

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, JANUARY 31ST, 2023

9:30 A.M.

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

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Cape Breton Regional Municipality

Council Meeting

Tuesday, January 31st, 2023
9:30 a.m.

AGENDA ITEMS

Land Acknowledgement

9:30 a.m.

Roll Call

O' Canada

Moment of Silent Reflection

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

2. **APPROVAL OF MINUTES:** (Previously Distributed)
 - **Special Council Minutes - December 15, 2022**
 - **Special Council Minutes – December 20, 2022**

3. **PROCLAMATION:**

9:35 a.m.

- 3.1 **White Cane Week 2023:**
Councillor Eldon MacDonald (See page 6)

4. **DELEGATION:**

9:40 a.m.

- 4.1 **New Dawn Enterprises – Request for CBRM Land:**
Alyce Maclean – Project Manager, Housing Development (See page 7)

Continued...

**Council Meeting Agenda
January 31, 2023 (Cont'd)**

5. **BUSINESS ARISING:** **10:10 a.m.**
- 5.1 **Council – September 13, 2022:**
- a) **New Central Library - Public Consultation:** Mike Targett, Community Consultation Coordinator (See page 8)
6. **CORPORATE SERVICES ISSUES:** **11:00 a.m.**
- 6.1 **Request to Deem Property Surplus: PID 15467129 / PID 15467095 – Nicholson Avenue/Acadia Street, New Waterford (District 11):** Sheila Kolanko, Property Manager (See page 13)
- 6.2 **Resolution for Pre-Approval of Debt Issuance:** Jennifer Campbell, Chief Financial Officer (See page 16)
- 6.3 **Call for Applications - Public Transit, and Green Energy Stream of Investing In Canada Infrastructure Program (ICIP):** Wayne MacDonald, Director of Engineering & Public Works (See page 21)
7. **BY-LAWS & MOTIONS:** **11:20 a.m.**
- 7.1 **By-laws:**
- a) **Second / Final Reading – Public Hearing:** N/A
- b) **First Reading:**
- i) **Passenger Vehicle for Hire By-law (Formally the Tax By-law):** Paul Burt, Manager of Building, Planning & Licensing Laws (See page 29)
8. **Extended Absence of Councillor:** Demetri Kachafanas, KC, Regional Solicitor (See page 58) **11:40 a.m.**
9. **Councillor Agenda Request:** **11:45 p.m.**
- 9.1 **Fire & Emergency Services Committee Review:** Councillor Steve Gillespie (See page 60)

Continued...

**Council Meeting Agenda
January 31, 2023 (Cont'd)**

10. COMMITTEE REPORTS:

N/A

11. Review of Action Items from this Meeting:
Mayor Amanda M. McDougall-Merrill

12:00 p.m.

ADJOURNMENT

PROCLAMATION

White Cane Week

WHEREAS: The week of February 5th to 11th, 2023 is recognized as White Cane Week; and

WHEREAS: White Cane Week aims to remind all Canadians that the traditional cane is a symbol of independence – not dependence - and that a lack of sight is not a lack of vision; and

WHEREAS: For over 79 years this public awareness program has taken place in Canada and reflects the changing situations of people who are blind and visually impaired; and

WHEREAS: White Cane Week is a program of the Canadian Council of the Blind which has acted as “the voice of the blind” for over 79 years; and

WHEREAS: This campaign asks that service providers remove barriers that limit the fullness of life for our fellow blind and visually impaired citizens.

**BE IT THEREFORE
RESOLVED:** That Mayor Amanda M. McDougall-Merrill and CBRM Council proclaim the week of **February 5th to 11th, 2023** as **White Cane Week** in Cape Breton Regional Municipality.

Councillor Eldon MacDonald – CBRM District #5

January 31st, 2023

January 24, 2023

Dear CBRM Municipal Clerk,

I am writing to follow up on my January 23rd, 2023 email request to be included on the agenda for the January 31st, 2023 CBRM council meeting.

New Dawn Enterprises is submitting an application to the Canada Mortgage and Housing Corporation Rapid Housing Initiative (RHI) Project Stream fund (not to be confused with the City Stream, which the CBRM is currently administering). The deadline to apply for the Project Stream fund is March 15, 2023.

We are seeking to build 20 duplexes (40 units) of housing across North Sydney, Sydney Mines, Glace Bay, and New Waterford that will house individuals and families managing addictions and mental health struggles. As per the RHI program requirements, we are securing operational funding from the Nova Scotia Department of Community Services to ensure the rents are affordable for 25 years, as well as covering the staff expenses for Housing Support Workers who will support the tenants of these units. We have secured \$250,000 in capital funds for this initiative through the Reaching Home program.

We are requesting that the CBRM contribute the below surplus lands to this initiative, pending the success of our application.

- 15176415 Sydney Mines
- 15696685 Sydney Mines
- 15032469 North Sydney
- 15000284 North Sydney
- 15564818 North Sydney
- 15399223 Glace Bay
- 15416340 Glace Bay
- 15399116 Glace Bay
- 15398613 Glace Bay
- 15487309 New Waterford
- 15273543 New Waterford

Thank you for your consideration of this request,

Original Signed By

Alyce Maclean, Project Manager of Housing Development, New Dawn Enterprises

New Central Library – Public Consultation

INTRO

I've been asked to initiate a process to engage the public on the two options for the Central Library... and allow opportunity for alternative sites to be suggested and considered.

Plans, Reports, Studies, and More Plans

In order to develop a plan to move forward, I began by looking back, and reviewing the past consultation that CBRM has already done around the new central library, going as far back as 2007 – with the CBRL's internal memo, titled "Needs Assessment & Master Facilities Plan". This was followed by the 2011 "Architectural & Facility Planning Report", the 2016 "Feasibility Report", and the 2021 "Operational Plan".

Review Past Consultation

The first goal of this presentation is to review what we already know from these plans, reports, and studies, and from the past consultation that contributed to these documents. I'll summarize the findings of those public consultations and how they relate to where we are now.

Unknowns

The second goal of this presentation is to review all the unknowns related to the proposed Courthouse, and to suggest that more work needs to be done, more direction needs to be given by Council, and until that direction is given and until some specific pre-requisite steps are taken, it's too early to consult the public on that particular scenario just yet.

Proposed Process

The third and final goal of this presentation is to set out a process to get from where we are today in 2022 to cutting the ribbon on a new central library in 2024/2025, as efficiently, effectively, and swiftly as possible, given that it's been roughly 15 years since the CBRM has been considering the new central library. This plan, I hope, addresses the positive feeling of urgency among Council to move forward on this project; it acknowledges the cynicism and doubts in others who wonder if this project is ever going to move forward; and, I hope, it clears up some confusion about how to move forward.

Plans, Reports, Studies, and More Plans (2007—2021)

| | |
|-------------|---|
| 2007 | Planning – Phase 1 • Needs Assessment & Master Facilities Plan |
| 2011 | Planning – Phase 2 • Architectural & Facility Planning Report |
| 2016 | Public Consultation – Phase 1 • Sydney Public Library Feasibility Study |
| 2021 | Planning – Phase 3 • Service, Programs, and Operational Plan |

Proposed Process (2022/2023—2025/2026)

| | | |
|-------------|---|--|
| 2023 | Budget • Council direct Staff to Prepare Budget • Staff Present Budget to Council • Council Vote on Budget | Capital Financing • Council/Staff meet with Funding Partners |
| Jan | | |
| Mar | | |
| 2023 | RFP • Council direct Staff to Prepare RFP • RFP Opens (90 Days) • Staff Review Proposals and Present to Council | Operating Financing • Council strike Library Finance Committee |
| Apr | | |
| Jul | | |
| 2023 | Public Consultation – Phase 2 • Town Hall (3) • Online Survey (30 Days) w/ Offline Option | |
| Sep | | |
| 2023 | Council Decision • Present Survey Results to Council • Council Vote • Award Contract | |
| Oct | | |
| 2024 | Build • Construction Period | |
| 2024 | | |
| 2025 | Ribbon Cutting • Building Opens | |
| 2025 | | |

Feasibility Study

Design and appearance of the facility:

- Contemporary and modern.
- Representative of local culture and heritage (including First Nations – this language was introduced in the 2021 Operational Plan).
- Environmentally sustainable, energy efficient, and climate resilient.

Physical space requirements of the facility:

- Outdoor spaces (reading gardens, plazas, courtyards for individual or library uses).
- Media labs (recording studios, makerspaces, technology-equipped work booths, etc.).
- Café/coffee shop.
- Private group study space.
- Comfortable seating and working areas.
- Informal social space / Play area.
- Performance, Rehearsal, and Assembly space.

Programming that goes on inside the facility:

- Not only a physical place to store and retrieve information, but also a place for the creative manipulation of information and the creation of knowledge:
 - a place where literacy is taught;
 - where music and video is created;
 - where residents come together to discuss and debate important issues;
 - and where community is created and fostered.

Preferred location:

- A downtown Sydney location that contributes to downtown Sydney's revitalization;
 - is central and accessible;
 - contributes to a positive image and identity for Sydney;
 - creates opportunities for partnerships;
 - and supports tourism and serves cruise-ship passengers.

Contribution a new central library makes to the community:

- Supports residents in their efforts to improve their lives or face significant life challenges (health, employment, active lifestyles, etc.).
- Creates a community hub to engage residents, support networking, and provide a venue for community events.
- Provides teens with a welcoming, age-specific space for social and educational purposes.
- Offers services that might not otherwise be available to low-income households and marginalized populations.
- Supports learning, education, and research for all residents.
- Welcomes and supports new Canadians.
- Creates a multi-generational space.
- Contributes to economic development by supporting business, entrepreneurship, and innovation.
- Provides a reliable, easily accessible source of community information and referrals.

Potential partnerships:

- Adult Learning Association
- Chamber of Commerce
- Cape Breton Partnership
- CBU Beaton Institute
- CBU Art Gallery
- CBU Alumni Affairs
- CBU Archives
- Destination Cape Breton (V.I.C.)

Request for Proposals

Criteria:

- Must be located within, or reasonably nearby, Sydney's downtown (as defined by common sense).
- Must be accessible for vehicles and pedestrians, providing a high degree of traffic safety, physical security, and adequate parking.
- Must meet or exceed accessibility current best practices and future regulations (*Nova Scotia Accessibility Act; Access by Design 2030*).
- Must be a contemporary, culturally outstanding, sustainable, and energy-efficient (LEED) design with a 20-year strategic planning horizon and a 50-year building lifespan.
- Must serve as a central hub to support and enhance CBRM's civic aspirations and revitalization goals.
- Must promote best practices for supporting and improving the health, wellbeing, and comfort of its occupants through its built environment by promoting and implementing strategies, programs, and technologies designed to encourage healthy lifestyles.
- Must be owned and operated by the Cape Breton Regional Municipality.
- Must be between [minimum recommended square footage of 36,580 and maximum recommended square footage of 45,000].
- Must meet the foreseeable programming needs of the Library and provide future expansion opportunities.
- Must be designed and constructed within a reasonable timeframe.
- Must be designed and constructed within a [\$24-36] million budget (assuming 1/3rd cost sharing between all three levels of government).
- Project proponents may consider the Courthouse as a potential site or propose other CBRM-owned land/assets.
- Project proponents are free to submit more than one proposal. (E.g., one proposal to construct a new building and a second to renovate and expand the Courthouse building.)



