

TOWN OF MAHONE BAY

TOWN COUNCIL

AGENDA

October 24, 2019

Immediately following the Public Hearing
on the Proposed Amendments to the Solid Waste By-law
At 7:00 p.m.

Call to Order

1 Approval of Agenda

2 Minutes

2.1 Regular Meeting – October 8, 2019

3 Consideration of Delegations

3.1 Adam Ekins, Deputy Chief – Mahone Bay and District Fire Department Quarterly Report

4 Correspondence – Action Items

4.1 NSFM – 2019 Resolutions Report to Membership
4.1.a Final Resolutions Report 2019

5 Correspondence – Information Items

5.1 NSFM News – October 2019
5.2 NSFM Monday Memo – October 7, 2019
5.3 O'Connor Family – Michael O'Connor Memorial Bandstand
5.4 Waye Mason, NSFM – Update on the CAP
5.5 Bill Stewart, Neighbours Speak Up- Short Term Rental Accommodations
5.5.a Neighbours Speak Up – Community Letter
5.6 Karen Brown – Mayor's Newsletter
5.7 Mayor Rachel Bailey, Town of Lunenburg – Provincial Regulations of Short-Term Accommodation in NS.
5.8 Gary Langille, Mahone Bay Area Lions Club – Tree donation program.
5.9 Executive Summary – Count Us In: Nova Scotia's Action Plan in Response to the International Decade for People of African Descent 2015 - 2024

6 Staff Reports

6.1 Staff Report – October 24, 2019
6.2 Staff Report – Solid Waste Management By-law – 2nd Reading
6.3 Staff Report – Special Meetings Policy

7 Council Items

7.1 Mayor Devenne – Town representative on Bluenose Coastal Action Foundation
7.2 Mayor Devenne – Expense Policy (childcare)
7.3 Mayor Devenne – Temporary Vending Bylaw and Policy

8 Committee Reports

8.1 Watershed Advisory Committee – Draft Minutes – October 7, 2019
8.2 Heritage Advisory Committee – Draft Minutes – October 9, 2019
8.3 Economic Development Committee – October 16, 2019 – no minutes (Quorum not met)

9 New Business

10 Accounts

11 Closed Session

11.1 MGA Section 22(2)(a) - Acquisition, sale, lease and security of municipal property.

Adjournment



The Regular Meeting of Town Council for the Town of Mahone Bay was held on Tuesday, October 8, 2019 at 7:00 p.m. in Council Chambers.

Present:

Mayor D. Devenne
Deputy Mayor K. Nauss
Councillor J. Bain
Councillor R. Nowe
Councillor P. Carver
Councillor J. Feeney
Dylan Heide, CAO
Maureen Hughes, Clerk

Absent: Councillor C. O'Neill (with regrets)

Gallery:

Agenda

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **"THAT the agenda be approved as amended to include potential litigation under item #11 Closed Session."**

Motion carried.

Minutes

A motion by Councillor Carver, seconded by Councillor Bain, **"THAT the minutes of the September 26, 2019 regular Council meeting be approved as presented."**

Motion carried

Consideration of Delegations

Ben Buckwald and Nabila Chatur – Bicycle NS

Council received a presentation of the BlueRoute Community Hub Concept Design from Ben Buckwald and Nabila Chatur of Bicycle Nova Scotia. Their report will be posted on the Town website.

Correspondence – Action Items

1. Lamar Eason, Bayview Community School – Request for financial support of Bayboo fundraiser.

2. Lamar Eason, Bayview Community School – Request for financial support of Meal Equity Program.

3. Lamar Eason, Bayview Community School – Request for financial support of Bayview yearbook.

A motion by Councillor Feeney, seconded by Councillor Carver, **“THAT Council make a one-time extraordinary grant to Bayview Community School in the amount of \$250.”**

Motion carried.

Staff were directed to include with the response to the school information on the regular grant process for the Town of Mahone Bay.

4. Sandra Conrad – Request for curb painting in front of Quinlan building.

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **“THAT Council direct staff to paint the curb adjacent to the Quinlan entrance in accordance with the recommendation of the Traffic Authority.”**

Motion carried

5. Anne Gavey, Lunenburg County Community Health Board – Recommendation to advocate for provincial and federal funding for public transit system.

A motion by Deputy Mayor Nauss, seconded by Councillor Feeney, **“THAT Council receive and file the correspondence from A. Gavey.”**

Motion carried

Correspondence – Information Items

1. Amy Pugsley-Fraser, NSFM – Draft Amended By-laws

1.a Draft Amended By-laws

1.b. Side-By-Side Comparison

2 Amy Pugsley-Fraser, NSFM – Monday Memo – October 1, 2019

2.a Doctor Recruitment Update

2.b EGSPA Letter to Minister Wilson

3. Darryl Haley, Heritage BoatYard Cooperative – Thank you for the support of the Heritage Boatyard Cooperative.

A motion by Deputy Mayor Nauss, seconded by Councillor Feeney, **“THAT the above items, number 1 to 4, be received and filed.”**

Motion carried.

Staff Reports

Staff Report to Council

Council received the Council Report for October 8, 2019.

Asset Management Committee Update

Council received a staff report concerning scheduling of the Asset Management Committee.

A motion by Councillor Feeney, seconded by Councillor Carver, **“THAT Council direct staff to contact members of the Asset Management Committee to arrange for the committee’s initial meeting to be held on the third Thursday in November.”** Motion carried.

Capital Investment Plan

Council received a staff regarding the development of a Capital Investment Plan.

A motion by Councillor Nowe, seconded by Councillor Carver, **“THAT Council schedule a special meeting for October 29, 2019 at 9:00am to discuss the development of a 2019-25 Capital Investment Plan.”** Motion carried.

Christmas Holidays

Council received a staff report with a recommendation concerning Town Hall office hours during the 2019 Christmas holiday.

A motion by Councillor Carver, seconded by Deputy Mayor Nauss, **“THAT Council direct staff to close the Town office to the public on December 27th, 30th and 31st 2019.”** Motion carried.

Committee Reports

Cemetery Committee

Council received the draft minutes from the September 16, 2019 meeting of the Cemetery Committee.

Audit Committee

Having previously received the draft minutes of the September 19, 2019 meeting of the Audit Committee, Council received the Draft Financial Statements from the 2018/19 Audit.

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **“THAT Council approve the 2018-19 Water Utility financial statements as presented.”** Motion carried

A motion by Councillor Feeney, seconded by Councillor Nowe, **“THAT Council approve the 2018-19 Electric Utility financial statements as presented.”** Motion carried

A motion by Councillor Carver, seconded by Councillor Nowe, **“THAT Council approve the 2018-19 Consolidated financial statements as presented.”** Motion carried

Age Friendly Community Committee

Council received the draft minutes of the September 23, 2019 meeting of the Age Friendly Community Committee.

A motion by Councillor Carver, seconded by Councillor Nowe, **“THAT Council direct staff to conduct a public survey to determine optimal locations for benches in the community.”** Motion carried.

A motion by Councillor Carver, seconded by Councillor Feeney, **“THAT Council direct staff to speak with the Mahone Bay Tourism and Chamber of Commerce to learn more about their recommendations concerning parking and map issues.”** Motion carried.

A motion by Councillor Carver, seconded by Councillor Feeney, **“THAT Mary Beth Eldridge be appointed to the Age Friendly Community Committee.”** Motion carried.

A motion by Councillor Carver, seconded by Councillor Feeney, **“THAT Council direct staff to advertise for a new member of the Age Friendly Committee to fill a vacancy.”** Motion carried.

LCSSP

Council received the September 2019 Monthly Report of the Lunenburg County Seniors' Safety Partnership.

Accounts

Council received the September 2019 Account listing.

A motion by Deputy Mayor Nauss, seconded by Councillor Bain, **“THAT Council approve the accounts in the amount of \$365,463.10.”** Motion carried.

A motion by Deputy Mayor Nauss, seconded by Councillor Nowe, at 8:49 p.m. to go into Closed Session to discuss tax sale and potential litigation as permitted by MGA 22(2)(b) and (f) respectively. Motion carried.

Council returned to open session at 9:18 p.m.

The meeting adjourned upon motion at 9:19 p.m.

TOWN OF MAHONE BAY

TOWN OF MAHONE BAY

Mayor, David Devenne

Clerk, Maureen Hughes

DRAFT

Mahone Bay and District Fire Department

Quarterly report from July 1 to Sept. 30 ,2019

Number of active members is 27

Number of Junior members is 6

Number of associate members is 3

During this quarter the Department responded to 39 calls for assistance as shown below:

MVC'S

July 21 Highway 103 11 members

September 6 Highway 103 14 members

September 6 Highway 103 18 members

September 7 Tree on car Oakland 16 members

September 13 Highway 103 10 members

Medical Calls

July 5 Mahone Bay 11 members

July 21 Mahone Bay 12 members

August 3 Mahone Bay 8 members

September 7 Mahone Bay 14 members

September 8 Mahone Bay 11 members

Mutual Aid Calls

August 7 Martins River 15 members
August 31 Lunenburg 14 members
September 10 Blockhouse 13 members

Fire Alarms

July 17 Mahone Bay 7 members
July 24 Oakland 12 members
July 30 Mahone Bay 7 members
August 3 Mahone Bay 11 members
September 10 Oakland 11 members
September 11 Oakland 12 members
September 27 Mahone Bay 8 members

Fire and Other Calls

July 9 Illegal Burn Mahone Bay 12 members
July 30 Boiler Explosion Mahone Bay 18 members
August 2 Illegal Burn Mahone Bay 6 members
August 7 Woods Fire Clearland 15 members
August 16 Structure Fire Mahone Bay 15 members
August 17 Illegal Burn Mahone Bay 12 members
August 18 Water Rescue Oakland 15 members
August 27 Woods Fire Mahone Bay 15 members
August 27 Possible House Fire Clearland 11 members
September 7 6 calls for flooded basements
2 Maders Cove / 4 Mahone Bay

September 7 Tree on power line Mahone Bay 14 members

September 7 Tree on power line Maders Cove 14 members

**September 9 Fire Alarm (smoke in church)
Mahone Bay 18 members**

This was a particularly busy period for us in part to hurricane Dorion .

Besides our regular practices and truck checks on September 21 we held a very successful training session on Clairmont Street. This exercise included 7 fire departments from surrounding areas. It also involved shutting down the road and use of the fire hydrant. The residents in this area were affected by the closure and the use of water from the town system. They were very co-operative and we thank them for this. We would also like to thank Town Staff for their assistance with this endeavour.

Sincerely Submitted

**Fire Chief Richard Nowe
Mahone Bay and District Fire Department**

Maureen Hughes

From: NSFM Info <Info@nsfm.ca>
Sent: October 18, 2019 3:49 PM
To: NSFM Info
Subject: NSFM 2019 Resolutions Report to Membership--Action Required: For Information Purposes
Attachments: Final Resolutions Report 2019.pdf

CAUTION: This email originated from an external sender.

TO: *Mayors/Wardens, Councillors, All Units*

CC: Chief Administrative Officers/Clerk-Treasurers, All Units

FR: Will Brooke, Policy Advisor

RE: NSFM 2019 RESOLUTIONS REPORT TO MEMBERSHIP

Please see the 2019 Resolutions Report attached to this email.

This year members overwhelmingly told us to retain the same resolutions from last year. These include:

- CAP
- EPR
- Roads
- Municipal Funding
- Municipal Modernization

The Board will recommend keeping the same top five resolutions from last year, but it is still essential that the membership be involved in deciding NSFM's next steps with the Province. You will be asked to vote on your top priorities at the **Caucus Meetings being held on Wednesday afternoon, November 6**, following the Annual General Meeting. The issues to prioritize include:

- Cannabis
- Climate Change
- Municipal Responsibilities

- Policing
- Surplus Schools
- Sustainability and Infrastructure Funding

After you have voted to prioritize these issues, they will be recommended for approval by the membership on Thursday. They will form a priority sequence, so that when one of the top five priorities being carried forward from last year becomes resolved, the top-ranking item from the six prioritized issues will take its place. They will also be forwarded to the Province for information. Following the Thursday discussion on resolutions members will be invited to raise other issues for consideration in the coming year.

The topics being recommended for prioritization were developed through an inclusive process. NSFM held regional and caucus meeting to identify the issues, determine the expected impacts on municipalities, acknowledge what was currently being done to address the issues, and to clarify what changes were needed. All NSFM members were engaged by email and invited to submit written feedback, were invited to complete a member survey, and Councils were asked to identify priorities.

An interim report on the resolutions process for 2019 was distributed to the membership September 9th, 2019, and NSFM held three meetings around the province to discuss them. Members were invited to submit written feedback. Based on this work, the Resolutions Review Committee selected one additional topic for consideration in 2019 (climate change).

If you haven't registered for the fall conference yet, here's a link: <https://www.nsfm.ca/fall-conference-2019.html>

Delegates note: There is no automated reply to confirm your registration this year. Instead it's being compiled manually, and answered weekly, by NSFM's office administrator Amanda Bell.

NOVA SCOTIA FEDERATION OF MUNICIPALITIES

t +1.902.423.8331

[nsfm.ca](https://www.nsfm.ca) | [facebook](#) | [twitter](#) | [linkedin](#) | [instagram](#)





NOVA SCOTIA FEDERATION
OF MUNICIPALITIES

RESOLUTIONS REPORT

NSFM Annual Conference, November 5th-8th, 2019

Table of Contents

TITLE	PAGE #
Introduction and Overview of Resolutions Process	3
Summary Table of Resolution Responses	5
Continuing Resolutions from 2018	
1. CAP	6
2. Extended Producer Responsibility	9
3. Roads	14
4. Municipal Funding	17
5. Municipal Modernization	20
Statements of Concern for Prioritization	
6. Cannabis	22
7. Climate Change	28
8. Municipal Responsibilities	31
9. Policing	34
10. Surplus Schools	37
11. Sustainability and Infrastructure Funding	40
Issues to be Monitored	
12. Accessibility	43
13. Doctor Recruitment	43
14. Internet and Connectivity	45
15. Housing	45
16. Code of Conduct	46
17. Immigration	47
18. Libraries	48

INTRODUCTION AND OVERVIEW OF RESOLUTIONS PROCESS

NSFM's resolution process has been the subject of gradual change over the last decade. Dozens of resolutions used to be forwarded to the Province after our fall conferences, but this approach yielded little in the way of results. In more recent years, NSFM members decided to take a more focused approach, reducing the number of resolutions to five.

This year members told us to keep the number at five—and to keep the same five resolutions as last year. In early 2019, NSFM staff held five regional meetings in Yarmouth, Cape Breton, New Glasgow, the Annapolis Valley, and HRM. During these meetings, NSFM members from all five regions told us that we should keep the same five resolutions from last year. This topic was debated at length with nearly one hundred NSFM members at our regional meetings, and their support was nearly unanimous.

Our new CEO, Juanita Spencer, has also discussed this with individual member units. She has now visited approximately two-thirds of municipal councils across Nova Scotia, and support for keeping the same five resolutions has been overwhelming. There was also considerable support for this approach expressed by members at our Spring Conference in Truro, and through the 91 responses received in our 2019 Member Survey.

An Interim Resolutions Report was sent to all members on September 9th, 2019. The report provided an update on the resolutions process throughout the first eight months of 2019. Members were invited to provide feedback on the report either in writing or by attending one of three resolution meetings held in Truro, Port Hawkesbury and Kings County. Several excellent suggestions were received at these meetings, and the Resolutions Review Committee has heard that feedback.

Climate change was the only new potential resolution identified this year. Our resolutions policy requires that issues be well-researched and clearly defined in order to be considered by the NSFM executive.¹ Climate change was the only issue that emerged this year matching these criteria, and it is included in this report as an item for members to consider and prioritize at Caucus meetings.

The NSFM Executive has reviewed the progress of the five resolutions from 2018. Although progress has been substantial on many of the priority files, the Executive feels work on the same five resolutions needs to continue. The Executive also recommended

¹ The resolutions in this report are good examples of what the resolutions policy requests from those bringing forward potential resolutions. Each example here states the issue clearly, provides background information, offers analysis of the gravity of the issue, and proposes a specific call to action.

including climate change as an issue to be considered and prioritized by members at caucus meetings, along with the Statements of Concern from 2018.

The logistics of keeping the same five resolutions has been debated in considerable detail at most of the regional, member, and resolution meetings this year. Although the idea of maintaining focus was strongly supported, our members also told us that it is always important for NSFM to have a prioritized queue of additional resolutions ready to go, in case one or more of our current resolutions is settled to our satisfaction.

In response, NSFM will engage members at the Caucus meetings at 1:15 p.m. on Wednesday, November 6th, to consider and prioritize the Statements of Concern identified last year, plus one new item on climate change. After voting, the priority rankings from the three caucuses will be combined and presented to members at the 9:30 a.m. session on Thursday, November 7th. When one of our top 5 priorities is resolved, the top-ranked item from the caucus meetings will then take that position as a new priority.

The top priority resolutions being carried over from last year will be sent to the Province, reaffirming our commitment to working on these key issues. The prioritized Statements of Concern will also be sent to the Province. A summary table of resolution information follows. The five listed resolutions are all continued from 2018 (three of those being follow-up resolutions from 2017) and do not require a new vote. There are six statements of concern for prioritization, and seven issues being monitored.

Next Steps:

- Members are asked to review the Final Resolution Report in advance of the Fall Conference.
- The membership will be asked to vote to prioritize the Statements of Concern and the new issue of climate change during the caucus meetings being held Wednesday, November 6th, from 2:00 – 4:15 p.m.
- The membership will be provided with a formal update on all five resolutions and the prioritized statements of concern on Thursday, November 7th, at 9:30 a.m.

Ongoing Resolutions from 2018

CAP: request Province work with municipalities and stakeholders to phase out the CAP program and provide better alternatives to protect homeowners from significant increases in residential property assessments.

EPR: request the Province develop legislation and regulations, in support of a full EPR for PPP model as proposed by NSFM in consultation with municipalities and other stakeholders and a transition program to assist those municipalities who are left with redundant facilities.

Roads: continue to work with TIR and DMAH to address road issues but ask the Province to increase its funding of roads.

Municipal Funding: following on 2017 and 2018, specific requests re: mandatory education, operating grant, funding for accessibility.

Municipal Modernization: ask the Province to continue to work with municipalities to develop and support municipalities willing to work together.

2018 Statements of Concern

Cannabis: ask the province for funding to share revenue from cannabis, and to classify land used to grow cannabis outdoors as commercial

Climate Change: Request a Statement of Provincial Interest on climate change, assistance with renewing MCCAPs, and Provincial help in applying for and strategizing the use of federal funding

Municipal Responsibilities: ask the province to work with NSFM to address concerns around the sustainability of relying on property taxes to pay for services

Policing: request arbitration legislation to reflect ability of the average homeowner to pay

Surplus Schools: request confirmation of right of first refusal, provincial funding for environmental clean-up, and funding to assist in demolition

Sustainability and Infrastructure funding support: request provincial and municipalities to cost share a resource

Issues to Monitor

Accessibility: Accessibility is an emerging issue. Although the 2030 deadline may seem some distance off, there are serious cost implications.

Doctor Recruitment: 2017 resolution in progress. NSFM is in committee to clarify municipal role.

Internet and Connectivity: 2017 resolution in progress with funding from Province and Feds.

Housing: 2017 statement of concern in progress. NSFM is in committee work.

Code of Conduct: currently with key stakeholders.

Immigration: working with the Province to better understand the issue.

Libraries: monitoring.

Ongoing Resolutions from 2018

1. Capped Assessment Program (CAP) – 2017 and 2018 Resolution

Issue Identification:

The CAP was introduced by the Province to make property taxes predictable by avoiding sudden increases, and to help those in need be able to stay in their homes. But the CAP is now entrenching inequity in the tax system each year, with some taxpayers paying much more and others paying far less than their fair share of the property tax burden.

Even worse, this unfairness is not transparent. As a result, many taxpayers negatively affected support the program. And, to complicate things, it's likely that most of the provincial politicians who must ultimately end the CAP have no idea of its unfairness to constituents. The CAP is fundamentally unfair and should have ended long ago.

Background:

2019 officially marks 15 calendar years of NSFM opposition to the CAP. NSFM—or UNSM, as we were then known—even advocated against the CAP before it existed, between introduction as proposed legislation in October 2003 and assent in May 2004. UNSM met with MLAs from every party to speak against Bill 40, but our advocacy efforts were unable to prevent the Bill from becoming law.

Action on the CAP was a priority resolution for NSFM in 2013, 2017 and 2018, and in every year where the CAP was not a priority resolution, work was underway behind the scenes: numerous committees have tried to find ways to deal with the CAP, and research efforts and communications strategies to do away with the CAP have been undertaken every year since the inception of the CAP in 2005. These efforts include a 97-page academic study in 2014 recommending the removal of the CAP system in Nova Scotia, authored by municipal finance experts Dr. Enid Slack and Dr. Harry Kitchen (available through NSFM).

In past years, NSFM would present the Province with a single, detailed proposal on the CAP. The thought was that NSFM could take a different approach by presenting the Province with a selection of options that NSFM is open to exploring and then to ask for the Province to work with municipalities and other stakeholders to find a suitable solution. The idea was that the solution need not match any one of the proposals put forward, which were to be regarded as starting points, but simply that a solution be found that is acceptable to Nova Scotians, and which recognizes the political realities of managing tax policy change.

Since the last Fall Conference in November 2018 NSFM has led a steering committee with AMA and PVSC representation to strategically work towards a solution to the CAP issue. Stakeholders include the Property Valuation Services Corporation (PVSC), the Nova Scotia Association of Realtors (NSAR), the Canadian Home Builders' Association – Nova Scotia (CHBA-NS), the Investment Property Owners Association of Nova Scotia (IPOANS), the Real Estate Lawyers Association – Nova Scotia (RELANS), the Canadian Mortgage Brokers Association – Atlantic (CMBA Atlantic), and the Nova Scotia Real Estate Appraisers Association (NSREAA). The steering committee has met with the Minister of Municipal Affairs and his staff on several occasions and have met with many key stakeholders. We have held meetings with policy staffers at the Liberal, PC, and NDP caucus offices, and have given presentations to the NDP, Liberal, and PC caucuses.

The broadness of the 2018 resolution request and the wide engagement of stakeholders has been effective. We have had productive interactions with the Province and feel confident we are getting closer to resolving this use. The work of the committee is currently focused on phasing out the CAP in favour of the following tools:

- a spike protection mechanism to protect from sudden increases; and
- low-income protections (now in 47 of 50 municipalities); and
- a slow phaseout, providing a transition over 13 years; and
- revenue-neutrality in implementation, so tax rates go down at the same speed as the CAP comes off.

Impact on Municipalities:

While the CAP is a provincial program, municipalities are being asked by more and more residents why they pay more property taxes than their neighbour. New home buyers, whether first time buyers or seniors looking to downsize, are faced with higher property taxes than neighbouring homes, even though services are the same.

NSFM has known since 2007 that the CAP had shifted the tax burden from homeowners with capped properties to those with uncapped properties. And by late 2010, NSFM was able to demonstrate that by setting the CAP rate at CPI, the program had resulted in inequitable tax burden shifts from higher to lower-assessed homes.

Tax rates in many municipalities are higher than they would be if there were no CAP. Yet setting tax rates must be done knowing additional hardship may be imposed on those not benefitting from the CAP, as pointed out in the Grant-Thornton viability study for CBRM.

Proposed Action:

NSFM and Nova Scotia's municipalities remain committed to keeping property taxes predictable and not forcing anyone out of their homes as a result of rising taxes. It is recommended that NSFM continue working with the Province to phase out the CAP in favour of the following tools:

- a spike protection mechanism to protect from sudden increases; and
- low-income protections (now in 47 of 50 municipalities); and
- a slow phaseout, providing a transition over 13 years; and
- revenue-neutrality in implementation, so tax rates go down at the same speed as the CAP comes off.

2018 CAP Resolution

WHEREAS the CAP program distorts the property tax system; and

WHEREAS it is not clear the homeowners most in need of property tax relief are the ones benefitting from the CAP program; and

WHEREAS municipalities are willing to offer pilot programs that will continue to meet the original objectives of the CAP program though a different approach; and

WHEREAS pilot programs can be evaluated to determine intended and unintended impacts of changes; and

WHEREAS a study on Municipal Property Taxation in Nova Scotia, by academic experts Harry Kitchen and Enid Slack recommended a phase-out of the CAP program; and

THEREFORE BE IT RESOLVED the Province work with municipalities and other stakeholders to phase out the CAP program and provide better alternatives to protect low-income homeowners and those experiencing significant increases in residential property assessments; and

FURTHER BE IT RESOLVED that the Province enable pilot projects to be undertaken as soon as possible.

2. Extended Producer Responsibility for Printed Paper and Packaging (EPR for PPP) – 2018 Resolution

Issue Identification:

Nova Scotian municipalities spend more than \$25 million a year to collect and process blue bag materials, printed paper and packaging (PPP). Coordinated PPP recycling programs exist in many other provinces, but not in Nova Scotia. In other provinces, these programs are funded by the companies that produce PPP, who incorporate the costs of the recycling programs into their national product pricing. This approach is known as extended producer responsibility (EPR).

Because producers build these costs into their national product pricing, Nova Scotia consumers are already paying for the costs of the PPP programs operating in other provinces. But Nova Scotian consumers and municipalities don't receive any benefit for these costs because Nova Scotia has no PPP program. Implementing an EPR program to recycle PPP materials here in Nova Scotia will help to harmonize costs with other provincial EPR programs, and additionally generate a financial benefit of up to \$16 million per year.

Background:

EPR is a regulatory tool designed to drive industry to be financially and environmentally responsible for the end-of-life management of the materials they put into the marketplace. A full EPR model (also known as FPR, for Full Producer Responsibility) for Nova Scotians will build on the progress that has been made in recycling in Nova Scotia over the past 20 years and will harmonize with existing EPR programs across Canada. An EPR for PPP program for Nova Scotia will save Nova Scotian municipalities millions.

Nova Scotia does have a few stewardship programs in place for products such as paint, tires and some electronics. There is also a diversion credit system for beverage container deposits which provides a stream of funding for municipalities which should be maintained. In these specific cases, these programs are paid for by the consumer at the point of sale through the collection of environmental handling fees. The dairy industry also operates an EPR-style program for the recycling of some (though not all) of their containers.

However, the bulk of Nova Scotian recycling programs and services are funded through a combination of municipal taxes and/or the payment of tipping fees. In large part, these are collected through residential, commercial, and industrial property taxes. In the current system, municipalities typically have very little control over the costs associated with processing and marketing recyclable materials. In recent years, exposure to fluctuations in market conditions for plastic bags and plastic film has caused a noticeable strain on the Nova Scotian recycling system and Nova Scotian municipalities.

EPR was a priority resolution in 2018, and NSFM has been busy at work pursuing this issue. The Province asked NSFM to consult Nova Scotian businesses on the EPR proposal supported by the 2018 resolution developed in collaboration with the Solid Waste Chairs. NSFM and municipal solid waste staff throughout Nova Scotia received responses for a month and a half, with the submission deadline set at March 15th, 2019.

The results of the consultation were collated and added to the EPR proposal produced by the Solid Waste Management Regional Chairs Committee Priorities Working Group. The Priorities Working Group met several times between March and May to develop drafts of the proposal, with the final product being presented to the Regional Chairs on May 16th, 2019, where it was approved for submission to Nova Scotia Environment.

The 88-page proposal was delivered to Minister Wilson on June 5th, 2019. The proposal was also sent to all NSFM members, and a CBC story by Michael Gorman covered the release. A spokesperson for the Minister of Environment has stated that the Minister will hold off on making any statements about the EPR proposal until an efficiency study on solid waste management in Nova Scotia is complete and submitted.

Nova Scotian municipalities spent more than a year participating in an efficiency study of the solid waste and recycling system. The study included analysis of what the financial and process-based benefits of EPR might look like in Nova Scotia, and it offers numerous well-reasoned recommendations for improving the efficiency of Nova Scotia's solid waste management system. This report went public on September 23rd, 2019.

Impact on Municipalities

Not only are plastics causing irreparable damage to our environment, they are also burdening the budgets of every municipality that is stuck trying to deal with them. With dwindling markets for plastic film, some of Nova Scotia's municipalities are forced to stockpile plastics in warehouses and rented semi-truck trailers. It's costing municipalities

millions each year; money that could be better spent on paving roads and building/fixing much needed infrastructure.

Solid waste management services continue to be one of the most expensive line items for any Nova Scotian municipality. The total cost of these services for Nova Scotian municipalities in 2017, even after considering revenues from tipping fees and the sale of recyclables, exceeded \$91 million. At a cost of approximately \$94 per capita, Nova Scotian residents are roughly on par with citizens in other provinces for solid waste management costs. However, British Columbia, Saskatchewan, Manitoba, Ontario and Quebec have a form of fiscal relief we do not have: EPR.

There are several grants and programs that assist with the costs of solid waste management in Nova Scotia. In total, this assistance has averaged approximately \$8 million over the past decade. However, in 2017, due to fluctuations in the market price of recyclables and increased return rates, this amount dropped to just over \$6 million. And over this same period, expenses facing municipalities have continued to climb at a pace nearly tripling the overall cost of living, as measured by the consumer price index (CPI).²

	2005	2015	% Change
Garbage and Collection Costs (all NS)	\$ 70,115,488	\$ 109,403,443	56.03%
CPI - Canada, All-items (2002 = 100)	107	126.6	18.32%
CPI - Nova Scotia, All-items (2002 = 100)	108.2	129.3	19.50%

Proposed Action:

NSFM has had a busy year pursuing the EPR resolution. Although 80% of Canadians already live in provinces with EPR, this year we saw the Prime Minister of Canada's office (PMO) express support to bring the rest of Canada's provinces online with EPR. The Canadian Council of Ministers of Environment (CCME) also met in Halifax this year, and they announced that EPR is their number one priority action, with the CCME aiming to facilitate consistent EPR programs for plastics across Canada by December 2020. With the EPR proposal and efficiency study both in Minister Wilson's hands, NSFM recommends that staff continue to work on last year's resolution supporting a full EPR program in Nova

² These data are collected from the 2005 and 2015 Annual Reports of Municipal Statistics published by Service Nova Scotia and Municipal Relations (2005) and the Nova Scotia Department of Municipal Affairs (2015).

Scotia as detailed below.

- The EPR program should use existing infrastructure and human resources
- Municipalities would have right of first refusal for collection and education
- The program would maintain or improve upon the current level of curbside service
- The program would apply to residential PPP materials
- Time must be allowed for planning and transition
- A transition program would be provided by the Province for municipalities with redundant facilities
- Most small businesses would be exempt, including those:
 - With revenue under \$2 million
 - Supplying less than 1 ton of PPP to Nova Scotia residents annually
 - With a single storefront in NS and who are not supplied by (or operated as part of) a franchise
 - Producing newspapers (except flyers) and registered charities
- The program would be harmonized with other Canadian EPR programs
- Monitoring and compliance must be in place to ensure a level playing field for businesses
- Moving to an industry-led model may have implications for municipalities who have invested in infrastructure to deal with waste from printed paper and packaging. Assistance in transitioning to the industry-led model should be made available.

2018 EPR for PPP Resolution

WHEREAS municipalities have been abiding by the Solid Waste-Resource Management Regulations since 1995; and

WHEREAS these regulations hold municipalities solely accountable for proper separation of blue bag materials; and

WHEREAS municipalities must manage the risk of rising costs and fluctuating commodity markets for blue bag materials; and

WHEREAS municipalities' residential recycling programs cost over \$25 million per year and are paid for primarily by municipal taxpayers; and

WHEREAS 80% of Canadian consumers live in areas where producers fund PPP

programs by incorporating program costs into their national product pricing; and

WHEREAS Nova Scotia consumers are already paying the national product prices that support PPP programs in other provinces, but receive none of the benefits because Nova Scotia has no EPR program; and

WHEREAS NSFM has developed a proposed model for EPR for PPP in cooperation with municipalities and businesses; and

WHEREAS EPR for PPP would significantly decrease both costs and risks associated with municipal curbside recycling programs;

THEREFORE be it resolved that NSFM request the Province develop legislation and regulations in support of a full EPR for PPP model as proposed by NSFM in consultation with municipalities and businesses; and

THEREFORE be it resolved the province provide transition program to assist those municipalities who are left with redundant facilities.

3. Roads – 2017 and 2018 Resolution

Issue Identification:

The health of Nova Scotia's road network is vital, as it supports the safety, economic development, and continued viability of our communities. Given this importance, the topic of roads is of concern to many of our municipalities. Rural municipalities have repeatedly taken issue with funding for their J-class roads. Meanwhile, towns (and municipalities containing former towns) have repeatedly taken issue with the lack of funding for arterial and collector roads (trunks and routes) within their boundaries. Towns cite this lack of funding as the most significant fiscal inequality between towns and rural municipalities.

Background:

The Province of Nova Scotia and municipalities are both responsible for roads in Nova Scotia. As part of the Service Exchange Agreement in 1994, the Province agreed to assume responsibility for local roads in rural municipalities. However, as part of the agreement, certain rural municipalities agreed to pay a per-kilometre annual charge for a pre-determined number of J-class type roads. The annual charge per kilometre was initially set at \$3,500 to balance out the deficit in the overall service exchange agreement. This per-kilometre charge was then to increase annually by the Consumer Price Index (CPI) from the previous year.

Since that time, numerous arrangements have been made between the Province and municipalities to address specific road situations. Some of these arrangements concern J-class roads, some pertain to responsibilities for arterial and collector roads within urban areas, drainage plans, curbs, gutters, and sidewalks. There is a lack of clarity regarding these responsibilities, as well as numerous challenges in maintaining roads and road-related infrastructure. And indeed, the difference in these levels of responsibilities is one of the most significant points of fiscal inequality between towns and rural municipalities.

Joint work on this topic was undertaken several years ago under the Municipal-Provincial Fiscal Review process. While recommendations were made, there was no overall agreement made to implement those recommendations. Road-related issues vary across towns, rural municipalities and regional municipalities. Broadly speaking, funding was identified as an issue in relation to need and public expectations. The current arrangements are not satisfactory to towns and there is a need to better understand the issues, the challenges and the opportunities. The Province and municipalities recognize the importance of our transportation network; working together to find solutions is key.

The Partnership Framework committed the Province to work with municipalities to identify options for an appropriate road network throughout Nova Scotia. At the NSFM Fall Conference in 2018 it was moved that NSFM work with the Province to develop a new funding agreement for roads by June 2019. To this end, a joint committee was struck, and began work last winter. Participants include the Department of Transportation and Infrastructure (TIR), the Department of Municipal Affairs and Housing (DMAH), the Association of Municipal Administrators Nova Scotia (AMANS), and the Nova Scotia Federation of Municipalities (NSFM).

This committee work has commenced begin with a review of the current service exchange agreement as well as the agreements between individual municipalities and TIR. It is expected that the key outcome of reviewing these agreements will be a proposal for a new agreement. This new proposed agreement will clarify the ambiguities identified in the old service exchange agreement during the 2017 resolution process and should lay out a plan for addressing road issues.

It is intended that the work of the committee will result in a long-term program that will address municipal issues around roads and transportation. It will assess the issues to determine which should be addressed in the short term and long term, and identify necessary actions and resources required to address the issues. It will develop recommendations based on research and consultation with municipalities. It is intended this committee will be an ongoing forum to discuss the many issues related to roads and transportation.

At the NSFM Fall Conference in 2018 it was moved that a new funding agreement for roads be in place by June 2019. Committee work is ongoing, and discussions about possible funding increases are taking place. The committee is working toward developing a proposed new funding agreement with respect to both J-class roads and urban arterials and collectors. It is expected that recommendations will be prepared based on research and consultation with TIR, NSFM, and AMANS, and that a final report will be produced in or around June 2020. At that time the report and recommendations would be presented to the Deputy Ministers of Municipal Affairs and Housing and Transportation & Infrastructure Renewal, as well as to NSFM and AMANS.

Impact on Municipalities

Rural municipalities hear numerous complaints about provincial roads in their communities. The interpretation of policies and funding seems inconsistent throughout the province, and it appears to many that cost sharing is a requirement if a road is to be fixed. Even those who are willing to cost share are frustrated as the amount of provincial

funding available is insufficient to meet the demand.

Roads are a significant cost for towns, and the issue of funding for provincial arterial roads and collectors is a long-standing one and represents one of the biggest differences between rural and town municipalities. While Towns receive \$50,000 under the equalization program in recognition of the provincial roads within their boundaries, this figure has not increased for some time. The province has also been known to lift the snowplow blade up as the snowplow travels through the town.

Proposed Action:

The joint committee involving NSFM, AMANS, DMAH and TIR has made great progress. With work toward a new funding agreement well underway, NSFM recommends that staff and members continue to work on last year's resolution on roads as detailed below.

