

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, JUNE 18, 2019

6:00 P.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

Council Meeting

Tuesday, June 18, 2019

6:00 p.m.

AGENDA ITEMS

Roll Call

O'Canada

Moment of Silent Reflection

1. **APPROVAL OF MINUTES:** (Previously Distributed)
 - **Council – May 21, 2019**
2. **APPROVAL OF AGENDA:** (Motion Required)
3. **RESOLUTIONS:**
 - 3.1 **75th Anniversary of D-Day:**
Councillor Steve Gillespie (See page 8)
 - 3.2 **Naming Glace Bay Community Commons Playground:**
Councillor George MacDonald (See page 9)
 - 3.3 **Renaming Florence Public Library:**
Councillor Clarence Prince (See page 10)
4. **PUBLIC HEARING:**
 - a) **Request for Street Closure Carolyn Kerr and Joseph A. Peters Jr. Portion of 15706898 – 15 Foot Alleyway Rear Colby Street, Sydney:**

Public Hearing to consider the closure of a portion of the 15-foot alleyway identified as a portion of PID 15706898, Rear Colby Street, Sydney, with the intention to deem the property surplus for sale to Carolyn Kerr and Joseph Peters respectively, and that all related costs shall be the responsibility of Ms. Kerr and Mr. Peters. Sheila Kolanko, Senior Paralegal/Property Manager (See page 11)

Continued...

**Council Meeting Agenda
June 18, 2019 (Cont'd)**

5. PLANNING ISSUES:

5.1 FINAL APPROVAL – PUBLIC HEARINGS:

- a) **Amendment to the North End Sydney Heritage Conservation District Plan and Bylaw to include 92 Charlotte Street, Sydney (PID 15054174):**

Public Hearing to consider the amendment to the map in the North End Heritage Conservation District Plan and Bylaw to include the property at 92 Charlotte Street within the boundaries of the District. Karen Neville, Senior Planner (See page 15)

- b) **Zoning Amendment Application 1061 by Ken McPhee, Corner of Kimberly Drive and Harriet Street, Sydney River:**

Public Hearing to consider the Zone Amendment Application #1061 from Ken McPhee requesting the zoning on PID 15051733, corner of Kimberly Drive and Harriet Street, Sydney, be amended to allow for the proposed 60ft by 80ft expansion to Keltic Furniture World. Karen Neville, Senior Planner (See page 29)

5.2 APPROVAL TO ADVERTISE: N/A

6. BUSINESS ARISING:

6.1 General Committee – June 4, 2019:

- a) **Mobile Food Bus – Transfer of Surplus Handi-Trans Bus:**

Committee recommends approval of the sale of the surplus Handi-Trans unit for \$1 to the non-profit group and to authorize staff to execute any documents required to formalize the sale, as outlined in the staff Issue Paper dated May 2019. Kathy Donovan, Manager of Transit and Fleet (See page 34)

Continued...

**Council Meeting Agenda
June 18, 2019 (Cont'd)**

Business Arising (Cont'd)

General Committee – June 4, 2019 (Cont'd)

b) CBRM Temporary & Permanent Signage Strategy:

Committee recommends approval of the following:

- That CBRM proceed with enforcement measures for any unauthorized signage on utility poles on CBRM property within 30 days of a Council motion and upon receiving permission from the Utility companies, and these signs may be removed and disposed of by the respective utility pole owners, CBRM or any 3rd Party.
- To examine options for a new bylaw to regulate signage. Staff will initiate the Bylaw Development Process (outlined in *CBRM's Bylaw Development Policy*) as contained in the staff Issue Paper dated May 27, 2019.
Karen Neville, Senior Planner (See page 40)

c) Resolution for Pre-Approval of Debt Issuance:

Committee recommends pre-approval of the Debenture Issuance for the MFC Fall Debenture in the amount of \$10,250,000 for capital projects approved and completed in the fiscal year 2017-2018. Jennifer Campbell, Chief Financial Officer (See page 45)

d) Borrowing Resolution, Lease Facility:

Committee recommends approval of the renewal of a Lease Facility with a limit of \$2,000,000 with the Bank of Montreal for the 2019/2020 fiscal year to allow CBRM departments to opt to finance equipment purchases through a capital lease agreement. Jennifer Campbell, Chief Financial Officer (See page 48)

e) Borrowing Resolution, Operating:

Committee recommends approval of the renewal of the Borrowing Resolution for the Operating Line of Credit in the amount of \$44,000,000 with the Bank of Montreal for the 2019/2020 fiscal year to finance short term operations and bridge financing for capital projects. Jennifer Campbell, Chief Financial Officer (See page 50)

Continued...

**Council Meeting Agenda
June 18, 2019 (Cont'd)**

Business Arising (Cont'd)

General Committee – June 4, 2019 (Cont'd)

f) Fences Arbitration Committee:

Committee recommends appointing one Council member to the Fences Arbitration Committee for a term of not more than four years, and to appoint one alternate, and that Council take nominations from the floor rather than referring it to the Nominating Committee. Deborah Campbell Ryan, Municipal Clerk (See page 52)

6.2 Special General Committee – June 10, 2019:

- a) **CBRM Sydney Central Library:** John Phalen, Manager of Economic Development & Major Projects (See page 62)

7. BY-LAWS & MOTIONS:

7.1 By-laws:

a) **Second / Final Reading – Public Hearings:**

- i) **Amendments to Solid Waste Resource Management By-law:** Francis Campbell, Manager of Solid Waste (See page 72)

b) **First Reading:**

- i) **Vendors Bylaw Amendments:** Kristen Knudskov, Planner (See page 100)
- ii) **Public Property Bylaw Amendment:** Karen Neville, Senior Planner (See page 104)

7.2 Motions: N/A

Continued...

**Council Meeting Agenda
June 18, 2019 (Cont'd)**

8. PUBLIC SERVICES ISSUE:

8.1 Single Use Plastics: Francis Campbell, Manager Solid Waste (See page 112)

9. CORPORATE SERVICES ISSUE:

9.1 Development Officer Appointment: Karen Neville, Senior Planner
(See page 118)

10. FINANCIAL REPORT: Jennifer Campbell, Chief Financial Officer
For Information Only

10.1 Draft Unaudited CBRM Statements to March 31, 2019: (See page 119)

ADJOURNMENT

Resolution

75th Anniversary of D-Day

WHEREAS:

in the pre-dawn hours on June 6, 1944, 15 RCAF fighter and fighter-bomber squadrons along with 10,000 Royal Canadian Navy sailors and 110 ships – including the frigate HMCS Cape Breton - made their way from England to the coast of Normandy, France, where 4000 Canadians would disembark and storm the shoreline which was code named "Juno Beach" as part of Operation Overlord; and

WHEREAS:

many of the brave soldiers at Juno Beach had no combat experience but with the magnitude of the day and importance of the mission, combined with the adrenaline pumping in their veins and the training they had received, they were able to drive forward with their British and American Allies in the offensive to take back Europe from Nazi control; and

WHEREAS:

three hundred fifty nine Canadians were killed and more than one thousand injured on D-Day with an additional five thousand Canadian lives lost in the subsequent days and weeks, during the Battle of Normandy, including 25 year-old Pte. John (Jack) Metcalfe of Glace Bay who was killed by machine gun fire on June 7th; and

WHEREAS:

their ultimate sacrifice allowed young men like the now 98 year-old Joe Petrie of New Waterford to continue the pursuit of the enemy into the Netherlands, Belgium and Germany. On land, by sea and in the air, history was forever altered that 6th day of June 1944 and we can never forget.

**BE IT THEREFORE
RESOLVED:**

that Mayor Cecil P. Clarke and Council of the Cape Breton Regional Municipality will, along with the citizens of CBRM, remember with gratitude the gift of freedom for which was so hard fought on this the 75th anniversary of D-Day.

Councillor Steve Gillespie
June 18, 2019

Resolution
**Naming Glace Bay Community Commons
Playground**

WHEREAS:

The Glace Bay Community Commons Society would like to name the playground at the Glace Bay Community Commons on South Street the "Jaycee Tracey Memorial Park" in honour of the active 4 year-old girl who, on May 06, 2019, lost her life to meningococcal septicemia; and

WHEREAS:

Jaycee's family was an integral part of the fundraising for the park, as they put a lot of work into improving that outdoor space so that the entire community could enjoy and benefit from a clean, safe and beautiful park; and

WHEREAS:

members of the Society say they believe naming the play-area in tribute to the vibrant and artistic Jaycee would bring comfort to the family and be a place for them, as well as Jaycee's friends, to go to remember happy times and enjoy the space the little girl loved so much.

**BE IT THEREFORE
RESOLVED:**

that Mayor Cecil P. Clarke and Council of the Cape Breton Regional Municipality approve the naming of the playground of the Glace Bay Community Commons on South Street in Glace Bay to the "Jaycee Tracey Memorial Park".

Councillor George MacDonald
June 18, 2019

Resolution
Renaming Florence Public Library

WHEREAS:

Wesley Stubbert of Florence was a dedicated public servant and a man committed to his community having served as a municipal councillor, school board member, volunteer and champion, whose tenacity was well noted by his peers and the residents of his district; and

WHEREAS:

Wes was passionate about bettering his community and advocated to maintain, improve and add the infrastructure required to strengthen the Northside so that its people would have quality resources at hand to be safe, healthy and happy; and

WHEREAS:

the Florence Public Library is a part of the strength of that community, it has been suggested that the library be renamed the Wesley J. Stubbert Library as it would be a worthwhile tribute to a man who has given so much to his community in addition to it being nice for Wes and his family to know just how much he and his contributions are appreciated.

**BE IT THEREFORE
RESOLVED:**

that Mayor Cecil P. Clarke and Council of the Cape Breton Regional Municipality approve naming the Florence Public Library at 676 Bras d'Or Road, the "Wesley J. Stubbert Library".

Councillor Clarence Prince
June 18, 2019

Excerpt – DRAFT Council Minutes – May 21, 2019

Request for Street Closure - Carolyn Kerr and Joseph A. Peters Jr. – Portion of 15706898 – 15 Foot Alleyway Rear Colby Street, Sydney

Motion:

Moved by Councillor MacLeod, seconded by Councillor Coombes, that staff be directed to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for that portion of the 15-foot alleyway identified as a portion of PID 15706898, Rear Colby Street, Sydney, with the intention to deem the property **surplus** for sale to Carolyn Kerr and Joseph Peters respectively. All costs shall be the responsibility of Carolyn Kerr and Joseph Peters.

Discussion

During discussion, the Property Manager clarified the process for declaring CBRM property as surplus.

Motion Carried.



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Request for Street Closure
Carolyn Kerr and Joseph A. Peters Jr.
Portion of 15706898 – 15 foot alleyway
Rear Colby Street, Sydney

DATE: June 18th, 2019

As presented to Council on May 21st, 2019, CBRM received 2 requests for a formal street closing of portion of a 15 foot alleyway. The property subject to this issue paper is outlined in red for ease of reference. The subject property lies adjacent to the rear lots owned by Joseph Peters of 24-26 Colby Street Sydney (PID 15103039) and Carolyn Kerr of 22 Colby Street, Sydney (PID 15103021). Their properties are identified on the attached map.

At that time council passed a motion directing staff to begin the process required for the closure of a public street. We have been advised by Engineering and Public Works that the alleyway is no longer required for municipal services and therefore their department has no issue with supporting the applicant's request.

Pursuant to the Municipal Government Act a public hearing is required at which time Council will hear those in favour and those opposed to the closing of the said alleyway. Notice was advertised in the Cape Breton Post on June 15th, 2019. I confirm the legal department has not been contacted nor have we received any complaints or objections from the community.

RECOMMENDATION:

My recommendation to council is as follows:

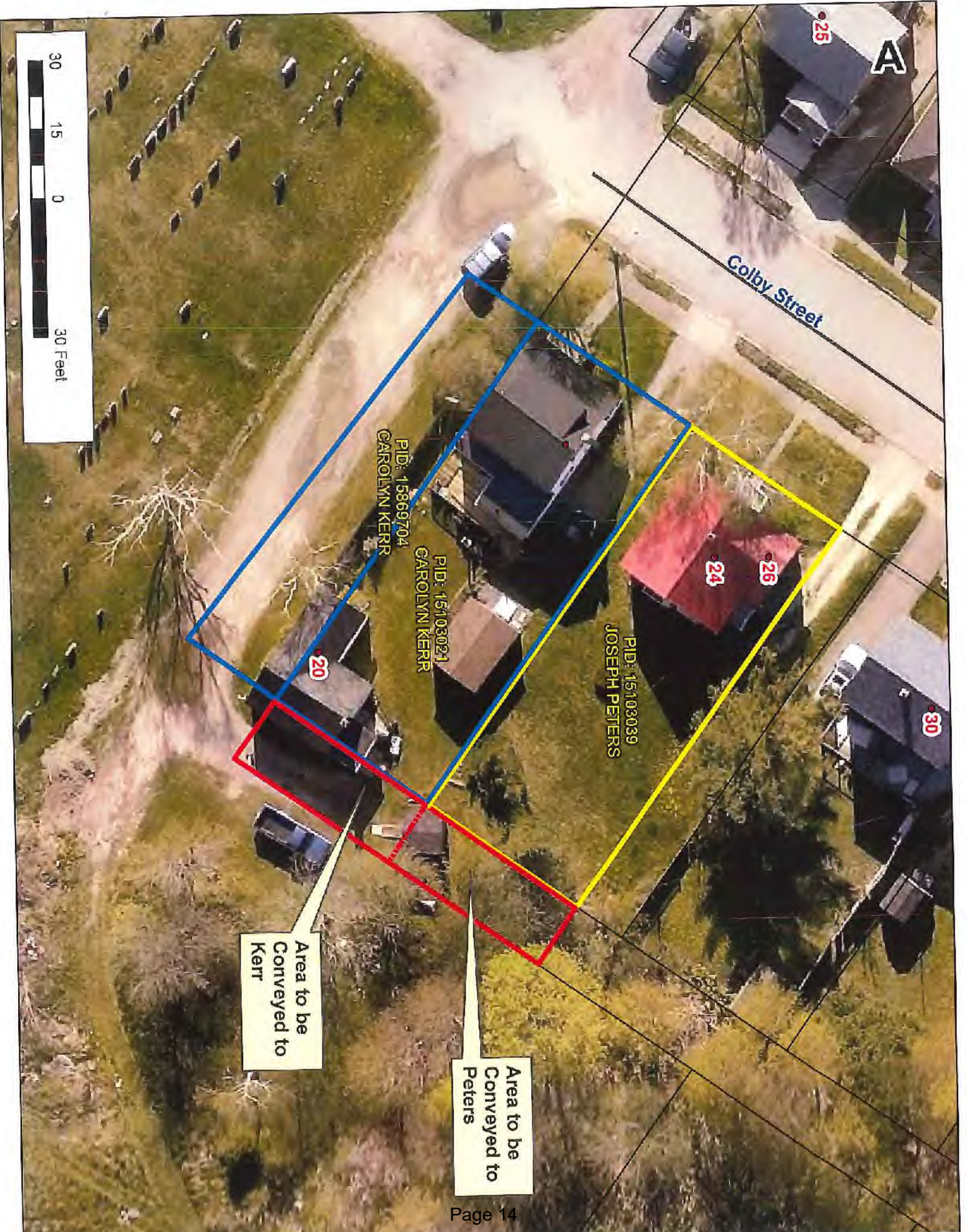
- To pass a motion to close that portion of the 15 foot alleyway subject to this issue paper (as outlined in red on the attached map);
- To deem the subject lands surplus to the needs of the Municipality; and
- To sell the subject lands to the adjacent property owners at market value.

Respectfully submitted,

Original Signed By

Sheila Kolanko
Property Manager

Attachment



A

Colby Street

25

30

24

26

20

PID: 153869704
CAROLYNN KERR

PID: 15103021
CAROLYNN KERR

PID: 15103039
JOSEPH PETERS

Area to be
Conveyed to
Kerr

Area to be
Conveyed to
Peters



Excerpt: Council Minutes – February 19, 2019

Proposed Amendments to the North End Sydney Heritage Conservation District Bylaw to include 92 Charlotte (PID 15054174) in the District – Results of Public Participation

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor MacLeod, approval to advertise notice of a Public Hearing to be held at a future meeting of Council to consider the amendment to the map in the North End Heritage Conservation District Plan and Bylaw to include the property at 92 Charlotte Street within the boundaries of the District.

Motion Carried.

CBRM Crest

**CBRM PUBLIC HEARING
Amendment to North End Sydney Heritage Conservation District Plan
92 Charlotte Street, Sydney**

The Council of the Cape Breton Regional Municipality has scheduled a Public Hearing to consider an amendment to the CBRM's North End Sydney Heritage Conservation District Plan to include 92 Charlotte Street.

The Public Hearing is scheduled for Tuesday, June 18th, 2019 at 6 p.m. in the Council Chambers, 2nd floor Civic Centre, 320 Esplanade, Sydney. Anyone wishing to comment on this proposed amendment is welcome to make a presentation at the Public Hearing. Written submissions will be received at the Planning and Development Department, Cape Breton Regional Municipality, Suite 200, 320 Esplanade, Sydney, N.S. at any time prior to the Public Hearing.

For more detailed information on this proposed amendment please call the Planning and Development Department at S63-S088 or e-mail kmneville@cbrm.ns.ca.

**TO: CBRM Council****FROM: Karen Neville****SUBJECT: Amendment to the North End Sydney
Heritage Conservation District Plan and
Bylaw to include 92 Charlotte Street
(PID 15054174)****DATE: June 6th, 2019**

Introduction

In 2008, Council adopted a Heritage Conservation District Plan and Bylaw for a portion of the North End of Sydney. Prior to adoption of the bylaw, several property owners objected to being included in the proposed District, including the owner of 92 Charlotte Street (PID 15054174). As a result, 92 Charlotte Street was not included within the boundaries of the District despite the fact that it is one of the oldest houses in the neighbourhood (Attachment A).

The ownership of 92 Charlotte Street has changed, and the new owner, Craig Skrumedi, has contacted CBRM requesting that the property be included in the District. In order to accommodate his request, the Heritage Conservation District Plan and Bylaw must be amended by Council.

The proposed amendment is a simple change to the two maps contained within the Plan and Bylaw, to put the affected property within the boundaries of the District.

