

Municipal Council Meeting AGENDA

Tuesday, February 23, 2021 – 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. APPROVAL OF AGENDA (as circulated)

4. APPROVAL OF MINUTES – February 9, 2021

5. BUSINESS ARISING FROM MINUTES

6. AWARDING OF TENDERS/RFPs

6.1 Agreement for Provision of Animal Control Services and Impound Facilities..... 1-3

7. PRESENTATIONS/SCHEDULED TIMES

7.1 Lyme Disease Report, Sharon Archibald, Refresh Market Research 9:15 a.m. 4-14

8. CONSIDERATION OF CORRESPONDENCE (Nil)

9. RECOMMENDATIONS FROM COMMITTEES & BOARDS

9.1 Policy & Strategy Committee

9.1.1 Approval of Proposed Amendments to MODL Policy 001 "Proceedings of Council"(15)16-35

9.1.2 Approval of Proposed Amendments to MODL Policy 002 "Committees"(15)36-39

9.1.3 Approval of Proposed Amendments to MODL Policy 038 "Public Presentations to Council & Audit & Finance Committee"(15)40-42

9.1.4 Committee & Board Reporting to Council(15)43-50

9.2 Nominating Committee

9.2.1 Appointment to Sustainability Committee – Mathias Gebser 51

10. STAFF REPORTS

10.1 Administration Department

10.1.1 Lyme Disease Project Update 52-53

10.1.2 Emergency Assistance Fund for Community Facilities 54-57

10.2 Planning Department

10.2.1 Second Reading – Amendments to 2021-009 By-law 40 Private Roads By-Law 58-100

11. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS

- 11.1 Deputy Mayor's Update
- 11.2 Mayor's Update

12. ADDED ITEMS

13. IN CAMERA

- 13.1 Contract Negotiations re Internet Project – Approval of Bell Canada Agreement under Section 22(2)(e) of the MGA

14. ADJOURNMENT



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Mayor Bolivar-Getson and Council
SUBMITTED BY: Sherry Conrad, Municipal Clerk
DATE: February 23, 2021
RE: **Agreement for Provision of Animal Control Services and Impound Facilities for Period 2021 - 2026**

RECOMMENDATION

“that Municipal Council enter into a service agreement with the Municipality of the District of Chester for the provision of Animal Control Services and Impound Facilities for a period of February 1, 2021 to January 31, 2026 at a cost of \$3,000 per month plus HST, plus and administrative fee of 10%, and authorize the execution of same subject to legal review”.

EXECUTIVE SUMMARY

Municipal Council, in February 2016, entered into an Inter-Municipal Agreement with the District of Chester (MOC) for the provision of Animal Control Services for a period of 5 years. MOC awarded their Request for Proposal to Oceanmark K-9 Resort. The Contract ended at the end of January 2021 but has been continued until the District of Chester awarded a new contract. MOC issued an RFP in January 2021 and awarded the contract to Oceanmark K-9 Resort for the period of February 1, 2021 to January 31, 2026. The RFP included a provision for MODL to contract these services from MOC.

MODL requires the services of an Animal Control Officer to enforce all animal related by-laws and to deal with animal problems that may arise in the Municipality.

DISCUSSION

The deadline for proposals for the MOC’s RFP for Animal Control Services and Impound Facilities was January 15, 2021.

Two proposals were received. A review panel consisting of four employees, familiar with the process was established, to evaluate and score the proposals that were submitted. All reviewers scored the proposals independently and then met on January 29, 2021 to further discuss the proposals and develop a recommendation. The four scores were combined and the median score calculated. All reviewers concur with their overall scoring and comments that Oceanmark K-9 Resource provided the best value.

The evaluation criteria used was as follows:

Rating Factor	Weight
Introduction & Presentation	5%
Qualification & Experience	30%
References	20%
Price	25%
Location	20%

MODL's Dog By-law and the Domestic Animal By-law are enforced through Animal Control Services. As well, the Animal Control Officer is the first person to deal with issues that would fall under the *NS Fences & Detention of Stray Livestock Act*.

MODL has received good service through this contract with minimal MODL staff involvement.

BUDGET IMPLICATIONS

The estimated budget for animal control services for the next five years is \$39,000 plus HST. The cost of the service for the previous five years was \$33,000 plus HST.

Prior to preparing the 2021 RFP, MOC did a calculation on the volume of animal control calls for MOC and MODL between April 1, 2018 and March 31, 2019. MOC had 79 and MODL had 151. Since the annual volume was more for MODL, their RFP allowed proponents to provide a different rate for the services provided to MOC and MODL.

The RFP required the proponents to provide a fixed monthly fee. The fixed monthly fee for MODL is \$3,000/month plus HST with no price increases over the five-year period. There will be a 10% administration fee applied by MOC which is based on MOC's cost per month which is \$2,500. The administration fee covers all costs associated with the procurement of the Animal Control Services, preparing contracts, administering the Dog Control and Domestic Animals By-laws (impounding and boarding fees, administrative costs, monthly reports, invoices, monthly

reimbursement of boarding fees and animal control services). This fee does not cover any emergency medical care or euthanization.

STRATEGIC PLAN

Dog and animal control services is an existing Municipal Service.

WORK PLAN

No additional impact. Part of work plan.

ALTERNATIVES

Do not enter into an Agreement with MOC and issue our own RFP for Animal Control Services and Impounding Facilities and administer the contract with our own resources. It is likely, however, that we will only receive bids from the same individuals that bid on MOC's RFP and it would be for the same price.

CONCLUSION

The Municipality has received excellent service through this contract with MOC in the past and Oceanmark K-9 Resource Inc. as the service provider. The Agreement has provided MODL with consistency, accurate record keeping, and trained personnel in administering the by-laws. Staff is recommending entering into an Agreement with MOC for the provision of Animal Control Services and Impounding Facilities.

Department: Administration

Report Prepared By: Sherry Conrad, Mun. Clerk

Date: February 12, 2021

Report Approved By: Alex Dumaresq, Deputy CAO

Date: February 17, 2021

Reviewed By CAO:

Date:

TICKS AND LYME DISEASE STUDY

KEY FINDINGS

Municipality of the District of Lunenburg
February 23, 2021



rəfresh

market research

P.O. Box 2371, CRO, Halifax, Nova Scotia B3J 3E4. Tel. 902 453 0036 (C) 902 223 6904

PURPOSE

- Measure/evaluate effectiveness of a public awareness campaign conducted in 2018 and again in 2020.
 - Did the campaign increase the public's awareness and knowledge of ticks and Lyme disease?
 - As a result, was there a greater propensity for the public to engage in preventive behaviours?



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METHODOLOGY

- Telephone survey
- Residents of Lunenburg County
- 18 years of age or older
- N=400 completions
- Margin of error \pm 4.88 percent (95% confidence level)
- Sample drawn from population database; cell numbers included
- Administered in English only
- Same instrument used in 2018, with minor modification
- Survey length – between 5 and 7 minutes
- Data collected during a global pandemic (COVID-19)



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SUMMARY

WHAT WORKED

- Campaign successfully increased:
 - *Awareness* ('very aware') of ticks and Lyme disease (up 9%).
 - Frequency of *sometimes* conducting tick checks (up 16%), and decrease in those *never* using protective measures (down 7%).
 - Awareness that ticks are most often found in grassy areas (up 6%), wooded areas (up 2%), and marshy areas (up increase).
 - Awareness that ticks are more active year-round (up 2%), or in the fall (up 5%).
 - Awareness of message 'be careful/vigilant/aware' (up 10%).
 - Perceived severity of Lyme disease – 'very serious' (up 8%).
 - Incidence of tucking pants into socks (as a preventive measure (up 6%).



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SUMMARY (Cont'd)

WHAT DIDN'T WORK

- *Decrease/no change* in number of residents hearing, seeing, or reading:
 - General information on ticks and Lyme disease (down 5%).
 - 'Ticks are everywhere ...' – (down 2%).
 - 'A daily tick check is a simple and effective method of prevention' (no change).
- Volume of COVID-19 information reduced campaign's full impact:
 - Competing 'noise' decreased message recall; created information overload and fatigue.
- For younger adults (18-29), literacy barriers affected message recall.
- Younger adults lower awareness than their older counterparts.
 - As age increases, so does awareness.
- Males less aware/predisposed to engage/seek out information on ticks and Lyme disease.
 - Women more aware/predisposed to engage with, and seek out information.

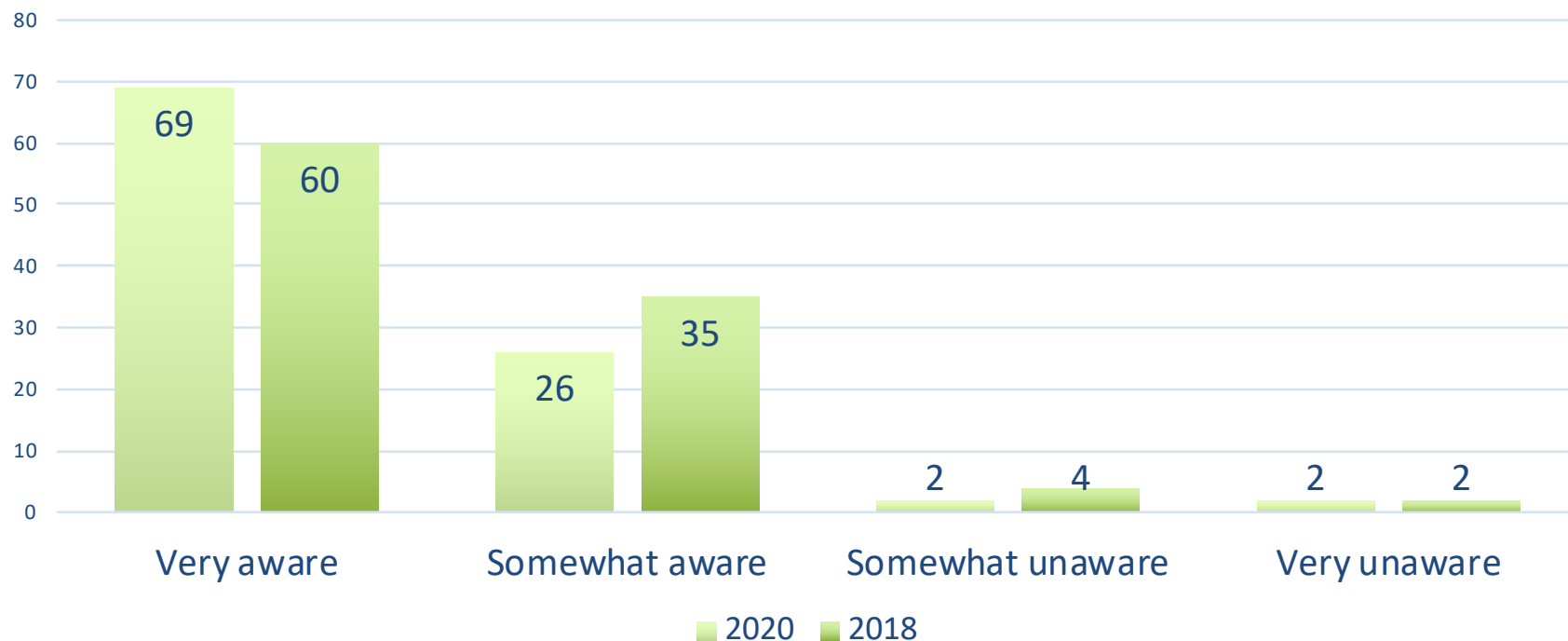


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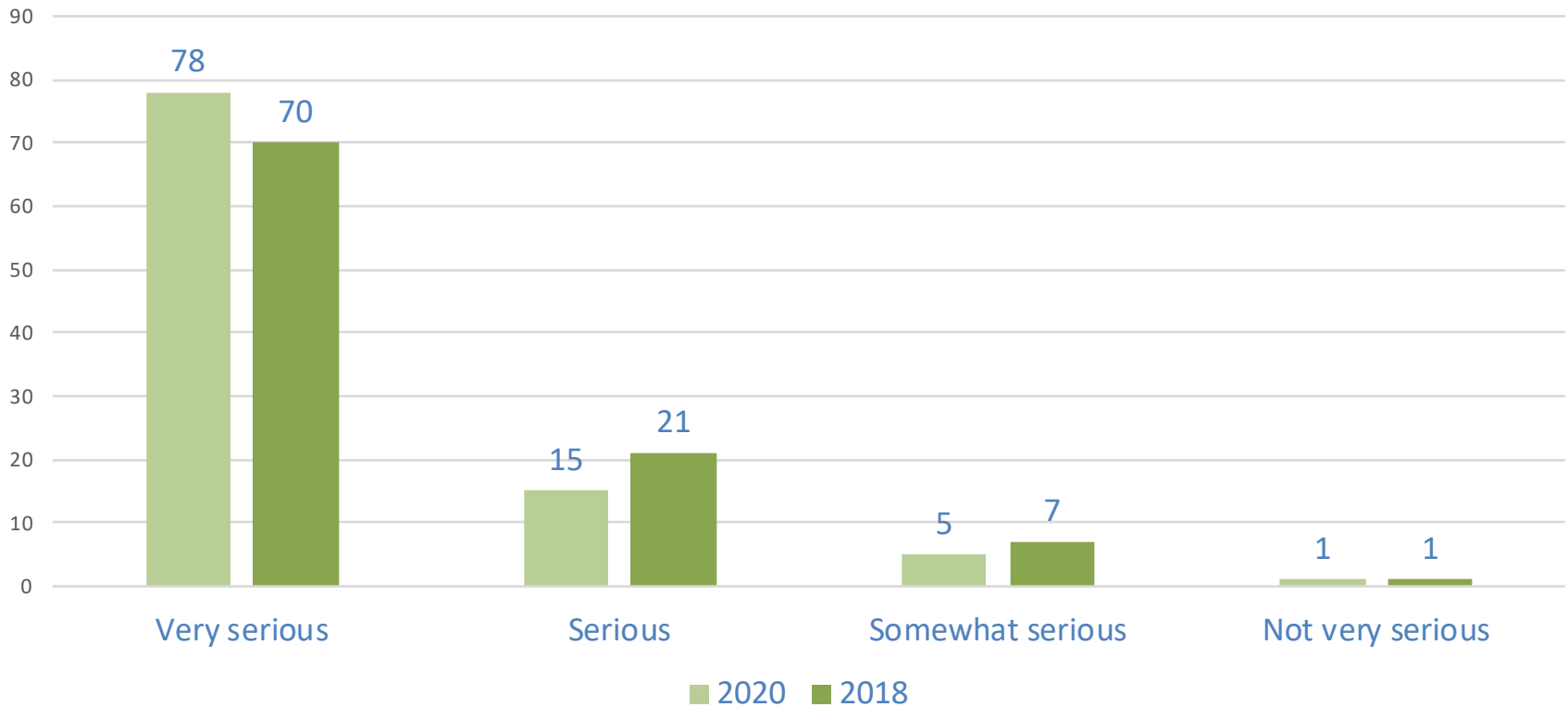
KEY OBSERVATIONS (Cont'd)

How would you rate your level of awareness of ticks and Lyme disease?
(N=400)



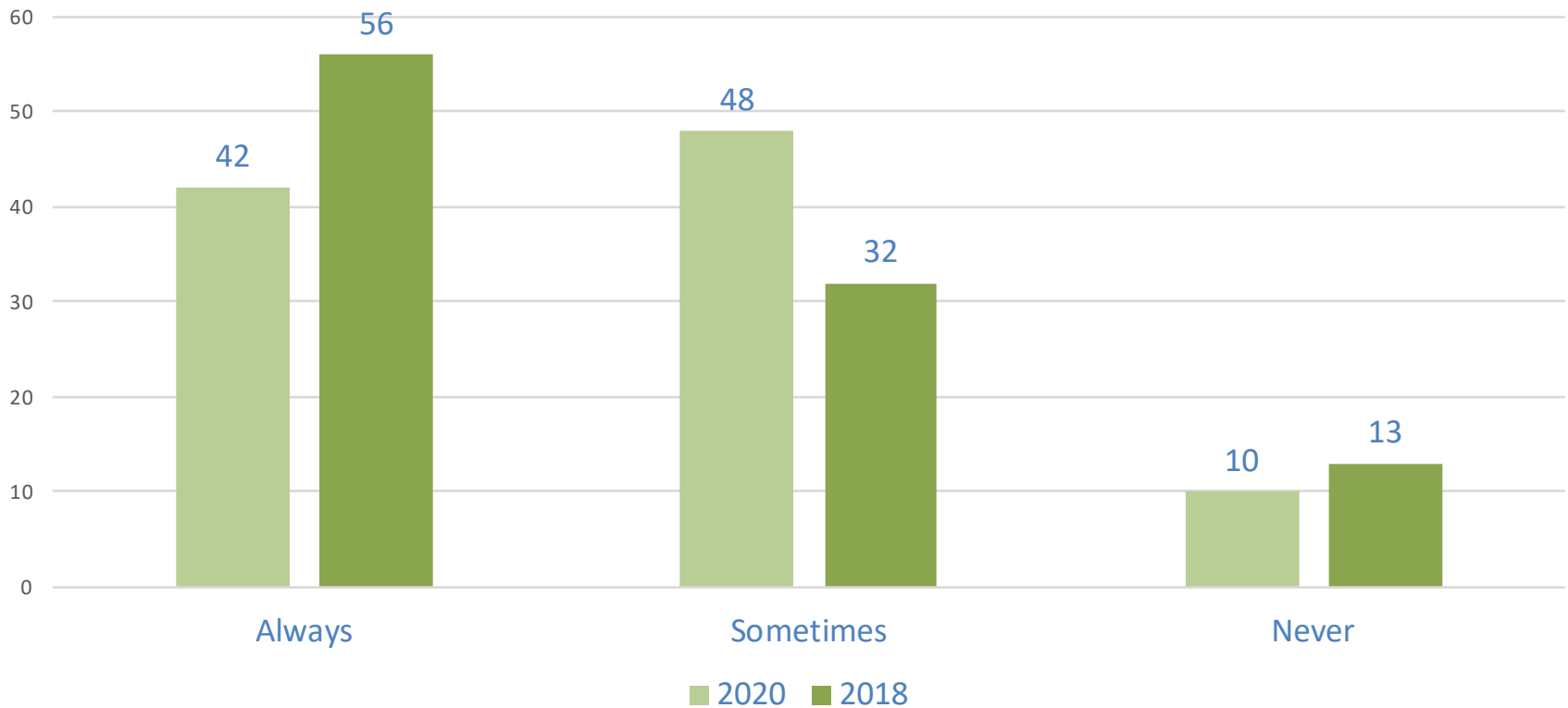
KEY OBSERVATIONS (Cont'd)

How serious is Lyme disease?
(N=400)



KEY OBSERVATIONS (Cont'd)

How often do you conduct tick checks?
(N=400)



RECOMMENDATIONS

- For younger adults, males, create communications to match *content* to needs/interest:
 - Framed in a meaningful *context*;
 - Using *design and production elements* to capture attention;
 - Providing information in *the amount, type* preferred; and,
 - Through preferred *channels* of delivery.
- Use social media, mobile technology (SMS, Twitter, Instagram, Facebook, etc.) to deliver short messages.



