



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Public Hearing
September 10, 2019
R-004 Second Amendment to the Repeal By-law

Present:	A. Zebian	Warden
	P. Morton	Deputy Warden
	R. Jannasch	Councillor District 1
	K. Monroe	Councillor District 2
	D. Keith	Councillor District 3
	T. Leopold	Councillor District 4
	D. Francis	Councillor District 5
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer
	C. Rochon	Director of Finance
	M. LeMay	Director of Planning and Development
	B. Carrigan	Director of Public Works
	S. Shah	Municipal Planner
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator

There were 8 members of the public in attendance.

Warden Zebian advised that the Public Hearing, required under the Municipal Government Act and hosted by Council, provides members of the public with an opportunity to bring forward concerns and ask staff questions regarding the proposed amendment. He went on to say that upon completion of the Public Hearing, the Council meeting will resume, and members of Council may then ask questions and make comments.

Warden Zebian called on Municipal Clerk, Rhonda Brown, to speak on the amendments. The Municipal Clerk reviewed the presentation (attached).

The Warden asked if there were any submissions on the amendments and called for members of the public to speak on the amendments.

Jane Davis addressed Council stating that she felt as though repealing the Hantsport Noise By-law did not make sense. She added that if the Municipality does not have the equipment to read the level of noise then that section of the By-law could be removed.

Ms. Davis went on to say that repealing the Noise By-law takes away the ability of residents in Hantsport to lodge a complaint, such as noise from a dog barking or businesses open beyond their stated hours, and have someone address the issue whether or not it is ever intended to go to court. She added that there have not been many noise complaints in the community as many times the issues can be resolved amongst those involved but there are some cases where individuals are not acting neighbourly and repealing the By-law takes away any means of recourse.

Ms. Davis stated that simply because a Noise By-law could not be applied to Falmouth and Three Mile Plains does not justify repealing the Noise By-law in Hantsport.

The Municipal Clerk stated that barking dogs is covered under the Dog By-law and residents would still have the ability to lodge a complaint. She went on to say that, currently, there are no Summary Offence Tickets associated with the Noise By-law which would require the Municipality to take the matters to court.

The Warden declared the Public Hearing adjourned at 8:39 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk



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Background

- ❖ By-laws and policies should be review periodically to determine if they are still relevant to the activities of the Municipality or if they should be amended or repealed.
- ❖ The process to repeal a by-law is the same as the process that created it.
- ❖ The By-laws are typically recommended for repeal if there are:
 - Provincial Acts or Regulations that already regulate the activity
 - Other Municipal By-laws or Policies cover the same activity
 - Changes in Municipal operations or common practice in the community so that regulation of the activity is no longer needed
 - The By-law is unenforceable under the legal system.



By-laws Recommended for Repeal

- ❖ The following by-laws are being recommended for repeal as the subject of the by-laws are now covered in Provincial Act, such as the Motor Vehicle Act and Municipal Government Act; or other Municipal By-laws and policies, such as Cemetery By-law, Building Code Act By-law and West Hants Regional Emergency Management By-law.
 - Peace and Good Order By-law
 - Development Officer By-law
 - Hantsport Moving Buildings on Streets By-law
 - Hantsport Streets By-law
 - Hantsport Peace, Health and Good Order By-law
 - Hantsport Minimum Standards By-law
 - Hantsport Building and Grounds Maintenance By-law
 - Hantsport Regional Emergency Management By-law



