

## PURPOSE

The purpose of the **Enforcement - Dangerous or Unightly Premises Policy** is to outline what is required to initiate an investigation of a property and steps that will be followed through an investigation, order, clean-up and demolition of a property.

Dangerous or unsightly premises and/or properties subject to this policy will be as defined in Section 3(r) of the Municipal Government Act of Nova Scotia, as amended from time to time.

## SCOPE

All properties of the Municipality fall within the scope of this policy and must adhere to the policy statements contained within this document.

## DEFINITIONS

Term	Definition
Administrator	The employee of a municipality designated by the chief administrative officer to be responsible for the provisions of the Municipal Government Act respecting dangerous or unsightly premises
Dangerous or Unightly	Means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing <ul style="list-style-type: none"> <li>(i) ashes, junk, cleaning of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,</li> <li>(ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,</li> <li>(iia) an accumulation or collection of materials or refuse that is stockpiled, hidden, or stored away and is dangerous, unsightly, unhealthy, or offensive to a person, or</li> <li>(iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person,</li> </ul> <p><b>and includes property, a building or structure</b></p> <ul style="list-style-type: none"> <li>(iv) that is in a ruinous or dilapidated condition,</li> <li>(v) the condition of which seriously depreciates the value of land or buildings in the vicinity,</li> <li>(vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,</li> <li>(vii) that is an allurements to children who may play there to their danger,</li> <li>(viii) constituting a hazard to the health or safety of the public,</li> <li>(ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure is not maintained, or</li> <li>(x) that is a fire hazard to itself or to surrounding lands or buildings;</li> <li>(xi) that has been excavated or had fill placed on it in a manner that results in a hazard;</li> </ul>

## **POLICY**

### **Policy Statement**

It is the policy of the Municipality of East Hants to ensure consistency in the approach taken in the investigation of dangerous or unsightly properties and steps that will be followed through an investigation, order, clean-up and demolition of a property.

### **Delegation**

The Council delegates its authority to act on dangerous or unsightly properties to the Administrator, except the authority to order demolition.

### **Report of Dangerous or Unsightly Property**

The Municipality shall only conduct an investigation of a dangerous or unsightly property once a complaint has been received. A complaint of a dangerous or unsightly property can be made by a resident or ratepayer of the Municipality or from a public sector agency engaged in public safety or enforcement (i.e., RCMP, Fire Department, SPCA and Province of NS) (the “complainant”). Complaints regarding unsightly properties will not be accepted from East Hants municipal councillors, however dangerous situations should be brought to the attention of the Administrator. The complaint shall be made by completing the Dangerous or Unsightly Complaint Form provided by the municipality and submitted in person, via the municipal website, by mail or email. Complaints shall be considered confidential but are subject to Part XX of the Municipal Government Act & Freedom of Information and Protection of Privacy Act.

Notwithstanding the above, the Administrator may act in the absence of a complaint where the Administrator is satisfied that a dangerous situation is present.

### **Investigation**

Within fourteen (14) days of receiving a complaint, an initial site inspection will be conducted by the municipality and a site inspection report prepared.

Once an initial site inspection is conducted, the Administrator will determine whether the property is dangerous or unsightly. The Administrator may take photographs and video recordings of the property as necessary to document its condition.

If the Administrator determines that the property is not dangerous or unsightly, no action will be taken and the complainant shall be advised accordingly.

If the Administrator determines that the property is unsafe to its inhabitants, the Administrator may make an order to have the property vacated.

If the Administrator determines that a dangerous or unsightly condition requires immediate action in order to protect public safety, the Administrator may take action to prevent damage or may remove the dangerous structure or condition.

If the Administrator determines that the property is dangerous or unsightly, and where immediate action is deemed unnecessary, the Administrator shall so advise the property owner by regular mail or personal service, of what is required to remedy the unsightly or dangerous condition within thirty (30) days, or other reasonable time frame dependent on the extent of work to be done, inclement weather or other restrictions.

