

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, JUNE 25, 2024

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, June 25, 2024

9:30 a.m.

AGENDA ITEMS

Land Acknowledgement

9:30 a.m.

Roll Call

O' Canada

1. APPROVAL OF AGENDA: (Motion Required)

9:35 a.m.

2. APPROVAL OF MINUTES: (Previously Circulated)

9:40 a.m.

- Council Minutes – April 9, 2024
- Council Minutes – April 23, 2024
- Council Minutes – May 14, 2024
- Council Minutes – May 28, 2024
- Special Council Minutes – June 12, 2024

3. PROCLAMATIONS & RESOLUTIONS:

9:45 a.m.

3.1 National Indigenous History Month and Indigenous People's Day:

Councillor Ken Tracey (See page 6)

3.2 ALS Awareness Month:

Councillor Darren O'Quinn (See page 7)

3.3 Indigenous Survivors Day:

Councillor Gordon MacDonald (See page 8)

3.4 Historic Places Day:

Councillor Eldon MacDonald (See page 9)

Continued...

**Council Meeting Agenda
June 25, 2024 (Cont'd)**

4. BY-LAWS & MOTIONS:

9:55 a.m.

4.1 Second / Final Reading:

- i) **CBRM Tow Truck Licencing By-law:** Staff Seargent Joe Farrell (See page 10)

- ii) **Development Sydney Waterfront (District 5) Request for Street Closure – Portion of Esplanade (PID 15705718) and an Undeveloped Street (Cutilar Street) (PID 15860786/15058720):** Sheila Kolanko, Property Manager (See page 41)

4.2 First Reading: N/A

5. PRESENTATIONS:

11:15 a.m.

5.1 New Dawn Enterprises – Glace Bay Youth and Family Centre: Alyce MacLean, Director of Properties and Development
To be circulated prior to the meeting.

5.2 Breton Ability Centre – Creating Inclusive Communities in the CBRM:
Harman Singh, Chief Executive Officer (See page 46)

6. CORPORATE SERVICES ISSUES:

1:15 p.m.

6.1 Doucet Developments: Douglas MacLennan, MBA, Development Manager, Tier Too Properties Limited (See page 57)
New renderings circulated separately.

6.2 Wastewater Only Customer Metering Policy: Greg Campbell, Manager of Technical Support Services – Utilities (See page 58)

6.3 Expand the Vote: Mike Targett, Community Consultation Coordinator – Mayor’s Office (See page 63)

6.4 Resolution for Pre-Approval of Debt Issuance/Temporary Borrowing Resolution: Jennifer Campbell, Chief Financial Officer (See page 64)

Continued...

**Council Meeting Agenda
June 25, 2024 (Cont'd)**

7. **PROTECTIVE SERVICES ISSUES:** **2:35 p.m.**
- 7.1 **Oath of Office – Chief Bettens:** Christa Dicks, Municipal Clerk
- 7.2 **New Staff Appointment – Fire Prevention Officer:** Craig MacNeil, Deputy Fire Chief/Manager Fire Prevention (See page 70)
8. **COUNCIL AGENDA REQUESTS:** **2:55 p.m.**
- 8.1 **Committees Make Up and Rules/Policy:** Councillor Steve Gillespie (See page 72)
9. **COMMITTEE REPORTS:** N/A
10. **REVIEW OF ACTION ITEMS FROM THIS MEETING:** **3:15 p.m.**
Mayor Amanda M. McDougall-Merrill

ADJOURNMENT



PROCLAMATION

National Indigenous History Month and Indigenous People's Day

- WHEREAS:** June commemorates National Indigenous History Month in Canada as an opportunity to learn and acknowledge the rich history and contributions, and resiliency and diversity of Indigenous people across the country; and
- WHEREAS:** June 21 is recognized as National Indigenous Peoples Day, which recognizes the diverse cultures, languages, spiritual beliefs, and experiences of Indigenous Peoples, and Cape Breton Regional Municipality recognizes and celebrates the heritage and ongoing accomplishments of First Nations, Inuit, and Métis people across Turtle Island; and
- WHEREAS:** Indigenous Peoples continue to face racism and discrimination, and we remain committed – as an organization and a community – to striving towards inclusivity and supporting long-term systemic change as we continue our path of reconciliation; and
- WHEREAS:** Cape Breton Regional Municipality is committed to building meaningful, mutually beneficial relationships with Indigenous communities based on respect and cultural understanding.
- BE IT THEREFORE RESOLVED:** That CBRM Mayor Amanda M. McDougall-Merrill and Council do hereby proclaim June to be National Indigenous History Month and June 21st, 2024, as National Indigenous People's Day in the Cape Breton Regional Municipality.

Councillor Ken Tracey - CBRM District #9

June 25th, 2024



PROCLAMATION

ALS Awareness Month

WHEREAS:

June has been declared “ALS Awareness Month” by Health Canada. Throughout the month, public awareness and fund-raising campaigns will take place; and

WHEREAS:

the ALS Society of New Brunswick and Nova Scotia’s signature campaign is the ALS Walk Strong event, which kicked off on June 1, 2024, in Halifax. The ALS Walk Strong event raises money to support those living with this progressive disease. Every year the ALS Society of New Brunswick and Nova Scotia loans approximately 600 pieces of equipment valued at \$800,000 plus; and

WHEREAS:

ALS, more commonly known as Lou Gehrig’s disease, is a rapidly progressive, fatal neuromuscular disorder that causes the degeneration of a select group of nerve cells in the brain and spinal cord. People living with ALS experience gradual loss of muscle control, mobility, and motor skills, as well as the ability to eat or breathe. Eighty percent of people die within two to five years after diagnosis, while ten percent may live up to ten years or more. ALS is not considered a rare disease as two to three people die from it each day.

**BE IT THEREFORE
RESOLVED:**

That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June 2024, as “ALS Awareness Month” in the Cape Breton Regional Municipality.

Councillor Darren O’Quinn – CBRM District #11

June 25th, 2024



PROCLAMATION

Indigenous Survivors Day

- WHEREAS:** The province of Nova Scotia recognizes the historical injustices endured by Indigenous peoples due to colonization, forced assimilation, and systemic injustices; and
- WHEREAS:** Indigenous Survivors Day on June 30th provides an opportunity to acknowledge the resilience, strength, and cultural heritage of Indigenous communities who have persevered through historical traumas; and
- WHEREAS:** designating June 30th as Indigenous Survivors Day creates a platform for healing, education, and dialogue, raising awareness about the unique struggles faced by Indigenous peoples; and
- WHEREAS:** this observance serves as a solemn reminder of the ongoing challenges faced by Indigenous communities and highlights the importance of supporting their cultural heritage and promoting understanding; and
- WHEREAS:** by implementing Indigenous Survivors Day on June 30th, the province of Nova Scotia demonstrates its commitment to honouring Indigenous survivors, promoting healing, and building a more equitable and inclusive province.
- BE IT THEREFORE RESOLVED:** That CBRM Mayor Amanda M. McDougall-Merrill and Council do hereby proclaim June 30th to be “**Indigenous Survivors Day**” in the Cape Breton Regional Municipality.

Councillor Gordon MacDonald – CBRM District #1

June 25th, 2024



PROCLAMATION

Historic Places Days

WHEREAS: The National Trust for Canada is the only national registered charity that makes a difference for places that matter to Canadians; and

WHEREAS: they are an essential resource for people who care about historic places – offering services, tools, inspiration and funding for people working to save places that matter, and a recognized brand for discovering great heritage places to live, learn, work and play; and

WHEREAS: the National Trust for Canada recognizes that Canada’s history and heritage is complex and contentious, dominated by settler perspectives, and that individually or collectively the stories may lack diversity and they are working hard with partners to enrich awareness of our collective past; and

WHEREAS: Historic Places Days is a platform for individuals and organizations to showcase the places and stories important to them in their own words.

BE IT THEREFORE RESOLVED: That CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim July 10-17, 2024, as “**Historic Places Days**” in the Cape Breton Regional Municipality.

Councillor Eldon MacDonald – CBRM District #5

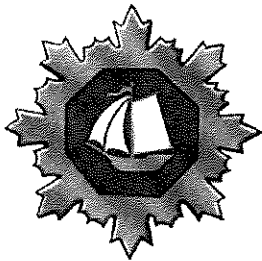
June 25th, 2024

CBRM Tow Truck Licensing By-law

Motion

Moved by Councillor Gordon MacDonald, seconded by Councillor Gillespie, to approve for first reading of the amended Tow Truck Licencing Bylaw, By-Law No. T-200, and schedule a Public Hearing to consider adoption of the amended Bylaw at an upcoming meeting of Council.

Motion Carried



Cape Breton Regional Municipality

NOTICE

By-Laws for Second (Final)

Reading by Council

TAKE NOTICE that the following By-Law will be brought to Council for second (final) reading on **Tuesday, June 25, 2024 at 9:30 a.m.**, Council Chambers, 2nd Floor, City Hall, 320 Esplanade, Sydney, NS:

By-Law	Intent
<p>CBRM Tow Truck Licencing By-law No. T-200 (with Repeal of Tow Truck Licencing By-law No. T-200 dated June 23, 2020)</p>	<ul style="list-style-type: none">• To add Council's statutory authority• To add the maximum rate of fees to be charged• To clarify the role of the Manager and Peace Officer• To clarify enforcement• To improve implementation of the By-law

A copy of the proposed By-law can be obtained by contacting the Municipal Clerk's office, 4th Floor, Room 405, City Hall, 320 Esplanade, Sydney, NS, telephone 902-563-5010, or email clerksoffice@cbrm.ns.ca

Signed:

Christa Dicks
Municipal Clerk
June 7, 2024

CBRPS want compliance with the By-law, not to fine and restrict those individuals operating in this industry. By including the term “may” members of CBRPS have the ability to work with individuals to reach compliance prior to fining or suspending a Licence. For this reason, Staff is suggesting the term “may” remain in the By-law.

Timeline for Suspension

In response to Council’s questions regarding the timeline for Licence suspension, provisions have been added to Section 9 Power to Refuse to Issue, Renew a Licence or Revoke or Suspend a Licence.

A License may be suspended if the License holder is found to be non-compliant with the provisions of this By-law. The By-law now contains for a provision stating the duration of a suspension shall determined based on the nature and severity of the non-compliance but shall not exceed three (3) months. Minor infractions might warrant a shorter suspension while more serious or repeated infractions might require longer suspensions. The suspension period should provide enough time for the License holder to address and correct the issue. If the issue is remedied prior to the end of the suspension period, the Licence can be reinstated. If the non-compliance continues after the duration of the suspension, the Licence shall be revoked.

No changes were made to the notification or appeal process.

Fee for Environmental Cleanup and Traffic Control

Depending on the type of incident, the requirements and time associated with an environmental clean-up will vary. Nova Scotia Environment has the jurisdiction over the procedures associated with environmentally contaminated site. As a result of varying types incidents and differing requirements based on the type of clean-up required, Staff are not recommending a fee for environmental clean-up be included in the By-law.

Dispatch

As indicated during the previous Council meeting, Staff have been in contact with three companies to determine the possible options and costs for providing a dispatch service. Based on these conversations staff are awaiting quotes for comparison from these companies.

Meeting with Operators

Staff have reach out to all of the Tow Truck Companies within the CBRM offering them an opportunity to meet with Staff to discuss the proposed amendments. Not all those contacted wanted to request an additional meeting, but of those that did, seemed satisfied upon the conclusion of those meetings. One of the main concerns noted were fees charged to Insurance companies and Tow Truck Driver Licences being able to tow anywhere in the CBRM, Zones only apply to Police dispatched calls only. Also a request was made not to include Towing that only involves vehicle for salvage, which would be a decision to be made by CBRM Council.

Adjustment of Fee Schedule

As result of conversations with the Tow Truck Companies, some of the fees found in Schedule 3 have been updated. A copy of the updated By-law and its accompanying Schedules can be found in Attachment A. Instead of a flat rate for collisions, the Fee Schedule has been updated to include an hourly rate.

Effective Date

It is anticipated upon approval by Council, Staff will work with the Province to update the Summary Offence Regulations to include reference of this By-law. Enforcement and licensing will not begin until such time as the Summary Offence Regulations have been amended.

