

Appendix “A”

**CBRM By-Laws Requiring Amendments
Re: reference to “General Committee”**

<u>By-Laws</u>	<u>See Page</u>
Building By-Law	1
Civic Addressing By-law.....	11
Parking Meter By-law	16
Taxi By-law	22
Vending Machines By-law	54

CAPE BRETON REGIONAL MUNICIPALITY

By-Law S4

BUILDING BY-LAW

Made pursuant to Section 172(e) of the *Municipal Government Act* of Nova Scotia

PART 1 – DEFINITIONS

All words not defined in this By-Law have the same meaning as in the Nova Scotia Building Code Act and the Regulations prescribed thereunder.

- (a) “architect” means a member or licensee of the Nova Scotia Association of Architects;
- (b) “building area” means the total area of all floors in a building based on the gross exterior dimensions of a building or addition;
- (c) “building official” means those qualified individuals appointed by Council of the Cape Breton Regional Municipality to administer and enforce the requirements of the Nova Scotia *Building Code Act* and Regulations.
- (d) “construct” means to do anything in the erection, installation, extension, relocation, material alteration or material repair of a building and includes the installation of a factory-made building fabricated or moved from elsewhere;
- (e) “demolition” means the doing of anything in the removal of a building or any material part thereof;
- (f) “full bathroom”, in the case of a single family dwelling, means a room containing three or more plumbing fixtures;
- (g) “non-structural repair permit” means any work of a non-structural nature to a value not exceeding \$5000.00;
- (h) “occupancy” or “occupancy classification” means the use or intended use of a building, as defined in the Building Code;
- (i) “owner” includes a person controlling the property under consideration, and also includes *prima facie* the assessed owner of the property;
- (j) “plumbing fixture” means any water-supplied appliance connected to a plumbing fixture, but does not include a roof or floor drain, hot water tank or dishwasher;
- (k) “professional engineer” means a member or licensee of the Association of Professional Engineers of the Province of Nova Scotia;

- (1) "tent and air supported structures permit" shall include any tent, air supported structure or other membrane structures structure, erected or located;

PART 2 – PERMITS

- 2.1 A building permit shall be in accordance with the form approved by the Manager of Building Services.
- 2.2 Every application for a permit shall identify and describe in detail the work and occupancy to be covered by the permit for which application is made.
- 2.3 Every application for a building permit shall be accompanied by three complete sets of building plans in either paper or PDF formats containing sufficient information to show that the proposed work will conform to the Building Code.
- 2.3.1 Building plans shall be drawn to scale and indicate the nature and extent of the work proposed in enough detail so as to determine compliance with the National Building Code of Canada.
- 2.3.2 Building plans that must be submitted include (but are not limited to):
- site plan
 - foundation plan
 - floor plans
 - elevations
 - structural plans
 - mechanical plan including heating, air conditioning, plumbing, electrical and fire protection.
 - In addition to the required floor plan, every application for a mini-home and mobile home shall include an information sheet for mini/mobile home as per Appendix B.
- 2.3.3. (1) Site plans required for new construction or additions should describe the land on which the work is to be done by an up-to-date plan of the lot certified by a Nova Scotia Land Surveyor that the lot has been surveyed in the manner required by the Nova Scotia Land Surveyors Act and the regulations made hereunder, adequate to identify and locate the lot and determine setback lines, building separations, and building locations, and containing the following information.
- (i) the Land Information Management Service Property Identity Number of the lot;
 - (ii) the name of the owner of the land;
 - (iii) a location map, drawn to a scale not smaller than 1:50,000 with the same orientation as the lot;
 - (iv) the length of the boundary lines of the lot including the length of arcs and chords, points of curvature and radius in the case of curved lines;

- (v) the dimensions and total area of the lot;
 - (vi) the location of the proposed and existing buildings on the lot and the relationship between the proposed building or structure and other buildings on the same or adjacent properties, indicating the distance from all property lines, the distances between buildings and the heights of the buildings;
 - (vii) the width, location and nature of any easements or rights-of-way affecting the lot;
 - (viii) if a lot is on a registered plan of subdivision, the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialed;
 - (ix) north point;
 - (x) the scale to which the plan is drawn;
 - (xi) the names of existing and proposed public streets or highways or private roads shown on the plan;
 - (xii) the civic address number for the property and adjacent properties;
 - (xiii) location of all existing and proposed curb cuts.
- 2.3.3 (2) The survey plan may be waived and substituted by a Land Information property map with the lot number when, by calculation of the building official, spatial separation distances are complied with and property is more than one (1) acre in area.
- 2.3.3. (3) Prior to the approval of any foundation for new construction or additions beyond the footing stage, and before foundation work begins, a plan showing the location of the building footings on the lot, certified by a Nova Scotia Land Surveyor that the installed footings have been surveyed in relation to the lot in the summer required by the Nova Scotia Land Surveyors Act and Regulations hereunder, must be provided.
- 2.3.4. An application for building permit shall include plans and specifications as required by the Building Code and show the occupancy of all parts of the building including existing conditions for change of use or renovations.
- 2.3.5. An application shall state the valuation and area in square feet of the proposed work and be accompanied by the required fee.
- 2.3.6. An application shall state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and the constructor.
- 2.3.7.(1) An application shall show a drainage plan indicating the surface drainage pattern for the proposed site.

- 2.3.7.(2) An application for a building permit for the construction of a building requiring a new private sewage disposal system shall require a copy of a valid on-site sewage disposal system, before the application for building permit may be accepted for approval.
- 2.3.7 (3) An application for a building permit for the construction of a building requiring a Road Access Permit from the Province of Nova Scotia, shall require a copy of a valid Access Permit , before the application for building permit may be accepted for approval.
- 2.3.8. When an application for a permit has not been completed in conformance with the requirements of the By-Law within (30) days after it is filed, the application may be deemed to have been abandoned by the Building Official.
- 2.3.9. A building permit for a residential building project shall be valid for (12) twelve months only from the date of issuance and a non-residential permit shall be valid for (24) months only from the date of issuance.
- 2.3.10.(1) A permit that has expired in accordance with section 2.3.9 may be renewed within 30 days of expiration at the discretion of the Building Official and subject to the conditions set forth in Subsection 2.3.10(2) and provided there has been no change made to the Building Code, Cape Breton Regional Municipality Land Use By-Law or any other by-law of the Cape Breton Regional Municipality that would affect compliance with the Code and/or the by-laws and provided that all By-Laws, regulations, standards and codes can be complied with and an inspection discloses that the project may safely be continued.
- 2.3.10 (2) A permit that is renewed pursuant to subsection (1) is provisional and subject to the following conditions:
- (a) Work on the subject property must begin within thirty (30) days from the time the permit is renewed and shall reasonably and seriously continue until completion.
 - (b) A person applying for a permit to be renewed shall provide to the building official a progress schedule which includes the completion date of the work.
 - (c) Any revised plans deemed necessary or required as a result of any change in the scope of the work are to be submitted to and approved by the Building Official prior to commencement of any work.
 - (d) A fee for renewal of the permit is paid in accordance with this By-law.
- 2.3.10 (3) If any of the above conditions are not met or having been met are subsequently violated, the renewed permit may be suspended or cancelled at the sole discretion of the Building Official.
- 2.3.11. In addition to the permit requirements of the Nova Scotia Building Code Act and Regulations, a building permit is required for:
- (a) all accessory buildings greater than 100 Sq/ft in area;
and
The following work when in excess of \$5000 in value as may be determined by the Building Official.
 - i. installation of siding over external walls;

- ii. all interior and exterior repairs and alterations;
 - iii. the replacement, or repair to any existing plumbing fixture;
 - iv. replacement of existing roof shingles, windows.
- 2.3.12. Before issuing a building permit, a complete application shall be filed with the Chief Building Official.
- 2.3.13. Before issuing a building permit, where required, the Chief Building Official shall be satisfied that a development permit has been issued pursuant to any Land Use By-Law of the Cape Breton Regional Municipality.
- 2.3.14. Before issuing a building permit or a demolition permit the Chief Building Official shall be satisfied that the building is not designated pursuant to the Heritage Property Act, or, if it is subject to the Heritage Property Act, that necessary permission has been obtained.

INSPECTIONS

- 2.4 The authority having jurisdiction shall be notified and given an opportunity to inspect:
 - (a) the footings prior to placement of the foundation;
 - (b) the foundation before backfilling, and before a superstructure is placed on a foundation;
 - (c) Basement floor slab insulation
 - (d) the framing, roof, underground and rough plumbing, heating, ventilation
 - (e) insulation before interior wall coverings are installed, and
 - (f) before occupancy.

Plumbing Permits

- 2.5.1. No connection shall be made with a common public sewer, and no construction, reconstruction or extension of any plumbing or private sewage disposal system or any part thereof shall be commenced until a permit to do so have been obtained from the building official.
- 2.5.2. Plumbing permits are required for all plumbing work covered under the scope of the Nova Scotia Building Code Act and Regulations and shall be done in accordance with the National Plumbing Code of Canada.
- 2.5.3. Applications for permits and all work carried out may only be made by a qualified licenced journeyman plumber on the forms prescribed.

- 2.5.4. Plumbing permits are not required to repair or replace any old fixture, tap or drain with a new one (to be used for the same purpose), to force out stoppages, to repair leaks or to relieve frozen pipes or fittings.
- 2.5.5. Every application with respect to both commercial and residential projects of four (4) units or greater) shall be accompanied by a plumbing working drawing of the proposed work, showing the size and location of the house drain and any traps and inspection pieces thereon and a schematic section showing the size of all the soil and water pipe with the size and location of branch connections and all necessary pipes and traps. Drawings for single family dwellings and duplexes not required.
- 2.5.6 No deviation from a working drawing, as accepted, shall be made without the approval in writing of the Chief Building Official of the CBRM.

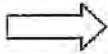
Other Permits

- 2.6 A permit for a tent, air supported or other types of structures when intended for temporary use:
- (a) shall state the date after which and the conditions under which the permit is no longer valid;
 - (b) may be extended in writing by the chief building official;
 - (c) shall be posted on the building.
- 2.7 (1) A permit may be issued by the Building Official of the Cape Breton Regional Municipality at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.
- (2) The permit shall be clearly marked "At Owner's Risk".
- 2.8 (1) Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.
- (2) Any permit issued for part only of a building shall be clearly marked as for part only, and shall also indicate that a permit for the entire building is not assured.
- 2.9.1 (1) A permit for a whole project may be issued by the Building Official of the CBRM conditional upon the submission of additional information prior to commencing the work for which the information is pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.
- (2) The condition shall be set out on the face of the permit.
- 2.9.2. An occupancy permit shall be required in accordance with the requirements of the Nova Scotia Building Code Act. Such permit shall be issued within twelve (12) months of substantial completion of the building as determined by the building official.

