

Cape Breton Regional Municipality

General Committee Meeting

AGENDA

TUESDAY, APRIL 5TH, 2016

9:30 A.M.

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

Cape Breton Regional Municipality

General Committee Meeting

Tuesday, April 5th, 2016

9:30 a.m.

AGENDA ITEMS

Roll Call

1. APPROVAL OF MINUTES: (Previously Distributed)

➤ General Committee – March 1st, 2016

2. PLANNING ISSUES:

2.1 Report on Public Participation Program:

i) Municipal Planning Strategy Amendment Application #1020 - Cavell McNeil and Karen McNeil, 322 Park Road, Florence, PID# 15658271; Karen Neville, Planner (see page 6)

2.2 Approval to Advertise:

- i) Application #1021: Amendments to the CBRM Vendors and Traders of Goods By-law; Amendment to Section 44 of the CBRM Land Use By-law; and Amendment to the Section 39 of the CBRM North End Sydney Secondary Land Use By-law; Karen Neville, Planner (see page 13)
- ii) Zone Amendment Application #1022 – TerraMac Contracting Ltd., Corner of Sydport Access Road & Highway 125, Point Edward (PID's 15867427 and 15061385 along with Northwest portion of PID 15530157); Karen Neville, Planner (see page 39)

Continued....

**General Committee Meeting Agenda
(Continued)
April 5th, 2016**

Planning Issues Cont'd:

2.3 Municipal Planning Strategy and Land Use By-law Amendments:

i) Resolutions for Public Participation Program:

- a) Municipal Planning Strategy and Land Use By-law Amendment Application #1023 – Winter Review 2016:** Karen Neville, Planner (see page 46)

3. CORPORATE SERVICES ISSUES:

3.1 Business Arising – Council meeting – February 16th, 2016:

- a) Electronic Voting – 2016 Municipal and School Board Elections:**
Deborah Campbell, Municipal Clerk (see page 57)

3.2 Request for Street Closure – Bradbury Lane (near Borden Street), Whitney Pier: Demetri Kachafanas, Regional Solicitor (see page 60)

4. PUBLIC SERVICES ISSUE:

- 4.1 Heavy Garbage Collection Timing Issue:** Francis Campbell, Manager of Solid Waste (see page 62)

5. PROTECTIVE SERVICES ISSUE:

- 5.1 Statistical Complaint Report – Dangerous and Unsightly Properties:**
For information only
Paul Burt, Manager of Buildings, Planning & Licensing Laws
(See page 63)

Continued....

General Committee Meeting Agenda
(Continued)
April 5th, 2016

6. FINANCIAL STATEMENTS: For information only
Marie Walsh, Chief Financial Officer (See page 68)

- Corporate
- Protective Services:
 - EMO
 - Fire Services
- Public Services:
 - Engineering & Public Works
 - Recreation
- Planning
- Police

ADJOURNMENT



To: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: MUNICIPAL PLANNING STRATEGY
AMENDMENT APPLICATION – 1020
Cavell McNeil and Karen McNeil
322 Park Road, Florence
PID 15658271**

DATE: March 29th, 2016

Introduction

Cavell McNeil and Karen McNeil would like to establish a retail sales business on PID 15658271 in Florence (Attachment A). The applicants would like to operate a small scale buy and sell furniture and appliance store. The property in questions is zoned Residential Urban D (RUD) and while the RUD zone does permit some non-residential uses, it does not permit a retail sales business.

In addition to having to amend the Land Use By-law (LUB), the Municipal Planning Strategy (MPS) would also need to be amended to permit a retail sales business on this property. Currently, the MPS does not contain policy which would support a retail sales business in a residential area. According to the *Municipal Government Act*, prior to considering an amendment to the MPS, Council must complete a public participation program. On March 15th, 2016, Council made a motion to conduct a public participation program to consider amending the MPS and LUB to allow for retail sales on Park Road, Florence. This report is a summary of the results of the public participation program.

History

In 1998 the Provincial government decided to combine all legislation relevant to municipalities, including planning legislation, into one Act called the *Municipal Government Act* (MGA). The adoption of the MGA in 1999 resulted a few major changes in planning legislation. In particular, municipalities were required to adopt planning strategies that were consistent with Provincial Statements of Interest and replace zoning by-laws with land use by-law. If municipal planning strategy was not adopted within a particular timeframe, any zoning by-law in effect would have been repealed by the Province.

Prior to amalgamation in 1995, the applicant's property would have located in the Municipality of the County of Cape Breton and a zoning by-law was the only planning legislation in effect regulating land use. This meant when the applicant requested a zone amendment, land use policy was not a consideration. A zone amendment was approved by the County of Cape Breton Council on March 17, 1992 to permit the construction of a convenience store on the property in question. A subsequent zone

amendment was made for this property to expand the building housing the convenience to allow for general commercial and two apartments in 1995. While the County of Cape Breton Council did approve the second zone amendment, they did so against the staff's recommendation.

According to archived land use data, in 2004 the main building on this property was classified as a vacant convenience store and three residential units. Due to the predominantly residential development along Park Road, the presence of municipal water and sewer, and the fact that the convenient store had not been in operation for several years, this property was included in an urban residential zone when the current LUB was adopted in 2004. The property has not been assessed as commercial since 2007.

The CBRM permit software contains information related to permits issued from 1985 to present. As new information becomes available through the issuance of building and development permits, land use data is updated. According to today's data, the building on the applicants' property has two descriptions, three residential units and former convenient store. The CBRM permit software does have record of building/ development permits for the construction of the convenience and the subsequent addition. That being said, it would appear that the area that was once a convenience store and the general commercial space now contain dwelling units. This conversion would have taken place with obtaining a building development permit.

Municipal Planning Strategy and Land Use By-law

The applicants identify two other properties in their neighbour that have commercial zoning. Tim Horton's located at 366 Park Road (PID 15367212) is zoned Arterial Business Corridor (ABC), which is a sales and service zone [Attachment A]. According to the MP5, it shall be a policy of Council to permit a wide range of business along arterial streets/secondary regional routes with a large percent of business (Part 2, Policy 4a.). Pursuant to this policy, several corridors throughout the CBRM are zoned ABC. The Tim Horton's is located in the corridor of Villa Drive from its intersection with Park Road southeast to its end just west of Highway 125.

The other property identified by the applicants as having commercial zoning is Bonner's Denture Clinic located at 342 Park Road (PID 15253925). PID 15253925 does not have commercial zoning, it is zoned Residential Urban D which is the same zoning as the applicant's property (Attachment A). It is a policy of Council to permit certain types of service business to be operated from a residential property (Part 2, Policy 13 a. of the MP5). Bonner's Denture Clinic is a home business and would be in keeping this policy. Part 2, Section 17 Home Business identifies the following uses as home businesses:

animal (domestic) grooming	catering business
artist/artisan establishment	food processing cottage industry
bed & breakfast accommodations	personal service business
boarding homes	repair service
business offices	

A denturist is considered to a personal service business. The LUB defines a personal service business as:

an establishment where persons are employed to administer to the individual and personal health, grooming and wardrobe requests of persons and shall include hair grooming establishments, private teaching/tutoring, apparel repair, tailoring, denturists, tanning salons, aromatherapy, reiki, reflexology, massage therapy and spas.

The uses listed above are permitted as home businesses accessory to a dwelling unit on a lot parcel in all zones where the type of business is not a permitted main use. A dwelling unit or a building accessory to a dwelling unit can be used for the purpose of conducting a home business. A single unit dwelling and an accessory building can be found on PID 15253925. Bonner's Denture Clinic is operated in the accessory building located at 342 Park Road. The retail use being proposed by the applicants is not considered to be a home based business.

Surrounding Land Uses

The area surrounding the property in question is predominantly residential. Along Park Road there are sixty-six single unit dwellings and ten two units. The average assessed value of a single unit and two unit dwelling on Park Road is \$98,845 and \$151,310 respectively. The assessed value along Park Road is significantly higher than the average assessed value of a single unit and two unit dwelling within the Community Florence is \$79,250 and \$106,087.

The non-residential uses along Park Road and Chandelier Drive includes T.L. Sullivan Junior High School, Tim Hortons, an auto repair business, concrete products sales, and a home based business. The concrete product sales business, Brennan Concrete Products Ltd, located at 34 Chandelier Drive was the result of a zone amendment approved by the County of Cape Breton Council back in 1992 (Attachment B). The property is assessed as both commercial and residential and would therefore be recognized under Part 54 Existing Development of the current LUB.

In 1990, the County of Cape Breton Council approved a zone amendment a truck repair, service centre, and depot and warehouse facility for the area which is now 292 Park Road. The property is only assessed as residential taxable and therefore would not be recognized under Part 54 Existing Development of the current LUB. In addition, it would appear that property is the site of a landscaping company, Zablaskai Landscaping Limited, which does not comply with the zone amendment approved in 1990 or the provisions of the current LUB. As result of changes to the MGA and the timing of the adoption of the CBRM MP5, there was a period of time between 2002 and 2004 when there would have been no zoning in effect for this area. Further research by staff is required to determine when the Zablaskai Landscaping Limited was established on this property to determine if it considered to legal non-conforming or is in contradiction with the CBRM LUB.

While both of these zone amendments were approved by the County of Cape Breton Council, staff was unable to find evidence of the recommendation of the staff at the time these amendments were requested. However, given the fact that there is evidence that staff did not support the zone amendment application made by the applicant back in 1995, it is very likely staff was not in support of the zone amendment referenced above.

Public Participation

Based on the recommendation of Council, the Planning and Development Department conducted a Public Participation Program in the form of a notification that was sent by means of a letter delivered by Canada Post to the assessed owners of property along Park Road and Chandelier Drive. A total of eighty-eight letters were mail out asking property owners their opinion regarding this proposal. They were given the opportunity to respond by Canada Post mail, e-mail, by phoning staff or by appointment in our office.

At the time this report was prepared 16 responses were received by staff and two were received by Councillor Prince. All of the respondents, except for three, were opposed to of having a retail use in their neighbourhood. One respondent indicated that they had no opinion one way or the other, while the two others expressed support for the application.

Although the results of the survey could be interpreted to mean that the neighbourhood is opposed to this application this may not be the case. Only 20% of those in receipt of the letter responded and of those respondents, 17% were opposed. Generally when people are against a proposal they are more likely to comment; however, an overwhelming majority of those surveyed did not care enough to respond which could mean that they really are not opposed to the idea.

Evaluation of the Request

Policies within the MPS set out the general rules of land development which enables Council and Staff to consider development proposal in an impartial manner. One of the functions of land use policy is to foster sales/service development. Although the MPS was drafted as a catalyst to facilitate business development, it must also function as a legal tool to provide stability. To achieve this, policies in the MPS uses a number of factors to establish a hierarchy of site compatibility for development. These factors include public street/road level, proximity to important public street/road intersections, geographic positioning, land use conflict potential, and the unique characteristics of a neighbourhood or streetscape. As a result, commercial development is discouraged in residential areas with low density (single unit dwelling) development.

It is important to note, that while amendments to MPS and LUB could permit the applicants' proposed development, the approval of those amendments would have a wider impact than one development. Presently the applicants are requesting a small retail use in an urban residential zone; however, if this business type is able to be established in an area with urban residential zoning the precedence for this type of development in a residential area will be set.

Unlike the previous applications made by the applicant, this application must be evaluated based on land use policy. According the MPS, spot zoning a commercial development in a residential area is not in compliance with land use policy. From staff's perspective it is difficult to support this request, not only because of the implications of additional commercial developments in areas with similar zoning, but because it would result in scattered commercial development. Council should be encouraging densely developed commercial areas not irregular commercial development throughout the CBRM.

Recommendation

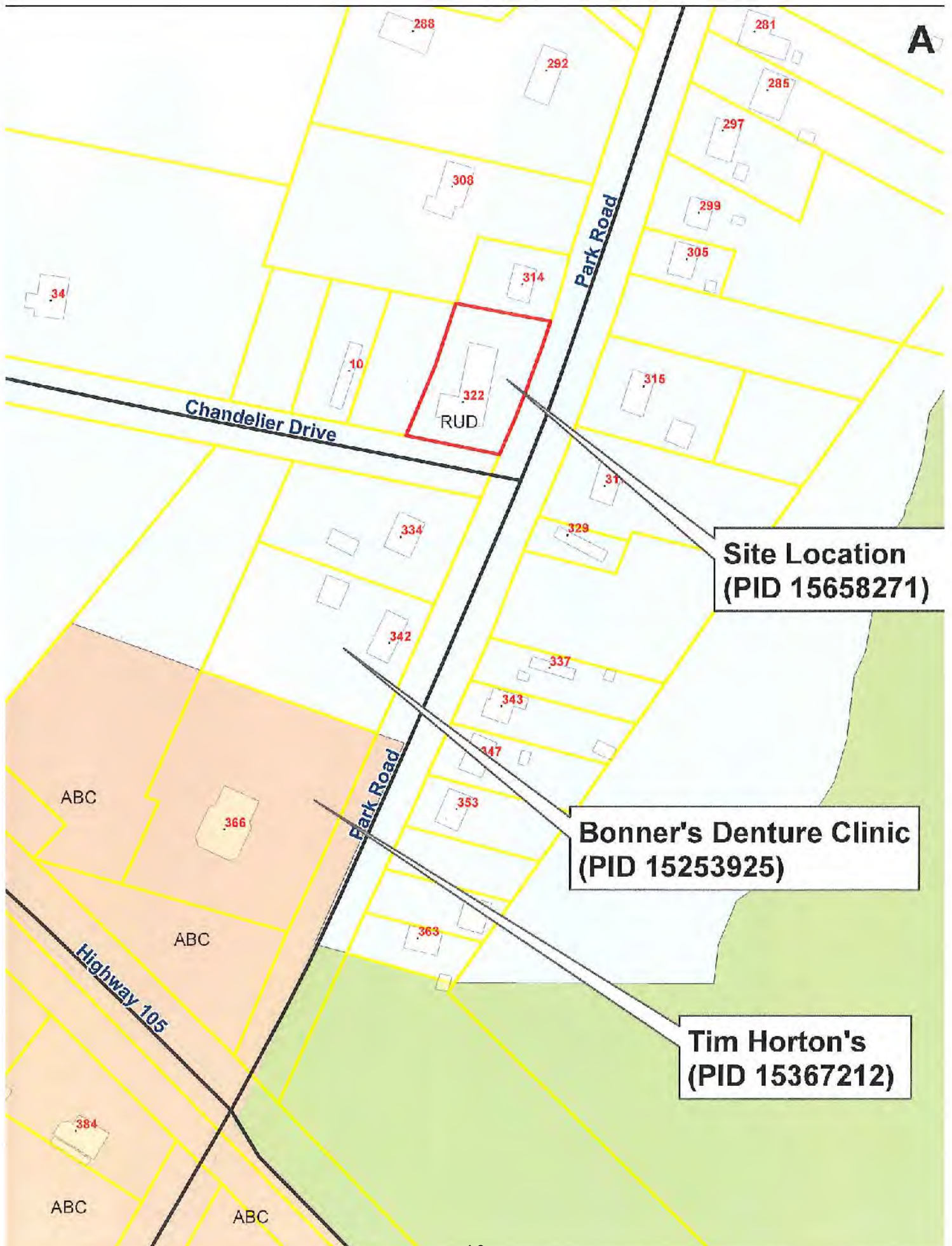
Based on the above evaluation, the proposed development is not in keeping with the intent of the policies of the Municipal Planning Strategy; therefore, I recommend that the General Committee of Council recommend that Council reject the applicants' request to amend the Municipal Planning Strategy and Land Use By-law. However, if General Committee of Council wishes to entertain this request, they can recommend that Council schedule a Public Hearing.