Recommendation

I recommend Council give Second/Final Reading of the amended Tow Trucking Licencing By-law Attachment A and to repeal By-Law No. T-200 (Tow Truck Licencing By-law dated June 23, 2020) and replace it with the amended Tow Trucking Licencing By-law found in Attachment A.

Respectfully submitted,

A solid black rectangular box redacting the signature of the staff member.

Staff Sgt. J. Farrell



CAPE BRETON
REGIONAL MUNICIPALITY

CAPE BRETON REGIONAL MUNICIPALITY

By-Law No: T-200

Tow Truck Licencing By-law

A BY-LAW TO LICENSE AND REGULATE TOW TRUCK BUSINESSES, TOW TRUCK OWNERS AND TOW TRUCK DRIVERS WITHIN THE CAPE BRETON REGIONAL MUNICIPALITY

NOW THEREFORE by the Council of the Cape Breton Regional Municipality, under the authority of Section 172(1)(f) and Section 172(2)(e) of the *Municipal Government Act*, as follows:

This Bylaw shall be known as the "Tow Truck Licencing By-law" and may be cited as the "Tow Truck Licencing By-law, No. T-200, 2024".

WHEREAS the *Municipal Government Act* of the Province of Nova Scotia enables a municipality to adopt a by-law regulating and licensing Tow Truck Businesses, Tow Truck Owners, and Tow Truck Drivers; and

WHEREAS the Cape Breton Regional Municipality intends to regulate Tow Truck Businesses, Tow Truck Owners, and Tow Truck Drivers in the Regional Municipality to:

- enhance and encourage safe maintenance and operational practices for Tow Truck Drivers and Tow Truck Owners;
- ensure experienced and qualified Drivers are providing services;
- ensure accountability of industry participants for health and safety issues;
- license and regulate Tow Truck Businesses, Tow Truck Owners, and Tow Truck Drivers for the purposes of Consumer Protection.

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

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. DEFINITION

(1) In this by-law:

CBRM means the Cape Breton Regional Municipality;

Collision means the unintended contact resulting from the motion of a Motor Vehicle and/or its load;

CBRM By-Law No. T-200
Tow Truck Licencing By-law

Collision Scene means the general location or place where a Collision occurred;

Collision Towing means the towing of a disabled Vehicle as the result of a Collision;

Commercial Motor Vehicle means a Motor Vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus and tractors used for hauling purposes on the highway;

Consumer- person who buys goods or services for their own use including business. E.g. (CBRM). Not including Insurance companies.

Council means the Council for CBRM;

Dolly means a four-wheeled carriage used in towing to support the trailing end of the Towed Vehicle;

Drop Fee means any fee or commission paid to the Tow Truck Owner or Tow Truck Driver or to a Tow Truck Broker in return for the towing or otherwise conveying of a Vehicle to a particular place, which fee is in addition to the amount which the Tow Truck Owner or Tow Truck Driver is authorized to charge to the Hirer;

Flatbed means a platform body with a winch for loading;

Gross Vehicle Weight Rating (GVWR) means the maximum total Vehicle rated capacity, measured at the tire ground interface, as rated by the chassis manufacturer;

Hirer means the Registered Owner of a Vehicle, to be towed or being towed, their agent or any Person lawfully in possession of the Vehicle to be towed or being towed;

Licence means the certificate issued under this by-law as proof of licencing under this By-law;

Licence Renewal Sticker means the coloured consecutively numbered sticker issued with the renewal of the Tow Truck Owner's Licence, to be attached to the Vehicle Owner's Plate. The sticker indicates the expiry year of the Tow Truck Owner's Licence;

Licence Sticker means the stamp or seal issued to an Owner under this By-law;

Manager means the CBRM's Manager of Building, Planning & Licencing Laws including their designate of By-law Services Supervisor

Motor Vehicle includes an automobile, truck, trailer, motorcycle and any other Vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow Vehicle or motor-assisted Vehicle;

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

Municipal Boundary means the boundary encompassing CBRM;

Nuisance means:

CBRM By-Law No. T-200
Tow Truck Licencing By-law

- (a) the obstruction or interference with Persons involved in a Motor Vehicle Collision or otherwise in need of the service of a Tow Truck,
- (b) the obstruction or interference with emergency services personnel responding to a Motor Vehicle Collision, which personnel would include, but not be limited to peace officers, members of a fire department and members of an ambulance service, and
- (c) the obstruction or interference with other Tow Truck Drivers or Owners and pedestrian or vehicular traffic;

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

Permission to Tow a Vehicle Form means a form supplied to a Driver or Owner by CBRM which must be completed and signed by the Tow Truck Driver and the Hirer prior to a tow commencing in CBRM where such tow is requested by the Hirer;

Registered Owner means the Person shown to be the Owner of a Motor Vehicle according to the records maintained by the Registrar of Motor Vehicle for the Province of Nova Scotia;

Tow Bar means a device for positioning a Towed Vehicle behind a towing Vehicle;

Tow Sling means a device used for lifting and towing Vehicles with a partial load supported on rubber belts;

Tow Truck means a Vehicle used for towing or otherwise conveying Vehicle(s) which shall include a Wrecker Body;

Tow Truck Business means a business or corporation offering Vehicles for Hire to be used for towing or otherwise conveying Vehicle(s).

Tow Truck Broker means a Person who in pursuance of a trade, calling business or occupation arranges for the provision for hire to a Hirer of the services of a Tow Truck not owned by such Person;

Tow Truck Driver means any person who drives or operates a Tow Truck;

Tow Truck Owner's Licence means a licence issued to the owner of a vehicle to be used as a Tow Truck pursuant to this By-law.

Tow Truck Driver's Licence means a licence issued to the driver of a vehicle to be used as a Tow Truck pursuant to this By-law.

Towed Vehicle means a Vehicle or any part thereof towed or otherwise conveyed by a Tow Truck, under an agreement between the Owner of the Vehicle to be towed and the Driver or Owner of a Tow Truck;

Underlift means a device used for towing Vehicles by lifting one end of the Towed Vehicle from under the axle or structural member of the Towed Vehicle;

Vehicle includes a Motor Vehicle, or Commercial Motor Vehicle;

Vehicle Owner's Plate means a number plate issued to a Tow Truck Owner Licenced under this By-law;

CBRM By-Law No. T-200
Tow Truck Licencing By-law

Vehicle Pound Facility means land, buildings or structures or part thereof, used for the temporary storage of a minimum of 12 impounded Vehicles within a 24-hour secured area which is fenced and gated or inside a building and where a storage fee is charged and may include property held under police or other government authority. An office shall be located on the property;

Wheel Lift means a device used for towing Vehicles by lifting one end of the Towed Vehicle by the wheels;

Work Order includes any for, order, invoice, written authorization or any other document that when signed by a Hirer provides authorization to any Person, Vehicle Pound Facility, Licenced Automobile Service Station, or any other business or Person, to carry out any work to the Hirer's Vehicle, which includes any repair or maintenance to the Vehicle;

Wrecker Body means a manufacturer's box designed to be attached to the frame of a cab and chassis and used with an Underlift, Tow Bar or Tow Sling or Wheel lift or flat bed carrier or other similar device and which is equipped with a winching and hoisting mechanism and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed;

2. ADMINISTRATION

- (1) The Manager shall:
 - (a) receive, establish the material to be filed in support of an application for, and process all applications for Licences and for the renewal of Licences to be issued under this By-law;
 - (b) issue Licences to and renew Licences for applicants who meet the requirements of this By-law;
 - (c) refuse to issue, renew a Licence, or revoke or suspend a Licence, where the Manager is of the opinion that the Applicant is disentitled to a Licence under Section 9;
 - (d) generally perform all the administrative functions conferred upon it by this By-law.
 - (e) issue a conditional Licence for a term of not more than six (6) months, to be reviewed by the Manager with the possibility of renewal, when an applicant has met all the requirements of Section 6 of this By-law and is awaiting decision from the Parole Board of Canada for a record suspension in accordance with Subsection 6(1)(c).
- (2) When an Owners Plate is defaced, destroyed or lost, the Licenced Owner shall apply to the Manager for a replacement and on payment of the appropriate fee under Schedule 1 the Manager shall issue a replacement Owner's Plate as required.
- (3) Peace Offices shall:
 - (a) be responsible for enforcement of the offences of this By-law; and
 - (b) conduct inspections of business premises or Vehicles of a Licencee.

3. LICENCING

- (1) No Person shall act as or be the Owner of a Tow Truck in CBRM unless they are licenced as a Vehicle Owner under this By-law.

CBRM By-Law No. T-200
Tow Truck Licencing By-law

- (2) No Person shall drive, or act as the Driver of a Tow Truck in CBRM unless they are licenced as a Tow Truck Driver under this By-law.
- (3) Unless provided otherwise in this By-law a Person who is the Owner of more than one Vehicle shall take out a separate Licence for each Vehicle owned by them which is to be used as a Tow Truck in CBRM.

4. AREAS OF JURISDICTION

The jurisdiction of the Towing By-law is the Cape Breton Regional Municipality. CBRM shall be divided into zones for the purpose of this By-Law as set out in Schedule 2. A Tow Truck Driver's Licence is valid throughout the Municipality. No Tow Truck Driver's Licence and/or Tow Truck Owner's Licence shall be issued unless the business address of the towing business to be hiring the applicant, or owning the tow truck, is in the service area intended to be served by the driver or towing business for police dispatch towing.

5. REQUIREMENTS TO OPERATE A TOW TRUCK BUSINESS

- (1) Every person operating a Tow Truck or owning a Tow Truck vehicle shall be in the employ of a Tow Truck Business:
 - (a) which has a separate address and phone number other than the proprietor's place of residence;
 - (b) which has a place of business that allows for off-street parking or storage of all tow trucks operated by the business and that is in compliance with the provisions of the CBRM Land Use By-law in effect for the property on which the place of business is located;
 - (c) which is registered in good standing with the Nova Scotia Registry of Joint Stock Companies.

6. LICENCE

- (1) No Person shall be Licenced under this By-law as a Tow Truck Driver unless:
 - (a) They are a citizen of Canada or a landed immigrant, or has a valid employment authorization issued by the Government of Canada to work as a Driver
 - (b) They have a current valid Class 5 Driver Licence issued by the Province of Nova Scotia;
 - (c) They produce a criminal record search issued within the past thirty (30) days by the Cape Breton Regional Police Service, or other police service in Nova Scotia, which contains no convictions for five (5) years prior to the date of application or renewal.
 - (d) They produce a driver's abstract issued within the past thirty (30) days which contains not more than six (6) demerit points or any one *Nova Scotia Motor Vehicle Act* conviction with a value of four (4) or more demerit points or similar convictions from outside of the Province of Nova Scotia.
 - (e) If applicable, they produce documentation proving a current application to the Parole Board of Canada for a record suspension in accordance with the *Criminal Records Act*, is actively being pursued.
 - (f) They have their photograph taken by the Manager.

