

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, NOVEMBER 28TH, 2017

***NOTE DATE CHANGE**

6:00 P.M.

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

Cape Breton Regional Municipal Council

Tuesday, November 28th, 2017

6:00 p.m.

AGENDA ITEMS

➤ ROLL CALL

➤ *O' Canada*

➤ Moment of Silent Reflection

1. **APPROVAL OF MINUTES:** (Previously Distributed)

- Regular Council – October 24, 2017

2. **PROCLAMATIONS & RESOLUTIONS:**

- 2.1 **National Day of Remembrance and Action on Violence Against Women:**
Councillor Kendra Coombes (See page 6)

- 2.2 **James Delorey Day:**
Councillor Jim MacLeod (See page 7)

3. **PLANNING ISSUES:**

3.1 **APPROVAL TO ADVERTISE:**

- a) **Zoning Amendment Application – 1037 Chris Skidmore, East Bay Highway, Big Pond (PIDs 15327539, 15327547, 15327554, and 15327562:**

General Committee recommends approval to advertise notice of Public Hearing to be held at the January 2018 meeting of Council to consider the zoning amendment application to permit a campground on PIDs 15327539, 15327547, 15327554, and 15327562. Karen Neville, Planner (See page 8)

Continued...

Planning Issues – Approval to Advertise (Cont'd):

- 3.2 **Municipal Planning Strategy Review Topics:** Karen Neville, Planner
(See page 28)

4. **BUSINESS ARISING:**

- 4.1 **General Committee on Planning & Economic Development – June 6, 2017:**

- a) **Tax Incentives to Promote Downtown Revitalization and Economic Development:** Rick McCready, Senior Planner (See page 33)

- 4.2 **General Committee – November 1, 2017:**

- a) **Review of the Procurement Policy and Proposed Amendments:**

General Committee recommends approval of the proposed changes to the Procurement Policy as recommended in the staff Issue Paper dated October 17, 2017. Jennifer Campbell, Chief Financial Officer (See page 51)

5. **CORPORATE SERVICES ISSUES:**

- 5.1 **Acquisition of Land – Sydney, NS (PID 15074941; 15202195; 15073174) Boulderwood Development Company Ltd. File No. 07224:** Sheila Kolanko, Senior Paralegal / Property Manager (See page 76)

6. **PUBLIC SERVICES ISSUES:**

- 6.1 **Glace Bay Arena:** Bill Murphy, Director of Recreation, Parks & Grounds, Buildings & Facilities (See page 82)
- 6.2 **CBRM Streetlight Policy:** Councillor Earlene MacMullin (See page 88)

Continued...

7. **BY-LAWS & MOTIONS:**

7.1 **By-Laws:**

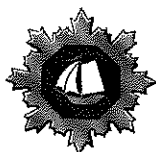
- a) **Second / Final Reading:** N/A
- b) **First Reading:**
 - i) **Proposed Amendments to the Solid Waste Resource Management By-Law No. S-300:** Francis Campbell, Manager Solid Waste (See page 89)

7.2 **Motions:** N/A

8. **FINANCIAL STATEMENTS:**

- 8.1 **CBRM to September 30, 2017:** Jennifer Campbell, Chief Financial Officer (See page 129) **For Information Only.**
- 8.2 **Port of Sydney Development Corporation to September 30, 2017:** (See page 131) **For Information Only.**

Adjournment



PROCLAMATION

National Day of Remembrance and Action on Violence Against Women

- Whereas:** In 1991, the Parliament of Canada established December 6th as the National Day of Remembrance marking the anniversary of the 1989 murders of 14 young women at l'Ecole Polytechnique de Montreal. On December 6th, 1989, Canadians were stunned when a young man entered the Montreal University entered the Montreal University allegedly chanting "I hate feminists" killing 14 young women and injuring 10. In the aftermath of the shooting at least two students committed suicide citing distress caused by the massacre as their reason.
- And Whereas:** On average, every six days a woman in Canada is killed by an intimate partner, and thousands of women every year will face violence in the form of harassment, assault, rape, intimate partner violence, sexual, and physical, mental and emotional abuse.
- And Whereas:** The White Ribbon Foundation was born in Canada in response to the l'Ecole Polytechnique de Montreal massacre and has become the largest movement of men and boys working to end violence against women and girls, promote gender equity, healthy relationships and a new vision of masculinity. They are important allies in the fight to end violence against women and girls because we can only end the violence when men and boys are socialized not to use violence in any form on women and girls.
- And Whereas:** On December 6th Every Woman's Centre's will host a candle light vigil in honour of the 14 women and Cape Breton women who lost their lives to gender-based violence at 21 Trinity Avenue, Sydney.
- Be It Therefore** That the CBRM Mayor Cecil P. Clarke and Council proclaim December 6th, 2017 National Day of Remembrance and Action on Violence Against Women in the Cape Breton Regional Municipality and encourage all residents to help end gender violence.

***Councillor Kendra Coombes, District # 11
November 28th, 2017***

Proclamation

James Delorey Day

- Whereas:** On the afternoon of December 5th, 2009, seven-year-old James Delorey wandered and became lost in a wooded area behind his family's home in South Bar;
- And Whereas:** James lived with autism and was non-verbal, and you could always hear him giggling when he was near;
- And Whereas:** James' love for adventure led him down a path where Chance, a loyal Dalmatian Fox Terrier mix, followed him, and stayed by James' side when he became lost in the wilderness;
- And Whereas:** Throughout the two days and nights that included the first blizzard of the season, young James and Chance survived while a massive search was underway receiving unwavering support from citizens, community volunteers, local businesses, first and emergency responders as well as Harbourside Elementary School, Autism Society of Cape Breton, Cape Breton District Health Authority, and the IWK;
- And Whereas:** On December 7th, Chance returned home, leaving behind a trail of paw prints in the snow. Shortly after, searchers located James just over 1 kilometer from his home, he was curled up under a tree with an obvious impression in snow where Chance laid beside him;
- And Whereas:** While the community hoped and prayed for James' recovery, tragically, young James peacefully passed away at the IWK;
- And Whereas:** Beginning in 2010 with the blessing of James' family, community volunteers hold the "James Delorey Annual Fundraising Day" on the first Saturday of December, to honour James while supporting one of our local charities;
- And Whereas:** James will continue to live forever in the hearts of his family and of those within our community;
- Be It Therefore Resolved:** That Cape Breton Regional Municipality Mayor Cecil P. Clarke and Council declare December 7th, 2017 as James Delorey Day in the CBRM.

Councillor Jim MacLeod
District #12 – CBRM

November 28th, 2017

Zoning Amendment Application – 1037 Chris Skidmore, East Bay Highway, Big Pond (PIDs 15327539, 15327547, 15327554, and 15327562):

Motion:

Moved by Councillor Doncaster, seconded by Councillor Gillespie, that a recommendation be made to Council for approval to advertise notice of Public Hearing to be held at the January 2018 meeting of Council, to consider the zoning amendment application to permit a campground on PIDs 15327539, 15327547, 15327554, and 15327562.

Discussion:

During the discussion, some issues raised by Council included:

- Environmental Impact Study (NS Department of Environment)
- Clearcutting and buffers
- Highway Access (NS Department of Transportation)
- Water table levels and the Biosphere Reserve (NS Department of Natural Resources)
- Affects on neighbouring properties
- Public Participation Programs

Staff noted that if this zoning amendment is approved by Council, it is appealable to the Nova Scotia Utility and Review Board.

Motion Carried.



TO: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1037
Chris Skidmore
East Bay Highway, Big Pond
(PIDs 15327539, 15327547, 15327554, and
15327562)**

DATE: November 20th, 2017

Introduction

Chris Skidmore has submitted a request to the Planning and Development Department to amend the Land Use By-law to allow for the development of an RV campground in Big Pond. The site occupies approximately 109 acres and is located on portions of four separate lot parcels (Attachment A).

Description of the Proposed Campground

It is the applicant's intention to develop the campground in phases, the overall concept plan can be found in Attachment B. The first phase will include 211 serviced RV sites (Attachment C) and phase two and three have the potential to include an additional 330 RV sites with 64 tenting sites. In total, the applicant is proposing 541 RV sites, 64 tenting sites, and a variety of amenities.

Amenities could include:

- Office for administration
- Convenience store
- Liquor store
- Restaurant
- Propane depot
- Recreational Activities (such as Ziplines, Mini Golf, Mountain Bike Trails, Water Play Area, ATV Trails, Snowmobile Trails, Cross Country 5ki Trails/Snowshoeing, and Hiking and Walking Trails)
- Amphitheatre

The applicant's stated intention is to design the campground to respect the existing natural conditions with clusters of campsites to create a sense of community. The site will contain significant open space and communal gathering places to encourage a variety of passive and active recreational pursuits including a contiguous pathway for pedestrians and bicycles.

Why a zoning amendment is necessary for this development

Campgrounds congregate groups of unrelated people in a relatively densely concentrated landscape. These are people who are generally on vacation i.e. no time schedule and relaxed. A poorly sited campground in the midst of rural residential development could adversely affect the privacy of the permanent residents. It is for this reason that campgrounds are not permitted as-of-right in Rural CBRM (RCB) Zone.

The Authority to consider this application

Part 2, Policy 17e. of the Municipal Planning Strategy (MPS) indicates Council may consider a zone amendment to permit business developments throughout rural CBRM. In this case, the property is located in a rural zone, and therefore the request is in keeping with the MPS.

What Council has to Consider

Part 2, Policy 17e. of the MPS states that a site specific/use specific zone should be created that ensures the site itself, the site plan, and management of the business development will mitigate any adverse effects on low density residential development in the vicinity. The criteria from the MPS that must be considered are:

1. Visual Compatibility and Noise

The applicant intends to address these criteria by retaining existing vegetation as well as plant additional trees, shrubs, and other vegetation throughout the project area. The applicant is proposing a ten metre (33 feet) buffer zone on both the northeast and southwest perimeters of the property.

2. Dust or Fumes Emanating from the Site

The internal road network and parking areas for the campground will be covered in asphalt.

3. Traffic attracted to, and leading from, the site

The East Bay Highway (Route 4) is a Level 1 regional route in the CBRM public street/road hierarchy and is a controlled access highway leading to the Canso Causeway. The volume of motor vehicle traffic emanating from the proposed development will be low in comparison to the volume of traffic traversing the East Bay Highway already. That being said, because the East Bay Highway is a Provincially owned road, access locations will need to be approved by Department of Transportation and Infrastructural Renewal (TIR). TIR Staff has indicated that traffic impact study will be required prior to the approval of access.

Provincial Approval for Campground Development

Nova Scotia Department of Transportation and Infrastructural Renewal

Under the *Public Highway Act*, TIR is responsible for approving the access location(s) along provincially owned roads. As mentioned previously, East Bay Highway is a provincially owned road; therefore, any access off of it requires approval from TIR. In order to make a determination on access for this proposed development, TIR Staff has indicated that they will be requiring a traffic impact study. The applicant has made arrangements to undertake the traffic impact study, but is awaiting Council approval prior to proceeding.

Nova Scotia Department of Environment

Construction and installation of an on-site sewage disposal system must be approved by Nova Scotia Department of Environment (NSE). In addition, the site may contain wetland habitat, this means approval

from NSE would be required prior to alteration. As well, any alteration of a watercourse requires notification or approval from NSE.

Under the *Environment Act*, activities require a water withdrawal approval if groundwater withdrawal exceeds 23,000 litres per day, for a period of more than two weeks. As a part of approval part of that approval the location of nearby groundwater users must be identified and the potential interference effects on these wells must be assessed. The campground also needs to be registered as a public drinking water supply.

Nova Scotia Department of Natural Resources

Any work that occurs within, along or below the ordinary high water mark of the Bras d'Or Lakes requires approval from Nova Scotia Department of Natural Resources. This work may also be subject to review by the Federal Department of Fisheries and Oceans.

Tourism Nova Scotia – Campground Accommodations Licence

Accommodation Businesses, which includes campgrounds, are licenced under the *Tourist Accommodations Act and Regulations*. The establishment of a campground must be approved by Tourism Nova Scotia before work begins. An application to operate a campground requires the applicant submit a variety of information, including, but not limited to:

- Copy of business name certificate from the Registry of Joint Stocks Company.
- Zoning approval letter
- Copy of approved Building Development Permit
- Copy of approval from the Office of the Fire Marshal
- Copy of approval from the Department of Environment

Comparison of other Campgrounds within the CBRM

Within a 600 ft. radius of the subject properties there are four single unit dwellings and one seasonal RV. To provide a sense of perspective, it is approximately 600 ft. from the entrance to the civic center to Mercer's Service Station on the Esplanade.

As a comparison, there are 49 single unit dwellings and four two dwellings within 600 ft. of the very popular Arm of Gold Campground in Little Bras D'Or. Both the Ben Eoin Campground Beach and Picnic Park and the Lake View Treasures Campground in Catalone have 13 and 11 single unit dwellings respectfully within a 600 ft. radius. In 2012, Council approved a zone amendment for a campground development off the Grand Narrows Highway in Ironville which has four single unit within 600 ft. of the subject property.

In addition, along the Bras d'Or Lakes there two other large recreational developments in proximity of residential development. Within 600 ft. of the Ben Eoin Ski Hill there are 25 single unit dwellings and 11 single unit dwellings within 600 ft. of the Ben Eoin Yacht Club.

How Other Municipalities Regulate Campgrounds

How campgrounds are regulated varies by jurisdiction. Some municipalities regulate campgrounds by density while others regulate them by minimum lots size and setbacks. There are even some jurisdiction that do not regulate land use at all (i.e. have no zoning). Attachment D outlines how some jurisdictions throughout Nova Scotia regulate campground developments. Options for regulation range from being permitted as of right, being subject to site plan approval, being permitted via a development agreement,

or being permitted by zone amendment. For those that permit campgrounds as of right there is varying degree of development standards.

Although not common in Nova Scotia, other jurisdictions in British Columbia and Ontario regulate campgrounds by a density. Attachment E includes examples of provisions from other jurisdictions outside of Nova Scotia, some of which include a density requirement. The table below outlines the density of some of the existing campgrounds in the CBRM along with the density of Phases of this proposed project.

Campground	Number of RV Site	Campground Area (approximately)	Density [Site Per Acre (a)]	Density [Site Per Hectare (ha)]
Phase 1 of the proposal	221	23.14 a (9.4 ha)	9.6	23.5
Phase 2 and 3 of the proposal	330	86.5 a (35 ha)	3.8	9.4
Ben Eoin Campground, Ben Eoin	207	18.13 a (7.3 ha)	11.4	28.4
Lake View Treasures, Catalone	116	14.16 a (5.7 ha)	8.2	20.4
Arm of Gold, Little Bras d'Or*	140	13.38 a (5.4 ha)	10.5	25.9
Ironville Campground, Ironville	35	8.15 a (3.3 ha)	4.3	10.6

* Arm of Gold also has two cabins that were not included in the density.

The Ironville campground, which was approved by zone amendment in 2012, has not developed because developer determined such a low density was not feasible.

If Council chooses to approve this zone amendment, the site specific zone for the proposed development can include specific buffering and screening provisions, density requirement, and setback provisions. It should be noted that when it comes to making a decision with any zone amendment, Council may approve or reject an application. If Council approves a zone amendment application, it may:

- Approve the development as presented by an applicant,
- Approve the development based on more restrictive development standards
- Approve the development in its entirety or only approve a phase of the development

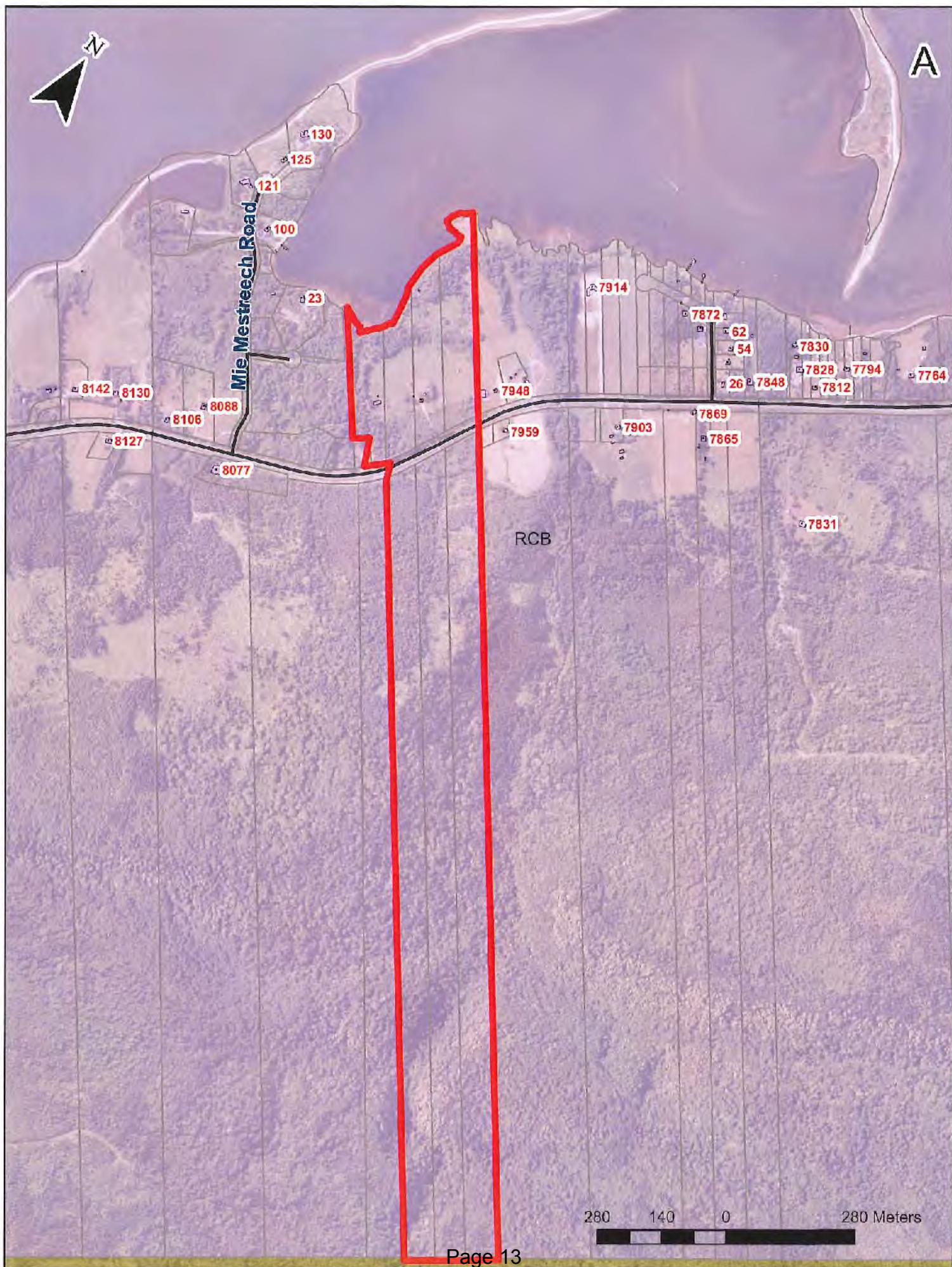
Recommendation

Given the content of Part 2, Policy 17e. of the Municipal Planning Strategy, it is reasonable for Council to consider the request to permit a campground on PIDs 15327539, 15327547, 15327554, and 15327562; therefore, I recommend that Council to schedule a Public Hearing to consider this amendment. The earliest possible date the Public Hearing could be held is during the January meeting of Council.

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department



B



C



RV Site Example



How Other Municipalities Regulate Campgrounds

Campground Regulations within Nova Scotia

Halifax Regional Municipality

Many of the Land Use By-laws within the HRM permit campgrounds by Development Agreement other have development standards such as:

Musquodoboit Valley Dutch Settlement HRM

Campgrounds are permitted in the EX (Exhibition) Zone in accordance with the following zone requirements

Minimum Lot Area	3 acres (1.2 hectares)
Minimum Front or Flankage Yard	30 feet (6.1 m)
Minimum Rear or Side Yard	20 feet (6.1 m)
Minimum distance between buildings	16 feet (4.8 m)
Maximum Height of Main Building	35 feet (10.7 m)

Cheticamp

Campgrounds are permitted in the Mix Use (MU) Zone and Rural Residential (RR-1) Zone in accordance with the following general lot requirements

	Municipal Sewer Services	On-Site Services
Minimum Lot Area	7,500 ft ²	29,000 ft ² *
Minimum Lot Frontage	20 ft	20 ft
Minimum Front Yard	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft
Minimum Rear Yard	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft

* subject to Dept. of Environment Requirements

The Municipality of the County of Antigonish: Eastern Antigonish County Planning Area

Campgrounds are permitted in the RURAL (R-1) ZONE, COMMERCIAL (C-1) ZONE, and the ISLAND (IS-1) ZONE in accordance with the following general lot requirements

	SERVICED (Water & Sewer)	ONE SERVICE	UNSERVICED
Minimum Lot	50 ft. (15.2 m) Semi-detached 25 ft (7.6m/unit)	72 ft. (22 m) Semi-detached 36 ft (11m/unit)	100 ft. (30.5 m) Semi-detached 50 ft (15.2m/unit)
Minimum Lot Frontage	5000 sq. ft. (465m ²)	12,000 sq. ft. (1114.8m ²)	20,000 sq. ft. (1858m ²)
Minimum Front Yard		25 ft (7.6m)	25 ft (7.6m)
Minimum Rear Yard	20 ft. (6.1m)	25 ft (7.6m)	25 ft (7.6m)
Minimum Side Yard	4 ft. (1.2 m) Semi-detached 4ft. (1.2m) one side; 0ft. (0m) other	4 ft. (1.2 m) Semi-detached 4ft. (1.2m) one side; 0ft. (0m) other	10 ft. (3.0 m) Semi-detached 10 ft. (3.0 m) one side; 0ft. (0m) other
Maximum Height	35 ft. (10.7m)	35 ft. (10.7m)	35 ft. (10.7m)

Keppoch Beaver Mountain Planning Area Land Use Bylaw County of Antigonish

Campgrounds are permitted in the Tourism Commercial (TC-1) Zone subject to the following development standards:

Standard	On-site Sewer or Water Services
Minimum Lot Area	2700 m ² * (29 000ft ²)
Minimum Lot Frontage	61 m (200 ft)
Minimum Front Yard	15 m (50 ft)
Minimum Side Yard	15 m (50 ft)
Minimum Rear Yard	15 m (50 ft)
Maximum Height of Main Building	10.70 m (35.1 ft)

Special Requirement – Site Plan Approval Requirements

Development permit may be granted by site plan approval, but this approval does not include single family and two unit dwellings. The said site plan approval may also incorporate the issuance of variance(s). In addition to any other applicable requirements found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval:

Requirement	Standard
Location of off-street parking and loading spaces	Any parking lot designed for 5 or more spaces and any loading space shall be located such that the vehicles are not visible from the road
Driveway access to roads	There shall be adequate driveway access to allow two vehicles to pass each other simultaneously
Outdoor lighting	All parking areas and pedestrian walkways shall be provided with sufficient illumination to ensure the safety and convenience of people walking and driving in the area
Landscaping	At least 25% of the lot shall be landscaped using a variety of kinds and heights of vegetation, retaining existing vegetation where possible, and otherwise using walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land use impacts on adjoining lands
Storm Water Management	Land elevation may be graded or the contour altered to provide for the optimal management of storm and surface water. The use of water saving devices such as rain barrels may be encouraged to recycle storm water for hydrating plants.

