB**.

- g) For the purpose of Section 4, the schedule of, and exact dates for, collection ~~shall~~ **will** be published in a calendar distributed to owners - which will also be posted on-line – and any other collection dates will be published in a local newspaper and/or advertised on a local radio station.

### **Requirements to Store and Dispose of Solid Waste**

- 5 (1) Every owner ~~shall~~ **will**:
  - a) Provide containers for Solid Waste storage.
  - b) All Collectable Waste to be collected by the Municipality ~~shall~~ **will** be accessible to the contractor within 3 metres (approximately 10 feet) of the curb, placed in such a manner as to not interfere with pedestrian traffic and snow removal.
  - c) Maintain all containers that are not disposable in good repair and in sanitary condition.
  - d) Place Collectable Waste for collection only in containers of the type and meeting the standards set forth in Section 6.
  - e) Be responsible for the disposal of Solid Waste generated from ~~his~~ **their** property, including Solid Waste generated by Occupants having use of the property.

### **Storage for Solid Waste Collection**

- 6 (1) For the purpose of this section, containers for solid waste storage ~~shall~~ **will** mean the following:
  - a) For Blue Bag Recyclables:
    - i) Securely tied, blue-tinted transparent plastic waterproof bags of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches), nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and ~~shall~~ **will** not exceed a weight of 25 kilograms (55 lbs). All materials must be clean.
  - b) For Paper:
    - i) Placed in bags, securely tied, of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches); nor greater than

76 centimetres by 122 centimetres (30 by 48 inches).

c) For Compostable Materials:

- i) Wheeled Aerated Cart;
- ii) Leaves And Yard Waste may be placed in heavy kraft paper bags, of a dimension no smaller than 66 centimetres by 91 centimetres (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and ~~shall~~ **can** not exceed a weight of 25 kilograms (55 lbs.) per bag;
- iii) For leaves only, a maximum of three (3) bags per collection **day**. This maximum increases to four (4) bags if no Wheeled Aerated Cart is put out that day; and,
- iv) **Compostable Materials can not be placed in plastic biodegradable bags or oxo-biodegradable bags.**

d) For Christmas Tree Waste:

- i) Cut into pieces and placed into the Wheeled Aerated Cart; or
- ii) ~~shall~~ **will** be bundled and tied, and ~~shall~~ **will** not exceed 0.9 metres (36 inches) in length; and
- iii) ~~shall~~ **will** not have decorations, ornaments, wire or nails attached; and
- iv) weigh not more than 25 kilograms (55 lbs) per bundle.

e) For Branches and Limbs:

- i) Cut into pieces and placed into the Wheeled Aerated Cart; or
- ii) ~~shall~~ **will** be bundled and tied; and
- iii) ~~shall~~ **will** not have any wire or nails attached; and
- iv) weigh not more than 25 kilograms (55 lbs) per bundle; and
- v) individual pieces ~~shall~~ **can** not be more than 50 mm (2 inches) in diameter; and
- vi) be less than 0.9 meters (36 inches) in length.

f) For Residual Waste (all other waste):

- i) Water tight metal or plastic cans:
  - 1) equipped with a tight fitting cover of metal, plastic or other impermeable material; and
  - 2) equipped with handles; and
  - 3) filled to a height not exceeding 5 centimetres (2 inches) below the top of the container; and
  - 4) ~~shall~~ **can** not exceed a weight of 25 kilograms (55 lbs); and
  - 5) ~~shall~~ **can** not exceed a volume of 100 litres, and ~~shall~~ **can**

not include cardboard drums, oil drums, paint containers or lard containers; or

- ii) Placed in plastic, single use, waterproof, clear transparent bags, free from colour, of a dimension no smaller than 66 centimetres by 91 centimetres, (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and ~~shall~~ **can** not exceed a weight of 25 kilograms (55 lbs).
- g) For Non-Transparent Bag:
  - i) Placed in a plastic, single use, waterproof opaque bag with a dimension no smaller than 66 centimetres by 91 centimeters (26 by 36 inches) nor greater than 76 centimeters by 122 centimeters (30 by 48 inches) and ~~shall~~ **can** not exceed a weight of 25 kilograms (55lbs).
- (2) Items placed for Bulky Waste Collection:
  - a) ~~Shall~~ **Will** be packaged/bundled/boxed in such a manner ~~so as~~ to allow for pick-up and collection, and not include any Compostable Materials, Blue Bag Recyclables, Paper, household waste, Electronics, Wood Waste, Metal Items, metal barrels, White Goods, metal car parts Natural Christmas Trees, Household Hazardous Waste or asphalt shingles.
  - b) No person ~~shall~~ **can** place, or ~~cause~~ **allow** to be placed, Bulky Waste items for collection except in accordance with the following restrictions:
    - i) such waste ~~shall~~ **will** be packaged, bundled or boxed so as to facilitate removal and handling;
    - ii) two (2) Bulky Waste items may be placed for collection every fourteen (14) days;
    - iii) each item ~~shall~~ **will** not exceed 100 kgs (220 lbs) in weight; and,
    - iv) each item ~~shall~~ **will** not exceed 1.8 m (6 feet) in any dimension.
- (3) Items placed for Wood Waste and Metal Collection:
  - a) No person ~~shall~~ **will** place, or cause to be placed, Wood Waste or Metal such as tanks, metal fencing, barrels, pallets and White Goods – out for collection except on a day designated by the ~~Municipal Engineer~~ **MJSB** for collection ~~of same~~ and in accordance with the following restrictions:
    - i) such waste ~~shall~~ **will** be packaged, bundled or boxed so as to facilitate removal and handling;
    - ii) any Wood Waste and Metal ~~shall~~ **will** be placed separately during

- the day designated by the Municipal Engineer MJSB for collection;
- iii) Wood Waste and Metal ~~shall~~ will not exceed 4 cubic metre (5.2 cubic yards) combined total per collection;
  - iv) each item ~~shall~~ can not exceed 140 kgs (308 lbs) in weight; and,
  - v) each item ~~shall~~ can not exceed 1.8 m (6 feet) in any dimension.

### Preparation of Specific Wastes

7 (1) For Broken Bottles, Crockery or Glassware

- a) Broken bottles, crockery Broken bottles, crockery and glassware ~~shall~~ will be sealed in a box or a bucket and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “broken glass” – a warning to the contractor.

(2) For Ashes or Soot

- a) Ashes or soot ~~shall~~ must be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the Wheeled Aerated Cart.

(3) For Natural Christmas Trees

- a) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
- b) ~~shall~~ will not exceed 3 m (approx. 10 ft) in length;
- c) no person ~~shall~~ can place, or cause to be placed, any Natural Christmas Tree out for collection before 5:00 p.m. of the day immediately preceding the day designated for collection ~~of same~~;
- d) no person ~~shall~~ can place, or cause to be placed, any Natural Christmas Tree out for collection after 7:00 a.m. of the day designated for collection ~~of same~~;
- e) single-unit building ~~shall~~ can place two Natural Christmas Trees for collection;
- f) each multi-unit building ~~shall~~ can place one Natural Christmas Tree per unit, plus one additional Natural Christmas Tree for collection; and,
- g) commercial Natural Christmas Tree producers may not place unsold trees for collection.

(4) For Cardboard

- (a) for Cardboard only, flattened, securely tied bundles, of dimension no greater than 91 centimetres (36 inches) by 61centimetres (24 inches) by 61 centimetres (24 inches) and ~~shall~~ **will** not exceed a weight of 25 kilograms (55 lbs.) per bundle.

**Wheeled Aerated Carts**

8 (1) Every owner **must** ~~shall~~:

- a) use only a Wheeled Aerated Cart for the storage of Compostable Materials for collection, except as otherwise permitted in clauses 6 1(~~e~~) and (~~d~~) **(d) and (e)**;
- b) maintain the Wheeled Aerated Cart in good repair and sanitary condition; and,
- c) Wheeled Aerated Carts must remain on the property parcel ~~for which~~ where it was assigned in accordance with the Municipality's policy MDL-44. The freely distributed Wheeled Aerated Cart ~~shall~~ **must** remain on the property when a householder sells a property. Care and use will be the responsibility of the householder or occupant.

(2) The number of carts required by each owner ~~shall~~ **will** conform to the following minimum criteria:

- a) Single-unit dwelling or 1 – 140 litre capacity cart per Dwelling Unit
- b) Duplex dwelling or 1 – 140 litre capacity cart per Dwelling Unit
- c) Semi-detached dwelling or 1 – 140 litre capacity cart per Dwelling Unit
- d) Dwellings of 3-6 units or 1 – 140 litre capacity cart per Dwelling Unit
- e) Dwellings having 6 units or Minimum carts and capacities greater to be determined by the MJSB

**Volume and Weight Permitted**

9 (1) Collectable Waste placed for collection:

- a) ~~shall~~ **Can** not exceed 140 kilograms (308 lbs) in total per Dwelling Unit per collection day and no single item may weigh more than 25 kilograms (55 lbs);
- b) ~~shall~~ **Can** not exceed 4 cubic metres (5.2 cubic yards) in total volume per Dwelling Unit per collection day, plus two (2) bulky waste items; and,

- c) No person shall ~~shall~~ **can** place, or cause to be placed, more than one (1) Wheeled Aerated Cart per any one (1) Dwelling Unit out for collection on any one-collection day and the total weight of the cart and its contents shall ~~shall~~ **can** not exceed 120 kilograms (approx. 265 lbs.).
- d) No person shall ~~shall~~ **can** place, or ~~cause~~ **allow** to be placed, more than one (1) Non-Transparent Bag per any one (1) Dwelling Unit out for collection on any one collection day.
- e) No person shall ~~shall~~ **can** place, or ~~cause~~ **allow** to be placed, Residual Waste out for collection on any one collection day in a “storage” container which is not a clear transparent bag, free from colour, in which its contents are not visible except for the one (1) Non-Transparent Bag as outlined elsewhere in this bylaw.
- f) No person shall ~~shall~~ **can** place, or ~~cause~~ **allow** to be placed, more than three (3) Electronics per any one (1) Dwelling Unit out for collection on the annual Electronics collection day.

**Placement of Containers for Collection**

- 10 (1) All Collectable Waste to be collected by the Municipality shall ~~shall~~ **must** be accessible to the contractor within 3 metres (approx. 10 feet) of the curb or other such location as may be required from time to time, including one-sided collection, and placed in such a manner as to interfere as little as possible with pedestrian or vehicular traffic and snow removal.
- (2) a) Permanent containers or boxes for the storage of Collectable Waste between collections shall ~~shall~~ **must**:
  - i) be a solid container with a tight-fitting cover. The container shall ~~shall~~ **must** be a maximum height of 91 centimetres (3 feet), or shall ~~shall~~ **must** provide a hinged front door. It shall ~~shall~~ **can** be filled to a height not exceeding 5 centimetres (2 inches) below the top of the container. There shall ~~shall~~ **will** be no loose Solid Waste stored in any container. The immediate vicinity of the container shall ~~shall~~ **must** be kept neat and free of any solid waste;
  - ii) be maintained in good repair;
  - iii) not present a hazard to individuals or traffic;
  - iv) be located in such a manner as to not interfere with traffic or snow removal;
  - v) be appropriately located with respect to one-sided collection; and,
  - vi) lids shall ~~shall~~ **must** be securely hinged, not have a self-locking latch and shall ~~shall~~ **must** have a support to hold the lid open while the contents are being emptied.

- b) No Wheeled Aerated Cart ~~shall~~ **will** be stored inside a container or box, unless the cart can be wheeled out without lifting, or is removed from the container or box by the owner for collection.

### Responsibilities of Owners and Occupants

- 11 (1) Every Owner or Occupant ~~will~~ **shall**:
- a) ensure that Collectable Waste, Electronics and Bulky Waste are placed for collection in accordance with this by-law;
  - b) clean up any type of Solid Waste which has escaped from its container;
  - c) store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
  - d) the proper preparation of all Solid Waste in accordance with this by-law; and
  - e) abide by all lawful directives of the MJSB ~~with regard to~~ **about** the handling of Solid Waste materials.

### Rejection of Waste

- 12 (1) Any type of Solid Waste which has been set out for collection is subject to inspection by the MJSB and any such Solid Waste found or ~~deemed by same~~ **believed** to be set out in violation of the requirements of this by-law may be rejected and not collected.
- (2) Waste which is ~~so~~ rejected will have ~~placed on it~~ a Rejection Sticker **saying** the reason or reasons for rejection and information as to how to ~~rectify same~~ **fix** or get direction to ~~rectify~~ **fix** the problem.
- (3) No person ~~shall~~ **will** permit any rejected materials to remain at the collection placement spot after 12:01 a.m. on the day after collection.
- (4) Any rejected Solid Waste, as designated by a rejection sticker, ~~shall~~ **will** remain the property of the Owner.

### Time for Removal of Containers

- 13 (1) No owner ~~shall~~ **will** permit Solid Waste to remain in front of the ~~said~~ building and adjacent to or at the curb except between 5:00 p.m. on the day ~~previous to~~ **before** collection and 12:01 a.m. on the day after collection.

- (2) Solid Waste placed for collection in a manner contrary to the provisions of this by-law ~~shall~~ **will** not be collected and such Solid Waste ~~shall~~ **is to** be removed no later than 12:01 a.m. on the day after collection.

### **Commercial Containers**

- 14 (1) An Owner or Occupant of any premise in which a Commercial Container is located ~~shall~~ **must** ensure the Commercial Containers:
- a) are sturdily constructed of weather-proof material and ~~shall~~ be water tight;
  - b) are inaccessible to pests, rodents, vermin, seagulls or animals; be equipped with a tight-fitting lid with a positive closing device which ~~shall~~ **is to** be kept closed except when the container is being loaded or unloaded;
  - c) are kept in a clean manner;
  - d) are kept in a state of good repair;
  - e) ~~have displayed thereon~~ **has** the name and telephone number of the owner of the container and the type of material to be deposited ~~therein~~;
  - f) ~~have displayed thereon~~ **has** the following message “garbage” or “landfill”, where institutional, commercial or industrial waste is to be deposited in the commercial container;
  - g) ~~have displayed thereon~~ **has** the following message “recyclables”, where Blue Bag Recyclables are to be deposited in the Commercial Container;
  - h) ~~have displayed thereon~~ **has** the following message “paper or cardboard”, where fibre Recyclables are to be deposited in the Commercial Container; and,
  - i) ~~have displayed thereon~~ **has** the following message “organics”, where Organic Materials are to be deposited in the Commercial Container.
- (2) An Owner or Occupant of any premises ~~on which~~ **where** a Commercial Container is located ~~shall~~ **can** not permit the Commercial Container to be loaded other than uniformly and ensure that no Solid Waste extends beyond the internal volume of the container.
- (3) An Owner or Occupant of any premises ~~on which~~ **where** a Commercial Container is located:

- a) shall ~~must be~~ placed ~~same only~~ on a surface which is hard, level and weather-resistant;
- b) shall ~~must~~ keep the area surrounding the container free from litter and waste; and
- c) shall ~~cause~~ ~~must arrange for~~ the container to be emptied on a regular basis, as required.

### Haulers

- 15 (1) All private collections of Solid Waste shall ~~must~~ be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- (2) All private collection vehicles shall ~~must~~:
- a) be maintained in good condition and be properly ~~manned~~ ~~staffed~~ and equipped to ensure safe collection of Solid Waste;
  - b) comply with the **Motor Vehicle Act** and any other regulations or legislation in effect from time to time;
  - c) be designed ~~so as~~ to prevent any contents (including liquids) from falling out, being spilled, or scattering from the vehicle whether in motion or not, as they enter the LRCRC front gates;
  - d) if used in the collection of more than one type of waste, be constructed to prevent cross-contamination between the various waste streams;
  - e) be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device ~~which shall be used~~ to cover Solid Waste while it is being transported.
- (3) All private collection of any Solid Waste shall ~~will~~ be made directly to the private collection vehicle from the premises where ~~it the same~~ was generated.
- (4) All Solid Waste collected through private collections, and ~~which that~~ is to be delivered to the LRCRC, shall ~~will~~ be in compliance ~~agreement~~ with the Regulations ~~promulgated~~ ~~circulated~~ by the operator of the LRCRC regarding acceptance and receipt of Solid Waste at the LRCRC.
- (5) In the event of any spillage, the vehicle operator shall ~~will~~ be responsible for the clean-up, ~~which shall be done~~ undertaken immediately.

**Electronics**

- 16 (1) Every Owner or Occupant shall ~~only~~ **can** place Electronics curbside once per year.
- (2) Every Owner or Occupant may also deliver Electronics to a recognized Electronics return collection facility in Nova Scotia for reuse and recycle.

**Household Hazardous Waste**

- 17 (1) Every Owner or Occupant shall ~~store~~ **must** store any Household Hazardous Waste generated ~~by same~~ in a safe and secure ~~manner and place and shall~~ **must** deliver ~~same~~ the **household hazardous waste**, as soon as is reasonably possible, to the Household Hazardous Waste Depot (“HHW Depot”) at the LRCRC.
- (2) No person shall ~~dispose of,~~ **can** dispose of, ~~allow or cause~~ **allow** or cause or permit the disposal of, Household Hazardous Waste at any location within the Municipality.

**Construction or Demolition Materials**

- 18 (1) Every Owner or Occupant shall ~~dispose of~~ **must** deliver any Construction or Demolition Waste – over and above those collected by the Municipality – to the appropriate area or site within the LRCRC or an approved C&D debris disposal site.
- (2) No person shall ~~dispose of~~ **can** dispose of Construction or Demolition Materials by stockpiling, storing or any other method.

**Lunenburg Regional Community Recycling Centre**

- 19 (1) The Municipality has designated, by resolution, the Lunenburg Regional Community Recycling Centre (“LRCRC”) as the receiving site for solid waste generated by its residents – within the restrictions as set in this by-law and other restrictions as set by the operator of LRCRC.
- (2) The operator or other authorized staff of the LRCRC may refuse to accept a load of Solid Waste for the following reasons:
  - a) The load is comprised of, or contains, Solid Waste other than the type of Solid Waste ~~which~~ **that** the LRCRC has been approved to accept; or
  - b) It is a load ~~for which~~ **that** a tipping fee has not yet been set or negotiated with the Solid Waste generator or hauler; or
  - c) It is a load ~~for which~~ **that** a tipping fee has not yet been paid to the LRCRC; or
  - d) It is a load ~~for which~~ **that** tipping fee payment arrangements satisfactory

to the operator or authorized staff have not yet been made.

- (3) No person shall **can** dispose of, ~~or cause~~ **allow** or permit the disposal of, any type of Solid Waste around or adjacent to the LRCRC in the following circumstances:
  - a) when the LRCRC is not open and operational; or
  - b) after the operator or authorized staff of the LRCRC has refused to accept ~~same~~ **solid waste**.
- (4) All private collection vehicles shall **must** be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device ~~which shall~~ **to** be used to cover Solid Waste while it is being transported from the LRCRC front gates to the scale house.

### **Legal and Illegal Disposal**

- 20
- (1) With the exception of the placement of Solid Waste for collection in accordance with this by-law, the delivery of Electronics or Household Hazardous Wastes to depots or other disposals allowed for in this by-law, no person shall **can** dispose of, ~~or cause~~ **allow** or permit the disposal of, Solid Waste, ~~waste~~ or Unacceptable Waste at any location or manner in the Municipality except as follows:
    - a) backyard composting carried out in such a manner as to not constitute a nuisance;
    - b) subject to Federal or Provincial law to the contrary, the disposal of waste trees, brush or portions thereof or other organic farm or forestry waste on privately-owned forest or farmland in such a manner as to not constitute a nuisance;
    - c) subject to Federal or Provincial law or other Municipal By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
  - (2) No person shall **can** dispose of, **allow** ~~or cause~~ or permit the disposal of, any Solid Waste in a permanent container or box for storage of Solid Waste unless that person is, or has the permission of, the Owner of ~~said~~ **the** container or at a box or collection placement spot approved by the Municipality for another Owner or Occupant.
  - (3) No person shall **can** dispose of, **allow** ~~or cause~~ or permit the disposal of, any Unacceptable Waste or rejected Solid Waste in, at or near a permanent

container or box for storage of Solid Waste or collection placement spot approved by the Municipality for another Owner or Occupant.

- (4) No person shall ~~can~~ dispose of, or ~~cause~~ ~~allow~~ or permit the disposal of, Construction or Demolition Materials at any location other than at the LRCRC or an approved C&D debris disposal site.
- (5) Proof that any type of Solid Waste, which was disposed of in contravention of this by-law, originated from a particular person, from the residence of a particular person, from a particular premises, or from a particular vehicle (as defined by the **Motor Vehicle Act** of Nova Scotia), shall ~~can~~, in the absence of evidence convincing a court to the contrary, be evidence sufficient for a court to ~~infer~~ ~~conclude~~ that the ~~said~~ ~~identified~~ person – or the Owner or current Occupant of ~~said~~ ~~the~~ residence or premises – or the owner of the vehicle - was the person who disposed of that Solid Waste, or a portion of ~~same~~ ~~the waste~~, or ~~caused~~ ~~allowed~~ or permitted it to be disposed of.

### General Prohibitions

- 21 (1) Where an Owner or Occupant properly places any authorized form of Solid Waste out for collection by the Municipality's contractor, the ~~said~~ Solid Waste becomes the property of the Municipality and only authorized personnel are permitted to remove ~~same~~ ~~it~~; except under circumstances stated below of ~~in~~ this by-law.
- (2) No person shall ~~can~~ pick over, remove, collect, disturb or ~~otherwise~~ interfere with any type of Solid Waste or ~~which~~ ~~that~~ has been placed out for collection.
- (3) The prohibitions in the above two sections 21 (1) and (2) do not apply to:
  - a) the person who placed the Solid Waste for collection; or
  - b) Wood Waste, Metal Items and Bulky Waste as ~~that~~ is ~~authorized~~ ~~allowed~~ to be placed for collection under this bylaw. material, appliances or furniture; and any other materials placed out for Bulky Waste collection. When removal of such materials is ~~undertaken~~ done, remaining materials must be left in an orderly manner, ~~which~~ ~~that~~ does not interfere with pedestrian or vehicular traffic.
- (4) No person shall ~~can~~ dispose of any type of Solid Waste by ~~the burning~~ ~~it~~ of ~~same~~.
- (5) No person shall ~~can~~ place any type of Solid Waste generated from outside the Municipality for collection at a designated collection location for an Owner within the Municipality.

- (6) No Owner or Occupant ~~shall~~ **can** permit or authorize the accumulation of Solid Waste on or around property including uncollected Solid Waste to remain on or around property other than in an approved storage container as outlined elsewhere in this bylaw.

### **Export of Solid Waste**

- 22 (1) No person ~~shall~~ **can** transport any type of Solid Waste generated within the Municipality to any location other than the LRCRC site or outside the boundaries of the area served by the LRCRC but for the following exceptions:
- a) Construction or Demolition Materials to an approved C&D debris disposal site;
  - b) “Direct haul” of residual waste to Kaizer Meadow, an approved Solid Waste disposal site, only when authorized by the operator of LRCRC;
  - c) Electronics ~~which~~ **that** may be taken to a recognized electronics return collection facility in Nova Scotia; and
  - d) any other special arrangement authorized in writing by the operator of the LRCRC.

### **Enforcement and Penalties**

- 23 (1) Any person who disposes of, or permits the disposal of, any Solid Waste including Construction or Demolition Materials and/or Residual Waste other than in accordance with this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than One Thousand (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- (2) Any person who violates any other provision of, or ~~permits~~ **allows** any other thing to be done in violation of, this by-law is guilty of a summary offense and is liable, upon conviction, to the following:
- a) for a first offense, a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) and in default of payment ~~thereof~~ to a term of imprisonment not to exceed thirty (30) days;
  - b) for a second offense, a fine of not less than Three Hundred and Fifty Dollars (\$350.00) and not more than Two Thousand Dollars (\$2,000.00) and in default of payment ~~thereof~~ to a term of imprisonment not to exceed sixty (60) days; and,

- c) for each subsequent offense, a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment thereof to a term of imprisonment not to exceed ninety (90) days.
- (3) Any person who obstructs or hinders any person in the performance of their duties under this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- (4) Where a person is convicted of an offence under this by-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the MJSB or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the MJSB or person in an amount equal to the said clean-up or remediation costs.
- (5) Pursuant to **Following** the provisions of the **Municipal Government Act**, in addition to a fine imposed for violation of this by-law, a judge may order the imposition of a penalty in relation to any fee, cost, rate, toll or charge associated with the conduct that gave rise to the offence.
- (6) Pursuant to **Following** the provisions of the **Municipal Government Act**, in addition to a fine imposed for violation of this by-law, a judge may order compliance with this by-law within a specified time.
- (7) Each day that a person commits any offence under this by-law constitutes **is** a separate offence.
- (8) Where a breach of this by-law is anticipated or is of a continuing nature, the MJSB may, **in agreement with** ~~pursuant to~~ the provisions of the **Municipal Government Act**, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

### Administrative Ticketing

- 24 (1) In **lieu place** of prosecution under this by-law, the MJSB may issue to any person it believes, upon reasonable grounds, has committed an offence under this by-law a Notice of Alleged Violation allowing the person ~~to whom~~ it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.

**Solid Waste Collection & Disposal By-law**

Page 21 of 21

- (2) Any person who receives A Notice of Alleged Violation in relation to this bylaw and where the ~~said~~ Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) to the office of the MJSB provided that ~~said~~ payment is made within fourteen (14) days of the date of issuance of the Notice and ~~said~~ payment ~~shall~~ **will** be in full satisfaction thereby releasing the person named from prosecution for the ~~said~~ alleged violation.
  
- (3) Nothing in this by-law requires the MJSB to issue a Notice of Alleged Violation in ~~lieu~~ **place** of initiating a prosecution in relation to an alleged violation.

**Repeal**

25 The Solid Waste Collection and Disposal By-law of the Municipality of the District of Lunenburg adopted by Municipal Council on February 19, 2014 and amended on June 24, 2014 is hereby repealed and replaced with this new By-law.

**Annotation for Official By-law Book**

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	
Date of mailing a certified copy of by-law to Minister	
I certify that this <b>Solid Waste Collection &amp; Disposal By-law</b> was adopted by Municipal Council and published as indicated above.	
<hr/> <b>Municipal Clerk</b>	<hr/> <b>Date</b>

# Municipal Joint Services Board

131 North St, PO Box 209, Bridgewater, NS B4V 2W8  
Phone: (902) 543-2991 Fax: (902) 530-5189

## A Joint Services Board



**Report to:** Mayor Bolivar-Getson and Municipal Council Members  
**Submitted by:** Stephanie Smits, Sup. - Outreach & Communications, MJSB  
**Date:** March 8, 2022  
**Subject:** **Proposed Amendments to Solid Waste Collection & Disposal Bylaw**  
**Decision [ X ]                      Direction [ ]                      Information [ ]**

### Recommendation:

The Municipality of Lunenburg Council review proposed amendments for its Solid Waste Bylaw regarding a compostable bag ban from from the organics stream and updated definition of paper fast-food packaging lined with poly coating and wax-coated cups as landfill.

### Background

The Lunenburg Regional Community Recycling Centre (LRCRC) has identified several sources of contamination within the organics stream. The contaminants cause processing issues and decrease the quality of finished compost produced at LRCRC. The identified items include:

- Plastic-like compostable bags, biodegradable bags and oxo-biodegradable bags
- Paper drink cups (plastic liner)
- Paper fast food bowls (plastic liner)
- Waxy drink cups (heavy wax layer)

The Municipal Joint Services Board passed a motion requesting that MoDL, along with Town of Bridgewater and Town of Mahone Bay, review the proposed Waste Bylaw revisions in relation to these contaminants during its November 23, 2021 meeting.

### Discussion

Waste bylaw amendments have been drafted which would ban the use of plastic-like compostable bio-degradable and oxo-biodegradable bags in the organics stream. The above-mentioned fast-food packaging is defined as garbage in these amendments.

LRCRC Site Regulations would requirement amendments listing the same items.

### Outreach & Education Plan

- Notify bag vendors of bylaw changes
- Notify food vendors in MJSB units of bylaw changes
- MJSB COO notify Town of Lunenburg and Municipality of Chester of changes, for their consideration
- 6-month period until effective date: communicate changes to residents and business sector through MJSB and MJSB partner units' social media, print ads, radio, municipal newsletters, handouts to LRCRC customers
- Provide sample paper liners to residents and businesses
- Attach info stickers to green carts regarding changes and effective date
- Do weekly "countdown" ads for one month until enforcement date

## **Proposed Bylaw Amendments**

Sections

Residual Waste 3.23

Storage for Solid Waste Collection 6.1 c iv

### **Considerations**

Paper bin liners, paper leaf bags, boxboard (cracker boxes) and newspaper (flyers) break down reliably in the organics stream and can be used as alternatives to contain organics in the green cart, when needed.

Enforcement could be applied at the end of the six-month period if compostable bags were still used or identified packaging was observed in green carts or commercial organics loads.

The Town of Lunenburg and Municipality of Chester send organics to the LRCRC for processing. Both areas allow compostable bags in their green cart programs; it is unknown whether these areas would support a bag ban and rejection of identified non-compostable fast-food packaging in the organics stream. Waste Bylaw changes would be required for enforcement within both areas.

MUNICIPALITY OF LUNENBURG

A By-law Respecting  
SOLID WASTE COLLECTION AND DISPOSAL

DEFINITIONS

1.0 Governing Authorities

- .1 "N.S.E." means that department of the Nova Scotia Provincial Government currently called "Nova Scotia Environment" or its successor provincial department should there be a name change.
- .2 "Divert Nova Scotia" a not-for-profit Board regulated by the Nova Scotia Solid Waste-Resource Management Regulations, under Section 102 of the Environment Act. The Board's mandates administering resource recovery fund as prescribed in Section 4 of the Solid Waste Regulations.
- .3 "Council" means the council of the Municipality of the District of Lunenburg.
- .4 "Municipal Joint Services Board" referred to in this By-law as "the MJSB," means a corporate body established pursuant to an Intermunicipal Services Agreement to which this Municipality is a party. The municipal parties to that Agreement have given the MJSB responsibility for the management of solid waste within their respective jurisdictions, pursuant to the s. 60 of the Municipal Government Act.
- .5 "LRCRC" means Lunenburg Regional Community Recycling Centre, a division under the mandate of the MJSB, overseeing the management of the Solid Waste system. The facility is located at 908 Mullock Road, Whynott's Settlement.

SOLID WASTE

- 2.0 "SOLID WASTE" means collectible waste, non-collectible waste, bulky waste, construction or demolition materials, household hazardous waste, residual waste – all as defined herein and any other waste or discarded tangible personal property but excludes wastes from any industrial activity regulated by way of an approval under the *Environment Act*.
- 3.0 Words used in this By-law shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
  - .1 "BLUE BAG RECYCLABLES" means glass jars and bottles, tins, aluminum cans, plastic bottles, rigid plastic containers, plastic bags, film stretch and pallet wrap, and milk and juice containers. Other materials may be identified, from time to time, by N.S.E.'s *Regulations Respecting Solid Waste-Resource Management*, November 1995, as amended or other successive solid waste legislation.

- .2 "BRANCHES and LIMBS" means branches, limbs and brush.
- .3 "BOXBOARD" means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items.
- .4 "BULKY WASTE" means large items of a household nature including vacuum cleaners, plastic barrels, furniture (upholstered or wooden) mattresses, box springs and porcelain bathroom items such as toilets and sinks, but excluding compostable materials, paper, household waste, blue bag recyclables, household hazardous waste, designated electronic products, Christmas trees, asphalt shingles, discarded appliances, metal items, white goods, wooden pallets, metal or wooden barrels, artificial Christmas trees, car parts.
5. "COLLECTABLE WASTE" means those wastes which are eligible for collection, within the volume and other restrictions elsewhere in this By-law, on regularly-scheduled collection days and consists of the following categories:
  - i) compostable materials (as defined herein);
  - ii) recyclables (as defined herein);
  - iii) residual waste (as defined herein);
  - iv) paper (as defined herein);
  - v) non-transparent bag (as defined herein); and
  - vi) bulky waste.
6. "COMMERCIAL CONTAINER" means any container used for the storage of properly sorted solid waste excluding household hazardous waste generated from multi-residential, institutional, commercial, industrial or other premises within the Municipality which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this By-law and which container is designed to be emptied by, and the waste transported by, a hauler.
- .7 "COMPOSTABLE MATERIALS" means vegetable peelings, dairy products, meat, fish and shellfish, egg shells, bones, waste food products, coffee grounds and filters, grass trimmings, leaves, garden waste, ashes or soot, soiled and wet paper, table napkins, paper towels, pizza boxes, household cooking oil, household grease and fat, BRANCHES and LIMBS, untreated wood sawdust, wood chips and wood shavings. Other materials may be identified, from time to time, by N.S.E.'s *Regulations Respecting Solid Waste-Resource Management*, November 1995, as amended or other successive solid waste legislation.
- .8 "CONSTRUCTION OR DEMOLITION MATERIALS" means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fibreglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – regardless of whether such left-over material is regulated by the Province of Nova Scotia or meets the definition of "C & D Debris" in the N.S.E. 1997 Guidelines for same.
- .9 "CURB" means that portion of the public road right-of-way between the travelled portion or

- parking area and the property line, which parallels the street centre line.
- .10 **"DISPOSE"** means any form of disposal of any material, including solid waste as defined herein: deposit, storage, placement, burning or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container, barrel, or any other containment device.
  - .11 **"DWELLING UNIT"** means a room or series of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
  - .12 **"ELECTRONICS"** means any electronic device that is acceptable under the provincial Electronic Products Recycling Association (EPRA) program. The list of items under this category may change from time to time, as determined by EPRA.
  - .13 **"ELIGIBLE PREMISES"** means those properties within the Municipality, which are eligible for collection services - up to the maximum restrictions, outlined elsewhere in this By-law – and includes all properties in the Municipality including properties located on private roads.
  - .14 **"HAULER"** means any company or person who transports solid waste within the Municipality or within the boundaries of the municipal member units of the LRCRC (defined herein).
  - .15 **"HOUSEHOLD HAZARDOUS WASTE"** means any corrosive, flammable or poisonous material or substance such as oil and oil products, radioactive materials, acids, poisons, insecticides or other poisons used for agricultural purposes or for rodent control, any substance or chemical highly lethal to mammalian or aquatic life and any substance or chemical dangerous to the environment – including but not limited to: batteries, left-over liquid paint, left-over corrosive cleaners, pesticides or herbicides, gasoline, fuel oil and used motor oil, solvents and thinners, pharmaceuticals, drugs and needles, aerosol cans, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or propane torches and marine flares.
  - .16 **"METAL ITEMS"** means medium to large metal items including metal fencing, water tanks, oil tanks – subject to special requirements elsewhere in this By-law – and metal containers other than containers designed to hold either household hazardous waste (as defined herein) or anything intended for human consumption.
  - .17 **"MUNICIPALITY"** means the Municipality of the District of Lunenburg.
  - .18 **"NATURAL CHRISTMAS TREE WASTE"** means discarded non-artificial Christmas trees.
  - .19 **"NON-TRANSPARENT BAG"** means residual waste which has been placed for collection subject to special requirements elsewhere in this By-law.
  - .20 **"OCCUPANT"** means any person who, in addition to or instead of the owner, resides in

- or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Municipality and includes any assignee or legal representative of same.
- .21 **"ONE-SIDED COLLECTION"** means collection of solid waste from only one side of a Public Highway.
  - .22 **"OWNER"** means the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property.
  - .23 **"PAPER"** means newspapers, flyers, magazines, catalogues, boxboard, flattened corrugated cardboard, bond paper, computer paper, hard cover books (covers removed), telephone and other soft cover books, file folders – both traditional and expandable, envelopes (other than padded or bubbled envelopes), non-metallic wrapping paper and paper egg cartons, Third Class Mail and other materials as are identified, from time to time, by N.S.E.'s *Regulations Respecting Solid Waste-Resource Management*, November, 1995, as amended or other successive solid waste legislation.
  - .23 **"RESIDUAL WASTE"** means broken bottles, crockery and glassware – subject to special requirements elsewhere in this By-law – and floor sweepings, pet litter, light bulbs, disposable diapers, hygiene items, discarded clothing and furnishings, broken toys, mats and small carpets, non-recyclable plastic, non-recyclable packaging including Styrofoam™ and padded or bubbled envelopes, metallic wrapping paper, non-passenger tires, non-repairable household goods and other household waste.
  - .24 **"UNACCEPTABLE WASTE"** means all material other than collectable waste, without limiting the generality of the foregoing, includes:
    - i) highly combustible or explosive materials including, without limiting, flares, fireworks, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, ammunition, dynamite, or other similar material;
    - ii) materials that are considered pathogenic or biomedical including, without limiting, dressings, bandages or other infected materials or sharps discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
    - iii) a whole or part carcasses of domestic ruminants, including cattle;
    - iv) waste listed or characterized as hazardous by any Federal or Provincial law – other than household hazardous waste as defined herein;

- v) electronics, with the exception of an annual electronics collection;
- vi) solid waste generated, or originating from, outside the Municipality without prior approval;
- vii) liquid waste or material that has attained a fluid consistency and has not been drained;
- viii) soil, rock and stumps;
- ix) construction or demolition materials (as defined herein) – other than the exception as allowed under the definition of "bulky waste" in this By-law;
- x) septic tank pumping, raw sewage or industrial sludge;
- xi) radioactive materials;
- xii) contaminated soil;
- xiii) all passenger tires up to 24.5 inches as per the Tire Management Program administered by Divert Nova Scotia;
- xiv) industrial waste from factories or manufacturing processes;
- xv) manure, kennel waste, excreta, fish processing waste;
- xvi) lead-acid automotive batteries and propane tanks;
- xvii) waste which has been placed for collection but not in accordance with the provisions of this By-law; and,
- xviii) materials banned from landfill disposal by the N.S.E. *Regulations Respecting Solid Waste-Resource Management, November 1995, as amended – other than recyclable materials or organic materials from eligible premises.*

.25 "WHEELED AERATED CART" shall be of either 140 litre capacity, 240 litre capacity or other MJSB approved capacity, brand and model.

