

Cape Breton Regional Municipality

General Committee Meeting

AGENDA

TUESDAY, MAY 7TH, 2019

1:30 P.M.

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

Cape Breton Regional Municipality

General Committee Meeting

Tuesday, May 7th, 2019

1:30 p.m.

AGENDA ITEMS

Roll Call

1. **APPROVAL OF MINUTES:** (Previously Distributed)
 - General Committee – February 5, 2019
 - General Committee – March 5, 2019

2. **APPROVAL OF AGENDA:** (Motion Required)

3. **PROCLAMATIONS & RESOLUTIONS:**
 - 3.1 **Lyme Disease Awareness Month:**
Councillor Earlene MacMullin (See page 6)

 - 3.2 **Congenital Diaphragmatic Hernia Awareness Day:**
Councillor Amanda McDougall (See page 7)

 - 3.3 **2019 Daffodil Campaign:**
Councillor Amanda McDougall (See page 8)

 - 3.4 **National AccessAbility Week 2019:**
Councillor Kendra Coombes (See page 9)

Continued....

**General Committee Meeting Agenda
May 7th, 2019 (Cont'd)**

4. REPORTS:

- 4.1 **Destination Cape Breton Association - Update:** Mr. Terry Smith, Chief Executive Officer (See page **10**)
- 4.2 **Nova Scotia Quality of Life - Survey:** Ms. Carla Arsenault, Chief Operating Officer, Cape Breton Partnership (See page **24**)
- 4.3 **Solid Waste-Resource Management Council Update:** Francis Campbell, Manager of Solid Waste (See page **29**)

5. PLANNING ISSUES:

- 5.1 **Request for Amendments to the Vendors By-law:** Paul Burt, Manager of Buildings, Planning and Licensing laws (See page **33**)
- 5.2 **Issue Paper Bill 59 The Accessibility Act:** Paul Burt, Manager of Buildings, Planning and Licensing laws (See page **68**)
- 5.3 **Update on Land Use By-law Text Amendment Application #1045 Keltic Drive Business Corridor (KBC) Zone – Nicole Campbell:** Karen Neville, Senior Planner (See page **70**)
- 5.4 **APPROVAL TO ADVERTISE:**
 - a) **Zoning Amendment Application #1061 by Ken McPhee – Corner of Kimberly Drive and Harriet Street, Sydney River, for a proposed expansion to Keltic Furniture World:** Karen Neville, Senior Planner (See page **72**)

6 CORPORATE SERVICE ISSUES:

- 6.1 **Donalda Andrews – Request to Purchase Land - Rear 66 Forrest Street, Sydney Mines - Portion of PID I5505720:** Sheila Kolanko, Senior Paralegal/Property Manager (See page **76**)
- 6.2 **Amendments to Solid Waste Resource Management By-law:** Francis Campbell, Manager of Solid Waste (See page **79**)
- 6.3 **Waterfront Lease – Operation of Seasonal Food, Liquor and Entertainment Establishment – 3302009 Nova Scotia Limited:** John Phalen, Economic Development and Major Projects (See page **105**)

Continued...

**General Committee Meeting Agenda
May 7th, 2019 (Cont'd)**

7 COUNCILLOR AGENDA REQUESTS:

- 7.1 Signage on Utility Poles: Councillor Jim MacLeod (See page **107**)
- 7.2 Update and Information regarding New Library Application and Process: Councillor Amanda McDougall (See page **111**)
- 7.3 Container Port Update: Councillor Earlene MacMullin (See page **113**)
- 7.4 Dogs on Leash: Councillor Earlene MacMullin (See page **114**)

ADJOURNMENT

PROCLAMATION
“Lyme Disease Awareness Month – May, 2019”

Whereas: Lyme disease is a serious illness caused by the bite of a black-legged tick infected with the bacterium *Borrelia burgdorferi*;

And Whereas: Black-legged ticks carrying a variety of diseases or illnesses can now be found in all parts of Nova Scotia;

And Whereas: Awareness, education and practicing preventative measures, such as daily tick checks and proper tick removal can help reduce your chances of contracting tick borne diseases;

Be It Therefore Resolved: That CBRM Mayor Cecil P. Clarke and Council, proclaim May, 2019 as “Lyme Disease Awareness Month” in the Cape Breton Regional Municipality.

Councillor Earlene MacMullin
CBRM District #2

May 7th, 2019

Proclamation
**Congenital Diaphragmatic Hernia
Awareness Day**

WHEREAS: 1 in every 2,500 pregnancies are diagnosed with a congenital diaphragmatic hernia – a condition in which the diaphragm doesn't form completely; leaving a hole allowing other organs to move into the chest cavity causing the heart and lungs to be affected in development; and

WHEREAS: CDH is as common as spina bifida and cystic fibrosis; however, very few people know about or are aware of it; and, those who have the condition often endure multiple surgeries and possible medical complication beyond their diagnosis that include heart defects, pulmonary complications, gastric and intestinal problems, developmental delays, and may require respiratory and medicinal support for years; and

WHEREAS: it is estimated that over a half million babies have been born with CDH in the last 19 years; with only half those children surviving; and

WHEREAS: raising awareness of this congenital defect will help bring about acceptance and support for those suffering with it and will help advocate for urgently needed medical research and advances.

**BE IT THEREFORE
RESOLVED:** that CBRM Mayor Cecil P. Clarke and Council hereby proclaim April 19 as Congenital Diaphragmatic Hernia Awareness Day in the Cape Breton Regional Municipality and encourage all residents to join in this observance.

Councillor Amanda McDougall

District #8

May 07, 2019

Proclamation

2019 Daffodil Campaign

WHEREAS: thousands of people in our community have been directly affected by cancer and share a strong bond with others who experience the pain of this disease; and

WHEREAS: the Canadian Cancer Society is proud to be a champion and voice for Canadians who care about cancer and is committed to supporting and engaging people in our community; and

WHEREAS: through the Daffodil Campaign, funds are raised to fund ground-breaking research and support services that help people impacted by cancer live their lives more fully; and

WHEREAS: the daffodil is the symbol of strength, courage and life for those living with cancer and for local people to rally around by volunteering, buying fresh daffodils, and wearing a daffodil pin.

**BE IT THEREFORE
RESOLVED:** That CBRM Mayor Cecil P. Clarke and Council hereby recognize April's DAFFODIL CAMPAIGN in Nova Scotia and thank all the volunteers who help raise funds in an effort to save lives.

Councillor Amanda McDougall

District #8

May 07, 2019

Proclamation
National AccessAbility Week 2019

WHEREAS: individuals with disabilities are impacted daily by barriers to information, facilities, employment, transportation and communication supports; and

WHEREAS: such barriers often impact a person’s ability to fully participate in the community; and there is a need to raise awareness and improve supports; and

WHEREAS: National AccessAbility Week was created to fill that need by promoting inclusion and accessibility in our communities and workplaces, as well as celebrating progress and to inspire governments, private enterprise and citizens to further break down barriers; and

WHEREAS: we need to change the way we think, speak and act about barriers to participation and accessibility so it is not an afterthought but an automatic cogitation.

BE IT THEREFORE RESOLVED: that CBRM Mayor Cecil P. Clarke and Council hereby proclaim May 28 – June 2 as AccessAbility Week in the CBRM and encourage residents to live with the spirit of inclusion and champion accessibility for all.

Councillor Kendra Coombes

District #11

May 07, 2019



**CAPE BRETON
ISLAND**
Your Heart Will Never Leave



Presentation to CBRM Council May 7, 2019

Destination Cape Breton Association

DCBA is the destination marketing organization for Cape Breton Island.

- **Board of Directors**
Marie Walsh
- **Industry Committee**
Christina Lamey
- **Product Innovation Committee**
Krista Dove



Results

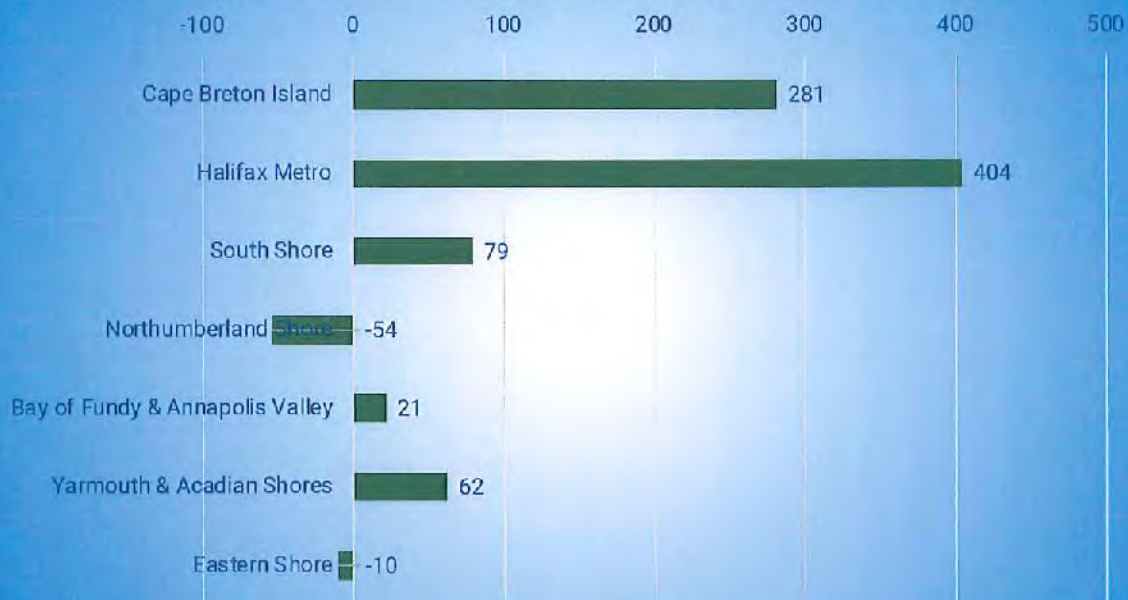
cbisland.com Website Sessions | 2014-18



Website sessions were up 18% over 2017.
Clicks to operator websites were up 19%.

Incremental Room Nights Sold | 2011 Baseline

Cumulative Incremental Room Nights Sold (000s) using 2011 as a Baseline



Cape Breton Island has had 281,000 incremental room nights sold since 2011, about 70% of the Halifax Metro number despite having half the inventory and a greater proportion of seasonal operators.

Source: Nova Scotia Tourism Indicators

CBRM Room Nights Sold | 2015-17



Room nights sold in the CBRM increased by 13% in 2016 and another 6% in 2017. Final 2018 numbers are not available yet, but they are on track to be on par with 2016.