Central Colchester Land Use By-law - County of Colchester

Campgrounds are permitted in the Park and Open Space Zone (P-1) Zone subject to the following development standards:

Minimum Front Yd.	10 m (32.8 ft.)
Minimum Rear Yd.	10 m (32.8 ft.)
Minimum Flanking Yd.	10 m (32.8 ft.)
Minimum Side Yards	10 m (32.8 ft.)

Parking Area Requirements

The following requirements apply to parking areas in the P-1 Zone:

- i) parking areas may be located in any required yard but shall be located a minimum of 5 metres (16.2

- ft.) from any property line;
- ii) Parking lots containing six or more spaces shall be screened from adjacent residential uses in accordance with Section 6.21 of this Bylaw.

Cornwallis Park Land Use By-law, County of Annapolis

Campgrounds are permitted in the Waldeck Industrial (IND-2) Zone subject to the following development standards:

Minimum Lot Frontage	12.0 m. (39.4 ft.)
Minimum Lot Area	460 sq. m. (4,951.4 sq. ft.)
Minimum Front / Rear Yard	Nil (0 ft.)
Minimum Side Yard	1.2 m. (3.93ft.)
Maximum Height of Any Building	16 m. (52.5 ft.)
Maximum Height of any Structure	55 m. (180.5 ft.)

East End Area Land Use By-law, County of Annapolis

Campgrounds are permitted in the Rural (R-S) Zone, Nictaux Commercial (C-1) Zone, and Highway Commercial (C-2) Zone subject to the following development standards:

	R-S On Site Water On Site Sewer	C-1 On Site Water On Site Sewer	C-2 On Site Water On Site Sewer
Minimum Lot Area	4,050 sq. m (43,595 sq. ft.)	2,700 sq. m. (29,064 sq. ft.)	2,700 sq. m. (29,064 sq. ft.)
Minimum Lot Frontage	37 m. (121 ft.)	30 m. (98.4 ft.)	37 m. (121 ft.)
Minimum Front Yard(s)	7.5 m. (24.6 ft.)	3.1 m. (10.2 ft.)	7.5 m. (24.6 ft.)
Minimum Side Yard(s)	4.9 m. & 1.2 m. (16 ft. & 4 ft.)	3.1 m. (10.2 ft.)	3.1 m. (10.2 ft.)
Minimum Rear Yard(s)	7.6 m. (24.9 ft.)	3.1 m. (10.2 ft.)	7.6 m. (24.9 ft.)

Upper Clements Land Use Bylaw, County of Annapolis

Campgrounds are permitted in the Commercial Park (C-1) Zone subject to the following development standards:

	C-1 On Site Water On Site Sewer
Minimum Lot Area	2,700 sq. m. (29,064 sq. ft.)
Minimum Lot Frontage	30.5 m. (100 ft.)
Minimum Front Yard(s)	7.6 m. (24.9 ft.)
Minimum Side Yard(s)	3.1 m. (10.2 ft.)
Minimum Rear Yard(s)	3.1 m. (10.2 ft.)

Municipality of Cumberland

Campgrounds are permitted in the Commercial Park (C-1) Zone subject to the following development standards:

Min. Lot Area (sq m)	Min. Lot Frontage (m)	Min. Front & Flanking Yard (m)	Min. Rear Yard (m.)	Min. Side Yards (m)	Max. Building Height (m)	Min. Shore line Buffer
2700 or 3700 adjacent to coast	30.5	20	20	20	11	30.5 m.

East Hants

Campgrounds are permitted in the Rural Use (RU) Zone subject to the following development standards:

Minimum Lot Area ^A	3720 m ²
Minimum Lot Frontage	30 m
Minimum Front Yard	8 m
Minimum Rear Yard	11 m
Minimum Side Yard	2 m
Minimum Flankage Yard	6 m
Maximum Building Height	11 m
^A Nova Scotia Environment approval for on-site sewage disposal system is required.	

Town of Pictou

Campgrounds are permitted in the Waterfront (W) Zone subject to the following development standards:

Minimum Lot Area 279 sq. m (3003 sq. ft.)

Minimum Lot Frontage 9.1 m (30 ft.)

Minimum Front Yard 3.0 m (10 ft.)

Maximum Height of Main Building 10.7 m (35 ft.)

Campground Regulations within Canada

Sunshine Coast Regional District, BC

Campgrounds are permitted in the R3 ZONE (RESIDENTIAL AND AUXILIARY COMMERCIAL) subject to the following development standards:

- Campgrounds permitted on parcels exceeding 1.75 hectares
- The maximum number of campsites and recreational vehicle sites in a campground is 10 per hectare of parcel area.
- No structure shall be located within 15 metres of a parcel line.
- The parcel coverage of all buildings and structures shall not exceed 15 percent.

Abbotsford, BC

Campgrounds are permitted in the Recreation and Campground Zone (CRC) subject to the following standards:

Development Regulations

Density (maximum) 50 trailers or camping spaces per hectare

Minimum Setbacks (All Lot Lines) 12.0 m from all Lot lines, wells and the natural boundary of all watercourses

Height (maximum) 9.8 m or two storeys, whichever is less

Lot Coverage (maximum) 10%

Subdivision Regulations

Lot Size (minimum) 2.0 ha

Landscaping

Any part of a lot not used for building, parking, loading or driveways shall be landscaped and properly maintained.

Regional District of Okanagan-Similkameen, BC

Campgrounds are permitted in the TOURIST COMMERCIAL ONE ZONE (CT1) and TOURIST COMMERCIAL FOUR ZONE (CAMPGROUND) (CT4) subject to the following development standards:

Minimum Parcel Size: 1,010 m², subject to servicing requirements

Minimum Parcel Width: 30.0 metres

Minimum Setbacks:

For an building or structure:

- i) Front parcel line: 7.5 metres
- ii) Rear parcel line: 1.5 metres
- iii) Interior side parcel line: 1.5 metres
- iv) Exterior side parcel line: 4.5 metres

Maximum Height:

No building or structure shall exceed a height of:

- i) 7.0 metres within 100 metres of the high water mark of Skaha Lake; or
- ii) 10.0 metres at any other location.

Maximum Parcel Coverage: 20%

The maximum density of camping spaces shall not exceed seventy-five (75) per gross hectare.

Camping space

- (1) The minimum area of a camping space shall be eighty-five (85) square metres;
- (2) have a minimum mean width of seven (7) metres and an actual frontage of not less than six (6) metres;
- (3) have the corners adequately defined with visible markers;
- (4) be clearly numbered;
- (5) be reasonably level for the purpose, drained properly and kept free from drainage from adjacent land;
- (6) the location of space markers and numbering shall not be changed without first submitting plans of the proposed changes to the authority having jurisdiction and obtaining approval.

Setbacks

- (1) A minimum setback of six (6) metres shall be provided from any camping space to any service building, service area and/or recreation area.
- (2) A minimum setback of three (3) metres shall be provided from any camping space to a grouped bay parking area.
- (3) A minimum setback of one and a half (1.5) metres shall be provided from any camping space to a boundary common to the buffer area.

Buffer Area

Every campsite shall provide a buffer area immediately within all its boundaries, all of which shall have approved landscaping which shall be planted with grass and contain at least one (1) row of deciduous and/or evergreen trees spaced not more than nine (9) metres apart, and one (1) or more rows of bushy shrubs or hedging capable of attaining a height of at least point nine (.9) metres in three (3) years and eventually a height of one point five (1.5) metres. Planting shall be hardy, appropriate for use and location, and planted so as to thrive with normal maintenance.

Screen fencing of a height not less than one point five (1.5) metres nor more than two (2) metres shall be provided on all interior boundaries where the site is adjacent to residentially zoned property, whether a lane intervenes or not, except for the setback distance from the street where there is no fencing provided on the street boundary:

- (1) the required buffer area shall be a minimum of seven point six (7.6) metres in depth within all boundaries common to a public street, except a lane, where its width shall be the same as in (2) below;
- (2) the required buffer area shall be a minimum of four point six (4.6) metres in depth within all other boundaries;
- (3) within a buffer area:
 - (a) no recreation or service areas, except for waterfront recreation or amenity areas, may be located;
 - (b) no owner's residential plot may be located;
 - (c) no building or structure may be erected or placed, except a sign and fence;
 - (d) no garbage disposal area and no part of any private sewage disposal system, other than such parts of such system as may be underground, shall be located;
 - (e) except where danger is involved, no plant material may be removed nor may any substance of which land is composed be deposited or removed, except as a part of a recognizable beautification scheme;
 - (f) no vehicle parking area shall be located.
- (4) deleted
- (5) Where a campsite is separated from a neighbouring property by a body of water, the campsite boundary shall be deemed to be the natural boundary of the body of water and a building or buildings to

house boats or dressing rooms may be located in the buffer area on land adjoining waters that are suitable for small boat navigation at low water, so long as the buildings are not within three (3) metres of any other boundary.

Recreation Areas

- (1) Where recreation areas are provided, such will be located in other than the required buffer areas.
- (2) Such areas shall be grassed or hard-surfaced, dust free and shall drain properly.

Village of Chase Zoning Bylaw, BC

Campgrounds are permitted in the C-8 CAMPGROUND COMMERCIAL subject to the following development standards:

Maximum density	50 campsites per ha.
Maximum number of dwelling units	1 per parcel
Minimum setback from:	
front parcel line	6 m.
rear parcel line	6 m.
interior side parcel line	6 m.
exterior side parcel line	6 m.
Maximum building height for:	
principal building	9 m.
accessory use building	5 m.
Maximum floor area for accessory use building	65 m. ²

Town of View Royal, BC Zoning By-law

Campgrounds are permitted in the C-6: Tourist Commercial (Campground) subject to the following standards:

Lot Size	
Lot Size, minimum	1500m ²
Lot Width, minimum	20m
Lot Density	
Floor Space Ratio	0.4
Lot Coverage, maximum	40%
Impermeable Surface Coverage, maximum	40%
Building Size	
Building Height, maximum	9m
Building Width, minimum	6m
Accessory Building Height, maximum	4.5m
Siting of Principal Buildings and Other Structures	
Front Lot Line Setback, minimum	7.5m
Rear Lot Line Setback, minimum	7.5m
Side Lot Line Setback, minimum	6m
Flanking Lot Line Setback, minimum	3m
Siting of Accessory Buildings and Other Structures	
All lot lines, minimum	1.2m

Town of Comox, BC

Campgrounds are permitted in the CD 15 COMPREHENSIVE DEVELOPMENT 1S: SINGLE-FAMILY/ CAMPGROUNDS subject to the following development standards:

- (a) Not be permitted on a parcel with a parcel area less than 25,000 square metres; 2.5ha/6.1a
- (b) Not exceed 61 camping sites;
- (c) Not be permitted outside storage as an accessory use; and
- (d) Not be permitted on a parcel on which any other principal use exists.

City of Nanaimo, BC

Campgrounds are permitted in the AGRICULTURE RURAL RESIDENTIAL subject to the following standards:

- No person shall occupy a campground for more than 90 days per calendar year, with the exception of the campground owner or manager.
- No accessory building or structure shall be placed on a camping space.
- The minimum average camping space shall not be less than 100m².
- No more than 30 camping spaces per hectare of land
- All yard setbacks shall be 7.5m.

Town of Mississippi Mills, ON

Campgrounds are permitted in the Parkland and Open Space (OS) Zone subject to the following standards:

Permitted Uses	Min. Lot Frontage (m)	Min. Lot Area (m ²)	Max. Building Height (m)	Min. Front Yard Setback (m)	Min. Exterior Side Yard Setback (m)	Min. Rear Yard Setback (m)	Min. Side Yard Setback (m)
Tent and Trailer Campgrounds	100	20,000	14	12	12	12	12

Additional Zoning Provision

1. Minimum landscaped open space is 20% which shall include a solid fence a minimum of 1.5 metres in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone.
2. Frontage on a Public Street shall not apply.
3. A limited services ski resort is defined as a ski resort which is located on a private road to which no public services are provided by the municipality.
4. Maximum density is 10 campsites per 0.4 hectares.
5. Minimum lot area for a tent and trailer campground is 235 square metres.
6. Minimum campsite frontage is 15 metres.
7. Density of tent and trailer campground sites is 30 campsites per hectare and a maximum of 100 sites.
8. Garbage shall be stored within metal containers in a fenced area designed expressly for that purpose.
9. Maximum Lot Coverage is 40%.

City of Charlottetown, PE

Campgrounds are permitted in the OPEN SPACE ZONE (OS) subject to the following development standards:

Lot Area (Minimum)	790 sq. m (8,503.8 sq. ft)	790 sq. m (8,503.8 sq. ft)
Lot Frontage (Minimum)	24 m (78.7 ft)	24 m (78.7 ft)
Front Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
Flankage Yard (Minimum)	7.6 m (24.9 ft)	
Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

City of Summerside, PE

Campgrounds are permitted in the Special Use (S) Zone subject to the following development standards:

Standards shall be determined on an individual basis by the Development Officer, but on the applicant's request they may be reviewed by Council for their determination.

Village of Hillsborough, NB

Campgrounds are permitted in the Rural Area (RA) Zone subject to the following development standards:

Any permitted use in an RA zone must comply with the following requirements:

- (a) in the case of a lot not serviced by a sewer system for public use:
 - (i) minimum lot area: 20,000 square metres for any other use
 - (ii) minimum lot frontage: 150 metres for any other use
 - (iii) minimum front or flankage yard: 15 metres for any other use
 - (iv) minimum side yard: 6 metres
 - (v) minimum rear yard: 6 metres
 - (vi) maximum height of main building or structure: 11 metres

Town of Saint Andrews, NB

Campgrounds are permitted in the TC (Tourist Commercial) Zone subject to the following development standards:

Minimum Lot Area	0.4 hectares (1 acre)
Minimum Lot Frontage	54 m (170 ft)
Minimum Lot Depth	38 m (125 ft)
Minimum Required Front and Flankage Yard	7.5m (25 ft)
Minimum Required Rear Yard	7.5m (25 ft)
Minimum Required Side Yard	3 m (9.8 ft)
Maximum Height	Main buildings: 8.5 m (28 ft) Accessory buildings: 5.5 m (18 ft)
Maximum Lot Coverage	55%

City of Dieppe, NB

Campgrounds are permitted in the CE (COMMERCIAL CHAMPLAIN EAST) ZONE subject to the following development standards:

Lot Components	Requirements
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Minimum Lot Area	2 000 m ²
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Minimum Lot Frontage	30 m
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Minimum Lot Depth	30 m
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Minimum Required Front and Flankage Yard	7.5 m
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Minimum Required Rear Yard	6 m
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Minimum Required Side Yard	4 m on both sides
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Maximum building height	10 m
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Maximum Height	12 m
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CE Zone Other Requirements

Where any CE Zone abuts any Residential zone or any lot containing a dwelling, no portion of any parking space or outdoor storage area shall be located within any required side or rear yard.

Where permitted, an outdoor storage area:

- shall be screened from the street by a wall or decorative solid board fence not less than 2 metres and not more than 2.5 metres in height;
- shall not be located between the main building and any public street; and
- shall not have any material piled or stacked higher than the surrounding fence.

Village of Saint Martins, NB

Campgrounds are permitted in the MIXED D ZONE subject to the following development standards:

Standards	All Commercial and Institutional Uses
Minimum Lot Area	4,000 m ² (1 acre)
Minimum Lot Width	54 m (177 ft)
Minimum Lot Depth	38 m (125 ft)
Minimum Frontyard Setback	7.5 m (25 ft)
Minimum Sideyard Setback	3 m (10 ft)
Minimum Rearyard Setback	9 m (30 ft)
Maximum Building Height	14 m (46 ft)

Development Criteria for Commercial and Institutional Uses

(1) Permitted commercial and institutional use in the MD Zone may be subject to the following:

- (a) a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (b) adequate vehicle access to Main Street or Route 111,
- (c) access points to the street must be limited in number and designed for maximum safety of pedestrians, bicyclists, and vehicles,
- (d) adequate on-site parking capacity,
- (e) on-site parking areas located to the rear or side of the buildings in a way that does not detract from the historic character of the area,
- (f) adequate water supply to sustain the needs of the development. The Development Officer may require the developer to have a water supply assessment undertaken,
- (g) adequate on-site sewage disposal system to meet the needs of the development, in accordance with approval under the Health Act,

- (h) new buildings sited in a manner that reinforces the prevailing historic setback pattern of the neighbourhood,
- (i) a fence or 5-metre landscaped buffer with a belt of trees or vegetative hedge provided and maintained between the use and adjacent residential lots.

Town of Placentia, NFLD

Campgrounds are permitted in the Rural (RU) Zone and Open Space (OS) subject to the following development standards:

(1) A campground may only be permitted as a discretionary use, provided a plan of the development is submitted in a format satisfactory to the Authority, showing and specifying:

- (a) camping sites - location and sizes;
- (b) roads and accesses;
- (c) parking areas;
- (d) accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence, and any other building or facility accessory to the campground facility;
- (e) water supply and waste disposal services;
- (f) landscaping;
- (g) buffers, and screening between the campground and existing and future residential development;
- (h) the land to be developed on legal survey prepared by a Newfoundland Land Surveyor;
- (i) where deemed, necessary by the Authority, a phasing plan of the campground.

(2) Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent residential areas.

(3) All sites and facilities shall only be accessed by the internal road network of the campground.

(4) A suitable located on the property and planted with materials approved by the Authority and/or privacy fence of a design approved by the Authority, shall be provided where the development abuts a public road, right of way, and/or a present or future residential neighbourhood.

Any buffering or screening shall be properly maintained by the owner, and not allowed to fall into disrepair or become unsightly.

(5) The owner and/or the operator shall ensure that all bylaws and regulations of the Authority pertaining to noise, rowdy behaviour, and litter are complied with.

(6) Where deemed necessary by the Authority, a deposit sufficient to cover the cost the buffer and screening shall be deposited with the Authority, and then subsequently returned by the Authority upon satisfactory completion of the work, or, used by the Authority to complete the work in accordance with the approved plan.

(7) The permit for a campground shall specify the maximum number of units and sites - in the form of tents, recreational vehicles, and so forth - that may be accommodated on the site at any one time. This number shall not be exceeded.

(8) Any expansion or alteration to a campground shall be subject to review by Council, and except for repairs and maintenance, shall be treated as a discretionary use application.

Town of Glovertown, NFLD

Campgrounds are permitted as a discretionary use in the Tourism Commercial (TC) Zone.

Town of Clarendville, NFLD

Campgrounds are permitted as a discretionary use in the Mixed Use (MU) Zone, Commercial General (CG), Commercial Highway Zone and Rural (RUR) Zone, and as a permitted use in the Tourism Recreation (TR) Zone subject to the following standards:

- (1) A proposed tourist cottage establishment or a campground will require a development plan satisfactory to Council containing the following information:
 - (a) Location and size of campsites and/or cottage units
 - (b) Internal roads and accesses
 - (c) Parking areas
 - (d) Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, caretaker residence, and outdoor and indoor recreation facilities
 - (e) Water supply and waste disposal
 - (f) Landscaping
 - (g) Buffers and screening between the site and other nearby land uses
 - (h) Delineation of the property to be developed on a legal survey
 - (i) Where deemed necessary by Council, a phasing plans for development.
- (2) Commercial uses, washroom facilities, recreational areas, parking areas, laundries and similar facilities directly associated with the development will not be located on separate properties.
- (3) All camp sites, cottages, and on-site facilities that form part of the development will be accessible only via the internal road network of the development.
- (4) Council may require the development to include suitable buffers and screening on any portion of the development that abuts an existing or future public street or residential area. Any buffering or screening shall be maintained in a condition that is acceptable to Council.
- (5) The development permit will specify the maximum number of cottage units and/or campsites for different uses such as tents and trailers that will be permitted on the site.
- (6) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the discretionary approval of Council.
- (7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
- (8) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

Municipal Planning Strategy Review Topics

Summary of presentation agenda for the early 2018 meetings of the General Committee dedicated to a review of CBRM's 13 year old Municipal Planning Strategy, its policies and Bylaws

Why Review

- CBRM's first MPS was adopted in 2004
- *Planning Act* required a Planning Strategy be reviewed every 5 years
 - MPS does contain a policy which states Council should review the MPS every 5 years

Municipal Planning Strategy

- Adopting a MPS
 - Authority under the MGA
 - Municipalities not required to have a MPS
- Statements of Provincial Interest
- Purpose of the MPS
- What a MPS can address
 - Not just a document implemented by the Planning Department

History of Development

In the 13 years since its adoption ...

