



**West Hants**  
something inspiring awaits

**WEST HANTS REGIONAL MUNICIPALITY  
Planning and Heritage Advisory Committee (PAC/HAC) Agenda  
February 10, 2022 – 6:00pm  
Zoom**

**NOTE: PUBLIC INFORMATION MEETINGS (PIMs) WILL BE HELD AT 6:00 PM.  
PAC/HAC will begin immediately following the close of the PIMs.**

- 1.0 Call to Order and Attendance**
- 2.0 Announcements**
- 3.0 Approval of Agenda and Additions**
- 4.0 Declaration of Conflict of Interest**
- 5.0 Approval of Minutes**
- 6.0 Business Arising from the PIM:**
  - 6.1 Benjamins Mill Wind Project (Alex Dunphy)
  - 6.2 Windsor Municipal Planning Strategy Text Amendment: Wentworth Road Gateway District (Sara Poirier)
- 7.0 Business Arising from the Minutes**
  - 7.1 Update: File # 20-25 Fairfield Court Development Agreement (Alex Dunphy)
  - 7.2 Update: File # 21-04 College Road MPS and LUB Amendments (Sara Poirier)
  - 7.3 Update: File # 21-14 O'Brien Street Development Agreement and Discharge (Sara Poirier)
  - 7.4 File # 21-15 65 Fort Edward St., Windsor (Alex Dunphy)
  - 7.5 File # 21-03 294 Falmouth Back Road Heritage Designation (Sara Poirier)
  - 7.6 Mobile Canteen Vending By-law Amendment (Community Centres) (Alex Dunphy)
- 8.0 Building and Development Activity Reports (December and January)**
- 9.0 New Business**
  - 9.1 Heritage Grant Application: Kempt United Church (Madelyn LeMay)
  - 9.2 Heritage Plaques (Madelyn LeMay)

9.3 Windsor - West Hants Border Review (Jim Ivey)

**10.0 Plan Review**

10.1 Infrastructure Charges (Todd Richard and Madelyn LeMay) (recirculated)

10.2 Dog Tags & Fees (Madelyn LeMay)

10.3 Dog Parks (Sara Poirier)

10.4 Buffer Strips (Madelyn LeMay) (January 13, 2022, recirculated)

**11.0 Notices from Adjacent Municipal Units**

**12.0 Questions and Comments from the Public**

**13.0 Next Meeting Date / Adjournment**



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request X	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
 Alex Dunphy, Planner

**Date:** February 10<sup>th</sup>, 2022

**Subject:** Mobile Canteen Vending By-law Amendment Request

### LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

### DECISION REQUEST

This is an information report to the Planning and Heritage Advisory Committee to aid in discussion regarding a proposed amendment to the Mobile Canteen Vending By-law to allow mobile vendors to be located on community centre properties.

### BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14<sup>th</sup>, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

### DISCUSSION

***Community Centres in Land Use By-laws (LUBs)***

Previously, staff noted that community centres were only defined in the West Hants Land Use By-law and that definition specifically excluded the possibility of commercial use. The current definition of community centres is *any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof*. To allow for the possibility of operating a mobile canteen, staff suggest editing the definition to read as *any tract of land and the buildings thereon used for community activities and not used for commercial purposes except mobile canteens, and the control of which is vested in the Municipality or local board or agent thereof*. This definition could then be added to both the Windsor and Hantsport Land Use By-law to ensure conformity between the documents.

Staff have also suggested extending the amendment to include church properties. Across the Windsor, West Hants, and Hantsport Land Use By-laws, the definition of church does not specifically exclude commercial uses. In this case, no amendment to the definition would be necessary to allow mobile canteens to operate on church properties.

### ***Community Centres in the Mobile Canteen Vending By-law***

Clause 4.1 (f) of the Mobile Canteen Vending By-law states: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants*. To allow for the possibility of operating a mobile canteen, staff suggest editing the Clause to state: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants, with the exception of community centre and church properties*.

### ***Parking Requirements for Mobile Canteens, Community Centres, and Churches***

Parking requirements for mobile canteens are based on the parking requirement for the main use of the property on which the mobile canteen is located. Across all of the Land Use By-laws, both community centres and churches require one (1) parking space for every 100 sq. ft. of floor area. This parking requirement would also be applied to any mobile canteen locating on a community centre or church property. Generally, mobile canteens with this parking requirement would need to provide very few parking spaces. Correspondence with the Development Officer did not raise any issues with mobile canteens operating on community centre or church properties during lower-use periods of time.

### ***Access Requirements for Mobile Canteens***

Staff requested input regarding access requirements for mobile canteens from both the Traffic Authority and the District Manager with the Nova Scotia Department of Public Works (formerly the Department of Transportation). The Traffic Authority stated that each situation is different and dependent on the driveway. However, mobile canteens would not necessarily require a commercial access. The District Manager with the Nova Scotia Department of Public Works stated that most community centres and churches in the region have commercial access and are the preferred location for mobile canteens. The District Manager also informed staff that access permits are issued to the property owner, so would not be issued to the mobile canteen operator.

### ***Surrounding Context of Community Centres and Churches***

In general, community centres are located in areas designated Hamlet, Resource, or Agricultural. A common link between these designations is the rural intent of these areas. With community centre properties being primarily located in rural areas, the likelihood of a disturbance due to the operation of a mobile canteen is lower than in a more developed area. Rural areas also generally have a limited supply of commercially designated areas. Allowing mobile canteens on community centre properties would provide more options for the operator to select a property which works for them.

Church properties are mostly located in areas designated Community Use, Residential, Hamlet, or Resource. Unlike the designations of community centres, churches are more evenly distributed between rural and urban areas. The Community Use and Residential designations apply to more populated areas of the Regional Municipality. Similar to community centre properties, mobile canteens on rural church properties are less likely to cause a disturbance for adjacent uses. However, mobile canteens on the church properties located in more urban areas may disrupt adjacent uses by increasing traffic flow.

### ***Taxation Implications Follow-up***

During a follow-up conversation with Property Valuation Services Corporation (PVSC), staff requested further information regarding the evaluation of tax-exempt properties. The representative said that properties are evaluated based on the degree of use. This means that if a property is frequently used commercially or if there have been changes to the property to facilitate commercial use, it is more likely to be evaluated as commercial. Some additional factors that account for a commercial evaluation include the addition of permanent structures intended for commercial use or formal agreements to facilitate commercial use.

The PVSC representative also informed staff of the December 1<sup>st</sup> 'state date'. A 'state date' is the date that the property assessment formally takes place and the assessment is based on the state of the property at that date. So seasonal and mobile businesses are less likely to factor into the consideration to evaluate a property as commercial if there is no evidence of the mobile canteen on the property at this time.

Staff suggest that an authorization statement during the permitting process should be added to the application to read as *any mobile canteen located on a property may cause a change in taxation as determined by PVSC.*

### **NEXT STEPS**

Discussion from PAC/HAC will be incorporated into the report and presentation to COTW.

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report. There may be associated financial implications to the Municipality if Council agrees to amend specific by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any amendments to the fees in the policies or by-laws would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

Any portion of a tax-exempt property used for a non-exempt use may result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability for community centres to apply for municipal grants.

## **ALTERNATIVES**

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- recommend staff to draft the amendments to the Land Use By-law and Mobile Canteen Vending By-law; or
- provide alternative direction, such as requesting further information on a specific topic.

## **ATTACHMENTS**

Attachment A            West Hants Regional Municipality Churches Map

Attachment B            2022-01-13 Mobile Canteen Information Report for PAC

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_

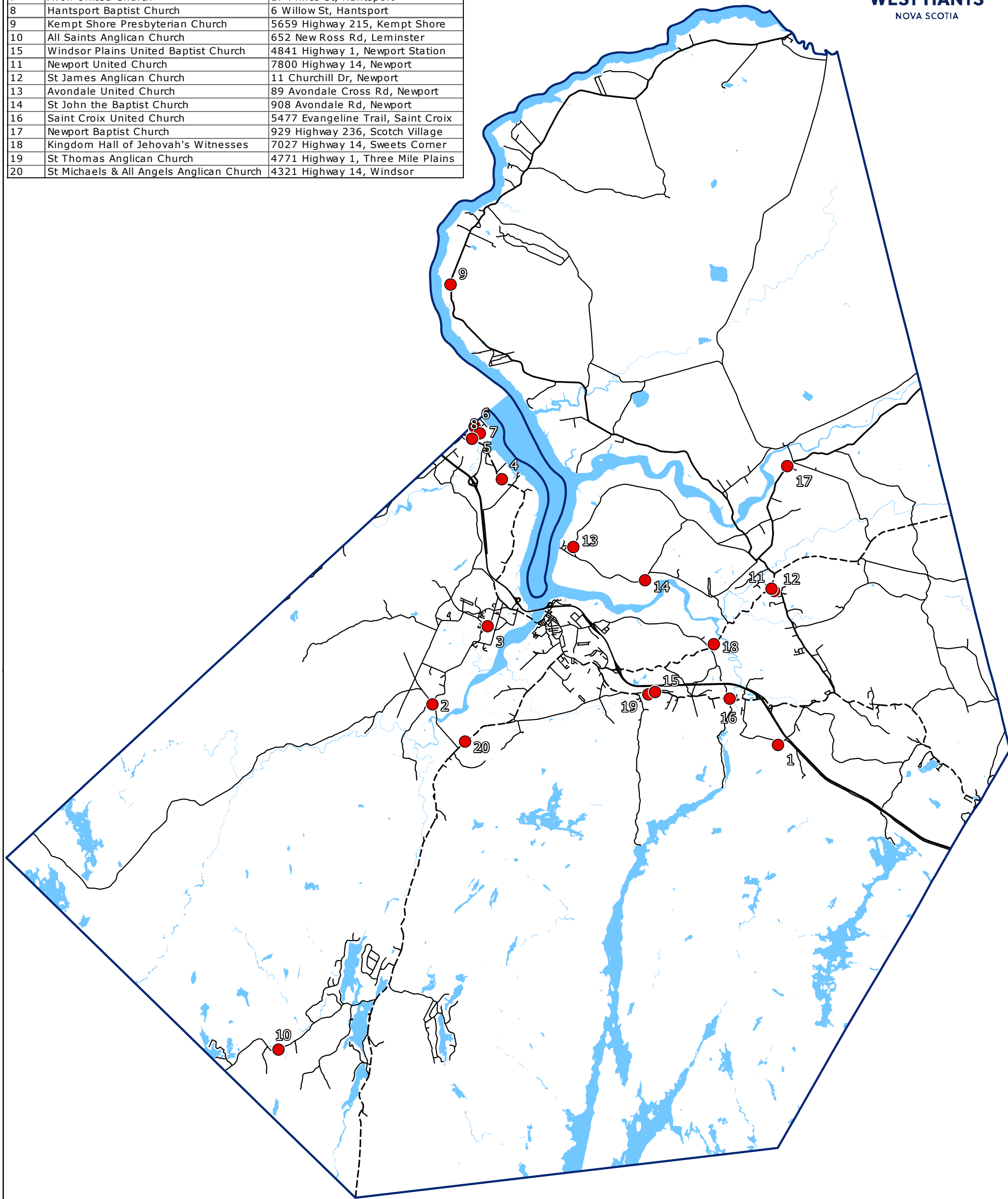
Madelyn LeMay, Director of Planning and Development

**Attachment A - West Hants Regional Municipality Churches Map**



**WEST HANTS**  
NOVA SCOTIA

NUM	NAME	ADDRESS
1	St Louise Union Church	16 Maple Ave, Ellershouse
2	St George's Anglican Church	465 Sangster Bridge Rd, Falmouth
3	Falmouth United Baptist Church	404 Town Rd, Falmouth
4	Mount Denson Baptist Church	533 Highway 1, Hantsport
5	St Andrew's Anglican Church	59 Main St, Hantsport
6	St Mary's Catholic Church	67 Main St, Hantsport
7	Avon United Church	17 Prince St, Hantsport
8	Hantsport Baptist Church	6 Willow St, Hantsport
9	Kempt Shore Presbyterian Church	5659 Highway 215, Kempt Shore
10	All Saints Anglican Church	652 New Ross Rd, Leminster
15	Windsor Plains United Baptist Church	4841 Highway 1, Newport Station
11	Newport United Church	7800 Highway 14, Newport
12	St James Anglican Church	11 Churchill Dr, Newport
13	Avondale United Church	89 Avondale Cross Rd, Newport
14	St John the Baptist Church	908 Avondale Rd, Newport
16	Saint Croix United Church	5477 Evangeline Trail, Saint Croix
17	Newport Baptist Church	929 Highway 236, Scotch Village
18	Kingdom Hall of Jehovah's Witnesses	7027 Highway 14, Sweets Corner
19	St Thomas Anglican Church	4771 Highway 1, Three Mile Plains
20	St Michaels & All Angels Anglican Church	4321 Highway 14, Windsor



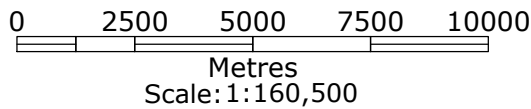
## Municipality of the District of West Hants

### Churches in West Hants

- Church
- Municipal Boundary
- Roads
  - Local (Public and Private)
  - Regional
  - Arterial
  - Collector
- Water

Prepared by:  
West Hants Planning Department  
February 2019

Base data derived from the Nova Scotia Property Records Database (NSPRD), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia



**Attachment B - 2022-01-13 Mobile Canteen Information Report for PAC**



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information X	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Alex Dunphy, Planner

**Date:** January 13<sup>th</sup>, 2022

**Subject:** Mobile Canteen Vending By-law Amendment Request

### LEGISLATIVE AUTHORITY

Municipal Government Act Section 172 (c), (f), and 172 (2) (e)

### RECOMMENDATION

This is an information report to the Planning and Heritage Advisory Committee to aid in discussion regarding a proposed amendment to the Mobile Canteen Vending By-law to allow mobile vendors to be located on community centre properties.

### BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Mayor Zebian brought forward a recommendation to Council on September 14<sup>th</sup>, 2021 to request a staff report on amending the Mobile Canteen Vending By-law (RV-001) to allow mobile canteens to operate on community centre properties.

### DISCUSSION

***Community Centres in Land Use By-laws (LUBs)***

Currently, community centres are only defined in the West Hants Land Use By-law and the term is not used in either the Hantsport or Windsor Land Use By-laws. In the West Hants LUB, community centres are defined as *any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality or local board or agent thereof*. This definition becomes an issue when there is a suggestion to utilize the parking lots for community centres for commercial purposes.

The first issue to address is the restriction of commercial uses in the community centre definition. The restriction cannot be simply removed, as that would permit all commercial uses within community centres. Instead, providing an exception to mobile vendors operating on community centre properties would be a more controlled method. The definition would then also need to be added to both the Hantsport and Windsor LUBs.

The second issue to address is that Clause 4.1 (f) of the Mobile Canteen Vending By-law states: *No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants*. This clause could be removed, however that may have some undesirable consequences such as allowing the operation of mobile vendors on properties without regard to the Land Use By-law. Instead, providing an exception to this clause would be the more controlled method of allow mobile canteens on community centre properties.

### ***Remote Community Centres***

As seen on the Community Centres Map (Attachment A), many community centres are located in remote areas of the Municipality. Staff have previously discussed (Attachment B) the possibility of differentiating permit fees between 'urban' and 'rural' mobile canteens. This approach did not meet the goal of Council to take a regional approach to development. Therefore, fee costs should not change based on the location for which permits are issued.

### ***Consideration of Churches or Other Institutional Uses***

It appears that some community centres are located on the same property as churches. More research is required to confirm this. Churches often have parking lots which are only intended to be used one day a week. With this in mind, staff are interested in potentially extending the amendment to include churches as eligible properties on which mobile canteens can be operated.

### ***Long-term vs. Short-term Licensing***

The current protocol for licensing as per Clause 4.0 (f) of the Mobile Canteen Vending By-law, requires a license to be issued for a specific period of time and additional licenses are required for any change in location or additional period of time. This clause allows for both short-term and long-term licensing for a single location. There are benefits and drawbacks to both styles of licensing.

Long-term licensing is the simplest and most consistent approach for the Municipality. The site plan required for the licence allows the Municipality to approve the setup of the mobile canteen and the mobile canteen owner must then set up based on the site plan. Having a mobile canteen setup in a single location over the course of a season provides consistency for potential customers.

Short-term licensing is more flexible and potentially better suited to mobile canteens. Short-term licensing is partially covered by requiring the licensing authority to consult with the Economic Development Manager or the Event Coordinator for events or holidays. Staff have previously discussed the possibility of introducing a flexible permit to allow operation at a variety of locations over the course of a season. However, flexible permitting was determined to be unfeasible due to the need to individually review site plan criteria for each location that a mobile vendor would be located. During discussions with mobile canteen operators, no interest was shown to change locations during the season.

### ***Taxation Implications***

During a conversation with a representative of Property Valuation Services Corporation, staff asked if there were any implications on property taxation for community centres allowing mobile vending. The representative informed staff that any portion of a tax-exempt property used for a non-exempt use would be considered taxable unless the use was considered insignificant. There is no definition for a significant use and instead PVSC determine taxation based on the individual context of each property. Some criteria which factor into the determination of commercial taxation include the percentage of total area of property use and the frequency of use.

### ***Questions for PAC***

- Should mobile vending be allowed to locate on community center lands, church properties or land with other institutional uses?
- Does PAC/HAC want to make this recommendation if the community centres may be subject to commercial taxation?

### **NEXT STEPS**

Discussion from PAC/HAC will be incorporated into the report and presentation to COTW.

### **FINANCIAL IMPLICATIONS**

There are no financial implications to the Municipality or residents with regard to the filing of this report. There may be associated financial implications to the Municipality if Council agrees to amend specific by-laws. This would include the advertising of the proposed amendments to the specific by-laws.

Any amendments to the fees in the policies or by-laws would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

Any portion of a tax-exempt property used for a non-exempt use is likely to result in taxation of that portion of the property, unless the non-exempt use is deemed insignificant by PVSC.

Allowing community centre properties to be used for mobile vending will not affect the ability for community centres to apply for municipal grants.

## **ALTERNATIVES**

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- recommend staff to continue to collect the necessary information for an amendment; or
- provide alternative direction, such as requesting further information on a specific topic.

## **ATTACHMENTS**

Attachment A            West Hants Regional Municipality Community Centres Map

Attachment B            2021-07-27 Mobile Canteen Second Reading Report

Report Prepared by: \_\_\_\_\_

Alex Dunphy, Planner

Report Approved by: \_\_\_\_\_

Madelyn LeMay, Director of Planning and Development

**Attachment A - West Hants Regional Municipality Community Centres Map**

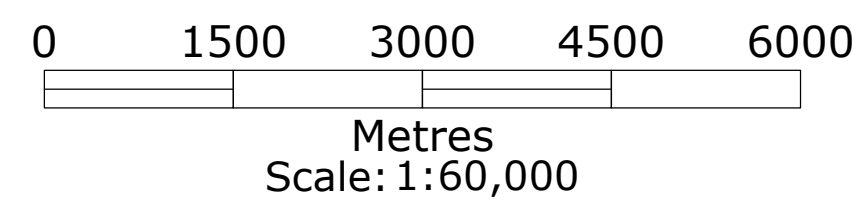
# West Hants Regional Municipality



West Hants

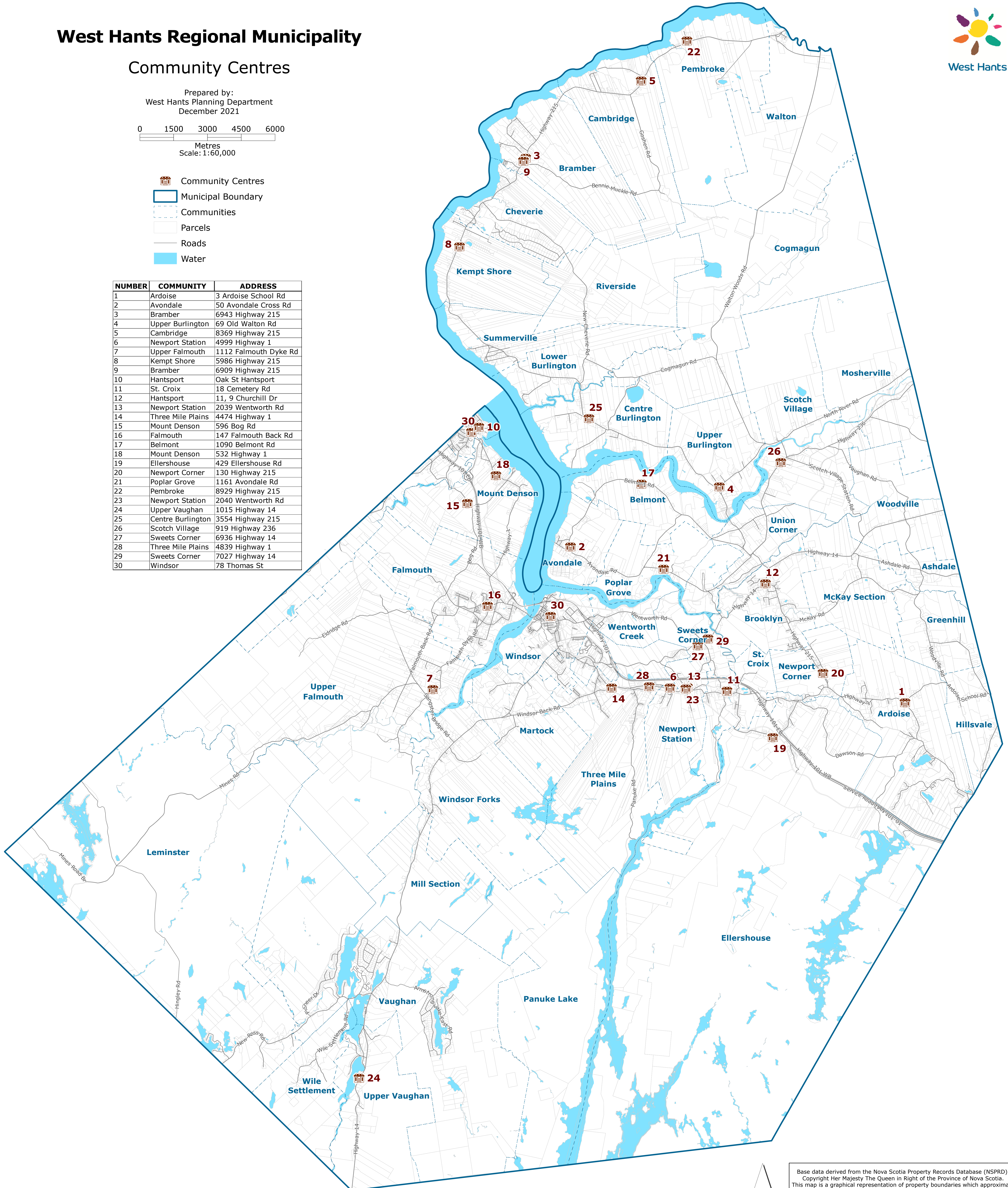
## Community Centres

Prepared by:  
West Hants Planning Department  
December 2021



- Community Centres
- Municipal Boundary
- Communities
- Parcels
- Roads
- Water

NUMBER	COMMUNITY	ADDRESS
1	Ardoise	3 Ardoise School Rd
2	Avondale	50 Avondale Cross Rd
3	Bramber	6943 Highway 215
4	Upper Burlington	69 Old Walton Rd
5	Cambridge	8369 Highway 215
6	Newport Station	4999 Highway 1
7	Upper Falmouth	1112 Falmouth Dyke Rd
8	Kempt Shore	5986 Highway 215
9	Bramber	6909 Highway 215
10	Hantsport	Oak St Hantsport
11	St. Croix	18 Cemetery Rd
12	Hantsport	11, 9 Churchill Dr
13	Newport Station	2039 Wentworth Rd
14	Three Mile Plains	4474 Highway 1
15	Mount Denson	596 Bog Rd
16	Falmouth	147 Falmouth Back Rd
17	Belmont	1090 Belmont Rd
18	Mount Denson	532 Highway 1
19	Ellershouse	429 Ellershouse Rd
20	Newport Corner	130 Highway 215
21	Poplar Grove	1161 Avondale Rd
22	Pembroke	8929 Highway 215
23	Newport Station	2040 Wentworth Rd
24	Upper Vaughan	1015 Highway 14
25	Centre Burlington	3554 Highway 215
26	Scotch Village	919 Highway 236
27	Sweets Corner	6936 Highway 14
28	Three Mile Plains	4839 Highway 1
29	Sweets Corner	7027 Highway 14
30	Windsor	78 Thomas St



Base data derived from the Nova Scotia Property Records Database (NSPRD).  
Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.  
This map is a graphical representation of property boundaries which approximate  
size, configuration and location of parcels. This is not a land survey and is not  
intended for legal descriptions or to calculate exact dimensions or area.

