

Cape Breton Regional Municipality

General Committee Meeting

AGENDA

TUESDAY, MAY 1ST, 2018

6:00 P.M.

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

Cape Breton Regional Municipality

General Committee Meeting

Tuesday, May 1st, 2018

6:00 p.m.

AGENDA ITEMS

Roll Call

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

- General Committee – April 3, 2018

2. **CORPORATE SERVICES ISSUES:**

- 2.1 **Proposal by Douglas MacNeil to Donate Land Adjacent to the Wash Brook in Sydney to CBRM to Facilitate its Possible Eventual Use As Part of the Proposed Wash Brook Greenway:** Rick McCready, Senior Planner and Bill Murphy, Director of Recreation, Parks, Grounds, Buildings & Facilities (See page 4)
- 2.2 **Request for Partial Street Closure: Breton Ability Centre, Portion of Bentinck Street, Sydney (PID 15705551):** Sheila Kolanko, Property Manager (See page 17)
- 2.3 **Meeting with CBRM Museum Contacts:** Mayor Cecil P. Clarke (See page 19)
- 2.4 **Corporate Plan 2018 – 2023 - Set Date for Special Meeting of Council:** Marie Walsh, Chief Administrative Officer
- 2.5 **Equalization – A Discussion of Action:** Councillor Kendra Coombes (See page 23)

**General Committee Meeting Agenda
May 1st, 2018 (Cont'd)**

3. PLANNING ISSUES:

3.1 APPROVAL TO ADVERTISE - N/A

**3.2 Name for Unnamed Road Parcel, North Sydney: Karen Neville,
Planner (See page 24)**

4. BUSINESS ARISING:

4.1 General Committee – October 3, 2017:

- a) **Livestock Animal Nuisance Bylaw:** Malcolm Gillis, Director of
Planning & Development (See page 26)

5. PUBLIC SERVICES ISSUE:

**5.1 Cape Breton Regional Municipality Solid Waste-Resource
Management - Council Update:** Francis Campbell, Manager of Solid
Waste (See page 32)

ADJOURNMENT



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCready
Planning Department

320 Esplanade
Sydney, Nova Scotia
B1P 7A9

Tel: 902-563-5972

Fax: 902-564-0481

email: rgmccready@cbrm.ns.ca

April 18, 2018

MEMO TO: CBRM Council

FROM: Rick McCready, MCIP, Senior Planner and Bill Murphy, Director of Recreation, Parks, Grounds, Buildings & Facilities

RE: Proposal by Douglas MacNeil to donate land adjacent to the Wash Brook in Sydney to CBRM to facilitate its possible eventual use as part of the proposed Wash Brook Greenway

Background

Staff has been approached by citizens who are interested in developing a public pathway along the Wash Brook in central Sydney. The concept envisages a combined pedestrian/cyclist path that would, once completed, connect the Baille Ard trails system to Whitney Avenue. The pathway would cross a number of properties owned by the CBRM and by the Province, as well as several privately owned properties. In the case of all of the properties, agreements would obviously have to be negotiated with the owners before trail construction could take place.

It must be emphasized at this point that this proposed pathway is just a concept, not a concrete proposal. However, the proponents of the project (the Southend Public Gardens Association) have met with a trail planning consultant who has prepared a proposal to prepare a preliminary plan for the project. A copy of that proposal is attached. The Society has applied for funding to undertake the plan, although at the time this report was written the funding had not been secured. No funding applications have been submitted to CBRM.

Although actual construction of this pathway is unlikely to begin any time soon, the proponents have had some discussions with Mr. Douglas MacNeil, the owner of PID # 15674369, regarding the possibility of him donating the land (which borders directly on the brook) so that it could eventually be utilized as part of the pathway. Mr. MacNeil has written to the CBRM indicating his willingness to do so. The only cost to CBRM would be some legal fees associated with the deed transfer. (See attached letter from Mr. MacNeil and map showing the location of PID #15674369).

Discussion

It is the understanding of staff that the intention of the project's proponents to develop a pathway using the same model as that employed with the Baille Ard trails system. This model involved a community board taking the lead on planning and constructing the trail system, and taking responsibility for maintenance once complete. As some of the proposed pathway crosses CBRM property, it is assumed that once the plans are completed agreements would be signed with CBRM allowing the pathway to be built across CBRM property, and also specifying that the responsibility for building and maintaining the pathway would be the responsibility of the board, which, in this case, would presumably be the Southend Public Gardens Association or another established community organization.

At this point, Mr. MacNeil has made an offer and staff feel that it would be appropriate to accept that offer and acquire ownership of the property in question. Staff also sees the value in the proposed pathway, which would provide a quality off-road link between Baille Ard and the Whitney Avenue area in the heart of Sydney. However, the proposed path is not identified in the CBRM Active Transportation Plan nor is it identified as a priority in the CBRM Recreation Master Plan.