CBRM By-Law No. T-200
Tow Truck Licencing By-law

- (3) No Person shall be licenced as a Tow Truck Owner unless:
- (a) they produce a criminal record search in compliance with Schedule 4 issued within the past thirty (30) days by the Cape Breton Regional Police Service, or other police service in Nova Scotia, which contains no convictions for five (5) years prior to the date of application or renewal.
 - (b) they produce for each Tow Truck to be used, a current valid Motor Vehicle Permit issued by the Registry of Motor Vehicles issued in the applicant's name; or if a Tow Truck is a leased Vehicle, provides a copy of the lease agreement for the Tow Truck;
 - (c) they produce and file with the Manager either:
 - i. a Nova Scotia Motor Vehicle Inspection report showing that the Tow Truck has been accepted within the previous sixty (60) days of this submission; or
 - ii. a Safety Standard Certificate issued under the *Motor Vehicle Act* within sixty (60) days of this submission.
 - (d) they produce and file with the Manager a copy of the certificate of insurance for the Tow Truck for which they are the Tow Truck Owner endorsed to provide that the Manager shall be given at least ten (10) days' notice in writing of the cancellation or expiration or variation in the amount of the policy and insuring each such Tow Truck in at least the following amounts:
 - i. in respect to any one claim, in the amount of at least two million (\$2,000,000) exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more Persons and loss or damage to property;
 - ii. in respect of any one claim, in the amount of at least \$100,000 against liability for damage to a customer's Motor Vehicle while in their care, custody or control and caused by Collision, upset, fire, lightning, theft or attempt thereat, malicious mischief, windstorm, hail, explosion, riot, civil commotion or rising water; and
 - iii. in respect of any one claim, cargo liability insurance in the amount of at least \$50,000 to indemnify the applicant against loss by reason of their legal liability indirect physical loss or damage to Vehicles and other items of property accepted by the applicant for towing or conveyance;
 - (e) they state in writing whether they have any interest either directly or indirectly, in a Vehicle pound, yard or building used for the storage or impounding of Vehicles, a Vehicle body shop or other kind of public garage or any other yard, shop, building or place used for the storage, repair or servicing of Vehicles. For those applicants that do have an interest, they must, provide and filed with the Manager:
 - i. a copy of their Building and Development Permit for such land use, or written confirmation from the Planning and Development Department acknowledging the land use
 - ii. the location and the type of facilities in which they have an interest and the nature and extent of the interest.

7. REPRESENTATION

No Person shall publish or cause to be published any representation that they are licenced under this By-law if they are not.

8. SUBMISSION OF APPLICATION

- (1) Every Person applying to obtain or renew for a Licence under this By-law shall file with CBRM Customer Service Centre a completed application form provided by the Manager, in which the applicant shall provide all information sought in such application form. Incomplete applications will not be accepted.
- (2) The applicant shall, at the time of the filing of the application form required under Subsection (1), deliver to the Manager the following:
 - (a) a non-refundable payment in the amount of ten (10) per cent of the total Licence fee prescribed in Schedule 1 to this By-law. The minimum payment due at the time of filing a Licence application shall be ten (10) dollars;
 - (b) the balance of the fee prescribed in Schedule 1 of this By-law, that is the total Licence fee minus the deposit made at the time of filing the Licence application, plus all other applicable charges as established by Schedule 1 shall become due and payable prior to the issuance of the Licence;
 - (c) 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; and,
 - (d) if the applicant is a registered partnership, a copy of the registered declaration of partnership.
- (3) Every application/renewal form shall include a requirement that the applicant provide at least the following information:
 - (a) the name and address of the applicant;
 - (b) the address of the applicant to which CBRM or their manager may send or deliver any notice or other document required or authorized by this By-law;
 - (c) any trade or business description to be used in relation to the business;
 - (d) the address and telephone number used in connection with such business;
 - (e) a record of all offences under any By-law provincial statute or federal statute of which the applicant; if the applicant is an individual; any of the partners, if the applicant is a partnership; or any of the directors, shareholders and officers of a Corporation, if the applicant is a Corporation, has or have been convicted;
 - (f) a Driver's History from the Registry of Motor Vehicles at the applicant's expense for those individuals who intend on operating a vehicle regulated under this By-law;

CBRM By-Law No. T-200
Tow Truck Licencing By-law

- (g) along with the requirements in Section 6 of this By-law.
- (4) In addition to the above requirements, on an application for renewal of a Licence the previous year's Licence and, when required by the Manager, the Owner's Plate, shall be returned to the Manager.
- (5) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.
- (6) The provisions of this By-law relating to an application for a Licence shall apply, with necessary modifications, to an application for the renewal of a Licence or to amend a Licence or a condition of such Licence, except that where the applicant notifies the Manager that the information on file with the Manager has not changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

9. POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

- (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Manager.
- (2) Where the Manager is of the opinion that:
 - (a) an application for a licence or renewal of a Licence should be refused,
 - (b) a reinstatement should not be made,
 - (c) a Licence should be revoked,
 - (d) a Licence should be suspended, or
 - (e) a term or condition of a Licence should be imposed, they shall make that decision
- (3) The duration of suspension referenced in Subsection (2) shall be:
 - (a) determined based on nature and severity of the non-compliance but shall not exceed three (3) months;
 - (b) for minor non-compliance, the suspension period shall be no less than one (1) week and no more than four (4) weeks;
 - (c) for serious or repeated non-compliance, the suspension period shall be no less than one (1) month and no more than three (3) months.
- (4) A Licence can be reinstated prior to the end of the duration of suspension period if the Manager is satisfied the matter of non-compliance has been resolved.

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- (5) Upon the conclusion of the duration of the suspension period, if the non-compliance continues, the Licence shall be revoked.
- (6) After a decision is made by the Manager, written notice of that decision shall be given to the Applicant or Licencee advising the Applicant or Licencee of the Manager's decision with respect to the application or licence.
- (4) The written notice to be given under Subsection (1) shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Manager; and
 - (d) state that the Applicant or Licencee is entitled to a hearing by the Appeals Standing Committee
- if the Applicant or Licencee delivers to the Manager, within seven (7) days after the Notice under Subsection (1) is served, a notice in writing requesting a hearing by the Appeals Standing Committee and the appeal fee as set out in Schedule 1 of this By-law. The Manager shall forward the request for appeal to the Clerk.
- (5) Where no appeal is registered within the required time period, the decision of the Manager shall be final.
- (6) No Person shall re-apply with the Manager to obtain or renew a Licence for a minimum of one year from the later of:
- (a) the date of the Manager's decision to refuse to issue, renew, or revoke a Licence; or
 - (b) where the decision of the Manager is appealed, the date of the Appeals Standing Committee's decision if the Appeals Standing Committee upholds the decision to refuse to issue, renew or revoke a Licence.
- (7) An applicant for a Licence who complies with the provisions of this By-law is, subject to the provisions of this By-law, entitled to be issued a Licence, except where:
- (a) there are reasonable grounds for belief that any application or other document provided to the Manager by or on behalf of the applicant contains a false statement or provides false information; or
 - (b) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director, shareholder or officer of the Corporation, if the applicant is a Corporation, affords reasonable grounds for belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or

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- (c) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable requirement of the CBRM Land Use By-Law; or
- (d) the financial position of the applicant affords reasonable grounds to believe that the business will not be carried on in a financially responsible manner; or
- (e) there are reasonable grounds for belief that the application does not meet all the requirements of this By-law, or that the business is carried on or intended to be carried on in area of CBRM where such business is prohibited by this By-law from being carried on, or in respect of which the issuing of a Licence in respect of the business is not permitted by this By-law; or
- (f) the conduct of the applicant or of one or more of the Persons referred Subsection 9(7)(b) affords reasonable grounds for belief that the carrying on of the business in respect of which the Licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or
- (g) the amount payable in respect of the Licence applied for has not been paid; or
- (h) the applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by CBRM;
- (i) the applicant has failed to pay a penalty imposed by CBRM arising from a contravention of a By-law;
- (j) any driver's abstract which indicates more than six (6) demerit points or contains any one (1) conviction with a value of four (4) or more demerit points will not be approved to be Licenced.
- (k) an applicant has been convicted of an offence under Schedule 4.

10. THE HEARING BEFORE THE APPEAL COMMITTEE

- (1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to the Appeals Standing Committee.
- (2) When the Applicant or Licencee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeals Standing Committee may proceed with the hearing in his absence and the Applicant or Licencee shall not be entitled to any further notice of the proceedings.
- (3) At the conclusion of a hearing, the Appeals Standing Committee may give its decision orally or reserve its decision, but in any case, it shall provide its decision in writing within fourteen (14) days of the hearing to the Manager.

11. COMMITTEE DECISION FINAL

- (1) In making its decision the Appeals Standing Committee may uphold or vary the decision of the Manager or make any decision that the Manager was entitled to make in the first instance. The decision of the Appeals Standing Committee issued under this By-law is final.

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- (2) A Licence issued under this By-law is personal to the Licencee, and cannot be transferred.
- (3) Where a Licence has been revoked, the Licencee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

12. NOTICE

- (1) Any notice required to be given by CBRM under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the Person to whom delivery is required to be made at the last address for delivery appearing on the records of the Manager.
- (2) Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing, unless the Person on whom service is being made establishes that they did not, acting in good faith, through absence, accident, illness or other cause beyond their control, receive the notice or order until a later date.

13. CHANGES IN INFORMATION

- (1) Every Licencee shall notify the Manager in writing within seven days after the event, of any change in any of the information contained in the application form.
- (2) Where a change has occurred in the name or business name of a Licencee, the Licencee shall attend within seven days of the date of the change at the office of the Manager, to have the Licence and Licence records amended accordingly.

14. ISSUE OF LICENCE

- (1) Where an application for Tow Truck Owner's Licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Manager shall issue a Licence and a Vehicle Owner's Plate both of which shall set out the expiry date of the Licence and the applicant shall thereby be licenced.
- (2) Where an application for a Tow Truck Driver's Licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Manager shall issue a Licence which shall set out the expiry date of the Licence and the applicant shall thereby be licenced.

15. RENEWAL OF LICENCE

- (1) Every application for renewal of a Licence issued under this By-law must be delivered to the Manager before the expiry of the term of Licence.
- (2) Where a Tow Truck Driver's Licence is renewable, the Manager shall issue a Tow Truck Driver's Licence which shall set out the expiry date of the Tow Truck Driver's Licence and the Tow Truck Driver's Licence is thereby renewed.
- (3) Where a Tow Truck Owner's Licence is renewable, the Manager shall issue a Tow Truck Owner's Licence and an Owner's Plate or if applicable a Licence Sticker, all of which shall set out the expiry date of the Licence and the Owner's Licence is thereby renewed.

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- (4) Where a Tow Truck Driver's Licence is renewable, the Manager shall issue a Two Truck Driver's Licence which shall set out the expiry date of the Tow Truck Driver's Licence and the Tow Truck Driver's Licence is thereby renewed.
- (5) No Licence may be renewed more than sixty (60) days after the date upon which it expires.

16. OWNER LESSEE FROM MOTOR VEHICLE DEALER OR LEASING COMPANY

Where the applicant for a Tow Truck Owner's Licence has leased a Vehicle to be used as a Tow Truck from a Motor Vehicle dealership or leasing company, the Tow Truck Owner's Licence shall be issued in the applicant lessee's name provided that a copy of the lease has been filed with the Manager and the applicant shall thereby be licenced.

17. TERM OF LICENCE

- (1) Every Licence issued to a Tow Truck Driver, shall be valid for a period of one year effective from their birthday except where:
 - (a) the initial Licence issued to a Tow Truck Driver, is issued within ninety-one (91) days prior to their birthday, such Licence shall be valid until the next following birthday; or
 - (b) the initial Licence issued to a Tow Truck Driver, is issued on a date which is greater than ninety-one(91) days prior to their birthday, such Licence shall be valid until the next birthday; or
 - (c) the Tow Truck Driver's birthday is February 29th, the expiry date for such Tow Truck Driver's Licence shall be February 28th, for licencing purposes only.
- (2) Section 17(1) does not apply to a Tow Truck Driver who is also a Tow Truck Owner, such Tow Truck Driver's Licence shall expire on the same date as the Tow Truck Owner's Licence.
- (3) Where the Tow Truck Owner is a Corporation, the individual Person holding the shares carrying at least 51% of the voting rights attached to all shares of the Corporation, shall be deemed to be the Tow Truck Owner and their Tow Truck Driver's Licence shall expire on the same date as the Corporation's Owner's Licence.
- (4) Every Tow Truck Owner's Licence shall be valid for a period of one year effective from the first (1st) day of July up to and including the last day of June of the following year.

18. RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

- (1) When a Licence has been revoked, deemed unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the Manager within twenty four (24) hours of service of written notice of the decision of the Manager or, where an appeal has been filed, the decision of the Appeals Standing Committee, and the Manager may enter upon the business Premises of the Licencee for the purpose of receiving, taking, or removing the said Licence.
- (2) When a Person has had their Licence revoked or suspended under this By- law, they shall not refuse to deliver up or in any way obstruct or prevent the Manager from obtaining the Licence in accordance with Subsection (1).

