

## Minutes of a Regular Meeting of Amherst Town Council

### Held in Council Chambers

**Tuesday, April 26, 2011 at 7:00 PM**

**PRESENT:** Mayor Robert Small  
Deputy Mayor George Baker  
Councillor Robert Angel  
Councillor Robert Bird  
Councillor David March  
Councillor Terry Rhindress  
Greg Herrett, CAO

**REGRETS:** Councillor Dale Fawthrop

**ATTENDING:** Jason MacDonald, Director of Planning and Engineering  
Vince Arbing, Treasurer  
Ben Pitman, Director of Transportation and Public Works  
Kim Jones, Policy, Research and Human Resources  
Rebecca Purdy, Executive Assistant

**A moment of Silence was held in honour of Ken Simpson, former Executive Director of UNSM**

1. **O CANADA**

2. **HEARINGS / PETITIONS / PRESENTATIONS**

3. **CALL TO ORDER**

3.1 **Amendments to the Agenda** – N/A

3.2 **Approval of Agenda** **M-1104-03**  
Moved by Deputy Mayor Baker, seconded by Councillor March to approve the agenda as circulated.

**MOTION CARRIED**

3.3 **Approval of Minutes** **M-1104-04**  
Moved by Councillor Rhindress, seconded by Councillor March to approve the minutes of the March 28, 2011 Regular meeting and April 13, 2011 Special meeting as circulated.

**MOTION CARRIED**

4. **REQUESTS FOR DECISION**

4.1 **By-law at 2<sup>nd</sup> Reading: D-20 Solid Waste By-law, RFD#2012002 M-1104-05, 06, 07, 08, and 09**

Moved by Deputy Mayor Baker, seconded by Councillor March that Council approve 2<sup>nd</sup> Reading of the new Solid Waste By-law, and that the existing solid Waste By-law (D-20) be repealed effective July 1, 2011, and further, that active enforcement of the clear bag provisions of the by-law be deferred until May 1, 2012 so that residents and businesses may be adequately educated on the topic.

- Moved by Councillor March, seconded by Councillor Rhindress that the definition of “*landfill*” be removed from the by-law definitions.

**MOTION CARRIED**

- Moved by Councillor March, seconded by Councillor Angel that the by-law be amended at Section 6.3 by replacing the words “*residential premises*” with the words “*dwelling unit*” and further, that section 6.4 be amended by replacing the words “*residential premises*” with the words “*dwelling unit*”.

**MOTION CARRIED**

- Moved by Councillor March, seconded by Councillor Bird that section 10.4(iv) be amended by adding the sentence: “This provision does not relieve the occupant of the requirement to source separate waste generated or handled by employees on site.”

**MOTION CARRIED**

- **Moved by Councillor March, seconded by Councillor Rhindress that 6.3 be changed by adding the sentence, “Within each colourless bag may be placed one opaque privacy bag not exceeding 55 cm X 60 cm.”**

**MOTION CARRIED  
ORIGINAL MOTION CARRIED AS AMENDED**

Town of Amherst Solid Waste By-Law

1. This By-Law is entitled the “Town of Amherst Solid Waste By-Law” and is developed in accordance with *the Municipal Government Act 1998, Chapter 18, Section 325.*

**Definitions**

2. In this By-Law:

- (1) **“backyard composting”** means composting at a residential premise of organic solid waste comprised of yard waste and food scraps and spoiled or waste food or foodstuff excluding meat, fish, eggs or dairy products where:
  - (i) the waste is generated by the residents of the residential premise;
  - (ii) the annual production of compost on any property lot does not exceed 2 cubic metres;
  - (iii) the composter or compost pile is not located within 15 metres of any window or door of a structure on an adjacent property;
- (2) **“biomedical waste”** means and is limited to carcasses of animals exposed to pathogens, disease waste, cultures and stocks, human blood and blood products, pathological waste, sharps waste, and other waste determined to be infectious;
- (3) **“CJSMA”** means the Cumberland Joint Services Management Authority or its successors who manage the operation of the Little Forks Landfill at Cumberland County;
- (4) **“collector”** means any person or corporation collecting solid waste in the Town for gain or profit licensed in accordance with section 7 of this by-law;
- (5) **“collector license”** means a license to transport solid waste generated within the town of Amherst and issued by the Solid Waste Manager.
- (6) **“commercial container”** means any container used for the storage of solid waste or any container used for the storage of organic materials or recyclable materials originating from industrial, commercial, or institutional premises on properties located in the Town of Amherst for collection by a hauler;
- (7) **“compostables / organics”** means food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, eggs, bones, waste food products, soiled and wet paper and soiled paper products such as table napkins, paper towels, pizza boxes, wet ashes, leaves and yard waste, together with such other organic materials as may, from time to time, be identified in public education documents suitable for municipal collection in compost bins;
- (8) **“compost bin”** means a wheeled aerated cart designed to be emptied by hydraulic lifting devices for the storage and municipal collection of compostables made available by or through the Town for that purpose;
- (9) **“composting”** means the nuisance-free biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free and safe storage and use in land applications;
- (10) **“construction, demolition and renovation debris”** means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles, and metals and such other materials as may be permitted from time to time by regulations of the Province of Nova Scotia for disposal at a disposal site for construction, demolition and renovation debris;
- (11) **“contaminated soil”** means soil which
  - (i) has been contaminated with and contains in excess of 2,000 parts per million of total petroleum hydrocarbons; or
  - (ii) Has been removed from a site because of actual or suspected contamination pursuant to a requirement or order of the Nova Scotia Department of Environment;

- (12) “**contamination**” generally refers to any item which is not acceptable in any given source-separated stream according to the definition of that stream. In the case of recyclable materials, contamination also refers to recyclable items which may be soiled or dirty, which renders such items non-recyclable;
- (13) “**Council**” means the council for the Town of Amherst;
- (14) “**curb**” means that portion of the public street right-of-way between the traveled portion of the street and the property line which parallels the street center line;
- (15) “**Cumberland Central Landfill**” means the solid waste processing and disposal complex at Little Forks which includes a sanitary landfill, a recycling plant, a compost processing facility, leachate treatment facility, leaf and yard waste area, contaminated soils area, a metal salvage area, and a demolition debris disposal site;
- (16) “**Enforcement Officer**” means the person appointed by the Town to be the Enforcement Officer or their designate;
- (17) “**hazardous waste**” means waste that may be harmful to humans, animals, plant life or natural resources including, but not restricted to, industrial chemicals, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides;
- (18) “**hospital and pharmaceutical waste**” means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes used needles, drugs, dressings, excluding pathological waste;
- (19) “**householder**” means owner, occupant, lessee, tenant or other person in charge of a dwelling, mobile home, hotel, restaurant, apartment unit, office building, public institution or other building or property, and includes the person assessed for the building pursuant to the Assessment Act, R.S.N.S. 1989, c.23;
- (20) “**ICI Sector**” means motel, restaurant, office building, public institution, manufacturing plant, retail sales outlet or any other premise not a residential premises as defined by this by-law;
- (21) “**owner**” means:
- (i. a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or a building;
  - (ii. In the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; or
  - (iii. In the absence of proof to the contrary, the person assessed for the property;
- (22) “**pathological waste**” means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with a communicable disease;
- (23) “**premise**” means any building or property in the Town;
- (24) “**public education documents**” includes newspaper or radio advertisements, newsletters, pamphlets, flyers or other material circulated by mail or delivery by or for the Town, CJSMA, the Nova Scotia Department of Environment or the Nova Scotia Resource Recovery Board;
- (25) “**reactive waste**” means a waste that reacts violently with water or is readily capable of detonation or explosive reaction including calcium carbide;
- (26) “**recyclable material**” means corrugated cardboard, newsprint, bond paper, glossy flyers and magazines, egg cartons, box board, computer paper and redeemable beverage containers, steel, tin or aluminum food containers or cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, tetrapacks and any such other items as may, from time to time, be identified in public education documents distributed by the Town or CJSMA as suitable for municipal general recyclable material collection;
- (27) “**redeemable beverage container**” means a container of less than 5 litres which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it, other than a container for milk, mild products, soya milk or concentrates;
- (28) “**residential premises**” included single family dwellings, duplexes and apartment buildings with three dwelling units or less, but does not include a motel, hotel or inn;
- (29) “**residential solid waste**” includes compostables, recyclable materials and residual garbage generated at a residential premise;