As a final note, staff are of the opinion that it may be desirable to acquire this property even if for some reason the pathway is never built. The land in question is obviously in a flood prone area and it is in the public interest to keep it in an undeveloped state. It could possibly be useful in future flood mitigation efforts.

Recommendation

Staff recommends that CBRM Council accept Mr. MacNeil's offer, and acquire PID # 15674369, on the understanding that:

- 1. No pathway development take place on the property until after the completion of the plans outlined in the attached proposal by Cobequid Consulting**
- 2. No pathway development take place on the property until an agreement has been negotiated with the CBRM, which specifies that all costs associated with the development and maintenance of the pathway will be the responsibility of the Southend Public Gardens Association or another established community organization**

Yours very truly,

Bill Murphy,
Director of Recreation, Parks, Grounds, Buildings and Facilities

Rick McCready, MCIP
Senior Planner

Mar 27, 2018

Pope Breton Regional Municipality
320 Esplanade
Sydney, N.S.
BIP 229

Dear Sir,

This is a letter to donate a lot of
land to The Canadian Railway. The lot
is located at Cottagedale Crescent in
the North end.

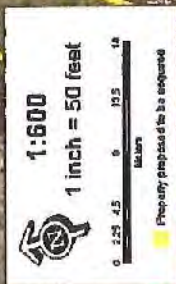
The lot is Lot No 97#2 of The
Subdivision of the Lands of Cottagedale
Crescent, prepared by John S. Pope & Co
Ltd. Nov. 29, 1979. Assessment account
number is (A.A.N) 07300670.

Hope this is suffice. Thanks.

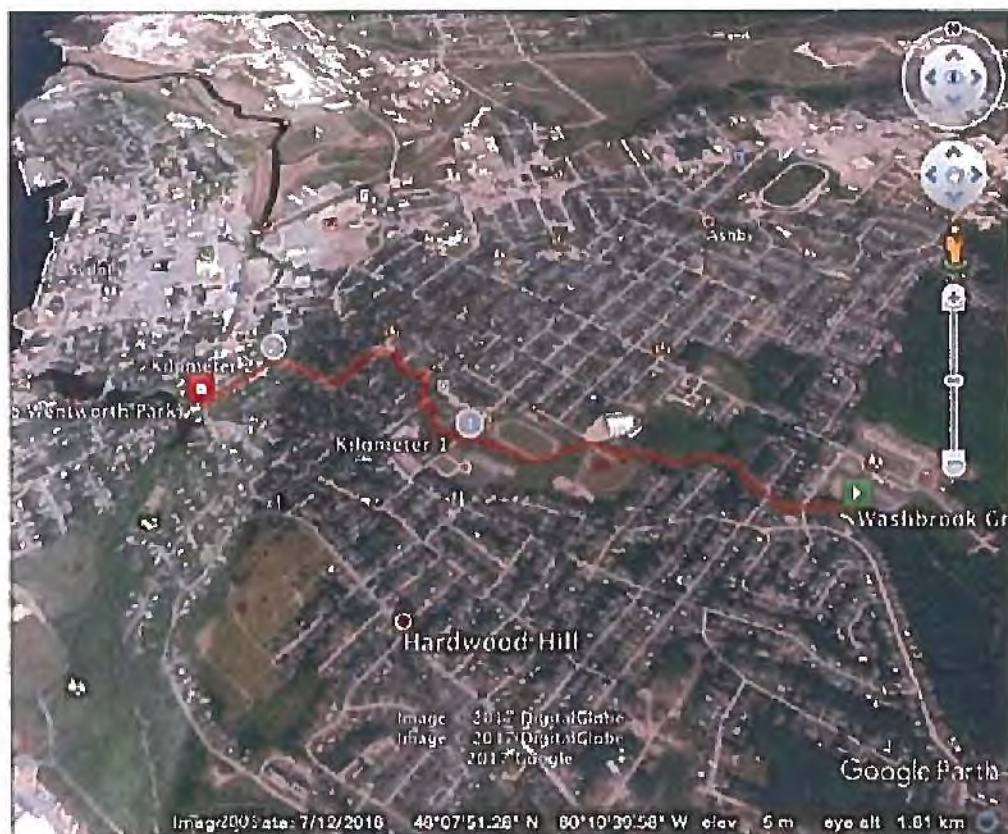
Original Signed by
Douglas MacNeil

[Redacted]
Sydney, N.S.
BIP 228
[Redacted]

Property Proposed to be Acquired



Proposal to Develop a Detailed Trail Development Plan for Washbrook Greenway



Cobequid Trail
CONSULTING

3361 Highway 2, Economy NS, B0M 1J0. O: 902-647-2271
cobequidconsulting1@gmail.com

Washbrook Greenway

February 14, 2018

Dear Selection Committee,

Please find enclosed our proposal for the Washbrook Greenway Trail Plan located in the Sydney within the Municipality of Cape Breton Regional Municipality.