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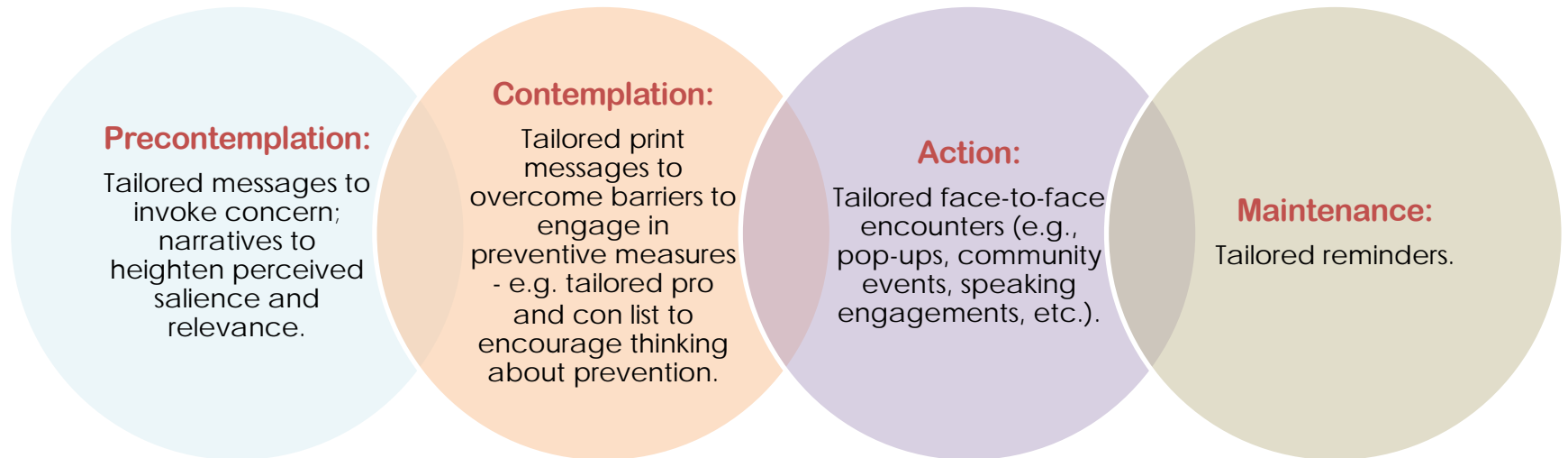
RECOMMENDATIONS (Cont'd)

- Posters in places young adults congregate (bars, coffee shops, etc.)
- Engage social media influencers.
- Incorporate messaging in school curriculum.
- Deliver messages according to behavioural phases:
 - Becoming *aware* of the problem (pre-contemplation);
 - *Engaging* or thinking about the problem (contemplation);
 - Deciding to *take action* (action); and,
 - *Maintaining* any change/action taken (maintenance).



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RECOMMENDATIONS (Cont'd)



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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

February 16, 2021

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, February 16, 2021, made the following recommendations to Council:

1. That Municipal Council approve the proposed amendments to MODL Policy 001 "Proceedings of the Council", as presented.
2. That Municipal Council approve the proposed amendments to Section 3.1 of MODL Policy 002 "Committees", as presented.
3. That Municipal Council approve the proposed amendments to MODL Policy 038 "Public Presentations to Council & Audit & Finance Committee", as presented.
4. That Municipal Council approve Option 1 for Committee & Board Reporting to Council.

Respectfully submitted,

Chairman and Members
Policy & Strategy Committee

/jp
Attachment



Municipality of the District of Lunenburg

Report to Council

Report To: Mayor and Municipal Council Members
Submitted By: Sherry Conrad, Municipal Clerk
Date: February 16, 2021
Re: **Proposed Amendments to MODL Policy 001 "Proceedings of the Council"**

The Policy and Strategy Committee, in session on February 16, 2021, reviewed proposed amendments to MODL Policy 001 "Proceedings of the Council". The Committee made a motion to recommend the proposed amendments to Council for approval and gave notice to Council of its consideration for approval at its February 23, 2021 Council meeting.

The proposed amendments were to update the Policy regarding live-streaming meetings (mandatory public participation); clarity around virtual meetings; restriction of in-person public attendance at Council meetings when there is a pandemic and restrictions being placed on public meeting gatherings; retention of audio recordings on MODL's website; to allow presentations virtually; and housekeeping amendments to clarify wording.

Section 48(1) of the *Municipal Government Act* states, "Before a policy is passed, amended or repealed, the Council shall give at least seven days' notice to all council members." Therefore, in accordance with Section 48(1), the proposed amended Policy 001 will be presented for Council's approval at the February 23, 2021 Council session. The Policy and Strategy Committee meeting of February 16, 2021 was hereby considered as Council's notice.

If Council approves of the proposed Policy amendments, the following motion would be necessary:

"That Municipal Council approve the proposed amendments to MODL Policy 001 Proceedings of the Council as presented".

A handwritten signature in black ink, appearing to read "Sherry Conrad".

Sherry Conrad



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Chairman and Members of Policy & Strategy Committee
SUBMITTED BY: Sherry Conrad, Municipal Clerk
DATE: February 4, 2021
RE: **Proposed Amendments to MODL Policy 001 Proceedings of the Council**

RECOMMENDATION

“that the Policy & Strategy Committee recommend to Council that Municipal Council approve the proposed amendments to MODL Policy 001 Proceedings of the Council, as presented, and hereby gives seven (7) days’ notice of Council’s intention to approve the proposed amendments to Policy 001 at the February 23, 2021 Council meeting”.

EXECUTIVE SUMMARY

Council requested staff to revise MODL Policy 001 Proceedings of the Council to allow for live streaming of Council meetings, the retention of audio recordings on MODL’s website for 2 years, move older recordings to an outside platform, to not allow physical attendance by members of the public at meetings during pandemics when attendance at meetings is restricted; and to allow presentations virtually.

The proposed amendments to Policy 001 incorporate Council’s direction.

DISCUSSION

Council’s direction to continue with no members of the public in attendance at meetings during COVID restrictions is addressed through an amendment to subsection 3(1). This proposed amendment allows no public in attendance at meetings when a State of Emergency has been called and meeting restrictions have been put in place.

Section 3.6 of the Policy has been amended to specify that audio recordings of Council meetings will be kept on the website for two (2) years and then moved to an outside platform; and further, that they would be retained in accordance with MODL Policy 088 Records Management and Destruction, which is that records are kept for 10 years.

The proposed amendments in Section 17.3 allow for public presentations to be done electronically and gives reference to meeting the requirements of Council's Public Presentations Policy.

The current Policy, under section 3.6, allowed for live streaming so no policy changes have to be made to accommodate that direction. Live streaming can be done through Facebook, YouTube and the MODL website. Staff has selected live streaming through Facebook as it has the greatest number of followers. A live video may be shown on the front page of the MODL website by and "embedding" feature which Facebook offers for free. Once a live streaming is on, anyone may watch it again at anytime unless a moderator prohibits it. Anyone with a Facebook account may comment on live streaming events, and anyone without a Facebook account can livestream if they have access to the internet. A staff person will be required to monitor live streaming as it is running.

BUDGET IMPLICATIONS

The operating cost for live-streaming Council meetings is approximately \$25.00 per month. The Basic Plan for live streaming is \$24.99 per month and \$1.5/GB after 50 GB. 1GB is equal to 30 minutes of video. If Council decided to live stream other committee meetings, the cost would go up depending on how much streaming time was used. The Ultimate Plan is \$49.99 per month plus \$1/GB after 125GB.

STRATEGIC PLAN

N/A

WORK PLAN

An employee will need to be assigned to monitor the live streaming.

ALTERNATIVES

Make changes to the proposed amendments.

CONCLUSION

The proposed amendments incorporate Council's direction. Council can either approve the proposed amendments as presented or make additional changes to the policy and the proposed amendments to reflect Council's discussion or intention.

Department: Administration

Report Prepared By: Sherry Conrad, Mun. Clerk

Date: February 3, 2021

Report Approved By: Alex Dumaresq

Date: February 9, 2021

Reviewed By CAO:

Date:

Municipality of the District of Lunenburg

POLICY

Title: Proceedings of the Council	
Policy No. 001	
Effective Date: November 9, 2010, February 10, 2016	Amended Date: Jan. 26, 2016; Oct. 11, 2016, July 14, 2020

1 Definitions

In this policy all words shall have their meanings as described in Standard English dictionaries except for the following:

- 1.1 "Ballot" means:
A written vote that assures the secrecy of an individual's election decision.
- 1.2 "Chair" means:
- (a) the Mayor; or
 - (b) in the absence of the Mayor, the Deputy Mayor; or
 - (c) in the absence of the Mayor and the Deputy Mayor, the Member appointed by Council to preside; or
 - (d) until a Mayor has been elected, the Clerk.
- 1.3 "Meeting" means a regular or special meeting of Council and covers the period of time in which Members are actually sitting, from the official opening of a meeting until the final adjournment thereof, regardless of the number or length of sessions which may be held and then terminated by temporary recesses or adjournments.
- 1.4 "Point of Order" means:
- (a) any breach of the rules of order of Council; or
 - (b) any defect in the constitution of any meetings of the Council; or
 - (c) the use of improper, offensive or abusive language; or
 - (d) any other informality or irregularity in the proceedings of Council.
- 1.5 "Procedural Motion" means any motion dealing strictly with procedure and, without limiting the generality of the foregoing, includes the following: motions to adopt an agenda, motions to approve minutes, motions to extend the time of a meeting, motions to refer, motions to amend, motions to table, motions to postpone for a period of time or indefinitely, motions for points of order, motions to defer, motions to adjourn. (amended Jan. 26/16)

- 1.6 "Rescind a Motion" is a motion to nullify a vote taken at a previous meeting. It may be made by any Council member, but only if no action has been taken on the motion.
- 1.7 "Rules of Order" means the parliamentary rules followed by Council when conducting meetings of business, which are the practices under *Robert's Rules of Order*.
- 1.8 "Session" means the proceedings of Council held on any one day
- 1.9 "Substantive Motion" means any motion other than a procedural motion, a question of privilege or a point of order.

2 Elections

- 2.1 The Council shall elect a Deputy Mayor in accordance with municipal policy MDL-11.
- 2.2 The nomination of Deputy Mayor shall be by ballot.
- 2.3 Upon nomination, if a Council member does not wish to accept the nomination, they should decline at once, by stating "I respectfully decline the nomination". [amended July 14, 2020]
- 2.4 Where only one person is nominated for an office and nominations have been closed by resolution, the chair shall declare that person elected to the office in question, by acclamation.
- 2.5 Where more than two persons are nominated for election of Deputy Mayor and no nominee receives, on the first vote or ballot, a majority of the votes of the Members present, the name of the nominee who receives the least number of votes shall be dropped from the vote or ballot and the Council vote again.

The Council shall vote up to three times after the number of candidates still on the ballot has been reduced to two or until one of the nominees has a majority of the votes of the Members present.

In the event of a tie vote for two or more candidates for the office being voted upon and the addition of one vote would entitle one or more of the candidates to be declared elected and where Council has voted up to three times to break the tie vote, the Clerk shall determine the candidate to be declared elected by Lot.

“Lot” means the method of determining the successful candidate randomly. This can be done for in-person meetings by placing the names of the candidates on equal size pieces of paper and ~~placed~~ placing them in a box and one name being drawn by a person chosen by the Clerk or designate. This same method can be used at a virtual meeting or it can be done electronically by listing the names in an electronic randomized selection program and running the program to select one name.

3 Meetings

- 3.1 Except as otherwise provided in *Subsection 22(2) of the MGA*, all Council meetings and meetings of committees appointed by Council are open to the public. [amended July 14, 2020]

In-person public attendance at Council meetings is encouraged, except in circumstances that have resulted from a Provincial State of Emergency being called (i.e. pandemic) and restrictions being placed on public meeting gatherings. During these time, no public will be allowed to attend meetings in person.

- 3.2 Regular meetings of the Council shall be held on the second and fourth Tuesdays of each month. Public notice of regular Council meetings is not required. (amended Jan. 26/16. Oct. 11/16 & July 14/20)
- 3.3 In addition to regular meetings, Council may hold such other meetings as may be necessary or expedient for the conduct of business provided that each member of Council is notified at least three (3) days in advance and the Clerk gives at least two (2) days notice to the public. Notice to the public will be, at the minimum, through a notice on the MODL website; however, may be through other forms of media depending on the matter. [amended July 14, 2020]
- 3.4 Council may meet without notice if the Mayor determines that there is an emergency. [amended July 14, 2020]
- 3.5 A meeting of Council is not illegal or invalid for a failure to give notice; or meeting elsewhere than provided in the by-laws, a policy, or a notice of meeting. [amended July 14, 2020]
- 3.6 Council meetings may be live streamed using a suitable streaming facility or similar technology. Mandatory public participation (e.g. Public Hearings, 2nd Readings, etc.) in live-streamed meetings is limited to messaging or other similar communication methods. ~~Live-streamed Council meetings shall be recorded and the video recording shall be available on the MODL website.~~ [amended July 14, 2020]

Council meetings will be audio recorded for the public to have access to the meeting and the recording will be posted on MODL's website within 24 hours of the meeting.

Audio recordings of Council meetings shall stay on MODL's website for two years, after which time they will be moved to an outside platform (e.g. soundcloud) that can be accessed by the public. The recordings will be retained in accordance with MODL Policy 008 Records Management and Destruction.

- 3.7 As an alternative to in-person meetings, Council meetings may be conducted by electronic means such as telephone conferencing or internet conferencing provided that the following criteria are met:

3.7.1 notice of the alternative form of meeting is provided to the public at least two (2) days prior to the meeting;

3.7.2 the alternative form of meeting chosen permits all members of Council to effectively communicate with each other during the meeting;

3.7.3 all votes are taken as recorded votes; and,

3.7.4 the meeting is recorded and the recording is made available on the MODL website within 24 hours of the end of the meeting.

[amended July 14, 2020]

- 3.8 (a) A member of Council may attend and participate in an in-person meeting of Council by electronic means provided that one of the following criteria ~~are~~ is met and the member is not on extended vacation or unexcused leave of absence:

~~3.8.1~~ (i) the member has made a request to ~~Council~~ the Mayor/ Chair based on planned unavailability;

~~3.8.2~~ (ii) the member of Council is away due to work or family commitments;

~~3.8.3~~ (iii) there is inclement weather and business cannot be postponed;

~~3.8.4 the member is not on extended vacation or unexcused leave of absence;~~

~~3.8.5~~ (iv) the member is not able to attend in person for health reasons but is able to attend by electronic means; ~~and,~~

~~3.8.6~~(b) Any Councillor participating by electronic means is deemed present at the meeting. Otherwise, shall be marked absent if:

- ~~3.8.6.1~~ (i) a technology problem prevents participation; and
- ~~3.8.6.2~~ (ii) communication is lost and cannot be reconnected.