.26 "WHITE GOODS" means any large household appliance including but not limited to stoves, dishwashers, washers, dryers, hot water heaters, refrigerators, freezers, dehumidifiers, and air conditioners – the last four (4) being subject to special requirements elsewhere in this By-law.

.27 "WOOD WASTE" means scrap wood, wooden pallets, wooden barrels and wooden

furniture.

#### COLLECTION

4.0 Collection of SOLID WASTE shall be as follows:

- .1 A collection for RESIDUAL WASTE, two (2) BULKY WASTE items, COMPOSTABLE MATERIALS, BLUE BAG RECYCLABLES and PAPER shall be made at least once in every fourteen (14) days, commencing at the hour of seven o'clock in the forenoon (7:00 a.m.), provided, however, that when a holiday occurs, as indicated on the collection calendar, on a collection day, such collections shall be made on the following Saturday, unless otherwise specified by the MJSB.
- .2 Collection shall include all properties in the MUNICIPALITY which abut a public listed and maintained road, which generate for disposal, quantities of SOLID WASTE not exceeding the limits specified in Section 9.0.
- .3 Where a property does not abut a public listed and maintained road, and in areas of private roads where the OWNER has a long driveway, on island or in other circumstances where conventional collection may be impractical, the owner may transport eligible SOLID WASTE to the nearest public listed and maintained road for collection.
- .4 Collection of ELECTRONICS, per restrictions noted elsewhere in this By-law, shall take place once in the fall of each year on a date to be specified by the MJSB.
- .5 Collection of WOOD WASTE and METAL, per restrictions noted elsewhere in this By-law, shall take place once in the fall of each year on a date to be specified by the MJSB.
- .6 Collection of properly - prepared NATURAL CHRISTMAS TREES, per restrictions noted elsewhere in this By-law, shall take place annually in the month of January on a date to be specified by the MJSB.
- .7 For the purpose of Section 4, the schedule of, and exact dates for, collection shall be published in a calendar distributed to OWNERS - which will also be posted on-line – and any other collection dates will be published in a local newspaper and/or advertised on a local radio station.

#### REQUIREMENTS TO STORE AND DISPOSE OF SOLID WASTE

5.0

- .1 Every owner shall:
  - a) Provide containers for SOLID WASTE storage.
  - b) All COLLECTABLE WASTE to be collected by the MUNICIPALITY shall be accessible to the contractor within 3 metres (approximately 10 feet) of the curb,

placed in such a manner as to not interfere with pedestrian traffic and snow removal.

- c) Maintain all containers that are not disposable in good repair and in sanitary condition.
- d) Place COLLECTABLE WASTE for collection only in containers of the type and meeting the standards set forth in Section 6.
- e) Be responsible for the disposal of SOLID WASTE generated from their property, including SOLID WASTE generated by OCCUPANTS having use of the property.

#### STORAGE FOR SOLID WASTE COLLECTION

6.0

.1 For the purpose of this Section, containers for solid waste "Storage" shall mean the following:

- a) For BLUE BAG RECYCLABLES:
  - i) Securely tied, blue-tinted transparent plastic waterproof bags of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches), nor greater than 76 centimetres by 122 centimetres (30 by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs). All materials must be clean.
- b) For PAPER:
  - i) Placed in bags, securely tied, of a dimension no smaller than 25 centimetres by 40 centimetres (10 by 16 inches); nor greater than 76 centimetres by 122 centimetres (30 by 48 inches).
- c) For COMPOSTABLE MATERIALS:
  - i) WHEELED AERATED CART;
  - ii) LEAVES AND YARD WASTE may be placed in heavy kraft paper bags, of a dimension no smaller than 66 centimetres by 91 centimetres (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55 lbs.) per bag; and,
  - iii) for leaves only, a maximum of three (3) bags per collection. This maximum increases to four (4) bags if no WHEELED AERATED CART is put out that day.
- d) For CHRISTMAS TREE WASTE:

- i) Cut into pieces and placed into the WHEELED AERATED CART; or
- ii) shall be bundled and tied, and shall not exceed 0.9 metres (36 inches) in length; and
- iii) shall not have decorations, ornaments, wire or nails attached; and
- iv) weigh not more than 25 kilograms (55 lbs) per bundle.

e) For BRANCHES AND LIMBS:

- i) Cut into pieces and placed into the WHEELED AERATED CART; or
- ii) shall be bundled and tied; and
- iii) shall not have any wire or nails attached; and
- iv) weigh not more than 25 kilograms (55 lbs) per bundle; and
- v) individual pieces shall not be more than 50 mm (2 inches) in diameter; and
- vi) be less than 0.9 meters (36 inches) in length.

f) For RESIDUAL WASTE (all other waste):

- i) Water tight metal or plastic cans:
  - 1) equipped with a tight fitting cover of metal, plastic or other impermeable material; and
  - 2) equipped with handles; and
  - 3) filled to a height not exceeding 5 centimetres (2 inches) below the top of the container; and
  - 4) shall not exceed a weight of 25 kilograms (55 lbs); and
  - 5) shall not exceed a volume of 100 litres, and shall not include cardboard drums, oil drums, paint containers or lard containers; or
- ii) Placed in plastic, single use, waterproof, clear transparent bags, free from colour, of a dimension no smaller than 66 centimetres by 91 centimetres, (26 by 36 inches) nor greater than 76 centimetres by 122 centimetres (30

by 48 inches), and shall not exceed a weight of 25 kilograms (55 lbs).

- g) For NON-TRANSPARENT BAG:
- i) Placed in a plastic, single use, waterproof opaque bag with a dimension no smaller than 66 centimetres by 91 centimeters (26 by 36 inches) nor greater than 76 centimeters by 122 centimeters (30 by 48 inches) and shall not exceed a weight of 25 kilograms (55lbs).
- 2 Items placed for BULKY WASTE COLLECTION:
- a) Shall be packaged/bundled/boxed in such a manner so as to allow for pick-up and collection, and not include any COMPOSTABLE MATERIALS, BLUE BAG RECYCLABLES, PAPER, household waste, ELECTRONICS, WOOD WASTE, METAL ITEMS, metal barrels, WHITE GOODS, metal car parts NATURAL CHRISTMAS TREES, HOUSEHOLD HAZARDOUS WASTE or asphalt shingles.
  - b) No person shall place, or caused (cause) to be placed, BULKY WASTE items for collection except in accordance with the following restrictions:
    - i) such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
    - ii) two (2) BULKY WASTE items may be placed for collection every fourteen (14) days;
    - iii) each item shall not exceed 100 kgs (220 lbs) in weight; and,
    - ii) (iv) each item shall not exceed 1.8 m (6 feet) in any dimension.
- 3 Items placed for WOOD WASTE AND METAL COLLECTION:
- a) No person shall place, or caused (cause) to be placed, WOOD WASTE or METAL such as oil tanks, metal fencing, barrels, pallets and WHITE GOODS – out for collection except on a day designated by the MJSB for collection of same and in accordance with the following restrictions:
    - i) such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
    - ii) any WOOD WASTE and METAL shall be placed separately during the day designated by the MJSB for collection;
    - iii) WOOD WASTE and METAL shall not exceed 4 cubic metre (5.2 cubic yards) combined total per collection;
    - iv) each item shall not exceed 140 kgs (308 lbs) in weight; and,

v) each item shall not exceed 1.8 m (6 feet) in any dimension.

#### PREPARATION OF SPECIFIC WASTES

7.0

- .1 a) For BROKEN BOTTLES, CROCKERY OR GLASSWARE:
- i) Broken bottles, crockery and glassware shall be sealed in a box or a bucket and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “BROKEN GLASS” – a warning to the contractor.
- b) For ASHES OR SOOT:
- i) Ashes or soot shall be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the WHEELED AERATED CART.
- c) For NATURAL CHRISTMAS TREES:
- i) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
  - ii) shall not exceed 3 m (approx. 10 ft) in length;
  - iii) no person shall place, or cause to be placed, any NATURAL CHRISTMAS TREE out for collection before 5:00 p.m. of the day immediately preceding the day designated for collection of same;
  - iv) no person shall place, or cause to be placed, any NATURAL CHRISTMAS TREE out for collection after 7:00 a.m. of the day designated for collection of same;
  - v) each single-unit building shall place two NATURAL CHRISTMAS TREES for collection;
  - vi) each multi-unit building shall place one NATURAL CHRISTMAS TREE per unit, plus one additional NATURAL CHRISTMAS TREE for collection; and,
  - vii) commercial NATURAL CHRISTMAS TREE producers may not place unsold trees for collection.
- d) For CARDBOARD:
- i) for CARDBOARD only, flattened, securely tied bundles, of dimension no greater than 91 centimetres (36 inches) by 61centimetres (24 inches) by 61 centimetres (24 inches) and shall not exceed a weight of 25 kilograms

(55 lbs.) per bundle.

#### WHEELED AERATED CARTS

- 8.0
- .1 Every owner shall:
- a) Use only a WHEELED AERATED CART for the storage of COMPOSTABLE MATERIALS for collection, except as otherwise permitted in clauses 6 1(c) and (d).
  - b) Maintain the WHEELED AERATED CART in good repair and sanitary condition.
  - c) WHEELED AERATED CARTS must remain on the property parcel for which it was assigned in accordance with the MUNICIPALITY'S policy MDL-44. The freely distributed WHEELED AERATED CART shall remain on the property when a householder sells a property. Care and use will be the responsibility of the householder or OCCUPANT.
- .2 The number of carts required by each owner shall conform to the following minimum criteria:
- a) single-unit dwelling or 1 - 140 litre capacity cart per DWELLING UNIT
  - b) duplex dwelling or 1 - 140 litre capacity cart per DWELLING UNIT
  - c) semi-detached dwelling or 1 - 140 litre capacity cart per DWELLING UNIT
  - d) dwellings of 3 to 6 units or 1 - 140 litre capacity cart per DWELLING UNIT
  - e) dwellings having 6 units or Minimum carts and capacities greater to be determined by the MJSB.

#### VOLUME AND WEIGHT PERMITTED

- 9.0
- .1 COLLECTABLE WASTE placed for collection:
- a) Shall not exceed 140 kilograms (308 lbs) in total per DWELLING UNIT per collection day and no single item may weigh more than 25 kilograms (55 lbs).
  - b) Shall not exceed 4 cubic metres (5.2 cubic yards) in total volume per DWELLING UNIT per collection day, plus two (2) bulky waste items.

- c) No person shall place, or cause to be placed, more than one (1) WHEELED AERATED CART per any one DWELLING UNIT out for collection on any one-collection day and the total weight of the cart and its contents shall not exceed 120 kilograms (approx. 265 lbs.).
- d) No person shall place, or cause to be placed, more than one (1) NON-TRANSPARENT BAG per any one DWELLING UNIT out for collection on any one collection day.
- e) No person shall place, or cause to be placed, RESIDUAL WASTE out for collection on any one collection day in a "storage" container which is not a clear transparent bag, free from colour, in which its contents are not visible except for the one (1) NON-TRANSPARENT BAG as outlined elsewhere in this By-law.
- f) No person shall place, or cause to be placed, more than three (3) ELECTRONICS per anyone DWELLING UNIT out for collection on the annual ELECTRONICS collection day.

#### PLACEMENT OF CONTAINERS FOR COLLECTION

- 10.0
- .1 All COLLECTABLE WASTE to be collected by the MUNICIPALITY shall be accessible to the contractor within 3 metres (approx. 10 feet) of the curb or other such location as may be required from time to time, including one-sided collection, and placed in such a manner as to interfere as little as possible with pedestrian or vehicular traffic and snow removal.
- .2 a) Permanent containers or boxes for the storage of COLLECTABLE WASTE between collections shall:
- i) be a solid container with a tight fitting cover. The container shall be a maximum height of 91 centimetres (3 feet) or shall provide a hinged front door. It shall be filled to a height not exceeding 5 centimetres (2 inches) below the top of the container. There shall be no loose SOLID WASTE stored in any container. The immediate vicinity of the container shall be kept neat and free of any SOLID WASTE;
  - ii) be maintained in good repair;
  - iii) not present a hazard to individuals or traffic;
  - iv) be located in such a manner as to not interfere with traffic or snow removal;
  - v) be appropriately located with respect to one-sided collection; and,
  - vi) lids shall be securely hinged, not have a self-locking latch and shall have a support to hold the lid open while the contents are being emptied.

- b) No WHEELED AERATED CART shall be stored inside a container or box, unless the cart can be wheeled out without lifting, or is removed from the container or box by the owner for collection.

**RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

11.0

- .1 Every OWNER or OCCUPANT shall:
  - a) ensure that COLLECTABLE WASTE, ELECTRONICS and BULKY WASTE are placed for collection in accordance with this By-law;
  - b) clean up any type of SOLID WASTE which has escaped from its container;
  - c) store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
  - d) ensure the proper preparation of all SOLID WASTE in accordance with this By-law; and,
  - e) abide by all lawful directives of the MJSB with regard to the handling of SOLID WASTE materials.

**REJECTION OF WASTE**

12.0

- .1 Any type of SOLID WASTE which has been set out for collection is subject to inspection by the MJSB and any such SOLID WASTE found or deemed by same to be set out in violation of the requirements of this By-law may be rejected and not collected.
- .2 Any SOLID WASTE which is so rejected will have placed on it a Rejection Sticker indicating the reason or reasons for rejection and information as to how to rectify same or get direction to rectify the problem.
- .3 No person shall permit any rejected materials to remain at the collection placement spot after 12:01 a.m. on the day after collection.
- .4 Any rejected SOLID WASTE, as designated by a rejection sticker, shall remain the property of the OWNER.

**TIME FOR REMOVAL OF CONTAINERS**

13.0

- .1 No owner shall permit SOLID WASTE to remain in front of the said building and adjacent to or at the curb except between 5:00 p.m. on the day previous to collection and 12:01 a.m. on the day after collection.

- .2 SOLID WASTE placed for collection in a manner contrary to the provisions of this By-law shall not be collected and such SOLID WASTE shall be removed no later than 12:01 a.m. on the day after collection.

**COMMERCIAL CONTAINERS**

14.0

- .1 An OWNER of COMMERCIAL CONTAINERS shall ensure the COMMERCIAL CONTAINERS:
  - a) are sturdily constructed of weather-proof material and shall be water tight;
  - b) are inaccessible to pests, rodents, vermin, seagulls or animals; be equipped with a tight fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
  - c) are kept in a clean manner;
  - d) are kept in a state of good repair;
  - e) have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
  - (f) have displayed thereon the following message "garbage" or "landfill", where institutional, commercial or industrial waste is to be deposited in the COMMERCIAL CONTAINER;
  - (g) have displayed thereon the following message "recyclables", where BLUE BAG RECYCLABLES are to be deposited in the COMMERCIAL CONTAINER;
  - (h) have displayed thereon the following message "paper or cardboard", where fibre RECYCLABLES are to be deposited in the COMMERCIAL CONTAINER; and,
  - (i) have displayed thereon the following message "organics", where ORGANIC MATERIALS are to be deposited in the COMMERCIAL CONTAINER.
- .2 An OWNER or OCCUPANT of any premises on which a COMMERCIAL CONTAINER is located shall not permit the COMMERCIAL CONTAINER to be loaded other than uniformly and ensure that no SOLID WASTE extends beyond the internal volume of the container.
- .3 An OWNER or OCCUPANT of any premises on which a COMMERCIAL CONTAINER is located:
  - a) shall place same only on a surface which is hard, level and weather-resistant;

- b) shall keep the area surrounding the container free from litter and waste; and
- c) shall cause the container to be emptied on a regular basis, as required.

#### HAULERS

- 15.0
- .1 All private collections of SOLID WASTE shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
  - .2 All private collection vehicles shall:
    - a) be maintained in good condition and be properly manned and equipped to ensure safe collection of SOLID WASTE;
    - b) comply with the *Motor Vehicle Act* and any other regulations or legislation in effect from time to time;
    - c) be designed so as to prevent any contents (including liquids) from falling out, being spilled, or scattering from the vehicle whether in motion or not, as they enter the LRCRC front gates;
    - d) if used in the collection of more than one type of waste, be constructed to prevent cross-contamination between the various waste streams; and,
    - e) be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover SOLID WASTE while it is being transported.
  - .3 All private collection of any SOLID WASTE shall be made directly to the private collection vehicle from the premises where the same was generated.
  - .4 All SOLID WASTE collected through private collections, and which is to be delivered to the LRCRC, shall be in compliance with the Regulations promulgated by the operator of the LRCRC regarding acceptance and receipt of SOLID WASTE at the LRCRC.
  - .5 In the event of any spillage, the vehicle operator shall be responsible for the clean-up, which shall be undertaken immediately.

#### ELECTRONICS

- 16.0
- .1 ELECTRONICS will be collected curbside once per year.
  - .2 Every OWNER or OCCUPANT may also deliver ELECTRONICS to a recognized ELECTRONICS return collection facility in Nova Scotia for reuse and recycle.

#### HOUSEHOLD HAZARDOUS WASTE

- 17.0
- .1 Every OWNER or OCCUPANT shall store any HOUSEHOLD HAZARDOUS WASTE generated by same in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the HOUSEHOLD HAZARDOUS WASTE Depot ("HHW Depot") at the LRCRC.
  - .2 No person shall dispose of, or cause or permit the disposal of, HOUSEHOLD HAZARDOUS WASTE at any location within the MUNICIPALITY.

#### CONSTRUCTION OR DEMOLITION MATERIALS

- 18.0
- .1 Every OWNER or OCCUPANT shall deliver any CONSTRUCTION OR DEMOLITION WASTE – over and above those collected by the MUNICIPALITY – to the appropriate area or site within the LRCRC or an approved C&D debris disposal site.
  - .2 No person shall dispose of CONSTRUCTION OR DEMOLITION MATERIALS by stockpiling, storing or any other method.

#### LUNENBURG REGIONAL COMMUNITY RECYCLING CENTRE

- 19.0
- .1 The MUNICIPALITY has designated, by resolution, the Lunenburg Regional Community Recycling Centre ("LRCRC") as the receiving site for solid waste generated by its residents – within the restrictions as set in this By-law and other restrictions as set by the operator of LRCRC.
  - .2 The operator or other authorized staff of the LRCRC may refuse to accept a load of SOLID WASTE for the following reasons:
    - a) the load is comprised of, or contains, SOLID WASTE other than the type of SOLID WASTE which the LRCRC has been approved to accept; or
    - b) it is a load for which a tipping fee has not yet been set or negotiated with the SOLID WASTE generator or hauler; or
    - c) it is a load for which a tipping fee has not yet been paid to the LRCRC; or
    - d) it is a load for which tipping fee payment arrangements satisfactory to the operator or authorized staff have not yet been made.
  - .3 No person shall dispose of, or cause or permit the disposal of, any type of SOLID WASTE around or adjacent to the LRCRC in the following circumstances:

- a) when the LRCRC is not open and operational; or
  - b) after the operator or authorized staff of the LRCRC has refused to accept same.
- 4 All private collection vehicles shall:
- a) be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover SOLID WASTE while it is being transported from the LRCRC front gates to the scale house.

**LEGAL and ILLEGAL DISPOSAL**

- 20.0
- .1 With the exception of the placement of SOLID WASTE for collection in accordance with this By-law, the delivery of ELECTRONICS or HOUSEHOLD HAZARDOUS WASTES to depots or other disposals allowed for in this By-law, no person shall dispose of, or cause or permit the disposal of, SOLID WASTE, waste or UNACCEPTABLE WASTE at any location or manner in the MUNICIPALITY except as follows:
    - a) backyard composting carried out in such a manner as to not constitute a nuisance;
    - b) subject to Federal or Provincial law to the contrary, the disposal of waste trees, brush or portions thereof or other organic farm or forestry waste on privately-owned forest or farmland in such a manner as to not constitute a nuisance;
    - c) subject to Federal or Provincial law or other Municipal By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
  - .2 No person shall dispose of, or cause or permit the disposal of, any SOLID WASTE in a permanent container or box for storage of SOLID WASTE unless that person is, or has the permission of, the OWNER of said container or at a box or collection placement spot approved by the MUNICIPALITY for another OWNER or OCCUPANT.
  - .3 No person shall dispose of, or cause or permit the disposal of, any UNACCEPTABLE WASTE or rejected SOLID WASTE in, at or near a permanent container or box for storage of SOLID WASTE or collection placement spot approved by the MUNICIPALITY for another OWNER or OCCUPANT.
  - .4 No person shall dispose of, or cause or permit the disposal of, CONSTRUCTION OR DEMOLITION MATERIALS at any location other than at the LRCRC or an approved C&D debris disposal site.
  - .5 Proof that any type of SOLID WASTE, which was disposed of in contravention of this By-law, originated from a particular person, from the residence of a particular person, from a particular premises, or from a particular vehicle (as defined by the Motor Vehicle Act of Nova Scotia), shall, in the absence of evidence convincing a court to the contrary, be

evidence sufficient for a court to infer that the said person – or the OWNER or current OCCUPANT of said residence or premises – or the owner of the vehicle - was the person who disposed of that SOLID WASTE, or a portion of same, or caused or permitted it to be disposed of.

**GENERAL PROHIBITIONS**

- 21.0
- .1 Where an OWNER or OCCUPANT properly places any authorized form of SOLID WASTE out for collection by the MUNICIPALITY'S contractor, the said SOLID WASTE becomes the property of the MUNICIPALITY and only authorized personnel are permitted to remove same; except under circumstances stated below of this By-law.
  - .2 No person shall pick over, remove, collect, disturb or otherwise interfere with any type of SOLID WASTE or which has been placed out for collection.
  - .3 The prohibitions in the above two sections do not apply to:
    - a) the person who placed the SOLID WASTE for collection; or
    - b) WOOD WASTE, METAL ITEMS and BULKY WASTE as is authorized to be placed for collection under this By-law. material, appliances or furniture; and any other materials placed out for BULKY WASTE collection. When removal of such materials is undertaken, remaining materials must be left in an orderly manner, which does not interfere with pedestrian or vehicular traffic.
  - .4 No person shall dispose of any type of SOLID WASTE by the burning of same.
  - .5 No person shall place any type of SOLID WASTE generated from outside the MUNICIPALITY for collection at a designated collection location for an OWNER within the MUNICIPALITY.
  - .6 No OWNER or OCCUPANT shall permit or authorize the accumulation of SOLID WASTE on or around property including uncollected SOLID WASTE to remain on or around property other than in an approved storage container as outlined elsewhere in this By-law.

**EXPORT OF SOLID WASTE**

- 22.0
- .1 No person shall transport any type of SOLID WASTE generated within the MUNICIPALITY to any location other than the LRCRC site or outside the boundaries of the area served by the LRCRC but for the following exceptions:
    - a) CONSTRUCTION OR DEMOLITION MATERIALS to an approved C&D debris disposal site;

- b) "direct haul" of residual waste to Kaizer Meadow, an approved SOLID WASTE disposal site, only when authorized by the operator of LRCRC;
- c) ELECTRONICS which may be taken to a recognized electronics return collection facility in Nova Scotia; and,
- d) any other special arrangement authorized in writing by the operator of the LRCRC.

**ENFORCEMENT AND PENALTIES**

- 23.0
- .1 Any person who disposes of, or permits the disposal of, any SOLID WASTE including CONSTRUCTION OR DEMOLITION MATERIALS and/or RESIDUAL WASTE other than in accordance with this By-law is guilty of a summary offense and is liable, upon conviction, to a fine of not less than One Thousand (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
  - .2 Any person who violates any other provision of, or permits any other thing to be done in violation of, this By-law is guilty of a summary offense and is liable, upon conviction, to the following:
    - a) for a first offense, a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) and in default of payment thereof to a term of imprisonment not to exceed thirty (30) days;
    - b) for a second offense, a fine of not less than Three Hundred and Fifty Dollars (\$350.00) and not more than Two Thousand Dollars (\$2,000.00) and in default of payment thereof to a term of imprisonment not to exceed sixty (60) days; and,
    - c) for each subsequent offense, a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment thereof to a term of imprisonment not to exceed ninety (90) days.
  - .3 Any person who obstructs or hinders any person in the performance of their duties under this By-law is guilty of a summary offense and is liable, upon conviction, to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
  - .4 Where a person is convicted of an offence under this By-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the MJSB or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the MJSB or person in an amount equal to the said clean-up or remediation costs.
  - .5 Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed

for violation of this By-law, a judge may order the imposition of a penalty in relation to any fee, cost, rate, toll or charge associated with the conduct that gave rise to the offence.


- .6 Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this By-law, a judge may order compliance with this By-law within a specified time.
- .7 Each day that a person commits any offence under this By-law constitutes a separate offence.
- .8 Where a breach of this By-law is anticipated or is of a continuing nature, the MJSB may, pursuant to the provisions of the *Municipal Government Act*, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

**ADMINISTRATIVE TICKETING**

- 24.0
- .1 In lieu of prosecution under this By-law, the MJSB may issue to any person it believes, upon reasonable grounds, has committed an offence under this By-law a Notice of Alleged Violation allowing the person to whom it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
  - .2 Any person who receives A Notice of Alleged Violation in relation to this By-law and where the said Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) to the office of the MJSB provided that said payment is made within fourteen (14) days of the date of issuance of the Notice and said payment shall be in full satisfaction thereby releasing the person named from prosecution for the said alleged violation.
  - .3 Nothing in this By-law requires the MJSB to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

**REPEAL**

- 25.0 The Solid Waste Collection and Disposal By-law of the Municipality of the District of Lunenburg adopted by Municipal Council on February 19, 2014 and amended on June 24, 2014 is hereby repealed and replaced with this new By-law.

Annotation for Official By-law Book	Date of Adoption
Date of First Reading:	January 28, 2020
Date of Advertisement:	February 5 & 12, 2020
Date of Second Reading:	February 25, 2020
*Date of Advertisement:	March 4, 2020
Date of mailing to Minister a Certified copy of By-law:	March 6, 2020
I certify that this "Solid Waste Collection and Disposal By-law" was adopted by Council and published as indicated above.	
	March 5, 2020
Sherry Conrad, Municipal Clerk	Date
*Effective Date of the By-law unless otherwise specified in the By-law.	

## 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](http://www.modl.ca)



Thursday, February 24, 2022

To Her Worship, the Mayor Bolivar-Getson and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors;

The Planning Advisory Committee, in session on Thursday, February 24, 2022, made the following recommendations to Council:

- 1. The Planning Advisory Committee recommend to Municipal Council to approve the amendments to the Osprey Village planning document by adopting By-law 020E, as amended in Appendix A of this staff report dated February 24, 2022, with the amendment to Section 64 of the By-law 020E by striking out proposed clause 8.3.1. (c).**
- 2. The Planning Advisory Committee [recommend to Municipal Council to] direct staff to explore options for affordable housing in the Municipality, such as the inclusionary zoning, affordable housing cash-in-lieu, and bonus density.**

Respectfully submitted,

Chairperson and Members  
Planning Advisory Committee

/jh  
Attachment

**Council**  
Item: #9.4.1  
Date: March 8, 2022  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Municipal Council  
**SUBMITTED BY:** Byung Jun Kang, Planner  
**DATE:** March 8, 2022  
**RE:** By-law 020E (Osprey Village Plan Review)

---

#### RECOMMENDATION

That Municipal Council approve the amendments to the Osprey Village planning document by adopting By-law 020E, as amended in Appendix A of this staff report dated February 24, 2022, with the amendment to Section 64 of the By-law 020E by striking out proposed clause 8.3.1. (c).

That Municipal Council direct staff to explore options for affordable housing in the Municipality, such as the inclusionary zoning, affordable housing cash-in-lieu, and bonus density.

#### PLANNING ADVISORY COMMITTEE UPDATE

A change was made to the staff's recommendation to the Planning Advisory Committee (PAC) regarding the Osprey Village Plan Review. While the staff recommended to prohibit a short-term rental use in the High Density Residential (R-3) Zone, the PAC recommended to prohibit a short-term rental use in the Medium Density Residential (R-2) Zone, as well as in the R-3 Zone.

The PAC also recommended Municipal Council to direct staff to explore options for affordable housing in the Municipality, such as the inclusionary zoning, affordable housing cash-in-lieu, and bonus density – the powers of Council authorized under the **Municipal Government Act**.

#### ORIGIN

**Resolution 2022-003** (January 11, 2022): "that Municipal Council direct staff to hold a public information session and further, direct the Planning Advisory Committee to review proposed amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law."

## **LEGISLATIVE AUTHORITY**

**Municipal Government Act**, subsection 205(1): “A council shall adopt, by by-law, planning documents.”

## **INTRODUCTION**

Recently, planning staff has received an influx of development interest to construct new multi-unit dwellings in Osprey Village Planning Area. Staff already approved 160 units in the planning area, and projects that Osprey Village will be home to about 1,200 additional residents in the next 5 years. This raised a concern of the growing need for affordable, attainable, and rental housing in the form of high-density residential area.

While there is an overall municipal plan review happening at the same time, the Municipality determined this plan review as a prioritized item as the population grew 2.7% in the last 5 years and the housing crisis in the Municipality is intensifying. This plan review also stays consistent with the MODL2040 project.

## **DISCUSSION**

The purpose of this review is to encourage multi-unit dwellings in order to have more affordable housing units quickly. The Municipality would like to achieve the purpose by encouraging higher density, reducing unnecessary requirements to reduce construction costs, and reducing red tape for those development that is appropriate for this area so that development occurs quickly. To implement the objectives, staff is proposing 79 amendments to Osprey Village Secondary Planning Strategy and Land Use By-law, grouped into the following 4 parts. All the amendments are stated in Appendix A.

### **Part 1 Simplification of zoning regulations**

1. consolidating the Village Centre and Mixed Use Zones with the General Commercial Zone;
2. permitting, in the General Commercial Zone, a variety of commercial uses, high-density residential use, and institutional uses, but regulating a drinking establishment use to lessen the impact to educational institutional uses and prohibiting vehicle-centric or adult entertainment commercial uses;
3. protecting the existing and newly-identified wetlands by dissolving the Environmental Sensitive Zone and transferring wetland protection regulations as a general provision;
4. aligning zone boundaries to the current and potential property boundaries; and
5. consolidating the two zones in Lunenburg Municipal Industrial Zone Planning Area with other zones in Osprey Village.

## **Part 2 Modernization of zoning regulations**

1. permitting multiple buildings on a single lot;
2. removing all height restrictions except for the Medium Density Residential Zone;
3. removing all minimum parking space requirements;
4. permitting accessory structures consistent with the existing regulations in Lunenburg Municipal Industrial Zone Planning Area;
5. increasing the maximum residential density of the existing residential zone in Lunenburg Municipal Industrial Zone Planning Area up from 10.5 metres to 4 storeys;
6. increasing the residential density of the existing residential zone in Osprey Village Planning Area by imposing a minimum residential density of 25 units a hectare;
7. permitting a variety of institutional and its supporting uses within the Institutional Zone;
8. simplifying the list of permitted uses in the Light Industrial Zone; and
9. permitting residential uses, as an urban reserve, in the Light Industrial Zone.

## **Part 3 Other revisions to zoning regulations**

1. ensuring that the existing land use regulations in Lunenburg Municipal Industrial Zone Planning Area to remain the same, unless stated otherwise in other parts;
2. reducing the extended authority for a development officer to grant a variance;
3. ensuring consistency with the MODL2040 project; and
4. correcting grammatical errors and spelling mistakes.

The existing Osprey Village Secondary Planning Strategy and Land Use By-law may be inspected here: [https://www.modl.ca/index.php?option=com\\_docman&view=document&alias=6686-oakland-sps-lub&category\\_slug=oakland-planning-area&Itemid=102](https://www.modl.ca/index.php?option=com_docman&view=document&alias=6686-oakland-sps-lub&category_slug=oakland-planning-area&Itemid=102). The existing Lunenburg Municipal Industrial Zone Secondary Planning Strategy and Land Use By-law may be inspected here: [https://www.modl.ca/index.php?option=com\\_docman&view=document&alias=6682-lunenburg-municipal-industrial-sps-lub&category\\_slug=lunenburg-municipal-industrial-planning-area&Itemid=102](https://www.modl.ca/index.php?option=com_docman&view=document&alias=6682-lunenburg-municipal-industrial-sps-lub&category_slug=lunenburg-municipal-industrial-planning-area&Itemid=102). The location of existing zones are available here: <https://www.modl.ca/zoningmap.html>.

## **PUBLIC ENGAGEMENT**

A public information session was held on February 3, 2022, at 6:30 p.m. on Facebook Live. On the night, 423 views were counted and 32 comments were received – the record high response. The planning staff discussed the object of this plan review, potential policy statements to implement the object, and the feedback from major stakeholders and previous public meetings.

The public was highly engaged as evident by the high volume of requests for follow-up and a copy of presentation during and after the session. In general, residents were either in favour of or not opposed to staff suggestions – such as the urgent need for housing especially for seniors and long-term rentals, and lowering speed limit in anticipation of high pedestrian traffic.

## **STAKEHOLDER ENGAGEMENT**

On January 24, 2022, staff inquired professional opinions on this plan review by contacting the following stakeholders:

1. NS Environment & Climate Change (Lunenburg & Queens District);
2. NS Public Works (Lunenburg & Queens District);
3. Royal Canadian Mounted Police (Lunenburg County District);
4. Northfield District Fire Department;
5. Emergency Health Services (Bridgewater District);
6. MODL Planning & Development Services (Building Services Unit);
7. MODL Administration Services (Protective Services Unit);
8. Town of Bridgewater (Office of the CAO).

## **IMPLICATIONS**

High density development comes with responsibility. Adequate services must be provided to sustain the community in a long-term future. After stakeholder consultation, staff addressed several implications of this plan review, such as environment, infrastructure, and protection.

### **Environmental implications**

A major environmental concern in Osprey Village is sulphide bearing materials, also known as acid rock drainage, as development in this area has encountered this before. Due to the local geology, construction activities may disturb sulfide minerals in rocks. Once sulfide is exposed and reacts with water and oxygen, a chemical reaction yields toxic, acidic, and metallic liquid. The liquid is devastating to the environment, especially to aquatic habitats, which must be carefully considered due to the proximity to LaHave River. Staff has been advised to inform all prospect developers regarding the **Sulphide Bearing Material Disposal Regulations**, so that future development does not disturb the local environment.