Submitted by:

Originally Signed By

Karen Neville

Planning and Development Department





Request for Municipal Planning Strategy Amendment - Request from Cavell McNeil and Karen McNeil to Amend the Municipal Planning Strategy and Land Use By-law to allow for Retail Sales at 322 Park Road, Florence PID 15658271:

Motion:

Moved by Councillor Prince, seconded by Councillor Doncaster, that a recommendation be made to Council to adopt by Resolution, a Public Participation Program to consider amending the Municipal Planning Strategy and Land Use By-Law amendments to allow for retail sales at 322 Park Road, Florence, PID 15658271, as referenced in the staff report dated February 24, 2016.

Motion Carried.



TO: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: APPLICATION 1021:
AMENDMENTS TO THE CBRM VENDORS AND
TRADERS OF GOODS BY-LAW
AMENDMENT TO THE SECTION 44 OF THE
CBRM LAND USE BY-LAW
AMENDMENT TO THE SECTION 39 OF THE
CBRM NORTH END SYDNEY SECONDARY
LAND USE BY-LAW**

DATE: March 18, 2016

Introduction

Mobile vendors can have positive impacts on the community, including increasing economic development, animating streets and other public spaces, and increasing consumer food and retail choices provided appropriate measures are put into place to mitigate issues such as impacts to on-street parking. The relatively low start-up costs, overhead costs and on-going operating costs (as compared to a restaurant or a retail store) make a mobile vendor business attractive to an entrepreneur trying to establish a new business.

The current Vendors and Traders of Good By-law was adopted in 1998 with subsequent amendments in 1999 and 2000 (Attachment E). Since that time, mobile vendors, especially food trucks, have been increasing in popularity within the CBRM. As a result, staff is recommending several amendments to the Vendors and Traders By-law as well as the Land Use By-law and North End Sydney Secondary Land Use By-law in order to provide clarification for staff and applicants.

Amendments to the Vendors and Traders of Good By-law

Staff initially undertook these amendments to address concerns related to the connection between the Vendors and Traders of Goods By-law and Land Use By-laws. It is recommended that instead of zoning linking these documents, a map illustrating areas where a vendors licence can be issued should be added to the Vendors and Traders of Goods By-law. While this map correlates to zones where restaurants and sales are permitted, it is a standalone map that may be amended without amending the Land Use By-laws. Provisions were also added to clarify under what circumstances a person can apply for a vendors licence for a property not identified on this map.

In addition to clarifying where a vendor's licence can be issued, the statutory authority to adopt such a by-law needs to be amended. When this By-law was originally adopted the authority to do so was under the *Cape Breton Regional Municipality Act*; however, this Act was repealed in 1998. The authority to adopt a vending by-law is now under the *Municipal Government Act*; as a result the Vendors and Traders of Goods By-law should be amended to reflect this change. Due to the fact that this By-law has not had a major review since its adoption in 1998, minor housekeeping amendments are also recommended (Attachment A). A copy of the draft of the CBRM Vendor By-law has been included as Attachment B for Council's consideration.

Past recipients of a vendors licence will be mailed a summary of the proposed changes to the Vendors and Traders of Goods By-law. They will also be encouraged to contact Planning and Development Department staff if they have any questions and informed of their opportunity to attend the Public Hearing.

Amendments to the CBRM Land Use By-laws

Section 44 Vendors Subject to the Vendors By-law of the CBRM Land Use By-law and Section 39 Vendors Subject to the Vendors By-law of the CBRM North End Sydney Secondary Land Use By-law have provisions stating that a vendor's site must be within a Land Use By-law Zone that permits the type of vending proposed. It is proposed that these provisions be removed because a map will be included in the Vendors By-law identifying appropriate vendor sites (Attachments C and D).

Summary Offence Ticket Regulation

In addition to having to amend CBRM By-laws, Schedule M-1 of the *Summary Offence Ticket Regulation* will also be amended. The Vendors and Traders of Goods By-law is one of CBRM's By-laws which is subject to Summary Offence Ticket. If Council approves the proposed amendment staff will begin the process to have the *Summary Offence Ticket Regulation* updated to reflect these changes.

Recommendation

Amendment to the Vendors and Traders of Goods By-law

I recommend that the General Committee of Council ask Council pass a motion to schedule a Public Hearing to consider amending the Vendors and Traders of Goods By-law at the May meeting of Council.

A draft of the recommended Vendors By-law can be found in Attachment B. A copy of the draft maps can be found at: <http://www.cbrm.ns.ca/municipal-planning.html>

Amendment to the Land Use By-laws

I recommend that the General Committee of Council ask Council pass a motion to schedule a Public Hearing to consider an amendment to Section 44 Vendors Subject to the Vendors By-law of the Land Use By-law and Section 39 Vendors Subject to the Vendors By-law of the North End Sydney Secondary Land Use By-law for the May meeting of Council.

A draft of the recommended amendments to the CBRM's Land Use By-laws can be found in Attachment C and D.

Submitted by:

Originally Signed By

Karen Neville
Planning and Development Department

Summary of proposed changes to the Vendors and Trader of Good By-law

1. The title was simplified to Vendors By-law.

2. Statutory Authority for adopting this By-law

At the time the current By-law was adopted the statutory authority to do so was under the *Cape Breton Regional Municipality Act*; however, this Act was repealed in 1998. The authority to adopt the Vending By-law is now under the *Municipal Government Act*. The Vending By-law has been amended to reflect the appropriate statutory authority.

3. Definitions

To aid in the administration and interpretation of the By-law the following definitions were added:

Auction	General Committee of Council
Auctioneer	Licencing Authority
Busking	Vendor

Definitions deleted:

Protective Service Committee

- Replaced with General Committee of Council throughout the By-law

Trade

- The current By-law has definitions for both Trade and Vend. Due to the similarity between the terms, Trade was removed.

4. Administration and Enforcement Responsibilities

Instead of Council appointing a person as the Licencing Authority, this section was amendment to state that Council shall appoint the position of Assistant By-law Manger. This would mean the authority to issue a vendors licence will be connect to the position and not a particular employee.

5. Section 3 Exceptions was added

The provisions in the section are found throughout the current By-law, they have simply been complied in one section. Also, garage or yard sales, door to door sales, and busking were added to the list of exceptions.

6. Section 4 Location was added

This section replaces Section 10 Zoning and references the designated areas where vending is permitted. Designated area are shown a Schedule "A" which accompanies the By-law. While Schedule "A" does correlate with zoning, it is a standalone map that may be amended without amending the Land Use By-law(s). Provisions were also added to clarify under what circumstances a person can apply for a vendors licence for a property not identified on Schedule "A".

7. Section 5 Licence Requirements was amended

- A provision was added to this section requiring an applications to be submitted a minimum of 30 days in prior to the applicant's intention to vend. This does not mean that it will take 30 days for the Licencing Authority to issue a vendors licence. This timeframe is meant to provide the Licencing Authority an adequate timeframe to process and evaluate each application to ensure compliance with the By-law.
- Applicants are now required to submit a site plan
- For those vendors vending from a motor vehicle they are now required to submit proof of motor vehicle registration, up-to-date motor vehicle inspection, and insurance

8. Provisions were added to the General Provisions Section

No vendor shall:

- Dump any trash or refuse or any fat or other food substances into the CBRM's sewer system
- Vend to person in motor vehicles

9. The term 'Lobster Retail' was replaced with Seafood Vending

The current By-law has provisions for the retailing of lobster but it does not reference the vending of other types of seafood.

10. The fee for Transient Vendors was changed from \$5000 to \$500

The change in fee structure for a transient vendors licence was the result of a comparing the fees charged by other municipalities.

Cape Breton Regional Municipality

By-Law _____

Vendors By-law

Adopted by CBRM Council _____

Effective Date is _____

TABLE OF CONTENTS

1	DEFINITIONS	1
2	ADMINISTRATION AND ENFORCEMENT RESPONSIBILITIES	3
3	EXCEPTIONS	3
4	LOCATION	3
5	LICENCE REQUIREMENTS.....	4
6	REASONS FOR REVOKING LICENCE.....	5
7	GENERAL PROVISIONS	5
8	SIDEWALK VENDING	6
9	SPECIAL EVENTS.....	6
10	CRAFT FAIRS.....	6
11	CHRISTMAS TREE AND SEAFOOD VENDING	7
12	TRANSFER OF LICENCE.....	7
13	PERIOD OF TIME LICENCE IN EFFECT.....	7
14	LICENCE IDENTIFICATION AND DISPLAY	7
15	AMENDMENTS.....	7
16	RECORDS.....	7
17	PENALTIES.....	7
18	PREVIOUS BY-LAWS REPEALED	8
	SCHEDULE "B"	9

Cape Breton Regional Municipality

By-Law _____

Vendors By-law

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

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

WHEREAS the Cape Breton Regional Municipality intends to regulate vending:

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

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

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

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

1 Definitions

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

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

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

Council means the Council of the Cape Breton Regional Municipality.

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

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

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

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

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

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

Municipality means the Cape Breton Regional Municipality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 Administration and Enforcement Responsibilities

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

3 Exceptions

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

4 Location

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

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

5 Licence Requirements

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

Municipality will be notified by the insurance company if and when the insurance policy on the vehicle or stand in effect with respect to the vehicle or stand to be used has expired;
(m) Payment in accordance with Schedule "B".

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

6 Reasons for Revoking Licence

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

7 General Provisions

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

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

8 Sidewalk Vending

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

9 Special Events

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

10 Craft Fairs

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

11 Christmas Tree and Seafood Vending

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

12 Transfer of Licence

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

13 Period of Time Licence in Effect

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

14 Licence Identification and Display

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

15 Amendments

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

16 Records

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

17 Penalties

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

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

(2) Where a person is vending:

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

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

18 Previous By-laws Repealed

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

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

MAYOR CECIL P. CLARKE

DEBORAH CAMPBELL, CLERK

<i>THIS IS TO CERTIFY</i> that the attached is a true and correct copy of the <i>Vendors By-law</i> of the Cape Breton Regional Municipality including amendments to _____.
DEBORAH CAMPBELL, CLERK

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

Fee Schedule for Vendors Licence

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

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Land Use Bylaw**

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Part 2 General Provisions For All Zones, Section 44 Vendors Subject to the Vendors By-law of the Land Use Bylaw is hereby amended by repealing Subsection 44 b.

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

MAYOR

CLERK

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

Deborah Campbell, CLERK

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Secondary Land Use Bylaw**

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text of the Cape Breton Regional Municipality's Secondary Land Use By-law in the following manner:

THAT: Part 2 General Provisions For All Zones, Section 39 Vendors Subject to the Vendors By-law of the Land Use Bylaw is hereby amended by repealing Subsection 39 b.

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

MAYOR

CLERK

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Secondary Land Use Bylaw amendment Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Secondary Land Use By-law.*

Deborah Campbell, CLERK

Vendors and Traders of Goods By-law

Pursuant to Section 119 (1) (l) and Section 127 of the Cape Breton Regional Municipality Act, S.N.S. 1994, c.3

WHEREAS the *Cape Breton Regional Municipality Act* enables the Cape Breton Regional Municipality to regulate and licence vendors and traders of goods; and

WHEREAS the Cape Breton Regional Municipality intends to regulate vending and trading of goods:

- to ensure such facilities and their surroundings are adequately maintained;
- to ensure their customers receive a high degree of service; and
- in lieu of the fact such businesses are not obliged to pay property taxes or business occupancy fees
- to ensure the taxpayer is compensated for the municipal services such businesses are the beneficiaries of; and
- to compensate for the fact businesses who are in direct competition with such vendors and traders of goods which are obliged to pay property taxes and business occupancy fees are burdened with a tax not imposed on vendors and traders of goods

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

1. Definitions

Council means the Council of the Cape Breton Regional Municipality.

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

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

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

Municipality means the Cape Breton Regional Municipality.

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

Protective Services Committee means the Protective Services Committee of the Council of the Cape Breton Regional Municipality.

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

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

Street means within the entire right-of-way of a public street owned and maintained by the Cape Breton Regional Municipality or the Department of Transportation & Public Works on behalf of the Municipality.

Trade means the sale, or offering for sale of food, beverages or other merchandise from locations other than:

- within a street;
- in a dedicated area (*other than transient traders retailing manufactured products*) within a building as defined in the Provincial Building Code which is subject to the business occupancy assessment pursuant to the *Assessment Act* of Nova Scotia, except for the following:
 - farmers retailing produce harvested from a farm located in the Municipality;
 - foresters whose woodlot is located in the Municipality;
 - fishers licenced by the Province of Nova Scotia.

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

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

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

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

Vend means the sale, or offering for sale of food, beverages or other merchandise *within the confines of a street* except for the following:

- farmers retailing produce harvested from a farm located in the Municipality;
- foresters whose woodlot is located in the Municipality;
- fishers licenced by the Province of Nova Scotia.

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

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

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

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

2. Administration and Enforcement Responsibilities

- a. No person shall vend or trade goods in the Municipality except in accordance with the provisions of these regulations.
- b. Council shall appoint a person as the licencing authority to grant or refuse any application for a licence under this By-law
- c. The By-law Enforcement Officers under the direction of the Manager responsible for this by-law and any Peace Officer shall have authority to enforce any and all provisions of this By-law.
- d. Estate Auctions held to dispose of property and or personnel items belonging to properties listed on the Cape Breton Regional Municipality Tax Role have an exception from the requirements of this by-law

3. License Requirements

- a. No person shall vend or trade goods in the Municipality without having obtained a licence to do so pursuant to these regulations.
- b. A licence to vend or trade is required for each vending stand or vending vehicle to be operated in the Municipality.
- c. Every application for a licence to vend or trade in the Municipality shall be made in writing to the person (s) appointed by Council to grant or refuse any application for a licence under this By-law. An application for a licence shall contain:

- the name, mailing address and telephone number of the applicant;
- company name if applicable;
- description of the merchandise to be sold;
- photograph of the stand or vending vehicle;
- if the applicant is proposing to vend or trade on property owned by the Municipality, the period of time during the year the applicant proposes to be in operation and the hours of operation;
- if the applicant is proposing to vend or trade food prepared on-site, a copy of the licence issued by the Nova Scotia Department of Agriculture in compliance with their Regulations;
- if the applicant is proposing to cook food to be prepared for consumption by the general public, a statement from the Fire Marshall's office of the Province of Nova Scotia, or a person licenced to supply or install propane equipment by the Fire Marshall's office, that the equipment used by the vendor to cook the food is in compliance with the minimum requirements of the "Liquified Petroleum Gas Installation and Equipment Regulation" made pursuant to the *Fire Prevention Act* of Nova Scotia;
- if the applicant is proposing to trade at a particular site other than a street, adequate property information to identify the specific parcel of land including a site plan;
- if the applicant is proposing to trade at a particular site and the applicant is not the owner of the parcel of land, written permission from the property owner;
- if the applicant is proposing to vend on a street, written permission from the Traffic Authority;

- confirmation of insurance in the amount of \$1,000,000 including the Municipality as an additional named insured, and if it is a vendor, with a cross liability clause in connection with the presence and operation of the vendor within the street, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle or stand in effect with respect to the vehicle or stand to be used has expired;
- d. After receiving a completed application, the licencing authority shall issue a licence unless the application is to vend or trade at a site, which is not in compliance with the zoning provisions of the land use by-law in effect.
- e. Any person who has been refused a licence may appeal such licence to the Protective Services Committee by writing to the Clerk of the Municipality within 15 days of the revocation. The Protective Services Committee may confirm the decision of the licencing authority or order that a licence is issued subject to compliance with the provisions of this By-law.