Demolition Permits

- 2.10.1. No demolition of a building, portion of a building, or other structure shall take place until a demolition permit has been issued.
- 2.10.2. An application for a demolition permit shall be completed and all prescribed fees submitted before any demolition permit is issued.
- 2.10.3. Every application for a demolition permit shall set out in detail the precautions to be taken to ensure that no person is exposed to undue risk. Precautions shall include (but are not limited to) provisions for fencing, barricades, covered way, fire safety and vehicular traffic.
- 2.10.4. A demolition permit shall state the date on which work is to commence and the date on which demolition will be completed, the method of demolition and the place of disposal for debris.
- 2.10.5. Demolition sites, upon completion of the demolition, shall be left in a safe and neat condition to the satisfaction of the building official.
- 2.10.6. Every owner is responsible for the costs of any damage to public property or works that may occur as a result of any demolition.

PART 3 – PERMIT FEES

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- 3.1. The Scale of Fees for permits shall be those established from time to time by Resolution of the **General Committee** ~~Protective Services Committee~~, or from time to time at any regular scheduled Council meeting and shall appear in this By-Law as Appendix "A."
 - 3.2. Fees for plumbing work are in addition to other fees.
 - 3.3. Fees shall be refunded in situations and proportions as follows:
 - (a) Application never completed, permit denied;
 - (b) Permit revoked or abandoned before work commenced: (Fee minus \$20.00) X 70%
 - (c) Permit revoked or abandoned after work commenced no refund.

OTHER BY LAWS

- 4.0. Any By-Law or any provision thereof passed and approved by The Cape Breton Regional Municipality or any former Municipality within the boundaries of the County of Cape Breton which conflicts with or acts contrary to the provisions of this By-Law are hereby repealed with this By-Law becoming law and any other provision such By-Laws hereby ratified and confirmed insofar as they are not in conflict with this By-Law.

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law duly passed in the manner prescribed by law, at a duly called meeting of the Council of the **Cape Breton Regional Municipality** held on the **17th day of March, 2009, as amended to September 21, 2010.**

GIVEN under the hand of the Clerk and under the seal of the Cape Breton Regional Municipality this **27th** day of September , 2010.

**Bernie White, Municipal Clerk
Cape Breton Regional Municipality**

PUBLICATION DATE: September 25, 2010

APPENDIX – A – Permit Fees

1. Plan Review

- a. Residential - Paper \$30.00, PDF \$ 30.00
- b. Commercial - Paper \$70.00, PDF \$70.00.

2. Residential:

- a. Mobile Home and Modular Home - \$200.00
- b. New Single Family Residential - \$400.00
- c. New Multiple Residential - \$200.00 per unit
- d. Single Family Residential Addition - \$150.00
- e. Residential Renovations Change of Use - \$1.50 per \$1000 of project cost
- f. Residential Plumbing - \$50.00 per dwelling unit
- g. Residential Accessory Building/Shed, one storey up to 576 sqft - \$50
- h. Residential Accessory Building, two storey and/or greater than 576 sqft - \$100
- i. Power Connect, Pool / Fence, or Deck - \$50.00

3. Tent - \$50.00

4. Demolition - \$50.00

5. Renewal of Building Permit- \$25.00

6. Commercial and all other, excluding residential:

- a. Commercial New Construction and Additions - \$20.00 plus \$0.25 per square foot of total Building Area
- b. Industrial, Institutional, Agricultural or Recreational New Construction and Additions - \$20.00 plus \$0.15 per square foot of total building Area.
- c. Commercial, Industrial, Institutional, Recreational or Agricultural Repairs and Alterations - \$20.00 plus - \$1.50 per \$1,000 of value of work
- d. Plumbing - \$15.00 per fixture
- e. Any Non-Residential Accessory building- \$150

THIS IS TO CERTIFY that the foregoing is a true copy of Appendix “A” to the Building By-law duly passed in the manner prescribed by law at a duly called meeting of the Protective Services Committee of the Cape Breton Regional Municipality held on the 3rd day of March, 2009, as amended by the CBRM Council on September 21, 2010 and August 18, 2015.

GIVEN under the hand of the Clerk and under the seal of the Cape Breton Regional Municipality this 18th day of August, 2015.

**Deborah Campbell, Municipal Clerk
Cape Breton Regional Municipality**

APPENDIX - B

MINI / MOBILE HOME		To be used in conjunction with BUILDING PERMIT APPLICATION
<u>Information Sheet</u>		Permit No. _____
Owner: _____		Address: _____
<u>Mobile Home Details</u> Manufacturer Name: _____ Manufacturer Address: _____ Model # _____ Heating Type _____ Serial # _____ Bedroom # _____ Z240 Series # _____ Plumbing Fixture # _____ Year Built _____ Floor Area _____ <u>Notes:</u> 1. Factory built "Mobile Homes" must be certified as complying with Canadian Standards Association Standard "CAN/CSA-Z240 MH Series Mobile Homes". This standard does not apply to site preparations (foundations, basements, moundings), interconnection of modules, connection to services and installation of appliances. 2. Include Floor Plans, Elevations and Foundation Details drawn to scale. See sample below. 3. A completed Building Permit Application must accompany this Information Sheet.		

CAPE BRETON REGIONAL MUNICIPALITY

BY-LAW NUMBER C-100

RESPECTING CIVIC ADDRESSING

BE IT ENACTED by the Council of the Cape Breton Regional Municipality under the authority of Section 313 of the Municipal Government Act as follows:

Short Title

1. This By-law shall be known as By-law #C-100 and may be cited as the “Civic Addressing By-law”.

Conflict With Other Laws

2. Nothing in this By-law shall be construed as authorizing non-compliance with any laws, regulations, by-laws, lawful orders or directives pursuant to any other statute, regulation or statutory or regulatory authority that may require the posting of civic numbering on structures or the posting of street names on private roads or which may specify standards in respect of the posting of civic numbers or street names.

Definitions

3. In this By-law:

- (1) “civic address” means civic number, street name and community;
- (2) “Civic Address File” means the official Cape Breton Regional Municipality database containing geographically referenced civic address information including civic points, the CBRM road centreline file, and community boundaries;
- (3) “Civic Addressing Coordinator” means the Civic Addressing Coordinator appointed by the Chief Administrative Officer to administer this By-law;
- (4) “Civic Addressing Policy” means the official policies, guidelines and procedures dealing with the naming and renaming of streets, the numbering and renumbering of civic numbers and the renaming and redelineation of community boundaries in the Cape Breton Regional Municipality.
- (5) “civic number” means the number assigned to a structure by this By-law or by the Civic Addressing Coordinator;
- (6) “Community” means a geographic area contained within the municipal unit by which all street names are uniquely coded for the delivery of the NS E911 program;

- (7) “owner” means the person assessed for the property;
- (8) “private road” means a private road approved pursuant to the CBRM Subdivision Bylaw or any lane or travelled way that has been given a name for civic addressing purposes and is not owned by the Cape Breton Regional Municipality or the Province of Nova Scotia;
- (9) “public road” means public street;
- (10) “public street” means any street, road or highway owned by Cape Breton Regional Municipality or the Province of Nova Scotia;
- (11) “street name” means the official name of a street and street type as it appears in the Civic Address File; and
- (12) “street name sign” means the name plate and the sign post for either private or public roads;

Duties of Civic Addressing Coordinator**4. (1) The Civic Addressing Coordinator:**

- (a) shall maintain the Civic Address File;
- (b) shall be responsible for the assigning of civic numbers to structures; and
- (c) by written notice to the owner and occupant, may assign, change or reassign civic numbers where reasonably necessary to resolve potentially confusing numbering discontinuities or irregularities and to ensure an adequate supply of civic numbers for existing and future development.

(2) Unless a shorter notice period is agreed to by the owner of the structure, the Civic Addressing Coordinator shall give the owner and occupant of a property a minimum of 60 days and a maximum of 180 days notice in writing of any changed or reassigned civic address.

Civic Number Specifications

5. (1) The owner of a structure shall keep posted on the property the assigned civic number.
- (2) The civic number shall be posted in the following manner:
- (a) civic numbers shall be in Arabic numerals only;
 - (b) the minimum height of numerals for residential structures shall not be less than 4 in.
 - (c) the minimum height of numerals for non residential structures shall not be less than 8 in.;
 - (d) the colour of the numerals shall clearly contrast with the background upon which the numbers are displayed;
 - (e) the bottom of the numerals shall be a minimum of 48 in. above grade;
 - (f) civic numbers shall be displayed on the same side of a public street or private road as the structure is located;
 - (g) civic numbers shall be displayed in a location which is not obstructed from view when viewed from the closest place on the travelled portion of the public street or private road upon which the structure is situated or from which it has access;
 - (h) civic numbers shall be displayed in a horizontal orientation; and
 - (i) civic numbers shall either be composed of highly reflective material or be effectively illuminated during the hours of darkness.
- (3) Where the structure to which the civic number is assigned is more than 100 ft. from the centreline of the road on which it is addressed, OR where the assigned civic number cannot be easily read when viewed from the closest place on the travelled portion of the public street or private road upon which the structure is situated or from which it has access, the civic number shall be posted on the structure and shall also be posted at the end of the access driveway.
- (4) Where the number is posted at the end of the access driveway it shall be on a free standing structure and shall be right reading and oriented perpendicular to the traffic flow. Unless the street is a dead end or cul de sac, the numbers must be double sided so as to be visible in both directions. Numbers shall not be posted on utility poles.

(5) The Building Inspector shall not issue an occupancy permit for the structure before the assigned civic number is posted for the property.

(6) The owner of a structure shall post the assigned civic number prior to the issuance of an occupancy permit.

Maintenance

6. The owner of a property shall maintain the civic number for the property in good order.

Prohibited Postings

7. (1) An owner shall not post or permit to be posted any part of a civic address which is not assigned to the structure.

(2) An owner shall not display on a structure any number which is not the assigned civic number with the exception of a lot number, unit number, suite number or a number which is clearly part of a business name.

(3) No lot number, unit number, or suite number shall be posted without the word "lot", "unit" or "suite" preceding the posted number.

Street Naming

8. (1) The Civic Addressing Coordinator shall be responsible for the review, acceptance or rejection of street names, in accordance with the Civic Addressing Policy, for new public streets created by a plan of subdivision, all new private streets, and for any existing unnamed streets or roads.

⇒ (2) In accordance with the Civic Addressing Policy, the **General Committee** Regional Planning Advisory Committee shall assign names to any new public roads that are created by any means other than a plan of subdivision, and may change public and private street names.

Private Roads

9. (1) The owner of a private road which intersects a public street or private road shall obtain approval from the Civic Addressing Coordinator of the name s/he wishes to have assigned to the private road, in accordance with the Civic Addressing Policy. Alternatively, the owner of a private road may request that the Civic Addressing Coordinator assign a name, in accordance with the Civic Addressing Policy.

(2) Installation and maintenance of street name signs for private roads shall be carried out by CBRM Public Works, in accordance with the Civic Addressing Policy. This shall include the installation and maintenance, where necessary, of signs on private property.

