



Town Council Meeting

January 21, 2019

6:30 p.m.

Council Chambers, Town Hall

359 Main Street

Agenda

Call to Order

1. Approval of Agenda

2. Approval of Minutes

- a. Public Hearing Meeting, November 19, 2019
- b. Town Council Meeting, December 17, 2019
- c. Public Hearing Meeting, December 17, 2019
- d. In-Camera Meeting, December 17, 2019

3. Comments from the Mayor

4. Public Input / Question Period

PLEASE NOTE:

- Public Participation is limited to 30 minutes
- Each Person is limited to 3 minutes and may return to speak once, for 1 minute, if time permits within the total 30-minute period
- Questions or comments are to be directed to the Chair
- Comments and questions that relate to personnel, current or potential litigation issues, or planning issues for which a public hearing has already occurred, but no decision has been made by Council, will not be answered.



**5. Motions/Recommendations from Town Council meeting
December 17, 2019:**

- a. RFD 080-2019: Outdoor Fire Bylaw - Second Reading
- b. RFD 085-2019: Repeal Open Air Fires Bylaw – Second Reading
- c. RFD 045-2019: Minimum Property Standards Bylaw - Second Reading
- d. RFD 002-2020: Planning Documents

6. New Business:

- a. RFD 086-2019: 2020 Elections - Method of Producing Preliminary list
- b. RFD 001-2020: Valley Region Solid Waste-Resource Management Bylaw – First Reading

7. Correspondence:

- a. 155 Maple Ave. Resident letter – Sewer pipe hookup
- b. Letter from WBDC re: Valley Waste new schedule

**8. Adjournment to In-Camera under the Municipal Government Act
Section 22(2)(a)**

- a. Land Acquisition

9. Adjournment of In-Camera

10. Regular Meeting Reconvenes

11. Motion from In-Camera Meeting

- a. XXXX

12. Regular Meeting Adjourned

REQUEST FOR DECISION 080-2019

Title: Outdoor Fire Bylaw

Subject: Replacement of Open Air Fires Bylaw

Date: ~~2019-12-03~~ January 21, 2020

Department: Planning & Development



SUMMARY

Outdoor Fire Bylaw

It had become apparent to staff that the “Open Air Fires Bylaw” was falling behind with new trends in recreational fires using natural wood products, propane and other gas appliances. The bylaw allowed for open fires in “acceptable fire pits or portable barbecuing appliances” for the cooking of food only. The use of an acceptable fire pit, with proper clean fuel, used strictly for a social occasion is not allowed. There is no provision for the use of a certified gas appliances for the sole use of a recreational fire in a social setting, either. This previous bylaw does have exemptions for burning in Town owned facilities where fireplaces, stoves and fire pits are approved, burning for training by the Emergency Measures Organization and burning for municipal purposes at the direction of the Fire Chief.

Proposed is a new “Outdoor Fire Bylaw” strengthening the regulation of outdoor fires, defining the recreational use of acceptable outdoor wood burning appliances and clarifying the use of certified propane or other natural gas recreational appliances. The Outdoor Fire Bylaw still prohibits outdoor fires not contained in appropriate appliances, the burning of unacceptable waste and yard products and supports the Nova Scotia Department of Natural Resources burn bans.

To achieve this the bylaw has an expanded definition section and designated sections on prohibited outdoor fires, on permitted outdoor fires and on fire appliance requirements that make the outdoor fires permissible. A further addition is an enforcement section that gives certain authorities to the Fire Chief and Designate to order or extinguish an outdoor fire, enter on land in the performance of their duties, order or have removed an illegal fire appliance, and offers protection for actions carried out under this bylaw.

The penalty section has some increased fines, the first offence will remain at two hundred dollars (\$200.00), but a graduated fine schedule of four hundred dollars (\$400.00) for second offence and a fine of nine hundred dollars (\$900.00) for third or subsequent offences has been added. This wording change will allow for application for a summary offence ticket option from the Department of Justice, Registry of Regulations for violations for this bylaw.

DRAFT MOTION: (N/A)

That Council repeal the Open Air Fires Bylaw. (SEE SEPARATE RFD 085)

DRAFT MOTION:

That Council give first reading to the attached Outdoor Fire Bylaw and direct staff to prepare the notice of intention and set a date for second reading.

REQUEST FOR DECISION 080-2019

Title: Outdoor Fire Bylaw

Subject: Replacement of Open Air Fires Bylaw

Date: ~~2019-12-03~~ January 21, 2020

Department: Planning & Development



DRAFT MOTION – JANUARY 21, 2020:

That Council give second reading to the attached Outdoor Fire Bylaw.

1) CAO COMMENTS

The CAO supports the recommendation of Staff.

2) LEGISLATIVE AUTHORITY

Under Sections 172(1), (a), (b), and (d) of the Nova Scotia Municipal Government Act (NS MGA), Council may make bylaws, respecting the health, wellbeing, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours, and fumes.

3) STAFF RECOMMENDATION

Staff recommends that Council repeal the Open Air Fires Bylaw and approve the Outdoor Fire Bylaw by giving first reading, advertising the notice of intent and considering second reading at the next Council meeting.

REFERENCES AND ATTACHMENTS

1. Outdoor Fire Bylaw, 2019 draft (attached).
2. Open Air Fires Bylaw, Chapter 71, dated January 24th, 2001 (attached) – to be repealed.
3. Outdoor Fires Bylaw, draft “Schedule of Fines” (attached)

4) DISCUSSION

It had become apparent to staff that the “Open Air Fires Bylaw” was falling behind with new trends in recreational fires using natural wood products, propane and other gas appliances. The bylaw allowed for open fires in “acceptable fire pits or portable barbecuing appliances” for the cooking of food only. The use of an acceptable fire pit, with proper clean fuel, used strictly for a social occasion is not allowed. There is no provision for the use of a certified gas appliances for the sole use of a recreational fire in a social setting, either. This previous bylaw does have exemptions for burning in Town owned facilities where fireplaces, stoves and fire pits are approved, burning for training by the Emergency Measures Organization and burning for municipal purposes at the direction of the Fire Chief.

Proposed is a new “Outdoor Fire Bylaw” strengthening the regulation of outdoor fires, defining the recreational use of acceptable outdoor wood burning appliances and clarifying the use of certified

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propane or other natural gas recreational appliances. The Outdoor Fire Bylaw still prohibits outdoor fires not contained in appropriate appliances, the burning of unacceptable waste and yard products and supports the Nova Scotia Department of Natural Resources burn bans.

To achieve this the bylaw has an expanded definition section, which includes most of the previous bylaw definitions but gives additional clarity on what a burn means, what an outdoor fire means, what a recreational fire means and what solid fuel is, as it relates to this bylaw. Definitions include detailing acceptable outdoor appliances including outdoor wood burning appliance, outdoor propane firepit or fireplace and portable barbecuing appliances. A definition on what constitutes suitable fire protection equipment is explained and used within the bylaw. The Fire Chief and Designate are defined with a further additional definition on who is a Designated person under the bylaw.

From the definitions there are two sections on outdoor fires, Section 4 details “Prohibited Fires” and Section 5 details, “Permitted Fires”. Section 4.1 describes a prohibited outdoor fire and makes it an offence to burn on any land in Wolfville unless in an approved outdoor appliance in accordance to Section 5. Section 4.2 prohibits the burning of waste of any kind. New to the bylaw is the citing of the Nova Scotia Department of Natural Resources fire ban and weather conditions in Section 4.3, prohibiting fire during these time periods.

Section 5 deals with “Permitted Outdoor Fires” with the use of acceptable fire appliances. Requirements under Section 5.1 allows for recreational outdoor fires with the use of portable barbecue appliances, outdoor propane fire pit or an acceptable outdoor wood burning appliance for cooking food. Outdoor recreational fires in an outdoor propane firepit or fireplace installed per the manufacturing specifications will be allowed under Section 5.2. Acceptable outdoor wood burning appliances for recreational fires is fully outlined in Section 5.3, detailing the type of fuel, safe distances for appliances to be used and the criteria needed to have an acceptable outdoor wood burning activity. Section 5.4 allows for outdoor fires for the purposes of training by the Emergency Management Organization or the Wolfville Fire Department.

Section 6 details the “Fire Appliance Requirements” with appliance construction materials, the weight of the materials, the size of the materials and the certification of the gas appliances. Section 6.4 requires Propane Fire Pit, Fireplace and Barbecue installations, use and care, shall be in accordance with the manufacturer’s instructions and purpose guidelines. All-natural gas and liquefied propane must be certified by an appropriate certification agency as outlined in Section 6.5. Section 6.6 confirms that all Propane Appliances must conform to the Fuel Safety Regulations passed under the Technical Safety Act of Nova Scotia, which oversees the storage, use and transportation of propane, natural gas and the containers used to contain the same.

REQUEST FOR DECISION 080-2019

Title: Outdoor Fire Bylaw

Subject: Replacement of Open Air Fires Bylaw

Date: ~~2019-12-03~~ January 21, 2020

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A further addition is an “Enforcement” section that gives certain authorities to the Fire Chief and Designate to order or extinguish an outdoor fire, enter on land in the performance of their duties, order or have removed an illegal fire appliance, and offers protection for actions carried out under this bylaw.

The “Penalty” section has some increased fines, the first offence will remain at two hundred dollars (\$200.00), but a graduated fine schedule of four hundred dollars (\$400.00) for second offence and a fine of nine hundred dollars (\$900.00) for third or subsequent offences has been added. This wording change will allow for application for a summary offence ticket option from the Department of Justice, Registry of Regulations for violations for this bylaw.

The Town’s Fire Chief has been involved throughout the development of this by-law.

This Bylaw is catching up to, and consistent with, trends in outdoor recreational fires. On the proactive side, it is evident that there are many outdoor burning appliances being offered for sale and this Bylaw will target only the ones not being used appropriately allowing for recreational use without the cooking necessity.

FINANCIAL IMPLICATIONS

With the introduction of the summary offence ticket for expeditious and efficient process of violations, prosecution cost should be kept to a minimum.

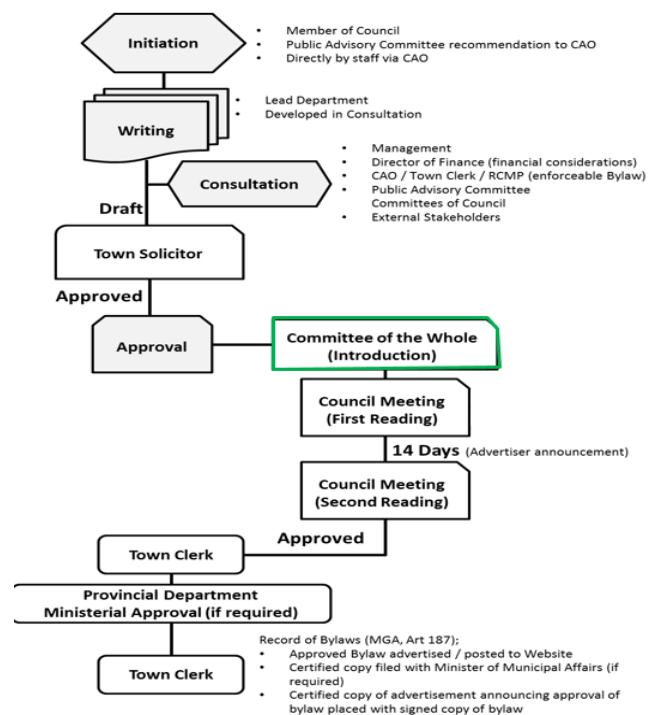
5) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

- Improving quality of life for all by offering a dynamic quality of life grounded in the Town’s leisure, culture and recreation activities.

6) COMMUNICATION REQUIREMENTS

There is a slight need for public communication as the decision is a catch up to the merging trends of recreational fire in the community. There will be little impact on residents, students, landlords, police, enforcement and town staff. Consultation by way of notice of intention should be sufficient for this bylaw.

The Bylaw Development Process (as per the Municipal Government Act) is as follows (see to right):



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7) ALTERNATIVES

Council may consider alternative options to the recommended decision as follows:

- Approve portions of the bylaw and send back to staff for amendment; or
- Approve the bylaw with other specific conditions.

1. Title

This bylaw shall be known as Chapter 71 and may be cited as the Outdoor Fire Bylaw.

2. References

2.1 Nova Scotia Municipal Government Act (NS MGA):

Whereas under Sections 172(1), (a), (b), and (d) of the Nova Scotia Municipal Government Act (NS MGA), Council may make bylaws, respecting the health, wellbeing, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours, and fumes.

3. Definitions

3.1 In this Bylaw:

- (1) "Acceptable Outdoor Wood Burning Appliance" means an outdoor receptacle with an opening which does not exceed one (1) meter across constructed from bricks, concrete blocks, heavy gauge steel, or stone, to a maximum of 60 centimeters from surface grade and has a one half inch (1/2") or (12 mm) spark arrestor or metal mesh screen covering;
- (2) "Building" means any structure, whether temporary or permanent, used or capable of use for the shelter, accommodation or enclosure of persons, animals, materials or equipment.
- (3) "Burn" means to light, ignite or set fire to any material;
- (4) "Certified" means certified as meeting the standards of the Canadian Standards Association (CSA approved) or another nationally recognized testing organization;
- (5) "Council" means the Council of the Town of Wolfville;
- (6) "Designate" means the person or persons designated by Council to enforce this Bylaw, including the Police, Bylaw Enforcement Officers and Fire Inspectors of the Town of Wolfville;
- (7) "Emergency Measures Organization" means the Emergency Measures Organization as approved and established for the Town of Wolfville;
- (8) "Fire Chief" means the Fire Chief, or his Designate for the Town of Wolfville;
- (9) "Garden and Yard Waste" means any shrubbery, tree pruning, leaves, brush, weeds, grass, roots, tree stumps, turf, and similar vegetation;
- (10) "General Waste" means any rubbish, garbage, treated wood with paint or preservative,

non-wooden material, packaging, containers, bottles, cans, rags, clothing, and petroleum products;

- (11) "Hazard" means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance;
- (12) "Nuisance" means the causing of any smoke, smells or other emission from any fire permitted under this bylaw, or otherwise, that adversely and unreasonably affects the reasonable enjoyment by other persons of their property;
- (13) "Outdoor Fire" means any combustion, whether or not fire is present or visible, located any place on a property including inside any receptacle outside a building;
- (14) "Outdoor Propane Fire Pit or Fireplace" means a manufactured fire pit or fireplace commonly made of pre-cast concrete or metal and/or a combination of a metal table and stone which are fueled by natural gas, propane (LP) or bio ethanol and used for recreational fires.
- (15) "Portable Barbecuing Appliance" means any appliance sold or constructed for the purpose of cooking food outdoors, fueled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal;
- (16) "Recreational fire" means an outdoor fire using solid fuels or Liquefied Petroleum Gas or natural gas for cooking or pleasure;
- (17) "Solid fuel" means dry seasoned hard or soft wood, charcoal, mechanically processed fiber wood, pelletized wood and wood chips;
- (18) "Fire protection equipment" means tools or equipment useful in extinguishing fires and preventing the spread of fires including but not limited to fire extinguishers, back tanks, buckets of water and hoses connected to an adequate water supply;
- (19) "Town" means the Town of Wolfville.

4. Outdoor Fires Prohibited:

- 4.1 No person shall be permitted to have an outdoor fire within the Town, unless in accordance to Section 5 of this By-law;
- 4.2 No person shall be permitted to burn general waste, or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town;
- 4.3 No person shall ignite an outdoor fire when:
 - i. The Nova Scotia Department of Natural Resources has issued a fire ban for this area of the province; and, or
 - ii. The weather conditions may jeopardize the ability to control the fire.

5. Outdoor Fires Permitted:

- 5.1 Persons shall be permitted to have a recreational fire to cook food using an Acceptable Outdoor Wood Burning Appliance; Portable Barbecue Appliance, an Outdoor Propane Fire Pit, or an Outdoor Fireplace;
- 5.2 Persons shall be permitted to have a recreational fire in an outdoor propane fire pit or fireplace, which has been installed pursuant to the manufacturer's specifications;
- 5.3 Persons shall be permitted to have a recreational fire in an acceptable outdoor wood burning appliance, providing that:
- i. only seasoned dry firewood or other solid fuel is burned;
 - ii. a ½ inch or 12 mm spark arrestor or mesh screen covering is used to contain any sparks or blowing debris;
 - iii. the acceptable outdoor wood burning appliance is in excess of 15 feet or 4.57 meters from any building, flammable structure, combustibile material or property line and not positioned on a wooden or combustibile material deck or platform;
 - iv. only one recreational fire used on the property at one time;
 - vi. the fire does not create a nuisance;
 - vii. a responsible adult is present on the property while the fire is burning and until the fire is extinguished;
 - viii. fire protection equipment is available to extinguish the fire within reasonable distance from where the fire is located.
- 5.4 Burning for the purpose of training members for the Emergency Management Organization or the Wolfville Fire Department is permitted.

6. Fire Appliance Requirements:

- 6.1 An acceptable outdoor wood burning appliance must be properly constructed of a minimum of 1/8" (4mm) steel in thickness, natural stone, brick, block or concrete to a maximum of 60 centimeters from surface grade measured on the outside rim of no more than 39.36 inches or one meter (1 m) across.
- 6.2 The actual size of the interior fire box in an outdoor wood burning appliance shall not be larger than 30 inches (30") or 762 millimeters (762 mm) in any dimension.
- 6.3 An acceptable outdoor wood burning appliance must be fitted with a spark arrestor mesh that covers the complete top with openings no larger than one half inch (1/2") or 12 millimeters (12mm).
- 6.4 Outdoor Propane Fire Pit, Fireplace or Portable Barbecues Appliances shall be installed, used and cared for in accordance with the manufacturer's guidelines and shall be only used for the purpose designed by the manufacturer.

6.5 All-natural gas or liquefied propane appliances must be certified by CSA, ULC or any other recognized certification agency.

6.6 Outdoor Propane Fire Pit, Fireplace and Portable Barbecue Appliances must conform to the requirements of the Fuel Safety Regulations as passed under the Technical Safety Act of Nova Scotia.

7. Enforcement:

7.1 The Fire Chief or Designate have control over the prevention and suppression of Outdoor Fires within the Town and shall have the authority to extinguish or ordered extinguished any Outdoor Fire which poses a health or fire hazard to persons or property, or which does not meet the provisions of this Bylaw.

7.2 The Fire Chief or Designate may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this Bylaw.

7.3 The Fire Chief or Designate can order the property owner to dismantle or removal an illegal outdoor burning appliance within a reasonable time and on failure to comply, shall have the appliance removed; the cost recovered by the Town on first lien on the property.

7.4 No action in trespass or nuisance may be brought against a member of a Fire Department, Police Officer, Bylaw Enforcement Officer or Designate for the doing of any act or the carrying out of any operation necessarily incidental to the exercise of any duty or power pursuant to this Bylaw.

8. Penalties:

8.1 Every person who contravenes or fails to comply with any orders or provisions of this Bylaw shall be liable to a penalty of not less than two hundred dollars (\$200.00) for first offence, not less than four hundred dollars (\$400.00) for second offence, and not less than nine hundred dollars (\$900.00) for third and subsequent offences.

9. Compliance with other legislation:

9.1 Nothing in this Bylaw shall exempt any person from obtaining any license, permission, permit, authority or approval required under any other Bylaw or regulation of the Town or any statute or regulation of the Province of Nova Scotia. If this Bylaw conflicts with any other statute or regulation of the Province of Nova Scotia the more restrictive statute shall apply.

10. REPEALS:

10.1 The Open Air Fires Bylaw and amendments thereto are repealed upon the coming into force of this Bylaw.



Clerk's Annotation for Official Bylaw Book

Date of first reading: December 17, 2019

Date of advertisement of Notice of Intent to Consider: December 24, 2019

Date of second reading: January 21, 2020_____

Date of advertisement of Passage of Bylaw: _____

Date of mailing to Minister a certified copy of Bylaw: _____

I certify that this Outdoor Fire Bylaw Chapter 71-was adopted by Council and published as indicated above.

C.A.O./ Town Clerk

Date

DRAFT

Whereas under Sections 172 (a), (b), and (d) of the 1999 Municipal Government Act, Council may make bylaws, respecting the health, well being, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours, and fumes;

Now, therefore, the Council of the Town of Wolfville duly assembled enacts as follows:

1. Interpretation

In this Bylaw:

“Acceptable Fire Pit” means an outdoor receptacle whereby the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges.

“Council” means the Council of the Town of Wolfville.

“Emergency Measures Organization” means the Emergency Measures Organization as established for the Town pursuant to the provisions of Chapter 57 within the Bylaws and Amendments of the Town of Wolfville.

“Fire Chief” means Fire Chief for the Town of Wolfville.

“Garden and Yard Waste” means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf, and similar vegetation.

“General Waste” means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure, human or animal excrement, sewage or the whole or part of an animal carcass.

“Hazard” means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance.

“Nuisance” means the causing of any smoke by or from any fire permitted or allowed under this Bylaw with compromises surrounding property owners with respect to the quiet enjoyment of their property.

“Portable Barbecuing Appliance” means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal.

“Town” means the Town of Wolfville.

2. Open Air Fires Prohibited

- or
- (1) No person shall be permitted to have an open air fire or any other fire upon land owned or occupied by such person, or on any other lands within the Town.
 - (2) No person shall be permitted to burn general waste, or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town.
 - (3) Notwithstanding Section 1, persons are permitted under this Bylaw to conduct:
 - (a) the cooking of food using a portable barbecuing appliance;
 - (b) the cooking of food in acceptable fire pits or acceptable fireplaces provided:
 - (i) only clean fuel is used such as natural gas, dry wood or charcoal in

amounts which will be contained within the fire pit or fireplace below the mesh screen;

- (ii) the fire does not create a nuisance, which is offensive to any other person;
- (iii) the fire does not create a hazard to persons or to other properties;
- (iv) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
- (v) a responsible adult is present on the property with the fire is burning;
- (vi) the fire is extinguished before supervision of the fire ends;
- (c) burning in fireplaces in or attached to dwellings as provided by legislation;
- (d) burning in Town-owned parks where fireplaces, stoves and fire pits are provided by or approved by the Town;
- (e) burning by the Emergency Measures Organization for the purpose of training members;
- (f) burning for municipal purposes at the direction of the Fire Chief.

3. Requirements for acceptable fire pits, outdoor fireplaces and structures

- (1) Acceptable fire pits, outdoor fireplaces, or structures must meet the following requirements:
 - (a) A minimum of 4.5 metres (15 feet) clearance shall be maintained from buildings;
 - (b) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal, stone, or other suitable non-combustible components;
 - (c) A spark arrestor mesh screen of ½ inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.

4. Offences and Penalties

- (1) Every person who contravenes or fails to comply with any of the provisions of this Bylaw shall be liable to a penalty not exceeding \$250.00.

CERTIFICATE

I, Brian Porter, Town Clerk of the Town of Wolfville do hereby certify that the foregoing is a true copy of the Open Air Fires Bylaw passed at a duly called meeting of the Town Council of the Town of Wolfville on January 15, 2001.

Notice of the said Bylaw passing was published in ***THE ADVERTISER***, a newspaper circulating in the Town of on the 23rd day of January, 2001.