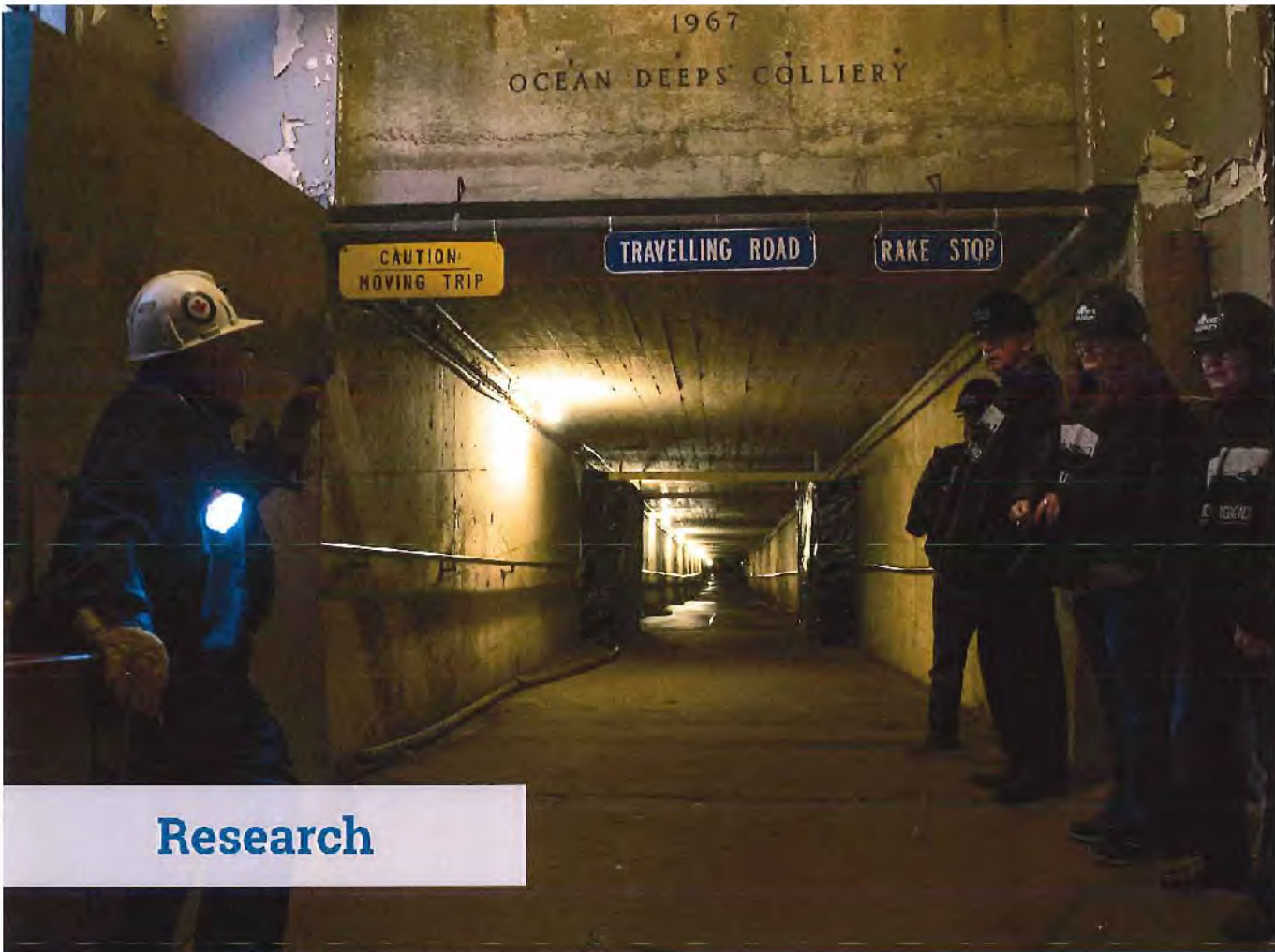
Source: Tourism Nova Scotia



2019-20 Strategy Highlights

Goals

- **Maximize 'plant capacity'**
2% increase in room nights sold with the majority of the increase in shoulder or winter seasons
- **Increase yield (revenues per visitor)**
2% increase in levy revenue yield per room night sold



Research

Target Audience

Psychographic

Authentic
Experiencers
+
Cultural Explorers

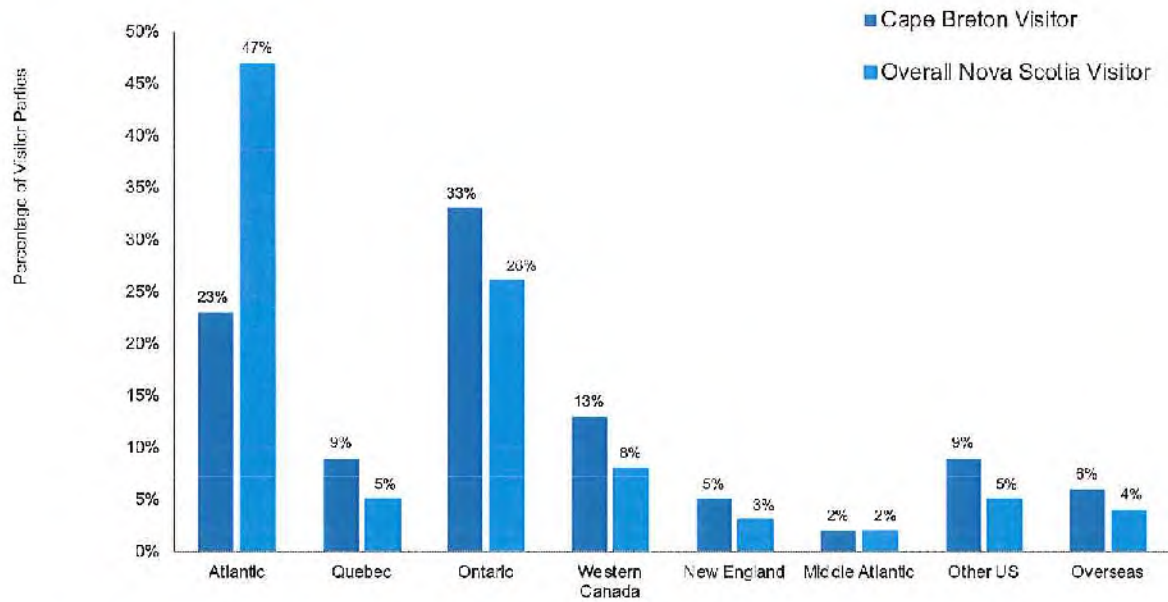
Demographic

Female planners
Empty nesters
Travel as couples
45-70, millennials

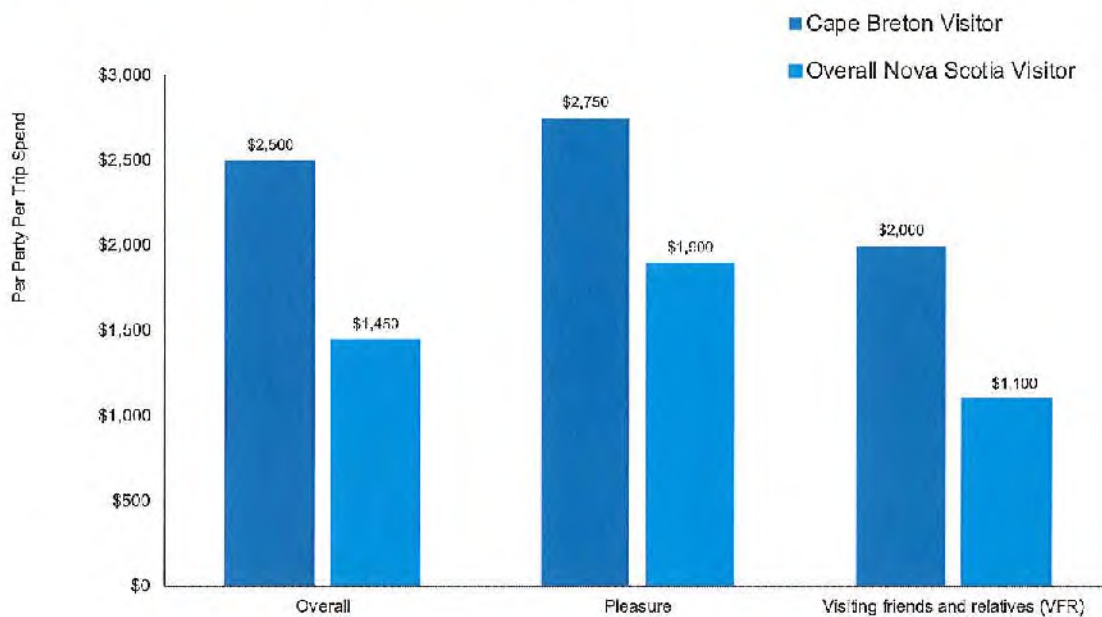
Geographic

Greater Toronto Area
Montreal
Halifax
Boston, New York
Calgary

VISITOR ORIGIN



VISITOR EXPENDITURES





Product Innovation

Product Innovation

- Experience Innovation Workshop – May 2
- Tourism Tech Competition – May/June
- Tourism Startup Competition – Fall
- Shoulder and winter season development



Festival & Events Program

Supported 34 events in the CBRM in 2018-19 (\$84,400):

Drag Racing Plus

Celtic Connection

Navy League of Canada Cape Breton Division
Sea Cadets 100th Anniversary Celebrations

2018 Summer Gaelic Events Program

Westmount Canada Day

Lambert Todd Days Festival

Cape Breton Kennel Club Dog Show

Sydney Ribfest

New Waterford Coal Dust Days

Bartown Days

Seaside Daze

Sydney Credit Union Makin' Waves Music
Festival

Louisbourg Crab Festival

Bay Days Summer Festival

Johnny Miles Festival

Whitney Pier Legion Picnic

Cape Breton Jazz and World Music Festival

Cape Breton Summertime Revue

Pier Melting Pot Festival

Cape Breton Farmers Exhibition

Glace Bay UNIA - Marcus Garvey Festival

Louisbourg Race Through Time

HAT 2018 Summer Theatre Festival

Grand Narrows Waterfront Attractions

Nutcracker Festival

Acoustic Roots Festival

Louisbourg Celebrates

Cape Breton Fiddlers Run

Fall Classic Show & Shine and BBQ Cook-Off

Legends & Lyrics

Lumière Arts Festival

Hike the Coxheath Colors Ceilidh

Goat Island Family Day/Scavenger Hunt

New Waterford Coal Bowl Classic



Marketing

Digital Marketing

- Tourism Nova Scotia Digital Marketing Partnership
- Content marketing strategy

New videos, photos and blog content coming soon



CULINARY, HIKING

Ben Eoin + The Mermaid Kitchen



Alicia Lake

A nice steady climb along a well-worn path, Ben Eoin Trail leads you through large old Birch and Beech trees. At the top of the small mountain, the look-off offers...