4. Reasons for Revoking Licence

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

5. General Provisions

No vendor or trader of goods shall:

- a. leave any vending vehicle or stand unattended on a street;
- b. leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor or trader of goods;
- c. place any items relating to the operation of the vending or trading of goods anywhere other than in, on or under the stand or vending vehicle with the exception of a litter receptacle (*both vendors and traders of goods*) or a table (*if trading goods on a particular site other than a street*);
- d. solicit business orally or by means of any sound emitted by a device to pedestrians or persons in motor vehicles;
- e. vend goods within 100 feet of a doorway of a permanent business establishment located within a building subject to property and business occupancy tax and selling similar products as the vendor, unless the vendor is a pedestrian powered vehicle or stand selling food in front of an eating establishment in which the restaurant is closed (*For purposes of clarity, "selling similar products" shall mean for example food vendors and restaurants, craft vendors and jewelry stores etc.*);
- f. allow the stand or vending vehicle or any item relating to the operation of the vending or trading of goods business to lean against or hang from any building on private property or any structure lawfully placed on public property without the owner's permission;
- g. operate such a business from a stand or vending vehicle which is unsightly because the facade has not been maintained or a particularly obnoxious part of the stand or vending vehicle is not effectively screened from outside of the stand or vending vehicle;
- h. locate the stand or vending vehicle in such a way as would restrict or interfere with vehicles entering or exiting a driveway accessing a street or pedestrians attempting to enter the premises of a building;
- i. leave a vending vehicle or stand at any location which is not being used for vending or trading purposes for a period of time exceeding one (1) week;
- j. place the vending vehicle or stand so as to obstruct the view of approved signage or displays in storefront windows.

6. Sidewalk Vending

No motor vehicle shall be used for vending purposes while on a sidewalk, and no pedestrian powered vending vehicle or stand shall be permitted on a sidewalk unless:

- the width of the sidewalk is a minimum of 10 feet between the hours of 9:00 a.m. and 5:00 p.m.;
- the sidewalk is located within a zone of the Land Use By-law in effect which permits retailing the type of commodity to be vended; and
- provided the pertinent provision of Section 5.e. is met.

7. Special Events

- a. Any person vending or trading at a special event in the Municipality shall:
 - have a vending licence in compliance with this By-law; and
 - acquire written approval from the special event organizer; unless the beneficiary of the proceeds from the vending or trading is a religious denomination or a non-profit corporation or a society incorporated under the *Societies Act*.
- b. A person intending to vend or trade at a special event in the Municipality may acquire a per event license from the Regional Municipality or acquire an annual license from the Regional Municipality.

8. Craft Fairs

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

9. Christmas Tree and Lobster Retail

- a. The seasonal retailing of Christmas trees during the weeks leading up to Christmas day shall be subject to a licence fee as per the fee schedule unless:
 - the retailing is being conducted by the woodlot owner who harvested the trees as described in the definition to trade or vend; or
 - the retailing is being conducted by, or for the benefit of, a non-profit organization registered under the Societies Act of Nova Scotia.
- b. The retailing of lobsters during the normal lobster season in the Municipality shall be subject to a licence fee as per the fee schedule unless:
 - the retailing is being conducted by the licenced fisher who caught the lobster; or
 - the lobster is being sold by , or for the benefit of, a non-profit organization registered under the Societies Act of Nova Scotia.

10. Zoning

The parking or placement of a vending vehicle or stand for purposes of vending or trading at any location for a period of time exceeding 30 minutes shall only be permitted subject to compliance with the Land Use By-law zoning provisions in effect for the vending or trading site regulating a similar type of land use (*e.g. food vendor/restaurant, craft vendor/retail store*), either as a main use or an accessory use, except for properties in downtown Sydney between the Esplanade and shore of Sydney harbour located in the Waterfront Commercial (WC) Zone of the Sydney Land Use By-law. Any licence application to trade on such properties shall not be obliged to ensure compliance with the zoning provisions.

11. Transfer of Licence

A licence to vend or trade may be transferred to a new licensee upon receipt of a written request from both parties.

12. Period of Time Licence in Effect

A licence to vend or trade shall be an annual licence (*12 months*), which shall expire on the 31st day of March of each calendar year.

13. License Identification and Display

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

14. Records

The person appointed to grant or refuse any application shall keep a record of every licence issued and every application accepted.

15. Penalties

- a. Every person who contravenes or fails to comply with any provisions of this By-law, or any proprietor who allows unlicensed vendors the use of their premises or property, shall, for each offence, be liable on summary conviction to a penalty of not less than \$100.00 and not more than \$200.00; and, in default of payment, the By-law Enforcement Officers under the direction of the Manager responsible for this by-law and any other Peace Officer may cancel or suspend the licence of such person. In the case of a continuing offence, a further penalty, not exceeding \$100 for each day during which the offence continues, may be imposed.
- b. Where a person is vending or trading goods:
 1. without a licence required by this By-law; or
 2. from a space other than the space allocated to that person and specified in a Licence issued pursuant to this By-law;in addition to any other remedy or penalty imposed by this By-law, the By-law Enforcement Officers under the direction of the Manager responsible for this by-law and any other Peace Officer may, immediately and without notice of any kind, remove any vehicle or stand used as an integral part of the vending or trading business to a place selected by the Municipality and all costs and charges incurred by the Municipality for the removal and storage shall be a lien thereon and the Municipality may, by action in any Court of competent jurisdiction, recover as a civil debt due to the Municipality by the owner, the cost of removal and storage thereof.

16. Previous By-laws Repealed

All Vendors By-laws, Traders and Hawkers, Transient Traders, Trade and Licencing By-laws or similar bylaws adopted by the former municipalities of Cape Breton County to regulate vending and trading of goods by means other than in a building as defined in the Provincial Building Code which is subject to the business occupancy assessment pursuant to the Assessment Act of Nova Scotia are hereby repealed and the provisions of this By-law substituted therefor.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on May 19th, 1998, including the amendments adopted by Regional Council on January 26th, 1999, and September 19th, 2000.

MAYOR

CLERK

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Vendors and Traders of Goods By-law of the Cape Breton Regional Municipality including amendments to September 19, 2000.*

BERNIE WHITE, CLERK

Schedule "A"
of the
Vendors and Traders of Goods By-law
of the
Cape Breton Regional Municipality

Fee Schedule for Vendors Licence

Type of Vendor or Trader	Period of Time Licence is in Effect	Special Provisions
Mobile motor vehicle traveling from one location to another	\$450 annual fee per vehicle	This \$450 per vehicle annual fee is replaced with a \$1,000 fleet fee for three or more vehicles owned by the same proprietor who is paying property and business occupancy tax in relation to the vending or trading activity
Stationary motor vehicle	\$450 annual fee	Minimum site rental on C.B.R.M. property is \$350 per month; <i>except</i> metered parking spaces where the vendor is prohibited from locating the vending vehicle while the Parking Meter By-law is in effect, in which case the site rental fee is \$175 per month This \$450 per vehicle annual fee is replaced with a \$1,000 fleet fee for three or more vehicles owned by the same proprietor who is paying property and business occupancy tax in relation to the vending or trading activity The vendor or trader licenced to locate on a particular site owned by the C.B.R.M. for the previous year may renew their licence prior to the C.B.R.M. accepting applications from other vendors or traders
Pedestrian power stand	\$225 annual fee	
Bicycle vendors	\$50 annual fee per vehicle	
Special events and craft fairs	\$100 per event	
Christmas tree and lobster sales	\$100 per season	Refer to Part of By-law titled "Christmas Trees and Lobster Retail"
Transient vendors and traders	\$5,000 per visit	



TO: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: Zone Amendment Application – 1022
TerraMac Contracting Ltd
Corner of Sydport Access Road & Highway 125,
Point Edward
(PIDs 15867427 and 15061385 along with
Northwest Portion of PID 15530157)**

DATE: March 29, 2016

Introduction

The Planning and Development Department has received a zone amendment application from TerraMac Contracting Ltd (TerraMac) for PIDs 15867427 and 15061385 along with a portion of PID 15530157 located at the northwest intersection of Sydport Access Road and Highway 125 in Point Edward (Attachment A). TerraMac would like approval to operate a recycling facility which would process derelict motor vehicles on these properties (Attachment B).

Why a zoning amendment is necessary for this development?

The properties are zoned Keltic Drive Business (KBC), while the KBC zone does permit a range of service uses it specifically states that recycling facilities using outdoor storage are not a permitted use. According to the Land Use By-law (LUB), a recycling facility means:

a service establishment, the primary purpose of which is to accept used materials, equipment, machinery and parts thereof to be either sold on-site or shipped elsewhere to be processed into new products. There are three broad types of recycling facilities:

- recycling facility collection depot means an establishment which only collects used goods, materials, products, etc. and ships them to another facility for processing into other products (e.g. Enviro depots, bottle exchange).
- recycling facility and parts separation means an establishment where used materials, equipment, machinery, motor vehicles etc. are accepted and parts are separated on-site to be either sold on-site or shipped to another establishment for processing.
- recycling facility using outdoor storage means a recycling facility incorporating any combination of the two above types which uses an impound yard to store the used materials, equipment, machinery.

The storage and processing of derelict motor vehicles would meet the test of recycling facility as defined by the LUB.

What Does the Municipal Planning Strategy Say?

The Municipal Planning Strategy does have a policy specific to this area which states that it is a policy of Council to designate the eastern corridor of Keltic Drive as a diverse corridor where business service and sales uses, manufacturing uses, recreation, culture, and entertainment uses, transportation service terminals and depots and rural residential uses are permitted (Part 3, Policy 17). This policy does not make a clear distinction about restricting recycling facilities, which is a service use, therefore amending the zoning to permit a recycling facility would not contravene Plan policy.

Evaluation

Prior to the opening of Highway 12S, Keltic Drive along with Seaview Drive was the primary route linking Sydney with the Northside. Because of this, it was originally developed as a business corridor. Although Keltic Drive is no longer the main route connecting Sydney with the Northside, Keltic Drive and its surrounding area consists of a range of sales and service developments interspersed with low density residential development. The area within 500m (1640ft) of the subject properties is predominantly industrial in nature; however there are eleven single unit dwellings in the area (Attachment A).

Historically, these properties have been used for the storage aggregate materials associated with construction as well as the site of a mobile asphalt plant. In fact, a permit was issued for a mobile asphalt plant back in 2005. This site has been used to process motor vehicles in the past and it is currently being used to store vehicles.

The applicant has made an application with Nova Scotia Environment to operate a salvage facility, which requires zoning approval from the CBRM prior to its issuance. Though the KBC zone does permit a wide range of uses a recycling facility using outdoor storage is not one of them. The applicant was under the impression this site permitted industrial uses and was not aware they were in contravention of the LUB until they were contact by Nova Scotia Environment. TerraMac has ceased the recycling activities on this site until it receives zoning approval.

While the applicant has made an application to operate a salvage facility, the site will not be a salvage yard in the traditional sense; salvage facility is simply the term used by Nova Scotia Environment for the activity of recycling vehicles. The site will not be open to the general public looking for motor vehicle parts, it will be used for the storage and crushing of motor vehicles for transport.

Nova Scotia Environment requires a licence for a commercial salvage facility which exceeds 0.25 ha in area which is used to salvage automobiles, transportation vehicles, or industrial equipment. The proposed site is approximately 3.7 ha (Attachment B). TerraMac is currently working with Nova Scotia Environment to compile with their licencing requirements. This licence cannot be issued until they are in compliance with municipal approvals.

Nova Scotia Environment is responsible for regulating how automotive fluids are stored and disposed of. As a part of licencing approval, if visible from an adjacent public street, dwelling or institutional uses, the salvage facility must be completely enclosed on any visible side by a fence of substantial and uniform construction. And this fence must be setback a minimum of 1.0 m from property boundaries. The site has a vegetative buffer along Keltic Drive Collector Road, Sydport Access Road, and Highway 12S. It is the

applicant's intention to plant additional trees to comply with Nova Scotia Environment requirements. The proposed LUB amendment also includes screening provisions (Attachment C).

The property has frontage along Sydport Access Road and Cat Drive. The access on the property from Sydport Access Road was approved as a temporary access by Department of Transportation and Infrastructure. Planning and Development Staff has set up a meeting to discuss the proposed development in more detail with the Department of Environment and Department of Infrastructure Renewal. A full and final report will be presented to Council in April based on the outcome of meetings with the Departments of Environment and Transportation and Infrastructure Renewal.

Next Steps

If the Council agrees to schedule a Public Hearing at their April meeting, the earliest date of the Public Hearing would be Tuesday, May 17th. Upon a decision of Council to schedule a Public Hearing, along with the required notices to be published in the Cape Breton Post, notice of this zone amendment application will be mailed to assessed owners of property in the vicinity PIDs 15867427 and 15061385 along with northwest portion of PID 15530157 encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

Recommendation

I recommend that the General Committee of Council recommend that Council pass a motion to schedule a Public Hearing to consider this zoning amendment application during the May meeting of Council.

A draft of the recommended amendments can be found in Attachment C.

Submitted by:

Originally Signed by

Karen Neville

Planning and Development Department



B



**Proposed Recycling
Facility Footprint**

By-law
of the Cape Breton Regional Municipality
amending the

**Cape Breton Regional Municipality's
Land Use Bylaw**

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text and map of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Part 89 Definitions of the Land Use Bylaw is hereby renumbered to Part 90

THAT: Part 10 Keltic Drive Business Corridor (KBC) Zone, Section 2 KBC Lot Parcel Development Standards of the Land Use Bylaw is hereby deleted and replaced with the following:

Section 2 KBC Lot Parcel Development Requirements

The lot parcel development requirements for all permitted uses in the KBC Zone are as follows:

Minimum public street/road frontage	50 feet*
Minimum building setback	10 feet from a boundary shared with a property where the main use is residential 50 feet from a dwelling in another zone other than the KBC2 Zone

* this minimum public street/road requirement is waived for lot parcels that existed prior to the date this Bylaw came into effect.

THAT: The text of the Land Use By-law is hereby amended by adding the following:

PART 89 Keltic Drive Business Corridor 2 (KBC2) Zone

Section 1 KBC2 Uses Permitted

Development Permits shall only be issued in the KBC2 Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- **agricultural uses – (all)**
 - kennels are not permitted in areas serviced with both Municipal water and sewer
- **manufacturing – only the following**
 - agricultural products processing
 - alcohol processing
 - assembly
 - building supplies manufacturing
 - mining products manufacture *in compliance with Section 4*
- **recreational – (all) both public and business establishment except racetracks for motor vehicles**
- **residential development – (all)**
 - apartment buildings *only in areas serviced with both Municipal water and sewer*
 - apartments within a mixed used building *only in areas serviced with both Municipal water and sewer*
 - mobile homes
 - single detached dwellings
 - townhouses *only in areas serviced with both Municipal water and sewer*
 - two-unit dwellings
- **sales – (all)**
- **service – (all)**
 - recycling facility using outdoor storage *shall only be permitted in compliance with Section 6*
 - animal shelters and animal sitting establishments are only permitted in areas not serviced with both Municipal water and sewer
- **transportation – (all)**
 - coal retail distribution facilities in compliance with Section 4

Section 2 KBC2 Lot Parcel Development Requirements

The lot parcel development requirements for all permitted uses in the KBC2 Zone are as follows:

Minimum public street/road frontage	50 feet*
Minimum building setback	10 feet from a boundary shared with a property where the main use is residential 50 feet from a dwelling in another zone other than the KBC Zone

* this minimum public street/road requirement is waived for lot parcels that existed prior to the date this Bylaw came into effect.

Section 3 Outdoor Display and Storage

The following provisions do not apply to the outdoor storage associated with a recycling facility:

- Outdoor display is permitted.
 - Outdoor storage shall only be permitted to the rear of all main buildings and screened from the sector of any public street/road abutting the lot parcel where the outdoor storage is taking place.
-

Section 4 Mining Products Manufacturing and Coal Distribution

All main buildings associated with a mining products manufacturing land use or coal retail distribution facility shall be setback a minimum of 1,200 feet from a dwelling.