Cape Breton Regional Library
50 Falmouth St Sydney NS
B1P 6X9
info@cbri.ca
902-562-3279

December 8, 2022

Her Worship Amanda McDougall
Mayor of Cape Breton Regional Municipality
320 Esplanade - Suite 400
Sydney, NS B1P 7B9

Dear Mayor McDougall,

As Chairperson of the CBRL Board, I write to you on behalf of the Board of Directors. After much discussion at a recent Cape Breton Regional Library Board meeting, the Board unanimously reaffirmed its position that a New Central Library requires 45,000 sq. ft. of dedicated space based on the findings of the 2021 Operational Plan as presented to council. The 45,000 sq. ft. is required to meet the needs that a modern Central Library provides to the approximately 100,000 catchment population it serves in the CBRM and Victoria County to allow for barrier-free access as prescribed by the Nova Scotia Accessibility Act. This also considers the collection's current size, growth rate, and public community space requirements for the population currently using the library and projected growth rates. The space findings from the Operational Plan also factored in public consultations from the 2015 Feasibility Study on desired programs and services to be considered for a New Central Library.

The Board expressed concern about retrofitting the former Cape Breton County Courthouse, given its footprint falls short by 12,000 sq. ft. We are seeking a commitment from Mayor and Council regarding square footage of a minimum of 45,000 square feet. We hope you agree that a commitment from Mayor and Council on this fundamental aspect of the project can only assist in moving things forward so that our shared vision of a Central Library is realized sooner rather than later.

Charlottetown recently opened its new central library. The new space, situated in the downtown core, spans 42,000 square feet of a ground-floor building. The new library is triple the space of the previous location and serves approximately 40,000 residents. By comparison, the immediate catchment population for a New Central Library is 50,000 in CBRM and it will serve as the main hub providing administrative support to 11 branch libraries and a bookmobile.

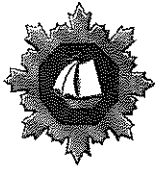
In closing, the Board is committed to our continued partnership to work with CBRM in building a new Sydney Central Library that will meet the needs and expectations of future generations of users. We look forward to your response on this matter.

Yours Sincerely,

Original Signed By

Chairperson, Eldon MacDonald

cc: CAO Marie Walsh,
Director Kirk Durning



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Request to Deem Property Surplus
PID 15467129/15467095
Nicholson Avenue/Acadia Street, New Waterford
(District 11)

DATE: January 31st, 2023

REQUEST:

CBRM received a letter of interest from Maple Hill Manor (“the applicant”) asking CBRM to consider selling a CBRM parcel of land located on Nicholson Avenue and a parcel located off Acadia Drive, New Waterford for their new Residential Care Facility being built in New Waterford. The CBRM properties require for the project are outlined in yellow on the attached map and identified as PID 15467095 and PID 15467129 (Attachment A).

BACKGROUND INFORMATION:

Council passed a motion at a meeting held on May 10th, 2022, to support, in principle the initiative by Maple Hill Manor to acquire the Mount Carmel School property at market value. CBRM assisted the Maple Hill Manor and worked with the Diocese of Antigonish so that the Manor could acquire the property from the Catholic Church. The Maple Hill Manor purchased the lands owned by the Church back in November of 2022. The last piece of the puzzle required for their development is the properties owned by the municipality and identified herein.

Both parcels are recognized in the CBRM inventory as deemed essential properties.

EVALUATION/REVIEW:

An internal staff review was completed, and it was determined that while one property could be deemed surplus the other could not.

- PID 15467095 encompasses a CBRM sewer line and would need to be retained for sewer maintenance. However, staff is not opposed to an easement for parking and/or access in favour of the applicant.
- PID 15467129 was identified as an area for recreation. Director Durning had his staff investigate this property, and it is determined the property is no longer required for recreation and therefore, has no issue with supporting the applicant's request to purchase the land for the intended development.

It should be noted that any proposed sale or grant of easement would be subject to staff approval of lot consolidation with existing lands owned by the applicant and compliance with Land Use By-law and all other applicable legislative and government regulations.

RECOMMENDATION:

It is staff's recommendation to council to pass a motion:

1. To declare the parcel identified as PID 15467129 surplus to the needs of the municipality and sold at market value to the applicant: and
2. To approve an Easement over PID 15467095 for the purpose of access and/or parking for the applicant's development for their long-term residential care facility.

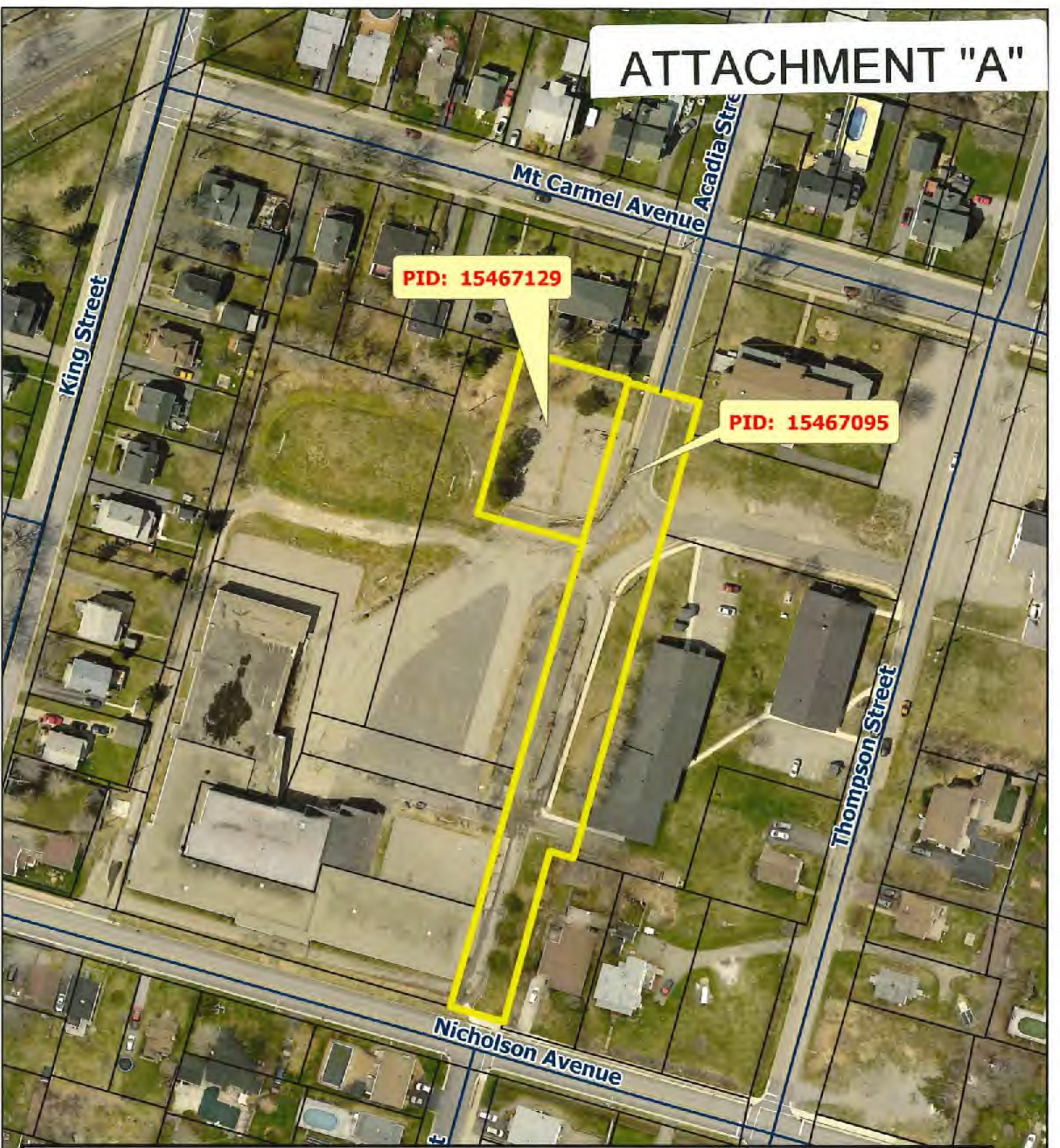
All costs will be the responsibility of the applicant and subject to lot consolidation and compliance with Land Use By-law and issuance of a building development permit.

Respectively Submitted by:

Original Signed By

Sheila Kolanko
Property Manager

ATTACHMENT "A"



PIDs 15467129 & 15467095

Owner: CBRM



CBRM

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Cape Breton Regional Municipality

MEMO

Date: January 19, 2023
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Resolution for Pre-Approval of Debt Issuance

CBRM requires a pre-approval for Debenture Issuance for the MFC's 2023 Spring Debenture. The purpose of this debenture issuance is to refinance the balance of maturing loan # 28-A-1 held by the CBRM Water Utility.

The debenture was originally drawn July 7, 2008 in the amount of \$14,000,000, repayable at \$700,000/year over a 20 year period. Subsequent to the initial 10 year term, the Water Utility has the option of paying the loan balance in full or refinancing the balance at each 5 year renewal date.

Staff recommend that the Utility refinance the balance of the loan, which will ensure stability of water rates.

The amount eligible to be refinanced is \$3,500,000, for the final 5 year term of the loan. The resolution required by DMAH and MFC is included and requires Council approval.

Sincerely,

Jennifer Campbell, CPA, CA Chief Financial Officer



Department of Municipal Finance
 Government Accounting, 5th Floor
 1723 Hollis St, PO Box 187
 Halifax, NS, B3J 2N3
 Fax: (902) 424-0525

January 16, 2023

Marie Walsh
 Chief Administrative Officer
 Cape Breton Regional Municipality
 320 Esplanade
 Sydney, NS B1P 7B9

Dear Ms. Walsh:

RE: Notification of Balloon Payment Due in Fiscal 2023-2024

This letter is a reminder that the Cape Breton Regional Municipality has a balloon payment due in the upcoming fiscal year. Balloon payments may be paid in full upon the maturity date as indicated in the table below, or they may be refinanced in full or part through the Nova Scotia Municipal Finance Division (MFD) of the Department of Treasury & Policy Board for the remaining life of the term of the original debenture. If your municipality is interested in refinancing their balloon payment, the MFD must receive confirmation that you wish to do so prior to the maturity date of the debenture.

The MFD typically issues debentures in the spring (May or June) and then again in the fall (October or November). For those units seeking refinancing and whose balloon payment maturity date may be in advance of the debenture issue date, the MFD has a short-term bridge financing program that may be used to bridge the loan until such time that a debenture financing can be secured.

Balloon Payment Options

Payment of Debenture:

| Original Loan Date | Payment Due Date | Total Balloon Payment Required |
|--------------------|------------------|--------------------------------|
| July 7, 2008 | July 7, 2023 | \$4,200,000.00 |

Refinancing of Balloon Payment:

| Original Loan Date | Loan Outstanding | Payment Required in 2023-2024 | Amount Eligible for Refinancing | Term |
|--------------------|------------------|-------------------------------|---------------------------------|------|
| July 7, 2008 | \$4,200,000.00 | \$700,000.00 | \$3,500,000.00 | 5 |

* Payments required in 2023-24 are for the balloon payments only and do not include any other outstanding principal and interest payments due to the MFD in fiscal 2023-24.