GIVEN under the hand of the Town Clerk and the Corporate seal of the Town of Wolfville this 24th day of January, 2001.

BRIAN PORTER, Town Clerk

*First Reading December 18, 2000
Second Reading January 15, 2001*

Schedule M-27

Town of Wolfville Bylaws

Outdoor Fire Bylaw

Offence	Section	Out of Court Settlement	
Having an Outdoor Fire other than permitted in Section 5	4.1	first offence	\$352.50
		second offence	\$582.50
		third & subsequent offence	\$1157.50
Burning of General Waste, Garden or Yard	4.2	first offence	\$352.50
		second offence	\$582.50
		third & subsequent offence	\$1157.50
Having Outdoor Fire during Provincial Fire Ban	4.3(i)	first offence	\$352.50
		second offence	\$582.50
		third & subsequent offence	\$1157.50
Having Outdoor Fire during weather jeopardizing control of fire	4.3(ii)	first offence	\$352.50
		second offence	\$582.50
		third & subsequent offence	\$1157.50
Contravening provisions of bylaw or failing to comply with order (specify)	8.1	first offence	\$352.50
		second offence	\$582.50
		third & subsequent offence	\$1157.50

REQUEST FOR DECISION 085-2019

Title: Repeal of the Open Air Fires Bylaw Ch.71

Date: ~~2019-12-17~~ January 21, 2020

Department: CAO's Office



SUMMARY

It had become apparent to staff that the “Open Air Fires Bylaw” was falling behind with new trends in recreational fires using natural wood products, propane and other gas appliances. The bylaw allowed for open fires in “acceptable fire pits or portable barbecuing appliances” for the cooking of food only. The use of an acceptable fire pit, with proper clean fuel, used strictly for a social occasion is not allowed. There is no provision for the use of a certified gas appliances for the sole use of a recreational fire in a social setting, either. This previous bylaw does have exemptions for burning in Town owned facilities where fireplaces, stoves and fire pits are approved, burning for training by the Emergency Measures Organization and burning for municipal purposes at the direction of the Fire Chief.

Proposed is a new “Outdoor Fire Bylaw” strengthening the regulation of outdoor fires and this is presented to Council for first reading in RFD 080-2019: Outdoor Fires Bylaw.

DRAFT MOTION – Dec 17, 2019:

That Council give first reading to the attached Repeal of Open Air Fires Bylaw and direct staff to prepare the notice of intention and set a date for second reading.

DRAFT MOTION – January 21, 2020:

That Council give second reading to the attached Repeal of Open Air Fires Bylaw.

REQUEST FOR DECISION 085-2019

Title: Repeal of the Open Air Fires Bylaw Ch.71

Date: ~~2019-12-17~~ January 21, 2020

Department: CAO's Office



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Sections 172(1)(a), (c) and (d) authorizes Council to establish Bylaws for Municipal purposes respecting the health, wellbeing, safety and protection of persons; persons, activities and things, in, on or near a public place or place that is open to the public; and nuisances, including burning, odors and fumes.

3) STAFF RECOMMENDATION

Staff recommends that Council give first reading to the attached Repeal of Open Air Fires Bylaw and direct staff to prepare the notice of intention and set a date for second reading.

4) REFERENCES AND ATTACHMENTS

- Repeal of Bylaws and Regulations Ch 104 – Draft bylaw (attached)

5) DISCUSSION

It had become apparent to staff that the “Open Air Fires Bylaw” was falling behind with new trends in recreational fires using natural wood products, propane and other gas appliances. The bylaw allowed for open fires in “acceptable fire pits or portable barbecuing appliances” for the cooking of food only. The use of an acceptable fire pit, with proper clean fuel, used strictly for a social occasion is not allowed. There is no provision for the use of a certified gas appliances for the sole use of a recreational fire in a social setting, either. This previous bylaw does have exemptions for burning in Town owned facilities where fireplaces, stoves and fire pits are approved, burning for training by the Emergency Measures Organization and burning for municipal purposes at the direction of the Fire Chief.

REQUEST FOR DECISION 085-2019

Title: Repeal of the Open Air Fires Bylaw Ch.71

Date: ~~2019-12-17~~ January 21, 2020

Department: CAO's Office



6) FINANCIAL IMPLICATIONS

None.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Councils decision will support the strategic direction by:

- Improving quality of life for all, by harmonizing the diverse lifestyle of choices between all demographics in Wolfville;

Council Strategic Principles:

1. **Affordability** – n/a
2. **Transparency** – the decision of Council will be made during a regularly scheduled meeting that is open to the public
3. **Community Capacity Building** – n/a
4. **Discipline to Stay the Course** – n/a
5. **United Front** – n/a
6. **Environmental Sustainability** – n/a

8) COMMUNICATION REQUIREMENTS

The repeal of a Bylaw is communicated on the Town's website so that the public are aware of the change.

9) ALTERNATIVES

Do not repeal the Open Air Fires Bylaw Ch. 71, which will impact the new Outdoor Fires Bylaw currently presented to Council for second reading.



1. Title

1.1 This Bylaw is entitled “Repeal of bylaws and regulations Ch 104”

2. Repeal

2.1. Be it enacted by the Council of the Town of Wolfville under the authority of the *Municipal Government Act* as follows:

The following Bylaws by Chapter and Description be hereby repealed in their entirety:

Chapter 71 – Open Air Fires Bylaw

Clerk’s Annotation for Official By-law Book

Date of first reading: December 17, 2019

Date of advertisement of Notice of Intent to Consider: December 24, 2019

Date of second reading: January 21, 2020

Date of advertisement of Passage of By-law:

Date of mailing to Minister a certified copy of Bylaw:

I certify that this **REPEAL OF BYLAWS AND REGULATIONS #104** was adopted by Council and published as indicated above.

Erin Beaudin, CAO & Town Clerk

Date

REQUEST FOR DECISION 045-2019 (Supplemental)

Title: Property Minimum Standards Bylaw

Date: 2019-12-03

Department: Planning & Development



SUMMARY

Supplemental Report - Property Minimum Standards Bylaw Amendment

The Property Minimum Standards Bylaw has been before Council previously; however, was not advertised properly and was sent back by the Province. Staff would like to take this opportunity (having to go through the process again) to introduce another housekeeping amendment regarding parking enforcement to this by-law.

The original RFD (045) is included and this supplemental report provides information on the proposed parking enforcement amendment being introduced.

As staff have been reviewing the Land Use Bylaw, there is a gap in enforcing illegal parking (on front lawns, etc). It was determined that the issue was better suited to the Property Minimum Standards Bylaw. It is proposed to amend Section 5(2)(b) of the Property Minimum Standards Bylaw which states, “parking vehicle on yards in accordance with the requirements of the Town of Wolfville Land Use Bylaw” to now read “The owner or occupier shall not allow any vehicle to park on any area of a lot other than a parking area”. A new definition of “Parking Area” will also be inserted into the Property Minimum Standards Bylaw and will alleviate the use of Section 5.6.2 of the Land Use Bylaw and the need for a judicial hearing in such cases of violation. With the Property Minimum Standards Bylaw being prepared for a Summary Offence Ticket (S.O.T.), payment option for this violation can be easily administered.

DRAFT MOTION:

That Council give first reading to the attached revised Property Minimum Standards Bylaw and direct staff to prepare the notice of intention and set a date for second reading.

REQUEST FOR DECISION 045-2019 (Supplemental)

Title: Property Minimum Standards Bylaw

Date: 2019-12-03

Department: Planning & Development



1) CAO COMMENTS

The CAO supports the recommendation of Staff.

The purpose of this RFD coming back to Council is to now consider the parking enforcement amendments and bring this Bylaw through the formal approval process of first and second readings.

2) LEGISLATIVE AUTHORITY

Authority for the Town to adopt such a bylaw is found in Sections 172 and 181 of the Municipal Government Act (MGA). Section 8 of the Summary Proceedings Act of Nova Scotia permits offences contained in municipal by-laws to be designated as SOT offences.

3) STAFF RECOMMENDATION

Staff's recommendation to Council to approve the addition of the definition of "Parking Area" and the amendment to Section 5(2)(b) of the proposed amended Property Minimum Standards By-law

4) REFERENCES AND ATTACHMENTS

1. Original RFD 045-2019 (attached).
2. Copy original Property Minimum Standards Bylaw approved on October 8th, 2013 (attached).
3. Amended Draft of the Property Minimum Standards Bylaw (attached).
4. Draft of the Schedule M-27 wording for Summary Offence booklet (attached).

5) DISCUSSION

The Property Minimum Standards Bylaw has been before Council previously; however, was not advertised properly and was sent back by the Province. Staff would like to take this opportunity (having to go through the process again) to introduce another housekeeping amendment regarding parking enforcement to this by-law.

As staff have been reviewing the Land Use Bylaw, there is a gap in enforcing illegal parking (on front lawns, etc). It was determined that the issue was better suited to the Property Minimum Standards Bylaw. It is proposed to amend Section 5(2)(b) of the Property Minimum Standards Bylaw which states, "parking vehicle on yards in accordance with the requirements of the Town of Wolfville Land Use Bylaw" to now read "The owner or occupier shall not allow any vehicle to park on any area of a lot other than a parking area". A new definition of "Parking Area" will also be inserted into the Property Minimum Standards Bylaw and will alleviate the use of Section 5.6.2 of the Land Use Bylaw and the need for a judicial hearing in such cases of violation. With the Property Minimum Standards Bylaw being prepared for a Summary Offence Ticket (S.O.T.), payment option for this violation can be easily administered.

REQUEST FOR DECISION 045-2019 (Supplemental)

Title: Property Minimum Standards Bylaw

Date: 2019-12-03

Department: Planning & Development



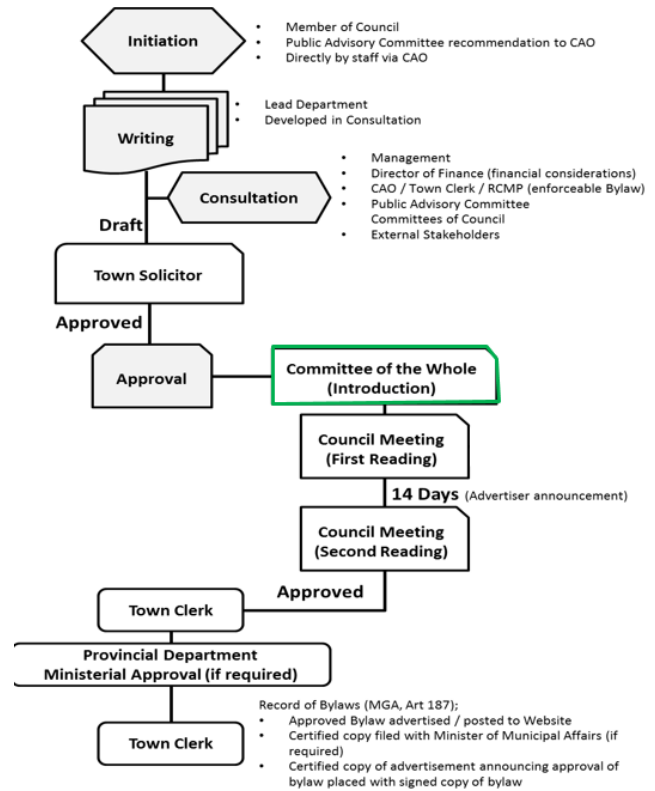
6) COMMUNICATION REQUIREMENTS

This decision does not warrant communication requirements as the changes are minor in nature and do not change the intention of the bylaw only a clarification of wording. The change to the use of the Summary Offence Ticket with an out of court settlement for minor single offences would not affect the community but makes internal processes more expeditious and efficient.

The Bylaw Development Process (as per the Municipal Government Act) is as follows:

7) ALTERNATIVES

- Council could decide not to include this supplemental definition and amendment to the proposed Property Minimum Standards Bylaw as outlined in original RFD 045-2019.



REQUEST FOR DECISION 045-2019

Title: Property Minimum Standards Bylaw

Date: ~~2019-07-02~~ October 15, 2019

Department: Planning & Development



SUMMARY

Property Minimum Standards By-law Amendments

The Property Minimum Standards Bylaw was passed on October 8th, 2013. The proposed amendments are minor in nature and do not propose any substantial changes.

On review it was determined that the wording in the Bylaw could be clearer to avoid interpretation issues. Staff would like to have the bylaw offence sections designated under the Summary Offence Tickets (SOT) Regulations as an alternative to a long form information process. The SOT process would allow for an out of court settlement (OCS) option for the offences in the bylaw. The OCS would be the minimum penalty set out in the Property Minimum Standards Bylaw, plus victim fine surcharge of 15% and court costs for a single offence. Multiple offence incidents would be handled by the long form process.

The requested action to update and strengthen the Property Minimum Standards Bylaw is expected to assist the staff in dealing with substandard properties within the Town in an expeditious and efficient manner.

MOTION Carried at September 17, 2019 Council meeting:

That Council give first reading to the attached Property Minimum Standards Bylaw and direct staff to prepare the notice of intention and set a date for second reading.

DRAFT MOTION – October 15, 2019 Council meeting:

That Council give second reading to the attached Property Minimum Standards Bylaw and direct staff to prepare the Passage of Bylaw notification.

REQUEST FOR DECISION 045-2019

Title: Property Minimum Standards Bylaw

Date: ~~2019-07-02~~ October 15, 2019

Department: Planning & Development



1) CAO COMMENTS

The CAO supports the recommendation of Staff.

Council discussed this Bylaw in July and was satisfied with the proposed changes. The purpose of this RFD coming back to Council is to now bring this Bylaw through the formal approval process of first and second readings.

2) LEGISLATIVE AUTHORITY

Authority for the Town to adopt such a bylaw is found in Sections 172 and 181 of the Municipal Government Act (MGA). Section 8 of the Summary Proceedings Act of Nova Scotia permits offences contained in municipal by-laws to be designated as SOT offences.

3) STAFF RECOMMENDATION

That Council give first reading to the attached Property Minimum Standards Bylaw and direct staff to prepare the notice of intention and set a date for second reading.

4) REFERENCES AND ATTACHMENTS

1. Copy original of Property Minimum Standards Bylaw passed on October 8th, 2013 (attached).
2. Amended Draft of the Property Minimum Standards Bylaw (attached).
3. Draft of the Schedule M-27 wording for Summary Offence booklet (attached).

5) DISCUSSION

The Property Minimum Standard Bylaw was passed in October 8th, 2013. On review it is felt by staff that a revision of some of the wording would be appropriate to clarify any possible interpretation issues in the bylaw. Furthermore, staff would like to have the bylaw offence sections designated under the Summary Offence Tickets (SOT) Regulations as an alternative to a long form information process under the Summary Proceedings Act. The SOT process would allow for the immediate notice of an offence charge, the exact circumstances of the offence, a date to pay the out of court-settlement (OCS) or inform the courts the intent to challenge the offence and the amount of the OCS if they decided to pay. The OCS would be the base penalty set out in the Property Minimum Standards Bylaw, of two hundred dollars (\$200.00) plus victim fine surcharge of 15% and court costs to a final OCS of three hundred and fifty-two dollars and fifty cents (\$352.50) for a single offence. The OCS would have a graduated fine schedule for a second offence of four hundred dollars (\$400.00) plus victim fine surcharge of 15% and court cost to an OCS of five hundred and eighty two dollars and fifty cents (\$582.50) and third or subsequent offences of nine hundred dollars (\$900.00) plus victim fine surcharge of 15% and court costs to an OCS of one thousand, one hundred and fifty seven dollars and fifty cents (\$1157.50).

REQUEST FOR DECISION 045-2019

Title: Property Minimum Standards Bylaw

Date: ~~2019-07-02~~ October 15, 2019

Department: Planning & Development



More complicated multiple offence incidents would still be handled by the long form process which requires a mandatory court appearance.

The requested action to update and strengthen the Property Minimum Standards Bylaw is expected to assist the staff in dealing with substandard properties within the Town. The Summary Offence Ticket with an out of court-settlement (OCS) will ensure an expeditious and efficient process for the simple singular Property Minimum Standards Bylaw offences.

Changes to the Property Minimum Standards Bylaw starts with the correction of the Municipal Government Act sections for authority to establish the bylaw. Further general amendments updated the reference sections to the appropriate statutes and codes throughout, to reflect standards of the Nova Scotia Building Code, National Building Code of Canada and the National Plumbing Code of Canada.

The definition section of the bylaw received an addition of “land, and “property” sections. These two clarifications in the definitions which are utilized throughout the bylaw replaced wording, like “buildings, grounds, yards, lawns which are included in these two new definitions. Additionally, the definition of “Single Room Occupancy” has been included to clarify what these living arrangements mean.

The Section of General Duties and Obligations, Section 4(b) is changed to clarify the standard that older buildings are to be maintained which is at the time of the original build. The addition of Section 4(d) allows for testing of materials, equipment, devices, construction, and remedial methods if needed as for a determination as a requirement of the Bylaw. As Section 4(d) relates to all sections of the Bylaw, Sections 6(2)(b), Structural Soundness and 6(12)(c), Electrical Services, are removed due to redundancy.

Standards for Buildings, Section 6(1)(a), under Fire Prevention is clarified to read, “other Town of Wolfville Bylaws or any Provincial legislation”. Drainage and Prevention of Dampness, Section 6(3)(b) has been amended to add “moisture” but remove mold and mildew, the result of the moisture and dampness. Experts are not needed for the detection of dampness and moisture which is the cause of the for mold or mildew. “Property” has replaced “building” in Pest Prevention and Control, Section 6(4). Interior Walls, Ceiling and Floors, Section 6(5)a had “the ceiling” added to the section. Stairs, Decks and Balconies, Section 6(9)(b) is a clarification of the standard expected that guards and handrails will be repaired or replaced with the appropriate legislation.

The Heating Section, 11(a) has been updated to reflect the National Building Code of Canada standards of 22 degrees Celsius in all living spaces and 18 degrees Celsius in unfinished basements during outside winter temperatures. This is an increase of 2 degrees in all living spaces and an additional standard for unfinished basements.

Most important changes are in the Penalties, Section 8(2) and 8(3) of the Bylaw. Section 8(2) is the addition of the authority of a Bylaw Enforcement Officer on probable grounds to issue a Summary Offence Ticket (SOT) for a single violation. The amendment to 8(3) sets out the base penalty for the issuance of a SOT for first, second, third and subsequent offences under this bylaw.

REQUEST FOR DECISION 045-2019

Title: Property Minimum Standards Bylaw

Date: ~~2019-07-02~~ October 15, 2019

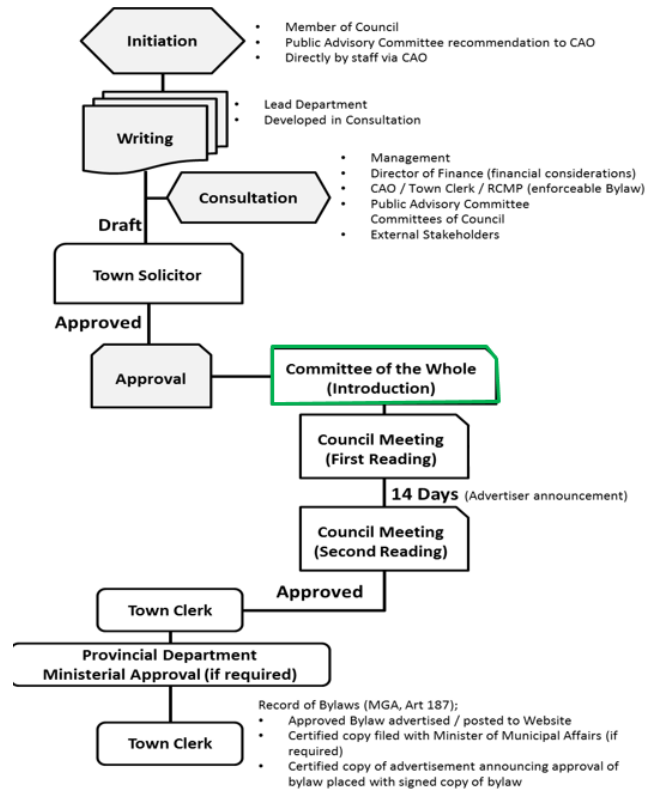
Department: Planning & Development



6) PROCESS AND COMMUNICATION REQUIREMENTS

This decision does not warrant communication requirements as the changes are minor in nature and do not change the intention of the bylaw only a clarification of wording. The change to the use of the Summary Offence Ticket with an out of court settlement for minor single offences would not affect the community but makes internal processes more expeditious and efficient.

The Bylaw Development Process (as per the Municipal Government Act) is as follows:



7) ALTERNATIVES

- Council could decide to have all Property Minimum Standards Bylaw offences dealt with by way of a long form process to ensure a mandatory court appearance for all infractions regardless of the severity.
- Council could decide to approve the wording change but not to move forward to the Summary Offence Ticket process.



PROPERTY MINIMUM STANDARDS BYLAW

Be it enacted, by the Council of the Town of Wolfville under the authority of Section 172 and Section 181 of the Municipal Government Act, as amended:

1 Title

This bylaw shall be titled and referred to as the 'Property Minimum Standards Bylaw'.

2 Background

Section 172 of The Municipal Government Act gives Council the authority to establish by-laws. Section 172(a) allows by-laws to be created for the health, well-being, safety and protection of persons, whilst Section 172(jb) allows by-laws to be created that set standards for the maintenance and sightliness of property and section 181 allows by-laws to be created to prescribe minimum standards for buildings occupied for residential and commercial purposes.

The purpose of this bylaw is to establish a set of minimum standards for properties in The Town of Wolfville and outline the responsibilities of property owners in this regard.

3 Definitions

In this Bylaw:

- (1) "Accessory Building" means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
- (2) "Appointed Person" means the Building Inspector, By-Law Enforcement Officer of the Town of Wolfville, or any other person appointed by the Chief Administrative Officer who is empowered by legislation to enforce this By-law.
- (3) "Building" means any structure, whether temporary or permanent, used or capable of use for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes the grounds, lawns and accessory buildings on the property of the building.
- (4) "Building Inspector" means the building inspector of the Town of Wolfville.
- (5) "By-Law Enforcement Officer" means a person appointed by the Chief Administrative Officer who is a Special Constable or By-Law Enforcement officer pursuant to the Police Act or similar legislation and empowered by such appointment to enforce this By-law.
- (6) "Council" means the Council of the Town of Wolfville.



- (7) “Dwelling Unit” means one or more habitable rooms used or capable of use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- (8) “Habitable Room” means a room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.
- (9) “Occupier” means any person who resides in or uses a Dwelling Unit and includes, but is not limited to, a tenant or the owner of the Dwelling Unit.
- (10) “Owner” includes any one or combination of the following as defined in the Municipal Government Act:
 - (a) A part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (b) In 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,
 - (c) A person who occupies shores , beaches or shoals, and
 - (d) In the absence of proof to the contrary, the person assessed for the property.

4 General Duties and Obligations

- (a) The Owner of a building shall maintain the building to the standards as provided in this By-Law.
- (b) The Owner of a building shall maintain the building to the standard to which it was required to be built.
- (c) The standards of this By-Law are minimum standards and this By-Law shall not be construed so as to lessen the requirements for the construction, repair, or alteration of a building imposed by any other Town of Wolfville By-Law or any other applicable legislation.