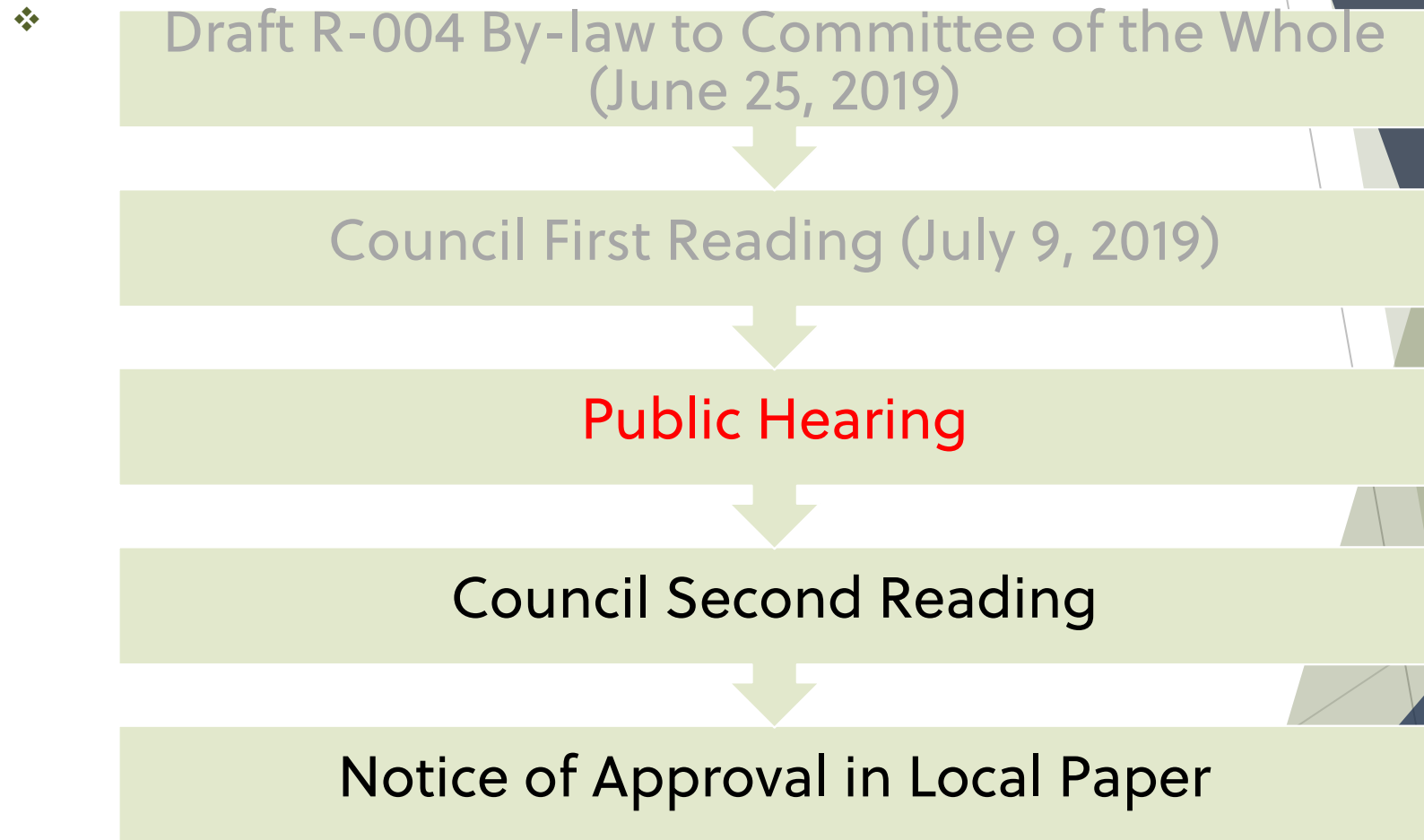
- ❖ The conduct of Municipal operations and responsibilities change over time as does what happens and is acceptable in our communities. In addition the legal system requirements for burden of proof which allows for the enforcement of a by-law change. The following by-laws are recommended for repeal due to the changes in common practice or requirements:
 - Municipal Property Trespass By-law
 - Hantsport Driving of Animals on Streets By-law
 - Hantsport Prevention of Excessive Noise By-law

Other Amendments to the Repeal By-law

- ❖ Wording has been added to Section 2.1 (t) of the Repeal By-law to ensure all previous Police Advisory Board By-laws of the former Town of Hantsport have been repealed.
- ❖ Sections 3.1 of the Repeal By-law has been replace with a up-to-date list of By-laws that apply solely to the former Town of Hantsport.
- ❖ Section 3.2 of the Repeal By-law has been replaced to state that all Municipality of West Hants By-laws apply to the former Town of Hantsport with the up-to-date exceptions.

Approval Procedure

- ❖ Notice of the Public Hearing were placed in the August 27, 2019 edition of the Valley Journal Advertiser and on the Municipal website and Facebook.





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Suggested Recommendation

...that Council approve Second Reading of the Second Amendment to the Repeal By-law, R-004, as presented at the Committee of the Whole on June 25, 2019.