

**TOWN OF LOCKEPORT
POLICY STATEMENT**

Policy #L-008

Dangerous or Unsightly Premises Policy

**Effective Date: July 11, 2016
Revision Date: February 22, 2024**

1.0 TITLE

1.1 Dangerous or Unsightly Premises Policy

2.0 PURPOSE:

2.1 Every property in the Town shall be maintained so that the property is not dangerous or unsightly. This policy defines the manner of action the Town will undertake where a property is alleged to be dangerous or unsightly.

2.2 Dangerous or unsightly is defined in section 3 (r) of the Municipal Government Act of Nova Scotia as follows:

(r) “dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing:

- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
- (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material, or
- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person and includes property, a building or structure.
- (iv) that is in a ruinous or dilapidated condition,
- (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,

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- (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
- (vii) that is an allurements to children who may play there to their danger,
- (viii) constituting a hazard to the health or safety of the public;
- (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
- (x) that is a fire hazard to itself or to surrounding lands or buildings, or
- (xi) that has been excavated or had fill placed on it in a manner that results in a hazard.

3.0 Delegation

- 3.1 The Council delegates its authority to act where property is dangerous or unsightly to the Administrator, except the authority to order demolition.

4.0 Report of Dangerous or Unsightly Property

- 4.1 A complaint of a dangerous or unsightly property can be made by a resident or rate payer of the Town or by the Administrator (the "complainant"). The complaint may be accompanied by the name of the complainant, or it can be noted as received anonymously. Each complaint will be recorded on a form for this purpose and, within fourteen (14) days, will be followed by a site inspection and an initial site inspection report, conducted and prepared by the Administrator.

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- 4.2 The Administrator will only disclose the name of a complainant in accordance with the Nova Scotia Freedom of Information and Protection of Privacy Act, S.N.S. 1993, c. 5.

5.0 Initial Site Inspection Report

- 5.1 In the preparation of the initial site inspection report, the Administrator will determine whether the property is dangerous or unsightly.
- 5.2 The Administrator may take photographs and video recordings of the property as necessary to document its condition.
- 5.3 If the Administrator determines that the property is not dangerous or unsightly, no action will be taken and the complainant shall be advised accordingly.
- 5.4 If the Administrator determines that the property is unsafe, the Administrator may make an order to vacate the property.
- 5.5 If the Administrator determines that a dangerous or unsightly condition requires immediate action in order to protect public safety, the Administrator may immediately take action to prevent damage or remove the dangerous structure or condition.
- 5.6 If the Administrator determines that the property is dangerous or unsightly but there is no need for immediate action, the Administrator shall so advise the property owner by registered mail or by personal service of what is required to remedy the dangerous or unsightly condition within thirty days of the date the letter was registered, or within such other reasonable time as determined by the Administrator.

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- 5.7 If the Administrator determines that the property is dangerous or unsightly, the complainant shall be advised of the action taken to remedy the condition.
- 5.8 A monthly summary of all reports made and actions taken by the Administrator with respect to dangerous or unsightly property will be submitted to the Council by the Administrator.
- 5.9 A repeat offender is the owner of a property for which the Town has received a valid second complaint within 365 days of the previous valid complaint.

6.0 Order

- 6.1 In the event that a dangerous or unsightly condition is not remedied in accordance with a notice given pursuant to section 5.6 herein, the Administrator may issue an Order requiring the owner to remedy the condition, or in the event of a repeat offender, the Administrator may order immediate remedy, except ordering demolition as a remedy. The Order shall be posted in a conspicuous place on the property and a copy shall be sent to the owner by Registered Mail. In the event that the owner does not receive the Registered Mail, the owner shall be personally served or served by substituted service.
- 6.2 An Order made by the Administrator may be appealed to the Council within seven days after the Order is made.

7.0 Demolition

- 7.1 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, the owner shall be given not less than seven days notice of the date, time and place of the Council meeting at which the making

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of such order will be considered. No further notice will be given to the owner.

- 7.2 If the Council considers demolition necessary to remedy the property they will issue an order to the owner of the property and a copy shall be sent to the owner by Registered Mail. In the event that the owner does not receive the Registered Mail, the owner shall be personally served with the order.

8.0 Court Order

- 8.1 Notwithstanding sections 5, 6 and 7 herein, the Town 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.

9.0 Enforcement

- 9.1 Where an owner fails to comply with an Order made pursuant to Section 6 or 7 herein within thirty days after being served, 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.
- 9.2 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 Council before carrying out the work.
- 9.3 All costs associated with carrying out the work under Section 9.1 shall form a lien against the subject property pursuant to Section 507 of the Municipal Government Act.

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10.0 Charges

- 10.1 Where the owner fails to comply with an Order made pursuant to Section 6 or 7 herein within the specified time, the owner may be charged pursuant to the powers granted under the Municipal Government Act.

Town Clerk/Treasurer's Annotation For Official Policy Book

Date of Notice to Council Members

Of Intent to Consider (7 days minimum): July 4, 2016

Date of Passage of Current Policy: July 11, 2016

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

Jane Harding

Town Clerk/Treasurer

Nov. 19/24

Date

February 22, 2024

Revision Date