Compliance

10. In the event of contravention of this By-Law, in addition to any prosecution or other remedy, the Municipality may:

(1) prepare a notice in writing to the owner delivered by registered mail, to undertake remedial action including, but not limited to, the posting or re-posting of a civic number on a property.

(2) if the remedial action has not been undertaken or completed within twenty-one (21) days of notification, the Municipality may enter upon the private property of an owner and undertake the remedial work, and charge and collect the costs of the work, with interest from the date of the completion of the work until the date of payment, as a first lien on the property affected.

Offenses

11. Any person who violates any provision of this By-law is guilty of an offence punishable on summary conviction by a fine of not less than One Hundred Dollars (\$100) and not more than Five Hundred Dollars (\$500) and to imprisonment of not more than thirty days (30) in default of payment thereof.

Municipal Ticket

12. A person who is alleged to have violated this by-law and is given notice of the alleged violation may pay a penalty in the amount of One Hundred Dollars (\$100) to an official designated by the Chief Administrative Officer, which official and place of payment shall be designated on the notice, 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 payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

***PASSED AND ADOPTED** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on September 18, 2007.*

MAYOR JOHN MORGAN

BERNIE WHITE
MUNICIPAL CLERK

Publication Date: September 24, 2007

Bylaw
of the
Cape Breton Regional Municipality
Amending the
Parking Meter Bylaw T-5

Bylaw T-5, the Parking Meter Bylaw of the Cape Breton Regional Municipality, is hereby repealed and replaced with the following bylaw by the Council of the Cape Breton Regional Municipality in the following manner:

BE IT ENACTED by the Council of the Cape Breton Regional Municipality pursuant to Section 153 of the Motor Vehicle Act as follows:

1. Short Title

This By-law shall be known as Bylaw No. T-5 and may be cited as the ***“Parking Meter Bylaw.”***

2. Application

The public streets and highways in the Cape Breton Regional Municipality and parts thereof to which this bylaw applies are those upon which, under the traffic authority, parking meters have from time to time been installed.

2A. Definition

In this Bylaw,

- (a) **“commercial vehicle”** means a type of vehicle that is used for carrying goods or passengers;
- (b) **“ parking meter”** means an apparatus designed to receive payment of fees for parking, indicating whether any fee for parking has been paid, fix the period of parking allowed for any fee paid, and indicate whether the period for which any such fee has been paid has elapsed, and includes any pay and display parking meter;
- (c) **“parking pass”** means a card authorized and approved for daily, weekly, monthly and yearly parking by the bylaw enforcement division and displayed on the vehicle while in effect;

(d) “**roadway**” for the purpose of this bylaw roadway means:

1. the whole of any land which is within the Cape Breton Regional Municipality and which is laid out by council as a road, street or public highway;
2. land which is vested in the Cape Breton Regional Municipality for the purposes of a road street and includes any access way or service lane under the control of the Cape Breton Regional Municipality;
3. every parking place, square or place intended for use of the general public and any private parking areas delegated to Cape Breton Regional Municipality for parking enforcement.

(e) “**traffic authority**” means the individual appointed to manage, supervise and enforce this Bylaw

3. Placing of Parking Meters

A parking meter installed in the Cape Breton Regional Municipality roadway, as laid out by council as a road or street, shall be placed on the sidewalk, near the curb or edge of the *roadway or building*, and shall designate the parking space associated with it as hereinafter set forth.

4. Parking Spaces

The parking space provided with each meter shall be of sufficient size to be accessible and accommodate one standard passenger automobile. The placing of vehicles shall be as follows:

- (1) When parking is parallel to the curb or edge of the roadway, the foremost part of the vehicle shall be placed within a space measured along the curb not more than 101 millimeters beyond the parking meter nor more than one meter in measurement to the rear of the parking meter.
- (2) When the parking is established at an angle to the edge of the roadway, this shall be appropriately marked or signed, and unless otherwise clearly indicated, a vehicle parked at an angle where parking meters have been installed shall be placed in contact with the curb immediately to the right of the parking meter which applies to the vehicle.
- (3) When two meters are supported by one standard, a vehicle shall be parked wholly within the parking space provided for each meter in a manner that no portion of the vehicle projects beyond the space.

5. Marking of Space

- (1) Notwithstanding anything contained in this bylaw, special limitations of a parking space may be clearly marked and where so marked, will govern the permissible

location of a vehicle. It shall be an offence and a violation of the bylaw for any person to park or leave standing any vehicle beyond such line or marking, except as provided in Section 6.

- (2) Not more than one motor vehicle shall be parked in each parking space described in Sections 4 and 5 above.

6. Large Vehicles

In the case of parallel parking, where the dimensions of a large vehicle are such that the vehicle extends into an adjacent parking space, the vehicle shall be considered to occupy all spaces so affected, and the driver shall be responsible for coin deposit in all applicable meters.

7. Indication of Time

Each parking meter installed shall have thereon an appropriate sign stating the parking time permitted in the individual parking space to which it relates. When in operation, each parking meter shall indicate by a digital display the period of time acquired by coin deposit or parking card during which parking is permitted in the parking space to which such meter relates. Upon the expiration of the period of time permitted for parking, the parking meter shall indicate that parking in such space is in violation of this Bylaw.

8. When in Effect

Each parking meter shall bear thereon directions indicating the days and hours when the requirement to deposit coins or use a parking pass therein shall apply, the value of the coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking space to which such meter relates.

9. Coins

When used in directions on a parking meter, the required coins shall refer only to lawful money of Canada.

10. Parking Rates

The rate for parking meters within the Cape Breton Regional Municipality shall be set by the Traffic Authority of the Municipality from time to time and as approved by the Protective Service Committee **General Committee**.

11. Parking in Excess of Time Allowed

- (1) It shall be an offence and a violation of this Bylaw for the driver of a vehicle to park or leave the same standing in any parking space regulated by a parking meter for a period of time in excess of the maximum period allowed by the direction set forth on

such parking meters regardless of the number of coins deposited or whether the word "expired" is visible in the observation window of the parking meter or where the meter has a digital display reading "00:00".

- (2) When the driver of any vehicle has parked or left standing in any parking space for a period of time in excess of the maximum period of time allowed by the directions set forth on such parking meter, it shall be a new and separate offence for each additional hour that an offence continues.

12. Commercial

The driver of a commercial motor vehicle may park or leave such commercial motor vehicle standing in any parking space for the purpose of loading or unloading goods, wares, merchandise, materials or passengers for any period of time not exceeding thirty minutes, without depositing any coin or coins in the parking meter relating to such parking space. It shall be an offence and a violation of this Bylaw for the driver of a commercial motor vehicle to park or leave same standing in any parking space for any period of time in excess of thirty minutes and fail to comply with the direction set forth on the parking meter relating to such parking space.

13. Unlawful to Permit Parking With "Expired" Visible on Meter

It shall be an offence and a violation of this Bylaw for the driver of a vehicle to permit the same to be parked or left standing in any parking space while the word "Expired" is visible in the observation window of the parking meter relating to such parking space or where the meter has a digital display reading "00:00", unless such vehicle is parking pursuant to the provisions of Section 12 herein or the phase "Out of Order" is visible in the observation window of the parking meter relating to the parking space.

14. Unlawful to Deposit

It shall be an offence and a violation of this Bylaw for any person to deposit or cause to be deposited in any parking meter in the Cape Breton Regional Municipality any device, slug, dice, metallic substance, or other substitute for the coins permitted to be deposited in accordance with this Bylaw.

15. Traffic Authority to be in Charge of Parking Meters

The operation, maintenance, regulation and use of all parking meters installed in the Cape Breton Regional Municipality shall be under the authority management, supervision, and direction of the Traffic Authority appointed for the purpose to enforce this Bylaw.

16. Enforcement

It shall be the duty of any Police Officer of the Cape Breton Regional Municipality or Special Constable delegated by the traffic authority responsible for this bylaw to enforce this Bylaw.

17. Penalty

- (1) A person who contravenes any section of this Bylaw is liable upon summary conviction to a penalty of not less than that approved under the terms of the Nova Scotia Summary Proceeding Act and Summary Offence Tickets Regulations, Twenty five dollars (\$25.00) and as amended from time to time and in default of payment, to imprisonment for a term not less than seven (7) days.
- (2) Any person alleged to have violated the Bylaw shall be given notice by a ticket left on the vehicle for each offence. The ticket shall set a penalty of twenty five dollars (\$25.00) for each hour of violation which maybe paid to the Cape Breton Regional Municipality) if paid within sixty days of the ticket issuance date (specifying the place and manner of payment), or \$55.00 after sixty days, however provide that such payment is made within a period of (7) days following the day on which the alleged violation was committed, then such payment shall be reduced to twenty dollars (\$20.00) for each hour of violation.
- (3) The traffic authority may cause to be removed from any roadway, parking space or transportation station, a vehicle using same in breach of this bylaw, and require payment of the reasonable costs of its removal to a place of safety.

17A. Liability of Owner and Driver

- (1) The owner of a motor vehicle shall incur the fine provided for any violation of this bylaw unless at the time of such violation the motor vehicle was in the possession of some person other than the owner without the owner's consent, either expressed or implied, and the driver of a motor vehicle not being the owner shall also incur the penalties or other consequences provided for any such violation.
- (2) Any person alleged to have violated the Bylaw shall be given notice by a ticket left on the vehicle for each offence. The ticket shall set out that if a penalty of twenty-five dollars (\$25.00) is paid within sixty days of the ticket issuance date (specifying the place and manner of payment) or said amount plus court costs after sixty days, prosecution will be avoided.

18. Parking Permit

- (1) For the facilitation of operation in the construction industry or operation of utilities (including drainage, electrical, road construction and maintenance services, telecommunications operations, water supply and similar services) ,an authorized officer may, subject to such conditions as are considered appropriate in the

circumstances and on payment of the prescribed fee, grant an exemption know as a "Parking Permit" to specified persons generally in respect of specific vehicles or conditions, whether owned by that person or otherwise, form some or all of the provisions of this bylaw.

- (2) Without limiting the generality of section 18 (1) of this bylaw, conditions imposed under that clause may include the following:
- (a) a requirement to show on any vehicle or vehicles to which the exemption applies , a sticker, label or similar document setting out the days and times when the exemption has effect: and a limitation to specific geographic areas and or meter numbers.
 - (b) the closure of the meter or meters in effect by way of bagging or no parking signage as approved and installed by the enforcement body of this bylaw.

MAYOR JOHN MORGAN

BERNIE WHITE
MUNICIPAL CLERK

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Parking Meter By-law of the Cape Breton Regional Municipality including amendments to March 22, 2011.*

BERNIE WHITE, MUNIUCPAL CLERK

Publication Date: April 15, 2011

Taxi By-law

of the

Cape Breton Regional Municipality

Pursuant to Section 305 of the Motor Vehicle Act, Chapter 293 of the Revised Statutes of Nova Scotia, 1995

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

WHEREAS the Cape Breton Regional Municipality intends to regulate the taxi business in the Regional Municipality to ensure:

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

The Council of the Cape Breton Regional Municipality hereby adopts this Taxi By-law, pursuant to the Motor Vehicle Act.

