



Town of Amherst  
Regular Council Meeting  
Agenda

Date: **Tuesday, May 23, 2023**  
Time: **6:00 pm**  
Location: **Council Chambers, Town Hall**

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	Pages
<b>1. CALL TO ORDER</b>	
<b>2. TERRITORIAL ACKNOWLEDGMENT</b>	
<p>“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”</p>	
<b>3. APPROVAL OF AGENDA/MINUTES</b>	
<b>3.1 Approval of the Agenda</b>	
<b>3.2 Approval of Minutes</b>	
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<b>4. REQUESTS FOR DECISION</b>	
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7.5	Municipal Alcohol Project - Emery	245 - 245
7.6	Northern Region Solid Waste Management - Baker	246 - 246
8.	ADJOURNMENT	

**TOWN OF AMHERST  
Regular Council Meeting  
Minutes**

**Date:** April 24, 2023  
**Time:** 6:00 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Mayor David Kogon  
Deputy Mayor Leon Landry  
Councillor George Baker  
Councillor Charlie Chambers  
Councillor Hal Davidson  
Councillor Lisa Emery  
Councillor Dale Fawthrop

**Staff Present** Jason MacDonald, Chief Administrative Officer  
Dwayne Pike, Chief, Police Services  
Greg Jones, Director, Fire Services  
Aaron Bourgeois, Director, Operations  
Andrew Fisher, Director, Planning & Strategic Initiatives  
Sarah Wilson, Director, Finance  
Sharon Bristol, Director, Community Living  
Kim Jones, Director, Corporate Communications/Clerk  
Tom McCoag, Corporate Communications Officer  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

**Staff Absent** Krista Crossman, Director, HR & Customer Service

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**1. CALL TO ORDER**

Mayor Kogon called the meeting to order.

**2. TERRITORIAL ACKNOWLEDGMENT**

Mayor Kogon gave the Territorial Acknowledgement.

**3. APPROVAL OF AGENDA/MINUTES**

**3.1 Approval of the Agenda**

Moved By Councillor Fawthrop  
Seconded By Deputy Mayor Landry  
To approve the agenda as circulated.

**Motion Carried**

**3.2 Approval of Minutes**

**3.2.1 March 27, 2023 Regular Council**

Moved By Councillor Fawthrop  
Seconded By Deputy Mayor Landry  
To approve the minutes of the March 27, 2023 regular meeting of Council as included in the agenda package.

**Motion Carried**

**3.2.2 March 29, 2023 Special Council**

Moved By Councillor Chambers  
Seconded By Councillor Baker  
To approve the minutes of the March 29, 2023 special meeting of Council as included in the agenda package.

**Motion Carried**

**3.2.3 April 12, 2023 Public Hearing**

Moved By Councillor Davidson  
Seconded By Councillor Chambers  
To approve the minutes of the April 13, 2023 Public Hearing as included in the agenda package.

**Motion Carried**

**4. REQUESTS FOR DECISION**

- 4.1 Citizen Appointment to the Amherst Board of Police Commissioners  
Moved By Councillor Davidson  
Seconded By Deputy Mayor Landry  
That Council appoint Angela Ryan-Bourgeois to the Amherst Board of Police Commissioners effective April 24, 2023 to March 31, 2024.**

**Motion Carried**

- 4.2 Citizen Appointment to the Accessibility Advisory Committee  
Moved By Councillor Fawthrop  
Seconded By Councillor Emery  
That Council appoint Jim Prendergast to the Accessibility Advisory Committee effective April 24, 2023 to March 31, 2025.**

**Motion Carried**

- 4.3 36/38 Beacon Street Rezoning Second Reading  
Moved By Councillor Chambers  
Seconded By Deputy Mayor Landry  
That Council give Second Reading of the amendment to the Land Use Bylaw Zoning Map to rezone the properties located at 36 & 38 Beacon Street from General Residential to Open Space.**

**Motion Carried**

- 4.4 52 Hickman Street Development Agreement Second Reading  
Moved By Deputy Mayor Landry  
Seconded By Councillor Baker  
That Council give Second Reading of the Development Agreement for 52 Hickman Street to permit the construction of a garden suite.**

**Motion Carried**

Case No: DA-2023-XX

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

Between:

**David Ralph Mathiesen and Christine Mathiesen** (owner of property located at 52 Hickman Street, Amherst [PID 25021973], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-14 of the Municipal Planning Strategy of the Town of Amherst, to construct a garden suite on 52 Hickman Street (PID: 25021973).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2023, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Floor Plan
- (e) Schedule 'E' – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Land in the Town of Amherst, hereinafter called the "Land". The aforesaid Land is the only land in the Town of Amherst to which this Agreement applies, and the Land is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of one garden suite on the said Land, subject to Schedules A, B, C, D and E attached.

- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.
- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

**THE TOWN OF AMHERST**

\_\_\_\_\_  
David Kogon MD, Mayor

\_\_\_\_\_  
Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

\_\_\_\_\_  
David Ralph Mathiesen

**Schedule A                      52 Hickman Street - Development Agreement**

Terms and Conditions:

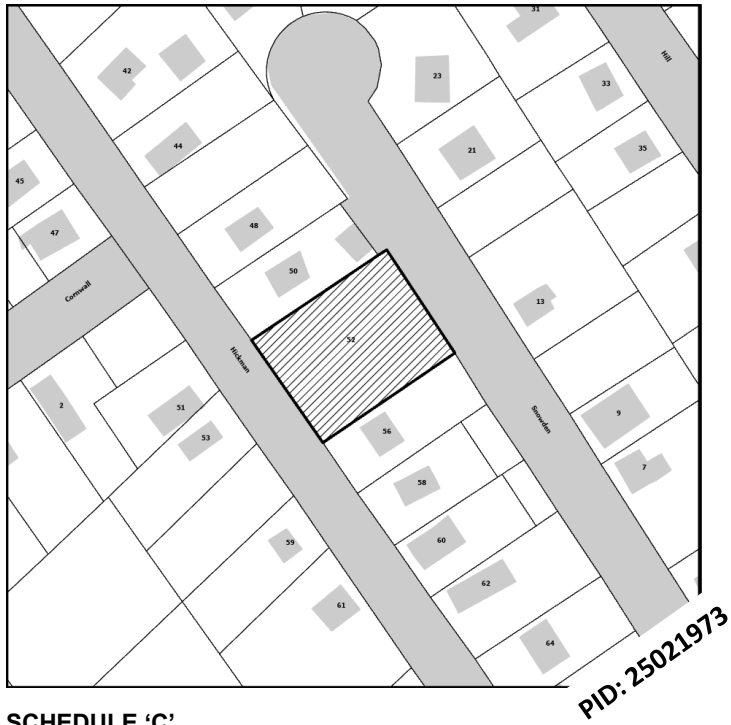
**1.0 USE OF LAND AND BUILDINGS**

- 1.1 The use of the property shall be limited to residential uses within a maximum of a single detached main dwelling and a detached garden suite in the general location as shown on Schedule 'C'.
- 1.2 A minimum of two (2) off-street parking spaces shall be provided on the property and shall be generally configured as shown on Schedule 'C'.
- 1.4 Accessory buildings may be permitted on the Land in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The garden suite shall generally conform to the designs shown on Schedule 'D' and 'E'. Variations to the architectural details and footprint of the dwelling may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owners shall be responsible for landscaping unpaved areas and maintenance on the Land.

**2.0 GENERAL REQUIREMENTS**

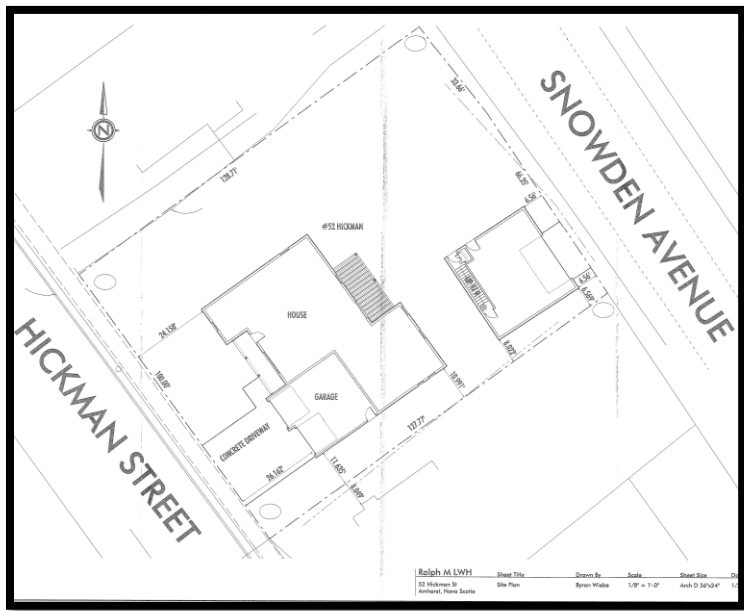
- 2.1 The Owner shall keep the Land and building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the *Town of Amherst Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

**SCHEDULE 'B'**



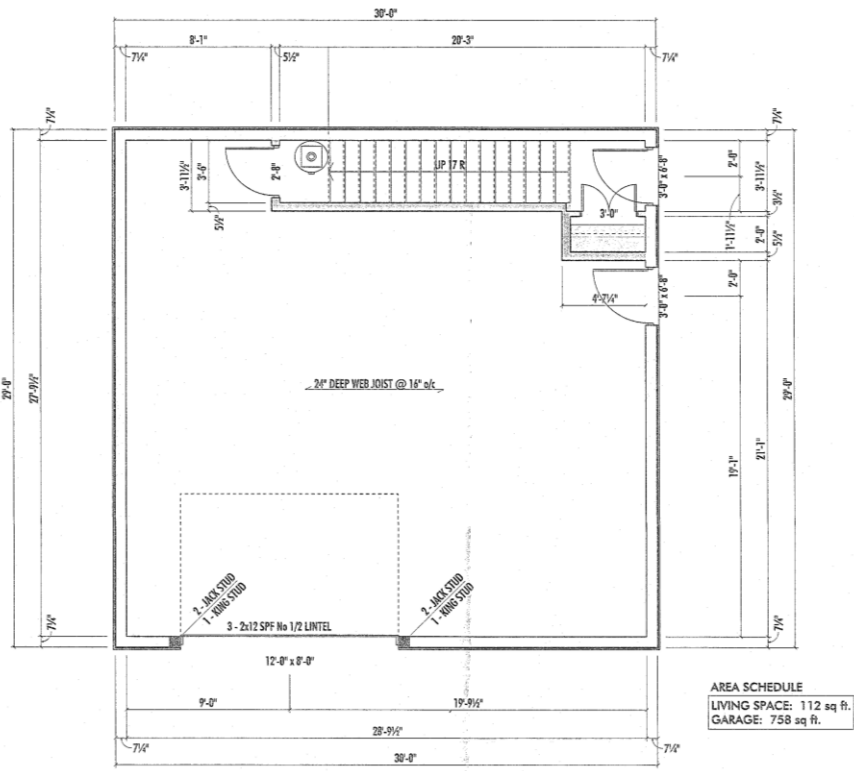
PID: 25021973

**SCHEDULE 'C'**



Ralph M. LWH Sheet Title: Site Plan  
 52 Hickman St. Drawn By: Byron Wicks  
 Annapolis, Maryland Scale: 1/8" = 1'-0"  
 Arch. D 10/24/17 Sheet Size: 11"

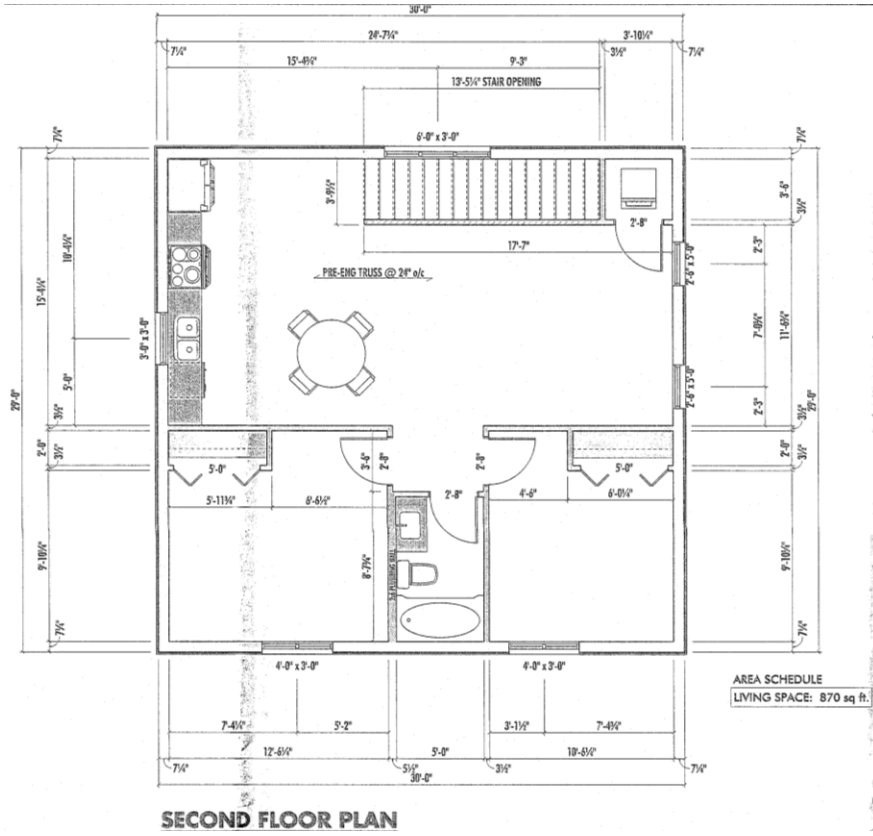
**SCHEDULE 'D'**



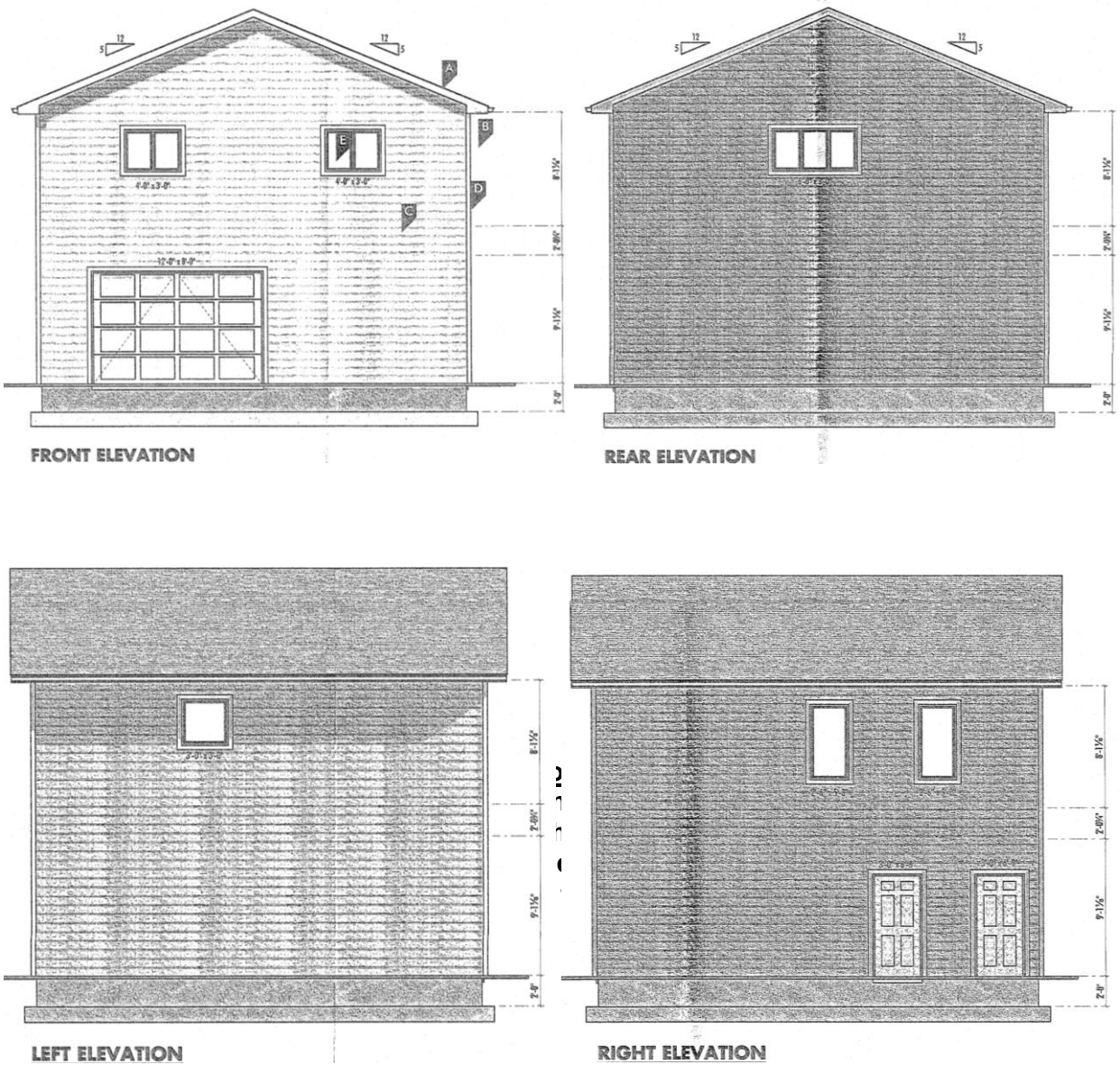
AREA SCHEDULE	
LIVING SPACE:	112 sq. ft.
GARAGE:	758 sq. ft.

**MAIN FLOOR PLAN**

**SCHEDULE 'D'**



**SCHEDULE 'E'**



**4.5 9 North Adelaide Street Development Agreement Second Reading  
Moved By Councillor Davidson  
Seconded By Councillor Fawthrop  
That Council give Second Reading of the Development Agreement for 9  
North Adelaide Street to allow two additional units within the existing six-  
unit dwelling.**

**Motion Carried**

Case No: DA-2023-XX

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.  
Between:

**Six Point Star Homes Limited** (owner of property located at 9 North Adelaide Street, Amherst [PID 25008798], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to increase the number of dwelling units within the existing building at 9 North Adelaide Street (PID: 25008798) from 6 to 8.

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2023, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (f) Schedule 'A' - Terms and Conditions
- (g) Schedule 'B' - Property Location Map
- (h) Schedule 'C' – Floor Plan
- (i) Schedule 'D' – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Land in the Town of Amherst, hereinafter called the "Land". The aforesaid Land is the only land in the Town of Amherst to which this Agreement applies, and the Land is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may reconfigure the interior of the building on the said Land, subject to Schedules A, B, C, and D attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.
- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

**THE TOWN OF AMHERST**

\_\_\_\_\_  
David Kogon MD, Mayor

\_\_\_\_\_  
Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

\_\_\_\_\_  
Six Point Star Homes Limited

**Schedule A 9 North Adelaide Street - Development Agreement**

Terms and Conditions:

**1.3 USE OF LAND AND BUILDINGS**

- 1.4 The use of the property shall be limited to eight (8) dwelling units contained within an existing apartment building in the general configuration shown on Schedule 'C'. Changes to the interior configuration may be permitted, subject adherence with the Building Code, and shall not be considered a substantial change to this agreement.
- 1.5 A minimum of 8 parking spaces shall be provided on the Lands.
- 1.3 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.4 The converted dwelling shall generally conform to the designs shown on Schedule 'C' and 'D'. Variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.5 The Owner shall complete landscaping of all unpaved areas by the end of the first full growing season after an Occupancy Permit is issued, to the satisfaction of the Development Officer.
- 1.6 The Owner shall be responsible for maintaining solid waste containment areas.
- 1.7 Paving of the driveways and parking areas and shall be completed for the facility within twelve (12) months from the date an Occupancy Permit is issued.
- 1.8 The Owner shall install an opaque fence along the rear property line and at minimum 6 metres along each side lot line to delineate the parking area.

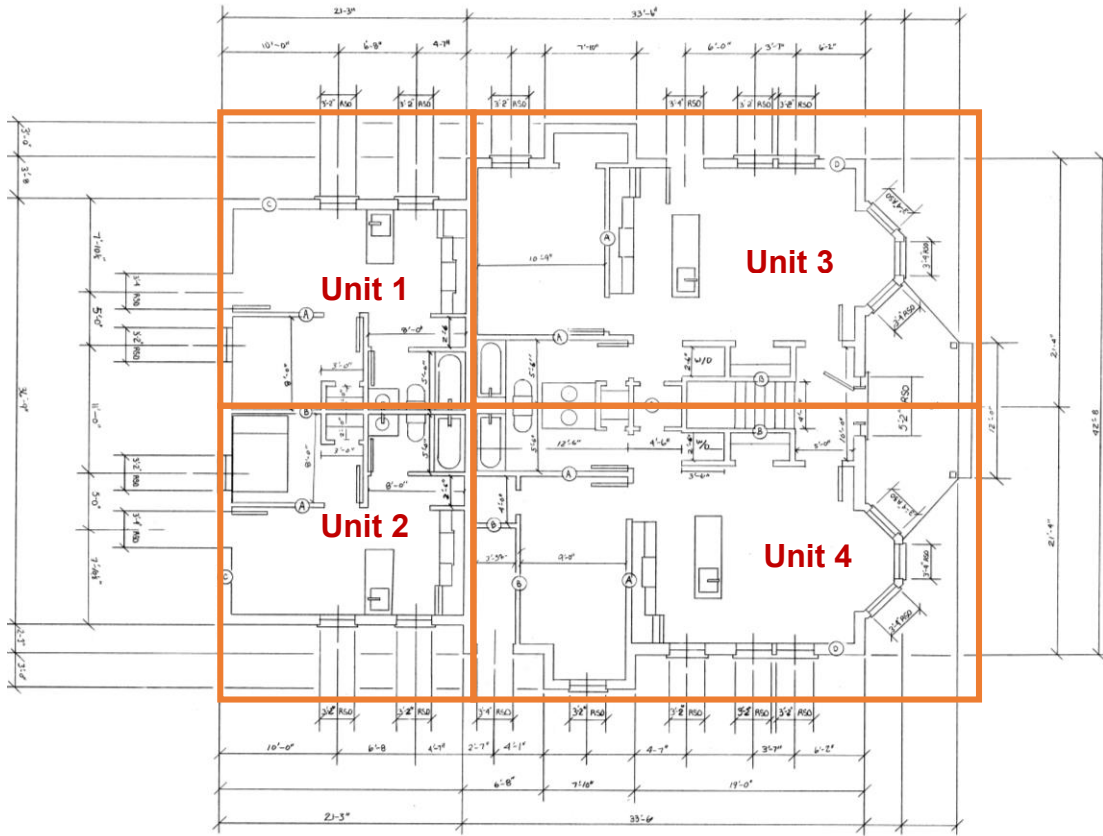
**2.0 GENERAL REQUIREMENTS**

- 2.1 The Owner shall keep the Land and building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the *Town of Amherst Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

**SCHEDULE 'B'**

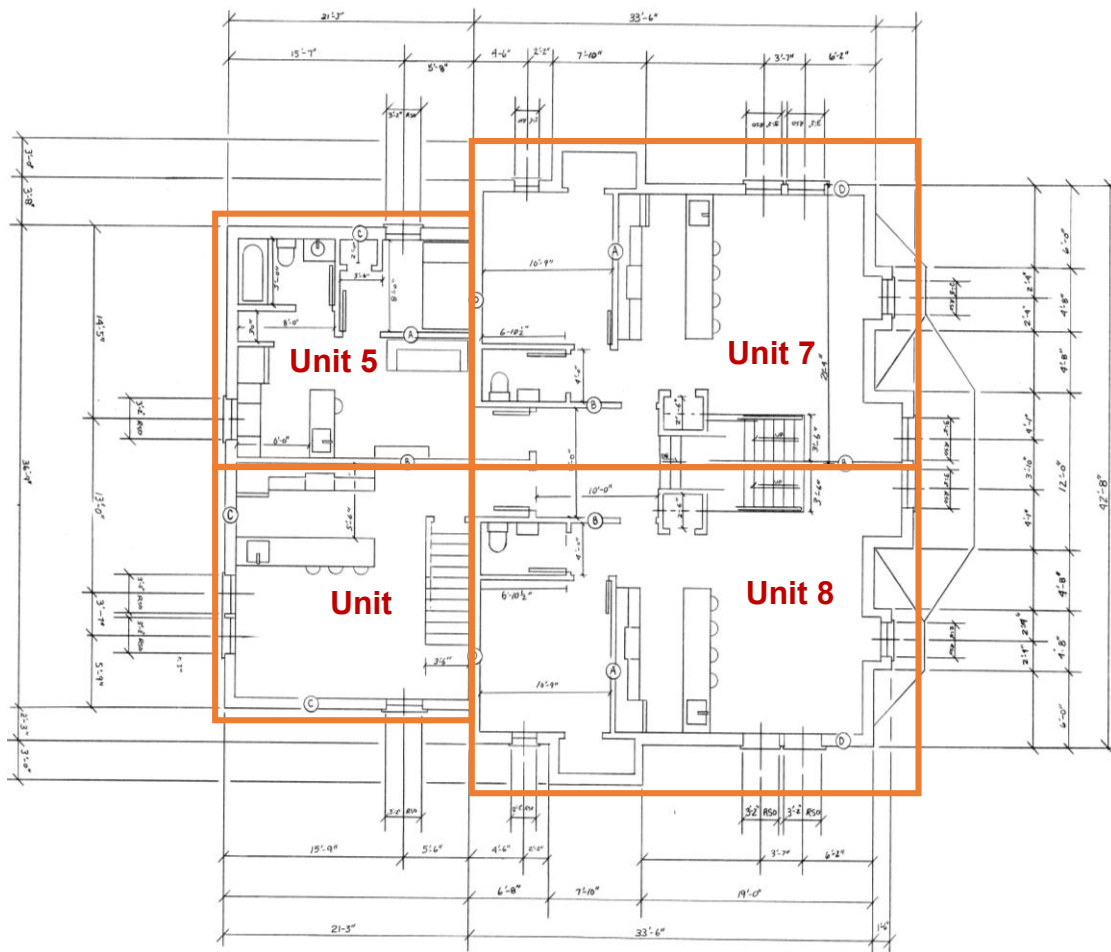


SCHEDULE 'C'



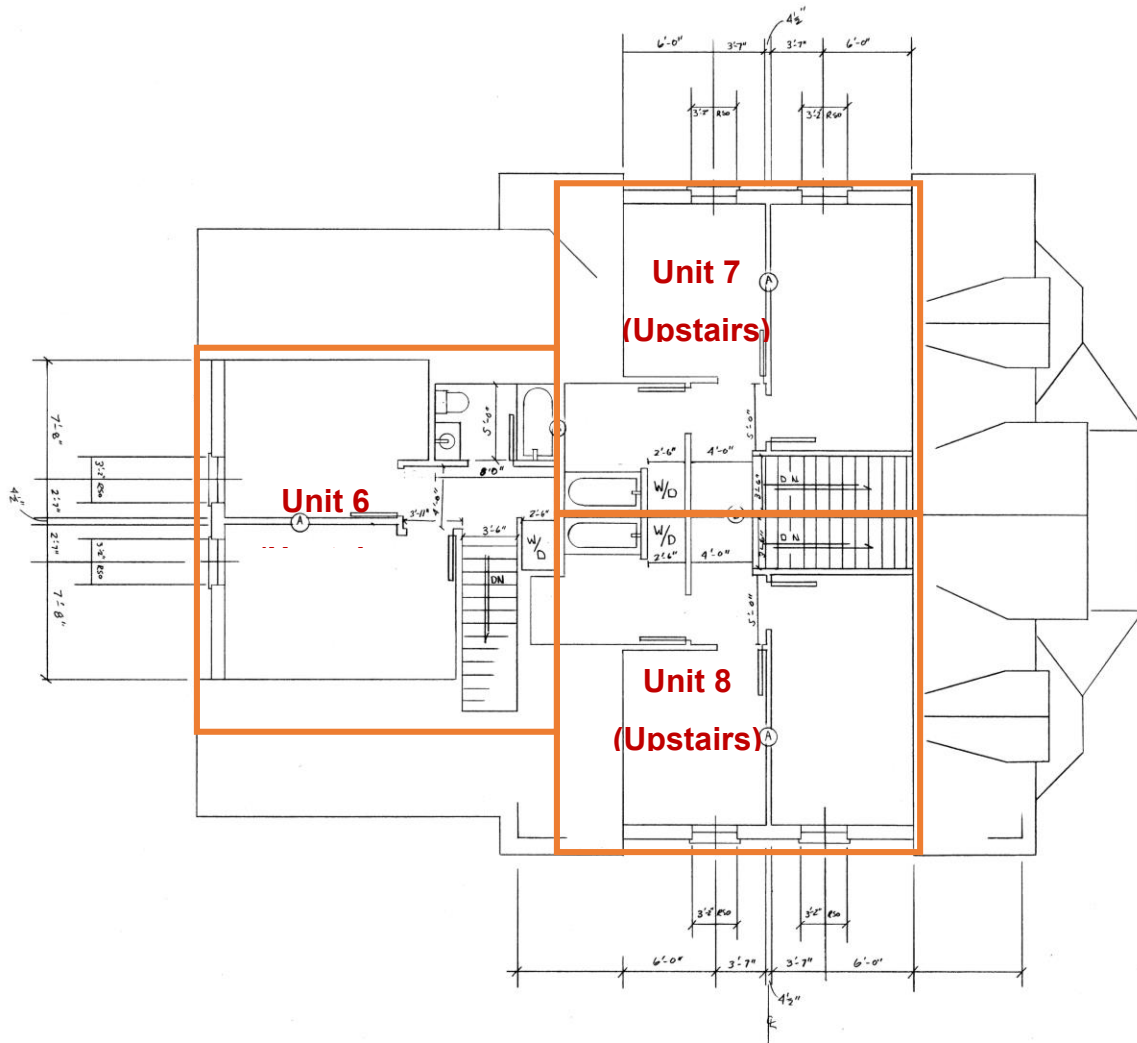
First Floor

SCHEDULE 'C'



Second Floor

SCHEDULE 'C'



Third

SCHEDULE 'D'



Front Elevation



Right Elevation

SCHEDULE 'D'



Left Elevation



Rear Elevation

**4.6 16 Prince Arthur Street  
 Moved By Councillor Baker  
 Seconded By Councillor Chambers  
 That Council set the minimum bid for 16 Prince Arthur Street at \$15,000 for the tax sale scheduled on May 16, 2023.**

**Motion Carried**

**4.7 Local Improvement Bylaw Second Reading  
 Moved By Councillor Emery  
 Seconded By Councillor Davidson  
 That Council repeal the existing Local Improvement Bylaw and give second reading of the new Local Improvement Bylaw.**

**Motion Carried**

**TITLE: LOCAL IMPROVEMENT BYLAW  
 SECTION: OPERATIONAL SERVICES  
 BYLAW NO: D-02**

**APPROVAL DATE: \_\_\_\_\_ CAO Signature: \_\_\_\_\_**

**1. SHORT TITLE**

1.1. This bylaw shall be known as bylaw D-02 and may be cited as the "Local Improvement Bylaw".

**2. PURPOSE**

2.1. The purpose of this bylaw is to establish the manner in which the Town shall impose, fix, and enforce payment of Charges for Local Improvements.

**3. DEFINITIONS**

- (a) "Corner Lot" means a Property situated at the intersection of and abutting upon two or more Streets;
- (b) "Charge" means a charge imposed pursuant to Section 81 of the *Municipal Government Act* in an amount to be determined pursuant to this bylaw for the Cost of a Local Improvement;
- (c) "Cost of a Local Improvement" means the capital cost of service provision and shall include but is not limited to the costs of study, design, construction, installation and administration, engineering, surveying, municipal staff time, and other incidental expenses as well as the costs of financing including bridge financing, if any, and the cost of financing throughout the amortization period of the project whether or not the money is financed internally or externally. The cost of any particular Local Improvement may be reduced by its proportionate share of financial contribution from federal, provincial or municipal grant dollars;
- (d) "Council" means the Council of the Town of Amherst;
- (e) "Engineer" means the Town employee designated as Town Engineer pursuant to the provisions of the *Municipal Government Act*;
- (f) "Frontage" means the linear measurement of the Property line which abuts a Local Improvement, irrespective of whether the Property line is a front, rear, side or flanking lot line;
- (g) "Local Improvement" means and includes Charges for:
  - i) wastewater facilities or stormwater systems, the use of wastewater facilities or stormwater systems and connecting to wastewater facilities or stormwater systems;
  - ii) expenditures incurred for the wastewater management system in a wastewater district;
  - iii) the capital cost of installing a water system;
  - iv) laying out, opening, constructing, repairing, improving, and maintaining Streets, curbs, sidewalks, gutters, bridges, culverts, and retaining walls, whether the cost is incurred by the Town directly or by, pursuant to, an agreement with His Majesty In Right of the Province, the Minister of Public Works or any person;
  - v) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads where the cost is incurred i) by the Town or ii) under an agreement between the Town and a person;
  - vi) the Town portion of the cost of a major tree removal program or the cost of removing trees from a private Property;
  - vii) the Town portion of the capital cost of placing the wiring and other parts of an electrical distribution system underground; and
  - viii) depositing in a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirements.
- (h) "Majority Approval" means majority approval based on the signatures from Owners representing at least two-thirds of all Properties in the area that Council has determined to benefit from a Local Improvement and at least two-thirds of the methodology chosen as set out in Section 9.8;
- (i) "Town" means the Town of Amherst;
- (j) "Owner" has the same meaning as set out in the *Municipal Government Act*, except where the context requires otherwise;
- (k) "Property" means a parcel or lot of property which is in an area determined by Council to benefit from a Local Improvement;
- (l) "Schedule A" means a list of projects and properties subject to a local improvement, as amended from time to time, and shall include at a minimum; a brief description of the project, PID number of all properties subject to the local improvement, charges imposed, terms of repayment, any exceptions/adjustments to charges, and any other project relevant project information.
- (m) "Subdividable Lot" means, for the purpose of this bylaw, a Property which is capable of being subdivided into at least two buildable lots if, taking into consideration the lot Frontage, lot area, zoning and the location of existing buildings, the Town would approve the subdivision of the Property into at least two lots;

- (n) "Street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts, and retaining walls in connection therewith located within the Town whether vested in the Town or the Province of Nova Scotia;
- (o) "Through Lot" means a Property bounded on two opposite sides by two or more Streets;
- (p) "Usable Frontage" means Property Frontage that has not been determined to be unusable under Section 7.2;

#### **4. CHARGE IMPOSED**

- 4.1. Where a Local Improvement has been carried out:
  - 4.1.1. by the Town in an area identified in Schedule "A", as defined in section 3, and as amended from time to time, a Charge is hereby levied upon every Owner of Property situated in whole or in part within the identified area except to the extent that any Property or the Owner thereof is totally or partially exempt from the Charge by provisions in this bylaw or the provisions of Schedule "A"; or
  - 4.1.2. as a result of a petition receiving Majority Approval and the project having been adopted and approved by Council, a Charge is hereby levied upon every Owner of Property situated in whole or in part within the area identified in the petition except to the extent that any Property or Owner thereof is totally or partially exempt from the Charge by provisions in the petition or in this bylaw;
- 4.2. Municipally, provincially and federally owned land may be exempt from Charges arising from the provisions of this bylaw unless otherwise indicated in the approved petition or Schedule "A".
- 4.3. An interim Charge may be imposed when Council approves the project to proceed based on the best estimate of the cost of the project at that time. The interim Charge will be adjusted at the completion of the project.

#### **5. AMOUNT OF CHARGE**

- 5.1. The Charge levied pursuant to Section 4 shall be determined in accordance with the provisions of this bylaw and, if applicable, of the approved petition or Schedule "A" and may be calculated based on:
  - (a) a uniform amount for each Property in existence or subsequently created by subdivision;
  - (b) the Frontage of the Property on any Street;
  - (c) the use of the Property;
  - (d) the area of the Property;
  - (e) the assessed value of the Property;
  - (f) any combination of two or more such methods of calculating the Charge; or
  - (g) such other method as Council deems fit.

#### **6. VARIATIONS IN CHARGES**

- 6.1. The Charge levied pursuant to this bylaw may be fixed at different rates for different classes or uses of Properties and may be fixed at different rates for different areas or zones as outlined in the approved petition and/or as outlined in Schedule "A".

#### **7. FRONTAGE CHARGE**

- 7.1. If the Charge contains a component calculated in whole or in part based upon the Frontage of the Property on a Street, the component of the Charge which is based upon Frontage shall be calculated in accordance with this section unless otherwise outlined in the approved petition, if applicable, or in Schedule "A" or an agreement.

FC = Frontage Charge

TF = Total of all individual Frontages (IF) determined as per the provisions of this bylaw

IF = Total Frontage of an individual Property (as possibly adjusted by any Frontage reductions or Frontage adjustments as per the provisions of this bylaw

TC = Total cost of the Local Improvement

GC = Municipal/Provincial/Federal contribution towards the Local Improvement

$FC = [IF/TF] \times [TC - GC]$

- 7.2. Subdivisions plans, deed descriptions, retracement plans and/or geographical information as deemed appropriate by the Town shall be used to determine the total Frontage of an individual Property
- 7.3. In the event of a dispute between a Property Owner and the Town as to any measurements of a Property, the Owner shall retain, at his or her sole expense, a Licensed Nova Scotia Land Surveyor, who shall certify the measurements of the Property and submit the same to the Town.

##### **Frontage Reduction**

- 7.4. Where an Owner can reasonably demonstrate, and provide evidence such as an environmental study or written confirmation from Nova Scotia Department of Environment and Climate Change, that the Property is unusable for development by reason of soil type, environmental hazard, or other natural factors that do not permit the land to be subdivided for the purpose of creating a lot, a Frontage reduction of up to 75 percent may be applied to the portion of unusable Frontage. This proof must be provided prior to the inclusion of the Local Improvement into Schedule "A", if applicable, or approval of a petition by Council.

##### **Frontage Adjustments**

- 7.5. A minimum Frontage may be established for each Local Improvement.

- 7.6. For Corner Lots and Through Lots, where both Streets adjacent to the Property are subject to a Local Improvement, the total Frontage will be adjusted as follows:
  - (a) For the longest Frontage, the Frontage will not be subject to any adjustment and will be Charged 100 percent of the Frontage;
  - (b) For the shortest Frontage, the Frontage may be reduced by 50 percent.
- 7.7. For Corner Lots and Through Lots, where one of the two Streets is subject to a Local Improvement and the other Street has previously been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the current Local Improvement.
- 7.8. For Corner Lots or Through Lots, where one of the two Streets is subject to a Local Improvement and the other Streets has not been the subject of a Local Improvement, the Property will only be Charged for the portion of the Frontage subject to the Local Improvement and there shall not be any adjustments to the total Frontage.
- 7.9. For greater clarity, a Corner Lot will be deemed to benefit from a Local Improvement on all Streets that the Property has Frontage

## **8. EXEMPTIONS/ADJUSTMENTS TO CHARGES**

- 8.1. A Property may be exempt from or given an adjustment to a Charge if the Property is considered to not benefit from the Local Improvement. An adjustment or exemption may be given when:
  - (a) a Property is already serviced; or
  - (b) a Property does not directly benefit from a Local Improvement and it cannot be reasonably argued that the Local Improvement provides an indirect benefit to the Property, such as the ability to further subdivide and develop the Property.
- 8.2. If Frontage is the method of Charge, the Property may also be subject to any adjustment or reductions available in Section 7.
- 8.3. An additional exemption or adjustment may be given to a Lot because of the size, configuration, topography, or ground conditions of the Property.
- 8.4. Properties given an exemption or adjustment to the Charge under this Section will be identified in Schedule "A" or, if applicable, within the approved petition or agreement.

## **9. ADMINISTRATIVE GUIDELINES**

- 9.1. Council may proceed with a Local Improvement at its own discretion or in response to a petition which receives Majority Approval.
- 9.2. Where a petition has been conducted and does not receive Majority Approval, Council will not proceed with a Local Improvement, at its own discretion, for a minimum of three years. Property Owners are not prevented from requesting subsequent petitions within the three-year timeframe.

### **Initiating a petition**

- 9.3. The petition process may be initiated by:
  - (a) a request from the sole owner of Property(s) or at least two Properties that would be subject to the petition; or
  - (b) a motion from Council directing Town staff to initiate the petition process.
- 9.4. The petition request from Property Owners and the motion from Council must include a description of the proposed Local Improvement, the desired method of Charge, and the proposed Charge area.
- 9.5. At Council's discretion, a petition may include Properties fronting onto more than one Street, whether those Streets are contiguous or not.

### **Processing a Petition**

- 9.6. The following steps shall be followed:
  - a) The petition will be conducted by Town staff and they will be responsible for preparing the petition documents and package.
  - b) The petition documents will include: a description of the Local Improvement and the method of Charge, a map of the proposed Charge area, the estimated total cost of the Local Improvement, the estimated cost for each Property and the financing options.
  - c) The petition documents will also include a letter explaining the Local Improvement process and will give each Property Owners an opportunity to vote YES or NO for the Local Improvement.
  - d) The petition package and documents with a stamped return envelope will be sent by mail to the Owners representing each Property.
  - e) The petition shall give Owners at least 30 days to respond.

### **Approval of the Petition**

- 9.7. Where Council considers carrying out a Local Improvement on the basis of a petition, such Charges would be considered only where there is at least Majority Approval.
- 9.8. The Properties representing at least 2/3 of the methodology used for the Charge must be in favor of the petition. For example,
  - (a) if the Charge is based on the area of the Property, the Properties representing at least 2/3 of the area would have to vote in favor;

- (b) if the Charge is based on the assessed value of the Property, the Properties representing at least 2/3 of the assessed value would have to vote in favor;
  - (c) regardless of the methodology used for the Charge, the Owners representing at least 2/3 of the total Properties must be in favor for a petition.
- 9.9. Successful petitions are considered to be valid for a period of 5 years from the date of approval by Council. Within that time frame, the validity of the petition is not affected by the number of times any Property may have changed Owners.
- 9.10. In the event that the information relied upon by Council or staff to assess whether a petition has received Majority Approval later proves to be wrong, the decision based upon such information shall be as valid as if the information were correct.
- 9.11. If the Town does not receive a response from the Owners by the petition deadline, the Owners will be deemed to have voted NO and not being in favor of the Local Improvement.
- 9.12. In circumstances where there is more than one Owner of a Property, the Property will be considered to be in favor of the Local Improvement when the majority (50 percent) of the Owners have voted "YES" for the Local Improvement.

**Local improvement without a petition**

- 9.13. Where a Local Improvement is approved by Council without a petition, Council shall, by policy, determine a suitable method for advising residents affected by the decision taken under this bylaw.
- 9.14. Where a request for a Local Improvement is made by one or more Property Owners collectively owning 100% of the Properties in the area to be affected by the Local Improvement, there shall be no need to follow the petition process set out in this bylaw and the Town may enter into an agreement with those Property Owners with respect to the carrying out and payment for the Local Improvement Charge and any matters incidental thereto.

**Municipal contribution to local improvement**

- 9.15. For Local Improvements on Streets owned by the Town, at its own discretion, Council may choose to make a financial contribution up to ten (10) percent towards the cost of the Local Improvement or in special circumstances a percentage higher than ten (10) percent at the discretion of Council.

**10. LIEN**

- 10.1. A Charge imposed pursuant to this bylaw constitutes a first lien on Property in the same manner and with the same effect as rates and taxes under the *Municipal Government Act* (Section 81(3)(f)).
- 10.2. A Charge imposed pursuant to this bylaw is collectable in the same manner as rates and taxes and, at the option of the Treasurer, collectable at the same time and by the same proceedings, as rates and taxes.
- 10.3. The liens against the Property become effective on the earliest of the date on which the interim Charge is imposed or the Engineer files with the Treasurer a certificate that the improvement has been completed.
- 10.4. The lien provided for in this bylaw shall remain in effect until the Charge plus interest has been paid in full.
- 10.5. Where a Property subject to a lien is subdivided, the unpaid amount of the Charge plus interest shall be apportioned among the new subdivided lots according to the assessed value that the new lots have in relation to the total assessed value of the Property before subdivision.

**11. INTEREST**

- 11.1. Interest shall accrue on Charges outstanding from the due date forward, at a rate approved by Council. The due date is the date of completion or the date that installments are due if the annual payment option is available.

**12. REPAYMENT OF THE CHARGE**

- 12.1. At the option of the Owner(s) of a Property which is subject to a Charge, the Charge may be paid in either of the following ways:
- (a) by payment, in full, at the time of invoicing by the Municipality;
  - (b) by annual installments. In the event of default of payment of an installment, the whole balance shall become due and payable without notice or demand; or
  - (c) as otherwise set out in an agreement with the Property Owners.
- 12.2. The term of repayment shall be outlined in Schedule "A", in the wording of the approved petition or in the Council motion approving the project and, where applicable, in the agreement with the Town. Annual installments shall not exceed 25 years.
- 12.3. Where applicable, the Property Owner(s) shall have one month from the date of their initial notice of amounts owing, to notify the Treasurer, in writing, which financing option has been selected. If there is no written notification, the Property Owner(s) shall be deemed to have selected the annual payment option.

**13. AMENDMENT TO THE BYLAW**

- 13.1. Any amendment to this bylaw shall not affect existing projects outlined in Schedule "A" unless expressly intended to do so through an amendment to the Schedule.

**14. REPEAL AND REPLACE**

- 14.1. The previous version, and all other versions of the Bylaw, are repealed and replaced by this version.

Local Improvement Bylaw D-3 Adoption	
First reading:	March 27, 2023
Notice of Publication:	April 5, 2023
Second Reading:	
Notice of Publication and Effective Date of Bylaw:	
Notice to Service Nova Scotia & Municipal Relations:	

**VERSION LOG**

Bylaw Owner	Amendment Description	Council Approval Date
	The Civic Improvement Charges Bylaw as approved by the Minister of Municipal Affairs on May 22, 1968 and all amendments thereto are repealed.	October 31, 1995
Director of Operations, Bourgeois	The Local Improvement Bylaw as approved on October 31, 1995 and all amendments thereto are repealed.	

**4.8 Bylaw Respecting Discharge into Public Sewers Second Reading Moved By Councillor Fawthrop Seconded By Councillor Emery That Council give second reading of the amendments to the Bylaw Respecting Discharge into Public Sewers D-3.**

**Motion Carried**

**TITLE: BYLAW RESPECTING DISCHARGE INTO PUBLIC SEWERS**  
**SECTION: OPERATIONAL SERVICES**  
**BYLAW NO: D-3**

**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**1. SHORT TITLE**

- (1) This Bylaw shall be known as Bylaw Number D-3, and may be cited as the "Wastewater Discharge Bylaw."
- (2) The previous and all other versions of the Wastewater Discharge Bylaw are repealed and replaced by this version.

**2. PURPOSE**

- (1) This Bylaw outlines the controls for connections and discharges to public sewer systems. The objectives of the Bylaw are to:
  - (a) Protect the sewer collection system from corrosion, damage, and obstruction
  - (b) Protect the wastewater treatment process from upset
  - (c) Protect the public, municipal workers, and property from hazardous conditions
  - (d) Protect the environment

**3. DEFINITIONS**

- (1) In this Bylaw:
  - (a) "Biochemical Oxygen Demand" (BOD) means the quantity of oxygen utilized, expressed in milligrams per litre, in the biochemical oxidation of matter within a 120-hour period at a temperature of 20 degrees centigrade, as determined by procedures set forth in "Standard Methods";
  - (b) "Building Service Connection" means any piping system which conveys sewage or liquid waste from the buildings on any property to a public sewer;
  - (c) "Chemical Oxygen Demand" (COD) means the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure, expressed in milligrams per litre, as determined by procedures set forth in "Standard Methods"
  - (d) "Combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
  - (e) "Council" means the municipal council of the Town of Amherst;
  - (f) "Discharge" means to discharge, release, permit or cause to be discharged into the municipal wastewater facilities or stormwater system;

- (g) “Discharger” means the owner, occupant or person who has charge, management or control of effluent, sewage, stormwater, uncontaminated water or any combination thereof, which is discharged into the municipal wastewater facilities;
- (h) “Engineer” means the Municipal Engineer for the Town of Amherst and includes a person acting under the supervision and direction of the Engineer;
- (i) “Fuel” includes alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
- (j) “Grease” means total oil and grease extracted from aqueous solution or suspension according to the laboratory procedure set forth in “Standard Methods” and includes, but is not limited to, hydrocarbons, esters, oils, fats, waxes, and high molecular fatty acids;
- (k) “Hauled wastewater” means any wastewater transported to and deposited into any location in the municipal wastewater facilities;
- (l) “Heat pump” means is a device that provides heat energy from a source of heat to a living or working space. Heat pumps are designed to move thermal energy opposite to the direction of spontaneous heat flow by absorbing heat from a cold space and releasing it to a warmer one. For purposes of this bylaw a heat pump refers to a water to air heat pump device, which is a device that extracts heat from a groundwater source to be used to heat a residential or commercial space.
- (m) “Industrial, commercial or institutional” includes or pertains to industry, manufacturing, commerce, trade, business, or institutions, as distinguished from domestic or residential;
- (n) “Inspector” means a person authorized by the Town of Amherst to carry out observations and inspections and to take samples as prescribed in this bylaw;
- (o) “Leachate” includes any liquid that has percolated through solid waste and has extracted dissolved or suspended materials from it, including the liquid produced from the decomposition of waste materials and liquid that has entered the waste material from external sources including surface drainage, rainfall and groundwater;
- (p) “Municipality” means the Town of Amherst;
- (q) “National Building Code of Canada” (N.B.C.) applies to the construction of buildings including extensions, substantial alterations, buildings undergoing a change of occupancy, and upgrading of buildings to remove an unacceptable hazard. The NBC is prepared by the Canadian Commission on Building and Fire Codes and is published by the National Research Council of Canada;
- (r) “Pathological waste” includes those fluids or materials which may contain pathogens of human or animal origin;
- (s) “Pesticides” includes any substance that is a pest control product within the meaning of the “Pest Control Products Act” (Canada) or a fertilizer within the meaning of the “Fertilizers Act” (Canada) that contains a pest control product;
- (t) “pH” means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution in accordance with the “Standard Methods”;
- (u) “Phenolic compounds” means hydroxyl derivatives of benzene and its condensed nuclei;
- (v) “Sewage” means the combination of liquid and water carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present;
- (w) “Sewer” means a pipe or conduit for carrying sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, Clearwater sewers, storm drains and combined sewers vested in, or under the control of, the municipality;
- (x) “Sewage System” means all pipes, mains, equipment, buildings, and structures for collecting, pumping or treatment of wastewater and operated by the municipality, but does not include a storm sewer;
- (y) “Standard Methods” means Standard Methods for the examination of water and wastewater by the utilization of analytical and examination procedures provided in the edition current at the time of testing, published jointly by the American Public Health Association and the American Water Works Association or any publication by or under the authority of the Canadian Standards Association for the testing of water and waterworks to determine water quality standards;
- (z) “Storm Sewer” means a sewer that carries stormwater and surface runoff water, excluding sewage;
- (aa) “Stormwater” means water from precipitation of all kinds, and includes water from the melting of snow and ice, groundwater discharge and surface water that meets the pollution limits of Table 1 Section 3-4;
- (bb) “Stormwater system” means a method or means of carrying stormwater including, but not limited to, those ditches, swales, storm sewer retention ponds, streets or roads that are owned by the municipality;
- (ab) “Suspended Solids” means the insoluble matter suspended in wastewater that is separable by laboratory filtration as determined by procedures set forth in Standard Methods”;
- (ac) “Total Kjeldahl Nitrogen” (TKN) means organic nitrogen;
- (ad) “Uncontaminated water” means potable water or any other water to which no matter has been added as a consequence of its use;
- (ae) “Waste” means any material discharged into the sewage system;
- (af) “Wastewater” means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or suspension carried from any premises;
- (ag) “Wastewater Facilities” means the structure, pipes, devices, equipment, processes, or other things used, or intended, for the collection, transportation, pumping or treatment of sewage and disposal of the effluent.

#### 4. PROHIBITED DISCHARGE TO WASTEWATER FACILITIES

- (1) No person shall discharge, into wastewater facilities, sewage or wastewater which causes or may cause or results or may result in:

- (a) A health or safety hazard;
  - (b) Obstructions or restrictions to the flow in the wastewater facilities;
  - (c) An offensive odour, toxic emission, or poisonous vapour to emanate from wastewater facilities, and without limiting the generality of the foregoing, sewage containing hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines, or ammonia in such quantity that may cause an offensive odour;
  - (d) Damage to wastewater facilities;
  - (e) Interference with the operation and maintenance of wastewater facilities;
  - (f) A restriction of the beneficial use of sludge from the municipality's wastewater facilities;
  - (g) Effluent from municipal wastewater facilities to be in violation of any Provincial or Federal Acts or Regulations.
- (2) No person shall discharge, into wastewater facilities, sewage, or wastewater with any one or more of the following characteristics:
- (a) A pH less than 5.5 or greater than 9.5;
  - (b) Two or more separate liquid layers
  - (c) A temperature greater than sixty-five (65) degrees Celsius.
- (3) No person shall discharge, into wastewater facilities, sewage or wastewater containing one or more of the following:
- (a) Combustible liquid;
  - (b) Fuel;
  - (c) Hauled sewage or hauled wastewater, except where written permission from the municipality has been obtained;
  - (d) Ignitable waste including but not limited to, flammable liquids, solids, and/or gases, capable of causing or contributing to explosion or supporting combustion in wastewater facilities;
  - (e) Detergents, surface-active agents, or other substances that may cause excessive foaming in the wastewater facilities;
  - (f) Sewage containing dyes or colouring materials which pass through wastewater facilities and discolour the wastewater facility or effluent;
  - (g) Material that, when combined with other wastes, reacts to form a highly coloured stream;
  - (h) Material containing polychlorinated biphenyls (PCBs);
  - (i) Pesticides, herbicides or xenobiotics;
  - (j) Reactive materials;
  - (k) Radioactive substances;
  - (l) Leachate, except where the discharger has written permission from the municipality;
  - (m) Pathological waste in any quantity;
  - (n) Animal wastes from tanning operations;
  - (o) Viscous or solid matter (i.e., ashes, cinders, sand, clay, wood, plastics, etc.) that may cause obstructions of flow or interference with the sewage operation.
- (4) No person shall discharge, into wastewater facilities, sewage or wastewater containing a concentration in excess of any of the limits set out in Table 1:

**Table 1 – Concentration Limits – Wastewater Facilities**

Substance	Milligrams per Liter
Aluminum, Total	50
Antimony, Total	5
Arsenic, Total	1
Barium, Total	5
Benzene	0.01
Beryllium, Total	5
Biochemical Oxygen Demand	300
Bismuth, Total	5
Cadmium, Total	0.1
Chemical Oxygen Demand	1000
Chlorides	1500
Chloroform	0.05
Chromium, Total	4
Cobalt, Total	5
Copper, Total	1
Cyanide, expressed as HCN Total	2
1,2 - Dichlorobenzene	0.1
1,4 – Dichlorobenzene	0.1
Cis – 1,2 – Dichloroethylene	4.0
Trans – 1,3 – Dichloropropylene	0.15
Ethylbenzene	0.15
Fluoride expressed as F	10
Iron, Total	50
Lead, Total	1
Manganese, Total	5
Mercury, Total	0.01
Methylene chloride	0.2
Substance	Milligrams per Liter
Molybdenum, Total	5

Nickle, Total	2
Oil & Grease – mineral or synthetic in origin	15
Oil & Grease – animal or vegetable in origin	100
o-Xylene	0.5
Phenolic Compounds (4AAP)	1
Phosphorus, Total	10
Selenium, Total	1
Silver, Total	2
Sulphates Expressed as SO <sub>4</sub>	1500
Sulfides expressed as H <sub>2</sub> S <sub>2</sub>	2
Suspended Solids, Total	350
1,1,2,2 – Tetrachloroethane	1.0
Tetrachloroethylene	1.0
Tin, Total	5
Titanium, Total	5
Toluene	0.01
Total Kjeldahl Nitrogen	100
Trichloroethylene	1.0
Vanadium, Total	5
Xylenes, Total	1.5
Zinc, Total	2

\* A reference to "Total" in this table denotes total concentrations of all forms of the metal and ion including both particulate and dissolved species.