[amended July 14, 2020]

- 3.9 When a Council meeting falls upon a holiday or upon a day deemed to be inappropriate, Council shall set a new date by resolution. [amended July 14, 2020]
- 3.10 The Mayor shall preside at all meetings of the Council or, in their absence, by the Deputy Mayor. (*See Section 15, MGA*) [amended July 14, 2020]
- 3.11 If both the Mayor and the Deputy Mayor are absent, the Council may appoint a chair from the Members present. (*See Section 15, MGA*) [amended July 14, 2020]
- 3.12 Meetings shall convene at a time established by a resolution of Council. [amended July 14, 2020]

4 Quorum of Council

- 4.1 A majority of the members of Council (Mayor or Chair is considered a member of Council) shall constitute a quorum for the transaction of business in accordance with *Section 20(1) of the MGA*.
- 4.2 At any meeting of the Council, if ten minutes elapse without a quorum being present, the Members present shall meet, and
 - (a) Adjourn the meeting; or
 - (b) Recess; or
 - (c) Extend the time for the meeting of the Council for one half hour from the hour fixed for such meetings, if a quorum is still not present, the meeting shall stand adjourned.
- 4.3 A Mayor or Member who, without leave of Council, is absent from three consecutive regular meetings of Council, shall there by vacate their office, and the office shall be declared vacant by the Council in accordance with *Section 17(4) of the MGA and Section 18(6) of the Municipal Elections Act*.
- 4.4 Council may excuse, by resolution, the absence of a Member if there is just cause.

5 Voting

- 5.1 No motion shall be voted upon unless seconded and any un-seconded motion shall not be made again during the session.
- 5.2 A motion may be withdrawn by the mover with the consent of the seconder at any time before the Council has voted on it.
- 5.3 When a division on any question is demanded, the chair shall call for the yeas and nays and the chair shall then declare the result.
- 5.4 All votes other than votes on procedural motions shall be recorded.
 - 5.4.1 Unanimous votes shall be recorded as Carried unanimously.
 - 5.4.2 Where vote results are not unanimous, only the names of the Councilors voting against the motion will be recorded.
(amended Jan. 26/16)
- 5.5 Subject to the *Municipal Conflict of Interest Act* and *Sections 205(7) and 230(3) of the MGA*, all Members present including the person presiding, shall vote on a question.
- 5.6 Any Member who fails or refuses to vote and who is required to vote, except in accordance with subsection 5.5, shall be deemed to have voted in the negative.
- 5.7 As to the proceedings of Council, unless otherwise prescribed by statute, all questions arising in the Council shall be decided by a majority of votes. In the event of a tie, the question voted on shall be deemed to be determined in the negative.

6 Minutes

- 6.1 Upon the opening of each meeting of the Council, regular or special, the minutes of the last preceding meeting shall be considered and after all necessary corrections and amendments have been made, and the minutes approved, a copy of the same shall be entered in the Minute Book and shall be deemed to be the original minutes of the Council.
- 6.2 The minutes shall:
 - (a) record the date, time and place of the meeting, and the kind of meeting;
 - (b) record the time when any Council member joins or leaves a meeting which is in progress;

- (c) contain all resolutions, and motions, with the name of the mover and seconders; and record outcome of the vote;
- (d) all elections and results;
- (e) mention reports, petitions and other papers submitted to the Council only by their respective titles, or a brief description of their purport, except verbal reports which shall be entered at length; and
- (f) time of adjournment.

7 Agenda

7.1 The order of business shall be at the discretion of the Chairperson, unless majority of Members consent to a different order of business. Otherwise, at each regular meeting of Council, Council shall conduct its business in the following order:

- (a) Call to order and opening;
- (b) Announcements, Acknowledgements, Recognition;
- (c) Public Input;
- (d) Approval of agenda, including additions thereto or deletions there from;
- (e) Approval of minutes;
- (f) Business arising from the minutes;
- (g) Awarding of tenders;
- (h) Presentations;
- (i) Consideration of correspondence;
- (j) Recommendations/referrals from committees and boards;
- (k) Staff reports;
- (l) Mayor's/Deputy Mayor's/Councillors' Matters;
- (m) In camera;

(n) Adjournment.

(amended Jan. 26/16)

7.2 Notwithstanding (7.1), the first meeting after an election the order shall be;

(a) Call to order by the Clerk;

(b) Declaration of results of election;

(c) Administration of the Oaths of Office for Mayor and Members elect and/or acclaimed candidates;

(d) Nomination and election by ballot for the Deputy Mayor.

7.3 Deadline for agenda items and accepting material for same is seven (7) days in advance of the meeting date. (amended Jan. 26/16)

7.4 Agendas shall be circulated four (4) days in advance of scheduled meeting dates. (amended Jan. 26/16)

7.5 In the case of urgent and/or pressing necessity, items may be added to a meeting agenda on the day of the meeting, without previous debate or notice being given, with a 2/3 majority vote of Council to add the item to the agenda. It must be demonstrated that the item is of an urgent nature (i.e. time sensitive). (amended Jan. 26/16)

7.6 Added items to an in-camera agenda shall be identified by the type of matter to be discussed, with additional information, where possible, to further identify the item but not as to disclose the confidential information and the reference under the MGA shall be stated. (amended Jan. 26/16)

7.7 No new items are permitted to be added or discussed at an in-camera meeting unless the matter has been previously added and approved as an addition prior to moving in-camera. (amended Jan. 26/16)

8 Rules of Debate

8.1 The rules and regulations contained in this policy shall be observed in all proceedings of Council and any of its committees; and in any case for which provision is not made herein the procedure to be followed shall be as set out in "*Robert's Rules of Order*" as revised from time to time.

- 8.2 The Council or a committee, by unanimous vote, may suspend any rule of order provided for in this policy and such suspension shall apply to all sessions of that particular meeting.
- 8.3 It shall be the duty of the chair to:
- (a) open the meeting of Council by taking the chair and calling the members to order;
 - (b) announce the business before the Council in the order in which it is to be acted upon;
 - (c) receive and submit, in the proper manner, motions presented by a member of Council;
 - (d) put to vote a question which is regularly moved and seconded or necessarily arises in the course of the proceedings and to announce the result of the vote;
 - (e) restrain the members, when engaged in debate, within the rules of order;
 - (f) enforce on all occasions, the observance of order and decorum;
 - (g) call by name any member persisting in a breach of the rules of order of the Council thereby ordering them to vacate the Council Chamber;
 - (h) inform the Council when necessary, or when referred to, on a point of order;
 - (i) permit questions to be asked through the chair of any official of the Municipality to provide information to assist any debate when they deem it proper; **[amended July 14, 2020]**
 - (j) provide information to members on any matter touching on the business of the Municipality; and
 - (k) adjourn the meeting when the business is concluded;
- 8.4 Every member, prior to speaking to any question or motion, shall raise their hand and wait to be recognized by the chair. When two or more Members have so indicated their desire to speak, the chair shall designate the Member who has the floor.

- 8.5 No Member shall speak more than twice on any motion, except in explanation of their remarks; however, the mover of a substantive motion shall have the right to speak a third time, if necessary, to reply and sum up in closing the debate.
- 8.6 No Member shall speak more than fifteen minutes upon any matter at any one time, without the leave of Chair.
- 8.7 No Member shall move about the chambers unnecessarily, nor speak or whisper so as to interrupt any member or delegate who has the floor.
- 8.8 If a Member wishes to explain a misunderstanding of a point they have made, they shall ask leave of the chair; if permitted, they shall explain only the misunderstanding of their words, without any further comment.
- 8.9 When a Member speaks they shall address their remarks to the chair, confine themselves to the matter in question, avoid mentioning personalities and avoid unbecoming language.
- 8.10 The chair may censure any Member who:
 - (a) while speaking, questions the motives of another Member;
 - (b) while speaking, treats another Member with personal disrespect;
 - (c) passes between the chair and a Member who is speaking;
 - (d) uses unbecoming language;
 - (e) talks or acts so as to distract a Member who is speaking;
 - (f) willfully violates any rule of order.
- 8.11 If a Member feels they have been personally aggrieved by a censure of the chair, they may appeal from such censure to the Council.
- 8.12 Any such Member may speak on their own behalf in relation to any such censure being appealed to Council, but shall withdraw from the Council Chambers before the Council proceeds to consider and vote on the matter.

9 Points of Order

- 9.1 The chair shall, and any Member may, call to order any Member who violates any rule of order. A Member raising a point of order shall verbally state "Point of Order".
- 9.2 When a Member speaks to a point of order, the question of order shall be decided before the matter under discussion is proceeded with, and when any Member is called to order the Member shall refrain from speaking until the point of order is determined.
- 9.3 The chair shall decide on points of order and the chair may make a decision immediately or may permit debate on the point of order before making a decision.
- 9.4 The decision of the chair may be challenged by a motion from the floor, which must be duly seconded, to dissent from the ruling of the chair. Such a motion is not debatable and the chair shall forthwith put the question in this manner "Shall the decision of the chair be upheld?"
- 9.5 If the question does not receive majority support, the ruling of the chair on the point is not sustained and is overturned.

10 Motions

- 10.1 When a motion is before the Council and under debate no other motion shall be entertained until the motion under debate is decided, except for the following:
 - (a) a motion to amend;
 - (b) a motion to refer;
 - (c) a motion to close debate at a specified time;
 - (d) a motion to call for the question;
 - (e) a motion to table;
 - (f) a motion to postpone;
 - (g) a point of order;
 - (h) a point of privilege;
 - (f) a motion to adjourn.

- 10.2 A motion to refer a matter for further information shall state to whom the matter is referred, what information is desired.
- 10.3 Motions used to suppress debate such as, referring, postponing to a certain time, or tabling motions shall be ruled out of order.
- 10.4 A motion to adjourn shall always be in order, except in the following cases:
- (a) When a Council member is in possession of the floor;
 - (b) While the Council members are voting;
- 10.5 No debate shall be allowed on the following motions:
- (a) a motion that the debate be closed at a specified time;
 - (b) a motion to adjourn;
 - (c) a motion to reconsider an earlier decision of Council; except as allowed in Section 13
 - (d) a motion for leave for any person, not a Member, to address the Council;
 - (e) a motion to change or suspend the order of business;
 - (i) a motion to allow a Member to speak more than the prescribed number of times; and
 - (g) a motion to dissent from the ruling of the chair on a point of order.
- 10.6 Limited Debate shall be allowed on the following motions:
- (a) A motion to refer a matter to a committee, staff or Council members may be debated only as to whom the matter is to be referred, what specific information is desired, or when the matter shall be brought back to the floor of Council;
 - (b) A motion calling for the question shall not be voted on until after every Member who has not spoken on the motion already, and who wishes to speak, has been heard.
- 10.7 Deleted (amended Oct. 11/16)

11 Amendments

- 11.1 An amendment shall be relevant to the subject matter of the motion under debate and no amendment shall be allowed which, in the opinion of the chair, has the effect of nullifying the motion under debate.
- 11.2 No more than one amendment and a sub-amendment shall be received by the chair or considered by Council at any one time;
- 11.3 The chair shall make all efforts to clarify the wording being voted on when Council is ready to vote on a sub-amendment, an amendment and then the main motion.

12 Resume Consideration

- 12.1 A motion to resume consideration shall be in order when a matter comes up on the agenda as a result of being earlier referred from the floor of Council to be studied by a board or committee or staff member or Councils.

13 Motion to Reconsider

- 13.1 After a question has been decided, either in the affirmative or negative, and after the decision has been announced from the chair, any member who voted with the majority may at that meeting or the next regular scheduled meeting give notice of intention to move a reconsideration.
- 13.2 Unless reconsideration is moved at the meeting or the next regular meeting the right of reconsideration shall be lost.
- 13.3 The main or substantive motion to be reconsidered does not come back on the floor of Council for debate until the motion to reconsider has been moved, seconded and has received the majority vote of Council.
- 13.4 A motion to reconsider shall not be debatable except where the question to be reconsidered was debatable and that the Member who gave the notice of motion to reconsider has the privilege of stating new information on the motion.
- 13.5 No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.
- 13.6 No motion to reconsider shall be allowed in regard to a motion approving all or part of the annual budget.

14 Motion to Rescind or Repeal

- 14.1 Any Council member may make a motion to rescind a main motion, and voting requirements for rescinding or repealing are as follows:
 - (a) if notice given, a majority vote is required;
 - (b) if notice not given, a 2/3 vote is required.
- 14.2 Any action may be rescinded or repealed except where action has been taken that cannot be undone.
- 14.3 A motion to rescind may be used if the opportunity for reconsideration has lapsed. (See section 13.2)

15 Motion to Renew

- 15.1 After a motion has been rejected, the maker of the motion may renew their motion at a future meeting, only if the option for reconsideration has expired. [amended July 14, 2020]
- 15.2 A motion to be renewed may not be made until a clear 6 month period has passed.

16 Petitions

- 16.1 Every ratepayer or resident of the Municipality, and every corporation doing business therein, shall have the right to be heard before Council by petition and every petitioner shall be entitled to be heard at the time of presentation of the petition.
- 16.2 Persons accompanying the petitioner may be heard, in support of such petition, if they have obtained consent by a majority vote of the Council. A total of 15 minutes shall be allotted to the petitioner and accompanying persons to speak to the petition at the Council meeting. (amended Jan. 26/16)
- 16.3 The petition must be addressed to the Council of the Municipality of the District of Lunenburg and request a particular action within the authority of Council. (amended Jan. 26/16)
- 16.4 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk. (amended Jan. 26/16)

- 16.5 The filing of a petition with the Clerk shall be done at least one week before the first day of the meeting of Council at which it is to be considered. (amended Jan. 26/16)

17 Verbal Presentations

- 17.1 Any persons who are not Members or officers of the Municipality shall observe silence and order in the Council Chambers, unless given permission to speak on behalf of a petition or otherwise allowed in this policy. Any such persons disturbing the proceedings of Council shall be called to order by the chair and, if they fail to comply, shall be ordered, by the chair to leave the Council Chambers.
- 17.2 At the beginning of regular meetings of the council, fifteen (15) minutes for non-scheduled public input shall be available. (amended Oct. 11/16)
- 17.3 For scheduled presentations, any delegation wishing to address Council can do so in person or through electronic means and shall:
- (a) give notice of such request to the ~~Clerk~~ Chief Administrative Officer or designate at least one week prior to the scheduled meeting at which such delegation is to ~~appear~~ present;
 - (b) be provided fifteen (15) minutes to ~~appear~~ present to Council;
 - (c) presentations shall also meet the requirements of MODL Policy 038 "Public Presentations to Council and Council Committees"
- 17.4 No motions shall be brought to the floor, until; such time as the delegation has ended and the matter has been placed on an agenda thus providing for the opportunity to debate and/or discuss the matter in question.

18 Repeal

- 18.1 Previous policy MDL-01 is hereby repealed and replaced with new policy MODL-001. (amended Jan. 26/16)

Clerk's Annotation for Official Policy Book

Date of Adoption	<u>November 9, 2010</u>
Date of Notice to Council Members of Intent to Consider (7 days minimum):	<u>October 21, 2010</u>
Date of Passage of Amendments:	<u>November 9, 2010</u>
Date of Notice to Council Members of Intent to Consider Amendments:	<u>January 19, 2016</u>
Date of Passage of Amendments:	<u>January 26, 2016</u>
Date of Notice to Council Members of Intent to Consider:	<u>September 30, 2016</u>
Date of Passage of Amendments:	<u>October 11, 2016</u>
Date of Notice to Council Members of Intent to Consider:	<u>June 23, 2020</u>
Date of Passage of Amendments:	<u>July 14, 2020</u>

I certify that this MODL Policy 001 "***Proceedings of Council***" was adopted and amended by Council as indicated above.



Municipal Clerk

July 15, 2020

Date



Municipality of the District of Lunenburg

Report to Council

Report To: Mayor and Municipal Council Members
Submitted By: Sherry Conrad, Municipal Clerk
Date: February 16, 2021
Re: **Proposed Amendments to MODL Policy 002 "Committees"**

The Policy and Strategy Committee, in session on February 16, 2021, reviewed proposed amendments to MODL Policy 002 "Committees". The Committee made a motion to recommend the proposed amendments to Council for approval and gave notice to Council of consideration for approval at the February 23, 2021 Council meeting.

The proposed amendments to Section 3.1 are housekeeping items. The first is to add the word "issues" between the words "land" and "and" on line two and to remove the words "Audit and" between the words "the" and "Finance" on line three.