Recommendation of Heritage Advisory Committee

The proposed amendment to include 92 Charlotte Street under the Heritage Conservation District Plan and By-law was presented to the Heritage Advisory Committee on December 5th, 2018. At this meeting the Heritage Advisory Committee passed a Motion recommending Council proceed with a Public Participation Program to consider the proposed amendments to the North End Sydney Heritage Conservation District Plan and Bylaw.

Public Participation Program

On December 11th, 2018, as required by provincial legislation, Council approved a resolution to conduct a public participation program (PPP) to gather public input into the proposed amendment. The PPP meeting was held on January 16th, 2019. Four members of the public attended, all of whom supported the proposed amendment.

Recommendation

I recommend that Council pass a Motion to amend the maps in the North End Heritage Conservation District Plan and Bylaw to include the property at 92 Charlotte Street (PID 15054174) within the boundaries of the Heritage Conservation District.

A copy of the draft Amending By-law to the North End Heritage Conservation District Plan can be found in Attachment B.

A copy of the draft Amending By-law to the North End Heritage Conservation District By-law can be found in Attachment C.

Submitted by:

Originally Signed by



**Karen Neville
Planning and Development Department**

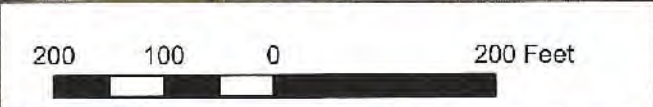
A



92 Charlotte Street
PID 15054174

Legend

-  HERITAGE CONSERVATION DISTRICT
-  92 Charlotte Street



By-law

of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Heritage Conservation District Plan North End Sydney**

Pursuant to Section 19A of the *Heritage Property Act* of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the map of the Cape Breton Regional Municipality's Heritage Conservation District Plan in the following manner:

THAT: Council amends the CBRM's Heritage Conservation District Plan Map One by adding PID 15054174 to the Heritage Conservation District.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Heritage Conservation District Plan.

Deborah Campbell Ryan, CLERK

By-law
of the Cape Breton Regional Municipality
amending the

**Cape Breton Regional Municipality's
Heritage Conservation District By-law North End Sydney**

Pursuant to Section 19A of the *Heritage Property Act* of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the map of the Cape Breton Regional Municipality's Heritage Conservation District By-law in the following manner:

THAT: Council amends the CBRM's Heritage Conservation District By-law SCHEDULE A: MAP OF NORTH END SYDNEY HERITAGE CONSERVATION DISTRICT by adding PID 15054174 to the North End of Sydney Heritage Conservation District By-law.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the CBRM's Heritage Conservation District By-law.

Deborah Campbell Ryan, CLERK

Rick McCreedy
Planning Department



February 7, 2019

MEMO TO: Mayor and Council

FROM: Rick McCreedy, Senior Planner/Heritage Officer

RE: Proposed amendments to the North End Sydney Heritage Conservation District Bylaw to include 92 Charlotte Street (PID 15054174) in the District- results of public participation program

Background

In 2008, Council adopted a Heritage Conservation District Plan and Bylaw for a portion of the North End of Sydney. Prior to adoption of the bylaw, several property owners objected to being included in the proposed District, including the owner of 92 Charlotte Street. As a result, 92 Charlotte was not included within the boundaries of the District despite the fact that it is one of the oldest houses in the neighbourhood.

The ownership of 92 Charlotte recently changed, and the new owner, Craig Skrumedi, has contacted CBRM requesting that the property be included in the District. In order to accommodate his request, the Heritage Conservation District Plan and Bylaw must be amended by Council.

The proposed amendment is a simple change to the two maps contained within the Plan and Bylaw, to put the affected property within the boundaries of the District. Copies of the two maps are attached.

On December 11th, 2018, as required by provincial legislation, Council approved a resolution to conduct a public participation program (PPP) to gather public input into the proposed amendment. The PPP meeting was held on January 16th, 2019. Four members of the public attended, all of whom supported the proposed amendment.

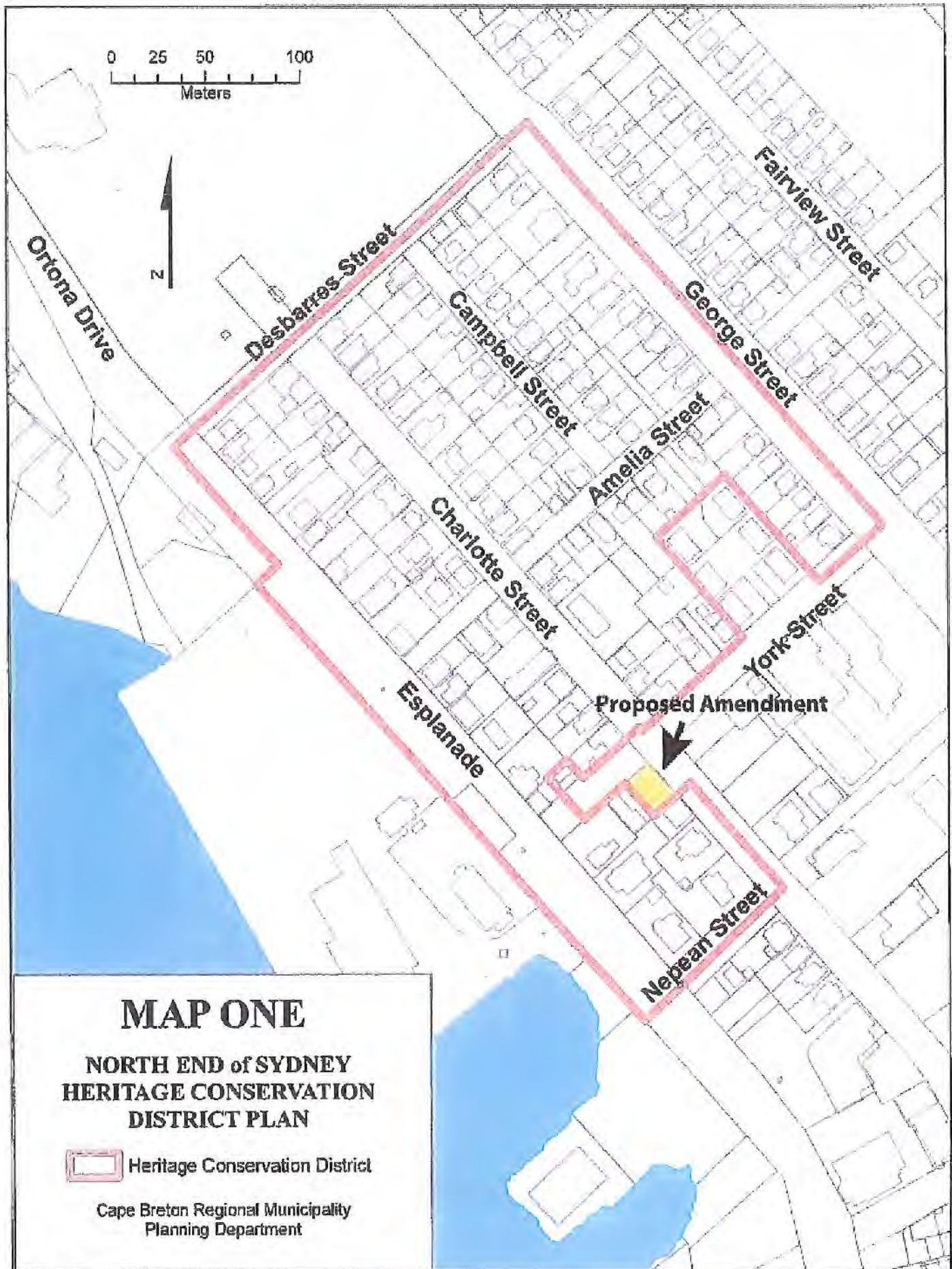
Recommendation

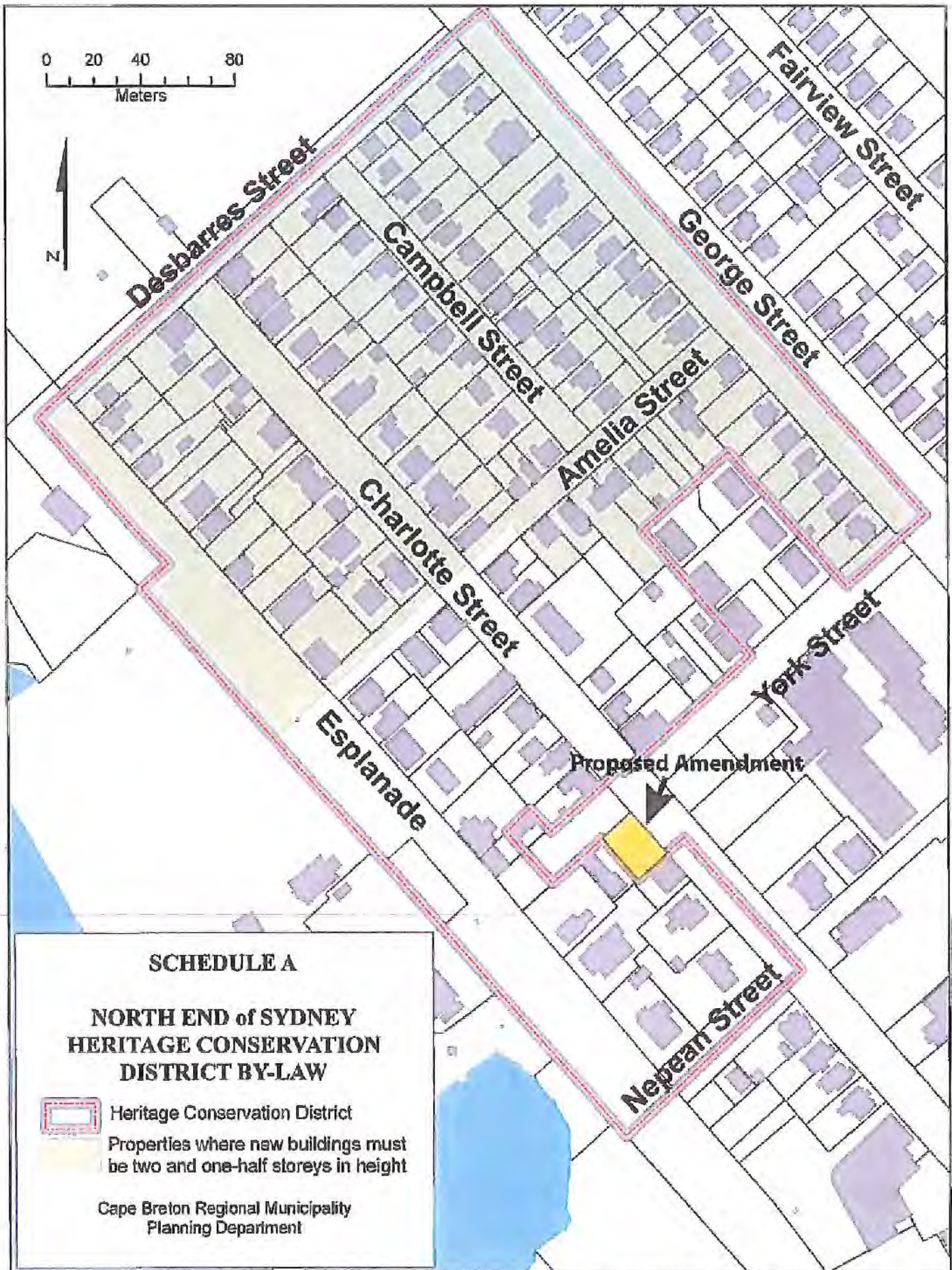
I would recommend that Council grant approval to advertise notice of a public hearing to be held at a future meeting of Council to consider the amendments to the maps in the North End Heritage Conservation District Plan and Bylaw to include the property at 92 Charlotte Street within the boundaries of the District

Yours very truly,

Original signed by:

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer





Rick McCready

From: Craig [REDACTED]
Sent: November-26-18 11:41 AM
To: Rick McCready
Subject: 92 Charlotte Street

Hi Rick,

As per our conversation this morning, I would like to include 92 Charlotte within the historical district of Sydney's north end.

It is my understanding that the property's antecedents begin around 1790 making it one of the oldest properties in the north end.

Can you please make this request part of the agenda this coming Wednesday's meeting?

Contact me if you require further information...

Please confirm receipt of this email.

Regards,
Craig

Sent from my iPhone





Zoning Amendment Application #1061 by Ken McPhee – Corner of Kimberly Drive and Harriet Street, Sydney River, for a proposed expansion to Keltic Furniture World

Motion:

Moved by Councillor Gillespie, seconded by Deputy Mayor Doncaster, approval to advertise notice of a Public Hearing to be held during the June meeting of Council to consider the Zone Amendment Application #1061 from Ken McPhee requesting the zoning on PID 15051733, corner of Kimberly Drive and Harriet Street, Sydney, be amended to allow for the proposed 60ft by 80ft expansion to Keltic Furniture World.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1061
Ken McPhee
Corner of Kimberly Drive and Harriet Street,
Sydney River**

DATE: June 10th, 2019

Introduction

The Planning and Development Department has received a zone amendment application from Ken McPhee requesting the zoning on PID 15051733 (Corner of Kimberly Drive and Harriet Street, Sydney River) be amended (Attachment A). The applicant has an agreement of purchase with the current property owner and is proposing a 60ft by 80ft expansion to Keltic Furniture World. This addition will be located to the west of the existing furniture store and will be used a retail space (Attachment B).

Why a zoning amendment is necessary for this development?

The site of Keltic Furniture World (PID 15869936) is zoned Arterial Business Corridor (ABC), but the area of the proposed expansion is zoned Residential Urban C (RUC) [Attachment A]. While the ABC zone does permit furniture sales, the RUC zone does not. Part 10, Policy 17, of the Municipal Planning Strategy Policy (MPS) indicates Council may consider a zone amendment to a zone immediately adjacent without having to amend the MPS, provided the intent of all other policies of the MPS are satisfied. In this case, the proposed amendment is in keeping with the intent Part 10, Policy 17.

Part 10, Policy 17

Areas immediately adjacent to a given land use designation on the Municipal Planning Strategy Map may be considered for rezoning to a use permitted in the given designations without requiring an amendment to this Strategy, provided that the intent of all other policies of the Strategy are satisfied.

Evaluation

The area surrounding the property in question consists of a mix of residential and non-residential land uses. While Kings Road, which is the main access point for the existing furniture sales, is the main commercial corridors in Sydney River, Harriet Street is solely low density residential. It should be noted that, if Council approves the proposed zone amendment request, any development on the property would need to comply with the provisions of the ABC zone as well as all other applicable provisions of the CBRM

Land Use By-law. The ABC zone has provisions related to screening of adjacent Residential Zones for new and expanding business development and accessory parking area. The Land Use By-law defines screen as:

a continuous opaque visual barrier formed by evergreen shrubs, trees, fences, masonry walls or any combination of these or like materials which effectively conceals the property which it encloses or the building, structure, or land use specified in a provision that references this definition.

The applicant has indicated screening measures will be installed running parallel along Harriet Street. This screening will be a combination of a privacy fence along with a row of evergreen shrubs. Compliance with the screening provisions will be evaluated when an application for a Building Development Permit is received.

Despite the fact Harriet Street is an unlisted road, it does receive maintenance from Public Works Central. As a result, Engineering and Public Works Central has been forwarded this application for their consideration and comments. Engineering and Public Works have indicated they have no issues with the proposed development. The proposed addition could result in a new commercial access off Kimberly Drive. Notice of this application has been sent to the Department of Transportation and Infrastructure Renewal for comments because Kimberly Drive is a Provincial street. At the time this issue paper was prepared, no comments were received from Department of Transportation and Infrastructure Renewal.

Given the large percentage of business development in the area, the fact that this is an expansion of an existing business, the screening provisions of the ABC zone, and the content of Policy 17, Part 10 of the MPS it is reasonable for Council to at least consider this zone amendment request.

Notice of the Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the June 3rd and June 10th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the properties in question. At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

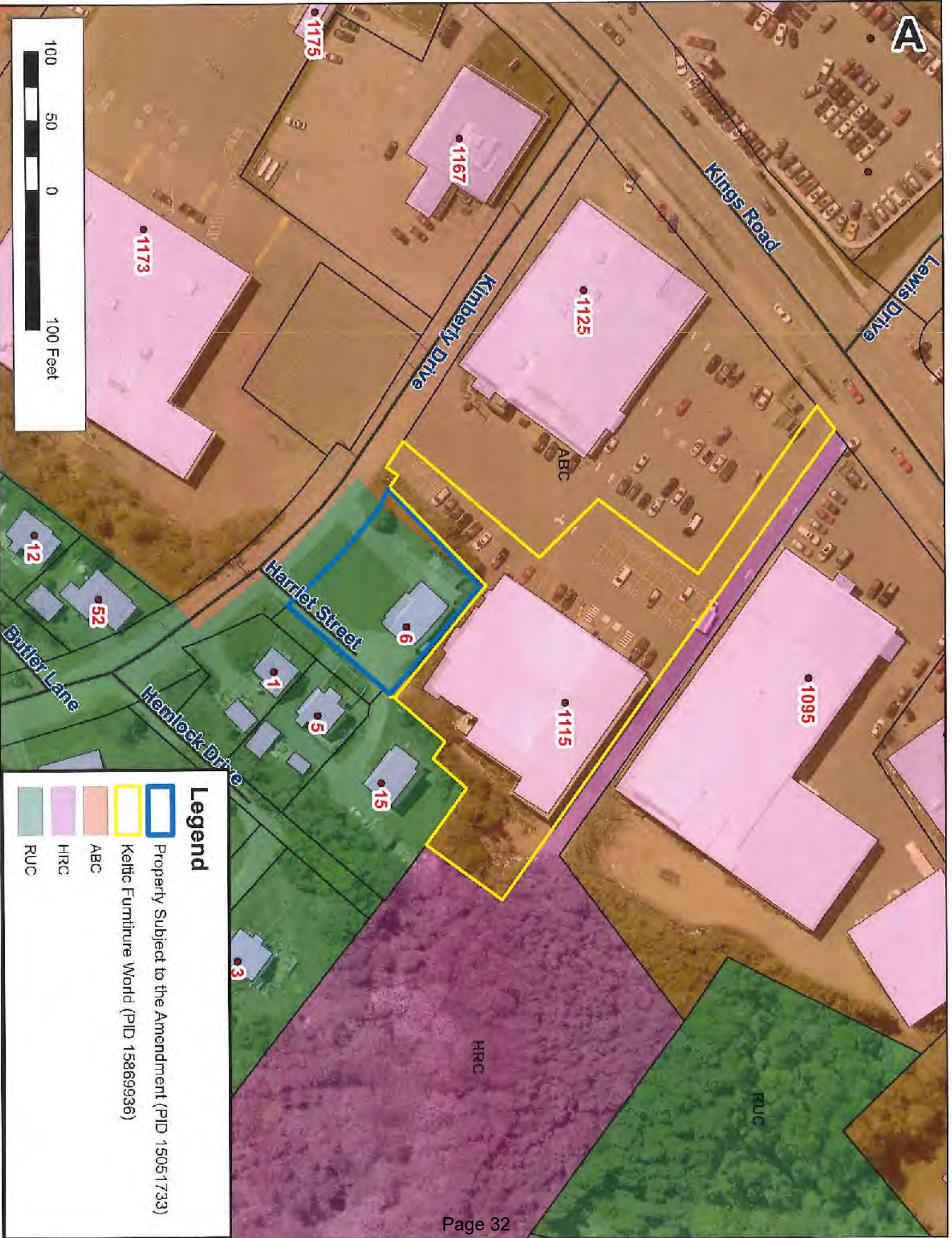
Based on Part 10, Policy 17, of the Municipal Planning Strategy Policy, I recommend that Council approve amending the zoning for PID 15051733 from Residential Urban C (RUC) Zone to Arterial Business Corridor (ABC) Zone.