**Attachment B - 2021-07-27 Mobile Canteen Second Reading Report**



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of West Hants Regional Council

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Planner

**Date:** 2021-07-27

**Subject:** Mobile Canteen Vending By-law; File #20-26

**LEGISLATIVE AUTHORITY**

MGA 172 Power to make By-laws  
MGA 173 Vending on Streets

**RECOMMENDATION**

...that Council approves the Mobile Canteen Vending By-law, RV-001, in a manner substantively the same as the draft set out in Attachment A of the report #20-26 to the Committee of the Whole dated June 6, 2021, which will repeal the Hawkers, Traders and Peddlers Bylaw, Bylaw #15, dated May 6, 1998 and the Temporary Vendor Bylaw, Bylaw #40, dated March 12, 2012 of the former Town of Windsor.

...that Council approves the fees for mobile canteens as outlined in Table 2 Option 3 of the report #20-26 to the Committee of the Whole dated June 6, 2021.

**BACKGROUND**

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A motion was approved by Council on September 22, 2020 to "direct staff to prepare a report for Council on the by-laws and fees applicable for restaurants (including sidewalk cafés) and mobile vending units. It would be helpful to include information on the

*location permissions as well as comparable fees in our region for similar services along with any recommendations for changes staff may deem appropriate”.*

Committee of the Whole (COTW) reviewed the staff recommendation report on June 8, 2021. COTW recommended in favour of the draft Mobile Canteen Vending By-law and fees as outlined in Table 2 Option 3 of the staff report which are as follows:

\$25 / special event on public property (14 days or less)

\$100 / three (3) months

\$200 / an additional three (3) months on the same property

\$300 / an additional three (3) months on the same property

\$400 / an additional three (3) months on the same property

\$1000 / year on the same property

## **NEXT STEPS**

### **Process**

COTW Review and Recommendation – June 8



Council First Reading – June 22



**Public Hearing and Second Reading – July 27**



Notice of Approval in Local Paper

## **APPENDICIES**

**Appendix A**      2021-06-08 Staff Report to COTW - Mobile Canteen Vending By-law;  
File #20-26

## **CHIEF ADMINISTRATIVE OFFICER REVIEW**

The following remarks were made at the June 8, 2021 COTW meeting. My position remains the same regarding this matter.

“I concur with the remarks made in the report. Promoting mobile canteens is a positive reflection on the Municipality. As with Sidewalk Cafes, mobile canteens add to the vibrancy of events, growth centers and our general community. Ensuring the application process is easy helps to attract and retain the canteens and minimizes staff administrative requirements.

With respect to the fees, the recommended option finds a balance between encouraging their presence but increasing the fee in association with the time they are present in the Municipality selling their products. When considering the fee and its purpose it can

be viewed as a mixed fee for the right to conduct business in the municipality (business occupancy) and for the costs associated with the use or provision of municipal services and spaces to accommodate your business (commercial taxation). Compared to other communities, our rural and urban settings and fees charged at festivals and events the proposed rates are very reasonable.

I support the recommendation as presented. "

Report Prepared by: \_\_\_\_\_  
Sara Poirier, Planner

Report Reviewed by: \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

Report Approved by:  \_\_\_\_\_  
Mark Phillips, CAO

Appendix A



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Members of West Hants Regional Council

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Planner

**Date:** 2021-06-08

**Subject:** Mobile Canteen Vending By-law; File #20-26

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**LEGISLATIVE AUTHORITY**

MGA 172 Power to make By-laws  
MGA 173 Vending on Streets

**RECOMMENDATION or DECISION REQUEST**

...that Council gives First Reading and will hold Public Hearing to consider approving the Mobile Canteen Vending By-law, RV-001, in a manner substantively the same as the draft set out in Attachment A of the report #20-26 to the Committee of the Whole dated June 6, 2021, which will repeal the Hawkers, Traders and Peddlers Bylaw, Bylaw #15, dated May 6, 1998 and the Temporary Vendor Bylaw, Bylaw #40, dated March 12, 2012 of the former Town of Windsor.

...that Council approve the fees for mobile canteens as outlined in Table 2 Option 2 of the report #20-26 to the Committee of the Whole dated June 8, 2021, until such time that a Regional Fees Policy is in effect.

**BACKGROUND**

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A motion was approved by Council on September 22, 2020 to *"direct staff to prepare a report for Council on the by-laws and fees applicable for restaurants (including sidewalk cafés) and mobile vending units. It would be helpful to include information on the location permissions as well as comparable fees in our region for similar services along with any recommendations for changes staff may deem appropriate"*.

Background information can be found in the following reports:

September 9, 2020	Restaurants and Mobile Canteens: Agenda Request Form
February 9, 2021	Mobile Canteens and Sidewalk Cafés: Request for Direction Report to COTW
May 13, 2021	Mobile Canteen Vending By-law: Information Report to PAC/HAC

and minutes of the following Committees and Council meeting:

February 9, 2021	Committee of the Whole
May 13, 2021	Planning and Heritage Advisory Committee

## **DISCUSSION**

### **Mobile Canteen**

The Windsor Hawkers, Traders and Peddlers By-law (1998) permits mobile canteens in the community of Windsor if the owner receives a license from the Municipality.

Upon direction of Council, staff reviewed the Hawkers, Traders and Peddlers By-law (1998) and Temporary Vendor By-law (2012) and propose the following changes:

- extend the By-law to the rest of the Region;
- the Development Officer be specified as the licensing authority;
- describe supporting documentation to accompany an application for a mobile canteen;
- ensure applications for mobile canteens consider parking, safety, access to the property, and garbage collection;
- prohibit mobile canteens from having permanent, direct connection to municipal water, wastewater and sewer service;
- permit mobile canteens in areas where restaurants are permitted as per the relevant Land Use By-law;
- outline when a mobile canteen is permitted on municipal property for an event or holiday upon authorization of the CAO;

- outline that for events or holidays the licensing authority will consult with the Economic Development Manager and/or Event Coordinator to determine how many and what type of mobile canteens should be permitted for the event;
- outline a process for refusal or revocation of permits;
- identify a process for appeal by the applicant if the license is refused or revoked;
- specify that fees will be set in the Municipal Fees Policy;
- repeal the Windsor Hawkers, Traders and Peddlers By-law (1998) and Temporary Vendor By-law (2012)

The draft Mobile Canteen Vending By-law was taken to the Planning and Heritage Advisory Committee for discussion on May 13, 2021. The Committee discussed and agreed with the proposed Mobile Canteen Vending By-law as drafted. Staff also discussed the removal of specific licenses for other types of vending including auctioneering, transient vending, temporary vending and mobile refreshment stands. The Committee agreed to recommend removing the requirement for licensing for these specific uses, as there have been limited licenses issued in the past for these uses and not requiring these uses to be licensed does not prevent these uses from happening; it just allows them to happen without charging a fee or requiring a license for the use.

### **Fees**

The Windsor Hawkers, Traders and Peddlers Bylaw (1998) outlines a fee of \$100 for three (3) months for mobile canteens.

Staff investigated the fees for mobile canteens in other Towns and Municipalities in Nova Scotia to see how West Hants Regional Municipality compared (Table 1).

**Table 1: Comparison of License Fees for Mobile Canteens with other Towns and Municipalities**

	<b>Mobile Canteens</b>
<b>West Hants Regional Municipality</b>	\$100 / three (3) months
<b>Town of Wolfville</b>	\$75 / canteen / event \$75 for vending on private property with a timeline set by the Development Officer
<b>Town of Kentville</b>	\$10 / event less than 10 days \$75 / canteen for a period less than three (3) months
<b>Town of Bridgewater</b>	\$25 / week \$75 / month \$200 / year
<b>Town of Truro</b>	No by-law or policy for mobile canteens

<b>Town of Yarmouth</b>	\$200 / month \$500 / year
<b>Municipality of the District of East Hants</b>	No by-law or policy for mobile canteens
<b>Municipality of the County of Kings</b>	\$500 / year
<b>Municipality of the District of Lunenburg</b>	Vending in Municipal Parks: \$25 / event (1 day) \$250 / season
<b>Halifax Regional Municipality</b>	Vending on Municipal Land: \$915 / year / food service vehicle

Staff compared the fees for two existing mobile canteen permits and provided potential options for changes to the fees (Table 2).

The fees for mobile canteens are comparable to other areas, however Council could determine if they would like to permit reduced time periods instead of only permitting mobile canteens for three (3) months at a time (Table 2, Option 2). Another suggestion from the discussion with staff and the Windsor Township Business Association was to change the fee structure to have one fee for mobile canteens that participate in a short-term event on public property and then have an incremental increase in fees based on how long the mobile canteen is located on one property (Table 2, Option 3).

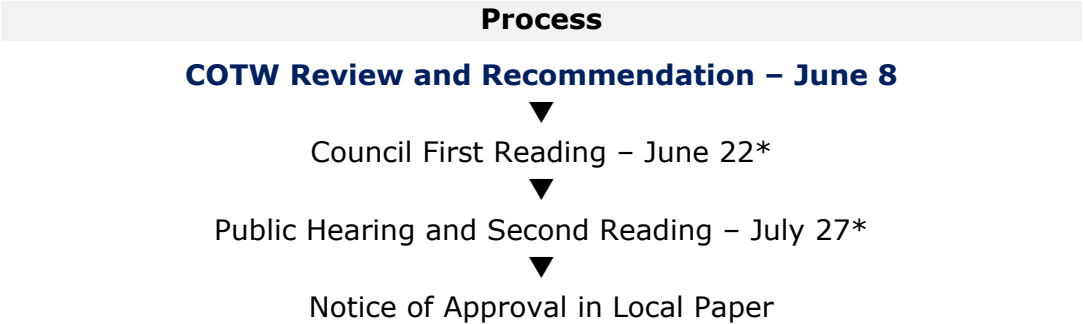
**Table 2: An Example of Possible Fee Amendments to the Hawkers, Traders and Peddlers By-law for Mobile Canteens**

<b>Option 1: Existing Mobile Canteen provisions in the Windsor Hawkers, Traders and Peddlers By-law</b>	<b>Option 2: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit mobile canteens on a monthly, seasonal, or yearly basis</b>	<b>Option 3: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit mobile canteens on a tiered system based on how long they are located on one property</b>
\$100 / three (3) months	\$50 / one (1) month \$100 / three (3) months \$200 / season (May 15 – October 15) \$400 / year	\$25 / special event on public property (14 days or less) \$100 / three (3) months \$200 / an additional three (3) months on the same property

		\$300 / an additional three (3) months on the same property \$400 / an additional three (3) months on the same property \$1000 / year on the same property
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The Planning and Heritage Advisory Committee had a lot of discussion on the proposed fees. Committee members were concerned that increasing the fees would deter mobile canteens in WHRM. PAC/HAC members noted that different fees could be considered for mobile canteens that are not in competition with other businesses (i.e., in the more rural areas of WHRM). They also noted that a mobile canteen is a much different experience than a restaurant and should not necessarily be compared in terms of fees. Planning staff recommend the fee be amended to align with Table 2, Option 2 and that this fee be required of all mobile canteens throughout WHRM. This would ensure all mobile canteens are treated equally regardless of location in the Municipality and would align with fees required in more rural areas of Nova Scotia.

**NEXT STEPS**



\*anticipated dates; final dates set by Council

**FINANCIAL IMPLICATIONS**

There are fees associated with advertising the Public Hearing and notice of approval for the Mobile Canteen Vending By-law. The advertising can be accommodated in the budget.

Any amendments to the fees in the by-law would have a financial impact on business owners within the Region. This financial impact could be positive if the fees are reduced, or negative if the fees are increased.

**ALTERNATIVES**

In response to this recommendation report, Committee of the Whole may:

- recommend that Council hold First Reading and schedule a Public Hearing to consider approving the Mobile Canteen Vending By-law as drafted or as specifically revised by direction of COTW;
- provide alternative direction, such as requesting further information on a specific topic.

**ATTACHMENTS**

- Attachment A      Draft WHRM Mobile Canteen Vending By-law
- Attachment B      Windsor Hawkers, Traders and Peddlers By-law (1998)
- Attachment C      Windsor Temporary Vendor By-law (2012)

**CHIEF ADMINISTRATIVE OFFICER REVIEW**

I concur with the remarks made in the report. Promoting mobile canteens is a positive reflection on the Municipality. As with Sidewalk Cafes, mobile canteens add to the vibrancy of events, growth centers and our general community. Ensuring the application process is easy helps to attract and retain the canteens and minimizes staff administrative requirements.