5 General Property Standards

(1) Grounds and Lawns

- (a) Grounds and lawns and the general landscaping of a property shall be maintained in a clean and tidy condition and shall not be unsightly in relation to neighboring properties.
- (b) Without limiting the generality of paragraph 5(1)(a), the following standards shall apply to grounds and lawns:
 - (i) Any vehicle, trailer, boat, furniture or equipment that is discarded, derelict, dismantled, or in an abandoned condition shall not be parked, stored or left in any yard.
 - (ii) Lawns, hedges, bushes and landscape plantings shall be maintained as required to prevent them from becoming overgrown or unsightly.
 - (iii) Yards shall be maintained free of rubbish and debris.
 - (iv) Any furniture that is designed and manufactured for indoor use shall not be placed outside of a dwelling.
 - (v) Appliances including, but not limited to, refrigerators, stoves, and freezers shall not be left in yards, interior stairways, or hallways and shall not be used as placed of storage.
- (c) Nothing in this by-law shall prevent a building owner from establishing vegetable gardens or other non-conventional landscape treatments such as tall ornamental grasses and perennial flowers, provided that such installations are appropriately maintained and tended commensurate with a residential setting.

(2) Walks, Steps, Driveways & Parking Areas

- (a) Steps, walks, driveways, and parking areas and similar areas of a yard shall be maintained to:
 - (i) afford safe passage under normal use and weather conditions,
 - (ii) keep the surface free of loose, unstable or uneven surfaces,
 - (iii) keep the surface free of water ponding.
- (b) Parking of vehicles in yards shall be in accordance with the requirements of the Town of Wolfville Land Use By-Law in force and as amended from time to time.

(3) Storage of Waste/Resource Materials

Every building shall be provided with adequate storage facilities for storage of waste/resource materials in accordance with the Town of Wolfville Solid Waste/Resource

Management By-Law and such facilities shall be maintained in a clean and sanitary condition.

(4) Accessory Buildings

Accessory buildings shall be maintained in good repair and free from hazards or conditions which may affect health or cause fire or unsafe conditions.

6 Standards for Buildings

(1) Fire Prevention

- (a) The Owner of every building shall provide fire and smoke alarm systems as required by the Town of Wolfville Building By-Law.
- (b) Fire and smoke alarm systems shall be maintained in an operational condition at all times.
- (c) All required fire separations shall be maintained so as to adequately prevent the spread of fire from one compartment to the next.

(2) Structural Soundness

- (a) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected.
- (b) The Appointed Person may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, devices, construction or foundation meets the prescribed requirements.

(3) Drainage and Prevention of Dampness

- (a) Every basement, cellar, crawl space and similar space shall be adequately ventilated and drained.
- (b) Every floor, ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from excessive dampness and mould and mildew.



(4) Pest Prevention and Control

Buildings shall be kept reasonably free of rodents and insects.

(5) Interior Walls, Ceilings and Floors

- (a) Every wall in a building shall be reasonably smooth and level and maintained so as to be free of all protruding, broken or decayed structural components or wall coverings.
- (b) Shower walls and walls abutting bathtubs shall be impervious to water.
- (c) Every floor in a building shall be reasonably smooth and level and maintained so as to be free of all protruding, broken or decayed structural subfloor or floor coverings.
- (d) Finish flooring in kitchens, bathrooms, toilet rooms, shower rooms and laundry rooms shall be maintained to be reasonably impervious to water.

(6) Foundations and Exterior Walls

- (a) All foundation supports forming part of a building shall be maintained in good repairs so as to prevent settlement of the building.
- (b) The components of every exterior wall of a building and the exterior wall shall be maintained, weather tight, free of loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects and animals.

(7) Roofs, Eaves troughs and Gutters

- (a) Roofs shall be kept weather tight and free from leaks.
- (b) Every eaves trough, roof gutter and down pipe shall be kept in good repair.
- (c) Every roof shall be kept free from loose or unsecured objects and materials, dangerous accumulations of snow and ice, and all other fire and accident hazards.

(8) Windows and Doors

- (a) Windows, doors, skylights and basement or cellar hatchways shall be maintained in a good repair, weather tight and reasonably draft free.
- (b) All windows that are operable and exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside.
- (c) At least one window in each sleeping room shall meet egress standards as required by the Provincial Building Code.



- (d) Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self-closing device to prevent the passage of gases into the remainder of the building.

(9) Stairs, Decks and Balconies

- (a) Interior and exterior stairs, porches, balconies, decks and landings shall be maintained in good repair so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.
- (b) Guards and handrails in accordance with the requirements of the Town of Wolfville Building By-Law shall be provided on all stairs, porches, balconies, decks and landings.

(10) Egress

- (a) Every building and dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the building or dwelling unit to the exterior grade level.
- (b) Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an operable window or door operable from inside without requiring keys or specialized knowledge.
- (c) Any required egress shall not pass through a room in another dwelling unit or a service room, or a private room or space within the same dwelling unit.

(11) Heating

- (a) Every dwelling unit shall be provided with suitable heating facilities for maintaining a minimum indoor ambient temperature of 20 degrees Celsius throughout the dwelling unit.
- (b) The heating facilities shall be maintained in good working condition so as to be capable of heating the dwelling unit safely to the required standard.
- (c) Where a heating system or part thereof or any auxiliary heating system or unit burns solid or liquid fuel, a place or receptacle for storage of the fuel shall be provided and maintained in a convenient and safe location free from fire and accident hazards.



- (d) Fuel fired heating appliances shall be located in areas and locations so as not to create a fire or accident hazard or obstruct an egress from a dwelling or dwelling unit.
- (e) Heating appliances relying on combustion for heat production shall be provided with an adequate source of make-up air.
- (f) Every dwelling unit shall have a thermostat, or other suitable means for the purpose of controlling heat within the dwelling unit.
- (g) Chimneys, smoke pipes, connections, etc., shall be maintained in good working order and be capable of conveying spent gases to the exterior of the building safely.

(12) Electrical Services

- (a) The electrical wiring, fixtures, switches, receptacles and appliances located or used in every building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards
- (b) Lighting fixtures shall be installed throughout all buildings of adequate number, location and size to provide sufficient illumination so as to avoid health or accident hazards in the normal use of the building.
- (c) If in the opinion of the Appointed Person, there is doubt as to the safety of the electrical system or parts thereof, the Appointed Person may direct that tests of materials, equipment, devices and construction methods be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction meets the prescribed requirement.

(13) Plumbing

- (a) All water supply pipes shall be provided with an adequate supply of potable running water from the Town of Wolfville Municipal water system.
- (b) All bathroom, kitchen and laundry plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be capable of being supplied at a temperature of not less than 43 degrees Celsius and not greater than 60 degrees Celsius. A mixing valve shall be provided where required by the Town of Wolfville Building By-Law.
- (c) All plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition, free of leaks and defects and all water pipe and appurtenances thereto shall be protected from freezing.



- (d) Every fixture shall be of such materials, construction and design that will ensure the exposed surfaces of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, or other imperfections that may harbor germs or impede thorough cleansing.
- (e) All plumbing fixtures shall be connected to the Town of Wolfville sanitary sewage collection system through water seal traps and be appropriately vented.
- (f) All appliances intended to supply the hot water to plumbing fixtures shall be equipped with a temperature relief valve.

(14) Natural Light and Ventilation

- (a) All basements, cellars, and attics and roof spaces shall be ventilated.
- (b) All dwelling units shall provide windows for natural light in accordance with the Town of Wolfville Building By-Law.
- (c) All dwelling units shall be adequately ventilated in accordance with the requirements of the Town of Wolfville Building By-Law.
- (d) All systems of mechanical ventilation shall be maintained in good working order.

(15) Bathroom Facilities

- (a) Every Dwelling Unit shall be provided with at least one bathroom which includes a water closet, lavatory and bathtub or shower, connected to a piped supply of potable water and an acceptable means of sewage disposal.
- (b) Every bathroom shall be fully enclosed and provided with a door equipped with a privacy latch.

(16) Sleeping Rooms

A room to be used for sleeping purposes shall:

- (a) have a minimum floor area of 7.0 square metres;
- (b) have a minimum floor area of 5.0 square metres per occupant where occupied by more than one person;
- (c) have a minimum ceiling height of 2.0 metres over at least 60% of the floor area;
- (d) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.



(17) Kitchens

Every Dwelling Unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities, and a counter top work area covered with material that is easily cleanable. Space shall be provided for a stove and a refrigerator including appropriate electrical connections.

(18) Cleanliness

The Occupier of a Dwelling Unit shall maintain its contents, fixtures and fittings to a standard that does not present a hazard to persons, health or property. The Occupier shall ensure that:

- (a) Areas used for the preparation or cooking of food shall be kept reasonably clean;
- (b) Garbage and waste shall be cleared away and not allowed to accumulate, rot or fester;
- (c) Bathrooms, sinks, showers and tubs shall be maintained in a sanitary manner;
- (d) Feces from domestic pets will be cleared away and disposed of in an appropriate manner;
- (e) Used sanitary items, diapers, birth control devices, medicines and other potentially hazardous items will be disposed of in an appropriate manner.

7 Enforcement

Any *Appointed Person* is authorized to enforce this By-Law.

- (1) An *Appointed Person* may enter a property in order to carry out an inspection to ensure compliance with this Bylaw, so long as such entry is made in accordance with the requirements of Part XXI, Section 503(3) of the Municipal Government Act, as amended.
- (2) If after an inspection, an *Appointed Person* is satisfied that in some respect, the building or the property or the both of them, do not conform to the standards prescribed in this By-Law, the *Appointed Person* shall serve or cause to be served by personal delivery or registered mail to the owner(s) of the property, an Order to Comply and may at the same time provide all occupants of the building with a copy of the Order.
- (3) Every Order to Comply shall contain:
 - (a) the standards to which the building does not comply;
 - (b) the date after which the building must comply with the order and will be subject to a reinspection to ascertain compliance with the Order.



- (c) The action that will be taken against the owner should the building not comply with the prescribed standards at the time of the reinspection.

- (4) Where an order has been served upon an owner, and the owner provides the Appointed Person with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Appointed Person may accept or amend the schedule at which time the schedule will become a part of the Order.

- (5) An owner may appeal an Order to the Town Council within seven days after the Order is served.

- (6) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Appointed Person may have a contractor enter upon the property and carry out the work specified in the Order.

- (7) Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof as a first lien on the property affected.

8 Penalties

- (1) Failure to meet each and every standard specified in this By-Law shall constitute a separate and distinct offence.

- (2) Any person who contravenes any provision of this Bylaw, or fails to comply with the terms of an Order issued subject to this Bylaw commits an offence that is punishable on summary conviction by a fine of not less than \$200 and not more than \$10000 and to imprisonment of not more than 30 days in default of payment thereof.

- (3) 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 for each day during which such contravention or failure has been continued.

9 REPEAL

The Minimum Housing and Maintenance Standards Bylaw passed by Town Council on 16th November 1981 and approved by the Minister on 27th November 1981 is repealed.



FIRST READING: September 10, 2013

SECOND READING: October 8, 2013

CERTIFICATE

I, Michael MacLean, Town Clerk of the Town of Wolfville, do hereby certify that the Bylaw of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of the Town of Wolfville held on the 8th day of October, 2013.

Notice of the said Bylaw passing was published in **THE ADVERTISER**, a newspaper circulating in the said Town on the 22nd day of October, 2013.

Given under the hand of the Town Clerk and the corporate seal of the Town of Wolfville this 23rd day of October, 2013.

MICHAEL MACLEAN
Town Clerk

PROPERTY MINIMUM STANDARDS BYLAW

Be it enacted, by the Council of the Town of Wolfville under the authority of Section 172 and Section 181 of the Municipal Government Act, as amended:

1 Title

This bylaw shall be titled and referred to as the 'Property Minimum Standards Bylaw'.

2 Background

Section 172(1) of The Municipal Government Act gives Council the authority to establish bylaws. Section 172(1)(a) allows by-laws to be created for the health, well-being, safety and protection of persons, whilst Section 172(1)(jb) allows bylaws to be created that set standards for the maintenance and sightliness of property and section 181 allows bylaws to be created to prescribe minimum standards for buildings occupied for residential and commercial purposes.

The purpose of this bylaw is to establish a set of minimum standards for properties in The Town of Wolfville and outline the responsibilities of property owners in this regard.

3 Definitions

In this Bylaw:

- 1) "Accessory Building" means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
- 2) "Appointed Person" means the Building Inspector, Bylaw Enforcement Officer of the Town of Wolfville, or any other person appointed by the Chief Administrative Officer who is empowered by legislation to enforce this By-law.
- 3) "Building" means any structure, whether temporary or permanent, used or capable of use for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes the grounds, lawns and accessory buildings on the property of the building.
- 4) "Building Inspector" means the building inspector of the Town of Wolfville.
- 5) "Bylaw Enforcement Officer" means a person appointed by the Chief Administrative Officer who is a Special Constable or By-Law Enforcement officer pursuant to the Police Act or similar legislation and empowered by such appointment to enforce this By-law.
- 6) "Council" means the Council of the Town of Wolfville.
- 7) " Dwelling Unit" means one or more habitable rooms used or capable of use by one or more individuals as an independent and separate housekeeping establishment in which separate

kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

- 8) "Habitable Room" means a room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.
- 9) "Land" means grounds, lawns and yards of developed properties and undeveloped property lots.
- 10) "Occupier" means any person who resides in or uses a Dwelling Unit and includes, but is not limited to, a tenant or the owner of the Dwelling Unit.
- 11) "Owner" includes any one or combination of the following as defined in the Municipal Government Act:
 - (a) A part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (b) in 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,
 - (c) a person who occupies shores, beaches or shoals, and
 - (d) in the absence of proof to the contrary, the person assessed for the property.
- 12) "Parking Area" means any portion of a lot used for the parking of vehicles and includes the driveway and circulation areas used to access any parking space.
- 13) "Property" means land and any buildings, structures, or part of a building or structure, erected on land, and includes vacant land.
- 14) "Single Room Occupancy" means a rental housing type wherein one or two people are housed in single room within a dwelling unit, wherein the tenants share bathroom and kitchen facilities.

4 General Duties and Obligations

- (a) The Owner of property shall maintain the property to the standards as provided in this Bylaw.
- (b) The Owner of a building shall maintain the building to the acceptable building practice at the time of the original build or building code at the time of the original build.
- (c) The standards of this Bylaw are minimum standards and this Bylaw shall not be construed to lessen the requirements for the construction, repair, or alteration of

property imposed by any other Town of Wolfville By-Law or any other applicable legislation.

- (d) The Appointed Person may direct that tests of materials, equipment, devices, construction and remedial methods be made, or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, devices, construction or remedial actions meets the prescribed requirements of this bylaw.

5 General Property Standards

1) Grounds and Lawns

- (a) Property and the general landscaping of a property shall be maintained in a clean and tidy condition and shall not be unsightly in relation to neighboring properties.
- (b) Without limiting the generality of paragraph 5(1)(a), the following standards shall apply to land:
 - (i) Any vehicle, trailer, boat, furniture or equipment that is discarded, derelict, dismantled, or in an abandoned condition shall not be parked, stored or left on land.
 - (ii) Lawns, hedges, bushes and landscape plantings shall be maintained to prevent them from becoming overgrown or unsightly.
 - (iii) Property shall be maintained free of rubbish and debris.
 - (iv) Any furniture that is designed and manufactured for indoor use shall not be placed outside of a dwelling.
 - (v) Appliances including, but not limited to, refrigerators, stoves, and freezers shall not be left in yards, interior stairways, or hallways and shall not be used as placed of storage.
- (c) Nothing in this bylaw shall prevent a building owner from establishing vegetable gardens or other non-conventional landscape treatments such as tall ornamental grasses and perennial flowers, provided that such installations are appropriately maintained and tended commensurate with a residential setting.

2) Walks, Steps, Driveways & Parking Areas

- (a) Steps, walks, driveways, and parking areas and similar areas of a yard shall be maintained to:
 - (i) afford safe passage under normal use and weather conditions,
 - (ii) keep the surface free of loose, unstable or uneven surfaces,
 - (iii) keep the surface free of water ponding.

- (b) The Owner or Occupier shall not allow any vehicle to park on any area of a lot other than a Parking Area.

3) Storage of Waste/Resource Materials

Every building shall be provided with adequate storage facilities for storage of waste/resource materials in accordance with the Valley Region Solid Waste-Resource Management Bylaw and such facilities shall be maintained in a clean and sanitary condition.

4) Accessory Buildings

(a) Accessory buildings shall be maintained in good repair and free from hazards or conditions which may affect health or cause fire or unsafe conditions.

6 Standards for Buildings

1) Fire Prevention

- (a) The Owner of every building shall provide fire and/or smoke alarm systems as required by The Nova Scotia Building Code.
- (b) Fire and/or smoke alarm systems shall be maintained in a operational condition at all times.
- (c) All required fire separations shall be maintained to adequately prevent the spread of fire from one compartment to the next.

2) Structural Soundness

- (a) Every part of a building shall be maintained in a structurally sound condition to be capable of sustaining safely its own weight and any load to which it may normally be subjected.

3) Drainage and Prevention of Dampness

- (a) Every basement, cellar, crawl space and similar space shall be adequately ventilated and drained.
- (b) Every floor, ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from excessive moisture and dampness.

4) Pest Prevention and Control

- (a) Property shall be kept reasonably free of rodents and insects.

5) Interior Walls, Ceilings and Floors

- (a) Every wall and ceiling in a building shall be reasonably smooth, level and maintained to be free of all protruding, broken or decayed structural components or wall coverings.
- (b) Shower walls and walls abutting bathtubs shall be impervious to water.
- (c) Every floor in a building shall be reasonably smooth and level and maintained to be free of all protruding, broken or decayed structural subfloor or floor coverings.
- (d) Finish flooring in kitchens, bathrooms, toilet rooms, shower rooms and laundry rooms shall be maintained to be reasonably impervious to water.

6) Foundations and Exterior Walls

- (a) All foundation supports forming part of a building shall be maintained in good repairs to prevent settlement of the building.
- (b) The components of every exterior wall of a building and the exterior wall shall be maintained, weather tight, free of loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects and animals.

7) Roofs, Eavestroughs and Gutters

- (a) Roofs shall be kept weather tight and free from leaks.
- (b) Every eaves trough, roof gutter and down pipe shall be kept in good repair.
- (c) Every roof shall be kept free from loose or unsecured objects and materials, dangerous accumulations of snow and ice, and all other fire and accident hazards.

8) Windows and Doors

- (a) Windows, doors, skylights and basement or cellar hatchways shall be maintained in a good repair, weather tight and reasonably draft free.
- (b) All windows that are operable and exterior doors shall have suitable hardware to allow locking or otherwise securing from inside.

- (c) At least one window in each sleeping room shall meet egress standards as required by the Nova Scotia Building Code.
- (d) Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self-closing device to prevent the passage of gases into the remainder of the building.

9) Stairs, Decks and Balconies

- (a) Interior and exterior stairs, porches, balconies, decks and landings shall be maintained in good repairs to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are decayed or deteriorated shall be repaired or replaced.
- (b) Guards and handrails in unsafe condition shall be repaired or replaced accordance with the requirements of the Nova Scotia Building Code.

10) Egress

- (a) Every building and dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the building or dwelling unit to the exterior grade level.
- (b) Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window or door operable from inside without requiring keys or specialized knowledge as required by the Nova Scotia Building Code.
- (c) Any required egress shall not pass through a room in another dwelling unit or a service room, or a private room or space within the same dwelling unit.

11) Heating

- (a) Every dwelling unit, during outside winter design temperatures, shall be provided with heating facilities capable of maintaining a minimum indoor ambient temperature of no less than;
 - (1) 22 degrees Celsius in all living spaces, and
 - (2) 18 degrees Celsius in unfinished basements,as required by the National Building Code of Canada.
- (b) The heating facilities shall be maintained in good working condition to be capable of heating the dwelling unit safely to the required standard.
- (c) Where a heating system or part thereof or any auxiliary heating system or unit burns solid or liquid fuel, a place or receptacle for storage of the fuel shall be

provided and maintained in a convenient and safe location free from fire and accident hazards.

- (d) Fuel fired heating appliances shall be in areas and locations so as not to create a fire or accident hazard or obstruct an egress from a dwelling or dwelling unit.
- (e) Heating appliances relying on combustion for heat production shall be provided with an adequate source of make-up air.
- (f) Every dwelling unit shall have a thermostat, or other suitable means for the purpose of controlling heat within the dwelling unit.
- (g) Chimneys, smoke pipes, connections, etc., shall be maintained in good working order and be capable of conveying spent gases to the exterior of the building safely.

12) Electrical Services

- (a) The electrical wiring, fixtures, switches, receptacles and appliances located or used in every building shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards as required by the Canadian Electrical Code.
- (b) Lighting fixtures shall be installed throughout all buildings of adequate number, location and size to provide enough illumination to avoid health or accident hazards in the normal use of the building.

13) Plumbing

- (a) All water supply pipes shall be provided with an adequate supply of potable running water from the Town of Wolfville municipal water system.
- (b) All bathroom, kitchen and laundry plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be capable of being supplied at a temperature of not less than 49 degrees Celsius and not greater than 60 degrees Celsius. A mixing valve shall be provided not to exceed 49 degrees Celsius in tubs and showers as required by the National Plumbing Code of Canada.
- (c) All plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition, free of leaks and defects and all water pipe and appurtenances thereto shall be protected from freezing.
- (d) Every fixture shall be of such materials, construction and design that will ensure the exposed surfaces of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, or other imperfections that may harbour germs or impede thorough cleansing.
- (e) All plumbing fixtures shall be connected to the Town of Wolfville sanitary sewage collection system through water seal traps and be appropriately vented.

- (f) All appliances intended to supply the hot water to plumbing fixtures shall be equipped with a temperature relief valve.

14) Ventilation

- (a) All basements, cellars, and attics and roof spaces shall be ventilated.
- (b) All dwelling units shall be adequately ventilated in accordance with the requirements of the Nova Scotia Building Code
- (c) All systems of mechanical ventilation shall be maintained in good working order.

15) Bathroom Facilities

- (a) Every Dwelling Unit shall be provided with at least one bathroom which includes a water closet, lavatory and bathtub or shower, connected to a piped supply of potable water and an acceptable means of sewage disposal.
- (b) Every bathroom shall be fully enclosed and provided with a door equipped with a privacy latch.

16) Sleeping Rooms

A room to be used for sleeping purposes shall:

- (a) have a minimum floor area of 7.0 square metres;
- (b) have a minimum floor area of 5.0 square metres per occupant where occupied by more than one person;
- (c) have a minimum ceiling height of 2.0 metres over at least 60% of the floor area;
- (d) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

17) Kitchens

- (a) Every Dwelling Unit shall contain a kitchen area equipped with a sink, served with hot and cold running water, storage facilities, and a countertop work area covered with material that is easily cleanable. Space shall be provided for a stove and a refrigerator including appropriate electrical connections.

18) Cleanliness

The Occupier of a Dwelling Unit shall maintain its contents, fixtures and fittings to a standard that does not present a hazard to persons, health or property. The Occupier shall ensure that:

- (a) Areas used for the preparation or cooking of food shall be kept reasonably clean;
- (b) Garbage and waste shall be cleared away and not allowed to accumulate, rot or fester;
- (c) Bathrooms, sinks, showers and tubs shall be maintained in a sanitary manner;
- (d) Feces from domestic pets will be cleared away and disposed of in an appropriate manner; and
- (e) Used sanitary items, diapers, birth control devices, medicines and other potentially hazardous items will be disposed of in an appropriate manner.