- (30) **“residual waste”** means household waste other than:
- (i. recyclable material;
  - (ii. compostables;
  - (iii. construction, demolition and renovation debris, pathological waste, reactive waste, septic waste, hospital and pharmaceutical waste, contaminated soils, friable asbestos, leaf and yard waste, sharps waste, white goods, or other material identified in this by-law as to be placed for collection only upon special collection dates;
  - (iv. notwithstanding subparagraphs (i and (ii hereof, residual waste may include compostables or recyclable materials to the extent separation of compostable and recyclable material was not reasonably possible for the waste generator because of the fusing or bonding together of materials in the state in which the waste generator received them or because of the reasonable cross-contamination of materials in the ordinary course of use by the waste generator if such contamination was unavoidable by the exercise of due diligence by the waste generator;
- (31) **“scrap metal / white goods”** includes items such as washers, dryers, dishwashers, stoves and refrigerators;
- (32) **“septic waste”** means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;
- (33) **“sharps waste”** means hypodermic needles, syringes with needles attached, IV tubing with needles attached, dental scalers, scalpel blades and lancets that have been removed from the original sterile package;
- (34) **“solid waste”** includes recyclable material, compostables, and residual waste, construction, demolition and renovation debris, leaf and yard waste, contaminated soils and any other waste or discarded tangible personal property;
- (35) **“Solid Waste Manager”** means the Solid Waste Manager of the CJSMA;
- (36) **“stream”** means waste of the same kind being:
- (i. compostables;
  - (ii. Recyclable material;
  - (iii. Residual waste;
  - (iv. Construction and demolition debris;
  - (v. contaminated soil;
  - (vi. solid waste of any type which is not acceptable at a municipal solid waste management facility; or
  - (vii. solid waste of any type which is only accepted on the occasion of special collections, or by contract, or by express approval in advance of the operator of a municipal solid waste management facility;
- (37) **“Town”** means the Town of Amherst;
- (38) **“unacceptable materials”** shall be defined as materials not accepted for disposal at the Cumberland Central Landfill, this includes but is not limited to biomedical waste and household hazardous waste;
- (39) **“yard and leaf waste”** means vegetative matter resulting from gardening, horticulture or landscaping, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated organic matter.

### Source Separation

3. Owners and occupants of property in the Town shall separate solid waste at the time of generation, and provide storage, placement for collection and disposal into uncontaminated separate solid waste streams as follows:
- (1) compostables;
  - (2) recyclable materials;
  - (3) residual waste;
  - (4) construction, demolition and renovation debris;
  - (5) contaminated soil;
  - (6) solid waste of any type which is not accepted at a municipal solid waste management facility, each such type in its own stream; and
  - (7) solid waste of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a municipal solid waste management facility, each such type in its own stream.

RESIDENTIAL SECTORResidential Solid Waste Disposal

4. Except for the placement of solid waste for collection in accordance with this by-law, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Town provided, however, that:
- (1) backyard composting carried out in such manner as not to constitute a nuisance is permissible;
  - (2) no person shall place, cause to be placed for collection any solid waste that is not separated as required by Section 3 of this by-law or which is falsely or misleadingly presented or packaged as solid waste of a particular kind, type, stream or place of origin or which is concealed within or intermingled with solid waste of another kind, type, stream or place of origin;
  - (3) no householder in the Town shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance, unsightly or a hazard to public health;
  - (4) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada to the contrary, the unconcentrated disposal of waste trees, brush or portions thereof or other organic farm or forestry waste by decay on forest or farm land is permitted; and
  - (5) subject to statutes, regulations or laws of the Province of Nova Scotia or Canada or other by-laws of the Town to the contrary, the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill is permitted.

Municipal Residential Collection

5. Council may, by resolution, provide for municipal collection of solid waste by a contractor in some or all areas of the Town and, for greater certainty and without limiting Council's discretion to use different collection classifications, Council may limit collection to particular types of solid waste to properties containing not more than a specified number of residential households, and/or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste, and may provide different collection services for any different class of waste generator.

Solid Waste Collection

6. Except to the extent authorized by contract with the Town or by public education documents distributed from time to time, including but not restricted to public education documents or notices published in connection with special collection days, persons placing solid waste for collection shall comply with the following:
- (1) the frequency and schedule of collection of residual residential solid waste within the Town shall be determined by resolution of Council;
  - (2) all solid waste shall be placed for collection within three meters of the curb, placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal;
  - (3) residual waste shall be placed for collection in securely tied, transparent, colourless, plastic disposable water-proof bags of a dimension not smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag and not more than six [6] such bags per **dwelling unit** shall be placed for collection on any one collection day. **Within each colourless bag may be placed one opaque privacy bag not exceeding 55 cm X 60 cm.**
  - (4) general recyclable materials shall be placed for collection in securely tied, transparent plastic disposable water-proof bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag, except that corrugated cardboard may be flattened out and securely tied with twine or rope in convenient bundles which shall not exceed a weight of 25 kg per bag. Not more than six [6] such bags or bundles per **dwelling unit** shall be placed for collection on any one collection date;
  - (5) the collection of organic materials (compostables) shall be subject to the following conditions or such further conditions as the Town may establish by resolution:
    - (i) each residential premises shall have a compost bin as approved by the Town in which organics are to be placed for collection;
    - (ii) the compost bins are the property of the Town. The owner of the residential premises shall be responsible to ensure that such bins are kept secure on their premises and are kept in good repair;
    - (iii) storage of food scraps and spoiled or waste food or foodstuff, except as disposed of by backyard composting, shall be removed from every property by the occupant no less than once every two weeks and disposed of according to this by-law;