Section 48(1) of the *Municipal Government Act* states, "Before a policy is passed, amended or repealed, the Council shall give at least seven days' notice to all council members." Therefore, in accordance with Section 48(1), the proposed amended Policy 002 will be presented for Council's approval at the February 23, 2021 Council session. The Policy and Strategy Committee meeting of February 16, 2021 was hereby considered as Council's notice.

If Council approves of the proposed Policy amendments, the following motion would be necessary:

"That Municipal Council approve the proposed amendments to Section 3.1 of MODL Policy 002 Committees as presented".

A handwritten signature in black ink, appearing to read "Sherry Conrad".

Sherry Conrad

/sac
Attachment

Municipality of the District of Lunenburg POLICY

Title: Committees	
Policy No. 002	
Effective Date: March 27, 2012, February 10, 2016	Amended Date: Jan. 22, 2013, Sept. 23, 2014, Jan. 26, 2016, Oct. 11, 2016, Nov. 8, 2016, July 14, 2020

1. Committees of Council

- 1.1 Council may, under Section 24 of the *Municipal Government Act*, establish standing, special and advisory committees. Each committee shall perform the duties conferred on it by the Act, any other Act of the Legislature, the by-laws or policies of the Municipality, or their Terms of Reference approved by Council.
(amended Jan. 26/16)

2. Nominating Committee

- 2.1 The first Committee to be appointed shall be the Nominating Committee, which shall consist of the Mayor and three members of Council appointed by the Mayor.
- 2.2 Each Committee member shall serve for a one-year term and all Council members shall serve at least one term on the Nominating Committee. (amended Oct.11/16)
- 2.3 The Nominating Committee shall make all Council appointments to MODL Committees and Standing Committees.
- 2.4 The Nominating Committee shall also recommend appointments to all other Committees, Commissions and Boards to which the Council may appoint members, except the public members-at-large of the Fire Service Committee for which this Committee shall recommend appointments directly to Council. (amended Sept. 23, 2014)
- 2.5 The Nominating Committee shall receive letters of nomination for awards of Acts of Bravery and Substantial Achievement and shall recommend those deemed worthy of the award to Council as outlined in MODL Policy 042 "Acts of Bravery and Substantial Achievement Awards. (amended Jan. 26/16)
- 2.6 The Nominating Committee shall review nominations and make recommendations to Council for all Community Achievement Awards. (amended Jan. 26/16)

3. Policy and Strategy Committee

- 3.1 The purpose of the Policy and Strategy Committee is to hold debate and discussion on by-law and policy review, strategy, land issues and any other matters not dealt with by the ~~Audit and~~ Finance Committee.
- 3.2 The Committee shall meet monthly on the third Tuesday of the month. The Chair, in consultation with staff, may add or cancel meetings as required based on the volume and complexity of agenda items.
- 3.3 Membership of the Committee shall consist of the whole of Council.
- 3.4 The Deputy Mayor shall chair the Committee.
- 3.5 The Vice-Chair shall be selected annually at the November meeting of the Committee in accordance with the election procedures outlined in MODL Policy 001. The sitting Vice-Chair may re-offer for the same position.
- 3.6 All meetings shall be conducted in accordance with MODL Policy 001 unless otherwise stated in this section.

(amended Oct. 11/16)

4. Planning Advisory Committee [Repealed July 14, 2020]

5. Ex Officio

Except where the Mayor is specifically appointed to a Committee, the Mayor shall be a member "ex officio" of all committees, but as an "ex officio" member, the Mayor shall not vote, except in the absence of one or more members of the Committee.

6. Conflict of Interest

Where personal or professional involvement or association could result in an actual or perceived conflict of interest for a member of a Committee, the member shall declare the conflict and abstain from debate on the related topic, or where appropriate, remove themselves from a meeting and shall not vote on any motion applying to the declared conflict.


7. Terms of Reference

- 7.1 The Municipal Clerk will maintain the Terms of Reference for all MODL committees.

- 7.2 Members of a committee may propose amendments to their Terms of Reference by majority vote. Council shall consider proposed amendments but retains final authority to amend or retain the existing Terms of Reference. (amended Jan. 26/16)

8. Repeal

Any previous version of MODL Policy 002 is hereby repealed and replaced with new MODL Policy 002.

Annotation for Official Policy Book	
Date of Adoption:	<u>March 27, 2012</u>
Date of Notice to Council Members of Intent to Amend (7 days minimum)	<u>September 9, 2014</u>
Date of Passage of Amendments:	<u>September 23, 2014</u>
Date of Notice to Council Members of Intent to Amend (7 days minimum)	<u>January 19, 2016</u>
Date of Passage of Amendments	<u>January 26, 2016</u>
Date of Notice to Council Members of Intent to Amend	<u>September 30, 2016</u>
Date of Passage of Amendments	<u>October 11, 2016</u>
Date of Notice to Council Members of Intent to Amend	<u>November 1, 2016</u>
Date of Passage of Amendments	<u>November 8, 2016</u>
Date of Notice to Council Members of Intent to Amend	<u>June 23, 2020</u>
Date of Passage of Amendments	<u>July 14, 2020</u>
I certify that policy MDL-02 "Committees" was adopted and amended by Council as indicated above.	
	July 15, 2020
_____ Municipal Clerk	_____ Date



Municipality of the District of Lunenburg

Report to Council

Report To: Mayor and Municipal Council Members
Submitted By: Sherry Conrad, Municipal Clerk
Date: February 16, 2021
Re: **Proposed Amendments to MODL Policy 038 "Public Presentations to Council & Audit and Finance Committee"**

The Policy and Strategy Committee, in session on February 16, 2021, reviewed proposed amendments to MODL Policy 038 "Public Presentations to Council & Audit and Finance Committee". The Committee made a motion to recommend the proposed amendments to Council for approval and gave notice of its consideration for approval at the February 23, 2021 Council meeting.

The proposed amendments are housekeeping. The first is to remove the words "Audit and Finance Committee" from the title and replace them with the words "Committees of Council". The other proposed changes are to reflect presentations to committees as well as Council throughout the Policy and to add the words "or designate" after the words "Chief Administrative Officer" throughout the Policy.

Section 48(1) of the *Municipal Government Act* states, "Before a policy is passed, amended or repealed, the Council shall give at least seven days' notice to all council members." Therefore, in accordance with Section 48(1), the proposed amended Policy 038 will be presented for Council's approval at the February 23, 2021 Council session. The Policy and Strategy Committee meeting of February 16, 2021 was hereby considered as Council's notice.

If Council approves of the proposed Policy amendments, the following motion would be necessary:

"That Municipal Council approve the proposed amendments to MODL Policy 038 Public Presentations to Council & Audit and Finance Committee as presented".

A handwritten signature in black ink, appearing to read "Sherry Conrad", written over a horizontal line.

Sherry Conrad

/sac
Attachment

Municipality of the District of Lunenburg

POLICY

Title: Public Presentations to Council & Audit and Finance Committees of Council (amended Jan. 26/16)	
Policy No. 038	
Effective Date: October 9, 2007, February 10, 2016	Amended Date: Jan. 26, 2016

- 1.0 **Purpose**
The purpose of this policy is to provide an opportunity for both Council members and the general public to share information.
- 2.0 The public shall be provided with an opportunity to ask questions, make requests, and/or present information for Council's or Committee's consideration.
- 3.0 A request for a presentation to Council **or Committee** members shall:
 - a) be made in writing to the Chief Administrative Officer **or designate** at least seven days prior to the date of the meeting at which the presentation is **to be made** ~~requested~~;
 - b) indicate who wishes to present to Council and on what matter they wish to present;
 - c) be accompanied by an Executive Summary, any background information or any written documentation relating to the issue and must specify any requests of the Municipality for circulation ~~to Council members~~ **with the agenda**; (amended Jan. 26/16)
 - d) presentation of Executive Summary and background material shall be provided to the Chief Administrative Officer **or designate** seven (7) days before the scheduled meeting and PowerPoint presentations should not exceed 10 slides in length. (amended Jan. 26/16)
- 4.0 The Chief Administrative Officer **or designate** shall review all requests ~~to present~~ **for** presentations and determine which meeting the presentation shall be made.
- 5.0 Prior to placing a presentation on a Committee or Council agenda, the Chair of the meeting shall approve the adding of the presentation to the agenda.
- 6.0 The number of presentations at a meeting shall be limited to two, so as to ensure that the regular business of Council **or Committee** may be conducted. Notwithstanding this limitation, the Chair may approve the placement of additional presentations on this agenda. (amended Jan. 26/16)
- 7.0 Presentations shall be limited to 15 minutes in length with an additional 10 minutes for questions and discussion by Council **or Committee**. Extensions beyond this time limitation may be approved by the Chair. (amended Jan. 26/16)
- 8.0 Municipal Council **and Council Committees** shall allow a 15 minute "comment period" at every Council Meeting, which will allow Council to receive citizen input. (amended Jan. 26/16)

Clerk's Annotation for Official Policy Book

Date of Notice to Council Members September 11, 2007

Date of Passage of Current Policy: October 9, 2007

Date of Notice to Council Members
of Intent to Consider Amendments: January 19, 2016

Date of Passage of Amendments: January 26, 2016

I certify that this "MODL *Policy 038 Public Presentations to Council & Committees of Council*" was adopted by Council as indicated above.

Municipal Clerk

Date



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Chair and Members of the Policy & Strategy Committee
SUBMITTED BY: Sherry Conrad, Municipal Clerk
DATE: February 16, 2021
RE: **Committee & Board Reporting to Council**

RECOMMENDATION

"that the Policy & Strategy Committee recommend to Council that Municipal Council approve Option 1 for Committee & Board Reporting to Council".

EXECUTIVE SUMMARY

There are several committees and boards that Council members serve on that do not comprise of the whole Council, therefore, Councillors are not always aware and up to date on the matters and activities of the committee or board.

DISCUSSION

Receiving committee and board agendas, minutes and monthly reports and reporting to Council, the Finance Committee or the Policy & Strategy Committee on the activities of the committees and boards will keep Councillors up to date.

At present, the Municipal Joint Service Board reports to Council monthly and the Lunenburg County Multi-purpose Corporation Board (LCLC) reports to the Finance Committee monthly. The LCLC report was previously given at a Council meeting, but a decision was made to have the report presented at the Finance committee meeting as there was a focus on the financial aspect of the Board.

Staff reviewed the committees and have attached, for review, a chart of the committees of Council and those committees that Councillors serve as MODL representatives. The question becomes should regular monthly, bi-monthly, or quarterly reporting be done or just when the Councillor serving on the Committee feels there is something to report.

It was suggested that a Councillor be prepared to report on the top three things Council should know about the activities of the committee or board. Triggers or guidelines for reporting to Council could include significant decisions relating to a strategic priority of Council, issues that have ramifications with other committees and boards, and financial issues (i.e., contracts entered into for three (3) or more years, purchases or contracts worth more than \$25,000, purchase or sale of land, if their budget will be exceeded, and special projects undertaken).

Option 1

All committee and board agendas, minutes (once approved) and monthly reports are circulated to Council. Councillors will be responsible to forward the information to administrative staff and staff will forward it to Council.

Reporting on the activities of a committee or board will be left up to the individual Councillor to bring forth their report when they feel they have significant information to report. They can contact staff to arrange a date to report at a Council meeting, a Policy & Strategy Committee meeting or a Finance Committee meeting.

Under this option, the monthly report on the Municipal Joint Services Board will continue to be given at the first Council meeting of the month and the LCLC monthly report will be made at the second Council meeting of the month.

Option 2

All committee and boards agendas, minutes (once approved) and monthly reports are circulated to Council. Councillors will be responsible to forward the information to administrative staff and staff will forward it to Council.

Reporting to Council on the activities of committees and boards will be done on a regular schedule as defined by Council.

If Council chooses Option 2, a decision will have to be made on what committees and boards should report, how often a report should be given and to what meeting. The reports can be given at a Finance Committee meeting or a Policy & Strategy Committee.

BUDGET IMPLICATIONS

None

STRATEGIC PLAN

N/A

WORK PLAN

Minimal

ALTERNATIVES

1. Leave as status quo.
2. Choose Option 2

CONCLUSION

With the circulation of the agendas, minutes, and monthly reports, Councillors may feel they are aware of what is going on with the committees and boards and may only require ad-hoc reports when significant decisions are being considered. As a result, staff are suggesting Council go forward with Option 1 to see how that works first.

Department: Administration

Report Prepared By: Sherry Conrad, Municipal Clerk

Date: February 5, 2021

Report Approved By: Alex Dumaresq, Deputy CAO

Date: February 10, 2021

Reviewed By CAO:

Date:

Schedule "A"

COMMITTEE	COMMITTEE OF COUNCIL (COC) or OUTSIDE COMMITTEE (OC)	CURRENT PRACTICE	OPTIONS	RECOMMENDATION
Ad Hoc Committee – Hebbville Village Commission	COC	No reporting.	Circulate minutes; report to Council or a committee	Request to report to Council, Finance or PSC when there is an update.
Area Advisory Committees	COC	No reporting or info circulated. They recommend to PAC and PAC recommends to Council.	Circulate minutes; report to Council or a committee	No reporting – soon to be dissolved.
Bridgewater Community Energy Initiative Advisory Committee	OC	No reporting.	Staff report to Council.	Staff request to report to Council, Finance or PSC when there is significant information to report.
Bridgewater Source & Water Protection	OC – meets 2 – 4 times a year - depends on topics	No reporting or info circulated.	Report to Council or committee; circulate minutes	Request to report to Council, Finance or PSC when there is significant information to report.
Bridgewater & Area Chamber of Commerce	OC – meets monthly	No reporting or info circulated.	Report to Council or committee; circulate minutes	Circulate minutes. Request to report to Council, Finance or PSC when there is significant information to report.
CEF/CES	Partnership Board – meetings bi-monthly	No reporting or info circulated.	Report to Council; circulate minutes.	Circulate minutes. Request to report to Council, Finance or PSC when there is significant information to report.
Common Land Committees	OC	No reporting or info circulated.	Report to Council or committee; circulate minutes	Request to report to Council, Finance or PSC if there is significant information to report.
Dangerous & Unsightly Committee	COC – meets as needed	Approved minutes posted on website.	Report to Council; circulate minutes	Circulate minutes.

Schedule "A"

COMMITTEE	COMMITTEE OF COUNCIL (COC) or OUTSIDE COMMITTEE (OC)	CURRENT PRACTICE	OPTIONS	RECOMMENDATION
Events Lunenburg County	OC – meets monthly	No reporting or info circulated. Financial requests come to Council with presentation.	Report to Council; circulate minutes	Circulate minutes. Request to report to Council, Finance or PSC when requesting funding or if there is significant information to report.
Fences Arbitration Committee	COC – as needed	Circulate approved minutes.	Circulate minutes. Meets only when required.	Circulate minutes.
Fire & Emergency Services Committee	COC – meets bi-monthly	Circulate minutes and Fire Services Coordinator updates Council on projects 2x a year.	Report to Council; circulate minutes	Circulate minutes. Continue with Fire Services Coordinator updates to Council.
Joint Building Services Committee	Partnership Comm – meetings are ad-hoc	Updates when requested or when consultation with council required	Provide regular updates to Council	Request to report to Council, Finance or PSC when there is significant information to report.
Joint Transportation Committee	OC – meetings are ad-hoc	Not presently meeting. When they were meeting, update was provided when required.	Report to Council or committee	Request to Report to Council, Finance or PSC when there is something to update.
Lunenburg Arena Committee	OC	No reporting.	Report to Council or committee; circulate minutes	Request to report to Council when there is significant information to report.

Schedule "A"

COMMITTEE	COMMITTEE OF COUNCIL (COC) or OUTSIDE COMMITTEE (OC)	CURRENT PRACTICE	OPTIONS	RECOMMENDATION
Lunenburg County Accessibility Committee	Partnership – meets bi-monthly	Report when needed.	Report to Council or committee; circulate minutes	Circulate minutes and request to report to Council, Finance or PSC when there is significant information to report.
LCLC	Partnership – meets monthly	Reports to Finance monthly.	Report to Council or committee; circulate minutes	Circulate minutes and report to Council monthly.
Lun. Co. Senior Safety Partnership Society	OC – meets monthly	Circulate monthly report.	Report to Council or committee; circulate minutes; circulate monthly report	Continue to circulate monthly report. Circulate minutes. Request to report to Council, Finance or PSC when there is significant information to report.
Lunenburg Harbour Health Advisory Group	OC	No reporting.	Report to Council or committee; circulate minutes	Request to report to Council, Finance or PSC when there is something significant to report.
Lun. Source Water Protection Advisory Committee	OC	No reporting.	Report to Council or committee	Request to report to Council, Finance or PSC when there is something significant to report.
Miller Point Peace Park	COC	No reporting.	Report to Council or committee; circulate minutes	Request to report to Council, Finance or PSC when there is something significant to report.
Municipal Joint Services Board	Partnership – meets monthly	Reports to Council monthly.	Report to Council or committee; circulate minutes	Circulate minutes and continue to report to Council.