- Where has development occurred
- How much development has occurred
- What types of development

Sydney Harbourfront (Ekistics)

- Present an overview of:
 - Conceptual Vision and Design
 - Current Zone Provision
- Implement all, part, or not all

Coastal Setback Policy

- Bras d'Or Lakes Development Standards (2008)
- Standards could apply to Development along the Atlantic Coast, Bras d'Or Lakes, and the Mira River

Residential Development

- Critique of current policies and provisions focused on residential development
- Where should higher density be directed
- Ways we can enable higher densities to occur where we want it to occur
- Is CBRM too protective of residential neighbourhoods or not protective enough.
- Review mobile home policy

Public and Private Streets

- Construction standards
- Developments experienced based on the current construction standards
 - Number new public street/road
 - How developers circumvent the rules
- How and where private roads are permitted

Does the MPS contradict other CBRM Policies?

Is the MPS consistent with other CBRM Policies, in particular:

- Integrated Community Sustainability Plan (a.k.a. ICSP) adopted in 2010
- Municipal Climate Change Action Plan (a.k.a. MCCAP) adopted in 2014

Should the MPS be aligned to support subsequent policies adopted

Conclusion

- Review each Part of the MPS
- Policy directives not undertaken
- Ensure policies are still relevant
- Particular concerns of Council that should be addressed

Tax Incentives to Promote Downtown Revitalization and Economic Development:

Motion:

Moved by Councillor MacLeod, seconded by Councillor Coombes, that staff be directed to prepare:

- A draft bylaw that would spell out the specifics on how the tax reductions would be administered; and
- Draft criteria for defining the geographic areas where the tax reduction bylaw would be in effect that could be used to create maps that will form the basis for the amendments to the Municipal Planning Strategy.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

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November 10, 2017

ISSUE PAPER

TO: Mayor and Council

FROM: Rick McCready, MCIP, Senior Planner

RE: Tax Incentives to promote downtown revitalization and economic development

Background Information

As Council is aware, CBRM's downtowns are facing many challenges. Much discussion has taken place in recent months regarding various initiatives to strengthen downtown Sydney and other downtown cores within our region, including infrastructure improvements and special events. It must be recognized, however, that a crucial factor in turning around our downtowns is increased private sector investment. It has been difficult to attract investment because new commercial development (both new structures and renovated or expanded older structures) typically have high assessments and therefore bear the full brunt of CBRM's relatively high commercial property tax rates. This is a disincentive for property owners to invest in upgrades to existing buildings or to build new buildings in our downtowns.

The Municipal Government Act in Nova Scotia greatly restricts the ability of municipalities to provide tax breaks of any kind to privately owned business. However, in 2016 the Act was amended to give the municipal units the option of passing a bylaw that would phase in tax increases resulting from a significant increase in assessment.

A bylaw designed to allow the phasing in of tax increases would be limited to certain areas of the Municipality as designated by Council. The legislation specifies that the areas must be urban in nature and must be serviced with water and sewer.

The phasing in of the tax increases must take place over a period of up to ten years and must result in a tax reduction of no more than 50% over that period.

An example: An older commercial building in one of CBRM's downtown cores is assessed at \$100,000. The owner decides to undertake a major renovation and addition to the building. Once the work is completed, the assessment jumps to \$500,000. The property taxes owing on the difference between the original assessment and the new assessment (\$400,000) is eligible for the tax reduction for a period of up to ten years. The original \$100,000 portion of the assessment would continue to be taxed at the full rate. Once the phase-in period expired the owner would pay the full tax rate on the entire assessed value.

The tax rate itself would not change because of the bylaw so a business in a designated area that does not experience an increase in assessment resulting from an expansion or upgrading would not receive a tax reduction. The legislation does not provide for reductions in residential property taxes.

In June of this year Council reviewed a preliminary report on this topic. In that report staff recommended that Council consider implementing a bylaw that would allow for phased in tax increases. Council directed staff to come back with specifics on how the tax reductions would be administered and criteria for defining the geographic areas where the tax reduction would be in effect. This report deals with the latter issue.

Where should the tax reduction policy apply?

Staff is of the opinion that the tax reduction tool could prove to be very valuable in our efforts to promote downtown revitalization and economic development in general. *The incentives should apply in those areas where we most want to encourage growth.*

If Council wishes to move forward on this, the Municipal Planning Strategy must be amended to identify the specific areas where the tax reduction bylaw would apply. As mentioned above, the areas must have urban services (water and sewer). Staff recommends that for this purpose Council prioritize some or all of our traditional, historic downtown cores (Sydney, Whitney Pier, New Waterford, Dominion, Glace Bay, Louisbourg, North Sydney and Sydney Mines).

Why focus the benefit on downtown cores?

Much discussion has taken place in recent years about the importance of having a vibrant downtown not just in Sydney but in other smaller downtowns throughout CBRM. It is important to note that downtown revitalization is not just an issue in Cape Breton; it is an issue throughout Canada. Why is it so important for communities to encourage investment in their downtowns?

To quote from a recent report by the Canadian Urban Institute entitled *The Value of Investing in Canadian Downtowns*,

“Downtowns are critical places for the local economy, for innovation, for learning”

“Already serviced with infrastructure, ...downtowns are economically and geographically efficient places to absorb new growth”

“Downtowns often comprise as little as 1% of a community’s land area, but attract 10 or 20 times that in terms of contributing to the city’s assessment base and generating property tax revenues”

“without a doubt, a successful downtown is critical....downtowns don’t happen-most of them have to be nurtured and worked on from both the public and private side”

“The City of London has established a suite of downtown grant and incentive programs...that have been highly successful of attracting private sector investment”

Researching what is happening across Canada leads to the inevitable conclusion that other municipalities are focusing on their downtowns as engines of economic growth. It is also evident that they are experiencing some success. According to a report recently published by the Ontario Business Improvement Area (BIA) Association, between 2011 and 2016 the number of building permits issued in 22 Ontario downtowns surveyed grew by an average of 147%, with commercial permits in downtown areas far outpacing those in nearby commercial areas. Although regional economic conditions in most of Ontario are obviously better than CBRM, the fact that commercial development in downtowns was outpacing growth in areas further from the core suggests that downtown incentive programs are indeed working in Ontario communities.

Options for Council to consider

The following options are recommended for consideration as areas where the tax reduction bylaw would apply. The options were developed by a committee of CBRM staff including, in addition to the undersigned, CAO Marie Walsh, CFO Jennifer Campbell, Director of Technology John MacKinnon, Economic Development Manager John Phalen and Planner Karen Neville.

- (1) CBRM’s three largest downtown cores (Sydney, Glace Bay and North Sydney)** The table below shows the amount of taxable commercial assessment (2017) in each of the traditional historic downtown cores which are shown on the attached maps.

Sydney	\$113.04 million
Glace Bay	\$22.41 million
North Sydney	\$12.85 million
New Waterford	\$5.12 million
Sydney Mines	\$3.63 million
Whitney Pier	\$2.74 million
Louisbourg	\$2.45 million
Dominion	\$1.66 million

It is clear that by far the greatest concentration of commercial development among the downtown cores is in three communities: Sydney, Glace Bay and North Sydney. This suggests that the areas most attractive to new commercial investment are those three downtown cores, and that the greatest potential for success resulting from implementation of tax incentives will be achieved in those three areas.

At present Downtown Sydney and Downtown North Sydney are the only areas with a business improvement district, although Glace Bay did have one prior to amalgamation. In an approved business improvement district an extra tax is collected by CBRM which is returned to the business improvement organization which uses the funds to promote the District or to upgrade facilities in the District. Having a BID indicates a strong commitment on the part of commercial property owners to work together to support development in their area. The property owners in a BID have been paying extra taxes to support downtown development for many years, and it could be argued that applying the tax reduction incentive primarily to these areas is fair.

- (2) **Downtown Sydney Only** As shown on the table above, Downtown Sydney already has much more commercial assessment than any other downtown, and it is very likely that the positive impact on any tax incentive scheme will be much greater in Sydney than any other area. At the present time the commercial tax rate in Sydney (\$5.557, including the BID levy) is higher than any other area of CBRM. It should also be noted that the CBRM's Integrated Community Sustainability Plan (ICSP), adopted by Council in 2010, states as one of its objectives that Council should ***"Reinforce the role of CBRM, and, particularly, Sydney, as the primary retail/service area on Cape Breton Island"***. An argument could be made that by making the incentive available to areas outside Sydney, we may be diluting the initiative and reducing its potential for success. On the other hand, the ICSP does not specifically suggest that all of CBRM's efforts to encourage development should be exclusively focused on Sydney.

- (3) **All of our traditional, historic downtown cores (Sydney, Whitney Pier, New Waterford, Dominion, Glace Bay, Louisbourg, North Sydney and Sydney Mines)** This option would see the new tax reduction policy apply to all of CBRM's traditional downtown cores. Although these areas vary greatly in size, they are all the traditional heart of the community in which they are located and therefore are very much associated with that community's identity. All have many older, often historic, buildings in need of renewal that potentially could benefit greatly from the tax reduction policy. CBRM has already invested a great deal in the infrastructure in these areas (such as sidewalks, boardwalks, and parking facilities) and all except Louisbourg are served by transit.

Regardless of which option is chosen by Council, staff feel that the incentive should also apply to our three business parks (Sydport, Harbourside, and Northside). All of CBRM's business parks have a considerable amount of vacant serviced land, and in

the case of the Northside Park there are vacant buildings. Sadly, little development has taken place in these areas in recent years. Making the tax reduction policy applicable in these areas could attract new manufacturing and warehousing activities which would be very beneficial to the local economy. The intent would be to extend the tax reduction policy in the parks to these types of businesses which are better suited to a location in a business park than one downtown. In the case of Harbourside, staff recommends that the incentive not apply to the area adjacent to Ferry Street, where it is likely that service uses similar to those found in the downtown core might locate. (refer to attached map of Harbourside Commercial Park)

The legislation that allows for these tax incentives was initiated by the Province at the request of the Towns Caucus of UNSM. The intent clearly was that this tool would be used primarily to promote the revitalization of Nova Scotia's historic downtown cores. However, the legislation does not specifically state that it will apply only in these downtown areas. As a result, it appears that CBRM could enact a bylaw that would include all areas of CBRM with water and sewer services. ***There are significant risks associated with this.*** In the opinion of staff, doing so would be inconsistent with our efforts to incentivize private sector development in our downtown cores. Any commercial development would be eligible for the tax reduction except for a very small number of businesses which are located in unserviced rural areas. Businesses leaving the downtown areas to relocate in peripheral areas might actually benefit from the tax reduction. Large national chains locating to the area would benefit from reduced taxation, even though the decision to locate here may be unrelated to the tax incentive. **CBRM could lose much needed commercial tax revenue (*shifting the tax burden to residential taxpayers*) and still not meet its objective of revitalizing its downtown cores.**

Recommendation

For reasons explained above, staff recommends that Council choose the option that has the greatest potential to spur downtown revitalization and economic development in CBRM. In staff's opinion, the best option to achieve these goals is Option 1, with the business parks included as discussed in more detail above. Staff also recommends that the tax incentive plan be implemented for a five year period, starting in the 2018 assessment year. This would mean that the phasing in of the tax increases would potentially extend over a period of 15 years. Council could of course decide to extend the program beyond five years but at this point it is felt that the incentive should be available for a finite period.

Maps showing the boundaries of the eight downtown areas and the three business parks are attached to this report for Council's review.

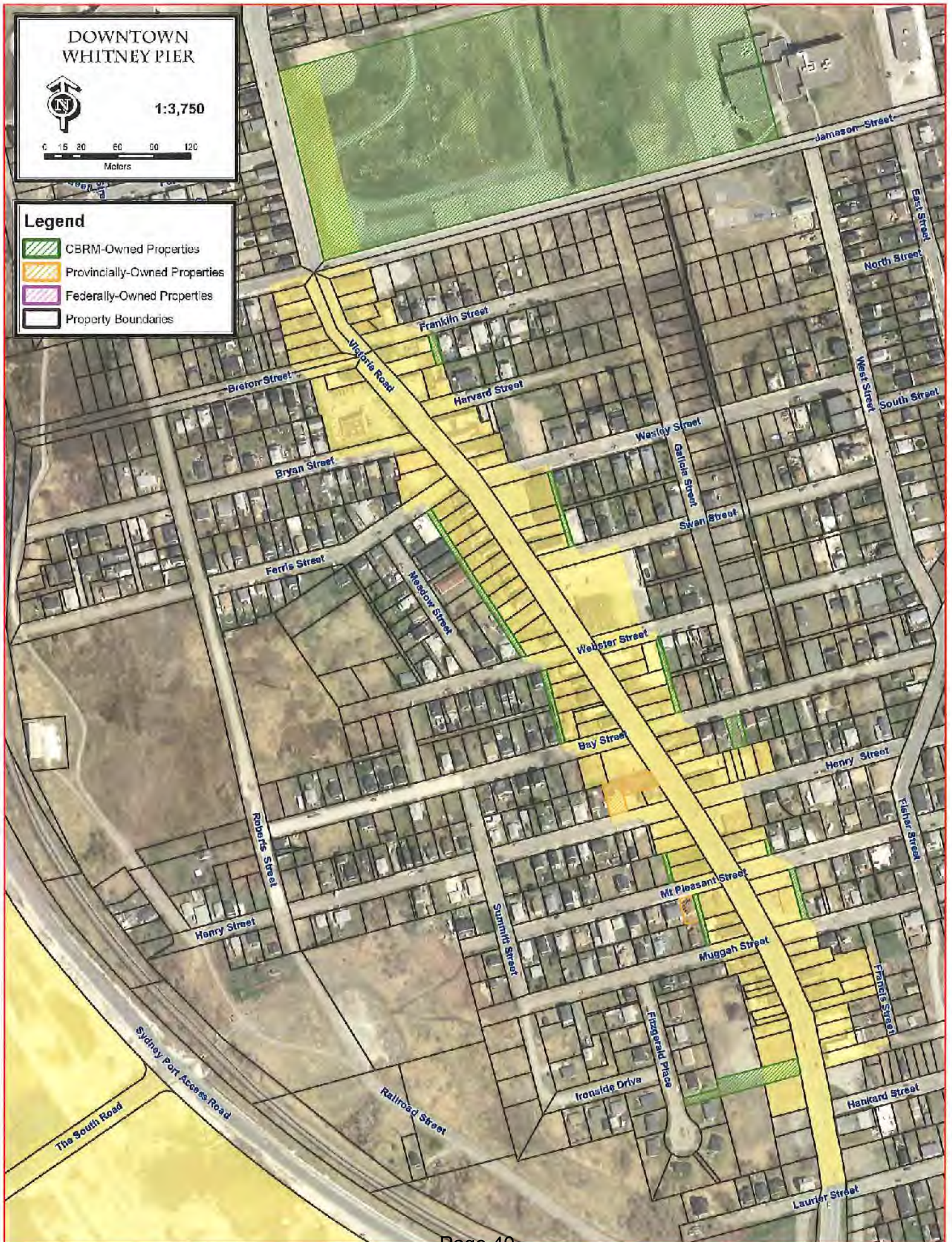
Any municipality wishing to adopt a bylaw to enable the phasing in of tax increases for new development must amend its Municipal Planning Strategy (MPS) and Land Use Bylaw to identify the areas where the bylaw will be implemented. If CBRM Council wishes to proceed with this, the following steps are recommended:

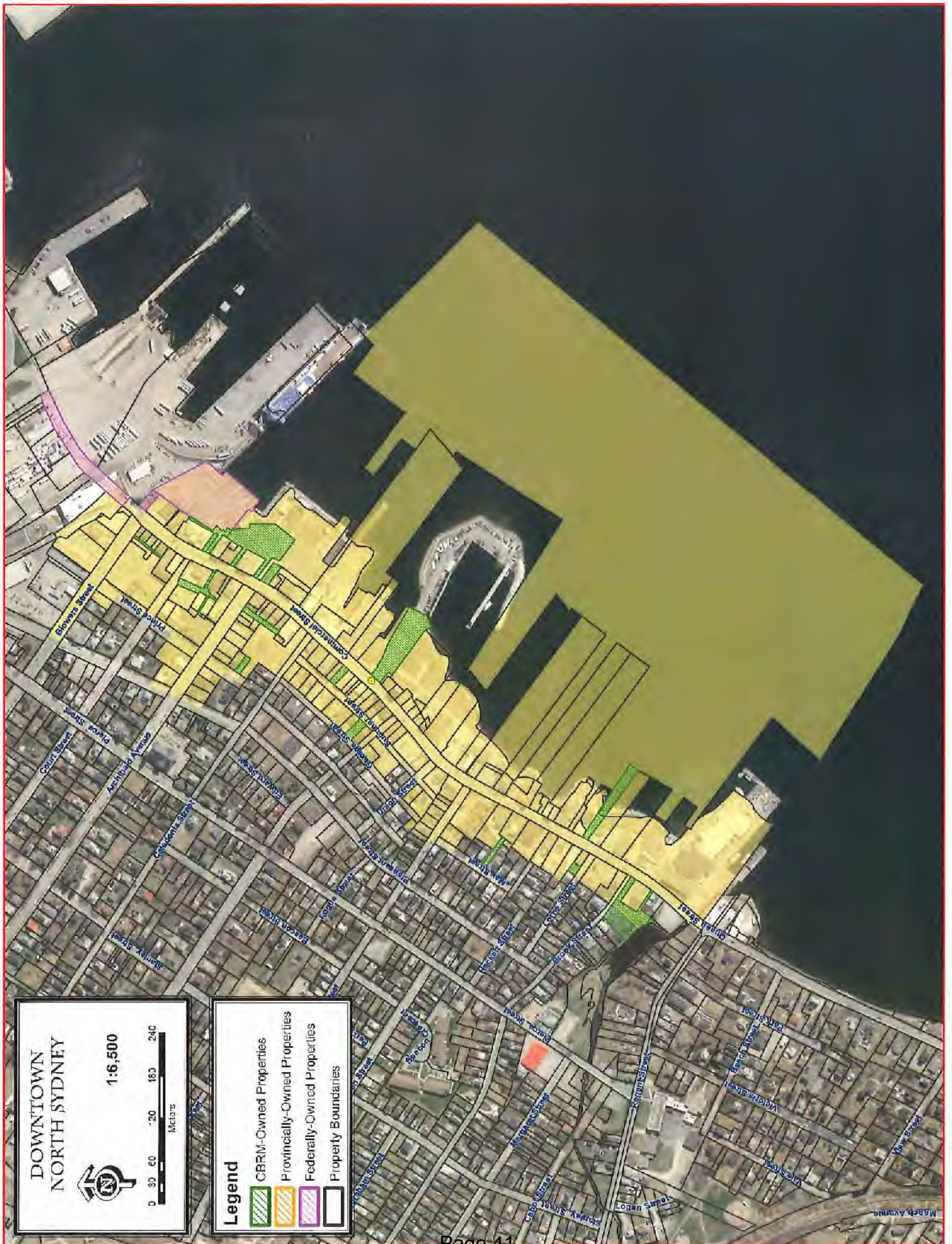
1. The amendment of the Municipal Planning Strategy to identify the areas where the incentive would apply requires Council to conduct a public participation program as specified in the MGA. Council must pass a resolution indicating its intent to amend the MPS and to have a public participation program to allow for public input into the proposed amendments. Staff recommends that due to the upcoming Christmas period that the public participation program not start until January.
2. The second step would be for Council to instruct staff to prepare a draft bylaw for review at a future meeting.
3. Once these two tasks are completed, the draft bylaw and the results of the public participation program will be brought back to Council for review. At that point Council could proceed with first reading of both the tax incentive bylaw and the associated MPS amendments.