With respect to the fees, the recommended option finds a balance between encouraging their presence but increasing the fee in association with the time they are present in the Municipality selling their products. When considering the fee and its purpose it can be viewed as a mixed fee for the right to conduct business in the municipality (business occupancy) and for the costs associated with the use or provision of municipal services and spaces to accommodate your business (commercial taxation). Compared to other communities, our rural and urban settings and fees charged at festivals and events the proposed rates are very reasonable.

I support the recommendation as presented.

Report Prepared by: \_\_\_\_\_  
Sara Poirier, Planner

Report Reviewed by: \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

Report Approved by:  \_\_\_\_\_  
Mark Phillips, CAO

MOBILE CANTEEN VENDING BY-LAW

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**1.0 AUTHORITY**

This By-law is made pursuant to the *Municipal Government Act*, RSNS 1998, as amended from time-to-time and hereinafter referred to as the "Act".

Pursuant to Section 172 (c) and (f), *Power to make by-laws*, of the *Act*, Council may make by-laws for municipal purposes, respecting persons, activities and things in, on or near a public place or place that is open to the public, as well as to businesses, business activities and persons engaged in business.

Pursuant to Section 173, *Mobile Canteens*, of the *Act*, Council may regulate vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the Municipality by by-law.

Section 172 (2) (e) of the *Act* enables municipalities to provide for a system of licenses, permits or approvals in any by-law.

**2.0 PURPOSE**

The purpose of this by-law is to regulate mobile canteens within West Hants Regional Municipality.

This By-law shall be known and may be cited as the Mobile Canteen Vending By-law.

**3.0 DEFINITIONS**

- (a) "CAO" means the Chief Administrative Officer of West Hants Regional Municipality;
- (b) "Council" means the Council of West Hants Regional Municipality;
- (c) "licensing authority" means the Development Officer for the Municipality who receives applications for licenses under this By-law;
- (d) "mobile canteen" means any vehicle which is required to be licensed and registered pursuant to the *Motor Vehicle Act* and is used for the displaying, storing, transporting of food and beverages for sale directly to the public by a vendor, saving and excepting the sale of direct products of the farm, forest or sea which are not cooked within the vehicle;
- (e) "Municipality" means the West Hants Regional Municipality;
- (f) "person" means an individual, body corporate or non-profit organization;

**4.0 APPLICATIONS AND LICENSING**

*MOBILE CANTEEN VENDING BY-LAW*

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- (a) All licenses issued in the Municipality shall apply only to the person or business receiving the license.
- (b) A license issued under this By-law shall be publicly displayed at all times at the site of the vendor's business.
- (c) All licenses issued in accordance with this By-law shall be signed by the licensing authority and Clerk and sealed with the seal of the Municipality and shall bear the date of issue;
- (d) Every application for a license shall be made in writing to the licensing authority, and shall contain:
  - (i) the applicable fee as established in the Fees Policy;
  - (ii) the name, mailing address, telephone number, and e-mail address of the applicant;
  - (iii) the corporate or partnership or sole proprietorship business name, if applicable;
  - (iv) the street address of the site of the proposed use;
  - (v) the dates and times proposed for the use;
  - (vi) written permission from the owner if the applicant is proposing to use a site which the applicant does not own.
- (e) The licensing authority shall notify the applicant within fourteen (14) business days of receipt of a complete application of the approval or refusal of the license.
- (f) A license shall be in force for a specific period and shall expire at the conclusion of that period. An additional licence shall be required for any change in location or additional period of time for any licence.

**4.1 Criteria for Licensing Mobile Canteens**

- (a) No person shall operate any mobile canteen on private or municipal property without first obtaining and paying for a licence from the licensing authority. The mobile canteen must be operated in accordance with the licence issued.
- (b) Mobile canteens shall only be permitted on privately-owned property within the Municipality, except during events or holidays where they may be permitted on property owned by the Municipality if the CAO is satisfied that the mobile canteen is a reasonable use of such property for the specific dates, and is one which will not interfere unduly with other municipal uses of the property.

*MOBILE CANTEEN VENDING BY-LAW*

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- (c) Mobile canteens shall not be permitted to have a permanent direct connection to municipal water, wastewater or sewer service.
- (d) Mobile canteen licensees shall maintain appropriate solid waste bins for applicable streams of solid waste such as compostable, recyclable and residual solid waste and shall be responsible for tidy up and disposal of waste generated by the customers or staff of the Mobile Canteen.
- (e) Every application for a mobile canteen license shall be made in writing to the licensing authority, and shall contain, in addition to the items specified in 4.0 (d) above:
  - (i) The mobile canteen name, and corporate name if applicable;
  - (ii) A copy of the Motor Vehicle Inspection (MVI);
  - (iii) A copy of the insurance;
  - (iv) A copy of the food establishment permit, food handling certification and/or temporary event permit issued by the Province of Nova Scotia;
  - (v) A site plan that shows the proposed location of the mobile canteen and of the existing structures on the lot, access to the property, parking, garbage collection receptacles, and any other items that may assist with the review of the application;
- (f) No licence shall be issued if the application is for a location where the relevant Land Use By-law does not permit restaurants.
- (g) For events or holidays, the licensing authority shall consult with the Economic Development Manager and/or Event Coordinator prior to issuing the license. The Economic Development Manager and/or Event Coordinator shall notify the licensing authority of the maximum number and type of mobile canteens licences that shall be permitted for that event or holiday.

**6.0 REFUSAL**

The licensing authority shall refuse to issue a permit where:

- (a) the application requirements in Section 4.0 and/or 5.0 have not been met;
- (b) the Traffic Authority determines the proposed site is unsuitable having regard to pedestrian or vehicular traffic movement, access or safety;
- (c) the licensing authority determines the proposed location is not suitable in terms of zoning, lot size, setbacks, access, or available parking as specified in the relevant Land Use By-law;
- (d) for events or holidays, the maximum number and type of mobile canteens specified by the Economic Development Manager and/or Event Coordinator has already been reached or the CAO has declined permission to use municipal property.

*MOBILE CANTEEN VENDING BY-LAW*

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**7.0 REVOCATION**

The licensing authority shall revoke a permit where:

- (a) the Motor Vehicle Inspection (MVI), insurance or food establishment permit, food handling certification and/or temporary event permit issued by the Province of Nova Scotia has expired or is revoked;
- (b) concerns about pedestrian or vehicular traffic movement, access or safety have been expressed by the Traffic Authority;
- (c) garbage or other waste is not adequately contained and disposed of on-site;
- (d) the licensing fee has not been paid up to date;
- (e) the licensee is in violation of any provision of this By-law or of any other By-law of the Municipality.

**8.0 PENALTIES AND ENFORCEMENT**

- (a) Any person who fails to comply with any of the provisions of this By-law or a license granted pursuant to this By-law, shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- (b) The Municipality may apply to a Judge of the Supreme Court of Nova Scotia for an injunction or other order where:
  - (i) Land is being used in contravention of this or any other By-law;
  - (ii) A person is operating a mobile canteen without having paid the license fee or obtained and maintained in good standing a license; or
  - (iii) A breach or continued breach or repetitive breach of this By-law is anticipated.

**9.0 APPEALS**

- (a) A decision of the licensing authority to refuse to issue or to revoke a license may be appealed to Council within fourteen (14) days of the decision of the licensing authority by written notice of appeal delivered to the Clerk.
- (b) Council shall convene an appeal hearing within 60 days of receipt of the appeal letter and may, following the appeal hearing, confirm or rescind the licensing authority's decision.
- (c) In hearing an appeal for a holiday or events license, Council may substitute its own opinion for that of the Economic Development Manager and/or Event

*MOBILE CANTEEN VENDING BY-LAW*

Coordinator as to the maximum number of such licenses to issue for the event or holiday.

**10.0 REPEAL**

The Hawkers, Traders and Peddlers Bylaw, Bylaw #15, of the former Town of Windsor dated May 6, 1998 and the Temporary Vendor Bylaw, Bylaw #40, of the former Town of Windsor dated March 12, 2012 are hereby repealed.

I, (Municipal Clerk Name), Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the \_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

(Signature of Municipal Clerk)  
 (Typed name of Municipal Clerk)

By-law Adoption	
First Reading:	<i>date</i>
Notice Published:	<i>date</i>
Second Reading & Approval	<i>date</i>
Final Publication	<i>date</i>
Notice to Municipal Affairs	<i>date</i>
Description:	



**TOWN OF WINDSOR  
BYLAW # 15  
HAWKERS, TRADERS AND PEDDLERS BYLAW**

- 15.01** No person shall either as a wholesaler or retailer to businesses or residents of the Town hawk or peddle nor go from door to door or sell or offer for sale in the Town by sample or otherwise any goods, wares, merchandise or any other article or thing of whatsoever nature or kind nor engage in, carry on, exercise, or pursue the business or calling of a transient merchant who is not and who has not been for at least one year next previously a resident of the Town, shall hawk or peddle nor go from door to door or sell or offer for sale in the Town of Windsor by sample or otherwise any goods, wares, merchandise, or any other article or thing of whatsoever nature or kind nor engage in, carry on, exercise or pursue the business or calling of a transient merchant, trader, peddler, or hawker without first having obtained a license authorizing to do so.
- 15.02** No person, shall as agent, clerk, assistant, servant or employee of any other person or of any corporation who or which is not and has not been for one year next previously a ratepayer of the Town and assessed upon property therein, hawk, or peddle nor go from door to door and sell or offer for sale in the Town of Windsor by sample or otherwise any goods, wares, merchandise, or any other article or thing of any nature, kind, or description nor engage in, carry on, exercise, or pursue the business of calling of a transient merchant, trader, peddler, or hawker within the Town of Windsor, without his principal or employer having first obtained a license authorizing such principal to engage in the business of a transient merchant, trader, peddler, or hawker and to hawk, peddle and go from door to door and sell or offer for sale in the Town, goods, wares, and merchandise under the provisions of the previous Section and designating him as such agent, clerk, assistant, servant or employee.
- 15.03** Any person violating any of the provisions of Sections 15.01, 15.02 in reference to peddlers and hawkers, shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment to imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- 15.04** Every person applying for a license under Sections 15.01 or 15.02 of these Bylaws shall pay to the Town a license fee of Fifty Dollars (\$50.00) which license shall be valid for a period of up to three months from the date of issue.
- 15.05** Any person coming within the definitions of persons prohibited under Bylaws 15.01 and 15.02 from hawking or peddling or selling without a license, engaging in the business of hawking or peddling or going from door to door and offering

goods, wares, merchandise or other things for sale by sample or otherwise or soliciting persons to subscribe for or take any book, paper, magazine, chart, drawing, photograph, picture or thing shall when required by any person produce and show the license authorizing him to engage in said business or to sell or offer for sale the said goods, wares, merchandise, or other things or to solicit subscriptions, and if he is acting for or on behalf of any other person or corporation, also the license authorizing the said other person or corporation to engage in the said business within the Town, and on refusal or failure to produce such license or licenses as the case may be shall be guilty of the offence of hawking and peddling or soliciting subscriptions, as the case may be, without license, whether he or his employer was or was not the holder of a license.

**15.06**

- (a) No person shall within the Town of Windsor carry out the operation of a mobile canteen or mobile refreshment stand, without having first obtained a license for the operation of such mobile canteen or mobile stand.
- (b) A mobile canteen means any vehicle used for the displaying, storing or transporting of food and beverages for sale directly to the public by a Vendor, saving and expecting direct products of the farm, forest or sea which is required to be licensed and registered pursuant to the Motor Vehicle Act or propelled by human power whether required to be licensed or not, and includes stands;
- (c) A mobile refreshment stand means any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device, which may be moved without the assistance of a motor and which is not required to be licensed and registered pursuant to the Motor Vehicle Act, used for the displaying, storing, transporting or sale of food and beverages directly to the public by a vendor, saving and expecting direct products of the farm, forest or sea;
- (d) Every person applying for a license under this Section shall pay a fee for such license in the amount of One Hundred Dollars (\$100.00) which license shall be valid for a period of three months from the date of issue. (04/28/98).

**15.07**

- (a) No person shall within the Town of Windsor exercise the office or business of auctioneer nor sell at auction within the Town any real or personal property of any nature, kind, or description without first obtaining an auctioneer's license. Provided, however, that this Section shall not apply to sales at church socials or benevolent bazaars or entertainments nor to the sheriff or other officers of law selling under due process of the law.
- (b) The fee for an auctioneer's license shall be Fifty Dollars (\$50.00) for each day during which an auction is conducted.