2018 Road Funding Resolution:

WHEREAS Towns are responsible for the cost of maintenance and capital improvements with respect to all roads within their municipal boundaries, including roads of joint benefit to the Province and towns, such as arterial and collector roads, for which the Province does not share costs; and

WHEREAS Rural municipalities make financial contributions to the Province for the maintenance of J-Class roads, and there is insufficient provincial funding to maintain these roads; and

WHEREAS a strong road network is essential to the Province and its residents for economic, social, educational, and health reasons, and increased investment in roads is required;

THEREFORE BE IT RESOLVED the Province provide equitable funding to Towns and Municipalities containing former towns for shared arterial and collector roads in the 2019 Budget or before; and

FURTHER BE IT RESOLVED the Province increase its transportation budget for J-Class roads in the 2019 Budget or before; and

FURTHER BE IT RESOLVED the Joint Provincial-Municipal Committee on Roads develop a proposed new funding agreement and plan by the end of June 2019.

4. Municipal Funding – 2017 and 2018 Resolution

Issue Identification:

The provincial assistance to municipalities to offset operating costs has been frozen for several years now, while operating costs continue to increase at rates higher than the Consumer Price Index. The analysis to date suggests those municipalities who need financial assistance the most to provide basic services at reasonable costs are not necessarily the ones receiving assistance. The formulas need to be reviewed and changed to assist those with low tax bases and high taxpayer burdens. The total amount provided is also insufficient.

Background:

The 2017 and 2018 resolutions noted that the formula and funding under the former provincial equalization program had been frozen while a new formula was to be developed. The Partnership Framework signed in 2018 includes a commitment to work collaboratively to address the municipal equalization and provincial grant program. NSFM continues to take every opportunity to raise this issue with the Minister, and Department of Municipal Affairs and Housing (DMAH) is undertaking its own work to explore the issue.

Since the 2018 resolution, NSFM and the Government of Nova Scotia worked together to rename the provincial equalization program. It is now officially called the Municipal Financial Capacity Grant (MFCG). This renaming is a sign that the government has heard our members' concerns, and that they are willing to work with us to resolve our issues.

Despite the change of name, government funding to the program has not increased. NSFM has been vocal in pointing out that renaming the program is not enough, and that municipalities will face significant challenges if no new monies are allocated to the operating grant program. We have heard that the funding formula is being reviewed, but without any new monies added, any changes to the formula would simply move funds from one municipality to another. Immediate financial relief is needed.

Impact on Municipalities:

Municipalities continue to face increasing cost pressures, many of which are downloaded to them from the Province. Resolutions dealing with cannabis and surplus schools have a significant financial element. In the absence of a new operating grant program, and in the absence of new municipal revenues, the funding resolution for 2018 should be brought forward to 2019, with the aim of bringing financial

relief to municipalities. Three areas were identified: mandatory education, the level of funding in the equalization program; and the need to help municipalities comply with provincial accessibility legislation.

The MFCG is an operating grant and is intended to help municipalities provide services at a more reasonable tax burden. Most of the funding for the program comes from the NSPI payment in lieu of taxes, not the Province. The portion coming from NSPI increases each year. It is not clear if provincial funding is being maintained. Ideally, this amount it should be raised to the level where all taxpayers are paying a reasonable amount for basic municipal services. At the very least, the amount in the program from the Province should be increasing by the consumer price index. In the interim NSFIM has asked for a \$20 million increase to the program over three years, at \$6.6 million per year.

The issue of mandatory payments for education, corrections, and housing must be addressed. In 2017 over \$240 million was collected from municipalities through property tax, about 20 per cent of the property taxes collected. The amount increases each year as assessments rise, and there is some evidence to show the share of education costs paid for by property taxes has been increasing over time. For many municipalities, these mandatory payments are one of the top three budget expenses.

Education is a provincial responsibility and municipalities have no say in how these payments are spent. While the Province has not changed the formula for determining mandatory education payments, payments have continued to rise as assessments rise. Furthermore, when taxpayers default on their property taxes, the municipality remains responsible for their share of the mandatory education payments, which means other property taxpayers must pick up the difference - this should be absorbed by the Province. The resolution requests mandatory education payments be frozen at 2017 levels for each municipality, and where taxpayers default on their property taxes, the portion related to mandatory education should be deducted from the amount assigned to the municipality.

Provincial legislation on accessibility requires municipalities to establish advisory committees and develop plans to ensure their communities are accessible by 2030. The legislation covers the built environment and includes information as well as other areas that may impact municipalities. The new federal infrastructure program does not appear to include renovation projects for existing facilities to become accessible, unless they are part of a bigger project. Provincial funding to date has been quite limited. Costs will not only be incurred with respect to built assets, but could also involve website changes and changes at public meetings to ensure the information can be shared with all persons with disabilities. Municipalities want to comply with

the legislation, however costs will become an issue. Financial assistance from the province to support their legislation is needed.

The legalization of cannabis involves the delegation of a considerable number of responsibilities to municipal governments in Nova Scotia. However, many municipal governments in Nova Scotia already struggle to make ends meet. The Province should not expect municipalities to be able to assume these additional responsibilities without better financial and material resources.

Proposed Action:

Municipalities require new funds. NSFMR recommends that staff and members continue to work on last year's resolution supporting municipal funding as detailed below.

2018 Municipal Funding Resolution

WHEREAS operational costs continue to rise due to factors beyond municipal control, and provincial financial support has not kept pace; and

WHEREAS one in five property tax dollars collected by municipalities are transferred to the Province;

WHEREAS the legalization of cannabis is creating a new revenue source for both the federal and provincial governments, yet municipalities are incurring a significant portion of the associated costs

THEREFORE, BE IT RESOLVED that the Province freeze mandatory education payments for each municipality at 2017 levels; and

FURTHER BE IT RESOLVED that the Province increase its annual funding for the municipal equalization program by \$20 million over three years, beginning in 2019; and

FURTHER BE IT RESOLVED that the Province of Nova Scotia cost share 50/50 in all municipal projects required to comply with the Accessibility Act, if those projects do not receive other funding, beginning in 2019; and

FURTHER BE IT RESOLVED that the Province provide municipalities with a substantial share of all the related tax revenues being generated through the sale of cannabis.

5. MUNICIPAL MODERNIZATION – 2018 Resolution

Issue Identification:

As community needs evolve, and technology advances, the opportunities for municipalities to collaborate and work together could lead to enhancements in the quality of life of their citizens. Efficiencies may be found and the ability to do more could be increased. Yet the Municipal Government Act supports competition between and amongst municipalities. New tools are needed for those municipalities who want to be more innovative in growing and supporting their communities.

Background:

The Partnership Framework identified the development of a municipal modernization strategy to support municipal cooperation and regional governance. Conceptually, this included changes to the MGA/Halifax Charter; regional planning and minimum planning standards; municipal equalization and provincial grants; and the creation of economic development tools. While this was not a specific resolution in 2017, the Towns Task Force and the Fiscal Review both called for assistance in supporting greater collaboration.

The Province has recently passed legislation requiring minimum planning standards and this is a positive first step in encouraging municipalities to plan together. As well, the Province passed legislation supporting the consolidation of Windsor and West Hants, and they allocated \$578,000 to modernization efforts in the 2019 Budget. This reflects a willingness to support the expressed desires of specific municipalities.

This work needs to continue. Municipalities need more help to explore new ways of working together. Many have identified opportunities and a willingness to work together, but need assistance in facilitating discussions, analyzing options, and developing necessary documents to establish new mechanisms. Staff time is often limited, requiring new positions or backfilling for existing staff. A flexible funding program that would provide targeted assistance, suited to each circumstance, to those willing to develop new approaches would be of great assistance. Where efforts are being made to collaborate, support should also include evaluation of the efforts made and identification of lessons learned, to be shared with others in the future.

Impact on Municipalities

Many municipalities are struggling financially to meet the needs of their communities. Staff time is typically fully allocated to maintaining services. Freeing up resources to

explore new innovative ways of working with neighbouring municipalities is a challenge and is often impossible.

Proposed Action

NSFM recommends that staff and members continue to work on last year's resolution supporting municipal modernization as a priority resolution, as detailed below.

2018 Municipal Modernization Resolution

WHEREAS municipalities recognize opportunities to accomplish more together and

WHEREAS municipalities are often limited in resources to appropriately pursue these opportunities; and

WHEREAS there may be numerous barriers that hinder collaboration; and

WHEREAS all municipalities will benefit from lessons learned in collaborative efforts; and

THEREFORE be it resolved that the Province provide human, material, and financial resources in the 2019 budget or before, to those municipalities willing to collaborate, based on the specific needs of those requesting assistance.

Statements of Concern for Prioritization - 2019

6. CANNABIS FUNDING

Issue Identification:

The federal government mandated the legalization of cannabis, effective October 2018, and the Province determined a regime for the legalization of cannabis in Nova Scotia. But municipalities have been left to implement the legislation and respond to community concerns without any additional funding.

Background Information:

The Province of Nova Scotia has established a regime where cannabis is sold through the NSLC, although this may change over time and as edibles become legal. Municipalities have been left to deal with illegal cannabis retail operations. Consumption of cannabis is restricted in a few areas, and Municipalities have been provided with the ability to limit smoking in their communities. Police enforcement will receive some financial support for training and equipment.

The NSFMM Municipal Working group has identified multiple municipal services that could be impacted by the legalization of cannabis. This will be largely driven by decisions councils make around further restrictions to the consumption and locations of cannabis-related facilities. Meeting expectations around enforcement is of concern – councils may pass bylaws in response to community concerns, but enforcement is both difficult and costly.

Staff from the FCM have held discussions with the federal government on municipal concerns regarding the legalization of cannabis. The FCM has communicated that the federal government clearly recognizes the impacts of marijuana legalization on municipalities, and that the federal government expects provinces to share in the new revenues generated.

Meanwhile, the Province is incurring its own costs related to marijuana legalization, and has indicated they believe, at least in the short run, that new revenues will not exceed costs. There seems to be a perception that current municipal resources being used to deal with illegal cannabis will be freed up and reallocated to address cannabis-related activity. In recent years, some police forces have not been as aggressive in pursuing illegal

cannabis activity, but their time is simply being devoted to other, more pressing police matters – there is no free time.

The Province has indicated it is willing to continue discussions with municipalities on the implications of cannabis legalization and is asking for concrete numbers around the impacts. Concrete numbers are not presently available, yet municipalities are now incurring costs in relation to policing, reviews of bylaws, changes to bylaws, hiring of enforcement officers, and so forth. Unlike provinces, municipalities are not permitted to incur deficits, so these costs will need to be recovered either through cuts in other areas or increases in property taxes.

All of this is being done in the context of other increasing demands on municipalities such as responding to provincial regulations around accessibility, as well as expectations that municipalities will support investments in high speed internet, doctor recruitment, surplus schools – cumulatively the impact is significant.

Impact on Municipalities

The NFSM Municipal Cannabis working group has identified the following areas for potential impact:

- Administration:
 - Time spent by senior municipal departmental staff, city senior leadership teams, and staff in corporate support departments such as Finance, Legal and Communications to implement, administer, coordinate and support all cannabis legalization work. This could include FTE hours for both start-up and ongoing administration in positions such as policy coordination, project management, business licensing administration, legal, communications and IT. These positions could be spread across several existing departments or centralized in a new department/secretariat specifically for cannabis legalization. It may also be necessary to track programs and bylaws that are amended because of cannabis legalization. Specific tasks may include, without limitation: prosecution lawyers reviewing the enforceability of by-laws, a legal team providing ongoing support for enforcement of by-laws, intergovernmental staff to engage with other orders of government on this complex, multi-layered file, and development of a communications plan to help citizens understand by-law changes.
 - There are also material costs such as public consultations, advertising public notices and communications products for specific local rules.

- **Enforcement:** This includes personnel and capital costs required to monitor and enforce the additional activities associated with cannabis legalization as predicated on municipal by-laws and services. This includes the costs associated with additional staffing requirements for bylaw management and enforcement in the following areas:
 - Property use inspection – to investigate cannabis business license complaints
 - Zoning enforcement – to ensure cannabis retail and other cannabis related establishments are in adherence with local zoning by-laws; and the need to deal with illegal operations.
 - Property standards enforcement – to address issues/complaints related to potential degradation/danger to property such as smoke dispersion in multi-residential units or issues related to home cultivation.
 - Training – time and capital is required to develop and undertake learning exercises related to the roles and responsibilities of municipal staff tasked with administering and enforcing municipal aspects of the cannabis framework such as business licensing.
 - There will also be costs for Community Standards, Public Spaces and Smoke-Free or Second-Hand Smoke Bylaw enforcement, and a predicted increase in service demand with new by-laws such as smoke-free by-laws and municipal rules for vaping lounges, restaurants and cafés (where applicable) and public consumption.
 - Other Enforcement – service changes such as increased transit authority time spent addressing consumption and odour issues on public transit; costs associated with training transit workers about the rules around cannabis consumption (i.e. length of time before transit worker must abstain from consuming cannabis before arriving for work).
- **Planning/Zoning:**
 - Personnel and capital cost to conduct by-law reviews and updates, as well as the ongoing management of zoning bylaws. In addition to both in-house and consultant contracting, this also includes the cost to undertake required public consultation processes and public education related to adding new criteria to zoning by-laws, business licensing and building code permits and inspections.
- **Fire Services:** Cost increases directly or indirectly incurred by the municipal department responsible for fire safety, prevention and submission. This includes the following positions and activities:

- Process Changes - amendments to the fire inspection component of business licensing approval process, protocol for one-time and ongoing inspections
- Training – for fire department staff regarding revisions to the Fire Code, and on immersing hazardous home cultivation processes such as for the extraction of cannabis oils and the use of flammable hydrocarbons
- Public education – Education campaigns informing the public about the dangers related to oil extraction processes and flammable hydrocarbons; development and printing of fire safety messaging;
- Fire investigation costs – costs primarily due to overtime pay for fire safety officers investigating code and safety issues (e.g. hazards in retail establishments); and to a small extent for manufacturing/processing establishments / responding to fires associated with legal/illegal home cultivation.
- There are also public education, communications and citizen services costs to properly engage with the public and provide preventative public education campaigns.
- HAZMAT Response - for both licenced and illegal producers
- Human Resources:
 - Internal and external staff time committed to ensuring municipal drug policies are up to date/adequately address non-medical cannabis and that municipal employees are well informed of the new policies. This could include substance use policy, substance use guidelines, workplace smoking policies and hosting social event guidelines. There may be additional FTE time spent engaging and negotiating with municipal staff unions over the drug policy changes.
 - Staff resources and capital costs may also be incurred to ensure there is capacity in place for testing municipal employees if necessary, new staff training to address safety related to cannabis in the workplace and additional adjustments to safety integrate HR policies related to cannabis edibles when they are regulated federally.
- Possible non-policing costs that have been identified by municipal partners include:
 - Provincial Offenses Act (POA) Court Costs - Moving cannabis regulation and enforcement from criminal courts to POA courts will add a considerable workload to municipally funded courts, and this needs to be further explored for its relevance to Nova Scotia.
 - Environmental Health and Safety - Amendments to workplace safety related policies, air quality testing and complaints related to production

and consumption of cannabis (indoor and outdoor), food inspection concerns when edibles get introduced.

- Social Housing – In some jurisdictions where municipalities have responsibilities over social housing there will be costs associated with writing provisions in tenancy agreements which prohibit smoking cannabis in social housing units; additional FTEs to enforce the new provisions; and an O&M budget to address violations
 - Public Health – In some jurisdictions, municipalities address varying areas of public health not covered by provincial or territorial budgets. Anticipated municipal costs related to public health include public education initiatives (consumption, health, harm reduction, prevention, rules for restaurants and festival organizers)
 - Additional social workers
 - Municipal signage and advertisements
 - Developing and undertaking health outcome assessments
 - Data collection
 - 311 Services – Increased staff time, particularly during implementation, to handle citizen inquiries regarding cannabis legalization. This could also include time and resources to train 311 staff on the new changes and which municipal departments address the principle areas of concern.
 - Waste Management - The development of municipal policies and procedures that address the proper disposal of refuse from cannabis cultivation, concerns around humidity in composting.
 - Emergency Services - Increase in calls related to overconsumption of Cannabis. This may be particularly prevalent when cannabis edibles are made legal.
- Policing costs
 - SFST Training for drug impaired driving
 - Drug Recognition Expert (DRE) Training
 - Facilities to store cannabis seizures
 - General training on Bill C-45/46
 - Roadside screening equipment and supplies
 - Costs to close illegal dispensaries/growth operations
 - Youth education and prevention in schools, community engagement
 - Increase in forensic laboratory capacity: blood draws, testing equipment, forensic analysis
 - Additional officers/work: drug seizures, RIDE spot checks, drug related criminal investigation, drug complaints, cannabis specific violations,

motor vehicle collisions, cannabis related demands for services, DRE testing, SFST training.

These cost areas have been identified to assist municipalities in understanding the possible implications of the legalization of cannabis.

The federal government has provided a new revenue stream to provinces to assist in their initiatives related to the legalization of cannabis, without requiring them to justify or document their costs.

With a new revenue stream from an area involving both the province and municipalities, it is only fair that municipalities receive a share. The federal government decreased their share of these revenues specifically recognizing the need for provinces to share this revenue with municipalities. Municipalities already deliver a large component of citizen services with a disproportionately small share of the tax pie.

Proposed Action:

The legalization of cannabis involves the delegation of a considerable number of responsibilities to municipal governments in Nova Scotia. However, many municipal governments in Nova Scotia already struggle to make ends meet. The Province should not expect municipalities to be able to assume these additional responsibilities without better financial and material resources. Municipalities need a new revenue source.

Cannabis Resolution

WHEREAS the Government of Canada decided to legalize cannabis; and

WHEREAS the Government of Nova Scotia decided how cannabis would be dealt with within the province; and

WHEREAS the legalization of cannabis is creating a new revenue source for both the federal government and the province, and there are no new revenues accruing to municipalities

THEREFORE, be it resolved that NSFM request the Province to provide a share of the revenues being generated through the sale of cannabis to municipalities.

7. CLIMATE CHANGE

Issue Identification

Nova Scotian municipalities have expressed increasing concerns about climate change over the past year. They need support in preparing for the impacts of climate change, both through mitigation and adaptation efforts. A considerable deal of media attention has been given to storms like Hurricane Dorian, and many international and Canadian studies point to serious reasons for concern. Municipalities are struggling with this issue on several levels, including:

- understanding the needs and opportunities to address climate change impacts;
- capacity to integrate climate considerations into asset management planning;
- capacity to apply for funding;
- expertise to oversee implementation of plans and processes; and
- lack of experience and capacity to develop joint initiatives with neighbouring municipalities.

There are many processes in place or soon to be in place that will require municipalities to examine their issues through the lens of climate change. These include the requirement for municipalities to undertake an assessment of how projects will reduce carbon pollution and better withstand the impacts of climate change under the Investing in Canada Infrastructure Program, the development of provincial minimum planning standards, and the proposed legislation for coastal protection to help ensure that new construction happens in locations that are less likely to be impacted by rising sea levels, storm surges and coastal erosion.

Background Information

Although all municipalities completed Municipal Climate Change Action Plans (MCCAPs) in 2013, our members feel they lack capacity and resources to use them in a meaningful way to address this complex issue. We would also note that a municipal election has occurred since the plans were completed, resulting in significant change in council composition: many of our elected officials are unaware of the plans and the processes used in developing them. For these reasons, the plans have, for the most part, remained underutilized. Because our understanding of climate change has itself developed significantly since 2013 and the potential costs of not addressing this issue are too great to pay, it seems a matter of good judgment to call for a review and refresh of these plans.

Impact on Municipalities

Trying to estimate the cost of climate change is difficult. In late 2019, a study was released by the Federation of Canadian Municipalities (FCM) and the Insurance Bureau of Canada (IBC). The study generated climate change adaptation cost estimates for communities across Canada, and then looked at the local gross domestic product (GDP) values for those communities. Using this, they determined how much of local GDP would be needed to be invested in municipal infrastructure and local adaptation measures to reduce the impacts of climate change.

The study shows that approximately \$5.3 billion needs to be invested in municipal infrastructure across Canada each year. Expressed as a percentage of national GDP, the figure is 0.26 per cent. What should be startling to us here in Nova Scotia is that our own local requirements are more than ten times the national average: here at home, the study says that we will need to invest 3.2 per cent of our local GDP in municipal infrastructure and adaptation measures per year, a figure a little north of \$1 billion per year. This ratio is the highest of any region in Canada covered in the report.

In our experience at NSFM, it is important to bring our members together to help them understand the issues and opportunities around sustainable infrastructure planning, green innovation and energy reduction initiatives; to share information on successful initiatives; to develop toolkits and resources; to provide information and assistance to access funding programs; and to facilitate regional approaches. NSFM is positioned and has in-house expertise to provide this type of support. However, with our staff time now allocated to other initiatives and priorities, we would not have the capacity to address these needs without making climate change a priority issue.

As an organization, we feel that providing municipalities with the ability to tackle climate change will not only help them save operating costs and make their infrastructure more resilient but will have many cascading benefits. Through their efforts, municipalities will make their communities more prosperous, livable, healthier and safer. As well, because climate change impacts do not recognize boundaries, developing adaptation and mitigation initiatives will encourage and enhance regional cooperation.

Proposed Action

NSFM believes the Province and municipalities have common goals relating to the sustainability of Nova Scotia's communities. We are confident that it will benefit both the Province and municipalities to work together and share knowledge and resources regarding mitigation and adaptation strategies. Together we can do a better job of ensuring the planning and operations of the Province as well as Nova Scotia's local governments are efficient and resilient to climate change.

NSFM recommends engaging supportively with the Province as allies in a shared effort to combat the negative effects of climate change. We recommend offering municipal support for any desire that the Province might have in considering a new Statement of Provincial Interest (SPI) on climate change. We also recommend engaging with the Province to update MCCAPs, and then to collaborate with the Province to secure and strategize the use of federal climate change adaptation and mitigation funds.

Climate Change Resolution

RECALLING that every local government in Nova Scotia has a Municipal Climate Change Action Plan; and

GUIDED by the fact that Nova Scotia's municipalities are expressing increasing concerns about climate change; and

APPLAUDING the Government of Nova Scotia's commitment to enhance their own capacity to incorporate climate change into their planning and operations; and

INFORMED by independent research commissioned by FCM showing municipal costs related to climate change adaptation will be proportionately higher in the Maritimes than anywhere else in Canada; and

UNDERSTANDING that, in the absence of collaborative plans to leverage federal funding, the costs of climate change adaptation will be passed on directly to payers of residential and commercial property taxes; and

RECOGNIZING that municipal applications for federal climate change dollars depend on the willingness and ability of the Province to provide matching funds;

THEREFORE, BE IT RESOLVED that NSFM support any intention the Province might have to make climate change a Statement of Provincial Interest; and

FURTHER BE IT RESOLVED that the Province work with local government in Nova Scotia to update Municipal Climate Change Action Plans and work together to secure and strategically utilize federal funding for action items identified in those plans.

8. MUNICIPAL RESPONSIBILITIES

Issue Identification:

Municipalities have been granted few revenue sources, and property taxes remain the primary source to pay for municipal services. As municipal responsibilities have grown, revenue sources have not. If municipalities are to continue to meet the needs and expectations of their citizens, the property tax burden will become unbearable for many.

Background Information:

At Confederation the provinces were given the responsibility for municipalities, and property tax was established as the primary source of taxation. Since that time, the responsibilities of municipalities have grown, some through downloading, others through a willingness to better serve their citizens. The ability of property taxes to continue to remain the primary source of revenue for municipalities needs to be examined.

Already many Nova Scotians are paying more than 5% of their household incomes on property taxes. Municipalities are being challenged to replace aging infrastructure, build new infrastructure, respond to increasing regulations, and accept new responsibilities for traditional provincial services such as doctor recruitment. Revenue potential is decreasing as the population ages and declines, and as global forces change the economy. Demand for commercial property could well decline as retail space gives way to online shopping and as artificial intelligence impacts the need for workers in offices. The exact impact of these changes on property tax is not known, but chances are it will reduce property tax revenues while demands for services continue to rise.

Municipalities need to begin work now with the Province to develop a long-term path to sustainable communities. This means revisiting the relative roles and responsibilities between the Province and municipalities and revisiting the revenue sources available to municipalities. The problem is not going to solve itself, and municipalities should not expect the problem to be solved in the short run.

Impact on Municipalities:

The ability of municipalities to address the infrastructure needs in their communities varies, most often on town vs. rural lines. Towns provide more services (typically) than rural municipalities, although there are often pockets within rural municipalities where services are like those of towns (indeed some encompass former towns). Development patterns are changing the responsibilities of rural municipalities, and this has a distinct

and measurable impact on towns. The lines between urban and rural, or towns and rural municipalities, is blurring. Boundaries established 150 years ago, when services were delivered based on how far one could travel in a day by horse and buggy, may no longer be serving us well.

The need for new infrastructure and for replacement of existing infrastructure is understood, but the size of the infrastructure gap in Nova Scotia is not. Applications under new funding programs from the federal and provincial government generally suggest the demand could be ten times the available funding, recognizing that applications typically only represent the top priorities. Although the strain of funding infrastructure is shared by all three levels of government, municipal governments across Canada spend, on average, a little under 50 per cent of each infrastructure dollar in the nation. Furthermore, it is municipalities that are most typically the last recourse for funding: if sewer pipes are failing, and people are leaving communities that lack community and recreation opportunities, it is the municipality that is expected to solve the problem—and no one wants to pay more taxes.

An analysis of the municipal financial condition indices provided by the Department of Municipal Affairs indicates the financial tax burden is higher in towns, and that the ability to put funds away in capital reserves is a struggle. While work is being done with the Province on several of the larger issues (roads, housing, physician recruitment) and a review of the Province's operation grant is being undertaken, there needs to be work done on understanding the future of property taxes and the extent to which this form of taxation can reasonably be expected to cover local services.

The Service Exchange Agreement has not been reviewed in the 30-plus years since it was introduced. In the meantime, municipal costs in policing, fire services, solid waste, water and wastewater have been increasing faster than the consumer price index, with municipalities having little control over those costs. Shared infrastructure is an opportunity to reduce the cost burden, and while there are many examples where municipalities are working together, more of these instances need to be encouraged and/or facilitated. This can be supported through incentives and expertise to facilitate intermunicipal agreements.

While it is understood the Province also levies high income taxes, and has high demands on its services, it should be equally understood that local services are just as important. If local services can't be paid for through property tax, everyone loses, the Province included. It is time now to look at what the infrastructure gap means, what responsibilities municipalities have, and how we can continue to provide the local services communities expect.

Proposed Action:

The problem of what should, and what should not, properly be understood as a municipal responsibility is large and complex and will take time to understand. Before a review of municipal responsibilities is undertaken, the ability of property taxes to pay for the status quo into the future needs to be understood. Once the capacity of property taxes is better defined, the gap can be identified. To begin the work, a resolution is proposed to request funding to commission research on the future trend for property taxes, and what can be expected to the average homeowner's tax bill in future years given the current set of municipal responsibilities.

Municipal Responsibilities Resolution

WHEREAS municipalities are expected to provide a package of services to residents; and

WHEREAS the cost of these services has often grown at a rate outpacing increases to the cost of living, as measured by the consumer price index; and

WHEREAS municipalities rely primarily on property tax to fund the provision of these services; and

WHEREAS continually rising service costs result in an increasing tax burden on homeowners; and

WHEREAS a large percentage of property taxes collected at the local government level are transferred to the Province;

THEREFORE be it resolved that NSFM request funding from the provincial government to commission research on future trends for property taxes, the impact of these trends for average Nova Scotian homeowners, and to explore possible alternative revenue sources for municipalities.

9. POLICING COSTS

Issue Identification:

The rising cost of policing is one of the greatest concerns faced by Nova Scotian municipalities. In 2005, Nova Scotian municipalities spent \$1.31 billion on policing. By 2015, this total had increased to \$2.16 billion. This equates to a 64.8 per cent increase, which exceeds the 19.5 per cent increase in the overall cost of living during the same period measured by the consumer price index (CPI), as well as the 18 per cent growth in GDP in Nova Scotia over the same years.³

	2005	2015	% Change
Policing Costs - Towns	\$ 24,384,285	\$ 37,460,629	53.63%
Policing Costs - Rurals	\$ 25,505,833	\$ 40,491,931	58.76%
Policing Costs - Regionals	\$ 81,727,890	\$ 138,932,779	69.99%
Policing Costs - Total	\$ 131,618,008	\$ 216,932,779	64.82%
CPI - Canada, All-items (2002 = 100)	107	126.6	18.32%
CPI - Nova Scotia, All-items (2002 = 100)	108.2	129.3	19.50%

Background Information:

Nova Scotian municipalities provide policing services under three models: municipal police forces; RCMP service through a direct contract; or RCMP through the provincial RCMP contract. NSFM currently shares municipal concerns about policing services with the Nova Scotia Department of Justice (NS DOJ) through two committees. One is a committee that discusses municipal experiences under the RCMP contract. The other is advisory committee to the department on general policing matters.

Impact on Municipalities

Policing is an essential service necessary in providing safety and security to citizens. The rising cost of policing services, however, constitutes a tremendous pressure on municipal elected officials, who often feel powerless to counteract these cost increases. This is because wages make up the bulk of policing costs, and wages are typically set by arbitrators. When arbitrators decide on wages, they usually duplicate police wage deals from other communities, with little or no consideration for the fiscal situation of the

³ These data are collected from Statistics Canada and the 2005 and 2015 Annual Reports of Municipal Statistics published by Service Nova Scotia and Municipal Relations (2005) and the Nova Scotia Department of Municipal Affairs (2015).

community in question. As a result, many municipalities see continually rising policing costs as proof that the arbitration process is broken.

Proposed Action:

Not only does the arbitration process need to work, but it also needs to be seen to work. Change must be collaborative, and workers and employers must both work towards their goals in good faith. Arbitration should respect the interests of both employers and employees; help to provide value to citizens receiving police services; and be seen to do both these things. To these ends a few possible solutions might be explored:

- Arbitrators should be required to consider a community's ability to pay as well as agreements negotiated with other local municipal employee unions when ruling on raises for police workers, as well as all other unionized workers in the broader public sector, including fire, public works, and other unions. Furthermore, the specific ability to pay to be considered must be that of the tax burden for residential ratepayers, and not the theoretic ability of a municipality to continuously increase residential tax rates.
- Municipalities and the Province could consider a centralized arbitration service that is openly made available to employers but voluntary in terms of participation. When individual units negotiate separately with individual police unions, leapfrogging occurs, with one employer being picked off for a concession or increase that will then be replicated. At arbitration, these become the comparators and the spiral continues.
- Police services could be carefully examined to identify opportunities for alternative resources, including civilians, technology and outsourcing. The focus should be on program outcomes and budgets, and not on arbitrary limits on the size of the police force. There should be no ideological or other bias towards or away from civilian delivery of services. We need the flexibility to use civilians for some duties that don't require a uniformed and armed officer.
- Advocacy work could be done at the provincial and federal levels for sharing those costs that are related directly to responsibilities downloaded by them, such as cannabis, mental health, policing of international waters and national security.

At this time, a resolution around arbitration is suggested. Asking arbitrators to consider a community's capacity to pay is a specific and attainable request that will help to mitigate

the sharp increases in policing costs experienced by Nova Scotian Municipalities. This solution is also likely to go a long way towards restoring municipal faith in the arbitration process

Adding an ability-to-pay consideration to arbitration is not likely to be a long-term solution for policing costs. Such temporary wage controls will be effective in meeting short-term fiscal targets, but longer-term action will require co-operative approaches that can drive institutional and system-level change. To this end NSFM continues to work collaboratively with the NS DOJ and the Nova Scotia Association of Police Governance boards to identify opportunities for service delivery opportunities and cost containment on the Joint Police Services and Community Safety Advisory Committee. Further solutions may emerge from this committee work, and at that time, additional resolutions would be appropriate.

POLICING RESOLUTION

WHEREAS policing is an essential service; and

WHEREAS municipal governments pay the bulk of policing costs in Nova Scotia; and

WHEREAS the cost of policing services continues to rise at a rate exceeding CPI and GDP growth; and

WHEREAS these changes have constituted a great increase in the tax burden of residential property owners; and

THEREFORE be it resolved that NSFM advocate for the inclusion of ability-to-pay considerations in arbitrations for all employees in municipal services, including, without limitation, police services, fire services, and public works, and that the ability-to-pay be based on a consideration of the average homeowner's tax burden; and

THEREFORE be it resolved that the Department of Justice ensure the joint provincial-municipal advisory committees currently established lead to positive initiatives and changes that will make our police forces more effective and sustainable.

10.SURPLUS SCHOOLS

Issue Identification:

The cost of demolishing schools declared surplus has become a significant burden for several municipalities. In a few cases, the burden is simply unmanageable.

Background Information:

Prior to 1982, municipalities were responsible for school board operations and were therefore responsible for the construction and maintenance of schools. When the responsibility for school boards was transferred to the Province, legislation granted school boards control of the school assets. Schools built after 1982 are provincial assets.

There exist some 400 schools throughout Nova Scotia, and about half are owned by municipalities. The Province's position has been that when these schools are declared surplus, they revert to the municipality. In the former school boards in Halifax, South Shore and Tri-County, more than half of the schools are municipal. In Annapolis Valley and Chignecto-Central, less than a third are municipally owned. The implications of surplus schools are not equal throughout Nova Scotia.

Section 93 (1) of the Education Act states that where land and buildings (previously owned by a municipality and that have been vested in a school board) are declared surplus, the municipality shall have the option of having the surplus land and buildings re-conveyed to it.

In several cases, municipalities have willingly agreed to resume responsibility and have been able to transform the schools for other purposes. In other cases, the location of the school, the state of disrepair, and the financial circumstances of the municipality hinders the opportunity to make use of these facilities and the only course of action is to demolish the school. Vacant schools are a liability to municipalities and there are concerns about public safety should they remain vacant.

The Department of Education has expressed a view that where municipalities have owned surplus school properties before it vested them in the school board, the municipality must re-acquire (and, in turn, assume responsibility for) the property following the school's closure. By contrast, NSFM and our members think that a municipality should simply hold an option in this regard, which it is free to exercise or not, and that a municipality cannot be required to assume responsibility for a surplus school property. NSFM has obtained a legal opinion on this matter that supports our interpretation instead of the position

advanced by the Department of Education.

NSFM holds that the Province needs to abide by the Education Act and offer municipalities the right to refuse to assume a surplus school, with enough time provided to allow municipalities to conduct a thorough analysis of the options. For those municipalities that are not interested in taking ownership of the surplus school, the province should be responsible for demolishing it and for ensuring the site is environmentally safe.

Municipalities did not have control over these sites, so they should not be responsible for the environmental remediation of these sites. As well, given the municipalities did not have control over the maintenance of the school, the Province should provide compensation to the municipality to make the school usable for other purposes.

Impact on Municipalities

For those who face a school closure, the cost implications can be significant. Many of these schools have not been maintained to a level that renders them usable for other purposes, and may have mold, mercury switches, or other hazardous features. Building codes were not always followed, and schools being handed over often lack any plans or drawings, or any information about services or utilities. Some locations have environmental issues due to buses being parked, serviced, and maintained on the lands, and some contain asbestos products and lead paint.

Examples of recent estimates to demolish a surplus school are as follows:

- CBRM: 7 surplus schools since 2015, with costs to demolish ranging from \$40,000 – \$250,000 and a total cost for the 7 schools of \$1.3 million.
- Town of Pictou: estimated cost \$500,000 for one school.
- Annapolis County - \$700,000 - \$1 million estimate for one school
- District of Lunenburg – current cost to date for three schools is \$497,775.88 and counting, with \$2.5 to \$3.0 million in additional expenses expected for two large schools yet to be demolished.
- Mulgrave \$350,000 – \$500,000 for one school.
- Municipality of Pictou – over \$500,000 for one school.

In some cases, the value of the land is such that it can be sold to other interests, and revenues may offset the cost of demolition. In other cases, the municipality can find funding and/or partners who are willing to share in the investment required to repurpose the property. Since these lands and facilities were built with taxpayers' monies, the

municipality should be able to decide the best future for these lands.

In those cases where the municipality refuses the offer for the surplus school, the facility should be demolished by the Province and the land returned to the municipality. The decision to not maintain or close the school was not the decision of the municipality.

It should also be noted property taxpayers contribute over \$250 million annually to the Province for education. This amount is collected by municipal governments and transferred to the Province. It is estimated these payments represent close to 20% of the Province's education costs. It is unfair to ask property owners for more.

Proposed Action:

At this time, a resolution requesting that the Province recognize the municipal right to exercise an option is suggested, with an additional request being suggested that compensation from the Province be provided to municipalities for environmental remediation of surplus school sites.