- (iv. leaf and yard waste placed for collection shall, in the case of leaves, be placed in compostable/paper bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag and not more than 10 such bags per residential premise shall be placed for collection on any one collection day. Brush and tree branches shall not exceed 1.5 m in length or 25 kg in weight and individual limbs shall have a diameter not exceeding 5 cm in diameter;
  - (6) bulky items placed for special collection shall not exceed 50 kg in weight for any one item or 150 kg for all items for any one residential premise on any one special collection date and no individual item shall measure greater than 2.0 meters in any dimension;
  - (7) except to the extent authorized by contract with the Town or by public education documents distributed from time to time, no person shall place for collection:
    - (i. hazardous waste
    - (ii. hospital and pharmaceutical waste
    - (iii. pathological waste
    - (iv. asbestos
    - (v. septic waste
    - (vi. hot or dry ashes
    - (vii. dead animals
    - (viii. industrial waste, including non-residential farm, forestry or fishing waste
    - (ix. tires
    - (x. waste generated outside the Town
    - (xi. other materials or solid waste as may be identified as unacceptable for collection in public education documents distributed from time to time;
  - (8) Scavenging
    - (i. no person shall pick over, interfere with, disturb, remove or scatter any waste or bundled article placed out for collection, whether in a concealed container or otherwise;
    - (ii. no person shall permit or suffer any animal owned or harboured by him or under his control to pick over, interfere, disturb, eat, remove or scatter any waste placed out for roadside collection;
    - (iii. except as authorized by the Town, no person shall remove recyclable material or other solid waste placed or apparently placed for municipal collection by waste generators, owners or occupants and all recyclable materials are the property of the Town from the moment of placement for municipal collection. Nothing in this section relieves an owner or occupant from the duties set out in subsection [(12)] of section [6];
    - (iv. this section does not apply to the person who placed the waste material for collection or to the Town, its contractors or authorized Town collection contractors;
  - (9) no person shall place solid waste for collection on a property other than solid waste generated on that property;
  - (10) no person shall place waste from premises other than residential premises on municipal property for collection or other reason without written permission from the Town;
  - (11) waste refrigerators and freezers shall either be stored inside or enclosed, locked child-proof building or shall have their doors removed from the appliance;
  - (12) solid waste containers, compost carts, uncollected waste and any waste scattered by animals, pests or weather shall be removed by the householder from the place where such solid waste was placed for collection not later than midnight on the day of collection.
7. Only the contractor hired by the Town is permitted to regularly collect solid waste from residential premises in Amherst.

### Special Collections

- 8. Council may, by resolution, provide for special municipal solid waste collections on an occasional basis or may provide for municipal collection from a drop-off site, of particular types of solid waste, such as discarded Christmas trees, bulky items not eligible for regular municipal collection, household hazardous waste or other specified solid waste, and may limit such special collection in particular areas of the Town, to properties containing not more than a specified number of residential households and/or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste.

### Solid Waste Containers

- 9. The owner and occupant of every property in the Town shall provide sufficient and adequate receptacles or containers for solid waste which may accumulate from time to time on the property, and, without limiting the generality of the foregoing:

- (1) food scraps and spoiled or waste food shall be stored in compost bins or in other receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents and which are designed to avoid the entrapment of children;
- (2) compost bins or other receptacles or containers used for storage of food scraps and spoiled or waste food shall not be placed or kept within 2 meters of a window or door situated on an abutting or adjacent property;
- (3) recyclable material and residual garbage shall be stored inside buildings or in receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents, and which are designed to avoid the entrapment of children.

### INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL SECTOR (ICI)

#### Industrial, commercial, Institutional Solid Waste Disposal

10. (1) Owners and occupants of properties in the ICI Sector which generate the following waste shall, either personally or by employees, contractors or agents and in compliance with all applicable federal, provincial and municipal laws, remove and dispose of such waste:
  - (i) all solid waste generated by industrial, commercial or institutional premises, facility or operation;
  - (ii) all solid waste resulting from construction of any kind, including renovation or repair;
  - (iii) all solid waste resulting from the demolition of a building or structure.
- (2) The Town, by contract with solid waste generators in the ICI Sector, may provide collection of solid waste and may, in such contract, vary any of the limitations or restrictions applicable to general municipal collection as set out herein.
- (3) The property owner of an industrial, commercial or institutional property shall ensure that:
  - (i) adequate space is provided on the property to accommodate containers for the collection of source-separated residual waste, organic materials and recyclable materials generated at the property;
  - (ii) where food is consumed on site, receptacles must be present to accommodate the collection and separation of residual waste, organic material, and recyclable materials for people disposing of such material;
  - (iii) signage clearly defined for the sorting of recyclables, organic materials and residual waste is to be located within three [3] meters of the commercial container(s);
  - (iv) where industrial, commercial or institutional properties have a chute, signage is required to be posted on every floor where access to a chute is provided to instruct tenants to the location of commercial containers for residual waste, recyclables, and organic materials.
- (4) The occupant of an industrial, commercial or institutional property shall:
  - (i) source separate all waste generated in the occupant's unit or portion of the building at the point of generation into residual waste, organic material, and recyclable material, so as to comply with the disposal bans and to facilitate their recycling, composting or disposal in accordance with the Town's waste resource management system;
  - (ii) place for collection source separated material in containers in accordance with Section 11 at the storage areas on the property as designated by the property owner;
  - (iii) place all residual waste in securely tied, transparent, colourless plastic disposable water-proof bags of a dimension not smaller than 60cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag;
  - (iv) where food is consumed on site, clearly label bags of solid waste generated and sorted by consumers of food with identifying labels or markers provided by the Solid Waste Manager for this purpose. **This provision does not relieve the occupant of the requirement to source separate waste generated or handled by employees on site.**

#### Commercial Containers

11. (1) Any person who makes use of a commercial container for the temporary storage of waste shall ensure that such commercial container:

- (i) is sturdily constructed of weather-proof and animal-proof material, and is capable of containing the material deposited within;
  - (ii) has displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
  - (iii) has displayed thereon the following message "GARBAGE" or "WASTE" where residual waste is to be deposited in the commercial container;
  - (iv) has displayed thereon the following message "ORGANICS" where organic materials are to be deposited in the commercial container;
  - (v) has displayed thereon the following message "RECYCLABLES" where recyclables are to be deposited in the commercial container;
  - (vi) where it is not possible to display the appropriate message as outlined in this subsection directly on the commercial container, then appropriate signage shall be posted within three [3] meters of the commercial containers with the message indicating the materials to be deposited therein, and
  - (vii) any message required by this section shall use lettering not less than 10 centimeters in height and 4 centimeters in width;
  - (viii) is equipped with a lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
  - (ix) is cleaned regularly and periodically, as necessary to avoid the build-up of odours;
  - (x) where tenants are required to place materials in the container, the container shall be designed and situated to be reasonably accessible for this purpose.
- (2) The owner of any premises on which a commercial container is placed shall ensure that:
- (i. where possible, any such container is kept behind or beside the building which it serves;
  - (ii. if kept in front of the building due to lot size and/or property configuration, such container is located at least six (6) meters from the front property line;
  - (iii. any such container is reasonably screened so as not to be visible from any street; and
  - (iv. any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem.
- (3) No person shall place a commercial container on any public street within the Town without the written permission of the Town Engineer.
- (4) The owner of any premises upon which a commercial container is located shall be responsible to:
- (i. keep the area surrounding any such container free from litter and waste;
  - (ii. cause any such container to be emptied at least once in every seven [7] days or more frequently if the container becomes filled before the seven day period elapses unless the material is of a nature such that longer storage will not cause a nuisance or health related problem (e.g. dry or inert type materials, recyclable material, scrap metals, etc.);
  - (iii. to ensure that any such container is loaded uniformly and is loaded such that waste material is completely contained within the container when closed.
- (5) The owner of any industrial, commercial or institutional premises shall ensure that commercial containers on the premises:
- (i) accommodate source separated waste generated at that location;
  - (ii) are designed and constructed such that the waste (residual waste, organic materials, recyclable materials) remains in a source separated condition; and
  - (iii) are easily accessible to the occupants.
- (6) The owner of any industrial, commercial or institutional premises may make use of aerated organics containers specifically designed and approved for the storage and collection of source-separated organic materials from industrial, commercial or institutional premises provided the owner complies with the other applicable requirements of this Section 11.



- (7) Bulk commercial containers used during construction or repair work need not comply with paragraphs [11. (1)] and [11. (2)] of this by-law for temporary period of not more than six [6] months or until the completion of the construction or repair work, whichever is sooner.

