

A Public Hearing regarding Osprey Village Plan Review will commence at 8:30 a.m., prior to the Council meeting.

**REVISED**

## **Municipal Council Meeting Agenda**

**Tuesday, April 12, 2022 – 9:00 a.m.**

**MODL Council Chambers – 10 Allée Champlain Drive, Cookville**

**Via Video/Audio Teleconferencing**

- 1. Call to Order**
  - 1.1 Mi'kma'ki Territorial Acknowledgement
- 2. Announcements, Acknowledgements, Recognition**
- 3. Public Input (15 Minutes)**
- 4. Approval of Agenda** (as circulated)
- 5. Approval of Minutes – March 22, 2022**
- 6. Business Arising from Minutes**
- 7. Awarding of Tenders/RFPs**
  - 7.1 Award of RFP 2020-05-404 Pedestrian Design Services ..... 1-4
- 8. Presentations/Scheduled Times – Nil**
- 9. Consideration of Correspondence**
  - 9.1 Letter from Town of Mahone Bay re Regional Housing Strategy ..... 5
- 10. Recommendations from Committees & Boards**
  - 10.1 Finance Committee ..... 6**
    - 10.1.1 Request for Financial Contribution to Active Living Park ..... 7
    - 10.1.2 Pre-Budget Approval for Tractor ..... 8
    - 10.1.3 Tax Exemptions for Non-Profit Organizations ..... 9-11
    - 10.1.4 Investing in Canada Infrastructure Program (ICIP)  
re Cookville Wastewater Treatment Plant ..... 12-14
  - 10.2 Policy & Strategy Committee**
    - 10.2.1 Thank You Letter to Dr. Strang ..... 15-16
  - 10.3 Nominating Committee**
    - 10.3.1 Appointment to Police Advisory Board – Allan Cunningham ..... 17
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    - 10.4.1 Notice of Adoption of Policy 066A Engagement Program ..... 18-40

<b>10.5</b>	<b>Lunenburg County Accessibility Nominating Committee</b>	
10.5.1	Appointments to the Lunenburg County Accessibility Advisory Committee .....	41
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11.2.1	Second Reading – By-law 039 Solid Waste Collection & Disposal.....	77-99
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<b>12.</b>	<b>Mayor’s/Deputy Mayor’s/Councillors’ Matters</b>	
12.1	South Shore Regional Library Board Update – Councillor Greek	
12.2	Deputy Mayor’s Update	
12.3	Mayor’s Update	
<b>13.</b>	<b>Added Items</b>	
<b>14.</b>	<b>In Camera</b>	
14.1	Land Negotiations re Harold Whynot Road under Section 22(2)(a) of the MGA	
14.2	Contract Negotiations re Health Centre under Section 22(2)(e) of the MGA	
<b>15.</b>	<b>Adjournment</b>	

**Council**  
Item: #7.1  
Date: April 12, 2022  
Authorization: T. MacEwan



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

### **Request for Decision**

**Report To:** Council  
**Submitted By:** Jamie Burgess, Municipal Engineer  
**Date:** April 12, 2022  
**Re:** RFP Award 2020-05-404:  
Highway 10 Pedestrian Bridge – Design Services  
Active Transportation Multi-Use Pathway

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#### **Recommendation**

Council authorize staff to award RFP 2020-05-404 Highway 10 - Pedestrian Bridge - Design Services to **exp** Services Inc. for an amount of up to \$134,360, which includes a 20% contingency and HST.

#### **Executive Summary**

Osprey Village, located along Highway 10 in Cookville, is a growing commercial development that continues to draw increased traffic from the surrounding area. The main connection point to Osprey Village from the Bridgewater area is Highway 10 which is estimated to see approximately 9,000 -11,000 vehicles per day. Pedestrian access to the Osprey Village development is challenging due to the large volume of vehicle traffic and lack of safe pedestrian crossings. Construction of infrastructure that will encourage pedestrian access from the Bridgewater area, across Highway 103 to Osprey Village is an attractive and safe option for continuing growth and offering services to the residents of Lunenburg County.

#### **Discussion**

A Request for Proposals (RFP) was issued October 22, 2020 and closed November 13, 2020. The RFP asked for Proposals from qualified consultants to complete a design and cost estimating for a pedestrian bridge structure; sidewalk and trail options; design of the selected option, including stormwater infrastructure along the proposed route. Members of the RFP Evaluation

Committee are Stephen Pace, MODL Director of Engineering and Public Works; Jamie Burgess, MODL Municipal Engineer; Kelsey Green, TEAK Engineering; Tyler Richardson, MODL Engineer-in-Training and Amy Wamboldt, MODL Grant Coordinator.

The RFP asked Proponents for the following deliverables as part of the Proposal:

- Prepare preliminary design options for a 3-meter-wide active transportation trail, compete with Class D cost estimates taking into account constructability issues.
- Detailed design of a 3-meter-wide Pedestrian Bridge to cross Highway 103 at Highway 10.
- Detailed Design 3-meter active transportation trail.
- Preparation of Tender Documents for construction of the project.
- Construction Oversight and Contract administration

Six (6) proposals were received before the closing date and specified time, two (2) were rejected for not including Mandatory Criteria, Harbourside Engineering and WSP Canada Inc. as they did not include a Letter of Good Standing from the Nova Scotia Workers Compensation Board. Proposals were accepted from the following four engineering consulting firms:

- Stantec Consulting Ltd.
- CBCL Ltd.
- **exp** Services Inc.
- Englobe Corp.

Each of these Proposals were evaluated based on the quality of the following criteria:

- design team experience and qualifications;
- key personnel to be assigned;
- management of services; and
- approach and methodology.

These parameters form the basis of the Technical score, which forms 80 percent of the Total score. The cost associated with each Proposal forms the Financial score which is the final 20 percent of the proponent's Total score. The overall Proposal scoring is as follows:

Criteria/ Element	Value	CBCL	Stantec	EXP Inc.	Englobe
<b>Technical Proposal</b>					
Section 1- Design Team Experience and Qualifications	20%	15.5	16	17.5	15.5
Section 2- Key Personnel to be assigned	25%	18.25	19.25	21.5	18.25
Section 3- Management of Services	15%	11.88	11.25	13.75	10.75
Section 4 - Approach and Methodology	20%	15.50	13.75	18.5	16.50
Sub-Total:		<b>61.13</b>	<b>60.25</b>	<b>71.25</b>	<b>61</b>
<b>Financial Proposal</b>	20%	14.64	8.48	20	19.07
<b>Total</b>	100%	<b>75.76</b>	<b>68.73</b>	<b>91.25</b>	<b>80.07</b>

Component	EXP Inc.	CBCL Ltd.	Stantec Ltd.	Englobe Corp.
1. Project Management/Administration	\$22,500.00	\$19,032.00	\$24,436.00	\$24,750.00
2. Detailed Design	\$81,279.00	\$144,765.00	\$259,992.00	\$109,720.00
3. Tender Phase Services	\$3,498.00	\$5,668.00	\$7,676.00	\$3,350.00
<b>Sub-Total</b>	<b>\$107,365.00</b>	<b>\$169,465.00</b>	<b>\$292,104.00</b>	<b>\$137,820.00</b>
4. Construction Oversight/Contract Administration	\$120,500.00	\$141,833.00	\$245,279.00	\$101,130.00
<b>Total</b>	<b>\$227,865.00</b>	<b>\$311,298.00</b>	<b>\$537,383.00</b>	<b>\$238,950.00</b>

### Budget Implications

This project has been included as part of 2022/23 Capital Budget for an amount of \$169,000. This amount will cover the \$134,360 including a 20% contingency and HST cost associated with this project, including management/administration, detailed design and tender phases of the project.

In September of 2020, the provincial government invited municipal applications for potential new infrastructure projects that reduce greenhouse emissions. This project as well as the full cost of construction for this project at an estimated total cost of \$9,735,847 was submitted to the Climate Change Mitigation Sub Stream of the Investing in Canada Infrastructure Program, which has a funding ratio of 40% from the Federal government and 33.33% from the province of Nova Scotia.

Staff has been advised that both the province and the federal government have agreed to funding support for this Project.

The Municipal contributions for this project are expected as follows:

<b>Year</b>	<b>Total Eligible Project Cost</b>	<b>Municipal Contribution Amount (26.67%)</b>	<b>Funding resource</b>
2022-2023	168,950.00	45,072.00	Operating Reserves
2023-2024	9,566,897.00	2,551,491.43	Operating Reserves

### **Conclusion**

Council authorize staff to award RFP 2020-05-404 Highway 10 - Pedestrian Bridge Design Services to **exp** Services Inc. for an amount of \$134,360 which includes a 20% contingency and HST.

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Department: **Engineering and Public Works**

Report Prepared By: **Jamie Burgess, Tyler Richardson**      Date: April 6, 2022

Report Approved By: **Stephen W. Pace**      Date: April 6, 2022

Reviewed By CAO: **Tom MacEwan**      Date: April 6, 2022



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Mayor Carolyn Bolivar-Getson  
10 Allee Champlain Drive  
Cookville, NS  
B4V 9E4



Council  
Item: #9.1  
Date: April 12, 2022  
Authorization: T. MacEwan

**March 22<sup>nd</sup>, 2022**

**RE: Regional Housing Strategy for Lunenburg County**

Dear Mayor Bolivar-Getson and Council,

This letter follows our prior letter dated January 25<sup>th</sup>, 2022. In that letter the Mahone Bay Town Council encouraged the municipal units in Lunenburg County to support a regional approach to housing needs assessments as a necessary step towards the development of a regional housing strategy for Lunenburg County.

The Province has since issued a Request for Proposals (RFP) for housing assessments to be conducted across Nova Scotia, which closed on March 7<sup>th</sup>, 2022. According to the RFP the final housing needs assessment report is anticipated in December of 2022.

The Town of Mahone Bay is proposing the municipal units of Lunenburg County agree to a process for the development of a regional housing strategy, building on the Province-led needs assessment.

Please respond indicating if you and your Council support such an approach.

Best regards,

A handwritten signature in blue ink, appearing to read "David Devenne".

Mayor David Devenne  
Town of Mahone Bay

**Council**  
Item: #10.1  
Date: April 12, 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)

April 5, 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, April 5, 2022, made the following  
recommendations to Council:

1. that Municipal Council direct staff to write a letter to the neighboring municipal units to ask for a financial contribution to the Active Living Park.
2. that Municipal Council give pre-budget approval for the purchase of a tractor for recreation in the amount of \$50,000, from the general operating reserves.
3. that Municipal Council approve tax exemptions for non-profit organizations as per Policy MDL-12 for a 3 year renewal term as presented on the attached list.
4. that Municipal Council endorse the design and construction of the expansion of the Cookville Wastewater Treatment Plant as the funding priority for the Investing in Canada Infrastructure Program – Green Infrastructure Environmental Quality Sub Stream

Respectfully submitted,

Chairman and Members  
Finance Committee

/rh  
Attachments

# Parks & Open Space Projects

## *Active Living Park (Year 1 of 5) \$500,000*

Council

Item: #10.1.1

Date: April 12, 2022

Authorization: T. MacEwan

- Design and construct Active living Park in several phases.
- Phase 1 outdoor pickleball courts with lights.
- Other park amenities will be determined through community consultation.
- Funding: 3rd party contribution \$110,000, CCH grant \$150,000, Pickleball Club \$10,000, MODL General Operating Reserves \$240,000

# Corporate Infrastructure Projects

## *Recreation Tractor*

*\$50,000*

**Council**

Item: #10.1.2

Date: April 12, 2022

Authorization: T. MacEwan

- Purchased used tractor with attachments to use in lieu of renting
- Annual rental costs \$9,400 - 5 year payback

**\*\* Pre-approval requested**

- **Funding: General Operating Reserves**



## Municipality of the District of Lunenburg

### Request for Decision

**Report to:** Finance Committee  
**Submitted by:** Elana Wentzell  
Director of Finance & Municipal Treasurer  
**Date:** April 5, 2022  
**Re:** Tax Exemption for Non-Profit Organizations Policy MDL-12

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#### Recommendation

**That the Finance Committee recommend to Council that Municipal Council approve tax exemptions for non-profit organizations as per Policy MDL-12 for a 3-year renewal term as presented on the attached list.**

#### Executive summary

Policy MDL-12 provides a partial or full tax exemption to certain qualifying non-profit organizations demonstrating service to the community at Council's discretion as per Section 71 of the Municipal Government Act.

A major consideration for qualification of tax exemption is the service the organization provides to the community. The policy sets the qualification parameters and tax exemptions are required to be renewed every three years. The upcoming fiscal 2022/23 marks the 3-year renewal date.

#### Discussion

Please see the attached list of qualifying organizations, and the amount and type of the tax exemption. If a qualifying organization has a residential property tax assessment, a full tax exemption is provided. If the organization has a commercial tax assessment, a rebate is provided to reduce the tax that would otherwise be payable if the property were residential property.

**Alternatives & Budget Implications**

Council may choose to remove any organization on the list or approve the list as presented. The annual amount of the tax exemption will increase from \$81,078 to \$82,741 based on the 2022 assessment roll.

**Conclusion**

Staff recommend that Council approve all tax exemptions as presented.