Surplus School Resolution

WHEREAS the Education Act says municipalities have the option to assume a surplus school, and municipalities are being told they have no choice but to assume responsibility for it; and

WHEREAS municipalities have had no control over the school lands and buildings and may be faced with significant costs to address environmental concerns and to demolish the buildings; and

WHEREAS many of the schools have not been maintained nor do they meet building codes,

WHEREAS NSFM has obtained a legal opinion stating that municipalities should have the choice – but not the obligation – to acquire surplus schools,

THEREFORE be it resolved that the Department of Education provide all municipalities the option to not to have schools conveyed to the municipality; and

FURTHER BE IT RESOLVED that the Province pay for any environmental clean-up and to cost share in any renovations required to make school buildings usable for other purposes.

11. SUSTAINABILITY & INFRASTRUCTURE FUNDING SUPPORT

Issue Identification

Numerous funding resources exist for municipalities to make their operations more efficient, strengthen their infrastructure planning initiatives and increase their resiliency to our changing climate. However, despite the availability of programs, a significant number of Nova Scotia's municipalities lack the capacity and/or time to access them.

As a provincial association, NSFM is well positioned to support municipalities in accessing available funding to foster the adoption of innovative and strategic approaches to managing their operations and infrastructure. NSFM could play a key role in identifying appropriate projects and sources of funding, and opportunities to partner with other municipalities on initiatives that are mutually beneficial.

Background Information

Over the next 10 years, Nova Scotia will receive \$828 million in federal infrastructure funding through the *Investing in Canada Plan*. This program will offer funding for green infrastructure, public transit infrastructure and community, culture and recreation infrastructure. To access the funding, municipalities will have the added requirement of applying a "climate lens" to applications for major infrastructure projects, where they will need to undertake an assessment of how projects will reduce carbon pollution and better withstand the impacts of climate change.

In addition to the *Investing in Canada Plan* opportunities, the Federation of Canadian Municipalities (FCM) has funding to support sustainability, infrastructure and climate change initiatives. Its main funding program is the *Green Municipal Fund*, which supports projects that improve air, water, soil and reduce greenhouse gas emissions.

Although these programs are available to communities across the country, Nova Scotia's municipalities are often underrepresented as funding recipients. To position our municipalities to take advantage of these opportunities, NSFM could support municipalities (which may otherwise not have the in-house capacity) in securing funding for sustainable infrastructure planning, green innovation and climate change initiatives.

NSFM could create an in-house position, which would be funded from the Province and NSFM membership dues. NSFM would focus on helping municipalities identify and access funding to support initiatives designed to mitigate current and future climate risks as well as those that lead to the adoption of new and sustainable approaches to infrastructure planning.

Through the development of resources, training opportunities and knowledge sharing events, NSFM could help streamline the application process for municipalities and position them to be successful applicants. Recognizing that local leaders know what is best for their communities, NSFM could work with municipalities to identify innovative solutions to make their communities more sustainable that also fit within the program requirements. To make the most of available resources, NSFM would also look for opportunities for municipalities to partner in circumstances where they would benefit from regional or collaborative applications. This would not only ensure that funding programs are as impactful as possible, but also make limited resources go farther.

Impact on Municipalities

NSFM could play a coordinating role in helping municipalities secure funding that they otherwise would not have the capacity to access. This support would help municipalities make the most of programs that mitigate current and future climate risks and enhance infrastructure planning and service delivery.

Proposed Action

To provide this support to municipalities, the suggested approach is to secure \$125,000 to cover the cost of creating a Sustainability & Infrastructure Funding Support position within NSFM (funding for the position would cover salary, benefits, resource development, coordination of events, travel, etc.). Because this position would provide value to both municipalities and the Province, in terms of meeting shared goals relating to environmental and infrastructure sustainability, NSFM would seek half of the funding from the Province of Nova Scotia and the remaining half through membership dues. It should be noted that there has been some support for this plan expressed in the legislature.

The main services that could be provided through this position include:

- Coordinating knowledge sharing and educational opportunities about existing funding programs and resources
- Assisting municipalities in preparing to apply for eligible funding programs
- Supporting municipalities in seeking innovative project ideas and applications to facilitate strategic infrastructure and sustainability planning
- Facilitating networking opportunities to share best practices and successes among municipalities
- Facilitating collaboration among municipalities where it creates economies of scale and shared benefits to develop regional/collaborative applications

- Liaising with Infrastructure Canada, the Province of Nova Scotia, FCM and other organizations to remain current on existing resources and opportunities

Upon securing support for this work, NSFM would seek input from municipalities and the Province of Nova Scotia to identify and agree upon the key services that would be most beneficial to access funding resources. NSFM would seek to establish this position as an ongoing initiative; however, the work could be reviewed in 3 years to ensure it continues to provide maximum value to both municipalities and the Province.

Sustainability & Infrastructure Funding Support Resolution

WHEREAS the Province of Nova Scotia and NSFM recognize common goals relating to municipal sustainability to make municipal operations more efficient and increase climate resilience; and

WHEREAS the Province of Nova Scotia and NSFM are supportive of wise investments in infrastructure to support sustainable service delivery at the right level and cost to taxpayers; and

WHEREAS the Province of Nova Scotia and NSFM recognize the importance of regional cooperation since the impacts of climate change do not recognize boundaries and enhanced collaboration will support municipalities in making their communities healthier, safer and more prosperous; and

WHEREAS municipalities have direct or indirect influence of close to 50 percent of the nation's greenhouse gas emissions and are responsible for more than half of Canada's public infrastructure; and

WHEREAS NSFM recognizes that some municipalities lack the resources to access existing funding opportunities that would allow them to develop innovative and strategic initiatives to make their operations and infrastructure more sustainable; and

WHEREAS NSFM is uniquely positioned to support municipalities in making the most of existing funding opportunities and resources;

THEREFORE BE IT RESOLVED that the Province cost share the funding for a Sustainability & Infrastructure Funding Support position within NSFM.

Issues to be Monitored

12.ACCESSIBILITY

Current Progress:

Accessibility is one of the most significant issues facing municipalities. In the 2019 budget the Province allotted \$1M for accessibility related issues, and in our press release that followed, we noted that municipalities are looking for a substantially greater amount of financial assistance to help us become compliant with the Provincial accessibility legislation. Municipalities are being asked to ensure their communities are accessible by 2030. The legislation covers the built environment and includes information as well as other areas that may impact municipalities.

Federal infrastructure program funding does not appear to include renovation projects for existing facilities to become accessible, unless they are part of a bigger project. Provincial funding to date has been quite limited. Costs will not only be incurred with respect to built assets but they could also involve website changes and changes at public meetings to ensure the information can be shared with all persons with disabilities. Municipalities want to comply with the legislation, but costs will become an issue.

Consideration for 2019 Resolutions:

Financial assistance from the Province to support their legislation is needed, but it is unclear how much assistance will be required until more details emerge. Beyond including a request in our funding resolution, NSFM recommends continuing to monitor the situation until enough information for a specific call to action becomes available.

13.DOCTOR RECRUITMENT – 2017 RESOLUTION

Current Progress:

NSFM has continued to be involved in the NSHA Physician Recruitment and Retention Advisory Committee. As a part of this committee work, NSFM has participated in a process-mapping subcommittee with representatives from NSHA, the Department of Health and Wellness, Doctors Nova Scotia, the College of Physicians and Surgeons, and

Dalhousie Medical School. This work has identified three opportunities for municipal involvement in the recruitment and retention process.

The first area of involvement is site visits. Between April and December of 2018 NSHA recruiters took potential doctors on 108 site visits. NSHA recruiters tell us that these visits benefit greatly from the presence of charismatic municipal elected officials, but that, for many of the site visits, no municipal representation was present. NSHA would like to partner with NSFM to make sure that recruiters can partner with elected officials in making site visits more successful.

The second area of involvement is to provide information after new physicians settle in a community. The NSHA has told us that municipalities can provide important support to newly settled doctors by identifying a help line to call when things go wrong. This is especially true of physicians who are relocating to Nova Scotia from other provinces or countries, who may have no experience with frozen pipes, applying for business licenses, or where to access recreation services. In many cases CSRs may already be trained to answer these questions.

The third area of involvement is marketing and advertising. Each of the parties at the Recruitment and Retention Advisory Committee have encouraged municipalities to do more to market themselves to potential doctors. The Queen's Health Foundation in Liverpool is a good example of successful marketing in this vein.

Physician recruitment became a priority resolution in 2017. Although it was not, strictly speaking, within the municipal mandate, the issue was and remains a critical concern for many Nova Scotians. Since the time of the 2017 resolution the Province has undertaken multiple steps to support greater success in recruitment. Some of these steps include an extra \$200,000 in funding for physician recruitment in the 2019 budget, and an annual increase of approximately \$4.8 million by the 2023-24 academic year to ensure that 16 additional seats are provided for Nova Scotians at the Dalhousie Medical School.

Consideration for 2019 Resolutions:

Despite the efforts described above, the problem is not yet solved, and while it is possible that a more specific request could be put forward, staff are not clear on what that request should be. At this point it is recommended that NSFM continue to work with the Nova Scotia Health Authority and monitor the progress on the issue.

14.INTERNET AND CONNECTIVITY

Current Progress:

The Partnership Framework commits the Province to working with municipalities to having all communities able to access high-speed internet connections to support economic development, education and health outcomes. The Province has announced \$193 million in funding for internet expansion and has assigned provincial responsibility to Develop Nova Scotia. The roll out of this provincial approach is underway, and the federal government has committed \$1.7 billion to internet funding in the 2019 budget.

Despite these generous commitments, best estimates suggest that providing adequate levels of broadband and cell phone service to Nova Scotia's communities will cost far more than the funding provided, and we know that municipal governments won't be able to make up the difference. Yet without improvements to broadband and cellular connectivity it will be difficult for our communities to attract and retain residents and businesses.

Money has not started to flow yet from either the fund administered by Develop Nova Scotia or the federal government. To help municipalities better prepare to leverage any available funds to the greatest advantage, NSFM offered a workshop on internet and connectivity to members on October 11th, 2018, in Truro. Many organizations attended the workshop, including Develop Nova Scotia, who presented information on their anticipated program roll-out. There were also several presentations from telecommunications companies and municipalities.

Consideration for 2019 Resolutions:

At this point it is recommended that NSFM continue to monitor the situation.

15.AFFORDABLE HOUSING

Current Progress:

NSFM issued a statement of municipal concern on affordable housing in 2017. The statement included two separate plans of action: one federal, and one provincial. The NSFM statement of concern was timely. On the federal front, many long-established

federal housing programs were set to expire. The FCM had also been busy undertaking a significant amount of advocacy work to ensure that these programs, or some equivalent, would be renewed.

Shortly after the NSFM statement of concern was issued, the Government of Canada introduced a 10-year, \$40-billion National Housing Strategy (NHS). While this figure may appear generous, the new federal strategy does not specifically address the concerns of NSFM requesting that federal housing programs allow joint applications from municipalities with the Province of Nova Scotia, or that they provide an alternative way of ensuring Nova Scotians receive a fair share of the federal funding for housing.

NSFM is currently in the process of addressing the provincial element of the 2017 statement of concern. In 2017, NSFM recommended that a joint provincial/municipal working group be established to review the current housing strategy, to clarify the role and tools available to municipalities to address housing issues including a review of the legislative changes proposed, to develop guides for municipalities on the tools available to them to address these issues, and to review the current Statement of Provincial Interest with respect to housing.

In response to this recommendation, the Province has established a joint committee to address these issues. NSFM and AMANS staff and members are participating in this committee along with staff from CMHC, DMAH, and the NS Department of Seniors. It is intended that the work of this committee will be submitted to the Ministers Roundtable under the Department of Municipal Affairs and Housing and the NSFM Partnership Framework.

Consideration for 2019 Resolutions:

At this point NSFM recommends continued participation in the joint provincial/municipal housing committee.

16.CODE OF CONDUCT

Current Progress:

2017 amendments to the *Municipal Government Act* now require councils to adopt a code of conduct to guide behaviour. A model template for a Code of Conduct was prepared by UNSM over a decade ago and earlier this year was updated to reflect the 2017 MGA amendments. The revised draft of the updated Code of Conduct template is currently under review by key stakeholders.

Questions have been raised about the value of a code if there are no consequences for those who act inappropriately. The issue was identified in consultations around the review of the Municipal Government Act and at NSFM meetings, including ones around the need for transparency with expenses and hospitality for elected officials. Changes to the Municipal Government Act would be required to increase options for sanctions. Processes to deal with complaints vary across municipalities and are often in response to a complaint - not described in policy.

Proposed Action:

NSFM recommends continuing to monitor the situation for responses from key stakeholders, and for any further conduct-related input from members.

17.IMMIGRATION

Current Progress:

Improving immigration could help to solve Nova Scotia's demographic woes and bolster local economies. Forecasts show the numbers of senior citizens will continue to increase in Nova Scotia, while many young Nova Scotians continue to move away to pursue economic opportunities. Accordingly, the dependency ratio—the number of children and seniors per 100 persons in the workforce—is going up, leaving a higher burden on working taxpayers.

Statistics show negative population growth for most NS municipalities over the past 20 years, and projections for the future show the same. Immigration can be an 'interrupter,' and help restore balance to the dependency ratio. Nova Scotia attracts few international immigrants compared to the rest of Canada and has a lower immigrant retention rate than many other provinces. International immigrants coming to Nova Scotia primarily settle in urban centres such as Halifax, and rural Nova Scotian communities are left especially disadvantaged by these changes.

Proposed action:

No resolution is recommended at this time. It is recommended that NSFM continue to investigate the issue of immigrant attraction and retention, especially as these subjects pertain to rural municipalities and towns. Consultations will be made with Immigration

Nova Scotia, the Immigrant Settlement Association of Nova Scotia (ISANS), the Regional Enterprise Networks and municipalities throughout the province. It is hoped that themes will emerge from these meetings, that partnerships will be built, leading to a concrete action plan for the attraction, settlement, integration, and retention of immigrants.

18. LIBRARIES

Current Progress:

Libraries are an essential part of the community and contribute to social and economic growth. Funding for libraries comes from municipal taxes, library boards and provincial grants. Provincial funding for libraries has been frozen for years yet demands for library services are increasing. More funding is necessary.

During last fall's resolutions meetings, we explained that The Library Boards Association of Nova Scotia (LBANS) had been meeting over the summer of 2018 with the Province to address the funding issue, and that they had been developing solutions for the Province to consider. At that time, we recommended that this work continue, and that NSFM monitor the situation.

In late January and early February of 2019 NSFM began to hear concerns about a new library funding model being proposed by the Department of Communities, Culture, and Heritage. Some municipal units reported that they would be required to increase library funding by as much as 41%. At that time the NSFM Board requested that a letter be sent to the Minister of CCH to express procedural concern regarding the funding review, and later met with the Deputy Minister to discuss these concerns, and to ask that NSFM and AMANS be directly involved in any discussions about library funding going forward.

Proposed action:

No resolution is recommended at this time. It is recommended that NSFM continue to monitor the issue of library funding.

BRIDGEWATER PAYS IT FORWARD

Town Shares Secrets of Success

Since Bridgewater's big win in the national **Smart Cities Challenge**, the biggest town on Nova Scotia's South Shore has been sharing its success story with cities all over the world.

"It has put an international spotlight on Bridgewater," Mayor David Mitchell said of the \$5 million winning entry to reduce energy poverty in the town.

Currently, about 20% of Bridgewater residents can't afford to pay for the energy to heat and power their home or fuel their car.



Mitchell will attend the **C40 Cities World Mayors Summit** in Copenhagen next week where he'll tell some of the

largest cities in the world about how the town will use innovation, data and connected technology to make energy more affordable.

They're planning a variety of initiatives, including making homes more energy efficient; setting up a local energy investment program; and making transportation cheaper and more accessible for everyone.

The international spotlight is now almost a regular occurrence for Bridgewater, a town of 8,700.



"It's in everyone's best interests for us to share this. I kind of equate it to Freeware or Shareware, it's not ours to keep," Mitchell says.

Last month, they presented to the **Art of City Building Conference** in Halifax; and later this month will travel to Mount Pearl, NL, to be the keynote in **Atlantic Idea Camp: How to be Smart, but Small**.

"We are honoured to participate," says Bridgewater's Sustainability Planner Leon de Vreede.

"We have to take time out of our work plan to share what we're doing with others, but we value it. So, we try our best to make those arrangements whenever possible."

In addition to the national and international invites, de Vreede has also been welcomed at several municipal councils in the Valley and the South Shore over the past year.

SHAREWARE

When they created their **Community Energy Investment Plan** in early 2018, Bridgewater produced a tool kit for other municipalities that's now available on their website.

"We try our best to disseminate our work," says Mitchell.

He's familiar with the political barriers that go up whenever the environment is raised.

"What you hear is 'Green means job losses, green means it costs money.'"

"But what I tell my colleagues around the globe is: 'Remove that political barrier. Because that's all a myth.'"

The economic potential in the Smart Cities win has no rival.

"This creates more economic diversity than any other group of business."



Road to Employment Equity

A conference this November will emphasize diversity and eliminating racism and discrimination.

Bridging the Gap will be held November 4 & 5 at the Halifax Convention Centre.

Hosted by the Valley African Nova Scotia Development Association, the conference will help bridge the demand of employment vacancies with the supply of qualified workers.

Register: www.vansda.ca



NEWS WANTED

This is the second edition of **NSFM NEWS**. It's the new e-newsletter for members of **The Nova Scotia Federation of Municipalities**.

We're already getting ready for the next edition so send your feedback, news tips, items and ideas to:

Amy Pugsley Fraser,
Communications Advisor

apugsleyfraser@nsfm.ca

Middleton Cyclists Riding High with NSFM Award

A Valley town keen on boosting its active transportation levels is seeing good returns on a pair of bike repair stations along the **Harvest Moon Trail**.

Their bike repair station project was one of two winners of **NSFM's Carbon Surcharge Fund Award** in 2017. The town was awarded the \$1,125 prize at the fall conference that year.

"There's no bike shop in town, not even close, and people were coming into our recreation office looking for help," Middleton Director of Recreation and Community Development **Andy Kerr** told *NSFM News* Friday.

"We thought some self-maintenance might be in order."

The town installed two bike stations, about half a kilometer apart, close to the trail head.

Both are adjacent well-used parks, including the family-oriented **Centennial Park** and the youth-focused **Rotary Park**, next to the town skateboard bowl.

The stations are self-contained units with a pump and wrenches, as well as tools to remove and replace a tire.

If a few patches are needed to finish the job, there are a few minor replacement parts in the recreation department's head office nearby.

Once the stations were installed last year, the town organized two well-attended

workshops with a bike expert who taught basic repair.

Being known as a bike-friendly town is paying off for Middleton, which hosts a bike and run event over a weekend in early August.

This year, **The Heart of the Valley Century Ride** attracted close to 400 cyclists when it was held through the roads of the Annapolis Valley.

Carbon Surcharge Fund

Middleton is one of the seven winners of the Carbon Surcharge Fund, established in 2012.

That's when NSFM Board of Directors passed a motion to add a \$5 carbon surcharge to spring and fall conference registration fees to mitigate greenhouse gas emissions generated from hosting the events.

All money collected is held in a special account and disbursed annually to support local, small-scale initiatives to help a municipality reduce energy consumption and greenhouse gas emissions.

There's \$2,400 to hand out at this year's fall conference.

This week, the Carbon Surcharge Fund Committee met with NSFM's Infrastructure and Sustainability Officer **Debbie Nielsen** to evaluate applications. The results will be announced in Halifax in November.



From: [Amy Pugsley Fraser](#)
To: [NSFM Info](#)
Subject: Your Monday Memo - October 7
Date: October 7, 2019 5:48:39 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

CAUTION: This email originated from an external sender.

MONDAY MEMO



All the NSFM News You Need for the Week

TO: Mayors, Wardens, Councillors and CAOs, All Units
FR: Amy Pugsley Fraser, Communications Advisor
RE: *YOUR MONDAY MEMO OCTOBER 7*



- Nominations Close for Board Positions

Conference Early Bird Deadline

- We Need Your Input: Questions for Party Leaders
- CAP Update

• Nominations Close

Applications for the positions of NSFM President and NSFM Vice President closed on Friday, October 4th, 2019.

The Nominating Committee convened on Monday, October 7th, 2019, and nominated the following individuals for NSFM Table Officers for 2019-2020:

President: **Mayor Pam Mood, Town of Yarmouth**

Vice-President: **Deputy Mayor Emily Lutz, County of Kings**

NSFM's Immediate Past-President shall also serve as an Officer.

The 2019-20 NSFM Nominating Committee includes the following members:

- Deputy Mayor Geoff Stewart, Immediate Past-President and Nominating Committee Chair
- Mayor Jeff Cantwell, Town of Wolfville, Towns Caucus Chair
- Councillor George MacDonald, Cape Breton Regional Municipality, Regional Caucus Chair
- Warden Penny Smith, District of Shelburne, Rural Caucus

The Report will be presented to the NSFM Annual Meeting on Wednesday, November 6th, 2019, at the Westin Nova Scotian Hotel, Halifax, NS.

Under the NSFM Elections Policy, any voting delegate may make a nomination for the position of President or Vice President as long as the nomination is received by the Chair in writing at least fifteen days prior to when the report of the Committee is to be presented to the membership.

That date is October 22nd, 2019.

The Nominating Committee Report and NSFM Election Policy are included as attachments to the Monday Memo.



• Conference Early Bird Deadline

Save \$50 by registering for the fall conference before midnight Friday, when early bird registration ends and prices go up.

For more information, click on <https://www.nsfm.ca/fall-conference-2019.html>

• Questions for Party Leaders

All four party leaders have been invited to attend the November Conference to address the delegates. These sessions will provide an opportunity for our members to ask questions. In order to ensure we get informed answers, we would like to submit the questions to each party in advance of the event.

Ideally, we'd like to compile a list of two or three top questions from members' submissions. All four parties will be given the same questions.

It's important for us to have your input. If you're interested, please submit your questions to info@nsfm.ca by **OCTOBER 15TH**.

• CAP Update

A reminder to members to review the CAP update sent to the entire membership last Thursday, October 3 from NSFM President Wayne Mason.

Through President Mason, NSFM made a formal request to Minister Chuck Porter on October 3 to strike an all-party committee to review, and make recommendations about, eliminating the CAP.

NSFM felt it had secured all party support over the course of the past 11 months of consultations. But last month, one party withdrew.

For more information on the advocacy and outreach done specifically in the past year on eliminating the CAP, including a CAP Activity Timeline and the CAP Steering Committee

Membership, click on:

<https://www.nsfm.ca/capped-assessment-program.html>

MONDAY MEMO



All the NSFM News You Need for the Week

All the news, notes, messages and reminders from your NSFM Office are in one weekly package.

If you have something to share, please reach out to apugsleyfraser@nsfm.ca for a future Monday Memo publication.

Amy Pugsley Fraser | Communications Advisor
NOVA SCOTIA FEDERATION OF MUNICIPALITIES

c +1.902.483.1194

t +1.902.423.8331

nsfm.ca | [facebook](#) | [twitter](#) | [linkedin](#) | [instagram](#)



**NOVA SCOTIA FEDERATION
OF MUNICIPALITIES**

October 9, 2019

Maureen Hughes
Town Clerk and Deputy CAO
Town of Mahone Bay

Dear Maureen:

On behalf of myself and my family, we would like to acknowledge our sincere gratitude for the decision made by The Town of Mahone Bay to honor our Dad, Michael O'Connor. This couldn't have been in a more symbolic setting than with the Mahone Bay bandstand.

Music and Community were such a large part of our father's life, and we are honored that his memory will be linked with a symbol that always meant so much to him.

Sincerely (in no specific order),

Kathleen Bischoff

Kathleen, Glenn, Meghan, Owen, Glenn Jr., Sean, Ryan

Michael, June, Adrienne, Alexander, Maggie

Tim, Yvonne, Jayne, Evan, Michael

Melissa, Terry

From: [Town of Mahone Bay Clerk](#)
To: [Maureen Hughes](#)
Subject: FW: Important Update on the CAP from President Waye Mason
Date: October 3, 2019 1:49:05 PM
Attachments: [image001.png](#)

From: Amy Pugsley Fraser <apugsleyfraser@nsfm.ca>
Sent: October 3, 2019 12:14 PM
To: NSFM Info <Info@nsfm.ca>
Subject: Important Update on the CAP from President Waye Mason

CAUTION: This email originated from an external sender.

TO: Mayors, Wardens, Councillors and CAOs, All Units

FR: Waye Mason, President of NSFM

RE: *IMPORTANT UPDATE ON THE CAP*

3 OCTOBER 2019

NSFM Members,

I am writing to you today to update you on our efforts to remove the CAP.

We are ALMOST there. Now we need your help.

We are asking members to reach out to local MLAs and tell them why it's important to support our resolution to remove the CAP.

Over the past 11 months we've been asking MLAs to support NSFM's resolution to remove the CAP which reads in part:

THEREFORE BE IT RESOLVED the Province work with municipalities and other stakeholders to phase out the CAP program and provide better alternatives to protect low-income homeowners and those experiencing significant increases in residential

property assessments <https://www.nsfm.ca/capped-assessment-program.html>

The reason we asked for all party support is because the CAP was brought in by a PC government with all party support and changed to CPI by an NDP government with all party support.

We wanted to avoid a long, drawn out all-party committee by simply securing support for our resolution. But that's the route we now face.

Over the course of 11 months of consultations, we felt we had secured all party support.

We are very close, but as of today we have been unable to secure that commitment, so we'll be calling on the government to strike a committee.

We are not asking MLAs to support the proposed changes – we recognize that the opposition must see the legislation and critique it.

Instead, we have been negotiating an MOU that proposes the following program to remove the CAP:

Restore equity and fairness to the property tax system through programs delivered by municipalities:

- Spike protection mechanism - *Protect properties whose assessments rise dramatically*
- Low income protection mechanism (protect seniors, other) - *Targeted tax exemptions already available in nearly all municipalities*
- Differential protection – *Program for average household and below who's market property assessment is dramatically different than CAP (50-100% or more)*

Restore equity and fairness to the property tax system through complete phase out:

- Slow Phaseout - *Transition over 13 years*
- Revenue-neutrality in implementation for both Province & municipalities – *Reducing the tax rate as overall assessment rises due to the CAP removal (revenue neutrality) while*

- allowing for normal budget adjustments to cover increases in expenses or new services*
- PVSC to do market-based assessment ONLY - *Tax relief and taxpayer protection delivered by taxing authority, the municipalities*
 - Provincial Seniors relief to become stackable - *Program would be stackable not applied after municipal relief*

This is not a backroom deal struck in a boardroom in Halifax.

This has been a front burner issue for all our members for the past eight years.

Our membership has voted to include the removal of the CAP as a top priority or resolution for action at our AGM for the last eight years.

It was most recently passed as a resolution 11 months ago.

In addition, several member units, including CBRM, East Hants, Colchester, and HRM have passed resolutions calling for an end to the CAP.

Most recently, the Grant Thornton CBRM Viability Study calls for the removal of the CAP.

We have provided ample information on the impact and effects of the CAP on Nova Scotia as a province. We must look at this in terms of what is best for the whole province.

Now it is over to you. Call, email, text your MLA. Ask for their support. Ask to meet with them when they are back from Halifax this weekend. Bring other area Councillors, from across the political spectrum, red, orange, blue and green.

Respectfully but forcefully make the case that the CAP must go, for the good of all Nova Scotians.

Please let us know at NSFPM what your results are, so we can track where the MLAs are in

their support.

Thank you so much in advance for your help.

Waye Mason | President

NOVA SCOTIA FEDERATION OF MUNICIPALITIES

nsfm.ca | [facebook](#) | [twitter](#) | [linkedin](#) | [instagram](#)



**NOVA SCOTIA FEDERATION
OF MUNICIPALITIES**

Maureen Hughes

Subject: FW: Short-term Rentals Regulations
Attachments: MLA Community Letter.odt

From: Neighbours Speak Up <neighboursspeakup@gmail.com>
Sent: October 15, 2019 12:24 PM
To:

Subject: Short-term Rentals Regulations

CAUTION: This email originated from an external sender.

Greetings,

Please find attached a letter from our group, Neighbours Speak Up, that has been sent to all MLAs.

For the last ten months we have been advocating for the regulation of short-term rentals in Nova Scotia. Our goals are to protect the integrity of our neighbourhoods and communities and the availability and cost of housing. As we have seen in the course of our work, this issue has an impact on urban and rural communities here and elsewhere in Canada.

We are reaching out to your organization as you may already have experienced short-term rentals in your community, with your clients or constituents. In this letter we are urging our MLAs to discuss and encourage their colleagues to move forward with public consultations and action on regulations.

We hope you find this information useful and relevant and will share it with your colleagues and others who may be concerned with this matter. Where you can, please reach out to provincial and municipal officials to encourage the facilitation of regulations of short-term rentals.

You can find additional information on the issue and our group at: neighboursspeakup.com.

If you need any further information or would like to share your concerns or experience in this matter please get in touch.

Best regards,

Bill Stewart
Neighbours Speak Up
5522 Hennessey Place
Halifax, Nova Scotia, B3K2A8

email: w.stewart@ns.sympatigo.ca or neighboursspeakup@gmail.com

NEIGHBOURS SPEAK UP



“I think the big concern comes when we think, not about our role as guests (of short-term rentals) but as residents of cities. What we are seeing is, a large number of homes are being removed from the housing market in our cities and dedicated to short-term rentals and that is reducing the amount of housing that is available for residents and driving up rents and housing prices across Canada.”

David Wachsmuth, Canada Research Chair in Urban Governance, McGill University on CBC, August 30, 2019

To Members of the Legislative Assembly, the Province of Nova Scotia, October 15, 2019

In March 2019 two bills were passed in the Nova Scotia Legislature that aimed to address the increasing role of **short-term rentals** in the accommodation industry. These included Bill 101, the Tourist Accommodations Registration Act and Bill 99, the Assessment Act (amended). The Ministers who sponsored these bills, the Honourable Geoff MacLellan and the Honourable Chuck Porter indicated they would not be implemented until March 2020. During that time, accompanying Regulations would be developed after consultation with municipalities, the accommodation industry and the public. As a Member of the Legislative Assembly you may already have been involved in these deliberations or soon will be as the Fall and Spring sessions of the Legislature progress.

As a spokesperson for **Neighbours Speak Up** I am writing to you today to share our perspective on the use and abuse of short-term rentals in our province and urge you to encourage consultation and initiate and support all recommendations that will bring some order to the situation.

Our group began over ten months ago as we experienced the presence of short-term rentals in our neighbourhood in the north end of Halifax. Our larger group now includes respondents throughout HRM and other communities around Nova Scotia. Through our website, neighboursspeakup.com, local media, newsletters, town halls and presentations we have heard from people who live in detached homes, row housing, apartments and condos in the metropolitan area but also residents, business people, city and town councillors, MLA's, community organizations and property owners elsewhere in the province.

A Neighbourhood and Community Perspective on Short-term Rentals

Our main concern is the growth of short-term rental operations where the owner is not the primary resident of the rented property. This means the owner or occupant resides elsewhere and rents a secondary property as a short-term rental. Bill 101 defines a short-term rental as “...the provision of roofed accommodation to a single party or group, for payment or compensation, for a period of 28 days or less.” Short-term rentals, without a primary resident, have proved to be problematic not only in this

province but nationally and internationally as we are seeing in the media almost every week. Their impact is evident in a number of ways.

2

Neighbourhood Disruption:

Short-term rentals, without a Primary Resident, are often called “ghost hotels” because there is no owner or occupant present. Neighbours end up managing and dealing with safety and security matters, guest behaviour, noise, parties, even crime. As one resident told us,

“ We've had anywhere from one to ten persons staying in a small two bedroom flat. I've had many sleepless nights. If it's not the noise, it's overhearing people giggling about not knowing how to light the BBQ. I no longer feel safe in my own home. Most people don't realize how harmful an Airbnb can be to a neighbourhood.” (HRM resident, July 16, 2019)

In many cases it is the police that get a call and a number of our respondents hesitate to call them as there are so many incidents they do not want to divert them from more serious work. Many put up with it or “use head-phones' till the disruption passes. We have heard from others in apartment buildings and condominiums who see short-term renters using common facilities that are supposed to be for the residents.

Hollowing-out of Neighbourhoods and Communities:

Whether the neighbourhood is on a street, in an apartment, condominium, suburban area or village community, a sense of security is lost when you know fewer and fewer of your neighbours. The tremendous revenue potential of short-term rental properties makes the homes we value, communities and businesses we've built, even our tourism reputation, vulnerable.

According to Statistics Canada, short-term rentals in Nova Scotia in 2015 saw revenue of \$1.1 Million. In 2018 that figure had increased to \$70.8 Million. Part of this financial incentive for many property owners is the fact that short-term rental properties are paying taxes at the “residential” rate. There are neighbourhoods in HRM and elsewhere where several properties have been converted or purpose-built for short-term rentals. We have heard a number of stories about evictions and fear of evictions as property owners convert to short-term rentals. As another resident wrote , *“ the fear of losing my home is always on my mind.”*

We have also heard from many condominium residents who face the same kind of concerns regarding disruption, loss of a sense of community as more and more units are taken up with short-term rentals. A number of those who contacted us said they were helpless to change the situation by altering condominium by-laws because owners of short-term rental units held sufficient voting power to veto the changes. The most prominent case we saw over the Summer was King's Wharf but there are others in the same situation. Only regulatory change will help in this situation. A Halifax condominium board member told us,

“ We are trying to learn to live with this, but it is frustrating to feel like your building is turning into a hotel. We get some unsavoury guests, ...wear and tear on our building as well as security concerns.” (HRM resident, June 7, 2019)

Depletion of Housing:

Perhaps the most fundamental impact on residential neighbourhoods is the loss of housing. In metropolitan HRM the vacancy rate is at an all-time low of 1.6% so long term rental places are difficult to find. Airbnb and other digital platforms do not provide data on the number of rentals or hosts. However on-line data companies, like AirDNA, give us an approximation of the situation. Of an estimated 1900 short-term rental properties in Halifax, at present, 577 of these are considered “full time”, meaning the owner/occupant never resides in the property. They are rented out short-term on a continual basis. These properties are lost to those seeking to rent full-time. In an earlier report in December 2018, CBC reported there were approximately 3,800 short-term rental hosts in Nova Scotia with 450 of these owning multiple properties, meaning most had no “primary resident”. Several of these owners had more than 10 properties available for short-term rental. One of our residents who helps people find housing told us,

“ We’ve noticed that the majority of the landlords buying up all the affordable housing stock are also heavily invested into Airbnbs.” (Affordable housing advocate in HRM, August 9, 2019)

Short-term rentals may not have created the need for more affordable housing but they are certainly closing off many opportunities for people to find homes and neighbourhoods that can support them. Others who work closely with those who need housing told us how the damage can add up.

“ When someone owns multiple properties and is renting them out short-term rather than on the traditional market, it's taking away what could be an affordable home for someone. Potential renters are forced to look elsewhere for housing. Sometimes that means going outside the neighbourhood away from the services and amenities they need on a daily basis...employment, schools, childcare and other services.”

(Kevin Hooper, Manager of Partnerships and Community Development, United Way Halifax, July 16, 2019)

The impact is also felt by those outside of the larger metropolitan area. ***Smaller towns and communities*** want to grow the the number of permanent residents and housing access but the increasing conversion of homes to short-term rentals can challenge that effort as well. They may provide temporary visitor accommodation and seasonal financial gain for owners but housing opportunities for long term residents are lost. This is at a time when there is a growing need for affordable housing. A number of community leaders have spoken to the situation.

“ We are in a housing crisis, make no mistake about it...here in the Cape Breton Regional Municipality we are in an affordable housing crisis right now.”

(New Waterford Councillor Kendra Coombes, January 8, 2019)

In the western region of our province ***Theresa Bushell, Tenant Relations Co-ordinator of the Western Regional Housing Authority said in August 20, 2019,*** “ *...the waiting list is about 1000*

applicants...which covers Mount Uniacke to Yarmouth.” with waiting times of “ 6 months to 2 years for seniors and 2 to 5 years for families.”

4

Summing up the situation, ***the Honourable Bernadette Jordan, Minister for Rural Economic Development, said,***

“ The lack of affordable housing is not just an urban issue. We know housing access and affordability challenges also exist in rural Canada.” (CBC, August 20, 2019)

Visitors do not make a community and for some, the presence of an increasing number of short-term rentals has become apparent. As one Lunenburg resident said, ***“ This is not what I signed up for. This is a residential area...not a hotel strip.”*** We have also heard that the tourism business itself has been hurt as potential staff, in some communities, have had challenges finding accommodation.