## GENERAL

### Inspections

12. Where an inspection is required or conducted pursuant to this by-law:
- (1) the Enforcement Officer may enter in or upon land or premises at a reasonable time without a warrant;
  - (2) except in an emergency, the Enforcement Officer shall not enter a room or place actually being used as a dwelling without the consent of the owner or occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the owner or occupier at least twenty-four hours in advance; and
  - (3) where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the Enforcement Officer in the exercise of a power granted pursuant to this by-law, the Enforcement Officer may apply to a judge of the Supreme Court of Nova Scotia for an order,
    - (i) to allow the Enforcement Officer entry to the building, and
    - (ii) restraining a person from further interference;
    - (iii) to recover all costs associated with any such order.

### Solid Waste Collectors

13. No person shall engage in the business of collection or transporting solid waste generated within the town of Amherst, nor shall they deposit solid waste at the Cumberland Central Landfill unless the person holds a current collector License from the Town of Amherst for that purpose, obtained or renewed before March 31 in each calendar year.
14. The application for a Collector's License shall be made in writing, in duplicate, on such form as may be specified by the solid Waste Manager from time to time, and signed by the person applying therefore. Every application for a Collector License, including each annual renewal, shall contain the following information:
- (1) the name, address and phone number of the applicant;
  - (2) the provincial motor vehicle registration number and description by make, model and year of any vehicles to be used by the applicant in connection with the collection or transportation of solid waste in the Town;
  - (3) a description of the types of solid waste for which a Collector License is sought;
  - (4) an annual license fee as determined from time to time by Council.
15. Licensed collectors shall use collection and transportation equipment which:
- (1) is insured for third party liability in such amount as may be required from time to time by the Solid Waste Manager or as listed in tender documents;
  - (2) is registered under the Motor Vehicle Act and which complies with all provisions of that Act or of any other applicable statute or regulation in effect from time to time;
  - (3) is driven by an operator with valid operator's permits of the requisite class for that type of vehicle;
  - (4) is designed and utilized in a manner which prevents any solid waste or liquid waste from falling out, being spilled, blown or scattered from the vehicle during collection or transportation and, in particular:
    - (i) must be equipped with a tailgate or other restraining device which shall be closed while the vehicle is in motion;
    - (ii) must be equipped with a cover, tarpaulin or other adequate protective device to prevent littering during collection or transportation of solid waste;
  - (5) if used in the collection of more than one type of solid waste, be designed, constructed and used in such a manner as to prevent cross-contamination between different solid waste streams;
  - (6) displays the name of the Licensed Collector in characters not less than 2.5 cm in height.

16. Licensed collectors shall:

- (1) refuse collection of solid waste which is not separated or otherwise placed for collection in accordance with the requirements of this by-law;
- (2) haul in separate loads of solid waste collected in different municipal units, except as may be expressly authorized by the Solid Waste Manager;
- (3) comply with the provisions of this by-law, including but not restricted to those concerning the placement or deposit of solid waste at municipal solid waste management facilities;
- (4) attend courses or training seminars, as stipulated from time to time by the Solid Waste Manager regarding the collection and transportation of solid waste, the use of solid waste management facilities and the public education of solid waste generators;
- (5) comply with any directives or restriction on collection or transportation routes, or the timing, procedures or methods to be utilized in connection with the collection or disposal of solid waste at a municipal solid waste management facility as may be specified by the solid Waste Manager from time to time.

17. The Solid Waste Manager may refuse to issue or renew or may revoke or suspend a Collector's license for breach of the by-law or of the terms or conditions of a License. The Solid Waste Manager may suspend a Collector's License on reasonable and probable grounds without hearing or notice in the event of a willful breach of the by-law or a loss or apparent loss of vehicle/driver licensing, registration of insurance, in which event an interim suspension shall remain in effect for a period of up to 30 days pending a hearing. In all other instances, a refusal to issue or renew or a revocation or suspension of the license shall only be made by Council after convening a hearing.

#### **Prohibitions**

18. No person shall export or remove solid waste material generated within the Town of Amherst outside the boundaries of Cumberland County and all such solid waste shall be disposed of within the boundaries of Cumberland County and in accordance with this by-law.
19. For the purpose of Section 18., solid waste means solid waste materials including but not limited to residual waste, industrial/commercial/institutional waste, construction and demolition waste, mixed waste, and organic materials but does not include recyclable materials from industrial, commercial and institutional premises, pathogenic or biomedical waste, hazardous waste materials.

#### **Enforcement and Penalty**

20. Proof that solid waste that was deposited or placed somewhere in contravention of this by-law originating from a particular person shall be evidence that the person so deposited or placed it, or caused or permitted it to be so deposited or placed, in the absence of evidence to the contrary.
21. Any person who contravenes any provision of this by-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$5,000 and to imprisonment of not more than 60 days in default of payment thereof.
22. Each day that a person commits an offence under this by-law constitutes a separate offence.

#### **Solid Waste Disposal**

23. It is the policy of the CJSMA that all materials brought for disposal to the Cumberland Central Landfill are source separated at the time of generation as per Section 3 of this by-law.
24. No person shall place, cause to be placed or permit to be placed at, in, or adjacent to a municipal solid waste management facility any solid waste when the facility is not open or when the operator or municipal staff of the municipal solid waste management facility refuses to accept a load or loads of items of solid waste.

#### **Scavenging**

25. No person shall remove material from the Cumberland Central Landfill without permission from Cumberland Joint Services Management Authority.

#### **Inspection and Enforcement at Cumberland Central Landfill**

26. Loads entering the Cumberland Central Landfill site will be inspected. Waste haulers and generators are advised that CJSMA reserves the right to reject non-compliant loads or portions of loads and to recover additional waste management cost incurred due to the improper disposal of non-compliant materials by haulers and/or generators.

In the event materials are not in compliance with regulations for disposal at the site not identified by the site owners and operators until dumping of the materials has commenced or has been concluded, the collector and the originator of such materials shall be responsible to immediately remove the non-compliant materials from the site.

Any waste hauler/generator disposing of waste at the Cumberland Central Landfill must provide a manifest upon request.

**Repeal**

27. The Town of Amherst Solid Waste By-law, D-20, approved by Council on April 22, 2002 with amendments dated February 24, 2003 and April 30, 2007 is hereby repealed.

- 4.2 By-law at 1<sup>st</sup> Reading: Building By-law, RFD#2012003 M-1104-10  
**Moved by Councillor Bird, seconded by Councillor March that Council approve  
 1<sup>st</sup> reading of the proposed Building By-law, D-6, which repeals and replaces  
 the current Building By-law which was approved by Council on January 8, 2008.****

**MOTION CARRIED**

Building Bylaw D-6

This By-Law shall be known as By-Law Number D-6, and may be cited as the "Building By-Law". The Town's Authority to enact this By-Law comes from the Building Code Act, R.S., c. 46, s. 1.

PART 1 – DEFINITIONS

1.
  - a) "authority having jurisdiction" means the Building Official appointed by the Town Council for the Town of Amherst pursuant to Section 5 of the Building Code Act.
  - b) "Building Official" means a qualified individual as designated by the Nova Scotia Building Code Training and Certification Board (NSBCTCB).
  - c) "Code" means Nova Scotia Building Code Regulations or NSBCR.
  - d) "construct" means erection, installation, extension, relocation, material alteration or material repair of a building and includes the installation of a factory-made building fabricated or moved from elsewhere.
  - e) "demolition" means the removal of a building or any material part thereof.
  - f) "material alteration" and "material repair" means the alteration or repair of a building which work is covered by the Code.
  - g) "owner" includes a person controlling the property under consideration, and also includes prima facie the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act.
  - h) "location certificate" means a surveyed drawing containing the geographic location of the footings in relation to the property lines. Dimensions will be shown from the footing to the property lines.
  - i) "occupancy permit" means an acceptable final inspection has been performed and occupancy has been granted, as per the scope of work as listed in the "Use Description" area of the building permit.