7 Enforcement

Any *Appointed Person* is authorized to enforce this Bylaw.

- (1) An *Appointed Person* may enter a property in order to carry out an inspection to ensure compliance with this Bylaw, so long as such entry is made in accordance with the requirements of Part XXI, Section 503(3) of the Municipal Government Act, as amended.
- (2) If after an inspection, an *Appointed Person* is satisfied that in some respect, the building or the property or the both of them, do not conform to the standards prescribed in this By-Law, the *Appointed Person* shall serve or cause to be served by personal delivery or registered mail to the owner(s) of the property, an Order to Comply and may at the same time provide all occupants of the building with a copy of the Order.
- (3) Every Order to Comply shall contain:
 - (a) the standards to which the building does not comply;
 - (b) the date after which the building must comply with the order and will be subject to a reinspection to ascertain compliance with the Order.
 - (c) The action that will be taken against the owner should the building not comply with the prescribed standards at the time of the reinspection.
- (4) Where an order has been served upon an owner, and the owner provides the Appointed Person with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Appointed Person may accept or amend the schedule at which time the schedule will become a part of the Order.
- (5) An owner may appeal an Order to the Town Council within seven days after the Order is served.
- (6) Where an owner fails to comply with the requirements of an Order within the time specified in the Order, the Appointed Person may have a contractor enter upon the property and carry out the work specified in the Order.

- (7) Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof as a first lien on the property affected.

8 Penalties

- (1) Failure to meet each and every standard specified in this bylaw shall constitute a separate and distinct offence.
- (2) Any By-law Enforcement Officer, who believes on reasonable grounds that there has been a violation of this bylaw, may issue a Summary Offence Ticket.
- (3) Any Owner or Occupier, who contravenes any provision of this bylaw, or fails to comply with the terms of an Order issued subject to this Bylaw shall be liable to a penalty of no less than two hundred dollars (\$200.00) for the first offence, not less than four hundred dollars (\$400.00) for the second offence, and not less than nine hundred dollars (\$900.00) for the third and subsequent offences.
- (4) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this bylaw, 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 for each day during which such contravention or failure has been continued.

9 REPEAL

- (1) Any previous Property Minimum Standards amendments thereto are repealed upon coming into force of this Bylaw.

Clerk's Annotation for Official Bylaw Book

Date of first reading: December 17, 2019

Date of advertisement of Notice of Intent to Consider: December 24, 2019

Date of second reading: January 21, 2020

Date of advertisement of Passage of Bylaw:

Date of mailing to Minister a certified copy of Bylaw:

I certify that this **PROPERTY MINIMUM STANDARD BYLAW # 46** was adopted by Council and published as indicated above.

C.A.O./Town Clerk

Date

DRAFT

Schedule M-27

Town of Wolfville Bylaw

Property Minimum Standards, Chapter 46

Offence	Section	Out of Court Settlement
Owner failing to maintain buildings to the by-law minimum standard (specify).	4(a)	
first offence		\$352.50
second offence		\$582.50
third or subsequent offence		\$1157.50
Owner failing to maintain the building to the accepted building practice or building code of the original build.	4(b)	
first offence		\$352.50
second offence		\$582.50
third or subsequent offence		\$1157.50
Owner or occupier failing to comply with terms of an issued Order.	8(2)	
first offence		\$352.50
second offence		\$582.50
third or subsequent offence		\$1157.50
Owner or Occupier contravening provisions of bylaw (specify)	8(2)	
first offence		\$352.50
second offence		\$582.50
third or subsequent offence		\$1157.50

REQUEST FOR DECISION 002-2020

Title: Planning Documents (final drafts)

Date: 2020-01-21

Department: Planning & Development



SUMMARY

PLANNING DOCUMENTS (FINAL DRAFTS)

Final Drafts of the Town's Planning Documents (Municipal Planning Strategy, Land Use By-law, Core and Neighbourhood Design Guidelines, Subdivision By-law, and Stormwater Management Guide) can now be found on the Town's website [here](#).

Review of the Town's Planning Documents has been ongoing since 2015 (see [here](#) for background, previous drafts, previous consultation, etc).

On November 26, 2019 Council considered a report that summarized feedback on the "Draft 3" Planning Documents (found [here](#)). The following motion was considered at the November 26th, 2019 Committee of the Whole and passed by Council at the December 17, 2019 Council meeting:

That Council direct staff to proceed with finalizing the Town's planning documents for First Reading (Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Design Guidelines, Public Participation Program Policy) with changes outlined in this report and proceed with the preparation of the outlined communications materials to accompany the documents prepared for First Reading.

The documents have now been updated with final content, as per Committee and Council direction - provided by Council at the November 26th, 2019 Committee of the Whole (report found [here](#)). Just bits of copy editing and formatting remain. A summary of changes from Draft 3 are included below.

The purpose of this report is for Council to receive the updated Planning Documents and discuss how we move toward adoption. A recommended path forward and other options are provided in this report for discussion. Staff are recommending communications be sent to owners/residents and that Council hold information meetings in advance of considering First Reading at the February 18, 2020 Council meeting.

DRAFT MOTION:

That Council direct Staff to proceed with public information meetings and communications in preparation for First Reading of the Planning documents at the February 18, 2020 regular meeting of Council.

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1) CAO COMMENTS

The CAO supports the recommendation of Staff; however, if Council is not ready to move to First Reading or feels more information is required, now is the time to say so. Council should be very comfortable with the documents before First Reading and moving into a Public Hearing.

Copy editing and final formatting will be ongoing until adoption. Council should send minor edits (copy editing, etc) to Staff directly via email.

2) LEGISLATIVE AUTHORITY

The Municipal Government Act (MGA) provides legislative authority for the Town to develop and adopt a Municipal Planning Strategy, Land Use By-law, Subdivision By-law and Design Guidelines. This review has been ongoing since 2015. The current documents were adopted in 2008.

3) STAFF RECOMMENDATION

That Council forward the Planning Documents to the February 18th Council meeting for First Reading and that Staff move forward with communications and public information meetings in advance of this.

4) REFERENCES AND ATTACHMENTS

References

1. Updated Planning Documents, found [here](#).
 - Municipal Planning Strategy
 - Land Use By-law
 - Core and Neighbourhood Design Guidelines
 - Subdivision By-law
 - Stormwater Management Guidelines
 - Public Participation Program Policy
2. Planning Document Review background information, found [here](#).
3. November 26, 2019 Committee of the Whole Report, found [here](#).

Attachments

1. Draft Site Plan Checklist
2. Recreational Vehicle (RV) Short Term Rental Request

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5) DISCUSSION

Volume of Material and additional communication/public information

Council is tasked with reviewing a final document package over 600 pages in length. Given when the documents were available and when this report is being considered, it is anticipated Council will want additional review time before giving First Reading. Staff is recommending taking advantage of needed review time (between now and February 18) to conduct additional public information sessions and carry out communications activities.

Proposed Timeline Moving Forward

Review of the Town's Planning Documents has been ongoing since 2015 (see [here](#) for background, previous drafts, previous consultation, etc). A proposed timeline to adoption is provided below. Alternatives can be discussed at the January 21st, 2020 Council meeting.

POTENTIAL TIMELINE TO COMPLETE AND ADOPT PLANNING DOCUMENTS	
Date	Action
January 16 th , 2020	Final Draft Planning Documents available on the Town's website
January 21 st , 2020	Council presented final Planning Documents and provide direction on moving toward adoption
January 27 th or 28 th	<ul style="list-style-type: none">• Direct mail sent to residents and owners<ul style="list-style-type: none">○ Notification of where we are in the process, invite to public information meetings, how to get more information, etc.• All documents and communications materials on website• Website and Social Media Promotion (ongoing until adoption)
By January 31	Posters placed around Town
February 11 th – 13 th	Public Information Meetings in front of Council. <ul style="list-style-type: none">• Proposed format would be an overview presentation and an opportunity for residents to address Council directly, before consideration of First Reading (and while Council finishes reviewing the documents).
February 18 th (or Special meeting if, for whatever reason, 18 th is not possible)	Council to consider 1 st Reading and provide direction on any final changes to be integrated into a Public Hearing package
After First Reading	Public Hearing Advertised: <ul style="list-style-type: none">• Newspaper Ads• Direct Mail• Website and Social Media
Week of March 23	Public Hearing (opportunity for anyone to address Council directly before Council considers 2 nd Reading/adoption)

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Week of March 23	Special Council Meeting to give 2 nd Reading/adopt the Planning Documents
After Council approval	Final Documents sent for Provincial Review
After Provincial review and approval (by end of April 2020)	Documents fully adopted and begin to administer
In addition to the above, Staff will be available to meet with stakeholders, individuals and small groups, as required.	

Public Information Meetings

It is proposed that Council hold Public Information meetings regarding the plan review on the evenings of February 12th and 13th. Proposed format would be an overview presentation and an opportunity for residents to address Council directly, before consideration of First Reading (and while Council finishes reviewing the documents). If two separate meetings are to be held, each could focus more on a particular theme or both could be open. Given the volume of material, and to provide clear information, Staff will present options at our January 21st Council meeting on how we can best represent the content at the information meetings.

Communications

Staff will present a portion of the proposed communications materials at the January 21st Council Meeting with the remainder ready by January 24th. The intent of preparing these materials is to ensure people are informed of what we are doing/where we are in the process and of opportunities to provide input in front of Council before the documents are finalized/adopted. These include:

- **DIRECT MAIL**

It is proposed that on January 27th or 28th we send direct mail to residents and property owners to state:

- The Town is nearing completion of a review of our Planning Documents (include link to documents) and where/how to get more information, who to call, etc.
- The Town is striving to ensure everyone is kept informed.
- Council will be holding Information meetings on the planning documents on February 12th and 13th.
- Council will also hold a Public Hearing (aiming for week of March 23) that will be well advertised / direct mail notification sent.

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- **WEBSITE** (www.wolfville.ca/growingtogether)

The Town of Wolfville website will continue to be home to the documents and information related to the plan review. Staff are working on additional communication documents that will be placed there and used at Public Information meetings, as follows:

EXECUTIVE SUMMARY

- What are the planning documents and why are they important?
- What has been the process to get here?
- What Challenges and Opportunities are we responding to?
- What Priorities are we focused on?
- What have been the Key Issues?

FACT SHEETS and/or FAQs

- What is zoning? (with examples)
- Climate Change Action
- Housing Choices
- Process Improvement
- Single Room Occupancies
- Short Term Rentals
- What about my Property Value?

- **POSTERS / SOCIAL MEDIA / NEWSPAPER**

We are working on posters, social media and newspaper ads. Posters and ads are meant to draw attention to the final stages of the process, where to get information and how to get involved.

Changes from Draft 3

The November 26, 2020 Committee of the Whole Staff Report (found [here](#)) guided Council through a number of decision points related to changes to the “Draft 3” Planning documents. All of these changes have been made. Highlights are included here:

Municipal Planning Strategy

Changes are primarily copy editing, formatting, and clarification. Of note for Council from the direction provided at the November 26, 2019 Committee of the Whole meeting:

- Bill 177 (Development Incentive) was enabled in the Implementation Section (now Part 11.8).
-

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- 5-Storey Building height consideration by Development Agreement was enabled on the Acadia University campus (Part 10).

Land Use By-law

A lot of copy editing, formatting and clarification work. Of note for Council from the direction provided at the November 26, 2019 Committee of the Whole meeting:

- To provide additional clarity:
 - Intent Statements created for each zone
 - Intent examples created for each zone
 - Uses moved to tables in the “General Requirements” sections
 - Site Plan approval:
 - Draft Checklist created (attached)
 - Flexibility on notification (e.g. 30m or 100m) built into the Public Participation program policy (attached)
 - Building Height:
 - Consideration of 5-storeys by Development Agreement on Acadia campus enabled
 - Parking:
 - Cash-in-lieu increased to \$8,000
 - Clarification of no requirement for change of use in existing buildings downtown
 - C-2 Zoning:
 - Added intent statement and examples
 - Restricted alcohol related uses in proximity to Wolfville school
 - Special provisions to ensure integration of new commercial
 - Finalized uses – added small scale “neighbourhood commercial” (see Commercial Use table pg 65-66 of Land Use By-law)
 - Zoning Issues:
 - Various zoning decision points were presented to Council at the November 26th, 2019 Committee of the Whole meeting and all have been integrated (see Schedule A of Land Use By-law or Nov. 26 Report that showed proposed Draft 3 changes on a map).
 - Single Room Occupancies and Short-Term Rentals:
 - Neither are permitted in R-1
 - Cap placed on renting full houses (days/year) as short-term rentals
 - Maximum bedrooms lowered for single room occupancies in some zones
-

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- Early in the new year, a request was made to permit Recreational Vehicles (RVs) as short-term rentals (see letter attached)
 - Staff are not recommending a change be made to allow RVs as short-term rentals.
 - This came out of recent enforcement action Staff have taken (based on the existing Land Use By-law – RVs are not permitted for human habitation in the Town).
 - Under the proposed Land Use By-law, the property in question would be permitted to build a small detached building that could serve a similar purpose/benefit outlined in the attached letter. Consistent with intent of R-2 zone.
- Subdivision and Lot Requirements:
 - Requirements outlined at the Nov. 26 meeting have been integrated.
 - R-1 remains status quo (updated requirements to reflect this)
- Flood Risk
 - Requirement of a “waiver”/signing of a form to ensure people are aware when doing development in flood risk areas and of mitigation required
- View Corridors
 - Consideration of view from Reservoir park included in Development Constraints
- Committee Recommendations
 - Source Water protection, Design Review and other committee input (outlined in the Nov. 26 Committee of the Whole report) has been integrated.

Design Guidelines

Changes are primarily copy editing, formatting, and clarification.

Subdivision By-law

Changes are primarily copy editing, formatting, and clarification. A guide for street layouts in new subdivisions was also added.

Stormwater Management Guidelines

Updated from previous draft based on Staff comment.

Public Participation Program Policy

Updated to include site plan information

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Development Agreement Discharges

Staff are working on including discharges for the following Development Agreements with the adoption of the new planning documents:

Current RCDD Area under DA	Proposed Zoning
Carriageway and Stoneybrook Court (Whispering Creek)	R-2, except for two larger lots on Stoneybrook Court which are proposed to be R-3. <ul style="list-style-type: none"> • Zoning is the same or similar to existing DA – already includes townhouses and semi-detached. • More in keeping with Council’s objectives for housing in the MPS.
Chambers Close, Bigelow St, Whidden Ave (Built Out except for three lots on east side of Whidden Ave)	R-2 <ul style="list-style-type: none"> • Same as DA
Harris Place and Marsh Hawk Drive from Cherry Lane to Chambers Close (Built out)	R-2 <ul style="list-style-type: none"> • Same as DA
Perry Bowles Street (Built Out except for one lot)	R-2 <ul style="list-style-type: none"> • Same as DA
Stonegate Stirling Avenue (Lower portion – built out)	R-2 <ul style="list-style-type: none"> • Same as DA
30 Wickwire Avenue (Wickwire Place - Completed)	C-2 <ul style="list-style-type: none"> • Requirements of DA have been completed.

NOTE: Other DA discharges may be brought forward (e.g. C-2 properties) with the First Reading Package.

By-law Repeals

The new Planning Documents will replace the following by-laws that would be repealed:

- Existing Planning Documents (MPS, LUB, etc)
- Sidewalk Café By-law
- Swimming Pool By-law
- Portion of Streets By-law – Marketing Area

REQUEST FOR DECISION 002-2020

Title: Planning Documents (final drafts)

Date: 2020-01-21

Department: Planning & Development



Municipal Fees Policy Review

It should be noted that during the annual review of the municipal fees policy (March 2020 with budget), Staff will be proposing amended fees to correspond to the new Planning Documents. Fees will be amended or introduced for Development Agreements, Site Plan approval, short term rentals, single room occupancies, building/development permits, subdivision and zoning certificates and other matters as appropriate

6) FINANCIAL IMPLICATIONS

Staff are working to complete the Planning documents within the allocated 2019-2020 operating budget.

7) ALTERNATIVES

Council may wish to provide alternative direction to Staff on moving toward adoption of the new planning documents. Discussion related to the communications/public information approach presented at the January 21 meeting may lead to alternative actions (from what is outlined in this report) that can be carried out by Staff.

ATTACHMENT 1

Site Plan Checklist
(For illustration purposes only)

Site Plan Application #: _____ Application Date: _____

Project Description: _____

Project Location: _____ PID: _____

Applicant: _____

Mailing Address: _____

Email: _____ Phone: _____

.....
Section 1 - Plan Details

<p>Site Plan and Conceptual Grading Plan which includes the following:</p> <ul style="list-style-type: none"><input type="radio"/> north arrow, scale, legend, and drawing/revision dates. The type of plan (e.g. Site Plan) must appear in the title block in the lower right portion of the drawing.<input type="radio"/> a key plan, property identification (PID#, lot number, and/or civic number) and name of property owner.<input type="radio"/> footprint and area of proposed buildings, setbacks from all property boundaries and location of any existing building or structures to be retained or demolished.<input type="radio"/> driveway locations and surface parking area.<input type="radio"/> landscaping, including fences, walls, stormwater features, landscape beds, trees, etc. <p>Prepared by: _____ Plan #: _____ Date of Plan: _____</p>	<p>Architectural Plans which include the following:</p> <ul style="list-style-type: none"><input type="radio"/> streetwall height and setbacks pursuant to each zone<input type="radio"/> building elevations and articulation on all sides including signage and lighting<input type="radio"/> notes on building material intentions<input type="radio"/> floor plans for every level<input type="radio"/> perspective rendering of the building or 3D Sketchup model. <p>Prepared by: _____ Plan #: _____ Date of Plan: _____</p> <p>Stormwater Management Plan in accordance with the Town of Wolfville Stormwater Management Design Guidelines.</p> <p>Prepared by: _____ Plan #: _____ Date of Plan: _____</p>
--	---

Plans must be prepared by the appropriate qualified professionals who are members in good standing with their professional organizations.
.....

<p>Topographical Survey (no more than 5 years old) reflecting existing topographic and boundary conditions</p> <p>Prepared by: _____</p> <p>Plan #: _____</p> <p>Date of Plan: _____</p>	<p>Servicing Schematic including the following:</p> <ul style="list-style-type: none"> <input type="radio"/> Sewer lateral locations including size <input type="radio"/> Water lateral locations including size <input type="radio"/> Existing trunk services that will service the property <p>Prepared by: _____</p> <p>Plan #: _____</p> <p>Date of Plan: _____</p>
--	--

Section 2 - Review Details

Application Received: _____ Development Officer: _____

Site Notice Posted: _____ Application Posted to Website: _____

Meeting with Developer / Site Visit Completed - Date: _____

Plan Review Date: _____

DO Notes: _____

NOTE: Section would be added outlining different zone provisions/considerations and Staff notes on each. For example LUB zone requirements (R-3, C-1, etc), general requirements (parking, signs, etc) and specific site plan or other applicable considerations (see LUB Section 8.9 for example of site plan considerations). **To be inserted once Land Use By-law is finalized.**

Review from other Departments (any accompanying correspondence to be saved in file):

Design Review Committee

Date Sent: _____ Approved/Denied Date: _____

Notes: _____

Emergency Services

Date Sent: _____ Approved/Denied Date: _____

Notes: _____

Town Engineer

Date Sent: _____ Approved/Denied Date: _____

Notes: _____

Traffic Authority

Date Sent: _____ Approved/Denied Date: _____

Notes: _____

Section 3 – Administration

.....

APPROVAL

Application Approved Y/N Date: _____

Written notice of approval with right to appeal to neighbouring properties within 30m (within 7 days of approval) Date sent: _____

For larger projects a notice area greater than 30m may be required – to be determined by the development officer.

If application denied by DO, notice to applicant with right to appeal (within 7 days) Date:

APPEAL

Appeal Period for neighbouring properties (17 days from the date of notice (14 days for required appeal period, 3 additional days for delivery): _____

Appeal Launched: Y/N Appellant Name: _____ Date: _____

Date of Hearing: _____ Approval **Affirmed/Overtured** by Council

If appealed by Applicant:

Appeal period for Applicant (7 days + 3 days for delivery) Date: _____

If appealed by Applicant - Date of Hearing: _____

Notice of Appeal by Applicant sent to Neighbouring Properties: _____

Refusal **Affirmed/Overtured** by Council

Notes:

REGISTRATION

Site Plan LRO Plan #: _____ Registration Date: _____

January 6, 2020

Mayor Cantwell and Town Council
Town of Wolfville
359 Main Street
Wolfville, NS, B4P 1A1

Dear Mr. Cantwell and the Wolfville Town Council;

Thank you for taking the time to read this letter. We are residents of Wolfville who are inquiring about a land-use by-law exemption. We live at 15 Hillcrest Avenue. We are employed in town, our children attend Horton High School, and we all actively participate in civic life within Wolfville.

We would like to put forward a proposal with regards to Land Use Bylaw 4.28, which currently states, *"No automobile, truck, bus, coach or street car body, recreational vehicle, or shipping container, with or without wheels, shall be used for human habitation within the area regulated by this By-law."*

During the winter of 2018, we moved our new Denali fifth wheel RV (recreational vehicle) onto the back of our property on Hillcrest Avenue. We had a proper gravel pad installed by a professional landscaping company and a dedicated electrical outlet installed by an electrician. We had intentions of running an Airbnb guest accommodation out of our RV. We opened our calendar online in April 2019 and within 6 weeks we were booked for almost half of the summer.

We apologize for not knowing about by-law 4.28. We called and received permission to park our RV at our property but did not realize that using it while it was parked was a separate matter. We assumed we could use it if it was allowed to be here. We have since then communicated with Marcia Elliott, as recently as November 2019, to assure her that we will discontinue the use of our RV as an Airbnb rental, either permanently or unless the Town is willing to grant us an exemption to the bylaw. We have also spoken on the phone to Devin Lake, who advised us that he would bring this letter to your attention for discussion at an upcoming Council meeting.

Our request is that the Town of Wolfville consider giving us an exemption to the Land Use Bylaw 4.28 so that we can operate our rental in 2020. Our reasons are outlined below. It is even possible that the Town and Council could see this as a pilot project with the aim of you considering additional RV units within town limits as a way to expand your short-term rental options without converting more tenant rentals into tourist accommodation.

1. Residential Housing vs. Short Term Accommodation

The number one reason that using a seasonal RV for tourist accommodation is that it does not take any spaces away from residential tenancy or housing. It does not conflict with, or take units away from, long-term rentals. A quick review of Airbnb reveals that hundreds of RV's are permitted for guest rental in dozens of municipalities across North America. In fact, Airbnb has an entire rental designation devoted to RV's worldwide and guests can search for RV's specifically in the areas they are travelling to. RV's are held up to the same standards of cleanliness, reliability, and host performance as any Airbnb rental, and the review system ensures that any listing on Airbnb is properly maintained. *RV usage allows municipalities to respond to shortages in short-term accommodation during peak tourist months without impacting residential housing at all.*

2. Impact on Full-Time Accommodation Businesses

The allowance of an RV for short-term guest accommodation does not take away off-season rentals from tourist operators with year-round businesses. It only supplements during the peak tourist season when traditional guest rentals can be fully booked. In our climate, the RV season is mid-April to mid-October. They are not designed for shoulder-season or winter usage. So using RV's for short-term accommodation in Wolfville is aligned with the busy tourist season where there is a very strong demand for additional units. Wolfville does not currently have enough accommodation in the peak tourist season at our price point (around \$100/night). Our RV rental would not compete with year-round, short-term accommodation providers like traditional BnBs in the slower off-season because RV's are only operational during a five to six month window.