Municipal Finance Division
January 16, 2023

Page 2

Letters seeking confirmation of participation in the Province of Nova Scotia debenture issues are typically mailed in February and in July. If you wish to refinance the balloon payment, it is important that the Municipal Finance Division receives a commitment to participate in advance of the maturity date of your balloon payment.

If you have any questions about your balloon payment, the short-term bridge financing program or the debenture issue process, please do not hesitate to contact myself at (902) 424-7172. You can also visit our web site at <http://www.nsmfc.ca>

Yours truly,

ORIGINAL SIGNED BY

Bob Audoux, CPA, CGA
Manager, Municipal Finance

cc Ross MacDonald, Municipal Advisor

Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate

WHEREAS clause 66 (1) of the Municipal Government Act (the "Act") provides that a municipality may borrow to carry out an authority to expend funds for capital purposes conferred by the Act or another Act of the Legislature;

AND WHEREAS clause 91(1)(a) of the Act provides that where a municipality is authorized to borrow money, subject to the approval of the Minister of Municipal Affairs (the "Minister"), that the sum shall be borrowed by the issue and sale of debentures, in one sum or by installments, as determined by the council;

AND WHEREAS clause 91(1)(b) of the *Municipal Government Act* authorizes the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

AND WHEREAS clause 91(2) of the *Municipal Government Act* states, that in accordance with the *Municipal Finance Corporation Act*, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

AND WHEREAS the resolution of council to borrow for was approved by the municipal council on January 31, 2023. (council's TBR approval date)

BE IT THEREFORE RESOLVED

THAT under the authority of Section 91 of the *Municipal Government Act*, the

Cape Breton Regional Municipality – Water Utility
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding \$3,500,000, for a period not to exceed 5 years, subject to the approval of the Minister;

THAT the sum be borrowed by the issue and sale of debentures of the

Cape Breton Regional Municipality – Water Utility
(Name of Unit)

in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of 7.0%;

THAT the debenture be arranged with the Nova Scotia Municipal Finance Corporation with interest to be paid semi-annually and principal payments made annually;

THAT this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

| |
|--------------------------|
| For MFC use only: |
| TBR #: _____ |
| Minister signed: _____ |

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the
Cape Breton Regional Municipality

**MUNICIPAL COUNCIL OF THE
Cape Breton Regional Municipality
TEMPORARY BORROWING RESOLUTION**

Amount: \$ 3,500,000

Refinance Debenture: 28-A-1

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the Cape Breton Regional Municipality subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute; and,

WHEREAS clause 66 (4)(b) of the Municipal Government Act authorizes the Municipality to expend funds for the purpose of paying or retiring debentures;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the Cape Breton Regional Municipality borrow a sum or sums not exceeding Three Million, Five Hundred Thousand Dollars (\$ 3,500,000) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the Cape Breton Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Municipality borrow from time to time a sum or sums not exceeding Three Million, Five Hundred Thousand Dollars (\$ 3,500,000) in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the Cape Breton Regional Municipality held on the 31st day of January, 2023.

GIVEN under the hands of the Clerk and under the seal of the Council of the Cape Breton Regional Municipality this 31 day of January, 2023.

Clerk



A Community of Communities

Issue Paper

TO: *Mayor and Council*

January 24, 2023

RE: “Call for Applications – Public Transit, and Green Energy Stream of Investing In Canada Infrastructure Program (ICIP)”

Public transit is the backbone of competitive and sustainable communities. Over the past number of years, the Cape Breton Regional Municipality (CBRM), with the support of CBRM Mayor and Council has been working closely with the Province of Nova Scotia, the Government of Canada, local institutions, and many Community Stakeholders with respect to our current and growing Public Transit needs. Ongoing Partnerships and continuous cooperation with Cape Breton University, the United Way, and many organizations have helped immensely with reacting to recent increased demand for Public Transit.

CBRM, with help from transportation expert HDR Consulting Ltd is currently undertaking a comprehensive operational review of our transit service which will better define the need to improve our transit service and identify short-, medium-, and long-term solutions for success. The Transit Operational Report is expected to be completed by Summer 2023.

Recently experienced service expansions and significant increases in ridership have moved CBRM transit well beyond the operational limits of the current facility, current rolling stock inventory, and operational supports. The backbone for the future of Transit requires a sustainable operations facility with the proper supports to efficiently operate, maintain, and support current operations, recommended transit expansions, as well as the transition to the Zero Emission Fleet of tomorrow.

How does CBRM react to services expansions and move towards lowering GHG Emissions and energy costs? Simply put, by reacting and taking advantage of funding programs focused on these types of initiatives.

The findings from the comprehensive review will provide insight for the transition to a fleet of zero-emission EV Transit and Handi-trans vehicles. Preliminarily, this would result in plans towards approximately **50 EV buses by 2040 and quite possibly 80 EV buses by 2050. (Including both Transit and Handi-Trans)**

A new energy-efficient maintenance and storage facility is essential to accommodate the electrification and future growth of the fleet. Preliminarily, and based on funding approvals, the facility would feature:

- Covered outdoors storage and EV Charging for Transit Fleet
 - o Includes six (6) EV Transit buses initially and up to fifty (50) vehicles;
- Maintenance/Repairs of up to six (6) vehicles at one time;
- Could be operational by 2026/27;

EV Transit Maintenance Facility — Application

In June 2020, CBRM Council endorsed a five (5) year Capital Priorities Plan that included an estimated \$55M to upgrade and electrify the Transit fleet. The Capital Plan was shared with other levels of Government, however the opportunity to submit applications will require a new Approval to Apply from the current CBRM Mayor and Council.

An application for the project totaling **\$56,850,000** under the Transit and Green Energy Streams of the ICIP has been drafted and is currently in the process of being finalized. This funding is proposed to go towards the costs of a minimum of **six (6) electric buses** and a new **“Net Zero Ready Electric Vehicle (EV) Maintenance Facility**.

GHG Emission Reductions

The transportation sector accounts for 25% of Canada’s greenhouse gas emissions and shifting vehicles away from fossil fuel engines, towards zero emission alternatives, presents an opportunity for significant greenhouse gas emission reductions. This statistic places Public Transit Operations as opportunities for lowering GHG emissions.

In keeping with CBRM’s energy efficiency prioritization, and initiatives, including:

- Municipal Climate Change Action Plan (MCCAP);
- CBRM Energy Management Policy (EMP) 2021-2026;
- Global Covenant of Mayors for Climate & Energy 2021;
- Federation of Canadian Municipalities’ (FCM) Partners for Climate Protection (PCP) program;
- Intergovernmental Panel on Climate Change’s (IPCC) 2018 report.

CBRM is aware of its role in contributing to GHG emissions and must take action to reduce their environmental footprint.

Compared to a conventional diesel-bus maintenance facility of similar size, and the operation of a fossil fuel Transit fleet, the project is anticipated to result in a cumulative GHG emissions reduction of **81,585 tonnes** of CO₂e.

- 77,161 tonnes of CO₂e from the transition of the fleet; and,
- 4,424 tonnes of CO₂e from the maintenance facility.

Funding

The requested funding is intended to accelerate short term municipal investments while supporting the overall operational supports for CBRM Transit and put CBRM on a trajectory towards long term sustainable operation.

Upon successful award of funding, detailed design, project planning and development will commence. Initial planning and scheduling have estimated that facility construction could be completed in 2026/27.

| | |
|---------------------------|-----------------------|
| - Government of Canada | - \$21,600,000 |
| - Province of Nova Scotia | - \$17,998,200 |
| - CBRM | - <u>\$17,251,800</u> |
| - | - <u>\$56,850,000</u> |

Project Site Location

The proposed site for the new EV Transit Maintenance Facility is to the east of Crawford Crossing, currently owned by Build Nova Scotia (Formerly Nova Scotia Lands Inc.) as identified as PID#15517980 and PID#156996891 (Figure 1). This site meets the needs for space and access necessary to support a new Transit Maintenance Facility.

Build Nova Scotia (Former Nova Scotia Lands Incorporated) and CBRM staff have been meeting since 2018 to discuss potential transfer of lands and with respect to Harbourside Commercial Park. These discussions were broadened to include the Build Nova Scotia Lands, in particular:

- Operational Liability SPAR Road (0.86km);
- Ferry Street from Stable Drive to the Ferry Street Bridge (0.26 km);
- Cape Breton Street (0.60km)

We are now in the final stages of meeting all requirements for transfer and ensuring the due diligence on behalf of both parties have been completed to support a move to the new facility by 2026/2027.

Recommendations:

It is recommended that:

- 1 CBRM Council approve the funding application for EV Transit Maintenance Facility and Zero Emission Buses for \$56,850,000 under Investing in Canada Infrastructure Program (ICIP); and,
- 2 CBRM Council approve staff to move forward on the acquisition and all necessary documentation of the appropriate lands from Build Nova Scotia related to the Transit Facility Needs, as described above.

Respectfully submitted:

Wayne MacDonald, P.Eng.
Director of Engineering and Public Works

FIGURE 1



Excerpt - Council Minutes – June 9, 2020

CBRM Capital Priorities 2021 to 2025 – Federal / Provincial Stimulus Priorities:

Mayor Cecil P. Clarke introduced and provided background information on this issue. It was noted that the Mayor's office had circulated an updated list prior to the meeting.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Eldon MacDonald, to approve the CBRM Capital Priorities 2021-2025 Federal/Provincial Stimulus Priorities revised list and authorize application being made by the CBRM on behalf of the Municipality or community partners as opportunities arise.

Motion Carried.

CBRM Capital Priorities 2021 to 2025 – Federal/Provincial Stimulus Priorities

Federal/Provincial Infrastructure Programs (\$100 Million)

- \$21.5 mil Arterial/Collector Roads (Tender Ready)
- \$30.0 mil Local Roads (Tender Ready)
- \$36.7 mil ICIP Underground Infrastructure (Tender Ready for 2021)
- \$3.0 mil Large Roadway Culverts (\$1mil ready for 2021)
- \$10.0 mil Sidewalks (Tender Ready)
- \$2.5 mil Stone Revetments (Tender Ready)

Outstanding Fed/Provincial Wastewater Regulator Compliance Projects (\$450 Million)

Northside Facility (\$158 Million)

- \$79.0 mil 1 new Treatment Plant
- \$50.0 mil 13 new Lift Stations & 22 kilometers of pipe
- \$29.0 mil significant upgrades
- (completes compliance requirements for Sydney Harbour)

Remaining Facilities (New Waterford/Louisbourg/Donkin/New Victoria/Battery Point) (\$232 Million)

Additional Wastewater System Upgrades Central Division (\$60 Million)

Inflow/Infiltration Reduction Program (CBRM Wide) - (\$10 Million)

Transit (\$55 Million)

- \$12.0 mil EV (Electrification) Bus Pilot Project
- \$16.0 mil new Transit depot/maintenance facility
- \$27.0 mil Handi-Trans/rolling stock/community Transit infrastructure/Transit Hubs 2021 - 2025

FLEET (\$45 Million)

- \$10.0 mil CBRM Fleet Electrification Plan 2020 - 2030 Phase 1
- \$15.0 mil CBRM Fleet Maintenance Facility
- \$20.0 mil EPW Fleet Replacement Program 2021-2025

Solid Waste (\$5 Million)

\$2.5 mil Transfer Station Upgrades

\$2.5 mil CBRM Post 2025 Construction & Demolition Landfill Expansion

Community Infrastructure

\$17.0 mil Centre 200 Revitalization/expansion

\$26.0 mil New Central Library

\$16.0 mil Mainstreet Program (Major projects: Charlotte St. Sydney \$6 mil, Commercial St. Glace Bay, Commercial St. North Sydney)

\$5.0 mil New Fire Station #1/NSCC Trades Facility Re-purposing

\$15.0 mil Sydney Downtown Parkade (NSCC parking pressure of 250+vehicles)

\$TBD mil District Energy Project for Sydney Waterfront Complexes (Provincially-led process)

\$0.5 mil City Hall Glass Replacement

\$1.0 mil City Hall HVAC System Replacement (likely tied to District Energy Program)

\$0.4 mil CBRP Headquarters Uninterrupted Power Supply

\$500,000 CBRM Wide Wayfinding/Community Signage Program/CBRM Branding

\$500,000 EMO Emergency Generator Program

\$1.0 mil Parks, sports fields, recreational site rehabilitation and upgrades

\$10 mil CBRM Building Rehabilitation Program 2021-2025

\$1.0 mil Hawks Dream Field, Dominion

\$2.0 mil Community Energy Efficiency Upgrades

\$2.0 mil Active Transportation/Active Communities Plan

Community-based Projects

\$ Atlantic Memorial Park, Sydney Mines

\$ Victory Park, North Sydney

\$ S&L Railway Museum, Louisbourg

\$ Gateways to Opportunities/George D. Lewis School, Louisbourg

\$ Louisbourg Playhouse, Louisbourg

\$250,000 Community Broadband Projects

\$10.0 mil Accessibility Legislative Compliance Initiatives

\$0.3 mil Municipal Grant Applications (Capital Projects)



TO: CBRM Mayor & Council

FROM: Paul Burt

SUBJECT: Passenger Vehicle for Hire By-law (formerly the Taxi By-law)

DATE: January 23, 2023

On June 15, 2021, Council of the Cape Breton Regional Municipality (CBRM) directed staff to initiate a review of the Taxi By-law. A working group was struck, with the purpose of providing recommendations to Council to update and clarify the Taxi By-law. The working group consists of representatives of taxi company owners, taxi users, CBRM staff, Council, and Cape Breton Regional Police.

A series of recommendations from the working group was presented by Staff at the July 12th, 2022, Council Meeting. Based on these recommendations, Staff has prepared a draft By-law. To provide additional clarification due to the fact the current Taxi By-law applies to other modes of transporting passengers for compensation, it is being recommended a new title, Passenger Vehicle for Hire, be applied to this By-law. As a result, the current Taxi By-law will be repealed and replaced with the Passenger Vehicle for Hire By-law found in Attachment A. Proposed amendments include:

- Retention of recent rate increase
- Clarification of rate schedule
- Allow for alternative methods of dispatch
- Safety improvements, including clear insurance requirements, mandatory record keeping, and a signed code of conduct, and child abuse and vulnerable sector checks
- Revise By-law to include accessibility requirements upon completion of provincial review
- Improve and clarify application requirements
- Update dress code
- Increased authority to enforce the By-law

In addition to the proposed amendments identified above, it is being proposed that By-law be reformatted in compliance with recommendations from Portside Law's regulatory review of CBRM's By-laws.

Recommendation

Council give First Reading of the Passenger Vehicle for Hire By-law found in Attachment A and pass a motion to schedule a Public Hearing to consider adoption of the Passenger Vehicle for Hire By-law.

A draft of the Passenger Vehicle for Hire By-law can be found in Attachment A.

Respectfully submitted by:

Original signed by

Paul Burt
Manager, Building, Planning, and Licensing Laws

**Cape Breton Regional Municipality
By-Law Number P-500
Passenger Vehicle for Hire By-law**

A BY-LAW TO LICENSE AND REGULATE PERSONS TRANSPORTING PASSENGERS FOR HIRE BY MEANS OF ANY VEHICLE

NOW THEREFORE the Municipal Council of the Cape Breton Regional Municipality (CBRM), under the authority of Section 305 of the *Motor Vehicle Act*, Chapter 293, R.S.N.S. 1989 and amendments thereto, hereby adopts the following By-law:

This Bylaw shall be known as the “Passenger Vehicle for Hire By-law” and may be cited as the “Passenger Vehicle for Hire By-law, No. P-500, 2023”.

WHEREAS the *Motor Vehicle Act* of the Province of Nova Scotia enables a municipality to adopt a by-law regulating and licensing persons transporting passengers for hire by means of any vehicle; and

WHEREAS the Cape Breton Regional Municipality intends to regulate the transporting passengers for hire by means of any vehicle in the Regional Municipality to ensure:

- vehicles are adequately maintained;
- vehicles and operators are adequately insured;
- vehicles are easily identifiable;
- operators are legitimately qualified to operate a vehicle;
- the high profile business becomes an exemplary ambassador for the Regional Municipality;
- passengers receive a high degree of service; and
- a fair and equitable schedule of rates is imposed.

Where a provision of this By-law conflicts with the provisions of another By-law in force within the Municipality, the more stringent provision prevails.

1 Definitions

By-law Enforcement Officer means an employee of the Cape Breton Regional Municipality under the direction of the Manager responsible for this By-law who is sworn in under the *Police Act* as a Special Constable with authority to administer and enforce this By-law.

Bus for the purposes of this By-law means a motor vehicle used to transport up to 14 passengers.

Business Operator’s Licence mean the licence issued to the person operating a Passenger Vehicle for Hire Business in the Cape Breton Regional Municipality.

Driver’s Licence means a license issued by the Province of Nova Scotia to a person permitting that person to operate a vehicle in the Province of Nova Scotia.

Local Shuttle Service means a van, Luxury Vehicle, or bus used to transport individuals or organizational groups of people collected at a given point, such as the Port of Sydney Wharf, and dropped off at pre-determined destinations within CBRM. If a fee is charged to the individual being transported, then the owner of the service will require a licence; otherwise, the service provided will be a courtesy service.

Local Tour Service means a predetermined service commencing in CBRM with designated locations along the route. Fees applicable within CBRM.

Local Tours Vehicles shall include vans, Luxury Vehicles, and Taxis.

Luxury Car means a vehicle that has high-end features that provides increased levels of comfort, equipment, amenities, quality, and performance that go above and beyond the average necessities of a moderate vehicle.

Municipality means the Cape Breton Regional Municipality, in the County of Cape Breton, Province of Nova Scotia.

Passenger Vehicle for Hire means a motor vehicle that is used by a person to offer, facilitate or operate a transportation service of a passenger for compensation, and may include a Taxi, Luxury Vehicle, Local Shuttle Vehicle or Local Tour Vehicle.

Passenger Vehicle for Hire Business means a business or corporation offering Vehicles for Hire which can include a Taxi Business, Ridesharing Business, Luxury Vehicle Business, Local Shuttle Vehicle Business, or Local Tour Vehicle Business.

Peace Officer as defined in the Criminal Code of Canada, R.S.C. 1985, Chapter C-46.

Ridesharing Business is a business or corporation that offers passenger vehicles for hire (ie Uber/Lyft type operation) via a website or mobile app.

Smoke means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

Taxi means a motor vehicle this is operated or intended to be operated for the purposes of transporting passengers for compensation, which includes vehicles used by a Ridesharing Business, and

- a. is available for on demand service by members of the general public to travel to a destination requested by a customer;
- b. measures its fare or charge to its customers on the basis of distance traveled, or the amount of time for which the vehicle is hired, or a combination of the same; and
- c. does not include a vehicle whose manufactured seating capacity exceeds 6 adults, including the driver.

Taxi Depot means an established place of a transportation business utilized by Taxi Owners and Taxi Operators which may include a business office, 24 hours dispatching services, and off-street parking from which request for Vehicles for Hire are received and dispatched.

Traffic Authority means the Chief of the Regional Police and/or the representative of the office of the Manager responsible for the By-Law delegated by the Chief of the Regional Police to administer and enforce this By-law, pursuant to Section 305 of the Motor Vehicle Act, Chapter 293 of the Revised Statutes of Nova Scotia, 1989.

Van for the purposes of this By-law means a motor vehicle used to transport 7 to 14 passengers.

Vehicle means a motor vehicle as defined in the interpretation provisions of the Motor Vehicle Act SNS 1989, c. 293;

Vehicle Operator's Licence means the licence issued to a person pursuant to the By-law authorizing the person to drive a vehicle such as a Taxi, Luxury, Local Shuttle or Local Tour vehicle in the Cape Breton Regional Municipality

Vehicle Owner's Licence means a licence for a vehicle such as a Taxi, Luxury Vehicles, Local Shuttle or Local Tour issued pursuant to this By-law.

2 Licencing Control

- (1) The Manager responsible for this By-law shall be responsible for the administration and enforcement of this By-law.
- (2) 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) Any By-law Enforcement Officers under the direction of the Manager responsible for this By-law and any Peace Officer shall have authority to stop any Licensed Passenger Vehicle for Hire or any unlicensed Vehicle that appears to be operating for hire, for the purpose of compliance with this By-law.

3 Areas of Jurisdiction

- (1) The jurisdiction of the Passenger Vehicle for Hire By-law is the Cape Breton Regional Municipality.
- (2) Within the Municipality there shall be five service areas.
- (3) A Vehicle Operator's Licence is valid throughout the Municipality, but a Taxi Owner's Licence is only valid for one service area unless all other requirements of the By-law are met for additional service areas.
- (4) The boundaries of the service areas are as described in Schedule "A" of this By-law.
- (5) No Taxi Operator's Licence and/or Taxi Owner's Licence shall be issued unless the business address of the taxi business to be hiring the applicant, or owning the Taxi, is in the service area intended to be served by the Operator or Taxi.

4 Requirements to Operate a Passenger Vehicle for Hire Business

- (1) Every person engaged in the business of operating a Passenger Vehicle for Hire Business, must have a Business Operator's Licence issued under this By-law.
- (2) Individuals making an application for a Business Operator's Licence for a Passenger Vehicle for Hire Business shall:
 - a. provide the name of the business and phone number of business

- b. be registered in good standing with the Nova Scotia Registry of Joint Stock companies
 - c. must have a fee schedule on file, if applicable
 - d. must have a route schedule available, if applicable
 - e. if associated with transporting cruise ship passengers, provide confirmation of the completion of the general information course requirement for operators or written confirmation of approval by the Port of Sydney;
 - f. if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
 - g. if the applicant is a Corporation, any of the directors, shareholders, or officers of the Corporation are obliged to comply with Subsection 9(g) and Subsection 9(i) this By-law.
- (3) In addition to Subsection (2), individuals making an application for a Business Operator's Licence for a Passenger Vehicle for Hire Business Hiring who intend on hiring out Taxis must:
- a. have a Development Permit for a Taxi Depot(s) which is in compliance with the provisions of the Land Use By-law of the Regional Municipality in effect for the property on which the Taxi Depot is located on unless the Taxi Depot existed at the site prior to the coming into effect of this By-law;
 - b. operate a 24 hour service,
 - c. operate a dispatch-to-taxi communication system, which can be accessed by the By-law Enforcement Officer for compliance checks.
 - d. have a primarily operating a fleet of Taxis providing passengers with a one call - one direct route to the point of destination service. Specialized services such as a shuttle service within the Municipality may be permitted as a subsidiary use to the primary operation.
- (4) Incomplete applications refunded after seven days

5 Vehicle Owner's Licence Requirements

5.1 Requirements for a Vehicle Owner's Licence – Taxi Vehicle Owners

- (1) No person shall own and operate a Taxi for the purpose of transporting persons for hire in the Cape Breton Regional Municipality unless that person is in the employ of a Passenger Vehicle for Hire Business and has a valid Taxi Vehicle Owner's Licence and Taxi Operator's Licence in respect of the vehicle issued pursuant to this By-law.
- (2) A valid Taxi Vehicle Owner's Licence is required with respect to each Vehicle used as a Taxi in the Cape Breton Regional Municipality and to be presented on demand of a Peace Officer or By-law Enforcement Officer.
- (3) Every application for a Taxi Vehicle Owner's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority by the owner. An application for a Taxi Vehicle Owner's Licence shall contain:
- a. the name, address and telephone number of the applicant;
 - b. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
 - c. a description of the Vehicle sufficient to identify it;
 - d. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape

- Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
- e. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Public Works or someone delegated with the authority to inspect vehicles;
 - f. identification of the service area for which the licence is required (see Section 3); and
 - g. if the Taxi Vehicle Owner is not also applying for a Vehicle Operator's Licence, they are obliged to comply with Section 9 this By-law.
 - h. A letter of permission from a Taxi Business Owner granting vehicle owner permission to licence a vehicle with their company, signed and dated by approved agent.
- (4) After receiving a completed application for a Taxi Vehicle Owner's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
- a. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
 - b. the vehicle is not in good condition in accordance with Section 7 of this By-law;
 - c. the vehicle, if to be operated as a Taxi in the Sydney Service Area, is not equipped with a properly operating taximeter in accordance with Section 14 of this By-law;
 - d. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works and the verification sticker issued by the Province is not displayed in the front windshield.
- (5) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue a Taxi Vehicle Owner's Licence shall be by letter sent by registered mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 5.1(4) of this By-law.
- (6) A Taxi Vehicle Owner's Licence issued under this By-law shall be valid until the last day of the Month of the following year, unless sooner revoked or suspended.
- (7) A Taxi Vehicle Owner's Licence shall be issued for one vehicle only and shall contain a description of the vehicle and signed by owner.
- (8) If a Taxi Vehicle Owner wishes to discontinue the use of a licensed vehicle and to substitute another, the By-law Enforcement Office or Traffic Authority may, authorize the use of a previously endorsed licence for another vehicle that complies with the By-law and endorse the licence accordingly.
- (9) A Taxi Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application by Peace Officer or By-law Enforcement Officer.
- (10) Incomplete application refunded after seven days.

5.2 Requirements for a Vehicle Owner's Licence – Excluding Taxi Vehicle Owners

- (1) No person shall own and operate a Passenger Vehicle for Hire in the Cape Breton Regional Municipality unless that person has a Vehicle Owner's Licence in respect of the vehicle issued pursuant to this By-law.

- (2) A Vehicle Owner's Licence must be presented on demand of a Peace Officer or By-law Enforcement Officer.
- (3) A Vehicle Owner's Licence is required with respect to each vehicle used for the purpose of transporting persons for hire in the Cape Breton Regional Municipality.
- (4) Every application for a Vehicle Owner's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority by the owner. An application shall contain:
 - a. the name, address and telephone number of the applicant;
 - b. the business address, business mailing address (if different from the business address) and business telephone number of the shuttle business to be hiring, or owned by, the applicant;
 - c. a description of the Vehicle sufficient to identify it;
 - d. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
 - e. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Public Works or someone delegated with the authority to inspect vehicles;
 - f. if the Vehicle Owner is not also applying for an Operator's Licence, they are obliged to comply with Section 9 of this By-law.
- (5) After receiving a completed application for a Vehicle Owner's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
 - a. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
 - b. the vehicle is not in good condition in accordance with Section 7 of this By-law;
 - c. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works and the verification sticker issued by the Province is not displayed in the front windshield.
- (6) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue a Vehicle Owner's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 5.2 (5) of this By-law.
 - a. An Owner's Licence issued under this By-law shall be valid until the last day of April next following its issue, unless sooner revoked or suspended.
 - b. An Owner's Licence shall be issued for one vehicle only and shall contain a description of the vehicle.
 - c. If a Vehicle Owner wishes to discontinue the use of a licensed vehicle and to substitute another, the By-law Enforcement Office or Traffic Authority shall, authorize the use of a previously endorsed the licence for another vehicle that complies with the By-law and endorse the licence accordingly
 - d. A Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application.
- (7) Incomplete applications refunded after seven days.

6 Insurance

- (1) At all times, Licences Owners must have a valid insurance policy that entitles permission to carry passengers for compensation or some comparable form of insurance approved by the Insurance Bureau of Canada in force and providing minimum coverage including:

1. public liability;
2. property damage; and
3. cargo or passenger hazard insurance

in the amount of \$2,000,000, including the Municipality as an additional named insured, without any limit on any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage.

- (2) Upon expiration of the valid policy referenced in Subsection (1) a Licenced Owner must provide an updated copy of the their insurance policy to the By-law Enforcement Office upon request.

7 Condition of Vehicle and Inspections

- (1) Every vehicle licenced under this By-law shall be kept in a clean, sanitary condition and in good repair at all times when in use and has no visible body fillers, rust, primer paint, accidental damage or similar defects.

- (2) Every vehicle shall have affixed appropriate tires for the season not exceeding tread wear of 2/32nds and no visible bulges or other defect.

- (3) The owner of every vehicle in respect of which:

- a. an application is being made; or
- b. a licence has been issued;

shall, on demand by a By-law Enforcement Officer or Peace Officer, forthwith submit the vehicle for examination to determine compliance with Subsection 7(1) of this By-law and the *Motor Vehicle Act*.

- (4) Vehicle inspections conducted by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works of the Province of Nova Scotia shall be required for each vehicle licenced under this By-law. The inspections shall be coordinated to ensure no vehicle licenced under this By-law is operating without a valid vehicle inspection certificate issued by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works with an inspection date older than 12 months.

- (5) Vehicle Owners shall be permitted to choose a mechanic of their choice in their local area. Additional vehicle inspections to be carried out at a CBRM designated location at the vehicle owner's expense.

- (6) Should the vehicle not meet the requirements of Section 7.a. or fail an inspection conducted under the *Motor Vehicle Act*, the By-law Enforcement Office or Traffic Authority may notify the owner of the vehicle to cease operating the same as a vehicle licenced under the authority of this By-law, until such time as the same has been put in a clean, sanitary condition and/or in good repair.

- (7) Every vehicle to be used as a Taxi shall be:

- a. equipped with an engine of at least 4 cylinders, unless electric or hybrid;
- b. 4-door sedan or a 4-door station wagon including hatchbacks
- c. which has a height from the top of the floor to the underneath side of the roof of at least 44.5 inches; and
- d. an interior width where passengers are to be seated of at least 51 inches with a capacity, determined by the number of seat belts, of not more than 6 passengers.

8 Taxi Identification

- (1) Every Taxi licenced under this By-law shall have a sign affixed upon the roof of such vehicle which is illuminated at all times:
 - a. The roof light shall be removed or covered by opaque material when the vehicle is not in service as a Taxi.
 - b. If the word Taxi or Cab is painted or emblazed on the vehicle then it shall be deemed a Taxi.
 - c. Any vehicle displaying a taxi deck light illuminated or otherwise or displaying signage indicating a Passenger Vehicle for Hire shall be deemed a Taxi
- (2) The sign shall identify the name of the Taxi Business and the identification number of the vehicle.
- (3) The name of the Taxi Business shall be placed on the sign so that it can be read while standing to the front or rear of the vehicle.
- (4) The Identification number shall be affixed on the sign so that it can be viewed while standing to the front, rear and sides of the vehicle.
- (5) The sign shall be of such size, color, design, style and positioned in a manner which ensures the name of the Taxi Business and the identification number of the vehicle can be identified within 50 feet of the sign.
- (6) Deck light shall be kept in working and good repair

9 Vehicle Operator's Licence Requirements

- (1) No person shall drive a Passenger Vehicle for Hire in the Cape Breton Regional Municipality unless the person has a valid Vehicle Operator's Licence issued pursuant to this By-law.
- (2) Everyone operating a Passenger Vehicle for Hire shall on demand of a By-law Enforcement Officer or Peace Officer present a valid Nova Scotia Drivers Licence Class 4 or better as well as a valid CBRM issued Vehicle Operator's Licence.
- (3) No person issued a valid Vehicle Operator's Licence shall drive a vehicle in the Cape Breton Regional Municipality other than a vehicle with a licence to be used as a Passenger Vehicle for Hire in the Municipality.
- (4) Every persons requesting a Vehicle Operator's Licence must have a letter of permission from a Passenger Vehicle for Hire Business granting the applicant permission to apply for an Operator's Licence with their company, signed and dated by approved agent.
- (5) Every application for a Vehicle Operator's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority. An application for a Vehicle Operator's Licence shall contain:

- a. the name, address and telephone number of the applicant;
 - b. the residence address, residence mailing address (if different from the residence address) and home telephone number of the applicant;
 - c. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
 - d. the age of the applicant;
 - e. the number and classification of the applicant's driver's licence then in force; and
 - f. for the first time applicant, a statement of record of any convictions against the applicant in the 5 years preceding the date of the application under the Criminal Code of Canada and the *Motor Vehicle Act*.
 - g. a Criminal Records Checks for the last five years will be reviewed and be in compliance with Schedule "D" of this By-law and must be:
 - i. conducted with new Operators and Vehicle Owners initially.
 - ii. conducted for any Licenced Operator upon the expiration of a Province of Nova Scotia driver's licence.
 - iii. conducted for any Licenced Operator if an Operator's Licence has been expired more than 90 days
 - iv. conducted at the request of a Peace Officer or By-law Enforcement Officer of this Bylaw
 - h. a Copy of completed Code of Conduct or Driver Training Checklist signed by both the applicant and Owner hiring Operator.
 - i. a Nova Scotia Child abuse registry check completed
 - j. a Nova Scotia Drivers Abstract Provided yearly
- (6) Incomplete applications will be refunded after seven days
- (7) After receiving a completed application for a Vehicle Operator's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
- a. the applicant is not in possession of a Class 1, 2, 3, or 4 Drivers Licence issued by the Province of Nova Scotia;
 - b. the applicant does not hold a valid, current Motor Vehicle Licence from the Province of Nova Scotia required under the Motor Vehicle Act for a person operating a Passenger Vehicle for Hire;
 - c. in the judgment of the By-law Enforcement Office or Traffic Authority, the applicant is not a fit and proper person to hold such a licence.
- (8) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue an Operator's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality **within 30 days of the decision**. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 9(7) of this By-law.
- (9) A Vehicle Operator's Licence issued under this By-law shall be valid until the applicant's date of birth as indicated on their Nova Scotia Drivers Licence of the following year, unless sooner revoked or suspended.
- (10) No Operator's Licence under this By-law may be transferred from one person to another.

10 Vehicle Operator - Dress Code and Conduct

- (1) When engaged in the operation of a Passenger Vehicle for Hire licenced under this By-law, every Operator issued a Licence under this By-law shall:
 - a. have on footwear;
 - b. maintain clothing in a neat and tidy condition;
 - c. conduct himself/herself in an orderly manner with no solicitation of any kind.
- (2) Every person licenced under this By-law shall notify the office of the Manager responsible for this By-law of a change of address within 7 days.
- (3) Shall keep a log of all fares for a period of six months and be made available to the By-law Officer upon request
- (4) Shall have their Operator's Licence on display at all times while operating any Passenger Vehicle for Hire covered in this bylaw.
- (5) No one is permitted to smoke or vape in a vehicle licensed under this By-law, evidence of smoking or vaping, will result in revocation of the Operator's Licence until remedied and shall be an offence under this By-law.

11 Customer Service

- (1) Every Licenced Operator shall proceed by the most direct route to the point of destination, unless otherwise directed by the passenger.
- (2) A Licenced Operator shall only convey the person or persons engaging his vehicle and shall not pick up other passengers, unless agreed to by the person or persons who engaged the Licenced Operator's services.
- (3) The Owner or Operator of a licenced vehicle shall not refuse or neglect to convey any orderly, fare paying, person, or persons upon request, unless previously engaged, or unable to or prohibited by the provisions of this By-law. A Licenced Operator may refuse to drive a person whose conduct is disorderly or when such person's conduct may cause the Operator to fear for his/her safety. An Operator may request payment upfront.
- (4) Every Licenced Operator may offer assistance to the passenger:
 - a. entering and exiting the taxi; and
 - b. carrying luggage or any goods to and from the taxi.

12 Taxi Fares

- (1) The rates as set out in the Resolution of the Council of the Municipality as per Schedule "C" (Schedule of Taxi Fares) attached to this By-law will be those established annually by Resolution of the General Committee or, from time to time, at any regularly scheduled meeting thereof. The rates shall be charged for conveyance in a licenced vehicle used for transporting passengers for hire, from point to point within the Municipality.

- (2) Copies of the Schedule of Taxi Fares shall be furnished by a By-law Enforcement Officer to every person issued a Taxi Operator's Licence or Taxi Owner's Licence and a copy of such schedule shall be displayed in a manner that it is easily viewed by passenger in all vehicles for which an Owner's Licence has been issued. The fare schedule established by Committee shall be affixed.
- (3) Every Taxi Owner or Taxi Operator who receives or demands a fare greater than or less than that required by the Schedule of Taxi Fares shall be guilty of an offence under this By-law. Unless a previous written agreement is arranged. Said agreement shall be made available to Bylaw officer on demand or as soon as reasonably possible. Written agreement will show terms of prearranged agreement, date and individuals covered under the agreement.

13. Exemptions

This By-law does not apply to:

- i. Outside Tours that originate outside of the municipality and
- ii. Charter Buses – 15 persons or more.

14. Taximeters - Sydney Service Area

- (1) Every owner of a vehicle used as a Taxi in the Sydney Service Area, as described in Schedule "A" of this By-law, shall provide such vehicle with a taximeter of a model approved by the Manager responsible for this By-law. Such taximeter shall:
 - a. be at all times in full view of the passengers;
 - b. be kept sealed and intact;
 - c. be operated from one of the front wheels of the motor vehicle or from the transmission; and
 - d. illuminated by a suitable light while in operation after dark.
 - e. affixed to the vehicle in a secure manner
- (2) A By-law Enforcement Officer or Peace Officer of the Municipality may at any time inspect any taximeter which is installed in a motor vehicle, and no Taxi Owner's Licence shall be issued or renewed unless the taximeter is in compliance with Subsection 14(1) of this By-law.
- (3) Every Owner or Operator of a Taxi Licenced in the Sydney Service Area who transports for hire passengers without causing the taximeter in such vehicle to operate shall be guilty of an offence against this By-law. Unless subject to written arrangement in compliance with Subsection 12(3).

15. Emergency Call Number

No Taxi Owner Licence shall be issued with the number 13. This number shall be available to all taxi operator's when calling dispatch to notify of an emergency situation requiring immediate police help.

16. Penalties

- (1) Every person who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$100.00 and not more than \$5,000.00; and, in default of payment, the Manager responsible for this By-law may cancel or suspend the licence of such person.

- (2) Every person who does not have a valid Owner's Licence or Operator's Licence in compliance with this By-law who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$200.00 and not more than \$5,000.00. Every proprietor of a Passenger Vehicle for Hire business who knowingly:
- a. hires an individual to operate a Passenger Vehicle for Hire who is not properly licenced in compliance with this By-law; and/or
 - b. allows an independent Taxi Owner to operate from their Taxi Depot using a vehicle which is not properly licenced in compliance with this By-law;

shall also be liable to a penalty of not less than \$200.00 and not more than \$5,000.00 per individual offence.

- (3) Any person whose Licence has been canceled or suspended may appeal to the Appeals Standing Committee of the Municipality which may confirm or disallow the action of the Manager responsible for this By-law.
- (4) Repeated contraventions or non-compliance with this By-law may result in a License being revoked or suspended.

17. Previous By-laws Repealed

By-law No. T-100, cited as the Cape Breton Regional Municipality Taxi 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 _____.

Mayor Amanda M. McDougall-Merrill
Clerk

Deborah Campbell Ryan, Municipal

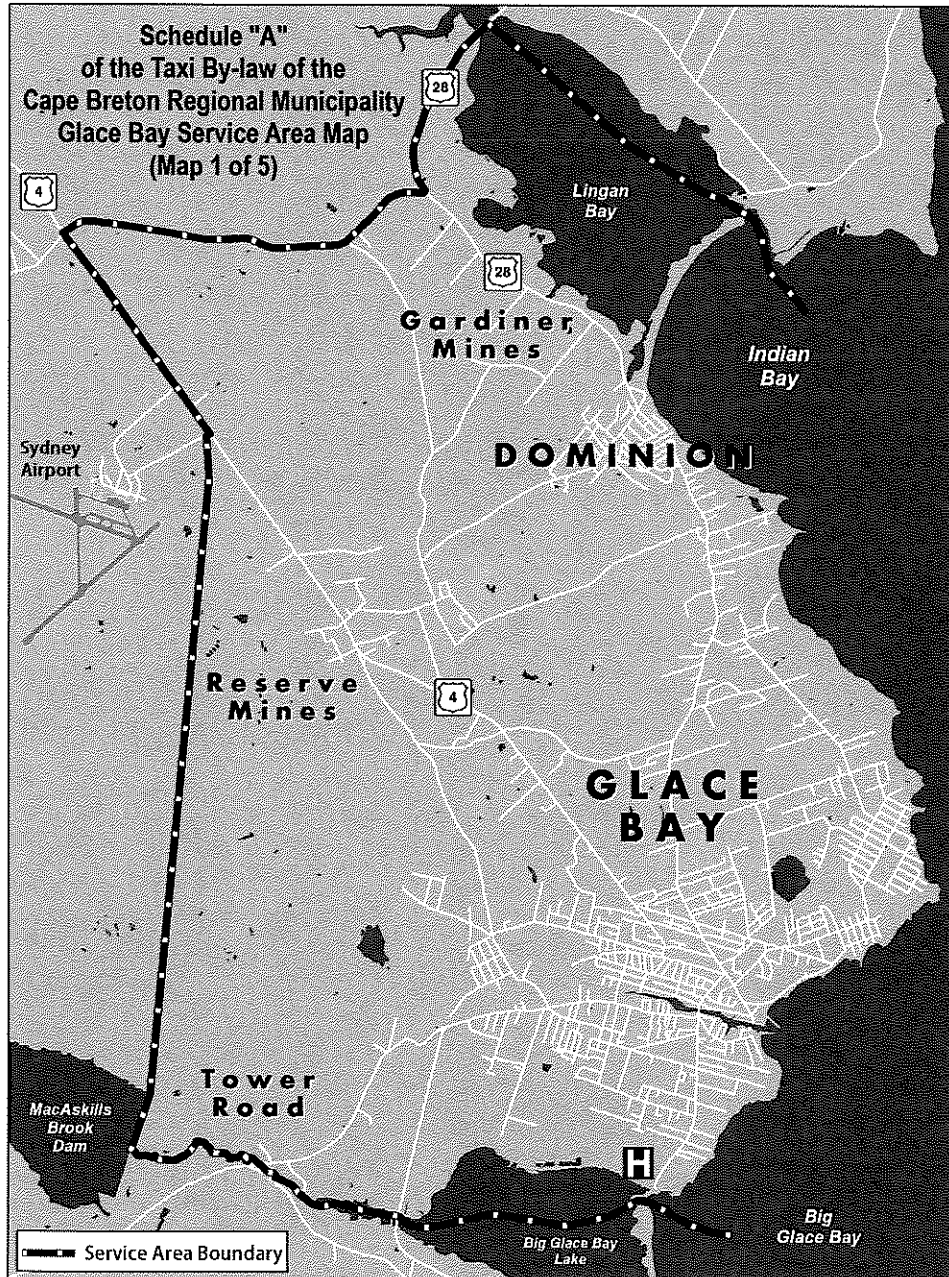
THIS IS TO CERTIFY that the attached is a true and correct copy of the Passenger Vehicle for Hire By-law of the Cape Breton Regional Municipality adopted on _____.

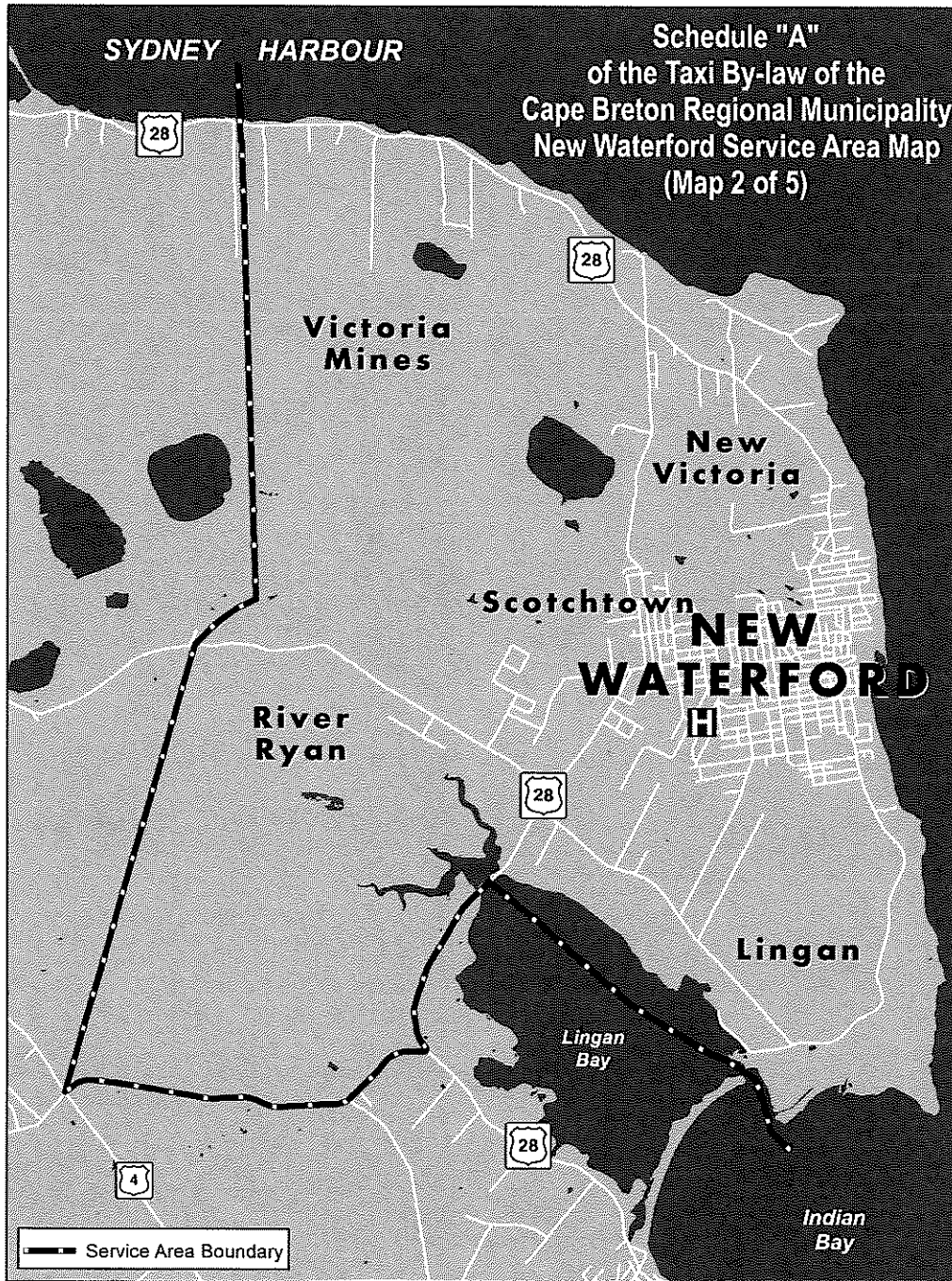
Deborah Campbell Ryan, Municipal Clerk

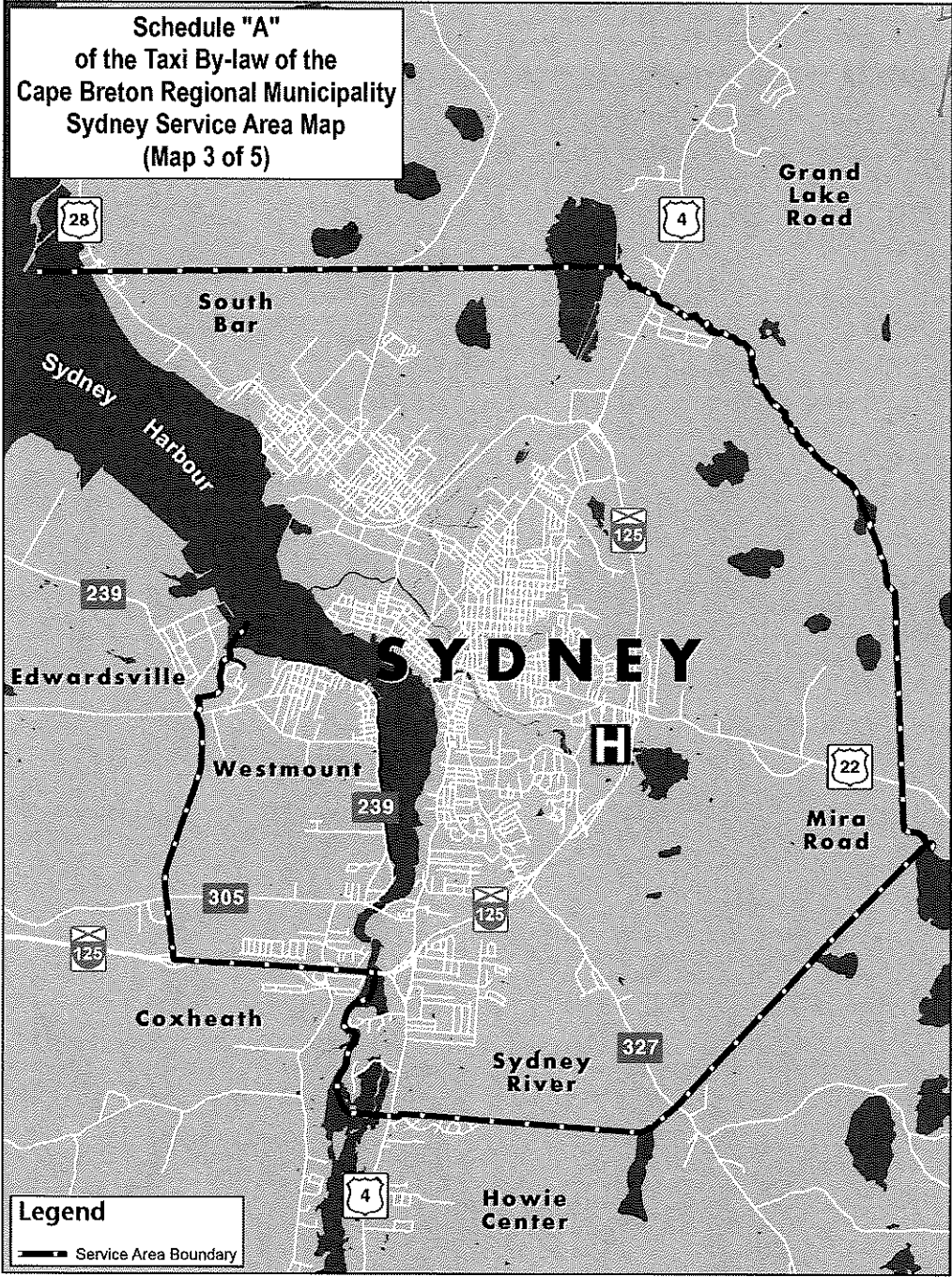
PUBLICATION DATE:

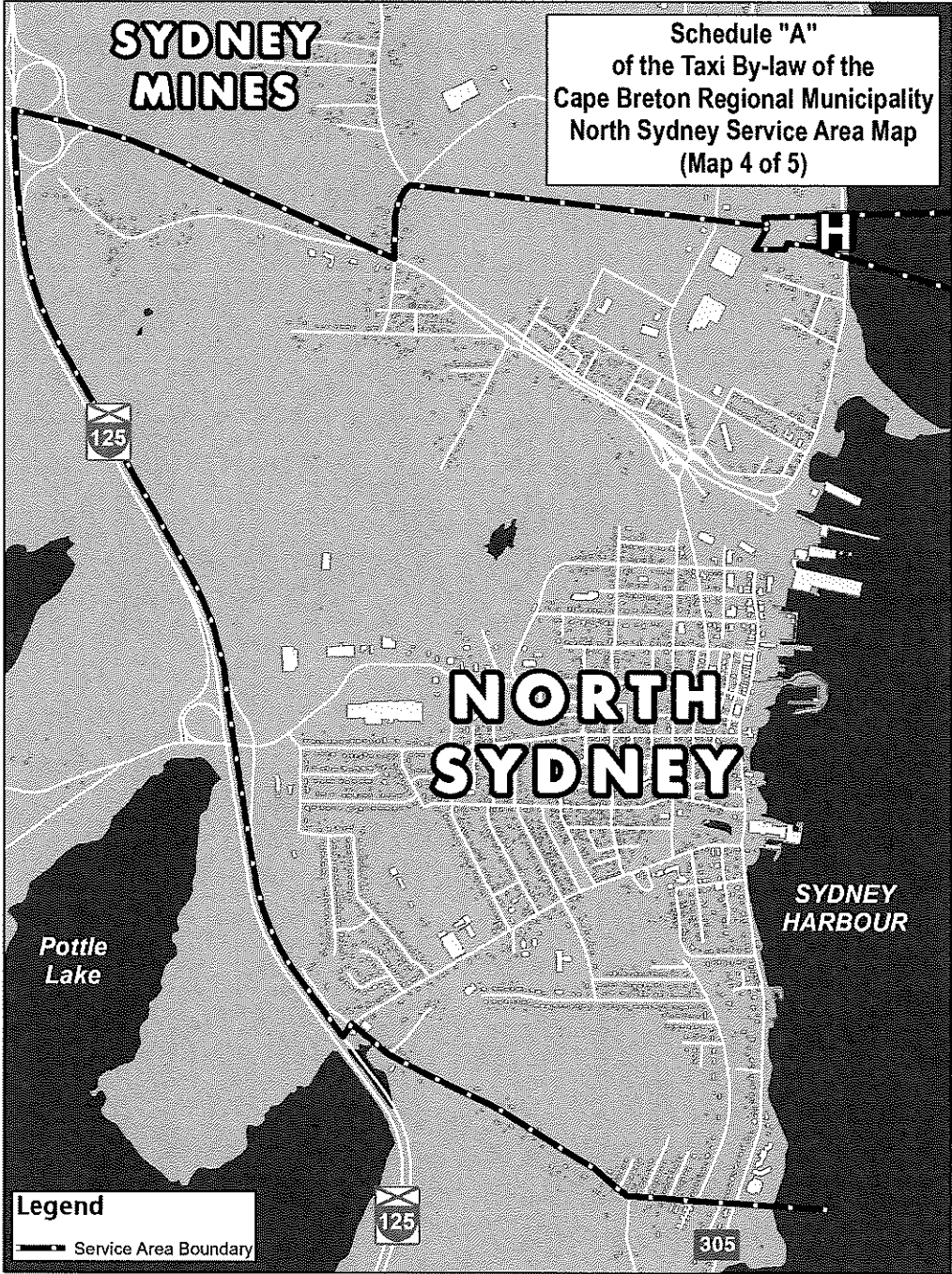
Schedule "A" Service Areas

Schedule "A" includes the Glace Bay, New Waterford, Sydney, North Sydney, and the Sydney Mines Service Areas Maps.









Schedule “B” Licencing Fees

| ALL OPERATOR LICENCE FEES ARE PRO-RATED FOR CBRM FISCAL YEAR | |
|---|--------------|
| <u>Vehicle Operator’s Licence</u> - Annual Licence | \$45 |
| Vehicle Owner's Licence (Taxi) - Annual Licence - Per Additional Service Area | \$45 \$15 |
| Luxury Vehicle Operator’s Licence - Annual Licence | \$45 |
| Luxury Vehicle Owner’s Licence - Annual Licence | \$45 |
| Local Shuttle Licence (Owuer) - Annual Licence - An add on (e.g. Luxury Vehicle & Local Shuttle Licence – same vehicle) | \$45 \$10 |
| Local Tour Licence (Owuer) - Annual Licence - An add on (e.g. Taxi & Local Tour Licence – same vehicle) | |

1. When a licenced vehicle is transferred from one owner to another within the same licencing year. Fee = \$45
2. Any vehicle that is replaced will be subjected to a fee.
 Fee = \$15 outside a metered area - Taxi Fee = \$30 within a metered area – Taxi
3. Fees can be amended from time to time via the Council.
4. If an application is either rejected or withdrawn, an administrative processing fee of 30% will be applied as part of the Refund Policy.
5. There shall be a fee of \$10 for the replacement Licence

