

Approved by Council 6 February 12, 2002

## MUNICIPALITY OF THE DISTRICT OF LUNENBURG

### Policy on Land Use By-law Violations

1. This policy is entitled "Policy on Land Use By-law Violations"
2. In this Policy:
  - (a) "Development Officer" means the person or persons appointed by Council to administer a land use or subdivision by-law; and
  - (b) "Violation" means the commencement of a development without obtaining a Development Permit, or a deviation from the terms of a Development Permit

#### 3. Violation is Identified.

A violation may be identified by either the Development Officer or through a report from an individual. A report made to the Development Officer shall be investigated, regardless of whether or not the report is made anonymously.

Upon notification of a possible violation, the Development Officer shall conduct an on-site inspection to determine whether a violation exists.

#### 4. Notification to Owner of Violation

The Development Officer shall notify the owner of the property of any violation. This notification shall be in writing and shall:

- a) identify the violation,
- b) identify the necessary steps to rectify the violation;
- c) give notification that a follow up inspection shall be conducted:
  - i) thirty (30) days from the date the notice was served, for a first time offender,
  - ii) fifteen (15) days from the date the notice was served for a repeat offender, or
  - iii) seven (7) days from the date the notice was served, when the Development Officer determines that immediate rectification is necessary to reduce an immediate negative impact on the community or the environment; and
- d) advise that if the violations have not been rectified, upon expiration of the time frames identified in clause (c), the Development Officer will revoke the Development Permit and make a recommendation to Municipal Council that a remedy be sought pursuant to Section 266 or Section 505, or both, of the Municipal Government Act.

**5. Follow-up Inspection**

Once the applicable time frame referenced in Section 4, clause (c) has expired, the Development Officer shall conduct an on-site inspection to determine if the violation has been rectified.

**6. Revocation of Development Permit and Report to Committee.**

If the violation has not been rectified, the Development Officer shall revoke the Development Permit and report the violation to the Municipality's Committee of the Whole recommending that Municipal Council seek remedies pursuant to Section 266 or Section 505, or both, of the Municipal Government Act.

**7. Remedies Sought by Council**

Upon receipt of the recommendation from the Development Officer, Council shall decide whether to:

- a) seek remedy pursuant to Section 266 or Section 505 of the Municipal Government Act,
- b) identify other remedies; or
- c) not seek remedies, at which time the file will be closed

**8. Delivery of Notices**

Any notice required to be delivered pursuant to this Policy shall be delivered personally or by registered mail. A notice is deemed to have been served on the third (3<sup>rd</sup>) business day after it was sent.

**Annotation for Policy Book**

**Date of Notice to Council Members of intent to consider: January 8, 2002**

**Date of Passage: February 12, 2002**

**I certify that this Policy was adopted by Council as indicated above.**

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**Douglas E Quinn**  
**Chief Administrative Officer**

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**Date**