Submitted by:

Originally signed by

**Karen Neville
Planning and Development Department**

A



Legend

- Property Subject to the Amendment (PID 15051733)
- Keltic Furniture World (PID 15869336)
- ABC
- HRC
- RUC

Mobile Food Bus – Transfer of Surplus Handi-Trans Bus

Motion:

Moved by Councillor Gillespie, seconded by Councillor Coombes, that a recommendation be made to Council to approve the sale of the surplus Handi-Trans unit for \$1 to the non-profit group and to authorize staff to execute any documents required to formalize the sale, as outlined in the staff Issue Paper dated May 2019.

Motion Carried.



A Community of Communities

Issue Paper

TO: CBRM Council

May 2019

RE: Mobile Food Bus – Transfer of Surplus Handi Trans Bus

Introduction

As presented at the May 21st Council Meeting, a request was made by representatives from the “Cape Breton Good Food Bus” project team for an in-kind contribution of a Handi-Trans bus that has been decommissioned.

Background

A non-profit partnership between United Way, New Dawn Enterprises and Ecology Action are piloting a project which will provide fresh produce to communities in the Cape Breton Regional Municipality. The goal of the mobile food bus is to provide residents of CBRM with access to fresh produce that they may otherwise not have access to.

What does CBRM Policy Say?

Section 10.3 of CBRM’s Procurement Policy authorizes the CAO to award the disposal of surplus material without competition to any non-profit corporation for market or appraised value.

What does the Municipal Government Act Say?

Section 51 of the MGA allows a municipality to sell property at less than market value to a nonprofit organization that is considered to be carrying on an activity that is beneficial to the municipality. The resolution to sell the property must

be passed by at least a two thirds majority vote. Furthermore, if the property is valued at more than ten thousand dollars, the council shall first hold a public hearing respecting the sale.

Upon receiving this request, Transit Cape Breton has identified a decommissioned unit, surplus to the needs of the Municipality but which can meet the needs of the Non-profit group. Staff have estimated the value of the surplus vehicle at \$3,000.

Recommendation

Due to the time-sensitive nature of this request, staff recommends that council pass a motion to approve the sale of the surplus unit for \$1 to the non-profit group and to authorize staff to execute any documents required to formalize the said sale.

Respectfully submitted,

Original Signed by

Kathy Donovan

Manager CBRM Transit and Fleet Maintenance

Cape Breton Good Food Bus

Healthy food market on wheels

Food Access

- Access to affordable, healthy food is a barrier for many Cape Bretoners. Factors include:
 - Income
 - Transportation
 - Mobility issues
- There are many innovative, community-based models for improving food access, such as:
 - Cost-share Food Box Program
 - Meals on Wheels
 - Market Food Bucks Program (at Wolfville Farmer's Market)



Why a Mobile Food Market?

- Utilizes our existing infrastructure - physical and social
- Collaborative process connects CBRM to community organizations, building relationships for future initiatives
- Instills pride and builds capacity in communities served by market
- Addresses transportation and food insecurity issues
- Fun model! It is so much more than a market
- The Cape Breton MFM pilot is based on the successful Mobile Food Market in HRM



Cape Breton Project Team

Collaborative, highly motivated project team shares ownership of this initiative.

Partners include:

- CBRM Council (Eldon MacDonald)
- CBRM Transit (Kathy Donovan)
- CBRM Recreation (Kirk Durning)
- Ecology Action Centre (Jody Nelson)
- New Dawn (Eric Leviten-Reid, Claire Turpin, Kathleen Whelan and Erika Shea)
- NS Health Authority (Beth Gillis)
- United Way of Cape Breton (Lynne McCarron and Jill Gardiner)
- Island Food Network (Jody, Eric and Claire)



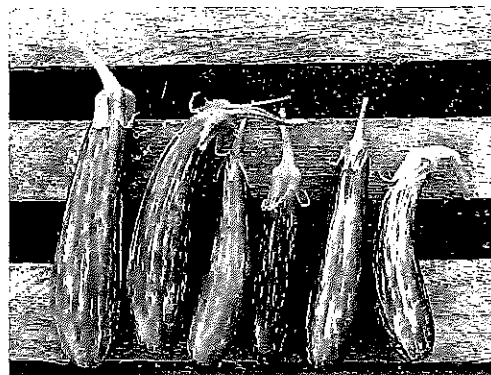
Good Food Bus Pilot

- 16 weeks: August-November
- Retrofitted Handi-Bus
- Bi-weekly service in 3 communities
- Pop-up markets on alternate weeks in other communities
- Community selection:
 - Community organizations will host market sites
 - Community health data used to determine communities with the greatest need
 - Public information session to inform and invite participation: Wednesday, June 5th, 6-8pm (where? details?)



What We Need

- In-kind contribution of Handi-trans bus that has been decommissioned (coming out of service)
- Continued collaboration with Transit and Recreation departments
- Attendance at upcoming Information Session: June 5th, 6-8pm, YMCA



CBRM Temporary & Permanent Signage Strategy

Motion:

Moved by Councillor MacLeod, seconded by Councillor Gillespie, that a recommendation be made to Council for the following:

1. CBRM proceed with enforcement measures for any unauthorized signage on utility poles on CBRM property within 30 days of a Council motion and upon receiving permission from the Utility companies. These signs may be removed and disposed of by the respective utility pole owners, CBRM or any 3rd Party.
2. CBRM proceed with enforcement of our Streets Bylaw to remove any portable signs from all other CBRM property within 30 days of a Council motion and notification to all the Sign companies.
3. Examine options for a new bylaw to regulate signage. Staff will initiate the Bylaw Development Process (outlined in *CBRM's Bylaw Development Policy*). This includes:
 1. Identify and consult with internal/external stakeholder groups;
 2. Review the Municipal Planning Strategy for required changes;
 3. Draft preliminary strategy for review with internal & external clients;
 4. Establish applicable licenses, permits, and fees;
 5. Identify associated internal costs for the strategy; and
 6. Administration and Council review final strategy.

Discussion:

During the discussion, some of the issues raised included:

- Signage on Municipal property
- Signage for small businesses
- Election signs
- Business owners involved in creating bylaw
- Regulating the bylaw

Motion to Amend:

Moved by Councillor MacMullin, seconded by Councillor Coombes, that the motion be amended by removing recommendation number 2 noted above.

Discussion on the Amendment:

During the discussion, some of the issues raised included:

- Regulation vs. banning signs
- Work with the Sign Companies
- Recommendation #3 must be completed before considering recommendation #2.

Motion to Amend Carried.

Discussion on Main Motion as Amended:

- Create bylaw in a timely manner
- Consider providing advertisement space on CBRM website for non-profit organizations
- Free advertising is available for non-profits on all radio stations, newspapers, and television
- Include a time limit in sign permit

Main Motion as Amended Carried.



ISSUE PAPER

TO: General Committee

DATE: May 27, 2019

FROM: Director, Planning and Development

RE: CBRM TEMPORARY & PERMANENT SIGNAGE STRATEGY

BACKGROUND

Council's General Committee passed a Motion directing staff to prepare an issue paper to evaluate scenarios to regulate the use and placement of signage within CBRM. Members of Council and their constituents identified on-going problems with visual clutter and potential safety hazards as a result of a lack of restrictions on signage in CBRM.

The *Municipal Government Act* (MGA) authorizes Council to adopt bylaws for the purpose of regulating or prohibiting any development, activity, industry, or business. It also restricts any person from placing any structure upon a public street.

Under the CBRM Streets Bylaw:

1. No person shall erect or place any sign or other structure, whether movable or not, within the limits of street right-of-way in the Regional Municipality.
2. Subsection (1) does not apply to a sign or awning that projects over a sidewalk or other part of the street allowance, excepting the travelled way, at a minimum height of not less than seven feet.
3. Subsection (1) does not apply to movable sign situate on the sidewalk in front of a place of business, that relates to the business carried on within, and that does not impede the movement of pedestrians.

CBRM does not have any jurisdiction on Federal or Provincial Land.

DISCUSSION

Regulation of Signage on Private Property

Residential Property

Currently, signage is regulated through CBRM's Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) which places restrictions within specific zone districts (residential). We do not currently have a by-law that requires permits or that regulates the placement of commercial signage on residential property.

Commercial Property

Regulating signs on Commercial property would require a change to the MPS. An option to address signage on private property would be to regulate and restrict the use of signage within CBRM private property by means of permitting or licensing.

Regulation of Signage on CBRM Owned Property

There is no allowance for the placement of commercial signs on any CBRM properties or infrastructure. However, if placed illegally, there has been no on-going, active enforcement of this unless it becomes a traffic issue in which case we remove the sign.

There are two options:

1. Ban of all Temporary/Permanent Signage on CBRM Property – Examine options for enforcement of existing illegal signage within public property.
2. Regulate and Restrict Signage on CBRM Property – Examine options for the regulation and limit of signage on public property by means of permitting or licensing.

Financial Implications

Strategies to regulate signage will require dedicated licensing and/or enforcement resources from CBRM staff. These activities will likely require additional resources which could be partially offset from licensing and enforcement fees. The costs for implementation of any strategy would be identified and estimated as part of the By-Law Development Process.

Enforcement & Administration

Options to regulate signage within CBRM may include:

- Permits/licenses for new signs;
- Inspections of new signs; and
- Enforcement and education.

Recommendation:

That the following recommendation be made to Council:

1. CBRM proceed with enforcement measures for any unauthorized signage on utility poles on CBRM property within 30 days of a Council Motion and upon receiving permission from the Utility companies. These signs may be removed and disposed of by the respective utility pole owners, CBRM or any 3rd Party.
2. CBRM proceed with enforcement of our Streets Bylaw to remove any portable signs from all other CBRM property within 30 days of a Council Motion and notification to all the Sign companies.
3. Examine options for a new bylaw to regulate signage. Staff will initiate the By-Law Development Process (outlined in CBRM's By-Law Development Policy). This includes:
 1. Identify and consult with internal/external stakeholder groups;
 2. Review the Municipal Planning Strategy for required changes;
 3. Draft preliminary strategy for review with internal & external clients;
 4. Establish applicable licenses, permits, and fees;
 5. Identify associated internal costs for the strategy; and
 6. Administration and Council review final strategy.

Respectfully submitted by:

ORIGINAL SIGNED BY

Michael Ruus
Director, Planning and Development



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Council Agenda Request Form

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting) | <input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting) | <input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion |
|---|---|---|

Date of Council Meeting:

Subject:

Motion for Council to Consider: this will serve notice that I will present a motion to Council At the next General Committee meeting May 7/2019, a request for an issue paper pertaining to signage posted of local business opportunities on utility poles, advertising their products, this in the opinion of many is littering, motorist have enough to consider without further distractions there are other means of advertising, if the utility who owns the poles permit this type of action then there should be a tax applied to the owners of the poles who should be responsible for removal of the signage if its not permitted. It's not very difficult to know who is the owners of the signs are their phone number and address are attached.

Mobile signs are popping up like dandelions', these signs are for the most part on Municipal Property 5x7 ft., I will supply photos as evidence in the very near future, mobile signs are not suppose to be a permanent structure, there should be rules and regulations that should apply

Reason: over the past while I have been receiving several phone stopped in local stores and business, and calls asking if CBRM has a policy or bylaw governing the same, my answer there was prior to amalgamation in 1995, residents see no need for unnecessary signage attached to poles or a mobile sign that don't move, my son has a mobile sign business in Grimsby ONT. called Be Seen, I know the challenges and permits that he has to purchase from the different municipality to erect his mobile signs, and time frame for removal, I want to know one way or the other just what the policy's are so I have answers to the questions being asked I do realize that Malcolm will be retiring in May, but I also know that there CBRM will be hiring a replacement

Councillor Jim MacLeod
 District 12, CBRM

Outcome Sought:

| | |
|-------------------|---|
| <i>Councillor</i> | <i>District</i> |
| <i>Date:</i> | <i>Received by Clerk's Department (date):</i> |

Resolution for Pre-Approval of Debt Issuance

Motion:

Moved by Councillor George MacDonald, seconded by Councillor MacLeod, that a recommendation be made to Council for pre-approval of the Debenture Issuance for the MFC Fall Debenture in the amount of \$10,250,000 for capital projects approved and completed in the fiscal year 2017-2018.

Discussion:

In response to a question, the CFO advised that if an approved capital project does not commence in any given fiscal year, CBRM does not proceed with the associated borrowing.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

MEMO

Date: June 4, 2019
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Resolution for Pre-Approval of Debt Issuance

CBRM requires a pre-approval for Debenture Issuance for the MFC Fall Debenture. The amount of borrowing required is \$10,250,000. This borrowing is for capital projects approved and completed in the fiscal year 2017-2018.

Due to the fact that longer than 12 months have elapsed since the original approval, a current resolution must be passed. The original motion of Council from the February 16, 2017 Special Council meeting is attached for reference.

Sincerely,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA Chief Financial Officer

Capital Budget 2017 - 2018

Motion:

Moved by Councillor MacLeod, seconded by Councillor George MacDonald, approval of the 2017-2018 Capital Budget as recommended by staff, including:

- 2017-18 Capital Budget totaling \$31,343,000;
- Associated required Borrowing Resolutions for \$13,659,145;
- \$842,189 withdrawal from Capital Reserve.

Motion to Amend:

Moved by Councillor Coombes, seconded by Councillor Paruch, to remove the \$625,000 allotted for the Police Building (East Division) Phase 1 of 2 from the Capital Budget and to vote on this item separately.

Motion to Amend Defeated.

**it was noted that Councillor Marshall and Councillor Doncaster meant to vote against this motion.*

Main Motion Carried.

** It was noted that Councillor Coombes intended to vote against the main motion.*

Borrowing Resolution, Lease Facility

Motion:

Moved by Councillor Coombes, seconded by Councillor MacMullin, that a recommendation be made to Council to approve the renewal of a Lease Facility with a limit of \$2,000,000 with the Bank of Montreal for the 2019/2020 fiscal year to allow CBRM departments to opt to finance equipment purchases through a capital lease agreement.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

MEMO

Date: June 4, 2019
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Borrowing Resolution, Lease Facility

CBRM has in place a lease facility that carries a limit of \$2,000,000. Our financial institution, the Bank of Montreal, requires CBRM to renew this lease facility annually. CBRM will from time to time, opt to finance equipment purchases through a capital lease agreement that carries a shorter term than borrowing through the traditional debenture process. Lease payments are included in the respective departments' operating budgets and does not affect borrowing capacity.

The Bank of Montreal requires a motion from Council to renew this lease facility for the 2019/2020 fiscal year.

Sincerely,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA Chief Financial Officer

Borrowing Resolution, Operating

Motion:

Moved by Councillor George MacDonald, seconded by Councillor MacLeod, that a recommendation be made to Council to approve the renewal of the Borrowing Resolution for the Operating Line of Credit in the amount of \$44,000,000 with the Bank of Montreal (BMO) for the 2019/2020 fiscal year to finance short term operations and bridge financing for capital projects.

Discussion:

In response to a question, the CFO advised that this is a bank overdraft for all accounts of CBRM and there is an arrangement with BMO regarding interest on the overdraft, and CBRM Council has a policy regarding interest charged on overdue accounts.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

MEMO

Date: June 4, 2019
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Borrowing Resolution, Operating

CBRM has in place a borrowing resolution for a \$44,000,000 line of credit. Our financial institution, the Bank of Montreal, requires CBRM to renew this operating line of credit annually. This represents the overdraft that is used to finance short term operations and bridge financing for capital projects.

The Bank of Montreal requires a motion from Council to renew this borrowing resolution for the 2019/2020 fiscal year.

Sincerely,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA Chief Financial Officer

Fences Arbitration Committee

Motion:

Moved by Councillor McDougall, seconded by Councillor Coombes, that a recommendation be made to Council to appoint one Council member to the Fences Arbitration Committee for a term of not more than four years, and to appoint one alternate, and that Council take nominations from the floor rather than referring it to the Nominating Committee.

Discussion:

With respect to the staff recommendation to impose a \$25 application fee, the Committee did not agree that a fee should be charged to file a complaint with the Municipality. However it was noted that the Fences Arbitration Committee, during its deliberations, may want to consider whether or not an application fee is necessary.

Motion Carried.



M·E·M·O

To: Mayor Cecil P. Clarke and Council
From: Deborah Campbell Ryan, Municipal Clerk
Date: June 11, 2019
Subject: Fences Arbitration Committee – Updated Report

I am providing an update to my Memo presented to the General Committee on June 4, 2019.