Schedule "A"

COMMITTEE	COMMITTEE OF COUNCIL (COC) or OUTSIDE COMMITTEE (OC)	CURRENT PRACTICE	OPTIONS	RECOMMENDATION
Oakland Lake Watershed	OC	No reporting.	Report to Council or committee; circulate minutes	Request to report to Council, Finance or PSC when there is something to update.
Planning Advisory Committee	COC – meets monthly	Circulate minutes to members and post on website & come to Council with recommendations.	Report to Council; circulate minutes to all Council members	Circulate minutes
Police Advisory Board	COC – meets quarterly	Circulate minutes & come to Council with recommendations	Report to Council or committee; circulate minutes	Continue to circulate minutes. Request to report when there is signification information to report.
Region 6 Waste Management Committee	OC – meets bi-monthly	Presentation with budget approval request.	Report to Council or committee; circulate minutes	Circulate minutes; Region 6 staff to present with budget request; and request to report to Council, Finance or PSC when there is significant information to present.
REMO Regional Advisory Committee	Partnership – meets bi-monthly	Agendas & minutes put on website. Recommendations come to Council.	Report to Council or committee; circulate minutes	Circulate minutes. Request to report to Council, Finance or PSC when there is significant information to report.
Sawpit Wharf Advisory Community Committee	COC	No reporting. Recommendations come to Council.	Report to Council or committee; circulate minutes	Circulate minutes. Request to report to Council, Finance or PSC when there is significant information to report.

Schedule "A"

COMMITTEE	COMMITTEE OF COUNCIL (COC) or OUTSIDE COMMITTEE (OC)	CURRENT PRACTICE	OPTIONS	RECOMMENDATION
Sherbrooke Lake Advisory Committee	COC	Agenda and minutes on MODL website. Report to Council on milestones.	Report to Council or committee; circulate minutes	Circulate minutes and report to Council, Finance or PSC on milestones.
SS Housing Action Coalition	OC – meets monthly	No reporting. Presentations sporadically.	Report to Council or committee; circulate minutes	Circulate minutes. Report to Council, Finance or PSC when there is significant information to report.
SS Regional Library	OC – meets bi-monthly	No report. Presentation yearly.	Report to Council or committee; circulate minutes	Circulate minutes. Request to report to Council, Finance or PSC when requesting funding or when there is significant information to report.
Sustainability Committee	COC – meets on as needed basis	Will be circulating minutes.	Report to Council or committee; circulate minutes	Circulate minutes. Staff will update Council on projects.

Tina Robichaud-Bond

From: Kacy DeLong <Kacy.Delong@modl.ca>
Sent: February 9, 2021 11:42 AM
To: Carolyn Bolivar-Getson <CBG@modl.ca>; Cathy Moore <Cathy.Moore@modl.ca>; Chasidy Veinotte <Chasidy.Veinotte@modl.ca>; Sherry Conrad <Sherry.Conrad@modl.ca>
Subject: Sustainability Nomination

The Nominating committee met at 11:30am Feb 9, 2021

Present: Mayor Carolyn Bolivar-Getson, Councillors Cathy Moore, Chasidy Veinotte, and Kacy DeLong

Moved by KD that Mathias Gebser serve for 2 years on the Sustainability Committee, seconded by CV
Carried unanimously

Regards,

Kacy DeLong (she/her)
Councillor for MoDL District 8
902 930 3065

www.modl.ca

Municipality of the District of Lunenburg
10 Allée Champlain Drive
Cookville NS B4V 9E4
In the traditional territory of Mi'kma'ki



Any correspondence may be subject to disclosure under the provisions of the Right to Information and Protection of Privacy Act of the Province of Nova Scotia



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Council
SUBMITTED BY: Sarah Kucharski
DATE: February 23, 2021
RE: Lyme Disease project update

BACKGROUND

In 2017, Council received presentations from Nova Scotia Public Health, the Public Health Agency of Canada (PHAC) and a staff working group on the issue of Lyme Disease. Three motions were passed, and an update on the work done to date on each motion is detailed in this memo.

Motion: Establish a partnership with the Public Health Agency of Canada on a project to assess the effectiveness of deer bait stations in reducing the tick population.

- 16 bait stations are operational in the Municipality.
- The bait station contract with BCAF will end at the end of September 2021. (full 3 years). Dr. Robbin Lindsay has been busy with COVID-19 relief so has not had time to work with the data received for 2019 and 2020. Some sampling in the field is behind as well due to them not being able to get out this past year.
- The stations were decommissioned in mid-December for the winter and weather permitting will start up again in April.

Motion: Seek a partnership with Nova Scotia Public Health to launch an aggressive public campaign to increase awareness and use of tick checks, which includes public information sessions.

Steps taken to date:

- Completed public benchmarking research before and after awareness program to understand resident knowledge about ticks and Lyme Disease prevention and assess impacts of campaign. 2020 Report attached.
- Sponsored Lunenburg County Lyme Disease Conference.
- Over three spring and fall seasons:

- The Communications Officer manned a booth at the Lunenburg Farmer's Market, Bridgewater Farmer's Market, Spring Home Show and the Michelin Safety Fair.
- Posters and brochures distributed to local church groups and fire halls, as well as the Visitors Centre.
- Substantial radio, newspaper and social media campaign.
- Awareness and research total spend: \$55,000 over three years of the program.

Motion: Advocate to provincial and federal officials on the importance of the development of vaccines to reduce the spread of disease borne by ticks.

- Mayor Bolivar-Getson had a positive meeting with our local MLAs to discuss Lyme Disease, including opportunities for provincial partnership.
- Mayor Bolivar-Getson sent a letter to Health Canada to advocate for our support for a Lyme vaccine and highlight its importance.
- Current focus has been on the development and launch of the bait station and public awareness projects.

Department:

Report Prepared By: Sarah Kucharski

Date: January 25, 2021

Report Approved By:

Date:

Reviewed By CAO:

Date:



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Council

SUBMITTED BY: Alex Dumaresq, Deputy CAO
Amy Wamboldt, Grant Coordinator

DATE: February 23, 2021

RE: Emergency Assistance Fund for Community Facilities

RECOMMENDATION

That Council award the Emergency Assistance Fund for Community Facilities to the organizations listed in the staff report for a total amount of \$78,665 with \$29,253 allocated to the Emergency Fund established for community facilities and the remainder allocated to the Council Contingency Fund.

Background

The Municipality established an Emergency Assistance Fund for Community Facilities to assist local groups and organizations in addressing the financial hardship caused by the inability to host planned fundraising events and activities during the Covid-19 crisis.

Applicants could apply for emergency assistance for fundraising events and activities that were scheduled to take place during the Application Period of October 1, 2020 to March 31, 2021, but had to be cancelled because of the Covid-19 restrictions. An earlier call for applications covered the period from March 15th to September 30th, 2020.

Local groups and organizations that receive emergency assistance through this program are still eligible to apply for regular municipal grants in the 2020-2021 Fiscal Year.

As directed by Council, the criteria for the Emergency Assistance Fund for Community Facilities is as follows:

- The Applicant must be a not-for-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization;
- The Applicant must operate a community facility or community hall that is used for hosting funding events and activities that are open to the general public; and
- The Applicant must demonstrate that it has experienced a negative financial impact resulting from its inability to raise funds through planned fundraising events and activities that had to be canceled due to Covid-19 restrictions.

Funding amounts were prescribed by Council as follows:

- Facilities within MODL are eligible for a grant of up to \$500 per month based on reported losses, to a maximum of \$2500; and
- Facilities outside of MODL who serve MODL residents are eligible for a grant of up to \$300 per month based on reported losses, to a maximum of \$1500.

DISCUSSION

Fifty-four eligible organizations applied for funding, with an additional 5 applications deemed by staff to be ineligible. The revenue losses from these organizations over the six-month period was reported to be over \$450,000.

Based on the criteria outlined above, the total funding amount recommended for award is \$78,665

Eligible Applications Received

Organization	Location	Max Eligible Amount
All Saints Lutheran Church	MODL	\$ 500
Association du Centre Communautaire de la Rive-Sud	MODL	\$ 1,500
Baker Settlement & District Community Hall	MODL	\$ 2,500
Barss Corner Community Hall Assoc	MODL	\$ 1,290
Big Tancook Island Recreational Assoc	MODL	\$ 1,850
Branch LaHave Community Hall	MODL	\$ 2,500
Broad Cove Community Association	MODL	\$ 1,860
Epworth United Church	MODL	\$ 2,000
First South United Church Women	MODL	\$ 1,290
Grace Lutheran Church	MODL	\$ 500
Hillcrest Masonic Lodge #93	MODL	\$ 500
Ladies Auxiliary of the Hemford & District Fire Dept	MODL	\$ 2,500
Ladies Auxiliary Riverport & District Community Centre	MODL	\$ 1,260

Lake Centre & New Cumberland Community Hall	MODL	\$ 2,375
Maitland & District Recreation Community Centre	MODL	\$ 1,725
Middlewood United Church	MODL	\$ 1,000
Mount Calvary Lutheran Church	MODL	\$ 500
New Germany & Area Lions Club	MODL	\$ 1,500
New Germany & Area Medical Centre Community	MODL	\$ 1,383
North River Recreation Community Centre	MODL	\$ 2,500
Northwest United Baptist Church	MODL	\$ 500
Parkdale Maplewood Community Hall Assoc	MODL	\$ 610
Parkdale Maplewood Community Museum	MODL	\$ 708
Pine Grove Outdoor Play Association (POPA)	MODL	\$ 1,800
Pinehurst Community Hall	MODL	\$ 2,500
RC Legion #102 New Germany	MODL	\$ 2,000
Riverport & District Community Centre	MODL	\$ 2,500
Riverview Enhanced Living Society	MODL	\$ 500
Rosedale New Horizon Seniors Club	MODL	\$ 2,148
Simpsons Corner Community Hall Society	MODL	\$ 2,422
South Shore Bluegrass Music Association	MODL	\$ 1,000
South Shore Waldorf School	MODL	\$ 1,000
St. Andrew's Anglican Church	MODL	\$ 1,200
St. John-in-the-Wilderness Anglican Church	MODL	\$ 500
St. John's Anglican Church Hall	MODL	\$ 2,500
St. Luke's Ladies Aid Church Group	MODL	\$ 2,115
St. Paul's United Church	MODL	\$ 708
Trinity United Church Hall	MODL	\$ 500
Union Square Community Hall	MODL	\$ 1,700
Upper Cornwall Community Hall	MODL	\$ 2,500
Upper Northfield Community Hall	MODL	\$ 1,300
Vogler's Cove Community Hall	MODL	\$ 2,500
Wesley United Church	MODL	\$ 1,900
West Northfield Community Centre	MODL	\$ 1,982
West Side United	MODL	\$ 2,000
Non-MODL Facilities		
Bridgewater Curling Club	TOB	\$ 468
Mahone Bay Centre Society	TOMB	\$ 1,200
RC Legion #24 Bridgewater	TOB	\$ 1,500
RC Legion #49 Mahone Bay	TOMB	\$ 1,170
Souls Harbour Rescue Mission	TOB	\$ 300
South Shore Exhibition	TOB	\$ 300
South Shore Fieldhouse Society (HB Studios)	TOB	\$ 1,500
Trinity United Church	TOMB	\$ 600
United Baptist Church, Mahone Bay	TOMB	\$ 1,500
TOTAL		\$78,665

Ineligible Applications Received

(Not an operator of a community facility and/or showed no losses during eligibility period)
Kinship Performing Arts Centre Assoc.
Lunenburg Sea Cadets - Navy League of Canada
South Shore in Motion
South Shore Players
South Shore Shrine Club

BUDGET IMPLICATIONS

The total eligible funding request is \$78,665. After the first round of emergency assistance funds, there was \$29,253 remaining in the grant budget. Council has a further \$90,496 in the Council Contingency Fund (an annual budget allocation intended to provide flexibility in the event of unanticipated funding requests and projects). Awarding the full amount would deplete the Emergency Facility Fund while leaving \$41,084 in the Council Contingency Fund.

ALTERNATIVES

Should Council not wish to draw on the Contingency Fund, the eligible amounts could be pro-rated to match the budget (i.e. the total grant award would be limited to \$29,253). This would result in the applicants each receiving roughly one-third of their maximum eligible value.

Given the significant reported revenue losses, the importance of these facilities to MODL communities and the limited expected need for the Contingency Fund for the remaining month of the fiscal year, this alternative is not recommended.

CONCLUSIONS

Municipal Council established an Emergency Assistance Fund to support community facilities who have been affected by the pandemic and the related public health restrictions. The applications demonstrate the need for such a program to support these valuable community assets. The award of the remaining dedicated funds plus additional funds from Council's contingency to match the eligible funding requests will provide significant support to these facilities during a very difficult year.



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Municipal Council
SUBMITTED BY: Byung Jun Kang, Planner
DATE: February 23, 2021
RE: Private Roads By-law (2021) Public Engagement & Legal Review

RECOMMENDATION

That Municipal Council conduct Second Reading to approve and adopt By-law 040A, the Amendments to the Private Roads By-law (2021), as presented.

ORIGIN

Municipal Council passed Resolution 2021-009 on January 26, 2021 to conduct First Reading of By-law 040A and issued a notice of intention to conduct Second Reading on February 23, 2021.

DISCUSSION

Following the Council resolution, municipal staff issued a notice of intention to adopt this by-law on February 3, 2021 on a local newspaper and the EngageMODL website. No written or telephonic feedback was submitted by the public members.

A legal review was complete on February 18, 2021 for the draft by-law submitted at the Policy and Strategy Committee in January 2021. The final draft is attached to this memo. The legal review suggested 2 non-substantial revisions on clause 2(b) and 2(h), highlighted in yellow.

WORK PLAN

If Municipal Council adopts this By-law, it will be effective on February 25, 2021.

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2021-02-17

Report approved by: Jeff Merrill, Director

Date: 2021-02-17

Reviewed by CAO: Tom MacEwan, Chief Administrative Officer

Date: 2021-02-18

Municipality of the District of Lunenburg

BY-LAW

Title: Amendments to the Private Roads By-law (2021)	
By-Law No. 040A	Legislative Authority: Municipal Government Act , Section 75 Municipal Government Act , clause 81(1)(da)
Effective Date: February 25, 2021	Amended Date: N/A

Title of this amending by-law

- 1 This By-law is entitled the Amendments to the Private Roads By-law (2021).

Title

- 2 Section 1 of By-law 040, the Private Roads By-law, is amended by striking out “may be cited as” and substituting “is entitled”.

Interpretation

- 3 Section 2 of By-law 040 is amended by
 - (a) repealing clauses (b) to (c) and substituting the following clauses:
 - (b) “applicant” means a landowner on a private road in the Municipality who cannot, **in the sole opinion of Council**, meet the definitions of an association in clause (c);
 - (c) “association” means a non-profit society
 - (i) incorporated under the **Societies Act**, or
 - (ii) unincorporated but in the process of being incorporated with the Registry of Joint Stock Companies under the **Societies Act**;
 - (b) striking out “pursuant to Subsection 75(2) or Clause 81(1)(da)” in clause (e) and substituting “under subsection 75(2) or clause 81(1)(da)”;
 - (c) striking out “, physically defined in a petition or a request submitted pursuant to this By-law” in clause (f) and substituting “for maintenance or improvement of all the private roads in the area, and physically defined in an application submitted under this By-law”;

- (d) adding immediately after clause (f) the following clause:
 - (fa) “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;
- (e) repealing clause (h) and substituting the following clause:
- (h) “landowner” means an owner (including a registered owner as defined in the **Land Registration Act**), **part owner, joint owner, tenant in common or joint tenant, or any party legally appointed on their behalf, excluding the Municipality, of any interest in the whole or any part of parcel of land in a Charge Area,** and for the purpose of calculating the percentage of landowners under clauses 4(1)(b), 4(1)(e) and 6(c), a parcel of real property with more than one landowner is counted as having one owner;
 - ; and
- (f) striking out “including but not limited to” in clause (i) and substituting “such as”.

Approval by resolution

- 4** Section 3 of By-law 040 is repealed, and the following Section substituted:
 - 3**
 - (1)** Subject to subsection (2), Council may, by resolution, approve an application from an applicant or an association to enter into an agreement between the Municipality, and the applicant or the association, regarding a charge.
 - (2)** If a development officer receives an application, Council must give at least 7 days notice to all Council members before approving the application.