**15.08**

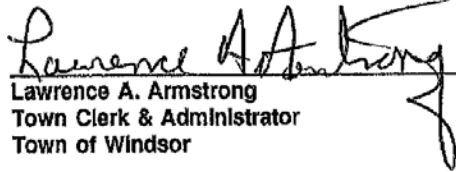
All licenses issued in the Town shall be signed by the Mayor and Chief Administrative Officer and sealed with the seal of the Town and shall bear date of the day of issue.

**15.09**

The sum to be paid for a license issued under any of these Bylaws shall be paid to the Town Clerk for the purposes of the Town before the issuing of the license.

- 15.10** A license shall be personal to the person to whom it is granted and it is not transferable and it shall entitle only the person named therein to sell under it.
- 15.11** Any person who fails to comply with any of the provisions of this Bylaw shall be liable on summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1000.00), and in default of payment imprisonment for a period of not less than ten (10) days nor more than ninety (90) days.
- 15.12** This Bylaw shall not affect the products of the farm, the forest, or the sea.

I certify that the foregoing is a true copy of the by-law passed by the Town of Windsor at a meeting of Windsor Town Council held on the 28th day of April 1998.

  
Lawrence A. Armstrong  
Town Clerk & Administrator  
Town of Windsor

- (1) First notice to Council January 27, 1998
- (2) Date of first reading of by-law February 24, 1998
- (3) Date of Publication, seven day notice prior to second reading April 8 & 15, 1998
- (4) Date of second reading of by-law April 28, 1998
- (5) Date of third reading of by-law April 28, 1998
- (6) Date of publication of final passage May 6, 1998

## Attachment C: Windsor Temporary Vendor By-law (2012)



### TOWN OF WINDSOR BYLAW # 40

## Temporary Vendor Bylaw

### AUTHORITY

#### 40.01

Sections 172 (1) (c), (f) of the Municipal Government Act provides municipalities with the power to make bylaws respecting persons, activities and things in, on or near a public place or place that is open to the public, as well as to businesses, business activities and persons engaged in business.

Section 172 (2) (e) of the MGA provides municipalities to, in any bylaw, provide for a system of licenses, permits or approvals.

### INTERPRETATION

#### 40.02

In this bylaw:

"bulk" means, but not limited to, items sold in large quantities, wholesale, or liquidation

"CAO" means the Chief Administrative Officer of the Town of Windsor;

"Council" means the Council of the Town of Windsor;

"licensing authority" means the CAO, or such employee or agent of the Town as the CAO may designate to receive applications for licenses under this by-law;

"person" means an individual, guild, agency, or body corporate;

"sell" includes selling, trading, or otherwise transferring for a valuable consideration, whether present or executor;

"Town" means the Town of Windsor;

"temporary vendor" means a person who is selling any of the goods or services set out in Schedule "A" of this by-law at a temporary location, but does not include a person who is operating or carrying on business selling the same goods or services on a permanent basis within the Town of Windsor, Town of Hantsport or Municipality of West Hants' boundaries or those exhibiting products and/or services on the Hants County Exhibition Grounds.

## **SALES OF GOODS AND SERVICES**

**40.03** Any person shall sell goods or services in the Town as a temporary vendor in accordance with a license issued pursuant to this by-law.

## **LICENSING**

**40.04** Every application for a license shall be made in writing to the licensing authority, and shall contain:

- (a) The name, mailing address, telephone number and, if available, facsimile number and e-mail address of the applicant;
- (b) The corporate or partnership name, if applicable;
- (c) A description of the goods or services the applicant proposes to sell;
- (d) The street address of the site of the proposed sale;
- (e) The dates and times of the proposed sale;
- (f) If the applicant is proposing to sell at a site of which the applicant is not the owner, written permission from the owner; and
- (g) Confirmation of liability insurance in a minimum amount of \$1,000,000 for each occurrence in respect of operations at the proposed site of sale.

**40.05** After receipt of a completed application, the licensing authority shall issue a license:

- (a) upon confirming that the proposed site of the sale is zoned for such use under any applicable Land Use By-Law; and
- (b) upon receipt of the license fee.

**40.06** A license issued under this by-law shall:

- (a) include the description of the goods or services and the site and times of sale referred to in section 40.04; and
- (b) be conspicuously displayed at all times at the site of the vendor's business.

**40.07** A license issued under this by-law shall be in force for the period during which a temporary vendor is authorized to offer goods or services for sale, shall expire at the conclusion of that period, and must be reissued for each subsequent sale of goods or services by a temporary vendor.

**40.08** Revocation

A license may be revoked where:

- (a) The licensee is in violation of any provision of this by-law or of any other by-law of the Town;

**40.09 Appeals**

A decision of the licensing authority to refuse to issue or to revoke a license may be appealed to Council within fourteen days of the decision of the licensing authority by written notice of appeal delivered to the CAO. Council shall convene an appeal hearing and may, following the appeal hearing, confirm or rescind the licensing authority's decision.

**PENALTIES AND ENFORCEMENT**

**40.10** Every person who contravenes or fails to comply with any provision of this by-law or a license granted pursuant to this by-law, or any person who owns or controls premises or property used for unlicensed sale of goods or services by a transient vendor commits an offence and is liable on conviction to a penalty of not less than \$5000 and not more than \$10,000 or, in default of payment, to imprisonment for a period of not less than 30 days.

**40.11** The Town may apply to a judge of the Supreme Court of Nova Scotia for an injunction or other order where:

- (a) Land is being used in contravention of this by-law;
- (b) A person is selling goods or services without having paid the license fee required; or
- (c) A breach of this by-law is anticipated or is of a continuing nature.

**LICENSE FEES**

**40.12** The fee for the issuance of a license under this by-law shall be the fee set out in Schedule "A" for the applicable good or service being sold.

**EFFECTIVE DATE**

**40.13** This Bylaw shall be effective upon publication.

## SCHEDULE "A"

### Goods or services to be licensed

1. Bulk motor vehicles as defined in the Motor Vehicle Act of Nova Scotia but does not include motorized wheelchairs.  
License fee \$250
2. Bulk furniture normally sold at a furniture or department store in Windsor but does not include furniture sold at a licensed auction.  
License fee \$250
3. Bulk appliances normally sold at a furniture store, hardware store or department store in Windsor but does not include appliances sold at a licensed auction.  
License fee \$250
4. Bulk building materials used to construct/renovate home and/or commercial buildings. License fee \$250

**CAO/Clerk's Annotation (Office Use Only)**

Date of first reading:	December 20, 2011
Dates of advertisement of Notice of Intent to Consider:	January 05 & February 02, 2012
Date of second reading:	February 28, 2012
*Date of advertisement of Passage of Bylaw:	March 08, 2012
Date of mailing to Minister a certified copy of Bylaw:	March 12, 2012

I certify that this Temporary Vendors Bylaw #40 was adopted by Council and published as indicated above.



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Louis Coutinho, CAO  
Town of Windsor



## ACTIVITY REPORT

For Month of January 1/31/2022

Type	Jan 2021			Jan 2022		
	Permits	Units	Value of Construction	Permits	Units	Value of Construction
Single Family	15	2	1,152,375	12	6	932,429
Duplex/Semi	7	12	1,734,500	1	2	250,000
Apartments	0	0	0	0	0	0
Other Residential	14	0	178,300	4	0	83,500
Commercial	0	0	0	0	0	0
Industrial	1	0	400,000	0	0	0
Inst & Gov	1	0	47,000	1	0	430,562
Agriculture	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total</b>	<b>38</b>	<b>14</b>	<b>3,512,175</b>	<b>18</b>	<b>8</b>	<b>1,696,491</b>
<b>Year To Date</b>	<b>38</b>	<b>14</b>	<b>3,512,175</b>	<b>18</b>	<b>8</b>	<b>1,696,491</b>
Demolition	2	0		0	0	
Sign Permits	0			0		
Sub Applications	4	2 (Lots Requested)		1	1 (Lots Requested)	



## WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Planning and Heritage Advisory Committee  
**Submitted by:** Madelyn LeMay, Director, Planning and Development  
**Date:** February 10, 2022  
**Subject:** Application for Heritage Grant Funding Under the Municipal Heritage Property Conservation Work Grant Guidelines: Kempt Shore United Church

### 1.0 LEGISLATIVE AUTHORITY

Municipal Heritage Property Conservation Work Grant Policy RCOPL-003.00 approved November 24, 2020.

### 2.0 RECOMMENDATION

Should PAC/HAC wish to recommend in favour of the requested grant, the following motion would be in order:

... PAC/HAC recommends that Council provide a maximum grant of \$7,400.00 to the Kempt Shore Preservation Society/ Trustees of Kempt United Baptist Church, owner of Kempt Shore United Church, located at 5659 Highway 215, Kempt Shore, PIDs 45179900 & 45410917 in order to facilitate the preservation, repair and replacement of portions of the existing steeple on the church as needed.

### 3.0 BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social X	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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An application has been received for a heritage permit for work on the steeple of the Kempt United Baptist Church. All of the proposed work is considered “non-substantial” on the list approved by Council November 24, 2020 (Appendix A). As a result, no heritage permit is required.

An application has also been received for grant funding to carry out the work.

## **4.0 DISCUSSION**

### **4.1 Request**

As noted, an application has been received to carry out some preservation, repair and replacement work on the existing steeple. The work intended on the steeple is:

- remove and replace existing shingles and trim;
- install new sheeting; and
- prime and paint.

The work is reflected in the quote given to the Kempt Shore Preservation Society (Appendix B).

### **4.2 Eligibility**

The Municipal Heritage Property Conservation Work Grant Policy (Appendix C) lists specific work as either eligible or ineligible for funding. The comparison of the proposed work to the Guidelines shows that all of the work proposed is eligible for funding in accordance with the Grant Policy.

## **5.0 NEXT STEPS**

Should Council determine that a grant will be provided, funds would be disbursed only after the work is complete and the requirements of the funding program are carried out. Receipts must be provided for all work.

## **6.0 FINANCIAL IMPLICATIONS**

The total eligible grant is \$7,400. The 2021-2022 Budget includes \$5,000.00 as "Heritage Grant" intended to provide funds for the *Municipal Heritage Property Conservation Work Grant Policy* funding program. The remaining \$2,400 will come from the carryover reserve where unused operational heritage grants are transferred at year end for future use.

The owner is eligible for funding under this program as a non-profit organization which is registered with the Nova Scotia Registry of Joint Stocks.

No other application under this policy has been received this year.

The maximum incentive is \$10,000 per property within a five (5) year period for eligible conservation work and is to be allocated on a 50% cost-sharing, matching basis. Project costs are based on actual eligible expenses; in kind contributions are not included. The estimate received indicates that the Kempt Shore Preservation Society would be eligible for a maximum of \$7,400.00 if the costs are as estimated.

## **7.0 ALTERNATIVES**

PAC/HAC may determine it does not wish to recommend in favour of the requested heritage grant; this would be contrary to policy.

## **APPENDICIES**

- Appendix A List of Approved Non-Substantial Changes
- Appendix B Kempt United Church Estimate
- Appendix C Municipal Heritage Property Conservation Work Grant Policy

Report Reviewed by:

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Carlee Rochon, Director, Finance

## **APPENDIX A**

**Approved November 24, 2020**

### **WEST HANTS REGIONAL MUNICIPALITY**

#### **List of Alterations to Municipally Designated Heritage Properties which are to be Considered Non-Substantial**

- replacement of or repair to any element of the exterior or public building interior where no change is intended;
- items which the Heritage Advisor considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);
- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and "Selkirk" chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which do not require a building permit;
- alteration of existing minor accessory structures which do not require a building permit;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as ground level "patios" or stairways which are not connected to the main building.



*MUNICIPAL HERITAGE PROPERTY CONSERVATION WORK GRANT POLICY*

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**Objective**

To provide information for owners of Municipal Heritage properties regarding the financial assistance program which supports conservation of this important resource.

**Eligible Applicants**

The program provides eligible owners of Municipal Heritage properties with access to financial assistance comparable to that available to Provincially registered heritage properties. Within the limits of the annual budget, the Heritage Funding Program provides a maximum grant of \$10,000 within a five (5) year period for eligible conservation work.

Eligible owners include only not-for-profit organizations incorporated under the Societies Act of Nova Scotia and private owners.

**General Project Requirements**

- all work must be completed and the final claim made by March 31 of the year in which the work is done;
- an application must be completed and an estimate must be provided from one contractor for the proposed work;
- grants are provided at the discretion of Council and no grant will be provided for work started before the grant is approved.