There are other general recommendations received from the Department of Environment & Climate Change, such as preparing an erosion and sedimentation plan, identifying all wetlands and watercourses early in a planning stage, and confirming approvals for sewer line extension.

### **Transportation, traffic implications**

Municipal staff requested Nova Scotia Public Works to consider reducing the maximum speed on Highway 10 and Pine Grove Road from 70 km/h, and installing traffic lights and crosswalks at Highway 10-Allée Champlain Drive. The provincial staff responded with an openness to the ideas, but requested the Municipality to carry out a traffic impact study to determine the potential impacts along Trunk 10. Public Works staff would be involved during a study scoping session so a clear direction is provided as to what will be required for a consultant to conduct the traffic impact study.

To enhance pedestrian safety, the Municipality will seek to install 22 streetlights in Osprey Village by issuing a tender to Nova Scotia Power.

### **Transportation, parking implications**

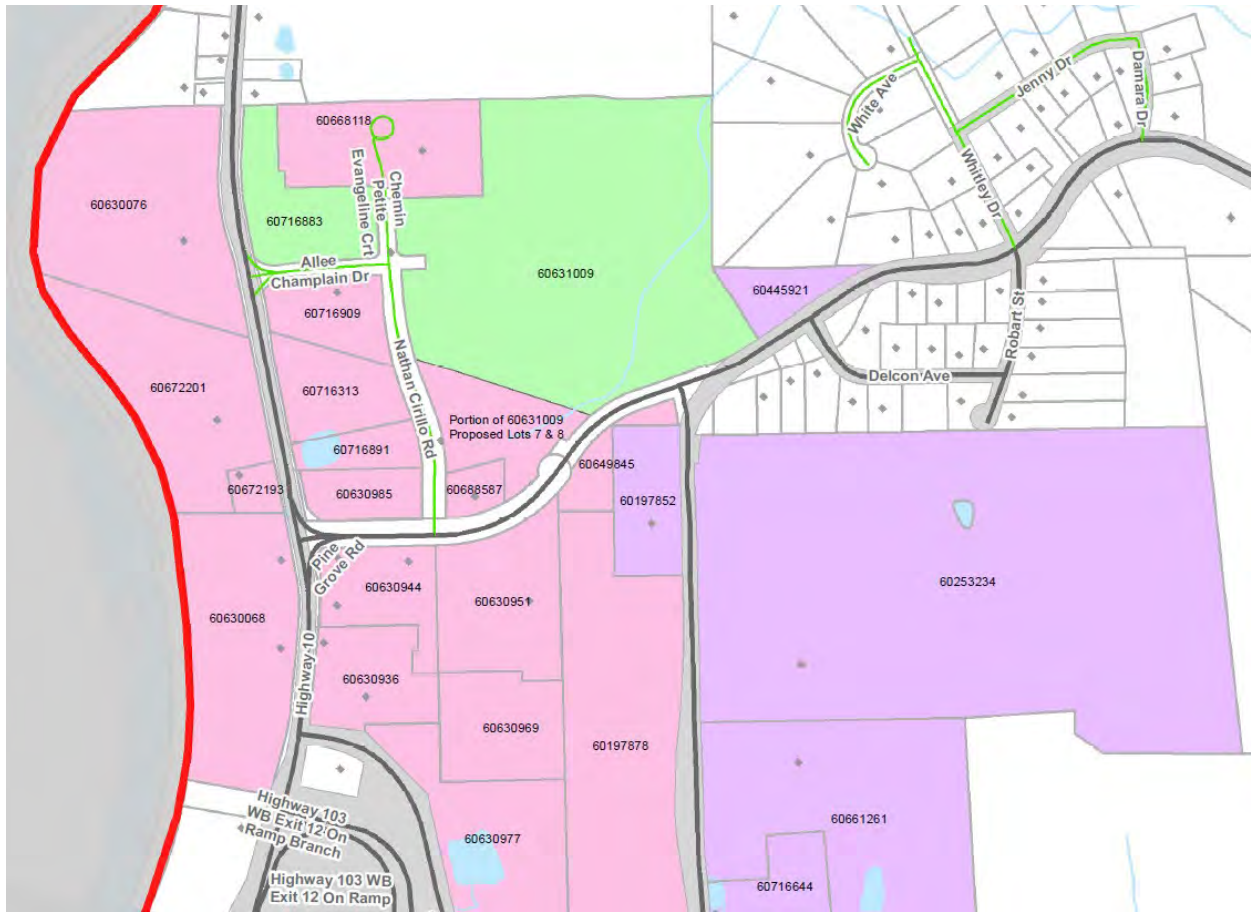
A concern around parking spaces may be anticipated as residential demands increase. While recognizing negative opinions regarding on-street parking in this area, a consideration must be balanced with a rising development cost and its trickledown impact on future tenants.

The existing parking regulations are deemed excessive as the minimum parking space limit was based on the peak demand in early 2000s. With the shift in age demographics, proximity to services, alternative methods of transportation, and virtual technology, the regulations no longer reflect the field experience. This is evident by developers constantly requesting the Municipality to lower the parking requirements in the recent years.

It should be noted that this review does not change the land use by-law to ban parking spaces, but to let the market decide the demand for parking to foster affordable housing.

### **Infrastructure, water implications**

Most of the properties in Osprey Village are serviced by the water main operated by Bridgewater Public Service Commission (PSC). However, some lots northwest of the powerline easement and north of Highway 10, as shown in Figure 1, are not in service. Municipality has applied to Bridgewater PSC for water service in July 2020, and continue to work on moving the application forward.



**Figure 1.** Osprey Village Central Water Service Map. Red denotes serviced area, green denotes requested-for-service area, and purple denotes potential-for-service area.

**Infrastructure, sewer implications**

Osprey Village is serviced by Cookville central wastewater system managed by the Municipality. While the current wastewater demand is at 25% of the design capacity, the demand is expected to be at 89% after the construction of 2 Stonemont buildings. This occurred because residential buildings emit more wastewater than non-residential buildings. To mitigate, staff proposed a capital project in 2024-25 to upgrade the existing Cookville wastewater plant.

**Policing implications**

Royal Canadian Mounted Police (RCMP) commented that, while there is no doubt on the projected growth increasing the number of calls for police service, the RCMP will evaluate the impacts on policing based on future statistical data analysis and determine if the current funding structure needs to change.

### **Fire protection implications**

Northfield District Fire Department provides fire protection services to Osprey Village. The chief of the fire department stated that the population growth will not affect the service level. In preparation, the department already began training using standpipes in multiunit dwellings so the fire crews will be well prepared by the time buildings are constructed in Osprey Village. The municipal building inspectors added that, under the National Building Code, all buildings over 3 storeys must have a sprinkler system and standpipes, as well as fire alarm systems for early detection of fire. The municipal protection services coordinator supported the professional opinions of the fire chief by citing a mutual-aid agreement in place with neighbouring fire departments, such as Bridgewater and Oakhill. It is also worth noting that, while the overall fire service personnel in the Municipality is getting fewer, Northfield currently has a strong department.

The only concern mentioned by both the fire chief and the protective services coordinator was the fire hydrants and their water pressure. In the near future, it was suggested to have an alternative source of static water for fire suppression in case of water main failure.

### **Healthcare implications**

The closest primary healthcare facility from Osprey Village is South Shore Regional Hospital, which is 2.75 km away. The Emergency Health Services (EHS) building for Bridgewater District is located 2.10 km from Osprey Village. The EHS commented that there will not be any significant impact on its system other than a potential slight increase in the call volume and ensuring the EHS has easy access to the buildings. The EHS is also closely monitoring the development situation and plans to adjust its approach once new residents move into the area.

### **Recreational implications**

Osprey Village will have access to regional trail networks, which are already connected to major recreational facilities such as Lunenburg County Lifestyle Centre – 2.33 km or 23-minute walk away by trail. In the near future, considering the large scale of new residents, a neighbourhood park in the area is recommended.

### **Employment implications**

The access to employment in Osprey Village is adequate considering the following points:

- the proximity to Osprey Village Shopping Area, employing about 630 employees;
- the projection of additional 200 positions in Osprey Village Shopping Area;
- the proximity to the Town of Bridgewater's major employment centres like Michelin;
- the access to high-speed internet enabling working-from-home; and
- a significant portion of new residents likely being retired from workforce.

## STRATEGIC PLAN

**Economic Development – Osprey Village Development.** This by-law amendment will permit higher density residential and commercial development, contributing to the economic development of Osprey Village.

## WORK PLAN

Table 1 shows a tentative work schedule for the proposed amendment process.

Table 1

### Work schedule for Osprey Village Plan Review

Legislative authority	Provision	Scheduled date
MGA s. 205(1)	Council initiates a by-law amendment	January 11, 2022
MGA s. 205(4)	Staff holds a public information session	February 3, 2022
Policies 066 & 090	Planning Advisory Committee recommends	February 24, 2022
MGA s. 205(2)	Council passes a first reading	March 8, 2022
MGA s. 206	Clerk publishes a notice of public hearing	March 16, 2022
MGA s. 205(2)	Council holds a public hearing	April 5, 2022
MGA s. 205(8)	Council passes a second reading	April 5, 2022
MGA s. 208(10)	Clerk publishes a notice of approval	May 18, 2022

## ALTERNATIVES

Instead of passing the recommended motion, ~~the Planning Advisory Committee may recommend~~ the Municipal Council ~~to~~ **may**

1. decline this plan review and keep the existing plan;
2. defer this plan review and request staff for more considerations; or
3. approve the proposed review with conditions.

### Appendix A: proposed By-law 020E

---

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2022-03-01

Report approved by: Jeff Merrill, Director

Date: 2022-03-02

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2022-03-03

## Municipality of the District of Lunenburg

### By-law

<b>Title:</b> Amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law (2022)	
<b>By-Law number</b> 020E	<b>Legislative authority:</b> <b>Municipal Government Act</b> , Section 205
<b>Effective date:</b> May 18, 2022	<b>Amended date:</b> N/A

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority of Section 205 of the **Municipal Government Act**, as follows:

#### Title

- This By-law is titled the Amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law (2022) and may be cited as the Osprey Village Plan Review (2022).

#### Part 1 Amendments to the Secondary Planning Strategy (By-law 020)

- Part 1 of By-law 020 is amended by adding immediately after Section 1.2 the following Section:
 

**Policy 1.0.4**  
**Council must integrate this Secondary Planning Strategy with the municipal-wide municipal planning strategy, written under the Municipal Government Act amended in 2019, and repeal this planning document on the adoption of the municipal planning strategy.**
- Section 2.1 of By-law 020 is amended by adding immediately after subsection 2.1.2 the following subsection:
  - To foster affordable, attainable, and rental housing by encouraging higher density residential buildings in the Planning Area.**
- Section 2.2 of By-law 020 is amended by striking out “To” and substituting “The”.
- Subsection 2.2.2 of By-law 020 is amended by
  - adding “medium and high density” immediately before “residential”; and
  - striking out “lands” and substituting “land”.
- Subsections 3.1.2 to 3.1.5 of By-law 020, including their preambles regarding the Village Centre (VC) Zone, are repealed.

- Section 3.1 of By-law 020 is amended by repealing the preamble of subsection 3.1.6 and substituting the following preamble:

#### General Commercial (GC) Zone

The concept of a downtown is an integral component of the overall development scheme of the Planning Area. Municipal Council wants to create a community with a sense of place and civic pride, where high density urban living and pedestrian activity are encouraged.

A General Commercial (GC) Zone will be established within the Enterprise Designation. This Zone will provide for a wide variety of high-density residential, commercial, institutional, and recreational opportunities. Development standards will ensure that buildings are designed and placed in a manner that they reflect the local culture and heritage found in Lunenburg County.

- Subsection 3.1.6 of By-law 020 is amended by adding “, institutional uses, ” immediately after “commercial uses”.
- Section 3.1 of By-law 020 is further amended by repealing the preamble of subsection 3.1.7 and substituting the following preamble:

#### Architectural Controls in the General Commercial (GC) Zone

Council will establish architectural controls to ensure that the buildings are designed and constructed in a manner that is reflective of the heritage and culture of Lunenburg County.

The architectural controls will require that architectural details found in historic buildings of Lunenburg County be incorporated into the design of public facades. Such details will include roof shape, entry ways, wall to window ratios, exterior building materials and details and trim.

- Subsections 3.1.10 to 3.1.15 of By-law 020, including their preambles regarding the Mixed Use (MU) Zone, are repealed.
- Section 3.2 of By-law 020 is amended by repealing subsection 3.2.1, including its preamble, and substituting the following subsection:

A portion of the Planning Area has been identified as suitable for Light Industrial land uses. This land is located immediately behind Wal-Mart, as well as around Osprey Ridge Golf Club. This area has the potential to connect with the future high density development with infrastructure services. Municipal Council will place an Industrial Designation on these lands which will accommodate a variety of light industrial land uses along with the supportive residential and commercial uses.

**Policy 3.2.1**

**It shall be the policy of Council to provide for primarily industrial land uses by establishing an Industrial Designation within the Planning Area, as shown on Map 1, Future Land Use Map.**

- 12 Section 3.2 of By-law 020 is amended by repealing subsections 3.2.2 and 3.2.2A, including their preamble, and substituting the following subsection:

In 2006, Council felt that heavy industrial land uses were not appropriate for the Planning Area as the Planning Area is not large in area, and heavy industrial uses can negatively impact on the development being sought in the Planning Area, as well as the surrounding community comprised of residential and rural land uses. Consequently, within the Industrial Designation, Council will establish a Light Industrial Zone. The land uses permitted within this Zone will be limited to light industrial uses and its supporting uses that are compatible with light industrial uses, such as residential, commercial, and institutional uses. Because of the high residential demand in this Planning Area, the light industrial uses should be compatible to residential and commercial uses, instead of the opposite.

**Policy 3.2.2**

**Council establishes within the Industrial Designation the Light Industrial (LI) Zone as shown on the Zoning Map, Schedule A of the Land Use By-law.**

**Policy 3.2.2A**

**All developments that are permitted within the General Commercial (GC) Zone must also be permitted in the Light Industrial (LI) Zone.**

- 13 Subsection 3.2.4 of By-law 020 is amended by striking out "It shall be the policy of Council that" and substitute "Subject to Policy 3.2.5, ".  
14 Section 3.2 of By-law 020 is amended by adding immediately after subsection 3.2.4 the following subsection:

**Policy 3.2.5**

**The Site Plan Approval is not required for the Light Industrial (LI) Zone that was originally the Lunenburg Municipal Industrial (LMI) Zone located in Lunenburg Municipal Industrial Zone Planning Area before 2022.**

- 15 Subsections 3.3.4 and 3.3.5 of By-law 020, including their preamble, are repealed and substituted the following preamble and subsections:

**Institutional (I) Zone**

Council has identified the need for public facilities within the Municipality that may be used for government, civic, cultural, recreational, educational, medical,

and other communal uses. Such use would further complement the range of uses permitted in the Planning Area and act as a catalyst for further development of lands.

**Policy 3.3.4**

**Council establishes, within the Community Use Designation, an Institutional (IN) Zone, as shown on Map 1, Zoning Map of the Land Use By-law, to permit cultural, educational, medical, recreational, and public institutional uses along with supporting residential institutional, and commercial uses.**

- 16 Section 3.4 of By-law 020 is repealed and substituted with the following Section:

**3.4 RESIDENTIAL DESIGNATION**

Council's goal within the Planning Area is to manage growth in a manner that promotes a sense of community, civic pride and is cognizant of the unique culture and heritage of the Municipality. A key component of creating a sense of community is residents. Residents are the heart of a community; without residents, there is no community.

Council does recognize that there are communities that surround the Planning Area which are residential in nature, and which will support the uses within the Planning Area. However, Council wishes to ensure that there are residential land uses within the Planning Area that diversify the land base, and ensure a vibrant community. People residing in the Planning Area will further ensure that the community remains alive after business hours.

To be consistent with the Statements of Provincial Interest Regulations, to encourage the most efficient use of existing infrastructure, and to accommodate the high demand of high density residential use, the Municipality establishes a residential designation to create a vibrant community where residents will have access to affordable, attainable, and rental housing.

**Policy 3.4.1**

**Council establishes a Residential Designation, as shown on the Future Land Use Map.**

Within the Residential Designation, there will be two zones. A High Density Residential Zone, which used to be the Two Unit Residential Zone before 2022, accommodates multi-unit dwellings and other high density residential uses. To best use the existing central water and sewer infrastructure, a minimum residential density that effectively prevents single-detached dwellings will be established to implement the Statements of Provincial Interest Regulations regarding Infrastructure and Housing.

**Policy 3.4.2**

**Council establishes a High Density Residential (R-3) Zone within the Residential Designation, as shown on the Zoning Map, Schedule A of the Land Use By-law, to permit medium to high residential uses with supporting neighbourhood commercial uses.**

Council recognizes that with technological advancements there are increased opportunities for home based business. Council further recognizes the importance of home based businesses to the economic well being of a community and the Municipality. However, these uses can grow to a size and scale in which the commercial uses may negatively impact other residential uses, in essence these home based businesses have become commercial uses and should be regulated as such. It is for these reasons that Council will permit home based business, in dwelling units and accessory buildings, which are of a scale and type that will not negatively impact surrounding residential land uses.

**Policy 3.4.3**

**In all the zones within the Residential Designation, the Council permits small scale home based businesses. Council shall define in the Land Use By-law the range and scale of the home occupations permitted and shall limit these to activities that are compatible with residential uses.**

**Policy 3.4.4**

**In all the zones within the Residential Designation, Council permits parks and children's playgrounds.**

A Medium-Density Residential Zone, which used to be the Mixed Residential (MR) Zone in Lunenburg Municipal Industrial Zone Planning Area before 2022, accommodates a variety of residential uses. Because of the reduced availability of central water and sewer infrastructure, the density will be mostly consistent with the previous policy in place in Lunenburg Municipal Industrial Zone Planning Area.

**Policy 3.4.5**

**Council establishes a Medium Density Residential (R-2) Zone within the Residential Designation, as shown on the Zoning Map, Schedule A of the Land Use By-law, to permit low to medium residential uses.**

17 Section 3.5 of By-law 020 is repealed.

18 Subsection 3.6.1 of By-law 020 is amended by striking out "Development Constraints" and substituting "Significant Watercourses"

19 Section 3.9 of By-law 020 is repealed and substituted the following Section:

**3.9 PARKING**

Parking areas are required to accommodate motor vehicles that are associated with various land uses. Although Municipal Council may consider on-street parking in the Institutional Zone, Council does not wish to rely on on-street parking to accommodate the motorist's need for adequate parking. As such, Council will establish off-street parking specifications in the Land Use By-law.

**Policy 3.9.1**

**repealed.**

**Policy 3.9.2**

**It shall be the policy of Council to establish within the Land Use By-law requirements for the size and location of parking lots and parking lot accesses within the Planning Area to minimize traffic hazards and guard public safety.**

20 Subsection 4.0.9 of By-law 020 is repealed.

21 Map 1 of By-law 020, the generalized future land use map, is amended as attached in Schedule B of this By-law.

**Part 2 Amendments to the Land Use By-law (By-law 021)**

**22** Part 1 of By-law 021 is repealed and substituted the following Sections:

**1.1 Title**

This By-law is titled the Osprey Village Land Use By-law.

**1.2 Purpose**

The purpose of this By-law is to carry out the intent of the Osprey Village Secondary Planning Strategy, under the Municipal Government Act, by regulating the land use and structures within the Osprey Village Planning Area defined in Schedule A.

**23** Clause 2.4 b) of By-law 021 is repealed and substituted the following clause:

b) subject to Section 4.6, storing or inhabiting a recreational vehicle;

**24** Section 3.1 of By-law 021 is amended by striking out “Village Centre...GC, Mixed Use...MU, Two Unit Residential...TR, Environmentally Sensitive...ES” and substituting “Medium Density Residential...R-2, High Density Residential...R-3”.

**25** Subsection 4.6.1 of By-law 021 is amended by striking out “No” and substituting “Subject to subsections 4.6.2 and 4.6.3, no”.

**26** Section 4.6 of By-law 021 is amended by adding immediately after subsection 4.6.1 the following subsection:

**4.6.2** Recreational vehicles may be stored on a lot within the Medium Density Residential Zone, with no requirements for a development permit if

- a) such use occurs only on a property with an established main use; and
- b) such use does not occur within the required minimum front yard;

**4.6.3** Recreational vehicles may be used for human habitation within the Medium Residential Zone, with no requirements for a development permit if

- a) such use occurs only on a property with an established main use;
- b) such use does not occur within the required minimum front yard; and
- c) such use does not extend for longer than 60 days within a calendar year.

**27** Subsection 4.8.3 of By-law 021 is amended by adding “but subject to subsection 4.8.4,” immediately after “Subsection 4.8.2 and the yard requirements in all zones,”.

**28** Subsection 4.8.3 of By-law 021 is further amended by striking out “the following erosion control methods are implemented:” and substituting “all developments are subject to the provincial guidelines for erosion control, such as the Erosion and Sedimentation Control Handbook for Construction Sites.”.

**29** Subsection 4.8.3 of By-law 021 is further amended by repealing clauses a) to c).

**30** Section 4.8 of By-law 021 is amended by adding immediately after subsection 4.8.3 the following subsection:

**4.8.4 Wetland**

A development officer must not issue a development permit for any development within any wetland, unless the Province confirms that

- (a) appropriate approvals permitting the alteration or infill of a wetland have been received from Nova Scotia Environment and Climate Change or its designate;
- (b) the development is consistent with the Provincial acts, regulations, departmental policies, and any approval process; or
- (c) the identified wetland does not exist.

**31** Section 4.11 of By-law 021 is amended by striking out “located in the: (i) Light Industrial (LI) Zone, (ii) Village Centre (VC) Zone, (iii) General Commercial (GC) Zone, and (iv) Mixed Use (MU) Zone” and substituting a period.

**32** Section 4.12 of By-law 021 is amended by repealing subsection 4.12.1 and substituting the following subsection:

**4.12.1** Subject to Section 4.23, an accessory structure is permitted in any zone and may be used only as an accessory use to the main building or use.

**33** Section 4.12 of By-law 021 is further amended by adding immediately after subsection 4.12.1 the following subsection:

**4.12.2** Where there is no other main building on the lot, a private storage building such as a private garage shall be permitted in the Medium Density Residential Zone if the zone requirements of this By-law are satisfied as if the private storage building were regarded as the main building on the lot.

**34** Section 4.14 of By-law 021 is repealed.

**35** Section 4.21 of By-law 021 is repealed.

- 36 Subsection 4.22.3 of By-law 021 is repealed.
- 37 Subsection 4.22.4 of By-law 021 is amended by striking out “Where off-street parking is required and” and substituting “If”.
- 38 Clause 4.22.4 a) of By-law 021 is amended by striking out “in all zones excepting the Light Industrial (LI) Zone, the parking lot area shall be surfaced with a permanent hard surface, such as but not limited to asphalt, cobblestone or concrete. In the Light Industrial (LI) Zone ”.
- 39 Clause 4.22.4. d) of By-law 021 is amended by striking out “and the Mixed Use (MU) Zone” and adding “and” immediately after “the Light Industrial (LI) Zone,”.
- 40 Subsection 4.22.5 of By-law 021 is repealed.
- 41 Subsection 5.2.1 of By-law 021 is amended by repealing clauses c), f) to i), l), and t).
- 42 Subsection 5.2.1 of By-law 021 is further amended by
- (a) adding a semicolon at the end of clause u); and
  - (b) striking out “and” in clause v).
- 43 Subsection 5.2.1 of By-law 021 is amended by repealing clause m) and substituting the following clause:
- m) commercial recreational use;
- 44 Clause 5.2.1 x) of By-law 021 is amended by striking out “-Section 6.3.1, but excluding any residential uses and without limiting the generality of the term residential use it shall exclude Clause 6.2.1(ff)” and substituting “, including a use permitted in the Institutional (IN) Zone”.
- 45 Clause 5.2.2.1 of By-law 021 is amended by adding “Square” immediately after “Minimum Lot Area (Central Sewer): 929”.
- 46 Clause 5.2.2.2 of By-law 021 is amended by striking out “Maximum Height of Structures: 14 Metres (46 feet)”.
- 47 Subsection 5.3.1 of By-law 021 is amended by adding “on and including the west of 265 Harold Whynot Road” immediately after “(LI) Zone”.
- 48 Section 6.1 of By-law 021 is amended by
- (a) striking out “and Mixed Use” in subsection 6.1.1; and
  - (b) striking out “the Village Centre (VC) Zone, Mixed Use (MU) Zone, and” in subsection 6.1.4.
- 49 Section 6.2 of By-law 021 is repealed.
- 50 Section 6.3 of By-law 021 is amended by repealing subsection 6.3.1. and substituting the following subsection:
- 6.3.1 Permitted Developments**
- A lot within the General Commercial (GC) Zone may be used for one or more of the following uses:
- a) a retail use;
  - b) an office use;
  - c) a food establishment use;
  - d) subject to being 500 metres away from a structure with an institutional use listed under subsection 7.2.5., a drinking establishment use;
  - e) a short term rental use;
  - f) a bakery, crafting, creative, and printing establishment use;
  - g) other commercial uses except adult entertainment, wholesale, warehousing, and vehicle sale uses;
  - h) a residential use, with the minimum density of 25 units a hectare;
  - i) uses permitted in the Institutional Zone.
- 51 Clause 6.3.2.2 of By-law 021 is amended by striking out “Maximum Height of Structures: 20 metres (66 feet).
- 52 Section 6.4 of By-law 021 is repealed.
- 53 Subsection 7.2.1 of By-law 021 is amended by striking out “fro” in clause c) and substituting “from”.
- 54 Subsection 7.2.5 of By-law 021 is repealed and substituted the following subsection:
- 7.2.5 Permitted Developments**
- The permitted uses in the Institutional Zone are
- (a) a government and emergency service use;
  - (b) a community recreational, assembly, and cultural use;
  - (c) a park and public open space use;
  - (d) an educational institutional use;
  - (e) a medical institutional use;

- (f) a religious institutional use;
  - (g) a day care use;
  - (h) a retirement home, group home, and special care use;
  - (i) a multi-tenant residential and shelter use;
  - (j) a horticultural use; and
  - (k) a retail use that is
    - (i) limited to a farmers' market, or
    - (ii) accessory to a permitted use.
- 55 Clause 7.2.6.2 of By-law 021 is amended by striking out "Maximum Height of Structures: 14 metres (46 feet).
- 56 Section 8.1 of By-law 021 is amended by striking out "Two-unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone".
- 57 Subsection 8.1.1 of By-law 021 is amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone".
- 58 Clause 8.2.1(a) of By-law 021 is amended by striking out "a Residential Zone that is used for residential purposes" and substituting "the Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone being used as a residential use".
- 59 Subsection 8.2.2 of By-law 021 is amended by striking out "bed and breakfast / tourist home" as it appears twice and substituting "short term rental".
- 60 Subsection 8.2.2 of By-law 021 is further amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone".
- 61 Subsection 8.2.3 of By-law 021 is amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone" as it appears twice.
- 62 Subsection 8.2.4 of By-law 021 is amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone".

- 63 Section 8.2 of By-law 021 is amended by adding immediately after subsection 8.2.4. the following subsection:

**8.2.5. Neighbourhood Commercial Use**

In the High Density Residential Zone, the maximum floor area of

- (a) a retail use per lot is 1,000 square metres; and
- (b) a food establishment use per lot is 300 square metres.

- 64 Part 8 of By-law 021 is amended by repealing Section 8.3 and substituting the following subsections:

**8.3 Permitted Developments**

**8.3.1 Medium Density Residential (R-2) Zone**

The permitted uses in the Medium Density Residential Zone are

- (a) a residential use;
- (b) subject to subsection 8.2.1, a home occupational use;
- (c) ~~subject to subsection 8.2.2, a short term rental use; and~~
- (d) a park and public open space use. (as amended at the PAC on February 24, 2022 /bk)

**8.3.2 High Density Residential (R-3) Zone**

The permitted uses in the High Density Residential Zone are

- (a) a residential use, with the minimum density of 25 units a hectare;
- (b) subject to subsection 8.2.1, a home occupational use;
- (c) subject to subsection 8.2.5, a retail use;
- (d) subject to subsection 8.2.5, a food establishment use; and
- (e) a park and public open space use.

- 65 Section 8.4 of By-law 021 is amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone".

- 66 Subsection 8.4.1 of By-law 021 is amended by striking out "Detached Single Unit Dwellings" and substituting "Other Residential Buildings".

- 67 Subsection 8.4.2 of By-law 021 is amended by striking out "Detached Single Unit Dwellings" and substituting "All Buildings".

- 68 Subsection 8.4.2 of By-law 021 is further amended by striking out the columns titled “Attached Dwellings” and “Two-unit Dwellings”.
- 69 Subsection 8.4.2 of By-law 021 is further amended by striking out “Maximum Height of Structures: 14 metres (46 feet)” and substituting “Maximum Height of Structures in the R-2 Zone: 4 storeys”.
- 70 Part 9 of By-law 021 is repealed.
- 71 Subsection 10.1.4 of By-law 021 is amended by
- (a) repealing subclause b) i); and
  - (b) striking out “in all other zones” in subclause b) ii).
- 72 Subsection 10.2.1 of By-law 021 is amended by
- (a) striking out “and Mixed use (MU) Zone” in clause a) and adding “and” immediately after “Light Industrial (LI) Zone, ”; and
  - (b) repealing clause b).
- 73 Subsection 10.2.2 of By-law 021 is amended by adding “subject to subsection 10.2.3.” immediately before “be erected below” in clause d).
- 74 Subsection 10.2.3 of By-law 021 is amended by
- (a) striking out “Section 10.2.2(d) notwithstanding” in clause a) and substituting “Subject to clause b)”; and
  - (b) striking out “Sections 10.2.2(d) and 10.2.3(a) notwithstanding, the” in clause b) and substituting “The”.
- 75 Part 11 of By-law 021 is amended by adding immediately after the definition of warehouse the following clause:
- WATERCOURSE means a lake, river, stream, ocean, wetland, or other natural body of water.
- 76 Schedule A of By-law 021, the zoning map, is amended as attached in Schedule A of this By-law.
- 77 Schedule C of By-law 021, the significant watercourses map, is amended by adding the wetlands in the northernmost part of the planning area as shown in Schedule C of this By-law.
- 78 By-law 005, Lunenburg Municipal Industrial Zone Secondary Planning Strategy, is repealed.
- 79 By-law 006, Lunenburg Municipal Industrial Zone Land Use By-law, is repealed.

**Annotation for official by-law book**

Date of first reading	March 8, 2022
Date of advertisement of notice of intent to consider	March 16, 2022
Date of second reading	April 5, 2022
Date of advertisement of passage of by-law*	May 18, 2022
I certify that this “Amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law (2022)” was adopted by Municipal Council and published as indicated above.	
_____	_____
<b>Municipal Clerk</b>	<b>Date</b>

\*Effective date of the enactment unless otherwise specified in the text of this By-law

MUNICIPALITY OF THE  
DISTRICT OF LUNENBURG  
**OSPREY VILLAGE**

LAND USE BY-LAW  
SCHEDULE 'A' - Zoning Map

**Proposed Amendments  
Jan 2022**

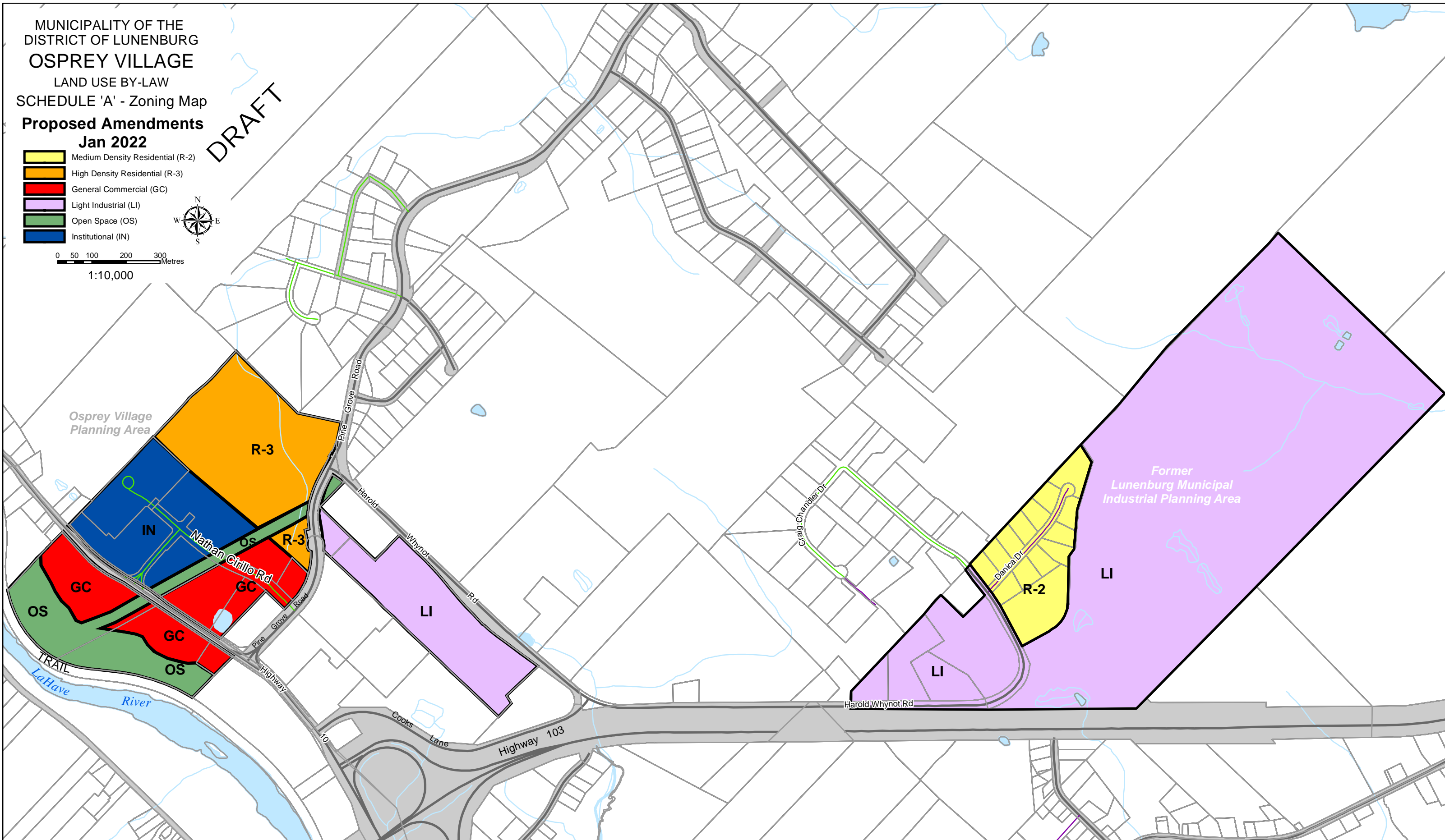
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- General Commercial (GC)
- Light Industrial (LI)
- Open Space (OS)
- Institutional (IN)