Schedule "C" Schedule of Taxi Fares

| All Fares include H.S.T. | Sydney (metered) | Sydney Mines (non-metered) | North Sydney (non-metered) | New Water. (non-metered) | Glace Bay (non-metered) | Florence (non-metered) |
|---|---|---|---|--|---|-------------------------------|
| Local Rate* Additional charge: \$1.30 per passenger for outside service area Tendered Rates & Special Rates for the conveyance of persons or groups may be made by private arrangement with the owner of the taxi business, owner of the vehicle, or operator of the vehicle in advance of call. | \$5.20 initial charge (\$2.28 per mile or \$1.50 per kilom.) no extra charge \$28.60 per hour on metered fares when meter is running. | \$9.10 flat rate \$0.65 cents (per 3 rd person or more) \$1.30 per person for outside Service area. | \$9.10 flat rate \$0.65 cents (per 3 rd person or more) \$1.30 per person for outside Service area. | \$9.10 flat rate \$0.65 cents for each additional person; \$1.30 per person for outside Service area. | \$9.10 flat rate within Glace Bay; within Dominion; or Reserve Mines as described below this table \$13.00 flat rate between any two of the above communities \$0.65 cents for each additional person \$1.30 per passenger for outside Service area | \$9.10 flat rate |
| Rate for Fares outside the service area | \$1.50 per kilom. | \$1.50 per kilom. | \$1.50 per kilom. | \$1.50 per kilom. | \$1.50 per kilom. | \$1.50 per kilom. |
| Waiting Time | \$39.00 per hour | \$39.00 per hour | \$39.00 per hour | \$39.00 per hour | \$39.00 per hour | \$39.00 per hour |
| Sydney | | \$39.00 | \$39.00 | \$32.50 | \$32.50 | \$39.00 |
| Glace Bay | \$32.50 | \$71.50 | \$71.50 | \$26.00 | \$ 9.10 | \$71.50 |
| New Waterfurd | \$32.50 | \$71.50 | \$71.50 | \$ 9.10 | \$26.00 | \$71.50 |
| North Syd. | \$39.00 | \$13.00 | \$ 9.10 | \$71.50 | \$71.50 | \$ 13.00 |
| Syd Mines | \$39.00 | \$ 9.10 | \$13.00 | \$71.50 | \$71.50 | \$13.00 |
| Florence | \$39.00 | \$13.00 | \$13.00 | \$71.50 | \$71.50 | \$ 9.10 |

Rates are current based on travel within and between communities noted above. Glace Bay and New Waterford - additional charges for extra passengers .65 cents per person; North Sydney and Sydney Mines additional charges for 3rd passenger or more .65 cents per person. Request for a van extra \$6.50 only if requested through dispatch (not on regular fares).

Schedule “D” Licensing Standards

BASIC PRINCIPLES

THE FOLLOWING ARE GUIDELINES TO BE USED BY THE BY-LAW ENFORCEMENT OFFICER OR TRAFFIC AUTHORITY AND BY THE CAPE BRETON REGIONAL TAXI BY-LAW ENFORCEMENT OFFICERS WHILE EXERCISING THEIR AUTHORITY UNDER THE BY-LAW TO SUSPEND, REFUSE OR HEAR AN APPEAL REGARDING THE SUSPENSION, CANCELLATION OR REFUSAL OF A TAXI, LUXURY, LOCAL SHUTTLE, LOCAL TOUR OWNER’S OR OPERATOR’S LICENCE.

- **It is acknowledged that each case must be reviewed to determine whether the application of the guidelines is appropriate in all of the circumstances. The ultimate decision continues to rest with the By-law Enforcement Office or Traffic Authority, subject to the applicant’s right of appeal to the Appeals Standing Committee of the Municipality.**
- **Repeated offences may result in greater suspension lengths, at the discretion of the Enforcement Officer. However, steps voluntarily taken by the individual to correct or improve his conduct (for example, completion of the Driver Education Course, regular attendance at Alcoholic Anonymous meetings, completion of a recognized defensive driving course) may result in a shorter suspension.**
- **In the case of criminal or ordinance charges, provided there is no potential risk to the public safety, suspensions are to commence upon conviction for the offence, regardless of the filing of an appeal.**
- **Where there has been a suspension prior to conviction, such suspension shall be reviewed by the Enforcement Officer upon a “not guilty” finding by the Courts.**
- **Where applicable, the suspension is to commence at the completion of any sentence or penalty, including probation, parole or the carrying out of a period of community service.**
- **In cases where no charges are laid, the suspension shall commence upon the Enforcement Officer notifying the operator or owner that he is satisfied that acts have been committed which render the operator or owner an unfit and improper person to hold a taxi license.**
- **Offences, which occur while a person is engaged in the operation of a taxi or limousine, may be treated with greater severity than other offences.**
- **The Enforcement Officer may, at his discretion and where circumstances warrant, suspend the operation of a suspension pending the outcome of an appeal before the Appeals Standing Committee of the Municipality.**

REFUSED OR SUSPENSION WITHOUT RENEWAL

The following offences may result in the immediate refusal to grant or suspension of both the operator and owner's licenses. A license will not be renewed or issued where these offences have occurred. The operator's license will be suspended upon the operator being charged. The owner's license will be suspended upon conviction.

- **ABDUCTION**
- **ACTS OF TERRORISM (i.e., hijacking, hostage taking, pirating)**
- **ATTEMPTED MURDER**
- **MURDER**
- **IMPAIRED DRIVING (second offence)**
- **LIVING OFF THE AVAILS OF PROSTITUTION**
- **MANSLAUGHTER**
- **SEXUAL OFFENCES (i.e., sexual assault, child molestation)**
- **DRUG TRAFFICKING/ALCOHOL – BOOTLEGGING**
- **ORGANIZE CRIME**
- **OUTSTANDING CBRM RELATED MONIES \ FEES \ FINES**

•

10 YEAR SUSPENSION

The following offences shall result in the suspension of the operator and owner's license for a period of ten (10) years or refusal to grant a licence for a (10) year period from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any time.

Unless otherwise stated, the suspension of the operator's license is to commence upon the charge, the suspension of the owner's license upon conviction.

- ASSAULT CAUSING BODILY HARM
- ROBBERY

5 YEAR SUSPENSION

The following offences shall result in the suspension of the owner's and operator's license for a period of five (5) years or refusal to grant a licence for (5) years from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- **BREAK AND ENTER**
- **CRIMINAL NEGLIGENCE CAUSING DEATH
(Motor vehicle-related)**
- **POSSESSION OF FIREARMS**

2 YEAR SUSPENSION

The following offences shall result in the suspension of the operator's license for a period of two (2) years or refusal to grant a licence for a period of (2) years from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- INDECENT EXPOSURE
- POSSESSION OF WEAPONS (other than firearms)
- FRAUD

1 YEAR SUSPENSION

The following offences shall result in the suspension of the operator's license for a period of one (1) year or refusal to grant a licence for a period of (1) year from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- CARELESS AND IMPRUDENT DRIVING
- DANGEROUS DRIVING (Criminal Code Charges)
- IMPAIRED DRIVING (first offence)
- POSSESSION OF DRUGS
- THEFT UNDER \$1,000
- POSSESSION OF STOLEN GOODS
- PROSTITUTION

4 WEEK SUSPENSION

The following offences shall result in the suspension of the operator and/or owner's licenses for a period of four (4) weeks or refusal to grant a licence for a (4) week period from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service or the payment of any fine.

- **DRIVING WITHOUT INSURANCE AS REQUIRED IN THE BY-LAW** (suspension is to continue for four weeks Following proof of reinstatement of insurance)
- **DRIVING WHILE TAXI OPERATOR'S LICENSE IS SUSPENDED or EXPIRED** (suspension is to continue for four weeks after reinstatement of license)

APPEALS STANDING COMMITTEE

There will be an Appeals Standing Committee set up to review the by-law from time to time and to hear disputes between operators/ owners and enforcement officers.

This committee will have authority to rule on issues regarding suspensions and refusals.

APPEAL PROCESS

All appeals to actions of the Enforcement Officer shall be in writing. Forms are to be made available at the office of the manager responsible for this by-law. Prescribed written form will be as developed by the Appeals Standing Committee from time to time and must be signed by both the Complainant and the Enforcement Officer.

A fee of \$25.00 will accompany all applications for appeal. No appeal will be heard with out both the prescribed form and fee submitted. Fees submitted with applications for appeal will be refunded should the applicants appeal be upheld.

The Appeals Standing Committee will develop a guideline for setting up and hearing such disputes that may arise and attached as Appendix A of the taxi by-law.



CBRM

A Community of Communities

MEMO

TO: Mayor and Council

**FROM: Demetri Kachafanas, KC
Regional Solicitor**

SUBJECT: Extended Absence of Councillor

DATE: January 31, 2023

Councillor Bruckschwaiger is currently absent due to medical issues. He will be required to miss a number of council meetings.

Section 17(4) of the *Municipal Government Act* States:

A mayor or councillor who, without leave of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor.

Furthermore, the Cape Breton Regional Municipality Council Remuneration Policy states:

Any member of council who is absent more than three committee meetings in any calendar year shall have his remuneration reduced by \$200 for each unexcused meeting in excess of three meetings.

The Mayor may excuse or refuse to excuse a member of Council for their absence upon presentation of an explanation from the absent member. Acceptable explanations include illness, other municipal business, vacation or such other explanations that the Mayor may deem appropriate.

The decision of the Mayor to accept or refuse to excuse a member's absence may be appealed to the full Council pursuant to the rules of CBRM Council.

Accordingly, it would be prudent that Council determine whether to grant leave to Councillor Bruckschwaiger to miss more than three consecutive regular council meetings. In addition, the Mayor should determine whether to excuse the Councillor for his absence from committee meetings due to illness.

Respectively,

Original Signed By

Demetri Kachafanas, KC
Regional Solicitor



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

| Council Agenda Request Form | | |
|--|---|--|
| <p>X Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)</p> | <p>Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)</p> | <p>Request from the Floor: (New Business)</p> <ul style="list-style-type: none"> - Announcement - Referral - Submit Petition - Notice of Motion |
| <p>Date of Council Meeting: January 31st, 2023 meeting of Council</p> | | |
| <p>Subject: Fire and Emergency Services Committee Review</p> | | |
| <p>Motion for Council to Consider: Request senior staff to review the current make up of Fire and Emergency Service Committee and make changes to reflect a more inclusive committee.</p> | | |
| <p>Reason: In my opinion the current makeup of Fire and Emergency Services Committee is not a properly functioning committee of the CBRM. The committee is not structured as other CBRM committees/boards regarding its meetings and its makeup The committee does not meet at a regular interval such as other governing committees/boards and it should. In some cases, many months go by with no meetings and I heard frustration from people on this. The makeup of the committee is senior fire staff and council which does not properly reflect the community. I see an opportunity for the fire fighter's union, the volunteer chief's association, councillors, and the public to be included in its makeup. Why doesn't Fire and Emergency Services operate like the Library Board, Police Commission, Audit Committee or others we currently have? With conversations being had about changes needed for Fire Services in CBRM council needs to make sure ALL voices are heard and ALL partners are asked for their ideas, opinions and input. Other communities in Atlantic Canada and other parts of Canada with similar populations and similar geographic boundaries could be doing it better.</p> | | |
| <p>Outcome Sought: Open discussion and decision on the request</p> | | |
| <p><i>Councillor: Steve Gillespie</i></p> | <p><i>District: 4</i></p> | |
| <p><i>Date: January 23, 2023</i></p> | <p><i>Received by Clerk's Department (date):</i></p> | |

Discussion on the Issue Paper Request was had with:

- *Chief Michael Seth
- *Volunteer Fire Chiefs Association Executive
- *Fire Fighters Union President
- *Former Fire and Emergency Services Chair