- (5) No person shall discharge, into wastewater facilities sewage or wastewater under circumstances where water has been added for the purpose of dilution to achieve compliance with Sections 4(2) and 4(4).
- (6) No person shall discharge into wastewater facilities any effluent from a heat pump that extracts heat from a groundwater source.
- (7) No person shall discharge cooling water or uncontaminated water to wastewater facilities unless the discharge has been permitted by the municipality.
- (8) Compliance with any limit is not attainable by dilution.

#### 5. DISCHARGE TO STORMWATER SYSTEM

- (1) Except as otherwise provided in this bylaw, no person shall discharge, release, place or cause to be placed, any substance other than stormwater or uncontaminated water into a storm sewer.

#### 6. GREASE, OIL, SEDIMENT, SAND TRAPS OR INTERCEPTORS

- (1) Grease, oil, sediment and sand traps or interceptors shall be installed in all food service facilities, and car or truck washes or any discharge when, in the opinion of the municipality, such a device is necessary for the proper handling and control of wastewater being discharged to the municipal wastewater facilities.
- (2) Traps or interceptors shall be installed such that they are easily accessible for all aspects of cleaning and inspection.
- (3) Traps or interceptors shall be maintained by the owner or operator in a condition of continuous efficient operation at the owner's expense.
- (4) No retained or trapped oil, grease, sediment, sand, silt, or other matter in any form shall be allowed to pass from the installed trap or interceptor into the wastewater facilities; removal of retained or trapped materials shall be achieved by pumping or other physical means and shall be hauled away and disposed of as required by law.
- (5) Whenever an inspection of an installed trap or interceptor results in a written notice for action on the part of the person(s) responsible for the installed device, such action shall be completed within the compliance period granted by the written notice.
- (6) The owner or operator of an establishment shall provide the municipality, upon request, with the frequency of inspection and maintenance of any installed grease, oil, sediment and sand traps or interceptors as well as information as to the disposal method employed and location of hauled waste material.
- (7) Any reasonable request for inspection by the municipality shall be granted by the owner or operator of the establishment.

#### 7. SPILLS

- (1) Every person who discharges, deposits, causes, or permits the discharge or deposit of any matter in any sewer that in nature or quantity is not in the ordinary course of events shall forthwith notify the Municipality.
- (2) For any discharge in Subsection 7(1) the information with the notification shall include:

- a. Name of Company and civic address of the spill;
  - b. Name of the person, including contact numbers, reporting the event;
  - c. Particulars on the spill:
    - a. Time
    - b. Type and volume of the material discharged
    - c. Potential hazard of the material discharged\
    - d. Corrective actions being taken to control the spill
- (3) Within 5 days of the spill a detailed report describing the cause and actions taken is to be submitted to the Municipality. The report shall include preventative and corrective actions to prevent a recurrence.

## 8. REPORTING REQUIREMENTS

- (1) No industrial, commercial, or institutional discharger shall discharge sewage, wastewater, cooling water, uncontaminated water or any combination thereof, to wastewater facilities without first submitting to the Engineer of the Municipality the following completed reports:
- a. The "Short Version of the Discharger Information Report" attached as Form 1; and
  - b. The "Complete Discharger Information Report" attached as Form 2 where, in the opinion of the Engineer, the discharge may have a significant impact on the wastewater facilities, and the municipality has notified the discharger that completion of the report is required; or where the discharger has or requires an extra strength or large volume surcharge agreement with the municipality.
- (2) If a discharger has been discharging to wastewater facilities prior to the enactment of this bylaw, the discharger shall comply with the requirements set out in subsection 7(1) within 30 days of receipt of written notice from the Engineer.
- (3) The discharger shall provide written notification to the municipality of any changes to the information filed pursuant to subsections 6(1) and 6(2) within 60 days of the change.

## 9. DISCHARGER SELF-MONITORING

- (1) The discharger shall undertake the monitoring or sampling of any discharge to the wastewater facilities as may be required by the Engineer, and provide the results in accordance with written notice from the Engineer.
- (2) The obligations set out in or arising out of subsection 8(1) shall be completed at the expense of the discharger.

## 10. EXTRA STRENGTH AND VOLUME SURCHARGE AGREEMENT

- (1) Where large volumes of sewage, extra strength sewage or wastewater is discharged to wastewater facilities, the municipality may enter into a surcharge agreement with a discharger permitting exceedances of the limits set out in subsection 4(4), including, but not limited to, any one or more of the following:
- a. Biochemical oxygen demand;
  - b. Solvent extractables – animal or vegetable in origin;
  - c. Total kjeldahl nitrogen;
  - d. Phosphorous, total;
  - e. Suspended solids, total; or
  - f. Large volumes.
- (2) The agreement may include terms and conditions under which the discharge is permitted and the method by which the municipality shall recover costs incurred by the pumping and treatment of the wastewater.
- (3) During the term of the agreement, the discharger shall be exempt from meeting the limits set out in subsection 4(4) for the parameter(s) included in the agreement, if all conditions stipulated in the agreement are met.
- (4) Notwithstanding subsection 9(1), where a discharger has entered into an extra strength surcharge or large volume agreement, any anticipated change in the information provided pursuant to Section 6 must be submitted to the municipality prior to the change to allow an assessment of the impact of the change on the agreement.
- (5) The municipality may terminate the agreement at any time and the termination shall be effective within 30 days of the delivery of a written notice to the discharger's site or head office.
- (6) As part of the agreement the municipality may require the discharger to provide a Control Service Access as outlined in Section 13 of this bylaw.

## 11. COMPLIANCE AGREEMENT

- (1) Where the discharger, at the coming into force of this bylaw, is out of compliance with one or more conditions in Section 4, the municipality may enter into a compliance agreement with a discharger to provide a plan for achieving compliance with the bylaw within a specified time.

- (2) The agreement shall:
  - a. Be for a fixed term;
  - b. Contain reporting requirements to the Engineer on significant stages in the progress towards compliance as determined by the municipality; and
  - c. Include a maximum interim limit for the parameter or parameters covered by the agreement.
- (3) During the term of the compliance agreement, the discharger shall be exempt from those parts of Section 4 specified in the compliance agreement provided that all of the conditions of the agreement are met by the discharger prior to the expiry of the agreement.
- (4) The agreement may be terminated with 48 hours' notice by the municipality at any time where the terms and conditions of the agreement are not being met.
- (5) As part of the agreement the municipality may require the discharger to provide a Control Service Access as outlined in Section 13 of this bylaw.

## 12. SAMPLING AND ANALYTICAL REQUIREMENTS

- (1) Where the Engineer determines that monitoring of any discharge to the wastewater facilities is required, the owner or operator of industrial, commercial, or institutional premises may be required to monitor, analyse, and report to the Engineer the results of the monitoring program at the owner's expense.
- (2) The Engineer may specify specific time periods for collection of samples and analytical requirements based on practices of the business, as required.
- (3) The Engineer may from time to time enter any premises and conduct such tests as deemed necessary.
- (4) All tests, measurements, analysis, and samples handling shall be carried out in accordance with "Standard Methods" and by a laboratory certified by the Canadian Association of Environmental Laboratories.

## 13. CONTROL SERVICE ACCESS

- (1) The Engineer may require the installation of a control service access or the upgrading of an existing control service access, for each connection to the wastewater facilities for the purpose of monitoring or sampling discharges.
- (2) A control service access required under subsection 13(1) shall be:
  - a. Located on the property of the discharger unless the municipality permits an alternative location;
  - b. Constructed and maintained at the expense of the discharger;
  - c. Accessible at all times by the municipality;
  - d. Constructed in a manner which meets the standards of the municipality; and
  - e. Maintained to ensure access and structural integrity.

## 14. GENERAL

- (1) For the purpose of the administration of this bylaw, the Inspector may, upon production of his identification, enter any industrial premises and have free unimpaired access, to observe and measure the flow of wastewater to any sewer and to collect any samples required at reasonable times upon reasonable notice.
- (2) No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, deface or tampering with:
  - a. Any part of the sewage system or storm sewer system; or
  - b. Any permanent or temporary device installed in the sewage system or storm sewer system for the purpose of measuring, sampling, and testing of wastewater.
- (3) No work shall be carried out on any sewer other than by the authority of the Municipal-Engineer.
- (4) The Council shall have the power to stop and close up and prevent from discharging into the sewage system, any private sewer or drain through which substances are discharged or into which substances are thrown, deposited, or supposed to be put, prohibited by this bylaw or which are liable to injure the sewers or obstruct the flow of sewage.
- (5) The Council shall not cause any sewer to be closed up pursuant to this subsection unless the owner of the sewer is first notified and given an opportunity to be heard by the Council.

## 15. INSTALLATIONS

The Town shall provide all installations required for the connections within the rights-of-way of the Town streets when:

- a. The owner pays the connection charge provided in Section 18 hereof, and
- b. The property fronts on a street in which there is a sewer main.

## 16. REQUIREMENTS

- (1) Size, slope, alignment, materials of construction of the building sewer and the methods to be used in excavating, placing the pipe, jointing, testing, backfilling the trench and the connection to the public sewer, shall all conform to the requirements of the Town as they may exist at the time of installation.

(2) All building sewers shall incorporate an effective backwater valve.

**17. ELEVATION**

- (1) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.
- (2) In all buildings in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer.

**18. FEES**

The owner of every property fronting on any street in which there is a public sewer and which has been or may hereafter be connected with a public sewer by a building service connection from said house, shall pay to the Town the amount as set out in the Town’s Annual Review of User Fees Policy, 03470-03

**19. PENALTY**

- (1) Any person who contravenes any provision of this bylaw shall be liable upon summary conviction for every such offence to a penalty of not less than five hundred dollars (\$500.00) and not exceeding fifty thousand dollars (\$50,000.00) or in default of payment, to imprisonment for a term not exceeding ninety days and each day that the offence continues shall constitute a new offence.
- (2) Any person alleged to have violated this bylaw, who is given notice of the alleged violation and where the said notice so provides for payment, may pay a penalty in the amount of five hundred dollars (\$500.00) to the TOWN OF AMHERST provided that said payment is made within a period of 14 days following the day on which the alleged violation was committed, and said payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

For Administrative Use Only:

Bylaw Respecting Discharge into Public Sewers D-3 Adoption	
First reading:	March 27, 2023
Notice of Intent:	April 5, 2023
Second Reading	
Notice of Publication and Effective Date of Bylaw:	
Notice to Service Nova Scotia & Municipal Relations:	

**VERSION LOG**

Bylaw Owner	Amendment Description	Council Approval Date
Director of Operations, Bourgeois	Amended to prohibit effluent from heat pumps to be discharged into the Town’s sewage system, and housekeeping amendments	

**4.9 Mobile Vending Bylaw Second Reading  
 Moved By Deputy Mayor Landry  
 Seconded By Councillor Chambers  
 That Council give Second Reading to the recommended amendments made to the current Mobile Vendors on Streets and Sidewalks Bylaw.**

**Motion Carried**

**TITLE: Mobile Vending on Town Property Bylaw  
 SECTION: Protective Services  
 BYLAW NO: C-10**

**APPROVAL DATE: \_\_\_\_\_ CAO Signature: \_\_\_\_\_**

This bylaw may be cited as the **Vending Bylaw**.

- 1. In this bylaw all words have the usual meaning from dictionaries of the English language except for the following:
  - a. “Vendor” means the owner, agent, operator or employee of a vending service
  - b. “Vending” means the safe or offering for sale outside an enclosed building of:
    - i. Food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them;
    - ii. Services, unless they are provided in a building

- c. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines or the edge of a roadway and property lines at intersections or any portion of a roadway clearly indicated for pedestrian crossings by lines or other markings on the road surface.
  - d. "Mobile canteen" means a motorized vehicle used for the display, preparation or sale of food by a mobile vendor
  - e. "Vehicle" means any vehicle required to be licensed and registered pursuant to the **Nova Scotia Motor Vehicle Act** as well as any vehicle propelled by human power, whether required to be licensed or not.
2. No person shall vend in the Town of Amherst on a public street, sidewalk, public parking area or park without having obtained permission from the Town of Amherst
- a. Subject to sub-section 2(b) this by-law does not apply to a vendor is also the occupier of a commercial premises in the town to which access is gained directly from the sidewalk and in respect of which the vender is assessed a business occupancy tax, and who vends from a location in the sidewalk immediately in front of the premises
  - b. A person who vends pursuant to this section shall not obstruct pedestrian or other traffic on the sidewalk or street.
  - c. This bylaw does not apply to events that are fund raisers approved by the Town of Amherst where permission has been obtained from the ~~Town Clerk~~ **Chief of Police or their designate** by the events' organizers for vendors who are participating in the events and registered with the event organizers.
3. No vendor shall:
- a. Leave any stand unattended;
  - b. Store, park or leave any stand overnight on a street or sidewalk;
  - c. Sell food or beverage for immediate consumption unless they have available their own or a public litter receptacle;
  - d. Leave any location without first picking up, removing and disposing of all trash or refuse from their immediate location;
  - e. Solicit or conduct business with persons in motor vehicles; or
  - f. Vend within 75 feet of any restaurant unless permission is obtained from that commercial enterprise;
  - g. Vend within 3 meters of a fire hydrant or a fire exit;
  - h. Vend in public places within 10 meters of any driveway entrance to a police or fire station or within 3 meters of any driveway entrance;
  - i. Vend within 3 meters of any crosswalk;
  - j. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public or cry their wares to the disturbance of the public;
  - k. When vending from a mobile canteen:
    - i. Vend when the mobile canteen is situated in a no-parking area or in an area where parking is prohibited at that time;
    - ii. Vend where the mobile canteen obstructs a roadway, sidewalk or a crosswalk
    - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk;
  - l. When vending from a stand:
    - i. Vend from a stand situated in a roadway, unless the stand is a pedal stand
    - ii. Vend as to obstruct the traffic of pedestrians
    - iii. Vend in such a place that waiting customers are standing in a roadway or obstructing a sidewalk.
4. Any stand or mobile canteen that uses a fuel fired appliance for the preparation or warming of food or drinks shall be inspected by the Fire Inspector prior to the issuance of a vending permit.
5. Any stand or mobile canteen equipped with a fuel fired appliance shall be equipped with a minimum of a 2A10BC rated fire extinguisher or suitable alternative as direction by the Office of the Fire Marshall.
6. An application for permission shall contain:
- a. The name, home and business address of the applicant;
  - b. A description of the type of food and beverage to be sold;
  - c. A description of any stand/mobile canteen to be used;
  - d. In the case of a vehicle that is used as a mobile canteen:
    - i. The motor vehicle registration number, and
    - ii. Make, model and year of the vehicle;
  - e. Confirmation that the applicant will only operate in accordance with the Nova Scotia Health Protection Act, Motor Vehicle Act and other applicable legislation;
  - f. Proof of successful fire inspection required under section 4 of this bylaw, if applicable;
  - g. Photograph of the fire extinguisher required under section 5 of this bylaw if applicable;
  - h. A photograph of each mobile canteen/stand;
  - i. Be accompanied by a non-refundable application fee of 2 hundred dollars (\$200.00).
7. A Vending Permit issued under this bylaw shall be conspicuously displayed so as to be clearly visible from the street at all times during which goods or services are being offered for sale pursuant to this by-law.
- 8.
- a. Permission to vend on a street, public parking area, or sidewalk may be granted by the Chief of Police;
  - b. Permission to vend in a public park may be granted by the **applicable Director or their designate**;
  - c. Permission may be granted with such further terms and conditions as the Chief of Police or Director of **Operations Parks, Recreation and Leisure Services** deems as pertinent in each circumstance and may include restrictions to the location of the operations;
  - d. The Chief of Police may, upon review of the application, waive the fee for the vending permit for applicants **18 years of age and under**;
  - e. All permission given shall expire on December 31 of the given year;
  - f. Permission granted may be revoked upon written notice for violation of any of the terms and conditions for which it was given.
9. Any person who violates any provision of this by-law shall be liable upon summary conviction of a penalty not exceeding ~~\$500~~ **\$1000.00**, and in default of payment, to imprisonment for a period not exceeding ~~30 days~~.



<ul style="list-style-type: none"> <li>3. Prohibiting vending within specific distances of fire hydrants, fire exit, driveways, police/fire stations, or crosswalks;</li> <li>4. Prohibiting the use of loud speakers or devices to use attract the attention of the public;</li> <li>5. Prohibiting the use of a mobile canteen or a stand where: <ul style="list-style-type: none"> <li>a. Parking is prohibited,</li> <li>b. It creates an obstruction for vehicular or pedestrian traffic</li> <li>c. It would place waiting customers in a roadway or in such a way as to obstruct a sidewalk</li> </ul> </li> <li>6. Use of a fuel fired appliance requires an inspection by the fire inspector prior to approval and must have the appropriate fire extinguisher on site</li> <li>7. Numerous changes to the application which documents information on the equipment used. Information about the applicant and necessary approvals or applicable insurance</li> <li>8. Vending permit issued by the town must be displayed</li> <li>9. Penalty changed to a fine not exceeding \$1000 and deleted the default imprisonment portion.</li> <li>10. Allows the permit fee of \$200 to be waived for vending businesses owned and operated by the youth of our community</li> </ul>			
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Minutes reference date: 21 September 1998

**4.10 Maintenance of Grass Bylaw First Reading  
**Moved By Councillor Baker**  
**Seconded By Councillor Emery**  
**That Council give first reading of the amendments to the Maintenance of Grass Bylaw D-21.****

**Motion Carried**

**4.11 Proceedings of Council Policy Amendments  
**Moved By Councillor Davidson**  
**Seconded By Councillor Chambers**  
**That Council approve of the amendments to the Proceedings of Council Policy #10350-24.****

**Motion Carried**

**TITLE: Proceedings of Council Policy**  
**SECTION: Executive Operations**  
**POLICY NO: 10350-24**

**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**General**

- 1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation. Authority to enact this policy is under Section 23(1)(a) and (b) of the *Municipal Government Act*. The rules of order set out in this policy shall apply to all Town committees and commissions.

**Definitions**

- 2. In this Policy, unless the context otherwise requires,
  - (a) "business day(s)" means a day when the Town of Amherst office is open for business;
  - (b) "Chair" means the presiding officer;
  - (c) ~~"committee" means any standing or adhoc committee or commission, the members of which are appointed by Council;~~
  - (c) "Council" means the Council of the Town of Amherst;
  - (d) "Council Member(s)" include(s) the Mayor unless the context indicates otherwise;
  - (e) "majority" means more than one half of those present, unless the context indicates otherwise.
  - (f) "Consent Agenda" means routine items or non -controversial items that are listed under the Consent Agenda section of the Agenda.

**Time, Place, Date and Notice of Meetings of Council and Committee of the Whole**

- 3. Unless otherwise specified pursuant to section 5, regular meetings of Council shall be held:
  - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
  - (b) On the fourth Monday of every month except that there shall be no regular meeting during the months of July and August;

- (e) Commencing at 6:00 PM and concluding not later than 8:00 PM; ~~when public hearings are scheduled, the hearing will commence at 5:30 PM and the Council meeting will commence at 6:00 PM.~~
  - (d) Public hearings will be scheduled as required.
  - (e) Council members must attend Council meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.
  - (f) Council members attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
  - (g) Council meetings will be recorded and live-streamed. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.
4. Unless otherwise specified to section 5, regular meetings of Committee of the Whole shall be held:
- (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
  - (b) On the third Monday of every month except that there shall be no regular meeting during the months of July and August;
  - (c) Commencing at 4:00 PM and concluding not later than 6:00 PM, unless unanimously agreed to by Council to continue past 6:00 PM.
    - i. Should there remain unfinished business on the agenda at 6:00 PM, the meeting shall be adjourned until 4:00 PM on the fourth Monday and a date and time for a continuation meeting will be set when the balance of the business on the agenda shall be addressed.
  - (d) Council members must attend Committee of the Whole meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.
  - (e) Council members attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
  - (g) Committee of the Whole meetings will be recorded and live-streamed. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.
5. Requirements for Virtual Attendance
- (a) A Council ~~or committee~~ member may request in advance to join a meeting electronically. The reason for the request shall be communicated to the Clerk at the time of the request and is subject to review. Attendance shall be reviewed quarterly.
  - (b) All participants must have access to the necessary equipment for participation. A right of membership is participation; therefore, the technology used must be accessible to all members to be included in the meeting. All rules pertaining to in-person Council or Committee of the Whole meetings apply equally to electronic meetings, for example, notice, pre-meeting package requirements, quorum, minute-taking, voting, confidentiality requirements, etc.
  - (c) Participants are to login 10 minutes before the scheduled meeting time to resolve any technical issues before the meeting starts.
  - (d) During In Camera sessions, all meeting participants must ensure they maintain complete privacy in their off-site meeting space. This will ensure all discussions are kept confidential and are only heard by those invited to and attending the meeting.
  - (e) All provisions and policy related to in camera meetings and conflict of interest will apply equally for all electronic meetings.
- Subject to any conditions or limitations provided for under the Act, Regulations, Bylaws or this Policy, a Council member who participates in a meeting through electronic means shall be deemed to be present at the meeting and will be recorded as in attendance at and part of the quorum of the meeting.
6. Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled:
- (a) By resolution of Council at a previous meeting three or more days in advance of the additional or special meeting;
  - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
  - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
7. Additional or special meetings of Council or Committee of the Whole may be convened
- (a) By resolution of Council at a previous meeting three or more days in advance of the additional meeting;
  - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
  - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances provided the Mayor believes that the majority of Council Members would support, or are requesting, such a step.
  - (d) Business conducted at a special meeting must conform to what is specified in the call of the meeting.

8. Specific notice to Council Members and to the public need not be provided of
  - (a) Meetings held pursuant to section 3 or 4; or
  - (b) Meetings held pursuant to subsection (a) and (b) of section 5 or 6; but, subject to any statutory relaxation of notice requirements, three days' notice shall be specifically provided for other meetings to Council Members in the manner described in section 9 and to the public in the manner described in section 10.
9. Within 30 days following the first meeting of Council after a municipal election or by-election:
  - (a) The CAO shall provide a cellular phone to each Council Member which the Council Member will check at least once per day; and
  - (b) The CAO shall provide an electronic email address to each Council Member, and the Council Member will check at least once per day;
10. Subject to section 7, notice of meetings shall be provided by electronic mail to each Council member through the Town electronic mail address as provided in section 8.
11. Subject to section 7, notice of meetings shall be ~~provided to the public by posting in the lobby of the Dominion Public Building and in a prominent place on the Town's website and other social media,~~ a "Notice of Council Meeting" containing the time, date and place of the meeting.

### **Conduct of Meetings**

12. It shall be the duty of the Chair to:
  - (a) Open the meeting of Council by taking the chair and calling the Council Members to order;
  - (b) Receive and submit to Council motions properly presented by a Council Member;
  - (c) Put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote.
  - (d) Decline to put to a vote, a motion which infringes upon the rules of procedure;
  - (e) Restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
  - (f) Enforce on all occasions, the observance of order and decorum;
  - (g) Call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
  - (h) Inform the Council when necessary, or when referred to, on a point of order;
  - (i) Permit the Chief Administrative Officer to speak on any point upon request;
  - (j) Permit proper questions to be asked through the Chair or any official or employee of the Town of Amherst, to provide information to assist any debate;
  - (k) Declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time; and
  - (l) Adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or when the adjournment time has been reached, except when it is extended by unanimous consent.

### **Council Agenda**

13. All items appearing on the Council agenda will only consist of items that have been:
  - (a) Recommended or referred to Council by motion through either Committee of the Whole or a committee of Council;
  - (b) Placed on the agenda by Council through a motion or notice of motion at a previous meeting;
  - (c) Submitted by a member of Council prior to the issuing of the final agenda;
14. Consent Agenda – Regular Meetings of Council
  - (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
  - (b) The following matters shall not be set on the Consent Agenda:
    - i. Second Readings of by-laws and land use bylaws, including any amendments
    - ii. Policies
    - iii. Planning documents as defined by the Municipal Government Act;
    - iv. Development agreements, including any amendments thereto;
    - v. Appeals;
    - vi. Motions of rescission, or motions requiring a 2/3 vote of Council;
    - vii. In Camera matters; and
    - viii. Late or added items to the agenda
  - (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
  - (d) During the consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
  - (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
  - (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
  - (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
  - (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.
15. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the business day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Amherst to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.
16. Preliminary Council agendas will be issued by 4:30 PM on the Thursday preceding the regularly scheduled meeting.
17. Final Council agendas will be issued by noon on the day of the meeting.

18. Items included on the Council agenda will include a copy of the motion to be made when the item arises on the agenda.
19. Copies of the agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting except for the supporting documents related to matters to be dealt with in camera.
20. At Council meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
  - (a) Call to Order
  - (b) Territorial Acknowledgement
  - ~~(c) National Anthem~~
  - (d) Presentations
  - (e) Approval of agenda
  - (f) Consent Agenda
  - (g) Approval of minutes from the previous meetings
  - (h) Requests for Decision
  - (i) Information / Discussion Items
  - (j) Internal Committee Reports
  - (k) External Committee Reports
  - (l) Adjournment
21. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
  - (a) The date the meeting was held;  
A review of the key issues or discussion points covered that have an impact on the Town;
  - (b) Information and decisions that may impact a current Council position, or future Council course of action;
  - (c) A summary of the organization's key operations and events.

#### **Committee of the Whole Agenda**

22. The Committee of the Whole will meet for the purpose of discussion and possible referral to Council and no formal decisions will be made by Committee of the Whole, except to the extent that Committee of the Whole is specifically designated bylaw, policy or delegated by a resolution of Council as having the authority to make a decision.
23. Items appearing on the Committee of the Whole agenda will only consist of items as follows:
  - (a) Placed on the agenda by Council or Committee of the Whole through a motion or notice of motion from a previous meeting;
  - (b) Submitted by a member of Council prior to the issuing of the final agenda;
  - (c) Staff reports;
  - (d) Items from the administration requiring a decision or direction;
24. Consent Agenda – Committee of the Whole
  - (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
  - (b) The following matters shall not be set on the Consent Agenda:
    - i. Policies
    - ii. Planning documents as defined by the Municipal Government Act;
    - iii. Development agreements or any amendments thereto;
    - iv. Motions of rescission, or motions requiring a 2/3 vote of Council;
    - v. In Camera matters; and
    - vi. Late or added items to the agenda
  - (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
  - (d) During the consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
  - (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
  - (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
  - (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
  - (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.
25. Preliminary Committee of the Whole agendas will be issued by 4:30 pm on the Thursday preceding the regularly scheduled meeting.
26. Final Committee of the Whole agendas will be issued by 10:00 am on the day of the meeting.
27. Items included on the Committee of the Whole agenda will include a copy of the motion to be made when the item arises on the agenda.
28. Copies of the Committee of the Whole agenda and supporting documentation will be made available to the public in electronic format by 10:00 AM the day of the meeting, except for the supporting documents related to matters to be dealt with in camera.
29. At Committee of the Whole meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
  - (a) Call to Order
  - (b) **Territorial Acknowledgement**
  - (c) Approval of Agenda
  - (d) Consent Agenda

- (e) Approval of Minutes
- (f) Presentations
- (g) Council Direction Requests
- (h) Information / Discussion Items
- (i) Monthly Departmental Reports
- (j) Adjournment

### **Minutes**

- 30. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.
- 31. The minutes shall be kept by the Clerk who may, in his or her discretion, appoint recording secretaries as appropriate
- 32. The Minutes shall:
  - (a) Record the time when any Council Member joins or leaves a meeting which is in progress;
  - (b) Contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;
  - (c) Mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.

### **Motions, Voting and Speaking**

- 33. The Chair shall start every question properly presented to Council and before putting it to a vote, shall ask, "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
- 34. The usual form of voting shall be by the Chair calling for "yeas" and "nays", but any Council Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands and any two Council Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.
- 35. A motion must be seconded and then repeated by the Chair or read aloud by the Chief Administrative Officer before it is debated. The Chair may direct that the motion be put in writing.
- 36. After reading of a motion by the Chair or Chief Administrative Officer, it shall be open for discussion.
- 37. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
- 38. The Chair must vote and shall be deemed to have voted in the affirmative on any resolution unless the Chair indicates clearly it is voting in the negative.
- 39. When any question is before the Council, the only motions in order shall be:
  - (a) A motion in amendment of the original motion;
  - (b) A motion to refer the question, including the motion and amendment if one is moved, to any committee;
  - (c) A motion to defer the consideration of the question either indefinitely or to a specified time;
  - (d) A motion to close the debate at a specified time;
  - (e) A motion that the question be put to a vote;
  - (f) A motion to adjourn.
- 40. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:
  - (a) To refer to a committee;
  - (b) To defer the consideration of the question;
  - (c) To close the debate at a specified time;
  - (d) That the question be put to a vote;
  - (e) To adjourn.

Any of which may be moved either to the original motion or to the amendment of the original motion.

- 41. A motion:
  - (a) That the debate be closed at a specified time; or
  - (b) That the question be put to a vote,

Shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard.

- 42. A motion that the question be put to a vote shall preclude all amendments to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.
- 43. A motion to adjourn shall always be in order except in the following cases:
  - (a) When a Council Member is in possession of the floor;
  - (b) When the "yeas" and "nays" are being called;
  - (c) While the Council Members are voting; or
  - (d) When the adjournment was the last preceding motion.
- 44. The following questions shall be decided without debate:
  - (a) A motion to reconsider;

- (b) All motions as to priority of business or as to the suspension of the order of the day;
- (c) Applications to speak more than the prescribed number of times;
- (d) A motion to allow any person other than the Council Members or CAO to address the Council;
- (e) A motion to postpone to a specified time or day;
- (f) A motion to lay on the table when claiming a privilege over another person; and
- (g) A motion to adjourn.

45. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to a vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
46. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.
47. Every Council Member, prior to speaking on any question or motion, shall indicate such and raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands wish to speak, the Chair shall recognize the first designate as the Council Member who, has the floor. the Council Member who, in the opinion of the Chair, indicated so first. first raised a hand.
48. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
49. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
50. No Council Member shall speak more than two minutes upon any matter at one time, without the leave of Council.
51. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.

#### **Reconsideration**

52. After any question has been decided in the affirmative, any Council Member who has voted in the affirmative, may, after the decision has been announced from the Chair but before adjournment of the meeting, give notice of an intention to move a reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.
53. Unless reconsideration is moved at the next meeting, the right of reconsideration shall be lost.
54. No discussion of the main question shall be allowed on the motion for reconsideration.
55. The following matters are not eligible for reconsideration:
  - (a) A motion approving the first or second reading of a bylaw enactment, amendment or repeal;
  - (b) A motion to decide upon a matter which was the subject of a statutory hearing by Council;
  - (c) A matter which has been reconsidered once; and
  - (d) A vote to reconsider.

#### **Rescission**

56. No motion to rescind any resolution of Council shall be made unless Notice of intention to move the same has been given at the regular meeting of Council just previous to that at which the same is moved.
57. A Notice of motion to rescind any previous resolution of the Council may be given by any member at any regular meeting of Council.
58. When giving Notice of motion to rescind, the member shall provide a brief explanation of the reason for the Notice.
59. A Notice of motion to rescind shall be dealt with at the next meeting of the Council.
60. At such meeting, the giver of such Notice, or in the absence of the giver, any other member on the giver's behalf shall move the motion to rescind and shall briefly state the reasons therefor.
61. If the motion to rescinded is seconded the same becomes subject to debate according to the normal rules except that it may not be amended.
62. A motion to rescind requires the same vote as was required for the resolution which is subject to rescission. That is, if the resolution subject to rescission required a majority vote of Council the motion to rescind such resolution shall require a majority vote of Council.

#### **Points of Order**

63. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
64. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
65. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.

66. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to sections 65 and 66, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"
67. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.
68. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair or otherwise disrupts the proceedings of council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.
69. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
70. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.
71. Persons who are not Council Members or officers or employees of the Town of Amherst shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair, and, if they fail to comply, shall be ordered by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.
72. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers with or without conditions.
73. An order of the Chair to expel a person from the Council Chambers pursuant to section 68 of this Policy constitutes a direction from the Town of Amherst to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
74. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
75. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.

#### **Presentations to Council**

76. Persons wishing to make a presentation to Council shall write **at least** one week in advance of the next Committee of the Whole meeting to the CAO **or the Clerk** outlining their issue and the decision they wish Council to consider, and request to make a presentation.
77. The request will be added to the next Committee of the Whole agenda to be issued.
78. Committee of the Whole will discuss the matter when it appears on the agenda, and will determine if they wish to have the presentation at a future meeting.
79. The CAO **or the Clerk** shall advise the person or group requesting to make a presentation of the decision of Committee of the Whole including, if approved, the date and time of the presentation.
80. Presentations shall be limited to 15 minutes, unless Committee of the Whole determines a longer period of time is needed.
81. When a delegation is recognized and offered an opportunity to speak, the Mayor or Chairperson of the meeting will request the spokesperson to come forward from the gallery to present. Only one person shall be permitted to speak.
82. No debate or decision on the presentation will occur during the meeting in which the presentation is made, unless the item was previously an agenda item for that meeting.

#### **Petitions**

83. Persons wishing to present a petition to Council shall file a copy of the petition with the CAO before 12:00 noon on the Wednesday prior to the meeting of Council at which it is proposed to be presented.
84. The CAO shall circulate a copy of any such petition to each member of Council before the meeting at which it is proposed to be presented.
85. The body of the petition itself, excluding the list of names, shall, if determined by the Chairperson to be practical, be read by the CAO on behalf of the group supporting the petition.
86. No petition shall be presented which Council determines to contain impertinent or improper matter.
87. No persons shall be permitted to speak, whether supporting or opposing the petition, unless the petition comes up for discussion which shall be at the next regular meeting of Council unless Council decides according to the rules to hold a special meeting of Council for that purpose.

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
Mayor/Council/Committee Members	Adhere to the Policy
Municipal Clerk	Review the Policy as necessary to ensure content is relevant and accurate

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
Remove date and time of when public hearings will be held, add Territorial Acknowledgement to the Committee of the Whole agenda, remove the requirement to end Committee of the Whole meetings at 6:00pm if unanimously agreed to by Council, remove the requirement to raise a hand to be recognized by the Chair, and remove the definition of committee.	Clerk, LeBlanc	Council	

Minutes reference date: 23 February 2015 22 June 2015 2019 January 2019 2020 November 23 2021 May 25

**4.12 Council Committees Policy - Landry  
 Moved By Deputy Mayor Landry  
 Seconded By Councillor Davidson  
 That Council approve of the new Council Committees Policy #10350-32.**

**Motion Carried**

**TITLE: Council Committees Policy  
 SECTION: Executive Operations  
 POLICY NO: 10350-32**

**APPROVAL DATE: CAO Signature: \_\_\_\_\_**

- This policy is entitled the *Council Committees Policy*.
- This policy is made pursuant to section 24 of the MGA, which empowers Council to establish committees, and section 23(1)(c) of the MGA, which empowers Council to make policies providing for committees and conferring powers and duties upon them.
- Where the terms of this Policy are inconsistent with the Terms of Reference for a committee, another Council policy or bylaw, or statute or agreement, the provisions of the Terms of Reference, other policy or bylaw, or statute or agreement shall prevail over the terms of this Policy.

**Definitions**

- In this Policy:
  - “CAO” means the Chief Administrative Officer for the Town;
  - “MGA” means the *Municipal Government Act* (Nova Scotia);
  - “Special Committee” means a short-term committee established by Council to inquire into or deal with a specific issue;
  - “Standing Committee” means a committee of indefinite duration established by Council;
  - “Statutory Committee” means a board, commission, or committee established pursuant to a specific enabling statute or agreement.
  - “Town” means Town of Amherst.

**Membership**

- Membership of committees:
  - will be inclusive and diverse, and broadly reflective of the community.
  - will also reflect desired experience, knowledge, expertise, and geographic representation in the community.

**6. Qualifications**

In order to be eligible for membership of a committee, an individual must be a member of Council, or a citizen appointed by Council who resides in the Town of Amherst (unless otherwise indicated in Terms of Reference for the Committee) and not be in arrears in payment of any property taxes to the Town.

## 7. Appointments of Council Members of Committees

- (a) Council members will be appointed to Committees annually in October unless the terms of the appointment are for more than one year.
- (b) Any member of Council not appointed to a committee may attend committee meetings as an observer but is not entitled to participate in committee discussions or to vote.
- (c) The CAO is a non-voting member of every Standing and Special Committee, but is not obligated to attend meetings and is not counted in determining if a quorum is present.

## 8. Appointments of Citizen Members to Committees

- (a) As and when required, the opportunities to serve as committee members will be widely advertised in a local paper and on Town of Amherst social media so that interested citizens can apply.
- (b) Council will meet *in camera* to review the applications and consider the applicants for committees.
- (c) Following the *in camera* meeting, Council will appoint citizen members to committees at their next regular Council meeting.
- (d) In considering appointments of citizens to committees Council will consider the following:
  - i) Lived and professional experience and background of the applicants in a field related to the work of the committee;
  - ii) Applicants' education in a field related to the work of the committee;
  - iii) Experience of the applicants in serving on committees and boards;
  - iv) Ensuring that committee membership is inclusive and diverse and representative of the community;
  - v) Recommendations made by the applicable committee, if applicable;
  - vi) The Terms of Reference for each individual committee will specify the number of members to be appointed to the committee, and the term of the appointments.
- (e) Committee members will be volunteers, with no financial incentives.
- (f) Committee stability and membership continuity will be taken into consideration when considering re-appointments for a consecutive term.

## 9. Attendance of Members at Meetings

Any member who is absent from three consecutive committee meetings without leave of absence by resolution from the committee will cease to be a member of the committee, and the CAO shall advise Council of the vacancy.

## 10. Removal of Member from Committee

At the request of the committee or on its own initiative, Council may remove or request the resignation of any of its committee appointees, whether a citizen member or Council member, for malfeasance or any other good and sufficient cause.

## 11. Resignation of Member

- (a) Any citizen member of a committee wishing to resign from the committee is requested to provide the resignation in writing to the committee Chair with a copy to the CAO, who will inform Council of the vacancy.
- (b) A Council member of a committee may ask to leave a committee prior to the expiration of their term, and Council may grant such request if the Mayor believes it would not unduly impact the work of the committee.

## 12. Staff Support

Staff will be appointed to committees by the CAO. The staff is not a member of the committee and therefore is not entitled to vote. The responsibilities of the staff include:

- (i) Providing information and professional advice;
- (ii) Supporting the Chair in developing agendas, arranging meetings, and promoting effective committee functioning;
- (iii) Ensuring the preparation of draft minutes; and approval of such at the next meeting;
- (iv) Preparing presentations for the committee;
- (v) Providing an orientation to the work of the committee when required;
- (vi) Any other projects or tasks approved by the CAO.

## 13. Meeting Schedules

Committee meeting schedules will be established by the Terms of Reference of the Committee.

## 14. Quorum

- (a) A majority of the members constitutes a quorum, provided that at least one Council member is in attendance.
- (b) In the event of no quorum after 20 minutes past the scheduled start time, or if quorum is lost during a meeting, the committee's official business will cease, the names of those present will be recorded, members will be permitted to leave, and staff will excuse themselves from the meeting.

## 15. Chair and Vice-Chair

- (a) Each committee will elect a Chair and Vice-Chair as per the Terms of Reference or enabling statute, bylaw or policy.
- (b) The role of the Chair is to carry out the following duties:
  - (i) Set the agenda, which will include the territorial acknowledgement;
  - (ii) Ensure the committee follows the agenda;
  - (iii) Prevent new issues from side-tracking the agenda;
  - (iv) Limit additions to the agenda;

- (v) Establish and maintain order and decorum;
  - (vi) Respect members' views and be open-minded;
  - (vii) Ensure all members have the opportunity to participate by encouraging those who hold back and preventing others from dominating the discussion;
  - (viii) Seek agreement and build consensus;
  - (ix) Close debate and guide the group to resolution in a timely manner;
  - (x) Assist members to word motions clearly and succinctly;
  - (xi) Participate in discussion but focus on presiding over the meeting.
- (c) The role of the Vice-Chair is to chair meetings as required in the absence of the Chair.

**16. Agendas**

The Chair, in consultation with staff, sets the committee agendas, which are prepared and distributed to committee members by 4:30 p.m. at least two business days prior to the meeting.

**17. Rules of Procedure**

Committees shall follow the meeting procedures set out in the Town of Amherst Proceedings of Council Policy #10350-25.

**18. New Committees**

In considering the formation of a new committee, Council will request staff to prepare a report to Council that includes a Terms of Reference for consideration by Council prior to establishing the committee.

**19. Meetings Open to Public**

- (a) All meetings of committees are open to the public and no person shall be excluded except in cases of improper conduct, or where the committee is considering an item where, in accordance with section 22 of the MGA, the committee is permitted or required to meet *in camera*.
- (b) Statutory Committee meetings will be recorded and livestreamed. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.
- (c) Special Committee and Standing Committee meetings will be recorded and livestreamed as required when decisions or motions to recommend items to Council are included on the agenda. Should technical difficulties arise, and livestream not be enabled or if livestreaming is not possible, the meeting will continue as scheduled. If a recording of the meeting is available it will be posted to the Town of Amherst website the day following the meeting.

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
Mayor/Council/Committee Members	Adhere to this policy, as well as the Proceedings of Council Policy.
Municipal Clerk	Review the policy as necessary to ensure content is relevant and accurate.

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
New Policy	Clerk, LeBlanc	Council	

**4.13 Purchase and Use of Bottled Water Policy Amendments**

**Moved By Councillor Chambers**

**Seconded By Councillor Emery**

**That Council approve of the amendments to the Purchase and Use of Bottled Water Policy #01130-02.**

**Motion Carried**

**TITLE: Purchase and Use of Bottled Water Policy**  
**SECTION: Administration – Corporate Identity Program**  
**POLICY NO: 01130-02**

**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**Policy Statement:**

The Town of Amherst, through the Amherst Water Utility, provides municipal drinking water in the area. It is important that the Town stands as a leader in the promotion of public drinking water, and the building of public confidence in the use of drinking water in Amherst. The use of tap water over bottled water conserves energy, reduces utilization of fossil fuels and saves money.

To this end, the Town of Amherst will ~~no longer~~ **make every attempt to not** purchase bottled water where potable tap water is available, and the Town will encourage staff to use potable tap water.

**Definitions:**

Bottled Water

Water that can be purchased in individual sized bottles (plastic and glass).

Potable Water

Water that is safe for human consumption and domestic use.

Tap Water

Water that is provided by a municipal water treatment or distribution facility and registered public drinking water supply.

**Policy Objectives:**

The objectives of this policy are to achieve the following:

- Eliminate the Town purchasing bottled water where potable water is available;
- Minimize Town staff and client use of bottled water;
- Increase the use of potable tap water for Town staff and clients.

**Application**

This policy applies to all Town employees.

It is recognized that individuals who are immune-compromised or have other sensitivities related to water quality may need to buy bottled water.

This policy is exempt in the case of an emergency as defined by the *Emergency Management Act*.

**Policy Directives**

- Meetings and events hosted by the Town of Amherst (on or off site) shall have tap water available to clients and employees when potable water is available. Bottled water will ~~not be provided~~; **only be provided when deemed necessary**;  
The use of Town supplied bottled water will be limited to work places that do not have access to potable water or are under a water advisory.

**Policy Guidelines**

- Encourage staff to use potable water in refillable containers rather than purchasing bottled water when at work (e.g., buildings, meetings and training sessions);  
Encourage staff to drink water as part of a healthy lifestyle whereby potable tap water is an excellent source.

**Accountability**

Management and staff responsible for purchasing are accountable for executing this policy. Employees are responsible for following the policy.

**Monitoring**

Each department will be responsible for monitoring the policy’s implementation, performance and effectiveness

**ROLES AND RESPONSIBILITIES**

Title	Responsibilities
Municipal Clerk, LeBlanc	Review Policy as necessary
All Employees	Encourage the use of potable tap water

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
Minor wording changes to discourage the use of bottle water rather than prohibit it	Clerk, LeBlanc	Council	

Minutes reference date: 25 September 2017

**4.14 Town Crest Policy Amendments  
Moved By Councillor Baker  
Seconded By Councillor Emery  
That Council approve of the amendments to the Town Crest Policy  
#01130-01.**

**Motion Carried**

**TITLE: TOWN CREST POLICY  
SECTION: Administration – Corporate Identity Program  
POLICY NO: 01130-01**

**APPROVAL DATE: CAO Signature: \_\_\_\_\_**

**POLICY STATEMENT:**

WHEREAS on the 29<sup>th</sup> day of June, 1962 the Town of Amherst received Letters Patent granting Arms to the Town by Royal Authority vested in the Earl Marshal, the Duke of Norfolk, and delegated by him to the Garter Principal King of Arms, London, England;

AND WHEREAS the Town Council of the Town of Amherst is justly proud of this grant and is desirous of assuring that the use of same is ~~restricted~~ **limited** in order that said Arms will not become common-place and the intrinsic value lost;

THEREFORE be it resolved that no reproductions, ~~or copies in any way, facsimiles~~ of all or any portion of the said Arms be ~~authorized by the Town Council~~ **permitted** except for the following purposes:

- (a) by the Town ~~of Amherst Council~~ for such items as letterheads, presentation items, **social media** and other purposes directly connected with Town business;
- (b) for promotions connected directly with the Town of Amherst, such as ~~industrial brochures, and~~ tourist booklets, **and social media promotions, by organizations working in conjunction on the Town's behalf.**

In any case where the Crest is proposed to be used by any individual or organization not directly connected with the Town ~~of Amherst Council~~, permission for said use must be first obtained from the Town Council.

**ROLES AND RESPONSIBILITIES**

Title	Responsibilities
<b>Municipal Clerk, LeBlanc</b>	Ensure the policy is followed, and reviewed for relevancy.
<b>Council</b>	Give permission when use of the Town Crest is requested.

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
<b>Bring the policy to date by including social media, change or limit permissions for it's use with outside individuals or organizations rather than restrict them.</b>	Clerk, LeBlanc	Council	

Minutes reference date: 21 October 1963 26 March 2007

**4.15 Capital Budget Carry Overs**

**Moved By Councillor Emery**

**Seconded By Councillor Fawthrop**

**That Council approve of the inclusion of carry over projects to the Town of Amherst Water Utility and General Capital Budgets for the 2023/24 fiscal year. The capital budget spending authority for 2023/24 is amended by \$7,036,677 for the capital carry over projects (\$1,202,900 for the Water Utility and \$5,833,777 for General Capital).**

**The carry over projects will be funded by:**

<b><u>Water Utility Capital:</u></b>	<b><u>General Capital:</u></b>	
<b>Water Depreciation \$ 601,301</b>	<b>Operating Reserve</b>	<b>\$ 485,000</b>
<b>Grant - Water Utility \$ <u>601,599</u></b>	<b>Capital Reserve</b>	<b>\$2,529,477</b>
<b>\$1,202,900</b>	<b>Grants – General Capital</b>	<b>\$2,220,932</b>
	<b>Long Term Debt – General/Sewer</b>	<b>\$ <u>598,368</u></b>
		<b><u>\$5,833,777</u></b>

**Motion Carried**

**4.16 Capital Budget Amendments**

**Moved By Councillor Fawthrop**

**Seconded By Councillor Emery**

**That Council approve an amendment to the 2023/24 Town of Amherst Water Utility Capital Budget for the addition of \$338,470 for potential Land Purchases to be funded by the Challenge Fund Grant and the General Capital Budget for the addition of the Police Station Boiler Replacement of \$65,000 to be funded from Capital Reserve.**

**Motion Carried**

**4.17 Capital Paving**

Moved By Councillor Davidson

Seconded By Deputy Mayor Landry

That Council award the Capital Paving Tender (RFT-23-14) to the lowest compliant bidder, Costin Paving and Contracting Ltd., at their unit prices based on our estimated quantities in the total amount of \$779,850 plus HST.

Motion Carried

**4.18 Asphalt Patching**

Moved By Deputy Mayor Landry

Seconded By Councillor Davidson

That Council award the Asphalt Patching Tender (RFT-23-18) to the lowest compliant bidder, Costin Paving and Contracting, at their unit prices in the amount of \$356,725 plus HST.

Motion Carried

**4.19 Wellfield Variable Frequency Drives**

Moved By Councillor Fawthrop

Seconded By Councillor Emery

That Council approve of an amendment to the 2023/24 Water Utility Capital Budget and allocate \$85,000 from the water depreciation fund for the installation of variable frequency drives for the 4 production wells at the North Tyndal Wellfield.

Motion Carried

**4.20 Estimate of Revenues and Expenditures**

Moved By Councillor Davidson

Seconded By Deputy Mayor Landry

THAT Council accept the following estimates of the sums required by the Town of Amherst for the fiscal period ending March 31, 2024, prepared in accordance with Section 72 of the *Municipal Government Act*:

<b>Revenues</b>	
Taxes	\$ 15,815,943
Grants in Lieu of Taxes	280,638
Services Provided to Other Local Gov't	270,071
Sale of Services	1,512,123
Other Revenue from Own Sources	914,591
Unconditional Transfers	1,260,382
Conditional Transfers	564,800
Other Transfers	746,310
<b>Total Revenues</b>	<b>\$ 21,364,858</b>
<b>Expenditures</b>	
Corporate Services	\$ 2,747,349
Police	4,986,219
Fire	1,988,745
Communications & IT	510,289
Community Living	736,334
Operations	2,528,158
Recreation Facilities	2,076,084
Planning & Economic Development	581,950
Strategic	95,000
Environmental Stewardship	71,780
Sewage	1,153,679
Solid Waste	855,143
Mandatory Provincial Support Area Rate	2,375,217
Community Support Area Rate	658,911
<b>Total Expenditures</b>	<b>\$ 21,364,858</b>

Motion Carried

**4.21 General Tax Rate**

Moved By Councillor Baker  
Seconded By Councillor Emery

WHEREAS total estimated expenditures for the fiscal period April 1, 2023 - March 31, 2024 are \$16,321,908; and

WHEREAS total estimated revenues, other than taxes to be levied are \$4,583,567; and

WHEREAS the balance of revenues required, \$11,738,341 must be rated.

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2024:

1. The general tax rates are as follows:

Residential / Resource	\$1.187 per \$100 of assessment
Commercial	\$3.987 per \$100 of assessment

AND THAT these taxes are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

Motion Carried

**4.22 Area Rate - Community Support**

Moved By Councillor Chambers  
Seconded By Councillor Fawthrop

WHEREAS the estimated expenditures for the community support for the 2023-2024 fiscal period are \$620,161, net of own source funding in the amount of \$38,750, must be rated.

THEREFORE BE IT RESOLVED THAT for the fiscal year ending March 31, 2024, the Community Support Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource	\$0.100 per \$100 of assessment
Commercial	\$0.100 per \$100 of assessment

AND THAT these area rates are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

Motion Carried

**4.23 Area Rate - Mandatory Provincial Contribution**

Moved By Deputy Mayor Landry  
Seconded By Councillor Fawthrop

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2024, the Mandatory Provincial Contribution Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource	\$0.383 per \$100 of assessment
Commercial	\$0.383 per \$100 of assessment

AND THAT these area rates are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

Motion Carried

**4.24 Sanitary Sewer Rates**

Moved By Councillor Emery  
Seconded By Councillor Fawthrop

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2024, the amount of \$1,153,679 to be expended for the purpose of sanitary sewer, a purpose for which the Town may expend funds; and

WHEREAS \$1,063,687 is funded from the Sanitary Sewer Rates; and

WHEREAS Council is authorized by the Town of Amherst Sanitary Sewer Rates By-law to set rates for sewer services;

THEREFORE BE IT RESOLVED THAT owners shall be billed for sewer services using one of the following methods effective April 1, 2023:

- Metered Customers

Those owners whose water service is metered shall pay a usage charge:

- Residential: \$0.99 per cu. meter of metered water consumption as determined by the Amherst Water Utility;
- Commercial/Industrial/Institutional: \$0.49 per cu. meter of metered water consumption as determined by the Amherst Water Utility.

- Base Charges

Those owners whose water service is metered shall pay a base charge quarterly. The quarterly base charge by meter size is:

5/8"	\$18.00
3/4"	\$27.00
1"	\$43.75
1 1/2"	\$86.00
2"	\$136.25
3"	\$271.25
4"	\$500.00

- Non-Metered Customers

For non-metered customers in unmetered mobile home parks, the park owner shall pay \$178.53 per dwelling unit per annum.