DRAFT



0 50 100 200 300 Metres

1:10,000



MUNICIPALITY OF THE  
DISTRICT OF LUNENBURG  
**OSPREY VILLAGE**

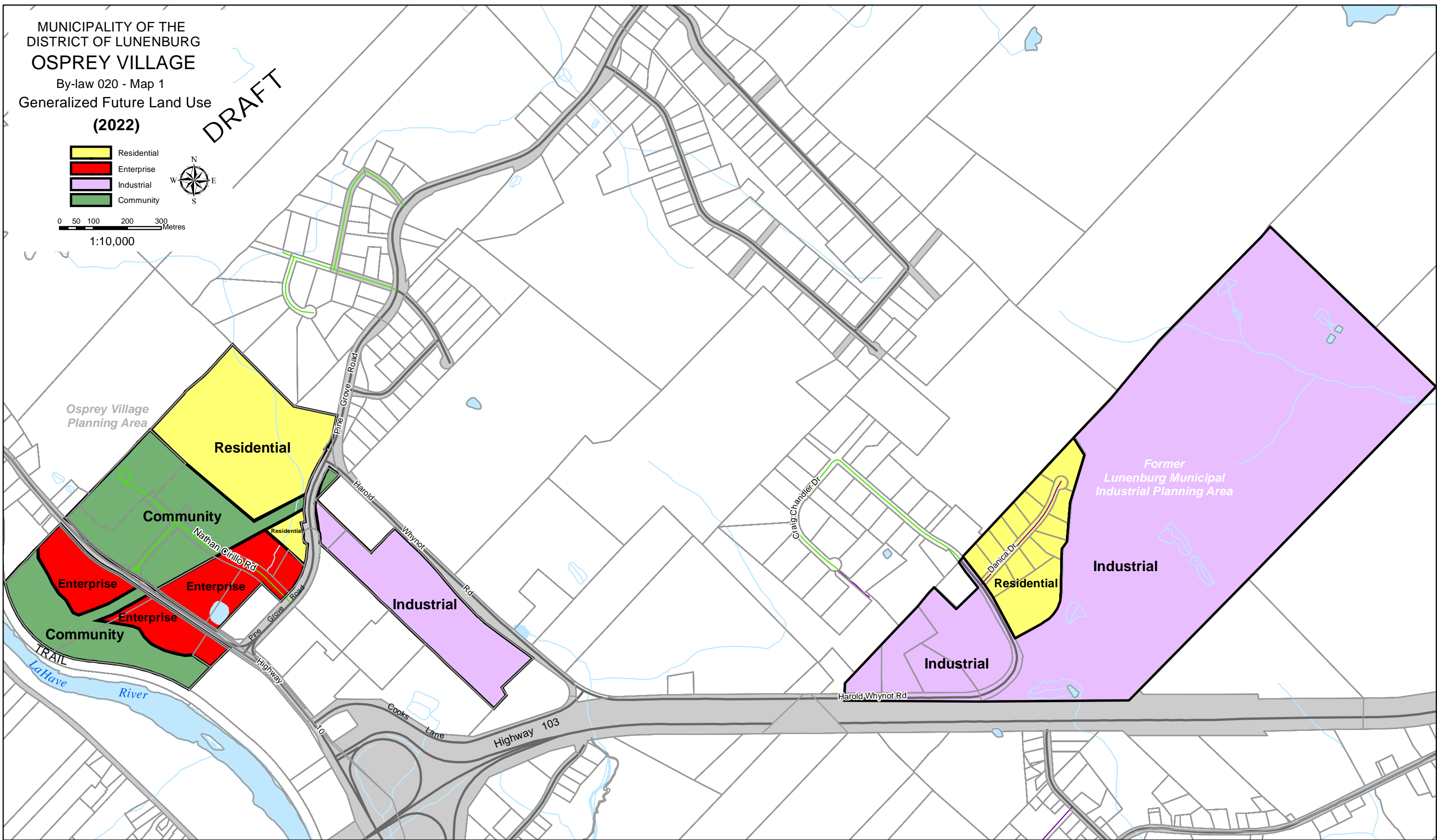
By-law 020 - Map 1  
Generalized Future Land Use  
**(2022)**

**DRAFT**

- Residential
- Enterprise
- Industrial
- Community



0 50 100 200 300 Metres  
1:10,000



MUNICIPALITY OF THE  
DISTRICT OF LUNENBURG

**OSPREY VILLAGE**

LAND USE BY-LAW

SCHEDULE 'C' - Significant Watercourses

**Proposed Amendments**

**February 2022**

DRAFT

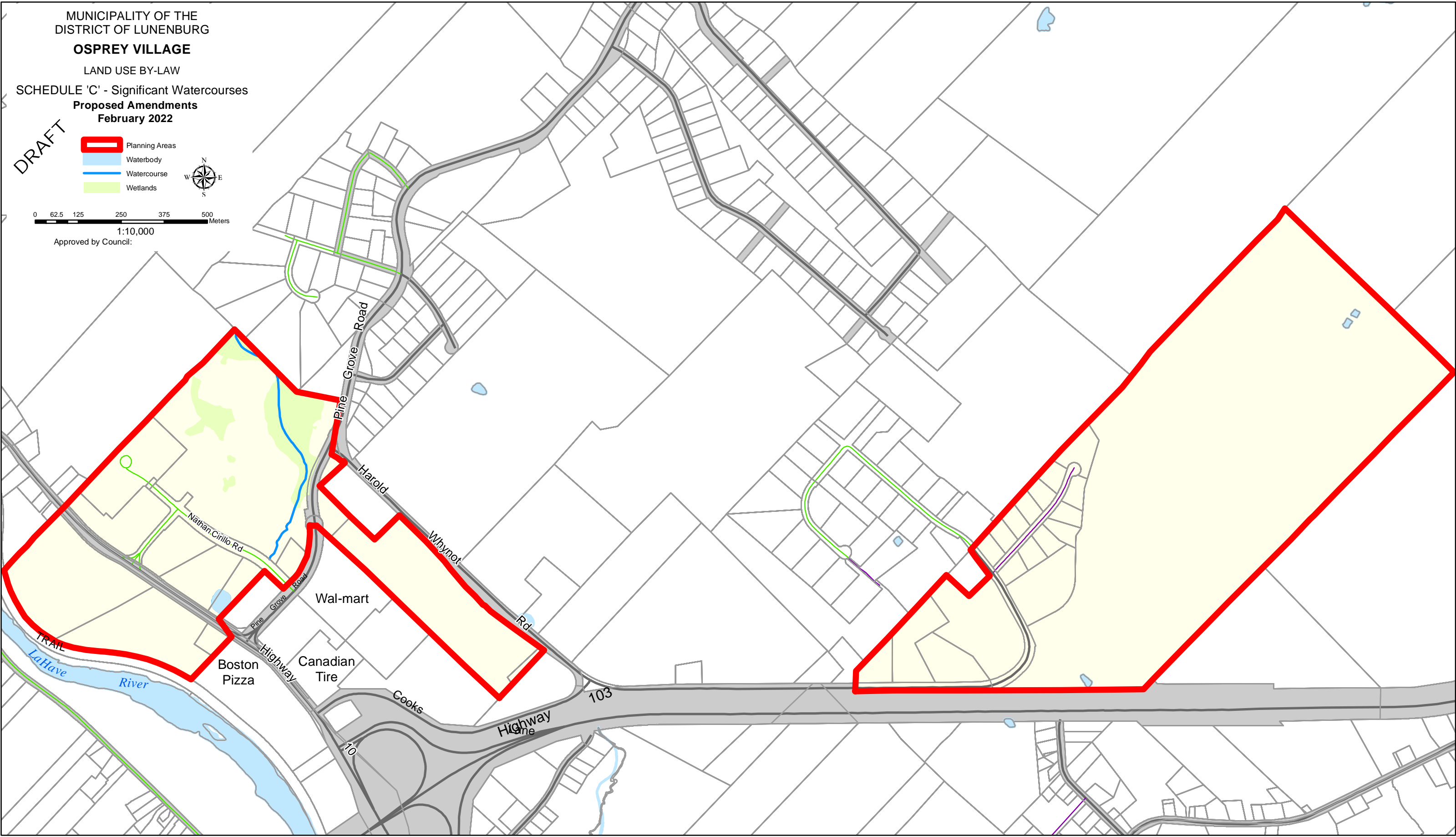
-  Planning Areas
-  Waterbody
-  Watercourse
-  Wetlands



0 62.5 125 250 375 500 Meters

1:10,000

Approved by Council:



## 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](http://www.modl.ca)



February 22, 2022

To Her Worship, the Mayor Bolivar-Getson and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors;

The Nominating Committee met on Tuesday, February 22, 2022, made the following  
recommendation to Council:

- 1. "that Municipal Council approve the appointment of Meghan Doucette to the Sustainability Committee, for a two-year term."**

Respectfully submitted,

Chairperson and Members  
Nominating Committee

**Tina Robichaud-Bond**

---

**From:** Martin Bell  
**Sent:** March 3, 2022 12:58 PM  
**To:** Jeff Merrill; April Whynot-Lohnes  
**Cc:** Carolyn Bolivar-Getson  
**Subject:** Boundary Review Committee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon, Mr. Merrill and Ms. Whynot-Lohnes.

The nomination committee did meet and discuss the email of Tuesday February 22 as sent out by Ms. Whynot-Lohnes.

The results of that discussion and follow up by certain Councillors has resulted in the following individuals' names be considered for the 2022 Boundary Review Committee.

- (a) Councillor M. **Bell**, Chair
- (b) Councillor C. **Veinotte**
- (c) Councillor S. **Statton**
- (d) Mayor **Bolivar-Getson**

I ask that you please consider these names as the official recommendation of the nominating committee.

Regards,

Martin

**Councillor Martin E. Bell, CMG, EMDr**, District #2

Municipality of the District of Lunenburg

10 Allée Champlain Drive

Cookville NS B4V 9E4



Any correspondence with elected officials, employees or other agents of MODL may be subject to disclosure under the provisions of the Right to Information and Protection of Privacy Act of the Province of Nova Scotia

*Tick checks and quick tick removal remain among the best defenses against Lyme disease*



## Memorandum

**To: Municipality of the District of Lunenburg Council**

**From: Bill Schurman, Director of Recreation, Parks and Tourism**

**Date: February 24, 2022**

**Re: Designated Community Fund Project – South Shore Annapolis Valley Trail Assoc.**

---

### RECOMMENDED MOTION

That the Municipality of the District of Lunenburg grant the South Shore Annapolis Valley Trail Association \$595.00 as per the criteria outlined in the Designated Community Project Fund Policy – MDL-48.

### BACKGROUND

The South Shore Annapolis Valley Trail Association is raising capital funds to cover capital costs to the trail, primarily the capital cost associated with the bridge project over the LaHave River. Recently, there were seven donations totalling \$630.00. The amount of \$595.00 is being recommended as \$35.00 (\$5.00 per contribution) will be retained by MODL for administrative charges as per Policy MDL-48.

### BUDGET IMPLICATIONS

There would be no implications to the budget.

### ALTERNATIVES

The alternative would be to not issue the South Shore Annapolis Valley Trail Association this grant.

### CONCLUSION

The Designated Community Project Fund was developed and approved by MODL to aid non-profit groups in raising capital funds for projects.



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Mayor Bolivar-Getson and Municipal Council  
**SUBMITTED BY:** Norma Schiefer, Municipal Development Officer  
**DATE:** February 28, 2022  
**RE:** REQUEST TO ADD 1 PROPERTY TO THE PRIVATE ROAD  
MAINTENANCE CHARGE AREA – BOTANY WOODS LANDOWNERS  
ASSOCIATION

---

### RECOMMENDATION

That Municipal Council approve the addition of PID 60716248 to the Botany Woods Private Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Botany Woods Landowners Association to implement the same.

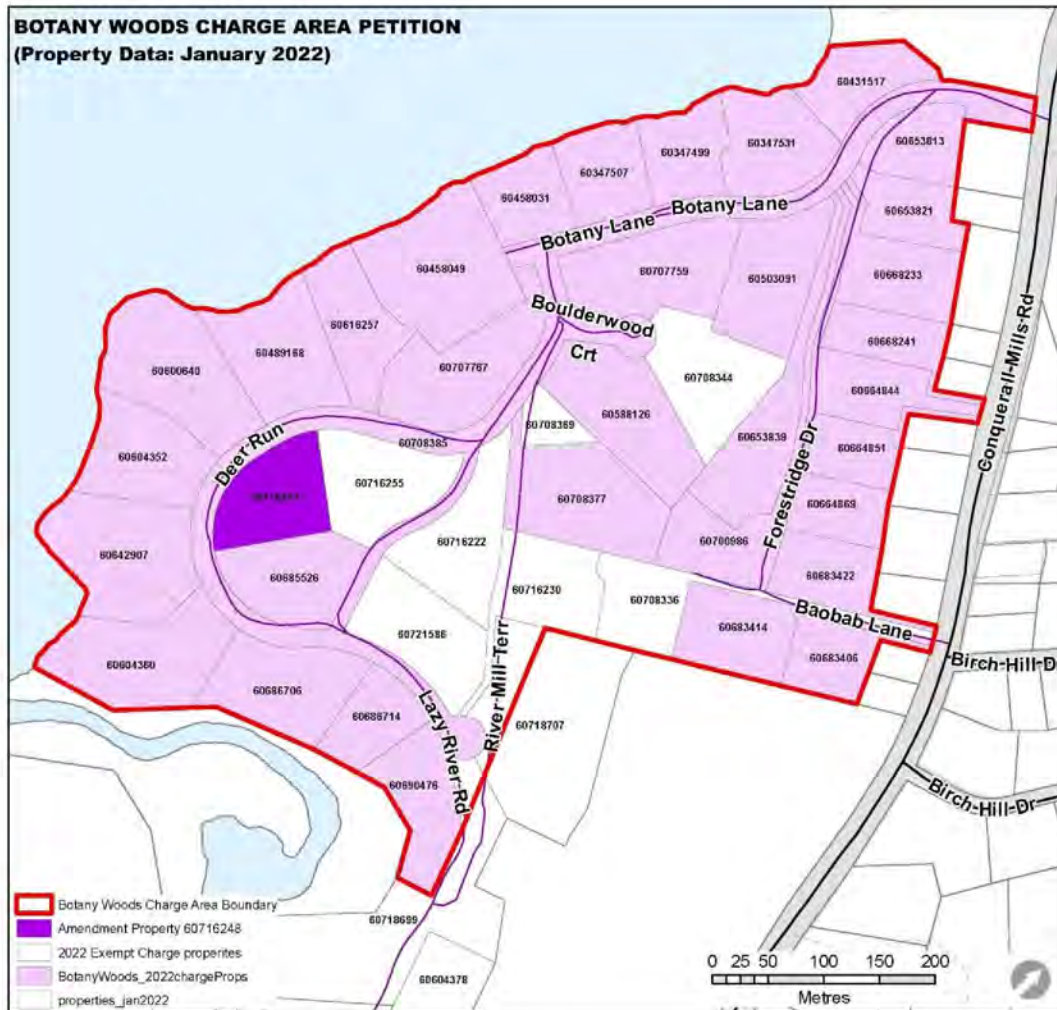
### BACKGROUND

The Municipality has a Private Roads By-law which sets out a process for property owners on private roads to have their road maintenance fees collected by the Municipality.

The Municipality signed an agreement in 2017 with the Botany Woods Landowners Association to collect road maintenance fees on their behalf. At the time the Association submitted a petition signed by 70% of the lot owners in the charge area. The agreement specifically exempted properties owned by the developer from the charge area.

### DISCUSSION

Staff received a request from the Botany Woods Landowners Association to add one property to their charge area. PID 60716248 is shown on the map below.



The Botany Woods Landowners Association has passed a resolution to amend their charge area to include this property. PID 60716248 obtains access from Botany Lane and Deer Run. This property was originally excluded from the charge area as it was owned by the Developer. As the property has been conveyed, the Association is requesting the amendment to include it in the charge area.

The Private Roads By-law outlines the application requirements to establish a charge area, Section 4. However, the by-law does not have any provisions to expand a charge area. To implement the request Council will need to sign an addendum to the existing agreement, copy attached.

## **ALTERNATIVES**

- A. Request a new petition be submitted
- B. Amend by-law to add a process to have properties added to an established charge area.

## **CONCLUSION**

Staff is recommending Council deal with these types of situations on a case-by-case basis. In this case the property has been conveyed, so the original exemption no longer applies. Access is provided via the private roads.

Staff recommends that Council expand the Botany Woods Landowners Association private road maintenance charge area to include PID 60716248. To implement the change in the charge area, an addendum to the existing agreement between the Association and the Municipality will need to be signed by both parties.

---

Department: Planning & Development Services

Report Prepared By: Norma Schiefer, Development Officer      Date: February 28, 2022

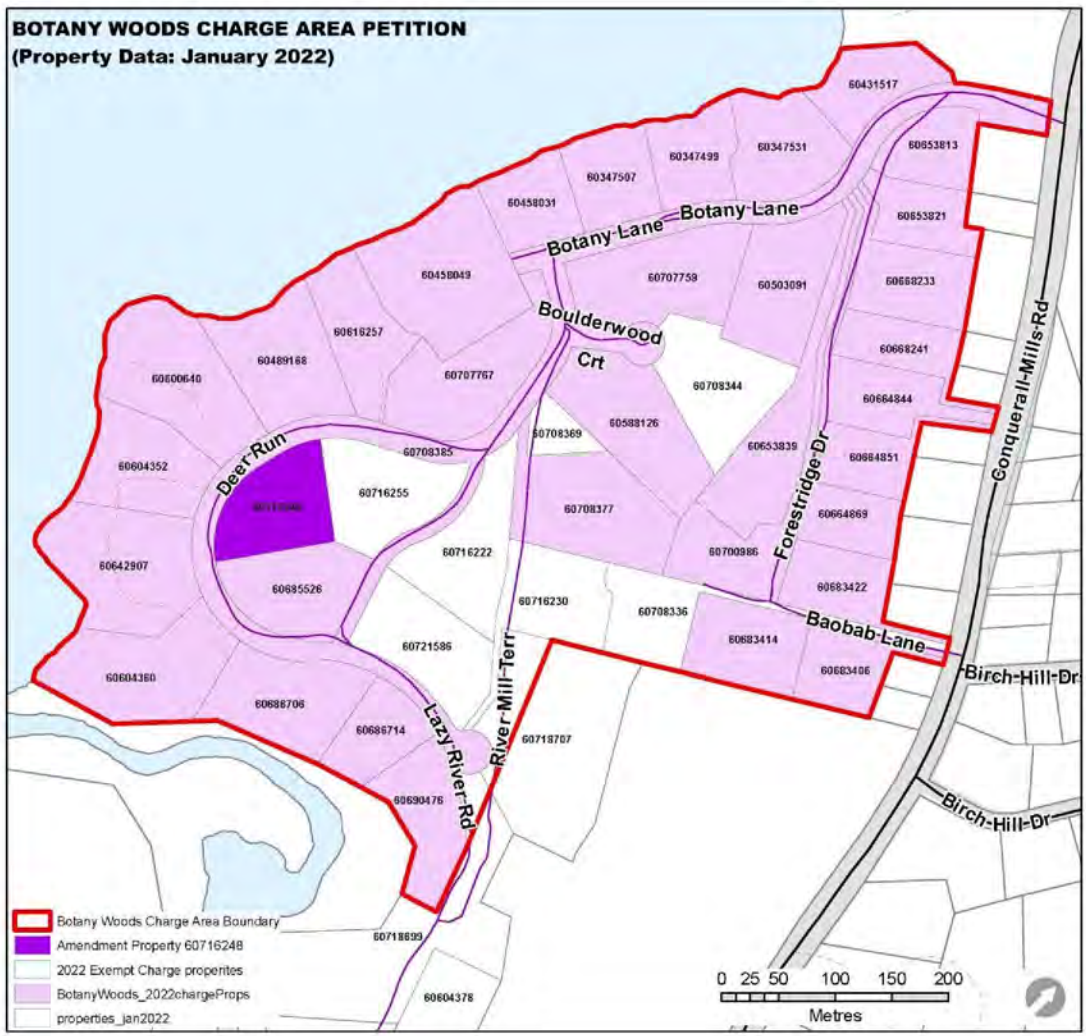
Report Approved By:      Date:

Reviewed By CAO:      Date:

# Schedule B



**THE MUNICIPALITY OF THE DISTRICT OF LUNENBURG**  
**PRIVATE ROADS MAINTENANCE AND IMPROVEMENT CHARGE**  
**BOTANY WOODS LANDOWNERS ASSOCIATION**



**WHEREAS** the Botany Woods Landowners Association has requested that the charge area that forms part of the private road maintenance and improvement charge agreement (hereafter referred to as the "Agreement") between the Botany Woods Landowners Association and the Municipality of the District of Lunenburg be amended to include one additional property.

**AND WHEREAS** Municipal Council in session on \_\_\_\_\_, passed the following Motion "That Municipal Council approve the addition of PID 60716248 to the Botany Woods Private Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Botany Woods Landowners Association to implement the same."

**AND WHEREAS** all other terms and conditions contained in the Agreement shall remain in effect;

**IT IS HEREBY** agreed that PID 60716248 is added to the charge area appended to the agreement as shown on the inset map.

**IN WITNESS WHEREOF** the parties to these presents have signed, sealed and delivered the same the day and year first above written.

SIGNED, SEALED AND DELIVERED	)	BOTANY WOODS LANDOWNERS ASSOCIATION
In the presence of:	)	
	)	
	)	
_____	)	Per: _____
Witness	)	President
	)	
	)	
_____	)	Per: _____
Witness	)	Secretary

	)	MUNICIPALITY OF THE DISTRICT
	)	OF LUNENBURG
	)	
_____	)	Per: _____
Witness	)	Mayor Carolyn Bolivar-Getson
	)	
	)	
_____	)	Per: _____
Witness	)	April Whynot-Lohnes, Municipal Clerk

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2022, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that BOTANY WOODS LANDOWNERS ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2022, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that BOTANY WOODS LANDOWNERS ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2022, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that the MUNICIPALITY OF THE DISTRICT OF LUNENBURG, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Mayor Bolivar-Getson and Municipal Council  
**SUBMITTED BY:** Norma Schiefer, Municipal Development Officer  
**DATE:** February 28, 2022  
**RE:** REQUEST TO ADD 2 PROPERTIES TO THE PRIVATE ROAD  
MAINTENANCE CHARGE AREA – FOREST LAKE LOT OWNER’S  
ASSOCIATION

---

### RECOMMENDATION

That Municipal Council approve the addition of PID 60609856 and 60268562 to the Forest Lake Private Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Forest Lake Lot Owner’s Association to implement the same.

### BACKGROUND

The Municipality has a Private Roads By-law which sets out a process for property owners on private roads to have their road maintenance fees collected by the Municipality.

The Municipality signed an agreement in 2016 with the Forest Lake Lot Owner’s Association to collect road maintenance fees on their behalf. At the time the Association submitted a petition signed by 73.33% of the lot owners in the charge area.

### DISCUSSION

Staff received a request from the Forest Lake Lot Owner’s Association to add two properties to their charge area. PID 60609856 and 60268562 are shown on the map below.



The Forest Lake Lot Owner’s Association has passed a resolution to amend their charge area to include these properties. Since PID’s 60609856 and 60268562 obtain access from Heron Road, the Association is requesting the amendment to include them in the charge area.

The Private Roads By-law outlines the application requirements to establish a charge area, Section 4. However, the by-law does not have any provisions to expand a charge area. To implement the request Council will need to sign an addendum to the existing agreement, copy attached.

**ALTERNATIVES**

- A. Request a new petition be submitted
- B. Amend by-law to add a process to have properties added to an established charge area.

**CONCLUSION**

As a request to add properties to an established charge area doesn’t arise very often, staff is recommending the Council deal with these types of situations on a case-by-case basis.

Access to these properties is provided via the private roads. The landowner's are supportive of this and are members of the Lot Owner's Association.

Staff recommends that Council expand the Forest Lake Lot Owner's Association private road maintenance charge area to include PID's 60609856 and 60268562. To implement the change in the charge area, an addendum to the existing agreement between the Association and the Municipality will need to be signed by both parties.

---

Department: Planning & Development Services

Report Prepared By: Norma Schiefer, Development Officer      Date: February 28, 2022

Report Approved By:      Date:

Reviewed By CAO:      Date:

# Schedule B



## THE MUNICIPALITY OF THE DISTRICT OF LUNENBURG PRIVATE ROADS MAINTENANCE AND IMPROVEMENT CHARGE FOREST LAKE LOT OWNER'S ASSOCIATION



**WHEREAS** the Forest Lake Lot Owner's Association has requested that the charge area that forms part of the private road maintenance and improvement charge agreement (hereafter referred to as the "Agreement") between the Forest Lake Lot Owner's Association and the Municipality of the District of Lunenburg be amended to include two additional properties.

**AND WHEREAS** Municipal Council in session on \_\_\_\_\_, passed the following Motion "That Municipal Council approve the addition of PID 60609856 and 60268562 to the Forest Lake Private Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Forest Lake Lot Owner's Association to implement the same."

**AND WHEREAS** all other terms and conditions contained in the Agreement shall remain in effect;

**IT IS HEREBY** agreed that PID 60609856 and 60268562 be added to the charge area appended to the agreement as shown on the inset map.

**IN WITNESS WHEREOF** the parties to these presents have signed, sealed and delivered the same the day and year first above written.

SIGNED, SEALED AND DELIVERED	)	FOREST LAKE LOT OWNER'S ASSOCIATION
In the presence of:	)	
	)	
	)	
_____	)	Per: _____
Witness	)	President
	)	
	)	
_____	)	Per: _____
Witness	)	Vice President

	)	MUNICIPALITY OF THE DISTRICT
	)	OF LUNENBURG
	)	
	)	
_____	)	Per: _____
Witness	)	Mayor Carolyn Bolivar-Getson
	)	
	)	
_____	)	Per: _____
Witness	)	April Whynot-Lohnes, Municipal Clerk

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

I CERTIFY that on the      day of      , A.D., 2022, \_\_\_\_\_, President of Forest Lake Lot Owner's Association caused the same to be executed in its name and on its behalf by its proper officer and I have signed as a witness to such execution.

\_\_\_\_\_

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

I CERTIFY that on the      day of      , A.D., 2022, \_\_\_\_\_, Vice President of Forest Lake Lot Owner's Association caused the same to be executed in its name and on its behalf by its proper officer and I have signed as a witness to such execution.

\_\_\_\_\_

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS      day of      , A.D., 2022, before me, the subscriber personally came and appeared, \_\_\_\_\_, a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that the MUNICIPALITY OF THE DISTRICT OF LUNENBURG, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

\_\_\_\_\_  
A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Mayor Bolivar-Getson and Municipal Council  
**SUBMITTED BY:** Norma Schiefer, Municipal Development Officer  
**DATE:** February 28, 2022  
**RE:** REQUEST TO ADD PROPERTIES TO THE PRIVATE ROAD  
MAINTENANCE CHARGE AREA – RUSSELLS COVE ROAD  
ASSOCIATION

---

### RECOMMENDATION

That Municipal Council approve the addition of all properties along Ronald's Way to be added to the Russells Cove Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Russells Cove Road Association to implement the same.

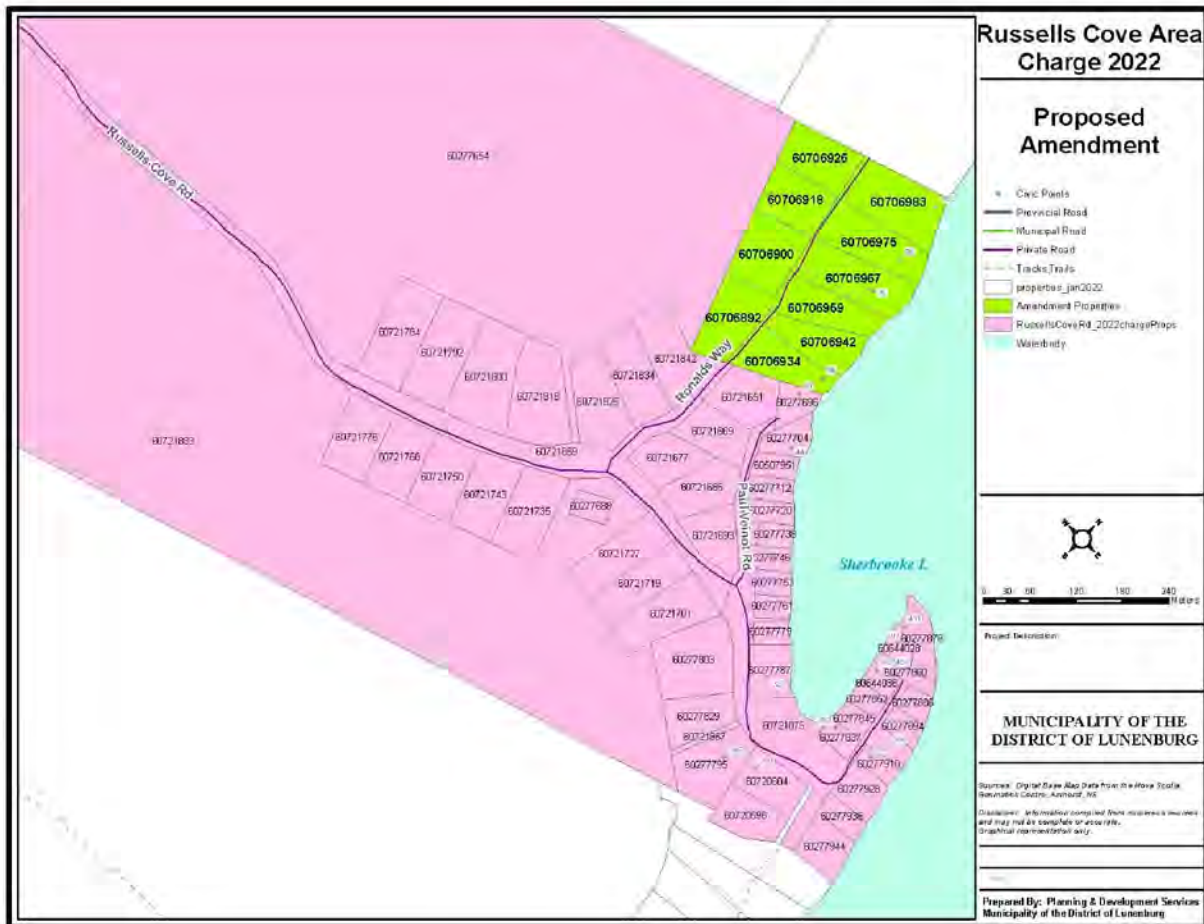
### BACKGROUND

The Municipality has a Private Roads By-law which sets out a process for property owners on private roads to have their road maintenance fees collected by the Municipality.

The Municipality signed an agreement in 2021 with the Russells Cove Road Association to collect road maintenance fees on their behalf. At the time the Association submitted a petition signed by 87% of the lot owners in the charge area.

### DISCUSSION

Staff received a request from the Russells Cove Road Association to add all properties along Ronald's Way their charge area. Properties are shown on the map below.



The Russells Cove Road Association has passed a resolution to amend their charge area to include these properties. Since all properties obtain access from Russells Cove Road, the Association is requesting the amendment to include them in the charge area. The Association, in consultation with the landowner's, has made the amendment to their by-laws to also include Ronald's Way in the maintenance area. Therefore, all roads within the identified and amended area will be represented and receive maintenance.

The Private Roads By-law outlines the application requirements to establish a charge area, Section 4. However, the by-law does not have any provisions to expand a charge area. To implement the request Council will need to sign an addendum to the existing agreement, copy attached.

**ALTERNATIVES**

- A. Request a new petition be submitted
- B. Amend by-law to add a process to have properties added to an established charge area.

## CONCLUSION

As a request to add properties to an established charge area doesn't arise very often, staff is recommending the Council deal with these types of situations on a case-by-case basis.

Access to these properties is provided via the private roads.

Staff recommends that Council expand the Russells Cove Road Association private road maintenance charge area to include all properties along Ronald's Way. To implement the change in the charge area, an addendum to the existing agreement between the Association and the Municipality will need to be signed by both parties.

---

Department: Planning & Development Services

Report Prepared By: Norma Schiefer, Development Officer      Date: February 28, 2022

Report Approved By:      Date:

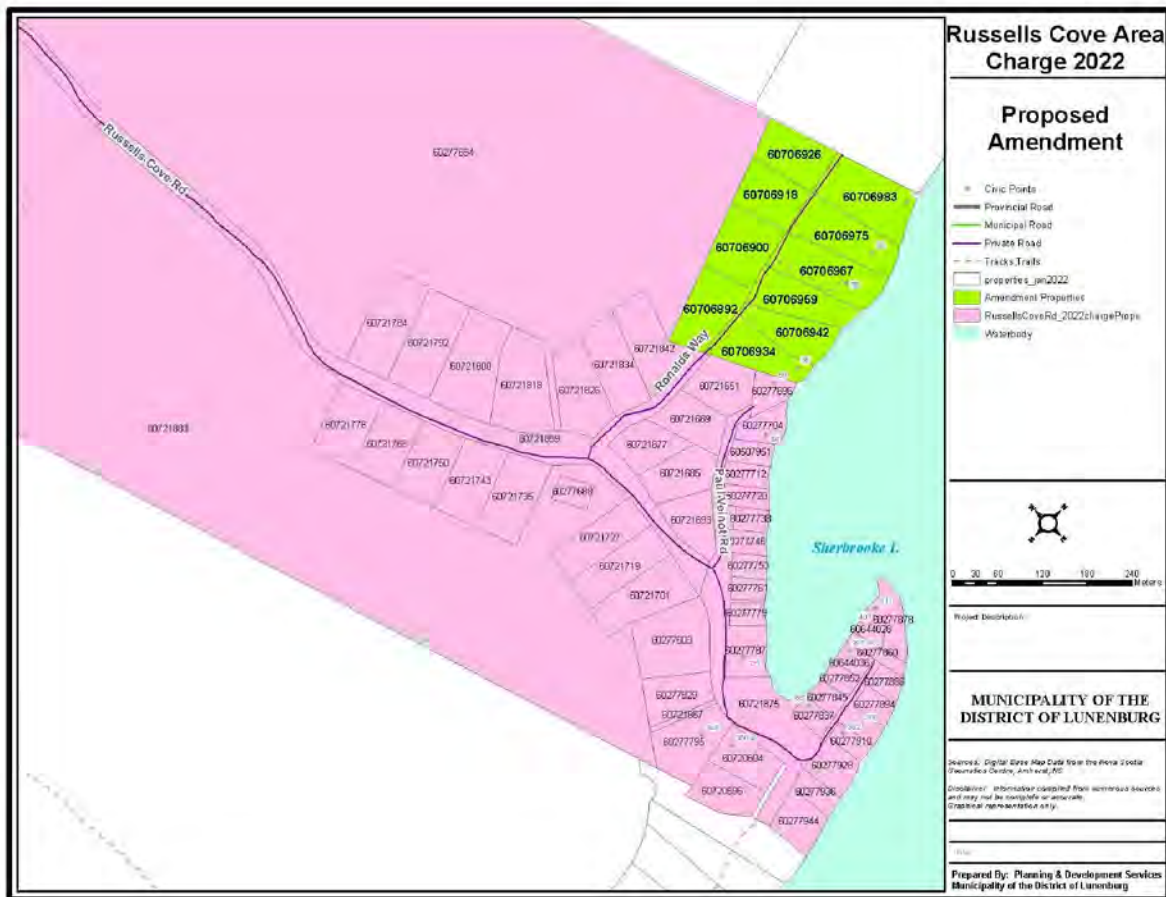
Reviewed By CAO:      Date:

# Schedule B



## THE MUNICIPALITY OF THE DISTRICT OF LUNENBURG

### PRIVATE ROADS MAINTENANCE AND IMPROVEMENT CHARGE RUSSELLS COVE ROAD ASSOCIATION



**WHEREAS** the Russells Cove Road Association has requested that the charge area that forms part of the private road maintenance and improvement charge agreement (hereafter referred to as the “Agreement”) between the Russells Cove Road Association and the Municipality of the District of Lunenburg be amended to include additional properties.

**AND WHEREAS** Municipal Council in session on \_\_\_\_\_, passed the following Motion "That Municipal Council approve the addition of all properties along Ronald's Way to be added to the Russells Cove Road Maintenance Charge Area; and further, that the Municipal Clerk and Mayor be authorized to sign an addendum to the Private Road Maintenance Agreement with the Russells Cove Road Association to implement the same."

**AND WHEREAS** all other terms and conditions contained in the Agreement shall remain in effect;

**IT IS HEREBY** agreed that all properties along Ronald's Way be added to the charge area appended to the agreement as shown on the inset map.

**IN WITNESS WHEREOF** the parties to these presents have signed, sealed and delivered the same the day and year first above written.