As noted, the Manager of Building, Planning & Licensing Laws has referred a complaint from a resident to the Clerk's Department regarding livestock (i.e. cattle) roaming at large on Spruce Meadow Drive, off Point Aconi Road, due to an inadequate fence. It has been determined by the CBRM Police that this type of livestock does not fall under the new CBRM Responsible Animal Husbandry By-Law. In discussions with the Department of Agriculture officials, I have been advised that CBRM is required to establish a Fences Arbitration Committee pursuant to the *Fences and Detention of Stray Livestock Act* to deal with such complaints (copy of the Act attached).

In 2011, a similar issue had arisen where a resident requested that the CBRM take action pursuant to the *Fences and Detention of Stray Livestock Act* to assist with a neighbour whose livestock was roaming onto neighbouring properties because of an inadequate fence.

Although I indicated in my earlier Memo that I could not locate any record that the CBRM Fences Arbitration Committee held a meeting, a subsequent search did locate one set of draft minutes from a meeting held on October 18, 2011, however they were never approved.

After that meeting, a report from the Legal Department was presented to the Committee of the Whole on December 6, 2011, which stated that although the former Municipality of the County of Cape Breton was a registered municipality under that Act, it was the Legal Department's opinion that due to amalgamation, the Municipality was no longer a registered municipality under the Act. In order for CBRM to become a designated municipality, it would have to submit a request to the Province. It was agreed by the Committee of the Whole that CBRM not pursue the designation under the Act as property owners can avail themselves of various civil remedies.

Continued...

Prior to receiving the legal opinion in 2011, the CBRM Nominating Committee/Council did appoint one Councillor to the Fences Arbitration Committee each year.

We have now learned that the legislation was amended in 2016 to state that a “municipality” means a municipality as defined in the *Municipal Government Act* [Section 2(d)], which includes CBRM. In accordance with Section 4 of the *Fences and Detention of Stray Livestock Act*, a fences arbitration committee shall be established for each municipality, consisting of one member from the municipality appointed by the Nova Scotia Federation of Agriculture, and one member appointed by the council of the municipality.

The council appointment may be an employee of the municipality and shall be the chair of the committee. The members hold office for a term of not more than four years. An alternate member may also be appointed.

The duties and responsibilities of the Fences Arbitration Committee are outlined in the attached Act, which include ordering a property owner to repair a fence. If the owner does not comply with the order, the Committee can have the work done to repair the fence and charge the cost to the tax account of the owner.

Further, during the discussion at the June 4th General Committee meeting, I did note that the Municipality is permitted to charge an application fee to accompany the written complaint to the Clerk. Also I noted that the Act states that members of the Committee may be paid remuneration and reasonable expenses by the municipality.

I did contact a number of Municipalities across Nova Scotia regarding the application fee and stipend for the Fences Arbitration Committee. Most do not charge an application fee, but they do pay a stipend to non-council members in addition to travel expenses. CBRM’s policy does not allow for a stipend to be paid to citizen appointments; however they may be reimbursed for reasonable travel expenses.

The Chief Financial Officer and I agree that an application fee in the amount of \$25 could be considered by CBRM which would help offset the incremental costs of operating this committee and help deter complaints without merit. However the members of the General Committee did not agree that a fee should be charged to file a complaint with the Municipality, but it was noted that the Fences Arbitration Committee, during its deliberations, may want to consider whether or not an application fee is necessary.

Continued...

RECOMMENDATION:

It is recommended that:

- Council appoint one Council member to the Fences Arbitration Committee for a term of not more than four years, and to appoint one alternate.
- Council take nominations from the floor rather than referring it to the Nominating Committee.

Yours truly,

Original signed by:

**Deborah Campbell Ryan,
Municipal Clerk**

Attachment

CHAPTER 166 OF THE REVISED STATUTES, 1989
 amended 2002, c. 1, ss. 9-18; 2016, c. 20, ss. 1-5

**An Act to Provide for Fences and
 Detention of Stray Livestock**

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(The table of contents is not part of the statute)

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Short title
1 This Act may be cited as the *Fences and Detention of Stray Livestock*
Act. R.S., c. 166, s. 1.

Interpretation
2 In this Act,
 (a) “committee” means a fences arbitration committee;
 (b) “livestock” means cattle, sheep, swine, goats, horses, ponies,
 mules, ratites, farmed deer and game farm animals and any other livestock
 designated by the Minister;
 (c) “livestock farm” means that portion of land used for livestock,
 including land used for grazing purposes;
 (ca) “Minister” means the Minister of Agriculture;

NOVEMBER 10, 2016

(d) “municipality” means a municipality as defined in the *Municipal Government Act*;

(e) “non-livestock farm” means land upon which no livestock is maintained;

(f) “owner” includes

(i) with respect to livestock, any person who has lawful custody of the livestock,

(ii) with respect to a farm, the person occupying or operating a farm. R.S., c. 166, s. 2; 2002, c. 1, s. 9; 2016, c. 20, s. 1.

3 *repealed 2016, c. 20, s. 2.*

Fences arbitration committee

4 (1) There shall be established for each municipality a committee to be known as the fences arbitration committee consisting of one member from the municipality appointed by the Nova Scotia Federation of Agriculture and one member appointed by the council of the municipality.

(2) The member appointed by the council of a municipality pursuant to subsection (1) may be an employee of the municipality and shall be the chair of the committee.

(3) The Nova Scotia Federation of Agriculture and the council of the municipality shall each appoint an alternate member to serve on the committee when requested to do so by the member appointed by the council of the municipality or the Nova Scotia Federation of Agriculture, as the case may be.

(4) Two members of the committee constitute a quorum.

(5) The members of a committee hold office for a term of not more than four years.

(6) The members of a committee and the alternate members of the committee appointed pursuant to this Section may be paid remuneration, including reasonable expenses, by the municipality at such rates as the municipality may determine.

(7) Members of the committee and alternate members of the committee appointed pursuant to this Section shall be residents of the municipality for which the committee is established. 2002, c. 1, s. 11; 2016, c. 20, s. 3.

Fences

5 (1) The owner of a livestock farm shall build and maintain fences adequate to prevent his livestock from escaping from his farm.

(2) The owner of a non-livestock farm adjoining a livestock farm shall not plant or cultivate any crop other than hay or pasture that would constitute an enticement to livestock closer than eight feet to a fence built or maintained pursuant to subsection (1).

(3) When a livestock farm adjoins another livestock farm, the owners of those farms shall share in the costs of building and maintaining common fences in such proportions as may be agreed upon between them and, failing such agreement, in such proportions as the committee for the municipality in which the lands are situated shall determine pursuant to this Act.

(4) Subsection (3) shall not apply when one of the farms has been operated continuously as a non-livestock farm for a period of one year. R.S., c. 166, s. 5.

Disputes referred to committee

6 (1) A person who believes that an owner of a livestock farm has not complied with or is not complying with subsection 5(1), and where the person has complied with subsection 5(2), where applicable, or any owner of a livestock farm who is unable to reach an agreement with an owner of an adjoining livestock farm pursuant to subsection 5(3) may notify, in writing, the clerk of the municipality in which the land is located and the notification shall be accompanied by the fee determined by the municipality.

(2) When a clerk of a municipality receives a notification in writing pursuant to subsection (1), the clerk shall immediately refer the matter to the chair of the committee for that municipality who shall, within seven days, convene the committee and provide an opportunity for any of the parties to make representations to the committee, unless, before the expiry of seven days, the chair is satisfied that in respect of the matter referred to the committee this Act has been or is being complied with or an agreement has been reached between the parties.

(3) With respect to a matter referred to a committee under this Section, the committee may, by order,

- (a) determine the location, height and materials of construction of any fence;
- (b) determine the manner of maintenance of a fence;
- (c) direct the owner of a farm to construct or maintain any fence in accordance with this Act;
- (d) determine the proportion of costs of building and maintaining any fences and common boundaries to be borne by each of the adjoining livestock farm owners pursuant to this Act;
- (e) take any immediate action necessary including, but not limited to, the removal and boarding of livestock if it is determined there is a risk to the public, the livestock or property.

(4) Livestock removed pursuant to clause (3)(e) shall be returned only after the proper fences are constructed or maintained to the standard determined by the committee.

(5) Where any person fails to construct or maintain a fence or contribute to the costs of a fence after having been directed to do so by an order of the committee pursuant to this Section, the committee may cause the work so ordered to be done and, for that purpose, its agents and workers may enter upon any land and the costs shall be paid by the municipality in which the lands in respect of which the order was made are located and, where the person is the person assessed for the property on which the work is done, the costs paid by the municipality are a first lien on the property and may be collected in the same manner as municipal taxes.

(6) The costs incurred by a municipality with respect to any action taken pursuant to clause (3)(e) or subsections (4) or (5), including, but not limited to, the costs of constructing or maintaining fences performed by the municipality or its agents, the removal, boarding, sale of or returning of any livestock, may be recovered from the owner of the livestock by action initiated by the municipality in a court of law. 2002, c. 1, s. 12.

Title not affected

7 Subject to the lien referred to in subsection 6(5), nothing in this Act shall be construed to affect the title to the lands on which fences are erected. R.S., c. 166, s. 7; 2002, c. 1, s. 13.

Appeal from committee

8 Every person aggrieved by a decision of the committee made pursuant to subsections 6(3), (4) or (5) or any order or direction made by the committee may appeal to the Supreme Court of Nova Scotia and the decision of the court is final. 2002, c. 1, s. 14.

STRAY LIVESTOCK

Detention and sale of stray livestock

9 (1) Whenever any livestock strays onto the lands of a person and the ownership of the livestock is unknown, such person may detain the livestock.

(2) If not claimed by the owner within forty-eight hours, a person detaining stray livestock shall forthwith transmit to the municipal clerk an adequate description of the livestock that will enable the owner to recognize it together with an indication of the time and place of finding and the place where the livestock is detained.

(3) A municipal clerk who receives the information referred to in subsection (2) shall file a notice with a description of the livestock and post a copy thereof in his office and shall place the notice and description in two advertisements

at least seven days apart from each other in a newspaper of general circulation in the municipality in which the livestock is detained.

(4) The last advertisement referred to in subsection (3) shall state that unless the livestock is previously claimed it shall be sold at a sale to be held after the expiration of a further seven days at the time and place indicated in the advertisement. R.S., c. 166, s. 9.

Claim, sale or disposal of stray livestock

10 (1) If the owner claims the livestock before the sale, he shall

(a) notify the clerk of the municipality and pay to him the cost of advertising; and

(b) pay to the person detaining the livestock reasonable expenses for keeping the livestock.

(2) The provisions of subsections (2), (3) and (4) of Section 9 having been complied with, the committee, by written order, shall direct a sale or other disposition of the stray livestock at the time and place stated under the provisions of subsection (4) of Section 9.

(3) If no offers are made at the sale, or if the amount offered is not reasonable in the view of the committee, the committee shall dispose of the stray livestock in such manner as it deems fit.

(4) The proceeds of the sale or disposal of the stray livestock shall be distributed by the committee having regard to the reasonable expenses incurred by the person detaining the livestock and the cost of advertising and the balance, if any, shall be retained by the municipality unless claimed by the owner of the livestock within twelve months of the date of sale or other disposition, in which case it shall be paid to the owner.

(4A) Where livestock is sold or otherwise disposed of pursuant to this Act, the person to whom the livestock is sold or disposed of owns the livestock free of any encumbrances.

(5) If any question arises between the owner of the livestock, the person detaining it or the municipality respecting ownership or expenses of keeping the livestock, any of the parties may apply to the committee who shall determine the matter.

(6) Every person, who has detained stray livestock and who does not, within a reasonable time, transmit the information required under subsection (2) of Section 9 to the clerk of the municipality, is guilty of an offence and is liable on summary conviction to a penalty of not more than one hundred dollars for the stray livestock. R.S., c. 166, s. 10; 2002, c. 1, s. 15; 2016, c. 20, s. 4.

DAMAGES

Compensation for damage

11 If any damage is done by livestock breaking into and destroying the product of any enclosure the same being enclosed at the time by a sufficient fence in the judgement of the committee, the owner of the livestock trespassing shall pay to the person injured compensation for such damage. R.S., c. 166, s. 11.

Payment by owner

12 In any municipality or portion of any municipality in which, by any by-law, order or regulation of such municipality, livestock are not allowed to run at large on any public street, square or common, or other public ground in such municipality or portion thereof compensation for any damage caused or done by any livestock straying from any such public street, square, common or other public ground, while running at large, into any field or on any other improved land, being private property, whether the same is enclosed by a fence or not, shall be paid by the owner of such livestock so trespassing to the person injured. R.S., c. 166, s. 12.

Appraisal of damage

13 The amount of the damage to be paid under Sections 11 and 12 shall be appraised by the committee. R.S., c. 166, s. 13.

Action for damage

14 If the owner refuses to pay the amount appraised upon notice thereof, the person injured may maintain an action therefor as for a private debt. R.S., c. 166, s. 14.

Common law preserved

15 Nothing in this Act shall be construed to impair the right of action under the common law for damages occasioned by livestock breaking into lands. R.S., c. 166, s. 15.

16 to 18 *repealed 2002, c. 1, s. 16.*

~~GOVERNOR IN COUNCIL~~

19 and 20 *repealed 2016, c. 20, s. 5.*



"A Community of Communities"

**Administration
Economic Development**

4th Floor – City Hall
Phone: 902-563-5594

MEMO

To: Clerk's Office
From: John Phalen
Date: June 12, 2019
Subject: Council Motion – Container Port Update

Clerk's Office,

For consideration to adding to the agenda for the June 18th Council meeting.

Further to the Special Council meeting on June 10th concerning the library the following are the list of items to be included in the discussion:

1. Hours of operation, including Sundays
2. Actual costs of McConnell Library site
3. Climate Change Considerations for Waterfront Development
4. Update from Harbour Royale Development Ltd. Development Plan
5. Dept. of Community, Culture and Heritage – consultation
6. Clarification of First Nation capital contribution
7. Separate operating and capital costs
8. Clarity on parking (stand-alone building?)
9. Land eligibility for other projects
10. Request for copies of Councillor Amanda McDougall's emails with Dept. of Municipal Affairs
11. Affordability Model (current building)

12. Tax Revenue Impact of Harbour Royale Development Ltd. Project(s)
13. Community, Culture & Heritage Update on Library Operation Funding Formula
14. MLA Tammy Martin suggested an all-party non-partisan meeting of MLAs for the CBRM with Minister of CCH, Leo Glavine, in Halifax
15. MLA Keith Bain offered to facilitate a joint meeting of Victoria County and CBRM Councils
16. Possible meeting with Eastern Counties Regional Library?

Any further questions please contact.

John Phalen, P.Eng.
Manager
Economic Development and Major Projects

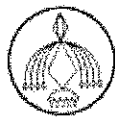
From: Jennifer Deleskie
Date: June 11, 2019 at 8:39:40 AM ADT
To: Cecil Clarke
Subject: Library

Hi Cecil,

I just wanted to follow up since our meeting that took place on the Library with Chief Paul, Marie Walsh, John Phalen and yourself during the one Cape Breton Summit in Membertou. As discussed any funding that would be eligible would be related to complimentary/programming funding not capital. I hope that clarifies things for budgeting purposes.

Any questions please let me know
Jen

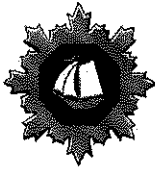
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CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council
FROM: John Phalen - Manager of Economic Development
SUBJECT: CBRM Sydney Central Library
DATE: June 10, 2019

Council,

There has been much work by staff and outside entities on the proposal of new or retrofitted regional library for Sydney.

In November of 2011 a Facility Planning report was produced by dmA Planning and Management Services Inc. of Wolfville in association with Trifos Design Consultants. A copy is in your agenda package.

The Planning Context Report establishes the context for the study and the subsequent phases of the work program. Statistics Canada Census data from 2001 and 2006, reports and statistical information available from Sydney's website, and data from Sydney's Planning Department are used to develop a socio-demographic profile of the service area. Relevant library trends and best practices are included as a basis for discussion. An overview of the current state of James McConnell Memorial Library services is presented, based primarily on statistical information provided by library staff and site visits by the consultant. Relevant library planning guidelines and standards are reviewed, existing services are compared to these guidelines, and a preliminary projection of future space needs is estimated based on population projections and customary planning guidelines.

In January of 2012 an architectural and facility planning report was done by Trifos Design Consultants.

The study outlined the future needs and challenges of the McConnell Library. The probable repair costs were estimated at 8.4 million and a new build at 11.2 million. (2012 dollars)

A copy of the report is in your agenda package.

In February of 2016, Trifos Design Consultants, along with dmA and Breton Chartered accountants did a feasibility study into The Central Library.

The objective of the study was *“to determine the future requirements for a library facility in downtown Sydney”*.

Facility Requirement

A Library of 28,000 gross square feet (GSF)) is required to serve Sydney’s projected 2031 catchment area population of 40,000. The requirement is based on a recommended level of provision of 0.7GSF/capita, which represents a significant increase over the current level of provision of 0.34GSF/capita.

An additional 8,580GSF are required for the Cape Breton Regional Library’s (CBRL) headquarters, resulting in a proposed development of 36,580GSF. By comparison, the existing James McConnell Memorial Library and regional headquarters is about 22,000GSF.

The recommended facility does not include space required by partners who may choose to join the CBRL in this development.

At roughly 37,000GSF, the recommended facility will correct many of the deficiencies associated with the current library and headquarters. A larger library is required to reflect the changing roles of public libraries. Contemporary libraries play a different role in the community and, consequently, have different requirements for space. Contemporary libraries are buildings where information literacy is taught, music and video is created, residents come together to discuss and debate important issues, and where community is created and fostered. To be this type of library, physical space not traditionally associated with public libraries is required, including computer and multi-media labs, extensive display space, areas for the community to informally assemble and interact, presentation space, etc. Research clearly demonstrates that this is the library of the future; and input from residents of the CBRM indicates strong support for a contemporary library of this type.

Benefits

Experience in other communities demonstrates that new libraries can be a catalyst for downtown revitalization and economic development. They attract residents and visitors to create vibrant retail and commercial districts, which, in turn, invites new investment. Libraries contribute to the municipality’s image and identity as cornerstones of creative cities, and ventures for arts, cultural and heritage events. When part of larger schemes for downtown urban renewal, they become place-makers and public places, contributing to broader urban design and development objectives in progressive communities.

The proposed development will not only correct the limitations of current library services, it will support the future economic, social and cultural objectives of the CBRM and other community organization.