1. Definitions

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

Cape Breton Regional Municipality means the Cape Breton Regional Municipality established pursuant to the Cape Breton Regional Municipality Act, Bill 63 S.N.S. 1994, c.3 as amended by 1994-95, c.7 and includes the area over which that body corporate has jurisdiction.

Limousine means a stretch limousine or any of the four-door, full-size luxury class vehicles identified in Schedule "E" having a standard seating capacity for at least 5 persons exclusive of the driver and furnished with top quality interior appointments, being of leather or other plush upholstery as well as a minimum of 4 of the following features:

- glass partition separating the front and rear seats;
- power windows;
- one-way tinted glass;
- television;
- stereo system;
- cellular telephone; and
- air conditioning.

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

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

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

Taxi means a motor vehicle used to transport passengers and goods for compensation:

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

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

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

Local Tour means a predetermined service contract commencing in CBRM with designated locations along the route. Fees applicable within CBRM. Local Tours shall include vans, Limos, buses and taxis.

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

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

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

Vehicle means a motor vehicle as defined in the Motor Vehicle Act.

2. Licencing Control

- a. The Manager responsible for this By-law shall be responsible for the administration and enforcement of this By-law.
- b. The By-law Enforcement Officers under the direction of the Manager responsible for this By-law and any Peace Officer shall have authority to enforce any and all provisions of this By-law.

3. Areas of Jurisdiction

The jurisdiction of this Taxi By-law is the Cape Breton Regional Municipality. Within the Municipality there shall be five service areas. A Taxi Driver's Licence is valid throughout the Municipality, but a Taxi Vehicle Owner's Licence is only valid for one service area. The boundaries of the service areas are as described in Schedule "A" of this By-law. No Taxi Driver's Licence and/or Taxi Vehicle Owner's Licence shall be issued unless the business address of the taxi business to be hiring the applicant, or owning the taxi vehicle, is in the service area intended to be served by the driver or taxi vehicle.

4.1 Requirements to Operate a Taxi Business

Every person engaged in the business of operating a taxi or owning a taxi vehicle shall be in the employ of a taxi business:

- a. which has a separate address and phone number other than the proprietor's place of residence;
- b. for which the taxi stand depot(s) shall be in compliance with the provisions of the Land Use By-law of the Regional Municipality in effect for the property on which the stand depot is located on *unless the stand depot existed at the site prior to the coming into effect of the Taxi By-law; (amendment April 21st, 1998)*
- c. which is registered in good standing with the Nova Scotia Registry of Joint Stock Companies; and
- d. which operates a 24 hour service, unless the taxi business is listed in Schedule "D" of this By-law, or the address and depot of the taxi business is a minimum of 20 kilometers from the boundary of any of the five service areas illustrated in Schedule "A" of this By-law;
- e. which operates a dispatch-to-taxi two-way radio system only, or the address and depot of the taxi business is a minimum of 20 kilometers from the boundary of any of the five service areas illustrated in Schedule "A" of this By-law;
- f. which is primarily operating a fleet of taxi vehicles providing passengers with a *one call - one direct route to the point of destination service*, except for limousine services. Specialized services such as a shuttle service within the Municipality shall only be permitted as a subsidiary use to the primary operation.

4.2 Requirements to Operate a Local Shuttle Business

Every person engaged in the business of operating a local Shuttle Service with reference to the Cruise Industry shall, if applicable, require the following:

- a. name of the business and phone number of business;
- b. registered in good standing with the Nova Scotia Registry of Joint Stock companies;
- c. must have a fee schedule on file, if applicable;
- d. must have a route schedule available
- e. General information course requirement for operators – Sydney Ports Corp.

4.3 Requirements to Operate a Local Tour Business

Every person engaged in the business of operating a local Tour business shall require the following:

- a. name of the business and phone number of business;
- b. which is registered in good standing with the Nova Scotia Registry of Joint Stock Companies;
- c. must have a fee schedule on file, if applicable;
- d. must have a route schedule available
- e. General tour information course requirement for operators – Sydney Ports Corp.

5. Taxi Vehicle Owner's Licence Requirements

- a. No person shall own and operate a taxi for the purpose of transporting persons for hire in the Cape Breton Regional Municipality unless that person has a valid Taxi Vehicle Owner's Licence in respect of the vehicle issued pursuant to this By-law.
- b. A Taxi Vehicle Owner's Licence is required with respect to each Vehicle used as a taxi in the Cape Breton Regional Municipality.
- c. Every application for a Taxi Vehicle Owner's Licence shall be made in writing to the Traffic Authority by the owner. An application for a Taxi Vehicle Owner's Licence shall contain:
 1. the name, address and telephone number of the applicant;
 2. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
 3. a description of the Vehicle sufficient to identify it;
 4. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
 5. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Transportation or someone delegated with the authority to inspect vehicles;
 6. identification of the service area for which the licence is required (see Section 3); and
 7. if the Taxi Vehicle Owner is not also applying for a Taxi Driver's Licence, they are obliged to comply with Part 9, Section c, sub-section 6 of this By-law.
- d. After receiving a completed application for a Taxi Vehicle Owner's Licence, the Traffic Authority shall refuse to issue a licence if:
 1. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
 2. the vehicle is not in good condition in accordance with Section 7 of this By-law;
 3. the vehicle, if to be operated as a taxi in the Sydney Service Area, is not equipped with a properly operating taximeter in accordance with Section 13 of this By-law;
 4. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Transportation and the verification sticker issued by the Municipality is not displayed in the front windshield.

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- e. Notice of refusal by the Traffic Authority to issue a Taxi Vehicle Owner's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the ~~Protective Services~~ Steering Committee of the Municipality. The ~~Protective Services~~ Steering Committee may confirm the decision of the Traffic Authority or order that a licence be issued subject to compliance with the provisions of Section 5.d. of this By-law.
 - f. A Taxi Vehicle Owner's Licence issued under this By-law shall be valid until the last day of April next following its issue, unless sooner revoked or suspended.
 - g. A Taxi Vehicle Owner's Licence shall be issued for one vehicle only, a description of the vehicle shall be given on the licence, provided that if the owner wishes to discontinue the use of that vehicle and to substitute another, the Traffic Authority shall, if the latter vehicle complies with this By-law, authorize the use of the licence for such vehicle instead of for the one with respect to which it was originally issued, and endorse the licence accordingly.
 - h. A Taxi Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application.

5.1 Local Shuttle Vehicle Owner's Licence Requirements

- a. No person shall own and operate a shuttle for the purpose of transporting persons for hire in the Cape Breton Regional Municipality (for Tourism purposes) unless that person has a valid Local Shuttle Vehicle Owner's Licence in respect of the vehicle issued pursuant to this By-law.
- b. A Local Shuttle Vehicle Owner's Licence is required with respect to each vehicle used as a shuttle (for Tourism purposes, if applicable) in the Cape Breton Regional Municipality.
- c. Every application for a Local Shuttle Vehicle Owner's Licence shall be made in writing to the Traffic Authority by the owner. An application for a Shuttle Vehicle Owner's shall contain:
 - 1. the name, address and telephone number of the applicant;
 - 2. the business address, business mailing address (if different from the business address) and business telephone number of the shuttle business to be hiring, or owned by, the applicant;
 - 3. a description of the Vehicle sufficient to identify it;
 - 4. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
 - 5. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Transportation or someone delegated with the authority to inspect vehicles;
 - 6. if the Shuttle Vehicle Owner is not also applying for a Shuttle Operator's Licence, they are obliged to comply with Part 9, Section c, sub-section 6 of this By-law.

- d. After receiving a completed application for a Local Shuttle Vehicle Owner's Licence, the Traffic Authority shall refuse to issue a licence if:
1. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
 2. the vehicle is not in good condition in accordance with Section 7 of this By-law;
 3. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Transportation and the verification sticker issued by the Municipality is not displayed in the front windshield.
- e. Notice of refusal by the Traffic Authority to issue a Local Shuttle Vehicle Owner's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the ~~Protective Services~~ Steering Committee. The ~~Protective Services~~ Steering Committee may confirm the decision of the Traffic Authority or order that a licence be issued subject to compliance with the provisions of Section 5.d. of this By-law.
- f. A Local Shuttle Vehicle Owner's Licence issued under this By-law shall be valid until the last day of April next following its issue, unless sooner revoked or suspended.
- g. A Local Shuttle Vehicle Owner's Licence shall be issued for one vehicle only, a description of the vehicle shall be given on the licence, provided that if the owner wishes to discontinue the use of that vehicle and to substitute another, the Traffic Authority shall, if the latter vehicle complies with this By-law, authorize the use of the licence for such vehicle instead of for the one with respect to which it was originally issued, and endorse the licence accordingly.
- h. A Local Shuttle Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application.

5.2 Local Tour Vehicle Owner's Licence Requirements

- a. No person shall own and operate a vehicle for the purpose of transporting persons for hire in the Cape Breton Regional Municipality (for Tourism purposes only) unless that person has a valid Local Tour Vehicle Owner's Licence in respect of the vehicle issued pursuant to this By-law.
- b. A Local Tour Vehicle Owner's Licence is required with respect to each vehicle used as a limo, taxi or bus in the Cape Breton Regional Municipality.
- c. Every application for a Local Tour Vehicle Owner's Licence shall be made in writing to the Traffic Authority by the owner. An application for a Local Tour Vehicle Owner's Licence shall contain:
- a. the name, address and telephone number of the applicant;
 - b. the business address, business mailing address (if different from the business address) and business telephone number of the shuttle business to be hiring, or owned by, the applicant;
 - c. a description of the Vehicle sufficient to identify it;
 - d. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
 - e. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Transportation or someone delegated with the authority to inspect vehicles;

- f. if the Local Tour Vehicle Owner is not also applying for a Local Tour Operator's Licence, they are obliged to comply with Part 9, Section c, subsection 6 of this By-law.
- g. A Local Tour Vehicle Owner's Licence shall be issued for one vehicle only, a description of the vehicle shall be given on the licence, provided that if the owner wishes to discontinue the use of that vehicle and to substitute another, the Traffic Authority shall, if the latter vehicle complies with this By-law, authorize the use of the licence for such vehicle instead of for the one with respect to which it was originally issued, and endorse the licence accordingly.
- h. A Local Tour Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application.
- i. After receiving a completed application for a Local Tour Vehicle Owner's Licence, the Traffic Authority shall refuse to issue a licence if:
 - i. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
 - ii. the vehicle is not in good condition in accordance with Section 7 of this By-law;
 - iii. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Transportation and the verification sticker issued by the Municipality is not displayed in the front windshield.
- j. Notice of refusal by the Traffic Authority to issue a Local Tour Vehicle Owner's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the ~~Protective Services Committee~~ **General Committee**. The ~~Protective Services Committee~~ **General Committee** may confirm the decision of the Traffic Authority or order that a licence be issued subject to compliance with the provisions of Section 5.d of this By-law.
- k. A Local Tour Vehicle Owner's Licence issued under this By-law shall be valid until the last day of April next following its issue, unless sooner revoked or suspended.