“...seasonal service industry employees are unable to find affordable accommodations; tenants are only able to sign short-term leases during the off season and must vacate their homes as they become short-term tourist accommodation during the summer months.” (South Shore Housing Action Coalition, Halifax Examiner, September 3, 2019)

Our tourist accommodation providers are facing the impact of short-term rentals in their communities. They see short-term rentals as un-licensed, un-regulated and un-taxed tourist accommodation businesses that have moved into their communities. Tourist accommodation that has been licensed by Nova Scotia and familiar to those using the Nova Scotia website or “Doers and Dreamers Guide” is becoming increasingly dominated by un-taxed and un-accountable digital platforms, like Airbnb, where the “host” is virtually anonymous or even fictional. Recent stories on CBC have highlighted what this kind of secretive operation can mean to the travelling public and the tourist reputation that communities have developed over time. <https://www.cbc.ca/news/canada/montreal/airbnb-montreal-aj-host-suspended-accounts-1.5252233>

In summary, many people we hear from are desperate, fearful and angry. They see property owners, presumably with building permission, renovate, convert and even purpose build for short-term rentals. They see no by-laws, regulations or process in place. There is no community consultation involved. The property owners just set up and start. Many have submitted Land Use complaints but have been told by the enforcement officials that there are no specific by-laws they can use to prohibit short-term rentals. The Province does have the Tourist Accommodation Act still in force until March 2020 which prohibits tourist accommodation without a license. However, it does not appear that this provision has been enforced in the cases we have seen.

What Can Be Done?

Many communities across Canada and elsewhere are recognizing that short-term rental properties, without a primary resident, are un-licensed hotels with no place in residential areas. These communities have developed regulations that allow short-term rentals by primary residents only. ***The***

principle is simple – one residing owner, one property for rent. This insures the owner is the primary resident of the property and all licensing requirements centre on that criteria. Limits can be placed on

5

the number of rooms, guests and even days per year that the property can be rented. This means there is still added tourist accommodation but there is less disruptive impact on residents, housing stock and costs and there is more accountability to consumers and the community. Some communities, like Bonavista, Newfoundland and Labrador, have been pro-active in levelling the playing field by making sure short-term rental operations are assessed and taxed as businesses.

I've attached links at the end of the document to the regulatory approach of a variety of communities as well as a suggestion for a framework of regulating short-term rentals from the accommodation industry itself. These and more are available on our web site, neighboursspeakup.com

In Bills 101 and 99 Nova Scotia has described a framework for regulation of short-term rentals. That approach seeks to “register” all short-term rental businesses that are not operated by “primary residents.” We must ask,

- Will “registration” include a proper inspection and licensing process with assurance that adequate accommodation standards will be met?
- Will “registration” include licensing of digital platforms, like Airbnb, and some assurance that they will be taxed and be able to assist in the enforcement of provincial and municipal standards and bylaws?
- Bill 99, the Assessment Act, makes reference to several types of “short term tourist accommodation” being exempt from a commercial tax rate. Should that exemption apply to short-term rentals where there is no “primary resident”?

On July 9th we made a presentation to the Halifax West Council and provided recommendations to HRM for their study of short-term rentals. Obviously each municipality will have its own context and approach to land use by-laws. However, we think these recommendations can be adapted to most of the communities from whom we have heard. In brief we suggest:

1. All short-term rentals, where the owner is not the primary resident, be designated as a “business”, taxed on a “commercial” basis and not permitted in Residential zones.
2. Apartment buildings and condominium complexes be considered Residential zones.
3. Short-term rentals by primary residents be limited to 30 days per year. This reflects the high demand for housing in HRM but may vary in other communities in Nova Scotia. ***Our main concern here are those “primary residents” who do not live in their property full-time but may rent for 1-2-3-4 or more months per year.*** We want to see a limit imposed, given the housing shortage.
4. Short-term rentals by primary residents be limited to two rooms with a maximum of two

persons per room for shared apartment or house. There should be a maximum of six persons for an entire house. Limiting the numbers may offset disruption issues and health and safety concerns.

6

5. **Enforcement:** There needs to be a recognition by both province and municipalities that precise definitions, clear Land Use bylaws as well as additional resources will be required to enforce these provisions.
6. **Registration of Primary Residents:** If primary residents are to be a key element in short-term rentals it seems reasonable they should be part of the registration process. This could only help to provide tourism planning data, accountability and enforcement of standards that reflect our province. They could still retain their Residential tax status as long as they met the conditions above.

We hope this information is helpful and that our analysis, recommendations and approaches from other communities will speak to the situation in your constituency and inform your discussions with constituents, colleagues and Ministers responsible for legislation in this area.

We have also been in touch with neighbourhood associations, municipalities and other organizations concerned with housing and communities throughout Nova Scotia.

Let's make use of this opportunity, our own experience and the knowledge from other communities to get the legislation we need to regulate short-term rentals.

Our website contains further information on this topic and we welcome one and all to share their questions, stories and suggestions at neighboursspeakup@gmail.com.

Thank you for all your efforts on behalf of Nova Scotians.

Bill Stewart for **Neighbours Speak Up**
5522 Hennessey Place
Halifax, Nova Scotia
B3K2A8

Additional Resources:

<https://www.cbc.ca/news/canada/newfoundland-labrador/bonavista-airbnb-taxes-1.5276285>
<https://www.kelowna.ca/business-services/permits-licences/business-licences/short-term-rentals>
<https://www.oshawa.ca/residents/short-term-rentals.asp>
<http://www.tofino.ca/Short-term-rentals>
<https://vancouver.ca/doing-business/short-term-rentals-check-if-you-can-rent.aspx>
<https://www.victoria.ca/EN/main/business/permits-licences/term-rentals.html>
<https://fairrules.ca>

Maureen Hughes

From: [REDACTED] >
Sent: October 9, 2019 5:23 PM
To: Town of Mahone Bay Clerk
Subject: Thank-you

CAUTION: This email originated from an external sender.

Dear Mayor Devenne & Councillors:

Over the last few months I received your Newsletters and when the October 2019 issue came this week, I simply felt driven to write and express my thanks for this newsy and artistic publication. Besides keeping we, the citizens, informed it is so tastefully presented that I read it immediately upon receiving it. I know it takes many hours to collect content and compile the Newsletter so just wanted to assure you that your efforts are appreciated.

With thanks for a job well done!!!

Karen Brown



119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia
Canada B0J 2C0

www.explorelunenburg.ca

October 11, 2019

The Honourable Chuck Porter
Minister of Municipal Affairs
Department of Municipal Affairs
P.O. Box 216
Halifax, NS. B3J 2M4
dmamin@novascotia.ca

The Honourable Geoff MacLellan
Minister of Business
Department of Business
P.O. Box 2311
Halifax, NS B3J 3C8
mla@geoffmaclellan.ca

RE: Provincial Regulations of Short-Term Accommodation in NS

TOWN OFFICE
902-634-4410

ELECTRIC UTILITY
902-634-4410

FIRE DEPARTMENT
902-634-8343

PUBLIC WORKS
902-634-8992

RECREATION
902-634-4006

FACSIMILIE
902-634-4416

The Town of Lunenburg has seen rapid growth in short-term accommodations available in our Town and welcomes the opportunity to provide feedback on Provincial regulations of this type of commercial activity in our community.

Lunenburg Town Council and staff understand that short-term accommodation platforms have become mainstream and it is important to provide for and incorporate this relatively new phenomenon in updated legislation and regulations. As a well-known tourist destination, we recognize the importance of tourism to our economy and the role that the provision of accommodations plays in our success; however we have serious concerns with language used and the implications of **Bill 99** and its changes to the Assessment Act and also, to a lesser extent, with **Bill 101**, the new **Tourist Accommodations Registration Act**.

Specifically, **Bill 99**, section 47A(1) uses the word "residential" in the description of a small-scale tourist accommodation establishment, "that is fully or partially rented to provide accommodation to the travelling or vacationing public". Another quote attributed to Bill 99 also states: "Notwithstanding any other provision of this Act, a small-scale residential tourist accommodation establishment is a residential property."

In effect, therefore a small scale apartment complex in a residential zone where all units are used for short term accommodations will be assessed as a residential property while a small scale house-keeping motel in a commercial zone where the same number of units are used for short term accommodations will continue to be assessed as a commercial property. The land use is the same but the assessments will differ.

Such descriptions cause confusion and contradict the common understanding and our municipal use of the word "residential". Simply put, a residential property and subsequently residential zones are understood to be where people reside, where the property owner or a renter, lives for a significant portion of time (longer than a month) in any given year.

It is understood that a residence, such as one with a Bed and Breakfast, may be partially used to accommodate the travelling public in return for payment. However, the property no longer has a residential use if its sole use is to generate income from the provision of short term accommodations. If the property is used solely to generate income, it has a commercial use and should be assessed accordingly. If it is partially used to generate income, that portion of the home used commercially should be assessed commercially as homebased commercial occupancies are now. An exception had been made previously to accommodate traditional Bed & Breakfast Accommodations but this exceptional status instituted the requirement that the business was run by the primary resident of the property. No such provision is evident in the changes that have been put forth.

Blurring the lines between what is commercial and what is residential makes it difficult, if not impossible, for a municipality to write definitions that cannot be challenged or trumped by the language used in Provincial legislation. Provincial legislation of this nature hampers our ability as a municipality to regulate or control short-term accommodation businesses in terms of use and location under our Land Use Bylaw, whether owner occupied or not.

Furthermore, the municipality loses the additional tax revenue a commercial operation provides.

All short-term rentals require some form of regulatory parameters as they have an impact on our community whether they are provided by people sharing their own homes or by “hosts” buying homes and renting multiple units dedicated solely to tourism. In our view, buildings, regardless of their form, used fully and completely for short-term rentals are commercial operations which we need the ability to restrict in our residential neighbourhoods and which need to be taxed accordingly.

In summary, Bill 99 in its current form, will: 1) reduce municipal revenue; 2) give short-term accommodation business activities a tax advantage over other home-based businesses; and 3) change our understanding of residence from a zoning perspective and make it extremely difficult for municipalities like the Town of Lunenburg to facilitate the growth of our community as we see fit and as is our role.

Further to those unfortunate outcomes, there appear to be flaws in the stated Policy Objectives provided for us during a presentation by staff in July at a meeting of Municipality of the District of Chester.

#1 “Increasing the number of **non-traditional** short-term accommodation rooms available for rent in Nova Scotia.”

Increasing this number has NOT been a problem to be solved in our experience. Regulation of “non-traditional” short-term accommodation has been the problem and increasing the number of accommodation rooms in general would be a more appropriate goal.

#2 “Level playing field between different types of short-term accommodation operators”

While reducing unreasonable expectations for traditional fixed roof accommodation operators is an admirable objective, Bill 99, from our understanding, creates or facilitates new fields of disparity within municipalities which we currently and will continue to struggle to find mechanisms to counteract.

The short-term rental phenomenon has had a detrimental impact on Lunenburg and the new legislation is anticipated to make this issue worse.

- It has led to increased pressure on our housing stock. As long term tenancies are less lucrative than short term rentals, an affordable housing shortage has resulted.
- The character of our neighbourhoods is being compromised. A constant stream of visitors rather than permanent residents, who invest long term and participate in the community is eroding the social fabric of the community.
- A concentration of short-term accommodations provided in houses within our Heritage District threatens the integrity and authenticity of the UNESCO designation of Old Town Lunenburg and therefore is putting a major feature of our Tourism attraction in jeopardy.

With respect to the introduction of the **Tourism Accommodations Registration Act** our primary issue is with the exemption of those who rent their primary dwelling from registration. We fail to understand how the goal of increasing tourism numbers is consistent with the omission of a significant number of visitors who would make use of this type of short-term rental. These numbers would be reflected in tourism statistics if primary dwellings were to be registered.

We are grateful for this opportunity to provide feedback to the responsible Provincial Government bodies but implore you all to provide further opportunity for direct consultation with municipalities like the Town of Lunenburg which will be negatively impacted by this legislation as it stands.

Yours truly,

Rachel Bailey
Mayor
Town of Lunenburg.

Cc: Suzanne Lohnes-Croft, MLA Lunenburg
Mark Furey, MLA Lunenburg West
Warden Allen Webber, Municipality of the District of Chester
Mayor David Devenne, Town of Mahone Bay
Mayor Carolyn Bolivar Getson, Municipality of the District of Lunenburg
Mayor Bill MacDonald, Town of Annapolis Royal
President Wayne Mason and CEO Juanita Spencer, NSFM
Ross MacLaren, Dept of Business
Nick Fry, Manager of Business Development, Tourism NS
Ron Daphinee, Municipal Advisor for TOL, Department of Municipal Affairs
Tim Lekki, President, Lunenburg Board of Trade



MAHONE BAY AREA LIONS CLUB
P.O. BOX 219
MAHONE BAY, N.S.
B0J 2E0

October 10, 2019

Town of Mahone Bay
Tree Donation project


To whom it may concern:

The Mahone Bay Area Lions Club would like to purchase 5 Native Red Maple trees as part of the 100 trees initiative. We understand that you are considering 4 to be planted in the playground where we would like to support this location. If there is not enough room for the 5 trees there please place the other wherever there is a suitable place.

If it is possible on the identifying sign we would like to note that we are donating 5 trees to represent one tree for every 10 years of service in the Town.

Please find enclosed a check in the amount of \$1,500.00.

Sincerely Yours,


Gary Langille
Secretary/Treasurer
Mahone Bay Area Lions Club

Count Us In

Nova Scotia's Action Plan in Response to the International Decade for People of African Descent
2015–2024

An African proverb says:

If you want to go fast, go alone; if you want to go far, go together.

Executive Summary

Nova Scotia is presenting an action plan in response to the United Nations' International Decade for People of African Descent.

The United Nations General Assembly proclaimed 2015 – 2024 as the International Decade for People of African Descent (resolution 68/237) citing the need to strengthen national, regional and international cooperation in relation to the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation in all aspects of society.

Nova Scotia joined the United Nations' initiative on May 8th, 2018 by proclaiming 2015 – 2024 as the International Decade for People of African Descent. It was a proud day in Nova Scotia and what followed was the creation of *Count Us In*.

Count Us In is our guiding document that will provide government with specific actions, strategic priorities and criteria to help eradicate the many challenges facing African Nova Scotians. It also reflects work underway and creates opportunities in new and existing ways.

Count Us In works in concert with *Nova Scotia's Culture Action Plan: Creativity and Community*, which states, "all cultures can uplift and inspire and can also disappoint and betray. Nova Scotia is no different. To this day, long-standing prejudices have devastating social and economic echoes and impacts, particularly in our African Nova Scotian community."

Overall goals of *Count Us In*:

- To provide a framework for government to address the issues and concerns facing African Nova Scotians.
- To work towards advancing social justice, inclusion policies, eradicating racism and promoting human rights.
- To create partnerships and opportunities with African Nova Scotians, the community and government to address the inequalities in all facets of our society.

Why an Action Plan?

The history of African Nova Scotians is unique, celebratory and proud. However, it is also marked with systemic barriers carried on through many centuries.

This needs to change. We need all Nova Scotians to support this plan.

Count Us In will guide us towards addressing specific areas where systemic racism, discrimination and injustice have been perpetuated. We want to find solutions to correct the longstanding issues. We want to create a province where African Nova Scotians have equitable access to all opportunities.

Three Pillars

The actions are categorized under the three pillars identified by the United Nations:

RECOGNITION

Recognizing and celebrating the important contributions of people of African descent, while also recognizing the long-standing prejudices and unfair treatment they have endured for generations.

Goals of this pillar:

- To enhance understanding of African Nova Scotian history.
- To celebrate African Nova Scotian heritage.
- To use data and research to understand and combat racism in all its forms.
- To engage with the African Nova Scotian community to explore what it means to be a distinct group with legal recognition.

JUSTICE

Drawing on the lessons learned from the past to guide us as we work towards advancing social justice and inclusion policies, eradicating racism and intolerance, and promoting human rights.

Goals of this pillar:

- To have access to a fair and equitable justice system.
- To provide supportive and culturally relevant family and community services.
- To assist with conversations with African Nova Scotian communities to redress historic injustice.

DEVELOPMENT

Creating healthier and more prosperous communities.

Goals of this pillar:

- To close the achievement gap in education and promote lifelong learning.
- To promote sustainable inclusive economic participation, including the benefit of quality employment.
- To support health and well-being at all ages.
- To help communities become more inclusive, safe, connected, resilient and sustainable.

"Once we recognize the problem, we also recognize the power we have to change it." Senator Wanda Thomas Bernard

To read the complete action plan go to:

<https://ansa.novascotia.ca/international-decade-people-african-descent>

For more information about the International Decade for People of African Descent, visit **www.un.org/en/events/africandescentdecade**.




Report to Council

October 24, 2019





This Report to Council is intended to provide the Mahone Bay Town Council with a high-level summary of staff progress towards Council's direction to staff. As per the Town Council Policy, the report will be provided at each regular meeting of Council. The Report to Council is a living document and will improve and expand to incorporate new source documents as approved, and to respond to feedback received from Council.

Goal	Objective	Assigned	Target	% Completion			
Council Assignments to Staff							
1	Staff to work with Legal Counsel to arrange for a right-of-way.	11-Dec-18	Nov, 2019	<div><div></div><div></div><div></div></div>			75%
		Notes: In progress.					
2	Staff to prepare a report on the need for a Town housing advisory committee.	08-Jan-19	Nov, 2019	<div><div></div><div></div><div></div></div>			75%
		Notes: Staff report to Nov 12 Council meeting anticipated.					
3	Staff directed to investigate the Town's practices concerning property taxes on newly/partially constructed buildings and bring a recommendation to the Audit Committee.	28-Feb-19	Jan, 2020	<div><div></div><div></div><div></div></div>			50%
		Notes: In progress - report to January Audit Committee meeting anticipated.					
4	Investigate establishing one or both cemeteries as stand-alone charities.	09-Apr-19	Jan, 2020	<div><div></div><div></div><div></div></div>			50%
		Notes: In progress - report to January Cemetery Committee meeting anticipated.					
5	Investigate the development of a plot sale program.	09-Apr-19	Jan, 2020	<div><div></div><div></div><div></div></div>			50%
		Notes: In progress - report to January Cemetery Committee meeting anticipated.					


6	Staff to contact MODL requesting official inclusion of Mahone Bay residents in MODL Pro-Kids grant program.	03-May-19	Nov, 2019	<div><div></div><div></div><div></div><div></div></div>	75%
		Notes: The issue has gone to MODL but has been sent back to MODL staff for revision of proposal.			
7	Staff to review the placement of garbage receptacles at park entrances and trail crossings with specific consideration to dog waste and cigarette butts and to report back to Council.	03-May-19	Dec, 2019	<div><div></div><div></div><div></div><div></div></div>	25%
		Notes: Report in progress. New cigarette butt recycler units on trial installation at comfort stations.			
8	Staff to explore possibility of agreement with Mahone Bay Centre Society for management of Town field.	11-Jun-19	Nov, 2019	<div><div></div><div></div><div></div><div></div></div>	50%
		Notes: Staff in discussions with MBC Society. Will report back to Council re draft agreement for 2020-21.			
9	Staff to prepare a report and an amended PAC Special Meetings Policy for the review of Council.	27-Jun-19	Oct, 2019	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes: Report on October 24th Council meeting agenda.			
10	Consult with MBTCC regarding the exclusion of the Town of Mahone Bay from the AAA/CAA Tour Book of Atlantic Provinces on their recommendation the Town of Mahone Bay will support.	09-Jul-19	Oct, 2019	<div><div></div><div></div><div></div><div></div></div>	75%
		Notes: Staff have communicated with MBTCC and are awaiting recommendation on how best to support MBTCC in the appeals process with AAA/CAA.			
11	Staff to prepare a report for Council on Fire Services Administration within the Town.	09-Jul-19	Nov, 2019	<div><div></div><div></div><div></div><div></div></div>	25%
		Notes: In progress. Staff will meet with Fire Dept. representatives in this regard in October.			
12	Staff to research the applicability of land acknowledgements and recognition statements to the Town of Mahone Bay.	25-Jul-19	Nov-19	<div><div></div><div></div><div></div><div></div></div>	75%
		Notes: Research has begun; waiting for feedback from key resource.			
13	Staff to develop a policy governing the use of the Town's corporate credit cards to present to the Audit Committee's January meeting.	25-Jul-19	Jan, 2020	<div><div></div><div></div><div></div><div></div></div>	25%
		Notes: In progress - report to January Audit Committee meeting anticipated.			

14	Staff begin soliciting donations to the 2019-20 Centennial Program, citing major confirmed projects including bandstand and mural.	25-Jul-19	Nov, 2019	<div><div></div><div></div><div></div></div>	75%
		Notes: Donation campaign has begun with October Mayor's Newsletter and donations have been accepted. Further development of campaign in the next weeks.			
15	Accept the donation of the flagpole from the Mahone Bay Centre and direct staff to prepare a report on potential location and policy concerning flying of flags.	10-Sep-19	Nov, 2019	<div><div></div></div>	25%
		Notes: Donation accepted, draft policy / report under development.			
16	Investigate the costs and equipment needed to install surveillance cameras at Town facilities.	10-Sep-19	Dec, 2019	Not yet begun	
		Notes: None			
17	Refer the Temporary Vending Bylaw to an upcoming meeting of Council for review at a time that allows for appropriate discussion.	10-Sep-19	Nov, 2019	<div><div></div><div></div><div></div></div>	75%
		Notes: By-law and Policy sent to Council for review. Conversation underway with Business Community and Town insurers. Item on agenda for discussion, Oct 24, 2019.			
18	Staff to undertake to contract for an Assessment on Pedestrian Safety on the Streets in Mahone Bay and prepare a plan for the consideration of Council for the implementation of the recommendations which result.	10-Sep-19	Mar, 2020	<div><div></div></div>	25%
		Notes: Application for external funding to support development of transportation plan submitted to province. Staff have reached out to DalTrac and Dept. of Energy for use of pedestrian / cycle counters in development of recommendations to Council.			
19	CAO connect with the CAO of the Town of Lunenburg to determine what the Town of Lunenburg has found in their research regarding a cultural exchange with the City of Lueneburg, Germany, and report back to Council.	26-Sep-19	Nov, 2019	<div><div></div></div>	25%
		Notes: Staff report to Nov 12 Council meeting anticipated.			
20	Direct staff to paint the curb at the two ends of the Quinlan entrance.	08-Oct-19	Oct, 2019	<div><div></div></div>	
		Notes: Anticipated complete by end of October 2019.			

21	Staff to contact members of the Asset Management Committee to arrange for the committee's initial meeting to be held on the third Thursday in November.	08-Oct-19	Oct, 2019	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes: Completed.			
22	Direct staff to conduct a public survey to determine optimal locations for benches in the community.	08-Oct-19	Nov, 2019	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes: Survey under development, to be released by November.			
23	Direct staff to speak with the Mahone Bay Tourism and Chamber of Commerce to learn more about their recommendations concerning parking and map issues.	08-Oct-19	Oct, 2019	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes: Anticipated by end of October 2019.			
24	Staff to advertise for a new member of the Age Friendly Committee to fill a vacancy.	08-Oct-19	Oct, 2019	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes: Completed.			

Chief Administrative Officer's Report - Oct. 24, 2019		
1	Atlantic Infrastructure Management (AIM) Network Asset Management Cohort Program	Staff working with Municipality of the District of Chester GIS technical support to map Town's assets; AIM spreadsheets and associated mapping tools should be finalized by Oct for use by AM Committee. Still awaiting confirmation of MAMP funding to support additional condition assessments / mapping / training. CAO and Mayor attended AIM NS event in HFX on Sept. 27th. Last AIM Cohort session anticipated November 1, 2019.
2	Municipal Joint Services Board (MJSB)	MJSB ITSS online Cyber-Security training phase 1 complete. MJSB exploring additional shared service opportunities (safety, procurement, recreation infrastructure).
3	Riverport Electric Shared Service Committee	Coordinating with Riverport re summer student, imports, equipment inventory, policy development, truck procurement, etc.
4	Regional Emergency Measures Organization (REMO)	New Coordinator hired. Post Dorian county-wide staff debrief took place Sept. 24, 2019.

5	Alternative Energy Resource Authority (AREA)	Regular AREA phone / in-person staff meetings continue. Received NSUARB favourable decision on 2020 imports, in negotiations on purchase now. Moving ahead with feasibility work / funding applications for community solar / EV / demand-side management initiatives. Conducted interviews for new employee Oct 17. Next Board meeting Nov 22, 2019 in Ellershouse.
6	FCM / Clean Foundation Transition 2050 (Partners for Climate Protection) Initiative	Sept. 12 kick-off meeting took place in Halifax. Next session scheduled for Nov 27. Initial baseline data collection nearly complete.
7	Lunenburg County Accessibility Advisory Committee	Membership appointed, first meeting anticipated October 29, 2019.

Director of Operations' Report - Oct. 24, 2019		
		
1	Bandstand Renovations	During the month structural posts and supports were replaced as necessary. Most of the structure was painted.
2	Streets & Sidewalks	Double Chip Seal of Clearland Road was completed. Staff busy dealing with fall leaves clogging catchbasins. Service and repair work conducted on winter maintenance vehicles and equipment. Installed new high visibility cross walk signs at Main St. and Fauxburg Rd. A Request for Quotations - Road Salt Hauling was issued.
3	Cemeteries & Open Space	To date, staff have planted 21 Centennial Year trees. Seasonal Groundskeeper finished October 4, but will return in early November for fall clean-up duties.
4	Electric Utility	Miscellaneous repair work continued following Hurricane Dorion. New service lines were installed at 217 Edgewater St., 51 Pleasant St. & 54 Pleasant St.
5	Water Supply, Treatment & Distribution	Regular monitoring and maintenance activities continued. Most of the site work was completed regarding the Back-up Generator Installation at the Pumphouse; expect new generator on site by end of the month and generator operational shortly thereafter. The water service to 43 Maple St. was upgraded due to complaints regarding water pressure & volume.

6	Sewage Collection & Treatment	Regular monitoring and maintenance activities continued.
---	-------------------------------	--

Finance Manager's Report - Oct. 24, 2019		
1	Water Rate Study	Water Rate Study has been completed along with the public hearing. We expect to hear back from the UARB and have new rates coming into effect the beginning of November.
2	Audit	The 2018/19 Financial Statements were approved by Council, and we are currently awaiting the receipt of the Final Version of the statements now that they have Council's approval.
3	Provincial Reporting	While juggling several priorities, the work on the 2017/18 FIR is getting close to being completed and sent to the province. Once that is complete, focus will be given to the CIP and the 2018/19 FIR to have them submitted as soon as possible. Once these reporting requirements are satisfied, staff will be in a position to achieve getting these reports to the province by the deadlines going forward.
4	Tax Bills/Tax Sale	The Tax Sale was conducted in Council Chambers on October 16th, 2019. We ended up with two properties to be sold. Both properties were successfully sold to Todd Nickerson. The property located at 47 Zwicker Lane had outstanding taxes and fees of \$23,676.83 and was sold for \$35,500. The second property also located on Zwicker Lane had outstanding taxes and fees of \$546.32 and was sold of \$8,500 + \$1,275 HST for a total of \$9,775. Staff are now running the preliminary lists for the taxes outstanding to see if another tax sale will be required this Spring in order to stay in compliance with the MGA.

Clerk & Deputy CAO's Report - Oct. 24, 2019		
1	Festival/ Events	Follow up session with MBTCC and community stakeholders regarding events in Mahone Bay October 24th.
2	Scarecrow Festival	By-law Enforcement Officer worked closely with RCMP - no parking tickets but discussions about parking and educational tickets used. Temporary no-parking signs were deemed a successful addition.

3	Potential: Wassailing	Continued interest expressed by a local group to host a Wassailing event, possibly in late winter 2020, using Town apple trees at edge of soccer field behind Mahone Bay Centre.
4	Centennial - Infrastructure Decoration Call for Proposals	Infrastructure Decoration call for proposals was extended to October 1st but has now closed with no additional submissions.
5	Centennial - 100 Trees: 100 Years	Tree stakes have arrived. Donated trees planted October 18.

By-law and Policy Review - Oct. 24, 2019			
1	Solid Waste By-law	Target 26-Sep-19	First reading Sept. 26, 2019; hearing and second reading Oct. 24, 2019
2	Outdoor Burning By-law	Target 28-Nov-19	Currently under review at staff level and with Fire Department
3	Flag-Flying Policy	Target 28-Nov-19	As per Council's direction, Sept. 10, 2019.
4	Heritage Property By-law	Target 12-Nov-19	Proposed for discussion at October 2019 meeting of Heritage Advisory Committee.
5	Temporary Vending By-law and Policy	Target 28-Nov-19	Pending discussion at Council and with Business community in the fall of 2019.
6	Public Engagement Policy	Target 28-Nov-19	As per Council's Strategic Plan.
7	Tax Sale Policy	Target 28-Nov-19	Following up 2019 Tax Sale, staff recommends updating Tax Sale policy.
8	Credit Cards Policy	Target 11-Feb-20	Draft policy under development of January Audit Committee meeting at Council's direction.
9	Land-Use By-law and Municipal Planning Strategy	Full Plan Review anticipated to begin January 2020 with award of consultant contract by Council.	
PRESENTED FOR COUNCIL DIRECTION			

Service Statistics - Oct. 24, 2019

1	Parking Enforcement (tickets issued)	July - Aug, 2019	9	YTD: -
		Notes: 9 parking tickets issued in July and August, 2019.		
2	Police Services (founded & SUI occurrences)	Apr-Jun 2019	98	YTD: 98
		Notes: 2019-20 Q2 statistics will be available in Oct, 2019.		
3	Traffic (Speed Signage)	Aug, 2019	<u>164 Clearway St.</u> Av. Speed 47 / 50 Kph	<u>824 Main St.</u> Av. Speed 52 / 50 Kph
		Sept, 2019	<u>164 Clearway St.</u> Av. Speed 45 / 30 Kph	<u>824 Main St.</u> Av. Speed 52 / 50 Kph
4	Solid Waste (Tonage)	April, 2019	109.93	YTD: 552.63
		Notes: Recyclables = 15.46; Organics = 21.64; Garbage/Other = 63.72; Cardboard = 9.11		
5	CodeRED (Registrations)	Sept. 3, 2019	Residential: 93; Business: 9; Email: 58; Text: 68	
		Sept. 16, 2019	Residential: 164; Business: 66; Email: 142; Text: 168	

MORE TO COME

Community Survey Results

Next Survey Update - Nov 28th

Strategic Plan - Action Plan 2018-2021 - Oct. 24, 2019

21st Century Infrastructure

		17/18				2018/19				2019/20				2020/21			
		Year 1		Year 2		Year 3		Year 4		Year 5		Year 6		Year 7			
General Action	Specific Action	Responsible	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
Facilities Management	Public Engagement Process	Council/Consultant						*	*								
		Skysail contracted to assist with campaign to inform residents of facility condition / fire station plans; to begin Oct. 2019 (with Oct 29 report to Council).															
	Council makes decision and authorizes staff to prepare RFP(s)	Council								*							
Asset Management	Condition Assessments of Town Infrastructure	CAO/DOO	Ongoing														
		FCM MAMP funding application submitted (still awaiting decision). Provincial PCAP funding water/ww diagnostics received.															
	Public Engagement Process	CAO and Council	Ongoing														
		AIM Cohort participation ongoing; Town AM Committee planning to meet initially in November of 2019.															
	Adopt Asset Management Plan	Council												*			
	Prepare annual 10 year capital budget	Council/Staff									*				*		
		First Council workshop planned for Oct 29, 2019.															
Provide safe streets and sidewalks	Request and implement traffic authority recommendations	CAO/Consultant	Ongoing														
	Speed Signs Deployment Plan	CAO/DOO						*									
		Deployment plan approved by Council.															
	Active Transportation Plan	CAO/DOO								*							
		Funding application submitted to provincial Connect2 Program.															
Meet and exceed standards for water and wastewater	Ensure water pumps have a backup emergency generator	DOO						*									
		Tender closed, contract awarded. Project completion anticipated by end of Oct. 2019.															
	Establish gate valve replacement program	DOO		*				*				*					
		Working to establish a "gate valve exerciser" program to rehabilitate valves known to be difficult to operate; 2020 infrastructure replacement program will include the replacement of many gate valves.															
	Straight pipe study follow-up	CAO/DOO								*					*		
		Staff investigating options pending discussion with MODL re straight pipes on harbour outside of Town boundaries; Sewer extension to address straight pipes on Main St. included in ICIP funding application submitted Jan 2019.															

Implement Federal and Provincial Accessibility Legislation	Establish Lunenburg County Accessibility Advisory Committee	Council							*						
		Lunenburg County Accessibility Advisory Committee members appointed. First meeting anticipated in October of 2019.													
Implement Federal and Provincial Accessibility Legislation	Develop an Accessibility Plan in accordance with provincial legislation	CAO and Council									*				
		County-wide Accessibility plan with Mahone Bay Appendix to be developed by Lunenburg County Accessibility Advisory Committee.													

Optimize operations structure for efficient delivery of services	CAO to make recommendations to Council for optimal operations structure, including	CAO	Ongoing
	Implement an updated records management system	CAO	<div><div></div><div></div><div></div><div></div><div></div><div>*</div><div></div><div></div><div></div><div>*</div><div></div><div></div></div>
		Priority in 2019-20 business plan.	
	Explore enhanced customer service opportunities, including maximization of technology	CAO	Ongoing

[illegible]

Ensure that Town infrastructure is in place to support development plans	Work with the Mahone Bay and Area Tourism and Chamber of Commerce to identify opportunities for tourism-supporting infrastructure (wifi, signage, etc.)	CAO/Econ. Dev Committee	Ongoing
Collaborate with organizations that are involved in economic development activities	Regular meetings with Mahone Bay Tourism and Chamber of Commerce	CAO	Ongoing
	MBTCC participation on Economic Development Committee	Econ. Dev Committee	Ongoing
	Engage with other Lunenburg County units via Lunenburg County Economic Development group	CAO / Deputy CAO	Ongoing
Encourage a range of housing options	Explore Affordable Housing Opportunities through various housing groups and agencies	Council	Ongoing
	Review permitted uses in the Land Use Bylaw re Housing Mix / Investigate viability of tiny homes in the Town of Mahone Bay	PAC	<div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>

Governance and Public Engagement

			2018/19 Year 2					2019/20 Year 3				2020/21 Year 4			
General Action	Specific Action	Responsible	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Optimize governance structure for effective decision-making	Participate in Council Governance training annually or as appropriate	Council					*				*				*
	Engage in discussions regarding governance / electoral systems	Council									*				
Develop a policy and framework to engage the public in Council activities and decision making	Adopt Public Engagement Policy	Council								*					
Improve communication and share information with the public in a manner consistent with their needs	Explore opportunities to share information via Town website and other methods	CAO/Council	Ongoing												
Create opportunities for public engagement	Utilize newsletter, website, public meetings, etc. to increase public engagement	CAO/Council	Ongoing												










Environmental Sustainability

			2018/19 Year 2				2019/20 Year 3				2020/21 Year 4				
General Action	Specific Action	Responsible	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Pursue Climate Mitigation Strategies (reducing Town carbon footprint)	Establish Baseline Emissions Data	CAO/Consultant							*						
		Transition 2050 preliminary data collection nearly complete. Application submitted to Low Carbon Communities for broader baseline data collection; related Climate and Energy Outreach Coordinator position advertised.													
	Adopt Targets and Develop Plan	Council/Consultant								*	*				
	Implement Plan	CAO/DOO										*	*	*	*

Undertake Climate Adaptation initiatives (implement further phases of the Harbour Development Plan)	Engage with waterfront property owners	CAO					*									
	Monitor and pursue funding opportunities for a storm surge abatement plan	CAO	Ongoing													
		Pursuing Investing in Canada Infrastructure Funding (Small Communities Component).														
	Public engagement process	Council/Consultant						*	*							
		Public and stakeholder engagement process (inform and consult) anticipated for Nov 2019 - Feb 2020.														
	Council makes decision and authorizes staff to prepare RFP(s)	Council								*						

Expand Green Energy Generation (continued development of Alternate Resource Energy Authority)	Work with AREA to conclude agreements and contracts supporting Town energy objectives	CAO	Ongoing
		Positive NSUARB decision on 2020 imports received.	
	Continue to explore new renewable generation opportunities with AREA	CAO	Ongoing
		Proceeding with solar garden feasibility work under Low-Carbon Communities Program. NRCAN EV charger funding application (with other maritime provinces electric utilities submitted). Considering opportunities to expand Ellershouse windfarm on approved license.	