New Website

CAPE BRETON ISLAND
Your Heart Will Never Leave

Things to Do | Places to Go | Accommodations | Trip Ideas | About the Island

Be a Trailblazer...
BE. here.

To be launched mid May

Experience Guide



- 300,000 distribution: Saltscapes Food & Travel, Bay Ferries, select ON Sobeys stores, Provincial and Cape Breton VICs

Update on Regions

Fleur-de-lis/Marconi/Sydney Area



Image from 2019 Nova Scotia Doers and Dreamers Guide

- Sydney Area - Marconi Trail
- Louisbourg Area - Fleur-de-lis Trail

Ultimate Summer Job Interns



**CAPE BRETON ISLAND'S
ULTIMATE SUMMER JOB**

Travel the Island visiting events and tourism experiences...
AND GET PAID FOR DOING IT!

- Currently advertising a position dedicated to CBRM events and experiences



Small Ports Cruise

- Support niche ports
14 ships scheduled for Louisbourg in 2019
- Sydney Home Port
One Ocean Expeditions
- Develop Nova Scotia
Targeting Superyachts



Photo credit: Louisbourg Harbour Inc.

Events Cape Breton

| Event | Timing |
|---|---------------|
| Royal Legion National Darts Championships | May 2019 |
| Cruise Canada – New England Symposium | June 2019 |
| STIHL Timbersports Championship | July 2019 |
| National Major Little League Baseball | July 2019 |
| Royal Legion National Youth Track & Field | August 2019 |
| National Darts Championships | June 2020 |
| National Senior Men's Baseball Championship | July 2020 |
| Royal Legion National Youth Track & Field | August 2020 |
| USPORT National Women's Soccer Championship | November 2020 |

Bids:

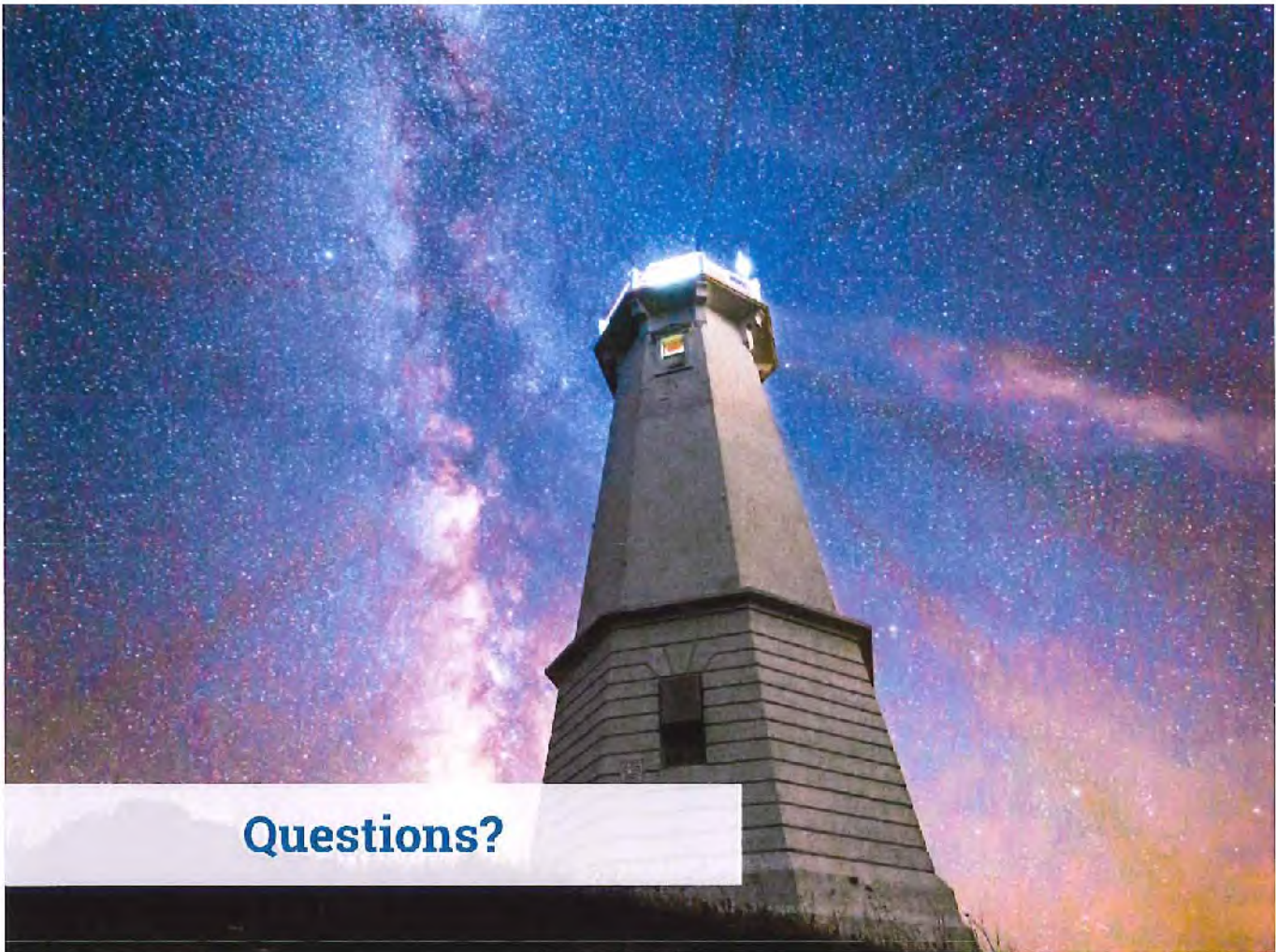
- Super Channel Canadian Boxing Championships – April 2020/2021
- Telus Cup – April 2021
- QMJHL Draft – June 2021
- Provincial 55+ Games – September 2021
- National Aboriginal Hockey Championship – May 2021



CBRM Grant to DCBA

CBRM Grant - \$80,000

- **Visitor Information Centres - \$55,000**
Sydney Waterfront VIC - \$50,000
Louisbourg VIC - \$5,000
- **Events Cape Breton - \$15,000**
Matched and leverages ACOA funding to an annual budget of \$132,000
- **Destination Development Plan - \$10,000**





1000 Nova Scotians were asked:
How should we measure success?

81%

improvement in our
quality of life

68%

growth in our
economy

How do you measure Quality of Life?

Satisfaction with Life Studies (Helliwell et al.)

- Canada ranks 9th out of 150 countries
- 1215 Canadian Communities
- 55 in Nova Scotia
- Cape Breton Regional Municipality ranks above the provincial average

How do you measure Quality of Life?

Canadian Index of Wellbeing Approach

- A. [Provincial Index](#)
(Released in June 2018)
- B. [Community Survey](#)
(80,000 NS Households – May & June 2019)



Nova Scotia Quality of Life Survey


From late April to late June, **one in five** households in Nova Scotia will receive an invitation in their mailbox to participate in a **30 minute** online survey asking how they are doing across eight domains of well-being.

Check your mailbox for the following envelope the week of April 29, 2019 for the Nova Scotia Quality of Life Survey.



Spread the word – fill it out, don't throw it out!

Functional Economic Regions In Nova Scotia
Source: Statistics Canada, Centre for Special Business Projects, 2017



A Quality of Life Report will be created for each of 10 regions

What happens after the survey?

Fall 2019
Preliminary reporting in each region

Early 2020
Regional Reports Released

2020
Quality of Life forums to take action on results

The survey is led by **Engage Nova Scotia** with the support of **Nova Scotia Community College** and **Local Leadership Teams**.



nsc

**CAPE BRETON REGIONAL MUNICIPALITY
SOLID WASTE-RESOURCE MANAGEMENT
COUNCIL UPDATE
May 2019**

CBRM Solid Waste Education

The Solid Waste Department continues to engage, educate and work with the residential and commercial sectors in the community to offer educational assistance. A portion of the departments education initiatives is funded by Divert Nova Scotia.

| | |
|---|---------------------|
| Educational Outreach hours completed by staff from April 1, 2018 to March 31, 2019 | 637.00 hours |
|---|---------------------|

Solid Waste Management Hotline

Between April 1, 2018 and March 31, 2019 educators have responded to approximately **9,008** phone inquiries and **5736** voice mail messages received from residents and the ICI sector.

Solid Waste Management Database

The Solid Waste Management Database is used to record all inquiries received from the public. The database allows the department to track important data such as collection complaints, collection inquiries, or waste management concerns. Between April 1, 2018 and March 31, 2019 educators have entered **15,144** inquiries received by telephone, webmail, e-mail or social media into the Waste Management Database.

Solid Waste Illegal Dumping Enforcement Program

The Solid Waste Department in partnership with the Cape Breton Regional Police Service, continues to follow-up on alleged dumping complaints and curbside non-compliance complaints.

Program highlights between April 1, 2018 and March 31, 2019:

- **208** alleged dumping complaints were investigated by the Constable. The complaints investigated included:
 - 25 curbside non-compliance complaints
 - 174 dumping complaints
 - 9 litter complaints
- To resolve the 204 dumping complaints, the constable completed **approximately 301** site visits, conducted **350** phone calls, sent **78** emails and participated in **17** meetings. He also met with the CBRM Lawyer to prepare for and participate in court proceedings.