6. Insurance

The owner of a taxi, local shuttle, limo and local tour licenced under this By-law shall at all times while engaging in the taxi, local shuttle, local tour or limo business or driving a taxi, local shuttle, tour vehicle, or limo for compensation have in force on the vehicle licenced and operated:

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

in the amount of \$1,000,000 without any limit on any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage.

7. Condition of Vehicle and Inspections

- a. Every vehicle licenced under this By-law shall be kept in a clean, sanitary condition and in good repair at all times when in use and has no visible body fillers, rust, primer paint, accidental damage or similar defects.
- b. The owner of every vehicle in respect of which:
 - 1. an application is being made; or

2. a licence has been issued;
shall, when required by a By-law Enforcement Officer or Peace Officer, forthwith submit the vehicle for examination to determine compliance with Section 7.a. of this By-law and the Motor Vehicle Act.
- c. A minimum of 2 vehicle inspections conducted by, or on behalf of, the Motor Vehicle Branch of the Department of Transportation of the Province of Nova Scotia shall be required for each vehicle licenced under this By-law. The inspections shall be coordinated to ensure no vehicle licenced under this By-law is operating without a valid vehicle inspection certificate issued by, or on behalf of, the Motor Vehicle Branch of the Department of Transportation with an inspection date older than 6 months.
- d. Vehicle Owners shall be permitted to choose a mechanic of their choice in their local area. Additional vehicle inspections to be carried out at a CBRM designated location at the vehicle owner's expense.
- e. Should the vehicle not meet the requirements of Section 7.a. or fail an inspection conducted under the Motor Vehicle Act, the Traffic Authority may notify the owner of the vehicle to cease operating the same as a vehicle licenced under the authority of this By-law, until such time as the same has been put in a clean, sanitary condition and/or in good repair.

8. Vehicle Identification

Every taxi licenced under this By-law shall have a sign affixed upon the roof of such vehicle which is *illuminated*:

1. when the meter is operating in all areas of jurisdiction which require a taximeter in each vehicle; and
2. as the headlights of the vehicle are turned on in accordance with the provisions of the Motor Vehicle Act.
3. The roof light shall be removed or covered by opaque material when the vehicle is not in service as a taxi.

The sign shall identify the name of the taxi business and the identification number of the vehicle. The name of the taxi business shall be placed on the sign so that it can be read while standing to the front or rear of the vehicle. The identification number of the vehicle shall be placed on the sign so that it can be read while standing adjacent both sides of the vehicle. The sign shall be of such size, color, design and style which ensures the name of the taxi business and the identification number of the vehicle can be identified within 50 feet of the sign.

9. Taxi Driver's Licence Requirements

- a. No person shall drive a taxi for the purpose of transporting persons for hire in the Cape Breton Regional Municipality unless the person has a valid Taxi Driver's Licence issued pursuant to this By-law.
- b. No person issued a valid Taxi Driver's Licence shall drive a vehicle in the Cape Breton Regional Municipality other than a vehicle with a licence to be used as a taxi in the Municipality.
- c. Every application for a Taxi Driver's Licence shall be made in writing to the Traffic Authority. An application for a Taxi Driver's Licence shall contain:
 1. the name, address and telephone number of the applicant;
 2. the residence address, residence mailing address (if different from the residence address) and home telephone number of the applicant;

3. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
4. the age of the applicant;
5. the number and classification of the applicant's driver's licence then in force; and
6. for the first time applicant, a statement of record of any convictions against the applicant in the 5 years preceding the date of the application under the Criminal Code of Canada and the Motor Vehicle Act.

Operators/Owners Licence	Criminal record statement for last 5 years required
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Criminal Records checks will be conducted with new drivers and owners initially. These checks will also be conducted for any licenced taxi driver upon the expiration of a Province of Nova Scotia driver's licence. Criminal Records checks are only processed through the CBRM By-law office via Police Central.

- d. After receiving a completed application for a **Operator's Licence**, the Traffic Authority shall refuse to issue a licence if:
 1. the applicant is not in possession of a Class 1, 2, 3, or 4 Driver's Licence issued by the Province of Nova Scotia;
 2. the applicant does not hold a valid, current Motor Vehicle Licence from the Province of Nova Scotia required under the Motor Vehicle Act for a person operating a taxi;
 3. in the judgment of the Traffic Authority, the applicant is not a fit and proper person to hold such a licence.
- e. Notice of refusal by the Traffic Authority to issue an **Operator's Licence** shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the ~~Protective Services Committee~~ **General Committee** of the Municipality within 30 days of the decision. The ~~Protective Services Committee~~ **General Committee** may confirm the decision of the Traffic Authority or order that a licence be issued subject to compliance with the provisions of Section 9.d. of this By-law.
- f. A Taxi Driver's Licence issued under this By-law shall be valid until the last day of April next following its issue, unless sooner revoked or suspended.
- g. No Taxi Driver's Licence under this By-law may be transferred from one person to another.

10. Driver - Dress Code and Conduct

- a. When engaged in the operation of a taxi for hire licenced under this By-law, every driver issued a Taxi Driver's Licence under this By-law shall:
 1. wear a shirt or blouse;
 2. wear ankle length cuffed or hemmed trousers, or cuffed or hemmed shorts; female drivers shall also have the option to wear a skirt or dress;
 3. have on footwear;
 4. wear the required clothing in a neat and tidy condition;
 5. conduct himself/herself in an orderly manner with no solicitation of any kind.
- b. Every person licenced under this By-law shall notify the office of the Manager responsible for this By-law of a change of address within 7 days.

11. Customer Service

- a. Every licenced driver shall proceed by the most direct route to the point of destination, unless otherwise directed by the passenger.

- b. A licenced driver shall only convey the person or persons engaging his vehicle and shall not pick up other passengers, unless agreed to by the person or persons who engaged the licenced driver's services.
- c. The owner or driver of a licenced vehicle shall not refuse or neglect to convey any orderly, fare paying, person, or persons upon request, unless previously engaged, or unable to or prohibited by the provisions of this By-law. A licenced driver may refuse to drive a person whose conduct is disorderly or when such person's conduct may cause the driver to fear for his/her safety.
- d. Every licenced driver shall offer assistance to the passenger:
 - 1. entering and exiting the taxi; and
 - 2. carrying luggage or any goods to and from the taxi.

12. Rates

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- a. The rates as set out in the Resolution of the Council of the Municipality as per Schedule "C" attached to this By-law will be those established annually by Resolution of the Protective Services Committee **General Committee** or, from time to time, at any regularly scheduled meeting thereof. The rates shall be charged for conveyance in a licenced vehicle used for transporting passengers for hire, from point to point within the Municipality.
 - b. Copies of the Schedule of Fares shall be furnished by a By-law Enforcement Officer to every person issued a Taxi Driver's Licence or Taxi Vehicle Owner's Licence and a copy of such schedule shall be kept available for perusal by a passenger in every motor vehicle for which a Taxi Vehicle Owner's Licence has been issued. The fare schedule established by Committee shall be affixed to the rear passenger window of each vehicle.
 - c. Every taxi vehicle owner or taxi driver who receives or demands a fare greater than or less than that required by the Schedule of Fares shall be guilty of an offence under this By-law.

*13. Local Shuttles

Local Shuttle Service means a van, limo or bus used to transport individuals or organizational groups of people collected at a given point, such as the Government Wharf, (for Tourism purposes only), and dropped off at predetermined destinations within CBRM. If a fee is charged to the individual being transported, then the owner of the service will require a licence; otherwise the service provided will be a courtesy service.

*

- a. A shuttle shall carry no more than 7 to 14 persons;
- b. Vans, limos and buses are permitted;
- c. Cars are excluded;
- d. Taxis are excluded from a shuttle business;
- e. Magnetic Signage required;
- f. No deck light or meter is required;
- g. A general information course is a requirement of operators – Sydney Ports Corp.

***14. Local Tours**

A local tour means a predetermined service contract commencing in the Cape Breton Regional Municipality with designated locations along the route. Fees applicable within CBRM.

*

- a. *Local Tours shall include Limos, taxis, vans and buses;*
- b. *No deck light or meter necessary;*
- c. *Service contracts will be predetermined;*
- d. *Tours to commence in CBRM;*
- e. *Signage on site shall be required and will include:*
 - 1. *Listing of tour area, price, duration of tour;*
 - 2. *Minimum size of 30" x 40";*
 - 3. *Signage on side of vehicle 1" in height to include company name, Phone #, CBRM licence # (magnetic type);*
- f. *General tour information course requirement for operators – Sydney Ports Corp.*

***15. Taxi**

Taxi means a motor vehicle used to transport passengers and goods for compensation.

*

- a. *Shall not be more than 6 passengers and be a licenced vehicle;*
- b. *Must be a vehicle (4 door car – minimum 4 doors excluding hatchbacks);*
- c. *Mid-size or larger;*
- d. *4 cylinder or larger;*
- e. *Limo can be a taxi maximum 6 passengers;*
- f. *Deck light and meter required;*
- g. *General tour information course requirement of operators.*

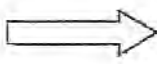
16. Limousines

- a. No person shall own and operate a Limousine service for the purpose of transporting persons for hire within the Municipality unless a Limousine Licence in respect of the vehicle has been issued pursuant to this By-law.
- b. An application for a Limousine Licence shall contain all of the information required for an application for a Taxi Vehicle Owner's Licence except for the identification of a service area.
- c. All of the provisions regulating taxi vehicles are applicable for a Limousine except the requirements to:
 - 1. be properly equipped with a taxi meter;
 - 2. have an illuminated sign affixed upon the roof; and
 - 3. schedule of fares affecting taxis.
- d. Limousines are prohibited from:
 - 1. parking at common taxi stand depots;
 - 2. being held out as being available for the conveyance of persons in a public place except at an airport or wharf where a cruise ship is about to be (or is) docking.

17. Exemptions

- a. Outside Tours
- b. Charter Buses – 15 persons or more.

18. Taximeters - Sydney Service Area

- 
- a. Every owner of a motor vehicle in the Sydney Service Area, as described in Schedule "A" of this By-law, shall provide such vehicle with a taximeter of a model approved by the ~~Protective Services Committee~~ **General Committee**. Such taximeter shall:
 - 1. be at all times in full view of the passengers;
 - 2. be kept sealed and intact;
 - 3. be operated from one of the front wheels of the motor vehicle or from the transmission; and
 - 4. illuminated by a suitable light while in operation after dark.
 - b. A By-law Enforcement Officer or Peace Officer of the Municipality may at any time inspect any taximeter which is installed in a motor vehicle, and no Taxi Vehicle Owner's Licence shall be issued or renewed unless the taximeter is in compliance with Section 13.a. of this By-law.
 - c. Every owner or driver of a taxi licenced in the Sydney Service Area who transports for hire passengers without causing the taximeter in such vehicle to operate shall be guilty of an offence against this By-law.
 - d. Any passenger who has used a taxi in the Sydney Service Area who refused to pay the tariff rates as shown on a properly operating taximeter shall be guilty of an offence against this By-law.