Motion Carried

4.25 Wastewater Treatment Facility Uniform Charge

Moved By Councillor Fawthrop

Seconded By Councillor Davidson

WHEREAS Council has included \$34,992 in its estimates for the fiscal year ending March 31, 2024, to be raised for a portion of the debenture principal and interest payments for the wastewater treatment facility, a purpose for which the Town may expend funds; and

WHEREAS there are approximately 486 unmetered mobile homes within a land leased community within the boundaries of the Town of Amherst; and

WHEREAS the Council may, under paragraph 75(4)(b) of the *Municipal Government Act*, in lieu of levying an area rate, levy a uniform charge on each unmetered mobile home within a land leased community in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$72.00 be levied for the fiscal year ending March 31, 2024 on each unmetered mobile home within a land leased community within the boundaries of the Town of Amherst, and that these uniform charges are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

Motion Carried

4.26 Solid Waste Management Uniform Charge

Moved By Councillor Emery

Seconded By Councillor Fawthrop

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2024, the amount of \$855,143 to be expended for the purpose of solid waste management, a purpose for which the Town may expend funds; and

WHEREAS \$854,843 is funded from the Solid Waste Management Uniform Charge; and

WHEREAS the Town collects solid waste from the approximately 3,198 residential premises with less than four such dwelling units within the Town; and

WHEREAS the Council may, under paragraph 75(4)(b) of the *Municipal Government Act*, in lieu of levying an area rate, levy a uniform charge on each property assessment in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$268.00 be levied for the fiscal year ending March 31, 2024 on each residential property within the boundaries of the Town of Amherst with less than four such dwelling units, and that these uniform charges are due and payable on May 31, 2023 for the interim tax billing and on September 29, 2023 for the final billing with interest to be charged on the balance of all tax accounts outstanding at the rate of 1% per month, 12% per annum.

Motion Carried

**4.27 Operating Budget - Water Utility**

Moved By Councillor Chambers  
Seconded By Councillor Baker

That Council approve the 2023-2024 Amherst Water Utility Operating Budget of \$2,542,945 as presented.

Motion Carried

**4.28 General Borrowing Resolution**

Moved By Deputy Mayor Landry  
Seconded By Councillor Chambers

That Council approves a general borrowing resolution in authorizing a line of credit in the amount of \$7.7 million with the Royal Bank of Canada to meet the current expenditures of the Town of Amherst for the year ending March 31, 2024.

Motion Carried

**4.29 Policy Amendments Relating to Operating Budget Approval**

Moved By Councillor Davidson  
Seconded By Councillor Chambers

That Council approve amendments to the following policies to reflect the changes noted above and highlighted in the attached red-line policies.

- User Fee Policy 03470-03
- Tax Exemption Policy 03800-04
- Salary Administration Policy 04530-01
- Community Support Grants Policy 72000-08

Motion Carried

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**TITLE:** Annual Review of User Fees  
**SECTION:** FINANCIAL MANAGEMENT  
**POLICY NO.:** 03470-03

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**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**PURPOSE:**

To establish a schedule of user fees for Council to review for appropriateness and to revise if necessary, during the annual budgeting process.

**POLICY STATEMENT:**

It is appropriate for Council to charge fees, as authorized under the *Municipal Government Act*, in the Town's Bylaws, Policies and Procedures in order to defray its administrative costs. In order to allow for a systematic and thorough evaluation of those fees, a comprehensive schedule of User Fees with applicable tax status has been established. The responsibility for the accuracy of the Schedule shall rest with the department to which a fee applies. Any additions/deletions to the Schedule will be updated by the Executive Office. Those fees legislated under Provincial and/or Federal Acts and Authorities will also be shown on the schedules for completeness, but will not be subject to change by Council.

**OBJECTIVES:**

To make the administration of the cost recovery portion of the Town's Bylaws, Policies and Procedures more efficient and to determine the impact on each year's projected revenues during the budget process. By combining all of the fees in one document, the review will be more visible and complete.

<b>Corporate Services</b>		
<b>SERVICE/PRODUCT/ADMINISTRATIVE</b>	<b>FEE</b>	<b>HST STATUS</b>
Photocopies	.25/copy	Plus HST
Tax Certificates	\$50.00	HST Exempt
NSF Cheques	\$20.00	HST Exempt

<b>By-Law Fees Collected by Corporate Services</b>		
<b>C-4 Dog-By-Law, Schedule A</b>		
Dog License spayed/neutered	\$15/yr	HST Exempt
Dog License un-spayed/un-neutered	\$30/yr	HST Exempt
Lost Tag Replacement	\$15	HST Exempt
Dog-1 <sup>st</sup> Impoundment	\$30	Plus HST
Licensed Dog-2 <sup>nd</sup> Impoundment	\$70	Plus HST
Licensed Dog-3 <sup>rd</sup> & Subsequent Impoundments	\$100	Plus HST
Unlicensed Dog-Impoundments	\$100	Plus HST
Maintenance fee – Impoundment period	\$15/per day	Plus HST
<b>C-11 False Alarms - After 2<sup>nd</sup> Notice</b>	<b>\$50/alarm</b>	<b>HST Exempt</b>

<b>Operational Services</b>		
It is not the intention of the policy to rent Town of Amherst equipment to the general public; these rates and the availability of this equipment are contemplated for use by commercial concerns only.		
<b>Equipment Charge out Rates</b>	<b>Rate per Hour</b>	<b>HST Status</b>
Backhoe	\$93.00*	Plus HST
Loader	\$97.25	Plus HST
1-ton trucks/Service trucks	\$44.23*	Plus HST
3-5 ton trucks	\$66.00*	Plus HST
Street Sweeper	\$115.00*	Plus HST
Trackless	\$70.00*	Plus HST
Sewer Camera	\$100.00*	Plus HST
Line Locator	\$50.00*	Plus HST
Hole Hog	\$45.00*	Plus HST
Vermeer Brush Chipper	\$60.00*	Plus HST
Steamer	\$30.00*	Plus HST
Trash Pump	\$15.00	Plus HST
Diaphragm Pump	\$15.00	Plus HST
Line Painter	\$115.00/hour	Plus HST
Overhead charges extra – see procedure		
* Price includes one operator and fuel during normal working hours; overtime labour rates are extra.		

<b>Operational Services By-Laws</b>		
<b>D-3 Wastewater Discharge By-Law</b>		
One Connection	\$750.00	HST Exempt
Storm Sewer Connection (if done at the same time as sewer connection)	\$250.00	HST Exempt
<b>D-19 Sanitary Sewer Rates By-Law</b>		
Residential Metered Customers	\$.99 m <sup>3</sup>	HST Exempt
Commercial/Industrial/Institutional metered customers	\$.49 m <sup>3</sup>	HST Exempt
Annual Base Charges – Meter Size		
5/8"	\$72.00	HST Exempt
3/4"	\$108.00	HST Exempt
1"	\$175.00	HST Exempt
1.5"	\$344.00	HST Exempt
2"	\$545.00	HST Exempt
3"	\$1,085.00	HST Exempt
4"	\$2,000.00	HST Exempt
Annual Non-metered Mobile Home Park Owner	\$178.53 /dwelling unit/year	HST Exempt
Uniform Charge for Wastewater Treatment Facility for unmetered mobile homes billed on the property Tax Bill	\$72.00/yr	HST Exempt

<b>Solid Waste Rates</b>		
Solid Waste Collection billed on Tax Bill	<del>\$185.00</del> 268.00/yr	HST Exempt
Replacement Green Bin (Composter)	\$95.00	Plus HST
Replacement White Kitchen Compost (Bucket)	\$5.00	Plus HST

<b>Services/Products – Operational Services</b>		
Electric Vehicle Charging Station User Fee	\$1.50/hr	HST Included

Street Breaking Permit (Policy 31600-08)	\$500.00	Plus HST
Commercial Sewer Service (Policy 31600-14) Estimated by Engineer and final adjustment when work is done	Cost of Service	Plus HST

<b>Planning and Development Department</b>		
Zoning Confirmation Letter	\$50.00	HST Exempt
Copy of Land Use Bylaw or Municipal Planning Strategy	\$20.00	HST Exempt
Copy of Zoning Map (11 x 17)	\$5.00	HST Exempt
Copy of Zoning Map (50 cm x 60 cm)	\$10.00	HST Exempt
Application to Amend the Land Use Bylaw	\$200.00	HST Exempt
Application for a Development Agreement	\$200.00	HST Exempt
Application to Amend the Municipal Planning Strategy	\$300.00	HST Exempt
Application for a Variance or Site Plan	\$75.00	HST Exempt
Creation of Mapping Document	\$60.00/hr(including 10 lineal metres of maps)	Plus HST
Print Existing Map – less than 50 cm x 50 cm	\$25.00	Plus HST
Print Existing Map – more than 50 cm x 50 cm	\$50.00	Plus HST

<b>Building Permits</b>		
New residential buildings, community centres, churches	\$50.00 + \$0.12 per square foot	HST Exempt
New Commercial, Industrial or other building not listed	\$50.00 + \$0.17 per square foot	HST Exempt
All alterations or repairs	\$50.00 + 0.25% of value	HST Exempt
Decks, accessory buildings and farm buildings	\$50.00 + \$0.04 per square foot	HST Exempt
Demolition	\$20.00	HST Exempt
Permit Renewals	\$50.00	HST Exempt
Development Permit	\$50.00	HST Exempt

<b>Police Department</b>		
Commissioner of Oaths Signing	\$15.98	HST Exempt
Criminal Record Check/Vulnerable Sector for Amherst citizens to participate as volunteers for community organizations.	Waived	N/A
Criminal Record Check	\$30.00	Plus HST
Criminal Record Check for Amherst citizens to participate as volunteers for community organizations	Waived	N/A
Serial # Verification (homemade trailers)	\$25.00	Plus HST
Fingerprints (for non-criminal reasons)	\$50.00	Plus HST
Accident Reports	\$25.00	Plus HST
Community Room Rental	\$125.00/day \$75.00/half day	Plus HST
<b>C-9 Taxi By-Law, Schedule E</b>		
Taxi Cab License	\$25/yr	HST Exempt
Taxi License Transfer	\$10	HST Exempt
Taxi Driver License	\$20/yr	HST Exempt
Taxi Driver License Replacement	\$10	HST Exempt
Taxi License Photo	\$10.00	Plus HST

<b>Fire Department</b>		
Firefighter	\$20.00/hour	HST Exempt
Apparatus	\$200.00/in use; \$100.00/standby	HST Exempt
Standby Jaws of Life Alarm	\$350.00	HST Exempt
Meters	\$50.00/hr	HST Exempt
Saws	\$50.00/hr	HST Exempt
Lighting System	\$25.00/hr	HST Exempt
Generator	\$25.00/hr	HST Exempt
Foam – All Types	\$185.00/jug	HST Exempt
Specialized Suits – Hazmat	Replacement cost	HST Exempt
PPE (bunker gear)	Replacement cost	HST Exempt
Fire Extinguisher Training	\$300.00 up to 15 people	Plus HST
Fire Inspections	\$75.00/hr	Plus HST
Inspection Confirmation Letter	\$50.00	HST Exempt

<b>Recreation</b>								
<b>Ice Time/Stadium</b>								
<b>The rates below are per hour plus HST.</b>								
	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Holidays</b>
<b>Early Time</b> 6:30-8:30am	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$128.00
<b>Fair Time</b> 8:30-5:00pm	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	-	-	\$128.00
<b>Prime Time</b> 5:00-12:00am	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00	\$128.00
<b>Youth Time</b> Monday-Sunday	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00	\$99.00

**Youth Time Rates Include:**

- Groups affiliated with Amherst Skating Club; or
- Groups affiliated with another skating club; or
- Groups affiliated with Skate Nova Scotia and/or Skate Canada who are **18 years old and younger.**
  
- Groups affiliated with Cumberland County Minor Hockey; or
- Groups affiliated with another minor hockey association; or
- Groups affiliated with Hockey Nova Scotia or Hockey Canada who are **18 years old and younger.**
  
- Groups affiliated with Ringette Nova Scotia; or
- Groups affiliated with Ringette Canada who are **18 years old and younger.**
  
- Community groups who don't reside in the Town of Amherst and are **18 years old and younger.**

<b>Photocopies/Stadium (Policy 72000-06)</b>		
8 ½ X 11 (Town Paper)	\$0.10/copy	Plus HST
8 ½ X 14 (Town Paper)	\$0.15/copy	Plus HST
11 X 17 (Town Paper)	\$0.25/copy	Plus HST
8 ½ X 11 (own paper)	\$0.05/copy	Plus HST
8 ½ X 14 (own paper)	\$0.05/copy	Plus HST
11 X 17 (own paper)	\$0.10/copy	Plus HST

<b>Ballfield User Policy (Policy 72300-01)</b>		
Lights	\$18/diamond/game	Plus HST
Tournament Fee	\$100/day	Plus HST
Tournament Lights	\$30/day	Plus HST

<b>Stadium Advertising Rates plus artwork, design and production*</b>		
Ice logos	\$400.00	Plus HST
Dasherboard	\$400.00	Plus HST
Wall Signage (4X6)	\$400.00	Plus HST
Ice Making Machine	\$2,500.00	Plus HST
Red and Blue Line – per line (not per side)	\$100.00	Plus HST
Stairs Kick Plates	3 for \$150.00	Plus HST
Score clock Small	\$600.00	Plus HST
Score clock Large	\$850.00	Plus HST

\*In addition to the advertising rate, the customer will be responsible and invoiced for all cost(s) associated with the creation of artwork, design, production & installation if applicable. Actual quote will be provided at the time the service is requested.

<b>Off Season Stadium Rentals</b>		
Rink Floor Only	\$50.00 per hr or \$630.00 per day (8:00a.m. to 12:00a.m. midnight)*	Plus HST
Entire Facility including meeting rooms, team rooms	\$70.00per hr or \$790.00 per day (8:00a.m. to 12:00a.m. midnight)*	Plus HST
Extra Employees	\$25.00 per person per hour	Plus HST
2 <sup>nd</sup> Floor meeting room and lounge	\$50.00 per hour or \$150.00 per day	Plus HST

<b>Beer/Liquor Concession Robb Centennial Park (Policy 72300-05)</b>		
Concession only. NSAGA requirements responsibility of organizing committee	\$100.00/day	Plus HST

\*Includes one employee during that time

<b>Community Credit Union Business Innovation Centre</b>			
Rental Fee	Daily	1/2 Day	Hourly
Conference Room	\$400.00	\$250.00	\$80.00
Conference Room – Community	\$240.00	\$150.00	\$48.00
Boardroom	\$125.00	\$80.00	\$25.00
Boardroom – Community	\$75.00	\$48.00	\$15.00
Hub	\$75	\$50	
Hub – Community	\$45	\$30	
Evening & Weekend Surcharge			\$20.00
Evening & Weekend Surcharge – Community			\$12.00
Sound & Lighting Technician			\$30.00
Sound & Lighting Technician – Community			\$18.00

\*HST shall be applied and be in addition to all rates noted for the Community Credit Union Business Innovation Centre

<b>Municipal Government Act Fees – FOI-POP Section 466, MGA</b>
The fees charged for access to information under Part XX of the MGA (Freedom of Information and Protection of Privacy) shall be in accordance with the Freedom of Information and Protection of Privacy Regulations of Nova Scotia, as amended from time to time.

Note: "All rates and charges with respect to the Amherst Water Utility will be in accordance with the schedule of rates for water and water services as approved by the Utility and Review Board of Nova Scotia from time to time and as reflected in the Order of the Board."

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
Director of Finance	User Fee Policy is reviewed with departments annually as part of the operating budget process to determine if any updates / changes are required.

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
Add Fee for Electric Vehicle Charging Station \$1.50/hr HST included.	Director of Finance - Wilson	Council	January 23, 2023
Increase Solid Waste Collection Uniform Charge from \$185 to \$268 per year.	Director of Finance – Wilson	Council	

30 April 2007	29 October 2007	18 April 2008	
28 May 2009	26 April 2010	24 May 2011	
23 May 2012	01 May 2013	30 April 2014	
12 June 2015	25 May 2016	03 October 2016	
23 January 2017	23 May 2018	15 May 2019	
25 May 2020	22 June 2020	27 September 2021	08 June 2022

**TITLE:** Tax Exemption Policy  
**SECTION:** FINANCIAL MANAGEMENT  
**POLICY NO.:** 03800-04

**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**PURPOSE:**

The purpose of this policy is to provide relief of current taxes for property of qualifying registered Canadian charitable organizations and/or non-profit organizations as defined within this policy and as specifically identified on the appendices attached.

**AUTHORITY:**

This policy is authorized under Part IV, Sections 69A and 71, *Municipal Government Act*, as amended from time to time.

**DEFINITIONS:**

For the purpose of this policy:

**Qualifying non-profit organization** means:

- a registered Canadian charity [Canadian Revenue Agency] if the property being exempted is used directly and solely for a charitable purpose;  
 a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization.

**POLICY STATEMENT:**

Tax Exemption – Charitable and Non-profit Community Organizations

- Council may, at its discretion, provide a tax exemption to qualifying non-profit organizations demonstrating services to the residents of the Town of Amherst.
- In order to be considered for a tax exemption, all organizations or institutions must apply in writing to the Town of Amherst by January 31 of each year by completing Appendix C. Included with the application will be the annual financial statements for the most recent fiscal year. Exemptions granted will be based on the financial need of the organization or institution.
- The property of the organizations named in Appendices A and B to this policy shall be exempt or taxed in accordance with the particular appendix.
- The partial or total exemption provided in paragraph 4.c shall apply only to that portion of the property specified in the appendix.
- When a property, or part thereof, listed on an appendix to this policy ceases to be occupied by the association or for the purposes set out in the appendix, or if not in good standing, then the partial or total exemption from taxation shall cease and the owner of the property shall immediately be liable for the real property tax on such property or part thereof for the portion of the year then expired.

**APPENDIX A**

Properties of a named registered Canadian charitable organization and that is used directly and solely for a charitable purpose be exempt from taxation under Section 71(1) (a) of the *Municipal Government Act* and from area rates in accordance with Section 71(5) of the *Municipal Government Act*, to the extent set out in the last two columns of this appendix. Properties in Appendix A can be Residential or Commercial assessed. The exemption for these properties is 100% of the commercial or residential taxes.

PROPERTY	OWNER	ASSESSMENT ACCOUNT NUMBER	CHARITABLE NUMBER
Land and Building 25 Park St.	Bright Beginnings Child Care Centre	00064017	106708126
Land and Building 1 Rupert St.	Amherst & District Residential Services Society	00635928	854331394
Land and Building 16 Station St.	Bridge Adult Services Society	03030563	852586551
Land and Building 20 Havelock St. <del>1 Ratchford St.</del>	Trinity-St. Stephen's United Church	044053074	130164007
Land and Building 82 Willow St.	Amherst and District Residential Services Society	05127858	854331394
Land and Building 44 Park Street	Cumberland County Transition House	03533654	106995624

#### **APPENDIX B**

Properties of non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organizations that are assessed as taxable commercial property be reduced to the tax that would otherwise be payable if the property were residential, inclusive of area rates under Section 71(2) of the Municipal Government Act, to the extent set out in the last two columns of this appendix. Properties in Appendix B can only be assessed Commercial. The exemption for these properties is the difference between the amount of commercial taxes and residential taxes.

PROPERTY	OWNER	ASSESSMENT ACCOUNT NUMBER
Land and Building 20 Lawrence St	Amherst Masonic Society	00064149
<del>Land and Building 3 Robie St.</del>	<del>Cumberland Columbia Club</del>	<del>01030914</del>
<del>Parking Lot 4—6 Robie St.</del>	<del>Cumberland Columbia Club</del>	<del>01030906</del>
<del>Parking Lot 5 Robie St.</del>	<del>Cumberland Columbia Club</del>	<del>01076573</del>
<del>Parking Lot 7 Robie St.</del>	<del>Cumberland Columbia Club</del>	<del>03256952</del>
Land and Building 5 Electric St.	Amherst Lions Club	05127807
Land and Building 45 Prince Arthur St.	Amherst Curling Club	00064009
Board Room and Counselling Rooms 41 Russell Street (Commercial portion only)	Cumberland County Transition House Association	07419112
Land and Building 80 Church Street (Commercial portion only)	Tanramar Community Radio Society	00005045
Playground 36 Hickman St	Amherst Lions Club	04641027

**APPENDIX C - APPLICATION**

1. ORGANIZATION OR INSTIUTION INFORMATION

Name of Organization/Institution: \_\_\_\_\_

**Civic Address:** \_\_\_\_\_

**AAN:** \_\_\_\_\_

Full Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Person: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

2. Are you a registered Canadian Charitable Organization? YES \_\_\_ NO \_\_\_

If so, what is your Charitable number: \_\_\_\_\_

3. Are you a non-profit community, charitable, fraternal, educational, recreational, religious, cultural, or sporting organization? YES \_\_\_ NO \_\_\_

4. Attached are our most recent financial statements: YES \_\_\_ NO \_\_\_

5. If your organization were NOT to receive the property tax exemption, what impact would this have on your organization? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. What social and financial benefit does your organization provide to the community? What would the community lose if this organization did not exist?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. What other services and/or support does the Town provide to this organization?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please drop off at Town Hall, located at 98 Victoria Street East, or mail to P.O. BOX 516 Amherst, NS B4H 4A1. Direct all enquiries to the Revenue Officer, 902-667-6514.

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
<b>Director of HR &amp; Customer Services</b>	The Director will: <ul style="list-style-type: none"> <li>a. Ensure applications are received annually and that club exemptions are applied to accounts after the annual operating budget is approved.</li> </ul>
<b>Revenue Officer</b>	The Revenue Officer will: <ul style="list-style-type: none"> <li>a. Notify the Director of changes to be considered;</li> <li>b. Administer and facilitate the application of the tax exemption policy to qualifying organization tax accounts in accordance with the policy.</li> </ul>

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
<b>Policy reviewed for preparation of 2023/24 operating budget:</b> remove Cumberland Columbia Club from Appendix “B” due to sale of properties.	Crossman: Director, HR and Customer Services	Council	

Minutes Reference Date: June 25, 2018 May 25, 2020

**TITLE: SALARY ADMINISTRATION POLICY**  
**SECTION: HUMAN RESOURCE MANAGEMENT**  
**POLICY NO: 04530-01**

**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**PURPOSE**

To set out the Policy of the Town of Amherst for salary administration for all non-union employees.

**POLICY STATEMENT**

The Town of Amherst will ensure the fair and equitable compensation of all non-union employees in relation to the duties of the position within the Town.

**OBJECTIVES**

1. To promote salary equity in the Town’s non-union sector.
2. To establish a framework and procedure to determine categories of compensation for new positions.

**DEFINITION OF TERMS**

**Salary Grid** - shows all the salary scales applicable to positions within the Town. The salary grids are contained in Appendices A, A-1, B, C-1. The salary grid – Appendix C-1- has eight steps.

**Step Adjustment** – a move from one step, within a given salary range, to another (usually the next step) for individual employees is based on a satisfactory performance evaluation.

**Salary Range** - is defined as a range of pay for a category of duties, with a minimum and maximum. The range will be established by Council after considering the recommendation of the CAO.

**Overall Market Review** – A review of the appropriateness of the Job Category Listing (Appendix C) and the Salary Grid (Appendix C-1). The review shall include a survey of the market value of similar positions.

**Performance Evaluation** – A formal evaluation of the employee’s job performance. All employees will receive at least one Performance Evaluation in each year of service.

**SALARY GRID:**

An appropriate salary grid for all non-union positions shall be determined by the council:

**New Positions:** Recommendations for placement on the Job Category Listing shall be prepared by the Chief Administrative Officer and forwarded to Council for approval.

**STEP ADJUSTMENTS**

Step adjustments shall be made only when:

1. The adjustment can be accommodated within the Salary Account of the appropriate department; and
2. A current Performance Evaluation form is on file.

Upon completion of a satisfactory annual evaluation, the employee may be moved to the next step on the salary grid within his or her category. All step movements must be approved by the CAO.

An employee in Step 8 in a year in which there is no overall market review shall receive a bonus equal to salary times CPI for the immediately preceding calendar year. This amount will be separate and not added to the base salary.

The CAO may, on the recommendation of the Director, authorize a movement of up to 3 steps in one year to recognize exceptional performance. In normal circumstances employees would move one step each year upon a satisfactory performance evaluation.

**TRAVEL VEHICLE ALLOWANCES:**

Mayor, Council and Directors of departments shall receive a monthly vehicle allowance of \$150.00.

The monthly vehicle allowance is for reimbursement for all local travel using one’s personal motor vehicle for travel within the boundary of the Town of Amherst. Travel outside the boundary is covered under Policy #03000-01. The monthly vehicle allowance shall be reviewed each year after considering any changes in the cost of operating a motor vehicle.

**LUNCH BREAKS:**

The lunch break period shall be for a one-hour period.

**PERFORMANCE EVALUATION:**

Performance appraisals shall be conducted by the Chief Administrative Officer/Director at the completion of the probation period, and at least annually thereafter recorded on Performance Evaluation forms.

The Chief Administrative Officer/Director shall discuss the employee’s performance evaluation in detail with the employee, in accordance with the employee evaluation system and standardized forms.

**SCOPE OF RESPONSIBILITY:**

The Town Council shall:

1. Authorize changes to the policies comprising the program of employee compensation.
2. Review and approve salary categories for all established positions within the Town.
3. Review and consider for approval the recommendations of the CAO in regard to the appropriateness of the salary classifications and ranges from time to time if necessary.

The Chief Administrative Officer shall:

1. Review and recommend changes to policy and procedures as they relate to the employee compensation program.
2. Ensure the maintenance of the salary rating and performance appraisal procedures.
3. Conduct salary rating and performance evaluation procedures relative to Director positions.
4. Monitor salary surveys and make recommendations to Council concerning market conditions as appropriate with an overall market review to be completed every three (3) years, or as directed by Council.
5. Grant step and/or merit adjustments to individual employees in accordance with approved policies and procedures and subject to budgeting limitations.
6. Maintain all personnel files and records.
7. Determine salary ratings for temporary and casual positions.

The Director Shall:

1. Conduct performance evaluation procedures relative to the positions and employees within their respective departments, and make appropriate recommendations to the Chief Administrative Officer.
2. Make recommendations to the Chief Administrative Officer regarding step adjustments for employees within their departments.

**APPENDIX A**

**Town of Amherst**

Salary Grid

January 1, 2019

Job Level	Salary Amount	
Mayor	Stipend	\$41,178.00
Deputy Mayor	Stipend	\$27,723.00
Councilor	Stipend	\$25,050.00

**APPENDIX A-1**

April 1, 2022

Salary Grid  
Other Non-Union Positions

Job Level
Chief of Police
Deputy Chief of Police

\*\*Effective April 1, 2018 the Chief of Police and Deputy Chief of Police salaries will be calculated on April 1<sup>st</sup> of each year as being 141% and 129% of the first-class constable rates.

**APPENDIX B**

April 1, 2023

**Town of Amherst**

Hourly Rate Grid – Casual

Job Title	Hourly Rate				
	Step 1	Step 2	Step 3	Step 4	Step 5
Casual Firefighter	17.27	17.55	17.86	18.17	18.46
Jail Guards	17.27	17.55	17.86	18.17	18.46
Canine Control Officer	14.63	15.12	15.62	16.12	16.70
School Crossing Guards	14.63	15.12	15.62	16.12	16.70
Ice Marshall	14.57	15.03	15.54	16.04	16.61
<b>Other (including students)</b>	Provincial Minimum Wage				
New Student	Provincial Minimum Wage				
Returning Student	Provincial Minimum Wage + \$1.00/hour				
Professional Student*	Provincial Minimum Wage + \$3.00/hour				

\* Applies to student employees enrolled in a professional post-secondary program for which the Town is requiring specialized educational requirements as a condition of employment. i.e. Engineering, Planning, Accounting, etc.

**APPENDIX C JOB CATEGORIES**

Category	Position
8	Director, Community Living
	Director, Communications and Information Technology
	Director, Finance

	Director, Fire Services
	Director, HR & Customer Services
	Director, Operations
	Director, Planning and Strategic Initiatives
7	Engineering Technologist
	Public Works Foreman
6	Building Official
	Business Development Officer
	Community Well-Being Manager
	Engineering Technician
	Facility Manager
	IT Manager
	Land Use Planner
	Municipal Clerk
	Parks & Recreation Foreman
Solid Waste Education and Coordination Officer	
5	Exec Asst/Dispatch Coordinator
	Fire Inspector
4	Accounting Clerk/Accounts Payable
	Corporate Communications Officer (CCO)
	Dangerous and Unsightly Premises Administrator
	Fire Fighter
	HR Administrator
	Procurement Coordinator
Revenue Officer	
3	Active Living Coordinator
	Administrative Assistant – Clerk's Office
	Bylaw Enforcement Officer
	Cashier/Customer Service
	Crime Prevention Coordinator (2-year term)
	Culture, Community Events & Marketing Coordinator
	Dispatcher
	IT Coordinator
Water/Sewer Billing Clerk	
2	Criminal Records Checks
1	Vacant

**APPENDIX C-1**  
September 28, 2022

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
8	87,814	89,656	91,502	93,346	95,189	97,034	98,878	100,722
7	72,585	73,652	74,719	75,786	76,854	77,921	78,988	80,055
6	60,481	62,314	64,148	65,981	67,814	69,647	71,481	73,314
5	53,620	55,078	56,535	57,992	59,449	60,906	62,363	63,820
4	52,037	53,357	54,676	55,996	57,315	58,635	59,954	61,273
3	43,753	45,519	47,285	49,051	50,816	52,582	54,349	56,114
2	40,247	41,252	42,256	43,260	44,264	45,269	46,272	47,277
1	37,566	38,452	39,339	40,226	41,112	41,999	42,886	43,772

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
Chief Administrative Officer	As indicated under "Scope of Responsibility"
Directors and Managers	As indicated under "Scope of Responsibility"

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
1. NS minimum wage updates; 2. Position name changes: Municipal Clerk, Dir. Corp. Communications + Info Technology, removal of GIS Coordinator, addition of Engineering Technician	Crossman: Director, HR and Customer Services	Council	March 27, 2023
Appendix B – amendment to the pay structure for student hourly rate of pay.	Director of HR & Customer Services	Council	

**MINUTES REFERENCE DATE**

December 12, 2000	November 2, 2004 (See April 26, 2004 Minutes)	November 27, 2006
December 18, 2006	February 26, 2007	March 31, 2008
September 29, 2008	March 30, 2009	September 28, 2009
April 26, 2010	March 28, 2011	August 2, 2011
May 23, 2012	November 26, 2012	December 17, 2012
September 23, 2013	October 28, 2013	December 16, 2013
May 21, 2015	March 29, 2016	May 25, 2016
May 23, 2017	June 26, 2017	September 25, 2017
February 26, 2018	March 14, 2018	February 28, 2019
June 7, 2021	October 5, 2021	November 29, 2021
		September 28, 2022

**TITLE: Community Support Grants Policy**

**APPROVAL DATE:**

**CAO Signature:** \_\_\_\_\_

### **POLICY STATEMENT**

- a. The Community Support Grants Policy guides the allocation of financial and in-kind contributions to non-profit or charitable organizations that are based in the Town of Amherst and are providing services that in the opinion of Council, are of a benefit to the residents and businesses of the Town. Applicants and Groups that actively support inclusion, diversity, accessibility and equity will be given priority consideration as will those applications that enhance community well-being and increase the social determinants of health, such as, but not limited to food insecurity, affordable housing, early childhood development, education, social inclusion and non-discrimination of the citizens of Amherst
- b. This program does not govern the following, which are separately administered:
  - i. Tax Exemption for Non-Profit Organizations (full and partial tax exemption by-laws);
  - ii. Residential Property Tax Rebates (low-income homeowners)

### **POLICY OBJECTIVES**

The objectives of this policy are:

- a. to outline the requirements to apply and be considered for a Community Support Grant
- b. to establish equitable guidelines for the distribution of limited amounts of funds to non-profit and charitable organizations in a manner approved by Council.
- c. to ensure that groups applying for Community Support Grants are evaluated on a consistent, equitable basis, utilizing the same evaluation criteria; and
- d. to provide for public disclosure of a list of grant recipients and the amounts of those grants.

### **1. SCOPE**

The Program includes financial grants in the form of cash and in-kind services (for use of municipal facilities, for example). The value of requests is not limited; however, applicants must be aware that:

- a. The application process is competitive;
- b. There are more grant applications received than available funding;
- c. Past funding commitments should not be interpreted as a guarantee that future requests will be approved. The Town is interested in ensuring that organizations are self-sufficient;
- d. The Town would like to support programs and events that promote community well being and health and safety of our citizens. With that in mind, events based on alcohol consumption (beer gardens, wine tasting tours etc.) may only receive support if other community benefits can be shown. Overall, the Town will show preference to events that are family friendly and support the overall well being of the community.

### **2. EXCLUSIONS**

The following are exclusions from the grant program:

- a. While Council reserves the right to, it is not the intent of this policy to fund activities of organizations that are clearly within the mandate of the Government of Nova Scotia (hospitals, medical programs, treatment services or social services programs) or the Government of Canada (e.g., health, social services)
- b. The Town of Amherst will not consider requests received as part of general (mass) mailing or telemarketing campaigns
- c. Funding applications will not be considered from the following:
  - i. Businesses;
  - ii. Provincial Government organizations;
  - iii. School Boards or quasi government organizations;
  - iv. Non-profit organizations for the purpose of funding accumulated deficits;
  - v. Any organization for the purpose of fundraising to distribute to other organizations/individuals; and
  - vi. Organizations with political affiliations.
- d. Funding will not normally be provided to religious organizations where services include the promotion or required adherence to a particular belief
- e. Funding will also not normally be provided to fundraising campaigns of national charitable organizations either directly or indirectly.
- f. Funding will not normally be provided to organizations who are planning to give proceeds of the event to another organization.

### **3. ALLOCATION OF FUNDS**

Council is not obligated to:

- a. Provide funding in the form of Community Support Grants;
- b. Spend all the funds allocated for grants in any given year;
- c. Award the full amount requested in an application; or
- d. Renew any grant

### **4. SPECIAL CONSIDERATION**

The following organizations are usually supported annually; however, the recipients must still comply with the applicable requirements under the **application process** below. Failure to do so could result in future funding being suspended:

- a. Amherst Food Assistance Network
- b. Cumberland Early Intervention Program
- c. Sexual Health Centre for Cumberland County
- d. Cumberland County Transition House (Autumn House)
- e. Senior's Safety Advisory Committee
- f. Cumberland County Museum
- g. Amherst Little League Baseball Association
- h. Amherst Little League T-Ball Baseball
- i. Maggie's Place

Council reserves the right to discontinue and/or alter funding for these organizations without notice. Council will ensure consideration is made to provide notice to applicants or a gradual decrease to the amounts above wherever possible. Support for these organization and the amounts are reviewed annually. It is anticipated that funding from the Town of Amherst is not the main source of funding for the above organizations.

## 5. GUIDELINES

The following guidelines apply to all grant requests except those listed in 4 above:

- a. Funding will generally be limited to no more than 40% of overall costs for an event or program
- b. Funding cannot be used to directly purchase products regulated by the Liquor Control Act R.S., c. 260, s. 1. or the Cannabis Control Act 2018, c. 3, s. 1.
- c. Preference is given to new initiatives; however, grants may be provided in multiple years for the same initiative.

## 6. PROGRAMS

The following are a list of the grants available:

### a. Sport and Physical Activity

Maximum funding considered will be \$500 for a team and \$250 for an individual:

- i. This includes amounts for teams traveling to Provincial, National and International competitions when the Amherst based teams or individual has been successful at a regional qualifying competition recognized by its relevant provincial or national umbrella organization (e.g., Hockey Nova Scotia or Skate Canada);
- ii. The team is in the Town of Amherst and is considered by the provincial or national umbrella organization to be the home for the team;
- iii. The individual is competing as an individual and has their principal residence in the Town of Amherst.
- iv. The Town of Amherst resident has been selected / qualified to represent the Province of Nova Scotia or Canada at a national or international competition such as the Olympics or the Canada Games.

### b. Festivals and Events Grants

- i. Maximum funding considered under this component will generally not exceed \$5,000;
- ii. Event must demonstrate broad community support;
- iii. Provides an experience not duplicated by other ongoing events, festivals or activities.
- iv. Draw spectators locally, from the Maritimes, nationally or internationally and increases the profile of our community;
- v. Must be affiliated with a local community non-profit organization.

### c. Organizational Equipment

Operational and capital equipment purchase requests will be considered on an individual basis.

### d. Funding for ~~Poverty Reduction Social Equity Initiatives~~

For the purposes of this policy, "~~Poverty Reduction Social Equity Funding~~" is defined as the annual funding allotment within the Community Support Area Rate (~~currently 0.25 of the 1.25% deed transfer tax~~), including any reserves for this purpose, to be used for initiatives that specifically target ~~poverty reduction social equity issues or specifically reduce the impacts of poverty on individuals or the community~~. All applications which Council feels meet this definition and for which Council is considering funding from the annual ~~Poverty Reduction Social Equity Funding~~ allotment or associated reserves set aside for this purpose will be referred to the ~~respective committees Poverty Reduction Action Committee~~ for a recommendation.

Notwithstanding the above, Council reserves the right to fund such poverty initiatives from other sources in addition to or in lieu of the annual ~~Poverty Reduction Social Equity Funding~~ allotment.

### e. Large Scale Projects

Applications for large scale projects (generally greater than \$5,000 or multi-year initiatives) will be evaluated on an individual basis. In these cases, Council may require Municipal representation on a board, the development of an MOU and/or other reporting requirements etc.

## 7. APPLICATION PROCESS

The following outlines the application process:

A call out for applications will be issued by the Town in the months leading up to budget time. Community organizations will be encouraged to apply during this initial call out however applications can and will be received throughout the year and be considered based on budget availability.

Community groups may submit more than one application per year however Council will prioritize funding over a diverse collection of applications to ensure fairness and equity for all.

- a) Applications - must submit the following information
  - i. A complete Community Grant Application
  - ii. a proposed budget for the project
- b) The Town of Amherst may request additional information as deemed necessary.

## 8. APPROVAL PROCESS

- a. For applications over \$1,000 staff will review applications, ensure requirements have been met and make recommendations to Council. Funding will be determined by council upon reviewing the proposal and recommendations from staff.

## 9. AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

The Chief Administrative Officer (CAO) may approve applications that are less than \$1000 provided such applications qualify in accordance with this policy. Council will be notified by email upon approval of each application and a media release will be issued to communicate the support provided by the Town under the application. A list of applications approved will be provided to Council quarterly. (March, June, September and December).

The CAO may waive the cost for Town owned facility rentals for organizations carrying out an event or service that satisfies the intent of this policy to a maximum of four rental waivers per year per organization.

**10. PAYMENT PROCESS**

For amounts over \$1,000 payment will be made as follows:

- a. 75% at the time of award
- b. 25% at the time of receipt of the final report, including receipts. Reports must be received by no later than one year after the event/project is held

**11. CONDITIONS**

- a. Grant recipients shall:
  - i. Make no misrepresentation on their application
  - ii. Use the grant as described in the application
  - iii. Use the funds in the year granted
  - iv. Council and/or the CAO may request an in-depth report for grants over \$5,000 at their discretion
- b. Grant recipients shall keep proper books of accounts and receipts of all expenditures related to the project and shall make them available for inspection by the Town of Amherst upon request.
- c. Non-compliance, in any aspect could result in no funding being awarded in the future year(s)
- d. Grant recipients are required to acknowledge the financial support of the Town of Amherst in all advertising, publicity, programs and signage for which funds are granted
- e. If the event/project does not occur for any reason, all grant monies must be returned
- f. Grant recipients who fail to comply with these conditions may be required to return all or partial funds to the Town of Amherst and may be deemed ineligible for Community Support Grant funding in future years.

**12. PUBLIC DISCLOSURE**

- a. The Town of Amherst will provide financial information with respect to the budgeted amounts disbursed and actual amounts disbursed on an annual basis
- b. A summary of grant awards will be posted on the Town of Amherst's website in accordance with s.65C(1) of the *Municipal Government Act*

Application for Funding Date: \_\_\_\_\_  
 REQUEST FOR FINANCIAL SUPPORT      REQUEST FOR IN-KIND FACILITY RENTAL

**1. ORGANIZATION INFORMATION:**

Name of Organization: \_\_\_\_\_  
 Full Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

**2. AMOUNT OF FUNDING ASSISTANCE BEING REQUESTED**      \$ \_\_\_\_\_  
 Total cost of program event or activity      \$ \_\_\_\_\_

**3. What is the purpose for the funding requested? (Sport and Physical Activity, Festivals and events, Organizational Equipment, Community Well-Being etc.)**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. Please attach a budget for the tournament, event or activity; include sources of revenue and ALL costs. **Please attach all documents that support the funding request.****

**5. What are the expected benefits to the community? (Event participation numbers; local, regional, provincial or national attraction; time span; community assets being used; support from business community)**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**6. Please list all funding sources and/or other community partners for this event:**

NAME	FUNDING IF ANY

**7. How many volunteers contribute to this event or festival:** \_\_\_\_\_



98 East Victoria Street, PO Box 516, Amherst, NS, Canada B4H 4A1  
 Phone: 902-667-3352 Fax 902-667-5409

**APPLICATION**

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
Director Community Living	To ensure adherence to the policy. Advise staff of Policy changes and create awareness in the community of policy changes.
Mayor and Council	Review and approve applications as required.
CAO	Ensure applications under \$1,000 are reviewed and decision made in accordance with policy.

For Administrative Use Only:

#### VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Amendments to policy to collapse A fresh grants, streamline application process, increase CAO approval limit, inclusion of MAP requirements, rewording to ensure policy is more inclusive and promotes community well-being	Director Community Living, Bristol	Council	February 27, 2023
Amendment to policy to remove Deed Transfer reference from Poverty Funding. Rename Poverty Funding to Social Equity.	Director Community Living, Bristol	Council	

Minutes reference date: 23 September 2013 27 October 2014 21 May 2015 25 June 2018 24 September 2018  
28 October 2019 27 January 2020 25 October 2021 27 February 2023

## 5. INFORMATION / DISCUSSION ITEMS

### 5.1 2023-24 Operating Capital Budget Reports

Information item only; no direction given or action required.

## 6. INTERNAL COMMITTEE REPORTS

### 6.1 Planning Advisory Committee – No Report

### 6.2 Amherst Board of Police Commissioners - Davidson

Information item only; no direction given or action required.

### 6.3 Audit Committee – No Report

### 6.4 Amherst Youth Town Council - Leah Brunt

Information item only; no direction given or action required.

### 6.5 Accessibility Advisory Committee – No Report

### 6.6 Inclusion Diversity and Equity Committee – No Report

### 6.7 Poverty Reduction Advisory Committee - Landry

Information item only; no direction given or action required.

## 7. EXTERNAL COMMITTEE REPORTS

### 7.1 Cumberland Public Libraries - Fawthrop

Information item only; no direction given or action required.

### 7.2 Cumberland YMCA - Fawthrop

Information item only; no direction given or action required.

### 7.3 Northern Region Solid Waste - Baker

Information item only; no direction given or action required.

### 7.4 L. A. Animal Shelter - Fawthrop

Information item; no direction given or action required.

### 7.5 Senior Safety - Emery

Information item only; no direction given or action required.

8. **ADJOURNMENT**  
**Moved By Councillor Davidson**  
**Seconded By Councillor Chambers**  
**To adjourn the meeting.**

**Motion Carried**

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Natalie LeBlanc  
Municipal Clerk

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David Kogon, MD  
Mayor

# Synopsis

## Community Support Grants

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An annual budget is allocated for community support grants in accordance with Council's Community Support Grants Policy so that the Town provides assistance in a fiscally responsible manner to organizations that qualify under the criteria set in the policy. In doing so, the Town will encourage and promote the success of these organizations. It should be noted that all groups fill a significant role in the community; however, to ensure the intentions of the policy are adhered to, not all can be funded. Finally, there are a small number of additional requests that are still under consideration. Decisions on these applications will be made soon.

**MOTION:**

**That Council approve funding in the amount of \$137,094 under the Community Support Grants Policy and Social Equity Fund as follows:**

<b>Organization/Applicant</b>	<b>Amount Approved</b>	<b>Funding stream</b>
<b>Amherst Little League</b>	<b>2,500.00</b>	<b>CSG</b>
<b>Cumberland County Transition House</b>	<b>10,000.00</b>	<b>CSG</b>
<b>Food Assistance Network</b>	<b>5,000.00</b>	<b>Social Equity</b>
<b>Seniors Safety program</b>	<b>8,700.00</b>	<b>CSG</b>
<b>Sexual Health Centre</b>	<b>4,000.00</b>	<b>CSG</b>
<b>Maggies Place</b>	<b>33,750.00</b>	<b>Social Equity reserves</b>
<b>MITACS Funding</b>	<b>10,559.00</b>	<b>Social Equity</b>
<b>Terry Fox Foundation</b>	<b>100.00</b>	<b>CSG</b>
<b>LA Animal Shelter</b>	<b>500.00</b>	<b>CSG</b>
<b>Fibre Arts Festival</b>	<b>2,000.00</b>	<b>CSG</b>
<b>Amherst Curling Club</b>	<b>800.00</b>	<b>CSG</b>
<b>Multicultural Association</b>	<b>600.00</b>	<b>Social Equity</b>

<b>CANSA</b>	<b>1,000.00</b>	<b>Social Equity</b>
<b>Amherst Scarefest</b>	<b>1,500.00</b>	<b>CSG</b>
<b>Border Town Biker Bash</b>	<b>10,000.00</b>	<b>CSG</b>
<b>Cumberland Acadian Society</b>	<b>2,000.00</b>	<b>Social Equity</b>
<b>Amherst Little League</b>	<b>750.00</b>	<b>CSG</b>
<b>Amherst Striders</b>	<b>500.00</b>	<b>CSG</b>
<b>Amherst and Area Heritage Trust</b>	<b>835.00</b>	<b>CSG</b>
<b>Amherst Little League</b>	<b>10,000.00</b>	<b>CSG</b>
<b>Fundy Winds Society</b>	<b>4,000.00</b>	<b>CSG</b>
<b>Eat Local Cumberland</b>	<b>1,500.00</b>	<b>Social Equity</b>
<b>Eat Local Cumberland</b>	<b>3,500.00</b>	<b>Social Equity</b>
<b>Showcase productions</b>	<b>1,000.00</b>	<b>CSG</b>
<b>After the School Bell Program</b>	<b>5,000.00</b>	<b>Social Equity</b>
<b>Claire Christie (Heritage Trust)</b>	<b>2,000.00</b>	<b>CSG</b>
<b>NSCC grant</b>	<b>15,000.00</b>	<b>Social Equity</b>



**AMHERST TOWN COUNCIL**

**RFD# 2023083**

**Date: May 23, 2023**

**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Sharon Bristol, Director, Community Living

**DATE:** May 23, 2023

**SUBJECT:** Community Support Grants 2023

**ORIGIN:** 2023-24 Operating Budget

**LEGISLATIVE AUTHORITY:** MGA 65 Power to expend money: (au) a grant or contribution to (v) any charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting or social organization within the province; Community Support Grants Policy, 72000-08

**RECOMMENDATION:** That Council approves funding in the amount of \$ 137,094.00 under the Community Support Grants Policy and Social Equity fund as follows:

Organization/Applicant	Amount Approved	Funding stream
Amherst Little League	2,500.00	CSG
Cumberland County Transition House	10,000.00	CSG
Food Assistance Network	5,000.00	Social Equity
Seniors Safety program	8,700.00	CSG
Sexual Health Centre	4,000.00	CSG
Maggies Place	33,750.00	Social Equity reserves
MITACS Funding	10,559.00	Social Equity
Terry Fox Foundation	100.00	CSG
LA animal shelter	500.00	CSG
Fibre arts Festival	2,000.00	CSG
Amherst curling club	800.00	CSG
Multicultural Association	600.00	Social Equity



CANSA	1,000.00	Social Equity
Amherst Scarefest	1,500.00	CSG
Border Town Biker Bash	10,000.00	CSG
Cumberland Acadian Society	2,000.00	Social Equity
Amherst Little League	750.00	CSG
Amherst Striders	500.00	CSG
Amherst and Area Heritage trust	835.00	CSG
Amherst Little League	10,000.00	CSG
Fundy Winds Society	4,000.00	CSG
Eat Local Cumberland	1,500.00	Social Equity
Eat Local Cumberland	3,500.00	Social Equity
Showcase productions	1,000.00	CSG
After the School Bell Program	5,000.00	Social Equity
Claire Christie	2,000.00	CSG
NCCC grant	15,000.00	Social Equity

**BACKGROUND:** An annual budget is allocated for community support grants so that the can Town provide assistance in a fiscally responsible manner to organizations that qualify under the criteria set in the policy. In doing so, the Town encourages and promotes the success of these organizations. It should be noted that all groups fill a significant role in the community; however, to ensure the intentions of the policy are adhered to, not all can be funded.

**DISCUSSION:** The amount of \$137,094.00 includes \$25,200 in grants that are set out in the Policy. These amounts include Little League, T-Ball, Autumn House, Seniors Safety Program, and Sexual Health Centre.

**SOCIAL JUSTICE IMPLICATIONS:** Our strategic priorities around food insecurity, poverty reduction, creating a diverse, inclusive and welcoming community and fostering an active, healthy municipality are only strengthened by funding community organizations that work to these goals.

**FINANCIAL IMPLICATIONS:** An allowance remains in the budget to address these requests.

**COMMUNITY ENGAGEMENT:** In response to a public invitation to apply, funding requests were submitted by community groups. Future community and sporting event requests will be dealt with on an individual basis.

**ENVIRONMENTAL IMPLICATIONS:** There are no environmental implications attached to this request.

**ALTERNATIVES:**

1. Approve the funding requests as listed
2. Discontinue the practice of providing community support grants

**ATTACHMENTS:**

- Community Support Grants Policy, 72000-08

# SYNOPSIS

## Accessibility Advisory Committee Citizen Appointment

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In accordance with the Town of Amherst Accessibility Advisory Committee Terms of Reference Policy, there is an ability to appoint six Town of Amherst residents to the committee.

When a call for expressions of interest went out in February, staff received three applications from current members who expressed interest in reoffering. Council re-appointed these three members to two-year terms at their regular meeting on March 27, 2023. Following the deadline for applications, staff received another expression of interest from Jim Prendergast who Council appointed to the Committee last month. As there are still two vacancies on this Committee, staff feel it would be appropriate to appoint Mr. Justin McKay who submitted his expression of interest recently.

### **MOTION:**

**That Council appoint Justin McKay to the Accessibility Advisory Committee effective May 23, 2023 to March 31, 2024.**



## AMHERST TOWN COUNCIL

RFD# 2023076

Date: May 23, 2023

---

**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Natalie LeBlanc, Municipal Clerk

**DATE:** May 23, 2023

**SUBJECT:** Citizen Appointment to Town of Amherst Accessibility Advisory Committee

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**ORIGIN:** Our citizen appointments to the Accessibility Advisory Committee expired March 31, 2023.

**LEGISLATIVE AUTHORITY:** Accessibility Advisory Committee Terms of Reference Policy, #10350-30

**RECOMMENDATION:** That Council appoint Justin McKay to the Accessibility Advisory Committee effective May 23, 2023 to March 31, 2024.

**BACKGROUND:** In accordance with the Town of Amherst Accessibility Advisory Committee Terms of Reference Policy, there is an ability to appoint six Town of Amherst residents to the committee.

When a call for expressions of interest went out in February, staff received three applications from current members who expressed interest in reoffering. Council re-appointed these three members to two-year terms at their regular meeting on March 27, 2023. Following the deadline for applications, staff received another expression of interest from Jim Prendergast who Council appointed to the Committee last month. As there are still two vacancies on this Committee, staff feel it would be appropriate to appoint Mr. McKay.

**DISCUSSION:** The Committee plays a pivotal role in helping the Town of Amherst become a barrier-free community and ensuring obligations under An Act Respecting Accessibility in Nova Scotia (2017) are met, and to assist in creating a community of wellbeing. The terms of reference state that according to the Act, at least half of the committee membership must be people with disabilities or represent organizations that represent people with disabilities with preference for the former, appointing Justin McKay will fill this requirement.

**FINANCIAL IMPLICATIONS:** There are no financial implications to appointing members as they are volunteers.

**COMMUNITY ENGAGEMENT:** An ad appeared in the Cumberland Wire on February 15, 2023. Expressions of interest were also solicited through Town of Amherst social media, with a deadline of March 6, at that time staff received three applications.

**ENVIRONMENTAL IMPLICATIONS:** No direct environmental implications.

**SOCIAL JUSTICE IMPLICATIONS:** This Committee will assist staff in their efforts of providing accessible facilities and infrastructure as required by the Act.



**ALTERNATIVES:** Not appoint this applicant and continue to solicit expressions of interest as there is an ability to appoint up to six citizen appointees to the Committee. However, staff feel that appointing this applicant will give the committee a nice compliment of voting members.

**ATTACHMENTS:**

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Report prepared by: Natalie LeBlanc

Report and Financial approved by:

# SYNOPSIS

## Afghanistan Memorial

### Memorandum of Understanding

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The Town of Amherst was requested by the Royal Canadian Legion Branch 10, Amherst, to utilize the site beside Town Hall for an Afghanistan Memorial. The Town and the Legion have met and have basically agreed to a design and operating parameters of the site.

The attached MOU provides clarity of the role each party has in the continued development and daily operation of the site. Both parties agree that an MOU is needed and both parties have had an opportunity to provide input. For the Town, entering into this MOU will ensure the site is maintained to the same level of service standard as all Town owned parks and green spaces. The MOU ensures that the site will be an inclusive and safe environment where all people are welcome. It also allows for other memorial monuments to be placed on site, subject to Council approval.

This project has been developed with the Royal Canadian Legion Branch 10, Amherst. We will continue to celebrate our collaboration and achievements with regards to the site.