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Department:

Report Prepared By:

Date:

Report Approved By:

Date:

Reviewed By CAO:

Date:

## TAX EXEMPTIONS 2022

Location	CustCode	Name & Address	Type	Amount
645648	THEAT003	THE ATLANTIC JEWISH COUNCIL	Partial	15,755
02407523	LAHAV016	LAHAVE RIVER YACHT CLUB	Partial	4,679
02588455	LUNEC225	LUNENBURG CO CHRISTMAS TREE PRODUCERS ASSOCIATION	Partial	354
02620588	LUNEY202	LUNENBURG YACHT CLUB	Partial	8,058
02770229	KATHN201	KATHLEEN NOBLET TRUST	Partial	1,933
03223272	MIC-M005	MIC-MAC ROD GUN CLUB	Partial	610
04746775	THEL.204	THE LUNENBURG ROD AND GUN CLUB	Partial	1,605
08154147	LUNEN008	LUNENBURG YACHT CLUB	Partial	4,813
8211213	SOUTS270	SOUTH SHORE BLUEGRASS MUSIC ASSOC	Partial	2,714
231827	TRUST060	TRUSTEES OF THE BARSS CORNER COMMUNITY HALL	Full	1,172
00635847	CAMPE204	CAMPERDOWN COMMUNITY HALL	Full	998
00889407	UPPER006	UPPER CORNWALL COMMUNITY HALL SOC	Full	1,810
00889415	SIMPS211	SIMPSON'S CORNER HALL SOCIETY	Full	495
00889423	PINEH007	PINEHURST COMMUNITY HALL	Full	1,828
00889431	BRANC004	BRANCH LAHAVE COMMUNITY HALL	Full	1,319
00889458	COMMU005	COMMUNITY HALL NORTHFIELD	Full	847
00889474	BROAC203	BROAD COVE COMM HALL ASSOC	Full	1,845
00889636	COMMU004	COMMUNITY HALL ASSOCIATION MILL VILLAGE	Full	1,744
02410249	TRUSO230	TRUSTEES OF THE LAKE CENTRE & NEW CUMBERLAND COMMUNITY HALL	Full	386
03016722	PARKD220	PARKDALE MAPLEWOOD COMMUNITY CENTRE ASSOC	Full	2,110
03075788	HILLL205	HILLCREST LODGE NO - 93	Full	1,495
03490807	NEWGE003	NEW GERMANY AMATEUR ATHLETIC ASSOC	Full	127
03971252	RIVER024	RIVERPORT COMMUNITY CENTRE	Full	3,624
04524764	TANCO002	TANCOOK ISL REC CENTRE ASSOC	Full	1,998
04682092	TRUSC207	TRUSTEES CONQUERALL MILLS	Full	1,771
04684842	TRUST059	TRUSTEES WEST NORTHFIELD COMMUNITY CENTRE	Full	1,229
04710126	UNION008	UNION SQUARE COMMUNITY HALL ASSOCIATION	Full	436
04873513	WESTD223	WEST DUBLIN HALL COMPANY	Full	2,720
05404584	PARKD205	PARKDALE-MAPLEWOOD COMMUNITY MUSEUM	Full	3,503
08171777	MUNIC050	MUNICIPALITY OF THE DISTRICT OF LUNENBURG ATT SHAID TREE ANIMAL	Full	2,783
08193592	NEWG.201	NEW GERMANY AND AREA MEDICAL CENTER ASSOCIATION	Full	2,750
08218293	LUNEN012	LUNENBURG CO GROUND SEARCH & RESCUE TEAM	Full	3,920
10033438	NEWGE003	NEW GERMANY AMATEUR ATHLETIC ASSOC	Full	127
3185036	VOGLE003	VOGLER'S COVE COMMUNITY HALL	Full	140
05059356	HOMEH207	HOME HEIRLOOMS COOPERTIVE LTD	Full	65
10350026	KINGS032	KINGSBURG COASTAL CONSERVANCY ASSOCIATION	Full	271
208922	BAPTIO06	BAPTIST CAMP GROUNDS	Full	250
00231851	BARSS005	BARSS CORNER RECREATIONAL SOC	Full	111
09741933	VOGLE003	VOGLER'S COVE COMMUNITY HALL	Full	10
10078466	MAHON006	MAHONE ISLANDS CONSERVATION ASSOC	Full	195
10698634	LAHAV046	LAHAVE RIVER TRAIL ASSOCIATION	Full	61
02155605		IRVING OIL: Veteran's Memorial Park - New Germany (no expiry unless use changes per March 6, 2006 Council Motion)	Full	80
				82,741



Municipality of the District of Lunenburg

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REQUEST FOR DECISION

**REPORT TO:** Finance Committee

**SUBMITTED BY:** Amy Wamboldt, Grant Coordinator

**DATE:** March 22, 2022

**RE:** Green Infrastructure Environmental Quality Sub Stream of the Investing in Canada Infrastructure Program – Priority Project

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**RECOMMENDATION**

**“That Municipal Council endorse the design and construction of the expansion of the Cookville Wastewater Treatment Plant as the funding priority for the Investing in Canada Infrastructure Program — Green Infrastructure Environmental Quality Sub Stream.”**

**EXECUTIVE SUMMARY**

The Green Environmental Quality Stream of the Investing in Canada funding program is focused on infrastructure that will support quality and management improvements for drinking water, wastewater and stormwater, as well as reductions to soil and air pollutants through solid waste diversion and remediation.

The funding ratio for the program is 40% from the Federal government and 33.33% from the province of Nova Scotia.

Projects must be completed by March 31, 2027.

**DISCUSSION**

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, which 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. Staff are expecting the capacity review to indicate the Cookville WWTP will require upgrades totalling upwards of \$9.5 million.

The ICIP funding application will commit the municipality to undertaking design work for the extension of the WWTP in 2022-23 (approximately \$500,000) and construction of upgrades/extension in 2023-24 (approximately \$9,000,000).

## **BUDGET IMPLICATIONS**

Without a project design, it is difficult to estimate total project costs. Based on similar construction in other municipalities, staff are anticipating a potential project cost of \$9.5 million. The direct expense to MODL will be reduced through the funding program (40% Federal, 33.33% Provincial). MODL will cover its portion of the expense through a combination of Municipal Operating Depreciation and Sewer Reserves and an internal borrowing against municipal general operating reserves.

## **STRATEGIC PLAN**

This project supports the economic development of the municipality as well as the development of affordable housing.

## **WORK PLAN**

As this project would require more engineering-based resources than are currently available, staff will develop solutions to overcome such challenges and ensure any additional costs are included in the funding application.

## **ALTERNATIVES**

The project proposed to Municipal Council is the best available fit for this funding stream at this time. Council can decide to forgo an application for this stream of the Investing in Canada Infrastructure Program if this project is not supported.

Department: Administration

Report Prepared By: \_\_\_\_\_ Date \_\_\_\_\_

Report Approved By: \_\_\_\_\_ Date \_\_\_\_\_

Reviewed By CAO: \_\_\_\_\_ Date \_\_\_\_\_



## Municipality of the District of Lunenburg

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Phone: 902.543.8181 Fax: 902.543.7123 Web Site: [www.modl.ca](http://www.modl.ca)

March 15, 2022

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

Dear Mayor and Councillors:

The Policy & Strategy Committee, in session on Tuesday, March 15, 2022, made the following recommendations to Council:

1. That Municipal Council write a thank you letter to Dr. Robert Strang, Chief Medical Officer for the Province of Nova Scotia, and express the Municipality's appreciation for navigating our province throughout the two years of the Covid-19 pandemic.

Respectfully submitted,

Chairperson and Members  
Policy & Strategy Committee

/jp

**Request for Agenda Items under  
Mayor's/Deputy Mayor's/Councillors' Matters**

TO: Chief Administrative Officer  
FROM: Michelle Greek  
DATE: Feb 24th 2022

1. Agenda Item  
To send a thank you letter to Dr. Strang on behalf of MODL

2. On what agenda do you want the item placed?  
Council

3. Do you have written material to circulate with the agenda? Yes  No

If you do, please attach it to this form. If you do not, please explain.  
no need

4. What is its relevance to Council or the committee?  
To express appreciation

5. What outcome(s) are you seeking?  
I am seeking our Council to send a letter of appreciation and thanks for navigating our province throughout the two years of this pandemic.

M. Greek  
Councillor's Signature

Feb 24th 2022  
Date

Approval for agenda: Yes  No

Reason for Denial:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Mayor or Chair of Committee

\_\_\_\_\_  
Date

**From:** Martin Bell <Martin.Bell@modl.ca>  
**Sent:** March 29, 2022 7:17 PM  
**To:** Chris Kennedy <Chris.Kennedy@modl.ca>  
**Cc:** Carolyn Bolivar-Getson <CBG@modl.ca>  
**Subject:** Citizen Appointment to Police Advisory Board

**Council**  
Item: #10.3.1  
Date: April 12, 2022  
Authorization: T. MacEwan

Good morning, Mr. Kennedy.

Earlier in the month the nomination committee was asked to provide a recommendation for Council for one member at large to the Police Advisory Board.

The committee met on March 29<sup>th</sup> and reviewed the applications forwarded to us and make the following recommendation for a **three-year appointment**.

>>>> **Mr. Allan (AI) Cunningham**, of Pine Grove, MODL

Please take the necessary steps to have this recommendation appear on the next Council agenda for a Council decision.

Further, in the applications forwarded to the nomination committee was one application that our committee considered incomplete. It would be our recommendation that applications that are not complete should not be forwarded for future selections as it adds issues during the selection process. Thank you and if you require any additional information please advise.

On a motion by Councillor Greek, seconded by Councillor Haysom, "*the name Mr. Allan (AI) Cunningham shall be forwarded to Council for consideration as a member at large to the Police Advisory Board for a three-year term*". Motion passed by the nomination 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



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

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

**Council**  
Item: #10.4.1  
Date: April 12, 2022  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

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March 24, 2022

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

Dear Mayor and Councillors:

The Planning Advisory Committee, in session on March 24, 2022, made the following  
recommendation to Municipal Council:

**“that Municipal Council adopt Policy 066A, Engagement Program Policy, as stated in  
Appendix B of the staff report on February 24, 2022”.**

Respectfully submitted,

The Chair and Members  
of the Planning Advisory Committee

/jh

Attachments



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Planning Advisory Committee  
**SUBMITTED BY:** Byung Jun Kang, Planner  
**DATE:** February 24, 2022  
**RE:** Policy 066A: Engagement Program Policy

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#### RECOMMENDATION

**That the Planning Advisory Committee recommend Municipal Council to adopt Policy 066A, the Engagement Program Policy, as stated in Appendix B of the staff report on February 24, 2022.**

#### BACKGROUND

The **Municipal Government Act** was amended in 2018 to add Section 204A, the Engagement Program, with abutting municipalities when the Council is adopting or amending a municipal planning strategy. In response, all five municipalities in Lunenburg County appointed a staff representative to draft an intermunicipal policy to engage with each other. In the meetings held on November 29, 2021, and January 13, 2022, the representatives agreed on the following:

1. neighbouring municipalities will be notified about a proposed planning documents when the general public is notified before the first public meeting, instead of 2 weeks before a public hearing;
2. for a district municipality, only those communities near a municipal border need to notify the abutting municipality, whereas for a town municipality, only those properties within 500 metres from a town boundary need to notify;
3. if a proposal is about a 10-year plan review or one of the statements of provincial interest, all five municipalities in Lunenburg County need to be notified;
4. public notices are sent to both the clerk and the planning director;
5. planning documents include a municipal planning strategy, secondary planning strategy, land use by-law, subdivision by-law, and development agreement;
6. if a comment is received, it will be considered before conducting first reading of Council.

## **DISCUSSION**

Based on the intermunicipal discussion and consideration of other housekeeping amendments, staff proposed to amend the existing Public Engagement Policy as summarized in Table 1. Some of the major policy changes include the following:

**Clause 2(b)** mandates a proposed application to adopt or amend a development agreement to be notified to abutting municipalities. This was part of the intermunicipal agreement.

**Subsection 4(2)** exempts the public to pay a fee to obtain a paper copy of planning documents as this was decided during a 3-year Fees Policy review on February 8, 2022.

**Subsection 5(1)** mandates an online engagement for a proposed planning application.

**Section 6** is being repealed as there are duplicate provisions in the **Municipal Government Act**.

**Subsection 8(2)** mandates all proposed amendments to the Municipal Planning Strategy and the Subdivision By-law to be engaged through a public information session. Other planning applications like a land use by-law amendment are at a discretion of Council to be engaged.

**Section 9** clarifies a process to issue a public notice of public information session. This reduces a notification period from 14 days to 5 days, because the 14-day notice was realistically a 28-day notice due to the local newspaper and Council meeting schedule. This section also mandates engaging with abutting municipalities and other government stakeholders.

**Sections 9 and 10** removes a mandatory posting of newspaper advertisements for a public information sessions and a Planning Advisory Committee meetings. Public hearings still must be advertised on a local newspaper, and staff may still choose to advertise on newspaper at any stage of planning process. Direct mails are also served to residents near a proposed site.

**Section 10** clarifies a process to issue a public notice of the Planning Advisory Committee to be consistent with the **Municipal Government Act**.

**Section 11** is being repealed as the relevant policy is moved to subsection 9(5).

**Section 13** lists the communities that are subject to the engagement with abutting municipalities depending on their location.

**Section 14** mandates the engagement with all five municipalities in Lunenburg County if a planning application is regarding one of the statements of provincial interest or a plan review.

**Section 15** mandates all comments from the abutting municipalities and stakeholders to be considered by the time of a Planning Advisory Committee meeting, while comments from the nearby residents may be considered up to a public hearing.