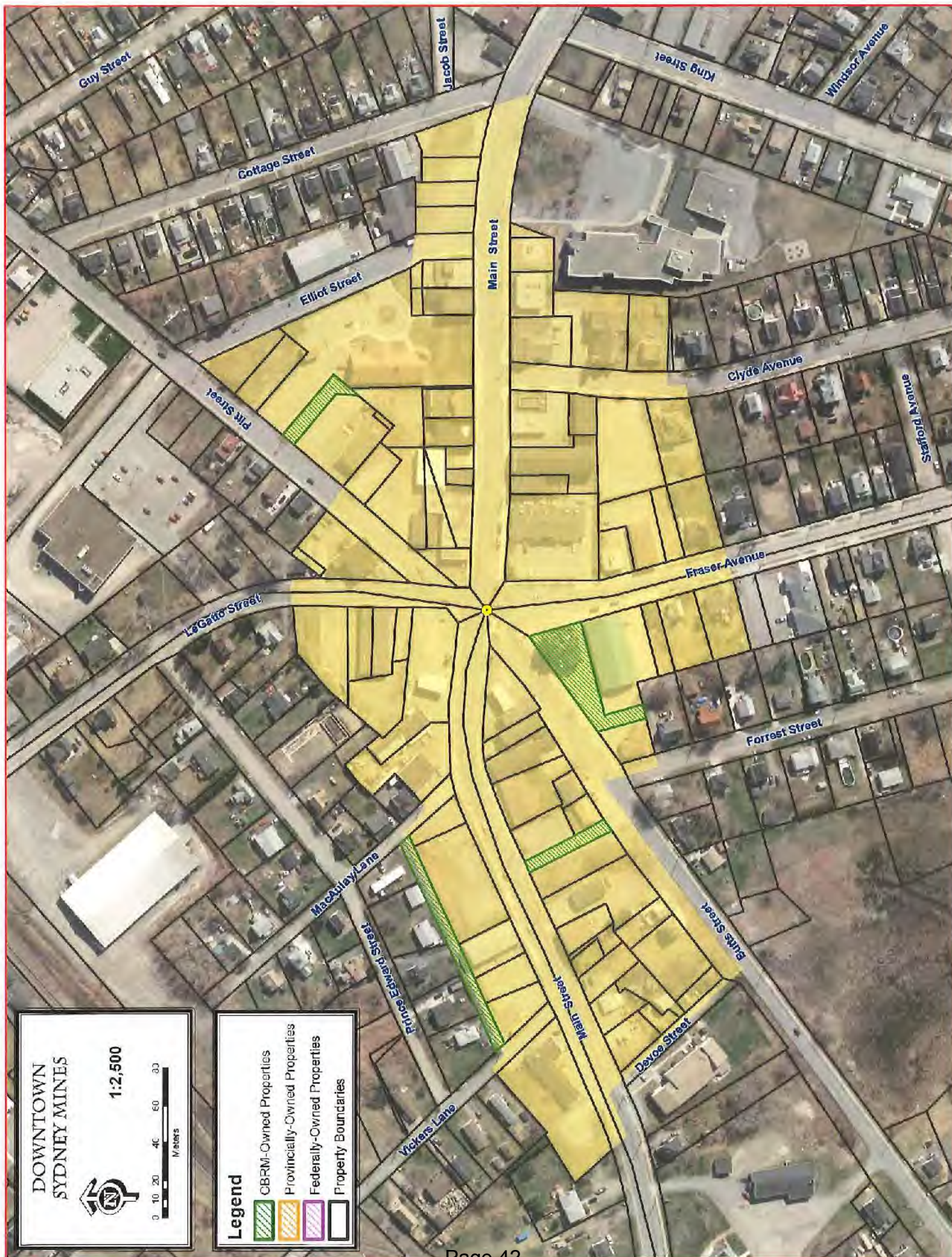
Yours very truly,

Rick McCready, MCIP
Senior Planner

Copies: CAO Marie Walsh; CFO Jennifer Campbell; Director of Technology John MacKinnon; Economic Development Manager John Phalen; Planner Karen Neville



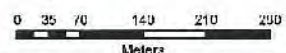




HARBOURSIDE INDUSTRIAL PARK

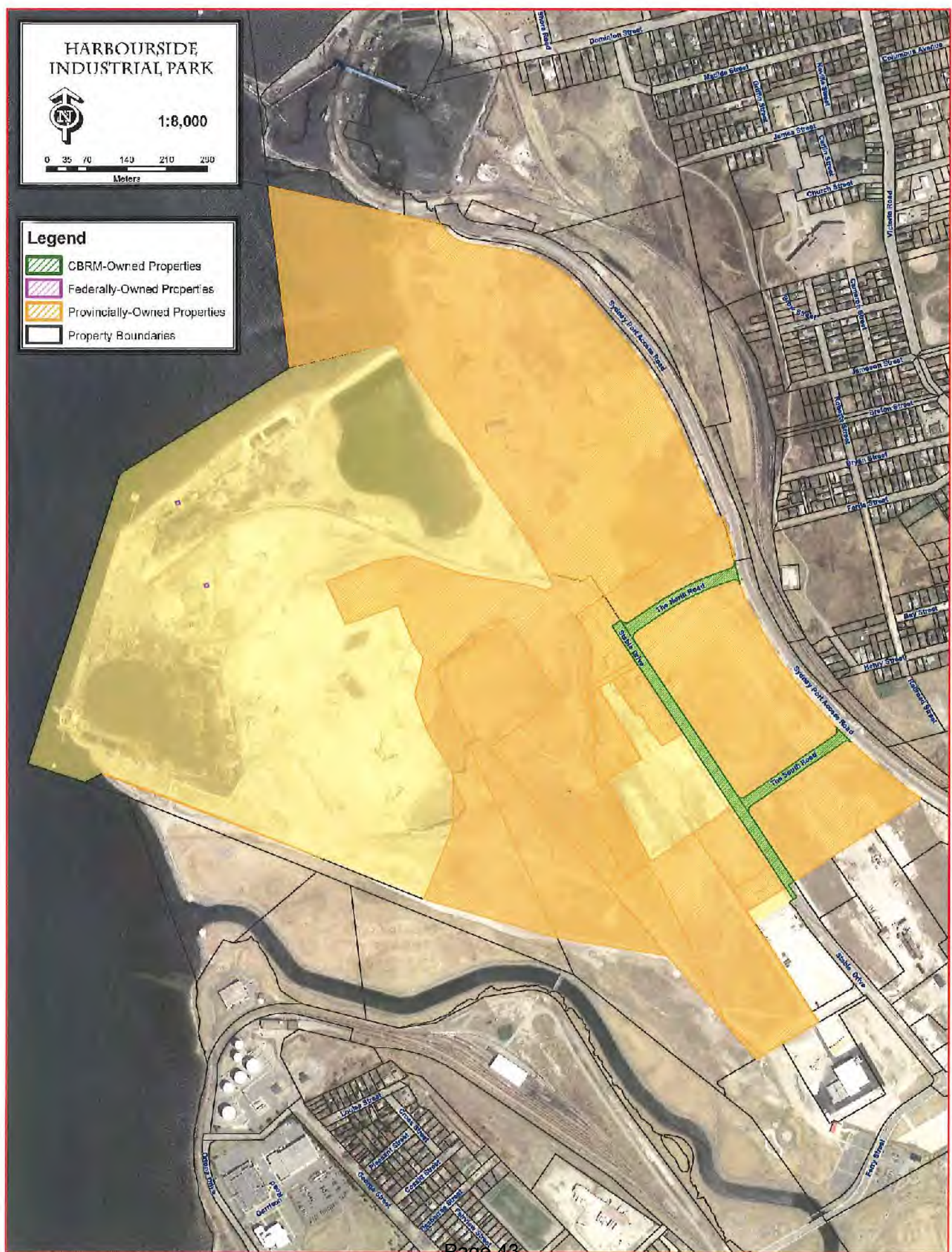


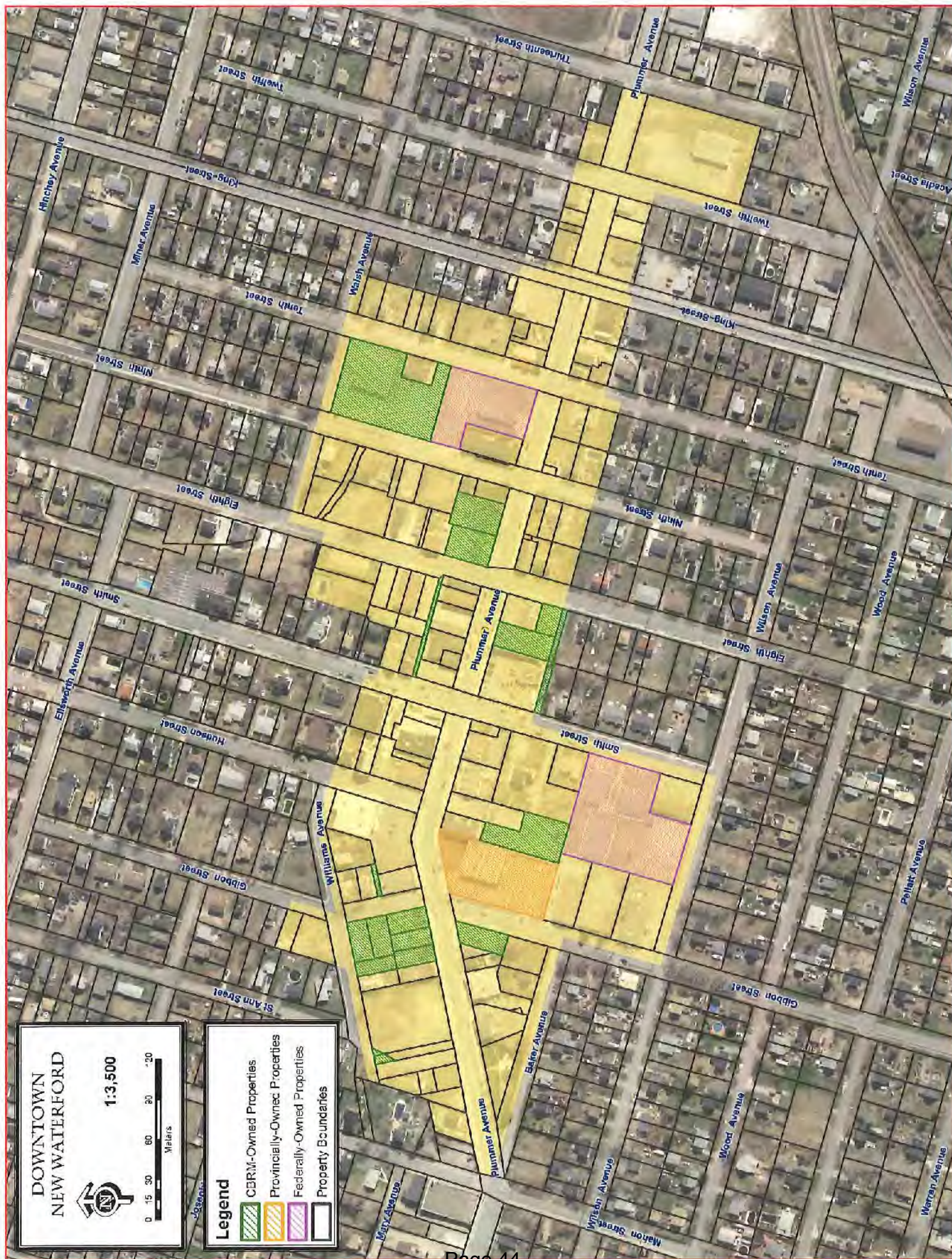
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Legend

- CBRM-Owned Properties
- Federally-Owned Properties
- Provincially-Owned Properties
- Property Boundaries



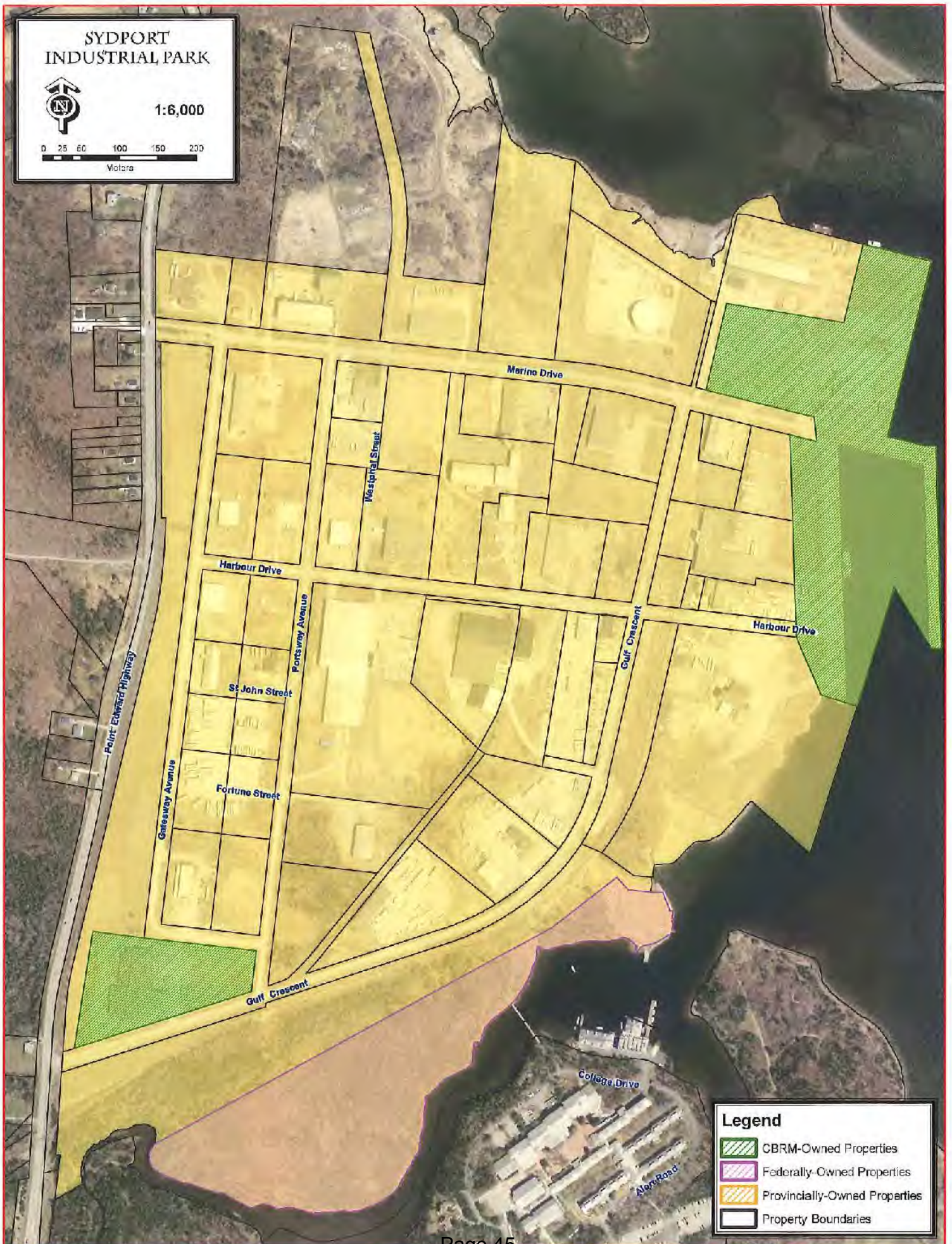


SYDPORT INDUSTRIAL PARK



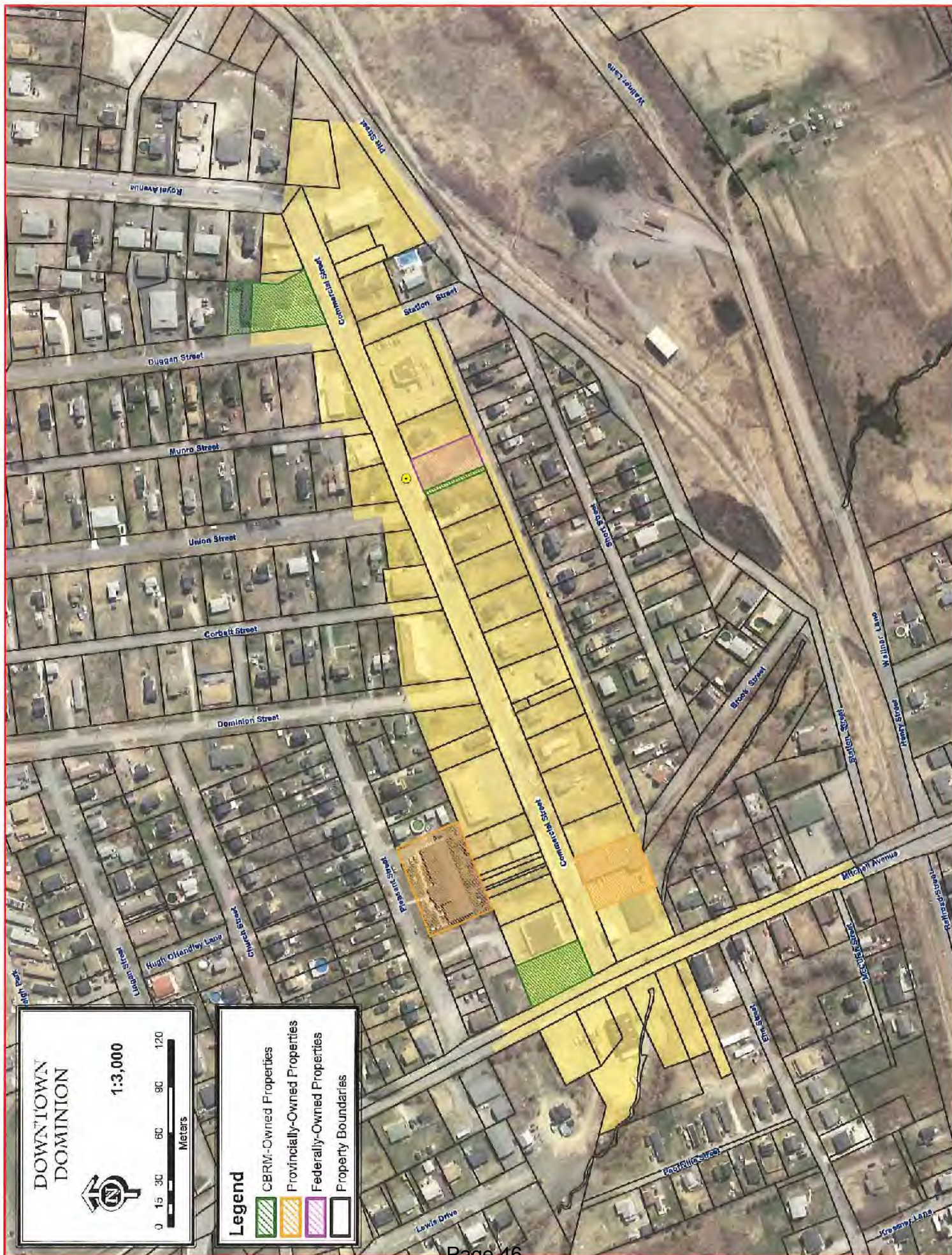
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Metres



Legend

- CBRM-Owned Properties
- Federally-Owned Properties
- Provincially-Owned Properties
- Property Boundaries



**DOWNTOWN
DOMINION**

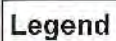
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Meters

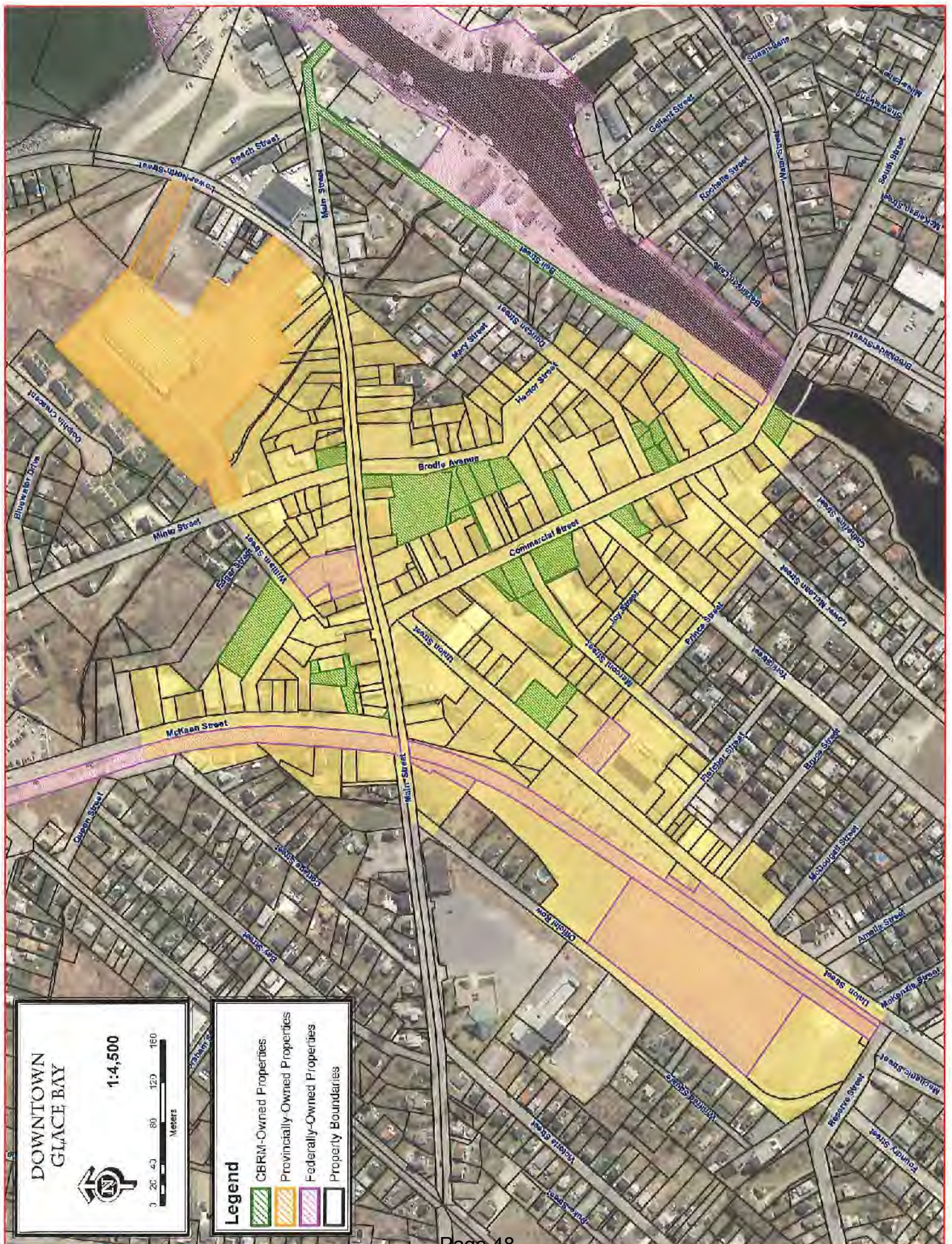
Legend

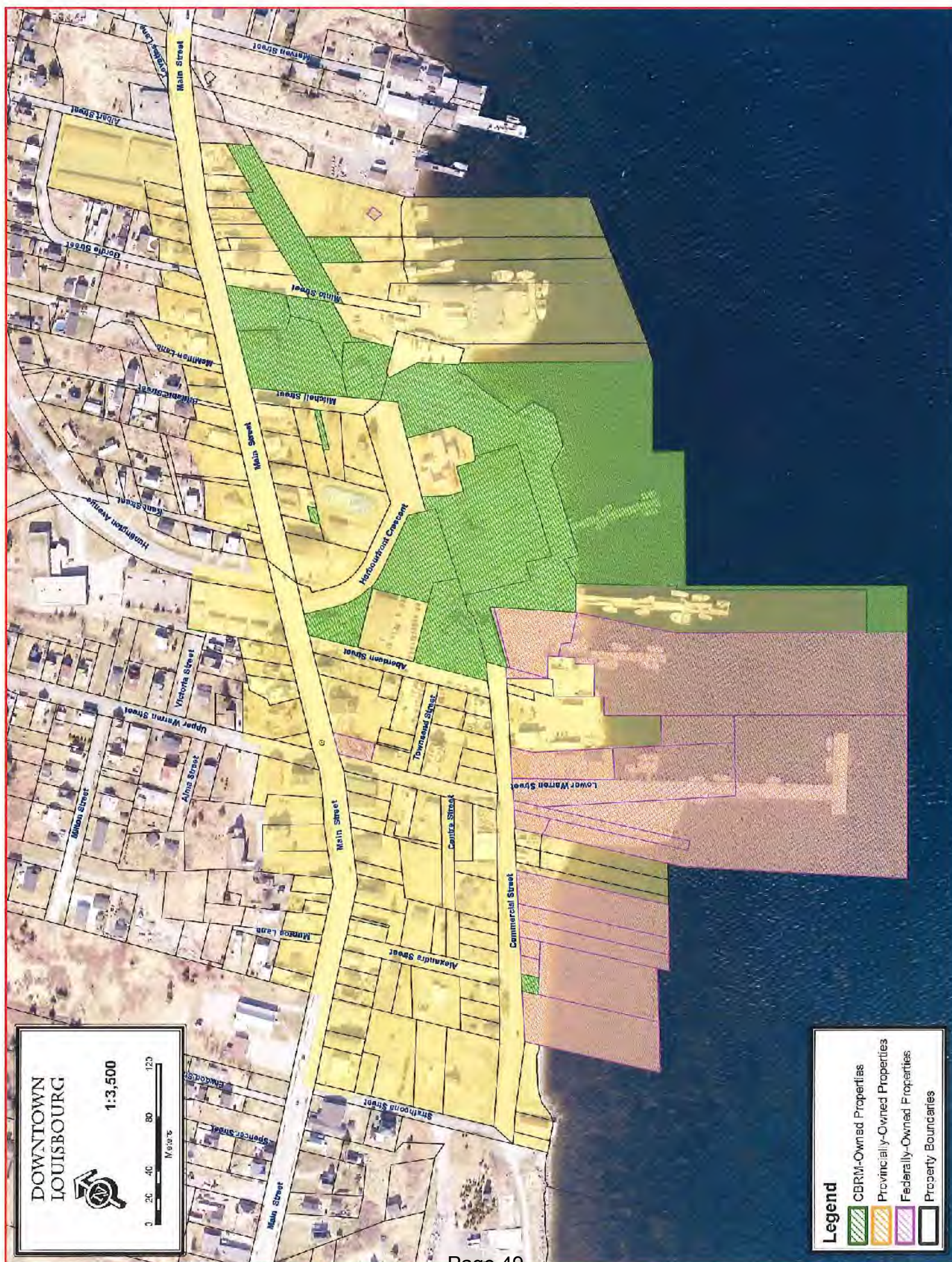
- CBRM-Owned Properties
- Provincially-Owned Properties
- Federally-Owned Properties
- Property Boundaries

A scale bar labeled 'Meters' with markings at 0, 20, 40, 80, 120, and 160.