Section 5 Apartments and Townhouses

The density requirement correlating the number of apartments with the size of the lot parcel on which the development is to be located in shall be:

- 1 dwelling unit per 1,000 sq. ft. of land on the lot parcel for an apartment building or mixed use building with apartments; and
 - 1 dwelling unit per 2,000 sq. ft. of land on the lot parcel for a townhouse.
-

Section 6 Recycling Facility Using Outdoor Storage

1. All buildings, parking lots/areas, outdoor display and storage areas shall be a minimum of 10 feet from any lot parcel boundary shared with a public street/road or a lot parcel occupied by a non-residential use.
 2. All buildings, parking lots/areas, outdoor display and storage areas shall be a minimum of 20 feet from any lot parcel boundary shared with a lot parcel occupied by a residential use.
 3. All outdoor storage areas shall be screened from the public street/road by an opaque vegetative, or topographic screen, or combination thereof.
-

THAT: The Land Use Bylaw map is hereby amended by deleting the Keltic Drive Business Corridor (KBC) Zone in effect for PID 15867427 and PID 15061385 along with the portion of PID 15S30157 identified in Schedule A replacing it with the Keltic Drive Business Corridor 2 (KBC2) Zone.

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

MAYOR

CLERK

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

Deborah Campbell, CLERK



TO: CBRM General Committee of Council

FROM: Karen Neville and Malcolm Gillis

**SUBJECT: Municipal Planning Strategy and Land Use
By-law Amendment Application – 1023
Winter Review 2016**

DATE: March 31st, 2016

Introduction

The CBRM's first Municipal Planning Strategy (MPS) and Land Use By-law (LUB) were adopted in the summer of 2004, since that time it has been the practise of the Planning and Development Department to undertake a winter review of each document. Due to staffing issues, a winter review has not taken place for a number of years. The purpose of these winter reviews was to put forth amendments initiated by staff at the end of each building season to improve the implementation of planning documents for the next building season beginning in the spring.

Planning documents are not static documents, but rather are meant to evolve as a community grows and changes. Because of this it is important that these documents are reviewed periodically to ensure they are still achieving the goals of the community. To achieve this staff would like to put forward a series of proposed amendments to the MPS and LUB that should be considered. These amendments are not meant to change the substance or direction of the LUB, but rather make the LUB easier to read for those who administer and those who must comply with its provisions.

Proposed Amendments to the Municipal Planning Strategy and Land Use Bylaw**Part 2, Policy 5.a**

Part 2 of the Planning Strategy is focused on sales and service business developments. The objective of Policy 5 of this Part is to recognize the legitimacy of established business developments along major transportation corridors where commercial zoning would not be appropriate to be in effect throughout the corridor e.g. Alexandra Street Sydney , Halfway Road Sydney Mines. However, the Policy 5.a doesn't make it clear additional business developments could co-exist at any of these sites and that a change in land use or an additional land use would be appropriate if regulated by Site Plan Approval. Staff does not believe it was intended to read that way and it should be revised to give clear direction to the Land Use Bylaw regarding the range of development options.

Policy 5 of Part 2 is implemented in Part S1 of the Land Use Bylaw. The above referenced clarification in policy direction should be reflected with appropriately re-worded provisions in the Land Use Bylaw.

It is recommended that Part 2, Policy S.a be revised to make it clear the Land Use Bylaw should permit additional business developments and conversions of existing business developments by Site Plan Approval at sites subject to this Policy and that Part 51 of the Land Use Bylaw also be amended accordingly.

Part 2, Policy 5.b.3

This Policy is focused on the corridor of Grand Lake Road/Sydney Road where the speed limit is 80 kilometers. It was the subject of a traffic study approximately 10 years ago commissioned by CBRM and the Nova Scotia Department of Transportation and Infrastructure Renewal. The study's recommendation was that the primary function of this corridor was to be an efficient commuter route between Sydney and Glace Bay.

The objective of the study was included as policy in the CBRM Planning Strategy and its recommendations were implemented as provisions in the CBRM Land Use Bylaw including the following.

- While expansion of existing developments, or a change in business use of these existing sites within a range of similar uses will be permitted,
- No new business developments on previously undeveloped sites, or sites unoccupied with business development, are permitted, unless the site can be accessed via a signalized intersection.
- No residential developments large enough to generate more than a minimum use generation of motor vehicle traffic, unless the site can be accessed via a signalized intersection.
- All building lots must have a minimum of 150 ft. of Road frontage and flag shaped lot development is banned.

One minor change is proposed to Planning Strategy policy that will provide more flexibility allowing other business developments along with the current business provided there is no significant increase in the volume of traffic generated.

While the study advocated existing business developments should not be legally classified as non-conforming, the current range of optional permitted uses for each existing business development site in the Land Use Bylaw is too broad to comply with the traffic management objectives. In other words the Land Use Bylaw is contradicting the direction of the Planning Strategy it is supposed to be implementing.

It is recommended that Part 51 of the Land Use Bylaw be amended to bring the range of permitted optional uses for each current business development along the corridor of Grand Lake Road where the speed limit is 80 kilometer in compliance with the objectives of the study, the Planning Strategy and the Province's Traffic Authority.

Part 3 Policy 19 Novaport

Almost 40 years ago the Agricultural Division of DEVCO assembled approximately 1,300 acres of land in the Point Edward Peninsula and started an experimental farm. Only a very small percentage of it was ever utilized for agricultural production and the buildings now have a different purpose. It is the larger undeveloped part of this land assembly which has recently been conveyed by Public Works Canada to the CBRM and First Nations to be held in reserve for future port development associated with the Sydport and Novaport sites (a.k.a. the Greenfield site in Edwardsville). Planning Strategy policy deliberately remained neutral as to the appropriate designation for this large landholding until "... discussions with ECBC ..." were to take place to determine its highest and best use. That's been

answered with the willingness of the Federal Government to convey it to the CBRM to be used in conjunction with Novaport. Now that this conveyance has taken place Planning Strategy policy should be updated to reflect this.

Since its adoption in 2004, Planning Strategy policy designated Sydport and the Greenfield site for port related development, but policy should be updated to reflect the clear connection amongst the three above referenced sites.

It is recommended that Part 3, Policy 19 of the Planning Strategy be revised to articulate the interrelationship among Sydport, the Greenfield site, and the lands assembled by DEVCO in support of port development.

Proposed Amendments to just the Land Use By-law

Part 2 General Provisions for All Zones

Section 1 Accessory Buildings

The provisions associated with accessory buildings are some of the most implemented in the LUB, as a result, staff have several recommendations to improve their implementation. When it comes to a maximum size for accessory buildings there needs to be a clear distinction of between detached and attached accessory buildings. An attached accessory building is considered to be part of the main building and as a result should comply with the development standards of a main building and not the development standards for a detached accessory building. Because of this Section 1 should be amended to distinguish between the development standards that apply to a detached accessory building vs an attached accessory building.

It is recommended that Sections 1 be amended to identify the development standards for detached and attached accessory buildings.

Detached accessory buildings with a floor area of 100ft² or less do not require a Development Permit; however, detached accessory buildings with a floor area of 100ft² or less are still used when calculating the total lot coverage.

It is recommended that a statement be added to Subsection a. 4. and Subsection d. which references the fact that detached accessory building with a floor area of 100ft² or less will be used in the calculation of the total lot coverage for accessory buildings.

Currently Subsection c. identifies the minimum setbacks for detached or attached accessory buildings when in fact an attached accessory building must comply with the setbacks for a main building.

It is recommended that 'attached' be removed from Subsection c.

To aid in its implementation, Section 1 should be reformatted to clearly identify the provisions that apply to all accessory buildings and those that apply specifically to residential accessory buildings.

It is recommended that Section 1 be reformatted to clearly identify which provisions apply to residential accessory buildings and those provisions that apply to all accessory buildings.

Section 6 Conversion of former community or educational service building

As the result of changing economic, demographic, and social conditions many community and educational service buildings are no longer being used for the purposes for which they were originally

intended. To prevent these buildings from remaining empty, the LUB allows this buildings to be converted to a range of optional uses.

The range of optional uses includes apartment buildings and dwelling units within a mixed use building, but townhouse is not listed as one these optional uses. Apartment buildings and townhouses are both residential buildings with three or more dwelling units, so it is reasonable that a townhouse be included in the list of optional uses permitted in the conversion of former community or educational service buildings.

It is recommended that townhouse be added to list of optional uses for former community or educational service buildings.

In addition, nursing home are considered to be permitted in former community or educational service buildings; however nursing homes are permitted in all zones, except the Public Water Supply zone, in accordance with the provisions of Section 2S of the LUB. Because of this it is not necessary for nursing home to be listed in Section 6.

It is recommended that nursing home be deleted from Section 6 Conversion of former community or educational service building.

There are a number of large municipally owned buildings, in particular buildings with recreational uses, which are located within residential neighbourhoods. Similar to community or educational service buildings these building should have the opportunity to be converted to the list of optional uses in Section 6.

It is recommended that Section 6 should be amended to include municipally owned buildings.

Section 9 Existing Buildings and Non-compliance with Lot parcel development Requirements – Repair, Reconstruction and Additions

The LUB recognizes the legitimacy of buildings that were established prior to the option of the LUB that are unable to meet lot parcel development requirements. The third bullet of Section 9 includes the phrase ‘having less the minimum’, however it is not necessary due to the fact this phrase is also included in the introductory text. Because of this ‘having less the minimum’ should be deleted from the third bullet.

It is recommended that the phrase ‘having the minimum’ be removed from Section 9.

Section 16 Frontage on a Public street/road

According to the LUB, Development Permits shall not be issued unless the lot parcel has frontage on a public street. That being said, the LUB does identify a number of exceptions to that rule. One such exception enables a Development Permit to be issued for a lot parcel serviced by a Municipal sewer main which has frontage along a private road (S16 b.4.). The use of the term private road in this provision is incorrect, the term used should be unlisted road. There are other provisions with found in Subsection b. which apply to lot parcels fronting on a private road.

It is recommended that private road be removed from Subsection 16 b. 4. and replaced with unlisted road.

Section 17 Home Business

The LUB recognizes a range of service businesses permitted to be operated from a residential property. Home businesses are becoming more common; as a result staff have several recommendations to improve the implementation of the home business provisions.

The LUB permits a home business to be operated within the residential dwelling or within a residential accessory building. There are specific provisions that limit the floor area within a dwelling unit devoted to a home business, but there is no such provision for an accessory building.

It is recommended that a provision be added to Section 17 to regulate the floor area devoted to a home business within a residential accessory building.

Due to the increase in popularity of home businesses, we are experiencing an increase in business vehicles associated with a home business being stored on residential property. There is a provision within the LUB which restricts the storage of motor vehicles associated with a business development to one on properties where the type of business use is not permitted (Section 31). This provision does not apply to motor vehicles related with a home business, because the use is permitted on the property. Because of this, it would be beneficial to add provisions regulating business vehicles connected with a home business in both Section 17 and Section 31 of the LUB. To aid in the implementation of these provisions a definition for business vehicle should also be added to the LUB.

It is recommended that Section 17 Home Business and Section 31 Parking of Motor Vehicles Owned by a Business Development be amended by adding provisions limiting the number of business vehicles associated with a home business to be kept on a property to two. In addition, a provision should be added to Section 17 identifying signage that is acceptable on a business vehicle.

Animal (domestic) grooming is considered to be an acceptable home business, but animal sitting is not. Because of a provision should be added to Section 17 that states that animal (domestic) grooming does not include animal sitting. For further clarification a definition for animal (domestic) grooming and animal sitting should be added to the LUB.

It is recommended that a provision be added to Section 17 Home Business that states animal (domestic) grooming does not include animal sitting.

Section 18 Irregular, or Flag-Shaped Lot Parcel

The LUB allows for lot parcels with a minimum lot parcel frontage of 20 feet, however there are zones within the LUB that have specific lot parcel frontage requirements that are larger than 20 feet.

It is recommended that Section 18 Irregular, or Flag-Shaped Lot Parcel be amended to include the statement 'unless there is a specific provision for a land use in the text of a particular zone'.

Section 19 Lot Parcel Development Requirements

The LUB has a provision that waives the side yard setback requirement for a select number of building types. This provision is most often used for semi-detached dwellings. The so-called company homes, which are so prevalent in the coal colliery towns and in neighbourhoods of Sydney in proximity to the former steel plant site, are the best and most common examples of this type of residential construction. This provision also applies to any sales or service establishment, but it does not apply to recreational buildings. The exception to lot boundary setback does not except compliance with all other applicable provisions of the LUB as well as the CBRM Subdivision and Building By-laws and the Provincial Building Code.

It is recommended that recreational buildings be added to the list of uses that are eligible to waive yard setbacks found in Section 19 Lot Parcel Development Requirements.

Section 29 Parking Area Standards

When the LUB was drafted it was envisioned that the By-law would come into effect as of July 1st, 2004; however, its effective date was not until August of 2004. Part 2, Section 29, Subsection c.9 includes a provision which references buildings that existed as of July 1, 2004, which is actually prior to the By-law coming into effect.

It is recommended that the date July 1st, 2004 be removed from Subsection c. 9 of Section 29 Parking Area Standards and replaced with the phrase 'meet the definition of existing in this By-law'.

The provisions for parking area standards are separated into standards for more than three parking spaces and three or fewer parking spaces. The provisions for parking areas of three or fewer parking spaces requires that driveways be setback 3ft from a lot parcel boundary; however, this is not meant to apply to residential development.

It is recommended that Subsection 29 d.3 of Part 29 Parking Area Standards be amended by adding a sentence stating that the requirement for a driveway to be setback 3ft from a lot parcel boundary does not apply to residential development.

Section 30 Parking Requirements According to Land Use Type

The intention of the introductory text for Section 30 Parking Requirements According to Land Use Type is to identify that the off-street parking area for a building is required to be on the same lot and within a zone that permits the building or use; however the wording of this Section could be modified to clarify this intent.

It is recommended that Section 30 Parking Requirements According to Land Use Type be amended to clarify that the parking areas for every building must be located on the same lot and within a zone that permits the use.

Section 42 Utility Scale Wind Turbines

While the municipality has the authority to regulate utility scale wind turbines, the CBRM is also obligated to inform the Department of National Defense when it is in receipt of an application for a utility scale wind turbine. To aid in this notification process a mailing address was included in Section 42, Part 2 of the LUB; however, there is a possibility that this address could change overtime. Therefore, it should be removed from the LUB.

It is recommended that the address for the Department of National Defense be removed from Section 42 Utility Scale Wind Turbines.

Part 3 Downtown Central Business District (CBD) Zone

The Downtown Central Business District (CBD) Zone permits a wide range of business uses with little or no development restrictions. In the CBD a building can occupy 100% of the lot area, which results in densely development downtowns; however, this can become problematic when the CBD zone abuts a residential zone. Because of this, a provision should be added to the CBD zone that requires a business to be screened from a property in an abutting residential zone.

It is recommended that screening provisions from an adjacent residential zone be added to the Downtown Central Business District (CBD) Zone.

Part 4 Downtown Sydney Waterfront (DWZ) ZONE

Restaurants serving alcohol beverages is listed as permitted use within the Part 4 Downtown Sydney Waterfront (DWZ) ZONE. The phrase 'serving alcohol beverages' should be removed because the serving of alcohol beverage is considered to be an accessory use to a restaurant and alcohol beverage service establishment is also listed as a permitted use within this zone.