- 7 Charges were filed with the court system between April 1, 2018 and March 31, 2019. The charges filed were:

| Month Charge was Issued | Charge Issued | Fine Issued |
|-------------------------|--|-------------|
| April 2018 | Solid Waste Resource Management By-Law: Section 12: 12.8 | \$ 697.50 |
| April 2018 | Solid Waste Resource Management By-Law: Section 12: 12.8 | \$ 697.50 |
| June 2018 | Protection of Property Act Section 3 (1) (d) | \$ 237.50 |
| June 2018 | Solid Waste Resource Management By-Law Section 12: 12.8 | \$ 697.50 |
| July 2018 | Protection of Property Act Section 3 (1) (d) | \$ 237.50 |
| August 2018 | Solid Waste Resource Management By-Law Section 12: 12.8 | \$ 697.50 |
| January 2019 | Solid Waste Resource Management By-Law Section 12: 12.8 | \$ 697.50 |
| March 2019 | Solid Waste Resource Management By-Law Section 12: 12.8 | \$ 697.50 |

CBRM Green Cart Program

The Solid Waste Department continues to repair or replace damaged green carts. Between April 1, 2018 and March 31, 2019 the department has:

| Received Request for | Completed |
|---|--|
| 1,373 Green Cart Repairs or Replacements | 159 Green Cart repairs |
| | 1,215 Green Cart replacements |
| Addresses that remain on Green Cart Waiting List as of March 31, 2019 | No addresses remain on the waiting list. |

Winter Collection Statistics: Month of December 2018 & January 2019

During the Winter months the department compiles information on collection delays, cancellations or other collection issues that arise across the municipality.

| Winter Collection Statistics 2018-2019 | | | | | |
|---|--|--|--|---|--|
| Month | Total number of Collection Delays reported by collectors | Total number of collection cancellations issued by Solid Waste Department | Total number of unplowed Road collection reports received from collectors | Total number of Icy Road collection reports received from collectors | Total number of inquiries Logged in Solid Waste Database |
| December, 1, 2018 to March 31, 2019 | 33 collection delays were reported by collectors between December 1, 2018 and March 31, 2019 | No collection cancellations between December 1, 2018 and March 31, 2019 | 56 collection reports reporting unplowed roads were reported by collectors between December 1, 2018 and March 31, 2019 | 41 collection reports reporting Icy Roads were reported by collectors between December 1, 2018 and March 31, 2019 | 5,044 inquiries were logged in the Solid Waste database between December 1, 2018 and March 31, 2019month |

Promotion of Solid Waste Management Information

Social Media and Website

The Solid Waste Department continues to use social media and the website as an educational tool to inform residents and businesses about Waste Management in CBRM. Waste Management information communicated between October and March included:

- Promotion of the Solid Waste Curbside Collection Videos
- Promotion of the 2018 Seasonal Leaf and Yard Waste Drop-Off Site Closures
- Promotion of the 2018 Holiday Collection Schedule
- Promotion of the Winter Weather Collection Reminders
- Promotion of the 2019 Christmas Tree Collection Service

Materials Received at Waste Management Facility: April 1, 2018 to March 31, 2019

Residential Mixed Waste Tonnages:

MW – 19,568.01 MT
 MW – ICI- 1888.77 MT
 MWT-ICI- 10,227.61 MT

Organic Waste Tonnages:

ORG- 5380.56 MT

ORG -ICI 3240.82 MT

Recyclable Tonnages: (Camdon Recycling Limited)

6403.76

Residential: 3480.25 MT

IC&I: 2176.86 MT

Membertou: 53.84 MT

Eskasoni: 35.38 MT

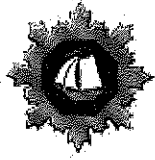
Port Hawkesbury: 136.10 MT

Richmond County: 521.33 MT

Mixed Waste Tonnage shipped to Guysborough:

29158.87 MT

Regional Chairs Committee Update:



CBRM

A Community of Communities

Cape Breton Regional Municipality

**Paul Burt,
Manager Building, Planning &
Licensing Laws**

320 Esplanade, Room 103
Sydney, NS B1P 7B9
Phone: 902-563-5175
Fax: 902-563-0833
Email: pdhurt@cbrm.ns.ca

Memo

TO: CBRM General Committee

FROM: Paul Burt, Manager Building, Planning & Licensing Laws

DATE: April 9, 2019

RE: Request for Amendments to the Vendors Bylaw

The clerk's office has received the attached written request from Ms. Shirley Rockett and Mr. Jody Rockett to amend the Vendors By-law. They wish to operate a mobile canteen from the former St. Joseph Church property located at 2734 Lingan Road, Lingan, NS, PID# I5268188 (see attached map). In their letter they ask to amend Section 15 of the Vendors By-law, however based on our review what they need to do is amend the Schedule A map referenced in Section 4 of the bylaw which indicates the locations a licence to vend in CBRM can be issued and they are required to follow the process outlined in Section 15 of the By-law, which reads:

15 Amendments

- (1) A person who seeks to have this By-law amended shall
 - (a) address a written and signed letter to the Clerk's Office requesting permission to present their request to the General Committee of Council; and
 - (b) pay for all costs of public notification of a Public Hearing of Council and public notice of Council's decision to adopt the amendment.
- (2) If the General Committee of Council deems it appropriate to proceed, a recommendation shall be made that the Licencing Authority prepare an Issue Paper to be presented at a subsequent meeting of Regional Council.
- (3) Prior to presenting an Issue Paper to Regional Council, the Licencing Authority shall circulate the request in Subsection (1) the Traffic Authority, the Planning and Development Department and any other relevant agencies for input.

CBRM amended the Vendors bylaw in 2017, specifically for instances like Ms. Rockett's request. Staff wanted a streamlined way of adding locations where a licence to vend could be issued by referring to a map of permitted locations in a Schedule attached to the bylaw. We did this because we wanted to have a process that was less expensive and time consuming than holding a public hearing each time someone wanted to vend in a location not currently approved and we believed at that time the General Committee could add a location to the map by way of a motion without having to hold a public hearing however, based on a recent notification from the province's Department of Municipal Affairs, which CBRM Planning Director introduced to you in an information memo at last month's meeting, we cannot simply amend the map by a motion of the General Committee without a public hearing unless we have a policy that allows this.

Because staff of the Bylaw Department want to have the ability to process Vendors Licence applications for locations in rural areas that are not currently listed on the map we are also advocating for amendments to the Section 4 of the bylaw. I would ask that the General Committee consider both the Rockett's request amend the bylaw to add their proposed location to the map of permitted locations where a Vendors Licence can be issued, as well as staff's request to make further amendments to Part 4 of the bylaw.

If the General Committee deems either request appropriate a motion is required recommending that the Licencing Authority prepare an issue paper to be presented at a subsequent meeting of Regional Council and that prior to preparing this issue paper, the Bylaw office, which is the Licencing Authority for this bylaw, 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.

Respectfully,

Original Signed By

Paul Burt,
Manager Building, Planning & Licencing Laws

Shirley Rockett & Jody Rockett

2734 Lingan Road

Lingan, NS

B1H SE8

April 02, 2019

clerksoffice@cbrm.ns.ca

To whom this concerns:

As per request re Amendments to Section 15 to amend the Vendors By-law, please accept this as our formal application to operate a Mobile Canteen on the former property of St. Joseph Church, Lingan, NS. As was previously discussed we are requesting that this signed letter be presented to the Clerk's Office for consideration to the General Committee of Council.

The church property is now owned by my own son Jody Rockett who has given me permission to operate this business. I really do want to do things according to the law of the land and can assure you that this property will in no way devalue the pristine beauty that now exists. I will assure that this site will be clean at all times with no build-up of garbage or anything detrimental to the residents living in the area.

I have taken various food handling courses, a course in handling lobsters and have experience working and serving food to the general public since 1973. The bus is in excellent condition, is attractive with all required permits up to date at all times.

I do plan to speak with my elected representative Kendra Coombs at the earliest convenience and hope that all consideration will be given this request with a response that will be pleasing to all.

Respectfully,

Jody Rockett

Shirley Rockett

Dated: April 2

Original Signed By

Original Signed By

2734 Lingan Rd, Lingan



Current By-Law

Cape Breton Regional Municipality

By-Law Number V-200

Vendors By-law

Adopted by CBRM Council May 17, 2016

Effective Date is May 26, 2016

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Cape Breton Regional Municipality

By-Law Number V-200

Vendors By-law

Pursuant to Section 173 of the *Municipal Government Act*, BE IT ENACTED by the Council of the Cape Breton Regional Municipality (CBRM) as follows:

- (1) This By-law shall be known as the "Vendors By-law";
- (2) Where a provision of this By-law conflicts with the provisions of another By-law in force within the Municipality, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.

WHEREAS the Cape Breton Regional Municipality intends to regulate vending:

- to ensure such facilities and their surroundings are adequately maintained;
- to ensure their customers receive a high degree of service; and

in lieu of the fact such businesses are not obliged to pay property taxes

- to ensure the taxpayer is compensated for the municipal services such businesses are the beneficiaries of; and
- to compensate for the fact businesses who are in direct competition with such vendors which are obliged to pay property taxes are burdened with a tax not imposed on vendors and traders of goods

the Council of the Cape Breton Regional Municipality hereby adopts this By-law.

1 Definitions

Auction means a publicly held sale where goods are sold to the highest bidder, but does not include local estate auctions or auctions organized by Service Clubs and non-profit organizations

Auctioneer means a person who vends goods, wares, merchandise or effects or livestock by public auction.

Busking – means a person or group that performs in a public place for donation.

Council means the Council of the Cape Breton Regional Municipality.

Craft Fair Organizer means the person leasing the facility used to host the craft fair.

General Committee of Council means the General Committee of the Council of the Cape Breton Regional Municipality

Licensing Authority means the Assistant By-law Manager, or such employee or agent of the Municipality as the Assistant By-law Manager may designate to receive applications for licence under this By-law;

Non-Profit Organization means an organization which is created primarily for a charitable object or purpose, is operated not for profit, with 100% of the funds raised going to the designated charity, and includes, but is not limited to a religious organization, school activities, or minor sports group.

Manufactured Products means products to be retailed, which were produced by means of a large scale assembly line operation using sophisticated technology and machinery.

Motor Vehicle means a self-propelled vehicle, as defined in the *Motor Vehicle Act*, driven otherwise than by muscular power.

Municipality means the Cape Breton Regional Municipality.

Non-Profit Organization means an organization which is created primarily for a charitable object or purpose, is operated not for profit, with 100% of the funds raised going to the designated charity, and includes, but is not limited to a religious organization, school activities, or minor sports group.

Person means an individual, guild, agency or a corporation.

Special Event means a publicized temporary festival, carnival, or fair at a particular site for no more than a few consecutive days.

Stand means any table, showcase, bench, rack, pushcart, wagon, or wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licenced and registered pursuant to the *Motor Vehicle Act* as a motor vehicle or a trailer, used for the display, storage, transportation, or sale of food, beverages, or other merchandise by a vendor.

Street means within the entire right-of-way of a public street owned and maintained by the Cape Breton Regional Municipality or the Department of Transportation and Infrastructure Renewal.

Traffic Authority means the position of responsibility delegated by Regional Council by recorded resolution to be responsible for the powers of a traffic authority pursuant to the *Motor Vehicle Act*.