3. Demand

We were already over 50% full for the summer by the time our RV Airbnb booking was requested to be taken offline by the Town of Wolfville in June 2019. That means that in the 6-7 weeks that our RV was listed, we received almost 50

bookings. We also re-opened our calendar for a few dates later in the summer and into the fall, to see if there was still a demand for a unit like ours. (We did not want to bring this proposal to the Town if our experience in the spring could be written off as simply "a fluke". We wanted some concrete evidence and data to put forward to you.) Over 90% of the nights we opened up got booked. We know from this experiment that there is a definite need for more short-term accommodation in Wolfville during peak tourist season. Our RV rental offers a way to add a short-term accommodation unit without us competing with the year-round accommodation businesses who wouldn't want extra rentals on the market during the slower winter season. This is a solution that benefits tourism, supports local businesses (guests who stay in Wolfville shop and eat in Wolfville), and does not compete with traditional BnBs off-season when they are likely to have vacancies.

4. Habitation

Bylaw 4.28 restricts RV's for "habitation" use. Habitation is defined in various ways in dictionaries we looked at but always includes reference to "the state or process of living in a particular place; occupancy, residence, residency, living in, housing, etc." Is it possible that being an overnight guest falls outside the definition of habitation in the bylaw anyway? Is it possible that if we had guests stay for one or two nights only, they would not be considered to be "habitating" our RV anyway, and so offering our Airbnb to very short-term guests potentially falls outside of the by-law already? Is this a work-around?

We did some research and found that hundreds of RV's of all sizes are used as short-term accommodation in municipalities throughout Canada and the United States. This is seen as a benefit because it keeps longer-term tenancy rentals in place and does not take housing away from those who need permanent housing. Additionally, many municipal planners do not see overnight guest accommodations as 'housing' or 'habitation' and so their housing and tenancy bylaws are not applied to vacation rentals.

5. The Purpose of RV's

We understand why bylaw 4.28 exists and we support it. The intention of the bylaw is to prevent people from living in cars, shipping containers, backyard sheds, and similar units that were never intended for human occupation. However, unlike the other vehicles cited in the bylaw, RV's are very much designed to be slept in. Their sole intended use, in fact, is to keep people safe and secure for *short-term*

overnight housing. Our proposed use of our RV as an overnight guest accommodation does not pose any of the problems or risks that the bylaw is intended to address.

6. Waste

In modern, well-maintained units, the black water sewage storage tanks are 100% safe with nothing unsanitary about them. When we first opened as an Airbnb rental, we purchased a \$700 top-of-the-line sewer hose to ensure our pump outs would be clean and safe. We set up a 7-14 day pump-out schedule of the black water holding tank with Valley Portable Toilets. They maintain several of the "porta potties" that are used in Wolfville and throughout the Valley at construction sites, events, etc. Porta potties are considered safe for the containment and removal of human waste, and black water systems in RV's are even more durable and less likely to leak or fail than a standard porta potty. Valley Portable Toilets handled all of our black water removal throughout 2019. Going forward, if you were to give us an exemption so we could continue to operate as a guest rental, we could provide the Town with all our invoices to prove our compliance with proper waste disposal.

7. Age

Our RV is a 2016, 37' Denali 5th wheel with approximately 350 square feet of interior space. It looks modern, clean, sleek, and well-maintained. The gravel pad it is on was custom built for us in 2018 by a landscape company, and the custom footpath and parking pad were built in 2019 by the same company. Everything is modern, clean, and appealing about our rental.

8. Location

Our RV is set well-back from the house and road on a proper gravel pad, hidden from view and quietly situated. It is not an eye-sore, it looks fresh and enticing. Rather than detracting from our neighbourhood, it adds to it.

9. Parking

We paid to create a small parking pad for our guests so they would not need or use any street parking.

10. Guests

We only accepted guests with no pets, no smoking, and no parties. We had excellent guests and maintained a high standard of care for our neighbours and community. We did not have one single incident with any of our guests.

11. Superhosts

We manage another vacation property on Airbnb outside of Wolfville and we are "superhosts", meaning that our level of customer service is higher than average. We had 100% positive reviews on our RV unit before we were asked to discontinue our listing. We are the kind of people a community would want offering accommodation to guests because we are thorough, caring hosts and we prioritize giving our guests a great feeling about our wonderful little town and its many businesses and services. We are champions of Wolfville and our guests definitely added to the economy of our town this year because we directed them all to our local events and businesses.

12. Annual Fee

We are comfortable with the Town charging us an annual fee for providing us with an exemption letter, and/or collecting our black water tank invoices, and/or having us provide an annual inspection report, and/or whatever form of reporting you would like us to provide. We feel an annual fee is fair since it would involve some work for someone to involve themselves in our approval.

13. The Big Picture

Our bigger idea is that the Town of Wolfville could consider a bylaw review, to allow the use of RV's more generally as short-term accommodation rentals. This could be part of a strategy to address accommodation demands in Wolfville during the peak tourist season in a way that does not impact residential housing, tenancy rentals, or off-season bookings for traditional Bn'B operators. The Town could create a series of conditions for the operation of these rentals. Here is an example of how the Town could operationalize a limited RV approval process:

- Seasonality: The Town could limit RV rentals to the months of April - October
- Fee: The Town could charge an annual fee to every RV rental unit

- Age: The Town could specify that RV's must be of a certain age (for example, no older than 15-20 years old)
- Number: The Town could limit the number of RV units, effectively capping the number of RV's that could operate as guest accommodations, reviewing the cap every few years as the Town and the accommodations sector grows
- Inspected: The Town could require that each RV rental provide the Town with a complete safety and tank inspection report from an RV dealership or RV specialist prior to the start of each rental season
- Location: The Town could specify that RV units must be parked behind a house (not beside or in front), in a safe location, away from storm drains, electrical poles, fire hydrants, etc.
- Maintenance: The Town could require that any RV rental be subject to a Town inspection, to ensure that units are well-maintained, clean, orderly, and properly situated
- Sewage: The Town could require all RV owners to provide the Town with details about what company, and with what frequency, they are having their black water tanks emptied

We thank you for reading our letter and look forward to finding out what our next steps would be in terms of obtaining an exemption to bylaw 4.28 for 2020. We are open to being used as a 'test rental' by the Town, to explore the potential impact of RV accommodation rentals in Wolfville by disclosing information we gather on bookings, rates, guest surveys, etc. We feel this could be an innovative solution for the Town as it looks to deal with the issue of short-term accommodation gaps using up prime residential housing, and we would love to work with the Town in any way possible.

Yours sincerely, and with thanks,

Michelle and Albert Wolf

(sent by email)

REQUEST FOR DECISION #086-2019

Method of Producing Preliminary List of Electors

Date: January 7, 2020

Department: Office of the CAO



SUMMARY

Method of Producing Preliminary List of Electors

The *Municipal Elections Act* is the main statute governing all elections for municipal councils and school boards. The Act outlines when a decision of Council is required as part of the process. Council should approve the method the municipality will use to produce a preliminary list of electors. The Returning Officer is recommending that the Town use the list of electors used in the most recent federal or provincial election, or in an election held pursuant to the *Municipal Elections Act*.

DRAFT MOTION:

That Council approve the use of the list of electors used in the most recent federal or provincial election as the method for producing the preliminary list of electors for the 2020 Municipal Election.



1) CAO COMMENTS

The CAO concurs with recommendation of staff.

2) LEGISLATIVE AUTHORITY

Section 30 of the *Municipal Elections Act* outlines the three methods for producing the preliminary list of electors for the election. The deadline for approving the method for preparing a preliminary list of electors is April 15th in a regular election year.

3) STAFF RECOMMENDATION

The Returning Officer recommends that Council approve the use of the list of electors used in the most recent federal election as the method for producing the preliminary list of electors for the 2020 Municipal Election.

4) REFERENCES AND ATTACHMENTS

- [Municipal Elections Act](#)

5) PURPOSE OF REPORT

To request that Council approve the method for producing the preliminary list of electors for the 2020 municipal election.

6) DISCUSSION

The *Municipal Elections Act* is the main statute governing all elections for municipal councils and school boards.

Section 30 (1) By the fifteenth day of April in a regular election year, the council may, by resolution, provide that the returning officer:

- (a) conduct an enumeration;
- (b) use the lists of electors used in the most recent federal or provincial election, or in an election held pursuant to this Act; or
- (c) use any permanent register of electors established and maintained for use in a federal or provincial election,

as the basis for the preliminary list of electors for all or part of the municipality.

The returning officer does not believe that conducting an enumeration is of benefit to the Town of Wolfville and that the use of an existing list would be just as, if not more, effective. Enumeration is a dwelling to dwelling survey to prepare a voters list for an election. The returning officer would appoint a sufficient number of enumerators to collect the information by visiting each dwelling place, including nursing homes, senior citizens' homes, rooming houses and homes for the aged, in the polling divisions

REQUEST FOR DECISION #086-2019

Method of Producing Preliminary List of Electors

Date: January 7, 2020

Department: Office of the CAO



for which they have been appointed for the purpose of obtaining the names and particulars of all qualified electors. A person can refuse to be enumerated and would not appear on the list of electors. The returning officer would have to ensure that a person that refuses to be enumerated is not included on any list.

Conducting enumeration requires accuracy, thoroughness and neatness by all enumerators. Errors can cause needless delays and electors can be irritated if they have to revise enumeration mistakes. The additional work of an enumeration is not proven to provide a better preliminary list than using an existing one. (See process as attachment).

In 2016, the Town used the Election's Nova Scotia (Provincial) list as the preliminary list. A survey of municipalities on the Association of Municipal Administrators (AMA) Listserv showed that the majority of municipalities were not enumerating and choosing to use the provincial list. One municipality noted that they had enumerated in the past and did not find the enumerated list anymore helpful than the provincial list.

The returning officer is recommending that Council approve the use of the list from the last federal election (October 2019) as the method for producing the preliminary list of electors.

7) FINANCIAL IMPLICATIONS

The exact cost of conducting an enumeration is not known at this time.

The human resources required would outweigh the direct costs if Wolfville enumerates.

8) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Strategic Goal #5: Efficient and Effective Leadership from a Committed and Responsive Executive and Administrative Team

9) COMMUNICATION REQUIREMENTS

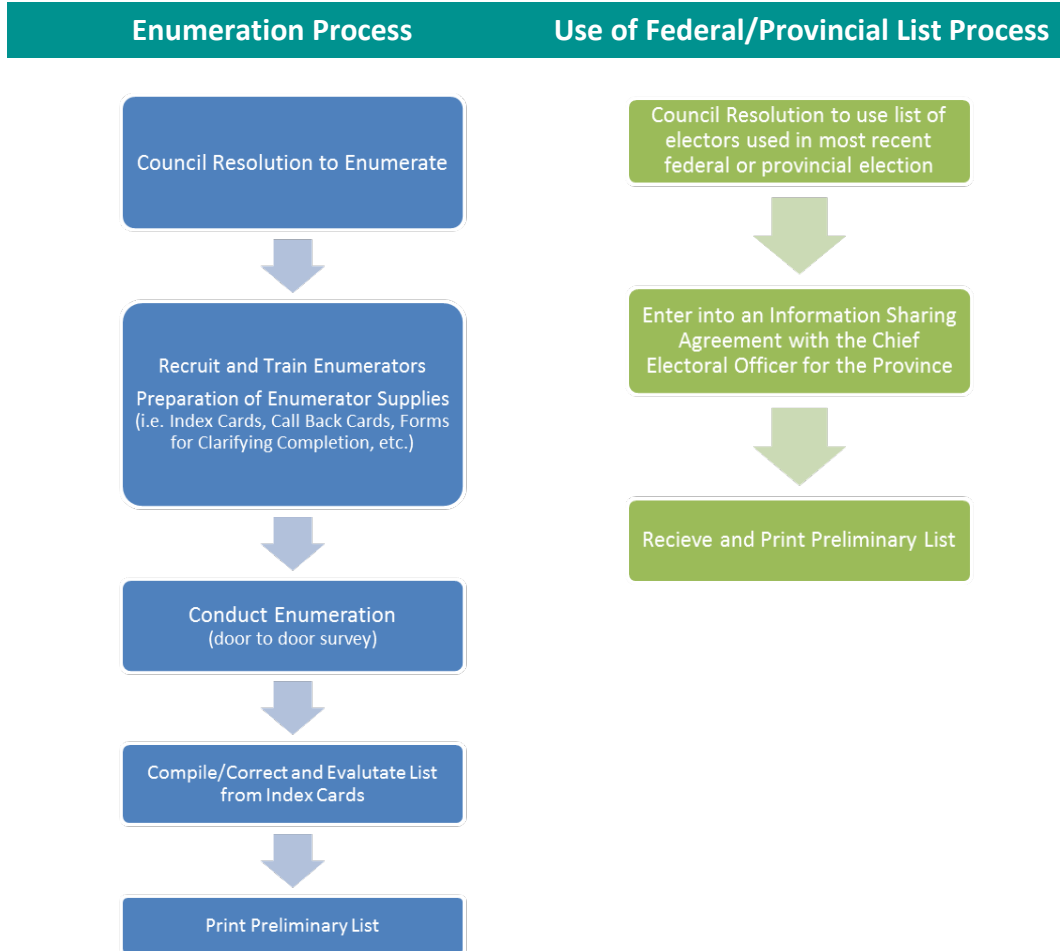
N/A

10) ALTERNATIVES

- Conduct an enumeration
- Use any permanent register of electors established and maintained for use in a federal or provincial election



Highlevel overview of Enumeration process versus using the federal or provincial list.



REQUEST FOR DECISION 001-2020

Title: Valley Region Solid Waste-Resource Management Bylaw
Date: 2020-01-21
Department: Office of the CAO



SUMMARY

VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT BYLAW

The current Valley Region Solid Waste-Resource Management Bylaw was last amended in 2012. There is a need to now update this Bylaw to:

1. Reflect changes to collection required as per the waste collection contract coming into effect April 1, 2020;
2. Remove Annapolis County, Bridgetown and Hantsport from the Bylaw;
3. Update the list of materials banned from landfill by the Province and Valley Waste-Resource Management Authority (VWRM); and
4. Address other housekeeping issues as required.

DRAFT MOTIONS:

That Council give first reading to the attached Valley Region Solid Waste-Resource Management Bylaw and direct staff to prepare the notice of intention and set a date for second reading.

REQUEST FOR DECISION 001-2020

Title: Valley Region Solid Waste-Resource Management Bylaw
Date: 2020-01-21
Department: Office of the CAO



1) CAO COMMENTS

See discussion for comments from the CAO.

2) LEGISLATIVE AUTHORITY

Section 325 of the *Municipal Government Act* enables Council to approve this Bylaw.

3) STAFF RECOMMENDATION

Staff recommend that Council adopt the proposed changes to the Bylaw.

4) REFERENCES AND ATTACHMENTS

1. 2020-01-09 VWRM – Report to Council on Proposed Changes to the Bylaw
2. 2020-01-09 Valley Region Solid Waste-Resource Management Bylaw – Draft
3. 2020-01-09 Valley Regional Solid Waste-Resource Management Bylaw Directives - Draft

5) DISCUSSION

In May 2019, VWRM awarded the contract for the Provision of Services for the Curb-side Collection and Transportation of Source-Separated Waste for the 5-year period of April 1, 2020 – March 31, 2025 to EFR Environmental. Key changes as a result of this awarding are (1) a move to a four day per week collection program; (2) the allowance of materials to be placed curbside in the evening prior to collection starting at 7:00 pm and (3) a collection commencement time of 7:00 am (currently this is 8:00 am). Additionally, special collection waste is now to be placed curbside “no earlier than the weekend before the scheduled week” (currently the Bylaw states “no earlier than 7 day prior”).

Over the past few years there have also been changes to the Parties of the VWRM Inter-municipal Services Agreement. Bridgetown and Hantsport no longer exist as municipalities and the Municipality of the County of Annapolis and Municipality of West Hants have both withdrawn from VWRM, necessitating an update to the Bylaw.

Aside from other changes of a housekeeping nature, the Directives have also been updated to include new provincially banned materials such as certain types of oil products and electronics.

6) FINANCIAL IMPLICATIONS

There are no direct financial implications from the adoption of the amended Bylaw. It should be noted that the Residential Collection Contract collective budget line item for 2020-21 is anticipated to be a decrease of \$144,145 over the 2019-20 budget.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

REQUEST FOR DECISION 001-2020

Title: Valley Region Solid Waste-Resource Management Bylaw
Date: 2020-01-21
Department: Office of the CAO



N/A

8) COMMUNICATION REQUIREMENTS

There will be a great deal of communication required for Wolfville residents as a result of amending the Bylaw and the start of the new waste collection contract. Specifically, the impacts for Wolfville that need to be communicated are as follows:

Regular Collection (Effective March 31, 2020)

The Town of Wolfville will be switching from the current Wednesday & Thursday Week 1 to Friday Week 2 for everyone

This means the last time Wolfville will have collection on Wednesday/Thursday will be March 18/19 and the **first collection on the new day would be Friday April 10**; however, that is Good Friday so the first collection will actually be **Saturday, April 11**.

It will then be every second Friday (April 24, May 6, May 22...)

Also **collection begins at 7:00 am** starting in April and residents will be permitted to place the materials at roadside after 7:00 pm the night before.

Spring & Fall Cleanup

There will also be a completely new cleanup schedule. There are no more Zone A or B or specific dates for each town.

Clean-up will still be on one day only – once in the spring and once in the fall.

The collection day area (Friday Week 2) will now be assigned a specific week each spring and fall for clean-up.

For Wolfville that will be the **weeks of April 27-May 1 and September 28 – October 2**

Residents will be asked to wait until the weekend before their cleanup week to put materials out. Bulky waste must be at roadside by 7:00 am on April 27th and September 28th.

The Clean-up truck will be along sometime that week, Monday-Friday, to pick up the items and the truck will be by only once.

The cleanup dates will fall on the opposite week of regular collection. This helps VWRM keep the materials separate from regular materials and also helps them balance out the amount of incoming materials to the transfer stations.

REQUEST FOR DECISION 001-2020

Title: Valley Region Solid Waste-Resource Management Bylaw
Date: 2020-01-21
Department: Office of the CAO



Also, as VWRM is switching to a 4-day/week collection schedule (Tuesday – Friday), the transfer station will be closed on all holidays.

Finally, Monday, instead of Saturday, will become the alternate collection day for any storms or other holidays.

Town staff will be communicating with residents on these changes in the coming months.

9) ALTERNATIVES

Council can choose not to amend the Bylaw as requested, however this would ensure that the new waste collection contract awarded by VWRM would be offside the existing Valley Region Solid Waste-Resource Management Bylaw.

Valley Waste-Resource Management Authority

Report to Council

Subject: Proposed changes to Valley Waste Bylaw 2012 and Bylaw Directives 2014

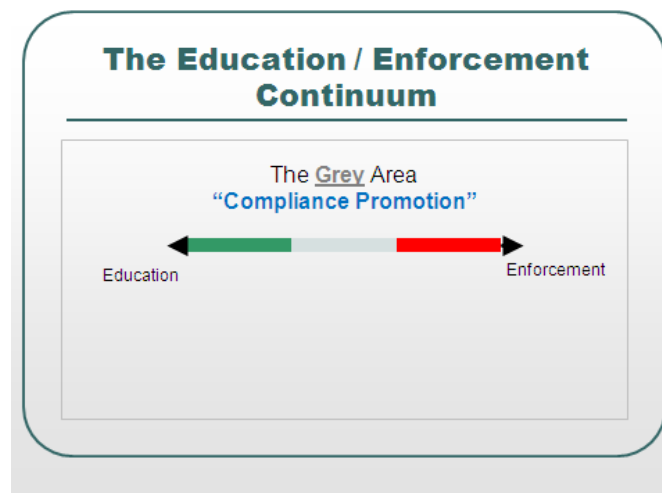
From: Andrew Garret, Communication Manager
Grace Proszynska, Bylaw Enforcement Officer

Date: January 9, 2020

Introduction

Valley Waste Enforcement Style

- Valley Waste staff deliver services to taxpayers
 - a. We are both Educators/helpers and Enforcers
 - b. We are responsible for both our Municipal Bylaw and Provincial Regulations
- We understand that “People are People”
- Our goal is Compliance not Punishment
- Our Philosophy is: Education first and Enforcement last - only when needed
- The Bylaw gives staff a solid foundation to stand on:
 - a. The rules we can show the public (for information and compliance promotion)
 - b. The tools we need when enforcement action is required



Why change the Bylaw (2012) and Directives (2014) now?

1. **Change in the collection contract**
 - a. **Collection start time needs to be adjusted**
 - b. **Set-out time needs to be changed to permit putting waste out in the evening before collection day**
 - c. **Set-out time for Spring and Fall special collections needs to be changed**
 2. **Change in the Valley Region Structure**
 - a. **Removal of Annapolis County**
 - b. **Removal of Towns of Bridgetown and Hantsport**
 3. **Changes to the list of materials banned from landfill disposal by Province and Authority**
 4. **Deficiencies in Current Bylaw and Directives**
 - a. **Missing definitions**
 - b. **Minor inconsistencies between clauses**
 - c. **Editorial and layout (corrections of spelling and wording)**
 - d. **Changes in wording of existing clauses for clarity and to reflect the current practice**
 - e. **New clauses added for clarity and to improve administration and enforceability of law**
-

About the Changes

Types of Changes

1. **New clauses, concepts or provisions**
 - a. **collection commencement time changed from 8 am to 7 am (Directives section 3.8)**
 - b. **set-out time changed from “between 6 am and 8 am of collection day” to “7 pm the night before and 7 am on collection day” (Bylaw section 5.2.1)**
 - c. **set-out time for Special Collections changed from “no earlier than 7 days prior” to “no earlier than the weekend before scheduled week” (Bylaw section 5.2.2)**
 - d. **included new provincially banned materials such as certain types of oil products and electronics (Directives s. 2 Source Separation)**
 - e. **defined “litter” as a new concept to establish that general litter falls outside the authority of this Bylaw (Bylaw section 3.1.2)**
 - f. **added prohibition against leaving lid or door to waste storage open when not used (Bylaw sections 3.9, 5.5.1, & 6.2.1.1)**
 - g. **added unsafe road condition as another situation for a temporary suspension of collection (Bylaw section 5.9.3)**
 - h. **added requirement for signage on waste receptacles for public waste and for non-Authority (private) collection (Bylaw sections 4.3 and 6.2.1.6)**
 - i. **added clause regarding proper placement of solid waste when delivered to Valley Waste for disposal (Bylaw section 6.8)**

- j. updated Bylaw Part 8 Penalties:
 - minimum court fines set higher, up to \$250 from \$100 (Bylaw sections 8.1 and 8.3)
 - imprisonment times for lesser offences lowered from 90 to 14 days and for major offences from 90 days to 30 days (Bylaw sections 8.1, 8.2 & 8.3)
 - some offences moved from lesser offences group to more severe offences to reflect seriousness of violations
- k. set higher amounts for Bylaw Tickets: \$75 changed to \$125 and \$150 changed to \$175 (Bylaw section 8.9)
- l. expanded wording in Illegal Dumping “reverse onus” clause to improve Bylaw administration and enforceability by requiring additional information be provided by the generator of the dumped waste (Bylaw section 8.11).