**Eligible Conservation Work & Materials**

Projects related to architectural elements which support the designation of the property including:

- **Preservation** of existing architectural elements, including but not limited to, repair of windows, doors, cladding, roof, foundation, and architectural trim;
- **Replacement** of architectural elements which still exist but which are beyond preservation or repair, including doors, windows, cladding, roofing, foundation materials, and architectural trim, using materials and configurations similar to the original;
- **Restoration** of significant architectural elements which have been lost but for which the appearance can be determined from physical evidence or documentary sources such as historic drawings or photographs; and
- **Replacement or repair of structural elements** which support the building or structure.

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**MUNICIPAL HERITAGE PROPERTY CONSERVATION WORK GRANT POLICY**


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**Ineligible Work & Materials**

- modern materials or elements such as vinyl or aluminum clad windows, steel doors, vinyl siding, or synthetic cladding unless required to meet the requirements of the Building Code Act By-law;
- short-term routine maintenance, including minor repairs to non-original cladding or roofing;
- landscaping features and repairs to minor structures such as fences and retaining walls which do not support the building;
- work carried out prior to approval of the grant;
- poor or defective work;
- electrical, heating or plumbing work;
- construction of an addition;
- construction of an accessory building;
- new windows and doors that do not support the heritage character of the building; and
- owner's labour.

**Project Evaluation**

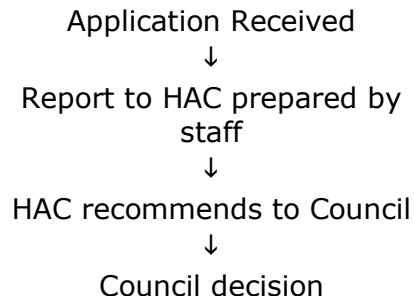
The project will be evaluated using criteria established under the Standards and Guidelines for the Conservation of Historic Places in Canada.

Priority will be given to:

- first-time applicants;
- work on structural or weatherproofing elements; and
- applications supported by a Building Conservation Plan (a drawing or a report which reasonably illustrates all intended work) prepared by an architect, building official, engineer, or restoration professional.

**Application Review Process**

The process for review of an application takes approximately three (3) months.



All eligible applications may not receive approval due to limited funds.

**Grants & Applications**

*MUNICIPAL HERITAGE PROPERTY CONSERVATION WORK GRANT POLICY*

- Grants are awarded on a 50% cost-sharing, matching basis;
- The minimum grant is \$500. per property;
- The maximum number of grants per property is two (2) per fiscal-year and ten (10) in any five (5) year fiscal period;
- Grants are based on eligible expenses; in-kind contributions are not included in calculating the grant.

**Conditions of Approval & Payment of Funds**

- Projects must be completed within the fiscal year for which they were approved unless exceptional circumstances arise following approval. Approval for extending the grant into a second fiscal year must be requested from the Chief Administrative Officer as soon as the need is known;
- Grants are conditional on completion of the approved and submission of receipts and paid invoices;
- Deadline for submission of receipts and paid invoices is March 31 each year;
- The applicant shall notify the Municipality of any proposed changes to the approved work and shall receive approval from Council before doing the work;
- Grants are tied to the work approved and will not be given for work which was not approved.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, in the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the **24<sup>th</sup>** day of **November, 2020**.

R. N. Brown  
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	November 13, 2020
<i>Approval:</i>	November 24, 2020
<i>Description:</i> Initial approval of the Municipal Heritage Property Conservation Work Grant Policy, RCOPL-003.00.	

*MUNICIPAL HERITAGE PROPERTY CONSERVATION WORK GRANT POLICY*

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**To:** Planning and Heritage Advisory Committee

**Submitted by:** \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

**Date:** February 10, 2022

**Subject:** Municipal Heritage Plaques; File # 22-02

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**1.0 LEGISLATIVE AUTHORITY**

Heritage Property Act

**2.0 RECOMMENDATION**

If PAC/HAC wishes to forward a positive recommendation the following motion would be in order:

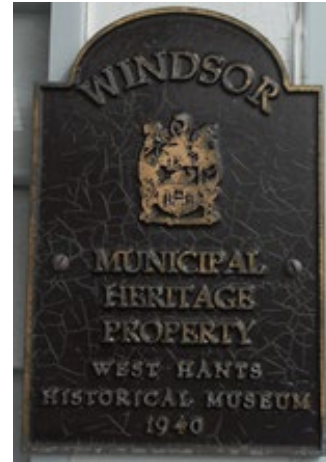
PAC/HAC recommends that Council approve the design and use of a heritage plaque bearing the Region’s name and the stylized sun but not the name of the registered property, with the appearance similar to that shown as Plaque # (PAC/HAC: chose 1, 2 or 3) in Appendix A of the report “Municipal Heritage Plaques” dated February 10, 2022.

**3.0 BACKGROUND**

The Heritage Property Act allows municipalities to place a plaque on municipal heritage properties. Both Windsor and West Hants have done so in the past. No plaques have yet been placed by the Region.

**4.0 DISCUSSION**

Both Windsor and West Hants used a plaque which bears the name of the Municipality and the name of the registered property. The West Hants plaque is cast in a bronze alloy commonly called brass.



Other places, such as Colchester and Digby County, use only the municipal crest and name:



When the heritage property name is used on each plaque, the cost, which is borne by the municipality, is now approximately \$700.00 per plaque. Delivery time is usually between six (6) and eight (8) weeks since artwork must be done each time to add the name of the property.

A new plaque is needed for the Region. Initial setup cost for a new plaque pattern would be about \$400.00. If only the name of the Region and the stylized sun are used on the plaque, without the name of the registered property, the plaques would be approximately \$300.00 each after the initial setup. Delivery time after the first plaque would be about two (2) weeks. A rough design of three possible formats for the plaque for WHRM appears in Appendix A.

Should Council not approve the proposed design, a new design would need to be developed at Council's direction.

Use of a plaque bearing only the Region's name and stylized sun would reduce costs related to future registrations.

**5.0 NEXT STEPS**

Nothing further is required of PAC/HAC; Council approval of the recommendation is needed for preparation and use of a new plaque for the Region.

**6.0 FINANCIAL IMPLICATIONS**

As noted above, use of a plaque bearing only the Region's name and the stylized sun would reduce costs related to future registrations.

**7.0 ALTERNATIVES**

Should PAC/HAC not wish to make this recommendation to Council, PAC/HAC may:

- recommend specific changes to the proposed design;
- recommend that a plaque design is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

**APPENDICES**

**Appendix A**            Proposed Heritage Plaque Design

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Report Prepared by: \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

**APPENDIX A**

<p><b>1</b></p>	 <p>The logo is an oval with a dark background and a gold border. The text "MUNICIPAL" is at the top, "HERITAGE PROPERTY" is at the bottom, "West Hants" is in the upper middle, and "Regional Municipality" is in the lower middle. A central gold sunburst icon is present.</p>
<p><b>2</b></p>	 <p>The logo is an oval with a dark background and a gold border. The text "MUNICIPAL" is at the top, "HERITAGE PROPERTY" is at the bottom, "West Hants" is in the upper middle, and "Regional Municipality" is in the lower middle. A central gold sunburst icon is present.</p>
<p><b>3</b></p>	 <p>The logo is an oval with a dark background and a gold border. The text "MUNICIPAL" is at the top, "HERITAGE PROPERTY" is at the bottom, "West Hants" is in the upper middle, and "Regional Municipality" is in the lower middle. A central gold sunburst icon is present.</p>



## West Hants

### WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request X	Councillor Activity <input type="checkbox"/>
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**To:** Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

**Date:** October 14, 2021 **RECIRCULATED FEBRUARY 10 2022**

**Subject:** Infrastructure Charges

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#### 1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 274

#### 2.0 BACKGROUND

West Hants Regional Municipality has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for each of Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: one Municipal Planning Strategy, Land Use By-law and Subdivision By-law for the Region. To help ensure a smooth transition, staff are reviewing the general policies of each MPS and developing one consistent policy where possible. The policies regarding Infrastructure Charges from the West Hants documents and the recommended policies appear in Attachment D. Neither the Windsor nor the Hantsport documents have policy regarding Infrastructure Charges.

#### 4.0 DISCUSSION

##### 4.1 Infrastructure Charges: What and Where

S. 274 of the MGA (Attachment A) allows municipalities to include a provision for collecting infrastructure charges in the Subdivision By-law (SUB) (Attachment C). An infrastructure charge may be required through the Subdivision By-law to recover all or part of the capital costs incurred or anticipated because of the subdivision and future

development of land. The infrastructure charge may include costs associated with land acquisition, planning, studies, engineering, surveying and legal costs incurred as a result of new development. The charge cannot include any costs related to the maintenance of any of these.

Nothing in the recommended By-law requires WHRM to extend Municipal services to a property where such services do not currently exist. It is the property owner's responsibility to install and pay for such extensions in accordance with Municipal standards.

The MGA requires that the Subdivision By-law set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes and the method of calculating the amount of each infrastructure charge. Final subdivision approval cannot be granted until the charge is paid or the applicant has entered into an agreement with the Municipality regarding the charges. Details are described in the Provincial Information Bulletin (Attachment B). Although the Bulletin was produced in 1999, the information is still relevant.

#### **4.2 Impact of Infrastructure Charges**

The impact of infrastructure changes in WHRM may not reflect Council's policy of compact growth (this can always be re-examined). The existing serviced areas in Three Mile Plains, Falmouth, Hantsport and Windsor, are the logical choices for "charge areas". These areas appear to still have large areas which could accommodate infill development (the least expensive development in terms of Municipal services). No count has been done recently. The only increased cost from infill development is generally the cost of increased sewer and water treatment facilities.

Estimated costs of infrastructure upgrades may be significantly less than the actual costs as these costs are often determined before the development occurs. Once some owners have already paid infrastructure charges, it is more difficult to explain new charges for increased costs.

Infrastructure charges will vary across the Region, depending on the availability of land, the existing or proposed zoning, and the actual construction costs based on the physical area.

Increasing costs to developers within the more serviced/serviceable areas may result in developers wishing to develop in areas where infrastructure charges do not apply and where Council has in the past tried to limit or discourage residential development.

Infrastructure charges become a lien on the property.

### **4.3 Calculation**

The calculation of infrastructure costs would be based on the capital costs of new or expanded water, wastewater and stormwater systems and would include costs related to land acquisition, surveying, engineering, legal costs, and studies. As far as can be determined, discussions in the past in West Hants have never progressed to the point of actually determining the charge formulas. This requires a considerable amount of work and will require hiring a professional consultant to review and develop a fair and equitable formula.

In summary, the most complex parts of any capital cost contribution policy seem to be:

- determining the infrastructure requirements which are part of a proposed development and the infrastructure which may someday need to attach to and utilize this infrastructure; and
- development of the way the charge is determined or creating the required formula. This must provide a standard and fair way of identifying the costs, who will receive the benefits and charging the costs in proportion.

### **4.4. Schedule of Infrastructure Charges**

In drafting the requirements within the Subdivision By-law, the intention is to list the actual fees required in a Schedule to the By-law which can be amended by resolution of Council rather than requiring a By-law amendment.

### **4.5 Past Discussion**

West Hants records show that infrastructure charges were discussed by the Planning Advisory Committee (PAC) some time before 2004. By 2006, reports were considered at PAC in both Windsor and West Hants, and the present MPS adopted in 2008 in West Hants contains policy for infrastructure charges while the present Windsor's MPS, adopted in 2005 does not. There is no record of discussion of infrastructure changes in the then-town of Hantsport, and there is no reference in the 2010 Hantsport MPS which is still in effect.

Although the policies are established within the West Hants MPS and requirements were established in the Subdivision By-law, the requirements have never been used, as the final requirements were never enacted – the charge areas were not mapped and the formula which was to be contained in "Schedule A" of the Subdivision By-law was not developed. Staff who were here at the time recall that West Hants Council debated the

issue several times but cost of hiring a consultant to develop the formula was high enough that Council took no action.

With the establishment of WHRM, Public Works staff have indicated that it has the in-house expertise to work with consultants to develop the required formulas.

## **5.0 NEXT STEPS**

Just as with definitions and more general policies, any decision related to Infrastructure Charge policies would be included in the draft documents for future review by the public. Public review of the Infrastructure Charges as a separate item is not recommended.

Direction is needed as to whether PAC/HAC wishes to proceed with consideration of infrastructure charges for inclusion within the draft WHRM MPS.

## **6.0 FINANCIAL IMPLICATIONS**

There are no financial implications for the Region associated with the filing of this report.