Application requirements

- 5** Section 4 of By-law 040 is repealed, and the following Section substituted:
 - 4**
 - (1)** If an association applies, the application in Section 3 must be submitted with
 - (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to Section 6, a copy of the memorandum and the by-laws of the incorporated association approved by or proposed to the Registrar of Joint Stock Companies;
 - (c) subject to clause (d), an estimated operating budget for private road maintenance or an estimated capital budget for private road

- improvement, including the amount budgeted for general reserve, planned for the next fiscal year of submission;
 - (d) a record of meeting minutes, passed by the association and signed by a director of the association with signing authority, approving the annual operating budget or the annual maintenance budget;
 - (e) subject to Section 5, a method of collecting charges; and
 - (f) any other information that Council may require to determine the method of calculation or the amount of charges necessary.
- (2)** If an applicant applies, the application in Section 3 must be submitted with
- (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to subsection 8(2), an estimated operating budget for private road maintenance, including the amount budgeted for general reserve, planned for the next fiscal year of the fiscal year of submission;
 - (c) subject to Section 5, a method of collecting charges;
 - (d) supporting documents to determine the circumstances under subsection 8(6); and
 - (e) any other information that Council may require to determine the method of calculation or the amount of charges necessary.

Methods of collecting charges

6 Section 5 of By-law 040 is repealed, and the following Section substituted:

- 5** The Municipality must impose a charge
- (a) as the uniform amount for each lot in the Charge Area;
 - (b) as the uniform amount for different classes of development, including but not limited to vacant land, seasonal lot, and commercial parcel of land; or
 - (c) by the method approved by the Council.

Association by-laws

7 Section 6 of By-law 040 is amended by

- (a) striking out “shall contain the clauses” and substituting “, as required under clause 4(1)(b), must”;
- (b) striking out “that clearly states the purpose of the Association is to conduct maintenance and improvement to” in clause (a) and substituting “state the purpose of the association is to conduct the maintenance, the improvement, or both the maintenance and improvement on”;
- (c) striking out “that mandates” in clause (b) and substituting “mandate”; and
- (d) adding immediately after clause (b) the following clause:
 - (c) have more than one-half of the landowners of Charge Area as the members of the association as defined in subsection 15(1) of the **Societies Act**.

Public properties

8 Section 7 of By-law 040 is amended by

- (a) striking out “a” as it appears the first time;
- (b) striking out “in the definition of a landowner and shall be” and substituting “as a landowner in this By-law and are”; and
- (c) striking out “Sections 3 to 6” and substituting “clause 4(1)(e) and the list of members under clause 6(c)”.

Application by applicant

9 Section 8 of By-law 040 is repealed, and the following Section substituted:

- 8**
 - (1)** This Section applies only to an application submitted by an applicant.
 - (2)** The operating budget submitted with the application in subsection (1) must be itemized and reasonable for the length and condition of private roads in the Charge Area.
 - (3)** After a notice is given under subsection 3(2), and at least 45 days before the Council meeting to consider an application in subsection (1), the Municipality must notify all the landowners within the proposed Charge Area determined under clause 4(2)(a) by ordinary mail, in which the notice includes

- (a) a description of the proposed request;
 - (b) the date, time, and place of the Council meeting on the proposed request; and
 - (c) a method of submitting a written response before the Council meeting regarding the proposed request.
- (4) The notice under subsection (3) is deemed to have been given, for a mailing address in the parcel register
 - (a) within Nova Scotia, on the third day after the date of mailing; or
 - (b) outside of Nova Scotia, on the ninth day after the date of mailing.
- (5) The general consensus of the landowners in the Charge Area must not be an active opposition to the charge proposed in the application under subsection (1), in which the lack of written responses is not deemed as the active opposition.
- (6) Subject to subsections (2) to (5), Council may consider designating a Charge Area and levy a charge in one or more of the following circumstances:
 - (a) the applicant exercised due diligence in communicating with the other landowners in the Charge Area;
 - (b) the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the **Societies Act**, despite representing more than one-half of all the landowners in a Charge Area;
 - (c) the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area, such as when some landowners are not contributing to the maintenance of their private road;
 - (d) the non-performance of road maintenance is causing public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.

Charge collection agreement

10 Section 9 of By-law 040 is amended by

- (a) striking out “Upon the acceptance of petition in Section 5 or request in Section 8 by resolution of the Council” and substituting “If Council approves an application in Section 3”;

- (b) striking out “which” and substituting “in which the agreement”;
- (c) striking out “shall” in clause (a) and substituting “must”; and
- (d) repealing clauses (c) and (d) and substituting the following clauses:
 - (c) identifies the method of collecting a charge that the person indicated in the application;
 - (d) specifies a time period that the agreement is effective, with or without conditions for the renewal of agreement;
 - (e) indicates that this agreement may be transferable under the conditions set out in the agreement; and
 - (f) contains any other clauses that the Council may require.

Annual budgets

11 Section 10 of By-law 040 is repealed, and the following Section substituted:

- 10** (1) Subject to subsection (2), if the Municipality enters into an agreement with an association in Section 9, the association must submit an operating budget or a capital budget for each fiscal year to conduct private road maintenance and improvement, respectively.
- (2) The budgets in subsection (1) must be approved by an ordinary resolution of the association.
- (3) If the Municipality enters into an agreement with an applicant in Section 9, the applicant must submit an operating budget for each fiscal year to conduct private road maintenance, in which the operating budget must be approved by a resolution of the Council.

Fiscal year

12 Section 11 of By-law 040 is amended by

- (a) striking out “A petition, request” and substituting “An application”; and
- (b) striking out “shall” and substituting “must”.

Administration fee

13 Section 12 of By-law 040 is amended by

- (a) striking out “shall” and substituting “must”; and
- (b) striking out “stated in Subsection 4.1 of Policy MDL-58” and substituting “under subsection 4.1 of Policy 058”.

Charge exemptions

- 14** **(1)** Subsection 13(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”; and
 - (b) adding “in writing” immediate after “request”.
- (2)** Subsection 13(2) of By-law 040 is amended by
- (a) adding “The” at the beginning; and
 - (b) adding “in subsection (1)” immediately after “landowners”.
- (3)** Subsection 13(3) of By-law 040 is amended by striking out “pursuant to” and substituting “under”.

Effectiveness of liens

- 15** **(1)** Subsection 15(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”;
 - (b) striking out “shall remain” and substituting “remains”; and
 - (c) striking out “pursuant to” and substituting “under”.
- (2)** Subsection 15(2) of By-law 040 is amended by striking out “Subsection” and substituting “subsection”.
- (3)** Subsection 15(3) of By-law 040 is amended by
- (a) striking out “Subsections” and substituting “subsections”; and
 - (b) striking out “shall remain” and substituting “remains”.

Charge collection notice

- 16** Subsection 17(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”; and
 - (b) striking out “the Development Officer shall” and substituting “a development officer must”.

Billing of charge

- 17** **(1)** Subsection 18(1) of By-law 040 is amended by
- (a) striking out “pursuant to” and substituting “under”; and
 - (b) striking out “shall” and substituting “must”.
- (2)** Subsection 18(2) of By-law 040 is amended by striking out “Subsection (1) shall” and substituting “subsection (1) must”.

Interest on unpaid Charge

- 18** Section 20 of By-law 040 is amended by striking out “determined by resolution of Council regarding taxes and overdue charges” and substituting “set under Section 8 of Policy 009”.

Charge payout

- 19** Section 21 of By-law 040 is repealed, and the following Section substituted:

- 21** **(1)** The Municipality must transfer the amount requested by an association, which is stated in its annual budget in subsection 10(1) and excludes the administration fee in subsection 4.1 of Policy 058 to the association by 15 days after the due date in Section 19, or its next working day if it is a holiday.
- (2)** Subject to subsection 10(3), the Municipality must transfer the amount requested by an applicant, which is stated in its annual budget in subsection 10(3) and excludes the administration fee in subsection 4.1 of Policy 058 to the applicant by 15 days after the due date in Section 19, or its next working day if it is a holiday.

Termination of agreement

- 20** Section 22 of By-law 040 is repealed, and the following Section substituted:

- 22** **(1)** Council may, by resolution, terminate an agreement made under Section 9, if
- (a) an association submits a certified copy of a special resolution passed to terminate the agreement;
- (b) an applicant submits a letter of consent to terminate the agreement;
- (c) an applicant or association breaches any of the clauses in the agreement;
- (d) an applicant does not meet the condition for the renewal of agreement after the agreement expires; or
- (e) an applicant meets the condition of transferring the agreement.
- (2)** The termination of an agreement in subsection (1) is not effective until all charges payable under this By-law are collected.

Application forms

- 21** Schedule A of By-law 040 is repealed.

Annotation for Official By-law Book

Date of Adoption **February 25, 2021**

Date of First Reading January 26, 2021

Date of Advertisement of Notice of Intent to Consider February 3, 2021

Date of Second Reading February 23, 2021

*Date of advertisement of Passage of By-law February 25, 2021

Date of mailing to Minister a Certified copy of By-law February 26, 2021

*Effective Date of the By-law unless otherwise specified in the text of this By-law

I certify that this “Amendments to the Private Roads By-law (2021)” was adopted by Council and published as indicated above.

Sherry Conrad, Municipal Clerk

Date



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy and Strategy Committee

SUBMITTED BY: Byung Jun Kang, Planner

DATE: January 19, 2021

RE: By-law 040A: Amendments to the Private Roads By-law (2021)

RECOMMENDATION

That Policy and Strategy recommend Municipal Council to adopt By-law 040A, Amendments to the Private Roads By-law (2021), as stated in Appendix A of the staff report dated January 19, 2021.

EXECUTIVE SUMMARY

A by-law is proposed to amend the Private Roads By-law. The purpose of this amendment is to clarify the application process for any landowners living on a private road to enter into a private road agreement with the municipality.

LEGISLATIVE AUTHORITY

Municipal Government Act, clause 81(1)(da): "The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred by the municipality, or under an agreement between the municipality and a person."

INTRODUCTION

Dave Sutherland, a landowner living on a private road in Camperdown, requested Council to establish a private road charge area for Rocky Lake through the newly-introduced alternative process to the traditional petition process (Item 10.2.3 of the Council meeting on November 24, 2020). After reviewing the application, staff realized that forming a non-profit association under the **Societies Act** is still mandatory under the alternative process, which is not the intention.

EXPLANATORY NOTES

By-law 040A is attached as Appendix A of this report, which lists the changes to the existing Private Roads By-law in Appendix B. The proposed Private Roads By-law, which consolidate Appendices A and B, is attached as Appendix C. In By-law 040A:

- **Section 1** sets out the title of By-law 040A.
- **Section 2** changes the title of By-law 040 as the short title of By-law 040.
- **Section 3**
 - clarifies the definitions of an applicant, an association, and a landowner. In either case, all applicants and associations must represent the majority of the landowners living in a proposed private road charge area; and
 - includes a definition of the fiscal year from April 1 to March 31, as defined in the **Municipal Government Act**.
- **Section 4** reduces the process of application using an alternative method by eliminating the requirement to file a petition. This section also requires a municipal staff to notify the council if a complete application is submitted before a council meeting is held to pass a resolution to accept the application.
- **Section 5** lists the supporting documents to be submitted in an application.
- **Section 6** corrects grammatical errors.
- **Section 7** rearranges words and inserts a reference for clarity.
- **Section 8** inserts a reference for clarity.
- **Section 9** allows the municipality to assume that public notices are deemed delivered by mail after certain days, which is suggested under the service standards of Canada Post. This section also clarifies that lack of written correspondences to the public notice is not deemed as an opposition to the proposed private road charge area, and that failing to form an association is due to the lack of residents in number, not due to the lack of residents in favour of the proposed charge area.
- **Section 10** allows the municipality to transfer a charge collection agreement from an applicant to an association, once the charge area landowners can form the association.
- **Section 11** allows an association to set the threshold of votes in favour to approve its budget, so long as it is more than one-half of the landowners in the charge area.
- **Sections 12 to 13** correct a grammatical error.
- **Section 14**
 - mandates a charge exemption request to be in writing; and
 - corrects a grammatical error.
- **Sections 15 to 19** correct a grammatical error.
- **Section 20** corrects grammatical errors resulting from Section 10.
- **Section 21** allows the application forms to be revised by municipal staff.

WORK PLAN

A standard by-law adoption procedure, listed under Table 1, is followed to amend this By-law.

Table 1

A by-law adoption procedure

Legislative Authority	Procedure	Tentative Date
MODL Policy 002, subsection 3.1	Policy and Strategy Committee recommends	January 19, 2021
Municipal Government Act , subsection 168(1)	Council conducts a first reading.	January 26, 2021
Municipal Government Act , subsection 168(2)	At least 14 days before a second reading, a notice of intention is published in a newspaper.	February 3, 2021
Municipal Government Act , clause 169(2)(a)	Council conducts a second reading.	February 23, 2021
Municipal Government Act , clause 169(2)(c)	A notice of approval is published in a newspaper.	February 25, 2021 (By-law is effective)
Municipal Government Act , subsection 169(3)	Municipal Clerk files a certified copy of the by-law with the Minister of the Municipal Affairs & Housing.	February 26, 2021

APPENDICES

Appendix A: By-law 040A, Amendments to the Private Roads By-law (2021)

Appendix B: By-law 040, original in effect as of June 17, 2020

Appendix C: By-law 040, consolidated to include the changes in By-law 040A

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2021-01-12

Report approved by: Jeff Merrill, Director

Date: 2021-01-12

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2021-01-14

Municipality of the District of Lunenburg

BY-LAW

Title: Amendments to the Private Roads By-law (2021)	
By-Law No. 040A	Legislative Authority: Municipal Government Act , Section 75 Municipal Government Act , clause 81(1)(da)
Effective Date: February 25, 2021	Amended Date: N/A

Title of this amending by-law

- 1 This By-law is entitled the Amendments to the Private Roads By-law (2021).

Title

- 2 Section 1 of By-law 040, the Private Roads By-law, is amended by striking out “may be cited as” and substituting “is entitled”.

Interpretation

- 3 Section 2 of By-law 040 is amended by
 - (a) repealing clauses (b) to (c) and substituting the following clauses:
 - (b) “applicant” means a landowner on a private road in the Municipality who cannot meet the definitions of an association in clause (c);
 - (c) “association” means a non-profit society
 - (i) incorporated under the **Societies Act**, or
 - (ii) unincorporated but in the process of being incorporated with the Registry of Joint Stock Companies under the **Societies Act**;
 - (b) striking out “pursuant to Subsection 75(2) or Clause 81(1)(da)” in clause (e) and substituting “under subsection 75(2) or clause 81(1)(da)”;
 - (c) striking out “, physically defined in a petition or a request submitted pursuant to this By-law” in clause (f) and substituting “for maintenance or improvement of all the private roads in the area, and physically defined in an application submitted under this By-law”;

- (d) adding immediately after clause (f) the following clause:
 - (fa) “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;
- (e) repealing clause (h) and substituting the following clause:
 - (h) “landowner” means a registered owner as defined in the **Land Registration Act**, and for the purpose of calculating the percentage of landowners under clauses 4(1)(b), 4(1)(e) and 6(c), a parcel of real property with more than one landowner is counted as having one owner;

; and
- (f) striking out “including but not limited to” in clause (i) and substituting “such as”.

Approval by resolution

4 Section 3 of By-law 040 is repealed, and the following Section substituted:

- 3**
 - (1)** Subject to subsection (2), Council may, by resolution, approve an application from an applicant or an association to enter into an agreement between the Municipality, and the applicant or the association, regarding a charge.
 - (2)** If a development officer receives an application, Council must give at least 7 days notice to all Council members before approving the application.

Application requirements

5 Section 4 of By-law 040 is repealed, and the following Section substituted:

- 4**
 - (1)** If an association applies, the application in Section 3 must be submitted with
 - (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to Section 6, a copy of the memorandum and the by-laws of the incorporated association approved by or proposed to the Registrar of Joint Stock Companies;
 - (c) subject to clause (d), an estimated operating budget for private road maintenance or an estimated capital budget for private road improvement, including the amount budgeted for general reserve, planned for the next fiscal year of submission;

- (d) a record of meeting minutes, passed by the association and signed by a director of the association with signing authority, approving the annual operating budget or the annual maintenance budget;
 - (e) subject to Section 5, a method of collecting charges; and
 - (f) any other information that Council may require to determine the method of calculation or the amount of charges necessary.
- (2)** If an applicant applies, the application in Section 3 must be submitted with
- (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to subsection 8(2), an estimated operating budget for private road maintenance, including the amount budgeted for general reserve, planned for the next fiscal year of the fiscal year of submission;
 - (c) subject to Section 5, a method of collecting charges;
 - (d) supporting documents to determine the circumstances under subsection 8(6); and
 - (e) any other information that Council may require to determine the method of calculation or the amount of charges necessary.

Methods of collecting charges

6 Section 5 of By-law 040 is repealed, and the following Section substituted:

5 The Municipality must impose a charge

- (a) as the uniform amount for each lot in the Charge Area;
- (b) as the uniform amount for different classes of development, including but not limited to vacant land, seasonal lot, and commercial parcel of land; or
- (c) by the method approved by the Council.