Our team is well suited to undertake the work in a thorough, innovative and timely manner. We see incredible opportunity to provide a trail development plan for the Washbrook Greenway Trail Committee. If you would like to further discuss the details of this proposal, please let us know. We would be happy to arrange a time to discuss the proposal in more detail.

Thank you for your time and consideration.

Sincerely,

Original Signed by

Garnet McLaughlin
Cobequid Consulting Ltd

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INTRODUCTION

Trails are one of the most important assets to towns and regions across the Atlantic Provinces and beyond. They provide opportunities for recreation, social interaction and community building. They are also places for tourism, healthy living and education. Trails are successful when they connect people with both nature and culture, and foster a sense of place. As with any public resource, trails require stewardship and investment in order to retain their best features and continue to meet changing needs.

This proposal responds to the Washbrook Greenway Committees' Request of Proposal. The recreational space under review is located within Sydney. As noted in the request,

A project like this requires a team of experts with a creative vision, wide ranging expertise, excellent communication skills and an understanding of the complexity of issues surrounding the urban environment. Our dynamic and experienced team will engage the diverse groups of trail users, trail managers, staff and council, provincial partners, land owners and local residents in a process of better understanding the current situation, exploring a common vision, determining the trail routing and outlying clear steps for implementation and ongoing maintenance of these important community assets.

The following pages outline our team, methodology, deliverable, schedule and budget for this project.

OUR TEAM

The Project Team consisting of Garnet McLaughlin (Park and Trail consultant), Thomas Young (RMA Tourism, and Mark Evans will design and carry out the project according to the specifications presented in the request.

Cobequid Consulting Ltd.

Cobequid Consulting Ltd is based in West Colchester as has been specializing in recreational trail development and construction in Atlantic Canada for over 17 years. Trails are our business and people are our passion. From large government contracts to community initiatives we believe every project is more than just a recreational pathway. Trails build communities and opportunities for growth and education.

Trail development planning has become a major aspect to our business and we pride ourselves in working closely with our clients to provide a quality product. We help our clients planning, locating financial and resource support all in an effort to make their vision become reality. Innovative and creative solutions to some of the hurdles clients might face with reinvigorating their existing facility have become somewhat a specialty of CTC Ltd.

We have been very fortunate to be involved in various trail projects across the Province and throughout Atlantic Canada, including planning the Seawall Trail, Gros Morne Mountain Bike Park Plan, and Atlantic

Canada Destination Trail Assessments. Cobequid Consulting has worked with every community managed wilderness trail system in the Province of Nova Scotia and are on a standing offer with Parks Canada for Trail Construction and Design

Garnet McLaughlin (President, CTC)

Garnet has been working in the field of recreation trail planning and development since 1999. An Integrated Resource Management graduate, he understands the complex relationships of the natural world while balancing them with the needs and desires clients want from their open spaces. He began his own business in 2004, specializing in the design, construction, and maintenance of trail systems throughout Nova Scotia. Garnet has been fortunate to have been involved with every trail system within Wilderness Areas in Nova Scotia in various capacities. His business has since evolved into open space planning and strategy development. Planning, facilitating, and community development has become integral aspects to the business. He is known for his dedication to his projects regardless of the budget and has been recognized in the NS Legislature for his volunteer commitment. Garnet approaches every project with the community development model in mind facilitating and inspiring discussion surrounding goals and outcomes. Garnet will provide expertise in the areas of trail development, implementation and maintenance along with his experience in consensus building and GIS.

RMA Tourism LTD.

Thomas Young, MBA, BBA, BA

As the owner of RMA Tourism Ltd, Thomas Young has successfully managed key government/industry partnerships, industry network initiatives and regional trail planning and museum projects for 20 years. From June, 2011, Mr. Young worked with the Atlantic Canada Trails Association (ACTA), first in developing a comprehensive trail assessment tool for destination trails in Atlantic Canada and subsequently, working with over 30 trails organizations and agencies and evaluating potential trails in all 4 Atlantic Canada provinces. Prior to this, Mr. Young was responsible for the preparation of a Bay of Fundy attractions master-plan (Interpretation and Attractions Development Plan, 2010) and in 2009 he completed a master-plan for the 200 km long Saint John River multi-use trail corridor.

Work Plan

We have carefully reviewed the scope of the services as discussed and have composed a work program and project team roles that respond to the stated goal of the Trail Development Plan. The following four phase work plan details our approach to the assignment and identifies consultation meetings and deliverables. The work plan is based on our best understanding of the assignment and we would be pleased to discuss revisions and refinements to this approach with Trails Committee. A project timeline is included at the end of this section that describes how the project will unfold over the proposed three month schedule. We will confirm the timeline and formalize key dates for consultation events and completion of deliverables.

Phase I: Project Initiation

A full day project kick off meeting is proposed at which the Project Team will work with the trail committee, CBRM staff to refine the project scope, schedule and methodology; assemble base maps and background material; and collectively go on an extensive site tour.