Partnerships

Investigating potential partnership, with implications for the size and design of the proposed library, was not a part of this study. However, the CBRL should actively pursue potential partners, and confirm their willingness to be a part of this project. Community stakeholders expressed interest in and support for expanded partnerships. Furthermore, these are particularly important in the CBRM because the population only supports a small central library where program areas are smaller than desired, and some specialized spaces cannot be included. These are the spaces that partners could support (e.g. larger, multipurpose program areas; training facilities; technology labs; performance and assembly space; spaces designed for the arts, culture, and music, etc.). If partners are prepared to share space and contribute to capital and operating costs, as well as additional programs, programs and activity areas that would otherwise not be available to residents could be provided at the new Sydney library. This important issue should be investigated further, before proceeding with the project.

Design Considerations and Capital Costs

A new, stand-alone, contemporary, 40,000 square foot library will cost between \$26 million and \$28 million, depending on the site selection. A retrofitted edifice of 40,000 square feet will cost approximately \$18 million.

Business Model

The financial analysis carried out as a part of this study has concluded that variances between public and public-private partnerships are significant, primarily because the discount rate used on the cost of government funds is 4%, versus the cost of private funds at 8%. In both cases, the full construction costs of the facility would be recovered over the 25-year period.

The costs under the retrofit option are slightly lower. Retrofitting indicates lower initial capital costs, and higher annual operating costs.

In the public-build scenario of a new build, the CBRM would have possession of the Library Facility after the 25-year period. Under the public-private building scenario of a new build or retrofit, the CBRM would have paid 100% of the construction costs of the facility, and would not have possession. CBRM would have to pay an amount to the developer to purchase the property or extend the lease. This amount could be fair-market value at that time, or a lesser amount, if it were negotiated up front.

A copy of this report is included in your agenda package.

Subsequently, CBRM put a call out for Expressions of Interest for redevelopment of approximately 4 acres of vacant lands strategically located on the waterfront in Sydney. The area is located between the current Holiday Inn and the Joan Harris Cruise Pavilion.

CBRM's vision for this site was described in the report the Sydney Harbourfront Conceptual Vision and Design which was prepared by Ekistics in March of 2014, and the proposed development was to address the design principals and the overall vision for the area as articulated in the report.

The submissions were to include a concept plan and a written description of the project, a phased plan approach and background information on the proponent and partners and coordination with development of the privately owned parcels adjacent to the municipally owned sites.

The proponent whose proposal was deemed to most fully address the vision and generate the greatest economic benefits was to be requested to prepare a more detailed proposal for development of the site, including full costs, and possible funding mechanisms.

The process closed in mid-November and CBRM had received one proposal.

The proposal was submitted by Harbour Royal Development and its Partners and was reviewed by CBRM staff.

In our opinion it met the criteria of the EOI. The proponent and team have extensive experience in projects of this nature and a proven track record on developments in the CBRM, and the proposal met the criteria of the Ekistics vision.

A motion of Council was approved to have Harbour Royal proceed.

HRDL provided CBRM with their proposal which included provision for a new Regional Library on the Sydney waterfront.

A copy of the proposal is included in your agenda package.

HRDL wished to enter into an agreement with CBRM to proceed to next steps to bring a proposal to Council.

Harbour Royale wanted CBRM to dedicate the waterfront parcels to the exclusive benefit of the development while the proposal is developed, costing and funding was to be attained, and design and pre-engineering work was performed.

The agreement allowed Harbour Royale **three** years to apply for development permits and a further **two** years to do detailed engineering and tender to begin first phase of the works.

The agreement protects CBRM should HRDL ceases its active pursuit of the project.

It was the opinion of staff that the agreement allows HRDL adequate time to secure the project and gives them the security they require to proceed with project development work.

There was no financial contribution by the CBRM other than in kind staff time and associated expenses to advance the project.

Council accepted the pre-development agreement by motion on June 5, 2018 so that Harbour Royale Development Limited could proceed with the project development works and bring a full proposal to Council for approval.

At this point, HRDL needed some commitment from CBRL as what its contribution would be.

A key element expected in the Harbour Royale Development plan for Sydney Harbour is the inclusion of a Public Regional Library.

To facilitate the proponent's discussions with provincial and federal funding, the CBRM was asked by HRDL to define its potential contribution.

CBRM looked at a contribution of land and capital. Land could possibly be as much as an estimated three million and three million was possibly earmarked for CBRM Capital funding pending budget discussion and Council approval, and secured funding from the other levels of government. This would make possible a potential six million contribution for CBRM. The value of three million from land was determined from the assessed value of the land as available on property data with the province and the Property Valuation Services Corp. (PVSC)

A market analysis would be required to verify the land value for the project.

Council by motion on August 7 had staff to proceed with the project planning for this component based on this possible funding envelope.

Discussions with the other levels of government were ongoing at the political level.

In their discussions it can be foreseen that Council would approve a request of land at a possible value of 3 million and a capital contribution of 4 million bringing the municipal part to 7 million dollars. With this support, CBRM could leverage up to a possible 21 million dollars of possible funding.

In addition, possible funding could be forthcoming from First Nations for inclusion in the project which would be over and above the current scope.

Motion of Council was passed on November 20 to bring to the budget process a contribution in land and capital to be leveraged by the other levels of government for the new library project. Contribution would be dependent on approved operating costs by Council in the budget process.

Ongoing political discussion on the library project facilitated CBRM as the owner to start the application process.

The motion of Council was for staff to start the application process for a contribution in land and capital to be leveraged by the other levels of government for the new library project. Contribution would be brought forward to Council during the budget process and be dependent on approval of anticipated operating costs.

At this point staff had no indication of what the funding stream would be but a 1/3, 1/3, 1/3 funding formula was envisioned. There was no indication as to what departments, or infrastructure fund or any other provincial/federal program or was identified.

Staff readied an application in December and awaited direction on where to file it. Often times applications, such as the second cruise berth, move from department to department with resubmissions etc. before they find a home.

Direction was given by Member of Parliament Mark Eyking's office to submit the application to Municipal Affairs with the funding formula at 40% Federal, 33% Provincial and 27% Municipal on a 31 million dollar bid. A value attained from the current Harbour Royale estimate. Included in the application was a proposed community contribution by fund raising. The application is available to council by request.

Without any plan as to the fund stream of availability, or even an application form, the application was done on an ACOA application form and sent to Municipal Affairs on December 18th.

I received acknowledgement of the receipt on December 20th indicating that applications were not yet being received but it was to be kept on file.

Copies of these emails are available to Council by request.

Since that day, nobody from CBRM staff was ever contacted officially or otherwise on the library project.

Discussions with our staff and officials from Municipal affairs and Transportation and Infrastructure Renewal never considered the library.

Running in parallel to the main capital application was a small proposed study for services, programs and operational review for the new library. The study is of the assumption of a new build similar to the waterfront proposal. The scope of work for this project is included with the agenda package.

Discussions in the spring and summer were had with ACOA and Nova Scotia Department of Communities, Culture and Heritage. Both were very supportive of the \$ 75,000 study on a 1/3, 1/3, 1/3 formula. ACOA felt that if the Province was on board, funding would be easier attained.

With a commitment from the Province on December 17th of 2018, an application was sent the Sydney ACOA office on December 19th.

Since then, after numerous requests CBRM has finally received approval from ACOA on June 6.

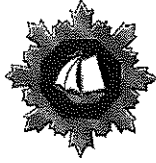
Following the direction of Council, The Director of Parks, Grounds, buildings and Facilities has done an in-house review to investigate airflow at the current McConnell library. The report is attached in your agenda package. This work will be completed to enhance the airflow at the facility.

As we move forward, staff requires direction from Council on the following:

- 1) How to proceed with the new library on the waterfront.
- 2) How to proceed with the current library operation.
- 3) Without the waterfront build, do we proceed with other options?
- 4) How do we proceed with the operational study if funding is approved by ACOA

Respectfully submitted,

John Phalen
Manager, Economic Development and Major Projects



CAPE BRETON REGIONAL MUNICIPALITY **NOTICE**

By-Laws for Second (Final) Reading by Council

TAKE NOTICE that the following By-Law will be brought to Council for second (final) reading on **Tuesday, June 18, 2019 at 6:00 p.m.**, Council Chambers, 2nd Floor, City Hall, 320 Esplanade, Sydney, NS:

| By-Law | Intent |
|--|---|
| Amendments to the Solid Waste Resource Management By-Law | <ul style="list-style-type: none">• Recognize the new Solid Waste Management Policy in the By-law;• Remove sections in the By-law that are now contained in the new Solid Waste Management Policy;• To allow for a more simplified process to regulate the use of solid waste management facilities and services, providing for times and conditions under which they may be used, and setting charges for the use of these facilities operated by CBRM |

The above By-law amendments may be inspected at the Clerk's Office, 4th Floor, Room 405, City Hall, 320 Esplanade, Sydney, N.S.

Signed: **Deborah Campbell Ryan**
Municipal Clerk
June 1, 2019

7805800

Excerpt – DRAFT Council Minutes – May 21, 2019

Amendments to Solid Waste Resource Management By-law

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Coombes, to approve for first reading the amendments to the Solid Waste Resource Management By-law as outlined in the staff Issue Paper dated May 2019.

Discussion:

Deputy Mayor Doncaster advised that he has received complaints regarding the restriction of one privacy black bag per week and the issue of green carts only being available in urban areas.

Motion Carried.



A Community of Communities

Issue Paper

TO: GENERAL COMMITTEE

May 2019

RE: Amendments to Solid Waste Resource Management By-Law

At the Council meeting on April 2, 2019 the following motion was passed:

Motion:

Moved by Councillor Gillespie, seconded by Councillor MacMullin, to approve the Solid Waste Management Policy as presented.

Discussion:

As noted during the April meeting, the Solid Waste Resource Management By-Law must now be amended to reflect the new CBRM Solid Waste Management Policy. The required amendments are included in the attachment to this Issue Paper.

TIMELINE

When the amendments are presented and approved by Council, it will constitute first reading of the amendments. Second/final reading can proceed 14 days after the first reading (i.e. at the June Council meeting).

Recommendation:

That the General Committee make a recommendation to Council to approve the amendments to the Solid Waste Resource Management By-law as presented.

Francis Campbell
Manager Solid Waste

Attachment

Proposed Amendments to Solid Waste Resource Management By-Law:

3. THE COUNCIL

3.1. Pursuant to Section 49(1)(b) of the *Municipal Government Act*, the Council may, by policy, regulate the use of solid-waste management facilities, providing for times and conditions under which they may be used and setting charges for the use of solid-waste management facilities operated by the Municipality.

3.2. In accordance with Section 3.1, Council has enacted a policy designating the hours of operation for waste management facilities and the fees and charges for depositing materials at waste management facilities, which policy is known as the CBRM Solid Waste Management Policy.

a. ~~designate the hours of operation for waste management facilities owned and operated by the CBRM.~~

b. ~~set rules for placement of mixed waste and of recyclable waste for municipal collection.~~

e. ~~set collection frequency and times for municipal collection of mixed waste and of recyclable waste.~~

b. ~~set fees and charges for the depositing of materials by haulers and persons who transport waste materials for disposal at any waste management facility operated by the Municipality, its contractors or its agents.~~

18. WASTE DISPOSAL FEE STRUCTURE

18.1 The fees and charges for the depositing of materials by haulers and persons who transport waste materials acceptable for disposal at any waste management facility operated by the Municipality, its contractors or its agents as part of the Municipality's waste management system shall be as prescribed from time to time by motion of Council and shall appear in this By-law as Appendix A, Schedule 1 in the CBRM Solid Waste Management Policy.

AND: DELETE APPENDIX A, SCHEDULE 1 FROM THE BY-LAW.

Current By-Law

No. S-300

CAPE BRETON REGIONAL MUNICIPALITY “SOLID WASTE RESOURCE MANAGEMENT BY-LAW”

1. TITLE

- 1.1 This By-Law shall be known and may be cited as the “Solid Waste Resource Management By-Law”.

2. DEFINITIONS

- 2.1 In this By-law the following words and phrases shall have the following meanings:
- a. “containers recyclables” means glass bottles and jars; aluminum, steel and tin cans; high density polyethylene, low density polyethylene, and polyethylene terephthalate plastic bottles, containers and bags; milk and juice cartons; beer and liquor containers; tetra packs and mini-sip containers; or other items as designated from time to time.
 - b. “box board” means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items.
 - c. “collectible waste” means material originating from eligible premises and placed curbside by the owner or occupant for collection by a collection contractor or by an agent of the Municipality. These materials include mixed waste, recyclable materials and organic materials.
 - d. “collection contractor” means any company, person or persons and the agents of such persons under contract with the Municipality to collect collectible waste from eligible premises.
 - e. “collection day” means any day which is scheduled by the Municipality for municipal collection of collectible waste.
 - f. “commercial container” means any container used for the storage of ICI waste materials or any container used for the storage of organic materials or recyclable materials originating from industrial, commercial or institutional premises on properties located in the Municipality for collection by a hauler.
 - g. “commercial enterprise” means an enterprise which is assessed a business occupancy tax by the Municipality.
 - h. “commercial premises” means any lot of land which contains one or more commercial enterprises.

Solid Waste Resource Management By-Law

- i. “condominium” means the division of land and buildings intended to be used as condominiums in Nova Scotia and is registered under the Condominium Act, revised statutes of Nova Scotia, 1989. Chapter 85.
- j. “construction and demolition waste” means material generated as a result of construction, demolition, or renovation activities. This includes materials normally used in the construction of buildings, structures, roadways, walls and other landscaping material such as asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fiberglass fibers, lumber, wood, asphalt shingles and metals.
- k. “Container recyclables” means
- l. “Council” or “council” means the Council of the Cape Breton Regional Municipality.
- m. “dwelling” means a building, or a unit in a building, occupied or intended to be occupied as a home, residence or sleeping place by one or more persons but does not include a hotel, motel, guesthouse or inn.
- n. “eligible premises” means those properties within the Municipality which are eligible for municipal curbside collection as defined in Section 6 of this By-law.
- o. “Fiber recyclables” means mixed paper, corrugated cardboard, box board, newsprint, magazines, catalogues, flyers, telephone and other soft cover books and paper egg cartons or other similar items designated by Council from time to time.
- p. Green cart means an aerated cart supplied to eligible premises by the Municipality for the collection of organic materials.
- q. “hauler” means any company, person or persons who transports waste materials including, without limitation, ICI waste, mixed waste, recyclable materials, or organic materials to waste management facilities approved for operation with the CBRM. This does not include infrequent users of these facilities such as residents of eligible premises hauling materials in an unregistered vehicle from their premises.
- r. “household special waste” or “HSW” means waste-resource materials of a potentially hazardous nature generated in households including, but not restricted to solvents, glues, cleaners, paints and finishes, asphalt sealers, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, batteries, etc. For the purposes of this bylaw, household special waste does not include PCB’s, radioactive materials,

Solid Waste Resource Management By-Law

- explosives, fireworks, pathological wastes, ammunition, oil, gas, oil gas mixes, etc.
- s. “industrial, commercial, institutional waste” or “ICI” waste” means material of similar composition as mixed waste collected within the Municipality other than waste generated in an eligible premise.
- t. “international waste” means waste imported into Canada from any country other than the United States which contains or is suspected of containing an animal product or animal by-product and which was intended to be served or was served for consumption by the passengers or crew of an aircraft or ship.
- u. “leaf and yard waste” means sods, grass clippings, leaves, branches, brush, bushes, twigs less than 1 inch in diameter, house and garden plants, sawdust and wood shavings or other similar items and natural Christmas trees (without decorations and tree stands).
- v. “litter” means any intentionally or accidentally discarded waste not placed in a proper receptacle, or container for recycling, organics, collection or for disposal.
- w. “manager” or Manager” means the Manager of Solid Waste for the Cape Breton Regional Municipality, the successor to such position, or a person designated by the Manager to act in place of the Manager.
- x. “materials recovery facility” means a facility designed to receive, sort, process, store and ship to market recyclable materials.
- y. “mini bins” means a small container supplied to eligible premises by the Municipality for the collection of organic materials. The mini bin is intended for household use only, not curbside use.
- z. “mixed waste” means and includes all collectible waste other than that which is collected as recyclable materials or organic materials including:
- i. broken bottles, crockery, glassware, floor sweepings, discarded clothing, cloth, leather, jute, non-recyclable plastic and metal, non-recyclable packaging, non-repairable household goods and other household waste.
 - ii. glass that is tightly wrapped in cardboard or other suitable material and clearly marked to prevent injury to collection personnel.

Solid Waste Resource Management By-Law

- iii. ashes and soot that is completely cold placed in clear plastic disposable watertight bags securely tied and marked "ashes" or "soot".
 - iv. manure, excretes or litter from companion pets residing in an eligible premise where the material is double bagged and securely tied in clear watertight bags and then placed in an eligible container.
 - v. other items not specifically designated as mixed waste except as excluded by this by-law.
- aa. "mixed waste regulation container" means a container as specified in Section 8 for the collection of mixed waste.
- bb. "municipal collection" means the scheduled curbside collection of collectible waste from eligible premises made by or on behalf of the Municipality, at the expense of the Municipality.
- cc. "Municipality" or "municipality" means the Cape Breton Regional Municipality.
- dd. "non-collectible waste" means all material not eligible for curbside collection and without limitation includes:
- i. residential bulk waste
 - ii. white goods
 - iii. oil tanks
 - iv. liquid waste or material that has attained a fluid consistency and has not been drained.
 - v. highly combustible or explosive materials, including without limitation, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry dust, ammunition, dynamite, or other similar material.
 - vi. material that is considered pathogenic or biomedical including, without limitation, dressings, bandages or other potentially infected material or hypodermic needles discarded in the course of the practice of physicians, surgeons, dentists or veterinarians.