Trailer means a vehicle without motive power designed to carry property or passengers to be drawn by a motor vehicle.

Transient Vendor means a person, firm, or corporation temporarily vending manufactured products at a particular location for a specified period of time (*e.g. retailing clothing from a hotel location*) that is not operating such a business elsewhere in the Municipality from a building as defined in the Provincial Building Code which is subject to the business occupancy assessment pursuant to the *Assessment Act* of Nova Scotia.

Unprocessed products means produce in its natural state which has not been manufactured beyond harvesting.

Vend or Vending means the sale, or offering for sale of food, beverages or other merchandise or service, not in an enclosed building as defined in the Provincial Building Code, whether on public property or private property.

Vending vehicle means a vehicle used for the displaying, storing, transportation or sale of food and beverages by a vendor which is:

- required to be licenced and registered pursuant to the *Motor Vehicle Act* as a motor vehicle or a trailer; or
- propelled by human power whether required to be licenced or not.

Vendor means any person who engages in vending as defined under this By-law.

Unightly means a vending vehicle or stand which does not have a well maintained facade and site including but not limited to:

- clean and painted and rust free;
- tires with the right air pressure for traveling on public streets;
- vending site free of rubbish.

2 Administration and Enforcement Responsibilities

- (1) No person shall vend in the Municipality except in accordance with the provisions of this By-law.
- (2) Council shall appoint the position of Assistant By-law Manger as the Licencing Authority to grant or refuse any application for a licence under this By-law.
- (3) The By-law Enforcement Officers under the direction of the Manager responsible for this by-law and any Peace Officer shall have authority to enforce any and all provisions of this By-law.

3 Exceptions

- (1) This bylaw does not apply to
 - (a) A person vending fruits, vegetables and other products harvested from a farm located within the Municipality;
 - (b) A person vending forestry products from a woodlot located within the Municipality;
 - (c) A fisher licenced by the Province of Nova Scotia vending lobster, fish, oysters or any other seafood they have harvested from the sea;
 - (d) Non-profit organizations and religious organizations associated with fund-raising by community or religious not for profit groups from the CBRM;
 - (e) Estate Auctions held to dispose of property and or personnel items belonging to properties listed on the CBRM Tax Role;
 - (f) Vending by the operator of a commercial business on the sidewalk in front of that commercial business, although approval may be required from the Traffic Authority;
 - (g) A garage or yard sale held at a residential home, when conducted by the owner or legal occupant, or a group including the owner or legal occupant;
 - (h) Door to door sales; or
 - (i) Busking.

4 Location

- (1) Those areas shown on Schedule "A" attached hereto and forming part of this Bylaw are designated as authorized sites on which vending is permitted.
- (2) A person may vend on a site not shown on Schedule "A" subject to the following:

- (a) The property has been previously occupied by a business development similar or more obnoxious to the vending proposal within the last 10 years if irrefutable evidence of the former land use can be verified by an independent source other than the applicant; or
- (b) The property is owned by the CBRM and written, signed permission is received by the site's CBRM Manager; or
- (c) The mobile vehicle does not vend at any one location for a period longer than thirty (30) minutes within a street right-of-way nor vend from on any property for a period longer than sixty (60) minutes; or

5 Licence Requirements

- (1) No person shall vend in the Municipality without having obtained a licence to do so pursuant to this By-law.
- (2) A licence to vend is required for each vending stand, vending vehicle, or transient vender operating in the Municipality.
- (3) Every application for a licence to vend in the Municipality shall be made in writing to the Licencing Authority, with a minimum of 30 days advance notice of the intention to vend, shall contain:
 - (a) the name, mailing address and telephone number of the applicant;
 - (b) company name if applicable;
 - (c) description of the merchandise to be sold;
 - (d) photograph of the stand or vending vehicle;
 - (e) if the applicant is proposing to vend on property owned by the Municipality, the period of time during the year the applicant proposes to be in operation and the hours of operation;
 - (f) if the applicant is proposing to vend food prepared on-site, a copy of the licence issued by the Nova Scotia Department of Agriculture in compliance with their Regulations;
 - (g) if the applicant is proposing to cook food to be prepared for consumption by the general public, a statement from the Fire Marshall's office of the Province of Nova Scotia, or a person licenced to supply or install propane equipment by the Fire Marshall's office, that the equipment used by the vendor to cook the food is in compliance with the minimum requirements of the "Liquified Petroleum Gas Installation and Equipment Regulation" made pursuant to the *Fire Prevention Act* of Nova Scotia;
 - (h) if the applicant is proposing to vend at a particular site or sites, adequate property information to identify the specific parcel(s) of land including a site plan(s). Each site plan shall show the area being utilized by the vendor, ingress and egress, and the location of all buildings on the property;
 - (i) if the applicant is proposing to vend from a motor vehicle and said motor vehicle travels on public street, proof of motor vehicle registration, up-to-date motor vehicle inspection, and Insurance;
 - (j) if the applicant is proposing to vend at a particular site and the applicant is not the owner of the parcel of land, written and signed permission from the property owner;
 - (k) if the applicant is proposing to vend on a street, written, signed permission from the Traffic Authority;
 - (l) confirmation of insurance in the amount of \$1,000,000 including the Municipality as an additional named insured, and if it is a vendor, with a cross liability clause in connection with the presence and operation of the vendor within the street, and that the Cape Breton Regional

Municipality will be notified by the insurance company if and when the insurance policy on the vehicle or stand in effect with respect to the vehicle or stand to be used has expired;

- (m) Payment in accordance with Schedule "B".
- (4) After receiving a completed application, the Licencing Authority shall issue a licence in compliance with the provisions of this By-law.
- (5) A person who is issued a licence by the Licencing Authority shall operate only at the site or sites for which the licence was issued under this By-law.
- (6) Any person who has been refused a licence may appeal such licence to the General Committee of Council by writing to the Clerk of the Municipality within 15 days of the revocation. The General Committee of Council may confirm the decision of the Licencing Authority or order that a licence is issued subject to compliance with the provisions of this By-law.

6 Reasons for Revoking Licence

- (1) A licence shall be revoked by the Licencing Authority for the following reasons:
- (a) the licence issued by the Nova Scotia Department of Agriculture is revoked;
 - (b) the vendor is vending merchandise not stipulated on the application for a licence;
 - (c) the vending business is in violation of any specific provision of this By-law;
 - (d) the vending business is in violation of any other By-law of the Municipality;
 - (e) the vending business is in violation of provisions of the *Motor Vehicle Act* or any regulations made thereunder;
 - (f) the vending business is not insured as stipulated in Section 5 and as confirmed on the licence application.
- (2) Any person whose licence has been revoked by the Licencing Authority may appeal to the General Committee of Council in writing to the Clerk of the Municipality within 15 days of the revocation. The General Committee of Council may confirm the decision of the Licencing Authority or order that a licence not be revoked subject to compliance with the provisions of this By-law.
- (3) A licence in respect of any site may be revoked by the General Committee of Council if, in the opinion of the Committee, the site is required for the purposes of the Municipality and the Municipality shall refund to the applicant a portion of the licence fee paid by the applicant prorated in proportion to the amount of time that the licence is revoked.

7 General Provisions

- (1) No vendor shall:
- (a) leave any vending vehicle or stand unattended on a street;
 - (b) leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;
 - (c) place any items relating to the operation of the vending anywhere other than in, on or under the stand or vending vehicle with the exception of litter and recycling receptacles or a table (*if vending goods on a particular site other than a street*);
 - (d) dump any trash or refuse or any fat or other food substances into the CBRM's sewer system.
 - (e) solicit business orally or by means of any sound emitted by a device to pedestrians or persons in motor vehicles;

- (f) vend within 100 feet of a doorway of a permanent business establishment located within a building subject to property tax and selling similar products as the vendor, unless the vendor is a pedestrian powered vehicle or stand selling food in front of an eating establishment in which the restaurant is closed (*For purposes of clarity, "selling similar products" shall mean for example food vendors and restaurants, craft vendors and jewelry stores etc.*);
 - (g) allow the vending vehicle, vending stand, or any item relating to the operation of the vending of business to lean against or hang from any building on private property or any structure lawfully placed on public property without the owner's permission;
 - (h) operate such a business from a stand or vending vehicle which is unsightly because the facade has not been maintained or a particularly obnoxious part of the stand or vending vehicle is not effectively screened from outside of the stand or vending vehicle;
 - (i) locate the vending vehicle or stand in such a way as would restrict or interfere with vehicles entering or exiting a driveway accessing a street or pedestrians attempting to enter the premises of a building;
 - (j) leave a vending vehicle or stand at any location which is not being used for vending purposes for a period of time exceeding one (1) week;
 - (k) place the vending vehicle or stand so as to obstruct the view of approved signage or displays in storefront windows;
 - (l) vend to persons in motor vehicles;
- (2) In addition to the provisions of this By-law, it is the responsibility of the vendor to comply with all other applicable Municipal, Provincial and Federal Legislation.

8 Sidewalk Vending

- (1) No motor vehicle shall be used for vending purposes while on a sidewalk, and no pedestrian powered vending vehicle or stand shall be permitted on a sidewalk unless:
- (a) the width of the sidewalk is a minimum of 10 feet
 - (b) provided the pertinent provisions of Section 4 can be met; and
 - (c) provided the pertinent provision of Section 7(1)(f) is met.

9 Special Events

- (1) A special event does not need to be located in a designated area identified in Schedule "A".
- (2) Any person vending at a special event in the Municipality shall:
- (a) have a vending licence in compliance with this By-law; and
 - (b) acquire written invitation from the special event organizer; unless the beneficiary of the proceeds from the vending is a religious denomination or a non-profit corporation or a society incorporated under the *Societies Act*.
- (3) A person intending to vend at a special event in the Municipality may acquire a per event licence from the Regional Municipality or acquire an annual licence from the Regional Municipality.

10 Craft Fairs

It is the responsibility of the craft fair organizer to acquire a special event vendor's licence on behalf of all vendors participating in the craft fair. Each vendor is not required to be licenced individually.

11 Christmas Tree and Seafood Vending

- (1) The seasonal vending of Christmas trees during the weeks leading up to Christmas day shall be subject to a licence fee as per Schedule "B" unless:
- (a) the retailing is being conducted by the woodlot owner who harvested the trees as described in Section 3; or
 - (b) the retailing is being conducted by, or for the benefit of, a non-profit organization registered under the *Societies Act of Nova Scotia*.
- (2) The vending of seafood in the Municipality shall be subject to a licence fee as per Schedule "B" unless:
- (a) the vending is being conducted by the licenced fisher who caught the seafood as described in Section 3; or
 - (b) the seafood is being sold by, or for the benefit of, a non-profit organization registered under the *Societies Act of Nova Scotia*.