Deliverables

- ✿ Refine Work Plan, Project Schedule.
- ✿ Consolidated background information and relevant documents, reports and studies
- ✿ Refined list of proposed trail routing to document
- ✿ Digital Base Mapping compiled (GIS data to be supplied by trail committee and CBRM).

Phase 2: Inventory of Trail Routing and Consultations

During this phase, the Project Team will explore and develop an Initial trail route concept (using the input of the trail committee. The concept will include: existing managed trails; trail standards; history of the informal trails, and opportunities/recommendations.

Deliverables

- ✿ Draft inventory of trail resources
- ✿ GIS maps and photographs for each trail and proposed routing
- ✿ Summary of meeting outcomes with various partners
- ✿ Recommendations regarding how best to implement a sustainable trail system
- ✿ Stakeholders approval of the trail design criteria

Phase 3: Development of the Trail Route Plan

The bulk of phase 3 will focus on completing the Trail Development Plan. The final trail routing will be a reflection of the input provided by the trail committee and stakeholders with the trail design criteria approved by the Washbrook Greenway Trail Committee.

Deliverables

- Recommendations on how to complete the trail route
- Approval of design standards
- An implementation framework outlining costing, maintenance and funding opportunities.

Phase 4: Final Trail Route Plan and Presentation

During the final month, the Project team will consolidate and organize the information obtained through the first three phases of work.

Deliverables

The final report and presentation will include the following:

- Documentation relating to the assessment of informal trails with shapefiles and photos,
- Summary description of and justification of final trail alignment
- Maps (resource and final trail alignment) in digital (Shapefile and PDF) and print form,
- Detailed plans and priorities (front-country and wilderness standard) for the development of a low maintenance and sustainable trail system,
- Detailed budget for proposed trail system
- Wayfinding recommendations.
- Reference sources to funding partners

Work Plan Chart

	March				April			
Week	1	2	3	4	1	2	3	4
Project Initiation -Project team meeting with trail committee and CBRM- Base Mapping								
Inventory of Trail Routing and Consultations -Research -Site Visits -Mapping								
Development of the Trail Route Plan -Draft Trail Route completed -Presentation to project team								
Final Trail Route Plan and Presentation -Release draft report to committee for comments								

Washbrook Greenway

Budget

	Project Team	Materials	Total
Project Initiation	\$1,500.00	\$50.00	\$1,550.00
Inventory of Trail Routing and Consultations	\$2,647.00	\$150.00	\$2,797.00
Development of the Trail Route Plan	\$2,348.00		\$2,348.00
Final Trail Route Plan and Presentation	\$1,700.00	\$300.00	\$2,000.00
Subtotal	\$8,195.00	\$500.00	\$8,695.00
HST			\$1,304.25
Total			\$9,999.25

*** Prices can be negotiated if final presentation can be completed remotely.



CBRM

A Community of Communities

Regional Solicitor's Office
563-0865

ISSUE PAPER

TO: General Committee

FROM: Sheila Kolanko
Property Manager

SUBJECT: Request for Partial Street Closure / Breton Ability Centre
Portion of Bentinck Street, Sydney
(PID 15705551)
My File No. 07705

DATE: May 1st, 2018

I am in receipt of a request on behalf of Breton Ability Centre (Best of Cape Breton Gift Shop) to close a portion of Bentinck Street, Sydney, measuring 4.2 feet by 40 feet, as outlined in red on the attached map. They require the property with the anticipation of replacing the current step and improving accessibility for staff and customers.

The Engineering Department has advised there is no objection to this request. Breton Ability has provided the required \$600 deposit against costs and we hold that amount in trust. They intend to purchase the closed portion from CBRM and possibly consolidate it with their existing property.

I would request a Motion to proceed with the above-requested street closure and the subject area be deemed surplus to the needs of the CBRM to allow for Breton Ability Center to purchase the property.

Thank you.

Sincerely,

Original signed by

Sheila Kolanko
Property Manager

Attachment

**Frank Rudderham
Family Y.M.C.A**

**PID 15705551
GBRM Lot Parcel**

Bentnick Street

**Location of
Requested Street Closure
(App. 4.2ft X 40ft)**

PID 15063118

N

30 15 0 30 Feet



**CBRM Councillors'
Office**

M·E·M·O

To: Municipal Clerk Deborah Campbell Ryan
From: Mayor Cecil Clarke
Re: Meeting with CBRM Museum Contacts
Date: April 24th, 2018

Dear Deborah:

Please find attached a copy of the minutes regarding a meeting that I and members of Council and Administrative Staff convened with CBRM Museum contacts in the CBRM on March 19th, 2018.

The meeting focused on two main topics of discussion:

1. The current operating pressures of the community museums
2. The capital needs for projects and improvements that will be required

The facility assessments of all the community museums will include a list of priorities and upgrades and the required work that has to be done. A list of all operating costs has to be provided for power, insurance and general operating costs that creates pressure.