2. Clarifications of intent

- a. Flow Control in clause 3.5 of Bylaw (ban on hauling residual waste generated within Authority geographic jurisdiction anywhere outside the geographic area except for when permitted by the GM)
- b. set-out restrictions in section 3.9 under Prohibitions (moving waste between properties, for example from cottage to home)
- c. updated wording in clause referring to establishment of the common Bylaw to reflect the current Authority structure (Bylaw section 2.2)
- d. clarified requirements for what is eligible premises (Directives section 3.1)

3. Adding, re-writing and clarifying definitions and terminology

- a. new definitions: Bylaw Enforcement Officer, dwelling unit, multi-unit residential dwelling or apartment building, multi-unit building, unsorted waste (term used in Bylaw section 3.5 Flow Control)
- b. re-wrote definition of solid waste (created own definition different from the definition in Environment Act to eliminate sludge and tailings, and to clarify the inclusion of recyclables, compostables, and C&D waste)
- c. expanded the description of illegal dumping offence to clearly include more dumping situations (Bylaw section 3.1)
- d. in the Directives, Sections # 1 Bans, 3.3 Non-collectable Materials, 3.6 Curbside Inspections, 6.7 Inspections at Management Centres, and 7.0 Enforcement have been re-written to include updated information and to make them succinct
- e. cat litter added - as optional - to the list of compostable organics acceptable for green carts (Directives s. 2 Source Separation)
- f. modified clause regarding waste setouts for residents on private roads in cases where collection vehicles do not travel (Bylaw section 5.1.6)
- g. removed clause on the requirement to regularly clean out storage bin (Bylaw section 5.6.1.5) as it has been deemed redundant, already covered in 5.6.1.3

4. Housekeeping

- a. minor spelling and wording corrections, and clarifications
- b. inserting new definitional terms into the text
- c. re-numbering and reordering clauses for more logical order and include new clauses
- d. cross-referencing numbering system for definitions and clauses

Recommended Approval Process and Timeline

- 1. Review at the Authority table draft Bylaw and Directives (amended by Valley Waste staff and reviewed by the legal advisor) – staff report presentation to Authority on November 20, 2019**
- 2. With recommendation from the Authority, send the amended documents to CAOs for Municipal partners' staff and partners' legal review and feedback – late November 2019 followed by another presentation to Authority on December 13, 2019**
- 3. Final feedback received from municipalities by Valley Waste – January 7, 2020**
- 4. Recommendation for approval by Councils from the Authority – January 9, 2020**
- 5. Circulate finalized bylaw to Municipal Councils for first and second public readings and Councils' approval – January 10, 2020**
- 6. Register the amended Bylaw at the provincial Department of Municipal Affairs – end of March 2020.**

**VALLEY REGION
SOLID WASTE-RESOURCE MANAGEMENT
BYLAW**

DRAFT

Draft date: January 9, 2020

Approved by Council: March, 2020

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1.0 DEFINITIONS

In this Bylaw:

- 1.1 **“Authority collection”** means collection of solid waste by or on behalf of the Authority from waste generators pursuant to this Bylaw and any Directives issued by the Authority pursuant to this Bylaw.
- 1.2 **“boxboard”** means cereal, shoe, tissue, detergent, cracker, cookie, baking product and frozen food boxes, toilet paper rolls and paper towel rolls or other similar items, with plastics removed.
- 1.3 **“bulky items”** means large items of a household nature including but not limited to furniture, stoves, fridges with “CFC-free” sticker on, mattresses, bed springs, barrels, water tanks, dishwashers, oil tanks, and pieces of fencing.
- 1.4 **“Bylaw Enforcement Officer”** means a person with a designation of a Special Constable under the Police Act, sections 89 and section 90, employed by the Authority to administer and enforce the solid waste management bylaws of the municipal partners comprising the Authority.
- 1.5 **“collection cart”** or **“cart”** means a cart supplied by the Authority for the storage of source-separated solid waste such as an aerated cart for the collection of organic materials.
- 1.6 **“collection containers”** means bags, garbage cans or other containers approved in any Directive issued by the Authority regarding collection containers.
- 1.7 **“compostable organics”** or **“organics”** means food waste, leaf and yard waste, soiled and non-recyclable paper, branches and bushes, natural Christmas trees without decorations and stands and other material of plant or animal origin as set out in any Directive issued by the Authority, but it does not include whole companion animal or livestock carcasses or parts thereof that are of significant volumes that may create hazards or nuisance unless at the discretion of the General Manager or designate.
- 1.8 **“construction and demolition waste”** 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, concrete, drywall, plaster, cellulose, fibreglass fibres, lumber, wood, asphalt shingles, and metals.
- 1.9 **“dispose”** includes the actions of dumping, abandoning, placing or leaving or the causing or permitting of any of these actions with respect to any solid waste on any property anywhere within the Region.
- 1.10 **“eligible premises”** means those properties within the jurisdiction of the Authority, which are eligible for Authority collection as set out in any Directive issued by the Authority.
- 1.11 **“dwelling unit”** means a building or a unit with a separate entrance, kitchen, and sanitary facilities in a building; occupied or intended to be occupied as a home or residence by one

or more persons but does not include a hotel, motel, guesthouse, inn, or a travel trailer.

- 1.12 “food waste”** means fruit and vegetable peelings, table scraps, meat, poultry and fish, shellfish, dairy products, cooking oil, grease and fat, bread, grain, rice and pasta, bones, egg shells, coffee grounds and filters, tea leaves and bags or other similar items.
- 1.13 “General Manager” or “Manager”** means the General Manager of the Valley Region Solid Waste-Resource Management Authority, the successor to such position, or a person designated by the Manager to act in place of the Manager.
- 1.14 “hazardous waste”** means solid or liquid 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 and pesticides.
- 1.15 “household hazardous waste” or “HHW”** means hazardous waste materials generated in households including, but not restricted to, solvents, glues, cleaners, paints and finishes, asphalt sealers, gasoline, diesel, kerosene, pesticides, lawn and garden chemicals, poisons, propane tanks, roofing tar, pool chemicals, lubricating oil, batteries, and automotive fluids. For the purposes of this bylaw, household hazardous waste does not include PCBs, radioactive materials, explosives, fireworks, pathological wastes, and ammunition.
- 1.16 “industrial/commercial/institutional waste” or “IC&I waste”** means solid waste generated by, from or within any IC&I premises.
- 1.17 “industrial/commercial/institutional premises” or “IC&I premises”** means a lot of land occupied by one or more industrial, commercial or institutional establishments and “IC&I” has an equivalent meaning.
- 1.18 “litter”** means loose solid waste items, usually smaller in size, that are distributed over a distance or area, such as, but not limited to, disposable drink cups, beverage bottles and containers, cigarette boxes, cigarette butts, potato chip bags, and food and candy wrappers.
- 1.19 “multi-unit residential dwelling” or “apartment building”** means a dwelling containing three or more residential dwelling units
- 1.20 “leaf and yard waste”** means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings and other similar items.
- 1.21 “mini-bin”** means a small container supplied to eligible premises by the Authority for the collection of organic materials prior to deposit in an organics collection cart.
- 1.22 “occupant”** means anyone who occupies property, including lands or buildings, and includes anyone who is a tenant, lessee, roomer, subtenant, under-tenant or co-tenant, or who otherwise occupies or has occupied land or buildings and his, her or their heirs and assigns and legal representatives.
- 1.23 “oil tanks”** means residential oil tanks, cleaned and empty of all liquids to a maximum size of 900 litres.

- 1.24 “property owner” or “owner”** has the same meaning as “owner” in the *Municipal Government Act* and, for greater certainty, includes a landlord, a lessor, an owner, the person giving or permitting the occupation of premises, his, her and their heirs and assigns and legal representatives and, in the case of a corporation, the officers and directors of that corporation.
- 1.25 “public waste”** means solid waste generated in or on premises where the public is or would normally be responsible for disposing of waste generated at such premises including, but not limited to enclosed or exterior shopping centres, malls, food courts, quick service or counter service restaurants, sports arenas, office or other commercial premises, retail premises, private or public parks or campgrounds, and public event venues (inside or outside).
- 1.26 “recyclable materials” or “recyclables”** means newsprint, corrugated cardboard, boxboard and other paper products, redeemable beverage containers, milk cartons, glass bottles and jars, steel/tin food cans, aluminum cans, aluminum foil plates, trays and wrap, high density polyethylene plastic containers (HDPE #2), low density polyethylene plastic containers (LDPE #4), and polyethylene terephthalate plastic bottles (PET #1), plastic bags (#2 and #4), stretch wrap (pallet wrap) or other items set out in any Directive issued by the Authority.
- 1.27 “residential premises”** means any house, dwelling, apartment, condominium, flat, tenement, mobile home, mobile home park, mobile home space or any property that is occupied or may be occupied by an individual as a residence or that part of any such place that is or may be occupied by an individual as a residence, and includes any such property or premises occupied by an owner and his or her or their family.
- 1.28 “residual waste” or “residuals”** means any solid waste remaining after diversion of recyclables, organics and hazardous waste, tires, and electronics.
- 1.29 “soiled and non-recyclable paper”** means dinner napkins, paper towels & fast food wrappers, wax paper, wrapping paper, soiled pizza boxes, paper plates and cups, damp and soiled newspaper and flyers, sugar, flour & potato paper bags or other similar items or such other items that may be set out in any Directive issued by the Authority.
- 1.30 “solid waste”** means residual waste, recyclables, compostable organics, construction and demolition debris, and other discarded materials resulting from residential, commercial, institutional and industrial activities which are commonly accepted at a municipal solid waste management facility, but excludes wastes from industrial activities regulated by an approval issued under the *Environment Act*.
- 1.31 “source separated solid waste”** means solid waste which has been sorted and separated at the point of origin, to facilitate its reuse, recycling, composting or disposal and “**source separation**”, “**source separation of solid waste**” has the same meaning.
- 1.32 “special collection”** means an Authority collection for bulky items and such other materials as may be set out in any Directive issued by the Authority.

- 1.33 “storage facility” or “storage”** includes any container, collection cart, receptacle, building, structure, enclosure or other facility capable of, or intended to be used for, the temporary holding or storage of solid waste.
- 1.34 “unsorted solid waste”** means any solid waste that was not sorted and separated and contains materials banned from landfill as per section 1.0 of the Directives issued by the Authority.
- 1.35 “Valley Region” or “the Region”** means the Valley Region as defined in the Nova Scotia Solid Waste-Resource Management Regulations and any amendments thereto.
- 1.36 “Waste-Resource Management Centre”** means a facility operated by the Authority for receiving, storing, sorting and shipping of solid waste.

2.0 AUTHORITY AND REGIONAL BYLAW

- 2.1.** The **Valley Region Solid Waste-Resource Management Authority**, referred to in this Bylaw as “the Authority,” is a body corporate established pursuant to an Intermunicipal Services Agreement to which this municipality is a party. The municipal parties to that Agreement have given the Authority responsibility for the management of solid waste within their respective jurisdictions, pursuant to the *Municipal Government Act*, s. 60 and the Solid Waste-Resource Management Regulations made pursuant to the *Environment Act*.
- 2.2.** Pursuant to the Intermunicipal Services Agreement among the members of the Authority it is agreed to establish a Valley Region Solid Waste-Resource Management Bylaw for the efficient and consistent execution of the Authority’s mandate throughout the municipal parties. Accordingly, this Bylaw may make necessary or incidental references to places or facilities within the Valley Region Solid Waste-Resource Management Authority jurisdiction that are outside of the geographical boundaries of this municipality and it is intended that any such references in this Bylaw be construed and applied in a manner consistent with the provincially-mandated regional approach to solid waste-resource management.
- 2.3.** The General Manager of the Authority is the chief administrator of the Authority and is responsible to the Authority for the proper administration of its affairs in accordance with provincial legislation and regulations and any Directive issued by, and plans approved and established by, the Authority. The General Manager shall be responsible for the overall administration and enforcement of the provisions of this Bylaw and any Directive or Order issued by the Authority pursuant to this Bylaw.
- 2.4** The Authority may by resolution issue Directives to supplement and assist with the better implementation of this Bylaw and it is the intent of this Municipality that such Directives made by the Authority pursuant to the provisions of this Bylaw shall be and shall become Directives of this Municipality to be enforced pursuant to this Bylaw in the same manner as any other provision of this Bylaw. It shall be an offence to fail to comply with any such

Directive.

- 2.5 The Authority may appoint a Bylaw Enforcement Officer to assist with the administration and enforcement of this Bylaw.
- 2.6 For the purpose of the administration of this Bylaw, the General Manager or the Bylaw Enforcement Officer, or an agent or employee of the Authority so designated by either of them, may, at any reasonable time, enter and inspect any land or premises, other than a dwelling or a room being used as a dwelling to determine compliance with this Bylaw and Directives issued pursuant to this Bylaw, including the right to inspect solid waste and any storage facility.
- 2.7 The General Manager or the Bylaw Enforcement Officer may by an Order in writing direct any person to do any act or thing to comply with the provisions of this Bylaw or any Directive issued pursuant to this Bylaw in the manner and within the time specified in the written Order.
- 2.8 Any written Order signed by the General Manager or Bylaw Enforcement Officer, is effective if delivered personally to the person named in such Order or if sent by prepaid post or facsimile or email transmission to the most recent known address of the person named and shall be deemed to have been received by such person, in the case of facsimile or e-mail transmission on the day after it was sent and in the case of prepaid post, on the third day after it was sent unless receipt of same is acknowledged.
- 2.9 It shall be an offence for any person to fail or refuse to comply with a written Order signed by either the General Manager or Bylaw Enforcement Officer pursuant to this Bylaw.

3.0 PROHIBITIONS

3.1 Illegal Dumping of Solid Waste

- 3.1.1. No person shall dispose of or permit the disposal of, dump, place, leave, abandon, or deposit solid waste at any public or private place within the Municipality unless that place is duly licensed to receive and dispose of that particular category of solid waste.
- 3.1.2. Litter, as defined in section 1.18 is not considered illegal dumping, and therefore falls outside the authority of this Bylaw.

3.2 Illegal Dumping of Solid Waste at Authority Waste Facility

No person shall dispose of residual waste or solid waste at or on the lands of a Waste-Resource Management Centre or any other facility licensed to receive any category of waste except for during operational hours and where directed by the directional signage or by staff of the Centre or facility.

3.3 Illegal Burning of Solid Waste

No person shall burn solid waste in the Municipality in a barrel, stove or other device or in

the open as a method of solid waste disposal, except for brush, tree limbs and milled wood that is free from adhesives, coatings and preservatives and, with respect to such products, only where such burning is permitted by law.

3.4 Disposal of Banned Materials

No person shall dispose of the following materials at any licensed solid waste management facility, or dispose of any such materials in a storage area, storage facility, or collection container, intended for residual waste disposal in an incinerator or landfill, namely:

3.4.1 Banned by Provincial Regulation

Materials banned from disposal by provincial regulation, including those materials listed in Schedule B of the Nova Scotia Solid Waste-Resource Management Regulations as amended from time to time.

3.4.2 Banned by the Authority

Materials banned from time to time by the Authority in any Directive issued by the Authority pursuant to this Bylaw.

3.5 Flow Control

No person shall export or remove residual waste, construction and demolition waste, or unsorted solid waste generated within the Municipality outside the boundaries of the jurisdiction of municipalities comprising the Authority unless permitted otherwise by the General Manager or designate.

3.6 Notwithstanding section 3.5, the Authority may export residual waste or unsorted solid waste to licensed facilities outside the boundaries of the municipal partners' jurisdiction.

3.7 Waste Accumulation

No occupant or owner of property in the Municipality shall allow, permit or authorize the accumulation of solid waste on or around property owned or occupied by them or allow, permit or authorize any uncollected solid waste to remain on or around property owned or occupied by them other than in a proper storage facility as approved in this Bylaw (section 5.5 and section 6.2) or in any Directive issued by the Authority pursuant to this Bylaw.

3.8 No person shall leave the lid or door of the storage facility open except when the facility is being loaded or unloaded.

3.9 No person shall place any solid waste for collection on a property other than a property owned or occupied by that person, except when permitted at the discretion of the General Manager or designate.

4.0 SOURCE SEPARATION REQUIREMENTS

4.1 The Authority may by resolution issue Directives pertaining to source separation of solid waste and it shall be an offence of the Bylaw to fail to comply with any such Directive.

4.2 All solid waste being generated by or from any residential premises or any IC&I premises shall be source-separated and packaged in accordance with any Directive issued by the Authority and shall also comply with section 3.4 of this Bylaw.

4.3 Public Waste

The property owner and the occupier of any premises where public waste is generated shall provide common area containers designed to receive and accommodate the quantities of source separated solid waste generated on that site, as required by this Bylaw or any Authority Directive issued pursuant to this Bylaw, and shall ensure that such containers are clearly labeled and are accessible to the public, tenants, employees, visitors and occupiers of such premises.

5.0 AUTHORITY COLLECTION

Solid waste to be collected by or on behalf of the Authority must comply with the provisions of this section.

5.1 Collection Container Placement

5.1.1 Except where otherwise permitted by this Bylaw, or permitted at the discretion of the General Manager due to practicability, collection containers shall be placed at roadside for collection as close as practical to the edge of the street or roadway, and in any event no further than five (5) meters from the travelled portion of the street or roadway to facilitate efficient unobstructed collection taking into consideration factors such as urban versus rural setting, winter snow clearing operations, ditches, brush, etc.

5.1.2 All solid waste placed for collection shall be placed in front of and on the same side of the street or roadway as the eligible premises from which it has been generated.

5.1.3 Collection carts shall be placed at roadside in an upright position with the lid closed.

5.1.4 In the case of multi-unit apartment buildings or condominium buildings, the owner shall provide a storage facility for source-separated solid waste in an easily accessible location on the building property meeting the requirements of this Bylaw, any Directive issued pursuant to this Bylaw and other applicable municipal requirements. The Authority's collection contractor will collect solid waste from this location in accordance with Authority source-separation and collection Directives provided it is accessible when the collection truck arrives. If the storage facility or the solid waste contained in any such storage facility is not

accessible to the truck, all such solid waste shall be placed at roadside for collection.

5.1.5 Collection will take place on public streets and roads only, except for: private roads maintained by the Government of Nova Scotia or this Municipality; mobile home trailer park roads; roads on federal lands in cases where the cost of collection has been paid for by a grant in lieu of taxes or other means; or other roads as designated from time to time by the Authority, provided that all such roads must be in acceptable condition for the collection vehicles.

5.1.6 For all other roads not included in clause 5.1.5 collection will occur at the nearest intersection with a public street or road. The source-separated solid waste must be brought to the intersection and placed in accordance with section 5.2 Set-out Times of this Bylaw; otherwise it must be placed in the solid waste generator's own permanent storage facility or in a closest storage facility provided by the Authority for that purpose, where it shall be collected.

Any such storage facility must be in compliance with the storage requirements as set out in clause 5.5 Solid Waste Storage.

5.2 Set-out Times

5.2.1 Solid waste shall be set out at roadside for collection only between 7:00 pm the night before and 7:00 am on collection day. In the event of conditions preventing collection routes from being completed, the property owner shall remove from the roadside prior to the end of collection day all solid waste not collected and set it out again on the scheduled alternative collection day or the next regularly scheduled collection day.

5.2.2 Notwithstanding clause 5.2.1, during special collections (Spring and Fall cleanups) solid waste for roadside collection shall be set out no earlier than the weekend immediately before the scheduled special collection week.

5.3 Removal of Collection Containers and Uncollected Material from Roadside

5.3.1 Removal of Collection Containers

Solid waste collection containers shall be removed or caused to be removed by the property owner from roadside by the end of collection day except in the case of permanent solid waste storage facilities. Permanent storage facilities shall comply with this Bylaw and any Directive issued pursuant to this Bylaw. Collection carts shall be removed from the roadside and stored on the premises.

5.3.2 Removal of Uncollected Solid Waste

Any solid waste not collected or picked up for any reason, including litter in or around any storage facility, shall be removed or caused to be removed by the property owner by the end of collection day and properly sorted, contained, stored and disposed of in accordance with this Bylaw.

In cases where uncollected solid waste has not been removed from the roadside within 24 hours following the end of collection day, and in cases where solid waste has been placed at roadside outside the permitted time, the General Manager may arrange for the removal and disposal of such waste and invoice the property owner for the removal and disposal costs. For the purposes of this section and section 507 of the *Municipal Government Act* the General Manager shall be deemed to be an employee of the Municipality.

5.4 Authority Directives

Subject to this Bylaw and other Municipal Bylaws, the Authority may by resolution issue Directives pursuant to this Bylaw and pertaining to the collection of solid waste including but not limited to the contents of, type, nature, location and weight of collection containers or storage facilities, and it shall be an offence to fail to comply with any such Directive.

5.5 Solid Waste Storage

Solid waste storage facilities shall be:

- 5.5.1** Weather-tight and animal-proof with the lid or door maintained in a closed position when not being loaded or unloaded; and
- 5.5.2** Capable of accommodating the quantities of source-separated solid waste generated between collections at that location; and
- 5.5.3** Designed and constructed such that solid waste remains in a source-separated condition; and
- 5.5.4** Easily accessible to all users and easily serviced by the collector; and
- 5.5.5** Safe for their intended users; and
- 5.5.6** In cases where Authority collection is provided at the storage location, placed so as to provide unobstructed access over clear ground free of snow, ditches, brush or other obstacles to the Authority collection truck within five (5) meters of the loading hopper.

5.6 Owner and Occupant Responsibilities for Solid Waste Management

The responsibility for the management of solid waste in residential premises and IC&I premises is shared by each property owner or owners, jointly and severally, and each and every occupant or occupants, jointly and severally, as follows:

5.6.1 Property Owner's Responsibilities

The property owner shall:

- 5.6.1.1** Provide solid waste storage facilities as set out in section 5.5; and

- 5.6.1.2** In cases where any storage facility is inaccessible to the collection truck as required in section 5.5.6 on regular or special collection days, ensure that solid waste is set at roadside in accordance with section 5.2; and
- 5.6.1.3** Maintain any solid waste storage facilities in good repair and in a clean, tidy, and sanitary condition at all times, both inside and outside, including the immediate surroundings; and
- 5.6.1.4** Ensure that collection containers, storage facilities and uncollected solid waste, including litter produced or resulting from set-out solid waste by pests, weather conditions, or otherwise, are removed by the end of collection day; and

5.6.2 Occupant's Responsibilities

The occupant shall:

- 5.6.2.1** Source separate and package all solid waste generated in the occupant's premises as provided in section 4 of this Bylaw and Directives issued pursuant to this Bylaw; and
- 5.6.2.2** Between collections, place sorted and packaged solid waste in the storage facility provided by the property owner or in their own storage facility as the case may be.