19. Emergency Call Number

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

20. Penalties

- a. Every person who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$100.00 and not more than \$200.00; and, in default of payment, the Manager responsible for this By-law may cancel or suspend the licence of such person.
- b. Every person who does not have a valid Owner's Licence or Operator's Licence in compliance with this By-law who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$200.00 and not more than \$500.00. Every proprietor of a taxi business who knowingly:
 - 1. hires an individual to operate a taxi who is not properly licenced in compliance with Part 9 of this By-law; and/or
 - 2. allows an independent Taxi Vehicle Owner to operate from their taxi stand/depot using a vehicle which is not properly licenced in compliance with Part 5 of this By-law;shall also be liable to a penalty of not less than \$200.00 and not more than \$500.00 per individual offence.

- c. Any person whose licence has been canceled or suspended may appeal to the Protective Services Committee **General Committee** which may confirm or disallow the action of the Manager responsible for this By-law.

21. Previous By-laws Repealed

All Taxi By-laws of the former municipalities of Cape Breton County adopted pursuant to the Motor Vehicle Act to regulate the transporting of persons for hire by means of a motor vehicle are hereby repealed and the provisions of this By-law substituted therefore.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on September 23rd, 1997 and as amended on November 17, 1998, October 19, 1999, May 20, 2003, July 8, 2003 and February 17, 2004.

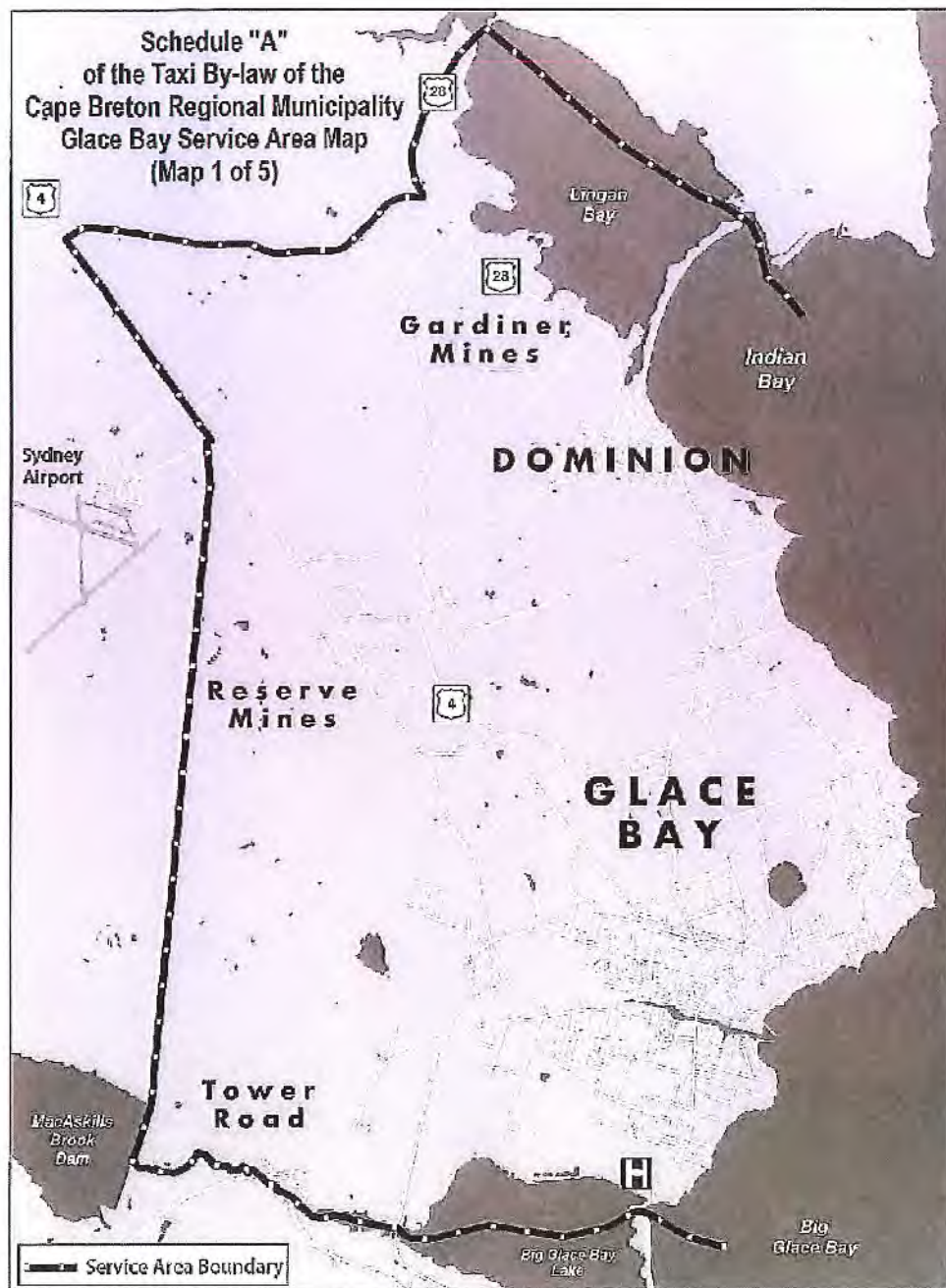
MAYOR

CLERK

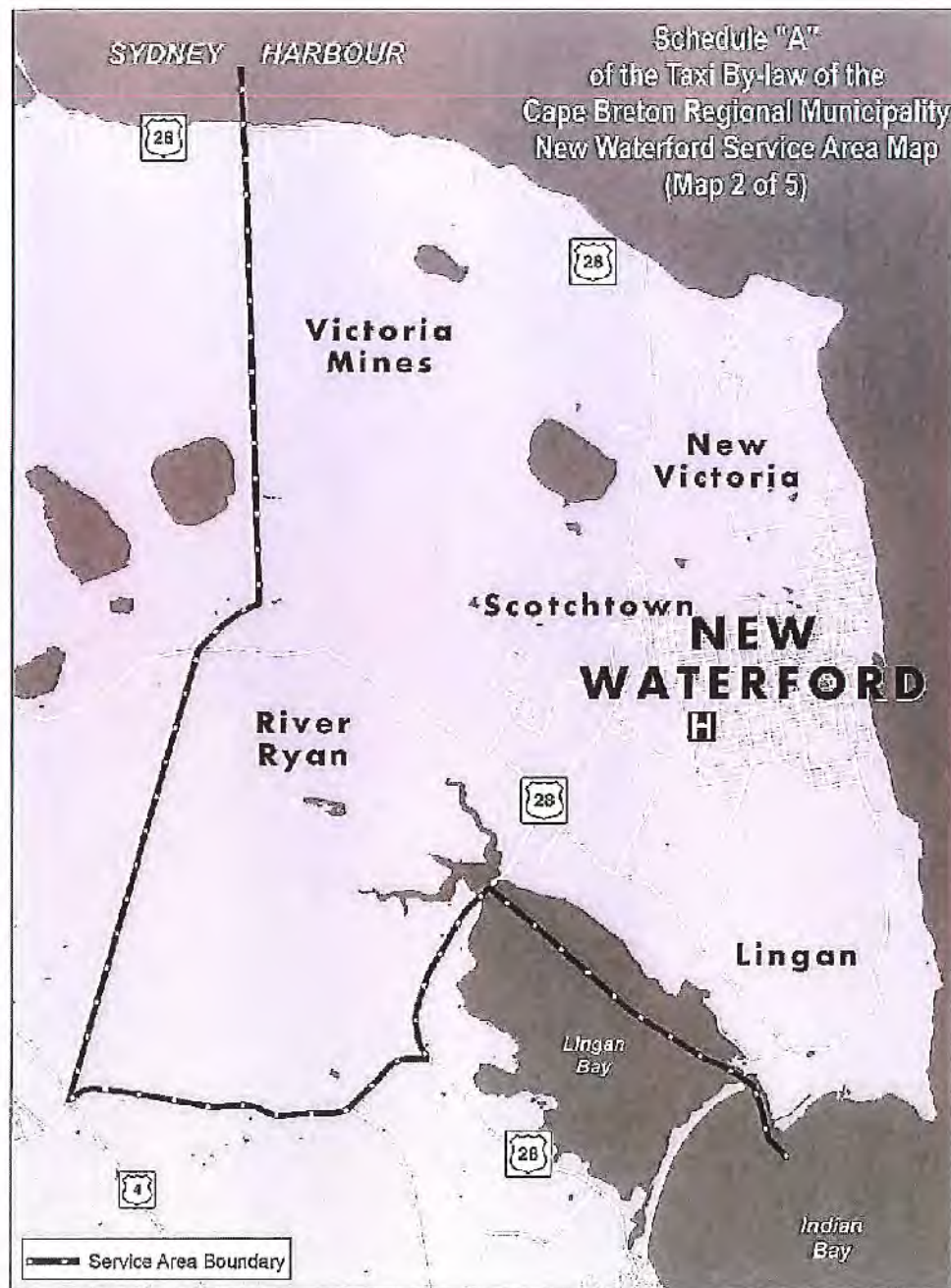
***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Taxi By-law of the Cape Breton Regional Municipality adopted on September 23rd, 1997 and as amended on November 17, 1998, October 19, 1999, May 20, 2003, July 8, 2003 and February 17, 2004.*