2019-20 Budget - Operating Initiatives - October 24, 2019

	Total Cost	Town Cost		
1	Asset Management Initiatives	\$61,000	\$14,600	 25%
	Notes: AIM Network Cohort Program participation ongoing until Sept, 2019; still awaiting FCM MAMP funding for condition assessments.			
2	Transportation Plan	\$30,000	\$15,000	 25%
	Notes: Funding application to provincial Connect2 Program submitted.			
3	GHG Reduction Initiatives	\$50,000	\$25,000	 25%
	Notes: Completed requirements to join FCM / Clean NS Transition 2050 initiative; engaged in data collection to support establishment of emissions baseline. LCC funding application submitted.			
4	Centennial Year Program	\$79,035	\$14,235	 50%
	Notes: Last staff report update September 10, 2019.			
5	Orthophotography Update	\$1,800	\$1,800	 75%
	Notes: Flyover completed, awaiting imagery by early fall 2019.			
6	Town Website Update	\$6,000	\$6,000	 25%
	Notes: Contract awarded.			
7	MPS / LUB Update - Year 1	\$60,000	\$60,000	Not Yet Begun
	Notes: Tender planned for Dec, 2019.			
8	Wastewater Rate Study	\$12,400	\$12,400	 25%
	Notes: Study begun with consultant.			
9	Wastewater PCAP Project	\$60,000	\$30,000	 25%
	Notes: PCAP funding received. Initial contractors report received. Staff report to Council anticipated October 29, 2019.			
10	Electric Utility "Grow the Load" Initiatives	\$5,000	\$5,000	 25%
	Notes: Discussions ongoing through AREA, opportunity identified to work with Saint John Energy for demand-side programs. Promotion planned for Spring 2020, contractors engaged.			
11	Electric Utility Rate Study	\$5,000	\$5,000	Not Yet Begun
	Notes: None.			
12	Water Utility PCAP Project	\$50,000	\$25,000	Not Yet Begun
	Notes: PCAP funding received. Staff report to Council anticipated October 29, 2019.			

2019-20 Budget - Capital Projects

Town General

1	Bandstand Rehabilitation	\$60,000	\$16,717.04	<div><div></div></div>	50%
		Notes: Phase 1 nearly complete, phase 2 (roof and accessibility) to begin before end of October.			
2	Double Chip Seal - Clearland Road	\$72,000	\$0.00	<div><div></div></div>	75%
		Notes: Work currently underway.			
3	New Bunker Gear - Fire Department	\$10,000	\$0.00	<div><div></div></div>	75%
		Notes: PO has been issued and EQ will be purchased shortly.			
4	SCBA Packs/Tanks	\$45,000	\$62,837.00	<div><div></div></div> ★	
		Notes: Emergency Services Provider Fund grant not received. The \$18,000 will be taken from the FD Equipment Reserve with the intent to reapply for the Grant next year for other purchases.			
5	New Sewer Services	\$10,000	\$1,015.00	<div><div></div></div>	25%
		Notes: 1 New Hookup to date.			
6	Replace Pumps - Lift Station #3	\$10,000	\$20,331.00	<div><div></div></div> ★	
		Notes: Pump 3 has been repaired as included in Budget. However, during the same time Pump 1 failed resulting in an emergency repair required. This resulted in the budget overage.			
7	Town Hall Repairs	\$100,000	\$0.00	Not Yet Begun	
		Notes: RFP under development.			
8	Ballfield Backstop	\$15,000	\$0.00	Not Yet Begun	
		Notes: Report to Council anticipated.			
9	Flail Mower	\$6,000	\$5,057.87	<div><div></div></div> ★	
		Purchased			
10	Repair/Replace Fire Station (Design Phase)	\$346,500	\$0.00	<div><div></div></div>	25%
		Notes: Public consultation anticipated Oct-Dec, 2019; consultants engaged. Staff report to Council anticipated for Oct 29, 2019 meeting.			
11	ICIP - Project #1 (Town General Portion)	\$272,646	\$0.00	Not Yet Begun	
		Notes: ICIP funding applied for. Staff report to Council anticipated for Oct 29, 2019 meeting.			
12	ICIP - Project #2 (Town General Portion)	\$120,672	\$0.00	Not Yet Begun	
		Notes: ICIP funding applied for. Staff report to Council anticipated for Oct 29, 2019 meeting.			

13	Shoreline Project	\$349,800	\$0.00	Not Yet Begun	
		Notes: Public consultation anticipated, Nov - Feb 2019; consultants engaged. Staff report to Council anticipated for Oct 29, 2019 meeting.			
14	New Storage Container	\$6,000	\$4,920.00	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes: Council approved the addition of this item at the September 10 meeting of Council on the recommendation of the Director of Operations. This new storage container has been purchased			
Water Utility					
1	Pumphouse Upgrades - Generator	\$75,000	\$2,310.87	<div><div></div><div></div><div></div><div></div><div></div></div>	50%
		Notes: Budget increased to \$75,000 by Council on July 9, 2019. Installation anticipated by end of October 2019.			
2	New Water Services	\$5,000	\$1,015.00	<div><div></div><div></div><div></div><div></div><div></div></div>	25%
		Notes: 1 New Hookup to date.			
3	Gate Valves	\$6,000	\$0.00	Not Yet Begun	
		Notes: None.			
4	Clearwell Cleaning/Inspection	\$13,000	\$0.00	Not Yet Begun	
		Notes: None.			
5	Cutout Access To Water Transmission Line	\$10,000	\$0.00	Not Yet Begun	
		Notes: None.			
6	New Water Meters	\$3,000	\$1,983.73	<div><div></div><div></div><div></div><div></div><div></div></div>	25%
		Notes: As required.			
7	Water Rate Study	\$8,000	\$5,973.40	<div><div></div><div></div><div></div><div></div><div></div></div>	75%
		Notes: Study completed, NSUARB hearing took place August 22, 2019, currently awaiting decision.			
8	Pump Rehabilitation / Replacement	\$25,000	\$0.00	Not Yet Begun	
		Notes: None.			
9	Replace Raw Pumps & Spare - WTP	\$8,000	\$0.00	Not Yet Begun	
		Notes: None.			
10	Pumphouse Upgrades - Door/Window/Well Cover	\$5,000	\$0.00	Not Yet Begun	
		Notes: None.			
11	Transission Radio Telemetry - WTP	\$25,000	\$0.00	Not Yet Begun	
		Notes: None.			
12	ICIP - Project #1 (Water Utility Portion)	\$169,056	\$0.00	Not Yet Begun	
		Notes: See above.			

13	ICIP - Project #2 (Water Utility Portion)	\$1,218,100	\$0.00	Not Yet Begun
		Notes: See above.		
Electric Utility				
1	New Digital Meters	\$6,500	\$0.00	Not Yet Begun
		Notes: As required.		
2	New Street Lights	\$5,000	\$0.00	Not Yet Begun
		Notes: As required.		
3	New Line Truck	\$270,000	\$17,845.00	<div><div></div><div></div><div></div></div> 75%
		Notes: New Utility Truck is currently on site and being used by the Electric Utility on a lease. Utility is already seeing benefits of the new truck and is expected to move forward with the purchase in the next few months. The expense shown for this line is for 1 months lease payment (which we will receive partial credit for if we purchase the truck) along with the tools require to outfit the new vehicle. Purchase anticipated by November; staff will recommend draft credit agreement with Riverport Electric Commission to Council.		
4	Line/Pole Replacements	\$20,000	\$3,300.00	<div><div></div><div></div></div> 25%
		Notes: Some replacement work has been completed		



Town of Mahone Bay

Staff Report

RE: Solid Waste Bylaw

September 26, 2019

General Overview:

The purpose of this report is to provide information for Council on the proposed amendments to the Town of Mahone Bay Solid Waste Management By-law #46

Background:

At a meeting of Council held on September 10, 2019, Council received a presentation from Siew Secord, COO, Municipal Joint Services Board (MJSB), detailed proposed changes to the Town of Mahone Bay Solid Waste Management By-law and providing a copy of the By-law with amendments suggested by the MJSB.

Analysis:

The proposed by-law amendments were presented to Council at a time that is logical to review the by-law, particularly in consideration of the new hauling contract which will come into effect in 2020, as well as recent community discussion regarding the use of plastic shopping bags and electronics disposal.

Several of the proposed amendments were suggested to support improved resident compliance with the intent of the by-law, namely the use of the term “non-transparent bag” as opposed to “privacy bag” which was being interpreted incorrectly by some to mean that the bag was not subject to inspection by compliance officers. A recommended special collection for electronic waste was also proposed as a way for residents to dispose of their electronics equipment which cannot be disposed of in the landfill yet is an increasingly common waste item with the prevalence of electronics; electronic waste is also frequently found in illegal dump sites and it is hoped that providing a more accessible opportunity for appropriate disposal of electronics will cut-down on illegal dumping of these items. This electronics collection is referenced in the new hauler contract.

Another amendment, to require paper bags for leaf and yard waste is meant to encourage residents to move toward heavy paper bags instead of using plastic bags. The use of paper bags is to be encouraged, as the Town of Mahone Bay has in recent years made a concerted effort to encourage residents to not use plastic bags (even those sold as “decomposable”) in composters as they are known to damage machinery and contaminate organic material. While there is a clear social movement at present away from plastic bags to paper for yard waste, and many municipalities already require paper bags for yard waste, this is a change which will require significant public education as it is a change in household spending and there are still those who use bags of leaves for compost on their garden or to “bank” their homes and then dispose of those bags of leaves in the spring.

There are two changes of particular interest to staff in the proposed amendments to the Solid Waste Management By-law: the changes to the bulky-waste collection and the coordination of waste collection. These deserve additional consideration by Council before proceeding to First Reading.

Bulky-Waste Collection

In 2018, the Town of Mahone Bay was the first in Lunenburg County to offer regular bulky-waste collection to our residents. This decision was made to alleviate the resource-heavy “big garbage” collections which depend on extra staff and vehicles on the part of the waste hauler, but also necessitate residents to store large items until the twice-yearly collections. With only two opportunities to dispose of large items, those with health or mobility issues would also have to make arrangements for very specific and time-sensitive assistance to move items curbside, as would those with seasonal homes.

In the amendments proposed by the MJSB, wood and metal would be excluded from regular bulky-waste collection. The exclusion of wood and metal products from the regular bulky waste collection has been explained as necessary because those wood and metal products are not being sorted at the waste site which means that they go into the landfill even though wood and metal are banned from landfill. In an ideal situation, those materials would be sorted when they reached the landfill rather than the Town having to limit the service available to residents, but that will depend on the service that is available from the MJSB (reference: Section 61 of the proposed by-law amendments), particularly as regular bulky item collection is being introduced to MODL and the Town of Bridgewater next year as well. With the proposed removal of wood and metal from regular bulky collection to be replaced with a one-time wood and metal collection each fall, residents will have to make other arrangements to dispose of common household items such as broken chairs and bookshelves, or find a place to store those items until the one-time wood and metal collection.

Coordination of Waste Collection

The proposed amendments from the MJSB refer to the scheduling of special collections being coordinated by the MJSB. The Town of Mahone Bay has always scheduled our own collection dates and this has enabled us to be responsive to the unique character of the Town. Before the institution of the regular bulky-waste collection, Mahone Bay always had the first spring clean-up, scheduled on the week prior to the Victoria Day weekend, so that the Town was not dotted with large piles of curbside waste in the beginning of tourist season, which is very important to our business community. Since that time, we have made our fall leaf collection later in the year to respond to the changing climate realities as the majority of leaves are falling later in the year.

The need for a special leaf-collection is also an issue under observation; as the residents of Mahone Bay become more familiar with the allowable amounts for regular collection, special leaf and yardwaste collections have been seeing smaller amounts curbside.

The Town’s move to a regular bulky-waste collection was an innovation that has spread across the County, but without the ability to coordinate our own collection we would not be sure of the autonomy to make our own changes. The same applies to the trees collected at the Special Christmas tree collection being sent to a local goat farm; we make those arrangements ourselves which gives those trees a second use, supports a local business, and requires a shorter hauling distance.

The presentation received at Council on September 10, 2019 references a three-month period for weekly green cart collection, from July to September inclusive; the Town of Mahone Bay currently provides a three-month weekly green cart collection from June to August inclusive. At present, that three month period encompasses the highest temperatures and humidity; the ability to coordinate our own collection allows us to continue with a practice that is felt to be optimal at this time, but

we have the ability to change those dates if it is felt by the Town of Mahone Bay that an adjustment would benefit residents.

Attached to this report is the staff proposed amendments to the Town of Mahone Bay Solid Waste Management By-law #46 (Appendix A) in which the blue text shows where “Town of Mahone Bay” has replaced “MJSB” in the proposed amendments presented to Council on September 10, 2019. Also attached to this report is the amended by-law and presentation which were received at Council on September 10, 2019 for comparison.

Financial Analysis:

None of the suggested amendments would have a financial impact on the Town. Changes in collection regulations come with a variety of household costs to the residents such as approved container specifications and personal transportation of goods unacceptable for curbside collection.

Links to Strategic Plan:

Key Strategic Initiatives and Core Activities

3.2 An Optimal Governance and Operations Structure

- *Determine the optimal operations structure that results in the efficient delivery of services*

Recommendation:

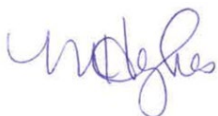
It is recommended that Council:

1. Provide direction on the inclusion of wood and metal objects in the regular bulky waste collection; and
2. **THAT Council give first reading of the amended Town of Mahone Bay Solid Waste Management By-law #46 as presented.**

Attached for Council Review:

- Appendix A: Amended Solid-Waste Management By-law #46 for approval
- Appendix B: Presentation and Amendments received at Council on September 10, 2019.

Respectfully Submitted,



Maureen Hughes
Clerk and Deputy CAO

TOWN OF MAHONE BAY

A BY-LAW TO PROVIDE FOR THE SEPARATION, STORAGE, PLACEMENT, COLLECTION AND TRANSPORTATION OF SOLID WASTE RESOURCES GENERATED WITHIN THE TOWN OF MAHONE BAY

BY-LAW NUMBER 46

SHORT TITLE:

- 1) This By-law shall be known and may be cited as the **“Solid Waste Management By-law”**.

DEFINITIONS:

2) **Governing Authorities**

- a) **“N.S.E.”** means that department of the Nova Scotia Provincial Government currently called “Nova Scotia Environment” or its successor provincial department should there be a name change;
- b) **“Divert Nova Scotia”** a not-for-profit Board regulated by the Nova Scotia Solid Waste-Resource Management Regulations, under Section 102 of the Environment Act. The Board’s mandates administering resource recovery fund as prescribed in Section 4 of the Solid Waste Regulations.
- c) **“Council”** means the Council of the Town of Mahone Bay;
- d) **“Municipal Joint Services Board”** referred to in this Bylaw as “the MJSB,” means a corporate body established pursuant to an Intermunicipal Services Agreement to which this municipality is a party. The municipal parties to that Agreement have given the MJSB responsibility for the management of solid waste within their respective jurisdictions, pursuant to the s. 60 of the Municipal Government Act.
- e) **“LRCRC”** means Lunenburg Regional Community Recycling Centre, a division under the mandate of the MJSB, overseeing the management of the Solid Waste system. The facility is located at 908 Mullock Road, Whynott’s Settlement

3) **Solid Waste**

“Solid waste” means collectible waste, non-collectible waste, bulky waste, construction or demolition materials, household hazardous waste, residual waste – all as defined herein and any other waste or discarded tangible personal property but excludes wastes from any industrial activity regulated by way of an approval under the *Environment Act*;

- 4) Words used in this by-law shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
- a) **“approved storage bin”** means a storage bin designed for the temporary storage of collectible waste and which meets the following specifications:
- i) is constructed of wood or other material and in such a manner as to be inaccessible to pests, rodents, vermin, seagulls or animals;
 - ii) is fitted with a securely-hinged lid weighing not more than 5 kilograms (approx. 11 pounds); and
 - iii) is not equipped with a self-locking latch;
- b) **“blue bag recyclables”** means glass jars and bottles, cans (whether made of aluminum, steel or tin), plastic containers, plastic bags, film stretch and pallet wrap, milk and juice containers together with such other items as may, from time to time, be designated by *N.S.E.’s Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended or other successive solid waste legislation*, as blue bag recyclables;
- c) **“boxboard”** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items;
- d) **“branches and Limbs”** means branches, limbs and brush;
- e) **“bulky waste”** means large items *of a household nature* including but not limited to: vacuum cleaners, upholstered furniture, mattresses, box springs; porcelain bathroom items such as toilets and sinks; metal items (as defined herein), white goods (as defined herein), *plastic* barrels, artificial Christmas trees as well as small quantities of construction or demolition material, excluding asphalt shingles – subject to requirements under “Special Conditions for Bulky Waste Collection” elsewhere in this by-law)
- f) **“collectible waste”** means those wastes which are eligible for collection, within the volume and other restrictions outlined elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories of waste:
- i) organic materials (as defined herein);
 - ii) recyclables (as defined herein);
 - iii) residual waste (as defined herein); *and*
 - iv) *bulky waste.*
- g) **“commercial container”** means any container used for the storage of properly sorted collectable waste and clean up waste generated from multi-residential, institutional, commercial,

industrial or other premises within the Town which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this by-law and which container is designed to be emptied by, and the waste transported by, a hauler;

- h) **“construction or demolition materials”** means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fiberglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – regardless of whether such left-over material is regulated by the Province of Nova Scotia or meets the definition of “C & D Debris” in the N.S.E. 1997 Guidelines for same;
- i) **“dispose”** means any form of disposal of any material, including solid waste as defined herein, and includes burning or any of the following whether temporary or permanent: deposit, storage, placement, or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container or any other containment device;
- j) **“dwelling unit”** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons;
- k) **“electronics”** means any electronic any electronic device that is acceptable under the provincial Electronic Products Recycling Association (EPRA) program. The list of items under this category may change from time to time, as determined by EPRA;
- l) **“eligible premises”** means those properties within the Town which are eligible for collection services – up to the maximum restrictions outlined elsewhere in this by-law – and includes all properties in the Town including properties located on private roads;
- m) **“food waste”** means fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items;
- n) **“green cart”** means an aerated plastic cart designed for the short-term external storage of organic materials prior to collection and for the placing out for collection of same;
- o) **“hauler”** means any public or private company or person who transports solid waste within the Town or within the boundaries of the municipal member units of the LRCRC (defined herein);
- p) **“household hazardous waste”** means any corrosive, flammable or poisonous material or substance such as oil and oil products, radioactive materials, acids, poisons, insecticides or other poisons used for agricultural purposes or for rodent control, any substance or chemical highly lethal to mammalian or aquatic life and any substance or chemical dangerous to the environment – including but not limited to: batteries, left-over liquid paint, left-over corrosive cleaners, pesticides or herbicides, gasoline, fuel oil and used motor oil, solvents and thinners, pharmaceuticals, drugs and needles, aerosol cans which contain hazardous substances, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or

propane torches;

- q) **“leaf and yard waste”** means grass clippings, leaves, twigs, house and garden plants or other similar items as well as branches, limbs or brush – the latter three being subject to special requirements elsewhere in this by-law;
- r) **“metal items”** means medium to large metal items including metal fencing, water tanks, oil tanks – subject to special requirements elsewhere in this by-law – and metal containers other than containers designed to hold either household hazardous waste (as defined herein) or anything intended for human consumption;
- s) **“mini-bin”** means a small plastic container designed for the short-term internal storage of organic materials prior to deposit in a green cart;
- t) **“non-collectible waste”** means all material other than collectible waste or **bulky** waste and, without limiting the generality of the foregoing, includes:
 - i) highly combustible or explosive materials including, without limiting, fireworks, flares, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry sawdust, ammunition, dynamite, or other similar material;
 - ii) materials that are considered pathogenic or biomedical including, without limiting, dressings, bandages or other infected materials or sharps discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
 - iii) carcasses or parts of any animal except food waste;
 - iv) waste listed or characterized as hazardous by any Federal or Provincial law – including “household hazardous waste” as defined herein;
 - v) electronics, **with the exception of an annual electronics collection**;
 - vi) solid waste generated, or originating from, outside the Town;
 - vii) liquid waste or material that has attained a fluid consistency and has not been drained;
 - viii) soil, rock and stumps;
 - ix) construction or demolition materials (as defined herein);
 - x) septic tank pumping’s, raw sewage or industrial sludge;
 - xi) radioactive materials;
 - xii) contaminated soil;
 - xiii) all passenger tires up to 62 cm (24.5 inches) as per the Tire Management Program

administered by Divert Nova Scotia;

- xiv) industrial waste from factories or manufacturing processes;
 - xv) manure, kennel waste, excreta, fish processing waste;
 - xvi) lead-acid automotive batteries and propane tanks;
 - xvii) waste which has been placed for collection but not in accordance with the provisions of this by-law; and
 - xviii) materials banned from landfill disposal by the N.S.E. *Regulations Respecting Solid Waste-Resource Management*, November, 1995, as amended – other than recyclable materials or organic materials from eligible premises;
- u) **“non-recyclable paper”** means used napkins or paper towel, used fast food wrappers, wax paper, soiled pizza boxes, used paper plates or paper cups, damp or soiled newspaper or flyers, sugar, flour & potato paper bags or other similar items;
- v) **“occupant”** means any person who, in addition to or instead of the owner, resides in or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Town and includes any assignee or legal representative of same;
- w) **“organic materials”** means food waste (as defined herein), leaf and yard waste (as defined herein), non-recyclable paper (as defined herein), ashes or soot, sawdust, wood chips, wood shavings and other specific material of plant or animal origin as designated by *N.S.E.’s Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended or other successive solid waste legislation* from time to time;
- x) **“owner”** refers to the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property;
- y) **“paper recyclables”** means non-soiled mixed paper, corrugated cardboard, boxboard (as defined herein), newsprint, magazines, catalogues, flyers, telephone and other soft cover books, file folders – both traditional and expandable, envelopes (other than padded or bubbled envelopes), non-metallic wrapping paper and paper egg cartons or other similar items as are designated by *N.S.E.’s Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended or other successive solid waste legislation* from time to time;
- z) **“recyclables”** means paper recyclables and blue bag recyclables – both as defined herein;
- aa) **“regulation container”** means a container, bag or bundle which meets the specifications and other requirements for same – in relation to specific waste types – as outlined elsewhere in this by-law;

- bb) “**rejected waste**” means any type of waste which has been placed for collection but not in accordance with the provisions of this by-law and which has had a rejection sticker affixed thereto by the Town or its designated agent;
- cc) “**residual waste**” means broken bottles, crockery and glassware – subject to special requirements elsewhere in this by-law – and floor sweepings, pet litter, light bulbs, disposable diapers, discarded clothing and furnishings, broken toys, mats and small carpets, non-recyclable plastic, non-recyclable packaging including Styrofoam™ and padded or bubbled envelopes, metallic wrapping paper, non-passenger tires, non-repairable household waste;
- dd) “**scrap wood**” means wooden furniture, wooden pallets, wooden barrels, boards and plywood.
- ee) “**Town**” means the Town of Mahone Bay and the administration of the town through the Chief Administrative Officers and other employees of the town assigned to administer this bylaw.
- ff) “**white goods**” means any large household appliance including but not limited to stoves, dishwashers, washers, dryers, hot water heaters, refrigerators, freezers, dehumidifiers and air conditioners” – the last four (4) being subject to special requirements elsewhere in this by-law.

COLLECTION

- 1) Regularly-scheduled collection from **eligible premises of recyclables** – subject to restrictions noted elsewhere in this by-law – shall take place once every two (2) weeks commencing at 8:00 a.m.
- 2) Regularly-scheduled collection from **eligible premises of organic materials, two (2) bulky waste items and residual waste** – both subject to restrictions noted elsewhere in this by-law – shall take place on the alternating week commencing at 8:00 a.m.
- 3) The alternating bi-weekly nature of the two above-mentioned collections results in a collection of some type(s) of **collectible waste** once a week.
- 4) When a normally scheduled collection day falls on a public or statutory holiday, such collection shall be made instead on a date as identified in the **Town’s “collection calendar”**, unless otherwise specified by the **Town of Mahone Bay**.
- 5) Each Spring and Fall there will be a separate special collection of **leaf and yard waste** –as per restrictions noted elsewhere in this by-law – on a date to be specified by the **Town of Mahone Bay**.
- 6) Each Fall there will be an **electronics** collection– as per restrictions noted elsewhere in this by-law - on a date to be specified by the **Town of Mahone Bay**.
- 7) Each Fall there will be a **scrap wood and metal items** collection – as per restrictions noted elsewhere in this by-law - on a date to be specified by the **Town of Mahone Bay**.
- 8) Collection of properly-prepared **natural Christmas trees**, per restrictions noted elsewhere in this by-law, shall take place annually in the month of January on a date to be specified by the **Town of**

Mahone Bay.

- 9) The dates for collection of collectible waste from **eligible premises** will be as described in a mail-out “collection calendar” – which will also be posted on-line.

PLACEMENT

- 10) All **solid waste** to be collected by the **Town** shall be accessible to the collector within 3 metres (approximately 10 feet) of the curb or travel-way, placed in such a manner as to not interfere with pedestrian traffic and snow removal.
- 11) All regulation or other containers of **solid waste** placed out to be collected by the **Town** shall also be placed in an upright position and, in applicable circumstances, with the lid securely closed.

CONTAINER REGULATIONS FOR RESIDUAL WASTE:

- 12) No person shall place, or cause to be placed, **residual waste** out for collection in any container other than a “regulation container” which is one which meets the following specifications:

Bag Container Specifications:

- a) Each bag shall be watertight, securely tied and of transparent clear plastic or transparent blue plastic;
- b) Each bag shall be no smaller than 66 cm x 91 cm and no larger than 75 cm x 120 cm;
- c) Each bag shall have an overall length of between 0.5 meters and 1.2 meters when empty; and
- d) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight.

Non-transparent Bag Container Specifications:

- e) Each **non-transparent bag** shall be made of polyethylene opaque plastic, be watertight and be securely tied;
- f) Each bag shall be no smaller than 66 cm x 91 cm and no larger than 75 cm x 120 cm;
- g) Each bag shall have an overall length of between 0.5 meters and 1.2 meters when empty; and each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight.

Non-Bag Container Specifications:

- h) Non-bag containers shall be made of metal, plastic or other impermeable material;
- i) Non-bag containers shall be watertight, secured with a cover, equipped with handles in good repair and as large or larger at the top as they are at the bottom;

- j) Non-bag containers shall not be filled above an imaginary line 5 cm below the top of the container;
- k) Each non-bag container, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight;
- l) Each non-bag container shall not exceed 100 liters (approx. 105 quarts) in volume; and
- m) Non-bag containers shall be maintained in a neat and sanitary condition and kept in good repair and shall not contain loose solid waste.

CONTAINER REGULATIONS FOR RECYCLABLES:

- 13) No person shall place, or caused to be placed, **recyclables** out for collection in any container other than a “regulation container” which is one which meets the following specifications:

Blue Bag Recyclables:

- a) Each bag shall be watertight, securely tied and of transparent clear plastic;
- b) Each bag shall also be no smaller than 25 cm x 40 cm and no larger than 75 cm x 120 cm;
- c) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight; and
- d) All **recyclables** must be clean.

Paper:

- e) Shall be placed in a bag, securely tied.
- f) Each bag shall be no smaller than 25 cm x 40 cm and no larger than 75 cm x 120 cm; and
- g) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight.

CONTAINER REGULATIONS FOR ORGANIC MATERIALS:

- 14) No person shall place, or cause to be placed, **organic materials** out for collection in any container other than a “regulation container” in the form of a **green cart**.
- 15) Notwithstanding the above, please see the special container requirements for **leaf and yard waste** under PREPARATION of SPECIFIC WASTE below and specific controls on **natural Christmas trees** under COLLECTION OF NATURAL CHRISTMAS TREES, inclusive.

COMMERCIAL CONTAINERS SPECIFICATIONS:

- 16) Commercial containers shall:

- a) Be sturdily constructed of weather-proof material and shall be watertight;

- b) Be inaccessible to pests, rodents, vermin, seagulls or animals;
- c) Be equipped with a tight fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
- d) Be kept in a clean manner;
- e) Be kept in a state of good repair;
- f) Have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
- g) Have displayed thereon the following message “GARBAGE” or “LANDFILL”, where institutional, commercial or industrial waste is to be deposited in the **commercial container**;
- h) Have displayed thereon the following message “RECYCLABLES”, where **blue bag recyclables** are to be deposited in the **commercial container**;
- i) Have displayed thereon the following message “**PAPER**” or “CARDBOARD”, where fibre recyclables are to be deposited in the **commercial container**;
- j) Have displayed thereon the following message “ORGANICS”, where **organic materials** are to be deposited in the **commercial container**.

PREPARATION OF SPECIFIC WASTES:

Leaf and Yard Waste

- 17) **Leaf and yard waste** may be deposited into a **green cart** so long as the cover of same is completely closed.
- 18) **Leaf and yard waste** may also be deposited into **heavy kraft** paper bags.
- 19) **Branches and limbs** or brush, of a maximum length of 900 mm (approx. 3 feet) - and maximum individual diameter of 50 mm (2 inches) in diameter may be tied in manageable bundles or inserted into bags as outlined above and outlined under Collection of Leaf and Yard Waste later in this bylaw.

Bottles or Glassware

- 20) Broken bottles and glassware shall be sealed in a cardboard box or bucket or other non-bag container and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “BROKEN GLASS” – a warning to collection personnel.

Ashes or Soot

- 21) Ashes or soot shall be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the **green cart** or dampened down and placed in paper bags rolled down and then deposited in a **green cart**.

Cardboard

- 22) Corrugated cardboard shall be flattened out and securely tied in convenient bundles weighing no more than 25 kilograms each (approx. 55 pounds) and being a maximum of 900 mm by 600 mm (approx. 3 ft. by 2 ft.) in area and no more than 600mm (approx. 2 ft.) thick.

Electronics

- 23) **Electronics** shall be placed for collection separately from other **collectible wastes**. **Electronics** shall be placed carefully at the curbside to prevent damage to the electronic and broken glass. Three (3) **electronic** items may be placed per **eligible premises**, per collection.

Green Carts

- 24) Every **owner** or **occupant** shall provide sufficient and specified **green carts** for the storage and disposal of **organic waste** generated from his or her premises and maintain such **green carts** in good repair and sanitary condition.
- 25) To comply with the preceding section a **green cart** shall be:
- a) of 140 litre or 240-litre capacity;
 - b) either of the aerated or ventilated type;
 - c) dark green in colour;
 - d) an **MJSB** approved **brand and model**; and
 - e) designed to be emptied by a hydraulic lifting device.

WASTE COLLECTION RESTRICTIONS

- 26) No person shall place, or cause to be placed, **residual waste**, **green carts** or **recyclables** per any one **eligible premises** out for collection on any one collection day the cumulative weight of which, including containers, exceeds 100 kilograms (approx. 222 lbs.).
- 27) No person shall place, or cause to be placed, **residual waste** and **leaf and yard waste** per any one **eligible premise** out for collection on any one collection day which exceeds a maximum combination of six (6) bags or bundles of which one may be a) **non-transparent bag**, one may be a **green cart along with no more than two (2) bulky waste** items as defined herein.

REJECTION OF WASTE:

- 28) Any type of **solid waste** which has been set out for collection is subject to inspection by the **MJSB** And any such **solid waste** found or deemed by same to be set out in violation of the requirements of this by-law may be rejected and not collected.
- 29) Any **solid waste** which is so rejected will have placed on it a Rejection Sticker indicating the reason or reasons for rejection and information as to how to rectify same or get direction to rectify the problem.

- 30) Any rejected **solid waste**, as designated by a rejection sticker, shall remain the property of the owner or occupier.

PROHIBITIONS SPECIFIC TO COLLECTIONS:

- 31) No person shall place, or cause to be placed, any **collectible waste** out for collection before 8:00 P.M. of the day immediately preceding the day scheduled for collection.
- 32) No person shall place, or cause to be placed, any **collectible waste** out for collection after 8:00 A.M. of the day scheduled for collection.
- 33) The two immediately preceding sections may be altered by written permission of the **Town of Mahone Bay**.
- 34) No person shall permit any empty or rejected regulation container or any rejected materials to remain at the collection placement spot after 12:00 noon of the day following the day scheduled for collection.
- 35) No person shall place, or cause to be placed, any **non-collectible waste** out for collection.

SPECIAL CONDITIONS FOR BULKY WASTE COLLECTION:

- 36) No person shall place, or cause to be placed, more than **two (2) bulky waste items** out for collection on any one collection day. The **bulky waste** items can only be put curbside on the week **residual waste** is collected.
- a) Each individual item must not exceed 100 kgs (222 lbs) in weight; and
 - b) Each individual item must not exceed 1.8 m in any dimension;

SPECIAL COLLECTION OF SCRAP WOOD AND METAL:

- 37) No person shall place, or caused to be placed, **scrap wood or metal** out for collection except on a day designated by the **Town of Mahone Bay** for special collection of same and in accordance with the following restrictions:
- a) An oil tank is eligible for this special collection only if it is from a residence, does not exceed 760 litres (200 gallons) in capacity and has been cleaned and cut in half;
 - b) A refrigerator, freezer, dehumidifier or air conditioner shall display a sticker, issued by the appropriate authority, indicating that any Freon, other refrigerant gas, coolant or CFC has been removed and any refrigerator or freezer shall have its doors already removed;
 - c) Such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
 - d) Any sizable material shall be placed separately so as to allow for a dedicated collection of salvageable materials;

- e) **Scrap wood** and **metal** shall be placed separately for collection;
 - f) Each individual package, bundle or box shall not exceed 100 kgs (222 lbs) in weight; and
 - g) Each individual package, bundle or box shall not exceed 1.8 m in any dimension.
- 38) No person shall place, or caused to be placed, any **scrap wood** or **metal** out for collection on any one day the total of which exceeds a combined total volume of 2.0 m³.
- 39) No person shall place, or cause to be placed, any **scrap wood** or **metal** out for collection prior to 8:00 P.M. of the day immediately preceding the day scheduled for collection.
- 40) No person shall place, or cause to be placed, any **scrap wood** or **metal** out for collection after 8:00 A.M. of the day designated by the **Town of Mahone Bay** for collection of same.
- 41) No person shall permit any rejected or residue **scrap wood** or **metal** to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated by the **Town of Mahone Bay** for collection of same.

SPECIAL COLLECTION OF LEAF AND YARD WASTE:

- 42) No person shall place, or cause to be placed **leaf and yard waste** out for special collection except on a day designated by the **Town of Mahone Bay** or the special collection of same and in accordance with the following restrictions:
- a) such waste shall be contained in **heavy kraft** paper bags of a dimension no less than 66 cm by 91 cm nor greater than 75 cm by 120 cm shall not exceed a weight of 25 kg (55 lbs.);
 - b) bundled branches/limbs not exceeding 900 mm (3 ft.) in length with individual limbs not exceeding 50 mm (2 inches) in diameter;
 - c) each bag or bundle shall not exceed a weight of 25 kg (55 lbs.); and
 - d) the total of such waste shall not exceed 2.0 m³ in total volume.
- 43) No person shall place, or cause to be placed, any **leaf and yard waste** out for special collection prior to three (3) days before the day designated by the **Town of Mahone Bay** for collection of same.
- 44) No person shall place, or cause to be placed, any **leaf and yard waste** out for special collection after 8:00 A.M. of the day designated by the **Town of Mahone Bay** for collection of same.
- 45) No person shall permit any rejected or residue **leaf and yard waste** to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated by the **Town of Mahone Bay** for special collection of same.

COLLECTION OF NATURAL CHRISTMAS TREES:

- 46) No person shall place, or caused to be placed, a **natural Christmas tree** out for collection except

on a day designated by the **Town of Mahone Bay** for collection of same and in accordance with the following restrictions:

- a) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
 - b) It shall have no wires or nails attached; and
 - c) It must not exceed 3 m (approx. 10 ft.) in length.
- 47) No person shall place, or cause to be placed, any **natural Christmas tree** out for collection before 8:00 P.M. of the day immediately preceding the day designated for collection of same.
- 48) No person shall place, or cause to be placed, any **natural Christmas tree** out for collection after 8:00 A.M. of the day designated for collection of same.
- 49) No person shall permit any rejected **natural Christmas tree** to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated for collection of same.

RESPONSIBILITIES OF OWNERS and OCCUPANTS:

50) Every **owner** or **occupant** shall:

- a) Ensure that **collectible waste** and **bulky waste** are placed for collection in accordance with this by-law;
- b) Use only regulation containers for the storing and placement for collection of **collectible waste**;
- c) Provide a sufficient number of regulation containers to contain all of the **collectible waste** generated at the subject premises between regularly scheduled collection dates;
- d) Maintain such regulation containers in good repair and in a sanitary condition;
- e) Take all reasonable measures to ensure that each regulation container is covered and secured at all times except when being emptied or filled;
- f) Clean up any type of **collectible waste** which has escaped from its container or packaged, bundled or boxed waste – whether it be a regulation container or not;
- g) If **collectible waste** is stored outside the main building on the **eligible premises** it is to be stored in one or more secured regulation containers or an approved storage bin – in either case made inaccessible to pests, rodents, vermin, seagulls or animals;
- h) Ensure that any approved storage bin serving that premise is maintained at all times in a neat and sanitary condition and in good repair;
- i) Store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
- j) Ensure the proper preparation of all **collectible waste** in accordance with this by-law; and
- k) Abide by all lawful directives of the **Town**, or designated agents with regard to the handling of

solid waste materials.