Solid Waste Resource Management By-Law

- vii. carcasses or parts of any animal except food waste.
 - viii. waste listed or characterized as hazardous by any federal or provincial law.
 - ix. sheet iron, large pieces of scrap metal or machine parts, automobile parts, fuel tanks and bodies.
 - x. septic tank pumping, raw sewage or industrial sludge;
 - xi. radioactive materials.
 - xii. soil, rock, stumps, and trees greater than 1 inch in diameter.
 - xiii. waste materials resulting from construction, demolition or renovation activities.
 - xiv. industrial waste material from factories or other manufacturing processes.
 - xv. manure, kennel waste, excreta, fish processing waste.
 - xvi. lead-acid automotive batteries and propane tanks/cylinders.
 - xvii. waste material from commercial containers.
 - xviii. waste material which has not been placed for collection in accordance with the provisions of this by-law.
 - xix. materials banned from landfill disposal by the Nova Scotia Department of the Environment unless such materials are recyclable materials or organic materials from eligible premises.
- ee. "oil tanks" means residential oil tanks to a maximum size of 200 gallons.
- ff. "organic materials" means food waste, boxboard, soiled and non-recyclable paper, and other material of plant or animal origin as designated by Council from time to time.
- gg. "organic materials regulation container" means a cart or other container as specified in Section 8 for the collection of organic materials.

Solid Waste Resource Management By-Law

- hh. “provincial disposal bans” means materials banned from disposal in landfills and incinerators under the Solid Waste – Resource Management Regulations of the Environment Act of the Province of Nova Scotia as updated and amended from time to time.
- ii. “private road” is a road as defined by the Subdivision By-law of CBRM.
- jj. “recyclable materials” means fiber recyclables, containers recyclables and other materials of a recyclable nature.
- kk. “residential bulk items” means large items of a household nature including but not limited to furniture, stoves, mattresses, bed springs, barrels, water tanks, and dishwashers.
- ll. “residential food waste” means fruit and vegetable peelings, table scraps, bread, grain, rice and pasta, egg shells, coffee grounds and filters, tea leaves and tea bags or other similar items suitable for disposal in a green cart.
- mm. “soiled and non-recyclable paper” means napkins, paper towel & fast food wrappers, wax paper, wrapping paper, paper plates and cups, soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items.
- nn. “source separated composting facility” means a facility designed to receive, process and compost organic materials.
- oo. “transfer station” means a facility operated by or on behalf of the Municipality for unloading and consolidating waste, recyclables or organics from vehicles for transport to another waste management facility in larger loads.
- pp. “treasurer” means the Director of Finance for the Municipality, the successor to this position or a person designated by the Director to act in his/her place.
- qq. “unlisted bungalow road” is an unlisted bungalow road as defined by the Subdivision By-law of CBRM.
- rr. “unlisted road” is an unlisted road as defined by the CBRM Subdivision By-law of CBRM.
- ss. “unit” means a self-contained portion of a building occupied as a separate residence.
- tt. “unnamed road” means any street or road which is not a public street/road, is unnamed and extends to and has access to a public street/road

Solid Waste Resource Management By-Law

- uu. “waste disposal fees” means per tonne fees, or per load fees, charged by the Municipality for the acceptance of waste, mixed waste, recyclable materials, and organic materials within the municipal waste disposal system.
- vv. “waste management facilities” means facilities for the management of mixed waste, recyclable materials, and organic materials operated within the Municipality, its contractors or its agents and includes, without limitation, the landfill, materials recovery facility(s), source-separated composting facility(s), transfer stations(s) and construction and demolition recycling disposal facilities.
- ww. “white goods” means any large household appliance including but not limited to refrigerators, freezers, air conditioners, stoves, washers, and dryers.

3. THE COUNCIL

3.1. The council may by policy:

- a. designate the hours of operation for waste management facilities owned and operated by the CBRM.
- b. set rules for placement of mixed waste and of recyclable waste for municipal collection.
- c. set collection frequency and times for municipal collection of mixed waste and of recyclable waste.
- d. set fees and charges for the depositing of materials by haulers and persons who transport waste materials for disposal at any waste management facility operated by the Municipality, its contractors or its agents.

4. THE MANAGER

- 4.1. The manager or his designate shall administer the provisions of this By-Law and, for this purpose, may:
- a. divide the Municipality into areas for the purposes of curbside collection of collectible waste from eligible premises on various days of the week.
 - b. designate a particular day of the week for curbside collection of collectible waste in each designated collection area.
 - c. alter the boundaries of curbside collection areas as deemed necessary on reasonable notice to the public.

Solid Waste Resource Management By-Law

- d. administer and liaise with any collection contractor who may be hired by the Municipality to carry out curbside collection of collectible waste within the Municipality.
- e. designate the conditions and guidelines relating to the acceptance of curbside waste materials at waste management facilities owned and operated by the CBRM in compliance with applicable provincial regulations and this by-law.
- f. administer a system for collection of “bulk waste” and “white goods”, from eligible premises.
- g. administer the residential household special waste system.

5. THE PUBLIC

5.1 The owner or occupier of an eligible premises shall:

- a. provides sufficient and adequate containers to contain waste generated at the eligible premises.
- b. provide separate containers for mixed waste, organic waste and for recyclable waste.
- c. ensure that each container is covered and secured at all times except when being emptied or filled.
- d. store collectible waste outside the main building on the eligible premises only in secured regulation containers made inaccessible to pests or animals.
- e. ensure the proper preparation of all collectible waste in accordance with this by-law.
- f. ensure that collectible waste is placed for collection in accordance with this by-law.
- g. ensure that collectible waste remains within adequate containers.

5.2 No owner or occupier of any eligible premises shall permit any waste to accumulate upon any premises so owned or occupied, and shall provide for the removal of all waste from the premises at times designated by Municipality.

6. ELIGIBLE PREMISES

6.1 Eligible premises include the following:

- a. single family dwellings including mobile homes.
- b. multi-unit residential dwellings that constitute a unit in a duplex, row house or townhouse where every unit has street or road frontage.
- c. multi-unit apartment buildings to a maximum of six (6) units. (limited to 5 bags per unit to a total 30 bags)
- d. fire halls
- e. condominium buildings

6.2 Owners and occupants of properties not defined herein as eligible premises shall not place any waste materials at the curbside of such properties for municipal collection.

7. COLLECTIBLE MATERIAL – PREPARATION AND RESTRICTIONS

7.1 No material shall be placed out or caused to be placed out for municipal curbside collection by any person except in accordance with the following:

- a. for eligible premises as outlined in section 6.1 of this by-law a maximum of five (5) mixed waste regulation containers.
- b. ashes or soot generated by eligible premises are not eligible for municipal collection, except ashes and soot that are completely cold, and double bagged in clear plastic disposable watertight bags, meeting the requirements of section 8.2 (a). The bag must be securely tied and marked “ashes” or “soot”. This container is considered an eligible container as per section 7.1 (a), (b) or, (c).
- c. there shall be no limit to the amount of blue bags recyclables and blue bag fiber recyclables eligible for municipal collection from eligible premises.
- d. no person shall place for municipal collection any non-collectible waste.
- e. where the Municipality establishes separate municipal curbside collection of organic materials, the following conditions and restrictions shall apply to all such collection:
 - i. a maximum of one (1) green cart may be placed for curbside collection.

8. REGULATION CONTAINERS FOR MUNICIPAL COLLECTION

8.1 The owner or occupant of each eligible premise shall be responsible to contain designated collectible waste so as to prevent the escape of waste materials into the environment. The owner or occupant of each eligible premise is responsible to gather waste material placed for curbside collection that has escaped from its container.

8.2 Only containers which meet the following specifications and requirements shall be utilized for the purposes of municipal collection.

a. Plastic Bag Specifications Mixed Waste: Clear Garbage Bags

- i. bags must be watertight and securely tied with an overall length of between 0.5 meters and 1 meter when empty.
- ii. bag weight not to exceed 12 kilograms including contents.
- iii. bags must have a thickness sufficient to prevent breakage, tearing or splitting upon collection.
- iv. bags must be clear, translucent in color when placing more than one (1) bag of garbage curbside. The one dark bag used curbside can be dark, colored or tinted. The bag must not be yellow, red, orange or transparent blue in color for mixed waste.

b. Container Specifications Mixed Waste: Garbage Cans

- i. containers must be watertight, secured with a cover, equipped with handles in good repair and tapered to be as large or larger at the top as at the bottom.
- ii. the weight of the container including contents shall not exceed 24 kilograms, the height shall be not less than 46 and not more than 76 centimeters, and the diameter shall be between 38 and 51 centimeters.
- iii. containers shall be made of metal, plastic or other impermeable material of sufficient thickness to prevent breakage or splitting upon collection.
- iv. containers must be maintained in a neat and sanitary and waterproof condition and kept in good repair

c. Storage Containers: Roadside Boxes

- i. outdoor, roadside boxes or bins are acceptable for storing containers or bags for mixed waste provided they meet the following specifications:
 - 1. a box or bin constructed of wood or other material suitable for storing containers or bags or mixed waste as long as the box or bin is rodent and animal proof.
 - 2. boxes or bins must be affixed with a lid weighing not more than 5 kilograms.
 - 3. boxes or bins shall at all times be maintained in a neat and sanitary condition and kept in good repair.
 - 4. waste collectors will remove waste from storage containers located consistent with section 9.2; however, the municipality or collector is indemnified against damage to bins or containers resulting from collection activity.

d. Organic Materials: Green Carts and Mini Bins

- i. where the Municipality establishes a separate collection for organic materials, the following organic materials regulation containers shall be used:
 - 1. eligible premises that receive curbside collection will be delivered and assigned one green cart and one mini bin by the Municipality. The Municipality will establish the number of cart(s) and mini bin(s) assigned to types of eligible premises.
 - 2. green cart(s) and mini bin(s) assigned to eligible premises are to remain with those eligible premises.
 - 3. owners or occupants of eligible premises are responsible for the care and cleaning of each green cart and mini bin which have been assigned to their eligible premises.

Solid Waste Resource Management By-Law

4. repair to damage green cart(s) or replacement of green cart(s) or mini-bin(s) assigned to eligible premises due to misuse, alterations or abuse involving the owner or occupant of the eligible premises shall be the responsibility of the owner or occupant of the eligible premises to which the cart(s) or mini-bin(s) is assigned.
5. owners or occupants of eligible premises shall make the green cart(s) assigned to eligible premises available to the Municipality or its contractors or agents within reasonable time frame upon request for inspection or repair purposes or for identification of the serial number.
6. owners or occupants of eligible premises are responsible for the green cart(s) and mini bin(s) assigned to the eligible premises and used by tenants who are renting or leasing the premises.

e. **Plastic Bag Specifications Blue Bags: Blue Transparent Plastic Bags**

- i. blue bag recyclable containers must be placed in watertight transparent blue bags with a thickness sufficient to prevent breakage, tearing or splitting upon collection. These bags shall have an overall length of between 0.5 meters and 1 meter when empty. These bags shall be securely tied.
- ii. blue bag recyclable fiber must be placed in watertight transparent blue bag with a thickness sufficient to prevent breakage, tearing or splitting upon collection. These bags shall have an overall length of between 0.5 meters and 1 meter when empty. These bags shall be securely tied.
- iii. all materials must be securely contained so as to prevent material from escaping into the environment.
- iv. corrugated cardboard may be tied in bundles not greater than 0.65 meters x 1-meter x 0.20 meters (2 ft. x 3 ft. x 8 in.) or may be placed in the blue bag for fiber.
- v. the weight of each blue bag, including contents, placed for blue bag collection must not exceed 12 kilograms.

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f. Storage Containers: Roadside Boxes Blue Bags

- i. outdoor, roadside boxes or bins are acceptable for storing fiber and container recyclable materials provided they meet the following specifications:
 1. blue box or blue bin constructed of wood or other material suitable for storing blue bags as long as the box or bin is rodent and animal proof.
 2. blue boxes or blue bins must be affixed with a lid weighing not more than 5 kilograms.
 3. blue boxes or blue bins shall at all times be maintained in a neat, sanitary condition and kept in good repair.
 4. blue bag collectors will remove waste from storage containers located consistent with section 9.2; however, the municipality or collector is indemnified against damage to bins or containers resulting from collection activity.

9. PLACEMENT OF MATERIALS

- 9.1. Collectible waste shall be placed for municipal collection in accordance with this By-Law.
- 9.2. Collection is at the curb only. All regulations containers must be placed at end of a driveway and/or at the edge of a property abutting the street, road or highway without obstructing the street, road or highway.
- 9.3. Materials must be placed for municipal collection with approximately 1-meter spacing between each waste stream
- 9.4. Green carts must be placed at the curb in an upright position with the lid closed and the front of the green cart facing the street, road or highway.
- 9.5. Owners or occupants of eligible premises on private roads, unlisted roads, unlisted bungalow roads, unnamed roads and in trailer parks are eligible for curbside collection on these roads if the road is safely passable by a collection vehicle. If these roads are not safely passable by a collection vehicle, the collectible waste must be brought to the nearest intersection with a public street or road and placed in accordance with this By-Law, where it shall be collected.

Solid Waste Resource Management By-Law

10. COLLECTION TIMES & FREQUENCIES

- 10.1. Collection will commence at the following times on the collection days designated in the following areas of the municipality:
 - a. 8:00 a.m. in all areas of the Municipality having daytime collection.
 - b. 12 midnight in all areas of the Municipality having overnight collection.
- 10.2. No person shall place collectible waste out for collection before 7:00 p.m. the evening of the day prior to the collection day applicable in that area of the Municipality.
- 10.3. Where an area is designated to receive bi-weekly recyclable collection, no person shall place blue bag material out for curbside collection on the week not designated for the area's recyclable collection week applicable in that section of the Municipality.
- 10.4. Any materials not collected must be removed from curbside by 9:00 p.m. on the day of collection.
- 10.5. Collectible waste must be placed for collection by the designated commencement time for collection in the area.
- 10.6. When a regularly scheduled day for collection falls on a Federal, Provincial or Civic holiday, the collection day may be modified to occur on an alternate day as designated by the Manager.

11. HOUSEHOLD SPECIAL WASTE

- 11.1. The Manager may designate the place and time, including the days and hours of operation and the materials eligible for the disposal of household special waste in the Municipality. This includes the operation of a permanent household special waste depot in the Municipality.
- 11.2. The household special waste depot(s) may only be used by residents of the Municipality for the proper disposal of household special waste originating within the Municipality.
- 11.3. All persons are prohibited from disposing of industrial, commercial and institutional waste at the permanent household special waste depot.

12. ILLEGAL DUMPING/LITTER

- 12.1. No owner or occupier of property in the Municipality shall permit the accumulation of solid waste in or around the property to the extent that it is likely to become a nuisance or hazard to the public health.
- 12.2. Owners and occupants are responsible to provide for the lawful collection and disposal of all solid waste that is not subject to municipal collection.
- 12.3. No person shall place waste for curbside collection on a property other than a property owned and occupied by such person or in respect of which the person has obtained the consent of the owner or occupier for that purpose.
- 12.4. No person shall dump, abandon or dispose of waste-resources at any public or private place unless that place is duly licensed to receive and dispose of the particular category of waste-resources.
- 12.5. No person shall dispose of or cause the disposal of the following materials at any licensed solid waste-resource management facility, or deposit any such materials in a storage area, storage container or collection container, intended for residual waste disposal in an incinerator or landfill nearby, namely:
 - a. **material banned from disposal by provincial regulations:**
materials banned from disposal by provincial regulation are those materials listed in Schedule B of the Solid Waste Resource Management Regulations as amended from time to time.
- 12.6. No person shall dump, dispose of or abandon at or near a Waste-Resource Management Centre or any other facility licensed to receive any category of waste-resources when the Facility is not open or when the operator or staff of the facility refuses to accept waste – resources at that time or from that person.
- 12.7. Depositing solid waste materials contrary to the above, where the quantity, volume, weight, nature, kind or character of the solid waste or the location of the deposit, in the opinion of the Solid Waste Manager, causes injury, damage, hazard or potential hazard to persons, property or the environment or requires removal by vehicle transport or environmental clean-up and / or remediation to restore the site to reasonable condition, constitutes “Illegal Dumping” under this By-Law.
- 12.8. No person shall illegal dump or cause or allow illegal dumping.
- 12.9. Each day that illegal dumping materials remain shall constitute a separate offense under this By-law.

13. INDUSTRIAL, COMMERCIAL, INSTITUTIONAL WASTE

- 13.1. The property owner, agent of an owner of an Industrial, Commercial, or Institutional Business shall provide sufficient and adequate, containers for any waste that may accumulate from time to time in or from the business.
- 13.2. The property owner or agent of an owner of an owner of an Industrial, Commercial, or Institutional Business shall maintain a Waste Management plan. This plan must identify the solid waste generated and the method for storing, recycling and disposing of the solid waste generated by the business. This plan must also include a litter management section. This plan must comply with the provisions of the Provincial Solid Waste Resource Regulations and this by-law. This plan must be provided to the manager within 1 business day following a verbal and/or written request.
- 13.3. The property owner or agent of an owner of an Industrial, Commercial, or Institutional Business which generate waste shall, either personally or by employees, contractors or agents, and in compliance with all applicable Federal, Provincial and Municipal laws, remove and dispose or recycle such waste in accordance with the waste management plan of section 14.2
- 13.4. No owner or agent of an owner of an Industrial, Commercial, or Institutional Business shall permit the accumulation of waste in or around a premises to the extent that it is likely to become a nuisance or is likely to endanger the public health.
- 13.5. The property owner or agent of a IC&I establishment offering a drive-thru service shall provide sufficient and adequate containers for any waste generated as a result of the said service.
- 13.6. The placement of containers required in section 13.5 shall be in such a manner as to provide access to those customers utilizing the drive-thru lane.
- 13.7. The person or agent of a person who organizes or is responsible for a public event held in open spaces or in temporary shelters shall maintain a written litter management plan which complies with the provisions of the Provincial Solid Waste Resource Regulations Section III – Litter Abatement.

14. CONSTRUCTION AND DEMOLITION WASTE

- 14.1. The property owner or agent of an owner of an Industrial, Commercial, or Institutional Business or of an eligible premises undergoing construction and/or demolition activity shall provide sufficient and adequate, containers for any waste that may accumulate from time to time in or from the construction or demolition activity.

Solid Waste Resource Management By-Law

15. COMMERCIAL CONTAINERS

15.1. The following provisions apply to commercial containers:

- a. any person who makes use of a commercial container for the temporary storage of waste shall ensure that such commercial container:
 - i. is sturdily constructed of weather-proof and animal proof material and is capable of containing the material deposited within.
 - ii. is equipped with a tight-fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded or the container shall be kept in a locked compound.
 - iii. is cleaned out regularly and periodically, as necessary, to avoid the build-up of odours.
 - iv. has only those materials for which the container is intended deposited therein.
 - v. are easily accessible to the occupants.