It is recommended that restaurants serving alcohol beverages be replaced with restaurants in Section 1 of Part 4 Downtown Sydney Waterfront (DWZ) ZONE.

Part 5 Arterial Business Corridor (ABC) Zone

The ABC zones permits a range of manufacturing, recreational, residential, sales, service, and transportation uses. The ABC zone identifies that animal shelter and animal sitting establishment are only permitted in areas without municipal water and sewer. It is proposed that a definition of animal sitting establishment be added to the LUB which limits animal sitting to a period less than 24 hours. This definition is in contrast to an animal shelter which permits animals to be kept on site for a period longer than 24 hours. Due to the limited timeframe for an animal sitting establishment and the range of uses within the ABC zone, it would be appropriate for animal sitting establishments to be permitted throughout the ABC zone regardless of municipal servicing.

It is recommended that animal sitting establishment be considered a permitted uses in Part 5 Arterial Business Corridor (ABC) Zone.

Lot parcel development standards within the ABC zone requires a minimum public street frontage of 150ft. While this 150ft public street frontage is not intended to apply to a single unit dwelling or a two unit dwelling within the ABC zone, this intention is not clear; because of this Subsection 2 b. 1 should be amended.

It is recommended that Subsection 2 b.1 of the Arterial Business Corridor zone be amended to state that the minimum 150ft public street frontage does not apply to a single unit dwelling or a two unit dwelling.

Part 6 Boularderie Island Business Corridor (BBC) ZONE

Currently kennels, animal shelter, and animal sitting establishments are not permitted in areas serviced with both municipal water and sewer in the Boularderie Island Business Corridor (BBC) zone. However, there are no areas within the BBC zone that are serviced by both municipal water and sewer.

It is recommended that Part 6 Boularderie Island Business Corridor (BBC) ZONE be amended by deleting 'kennels are not permitted in areas serviced with both Municipal water and sewer' and 'animal shelters, and animal sitting establishments are not permitted in areas serviced with both Municipal water and sewer' from the list of permitted uses.

Part 18 Residential Urban C (RUC) Zone and Part 42 Rural CBRM (RCB-NM) Zone

Both the Residential Urban C (RUC) and the Rural CBRM (RCB-NM) Zones have special provisions for Grand Lake Road/Sydney Road. These provisions recognize existing businesses and properties along the 80km speed limit of Grand Lake Road and Sydney Road. The inclusion of these provisions takes direction from Policy 5.b.3 of Part 2 of the Municipal Planning Strategy as well as Part S1 of the LUB. The special provisions for Grand Lake Road and Sydney Road state that no Development Permit shall be issued for a list of uses on lot parcels that are not identified in Part S1 of the LUB. One of those uses is private

recreational; however, there is no definition for private recreational use. That being said, the LUB does define recreational business establishment.

It is recommended that private recreational be replaced by recreational business establishment in the Special Provision for Grand Lake Road/Sydney Road Sections of the Residential Urban C (RUC) and Rural CBRM (RCB-NM) Zones of the LUB

Part 18 Residential Urban C (RUC) Zone and Part 19 Residential Urban D (RUD) Zone

The MPS recognizes agricultural livestock operations as an inappropriate type of development in business development zones and higher density residential zones, that being said some of the urban residential zones contain large lot parcels in areas of low density. Because of this, Part 18 Residential Urban C and Part 19 Residential Urban D have provisions regulating agricultural uses. These provisions include setback requirements for new agricultural buildings; however it is not clear if this setback applies to all agricultural buildings or only those buildings housing livestock.

It is recommended that Subsection 4.c. of Part 18 Residential Urban C and Part 19 Residential Urban D be amended to identify a setback for new agricultural buildings used for the purposes of rearing and caring for animals.

Part 24 Apartment Building A (ABA), Part 25 Apartment Building (ABB) Zone, and Part 26 Apartment Building X (ABX) Zone

All of the Urban Residential Zones, with the exception of the Apartment Building A (ABA), Apartment Building B (ABB), and Apartment Building X (ABX) Zone, includes day cares as a permitted use.

It is recommended that day care be added to the list of permitted uses in the ABA, ABB, and ABX zones.

Part 29 Northside Business Park (NBP) Zone

Animal care is listed as a permitted use within the Northside Business Park (NBP) Zone, yet the LUB does not define animal care.

It is recommended that animal care be removed from the permitted uses in NBP zone and replaced with animal (domestic) care facilities.

Part 34 Regional Industrial Utility (IUR) Zone

Part 34 Regional Industrial Utility (IUR) Zone identifies coal retail distribution facilities as a sales use; however, coal retail distribution facilities is a transportation use.

It is recommended that coal retail distribution facilities be deleted from Section 1 of Part 34 Regional Industrial Utility (IUR) Zone.

Part 35 Lingan Corridor Comprehensive Development District (LCD) Zone

Part 35 Lingan Corridor Comprehensive Development District (LCD) Zone identifies amusement park as a service use; however, an amusement park is a recreational use.

It is recommended that amusement park be deleted from Section 2 of Part 35 Lingan Corridor Comprehensive Development District (LCD) Zone.

Part 41 Rural CBRM (RCB) Zone, Part 42 Rural CBRM-NM (RCB-NM) Zone, and Part 43 Rural Gavel Deposit (GDR) Zone

Part 41 Rural CBRM (RCB) Zone, Part 42 Rural CBRM-NM (RCB-NM) Zone, and Part 43 Rural Gavel Deposit (GRD) Zone identify fitness centres as a service use; however, fitness centres are a recreational use.

It is recommended that fitness centre be deleted from Section 1 of Part 41 Rural CBRM (RCB) Zone, Part 42 Rural CBRM-NM (RCB-NM) Zone, and Part 43 Rural Gavel Deposit (GDR) Zone.

Part 46 Louisbourg Highway Parkway 1 (LP1) Zone and Part 47 Louisbourg Highway Parkway 2 (LP2) Zone

Beginning in the very early 1960's, the largest historical reconstruction in Canada began at the site of former French fortress Town of Louisbourg. As part of this investment, the Federal Government partnered with the Province of Nova Scotia to reconstruct the Sydney-Louisbourg Highway into an efficient conveyor of vehicular traffic linking the Fortress directly with the primary regional transportation artery in Cape Breton County.

To ensure this investment in an efficient highway infrastructure would not be squandered by ribbon development, the Province of Nova Scotia proclaimed significant sectors of this Highway as a Parkway. The purpose was to severely limit development, especially business development. The objective was to ensure the efficient and safe movement of traffic to and from the Fortress of Louisbourg National Historic Park for the future. Regulations were put into effect establishing a corridor from the Highway's intersection with the Morrison Road several kilometers north of Albert Bridge all the way to the boundary of the former Town of Louisbourg. The Louisbourg Highway Parkway 1 (LP1) and Louisbourg Highway Parkway 2 (LP2) Zones are intended to mirror these Regulations.

It is recommended that provisions be added to both the Part 46 Louisbourg Highway Parkway 1 (LP1) Zone and Part 47 Louisbourg Highway Parkway 2 (LP2) Zone to reference the fact that there is nothing in the LUB that exempts an applicant from complying with the Provincial Parkway Development Standards Regulations under the *Public Highway Act*.

The minimum building setback from the Louisbourg Highway in the LP1 and LP2 do not match those found in the Parkway Regulation.

It is recommended that Section 2 of Part 46 Louisbourg Highway Parkway 1 (LP1) Zone and Part 47 Louisbourg Highway Parkway 2 (LP2) Zone be amended to match the minimum building setback from the Louisbourg Highway found in the Parkway Regulation.

Part 54 Existing Developments

The LUB acknowledges the legitimacy of a range of sale/service businesses that were in existence prior to its adoption. Part 54 Existing Developments states that any existing development is deemed to be permitted if that development:

- is not included in the Uses Permitted Section of the Zone within which it is located; or
- if it is permitted, only as an optional use;
- or any land use not permitted throughout all Zones as a General Provision (refer to the Sections of Part 2)

This proposed amendment is intended to clarify the second bullet listed above. The intention of this proposed amendment is to ensure that if a use is deemed to be existing as defined by the LUB and it is

listed in a zone as an optional use (subject to specific standards), it is still considered to be permitted even if it does not meet those specific standards.

It is recommended that the second bullet of Part S4 Existing Development, Section 1 Land Uses Deemed Permitted be amended to read 'if it is permitted, only as an optional use, and it does not meet the specific conditions referenced in that Zone'.

Part S4 applies to existing buildings; however, the LUB defines existing as from the date of the adoption of the LUB. This definition becomes increasingly problematic as the time since the LUB was adopted continues to increase. Therefore, how existing is defined and applies in Section 1 of Part 54 should be amended. The timeframe to determine existing should be five years less a day for a development. Meaning that at the time an applicant submits a Development Permit Application the development would have had to have been in operation within the past 5 years. When it comes to determining existing buildings a six month timeframe is appropriate. This would mean that if a building is demolished it would still be deemed to be existing if the demolition took place less than six months ago. It is the applicant's responsibility to provide evidence or documentation to substantiate the existence of the development or building based on the timeframe listed above. For further clarification the definition for existing in the LUB should be revised.

It is recommended that Part S4 Existing Development, Section 1 Land Uses Deemed Permitted be amended to update the use of the term existing.

Part 89 Definitions

For the purposes of clarification several definitions are proposed to be added or revised to the LUB. It is proposed that definitions for Animal (Domestic) Grooming, Animal Sitting Establishment, Business Vehicle, and Reconstruction be added to the LUB. It is proposed that the following definitions found in the LUB be revised:

Boutique	Existing	Self-storage facility
Boathouse	Derelict motor vehicle	Townhouse
Crop farming	Parking lot	
Entertainment service	Parking space	

To review the definitions in their entirety please see the LUB Amending By-law found in Attachment B.

LUB Zone Map

Arterial Business Corridor (ABC) Zone – Rose Street and Rose Court, Sydney River

Arterial Business Corridor (ABC) Zone north of the railway tracks running parallel to Kings Road, Sydney River, in the vicinity of Rose Street and Rose Court should be replaced with the Residential Urban C (RUC) Zone. The ABC zone permits a range of manufacturing, recreational, residential, sales, service and transportation uses. Manufacturing, recreational, sales, service and transportation uses should not be accessed via unlisted roads. Rose Street and Rose Court are unlisted roads.

It is recommended that the Arterial Business Corridor (ABC) Zone in effect for the area north of the railway track running parallel to Kings Road, Sydney River, in the vicinity of Rose Street and Rose Court should be removed and replaced with the adjacent Residential Urban C (RUC) Zone.

Rural Zones with Municipal Water and Sewer

Overtime, Municipal sewer mains have been extended in areas that have Rural zoning. Areas with Municipal sewer should not be located in a rural zone, but rather an urban residential zone.

It is recommended that area that are Zoned Rural CBRM (RCB), Rural CBRM-NM (RCB-NM), and Rural Gavel Deposit (GRD) that have Municipal sewer mains be replaced with the adjacent Urban Residential Zone.

It is recommended that the lot parcels fronting on Rendell Drive, Little Bras D'Or be rezoned from Rural Residential Subdivision (RR5) to Residential Urban C (RUC).

Phased Residential Subdivisions

As residential subdivisions expand overtime into rural areas the zoning is not always updated.

It is recommended that PIDs 15831688, 15831696, 15831712, and 15831720 found on Patnic Avenue, Mira Road be rezoned from Rural CBRM (RCB) to Residential Urban C (RUC).

It is recommended that PIDs 15867617, 15867625, 15867682, 15867674, 15867666, 15867633, 15867641, 15867658, 15867716, and 15867708 found on Hampton Drive and Hawthorne Court, Sydney River be rezoned from Rural CBRM (RCB) to Rural Residential Subdivision (RR5).

Green Link Trail System Recreation (GLT) Zone

The Green Link Trail was a signature project of the CBRM's Active Transportation Plan which was adopted by Council in 2008. The Green Link Trail System Recreation (GLT) Zone was established to recognize this project. There is a lot parcel east of the dammed part Wentworth Creek in Rotary Pak that should have been included in the GLT zone.

It is recommended that PID 15869308 be rezoned from Residential Urban C (RUC) to Green Link Trail System Recreation (GLT).

Recommendation

I recommend that the General Committee of Council ask Council to schedule a public participation program for the May meeting of the General Committee to consider the amendments to the Municipal Planning Strategy and Land Use By-law found in Attachments A and B.

Submitted by:

**Karen Neville and Malcolm Gillis
Planning and Development Department**



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: General Committee

From: Deborah Campbell, Municipal Clerk/Returning Officer

Date: April 1, 2016

Subject: Electronic Voting – 2016 CBRM Municipal and School Board Elections

At the February 16, 2016 Council meeting, a motion was passed to approve, in principle, the use of electronic voting (i.e. internet and telephone), with a final report to be presented at a later date, on the condition that any change to the e-voting other than for advance polling would require a motion of Council. This Memo is in follow-up to that motion.

Electronic voting (i.e. via the internet or telephone) was well received by the electorate during the 2012 general elections and 2014 by-election in District 10. In 2012, approximately 57% of those who voted used electronic voting options. During the 2014 Special Election in District 10, of those who voted, approximately 53% voted electronically. Intelivote Systems Inc. from Dartmouth, NS provided the e-voting services to CBRM for both elections.

In July of 2015, CBRM Council was advised that a Request for Proposals (RFP) was issued by the Halifax Regional Municipality (HRM) on behalf of the NS Association of Municipal Administrators (AMA) for the “bulk purchase” of e-voting services for those Nova Scotia Municipalities interested in using e-voting services during the 2016 Municipal and School Board Elections. The intent of using this purchasing methodology was to achieve economies of scale and to bring consistency in approach to e-voting across the province. At that time, CBRM indicated an interest in participating in the RFP; however there was no commitment made to implement e-voting in this Municipality. I would note that this procurement process fulfills the requirements of the CBRM Purchasing Policy.

The final report on the RFP issued by HRM on behalf of the AMA (i.e. #P15-327) was presented to their Council in November of 2015 and the Standing Offer Agreement for integrated telephone and internet voting services was awarded to Intelivote Systems Inc. (ISI) from Dartmouth.

continued...

Since that time, ISI and Scytl Canada have entered into a partnership agreement whereby Scytl Canada has agreed to deliver the e-voting services under the terms and as per the costs of the existing Contract, and Intelivote has agreed to provide Scytl with access to their application software, procedures and expertise/consulting services from May 1 to December 31 2016. HRM Council passed a motion on March 8, 2016 approving the assignment of the standing offer agreement from ISI to Scytl Canada. Any municipality who decides to enter into a contractual arrangement under RFP P15-327 will be required to do so with Scytl Canada Inc. The Halifax Regional Municipality is not party to those contracts.

Staff recommends that Council approve the use of electronic voting for the advance polls only, and that CBRM enter into an agreement with Scytl Canada Inc. for the provision of e-voting services.

In terms of budget implications for this year's election, it is anticipated that the projected expenses will exceed the current budget reserved for election purposes by approximately \$25,000. The main reason for the shortfall is due to the costs for the administration of the special election in District 10 in 2014 (approx. \$31,000). The projected shortfall, which includes the estimated costs associated with the Swearing-In Ceremony for Council, will have to be absorbed in other cost centres. In the future, it will be staff's recommendation to increase the annual election reserve to allow for possible by-elections and increased costs for electronic voting services.