## **7.0 ALTERNATIVES**

Should PAC/HAC not wish to accept the draft policies as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

## **8.0 ATTACHMENTS**

Attachment A MGA s. 274, 275 & 276

Attachment B Provincial Information Bulletin #26: Infrastructure Charges

Attachment C Existing West Hants Subdivision Requirements

Attachment D Existing West Hants and Possible WHRM Infrastructure Charges Policies

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Report Content Prepared by: Planners and Development Officers , Planning and Development Department  
Todd Richard, Director of Public Works  
Rick Sherrard, Manager of Technical Engineering Services

## **ATTACHMENT A**

**Taken from the MGA December 14, 2020**

### **Infrastructure charges 274**

- (1) A municipal planning strategy may authorize the inclusion of provisions for infrastructure charges in a subdivision by-law.
- (2) Infrastructure charges for
  - (a) new or expanded water systems;
  - (b) new or expanded wastewater facilities;
  - (c) new or expanded stormwater systems;
  - (d) new or expanded streets;
  - (da) new or expanded solid-waste management facilities;
  - (e) new traffic signs and signals and new or expanded transit facilities,may be imposed in a subdivision by-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by a municipality by reason of the subdivision and future development of land and infrastructure charges for land, planning, studies, engineering, surveying and legal costs incurred with respect to any of them.
- (3) The subdivision by-law shall set out the infrastructure charge areas in which infrastructure charges are to be levied, the purposes for which infrastructure charges are to be levied and the amount of, or method of calculating, each infrastructure charge.
- (4) Infrastructure charges may be set at different levels related to the proposed land use, zoning, lot size and number of lots in a subdivision and the anticipated servicing requirements for the infrastructure charge area.
- (5) Infrastructure charges may not be imposed if an infrastructure charge has been paid with respect to the area of land, unless further subdivision of the land will impose additional costs on the municipality.
- (6) An infrastructure charge may only be used for the purpose for which it is collected.
- (7) Final approval of a subdivision shall not be granted unless the infrastructure charges are paid or the applicant has entered into an agreement with the municipality securing the payment of the infrastructure charges.
- (8) Infrastructure charges are a first lien on the land being subdivided and may be collected in the same manner as taxes.
- (9) A by-law in effect on the date this Act comes into force that provides for a trunk sewer tax imposed on each lot in a new or existing subdivision is deemed to be a by-law made pursuant to this Section.

- (10) Notwithstanding the Public Utilities Act and for greater certainty, any by-law made pursuant to this Section and any charge set, levied or imposed pursuant to this Section do not require the approval of the Board.

### **Infrastructure charges agreement 275**

- (1) An applicant and a municipality may enter into an infrastructure charges agreement that may
- (a) provide for the payment of infrastructure charges in installments;
  - (b) permit the applicant to provide certain services or extended services in lieu of the payment of all, or part, of the charge;
  - (c) provide for security to ensure that the infrastructure charges are paid when due;
  - (d) provide for any other matter necessary or desirable to effect (sic) the agreement.
- (2) A subdivision by-law may prescribe the circumstances in which an infrastructure charges agreement may be entered into and the general terms that such an agreement shall contain.

### **Effect of infrastructure charges agreement 276**

An infrastructure charges agreement

- (a) is binding on the land that is subdivided;
- (b) shall be registered in the registry or, in the case of land registered pursuant to the Land Registration Act, shall be recorded in the land registration office in the register of each parcel created or altered by the subdivision, and shall be indexed as a conveyance to and from the owner of the land that is subdivided; and
- (c) is binding on each individual lot in a subdivision, to the extent specified in the agreement.

**Attachment B**  
**INFORMATION BULLETIN #26**  
**INFRASTRUCTURE CHARGES**

*- Revised -*

**Summary:** Municipalities may include provisions for infrastructure charges in their subdivision by-laws if authorized in the municipal planning strategy.

**Legislation:** MGA - Part IX, Sections 274, 275, 276

**Discussion:** Infrastructure charges, sometimes referred to as off-site or development charges, are charges that may be imposed on a subdivider to cover all or part of the capital costs of certain specified services, incurred or anticipated to be incurred, that may be necessary because of the development of a new subdivision. These charges are applied to services located outside the area of land being subdivided. In order to levy an infrastructure charge, there must be policy support in a municipal planning strategy. Unless the planning strategy authorizes the use of infrastructure charges, they may not be levied. Next, the infrastructure charges provisions must be set out in the subdivision by-law. The subdivision by-law must identify the areas in which the infrastructure charges are levied, the purposes for which the charges are to be levied, and the amount of the charge or the method of calculating the charge (i.e. formula): s.274(3).

**Purposes**

The facilities for which infrastructure charges may be levied are:

- ! new or expanded water systems
- ! new or expanded wastewater facilities
- ! new or expanded stormwater systems
- ! new or expanded streets
- ! upgrading intersections, new traffic signs and signals, and
- new transit bus bays

***Each charge should be set and identified separately according to purpose (i.e. water systems, streets, etc.).***

Costs that may be included in the capital costs of these services are land, planning, studies, engineering, surveying and legal costs.

An infrastructure charge must be used for the purpose for which

it was collected: s.274(6). That is, if a charge is levied for improvements to stormwater systems, that is what the money must be spent on.

## Charges

Infrastructure charges may be set at different levels related to the proposed land use, zoning, lot size and number of lots. If infrastructure charges are to vary, the precise way in which they will vary in different circumstances must be set out in the subdivision by-law. Charges for capital costs that are anticipated but that have not yet been incurred should be based on reasonable estimates developed with advice from appropriate professionals, such as, engineers. Anyone proposing to subdivide should be able to calculate the charge from the by-law: s.274(4). That is, if the by-law does not set out a specific charge per lot, it must include a formula for calculation of the charge. Infrastructure charges may not be levied if they have already been collected for the same land unless further subdivision will impose additional costs: s.274(5).

Trunk sewer taxes levied under previous legislation (*e.g. Municipal Act, s.122; Towns Act, s.112*) are deemed to be infrastructure charges: s.274(9). The proceeds from trunk sewer taxes must accordingly be spent only for trunk sewer purposes. *Any changes to a trunk sewer tax will have to be made by way of amendment to the subdivision by-law.* Any municipality that formerly levied a trunk sewer tax should take steps to integrate that tax with its subdivision by-law.

## Collection

Infrastructure charges are payable by the subdivider before final approval is given for the subdivision: s.274(7). In order to allow for some flexibility, legislation authorizes an infrastructure charges agreement (Section 275) to provide for the payment of the charges over time and permit final approval, and sale of lots, before the charges are paid in full.

The agreement may

- ! allow the payment of the charges by installments
- ! allow an applicant to pay the charges in kind, through the provision or extension of services
- ! provide for security to ensure the charges are paid when due.

The subdivision by-law should include a determination of the circumstances in which an infrastructure agreement will be entered into, as well as the general terms that should be in the agreement: s.275(2).

Infrastructure charges are a lien on the land subdivided: s.274(8). Accordingly, they will show on a tax certificate. The infrastructure agreement is binding on the land subdivided and must be registered in the registry of deeds. It binds the individual lots in the subdivision to the extent specified in the agreement: s.276. That is, the statute would allow a provision whereby the municipality and the subdivider would agree to release lots individually from the agreement as they are sold, on payment of an appropriate portion *by the original subdivider* of the total amount outstanding. The agreement should also provide for interest on the outstanding balance, and a time period in which all charges must be paid, regardless of the number of lots sold. In determining the appropriate portion of the total charge payable with respect to each lot, the municipality will probably want to see that the full charge is paid sometime before the last lot is sold. The proportion would therefore be somewhat higher than the average amount due for each lot.

**Related:** See Section 3045 of the *Municipal Accounting and Reporting Manual* for discussion on accounting treatment.

**Date Produced:** March 1999

**Note:** The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and therefore reference should be made to the *Municipal Government Act*, other relevant legislation and to legal advisors.

## ATTACHMENT C

### Existing West Hants Subdivision Requirements

TAKEN FROM WEST HANTS SUBDIVISION BY-LAW DECEMBER 15, 2020

#### PART 15: INFRASTRUCTURE CHARGES

- Approval of lots in a charge area **78.** Before a final plan of subdivision is approved in a charge area as shown on Map A, the subdivider shall pay an infrastructure charge to Council in accordance with Schedule 1 attached to this By-law.
- Payment of charges **79.** Final subdivision approval shall not be granted unless the infrastructure charge established under this By-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the infrastructure charge.
- Infrastructure charges agreement **80.** The Municipality and the subdivider may enter into an infrastructure charges agreement which may contain reasonable provisions with respect to any or all of the following:  
(a) the payment of infrastructure charges in installments;  
(b) the provision of security to ensure that the infrastructure charges are paid when due; or  
(c) any other matter necessary or desirable to effect the agreement.
- Additional costs to the Municipality **81.** Infrastructure charges shall not be payable if an infrastructure charge has been paid with respect to the area of land, unless further subdivision of the land will impose additional costs on the Municipality.
- Use of charges **82.** A charge paid pursuant to this By-law shall only be used for the purpose for which it has been collected.
- Lien of property **83.** A charge imposed pursuant to the By-law constitutes a lien upon the property with respect to which the charge has been levied in the same manner and with the same effect as rates and taxes under the *Assessment Act*.

**Notes:** No charge areas are shown on Map A  
There does not appear to be a Schedule 1 attached to this By-law

## Attachment D

### Existing West Hants and Possible WHRM Infrastructure Charge Policy

<b>Existing West Hants MPS Policy</b>	<b>Possible WHRM MPS Policy</b>
<p><b>16.5 Infrastructure Charges</b></p> <p>As development continues in the Falmouth and Three Mile Plains Growth Centres, there will be a need to ensure that the infrastructure required for water, sewage treatment, stormwater systems and streets are sufficient to service the new growth. This will involve either the expansion of existing systems or the construction of new systems. The <i>Municipal Government Act</i> allows municipalities to implement infrastructure improvement charges through the Subdivision By-law provided this is enabled in the Municipal Planning Strategy. These funds can be used to recover the capital costs of infrastructure, but may not be used for ongoing maintenance costs.</p> <p>Council intends to collect infrastructure charges for newly created lots in the Growth Centres, as well as any other area where municipal water and/or sewer services are provided, as a way to defray the cost of new or upgraded water and sewage treatment plants, stormwater systems, streets and traffic signals. Areas where infrastructure charges are implemented are known as charge areas. The infrastructure charges will be based on the projected number of new lots in the charge area considering zoning, available vacant land and the projected cost of the upgrades. The infrastructure charges will be the same for every newly created lot within the charge area regardless of lot size. Infrastructure charges will not apply to the consolidation of lots.</p>	<p><b>16.5 Infrastructure Charges</b></p> <p>As development continues in the serviced areas of WHRM, the infrastructure required for water, sewage treatment, stormwater systems and streets must be sufficient to service the new growth. This may be by the expansion of existing systems or the construction of new systems. The <i>Municipal Government Act</i> allows municipalities to implement infrastructure improvement charges through the Subdivision By-law provided there is policy in the MPS. These funds can be used to recover the capital costs of infrastructure but may not be used for maintenance.</p> <p>Council will collect infrastructure charges for newly created lots in identified "charge areas": defined areas where municipal water and/or sewer services are provided, as a way to defray the cost of new or upgraded water and sewage treatment plants, stormwater systems, streets, traffic signals and intersection upgrades. The infrastructure charges will be based on the projected number of new lots in the charge area considering zoning, available vacant land and the projected cost of the upgrades. Infrastructure charges will not apply to any lot consolidation.</p>

As with parkland dedication fees, it is the intention that no lot will receive subdivision approval without first paying the infrastructure charge; however, in cases of larger subdivisions, the Municipality may enter into an Infrastructure Charges Agreement with the developer which sets out a payment plan. Since the infrastructure charges are intended to be used for upgrades to the water and sewage treatment systems, stormwater systems, streets and traffic signals, the Municipality will not accept services in lieu of payment of the charges

**Policy 16.5.1** *It shall be the policy of Council to establish provisions for the collection of infrastructure charges in the Subdivision By-law. These infrastructure charges shall serve to help the Municipality to provide adequate municipal water, sewer and stormwater systems, streets, and traffic signs and signals within the serviced areas.*

**Policy 16.5.2** *It shall be the policy of Council to establish charge areas where infrastructure charges shall apply which encompass the areas within the servicing boundaries of the Growth Centres and any other serviced area in West Hants.*

**Policy 16.5.3** *It shall be the policy of Council to establish conditions in the Subdivision By-law with respect to the payment of infrastructure charges including any agreements with the Municipality as a condition of subdivision approval.*

As with parkland dedication fees, no lot will receive subdivision approval without first paying the infrastructure charge. However, for larger subdivisions, WHRM may enter into an Infrastructure Charges Agreement with the developer which sets out a payment plan. Since the infrastructure charges are intended to be used for upgrades to the water and sewage treatment systems, stormwater systems, streets and traffic signals, WHRM will not accept services in lieu of payment of infrastructure charges.