16. VEHICLES CARRYING WASTE

16.1 The following provisions apply to vehicles carrying waste materials:

- a. persons who collect, transport and dispose of waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall do so in a sanitary manner; any fluid matter shall be transported in watertight containers having tight-fitting covers.
- b. persons who collect, transport and dispose of waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall be responsible to ensure all wastes are delivered to approved waste management facilities and in compliance with the policies and procedures set out by the operators of the waste management facility, this bylaw and with provincial regulations.

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- c. every vehicle used for the collection and transportation of waste materials, ICI waste, mixed waste, organic materials, and recyclable materials shall have a tailgate or other restraining device and shall be completely closed or equipped with a tarpaulin, and such tarpaulin shall be used to cover such waste materials, ICI waste, mixed waste, organic materials and/or recyclable materials while the same is being transported.
 - d. all waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall be transported in such a manner that materials shall not spill or scatter from the vehicle containing the same.
 - e. the manager may inspect vehicles used for the collection or carriage of waste materials at all reasonable times to ensure compliance with this by-law.
- 16.2 Persons who collect and transport waste materials, ICI waste, mixed waste, organic materials and recyclable materials that have been placed for collection in accordance with Section 16 (1) at industrial, commercial or institutional premises or properties shall transport waste materials, ICI waste, mixed waste, organic materials and recyclable materials in a source separated condition and deliver the same material in a source-separated condition to the appropriate receiving facility in accordance with the Municipality's waste-resource management system. ICI waste contained in bags must be placed in clear, translucent in color bags.

17. PROHIBITIONS

- 17.1. No person shall:
- a. pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection.
 - b. remove, collect waste material placed for municipal collection.
 - c. shall remove a container or organics collection cart placed at curbside.
- 17.2. The prohibitions in Section 17.1 do not apply to the person who placed the waste material for collection or to the Municipality, its contractors or authorized Municipal collection contractors.

Solid Waste Resource Management By-Law

18. WASTE DISPOSAL FEE STRUCTURE

- 18.1. The fees and charges for the depositing of materials by haulers and persons who transport waste materials acceptable for disposal at any waste management facility operated by the Municipality, its contractors or its agents as part of the Municipality's waste management system shall be as prescribed from time to time by motion of Council and shall appear in this By-law as Appendix A, Schedule 1.
- 18.2. No waste disposal fee shall apply to collectible waste from eligible premises collected through municipal collection and deposited by collection contractors engaged by the Municipality at waste management facilities operated by the Municipality, its contractors or its agents.

19. VEHICLE REGISTRATION

- 19.1 Haulers using the Municipality's waste management facilities shall comply with the registration requirements of the Municipality including vehicle registration for such haulers.
- 19.2 The following provisions apply to vehicle registration for hauler using the Municipality's waste management facilities:
 - a. haulers (other than those users of cars, station wagons, mini-vans, sport utility vehicles) using the Municipality's waste management facilities shall pre-register identifying information and the tare weight for each vehicle to be used in scheduled waste collection services operated on behalf of the Municipality (if the hauler is also a collection contractor).
 - b. haulers who wish to be granted credit privileges with the Municipality must register adequate identifying information with the Municipality. Each hauler and/or each hauler's vehicle will be assigned a unique identification code and/or issued appropriate physical identifying property. The physical identifying property issued shall remain the sole property of the Municipality and shall be returned promptly at the expiration of its use as determined by the Municipality at its sole discretion.
 - c. each hauler and hauler's vehicle using the Municipality's waste management facilities which have been granted credit privileges and must present the assigned and/or issued identification to the scale operator upon entering the facility. The hauler to whom the assigned and/or issued identification is registered to will be invoiced for all materials delivered under his/her identification.

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20. FEE PAYMENT:

20.1. The following applies to the payment of fees:

- a. at Cape Breton Regional Municipality waste management facilities haulers will be required to obtain credit privileges. Haulers who transport acceptable material to a facility operated by the Municipality, its contractors or its agents will be required to pay upon invoice in accordance with sections (i) to (iii) below:
 - i. where only one scale is in operation and the tare has not been predetermined, the vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee upon invoice in accordance with the fee structure prescribed in schedule 1.
 - ii. where both inbound and outbound scales are in operation, the vehicle will be weighed upon entering the facility and again upon leaving. The hauler will pay the fee upon invoice in accordance with the fee structure prescribed in schedule 1.
 - iii. where both scales are not functioning the hauler will be charged according to the fee prescribed in Appendix A, Schedule 1.

20.2 The following provisions apply to haulers who have been granted credit privileges at any waste management facility operated by the Municipality, its contractors or its agents:

- a. haulers granted credit privileges will receive a monthly Statement of Accounts and payment is due within thirty (30) days of the end of the statement month.
- b. where an account for material disposal fees remains unpaid for more than thirty (30) days, a notice of non-payment will be sent by the Municipality. The Municipality may advise that if payment is not received within a specified period of time after mailing of such notice, the hauler shall be refused admittance to all facilities and/or credit privileges withdrawn until such time as the outstanding amounts, interest and service charges are paid. Scale operators will be notified of all haulers on refused admittance status or credit privileges withdrawn status and will be instructed to deny access to the facilities as applicable. The Municipality may require the posting of a performance bond or any other security acceptable to the Municipality in the event that accounts continue from time to time to be unpaid.

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21. DUTY TO NAME PERSON RESPONSIBLE

- 21.1 When a person is identified as owner of any materials dump or deposited on a premise in violation of this by-law, the owner of the materials on the request of a peace officer shall, within forty-eight hours of the request, supply the peace officer with the name and address of the person(s) responsible of the illegal dumping of materials. When a materials owner, who refuses, fails, neglects or is unable to supply the name and address of the person(s) responsible for the illegal dumping of materials within forty-eight hours after being requested, shall be liable for the infraction under section 12.0 of this By-law.
- 21.2 Where under this section of the by-law a motor vehicle is operating in violation of this By-Law, the registered owner of the vehicle on request of any peace officer shall, within forty-eight hours of the request, supply the peace officer with the name of address of the person in charge of the vehicle at the time of such violation. When a motor vehicle register owner, who refuses, fails, neglects or is unable to supply the name and address of the person(s) responsible infraction of this By-Law within Forty-eight hours after being requested, shall be liable for the infraction under section 19.0 of this By-Law.

22. PENALTIES

- 22.1 Any person who contravenes any provision of this by-Law shall be liable upon summary conviction for every such offense to a penalty of not less than six hundred & ninety seven dollars & fifty cents (\$697.50) and not exceeding fifty thousand dollars (\$50,000) or in default of payment, to imprisonment for a term not exceeding ninety days (90 days) and each day that the offence continues shall constitute a new offence.
- 22.2 Any person alleged to have violated this bylaw ,who is given notice of the alleged violation and where the said notice so provides for payment , may pay a penalty in the amount of six hundred & ninety seven dollars & fifty cents (\$697.50) to the CAPE BRETON REGIONAL MUNICIPALITY provided that said payment is made within a period of fourteen days (14) following the day on which the alleged violation was committed, and said payment shall be in full satisfaction , releasing and discharging all penalties and imprisonments incurred by the person for said violation .
- 22.3 In addition to any fine or imprisonment imposed pursuant to subsection 21.1, the court or judge may order the person convicted to pay all expenses incurred in correcting the contravention of the By-law or any damages associated with such contravention.

Solid Waste Resource Management By-Law

22.4 Where any person is in contravention of any provision of this By-law, the Manager may direct in writing that the contravention be remedied by that person in the manner and within the time specified in the written direction.

23. REPEAL

23.1 The following are hereby repealed:

Cape Breton Regional Municipality Garbage Collection By-Law.

Passed and adopted by the Cape Breton Regional Municipal Council on the 8th day of July, 2003 and amended on the 15th day of November, 2005, the 20th day of June, 2006, and the 27th day of February, 2018.

Publication Date: July 12, 2003

Amendments:

November 15, 2005 (published Nov. 19, 2005)

June 20, 2006 (published June 27, 2006)

February 27, 2018 (published March 6, 2018)

MAYOR CECIL P. CLARKE

**MUNICIPAL CLERK
DEBORAH CAMPBELL RYAN**

Solid Waste Resource Management By-Law

Appendix A:

Waste Disposal Tipping Fee Schedule 1 - Effective date October 1, 2005

| PRODUCT | TIPPING FEE | COMMENTS |
|---|--|---|
| (Residual Mixed Waste - RMW) | ICI sector = \$80.00/tonne over 80 Kg | Residual mixed waste - RMW (Garbage) tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only. Quantities of RMW 80 Kg or less per daily visit will not be charged. |
| | Residential - no charge | |
| C&D Unsorted (Construction & Demolition) | ICI sector = \$80.00/tonne over 80 Kg | Construction and Demolition (C&D) waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only. Quantities of C&D waste 80 Kg or less per daily visit will not be charged. |
| | Residential - no charge | |
| C&D Sorted (Construction & Demolition) | ICI sector = \$40.00/tonne over 80 Kg | Construction and Demolition (C&D) waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only. Quantities of C&D waste 80 Kg or less per daily visit will not be charged. |
| | Residential - no charge | |
| Contaminated Soil | ICI sector = \$30.00/tonne | Contaminated soil waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only. |
| | Residential - no charge | |
| Scrap Metal | ICI sector = \$30.00/tonne | Scrap Metal waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only. Quantities of Scrap Metal waste 80 Kg or less per daily visit will not be charged. |
| | Residential - no charge | |
| Organics | ICI sector = \$50.00/tonne | Organics waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only. * effective date to be determined |
| | Residential - no charge | |
| Organics - Unsorted/Contaminated | ICI sector = \$75.00/tonne | Unsorted or Contaminated Organics waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only. * effective date to be determined |
| | Residential - no charge | |
| Freon Items | ICI sector = \$10.00/item | Freon Item waste (fridges/freezers/Dehumidifiers etc) tip fee will be charged by the per item disposed. |
| | Residential - no charge | |

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| PRODUCT | TIPPING FEE | COMMENTS |
|--|--|---|
| Asbestos | ICI sector = Friable \$30.00/regulation bag - minimum charge = \$500.00 Non-Friable \$80.00/tonne | Prior notice and approval is required before material arrival. Phone Waste Management Facility site 563-5590. |
| | Residential - no charge | |
| Biomedical Waste | ICI sector = minimum charge = \$15.00, \$3.00/Kg up to 100 Kg, \$1.50 per Kg over 100 Kg , NSDept of Health as per contract | Prior notice is required before material arrival. Phone Waste Management Facility site 563-5590. |
| | Residential - no charge | |
| Leaf & Yard Waste | ICI sector = no charge | No charge for Leaf & Yard Waste |
| | Residential - no charge | |
| <p>Weights: Normally the net weight to be charged will be the weight on the inbound scale less the weight on the outbound scale. Should the outbound scale not be working, the weight to be charged will be the weight upon entering the facility less the recorded tare weight of the vehicle. Should both scales be inoperative the tip fee charges will be on a per load basis for which fees apply as follows: (1/2 ton truck or small trailer = \$25.00 ; Single Axle = \$50.00 ; Tandem truck = \$75.00 ; Tractor trailer = \$100.00) This per load fee does not apply to biomedical waste or asbestos waste where the charge will be as per the waste manifest weight.</p> | | |

Request for Amendments to the Vendors By-law

Motion:

Moved by Councillor Coombes, seconded by Councillor MacLeod, that a recommendation be made to Council to consider the Rockett's request to amend the Vendors Bylaw to add their proposed location to the map of permitted locations where a Vendors Licence can be issued; and to consider the staff request to make further amendments to Part 4 of the Bylaw to have the ability to process Vendors Licence applications for locations in rural areas that are not currently listed on the map; and that the Licensing Authority prepare an Issue Paper to be presented at a subsequent meeting of Council and that prior to preparing the Issue Paper, the Bylaw Office shall circulate the Rockett's request and any proposed amendments to the Traffic Authority, the Planning and Development Department, and any other relevant agencies for input as outlined in the staff Issue Paper dated April 9, 2019.

Motion Carried.



ISSUE PAPER

TO: Council

DATE: June 10, 2019

FROM: Kristen Knudskov

RE: **Vendors Bylaw Amendment**

BACKGROUND

The Clerk's Office received a written request to locate a vending vehicle on the former St. Joseph Church property, PID 15268188, 2734 Lingan Road, Lingan (See Appendix A). The requested site is not identified on Schedule A of the Vendors Bylaw ("the Bylaw") and therefore a Vendors Licence cannot be issued for this location unless Schedule A is amended.

DISCUSSION

Schedule A was adopted by motion of Council in 2016, which depicts locations where the Licensing Authority may issue a Vendors Licence. These locations correlate to zones where restaurants and sales are permitted as of right, or which have been approved by motion of Council. The requested site is zoned RCB – Rural CBRM. Within the RCB zone, restaurants are a permitted use subject to site plan approval.

The nearest residence is located 33m (108ft) from the parking lot on the requested site. Additionally, the individual has permission to vend at this location from the property owner and is aware they must comply with all of the requirements of the Bylaw.

As per Section 15(3) of the Bylaw, the request was circulated to the Traffic Authority and the Planning Department for comment. Senior Planner Karen Neville noted that the Planning Department has no concerns with this location, subject to compliance with the Bylaw. The Traffic Authority has also advised that they have no access concerns.

Further to General Committee's motion to review the vendors licensing process, Planning Department staff will continue to explore options to reduce the number of Vendors Licence applications which require a motion of Council to add the location to Schedule A of the Bylaw.

Next Steps

If Council is in agreement with scheduling a public hearing, it could be held at the next Regional Council meeting. Upon a decision of Council to schedule a public hearing, the required notice will be published in the Cape Breton Post and sent to neighbouring properties within 30m (98ft) of the requested site advising of Council's intent to consider an amendment to Schedule A of the Vendors Bylaw.

RECOMMENDATION

Given that the RCB zone permits a restaurant subject to site plan approval and the Planning Department and Traffic Authority express no concerns, it is reasonable that the requested site be included in Schedule A of the Bylaw. I recommend that Council approve for first reading the amendments to Schedule A of the Vendors Bylaw to include the requested site, and to schedule a public hearing at a future meeting of Council.

Respectfully submitted by:

Kristen Knudskov
Planner, Planning & Development

APPENDIX A: 2734 Lingan Road, Lingan
CAPE BRETON REGIONAL MUNICIPALITY



Public Property Bylaw Amendment

Motion:

Moved by Councillor MacMullin, seconded by Councillor Prince, that a recommendation be made to Council for first reading of the amendments to the Public Property Bylaw C1 which would permit leashed dogs in all CBRM parks except playgrounds and on playing fields, and to schedule the public hearing at a future meeting of Council.

Discussion:

In response to questions, the Director of Planning and Development explained the intent of not allowing dogs in playground areas.

Motion Carried.



ISSUE PAPER

TO: General Committee

DATE: May 27, 2019

FROM: Director, Planning and Development

RE: **PUBLIC PROPERTY BYLAW AMENDMENT**

BACKGROUND

During the May 7th, 2019 meeting of Council's General Committee a Motion was passed directing staff to prepare an issue paper regarding amendments to the Public Property Bylaw C1, to reflect dogs being permitted on leash in designated public areas in North, Central and East.

DISCUSSION

The Public Property Bylaw regulates whether or not leashed dogs are permitted in the public parks owned by the CBRM. Currently, the Bylaw bans dog walking unless the park is designed for such use and signs are posted with the allowance. A pilot project was undertaken in certain parks, creating an allowance for on-leash dog walking, to examine the possibility of allowing this in other areas of the municipality. This has generally been well received by the constituents of CBRM.

With the success of the pilot project and a review of the bylaw by Recreation, Parks & Grounds, Buildings & Facilities and the Planning and Development Department, administration now believes leashed dogs should be permitted in all CBRM parks except playgrounds and on playing fields.

The Public Property Bylaw would have to be amended to reflect that different directive. A copy of this amendment is attached. Prior to adopting an amendment to a Bylaw of the CBRM, Council is required to conduct a Public Hearing.

Next Steps

If Council is in agreement with scheduling a public hearing at their June meeting, the earliest date a public hearing could be held would be during the July meeting of Council. Upon a decision of Council to schedule a public hearing, the required notice will be published in the Cape Breton Post advising the public of Council's intent to consider an amendment to the Public Property Bylaw C1 and of their opportunity to attend the public hearing.

RECOMMENDATION

That a recommendation be made to Council for first reading of the amendments to the Public Property By-law as attached, and to schedule the public hearing at a future meeting of Council.

Respectfully submitted by:

ORIGINAL SIGNED BY

Michael Ruus
Director, Planning and Development

APPENDIX A: AMENDMENTS TO P-300 Public Property By-law

CAPE BRETON REGIONAL MUNICIPALITY

Bylaw C1

PUBLIC PROPERTY

1. Definitions

Playing field means a landscaped recreational site designed for playing outdoor team sports such as a baseball field, soccer field, running track, or a football field. The phrase “on the playing field” as used in this Bylaw is intended to mean the above referenced field and not the stands or sidelines where spectators congregate.

Playground means a well-defined outdoor recreational space comprised of equipment designed primarily for play by children younger than teenage.

2. No person shall throw or deposit any dirt, filth, or rubbish upon any park, playground, parking lot, or other property owned, leased or occupied by the Regional Municipality.
3.
 - (1) No person shall park or leave standing any vehicle upon any roadway in any park, playground, parking lot or other property owned, leased or occupied by the Regional Municipality except in a designated parking area.
 - (2) The Regional Municipality or any officer or employee thereof may remove any vehicle parked in a violation of this Section at the expense of the owner.
4.
 - (1) No person shall deface, injure or destroy, or damage in any way, any property of the Regional Municipality.
 - (2) No person shall remove any plants, soil, or other items from any property of or under control of the Regional Municipality without the consent of the Regional Municipality.
5. Any person who, on any property of the Regional Municipality, persists in loud or raucous noise, unruly or objectionable behaviour or other activities that would disturb others, after being requested to desist by an employee of the Regional Municipality, is guilty of an offence.
6. Any person who, on any property of the Regional Municipality, persists in unruly or unsafe behaviour, after being requested to desist by an employee of the Regional Municipality, is guilty of an offence.