COMMERCIAL CONTAINERS:

- 51) The **owner** or **occupier** of any premises on which a **commercial container** is placed shall keep each **commercial container** behind, or beside, the building which it serves so as to reduce visibility from the street and adjacent properties.
- 52) Where the **commercial container** is placed on premises which are located in a residential zone pursuant to the **Town's** Land Use By-law or adjacent to a property which is zoned residential or contains a residential use, the **commercial container** shall be kept not less than 3 metres from the adjacent property lines.
- 53) Where the **owner** or **occupier** of any premises is unable to comply with the requirements of the two (2) preceding subsections because of the location of a building on the premises, which building was in existence at the time of the adoption of this By-law, the **owner** or **occupier** shall keep the **commercial container** at a location on the premises which is considered by the **Town** – as evidenced in writing – to not be unsightly and to cause neither a nuisance nor a health related problem.
- 54) Any temporary **commercial container** used during construction or repair work need not comply with the full range of Specifications outlined earlier in this bylaw, however, shall be subject to the following requirements:
- a) No **solid waste** shall extend beyond the internal volume of the container;
 - b) The temporary **commercial container** shall be removed immediately upon completion of the construction or repair work; and
 - c) The temporary **commercial container** shall be emptied as often as required to avoid over-filling of the same;
- 55) An **owner** or **occupier** of any premises on which a **commercial container** is located shall not permit the **commercial container** to be loaded other than uniformly and ensure that no **solid waste** extends beyond the internal volume of the container.
- 56) An **owner** or **occupier** of any premises on which a **commercial container** is located:
- a) Shall place same only on a surface which is hard, level and weather-resistant;
 - b) Shall keep the area surrounding the container free from litter and waste; and
 - c) Shall cause the container to be emptied on a regular basis, as required.
- 57) Where a person proposes to locate a temporary commercial container within the right of way of a public street in the **Town**, that person shall submit a written request for doing so, to the **Town**, outlining the exact proposed location and the estimated time that the container will be required to be there and any other details as requested by the **Town** and must receive written permission from same, outlining the exact location to be used, and other salient details, prior to so locating a

commercial container.

HAULERS:

58) All private collections of **solid waste** shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.

59) All private collection vehicles shall:

- a) Be maintained in good condition and be properly manned and equipped to ensure safe collection of **solid waste**;
- b) Comply with the *Motor Vehicle Act* and any other regulations or legislation in effect from time to time;
- c) Be designed so as to prevent any contents (including liquids) from falling out, being spilled, or scattering from the vehicle whether in motion or not;
- d) If used in the collection of more than one type of waste, be constructed to prevent cross-contamination between the various waste streams;
- e) Be equipped with a tailgate or other restraining device; and
- f) Be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover solid waste while it is being transported.

60) All private collection of any **solid waste** shall be made directly to the private collection vehicle from the premises where the same was generated.

61) All **solid waste** collected through private collections, and which is to be delivered to the **LRCRC**, shall be in compliance with the Regulations promulgated by the operator of the **LRCRC** regarding acceptance and receipt of **solid waste** at the **LRCRC**.

62) In the event of any spillage, the vehicle operator shall be responsible for the clean-up which shall be undertaken immediately.

WASTE TO BE DISPOSED OF OR CAUSED TO BE DISPOSED OF BY OWNER OR OCCUPANT

63) No person shall place the following products out for collection.

EXCESS PERMITTED QUANTITIES

- a) Any quantity of waste that exceeds the daily collection limits outlined in this bylaw.

ELECTRONICS:

- b) Every **owner** or **occupant** shall deliver **electronics** to a recognized **electronics** return collection facility in Nova Scotia for reuse or recycle, **during times other than the annual special electronic products**

collection.

HOUSEHOLD HAZARDOUS WASTE:

- c) Every **owner** or **occupant** shall store any residentially-generated **household hazardous waste** in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the Household Hazardous Waste Depot ("HHW Depot") at the **LRCRC** or an approved hazardous waste disposal site.
- d) No person shall dispose of, or cause or permit the disposal of, **household hazardous waste** at any location within the **Town**.

CONSTRUCTION OR DEMOLITION MATERIALS:

- e) Every **owner** or **occupant** shall deliver or cause to be delivered any **construction or demolition materials** to the appropriate area or site within the **LRCRC** or an approved construction and demolition disposal site.
- f) ROOF SHINGLES are considered to be **construction or demolition material**.
- g) No person shall dispose of **construction or demolition materials** by stock-piling, storing or any other method.

METAL ITEMS:

- h) Unless otherwise permitted in this bylaw, every **owner** or **occupant** shall deliver or cause to be delivered any **metal items** to the **LRCRC** site or to an approved metal disposal site.

LUNENBURG REGIONAL COMMUNITY RECYCLING CENTRE:

- 64) The **Town** Council has designated, by resolution, the Lunenburg Regional Community Recycling Centre ("**LRCRC**") as the receiving site for **solid waste** generated by its residents – within the restrictions as set in this by-law and other restrictions as set by the operator of **LRCRC**.
- 65) The operator or other authorized staff of the **LRCRC** may refuse to accept a load of **solid waste** for the following reasons:
 - a) **solid waste** other than that which the **LRCRC** has been approved to accept; or
 - b) it is a load for which a tipping fee, whether set or negotiated, has not yet been paid to the **LRCRC**; or
 - c) it is a load for which tipping fee payment arrangements satisfactory to the operator or other **LRCRC** authorized staff have not yet been agreed to, reduced to writing and signed by both parties.
- 66) No person shall dispose of, or cause or permit the disposal of, any type of **solid waste** outside, around or adjacent to the **LRCRC** in the following circumstances:
 - a) when the **LRCRC** is not open and operational; or
 - b) after the operator or authorized staff of the **LRCRC** has refused to accept same.

- 67) All collection vehicles shall be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover **solid waste** while it is being transported from the **LRCRC** front gates to the scale house.

LEGAL and ILLEGAL DISPOSAL:

- 68) With the exception of the placement of **solid waste** for collection in accordance with this By-law, the delivery of **electronics** or **household hazardous wastes** to depots or other disposals allowed for in this by-law, no person shall dispose of, or cause or permit the disposal of, **collectible waste**, or **non-collectible waste** at any location or manner in the **Town** except as follows:
- a) backyard composting carried out in such a manner as to not constitute a nuisance;
 - b) subject to Federal or Provincial law to the contrary, the disposal of waste trees, brush or portions thereof or other organic farm or forestry waste on privately-owned forest or farm land in such a manner as to not constitute a nuisance;
 - c) subject to Federal or Provincial law or other Municipal By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
- 69) No person shall dispose of, or cause or permit the disposal of, any **solid waste** in an approved storage bin unless that person is, or has the permission of, the **owner** of said bin.
- 70) No person shall dispose of, or cause or permit the disposal of, any **non-collectible waste** or rejected **solid waste** in, at or near an approved storage bin.
- 71) Proof that any type of **solid waste**, which was disposed of in contravention of this by-law, originated from a particular person, from the residence of a particular person, from a particular premises, **or from a particular vehicle (as defined by the Motor Vehicle Act of Nova Scotia)**, shall, in the absence of evidence convincing a court to the contrary, be evidence sufficient for a court to infer that the said person – or the owner or current **occupant** of said residence or premises– **or the owner of the vehicle** - was the person who disposed of that **solid waste**, or a portion of same, or caused or permitted it to be disposed of.

GENERAL PROHIBITIONS:

- 72) Where an **owner** or **occupier** properly places any authorized form of **solid waste** out for collection by the **Town's** contractor the waste becomes the property of the **Town** upon being picked up by the **Town** or the **Town's** contractor.
- 73) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of **solid waste** or regulation container which has been placed out for collection.
- 74) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of **solid waste** or regulation container which has been placed in an approved storage bin.
- 75) The prohibitions in the above three clauses do not apply to the following circumstances:

- a) removal by authorized personnel when acting on behalf of the **Town**;
 - b) **wood items**, appliances or furniture; **bulky waste**, plastic, and any other materials placed out for collection but is useable by another person; or
 - c) **leaf and yard waste** placed out for Special Collection of Leaf and Yard Waste.
- 76) In the event of any removal, collecting or disturbing allowed by the preceding clause, all remaining materials shall be left in an orderly condition and placed so as to not interfere with pedestrian or vehicular traffic.
- 77) No person shall dispose of any type of **solid waste** by the burning of same.
- 78) No person shall place any **solid waste** generated from outside the **Town** for collection at any place in town for collection.

EXPORT OF SOLID WASTE:

- 79) No person shall transport any type of **solid waste** generated within the **Town** to any location other than the **LRCRC** site or outside the boundaries of the area served by the **LRCRC** but for the following exceptions:
- a) **Construction or demolition materials** to an approved C&D debris disposal site;
 - b) "Direct haul" of **residual waste** to Kaizer Meadow only when authorized by the operator of **LRCRC** and/or the **Town**;
 - c) Recycle products such as **metal items** and **white goods**, designated plastic and refundables which may be taken to an approved recycling depot and/or metal recycling facility in Nova Scotia;
 - d) **Electronics** which may be taken to a recognized **electronics** return collection facility in Nova Scotia; and
 - e) Any other special arrangement authorized in writing by the Town of Mahone Bay.

ENFORCEMENT and PENALTIES:

Illegal Dumping;

- 80) Any person who disposes of, or permits the disposal of, any **solid waste** including **construction or demolition materials** and/or **residual waste** other than in accordance with this by-law is guilty of a summary offense and is liable, upon conviction, to a fine of not less than One Thousand Dollars (\$1000.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.

Other Provisions;

- 81) Any person who violates any other provision of or permits any other thing to be done in violation of, this by-law is guilty of a summary offense and is liable, upon conviction, to the following in accordance with the **MJSB's** Solid Waste Enforcement Procedure.

- a) for a first offense, a fine of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00) and in default of payment thereof to a term of imprisonment not to exceed thirty (30) days;
 - b) for a second offense, a fine of not less than Three Hundred Dollars (\$300.00) and not more than Two Thousand Dollars (\$2,000.00) and in default of payment thereof to a term of imprisonment not to exceed sixty (60) days;
 - c) for each subsequent offense, a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment thereof to a term of imprisonment not to exceed ninety (90) days.
- 82) Any person who obstructs or hinders any person in the performance of their duties under this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- 83) Where a person is convicted of an offence under this by-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the **MJSB** or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the **MJSB** or person in an amount equal to the said clean-up or remediation costs.
- 84) Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed or violation of this by-law a judge may order the imposition of a penalty in relation to any fee, cost, toll, or charge associated with the conduct that gave rise to the offence.
- 85) Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this by-law a judge may order compliance with this by-law within a specified time.
- 86) Each day that a person commits any offence under this by-law constitutes a separate offence.
- 87) Where a breach of this by-law is anticipated or is of a continuing nature, the **MJSB** may, pursuant to the provisions of the *Municipal Government Act*, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

ADMINISTRATIVE TICKETING:

- 88) In lieu of prosecution under this by-law the **MJSB** may issue to any person it believes, upon reasonable grounds, has committed an offence under this by-law a Notice of Alleged Violation allowing the person to whom it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
- 89) Any person who receives a Notice of Alleged Violation in relation to this by-law and where the said Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) to the office of the **MJSB** provided that said payment is made within fourteen (14) days of the date of issuance of the Notice and said payment shall be in full satisfaction thereby releasing the person named from

prosecution for the said alleged violation.

- 90) Nothing in this by-law requires the **MJSB** to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

REPEAL:

- 91) All previous Solid Waste Management Bylaws and any amendments thereto, are hereby repealed.

EFFECTIVE DATE

- 92) This Bylaw is effective upon publication.

David Devenne, Mayor

Dylan Heide, CAO/Clerk

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the 00 day of Month 2019.

Given upon the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Mahone Bay this 00 day of Month 2019.

CLERK'S NOTATION

FIRST READING:	
"NOTICE OF INTENT" PUBLICATION:	
SECOND READING:	
MINISTERIAL APPROVAL:	
DATE OF PUBLISHING:	
FORWARDED TO THE MINISTER:	
FORWARDED TO TOWN WEBSITE:	



Appendix B



Waste Collection Contract Changes

Town of Mahone Bay Curbside Collection Services



Current By-law

- Bi-weekly Green Cart & Garbage Collection
- Bi-weekly Blue Bag & Paper Collection
- Weekly Summer Green Cart Collection
- Bi-weekly Bulky Item Collection (Landfill, Metal & Wood)
- Spring & Fall Leaf and Yard Waste Collection
- Christmas Tree Collection

New Contract

New Services:

- Annual Fall Wood & Metal Collection
- Annual Fall Electronics Collection

Status Quo:

- Bi-weekly Green Cart & Garbage Collection
- Bi-weekly Blue Bag & Paper Collection
- Bi-weekly Bulky Item Collection (Landfill)
- Weekly Summer Green Cart Collection July – Sept)
- Fall Leaf and Yard Waste Collection
- Christmas Tree Collection

Bi-weekly Bulky Waste Collection

Current Contract

- Single bulky item collected every Green Week.
- Bulky item may be landfill, metal or wood.

New

- 2 bulky items (not exceeding 222 lbs per item).
- 6' or 1.8m in dimension
- Bulky items must be landfill; wood and metal items only collected during annual fall collection.



Annual Fall Wood & Metal Collection

- Wood and Metal items collected in fall only.
- Traditionally both wood and metal collection volumes are low.
- Provide collection for banned materials and allows diversion these materials to continue.



NEW **Annual Fall Electronics Collection**

- Every household and business will receive curbside collection of electronics, within a limit.
- A dedicated truck will gently collect electronics.
- Will alleviate issue for those having difficulty getting electronics to depot (ie. seniors).



Additional SW Bylaw Wording Changes: Privacy vs Non-Transparent Bag

- Residents think that “privacy” black bag can’t be inspected; all waste subject to inspection by waste hauler or Compliance Officer.
- Residents also felt due to name privacy bag, inspection of the bag was an invasion of their privacy.



Leave and Yard Waste: Plastic bag vs Heavy Kraft Paper Bag

Encourage Residents to move toward heavy paper bag (similar to other municipalities).

- Reduce plastic contaminant on organic stream.
- Reduce littering around the site.



Waste Bylaw Wording Changes: Plastic Shopping Bag Omitted

Plastic shopping bag and plastic, clear and transparent bags deleted.

- Removed in consideration of proposed plastic shopping bag ban and to promote the reduction of single-use plastics.
- Residents can use a bag of their choice for curbside paper collection (i.e. Sobey's move to paper bag)



Waste Bylaw Wording Changes: Town changed to MJSB

Town replaced by MJSB.

- On behalf of the Municipalities MJSB staff are responsible for solid waste management and operations.
- Bylaw enforcement, Education and Outreach.
- Coordination of waste collection and negotiation with waste hauler.




Waste Bylaw Wording Changes: Vehicle Added to Reverse Onus Clause

Section 90 “Proof that from a particular premises, **or from a particular vehicle (as defined by the Motor Vehicle Act of Nova Scotia)**, shall, in the absence of evidence convincing a court to the contrary,....said residence or premises— **or the owner of the vehicle** - was the person who disposed of that solid waste, or a portion of same, or caused or permitted it to be disposed of.

- This Reference to vehicle enables Compliance Officer to issue Summary Offense Ticket when an identifiable vehicle is used to commit a Waste Bylaw offense.

**MUNICIPAL JOINT SERVICES BOARD,
LUNenburg REGION**



NOTICE OF VIOLATION
Pursuant to the Solid Waste Collection By-law for the:
Municipality of Lunenburg Town of Mahone Bay
Town of Bridgewater

ADMINISTRATIVE TICKET #010

To: _____ Date of Issuance: _____

Received By: _____ Penalty Due Date: _____

Street Address: _____ Mailing Address: _____

Tel: _____ Compliance Officer: _____

You are hereby notified that you have committed the following contraventions, as per section _____ of the Solid Waste Collection By-law for _____

by doing the following act:

ACTION REQUIRED: Payment of penalty in the amount of One Hundred (\$100) dollars to the office of the Municipal Joint Services Board, Lunenburg Region within fourteen (14) days of the date of issuance of this Notice or as indicated above under 'Penalty Due Date'. Payment may be made in person at: 908 Mullock Road, Whynotts Settlement, NS, Monday—Friday from 8:00 am—4:30 pm or cheques may be mailed to: P.O Box 209, 131 North Street, Bridgewater, NS B4V 2W8 (*please enclose ticket with payment*). Cheques may be made payable to the Municipal Joint Services Board, Lunenburg Region.

IF PAYMENT IS NOT RECEIVED BY THE DUE DATE, A SUMMONS MAY BE ISSUED FOR A COURT APPEARANCE AND A FINE MAY BE LEVIED TO THE MAXIMUM ALLOWED BY THE LAW.

Waste Bylaw Penalty Registration

- Summary Offense Schedule has been drafted for the Town to register with Department of Justice.
- Enables Outreach & Compliance Officer to issue Summary Offense Tickets based on Town's Waste Bylaw.
- Penalties range from \$410.00 to \$697.50, depending upon whether first, second or third offense.



Proposed Curbside Giveaway Event Fall of 2020

- A one-year pilot, held one weekend in Fall 2020.
- Replacing scavenger hunts during spring/fall cleanup.
- Re-usable items such as furniture, clothing, appliances, sports equipment and toys placed curbside for a weekend.
- Items not taken must be pulled back in by the resident that put them out, before dusk when event ends.
- Fall date proposed as residents leave cottages, tidy up for winter and send students off to post-secondary.
- 2019-20 MJSB staff gathering feedback on social media to gauge residents' response to this event. Very positive feedback to date.



TOWN OF MAHONE BAY

A BY-LAW TO PROVIDE FOR THE SEPARATION, STORAGE, PLACEMENT, COLLECTION AND TRANSPORTATION OF SOLID WASTE RESOURCES GENERATED WITHIN THE TOWN OF MAHONE BAY

BY-LAW NUMBER 46

SHORT TITLE:

- 1) This By-law shall be known and may be cited as the **“Solid Waste Management By-law”**.

DEFINITIONS:

2) **Governing Authorities**

- a) **“N.S.E.”** means that department of the Nova Scotia Provincial Government currently called “Nova Scotia Environment” or its successor provincial department should there be a name change;
- b) **“Divert Nova Scotia”** a not-for-profit Board regulated by the Nova Scotia Solid Waste-Resource Management Regulations, under Section 102 of the Environment Act. The Board’s mandates administering resource recovery fund as prescribed in Section 4 of the Solid Waste Regulations.
- c) **“Council”** means the Council of the Town of Mahone Bay;
- d) **“Municipal Joint Services Board”** referred to in this Bylaw as “the MJSB,” means a corporate body established pursuant to an Intermunicipal Services Agreement to which this municipality is a party. The municipal parties to that Agreement have given the MJSB responsibility for the management of solid waste within their respective jurisdictions, pursuant to the s. 60 of the Municipal Government Act.
- e) **“LRCRC”** means Lunenburg Regional Community Recycling Centre, a division under the mandate of the MJSB, overseeing the management of the Solid Waste system. The facility is located at 908 Mullock Road, Whynott’s Settlement

3) **Solid Waste**

“Solid waste” means collectible waste, non-collectible waste, bulky waste, construction or demolition materials, household hazardous waste, residual waste – all as defined herein and any other waste or discarded tangible personal property but excludes wastes from any industrial activity regulated by way of an approval under the *Environment Act*;

- 4) Words used in this by-law shall take their meaning from their context and from dictionaries of the English (Canadian) language, except as follows:
- a) **“approved storage bin”** means a storage bin designed for the temporary storage of collectible waste and which meets the following specifications:
 - i) is constructed of wood or other material and in such a manner as to be inaccessible to pests, rodents, vermin, seagulls or animals;
 - ii) is fitted with a securely-hinged lid weighing not more than 5 kilograms (approx. 11 pounds); and
 - iii) is not equipped with a self-locking latch;
 - b) **“blue bag recyclables”** means glass jars and bottles, cans (whether made of aluminum, steel or tin), plastic containers, plastic bags, film stretch and pallet wrap, milk and juice containers together with such other items as may, from time to time, be designated by *N.S.E.’s Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended or other successive solid waste legislation*, as blue bag recyclables;
 - c) **“boxboard”** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items;
 - d) **“branches and Limbs”** means branches, limbs and brush;
 - e) **“bulky waste”** means large items *of a household nature* including but not limited to: vacuum cleaners, upholstered furniture, mattresses, box springs; porcelain bathroom items such as toilets and sinks; metal items (as defined herein), white goods (as defined herein), *plastic* barrels, artificial Christmas trees as well as small quantities of construction or demolition material, excluding asphalt shingles – subject to requirements under “Special Conditions for Bulky Waste Collection” elsewhere in this by-law)
 - f) **“collectible waste”** means those wastes which are eligible for collection, within the volume and other restrictions outlined elsewhere in this by-law, on regularly-scheduled collection days and consists of the following categories of waste:
 - i) organic materials (as defined herein);
 - ii) recyclables (as defined herein);
 - iii) residual waste (as defined herein); *and*
 - iv) *bulky waste.*
 - g) **“commercial container”** means any container used for the storage of properly sorted collectable waste and clean up waste generated from multi-residential, institutional, commercial,

industrial or other premises within the Town which waste exceeds the maximums or is outside the types of waste allowed on regular or special collection days as outlined elsewhere in this by-law and which container is designed to be emptied by, and the waste transported by, a hauler;

- h) **“construction or demolition materials”** means left-over material generated as a result of any form of construction or renovation and materials generated from demolition activity including but not limited to: asphalt, brick, mortar, polystyrene or fiberglass insulation, cellulose, drywall, plaster, shingles, metal and scrap wood – regardless of whether such left-over material is regulated by the Province of Nova Scotia or meets the definition of “C & D Debris” in the N.S.E. 1997 Guidelines for same;
- i) **“dispose”** means any form of disposal of any material, including solid waste as defined herein, and includes burning or any of the following whether temporary or permanent: deposit, storage, placement, or burial regardless of whether or not the material being, or having been, deposited, stored or placed is in a box, bin, container or any other containment device;
- j) **“dwelling unit”** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons;
- k) **“electronics”** means any electronic any electronic device that is acceptable under the provincial Electronic Products Recycling Association (EPRA) program. The list of items under this category may change from time to time, as determined by EPRA;
- l) **“eligible premises”** means those properties within the Town which are eligible for collection services – up to the maximum restrictions outlined elsewhere in this by-law – and includes all properties in the Town including properties located on private roads;
- m) **“food waste”** means fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items;
- n) **“green cart”** means an aerated plastic cart designed for the short-term external storage of organic materials prior to collection and for the placing out for collection of same;
- o) **“hauler”** means any public or private company or person who transports solid waste within the Town or within the boundaries of the municipal member units of the LRCRC (defined herein);
- p) **“household hazardous waste”** means any corrosive, flammable or poisonous material or substance such as oil and oil products, radioactive materials, acids, poisons, insecticides or other poisons used for agricultural purposes or for rodent control, any substance or chemical highly lethal to mammalian or aquatic life and any substance or chemical dangerous to the environment – including but not limited to: batteries, left-over liquid paint, left-over corrosive cleaners, pesticides or herbicides, gasoline, fuel oil and used motor oil, solvents and thinners, pharmaceuticals, drugs and needles, aerosol cans which contain hazardous substances, BBQ propane tanks and small propane cylinders or canisters such as those used for camp stoves or

propane torches;

- q) **“leaf and yard waste”** means grass clippings, leaves, twigs, house and garden plants or other similar items as well as branches, limbs or brush – the latter three being subject to special requirements elsewhere in this by-law;
- r) **“metal items”** means medium to large metal items including metal fencing, water tanks, oil tanks – subject to special requirements elsewhere in this by-law – and metal containers other than containers designed to hold either household hazardous waste (as defined herein) or anything intended for human consumption;
- s) **“mini-bin”** means a small plastic container designed for the short-term internal storage of organic materials prior to deposit in a green cart;
- t) **“non-collectible waste”** means all material other than collectible waste or **bulky** waste and, without limiting the generality of the foregoing, includes:
 - i) highly combustible or explosive materials including, without limiting, fireworks, flares, celluloid cuttings, motion picture film, oil or gasoline soaked rags, gas containers, chemicals, acids or other combustible residues, fine dry sawdust, ammunition, dynamite, or other similar material;
 - ii) materials that are considered pathogenic or biomedical including, without limiting, dressings, bandages or other infected materials or sharps discarded in the course of the practice of physicians, surgeons, dentists or veterinarians;
 - iii) carcasses or parts of any animal except food waste;
 - iv) waste listed or characterized as hazardous by any Federal or Provincial law – including “household hazardous waste” as defined herein;
 - v) electronics, **with the exception of an annual electronics collection**;
 - vi) solid waste generated, or originating from, outside the Town;
 - vii) liquid waste or material that has attained a fluid consistency and has not been drained;
 - viii) soil, rock and stumps;
 - ix) construction or demolition materials (as defined herein);
 - x) septic tank pumping’s, raw sewage or industrial sludge;
 - xi) radioactive materials;
 - xii) contaminated soil;
 - xiii) all passenger tires up to 62 cm (24.5 inches) as per the Tire Management Program

administered by Divert Nova Scotia;

- xiv) industrial waste from factories or manufacturing processes;
 - xv) manure, kennel waste, excreta, fish processing waste;
 - xvi) lead-acid automotive batteries and propane tanks;
 - xvii) waste which has been placed for collection but not in accordance with the provisions of this by-law; and
 - xviii) materials banned from landfill disposal by the N.S.E. *Regulations Respecting Solid Waste-Resource Management*, November, 1995, as amended – other than recyclable materials or organic materials from eligible premises;
- u) **“non-recyclable paper”** means used napkins or paper towel, used fast food wrappers, wax paper, soiled pizza boxes, used paper plates or paper cups, damp or soiled newspaper or flyers, sugar, flour & potato paper bags or other similar items;
- v) **“occupant”** means any person who, in addition to or instead of the owner, resides in or is the lessee of, whether by way of verbal or written lease or other arrangement, a building or on a property located within the Town and includes any assignee or legal representative of same;
- w) **“organic materials”** means food waste (as defined herein), leaf and yard waste (as defined herein), non-recyclable paper (as defined herein), ashes or soot, sawdust, wood chips, wood shavings and other specific material of plant or animal origin as designated by *N.S.E.’s Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended or other successive solid waste legislation* from time to time;
- x) **“owner”** refers to the owner of property and includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building and, in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; and, in the absence of proof to the contrary, the person assessed for the property;
- y) **“paper recyclables”** means non-soiled mixed paper, corrugated cardboard, boxboard (as defined herein), newsprint, magazines, catalogues, flyers, telephone and other soft cover books, file folders – both traditional and expandable, envelopes (other than padded or bubbled envelopes), non-metallic wrapping paper and paper egg cartons or other similar items as are designated by *N.S.E.’s Regulations Respecting Solid Waste-Resource Management, November, 1995, as amended or other successive solid waste legislation* from time to time;
- z) **“recyclables”** means paper recyclables and blue bag recyclables – both as defined herein;
- aa) **“regulation container”** means a container, bag or bundle which meets the specifications and other requirements for same – in relation to specific waste types – as outlined elsewhere in this by-law;

- bb) “**rejected waste**” means any type of waste which has been placed for collection but not in accordance with the provisions of this by-law and which has had a rejection sticker affixed thereto by the Town or its designated agent;
- cc) “**residual waste**” means broken bottles, crockery and glassware – subject to special requirements elsewhere in this by-law – and floor sweepings, pet litter, light bulbs, disposable diapers, discarded clothing and furnishings, broken toys, mats and small carpets, non-recyclable plastic, non-recyclable packaging including Styrofoam™ and padded or bubbled envelopes, metallic wrapping paper, non-passenger tires, non-repairable household waste;
- dd) “**scrap wood**” means wooden furniture, wooden pallets, wooden barrels, boards and plywood.
- ee) “**Town**” means the Town of Mahone Bay and the administration of the town through the Chief Administrative Officers and other employees of the town assigned to administer this bylaw.
- ff) “**white goods**” means any large household appliance including but not limited to stoves, dishwashers, washers, dryers, hot water heaters, refrigerators, freezers, dehumidifiers and air conditioners” – the last four (4) being subject to special requirements elsewhere in this by-law.

COLLECTION

- 1) Regularly-scheduled collection from **eligible premises of recyclables** – subject to restrictions noted elsewhere in this by-law – shall take place once every two (2) weeks commencing at 8:00 a.m.
- 2) Regularly-scheduled collection from **eligible premises of organic materials, two (2) bulky waste items and residual waste** – both subject to restrictions noted elsewhere in this by-law – shall take place on the alternating week commencing at 8:00 a.m.
- 3) The alternating bi-weekly nature of the two above-mentioned collections results in a collection of some type(s) of **collectible waste** once a week.
- 4) When a normally scheduled collection day falls on a public or statutory holiday, such collection shall be made instead on a date as identified in the **Town’s** “collection calendar”, unless otherwise specified by the **MJSB**.
- 5) Each Spring and Fall there will be a separate special collection of **leaf and yard waste** –as per restrictions noted elsewhere in this by-law – on a date to be specified by the **MJSB**.
- 6) Each Fall there will be an **electronics** collection– as per restrictions noted elsewhere in this by-law - on a date to be specified by the **MJSB**.
- 7) Each Fall there will be a **scrap wood and metal items** collection – as per restrictions noted elsewhere in this by-law - on a date to be specified by the **MJSB**.
- 8) Collection of properly-prepared **natural Christmas trees**, per restrictions noted elsewhere in this by-law, shall take place annually in the month of January on a date to be specified by the **MJSB**.

- 9) The dates for collection of collectible waste from **eligible premises** will be as described in a mail-out “collection calendar” – which will also be posted on-line.

PLACEMENT

- 10) All **solid waste** to be collected by the **Town** shall be accessible to the collector within 3 metres (approximately 10 feet) of the curb or travel-way, placed in such a manner as to not interfere with pedestrian traffic and snow removal.
- 11) All regulation or other containers of **solid waste** placed out to be collected by the **Town** shall also be placed in an upright position and, in applicable circumstances, with the lid securely closed.

CONTAINER REGULATIONS FOR RESIDUAL WASTE:

- 12) No person shall place, or cause to be placed, **residual waste** out for collection in any container other than a “regulation container” which is one which meets the following specifications:

Bag Container Specifications:

- a) Each bag shall be watertight, securely tied and of transparent clear plastic or transparent blue plastic;
- b) Each bag shall be no smaller than 66 cm x 91 cm and no larger than 75 cm x 120 cm;
- c) Each bag shall have an overall length of between 0.5 meters and 1.2 meters when empty; and
- d) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight.

Non-transparent Bag Container Specifications:

- e) Each **non-transparent bag** shall be made of polyethylene opaque plastic, be watertight and be securely tied;
- f) Each bag shall be no smaller than 66 cm x 91 cm and no larger than 75 cm x 120 cm;
- g) Each bag shall have an overall length of between 0.5 meters and 1.2 meters when empty; and each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight.

Non-Bag Container Specifications:

- h) Non-bag containers shall be made of metal, plastic or other impermeable material;
- i) Non-bag containers shall be watertight, secured with a cover, equipped with handles in good repair and as large or larger at the top as they are at the bottom;

- j) Non-bag containers shall not be filled above an imaginary line 5 cm below the top of the container;
- k) Each non-bag container, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight;
- l) Each non-bag container shall not exceed 100 liters (approx. 105 quarts) in volume; and
- m) Non-bag containers shall be maintained in a neat and sanitary condition and kept in good repair and shall not contain loose solid waste.

CONTAINER REGULATIONS FOR RECYCLABLES:

- 13) No person shall place, or caused to be placed, **recyclables** out for collection in any container other than a “regulation container” which is one which meets the following specifications:

Blue Bag Recyclables:

- a) Each bag shall be watertight, securely tied and of transparent clear plastic;
- b) Each bag shall also be no smaller than 25 cm x 40 cm and no larger than 75 cm x 120 cm;
- c) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight; and
- d) All **recyclables** must be clean.

Paper:

- e) Shall be placed in a bag, securely tied.
- f) Each bag shall be no smaller than 25 cm x 40 cm and no larger than 75 cm x 120 cm; and
- g) Each bag, including contents, shall not exceed 25 kilograms (approx. 55 pounds) in weight.

CONTAINER REGULATIONS FOR ORGANIC MATERIALS:

- 14) No person shall place, or cause to be placed, **organic materials** out for collection in any container other than a “regulation container” in the form of a **green cart**.
- 15) Notwithstanding the above, please see the special container requirements for **leaf and yard waste** under PREPARATION of SPECIFIC WASTE below and specific controls on **natural Christmas trees** under COLLECTION OF NATURAL CHRISTMAS TREES, inclusive.

COMMERCIAL CONTAINERS SPECIFICATIONS:

- 16) Commercial containers shall:

- a) Be sturdily constructed of weather-proof material and shall be watertight;

- b) Be inaccessible to pests, rodents, vermin, seagulls or animals;
- c) Be equipped with a tight fitting lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
- d) Be kept in a clean manner;
- e) Be kept in a state of good repair;
- f) Have displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
- g) Have displayed thereon the following message “GARBAGE” or “LANDFILL”, where institutional, commercial or industrial waste is to be deposited in the **commercial container**;
- h) Have displayed thereon the following message “RECYCLABLES”, where **blue bag recyclables** are to be deposited in the **commercial container**;
- i) Have displayed thereon the following message “**PAPER**” or “CARDBOARD”, where fibre recyclables are to be deposited in the **commercial container**;
- j) Have displayed thereon the following message “ORGANICS”, where **organic materials** are to be deposited in the **commercial container**.

PREPARATION OF SPECIFIC WASTES:

Leaf and Yard Waste

- 17) **Leaf and yard waste** may be deposited into a **green cart** so long as the cover of same is completely closed.
- 18) **Leaf and yard waste** may also be deposited into **heavy kraft** paper bags.
- 19) **Branches and limbs** or brush, of a maximum length of 900 mm (approx. 3 feet) - and maximum individual diameter of 50 mm (2 inches) in diameter may be tied in manageable bundles or inserted into bags as outlined above and outlined under Collection of Leaf and Yard Waste later in this bylaw.

Bottles or Glassware

- 20) Broken bottles and glassware shall be sealed in a cardboard box or bucket or other non-bag container and clearly identified– by noting, in large capital letters, on the outside of the bundle the words “BROKEN GLASS” – a warning to collection personnel.

Ashes or Soot

- 21) Ashes or soot shall be completely cooled for a minimum of four (4) weeks, then wetted down before depositing in the **green cart** or dampened down and placed in paper bags rolled down and then deposited in a **green cart**.

Cardboard

- 22) Corrugated cardboard shall be flattened out and securely tied in convenient bundles weighing no more than 25 kilograms each (approx. 55 pounds) and being a maximum of 900 mm by 600 mm (approx. 3 ft. by 2 ft.) in area and no more than 600mm (approx. 2 ft.) thick.

Electronics

- 23) **Electronics** shall be placed for collection separately from other **collectible wastes**. **Electronics** shall be placed carefully at the curbside to prevent damage to the electronic and broken glass. Three (3) **electronic** items may be placed per **eligible premises**, per collection.

Green Carts

- 24) Every **owner** or **occupant** shall provide sufficient and specified **green carts** for the storage and disposal of **organic waste** generated from his or her premises and maintain such **green carts** in good repair and sanitary condition.
- 25) To comply with the preceding section a **green cart** shall be:
- a) of 140 litre or 240-litre capacity;
 - b) either of the aerated or ventilated type;
 - c) dark green in colour;
 - d) an **MJSB** approved **brand and model**; and
 - e) designed to be emptied by a hydraulic lifting device.

WASTE COLLECTION RESTRICTIONS

- 26) No person shall place, or cause to be placed, **residual waste**, **green carts** or **recyclables** per any one **eligible premises** out for collection on any one collection day the cumulative weight of which, including containers, exceeds 100 kilograms (approx. 222 lbs.).
- 27) No person shall place, or cause to be placed, **residual waste** and **leaf and yard waste** per any one **eligible premise** out for collection on any one collection day which exceeds a maximum combination of six (6) bags or bundles of which one may be a) **non-transparent bag**, one may be a **green cart along with no more than two (2) bulky waste** items as defined herein.