At that particular meeting I advised that I will be bringing this information back to Council with an opportunity to examine what a community Museum Sustainability Policy may entail. The main focus is to reach a goal in an effort to be fair to everyone in the process and the need for CBRM to gather individual needs for each community.

I am requesting that this issue be included on the General Committee agenda scheduled for Tuesday, May 1st at 6:00 p.m.

Sincerely;

ORIGINAL SIGNED BY _____

Mayor Cecil P. Clarke – Mayor's Office

(Attachments)

/cmi

CAPE BRETON REGIONAL MUNICIPALITY
Meeting with CBRM Museum Contacts
March 19th, 2018

His Worship Mayor Cecil P. Clarke called the meeting to order at 10:00 a.m.

Present:

Mayor Cecil P. Clarke - Chair
Deputy Mayor Eldon MacDonald
Councillor Clarence Prince
Councillor Earlene McMullin
Councillor Amanda McDougall
Councillor George MacDonald
Councillor Darren Bruckschwaiger
Councillor Kendra Coombes
Councillor Jim MacLeod

Staff:

John Phalen – CBRM Economic Development Manager
Jennifer Campbell – CBRM Chief Financial Officer

Museum

Volunteers:

Cathy MacIntyre, Theresa Gillis – Dominion Heritage Schoolhouse
Museum,
George Dunn – Whitney Pier Historical Society,
Richard Jerrott – Glace Bay Miners Museum,
Elke Ibrahim – Glace Bay Miners Museum,
Mary Pat Mombourquette – Glace Bay Miners Museum
Stuart Critchley – Sydney Mines Historical Society
Patricia Hall – Main-A-Dieu Fisherman's Museum
Jenna Lahey – Louisbourg Marine Museum (Privately Owned – Attended
For Information Purposes)
Marilyn Ritza – North Sydney Historical Society
Joyce Rankin – Old Sydney Society
Margo Patrick – Sydney & Louisbourg Railway Museum

Mayor Clarke welcomed and thanked the volunteer members of the CBRM museums, Council members and CBRM administrative staff for taking the time to gather to discuss funding for museums within the CBRM. The purpose of the meeting was to bring all CBRM museum staff together with a vision to determine and compare the Federal and Provincial museums and parks.

He explained that he is working with CBRM administrative staff Jennifer Campbell, Director of Finance and Accounting as well as John Phalen, Economic Development & Major Project Manager in regard to changes in the Sustainability Program. As a result, the invitation was forwarded to all museum contacts for an opportunity to follow up and enter into discussions as to their priorities. They fully realize that some of the museums are facing operational pressures. He advised that he would like to see assessments carried out on the facilities for those who host museums within the municipality.

Chief Financial Officer, Jennifer Campbell stated that day to day costs for lights, insurance, supplies, heating etc. are not included in the CBRM Sustainability Policy. However, the applications can be submitted for one-time operating costs such as emergency repair or supplies for new program offerings.

Council plans to bring forward a Sustainability Assessment and plan on approaching the Federal & Provincial Governments to work with CBRM to get the study completed. The plan is also to create a policy in reference to how needs affects the Sustainability Fund and how to make it more flexible so that it may assist with some of the operating pressures of community museums.

The two main topics of discussion were:

1. The current operating pressures of the community museums,
2. The capital needs for projects and improvements that will be required.

The facility assessments of all the community museums will include a list of priorities and upgrades and the required work that has to be done. A list of all operating costs has to be provided for power, insurance and general operating costs that creates pressure.

Mayor Clarke said that he will bring this information back to Council with an opportunity to examine what a community Museum Sustainability Policy may entail. The goal is to be fair to everyone in the process and CBRM needs to gather individual needs for each community.

The process will review the merits of the applications as well as an understanding that CBRM will try to deal with asks on a needs based approach. The end result should see one solution within the family of community museums we have, but applied based on need rather than equal distribution as not all museums share the same operating pressures. The Mayor provided an opportunity for the museum representatives to speak to the priorities that they have to improve their facilities.

Some of the challenges expressed by the volunteers are:

- 1) Insurance Costs,
- 2) Limited ability to generate sustainable revenues outside of grants,
- 3) Leveraging other levels of government to assist with funding opportunities,
- 4) Need for more volunteers,
- 5) Future compliance requirements under the *Accessibility Act*,
- 6) Staffing – no programs are available to help with staffing.

Meeting Adjourned – 11:25 a.m.