BERNIE WHITE, CLERK

Publication Date: February 25, 2004



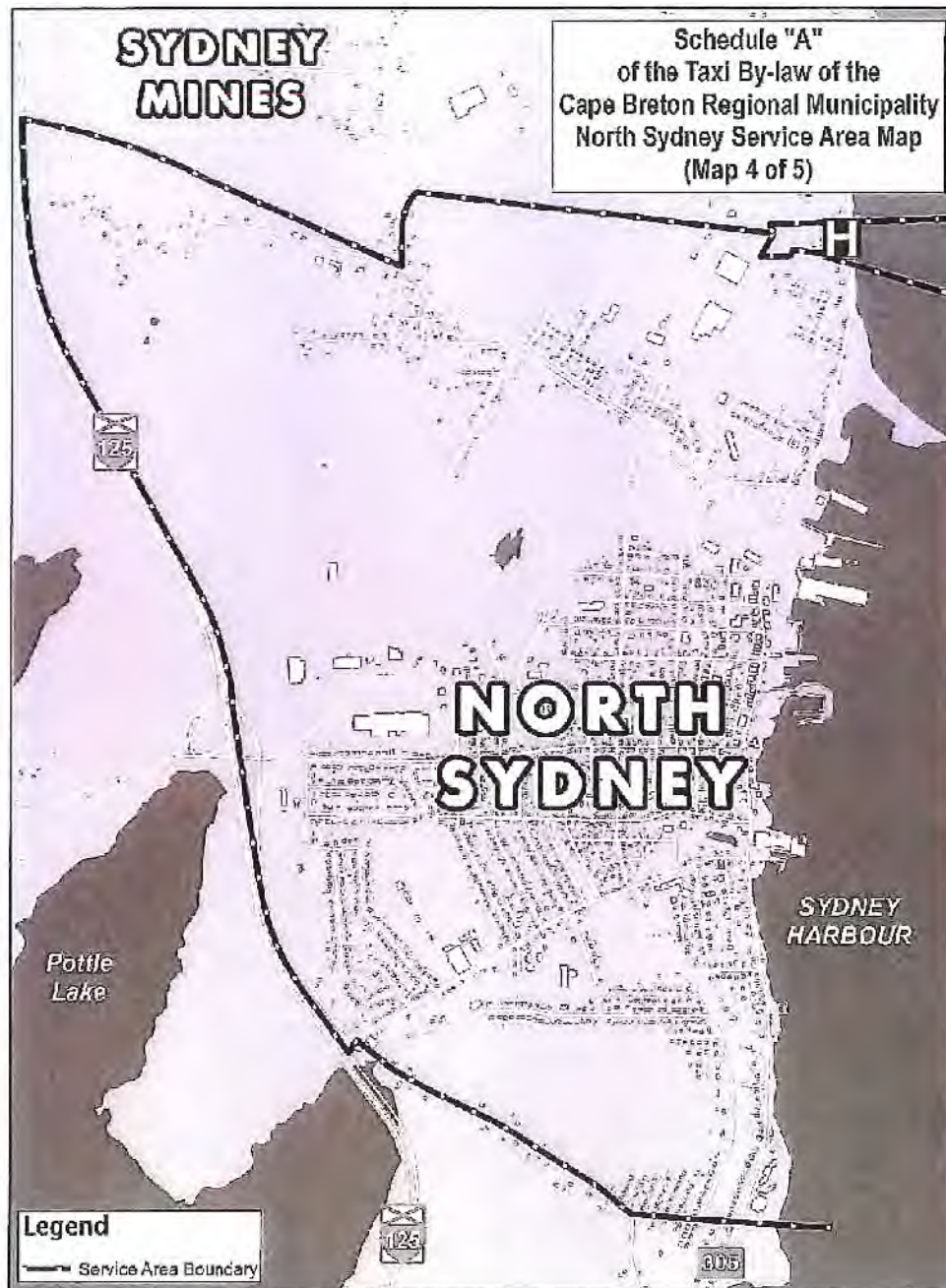
Where a boundary follows a public road, the properties on the public road are in both adjacent service areas.



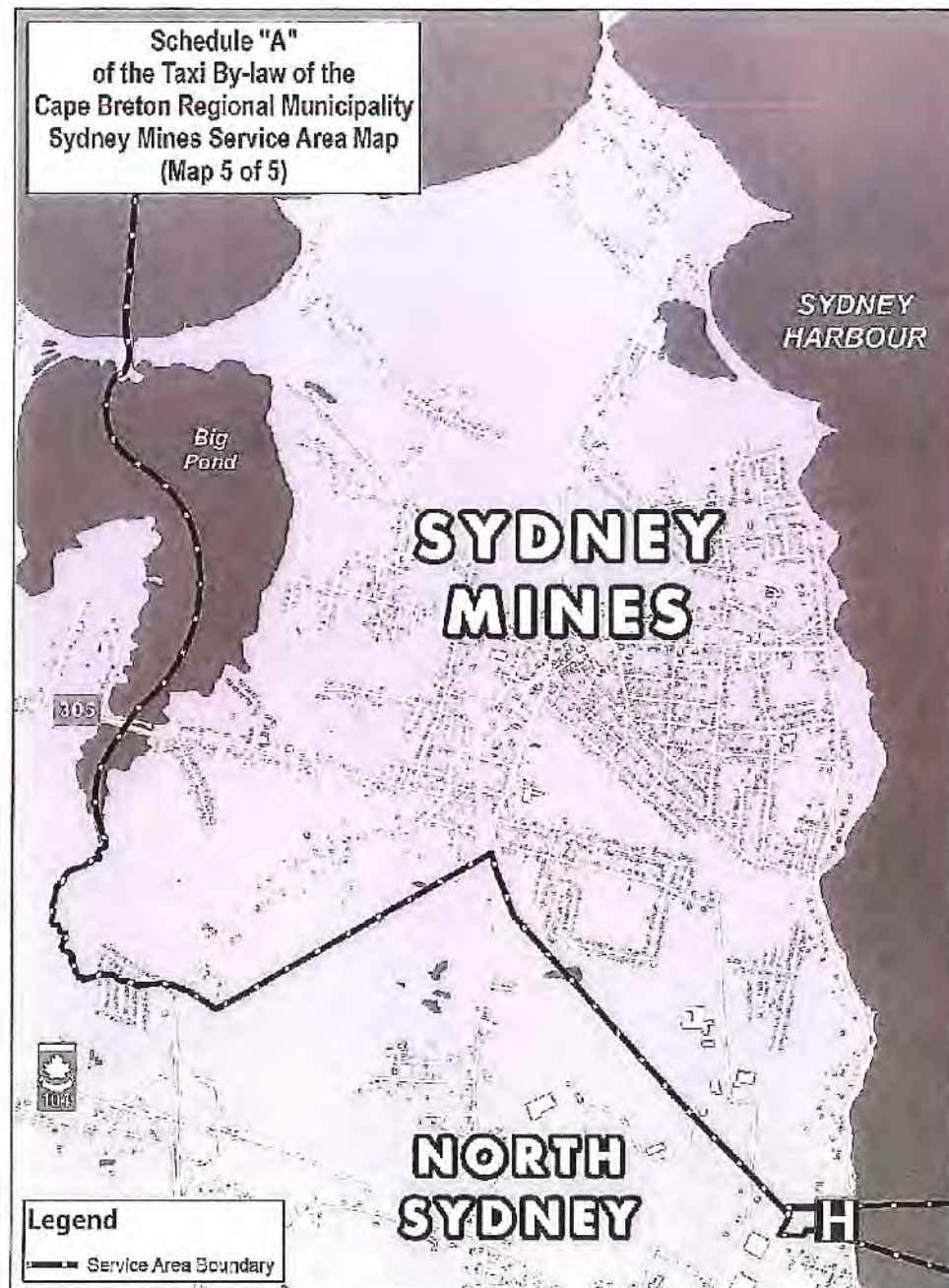
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Schedule "B"

THAT: the Table of licencing fees in Schedule "B" of the Taxi By-law is amended to read as follows:

"Licencing Fees"

ALL OPERATOR LICENCE FEES ARE PRO-RATED FOR CBRM FISCAL YEAR		
Operator's Licence (Taxi, Shuttle, Tour) - Annual Licence	\$45	
Owner's Licence (Taxi) - Annual Licence	\$45	
Limo Operator's Licence - Annual Licence	\$30	
Limo Owner's Licence - Annual Licence	\$30	
Local Shuttle Licence (Owner) - Annual Licence	\$30	
- An add on (e.g. Limo & Local Shuttle Licence – same vehicle)	\$10	
Local Tour Licence (Owner) - Annual Licence	\$25	
- An add on (e.g. Taxi & Local Tour Licence – same vehicle)	\$10	

Criminal Record Check As Per Police Central Fee Schedule.

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

Schedule "C"
of the
Taxi By-law
of the
Cape Breton Regional Municipality

Schedule of Fares Within Service Areas

All Fares include H.S.T.	Sydney (metered)	Sydney Mines (non-metered)	North Sydney (non-metered)	New Water. (non-metered)	Glace Bay (non-metered)	Florence (non-metered)	Whitney Pier (metered)
Local Rate* Additional Charge per passenger over 1 Tendered Rates & Special Rates for the conveyance of groups may be made by private arrangement with the owner of the taxi business, owner of the vehicle, or driver of the vehicle.	\$3.00 initial charge (\$1.75 per mile) no extra charge	\$4.50 flat rate 0.50 cents (per person after 2)	\$4.50 flat rate 0.50 cents (per person after 2)	\$4.50 flat rate 0.50 cents (per extra person)	\$4.50 flat rate within Glace Bay; within Dominion; or Reserve Mines as described below this table \$5.50 flat rate between any two of the above communities 0.50 cents (per extra passenger)		
Rate for Fares outside the service area	\$1.15 per kilom.	\$1.15 per kilom.	\$1.15 per kilom.	\$1.15 per kilometer	\$1.15 per kilometer		
Waiting Time	\$16.00 per hour	\$30.00 per hour	\$30.00 per hour	\$30.00 per hour	\$30.00 per hour		
Limousine Rate per hour	\$57.50	\$57.50	\$57.50	\$57.50	\$57.50		
Sydney		\$24.00	\$24.00	\$20.00	\$20.00	\$24.00	
Glace Bay	\$20.00	\$45.00	\$45.00	\$15.00	\$ 4.50	\$45.00	
New Waterford	\$20.00	\$45.00	\$45.00	\$ 4.50	\$15.00	\$45.00	\$16.00
North Syd.	\$24.00	\$ 7.00	\$ 4.50	\$45.00	\$45.00	\$ 7.00	
Syd Mines	\$24.00	\$ 4.50	\$ 7.00	\$45.00	\$45.00	\$ 7.00	
Florence	\$25.00	\$ 7.00	\$ 7.00	\$45.00	\$45.00	\$ 4.50	

Rates are current based on travel within and between communities noted above. Glace Bay and New Waterford - additional charges for extra passengers .50 cents per person; North Sydney and Sydney Mines additional charges for 3rd passenger or more .50 cents per person.

- - In the Sydney service area the metered rate is in effect within the area bounded by:
 - the Sydney River bridge along Keltic Drive;
 - Highway 125 by-pass intersecting King's Road, Alexandra Street, George Street and Grand Lake Road;
 - up to and including the properties fronting MacLeod Street in South Bar which intersects Victoria Road. (Briands and City Wide request) *
- - In the Sydney Mines and North Sydney service areas the local rate is in effect throughout the service areas.
- - In the New Waterford service area the local rate is in effect in New Waterford and Scotchtown. This local area is bounded by:
 - the Lingan/Phalen Colliery to the east along Hinchey Avenue;
 - Hulme's Lane to the east along Roach's Road;
 - the intersection of Ryan Street and Route 28 to the south;
 - the railroad right-of-way along May Street to the west; and
 - MacNeil's and Webb's Lane along Ellsworth Avenue to the west.
- - In the Glace Bay service area the local rate is in effect for fares where the passenger(s) *are picked up and delivered*
 - *within* the boundary of the former Town of Glace Bay;
 - *within* the boundary of the former Town of Dominion; and
 - *within* Reserve Mines, bounded by the boundaries of the former towns of Glace Bay, Dominion, and the intersection of the Old Airport Road and the Sydney-Glace Bay Highway.