#### **MOTION:**

**That Council approve of the Memorandum of Understanding between the Royal Canadian Legion Branch 10, Amherst, and the Town of Amherst and authorize the CAO to sign on the Town's behalf.**

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Jason MacDonald, CAO

**DATE:** May 23, 2023

**SUBJECT:** **Memorandum of Understanding – Afghanistan Memorial**

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**ORIGIN:** The Town of Amherst was requested by the Royal Canadian Legion Branch 10, Amherst, to utilize the site beside Town Hall for an Afghanistan Memorial.

**RECOMMENDATION:** That Council approve of the Memorandum of Understanding between the Royal Canadian Legion Branch 10, Amherst, and the Town of Amherst and authorize the CAO to sign on the Town's behalf.

**BACKGROUND:** The Town of Amherst was requested by the Royal Canadian Legion Branch 10, Amherst, to utilize the site beside Town Hall for an Afghanistan Memorial. The Town and the Legion have met and have basically agreed to a design and operating parameters of the site.

**DISCUSSION:** The attached MOU provides clarity of the role each party has in the continued development and daily operation of the site. Both parties agree that an MOU is needed and both parties have had an opportunity to provide input. For the Town, entering into this MOU will ensure the site is maintained to the same level of service standard as all other Town owned parks and green spaces. The MOU ensures that the park will be an inclusive and safe site where all people are welcome. It also allows for other memorial monuments to be placed on site.

**FINANCIAL IMPLICATIONS:** There are no financial implications to this MOU in particular. The Town will continue to operate the site.

**SOCIAL JUSTICE IMPLICATIONS:** The MOU ensures the site may be used for all people and that it is inclusive and safe. Other monuments honoring other veterans' groups are permitted and encouraged.

**ENVIRONMENTAL IMPLICATIONS:** There are no environmental implications.

**COMMUNITY ENGAGEMENT:** This project has been developed with the Royal Canadian Legion Branch 10, Amherst. It has received significant media attention. We will continue to celebrate our collaboration and achievements with regards to the site.

**ALTERNATIVES:**

1. Direct staff to draft changes to the MOU.
2. Do not approve the MOU.





**AMHERST TOWN COUNCIL**

**RFD# 2023079**

**Date: May 23, 2023**

**ATTACHMENTS:** MOU between Town of Amherst and the Royal Canadian Legion Branch 10, Amherst.

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Report prepared by: Jason MacDonald, CAO  
Report and Financial approved by:





## **Memorandum of Understanding**

### **THE TOWN OF AMHERST**

(Hereinafter referred to as “the Town”)

### **Royal Canadian Legion Branch 10, Amherst, NS**

AND

(Hereinafter referred to as “the Legion”)

The Town and the Legion have cooperated in the design of a Veterans Memorial space beside Town Hall at the corner of Victoria and LaPlanche Streets which will contain a memorial to Afghanistan Veterans. This space is also currently home to the Highlanders Mural and the Vimy Ridge Oak.

Both the Town and the Legion endeavor to create and utilize this site for honoring our veterans in a safe, respectful and inclusive manner.

WHEREAS it is the mutual objective of the Town of Amherst and the Legion to continue a positive working relationship in regards to the continued development and operation of the site:

1. The Legion agrees that the site should be integrated into the Town’s recreation plan to achieve maximum usage of the site’s facilities including daily scheduling and annual open and closing.
2. The Town will maintain the site as per the standards, policies and procedures established by the Town for all properties within the Town Park system. For clarity this will include:
  - a. Maintenance of the walkway, green space, flowers and trees;
  - b. Security and lighting;
  - c. The Town shall make every reasonable effort to generally utilize the site for activities which respect, promote and facilitate honoring our veterans.
3. The Town at their sole discretion may install equipment or apparatus for the use of the public on the site. This may include both passive and active uses. Such uses shall be in keeping with the overall respectful nature of the site.



4. The Legion shall be responsible for the maintenance of the Afghanistan Memorial monument.
5. The Town shall pay the property taxes on the property.
6. The Town may permit, erect, or place other monuments honoring other veteran groups, first responders, or other such groups, either in partnership with the Legion or otherwise.
7. The Town will receive and address any and all public complaints or issues that may arise.
8. Communication with the Legion shall be via the Legion President or designate. Communication with the Town shall be via the Facility Manager of the Town of Amherst.
9. This MOU shall be in effect in perpetuity, unless either party to the agreement provides three month's notice to exit the agreement.

This Memorandum of Understanding reflects an agreement between the Town of Amherst and the Royal Canadian Legion Branch 10, Amherst, Nova Scotia.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

<b>SIGNED, SEALED AND DELIVERED</b>	)	<b>Town of Amherst</b>
	)	
	)	_____
	)	<b>Jason MacDonald, CAO</b>
	)	
	)	<b>Royal Canadian Legion Branch 10, Amherst</b>
	)	
	)	_____
	)	

# SYNOPSIS

## Territorial Acknowledgement Policy

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While reviewing the Proceedings of Council Policy, and creating the new Council Committees Policy, staff felt it was appropriate to draft a new policy that addresses when and how the territorial acknowledgement is used, such as at all Town of Amherst Committee meetings and events where the public is formally addressed. It also includes the wording of the acknowledgement to be used.

Approving this policy shows the continual efforts by the Town of Amherst to improve all aspects of Inclusion, Diversity and Equity in all our functions, and will provide a more meaningful process for the use of the territorial acknowledgement.

**MOTION:**

**That Council approve of the new Territorial Acknowledgement Policy 10350-33.**



## AMHERST TOWN COUNCIL

RFD# 2023075

Date: May 23, 2023

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Natalie LeBlanc, Municipal Clerk

**DATE:** May 23, 2023

**SUBJECT:** Territorial Acknowledgement Policy

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**ORIGIN:** Policy and Bylaw Review

**RECOMMENDATION:** That Council approve the new Territorial Acknowledgement Policy 10350-33.

**BACKGROUND:** In January 2019 Council passed a motion to add a Territorial Acknowledgement to the Council agenda template immediately following the Call to Order. In June of 2022, the Inclusion, Diversity and Equity Committee reviewed the Territorial Acknowledgement being used and recommended changes to it, and in addition, that it be included on the agenda for all Town of Amherst Committees. The Proceedings of Council Policy was reviewed and the Territorial Acknowledgement was added to the Committee of the Whole agenda. It has also been added to all other Town of Amherst committee agenda templates.

**DISCUSSION:** While reviewing the Proceedings of Council Policy, and creating the new Council Committees Policy, staff felt it may be appropriate to draft a new policy that addresses when and how the territorial acknowledgement is used, such as at all Town of Amherst Committee meetings and events where the public is formally addressed. It also includes the wording of the acknowledgement to be used. Staff feel such a policy will provide a more meaningful process for the use of the territorial acknowledgement.

**FINANCIAL IMPLICATIONS:** There are no financial implications to this decision.

**SOCIAL JUSTICE IMPLICATIONS:** Approving this policy shows the continual efforts by the Town of Amherst to improve all aspects of Inclusion, Diversity and Equity in all our functions.

**ENVIRONMENTAL IMPLICATIONS:** There are no environmental implications to this decision.

**COMMUNITY ENGAGEMENT:** There has been no community engagement. If approved the policy will be placed on the Town of Amherst website.



**ALTERNATIVES:** 1) make amendments to the proposed policy, 2) do not approve of the new policy

**ATTACHMENTS:** Proposed Territorial Acknowledgement Policy 10350-33.

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Report prepared by: Natalie LeBlanc, Municipal Clerk  
Report and Financial approved by:

**TITLE:** Territorial Land Acknowledgement  
**SECTION:** Executive Office  
**POLICY NO:** 10530-33

**APPROVAL DATE:**

**CAO Signature:** \_\_\_\_\_

**PURPOSE**

This policy will provide a corporate Territorial Acknowledgement and an overview of when it should be used relative to Town of Amherst committee meetings and events.

**POLICY**

The Territorial Acknowledgement will be placed on the agenda following the Call to Order of all Town of Amherst Council and Committee meetings agendas.

The Territorial Acknowledgement will also be read at Town of Amherst events where the public is being formally addressed.

The Town of Amherst Territorial Acknowledgement will read as follows:

*“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”*

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
Clerk	Ensure policy is kept up to date and added to all Committee meeting agenda templates.
All Staff	Ensure the Territorial Acknowledgement is made at any events where the public is formally addressed.

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
New Policy	Clerk, LeBlanc	Council	

# SYNOPSIS

## Bylaw to Amend the Maintenance of Grass Bylaw D-21 Second Reading

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The maintenance of grass bylaw was enacted in 2005 and requires property owners to maintain the grass between the sidewalk and curb in front of their property. If not maintained, tall grass between the curb and sidewalk can create a public safety hazard and is not aesthetically pleasing.

Staff are not recommending any changes to the standards or penalties in the existing bylaw. The recommended changes are minor housekeeping items to help provide clarity and interpretation of the bylaw.

The new sections being added to the bylaw include the Short Title, Purpose, and Definitions.

### **MOTION:**

**That Council give second reading of the bylaw to amend the Maintenance of Grass Bylaw D-21.**

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Aaron Bourgeois, Director of Operations

**DATE:** May 23, 2023

**SUBJECT:** Maintenance of Grass Bylaw Review

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**ORIGIN:** A complete policy and bylaw review is a one of Council's strategic priorities.

**LEGISLATIVE AUTHORITY:** MGA section 47(1) states; The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

**RECOMMENDATION:** That Council give second reading of the Bylaw to Amend the Maintenance of Grass Bylaw D-21.

**BACKGROUND:** This bylaw was enacted in 2005 and requires property owners to maintain the grass between the sidewalk and curb in front of their property. Long grass between the curb and sidewalk can create public safety hazards and is not aesthetically pleasing.

**DISCUSSION:** Staff are not recommending any changes to the standards or penalties in the existing bylaw. The recommended changes are minor housekeeping items to help provide clarity and interpretation of the bylaw and for the format of the bylaw to be consistent other bylaws and policies that have recently been revised.

#### New Sections

1. SHORT TITLE

(1) This Bylaw shall be known as Bylaw Number D-21, and may be cited as the "Grass Maintenance Bylaw."

2. PURPOSE

(1) The purpose of this Bylaw is to ensure any grasses between a sidewalk and curb or the edge of the road are maintained at a reasonable height such that the height of the grass is not unsightly or pose a public safety hazard.

3. DEFINITIONS

(1) In this Bylaw:

(a) "Public Safety Hazard" means obstructions to pedestrians, cyclists and motorized vehicles and sight restrictions along sidewalks and streets.

(b) "Grass" means any lawns, grasses and or weeds.





**AMHERST TOWN COUNCIL**

**RFD# 2023082**

**Date: May 23, 2023**

**FINANCIAL IMPLICATIONS:** There are no financial implications.

**SOCIAL JUSTICE IMPLICATIONS:** There are no social justice implications.

**ENVIRONMENTAL IMPLICATIONS:** There are no environmental implications.

**COMMUNITY ENGAGEMENT:** There is no community engagement required at this time.

**ALTERNATIVES:**

Direct staff to make additional changes to the bylaw.

Do not approve the proposed amendments to the bylaw.

**ATTACHMENTS:**

Maintenance of Grass Bylaw D-21 – Existing

Maintenance of Grass Bylaw D-21 – Proposed

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Report prepared by: Aaron Bourgeois, Director of Operations

Report and Financial approved by:



## **BY-LAW TO AMEND THE MAINTENANCE OF GRASS BYLAW D-21**

The Town of Amherst Maintenance of Grass Bylaw D-21, approved by Council on March 29, 2005 is hereby amended as follows:

In Section 1, SHORT TITLE change it to read: This Bylaw shall be known as Bylaw Number D-21, and may be cited as the “Grass Maintenance Bylaw.”

Add Section 2 PURPOSE to read: The purpose of this Bylaw is to ensure any grasses between a sidewalk and curb or the edge of the road are maintained at a reasonable height such that the height of the grass is not unsightly or pose a public safety hazard.

Add Section 3 DEFINITIONS as follows:

(3) In this Bylaw:

- (a) “Public Safety Hazard” means obstructions to pedestrians, cyclists and motorized vehicles and sight restrictions along sidewalks and streets.
- (b) “Grass” means any lawns, grasses and or weeds.

Renumber subsequent paragraphs 4 and 5.

**TITLE: MAINTENANCE OF GRASS BYLAW**  
**SECTION: OPERATIONAL SERVICES**  
**BYLAW NO: D-21**

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**APPROVAL DATE:**

**CAO Signature:** \_\_\_\_\_

### **1. SHORT TITLE**

(1) This Bylaw shall be known as Bylaw Number D-21, and may be cited as the “Grass Maintenance Bylaw.”

### **2. PURPOSE**

(1) The purpose of this Bylaw is to ensure any grasses between a sidewalk and curb or the edge of the road are maintained at a reasonable height such that the height of the grass is not unsightly or pose a public safety hazard.

### **3. DEFINITIONS**

(1) In this Bylaw:

- (a) “Public Safety Hazard” means obstructions to pedestrians, cyclists and motorized vehicles and sight restrictions along sidewalks and streets.
- (b) “Grass” means any lawns, grasses and or weeds.

### **4. MAINTENANCE OF GRASS**

(1) Owners of properties with sidewalk frontage shall maintain any grass between the sidewalk and the curb or edges of the street in a closely clipped manner and to a height not greater than 6” (0.15m) and shall keep such areas in good order including raking and removal of grass as necessary.

### **5. PENALTY**

(1) Any person who commits an offence under this bylaw is liable upon summary conviction to a penalty of not less than one hundred dollars and not more than ten thousand dollars. Every day during which an offence pursuant to this bylaw occurs is a separate offence.

**TITLE: MAINTENANCE OF GRASS BYLAW**  
**SECTION: OPERATIONAL SERVICES**  
**BYLAW NO: D-21**

For Administrative Use Only

Maintenance of Grass Bylaw D-21 Adoption	
<b>First reading:</b>	
<b>Notice of Publication:</b>	
<b>Second Reading and Enactment:</b>	
<b>Final Publication:</b>	
<b>Notice to Service Nova Scotia &amp; Municipal Relations:</b>	

**VERSION LOG**

Bylaw Owner	Amendment Description	Council Approval Date
<b>Director of Operations, Bourgeois</b>	Minor housekeeping items to help provide clarity and interpretation of the bylaw and for the format of the bylaw to be consistent other bylaws and policies that have recently been revised.	

# SYNOPSIS

## Ballfield User Policy Repeal

---

This policy was originally approved by Council in 2005 and last amended in 2007. The intent of the policy is to outline which user groups are required to pay fees, in accordance with the Towns User Fee Policy, and which users are exempt from fees for use of the ballfields at Robb Complex

Upon review of the policy, staff are recommending the existing policy be repealed as any fees charged for using the fields are found in the User Fee Policy, and the other information contained in the policy can be captured in an operating procedure

**MOTION:**

**That Council repeal the Ballfield User Policy 72300-01.**

---

**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Aaron Bourgeois, Director of Operations

**DATE:** May 23, 2023

**SUBJECT:** Ballfield User Policy Review

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**ORIGIN:** A complete policy and bylaw review is a one of Council's strategic priorities.

**LEGISLATIVE AUTHORITY:** MGA sections 47 and 48 authorize council to make, amend and repeal bylaws and policies.

**RECOMMENDATION:** That Council repeal the Ballfield User Policy 72300-01.

**BACKGROUND:** This policy was originally approved by Council in 2005 and last amended in 2007. The intent of the policy is to outline which user groups are required to pay fees, in accordance with the Towns User Fee Policy, and which users are exempt from fees for use of the ballfields at Robb Complex.

**DISCUSSION:** Upon review staff are recommending the existing policy be repealed as any fees charged for using the fields are found in the User Fee Policy and the other information contained in the policy can be captured in an operating procedure. A copy of the draft Ballfield User Procedure is attached. The procedure, in general, outlines;

- Hours of Operation
- Facility opening/closing dates
- Closures and cancellations
- Booking and scheduling
- Responsibilities of the user
- Responsibilities of the Town

**FINANCIAL IMPLICATIONS:** There are no financial implications.

**SOCIAL JUSTICE IMPLICATIONS:** The ballfields at the Robb Centennial Complex, with a few exceptions, are available to all members of the community free of charge.

**ENVIRONMENTAL IMPLICATIONS:** There are no environmental implications.

**COMMUNITY ENGAGEMENT:** There is no community engagement required at this time.

**ALTERNATIVES:**

1. Do not repeal the policy.
2. Direct staff to revise the policy.

**ATTACHMENTS:** Ballfield User Policy 72300-01;





**AMHERST TOWN COUNCIL**

**RFD# 2023073**

**Date: May 23, 2023**

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Report prepared by: Aaron Bourgeois, Director of Operations  
Report and Financial approved by:



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**DEPARTMENT:** Council and All Departments

**TITLE:** **Ball Field User Policy**

Minutes reference date: 21 February 2005

1<sup>st</sup> Revision date: 27 June, 2005

2<sup>nd</sup> Revision date: May 28, 2007

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**PURPOSE:**

All ball field facilities in Amherst have been developed and maintained for the use of Amherst residents and to encourage the development of sports and recreation in our community. The Town acknowledges that the teams and leagues using these facilities make a positive contribution to our community and should be encouraged to develop and grow their organizations in the future. Council has set the following rate structure for Ball field Users.

**POLICY STATEMENT:**

**League/Team Season Fees**

There will be no annual regular season user fee charged to teams for use of Town owned fields.

**Tournaments**

Tournament fees will be charged in accordance with User Fee Policy # 03470-03.

**Charitable Rates**

Individuals, organizations or businesses requesting an exemption in fees by virtue of being a charitable organization or fundraising for a recognized charity will receive an exemption from all fees upon receipt of reasonable proof of the charitable status of their organization or the charitable organization they represent.

A **User Agreement** must be completed with adequate arrangements for payment of fees with the Town of Amherst prior to the start of the season, tournament or event. A charitable organization will satisfy the Town of their charitable status.

**Robb Ball Field #2**

Bantam Baseball and Slow pitch games are permitted on Ball Field #2 under the following local rules **with the 65 foot high netting in place:**

1. A ball hit over the nets will be an automatic out;
2. Hitting fly balls to the outfield during warm up is not permitted.

# SYNOPSIS

## Expense Reimbursement Policy Amendments

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The purpose the Expense Reimbursement policy is to safeguard the appropriate use of municipal funds through the establishment of uniform standards and procedures respecting reimbursement of expenses incurred by Council members, the CAO and Town of Amherst employees, Committee members and Commissioners in relation to Town of Amherst business.

As part of the policy review, this policy has been reviewed and the following are the more significant changes which are being recommended:

- Updating of wording to be more clear and concise.
- Updating Authorized Travel sections for the Mayor and deputy Mayor to be more clear and increase amount from \$200 to \$500.
- Changing 'Out-of-Province Travel' to 'Travel Outside of the Maritimes'. Travel outside of the Maritimes means travel outside of Nova Scotia, New Brunswick and Prince Edward Island.
- Increase Per Diem Meal Allowances to \$15 for breakfast (from \$12), \$20 for lunch (from \$17) and \$30 for supper (from \$26).

### **MOTION:**

**That Council approve of the proposed amendments to the Expense Reimbursement Policy # 3000-07.**



## AMHERST TOWN COUNCIL

RFD# 2023074

Date: May 23, 2023

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**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Sarah Wilson, Director of Finance

**DATE:** May 23, 2023

**SUBJECT:** Policy Review – Expense Reimbursement Policy

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**ORIGIN:** Policy Review.

**LEGISLATIVE AUTHORITY:** Town of Amherst Expense Reimbursement Policy, # 3000-07.

**RECOMMENDATION:** That Council approve of the proposed amendments to the Expense Reimbursement Policy # 3000-07.

**BACKGROUND:** This policy was originally adopted and approved in November 2018. Prior to this policy the Town had a Travel Policy for many, years but with amended legislation in the MGA and regulations in FRAM clarifying and tightening the rules, the Expense Reimbursement Policy was approved.

The purpose the Expense Reimbursement policy is to safeguard the appropriate use of municipal funds through the establishment of uniform standards and procedures respecting reimbursement of expenses incurred by Council members, the CAO and Town of Amherst employees, Committee members and Commissioners in relation to Town of Amherst business.

**DISCUSSION:** As part of the policy review, this policy has been reviewed and the following changes are being recommended:

- Updating of wording to be more clear and concise.
- Grouping of subsections in (6) Permitted Expenses to indicate pre-approval for all.
- Updating Authorized Travel sections (4) and (5) to be more clear and increase amount from \$200 to \$500.
- Changing 'Out-of-Province Travel' to 'Travel Outside of the Maritimes'. Travel outside of the Maritimes means travel outside of Nova Scotia, New Brunswick and Prince Edward Island.
- Additions of two new points in section (15) Limits on Reimbursement of Expenses regarding use of personal vehicle in lieu of airplane travel and not charging hotel services to room.
- Increase Per Diem Meal Allowances to \$15 for breakfast (from \$12), \$20 for lunch (from \$17) and \$30 for supper (from \$26).



**FINANCIAL IMPLICATIONS:** The financial implications relating to the changes relate only to the increase in the per diem meal allowances. The per diem meal allowance increases are not significant and can be accommodated within the existing travel expense budgets.

**COMMUNITY ENGAGEMENT:** No community engagement required.

**ENVIRONMENTAL IMPLICATIONS:** No environmental implications.

**SOCIAL JUSTICE IMPLICATIONS:** Ensures accountability and transparency for the use of tax payers dollars and the administration of the Town of Amherst.

**ALTERNATIVES:**

1. Do not accept the recommended changes and keep policy as is.
2. Make additional changes to the policy.

**ATTACHMENTS:** Expense Reimbursement Policy, # 3000-07 with changes noted in red.

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Report prepared by: Sarah Wilson, Director of Finance    Report and Financial approved by:

**TITLE:** Expense Reimbursement Policy  
**SECTION:** Corporate Services  
**POLICY NO:** 03000-07

**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**PURPOSE**

1. This policy safeguards the appropriate use of municipal funds through the establishment of uniform standards and procedures respecting reimbursement of expenses incurred by Council members, the Chief Administrative Officer (“CAO”), and Town of Amherst employees, Committee members and Commissioners in relation to Town of Amherst business.

**APPLICATION**

**SIGNING AUTHORITY:**

2. The following are the Signing Authorities for the positions referred to, and shall be responsible for administering this policy with respect to the individuals in those positions:

<b>Position</b>	<b>Signing Authority</b>
Mayor	CAO / Designate
Members of Council & CAO	Mayor / Designate
Town Employees	Director or CAO / Designate
Committee member or Commissioner	CAO / Designate

3. A Signing Authority may designate a second signing authority in their absence. The designation of a secondary signing authority shall be in writing and shall state the name and position of the designate.
4. A Signing Authority is prohibited from authorizing expenses incurred on their own behalf.

**INDIVIDUAL RESPONSIBILITIES**

5. Everyone who incurs an expense in relation to Town business is responsible for:
  - (1) Familiarizing themselves and complying with the provisions of this policy;
  - (2) By April 1 of each year signing an acknowledgment document certifying that they have reviewed this policy and sought all clarifications necessary for a complete understanding of its provisions and their responsibilities pursuant to it. Failure to sign this acknowledgement document annually will disqualify the individual from claiming expenses for reimbursement under this policy until the document has been signed for that year.
  - (3) Completing and submitting expense claims with necessary supporting documentation;
  - (4) Exercising reasonable diligence and are incurring expenses prudently and responsibly; and
  - (5) With respect to travel, cancelling reservations as required, safeguarding travel advances and funds provided, and considering alternatives to travel such as teleconferencing and videoconferencing.

**TITLE:** Expense Reimbursement Policy  
**SECTION:** Corporate Services  
**POLICY NO:** 03000-07

## PERMITTED EXPENSES

6. Subject to and in accordance with this policy, the following expenses incurred by a member of Council, the CAO or a Town employee, Committee member or Commissioner are eligible for reimbursement:
- ~~(1) Authorized travel within Nova Scotia, including transportation, accommodation and meal costs;~~
  - ~~(2) Pre-approved out-of-province travel, including transportation, accommodation and meal costs;~~
  - ~~(3) Approved training or continuing education costs.~~
  - (4) Pre-approved travel including transportation, accommodation, meal costs and training or continuing education costs.

## AUTHORIZED TRAVEL

7. Council members shall be reimbursed for the reasonable expenses incurred in attending:
- (1) Conferences and professional development authorized by Policy 10350-26 Council Conference Attendance and Professional Development;
  - (2) Meetings or conferences at which the Council member's attendance is authorized or requested by Council;
  - (3) A meeting of any Board, Commission, Committee or other organization to which the Council member has been appointed by Council, except that no reimbursement shall be provided by the Town if the Council member is entitled to reimbursement of expenses directly from the applicable organization;
  - ~~(4) In the case of the Mayor and Deputy Mayor or Designate, attendance at functions, meetings or conferences involving less than \$200 in reimbursable expenses in respect of which one or more municipal representatives has been invited or requested or would otherwise reasonably be expected to attend, unless Council has specifically directed the Mayor or Deputy Mayor or Designate not to attend;~~  
If the Mayor or Deputy Mayor are invited to attend a function, meeting or conference on behalf of the Town, and if reimbursable expenses are less than \$500, pre-approval by Council will not be required.
  - ~~(5) In the case of a Councillor, attendance on behalf of the Town at a function identified in the previous subsection of this policy, involving less than \$200 in reimbursable expenses provided that such attendance is either at the request of the Mayor or Deputy Mayor to attend in lieu of the Mayor or Deputy Mayor; and~~  
If a Council member attends a function, meeting or conference on behalf of the Town, and if reimbursable expenses are less than \$500, pre-approval of Council will not be required if:
    - a) At the request of the Mayor or Deputy Mayor to attend on their behalf;
    - b) At the request of the Mayor or Deputy Mayor to attend as a Council member who has a special interest in, or connection with the subject of the meeting or conference or because of special knowledge and experience of the Council member relative to the subject of the meeting or conference; and

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<b>TITLE:</b>	<b>Expense Reimbursement Policy</b>
<b>SECTION:</b>	<b>Corporate Services</b>
<b>POLICY NO:</b>	<b>03000-07</b>

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- (6) A training or continuing education event in accordance with the provisions of this policy concerning training and education.
8. The CAO shall be reimbursed for the reasonable expenses pursuant to the CAO's employment contract.
9. An employee of the Town of Amherst, Committee member or Commissioner shall be reimbursed for the reasonable expenses, if pre-approved, incurred:
- (a) In the carrying out of the duties and responsibilities associated with their employment and duly authorized by the Director and/or CAO on the Prior Approval Form;
  - (b) For meetings, conferences, or professional development events at which the attendance of the employee, Committee member or Commissioner is authorized or is requested by the CAO;
  - (c) For attendance at a meeting of any Board, Commission, Committee or other organization to which the employee has been appointed, except that no reimbursement shall be provided by the Town of Amherst if the employee, Committee member or Commissioner is entitled to reimbursement of expenses directly from the applicable organization; and
  - (d) At a training or continuing education event in accordance with the provisions of this policy concerning training or education.

### **TRAVEL OUTSIDE OF THE MARITIMES ~~OUT-OF-PROVINCE TRAVEL~~**

**Travel Outside of the Maritimes means travel outside of Nova Scotia, New Brunswick and Prince Edward Island.**

10. All requests for **travel outside of the Maritimes ~~out-of-province travel~~** shall be made in writing and shall contain the following information:
- (a) The purpose and duration of the trip;
  - (b) The location(s) to be visited;
  - (c) The dates and times of arrival and departure;
  - (d) Any pre-paid transportation, meals, or accommodation; and
  - (e) Any other anticipated expenses.
11. All requests for **travel outside of the Maritimes ~~out-of-province travel~~** by Council members shall be reviewed by the CAO, Mayor or Designate who shall consider the necessity of travel based on the information provided.
12. All **travel outside of the Maritimes ~~out-of-province travel~~** by the CAO, other than that pursuant to the employment contract, shall be reviewed by the Mayor or Designate who shall follow the same guidelines established for Council members.

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**TITLE:** Expense Reimbursement Policy  
**SECTION:** Corporate Services  
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13. If a request for ~~travel outside of the Maritimes out-of-province travel~~ is approved, and the Claimant (not Town of Amherst) pays all or some of the expenses for the travel, the Claimant will be eligible for reimbursement of those expenses after submitting an expense claim in accordance with this policy.
14. All requests for ~~travel outside of the Maritimes out-of-province travel~~ by Town of Amherst employees, Committee members or Commissioners shall be reviewed by the CAO, who shall follow the same guidelines established for Council members.

#### LIMITS ON REIMBURSEMENT OF EXPENSES

15. Notwithstanding any other provision of the policy, the following limits shall apply to the reimbursement of expenses:
- (1) Subject to payment of per diem, a claimant shall only be reimbursed for costs that they have incurred;
  - (2) The expenses of a Council member for political activity associated with election or re-election is not reimbursable by the Town of Amherst;
  - (3) Airplane travel shall be booked by Town of Amherst staff or shall only be reimbursed at the lowest rate which would have been available if Town of Amherst staff had booked the airfare. Reasonable costs for airport improvement or similar fees and luggage shall be reimbursed at actual costs.
  - (4) Accommodation costs shall be reimbursed at actual costs. Government rates should be obtained whenever possible. Hotel upgrades shall be at the personal expense of the Claimant unless there are ergonomic necessities attributable to physical requirements included, but not limited to, wheel chair accessibility;
  - (5) Reimbursement for meals shall not exceed the per diem meal amounts set out in this policy, except in the case of ~~travel outside of the Maritimes out-of-province travel~~, in which event the applicable Signing Authority may authorize reimbursement of meals expenses at a comparable standard. Reimbursement for meals shall not be claimed in respect of meals that are included as part of registration fees for conferences or seminars;
  - (6) The cost of any alcoholic beverages shall not be reimbursed;
  - (7) Fees, deposits, interest and surcharges incurred on a personal credit card shall not be reimbursed;
  - (8) When personal and Town of Amherst travel is combined, only documented expenses directly related to the Town of Amherst portion are reimbursable. Extended travel time and related expenses are at the traveler's own expense;
  - (9) Reimbursement shall not be provided for loss of personal effects; for medical and hospital treatment; for purchase of luggage, clothing and other personal equipment; or for personal services such as shoe shines, valet services, dry-cleaning, laundry, haircuts and other personal services;
  - (10) There shall be no reimbursement of travel and related expense for individuals other than a Council member, the CAO, or an employee, Committee member or Commissioner of the Town of Amherst;

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- (11) There shall be no reimbursement for travel by a Council member within the Town of Amherst because such travel is deemed to be included in the monthly vehicle allowance.
- (12) If a personal vehicle is used in lieu of airplane travel, reimbursement will be based on the lesser of the lowest airfare rate which would have been available had the flight been booked by Town of Amherst staff or the kilometrage reimbursement.
- (13) Hotel services including room service and video rentals shall not be charged to the room.

### TRAVEL ADVANCES

16. Advances are not routinely approved. The following limits shall apply to the use of advances:

- (1) All advances must be approved by the CAO;
- (2) Advances will only be issued where an overnight stay is required;
- (3) Advances will not be made for less than \$200;
- (4) The CAO must not approve an advance unless the CAO is satisfied that there is a reasonable need for the advance;
- (5) Upon completion of the travel for which an advance has been made, the recipient must complete an expense claim in relation to the travel costs that reconciles the amount of the advance with the actual reimbursable expenses incurred. The recipient must repay any part of the advance owing to the Town of Amherst within 10 days of completing the travel.

### USE OF TOWN OF AMHERST CREDIT CARDS

17. Town of Amherst credit cards, in respect of travel expenses, shall only be used for parking, accommodations, airfare, vehicle rentals and event registration fees. Town of Amherst credit cards shall not be used for tolls or per diem meal allowances.

### PER DIEM MEAL ALLOWANCES

- 18. For each day or part day when overnight accommodation forms part of an authorized expense, the Claimant shall be paid a meal allowance for each meal for which the Claimant is required to pay, in the amounts authorized ~~from time to time~~ as per diem meal allowances ~~by the Province of Nova Scotia OR~~ in the amount of ~~\$15~~ \$12 for breakfast, ~~\$20~~ \$17 for lunch, and ~~\$30~~ \$26 for supper. This allowance includes gratuities and taxes.
- 19. Claimants whose religious beliefs or medical requirements prohibit them from consuming certain foods should be aware the appropriate meals can normally be obtained from caterers, provided that adequate notice of a special requirement is given. Should special dietary requirements negate the ability to participate in a meal that is provided free of cost, and as a result the Claimant must pay for a meal, they shall be paid a meal allowance for that meal.

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## KILOMETRAGE

20. The kilometrage allowance reimbursed for Claimants using personal vehicles for authorized travel shall be at the rate stipulated from time to time by the Province of Nova Scotia as the maximum kilometrage rate for its employees.
21. Where several Council members, the CAO, and/or employees, Committee members or Commissioners of the Town of Amherst, or any combination thereof, attend the same meeting, conference, or function, each shall make reasonable efforts to share a vehicle.

## VEHICLE RENTALS

22. The cost of rental of a vehicle shall be a reimbursable expense in instances where:
- (1) Reasonable ground transportation services such as public transit, taxis or hotel shuttles are unavailable; or
  - (2) Two or more Council members, the CAO, and/or employees, Committee members or Commissioners of the Town of Amherst or any combination thereof, are traveling together, and it is more economical than the combined cost of other reasonable ground transportation.
23. Compact, economical vehicles must be used unless three or more persons are travelling together, the bulk or weight of goods being transported necessitates a larger vehicle or a compact, economical vehicle is unavailable.
24. For the protection of the Claimant and the Town of Amherst, Claimants must ensure that adequate insurance (collision, comprehensive and third-party liability insurance) is in place for all drivers by either renting the vehicle using a personal credit card with an insurance option, or by purchasing a policy from the rental agency. The applicable deductible must be the lowest available given the coverage described above.

## EXPENSE CLAIMS

25. Expense claims must be submitted on the form provided ~~from time to time~~ by the Town of Amherst and shall be signed by the Claimant.
26. The business reason for each expense must be submitted with all expense claims and a detailed itemized receipt is required for all expense claims except:
- (1) Claims for per diem meal allowances;
  - (2) Tolls and parking ~~under \$10 only~~; and
  - (3) Claims for personal vehicle kilometrage for authorized travel.

**TITLE:** Expense Reimbursement Policy  
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27. If no receipt is available, a written attestation signed by the Claimant must be submitted to explain why the receipt is unavailable, and a description itemizing and confirming the expenses must be provided. Debit or credit card transaction records are not acceptable as receipts.
28. Expenses incurred by one individual on behalf of another must be attributed to the individual for whom those expenses were incurred.
29. No expense claim shall be paid unless the claim is first approved for payment by the Signing Authority who has authority to approve the claim. Before approving an expense claim, a Signing Authority must ensure that:
  - (1) The claim is consistent with policy;
  - (2) The expenses claimed were necessarily incurred in the performance of municipal business;
  - (3) Appropriate receipts are provided to support the claim, and the claim documentation is appropriately filed; and
  - (4) The expenses claimed have appropriate justification.
30. In considering an expense claim for payment, a Signing Authority may request additional explanations, documentation or justification from the Claimant, and may refuse to approve any claim or expense that the Signing Authority decides is unreasonable or not in compliance with this policy.
31. The use of petty cash to pay an expense claim is prohibited.

#### **TIMEFRAME**

32. A claim for reimbursement of an expense shall be submitted for approval within thirty (30) days of the expense being incurred.
33. Expenses must be submitted and charged to the year in which they occurred. Expenses cannot be carried forward to future years.

#### **FRAUD, MISUSE OR MISAPPROPRIATION OF MUNICIPAL FUNDS**

34. Fraudulent irregularity, misuse or misappropriation of Town of Amherst funds may result in disciplinary action up to and including termination of employment.
35. Suspicious activity and potential misuse of funds must be reported immediately to the CAO. If such activity relates to the CAO it must be reported immediately to the Mayor.

**TITLE:** Expense Reimbursement Policy  
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## REPORTING REQUIREMENTS

36. Pursuant to section 65D of the *Municipal Government Act*, the CAO shall ensure that the Municipality does the following:

- (1) within 90 days of the end of each fiscal quarter, prepares and posts an expense report on the Town of Amherst website for the Mayor, CAO (including an employee of the Town of Amherst delegated any of the responsibilities or powers of the CAO pursuant to subsection 29(b) of the *Municipal Government Act*) and each member of Council on their expenses regarding the following:
  - a. Travel and travel related expenses, including transportation, accommodation and incidentals;
  - b. Meals; and
  - c. Training and education.
  
- (2) On a monthly basis, posts the expense reports of each reportable individual on the Town of Amherst website on their expenses regarding the following:
  - a. Travel and travel related expenses, including transportation, accommodation and incidentals;
  - b. Meals; and
  - c. Training and education.

## REVIEW REQUIREMENTS

37. The Town of Amherst Audit Committee shall review the expense annual summary report, relevant to section 36, by October 31<sup>st</sup> of each year.

38. By the January 31<sup>st</sup> immediately following a regular election held under the *Municipal Elections Act*, Council shall review this policy and, following motion by Council, either re-adopt the policy or amend the policy and adopt the policy as amended.

**TITLE:** Expense Reimbursement Policy  
**SECTION:** Corporate Services  
**POLICY NO:** 03000-07

## ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Finance	Ensure policy is reviewed by January 31 <sup>st</sup> following an election year.
Accounts Payable	Ensure all Expense Reimbursements submitted are per policy.
Council, CAO, Employees, Committee Members	Ensure policy is followed when claiming expense reimbursements.

For Administrative Use Only:

## VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Policy Review updates. Amend Out of Province Travel to Travel Outside of Maritimes, updated meal per diems. Other updates for clarity.	Director of Finance	Council	

Minutes reference date:      March 25, 2019      November 26, 2018      February 24, 2020

# SYNOPSIS

## Council Conference Attendance and Professional Development Policy Amendments

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At the March 20, 2023 Committee of the Whole meeting the following motion was approved:

That staff be directed to review the Council Conference Attendance and Professional Development Policy and bring a report with recommended amendments back to Committee of the Whole at their May 2023 meeting.

Staff have reviewed this policy and are recommending some minor housekeeping amendments to the list of conferences Council may attend, as well as a change in the process for approval of conferences / educational opportunities not listed in the policy.

**MOTION:**

**That Council approve of the amendments to the Council Conference Attendance and Professional Development Policy.**

---

**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Jason MacDonald, CAO

**DATE:** May 23, 2023

**SUBJECT:** **Council Conference Attendance and Professional Development Policy 10530-33 Amendments**

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**ORIGIN:** At the March 20, 2023 Committee of the Whole meeting the following motion was approved:

That staff be directed to review the Council Conference Attendance and Professional Development Policy and bring a report with recommended amendments back to Committee of the Whole at their May 2023 meeting.

**LEGISLATIVE AUTHORITY:** MGA sections 47 and 48 authorize council to make, amend and repeal bylaws and policies

**RECOMMENDATION:** That Council approve of the amendments to the Council Conference Attendance and Professional Development Policy.

**BACKGROUND:** Following a request from an elected official for the Town to finance educational courses not included in the policy, staff were directed to review the policy and bring amendments back to Council.

**DISCUSSION:** Staff have reviewed this policy and are recommending some minor housekeeping amendments to the list of conferences in sections 1 and 3, as well as a change in the process for approval of conferences / educational opportunities not listed in the policy.

**FINANCIAL IMPLICATIONS:** The expenses related to Council conference attendance and professional development are captured each year as part of the operating budget process.

**COMMUNITY ENGAGEMENT:** No community engagement at this time; if Council approves the amendments the amended policy will be posted on the Town's website.

**ENVIRONMENTAL IMPLICATIONS:** No environmental implications to amending this policy.

**SOCIAL JUSTICE IMPLICATIONS:** No social justice implications to amending this policy.

**ALTERNATIVES:** 1. Direct staff to make other amendments. 2. Do not amend the policy.

**ATTACHMENTS:** Council Conference Attendance and Professional Development Policy  
10530-33 with amendments

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Report prepared by: Jason MacDonald, CAO  
Report and Financial approved by:

**TITLE: Council Conference Attendance and Professional Development**  
**SECTION: Executive Office**  
**POLICY NO: 10530-33**

**APPROVAL DATE:**

**CAO Signature:** \_\_\_\_\_

**PURPOSE:**

To set out policy and guidelines for effective professional development for the Mayor and members of Council to ensure proper representation at national and provincial conferences and to allow a fair and equitable schedule for participation at these conferences by the members of Council, including the Mayor. **In addition, the policy will also provide for appropriate professional development for the Mayor and members of Council.**

**POLICY STATEMENT:**

1. Staff will prepare a list of known conferences and professional development opportunities for Council, including locations, ~~in December for the following year~~ **as information becomes available**. Typically, this would include Federation of Canadian Municipalities (FCM) annual conference, ~~Union of Nova Scotia Municipalities (UNSM)~~ **Nova Scotia Federation of Municipalities (NSFM)** spring ~~conference workshop~~, **UNSM NSFM** fall conference, ~~Nova Scotia Planning Directors Association (NSPDA) conference,~~ **the Atlantic Mayors' Congress**, the Canadian Association of Police Governance (CAPG) conference, and the joint conference of the Nova Scotia Chiefs of Police Association (NSCPA) and Nova Scotia Association of Police Governance (NSAPG).
2. Members of Council will submit **conference attendance** requests to ~~the Clerk attend~~ conferences by January 15<sup>th</sup> of each year. Staff will **compare these requests to the approved attendance in Section 3 of this policy and advise Council accordingly**. ~~use the submissions to develop a draft annual conference / training plan for Council and advise Council of the existing professional development budget allotment.~~
3. To ensure adequate representation and appropriate opportunities for Mayor and members of Council to attend, the following maximum numbers will apply **and will be included in the annual operating budget**:
  - a. ~~UNSM spring workshop~~ **NSFM spring conference** –three members of Council;
  - b. ~~UNSM~~ **NSFM** fall conference – all members of Council;
  - c. FCM annual conference – three members of Council
  - d. **Atlantic Mayors' Congress** – Mayor or Deputy Mayor
  - e. ~~NSPDA conference – two of the three members of Council on the Planning Advisory Committee~~
  - f. CAPG national conference – one member of the Amherst Board of Police Commissioners, not necessarily a Council member

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**TITLE: Council Conference Attendance and Professional Development**  
**SECTION: Executive Office**  
**POLICY NO: 10530-33**

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- g. NSCPA/NSAPG fall conference – all three members of Council on the Amherst Board of Police Commissioners
4. In cases where more members of Council wish to attend an event than is permitted as per paragraph 3 above, Council shall determine which members will be authorized to attend.
5. All members of Council will be permitted to attend the ~~UNSM Spring Workshop~~ **NSFM spring conference** when it is in the Cumberland Region.
6. All members of Council will be permitted to attend the FCM Annual Conference when it is held in the Maritime Provinces.
7. Each member of Council will be provided the opportunity to attend at least one FCM conference or conference other than those listed in paragraph 3 during their four-year term as long as the content of the conference supports the strategic direction of Council, and attendance has been approved by Council.
8. The Mayor may attend one conference other than those listed in paragraph 3 per year.
9. Members of Council wishing to attend other conferences or workshops, ~~including but not limited to those permitted~~ **included** in paragraph 3, will submit the request to the ~~CAO who, together with the Mayor, will determine the appropriateness of the request and recommend approval, or not, to Council for approval who shall make the final decision.~~ **Members of Council wishing to take educational courses or other learning opportunities not listed in this policy will submit the request to Council for approval.**
10. Where budget allows, the Town will support members of Council interested in participating in the ~~UNSM~~ **NSFM** / AMA Leadership Education Modules. **Information on these modules will be provided to Council by the Clerk as it becomes available.**
11. For all members of Council attending a conference or workshop on behalf of the Town of Amherst, a brief written report describing the purpose and results achieved must be submitted to Council for information within 60 days of the date of the conference or workshop.

**TITLE: Council Conference Attendance and Professional Development**  
**SECTION: Executive Office**  
**POLICY NO: 10530-33**

## ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Clerk	Adhere to the requirements of the policy.
Mayor / Council	Approve requests for additional learning opportunities as per Section 11 of the policy.

For Administrative Use Only:

## VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
<ol style="list-style-type: none"> <li>1. Housekeeping amendments to reflect current names of current Boards.</li> <li>2. Add Section 11 to include additional learning opportunities.</li> </ol>	Clerk, LeBlanc	Council	

Minutes reference date: 24 April 2017

# SYNOPSIS

## Bylaw to Amend the Fires and Burning of Materials Bylaw First Reading

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The current Fires and Burning of Materials Bylaw was adopted by Council in 2020. The intent of this bylaw was to establish requirements around the ignition, setting fire to or burning of any materials, articles or substances, out of doors, within the limits of the Town of Amherst.

During the review of this bylaw, it was determined that the requirement for a “Recreational outdoor burning appliance” to be CSA (Canadian Standards Association) or ULC (Underwriters’ Laboratories of Canada) approved should be removed. In addition, changes correct a few spelling errors within the bylaw.

By removing the CSA & ULC requirement it will provide Town of Amherst residents with the ability to use any appliance that is designed to contain a small fire for recreational and entertainment purposes, that is equipped with a spark arrester which includes an outdoor fireplace, an outdoor dome fireplace, or fire pit. This does not include an appliance that is designed or used to provide heat to a building.

### **MOTION:**

**That Council give first reading of the bylaw to amend the Fires and Burning of Materials Bylaw C-7.**

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Greg Jones, Director of Fire Services

**DATE:** May 23, 2023

**SUBJECT:** Fires and Burning of Materials Bylaw C-7 Amendments

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**ORIGIN:** 2023 Town of Amherst bylaw review

**LEGISLATIVE AUTHORITY:** MGA sections 47 and 48 authorize council to make, amend and repeal bylaws and policies.

**RECOMMENDATION:** That Council give first reading of the Bylaw to Amend the Fires and Burning of Materials Bylaw C-7.

**BACKGROUND:** The current bylaw was adopted by Council in 2020. The intent of this bylaw was to establish requirements around the ignition, setting fire to or burning any materials, articles or substances, out of doors, within the limits of the Town of Amherst.

**DISCUSSION:** During the review of this bylaw, it was determined that the requirement for a “Recreational outdoor burning appliance” to be CSA (Canadian Standards Association) or ULC (Underwriters’ Laboratories of Canada) approved should be removed. In addition, this change corrects a few spelling errors within the bylaw.

By removing the CSA & ULC requirement it will provide Town of Amherst residents with the ability to use any appliance that is designed to contain a small fire for recreational and entertainment purposes, that is equipped with a spark arrester which includes an outdoor fireplace, an outdoor dome fireplace, or fire pit. This does not include an appliance that is designed or used to provide heat to a building.

**FINANCIAL IMPLICATIONS:** Approving the proposed amendments will have no financial implications on the Town of Amherst.

**SOCIAL JUSTICE IMPLICATIONS:** Approving the proposed amendments will have no social justice implications for the Town of Amherst.

**ENVIRONMENTAL IMPLICATIONS:** With the approval of these bylaw amendments there is potential for environmental implications, as it relates to the products of combustion.



## AMHERST TOWN COUNCIL

RFD# 2023078

Date: May 23, 2023

**COMMUNITY ENGAGEMENT:** None at this time. If Council gives First Reading, Notice of Intent will appear in a local paper prior to Second Reading.

**ALTERNATIVES:** Council may choose to:

1. Accept the recommended changes and proceed with 1<sup>st</sup> reading of this bylaw
2. Provide further direction to staff
3. Reject these recommended changes

**ATTACHMENTS:**

1. Proposed changes to the Fires and Burning of Materials Bylaw C-7

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Report prepared by: Greg Jones, Director of Fire Services  
Report and Financial approved d Financial approved by:



**BY-LAW TO AMEND THE FIRES AND BURNING OF MATERIALS  
BYLAW C-7**

The Town of Amherst Fires and Burning of Materials Bylaw, C-7, approved by Council on July 10, 2020 is hereby amended as follows:

Under the definition of “**Recreational outdoor burning appliance**” remove the words: approved by CSA(Canadian Standards Association) or ULC (Underwriters’ Laboratories of Canada) and is

Under Section 3, the second paragraph, change the word manufactures to manufacturers to correct a grammatical error in the bylaw.

**TITLE:** FIRES AND BURNING OF MATERIALS BYLAW  
**SECTION:** PROTECTIVE SERVICES  
**BYLAW:** C-7

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**APPROVAL DATE:** \_\_\_\_\_

**CAO Signature:** \_\_\_\_\_

1. SHORT TITLE

This By-Law shall be known as the Fires and Burning By-Law.

2. DEFINITIONS

In this By-Law,

“**owner**” has the same meaning as in the Municipal Government Act;

“**Recreational outdoor burning appliance**” means an appliance that is ~~approved by GSA (Canadian Standards Association) or ULC (Underwriters’ Laboratories of Canada)~~ and is designed to contain a small fire for recreation and entertainment purposes, equipped with a spark arrester and includes an outdoor fireplace, an outdoor dome fireplace, or fire pit. This does not include an appliance that is designed or used to provide heat to a building.

3. FIRES AND BURNING OF MATERIALS

No person shall light, ignite, start, allow or cause to be lit, ignited or started, or add fuel to, or otherwise permit or encourage to burn, a fire of any kind whatsoever in the open air, except as permitted by this bylaw within the limits of the Town of Amherst. For greater clarity, the burning of materials, articles or substances in any container outside a building shall be considered burning outdoors. This means any place on a property that is not a building. A structure used mainly for the purpose of containing a burning facility or housing a vessel used for burning of materials or substances, does not qualify as a building. No person shall burn rubber tires, oil, plastic, petroleum products or domestic waste, such as leaf and yard waste including grass and grass clippings, twigs, and house and garden plants; and construction or demolition material, including saw dust, wood shavings, planking, siding, wood beams, plastic and rubber.

Only recreational outdoor burning appliances may be used throughout the Town of Amherst without permit as long as they meet the requirements of this bylaw. Further, the user of these types of appliances shall ensure that the ~~manufactures~~ **manufacturers** operating instructions for these appliances are followed and a copy is retained and readily available upon request. In the case where the ~~manufactures~~ **manufacturers** operating instructions are stricter than the requirements of defined in this bylaw, then the position and operation of the appliance shall comply with the manufacturer’s instructions, followed by the remaining requirements of this bylaw.

**TITLE:** FIRES AND BURNING OF MATERIALS BYLAW  
**SECTION:** PROTECTIVE SERVICES  
**BYLAW:** C-7

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#### 4. PERSON IN CHARGE OF THE FIRE

There shall be a person designated as being charge of the fire. This person shall be the owner of the property upon which the burning is taking place, or a person who has the owner consents to conduct the burning. The person in charge shall ensure that:

a. They are at least the age of nineteen (19) years of age or older and shall have the ability to act quickly without delay if an issue or incident occurs in relation to the fire, and has the means to call 911 from the site, without delay. Shall be present at all times while the fire is burning or smoldering embers are completely extinguished prior to leaving the site after burning is completed;

b. They are present at all times while the fire is burning or smoldering embers are completely extinguished prior to leaving the site after burning is completed;

c. They are equipped with tools or equipment to contain an outdoor fire (which may include brooms, rakes, back tanks, shovels and an extinguisher or garden hose) shall be available on the property within a reasonable distance from where the fire is located, that has an adequate water supply;

d. The operating instructions that came with the recreational outdoor burning appliance shall be retained and readily available upon request. In addition, in the cause where the operating instructions from the manufacture are stricter than the requirements of in this Bylaw, then the position and operation of the appliance must comply with those operating instructions;

e. Where the recreational outdoor burning appliance burns wood instead of natural gas or propane:

- it shall have a spark arrestor or mesh screen used to contain any sparks or blowing debris, that has no openings larger than 9.65 mm (3/8"). A spark arrestor is a device fitted to a recreational outdoor burning appliance to prevent the release of sparks into the atmosphere or surrounding area;
- In the case of using wood, you shall ensure that only clean, dry, untreated wood or charcoal is burned. This means wood that has not been chemically treated, stained or painted, and has been stored in a manner to deter dampness;
- The fire shall not exceed 60 centimeters in width at the largest point and not piled higher than 45 centimeters in height; and shall not create an unreasonable interference with a neighboring property owner's enjoyment of his or her property;

f. Where the recreational outdoor burning appliance burns natural gas or propane it shall not have combustible products added to it while in operation.

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**TITLE:** FIRES AND BURNING OF MATERIALS BYLAW  
**SECTION:** PROTECTIVE SERVICES  
**BYLAW:** C-7

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g. Recreational outdoor burning appliances shall not be placed on wooden decks or combustible surfaces or under or near a combustible structure; and that only one recreational outdoor burning appliance is used on a property at a time;

h. Burning does not take place within 4.75 metres (15 feet) of any dwelling, accessory building, flammable structure, combustible material or property line;

i. No fire is to be ignited or remain active when the wind speed is in excess of 25 km per hour as reported on the Environment Canada Website for Amherst, Nova Scotia;

j. Shall ensure that no fires are ignited when a “non-burn day – Burning is not permitted” indicator is issued for the Cumberland region, by the Nova Scotia department of Lands & Forestry, between the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the Forest Fire Protection Regulations.

#### 5. SPECIAL BURNING PERMIT

In addition, to the requirements and allowances defined in this bylaw there may be a situation where the burning of materials is not defined within this bylaw. In these cases, an application for special burning permit shall be requested by making application to the Fire Chief.

The Fire Chief may issue a special burning permit to an applicant and may prescribe additional requirements within the permit. The Fire Chief, in issuing a permit may specify conditions upon which the permit is granted.

The Fire Chief, in considering an application for a permit may refuse to issue a permit if the Fire Chief is not satisfied that the proposed burning complies with the other provisions of this Bylaw or if the Fire Chief is not satisfied that the proposed burning could be carried out safely. The Fire Chief may revoke a permit issued under this bylaw at any time.

#### 6. AUTHORITY

The Fire Chief or anyone who is directed by the Town of Amherst to enforce this bylaw shall have control over the prevention and suppression of fires governed by this bylaw; and may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this Bylaw.

Where it is determined that a fire poses a fire hazard to persons or property, or where there is a failure to meet the requirements of this bylaw, they shall have the authority to extinguish or order extinguished any fire which poses a health or safety hazard to persons or property,

**TITLE:** FIRES AND BURNING OF MATERIALS BYLAW  
**SECTION:** PROTECTIVE SERVICES  
**BYLAW:** C-7

or in their opinion that the fire causing a nuisance; or does not comply with the provisions of this Bylaw.

**7. PENALTY**

Any person who violates or contravenes any of the provisions of this bylaw shall, upon conviction thereof, be subject on summary conviction to a fine of not less than one hundred dollars and not more than ten thousand dollars, in accordance with section 505(2) of the Municipal Government Act.

A fine can be applied on an individual by anyone who is directed by the Town of Amherst to enforce this bylaw as follows:

- a. First offence: \$250.00
- b. Second offence: \$500.00
- c. Third offence: \$1,000.00
- d. Fourth offence: \$1,500.00

**8. EXCEPTION**

This By-Law shall not apply to persons acting directly under the authority of the Fire Chief of the Amherst fire department in the performance of their duties.

**9. REPEAL**

All Fires and Burning of Materials Bylaws of the Town now in force are hereby repealed and this by-law substituted therefor.

For Administrative Use Only

Fires and Burning of Materials Bylaw C-7 Adoption	
<b>First reading:</b>	
<b>Notice of Publication:</b>	
<b>Second Reading:</b>	
<b>Notice of Publication and Effective Date of Bylaw:</b>	
<b>Notice to Service Nova Scotia &amp; Municipal Relations:</b>	

**VERSION LOG**

**TITLE:** FIRES AND BURNING OF MATERIALS BYLAW  
**SECTION:** PROTECTIVE SERVICES  
**BYLAW:** C-7

Bylaw Owner	Amendment Description	Council Approval Date
<b>Director of Fire Services, Jones</b>	The Fires and Burning of Materials Bylaw as approved on July 10, 2020 and all amendments thereto are hereby repealed.	July 10, 2020

# SYNOPSIS

## Bylaw to Amend the Taxi Bylaw

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The primary purpose of the Amherst Taxi By-law is to provide a measure of confidence that local taxis are operated in a safe manner, utilizing safe vehicles and adhering to a set of safety standards.

It has been recognized that this particular by-law is due for review changes, especially in areas that affect enforcement and reporting and also in general content. Without strong and clear language in the by-law, the regulation of taxis and licenses can be difficult.

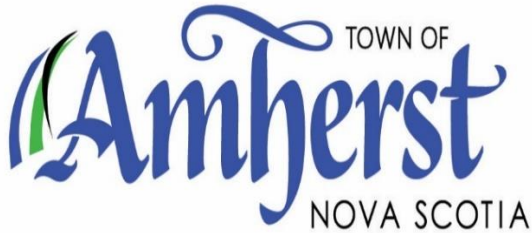
The Town of Amherst By-Law prohibits the operation of an unlicensed taxi or an unlicensed driver within town limits and addresses those taxis that are operating 'in' town. Changes need to be made so that activities relating to 'soliciting' by taxis is clearly defined so it is clear that drivers/taxis are not permitted to wait at any location in town for purposes of soliciting unless they have a driver's license issued under the bylaw.

There are several other revisions being recommended to the current by-law. These will ensure that our ability to enforce the by-law is increased and provide additional clarity when interpreting the bylaw.

These changes will also assist with enforcement issues and ensuring that taxi services in the town are safe and trustworthy. Once the recommended changes are in effect, educational sessions/presentations with Amherst Police Department members and staff will take place to ensure that consistent and regular enforcement is conducted.

### **MOTION:**

**That Council give First Reading of the bylaw to amend to the Taxi Bylaw C-9.**



**AMHERST TOWN COUNCIL**

**RFD# 2023081**

**DATE: May 23, 2023**

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Dwayne Pike, Chief of Police

**DATE:** May 23, 2023

**SUBJECT:** Taxi Bylaw Review

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**ORIGIN:** Bylaw Review Policy

**LEGISLATIVE AUTHORITY:** MGA Sections 47 and 48 authorize council to make, amend and repeal by-laws and policies.

**RECOMMENDATION:** That Council give First Reading of the Bylaw to Amend the Taxi Bylaw C-9.

**BACKGROUND:** Staff are completing a review of all Town of Amherst Bylaws and Policies to ensure they are relevant and updated appropriately. Every document is to be reviewed on a 4-year cycle. The Taxi By-Law was reviewed as a result of this initiative and because it was recognized that changes are required

**DISCUSSION:** The current Town of Amherst Taxi By-Law was adopted in November 2013. In December of 2014 it was amended and has been unchanged since that time. The primary purpose of the by-law is to provide a measure of confidence that local taxis are operated in a safe manner, utilizing safe vehicles and adhering to a set of safety standards. It also includes the requirement of reviewing and requiring drivers' abstracts and criminal record checks prior to the approval of a license to mitigate public safety concerns.

It has been recognized that this particular by-law is due for review changes, especially in areas that affect enforcement and reporting and also in general content. Without strong and clear language in the by-law, the regulation of taxis and licenses can be difficult. Taxi services will often will cross jurisdictional lines (both municipal and provincially) and before we can apply the by-law, we need to prove jurisdiction. Just because a taxi is within town limits, we cannot automatically assume that the by-law has jurisdiction. As a

result, some changes are required to ensure that certain activities are well-defined so that infractions can be addressed by our municipal Taxi By-Law. We will also be changing the resources that have been traditionally assigned to this issue.

The Town of Amherst By-Law foundationally prohibits the operation of an unlicensed taxi or an unlicensed driver (under the by-law) within town limits. Taxis that are coming into town to drop people off or to pick people up to take them outside of the town cannot be addressed under the by-law and by nature of the business. We can only address those taxis that are operating 'in' town. Changes need to be made so that activities relating to 'soliciting' by taxis is clearly defined. Staff are recommending the addition of new language in relation to 'soliciting the transportation for hire':

14. *Any person in control of a vehicle*

- a. *Which displays taxi roof signage which is not covered by opaque material*
- b. *Which is not transporting a passenger for hire; and*
- c. *Which is on any highway, street, road, lane, alley, taxi stand or at any other public place within the town, or who is found waiting with any such motor vehicle at any location within the town*

***Shall be deemed to be soliciting the transportation of passengers for hire within the town and deemed to be operating the vehicle as a taxi or a limousine for the purposes of this by-law***

This section strengthens the previous wording, making it clear that drivers/taxis are not permitted to wait at any location in town for purposes of soliciting unless they have a driver's license issued under the bylaw.

There are several other revisions being recommended to the current by-law. These will ensure that our ability to enforce the by-law is increased and provide additional clarity when interpreting:

1. Definition for "Local Shuttle Service" which was taken from the Cape Breton By-law. This helps to differentiate between taxis and 'courtesy' services provided by some local business such as car dealerships;
2. Changing the by-law so that the 'registrar' is appointed by the *Taxi Authority* as opposed to the CAO. Years ago, these duties used to be performed by Town Hall staff in the past have been moved to the police department and are now assigned to the By-Law Officer;
3. Requirement for an annual report to council that includes details concerning approved drivers, vehicles and other information;
4. Requirement that vehicle inspections carried out at least twice a year, using a checklist created from sections in the by-law that speak of standards and requirements;
5. Owners' licenses and Drivers licenses under the Amherst By-law to be displayed in the car so passengers can see this information;

6. Vehicle requirements must not only be met, but also must be maintained to keep an owner's license;
7. Added a section under "false statements" that included making a false statement in a *hearing pursuant to this by-law* which give the authority to refuse or revoke a license and make them ineligible for a license for 5 years.

Sections 20 and 21 of the By-law have also been amended only in a way to reorganization the text of them to better clarify these sections, with (b) and (c) of section 32 also being removed as they were redundant.

These changes will assist with enforcement issues and ensuring that taxi services in the town are safe and trustworthy. Should Council decide to make the recommended changes, educational sessions/presentations with the APD members and staff will take place to ensure that consistent and regular enforcement is conducted.

**FINANCIAL IMPLICATIONS:** There are no financial implications.

**SOCIAL JUSTICE IMPLICATIONS:** There are no social justice implications decision.

**ENVIRONMENTAL IMPLICATIONS:** No environmental implications.

**COMMUNITY ENGAGEMENT:** Should Council give first reading to the amendments, a Notice of Intent to give second reading will appear in the Cumberland Wire. Correspondence for Amherst Taxi Companies (both owners and drivers) will be prepared, providing an outline of the by-law and the responsibilities, requirements, procedures and penalty sections. This would be sent to all companies operating in the area to ensure that they, and their drivers, have a complete understanding of the requirements on them as per the by-law. Staff can also meet with anyone who requires additional information or has additional questions.

**ALTERNATIVES:**

1. Direct staff to do a further review or make specific changes to this by-law
2. Do not make changes the current Taxi By-Law

**ATTACHMENTS:**

1. Town of Amherst Taxi By-Law Draft;
  2. Bylaw to Amend the Taxi Bylaw
  3. Proposed vehicle inspection checklist
  4. Owner's license template and Taxi drivers license template
  5. Current Taxi By-law
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Report prepared by: Dwayne Pike, Chief of Police  
Report and Financial approved by:

## **BY-LAW TO AMEND THE BYLAW RESPECTING THE REGULATION OF THE TRANSPORTING OF PASSENGERS (TAXI BYLAW) C-9**

The Town of Amherst Bylaw Respecting the Regulation of the Transporting of Passengers for Hire (Taxi Bylaw) C-9, approved by Council on November 25, 2013 and amended December 23, 2014 is hereby amended as follows:

Under Section 2 add:

(d) **Local Shuttle Service** means a van, limo or bus used to transport individuals or organizational groups of people collected at a given point and dropped off at pre-determined destinations within the town of Amherst. If a fee is charged to the individual being transported, then the owner and the driver shall require a license under this by-law, otherwise the service will be a courtesy service.

and change subsection (g) “approved by CAO” to “approved by Taxi Authority” and re-letter the remaining subsections accordingly.

Under Section 4 add the following to the end of subsection (a)

This will include an annual written report that includes the following information:

- i. The number of taxi owners/operators;
- ii. The number of drivers employed by each owner/operator;
- iii. The number of vehicles utilized as taxis by each taxi company;
- iv. The number of taxi licenses assigned to each owner/operator;
- v. The number of bylaw infractions per owner/operator;
- vi. The number of infractions under the Motor Vehicle Act per owner/operator;
- vii. The number of Motor Vehicle Act infractions per driver;
- viii. The number of vehicle inspections carried out annually;
- ix. The number of vehicles in use that are in excess of 3 years old;

and add the following words to subsection (d) “at minimum twice a year, as per a bylaw checklist” so that it now reads “Carry out periodic inspections at minimum twice a year, as per a bylaw checklist and without notice, of vehicles licenced under this by-law;”

Under Section 9 add the following words to the end of subsection (a) “conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle.”

Under Section 11 add “and maintain” so the paragraph reads “In addition to the requirements of Section 9 of this by-law, each applicant, in order to receive and maintain an owner’s license, must establish that the vehicle meets the following requirements:”

and in subsection vi. add the word “may” so this section reads “In addition to the roof sign requirements the Taxi **may** also be identified with a sign affixed to the driver’s door and the passenger’s door, and such sign:

Under Section 14 add “(b) Wait at any location in the Town, whether in a public place or a private place, in the control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire;”

and re-letter subsection (b) to become (c).

Add a new Section 15 to read:

“Any person in control of a vehicle

- a. Which displays taxi roof signage which is not covered by opaque material
- b. Which is not transporting a passenger for hire; and
- c. Which is on any highway, street, road, lane, alley, taxi stand or at any other public place within the town, or who is found waiting with any such motor vehicle at any location within the town

Shall be deemed to be soliciting the transportation of passengers for hire within the town and deemed to be operating the vehicle as a taxi or a limousine for the purposes of this by-law.”

And renumber the remaining sections of the bylaw accordingly.

Under the now Section 20 add the following words to the end of the introductory paragraph “, in the opinion of the Taxi Authority, the license holder may be a danger to passengers or others if they possess a license.”

And remove subsections (a) through (i) from this section.

Under the now Section 21 remove the words “(g) of this” and add Section 20 so it now reads “In making a determination under Section 20, the Taxi Authority shall consider any credible and relevant information as to whether the applicant:”

And further add the following subsections to the beginning of Section 21:

- a. Contravenes this by-law;
- b. Has been convicted of an offence against vulnerable persons, a sexual offence, illegal sale or possession of drugs, a violent offence or a breach of trust.
- c. Is either charged or convicted pursuant to any municipal by-law or provincial or federal legislation and in the opinion of the Taxi Authority, because of the charge or conviction it is in the public interest that the person not hold either an owner’s license or driver’s license.
- d. Has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Taxi Authority makes them unfit to possess a license.
- e. Has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction.
- f. Fails to meet the requirements of this by-law or, being an owner, their vehicle fails to meet the requirements of this bylaw;
- g. Has committed any act or acts that, in the opinion of the Taxi Authority, it is in the public interest that the person not hold either an owner’s license or driver’s license;
- h. Refuses to respond or cooperate with an investigation conducted by the Taxi Authority;

and re-letter the remaining sub sections of this section.

Under the now Section 24 add the words “or in a hearing pursuant to this bylaw” so this paragraph reads “If an applicant or holder of a license makes a false statement in a statutory declaration made pursuant to this bylaw, or in a hearing pursuant to this by-law, the Taxi Authority may:”

Under the now Section 32 remove subsections (b) and (c) and re-letter (d) and (e) to become (b) and (c).

**TITLE: BYLAW RESPECTING THE REGULATION OF THE TRANSPORTING OF PASSENGERS FOR HIRE**  
**SECTION: PROTECTIVE SERVICES**  
**BYLAW NO: C-9**

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**APPROVAL DATE:**

**CAO Signature:** \_\_\_\_\_

Be it enacted by the Council of the Town of Amherst, under the authority of Section 305 of Chapter 293 of the Revised Statutes of Nova Scotia, 1967, as amended, the Motor Vehicle Act as follows:

**SHORT TITLE**

1. This by-law shall be known as the Town of Amherst Taxi By-law

**DEFINITIONS**

2. In this by-law, unless the context of it requires:
  - a. **CAO** means the Chief Administrative Officer of the Town of Amherst
  - b. **Limousine** means:
    - i. A full-sized luxury class four or more door sedan motor vehicle having a standard seating capacity for at least five passengers excluding the driver which is used for hire for the conveyance of passengers;
    - ii. Which has carpeted floors;
    - iii. Which is not equipped with taxi roof signage;
    - iv. Which is furnished with a minimum of four of the following features:
      1. Glass partition separating the front of the rear seats;
      2. Top quality interior appointments, being either leather or plus
      3. Upholstery
      4. Power windows
      5. One-way tinted glass
      6. Television
      7. Stereo system
      8. Cellular telephone
      9. Air conditioning; and
    - v. Which is one of the following makes:
      1. Cadillac
      2. Lincoln
      3. Rolls Royce
      4. Jaguar
      5. Mercedes-Benz
      6. Bentley
      7. Royal Princess

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8. Any other vehicle approved by the Taxi Authority upon application by a prospective license as being of comparable limousine quality to the makes referred above.
- vi. But excludes vehicles operated by a public utility as defined in the Public Utilities Act or by a motor carrier required to be licensed under the Motor Carrier Act.
- c. **Limousine Driver** means the driver of a limousine as defined by the by-law
- d. **Local Shuttle Service** means a van, limo or bus used to transport individuals or organizational groups of people collected at a given point and dropped off at pre-determined destinations within the town of Amherst. If a fee is charged to the individual being transported, then the owner and the driver shall require a license under this by-law, otherwise the service will be a courtesy service.
- e. **Owner** means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee, or mortgagor shall be deemed the owner for the purpose of this by-law.
- f. **Person** means a natural person or a body corporate and includes a partnership.
- g. **Registrar** means the Taxi By-law Registration Officer as appointed by the **Taxi Authority** CAO.
- h. **Taxi Authority** means the Chief of Police of the Town of Amherst and includes any person designated by the Chief of Police as deputy or assistant or temporary Taxi Authority.
- i. **Taxi** means a vehicle used or intended to be used to carry passengers for hire other than a limousine, but excludes vehicles operated by a public utility as defined in the Public Utilities Act or by a motor carrier required to be licensed under the Motor Carrier Act.
- j. **Vehicle** has the meaning given to it under the Motor Vehicle Act and includes a Taxi or Limousine as defined under this by-law.

## CONTROL

3. Pursuant to the provisions of Section 305(1) of the Motor Vehicle Act, the Council shall have a general control, supervision and direction over all aspects of licensing and regulation pursuant to this by-law and over any inspector or any other officer acting or carrying out the overall duties of this by-law.

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## DUTIES OF TAXI AUTHORITY

4. Subject to the provisions of the Motor Vehicle Act and to the provisions of Section 3 hereof and to any specific direction from time to time given or issued by the Council, the Taxi Authority shall have supervision over persons licensed under this by-law and over vehicles to which the same applies and the following shall constitute his/her duties under this by-law:

The Taxi Authority shall:

- a. Report to Council respecting the performance of his/her duties under this by-law whenever required to by Council. **This will include an annual written report that includes the following information:**
  - i. **The number of taxi owners/operators;**
  - ii. **The number of drivers employed by each owner/operator;**
  - iii. **The number of vehicles utilized as taxis by each taxi company;**
  - iv. **The number of taxi licenses assigned to each owner/operator;**
  - v. **The number of bylaw infractions per owner/operator;**
  - vi. **The number of infractions under the Motor Vehicle Act per owner/operator;**
  - vii. **The number of Motor Vehicle Act infractions per driver;**
  - viii. **The number of vehicle inspections carried out annually;**
  - ix. **The number of vehicles in use that are in excess of 3 years old;**
- b. Make all necessary inquiries concerning applications for the licenses or transfers thereof, as may be required to secure a due observation of the law and of this by-law;
- c. Examine or cause to be examined every vehicle for which a license is requested under this bylaw;
- d. Carry out periodic inspections **at minimum twice a year, as per a bylaw checklist** and without notice, of vehicles licenced under this by-law;
- e. Issue, refuse to issue, or suspend, revoke, cancel licenses in accordance with the requirements of this by-law;
- f. Advise the Registrar of the approval of applications for all licenses issued pursuant to this by-law;
- g. Advise the Registrar when an application has been denied, and when a license has been revoked, suspended or cancelled;
- h. Ascertain by inspection, inquiry and investigation from time to time, and as often as may be required, whether persons holding licenses under this by-law continue to comply with the provisions of this by-law;

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- i. Upon completion of an investigation to decide whether or not to proceed with prosecution;
  - j. Take any other lawful steps in regards to the licensing and regulations of taxis as may be consistent with this by-law.
5. Any act, authorized or directed by this by-law to be done by the Taxi Authority may, in their absence or as circumstances require, be performed by such other officer or any official as may be designated by the Council or the CAO. The power and authority of the officer or official so designated shall be the same as that of the Taxi Authority in the particular case except where prohibited by statutory conditions to the contrary.

#### **DUTIES OF REGISTRAR**

6. Subject to the provisions of the Motor Vehicle Act and to the provisions of Section 3 hereof and to any specific direction from time to time given or issued by Council, the following shall constitute the duties of the registrar under this bylaw.  
The Registrar shall:
  - a. Maintain a register of all licenses issued, suspended, revoked, cancelled and of all applications refused under the authority of this by-law. Such registrar shall contain the name or names of the applicants, the date of the license, and shall keep such other books and records as the Council may from time to time order;
  - b. Provide and receive all applications for licenses issued pursuant to this by-law on behalf of the Taxi Authority;
  - c. Review insurance policies and confirm they meet all requirements;
  - d. Advise the Taxi Authority if any information that may require a suspension or cancellation of a license;
  - e. Shall cause to be made out, and to issue the license to the applicant, the fee as required under this by-law first having being paid;
  - f. Keep a register of all payments made in relation to applications for all licenses pursuant to this by-law;
  - g. Make available to every person receiving a license under this by-law, a copy of the bylaw and advising every such person of the availability of the by-law.

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## TYPES OF LICENSES

7. Upon receiving notification from the Taxi Authority of an approved application the Registrar may issue the following licenses:
- a. Owner's License
  - b. Driver's License

## PERIOD OF LICENSES

- 8.
- a. Every license issued under this by-law shall relate to the period from the 1<sup>st</sup> of April of each year to the 31<sup>st</sup> of March of the succeeding year
  - b. No license fee is refundable.

## OWNER'S LICENSE

- 9.
- a. No vehicle shall be used for the transport of passengers for hire within the town unless and until the owner of such vehicle has first obtained a license. The license to be granted an owner of a vehicle to be used to transport passengers for hire shall be in the form as set out in Schedule "A" to this by-law and shall be **conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle**
  - b. The owner's license fee shall be paid for any part of the registration period as defined in Section 7 "Period of License." This section does not apply to common carriers licensed by the Province of Nova Scotia.
  - c. Every application for a license to use a vehicle for the transport of passengers for hire shall make application to the Registrar in the form prescribed from time to time by the Taxi Authority. A copy of the prescribed form is attached as Schedule "A".
  - d. An owner's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of the required fee.
  - e. A license granted to an owner of a vehicle to be used to transport passengers for hire shall also be a license to transport parcels, packages, or other articles of whatsoever nature.

10. No taxi or limousine owner's license shall be granted for any vehicle unless and until:

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- a. The completed form of application shall be submitted to the Registrar. It shall be signed by the applicant and include information as follows:
  - i. The full name and address of the applicant;
  - ii. Where the vehicle is owned by a corporation: particulars of the registration of the corporation, names of the corporate officers of the corporation, and the head office of the said corporation;
  - iii. Where the vehicle is owned by a partnership or is operating under a business name: the full particulars under the Partnership and Business Name Registration Act, the names of the partners and their addresses, a copy of the Certificate of Registration under the Partnership and business Name Registration Act;
  - iv. Names and addresses of all employees and their positions held in the business;
  - v. The business name under which the taxi or limousine will be operated on the street and postal and civic address of the place of business from which the taxi or limousine will be operated;
  - vi. The motor vehicle registration number, motor vehicle license plate number, make, model, colour, year and serial number of the vehicle;
  - vii. A criminal record/vulnerable sector check of each person whose name and address is required to be provided pursuant to paragraphs a, b and c of this subsection, and duly executed consents sufficient to obtain verification of same from law enforcement agencies.
- b. Payment is made to the Town of the annual fee for such license as stipulated in schedule "E" to this by-law.
- c. Proof of insurance that the vehicle carries on it an automobile insurance policy providing public liability insurance, passenger hazard insurance, and property coverage, in the minimum amount of \$1,000,000.00 without any limit or any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage. For the purposes of this section, proof of insurance is a copy of the current policy for the vehicle.
- d. The applicant has provided permission for the insurance company to provide details on the insurance policy to the Taxi Authority or Registrar when requested.
- e. The applicant must also have directed the insurance company issuing the insurance policy required by this section to immediately advise the Registrar of any changes to the coverage and terms of the insurance policy during the term of the license and to notify the Registrar when the insurance policy is no longer in effect. Initial notification may be provided verbally, however a written

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notification confirming any changes must be provided to the Registrar. A notification by email will be accepted as a written notification.

## VEHICLE REQUIREMENTS

11. In addition to the requirements of Section 9 of this by-law, each applicant, in order to receive **and maintain** an owner's license, must establish that the vehicle meets the following requirements:

- a. Has been properly registered under the provisions of the Motor Vehicle Act as a vehicle for operation within the Province of Nova Scotia;
- b. Shall have been inspected by the Taxi Authority;
- c. Bears a valid Province of Nova Scotia motor vehicle safety sticker issued within 30 days of the application being filed with the Registrar;
- d. In the case of a taxi, meets the following requirements:
  - i. Is a four-door sedan, hard top or station wagon, SUV or mini van with four or more doors (such doors to be on the sides of the vehicle) with a design capacity of seven (7) passengers or less, excluding the driver;
  - ii. Has a height from the top of the floor to the underneath side of the roof of at least 114 cm;
  - iii. Has a width from the inside of one door post to the inside of the door post on the opposite side of at least 137 cm;
  - iv. Has a length from the dashboard, excluding extremities, to the front of the back seat of at least 160 cm;
  - v. Is equipped with a sign affixed upon the roof of such taxi capable of being illuminated electrically, and such sign shall conform to the layout and Design specified from time to time by the Traffic Authority:
    1. Shall bear the business name of the taxi company under which the taxi is being operated on the front and back, and the owner's license number on each side, and such lettering shall not be less than 5 cm in height;
    2. Shall be removed from the roof or covered by opaque material when the vehicle is not in service as a taxi.
  - vi. In addition to the roof sign requirements the Taxi **may** also be identified with a sign affixed to the driver's door and the passenger's door, and such sign:
    1. Shall be painted or attached to the door of driver and opposite passenger door;

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2. Shall be in legible print with each letter or number not less than 5 cm in height;
  3. Shall bear the business name of the taxi company under which the taxi is being operated;
- e. In the case of a limousine, meets the requirements in the definition for a Limousine contained in section 2 of this by-law.
- f. In the case of a taxi and a limousine, shall meet the following requirements:
- i. The body of the vehicle shall not be damaged and shall be clean and in good repair. Paint shall be maintained in good condition and shall match
  - ii. The interior shall be clean and sanitary and shall not contain any refuse.
  - iii. The upholstery shall be clean, free of holes, cuts and tears and shall not show excessive wear
  - iv. The side windows in a vehicle which are intended to open and close shall be in good repair and working order
  - v. No portion of the exterior shall be bent or broken and no such portion shall protrude in such a way as to be a hazard to persons or vehicles.
  - vi. No fender, grill hubcaps or bumpers on a taxi shall be removed or missing.
  - vii. Every door and trunk lid shall close securely.
  - viii. All door handles and catches on a taxi shall be in good working order.
  - ix. Every seat shall be equipped with a seat belt, shall be securely mounted and shall maintain its position and its adjustments.
  - x. Shall have an interior dome light which shall be in good working order and shall operate when any of the doors are opened.

#### **ADDITIONAL OWNER'S OBLIGATIONS**

12. All owners shall comply with the following:

- a. Shall not permit any person to operate the vehicle to which the license relates as a vehicle for hire unless the person is in possession of both a valid provincially issued Nova Scotia minimum Class 4 license, or equivalent, to operate a passenger vehicle and a valid driver's license in accordance with this by-law.
- b. Not permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire.

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- c. Neither the owner nor the driver of a licensed vehicle may represent that it is a non-smoking vehicle or a smoke free vehicle if it has been smoked in while owned by the current owner.
- d. Notify the Registrar in writing not less than one week in advance of any change in the business name under which the vehicle is operated.
- e. Notify the Registrar forthwith of any change in the Provincial Registration of the vehicle.
- f. File with the Registrar, in writing, the names and addresses and telephone numbers of every driver who operates the owner's licensed vehicle or vehicles and shall notify the Registrar in writing within 72 hours of any new appointments and any dismissals, or other changes in employment of such drivers.
- g. Not operate or permit the operation of a vehicle when the conditions described in subsections a), c), d) and f) of Section 10 are no longer met or the insurance policy of the vehicle no longer complies with the requirements of subsection c) of Section 9.
- h. Immediately advise the Registrar of any change in the insurance policy and shall provide the Registrar with a copy of the updated policy forthwith.
- i. At least three days before making the change, the owner must notify the Registrar of any change in:
  - i. The business name under which the licensed vehicle is operated;
  - ii. The business address from which the licensed vehicle is operated; or
  - iii. The owner's residential address.Saturday, Sunday and holidays are not to be included in calculating the three-day period.
- j. Upon request, submit such vehicle for inspection by the Taxi Authority at the time and place directed.
- k. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

## **VEHICLE INSPECTIONS**

- 13.
  - a. A vehicle licensed under this by-law may, at any time, be inspected by the Taxi Authority, and/or a licensed mechanic selected by the Taxi Authority to determine that such vehicle complies with the requirements under this by-law. There is no requirement for the Taxi Authority to provide advanced notice of the inspection. The costs of the licensed mechanic shall be paid by the owner.

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- b. If the inspection determines the vehicle does not meet the requirements of this by-law, it may result in the immediate suspension of the license until such requirements are met.

### **DRIVER'S LICENSES**

14. Unless they are in possession of a valid driver's license issued pursuant to this by-law, no person shall:

- a. transport passengers for hire within the town or be on any highway, street, road, lane, alley or other public place in the town in control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire.
  - b. **Wait at any location in the Town, whether in a public place or a private place, in the control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire;**
  - c. Such license shall be conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle;
15. **Any person in control of a vehicle**
- a. **Which displays taxi roof signage which is not covered by opaque material**
  - b. **Which is not transporting a passenger for hire; and**
  - c. **Which is on any highway, street, road, lane, alley, taxi stand or at any other public place within the town, or who is found waiting with any such motor vehicle at any location within the town**

**Shall be deemed to be soliciting the transportation of passengers for hire within the town and deemed to be operating the vehicle as a taxi or a limousine for the purposes of this by-law**

16. No driver's license shall be granted unless and until:

- a. An application in the form prescribed by the Taxi Authority completed and signed by the applicant;
- b. The applicant is in possession of and submits to the Registrar for examination and for the purposes of photocopying, a valid, minimum Class 4 motor vehicle operator's license, or equivalent, issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia;
- c. A driver's abstract from the Registrar of Motor Vehicles completed within the past 30 days for the applicant is provided.

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- d. A criminal record/vulnerable sector check and a duly executed consent sufficient to obtain verification of same from law enforcement agencies is provided;
- e. Two professionally taken passport style photographs of the applicant are provided to the Registrar, dated within 30 days of the date of application, which are neither heat sensitive nor subject to fading;
- f. The applicant pays to the Town the fee for a driver's license as set at the time of the application.

17. A driver's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of a \$10.00 fee.

18. A taxi driver's license shall not be transferrable

#### **ADDITIONAL DRIVER OBLIGATIONS**

19. All drivers shall comply with the following:

- a. Maintain a high standard of personal hygiene which will be reflected in a neat, clean and professional appearance and personal cleanliness at all times;
- b. Shall transport any personal luggage accompanying any passenger, not exceeding 25 kilograms per item, and shall place the luggage in or out of the vehicle for the passenger if requested to do so;
- c. Must not smoke or permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire;
- d. Not use abusive or insulting language;
- e. At all times while in the control of a vehicle, in any public place, conduct themselves in an orderly manner;
- f. Not permit any additional passengers in the vehicle without the consent of the passenger who first engaged them;
- g. Proceed to the destination indicated by his or her passenger by the quickest route; however, they may take another route if directed to do so by the passenger;
- h. A driver may determine whether persons may eat or drink while passengers are in the vehicle, and may also determine where the passengers sit, except that passengers may decline to sit in the front seat;
- i. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

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## REFUSE TO GRANT, SUSPENSION AND REVOCATION OF LICENSES

20. The Taxi Authority may suspend or revoke the owner's or driver's license or both, of any license holder or refuse any applicant who, **in the opinion of the Taxi Authority, the license holder may be a danger to passengers or others if they possess a license.**

- ~~a. Contravenes this by-law;~~
- ~~b. Has been convicted of an offence against vulnerable persons, a sexual offence, illegal sale or possession of drugs, a violent offence or a breach of trust.~~
- ~~c. Is either charged or convicted pursuant to any municipal by-law or provincial or federal legislation and in the opinion of the Taxi Authority, because of the charge or conviction it is in the public interest that the person not hold either an owner's license or driver's license.~~
- ~~d. Has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Taxi Authority makes them unfit to possess a license.~~
- ~~e. Has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction.~~
- ~~f. Fails to meet the requirements of this by-law or, being an owner, their vehicle fails to meet the requirements of this bylaw;~~
- ~~g. Has committed any act or acts that, in the opinion of the Taxi Authority, it is in the public interest that the person not hold either an owner's license or driver's license;~~
- ~~h. Refuses to respond or cooperate with an investigation conducted by the Taxi Authority;~~
- ~~i. Where, in the opinion of the Taxi Authority, the license holder may be a danger to passengers or others if they possess a license.~~

21. In making a determination under ~~(g)~~ of this Section **20**, the Taxi Authority shall consider any credible and relevant information as to whether the applicant:

- a. Contravenes this by-law;**
- b. Has been convicted of an offence against vulnerable persons, a sexual offence, illegal sale or possession of drugs, a violent offence or a breach of trust.**
- c. Is either charged or convicted pursuant to any municipal by-law or provincial or federal legislation and in the opinion of the Taxi Authority, because of the**

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charge or conviction it is in the public interest that the person not hold either an owner's license or driver's license.

- d. Has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Taxi Authority makes them unfit to possess a license.
- e. Has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction.
- f. Fails to meet the requirements of this by-law or, being an owner, their vehicle fails to meet the requirements of this bylaw;
- g. Has committed any act or acts that, in the opinion of the Taxi Authority, it is in the public interest that the person not hold either an owner's license or driver's license;
- h. Refuses to respond or cooperate with an investigation conducted by the Taxi Authority;
- i. Suffers from a mental illness or instability;
- j. Abuses drugs or alcohol;
- k. Has a propensity for violence or other objectionable behaviour

that could cause the applicant to be a danger to passengers or others.

22. At any time, a person holding a driver's license under this by-law ceases to hold a valid minimum class 4 motor vehicle operator's license issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia, or equivalent, the driver's license shall be deemed suspended and shall be surrendered forthwith to the Registrar:

- a. Any person whose driver's license or owner's license is suspended pursuant to this section may apply for reinstatement when:
  - i. The period of suspension has expired; and
  - ii. The minimum class 4 license is renewed or reinstated as the case may be

23. The Taxi Authority shall suspend an owner's license forthwith upon having reasonable and probable grounds to believe that such vehicle is not covered by insurance as required by this by-law, and the suspension shall remain in force until:

- a. The period of suspension has expired; and
- b. Proof of insurance is provided to the Registrar that the vehicle meets the requirements of this by-law.

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## **FALSE STATEMENTS**

24. If an applicant or holder of a license makes a false statement in a statutory declaration made pursuant to this bylaw, **or in a hearing pursuant to this by-law**, the Taxi Authority may:

- a. Refuse to issue the license that is the subject of the application;
- b. Revoke any other owner's licenses and or any driver's licenses held by the applicant; and
- c. Direct that the applicant is ineligible to apply for or to be granted a license under this bylaw for a period of up to five (5) years.

25. No license fee is refundable upon suspension, revocation or termination for any reason for any license granted under this bylaw.

## **NOTICE OF SUSPENSION OR REVOCATION**

26. With exception to suspension covered by subsection 4 of Section 18 of this by-law, no license shall be revoked or suspended without giving notice of the suspension to the license holder, and the reasons for the suspension.

27. A verbal notice of a suspension or revocation and the reasons for the suspension or revocation shall be deemed proper notification. A written notice with the reasons for the suspension or revocation shall be made available for the license holder at the Amherst Police Department within seven (7) days of the verbal notice.

28. Notice of suspension may be given as per subsection 2. Above or upon delivery by registered mail to the address of the application on the license application form, a written notice. In the case of a driver, the notice may also be delivered to the owner, by registered mail to the address of the applicant on the owner's license application form.

## **APPEALS**

29. A refusal to issue or renew or a revocation or suspension of the license by the Taxi Authority may be appealed to Council.

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30. No appeal shall be taken from any decision of the Taxi Authority except upon written notice of appeal being delivered to the CAO within 15 days from the date of the notice of the suspension.
31. Council shall hear the appellant in accordance with the rules of natural justice and may:
- a. Confirm or vary the decision of the Taxi Authority;
  - b. Order that the license be revoked and surrendered; or
  - c. Order that a license be granted or reinstated.
32. In exercising its discretion in an appeal, Council shall consider:
- a. The nature and severity of the violation of this by-law or nature and severity of the disqualification of the appellant that led to the Taxi Authority's decision;
  - ~~b. The protection of the public;~~
  - ~~c. The circumstances of the appellant, including whether the appellant suffers from mental illness or mental instability, abuses drugs or alcohol, or has a propensity for violence or other objectionable behaviour that could cause the applicant to be a danger to passengers or others;~~
  - d. The likelihood of a recurrence of a violation of this by-law;
  - e. All other circumstances that Council determines are relevant.

## **OFFENCES AND PENALTIES**

33. Any person who violates or fails to comply with any provisions of this by-law shall be guilty of an offence and shall be liable on conviction to a minimum fine of one hundred dollars (\$100.00) but of not more than five thousand dollars (\$5,000.00).

## **REPEAL**

34. All previous Town of Amherst Taxi Bylaws and amendments thereto now in force are hereby repealed.

**TITLE: BYLAW RESPECTING THE REGULATION OF THE TRANSPORTING OF PASSENGERS FOR HIRE**  
**SECTION: PROTECTIVE SERVICES**  
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For Administrative Use Only:

Bylaw Respecting the Regulation of the Transporting of Passengers for Hire C-9 Adoption	
First reading:	
Notice of Publication:	
Second Reading:	
Notice of Publication and Effective Date of Bylaw:	
Notice to Service Nova Scotia & Municipal Relations:	

## VERSION LOG

Bylaw Owner	Amendment Description	Council Approval Date
Chief of Police, Pike	<ol style="list-style-type: none"> <li>1. Definition for "Local Shuttle Service" which was taken from the Cape Breton By-law. This helps to differentiate between taxis and 'courtesy' services provided by some local business such as car dealerships;</li> <li>2. Changing the by-law so that the 'registrar' is appointed by the <i>Taxi Authority</i> as opposed to the CAO. Years ago, these duties used to be performed by Town Hall staff in the past have been moved to the police department and are now assigned to By-Law Officer;</li> <li>3. Requirement for an annual report to council that includes details concerning approved drivers, vehicles and other information;</li> <li>4. Requirement that vehicle inspections carried out at least twice a year, using a checklist created from sections in the by-law that speak of standards and requirements;</li> <li>5. Owners' licenses and Drivers licenses under the Amherst By-law to be displayed in the car so passengers can see this information;</li> <li>6. Vehicle requirements must not only be met, but also must be maintained to keep an owner's license;</li> <li>7. Added a section under "false statements" that included making a false statement in a <i>hearing pursuant to this by-law</i> which give the authority to refuse or revoke a license and make them ineligible for a license for 5 years.</li> </ol>	

**TITLE: BYLAW RESPECTING THE REGULATION OF THE TRANSPORTING OF PASSENGERS FOR HIRE**  
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	8. Reorganized sections 20 and 21 to provide better clarity; and further removed (b) and (c) from section 32 due to redundancy.	



**Town of Amherst Taxi By-Law**  
 Inspection Checklist 2023/2024 Licensing Year

**Taxi Company:** \_\_\_\_\_ **Owner:** \_\_\_\_\_  
**NS Plate:** \_\_\_\_\_ **AM# Assigned:** \_\_\_\_\_  
**Make/Model:** \_\_\_\_\_ **Colour:** \_\_\_\_\_  
**VIN#:** \_\_\_\_\_ **Year:** \_\_\_\_\_

**VEHICLE TYPE**

- SEDAN                       STATION WAGON                       MINIVAN  
 COMPACT                       LIMO                       VAN  
 OTHER (SPECIFY): \_\_\_\_\_

**INSPECTION CHECKLIST**

CATEGORY	YES	NO	PASS	COMMENTS
Valid Insurance as per by-law				Policy # Expiry date:
Valid MV Inspection				MVI #
Valid Registration				Expiry Date:
All body panels – matching in colour				
Body Condition - note issues				
Tires				
Headlamps				
Signal lights				
Brake lights				
Reverse Lights				
Interior dome light working				
Roof light/sign attached and working				
AM number clearly visible				
Company logo clearly visible				
Windshield wipers				
Windshield condition				
Windows in working order				
Horn working				
Exhaust				
Suspension				
Seatbelts				
Interior – clean				
Upholstery – clean and undamaged				
Doors/trunk/hood working				
No smoking sign visible				
hubcaps				
Other:				
Other:				
Other:				

**Inspection Date:** \_\_\_\_\_ **Inspection time:** \_\_\_\_\_  
**Inspected by:** \_\_\_\_\_ **Company Rep:** \_\_\_\_\_  
 Vehicle Approved:     Yes  No  
                                    Reinspection to be conducted. Re-inspection date: \_\_\_\_\_

*Distribution: original to file, copy to Company Rep. copy to Company Owner*



**Owner's License**

issued under the Town of Amherst Taxi By-Law

TAXI LICENSE No:

Owner:

Company Name:

Address:

Vehicle Make:

Vehicle Model:

Year:

This vehicle is licensed to operate as a Taxi within the Town of Amherst in accordance with the Town of Amherst Taxi By-Law for the period ending

Authorized by: \_\_\_\_\_

Dwayne Pike, Chief of Police  
Amherst Police Department



**TOWN OF AMHERST**

Taxi License

Surname : (last name)

Given 1 : (First name)

Company: (Taxi company name)

Photo

Issue date:

Expiry date:

**BYLAW RESPECTING THE REGULATION OF THE  
TRANSPORTING OF PASSENGERS FOR HIRE  
CONSOLIDATION**

Be it enacted by the Council of the Town of Amherst, under the authority of Section 305 of Chapter 293 of the Revised Statutes of Nova Scotia, 1967, as amended, the Motor Vehicle Act, as follows:

**SHORT TITLE**

1. This bylaw shall be known as the Town of Amherst Taxi Bylaw

**DEFINITIONS**

2. In this bylaw, unless the context of it requires:
  1. **CAO** means the Chief Administrative Officer of the Town of Amherst
  2. **Limousine** means:
    - a. A full sized luxury class four or more door sedan motor vehicle having a standard seating capacity for at least five passengers excluding the driver which is used for hire for the conveyance of passengers;
    - b. Which has carpeted floors;
    - c. Which is not equipped with taxi roof signage;
    - d. Which is furnished with a minimum of four of the following features:
      1. Glass partition separating the front of the rear seats;
      2. Top quality interior appointments, being either leather or plush upholstery
      3. Power windows
      4. One-way tinted glass
      5. Television
      6. Stereo system
      7. Cellular telephone
      8. Air conditioning; and
    - e. Which is one of the following makes:
      1. Cadillac
      2. Lincoln
      3. Rolls Royce
      4. Jaguar

5. Mercedes-Benz
  6. Bentley
  7. Royal Princess
  8. Any other vehicle approved by the Taxi Authority upon application by a prospective license as being of comparable limousine quality to the makes referred above.
- f. But excludes vehicles operated by a public utility as defined in the Public Utilities Act or by a motor carrier required to be licensed under the Motor Carrier Act.
3. **Limousine Driver** means the driver of a limousine as defined by the bylaw.
  4. **Owner** means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee, or mortgagor shall be deemed the owner for the purpose of this bylaw.
  5. **Person** means a natural person or a body corporate and includes a partnership.
  6. **Registrar** means the Taxi Bylaw Registration Officer as appointed by the CAO.
  7. **Taxi Authority** means the Chief of Police of the Town of Amherst and includes any person designated by the Chief of Police as deputy or assistant or temporary Taxi Authority.
  8. **Taxi** means a vehicle used or intended to be used to carry passengers for hire other than a limousine, but excludes vehicles operated by a public utility as defined in the Public Utilities Act or by a motor carrier required to be licensed under the Motor Carrier Act.
  9. **Vehicle** has the meaning given to it under the Motor Vehicle Act and includes a Taxi or Limousine as defined under this bylaw.

## CONTROL

3. Pursuant to the provisions of Section 305(1) of the Motor Vehicle Act, the Council shall have a general control, supervision and direction over all aspects of licensing and regulation pursuant to this bylaw and over any inspector or any other officer acting or carrying out the overall duties of this bylaw.

## DUTIES OF TAXI AUTHORITY

4.

1. Subject to the provisions of the Motor Vehicle Act and to the provisions of Section 3 hereof and to any specific direction from time to time given or issued by the Council, the Taxi Authority shall have supervision over persons licensed under this bylaw and over vehicles to which the same applies and the following shall constitute his/her duties under this bylaw:

The Taxi Authority shall:

- a. Report to Council respecting the performance of his/her duties under this bylaw whenever required to by Council;
- b. Make all necessary inquiries concerning applications for the licenses or transfers thereof, as may be required to secure a due observation of the law and of this bylaw;
- c. Examine or cause to be examined every vehicle for which a license is requested under this bylaw;
- d. Carry out periodic inspections, without notice, of vehicles licenced under this bylaw;
- e. Issue, refuse to issue, or suspend, revoke, cancel licenses in accordance with the requirements of this bylaw;
- f. Advise the Registrar of the approval of applications for all licenses issued pursuant to this bylaw;
- g. Advise the Registrar when an application has been denied, and when a license has been revoked, suspended or cancelled;
- h. Ascertain by inspection, inquiry and investigation from time to time, and as often as may be required, whether persons holding licenses under this bylaw continue to comply with the provisions of this bylaw;
- i. Upon completion of an investigation to decide whether or not to proceed with prosecution;
- j. Take any other lawful steps in regards to the licensing and regulations of taxis as may be consistent with this bylaw.

2. Any act, authorized or directed by this bylaw to be done by the Taxi Authority may, in their absence or as circumstances require be performed by such other officer or any official as may be designated by the Council or the CAO. The power and authority of the officer or official so designated shall be the same as that of the Taxi Authority in the particular case except where prohibited by statutory conditions to the contrary.

### **DUTIES OF REGISTRAR**

5. Subject to the provisions of the Motor Vehicle Act and to the provisions of Section 3 hereof and to any specific direction from time to time given or issued by the Council, the following shall constitute the duties of the Registrar under this bylaw.

The Registrar shall:

1. Maintain a register of all licenses issued, suspended, revoked, cancelled and of all applications refused under the authority of this bylaw. Such registrar shall contain the name or names of the applicants, the date of the license, and shall keep such other books and records as the Council may from time to time order.
2. Provide and receive all applications for licenses issued pursuant to this bylaw on behalf of the Taxi Authority.
3. Review insurance policies and confirm they meet all requirements.
4. Advise the Taxi Authority of any information that may require a suspension or cancellation of a license.
5. Shall cause to be made out, and to issue the license to the applicant, the fee as required under this bylaw first having been paid.
6. Keep a register of all payments made in relation to applications for all licenses pursuant to this bylaw.
7. Make available to every person receiving a license under this bylaw a copy of the bylaw and advising every such person of the availability of the bylaw.

### **TYPES OF LICENSES**

6. Upon receiving notification from the Taxi Authority of an approved application the Registrar may issue the following licenses:
  1. Owner's License
  2. Driver's License

## **PERIOD OF LICENSE**

7.

1. Every license issued under this bylaw shall relate to the period from the 1<sup>st</sup> of April of each year to the 31<sup>st</sup> of March of the succeeding year.
2. No license fee is refundable.

## **OWNER'S LICENSE**

8.

1. No vehicle shall be used for the transport of passengers for hire within the town unless and until the owner of such vehicle has first obtained a license. The license to be granted an owner of a vehicle to be used to transport passengers for hire shall be in the form as set out in Schedule "A" to this bylaw and shall be posted in the vehicle for which it has been issued.
  2. The owner's license fee shall be paid for any part of the registration period as defined in Section 7 "Period of License." This section does not apply to common carriers licensed by the Province of Nova Scotia.
  3. Every application for a license to use a vehicle for the transport of passengers for hire shall make application to the Registrar in the form prescribed from time to time by the Taxi Authority. A copy of the prescribed form is attached as Schedule "A".
  4. An owner's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of the required fee.
  5. A license granted to an owner of a vehicle to be used to transport passengers for hire shall also be a license to transport parcels, packages, or other articles of whatsoever nature.
9. No taxi or limousine owner's license shall be granted for any vehicle unless and until:
1. The completed form of application shall be submitted to the Registrar. It shall be signed by the applicant and include information as follows:
    - a. The full name and address of the applicant;
    - b. Where the vehicle is owned by a corporation particulars of the registration of the corporation, names of the corporate officers of the corporation, and the head office of the said corporation;
    - c. Where the vehicle is owned by a partnership or is operating under a business name the full particulars under the Partnership and Business Name Registration Act, the names of the partners and their addresses, a copy of the

Certificate of Registration under the Partnership and business Name Registration Act;

- d. Names and addresses of all employees and their positions held in the business;
  - e. The business name under which the taxi or limousine will be operated on the street and postal and civic address of the place of business from which the taxi or limousine will be operated;
  - f. The motor vehicle registration number, motor vehicle license plate number, make, model, colour, year and serial number of the vehicle;
  - g. A criminal record/vulnerable sector check of each person whose name and address is required to be provided pursuant to paragraphs a, b and c of this subsection, and duly executed consents sufficient to obtain verification of same from law enforcement agencies.
2. Payment is made to the Town of the annual fee for such license as stipulated in Schedule "E" to this bylaw.
  3. Proof of insurance that the vehicle carries on it an automobile insurance policy providing public liability insurance, passenger hazard insurance, and property coverage, in the minimum amount of \$1,000,000.00 without any limit or any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage. For the purposes of this section, proof of insurance is a copy of the current policy for the vehicle.
  4. The applicant has provided permission for the insurance company to provide details on the insurance policy to the Taxi Authority or Registrar when requested.
  5. The applicant must also have directed the insurance company issuing the insurance policy required by this section to immediately advise the Registrar of any changes to the coverage and terms of the insurance policy during the term of the license and to notify the Registrar when the insurance policy is no longer in effect. Initial notification may be provided verbally, however a written notification confirming any changes must be provided to the Registrar. A notification by email will be accepted as a written notification.

## **VEHICLE REQUIREMENTS**

10. In addition to the requirements of Section 9 of this bylaw, each applicant, in order to receive an owner's license, must establish that the vehicle meets the following requirements:
  1. Has been properly registered under the provisions of the Motor Vehicle Act as a vehicle for operation within the Province of Nova Scotia;

2. Shall have been inspected by the Taxi Authority;
3. Bears a valid Province of Nova Scotia motor vehicle safety sticker issued within 30 days of the application being filed with the Registrar;
4. In the case of a taxi, meets the following requirements:
  - a. Is a four door sedan, hard top or station wagon, SUV or mini van with four or more doors (such doors to be on the sides of the vehicle) with a design capacity of seven (7) passengers or less, excluding the driver;
  - b. Has a height from the top of the floor to the underneath side of the roof of at least 114 cm;
  - c. Has a width from the inside of one door post to the inside of the door post on the opposite side of at least 137 cm;
  - d. Has a length from the dashboard, excluding extremities, to the front of the back seat of at least 160 cm;
  - e. Is equipped with a sign affixed upon the roof of such taxi capable of being illuminated electrically, and such sign shall conform to the layout and design specified from time to time by the Traffic Authority:
    1. Shall bear the business name of the taxi company under which the taxi is being operated on the front and back, and the owner's license number on each side, and such lettering shall not be less than 5 cm in height;
    2. Shall be removed from the roof or covered by opaque material when the vehicle is not in service as a taxi.
  - f. In addition to the roof sign requirements the Taxi may also be identified with a sign affixed to the driver's door and the passenger's door, and such sign:
    1. Shall be painted or attached to the door of driver and opposite passenger door;
    2. Shall be in legible print with each letter or number not less than 5 cm in height;
    3. Shall bear the business name of the taxi company under which the taxi is being operated;

5. In the case of a limousine, meets the requirements in the definition for a limousine contained in section 2 of this bylaw.
6. In the case of a taxi and a limousine, shall meet the following requirements:
  - a. The body of the vehicle shall not be damaged and shall be clean and in good repair. Paint shall be maintained in good condition and shall match.
  - b. The interior shall be clean and sanitary and shall not contain any refuse.
  - c. The upholstery shall be clean, free of holes, cuts and tears and shall not show excessive wear.
  - d. The side windows in a vehicle which are intended to open and close shall be in good repair and working order.
  - e. No portion of the exterior shall be bent or broken and no such portion shall protrude in such a way as to be a hazard to persons or vehicles.
  - f. No fender, grill hubcaps or bumpers on a taxi shall be removed or missing.
  - g. Every door and trunk lid shall close securely.
  - h. All door handles and catches on a taxi shall be in good working order.
  - i. Every seat shall be equipped with a seat belt, shall be securely mounted and shall maintain its position and its adjustments.
  - j. Shall have an interior dome light which shall be in good working order and shall operate when any of the doors are opened.

#### **ADDITIONAL OWNER'S OBLIGATIONS**

11. All owners shall comply with the following:
  1. Shall not permit any person to operate the vehicle to which the license relates as a vehicle for hire unless the person is in possession of both a valid provincially issued Nova Scotia minimum Class 4 license, or equivalent, to operate a passenger vehicle and a valid driver's license in accordance with this bylaw.
  2. Not permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire.
  3. Neither the owner nor the driver of a licensed vehicle may represent that it is a non-smoking vehicle or a smoke free vehicle if it has been smoked in while owned by the current owner.

4. Notify the Registrar in writing not less than one week in advance of any change in the business name under which the vehicle is operated.
5. Notify the Registrar forthwith of any change in the Provincial Registration of the vehicle.
6. File with the Registrar, in writing, the names and addresses and telephone numbers of every driver who operates the owner's licensed vehicle or vehicles and shall notify the Registrar in writing within 72 hours of any new appointments and any dismissals, or other changes in employment of such drivers.
7. Not operate or permit the operation of a vehicle when the conditions described in subsections 1, 3, 4 and 6 of Section 10 are no longer met or the insurance policy of the vehicle no longer complies with the requirements of subsection 3 of Section 9.
8. Immediately advise the Registrar of any change in the insurance policy and shall provide the Registrar with a copy of the updated policy forthwith.
9. At least three days before making the change, the owner must notify the Registrar of any change in:
  - a. The business name under which the licensed vehicle is operated;
  - b. The business address from which the licensed vehicle is operated; or
  - c. The owner's residential address.

Saturday, Sunday and holidays are not to be included in calculating the three-day period.

10. Upon request, submit such vehicle for inspection by the Taxi Authority at the time and place directed.
11. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

## **VEHICLE INSPECTIONS**

12.
  1. A vehicle licensed under this bylaw may, at any time, be inspected by the Taxi Authority, and/or a licensed mechanic selected by the Taxi Authority to determine that such vehicle complies with the requirements under this bylaw. There is no requirement for the Taxi Authority to provide advanced notice of the inspection. The costs of the licensed mechanic shall be paid by the owner.
  2. If the inspection determines the vehicle does not meet the requirements of this bylaw, it may result in the immediate suspension of the license until such requirements are met.

## **DRIVER'S LICENSE**

13. No person shall transport passengers for hire within the town or be on any highway, street, road, lane, alley or other public place in the town in control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire unless they are in possession of a valid driver's license issued pursuant to this bylaw. Such license shall be conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle.
14. No driver's license shall be granted unless and until:
  1. An application in the form prescribed by the Taxi Authority completed and signed by the applicant;
  2. The applicant is in possession of and submits to the Registrar for examination and for the purposes of photocopying, a valid, minimum Class 4 motor vehicle operator's license , or equivalent, issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia;
  3. A drivers abstract from the Registrar of Motor Vehicles completed within the past 30 days for the applicant is provided.
  4. A criminal record/vulnerable sector check and a duly executed consent sufficient to obtain verification of same from law enforcement agencies is provided;
  5. Two professionally taken passport style photographs of the applicant are provided to the Registrar, dated within 30 days of the date of application, which are neither heat sensitive nor subject to fading;
  6. The applicant pays to the Town the fee for a driver's license as set at the time of the application.
15. A driver's license that has been destroyed, lost or stolen will be replaced upon receipt of sufficient proof of the destruction, loss or theft, and upon payment of a \$10.00 fee.
16. A taxi driver's license shall not be transferrable

## **ADDITIONAL DRIVER OBLIGATIONS**

17. All drivers shall comply with the following:
  1. Maintain a high standard of personal hygiene which will be reflected in a neat, clean and professional appearance and personal cleanliness at all times;
  2. Shall transport any personal luggage accompanying any passenger, not exceeding 25 kilograms per item, and shall place the luggage in or out of the vehicle for the passenger if requested to do so;

3. Must not smoke or permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire;
4. Not use abusive or insulting language;
5. At all times while in the control of a vehicle, in any public place, conduct themselves in an orderly manner;
6. Not permit any additional passengers in the vehicle without the consent of the passenger who first engaged them;
7. Proceed to the destination indicated by his or her passenger by the quickest route; however, they may take another route if directed to do so by the passenger;
8. A driver may determine whether persons may eat or drink while passengers are in the vehicle, and may also determine where the passengers sit, except that passengers may decline to sit in the front seat;
9. Immediately notify the Registrar when they have become the subject to a court order, undertaking, charge or conviction.

## **REFUSE TO GRANT, SUSPENSION AND REVOCATION OF LICENSES**

18.

1. The Taxi Authority may suspend or revoke the owner's or driver's license or both, of any license holder or refuse any applicant who:
  - a. Contravenes this bylaw;
  - b. Has been convicted of an offence against vulnerable persons, a sexual offence, illegal sale or possession of drugs, a violent offence or a breach of trust.
  - c. Is either charged or convicted pursuant to any municipal bylaw or provincial or federal legislation and in the opinion of the Taxi Authority, because of the charge or conviction it is in the public interest that the person not hold either an owner's license or driver's license.
  - d. Has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Taxi Authority makes them unfit to possess a license.
  - e. Has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction.

- f. Fails to meet the requirements of this bylaw or, being an owner, their vehicle fails to meet the requirements of this bylaw;
  - g. Has committed any act or acts that, in the opinion of the Taxi Authority, it is in the public interest that the person not hold either an owner's license or driver's license;
  - h. Refuses to respond or cooperate with an investigation conducted by the Taxi Authority;
  - i. Where, in the opinion of the Taxi Authority, the license holder may be a danger to passengers or others if they possess a license.
2. In making a determination under subsection 1. g of this Section, the Taxi Authority shall consider any credible and relevant information as to whether the applicant:
- a. Suffers from a mental illness or instability;
  - b. Abuses drugs or alcohol;
  - c. Has a propensity for violence or other objectionable behaviour
- that could cause the applicant to be a danger to passengers or others.
3. At any time, a person holding a driver's license under this bylaw ceases to hold a valid minimum class 4 motor vehicle operator's license issued under the provisions of the Motor Vehicle Act of the Province of Nova Scotia, or equivalent, the driver's license shall be deemed suspended and shall be surrendered forthwith to the Registrar:
- a. Any person whose driver's license or owner's license is suspended pursuant to this section may apply for reinstatement when:
    - 1. The period of suspension has expired; and
    - 2. The minimum class 4 license is renewed or reinstated as the case may be.
4. The Taxi Authority shall suspend an owner's license forthwith upon having reasonable and probable grounds to believe that such vehicle is not covered by insurance as required by this bylaw, and the suspension shall remain in force until:
- a. The period of suspension has expired; and

- b. Proof of insurance is provided to the Registrar that the vehicle meets the requirements of this bylaw.

## **FALSE STATEMENTS**

19. If an applicant or holder of a license makes a false statement in a statutory declaration made pursuant to this bylaw, the Taxi Authority may:
  1. Refuse to issue the license that is the subject of the application;
  2. Revoke any other owner's licenses and or any driver's licenses held by the applicant; and
  3. Direct that the applicant is ineligible to apply for or to be granted a license under this bylaw for a period of up to five (5) years.
20. No license fee is refundable upon suspension, revocation or termination for any reason for any license granted under this bylaw.

## **NOTICE OF SUSPENSION OR REVOCATION**

21.
  1. With exception to suspension covered by subsection 4 of Section 18 of this bylaw, no license shall be revoked or suspended without giving notice of the suspension to the license holder, and the reasons for the suspension.
  2. A verbal notice of a suspension or revocation and the reasons for the suspension or revocation shall be deemed proper notification. A written notice with the reasons for the suspension or revocation shall be made available for the license holder at the Amherst Police Department within seven (7) days of the verbal notice.
  3. Notice of suspension may be given as per subsection 2. Above or upon delivery by registered mail to the address of the application on the license application form, a written notice. In the case of a driver, the notice may also be delivered to the owner, by registered mail to the address of the applicant on the owner's license application form.

## **APPEALS**

22.
  1. A refusal to issue or renew or a revocation or suspension of the license by the Taxi Authority may be appealed to Council.
  2. Despite subsection 1 of this Section, where the Taxi Authority's refusal to issue or renew or to suspend or revoke a license is based on the applicant having a disqualifying conviction, except as to the existence of a disqualifying conviction, the Taxi Authority's decision is final and is not subject to appeal.

3. No appeal shall be taken from any decision of the Taxi Authority except upon written notice of appeal being delivered to the CAO within 15 days from the date of the notice of the suspension.
4. Council shall hear the appellant in accordance with the rules of natural justice and may:
  - a. Confirm or vary the decision of the Taxi Authority;
  - b. Order that the license be revoked and surrendered; or
  - c. Order that a license be granted or reinstated.

23. In exercising its discretion in an appeal, Council shall consider:

1. The nature and severity of the violation of this bylaw or nature and severity of the disqualification of the appellant that led to the Taxi Authority's decision;
2. The protection of the public;
3. The circumstances of the appellant, including whether the appellant suffers from mental illness or mental instability, abuses drugs or alcohol, or has a propensity for violence or other objectionable behaviour that could cause the applicant to be a danger to passengers or others;
4. The likelihood of a recurrence of a violation of this bylaw;
5. All other circumstances that Council determines are relevant.

## **OFFENCES AND PENALTIES**

**24.** Any person who violates or fails to comply with any provisions of this bylaw shall be guilty of an offence and shall be liable on conviction to a minimum fine of one hundred dollars (\$100.00) but of not more than five thousand dollars (\$5,000.00) and in wilful default of payment, shall be liable to imprisonment for a term of not exceeding 6 months.

## **REPEAL**

25. All previous Town of Amherst Taxi Bylaws and amendments thereto now in force are hereby repealed.

**TOWN OF AMHERST**

TAXI LICENSE # AM:

NAME:

ADDRESS:

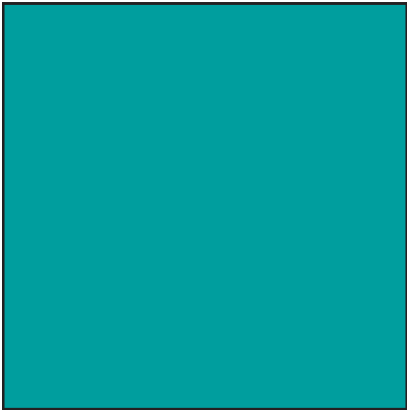
The owner of motor vehicle

N.S. License #

is licensed to operate the said vehicle as a taxi

**TOWN OF AMHERST**

TAXI DRIVER LICENSE



(Photo)

\_\_\_\_\_

NAME

**TOWN OF AMHERST**  
**APPLICATION - TAXI OWNER'S LICENSE**

To the Taxi Authority, Amherst, Nova Scotia

I hereby make application for an Owner's License in the Town of Amherst pursuant to the regulations and requirements as set out in the Town of Amherst Taxi By-Law.

My full name is\* .....  
My address is .....  
My telephone number is .....  
Name Operating Under .....  
Address of Operations .....

**INSURANCE PARTICULARS \*\***

Insurance Company .....  
Policy No. .... Agent .....  
.Date of Policy ..... Amount of Coverage .....

**AUTOMOBILE PARTICULARS**

Make ..... Model .....  
Year ..... N.S. Plate Number .....  
N.S. License No. .... Serial No. ....  
Color ..... M.V.I. Date \*\*\* .....

I further undertake to provide said vehicle(s) for purposes of inspection and enclose the appropriate application and license fee.

Signature of Applicant \_\_\_\_\_ Date

Received by Registrar \_\_\_\_\_ Date

.....

- If incorporated or under business name, please supply particulars of officers or partners
- \*\* Attach copy of insurance policy

**TOWN OF AMHERST**  
APPLICATION - TAXI DRIVER'S LICENSE

To the Taxi Authority, Amherst, Nova Scotia

I hereby make application for a Driver's License in the Town of Amherst pursuant to the regulations and requirements as set out in the Town of Amherst Taxi By-Law.

My full name is .....

My address is .....

My telephone number is .....

My employer is .....

Address of Employer .....

I hold a valid, unexpired minimum Class 4 Drivers License issued by the Province of Nova Scotia bearing License Master Number\* .....

I enclose \$20 for application and license fee together with two personal photographs\*\*

.....  
Date

.....  
Signature of Applicant

.....  
Date

.....  
Signature of Owner

.....  
Received by Registrar \_\_\_\_\_(Date)

\* Attach copy of Minimum Class 4 License

\*\* Photographs should measure 2 inches by 2 inches and have been taken within one month of the application

### FEEES FOR LICENSES

<b>1. OWNER'S LICENSE .....</b>	<b>\$25.00</b>
<b>2. OWNER'S LICENSE TRANSFER .....</b>	<b>\$10.00</b>
<b>3. DRIVER'S LICENSE .....</b>	<b>\$20.00</b>
<b>4. REPLACEMENT LICENSE .....</b>	<b>\$10.00</b>

## CONSOLIDATION NOTES

C-9 Approved by Council November 25, 2013.

C-9-1 Approved by Council December 22, 2014

The bylaw was amended to provide the Taxi Authority the ability to use discretion in decisions related to refusal, suspension or revocation of licenses, to accept drivers licenses issued by another province, to require license applicants to provide a driver's abstract, and to increase the license fee from \$5 to \$10. Overall, the proposed changes will enhance the safety of the users of the taxi and limousine services and will enhance the ability of the Taxi Authority to oversee and enforce the bylaw in an effective manner.

# SYNOPSIS

## Development Agreement

### 155 East Victoria Street

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The attached development agreement would permit the construction of a 48-unit apartment building at 155 East Victoria Street. A Public Participation Opportunity was held January 18<sup>th</sup>, 2023 where a variety of concerns were raised. The proponent made significant changes to the original proposal to address the concerns and better align with the intent of the relevant policies of the Municipal Planning Strategy. On May 1<sup>st</sup>, 2023 the Planning Advisory Committee recommended that Council not enter into the development agreement based on the opinion that it is not sufficiently in keeping with the intent of the Municipal Planning Strategy.

#### **Option A Motion:**

That Council give First Reading of the development agreement for a 48-unit apartment building at 155 East Victoria Street and schedule a public hearing for June 21, 2023.

#### **Option B Motion:**

That Council refuse to enter into the development agreement for a 48-unit apartment building at 155 East Victoria Street due to the proposal not meeting the intent of policy RP-9 and/or A-5 of the Municipal Planning Strategy.

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** May 23, 2023

**SUBJECT:** Development Agreement Application - 155 East Victoria Street

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**ORIGIN:** An application for a development agreement to allow construction of an apartment building at 155 East Victoria Street.

**LEGISLATIVE AUTHORITY:** *Municipal Government Act* Part VIII Planning and Development.

**PAC RECOMMENDATION:** On May 1<sup>st</sup>, 2023 the Planning Advisory Committee (PAC) recommended that Council not enter into the Development Agreement (DA) for a 48-unit apartment building at 155 East Victoria Street.

**BACKGROUND:** Attached is a draft DA that would permit a 4-level, 48-unit apartment building on the subject property. Also attached is the staff report that details the proposal, the surrounding neighbourhood, relevant MPS policies that must be considered, and staff comments.

The original proposal was for a 6-level, 59-unit building. A Public Participation Opportunity (PPO) was held January 18, 2023. The minutes from the PPO and written submissions are included in the package. On February 7<sup>th</sup> the PAC, in keeping with staff's recommendation at that time, recommended that Council not enter into the DA as the proposal development would not be in keeping with key policies within the Town's Municipal Planning Strategy. Following the PAC's decision and upon the applicant's request, on February 27<sup>th</sup> Council referred the application back to the PAC to give the applicant an opportunity to revise the proposal.

Revisions included reducing the height of the building from 6 to 4 dwelling space levels and the number of units from 59 to 48. The building setback to 153 East Victoria was increased from approximately 10ft to 24ft. Significant architectural changes included three exterior finishes to break up the vertical lines of the building. The roof line was changed to include peak and hip roof features to reduce the 'box-like' character of the initial proposal. These features reference the architecture of its surroundings. A lighter color for the 4th floor juxtaposed with the darker coloured brick and stone on the lower floors has a similar visual effect of emphasizing the lower levels. A covered entrance is added. Decks on the southwest units that were recessed, now protrude from the building wall. The 4th floor deck on the north corner of the building is set back into the building footprint.

On May 1<sup>st</sup> the PAC, in consideration of the revisions and staff's positive recommendation, recommended that Council not enter into the DA. Following the May 1<sup>st</sup> meeting it was determined that an error was made in the assumptions used to build the model of the proposed building at 155 East Victoria in relation to other buildings around it. As a result, the models shown in the staff report and presented at the meeting set the proposed building approximately 3 metres higher than it should be. As such, staff in consultation with the Chair felt that the PAC should be given an opportunity to review the revised models and consider a motion to confirm or change their May 1<sup>st</sup> recommendation to Council. On May 17<sup>th</sup> the PAC rejected a motion to recommend approval of the DA; therefore, the May 1<sup>st</sup> negative recommendation still stands.

**DISCUSSION:** Staff and the public raised concerns about the compatibility of the proposal with respect to its location on the lot, bulk height and lack of compatibility and sensitivity with the surrounding neighbourhood. These concerns also reflect issues identified by MPS policies that must be considered in evaluating this proposal. In fact, Council's decision must be based upon the general intent of relevant MPS policies.

As discussed in the attached staff reports, the proposal meets the general intent of many of the relevant MPS policies. The motion that the PAC passed recommending denial was based on the opinion that the proposal did not meet the intent of MPS Policy RP-9 that states in part:

*It shall be the intention of Council to ensure medium and high-density residential development occur in a manner compatible with a low-density residential neighbourhood.[...] In negotiating such an agreement Council shall ensure that:*

- a) the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*

and Policy A-5 that states in part:

*It shall be the intention of Council, when considering [...] entering into a development agreement, to consider [...] (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*

- (i) type of use;*
- (ii) height, bulk and lot coverage of any proposed building;*
- (iii) parking, traffic generation, access to and egress from the site;*
- (iv) any other matter of planning concern outlined in this strategy.*

Should Council decide to refuse to enter into the draft development agreement, the decision must be based on the opinion that the proposal does not meet the intent of the above noted policies or some other relevant policy of the MPS.



**AMHERST TOWN COUNCIL**

**RFD# 2023084**

**Date: 2023084**

**FINANCIAL IMPLICATIONS:** No significant costs specific to this issue.

**SOCIAL JUSTICE IMPLICATIONS:** None specific to this issue.

**ENVIRONMENTAL IMPLICATIONS:** The proposal is considered infill development and represents efficient use of land and does not require significant extension of municipal services. Stormwater management plans are required under the development agreement.

**COMMUNITY ENGAGEMENT:** January 18, 2022 Public Participation Opportunity, and Public Hearing if First Reading is given. If approved, notice of the right to appeal council's decision is placed in the local newspaper.

**ALTERNATIVES:** 1) Give First Reading of the development; 2) Reject the application; 3) Defer a decision and direct staff to provide more information.

**ATTACHMENTS:** Staff reports, Draft Development Agreement, Application Briefing, Applicant submissions, PPO Minutes and written submissions.

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Report prepared by: A.Fisher  
Report and Financial approved by:



This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

Between:

**3227967 NOVA SCOTIA LIMITED** (owner of property located at 155 Victoria Street, Amherst [PID 25034091], hereinafter called the "Owner"),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 48-unit apartment building at 155 Victoria Street, Amherst (PID 25034091).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the \_\_\_\_<sup>th</sup> Day of \_\_\_\_\_ 2023, approved the said Development Agreement, subject to the registered Owner of the Lands described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Floor Plan
- (e) Schedule 'E' – Building Elevation

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands is the only Lands in the Town of Amherst to which this Agreement applies, and the Lands is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of a 48-unit apartment building on the said Lands, subject to Schedules A, B, C, D, and E attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property

(other than the Lands Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns, and shall run with the Lands which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

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**THE TOWN OF AMHERST**

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David Kogon MD, Mayor

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Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER  
3227967 NOVA SCOTIA LIMITED**

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Leslie Carrie

## Schedule A

## 155 Victoria Street Amherst

### Terms and Conditions:

#### 1.0 USE OF LANDS AND BUILDINGS

- 1.1 The use of the properties shall be limited to residential uses within a maximum of a 48-unit apartment building in the general location as shown on Schedule 'C'.
- 1.2 Parking spaces shall be provided on the Lands and shall be generally configured as shown on Schedule 'C' and 'D'.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Lands Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The building shall generally conform to the designs shown on Schedule 'D' and 'E'. Minor variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owner shall be responsible for landscaping unpaved areas and ongoing maintenance on the Lands.
- 1.7 Prior to receiving an Occupancy Permit the Owner shall engage a landscape architect or similarly qualified professional to conduct a site visit and submit to the satisfaction of the Development Officer a written juvenile tree planting plan for the area between the Lands and 153 East Victoria Street that maximizes the visual barrier between the two properties.
- 1.8 The Owner shall install an opaque privacy fence approximately two metres (2 m) in height along all property lines not fronting on a street.
- 1.9 The Owner shall be responsible for maintaining solid waste containment areas within the building, generally in the locations shown on Schedule 'D'.
- 1.10 Paving of the driveways and parking areas shall be completed for the facility within six (6) months from the date an Occupancy Permit is issued.
- 1.11 The Owner shall submit an stormwater management plans to the satisfaction of the Development Officer that applies to both the construction and operating periods, that maintains or reduces but shall not increase surface water runoff onto adjacent private properties.

#### 2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and building and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.

2.4 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

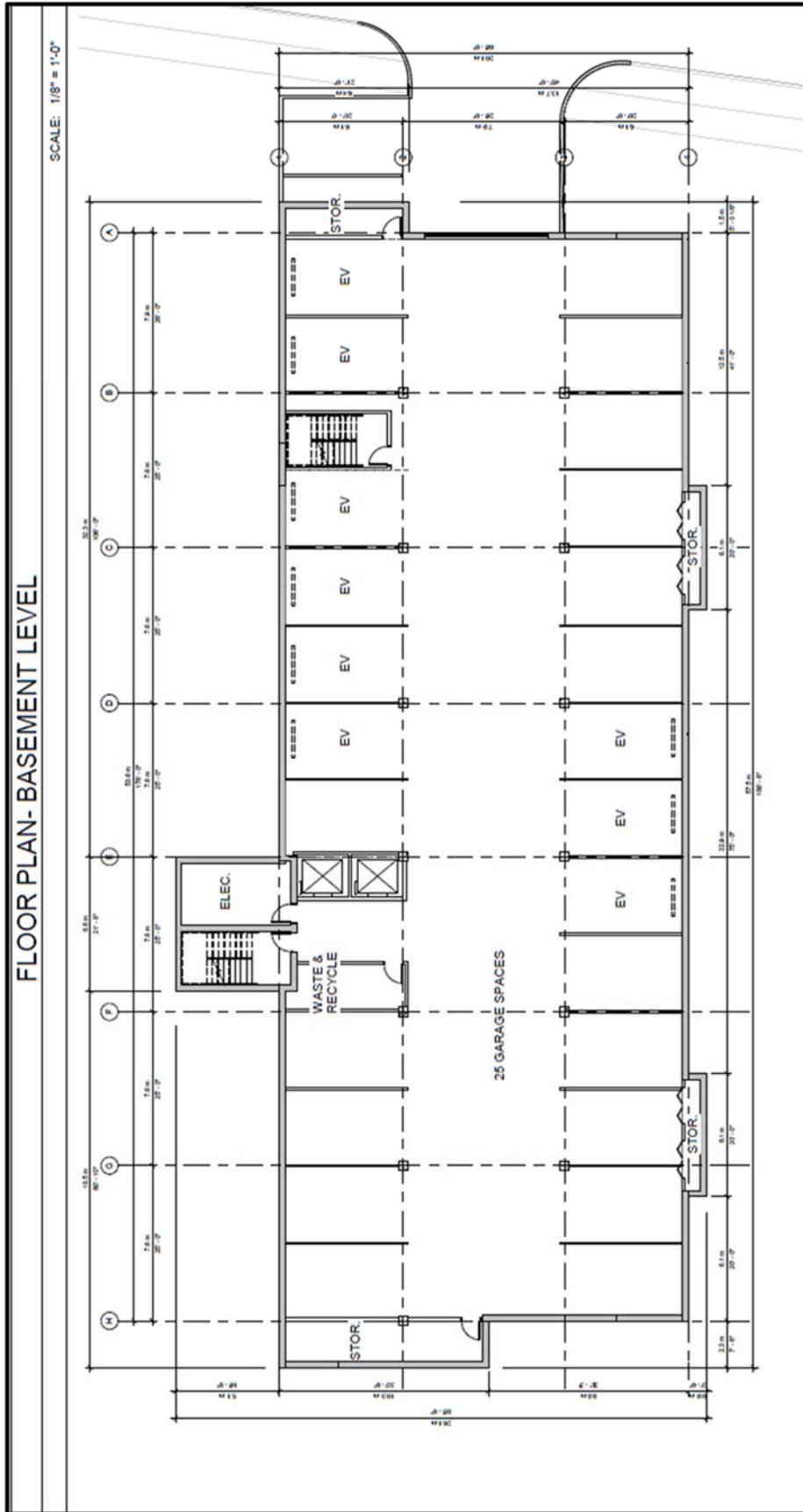
# SCHEDULE 'B'



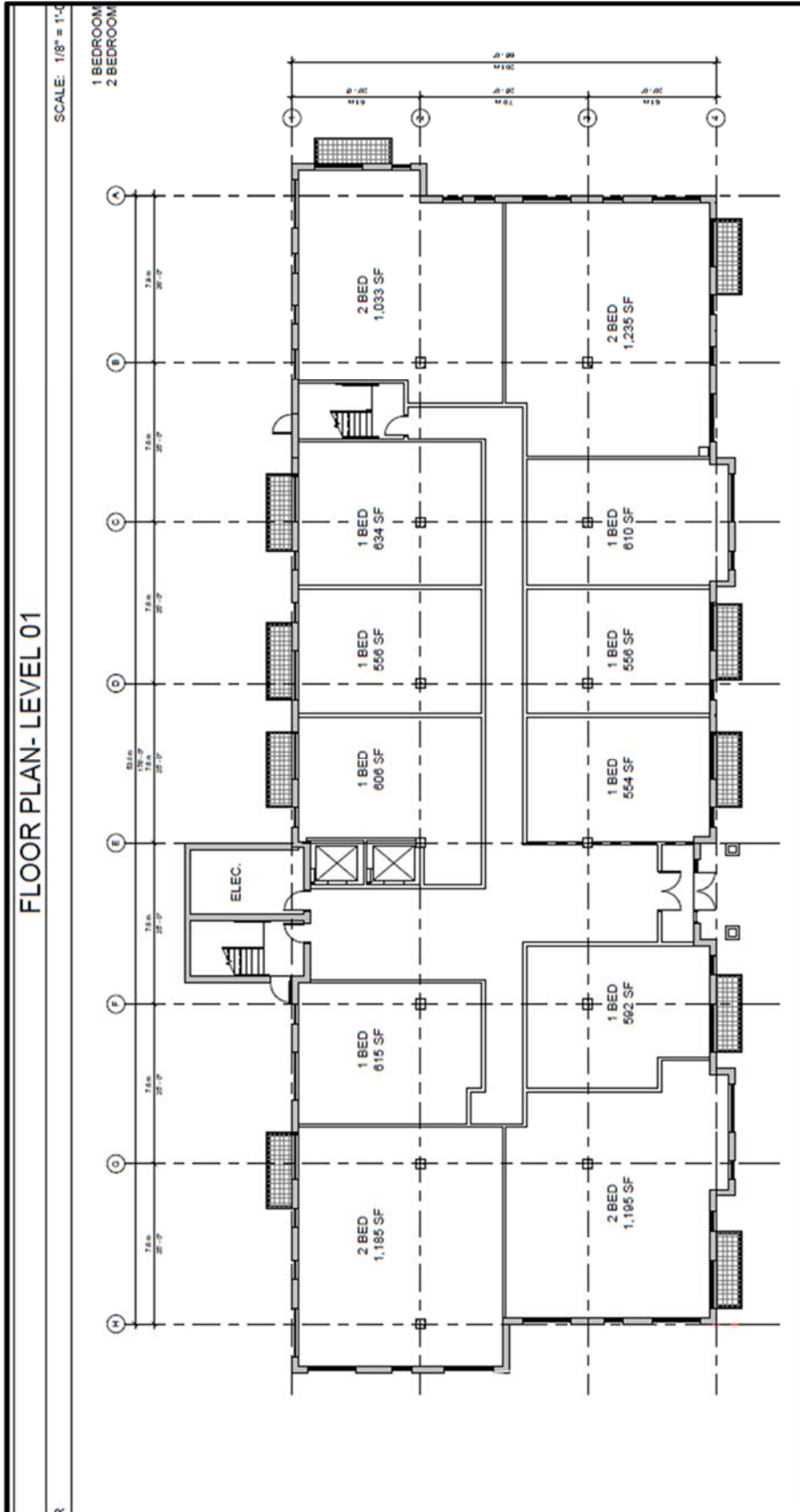
# SCHEDULE 'C'



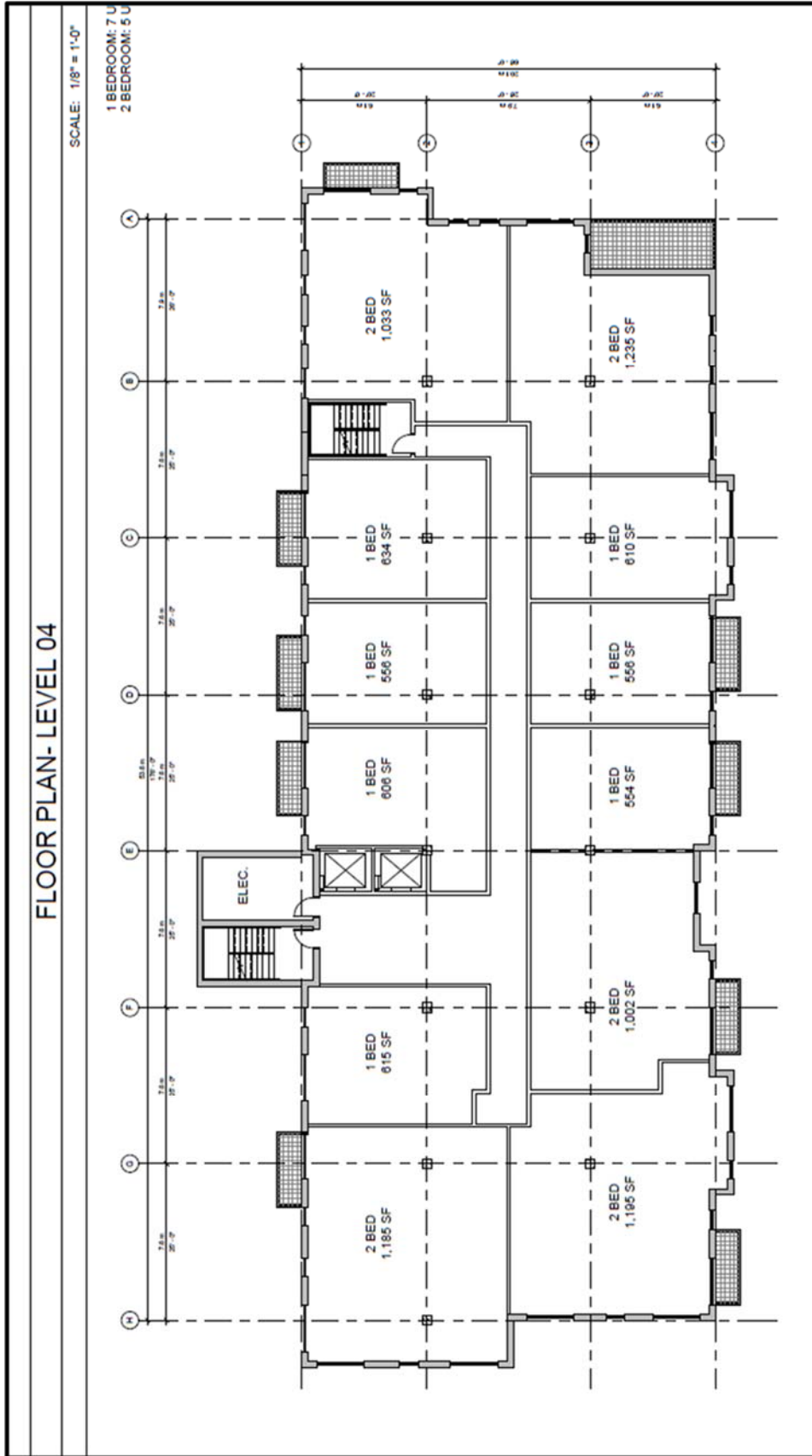
# SCHEDULE 'D'



# SCHEDULE 'D'



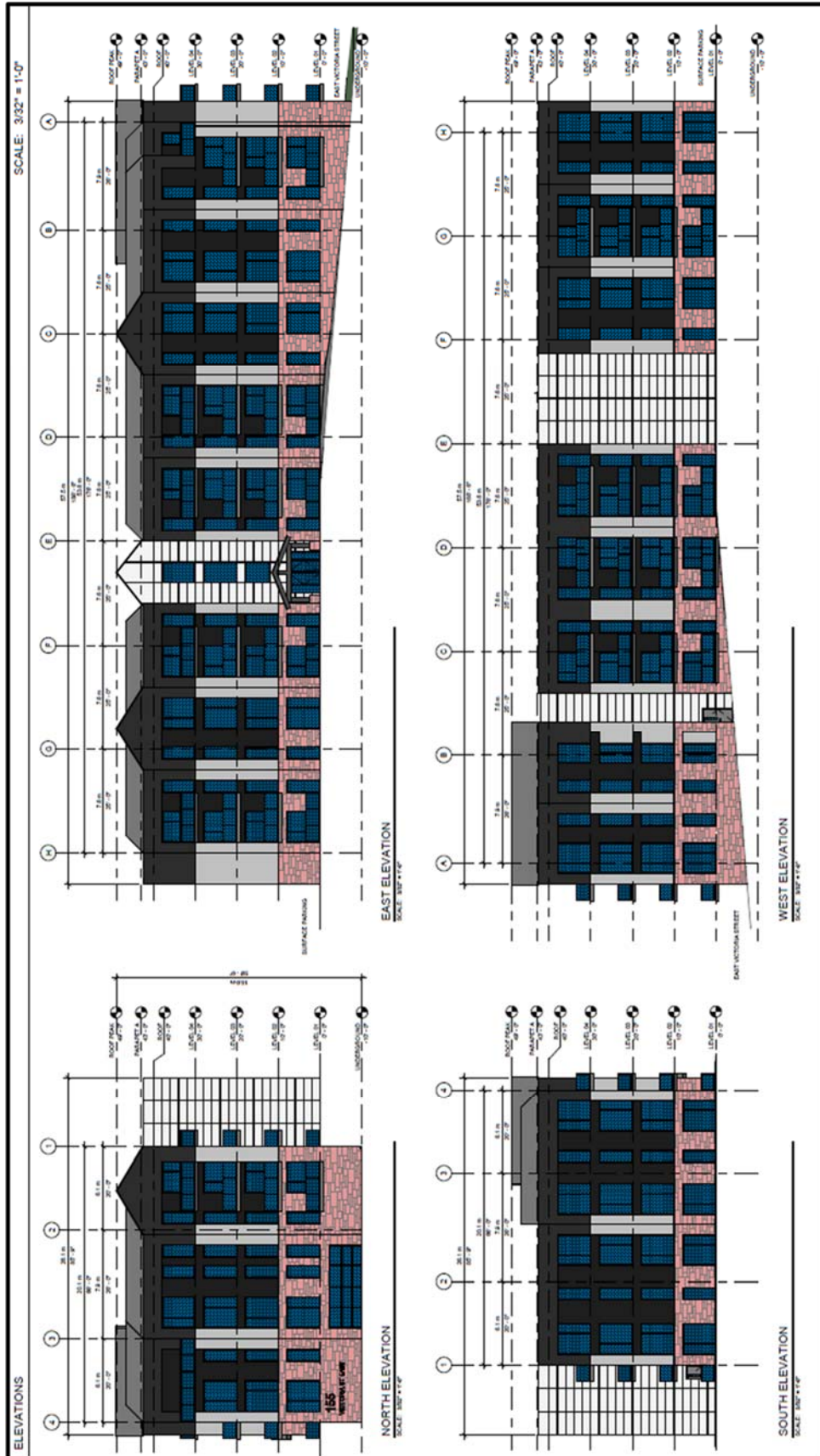
# SCHEDULE 'D'



**SCHEDULE 'E'**



# SCHEDULE 'E'



# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** May 17, 2023

**RE:** **Development Agreement – Apartment Building – 155 East Victoria Street**

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## **PROPOSAL:**

A revised application by Leslie Carrie for a development agreement to allow construction of a 48-unit apartment building at 155 East Victoria Street (Lot 2005-1A, PID 25034091).

## **BACKGROUND INFORMATION:**

Upon further review of the analysis presented at the May 1<sup>st</sup> meeting, it was determined that an error was made in the assumptions used to build the model of the proposed building at 155 East Victoria in relation to other buildings around it. As a result, the models shown in the staff report and presented at the meeting set the proposed building approximately 3 metres higher than it should be. Given that height was one of the issues of concern with respect to this proposal, it is possible that this error may have influenced the Committee's decision. As such, Staff in consultation with the Chair felt that the committee should be given an opportunity to review the revised models and consider a motion to confirm or change their May 1<sup>st</sup> recommendation to council.

Other than the corrected models, no new information is being provided. Committee members are asked to review the May 1<sup>st</sup> staff report that provides a description of the proposal, relevant policy, staff comments and recommendation. That information remains unchanged, except the corrected model estimates that the proposed building will be approximately the same level as the tallest building in the immediate area (157 East Victoria), not a storey higher as stated in the May 1<sup>st</sup> report.

In particular, the model applied the total height of the proposed building, including the garage level, to the mean ground level of the property: 27.5m.

## **PUBLIC PARTICIPATION OPPORTUNITY:**

A summary of the January 18, 2023 public participation opportunity is provided in the May 1<sup>st</sup> staff report. Written submission were included in the in February 1<sup>st</sup> PAC agenda package.

## **RELEVANT POLICY:**

As noted above, relevant MPS policies are discussed in the May 1<sup>st</sup>, 2023 staff report.

## **DISCUSSION and CONCLUSION:**

Members are again referred to the May 1<sup>st</sup> staff report that provides a comprehensive discussion and conclusion regarding this proposal. While the decrease in height does

There are many aspects of the proposal that could have a positive impact on the town. Amherst very much needs more residential development within close walking distance of the downtown core area to support downtown amenities and increase its vibrancy. More people living in and near downtowns results in increase activity during, but also outside, regular business hours. More activity in a downtown area often attracts even more people to spend their leisure time in the area, which further supports the case for other commercial and residential investment in this area.

Other positive elements include barrier-free units, rooftop solar electricity generation, heat provided by heat pumps, electric vehicle charging stations, and building energy efficiencies that exceed Building Code standards. The proposed 'tilt-up' construction is alleged to be significantly faster than conventional construction methods. The applicant states that construction would take approximately 6 months versus a year or more for conventional construction. This reduces the length of disturbance in the surrounding area due to construction. This would be an upscale, efficient building with amenities that do not currently exist in the Amherst housing market. It would cater to those looking for a living option with a relatively low carbon footprint lower dependence on a personal vehicle. It is the type of progressive building that the town needs.

It was suggested to the applicant that if the proposed building were reduced to three levels (4 at East Victoria) it would be similar in height to the 3-level, 8-unit building at 157 East Victoria and other 3-level buildings in the broader neighbourhood. In addition, stepping the upper floor back 10-15 feet would reduce the shear face of the building wall that fronts on East Victoria and potentially reduce its impact on the streetscape and neighbourhood character. Staff suggested that these two reductions in the height and bulk of the building might allow an argument to be made that the building is in keeping with the general intent of the key MPS policies. The applicant responded that these changes would make the project financially unfeasible.

In conclusion, staff and the public raised concerns about the compatibility of the proposal with respect to its location on the lot, bulk height and lack of compatibility and sensitivity with the surrounding neighbourhood. These concerns also reflect issues identified by MPS policies that must be considered in evaluating this proposal. In response, the proposal has been significantly revised to address these concerns to mitigate the potential conflicts and impacts. The three planners on staff have discussed this proposal at length and feel that a legitimate argument can be made for both a positive and a negative recommendation; however, there is consensus that once complete, the proposed building will have a positive impact on the town over all. It will have a limited impact on South Adelaide and a significant visual impact on East Victoria.

**OPTIONS:**

Option One: Make no motion. This maintains the May 1<sup>st</sup> motion recommending that Council deny the application.

Option Two: Recommend that Council not enter into the Development Agreement for 155 East Victoria.

Option Three: Recommend that Council enter into the Development Agreement for 155 East Victoria Street, subject to any changes that may arise.

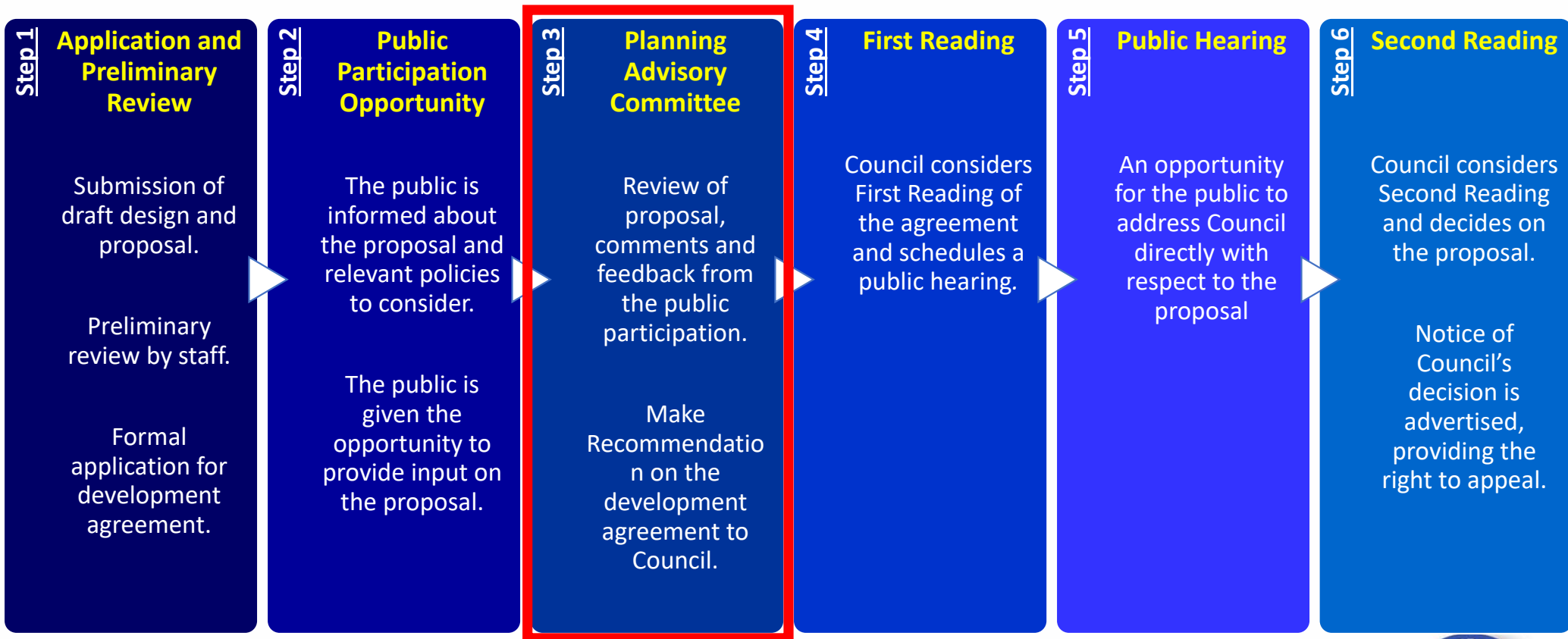
**STAFF RECOMMENDATION:** On balance, planners on staff feel that the proposal satisfies the general intent of the Municipal Planning Strategy, and recommend **Option Three**.

# **Development Agreement Application to Permit a 48-Unit Apartment Building on 155 East Victoria Street**

**May 17, 2023**



# DEVELOPMENT AGREEMENT PROCESS



\*All meetings of the PAC and Council are open to the public.

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# APPLICATION DETAILS

**Applicant:** Leslie Carrie

**Owner:** 3227967 Nova Scotia Limited

**Summary of Proposal:** A 48-unit, 4-level Apartment Building

**Location:** 155 Victoria Street (Lot 2005-1A, PID 25034091).

**Property Size:** 3587 m<sup>2</sup> (0.9 acres).

**Street Frontage:** 35m on Victoria Street, 73m on South Adelaide Street.

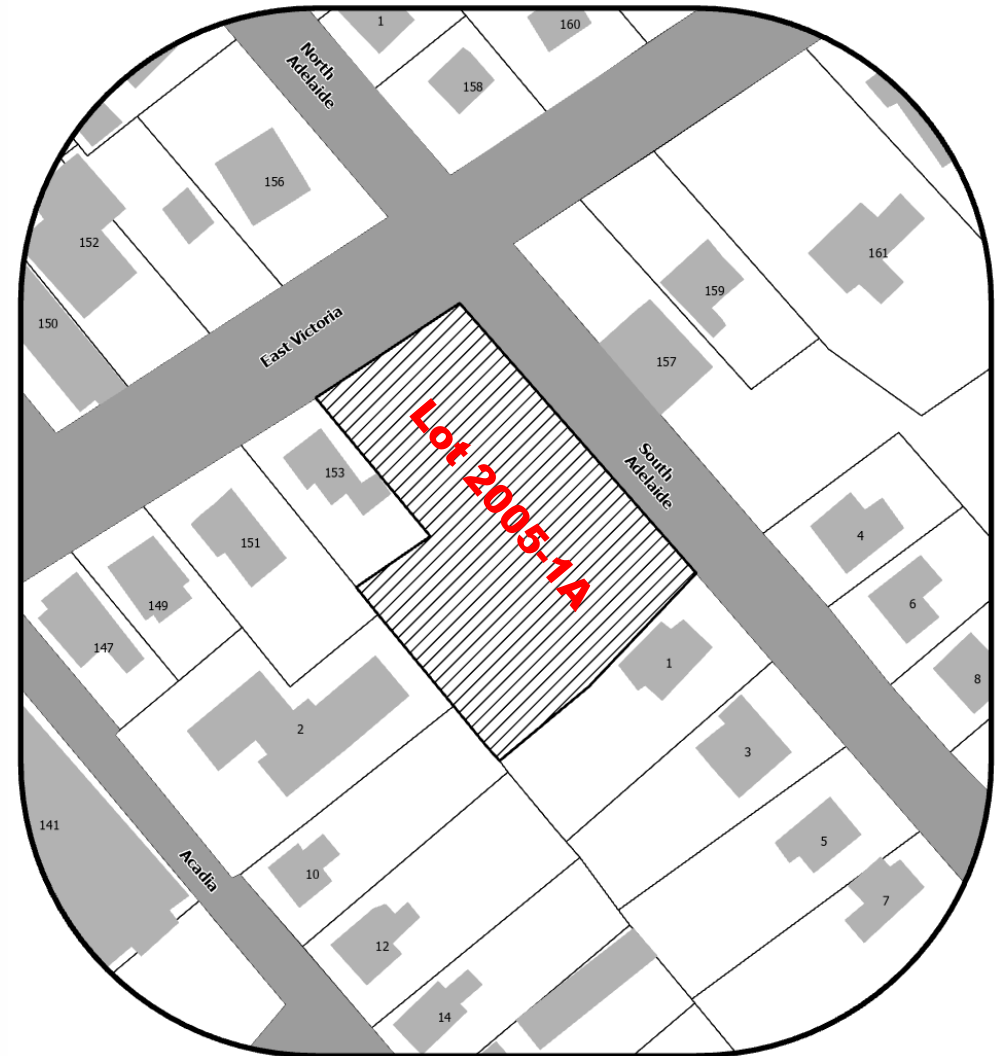
**Existing Land Use:** Vacant

**Existing Zoning:** General Residential



**The Amherst Land Use Bylaw and Municipal Planning Strategy require a development agreement for any proposed residential use for more than four dwelling units.**

*An apartment building means a building or part thereof, consisting of three or more dwelling units, excluding town houses (Land Use ByLaw, Town of Amherst).*



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# NEIGHBOURHOOD CONTEXT

- ❑ The **subject property** is a corner lot bounded by South Adelaide and Victoria East Street.
- ❑ Immediately surrounded by 1-3 storey single-detached and multi-unit converted dwellings.
- ❑ 2-storey seniors apartment building (Shiretown Manor) is located directly south of the property. A extended stay motel and a 4-storey senior's residence is located approximately 70m away.
- ❑ The subject property exists on the first residential block adjacent to the downtown core. Moving further northeast the neighborhood consists of several historically significant residential properties
- ❑ The downtown core area with a variety commercial uses and services is within a very short walking distance.



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# SITE PLAN

**General Description:** 4-storey, 48-unit apartment building

**Units:** 29 one-bedroom units, 19 two-bedroom units

**Building Footprint:** +/- 1,158 sqm (12,457 sqft)

**Property Area:** 3,587m<sup>2</sup> (0.9 acre)

**Density:** 48 units/acre

**Parking:** 64 spaces (39 surface/25 underground)  
(1.3 spaces/unit). 8 EV chargers & Bike Storage

**Access:** East Victoria Street & South Adelaide Street.

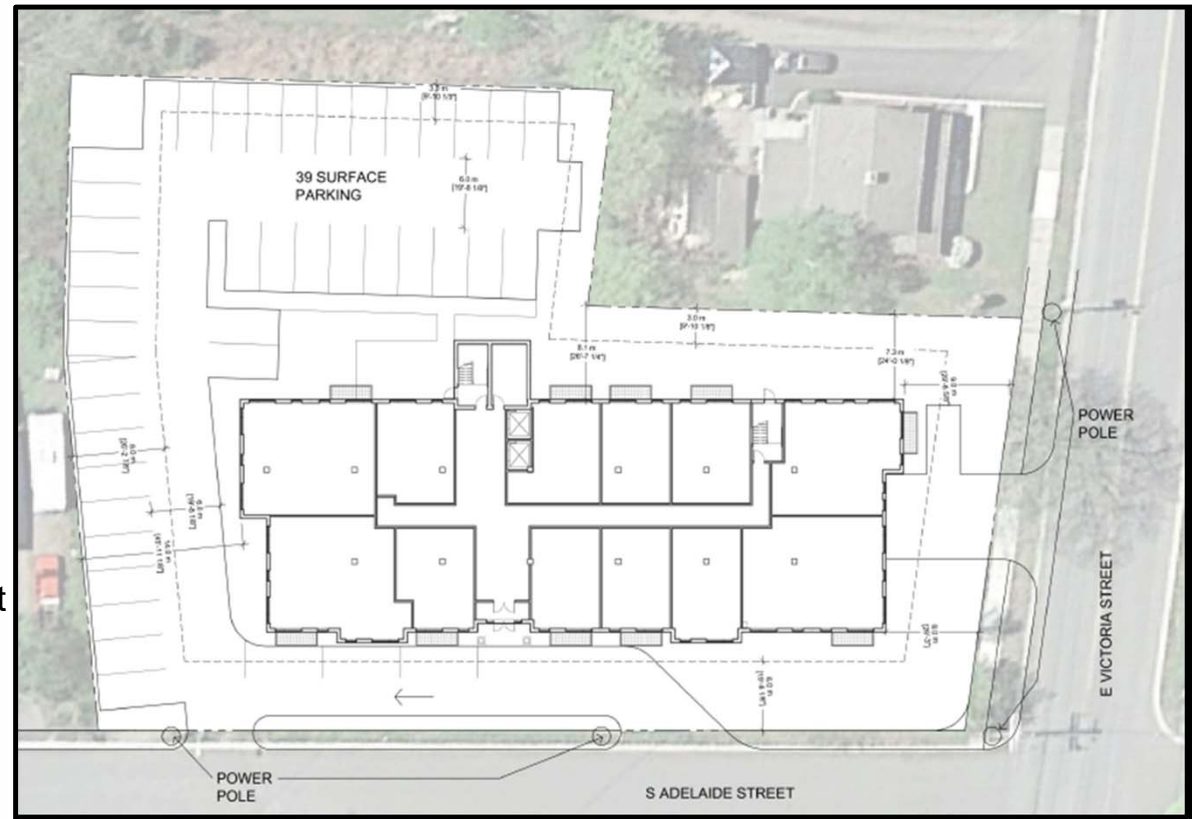
**Building Setbacks (approximate):**

Front Yard (Victoria): 8m (26 ft) at the closest point

Flank Yard (S. Adelaide): 7m (23ft) at the closest point

Side Yard: 7.3m (24ft)

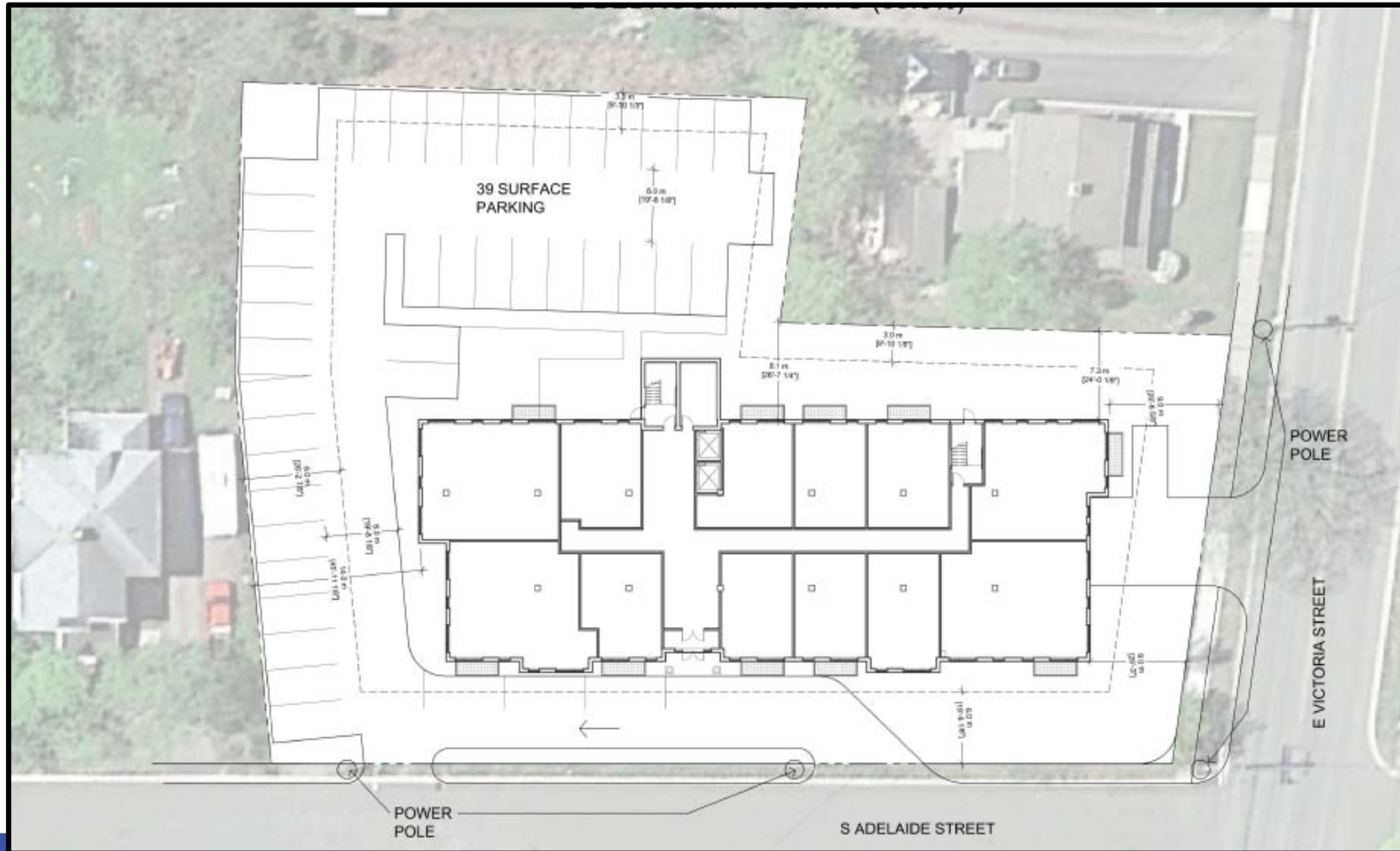
Rear Yard: 14m (46ft)



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# SITE PLAN



#seewhyweloveit



# REVISED BUILDING PERSPECTIVES

From Adelaide / East Victoria Intersection



# REVISED BUILDING PERPECTIVES

From South Adelaide



# REVISED BUILDING PERPECTIVES



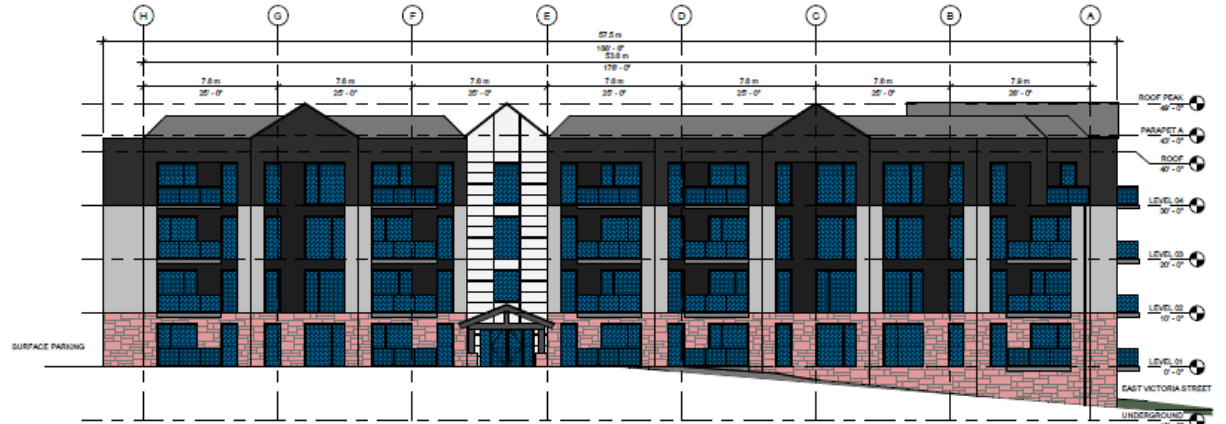
ELEVATIONS

SCALE: 3/32" = 1'-0"



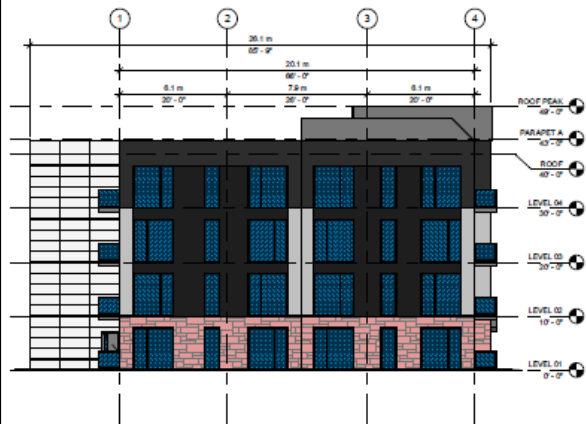
NORTH ELEVATION

SCALE: 3/32" = 1'-0"



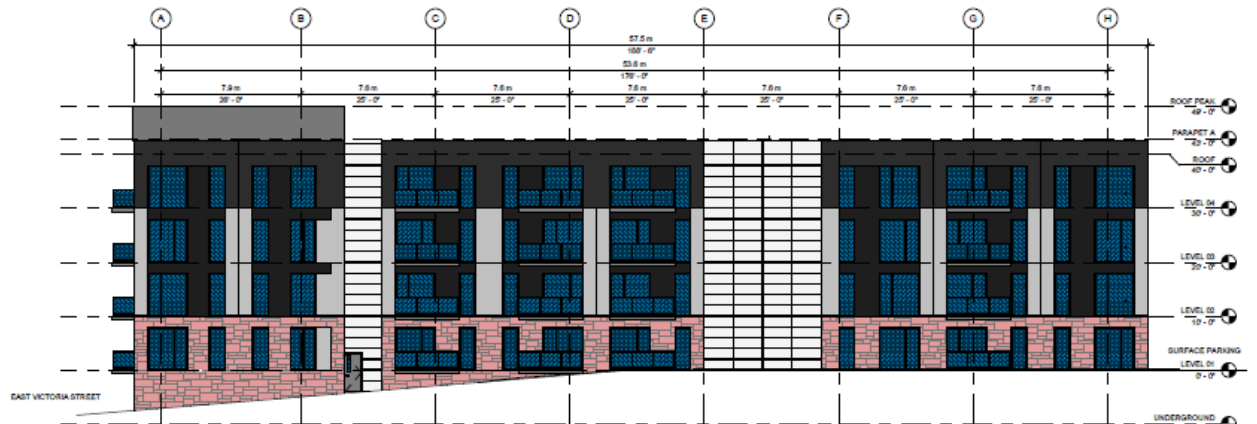
EAST ELEVATION

SCALE: 3/32" = 1'-0"



SOUTH ELEVATION

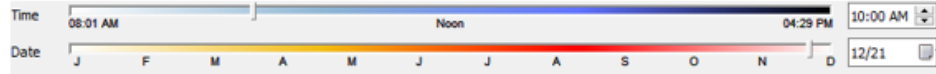
SCALE: 3/32" = 1'-0"



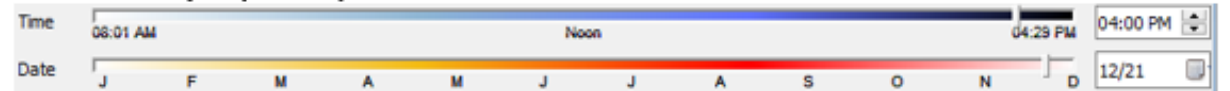
WEST ELEVATION

SCALE: 3/32" = 1'-0"

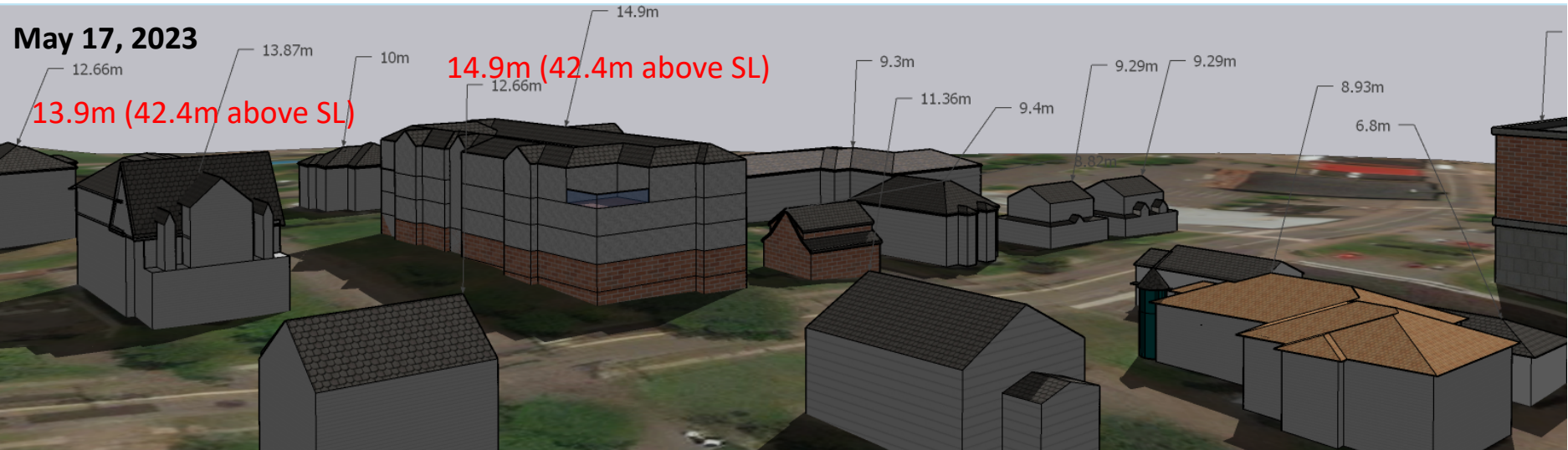
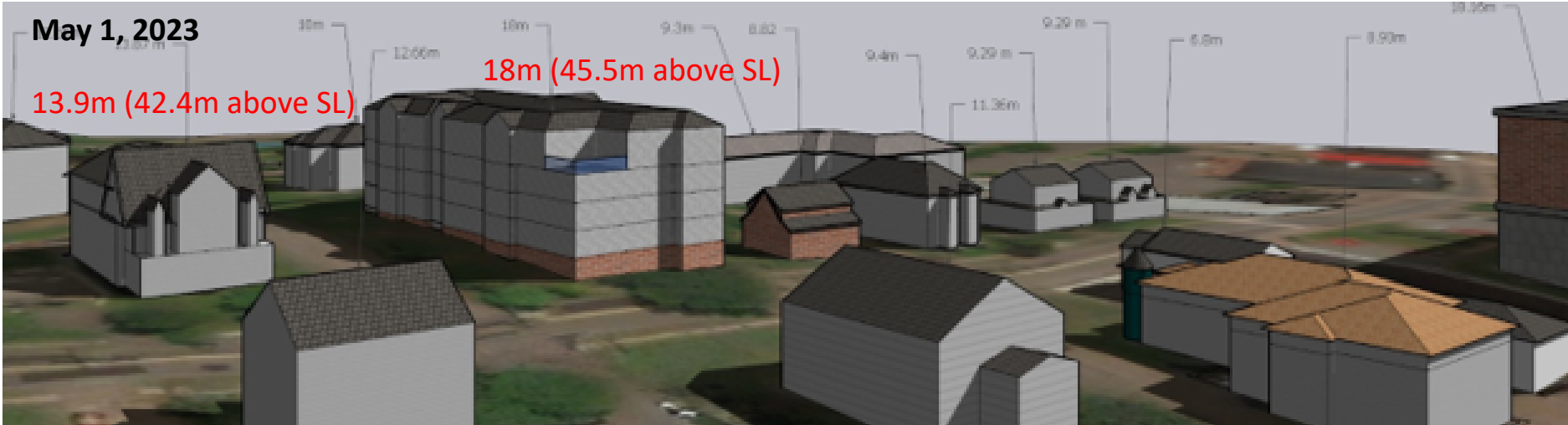
### Shadow Analysis (Winter)



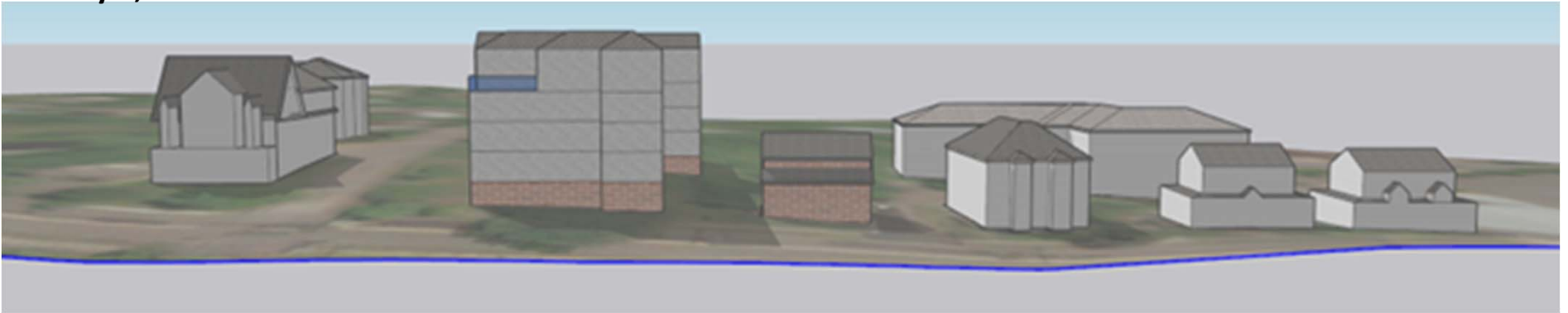
### Shadow Analysis (Winter)



# Estimated Buildings Heights



**May 1, 2023**



**May 17, 2023**



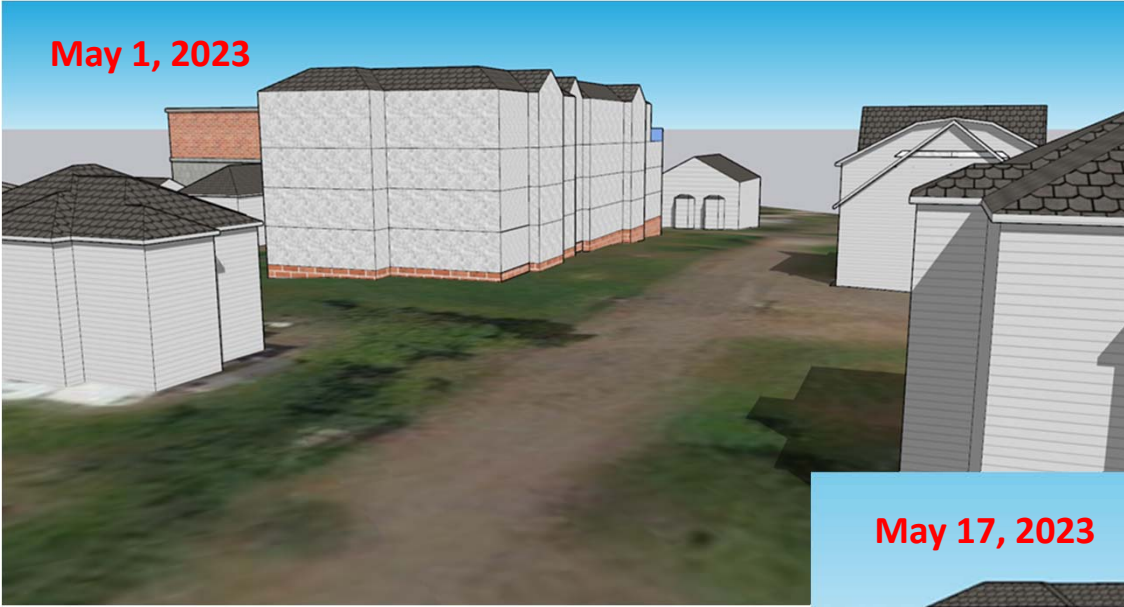
**May 1, 2023**



**May 17, 2023**



**May 1, 2023**



**May 17, 2023**



# RELEVANT PLANNING BYLAWS AND POLICIES

## 1. Permitted Uses by Development Agreement (Land Use Bylaw Section 7.2.2)

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

- (e) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.

## 2. Residential Policy on Medium and High Density by Development Agreement (Municipal Planning Strategy, RP-9)

It shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighborhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement.

In negotiating such an agreement Council shall ensure that:

- (a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;
- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
- (f) require the use of vegetation to improve the aesthetic quality of the development;
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

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# RELEVANT PLANNING BYLAWS AND POLICIES

## 3. Implementation Policy on Amendment Criteria (Municipal Planning Strategy, A-5)

It shall be the intention of Council, when [...] entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

# RELEVANT PLANNING BYLAWS AND POLICIES

## **4. General Land Use Policies on Compatibility (Municipal Planning Strategy, GP-7)**

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

## **5. General Land Use Policies on Density (Municipal Planning Strategy, GP-8)**

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

## **6. Residential Policy on Housing Mix (Municipal Planning Strategy, RP-8)**

It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

## **7. Residential Policy on Affordable Housing (Municipal Planning Strategy, RP-11)**

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential area of town by: (a) encouraging a mix of housing types and densities.

## **8. Municipal Service Policies on In-fill Development (Municipal Planning Strategy, MS-11)**

It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

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**OPTIONS:**

- Option One: Make no motion. This maintains the May 1<sup>st</sup> motion recommending that Council deny the application.
- Option Two: Recommend that Council not enter into the Development Agreement for 155 East Victoria.
- Option Three: Recommend that Council enter into the Development Agreement for 155 East Victoria Street, subject to any changes that may arise.

**STAFF RECOMMENDATION:** On balance, planners on staff feel that the proposal satisfies the general intent of the Municipal Planning Strategy, and recommend Option Three.

## 1. Lot Coverage

The average coverage in the neighbourhood is 23.1%. While the development will attract more density, the lot coverage (29.5%) is however, within the applicable range (8.6% - 49.3%) in the neighbourhood.

Graph Showing Lot Coverage

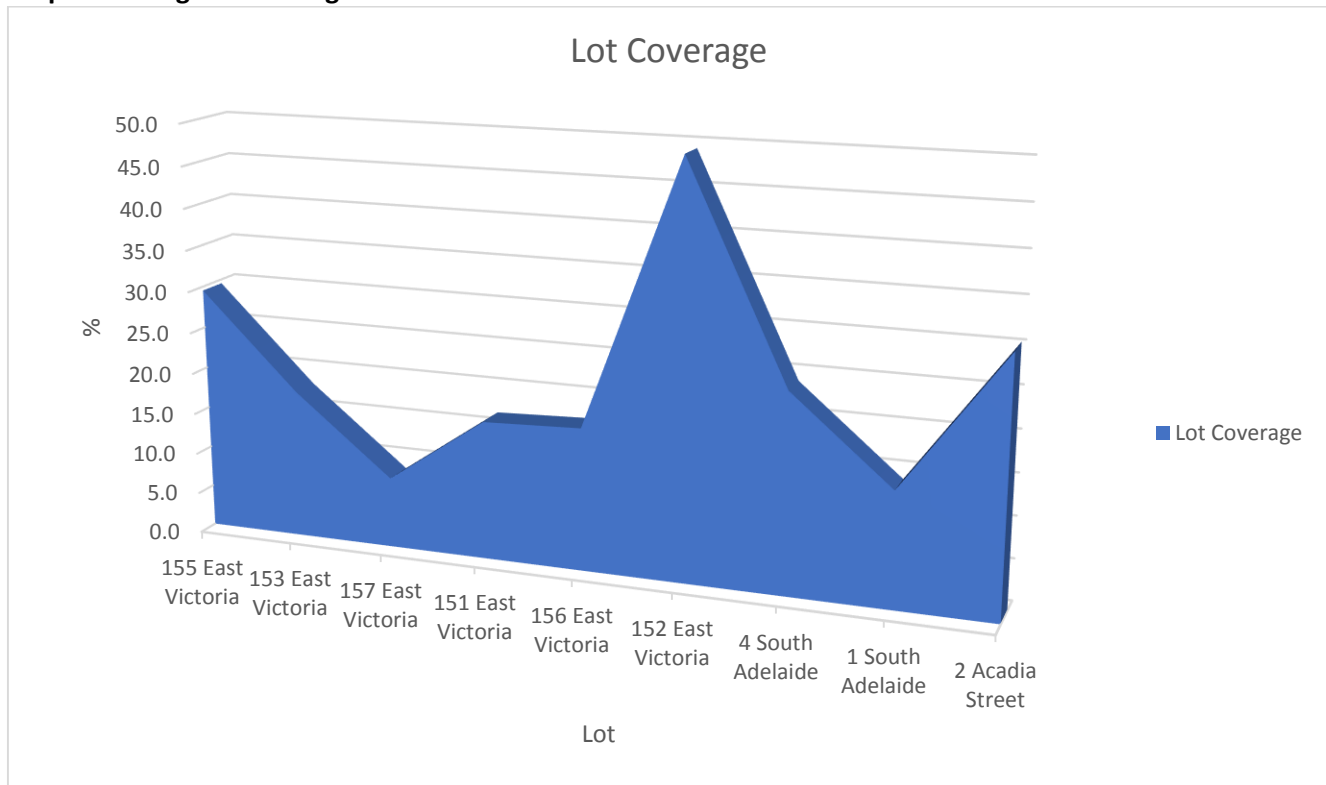


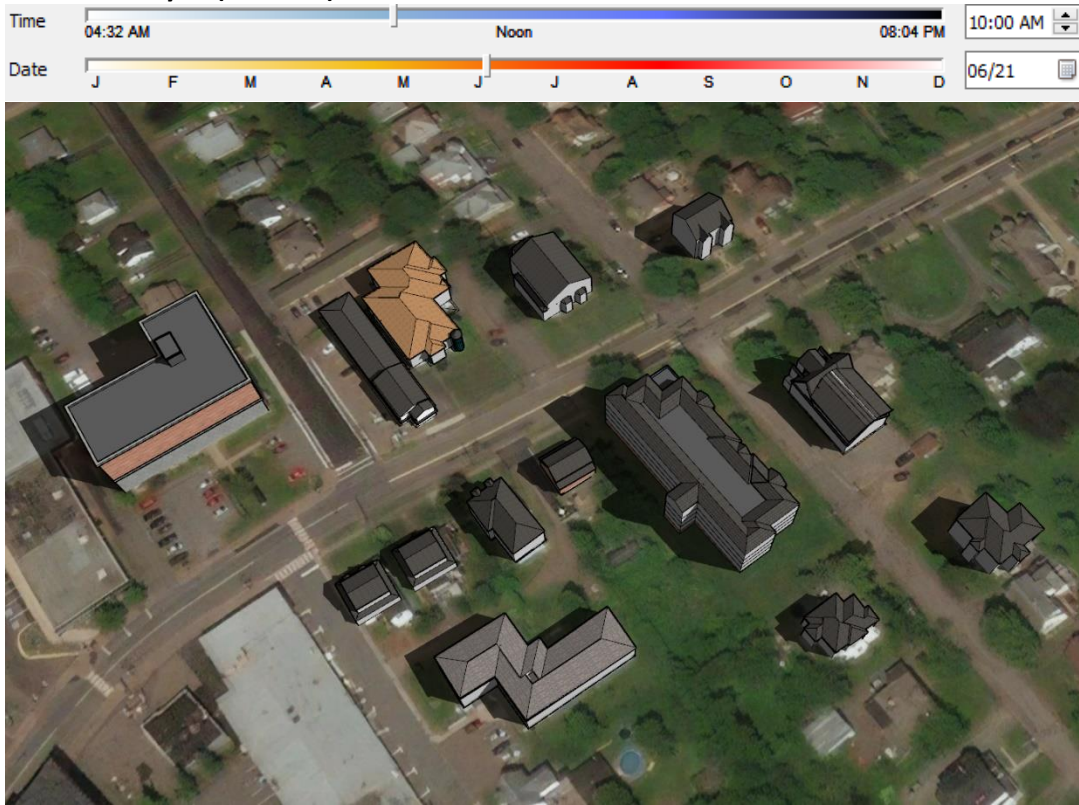
Table Showing Building Details

Lot	Lot area (sqm)	Building footprint (sqm)	Lot coverage (%)	Building Height (m)
155 East Victoria	3589.91	1,060	29.5	<b>14.9</b>
153 East Victoria	665.49	119.70	18.0	8.82
157 East Victoria	3191.08	272.89	8.6	13.87
151 East Victoria	1064.27	178.18	16.7	9.4
156 East Victoria	1189.40	204.67	17.2	12.66
152 East Victoria	882.82	434.83	49.3	11.36
4 South Adelaide	684.80	164.06	24.0	12.66
1 South Adelaide	1205.97	167.43	13.9	10
2 Acadia Street	1867.33	569.90	30.5	9.3
Average lot coverage in the neighbourhood			23.1	

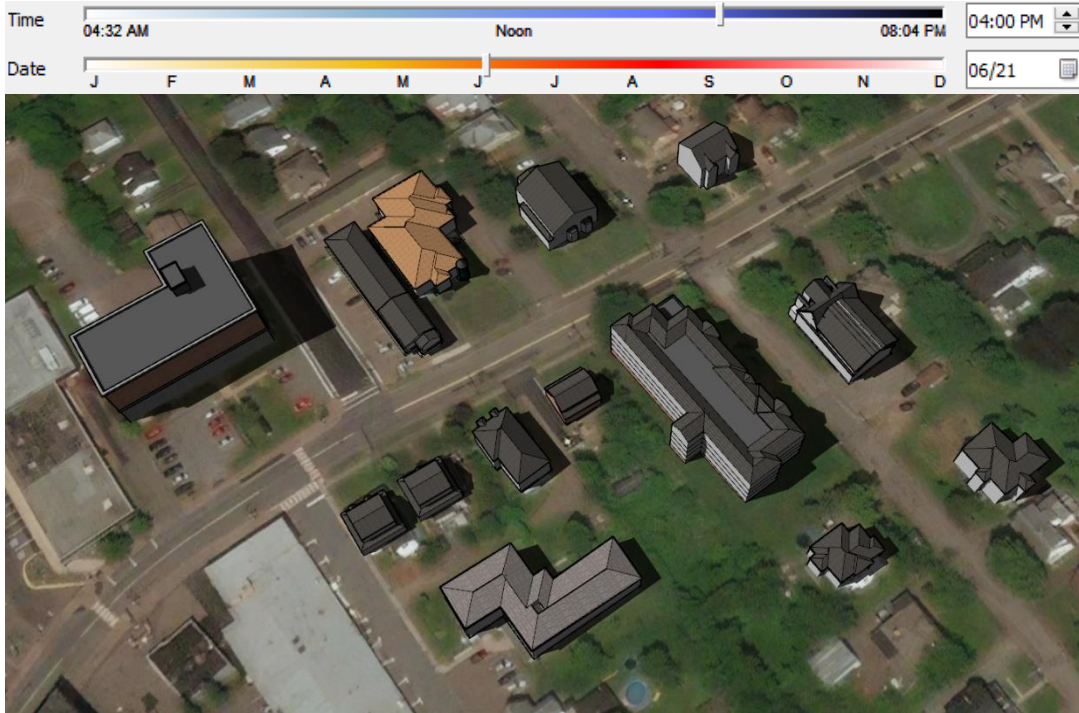
Furthermore, at 20sqm per unit, a total of 960sqm amenity space is required for the proposed 48 units. A sum of the building coverage and the amenity space is 2020sqm, leaving additional 1,569.91sqm for landscaping and parking on the site. This implies that the proposed site is large enough to adequately accommodate the number density that is being proposed.

## 2. Shadow Analysis

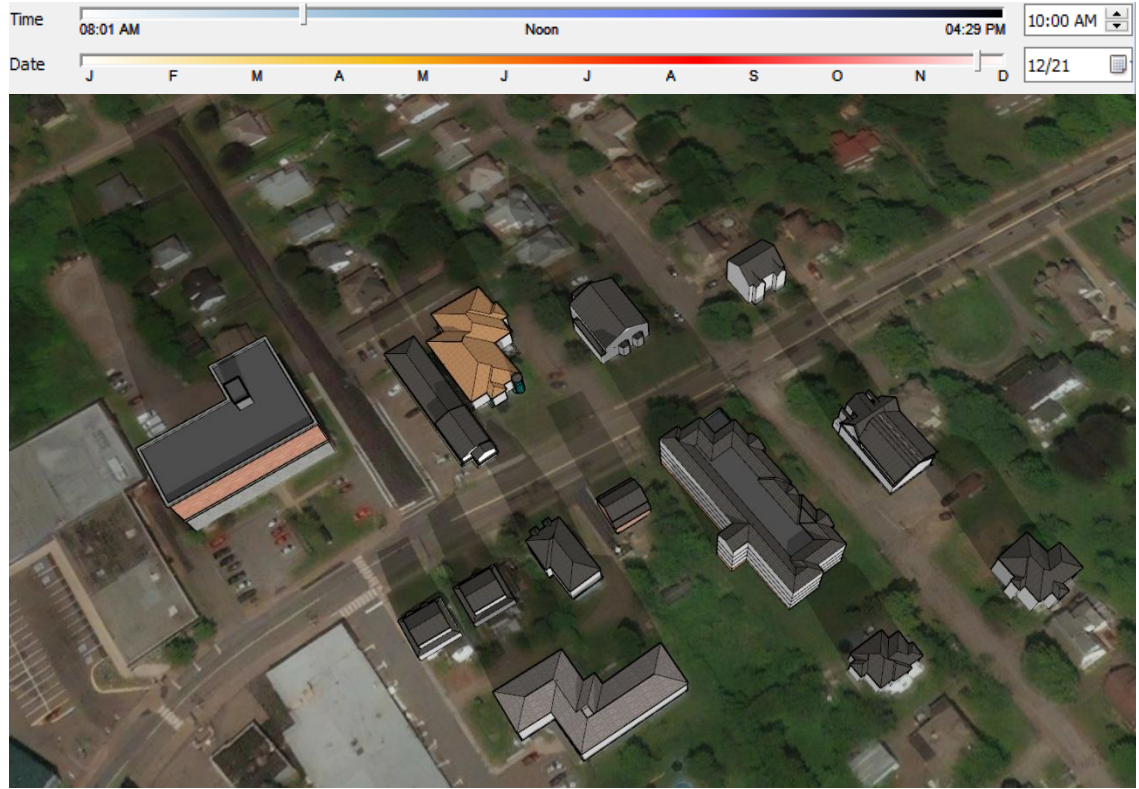
### Shadow Analysis (Summer)



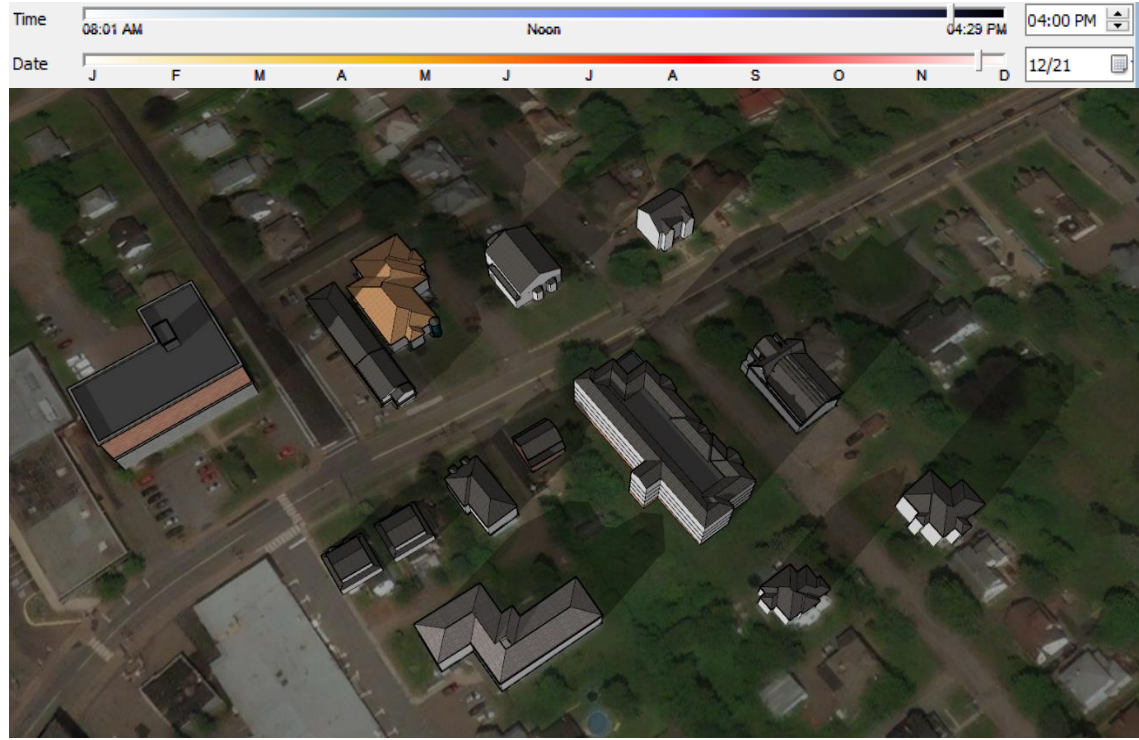
### Shadow Analysis (Summer)



### Shadow Analysis (Winter)



### Shadow Analysis (Winter)

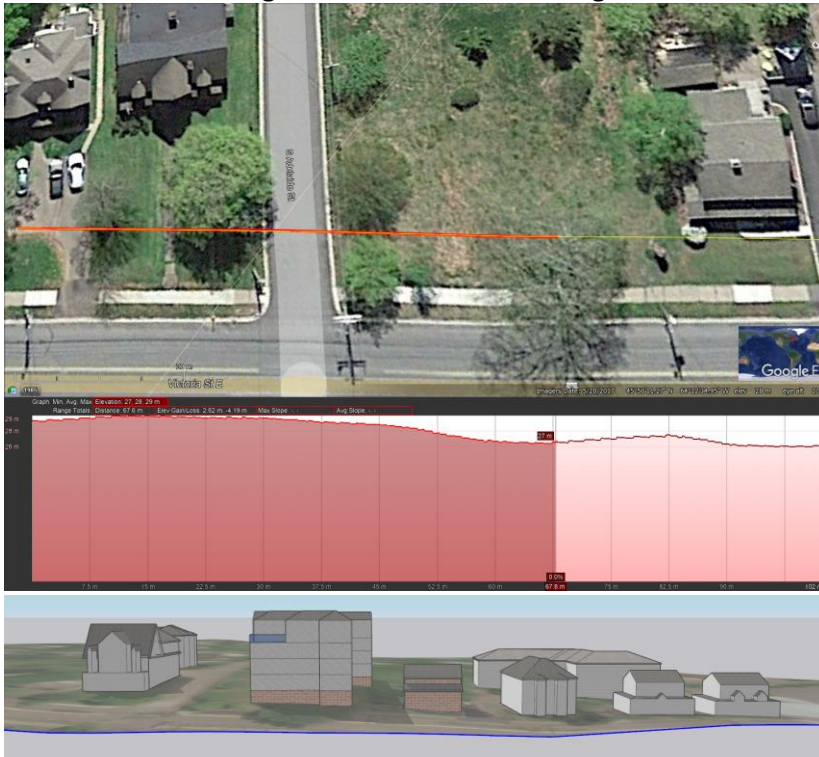


The shadow impact of the proposed four storey building will not be significantly different from a three storey.

### 3. Building Height

The terrain of the area where the development is proposed is a major determinant of the elevation profile for buildings in the neighbourhood.

#### Cross Section Showing the Elevation Profile Along East Victoria



#### Elevation Profile for 155 East Victoria (Subject Property)



The terrain of subject site ranges from 25m – 30m above sea level (mean ground level = 27.5m). Having a building 14.9m high puts the peak at approximately 42.4m above sea level.

### North Elevation of the Proposed building



- The garage is underground. This portion of the building fall between the 27.5m shown in the previous image.

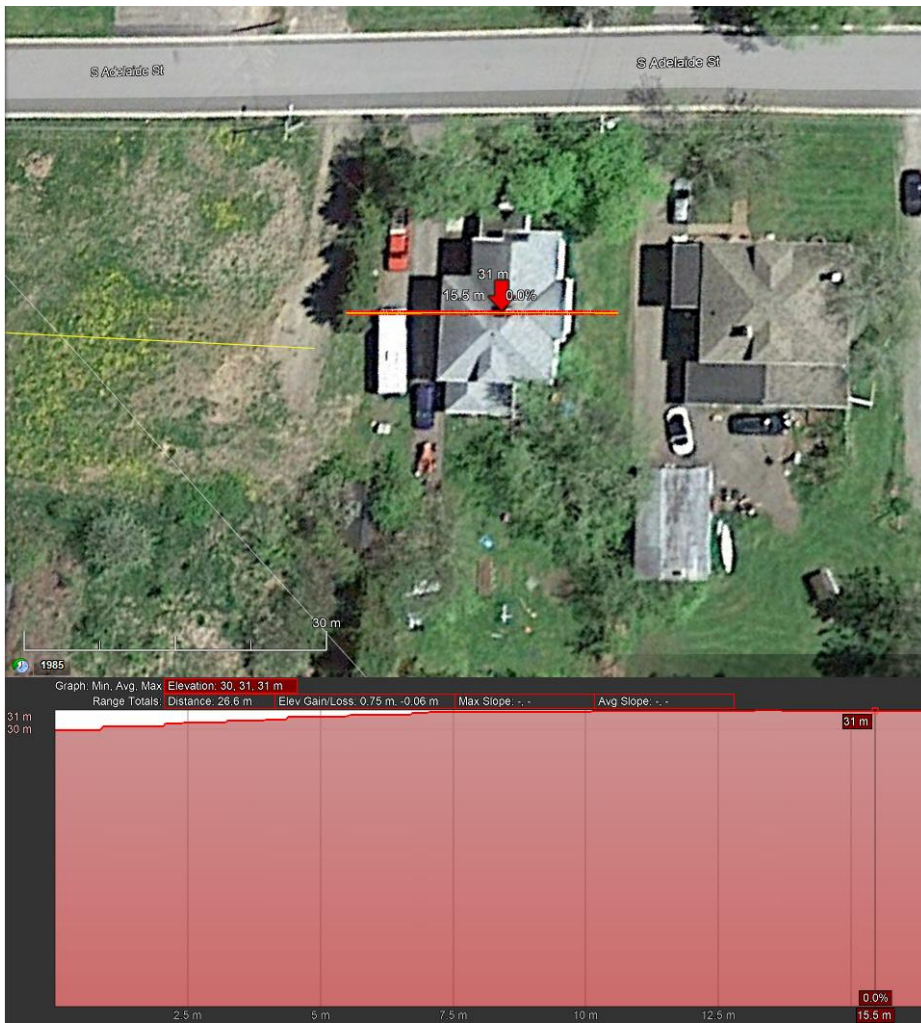
- The first up to the fourth-floor spans from 27.5m to 42.4m above sea level.

### Elevation Profile for 157 East Victoria



The terrain for 157 East Victoria Street ranges from 27m – 30m above sea level (mean ground level = 28.5m). With an existing 13.87m high building seating on it, the peak is estimated to be at 42.37m above sea level.

### Elevation Profile for 1 South Adelaide



While the building will be higher and larger than the existing building at 1 South Adelaide Street, it is important to note that the building at 1 South Adelaide Street is seating on approximately 30.5m elevation above sea level. Hence, a peak of 40.5m above sea level.

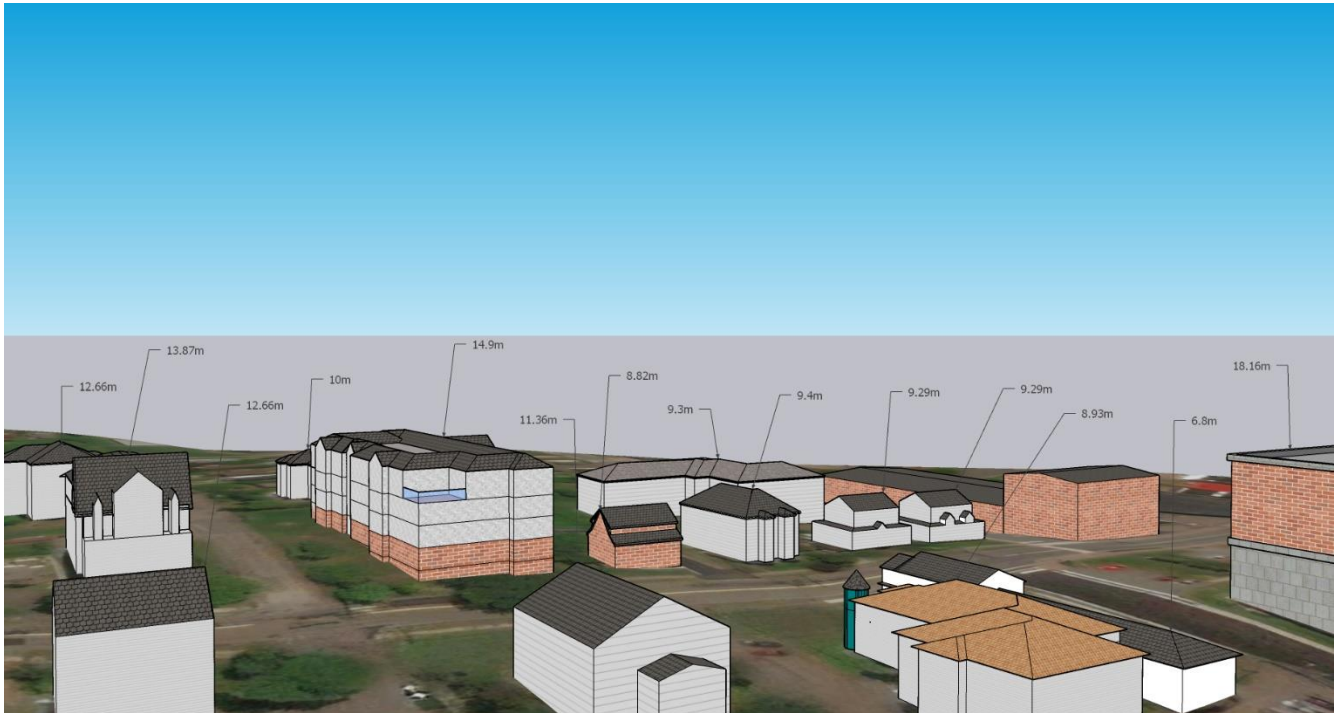
## Elevation Profile for 153 East Victoria



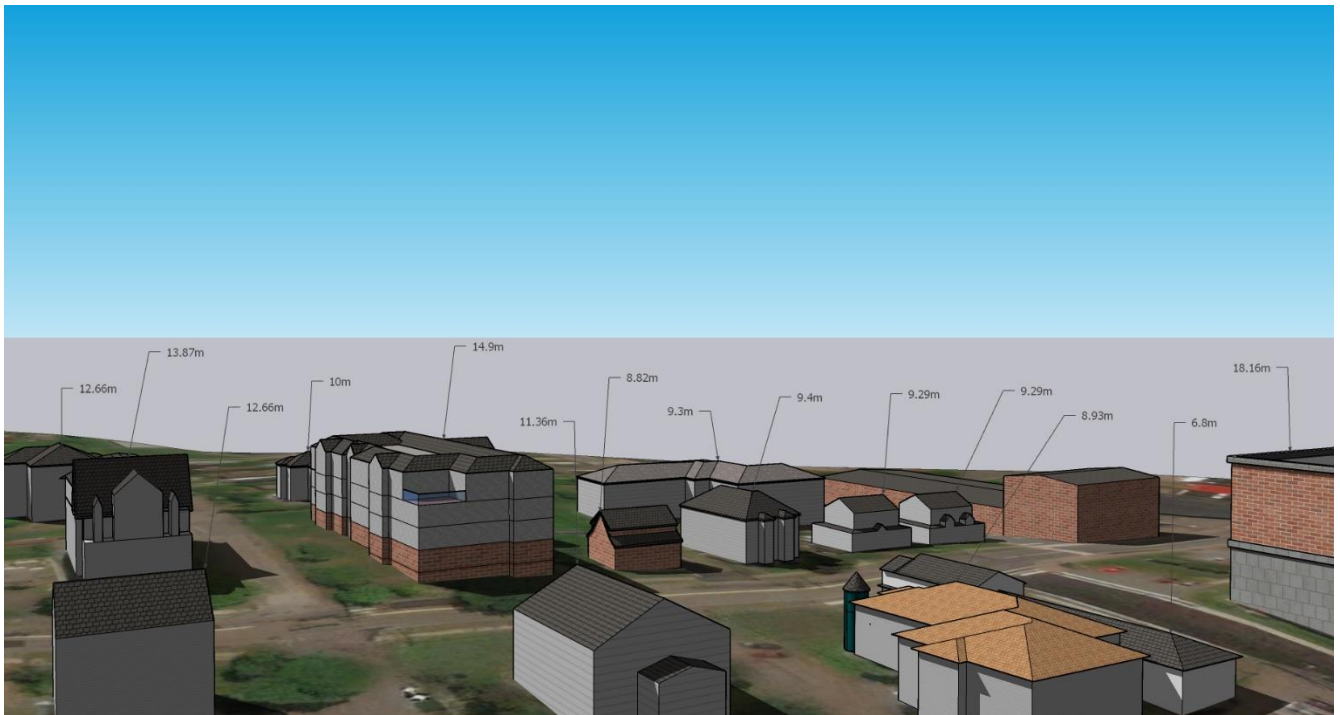
The property on lot 153 East Victoria Street (approximately 8.82m high) is no doubt significantly shorter than the proposal. However, this is not solely due to the height of the proposed building but the terrain of the land and architecture is also a major contributor. Seating on approximately 26.5m above sea level, the peak of the building is 35.32m above sea level; i.e., approximately 10m lower than the proposed building. Therefore, even if the proposal is reduced to three-storey (i.e., less 3m), it will still be significantly taller than the building on 153 East Victoria Street.

Besides, properties along Acadia Street are generally at a lower elevation compared to the ones in their backyard on South Adelaide. Additionally, most buildings in the area have a high-pitched roof (Victorian style) contribute to their height. The proposal is, however, designed with a low-pitched roof which considerable lowers the peak of the building.

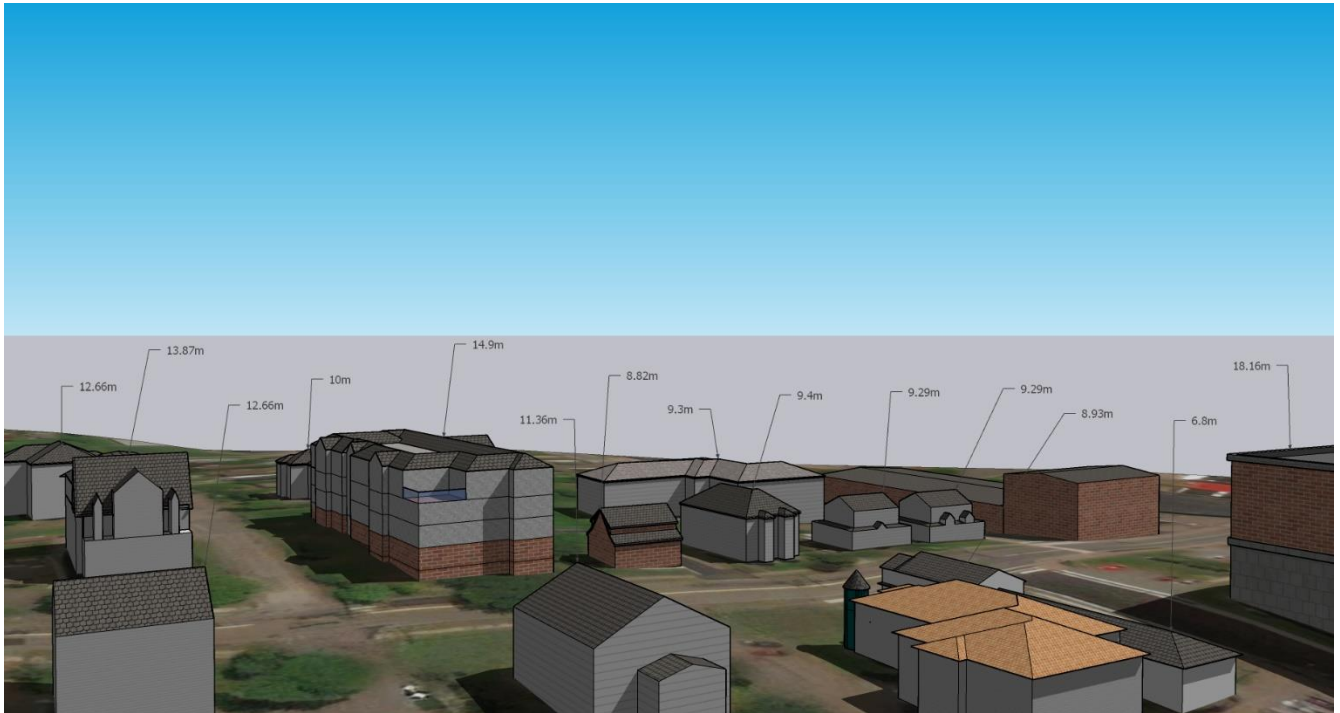
### Estimated Buildings Heights



### Estimated Buildings Heights (Daytime Shadow in Summer)



### Estimated Buildings Heights (Evening Shadow in Summer)



**Perspective along East Victoria, facing Downtown**



**Perspective along East Victoria, from Downtown**



## Perspective along South Adelaide Facing North Adelaide



### 4. Façade and Urban Design

The introduction of extrusions, and gables and hip roofs speaks to improvement towards improving visual compatibility and making the design confirm with the existing architecture in the neighbourhood. These steps will also help to reduce shadow impacts. Nevertheless, conscious effort is needed to ensure that the roof does not drain into the abutting lots.

### 5. Privacy

Privacy, can be improved by using an opaque material for balcony railings. This will provide at least 50 percent visual screening; that is, the area below the hand rail is at least sight-obscuring solid material.

#### Illustration

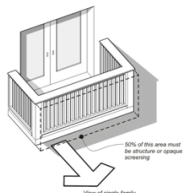


Figure 6. Balcony railing requirements.



Figure 7. The balconies on the left offer more privacy and hide stored furniture better than those on the right.

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** May 1, 2023

**RE:** **Development Agreement – Apartment Building – 155 East Victoria Street**

---

## **PROPOSAL:**

A revised application by Leslie Carrie for a development agreement to allow construction of a 48-unit apartment building at 155 East Victoria Street (Lot 2005-1A, PID 25034091).

## **BACKGROUND INFORMATION:**

The attached application briefing provides the revised site details and building proposal. Also attached is a lot coverage, shade analysis and model of the proposal in relation to the streetscape and buildings in the area. The original proposal was for a 6-7-level, 59-unit apartment building. After a January 18<sup>th</sup> Public Participation Opportunity, on February 6<sup>th</sup> the PAC recommended that Council not enter into the development agreement. Subsequently, the applicant requested an opportunity to revise the height and number of units, and increase the setback from the adjacent property at 153 East Victoria Street. On January 27<sup>th</sup>, Council referred the application back to the PAC for review and recommendation.

Although changes have been made to the proposal since the Public Participation Opportunity (PPO) took place, it is substantially the same in terms of the type of use and major site features. Addressing the issues raised at the February PPO is the key focus of the revised proposal. As such, it would be redundant to hold an additional PPO. Following PAC's second recommendation, should Council decide to pass first reading, a public hearing will be held to gain the public's input on the revised proposal.

As indicated above and shown on the attached briefing the proposed building has been reduced from 6 levels (7 at East Victoria) to 4 levels (5 at East Victoria). The footprint of the building, now rectangular, no longer articulates at the centre. The revised building has also been moved towards South Adelaide, increasing the setback from approximately 10 feet to 24 feet, providing approximately 30 feet of separation between the proposed building and the dwelling at 153 East Victoria.

There are other architectural changes including three exterior finishes to break up the vertical lines of the building. The roof line has been significantly changed to include peak and hip roof features to reduce the 'box-like' character of the initial proposal. These features reference the architecture of its surroundings. A lighter color for the 4<sup>th</sup> floor juxtaposed with the darker coloured brick and stone on the lower floors has a similar visual effect of emphasizing the lower levels. A covered entrance is added. Decks on the southwest units that were recessed, now protrude from the building wall. The 4/5<sup>th</sup> floor deck on the north corner of the building is set back into the building footprint.

Staff also developed a model that accounts for land elevation relative to sea level, which provides a more accurate comparison of the proposed building height and the surrounding buildings. As shown in the Briefing, the proposed building will be approximately 45.5 m above sea level, just over 3.1 m (10.2 feet) higher than the 8-unit apartment at 157 East Victoria, and approximately 10.2 m (33 feet) higher than 153 East Victoria.

## **PUBLIC PARTICIPATION OPPORTUNITY**

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification, was held on January 18, 2023. A video of the meeting has been made available, and a summary is provided as part of the information package. Written submissions are also part of the information package. Some of the concerns raised at the meeting could be summarized as follows:

- The building is out of scale with adjacent detached dwellings in terms of the number of units and bulk, height and position
- Not sensitive to the established neighbourhood character
- Approval of this will set a precedent for all residential neighbourhoods
- Loss of privacy
- Traffic increase in frequency and speed
- Property values will decrease in the area
- Construction noise and disruption
- Schools are already over capacity
- School children safety
- The proposal does not meet the LUB requirements
- Impact assessment needed on services, environment, fire services, traffic, school system.
- Fencing is needed.

Many of the above noted concerns are addressed in the discussion below. In addition, the applicant provided the attached response to the concerns raised by the public.

## **RELEVANT POLICY**

Section 7.2.2 of the Land Use Bylaw requires that residential developments with over four dwelling units are subject to a development agreement in accordance with Policy RP-9 of the Municipal Planning Strategy (MPS). The following provides the MPS Policies relevant to this issue with staff comments.

### **Policy RP-9 Medium and High Density by Development Agreement**

*It shall be the intention of Council to ensure medium and high-density residential development occur in a manner compatible with a low-density residential neighbourhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement. In negotiating such an agreement Council shall ensure that:*

- a) the structure is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;*
- b) the development provides sufficient on-site parking, and appropriate access to, and egress from the street;*

- c) the location of the parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;*
- d) any on site outdoor lighting does not negatively impact the surrounding properties;*
- e) any signage on the property is sympathetic to the surrounding residential properties;*
- f) vegetation is used to improve the aesthetic quality of the development;*
- g) the architecture of the building is sympathetic to any existing development in the surrounding area.***

As noted above, efforts have been made to limit the impact of the proposed development on the surrounding neighbourhood by reducing the building height to 4/5 levels and significantly increasing separation to 153 East Victoria. Privacy fencing would also be erected around the property perimeter. These measures are intended to reduce the impact on the adjacent dwelling at 153 East Victoria to some degree. In addition to the required privacy fence and the significant tree cover that exists in the rear yard of 153 East Victoria, the development agreement requires juvenile trees between the proposed building and 153 East Victoria to provide a visual barrier between the properties as much as possible.

A total of 64 parking spaces are proposed, with 25 located underground with access onto East Victoria and 39 surface parking spaces with access from South Adelaide. A turn-in is provided along the North Adelaide frontage with direct access to the main entrance and three accessible parking spaces. At a ratio of 1.3 spaces/unit, the number of spaces exceeds the LUB standard of 1.25 spaces/ unit. The main surface parking area is located to the rear and interior of the lot as much as possible, and vegetation is proposed where possible to soften the impact of the parking areas.

Regarding sections 'd & e' above, outdoor lighting and signage is addressed in the draft development agreement.

With regard to subsection (g), as noted in the attached application briefing, built form in the area is characterized as a mixture of 2-3 storey single-family dwellings and converted dwellings with up to eight dwelling units. Other uses include a 2-storey seniors apartment building to the immediate south. The height and bulk of the building is significantly larger than the built form of this neighbourhood that, while near the downtown commercial zone, is definitively residential.

The subject property is located on the first residential block northeast of the downtown core. Within approximately 70m (230 ft) exists Cumberland Manor, a 4-storey seniors apartment building on the same amount of land with ground-floor offices and 30-units on the upper floors. While Cumberland Manor and the proposed buildings are now the same height, there remains two important differences between the buildings. Firstly, the bulk and height of Cumberland Manor is significantly less dominating due to the front yard setback being approximately 25m (82 ft). Secondly, Cumberland Manor is located in the Downtown Commercial Zone, which has a significantly different built form typical of a traditional downtown commercial area. The property at 155 East Victoria Street is not in this zone.

It should be noted that although subsection (g) requires the proposal to be sympathetic to its surrounds, it does not require that it be the same. Included in the attached design brief is a shade analysis and neighbourhood model that illustrate the size of the building in relation to its surroundings. While significantly larger, it could be argued that the proposed building roofline is sympathetic to the slanted

and peaked roof architecture in the neighbourhood; however, the proposal attempts to mitigate potential conflicts.

### **GP-7 Compatibility**

*It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:*

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The matters noted in GP-7 are for the most part addressed in the discussion above regarding RP-9. The revised proposal does meet or exceed yard setback standards in the LUB. The building is setback as much as possible from the South Adelaide – East Victoria intersection, and the main surface parking area is located at the back corner of the lot. Fencing and a vegetative buffer is proposed to mitigate the privacy lost by the proposal.

### **GP-8 Density**

*It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.*

The ambiguity of this policy makes it difficult to apply it in an analysis of the proposed development. Higher density can be appropriate for this area and this property, but the architectural character of the building becomes more important the higher the density and resulting size of the building becomes. It could be argued that a 48-unit, 4/5 story building is not sensitive the surrounding neighbourhood characterized by 2-3 level dwellings with peaked roofs. It could also be argued that there are areas of town, such as the downtown core area district or perhaps the Highway Commercial area of town, where high density is more appropriate than a relatively low-density residential neighbourhood such as the one where 155 East Victoria is located.

Conversely, compatibility can be evaluated based on the degree to which the proposed building can exist in this neighbourhood without conflict. Revisions to the proposal have attempted to reduce potential conflict by reducing the height from 6/7 to 4/5 levels, doubling the setback to 153 East Victoria, and changing the architectural character of the building as described above. In terms of traffic, the proposal includes direct access to an arterial street and is a short walking distance to the downtown core area. In addition, the shade analysis indicates the shadow cast will not have a significant impact on surrounding property, particularly 153 East Victoria Street. Given these considerations, it could be argued that the potential conflicts are reduced to the point where the proposal is considered compatible.

### **RP-8 Housing Mix**

*It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.*

The proposal would significantly increase the overall housing density and make a significant contribution to the housing mix in the area. A building of a larger scale than its surroundings would be in keeping with this policy.

### **RP-10 Neighbourhood Stabilization**

*It shall be the intention of Council to provide for the stabilization of existing residential neighbourhoods by: (b) discouraging the encroachment of non-compatible land uses.*

The application is for a multi-unit residential development surrounded by other residential uses. When compared to an industrial use, it could be argued that the existing and proposed use is compatible. Where this policy may be more relevant is the extent to which the proposed development is so intense as to be non-compatible with its surroundings. These factors have all been addressed to some degree by the applicant, but as outlined above, the bulk, height and density of the building is significantly greater than the surrounding neighbourhood.

### **RP-11 Affordable Housing**

*It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:(a) encouraging a mix of housing types and densities;*

The proposal would significantly contribute to the ‘mix of housing types’ and increase the overall density in the area. Currently, the shortage of housing across the spectrum of housing types has had a significant negative impact on housing affordability. The addition of these multi-unit dwellings addresses this shortage and can potentially increase affordability.

### **RP-12 Residential Area Design**

*It shall be the intention of Council to ensure that new residential areas:*

- a) provide for the efficient use of land;*
- b) provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;*
- c) incorporates a hierarchy of streets that efficiently and safely accommodates traffic flows and proper access to other areas of Town;*
- d) provides for the efficient and safe movement of pedestrians and cyclists;*
- e) minimizes adverse effects on the environment;*
- f) provides for parks and other community uses in safe and central locations.*

The proposal is an infill development, which speaks to the efficient use of land that does not require extension of existing town infrastructure. Vehicle and active transportation connectivity is relatively high. The development is within close walking distance to downtown, which reduces vehicle dependency.

### **MS-4 Service Standards**

*It shall be the intention of Council to maintain a ‘Development Standards Bylaw’ in order to establish the required servicing standards for development within the town...*

Town engineering have indicated that existing service connections can accommodate the proposal. A standard development agreement would require the submission of a storm water drainage plan as part of the development. Principal requirements of the drainage plan will be to not increase runoff onto adjacent properties.

### **MS-11 In-fill Development**

*It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.*

As previously stated, the proposal satisfies the above policy.

### **R-21 High Density Open Space**

*It shall be the intention of Council to require multiple unit residential properties to provide usable open space for use of residents on the site.*

Beyond the provision of individual balconies for each unit, the proposal provides limited usable open space at ground level.

### **A-5: Amendment Criteria**

*It shall be the intention of Council, when considering [...] entering into a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.***
- (b) That the proposal is not premature or inappropriate by reason of:***
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:***
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

With regard to subsection (a), this report attempts to address all relevant policies of the MPS and other town Bylaws and regulations. Readers are reminded that although the Land Use Bylaw contains specific requirements with respect to development, the terms and conditions within a development agreement supersedes those LUB requirements. Regarding other town bylaws and regulations, the proposal would be in compliance where relevant.

In terms of subsection (b), there would be no significant burden on the town's finances, street network and services can accommodate the development. It may be prudent in the future to install sidewalk along South Adelaide that provides a pedestrian connection between East Victoria and Prince Arthur Streets.

With regard to subsection (c), parking and traffic generation is split between the underground and surface parking access points that spreads the traffic over separate street frontages. While there is expected to be an increase in traffic along South Adelaide, a significant share of trip generation will access East Victoria, which is an arterial street. Staff feel that street network can accommodate the increase in traffic.

In consideration of the extent to which the proposal might conflict with any adjacent or nearby land uses by reason of its type of use, height, bulk and lot coverage, staff feel that the residential use of the building will not conflict with the surrounding neighbourhood. Staff have also created a streetscape model that visualizes the proposed building in relation to the location, bulk and height of its surroundings. The proposed building is about one storey higher than the tallest building in the area in the area. While this is not a significant deviation, the bulk of the building will have a significant visual impact on the East Victoria streetscape.

**DISCUSSION and CONCLUSION:** There are many aspects of the proposal that could have a positive impact on the town. Amherst very much needs more residential development within close walking distance of the downtown core area to support downtown amenities and increase its vibrancy. More people living in and near downtowns results in increase activity during, but also outside, regular business hours. More activity in a downtown area often attracts even more people to spend their leisure time in the area, which further supports the case for other commercial and residential investment in this area.

Other positive elements include barrier-free units, rooftop solar electricity generation, heat provided by heat pumps, electric vehicle charging stations, and building energy efficiencies that exceed Building Code standards. The proposed ‘tilt-up’ construction is alleged to be significantly faster than conventional construction methods. The applicant states that construction would take approximately 6 months versus a year or more for conventional construction. This reduces the length of disturbance in the surrounding area due to construction. This would be an upscale, efficient building with amenities that do not currently exist in the Amherst housing market. It would cater to those looking for a living option with a relatively low carbon footprint lower dependence on a personal vehicle. It is the type of progressive building that the town needs.

It was suggested to the applicant that if the proposed building were reduced to three levels (4 at East Victoria) it would be similar in height to the 3-level, 8-unit building at 157 East Victoria and other 3-level buildings in the broader neighbourhood. In addition, stepping the upper floor back 10-15 feet would reduce the shear face of the building wall that fronts on East Victoria and potentially reduce its impact on the streetscape and neighbourhood character. Staff suggested that these two reductions in the height and bulk of the building might allow an argument to be made that the building is in keeping with the general intent of the key MPS policies. The applicant responded that these changes would make the project financially unfeasible.

In conclusion, staff and the public raised concerns about the compatibility of the proposal with respect to its location on the lot, bulk height and lack of compatibility and sensitivity with the surrounding neighbourhood. These concerns also reflect issues identified by MPS policies that must be considered in evaluating this proposal. In response, the proposal has been significantly revised to address these concerns to mitigate the potential conflicts and impacts. The three planners on staff have discussed this proposal at length and feel that a legitimate argument can be made for both a positive and a negative recommendation; however, there is consensus that once complete, the proposed building will have a positive impact on the town over all. It will have a limited impact on South Adelaide and a significant visual impact on East Victoria.

**OPTIONS:**

Option One: Recommend that Council enter into the Development Agreement for 155 East Victoria Street, subject to any changes that may arise. Street.

Option Two: Recommend that Council not enter into the Development Agreement for 155 East Victoria

**STAFF RECOMMENDATION:** On balance, planners on staff feel that the proposal satisfies the general intent of the Municipal Planning Strategy, and recommend **Option One.**

**Town of Amherst  
Public Participation Opportunity  
Minutes**

**Date:** January 18, 2023  
**Time:** 5:00 pm  
**Location:** Council Chambers, Town Hall

**Council/Planning  
Advisory Committee  
Members Present** Deputy Mayor Leon Landry  
Councillor Hal Davidson  
Councillor Dale Fawthrop  
PAC Chair/ Citizen Representative Ronald Wilson  
PAC Citizen Representative Larry Pardy  
PAC Citizen Representative Creighton McCarthy

**Staff Present** Jason MacDonald, Chief Administrative Officer (zoom)  
Andrew Fisher, Director of Planning & Strategic Initiatives  
Abiola Falaye, Land Use Planner/GIS Coordinator  
Marc Buske, Building Official  
Natalie LeBlanc, Deputy Clerk  
Emily Wainwright, Dangerous/Unightly Premises Administrator (zoom)  
Cindy Brown, Administrative Assistant

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**1. 3, 4, 5, 7 Robie Street Development Agreement Application**

**1.1 Staff Reports / Presentations**

Abiola Falaye presented the proposal for a development agreement application by Hicks Lemoine Law Office to change an existing non-conforming use to another non-conforming use, including the renovation of the existing community hall and change its use to a commercial office space.

Dave McNairn from Hicks Lemoine Law Office explained his application in more detail.

**1.2 Public Participation Opportunity**

**Ed Childs** wanted to know why more information was not presented upfront with the mail outs to the residents. He then realized he was commenting on the wrong development.

**Vanessa Knock** was concerned about parking for the funeral home. Dave McNairn assured that Hicks Lemoine Law will work with the funeral home to accommodate parking if/when they can.

**2. 264 Church Street Development Agreement Application**

**2.1 Staff Reports / Presentations**

Andrew Fisher presented the proposal for a development agreement application to permit the construction of a 96-bed long term care facility.

Jennifer Tsang with Sunrose Land Use Consulting representing Gem Health Care Group explained the application in more detail.

**2.2 Public Participation Opportunity**

**Andres Saad** wanted to know what will happen with the current Gables Lodge facility that this development will be replacing.

### 3. 155 East Victoria Street Development Agreement Application

#### 3.1 Staff Reports / Presentations

Andrew Fisher presented the development agreement application, explaining that the applicant, Leslie Carrie, is proposing to construct a 59-unit, 6-level apartment building.

#### 3.2 Public Participation Opportunity

**Kathy Wells**, a resident at 9 South Adelaide Street noted that she understands the need for housing and growth, having lived in the Town of Amherst for about five years. However, she feels that the proposed development is not befitting within the Heritage area of the Town considering its size and facade. She has concerns about the potential negative impacts this project may pose on the surrounding properties, including parking, access to egress for possibly more than eighty vehicles, and environmental impacts that may result from the loss of trees and other vegetation on the subject site.

Furthermore, Kathy wants to know if consideration has been given to the following issues:

- The potential traffic increase on South Adelaide as there are currently no sidewalks.
- The safety of children who usually play street hockey in the neighborhood.
- The capability of existing Town infrastructure and services, particularly solid waste collection system, to meet the demand of the additional population that the proposed development will bring into the Town.

Besides, the concerned resident called the attention of the staff to a brook that currently runs behind South Adelaide and Acadia Street. She explained that the underground parking lot that is included in the proposal will not allow for proper drainage of the creeks surrounding the subject site. She also noted that images presented were not sufficient in describing how the shadow of the building will look like or feel like. Hence, she requested that a more detailed shadow study. be submitted.

Lastly, Kathy reiterated that she wants the historical/heritage feeling within the area to be preserved and followed this up with the submission of a letter containing the details of all her concerns regarding the proposal to Andrew Fisher at the end of the meeting.

**Maria Smith**, a resident at 12 South Adelaide Street explained that she understands the needs for housing/development but wants one that compliments the area. She feels this development will forever change the density and character of the neighborhood and she is worried that the owner may flip the property later for the capital upswing in real estate investment trust. She then asked if a traffic impact and environmental impact study has been done for the proposed development and made available to the public.

Maria also wants to know:

- if the Town Fire Department can deal with a fire incidence in a building of this height?
- the impact of the proposal on existing Town infrastructure and if this information is available to the public.
- if the proposed development will have an impact to the local environment including the destruction of an over 150-year-old oak tree on the property.
- if there an engineering report from the Town of Amherst and available to the public?
- if a feasibility study been completed and made available to the public?
- why the application is being considered since the proposed development does not fit the existing land use bylaw?

She later expressed concerns about the impact the proposed development would have on the value of other properties in its surrounding, including the 150-year-old Oak tree that may be lost to the development, and suggested that the proposed development should be built somewhere else or reduced in scale.

Maria submitted a letter detailing her concerns to Andrew at the end of the meeting.

**Ed Childs** agrees with the previous speakers. He feels there are better places to build an apartment building. He had questions about the development agreement process. He is also not sure about the shadow study as it does not cover the shade coming from the north.

**Leslie Childs** a member of the Amherst Area Heritage Trust explained that the proposed development will eclipse many over 150 years old heritage buildings that gives Amherst its unique identity and fascinate visitors and tourists in Amherst. She feels this is not the time and place for a building of this size because there is a need to maintain the historic architecture in the area.

Leslie wrote a letter to be submitted to Andrew Fisher at the end of the meeting.

**Patricia Wright** lives 1.5 meters from the development at 153 East Victoria Street. She is worried about the shadow the proposed building will cast on her property all day long, intrusion on her privacy due to the numerous balconies, proximity and building height, the noise and light rays that will result from the parking lot which is directly on her backyard, and the impact of the proposed construction on the foundation of her building.

She is also concerned about losing the vista she currently enjoys from her property, and the potential depreciation of her property value due to the dominating development that is being proposed next door. Additionally, she is distressed over the noise and dust that will be generated during the construction stage, and the possibility of melting snow flooding her yard. She also said she wants the applicant to provide insurance coverage for her to cover the cost of possible accident or property damage during the construction.

She then expressed her disappointment in the application being considered, explaining that she had only bought her home recently and this proposed development will cause a significant reduction to her lifelong investment.

Pat wrote a letter to be submitted to Andrew Fisher at the end of the meeting.

**Charla MacPhee**, lives on 1 South Adelaide Street. She is concerned about the vehicles, noise, dirt, and shadow the building will pose. She said she will vacate her property if the proposed development is approved because her dream is not to have a home next to a massive building like the one being considered. She feels the subject lot is not big enough for the scale of development that is being proposed and that such developments are more appropriate in cities instead of a town like ours. Other concerns she highlighted include the safety of children in the neighborhood considering the absence of sidewalks on South Adelaide Street and the fact that if any other home in that area is lost due to a fire or any other event, a similar type of development may be considered as replacement. She therefore feels that if the Town permits this proposal, it will set a bad precedent for would be future developers in the town.

Charla wrote a letter to be submitted to Andrew Fisher at the end of the meeting.

**Bob Janes** who live on 3 South Adelaide Street, explained how he develop interest in the Town of Amherst and finally choose to settle here. He then proceeds to condemn the proposal and express his total dissatisfaction. Some of the issues he raised pertains to the size and location of the subject site, and he feels the development will not in anyway enhance the downtown and surrounding area. He described the proposal as a postage stamp that will not do anyone any favor, but rather encourage similar developments in that neighborhood. He urged the council to put themselves in the residents' shoes and stand up for them. He reiterated that it is the responsibility of the Council to be on the side of the community and that if this goes through, something similar may be proposed for the vacant Walter Wells lot on the corner of East Victoria Street and Lamy Street.

**Vanessa Knock** who lives on Church Street explained that she moved to Amherst from the UNESCO Town of Lunenburg. She said the developer should have paid attention to the existing streetscape and at least made the design look like it ought to be there. She referenced a recent proposal that was denied by the Council in the Town of Lunenburg because the architectural design was considered a misfit in the surrounding area. Besides the architectural outlook of the proposed building, she is worried about the mental health impact of the shadow from the building on its neighbors; having suffered from depression due a similar factor herself. She proceeded by saying, although she had approached some Town Councillors in the past and advised them to encourage upscaling some existing fourplex housing units in the Town to ensure maximum utilization of the limited Town land, she feels a 6-storey building in this location is too big and ridiculous. Also, despite the need for more affordable housing and increased revenue for the Town, she advised the decision makers to consider the adequacy of provisions for garbage collection and parking especially on special occasions when there could be increasing number of visitors on the site. She further stated that the average salary in Amherst is 30,000 – 35,000 and 50,000 – 55,000 in the rest of Nova Scotia, hence, it is important to note that a \$1,200 rental apartment cannot be considered affordable in Amherst. She then added that while the proposed building will be a great development for somewhere else, it is too big for the lot on 155 East Victoria Street, and it will be sending a negative message to the residents if approved by the Council. She concluded that despite not living within proximity to the proposed development, she is standing in solidarity with the concerned neighbors and advised the Council to respect the neighbouring residents in taking a decision on the application.

**John Servedio** said he lives next door to Patricia Wright at 151 East Victoria Street and will be the second most affected person. While acknowledging the property owner's right and dissociating his emotions from the discourse, he pointed out that location of the subject site is the beginning of the prestige Victorian residential housing area. His main concerns include the potential increase in traffic, shade, and parking. He therefore suggests that the development be scaled down. John then referred to the previous proposal for that lot (condo), and that it was approved, however, the owner could not sell them.

**Jack Wood** owns the property adjacent to the proposed development at 157 East Victoria. He said that his building has the same size lot and only has eight units. He is worried his tenants will have a loss of privacy. He agrees with the previous speakers and does not support this development.

**Ondrej Saar**, while speaking on behalf of Gordon Foster who lives on 14 Acadia Street explained that he is worried about the traffic, duration of and disruption due to the construction. Other questions he put forward include if this building will be converted to condos in the future and guarantees that the apartments will not be converted to something

else or sold to someone else. He feels there are better areas for a building of this size and cited some examples. He said one could argue that the lot is in the downtown zone but feels the need to preserve the existing Victorian architecture in the area by providing a better transition from downtown to the heritage area, instead of the “big box” that is being proposed.

**Jeff (did not come to the podium)**, feels that the property owner should have talked to the surrounding residents first before this process to see what they would want built there.

**Gayle Janes** lives on 3 South Adelaide Street. She indicated that if the potential tenants of this building will include families with children, then Spring Street Academy that happens to be the closest school will not be able to accommodate them because this facility is already overcapacity. Additionally, there are no sidewalks on South Adelaide and she is worried about pedestrians with the increase of traffic, and the children who will and always have played on this street.

**Patricia Wright** of 153 East Victoria Street added that she would not have bought her house if she knew about this development and feels she would not be able to sell it if the proposal is approved.

**John Servedio**, 151 East Victoria Street, said the condo development from previous attempt had fewer units. He feels an owner-occupied development would be better. Spoke to government funding for this development, which indicated affordable housing that could be a free for all.

**Isabel Kline** said she is a long-term resident at 7 South Adelaide Street, and has always lived and operated a business in the Town of Amherst. She wants the development to be scaled down to probably a 2-storey building because she feels the proposal goes way beyond what should be permitted there. She is averse to what is being proposed and would prefer a two-story on the subject site. She is also concerned about the big stream/pond that is underground and not sure how a building of that size can be built over that.

**Ondrej Saar** said his mother who lives at 2 Clarence Street also confirmed the existence of a stream that runs all along through to the subject property, hence, he is concerned about the impact of the proposed development on drainage in the area.

**Charla MacPhee**, 1 South Adelaide, added that in the face of transparency, she is worried that Councillor Landry may be biased as he once mentioned during an informal interaction that he is pro-development. She said although she is not sure if he is referring to this proposal or development in general, she wants him to excuse himself from the committee who will decide on this proposal.

**Nancy Allen** owns the Bed and Breakfast at 158 East Victoria Street directly across from the proposed development. She said they have been considering installing solar panels and going green with their home, but now feels the shadow this development will pose if approved will obstruct this. She added that the property on 158 East Victoria Street which was built in 1904 has been home for her family since 1954. She added that they have welcomed a lot of guests from all over the world and they all alluded to the fact that the beautiful homes on East Victoria Street distinguishes Amherst from other places in the world. She also expressed concerns about the oak tree on the subject property, stating that her husband’s family were part of the builders of these large heritage homes, and it would be a shame to see this constructed here. She wants to see the town develop in the right

way and not throw the baby out with the bath water, which she said will be the case if the proposal is approved.

**Jim Furlong**, General Manager at Casey Reality, a property management company in Amherst, said he did not intend to speak, but there is a need for at least 250 - 400 housing units to keep up with current demand. He explained that he receives numerous calls from all over the world from people wanting to take jobs in Amherst but there is no housing. He said some people are even living in their cars. He explained that he has been building businesses in communities all over the world for over 30 years and wants to bring a business to Amherst but had to find a different location due to lack of housing for the employees. He therefore encouraged Amherstonians to keep an open mind to development, however, it must be the right application, at the right time and right place. By so doing, he believes Amherst would be able to overcome the underdevelopment it had been experiencing for over 100 years.

**Shelia Graham** has lived on Rupert Street for the last 18 years. She said she moved here specifically because of her house and for the first time in her life after residing in 37 houses in Amherst, she felt like she had found a home. She spoke of a visitor from the United States of America who stopped to take a tour and pictures of her home, and indicated how much they love the town, stating that it is a photo op and should be designated as a historic Area.

**Ed Childs** wanted to know why there is no heritage/historic representative on the Planning Advisory Committee.

**Anna Arbuckle** lives at 4 South Adelaide Street, a house which was built in 1893. She said she loves her home and her street, and this building will forever change the streetscape. She is concerned about the potential traffic implications of this development and thinks a development this size is not necessary following the recent approval of approximately 150-unit apartment buildings on Brown and Mosher Street.

There being nothing further from the public, Mr. Fisher indicated that the next Planning Advisory Committee meeting will be held on February 6, 2023, at 4:30 PM. He noted that although the meeting is open to the public, it is not an opportunity for the public to address the Committee. He thanked everyone for coming and for their inputs.

# SYNOPSIS

## Blaine Street

### Purchase and Sale Agreement

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In January Council awarded a request for proposals to Black Bay Real Estate Group to purchase 3.9 acres of Town land formerly known as Blaine Street based on their proposal for a multi-unit residential development. The attached purchase and sale agreement requires the company to go through the development agreement process before construction can proceed. Once the agreement process is complete, the company must begin construction within one year or the town has the option to regain ownership of the property.

In addition, a 302 m<sup>2</sup> parcel of land will be sold to Jomar Holdings Ltd. that will be consolidated with 103 South Albion Street. This general area is currently used for parking on that property.

**MOTION:**

**That Council approve the agreement of purchase & sale with Black Bay Real Estate Group to sell the town lands formerly known as Blaine Street for \$200,000 + HST, and the sale of a 305 m<sup>2</sup> portion of those lands for \$3,800 + HST to Jomar Holdings Ltd. to be consolidated with 103 South Albion Street, and authorize the Mayor and CAO to execute the agreements.**

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**TO:** Mayor Kogon and Members of Council

**SUBMITTED BY:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** May 23, 2023

**SUBJECT:** **Sale of Town Lands – Former Blaine Street Property**

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**ORIGIN:** Council's January 24, 2023 motion: That Council award RFP-22-102 to Black Bay Real Estate Group and authorize the company to make an application for a development agreement that reflects their proposal; and further, direct staff to draft an agreement and purchase and sale for the Blaine Street property.

**LEGISLATIVE AUTHORITY:** Municipal Government Act section 50(5) *A municipality may: (b) sell property at market value when the property is no longer required for the municipality.*

**RECOMMENDATION:** That Council approve of the agreement of purchase & sale with Black Bay Real Estate Group to sell the town lands formerly known as Blaine Street for \$200,000 + HST, and the sale of 305 m<sup>2</sup> portion of those lands for \$3,800 + HST to Jomar Holdings Ltd. to be consolidated with 103 South Albion Street, and authorize the Mayor and CAO to execute the agreements.

**BACKGROUND:** In January Council awarded RFP-22-102 to Black Bay Real Estate Group (Black Bay) to purchase town lands formerly known as Blaine Street for multi-unit residential development and directed staff to bring back a draft purchase and sale agreement that allows Black Bay to proceed with the development agreement process while protecting the town's interests. The attached agreement with Black Bay sets out the following:

1. Agreement is signed with a \$5,000 deposit.
2. Within 20 business days, Black Bay applies for a Development Agreement (DA).
3. If on appeal Council's decision to approve the DA is overturned, Black Bay has the option to withdraw from the agreement.
4. The Closing Date is 10 Business days after completion of the DA process.
5. Construction on at least one building must start within a year after the Closing Date or the property must be conveyed back to the town.

Black Bay submitted a development agreement application on May 8<sup>th</sup>.

Attached is a surveyor's sketch showing a 302 m<sup>2</sup> parcel that will be consolidated with the adjacent Jomar Holdings Ltd. property. This general area is currently used for parking on that property (Frank & Gino's). The \$3,800 is based on \$12.46 per m<sup>2</sup> that matches the price paid by Black Bay for the larger property. The agreement of purchase and sale is not attached but would be a straight forward agreement drafted by the town's solicitor.



**AMHERST TOWN COUNCIL**

**RFD# 2023077**

**Date: May 23, 2023**

**DISCUSSION:** As noted above, the attached purchase & sale agreement holds the closing date until the development agreement process is complete. This protects both parties should the process get rejected and/or if Black Bay does not at least start its proposed development.

**FINANCIAL IMPLICATIONS:** Proceeds from the land sale in the amount of \$200,000 and \$3,800.

**SOCIAL JUSTICE IMPLICATIONS:** None specific to this issue.

**ENVIRONMENTAL IMPLICATIONS:** None specific to this issue.

**COMMUNITY ENGAGEMENT:** The RFP and development agreement are both public processes.

**ALTERNATIVES:** 1) Reject or both proposed land sales; 2) Approve one or both of the proposed land sales, but with different terms and conditions.

**ATTACHMENTS:** Agreement of purchase and sale with Black Bay.

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Report prepared by: A. Fisher  
Report and Financial approved by:



342° 45' 36"  
41.276

342° 45' 36"  
49.525

343° 14' 29"  
19.314

342° 51' 01"  
19.140

# SOUTH ALBION STREET



**AGREEMENT OF PURCHASE AND SALE**

This Agreement made this                    day of February 2023.

BETWEEN:

**THE TOWN OF AMHERST**, a municipal corporation, incorporated under the laws of the Province of Nova Scotia (hereinafter referred to the “Vendor”).

AND

**BLACKBAY REAL ESTATE GROUP**, a body corporate, duly incorporated under the laws of the province of Nova Scotia, with head office at (hereinafter called the “Purchaser”).

The Purchaser hereby agrees to purchase from the Vendor and the Vendor hereby agrees to sell to the Purchaser the lands and premises located at Amherst, Nova Scotia, shown in the attached Schedule A as “**Subject Lands +/- 3.9 acres**” and being further identified as **PIDs 25036369, 25036070, 25036088, 25036096, 25036104, 25036112, 25036120, 25036138, 25040346, 25040353, 25036146, 25036153, 25036161, 25036179, 25036187, 25036195, 25035106, 25036203, 25036245, 25036252, 25036260, 25036278, 25036286, 25036294, 25036302**; and the lands formerly known as Blaine St, excepting therefrom a triangular portion, at the north west corner of Blaine Street, of an approximate area of 6600 square feet, (hereinafter called the “Property”), Upon the terms and conditions hereinafter contained:

**PURCHASE PRICE**

1. The Purchase Price shall be **Two Hundred Thousand ----- XX/100 (\$200,000.00) Canadian Dollars**, plus HST, payable on the following terms and conditions:
  - a) Within **five (5) Business Days** of the acceptance of this offer by the Vendor, the Purchaser shall pay a deposit in the amount of **Five Thousand ----- XX/100 (\$5,000) Canadian Dollars**, to be held in trust pending the completion or other termination of this Agreement, and to be credited on the account of the Purchase Price on Closing without Interest.
  - b) The balance of the Purchase Price, subject to adjustments, as hereinafter set out, shall be paid on the closing date.

Vendor(s) Initials	Purchaser(s) ) Initials
	223

**HARMONIZED SALES TAX**

2. The parties covenant and agree that the Purchaser shall pay to the Vendor on closing all Harmonized Sales Tax payable as a result of this transaction and the Vendor shall remit such HST to the Receiver General for Canada when and to the extent required by the Act. The Purchaser shall provide a certificate on the closing confirming the matters noted in this Section including the Purchaser’s HST registration number.

**CONDITIONS IN FAVOUR OF THE PURCHASER**

3. Within **Twenty (20) Business Days** of the acceptance of this offer by the Vendor, the Purchaser shall begin the process of applying to the Town of Amherst for a Development Agreement (hereinafter “the Development Agreement”) for a project generally in conformance with the proposal shown on the Site Plan attached hereto as **Schedule B** (hereinafter “the Site Plan”). This Agreement is voidable at the option of the Vendor if the Purchaser does not meet this condition.
4. Within one year of the Closing Date the Purchaser shall have poured the foundation of at least one (1) residential building approved by the Development Agreement; failing this, the Vendor shall have the option to require that the Purchaser reconvey the Property to the Vendor for the same purchase price as set out herein. A covenant reflecting this condition shall be placed in the deed from the Vendor to the Purchaser.

**CONDITIONS IN FAVOR OF THE VENDOR**

5. The Vendor shall deliver or make available for inspection to the Purchaser, within **Ten (10) Business Days** of the date of execution of this Agreement, the following documentation and information, as may be in the possession or control of the Vendor:
  - a) Legal description for the Property, and such other title information as may be in the possession of the Vendor; and
  - b) Any survey materials, plans of drawings relating to the Property in the possession of the Vendor.

**CLOSING DATE**

6. Subject to the conditions in favor of the Purchaser as set out hereunder, the transaction contemplated by this agreement shall be completed on or before **Ten (10) business days** following the approval of the Development Agreement and expiration of the Fourteen (14) day Appeal Period, or at the conclusion of an appeal process, or at such a time as mutually agreed between the parties hereto (herein “Closing” or the “Closing Date”).

Vendor(s) Initials	Purchaser(s) ) Initials

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7. Should the decision of Amherst Town Council to approve the Development Agreement be appealed to the Nova Scotia Utility and Review Board and the approval is overturned, the Purchaser shall have the right to withdraw from this agreement within **Twenty (20) business days**.
8. The conveyance of this Property shall be by Warranty Deed, drawn at the expense of the Vendor, to be delivered on payment of the Purchase Price on the Closing Date. The said property is to be conveyed free from encumbrances, except as to any easements, registered restrictions or covenants that do not materially affect the enjoyment of the property and the Purchasers' intended use and except as specifically set out herein.

**GENERAL**

9. Time shall in all respects be of the essence hereof. Waiver of performance or satisfaction of timely performance or satisfaction of any condition, covenant, requirement, obligation or warranty by one party shall not be deemed to be a waiver of the performance or satisfaction of any other condition, covenant, requirement, obligation or warranty unless specifically consented to in writing and any and all waivers shall be valid only if in writing.
10. This Agreement shall constitute the entire agreement between the Purchaser and Vendor relating to the Property and the transaction herein contemplated and there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Property other than is expressed herein. This Agreement replaces any prior offers made or agreements entered into between the parties with respect to the Property.
11. This agreement shall ensure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators and permitted assigns. The Purchaser may not assign this Offer or any right, title or interest therein or thereunder prior to Closing, unless the assignee assumes and binds itself solidarity with the Purchaser for all of the Purchaser's obligations arising from this Offer as if it had been the original "Purchaser" hereunder and delivers an assignment and assumption agreement signed by the Purchaser and the assignee to the Vendor, in form satisfactory to the Vendor.
12. The covenants, conditions and provisions of this Agreement shall not merge, but shall survive closing.
13. All legal costs incurred by each party shall be borne by such party. The Purchaser shall be responsible for the payment of the fees and costs and of any transfer taxes or duties which are payable upon registration of the Transfer. The Vendor will pay all costs

Vendor(s) Initials	Purchaser(s) ) Initials

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associated with discharging all pre-existing encumbrances, which are to be discharged, and the preparation of a valid Transfer of title in registerable form.

14. No change, amendment, or modification of any provision of this Agreement will be valid, nor shall any such changes, amendments or modifications be legally enforceable against a party, unless set forth in a written instrument and signed by both Parties.
15. Any tender of documents to be delivered or money payable hereunder may be made upon the Vendor or the Purchaser or any party acting for them, as the case may be, and money may be tendered by solicitor's trust cheque, certified cheque or bank draft.

**To the Purchaser at:** 5663 Cornwallis Street, Suite 200, Halifax, Nova Scotia, B3K 1B6

**To the Vendor at:** 99 Victoria Street E, Amherst, Nova Scotia, B4H 1X6

With a copy to Vendor(s) Lawyer:

TERRY E. FARRELL

CREIGHTON SHATFORD

14 Electric Street, PO Box 398, Amherst, NS, B4H 3Z5

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK – Signature Page to follow]*

Vendor(s) Initials	Purchaser(s) ) Initials

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**16. ACCEPTANCE**

The Purchaser has executed this Agreement dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2023. This offer is open for acceptance by the Purchaser up to but not after 4:30 p.m., Atlantic Time, on the \_\_\_\_ day of \_\_\_\_\_, 2023 (the "Acceptance Date"). If the Purchaser has not received, at the address referred to in Section 17(n) above, a copy of this Agreement duly signed by the Vendor, by the Acceptance Date, then this offer shall be null and void, unless otherwise revived by the Purchaser in writing.

**BLACK BAY REAL ESTATE GROUP**

PER:

\_\_\_\_\_  
WITNESS:

\_\_\_\_\_  
Name: ADAM BARRETT  
Title: President

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Name:  
Title:

I/We have the authority to bind the Company

**17. OFFER**

The Vendor has accepted and executed this Agreement dated at Amherst, NS this \_\_\_\_ day of \_\_\_\_\_, 2018.

**TOWN OF AMHERST**

PER:

\_\_\_\_\_  
WITNESS:

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Name:  
Title:

Vendor(s) Initials	Purchaser(s) ) Initials

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SCHEDULE A



Vendor(s) Initials	Purchaser(s) ) Initials

**SCHEDULE B**

DRAFT

Vendor(s) Initials	Purchaser(s) ) Initials



# Synopsis

## CAO Salary Adjustment

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The CAO Review Committee has recently completed its annual performance evaluation for our CAO. As well, there had not been a comprehensive review of the CAO salary compared to other units of a similar size and so the Committee's work this year included a base wage review.

The review committee is comprised of the Mayor, current Deputy Mayor and most recent Deputy Mayor. The team met several times, and recommended a positive evaluation for the full Council to consider.

Included in that recommendation is an increase of 11.5% to the CAO's current base salary which is consistent with the wage ranges for other comparable municipalities.

### **MOTION:**

**That Council approve the recommendation of the CAO evaluation committee and the base salary of the CAO be increased by 11.5% effective April 1, 2023.**

**Nova Scotia Federation of Municipalities Spring Conference - May 4-5, 2023**  
**Report to Council – May 2023**

Theme of the Conference was **Exceeding the Vision**

**May 4, 2023 – Day 1 of Conference**

**President: Mayor Brenda Chisholm Beaton**

Gave welcoming remarks

Municipalities are now doing things outside our scope – housing, climate change, physician recruitment. We are prioritizing this change above the status quo.

Our leadership is a municipal success story.

We can recognize when things are not working properly and we can work together to make things better.

**CEO of NSFM: Juanita Spencer**

There are 49 municipalities across the province and all have similar yet differing issues.

We should always look for opportunities to collaborate.

There are many large files that NSFM is working on.

The Mass Casualty Report shows that major change is needed along with equity from all levels of government. When it comes to the RCMP Agreement the NSFM is not yet at the table to advocate for municipalities.

The Service Exchange Agreement is also a large file that is being worked on. The province wants to double our population – yet they are not helping the municipalities for the critical infrastructure needed to accomplish this.

Modernizing NSFM means supporting collaboration between municipalities and not forcing amalgamation. Each municipality has its own autonomy to make the decisions that are best for the community

**Key Note Speaker: Danny Graham from Engage Nova Scotia**

Putting local data in the hands of Municipalities

Improve the quality of life for all in Nova Scotia

Community vitality, a healthy population, better living standards, democratic engagement, education, leisure and culture are all very important.

What are our priorities compared to what is needed. Follow the data to find what is needed and where.

Good data will always produce better results.

Go to: <https://engagenovascotia.ca/about-qol>

**Minister of Municipal Affairs and Housing: John Lohr**

The renegotiation of the Service Exchange Agreement from 1985 and the Municipal Government Act are part of his mandate.

He is also working with NSFM on the Municipal Code of Conduct.

Sustainable Services Growth Fund for this year will be available again.

FRIP – Flood Risk Infrastructure Program is also available this year.

The federal government will work with provinces to build more seniors long term care facilities.

There will be the housing needs assessment coming out soon

Each Fire Department in the province will receive an extra \$10,000 in support

The clean up after Fiona continues. The province just needs to see receipts and proof that the work was done.

1. Modernization: All municipalities are encouraged to collaborate. The communities do not have to abdicate their responsibilities to the people they have the right to decide what is best for the community.
2. Non Residence Deed Transfer Tax: This money will go into general revenue for the province and will not be shared except through general revenue to the municipalities.
3. Code of Conduct: This will be ready in 2024 after the election and education will be provided. We are losing good municipal leaders because we do not have a code of conduct with teeth.

### **Municipal Success Stories:**

#### **Wolfville Film Festival – Devour Studios**

This is a food film festival dedicated to all things foodie. They are bringing together film and food. This has been happening for the past 10 years and has seen tremendous growth with over 15,000 visitors and \$1.6M economic impact.

This includes workshops on film and food and they now have their own building to host this event.

#### **Canso Offshore Task Force:**

Harnessing the power of water and wind offshore. They are building local knowledge and capacity regarding the area. They are working with First Nations on this project too. The focus is on port infrastructure. NSCC locally is developing a workforce for the future of this project.

#### **Kentville Spike Fund:**

This is a reserve fund to make sure the residents of the area have fun!!

The recreation department has found gaps that exist and are developing programs with the help of this fund.

It is all about whatever brings people joy in their lives.

They have increased the Arts programming 100% and they have business and community buy in.

### **Local Leadership in Climate Action Projects:**

#### **CBRM – Transit Cape Breton**

They are not in this to make money. It is an important link and infrastructure for the communities. Budget for 2023 is \$8M. Need to have the diesel fleet changed to EV by 2050.

**TESI** – Transportation for Economic and Social Inclusion. They get help from the United Way of Cape Breton and also use local taxis as shuttles.

#### **New Glasgow: EV Chargers and Infrastructure Plan**

The town is working towards net zero.

They feel they will have 25% reduction by 2025 and 50% reduction by 2030

Transportation is 31% of the community emissions.

They want to accelerate EV transportation in the community to reduce emissions.

Developed a list of charging stations available now and a second list of ideal places.

Need a lot more EV infrastructure so they are an EV town by 2030

They have plans for 90 to 110 more EV spots to meet the demand by 2029.

Only 30 of these will be Town owned. Therefore community buy in is needed.

Locations: malls, hospitals, train or bus stations, downtown, apartment buildings, farmers markets and high schools.

The Clean Foundation EV Boost Program funds and hold test drives for Clean too.

Rachel Mitchell is the climate change manager for the town.

[Rachel.mitchell@newglasgow.ca](mailto:Rachel.mitchell@newglasgow.ca)

### **Dykelands Systems Upgrade Project: Department of Agriculture**

In Nova Scotia there are 240 kms of dyked land and 250 aboiteaux. And there are many points of concern. It has been 50 years since the dykes have been worked on. We now have sea level rise and flooding issues to be concerned about.

Need: a dedicated team with a strong leader. Pre-planning and data is needed. And they need to build relationships; and of course funding.

Issues that slow things down include the regulatory environment, DFO, species at risk and archeology. They will work with First Nations.

### **NSFM Bylaw Changes: Juanita and Brenda**

Councils should discuss items coming from NSFM.

The board will establish guiding principles for conducting business virtually

There will be a bylaw review every 5 years.

There will be e-voting for the board positions and information about advisory positions will be online by May 16<sup>th</sup>.

### **CAO Performance Review: Gerald Walsh**

Performance reviews should be done every year by a committee. A lot of businesses have done away with this and do monthly check-ins instead. However, the performance review for the CAO gives established goals and progress for both parties. You can also develop improvement areas. You should uncouple the salary review from the performance review and do them a few months apart. The salary tends to hijack the conversation.

The performance review can be subjective and biased. Sometimes getting feedback can be like pulling teeth. Be careful of political interference. The timing of the review is relevant due to council terms. An objective 3<sup>rd</sup> party can sometimes help with the process.

Gather the background materials needed, such as; CAO job description, the MGA relevant sections and strategic plan updates.

Make sure you have a good and positive meeting.

## **May 5, 2023 – Day 2 of Conference**

### **Conversations: A Municipal Perspective from Rural, Towns and Regional Mayors**

#### **Mayor David Mitchell – Bridgewater**

We all want our communities to grow and have success. We need to celebrate our successes and share with others and celebrate other community's successes as well. Everyone needs to understand what other communities are facing. Be more connected and united to fight the issues. We are all going after the same dollars under the provincial funding formula we now have. This has kept us divided.

#### **Rural:**

The challenges in a rural community are unique.

Internet and connectivity is a constant challenge.

Providing sewer and water in high density areas is costly.

Wastewater treatment plants cost millions but with the growth need this infrastructure becomes necessary. Work with the larger towns for water for rural areas close to the towns. Rural areas need a growth plan.

Roads can be an issue as most are province owned but some are municipal. They should be cost shared.

Housing crisis is rural as well. These communities need help with infrastructure.

Cell service has very little capacity right now.  
The retro-active RCMP payment will just drown rural communities in debt  
Emergency response issues over great distances.

### **Regional: West Hants/Windsor**

They feel fortunate with the municipal restructuring over the past few years.  
It is a tough decision to dissolve a town with infrastructure deficits.  
However, they have spurned residential development together as a community outside HRM.  
There should be no politics involved with the decision just what is best for the community.  
They have area rates for the roads and everyone pays. You need to find synergy and work together.

### **Towns: Antigonish**

As a town they had similar challenges but each town is different.  
Climate Change causing flooding or forest fires  
Accessibility issues with the heritage built environment.  
Aging infrastructure under the streets is very costly to fix. Along with the usual potholes every Spring.  
Affordable housing is needed everywhere!!  
For a town to be successful the county it is in needs to be successful too and for the county to be successful they need a vibrant strong town with a good economy.  
The relationship with our neighbours needs to be positive and not combative.  
There may be a lot of shared services MOUs  
The town has to rely on its taxes for income and it is completely surrounded by the county with nowhere to grow.  
Towns pay 100% for their streets but many county residents use this infrastructure.

### **Public Engagement Challenges:**

The county area is huge and hard to get people to be engaged because it is so spread out. One thought is to use Pop Up Cafés with information throughout the municipality. People tend to lose faith in government when they are not engaged. Setting up displays of information at farmer's markets is also another suggestion.

### **Development:**

The town is responsible for the planning development. With new growth infrastructure needs to keep pace. The province wants to build the population. We would need new schools and better healthcare for all these new people. With the housing crisis we need better investment from both the federal and the provincial governments.

# Internal Committee Report

## Planning Advisory Committee

**May 2023**

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The Planning Advisory Committee met on Monday, May 1, 2023 4:30p.m. in Town Hall Council Chambers.

The Chair welcomed new members Councillor Chambers and citizen appointee Jim Lamplugh to the Committee. The annual election of Chair and Vice-Chair was held, with citizen appointee Ron Wilson being elected as Chair and Councillor Davidson being elected as Vice-Chair.

During this meeting, a motion was passed that the Planning Advisory Committee recommend Council not enter into a Development Agreement for 155 East Victoria Street to permit the construction of a 48-unit apartment building. Following the meeting staff discovered there was an error in the information provided, and a follow-up meeting was scheduled for Wednesday, May 17<sup>th</sup>.

At the May 17<sup>th</sup> meeting, a motion to recommend that Council enter into the Development Agreement for 155 East Victoria Street to permit the construction of a 48-unit apartment was defeated 4-2. As such, the May 1<sup>st</sup> recommendation not to enter into the agreement for 155 East Victoria Street still stands.

# **Internal Committee Report**

## **Amherst Board of Police Commissioners**

**May 2023**

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The Amherst Board of Police Commissioners met on Tuesday, April 25, 2023 at 3:00 p.m. in Town Hall Council Chambers.

Items on the agenda included the swearing in of citizen appointee Angela Ryan-Bourgeois, a verbal update on the Strategic Planning process, and a review of the Chief's report.

# **Internal Committee Report**

## **Amherst Youth Town Council**

### **May 2023**

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This month 2 members of the Amherst Youth Town Council attended the Amherst and Area Chamber of Commerce Annual meeting and dinner in Springhill. Also, Oskar, Leah and Rowan attended the Youth Leadership Summit at St FX University where they worked on developing leadership and team building skills.

Work continues with the youth hunger project reaching out to all principals in the Town area. Rowan is working on a report to present to Council in June.

This month AYTC partnered with the ARHS Social Justice Committee, the Town of Amherst and local businesses to hang red dresses around town to raise awareness for the missing and murdered indigenous women and girls.

# External Committee Report

## Cumberland Central Landfill Community Liaison Committee

May 2023

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The Committee met on Tuesday, May 16<sup>th</sup> from 11:00 to 1:00 in the Amherst Town Hall boardroom.

On the agenda was the nomination of a new Chairperson. Don McCormick of NSCC was nominated and will be the chairperson of this committee.

The design work for a new transfer station for the recyclables is almost complete and construction is anticipated to begin in August. Right now they are just using the cement pad where the old recycle building used to stand to sort the recyclables and get it ready to be shipped to market.

A remote terminal for use by the septic haulers after hours has been installed so they can have 24/7 access.

A new operations manual is being completed for the site by Dillon Consulting. It needs to be updated from the CJSMA manual to include changes in ownership, acquisition of the septage facility, the pending construction of the new transfer station and C&D regulatory changes.

Waste audits will occur on-site during the summer months by Divert Nova Scotia. They will be conducting waste audits at all landfills across the province to better inform regulators of possible opportunities for future diversion programs. GFL will be conducting audits of recycle to identify contamination levels of incoming materials to better inform the municipalities of opportunities to strengthen program compliance.

The Department of Environment and Climate Change is trying to get municipalities to 300 kg of waste per person per year. Right now we are at 400 kgs. And 40% of the material going into the landfill is actually banned from the landfill. So we need to work on our waste programs.

A second excavator was added to the site to replace the unit that burned in 2022. They are waiting for a replacement for their bulldozer.

Dillon has been engaged to conduct the Spring ground and surface water monitoring sampling and reporting for the site. They will be conducting this in May and will report in November.

Reminder: Nova Scotia Environment and Climate Change has released new C&D disposal guidelines effective July 1, 2023. Treated wood will be banned from the C&D disposal sites and will need to be disposed of in the landfill. This will be more expensive for people hauling C&D waste to the landfill. There will be an education piece on this coming from Environment and Climate Change.

### **Incoming Materials by Metric Tonne**

Residual Waste	4,196.58
Recycling	1,239.28
Organics	1,979.41
C&D	1,652.08
Asbestos	419.42
Septage	1,508.67

GFL will begin to look for new opportunities for their business. They are exploring expansion opportunities at the site. There are many assessments that need to be done for this. They have a very complex site to monitor and manage. Right now the recycle is being sent to Camden near Sydney and some is going to PEI. This is then traded on the open market just like metals and gold.

During the monitoring program in the fall of 2022 the wells on site were compliant with regulatory samplings. There were also 10 private water wells tested in the local area. There were some wells with higher than normal bacteria counts and they were contacted by Dillon. The situation was explained and how to shock the well was sent to home owners by letter from Dillon.

The committee will meet again in November and receive the sampling reports for the Spring from Dillon.

# External Committee Report

## Cumberland Public Libraries

May 2023

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### **Election of Officers**

The Board re-elected Amherst Councillor Fawthrop as Chair, and Oxford Councilor Black as Treasurer.

### **Funding Formula**

Council of Regional Librarians (CORL) is in the process of looking at the funding formula for libraries. We are in year 4 of 5 years. CORL has met twice in March to discuss funding going forward.

### **Author Reading**

The Library has partnered with the Cumberland Sexual Health Centre to host author Rebecca Rose. The Rainbow Brunch will be held at the Fathers Library on Saturday, June 17 at 9:00am. Rebecca will be talking about her book "Before the Parade".

### **State of the Library meeting**

The Board will hold its annual Public Meeting on June 1, 2023 at the Four Fathers Library.

### **Statistics**

In the month of March, Cumberland Public Libraries signed out over 10,654 items, 5735 items in Amherst alone. This includes books, movies, TV shows, magazines and more.

Also, in February Four Father Library offered 29 in-person programs with 547 people in attendance. The Four Fathers library had 2173 in person visits.

**Next Board meeting is June 20, 2023.**

# External Committee Report

## YMCA of Cumberland

May 2023

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### **Membership**

We have 1445 Active Members

Our current promo is first payment free when signing up for a continuous membership.

### **Medavie Update**

We currently have 137 Assisted Members through Medavie in partnership with 42 Community Partners who referred them.

### **Fitness**

Programming - Soccer and Dance Mini Sessions being planned for this month.

Offsite fitness offerings being planned for the summer months (locations to be confirmed).

### **Aquatics**

Spring Group Lesson Participant #s - 170

Spring Private Lesson Participant #s - 43

### **Donations/Fundraising**

#### **Give the Gift of Camp**

The campaign launched last week and will run until May 19.

#### **What is this Campaign about:**

Summer camps offer a unique opportunity for children to develop social skills, build self-confidence, and experience new adventures. For many kids, camp is only an option with your support.

Every summer at the YMCA of Cumberland, 50 children experience summer camps. Of those, 1 in every 5 families will require your help to register their children for a safe summer at the Y.

Funds raised will give the gift of camp and create memories that will last a lifetime. Our goal in Cumberland is to raise \$2500 to send 15 kids to summer camp this year. Every dollar raised will go directly towards paying for camp registration.

Eleven YMCAs across Atlantic Canada will be running this campaign at the same time and have a combined goal of giving 1,000 kids across our region the chance to attend summer camp. All children need access to safe and enriching summer experiences. At YMCA Camps, friendships blossom, self-confidence emerges, independence grows, and through it all our campers build resilience to help them face new challenges.

For many kids, camp is only an option thanks to the support of our donors. When you give the gift of camp, you give a child a better appreciation for the natural world, their community, and best of all – themselves. With your help, we can provide a summer camp experience that they will never forget.

This summer, we want kids to shine bright in Atlantic Canada. If you would like to support this campaign, you can learn more on our website here: <https://www.ymcaofcumberland.com/giftofcamp>

We have our book sale set up in the lobby with proceeds going towards the Gift of Camp Campaign.

# External Committee Report

## L.A. Animal Shelter

**May 2023**

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In April the shelter adopted out 30 cats and kittens, as well as 5 dogs.

Currently we are home to 5 dogs, 31 cats and 52 kittens.

Planning continues for the building. We are also planning a Community Kick Off Event for the mass fundraising campaign (the appeal to households).

The shelter recently participated in Police Week in Springhill. Over the next month or so the shelter will participate in the Amherst Pride Parade, a car show at Robb's Field and The Pet Expo at Park Your Paws, as well as hosting our first of two planned yard sales.

We recently hosted our annual Spring Tea - and it was a huge success! We sold out of tickets and both the live and silent auctions were a big hit. We received such great support from local businesses and residents with many donations for the auctions. We cannot wait to do it again next year!

# External Committee Report

## Municipal Alcohol Project

May 2023

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The Municipal Alcohol Project Committee met on May 2<sup>nd</sup> at 1:30 by Teams.

The Nova Scotia Alcohol Symposium in June now has over 140 people signed up. So this should be a big event.

We are considering doing another membership drive for first voice people in each community.

Sophie is still waiting to hear back about presenting to a tri-council meeting regarding the new Alcohol Guidelines from Health Canada.

It was mentioned that more and more community groups, even if they have an alcohol related event, are serving water for free or making sure there is a water jug on the tables. Community organizations can use this information to “fill the terrain” with events that may be alcohol related but have another option. That way they do not become overwhelmed with trying to make everything alcohol free. The more events planned this way the easier it becomes.

The next meeting will be June 6<sup>th</sup> at 1:30 PM

# External Committee Report

## Northern Region Solid Waste Resource Committee

### May 2023

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#### **Northern Region Meeting**

The Northern Region Committee will be meeting on May 26<sup>th</sup>.

#### **Construction and Demolition Regulation Changes**

The new regulations come into effect on July 5, 2023. Nova Scotia Environment and Climate Change staff are working on the education piece that will be circulated to municipalities, hopefully within the next month.

#### **300 kg Disposal Target**

Divert NS has contracted Stratzer to conduct the province wide landfill audit which will be taking place over the next few months. The results of the audits will likely feed into Nova Scotia Environment's consultation on the 300 kg target.

#### **Extended Producer Responsibility (EPR)**

No update at this time.

#### **GFL Committee Liaison Committee**

The committee met on May 16<sup>th</sup>. Highlights from the meeting are below:

- Staff reported that design work for a new transfer station for recyclables is underway and that construction is anticipated to begin in August, 2023.
- A new cover for the compost building will be installed over the summer.
- GFL reported that they will be conducting audits of incoming recyclable materials. It was reported that current contamination levels can be as high as 40%. At this time we do not have a breakdown on the contamination levels between residential and commercial. GFL will communicate audit results to municipalities when complete.