Mayor Cecil P. Clarke



M·E·M·O

To: CBRM Council
From: Councillor Kendra Coombes
Re: **Equalization: A Discussion of Action**
Date: April 4th, 2018

Dear Collogues,

I am writing this memo because I believe the time has come for us as a Council to have the equalization discussion and create an action plan. During budget sessions issues surrounding equalization were constantly brought to the forefront. The Cape Breton Regional Municipality receives \$15.35 million from the Government of Nova Scotia, however, we send the Government of Nova Scotia a cheque for \$1.77 million more than what is given to the CBRM. This means we send the Government of Nova Scotia a cheque for \$17.12 million, thereby making the \$15.35 million the Government provides the CBRM irrelevant.

The public appears to be in support of action being taken if the attendance at the Nova Scotians for Equalization Fairness town hall meetings are any indication. The NSEF is planning to take political action that includes demonstrations. It is time that we, Mayor and Council also take political action.

There are several actions we can take; for a start:

- Request an update on the Private Members Bills: Cape Breton Regional Municipality Viability Study – Bill 78 and Municipal Grants Act – Bill 80;
- Send letters to Victoria County, Inverness County, Richmond County, and the Town of Port Hawkesbury requesting they join us in requesting equalization fairness;
- Send letters to the UNSM requesting public support;
- Request meetings with the MLAs, and MPs to discuss equalization

Sincerely;

Kendra Coombes, Councillor District 11

Councillor Kendra Coombes
/kc



TO: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: NAME FOR UNNAMED ROAD PARCEL,
NORTH SYDNEY**

DATE: April 23rd, 2018

Introduction

Canada Post has informed the Planning and Development Department that there is some confusion with the several civic addresses for dwellings located on unnamed road parcel off of Archibald Ave, North Sydney (Attachment A). While these lot parcels are accessed via the unnamed road parcel, they are addressed off of either Archibald Avenue or Commercial Street. Being accessed in a manner that is not connected to your civic address can result in a delayed response in an emergency situation. The CBRM wants to ensure that all of the dwellings using road parcel can be found in the case of an emergency; as a result, a street name should be assigned to the unnamed road parcel.

What does the Civic Addressing Policy Say?

Assigning correct civic addresses is the responsibility of the Civic Address Coordinator for purposes of 911 emergencies. However, assigning a street name to a public street created by mean other than a plan of subdivision is subject to the approval of the General Committee of Council. Public Works North has confirmed maintenance is provided to the unnamed road parcel.

In situations like this, the CBRM Civic Addressing Policy states the Civic Addressing Coordinator will select a name from a list of names of individuals who lost their lives serving in the Canadian Armed Forces or while serving as an emergency response official. Royal Canadian Legion Branch 19 supplied the Planning and Development Department with a list of possible names. From this list, Merritt was selected in honour of Thomas and Michael Merritt. There is currently no Merritt Lane or similar names within the CBRM street centreline file and thus meets the criteria for a new street name based on the CBRM Civic Addressing Policy.

Recommendation

I recommend that the General Committee pass a Motion to name the unnamed road parcel off of Archibald Avenue identified on Attachment A to Merritt Lane.

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department





ISSUE PAPER

TO: COUNCIL'S GENERAL COMMITTEE

From: Malcolm Gillis

RE: Livestock animal nuisance Bylaw

Date: April 3rd, 2018

This issue paper is written in response to a number of requests from individual councillors and a Motion of Council for staff to prepare an issue paper and draft Bylaw intended to address complaints from constituents about noise and odour caused by the keeping of livestock animals. Invariably, the complaints are either of noise and/or odor, and the common thread is that the noises and odors are incessant. The animals being kept are never the common domestic pets which are intended to be companion pets (e.g. cats, dogs). Instead they are the types of animals normally considered livestock (e.g. chickens, pigs, horses) and which are generally not being kept as companion pets.

There currently is no Bylaw addressing the issue of odour and the Noise Bylaw has been determined ineffective as a tool to address complaints of animal noises by both the Crown Prosecution office and the CBRM Police Department.

From the legal information, Planning and Development Department staff have been able to gather there are four essential principles that must be addressed in order for such a Bylaw to be effectively enforced and violations successfully prosecuted. (1) The source of the noise or odour must be identifiable, (2) the noise or odor must be offensive, (3) it must occur over an extended period of time, and (4) you must measure it.

It is the opinion of the staff of this Department that the draft Bylaw with this report effectively implements those principles and the Police Department is prepared to test the Bylaw as an enforcement tool.

Recommendation:

I recommend that this draft Bylaw be introduced to the General Committee of Council and that the Committee instruct staff to establish a panel comprised of:

- staff from the Planning and Development, Police, and Legal Department;

- owners of livestock animals who are practicing effective animal husbandry; and
- people who claim to be adversely affected by either the noise or odour emanating from a site where livestock animals are being kept in an urban residential neighbourhood.

The mandate of this panel is to critique the draft Bylaw and come back to the General Committee with a recommendation for Council to adopt it, or a revised version of it.

Respectfully submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis

Director of Planning and Development

Public Participation Process – Nuisance By-law Development:

Motion:

Moved by Councillor McDougall, seconded by Councillor Doncaster that staff be directed to organize a Public Participation Process to complement the work on the development of a Nuisance By-Law; however before proceeding with that process, to prepare a draft by-law to provide a solid point from which to start conversation and critique.