Association by-laws

7 Section 6 of By-law 040 is amended by

- (a) striking out “shall contain the clauses” and substituting “, as required under clause 4(1)(b), must”;

- (b) striking out “that clearly states the purpose of the Association is to conduct maintenance and improvement to” in clause (a) and substituting “state the purpose of the association is to conduct the maintenance, the improvement, or both the maintenance and improvement on”;
- (c) striking out “that mandates” in clause (b) and substituting “mandate”; and
- (d) adding immediately after clause (b) the following clause:
 - (c) have more than one-half of the landowners of Charge Area as the members of the association as defined in subsection 15(1) of the **Societies Act**.

Public properties

8 Section 7 of By-law 040 is amended by

- (a) striking out “a” as it appears the first time;
- (b) striking out “in the definition of a landowner and shall be” and substituting “as a landowner in this By-law and are”; and
- (c) striking out “Sections 3 to 6” and substituting “clause 4(1)(e) and the list of members under clause 6(c)”.

Application by applicant

9 Section 8 of By-law 040 is repealed, and the following Section substituted:

- 8**
- (1)** This Section applies only to an application submitted by an applicant.
 - (2)** The operating budget submitted with the application in subsection (1) must be itemized and reasonable for the length and condition of private roads in the Charge Area.
 - (3)** After a notice is given under subsection 3(2), and at least 45 days before the Council meeting to consider an application in subsection (1), the Municipality must notify all the landowners within the proposed Charge Area determined under clause 4(2)(a) by ordinary mail, in which the notice includes
 - (a) a description of the proposed request;
 - (b) the date, time, and place of the Council meeting on the proposed request; and
 - (c) a method of submitting a written response before the Council meeting regarding the proposed request.

- (4) The notice under subsection (3) is deemed to have been given, for a mailing address in the parcel register
 - (a) within Nova Scotia, on the third day after the date of mailing; or
 - (b) outside of Nova Scotia, on the ninth day after the date of mailing.
- (5) The general consensus of the landowners in the Charge Area must not be an active opposition to the charge proposed in the application under subsection (1), in which the lack of written responses is not deemed as the active opposition.
- (6) Subject to subsections (2) to (5), Council may consider designating a Charge Area and levy a charge in one or more of the following circumstances:
 - (a) the applicant exercised due diligence in communicating with the other landowners in the Charge Area;
 - (b) the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the **Societies Act**, despite representing more than one-half of all the landowners in a Charge Area;
 - (c) the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area, such as when some landowners are not contributing to the maintenance of their private road;
 - (d) the non-performance of road maintenance is causing public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.

Charge collection agreement

10 Section 9 of By-law 040 is amended by

- (a) striking out “Upon the acceptance of petition in Section 5 or request in Section 8 by resolution of the Council” and substituting “If Council approves an application in Section 3”;
- (b) striking out “which” and substituting “in which the agreement”;
- (c) striking out “shall” in clause (a) and substituting “must”; and

- (d) repealing clauses (c) and (d) and substituting the following clauses:
- (c) identifies the method of collecting a charge that the person indicated in the application;
- (d) specifies a time period that the agreement is effective, with or without conditions for the renewal of agreement;
- (e) indicates that this agreement may be transferable under the conditions set out in the agreement; and
- (f) contains any other clauses that the Council may require.

Annual budgets

11 Section 10 of By-law 040 is repealed, and the following Section substituted:

- 10 (1)** Subject to subsection (2), if the Municipality enters into an agreement with an association in Section 9, the association must submit an operating budget or a capital budget for each fiscal year to conduct private road maintenance and improvement, respectively.
- (2)** The budgets in subsection (1) must be approved by an ordinary resolution of the association.
- (3)** If the Municipality enters into an agreement with an applicant in Section 9, the applicant must submit an operating budget for each fiscal year to conduct private road maintenance, in which the operating budget must be approved by a resolution of the Council.

Fiscal year

12 Section 11 of By-law 040 is amended by

- (a) striking out “A petition, request” and substituting “An application”; and
- (b) striking out “shall” and substituting “must”.

Administration fee

13 Section 12 of By-law 040 is amended by

- (a) striking out “shall” and substituting “must”; and
- (b) striking out “stated in Subsection 4.1 of Policy MDL-58” and substituting “under subsection 4.1 of Policy 058”.

Charge exemptions

- 14** **(1)** Subsection 13(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”; and
 - (b) adding “in writing” immediate after “request”.
- (2)** Subsection 13(2) of By-law 040 is amended by
- (a) adding “The” at the beginning; and
 - (b) adding “in subsection (1)” immediately after “landowners”.
- (3)** Subsection 13(3) of By-law 040 is amended by striking out “pursuant to” and substituting “under”.

Effectiveness of liens

- 15** **(1)** Subsection 15(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”;
 - (b) striking out “shall remain” and substituting “remains”; and
 - (c) striking out “pursuant to” and substituting “under”.
- (2)** Subsection 15(2) of By-law 040 is amended by striking out “Subsection” and substituting “subsection”.
- (3)** Subsection 15(3) of By-law 040 is amended by
- (a) striking out “Subsections” and substituting “subsections”; and
 - (b) striking out “shall remain” and substituting “remains”.

Charge collection notice

- 16** Subsection 17(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”; and
 - (b) striking out “the Development Officer shall” and substituting “a development officer must”.

Billing of charge

- 17** **(1)** Subsection 18(1) of By-law 040 is amended by
- (a) striking out “pursuant to” and substituting “under”; and
 - (b) striking out “shall” and substituting “must”.
- (2)** Subsection 18(2) of By-law 040 is amended by striking out “Subsection (1) shall” and substituting “subsection (1) must”.

Interest on unpaid Charge

- 18** Section 20 of By-law 040 is amended by striking out “determined by resolution of Council regarding taxes and overdue charges” and substituting “set under Section 8 of Policy 009”.

Charge payout

- 19** Section 21 of By-law 040 is repealed, and the following Section substituted:
- 21** (1) The Municipality must transfer the amount requested by an association, which is stated in its annual budget in subsection 10(1) and excludes the administration fee in subsection 4.1 of Policy 058 to the association by 15 days after the due date in Section 19, or its next working day if it is a holiday.
- (2) Subject to subsection 10(3), the Municipality must transfer the amount requested by an applicant, which is stated in its annual budget in subsection 10(3) and excludes the administration fee in subsection 4.1 of Policy 058 to the applicant by 15 days after the due date in Section 19, or its next working day if it is a holiday.

Termination of agreement

- 20** Section 22 of By-law 040 is repealed, and the following Section substituted:
- 22** (1) Council may, by resolution, terminate an agreement made under Section 9, if
- (a) an association submits a certified copy of a special resolution passed to terminate the agreement;
 - (b) an applicant submits a letter of consent to terminate the agreement;
 - (c) an applicant or association breaches any of the clauses in the agreement;
 - (d) an applicant does not meet the condition for the renewal of agreement after the agreement expires; or
 - (e) an applicant meets the condition of transferring the agreement.
- (2) The termination of an agreement in subsection (1) is not effective until all charges payable under this By-law are collected.

Application forms

- 21** Schedule A of By-law 040 is repealed.

Annotation for Official By-law Book

Date of Adoption **February 25, 2021**

Date of First Reading January 26, 2021

Date of Advertisement of Notice of Intent to Consider February 3, 2021

Date of Second Reading February 23, 2021

*Date of advertisement of Passage of By-law February 25, 2021

Date of mailing to Minister a Certified copy of By-law February 26, 2021

*Effective Date of the By-law unless otherwise specified in the text of this By-law

I certify that this “Amendments to the Private Roads By-law (2021)” was adopted by Council and published as indicated above.

Sherry Conrad, Municipal Clerk

Date

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

A BY-LAW RESPECTING THE MAINTENANCE AND IMPROVEMENT OF PRIVATE ROADS

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority vested in it by Sections 75 and 81 of the **Municipal Government Act**, that a By-Law Respecting the Maintenance and Improvement of Private Roads be adopted as follows:

Short Title

- 1** This By-law may be cited as the **Private Roads By-law**.

Interpretation

- 2** In this By-law,
- (a) “Act” means the **Municipal Government Act**;
 - (b) “applicant” means a landowner on a private road in the Municipality who requested Council to designate a Charge Area as per Subsection 8(1);
 - (c) “association” means a non-profit society formed for the purpose of representing the landowners of within a Charge Area, incorporated under the **Societies Act** and registered with the provincial Registry of Joint Stock Companies;
 - (d) “Council” means the Council of the Municipality of the District of Lunenburg;
 - (e) “charge” means a charge imposed pursuant to Subsection 75(2) or Clause 81(1)(da) of the **Municipal Government Act** in an amount determined in this By-law and payable in respect of the private road maintenance or improvement;
 - (f) “Charge Area” means an area to which a charge is imposed, physically defined in a petition or a request submitted pursuant to this By-law;
 - (g) “improvement” means the work undertaken on a private road to improve upon the existing condition or to increase the service level of the private road;
 - (h) “landowner” means
 - (i) an owner, part owner, joint owner, tenant in common or joint tenant, excluding the Municipality, of any interest in the whole or any part of parcel of land or a building in a Charge Area and having the right to use the private road;

- (ii) in the absence or incapacity of a person having ownership of any interest in the parcel of land or building, a trustee, executor, guardian, agent, representative, mortgagee in possession, or any other person having the care or control of land or building in a Charge Area and having the right to use the private road; or
- (iii) in the absence of proof to the contrary, the person assessed for the property tax on the parcel of land or building in a Charge Area and having the right to use the private road;

and for the purpose of calculating the percentage of landowners in Section 3, a parcel of real property with more than one landowner shall be counted as having one owner;

- (i) “maintenance” means the work undertaken on a private road to sustain the existing condition or service level of the private road, including but not limited to snowplowing, brush-cutting, pothole-filing, repaving;
- (j) “Municipality” means the Municipality of the District of Lunenburg; and
- (k) “private road” means an access or a right-of entry not owned by the Municipality or the Province of Nova Scotia, and includes roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads.

Prerequisite for a Charge Collection Agreement

3 Municipality may collect charges only where

- (a) more than one-half of the landowners in a Charge Area have filed a petition with the Development Officer, requesting that the charges be collected; or
- (b) the Council has accepted the request of an applicant, if the petition requirements on Clause (a) cannot be met.

Methods of Charges

4 Charges determined pursuant to Clause 5(b), 8(2)(c) or Section 9 of this By-law may be chargeable

- (a) as the uniform amount for each lot in the Charge Area;
- (b) as the uniform amount for different classes of development, including but not limited to vacant land, seasonal lot, and commercial parcel of land; or
- (c) by the method approved by the Council.

Petition Requirements

- 5** A petition in Clause 3(a) shall be submitted by an association, and be submitted with
- (a) a copy of the memorandum and the by-laws of the incorporated association approved by the Registrar of Joint Stock Companies;
 - (b) subject to Clause (c), an estimated operating budget for private road maintenance or an estimated capital budget for private road improvement, including the amount budgeted for general reserve, planned for the following fiscal year of submission;
 - (c) a resolution certificate, signed by a director of the association with signing authority, approving the annual operating budget or the annual maintenance budget, passed by more than one half of such landowners entitled to vote as are present in person or by proxy at a meeting of which notice specifying the intention to propose the resolution has been duly given;
 - (d) a plan defining the Charge Area boundary and the property boundaries in the Charge Area;
 - (e) a completed copy of the petition form in Schedule A; and
 - (f) any other information that the Council may require to determine the method of calculation or the amount of charges necessary.

Association By-laws

- 6** The memorandum and by-laws of association shall contain the clauses
- (a) that clearly states the purpose of the Association is to conduct maintenance and improvement to the private road and to represent the landowners within the Charge Area; and
 - (b) that mandates the admittance of only those landowners of Charge Area to membership of the association.

Municipal Property

- 7** For a greater certainty, the Municipality and the Province of Nova Scotia are not considered in the definition of a landowner and shall be excluded from signing a petition conducted under Sections 3 to 6.

Charge Area Establishment Request

- 8 (1) Subject to Clause 3(b), a landowner may submit a request to Council that charges be collected in a Charge Area.
- (2) The request in Subsection (1) shall be submitted with
- (a) an estimated operating budget for private road maintenance, including the amount budgeted for general reserve, planned for the following fiscal year of submission;
 - (b) a plan defining the Charge Area boundary, the property boundaries in the Charge Area and the length and width of the private road;
 - (c) a statement that the charges are collected to perform maintenance only on the private road within the Charge Area;
 - (d) the chosen method of charges;
 - (e) the name of the Charge Area; and
 - (f) any other information that the Council may require to determine the method of calculation or the amount of charges necessary.
- (3) At least 45 days prior to the Council meeting to determine the establishment of a Charge Area by request of an applicant, Municipality shall notify all the landowners within the proposed Charge Area determined in Clause 8(2)(b) by ordinary mail, and such notice includes
- (a) a description of the proposed request;
 - (b) the date, time, and place of the Council meeting on the proposed request; and
 - (c) a method of submitting a written response prior to the Council meeting regarding the proposed request.
- (4) Subject to Subsection (3), upon the receipt of the request from the applicant, Council may designate a Charge Area and levy a charge after considering the following clauses:
- (a) the applicant exercised due diligence in communicating with the other landowners in the Charge Area to initiate a petition process, but was unsuccessful;
 - (b) the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the **Societies Act**;

- (c) the operating budget that is submitted with the request is itemized and reasonable for the length and condition of private roads in the Charge Area;
- (d) the general consensus of the landowners in the Charge Area is not an active opposition to the levy of uniform charge;
- (e) the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area; and
- (f) the non-performance of road maintenance is likely to cause public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.

Charge Collection Agreement

- 9** Upon the acceptance of petition in Section 5 or request in Section 8 by resolution of the Council, the Municipality may enter into an agreement with an association or an applicant, which
- (a) requires that the association or the applicant shall be responsible for performing, or contracting the work in relation to the maintenance or improvement of the private road in a Charge Area;
 - (b) indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in a Charge Area;
 - (c) identifies that the petition submitted as per Section 5 or the request submitted as per Subsection 8(2) forms the basis of the method of the charge; and
 - (d) contains any other clauses that the Council may require.

Annual Budgets

- 10 (1)** After the Municipality enters into an agreement with an association or an applicant in accordance with Section 9, the association or the applicant shall submit an operating budget or a capital budget for each fiscal year to conduct private road maintenance and improvement, respectively.
- (2)** Subject to Subsection (3), budgets shall be approved with an ordinary resolution passed by more than one half of such landowners entitled to vote as are present in person or by proxy at a meeting of which notice specifying the intention to propose the resolution has been duly given.

- (3)** An operating budget submitted by an applicant shall be approved by resolution of Council.
- (4)** Notwithstanding Subsection (1), a capital budget shall not be submitted by an applicant.

Fiscal Year

- 11** A petition, request and subsequent annual budgets of a Charge Area shall be submitted by the first day of March, or its next business day if it is a holiday, of the preceding fiscal year that the charge would be applied.

Administration Fee

- 12** The total amount of the charge imposed in a Charge Area shall not exceed the total expenditures in annual budgets plus the administration fee stated in Subsection 4.1 of Policy MDL-58.

Charge Exemptions

- 13 (1)** Notwithstanding this By-law and subject to Subsection (2), the Municipality may, upon request, exempt a charge from any landowners within a Charge Area whose property
 - (a)** abuts and has access to a public road;
 - (b)** does not use the private road; or
 - (c)** does not have access to the private road.
- (2)** Municipality may later assess those exempted landowners if they appear to be using the private road.
- (3)** For greater certainty, the Municipality and the Province of Nova Scotia are exempt from a charge levied pursuant to this By-law.

Liens

- 14** A charge made under this By-law is a first lien on the real property and may be collected in the same manner as other taxes.

Effectiveness of Liens

- 15 (1)** For road maintenance, a lien in Section 14 becomes effective three days after the notice to landowners in Subsection 17(1) is distributed, and shall remain effective from year to year until terminated pursuant to this By-law.
- (2)** For road improvement, a lien in Section 14 becomes effective three days after the notice to landowners in Subsection 17(1) is distributed.

- (3) The lien in Subsections (1) and (2) shall remain to be effective until the charge plus interest has been paid in full.

Charge Adjustment

- 16 Where a lot subject to a lien is subdivided, the amount of the lien plus interest then unpaid shall be apportioned evenly among the new lots created, including any residual land.

Charge Collection Notice

- 17 (1) Subject to Subsection (2), upon signing the collection agreement in Section 9, the Development Officer shall notify the landowner of each property within the Charge Area of
- (a) the charge payable by the landowner; and
 - (b) the basis for the charge.
- (2) Where the charge is collected for maintenance that occurs annually, the notice only needs to be sent to each landowner for the first time of charge, instead of being sent annually.

Billing of Charge

- 18 (1) A charge payable pursuant to this By-law for private road maintenance or improvement shall be billed by the same day as the last mailing day of interim tax bill of the Municipality.
- (2) The charge payable in Subsection (1) shall appear on the tax bill.