12 Transfer of Licence

A licence to vend may not be transferred to a new licensee.

13 Period of Time Licence in Effect

A licence to vend shall be an annual licence (*12 months*), which shall expire on the 31st day of March of each calendar year; therefore, a new application, documentation and payment of the fee for a vendor's licence is required each and every year.

14 Licence Identification and Display

Every licence shall bear a number and shall be conspicuously displayed at all times during the operation of the vending business.

15 Amendments

- (1) A person who seeks to have this By-law amended shall
- (a) address a written and signed letter to the Clerk's Office requesting permission to present their request to the General Committee of Council; and
 - (b) pay for all costs of public notification of a Public Hearing of Council and public notice of Council's decision to adopt the amendment.
- (2) If the General Committee of Council deems it appropriate to proceed, a recommendation shall be made that the Licencing Authority prepare an Issue Paper to be presented at a subsequent meeting of Regional Council.
- (3) Prior to presenting an Issue Paper to Regional Council, the Licencing Authority shall circulate the request in Subsection (1) the Traffic Authority, the Planning and Development Department and any other relevant agencies for input.

16 Records

The Licencing Authority shall keep a record of every licence issued and every application accepted.

17 Penalties

- (1) Every person who contravenes or fails to comply with any provisions of this By-law, or any proprietor who allows un-licenced vendors the use of their premises or property, shall, for each offence, be liable on summary conviction to a penalty of not less than \$100.00 and not more than

\$200.00; and, in default of payment, the By-law Enforcement Officers under the direction of the Manager responsible for this by-law and any other Peace Officer may cancel or suspend the licence of such person. In the case of a continuing offence, a further penalty, not exceeding \$100 for each day during which the offence continues, may be imposed.

(2) Where a person is vending:

- (a) without a licence required by this By-law; or
- (b) from a space other than the space allocated to that person and specified in a Licence issued pursuant to this By-law;

in addition to any other remedy or penalty imposed by this By-law, the By-law Enforcement Officers under the direction of the Manager responsible for this by-law and any other Peace Officer may, immediately and without notice of any kind, remove any vehicle or stand used as an integral part of the vending or trading business to a place selected by the Municipality and all costs and charges incurred by the Municipality for the removal and storage shall be a lien thereon and the Municipality may, by action in any Court of competent jurisdiction, recover as a civil debt due to the Municipality by the owner, the cost of removal and storage thereof.

18 Previous By-laws Repealed

By-law No. V – 200, cited as the *Vendors and Traders of Goods By-law* and all amendments thereto are hereby repealed.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on May 17th, 2016.

MAYOR CECIL P. CLARKE

DEBORAH CAMPBELL, CLERK

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Vendors By-law of the Cape Breton Regional Municipality including amendments to May 17th, 2016.*

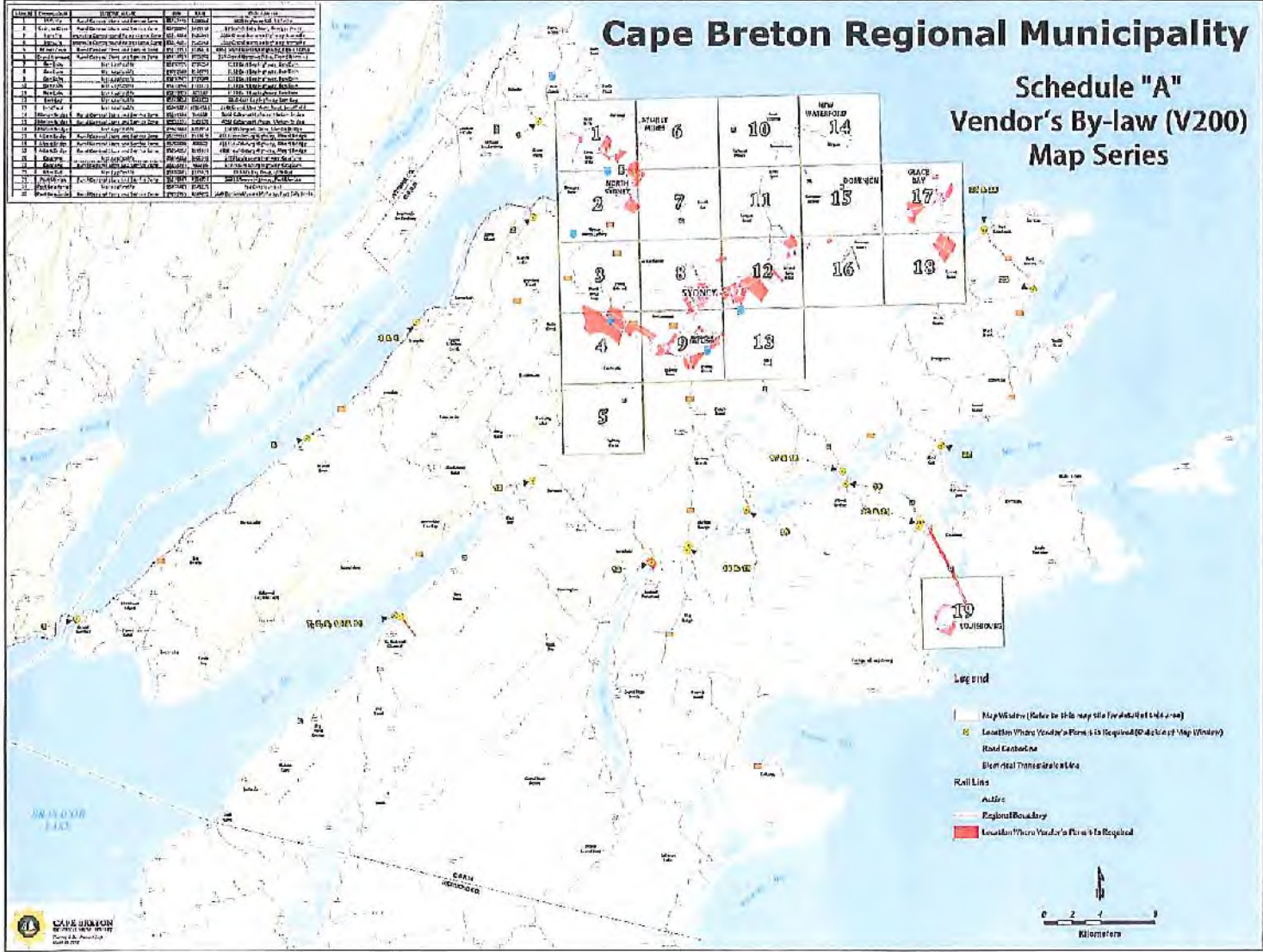
DEBORAH CAMPBELL, CLERK

Publication Date: May 26, 2016

| Map Sheet | Map Sheet | Map Sheet | Map Sheet |
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Cape Breton Regional Municipality


Schedule "A" Vendor's By-law (V200) Map Series



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required



Map 1



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 2



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 3



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 4



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 5



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 6



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required



Map 7



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required



Map 8



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 9



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit Is Required




Map 10



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

-  Location Where Vendor's Permit is Required




Map 11



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 12



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 13



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required



Map 14

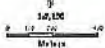


Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit Is Required



Map 15



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Locat on Where Vendor's Permit is Required



Map 16



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit is Required




Map 17



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit Is Required




Map 18



Cape Breton Regional Municipality Vendor's By-law (V200) Map Series - Schedule "A"



Legend

 Location Where Vendor's Permit Is Required



Map 19



Schedule "B"
of the
Vendors By-law
of the
Cape Breton Regional Municipality

Fee Schedule for Vendors Licence

| Type of Vendor | Period of Time Licence is in Effect | Special Provisions |
|--|-------------------------------------|--|
| Mobile motor vehicle traveling from one location to another | \$450 annual fee per vehicle | This \$450 per vehicle annual fee is replaced with a \$1,000 fleet fee for three or more vehicles owned by the same proprietor who is paying property and business occupancy tax in relation to the vending activity |
| Stationary motor vehicle | \$450 annual fee | <p>Minimum site rental on CBRM property is \$350 per month; <i>except</i> metered parking spaces where the vendor is prohibited from locating the vending vehicle while the Parking Meter By-law is in effect, in which case the site rental fee is \$175 per month</p> <p>This \$450 per vehicle annual fee is replaced with a \$1,000 fleet fee for three or more vehicles owned by the same proprietor who is paying property and tax in relation to the vending or activity</p> <p>The vendor licenced to locate on a particular site owned by the CBRM for the previous year may renew their licence prior to the CBRM accepting applications from other vendors.</p> |
| Pedestrian power stand | \$225 annual fee | |
| Bicycle vendors | \$50 annual fee per vehicle | |
| Special events and craft fairs | \$100 per event | |
| Christmas tree and seafood vending | \$100 per season | Refer to Section of By-law titled "Christmas Trees and Seafood Vending" |
| Auctioneer | \$100 per auction | |
| Transient vendors | \$500 per day | |



CBRM

A Community of Communities

Cape Breton Regional Municipality

**Paul Burt,
Manager Building, Planning &
Licensing Laws**

320 Esplanade, Room 103
Sydney, NS B1P 7B9
Phone: 902-563-5175
Fax: 902-563-0833
Email: pdhurt@cbrm.ns.ca

Memo

TO: CBRM General Committee

FROM: Paul Burt, Manager Building, Planning & Licensing Laws

DATE: April 25, 2019

RE: Issue paper Bill 59 The Accessibility Act

Bill 59, the *Accessibility Act* was approved September 2017 and set the goal to be an accessible province by 2030. It is a framework document to improve accessibility in the following areas:

- The Built Environment
- Education
- Transportation
- Information and Communication
- Delivery of Goods and Services

Under the Act municipalities will be prescribed as Public Sector Bodies and this is expected to occur in May 2019. Within a year of being prescribed we will be required to have formed an accessibility advisory committee and to have developed an accessibility plan.

An **accessibility plan** shall report on measures taken or intended to be taken to identify, remove and prevent barriers and containing information on procedures in place to assess the effect our policies, programs and services will have on accessibility for persons with disabilities. This plan must be done with input from persons with disabilities and representatives of organizations representing persons with disabilities, must be updated every three years and must be publicly available.

An **accessibility advisory committee** must have at least one half of the members being persons with disabilities or representatives from organizations representing persons with disabilities. The role of the committee is to be determined by each municipality and I have attached a draft term of reference based on the proposed provincial model.