-  CBRM-Owned Properties
 Provincially-Owned Properties
 Federally-Owned Properties
 Property Boundaries





NORTHSIDE INDUSTRIAL PARK



1:8,000

0 95 70 140 210 280
Meters



Review of the Procurement Policy and Proposed Amendments:

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Coombes, that a recommendation be made to Council to approve the proposed changes to the Procurement Policy as recommended in the staff Issue Paper dated October 17, 2017.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

MEMO

Date: October 17, 2017

To: Mayor & Council

From: Jennifer Campbell, CPA, CA Chief Financial Officer

Re: Review of Procurement Policy and proposed amendments

CBRM's procurement policy was last amended on October 19, 2010. Since this time, a number of issues have arisen that warrant a review and amendment to certain sections of the policy in order for the policy to continue to be "open, fair and consistent" and continue to provide "best value in the purchase and disposal of all goods and services" in a manner that protects the best interests of both the Municipality as well as other prospective bidders.

The sections I would like to bring to your attention are noted below.

1) Section 14.2 Local Bidder Preference

"Regional suppliers qualify for the 5% price preference if they are a commercial taxpayer in the Cape Breton Regional Municipality. They may be either a commercial property owner, from where the business must operate or they may be paying business occupancy tax for a rented or leased space from which the business operates."

Issue:

Methods of conducting business have evolved since the drafting of this policy. The new reality is that many business owners conduct their business out of their homes or garages, for example, which are residential properties. These businesses are disadvantaged by the wording of this policy, as the policy stipulates that in order to receive the price preference, they must be a commercial tax payer.

In addition, business occupancy taxes have been phased out of the tax structure, therefore should be removed from this section.

Recommended change:

"Regional suppliers qualify for the 5% price preference if they are a commercial or residential taxpayer registered with the Registry of Joint Stocks of Nova Scotia whose primary business address is within the district boundaries of the Cape Breton Regional Municipality and the assessed property is the registered business address of the bidder."

2) Section 14.3 Local Bidder Preference

"The 5% preference may not exceed \$12,500 regardless of the tender amount. This limit is in effect as a result of the Atlantic International Trade Agreement, which imposes restrictions on the MUSH (Municipalities, universities, school boards, hospitals) sector within the Province of Nova Scotia."

Issue:

There are a few errors that require correction in this section. As you know, many local businesses rely on government as a means of sustainability. CBRM cannot afford to lose businesses in our struggling economy. The Local Bidder Preference gives the municipality a tool to support local business, however that has been impeded by the Atlantic Procurement Agreement's supplier thresholds, capping the price spread at \$5,000, rather than \$12,500 as noted in our policy.

The restrictions for local bidder preference apply only to goods, services, and construction over the thresholds noted below.

Recommended change:

"Due to restrictions imposed by the Atlantic Procurement Agreement on the MASH (Municipalities, academic institutions, school boards, hospitals) sector within the Province of Nova Scotia, local Bidder preference may only be applied on goods, services and construction whose price does not exceed the following thresholds:"

Type	Amount	5% LBP limit
Goods:	\$ 25,000	\$1,250
Services:	\$ 50,000	\$2,500
Construction:	\$100,000	\$5,000

The proposed changes are not intended to create any barriers to doing business with CBRM or to instill undue hardship on any prospective bidder. They are solely intended to correct inconsistencies that have been revealed to exist within our current policy as well as update our policy to be consistent with public procurement regulations.

Respectfully submitted,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA Chief Financial Officer

Cape Breton Regional Municipality

Procurement Policy

Procurement Policy

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1. Policy Statement

The Cape Breton Regional Municipality Council directs the operation of the Regional Municipality through its approved programs and policy. The purpose of this policy is to establish guidelines to ensure the best value in the purchase goods and services for the Regional Municipality in the manner approved by Council.

2. Guiding Principles

The following principles will guide the procurement practices of the Cape Breton Regional Municipality:

- Procurement policy provides a direction for the expenditure of funds to complete the programs approved by Council in the annual Operating and Capital Budget.
- Procurement policy and procedures must provide the best value in the purchase and disposal of all good and services for operations of the Cape Breton Regional Municipality.
- The procurement process is to be open, fair and consistent.
- The total cost of acquisition is to be considered. (While the initial investment is a major consideration, the life cycle cost must be considered (Costs such as repair cost, staff training, operation cost, and disposal are to be considered rather than just the lowest price).
- Procurement methods are to encourage competitive bidding for the supply of goods and/or services.
- To use suppliers, who can be expected to provide satisfactory performance, based on:
 - Performance
 - Previous contracts
 - Financial and other resources to complete the contract bid upon
 - References

To encourage opportunities to partner with the business community to provide services to and for the Cape Breton Regional Municipality at the best possible value.

3. Definitions

Bid - refers to a competitive bid received from either a Request for Quotation, Tender or Request for Proposal.

Contract – a written instrument or electronic document containing the elements of offer, acceptance and consideration to which an agency is a party.

Request for Proposals – a solicitation in which it is not advantageous to set forth the actual detailed requirements at the time of the solicitation and responses may be subject to negotiation. Price must be a factor in the award, but not the sole factor.

Procurement Section – refers to the Procurement Section of the Finance Department under the direction of the Manager of Financial Services.

Public Request for Submission – refers to Tenders, Requests for Proposals, Two Phase Bids etc. over the value of \$10,000.

Lowest Total Cost (best value) – shall be the bid price and may also include costs such as repair cost, staff training, operation cost, and disposal. These are to be considered rather than just the lowest price, when deemed appropriate and when they can be substantiated by the user department.

Responsible Bidder – refers to a bidder whose reputation, past performance, and business and financial capabilities as such that the bidder would be judged by an appropriate authority as capable of satisfying an organization's needs for a specific contract.

4. General

4.1 This policy applies to all Departments, Agencies, Boards and Commissions over which the Cape Breton Regional Municipality has jurisdiction.

4.2 The procurement of goods and services will be facilitated by the Procurement Section according to this policy.

4.3 The Cape Breton Regional Municipality will be under no obligation to accept the lowest bid or any bid received in response to a verbal or written request.

4.4 The Cape Breton Regional Municipality may remove a supplier name from consideration for a contract for up to three years based on poor performance or non-performance on a contract or conviction for a violation of any CBRM By-Laws or the Dangerous and Unsightly Premises Provisions of the *Municipal Government Act*. It is

the responsibility of the department for whom the goods or service are provided to provide the supplier written notification (copied to the Purchasing Dept) of poor or substandard work, failure to complete work as contracted, inferior or defective goods etc., before any supplier may be disqualified under this clause.

4.5 The Procurement Section shall work with the user departments to combine requirements where possible and encourage overall standardization of items, to reduce the overall cost to the Municipality.

4.6 The Procurement Section shall work with other levels of government, other agencies, boards and commissions, associations such as the F.C.M. (Federation of Canadian Municipalities) and the U.N.S.M. (Union of Nova Scotia Municipalities) to encourage standardization of items and reduce overall cost to the Municipality.

5. Authority of the Chief Administrative Officer

5.1 The duties of the Chief Administrative Officer are governed by the *Municipal Government Act* which states in PartII:

Paragraph 30 (1):

“The chief administrative officer is the head of the administrative branch of the government of the municipality and is responsible to council for the proper administration of the affairs of the municipality in accordance with the by-laws of the municipality and the policies adopted by council.”

And Paragraph 31 (2) (d):

“subject to the policies adopted by council

- (i) make or authorize expenditures, and enter into contracts on behalf of the municipality, for anything required for the municipality where the amount of the expenditure is budgeted or within the amount determined by the council by policy, and may delegate this authority to employees of the municipality,*
- (ii) sell personal property belonging to the municipality that, in the opinion of the chief administrative officer, is obsolete, unsuitable for use, surplus to the requirements of, or no longer needed by the municipality, and may delegate this authority to the employees of the municipality,*
- (iii) personally, or by an agent, negotiate and execute leases of real property owned by the municipality, that are for a term not exceeding one year, including renewals,”*

5.2 The Chief Administrative Officer has the authority to award or purchase all goods and/or services that are within the budgets approved by Council and as guided by the Procurement Policy as approved by Council.

5.3 The C.A.O. may authorize procedures consistent with this policy and may delegate authority under this policy.

6. Purchasing Process

The following guidelines will be followed for the purchase of goods and services for the Cape Breton Regional Municipality:

General: All purchases of goods and most services (Professional Services excluded) must be covered by a CBRM Purchase Order (Order# structure 4500xxxxxx), issued before the acquisition of the goods or service, or by a Purchase Card (in compliance with the Purchase Card Policy). Anyone procuring goods or services by other means will be personally responsible for payment to the supplier.

6.1 Up to \$2,000 – the department in accordance with the principles set out in this policy may purchase goods and services having a value up to \$2,000, not covered by a Price Agreement or supplied by Central Stores. The department shall obtain a minimum of two quotes on all purchases over \$500 and maintain a record of these quotes.

6.2 For all bids in excess of \$2,000, the user department will be required to advise the Procurement Section in writing of any requests that are not contained in their budget. All purchases shall be made by authority of the Department Director or his/her delegate, being a Manager or Supervisor and subject to all conditions of this policy.

6.3 More than \$2,000 but less than \$10,000 and contained in the Budget – For the acquisition of goods and services with a value of at least \$2,000 but less than \$10,000 (budgeted), at least three (3) quotations will be solicited by the Procurement Section in consultation with the user department. These quotations shall be in written form. Requests for Quotations will be advertised weekly in the Cape Breton Post Classified Section, or other publication or media as deemed necessary, except in cases of insufficient time or when public safety or protection of property is deemed a factor. Quotations will be accepted by FAX.

6.4 More than \$10,000 and contained in the Budget – For the acquisition of goods and services with a value greater than \$10,000 (budgeted) the Procurement Section in consultation with the user department will issue a public request for submissions. These requests will be advertised weekly in the Cape Breton Post Classified Section, or other publication or media as deemed necessary. All

contracts with a value greater than \$100,000 for goods and services and greater than \$250,000 for construction will be advertised on the Provincial Bulletin Board. This will comply with the requirements of the Agreement on Internal Trade. All submissions must be in writing and subject to any or all requirement contained in this policy. These submissions shall be acknowledged at a public opening at a designated date and time, except as directed by the C.A.O in special circumstances, where public safety or protection of property is deemed a factor.

6.5 More than \$2,000 but less than \$10,000, not contained in the Budget – For the acquisition of goods and services with a value of at least \$2,000 but less than \$10,000 (not budgeted), at least three (3) quotations will be solicited by the Procurement Section in consultation with the user department. These quotations shall be in written form. Requests for Quotations will be advertised weekly in the Cape Breton Post Classified Section, or other publication or media as deemed necessary, except in cases of insufficient time or when public safety or protection of property is deemed a factor. Quotations will be accepted by FAX. Written approval, by the C.A.O will be required prior to the acceptance of any offer received.

6.6 More than \$10,000 not contained in the Budget – For the acquisition of goods and services with a value greater than \$10,000 (not budgeted) the Procurement Section in consultation with the user department will issue a public request for submissions. These requests will be advertised weekly in the Cape Breton Post Classified Section, or other publication or media as deemed necessary. All contracts with a value greater than \$100,000 for goods and services and greater than \$250,000 for construction will be advertised on the Provincial Bulletin Board. This will comply with the requirements of the Agreement on Internal Trade. All submissions must be in writing and subject to any or all requirement contained in this policy. These submissions shall be acknowledged at a public opening at a designated date and time, except as directed by the C.A.O in special circumstances, where public safety or protection of property is deemed a factor. Written approval by Council or Committee of Council will be required prior to the acceptance of any offer received.

7. Methods of Procurement (*see also Section 12 for exceptions*)

The following are the Methods of Procurement to be used under this policy;

7.1 Low Value: Purchases that are random in nature and not included in a Price Agreement or available through Central Stores, under the value of \$2,000 may be purchased by the user department using Purchase Order, Purchase Card or Cheque.

7.2 Price Agreements: In order to guarantee a continuous supply of various goods and services which are required on a day to day basis, while at the same time assuring that the competitive bidding system is followed, the Procurement Section shall establish Price Agreements. These arrangements between the Regional Municipality

and the supplier, commits the seller to provide goods and services at a specific price for a specific period of time. These agreements reduce the number of individual bids and reduce overall cost due to higher volume gained by combining the requirements of a number of departments. User departments can then draw supplies directly from these agreements. Price agreements are governed by the purchasing guidelines listed in this policy.

7.3 Tenders: An invitation to tender solicits competitive bids. It is used when detailed specifications are available that permit the evaluation of tenders against clearly stated criteria and specifications. A request for tenders is a formal, competitive, sealed bidding process. It is normally used for the procurement of goods, services, equipment and construction. Normally, bid deposits and performance security are required. The bids and prices are provided without condition or reservation and where an award can be made without negotiation. Submissions are compared to a specification and requirements contained in the tender documents. The award is normally to the lowest total cost bid received from a responsible bidder meeting the requirements of the tender. Where lowest total cost is not the sole determining factors on which the award will be made, the tender documents will contain a description of the method to be used to evaluate the bids as well as the weighted scale of each factor to be assessed.

7.4. Two Phase (Envelope) Tender: Where detailed specifications are not available, it is impractical to prepare a specification based on price, a two phase bid may be issued, inviting bids as follows:

- **Phase One:** one or more steps in which bidders submit proposals, for evaluation without prices. All Two Phase Tender calls must include an evaluation criteria that will be used to score the respondents proposals.
- **Phase Two:** Only those bidders whose bids were determined to be acceptable will be entitled to have priced bids considered. Those respondents not meeting the criteria of phase one shall have their price bids returned to them unopened.
- **Award:** Award shall be made based on combined scoring of phase one and phase two bids at the following ratios, one of which has been set out in the Tender call:

90%/10%

85%/15%

80%/20%

7.5 Request for Proposal:

7.5.1 A Request for Proposal is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet specific needs of

the municipality. It is used when a supplier is invited to propose a solution to a problem, requirement or objective. Unlike tenders, Request for proposals are compared to each other or to a stated criteria to assess the best proposal. All RFPs must include an evaluation criteria that will be used to score the respondents proposals.

7.5.2 Negotiations may be conducted with bidders after the date for receipt of proposals provided such discussions, negotiations are conducted to:

- Award equitable treatment to each acceptable offeror with respect to an opportunity for discussion and the revision of the proposal.
- Prevent the disclosure of the content of the discussion or negotiation with one offeror to another offeror.

7.5.3 Proposals submitted in response to a Request for Proposal need not be opened in public, but may be opened in the presence of at least one witness. A list of submissions (excluding pricing) will be available to the public and the proponents of the request. In cases where a public opening is held, pricing information shall not be read at the opening. Pricing information will only be released to the public following award of the proposal.

7.5.4 An award of a contract based upon a Request for Proposal will be made to the supplier, whose proposal is determined to be the most advantageous and/or the best value to the municipality based upon the criteria for evaluation set out in the Request for Proposal and equitably applied to all proposals.

7.6 Request for Quotation:

7.6.1 Request for quotation is an informal request for prices for goods and services is normally used where bid deposit and performance bonds are not required and where the cost of the work does not warrant the time and level of effort required for a formal tender process. All quotations must be in writing when the value exceeds \$2,000. For lesser amounts verbal quotations may be obtained. Where verbal quotations are received the individual obtaining the quotation is responsible for recording and retaining a record of quote including the supplier name, name of the person providing the quote and the price.

7.7 Negotiation:

7.7. Negotiations with one or more suppliers for the supply of goods and/or services would take place when any of the following conditions exist:

- Due to market conditions, goods and/or services are in short supply

- There is only one source of the goods or service
- Efforts at breaking identical bids have previously been unsuccessful and the same goods or services are required again
- None of the bids received are acceptable or exceed the amounts budgeted for the purchase and there is not sufficient time to re-draft specifications and/or call for proposals
- The extension, or reinstatement of, and existing contracts would be more cost effective or beneficial to the municipality. The extension or reinstatement of existing contracts are subject to the approvals listed in section 8.0, Award of Contracts
- When authorized by council

7.8 Sole Source Purchases:

7.8.1 Sole source purchases occur when there is only one available supplier of a required product or service that meets the needs of the municipality. Negotiation is the method of purchase used to complete the terms and conditions for this purchase. A single source purchase occurs:

- Where the compatibility of a purchase with existing equipment, facilities or service is a paramount consideration and the purchase must be made from a single source;
- Where an item is purchased for testing or trial use;
- Where the municipality purchases supplies for resale;
- Where the municipality has a rental contract with a purchase option, and such purchase option could be beneficial to the municipality;
- Notwithstanding anything in this policy, where a purchase is determined by council to be fair and reasonable and is made from a nonprofit corporation supported by the municipality, it may make such a purchase as a single source purchase;
- Where items are offered for sale by tender, auction or negotiation such purchase will be deemed to be a single source purchase and the C.A.O. may authorize the submission of a bid or conduct of negotiations where the C.A.O. determines the purchase to be clearly in the best interest of the municipality;

- For matters involving security, municipal emergencies (EMO), police matters, or confidential issues, a purchase may be made in a manner that protects the confidentiality of the contractor or the municipality. Such purchases may be made as a single source purchase. Purchases of this nature must be approved by the C.A.O. Contracts over the value of \$10,000 must be reported to council.

7.9 Emergency Purchases:

7.9.1 An emergency purchase occurs when a situation creates immediate and serious need which may not be reasonably met by any other procedure and includes without limitation:

- A condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health and safety of the public;
- Interim contractual arrangements following the expiration; or breach of contract; or receipt of unacceptable or uncompetitive bids

7.9.2 Emergency purchases are completed using the most expedient method, but will take economy into consideration.

7.9.3 Limits for emergency purchases by personnel shall be as indicated in Section 6. However, in each case the authorizing person is required to report the emergency purchase, in writing, to the next level of authority.

8. Award of Contracts

8.1 All publicly advertised tenders and request for proposals shall be presented to the department Director or his/her designate for review, recommendation (Recommend to Council/Committee/CAO where appropriate based on the policy and where not applicable, to Purchasing as administrators of the policy.) and approval in accordance with the conditions of this policy, except as noted below. A report shall be prepared and submitted to the Procurement Section prior to the award notification being issued. Award shall be subject to conditions contained in Section 6.1 as it related to Budget approval.

8.2 Cape Breton Regional Council would award contracts:

- When the procurement will result in an over expenditure of the entire budget
- Where the award is subject of dispute best dealt with by Council

- The Council has requested a report prior to award
- For the contracting of Audit Services
- For leases of real property owned by the Regional Municipality that are, either directly or by right of renewal, for a term exceeding one year
- For Non-Profit organizations as a sole source purchase
- When recommended by the C.A.O.

9. Supplier Performance and By-Law Compliance

9.1 Suppliers may be subject to disqualification if there is sufficient evidence of consistent failure to meet the standards required by the Cape Breton Regional Municipality and those set out under the Nova Scotia Occupational Health & Safety Act, or where the supplier has been found to be in violation of any CBRM By-Laws or the Dangerous and Unightly Premises provisions of the *Municipal Government Act*. All Bidders will be required to fill out CBRM's Occupational Health & Safety Questionnaire and the Successful Bidder will be required to submit a copy of their Occupational Health & Safety Policy prior to Tender/Proposal award.

All Bidders for contract to be in effect for a specified period of time to provide a primary service which the CBRM could provide directly (e.g. garbage collection) or an ancillary service that supports a primary service provided by the CBRM (e.g. motor vehicle towing service to support public street/road snow removal) shall provide confirmation of compliance with the current provisions of the CBRM Land Use By-law in effect for the site of any of their business operations within CBRM. For the purposes of interpreting this Policy, any such sites on lands owned by either the Province of Nova Scotia, or the Federal Government shall not be considered in compliance solely by virtue of the fact they are located on Provincial or Federal Government land. Bidders awarded a contract with CBRM are not permitted to re-locate to a new site within the CBRM unless the new site is appropriately zoned in compliance with the CBRM Land Use By-law in effect.