Charge Due Date

- 19 The charge payable in Section 18 is due on the same day as the payment due date of interim tax bill of the Municipality on the same fiscal year.

Interest on Unpaid Charge

- 20 Interest is payable annually on the entire amount outstanding from and unpaid after the due date in Section 19 at a rate determined by resolution of Council regarding taxes and overdue charges.

Charge Payout

- 21 Municipality shall transfer the amount requested by an association, which is stated in its annual budgets and excludes the administration fee in Subsection 4.1 of Policy MDL-58 to the association by 15 days after the due date in Section 19, or its next working day if it is a holiday.

Termination of Agreement

- 22 (1)** The charge collection agreement in Section 9 may be terminated by resolution of Council, after receiving a notice from
- (a) an association, upon the submission of a certified copy of a Special Resolution passed to terminate the agreement;
 - (b) an applicant, upon the submission of a letter of consent signed by the applicant to terminate the agreement; or
 - (c) the Municipality at its discretion, if
 - (i) an association or an applicant has non-compliance with any provision of this By-law, or
 - (ii) a Charge Area established by request no longer meets the condition in Subsection 8(4), in which then the landowners in the Charge Area shall follow the petition process in Clause 3(a) for re-establishment of Charge Area.
- (2)** Termination in Subsection (1) becomes effective upon the collection of all charges payable pursuant to this By-law.

Private Streets By-law Repealed

- 23** A By-law Respecting the Maintenance and Improvement of Private Street, adopted by the Council on April 12, 2005, and amended on February 14, 2006, October 9, 2007, and February 17, 2009, is hereby repealed and replaced with a By-Law Respecting the Maintenance and Improvement of Private Roads.

SCHEDULE A

PRIVATE ROAD MAINTENANCE AND IMPROVEMENT PETITION

To the Council of the Municipality of the District of Lunenburg,

We, the undersigned, represented by the _____ Association, and representing more than one-half of the landowners in the Charge Area, as identified on the attached map, do file a petition with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

- (a) Maintenance _____
- (b) Improvements _____

(choose one or all of the options by placing an "X" beside the chosen option)

Each of the landowners, whose signature appears below, propose that the Council accept this as a petition in compliance with Sections 3 to 6 of the **Private Roads By-law**. The landowners request that they be levied a charge in respect of the private road maintenance or improvement, as indicated above, and further that, this charge be levied by

- (a) the uniform charge on all lot _____
- (b) the occupancy rate (i.e. full-time, seasonal, vacant) _____
- (c) the land use (i.e. residential, commercial, resource) _____
- (d) the ownership (i.e. exemption for owning more than 1 lot) _____
- (e) the method other than (a), (b), (c) or (d), being: _____

(choose all options that apply by placing an "X" beside the chosen options)

Names and Signatures of Landowners

Name	Civic Number and Street Name	Signature

PRIVATE ROADS BY-LAW

I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the **PRIVATE ROADS BY-LAW**, which is adopted by the Council of the Municipality of the District of Lunenburg at a duly called meeting on June 9, 2020

DATED at Bridgewater, NS, the 10th day of June 2020.

Sherry Conrad, Municipal Clerk

Annotation for Official By-law Book		Date of Adoption
Date of First Reading	Date of Advertisement – Notice of Intention	February 25, 2020
		May 20, 2020
Date of Second Reading	Date of Advertisement of Adoption of By-law*	June 9, 2020
		June 17, 2020
Date of mailing to Minister a Certified copy of By-law		June 17, 2020
I certify that this “ Private Roads By-law ” was adopted by Council and published as indicated above.		

Municipality of the District of Lunenburg

BY-LAW

Title: Private Roads By-law	
By-Law No. 040 (Consolidated to include By-law 040A)	Legislative Authority: Municipal Government Act , Section 75 Municipal Government Act , clause 81(1)(da)
Effective Date: June 17, 2020	Amended Date: February 25, 2021

Title

- 1** This By-law is entitled the Private Roads By-law.

Interpretation

- 2** In this By-law,
- (a) “Act” means the **Municipal Government Act**;
 - (b) “applicant” means a landowner on a private road in the Municipality who cannot, **in the sole opinion of Council**, meet the definitions of an association in clause (c);
 - (c) “association” means a non-profit society
 - (i) incorporated under the **Societies Act**, or
 - (ii) unincorporated but in the process of being incorporated with the Registry of Joint Stock Companies under the **Societies Act**;
 - (d) “Council” means the Council of the Municipality of the District of Lunenburg;
 - (e) “charge” means a charge imposed under subsection 75(2) or clause 81(1)(da) of the **Municipal Government Act** in an amount determined in this By-law and payable in respect of the private road maintenance or improvement;
 - (f) “Charge Area” means an area to which a charge is imposed for maintenance or improvement of all the private roads in the area, and physically defined in an application submitted under this By-law;
 - (fa) “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;

- (g) “improvement” means the work undertaken on a private road to improve upon the existing condition or to increase the service level of the private road;
- (h) “landowner” means an owner (including a registered owner as defined in the **Land Registration Act**), **part owner, joint owner, tenant in common or joint tenant, or any party legally appointed on their behalf, excluding the Municipality, of any interest in the whole or any part of parcel of land in a Charge Area**, and for the purpose of calculating the percentage of landowners under clauses 4(1)(b), 4(1)(e) and 6(c), a parcel of real property with more than one landowner is counted as having one owner;
- (i) “maintenance” means the work undertaken on a private road to sustain the existing condition or service level of the private road, such as snowplowing, brush-cutting, pothole-filing, repaving;
- (j) “Municipality” means the Municipality of the District of Lunenburg; and
- (k) “private road” means an access or a right-of entry not owned by the Municipality or the Province of Nova Scotia, and includes roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads.

Approval by resolution

- 3 (1)** Subject to subsection (2), Council may, by resolution, approve an application from an applicant or an association to enter into an agreement between the Municipality, and the applicant or the association, regarding a charge.
- (2)** If a development officer receives an application, Council must give at least 7 days notice to all Council members before approving the application.

Application requirements

- 4 (1)** If an association applies, the application in Section 3 must be submitted with
 - (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to Section 6, a copy of the memorandum and the by-laws of the incorporated association approved by or proposed to the Registrar of Joint Stock Companies;
 - (c) subject to clause (d), an estimated operating budget for private road maintenance or an estimated capital budget for private road improvement, including the amount budgeted for general reserve, planned for the next fiscal year of submission;

- (d) a record of meeting minutes, passed by the association and signed by a director of the association with signing authority, approving the annual operating budget or the annual maintenance budget;
 - (e) subject to Section 5, a method of collecting charges; and
 - (f) any other information that Council may require to determine the method of calculation or the amount of charges necessary.
- (2)** If an applicant applies, the application in Section 3 must be submitted with
- (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to subsection 8(2), an estimated operating budget for private road maintenance, including the amount budgeted for general reserve, planned for the next fiscal year of the fiscal year of submission;
 - (c) subject to Section 5, a method of collecting charges;
 - (d) supporting documents to determine the circumstances under subsection 8(6); and
 - (e) any other information that Council may require to determine the method of calculation or the amount of charges necessary.

Methods of collecting charges

5 The Municipality must impose a charge

- (a) as the uniform amount for each lot in the Charge Area;
- (b) as the uniform amount for different classes of development, including but not limited to vacant land, seasonal lot, and commercial parcel of land; or
- (c) by the method approved by the Council.

Association by-laws

6 The memorandum and by-laws of association, as required under clause 4(1)(b), must

- (a) state the purpose of the association is to conduct the maintenance, the improvement, or both the maintenance and improvement on the private road and to represent the landowners within the Charge Area;
- (b) mandate the admittance of only those landowners of Charge Area to membership of the association; and
- (c) have more than one-half of the landowners of Charge Area as the members of the association as defined in subsection 15(1) of the **Societies Act**.

Public properties

- 7** For greater certainty, the Municipality and the Province of Nova Scotia are not considered as a landowner in this By-law and are excluded from signing a petition conducted under clause 4(1)(e) and the list of members under clause 6(c).

Application by applicant

- 8** (1) This Section applies only to an application submitted by an applicant.
- (2) The operating budget submitted with the application in subsection (1) must be itemized and reasonable for the length and condition of private roads in the Charge Area.
- (3) After a notice is given under subsection 3(2), and at least 45 days before the Council meeting to consider an application in subsection (1), the Municipality must notify all the landowners within the proposed Charge Area determined under clause 4(2)(a) by ordinary mail, in which the notice includes
- (a) a description of the proposed request;
 - (b) the date, time, and place of the Council meeting on the proposed request; and
 - (c) a method of submitting a written response before the Council meeting regarding the proposed request.
- (4) The notice under subsection (3) is deemed to have been given, for a mailing address in the parcel register
- (a) within Nova Scotia, on the third day after the date of mailing; or
 - (b) outside of Nova Scotia, on the ninth day after the date of mailing.
- (5) The general consensus of the landowners in the Charge Area must not be an active opposition to the charge proposed in the application under subsection (1), in which the lack of written responses is not deemed as the active opposition.
- (6) Subject to subsections (2) to (5), Council may consider designating a Charge Area and levy a charge in one or more of the following circumstances:
- (a) the applicant exercised due diligence in communicating with the other landowners in the Charge Area;
 - (b) the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the **Societies Act**, despite representing more than one-half of all the landowners in a Charge Area;

- (c) the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area, such as when some landowners are not contributing to the maintenance of their private road;
- (d) the non-performance of road maintenance is causing public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.

Charge collection agreement

9 If Council approves an application in Section 3, the Municipality may enter into an agreement with an association or an applicant, in which the agreement

- (a) requires that the association or the applicant must be responsible for performing, or contracting the work in relation to the maintenance or improvement of the private road in a Charge Area;
- (b) indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in a Charge Area;
- (c) identifies the method of collecting a charge that the person indicated in the application;
- (d) specifies a time period that the agreement is effective, with or without conditions for the renewal of agreement;
- (e) indicates that this agreement may be transferable under the conditions set out in the agreement; and
- (f) contains any other clauses that the Council may require.

Annual budgets

- 10**
- (1)** Subject to subsection (2), if the Municipality enters into an agreement with an association in Section 9, the association must submit an operating budget or a capital budget for each fiscal year to conduct private road maintenance and improvement, respectively.
 - (2)** The budgets in subsection (1) must be approved by an ordinary resolution of the association.
 - (3)** If the Municipality enters into an agreement with an applicant in Section 9, the applicant must submit an operating budget for each fiscal year to conduct private road maintenance, in which the operating budget must be approved by a resolution of the Council.

Fiscal year

- 11** An application and subsequent annual budgets of a Charge Area must be submitted by the first day of March, or its next business day if it is a holiday, of the preceding fiscal year that the charge would be applied.

Administration fee

- 12** The total amount of the charge imposed in a Charge Area must not exceed the total expenditures in annual budgets plus the administration fee under subsection 4.1 of Policy 058.

Charge exemptions

- 13** (1) Notwithstanding this By-law and subject to subsection (2), the Municipality may, upon request in writing, exempt a charge from any landowners within a Charge Area whose property
- (a) abuts and has access to a public road;
 - (b) does not use the private road; or
 - (c) does not have access to the private road.
- (2) The Municipality may later assess those exempted landowners in subsection (1) if they appear to be using the private road.
- (3) For greater certainty, the Municipality and the Province of Nova Scotia are exempt from a charge levied under this By-law.

Liens

- 14** A charge made under this By-law is a first lien on the real property and may be collected in the same manner as other taxes.

Effectiveness of liens

- 15** (1) For road maintenance, a lien in Section 14 becomes effective three days after the notice to landowners in subsection 17(1) is distributed, and remains effective from year to year until terminated under this By-law.
- (2) For road improvement, a lien in Section 14 becomes effective three days after the notice to landowners in subsection 17(1) is distributed.
- (3) The lien in subsections (1) and (2) remains to be effective until the charge plus interest has been paid in full.

Charge adjustment

- 16** Where a lot subject to a lien is subdivided, the amount of the lien plus interest then unpaid shall be apportioned evenly among the new lots created, including any residual land.

Charge collection notice

- 17** **(1)** Subject to subsection (2), upon signing the collection agreement in Section 9, a development officer must notify the landowner of each property within the Charge Area of
- (a) the charge payable by the landowner; and
 - (b) the basis for the charge.
- (2)** Where the charge is collected for maintenance that occurs annually, the notice only needs to be sent to each landowner for the first time of charge, instead of being sent annually.

Billing of charge

- 18** **(1)** A charge payable under this By-law for private road maintenance or improvement must be billed by the same day as the last mailing day of interim tax bill of the Municipality.
- (2)** The charge payable in subsection (1) must appear on the tax bill.

Charge due date

- 19** The charge payable in Section 18 is due on the same day as the payment due date of interim tax bill of the Municipality on the same fiscal year.

Interest on unpaid Charge

- 20** Interest is payable annually on the entire amount outstanding from and unpaid after the due date in Section 19 at a rate set under Section 8 of Policy 009.

Charge payout

- 21** **(1)** The Municipality must transfer the amount requested by an association, which is stated in its annual budget in subsection 10(1) and excludes the administration fee in subsection 4.1 of Policy 058 to the association by 15 days after the due date in Section 19, or its next working day if it is a holiday.
- (2)** Subject to subsection 10(3), the Municipality must transfer the amount requested by an applicant, which is stated in its annual budget in subsection 10(3) and excludes the administration fee in subsection 4.1 of Policy 058 to the applicant by 15 days after the due date in Section 19, or its next working day if it is a holiday.

Termination of agreement

- 22** **(1)** Council may, by resolution, terminate an agreement made under Section 9, if
- (a) an association submits a certified copy of a special resolution passed to terminate the agreement;

- (b) an applicant submits a letter of consent to terminate the agreement;
 - (c) an applicant or association breaches any of the clauses in the agreement;
 - (d) an applicant does not meet the condition for the renewal of agreement after the agreement expires; or
 - (e) an applicant meets the condition of transferring the agreement.
- (2) The termination of an agreement in subsection (1) is not effective until all charges payable under this By-law are collected.

Private Streets By-law repealed

23 A By-law Respecting the Maintenance and Improvement of Private Street, adopted by the Council on April 12, 2005, and amended on February 14, 2006, October 9, 2007, and February 17, 2009, is hereby repealed and replaced with a By-Law Respecting the Maintenance and Improvement of Private Roads.

Annotation for Official By-law Book

Date of Adoption

June 17, 2020

Amended

February 25, 2021

Date of First Reading

February 25, 2020

Date of Advertisement of Notice of Intent to Consider

May 20, 2020

Date of Second Reading

June 9, 2020

*Date of advertisement of Passage of By-law

June 17, 2020

Date of mailing to Minister a Certified copy of By-law

June 17, 2020

*Effective Date of the By-law unless otherwise specified in the text of this By-law

I certify that this "Private Roads By-law" was adopted by Council and published as indicated above.

Sherry Conrad, Municipal Clerk

Date

**Private Road Maintenance or Improvement
Application Form for an Association**

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021

To the Council of the Municipality of the District of Lunenburg,

We, the undersigned, representing more than one-half of the landowners in the _____ Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

- (a) Maintenance _____
- (b) Improvements _____

(choose one or all of the options by placing an "X" beside the chosen option)

Each of the landowners, whose signature appears below, propose that the Council approves this as a petition in compliance with Section 4 of the **Private Roads By-law**. The landowners request that they be levied a charge in respect of the private road maintenance or improvement, as indicated above, and further that, this charge be levied by

- (a) the uniform charge on all lot _____
- (b) the occupancy rate (i.e. full-time, seasonal, vacant) _____
- (c) the land use (i.e. residential, commercial, resource) _____
- (d) the ownership (i.e. exemption for owning more than 1 lot) _____
- (e) the method other than (a), (b), (c) or (d), being: _____

(choose all options that apply by placing an "X" beside the chosen options)

Names and Signatures of Landowners

Name	Civic Number and Street Name	Signature

Private Road Maintenance
Application Form for an Individual Landowner

respecting subsection 4(2) of By-law 040, the Private Roads By-law, updated February 25, 2021

To the Council of the Municipality of the District of Lunenburg,

I, the undersigned, representing _____ Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform maintenance.

I propose that the Council approves this as an application in compliance with Section 4 of the **Private Roads By-law**. I request that the landowners in the Charge Area be levied a charge in respect of the private road maintenance, and further that, this charge be levied by

- (a) the uniform charge on all lot _____
- (b) the occupancy rate (i.e. full-time, seasonal, vacant) _____
- (c) the land use (i.e. residential, commercial, resource) _____
- (d) the ownership (i.e. exemption for owning more than 1 lot) _____
- (e) the method other than (a), (b), (c) or (d), being: _____

(choose all options that apply by placing an "X" beside the chosen options)

I understand that, by entering into an agreement with the Municipality regarding the maintenance of private roads in the proposed Charge Area, I am personally liable for any debt or liability.

Names and Signature of Applicant

Name	Civic Number and Street Name	Signature