5.7 Inspection and Rejection Guidelines

Solid waste set out for Authority Collection shall be subject to inspection by the collection contractor or by Authority staff. Solid waste found not to be in compliance with this Bylaw or any Directive may be rejected and not collected.

5.8 Authority Collection Prohibitions

No person shall:

- 5.8.1** Pick over, remove, disturb or otherwise interfere with any solid waste that has been set out for Authority collection except that solid waste which is set out for special collections may be removed for salvage or reuse providing that the set-out location must be left in a clean and tidy condition;
- 5.8.2** Collect solid waste placed for collection by the Authority; or
- 5.8.3** Remove a collection container placed at roadside.

These prohibitions do not apply to the person who placed the waste out for collection or to the Authority, or its contractors.

5.9 Suspension of Collection

The General Manager may suspend Authority Collection, upon written notice, at any eligible premises where one of the following deficiencies develops until the deficiency is corrected to the General Manager's satisfaction, namely:

- 5.9.1** An unsafe or potentially unhealthy condition or a nuisance or a potential nuisance related to storage or collection of solid waste;
- 5.9.2** Persistent violation of any provision of this Bylaw or any Directive or Order issued pursuant to this Bylaw;
- 5.9.3** Road conditions unsafe for collection.

6.0 NON-AUTHORITY COLLECTION AND DISPOSAL OF SOLID WASTE

These provisions apply to all residential and IC&I premises generating waste which is unacceptable for Authority collection or exceeds the allowable limits of Authority Collection or which for any other reason is not placed for Authority Collection by the owner or the occupant, and is managed either by the owner or the occupant or by another person or corporation for or on behalf of the owner or the occupant.

6.1 Solid Waste Removal

The property owner or occupant of premises shall promptly remove and dispose of all solid waste not collected by Authority Collection.

6.2 Solid Waste Storage

6.2.1 The owner of any premises on which a storage facility has been placed, or the owner or user of such storage facility shall each ensure that such storage facility is:

- 6.2.1.1** weather-tight and animal-proof with the lid or door maintained in a closed position when not being loaded or unloaded; and
- 6.2.1.2** capable of accommodating the quantities of source-separated solid waste generated between collections at that location; and
- 6.2.1.3** designed and constructed such that solid waste remains in a source-separated condition; and
- 6.2.1.4** emptied and cleaned out regularly; and
- 6.2.1.5** maintained in good repair and in a clean and tidy condition at all

times, both inside and outside, including the immediate surroundings, and

6.2.1.6 clearly labelled with signage for separate waste streams.

- 6.3** No person shall place solid waste in any storage facility without permission of the owner of the premises or the owner or renter of the storage facility.
- 6.4** All storage facilities are subject to inspection under section 2.6 of this Bylaw.
- 6.6** The owner of the premises or the owner or renter or user of any storage facility shall each ensure that all solid waste placed in such storage facility is source-separated and packaged as required by this Bylaw and any Directive issued by the Authority pursuant to this Bylaw.
- 6.7** Any person collecting or transporting or hauling solid waste or any storage facility shall ensure that all solid waste contained within such vehicle or storage facility is delivered to the Waste-Resource Management Centre in a source-separated condition and deposited at the Waste-Resource Management Centre in the designated locations for each type of source-separated solid waste.
- 6.8** It is an offense to haul unsorted solid waste to the Waste Management Centre for disposal or to fail to deposit each type of source-separated solid waste in designated locations at the Waste Management Centre.

7.0 WASTE-RESOURCE MANAGEMENT CENTRES

- 7.1** The Authority may by resolution issue Directives pertaining to the efficient, safe and environmentally sound operation of Waste-Resource Management Centres in the Region and it shall be an offence to fail to comply with any such Directive.
- 7.2 Inspection and Enforcement**
All loads entering the Waste-Resource Management Centre are subject to inspection and enforcement action by the General Manager or designate. The General Manager or designate may issue warnings, charge increased tipping fees, or revoke privileges of site users for non-compliance with this Bylaw or any Directive issued by the Authority. The Authority may from time to time establish administrative penalties to be levied against site users for non-compliance.
- 7.3** No person shall remove solid waste from a Waste-Resource Management Centre except as authorized by the General Manager or designate.
- 7.4** The operator of every commercial collection vehicle entering the Management Centre site shall produce, upon request of the General Manager or designate, a manifest consisting of a list of the customers whose solid waste is on board the vehicle.

8.0 PENALTIES

8.1 Any person who violates any of the following sections of this Bylaw:

- 8.1.1** Section 3.8 (failing to close the lid or door of storage)
- 8.1.2** Section 3.9 (unauthorized placing of waste for curbside collection)
- 8.1.3** Section 5.1 (improper collection container placement)
- 8.1.4** Section 5.2 (improper set-out time)
- 8.1.5** Section 5.8.1 (interfering with solid waste set out for collection)

is guilty of a summary offense and liable to a fine of not less than two hundred and fifty dollars (\$250) and not more than five hundred dollars (\$500) and, in default of payment thereof, to imprisonment for a period of not more than fourteen (14) days.

8.2 Any person who violates any of the following sections of this Bylaw:

- 8.2.1** Section 2.4 (failure to comply with a Directive)
- 8.2.2** Section 2.9 (failure to obey a written Order)
- 8.2.3** Section 3.1 (illegal dumping)
- 8.2.4** Section 3.2 (illegal disposal at licensed facility)
- 8.2.5** Section 3.3 (illegal burning)
- 8.2.6** Section 3.4 (disposing of banned solid waste)
- 8.2.7** Section 3.5 (removing or exporting residual waste or unsorted solid waste)
- 8.2.8** Section 3.7 (accumulating of solid waste)
- 8.2.9** Section 4.2 (failure to source-separate solid waste)
- 8.2.10** Section 4.3 (failure to provide for source-separation of public waste or label containers)
- 8.2.11** Section 5.3 (failure to remove uncollected containers or waste from roadside)
- 8.2.12** Section 5.6.1 (failure to fulfill property owner's responsibilities)
- 8.2.13** Section 5.6.2 (failure to fulfill occupant's responsibilities)
- 8.2.14** Section 5.8.2 (illegally collecting solid waste set out for Authority collection)
- 8.2.15** Section 5.8.3 (illegally removing collection containers)
- 8.2.16** Section 6.1 (failure to promptly remove solid waste from premises)
- 8.2.17** Section 6.2 (failure to provide proper waste storage for non-Authority collection)
- 8.2.18** Section 6.3 (unauthorized use of solid waste storage)
- 8.2.19** Section 6.6 (owner's or renter's of storage facility failure to ensure solid waste in storage facility is source separated and packaged)
- 8.2.20** Section 6.7 (hauler's failure to keep hauled solid waste source separated and packaged)
- 8.2.21** Section 6.8 (hauling unsorted solid waste or failure to deposit solid waste in designated locations at Management Centre)
- 8.2.22** Section 7.4 (hauler's failure to provide a manifest)

is guilty of a summary offence and liable to a fine of not less than five hundred

dollars (\$500) and not more than five thousand dollars (\$5,000) and, in default of payment thereof, to imprisonment for a period of not more than thirty (30) days.

- 8.3** Any person who violates any other provision of this Bylaw is guilty of a summary offense and liable to a fine of not less than two hundred and fifty dollars (\$250) and not more than five thousand dollars (\$5,000) and, in default of payment thereof, to imprisonment for a period of not more than thirty (30) days.
- 8.4** No person shall be convicted of an offence under this Bylaw if the person establishes that the person:
- 8.4.1** exercised all due diligence to prevent the commission of the offence; or
 - 8.4.2** reasonably and honestly believed in the existence of facts that, if true, would render the conduct of that person innocent.
- 8.5** Where a person is convicted of an offence under this Bylaw and the Court is satisfied that, as a result of the commission of the offence, monetary benefits accrued to the offender, the Court may order the offender to pay, in addition to the fine prescribed for that offence, a fine in an amount equal to the estimation of the Court of the amount of those monetary benefits.
- 8.6** Where a person is convicted of an offence under this Bylaw and the Court is satisfied that, as a result of the commission of the offence, that clean up or site remediation costs were incurred, whether by another person, the Authority or a Municipality, the Court may order the offender to pay, in addition to all other fines and penalties, restitution in an amount equal to the clean up or site remediation costs.
- 8.7** In any prosecution for an offence under this Bylaw, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.
- 8.8** Where a corporation commits an offence under this Bylaw, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the violation of this Bylaw is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.
- 8.9** In lieu of prosecution under this Bylaw, the Manager or his delegate may, in his sole and absolute discretion, issue to any person he believes upon reasonable grounds has committed an offence under this Bylaw a Notice of Violation (Bylaw Ticket), which Notice shall require the person to whom it is directed to pay to the Authority within fourteen (14) days of the issuance of the Notice the sum of one hundred and twenty-five dollars (\$125) for offences listed in section 8.1 and one hundred and seventy five dollars (\$175) for offences listed in section 8.2; and one hundred and twenty-five dollars (\$125) for offences covered by section 8.3. Where a Notice of Violation is issued and if that sum is paid as required therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this Bylaw requires the General Manager or designate to issue a Notice of Violation before initiating a prosecution.

8.10 Every day during which an offence pursuant to section 8.1, 8.2, or 8.3 continues is a separate offence.

8.11 Proof that solid waste that is disposed of anywhere in contravention of this Bylaw originated from a particular person, from a residence of a particular person, from a particular premises or from a particular vehicle shall be evidence that the person, the owner, or the current occupant of said premises or the owner of the vehicle so disposed of it in the absence of evidence to the contrary.

When a person is identified as owner of solid waste deposited or dumped on a premises in violation of this Bylaw, the owner, on request of the Bylaw Enforcement Officer shall, within 48 hours of the request, supply the name and address of the person(s) responsible for the dumping. When the owner of the materials refuses, fails, neglects, or is unable to supply the requested information, the owner shall be liable for an infraction under sections 3.1 or 3.2 of this Bylaw.

Passed by Council this _____ day of _____, A.D. 2020.

VALLEY REGION SOLID WASTE-RESOURCE MANAGEMENT BYLAW DIRECTIVES

**Pursuant to the Valley Region
Solid Waste-Resource Management Bylaw**

Made under section 2.4 of the Bylaw

Draft date: January 9, 2020

Approved by Council: March, 2020

Valley Region Solid Waste-Resource Management Bylaw Directives

Pursuant to
the Valley Region Solid Waste-Resource Management Bylaw

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Introduction

The Valley Region Solid Waste-Resource Management Bylaw (the Bylaw) empowers the Valley Region Solid Waste-Resource Management Authority (the Authority) to issue Directives for the effective and efficient management of solid waste within the jurisdictions of the Parties to the *Valley Region Solid Waste-Resource Management Intermunicipal Services Agreement* or *IMSA* (i.e. the Municipality of Kings, and the Towns of Annapolis Royal, Berwick, Kentville, Middleton, and Wolfville), otherwise known as the Valley Region Solid Waste-Resource Management Authority, or any other municipality who may enter the *IMSA* to become a member of who contracts or designates the Authority to enforce their solid waste bylaw and directives.

Section 2.4 of the Bylaw reads as follows:

2.4 *The Authority may by resolution issue Directives to supplement and assist with the better implementation of this bylaw and it is the intent of this Municipality that such Directives made by the Authority pursuant to the provisions of this bylaw shall be and shall become Directives of this Municipality to be enforced pursuant to this bylaw in the same manner as any other provision of this bylaw. It shall be an offence to fail to comply with any such Directive.*

The Directives in the following pages have been approved by the Authority pursuant to section 2.4 of the Bylaw and may be amended from time to time by the Authority.

1.0 Banned Materials

Materials Banned from Disposal

Section 3.4 of the Valley Region Solid Waste Resource Management Bylaw names two classes of materials that are banned from disposal in landfill: 1.1 materials banned by Provincial Regulation; and 1.2 materials banned by the Authority. Banned items may be managed as recyclables, compostable organics, household hazardous waste, tires, electronics, or by other means appropriate to the material. Disposal bans are in effect at Authority facilities for the materials listed below.

Materials on the list that are accepted at the Management Centres must be delivered separated from other garbage. Questions about how to handle specific items should be directed to Valley Waste at 902-679-1325 or toll free at 1-877-927-8300.

1.1. Materials banned from landfill disposal by the provincial Solid Waste-Resource Management Regulations and accepted at the Management Centres:

- Beverage containers
- Corrugated cardboard
- Newsprint
- Steel/tin food containers
- Glass food containers
- Low Density Polyethylene (LDPE #4) bags and packaging including industrial/commercial/institutional stretch wrap (pallet wrap)
- High Density Polyethylene (HDPE #2) non-hazardous containers and packaging such as food containers, detergent containers, shampoo containers, jugs, pails and lids, windshield washer containers, non-hazardous cleaner containers, etc.
- Compostable organic material (food waste, yard waste, soiled and non-recyclable paper)
- Lead-acid automotive batteries
- Waste paint & their containers
- Ethylene glycol (automotive antifreeze)
- Used glycol
- Glycol containers
- Used oil
- Used oil filters
- Oil containers
- Electronic products specified by the Province

Where there is doubt about whether a particular item is included in the above list of the banned items, the current policy of Nova Scotia Environment will take precedence over this list. Refer to Schedule “B” — Designated Materials Banned from Destruction or Disposal in Landfills and Incinerators in the Nova Scotia Solid Waste-Resource Management Regulations.

1.2. Materials banned from landfill disposal by the Authority and accepted at the Management Centres:

- Polycoat or gable top cartons (milk, juice, soy, rice, etc.) and aseptic cartons (Tetra Pak®)
- All non-hazardous plastic bottles and containers Glossy paper, office paper, and other recyclable and compostable paper products
- Boxboard
- Household Hazardous Waste (HHW)
- Propane tanks

- Expanded polystyrene foam (beaded styrofoam®)

1.3. Materials banned federally, provincially, or by the Authority and not accepted at the Management Centres:

- Industrial, Commercial, Institutional Hazardous Waste
- Liquid waste, or solid waste saturated to a fluid consistency, which is not part of the HHW program
- Highly combustible or explosive materials, such as celluloid cuttings, motion picture film, gasoline or solvent soaked rags or other combustible residues, ammunition, dynamite, or other similar material
- Medical material that is considered pathogenic or biomedical including anatomical waste, saturated blood-soaked dressings, infected material, and hypodermic needles from physicians, surgeons, dentists or veterinarians
- Whole carcasses of any animal or parts thereof that are of significant volumes that may create hazards or nuisance unless at the discretion of the General Manager or designate, except for the bodies of companion animals delivered to the Management Centre by a municipal animal control officer
- Waste listed or characterized as hazardous by federal or provincial law
- Large pieces of sheet iron, scrap metal or machine parts, automobile bodies and fuel tanks
- Septic tank pumpings, raw sewage or industrial sludge
- Radioactive materials
- Soil and rock, and tree branches and stumps exceeding 15 cm (6 in) in diameter, unless approved by the General Manager or designate
- Manure, kennel waste, excreta, fish processing waste
- Asbestos
- Fuel tanks exceeding 2250 litre (500 gal) capacity
- Hot ashes or cinders
- Used Tires (rim size 24.5 inches or less)
- Specified Risk Materials (SRM) - the skull, brain, trigeminal ganglia, eyes, palatine tonsils, spinal cord and dorsal root ganglia (DRG) of cattle aged 30 months or older, as well as the distal ileum of cattle of all ages. In cattle infected with Bovine Spongiform Encephalopathy (BSE), these tissues contain the BSE agent and may transmit the disease

2.0 Source-Separation

To facilitate recycling and composting of banned materials, all persons in the Valley Region are required to source separate the waste they generate at permanent, seasonal or temporary

residential premises; at Industrial, Commercial, and Institutional premises; in public places; and at events held in public places, commercial premises, and other public event venues. Waste must be separated into the following categories: compostable organics, recyclables, residual waste, hazardous waste, tires, and electronics. The items that fall into each of these categories are listed below. For up-to-date sorting information including proper preparation, see current Valley Waste sorting lists in the annual calendar, on the Valley Waste website (www.vwrm.com), a free Recycle Coach app, or call the Valley Waste office at 1-902-679-1325 or toll free at 1-877-927-8300.

2.1. Compostable Organics

- food waste including fruits and vegetables and peelings, table scraps, meat, poultry and fish, bones, shellfish (including shells), dairy products, egg shells, cheese, cooking oil, grease and fat, bread, grain, rice and pasta, coffee grounds and filters, tea leaves and bags, and other similar items
- leaf and yard waste including grass clippings, leaves, brush, twigs, house and garden plants, waste potting soil, sawdust, and wood shavings
- soiled boxboard with all plastics, foil and metal fasteners removed (unless soiled with HHW, paint, petroleum products, etc.) including cereal, shoe, tissue, cracker, cookie, baking product and frozen food boxes (not coated with plastic), paper towel and toilet paper rolls, soiled pizza boxes and waxed corrugated cardboard
- soiled and non-recyclable paper products (unless soiled with petroleum products)
- branches and prunings tied in bundles no longer than four (4) feet
- Christmas trees with decorations and stands removed; and
- Other materials of plant or animal origin, including cat litter (optional), except for whole companion animal or livestock carcasses or parts thereof and Specified Risk Materials (see section 1.0).

2.2. Recyclables

Recyclable Paper

- phone books
- paper egg cartons and other molded paper products
- newspaper
- file folders
- office paper including shredded paper (bond paper, computer paper, envelopes)
- paperback books
- cereal boxes and other boxboard packaging
- flyers and magazines

- non-waxed corrugated cardboard

Recyclable Containers

- milk and juice containers (no caps)
- beverage containers (soft drinks, beer, liquor may also be returned to an Enviro-Depot for refund)
- tin/steel food cans
- aluminum foil plates, trays and wrap
- glass bottles and jars (remove lids)
- clean and empty plastic bags
- all plastic bottles and containers
- stretch wrap (pallet wrap)

2.3. Household Hazardous Waste (HHW)

HHW to be delivered at no charge to the HHW Depot at one of the Management Centres. In general, material with hazardous symbols on the packaging illustrated below shall be considered hazardous.



Toxic



Corrosive



Flammable



Explosive

Examples of Household Hazardous Waste include:

- batteries
- propane tanks
- fluorescent light bulbs
- paint, stain, finishes, sealers
- motor oil
- household cleaners
- pool chemicals
- pesticides
- needles and lancets

2.4. Residual Waste

Examples of residual waste include:

- chip bags and candy wrappers
- toothpaste tubes, tooth brushes and floss

- disposable drink cups
- diapers
- toys, clothing and footwear
- incandescent light bulbs, empty spray cans
- feminine hygiene products
- oil and antifreeze containers
- kitty litter (optional)
- dog feces
- broken glass
- appliances not considered part of the electronics program
- furniture
- carpet
- construction and demolition (C&D) materials
- permitted medical solid waste*
- and other items not listed as compostable or recyclable or as hazardous waste

* Permitted medical waste means medical waste that is not medical waste listed in section 1.3 of the Directives.

3.0 Authority Collection

The Authority provides a roadside waste collection program serving all residential and IC&I premises within the jurisdictions of the municipal units which are parties to the *Valley Region Solid Waste-Resource Management Intermunicipal Services Agreement*, i.e. the Municipality of Kings, and the Towns of Annapolis Royal, Berwick, Kentville, Middleton, and Wolfville. Solid waste is collected through the Authority Collection program provided it is source separated and set out according to the Bylaw and these Bylaw Directives.

All eligible premises are subject to the same source-separation requirements, set-out limits, and collection container requirements. It is the responsibility of the owner or occupant to provide for collection and disposal of materials which are not eligible for Authority Collection or which exceed the allowable limits.

3.1 Eligible Premises

The basic unit of Authority Collection is a property, or “eligible premises”. To be deemed eligible, a premises must be in compliance with applicable municipal zoning and development requirements, and required property taxes must be paid. In the case of federal lands for which

property taxes are not paid premises may be deemed eligible if an agreement is in place to provide waste management services on those lands.

Residential premises eligible for Authority Collection include self-contained long term living accommodations, containing kitchen facilities, in which the occupant(s) sleep, cook, and eat meals. Each such unit comprises one eligible premises.

Industrial Commercial and Institutional (IC&I) eligible premises may include a variety of industrial, commercial or institutional enterprises or organizations including home occupation type businesses. An IC&I serviced unit must:

- i. conform to municipal zoning bylaw requirements
- ii. comprise the entire building, or form a separate business unit within a building containing two or more separate units
- iii. be an operating business generating waste through activities of that business; and
- iv. be assessed as commercial, resource farm, or another designation aside from residential, or resource forest

The owner or occupant of any eligible premises generating waste in excess of the standard collection limits must make arrangements, either through private service providers or using their own resources, to remove and dispose of their waste materials in compliance with the Bylaw.

Examples of residential and IC&I eligible premises include:

- i. single detached residential dwellings including mobile homes
- ii. each individual unit in a duplex or semi-detached residential dwelling (under-and-over and side-by-side)
- iii. each individual unit in a multi-unit residential building (e.g. apartments and condominiums) or in a multi-unit ICI building or in a multi-unit mixed use building
- iv. each individual unit in a row house or townhouse dwelling
- v. an individual unit in an industrial, commercial or institutional building as defined above;
- vi. seasonal residential dwellings (e.g. a cottage)
- vii. church halls, community halls, fire halls, service club halls, and other similar public buildings
- viii. residential dwellings and IC&I premises on private roads providing that properly sorted and contained waste materials shall be deposited in a drop-off depot designated by Authority for the purpose, or, in the absence of a drop-off depot, placed at the nearest intersection with a public road at the set-out times specified in section 5.2 of the Bylaw
- ix. public wharves: a wharf is one eligible premises

- x. cemeteries: a cemetery is one eligible premises
- xi. seasonal agricultural worker accommodations where occupants eat, sleep and prepare their meals

3.2 Green Carts and Mini-bins

3.2.1 Cart Distribution

The Authority provides aerated organics collection carts (“green carts”) and kitchen mini-bins for each eligible premises. Green carts and mini-bins are assigned to a given premises and remain the property of the Authority. In all cases, the Authority supplies the green cart and mini-bin only for the storage and collection of compostable organics from the premises. Green carts and mini-bins are assigned as outlined below:

- i. a single detached permanent, residential dwelling including a mobile home, individual row house, and individual unit in a semi-detached dwelling - one cart and one mini-bin will be assigned automatically to the property
- ii. each single industrial, commercial, or institutional premises - one cart and mini-bin will be supplied
- iii. a multi-unit apartment or condominium building - a sufficient number of carts will be assigned to provide storage for the amount of organics generated between collections by all the building’s units combined. Usually that means one cart for every four units. A mini-bin will be provided to each individual apartment unit.
- iv. duplexes (side by side or over and under) - one cart will be assigned to each unit
- v. seasonal homes on private roads - one mini-bin will be provided to each unit; a green cart will only be provided if there is no seasonal waste drop-off depot in the area and the resident places the cart at a public road for collection; and
- vi. church halls, community halls, fire halls, service club halls and other similar buildings, one cart and one mini-bin will be provided on request to each unit

3.2.2 Cart Ownership

Green carts and mini-bins are and remain the property of the Valley Region Solid Waste-Resource Management Authority. The cart and mini-bin are registered to the residential or IC&I property, and are assigned to the property. When a property is sold, the cart and mini-bin shall remain on the property.