PART 2 – PERMITS

- 2.1 Before issuing a building permit, the Building Official shall be satisfied that a development permit, if required, has been issued pursuant to the Land Use Bylaw of the Town of Amherst.
- 2.2 A footing permit, building permit, occupancy permit and demolition permit shall be in the form as provided by the Building Official.
- 2.3 Before a permit is issued, an applicant must complete an application form, as provided by the Building Official.
- 2.4 Every application for a permit shall:
  - a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
  - b) describe the land on which the work is to be done by a description that will readily identify and locate the proposed building;
  - c) include plans and specifications as required by the Building Official and show the occupancy of all parts of the building;
  - d) state the valuation and cumulative area of the proposed work and be accompanied by the required fee;

- e) state the names, addresses and telephone numbers of the owner, architect, professional engineer, other designer and constructor; and
  - f) the Building Official may require proof that the plumber is a qualified licensed journeyman (either Red Seal or Province of Nova Scotia)
- 2.5 When an application for a permit has not been completed in conformance with the requirements of the Bylaw within six months after it is filed, the application shall be deemed to have been abandoned.
- 2.6 A building permit is valid for 12 months from the date of issuance and is renewable.
- 2.7 A building permit may be renewed within 30 days of expiration subject to the conditions set forth in Sub-Section 2.8 and that an inspection discloses that the project may safely be continued.
- 2.8 A building permit that is renewed pursuant to Section 2.7 is provisional and subject to the following conditions:
- (a) Work on the subject property must begin within thirty (30) days from the time the permit is renewed and shall reasonably and seriously continue until completion;
  - (b) A building permit may only be renewed once and the duration of the extension shall be based on the estimated completion date of the project;
  - (c) Any revised plans deemed necessary by the Building Official or required as a result of any change in the scope of the work are to be submitted to and approved by the Building Official prior to commencement of any work; and
  - (d) A fee for renewal is to be paid in accordance with the Town of Amherst User Fee Policy 3470-03, and as amended from time to time.
- 2.9 If any of the conditions set forth in Section 2.8 are not met or having been met are subsequently violated, the renewed building permit may be suspended or cancelled by the Building Official.
- 2.10 The Code applies, but a building permit is not required for:
- (a) accessory buildings not greater than 20 square meters (215.2 square feet) in area;
  - (b) interior and exterior non-structural material alterations and material repairs with a monetary value of five thousand dollars or less;
  - (c) replacement or installation of a new plumbing fixture that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system;
  - (d) siding replacement provided that there are no structural changes or repairs required regardless of cost;
  - (e) roof covering replacement provided that there are no structural changes or repairs required regardless of cost;
  - (f) window and door replacement provided that there are no structural changes or repairs required regardless of cost.
- 2.11 An occupancy permit is required for all building permits as per the requirements of the Code. In addition, an occupancy permit shall require that the exterior of the building be completely finished.
- 2.12 Before issuing a demolition permit, the Building Official shall be satisfied that:
- a) the building is not subject to the provisions of a by-law passed pursuant to the Heritage Property Act;
  - b) the remaining structural integrity of a building will not be jeopardized if only a portion of a building is being demolished; and
  - c) that a "Notice of Approval" has been filled out by the applicant and signed by the authority having jurisdiction for the Amherst Fire Department. See Appendix "A"
  - d) See Section 4.3 for inspection requirements
- 2.13 A permit is required for a temporary structure, tent or air supported structure if:
- a) the area exceeds 30 m<sup>2</sup> or,
  - b) it will be occupied for more than three days
  - c) the permit shall be posted on the structure and shall state the conditions and the date for which the permit is no longer valid
  - d) the permit may be extended in writing by the Building Official
  - e) see Section 4.4 for inspection requirements

- 2.14 A permit "at owner's risk":
- (a) may be issued at the risk of the owner, with conditions to ensure compliance with the Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted, and
  - (b) shall be clearly marked "at owner's risk".
- 2.15 Other Information Required:
- (a) A permit for a whole project may be issued conditional upon the submission of additional information prior to commencing the work for which the information is pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.
  - (b) The condition shall be set out on the face of the permit.

### PART 3 – PERMIT FEES

- 3.1 Fees for permits shall be as prescribed in the Town of Amherst User Fee Policy, Policy 3470-03, and as amended from time to time.

### PART 4 – INSPECTIONS

- 4.1 The owner/agent of/for a building being constructed under the scope of Part 9 of the Code shall notify the Building Official to inspect for compliance with the Code at the following stages of construction as noted on the building permit by the Building Official:
- (a) For most conventional styles of construction:
    - a) Footings in place
    - b) ICF foundations to be inspected prior to placing any concrete in forms
    - c) Foundation insulation if placed on exterior of foundation
    - d) Water/sewer/storm line connections between footing and property line prior to covering
    - e) Foundation before backfilling
    - f) All under-slab water/sewer connections
    - g) Basement floor slab insulation (if required)
    - h) Prior to placing concrete over a hydronic heating system
    - i) Framing inspection once all rough-in work is complete including plumbing, electrical, ventilation and heating
    - j) Insulation/vapor barrier inspection prior to covering
    - k) Final inspection prior to allowing occupancy
  - (b) For mini homes (manufactured housing) site preparation, foundation installation and anchorage are to be in accordance with CSA Z240 MH and the inspection requirements are as follows:
    - a) pad preparation (if required)
    - b) anchorage inspection
    - c) Water/sewer connection inspection, and
    - d) Final inspection prior to occupancy
  - (c) For modular homes certified to CAN/CSA-A277-08 "Procedure for Factory Certification of Buildings" as complying with the technical requirements of this Code, the inspection requirements are for all site built components only and they include all relevant inspections as per Sub-Section 4.1.1.
- 4.2 The owner of a building being constructed outside the scope of Part 9 of the Code shall notify the Building Official:
- a) of the intent to undertake construction that will be inspected and will be reviewed as required by Article 2.1.1.5., 2.1.1.6., or 2.1.1.7., of the Nova Scotia Building Code Regulations;
  - b) of intent to cover construction that has been ordered to be inspected by the Building Official before covering;
  - c) at intervals deemed necessary by the Building Official based on the complexity of the building; and
  - d) when construction has been completed so that a final inspection can be made.
- 4.3 Inspection requirements for a demolition permit are as follows:
- (a) a final inspection to ensure that no debris has been left behind and that there are no unsafe conditions or damage caused as a result of the demolition
- 4.4 Inspection requirements for a temporary structure, tent or air supported structure are as follows:
- (a) prior to any use or occupancy;
  - (b) final inspection once structure has been removed from site.

- 4.5 Location Certificates are required for all new main building construction. They are required once footings or pads have been put in place and prior to the footing inspection being performed. The Building Official will provide the permit holder instructions to continue the work once the required setbacks have been approved.
  - (a) The following will be excluded from the requirement of a location certificate:
    - i) temporary buildings, and
    - ii) buildings not having a permanent foundation.
- 4.6 The Building Official shall be given a minimum of 24 hours notice to inspect the various stages of construction. Each stage of construction is to be complete in full prior to inspection, or no inspection will occur.
- 4.7 It is the responsibility of the permit owner (or their agent) to ensure that all required inspections are scheduled and that work does not proceed until such time as the Building Official gives written permission to proceed.