REJECTION OF WASTE:

- 28) Any type of **solid waste** which has been set out for collection is subject to inspection by the **MJSB** And any such **solid waste** found or deemed by same to be set out in violation of the requirements of this by-law may be rejected and not collected.
- 29) Any **solid waste** which is so rejected will have placed on it a Rejection Sticker indicating the reason or reasons for rejection and information as to how to rectify same or get direction to rectify the problem.

- 30) Any rejected **solid waste**, as designated by a rejection sticker, shall remain the property of the owner or occupier.

PROHIBITIONS SPECIFIC TO COLLECTIONS:

- 31) No person shall place, or cause to be placed, any **collectible waste** out for collection before 8:00 P.M. of the day immediately preceding the day scheduled for collection.
- 32) No person shall place, or cause to be placed, any **collectible waste** out for collection after 8:00 A.M. of the day scheduled for collection.
- 33) The two immediately preceding sections may be altered by written permission of the **MJSB**.
- 34) No person shall permit any empty or rejected regulation container or any rejected materials to remain at the collection placement spot after 12:00 noon of the day following the day scheduled for collection.
- 35) No person shall place, or cause to be placed, any **non-collectible waste** out for collection.

SPECIAL CONDITIONS FOR BULKY WASTE COLLECTION:

- 36) No person shall place, or cause to be placed, more than **two (2) bulky waste items** out for collection on any one collection day. The **bulky waste** items can only be put curbside on the week **residual waste** is collected.
- a) Each individual item must not exceed 100 kgs (222 lbs) in weight; and
 - b) Each individual item must not exceed 1.8 m in any dimension;

SPECIAL COLLECTION OF SCRAP WOOD AND METAL:

- 37) No person shall place, or caused to be placed, **scrap wood or metal** out for collection except on a day designated by the **MJSB** for special collection of same and in accordance with the following restrictions:
- a) An oil tank is eligible for this special collection only if it is from a residence, does not exceed 760 litres (200 gallons) in capacity and has been cleaned and cut in half;
 - b) A refrigerator, freezer, dehumidifier or air conditioner shall display a sticker, issued by the appropriate authority, indicating that any Freon, other refrigerant gas, coolant or CFC has been removed and any refrigerator or freezer shall have its doors already removed;
 - c) Such waste shall be packaged, bundled or boxed so as to facilitate removal and handling;
 - d) Any sizable material shall be placed separately so as to allow for a dedicated collection of salvageable materials;
 - e) **Scrap wood** and **metal** shall be placed separately for collection;

- f) Each individual package, bundle or box shall not exceed 100 kgs (222 lbs) in weight; and
 - g) Each individual package, bundle or box shall not exceed 1.8 m in any dimension.
- 38) No person shall place, or caused to be placed, any **scrap wood or metal** out for collection on any one day the total of which exceeds a combined total volume of 2.0 m³.
- 39) No person shall place, or cause to be placed, any **scrap wood or metal** out for collection prior to 8:00 P.M. of the day immediately preceding the day scheduled for collection.
- 40) No person shall place, or cause to be placed, any **scrap wood or metal** out for collection after 8:00 A.M. of the day designated by the **MJSB** for collection of same.
- 41) No person shall permit any rejected or residue **scrap wood or metal** to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated by the **MJSB** for collection of same.

SPECIAL COLLECTION OF LEAF AND YARD WASTE:

- 42) No person shall place, or cause to be placed **leaf and yard waste** out for special collection except on a day designated by the **MJSB** or the special collection of same and in accordance with the following restrictions:
- a) such waste shall be contained in **heavy kraft** paper bags of a dimension no less than 66 cm by 91 cm nor greater than 75 cm by 120 cm shall not exceed a weight of 25 kg (55 lbs.);
 - b) bundled branches/limbs not exceeding 900 mm (3 ft.) in length with individual limbs not exceeding 50 mm (2 inches) in diameter;
 - c) each bag or bundle shall not exceed a weight of 25 kg (55 lbs.); and
 - d) the total of such waste shall not exceed 2.0 m³ in total volume.
- 43) No person shall place, or cause to be placed, any **leaf and yard waste** out for special collection prior to three (3) days before the day designated by the **MJSB** for collection of same.
- 44) No person shall place, or cause to be placed, any **leaf and yard waste** out for special collection after 8:00 A.M. of the day designated by the **MJSB** for collection of same.
- 45) No person shall permit any rejected or residue **leaf and yard waste** to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated by the **MJSB** for special collection of same.

COLLECTION OF NATURAL CHRISTMAS TREES:

- 46) No person shall place, or caused to be placed, a **natural Christmas tree** out for collection except on a day designated by the **MJSB** for collection of same and in accordance with the following

restrictions:

- a) It is to be unpackaged and undecorated, including the removal of all lights and any tree stand;
 - b) It shall have no wires or nails attached; and
 - c) It must not exceed 3 m (approx. 10 ft.) in length.
- 47) No person shall place, or cause to be placed, any **natural Christmas tree** out for collection before 8:00 P.M. of the day immediately preceding the day designated for collection of same.
- 48) No person shall place, or cause to be placed, any **natural Christmas tree** out for collection after 8:00 A.M. of the day designated for collection of same.
- 49) No person shall permit any rejected **natural Christmas tree** to remain at the collection placement spot after 12:00 noon of the day immediately following the day designated for collection of same.

RESPONSIBILITIES OF OWNERS and OCCUPANTS:

50) Every **owner** or **occupant** shall:

- a) Ensure that **collectible waste** and **bulky waste** are placed for collection in accordance with this by-law;
- b) Use only regulation containers for the storing and placement for collection of **collectible waste**;
- c) Provide a sufficient number of regulation containers to contain all of the **collectible waste** generated at the subject premises between regularly scheduled collection dates;
- d) Maintain such regulation containers in good repair and in a sanitary condition;
- e) Take all reasonable measures to ensure that each regulation container is covered and secured at all times except when being emptied or filled;
- f) Clean up any type of **collectible waste** which has escaped from its container or packaged, bundled or boxed waste – whether it be a regulation container or not;
- g) If **collectible waste** is stored outside the main building on the **eligible premises** it is to be stored in one or more secured regulation containers or an approved storage bin – in either case made inaccessible to pests, rodents, vermin, seagulls or animals;
- h) Ensure that any approved storage bin serving that premise is maintained at all times in a neat and sanitary condition and in good repair;
- i) Store any waste refrigerator or freezer either inside an enclosed and locked building or with the doors of the refrigerator or freezer removed;
- j) Ensure the proper preparation of all **collectible waste** in accordance with this by-law; and
- k) Abide by all lawful directives of the **Town**, or designated agents with regard to the handling of **solid waste** materials.

COMMERCIAL CONTAINERS:

- 51) The **owner** or **occupier** of any premises on which a **commercial container** is placed shall keep each **commercial container** behind, or beside, the building which it serves so as to reduce visibility from the street and adjacent properties.
- 52) Where the **commercial container** is placed on premises which are located in a residential zone pursuant to the **Town's** Land Use By-law or adjacent to a property which is zoned residential or contains a residential use, the **commercial container** shall be kept not less than 3 metres from the adjacent property lines.
- 53) Where the **owner** or **occupier** of any premises is unable to comply with the requirements of the two (2) preceding subsections because of the location of a building on the premises, which building was in existence at the time of the adoption of this By-law, the **owner** or **occupier** shall keep the **commercial container** at a location on the premises which is considered by the **Town** – as evidenced in writing – to not be unsightly and to cause neither a nuisance nor a health related problem.
- 54) Any temporary **commercial container** used during construction or repair work need not comply with the full range of Specifications outlined earlier in this bylaw, however, shall be subject to the following requirements:
- a) No **solid waste** shall extend beyond the internal volume of the container;
 - b) The temporary **commercial container** shall be removed immediately upon completion of the construction or repair work; and
 - c) The temporary **commercial container** shall be emptied as often as required to avoid over-filling of the same;
- 55) An **owner** or **occupier** of any premises on which a **commercial container** is located shall not permit the **commercial container** to be loaded other than uniformly and ensure that no **solid waste** extends beyond the internal volume of the container.
- 56) An **owner** or **occupier** of any premises on which a **commercial container** is located:
- a) Shall place same only on a surface which is hard, level and weather-resistant;
 - b) Shall keep the area surrounding the container free from litter and waste; and
 - c) Shall cause the container to be emptied on a regular basis, as required.
- 57) Where a person proposes to locate a temporary commercial container within the right of way of a public street in the **Town**, that person shall submit a written request for doing so, to the **Town**, outlining the exact proposed location and the estimated time that the container will be required to be there and any other details as requested by the **Town** and must receive written permission from same, outlining the exact location to be used, and other salient details, prior to so locating a commercial container.

HAULERS:

58) All private collections of **solid waste** shall be undertaken in compliance with relevant Federal/Provincial/Municipal statutes and regulations.

59) All private collection vehicles shall:

- a) Be maintained in good condition and be properly manned and equipped to ensure safe collection of **solid waste**;
- b) Comply with the *Motor Vehicle Act* and any other regulations or legislation in effect from time to time;
- c) Be designed so as to prevent any contents (including liquids) from falling out, being spilled, or scattering from the vehicle whether in motion or not;
- d) If used in the collection of more than one type of waste, be constructed to prevent cross-contamination between the various waste streams;
- e) Be equipped with a tailgate or other restraining device; and
- f) Be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover solid waste while it is being transported.

60) All private collection of any **solid waste** shall be made directly to the private collection vehicle from the premises where the same was generated.

61) All **solid waste** collected through private collections, and which is to be delivered to the **LRCRC**, shall be in compliance with the Regulations promulgated by the operator of the **LRCRC** regarding acceptance and receipt of **solid waste** at the **LRCRC**.

62) In the event of any spillage, the vehicle operator shall be responsible for the clean-up which shall be undertaken immediately.

WASTE TO BE DISPOSED OF OR CAUSED TO BE DISPOSED OF BY OWNER OR OCCUPANT

63) No person shall place the following products out for collection.

EXCESS PERMITTED QUANTITIES

- a) Any quantity of waste that exceeds the daily collection limits outlined in this bylaw.

ELECTRONICS:

- b) Every **owner** or **occupant** shall deliver **electronics** to a recognized **electronics** return collection facility in Nova Scotia for reuse or recycle, **during times other than the annual special electronic products collection.**

HOUSEHOLD HAZARDOUS WASTE:

- c) Every **owner** or **occupant** shall store any residentially-generated **household hazardous waste** in a safe and secure manner and place and shall deliver same, as soon as is reasonably possible, to the Household Hazardous Waste Depot ("HHW Depot") at the **LRCRC** or an approved hazardous waste disposal site.
- d) No person shall dispose of, or cause or permit the disposal of, **household hazardous waste** at any location within the **Town**.

CONSTRUCTION OR DEMOLITION MATERIALS:

- e) Every **owner** or **occupant** shall deliver or cause to be delivered any **construction or demolition materials** to the appropriate area or site within the **LRCRC** or an approved construction and demolition disposal site.
- f) ROOF SHINGLES are considered to be **construction or demolition material**.
- g) No person shall dispose of **construction or demolition materials** by stock-piling, storing or any other method.

METAL ITEMS:

- h) Unless otherwise permitted in this bylaw, every **owner** or **occupant** shall deliver or cause to be delivered any **metal items** to the **LRCRC** site or to an approved metal disposal site.

LUNENBURG REGIONAL COMMUNITY RECYCLING CENTRE:

- 64) The **Town** Council has designated, by resolution, the Lunenburg Regional Community Recycling Centre ("**LRCRC**") as the receiving site for **solid waste** generated by its residents – within the restrictions as set in this by-law and other restrictions as set by the operator of **LRCRC**.
- 65) The operator or other authorized staff of the **LRCRC** may refuse to accept a load of **solid waste** for the following reasons:
 - a) **solid waste** other than that which the **LRCRC** has been approved to accept; or
 - b) it is a load for which a tipping fee, whether set or negotiated, has not yet been paid to the **LRCRC**; or
 - c) it is a load for which tipping fee payment arrangements satisfactory to the operator or other **LRCRC** authorized staff have not yet been agreed to, reduced to writing and signed by both parties.
- 66) No person shall dispose of, or cause or permit the disposal of, any type of **solid waste** outside, around or adjacent to the **LRCRC** in the following circumstances:
 - a) when the **LRCRC** is not open and operational; or
 - b) after the operator or authorized staff of the **LRCRC** has refused to accept same.
- 67) All collection vehicles shall be equipped with a tailgate or other restraining device; and be closed-in or equipped with a tarpaulin or equivalent cover device which shall be used to cover **solid waste** while

it is being transported from the **LRCRC** front gates to the scale house.

LEGAL and ILLEGAL DISPOSAL:

- 68) With the exception of the placement of **solid waste** for collection in accordance with this By-law, the delivery of **electronics** or **household hazardous wastes** to depots or other disposals allowed for in this by-law, no person shall dispose of, or cause or permit the disposal of, **collectible waste**, or **non-collectible waste** at any location or manner in the **Town** except as follows:
- a) backyard composting carried out in such a manner as to not constitute a nuisance;
 - b) subject to Federal or Provincial law to the contrary, the disposal of waste trees, brush or portions thereof or other organic farm or forestry waste on privately-owned forest or farm land in such a manner as to not constitute a nuisance;
 - c) subject to Federal or Provincial law or other Municipal By-laws to the contrary, the disposal aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill in such a manner as to not constitute a nuisance.
- 69) No person shall dispose of, or cause or permit the disposal of, any **solid waste** in an approved storage bin unless that person is, or has the permission of, the **owner** of said bin.
- 70) No person shall dispose of, or cause or permit the disposal of, any **non-collectible waste** or rejected **solid waste** in, at or near an approved storage bin.
- 71) Proof that any type of **solid waste**, which was disposed of in contravention of this by-law, originated from a particular person, from the residence of a particular person, from a particular premises, **or from a particular vehicle (as defined by the Motor Vehicle Act of Nova Scotia)**, shall, in the absence of evidence convincing a court to the contrary, be evidence sufficient for a court to infer that the said person – or the owner or current **occupant** of said residence or premises– **or the owner of the vehicle** - was the person who disposed of that **solid waste**, or a portion of same, or caused or permitted it to be disposed of.

GENERAL PROHIBITIONS:

- 72) Where an **owner** or **occupier** properly places any authorized form of **solid waste** out for collection by the **Town's** contractor the waste becomes the property of the **Town** upon being picked up by the **Town** or the **Town's** contractor.
- 73) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of **solid waste** or regulation container which has been placed out for collection.
- 74) No person shall pick over, remove, collect, disturb or otherwise interfere with any type of **solid waste** or regulation container which has been placed in an approved storage bin.
- 75) The prohibitions in the above three clauses do not apply to the following circumstances:
- a) removal by authorized personnel when acting on behalf of the **Town**;
 - b) **wood items**, appliances or furniture; **bulky waste**, plastic, and any other materials placed out

for collection but is useable by another person; or

c) **leaf and yard waste** placed out for Special Collection of Leaf and Yard Waste.

76) In the event of any removal, collecting or disturbing allowed by the preceding clause, all remaining materials shall be left in an orderly condition and placed so as to not interfere with pedestrian or vehicular traffic.

77) No person shall dispose of any type of **solid waste** by the burning of same.

78) No person shall place any **solid waste** generated from outside the **Town** for collection at any place in town for collection.

EXPORT OF SOLID WASTE:

79) No person shall transport any type of **solid waste** generated within the **Town** to any location other than the **LRCRC** site or outside the boundaries of the area served by the **LRCRC** but for the following exceptions:

- a) **Construction or demolition materials** to an approved C&D debris disposal site;
- b) "Direct haul" of **residual waste** to Kaizer Meadow only when authorized by the operator of **LRCRC** and/or the **Town**;
- c) Recycle products such as **metal items** and **white goods**, designated plastic and refundables which may be taken to an approved recycling depot and/or metal recycling facility in Nova Scotia;
- d) **Electronics** which may be taken to a recognized **electronics** return collection facility in Nova Scotia; and
- e) Any other special arrangement authorized in writing by the Town of Mahone Bay.

ENFORCEMENT and PENALTIES:

Illegal Dumping;

80) Any person who disposes of, or permits the disposal of, any **solid waste** including **construction or demolition materials** and/or **residual waste** other than in accordance with this by-law is guilty of a summary offense and is liable, upon conviction, to a fine of not less than One Thousand Dollars (\$1000.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.

Other Provisions;

81) Any person who violates any other provision of or permits any other thing to be done in violation of, this by-law is guilty of a summary offense and is liable, upon conviction, to the following in accordance with the **MJSB's** Solid Waste Enforcement Procedure.

- a) for a first offense, a fine of not less than Two Hundred Dollars (\$200.00) and not more than

One Thousand Dollars (\$1,000.00) and in default of payment thereof to a term of imprisonment not to exceed thirty (30) days;

- b) for a second offense, a fine of not less than Three Hundred Dollars (\$300.00) and not more than Two Thousand Dollars (\$2,000.00) and in default of payment thereof to a term of imprisonment not to exceed sixty (60) days;
- c) for each subsequent offense, a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00) and in default of payment thereof to a term of imprisonment not to exceed ninety (90) days.

- 82) Any person who obstructs or hinders any person in the performance of their duties under this bylaw is guilty of a summary offense and is liable, upon conviction, to a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), and in default of payment to a term of imprisonment not to exceed ninety (90) days.
- 83) Where a person is convicted of an offence under this by-law and the court is satisfied that, as a result of the commission of the offence, clean-up or site remediation costs were incurred, whether by the **MJSB** or by a person, the Court may order the offender to pay, in addition to all other fines and penalties, restitution to the **MJSB** or person in an amount equal to the said clean-up or remediation costs.
- 84) Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed or violation of this by-law a judge may order the imposition of a penalty in relation to any fee, cost, toll, or charge associated with the conduct that gave rise to the offence.
- 85) Pursuant to the provisions of the *Municipal Government Act*, in addition to a fine imposed for violation of this by-law a judge may order compliance with this by-law within a specified time.
- 86) Each day that a person commits any offence under this by-law constitutes a separate offence.
- 87) Where a breach of this by-law is anticipated or is of a continuing nature, the **MJSB** may, pursuant to the provisions of the *Municipal Government Act*, apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order and the judge may make any order that the justice of the case requires.

ADMINISTRATIVE TICKETING:

- 88) In lieu of prosecution under this by-law the **MJSB** may issue to any person it believes, upon reasonable grounds, has committed an offence under this by-law a Notice of Alleged Violation allowing the person to whom it is directed to avoid possible prosecution by means of the voluntary payment of a sum of money.
- 89) Any person who receives a Notice of Alleged Violation in relation to this by-law and where the said Notice so provides, may pay a penalty in the amount of One Hundred Dollars (\$100.00) to the office of the **MJSB** provided that said payment is made within fourteen (14) days of the date of issuance of the Notice and said payment shall be in full satisfaction thereby releasing the person named from prosecution for the said alleged violation.

90) Nothing in this by-law requires the **MJSB** to issue a Notice of Alleged Violation in lieu of initiating a prosecution in relation to an alleged violation.

REPEAL:

91) All previous Solid Waste Management Bylaws and any amendments thereto, are hereby repealed.

EFFECTIVE DATE

92) This Bylaw is effective upon publication.

David Devenne, Mayor

Dylan Heide, CAO/Clerk

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the 00 day of Month 2019.

Given upon the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Mahone Bay this 00 day of Month 2019.

CLERK'S NOTATION

FIRST READING:	
"NOTICE OF INTENT" PUBLICATION:	
SECOND READING:	
MINISTERIAL APPROVAL:	
DATE OF PUBLISHING:	
FORWARDED TO THE MINISTER:	
FORWARDED TO TOWN WEBSITE:	



Town of Mahone Bay

Staff Report

RE: Policy for Special Meetings of Committees

October 24, 2019

General Overview:

The purpose of this report is to provide Council with policy regarding Special Meetings of Town of Mahone Bay Advisory Committees.

Background:

Based on questions which had been raised regarding scheduling Special Meetings of the Planning Advisory Committee, staff drafted a policy to address Special Meetings of the Planning Advisory Committee. That draft policy, the Planning Advisory Committee Special Meetings Policy, was presented at the June 27, 2019 meeting of Council at the recommendation of the Planning Advisory Committee.

When the draft Policy in question was received by Council, staff were asked to amend the policy, specifically with consideration of how a policy on Special Meetings would impact other Advisory Committees which also are faced with requests to hold Special Meetings.

Analysis:

While the discussion about Special Meetings arose at the Planning Advisory Committee, the understanding that a file pending the review at the Committee level to be forwarded to Council for approval can have financial implications for applicants also applies to the Heritage Advisory Committee, as was noted at the June 27, 2019 meeting of Council. The Planning Advisory Committee receives requests for study and review of Development Agreement applications and amendments, which are understood to have financial implications for developers, but Heritage Property owners must also seek recommendation from the Heritage Advisory Committee before making alterations to their property, which also involves financial considerations associated with designers and contractors.

In addition to the Planning Advisory Committee and the Heritage Advisory Committee, the Town of Mahone Bay has two additional Advisory Committees: the Watershed Advisory Committee and the Police Advisory Board. The initial implications of this policy are assumed to have more impact on the Planning Advisory Committee and Heritage Advisory Committee.

The desire to be helpful to those with a file pending review must be balanced with a pragmatic consideration of capacity for additional meetings; additional meetings require a time commitment and scheduling flexibility from committee members, both Council and community volunteers. Staff availability and limited staff time are also considerations.

Committee Chairs, committee members and those applying for consideration of the Committees will benefit from the increased transparency provided by a policy framework for Special Meetings of Committees.

In consideration of the Draft Policy for Special Meetings presented to Council, staff are recommending an amendment to Section 6.0 Meeting Procedures of the Town of Mahone Bay Committees Policy rather than the adoption of a separate policy, in the interest of clarity.

Financial Analysis:

The primary financial considerations with scheduling Advisory Committee members are those to the applicant, but there are potential financial considerations around notice of Special Meetings and staff time.

Links to Strategic Plan:

3.3 Economic and Community Development

- Ensure that Town policies, procedures, by-laws and other regulations foster growth and development.

Recommendation:

It is recommended that at its regular meeting on November 12, 2019, Council resolve:

THAT Council adopt the Amended Committees Policy as presented.

Respectfully submitted,



Maureen Hughes

Clerk and Deputy CAO

Town of Mahone Bay

Committees Policy

1.0 Purpose

The purpose of this policy is to manage the creation and dissolution of Town Council Committees as required and to provide Council, staff and community members with a reference for council committees.

This policy will serve as a reference in the formation of new Town Council Committees. This policy will provide guidelines for the organization of committees, committee membership, meeting practices, and roles of committee members.

This policy will include a list of current Town Council Committees.

2.0 Scope

The Committees Policy applies to all Town of Mahone Bay Committees of Council, at all times and without exception. The following provisions shall apply to all Town Council Committees listed in this policy, except where the policy specifically provides otherwise.

The Committees Policy will repeal and supersede any and all previous policies held by the Town of Mahone Bay regarding and/or governing Town Council Committees.

3.0 Terms

Town Council Committees: Section 24 of the Municipal Government Act provides that Council may establish standing, special and advisory committees. Town Council Committees are formed by motion of Council amending this policy to add to the list of current committees and associated schedules. The purpose of every Town Council Committee is to serve the community in some meaningful and recognizable way and to make recommendations in this regard to Council. Council Committees may be comprised of Council members, Town staff and public members (a Committee's Terms of Reference may provide additional criteria).

Committees will submit regular written reports or minutes to Council for review and will present recommendations for Council approval. This will generally take place at the next regular Council meeting following the date of the Committee meeting (or at the next regular Council

meeting thereafter, if Council meets less than seven business days after the Committee's meeting date, to allow for the preparation of minutes).

All Town Council Committees are expected to:

- Review and advise Council on any matter referred by Council;
- Receive delegations and correspondence related to the Committee's mandate;
- Conduct community and stakeholder consultation and engagement and report to Council;
- Make recommendations to Council related to the Committee's mandate;
- Identify and recommend to Council external funding sources supporting the Committee's mandate;
- Collaborate with other Committees of Council;
- Provide recommendations to the Town's annual budget – if any – no later than the end of January of each year;
- Provide regular public reports to Council in the form of Minutes.

Town Council Committees do not:

- Make financial commitments on behalf of the Town;
- Provide direction to Town staff.

Standing Committees – Council Committees comprised primarily of Council members with some public members, generally meeting as required to fulfill the obligations of Council under legislation or by-law.

Advisory Committees – Council Committees with an advisory purpose focused on a particular area of municipal responsibility, comprised primarily of public members with no more than three members of Council appointed. Agenda items may be referred by Council, or added by members to encourage discussion. In accordance with their specific mandate, Advisory Committees may recommend to Council long-term strategic plans and related annual work plans (setting goals and timelines) including budget recommendations. Advisory Committees generally meet monthly or bimonthly.

Citizen Advisory Committees – Advisory Committees comprised in accordance with Provincial legislation to provide a public forum for consideration of specific topics. Agenda items

are generally referred by Council. Citizen Advisory Committees meet as necessary to fulfill their mandate.

Special Committees - Ad-hoc committees established by Council for a special purpose; will have a finite mandate / duration specified in establishing motion. Consideration will be given to whether a special committee or special meetings of the Town Council are the more appropriate option in each case.

External Committees, Boards & Commissions: Town Council members and members of the public are also appointed to serve on various external committees, boards and commissions. Members so appointed under this policy shall represent the interests of the Town at all times while serving in this capacity, conduct themselves in accordance with expectations as set forth by the Town of Mahone Bay, and ensure the Town Council is kept well informed as to the proceedings of the committee, board or commission.

Terms of Reference: Town Council Committees require Terms of Reference for members to promote and adhere to which are clear in purpose and easily recognizable as being for the public good. The mandate must be one which members can work toward with tangible outcomes easily recognizable by the community, on the whole, as positive and valuable. All current Town Council Committees' Terms of Reference will be included as schedules to this policy. Generally, each Committee's Terms of Reference will include: Background, Committee Mandate, and Committee Membership.

Advisory Committees are responsible to review their Terms of Reference and make recommendations to Council for their amendment as deemed necessary or desirable by the Committee.

4.0 Roles and Responsibilities

Role of Committee Chair: The Chair is appointed annually or when the position becomes vacant. Council may appoint a Chair of any committee from the membership by motion. If Council does not appoint a Chair, the Chair will be determined from the membership by the committee members. Committees may remove and appoint a Chair as deemed necessary, by way of a recommendation to Council. Town Staff may not serve as Chair.

The Chair of a Town Council Committee is entitled to speak and vote on any motion. The Chair will call the meeting of the committee to

order and ensure appropriate procedures are followed (as specified in the Town of Mahone Bay Town Council Policy). The Chair will serve as the representative of the committee at official functions; however, this function can also be delegated to another member(s) of the committee as required.

Role of Committee Secretary: The Committee Secretary is always a non-voting staff member designated by the CAO. The Secretary will prepare the agenda and keep the minutes of the committee meetings in accordance with the Town of Mahone Bay Town Council Policy. The Secretary will provide agendas and minutes to the membership and the Town Clerk for submission to Council and for public access. The Secretary will have the following responsibilities:

- a) to collect agenda items and input from committee members and issue the agenda, along with any other required documents, to the committee prior to the meeting;
- b) prepare and issue minutes of meetings in a timely fashion; and,
- c) ensure that the activities of the committee are communicated effectively to the community, prepare any press releases and coordinate with the Town's website manager to ensure that pertinent information is made available to the public.

Role of Committee Members: All members of Town Council Committees are expected to:

- a) Understand the mandate of the Committee and its relationship to Council, as well as relevant Town policies;
- b) Understand their role as a Committee member;
- c) Understand the role of the Committee Chair, Council members and Town staff;
- d) Strive to attend all scheduled and special committee meetings;
- e) Recognize any limitations on your participation and inform the chair of these limitations;
- f) Prepare for meetings by reading agendas and any background information supplied;
- g) Actively participate in the discussion and decision-making process;
- h) Undertake any work assigned, including special projects, participation on subcommittees and research;
- i) Participate in ongoing training and regular workshops when appropriate;
- j) Be open-minded and allow for a variety of opinions to be heard;

- k) Respect the individual worth and dignity of opinions of other Committee members and maintain a high degree of decorum;
- l) Refer to the Chair for questions and procedure;
- m) Ask questions, and seek clarification through the Chair or staff;
- n) Respect the decisions and finality of Council;
- o) Clearly identify and orally disclose any conflict of interest, and refrain from any discussion which could influence the opinions of Committee members;
- p) In a public forum, clearly identify when they are speaking in their capacity as a committee member, or as an independent citizen, where appropriate;
- q) As a representative of the Town, conduct themselves in accordance with expectations as set forth by the Town of Mahone Bay; and
- r) Sign and adhere to the Town of Mahone Bay Code of Conduct.

5.0 Committee Membership:

Council Committees may be comprised of Council members, Town staff and public members as specified in their Terms of Reference, appointed in accordance with this policy. Advisory Committees, excluding Citizen Advisory Committees, will generally be comprised of two members of Council, one or more non-voting staff members, including the designated Committee Secretary, with the remaining membership consisting of representatives of stakeholder or community organizations and/or individuals with particular skill sets relative to the committee (a Committee's Terms of Reference may provide additional criteria). Wherever possible Committees will consist of an uneven number of voting members. Council will remove committee members by motion as deemed necessary to ensure the proper functioning of the committee.

Voting members of Town Council Committees must be residents of the Town, owners of property within the Town, or currently active members of stakeholder or community organizations as per each committee's Terms of Reference. The majority of voting members of Town Council Committees must be residents of the Town. No Town Council Committee shall have more than nine voting members.

5.1 Appointment of Committee Members:

Council Member Appointment

- Upon the swearing in of the Town Council following a municipal election, and every two years thereafter during the life of a Council,

the Mayor shall consult with members of Council and present to Council a list of proposed Council member appointments to Town Council Committees and external committees, boards and commissions.

- Unless otherwise governed by policy or legislation, Council appointments to committees, boards and commissions shall be made for a two year term and such appointments shall be by motion of Council.
- If a vacancy should occur, Council may leave the position vacant for the balance of the term or appoint a replacement for the vacancy by motion of Council.
- The Mayor shall be a non-voting member of all Town Council Committees in which the participation is ex-officio.

Staff Member Appointment

- The Town staff person(s) holding the position(s) specified in the Committee's Terms of Reference on a permanent or acting basis will be considered members of the Committee; if the specified staff person is unavailable to attend a meeting the CAO may send a designate.
- Additional Town staff persons may be directed to attend meetings of Town Council Committees by the CAO but will not be considered Committee members.
- Town Staff are always non-voting members on Town Committees.
- The CAO shall be a non-voting ex-officio member of all Town Council Committees.

Public Member Appointment

- Unless otherwise governed by policy or legislation public member appointments to Town Council Committees will be made on a calendar basis in December of each year for an appointment of two years beginning in January. Council may terminate any public member appointment by motion at any time.
- If a vacancy should occur, Council may leave the position vacant for the balance of the term or appoint a replacement for the vacancy by motion of Council.
- The Town will advertise all vacancies for public members on Town Council Committees prior to the expiration date of the term of office and additionally as required to fill unanticipated vacancies.
- Vacancies will be advertised by circulating a notice to all residents of the Town through Canada Post and on the Town website. Such notices will include the selection criteria contained in this policy.
- Application forms (attached as a schedule to this policy) will be available at the Town Hall and on the Town website.

- All applicants (including those re-offering) must complete an application form and submit it on, or before, the deadline date indicated.
- The Terms of Reference for a Council Committee may require one or more public members to serve as representatives of a stakeholder or community organization with candidate nominations being forwarded for Council's consideration. Completed application forms are still required and must be submitted on, or before, the deadline date indicated.
- Selection process:
 - Members of the Town Council will review those applications received, selecting those individuals most suitable for the positions available.
 - If there are only enough applicants to fill the available vacancies and Council approves the candidate offering for the position, no further assessment is necessary.
 - If there are more than enough applicants to fill the available vacancies Council will score the candidates according to the following criteria:
 - Committee experience (on a committee of council or equivalent committee of any organization) – 1 point per year of experience to a maximum of 4;
 - Educational, work, and volunteer experience relevant to the Committee's mandate – 1 point per year of experience to a maximum of 4;
 - Demonstrated suitability and support for the values outlined in the Council's Strategic Plan – up to 2 points;
 - Demonstrated ability to attend regular Committee meetings and related events – up to 2 points;
 - Demonstrated proficiency with computers – up to 2 points;
 - Diverse and balanced representation of the community – up to 2 points;
 - Additional criteria as provided in the Committee's Terms of Reference – up to 4 points.
 - The scoring for each candidate would be the sum of the points received from each member of Council based on the criteria. Candidates will then be ranked in order of the highest total of points received. This ranking would be a guideline for Council to use in the appointment of public members.
 - Notwithstanding the ranking of any candidate, the final selection and appointment to Town Council Committees is at the sole

discretion of Council by motion. The Town Council is not obligated to appoint any candidate and may instead re-advertise for public members as needed.

6.0 General

Meeting Procedures: Meetings of Town Council Committees will generally adhere to the meeting procedures specified in the Town of Mahone Bay Town Council Policy. Quorum at a meeting of a Town Council Committee shall be the same as quorum at a Town Council meeting (a majority of voting members) pursuant to provincial legislation.

Committees shall meet at such a time and place as set out at the preceding meeting or at such other time and place as Council, the Committee Chair, or a quorum of committee members decides, with at least three business days advance notice to members and the public. Committees which meet on a regular basis will endeavor to keep a regular meeting day, e.g., the third Monday of the month.

Additional meetings may be scheduled by the Committee Chair not less than 10 days before or after a regularly scheduled meeting. In the case of Advisory Committee meetings (e.g. Heritage Advisory, Planning Advisory) which receive requests concerning matters to be forwarded to Council for approval, the Chair will give consideration to potential financial implications in consideration of a request for a special meeting. The Chair shall retain the right to modify a request for a Special Meeting (e.g. time, date) and/or to reject a request for a Special Meeting for any reason, including but not limited to staff workload and strategic priorities, availability of committee members, meeting space availability, or concerns relating to providing appropriate notice and advertisement to the public.

The date, time and location of committee meetings shall be posted by the Secretary by providing a copy of the agenda to committee members and the Town Clerk. The Clerk will post the agenda and minutes for the public; all meeting dates and times, agendas and minutes of the committee shall be open to the public except as expressly authorized by law.

Agenda Items: In accordance with procedures specified in the Town of Mahone Bay Town Council Policy all agenda items must be forwarded to the Secretary at least five business days prior to the next scheduled meeting. The committee agenda, along with the meeting

package, will be distributed to committee members at least three business days prior to the next scheduled meeting.

Resources/Accounts: Where applicable, Town Council Committees will be allocated funds as a component of the Town's annual budget for purposes directly related to their mandate as specified in their Terms of Reference; committees are generally expected to submit an annual work plan to Council outlining how these funds will be used no later than the end of January of each year. Individual committee members, with the exception of authorized Town staff, do not have the power to expend funds on behalf of the Committee or the Town.

Subject to motion(s) of Council, the resources which may be utilized by the Committee, in addition to expense claims for committee business through the CAO, include:

- a) advice and support of the Committee Secretary (member of staff) and/or other Town staff as designated by the CAO;
- b) use of the Town's facilities and supplies for meetings, including, photocopying, postage and other administrative needs as approved by the CAO;
- c) use of external services necessary to discharge the Committee's Terms of Reference (e.g. advertising), as approved by the CAO;
- d) such other resources reasonably required, through the CAO in accordance with any allocation provided in the annual budget.

The members of the committee shall serve without remuneration but may be paid such expenses as are necessarily incurred by each member in the discharge of duties approved by the committee.

Professional Public Conduct: Members of any Town Council Committee will follow all applicable Town of Mahone Bay policies and/or by-laws while serving in the community and/or representing the Town as part of a Town Council Committee.

Conflict of Interest: Any member of a Town Council Committee with a conflict of interest related to motions or actions of the committee, must acknowledge the conflict and follow the same procedures as those followed by Council; have the conflict recorded in the minutes and be excused from participation in the meeting during the time which the topic is under consideration. As each Council Committee meeting is called to order the Chair will remind members of this procedure.

Council Review: In the event that a Town Council Committee ceases to function as prescribed by this policy or as set out in the committee's Terms of Reference, or ceases to meet for three or more successive scheduled meetings, or is unable to meet with quorum for three or more successive scheduled meetings, or at any time, Council may proceed with a review of the viability of the committee and determine whether to dissolve. Town Council Committees can only be dissolved through motion of Council amending this policy; Town Council Committees dissolved by motion of Council, can be so without consultation with the Committee members. In the instance that a Committee is dissolved, the dissolution will be posted on the Town website and all the Committee members will be notified prior to the next scheduled meeting.