SIGNED, SEALED AND DELIVERED	)	RUSSELLS COVE ROAD ASSOCIATION
In the presence of:	)	
	)	
	)	
_____	)	Per: _____
Witness	)	President
	)	
	)	
_____	)	Per: _____
Witness	)	Secretary

	)	MUNICIPALITY OF THE DISTRICT
	)	OF LUNENBURG
	)	
	)	
_____	)	Per: _____
Witness	)	Mayor Carolyn Bolivar-Getson
	)	
	)	
_____	)	Per: _____
Witness	)	April Whynot-Lohnes, Municipal Clerk

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2022, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that RUSSELLS COVE ROAD ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2022, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that RUSSELLS COVE ROAD ASSOCIATION, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA

PROVINCE OF NOVA SCOTIA )  
COUNTY OF LUNENBURG )

ON THIS day of , A.D., 2022, before me, the subscriber personally came and appeared, , a subscribing witness to the foregoing Indenture who, having been by me duly sworn, made oath and said that the MUNICIPALITY OF THE DISTRICT OF LUNENBURG, one of the parties thereto, caused the same to be executed in its name and on its behalf and its corporate seal to be thereunto affixed by its proper officers in his/her presence.

---

A COMMISSIONER OF THE SUPREME COURT  
NOVA SCOTIA

# MODL Land Review Plan

## Agenda

- MODL Lots
- Review of Policy MDL-65
- Use of funds
- Review of Land by District
- Next steps
- Questions

## MODL Lots

- MODL currently own 330 PID # or lots
- Many lots are used for; roads, sewer, parks, schools, conservation areas and municipal properties. These lots are protected and not being considered.
- After a staff review including Engineering, Admin, Planning and Recreation, we have identified 32 possible lots to sell.

## Review of Policy MDL-65

- MDL – 65 Divestiture of Surplus land
- Authority – MGA Sections 50;51;51A;218;271;273
- All reports to Committee or Council shall be dealt with in-camera
- Divesting of surplus land will be subject to any pre-existing benefits, burdens and/or interests of title
- Consideration will occur upon receipt of written request

## Review of Policy MDL-65

- Determination of Surplus Lands
  - Before declaring a property to be surplus, a report and recommendation will be submitted for Council's consideration;
  - The evaluation criteria in Appendix A will be used to create a land profile prior to considering divesting of land and will form part of the report referred to in subsection (1 ).
- Declaration of Surplus Lands
  - Prior to divesting any land, Council shall, by resolution, declare the land to no longer be required for municipal purposes and deemed surplus.

## Review of Policy MDL-65

- Divesting of surplus lands can be done through:
  - Sale to Not-For-Profit for less than market value
  - Sale to abutting landowner
  - Sale by means of land exchange
- Prior to divesting land council may wish to require:
  - an appraisal; or
  - letter of opinion of the fair market value; and
  - a legal survey plan of the land

## Review of Policy MDL-65

- Methods of Divesting Land:
  - Land Exchange
  - Real Estate Firm or Broker (conduct an RFP for Real Estate services to list on MLS and Viewpoint)
- Property Exempt from Policy:
  - The sale of lands for tax arrears which are subject to the procedures set out in Section 134 of the MGA;
  - The sale of lands under the Expropriation Act;
  - Divesting land for economic development purposes.

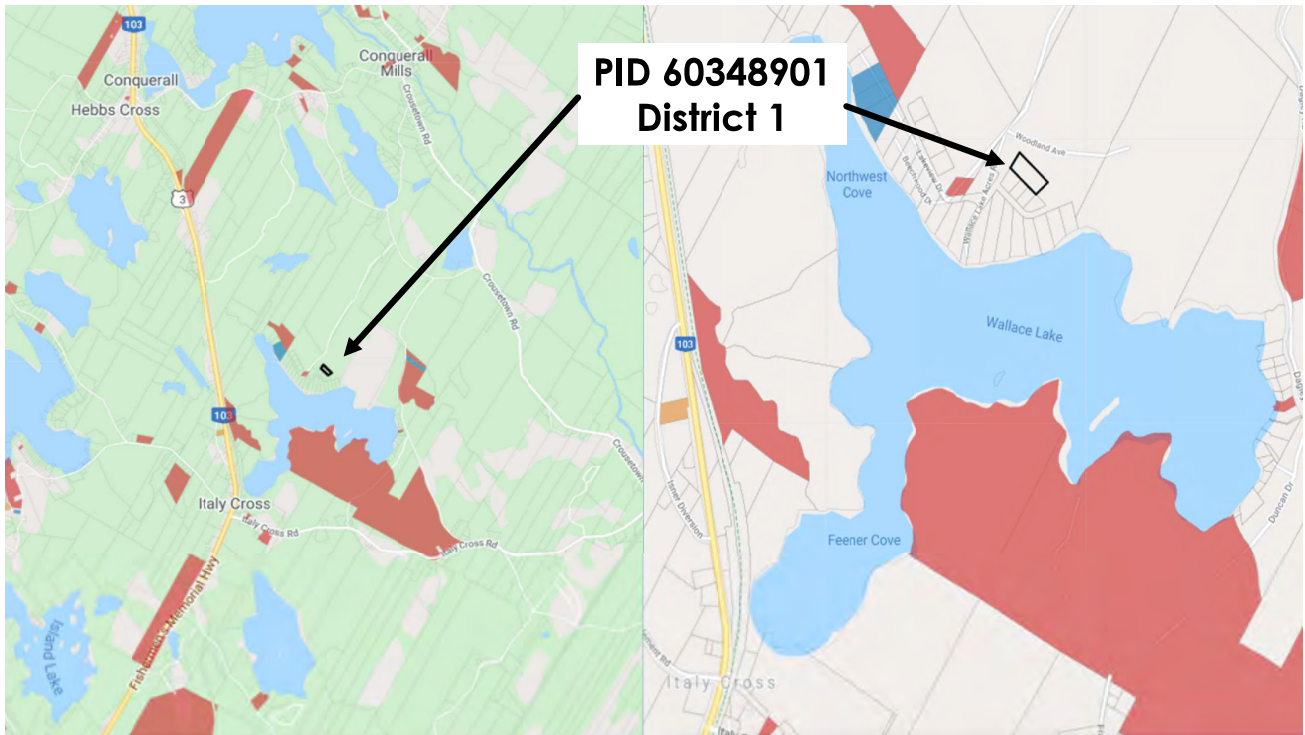
## Review of Policy MDL-65

- Land profile evaluation tool
  - The tool outlines twenty-two items that help to determine if land can be deemed surplus.

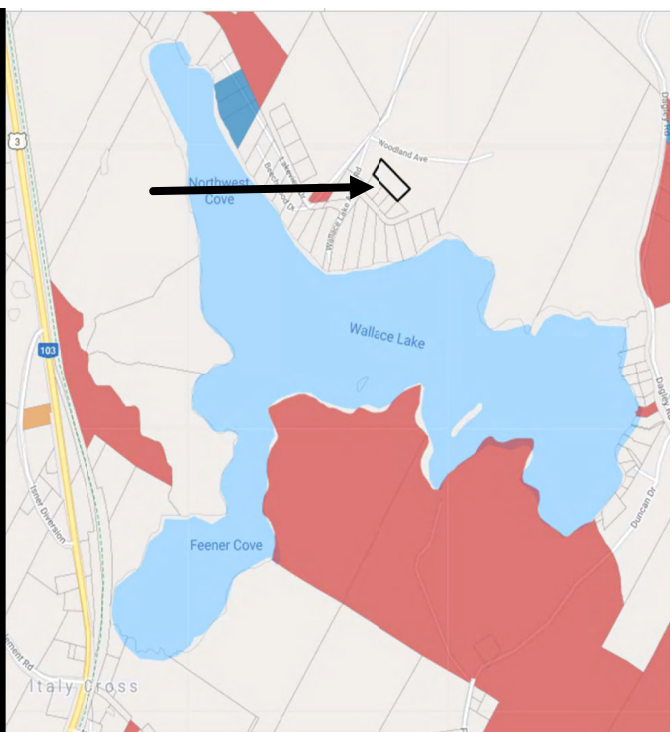
## Use of Funds

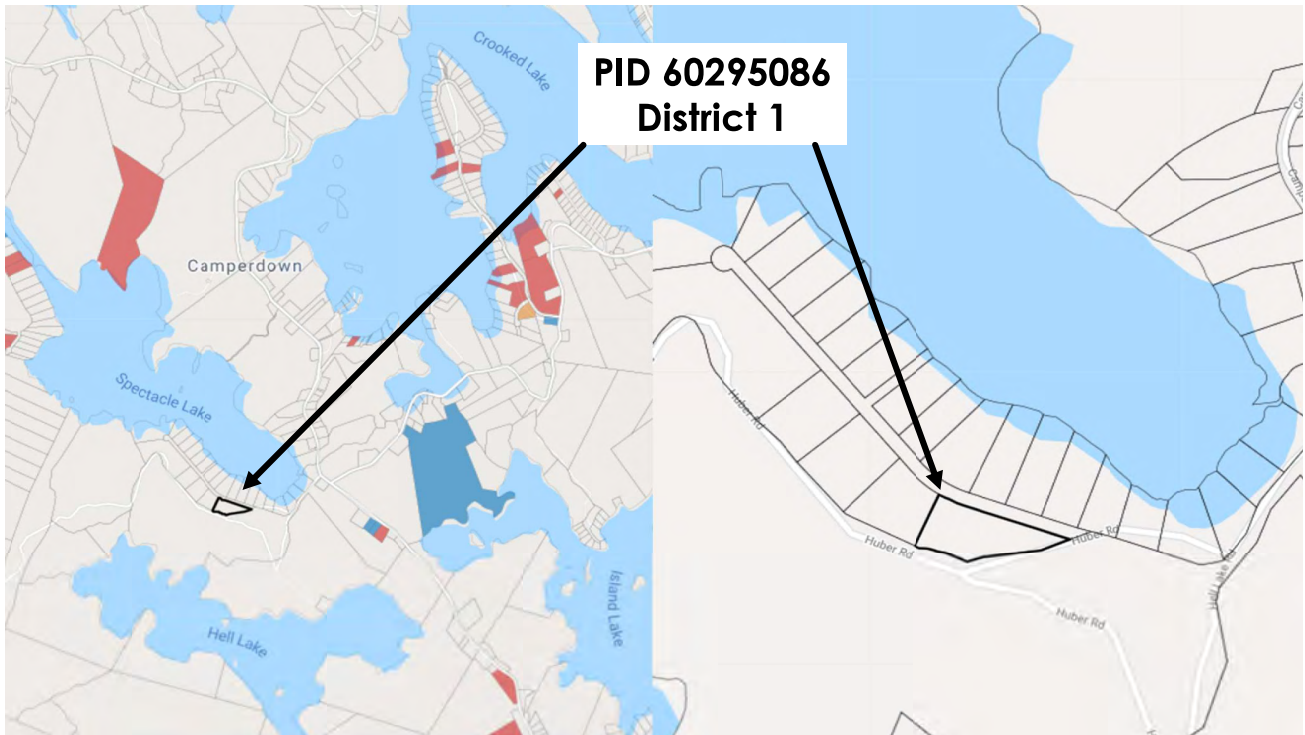
- Staff is recommending that all revenue generated by the sale of land be reinvested into park & trail improvement projects.
- We want to make the Municipality of the District of Lunenburg the destination for people to connect with nature through outdoor recreation.

## Review of Land by District

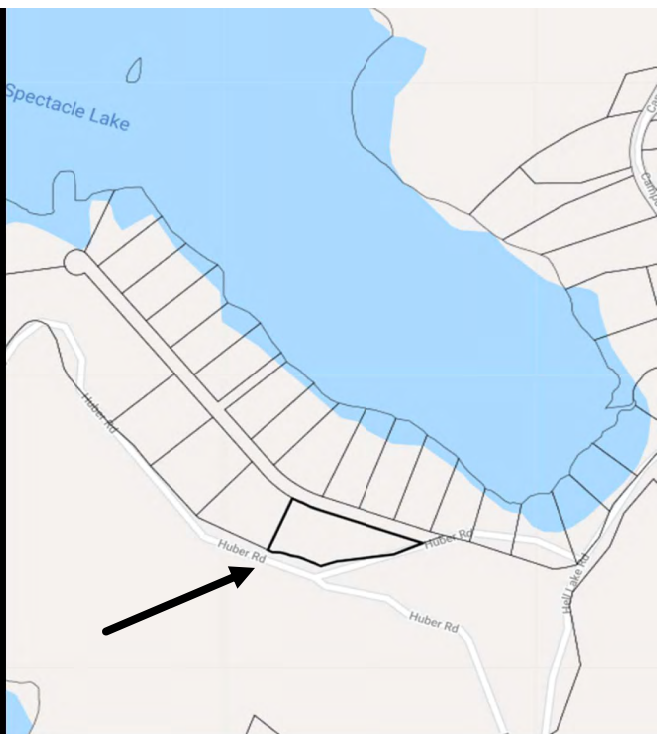


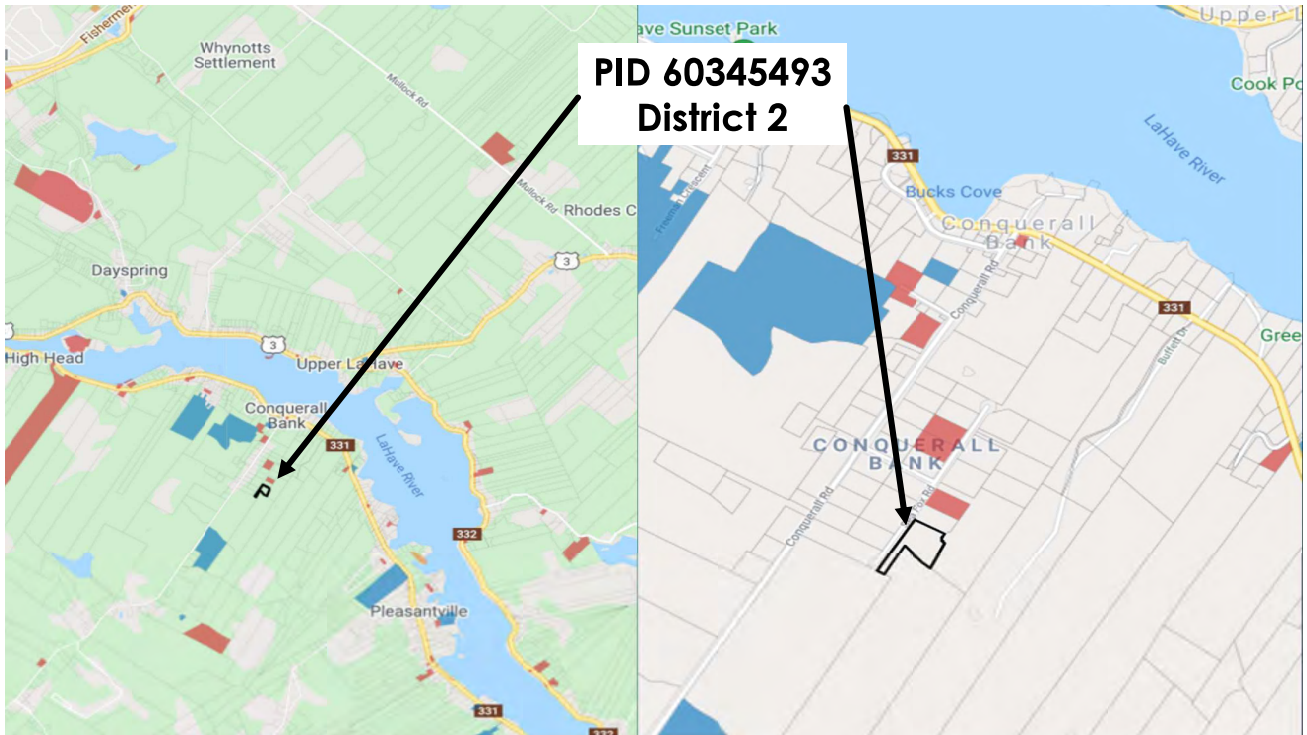
- District 1
- PID 60348901
- Wallace Lake Acres Rd,  
Conquerall Bank
- 1.67 Acres
- Assessment - \$7,500
- Land is not on the lake with a  
step slope and limited  
value
- Adjacent Landowner might  
be interested
- Subdivision



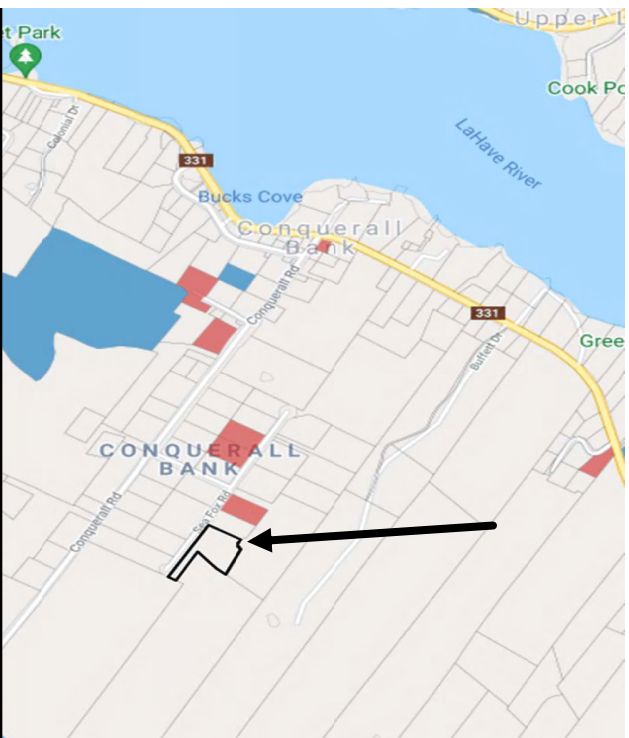


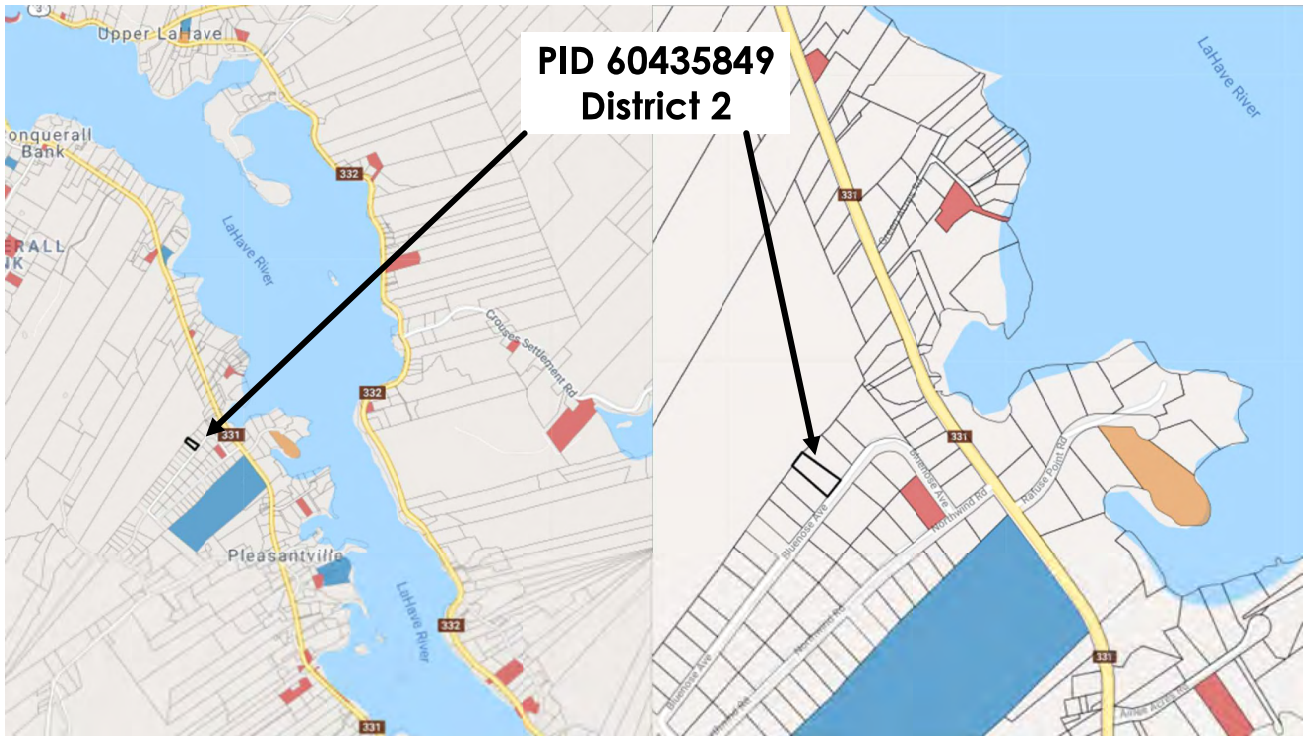
- District 1
- PID 60295086
- Huber Rd, Camperdown
- 2.72 Acres
- Assessment - \$12,600





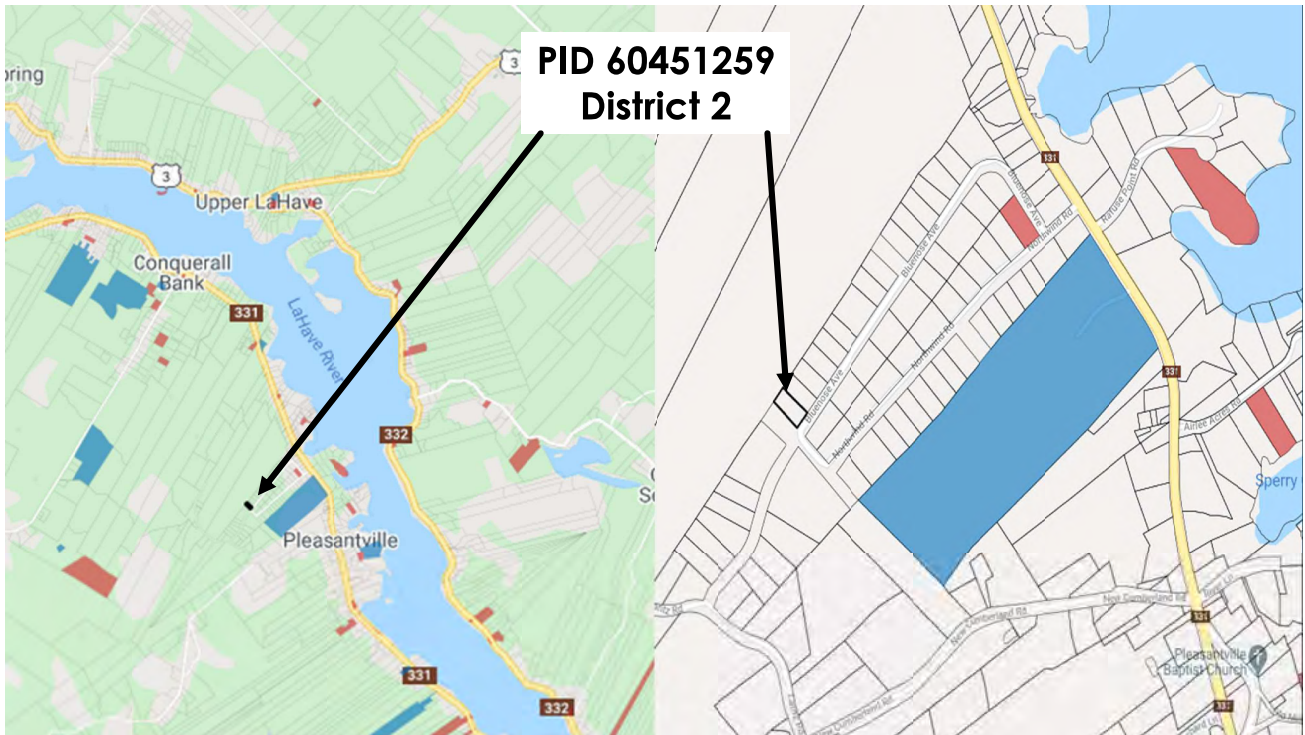
- District 2
- PID 60345493
- Sea Fox Rd, Conquerall Bank
- 2 Acres
- Assessment - \$20,000
- Vacant Lot
- Excellent residential lot
- Subdivision



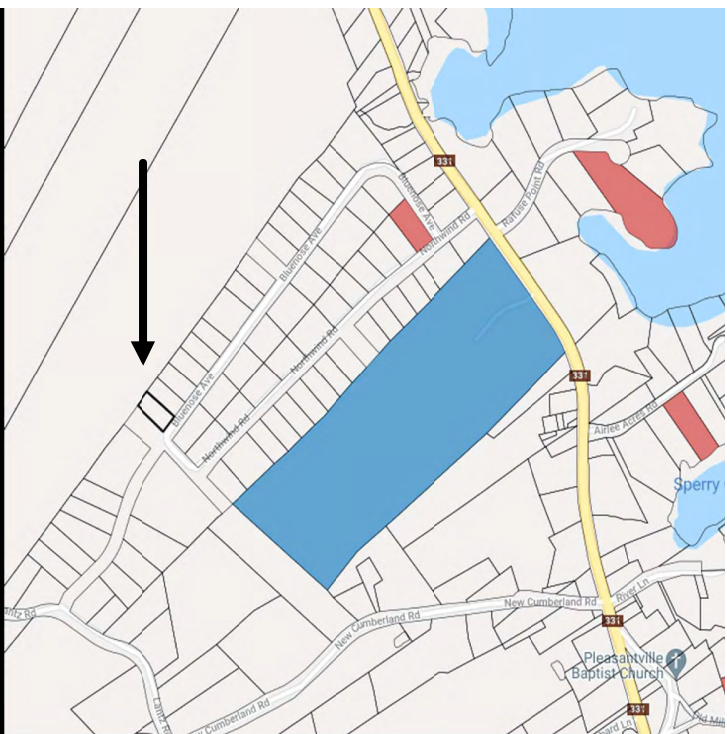


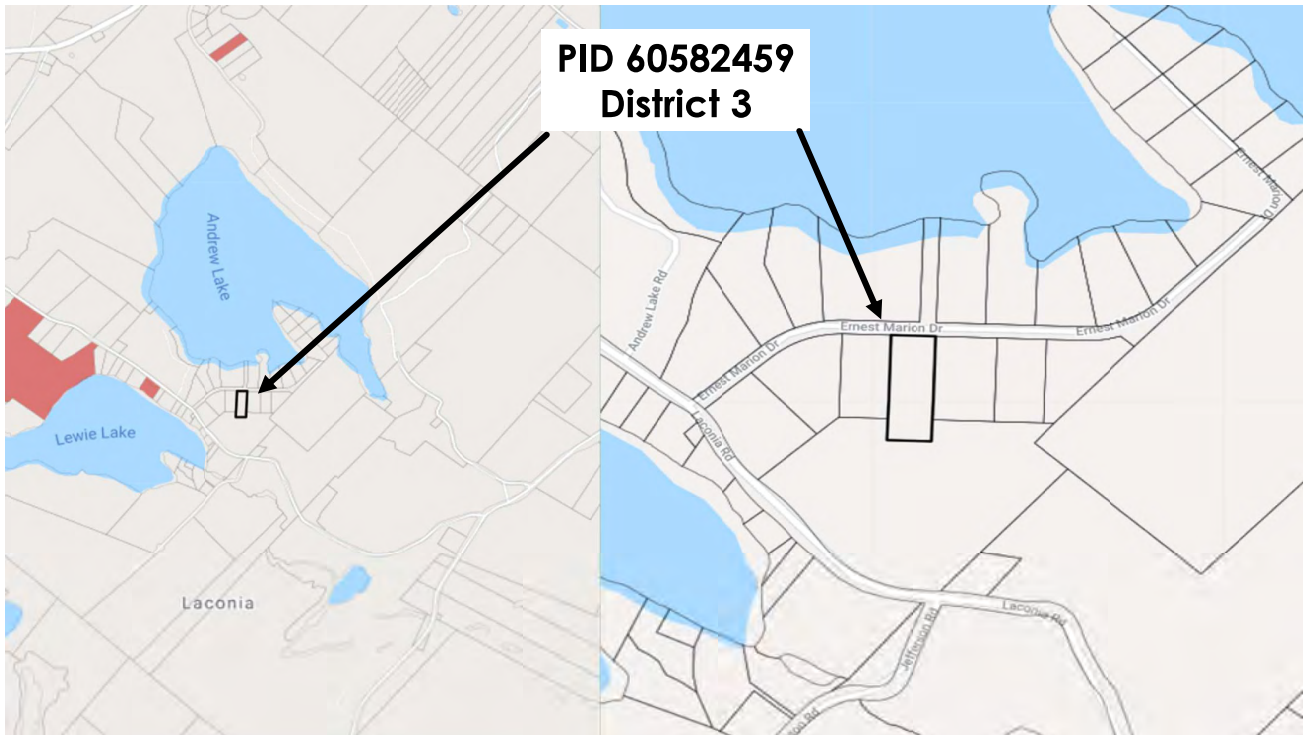
- District 2
- PID 60435849
- Bluenose Ave, Pleasantville
- 0.45 Acres
- Assessment - \$12,000
- Small Lot
- Subdivision Lot





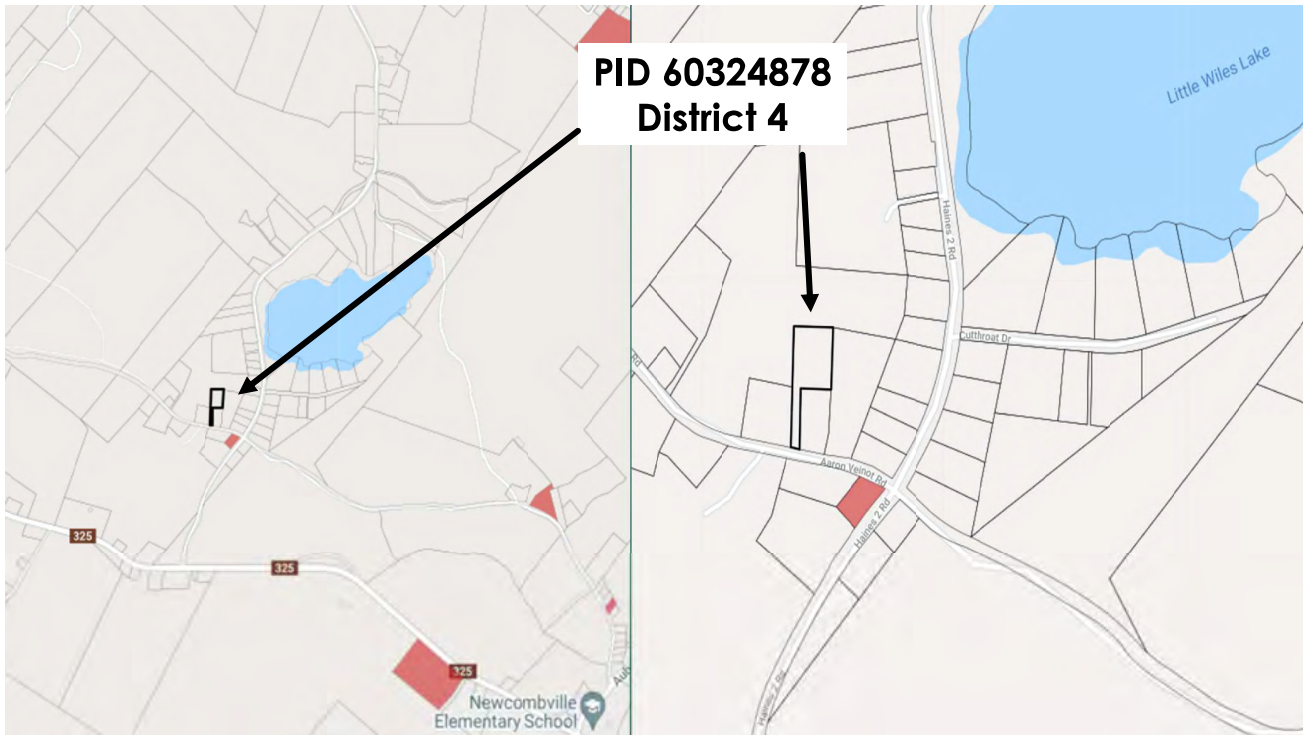
- District 2
- PID 60451259
- Lot 23 Bluenose Ave, Pleasantville
- 0.45 Acres
- Assessment - \$12,000
- Small Lot
- Subdivision Lot





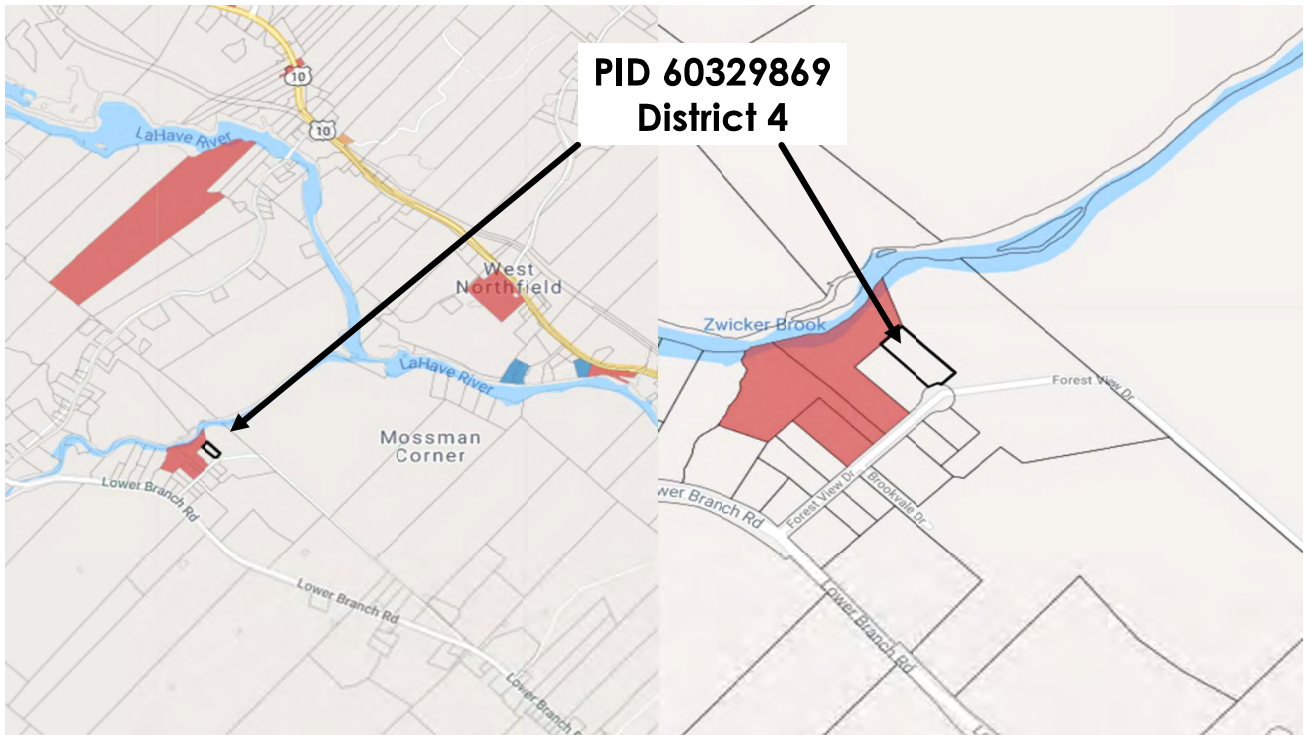
- District 3
- PID 60582459
- Ernest Marion Dr,  
Laconia
- 2 Acres
- Assessment \$15,200