Therefore staff is recommending that a recommendation be made to Council to:

- a) Approve electronic voting (internet and telephone) for the 2016 CBRM Municipal and School Board Elections for advance polls only, with the voting timeframe fixed for an eight-day period, commencing at 8:00 a.m. on Wednesday, October 5th through to 7:00 p.m. on Wednesday, October 12th, 2016.**
- b) Authorize the Mayor and Clerk to sign the agreement for e-voting services with Scytl Canada Inc. in accordance with the Assignment of the Standing Offer Agreement between Intelivote Systems Inc. and Scytl Canada in relation to RFP P15-327 issued by the Halifax Regional Municipality on behalf of the Nova Scotia Association of Municipal Administrators.**

ORIGINAL SIGNED BY

**Deborah Campbell
Municipal Clerk/Returning Officer**

2016 Municipal and School Board Elections:

The Chief Administrative Officer provided background information concerning this issue.

Motion:

Moved by Deputy Mayor George MacDonald, seconded by Councillor Flynn, that the following staff recommendations be approved:

- 1. Appointment of Returning Officer and Assistant Returning Officer:** That the Municipal Clerk and the Regional Solicitor be appointed as the Returning Officer and Assistant Returning Officer respectively for the 2016 Municipal and School Board Elections.
- 2. Election Budget (Setting of Tariff of Fees & Expenses):** That the CAO and his designate (Clerk/Returning Officer) be granted authority under Section 139(1A) of the *Municipal Elections Act* to establish a tariff of fees and expenses for various election services.
- 3. Preparation of Preliminary and Final Voters' List:** That staff be authorized to utilize the permanent electoral lists as outlined in Section 30(1)(c) of the *Municipal Elections Act* and that the Mayor and Clerk be authorized to sign the required Data Sharing Agreement as per Section 30B of the *Municipal Elections Act*.
- 4. Alternative Voting Methods – E-voting:** to approve, in principle, the use of electronic voting (i.e. internet and telephone) during the 2016 Municipal and School Elections, with a final report to be presented at a later date.

Amendment:

Moved by Councillor Paruch, seconded by Councillor Rowe, that any change to the e-voting other than for advance polling would require a motion of Council to make that change. **Amendment Carried.**

Motion as amended Carried.



CBRM

A Community of Communities

Office of the Regional Solicitor

ISSUE PAPER

TO: General Committee

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Request for Street Closure
Bradbury Lane (near Borden Street) Whitney Pier
My File No. 07238

DATE: 29 March 2016

I am in receipt of a request from Donna Wadden to close an unopened street reserve known as Bradbury Lane located near Borden Street in Whitney Pier, as shown on the attached plan.

Once this street reserve is closed, Ms. Wadden intends to purchase same and consolidate it with her existing adjacent property. Ms. Wadden has provided the requisite \$600.00 deposit to cover processing fees already and we hold that amount in trust. Engineering has reviewed this request and has no issue with the closing of the subject area.

I would request a Motion to proceed with the above-requested street closure.

Thank you.

Sincerely,

ORIGINAL SIGNED BY

DEMETRI KACHAFANAS
Regional Solicitor

DK/er
Attachment





A Community of Communities

MEMO

TO: GENERAL COMMITTEE

April 2016

RE: Heavy Garbage Collection Timing Issue

Each year heavy garbage collection is scheduled for late April early May. This is done so that the program is completed before the beginning of the cruise ship season. As well it coincides with many residents who regularly do a spring clean-up at home.

As an approved budget is not expected until May 2016 at the earliest; we cannot issue a tender for collection of heavy garbage for those areas not covered in the existing collection contracts. This tender should be issued immediately to meet the timelines and ensure collection is completed before the first cruise ship arrives.

We are therefore requesting that council move a motion allowing the tender to be issued. The tender would close coinciding with the April council session and award of the tender can be dealt with at this time if required.

As well going forward staff will bring forward an issue paper dealing with the heavy garbage program looking at a two year (biannual) schedule.

ORIGINAL SIGNED BY

Francis Campbell
Manager of Solid Waste



CBRM

A Community of Communities

Cape Breton Regional Municipality

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

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

Memo

TO: General Committee

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

DATE: March 31, 2016

RE: Statistical Complaint Reports-Dangerous and Unsightly Properties

Attached is the monthly report which outlines all the complaint files opened since the last report that was presented at the March 1st, 2016 meeting as well as an annual statistical report of all DUP activities for the period of April 1st, 2015 until March 31st, 2016.

Respectfully Submitted,

Original Signed By

Paul Burt,
Manager Building, Planning & Licensing Laws

FILE #	Date Received	PID	District	Property Address	Inspector	Complaint Category	Status
9243	Feb 26, 2016	15182728	1	9 MacAulay Lane, Sydney Mines, B1V2T8	Richard Wadden	Structure Fire	Active
9244	Feb 26, 2016	15382534	10	16 Ocean Avenue, Dominion, B1G1R3	Richard Wadden	Unsanitary Premises	New
9245	Feb 29, 2016	15071780	5	132 Argyle Street, Sydney, B1S2V3	Richard Wadden	Unsanitary Premises	New
9246	Feb 29, 2016	15157514	12	183 St Anns Street, Sydney, B1N1B1	Richard Wadden	Unsanitary Premises	New
9247	Mar 01, 2016	15084874	5	28 Rotary Drive, Sydney, B1P4S4	Richard Wadden	Unsanitary Premises	New
9248	Mar 01, 2016	15472046	11	377 Thirteenth Street, New Waterford, B1H4B5	Richard Wadden	Unsanitary Premises	New
9249	Mar 02, 2016	15581267	1	235 Memorial Drive, Sydney Mines	Richard Wadden	Unsanitary Premises	Active
9250	Mar 02, 2016	15384985	10	131 Wallaces Road, Glace Bay, B1A4N6	Richard Wadden	Unsanitary Premises	New
9251	Mar 04, 2016	15391063	10	233 King Edward Street, Glace Bay, B1A3V9	Richard Wadden	Unsanitary Premises	New
9252	Mar 04, 2016	15092042	6	242 Cartier Street, Sydney, B1P4B3	Richard Wadden	Unsanitary Premises	New
9253	Mar 04, 2016	1506132B	5	418 George Street, Sydney, B1P1K3	Richard Wadden	Unsanitary Premises	New
9254	Mar 08, 2016	15478191	11	768 Mahon Street, New Waterford, B1H3K9	Richard Wadden	Structure Fire	New
9255	Mar 08, 2016	15386808	10	68 Reservoir Avenue, Glace Bay, B1A4M4	Richard Wadden	Unsanitary Premises	New
9256	Mar 09, 2016	15134505	12	162 Webster Street, Sydney, B1N2K8	Richard Wadden	Structure Fire	Active
9257	Mar 11, 2016	1513745B	12	30 Bryan Street, Sydney, B1N2N6	Richard Wadden	Unsanitary Premises	Active

Protective Services			Dangerous & Unsanitary Premises			Cape Breton Regional Municipality		
March 31, 2016			Report to Council			Inspection & By-law Division		
			Feb 26, 2016 - Mar 31, 2016					
9258	Mar 14, 2016	15487861	11	457 Heelan Street, New Waterford, B1H3C6	Richard Wadden	Structure Fire	Closed	
9260	Mar 15, 2016	15558919	7	1515 Gabarus Highway, Prime Brook, B1L1E7	Richard Wadden	Unsanitary Premises	New	
9261	Mar 15, 2016	15123011	6	53 Macaulays Lane, Sydney, B1P3Z8	Richard Wadden	Unsanitary Premises	Closed	
9262	Mar 16, 2016	15062953	5	337 Charlotte Street, Sydney, B1P1E1	Richard Wadden	Unsanitary Premises	Active	
9263	Mar 21, 2016	15132707	12	167 Henry Street, Sydney, B1N2H4	Richard Wadden	Unsanitary Premises	Active	
9264	Mar 22, 2016	15181522	1	18 Guy Street, Sydney Mines, B1V2N6	Richard Wadden	Unsanitary Premises	New	
9265	Mar 23, 2016	15370125	8	6 Breakwater Street, Port Morien, B1B1Y5	Richard Wadden	Unsanitary Premises	New	
9266	Mar 24, 2016	15571474	1	484 Bras D'Or - Florence Road, Florence, B1Y1C9	Richard Wadden	Structure Fire	Active	
9267	Mar 24, 2016	15423759	9	150 Blackett Street, Glace Bay, B1A1E5	Richard Wadden	Unsanitary Premises	Active	
9268	Mar 29, 2016	15779689	9	96 Main Street, Reserve Mines, B1E1E5	Richard Wadden	Unsanitary Premises	New	
9269	Mar 29, 2016	15031982	2	411 Purves Street, North Sydney, B2A3V2	Richard Wadden	Unsanitary Premises	New	
9270	Mar 29, 2016	15575566	8	18 Kent Street, Louisbourg, B1C1E7	Richard Wadden	Unsanitary Premises	New	
9271	Mar 30, 2016	15229784	12	455 Grand Lake Road, Grand Lake Road, B1P5T2	Richard Wadden	Unsanitary Premises	Active	
9272	Mar 30, 2016	15229768	12	457 Grand Lake Road, Grand Lake Road, B1P5T2	Richard Wadden	Unsanitary Premises	Active	
9273	Mar 30, 2016	15462039	8	4 Huntington Avenue, Louisbourg	Richard Wadden	Unsanitary Premises	New	
9274	Mar 30, 2016	15447519	10	33 Jessome Street, Glace Bay, B1A5J2	Richard Wadden	Unsanitary Premises	New	

Protective Services		Dangerous & Unsightly Premises		Cape Breton Regional Municipality			
March 31, 2016		Report to Council		Inspection & By-law Division			
		Feb 26, 2016 - Mar 31, 2016					
9275	Mar 31, 2016	15057409	5	11 Harrington Place, Sydney, B1P1R4	Richard Wadden	Structure Fire	New

Protective Services
March 31, 2016
Complaint Statistics

Statistics for Complaints received between
Apr 01, 2015 - Mar 31, 2016

Cape Breton Regional Municipality
Fire-Rescue Building Services

Total number of complaints received	468
Total number of inspections carried out	672
Total number of complaints closed after 1 inspection performed	152
Total number of complaints that have a work order issued	99
Total number of orders issued	166
Total number of notices of intent issued	38
Total number of orders to demolish issued	20
Total number of complaints closed	337
Total number of complaints with work orders	109
Total number of events on complaints	626

Legislative	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 813,794	\$ 809,073	\$ (4,721)	\$ 876,474	\$ 62,680
6010 BENEFITS	94,745	118,748	24,002	128,640	33,895
6030 TRAVEL/CONFERENCES	203,946	195,667	(8,279)	209,000	5,054
6040 PROF MEM/DUES & FEES	49,254	50,715	1,461	55,325	6,071
6050 OFFICE SUPPLIES	13,460	18,333	4,873	20,000	6,540
6060 OFFICE EQUIPMENT	9,314	6,550	(2,764)	6,550	(2,764)
6080 ADVERTISING	13,305	14,292	987	14,500	1,195
6100 COURIER	531	573	42	625	94
6110 TELEPHONE/FAX	40,087	47,575	7,488	51,900	11,813
6120 PUBL./SUBSCRIPTIONS	2,699	4,354	1,655	4,700	2,001
6130 COMPUTER HARDWARE	2,618	2,750	132	3,000	382
6150 MEETING EXPENSES	15,058	21,083	6,025	23,000	7,942
6170 PROMOTION	24,201	22,000	(2,201)	22,000	(2,201)
6180 COST RECOVERY	8,224	-	(8,224)	-	(8,224)
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICES	-	-	-	-	-
Total expended to date	\$ 1,291,236	\$ 1,311,712	\$ 20,476	\$ 1,415,714	\$ 124,478

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Administration	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 255,703	\$ 304,699	\$ 48,996	\$ 330,082	\$ 74,379
6010 BENEFITS	38,320	51,774	13,454	56,087	17,767
6020 TRAINING/EDUCATION	2,756	1,500	(1,256)	1,500	(1,256)
6030 TRAVEL/CONFERENCES	23,627	20,126	(3,502)	20,500	(3,127)
6040 PROF MEM/DUES & FEES	667	866	199	945	278
6050 OFFICE SUPPLIES	1,062	2,205	1,143	2,405	1,343
6060 OFFICE FURNITURE	-	-	-	-	-
6100 COURIER	38	275	237	300	262
6110 TELEPHONE/FAX	2,720	2,896	176	2,950	230
6120 PUBL./SUBSCRIPTIONS	268	-	(268)	-	(268)
6130 COMPUTER HARDWARE	-	1,760	1,760	1,920	1,920
6150 MEETING EXPENSES	1,488	1,760	272	1,920	432
6170 PROMOTION	21,526	20,000	(1,526)	20,000	(1,526)
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICES	112,156	116,072	3,916	126,624	14,468
8150 GRANTS/SUBS TO ORG	408,459	408,459	-	430,376	21,917
Total expended to date	\$ 868,790	\$ 932,390	\$ 63,600	\$ 995,609	\$ 126,819

ORIGINAL SIGNED BY

 Departmental

ORIGINAL SIGNED BY

 Finance

Finance	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,634,175	\$ 1,697,618	\$ 63,442	\$ 1,839,038	\$ 204,863
6010 BENEFITS	318,624	333,293	14,669	361,059	42,435
6020 TRAINING/EDUCATION	9,330	23,171	13,842	24,630	15,300
6030 TRAVEL/CONFERENCES	20,134	22,994	2,859	24,000	3,866
6040 PROF MEM/DUES & FEES	4,888	5,330	442	5,330	442
6050 OFFICE SUPPLIES	8,954	16,958	8,004	18,500	9,546
6060 OFFICE EQUIPMENT	2,705	13,292	10,587	14,500	11,795
6080 ADVERTISING	36,087	38,837	2,750	42,000	5,913
6090 POSTAGE	137,170	151,240	14,070	157,300	20,130
6100 COURIER	19,162	20,808	1,646	22,700	3,538
6110 TELEPHONE/FAX	15,500	18,150	2,650	19,800	4,300
6130 COMPUTER HARDWARE	10,415	18,150	7,735	19,800	9,385
6140 COMPUTER SOFTWARE	47,140	47,140	-	57,000	9,860
6160 LIABILITY INSURANCE	250,620	275,815	25,195	299,600	48,980
6180 COST RECOVERY	(278,499)	(293,850)	(15,351)	(347,150)	(68,651)
8010 OPERATIONAL MAT/SUPP	3,585	6,417	2,832	7,000	3,415
8100 PROFESSIONAL SERVICE	45,182	55,000	9,818	55,000	9,818
8110 CONTRACTS/AGREEMENTS	50,182	58,353	8,171	63,800	13,618
8120 LEASES	9,687	14,392	4,705	15,700	6,013
8180 TAX EXEPT/WRITE OFF	24,500	38,625	14,125	40,000	15,500
Total expended to date	\$ 2,369,540	\$ 2,561,731	\$ 192,191	\$ 2,739,607	\$ 370,067

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Legal	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 264,475	\$ 270,607	\$ 6,131	\$ 293,150	\$ 28,675
6010 BENEFITS	47,722	54,827	7,105	59,394	11,672
6020 TRAINING/EDUCATION	626	5,958	5,333	6,500	5,874
6030 TRAVEL/CONFERENCES	8,669	8,500	(169)	8,500	(169)
6040 PROF MEM/DUES & FEES	7,059	6,200	(859)	6,200	(859)
6050 OFFICE SUPPLIES	1,933	3,208	1,275	3,500	1,567
6060 OFFICE EQUIPMENT	1,708	3,850	2,142	4,200	2,492
6070 PHOTOCOPIER LEASE	2,823	2,500	(323)	2,500	(323)
6080 ADVERTISING	-	917	917	1,000	1,000
6100 COURIER	279	917	637	1,000	721
6110 TELEPHONE/FAX	4,944	5,000	56	5,000	56
6120 PUBL./STATUTES	7,271	12,833	5,563	14,000	6,729
6130 COMPUTER HARDWARE	492	2,750	2,258	3,000	2,508
6140 COMPUTER SOFTWARE	-	2,292	2,292	2,500	2,500
6150 MEETING EXPENSE	124	458	334	500	376
6180 COST RECOVERY	-	-	-	-	-
8100 PROFESSIONAL SERVICE	131,468	141,174	9,706	154,500	23,032
Total expended to date	\$ 479,594	\$ 521,991	\$ 42,397	\$ 565,444	\$ 85,850