**PART 5 – HOURS OF CONSTRUCTION**

- 5.1 No person shall engage in construction or the operation of any construction equipment in connection with construction between the hours of 10:00 p.m. and 6:00 a.m. except where such construction or operation of equipment is on any highway, Town-owned street, sidewalk, or water or sewer utility.
- 5.2 Any person may make application to the Building Official to be granted an exemption from Part 5.1 of this Bylaw. Any exemption so granted shall:
  - (a) specify a time period of not greater than three days during which the exemption shall be effective, and
  - (b) shall include such terms and conditions as the Building Official deems appropriate, which may include a requirement that the applicant provide advance notice to abutting land owners or tenants of the hours of the construction or operation of construction equipment to occur in accordance with the exemption.
- 5.3 In deciding whether or not to grant an exemption under Part 5.2 or in determining terms or conditions of the exemption, the Building Official shall give consideration to:
  - (a) the volume, nature, duration and consistency of noise emission from the construction or operation of construction equipment;
  - (b) the proximity and nature of abutting or adjacent land uses;
  - (c) the proposed hours of operation;
  - (d) the nature and degree of any inconvenience to adjacent or abutting land owners;
  - (e) the reason for the requested exemption, and the effect on the applicant if the exemption is not granted; and
  - (f) any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.
- 5.4 Any contravention of the terms or conditions of an exemption pursuant to Part 5.2 shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the Building Official may suspend or cancel an exemption.

**PART 6 – PENALTIES**

- 6.1 Every person who contravenes any provision of this By-law, the Building Code Act or the Nova Scotia Building Code Regulations is guilty of an offence and on summary conviction is liable to a fine of not less than five hundred dollars (\$500.00) and not exceeding twenty-five thousand dollars (\$25,000.00) or to imprisonment for a term of not more than one year or both as per the provisions set forth in Section 19 of the Building Code Act.

**PART 7 – REPEAL**

- 7.1 The Town of Amherst Building By-Law D-6 as amended by Council May 5, 2008 and filed with the Minister of Service Nova Scotia and Municipal Affairs on January 31, 2008 is hereby repealed.

**Appendix “A”**  
**Amherst Fire Department**  
**NOTICE OF APPROVAL FOR DEMOLITION PERMIT**

Name and address of Owner(s) \_\_\_\_\_

What is being demolished? \_\_\_\_\_

When is/are the proposed date(s) of the demolition? \_\_\_\_\_

Location of demolition: \_\_\_\_\_

Reason for the demolition: \_\_\_\_\_

Method of demolition: \_\_\_\_\_

Disposal area: \_\_\_\_\_

**Permit Conditions:**

1. Provide protection of adjacent buildings
2. Provide access for firefighting
3. Portable fire extinguishers to be available at all times
4. Maintain at least one egress route
5. All services to building must be disconnected
6. Remove all sources of fuel for heating equipment
7. Combustible refuse to be moved to a safe location
8. Provide dust control
9. All debris to be removed from site
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_

All demolition sites are to be maintained as per the requirements of Section 5.6 of the National Fire Code and Part 8 of the National Building Code.

Signature of Applicant: \_\_\_\_\_ Dated: \_\_\_\_\_

The Authority Having Jurisdiction (AHJ) for the Amherst Fire Department gives approval for the demolition of the above noted property.

Signature of AHJ: \_\_\_\_\_ Dated: \_\_\_\_\_

**Note:**

A copy of the signed Notice of Approval must be delivered to the Building Official in order for the demolition permit to be issued.

**4.3 By-law at 1<sup>st</sup> Reading: Vacant Building By-law, RFD#2012004 M-1104-11  
**Moved by Councillor March, seconded by Councillor Rhindress that Council approve first reading of By-law P-5, the Vacant Building By-law for the Town of Amherst.****

**TOWN OF AMHERST Vacant Building By-law  
P-5**

**Pursuant to Section 171 and 172 of the Municipal Government Act, BE IT ENACTED** by the Council of the Town of Amherst as follows:

1. (1) This By-law shall be known as the Vacant Building By-law. It shall apply to all vacant buildings within the Town of Amherst.
- (2) Where a provision of this By-law conflicts with the provision of another By-law in force within the Town, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.

**DEFINITIONS**

2. (1) Unless otherwise defined herein, definitions contained in the *Nova Scotia Building Code Act, Nova Scotia Building Code Regulations, The Municipal Government Act, The Town of Amherst Land Use Bylaw, Town of Amherst Minimum Standards for Residential Occupancies Bylaw* and the *National Building Code* also apply to this By-law.
- (2) In this By-law
  - (a) "Administrator" means the person appointed by the Town to be the Dangerous or Unightly Premises Administrator or their designate.
  - (b) "Building", for the purposes of this by-law, means any structure having a roof supported by columns or walls and used, or intended to be used to support or shelter any use or occupancy.
  - (c) "Boarding Permit", means a Boarding Up permit provided for in this Bylaw.
  - (d) "Council", means the Council for the Town of Amherst.
  - (e) "Inspector", means the person appointed by the Town to be the Building Inspector or their designate.
  - (f) "Town", means the Town of Amherst.

- (g) "Order to Comply", means a notice to the owner of a building to correct any violations of this bylaw.
  - (h) "Owner", includes any one or combination of the following as defined in the *Municipal Government Act*.
    - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or building,
    - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building, in the absence of proof to the contrary, the person assessed for the property.
  - (i) "Provincial Building Code", means the National Building Code as adopted pursuant to the Nova Scotia Building Code Regulations including amendments as may be made from time to time.
  - (j) "Vacant", in relation to a building means a building that is not being used or occupied for a period exceeding 28 days.
- 2 For the purposes of this Bylaw, a building is not being used or occupied solely by reason of:
- (i) Individuals who are present in the building without the consent of the owner; or
  - (ii) The existence of equipment or stock in trade within a building or the occasional operation of such equipment, excluding a warehousing operation for which a development permit has been issued.

### **GENERAL DUTIES AND OBLIGATIONS**

- 3. (1) The owner of a vacant building must ensure that the building is secure from unauthorized entry at all times.
- (2) The owner of a vacant building must ensure that the building is maintained so as not to be dangerous or unsightly, as defined in the *Municipal Government Act*.

### **FOUNDATIONS AND EXTERIOR WALLS / YARDS OF VACANT BUILDINGS**

- 4. (1) The components of every exterior wall of a vacant building shall be maintained, weather tight, free from loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects, birds or animals.
- (2) All foundation supports forming part of a vacant building shall be maintained in good repair so as to prevent settlement of the building.
- (3) Vacant buildings shall be kept free of rodents and vermin at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pest control Products (Nova Scotia) Act*.
- (4) All yards shall be kept clean and free of all debris, tall grass and weeds.

### **BOARDED UP VACANT BUILDING PERMIT REQUIRED**

- 5. (1) The owner of a vacant building must obtain a Boarding Up permit prior to boarding up of the building.
- (2) For clarification purposes, please note that there is no requirement to board up a vacant building provided all other relevant provisions of this bylaw are satisfied.
- (3) Permit Requirements:
  - (a) A Boarding Up permit shall be valid for a maximum of fourteen days.
  - (b) A second Boarding Up permit may be issued by the Administrator within a calendar year provided a request is received in writing from the owner.
  - (c) The third or any subsequent Boarding Up permits within a single calendar year require the approval of the Director of Planning and Development.
- (4) Notwithstanding Section 4 (1) of this Bylaw, a building may be boarded up at the discretion of the Town of Amherst Fire Chief or his designate without first obtaining a permit. Upon notification of the Fire Chief that the said building is no longer required to be boarded up for the purposes of the Town of Amherst Fire Department and if the building is to remain boarded up, a permit will be required.