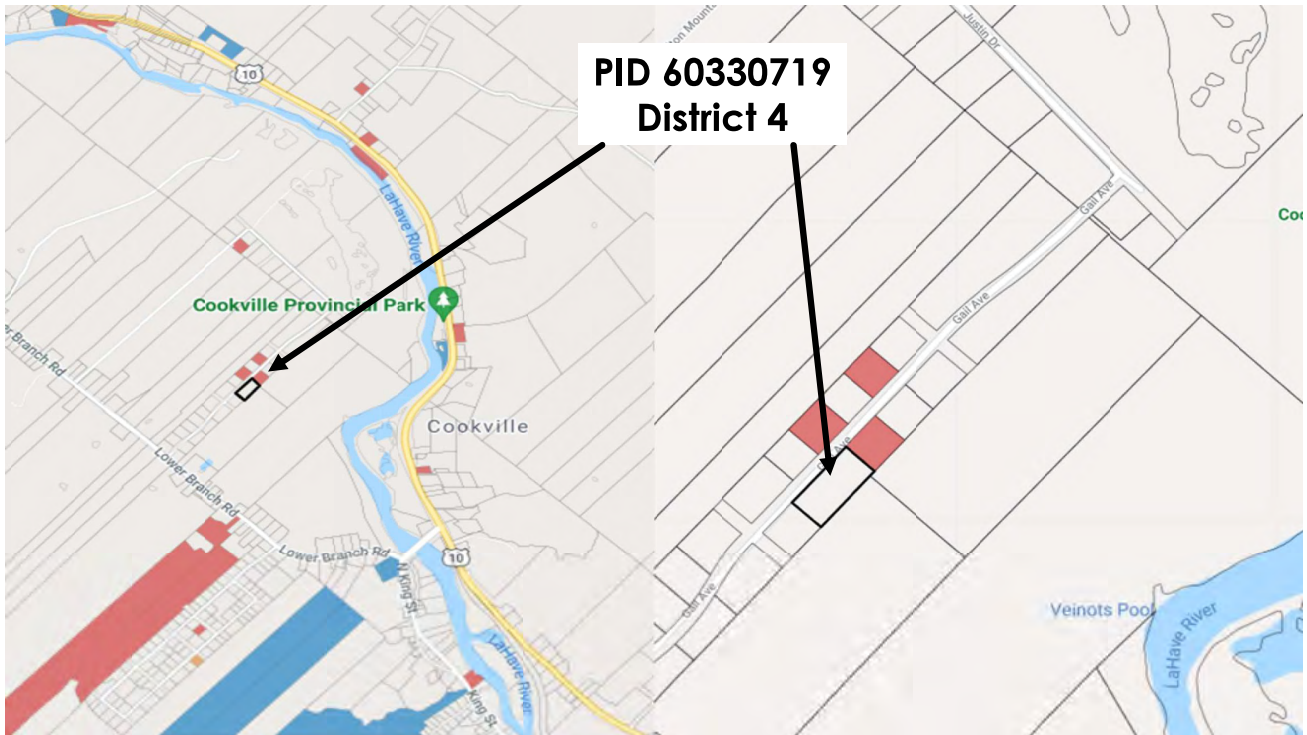
- District 4
- 60324878
- Aaron Veinot Rd,  
Bakers Settlement
- 1.94 Acres
- Assessment - \$8,000
- Flag lot
- Subdivision





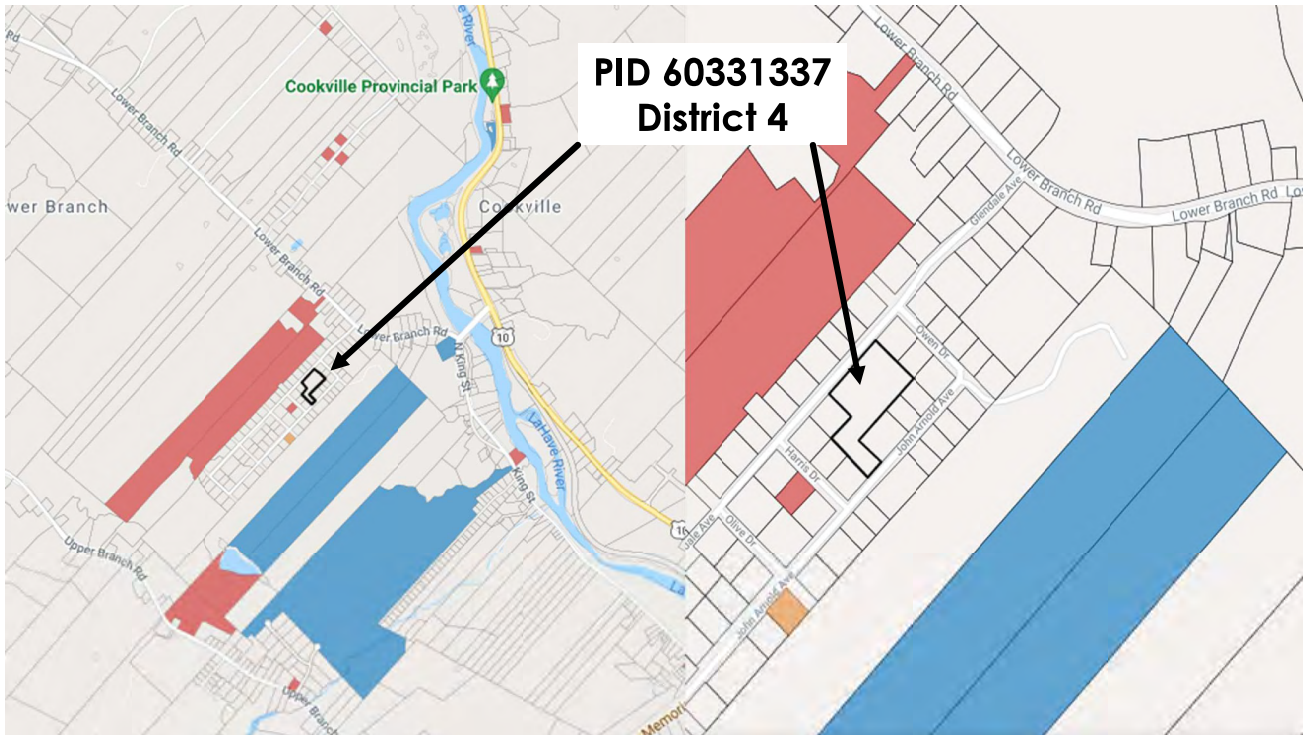
- District 4
- PID 60329869
- Forest View Dr, Lower Branch
- 0.7 Acres
- Assessment - \$22,000
- Very Steep corner lot
- Subdivision



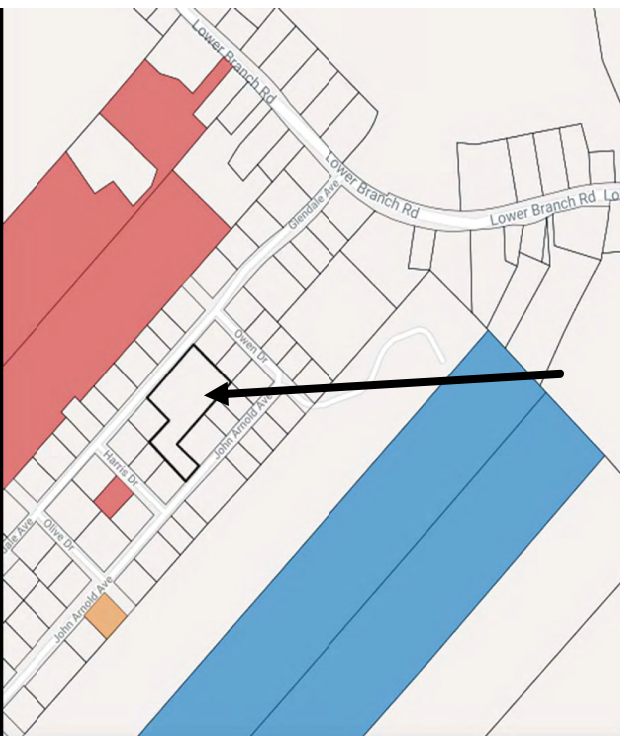


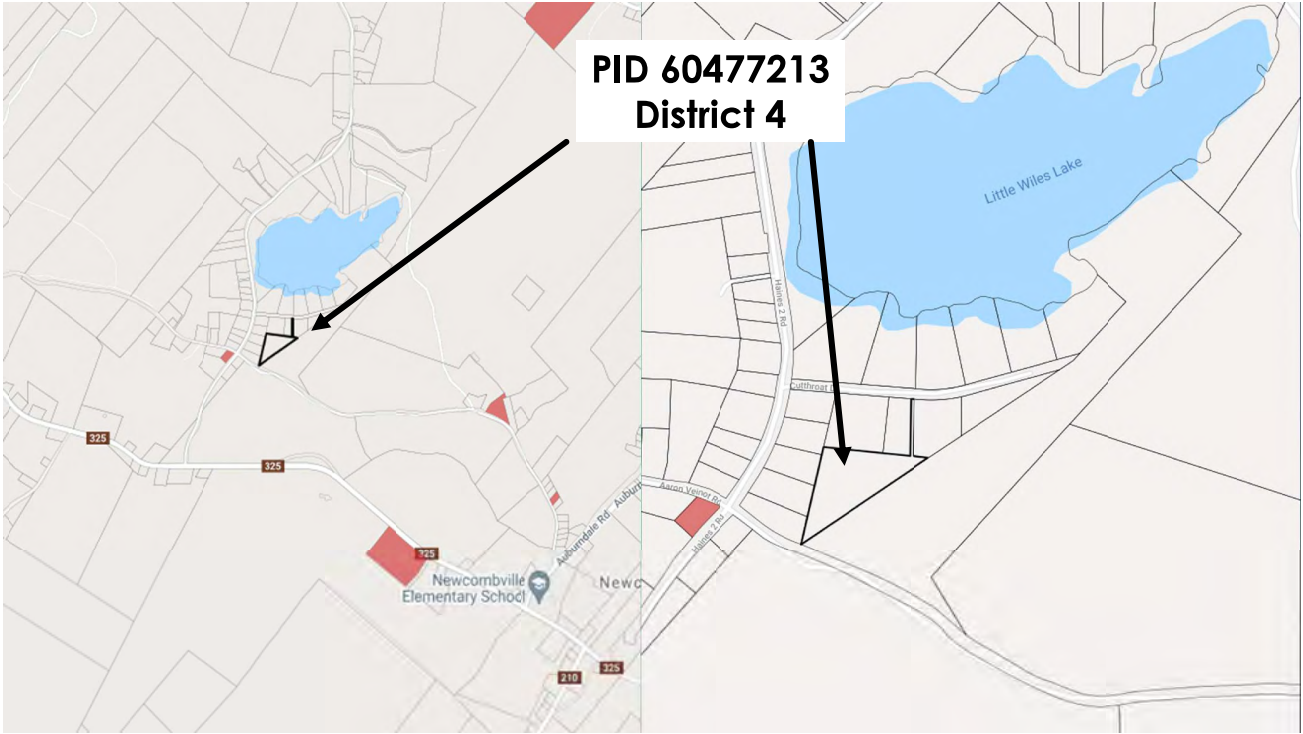
- District 4
- PID 60330719
- Gail Ave, Lower Branch
- 1.41 Acres
- Assessment \$6,600



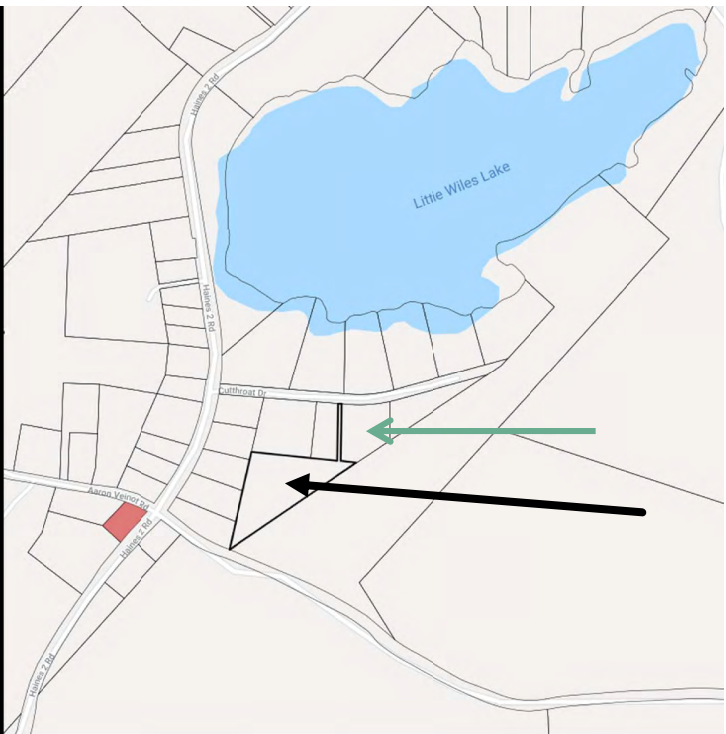


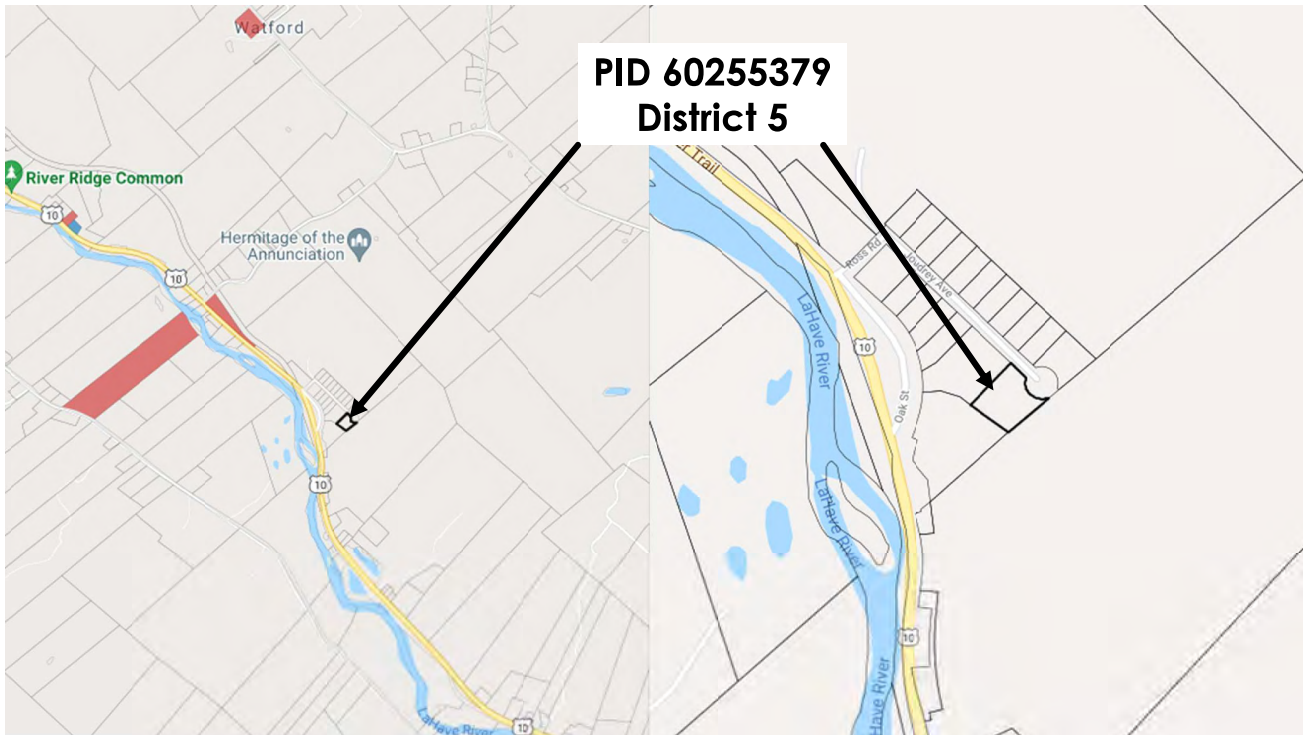
- District 4
- PID 60331337
- Glendale Ave, Lower Branch
- 2.86 Acres
- Assessment - \$5,500
- Nice residential lot
- Subdivision





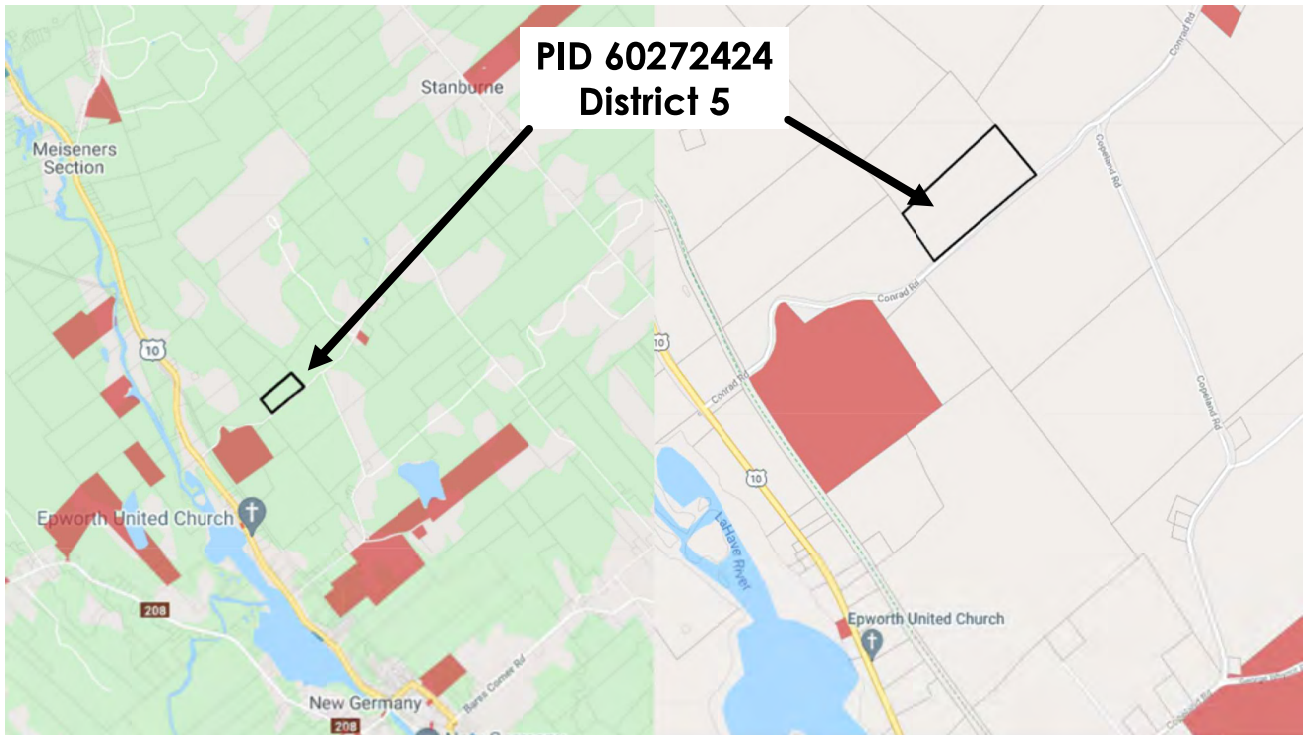
- District 4
- PID 60477213
- Cutthroat Dr, Newcombville
- 4.95 Acres
- Assessment – Not Listed
- Flag Lot with 66 foot right of way over PID 60477189



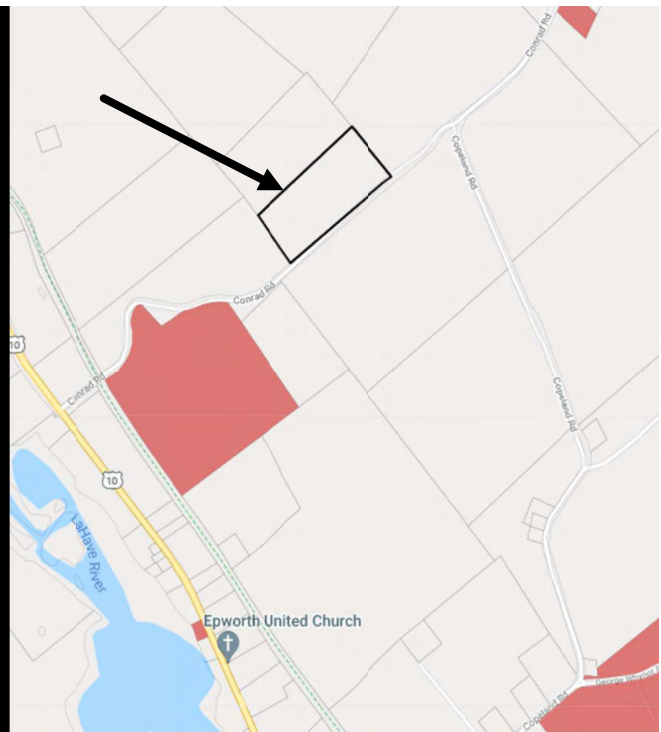


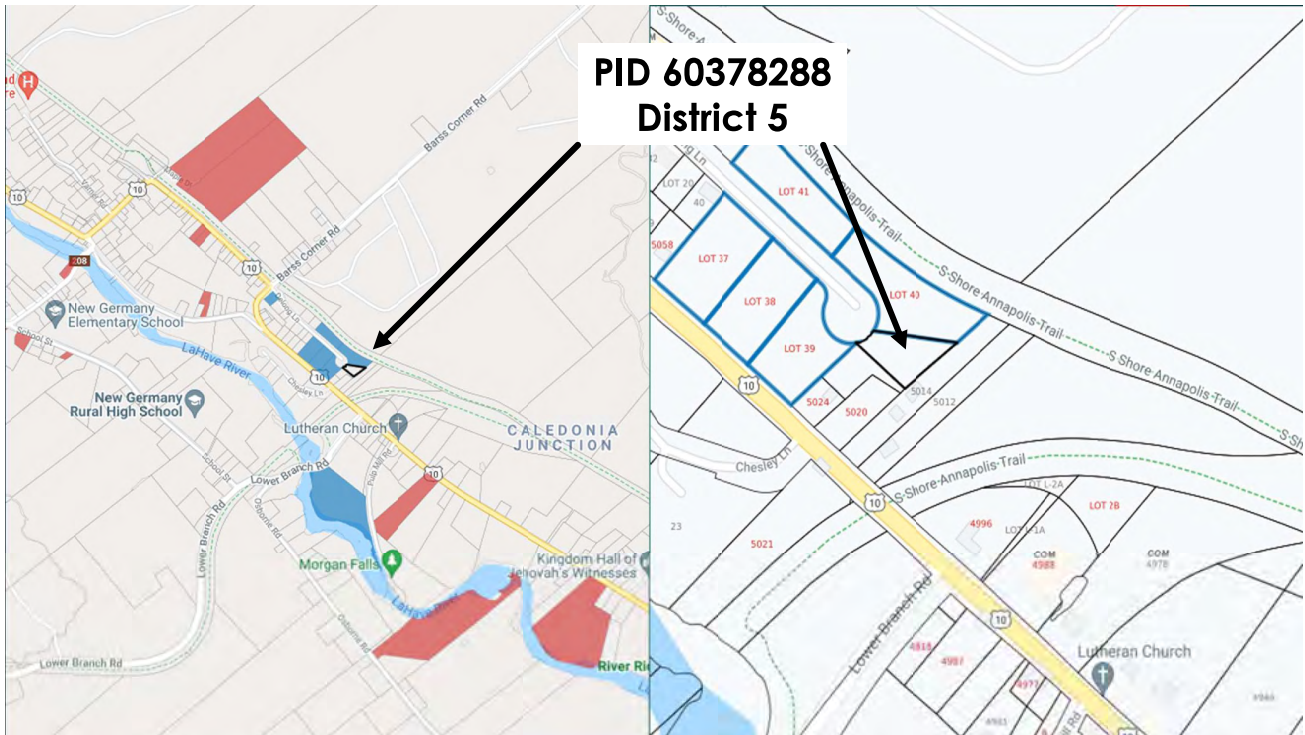
- District 5
- PID 60255379
- Joudrey Lane, Pinehurst
- 1.4 Acres
- Assessment - \$15,000
- Subdivision



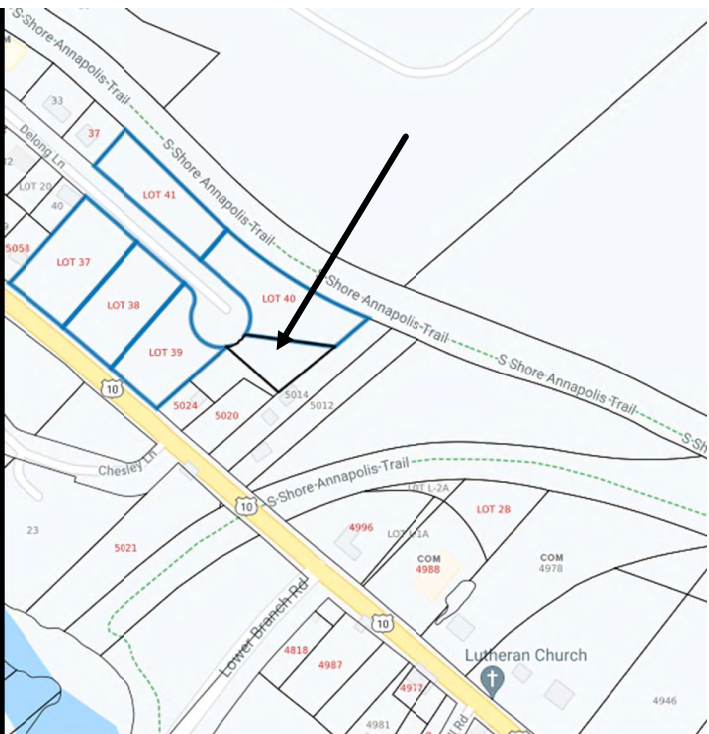


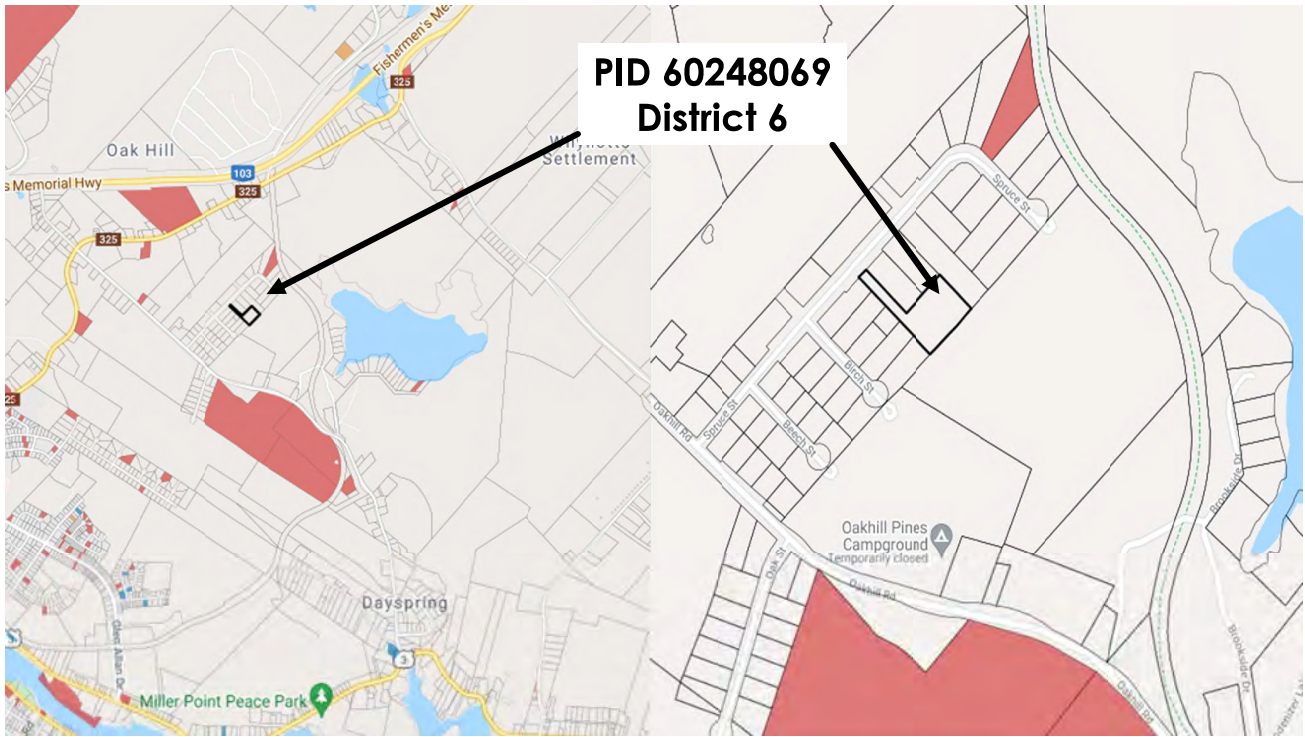
- District 5
- PID 60272424
- Conrad Rd, Stanburne
- 19 Acres
- Assessment - \$4,000
- Possible buyer wants to make dog park for Nova Scotia Duck Tollers





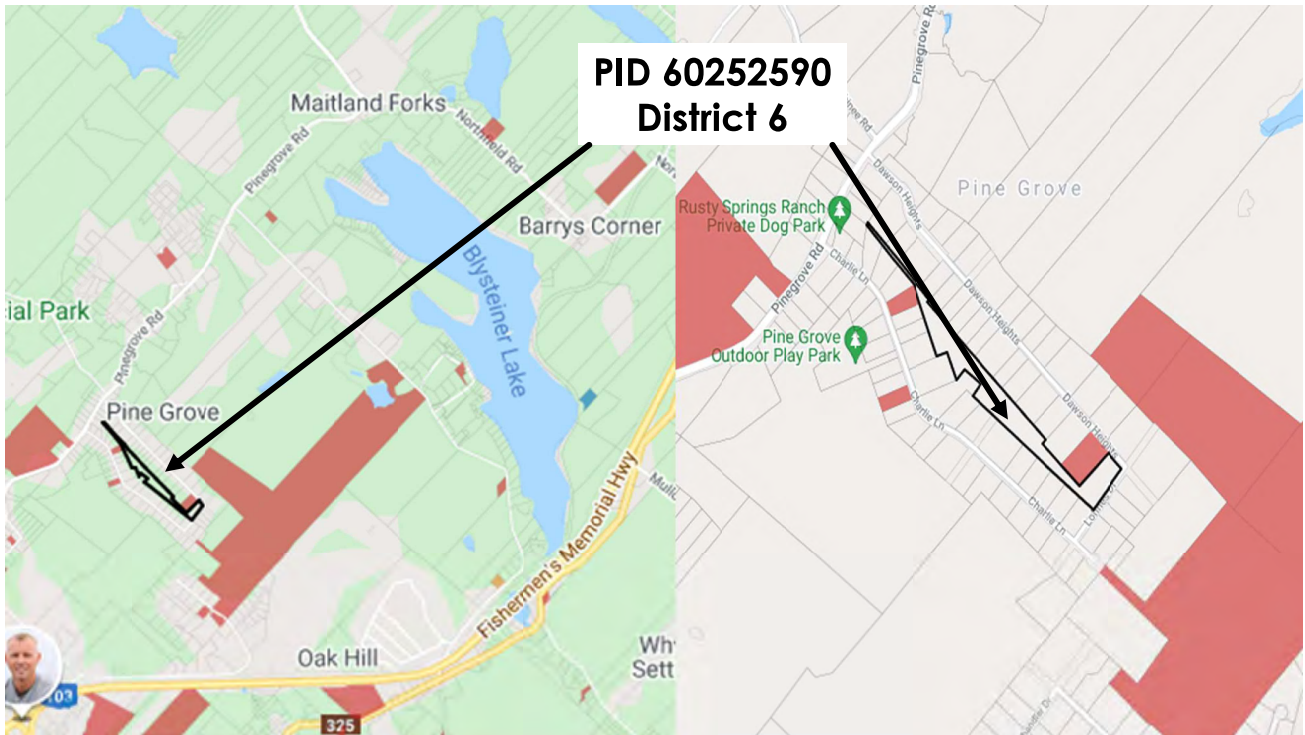
- District 5
- PID 60378288
- Delong Lane, New Germany
- 0.5 acres
- Assessment – Not Listed
- Small lot
- Subdivision



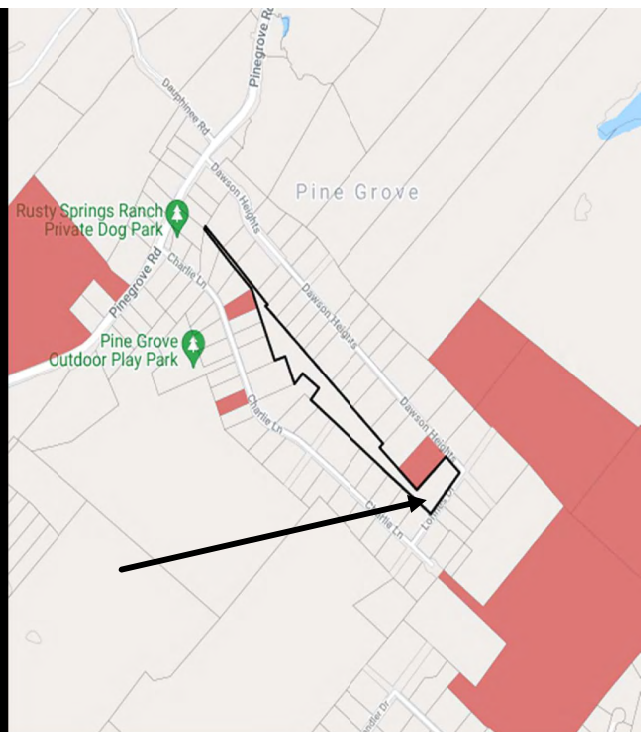


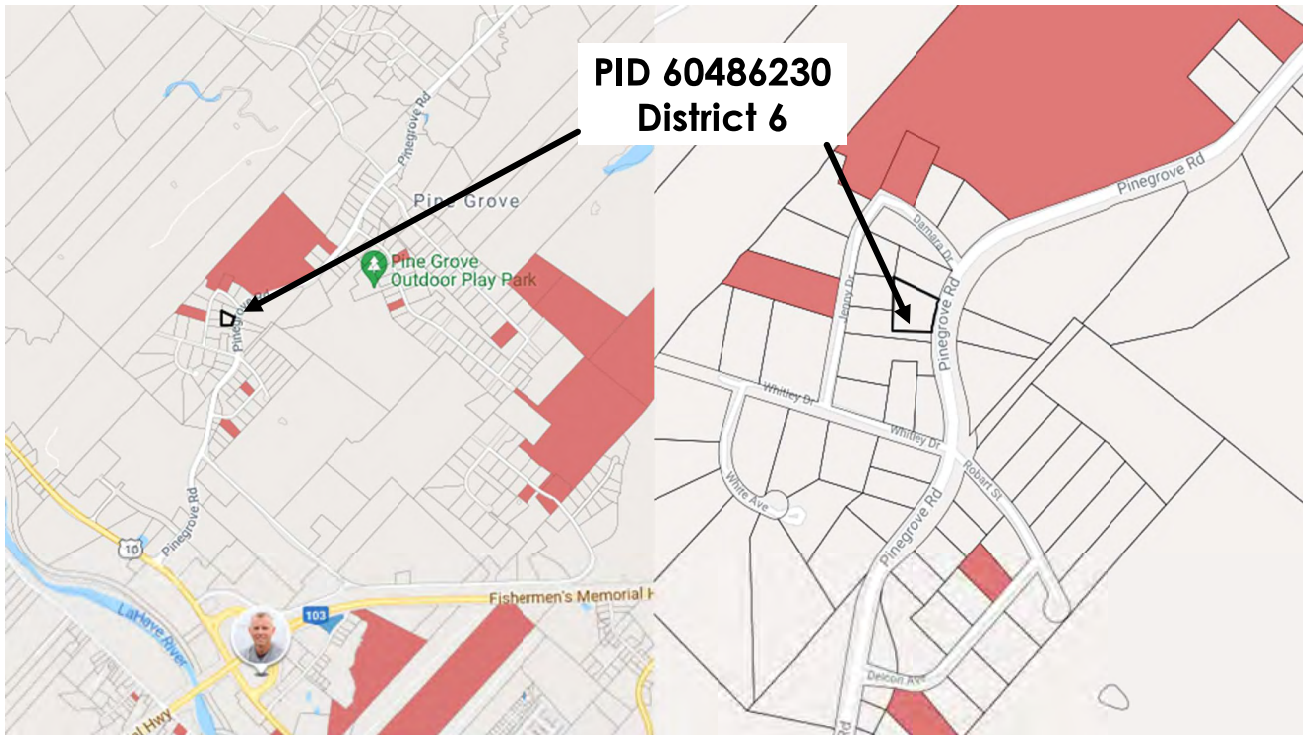
- District 6
- PID 60248069
- Spruce St, Oakhill
- 1.88 Acres
- Assessment - \$24,000
- Flag lot
- Subdivision