Current Town Council Committees List:

Standing Committees:

- Audit & Finance Committee
- Cemetery Committee

Advisory Committees:

- Age-Friendly Community Committee
- Economic Development Committee
- Asset Management Committee

Citizen Advisory Committees:

- Planning Advisory Committee
- Heritage Advisory Committee
- Police Advisory Board
- Oakland Lake Watershed Advisory Committee

Clerk's Annotation for Official Policy Book

Date of Notice to Council Members of Intent
to Consider {7 days minimum notice}:

October 24, 2019

Date of Passage of Policy:

Clerk

Date

Audit & Finance Committee **Terms of Reference**

Background

The Audit & Finance Committee is established to comply with the requirements of the Nova Scotia Municipal Government Act that the Town Council shall annually appoint an audit committee which shall meet at least twice in each fiscal year.

Committee Mandate

The responsibilities of the Audit & Finance Committee shall include:

- (a) a detailed review of the financial statements of the Town with the municipal auditor;
- (b) an evaluation of internal control systems and any management letter with the auditor;
- (c) a review of the conduct and adequacy of the audit;
- (d) such matters arising out of the audit as may appear to the audit committee to require investigation;
- (e) such other matters as may be determined by the Council to be the duties of an audit committee; and,
- (f) any other matters as may be determined by the Council.

In addition to the responsibilities assigned to the Committee by the Municipal Government Act, Council has determined that the Audit & Finance Committee will review financial updates provided by the Manager of Finance and make recommendations to Council concerning the financial policies and practices of the Town.

The Audit & Finance Committee shall generally meet twice each year. Voting membership on the Audit and Finance Committee will be restricted to residents of the Town of Mahone Bay.

Committee Membership

The membership of the Audit & Finance Committee shall include:

- All members of the Town Council;
- The CAO (non-voting);
- The Manager of Finance (non-voting); and,
- Two public members

In the selection of public members preference will be given to applicants with demonstrated experience interpreting financial statements.

Cemetery Committee **Terms of Reference**

Background

The Cemetery Committee is established under the Town's Cemetery By-Law January 14th, 2014, with responsibility over Park and Bayview Cemeteries.

Committee Mandate

The responsibilities of the Cemetery Committee as assigned in the Cemetery By-Law shall include:

- (a) Approving the transfer of title to cemetery lots;
- (b) Setting criteria for memorials;
- (c) Approving the placements/relocations/removals of memorial structures and objects in the cemeteries;
- (d) Varying interment and disinterment procedures if necessary;
- (e) Advising staff concerning the care of the cemeteries; and,
- (f) Establishing fees, rules and regulations pertaining to the cemeteries by recommendation to the Town Council.

The Cemetery Committee shall generally meet on a quarterly basis.

Committee Membership

The membership of the Cemetery Committee shall include:

- Three members of the Town Council;
- The Director of Operations (non-voting);
- Another Town employee designated as Secretary by the CAO (non-voting);
- One public member representing Mahone Funeral Home; and,
- One other public member.

In the selection of public members preference will be given to applicants with family members interred in Park Cemetery or Bayview Cemetery.

Age-Friendly Community Committee **Terms of Reference**

Background

The Age-Friendly Community Committee was originally established by Council in 2011 as a commitment to consulting with residents on the age-friendliness of the Town.

The overall purpose of the committee is to provide leadership, consultation and engagement activities in the process of making the Town of Mahone Bay an inclusive age-friendly community as described by the World Health Organization's 8 domains of Age Friendly Communities:

1. Outdoor spaces and buildings
2. Transportation
3. Housing
4. Respect and social inclusion
5. Social participation
6. Communication and information
7. Civic participation and employment opportunities
8. Community support and health services

Committee Mandate

The responsibilities of the Age-Friendly Community Committee shall include the following:

The responsibilities of the Age-Friendly Community Committee shall include the following:

- (a) Promoting an age-friendly culture by raising awareness of the importance of social participation and inclusion of citizens;
- (b) Developing knowledge and skills amongst local stakeholders and residents related to age-friendly communities;
- (c) Reviewing Town programs and services, and making recommendations to Council to remove barriers to participation by people of all ages;
- (d) Identifying effective ways to engage youth and older adults in stakeholder consultation when seeking public feedback on Town initiatives;
- (e) Collaborating with other Town Committees on projects affecting older adults and/or youth;
- (f) Promoting the development of age-friendly business premises and practices within the local business community; and,

- (g) Collaborating with local and regional organizations to develop and promote programs, events and practices in the area to enhance participation by people of all ages.

The Committee discharges its responsibilities via recommendations to Council, which independently considers the recommendations of the committee. Should Council approve a Committee recommendation, Town staff and resources can be allocated to support the Committee's mandate.

The Committee is expected to work toward the development of a 5-year Age-Friendly Community Plan and thereafter to conduct an annual review of the Plan and recommend a related work plan to Council.

The Age-Friendly Committee shall generally meet monthly.

Committee Membership

The membership of the Age-Friendly Committee shall include:

- Two members of the Town Council;
- A Town employee designated as Secretary by the CAO (non-voting); and,
- Up to seven public members as appointed by Council.

In the selection of public members, preference will be given to older adults, youth and applicants who are connected with local organizations that serve older adults and youth.

Economic Development Committee **Terms of Reference**

Background

The overall purpose of the Economic Development Committee as determined by Council is to provide leadership and engagement activities to promote the economic development of the Town of Mahone Bay.

Committee Mandate

The responsibilities of the Economic Development Committee shall include:

- (a) Promoting a local investment climate;
- (b) Supporting the marketing and branding of the Town;
- (c) Promoting livability and resident attraction / retention;
- (d) Supporting the coordination / growth of local events;
- (e) Promoting tourism and enhancing the visitor experience;
- (f) Supporting buy-local / import substitution initiatives; and,
- (g) Promoting commercial opportunities and land development.

The Committee discharges its responsibilities via recommendations to Council, which independently considers the recommendations of the committee. Should Council approve a Committee recommendation, Town staff and resources can be allocated to support the Committee's mandate.

The Committee is expected to work toward the development of a 5-year Economic Development Plan and thereafter to conduct an annual review of the Plan and recommend a related work plan to Council.

The Economic Development Committee shall generally meet monthly.

Committee Membership

The membership of the Economic Development Committee shall include:

- Two members of the Town Council;
- A Town employee designated as Secretary by the CAO (non-voting);
- One public member representing the Mahone Bay Chamber of Commerce; and,
- Up to four additional public members as appointed by Council.

In the selection of public members preference will be given to owners and operators of businesses operating in the Town of Mahone Bay.

Asset Management Committee **Terms of Reference**

Background

The overall purpose of the Asset Management Committee as determined by Council is to provide leadership and engagement activities to ensure public assets are managed in a proactive and sustainable manner for current and future generations.

Committee Mandate

The responsibilities of the Asset Management Committee shall include:

- (a) Researching, critiquing and recommending a draft Asset Management Policy to Council;
- (b) Reviewing the preliminary infrastructure report asset class by asset class;
- (c) Based on current service provision and existing assets, assisting in the development of Level of Service (LOS) definitions that are clear, concise, and jargon free;
- (d) Considering appropriate levels of service, assess service delivery risks, recommend service targets to Council;
- (e) Setting clear, efficient guidelines for communications with the purpose of:
 - Providing regular progress updates to Council
 - Providing regular progress updates to the public;
- (f) Designing a public engagement strategy; and,
- (g) Researching successful practices in Asset Management when it comes to establishing priorities and achieving results in small communities.

The Committee discharges its responsibilities via recommendations to Council, which independently considers the recommendations of the committee. Should Council approve a Committee recommendation, Town staff and resources can be allocated to support the Committee's mandate.

The Committee is expected to work toward the development of a long-term Asset Management Plan and thereafter to conduct an annual review of the Plan and recommend a related work plan to Council.

The Asset Management Committee shall generally meet monthly.

Committee Membership

The membership of the Asset Management Committee shall include:

- Two members of the Town Council;
- The CAO (non-voting);
- The Manager of Finance (non-voting); and,
- Up to five public members as appointed by Council.

In the selection of public members preference will be given to applicants with backgrounds in civil engineering, finance and other related fields.

Planning Advisory Committee **Terms of Reference**

Background

The Planning Advisory Committee is established under Section 200 of the Nova Scotia Municipal Government Act which provides that a municipality may, by policy, establish a Planning Advisory Committee.

The purpose of a planning advisory committee is to advise Council respecting the preparation or amendment of planning documents and respecting planning matters generally.

Committee Mandate

The responsibilities of the Planning Advisory Committee shall include:

- (a) Reviewing planning matters referred by Council and making recommendations to Council with respect to planning matters including Development Agreements and amendments to the Municipal Planning Strategy and Land-Use By-Law.

The Committee is expected to conduct an update of the Municipal Planning Strategy and Land-Use By-Law every 10 years and recommend amendments to Council as they arise.

The Planning Advisory Committee meets no more than monthly and only as required to discharge its responsibilities. [Any additional meetings shall be scheduled in accordance with Section 6.0 Meeting Procedures of the Town of Mahone Bay Committees Policy.](#)

Committee Membership

The membership of the Planning Advisory Committee shall include:

- Three members of the Town Council;
- Planning staff (non-voting);
- A Town employee designated as Secretary by the CAO (non-voting); and
- Up to four public members as appointed by Council.

Voting membership on the Planning Advisory Committee will be restricted to residents of the Town of Mahone Bay.

Heritage Advisory Committee

Terms of Reference

Background

The Heritage Advisory Committee is established under the Heritage Property By-Law dated April 12th, 1988 pursuant to the Nova Scotia Heritage Property Act.

Committee Mandate

The responsibilities of the Heritage Advisory Committee shall include making recommendations to Council concerning:

- (a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property;
- (b) An application for permission to substantially alter or demolish a municipal heritage property;
- (c) Building or other regulations that affect the attainment of the intent and purpose of the Heritage Property Act; and,
- (d) Any other matters conducive to the effective carrying out of the intent and purpose of the Heritage Property Act; and
- (e) Initiatives to foster interest and community support for the registration of heritage properties.

The Heritage Advisory Committee meets no more than monthly and only as required to discharge its responsibilities. [Any additional meetings shall be scheduled in accordance with Section 6.0 Meeting Procedures of the Town of Mahone Bay Committees Policy.](#)

Committee Membership

The membership of the Heritage Advisory Committee shall include:

- Two members of the Town Council;
- A Town employee designated as Secretary by the CAO (non-voting);
- A Town Researcher, as designated by the CAO (non-voting);
- Up to two members representing the Mahone Bay Founders Society; and
- Up to two additional public members as appointed by Council.

Committees Policy

In the selection of public members preference will be given to applicants with backgrounds in architecture or history and those with a demonstrated knowledge of the history and heritage of the Town of Mahone Bay.

Voting membership on the Heritage Advisory Committee will be restricted to residents of the Town of Mahone Bay.

Police Advisory Board **Terms of Reference**

Background

The Police Advisory Board is established to comply with the requirements of the Nova Scotia Police Act.

The function of an advisory board is to provide advice to the Council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality, but the advisory board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.

Committee Mandate

The responsibilities of the Police Advisory Board, subject to the police contract or policing agreement, shall include:

- (a) Determining, in consultation with the chief officer or the chief officer's designate, priorities, objectives and goals respecting police services in the community;
- (b) Ensuring the chief officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;
- (c) Ensuring that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
- (d) Ensuring that police services are delivered in a manner consistent with community values, needs and expectations;
- (e) Acting as a conduit between the community and the police department;
- (f) Recommending policies, administrative and organizational direction for the effective management of the police department; and
- (g) Reviewing with the chief officer or the chief officer's designate information provided by the chief officer respecting complaints and internal discipline.

The Police Advisory Board must hold a meeting at least every three months.

On behalf of the Police Advisory Board, the Chair or the Chair's delegate may, in accordance with an agreement made pursuant to clause 36(1)(b) of the Nova Scotia Police Act, give advice in writing to the chief officer, but not to other members of the police department and, for greater certainty, no other member of the board shall give advice or direction to a member of the police department.

Committee Membership

The membership of the Police Advisory Board shall include:

- Two members of the Town Council;
- A Town employee designated as Secretary by the CAO (non-voting);
- Two public members as appointed by Council; and,
- One member appointed by the NS Minister of Justice.

Voting membership on the Police Advisory Board will be restricted to residents of the Town of Mahone Bay.

Oakland Lake Watershed Advisory Committee **Terms of Reference**

Background

The Oakland Lake Watershed Advisory Committee is established under the Nova Scotia Environment Act - Oakland Lake Watershed Protected Water Area – July 18th, 2007.

Committee Mandate

The responsibilities of the Oakland Lake Watershed Advisory Committee shall include:

- (a) Reviewing correspondence received from owners of properties within the Oakland Lake Watershed Protected Water Area and matters referred by Council and making recommendations to Council with respect to the Oakland Lake Watershed Protected Water Area.

The Committee is expected to conduct an annual review of the Oakland Lake Watershed Protection Plan and recommend amendments to Council as required.

The Oakland Lake Watershed Advisory Committee meets a minimum of once annually or as required to discharge its responsibilities.

Committee Membership

The membership of the Oakland Lake Watershed Advisory Committee shall include:

- Two members of the Town Council;
- Two representatives of the Municipality of the District of Lunenburg, one member of the Municipal Council and one staff (non-voting);
- A Town employee designated as Secretary by the CAO (non-voting);
- A member of the public who is an owner of property within the Oakland Lake Watershed Protected Water Area; and,
- One member appointed by the NS Minister of Environment.

Chapter 17

Town of Mahone Bay

Travel Expense Policy

It is the policy of the Town of Mahone Bay to reimburse elected officials and Town of Mahone Bay employees, or other approved representatives of the Town for travel, meal and other approved expenses associated with travel when on approved Town of Mahone Bay business. Reimbursement shall be for all reasonable and appropriate expenses for travel, meals, and accommodations while on Town of Mahone Bay business outside the boundaries of the Town.

1.0 Specific Objectives

The objectives of this policy are to:

- a) outline which expenses of Town of Mahone Bay employees and elected officials and committee members are eligible for reimbursement
- b) outline the process for reimbursement for expenses incurred through travel and on other Town of Mahone Bay business
- c) establishes the requirement for receipts for reimbursement of all travel expenses unless otherwise stated below.

2.0 Definitions:

- a) **Town of Mahone Bay Business:** Any legitimate conduct of business for the purposes of the governance and administration of the Town of Mahone Bay which includes, but is not limited to:
 - a function, meeting, seminar, or conference associated with any Provincial or Federal Government department or agency,
 - a function sponsored by a training or educational institution,
 - a function sponsored by the Union of Nova Scotia Municipalities, Towns' Caucus, Federation of Canadian Municipalities, Association of Municipal Administrators, Canadian Association of Municipal Administrators, Recreation Association of Nova Scotia, Tourism Industry Association, a regional development authority or professional association,
 - meetings with representatives of other municipal units, including meetings of joint boards and commissions.
 - trips to and from locations outside the Town of Mahone Bay for securing supplies or services for work-related purposes, or consulting with other groups or individuals

- (b) **Travel Expense:** Includes but is not limited to accommodations, air fare, rail or ferry transport, vehicle rentals, mileage (kilometers driven), meals, gratuities, taxi, parking, bridge tolls, and work-related phone calls and faxes. Items excluded are vehicle fuels and vehicle operating costs including repairs to personal vehicles, alcoholic beverages and personal hygiene items normally used by persons on a day to day basis.

3.0 Mileage Rate to be Paid for use of Own Vehicles

- (a) Mileage will be reimbursed at the rate used by the Provincial Government for its travel reimbursement.
- (b) Mileage will be reimbursed for only out of Town mileage and calculated as the distance from the employee's residence to the destination or from their usual place of work to the destination whichever is less.
- (c) For employees that are required to use their own vehicles within the Town for regular day-to-day work duties, a mileage allowance shall be established for those positions

4.0 Budgets for Travel, attendance at Meetings, Conferences and Seminars.

- (a) Each year a budget will be established for Council, Committee members and Staff to attend meetings, education workshops, seminars and other training and development functions.
- (b) Working within the budget and for in province events, the CAO may pre-approve the attendance by members of Council, employees and committee members to attend business events on behalf of the Town
- (c) Attendance at events that exceed or will exceed the approved budget will require the pre-approval of Town Council.
- (d) All out of province travel, attendance at seminars, conventions and training shall be pre-approved by Town Council.

5.0 Expense Claims

- (a) Expense claims must be approved by the appropriate Department Head. Expense claims for the Mayor, Councilors and Department Heads must be approved by the Chief Administrative Officer. Expense Claims for the Chief Administrative Officer must be approved by the Mayor.
- (b) All travel claims shall be submitted for payment within 10 days following the month the expense is incurred.
- (c) Expense claims for The Mayor, Council members and senior staff will be posted on the town website monthly.
- (d) If expenses are incurred on a Town approved Credit Card, a copy of the expense claim shall be attached to the credit card statement. Posting to the website applies to the claim only.

- (e) If expenses are reimbursed by cheque, the payee of the cheque shall not be one of the signees of the cheque.
- (f) Whenever possible receipts will be obtained for expenses claimed. When receipts are not available or lost, the employees will sign a declaration as to the expenses incurred up to said limit
- (g) Claims shall be submitted on a form provided by the CAO for such purpose.

6.0 In the Interest of the Taxpayer

- (a) Any person incurring expenses should strive to effect travel in a cost effective manner without impairment of efficiency and where practical by means of rental vehicles, public transportation. Car pooling is encouraged.
- (b) Meetings via conference calls, video conferencing and webinars should be encouraged when practical.
- (c) Accommodations should be for the lowest rates available for standard rooms. Members of Council, employees and committee members on Town business may qualify for provincial government rates, however even lower rates than government rates may be available from time to time.
- (d) Persons are not to claim for meals or other expenses that are included in any registration fee, or when meals are provided at the event at no charge.
- (e) Meals may be claimed under the following circumstances and limits:
 - The limits shown in this clause include all taxes and tips.
 - Breakfast – Maximum \$11 per day where the person is required to leave their place of residence prior to 6:30am
 - Lunch – Maximum \$15 per day
 - Dinner- Maximum \$30 per day where the person is not expected to return to their place of residence before 6:30pm.
 - Incidentals - \$10.00 if overnight stay is required for each night stayed.
- (f) There may be times when circumstances dictate that meal costs may exceed the limits outlined above. In such circumstances the CAO may approve the higher amount on the expense claim when supported by receipts.
- (g) Whenever possible expenses shall be paid by a Town Credit Card or billed to the Town of Mahone Bay.
- (h) Council may limit the number of persons that attend a seminar, conference, or meeting when attendance is optional.

7.0 Effective Date

- (a) This Policy shall come into force on the date formally passed or amended by Town Council

Clerk's Annotation For Official Policy Book

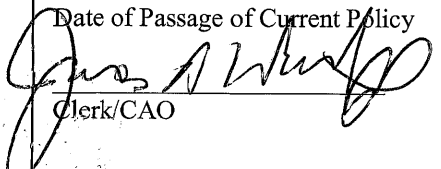
Date of Notice to Council Members of Intent to

Consider {7 days minimum notice}:

November 8, 2016

Date of Passage of Current Policy

November 24, 2016


Clerk/CAO


Date

TOWN OF MAHONE BAY

Chapter #43

A BY-LAW RESPECTING THE LOCATION AND OPERATION OF TEMPORARY VENDORS IN THE TOWN OF MAHONE BAY

SHORT TITLE

1. This by-law may be known as and may be cited as the “Temporary Vendors By-Law”.

DEFINITIONS

2. In this By-Law:
 - a. “Clerk of Licenses” means the CAO or such other person as may be appointed by the CAO to act on behalf of the Town of Mahone Bay in such a capacity;
 - b. “Council” means Mahone Bay Town Council;
 - c. “Farmer’s Market” means the selling of products of the farm, forest, or sea including arts and crafts provided the products are grown, harvested, or created by the seller at the Farmer’s Market.
 - d. “Flea Market” means the sale of surplus household goods owned by the seller at the Flea Market including any art and crafts created by the seller at the Flea Market.
 - e. “Festival” means any organized event operated by a non-profit organization in the Town with the intention of attracting visitors to the Town and an event recognized by Town Council as a Festival.
 - f. “License Inspector” means any sworn police officer for the Town of Mahone Bay as appointed by Mahone Bay Town Council, and includes any By-Law Enforcement Officer. The CAO shall be designated as a By-Law Enforcement Officer for the Town.
 - g. “Premises” includes any kind of construction or motor vehicle used by a vendor on private property for the purposes of temporary vending as defined by this By-Law;
 - h. “Public Street” means
 - i. a public highway, street, lane, road, alley, park, beach or place including the bridges thereon, and
 - ii. private property that is designed to be and is accessible to the general public for the operation of a motor vehicle.

- i. “Roadway” means that portion of a public street between the regularly established curb lines or that part improved and intended to be used for vehicular traffic;
- j. “Sidewalk” means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway;
- k. “Temporary Vending” means the offering to the public by sale or otherwise of any food, beverages, goods, wares, produce, merchandise or services (including products of the farm, forest or sea), on private property, without the benefit of a development permit under the Town’s Land Use By;
- l. “Town” means the Town of Mahone Bay
- m. “Vendor” means any person who engages in temporary vending as defined under this By-Law.

REQUIREMENT OF A LICENSE

- 3. Any person engaged in temporary vending in the Town is required to have a license as prescribed by this By-Law.

CLERK OF LICENSES

- 4. The CAO shall be the Clerk of Licenses unless the CAO appoints another person(s) to act as the Clerk of Licenses, and such Clerk of Licenses is authorized and empowered to grant or refuse any application for a license pursuant to this By-Law.
- 5. The Clerk of Licenses shall keep a copy of all licenses granted under this By-Law.

APPLICATION FOR A LICENSE

- 6. An applicant for a license shall make written application to the Clerk of Licenses in the form as prescribed by this By-Law.

FALSE STATEMENT AND OFFENCE

- 7. It shall be an offence for any person to make a false statement in his or her application for a license under this By-Law.

FEES

8. In addition to any other relevant licensing requirements, the applicant shall pay the appropriate fee for his or her temporary vending license in accordance with fee schedule established by Council by Policy.

WHEN PAYABLE

9. The fees provided for in this By-Law shall be payable when the application for the license is made and shall be refunded to the applicant if the license is not issued.

ISSUANCE OF LICENSE

10. (a) Provided that the conditions and terms of this By-Law have been met the Clerk of Licenses shall issue the license to the applicant.
(b) If the conditions of this By-Law have not been met and a license cannot be issued, then the Clerk of Licenses shall notify the applicant in writing stating the reasons therefore, which notification may be personally delivered to the applicant or sent via ordinary mail to the applicant's last known address.

LICENSE SHALL STATE

11. Every license issued under this By-Law shall specify the food, beverages, goods, wares, produce, merchandise or services (including products of the farm, forest and sea goods) permitted to be sold by that vendor, the location and description of the premises and any other terms or conditions imposed by this By-Law.
12. (a) Council may establish policies from time to time which shall be applicable as conditions to Vending Permits.
(b) All vendors shall be subject to and shall abide by the conditions of their Vending Permits as established by Council by Policy.
13. Every license issued under this By-Law shall bear a number and the number of the license shall be included in the records of the Clerk of Licenses.
14. Every license shall be signed by the Clerk of Licenses, and shall bear the date of issuance and the date of expiry of the license.

EXPIRY DATE

15. A license issued under this By-Law shall expire on the 31st day of March next following the date of issuance unless an earlier date is otherwise specified on the license.

NOT ASSIGNABLE

16. A license issued under this By-Law shall not be transferable or assignable.

DISPLAY

17. (1) Every licensee under this By-Law when engaged in the business or trade for which the license was issued shall display said license upon demand of any peace officer, Mayor, Councillor, or official of the Town in his or her capacity as such an official, and to any person with whom the licensee is dealing or attempting to deal on a demand of such person.
- (2) Failure to display a license upon demand in accordance with this By-Law shall constitute an offence thereunder.

LICENSE INSPECTOR

18. The License Inspector and/or any police officer is hereby authorized and empowered to enforce the terms of this By-Law.

REVOCATION BY COUNCIL

19. (1) When it appears to Council that it is in the public interest to do so, Council may revoke any license issued under the provisions of this By-Law.
- (2) Council shall provide the holder of any license which it may propose to revoke pursuant to this section of the By-Law with advance written notice in writing of Council's intention by personally delivering or mailing said notice to the holder's last known address a minimum of two (2) weeks before the matter comes before Council in order to allow the holder an opportunity to appear before Council.
- (3) The Clerk of Licenses shall notify the holder of such license that it has been revoked pursuant to this section of the By-Law by personally delivering or mailing written notification thereof to the holder's last known address.
- (4) A license revoked pursuant to this section of the By-Law shall cease to be in force after sufficient time has elapsed for the notice of cancellation to have reached its destination in the normal course of the mail, which is deemed to be three (3) business days.

REVOCATION UPON VIOLATION OR CONVICTION

20. (1) A license granted under this By-Law may be revoked by the Clerk of Licenses for any violation of the terms of this By-Law.
- (2) A license issued under this By-Law may be revoked by the Clerk of Licenses if the holder thereof is convicted of any offense under this By-Law or any other Town By-Laws, or any provincial or federal statute or regulations.

- (3) The Clerk of Licenses shall notify the holder of a license of any revocation of the license pursuant to this section of the By-Law as a result of such a violation or conviction by personally delivering or mailing written notice thereof to the holder's last known address.

APPEALS

21. (1) Any person who has been refused a license, or whose license has been revoked by the Clerk of Licenses may appeal such refusal or revocation to Council.
- (2) Such appeal shall be in writing in the form of a notice, and shall be filed with the Clerk of Licenses within (15) days of such refusal or revocation and shall clearly state the grounds for such appeal.
- (3) The Council shall hear such appeal at such time and place as it determines, but not later than the next regularly scheduled Council meeting.
- (4) Council may confirm the refusal or revocation by the Clerk of Licenses, or may direct the Clerk of Licenses to issue or reinstate the license. In making its decision, Council will do so in accordance with the provisions of this By-Law.
- (5) If Council directs the Clerk of Licenses to issue or reinstate such license, the Clerk of Licenses shall immediately do so.

LOCATION

22. A vendor may engage in temporary vending only at the location and in the premises specified on the license, and provided that the vendor is in compliance with the other provisions of this By-Law.

VENDING ON SIDEWALKS

23. Vending is not permitted on sidewalks except as authorized by Council by Policy pursuant to this By-Law.

SPONSORING ORGANIZATIONS

24. A sponsoring individual, group or organization may obtain a license or licenses for multiple vendors to be located at a specific location.

ADDITIONAL REQUIREMENTS

25. In addition to all of the requirements contained in this By-Law, a vendor shall have in effect all permits required by any other applicable Municipal, Provincial and Federal statute, regulation or licensing.

PENALTY

26. Anyone who violates or fails to comply with any provision of this By-Law shall be guilty of an offence and, upon summary conviction, shall be liable to fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00) and, in default of payment, to imprisonment for a period not exceeding ninety (90) days.
27. Any person who violates any provision of this By-law and who is given notice of the violation may pay to the Town, at the place specified on the notice, the sum of \$200.00 as stated in the notice, within 14 days of the date of the notice and shall thereby avoid prosecution for that violation.

REPEAL

28. All previous Temporary Vendors By-laws of the Town, and any amendments thereto, are hereby repealed.

EFFECTIVE DATE

29. This By-law is effective upon publication

C. Joe Feeney, Mayor

James A Wentzell, CAO

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of MAHONE BAY, held the 8th day of May, 2012.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of MAHONE BAY this 11th day of May, 2012.

Clerk's Notation

FIRST READING:	April 10, 2012
"NOTICE OF INTENT" PUBLICATION:	April 18, 2012
SECOND READING:	May 8, 2012
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	May 16, 2012
FORWARDED TO THE MINISTER:	May 17, 2012
FORWARDED TO TOWN WEBSITE	May 18, 2012

TEMPORARY VENDORS LICENSE POLICY

APPROVED May 8, 2012

CONDITIONS OF THE LICENSE

5. General Conditions

A vendor shall not:

- a. Vend on a public street within three hundred (300) feet of the grounds of any school between ½ hour prior to the start of the school day and ½ hour after dismissal at the end of the school day;
- b. (i) Vend between the hours of 11:00pm and 10:00am of the following day for a period from Sunday evening to Saturday morning;
(ii) Vend between the hours of 11:00pm Saturday to 11:00am Sunday;
- c. Display the food, beverages, goods, wares, produce, merchandise or services which the vendor is purporting to sell or set-up his or her premises before the hour of 10:00am on Sunday morning.
- d. Leave any premises unattended when open for business;
- e. Sell food or beverages for immediate consumption unless they have available for public use their own or public waste receptacles and recycling receptacles which are available for the patron’s use;
- f. Leave any location without first picking up, removing and disposing of all garbage or refuse remaining from sales made by them;
- g. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under his or her premises;
- h. Set up, maintain, or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of temporary vending business where such items were not described in the application for the license;
- i. Sell anything other than that which he or she is licensed to vend;
- j. Cry their wares to the disturbance of the public, or sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the public’s attention;
- k. Obstruct a sidewalk with five (5) feet of the curb or roadway; and
- l. Vend in front of commercial property without the prior written consent of the person occupying or using said commercial property.
- m. Vend upon any Street or Sidewalk or other public property within the Town unless expressly permitted by the Clerk of Licenses.
- n. Erect any signage of any kind unless such signs and locations are approved in writing by the Director of Operators.

6. Classification of Vendors

Vendor Classifications shall include the following:

a. <u>Class</u>	<u>Description</u>	<u>License Fee</u>
C1	Weekly Vendor-Non Festival Week	\$125.00/Week
C2	*Weekly Vendor – Festival Week/Weekend	\$200.00 /Week
C3	Monthly Vendor- Non Festival Week	\$400.00/month
C4	*Monthly Vendor – Includes Festival Week	\$500.00/month
C5	Yearly Vendor	\$2,400.00/year
C6	Boat Tours/Commercial Walking Tours	\$250.00/season
F1	*Festivals	\$25.00/Year
F2	*Organizations considered part of a licensed festival included in festival license	
NP1	*Weekly Vendor-In Town/Not for Profit Organization	\$5.00/Week
NP2	*Weekly Vendor – Other/Not for Profit Organization	\$25.00/Week
NP3	Seasonal Flea Market /Not for Profit Organization	\$25.00/Year
NP4	Farmer’s Market – Seasonal (Society)	\$25.00/Year
NP5	Flea Markets –Residential (maximum 4 per year)	FREE
NP6	Flea Markets – Non Profit (maximum 4 per year)	FREE
NP7	School Fund Raising Activities sanctioned by the School	FREE
NP8	Church Fund Raising Activities sanctioned by the Church	FREE

- b. *During a festival in the Town, each Vendor shall obtain the following from the festival governing body prior to a license being issued by the Town:
 - 6. b.1. Certification on the application form signed by the festival governing body that the vendor is part of the festival's official events, included in the festival's program or advertising and is covered by the festival's liability insurance policy; or
 - 6. b.2. Certification that the festival governing body has no objection to the vendor operating in the Town during the time frame the festival is held in the Town.

7. Vending During Festivals Concept

In respect to vending during festivals:

- a. The Town recognizes that the governing body of any festival held in the Town puts in a lot of time and expense to organize and promote each festival. It is not right for an individual, business or organization to take the advantage of the governing body by operating in the Town during the festival without making a contribution to the festival.
- b. It is the Town's position that individuals, businesses, or organizations wishing to operate in Town during a festival either be part of the festival or at least communicate with the festival to get their blessing before licenses are issued. That being said, the festival governing body has an obligation to treat all vendors in a fair and non bias manner and not to prevent a vendor from operating for any discriminating reason.

8. Vending on Private Property

Unless otherwise permitted:

- a. Vendors shall locate their goods for sale on private property and the property owner shall sign the vendor's application form granting the vendor permission to use the property during the effective dates of the license.
- b. Even though the Vendor may be located on private property, and the private property owner may process various licenses and permits, the vendor is required to obtain a license to vend under this bylaw.

9. Restrictions on Sidewalk Vendors

In addition to the General Conditions outlined in Policy 5, a vendor selling from a premises on the sidewalk shall not:

- a. Vend within five (5) feet of an entranceway to any building;
- b. Vend within twenty-five (25) feet of any driveway entrance to a police or fire station, or within five (5) feet of any other driveway;
- c. Vend within ten (10) feet of the crosswalk at any intersection;
- d. Vend within twenty (20) feet of any bus stop sign.

10. Insurance

Vendors under the following classifications shall provide proof of Liability Insurance

- a. Yearly Vendors; Festivals, Boat Tours/Walking Tours; Seasonal Flea Markets; Seasonal Farmer's Markets
- b. Coverage shall be in the amount of not less than \$5,000.000



Present:

Deputy Mayor, Karl Nauss, Chair
Michael Ernst, MODL Councillor
Michael Allen, Provincial Planner
Byung Jun Kang, MODL Planner
Dylan Heide, CAO
David Devenne, Mayor
Kelly Redden, Deputy Clerk

Absent:

Approval of Agenda

A motion by Michael Ernst, seconded by Mike Allen, **“THAT the agenda be approved as presented.”** **Motion carried.**

Committee Policy and Terms of Reference

Mike Allen spoke to Terms of Reference for Watershed Committees of other Municipalities. Mr. Allen will provide some examples at the next meeting of the Committee. This item will remain on the agenda.

A motion by Michael Ernst, seconded by Michael Allen, **“THAT the Committee recommends that Council direct staff to contact MODL’s planning department to initiate discussion re: mandatory land-use planning in the watershed area.”** **Motion carried.**

Review Existing Regulation and Water Approval

Staff explained to the committee that this item was added because Provincial Water Withdrawal Approval requires that the Watershed Committee review the Source Water Protection Plan annually. Committee members discussed the current regulations and did not feel amendment was necessary at this time.

Pump Station Generator Update

Staff updated the Committee on the progress of installing the new generator at the watershed pump house. The new generator will be propane fueled, to limit spill risk to the watershed.

Items for Next Meeting

- Amend TOR – Adding Town’s water plant operator to membership.
- Address Action Plan (found at the end of Watershed Source Protection Plan)

- Next meeting will be scheduled for next spring

The meeting adjourned upon motion at 2:44pm.

TOWN OF MAHONE BAY

Chair, Councillor Karl Nauss

TOWN OF MAHONE BAY

Deputy Clerk, Kelly Redden



The regular meeting of the Heritage Advisory Committee for the Town of Mahone Bay was held on Wednesday, October 9, 2019 at 5:30 p.m. at the Mahone Bay Fire Hall.

Present:

Councillor Penny Carver (Acting Chair)
Bill DeGrace
Greg Matear
Chris Berkeley
Deborah Trask, Heritage Researcher
Dylan Heide, CAO
Kelly Redden, Deputy Clerk

Regrets:

Councillor Joseph Feeney

Agenda

A motion by Mr. Matear, seconded by Mr. Degrace, **“THAT the agenda be approved as presented.”** **Motion carried.**

Minutes

A motion by Mr. Degrace, seconded Mr. Berkeley, **“THAT the minutes of the September 11, 2019 meeting of the Heritage Advisory Committee be approved as presented.”** **Motion carried.**

Discussion – New Forms

The group discussed the draft Selection Criteria for Municipal Heritage Properties form and the draft Frequently Asked Questions About Buying Heritage Properties document. A few edits to the Frequently Asked Questions About Buying Heritage Properties were suggested. Ms. Redden will bring samples of scoring sheets from other municipalities to the next meeting of the Heritage Advisory Committee.

Review – Heritage Property Bylaw

The Committee suggested that the Town look at the municipal sections of the Provincial Heritage Property Act. The Committee will await the draft by-law.

Discussion – Upcoming Review of Municipal Planning Strategy and Land-use By-law

The committee discussed what type of recommendations the HAC might make to Council. Mr. Degrace explained what items in the Planning Strategy could be addressed by the Heritage Advisory Committee. Ms. Redden will email both the Municipal Planning Strategy and Land Use Bylaw to the committee members. The committee requested that this item be kept on the agenda for future discussion.

Application to Register a Municipal Heritage Property – 53 Edgewater Street

Mr. Degrace cited a conflict of interest and recused himself from the discussion. The committee scored the property. Mr. Degrace returned to the discussion. Mr. Matear will draft the statement of significance and character defining elements for the next meeting of the Heritage Advisory Committee.

Update – Centennial Event

Kelly updated the committee on planning for the upcoming centennial event on October 26th.

The meeting adjourned upon motion at 6:44 p.m.

Town of Mahone Bay

Town of Mahone Bay

Acting Chair, Penny Carver

Deputy Clerk, Kelly Redden