To date staff have been actively involved in providing input into the development of the Act and gaining an understanding of the implications the Act will have on our municipality, which are many. We have aging infrastructure, limited resources and several existing priorities and commitments to meet.

Staff also recognize that it is important for all our citizens to have equal access to all programs, services and facilities and that accessibility is a human right and we are committed to improving our facilities, policies, programs and services by working to identify, remove and prevent barriers to persons with disabilities.

Recommendation

To be compliant with Bill 59 The Accessibility Act and in recognition that we want a more equitable and inclusive community for all our citizens, I am making the following recommendations to the General Committee:

1. That the General Committee pass a motion to authorize the Clerk's office to write to the Province seeking clarification as to the mandate, structure and terms of reference of the accessibility advisory committee;
2. That the Clerk's office writes to the NSFM to request their position as to what they believe the mandate, structure and terms of reference of the accessibility advisory committee should be; and
3. That an inter-departmental group be formed to review the Act and the above requested information and bring the matter back to CBRM Council with a recommendation to prepare an accessibility plan and to form an accessibility advisory committee with a recommended mandate, structure and terms of reference.

Respectfully,

Original Signed by

Paul Burt



MEMO

To: General Committee

FROM: Karen Neville

**SUBJECT: UPDATE ON LAND USE BY-LAW TEXT AMENDMENT
APPLICATION – 1045
Keltic Drive Business Corridor (KBC) Zone
Nicole Campbell**

DATE: April 25th, 2018

On June 26, 2018, Council passed the following motion for Application 1045 (PID 5199870) Keltic Drive Business Corridor (KBC):

Moved by Councillor Bruckschwaiger, seconded by Councillor Marshall, to approve the text amendment to permit only animal sitting establishments (not kennels) throughout the Keltic Drive Business Corridor (KBC), and to bring the issue back to Council after one year for review in terms of future operations.

The applicant has notified the Planning and Development Department that they are now interested in pursuing boarding of animals (i.e. kennel) at this location.

Staff is requesting direction from the General Committee of Council on how to proceed with the above motion.

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**

Land Use Bylaw Text Amendment Application - Case 1045 PID 15199870 Keltic Drive Business Corridor KBC Zone - Breton Law Group:

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Marshall, to approve the text amendment to permit only animal sitting establishments (not kennels) throughout the Keltic Drive Business Corridor (KBC), and to bring the issue back to Council after one year for review in terms of future operations.

Discussion:

In response to a question, the applicant clarified that the approval of just the Doggy Daycare at this point would be acceptable as that was her original request, and that she will be consulting an engineer regarding soundproofing as part of her development, and will work with the SPCA and bylaw officers.

Motion Carried.



TO: General Committee

FROM: Karen Neville

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

DATE: April 26, 2019

Introduction

The Planning and Development Department has received a zone amendment application from Ken McPhee requesting the zoning on PID 150S1733 (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 1S869936) 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. In this case, the zone requested is the ABC zone which is immediately adjacent to the RUC zone; therefore, the request is in keeping with the Part 10, Policy 17.

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. 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 Engineering and Public Works or Department of Transportation and Infrastructure Renewal. Any comments received from will be presented in future Issue Papers.

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.

Next Step

If Council agrees to schedule a Public Hearing at their May meeting, the earliest date a Public Hearing could be held would be during the June meeting of Council. Upon a decision of Council to schedule a Public Hearing, along with the required notices to be published in the Cape Breton Post, notice of this zone amendment application will be mailed to assessed owners of property in the vicinity of PID 150S1733 encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

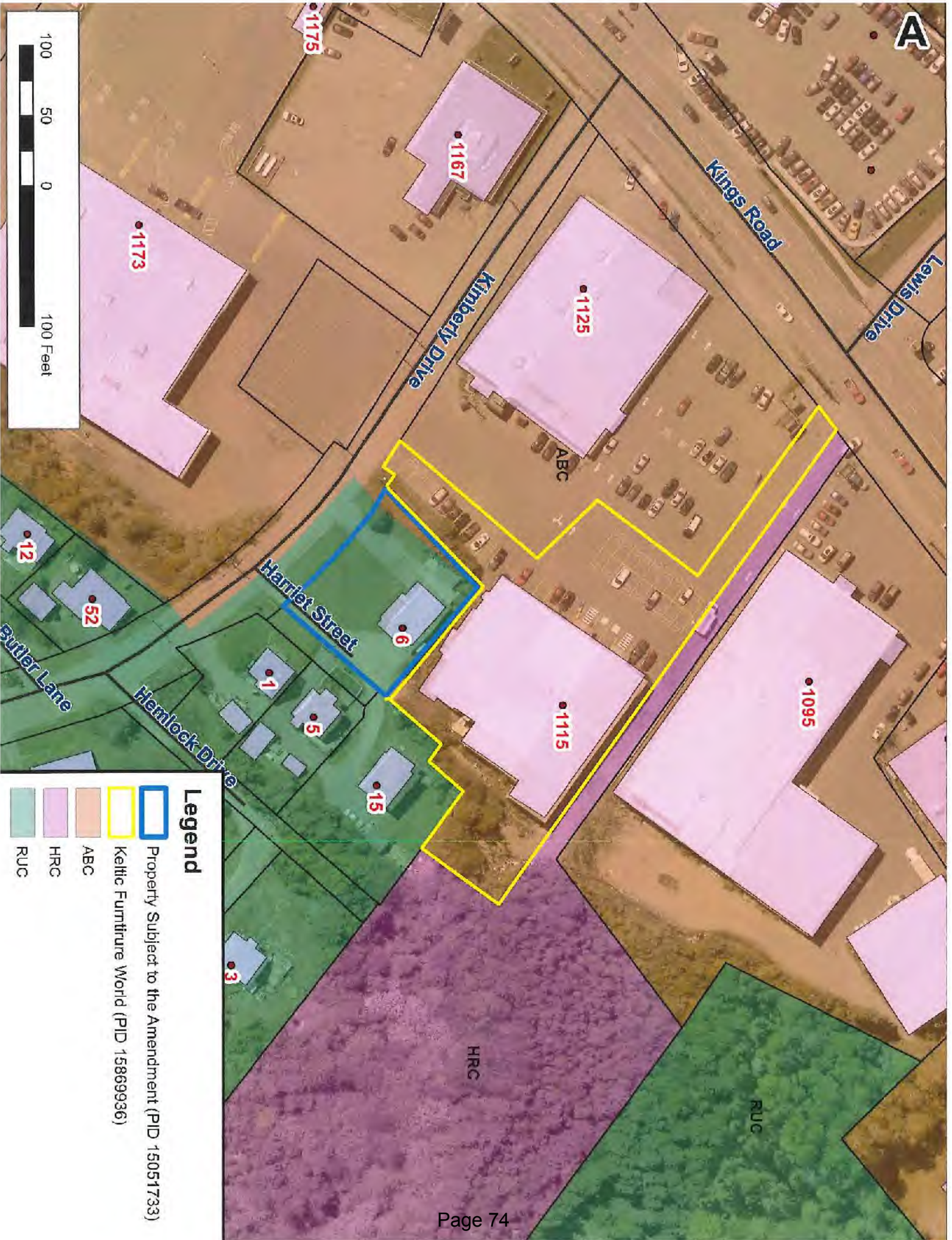
Recommendation

Based on Part 10, Policy 17, of the Municipal Planning Strategy Policy, it is reasonable for Council to at least consider the proposed amendment. I recommend the General Committee of Council request that Council pass a motion to schedule a Public Hearing to consider this zoning amendment application during the June meeting of Council.

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department



A

•1175

•1167

•1125

•1173

Kimberly Drive

Kings Road

Lewis Drive

ABC

Harriet Street

•6

•1115

•1095

•12

•52

Butler Lane

Hemlock Drive

•1

•5

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HRC

RUC

Legend

Property Subject to the Amendment (PID 15051733)

Keltic Furniture World (PID 15869936)

ABC

HRC

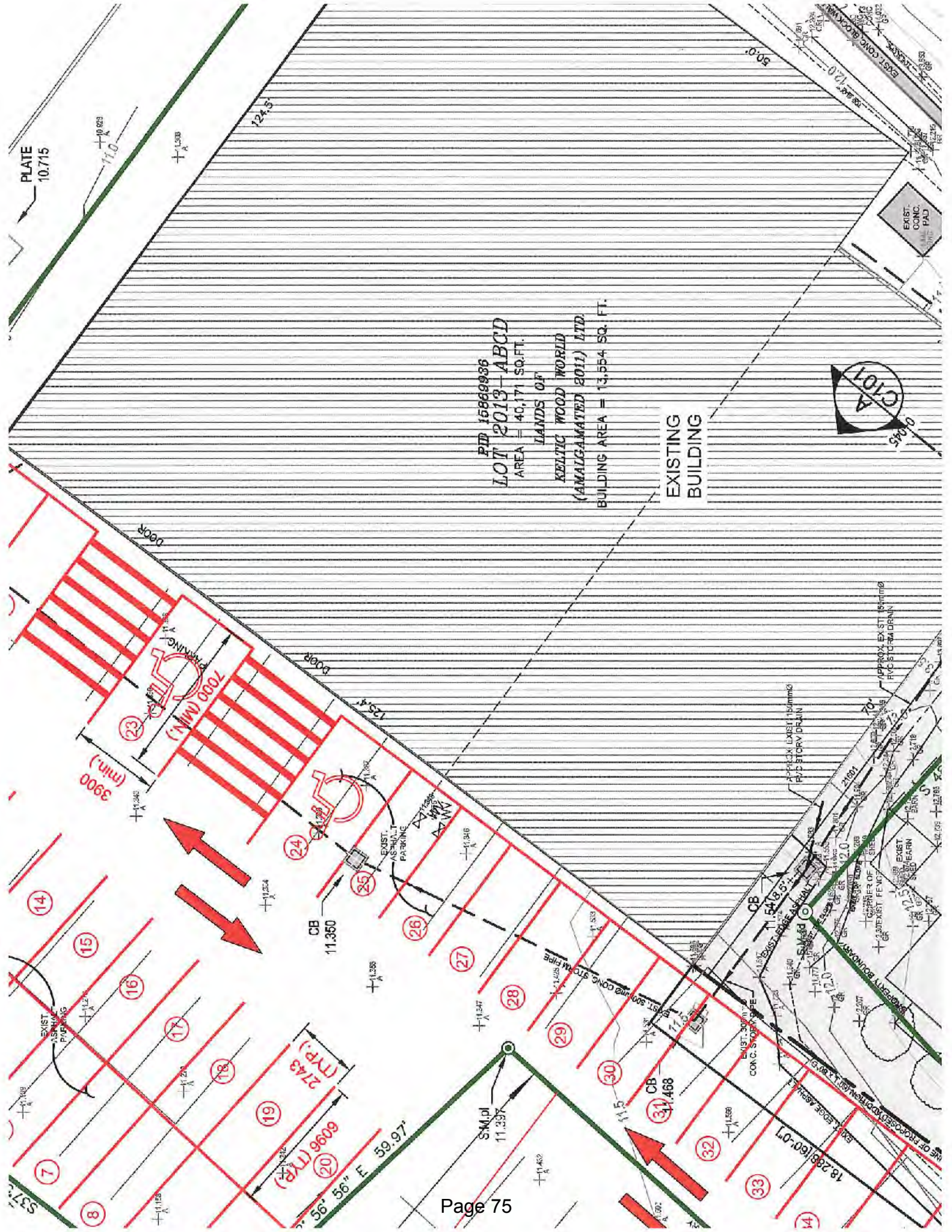
RUC

100

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100 Feet





CBRM

A Community of Communities

ISSUE PAPER

TO: GENERAL COMMITTEE

FROM: Sheila Kolanko – Property Manager

SUBJECT: Donalda Andrews – Request to Purchase Land
Rear 66 Forrest Street, Sydney Mines
Portion of PID 15505720