19. RIGHT OF INSPECTION OF LICENCED PREMISES OR VEHICLES

- (1) A Peace Officer may at any reasonable time enter upon and inspect the business premises or Vehicles of any Licencee to ensure that the provisions of this By-law have been complied with, and a Peace Officer on completion of an inspection shall complete and file with the Manager a written report on the inspection.
- (2) Upon an inspection under Subsection (1), the Peace Officer inspecting is entitled access to the invoices, vouchers, appointment books or trip sheets or like documents of the Person being inspected provided such documents are relevant for the purposes of the inspection and the Person inspecting may remove with the Licencee's consent any of the aforementioned documents for the purpose of photocopying provided a receipt is given the Licencee and the documents are returned to the Licencee within forty-eight (48) hours of removal.

20. INSPECTION

- (1) A Peace Officer may require a Tow Truck Owner to submit their Tow Truck for inspection at any time and at an appointed place and the Tow Truck Owner shall submit each Tow Truck for inspection when required to do so by a Peace Officer.
- (2) When a Tow Truck and its equipment have been examined by the Registry of Motor Vehicles or licenced mechanic and the Tow Truck or its equipment is found to be mechanically defective, the Tow Truck Owner shall not operate the Tow Truck or permit it to be operated, until the Tow Truck has been reinspected and approved by the Registry of Motor Vehicles or other inspecting authority.
- (3) When a Tow Truck is examined by the Registry of Motor Vehicles or licenced mechanic and a report states that the Tow Truck or equipment is dangerous or unsafe, the Owner shall remove and return to the Peace Officer the Owner's Plate to be held until the Tow Truck and the equipment are certified to be safe by the Registry of Motor Vehicles or licenced mechanic.
- (4) When a Tow Truck Owner is unable to obtain a Safety Standard Certificate issued under the *Motor Vehicle Act* for the Tow Truck following an inspection as required under Subsection 1, the Owner shall remove and return to the Peace Officer the Vehicle Owner's Plate and the Tow Truck Owner shall not operate the Tow Truck until they obtain and produces a Safety Standard Certificate.

21. LICENCE PRODUCTION

Every Person licenced under this By-law, when requested by the Manager or a Peace Officer shall produce their Licence, photograph and other relevant documents required under this By-law.

22. OWNER AND DRIVER DUTIES

Every licenced Tow Truck Owner and Tow Truck Driver shall:

- (1) take due care of all Vehicles and property delivered or entrusted to them for towing;
- (2) comply with all reasonable instructions from the Hirer;
- (3) be civil and behave courteously;
- (4) keep a permanent daily record of work performed by the Tow Truck Driver in a continuous log sheet or by consecutively numbered bills or invoices showing:

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- (a) the name and address of every Hirer;
 - (b) a description of the Vehicle towed or conveyed including the Provincial Motor Vehicle Permit number of any such Vehicle;
 - (c) the rate charged, and,
 - (d) the total fee collected.
- (5) keep every Tow Truck and its equipment clean, in good repair, free from exterior body damage with a well-maintained exterior paint finish;
- (6) before demanding payment for services, present to the Hirer an itemized bill for the services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the schedule of rates filed by the Owner with the Manager, or as set out in Schedule 3 under this By-law;
- (7) convey the Vehicle to the Hirer's Vehicle Pound Facility or the Hirer's home and if the Hirer's desired Vehicle Pound Facility is closed, the Tow Truck Owner or Tow Truck Driver must take the Vehicle to the Hirer's home, if desired by the Hirer, or to the Tow Truck Owner's or Tow Truck Driver's Vehicle Pound Facility and may charge for the second tow as per the rates set out in Schedule 3 of the By-law for a re-tow from the Tow Truck Owner's or Tow Truck Driver's Vehicle Pound Facility to the Hirer's desired Vehicle Pound Facility when it opens;
- (8) register with the Manager the name of the licenced Vehicle Pound Facility used by the Tow Truck Owner and Tow Truck Driver where a Vehicle is towed when a Hirer has not directed or instructed the Tow Truck Owner and Tow Truck Driver to tow the Vehicle to a specific Vehicle Pound Facility, the Hirer's home or other location.
- (9) accept payment (by way of a functioning device where applicable) for any services provided under this By-law using a payment method of the Hirer's choice including credit card, debit, cash or any other prescribed method of payment; and
- (10) provide the Hirer (or their agent) with access to the Vehicle that is the subject of the tow services, in order to permit the removal of all property contained in the Vehicle, including money, valuables, documents and records, unless otherwise directed by a member of a police force.

23. OWNER AND DRIVER PROHIBITIONS

- (1) No Licenced Tow Truck Owner or Tow Truck Driver shall operate or permit to be operated a Tow Truck which lacks any of the following equipment which is in a good state of repair:
- (a) a winching or hoisting device of sufficient capacity to safely lift the Vehicle to be towed;
 - (b) Wheel lift or an Underlift equipped and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed;
 - (c) one device for securing the steering wheel of a Vehicle;

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- (d) two dry chemical fire extinguishers having an effective total rating equivalent to at least 4-B C, and at least each weighing 2.27 kg (approximately 5 lbs.);
 - (e) a minimum of two tow safety chains having a minimum length of 2.7432 metres (approximately 9 feet) each with links of at least 7.9375mm steel (5/16 inches);
 - (f) four (4) safety pylons;
 - (g) an intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of least 100 metres (approximately 328 feet);
 - (h) a broom;
 - (i) a shovel;
 - (j) a general purpose first aid kit;
 - (k) a crowbar/prybar at least 152.4 cm (60 inches) in length;
 - (l) at least two-wheel blocks;
 - (m) flares or reflector kits;
 - (n) wheel wrenches;
 - (o) light bar for a rear extension carrier;
 - (p) a Dolly; and
 - (q) any other provision as may be required under the *Motor Vehicle Act*; and
- (2) No licenced Tow Truck Owner or Tow Truck Driver shall:
- (a) interfere with any contract for hiring of a Tow Truck where a person has hired or has indicated their intention to hire a Tow Truck;
 - (b) induce any person to employ or hire a Tow Truck by making any false representation to any person such as the location of or distance to any place or any other matter;
 - (c) use or permit to be used a Tow Truck which has been found to be unsafe or defective after examination and inspection as required under this By- law;
 - (d) demand or request payment for their services other than in accordance with the applicable schedule of rates filed with the Manager, or as set out in Schedule 3 under this by-law;
 - (e) demand, request or receive a Drop Fee;
 - (e) charge a Hirer for time lost through defects or inefficiency of the Tow Truck, or the incompetence of the Tow Truck Owner or Tow Truck Driver;

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- (f) suggest or recommend to any Hirer that any Motor Vehicle in respect of which their services are to be given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard, Vehicle Pound Facility, or any other public garage, building or place, unless they have been requested to do so by the Hirer, and may at no time suggest or recommend a salvage yard, body shop, storage yard or any other public garage, building or place located outside of the Municipal Boundary;
- (g) permit a person to be a passenger in a Tow Truck, except under the following circumstances;
 - i. the passenger is the Hirer of the Tow Truck; or
 - ii. the passenger is either the spouse, son, daughter or parent or similar relation in law of the Tow Truck Driver and in such cases the Tow Truck Driver is not to solicit a tow, engage in any form of towing or have their Tow Truck within 200 metres (approximately 653 feet) of the scene of a Collision nor shall the Tow Truck Driver cause or permit their passenger to solicit a tow or take any actions to engage in any form of towing while the passenger is in the Tow Truck; or
 - iii. the passenger has filed any application with the Manager for a Tow Truck Driver's Licence, or has recently been issued their initial Tow Truck Driver's Licence, and in either of these circumstances is receiving instructions on Driver training as to the operation of a Tow Truck while a passenger.
- (h) operate or permit to be operated a Tow Truck with a Gross Vehicle Weight Rating of less than 4,536 kg (10,00 lbs.);
- (ij) operate or permit to be operated a Tow Truck without a Wrecker Body;
- (j) operate or permit to be operated a Tow Truck without the Vehicle Owner's Plate;
- (k) operate or permit to be operated a Tow Truck without the Licence Renewal Sticker attached to the Vehicle Owner's Plate;
- (l) keep any Work Orders in the Tow Truck;
- (m) provide any Work Orders to a Hirer;
- (n) induce, pressure, suggest, recommend or in any way cause a Hirer to sign or agree to a Work Order or otherwise induce, pressure, suggest, recommend or in any way cause a Hirer to agree to any work to the Hirer's Vehicle, which work includes any repairs or maintenance.
- (o) operate or permit to be operated a Tow Truck where the windshield or any window to the direct left or right of the driver's seat has been coated with any coloured spray or other coloured or reflective material that substantially obscures the interior of the Tow Truck when viewed from outside the Tow Truck except where the windshield or windows are tinted as per the original manufacturer specifications for the Motor Vehicle;

24. DRIVER'S DUTIES

Every Licenced Tow Truck Driver shall:

- (1) drive the Tow Truck which is towing or otherwise conveying a Vehicle by the most direct route to the destination requested by the Hirer, and in the most expeditious manner, unless otherwise directed by the Hirer;
- (2) clean up any debris, fragments of glass, Vehicle parts or other materials (excluding loads dumped during the Collision) and which may be a danger to the public from any highway or roadway prior to towing the Vehicle from the Collision Scene;
- (3) at all times be neat and clean in personal appearance and properly dressed which must include but is not limited to:
 - (a) a high visibility safety vest that meets CSA Standard Z96-15 "High-Visibility Safety Apparel";
 - (b) safety boots that meet CSA Standard Z195-14 (R2019) "Protective Footwear" with CSA green triangle rating;
 - (c) high visibility pants that meet CSA Standard Z-96-15 "High Visibility Safety Apparel"; and
 - (d) an identification badge showing the Driver's first initial and last name.
- (4) retain all signed Permission to Tow a Vehicle Form for at least ninety (90) days from the tow date indicated on the Permission to Tow a Vehicle Form; and
- (5) make available to the Manager a copy of all signed Permission to Tow a Vehicle Form to the Manager within thirty (30) days of the date indicated on the Permission to Tow a Vehicle Form and make them available for inspection upon request by a Peace Officer at any time.
- (6) take a minimum of four (4) photographs, digital or otherwise, of every Vehicle before commencing a tow and said photographs shall:
 - (a) capture all angles of the Vehicle include the front, back and sides of the Vehicle to identify all damage; and
 - (b) be kept by the Tow Truck Driver for a minimum of six (6) months which shall be made available to the Manager upon request.
- (7) where the Hirer refuses to sign the Permission to Tow a Vehicle Form, indicate such on the form and retain the form for the period prescribed in Subsections (4) and (5) above.

25. DRIVER PROHIBITION

No Licenced Tow Truck Driver shall:

- (1) commence to tow or otherwise convey or move any Vehicle, or hook, lift or connect the Vehicle to the Tow Truck, or perform any other services unless first requested so to do by a Hirer, or a peace officer or any member of a municipal fire department, or any Person authorized by law to direct the removal of the Vehicle from private or public property;

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- (2) where the request to tow a Vehicle outlined in Subsection (1) is from a Hirer, and where the tow is required as a result of a Motor Vehicle Collision, the Driver shall not commence to tow or otherwise convey or move any Vehicles, hook, lift or connect the Vehicle to the Tow Truck unless the Tow Truck Driver has a completed Permission to Tow a Vehicle Form and it has been dated and signed by the Hirer and they have provided a copy thereof to the Hirer;
- (3) alter or provide any information on the Permission to Tow a Vehicle Form;
- (4) stop, or park within 200 metres (approximately 653 feet) of a Collision location but this does not apply where the Tow Truck Driver has been summoned to the location of the Collision by one of the Persons referred to in Subsection (1) or where there are fewer Tow Trucks at the Collision location than Vehicles apparently requiring the services of a Tow Truck;
- (5) ask or seek out a Hirer or allow or direct an agent to ask or seek out a Hirer, at a Collision location or within 200 metres (approximately 653 feet) of a Collision location, where the actions of the Driver or agent constitutes a Nuisance;
- (6) tow or otherwise convey or move any Vehicle which is to be towed outside the Municipal Boundary unless requested by the Owner or operator of the Vehicle or a peace officer or member of the municipal fire department;
- (7) drive or act as a Driver unless the Registered Owner or where applicable, the lessee, of the Tow Truck is licenced under this By-law;
- (8) commence to drive or act as a Driver for any Registered Owner or, where applicable, any lessee, without first providing the Manager with a letter from that Person stating that the Owner or, where applicable, the lessee consents to the Driver operating their Licenced Tow Truck(s);
- (9) commence to tow or otherwise convey or move any Vehicle or perform any other services unless first disclosing to the Hirer any interest (either direct or indirect) that the Driver has in any location or facility to which a Vehicle may be towed for repair, storage, appraisal or similar purpose in accordance with any prescribed standards.

26. TOW TRUCK OWNER DUTIES

Every Licenced Owner shall:

- (1) immediately notify the Manager in writing when they give possession and control of the Tow Truck for which they are licenced under this By-law to another person or permits the use of said Tow Truck by another person other than through a bona fide contract of hiring for a period greater than one day;
- (2) charge a flat rate for Collision Towing as set out in Schedule 3;
- (3) file with the Manager a schedule of rates to be charged to Hirers for the towing or other conveyance of Vehicles and for other services offered or to be performed by them or their Tow Truck Driver for towing services other than Collision Towing;

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- (4) charge the rates, as set out in the schedule of rates filed with the Manager for towing and services other than Collision Towing;
- (5) keep in the Tow Truck and show to the Hirer a copy of a tariff card showing the flat rate, the applicable schedule of rates filed with the Manager, and also showing, if applicable that the Hirer may be charged additional fees for storage by the operator of any storage facility or business to which the Hirer's Vehicle is to be towed;
- (6) in the carrying out their business use only stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication, which has printed therein in clearly legible figures and letters: their name, address, phone number and the name of any Tow Truck Broker (as approved by the Manager) offering the services of said Tow Truck;
- (7) retain for a period of sixty (60) days copies of all advertising matter used by them and shall produce the same to the Manager if and when requested;
- (8) have attached to or painted on both sides of the body of the Tow Truck in a location close to the middle of the body panels or as near as possible and as approved by the Manager, the name and telephone number of the business as shown on the Tow Truck Owner Licence. The letters and figures for the name and telephone number shall be:
 - (a) of solid contrasting colour to the colour of the vehicle;
 - (b) of material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet); and
 - (c) a minimum of eight centimetres (approximately three inches) in height and a minimum of two centimetres (approximately .78 inch) in thickness.
- (9) only use the service of a Tow Truck Driver who is licenced as a Driver under this By-law;
- (10) have affixed to the Tow Truck rear window, on the driver's side, the Owner's Plate issued for that Tow Truck and have the municipal licence number painted or attached to both front fenders in letters and figures which shall be:
 - (a) of solid contrasting colour to the colour of the vehicle;
 - (b) a minimum of eight centimetres (approximately three inches) in height and a minimum of two centimetres (approximately .78 inch) in thickness;
 - (c) of material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet); and
 - (d) include a designation with the letters "ML" as a precursor to the number.
- (11) notify forthwith the Manager in writing of the particulars of such agreement or arrangement to transfer possession and control of a Tow Truck for which they have an Owner's Plate to another Person and where such agreement or arrangement is in writing shall file it with the Manager;
- (12) give written notice of the sale or other disposition of a Tow Truck to the Manager within seven (7) days of any such sale or disposition.

27. OWNER PROHIBITION

No Tow Truck Owner shall permit any Vehicle Owner's Plate issued to them under this By-law to be affixed to any Tow Truck, other than the Tow Truck for which the Licence was issued under this By-law;

28. SCHEDULE OF RATES

- (1) The schedule of rates filed with the Manager for all types of towing, except for those set out in Schedule 3 shall be based only on the following factors or a combination thereof:
 - (a) Time:
 - (i) time required to perform services;
 - (ii) standby time only if called by Cape Breton Regional Police
 - (b) Distances:
 - (i) distance to travel to reach scene after hiring;
 - (ii) distance Vehicle is towed or conveyed;
 - (c) Additional Services:
 - (i) changing more than one wheel;
 - (ii) disconnecting drive shaft;
 - (iii) moving Vehicle to towing position;
 - (iv) opening locked Vehicles without keys;
 - (v) provision and use of Dolly;
 - (vi) other specified services where a fee is charged.
- (2) Where rates vary according to time of day or a combination of different factors, the exact formula for determining the rate shall be set out in the schedule of rates filed with the Manager.
- (3) Notwithstanding the provisions of any other section of this By-law, where an estimate is given to the Hirer of the cost of services or equipment to be provided by a Tow Truck Owner or Driver, the charge to the Hirer shall not exceed the charges indicated in the schedule of rates filed with the Manager under this By-law or the amount of the estimate, whichever is lower.
- (4) A Tow Truck Owner may enter into a written agreement with a Tow Truck Broker, an automobile association, motor league, a government, government agency or local board thereof, or any limited Corporation, for the provision of towing services (hereinafter described in this section as a "towing contract") provided that the Tow Truck Owner provides a copy of all such towing contracts to the Manager prior to supplying any services thereunder.
- (5) Notwithstanding the other provisions of this Section, the Collision Tow Rates as set out in Schedule 3 to the By-law shall be the rate charged for Vehicles being towed from the Collision Scene.

29. NEW AND REPLACEMENT VEHICLE APPROVAL

An applicant for a Tow Truck Owner's Licence or a Tow Truck Owner licenced under this By-law who ceases to use their Tow Truck for the purpose permitted under this By-law, shall before using the newly acquired Tow Truck under this By-law:

- (1) attend at the Manager and produce a copy of the current Motor Vehicle Permit in good standing issued by the Registry of Motor Vehicles issued in the plate Owner's name, Owner's Licence, a copy of the current Motor Vehicle Liability Insurance Card endorsed to show the change of Vehicle;
- (2) if an applicant, submit the newly acquired Tow Truck for inspection and approval by the Manager forthwith;

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- (3) if a Licenced Owner, submit the newly acquired Tow Truck for inspection by the Manager within 24 hours of replacement;
- (4) produce and file with the Manager either:
 - (a) a Nova Scotia Registry of Motor Vehicles Vehicle Inspection report showing that the Tow Truck has been accepted within the previous sixty (60) days, or
 - (b) a Safety Standard Certificate issued under the Nova Scotia *Motor Vehicles Act* within thirty (30) days of this submission.
- (5) before using the newly acquired Tow Truck, and immediately after obtaining approval from the Manager, file with the Manager all documents required to report the change.

30. ENFORCEMENT

- (1) Every person who contravenes or fails to comply with any provisions of this By-law shall be liable upon summary conviction for every each such offence to a penalty of not less than \$500.00 and not more than \$1,000.00 for each offence; and, in default of payment, the Manager responsible for this By-law may cancel or suspend the licence of such person/company and a mandatory Suspension on the third offence.
- (2) Any person who commits an offence under this Bylaw is subject, on summary conviction, to a fine for each violation as described below. Every day during which the condition is not remedied is a separate offence.

1st Offence -\$352.50
2nd Offence -\$582.50
3rd Offence -\$812.50
- (3) The Manager or Peace Officer may cancel or suspend the Licence of any person who commits an offence under this By-Law and fails to make payment of the penalty for such offence.
- (4) Upon a person's third offence under this By-Law, the Manager or Peace Officer shall suspend such person's Licence.
- (5) 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.

31. SCHEDULES

All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

32. SEVERABILITY

Notwithstanding that any section or sections of this By-law, or any part or parts thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such section or sections or part

**CBRM By-Law No. T-200
Tow Truck Licencing By-law**

or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and enacted as such.

33. INTERPRETATION

The provisions of the *Interpretation Act RSNS 1989, c 235*, shall apply to this By-law as required.

34. SHORT TITLE

This By-law may be known as the Tow Truck Licencing By-law.

35. Previous By-laws Repealed

By-law No. T-200, cited as the Cape Breton Regional Municipality Tow Truck Licencing By-law dated June 23, 2020 is 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 the _____.

Mayor Amanda M. McDougall-Merrill

Municipal Clerk – Christa Dicks

I, Christa Dicks, Municipal Clerk of the Cape Breton Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Cape Breton Regional Municipal Council on _____.

Municipal Clerk – Christa Dicks

Publication Date:

CBRM By-Law No. T-200
Tow Truck Licencing By-law

Schedule 1- Licencing and Other Fees

Tow Truck Driver's License: \$150.00 (Annual Fee)

Tow Truck Owner's License: \$460.00 (Annual Fee)

Appeal hearing fee: \$100.00

Replacement fee for loss of Tow Truck Driver's Licence or Tow Truck Owner's Licence: \$25.00

Re-Inspection Fee: \$100.00 (per inspection after first failed inspection)

SCHEDULE_2 – ZONES

Zone 1: Central Zone for Cape Breton Regional Police Division

Zone 2: Eastern Zone for Cape Breton Regional Police Division

Zone 3: Northern Zone for Cape Breton Regional Police Division

**CBRM By-Law No. T-200
Tow Truck Licencing By-law**

SCHEDULE 3 - Consumer Fees – Maximum Rates permitted to charged

Towing Recovery, Storage.	Light Duty under 3000kg	Medium Duty 3000-6300kg	Heavy Duty 6300kg -9072	Heavy Duty 9073kg
Towing within 5 km	\$125.00	\$150.00	\$250.00	300.00
Mileage over 5k	\$3.00 per km	\$3.00 per km	\$4.73 per km	\$5.00 per km
Winching	\$150 per hour	\$157.65 per hour	\$250 per hour	\$260.39 per hour
Dollies	\$40.25	\$40.25	Nil	Nil
Flatbed Fee	\$50.00	\$60.00	\$70.00	\$80.00
Daily Storage rate	\$30.00	\$30.00	\$45.00	\$45.00
Administration fee	\$50.00	\$50.00	\$50.00	\$50.00
Disposal Fee	\$150.00	\$150.00	\$440.00	\$440.00

Consumer Fees – Maximum Rates permitted to charged

Motor Vehicle collisions	Light Duty under 3000kg	Medium Duty 3000-6300kg	Heavy Duty 6300kg -9072	Heavy Duty 9073kg
Towing Single unit within 5k	\$300.00 per hour	\$300.00 per hour	\$300.00 per hour	\$400.00 per hour
Mileage over 5km	\$300.00 per hour plus \$3.00 per km	\$300.00 per hour plus \$3.00 per km	\$300.00 per hour plus \$5.00 per km	\$400 per hour plus \$6.00 per km
Winching per 30min	\$150.00	\$176.25	\$189.07	\$189.07
Dollies	\$40.25	\$40.25	\$40.25	\$40.25
Flatbed	\$50.00	\$60.00	\$70.00	\$80.00
Storage per calendar day	\$30.00	\$30.00	\$45.00	\$45.00
Administration fee	\$50.00	\$50.00	\$50.00	\$50.00
Disposal fee	\$150.00	\$150.00	\$150.00	\$150.00

The fees related to environmental clean-up and traffic control are not covered under this By-law.

SCHEDULE 4 - REFUSED OR SUSPENSION WITHOUT RENEWAL

The following offences may result in the immediate refusal to grant or suspension both the Owner's and Driver's License. A license will not be renewed or issued where these offences have occurred. A license will be suspended upon conviction.

Violent Criminal Offences;

- Homicide
- Attempted Murder
- Robbery
- Sexual assault
- Forcible Confinement
- Criminal Harassment
- Firearms and related offences
- Uttering Threats
- Assault Causing Bodily Harm, Aggravated Assault
- Assault Police

Property Crimes;

- Break and Enter
- Arson
- Theft and related offences
- Fraud and related offences
- Identity Theft
- Mischief

Other Criminal Offences;

- Child Pornography and related offences
- Dangerous Operation of Motor Vehicle
- Public Mischief
- Controlled Drug Substances Act (CDSA) offences

Development Sydney Waterfront (District 5) (PID 15606874, 15606882, 15058738, 15879836, 15697576) – Request for Street Closure – Portion of Esplanade (PID 15705718) and an Undeveloped Street (Cutilar Street) (PID 15860786/15058720) Deem Property Surplus for Sale

Motion

Moved by Councillor Gillespie, seconded by Councillor Paruch, to direct the Legal Department to start the process for a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for the properties identified as PID 15860786, PID 15058720 and a portion of PID 15705718.

Motion Carried

Motion

Moved by Councillor Gordon MacDonald, seconded by Councillor Tracey, to deem the land required for the proposed mixed-use development, in particular, portion of PID 15606874, PID 15606882, PID 15058738, PID 15879836, PID 15697576 surplus for the proposed Doucet development on the Sydney Waterfront (subject to subdivision approval and lot consolidation).

CAPE BRETON REGIONAL MUNICIPALITY

NOTICE - STREET CLOSING

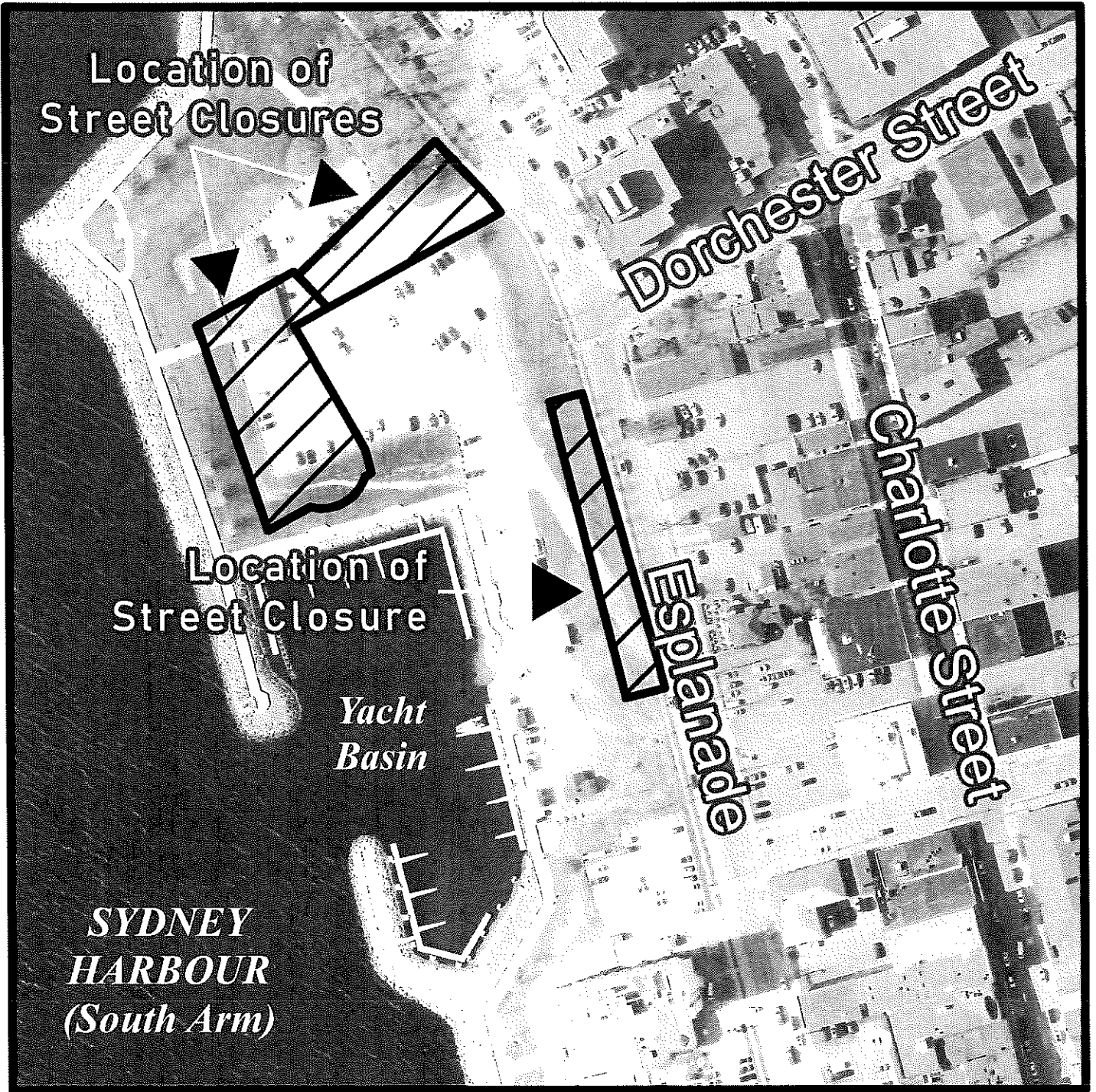
A Portion of the Esplanade, Sydney, Nova Scotia, Measuring Approximately 9,500 square feet +/- , and an Undeveloped Street (Cutilar Street), Measuring Approximately 41,997 square feet +/-

TAKE NOTICE that the Council of the Cape Breton Regional Municipality intends to close a Portion of the Esplanade and an Undeveloped Street (Cutilar Street), Sydney, Nova Scotia, which is more particularly delineated on the above map.

A public hearing in relation to the closing of a portion of the Esplanade and the Undeveloped Street will be held on Tuesday, the 25th day of June 2024, at 9:30 a.m. at the Council Chambers, 2nd Floor, Civic Centre, 320 Esplanade, Sydney, Nova Scotia, at which time Council will hear those in favour and those opposed to the closing of these road parcels.

**Signed: Christa Dicks
Municipal Clerk
June 22, 2024**

**Cape Breton Post
(Sydney Section)
June 22, 2024**





CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Development Sydney Waterfront (District 5)
Request for Street Closure – Portion of Esplanade (PID 15705718) and an undeveloped Street (Cutilar Street) (PID 15860786/15058720)

DATE: June 25th, 2024

As presented to Council on June 12th, 2024, staff asked council to pass a motion directing staff to commence a formal street closing for undeveloped road parcels related to the proposed development of the Sydney Waterfront. The parcels are identified as PID 15860786, PID 15058720 and a portion of PID 15705718. The subject area is outlined in green, red and the blue crosshatched section on the attached map (Attachment “A”).

Pursuant to the Municipal Government Act a public hearing is required at which time Council will hear those in favor and those opposed to the closing of the undeveloped road parcels. Notice was advertised in the Cape Breton Post on June 22nd, 2024 and circulated on CBRM’s website and social media. I confirm the legal department has not received any written formal complaints. However, several comments were posted on Facebook. Further clarification was posted by CBRM’s communications team to state that the developed portion of the Esplanade would not be affected or closed.

RECOMMENDATION:

Recommendation to council is as follows:





- To pass a motion approving the closure of the undeveloped road parcels (as identified on the attached map – Attachment “A”) and to deem the said properties surplus for a proposed development on the Sydney Waterfront.

Respectively Submitted,

ORIGINAL SIGNED BY

Sheila Kolanko
Property Manager



-  Portion of PID 15705718 - Owned by CBRM
-  PID 15058720 - Owned by CBRM
-  PID 15860786 - Owned by CBRM
-  PIDs 15606882, 15058738, 15697576, 15606874, 15879836 - Owned by CBRM



June 12, 2024

Kelly McDonald
Cape Breton Regional Municipality
320 Esplanade, Suite 405
Sydney, NS
B1P 7B9

RE: Request to present at CBRM Council meeting on June 25, 2024

Dear Kelly,

I am writing to request an opportunity to present to the Council on the Human Rights Remedy Recommendations outlined in the technical report titled "Human Rights Review and Remedy for the Findings of Systemic Discrimination Against Nova Scotians with Disabilities." This report, submitted to the Province of Nova Scotia and the Disability Rights Coalition on February 6, 2023, addresses critical issues concerning the treatment and support of persons with disabilities in Nova Scotia.

Impact on Cape Breton Regional Municipality

The implementation of these recommendations will significantly impact housing and infrastructure within the Cape Breton Regional Municipality (CBRM). Specifically, the transition from institutional settings to community-based living will require substantial municipal support in several areas:

- **Housing:** Increased demand for accessible, affordable housing to accommodate individuals transitioning from institutions.
- **Community Services:** Expansion of community-based support services to ensure that individuals with disabilities receive adequate care and integration into their local communities.
- **Infrastructure:** Development and modification of infrastructure to enhance accessibility and support the needs of people with disabilities.

Importance of Council Awareness and Involvement

It is crucial for the CBRM Council to be fully aware of these changes and their implications for municipal services and infrastructure. By understanding the detailed recommendations and their expected impact, the Council can proactively plan and allocate resources to support this significant transition. Furthermore, collaboration with provincial authorities and local service



providers will be essential to successfully implement these changes and ensure the rights and needs of individuals with disabilities are met.

Request for Presentation

I respectfully request an opportunity to present an overview of the changing landscape of disability supports to the Council on June 25th, 2024. This presentation will provide a comprehensive overview of the Human Rights Remedy and its potential effects on our municipality, allowing for informed decision-making and effective planning.

Thank you for considering this request. I look forward to the opportunity to discuss these critical issues with council and explore how we can work together to support individuals with disabilities in our community.

Sincerely,



Harman Singh,
Chief Executive Officer
Breton Ability Center



CREATING INCLUSIVE COMMUNITIES IN THE CBRM

The Human Rights Remedy
And What It Means To Our Community

Presented to: CBRM Council
Presented by: Harman Singh
CEO, Breton Ability Centre



1



Human Rights Remedy Recommendations

Addressing Systemic
Discrimination Against
Nova Scotians with
Disabilities



2

BACKGROUND



2014 Lawsuit
Disability Rights Coalition (DRC)
sued Nova Scotia.



2021 Court of Appeal
Found systemic discrimination
by the Province.

3

THE COURT'S KEY FINDINGS



Individuals living in institutions instead of the community.



Denial of support to eligible individuals.



Lack of choice in living arrangements.



Extended wait times for support.

4

HUMAN RIGHTS REMEDY



OBJECTIVE

Address and rectify systemic discrimination



EXPERTS INVOLVED

Mr. Eddie Bartnik
Dr. Tim Stainton



REPORT SUBMITTED

February 6, 2023

5

REMEDY KEY DIRECTIONS

Individual Planning and Support Coordination

Closing Institutions by 2028

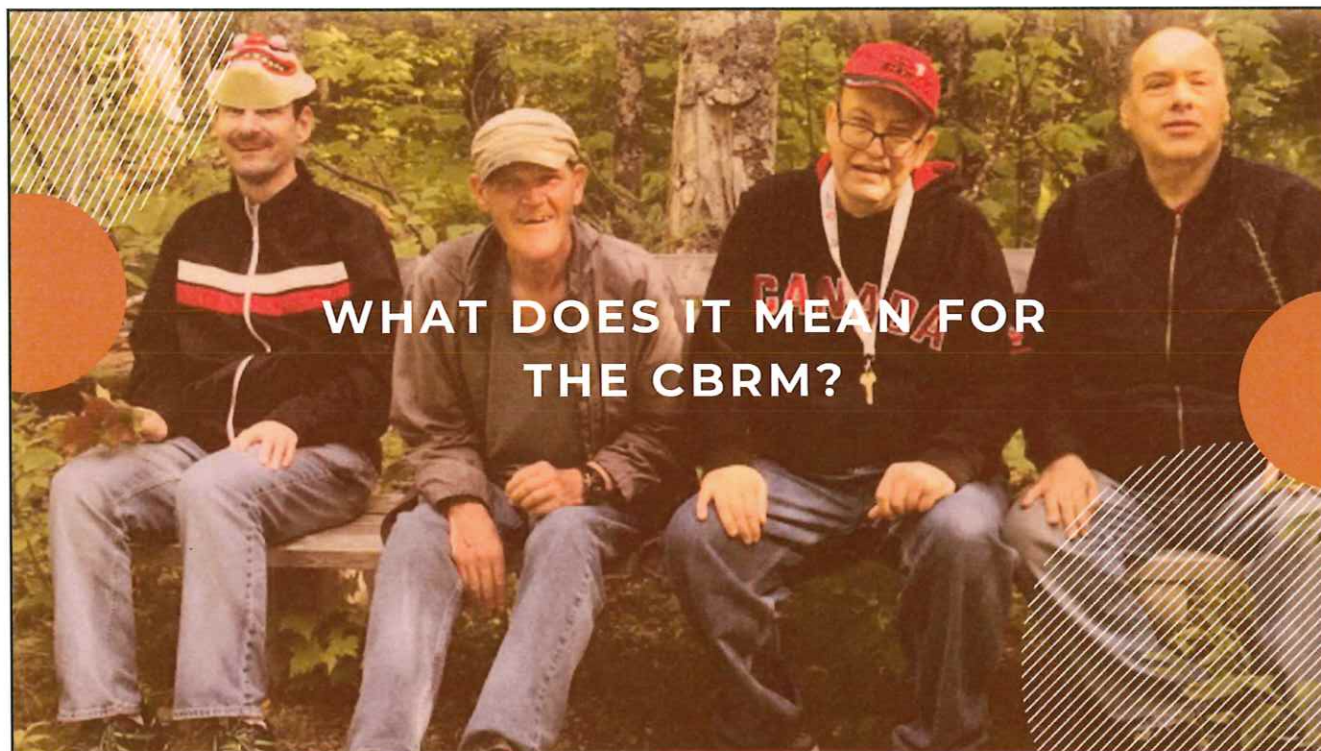
Community-Based Supports and Services

Integrated Professional Support in Regions

Individualized Funding

Enhanced System Capacity

6



7

IMPACT ON HOUSING



INCREASED DEMAND
Need for accessible and affordable housing



HOMESHARE PROGRAM
Promoting community living

8

IMPACT ON MUNICIPAL SERVICES

Transportation:
Ensuring accessible transportation services.

First Responders:
Training and readiness to support individuals with disabilities.

9

IMPACT ON INCLUSION



COMMUNITY INTEGRATION
BUILDING INCLUSIVE COMMUNITIES



Support Services
EXPANDING LOCAL NETWORKS

10



11

URGENT NEED



FOSTER

Foster Community Partnerships

- Collaborate with organizations: work with local disability organizations to understand the needs of people with disabilities to develop inclusive programs.
- Volunteer Programs: Encourage and support volunteer programs that assist people with disabilities.



SUPPORT

Support Inclusive Housing Initiatives

- Affordable Housing: Advocate for affordable and accessible housing options for individuals with disabilities.
- Integrate Housing: Promote housing policies that support integrated living arrangements rather than segregated settings.

12

ACTION

- Proactive Planning**

Allocating resources and infrastructure support.
- Collaboration**

Working with provincial authorities and service providers.
- Advocate for Inclusive Policies**
- Enhance Public Awareness**

 - Awareness Campaigns: Launch and support public awareness campaigns to educate the community about disability rights and inclusion.
 - Community Events: Host events that celebrate diversity and inclusion, such as Disability Awareness Days.
- Improve Accessibility**

Infrastructure Upgrades: Advocate for and fund upgrades to make public spaces, transportation, and buildings more accessible.
- Technology**

Promote the use of assistive technologies in public services and spaces.

13

ACTION

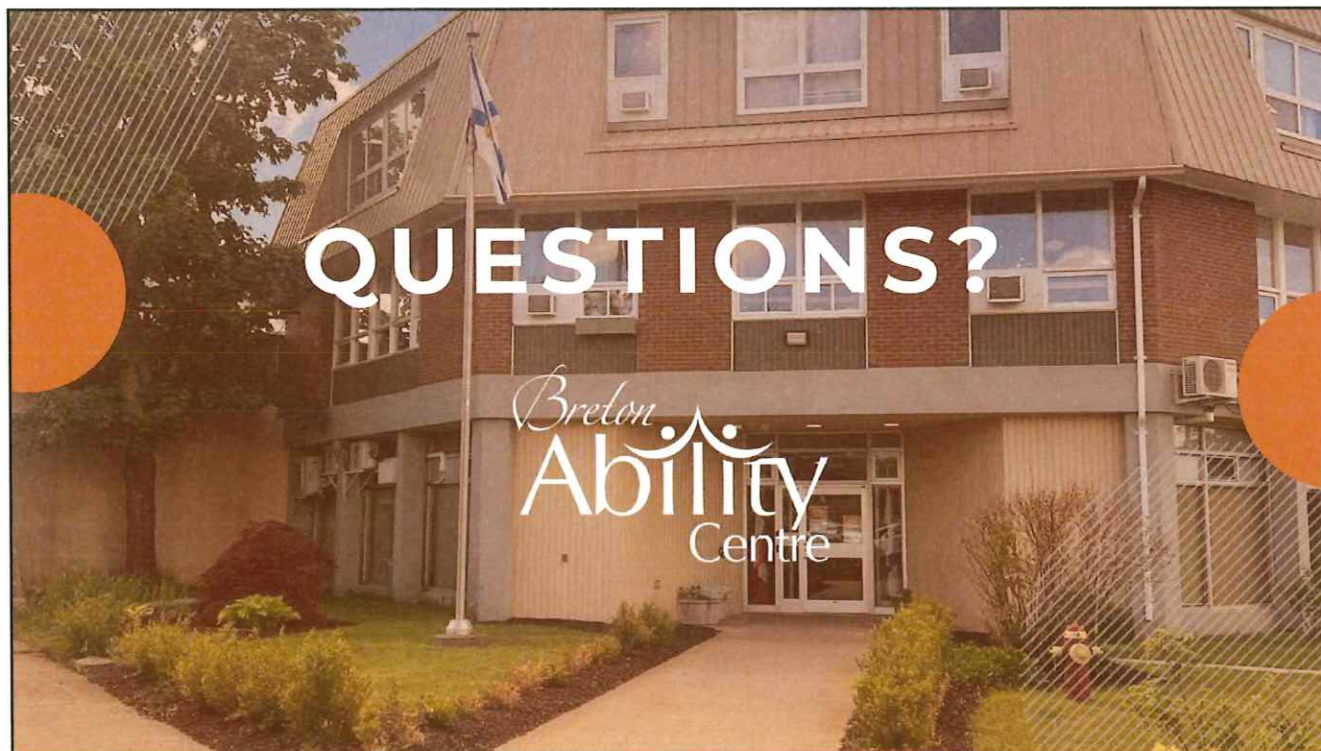
- ENSURE INCLUSIVE PUBLIC SERVICES**

 - Accessible Transportation: Support the development and maintenance of accessible public transportation systems.
 - Inclusive Recreation: Ensure recreational facilities and programs are accessible and inclusive to all community members.
- PROMOTE EMPLOYMENT OPPORTUNITIES**

 - Inclusive Hiring Practices: Encourage local businesses and municipal departments to adopt inclusive hiring practices.
 - Job Training Programs: Support job training and employment programs specifically designed for individuals with disabilities.
- ENGAGE IN INCLUSIVE PLANNING**

 - Community Consultation: Involve people with disabilities in community planning processes to ensure their needs and perspectives are considered.
 - Advisory Committees: Establish advisory committees on disability and inclusion to provide ongoing feedback and guidance.

14



15

Attachment: Appendix A

[human-rights-remedy-dsp-final-report.pdf \(novascotia.ca\)](https://www.novascotia.ca/human-rights-remedy-dsp-final-report.pdf)

HUMAN RIGHTS REVIEW AND REMEDY FOR THE FINDINGS OF SYSTEMIC DISCRIMINATION AGAINST NOVA SCOTIANS WITH DISABILITIES

Technical Report of the Independent Experts to the Disability
Rights Coalition and the Province of Nova Scotia

Authors: Mr. Eddie Bartnik and Dr. Tim Stainton

Submitted: February 6, 2023

Updated April 24, 2023: Added Glossary, Plain Language Executive Summary and Summary of
Recommendations.

February 6, 2023

From: Douglas MacLennan [REDACTED]
Sent: June 19, 2024 9:00 AM
To: Christa L. Dicks; ClerksOffice
Cc: [REDACTED]
Subject: RE: MOU Extension Request - June 11th Council Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Hi Christa,

My last email was bounced back (the attached were too large). I have included a link to view / download the new renderings to supplement our request.

Link here: [\[REDACTED\] Edgewater Rendering - May 2024](#)

Doucet Developments is formally requesting an extension to specific elements of our MOU for development of the waterfront properties. We are requesting an extension on the date of drawing submission for permit approval to December 31, 2024 to allow for further design and design related delays. We are also requesting an extension of our breaking ground to April 30, 2025. We are hoping these items can be included on the June 25th council meeting.

I have included some new renderings of the site to supplement this request.

Thanks,

Douglas MacLennan, MBA
Development Manager
Tier Too Properties Limited

c. [REDACTED] | f. [REDACTED] | [REDACTED]
26 Topsail Court, Bedford, Nova Scotia B4B 1K5 | www.tiertoo.com





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Cape Breton Regional Municipality

Wastewater Only Customer Metering Policy

POLICY

Outlining the Procedure for Wastewater Only Customers to Obtain, Install, Inspect, and Read a Potable Water Meter on a Private Water Source for the Application of Approved Wastewater Charges

BE IT RESOLVED AS A POLICY of the Council of the Cape Breton Regional Municipality as follows:

STATEMENT:

The purpose of this policy is to provide clarity to the billing options for those CBRM municipal wastewater customers who are not connected to the municipal potable water system and therefore do not have a meter to measure volume of water supplied to their dwelling. Wastewater By-Law W-100 indicates that wastewater only customers will be billed based on the average volume of customers of a similar meter class (in most cases 5/8 residential meter). If these customers do not want to be billed based on the average, they may choose to install a water meter on their private water source entering their dwelling, at their cost. This policy describes the process for obtaining, installing inspecting, and reading a water meter on a private water source.

1. DEFINITIONS:

- 1.0 “Average Volume” means the average of all metered volume for a particular customer class over the previous year.
- 1.1 “Owner” means:
 - i. The person assessed for the property;
 - ii. A person who holds title, including a part owner, joint owner, tenant in common, or joint tenant of the property;
- 1.2 “Private Water Source” means a water source other than the municipal water system, typically a dug or drilled well.



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1.3 “Wastewater Only Customer” means a user of CBRM wastewater services who discharges to the municipal sewer system from their dwelling but does not receive potable water service from the municipality.

2. GENERAL ADMINISTRATION OF FEES TO WASTEWATER ONLY CUSTOMERS:

2.1 All Wastewater Only Customers will be charged a minimum bill of the base charge plus a volume charge based on average consumption as per W-100 Wastewater Discharge Bylaw.

2.2 Wastewater Only Customers have the option to install a water meter on their private water source. The bill for these customers will consist of the base charge plus a volume charge based on actual measured volume.

2.3 Only those Wastewater Only Customers with a meter on a private water source will be able to apply for temporary disconnection of service. Although no physical disconnection of service occurs, the customer account will be inactive. Only the base charge will be charged on inactive accounts, unless a measured volume flows through the meter, then a volume charge in the corresponding amount will be applied.

2.4 All other wastewater only customers will be charged a minimum bill as per section 2.1. No application for temporary disconnection will be available for Wastewater Only Customers without a meter unless the property is registered as vacant.

2.5 Wastewater Only Customers without a meter and whose property is registered as vacant will only be charged the base charge as a minimum bill. No volume charge will be applied.

3. CRITERIA:

Wastewater Only Customers may request to be billed via a water meter installed on a private water source provided the following criteria is made:

3.1 The applicant must be an owner of the property with legal title to the property.

3.2 The applicant agrees to pay for the CBRM issued meter and all costs associated with the installation of the water meter on their property.



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Cape Breton Regional Municipality

- 3.3 The applicant agrees to be billed based on actual consumption as read on the water meter. Returning to the estimated volume after installation of the meter will not be permitted.
- 3.4 The applicant agrees to provide CBRM with access to inspect, read, and repair the meter as necessary.
- 3.5 The applicant agrees to conform with the same rules and regulations set fourth for CBRM water customers with respect to meter reading and estimated usage in the event of an issue with the meter.

Prior to applying for “Wastewater Only Customer Meter”, CBRM strongly recommends that the applicant obtain a pricing estimate for installation of the meter to determine if there is a cost benefit for metered volume compared to average volume. The price of installation can vary greatly depending on the location of inlet piping and the types of finishes in a dwelling.

4. APPLICATION:

- 4.1 An application form must be completed and submitted to the Citizen Service Centre (City Hall - 320 Esplanade, Sydney, NS) requesting a “Wastewater Only Customer Meter”. Property owners must meet the eligibility criteria and agree to all terms and conditions.
- 4.2 A non-refundable payment equal to the cost of the meter will be required. The current fee schedule for residential meters is included in Schedule A.
- 4.3 Upon receipt of the payment, a meter will be issued to the property owner or designate (plumber/contractor) by the CSC. Alternatively, arrangements can be made with the CBRM Meter Department to have the meter picked up or delivered at a later date.
- 4.3 Once the meter is installed, the property owner must contact the CBRM Meter Department at (902) 563-5282 to arrange for final inspection.
- 4.4 Upon successful inspection of the meter, the CBRM Water Utility will advise the date at which the volume charges based on metered consumption will begin. CBRM Meter Department will read meters quarterly, and bills issued as such.

- 4.5 Notwithstanding any other provision of this policy, no exemption is conferred from obligations to comply with the W-100 Wastewater Bylaw with respect to effluent quality or quantity.

Approved by Council: June 25, 2024

SCHEDULE A

CBRM Water Meter Costs by Size 2024/25

<i>5/8"x3/4" (E-Coder) R900i, m³</i>	<i>\$340.00+hst = \$391.00</i>
<i>3/4" (E-Coder) R900i, m³</i>	<i>\$362.00+hst = \$531.30</i>

M·E·M·O

To CBRM Mayor McDougall-Merrill & Council
From Mike Targett, Community Consultation Coordinator – Mayor's Office
Date June 19, 2024
Subject Expand the Vote

A group comprised of members of the Cape Breton Local Immigration Partnership (CBLIP), the Cape Breton Island Centre for Immigration (CBICI), and students from Glace Bay High is calling on the provincial government to amend the Elections Act to extend municipal voting rights to Permanent Residents and to lower the municipal voting age from 18 to 16.

The group believes enfranchising Permanent Residents will foster a more inclusive and representative democracy at the local level given the fact that policy decisions around recreation, transit, infrastructure, and property taxes affect *all* residents regardless of citizenship.

"As someone who works with newcomers to the CBRM, I am so fortunate to witness the richness that new perspectives bring to our community," says Rebecca MacDonald, CBICI International Student Retention Team Lead. "Amid plans for significant population growth in our province, increasing retention of newcomers is fundamental for sustainable growth. Expanding municipal voting rights to Permanent Residents will help retain newcomers in our community by showing we value their perspectives as contributing community members."

The group also believes lowering the municipal voting age will empower young people to become engaged in the civic life of their community while instilling in them a sense of community responsibility and pride.

"As a young person I'm directly affected by the decisions of our government but I can't do anything about it," says Glace Bay High student Quin Losier. "I believe everyone that has a real stake in our community should have a say in its future. I'm involved with this campaign because I believe in strengthening our democracy, giving a voice to the unheard, and ensuring that we have a truly representative and responsible government."

The group has held three information / focus group sessions in Glace Bay, North Sydney, and Sydney and is currently running an online survey to measure public support for the issue. The group seeks support in principle from CBRM Council to call on the provincial government to amend the Elections Act to extend municipal voting rights to Permanent Residents and to lower the municipal voting age to 16.

Excerpt – Special Council Minutes: April 19, 2022

CBRM Capital Budget 2022-23

Motion

Moved by Councillor Gillespie, seconded by Councillor Paruch, to approve the associated required borrowing resolutions for the Capital Budget in the amount of \$8,500,000.

Motion Carried



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Cape Breton Regional Municipality

MEMO

Date: June 19, 2024

To: Mayor and Council

From: Jennifer Campbell, CPA, CA Chief Financial Officer

Re: Resolution for Pre-Approval of Debt Issuance/Temporary Borrowing Resolution

CBRM requires a renewed pre-approval for Debenture Issuance and temporary borrowing resolution for the Province of Nova Scotia's 2024 Fall Debenture Issue for Municipalities. The amount of borrowing required is \$8,073,100. This borrowing is for capital projects approved and completed in the fiscal year March 31, 2023. A summary of the projects and related borrowing is included for reference:

CBRM Capital Program 2022/23	Cost	Funding	MCG Allocation	Borrowing	Budgeted Borrowing
Land and buildings	\$ 1,519,474	\$ 224,715	\$ 639,954	\$ 654,805	\$ 3,373,900
Centre 200 Revitalization			-	\$ -	1,460,345
Fire Equipment/Apparatus	2,167,758	299,538	923,396	\$ 944,823	791,000
Streets and Sidewalks	11,570,426	10,619,100	470,207	\$ 481,118	2,587,480
Fleet Replacement	1,655,681	777,111	434,247	\$ 444,324	850,000
Waste Water/Storm Water	22,128,969	14,191,220	3,923,353	\$ 4,014,396	7,685,587
Parks, Grounds and Arenas	2,073,693	1,318,610	373,213	\$ 381,870	425,000
Active Transportation			-	\$ -	-
Transit	2,791,107	513,700	1,125,643	\$ 1,151,764	906,300
Service Delivery Modernization			-	\$ -	271,414
Library			-	\$ -	2,000,000
Less Municipal Capacity Top up			(7,890,013)		(11,851,026)
Total	\$ 43,907,109	\$ 27,943,995	\$ -	\$ 8,073,100	\$ 8,500,000

The original borrowing resolution was approved upon the adoption of the 2022-23 Budget in the amount of \$8,500,000 on April 19, 2022. Due to the fact that longer than 12 months have elapsed since the original borrowing resolution approval, a current resolution must be passed to meet MFC's debenture participation requirements.

Requested Motion:

Council approve the attached resolution for the pre-approval of debt issuance and temporary borrowing resolution in the amount of \$8,073,100 for capital projects completed up to March 31, 2023.

Sincerely,



Jennifer Campbell, CPA, CA Chief Financial Officer

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

Amount: \$ 8,073,100

Capital Projects: Detailed in Schedule "A"

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;

WHEREAS the Council of the Cape Breton Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for capital purposes as identified in their capital budget; and

WHEREAS the specific amounts and descriptions of the projects are contained in Schedule "A" (attached);

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 Eight Million, Seventy-Three Thousand, One-Hundred Dollars (\$ 8,073,100) 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 a sum or sums not exceeding Eight Million, Seventy-Three Thousand, One-Hundred Dollars (\$ 8,073,100) in total be borrowed from time to time 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 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 25 day of June, 2024.

GIVEN under the hands of the Clerk and under the seal of the Council of the Cape Breton Regional Municipality this _____ day of _____, 2024.

Clerk

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

Amount: \$ 8,073,100 _____

Capital Projects: Detailed in Schedule "A"

**SCHEDULE "A"
CAPITAL PROJECTS**

		Estimates \$
Heading / Category:		
Item	Land and buildings	654,805
Item		
Item		
Item		
Heading Sub Total:		654,805
Heading / Category:		
Item	Fire Equipment & Apparatus	944,823
Item	Fleet Replacement	444,324
Item		
Item		
Heading Sub Total:		1,389,147
Heading / Category:		
Item	Streets & Sidewalks	481,118
Item		
Item		
Item		
Heading Sub Total:		481,118
Heading / Category:		
Item	Wastewater/Stormwater	4,014,396
Item		
Item		
Item		
Heading Sub Total:		4,014,396
Heading / Category:		
Item	Parks, Grounds, Arenas	381,870
Item		
Item		
Item		
Heading Sub Total:		381,870
Heading / Category:		
Item	Transit	1,151,764
Item		
Item		
Item		
Heading Sub Total:		1,151,764
TOTAL REQUEST CONTAINED WITHIN THIS RESOLUTION		8,073,100

Name of Unit: CAPE BRETON REGIONAL MUNICIPALITY

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 and Housing (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 *Finance 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 June 25, 2024
(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
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding \$ 8,073,100 , for a period not to exceed 20 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
(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 6.5%;

THAT the debenture be arranged with the Province of Nova Scotia 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 Province 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

(Name of Unit)

held on the 25 day of June 2024

GIVEN under the hands of the Mayor/Warden and the Clerk of the
CAPE BRETON REGIONAL MUNICIPALITY

(Name of Unit)

this _____ day of _____ 20____

Mayor/Warden

Clerk

Cape Breton Regional
Fire and Emergency Service



Deputy Fire Chief Craig MacNeil

362 George Street

PH: (902) 563.5140; 563-5350

FX: (902) 574-0916

To: Cape Breton Regional Municipality Council

From: Deputy Fire Chief, Craig MacNeil, Manager Fire Prevention

Date: June 25, 2024

Re: New Staff Appointment – Fire Prevention Officer

Introduction

The position of Fire Prevention Officer is responsible to conduct fire inspections, code enforcement, fire investigations, and Public Education as well as the administer and enforce related CBRM Bylaws and the Nova Scotia Fire Safety Act.

On April 8, 2024, CBRM hired Dan Taylor as a Fire Prevention officer, Dan joins us from 911 dispatch, before that Dan was a paramedic as well as fully trained Firefighter. Dan brings a wealth of education and experience to his new position.

As mentioned, fire inspections are part of the responsibility of Fire Prevention Officers. To fill that role Dan Taylor must be sworn in by Council to provide the authority to conduct fire inspections and enforce the relative codes and acts. Fire Prevention Officer Dan Taylor shall carry out fire inspections within the Cape Breton Regional Municipality in accordance with the said Act and any regulations made thereunder.

Recommendation

That CBRM Council pass a motion appointing **Dan Taylor** as Municipal Fire Inspector in accordance with the provisions of the Fire Safety Act of Nova Scotia, Chapter 6 of the Acts of 2002, article 19(1)(b) thereof.

Respectfully Submitted,

Original signed by

Craig MacNeil
Deputy Fire Chief
Cape Breton Regional Fire & Emergency Service

Attachment

Attachment A

Duties of a municipality

19 (1) A municipality shall

(a) establish a system of fire-safety inspections of land and premises situate within its jurisdiction, as required by the regulations, to provide for compliance with this Act, the regulations and the Fire Code.

(b) appoint a municipal fire inspector who shall carry out the inspections; and

(c) ensure that the Fire Marshal is notified, in writing, of the appointment of the municipal fire inspector and the revocation of any such appointment.

(2) A municipality that is required to establish and conduct a system of inspections pursuant to subsection (1) shall ensure that

(a) a record is made of every inspection undertaken by the municipality.

(b) the records are made available, on request, to the Fire Marshal or a deputy fire marshal; and

(c) unless otherwise prescribed by the regulations, the records are kept for at least five years. 2002, c. 6, s. 19.

CBRM

City Hall
320 Esplanade
Sydney, NS B1P 7B9

Councillor Agenda Request Form – Staff Report	
<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/Committee Meeting: June 2024	
Subject: Committees make up and rules/policy	
Motion requesting Staff Report for Council to Consider: <i>review the make up of cbrm committees, who is on them, what their roles are, etc</i>	
Reason: Over a number of years I've noticed a few issues regarding structure, communication and policies in the way our committees formed. I believe its important to our residents that we review all committees, bylaws, make up/structure and policies to keep them up to date and to meet the current needs of the CBRM and council.	
Outcome Sought: policy additions and/or changes to the make up of committees such as and not limited to; how long can a committee member or councillor serves/how many terms, should vetting be done before the name or a resident comes to the nominating committee, should a member of council sit on every committee whether it be an ad hoc, bylaw or sanctioned committees, should there be stricter attendance rules for all committee members, should the nominating committee meet with committee chairs and/or staff before or during the nominating process, what can we do to ensure the province appoints its members in a timely fashion, should councillors be chairs of committees, should committees be required to report to council or leave it optional, etc.	
<i>Councillor: Steve Gillespie</i>	<i>District: 4</i>
<i>Date: June, 2024</i>	<i>Received by Clerk's Department (date): June 19, 2024</i>

- X **Discussion with former Clerk Deborah Campbell-Ryan**
Discussion with Clerk Christa Dicks
Discussion with Mayor Amanda McDougall-Merrill