The Procurement Section will maintain supplier performance files. The user departments, stores clerks or procurement staff shall supply information in this file. Suppliers may be evaluated based on competitive price, quality of product, contract adherence and performance, after sales service and replies to invited tenders. Suppliers must be notified in writing of any deficiencies as indicated above and a copy of the notification placed in their file. Upon reasonable notice in writing to the supplier involved, and after a 30 day period in which to respond in

writing, a supplier may be disqualified for a period not exceeding three (3) years from participation in a solicitation for goods and services.

9.2 Suppliers may be disqualified when:

- Conviction for a criminal offence of a person or a director or official or such person relating to or attempting to obtain a contract or sub-contract; Indication of lack of business integrity or honesty which directly and seriously effects the responsibility of the contractor;
- Breach of contract indicating an unwillingness to perform a contract in accordance with the terms and conditions or specifications or unsatisfactory performance of one or more contracts or portions thereof, in accordance with the terms and conditions thereof or in accordance with its specifications or both;
- The offer of any gratuity to an official or employee of the municipality by a supplier or contractor for consideration
- Convicted of a violation of:
 - a) any By-Laws of the CBRM; and/or
 - b) the Dangerous and/or Unsightly Premises provision of the *Municipal Government Act*, 1999, as amended to date.

9.3 A written decision shall be issued to the person or business disqualified or suspended, setting out the reasons for disqualification or suspension, to the usual business address of that person or business as in the records of the Procurement Section.

9.4 Disqualification or suspension will be approved by the C.A.O.

10. Disposal of Surplus Equipment

10.1 The Procurement Section shall accumulate surplus assets from the user departments. Items that are likely to be of use to other departments of the municipality may be transferred, after notice is given to all departments of the availability of these items. A cost factor, based on wholesale value of the item transferred may be assigned by the department disposing of the equipment.

10.2 Surplus assets shall be disposed of by trade in (vehicles & equipment), request for quotation, by public tender or by public auction. Sale shall be to the highest bidder, meeting all qualifications of the quotation, tender or auction.

10.3 The C.A.O. may award the disposal of surplus material without competition to any non-profit corporation, association, or entity, or any Municipality, Crown Corporation, School Board or level of government. Disposal shall be at market or appraised value.

11. Tender and Contract Documents, Bid and Performance Securities and Specifications

11.1 The C.A.O. may from time to time approve such standard forms including bids and performance securities if any, for purchases by Invitation to Tender, Request for Proposals, Request for Quotations, single sources or emergency purchases as well as forms of contract for types of purchases including but not limited to construction, supplies and installation or service as they may deem advisable.

11.2 Bid bonds, Performance bonds and other securities including Labour and materials bonds shall be required for such purchases in such form and in such amounts, as the C.A.O. deems advisable. (SEE: CBRM Contract Security Policy approved May 1996)

12. Special Services

12.1 Legal Services (External)

- General External Legal Services - A Request for Proposals for external legal services will be advertised, at a minimum, every three (3) years. The selection of a lawyer from the respondent firm(s), in each individual case shall be made by the Regional Solicitor based upon the particular expertise required for that case. Work will be assigned and monitored by the Regional Solicitor, based upon work requirements, qualifications, experience, services offered, past performance, proposed fees and other relevant considerations as deemed necessary in the particular case.
- Specialized Legal Services maybe assigned by the Regional Solicitor in consultation with the CAO, to provincially or nationally recognized law firms specializing in a particular field.
- Legal services as per collective agreements – Where a collective agreement provides for legal services for employees, these services shall be obtained in accordance with the terms of the collective agreement.

12.2 Insurance Services – All insurance requirements will be acquired by public advertisement. Insurance services shall be contracted for a one-year term renewable on an annual basis up to a five (5) year maximum on term satisfactory to the Cape Breton Regional Municipality.

12.3 Architectural, Engineering, Surveying and Real Estate Services:

Value less than \$50,000: Consultants will be acquired by staff from a roster of consultants selected through a publicly advertised Request for Proposal. Consultants will be selected, by project, based upon qualifications, experience, service offered, past performance, proposed fees, and other relevant considerations. A request for Proposal for these services will be publicly advertised, at a minimum, every three (3) years.

When the scope of a project is sufficiently detailed, the contracting department will establish criteria in order to select or short list prospective consultants from the list. The contracting department will then apply the criteria to identify one or more consultants from the list. Where more than one firm meets the criteria for the identified project, one of the following shall be used to complete the evaluation process:

- Request for additional information (RFI)
- Request for Price Quote (RFQ)
- Request for Proposal (RFP)

When the project estimated value is less than \$10,000 or when only one consulting firm conforms to the selection criteria, the department may award the work on a sole source basis with the written approval of the appropriate Director.

Value greater than \$50,000: Required services over the value of \$50,000 will be publicly advertised as a Standard Tender (Section 7.3), a Two Phase or Two Envelope Tender (Section 7.4), or an RFP. (Section 7.5).

12.4 Banking Services – General Banking services will be acquired by public advertisement at intervals not greater than every five (5) years. These services shall be contracted for a one-year term renewable on an annual basis up to a five (5) year maximum on term satisfactory to the Cape Breton Regional Municipality.

12.5 Auditing Services – Services of External Auditors will be acquired by public advertisement at intervals not greater than every five (5) years. These services shall be contracted for a one-year term renewable on an annual basis up to a five (5) year maximum on term satisfactory to the Cape Breton Regional Municipality. Selection of an auditor shall be completed by the Audit Committee of Council who will recommend the selection of an Auditor to Council. Annual renewal of the contract for audit services will be made by the Audit Committee.

13. Tie Bids

In the case of a tie bid, the Manager of Financial Services is to request the tie bidders submit a final offer. If this is not successful and a tie bid still occurs, the contract will be awarded to the local bidder. Where both bidders are either local or non-local, both will be invited to a meeting where the successful bidder will be selected in a draw.

14. Local Bidder Preference

14.1 When bids are received from suppliers/contractors located outside the boundaries of the Cape Breton Regional Municipality, as well as from within its boundaries, these regional suppliers may be entitled to a 5% preference over the suppliers outside the region.

14.2 Regional suppliers qualify for the 5% price preference if they are a commercial or residential taxpayer registered with the Registry of Joint Stocks of Nova Scotia whose primary business address is within the district boundaries of the Cape Breton Regional Municipality and the assessed property is the registered business address of the bidder.

14.3 Due to restrictions imposed by the Atlantic Procurement Agreement on the MASII (Municipalities, academic institutions, school boards, hospitals) sector within the Province of Nova Scotia, local Bidder preference may only be applied on goods, services and construction whose price does not exceed the following thresholds:"

Type	Amount	5% LBP limit
Goods:	\$ 25,000	\$1,250
Services:	\$ 50,000	\$2,500
Construction:	\$100,000	\$5,000

15. Purchases from/by CBRM Employees

15.1 The Cape Breton Regional Municipality shall not purchase any goods or services from any employee, any employee operating as a sole proprietorship, or any employee who is in a partnership. Purchases may be made from limited companies in which employee hold shares.

15.2 Employees or immediate family members (husband, wife, son, daughter) of employees of the Cape Breton Regional Municipality are not permitted to

purchase personal use items through the purchasing system except where employee purchase plans are being offered, nor are they permitted to purchase surplus items which may be for sale under the terms of this policy.

16. Suppliers/Contractors indebted to CBRM

Any supplier/contractor having a customer account with the Cape Breton Regional Municipality, which is in arrears, will have such arrears deducted from any payments due the supplier/contractor. Such deduction may be waived by the Manager of Financial Services, where the supplier/contractor has entered into a payment arrangement suitable to the Financial Services Department.

**Approved by CBRM Council – September 23, 1997;
amended March 10, 2005; November 21, 2006; April 15, 2008; February 16, 2010;
October 19, 2010**

SCHEDULE "A"

MUNICIPAL BY-LAW COMPLIANCE CERTIFICATE

This document forms part of and is incorporated in to the Tender. Bidders convicted of violations of any By-Laws of the Cape Breton Regional Municipality, or found in contravention of the Dangerous and Unsightly Provision of the *Municipal Government Act*, S.N.S. 1998, c. 18 shall be precluded from bidding on the tender. Successful bidders who subsequently are found guilty of violation of any By-Laws of the Cape Breton Regional Municipality or are found to have contravened the Dangerous and Unsightly Provision of the *Municipal Government Act* S.N.S. 1998, c. 18 shall have the tenders revoked and shall be precluded from bidding on subsequent tenders for a period of thirty-six months.

_____ (hereinafter referred to as "The Bidder") does hereby certify that the Bidder has not been found guilty of violation of any By-Laws of the Cape Breton Regional Municipality, and has not been found to have contravened the Dangerous and Unsightly Provision of the *Municipal Government Act* S.N.S. 1998, c. 18 and furthermore hereby agrees to comply with all By-Laws of the Cape Breton Regional Municipality and the Dangerous and Unsightly provision of the *Municipal Government Act*, S.N.S. 1998, c. 18. The Bidder understands and agrees that any finding of guilt or contravention of the aforementioned by-laws and provisions will result in the Tender being revoked and the Bidder being precluded from bidding on any subsequent Tender for a period of thirty-six months.

Witness

Bidder

SCHEDULE "B"

TRADE AGREEMENTS ACKNOWLEDGEMENT

All Public Sector Entities in Nova Scotia have trade agreement obligations under the Public Procurement Act. Trade agreements play a vital role in our economy. They create market access for our goods and services by reducing barriers to, among others things, labour mobility, investments, energy, agriculture, and government procurement. Agreements can be comprehensive, covering a number of different issues, or more concentrated, covering individual issues. Each agreement has unique language, exemptions, rules, and requirements.

Municipalities, Academic Institutions, School Boards, Health Authorities (MASH) and Crown Corporations that have their own procurement groups and policies must ensure they are consistent with the principles of the Province of Nova Scotia Procurement Policy, and the obligations of the Public Procurement Act.

Trade Agreements that impact government procurement in Nova Scotia include the Canadian Free Trade Agreement and the Atlantic Procurement Agreement (APA). The CFTA includes all provinces, Northwest Territories, Yukon, and the Federal Government as well as their respective MASH sectors and Crown Corporations.

The APA is an agreement among Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland and Labrador and their respective MASH sectors and Crown Corporations. The key to being compliant with multiple trade agreements is to ensure you are meeting the obligations of the one with the lowest thresholds, which in this case is the APA. Table A outlines the thresholds for these two agreements.

TABLE A – Domestic Agreements

Agreement	Coverage	MASH
Atlantic Procurement Agreement (APA) Signed 1992; updated 1996 & 2008	Equal access to Atlantic suppliers. Includes NS, NB, PEI, & Nfld, their respective MASH and Crowns	Goods: \$25K+ Services: \$50K+ Construction: \$100K+
Canadian Free Trade Agreement	Equal access to Canadian suppliers. Includes all CDN Provinces, NWT, YUK, their respective MASH and Crowns, and the Federal Government	Goods: \$100K+ Services: \$100K + Construction: \$250K+

_____ (hereinafter referred to as "The Bidder") does hereby acknowledge the understanding that this tender falls under the Domestic Trade Agreements, Atlantic Procurement Agreement (APA) and Agreement on Internal Trade. As part of these agreements and under the Nova Scotia Public Procurement Act, CBRM is included as part of the MASH Sector. This document forms part of and is incorporated in to the Tender.

Witness

Bidder

APPENDIX “A”

CONSULTANT, CONTRACTOR, SUPPLIER HEALTH & SAFETY QUESTIONNAIRE

Consultants, Contractors or Suppliers wishing to submit proposals to the Cape Breton Regional Municipality must complete this questionnaire and submit it to CBRM Finance Department with their bid information.

GENERAL INFORMATION:

Company Name: _____

Company Address: _____

Telephone Number: _____

INSURANCE/WORKERS’ COMPENSATION COVERAGE:

Is your company covered by general liability insurance, automotive insurance umbrella policies, etc., that would cover the cost of damages to, and incidents involving third parties? * Yes * No

Is your company in good standing with the Workers’ Compensation Board for the Province of Nova Scotia? * Yes * No

If no, please explain

SAFETY PERFORMANCE:

Does your company have any non compliance or outstanding issues with the Nova Scotia Labour and Workforce Development, such as stop work orders, pending charges/prosecutions, or recent (within the last year) convictions or fines?

* Yes * No

If yes, please attach a note explaining the details, including current status or resolution.

SAFETY PROGRAM:

Does your company have a written health and safety policy signed by management?

* Yes * No

Does your company have written safety policies, procedures and safe work practices applicable to the scope of work to be performed, including clearly defined safety responsibility for managers, supervisors and workers? * Yes * No

How do you communicate your safety policies and procedures?

How often do managers/ executive officers visit the worksite?

Please explain how you conduct on site inspections, including how often they are conducted, what they cover and who conducts them?

Does your company have a risk assessment procedure? * Yes * No

Does your company have a procedure in place for investigating incidents, accidents and near misses? * Yes * No

Please attach a list and contact information of all supervisors you will be using on site, as well as any safety coordinator or persons responsible for job site safety.

Do you provide on the job training to all employees? * Yes * No

Please indicate how you inform your workers, other workers or persons at or near the workplace of any workplace hazards to which they may be exposed.

Do you have a disciplinary policy in place for anyone committing health and safety violations? * Yes * No

Please Describe:

Do you have a Joint Occupational Health and Safety Committee or Representative?

* Yes * No

Do you have a preventative maintenance program for tools and machinery?

* Yes * No

Do you have a health and safety policy in place for incorporating sub contractors into the workplace? * Yes * No

Please provide any other information relating to other programs or activities that you believe demonstrate your company conducts their projects safely and in accordance with all health and safety requirements.

NOTE:

PLEASE BE ADVISED THAT DURING THE TENDERING PROCESS OR AT ANYTIME DURING THE CONTRACTED WORK, CBRM MAY REQUEST COPIES OF POLICIES, PROCEDURES, RECORDS OR DOCUMENTATION OF PROOF FOR ANY QUESTIONS ANSWERED ON THIS QUESTIONNAIRE. DO YOU AGREE TO PROVIDE THIS INFORMATION * Yes * No IF REQUESTED?

Signature

Date

Position/ Title



CBRM

A Community of Communities

Sheila Kolanko
Property Manager
(902) 563-0865

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko
Property Manager

SUBJECT: Acquisition of Land – Sydney, NS
(PID 15074941; 15202195; 15075427; 15073174)
Boulderwood Development Company Ltd.
File No. 07224

DATE: November 28th, 2017

ISSUE:

The legal department received a written request from Boulderwood Development Company Limited (“BDCL”) offering to transfer four parcels of land, presently own by the company, to CBRM by way of Quit Claim Deed, on an “as is where is basis” for the consideration of \$1.00.

BACKGROUND INFORMATION:

The last building lot conveyed in the Boulderwood-Calderwood Subdivision was in 2009. BDCL is in the process of winding down the company and it has been discovered they have four undeveloped parcels of land remaining in the name of the Company that is not suitable for future development. Please see attached a copy of the maps showing the 4 properties BDCL wishes to transfer.

REVIEW:

An internal staff review was carried out to determine whether or not it would be advantageous for CBRM to take over these properties. Acquiring PID 15074941, 15202195 & 15075427 will allow for CBRM to better manage storm water in the area. PID 15073174 is suitable for possible future road enhancements. The staff recommendation received was to accept a Quit Claim Deed for the properties of \$1.00.

These properties in total have an estimated assessed value of \$10,800.00.

RECOMMENDATION:

Staff recommends that Council approve the transfer of the lands from BDCL to CBRM for consideration of one dollars (\$1.00).

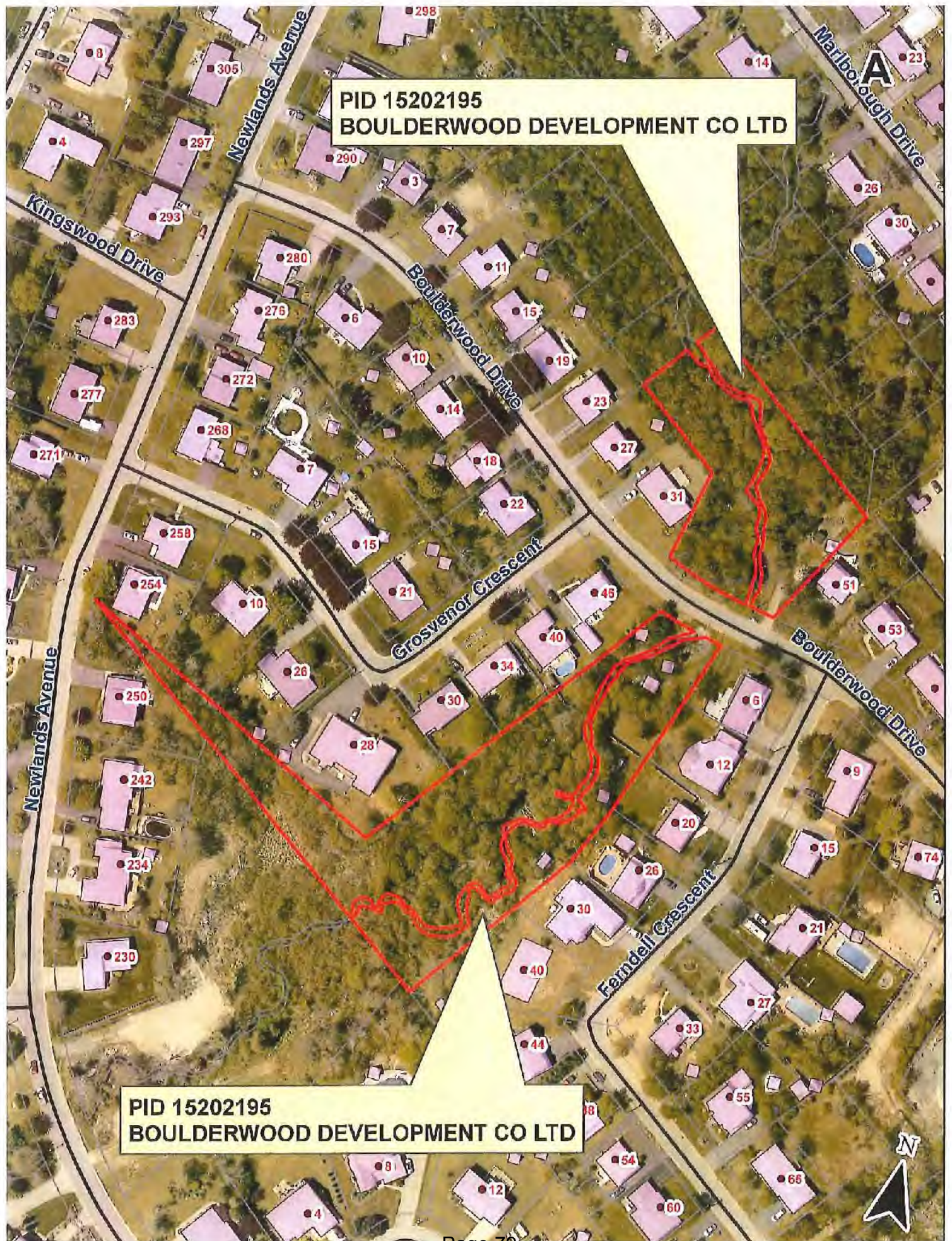
Respectfully submitted,

Original Signed By

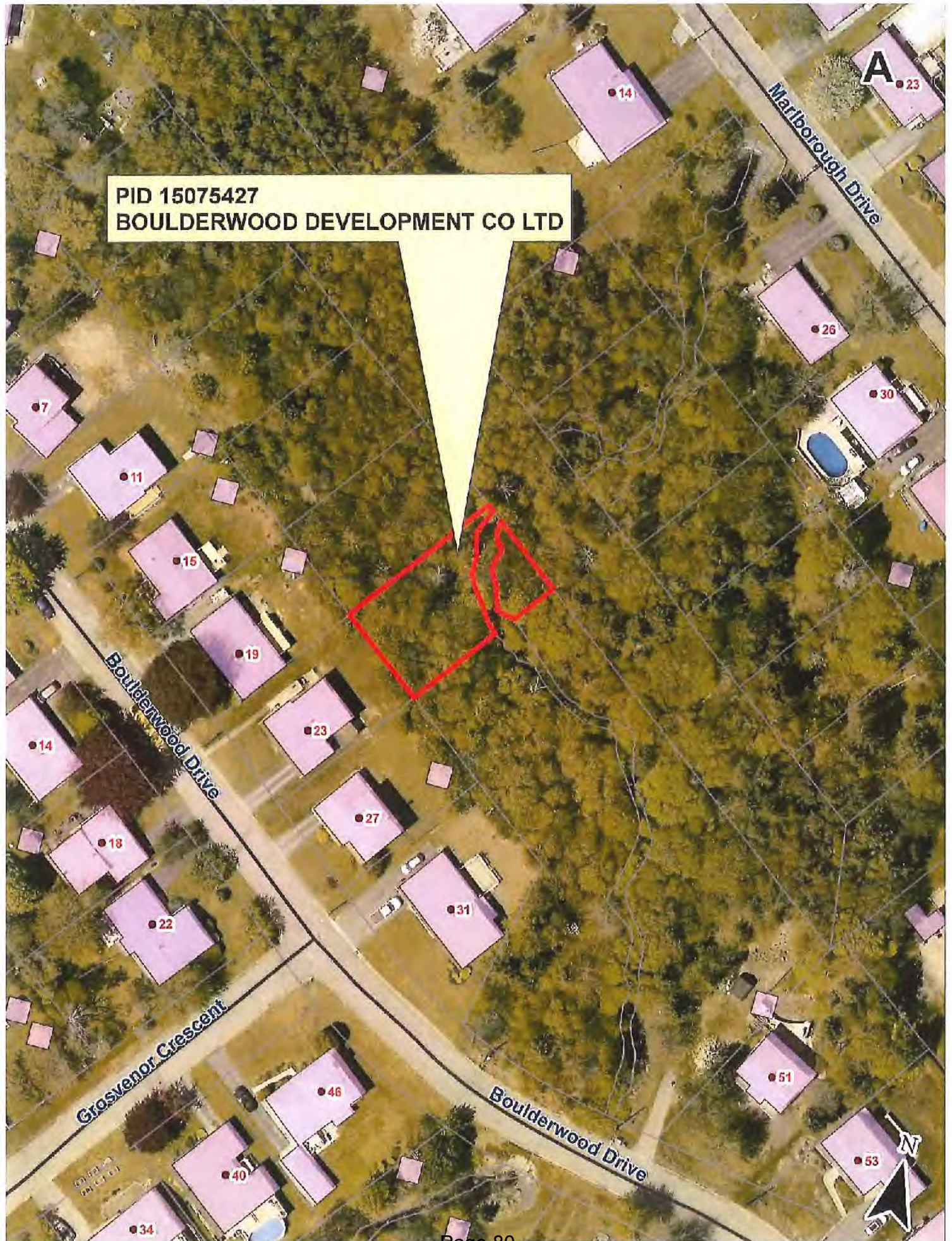
Sheila Kolanko
Property Manager
Attachments (4)



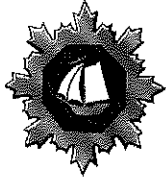
PID 15074941
BOULDERWOOD DEVELOPMENT CO LTD



PID 15075427
BOULDERWOOD DEVELOPMENT CO LTD







A Community of Communities

Issue Paper

DATE: Nov. 21, 2017
TO: Mayor & Council
FROM: Bill Murphy, Director Parks, Recreation, and Buildings & Facilities
RE: Glace Bay Arena

Background

The existing Recreation Centre was officially opened on September 6th 1996. The building was operated under the direction of a not-for-profit Board of Directors who hired a General Manager to manage the affairs of the arena and the society. There was an expansion to add additional team dressing rooms in 2010 and the installation of a geothermal ice plant added in 2012.