### **Considerations - Dangerous Premises**

In determining whether enforcement action is warranted for a dangerous premises the municipality shall consider factors that include but are not limited to:

- Fire, particularly risk of fire spreading to other structures
- Possible collapse of a structure or debris pile
- Risk of debris falling or blowing off of a structure or debris pile
- Possibility of entrapment or entanglement
- Keeping materials that have caused or may reasonably be a risk for the proliferation of rodents

In considering these risk factors the municipality shall also consider the proximity to a street and occupied property and whether a risk acts as an allurements to children or other persons.

## Considerations - Unsightly Premises

In determining whether enforcement action is warranted for an unsightly premises the municipality shall consider factors that include but are not limited to:

- The current zoning and permitted uses on the premises
- The visibility of the unsightly condition from public places such as streets, parks or recreation facilities
- How the alleged unsightly property impacts the ability of the complainant and/or properties neighbouring the alleged unsightly property to enjoy their own properties.
- The local or community context of the unsightly condition

## Clean-Up Order

In the event that the dangerous or unsightly condition has not been remedied in accordance with a notice given through regular mail or personal service, the Administrator may order an owner to remedy the condition. The Order shall be posted on the property in a conspicuous place and a copy shall be sent to the owner by regular mail or personal service. The Order shall give the owner thirty (30) days to remedy the condition, or other reasonable time frame dependent on the extent of the work to be done, inclement weather or other restrictions. An Order made by the Administrator may be appealed to the Council in accordance with *Municipal Government Act*.

## Demolition Order

In the event that the Administrator determines that the property is dangerous or unsightly and is of the opinion that to remedy the condition demolition is necessary, a recommendation will be sent to Council for consideration. The owner shall be given notice of the Council session where the matter is to be discussed in accordance with the *Municipal Government Act*.

If Council considers demolition necessary to remedy the property, an Order will be issued to the owner of the property with directions to demolish. The Order shall be posted in a conspicuous place on the property and a copy shall be sent to the owner by regular mail or personal service. The Order shall give the owner thirty (30) days to remedy the condition, or other reasonable time frame dependent on the extent of the work to be done, inclement weather or other restrictions.

## Court Order

Notwithstanding any of the above, the Municipality may also apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order specifying the work required to be done to remedy the condition.

## Enforcement

Where an owner fails to comply with an Order made pursuant to this Policy herein within the time specified, the Administrator may enter upon the property without warrant or other legal process in order to carry out the work specified in the Order without further notice to the owner.

Where the Administrator intends to carry out the work specified in an Order, the Administrator shall obtain an estimate of cost involved and the Administrator shall obtain the approval of the CAO before carrying out the work.

## Charges

Where the owner fails to comply with an Order made herein within the specified time, the owner may be charged pursuant to the powers granted under the Municipal Government Act.

# ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Policy Owner	The policy owner (see Version Log) is responsible for reviewing the policy on a yearly basis for relevancy and potential updates.
Approver	The Approver will: <ul style="list-style-type: none"> <li>Review Policy recommendations for approval consideration (approve, reject or edit); and,</li> <li>Notify the Policy Editor, Policy Owner and Assistant Municipal Clerk of decision</li> </ul>
Assistant Municipal Clerk	The Assistant Municipal Clerk will: <ul style="list-style-type: none"> <li>Facilitate an annual Policy Review; and,</li> <li>Ensure final approved policies are maintained, stored and posted where appropriate</li> </ul>
Employees	Employees will support the content within this policy.



## RELATED DOCUMENTATION

Document Name	Document ID	Document Type
Part 15 Municipal Government Act	Ch 18 RSNS, 1998	Prov Law

## VERSION LOG

Version Number	Amendment Description	Amendment/Policy Editor	Amendment/Policy Owner	Approver	Approval Date
1.0	Approval of Policy	Manager of Development Services	Director of Planning & Development	Council	January 27, 2016
2.0	Amendments	Manager of Development Services	Director of Planning & Development	Council	March 27, 2019

## CERTIFICATION

I, Connie Nolan, Municipal Clerk for the Municipality of East Hants, hereby certify that this policy was duly approved.

Connie Nolan  
Municipal Clerk