Table 1

**Consequential amendments to the Public Engagement Policy**

Existing (Policy 066)	Proposed (Policy 066A)
<p><b>Preamble 4</b></p> <p>AND WHEREAS the <b>Municipal Government Act</b> further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy;</p>	<p><b>Preamble 4</b></p> <p>AND WHEREAS the <b>Municipal Government Act and the Engagement Programs Content Regulations</b> further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy;</p>
<p><b>1. Short title</b></p> <p>This Policy may be cited as the <b>Public Engagement Policy</b>.</p>	<p><b>1. Title</b></p> <p>This Policy <b>is titled</b> the <b>Public Engagement Policy</b>.</p>
<p><b>2. Definitions</b></p> <p>In this Policy,</p> <p>(a) <i>identical</i></p> <p>(b) “planning document” means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, and their amendments, including rezoning.</p>	<p><b>2. Definitions</b></p> <p>In this Policy,</p> <p>(a) <i>identical</i></p> <p>(b) “planning document” means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, <b>development agreements</b> and their amendments, including rezoning.</p>
<p><b>4. Access to information</b></p> <p>(1) <i>identical</i></p> <p>(2) If feasible, public may obtain a paper copy of the information in subsection (1) at a fee set in Policy MDL-58.</p>	<p><b>4. Access to information</b></p> <p>(1) <i>identical</i></p> <p>(2) <i>repealed.</i></p>

<p><b>5. Online engagement</b></p> <p><b>(1)</b> In addition to the public notice requirements under this Policy or the Act, the Municipality may post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality.</p>	<p><b>5. Online engagement</b></p> <p><b>(1)</b> In addition to the public notice requirements under this Policy or the Act, the Municipality <b>must</b> post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality.</p>
<p><b>6. Ad-hoc planning committees</b></p> <p>Council may establish, by policy, the following ad-hoc committees to discuss about a planning matter that applies to a specified topic or area of the Municipality:</p> <p>(a) a special or advisory committee of Council under Section 24 of the Act;</p> <p>(b) a citizen advisory committee under Section 26 of the Act;</p> <p>(c) a community committee under Section 27 of the Act;</p> <p>(d) an ad-hoc subcommittee of the Planning Advisory Committee under Policy MDL-90.</p>	<p><b>6. Ad-hoc planning committees</b></p> <p><i>Repealed.</i></p>
<p><b>8. Public information session</b></p> <p><b>(1)</b> <i>identical</i></p> <p><b>(2)</b> When the Council directs staff to prepare a plan review by replacing an existing planning document, the Municipality must hold a public information session to discuss with the public about a plan adoption or review.</p> <p><b>(3)</b> <i>identical</i></p>	<p><b>8. Public information session</b></p> <p><b>(1)</b> <i>identical</i></p> <p><b>(2)</b> The Municipality <b>must</b> hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law.</p> <p><b>(3)</b> <i>identical</i></p>

<p><b>9. Public notice of plan reviews</b></p> <p><b>(1)</b> When the Council initiates a plan review process by resolution, public notice of the Council resolution must be posted on a newspaper circulating in the area, at least once a week for two successive weeks, in which the first notice must be posted at least 14 days before the first public information session.</p> <p><b>(2)</b> Before the Municipality holds a public information session under subsection 8(2), the Municipality must provide a summary of proposed planning document available to the public.</p>	<p><b>9. Public notice of public information session</b></p> <p><b>(1)</b> The notice of a public information session must be posted in a conspicuous place in the Municipality, which must</p> <p>(a) state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;</p> <p>(b) identify the area affected by the proposed planning documents; and</p> <p>(c) give a synopsis of the proposed planning document.</p> <p><b>(2)</b> The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.</p> <p><b>(3)</b> Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.</p> <p><b>(4)</b> Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.</p> <p><b>(5)</b> Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.</p>
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<p><b>10. Public notice of the Planning Advisory Committee</b></p> <p>If the Planning Advisory Committee holds a public meeting to consider a proposed planning document, notice of the meeting must be posted on a newspaper circulating in the Municipality at least 5 days before the meeting by stating the following:</p> <ul style="list-style-type: none"> <li>(a) the date, time, and location of Planning Advisory Committee meeting;</li> <li>(b) a brief summary or the purpose of proposed planning document;</li> <li>(c) a method of obtaining information about the proposed planning document.</li> </ul>	<p><b>10. Public notice of the Planning Advisory Committee</b></p> <p><b>(1)</b> The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must</p> <ul style="list-style-type: none"> <li>(a) state the place where, and the hours during which, the proposed documents may be inspected by the public;</li> <li>(b) state the date, time, and place set for the meeting;</li> <li>(c) identify the area affected by the proposed planning documents; and</li> <li>(d) give a synopsis of the proposed planning document.</li> </ul> <p><b>(2)</b> The notice and its supplementary document in subsection (1) must be posted at least 5 days before the Planning Advisory Committee meeting.</p>
<p><b>11. Notification of rezoning by re-designation to affected landowners</b></p> <p>On or after the date that the Council reads a proposed planning document for a first time, and before the date that the Municipal Clerk gives notice of the public hearing, the Municipality must notify about the Council’s intention to rezone of a proposed site by changing a land use designation to the landowners of all properties within 30 metres of the proposed site.</p>	<p><b>11. Notification of rezoning by re-designation to affected landowners</b></p> <p><i>repealed.</i></p>
<p><b>12. Public input at a Council or its committee meeting</b></p> <p>Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question the public on a planning matter.</p>	<p><b>12. Public input at a Council or its committee meeting</b></p> <p>Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question from the public on a planning matter.</p>

(New provisions)

**13. Limiting engagement program to areas impacted**

Subject to Section 14, an abutting municipality means, for the General Service Areas of

- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
- (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
- (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
- (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;
- (e) Pleasant River Lake, Colpton, New Elm, Molega Lake, Chelsea, Upper Chelsea, Waterloo, Lapland, Middlewood, East Port Medway, Voglers Cove, and Cherry Hill, the Municipality of the Region of Queens;
- (f) Pleasant River Lake and Cherryfield, the Municipality of the County of Annapolis;
- (g) Cherryfield, North River, Stanburne, Parkdale, and Franey Corner, the Municipality of the County of Kings; and
- (h) those not included in clauses (a) to (g), not applicable.

	<p><b>14. Engagement with non-adjacent municipalities</b></p> <p>An abutting municipality means all the other municipalities in Lunenburg County if a proposed planning document relates to</p> <ul style="list-style-type: none"> <li>(a) a topic associated with the statements of provincial interest; or</li> <li>(b) a plan review required under Section 3 of the <b>Minimum Planning Requirements Regulations</b>.</li> </ul> <p><b>15. Consideration of comments</b></p> <p><b>(1)</b> Subject to subsection (2), the Municipality must consider all comments received under subsections 9(3) and 9(4) at a Planning Advisory Committee meeting.</p> <p><b>(2)</b> If a comment is received after the Planning Advisory Committee meeting in subsection (1), then the Municipality may consider the comment at a first reading of Council.</p> <p><b>(3)</b> the Municipality must consider all comments received under subsection 9(5) at a public hearing or a public meeting before the public hearing.</p>
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**IMPLICATIONS**

The Towns agreed to include all town properties (Lunenburg, Mahone Bay) or those properties within 500 metres from the town boundary (Bridgewater) as the notification areas to MODL. The District of Chester agreed to include the following communities to the notification areas: Blandford, Martins River, Martins Point, Gold River, Beech Hill, Forties, and Franey Corner.

Intermunicipal correspondences were also sent to the Counties of Kings, Annapolis, and Queens Regional Municipality. Annapolis replied that our policy is satisfactory for its need.

Bridgewater, Mahone Bay, and Chester will amend their Municipal Planning Strategy to implement the intermunicipal agreement on the Engagement Program similar to the one proposed in this report. Town of Lunenburg will amend its Public Participation Program policy.

Any of the abutting municipalities' council may decide to modify the intermunicipal agreement. While staff from all municipalities agreed to propose the agreed policy as the final recommendation, under subsection 204A(2) of the **Municipal Government Act**, the content of an engagement program is at the discretion of the individual council.

### **WORK PLAN**

All Council members may be notified on March 8, 2022, before the Municipal Council decides to amend the policy on March 22, 2022.

Concurrently, clause 214(1)(d) of the **Municipal Government Act** mandates the Municipal Planning Strategy to be amended to implement this policy. This will be done as part of the MODL2040 project, and presented to Municipal Council at the end of 2022.

### **ALTERNATIVES**

The Committee or Council may direct staff to revisit the proposed amendment.

The Committee or Council may approve the proposed policy with conditions or revision.

The Committee may recommend against the amendment or the Council may defeat a motion to amend the policy. However, this amendment is mandated to be in place by Section 204A of the **Municipal Government Act**.

### **APPENDICES**

Appendix A: Proposed Consolidated Policy 066 (2022), the Public Engagement Policy

Appendix B: Proposed Policy 066A, the Engagement Program Policy

Map 1: MODL Engagement Notification Areas

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Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2022-02-07

Report approved by: Jeff Merrill, Director

Date: 2022-02-10

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2022-03-03

# Municipality of the District of Lunenburg

## Council Policy

<b>Title:</b> Engagement Program Policy	
<b>Policy No.</b> 066 (consolidated to include Policy 066A)	<b>Legislative authority:</b> Municipal Government Act, Sections 203-207 and 214 Minimum Planning Requirements Regulations, Sections 3-4 Engagement Programs Content Regulations
<b>Effective date:</b> July 14, 2020	<b>Amended date:</b> March 22, 2022

### Preamble

WHEREAS the public engagement is a critical part of the Municipality's planning process;

AND WHEREAS the Municipality is responsible for seeking the public opinions about the proposed planning documents, such as the Municipal Planning Strategy, Land Use By-law, Subdivision By-law, and their amendments;

AND WHEREAS the **Municipal Government Act** mandates the Municipality to identify opportunities and to establish ways and means of seeking the public opinions, as well as to complete the public participation program before placing the first notice for a public hearing;

AND WHEREAS the **Municipal Government Act** further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy;

AND WHEREAS the **Municipal Government Act and the Engagement Programs Content Regulations** further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy; <amended 2022-03-22>

AND WHEREAS the **Minimum Planning Requirements Regulations** mandate the Municipal Planning Strategy to provide for public consultation and notice during its plan review;

AND WHEREAS the **Minimum Planning Requirements Regulations** allow the Municipal Planning Strategy to provide a general direction on engaging with provincial and federal departments, First Nations communities, and non-abutting municipalities:

## Short title

1 This Policy may be cited as the **Public Engagement Policy**.

## Title

1 This Policy is titled the **Public Engagement Policy**. <amended 2022-03-22>

## Definitions

2 In this Policy,

(a) "Act" means the **Municipal Government Act**; and

(b) "planning document" means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, and their amendments, including rezoning.

## Definitions

2 In this Policy,

(a) "Act" means the **Municipal Government Act**; and

(b) "planning document" means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, **development agreements** and their amendments, including rezoning. <amended 2022-03-22>

## Inclusive engagement and exceptions

3 Municipality must facilitate the involvement of public to encourage public participation on a planning matter in a variety of formats as much as feasible, except when the public participation is

(a) excessively or intentionally delaying the process of approving a planning document after reasonable engagement; or

(b) placing a financial burden on the Municipality.

### Access to information

- 4 (1) Except for the information on planning matters stated under subsection 203(1) of the Act, all available information related to a proposed planning document must be accessible by the public.
- (2) If feasible, public may obtain a paper copy of the information in subsection (1) at a fee set in Policy MDL-58.

### Access to information

- 4 (1) Except for the information on planning matters stated under subsection 203(1) of the Act, all available information related to a proposed planning document must be accessible by the public.
- (2) <repealed 2022-03-22>

### Online engagement

- 5 (1) In addition to the public notice requirements under this Policy or the Act, the Municipality may post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality.
- (2) The online websites and platforms in subsection (1) are considered as conspicuous places under the Act.

### Online engagement

- 5 (1) In addition to the public notice requirements under this Policy or the Act, the Municipality **must** post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality. <amended 2022-03-22>
- (2) The online websites and platforms in subsection (1) are considered as conspicuous places under the Act.

### Ad-hoc planning committees

- 6 Council may establish, by policy, the following ad-hoc committees to discuss about a planning matter that applies to a specified topic or area of the Municipality:
- (a) a special or advisory committee of Council under Section 24 of the Act;
  - (b) a citizen advisory committee under Section 26 of the Act;
  - (c) a community committee under Section 27 of the Act;
  - (d) an ad-hoc subcommittee of the Planning Advisory Committee under Policy MDL-90.

### Ad-hoc planning committees

6 <repealed 2022-03-22>

### Public opinion poll

- 7 Council may direct staff to seek public opinion on a planning matter before a proposed planning document is submitted to the Planning Advisory Committee, such as by conducting an opinion poll.

### Public information session

- 8 (1) Council may hold, or direct staff or a committee of Council to hold, a public information session to discuss with the public about a planning matter.
- (2) When the Council directs staff to prepare a plan review by replacing an existing planning document, the Municipality must hold a public information session to discuss with the public about a plan adoption or review.
- (3) If a public information session is held under subsections (1) or (2), the Municipality must hold at least 1 session before the proposed planning document is submitted to the Planning Advisory Committee.

### Public information session

- 8 (1) Council may hold, or direct staff or a committee of Council to hold, a public information session to discuss with the public about a planning matter.
- (2) The Municipality must hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law. <replaced 2022-03-22>
- (3) If a public information session is held under subsections (1) or (2), the Municipality must hold at least 1 session before the proposed planning document is submitted to the Planning Advisory Committee.

### Public notice of plan reviews

- 9 (1)** When the Council initiates a plan review process by resolution, public notice of the Council resolution must be posted on a newspaper circulating in the area, at least once a week for two successive weeks, in which the first notice must be posted at least 14 days before the first public information session.
- (2)** Before the Municipality holds a public information session under subsection 8(2), the Municipality must provide a summary of proposed planning document available to the public.

### Public notice of public information session

- 9 (1)** The notice of a public information session must be posted in a conspicuous place in the Municipality, which must
- (a)** state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;
  - (b)** identify the area affected by the proposed planning documents; and
  - (c)** give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.
- (3)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.
- (4)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.
- (5)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.

[replaced 2022-03-22]

### **Public notice of the Planning Advisory Committee**

- 10** If the Planning Advisory Committee holds a public meeting to consider a proposed planning document, notice of the meeting must be posted on a newspaper circulating in the Municipality at least 5 days before the meeting by stating the following:
- (a) the date, time, and location of Planning Advisory Committee meeting;
  - (b) a brief summary or the purpose of proposed planning document;
  - (c) a method of obtaining information about the proposed planning document.

### **Public notice of the Planning Advisory Committee**

- 10 (1)** The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must
- (a) state the place where, and the hours during which, the proposed documents may be inspected by the public;
  - (b) state the date, time, and place set for the meeting;
  - (c) identify the area affected by the proposed planning documents; and
  - (d) give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the Planning Advisory Committee meeting.

[replaced 2022-03-22]

### **Notification of rezoning by re-designation to affected landowners**

- 11** On or after the date that the Council reads a proposed planning document for a first time, and before the date that the Municipal Clerk gives notice of the public hearing, the Municipality must notify about the Council's intention to rezone of a proposed site by changing a land use designation to the landowners of all properties within 30 metres of the proposed site.

### **Notification of rezoning by re-designation to affected landowners**

**11** <replaced 2022-03-22>

### Public input at a Council or its committee meeting

- 12 Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question the public on a planning matter.

### Public input at a Council or its committee meeting

- 12 Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question from the public on a planning matter. <amended 2022-03-22>

### Limiting engagement program to areas impacted

- 13 Subject to Section 14, an abutting municipality means, for the General Service Areas of
- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
  - (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
  - (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
  - (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;
  - (e) Pleasant River Lake, Colpton, New Elm, Molega Lake, Chelsea, Upper Chelsea, Waterloo, Lapland, Middlewood, East Port Medway, Voglers Cove, and Cherry Hill, the Municipality of the Region of Queens;
  - (f) Pleasant River Lake and Cherryfield, the Municipality of the County of Annapolis;
  - (g) Cherryfield, North River, Stanburne, Parkdale, and Franey Corner, the Municipality of the County of Kings; and
  - (h) those not included in clauses (a) to (g), not applicable.
- [added 2022-03-22]

### Engagement with non-adjacent municipalities

- 14 An abutting municipality means all the other municipalities in Lunenburg County if a proposed planning document relates to
- (a) a topic associated with the statements of provincial interest; or
  - (b) a plan review required under Section 3 of the **Minimum Planning Requirements Regulations**.
- [added 2022-03-22]

### Consideration of comments

- 15** (1) Subject to subsection (2), the Municipality must consider all comments received under subsections 9(3) and 9(4) at a Planning Advisory Committee meeting.
- (2) If a comment is received after the Planning Advisory Committee meeting in subsection (1), then the Municipality may consider the comment at a first reading of Council.
- (3) the Municipality must consider all comments received under subsection 9(5) at a public hearing or a public meeting before the public hearing.
- [added 2022-03-22]

### Annotation for official by-law book

Date of notice to Council members	June 23, 2020
Date of passage of original Policy	July 14, 2020
Date of notice to Council members of intent to consider amendments	March 8, 2022
Date of passage of amendments	March 22, 2022
I certify that Policy 066 was adopted by Municipal Council as indicated above.	
<hr/> <b>Municipal Clerk</b>	<hr/> <b>Date</b>

# Municipality of the District of Lunenburg

## Council Policy

<b>Title:</b> Engagement Program Policy	
<b>Policy No.</b> 066A	<b>Legislative authority:</b> Municipal Government Act, Section 204A Engagement Programs Content Regulations
<b>Effective date:</b> March 22, 2022	<b>Amended date:</b> N/A

### Preamble

**Whereas** it is the intention of the Municipality of the District of Lunenburg, by this Policy, to engage with abutting municipalities when the Municipality is adopting or amending the Municipal Planning Strategy before a public hearing process begins;

**And whereas** all five municipal units in Lunenburg County came together to draft this Policy to enhance communications among the municipalities;

**Be it enacted** by the Council of the Municipality of the District of Lunenburg, under the authority of Section 204A of the **Municipal Government Act**, as follows:

### Preamble amended

- 1 Preamble of Policy 066 is amended by striking out “further mandates” and substituting “and the **Engagement Programs Content Regulations** further mandate” immediately before “the Municipality to engage with abutting municipalities”.

### Title confirmed

- 2 Section 1 of Policy 066 is amended by striking out “may be cited as” and substituting “is titled”.

### Definition amended

- 3 Clause 2(a) of Policy 066 is amended by adding “development agreements” immediately after “Subdivision By-law,”.

### Printing fee exempted

- 4 Subsection 4(2) of Policy 066 is repealed.

### Online engagement mandated

- 5 Subsection 5(1) of Policy 066 is amended by striking out “may” and substituting “must”.

### Duplicate provisions removed

- 6 Section 6 of Policy 066 is repealed.

### **Plan review clarified**

**7** Subsection 8(2) of Policy 066 is repealed and substituted with the following subsection:

- (2)** The Municipality must hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law.

### **Public notice clarified**

**8** Section 9 of Policy 066 is repealed and substituted with the following Section:

#### **Public notice of public information session**

- 9 (1)** The notice of a public information session must be posted in a conspicuous place in the Municipality, which must
  - (a)** state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;
  - (b)** identify the area affected by the proposed planning documents; and
  - (c)** give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.

### **Engagement program and stakeholder consultation mandated**

**9** Section 9 of Policy 066 is further amended by adding immediately after subsection 9(2) the following subsections:

- (3)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.
- (4)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.
- (5)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.

### **Public notice further clarified**

**10** Section 10 of Policy 066 is repealed and substituted with the following Section:

#### **Public notice of the Planning Advisory Committee**

- 10 (1)** The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must
- (a) state the place where, and the hours during which, the proposed documents may be inspected by the public;
  - (b) state the date, time, and place set for the meeting;
  - (c) identify the area affected by the proposed planning documents; and
  - (d) give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the Planning Advisory Committee meeting.

### **Notification distance clarified**

**11** Section 11 of Policy 066 is repealed.

### **Grammatical error corrected**

**12** Section 12 of Policy 066 is amended by adding “from” immediate after “question”.

### **Engagement program implemented**

**13** Policy 066 is amended by adding immediately after Section 12 the following Sections:

#### **Limiting engagement program to areas impacted**

- 13** Subject to Section 14, an abutting municipality means, for the General Service Areas of
- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
  - (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
  - (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
  - (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;

- (e) Pleasant River Lake, Colpton, New Elm, Molega Lake, Chelsea, Upper Chelsea, Waterloo, Lapland, Middlewood, East Port Medway, Voglers Cove, and Cherry Hill, the Municipality of the Region of Queens;
- (f) Pleasant River Lake and Cherryfield, the Municipality of the County of Annapolis;
- (g) Cherryfield, North River, Stanburne, Parkdale, and Franey Corner, the Municipality of the County of Kings; and
- (h) those not included in clauses (a) to (g), not applicable.

**Engagement with non-adjacent municipalities**

- 14** An abutting municipality means all the other municipalities in Lunenburg County if a proposed planning document relates to
- (a) a topic associated with the statements of provincial interest; or
  - (b) a plan review required under Section 3 of the **Minimum Planning Requirements Regulations**.

**Consideration of comments**

- 15**
- (1)** Subject to subsection (2), the Municipality must consider all comments received under subsections 9(3) and 9(4) at a Planning Advisory Committee meeting.
  - (2)** If a comment is received after the Planning Advisory Committee meeting in subsection (1), then the Municipality may consider the comment at a first reading of Council.
  - (3)** the Municipality must consider all comments received under subsection 9(5) at a public hearing or a public meeting before the public hearing.

**Annotation for official by-law book**

Date of Notice to Council	March 8, 2022
Date of Passage of Current Policy	March 22, 2022
I certify that Policy 066A was adopted by Municipal Council as indicated above.	
_____	_____
<b>Municipal Clerk</b>	<b>Date</b>

**Engagement  
Notification Areas  
(Part of MODL Policy 066)**

- Municipal Boundary
- Provincial Road
- Municipal Road
- Private Road
- Community Boundaries
- Duplicate Community
- Kings Notification Area
- Annapolis Notification Area
- Queens Notification Area
- Chester Notification Area
- Mahone Bay Notification Area
- Lunenburg Notification Area
- Bridgewater Notification Area

**MUNICIPALITY OF THE  
DISTRICT OF LUNENBURG**

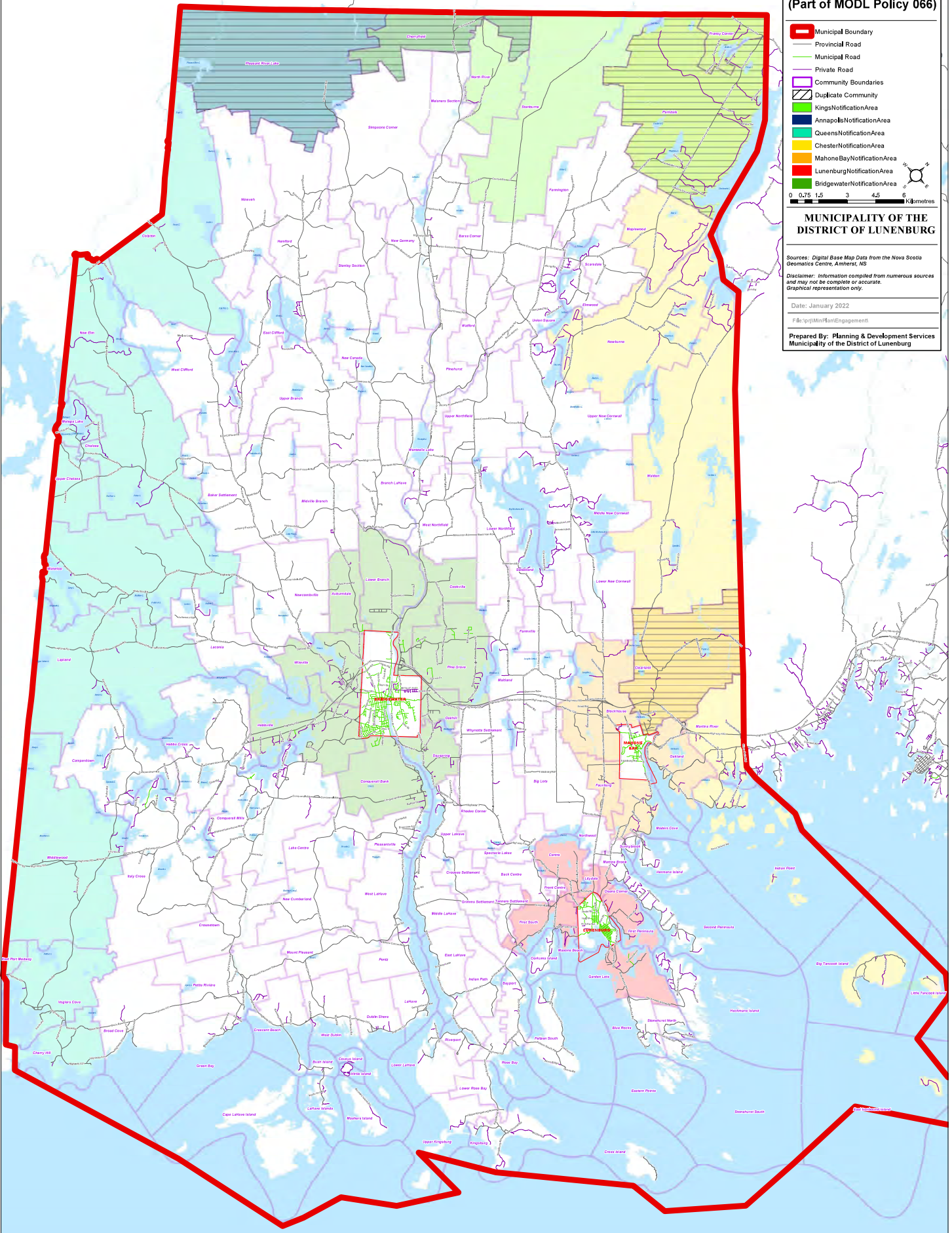
Sources: Digital Base Map Data from the Nova Scotia  
Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources  
and may not be complete or accurate.  
Graphical representation only.

Date: January 2022

File: gpmPlanEngagement

Prepared By: Planning & Development Services  
Municipality of the District of Lunenburg





**Council**

Item: #10.5.1

Date: April 12, 2022

Authorization: T. MacEwan

Office of the CAO  
The Municipality of Chester  
151 King St, PO Box 369  
Chester, NS B0J 1J0

Phone: (902) 275-4111  
Fax: (902) 275-4771  
www.chester.ca

[/ChesterMunicipality](#)  
[@chestermun](#)

March 28, 2022

Municipal Councils of:  
Town of Mahone Bay  
Town of Bridgewater  
Town of Lunenburg  
Municipality of the District of Chester  
Municipality of the District of Lunenburg

RE: Appointment of Lunenburg County Accessibility Advisory Committee  
Community Members

Dear Members of Council,

The Lunenburg County Accessibility Advisory Committee (LCAAC) currently has three vacancies for community members. Five applications were received from community members by the November 9<sup>th</sup>, 2021, deadline. The LCAAC Terms of Reference indicate that new terms will be three years in length. However, as one of the vacant positions is due to a resignation, the replacement member will serve a term expiring September 1<sup>st</sup>, 2022, completing the existing term.

The Lunenburg County Accessibility Nominating Committee comprised of the Mayors and Wardens of the five Lunenburg County municipalities (or their designates) has reviewed the applications and makes the following recommendation to the five Municipal Councils in Lunenburg County:

To appoint Sheila Landry and Bruce Walsh to the Lunenburg County Accessibility Advisory Committee for a term of three years and to appoint Peggy McCalla to the Lunenburg County Accessibility Advisory Committee with term expiring September 1, 2022.

Sincerely,

Dan McDougall  
Chief Administrative Officer

**Council**

Item: #10.6.1

Date: April 12, 2022

Authorization: T. MacEwan

March 31, 2022

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

Dear Mayor and Councillors:

The Boundary Review Committee, in session on March 31, 2022, made the following  
recommendations to Municipal Council:

**“that Municipal Council approve that Municipal Council remain at ten (10) elected officials  
plus one (1) Mayor”**

**And**

**“that Municipal Council approve that a page be created on the engagement site and that  
Council hold a public meeting to engage the public on the size of Council”.**

Respectfully submitted,

The Chair and Members  
of the Boundary Review Committee

/jh

## USER GUIDE

### **Statutory requirements for applications**

Every eight years since 2006, the council of every municipality and town in the province must study the number and boundaries of its polling districts, their fairness and reasonableness and the number of councillors. After it completes the study, and before the end of the year, the council must apply to the Board to confirm or to change the number and boundaries of polling districts and the number of councillors. For towns that elect councillors at large, an application must be filed with the Board to confirm or change the number of councillors.<sup>1</sup>

The Board must consider several factors to decide the number and boundaries of polling districts, including the number of electors, relative parity of voting power, population density, community of interest and geographic size.<sup>2</sup> To determine the number of councillors for a town, the Board must consider the population and geographic size of the town.<sup>3</sup> The position of mayor is not included in the number of councillors and does not fall within the scope of the Board's review.<sup>4</sup>

### **Recommended two-step process for study**

In past decisions, the Board provided specific guidance to municipalities and towns about municipal boundary applications.

Council may decide to hire a consultant or third party to do the required study, but it does not have to. Many councils direct senior municipal staff to conduct the study, in some cases aided by committees which include members from the public.

The Board recommends a two-step process. At the first stage, council should decide the desired number of councillors (i.e., the size of council). Questions about the distribution of polling districts should be addressed in a second stage.

Deciding the size of council involves considering the desired style of the council, the governance structure of the council, and a determination of an effective and efficient number of councillors. The style of government should not be decided until adequate public consultation has occurred. The size of council and its governance structure is a matter which can then be decided by council in an informed debate.

Once the number of councillors and polling districts is decided, the task becomes one of distributing the polling districts, balancing the number of electors, relative parity of voting power, population density, community of interest and geographic size.<sup>5</sup> As with the number of polling districts, public consultation is essential to a successful boundary setting process.

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<sup>1</sup> *Municipal Government Act*, S.N.S. 1998, c. 18, s. 369. Part XVI of the *Municipal Government Act* applies to the Halifax Regional Municipality (*Halifax Regional Municipal Charter*, S.N.S. 2008, c. 39, s. 364).

<sup>2</sup> *Municipal Government Act*, s. 368(4).

<sup>3</sup> *Municipal Government Act*, s. 368(5).

<sup>4</sup> The definition of "councillor" means a council member other than the mayor (*Municipal Government Act*, s. 3(p)).

<sup>5</sup> *Municipal Government Act*, s. 368(4).

Ideally, the public consultation process should mirror the two-step process outlined above, but the Board recognizes that for smaller municipalities or towns (or in instances where the first round of consultation has shown a preference to substantively maintain the status quo, including its boundaries), a second round of public consultation may not be practical or necessary.

### **Public consultation**

Public consultation is an inherent part of the required study. The type and amount of consultation is within council's discretion, but it should give members of the public an opportunity to express their views on the size of their council, upon the location of boundaries for town wards or municipal polling districts, or whether a town should be divided into wards, should that be applicable. Giving the public an opportunity to provide its valuable input is a key part of the decision-making process leading to an application by a municipality or town.

### **Relative parity of voting power**

The target variance for relative parity of voting power should be  $\pm 10\%$  from the average number of electors per polling district or ward. The municipality or town must justify any variance exceeding this target in its application to the Board. The larger the proposed variance, the greater the burden on the municipal unit to justify the higher variance from the average number of electors. Factors that may support higher variances include the need to accommodate population density, community of interest or geographic size.

### **Polling district boundary descriptions**

The municipal unit must supply descriptions of the existing and proposed municipal polling districts (or the wards in the case of towns). In most cases, the descriptions are in written form, which is acceptable to the Board. However, in recent years, municipalities and towns have asked to provide the descriptions of their polling districts or wards using digital GIS technology.

The Board will accept digital mapping descriptions instead of text descriptions, but in addition to filing a large hard copy map showing all polling districts, the Board also requires individual digital mapping for each polling district or ward. The individual mapping is to be filed by way of hard copy (8.5 x 11-inch format) and electronically (JPEG). The Board is mindful that due to differences in the size of the respective polling districts, the relative scale on each of the maps may differ.

Regardless of the format adopted by a municipality or town, the description must be able to address any inquiry made by electors or municipal election staff during a municipal election. The scale of any digital mapping descriptions must be able to respond to any inquiry.

## **Hearing - general procedure**

When an application is received, the Clerk of the Board will contact the municipality or town to schedule a public hearing. Once the hearing date is confirmed, a notice of hearing will be prepared by the Clerk of the Board and published twice in a local newspaper. The notice will invite members of the public to apply to participate in the hearing as a formal intervenor or to comment on the application by way of providing a letter of comment or registering to speak in person at the hearing. The Board will bill the municipality or town for the cost of these advertisements. The Board will also direct the municipality or town to post the notice of hearing on their social media accounts.

When no change to the number of polling districts and councillors is requested, and no member of the public has contacted the Board to oppose the application or to request to speak at the hearing, the Board may hold the public hearing by telephone or video conference. When the application requests a change to the number of polling districts and councillors, or if there is a material change proposed to the boundaries of the polling districts, the Board will likely conduct the public hearing in person. However, the Board reserves the right to decide the format of the hearing in each case.

The Board normally holds in-person public hearings in the municipality or town where the application arises. Outside HRM, Board hearings are usually held in municipal council chambers or other rooms within the municipal building.

Municipalities or towns do not have to be represented by legal counsel but may do so. Most do not, and their applications are presented by one or more of the following: Mayor, Warden, Chief Administrative Officer, Clerk, Chair of the local boundary review committee, etc.

At the public hearing itself, the Board member or panel chair opens the hearing by briefly describing the application and then asking the parties to identify themselves. The Board's hearings are all recorded electronically by a Board hearing clerk who is also responsible for handling the exhibits filed and discussed during the hearing.

During the public hearing, the town or municipality presents evidence through the examination of its witnesses. Each witness is first sworn in or affirmed (whichever their preference) to testify. In the case of municipal boundary hearings, the evidence is typically in the form of a presentation by a municipal official, including a discussion of the study or consultation undertaken by the municipal unit, any report prepared by the applicant, and details contained in the application. After the municipal unit has presented its application, the Board will usually ask questions related to the application. The Board may ask for more information or data to be filed as an undertaking after the hearing.

After the application is presented, the Board will open the hearing to any groups who have formally intervened in the matter and any members of the public who may have comments, either in support or opposed to the application. The Board or the municipal unit representative may ask questions to the intervenors or members of the public who have given comments. At the end of such comments, the town or municipality will be given an opportunity to respond to any concerns or issues raised by the public and to make any final submissions summarizing the key points of their application.

Most municipal boundary review hearings take one or two hours.

**Board Decision**

The Board normally issues a written decision within 60 days of the hearing. The Board will also issue an Order giving effect to the approved number of councillors and polling districts, and to the boundaries of the polling districts. Where text descriptions are used for the polling districts or wards, the Board may require the municipal unit to submit an electronic WORD or PDF version of the descriptions.

**REVISED**

**Council**  
Item: #11.1.1  
Date: April 12, 2022  
Authorization: T. MacEwan



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

### **Request for Decision**

**REPORT TO:** Municipal Council  
**SUBMITTED BY:** Byung Jun Kang, Planner  
**DATE:** April 12, 2022  
**RE:** By-law 020E (Osprey Village Plan Review) Memo

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#### **RECOMMENDATION**

That Municipal Council approve the Osprey Village Plan Review, as amended on March 8, 2022, by conducting Second Reading of By-law 020E.

#### **ORIGIN**

**Resolution 2022-028 (March 8, 2022):** “That Municipal Council accept the recommendation of the Planning Advisory Committee and 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 amendments to Section 64 of By-law 020E by striking out proposed clause 8.3.1. (c), and to Section 51 of By-law by striking out “amended by striking out ‘Maximum Height of Structures: 20 metres (66 feet)’ and substituting “repealed”.”

#### **DISCUSSION**

Section 5.02 of By-law 005 and Section 4.0.10 of By-law 020 require a public participation program (Policy 066) to be held before amending the Secondary Planning Strategy for Osprey Village and Lunenburg Municipal Industrial Zone Planning Areas. To comply with the program, a public information session and a Planning Advisory Committee meeting were held on February 3, 2022, and February 24, 2022, respectively. A public hearing would be held on April 12, 2022.

Further to the advice of legal counsel, non-substantial amendments were made to Sections 18A, 40A, and 62.

## **PUBLIC COMMENT**

One comment was received from a resident in Pine Grove on March 8, 2022:

“With so much residential development in Pine Grove, what are the chances we can get some sidewalks and bike lanes on Pine Grove Rd. So that it is safe to walk or bike along it? I would live for my kids to be able to bike or walk up the road to the playground, but with traffic speeding along (sometimes over the posted 80km/hr limit) I don’t feel safe doing so. And when I go for a run or out to walk the dog, I am always worried. A sidewalk along one side of Pine Grove Rd. Or at least a multi-purpose bike lane, would connect all the smaller residential roads making it feel more like a community and providing a safe way to be an active walking community.”

## **WORK PLAN**

If By-law 020E is approved, the original copies would be sent to Nova Scotia Department of Municipal Affairs and Housing for review. If the by-law does not require a ministerial approval, then a public notice of approval is expected by the end of May 2022.

## **ALTERNATIVES**

Municipal Council may defeat or defer a motion to approve By-law 020E as amended.

## **APPENDIX**

Appendix A: 2022-03-08 By-law 020E Council First Package

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Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2022-03-16

Report approved by: Jeff Merrill, Director

Date: 2022-04-05

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2022-04-07



## 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**

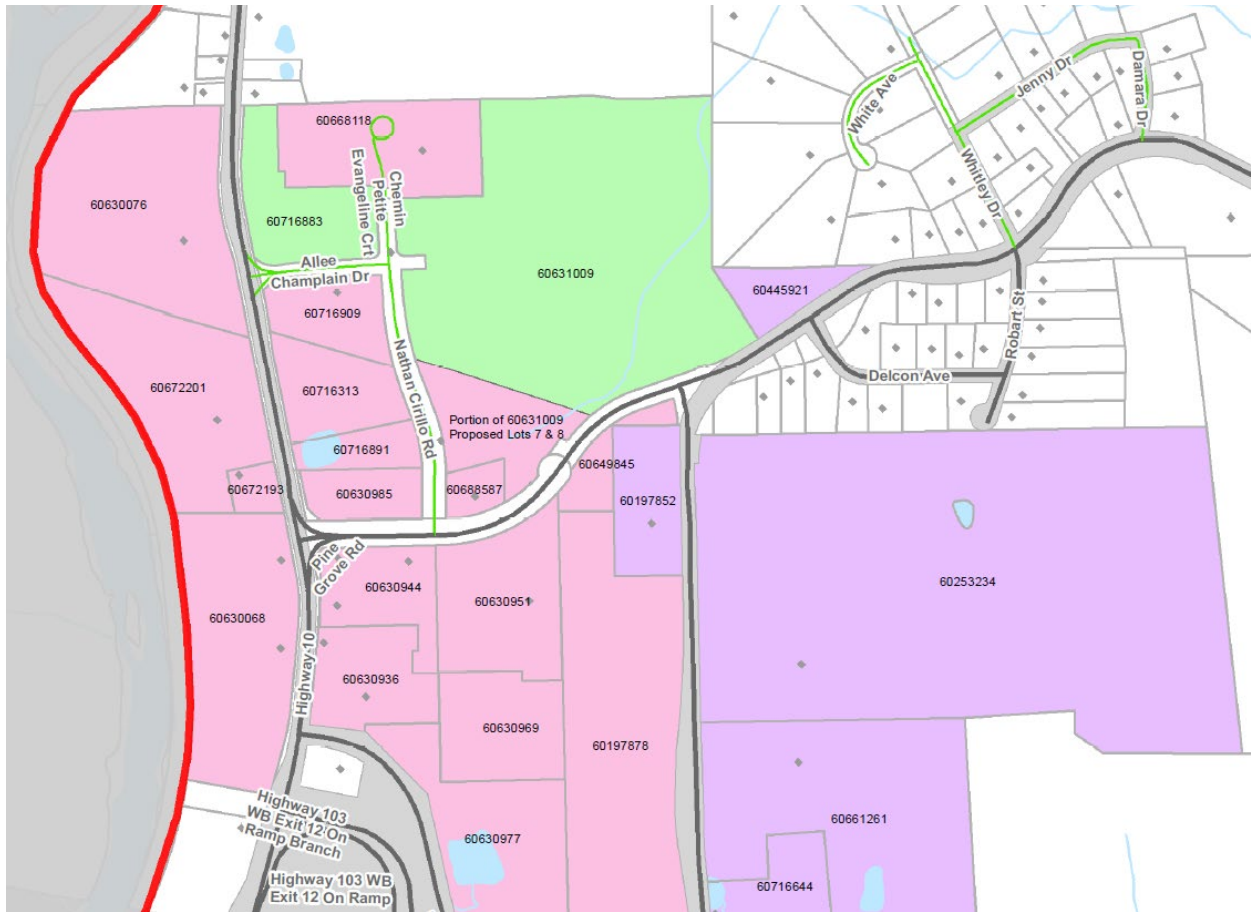
A concern around parking spaces may be anticipated as residential demands increase. While recognizing negative opinions regarding on-street parking in this area, a consideration must be balanced with a rising development cost and its trickledown impact on future tenants.

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

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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

- 1 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)

- 2 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.**

- 3 Section 2.1 of By-law 020 is amended by adding immediately after subsection 2.1.2 the following subsection:

**3. To foster affordable, attainable, and rental housing by encouraging higher density residential buildings in the Planning Area.**

- 4 Section 2.2 of By-law 020 is amended by striking out “To” and substituting “The”.

- 5 Subsection 2.2.2 of By-law 020 is amended by

- (a) adding “medium and high density” immediately before “residential”; and
- (b) striking out “lands” and substituting “land”.

- 6 Subsections 3.1.2 to 3.1.5 of By-law 020, including their preambles regarding the Village Centre (VC) Zone, are repealed.

- 7 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.

- 8 Subsection 3.1.6 of By-law 020 is amended by adding “, institutional uses,” immediately after “commercial uses”.

- 9 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.

- 10 Subsections 3.1.10 to 3.1.15 of By-law 020, including their preambles regarding the Mixed Use (MU) Zone, are repealed.

- 11 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”
- 18A Subsection 3.7.6 of By-law 020 is amended by adding immediately before a period “, except for the area used to be the Lunenburg Municipal Industrial Zone before 2022”.

**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.
- 40A** Subsection 5.1.5 of By-law 021 is amended by striking out “an Industrial Zone lots shall” and substituting “the Light Industrial (LI) Zone, lots on and including the west of 265 Harold Whynot Road must”.
- 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) repealed.

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; [and]
- ~~(c) subject to subsection 8.2.2, a short term rental use; and~~
- (d) a park and public open space use.

**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 12, 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**

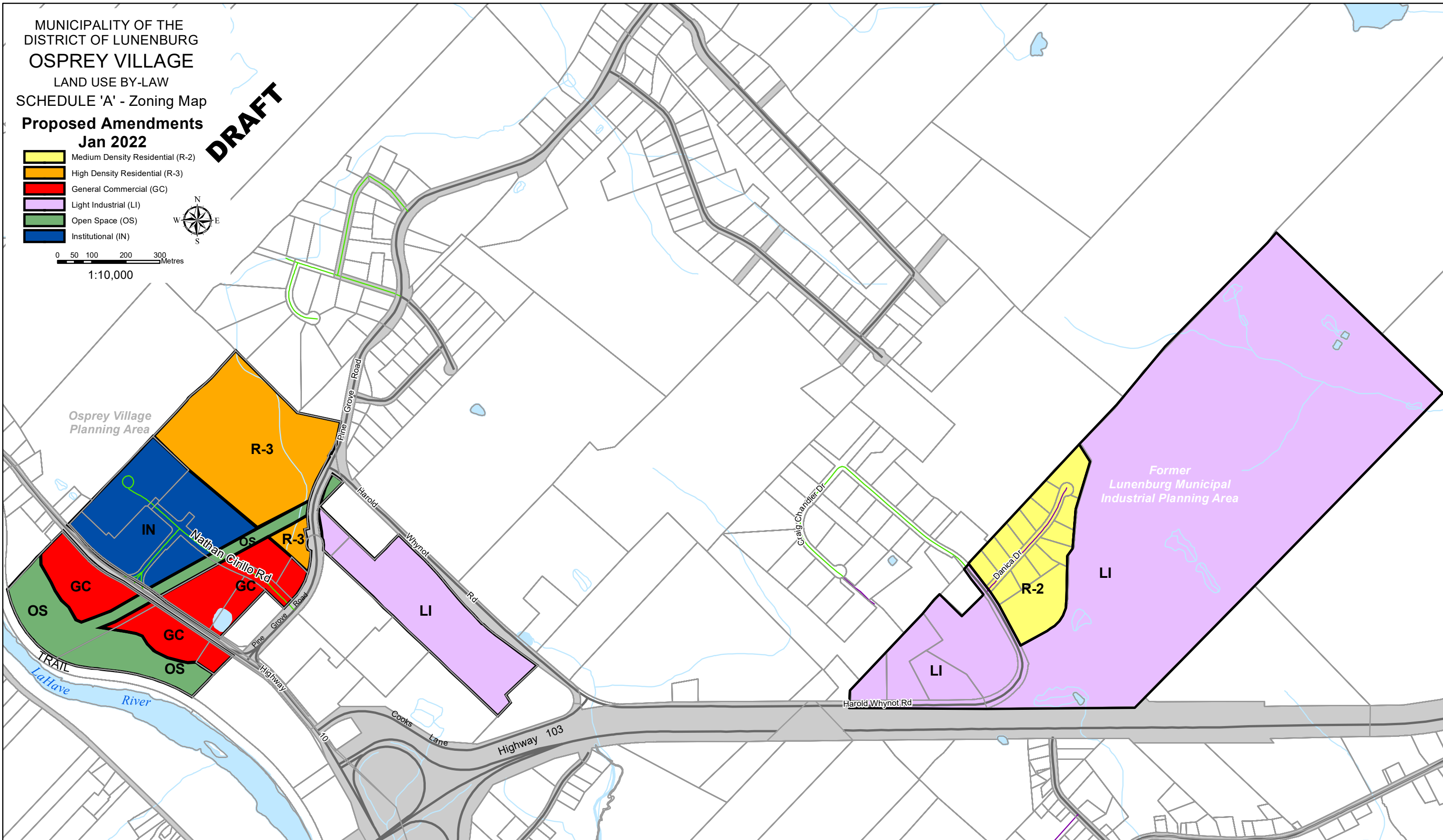
**DRAFT**

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



0 50 100 200 300 Metres

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

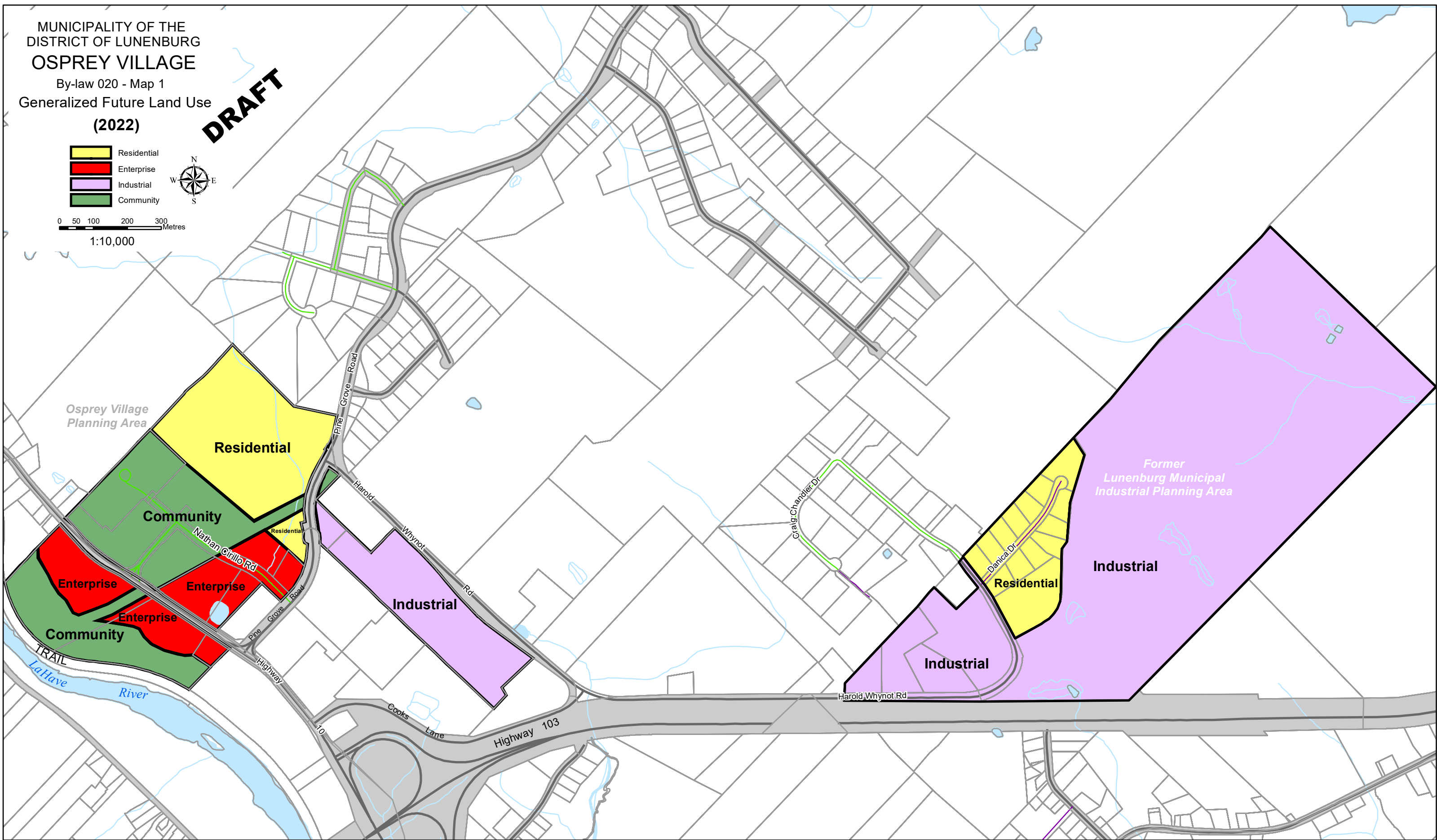
By-law 020 - Map 1  
Generalized Future Land Use  
**(2022)**

**DRAFT**

- Residential
- Enterprise
- Industrial
- Community



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1:10,000



MUNICIPALITY OF THE  
DISTRICT OF LUNENBURG

**OSPREY VILLAGE**

LAND USE BY-LAW

SCHEDULE 'C' - Significant Watercourses

**Proposed Amendments**

**February 2022**

**DRAFT**

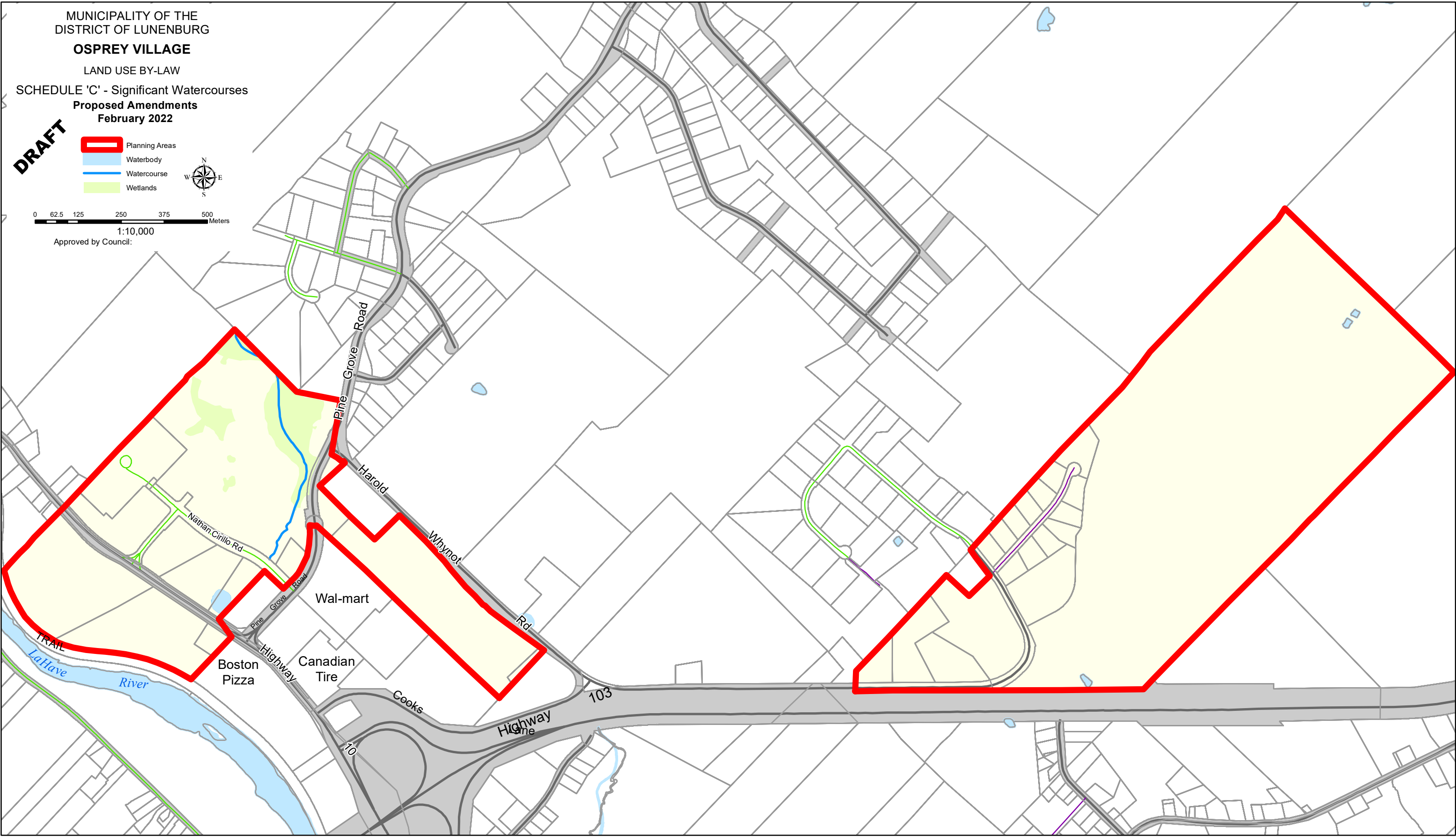
-  Planning Areas
-  Waterbody
-  Watercourse
-  Wetlands



0 62.5 125 250 375 500 Meters

1:10,000

Approved by Council:



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

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

**Proposed Amendments  
Jan 2022**

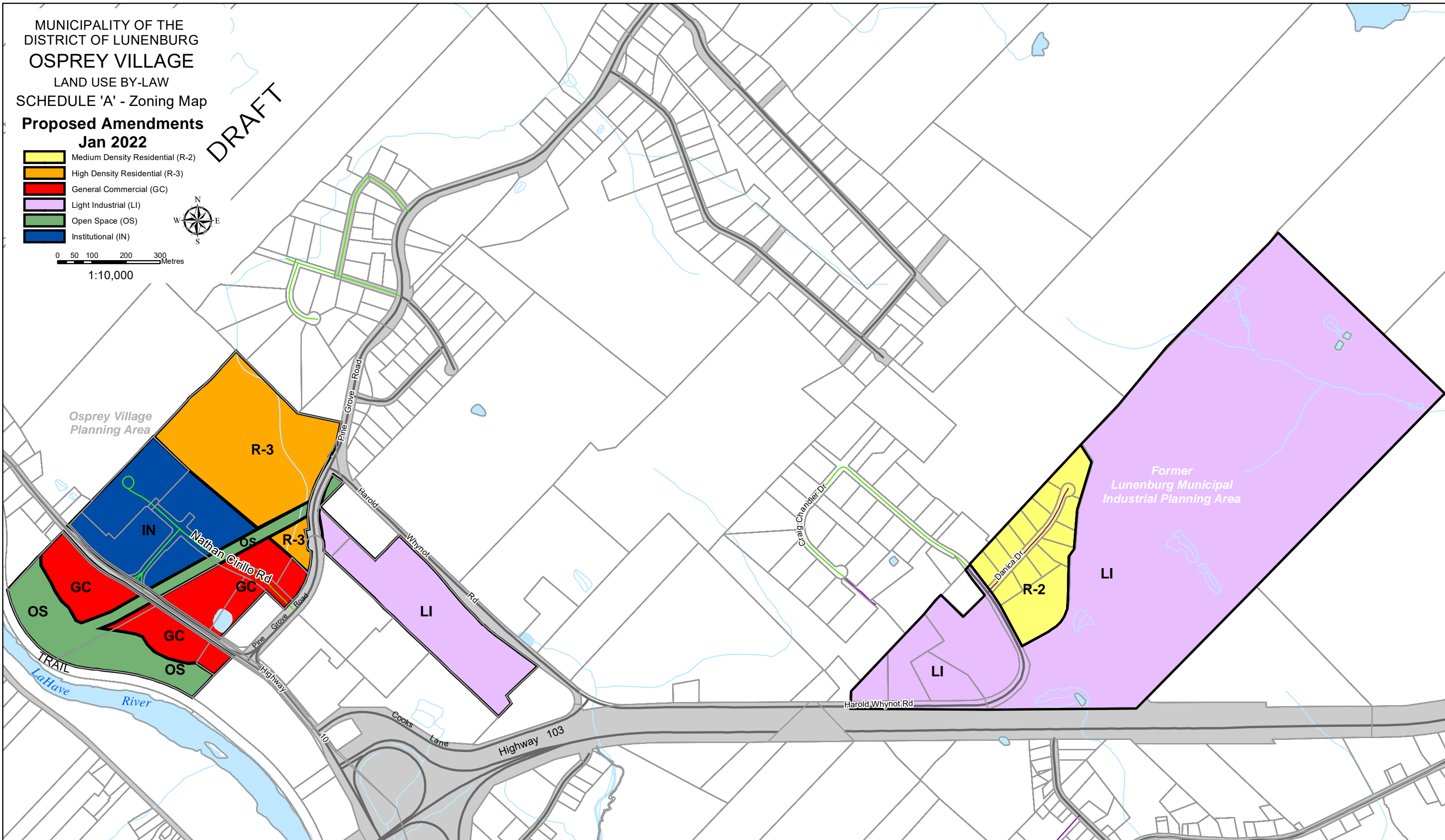
- Medium Density Residential (R-2)
- High Density Residential (R-3)
- General Commercial (GC)
- Light Industrial (LI)
- Open Space (OS)
- Institutional (IN)

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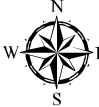


MUNICIPALITY OF THE  
DISTRICT OF LUNENBURG  
**OSPREY VILLAGE**

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

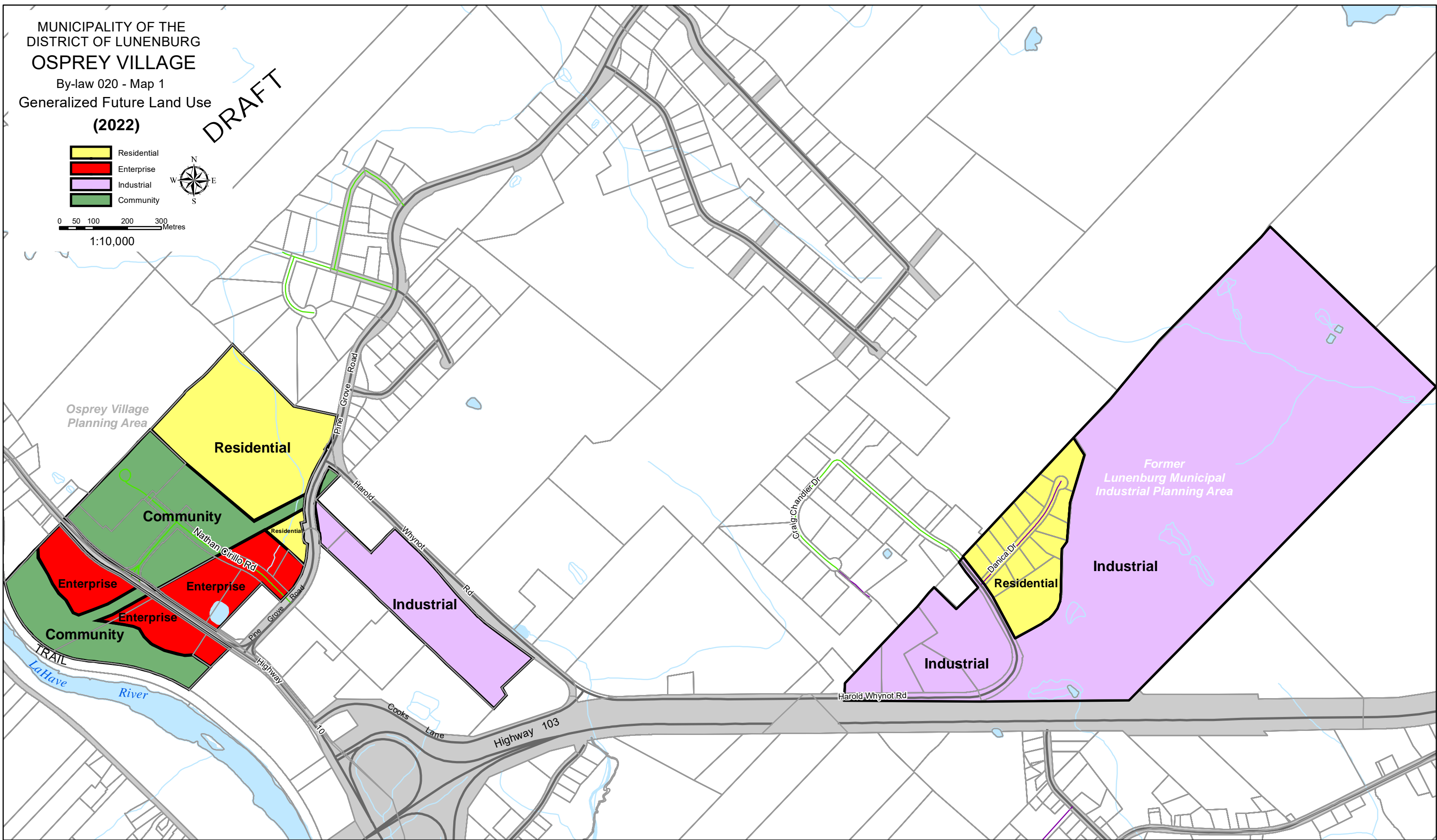
**DRAFT**

- 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

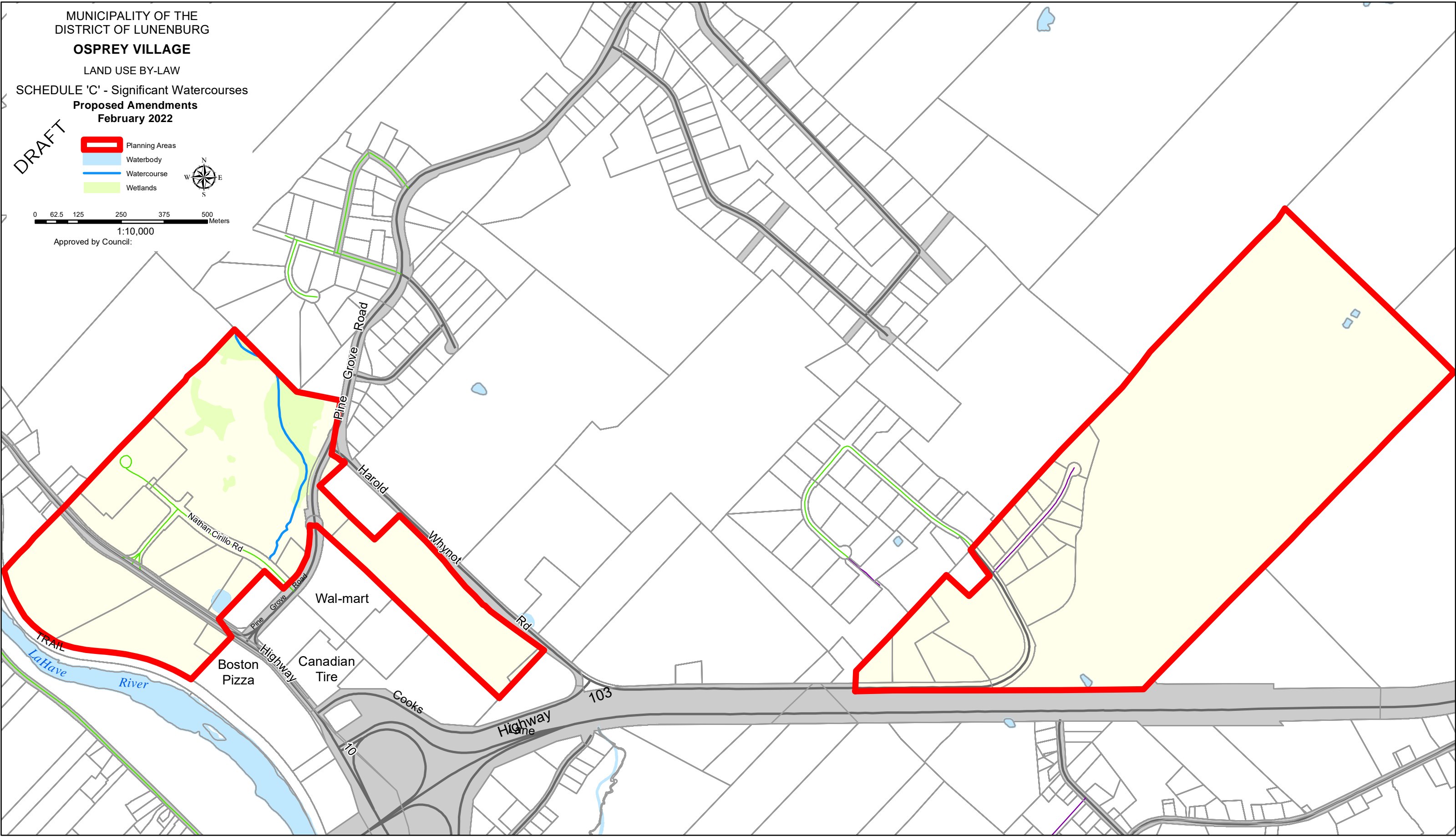
-  Planning Areas
-  Waterbody
-  Watercourse
-  Wetlands



0 62.5 125 250 375 500 Meters

1:10,000

Approved by Council:





## Municipality of the District of Lunenburg

### Report to Council

**Report to:** Mayor Bolivar-Getson and Council  
**Submitted by:** April Whynot-Lohnes, Municipal Clerk  
**Date:** April 12, 2022  
**Re:** Second Reading re Amendments to Solid Waste Collection & Disposal By-law

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On March 8, 2022, Municipal Council gave notice of its intention to amend By-law 039 Solid Waste Collection & Disposal and conducted First Reading. Council set a date for Second Reading to held at the April 12, 2022 Council meeting.

Notice was given through local media and on the MODL website that Municipal council would be conducting Second Reading to amend the By-law at the April 12, 2022 Council meeting, and that written submissions from interested persons concerning the By-law would be accepted until 12:00 noon, Tuesday, April 5, 2022. No written submissions were received.

The proposed amendments to include:

- update the definition of “Residual Waste” to include wax coated cups, poly-coated paper drink cups, bowls and plates;
- prohibit “Compostable Materials” from being placed in plastic biodegradable bags or oxo-biodegradable bags;
- clarify decision-making authority to the MJSB rather than the Municipal Engineer; and
- update language and formatting to follow accessible guidelines.

To accept the proposed amendments to the Solid Waste Collection & Disposal By-law, the following motion is required:

**“that Municipal council conduct Second Reading and approve By-law 039A Amendments to the Solid Waste Collection & Disposal By-law, as presented”.**

A handwritten signature in blue ink that reads "April Whynot-Lohnes".

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April Whynot-Lohnes, Municipal Clerk

# Municipality of the District of Lunenburg

## By-law

<b>Title:</b> Amendments to the Solid Waste Collection and Disposal By-law	
<b>By-law No.</b> 039A	<b>Legislative authority:</b> Municipal Government Act
<b>Effective date:</b>	<b>Amended date:</b>

- 1 Amend the Solid Waste Collection and Disposal By-law to update language and formatting to follow accessible guidelines.
- 2 Amend Section 3(x) by adding the words “wax coated drink cups, poly-coated paper drink cups, bowls and plates” after the word “envelopes” and before “metallic”.
- 3 Amend Section 4(1)(a), (d), (e) and (f) by deleting the words Municipal Engineer and inserting MJSB.
- 4 Amend Section 6(1)(c) by adding new subclause (iv) Compostable Materials cannot be placed in plastic biodegradable bags or oxo-biodegradable bags.
- 5 Amend Section 6(3)(a) and (iii) by deleting the words Municipal Engineer and inserting MJSB.
- 6 Amend Section 8(1)(a) by deleting the clause reference 6 (1)(c) and (d) and replacing with 6 (1) (d) and (e).

### Annotation for Official By-law Book

Date of first reading	March 8, 2022
Date of advertisement of notice of intent to consider	March 23, 2022
Date of second reading	April 12, 2022
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.	
_____	_____
<b>Municipal Clerk</b>	<b>Date</b>

# 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; April 12, 2022

### 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 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 center 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 (EPRA) program. The list of items under this category may change from time to time, as determined by EPRA.
- (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 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 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.
- (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. [amended]
- (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** 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 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 will be as follows:
  - a) A collection for Residual Waste, two (2) Bulky Waste items, Compostable Materials, Blue Bag Recyclables and Paper 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 will be made on the following Saturday, unless otherwise specified by the MJSB. [amended]
  - b) Collection 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, will take place once in the fall of each year on a date to be specified by the MJSB. [amended]
  - e) Collection of Wood Waste and Metal, per restrictions noted elsewhere in this by-law, will take place once in the fall of each year on a date to be specified by the MJSB. [amended]

- f) Collection of properly - prepared Natural Christmas Trees, per restrictions noted elsewhere in this by-law, will take place annually in the month of January on a date to be specified by the MJSB. [amended]
- g) For the purpose of Section 4, the schedule of, and exact dates for, collection 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 will:
- a) Provide containers for Solid Waste storage.
  - b) All Collectable Waste to be collected by the Municipality 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 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 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 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 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. [amended]
- d) For Christmas Tree Waste:
  - i) Cut into pieces and placed into the Wheeled Aerated Cart; or
  - ii) will be bundled and tied, and will not exceed 0.9 metres (36 inches) in length; and
  - iii) 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) will be bundled and tied; and
  - iii) will not have any wire or nails attached; and
  - iv) weigh not more than 25 kilograms (55 lbs) per bundle; and
  - v) individual pieces 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) can not exceed a weight of 25 kilograms (55 lbs); and
  - 5) can not exceed a volume of 100 litres, and 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 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 can not exceed a weight of 25 kilograms (55lbs).
- (2) Items placed for Bulky Waste Collection:
- a) 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 can place, or allow to be placed, Bulky Waste items for collection except in accordance with the following restrictions:
    - i) such waste 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 will not exceed 100 kgs (220 lbs) in weight; and,
    - iv) each item will not exceed 1.8 m (6 feet) in any dimension.
- (3) Items placed for Wood Waste and Metal Collection:
- a) No person 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 MJSB for collection and in accordance

with the following restrictions: [amended]

- i) such waste will be packaged, bundled or boxed so as to facilitate removal and handling;
- ii) any Wood Waste and Metal will be placed separately during the day designated by the MJSB for collection; [amended]
- iii) Wood Waste and Metal will not exceed 4 cubic metre (5.2 cubic yards) combined total per collection;
- iv) each item can not exceed 140 kgs (308 lbs) in weight; and,
- v) each item 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 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 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) will not exceed 3 m (approx. 10 ft) in length;
- c) no person 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;
- d) no person 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;
- e) single-unit building can place two Natural Christmas Trees for collection;
- f) each multi-unit building 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 61 centimetres (24 inches) by 61 centimetres (24 inches) and will not exceed a weight of 25 kilograms (55 lbs.) per bundle.

**Wheeled Aerated Carts**

- 8 (1) Every owner must:
- a) use only a Wheeled Aerated Cart for the storage of Compostable Materials for collection, except as otherwise permitted in clauses 6 1(d) and (e); [amended]
  - b) maintain the Wheeled Aerated Cart in good repair and sanitary condition; and,
  - c) Wheeled Aerated Carts must remain on the property parcel where it was assigned in accordance with the Municipality’s policy MDL-44. The freely distributed Wheeled Aerated Cart 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 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) 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) 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 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 can not exceed 120 kilograms (approx. 265 lbs.).
- d) No person can place, or 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 can place, or 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 can place, or allow to be placed, more than three (3) Electronics per 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 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 must:
  - i) be a solid container with a tight-fitting cover. The container must be a maximum height of 91 centimetres (3 feet), or must provide a hinged front door. It can be filled to a height not exceeding 5 centimetres (2 inches) below the top of the container. There will be no loose Solid Waste stored in any container. The immediate vicinity of the container 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 must be securely hinged, not have a self-locking latch and must have a support to hold the lid open while the contents are being emptied.
- b) No Wheeled Aerated Cart 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:
- 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 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 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 a Rejection Sticker saying the reason or reasons for rejection and information as to how to fix or get direction to fix the problem.
- (3) No person 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, will remain the property of the Owner.

### **Time for Removal of Containers**

- 13 (1) No owner will permit Solid Waste to remain in front of the building and adjacent to or at the curb except between 5:00 p.m. on the day 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 will not be collected and such Solid Waste 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 must ensure the Commercial Containers:
- a) are sturdily constructed of weather-proof material and 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 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) has the name and telephone number of the owner of the container and the type of material to be deposited;
  - f) has the following message “garbage” or “landfill”, where institutional, commercial or industrial waste is to be deposited in the commercial container;
  - g) has the following message “recyclables”, where Blue Bag Recyclables are to be deposited in the Commercial Container;
  - h) has the following message “paper or cardboard”, where fibre Recyclables are to be deposited in the Commercial Container; and,
  - i) has the following message “organics”, where Organic Materials are to be deposited in the Commercial Container.
- (2) An Owner or Occupant of any premises where a Commercial Container is located 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 where a Commercial Container is located:
  - a) must be placed on a surface which is hard, level and weather-resistant;
  - b) must keep the area surrounding the container free from litter and waste; and
  - c) must arrange for the container to be emptied on a regular basis, as required.

### **Haulers**

- 15 (1) All private collections of Solid Waste must be in compliance with relevant Federal/Provincial/Municipal statutes and regulations.
- (2) All private collection vehicles must:
  - a) be maintained in good condition and be properly-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 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 will be made directly to the private collection vehicle from the premises where it was generated.
- (4) All Solid Waste collected through private collections, and that is to be delivered to the LRCRC, will be in agreement with the Regulations 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 will be responsible for the clean-up, which will be done immediately.

### **Electronics**

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

### **Construction or Demolition Materials**

- 18 (1) Every Owner or Occupant 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 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 that the LRCRC has been approved to accept; or
  - b) It is a load that a tipping fee has not yet been set or negotiated with the Solid Waste generator or hauler; or
  - c) It is a load that a tipping fee has not yet been paid to the LRCRC; or
  - d) It is a load that tipping fee payment arrangements satisfactory to the

operator or authorized staff have not yet been made.

- (3) No person can dispose of, 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 solid waste.
- (4) All private collection vehicles must be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device 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 can dispose of, ~~or~~ allow or permit the disposal of, Solid 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 can dispose of, allow 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 the container or at a box or collection placement spot approved by the Municipality for another Owner or Occupant.
- (3) No person can dispose of, allow 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 can dispose of, 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), can, in the absence of evidence convincing a court to the contrary, be evidence sufficient for a court to conclude that the identified person – or the Owner or current Occupant of the residence or premises – or the owner of the vehicle - was the person who disposed of that Solid Waste, or a portion of the waste, or 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 Solid Waste becomes the property of the Municipality and only authorized personnel are permitted to remove it; except under circumstances stated below in this by-law.
- (2) No person can pick over, remove, collect, disturb or interfere with any type of Solid Waste 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 that is 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 done, remaining materials must be left in an orderly manner, that does not interfere with pedestrian or vehicular traffic.
- (4) No person can dispose of any type of Solid Waste by burning it-
- (5) No person 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 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 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 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 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 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 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 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) 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) 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 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 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 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 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 bylaw and where the Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) to the office of the MJSB provided that payment is

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

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made within fourteen (14) days of the date of issuance of the Notice and payment will be in full satisfaction thereby releasing the person named from prosecution for the alleged violation.

- (3) Nothing in this by-law requires the MJSB to issue a Notice of Alleged Violation in 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	March 8, 2022
Date of advertisement of notice of intent to consider	March 23, 2022 April 6, 2022
Date of second reading	April 12, 2022
Date of advertisement of passage of by-law	March 24, 2022
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>April Whynot-Lohnes, Municipal Clerk</b>	<hr/> <b>Date</b>



**Public Works  
Office of the Minister**

**Council**  
Item: #11.2.2  
Date: April 12, 2022  
Authorization: T. MacEwan

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

MAR 24 2022

Mayor Carolyn Bolivar-Getson  
Municipality of the District of Lunenburg  
210 Aberdeen Road  
Bridgewater, NS B4V 4G8

Dear Mayor Bolivar-Getson:

**RE: Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2022-23.**

Thank you for your Municipality's submission under the Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2022/23.

We are pleased to inform you that the roads listed below have been approved under this program:

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)
Lester Getson Road	from Route 325 to end of listing at cul-de-sac, paving	0.56	\$235,000	\$117,500
Forest View Drive	from Lower Branch Road to end of listing at cul-de-sac, paving	0.29	\$160,000	\$80,000
<b>Total</b>		<b>0.85</b>	<b>\$395,000</b>	<b>\$197,500</b>

Under the terms of Cost Share Agreement 2020-015, the Municipality has agreed to notify the Department within 20 Business Days from the time of receipt, whether it accepts the list of approved projects and the cost estimates. If a notice of acceptance is not received within this time, the Municipality is deemed to not accept the approved projects and the cost estimates, and the Province will proceed no further with the projects.

Mayor Carolyn Bolivar-Getson  
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Due to program limits, the Department will not be able to proceed with The Point Road, Darbys Head Road, St. Augustine Road, Riverside Heights Road, Freeman Crescent, Riverview Drive and Church Road. The Municipality may wish to re-submit these candidates for the 2023-24 program under the terms outlined in Cost Share Agreement 2020-015.

If you choose to accept the list and cost estimates, please complete, and sign the attached Notice of Acceptance and return to the attention of Laura Cunningham, Capital Program Administration Officer.

Sincerely,



Kim D. Masland  
Minister

- c: Tom MacEwan – Chief Administrative Officer, Municipality of Lunenburg  
Tina Robichaud-Bond – Executive Assistant to the CAO, Municipality of Lunenburg  
Greg Newell, District Director, PW Western  
Craig Smith, Construction Manager, PW Western  
Laura Cunningham, Capital Program Administration Officer, PW Head Office

**NOTICE OF ACCEPTANCE:**

The Municipality of the District of Lunenburg accepts the cost estimates of the projects listed as "Yes" below for fiscal year 2022-23 and wishes to proceed with construction as per the terms of Agreement 2020-015.

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)	Accept: Yes / No (please write in)
Lester Getson Road	from Route 325 to end of listing at cul-de-sac, paving	0.56	\$235,000	\$117,500	
Forest View Drive	from Lower Branch Road to end of listing at cul-de-sac, paving	0.29	\$160,000	\$80,000	
<b>Total</b>		<b>0.85</b>	<b>\$395,000</b>	<b>\$197,500</b>	

**Name (Print):**

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**Name (Signature):**

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**Title (Print):**

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**Date (Print Year-Month-Day):**

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Please ensure the yellow highlighted column is filled in and return signed document via email to:

Laura Cunningham at [laura.cunningham@novascotia.ca](mailto:laura.cunningham@novascotia.ca)