Current Situation

At the end of last season, the Board of Directors of the Glace Bay Recreational Society requested a meeting with the Mayor of CBRM. The Board of Directors expressed concerns on their inability to keep the existing building operating. After two follow up discussions, the Society advised the Mayor of their intention to disband. The Society then solicited the aid of Sonny MacDougall, CA, Partner at MGM, to act as the “trustee” to dissolve the Society and return the assets of the building to the municipality.

The Building

The existing building needs major renovations in many areas to modernize the facility and to provide an additional 25-years to life span to the infrastructure. As a result of discussions with, and financial support from the Provincial and Federal Government, CBRM has engaged a consultant to provide an assessment of the arena to determine the costs and scope of a full refurbishment of the building. This assessment will form the basis of a report identifying the capital requirement which will be presented to funding partners for consideration. Clearly without federal and provincial financial support to pay for modernization, the municipality would not be in a position to take this large project on. CBRM will also develop a proposed operating plan which will consider budget, staffing and building use.

As part of the Recreation Masterplan process, Mr. Jim Scott identified the facility as an important piece of the ice arena infrastructure for the region serving a substantive population in the Glace

Bay and surrounding areas. He also referenced the condition and lifespan as being of concern for immediate attention requiring refurbishment and a review of the operations (attached).

Today, arenas are complex operating systems requiring constant attention and maintenance. The balance between energy consumption and operating costs for a large facility are important considerations in a carbon reducing society. Given its capacity with both technical and financial resources, the municipality is in the best position to manage and operate a facility this size once all the existing problems are addressed.

It is proposed that the supervision of the facility would report to Council through the General Manager of Facilities and other required employees would be members in good standing of CBRM's two employee unions: C.U.P.E. local 759 & local 933.

Recommendation(s)

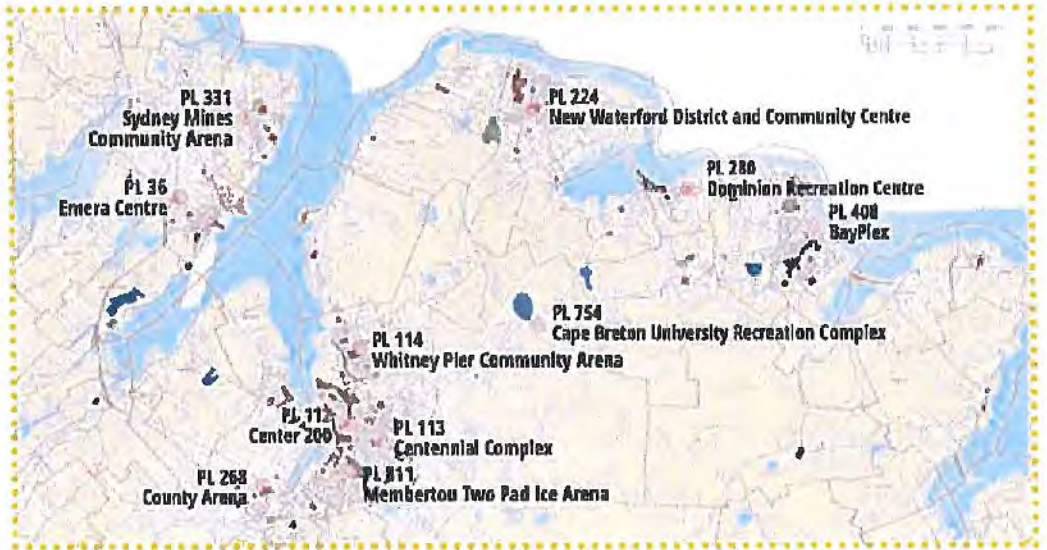
That CBRM take possession of the arena at Glace Bay. Once the assessment of the required capital investment is complete, it will be presented to Council along with our Federal and Provincial Partners for funding consideration. If the project and funding are approved by all three levels, it is recommended that CBRM take on operation of the facility under the current department of Parks, Recreation Buildings & Facilities.

To provide a perspective of the cost implication for Council, an estimated statement of income and expenses is attached and provided for discussion.

ORIGINAL SIGNED BY

Bill Murphy, Director
Parks, Recreation, Buildings & Facilities

THE BAYPLEX



NAME:
 BayPlex Recreation Centre

LOCATION:
 Glace Bay, CBRM

AGE:
 Opened 1996



PRIMARY COMPONENTS:

- 85' x 185' ice surface
- 6 change rooms + 1/2 non-designated change room
- Meeting and special event rooms
- Minor hockey office and storage space
- Walking track
- Bar/Restaurant

ICE TIME OVERVIEW:

- Peak period weekday: 4:00PM - 9:00PM
- Peak period weekend: 9:00AM - 7:00PM
- Peak period flat rate: \$185 plus applicable taxes
- Off peak flat rate: \$105 plus applicable taxes
- Peak period use at 100% of available time
- Minor hockey average weekly usage: 42 hours

MONTHLY POWER BILL:

- \$28,000

MANAGEMENT:

- General manager reports to a 12-person board

STAFFING:

- 1 general manager
- 2.5 ice operators
- 8 part-time food, events and maintenance staff
- Volunteer support for set-up and maintenance

RECENT FACILITY IMPROVEMENTS/RENOVATIONS:

- The board, with the support of Glace Bay Minor Hockey and the CBRM, built a \$400,000 addition to the building to support suitable dressing rooms (size and quantity)
- In 2012, a \$1,200,000 geothermal system amended the mechanical system with the intent of creating operating efficiencies. The inefficiencies related to this system results in the high monthly power bill.
- \$40,000 was spent on the entrance lobby area roof to address leaking problems.
- Pepsi sponsored a new \$150,000 score clock.
- A new \$105,000 Zamboni replaced a machine that was purchased in 1996

KNOWN FACILITY IMPROVEMENT/RENOVATION REQUIREMENTS:

- The primary roof (covering the ice surface) requires an estimated \$1,200,000 replacement. This estimate includes the external membranes only; however, extended leaking may have impacted internal wood surfaces (that may require replacement). The general manager believes that this cost may be closer to \$2,100,000.
- The board system requires an estimated \$130,000 replacement.
- All entrance door systems require replacement.
- All skate friendly surfaces require replacement.
- The geothermal system requires a highly-detailed assessment to propose actions that bring the system into efficient operational condition.
- All furniture requires replacement.
- All external brick/block wall systems may require replacement.
- Drainage tile must be replaced or installed at all external wall/foundation bases.

GENERAL NOTES:

- The BayPlex was built with federal funds prior to municipal amalgamation. The facility is an important cultural and recreational address in Glace Bay and is considered the heart of the community.
- Since opening, facility upgrades have been reactionary responses to emergency situations or significant community need (i.e. dressing rooms). Investment into sustaining the building's basic condition is annually deferred; therefore, the building's renovation requirements are significant.

CBRM ACTIONS:

- The present management and board are not capable of sustaining either operational or capital upgrade requirements. Although the facility is not owned by the CBRM, or is the responsibility of the CBRM, the municipality will likely receive capital upgrade requests. Prior to making any investments in the BayPlex, the CBRM should assess the physical and operational condition of the facility prior to committing to an appropriate level of support.

[illegible]

Glace Bay Arena (FACILITIES)	Budget	
Cost elements	2017-2018	Notes:
6000 WAGES/SALARIES	\$ 260,000.00	
6010 BENEFITS	\$ 50,000.00	
6011 MISC. BENEFITS	\$ -	
6020 TRAINING/EDUCATION	\$ 800.00	
6030 TRAVEL/CONFERENCES	\$ -	
6040 PROF MEM/DUES & FEES	\$ 200.00	
6050 OFFICE SUPPLIES	\$ 200.00	
6060 OFFICE EQUIPMENT	\$ -	
6070 PHOTOCOPY SUPPLIES	\$ -	
6080 ADVERTISING	\$ -	
6090 POSTAGE	\$ -	
6100 COURIER	\$ -	
6110 TELEPHONE/FAX	\$ 1,000.00	
6120 PUBL./SUBSCRIPTIONS	\$ -	
6130 COMPUTER HARDWARE	\$ -	
6140 COMPUTER SOFTWARE	\$ -	
6150 MEETING EXPENSES	\$ -	
6160 LIABILITY INSURANCE	\$ -	
6180 COST RECOVERY	\$ -	
7000 HEAT	\$ 12,000.00	
7010 ELECTRICAL	\$ 85,000.00	
7020 WATER	\$ 10,000.00	
7030 BLDG/FACILITY MAINT	\$ 10,000.00	
7040 BLDG/FACILITY REPAIR	\$ 10,000.00	
7050 BLDG/FACILITY INS	\$ 3,500.00	
7060 BLDG/FACILITY RENOV	\$ 5,000.00	
7070 BLDG/FACILITY RENTAL	\$ -	
7080 PLANT MAINTENANCE	\$ 20,000.00	
7090 PLANT REPAIRS	\$ -	
7100 MAINT. TOOLS/EQUIP	\$ -	
7110 SECURITY	\$ -	
7120 PROPERTY TAXES	\$ -	
7130 DEMOLITION	\$ -	
7500 VEH/EQUIP MAINT.	\$ -	
7505 GASOLINE AND DIESEL	\$ -	
7510 VEH/EQUIP REPAIRS	\$ 2,500.00	
7520 VEH/EQUIP INSURANCE	\$ 500.00	
7530 VEH/EQUIP REPLACEMNT	\$ -	
7540 VEH/EQUIP RENTAL	\$ -	
7550 VEH/EQUIP TOWING	\$ -	
7560 VEH/EQUIP GEN SUPPL	\$ -	
7570 VEH/EQUIP TOOLS	\$ -	
8000 OPERATIONAL EQUIP	\$ -	
8010 OPERATIONAL MAT/SUPP	\$ 15,000.00	
8020 MAINTENANCE EQUIP	\$ -	
8030 MAINTENANCE MAT/SUPP	\$ -	
8050 COST OF SALES	\$ 20,000.00	
8080 STREET LIGHTS	\$ -	
8090 UNIFORMS/CLOTHING	\$ 1,500.00	
8100 PROFESSIONAL SERVICE	\$ -	
8110 CONTRACTS/AGREEMENTS	\$ 15,000.00	
8120 LEASES	\$ -	
8130 LICENSES/PERMITS	\$ -	
8135 REGULATORY FEES	\$ -	
8140 EASEMENTS/ROW COSTS	\$ -	
8150 GRANTS TO ORGANIZATIONS	\$ -	
8160 SPECIAL EVENTS & FESTIVALS	\$ -	
8170 OPERATING GRANTS POLICY	\$ -	
	\$ -	
EXPENDITURE COST ELEMENTS	\$ 522,200.00	



**CBRM Councillors'
Office**

M·E·M·O

To: Municipal Clerk Deborah Campbell
From: Councillor Earlene MacMullin
Re: Agenda Item – November 28th, 2017
Date: November 20th, 2017

Dear Deborah:

I am requesting that at the November 28th, 2017 Council meeting the following request be included in the agenda:

The CBRM Streetlight Policy was approved by Council in 2002. As stated in the policy the intent is to provide a level of street lighting that is both affordable and adequate for vehicular and pedestrian traffic. Since that time situations and new developments particularly in our rural areas have been brought to my attention where I do not feel existing lighting would be considered adequate but due to the existing policy we are unable to address.

It is my request that staff, in consultation with Council, review the existing policy to have lighting in rural areas re-evaluated and consider economical solutions including the ability to redistribute existing streetlights.

Thanking you for your time and consideration.

Sincerely;

ORIGINAL SIGNED BY

Councillor Earlene MacMullin – District #2 - CBRM

/cmi

Fines For Illegal Dumping:

Motion:

Moved by Councillor Coombes, seconded by Councillor MacLeod, that staff be directed to:

- Update the current Solid Waste By-law to address the issue of illegal dumping specifically. These changes would include a larger fine for said offence.
- Initiate the process for having the new Solid Waste By-law registered under the summary offence regulations.

Discussion:

During discussion, staff indicated that a separate issue paper on littering from fast food restaurants, as well as abandoned shopping carts, is being prepared and will be presented to Committee at a later date. Staff was asked to include increased fines for littering in the issue paper.

Some Committee members suggested that the CAO and the Chief of Police discuss the possibility of assigning police officers who are on ease back to investigate illegal dumping in order to minimize the cost the Municipality, and that this issue should be noted on the agenda for the next Police Commission meeting.

The Mayor then called for the vote. **Motion Carried.**



A Community of Communities

Issue Paper

TO: GENERAL COMMITTEE

November 2017

RE: Solid Waste Resource Management By-Law No. S-300

BACKGROUND

The current Solid Waste By-Law was last amended June 2006. Many changes have occurred in the department since and need to be reflected in the by-law.

PURPOSE

The updating of the by-law will more accurately reflect the current operations of the solid waste department. As well litter and illegal dumping definitions and infractions have been more clearly identified.

The by-law will be registered under the provincial summary offence regulations which will streamline the ability to enforce the penalty section of the updated by-law.

LEGISLATIVE AUTHORITY

Pursuant to part XIII of the municipal Government Act of Nova Scotia the council of Cape Breton Regional Municipality has the authority to make by-laws respecting solid waste as follows:

(Excerpt from MGA)

PART XIII

SOLID-WASTE RESOURCE MANAGEMENT

By-law regarding solid waste

325 The council may make by-laws respecting solid waste, including, but not limited to,

- (a) prohibiting persons from depositing any solid waste except at a solid-waste management facility;
- (b) regulating the disposal, collection and removal of solid waste;
- (c) regulating the use of containers for solid waste;

- (d) licensing persons engaged in the business of removing or collecting solid waste, regulating the operation of the business and prohibiting, in whole or in part, the operation of such a business by a person not holding a licence;
- (e) prescribing the materials that may or may not be deposited at a solid-waste management facility of the municipality or in which the municipality participates;
- (f) prescribing the terms and conditions under which a deposit may be made at a solid-waste management facility of the municipality or in which the municipality participates, including the amount and manner of payment of any fees and charges to be paid for the deposit;
- (g) requiring the separation of solid waste prior to collection;
- (h) setting fees or charges for removal of solid waste;
- (i) requiring compliance with a waste resource diversion strategy;
- (j) respecting anything required to implement the integrated solid-waste resource management strategy of the municipality.

1998, c. 18, s. 325.

Solid-waste management

326 (1) A municipality may provide compensation to an area, to the property owners in an area or to the residents of an area in which a solid-waste management facility is located in amounts, and under the conditions, determined by the council.

(2) A municipality may contract with other municipalities or persons for the

DISCUSSION

The changes being proposed to the by-law are not associated nor do they overlap with any other bylaws. There are references in the solid waste by-law to provincial legislation (Solid Waste-Resource Management Regulations) as well as the CBRM Subdivision By-Law.

PROS/CONS

Pros:

- Clearly reflects current curbside collection requirements
- Eligible premises updated (i.e. condominiums)
- Bluebag storage containers requirements added
- Illegal dumping identified
- Litter plans now required by IC&I sector
- Drive thru waste containers now required
- Clearer requirements for vehicle registration at waste management facility
- Tipping fee schedule can now be updated as an attachment to the bylaw

FINANCIAL IMPLICATIONS

The proposed amendments will not require a change to the current operating budget of the solid waste department.

IMPLEMENTATION CONTROL

The Solid Waste Department will oversee the changes required. Once amendments are approved we will need to work with the legal department to implement the registration of the by-law under the summary offence regulations.

ENFORCEMENT

Enforcement of the by-law will be the responsibility of the solid waste department. Enforcement will be done by CBRPS officer assigned to the solid waste department. This position is currently partially funded through a program administered by Divert NS.

TIMELINE

When amends are presented to council and approved this will constitute 1st reading. 2nd reading can proceed 14 days after the 1st reading.

RECOMMENDATIONS

1. Council approve proposed amendments.

ORIGINAL SIGNED BY

Francis Campbell
Manager Solid Waste

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

1. TITLE

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

2. DEFINITIONS

- 2.1 In this By-law the following words and phrases shall have the following meanings:

Items appearing in red are changes from previous version of bylaw

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

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

explosives, fireworks, pathological wastes, ammunition, oil, gas, oil gas mixes, etc.

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

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

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

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

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

3. THE COUNCIL

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

4. THE MANAGER

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

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

5. THE PUBLIC

5.1 The owner or occupier of an eligible premises shall:

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

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

6. ELIGIBLE PREMISES

6.1 Eligible premises include the following:

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

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

7. COLLECTIBLE MATERIAL – PREPARATION AND RESTRICTIONS

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

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

8. REGULATION CONTAINERS FOR MUNICIPAL COLLECTION

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

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

a. Plastic Bag Specifications Mixed Waste: **Clear Garbage Bags**

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

b. Container Specifications Mixed Waste: Garbage Cans

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

c. Storage Containers: Roadside Boxes

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

d. Organic Materials: Green Carts and Mini Bins

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

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

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

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

f. Storage Containers: Roadside Boxes Blue Bags

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

9. PLACEMENT OF MATERIALS

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

10. COLLECTION TIMES & FREQUENCIES

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

11. HOUSEHOLD SPECIAL WASTE

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

12. ILLEGAL DUMPING/LITTER

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

13. INDUSTRIAL, COMMERCIAL, INSTITUTIONAL WASTE

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

14. CONSTRUCTION AND DEMOLITION WASTE

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

15. COMMERCIAL CONTAINERS

15.1. The following provisions apply to commercial containers:

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

16. VEHICLES CARRYING WASTE

16.1 The following provisions apply to vehicles carrying waste materials:

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

- c. every vehicle used for the collection and transportation of waste materials, ICI waste, mixed waste, organic materials, and recyclable materials shall have a tailgate or other restraining device and shall be completely closed or equipped with a tarpaulin, and such tarpaulin shall be used to cover such waste materials, ICI waste, mixed waste, organic materials and/or recyclable materials while the same is being transported.
- d. all waste materials, ICI waste, mixed waste, organic materials and recyclable materials shall be transported in such a manner that materials shall not spill or scatter from the vehicle containing the same.
- e. the manager may inspect vehicles used for the collection or carriage of waste materials at all reasonable times to ensure compliance with this by-law.

16.2 Persons who collect and transport waste materials, ICI waste, mixed waste, organic materials and recyclable materials that have been placed for collection in accordance with Section 16 (1) at industrial, commercial or institutional premises or properties shall transport waste materials, ICI waste, mixed waste, organic materials and recyclable materials in a source separated condition and deliver the same material in a source-separated condition to the appropriate receiving facility in accordance with the Municipality's waste-resource management system. ICI waste contained in bags must be placed in clear, translucent in color bags.

17. PROHIBITIONS

17.1. No person shall:

- a. pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection.
- b. remove, collect waste material placed for municipal collection.
- c. shall remove a container or organics collection cart placed at curbside.

17.2. The prohibitions in Section 17.1 do not apply to the person who placed the waste material for collection or to the Municipality, its contractors or authorized Municipal collection contractors.

18. WASTE DISPOSAL FEE STRUCTURE

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

19. VEHICLE REGISTRATION

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

20. FEE PAYMENT:

20.1. The following applies to the payment of fees:

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

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

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

21. DUTY TO NAME PERSON RESPONSIBLE

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

22. PENALTIES

- 22.1 Any person who contravenes any provision of this by-Law shall be liable upon summary conviction for every such offense to a penalty of not less than five hundred dollars (\$500.00) and not exceeding fifty thousand dollars (\$50,000) or in default of payment, to imprisonment for a term not exceeding ninety days (90 days) and each day that the offence continues shall constitute a new offence.
- 22.2 Any person alleged to have violated this bylaw ,who is given notice of the alleged violation and where the said notice so provides for payment , may pay a penalty in the amount of five hundred dollars (\$500.00) to the CAPE BRETON REGIONAL MUNICIPALITY provided that said payment is made within a period of fourteen days (14) following the day on which the alleged violation was committed, and said payment shall be in full satisfaction , releasing and discharging all penalties and imprisonments incurred by the person for said violation .
- 22.3 In addition to any fine or imprisonment imposed pursuant to subsection 21.1, the court or judge may order the person convicted to pay all expenses incurred in correcting the contravention of the By-law or any damages associated with such contravention.

Solid Waste Resource Management By-Law

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

23. REPEAL

23.1 The following are hereby repealed:

Cape Breton Regional Municipality Garbage Collection By-Law.