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Human Resources	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 506,548	\$ 515,616	\$ 9,068	\$ 558,570	\$ 52,022
6010 BENEFITS	681,046	677,001	(4,046)	733,399	52,353
6020 TRAINING/EDUCATION	3,537	5,500	1,963	6,000	2,463
6030 TRAVEL/CONFERENCES	10,001	14,896	4,895	16,250	6,249
6040 PROF MEM/DUES & FEES	1,472	1,586	114	1,730	258
6050 OFFICE SUPPLIES	10,621	14,392	3,771	15,700	5,079
6060 OFFICE EQUIPMENT	-	2,292	2,292	2,500	2,500
6080 ADVERTISING	4,127	4,583	456	5,000	873
6110 TELEPHONE/FAX	7,635	9,167	1,531	10,000	2,365
6120 PUBL./SUBSCRIPTIONS	982	2,200	1,218	2,400	1,418
6130 COMPUTER HARDWARE	4,005	4,000	(5)	4,000	(5)
6150 MEETING EXPENSE	188	1,833	1,646	2,000	1,812
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICE	203,590	211,292	7,702	230,500	26,910
8110 CONTRACTS/AGREEMENTS	6,474	11,458	4,985	12,500	6,026
Total expended to date	\$ 1,440,227	\$ 1,475,815	\$ 35,588	\$ 1,600,549	\$ 160,322

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

**Technology/
Communications**

Statement of Expenditures

February 29, 2016

Technology/Communications	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 359,169	\$ 369,078	\$ 9,909	\$ 399,824	\$ 40,655
6010 BENEFITS	74,515	73,825	(690)	79,975	5,460
6020 TRAINING/EDUCATION	2,479	16,500	14,021	18,000	15,521
6030 TRAVEL/CONFERENCES	12,297	18,333	6,036	20,000	7,703
6040 PROF MEM/DUES & FEES	940	1,000	60	1,000	60
6050 OFFICE SUPPLIES	2,913	3,000	87	3,000	87
6060 OFFICE EQUIPMENT	2,324	2,750	426	3,000	676
6080 ADVERTISING	-	458	458	500	500
6100 COURIER	137	275	138	300	163
6110 TELEPHONE/FAX	59,269	68,750	9,481	75,000	15,731
6120 PUBL./SUBSCRIPTIONS	-	917	917	1,000	1,000
6130 COMPUTER HARDWARE	117,133	119,167	2,034	130,000	12,867
6140 COMPUTER SOFTWARE	158,680	174,167	15,487	190,000	31,320
6150 MEETING EXPENSE	91	458	368	500	409
8110 CONTRACTS/AGREEMENTS	-	-	-	42,000	42,000
8120 LEASES SAP	88,200	88,200	-	95,000	6,800
8130 LICENSES/PERMITS	86,724	86,724	-	94,000	7,276
Total expended to date	\$ 964,870	\$ 1,023,602	\$ 58,731	\$ 1,153,099	\$ 188,229

ORIGINAL SIGNED BY
Departmental

ORIGINAL SIGNED BY
Finance

Municipal Clerk	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 224,691	\$ 235,623	\$ 10,932	\$ 255,252	\$ 30,561
6010 BENEFITS	47,753	50,276	2,523	54,464	6,711
6020 TRAINING/EDUCATION	2,235	5,042	2,807	5,500	3,265
6030 TRAVEL/CONFERENCES	4,092	5,958	1,866	6,500	2,408
6040 PROF MEM/DUES & FEES	917	700	(217)	700	(217)
6050 OFFICE SUPPLIES	994	9,167	8,173	10,000	9,006
6060 OFFICE EQUIPMENT	5,439	13,521	8,082	14,750	9,311
6070 PHOTOCOPY SUPPLIES	14,344	16,500	2,156	18,000	3,656
6080 ADVERTISING	-	917	917	1,000	1,000
6100 COURIER	-	917	917	1,000	1,000
6110 TELEPHONE/FAX	3,166	4,125	959	4,500	1,334
6120 PUBL./SUBSCRIPTIONS	1,582	1,800	218	1,800	218
6140 COMPUTER SOFTWARE	4,549	6,417	1,867	7,000	2,451
8110 CONTRACTS/AGREEMENTS	2,882	2,882	0	100,000	97,118
Total expended to date	\$ 312,644	\$ 353,844	\$ 41,199	\$ 480,466	\$ 167,822

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Fiscal Services	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
9010 INT SHRT TERM BORROW	\$ 207,595	\$ 343,750	136,155	\$ 375,000	\$ 167,405
9020 INT ON DEBT	2,386,672	2,386,672	-	2,386,672	(0)
9051 PRINC ON DEBT	13,626,208	13,626,208	-	13,626,208	-
9090 BANK CHARGES	62,657	78,833	16,176	86,000	23,343
9420 APPROP TO CAPITAL FUND	30,000	-	(30,000)	-	(30,000)
9430 APPROP TO B.I.D.C.	83,567	82,595	(972)	90,105	6,538
9600 PROV. CORRECTIONS	1,002,804	1,016,465	13,661	1,108,871	106,067
9610 CB REG. HOUSING	1,871,075	1,892,539	21,464	2,064,588	193,513
9620 REGIONAL LIBRARY	605,004	614,167	9,163	670,000	64,996
9630 CB/VIC. SCHOOL BOARD	11,947,676	11,916,667	(31,009)	13,000,000	1,052,324
9640 PROPERTY ASSESSMENT	1,250,876	1,250,871	(5)	1,364,587	113,711
Total expended to date	\$ 33,074,134	\$ 33,208,768	\$ 134,634	\$ 34,772,031	\$ 1,697,897

ORIGINAL SIGNED BY
Departmental

ORIGINAL SIGNED BY
Finance

**Occupational Health /
Safety**

Statement of Expenditures

February 29, 2016

Occupational Health & Safety	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 132,468	\$ 135,303	\$ 2,835	\$ 146,575	\$ 14,107
6010 BENEFITS	25,877	27,413	1,536	29,697	3,820
6020 TRAINING/EDUCATION	5,575	5,850	275	5,850	275
6030 TRAVEL/CONFERENCES	4,497	10,083	5,587	11,000	6,503
6040 PROF MEM/DUES & FEES	302	490	188	535	233
6050 OFFICE SUPPLIES	1,595	2,750	1,155	3,000	1,405
6060 OFFICE EQUIPMENT	232	-	(232)	-	(232)
6110 TELEPHONE/FAX	3,630	3,375	(255)	3,375	(255)
6120 PUBL/SUBSCRIPTIONS	644	1,833	1,190	2,000	1,356
6130 COMPUTER HARDWARE	210	1,833	1,624	2,000	1,790
6140 COMPUTER SOFTWARE	-	458	458	500	500
6150 MEETING EXPENSES	2,347	2,500	153	2,500	153
8010 OPERATIONAL MAT/SUPP	-	-	-	-	-
8100 PROFESSIONAL SERVICE	2,393	5,042	2,649	5,500	3,107
8120 CONTRACTS & AGREEMENT	2,084	2,750	666	3,000	916
Total expended to date	\$ 181,853	\$ 199,682	\$ 17,829	\$ 215,532	\$ 33,679

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

**Facilities (C200,
County / Centennial Arenas)**

Statement of Expenditures

February 29, 2016

	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,309,931	\$ 1,203,169	\$ (106,762)	\$ 1,303,400	\$ (6,531)
6010 BENEFITS	230,078	224,655	(5,423)	243,370	13,292
6020 TRAINING	883	2,292	1,409	2,500	1,617
6030 TRAVEL/CONFERENCES	7,640	6,000	(1,640)	6,000	(1,640)
6040 PROF MEM/DUES & FEES	715	500	(215)	500	(215)
6050 OFFICE SUPPLIES	3,438	5,042	1,604	5,500	2,062
6060 OFFICE EQUIPMENT	2,983	2,500	(483)	2,500	(483)
6080 ADVERTISING	7,409	9,167	1,758	10,000	2,591
6100 COURIER	284	1,375	1,091	1,500	1,216
6110 TELEPHONE/FAX	18,885	27,500	8,615	30,000	11,115
6130 COMPUTER HARDWARE	3,448	2,000	(1,448)	2,000	(1,448)
6140 COMPUTER SOFTWARE	2,229	4,583	2,354	5,000	2,771
6160 LIABILITY INSURANCE	14,564	25,667	11,103	28,000	13,436
7000 HEAT	20,513	41,167	20,654	45,000	24,487
7010 ELECTRICAL	478,247	420,000	(58,247)	420,000	(58,247)
7020 WATER	40,844	42,500	1,856	42,500	1,856
7030 BLDG/FACILITY MAINT	58,800	123,807	65,007	135,000	76,200
7040 BLDG/FACILITY REPAIR	54,371	78,317	23,946	85,000	30,629
7050 BLDG/FACILITY INS	19,789	19,300	(489)	19,300	(489)
7060 BLDG/FACILITY RENOV	3,947	13,750	9,803	15,000	11,053
7080 PLANT MAINTENANCE	30,240	31,000	760	31,000	760
7110 SECURITY	87,840	65,000	(2,840)	65,000	(2,840)
7500 VEH/EQUIP MAINT	-	917	917	1,000	1,000
7510 VEH/EQUIP REPAIRS	14,666	12,500	(2,166)	12,500	(2,166)
7520 VEH/EQUIP INSURANCE	2,266	3,254	988	3,550	1,284
7540 VEH/EQUIP RENTAL	6,354	2,500	(3,854)	2,500	(3,854)
8000 OPERATIONAL EQUIPMENT	2,663	4,583	1,920	5,000	2,337
8010 OPERATIONAL MAT/SUPP	78,823	106,883	28,061	115,000	36,177
8050 COST OF SALES	623,695	416,500	(207,195)	416,500	(207,195)
8090 UNIFORMS/CLOTHING	12,829	11,500	(1,329)	11,500	(1,329)
8100 PROFESSIONAL SERVICE	42,118	20,000	(22,118)	20,000	(22,118)
8110 CONTRACTS/AGREEMENTS	38,551	38,500	(51)	42,000	3,449
8130 LICENSES/PERMITS	732	500	(232)	500	(232)
Total expended to date	\$ 3,199,576	\$ 2,966,927	\$ (232,649)	\$ 3,128,120	\$ (71,456)

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
GL 5001 Ice Rentals	\$ 443,934	\$ 490,867	\$ (46,933)	\$ 600,000	\$ 156,066
GL 5002 Public Skating	15,286	15,049	236	18,500	3,214
GL 5003 High School Hockey	4,983	27,394	(22,411)	32,000	27,017
GL 5004 Arena Rental	12,107	29,000	(16,893)	29,000	16,893
GL 5005 Gym Rental	15,304	16,500	(1,196)	18,000	2,696
GL 5006 Canteen Sales	328,684	279,145	49,539	333,500	4,816
GL 5009 Major Events	112,911	100,000	12,911	100,000	(12,911)
GL 5010 Other Revenue	373,670	319,766	53,904	350,000	(23,670)
GL 5033 Program Equipment	21,962	28,208	(6,246)	28,500	6,538
GL 5034 Facility Rentals	118,216	125,000	(6,784)	125,000	6,784
Total Revenue To Date	\$ 1,447,056	\$ 1,430,929	\$ 16,127	\$ 1,634,500	\$ 187,444

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Fire Services

Statement of Expenditures

February 29, 2016

Fire Services Including EMO	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 5,182,842	\$ 4,746,248	\$ (436,594)	\$ 5,141,640	\$ (41,202)
6010 BENEFITS	888,360	891,406	3,046	965,665	77,306
6011 MISC. BENEFITS	25,880	30,340	4,459	33,098	7,218
6020 TRAINING/EDUCATION	108,819	142,072	33,253	148,270	39,451
6030 TRAVEL/CONFERENCES	38,794	47,767	8,972	51,100	12,306
6040 PROF MEM/DUES & FEES	9,099	10,897	1,797	11,734	2,635
6050 OFFICE SUPPLIES	10,184	11,092	908	12,100	1,916
6060 OFFICE EQUIPMENT	2,316	5,913	3,597	6,450	4,134
6070 PHOTOCOPY SUPPLIES	-	458	458	500	500
6080 ADVERTISING	4,439	4,905	466	5,350	911
6100 COURIER	306	413	106	450	144
6110 TELEPHONE/FAX	39,593	47,469	7,876	51,784	12,191
6120 PUBL./SUBSCRIPTIONS	1,929	2,475	546	2,700	771
6130 COMPUTER HARDWARE	9,565	13,215	3,650	14,007	4,442
6140 COMPUTER SOFTWARE	1,712	11,047	9,335	12,006	10,294
6150 MEETING EXPENSES	3,399	4,037	638	4,404	1,005
6160 LIABILITY INSURANCE	-	-	-	-	-
6170 PROMOTION	23,259	34,833	11,575	38,000	14,741
6180 COST RECOVERY	-	-	-	-	-
7000 HEAT	56,067	106,068	50,001	115,711	59,644
7010 ELECTRICAL	54,437	60,342	5,905	68,100	13,663
7020 WATER	16,559	23,081	6,522	27,108	10,549
7030 BLDG/FACILITY MAINT	47,195	53,167	5,972	58,000	10,805
7040 BLDG/FACILITY REPAIR	24,884	21,400	(3,484)	21,400	(3,484)
7050 BLDG/FACILITY INS	8,329	8,216	(113)	8,216	(113)
7060 BLDG/FACILITY RENOV	-	-	-	-	-
7070 BLDG/FACILITY RENTALS	-	-	-	-	-
7080 PLANT MAINTENANCE	-	367	367	400	400
7500 VEH/EQUIP MAINT.	79,574	82,755	3,182	89,824	10,250
7505 GASOLINE/DIESEL	44,771	99,740	54,969	91,507	46,736
7510 VEH/EQUIP REPAIRS	4,433	17,417	12,984	19,000	14,567
7520 VEH/EQUIP INSURANCE	57,750	69,610	11,860	64,036	6,286
7530 VEH/EQUIP REPLACEMENT	40,639	65,833	25,195	70,000	29,361
7540 VEH/EQUIP RENTAL	320	204	(116)	204	(116)
7550 VEH/EQUIP TOWING	-	1,833	1,833	2,000	2,000
7560 VEH/EQUIP GEN SUPPLY	2,061	14,667	12,606	16,000	13,939
8000 OPERATIONAL EQUIP	219,012	308,000	88,988	336,000	116,988
8010 OPERATIONAL MAT/SUPP	45,435	42,131	(3,304)	45,870	435
8020 MAINTENANCE EQUIP	16,746	48,217	31,470	52,600	35,854
8040 COMM EQUIPMENT LINES	19,326	35,933	16,607	39,200	19,874
8090 UNIFORMS/CLOTHING	32,660	70,997	38,338	77,452	44,792
8100 PROFESSIONAL SERVICE	47,118	2,000	(45,118)	2,000	(45,118)
8110 CONTRACTS/AGREEMENTS	35,620	32,800	(2,820)	35,782	162
8120 LEASES	84,607	90,679	6,072	98,922	14,315
8130 LICENSES/PERMITS	5,602	17,335	11,733	5,187	(415)
8135 REGULATORY FEES	-	-	-	-	-
8150 GRANTS/SUBS TO ORG	1,745,215.16	1,741,193	(4,022)	1,741,193	(4,022)
8195 WATER SUPPLY & HYDR	6,385,278	6,385,278	0	6,965,758	580,480
Total expended to date	\$ 15,424,133	\$ 15,403,847	\$ (20,286)	\$ 16,550,728	\$ 1,126,595