7. No person or persons, within the boundaries of any public park, waterfront boardwalk or walking trail belonging to the Cape Breton Regional Municipality, shall walk any animal other than a dog, walk, drive or use any vehicle, skateboard, bicycle, motorcycle, or roller-blades, except in such areas as may be specifically designed and/or designated by sign for such usage. Any person(s) found acting contrary to this provision shall be guilty of an offence punishable in accordance with the provisions of the Penalties Bylaw. Such provisions do not apply to operational or maintenance vehicles and equipment of the Cape Breton Regional Municipality.

Without limiting the generality of the foregoing, this provision includes, and affects, but is not limited to, the following areas known as the:

1. Sydney Waterfront Boardwalk; and
2. North Sydney Waterfront Boardwalk; and
3. Renwick Brook Walking Trail (Glace Bay); and
4. John Bernard Croak Park (Glace Bay)

8. Dogs are permitted within the boundaries of any public park, waterfront boardwalk or walking trail owned belonging to the Cape Breton Regional Municipality, except playgrounds or on playing fields, provided:

- the dog is in the presence of the owner or some person in charge thereof; and
- the dog is under the effective physical restraint of a leash no more than 6 feet in length controlled by the owner or the person in charge.

9. Any person(s) found acting contrary to the provisions of this Bylaw shall be guilty of an offence punishable in accordance with the provisions of the Penalties Bylaw. Such provisions do not apply to operational or maintenance vehicles and equipment of the Cape Breton Regional Municipality.

10. Any Bylaw or any provision thereof passed and approved by any former Municipality within the boundaries of the County of Cape Breton prior to July 31, 1995 which conflicts with or acts contrary to the provisions of this Bylaw are hereby repealed with this Bylaw becoming law and any other provisions of such Bylaws hereby ratified and confirmed insofar as they are not in conflict with this Bylaw.

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Public Property Bylaw**

Pursuant to Section 168 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Public Property Bylaw in the following manner:

THAT: the following definitions be added to the Bylaw immediately before Provision 1.

Definitions

Playing field means a landscaped recreational site designed for playing outdoor team sports such as a baseball field, soccer field, running track, or a football field. The phrase "on the playing field" as used in this Bylaw is intended to mean the above referenced field and not the stands or sidelines where spectators congregate.

Playground means a well-defined outdoor recreational space comprised of equipment designed primarily for play by children younger than teenage.

THAT: Provision 6 is amended by adding the words in red and deleting the words crossed out in in strikethrough below.

6. No person or persons, within the boundaries of any public park, waterfront boardwalk or walking trail belonging to the Cape Breton Regional Municipality, shall walk any animal **other than a dog**, walk, drive or use any vehicle, skateboard, bicycle, motorcycle, or roller-blades, except in such areas as may be specifically designed and/or designated by sign for such usage. ~~Any person(s) found acting contrary to this provision shall be guilty of an offence punishable in accordance with the provisions of the Penalties Bylaw. Such provisions do not apply to operational or maintenance vehicles and equipment of the Cape Breton Regional Municipality.~~

~~Without limiting the generality of the foregoing, this provision includes, and affects, but is not limited to, the following areas known as the:~~

- ~~5. Sydney Waterfront Boardwalk; and~~
- ~~6. North Sydney Waterfront Boardwalk; and~~
- ~~7. Renwick Brook Walking Trail (Glace Bay); and~~
- ~~4. John Bernard Croak Park (Glace Bay)~~

THAT: a new Provision is added immediately after Provision 6 to read as shown below.

7. Dogs are permitted within the boundaries of any public park, waterfront boardwalk or walking trail owned belonging to the Cape Breton Regional Municipality, **except playgrounds or on playing fields**, provided:
- the dog is in the presence of the owner or some person in charge thereof; and
 - the dog is under the effective physical restraint of a leash no more than 6 feet in length controlled by the owner or the person in charge.

THAT: a new Provision is added immediately after Provision 7 to read as shown below.

8. Any person(s) found acting contrary to the provisions of this Bylaw shall be guilty of an offence punishable in accordance with the provisions of the **Penalties Bylaw**. Such provisions do not apply to operational or maintenance vehicles and equipment of the Cape Breton Regional Municipality.

THAT: All Provisions be renumbered as required throughout.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on 2019.

MAYOR

CLERK

THIS IS TO CERTIFY that the above amendments are a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on 2019 to amend the Cape Breton Regional Municipality's Public Property By-law.

Deborah Campbell Ryan, CLERK



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

| Council Agenda Request Form | | |
|--|---|---|
| <input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting) | <input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting) | <input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion |
| Date of Council Meeting: May 7, 2019 | | |
| Subject: Dogs on Leash | | |
| Motion for Council to Consider: | | |
| <i>Issue paper be provided regarding an amendment of the Public Property bylaw C1 to reflect dogs being permitted on leash in designated public areas in North, Central and East.</i> | | |
| Reason: | | |
| <p>Our current Public Property bylaw is outdated. When it comes to allowing dogs, our current bylaw states that people are not permitted to have a dog on a leash within any public park, waterfront boardwalk or walking trail belonging to the CBRM. We are all aware that dogs on leash are now permitted, as there is current signage stating so, on the Sydney boardwalk, Open Hearth Park and Rotary Park. As a Councillor it is very difficult to explain to residents of North that dogs on leash are not permitted in any area of CBRM public property and refer to a bylaw that we are currently contradicting. If we are going to allow exceptions to the rule they should be offered in all zones of the CBRM and our policies should reflect that.</p> <p>I have attempted to address this issue and in the fall of 2018 planning did have a draft issue paper and amending Bylaw critiqued by Parks and Grounds management ready for Council but it did not make it here. I am therefore officially bringing the issue forward in hopes to amend the bylaw so that it accurately represents our current process and permits residents in all 3 zones to have the same access within designated areas of North, Central and East divisions.</p> | | |
| Outcome Sought: | | |
| Public Property bylaw be amended to allow dogs on leash in designated areas of CBRM including areas in North, Central and East. | | |
| <i>Councillor Earlene MacMullin</i> | <i>District 2</i> | |
| <i>Date: April 29, 2019</i> | <i>Received by Clerk's Department (date):</i> | |

MEMORANDUM - MAYOR'S OFFICE

DATE: June 12, 2019
TO: CBRM Councillors
FROM: Mayor Cecil P. Clarke
RE: Urban Mayors of NSFM Working Group on Single Use Plastics

Dear Colleagues:

In November 2018, I invited Mayors and municipal representatives from urban centres around the province to come to Sydney to discuss single use plastics. On February 20th, representatives from Bridgewater, Halifax, Kentville, and Port Hawkesbury including - but not limited to - Mayors Mitchell, Snow and Chisholm-Beaton along with NSFM CEO Juanita Spencer, Vice-President, Atlantic Canada at CFIB, Jordi Morgan, CAO Marie Walsh met at City Hall to discuss how to move forward with a unified voice as we all recognize the negative impact of single use plastics on our communities and beyond.

These products don't biodegrade. They pollute our environment; poisoning our wildlife and water supply leading to long term negative consequences; contributing to health concerns and the well-being of our citizens.

Here in the CBRM, our own warehouse facilities have been filling with plastic single use shopping bags. It is a real problem and not unique to the CBRM.

What we do, how do we do it and when we do, it is something municipalities can directly address with the goal of creating a positive ripple effect. And if we can do it together, all the better.

Therefore, we sat down. We talked about how to move forward with eliminating single use plastics. How to do that in the most efficient and effective way; keeping in mind potential impacts on small business. We wanted to be sure what we decided to do would not cause a great financial burden on those businesses. Councillor McDougall, in her role on the Regional Chairs, was invited to join the conversation.

As we knew Halifax was the closest to moving forward with a proposal for their Council, it was the plan to let that municipality take the first major step and then

we, the urban centres, would bring a resolution forward to our respective councils, which would be in support of Halifax's action.

In the meantime, I made an appointment to tour our recycling facility in Sydport. All Councillors were invited to join me.

A follow-up meeting was arranged in May during the NSFM Spring Workshop in Truro. (Attached is a draft agreed upon province-wide communication.)

A summary of the discussion in Truro:

Antigonish ... working with County to jointly establish a policy.

Kentville ... lead time is critical. HRM has a model worth reviewing. Some evidence that paper bags are being integrated into retail.

Port Hawkesbury ... a phased in approach. They have reached out to business community for feedback.

Yarmouth ... it's time for action and 7 units in the area are supporting it. Provincial perspective is needed. This needs to be acted on.

Amherst ... uniformity between units is preferred. Local business has not been consulted with. A provincial perspective is required. Can the HUB councils / Mayors make a uniform motion.

New Glasgow ... there needs to be uniformity. Waiting for Halifax.

Truro ... the plastic restriction should be restricted by January 2020.

Sincerely,

ORIGINAL SIGNED BY

MAYOR CECIL P. CLARKE

Attachment - 1

Action: Request David Mitchell, Mayor Bridgewater to write a letter / correspondence to all municipal units “call to action” regarding single use plastic bags.

Objective: Move to eliminate the use of single use plastics by January 2020.

Draft Letter / Correspondence to All Units

I forward this correspondence to you and your council in an effort to ensure the issue of single use plastic bags stays current and relevant in your communities.

We face many challenges in our communities from all areas including economic, social, property, governance and the environment to name a few. Additionally there are many issues which affect us at varied levels. I would suggest the issue of single use plastic bags has a uniform effect on all Nova Scotians in all geographic areas of our province. We are all hearing this.

Around the province, there are varied levels of progress on this issue. I would suggest all units have a Community of Interest to protect and preserve the environment, particularly when and where it is easily facilitated. We are almost there regarding this issue but we need a collective push.

I request that your unit revisit or prioritize this issue by considering a bylaw or making a strong statement that your unit is concerned about single use plastic bags or would ban single use plastic bags from being distributed by retail stores by January 2020.

I hope you share this point of view and are prepared to follow through with this collective call for action. Please return correspondence to my office so that a record of support can be maintained and copy NSFPM and your local MLA.

Thank you all, in advance, for your consideration of this important issue.



Councillor Amanda McDougall

320 Esplanade, Sydney, Nova
Scotia, B1P 7B9

(902) 574-0290

ammcdougall@cbrm.ns.ca

**CBRM Council Meeting
June 18th, 2019**

Dear Council Colleagues,

My apologies for not being able to present an update from the Nova Scotia Solid-Waste Regional Chairs Committee in person.

As I expressed to our Solid Waste Region last week, I am thrilled to be able to say our Committee has completed our outreach and research and submitted a consensus-based proposal for Extended Producer Responsibility (EPR) for Printed Paper and Packaging (PPP) to Minister Gordon Wilson of the Nova Scotia Government. The next step in the process will be for the NS Government to work with industry to finalize the framework for the program and enact EPR as policy.

Prior to presenting this proposal to government, we undertook a long and thoughtful process to ensure municipal units and industry were not only consulted but educated on the facts surrounding EPR for PPP. Over the course of two years tool kits and presentations were offered to municipalities and the industry resulting in overwhelming municipal consensus for EPR and the opportunity to consult with industry by way of the Chambers of Commerce across the province. Another enlightening opportunity was participating in a discussion with a group of Nova Scotia's Urban Mayors along with a representative from the Canadian Federation for Independent Business to weed out any misinterpretations of what EPR entails and how at the end of the day residents of Nova Scotia are already paying for into EPR at cash register and again through their municipal taxes for end of life management. We have been successful in sharing the message that EPR will not only bring needed funding to municipal regions to help deal with this plastics and packaging but ultimately influence the practices of industry practices around the production of printed paper and packaging.



Councillor Amanda McDougall

320 Esplanade, Sydney, Nova
Scotia, B1P 7B9

(902) 574-0290

ammcdougall@cbrm.ns.ca

Within our proposal we made it very clear that just because the proposal has been formed and submitted does not mean our committee walks away and leaves the remaining work to the province. On the contrary, we have offered that our members help along each step of the way in seeing this program enacted as a provincial policy.

This is the good work staff and elected officials on the Nova Scotia Solid-Waste Regional Chairs Committee get to do and what makes it so great is that this proposal is a solution that the residents of Nova Scotia have been pleading for when it come to changing our collective ways in which we use and produce printed paper and packaging. Given the newly announced intention to ban all single use plastics across the country by 2021 it is timely that we do what we can as elected officials to get back to the first, and most important in my humble opinion, of the three R's. We must REDUCE. We have to work together to stop creating so much waste, we have to work together to find different ways to package our products and food and we have to do it now.

Thank you all for your continued support on this file.

Sincerely,

Amanda McDougall

Chair, Region 1 - NS Solid-Waste Regional Chairs

Co-Chair, Priorities Committee

CBRM Councillor - District 8



MEMO

TO: Clerks Office

June 12, 2019

In light of the recent Federal announcement concerning a ban on single use plastic I would like to place an item in the pending file for council.

I will be preparing a presentation for council updating where we are as a province in terms of a ban and what initiatives have taken place to date.

Also included will be the progress being made by the Solid Waste Resource Committee. I would expect this to be ready for the September meeting at the earliest.

Francis Campbell

Manager Solid Waste



CAPE BRETON
REGIONAL MUNICIPALITY

MEMO

TO: CBRM Council

DATE: June 06, 2019

FROM: Director, Planning and Development

RE: **APPOINTMENT OF DEVELOPMENT OFFICER**

BACKGROUND

The Planning Department has recently hired a new Planner, Kristen Knudskov, who will require an appointment to perform duties as the development officer in the development officer's absence.

DISCUSSION

Section 243 of the *Municipal Government Act* requires Council to appoint a development officer to administer its land use bylaw and subdivision bylaw. CBRM's development officer is responsible for the day-to-day administration of its Land Use Bylaws and Subdivision Bylaw. This includes processing development permits and subdivision approval in compliance with these bylaws.

RECOMMENDATION

That Council appoint Kristen Knudskov as a development officer for CBRM.

Respectfully submitted by:

ORIGINAL SIGNED BY

Michael Ruus
Director, Planning and Development

| Revenue | Year To Date Assigned | 12 Month Unaudited Budget | 12 Month Unaudited Budget Variance | Annual Budget | Annual Budget Remaining |
|--|-----------------------|---------------------------|------------------------------------|--------------------|-------------------------|
| Total Taxes | \$ 108,104,225 | \$ 107,811,592 | \$ 292,633 | \$ 107,811,592 | (\$ 292,633) |
| Total Federal Government | 3,198,858 | 3,100,000 | 98,858 | 3,100,000 | (98,858) |
| Total Federal Government Agencies | 753,220 | 753,578 | (358) | 753,578 | 358 |
| Total Provincial Government | 2,098,666 | 2,078,252 | 20,414 | 2,078,252 | (20,414) |
| Total Provincial Government Agencies | 3,055,271 | 3,057,283 | (2,012) | 3,057,283 | 2,012 |
| Total Services to Other Local Government | 605,168 | 608,821 | (3,653) | 608,821 | 3,653 |
| Total Transit | 1,075,907 | 792,500 | 283,407 | 792,500 | (283,407) |
| Total Environmental Development Services | 231,383 | 246,000 | (14,617) | 246,000 | 14,617 |
| Total Licenses & Permits | 166,200 | 150,500 | 15,700 | 150,500 | (15,700) |
| Total Fines & Fees | 619,990 | 572,852 | 47,138 | 572,852 | (47,138) |
| Total Rentals | 526,311 | 503,630 | 22,681 | 503,630 | (22,681) |
| Total Concessions & Franchises | 342,985 | 365,000 | (22,015) | 365,000 | 22,015 |
| Total Interest on Taxes | 1,332,824 | 1,614,003 | (281,179) | 1,614,003 | 281,179 |
| Total Finance Revenue | 26,825 | 30,000 | (3,175) | 30,000 | 3,175 |
| Total Solid Waste Revenue | 2,098,279 | 2,300,000 | (201,721) | 2,300,000 | 201,721 |
| Total Recreation & Cultural Service Programs | 1,995,406 | 2,065,000 | (69,594) | 2,065,000 | 69,594 |
| Total Water Utility Charges | 4,951,510 | 4,951,510 | (0) | 4,951,510 | 0 |
| Total Unconditional Transfers | 15,965,329 | 15,860,282 | 105,047 | 15,860,282 | (105,047) |
| Total Conditional Transfers | - | - | - | - | - |
| Year To Date Assigned | 147,148,359 | 146,860,803 | 287,556 | 146,860,803 | (287,556) |

| Expenditures | Year to date Expended | 12 Month Unaudited Budget | 12 Month Unaudited Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|---------------------------------|---|-----------------------|-------------------------------|
| Legislative | \$ 1,382,628 | \$ 1,455,969 | \$ 73,341 | \$ 1,455,969 | \$ 73,341 |
| Administration | 839,739 | 1,083,980 | 244,241 | 1,083,980 | 244,241 |
| Finance | 2,813,450 | 2,860,330 | 46,880 | 2,860,330 | 46,880 |
| Legal | 663,495 | 676,601 | 13,106 | 676,601 | 13,106 |
| Human Resources | 1,226,854 | 1,374,144 | 147,290 | 1,374,144 | 147,290 |
| Technology & Communications | 1,272,960 | 1,301,881 | 28,921 | 1,301,881 | 28,921 |
| Municipal Clerk | 513,147 | 536,755 | 23,608 | 536,755 | 23,608 |
| Fiscal Services | 31,681,749 | 31,894,505 | 212,756 | 31,894,505 | 212,756 |
| Police Services | 26,673,663 | 26,994,915 | 321,252 | 26,994,915 | 321,252 |
| Fire Services (incl EMO) | 17,963,767 | 18,201,998 | 238,231 | 18,201,998 | 238,231 |
| Engineering & Public Works | 46,006,638 | 45,577,828 | (428,810) | 45,577,828 | (428,810) |
| Planning | 2,579,629 | 2,656,806 | 77,177 | 2,656,806 | 77,177 |
| Facilities C200 & Arenas | 4,081,030 | 3,398,410 | (682,620) | 3,398,410 | (682,620) |
| Parks & Grounds | 2,927,000 | 2,832,660 | (94,340) | 2,832,660 | (94,340) |
| Buildings | 3,580,117 | 3,374,564 | (205,553) | 3,374,564 | (205,553) |
| Recreation | 2,594,877 | 2,639,461 | 44,584 | 2,639,461 | 44,584 |
| Total expended to date | \$ 146,800,744 | \$ 146,860,807 | \$ 60,063 | \$ 146,860,807 | \$ 60,063 |

Reviewed

Departmental