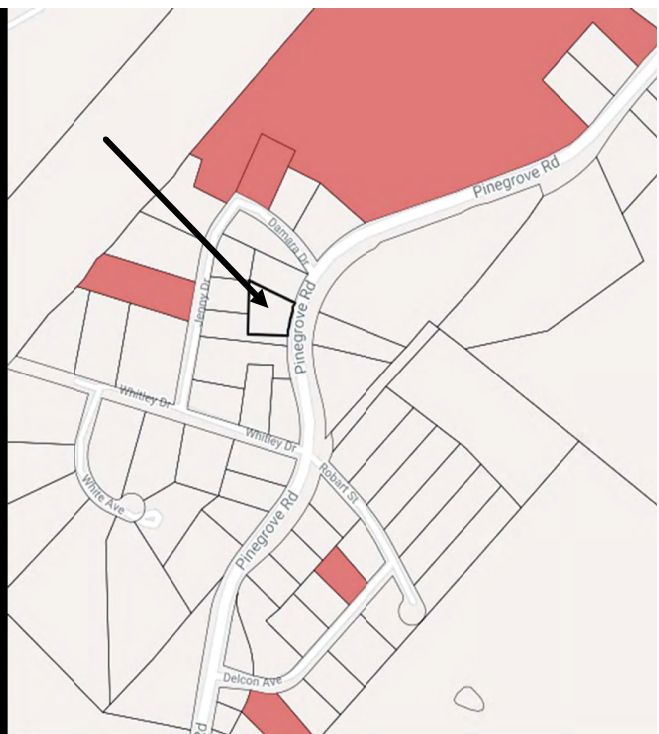


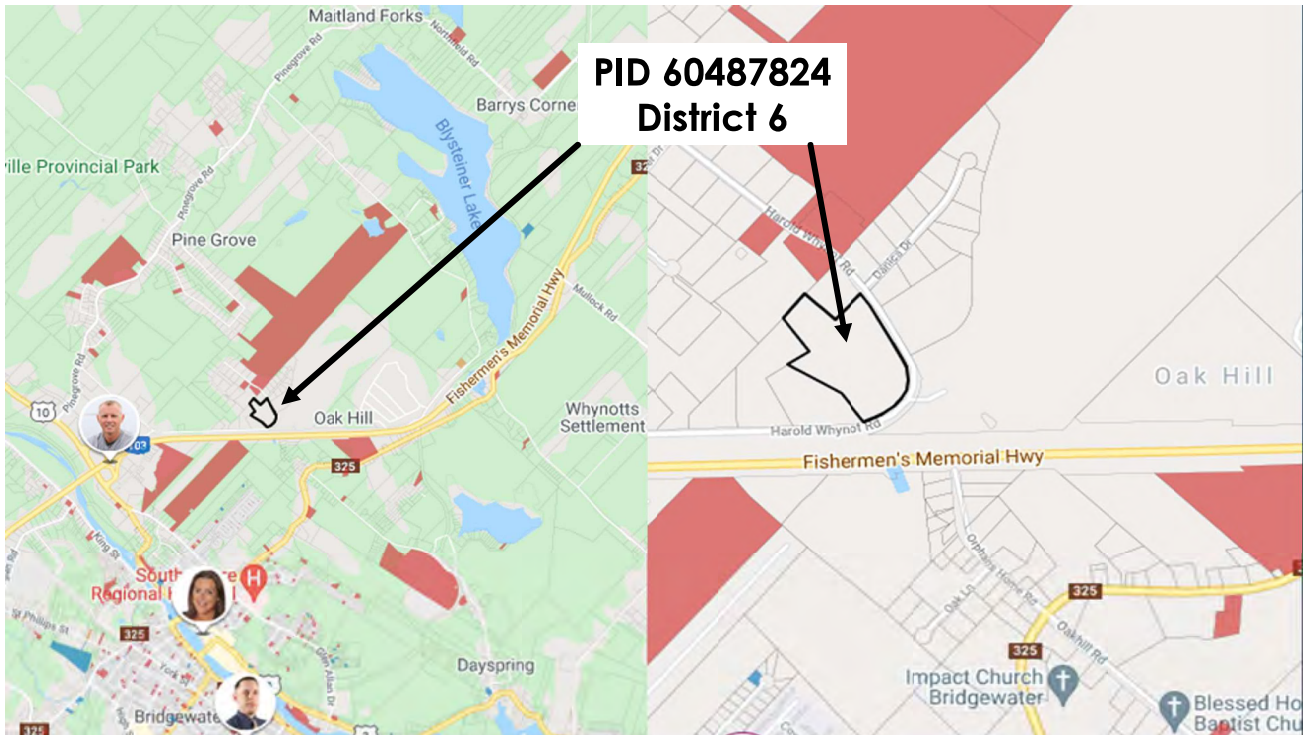
- District 6
- PID 60252590
- Lohnes Dr, Pine Grove
- 11.44 Acres
- Assessment - \$9,100
- Corner Lot
- Main lot is wet and unusable, corner may be able to be subdivided
- Make final assessment after appraisal



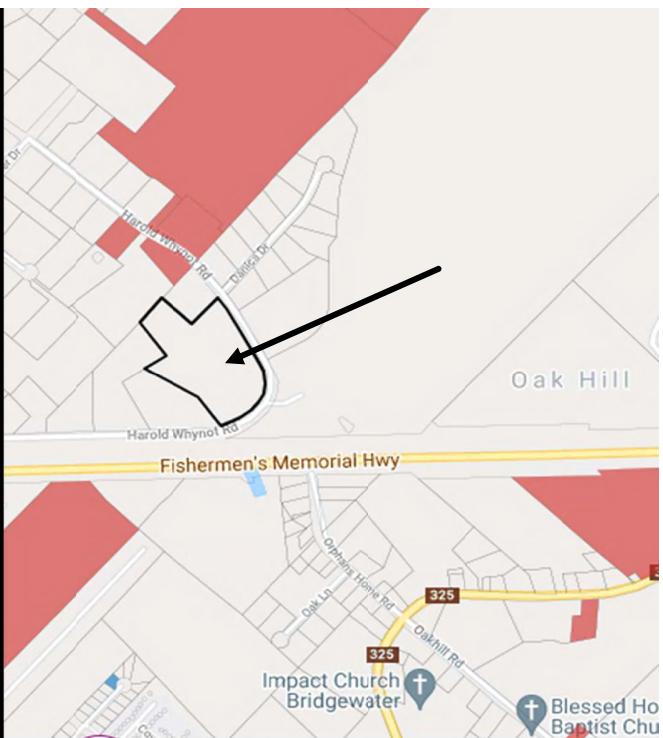


- District 6
- PID 60486230
- Pine Grove Rd, Pine Grove
- 0.9 Acres
- Assessment – Not Listed
- Vacant Lot
- Subdivision

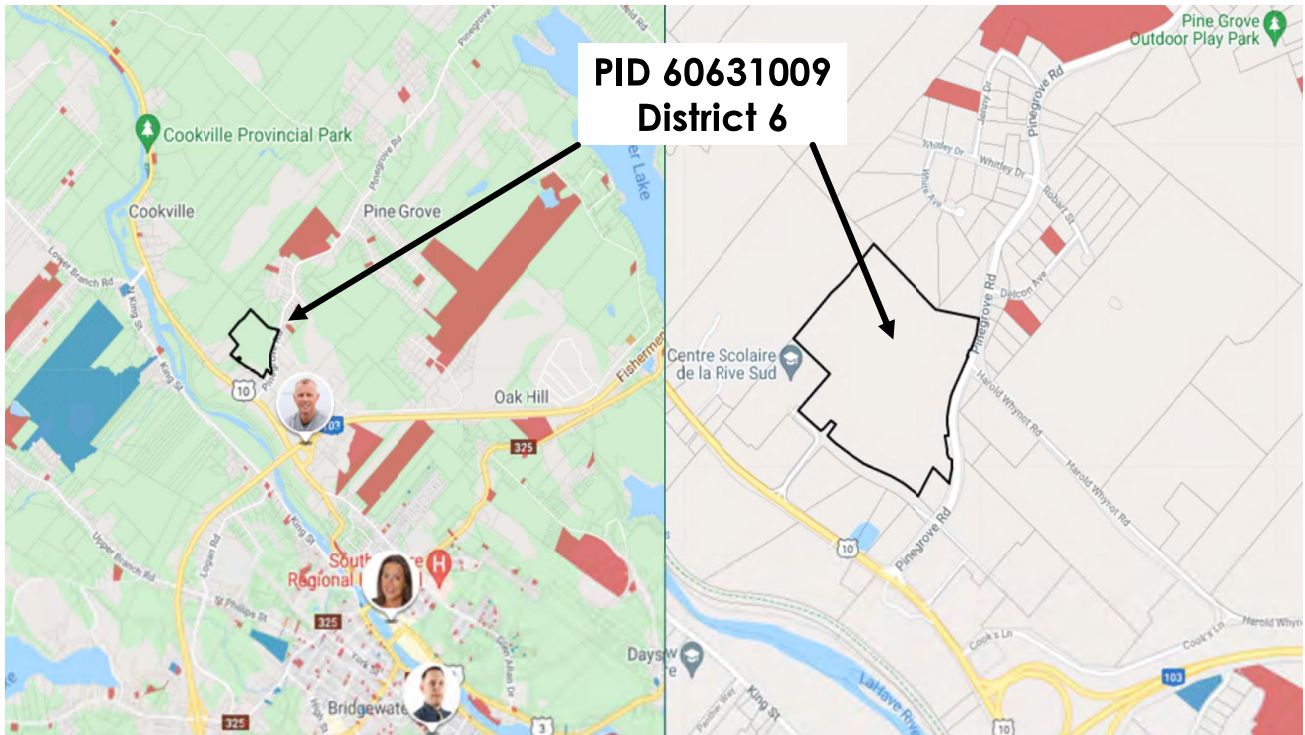




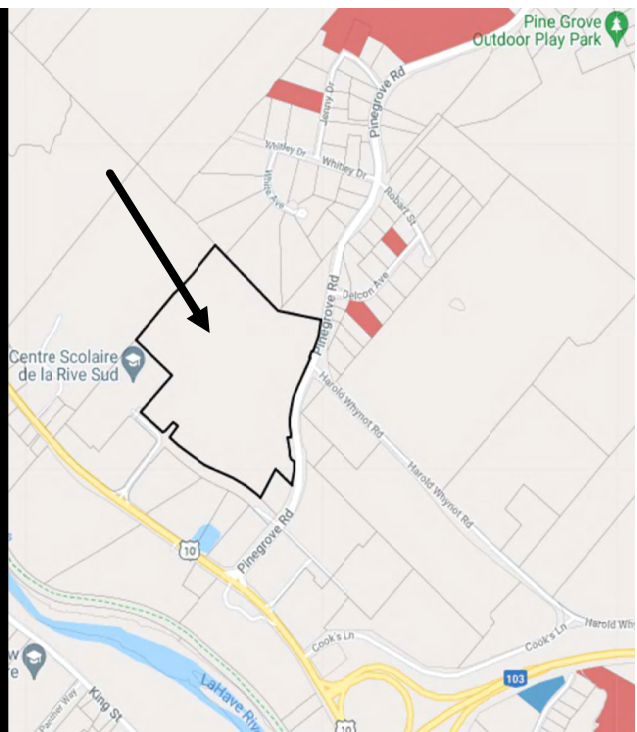
- District 6
- PID 60487824
- Harold Whynot Rd, Oakhill
- 12 Acres
- Appraisal - \$100,000
- Lot in Industrial Park
- May not be suitable for Water Tower
- Will sell unserviced

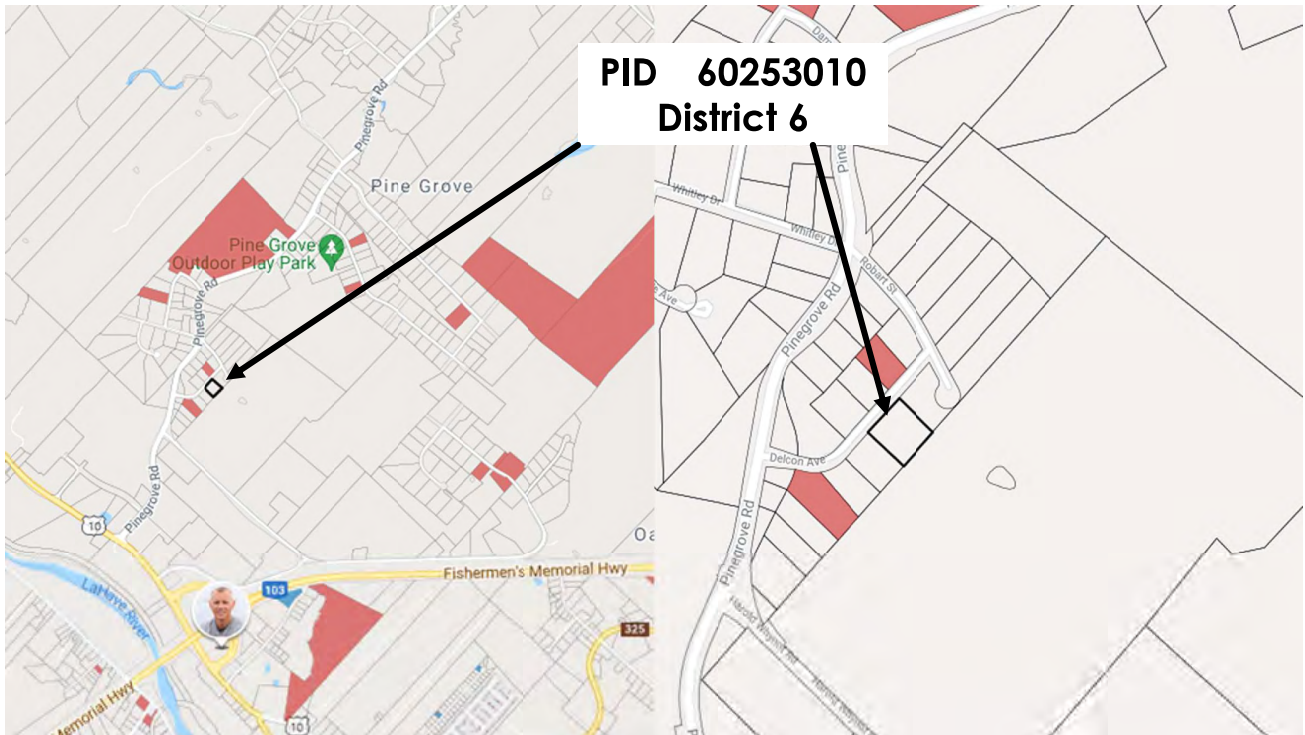




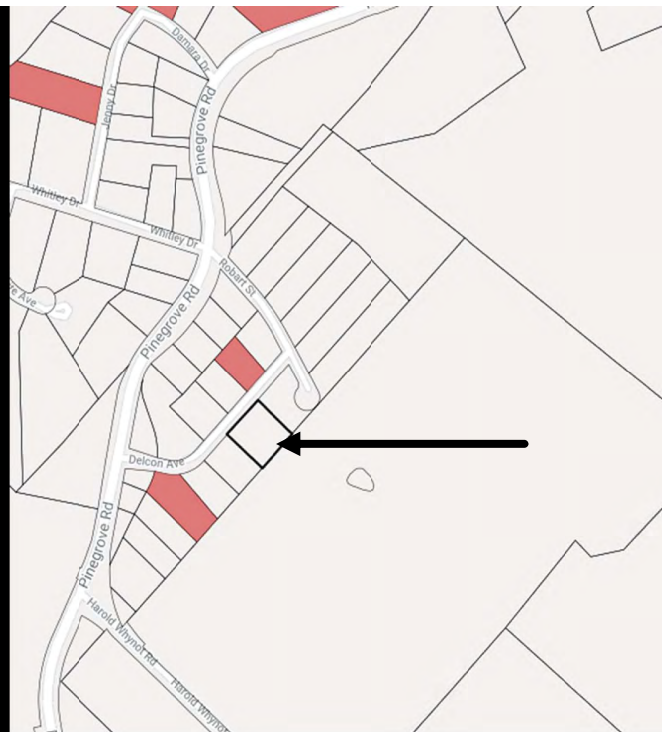


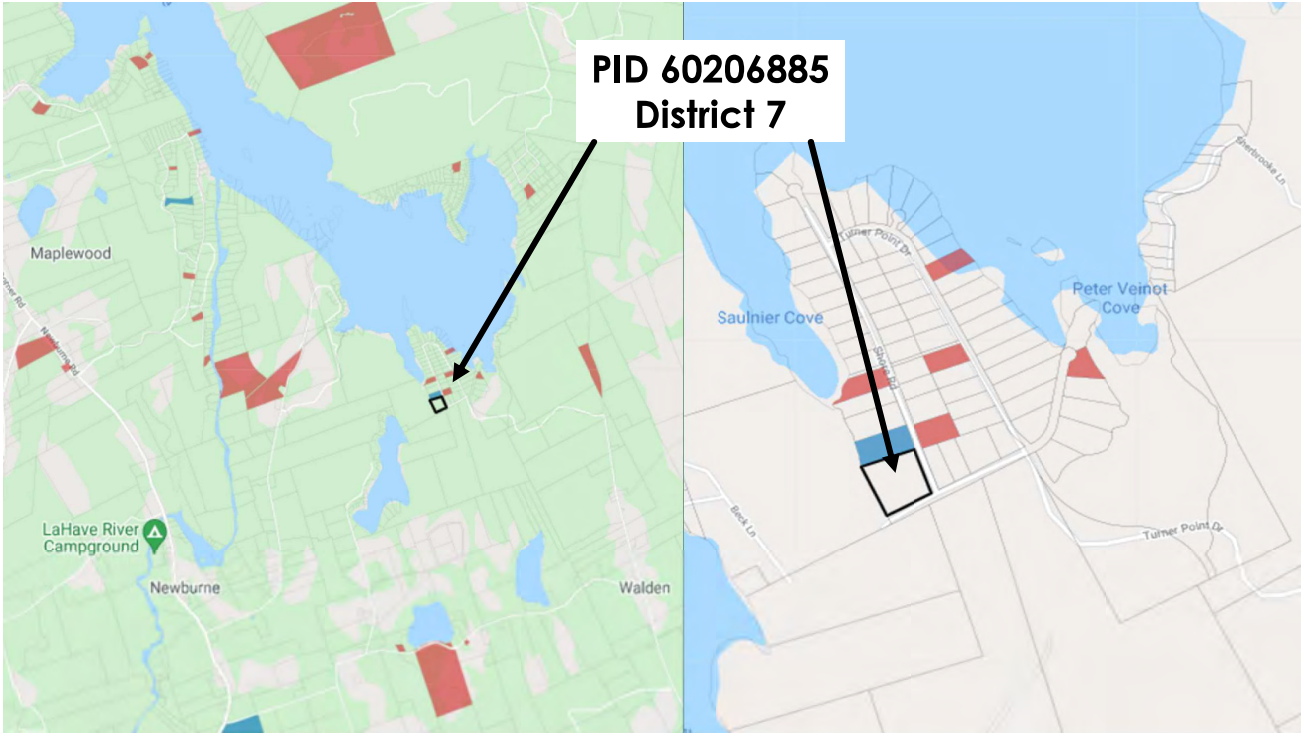
- District 6
- PID 60631009
- Champlain Dr, Cookville
- 52 Acres
- Assessment – Not Listed
- Large lot will be subdivided for French School, possible Community Hub, Trail and possible affordable Housing project



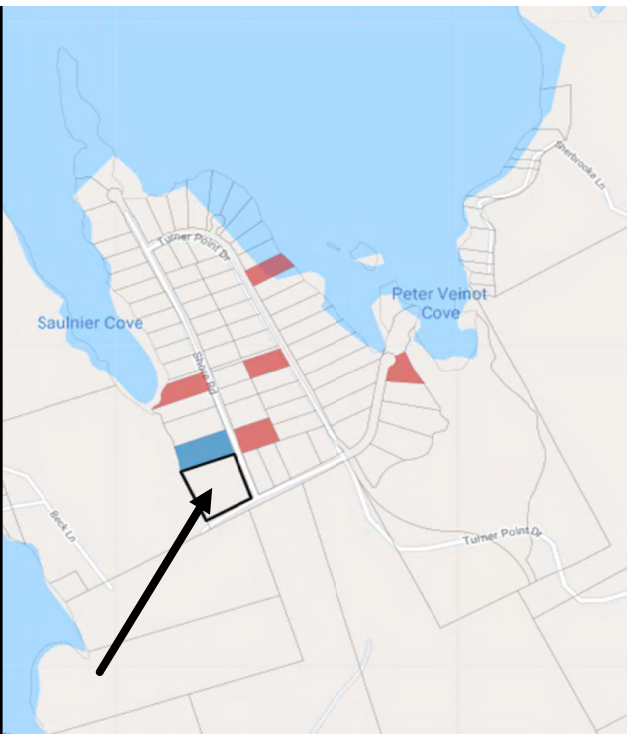


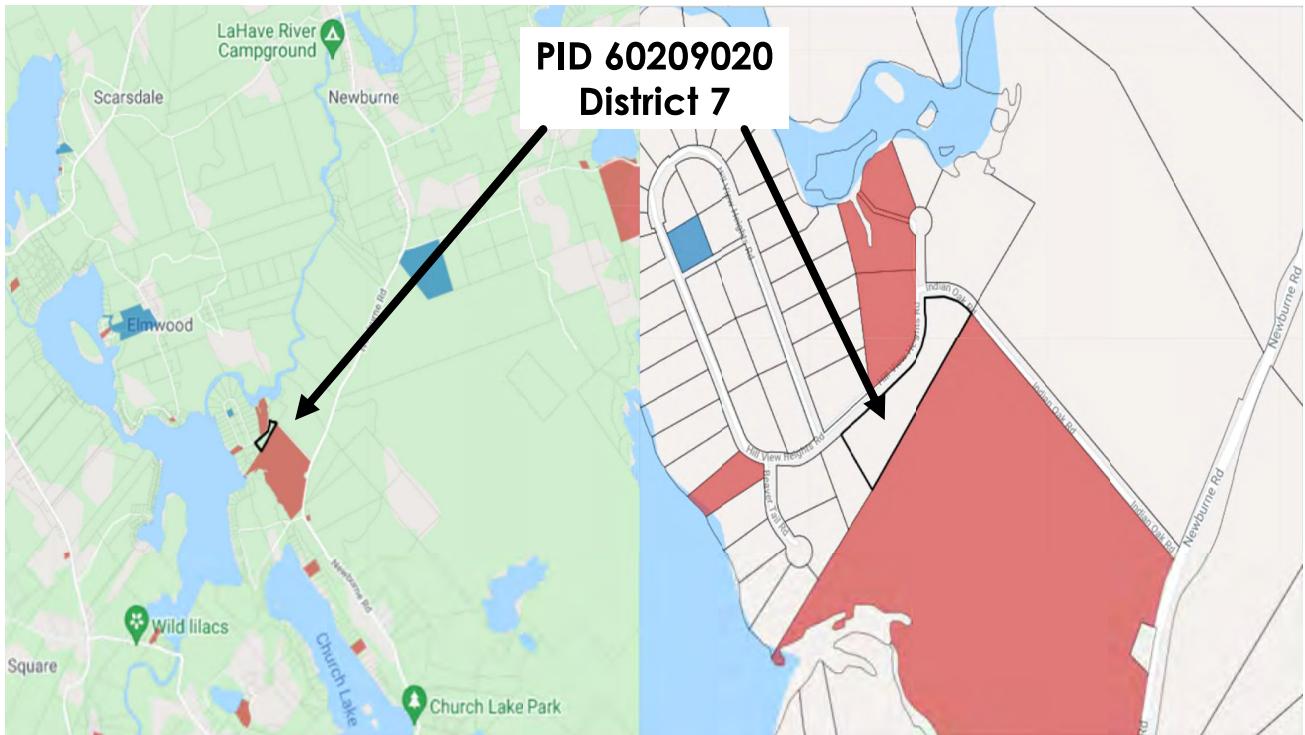
- District 6
- PID 60253010
- Delcon Ave, Pine Grove
- 1.23 Acres
- Assessment - \$30,000
- May have brook in the middle
- Land will be appraised and reevaluated
- Subdivision



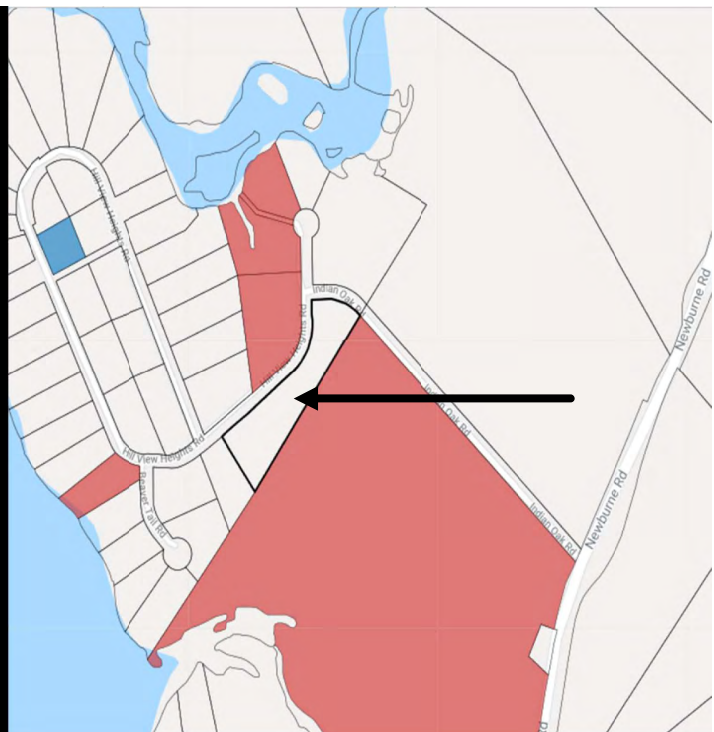


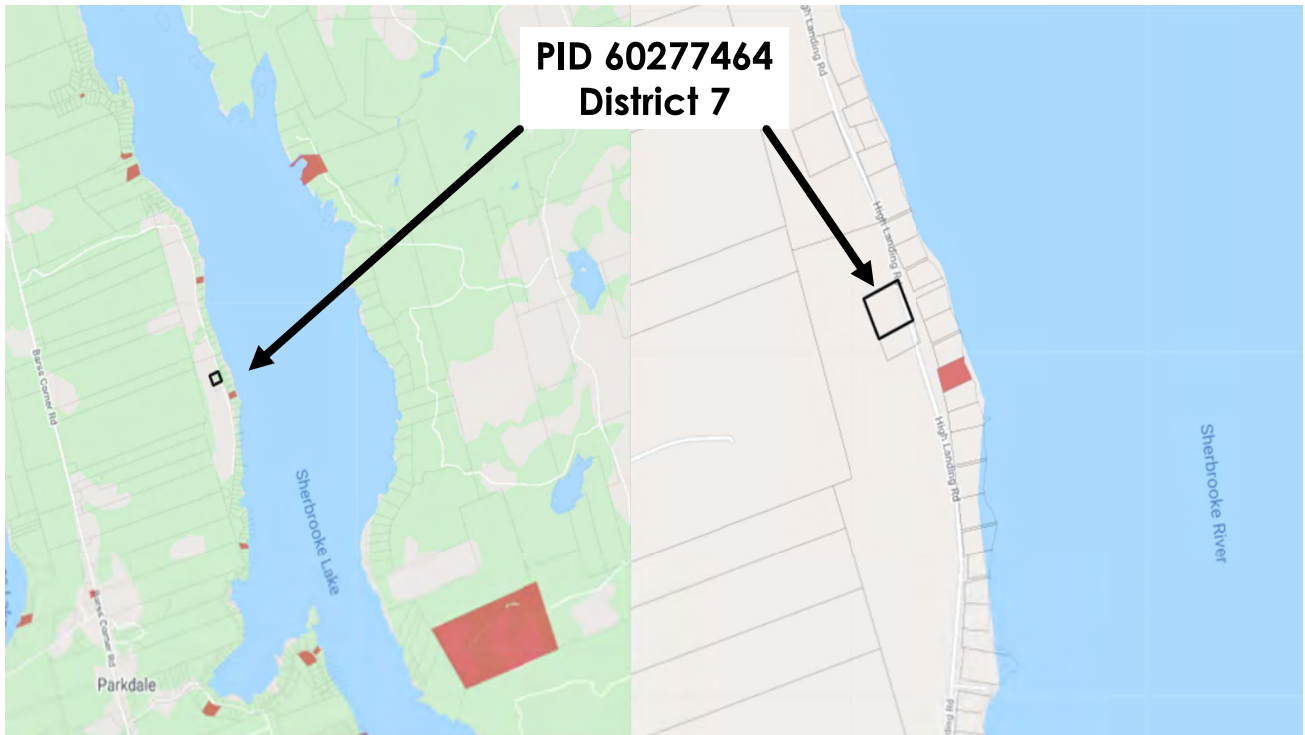
- District 7
- PID 60206885
- Shore Rd, Walden
- 4.7 Acres
- Assessment - \$6,700
- Subdivision





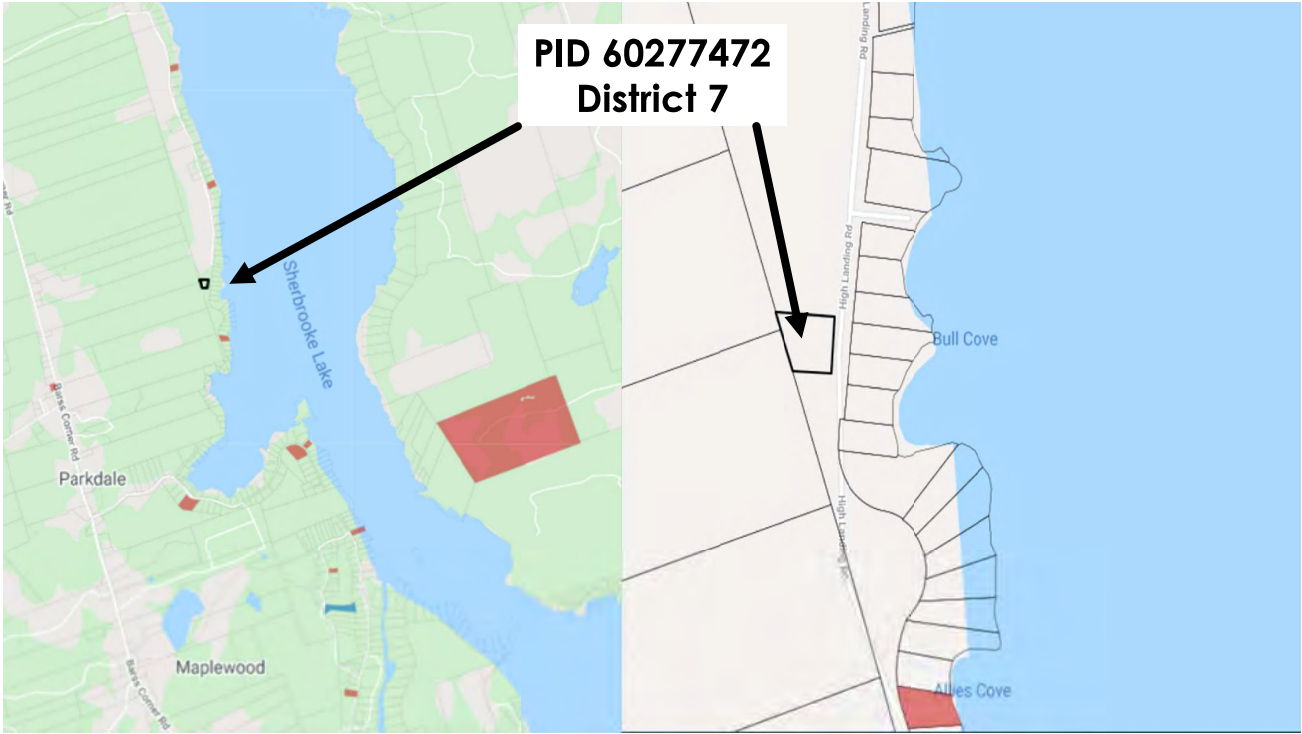
- District 7
- PID 60209020
- Hillview Heights Rd, Newburne
- 5.2 Acres
- Assessment - \$17,600
- Reassess after appraisal
- Subdivision





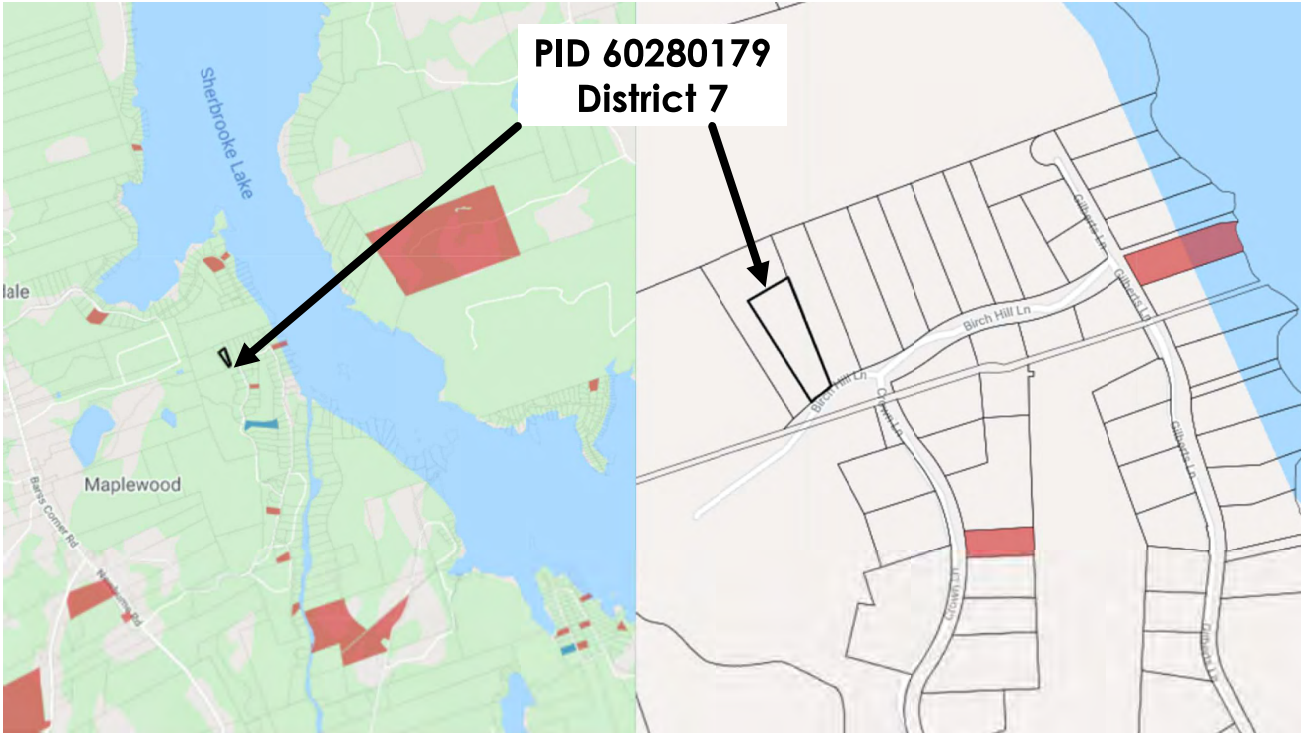
- District 7
- PID 60277464
- High Landing Rd, Parkdale
- 2.97 Acres
- Assessment - \$12,000