Discussion:

During the discussion, issues raised included:

- Enforcement of a Nuisance By-Law;
- Types of nuisance to be included in the by-law (i.e. animal noise, odor, and excessive noise from machines).

Motion Carried.

Livestock Animal Nuisance By-law

of the Cape Breton Regional Municipality regulating the care of domestic livestock animals

Pursuant to Provision 174.f of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby adopts the following Bylaw:

- WHEREAS** Provision 174.f gives municipalities the authority to adopt Bylaws respecting domestic animals and activities in relation to them; and
- WHEREAS** the Cape Breton Regional Municipality intends to regulate incessant sounds and/or noises caused by domestic livestock animals, and also odors caused by improper care of domestic livestock animals that adversely affect the reasonable enjoyment of neighbouring properties

The Council of the Cape Breton Regional Municipality hereby adopts this Livestock Animal Nuisance Bylaw regulating the care of domestic animals.

Part 1. Definitions

Domestic livestock animal means an animal which is capable of providing a product (e.g. eggs, milk, meat, fur, wool etc.) or a large draft animal bred historically to perform a task such as pulling (e.g. a horse, oxen) which is being kept on a property, or properties, whether or not they are exclusively used to provide a product (i.e. they could also be a companion pet) or perform a function, or whether or not the product produced is an agricultural commodity, or consumed or used exclusively by the owner and their family, or their function may be solely, or partly educational (e.g. children learn by caring for them). A domestic livestock animal is not wild, feral, or a pet animal as defined by this Bylaw.

Incessant sound means vocal sound produced by the larynx of a domestic livestock animal that is:

- continuous i.e. uninterrupted over a period of time lasting more than X# minutes; and/or
- repetitive i.e. recurring sounds that are repeated after periods of interruption lasting no more than X# of minutes.

Large draft animal means a domestic livestock animal bred to perform a task such as pulling (e.g. oxen) or riding (e.g. horse).

Odour that is offensive must be at least 5 odor units as measured by an odormeter.

Pet animal means a tamed animal primarily kept within a dwelling for companionship.

Rooster means an adult male domestic fowl.

Stable means a building designed to house, or breed large draft animals (e.g. horses, cattle, donkeys) either for agricultural, recreational, or business purposes and shall include riding stable businesses.

Urban property means a lot parcel serviced by a CBRM sanitary sewer main or a property being charged the sanitary sewer rate in the CBRM tax system.

In this Bylaw words used in the singular may be interpreted to also mean the plural and words used in the plural may also be interpreted to mean singular, unless they are prefaced with a specific number (e.g. one large draft animal)

Part 2. Provisions

1. Domestic livestock animals used solely to provide a product exclusively for the use of the owner of the property on which they are kept are permitted throughout the Regional Municipality.
2. The keeping of domestic livestock animals:
 - used to provide an agricultural commodity; or
 - used as a draft animal in an agricultural operation;shall be considered an agricultural use and therefore subject to compliance with the CBRM Land Use Bylaw having jurisdiction.
3. The keeping of domestic livestock animals solely:
 - as a pet animal; or
 - as a large draft animal for purposes other than agriculture (e.g. racehorse);shall be permitted on an urban property or any rural property where agricultural uses are not permitted in compliance with the CBRM Land Use Bylaw having jurisdiction subject to the following provisions.

No more than one (1) large draft animal shall be permitted on an urban lot parcel less than $\frac{1}{2}$ an acre in area.
4. Incessant sound produced by a domestic livestock animal is a violation of this Bylaw.
5. Odour that is offensive emanating from:
 - an urban property; or
 - any rural property where the raising and/or caring of livestock as an agricultural commodity is not permitted in compliance with the CBRM Land Use Bylaw having jurisdiction;emanating from domestic livestock animals, and/or their shelters, and/or any ancillary facilities associated with the care of the animals that unreasonably interferes with the enjoyment of life of residents, or the use of property in proximity is a violation of this Bylaw if the odour *persists continuously* for a period of at least an hour and/or *repeatedly persists* for a period of over 30 minutes.
6. Roosters are banned from any urban property, or any rural property where agricultural uses are not permitted in compliance with the CBRM Land Use Bylaw having jurisdiction.

7. All buildings used as shelters or stables for domestic livestock animals shall be constructed in compliance with the Regulations under the Building Code of Nova Scotia.

Part 3. Penalties

The assessed owner of a property on which a domestic livestock animal is being kept which is not in compliance with any of the provisions of Part 2 of this Bylaw is subject, on summary conviction, to a fine as described below.

- 1st offence within a 24 month period = \$165.00
- 2nd offence within a 24 month period = \$279.00
- 3rd offence within a 24 month period = \$425.00
- 4th offence within a 24 month period = \$605.00

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

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on .