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Fire Services**Statement of Revenue****February 29, 2016**

Fire Services Revenue	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
4776 PROT. SERV. MEMBERTOU	393,964	393,964	0	429,779	35,815
Total Revenue to date	\$ 393,964	\$ 393,964	\$ 0	\$ 429,779	\$ 35,815

ORIGINAL SIGNED BY**Departmental****ORIGINAL SIGNED BY****Finance**

Engineering and Public Works Actuals to February 2016 (Period 11)

	Actual & Committed		Budget		Variance		Total Annual		Annual Budget		% of Annual
	Y-T-D Feb 29, 2016	Y-T-D Feb 29, 2016	Y-T-D Feb 29, 2016	Y-T-D Feb 29, 2016	Y-T-D Feb 29, 2016	Y-T-D Feb 29, 2016	Budget	Budget	Remaining	Budget	
REVENUE											
TRANSIT	\$ 541,906.24	\$ 577,500.03	\$ (35,593.79)	\$ 630,000.00	\$ (88,093.76)						86.02%
SOLIDWASTE TIP FEES	\$ 1,779,293.27	\$ 1,741,666.67	\$ 37,626.60	\$ 1,900,000.00	\$ (120,706.73)						93.65%
SOLIDWASTE COST RECOVERIES	\$ 355,133.33	\$ 305,833.33	\$ 49,300.00	\$ 367,000.00	\$ (11,866.67)						96.77%
SEWER PERMIT FEES	\$ 96,828.27	\$ 131,083.34	\$ (34,255.07)	\$ 143,000.00	\$ (46,171.73)						67.71%
BUILDINGS	\$ 561,951.35	\$ 504,166.68	\$ 57,784.67	\$ 550,000.00	\$ 11,951.35						102.17%
MISCELLANEOUS REVENUE	\$ -	\$ -	\$ -	\$ -	\$ -						0.00%
WATER UTILITY ADMIN FEE	\$ 4,538,884.13	\$ 4,538,884.13	\$ -	\$ 4,951,510.00	\$ (412,625.87)						91.67%
TOTAL PW REVENUES	\$ 7,873,996.59	\$ 7,799,134.18	\$ 74,862.41	\$ 8,541,510.00	\$ (667,513.41)						92.19%

EXPENDITURES											
ADMINISTRATION	\$ 5,775,802.00	\$ 5,651,517.00	\$ (124,285.00)	\$ 6,135,856.72	\$ 360,054.72						94.13%
ENGINEERING	\$ 651,102.99	\$ 639,568.80	\$ (11,534.19)	\$ 697,833.78	\$ 46,730.79						93.30%
CENTRAL DIVISION	\$ 5,729,899.63	\$ 5,680,672.20	\$ (49,227.43)	\$ 6,311,531.17	\$ 581,631.54						90.78%
EAST DIVISION	\$ 5,512,191.00	\$ 5,238,488.66	\$ (273,702.34)	\$ 5,701,095.20	\$ 188,904.20						96.69%
NORTH DIVISION	\$ 2,706,424.46	\$ 2,739,768.48	\$ 33,344.02	\$ 2,967,782.90	\$ 261,358.44						91.19%
SOLID WASTE	\$ 11,020,256.61	\$ 10,684,181.12	\$ (336,075.49)	\$ 11,426,284.72	\$ 406,028.11						96.45%
MECHANICAL FLEET	\$ 3,304,484.14	\$ 3,898,903.35	\$ 594,419.21	\$ 4,236,266.12	\$ 931,781.98						78.00%
TRANSIT	\$ 2,783,363.71	\$ 2,973,274.47	\$ 189,910.76	\$ 3,227,780.14	\$ 444,416.43						86.23%
PARKS & GROUNDS	\$ 2,396,605.85	\$ 2,207,948.72	\$ (188,657.13)	\$ 2,391,897.46	\$ (4,708.39)						100.20%
BUILDINGS	\$ 2,569,988.44	\$ 2,945,849.70	\$ 375,861.26	\$ 3,239,634.64	\$ 669,646.20						79.33%
QUALITY CONTROL	\$ 2,416,369.21	\$ 2,237,463.73	\$ (178,905.48)	\$ 2,436,831.53	\$ 20,462.32						99.16%
LIBRARIES	\$ 82,585.08	\$ 70,495.84	\$ (12,089.24)	\$ 76,950.00	\$ (5,635.08)						107.32%
TOTAL PW EXPENDITURES	\$ 44,949,073.12	\$ 44,968,132.07	\$ 19,058.95	\$ 48,849,744.38	\$ 3,900,671.26						92.01%

Signature: ORIGINAL SIGNED BY

ORIGINAL SIGNED BY

Chief Financial Officer

Director of Engineering & Public Works

Recreation/Cultural Services	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
GL 6000, 6010, & 6011 Wages & Benefits Including Summer Students	926,033	1,027,620	101,588	1,089,369	163,336
6020 TRAINING/EDUCATION	10,591	15,551	4,960	16,965	6,374
6030 TRAVEL/CONFERENCES	28,049	33,000	4,951	36,000	7,951
6040 PROF MEM/DUES & FEES	3,229	3,500	271	3,500	271
6050 OFFICE SUPPLIES	9,938	8,000	(1,938)	8,000	(1,938)
6060 OFFICE EQUIPMENT	3,968	7,333	3,365	8,000	4,032
6080 ADVERTISING	63,478	91,667	28,189	100,000	36,522
6110 TELEPHONE/FAX	19,812	19,000	(812)	19,000	(812)
6120 PUBL./SUBSCRIPTIONS	490	458	(32)	500	10
6130 COMPUTER HARDWARE	3,907	7,100	3,193	7,100	3,193
6140 COMPUTER SOFTWARE	4,725	-	(4,725)	-	(4,725)
6160 LIABILITY INSURANCE	7,029	9,167	2,138	10,000	2,971
7070 BLDG/FACILITY RENTAL	37,041	36,667	(374)	40,000	2,959
8000 OPERATIONAL MAT/SUPPLY	180,804	150,000	(30,804)	150,000	(30,804)
8025 COMMUNITY EVENTS	334,615	334,615	-	334,615	-
8150 SCHOLORSHIPS	20,710	20,710	-	20,710	-
8160 SPECIAL EVENTS & FESTIVALS	356,562	356,562	-	356,562	-
8170 OPERATING GRANTS POLICY	1,021,238	780,500	(240,738)	780,500	(240,738)
Total expended to date	\$ 3,032,220	\$ 2,901,450	\$ (130,769)	\$ 2,980,821	\$ (51,399)

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

**Recreation /
Cultural Services**

Statement of Revenue

February 29, 2016

Recreation/Cultural Services	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
5031 PROGRAM REVENUE	\$ 24,450	\$ 80,708	\$ (56,258)	\$ 88,045	\$ 63,595
5034 FACILITY RENTALS	12,685	-	12,685	-	(12,685)
5526 STUDENT FUNDING	16,875	66,560	(49,685)	66,560	49,685
Total Revenue To Date	\$ 54,010	\$ 147,268	\$ (93,258)	\$ 154,605	\$ 100,595

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Planning / ByLaw / Fire Inspection	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,182,942	\$ 1,211,954	\$ 29,012	\$ 1,312,918	\$ 129,976
6010 BENEFITS	242,322	247,075	4,753	267,657	25,335
6020 TRAINING/EDUCATION	16,592	19,250	2,658	21,000	4,408
6030 TRAVEL/CONFERENCES	23,383	28,875	5,492	31,500	8,117
6040 PROF MEM/DUES & FEES	3,890	6,508	2,618	7,100	3,210
6050 OFFICE SUPPLIES	10,457	20,167	9,710	22,000	11,543
6060 OFFICE EQUIPMENT	10,762	13,292	2,529	14,500	3,738
6070 PHOTOCOPY SUPPLIES	1,024	1,000	(24)	1,000	(24)
6080 ADVERTISING	59,873	48,500	(11,373)	48,500	(11,373)
6100 COURIER	-	458	458	500	500
6110 TELEPHONE/FAX	18,342	22,000	3,658	24,000	5,658
6120 PUBL./SUBSCRIPTIONS	469	1,192	723	1,300	831
6130 COMPUTER HARDWARE	12,464	13,292	827	14,500	2,036
6140 COMPUTER SOFTWARE	5,469	14,667	9,198	16,000	10,531
6150 MEETING EXPENSE	1,843	4,308	2,465	4,700	2,857
6180 COST RECOVERY	-	-	-	-	-
7040 BLDG/FACILITY REPAIR	-	-	-	-	-
7130 DEMOLITIONS	57,331	57,331	-	120,000	62,669
7500 VEH/EQUIP MAINT.	13,560	13,500	(60)	13,500	(60)
7505 GASOLINE & DIESEL	7,267	12,833	5,567	14,000	6,733
8000 OPERATIONAL EQUIPMENT	6,720	16,500	9,780	18,000	11,280
8010 OPERATIONAL MAT/SUPP	3,904	4,000	96	4,000	96
8090 UNIFORMS / CLOTHING	5,136	7,792	2,655	8,500	3,364
8100 PROFESSIONAL SERVICE	23,549	32,083	8,535	35,000	11,451
8110 CONTRACTS/AGREEMENTS	468,786	469,916	1,130	512,636	43,850
8130 LICENSES/PERMITS	59,443	65,550	6,107	65,550	6,107
8135 REGULATORY FEES	17,732	18,333	601	20,000	2,268
8150 GRANTS /SUBS TO ORG	30,445	47,667	17,222	52,000	21,555
Total expended to date	\$ 2,283,703	\$ 2,398,043	\$ 114,340	\$ 2,650,361	\$ 366,658

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
Bylaw Revenue					
5112 Vendor Licenses	\$ 9,955	\$ 7,333	\$ 2,622	\$ 8,000	\$ (1,955)
5113 Animal Licenses	4,480	-	4,480	-	(4,480)
5114 Taxi Licenses	17,750	16,500	1,250	18,000	250
5115 Vending Machine Licenses	9,730	9,167	563	10,000	270
5301 Parking Meter Revenue	364,989	335,974	29,016	366,517	1,528
Total Bylaw Revenue	\$ 406,904	\$ 368,974	\$ 37,930	\$ 402,517	\$ (4,387)
Development / Planning Revenue					
5496 Mapping Sales	7,645	1,833	5,812	2,000	(5,645)
5495 Other Sales	2,875	2,567	308	2,800	(75)
5101 Building Permits	207,351	193,045	14,306	210,595	3,244
5102 Subdivision Fees	43,821	41,042	2,779	44,773	952
Total Develop / Planning Rev	\$ 261,692	\$ 238,487	\$ 23,205	\$ 260,168	\$ (1,524)
Total Bylaw / Dev / Planning Revenue	\$ 668,597	\$ 607,461	\$ 61,136	\$ 662,685	\$ (5,912)

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Police Services	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
GL 6000, 6010 , & 6011 WAGES & BENEFITS NET OF COST RECOVERY	\$ 19,701,017	\$ 19,608,464	\$ (92,553)	\$ 21,216,115	\$ 1,515,098
6020 TRAINING/EDUCATION	134,875	135,982	1,107	145,927	11,052
6030 TRAVEL/CONFERENCES	87,538	96,250	8,712	105,000	17,462
6040 PROF MEM/DUES & FEES	3,584	4,583	999	5,000	1,416
6050 OFFICE SUPPLIES	53,631	53,000	(631)	53,000	(631)
6060 OFFICE EQUIPMENT	48,175	45,833	(2,342)	50,000	1,825
6070 PHOTOCOPY SUPPLIES	12,786	16,500	3,714	18,000	5,214
6080 ADVERTISING	5,220	5,000	(220)	5,000	(220)
6090 POSTAGE / COURIER	4,912	6,416	1,505	7,000	2,088
6100 COURIER	-	-	-	-	-
6110 TELEPHONE/FAX	358,386	330,400	(27,986)	330,400	(27,986)
6120 PUBL./SUBSCRIPTIONS	4,149	5,500	1,351	6,000	1,851
6130 COMPUTER HARDWARE	82,140	208,768	126,628	226,838	144,698
6140 COMPUTER SOFTWARE	115,907	115,000	(907)	115,000	(907)
6150 MEETING EXPENSES	15,558	15,583.33	25	17,000	1,442
6160 LIABILITY INSURANCE	3,300	3,667	367	4,000	700
6170 PROMOTION	10,577	11,000	423	11,000	423
6180 OTHER COST RECOVERY - MEMBERTOU	-	-	-	-	-
7000 HEAT	45,805	45,833	28	50,000	4,195
7010 ELECTRICAL	96,697	91,346	(5,351)	99,660	2,953
7020 WATER	5,467	7,333	1,866	8,000	2,533
7030 BLDG/FACILITY MAINT	75,240	71,000	(4,240)	71,000	(4,240)
7040 BLDG/FACILITY REPAIR	7,531	44,917	37,385	49,000	41,469
7050 BLDG/FACILITY INS.	12,012	11,813	(200)	12,500	488
7060 BLDG/FACILITY RENOV	21,492	20,000	(1,492)	20,000	(1,492)
7070 BLDG/FACILITY RENTAL	64,617	62,333	(2,284)	68,000	3,383
7110 SECURITY	5,064	3,700	(1,364)	3,700	(1,364)
7500 VEH/EQUIP MAINT/GAS/DIESEL	331,327	458,333	127,006	500,000	168,673
7510 VEH/EQUIP REPAIRS	301,084	287,717	(13,367)	287,717	(13,367)
7520 VEH/EQUIP INSURANCE	47,245	50,417	3,172	55,000	7,755
7530 VEH/EQUIP REPLACEMENT	582,116	582,116	-	620,000	37,884
7540 VEH/EQUIP RENTAL	999	8,250	7,251	9,000	8,001
7550 VEH/EQUIP TOWING	713	4,583	3,870	5,000	4,287
7560 VEH/EQUIP GEN SUPPLY	597	9,167	8,570	10,000	9,403
8000 OPERATIONAL EQUIP	86,455	177,635	91,181	193,784	107,329
8010 OPERATIONAL MAT/SUPP	151,125	171,575	20,450	181,373	30,248
8020 MAINTENANCE EQUIP	5,212	3,570	(1,642)	3,570	(1,642)
8030 MAINTENANCE MAT/SUPP	16,940	17,417	477	19,000	2,060
8040 COMM EQUIPMENT LINES	3,748	9,167	5,419	10,000	6,252
8090 UNIFORMS/CLOTHING	136,679	222,292	85,613	242,500	105,821
8100 PROFESSIONAL SERVICE	153,459	95,000	(58,459)	95,000	(58,459)
8110 CONTRACTS/AGREEMENTS	45,246	21,000	(24,246)	21,000	(24,246)
8120 LEASES	-	-	-	-	-
8125 MAJOR INVESTIGATIONS	88,652	91,667	3,014	100,000	11,348
8130 LICENSES/PERMITS	21,511	10,000	(11,511)	10,000	(11,511)
8150 GRANTS/SUBS TO ORG	46,003	50,000	3,997	50,000	3,997
Total Expended to date	\$ 22,994,791	\$ 23,290,127	\$ 295,336	\$ 25,110,074	\$ 2,115,283

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

Police Services Revenue	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
4751 RECORDS INQUIRIES	\$ 21,819	\$ 22,917	\$ (1,098)	\$ 25,000	\$ 3,181
5151 FINES	308,051	357,500	(49,449)	390,000	81,949
Total Revenue to date	\$ 329,870	\$ 380,417	\$ (50,546)	\$ 415,000	\$ 85,130

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Finance