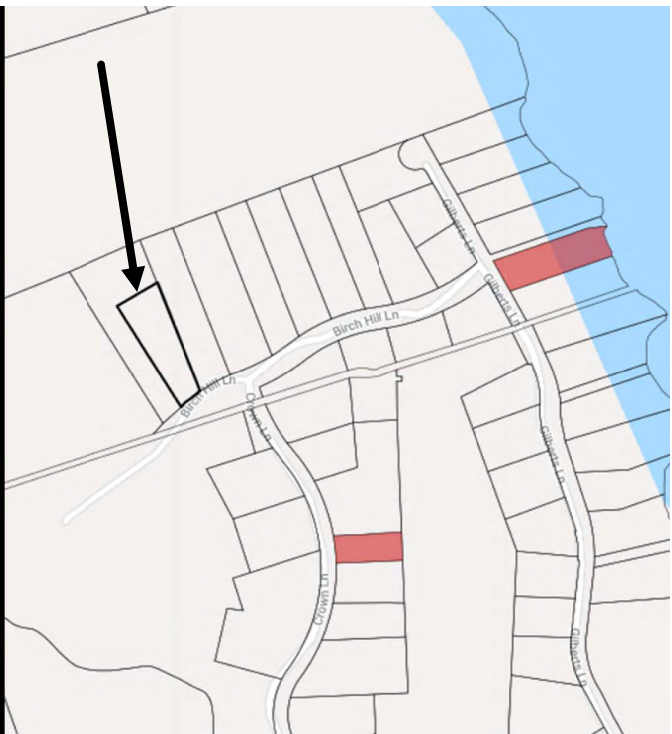


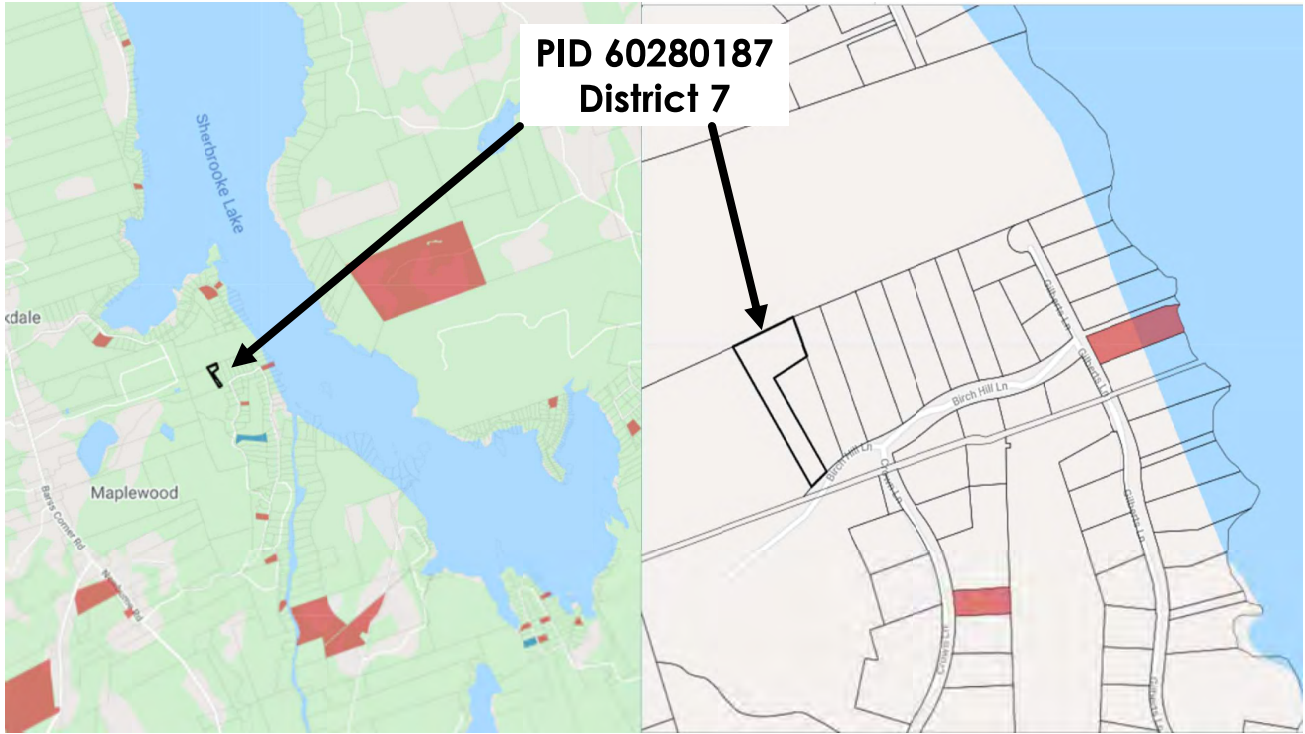
- District 7
- PID 60277472
- High Landing Rd, Parkdale
- 1.82 Acres
- Assessment - \$12,000



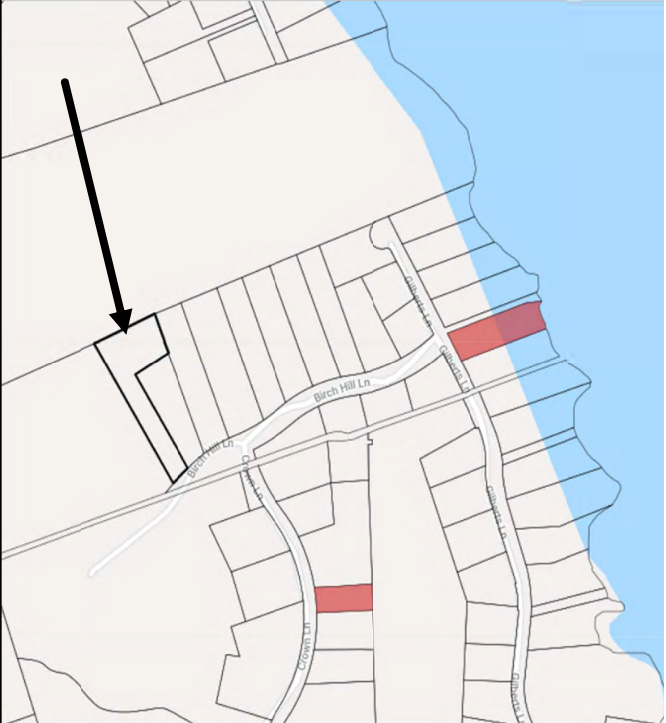


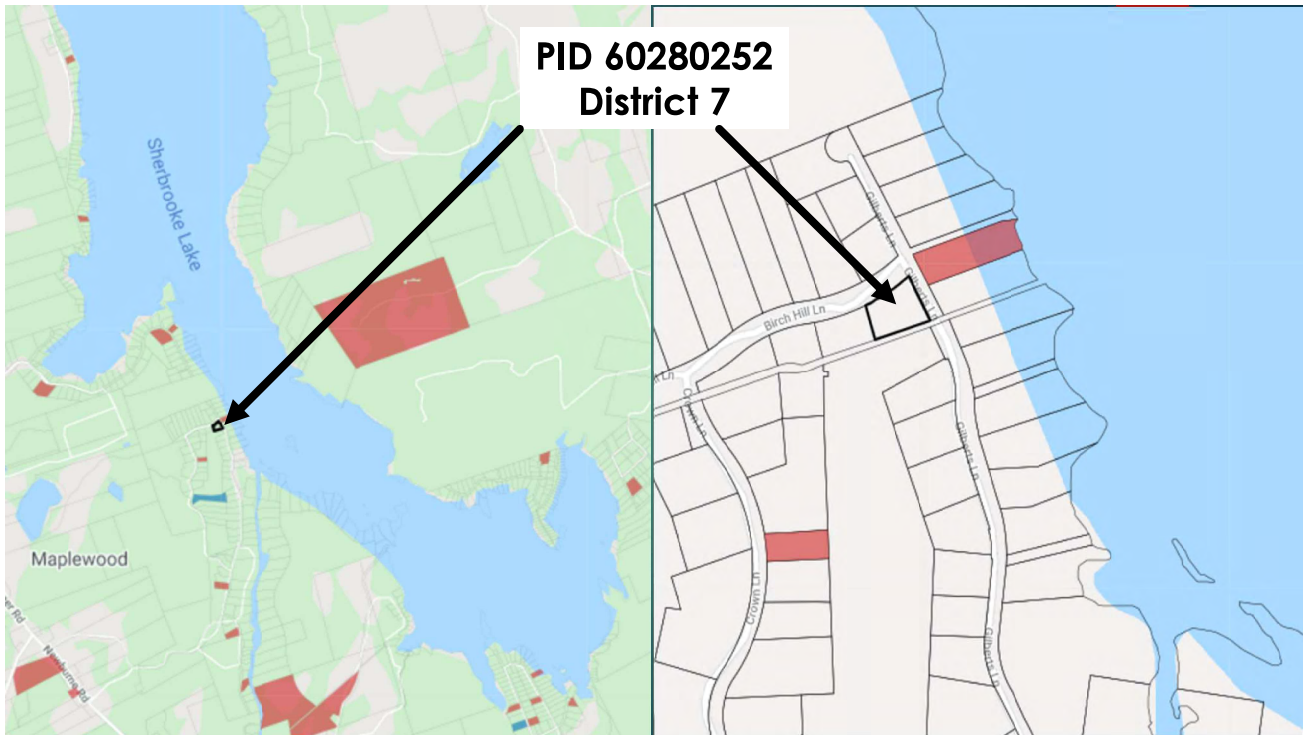
- District 7
- PID 60280179
- Birch Hill Rd, Maplewood
- 1.8 Acres
- Assessment - \$12,000
- Subdivision



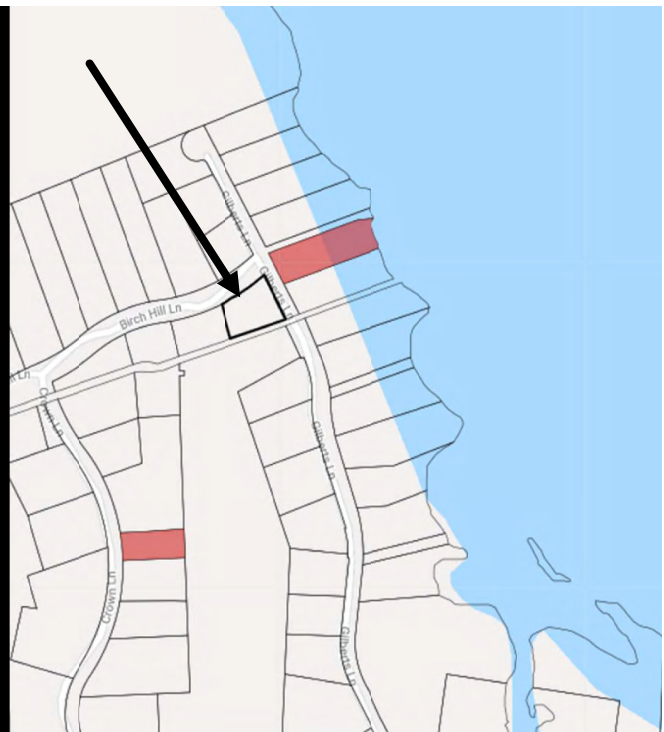


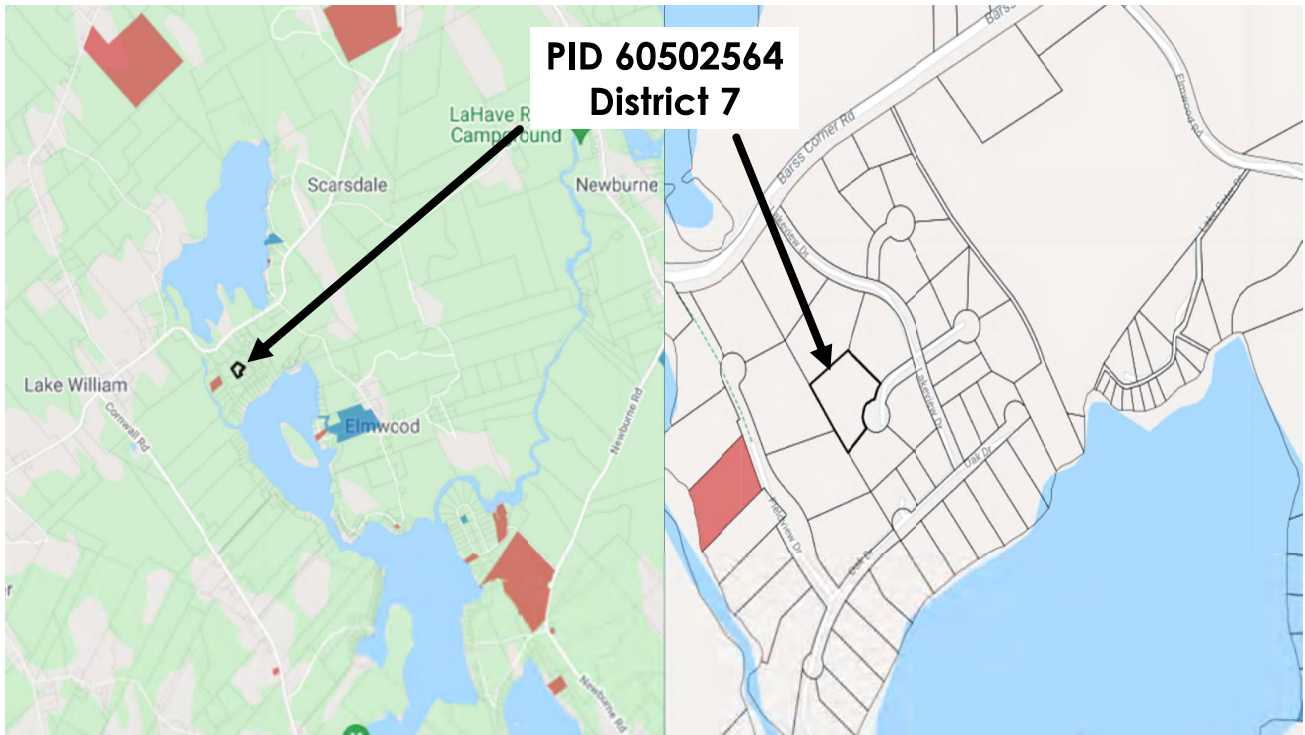
- District 7
- PID 60280187
- Birch Hill Rd, Maplewood
- 2.86 Acres
- Assessment - \$12,000
- Subdivision



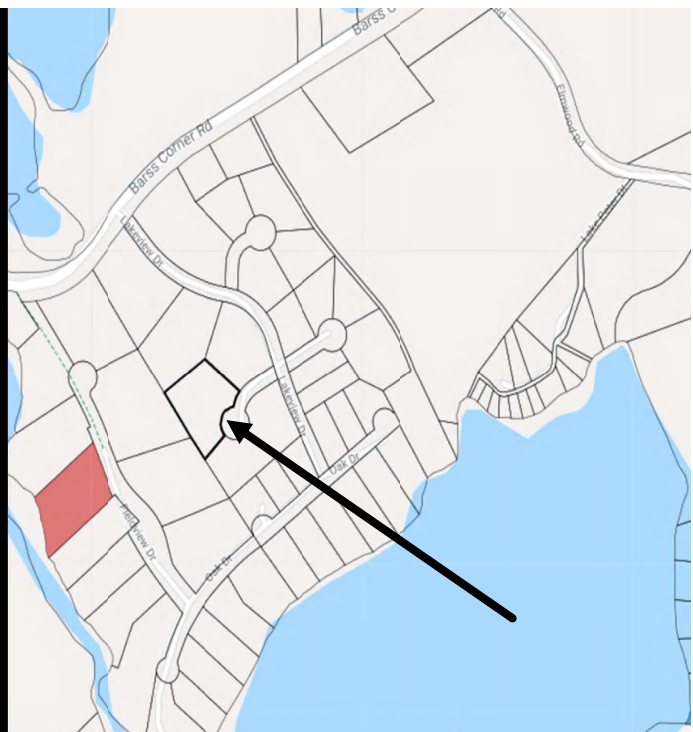


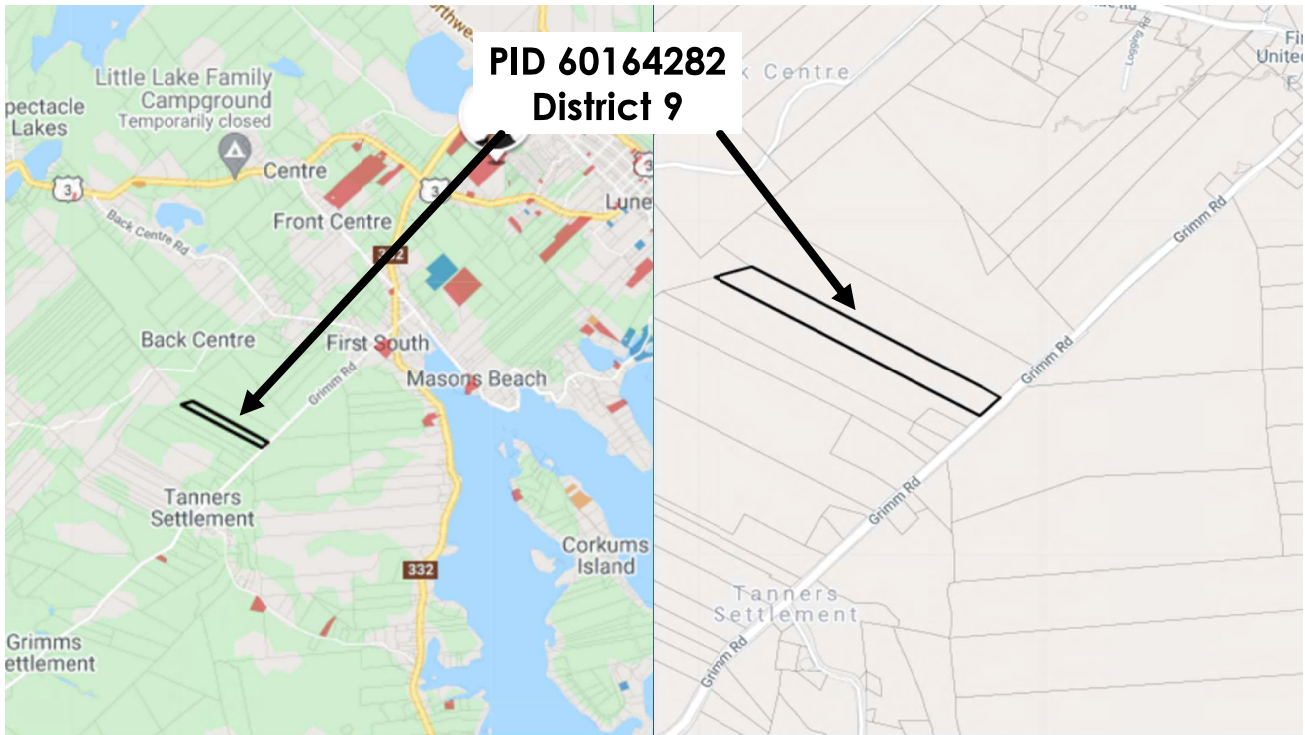
- District 7
- PID 60280252
- Birch Hill Rd, Maplewood
- 1.05 Acres
- Assessment - \$12,000
- Subdivision



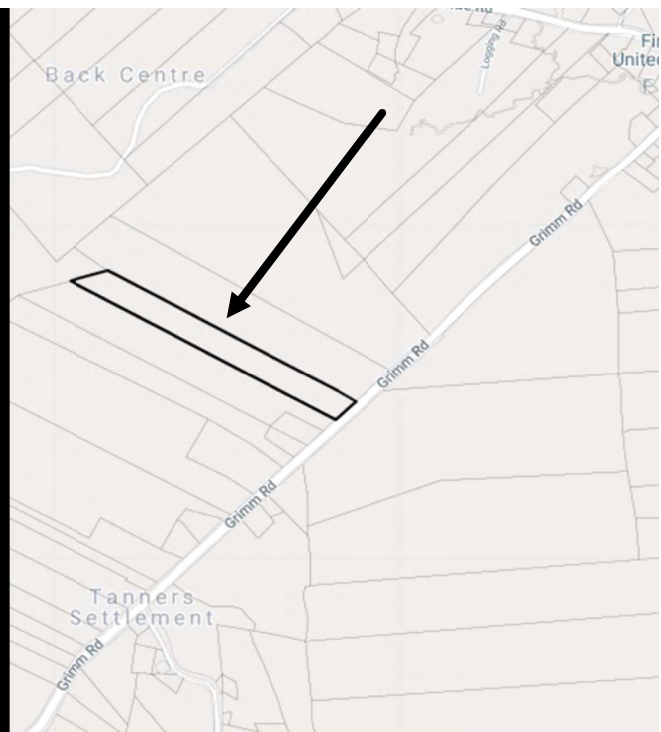


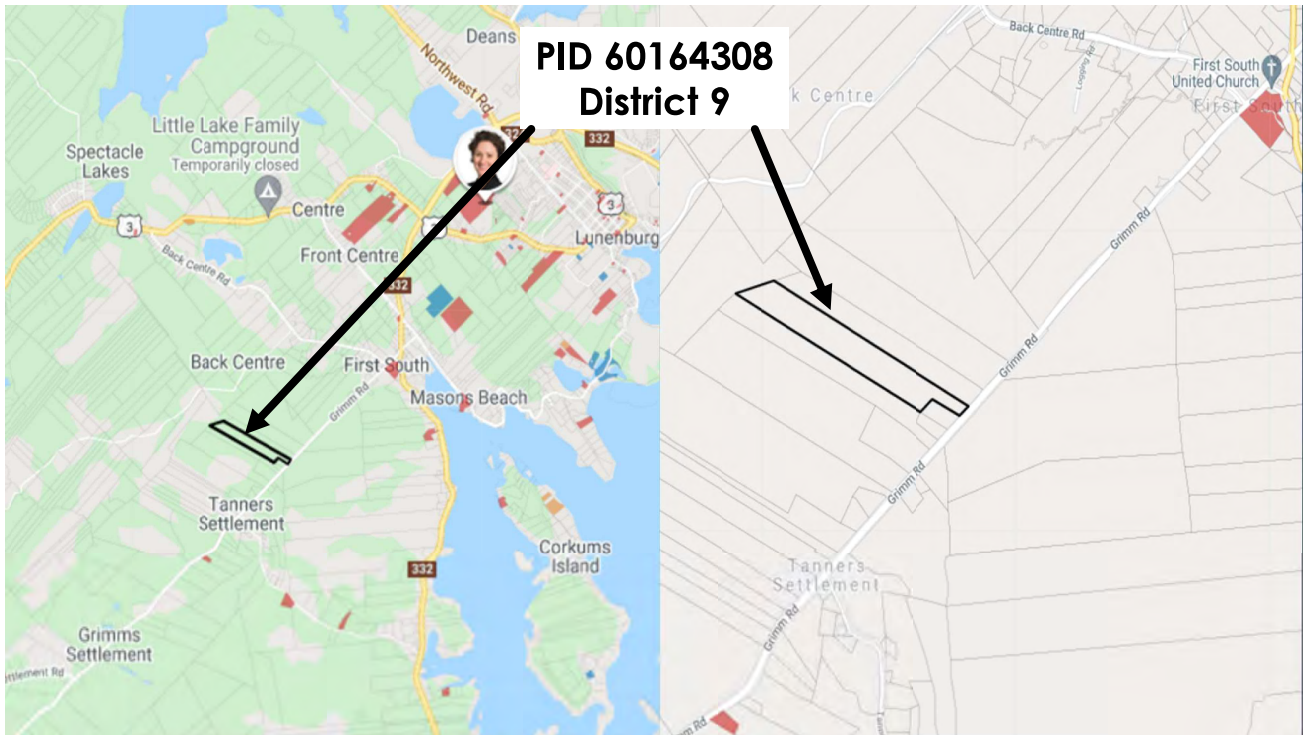
- District 7
- PID 60502564
- Fieldview Dr, Scarsdale
- 2 Acres
- Assessment – \$12,000
- Vacant Lot
- Was appraised at \$14,000



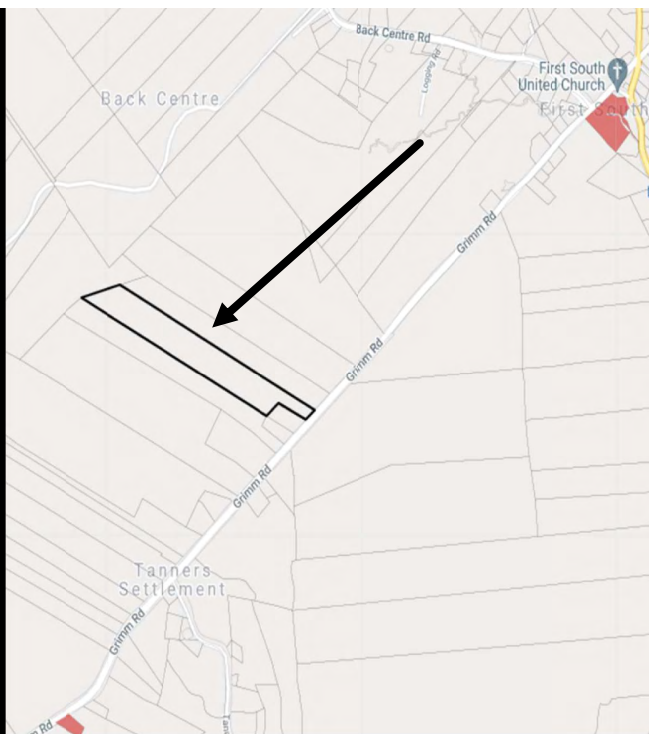


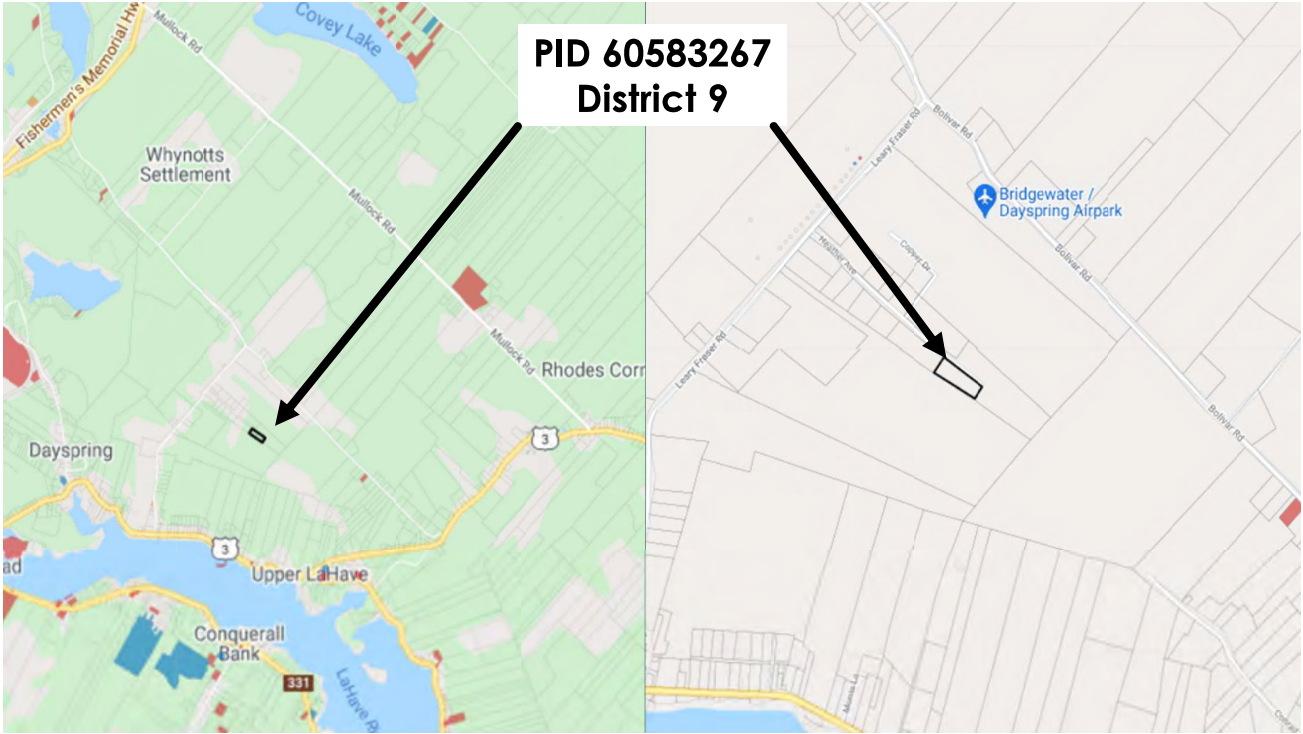
- District 9
- PID 60164282
- Grimm Rd, First South
- 12.45 Acres
- Assessment \$4,200



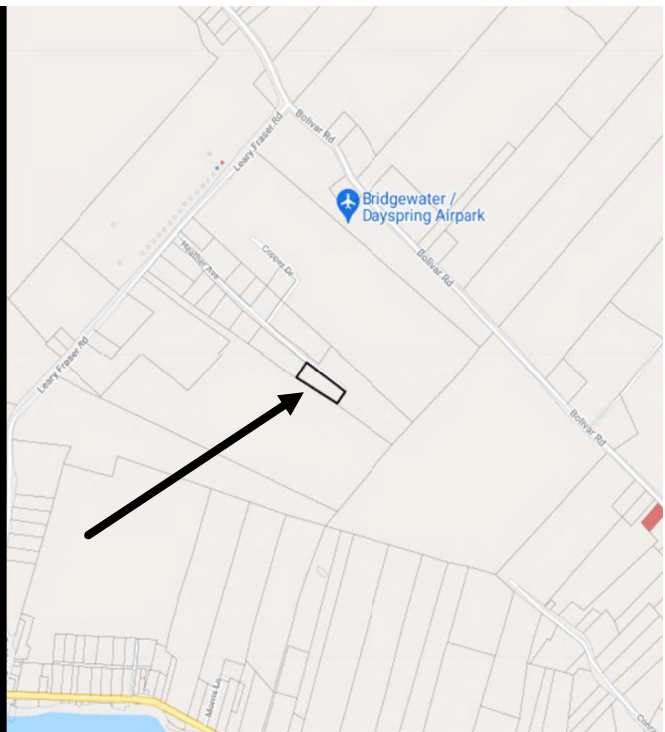


- District 9
- PID 60164308
- Grimm Rd, First South
- 17 Acres
- Assessment - \$3,800





- District 9
- PID 60583267
- Heather Ave, Dayspring
- 1.7 Acres
- Assessment - \$20,000



## Summary

- MODL owns 330 total lots
- After staff and council review there are 32 lots that could be available to sell
- All land sales fund will be placed in the park improvement reserve fund to upgrade parks
- Promote MODL as a destination for people to connect with nature through outdoor recreation

## Additional Item #1: Lot pricing

- Assessed value
- Realtor assessment, or
- Appraisal

Staff will use an appraiser as per council normal process to set the lot prices as it is the preferred method. After looking at options from various appraiser it was determined that we can have each lot appraised at \$412.50 each. 29 lots would need to be appraised and we would do in batches.

## Additional Item #2: Method of Sale

There are a few options to sell property.

- Use existing staff – Economic Development Department, or
- Real-estate company

Staff will be using a hybrid model and have staff continue to sell the lots in Osprey Village, Harold Whynot and a few existing enquires but do an Expression of Interest for real estate service to list the remaining residential based lots.

All lots except the Osprey Village lot and Harold Whynot lot would first be available to adjacent landowners.

## Next Steps

- Council provide direction on official list of surplus lots by motion.
- Appraisal - \$412.50 per lot (total cost \$11,962.50)
- As per the MGA all lots will be advertised in the local paper as being surplus.
- Lots will then be made available to abutting landowners
- All remaining lots will be sold under a hybrid model of staff and/or realtor

# Surplus Lots

Street Name	District	Acres	Pid
Wallace Lake Acres Ro	1	1.82	60348901
Huber Road	1	2.94	60295086
Sea Fox Road	2	2.44	60345493
Bluenose Avenue	2	0.53	60435849
Bluenose Avenue	2	0.45	60451259
Ernest Marion Drive	3	2.13	60582459
Aron Veinot Road	4	1.94	60324878
Forest View Drive	4	0.75	60329869
Gail Avenue	4	1.41	60330719
Glendale Avenue	4	2.78	60331337
Cutthroat Drive	4	5.18	60477213
Conrad Rd	5	19	60272424
Joudrey Avenue	5	1.23	60255379
Delong Lane	5	0.39	60378288
Spruce Street	6	1.88	60248069

Street Name	District	Acres	Pid
Lohnes Drive	6	11.42	60252590
Pine Grove Road	6	0.90	60486230
Harold Whynot Road	6	11.99	60487824
Pine Grove Road	6	1.68	60597309
Delcon Ave	6	1.23	60253010
Pine Grove Road	6	38.52	60631009
Shore Road	7	5.00	60206885
Hillview Heights Road	7	5.53	60209020
High Landing Road	7	3.07	60277464
High Landing Road	7	1.75	60277472
Birch Hill Road	7	1.80	60280179
Birch Hill Road	7	2.96	60280187
Birch Hill Road	7	1.01	60280252
Fieldview Drive	7	2.10	60502564
Grimm Road	9	12.45	60164282
Grimm Road	9	17.00	60164308
Heather Avenue	9	1.73	60583267

# Motion

**Council deem the lots identified as surplus and direct staff to proceed with the divesture of surplus lots in accordance with Policy MDL-65, Divesture of Surplus Land, as presented.**

# Questions



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Council  
**SUBMITTED BY:** Jamie Burgess, P.Eng., Municipal Engineer  
**DATE:** March 8, 2022  
**RE:** Cookville Wastewater Collection System Inflow and Infiltration Investigation

---

#### RECOMMENDATIONS

*Municipal Council authorize staff to hire **exp** Inc. and additional subcontractors as required to complete Cookville Wastewater Collection System Inflow and Infiltration Investigation for a maximum cost of \$50,000 including 4.286% HST.*

#### EXECUTIVE SUMMARY

Providing adequate Municipal infrastructure including water and wastewater systems is necessary to attract further development/investment in the Osprey Village area. The current Cookville Wastewater Treatment Plant (WWTP) is operating at approximately 25-30% of its design capacity. Recent development projects and proposed projects for Osprey Village are residential based. These residential based projects tend to consume much more treatment capacity than the current commercial development type in this area. The Engineering Department has roughly estimated that wastewater generated by the current projects under construction and the proposed development scheduled over the next 2 years will meet or exceed the design capacity of the Cookville WWTP. To ensure MODL can provide sufficient wastewater service for the Osprey Village area, both future and present, **exp** Inc. is currently conducting a capacity review of the Cookville WWTP.

During preliminary discussions regarding the capacity review, it was discovered the wastewater collection system in the Cookville /Osprey Village area may have inflow and infiltration (I&I) issues. Inflow and Infiltration is the introduction of non-sanitary sewer water into the wastewater collection system. This non-sanitary sewer water can sometimes exceed the actual sanitary wastewater flow which can drastically impact the ability of the WWTP to effectively treat the incoming flows. Both the consultant **exp** Inc. and MODL engineering staff are

recommending that an I&I investigation be conducted simultaneously with the current WWTP capacity review to provide the accurate information required to assess the Cookville WWTP capacity.

## **DISCUSSION**

Quantifying and locating sources of I&I in this collection system will provide MODL with valuable information needed to address these I&I issues. Eliminating I&I will increase the capacity of the Cookville WWTP. This information must be considered when designing for future capacity.

The proposed residential development(s) in Osprey Village will eventually exceed the present available design capacity of the Cookville WWTP. This investigation will provide the required information to design adequately for the future capacity of the Cookville WWTP which will meet both committed and future development needs.

## **BUDGET IMPLICATIONS**

The Cookville Wastewater Collection System I&I Investigation was not included in the approved 2021/22 Capital Budget, however there are funds available in the sewer reserve to pay for this study. The study will not only involve the consultant **exp** Inc. but also subcontractors for items such as traffic control, flowmeter installation and confined space entry technicians for a maximum cost of \$50,000, including HST.

## **CONCLUSION**

*Municipal Council authorize staff to hire **exp** Inc. and additional subcontractors as required to complete Cookville Wastewater Collection System Inflow and Infiltration Study for a maximum cost of \$50,000, including 4.286% HST.*

---

Department:                    Engineering and Public Works

Report Prepared By:    Jamie Burgess, P.Eng.

Date: March 8, 2022

Report Approved By:    Stephen W. Pace, MBA, P. Eng.

Date: March 8, 2022

Reviewed By CAO:

Date: