

TOWN OF LUNENBURG
COMMITTEE OF THE WHOLE MEETING AGENDA

Tuesday, September 3, 2024 | 6 pm
Lunenburg Town Hall – Council Chamber
120 Townsend Street



NOTICE: COTW meetings are open to the public and held in Town Hall. **Please use the back entrance at 120 Townsend Street.**

The public can also watch meetings through Zoom. To livestream this meeting starting at 6 pm, use this Zoom link: <https://us06web.zoom.us/j/88956545878>

Meeting recordings are also available on the Town's [YouTube](#) channel.

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

This meeting takes place in the traditional and ancestral territory of the Mi'kmaq people. We are all Treaty people.

3. ADDITIONS/ DELETIONS TO AGENDA

4. APPROVAL OF AGENDA

4.1 August 27, 2024 Committee of the Whole Meeting Agenda

Recommendation: That Committee of the Whole approve the agenda for the August 27, 2024 meeting as presented.

5. APPROVAL OF MINUTES

August 27, 2024 minutes to be presented at Sept. 10. 2024 Council meeting

6. PRESENTATIONS

7. BUSINESS ARISING AND UNFINISHED BUSINESS

8. NEW BUSINESS

8.1 Cornwallis Renaming Discussion– *Requested by Councillor Halverson*

8.2 Dangerous and Unsightly Property Bylaw – *Request for Direction*

9. NOTICES OF MOTION, INFORMATION REQUESTS AND COUNCILLOR REPORTS

10. IN CAMERA

11. ADJOURNMENT

REQUEST FOR DIRECTION

Subject: Dangerous and Unsightly Property Bylaw – *Request for Direction*

From: Kayla Byrne, Municipal Clerk

Date: September 3, 2024 – COTW



Recommendation

That Council provide direction on the possible development of a localized Dangerous and Unsightly Property Bylaw.

Alternatives

- Continue to use the Municipal Government Act (MGA) as the guiding legislation for handling dangerous and unsightly complaints and direct staff to prepare a Dangerous and Unsightly Policy focusing on reporting, inspections and remedial order procedures.
- Direct staff to create a high-level policy or clause within a policy that deals with lawn standards to accompany the provisions of the MGA.
- Provide no further direction at this time.

Background

In September 2023, Council requested that staff develop a lawn and park naturalization policy following a resident's appeal of an unsightly property order, where the resident claimed they were naturalizing their yard. Rather than deciding on the appeal, Council chose to pursue the creation of a policy. As a result, the original remedial order is on hold, leaving the town uncertain about how it would handle similar cases. However, it's important to note that landscaping-related unsightly complaints are rare, with three reported in 2024.

At the May 14, 2024 meeting, staff presented the Property Vegetation Management By-law. However, at the June 25, 2024 meeting, Council decided not to proceed with the vegetation by-law and instead directed staff to develop a more comprehensive dangerous and unsightly by-law.

The MGA requires that all properties in a municipality be kept safe and not unsightly. It clearly defines issues like unsafe buildings, fire hazards, derelict vehicles, and dilapidated properties, allowing municipalities to act quickly on these problems. However, terms like "unsightly" and "unhealthy" are less clear, leaving them open to interpretation.

To address this, municipalities can create a dangerous and unsightly bylaw that complements the MGA, as long as it doesn't conflict with the Act. A localized bylaw could provide specific standards and enforcement procedures tailored to the community's needs. Currently, the Town of Lunenburg does not have such a bylaw and relies solely on the MGA.

Discussion

A localized dangerous and unsightly bylaw could help clarify any ambiguous terms in the MGA by setting specific measures and guidelines. While the MGA provides broad definitions, a local bylaw could include clear, measurable standards. For example, it could set exact grass height limits, specify which types of debris must be removed, and outline how fences and landscaping should be maintained.

If Council is interested in moving forward with this, staff are seeking Council's input on whether any aspects of the MGA's definition of 'dangerous and unsightly' should be further clarified in a possible bylaw. The MGA definition is attached to this report, with potentially unclear sections highlighted for consideration.

Here are key elements usually included in a dangerous and unsightly bylaw:

Property Maintenance Standards:

By-law option: Establish clear, measurable standards for lawn care, such as setting a maximum grass height (e.g., 25 cm) and providing specific guidelines for debris removal and controlling overgrowth.

- **Questions for Council:**
 - Should there be a height limit on grass? If so, what? What other regulations should there be for landscaping?
 - Should we list specific types of debris that must be removed, or would broader guidelines be more effective?

Health and Safety Provisions:

- **By-law option:** Introduce specific measures to prevent health hazards, such as pest control, timely garbage removal, and management of combustible materials.

Visual Aesthetics:

- **By-law option:** Create rules to manage unsightly items like derelict vehicles, junk, or poorly maintained fences and landscaping. For example, limits could be set on the number of inoperable vehicles allowed on a property.
- **Questions for Council:**

- What criteria should define "unsightly" in terms of vehicles, junk, and landscaping?

Enforcement Mechanisms:

- **By-law option:** Establish clear enforcement procedures, including steps for inspections, issuing notices, compliance timelines, and penalties. Consider whether a tiered penalty system or municipal intervention for non-compliance would be most effective.
- **Questions for Council:**
 - What compliance timeline should be set after a violation notice is issued?
 - Should we use a tiered penalty system for repeated violations or apply a standard penalty?

Exemptions and Special Provisions:

- **By-law option:** Allow flexibility for special circumstances, such as naturalized areas, as long as they are properly maintained and do not pose risks.
- **Questions for Council:**
 - Are there any special provisions or exemptions we should consider?

LAWN NATURALIZATION IN A DANGEROUS AND UNSIGHTLY BYLAW

If Council wants to move forward with its September 2023 motion to encourage lawn and park naturalization, it could include specific provisions in a dangerous and unsightly bylaw to clearly define what is allowed and what is not. For example, the bylaw could include something like the following: provision of naturalized areas with grass height limits, maintenance of naturalized areas, no neglect of lawn areas and other safety provisions.

DANGEROUS AND UNSIGHTLY POLICY TO ACCOMPANY THE MGA

If Council decides to continue using the MGA as the guiding legislation for dangerous and unsightly complaints, staff recommend developing a policy focused on the procedures for handling complaints, inspections, notices, remedial orders, and appeals rather than on creating additional regulations through a bylaw.

Considering the limited number of complaints the Town receives, staff believe this approach could be suitable. However, it's important to note that ambiguity around unsightly landscaping would remain if Council chooses this path. As noted above, the Town has received three landscaping complaints in 2024. Even so, formalizing these procedures in writing would bring clarity and benefit both staff and the public.

NATURALIZATION IN POLICY

If Council wants to proceed with its September 2023 motion to encourage lawn and park naturalization but does not wish to create a comprehensive Dangerous and Unsightly bylaw and feels the MGA is sufficient for handling complaints, Council could consider adding a clause to an Unsightly and Dangerous Policy or creating a separate policy. This policy could allow for diverse ground cover beyond conventional mowed lawns, gravel, or pavement, as long as the plants used are not hazardous (e.g., poisonous plants) and are not invasive species or weeds that easily spread to neighbouring properties. It could also include a provision for requiring the trimming of plants when they pose a hazard, such as tall grasses creating a fire risk during droughts.

Allowances for naturalized areas that don't pose risks can be included in the policy. This would provide clear guidelines for acceptable naturalization practices, ensuring these areas are maintained safely. It would help address complaints related to naturalized areas without limiting residents' choices, while still protecting against potential hazards.

Relevant Legislation

Municipal Government Act

Financial

At this time, Staff do not foresee any financial impacts related to the creation of a new policy or by-law.

Communications

If Council chooses to move forward with the development of a new by-law, all legislative requirements for public notice will be followed.

Attachments

- Clarity and Interpretation of the MGA's "Dangerous and Unsightly" Definition

MGA Definitions: Clarity and Interpretation Overview

MGA Definition of Dangerous and Unsightly	Clarity (Clear/Ambiguous)	Reason for Ambiguity
Partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly, or unhealthy.	Clear	
Property containing ashes, junk, cleanings of yards, or other rubbish or refuse, or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof.	Clear	
An accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds, or other combustible material.	Clear	
Property that is a fire hazard to itself or to surrounding lands.	Ambiguous	The definition of 'fire hazard' could be more clearly defined to specify what conditions or materials qualify.
An accumulation or collection of materials or refuse that is stockpiled, hidden, or stored away and is dangerous, unsightly, unhealthy, or offensive to a person.	Ambiguous	Terms like 'offensive to a person' are subjective and open to interpretation.
Any other thing that is dangerous, unsightly, unhealthy, or offensive to a person.	Ambiguous	Broad catch-all phrase that can be applied to a wide range of conditions, making it unclear.
Property or a building or structure that is in a ruinous or dilapidated condition.	Clear	
Property in such a state of non-repair as to be no longer suitable for human	Clear	

habitation or business purposes.		
Property that is an allurement to children who may play there to their danger.	Ambiguous	The term 'allurement to children' is subjective and may vary depending on the specific situation.
Property constituting a hazard to the health or safety of the public.	Ambiguous	The term 'health hazard' could benefit from clearer guidelines specifying exact conditions.
Property that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained.	Ambiguous	Subjective comparison to neighboring properties and lack of specific standards for 'unsightly'.
Property that has been excavated or had fill placed on it in a manner that results in a hazard.	Clear	
Property that is in a poor state of hygiene or cleanliness.	Ambiguous	The subjective term 'poor state' may vary in interpretation without specific guidelines.