Schedule "D"
of the
Taxi By-law
of the
Cape Breton Regional Municipality

Taxi Businesses in operation prior to the coming into effect of the Cape Breton Regional Municipality Taxi By-law which were not operating a 24 hour a day service.

Schedule "E"
Of the
Taxi By-law
Of the
Cape Breton Regional Municipality

Other than a stretch limousine, only the following makes of vehicle shall be considered a limousine, as defined in the Taxi By-law:

- Cadillac;
- Lincoln;
- Rolls Royce;
- Jaguar;
- Mercedes-Benz;
- Bentley;
- Royal Princess.
- Luxury SUV

**Schedule “F”
of the
Taxi By-Law
of the
Cape Breton Regional Municipality**

**CBRM TAXI BY-LAW
LICENSING STANDARDS**

BASIC PRINCIPLES

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

- It is acknowledged that each case must be reviewed to determine whether the application of the guidelines is appropriate in all of the circumstances. The ultimate decision continues to rest with the Traffic Authority, subject to the applicant's right of appeal to the Taxi Steering Committee.
- Repeated offences may result in greater suspension lengths, at the discretion of the Enforcement Officer. However, steps voluntarily taken by the individual to correct or improve his conduct (for example, completion of the Driver Education Course, regular attendance at Alcoholic Anonymous meetings, completion of a recognized defensive driving course) may result in a shorter suspension.
- In the case of criminal or ordinance charges, provided there is no potential risk to the public safety, suspensions are to commence upon conviction for the offence, regardless of the filing of an appeal.
- Where there has been a suspension prior to conviction, such suspension shall be reviewed by the Enforcement Officer upon a “not guilty” finding by the Courts.
- Where applicable, the suspension is to commence at the completion of any sentence or penalty, including probation, parole or the carrying out of a period of community service.

- In cases where no charges are laid, the suspension shall commence upon the Enforcement Officer notifying the operator or owner that he is satisfied that acts have been committed which render the operator or owner an unfit and improper person to hold a taxi license.
- Offences, which occur while a person is engaged in the operation of a taxi or limousine, may be treated with greater severity than other offences.
- The Enforcement Officer may, at his discretion and where circumstances warrant, suspend the operation of a suspension pending the outcome of an appeal before the Taxi Steering Committee.

REFUSED OR SUSPENSION WITHOUT RENEWAL

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

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

10 YEAR SUSPENSION

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

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

- ASSAULT CAUSING BODILY HARM
- ROBBERY

5 YEAR SUSPENSION

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

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

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

2 YEAR SUSPENSION

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

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

- **INDECENT EXPOSURE** (while on duty as a taxi operator)
- **POSSESSION OF WEAPONS** (other than firearms)
- **FRAUD**

1 YEAR SUSPENSION

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

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

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

4 WEEK SUSPENSION

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

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

TAXI STEERING COMMITTEE

There will be a Taxi Steering Committee set up to review the by-law from time to time and to hear disputes between drivers/ owners and enforcement officers.

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

The committee will comprise of one taxi business owner, one taxi driver who is not an owner, one citizen at large, representative from police services, CBRM by-law staff person, other individuals, group or organization appointed by the manager responsible for this by-law.

APPEAL PROCESS

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

A fee of \$25.00 will accompany all applications for appeal. No appeal will be heard without both the prescribed form and fee submitted. Fees submitted with applications for appeal will be refunded should the applicants appeal be upheld.

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

Automatic Vending Machines By-law

of the

Cape Breton Regional Municipality

Pursuant to Section 120 and Section 128 of the Cape Breton Regional Municipality Act, S.N.S. 1994, c.3

WHEREAS the Cape Breton Regional Municipality Act gives the Cape Breton Regional Municipality the authority to "...*regulate and licence automatic vending machines...*"; and

WHEREAS the Cape Breton Regional Municipality believes it should be compensated for providing services protecting automatic vending machines (e.g. Police, Fire) and to enable customers of automatic vending machines to access such machines (e.g. sidewalks, public streets); and

WHEREAS automatic vending machines are in competition with business establishments obliged to pay commercial property taxes and business occupancy tax:

The Council of the Cape Breton Regional Municipality hereby adopts this Automatic Vending Machines By-law, pursuant to the Cape Breton Regional Municipality Act.

1. Definitions

Automatic Food Vending Machine means an automatic vending machine which pours beverages or dispenses packaged foods.

Automatic Vending Machine means any mechanical device which is operated by the introduction of coins, counters, or slugs, that dispenses food, beverages, goods, wares or services, including newspapers and other publications.

Automatic Vending Machine Game means an automatic vending machine which does not dispense food, wares or services, but is used as a game. (*vending machine game is exempt from the licencing provision by Motion of Council.*)

Automatic Vending Machine Owner means the person or agency which owns the automatic vending machine and/or is responsible for distributing, replenishing and maintaining the automatic vending machine.

Building means any permanent structure used or built for the shelter, accommodation or enclosure of persons.

Licence means a Licence to operate an automatic vending machine.

Licencing Authority means:

- a Special Constable of the Cape Breton Regional Municipality; and
- the Assistant By-law Manager

under the direction of the Manager of the Development Division and By-laws.

Mechanical Ride means an automatic vending machine which is designed to entertain children by physically moving them.

Municipality means the Cape Breton Regional Municipality.

Premises means either:

- within a building; or
- on the property on which the building is located.

Property means a separate and distinct parcel of land described in an executed deed or as shown on a registered plan of subdivision.

Service Dispensing Automatic Vending Machine means an automatic vending machine which does not dispense a product but provides a service (e.g. clothes washer, dryer).

2. **Licences**

- a. A Licence to operate an automatic vending machine is required in compliance with this By-law unless:
 1. the automatic vending machine is clearly an integral part of the service provided by the business located at the premises (*e.g. coin operated laundromats, arcades*); or
 2. automatic food vending machines in convenience stores and other similar types of retail establishment; or
 3. automatic food vending machines as an ancillary service in commercial establishments in receipt of an eating establishment licence from the Province; and provided
 4. the business is subject to Business Occupancy Assessment pursuant to the Assessment Act of Nova Scotia.
- b. Every application for a Licence shall be completed on a prescribed form obtained at the office of the Manager of the Development Division and By-laws and shall contain the following information:
 1. Name, mailing address and telephone of automatic vending machine(s) owner;
 2. Address where each automatic vending machine is to be located;
 3. Name of building each automatic vending machine is to be located, and location within building;
 4. Type of automatic vending machine(s); and
 5. The signature of the applicant.
- c. An application for a Licence may be for one automatic vending machine, or more than one automatic vending machine provided:
 - each machine is identified by a serial number; and
 - the address where each automatic vending machine is to be located is identified.
- d. Every Licence shall be completed on a prescribed form prepared under the direction of the Manager of the Development Division and By-laws and shall contain the following information:
 1. the licencing year;

2. to whom the Licence is being issued;
 3. the number of automatic vending machines to which the Licence applies;
 4. a description (*or descriptions*) of the automatic vending machine(s) to which the Licence applies;
 5. the location of the premises the automatic vending machines are to be placed;
 6. a Licence number; and
 7. the signature of the Licencing Authority.
- e. One Licence may be issued in compliance with this By-law for all of the automatic vending machines on the same application, but each automatic vending machine shall be issued an adhesive label bearing:
- the words "*Licensed automatic vending machine*";
 - the year in which the Licence was issued; and
 - a unique number; and
 - the automatic vending machine owner shall affix or cause to be affixed such adhesive label in a conspicuous place on the automatic vending machine.
- f. A Licence issued in compliance with this By-law may be used for any automatic vending machine of the type to which the Licence applies provided the number of automatic vending machines in operation does not exceed the number identified on the Licence.
- g. The fees for Licence issued in compliance with this By-law shall be as described in Schedule "A" of this By-law.
- h. A Licence issued in compliance with this By-law shall expire on the 31st day of December following the date of issuance.
- i. The office of the Manager of the Development Division and By-laws shall keep a record of all Licences issued in compliance with this By-law.

3. Appeals

- a. Any automatic vending machine owner:
- who has been refused a licence;
 - who's licence has been suspended or cancelled
- may appeal to the ~~Protective Services Committee~~ **General Committee** of Regional Council.
- b. Such appeal shall be in writing filed with the Clerk's Department.

- c. The ~~Protective Services Committee~~ **General Committee** may confirm the decision of the licencing authority or order that a licence be issued subject to compliance with the provisions of this By-law.

4. Penalties

- a. Every automatic vending machine owner who violates or fails to comply with any of the provisions of this By-law shall be guilty of an offence against this By-law and liable to a

penalty not exceeding \$500.00 and, in default of payment, to imprisonment for a period not exceeding sixty (60) days.

- b. Every day during which any such contravention or failure to comply continues shall be deemed a fresh offence.
- c. Where an automatic vending machine owner locates, permits, or causes or permits to be operated, any automatic vending machine on any premises in the Municipality without obtaining a Licence in compliance with this By-law, the Municipality may, after notice by Registered Mail, remove any automatic vending machine to a place selected by the Municipality and all costs and charges incurred by the Municipality may, by action in any Court of competent jurisdiction, recover as a civil debt due to the Municipality by the owner of the automatic vending machine the cost of removal and storage thereof.

5. Repeal of Previous By-laws

All Automatic Vending Machines By-laws or similar by-laws adopted by the former Municipalities of Cape Breton County to regulate automatic vending machines are hereby repealed and the provisions of this By-law substituted thereof.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on January 26th, 1999, including amendments adopted on September 21st, 1999.

MAYOR

CLERK

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Automatic Vending Machines By-law of the Cape Breton Regional Municipality.*

BERNIE WHITE, CLERK

Schedule "A"
of the
Automatic Vending Machines By-law
of the
Cape Breton Regional Municipality

Licence Fee Schedule
(per automatic vending machine)

TYPE OF AUTOMATIC VENDING MACHINE	LICENCE FEE 1 ST 6 MONTHS OF CALENDAR YEAR	LICENCE FEE 7 TH UP TO & INCLUDING THE 10 TH MONTH OF CALENDAR YEAR	LICENCE FEE LAST 2 MONTHS OF CALENDAR YEAR
Automatic Vending Machine Game	Exempt	Exempt	Exempt
Automatic Food Vending Machine	\$40.00	\$20.00	\$40.00 and licence is issued for next calendar year
Mechanical Rides	\$40.00	\$20.00	\$40.00 and licence is issued for next calendar year
Service Dispensing Automatic Vending Machine	\$10.00	\$5.00	\$10.00 and licence is issued for next calendar year
Other Automatic Vending Machines	\$10.00	\$5.00	\$10.00 and licence is issued for next calendar year