CBRM CLERK

**CAPE BRETON REGIONAL MUNICIPALITY
SOLID WASTE-RESOURCE MANAGEMENT
COUNCIL UPDATE
April, 2018**

CBRM Solid Waste Education

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

Educational Outreach hours completed by staff from April 1, 2017 to March 31, 2018	739.00 hours
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Solid Waste Management Hotline

Between April 1, 2017 and March 31, 2018 educators have responded to approximately **8,914** phone inquiries and **7,835** voice mail messages received from residents and the ICI sector.

Solid Waste Management Database

The Solid Waste Management Database is used to record all inquiries received from the public. The database allows the department to track important data such as collection complaints, collection inquiries, or waste management concerns. Between April 1, 2017 and March 31, 2018 educators have entered **11,852** inquiries received by telephone, webmail, e-mail or social media into the Waste Management Database.

Solid Waste Illegal Dumping Enforcement Program

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

Program Highlights Between October 1, 2018 and March 31, 2018:

- 86 dumping complaints were reported to the Waste Management Hotline.
- 17 of the complaints were resolved with out requiring intervention by the Constable.
- 69 of the 86 dumping complaints requiring further action included:
 - 16 curbside non-compliance complaints
 - 53 dumping complaints
 - 33 of the 69 sites investigated required multiple site visits, phone calls & emails to be sent before site investigations were completed.
 - 127 site visits were completed and 101 phone calls were made and/or emails were sent to complete investigations at the 69 sites reported to the Solid Waste Department.

- The constable responded to:
 - 51 dumping complaints or curbside compliance issues located in urban areas.
 - 17 dumping complaints or curbside compliance issues located in rural areas.
 - 1 dumping complaint was located at a rural commercial property.
- Site cleanups:
 - 65 of the 69 identified sites were cleaned up and had debris removed.
 - 4 sites will be cleaned up later in the season once the weather improves.
 - 49 of the 65 sites cleaned up were dumping complaints.
 - 16 of the 65 sites involved curbside non-compliance complaints
- Charges filed with the court system:

SOT Number	Charge	Fine
SOT5340158	Protection of Properties Act Section 3(1) (d)	\$ 237.50
SOT5341356	Protection of Properties Act Section 3 (1) (d)	\$ 237.50
Appearance Notice: Municipal Solid Waste Resource Management By-Law	Section 21: Duty to Name Person Responsible Section 21.1	\$ 697.50
Appearance Notice: Municipal Solid Waste Resource Management By-Law	Section 12: Illegal Dumping/Littering Section 12:8	\$ 697.50
SOT5426882	Protection of Properties Act Section 3(1) (d)	\$ 237.50

- Warnings: The Constable also issued **approximately 36** warnings to alleged dumpers. Please note, warnings are only given out if there is not enough information to charge the individual(s) responsible for the dumping.

CBRM Green Cart Program

The Solid Waste Department continues to repair or replace damaged green carts. Between April 1, 2017 and March 31, 2018 the department has:

Received Request for	Completed
1,363 Green Cart Repairs or Replacements	245 Green Cart repairs
	1,024 Green Cart replacements
Addresses that remain on Green Cart Waiting List as of March 31, 2018	No addresses remain on the waiting list

Promotion of Solid Waste Management Information

Social Media and Website

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

- Winter Collection reminders
- Holiday Collection Notice: Easter Weekend

Winter Collection Statistics: January 2018 to March 2018

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

Collection Cancellations

Collection Cancellations between January and March 2018	Month of January 2018	
	1 collection cancellation:	Tuesday, January 16, 2018
	1 collection cancellation:	Tuesday, January 30, 2018
	Month of February 2018	
	No collection cancellations occurred during the month of February	
	Month of March 2018	
	No collection cancellations occurred during the month of March.	

Waste Management Facility Closures

Waste Management Site Closures between January and March 2018	Month of January 2018	
	No Closures	
	Month of February 2018	
	No Closures	
	Month of March 2018	
	No Closures	

Weather Related Calls Logged in Database

Number of Weather Related inquiries focusing on the status of curbside collection.	Month	Number of calls logged focusing on the status of curbside collection due to weather.	Total number of calls logged each week in the database
Inquiries logged between January and March 2018	January 2018	187 calls	1,243 calls
	February 2018	4 calls	702 calls
	March 2018	92 calls	933 calls

Materials Received at Waste Management Facility: Month of March

Residential/IC&I Mixed Waste:	2732 tonnes
Organic Waste:	650 tonnes
C&D material:	875 tonnes
Recyclables:	534 tonnes
Mixed Waste Tonnage shipped to Guysborough:	2647 tonnes
Traffic at site:	7900 vehicles

Regional Chairs Committee Update

- Plastic Film
- Changes to C&D Regulations
- Diversion credits
- Waste Audits
- Priorities Group
 - EPR
 - Efficiency Study