**VACANT BUILDING CONDITION**

6. (1) Windows, exterior doors, skylights, and basement or cellar hatchways shall be maintained in good repair and be weather tight.
- (2) The interior side of any windows shall not be directly covered with paper, cloth, plastic or other such material unless written permission is granted by the Administrator.
- (3) The sightline into a vacant building through any street facing ground floor window shall be blocked by a decorated panel not more than 2 meters from the interior side of the window. The design of such panel shall be approved by the Administrator.
- (4) Exterior stairs, porches, balconies and landings shall be maintained in good repair so as to be free of holes, cracks, and other defects which may constitute accident hazards.

**INSPECTIONS**

7. (1) The Administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant.
- (2) Except in an emergency, the Administrator shall not enter any room or place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of entry has been given to the occupier at least twenty four hours in advance.
- (3) If a person refuses to allow the Administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference. *1998, c. 18, s. 352.*

**ORDERS BY THE ADMINISTRATOR**

8. If after an inspection, the Administrator is satisfied that in some respect, the building does not conform to the standards prescribed in this By-law the Administrator shall serve or cause to be served by personal delivery or registered mail to the owner(s) of the property, an Order to Comply.
  - (1) Every Order to Comply shall contain:
    - (a) the standards with which the building does not comply;
    - (b) actions to be taken in order to bring the building into compliance with the standards;
    - (c) the date after which the building will be subject to a re-inspection to ascertain compliance with the Order;
    - (d) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the re-inspection; and
    - (e) Where an Order has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order
  - (2) Where an owner fails to comply with the requirements of an Order within the time frame stipulated therein, the Administrator, his designate or contractors may enter upon the property without warrant or other legal process and carry out the work, specified in the Order.
  - (3) Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof either from the owner or as a first lien on the property affected.

**TRANSITION PROVISIONS**

9. Upon the adoption of this Bylaw, owners of vacant buildings which are currently boarded up will have 60 days to obtain the necessary permit.

**PENALTY**

10. (1) Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable, upon summary conviction, to a penalty not less than One Hundred Dollars (\$100.00) and not exceeding Five Thousand Dollars (\$5,000.00) and in default of payment to imprisonment for a period not exceeding ninety (90) days.
- (2) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this By-law, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention or failure has been continued.

- (3) In addition to any other remedy open to law, the judge may:
- make an Order restraining the continuance of repetition of any such contravention or failure;
  - make an Order directing the removal or destruction of any building or structure or part thereof so contravening or failing to comply, or in respect of which any such contravention or failure has taken place, and that upon failure to comply with such Order, the Inspector may remove, repair or destroy such building or part thereof at the expense of the owner;
  - make such other Order as is required to enforce the provisions of this By-law, and the recovery of the expense of any such removal, repair or destruction by the Inspector, as to the Court or Judge seems fit.

**4.4 Policy Revision: Street Lighting Policy, RFD#2012005 M-1104-12  
**Moved by Councillor Rhindress seconded by Deputy Mayor Baker that Council approve the revised Street Light Policy****

**MOTION CARRIED**

**TOWN OF AMHERST  
 STREET LIGHTING POLICY, #31600-02**

**PURPOSE:**

In 2011 the Town replaced the previously NSPI owned street lights to Town owned Light Emitting Diode (LED) lights. These lights use far less power and will last longer than the previous lights. Installation, maintenance and warranty work will be conducted by a third party provider under the request of the Town. This document is designed to establish a uniform guideline for the installation and inspection of these LED lights.

**POLICY STATEMENT:**

Street lights will be installed on all town owned streets

- All street lights will be installed on utility poles a height of not less than 8 meters.
- Street lights will be installed on one side of residential streets, and, where possible, the same side as the sidewalk.
- Lights will be located on utility poles no farther than 70 meters apart.
- Inspections will be conducted by TPW biannually for the purpose of detecting non functioning lights.
- On new streets, street lights will be installed after the Town takes ownership of the street.

**General Wattage Guidelines**

Arterial Streets	83 watts
Collector Streets	65 watts
Local Streets	55 watts (65 watts at intersections)

**4.5 Tender: Asphalt Patching, RFD#2012006 M-1104-13  
**Moved by Councillor Angel, seconded by Councillor March that Council award the 2011-2012 Asphalt Patching Program to Costin Paving and Contracting at the their quoted unit prices:****

Asphalt Type "E" sand mix, including tack coat in place for hand patching streets	\$235 per tonne
Asphalt Type "E" sand mix, spreader patch, including tack coat in place	\$115 per tonne
Asphalt Type "C" surface course spreader patch, including tack coat in place	\$110 per tonne
Asphalt Type "B" base course in place	\$225 per tonne
Asphalt Type "C" course in place.	\$225 per tonne
Asphalt Type I Gravel base in place and compacted	\$30 per tonne
Trim and remove edge of existing asphalt in service cuts	\$5.50 per tonne
Replace Asphalt Curbing including tack coat and backfill, topsoil and seed	\$40.00 per tonne
Asphalt milling 50mm depth	\$22.50 per tonne

**MOTION CARRIED**

**4.6 Tender: Gravel Products, RFD#2012007 M-1104-14  
**Moved by Councillor Angel, seconded by that Council award the 2011-12 tender for the supply of gravel products to K.L. Carter & Son Ltd at the following unit prices:****

- Type 1S Gravel           \$ 11.10 per tonne, HST Extra
- Stone 6mm to 20mm   \$ 16.00 per tonne, HST Extra
- Sand                       \$ 14.00 per tonne, HST Extra

**MOTION CARRIED**

- 4.7 **Funding Request: Cross Border Challenge, RFD#2012008** **M-1104-15**  
**Moved by Deputy Mayor Baker, seconded by Councillor March that Council approve funding in the amount of \$1,000 under the Town's Festivals and Events Policy in support of the Cross Border Challenge taking place on July 2, 2011**

**MOTION CARRIED**

**5. INFORMATION / DISCUSSION ITEMS**

**6. STRATEGIC PRIORITIES**

**7. INTERNAL COMMITTEE REPORTS**

**7.1 Planning Advisory Committee**

Councillor March presented the following report on behalf of the Planning Advisory Committee: A Planning Advisory Committee meeting was held April 4, 2011. At that meeting it was reported that a variance on the maximum height of an accessory structure was issued in order to allow a communications antenna to be erected behind the CKDH building on West Victoria Street.

A staff report was presented which recommended that a public participation session be held in order to gauge community interest in expanding the requirements for architectural control on the East Victoria / Regent / Rupert Street area to include renovations to existing buildings and a potential Heritage Designation under the Heritage Properties Act. This meeting was originally scheduled for May 2<sup>nd</sup> however due to the Federal election it will be rescheduled to later in the month.

A staff report was presented which detailed design guidelines for the downtown as recommended in the Centre First – Downtown Amherst Action Strategy. A public participation session has been scheduled for the evening of June 6<sup>th</sup> for this issue.

**7.2 Amherst Board of Police Commissioners**

**7.3 Dangerous or Unsightly Premises Committee**

**7.4 Youth Advisory Committee**

Councillor Bird presented the following report on behalf of the Youth Advisory Committee:

Youth Advisory Council members last met on Monday, April 4. In accordance with the Youth Advisory Council Policy, where participants are to become more familiar with local government, Jason MacDonald did a presentation on the Planning & Development Department, specifically relating to the downtown redevelopment project.

The Youth Advisory Council is busy waiting on responses from municipalities regarding interest in participating in a county wide youth forum which is scheduled for May 11<sup>th</sup>. Members are also targeting June 11<sup>th</sup> for a car wash with funds going to support various initiatives the Youth Advisory Council will participate in and/or host. The Youth Advisory Council, in combination with the Community and Economic Development Department, will host the Skatepark Grand Opening on May 28. Members are excited to see this project complete as it was a top priority for their age group. Next meeting date is scheduled for Monday May 2 in Council Chambers.

**7.5 Tree Advisory Committee – Nil Report**

**7.6 Heritage Advisory Committee - Nil Report**

**8. EXTERNAL COMMITTEE REPORTS**

**8.1 Cumberland Public Libraries**

Councillor Angel presented the following report on behalf of Cumberland Public Libraries:

**www.cumberlandpubliclibraries.ca**

Want to know what programs we have coming up, download an audio or e-book, or just see if we have the newest James Patterson novel? You can do this and more from the library's website.

**New Logo = New Library Cards**

All of the Cumberland Public Libraries will be getting new library cards featuring our new logo. Not to worry, your old card will still work.

**Statistics**

Since April 2010 almost 130,000 items have been signed out from the seven branch libraries and Books by Mail. That's approximately four items for every person in the County.

**Graphic Novels**

The library has graphic novels for all age groups, from the adventures of Babymouse for 10 year olds, to the Amazing Spiderman, to Essex County (featured in this year's CBC Canada Reads). Come check one out and find out how much the pictures enhance the story.

**8.2 CREDA****8.3 DARS****8.4 CJSMA****8.5 Northern Region Waste Resource Committee**

A verbal update was presented by Deputy Mayor Baker, advising Council that he attended the RRFB's Mobius Awards presentation in Truro. \$55,000 in prizes were presented to the 184 schools that participated. He distributed a summary of some of the highlights of solid waste diversion success in Nova Scotia from 1998 to 2011.

**8.6 LA Animal Shelter**

Councillor Angel presented the following report on behalf of the LA Animal Shelter:

**FELINE STATISTICS:**

Two cats were taken in, ten adopted, one euthanized. Four cats were spayed and two neutered. Five feline Leukemia tests were completed and one was euthanized because of a positive test result. The current feline population at the end of March was twenty five. The feline quarantine area has been painted, floors of pens replaced and two cages removed.

**CANINE STATISTICS:**

Sixteen Dogs were taken in, ten adopted and one euthanized. Eight dogs were spayed and three neutered. On March 1<sup>st</sup> six dogs were sent to the Atlantic Vet College, PEI Spay and Neuter Program and on March 22<sup>nd</sup> six dogs and 2 cats were sent to the College.

**CANINE INTAKE BY AREA:**

Means of intake: Canine control: Amherst three, two were claimed, Springhill three, with three being claimed. Cumberland County one and one claimed. Dogs surrendered to the pound: One each from Amherst, Springhill, Parrsboro, Oxford Cumberland County and one from New Brunswick for a total of six

**VOLUNTEERS:**

Volunteers made approximately 93 visits. (one volunteer who helps with morning chores accounted for 23 of these visits). Volunteers walk and train dogs, spend time with cats, bathe puppies, brush cats and help with daily dog and cat related morning and afternoon chores. Six new volunteers signed in at the shelter during the month of March.

**RENOVATIONS TO SHELTER OFFICE**

Plans are under way to move the office into the small room off the current office area to make room for a comfortable meeting place to conduct animal adoptions and to serve as an administrative office. The shelter is in need of a small corner desk, one couch or two soft chairs, and a coffee table. With spring cleaning underway hopefully someone will be able to donate one of the above items. Please call the LA animal Shelter (661-7279) if you are able to help.

**SPECIAL THANKS:**

Students of the Amherst Campus of the Nova Scotia Community College are to be congratulated for their successful Best Bud Fashion show held recently at Tantramar Theatre. Approximately \$2000.00 was raised for the Shelter. The chair and board members of the LA Animal Shelter wish to thank College instructor Peggy Carter, project coordinator Monika Wohlmut and fellow students Shelly Fitzpatrick, Bev Brown and Shari Hawkin, for their efforts in a successful fund raising project. The fashions modeled were provided by Leslie Jane's Fashions of Amherst.

**DOG LICENSES:**

Dog owners of Amherst are reminded that all dogs must be licensed as of April 1<sup>st</sup>. The annual fee is \$15. If the animal is not spayed or neutered the fee is \$30. Licenses may be obtained at Amherst Town Hall or at the LA Animal Shelter on Smith Road. To certify that the dog has been spayed or neutered, written certification must be presented. All licensing fees (up to the amount of \$10,000) are credited to the LA Animal Shelter by the Town of Amherst to help defray operating costs.

**8.7 VON – Nil Report**

## 9. ADJOURNMENT

Prior to the adjournment, Mayor Small announced that the Town will be finalizing budget for coming year next month. He reported that the Amherst and Sackville Town Councils will get together this week to discuss ways to participate in joint ventures, and discuss ideas the two communities can share together. The annual Volunteer Recognition and reception was held in April, and he extended a big 'thank you' to all the volunteers that helped in any way in our community, saying Council appreciate the efforts they make each and every day.

On motion by Councillor Rhindress the meeting adjourned at 7:45 PM.

### APPROVED BY:

Gregory D. Herrett, CA  
Town Clerk and Chief Administrative Officer

Robert Small  
Mayor

# AGENDA

<b>1.</b>	<b>O'CANADA</b>		
<b>2.</b>	<b>HEARINGS / PRESENTATIONS / PETITIONS</b>		
2.1			
<b>3.</b>	<b>CALL TO ORDER</b>	<b>Presenter</b>	<b>Page</b>
3.1	Additions to Agenda		--
3.2	Approval of Agenda	Baker	--
3.3	Approval of Minutes: <ul style="list-style-type: none"> <li>• March 28, 2011 Regular Meeting of Council</li> <li>• April 13, 2011 Special Meeting of Council</li> </ul>	Rhindress	2 22
<b>4.</b>	<b>REQUESTS FOR DECISION</b>	<b>RFD</b>	<b>Presenter</b>
4.1	By-law at 2 <sup>nd</sup> Reading: Solid Waste By-law	2012002	24
4.2	By-law at 1 <sup>st</sup> Reading: Building By-law	2012003	44
4.3	By-law at 1 <sup>st</sup> Reading: Vacant Building By-law	2012004	54
4.4	Policy Revision: Street Lighting Policy	2012005	64
4.5	Tender: Asphalt Patching	2012006	65
4.6	Tender: Gravel Products	2012007	68
4.7	Funding Request: Cross Border Challenge	2012008	71
<b>5.</b>	<b>INFORMATION / DISCUSSION ITEMS</b>		
5.1		--	--
<b>6.</b>	<b>STRATEGIC PRIORITIES</b>		
6.1		--	--
<b>7.</b>	<b>INTERNAL COMMITTEE REPORTS</b>		
7.1	Planning Advisory Committee	March	78
7.2	Amherst Board of Police Commissioners	--	--
7.3	Dangerous or Unsightly Premises Committee	--	--
7.4	Youth Advisory Council	Bird	79
7.5	Tree Advisory Committee	--	--
7.6	Heritage Advisory Committee	--	--
<b>8.</b>	<b>EXTERNAL COMMITTEE REPORTS</b>		
8.1	Cumberland Public Library	Angel	80
8.2	CREDA	--	--
8.3	DARS	--	--
8.4	CJSMA	--	--
8.5	Northern Region Solid Waste	--	--
8.6	L. A. Animal Shelter (Verbal)	Angel	
8.6	VON	--	--
<b>9.</b>	<b>ADJOURNMENT</b>		