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

Publication Date: July 12, 2003

Amendments:

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

June 20, 2006 (published June 27, 2006)

MAYOR CECIL P. CLARKE

MUNICIPAL CLERK

DEBORAH CAMPBELL RYAN

Appendix A:**Waste Disposal Tipping Fee Schedule 1 - Effective date October 1, 2005**

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

Solid Waste Resource Management By-Law

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



Cape Breton Regional Municipality

Solid Waste Resource Management By-Law Current Program Update & Proposed Changes



Cape Breton Regional Municipality

The current Solid Waste Resource Management By-Law was last amended June 2006. Many changes have occurred in the department since 2006 and need to be reflected in the By-Law.

The updating of the by-law will more accurately reflect the current operations of the Solid Waste Department. As well, litter and illegal dumping definitions and infractions have been more clearly identified.

Pursuant to part XIII of the Municipal Government Act of Nova Scotia, council of the Cape Breton Regional Municipality has the authority to make by-laws respecting solid waste. (MGA)



Cape Breton Regional Municipality

Changes being proposed do not overlap with any existing bylaws

There are references to Provincial regulations (Solid Waste-Resource Regulations)

References to CBRM Subdivision Bylaw

No required changes to the current operating budget

Enforcement will be carried out by CBRPS officer assigned to the solid waste department

Today constitutes the 1st reading 2nd reading can proceed 14 days after 1st reading



Cape Breton Regional Municipality

Solid Waste Resource Management By-Law Definition's Updated



Cape Breton Regional Municipality

Private Road Definition All Roads	Section 2. Definitions 2.1 In this By-law the following words and phrases shall have the following meanings: (ii): private road is a road as defined by the Subdivision By-Law of CBRM .
	Section 2. Definitions 2.1 In this By-law the following words and phrases shall have the following meanings: (qq): unlisted bungalow road is an unlisted bungalow road as defined by the Subdivision By-law of CBRM .
	Section 2. Definitions 2.1 In this By-law the following words and phrases shall have the following meanings: (rr): unlisted road is an unlisted road as defined by the Subdivision By-law of CBRM .
Clear Garbage Bags	Section 8. Regulation Containers For Municipal Collection 8.2 Only containers which meet the following specifications and requirements shall be utilized for the purposes of municipal collection. (a) Plastic Bag Specifications Mixed Waste; Clear Garbage Bags (iv): bag must be clear, translucent in color when placing more than one (1) bag of garbage curbside. The one dark bag used curbside can be dark, colored or tinted. The bag must not be yellow, red, orange or tinted. The bag must not be yellow, red, orange or transparent blue in color for mixed waste.



Cape Breton Regional Municipality

Condominium	Section 2 Definitions 2.1 In this By-law the following words and phrases shall have the following meanings (i): condominium means the division of land and buildings intended to be used as condominium in Nova Scotia and is registered under the Condominium Act, revised statutes of Nova Scotia, 1989 Chapter 85.
	Section 6 Eligible Premises 6.1 (a) condominium buildings
Construction and Demolition Definition	Section 2 Definitions 2.1 In this By-law the following words and phrases shall have the following meanings (j): construction and demolition waste means materials generated as a result of construction, demolition or renovation activities. This includes materials normally used in the construction of buildings, structures, roadways, walls and other landscaping material such as asphalt, brick, mortar, concrete, drywall, plaster, cellulose, fiberglass fibers, lumber, wood, asphalt shingles and metals.
Household Special Waste (HSW)	Section 2 Definitions 2.1 In this By-law the following words and phrases shall have the following meanings (r): household special waste or HSW means waste-resource materials of a potentially hazardous nature generated in households including, but not restricted to solvents, glues, cleaner's, paints and finishes, asphalt sealers, kerosene, pesticides, lawn and garden chemicals poisons, propane tanks, roofing tar, pool chemicals, batteries, etc. For the purpose of this by-law, household special waste does not include PCB's, radioactive materials, explosives, fireworks, pathological wastes, ammunition, oil, gas, or oil/gas mixes.



Cape Breton Regional Municipality

Green cart definition	Section 2 Definitions 2.1 In this By-law the following words and phrases shall have the following meaning (p): green cart means an aerated cart supplied to eligible premises by the Municipality for the collection of organic materials.
Mini bin definition	Section 2 Definitions 2.1 In this By-law the following words and phrases shall have the following meaning (y): mini bin means a small container supplied to eligible premises by the Municipality for the collection of organic materials. The mini bin is intended for household use only, not curbside use.
Organic waste regulation Containers	Section 2 Definitions 2.1 In this By-law the following words and phrases shall have the following meaning (gg): organic materials regulation container means a cart or other container as specified in Section 8 for the collection of organic materials.
Residential food waste definition	Section 2 Definitions 2.1 In this By-law the following words and phrases shall have the following meaning (ll): residential food waste means fruit and vegetable peelings, table scraps, bread, grain, rice, pasta, egg shells, coffee grounds and filters, tea leaves and tea bags or other similar items suitable for disposal in a green cart



Cape Breton Regional Municipality

Solid Waste Resource Management By-Law Amendments to Reflect Current Program



Cape Breton Regional Municipality

Eligible Premises	6. Eligible Premises 6.1 Eligible premises include the following:
	a. single family dwellings including mobile homes.
	b. multi-unit residential dwellings that constitute a unit in a duplex, row house or townhouse where every unit has street or road frontage.
	c. multi-unit apartment buildings to a maximum of six (6) units. (limited to 5 bags per unit to a total of 30 bags)
	d. fire halls
	e. Condominium buildings
	6. Eligible Premises 6.2 Owners and occupants of properties not defined herein as eligible premises shall not place any waste materials at the curbside of such properties for municipal collection.
Clarification of Six (6) Unit Cut Off	Section 6 Eligible Premises 6.1 Eligible premises include the following (c): multi unit apartment buildings to a maximum of six (6) units. (Limited to 5 bags per unit to a total of 30 bags)
	Section 7 Collectible Material Preparation & Restrictions 7.1 No material shall be placed out or caused to be placed out for municipal curbside collection by any person except in accordance with the following (a): for eligible premises as outlined in section 6.1 of this bylaw a maximum of five (5) mixed waste regulation containers.



Cape Breton Regional Municipality

Clear Bag Regulation Bags for Municipal Collection	8. Regulation Containers for Municipal Collection 8.2 Only containers which meet the following specifications and requirements shall be utilized for the purposes of municipal collection.
	a. Plastic Bag Specifications Mixed Waste: Clear Garbage Bags
	i. bags must be watertight and securely tied with an overall length of between 0.5 meters and 1 meter when empty.
	ii. bag weight not to exceed 12 kilograms including contents.
	iii. bags must have a thickness sufficient to prevent breakage, tearing or splitting upon collection.
	iv. bags must be clear, translucent in color when placing more than one (1) bag of garbage curbside. The one dark bag used curbside can be dark, colored or tinted. The bag must not be yellow, red, orange or transparent blue in color for mixed waste.



Cape Breton Regional Municipality

Blue Bag Regulation Bags for Municipal Collection

Section 8 Regulation Containers for Municipal Collection 8.2 Only containers which meet the following specifications and requirements shall be utilized for the purposes of municipal collection (e): **Plastic Bag Specifications Blue Bags: Blue Transparent Plastic Bags** (iii): all materials must be securely contained so as to prevent material from escaping into the environment.

Section 8 Regulation Containers for Municipal Collection 8.2 Only containers which meet the following specifications and requirements shall be utilized for the purposes of municipal collection (e): **Plastic Bag Specifications Blue Bags: Blue Transparent Plastic Bags** (v): the weight of each blue bag, including contents, placed for blue bag collection must not exceed 12 kilograms.



Cape Breton Regional Municipality

Blue Bag Regulation Containers for Municipal Collection

Section 8 Regulation Containers for Municipal Collection 8.2 Only containers which meet the following specifications and requirements shall be utilized for the purposes of municipal collection (f) **Storage Containers: Roadside Boxes Blue Bags** (i) outdoor, roadside boxes or bins are acceptable for storing fiber and container recyclable materials provided they meet the following specifications:

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



Cape Breton Regional Municipality

Green cart and mini kitchen bin organic waste regulation Containers	Section 8. Regulation Containers for Municipal Collection Section 8.2 Only containers which meet the following specifications and requirements shall be utilized for the purpose of municipal collection. (d) Organic Materials Green Carts and Mini Bins (i) where the Municipality establishes a separate collection for organic materials, the following organic materials regulation containers shall be used: 1. eligible premises that receive curbside collection will be delivered and assigned one green cart and one mini bin by the Municipality. The Municipality will establish the number of cart(s) and mini bin(s) assigned to types of eligible premises. 2. green cart(s) and mini bin(s) assigned to eligible premises are to remain with the eligible premises. 3. owners or occupants of eligible premises are responsible for the care and cleaning of each green cart and mini bin which have been assigned to their eligible premises. 4. repair to damaged green cart(s) or replacement of green cart(s) or mini bin(s) assigned to eligible premises due to misuse, alterations or abuse involving the owner or occupant of the eligible premises shall be the responsibility of the owner or occupant of the eligible premises to which the cart(s) or mini bin(s) is assigned. 5. Owners or occupants of eligible premises shall make the green cart(s) assigned to eligible premises available to the Municipality or its contractors or agents within reasonable time frame upon request for inspection or repair purposes or for identification of the serial number.
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Cape Breton Regional Municipality

Green cart and mini kitchen bin organic waste regulation Containers	Section 9 Placement of Materials 9.4: Green carts must be placed at the curb in an upright position with the lid closed and the front of the green cart facing the street, road or highway.
Green cart and mini kitchen bin organic waste regulation Containers	Section 5. The Public 5.1 (b): provide separate containers for mixed waste, organic waste and for recyclable waste. Section 7. Collectible Material 7.1 (e) where the Municipality establishes a separate municipal curbside collection of organic materials, the following conditions and restrictions shall apply to all such collections: i. A maximum of one (1) green cart may be placed for curbside collection.



Cape Breton Regional Municipality

Solid Waste Resource Management By-Law New Additions



Cape Breton Regional Municipality

Illegal Dumping and Littering

Section 12. Illegal Dumping and Litter

12.1 No owner or occupier of property in the Municipality shall permit the accumulation of solid waste in or around the property to the extent that it is likely to become a nuisance or hazard to the public health.

12.2 Owners and occupants are responsible to provide for the lawful collection and disposal of all solid waste that is not subject to municipal collection.

12.3 No person shall place waste for curbside collection on a property other than a property owned and occupied by such person or in respect of which the person has obtained the consent of the owner or occupier for that purpose.

12.4 No person shall dump, abandon or dispose of waste-resources at any public or private place unless that place is duly licensed to receive and dispose of the particular category of waste-resources.

12.5 No person shall dispose of or cause the disposal of the following materials at any licensed solid waste-resource management facility or deposit any such materials in a storage area, storage container or collection container, intended for residual waste disposal in an incinerator or landfill nearby, namely:

a. Material banned from disposal by provincial regulations: materials banned from disposal by provincial regulation are those materials listed in Schedule B of the Solid Waste Resource Management Regulations as amended from time to time.



Cape Breton Regional Municipality

Illegal Dumping and Littering	12.6 No person shall dump, dispose of or abandon at or near a Waste-Resource Management Centre or any other facility licensed to receive any category of waste-resources when the Facility is not open or when the operator or staff of the facility refuses to accept waste-resources at that time or from that person.
	12.7 Depositing solid waste materials contrary to the above, where the quantity, volume, weight, nature and kind or character of the solid waste or the location of the deposit, in the opinion of the Solid Waste Manager, causes injury, damage, hazard or potential hazard to persons, property or the environment or requires removal by vehicle transport or environmental clean-up and/or remediation to restore the site to reasonable condition, constitutes "Illegal Dumping" under this By-Law.
	12.8 No person shall illegal dump or cause or allow illegal dumping.
	12.9 Each day that illegal dumping materials remain shall constitute a separate offense under this By-Law.



Cape Breton Regional Municipality

Litter Waste Management Plans	Section 13 Industrial, Commercial, Institutional Waste 13.2 : The property owner or agent of an owner of an Industrial, Commercial or Institutional Business shall maintain a Waste Management Plan. This plan must identify the solid waste generated and the method for storing, recycling and disposing of the solid waste generated by the business. This plan , must also include a litter management section. This plan must comply with the provisions of the Provincial Solid Waste Resource Regulations and this by-law. This plan must be provided to the manager within 1 business day following a verbal and/or written request.
Drive Thru Containers	Section 13 Industrial, Commercial, Institutional Waste 13.5 : The property owner or agent of a IC & I establishment offering a drive-thru service shall provide sufficient and adequate containers for any waste generated as a result of the said service.
	Section 13 Industrial, Commercial, Institutional Waste 13.6 : The placement of containers required in section 13.5 shall be in such a manner as to provide access to those customers utilizing the drive-thru lane.



Cape Breton Regional Municipality

User Regulations

Section 16. Vehicles Carrying Waste 16.2: Persons who collect and transport waste materials, ICI waste, mixed waste, organic materials and recyclable materials that have been placed for collection in accordance with Section 16 (1) at industrial, commercial or institutional premises or properties shall transport waste materials, ICI waste, mixed waste, organic materials and recyclable materials in a source separated condition and deliver the same material in a source separated condition to the appropriate receiving facility in accordance with the Municipality's waste-resource management system. ICI waste contained in bags must be placed in clear, translucent in color bags.



Cape Breton Regional Municipality

Tipping Fees as Appendix

Section 18. Waste Disposal Fee Structure 18. 1: The fees and charges for the depositing of materials by haulers and persons who transport waste materials acceptable for disposal at any waste management facility owned by the Municipality, its contractors or its agents as part of the Municipality's waste management system shall be as prescribed from time to time by motion of Council and shall appear in the By-law as Appendix A, Schedule 1.



Cape Breton Regional Municipality

Stringent Credit Requirements

Section 19. Vehicle Registration 19.1: Haulers using the Municipality's Waste Management Facilities shall comply with the registration requirements of the Municipality including vehicle registration for such haulers.

Section 19. Vehicle Registration 19.2: The following provisions apply to vehicle registration for hauler using the Municipality's Waste Management Facilities:

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



Cape Breton Regional Municipality

Penalties

Section 21. Duty to Name Person Responsible 21.1: When a person is identified as the owner of any materials dumped or deposited on a premises in violation of the by-law, the owner of the materials on the request of a peace officer shall, within forty-eight hours of the request, supply the peace officers with the name and address of the person(s) responsible for the illegal dumping of materials. When a materials owner, refuses, fails, neglects or is unable to supply the name and address of the person(s) responsible for the illegal dumping of materials within forty-eight hours after being requested, shall be liable for the infraction under section 12.0 of this by-law.

Section 21. Duty to Name Person Responsible 21.2: Where under this section of the by-law a motor vehicle is operating in violation of this by-law, the registered owner of the vehicle on request of any peace officer shall, within forty-eight hours of the request, supply the peace officer with the name of address of person in charge of the vehicle at the time of such violation. A motor vehicle registered owner, who refuses, fails, neglects or is unable to supply the name and address of the person(s) responsible for the infraction of the by-law within forty-eight hours after being requested, shall be liable for the infraction under section 19.0 of this by-law.



Cape Breton Regional Municipality

Penalties

Section 22. Penalties 22.1: Any person who contravenes any provision of this by-law shall be liable upon summary conviction for every such offense to a penalty of not less than 500 hundred dollars (\$500.00) and not exceeding fifty thousand dollars (\$50,000.00) or in default of payment, to imprisonment for a term not exceeding ninety days (90 days) and each day that the offence continues shall constitute a new offence

Section 22. Penalties 22.2: Any person who is alleged to have violated this by-law and where the notice so provides, may pay a penalty in the amount of 500 hundred dollars (\$500.00) provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for a voluntary payment, said payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

Summary

Statement of Revenue

September 30, 2017

Revenue	Year To Date Assigned	6 Month Budget	6 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 53,152,727	\$ 53,533,785	\$ (381,057)	\$ 107,067,569	\$ 53,914,842
Total Federal Government	1,538,925	1,538,925	0	3,077,849	1,538,924
Total Federal Government Agencies	384,992	384,992	0	769,983	384,992
Total Provincial Government	1,004,412	1,004,413	(0)	2,008,825	1,004,413
Total Provincial Government Agencies	1,528,540	1,454,900	71,640	2,909,799	1,383,259
Total Services to Other Local Government	305,039	305,039	(0)	610,078	305,039
Total Transit	303,357	332,000	(24,643)	664,000	355,643
Total Environmental Development Services	131,863	103,685	27,978	207,370	75,707
Total Licenses & Permits	86,927	74,000	12,927	148,000	61,073
Total Fines & Fees	290,542	276,685	13,857	553,370	262,828
Total Rentals	277,847	259,145	18,702	680,079	402,232
Total Concessions & Franchises	197,065	182,958	14,108	365,915	168,850
Total Interest on Taxes	801,150	661,549	139,601	1,323,098	521,948
Total Finance Revenue	14,950	16,745	(1,795)	33,489	18,539
Total Solid Waste Revenue	1,343,446	1,150,000	193,446	2,300,000	956,554
Total Recreation & Cultural Service Programs	436,154	284,011	148,143	1,862,000	1,429,946
Total Water Utility Charges	2,475,755	2,475,755	(0)	4,951,510	2,475,755
Total Unconditional Transfers	7,930,141	7,922,476	7,666	15,844,951	7,914,810
Total Conditional Transfers	1,731,480	1,731,480	-	3,512,960	1,781,480
Year To Date Assigned Before Cost Recovery 2016 Flood Claims	\$ 73,933,113	\$ 73,692,539	\$ 240,574	\$ 148,890,845	\$ 74,957,732
Cost Recovery 2016 Flood Claim	181,557	-	181,557	-	(181,557)
Year To Date Assigned After Cost Recovery 2016 Flood Claims	\$ 74,114,670	\$ 73,692,539	\$ 422,132	\$ 148,890,845	\$ 74,776,175

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ORIGINAL SIGNED BY

Departmental

Reviewed

Summary

Statement of Expenditures

September 30, 2017

Expenditures	Year to date Expended	6 Month Budget	6 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 764,061	\$ 796,138	\$ 32,077	\$ 1,470,936	\$ 706,875
Administration	724,262	726,845	2,583	1,239,343	509,081
Finance	1,253,423	1,402,136	148,713	2,897,017	1,643,594
Legal	380,296	333,692	(46,604)	664,515	284,219
Human Resources	773,674	838,388	64,714	1,650,262	876,588
Technology & Communications	479,378	514,322	34,943	1,244,687	765,309
Municipal Clerk	196,486	205,731	9,245	527,594	331,108
Fiscal Services	10,664,315	10,950,231	285,916	35,570,603	24,906,288
Occupational Health & Safety	106,167	110,474	4,307	222,183	116,016
Police Services	14,488,240	14,023,657	(464,583)	26,231,264	11,743,024
Fire Services (Incl EMO)	9,317,742	9,721,620	403,878	17,977,844	8,660,102
Engineering & Public Works	21,302,860	21,817,073	514,213	44,367,637	23,064,777
Planning	1,470,764	1,223,807	(246,958)	2,599,518	1,128,754
Facilities C200 & Arenas	1,555,779	1,471,175	(84,604)	3,306,912	1,751,133
Parks & Grounds	1,657,938	1,645,167	(12,771)	2,893,786	1,235,848
Buildings	1,558,170	1,629,490	71,319	3,346,211	1,786,041
Recreation	1,966,700	1,954,260	(12,439)	2,686,533	719,833
Total expended to date excluding 2016 Flood Costs	\$ 68,660,254	\$ 69,364,205	\$ 703,950	\$ 148,890,845	\$ 80,230,591
2016 Flood Costs	183,278	-	(183,278)	-	(183,278)
Total expended to date including 2016 Flood Costs	\$ 68,843,532	\$ 69,364,205	\$ 520,672	\$ 148,890,845	\$ 80,047,313

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Departmental

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Reviewed

Port of Sydney Development Corporation

Income Statement for 6 Month Period Ended September 30, 2017

	YTD Actual	YTD Budget	Variance to Budget	Annual Budget
Wharfage & Berthage	244,272	268,389	(24,117)	473,762
Event Revenue	32,755	27,360	5,395	66,930
Miscellaneous Revenue	20,349	727	(1,581)	4,200
Storage & Rental	189,149	164,238	24,912	241,984
Passenger tax	562,336	596,261	(33,925)	936,691
Craft Market Revenue	53,886	67,350	(13,464)	102,300
Security Revenue	84,021	80,837	3,184	136,416
Transport Canada Marketing Rev.	51,335	0	51,335	0
Business Development - Harbour	113,420	102,000	11,420	204,000
ACOA Revenue Project 209883	22,475	0	22,475	0
	1,374,007	1,307,161	66,846	2,188,283
EXPENSE				
Wages & Salaries	408,064	455,179	(47,115)	823,821
Professional Fees	21,245	38,999	(17,754)	63,000
Advertising & Promotions	22,296	25,224	(2,928)	49,599
Cruise activities	26,035	20,770	5,265	40,485
Dues & Membership Fees	23,860	24,670	(810)	45,187
Event Expense	72	0	72	3,585
Insurance	28,128	26,814	1,314	63,228
Interest & Bank Charges	2,505	2,480	25	4,760
Office & Admin	17,482	21,265	(3,773)	28,085
Miscellaneous	8,825	26,150	(17,325)	35,400
Repairs & Maintenance	69,402	194,314	(124,912)	275,824
Travel	17,009	28,970	(11,961)	56,090
Utilities	75,563	89,390	(13,827)	199,085
Security Expense	92,541	82,205	336	155,091
Business Development - Harbour	113,420	102,000	11,420	204,000
Transport Ca	7,956	0	7,956	0
Tail Ships 2017 Expense	8,760	0	8,760	0
Leasehold Improvements	6,067	50,000	(43,933)	50,000
TOTAL EXPENSE	949,039	1,198,429	(249,391)	2,098,240
NET INCOME	\$424,968.78	\$108,732.00	\$316,236.78	\$69,543.00