DATE: May 7th, 2019

INTRODUCTION

The legal department is in receipt of a letter of interest from Donalda Andrews of Sydney Mines seeking to purchase a portion of land presently owned by the Cape Breton Regional Municipality.

FACTS

The property, identified as PID 15505720 and outlined in blue on the attached map, is currently listed in the CBRM inventory as “essential” to the needs of the municipality. It is deemed essential because it encompasses an access road leading to St. Joseph’s Elementary School and also a portion of the area is considered “wetlands”. However, staff can consider requests from adjoining property owners wishing to extend their properties provided the wetlands are not disturbed.

Ms. Andrews is the registered owner of 66 Forrest Street, Sydney Mines (identified as PID 15167968 and outlined in red on the attached map. (Attachment A) Her property lies adjacent to the CBRM parent parcel identified as PID 15505720. She is seeking to acquire that portion of land located at the rear of her existing property. The area she wishes to purchase is shown crosshatched in yellow. (Attachment “A”).

Her intention is to consolidate the proposed lot containing approximately 9600 square feet with her existing property for the purpose of constructing a garage. She is aware all future development will be subject to CBRM's Land Use By Law.

AUTHORITY/EVALUATION

General Committee has the power to declare CBRM property surplus for sale pursuant to Property Management Policy. The surplus property then can be sold in a fair and impartial manner using one or more methods of disposal outlined in the said policy.

An internal staff review was carried out and it was concluded there was no issue with Ms. Andrew's request.

RECOMMENDATION

It is my recommendation to General Committee to pass a motion declaring the property comprising of approximately 9600 square feet as outlined in yellow herein surplus to the needs of the Municipality and to offer for sale the said lands to Donaldda Andrews pursuant to the *Municipal Government Act* and *Property Management Policy*.

Respectively Submitted by:

Original Signed By

Sheila Kolanko
Property Manager



Remaining Lands of
CBRM Property
PID 15505720

Approximately 9,600 square feet
of CBRM Property PID 15505720

DONALDA ANDREWS
PID 15167968



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.

ORIGINAL SIGNED BY

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, excreted 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.

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.

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.

Solid Waste Resource Management By-Law

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.

Solid Waste Resource Management 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.

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.

Solid Waste Resource Management By-Law

- 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.

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.

Solid Waste Resource Management By-Law

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.

Solid Waste Resource Management By-Law

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

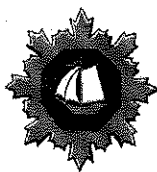
Appendix A:

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 | |

Solid Waste Resource Management By-Law

| 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 as per the waste manifest weight.</p> | | |



CBRM

A Community of Communities

ISSUE PAPER

TO: Clerk's Office

FROM: John Phalen
Economic development and Major Projects

SUBJECT: Waterfront Lease – Operation of Seasonal Food, Liquor and Entertainment Establishment – 3302009 Nova Scotia Limited

DATE: April 23, 2019

Background

The CBRM entered into a one year lease with 3302009 Nova Scotia Limited to operate a seasonal establishment on lands owned by CBRM adjacent to the Sydney Boardwalk.

The lands comprise some 6000 square feet and the lease rent represents payment based on the assessed value of the property. All provision for services and applicable permitting, and taxes are as per current procedures and are to the account of the Tenant. In addition, the Tenant agreed in the lease that should the land be required by CBRM, the Tenant would move to another site and constructed the premises to be modular and so are able to be easy moved if requested.

The CBRM entered into the one year agreement to provide a test year to see the operation and how it would function and provide public acceptance and operation.

As per the agreement, CBRM has option to renew the lease for another year upon approval of a motion of Council.

Recommendation

It is the recommendation of staff that Council move to approve the operation of Portside to 3302009 Nova Scotia Limited for a further year commencing May 1, 2019. Any further lease extensions would have to come to Council for approval.

Recommended Motion

Motion that Council approve a one year lease with 3302009 Nova Scotia Limited the same provisions as the previous lease that will commence on May 1, 2019.

Sincerely,

John Phalen
Economic Development and Major Projects.



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: | | |
| <p>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.</p> <p>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</p> <p>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</p> <p>Councillor Jim MacLeod District 12, CBRM</p> <p>Outcome Sought:</p> | | |
| <i>Councillor</i> | <i>District</i> | |
| <i>Date:</i> | <i>Received by Clerk's Department (date):</i> | |









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 |
| <p>Date of Council Meeting: May 7th, 2019</p> <p>Subject: Update and information regarding new library application and process</p> | | |
| <p>Motion for Council to Consider:</p> <p>To request an issue paper from staff that includes (but is not limited to) detail on the process undertaken thus far in the new library project, a copy of the applications sent to the Federal and Provincial for funding, and alternative options (locations and/or buildings) that have been considered.</p> <p>Reason:</p> <p>There is no question that a new central location is required for the Cape Breton Regional Library, being a member of the Library Board I hear first hand the challenges and issues the staff and patrons face in this essential community space. Because this issue is of the utmost importance in my books, I am asking for an issue paper to better understand all steps that have been taken thus far in the process to build a new Central Library.</p> <p>Like any project requiring multi-level government funding nothing is a sure deal until the cheques are sent. For that reason, I am asking for an issue paper to not only detail the processes taken to date for the proposed new build but also include alternative options that have been given thought. I know the group advocating for a new central library had the opportunity to visit the Truro Library, one of my favorite spaces in the Province, and I am curious if the municipality has entertained the idea of renovating an existing structure to provide a modernized library in keeping with the historical relevance of the building.</p> <p>While the idea of a new build is wonderful and the proposed plan is stunning, alternative options</p> | | |

would be a safe play in ensuring a new, safe, modernized library is available as soon as possible to service the patrons who love and also depend on the services and programming that come out of our remarkable library network.

Outcome Sought:

The outcome requested is an issue paper that includes, but is not limited to information including;

- Copy of the applications for funding submitted to the Provincial and Federal Government
- Consultation that has occurred with First Nations communities
- Detail on environmental impact of new build, ability for new building to withstand future storms/surges, and projections of sea level rise for the waterfront area.
- What time lines are in play regarding funding applications?
- Where is the projected operational report for the proposed new build?
- A projection of how much money can CBRM contribute to the operations of the library going forward.
- Alternative sites being considered; this may include possible renovation to existing buildings that are currently or expected to be unused.

| | |
|------------------------------------|---|
| <i>Councillor Amanda McDougall</i> | <i>District 8</i> |
| <i>April 28th, 2019</i> | <i>Received by Clerk's Department (date):</i> |



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: Container Port Update | | |
| Motion for Council to Consider: <i>SHIP be contacted to provide update on container terminal progress with all efforts made to have the update take place in May or June 2019.</i> | | |
| Reason: The last update supplied to Council and the public was in March of 2018. A publication in local media interviewed SHIP and in that publication it was stated that they were gearing up for the fall (2018) and that they were in the final mile. Understandably in this industry change in plans and circumstance do take place therefore I believe it is time for another update. | | |
| Outcome Sought: Date set for general public update followed by in-camera update on contract specifics. | | |
| Councillor Earlene MacMullin | District 2 | |
| Date: April 29, 2019 | Received by Clerk's Department (date): | |



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:</i> <i>April 29, 2019</i> | <i>Received by Clerk's Department (date):</i> | |

Dogs on the Boardwalk:

The Manager of Inspections and Bylaws provided information to Council concerning the issue of permitting dogs on the Sydney Boardwalk. Mr. Fraser stated that the current CBRM Bylaw P-300 “Public Property”, restricts dogs from being on the boardwalk and noted that it is in conflict with the CBRM “Dog Bylaw” which allows dogs to be in all public areas as long as they are on a leash and under the owner’s control. He explained that when two Bylaws are in conflict, the more stringent one would apply and in this case the Bylaw P-300 Public Bylaw restricting dogs on the boardwalk would take precedence.

It was suggested that further discussion with various Departments involved in both bylaws needs to take place should there be any movement with the intent to amend or change either of the affected bylaws.

After discussion the following motion was put forth;

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Detheridge, that staff be directed to conduct a pilot project to permit dogs on leash on the Sydney Harbour Boardwalk and prepare an Issue Paper with the findings from the project to bring back to the Committee at a later date.

Discussion:

The Following issues were raised by Committee members:

- Educating the public
- Costs of dispensers, receptacles and signage
- Exception during concerts and large events on the Boardwalk
- Enforcement
- Possibility of including the tunnel under Kings Road to Wentworth Park.

The Mayor then called for the vote.

Motion Carried.

Current By-Law

No. P-300

CAPE BRETON REGIONAL MUNICIPALITY

Bylaw C1

PUBLIC PROPERTY

1. 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.
2.
 - (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.
3.
 - (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.
4. 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.
5. 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.
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, 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)
7. 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.

***PASSED AND ADOPTED** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on the 17th day of October 1995 and amended on the 18th day of June 1996.*

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Public Property Bylaw of the Cape Breton Regional Municipality adopted by Council on the 17th day October, 1995 and amended on the 18th day of June 1996.

BERNIE WHITE
Municipal Clerk