3.2.3 Green Cart Exchange

The Authority may from time to time offer more than one size of green carts to accommodate the varying needs of residents. The standard cart size has a nominal volume of 240 liters. When other cart sizes are available, the current cart may be exchanged for one of a more suitable size. There is no service fee for this exchange. Green carts will not be exchanged due to uncleanliness or design preference.

3.2.4 Lost, Stolen or Damaged Carts or Mini-bins

If a green cart is lost, stolen or damaged, except through normal use, it is the property owner's responsibility, subject to the Manager's discretion, to pay the Authority the replacement cost. If damaged or stolen due to negligence of the collection contractor, it will be the contractor's responsibility to purchase a new cart.

The Authority will replace carts rendered unusable through normal use at no cost.

It is the property owner's responsibility to replace lost or broken mini-bins, except that when a property is sold, the Authority will replace missing or destroyed mini-bins free of charge at the owner's request.

3.2.5 Sale of Property

Green carts are the property of Valley Waste-Resource Management. Upon the sale of a property, the cart shall be left on the property. The new owner is responsible for making new green cart arrangements with the Authority if necessary.

3.3 Non-Collectable Materials

In addition to all materials detailed in **Section 1.0 Banned Materials**, subsection iii, the Authority will not collect the following materials at curbside through the Authority Collection program:

- i. solid waste produced outside the jurisdictions administered by the Authority
- ii. any materials not meeting collection requirements
- iii. items banned by the province from landfill disposal, as per Schedule B of Solid Waste-Resource Regulations, for example electronics
- iv. large windows or large glass doors
- v. items covered under the Authority's Household Hazardous Waste program

3.4 Collection Containers

Waste shall be set out for Authority Collection in the following containers and quantities. Containers must be designed to allow for safe and efficient collection. Containers that do not allow the collector to remove waste in an ergonomically acceptable manner may be rejected at roadside provided the collector affixes a rejection sticker explaining reason.

3.4.1 Acceptable Containers for Authority Collection

Acceptable Containers for Recyclable Materials shall be:

- i. Transparent blue plastic bags weighing no more than 15 kg (33 lb) when full; no wider than 0.8 m (30 inches), and no longer than 1 m (39 inches) when flat
- ii. Bundles of corrugated cardboard: flattened and securely tied or otherwise bound together, weighing no more than 15 kg (33 lb) and measuring no more than 30 cm by 60 cm by 90 cm (1 foot by 2 feet by 3 feet)

Acceptable Containers for Compostable Organics shall be:

- i. Organics Collection Carts as assigned to properties by the Authority weighing no more than 100 kg (220 lb) when full
- ii. Bundles of brush, no more than 60 cm (2 feet) in diameter, securely tied, and weighing no more than 15 kg (33 lb) with no individual piece of material being more than 5 cm (2 inches) in diameter or longer than 1.2 m (4 feet)

Acceptable Containers for Residual Waste shall be:

- i. Clear Transparent Plastic Bags:
 - a. Securely tied and watertight
 - b. No wider than 0.8 m (30 inches) , and no longer than 1 m (39 inches) when flat; and
 - c. Weighing no more than 15 kg (33 lb) when full
- ii. Each serviced unit may set out one (1) solid-coloured regular plastic garbage bag (e.g. black, green, brown, white, etc.) as a “privacy bag” each collection cycle, to contain private items such as permitted medical waste and other residual waste. A clear bag filled with smaller opaque bags is considered one solid-coloured “privacy bag”. The privacy bag counts as one residual waste container and is subject to inspection for proper source-separation like any other residual waste container.
- iii. Broken glass shall be safely boxed or wrapped to prevent injury
- iv. To prevent litter created by pests, snow plows, etc., acceptable residual waste bags may be set out for collection inside water tight metal or plastic garbage cans which are:
 - a. constructed of durable metal, plastic or other impermeable material designed for containment of waste
 - b. equipped with a tight fitting impermeable cover
 - c. equipped with handles in good repair
 - d. as large or larger in diameter at the top than at the bottom

NOTE: The basic collection container unit remains the plastic bag (clear or solid-coloured) regardless whether the bag is set out on its own, in a garbage can, or in a storage bin at roadside.

3.4.2 Allowable Number of Containers

The number of containers allowed per serviced unit per collection is as follows:

1. A total of eight bags of recyclables and residual waste combined
 - a. Up to eight bags may be recyclable materials (in blue bags)
 - b. No more than four bags may be residual waste (in clear bags)
 - c. One clear bag may be replaced with a solid-coloured privacy bag – see section 3.4.1, Acceptable containers for residual waste, ii.
2. One green cart; except in the case of a multi-unit apartment building where the number of green carts allowed shall be the number issued by the Authority to the building in accordance with section 3.2.1 of the Directives
3. Two bundles of brush
4. Two bundles of corrugated cardboard

3.5 Exemptions from Collection Rules

Occasionally, the occupant(s) of a serviced unit may be unable to comply with Authority Collection rules, such as for medical or similar reasons. In such cases, after verifying the reasons for the inability to comply, and after confirming that the occupants are aware of their responsibilities and are complying to the best of their ability, Authority staff may grant an exemption to the normal collection rules.

Staff shall maintain a list of civic addresses where exemptions have been granted and the reasons for the exemptions. The civic address list shall be provided to the Authority Collection Contractor to ensure that collection at exempted address is carried out consistent with the exemptions.

3.6 Curbside Inspection of Solid Waste Setouts

Inspection Guidelines

Authority staff regularly inspect waste materials set out for collection as a means of assessing compliance with the Bylaw and the source separation and waste container Directives.

- When the Inspector finds improperly sorted or packaged material set out for collection, the inspector may respond with educational tools including leaving the waste with an

information sticker and/or follow-up communication with the occupant and/or owner of the property

- Repeated subsequent violations, depending on their severity, may result in a more serious penalty, such a Bylaw Ticket or the suspension of the collection service

3.7 Special Collections

3.7.1 Spring and Fall Clean-up

Bulky items such as furniture, stoves, mattresses, scrap metal, bed springs, barrels, water tanks, dishwashers, clothes, washers and dryers, pieces of fencing, refrigerators, freezers, air conditioners (with a “CFC refrigerant-free” sticker) and debris from home renovations are not collected roadside during regular Authority collection days.

The Authority provides special collections for bulky items. The dates, schedules, and rules for these collections appear on the annual Authority calendar distributed through the jurisdiction of municipal partners and on the Valley Waste-Resource Management website.

Rules for Spring and Fall Cleanup are as follows:

- i. cleanups are intended for large, bulky and excess residual waste only. Recyclable materials and compostable organics will not be collected by the clean-up trucks.
- ii. items may be set out for clean-up no earlier than the weekend before the scheduled collection day
- iii. all items must be set out for collection in front of the property where they were generated
- iv. a maximum of 20 items will be collected from each serviced unit
- v. an item means a single object, bag, container, or securely tied bundle
- vi. a bundle shall measure no more than 120 cm (4 feet) in length
- vii. bagged waste must be placed in clear bags
- viii. corrugated cardboard cartons are banned from landfill in Nova Scotia and collection crews will empty and leave them for the owner or occupant of the serviced unit to recycle
- ix. no more than two of any one appliance type will be collected from any one serviced unit
- x. items shall weigh no more than 34 kg (75 lb) each
- xi. certain large items such as furniture and appliances may weigh up to 91 kg (200 lb)
- xii. items weighing more than 91 kg (200 lb) will not be collected
- xiii. large windows and glass doors may not be collected because of the potential danger to the collection crew if the glass shatters when compacted in the collection truck

- xiv. items not collected are the responsibility of the owner or occupant and must be removed from roadside at the end of the collection day

3.7.2 Other Special Collections

The General Manager may schedule other special collections as approved by the Authority.

3.8 Collection Schedule

Regular roadside Authority Collection of recyclable materials, compostable organics, and residual waste takes place every second week. Details of collection routes are available in the annual Valley Waste Calendar, online at www.vwrm.com, or by phone through the Hotline at 902-679-1325 or toll free at 1-877-927-8300.

Collection will start no earlier than 7:00 a.m. on any collection day, unless otherwise specified.

3.9 Holidays

There shall be no collection on the following designated holidays:

- New Year's Day
- Heritage Day
- Good Friday
- Easter Monday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day

The Manager will notify the public, in advance, of the designated alternate collection day for each Holiday, normally through the annual calendar. Information is also available online at www.vwrm.com or through the Hotline at 902-679-1325 or toll free at 1-877-927-8300.

3.10 Storm Day Collection

If Authority Collection is totally cancelled because of a storm, the collection contractor will collect the route the following Monday. If that Monday is a holiday or already scheduled for collection, the Manager will designate another day.

If the collection contractor begins the day's routes but is called off the road due to inclement weather before completing the routes, no alternate collection day will be scheduled. Collection stops missed due to the cancellation will be granted double collection limits for the next regularly scheduled collection day.

4.0 Hazardous Waste

The Authority Collection program is not designed to collect hazardous waste. Residents shall dispose of household hazardous waste through the Household Hazardous Waste (HHW) Depots operated by the Authority at the Eastern Management Centre or the Western Management Centre.

The Management Centres are not permitted by the Province to accept hazardous waste generated in the Industrial, Commercial and Institutional sector. It is the responsibility of the IC&I sector to ensure that their hazardous waste is disposed of in accordance with provincial regulations.

5.0 Public Waste and Special Events

The Bylaw requires the generator to source separate their waste. There is no exception for waste generated at a public event where public waste is generated, or a private event such as a wedding, family reunion or other such gathering at a home, or other public or private venue.

The Bylaw defines public waste as:

“solid waste generated in or on premises where the public is or would normally be responsible for disposing of waste generated at such premises including, but not limited to enclosed or exterior shopping centres, malls, food courts, quick service or counter service restaurants, sports arenas, office or other commercial premises, retail premises, private or public parks or campgrounds, and public event venues (inside or outside)”

It is challenging for businesses or special event managers to control the actions of the public or invited guests who use their facilities and/or attend their events. Public education and

cooperation between the public, guests, the manager, staff, the waste hauler and Valley Waste-Resource Management are the keys to successfully managing public waste. Similar guidelines apply also to operators of private events such as private parties, family events etc.

Event organizers may contact Valley Waste-Resource Management for information and borrow sorting stations. It is the responsibility of event operators to dispose of materials collected in borrowed sorting stations. The event organizer is also responsible for picking up, cleaning and returning borrowed sorting stations.

Guidelines for Managing Public Waste:

- i. in any staff controlled area all waste shall be source separated
- ii. where waste is not under staff control, the business or event manager shall exercise due diligence to provide the public with conveniently located source-separation containers
- iii. Labels and signage shall be posted indicating what materials should be placed in each container. This will help the public know where to correctly place their waste.
- iv. public washroom waste is considered residual waste and there is no requirement to sort it
- v. all waste delivered to Management Centres is subject to inspection and compliance measures
- vi. Valley Waste staff are available to provide advice on setting up a public waste sorting system
- vii. on request, Valley Waste lends sorting stations to event organizers

6.0 Management Centres

The Authority operates two Waste Management Centres, one at 100 Donald E. Hiltz Connector Road, in Kentville and one at 343 Elliot Road, south of Exit 19 off Highway 101 near the Village of Lawrencetown. The Management Centres are approved by the Minister of the Environment to accept source-separated waste from the general public and the IC&I sector. The various streams of solid waste are transferred off site to approved processing or disposal locations.

6.1 Hours of Public Operation

The Eastern Management Centre in Kentville is open to the public from 8:00 am to 4:00 pm from Monday to Friday inclusive and from 8:00 am to 12:00 noon on Saturdays. The Western Management Centre in Lawrencetown is open 8:00 am to 4:00 pm on Tuesday, Wednesday, and Friday and from 8:00 am to 12:00 pm on Saturdays.

6.2 Materials Not Acceptable as Residual Waste

See **Section 1.0 Banned Materials** for information on what can be delivered to the Management Centres.

6.3 Waste Disposal Fee Structure

The following provisions apply to the waste disposal fee structure:

- i. The Authority shall stipulate the fees and charges for disposing of materials at its waste management facilities. These fees shall be set from time to time by the Authority and displayed in a Fee Schedule (see attached sample in Schedule 1 (a)).
- ii. The applicable disposal fee shall be paid by the hauler who delivers the waste to the Management Centre.
- iii. Haulers or waste generators wishing to dispose of materials requiring special handling or disposal techniques shall give the Authority 48 hours' notice requesting permission to deposit such special wastes, stating the properties, characteristics, origins and amounts of the waste. Authority staff shall advise the hauler whether the waste is acceptable and, if so, under what conditions.
- iv. No waste disposal fees shall apply to waste collected from eligible premises by the collection contractor(s) engaged by the Authority to undertake the Authority Collection program.

6.4 Haulage Vehicle Registration

- i. Commercial haulers using the Authority's Management Centres may be required to comply with the registration requirements of the Authority including vehicle registration for such haulers.
- ii. The following provisions may apply to vehicle registration for haulers using the Authority's Management Centres:
 - a. Haulers using the Authority's waste management facilities shall pre-register identifying information and the tare weight of each vehicle as required by the Authority from time to time, and separately identify those vehicles to be used in contracted Authority collection services operated on behalf of the Authority (if the hauler is also a commercial collection contractor).
 - b. Haulers who wish to be granted credit privileges with the Authority must register adequate information with the Authority. Each hauler will be assigned an account number and each vehicle may be assigned a unique identification number which shall be displayed on the left front of the vehicle in a location, size and format specified by the Manager.

- c. The driver of each registered vehicle must present the assigned account number to the scale operator upon entering the facility. The hauler in whose name the account is registered will be invoiced for materials delivered under that account.

6.5 Waste packaging and placement requirements

Waste materials may be brought to the Waste Management Centre either bagged, bundled or loose. For bagged materials, recyclables must be in blue or clear bags, compostables in green carts or compostable bags for organics, and residual waste in clear bags. In case of recyclables or residual waste brought in cardboard boxes, the boxes must be emptied by the user.

All solid waste shall be placed in appropriate designated locations for each type of source separated waste. Failing to do so is an offence as specified in section 6.8 of the Bylaw.

6.6 Fee Payment

- i. Haulers who transport acceptable material to a facility operated by the Authority, either with his/her own vehicles, or through his/her contractors or agents shall pay tipping fee charges in cash, by credit card, or by current electronic payment technology available at the site or, if they have been granted credit privileges, upon invoice in accordance with sections a, b, and c below:
 - a. When both inbound and outbound scales are operating, the vehicle will be weighed upon entering the facility and shall be weighed again upon leaving. The hauler will pay the fee in accordance with the current fee structure prior to leaving the facility, or upon receipt of an invoice if the hauler has been granted credit privileges.
 - b. When only one scale is in operation and the tare weight of a vehicle transporting materials has been predetermined, payment in accordance with the fee structure is required upon being weighed prior to leaving the facility, or upon receipt of an invoice if the hauler has been granted credit privileges.
 - c. When only one scale is in operation and the tare weight of a vehicle transporting materials for disposal has not been predetermined, the vehicle will be weighed upon entering the facility and again upon leaving. The hauler will then pay the tipping fee in accordance with the fee structure set from time to time by the Authority prior to leaving the facility, or upon receipt of an invoice if the hauler has been granted credit privileges.
- ii. Haulers who have been granted credit privileges are subject to the current Overdue Account Collection Policy.

6.7 Volume Based Tipping Fees

The Manager shall set per cubic meter rates payable by the haulers to be used when the weigh scales at the Management Centres become inoperative. These shall be applied based on the capacity of the vehicle and the volume of the material in the vehicle as estimated by the scale operator, and shall be based on material weights displayed in Schedule 1(b) Volume-based Tipping Fee Calculation.

6.8 Inspection and Compliance Guidelines

Waste at the Management Centres may be inspected to promote compliance with the source-separation and waste packaging requirements established by provincial regulation, the Bylaw, and operational rules of the Management Centres.

- Based on a visual inspection, random selection or other factors, Management Centre staff may choose a load for more thorough screening. Waste screening normally means removing bagged waste or individual items from a load for careful examination to assess compliance and to identify the waste generator(s).
- As provided in section 7.4 in the Bylaw, inspection staff have the authority to request the names of all customers whose waste is contained in commercial loads being inspected.
- non-compliant materials found in a load are communicated to the hauler, customer, and/or generator of the waste.
- non-compliant materials found in a load may also result in penalties such as a warning, a Bylaw Ticket, a double tipping fee, or rejection of the load and sending it back to the generator for corrective action before it can be accepted at the Management Centre.

7.0 BYLAW ENFORCEMENT

7.1 Compliance Philosophy

Authority staff use a balance of education and enforcement strategies to improve compliance with municipal bylaws and provincial regulations. Providing information and assistance to citizens and businesses is the first step in achieving compliance, followed if necessary by progressively stronger forms of enforcement actions such as formal letters, warnings, fines and charges laid in court.

7.2 Enforcement Tools and Procedures

The graduated enforcement response has been developed to address cases of failure to comply with the requirements of the Bylaw and Directives.

The tools used by enforcement staff range from verbal communication, warning letters, Waste Orders with specific deadlines, suspension of curbside waste collection, Notices of Violation providing for an administrative out-of-court settlement (Bylaw Tickets), Summary Offence Tickets (SOTs) and Long Form Information charges in provincial court.

The enforcement tools are chosen based on the type and severity of offence and are at the discretion of the enforcement staff.

7.3 Investigation

All complaints and information concerning possible violations of the Bylaw received are prioritized and investigated as quickly as resources allow. As needed, during the investigation enforcement staff will work closely with other Authority staff, municipal staff, Nova Scotia Environment Inspectors, and with the local police agencies.

The Bylaw Enforcement Officer shall be qualified as a Special Constable under the Nova Scotia Police Act, be a member of the Atlantic Bylaw Officers Association (ABOA) and shall participate in enforcement and compliance training opportunities.

Schedule 1(a) – Fee Schedule

Current April 1, 2020

Waste Category	Price Per Tonne	
	Authority Members	Non-members
Recyclables	\$97	\$129
Organics		
• Food waste	\$97	\$129
• Brush, Grass Clippings, Pine Needles	\$97	\$129
• Leaves	No Charge	
Garbage	\$121	\$161
Construction & Demolition Debris – Sorted	\$57	\$76
• Brick, block, concrete		
• Asphalt		
• Asphalt shingles		
• Drywall		
Construction & Demolition Debris – Mixed	\$121	\$161
Scrap Metals and White Goods	\$57	\$76
One free appliance per day		
Minimum Fee	\$5	\$10
Penalty Fee	\$242	\$322
Other Services		
CFC Removal from Refrigeration Units	\$20/unit	\$20/unit
Household Hazardous Waste	No Fee	No Fee
Contaminated Soil: Contact the Authority for disposal locations.	Dependent on disposal location	Dependent on disposal location
Other Special Wastes: Generator must give Valley Waste 48 hours notice to make special arrangements.	To be arranged	To be arranged
Weighscale usage (loaded weight and tare weight)	\$10.00 per load	
Used wood pallets (for sale)	\$2.00 each	

Hours of Operation:

Kentville: Mon – Fri 8am-4pm. Saturday 8am-12noon

Lawrencetown: Tues, Wed, Fri 8am – 4pm. Saturday 8 am-12 noon

Note 1: The minimum fee applies to the following: 41kg and less for garbage, 50 kg and less for organics, 50 kg and less for recyclables or 90 kg and less for sorted construction & demolition debris and scrap metal.

Note 2: The term **Authority Members** applies to anyone bringing a load generated in the Municipality of Kings, the Towns of Annapolis Royal, Berwick, Kentville, Middleton and Wolfville, and the First Nations communities of Annapolis Valley, Bear River, and Glooscap. Loads originating outside these areas are considered **non-members**.

Schedule 1 (b)
Volume Based Tipping Fee Calculation

It may be necessary at times to operate one or both of the Management Centres with inoperable scales – for example, during an emergency such as a major power failure. In such a circumstance it would be impossible to charge tipping fees based on incoming weights. Volume based fees are one option that could be used.

The following table gives conversion factors that the scale operator can use to calculate fees based on the type and volume of the material on the delivery truck.

Volume Based Weights

MSW	lb/cu yd	kg/cu yd	kg/cu m
Non-compacted	225	102	134
Compacted	750	341	446
C&D			
Loose Mixed	560	255	333
Wood	169	77	100
Roofing	731	332	434
Concrete	860	391	511
Organics			
Food Waste	1,070	486	635
Leaves	225	102	134
Brush	300	136	178
Grass	400	182	238
Recyclables			
Paper Mixed Loose	875	398	520
Containers Mixed Loose	35	16	21

Information from various sources including

National Recycling Coalition Measurement Standards and Reporting Guidelines; EPA; FEECO; CIWMB 2006

Conversions: 1 kg = 2.2 lb; 1 cu yd = .765 cu meter

RECEIVED
DEC 09 2019

December 8, 2019

To Kevin Kerr,

The purpose of this letter is to request that 155 Maple Avenue, Wolfville be given permission to hook up to the sewer pipes currently being installed on Maple Avenue, diagonally across from my front door on Maple Avenue. There was a verbal understanding with Greg Morrison that this hook-up would take place once the sewer pipes were brought up to the former Elizabeth Bresnan property.

The Town of Wolfville crew disrupted my sewer pipes when they installed water pipes on my side of the street. They put things back in a temporary manner. I am a senior who lives in her own home. I believe verbal agreements should be kept so I am writing this letter in good faith that permission is given to correct this situation. Thank you.

Sincerely

Edna L. Lunnagh

To Wolfville Town Council,

The Wolfville Business Development Corporation has recently received expressions of concern from our members on the upcoming changes to the pickup day for waste in the Town of Wolfville. Concerns are specific to the downtown core.

There has been positive feedback (in general) on the changes to pick-up times. Allowing businesses to, to put their garbage out the night before is helpful as the proposed 7 am start will make it otherwise impossible for businesses to deal with their trash - many of them do not open their doors before 10AM.

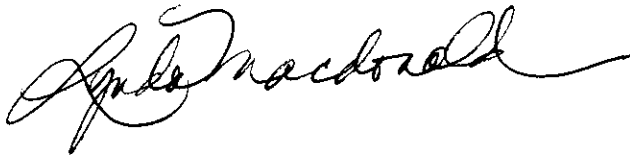
The concern is having garbage out after 9pm on a **Thursday** evening. Thursdays are typically a busier night in town with visitors and students travelling up and down Main St. enjoying the nightlife Wolfville has to offer. Having garbage out on a 'busier' evening leaves garbage and green bins vulnerable to vandalism which could result in a significant mess that, come early Friday morning, would not then be picked up by waste collection. Further, there is legitimate concern that once temperatures start to rise and visitors and locals take to our many patios, there could be waste sitting right beside them making for a very unpleasant experience and potentially result in lost business. Lastly, there is concern that garbage out the night before could attract/be susceptible to wildlife and other vermin making a mess of the garbage and contributing to other more permanent issues.

We have conducted a brief survey of our members and 100% of respondents have indicated that Wednesday would be the preferable day for waste pickup.

We have heard that this is a finalized schedule change. However, if there is any chance of working with Valley Waste Management for a change back to Wednesday then we urge you to voice the concerns raised by our membership.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynda Macdonald", written in a cursive style.

Lynda Macdonald

Co-President

Wolfville Business Development Corporation