

Municipality of the District of Lunenburg

By-law Details	
Name	Neighbourhood Nuisance By-law
Number	050
Legislative Authority	Section 172(1)(a) and (d) of the Municipal Government Act
Effective Date	May 21, 2025

Title

- 1 This By-Law is entitled the “Neighbourhood Nuisance By-Law”.

Preamble

- 2 Residents of the Municipality of the District of Lunenburg are encouraged to be good neighbours by exercising courtesy, consideration, and tolerance. Anyone that engages in behaviour that does not demonstrate common courtesy or consideration of others and causes frequent or persistent annoyance to the neighbourhood may be in contravention of this By-law.

Authority

- 3 (1) Section 172(1)(a) of the **Municipal Government Act** empowers Municipalities to make by-laws respecting “the health, well-being, safety and protection of persons.”

(2) Section 172(1)(d) of the **Municipal Government Act** empowers Municipalities to make by-laws respecting “nuisances, activities, and things that, in the opinion of Council, may be or may cause nuisances.”

Definitions

- 4 (1) In this By-law, the following means:
 - (a) **Agriculture Operation** has the same meaning as contained in the N.S. Farm Practices Act, 2000. C. 3;
 - (b) **Appropriate** means as being reasonable in the circumstances considering the intensity, frequency, duration, and timing of the activity;
 - (c) **Council** means the Council for the Municipality of the District of Lunenburg;
 - (d) **Forestry Operation** has the same meaning as contained in the N.S. Forests Act, 1989 R.S. c. 179;

- (e) **Municipality** means the Municipality of the District of Lunenburg;
- (f) **Neighborhood** means in the same area or nearby including but not limited to the area within sight and/or sound of the subject property and/or the activity;
- (g) **Normal Farm Practices** has the same meaning as contained in the N.S. Farm Practices Act, 2000. C. 3.
- (h) **Secondary Wood Processing Operations** means transforming primary wood products into semi-finished or finished products encompassing various techniques like sawing, planing, sanding, gluing, and surface finishing as well as assembly.

Prohibitions

- 5
- (1) No person will engage in activity that unreasonably disturbs the peace of the neighbourhood.
 - (2) Any person who engages in an activity that unreasonably disturbs the peace of the neighborhood is guilty of an offence.
 - (3) In a prosecution for a violation of the Bylaw, evidence that 2 or more residents occupying at least 2 different properties are disturbed by the activity is prima facie evidence that the activity has unreasonably disturbed the peace of the neighbourhood.

Exemptions

- 6
- (1) This By-Law does not apply to:
 - (a) Disturbances that may result from a response to an emergency, including the parking or standing of emergency vehicles by police, fire, or ambulance services while engaged in the discharge of their duties.
 - (b) Forestry operations.
 - (c) Secondary wood processing operations.
 - (d) Agricultural operations.
 - (e) Normal farm practices.
 - (f) Businesses operating lawfully and in a manner that is appropriate to the nature of the business enterprise.

- (g) Recreation activity carried out lawfully and in a manner that is appropriate to the nature of the activity.
- (h) Community events carried out lawfully and in a manner that is appropriate to the nature of the event.

Penalty

- 7 (1) Any person who violates any of the provisions of this By-law may be guilty of an offence and may, on summary conviction, be liable
- (a) for the first offence to a penalty of not less than \$300 and, in default of payment, to imprisonment for a period not exceeding 60 days;
 - (b) for the second offence to a penalty of \$700 and, in default of payment, to imprisonment for a period not exceeding 60 days;
 - (c) for the third offence or any subsequent offence to a penalty of \$1000 and, in default of payment, to imprisonment for a period not exceeding 60 days.

Summary Offence Ticket

- 8 Municipal Staff will apply to the Governor in Council under the **Summary Proceedings Act**, RSNS 1989, c. 450 as amended, to have the offences under this by-law designated by the Summary Offences Ticket Regulations to permit the use of summary offence tickets for prosecuting such offences in appropriate circumstances.

By-law Adoption	
Effective date of original by-law	May 21, 2025
Date of first reading	April 22, 2025
Date of advertisement of notice of intent to consider	April 22, 2025
Date of second reading	May 13, 2025
Date of advertisement of passage of by-law	May 21, 2025
Effective date of the by-law unless otherwise specified in the text of this by-law.	
Date of mailing a certified copy of by-law to Minister	June 12, 2025

I certify that this "Neighbourhood Nuisance By-law 050" was adopted by Municipal Council and published as indicated above.

Signature of Municipal Clerk 	Date June 12, 2025
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Version	Amendment Description	Effective Date
Original	Neighbourhood Nuisance By-law	May 21, 2025