**Policy**

As a result, it shall be the policy of Council to:

**IN1** establish provisions for the collection of infrastructure charges in the Subdivision By-law. These infrastructure charges will be used to help WHRM provide adequate municipal water, sewer and stormwater systems, streets and traffic signs and signals.

**IN2** establish charge areas within which infrastructure charges apply. These may include any area within WHRM.

**IN3** establish requirements in the Subdivision By-law regarding the payment of infrastructure charges including any agreements with WHRM as a condition of subdivision approval.

**IN4** use infrastructure charges only for provision of adequate municipal water, sewer and stormwater systems, streets, and traffic signs and signals within the charge areas.

<p><b>Policy 16.5.4</b> <i>It shall be the policy of Council that infrastructure charges shall be used only for the purpose for which they are collected.</i></p>	<p><b>IN5</b> vary infrastructure charges depending on lot size and potential land use.</p>
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**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Planning and Heritage Advisory Committee

**Submitted by:** Madelyn LeMay, Director, Planning and Development

**Date:** February 10 2022

**Subject:** Dog Tags and Fees (3<sup>rd</sup> Report)

**1.0 LEGISLATIVE AUTHORITY**

s 175 MGA

**2.0 HISTORY**

Discussion and recommendations based on earlier reports were made at PAC/HAC meetings held July 8, 2021 and January 13, 2022.

**3.0 RECOMMENDATIONS**

Should PAC/HAC wish to recommend a Dog By-law for the Region and changes related to dog tags in the Regional Fees Policy, the following motions would be in order:

...that PAC/HAC recommends that COTW recommend that Council approve the Dog By-law for the Region of West Hants attached as Appendix B to the report entitled Dog Tags and Fees (3rd Report) dated February 10, 2022.

... that PAC/HAC recommends that Committee of the Whole recommend that Council replace all fees related to dog tags within the Fees policy with the fee schedule shown in Appendix C of the report entitled Dog Tags and Fees (3rd Report) dated February 10, 2022.

**4.0 BACKGROUND**

Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social X	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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At the July 8, 2021 and January 2, 2022 PAC/HAC meeting there was considerable discussion about the cost and reasons for dog tags.

The draft Regional Dog By-law and amendments to the Regional Fees Policy have been drafted in response to these discussions. A comparison of the present Windsor Dog By-law, West Hants Municipality By-law and the proposed draft Regional By-law appears in Appendix A.

## 5.0 DISCUSSION

### 5.1 Proposed Changes

The changes to be incorporated in the Regional Fees Policy and the draft Regional Dog By-law include:

- requirement for a lifetime registration for all dogs;
- no annual registration for individual dogs
- reduction in registration costs to \$15.00 and the cost to be the same for all types of dogs;
- where they are available, lifetime tags are now \$75 for an individual dog; By-law and Planning staff recommend that all memberships purchased from January 1, 2022 until the time the Regional By-law is in force be refunded a flat \$50 at the owners request. Between January 1, 2022 and the date of writing, no lifetime tags had been issued.

### 5.2 Fee Structure

The present fee structure within the Fees Policy is:

WH D-003 Dog By-law (effective April 1, 2018)	Section 2 (d) Annual Registration Fee	\$15.00 Spayed or Neutered \$30.00 Non-Spayed or Neutered
	Section 3 (a) (iii) Lifetime Registration Fee	\$75.00
	Section 4 (b) Annual Kennel Registration fee	\$45.00
	Section 2 (h) Replacement Tag Fee	\$7.50
	Section 9 (b) Fees associated with impoundment, board, food, care and veterinary	Actual costs incurred
	Community of Windsor	\$10 for dogs that are spayed or neutered \$14 for dogs that are not spayed or neutered

The proposed fee structure (Appendix A) is:

Regional Dog By-law (not yet enacted)	Section 5.1 Registration Fee	\$15.00 all dogs
	Section 5.2 Annual Kennel Registration fee	\$45.00
	Section 3.5 Replacement Tag	\$7.50
	Section 9.2 Fees associated with impoundment, board, food, care and veterinary costs	Actual costs incurred

## 6.0 NEXT STEPS

Once a recommendation is made to Committee of the Whole, the usual process would be followed for both the policy and by-law, as follow:

**Fees Policy:** MGA s. 48

PAC/HAC recommendation to COTW; consideration by Council; decision by Council

**Dog By-law:** MGA s. 168 & 169

PAC/HAC recommendation to COTW; First Reading: 2 notices; public hearing; decision by Council; notice of adoption (effective date of by-law)

## 7.0 FINANCIAL IMPLICATIONS

Any of the recommended changes will have minimal financial impact on WHRM.

## 8.0 ALTERNATIVES

PAC/HAC may determine it does not wish to make recommendations regarding fees related to dogs.

## APPENDICIES

Appendix A Comparison of Existing Dog By-laws and Draft Dog By-law for WHRM

Appendix B Draft Dog By-law for WHRM

Appendix C Proposed Fee Schedule

Material Contributed by: Ryan Parker and Shawn Levy, By-law Enforcement and Sara Poirier and Alex Dunphy, Planners

Report Reviewed by: \_\_\_\_\_  
Carlee Rochon, Director, Finance

**Appendix A**  
**Comparison of Existing Dog By-laws and proposed Regional By-law**

<b>WEST HANTS</b>	<b>WINDSOR</b>	<b>PROPOSED REGION BY-LAW</b>
<p><b>WHEREAS</b> Section 172 (1) of the Nova Scotia <i>Municipal Government Act</i> (MGA) provides Municipalities with the power to make by-laws, for Municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; the regulation of businesses and respecting nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including noise; and</p>	<p>Section 172 (1) (a), (b), and (d) of the Nova Scotia Municipal Government Act (MGA) provides municipalities with the power to make bylaws, for municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; and respecting nuisances, activities and things that, in the opinion of council, may be or may cause nuisances, including noise.</p>	
<p><b>WHEREAS</b> Section 174 (f) of the MGA provides Municipalities with the power to make by-laws respecting wild and domestic animals and activities in relation to them; and</p>	<p>Section 174 (f) of the MGA provides municipalities with the power to make bylaws respecting wild and domestic animals and activities in relation to them.</p>	
<p><b>WHEREAS</b> Section 175 of the MGA provides Municipalities with the power to make by-laws specifically pertaining to dogs; and</p>	<p>Section 175 of the MGA provides municipalities with the power to make bylaws specifically pertaining to Dogs.</p>	
<p><b>WHEREAS</b> Section 176 of MGA provides Peace Officers with the power to make application for a warrant to search and seize a dangerous dog; and</p>		
<p><b>WHEREAS</b> the Municipality of West Hants does not subscribe to nor endorse Breed Specific Legislation in relation to its Dog By-law;</p>		<b>1. TITLE</b>
		This By-law is made pursuant to the Municipal Government

		Act, Chapter 18 of the Acts of 1998 as amended from time to time.
-	The Town of Windsor's Dog Bylaw works in conjunction with the <i>Nova Scotia SPCA's Standards of Care</i> as are in effect from time to time.	This By-law shall be administered in accordance with the Municipal Government Act, R.S.N.S. 1989.
<b>NOW THERE BE IT ENACTED AS FOLLOWS:</b>		
<b>DEFINITIONS</b>		<b>2. DEFINITIONS</b>
In this By-law, the following words and phrases shall have the following meanings:		In this By-law, the following words and phrases shall have the following meanings:
"Apprehend" means to take an animal into custody without a warrant;		
"Attack" means to injure, scratch or bite, or to commit an assault resulting in real or perceived injury to another person or animal;		Attack means to injure, scratch or bite, or to commit an assault resulting in real or perceived injury to another person or animal;
"Bite" means wound, pierce, or penetration of the skin by a tooth or teeth;		Bite means wound, pierce, or penetration of the skin by a tooth or teeth;
	Clerk means the Clerk of the Town of Windsor;	
	Deputy" means a person named by the CAO, Clerk, and/or Council, as a Deputy Registrar of Dogs;	
"Dog" means any dog, male or female, or any animal that is the result of the breeding of a dog and any other canine animal;	Dog means any dog, male or female, or an animal that is the result of the breeding of a dog and any other animal;	Dog means any dog, male or female, or any animal that is the result of the breeding of a dog and any other canine

		animal;
<p>“Dog Control Officer” includes a person appointed as such by the Council, and in the absence of such person a temporary replacement designated by the CAO, and includes the Pound Keeper, Special Constables and, all other Peace Officers responsible for providing policing services within the Municipality when they are engaged in dog control activities in an emergency or as a support to another Dog Control Officer;</p>	<p>“Bylaw Enforcement Officer” means a person named by the CAO, Clerk, and/or Council as an Officer to enforce bylaw compliance for the Town, and may have other titles such as, but not limited to, Constable, Peace Officer or Animal Control Officer;</p>	<p>By-law Officer means a person appointed by Council, and in the absence of such person a temporary replacement designated by the CAO, including the Pound Keeper, Special Constables and all other Peace Officers responsible for providing dog control activities in an emergency or as a support to a By-law Officer;</p>
<p>“Emergency” means a present or imminent event where a Peace Officer or Dog Control Officer believes prompt action must be undertaken to protect the health, safety or welfare of people and/or animals;</p>	<p>“Emergency” means a present or imminent event where a Constable, Peace Officer or Bylaw Enforcement Officer believes prompt action must be undertaken to protect the health, safety or welfare of people and/or animals;</p>	<p>Emergency means a present or imminent event where a Peace Officer or Dog Control Officer believes prompt action must be undertaken to protect the health, safety or welfare of people and/or animals;</p>

<p>Fierce or Dangerous Dog” means any dog that, in the absence of a mitigating factor as defined herein:</p> <ul style="list-style-type: none"> <li>• attacks, or injures a person</li> <li>• attacks or injures an animal other than an insect;</li> <li>• attacks or demonstrates a propensity, tendency or disposition to attack a person or animal either on public or private property;</li> <li>• has caused injury to or otherwise endangered the safety of a person or animal;</li> <li>• with unreasonable ferocity threatens any person or domestic animal;</li> <li>• is owned or harboured in whole or in part for the purpose of dog fighting, or is trained for dog fighting.</li> </ul> <p>No dog shall be deemed a “fierce or dangerous dog” solely because it bites, attacks or menaces a trespasser on the property of its owner, harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behavior acting in defense to an attack from a person or animal or acting in defense of its young provided that any such bite, attack or menacing behavior is a reasonable defensive response in the circumstances.</p>	<p>“Fierce or Dangerous” includes a dog:</p> <ol style="list-style-type: none"> <li>i. which bites or attacks a person or domestic animal;</li> <li>ii. which in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack;</li> <li>iii. known to have a propensity to attack, to cause injury to, or otherwise endanger the safety of human beings or domestic animals;</li> <li>iv. owned or harboured in whole or in part for the purpose of dog fighting;</li> </ol>	<p>Fierce or Dangerous Dog means any dog that, in the absence of a mitigating factor as defined herein:</p> <ul style="list-style-type: none"> <li>• attacks a person</li> <li>• attacks an animal other than an insect;</li> <li>• attacks or demonstrates a propensity, tendency or disposition to attack a person or animal either on public or private property;</li> <li>• has caused injury to or otherwise endangered the safety of a person or animal;</li> <li>• with unreasonable ferocity threatens any person or domestic animal;</li> <li>• is owned or harboured in whole or in part for the purpose of dog fighting, or is trained for dog fighting.</li> </ul> <p>No dog shall be deemed a “fierce or dangerous dog” solely because it bites, attacks or menaces a trespasser on the property of its owner, harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behavior acting in defense to an attack from a person or animal or acting in defense of its young provided that any such bite, attack or menacing behavior is a reasonable defensive response in the circumstances.</p>
<p>“Kennel” means a building or structure where four or more dogs over the age of six month are kept, bred, boarded, trained, or groomed, but shall not include a veterinary clinic;</p>		<p>Kennel means a lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold for monetary gain and does not include a veterinary clinic.</p>
<p>“Leash” means a device used by a person to restrict movement of a dog which is adequate for the effective control by the</p>		<p>Leash means a device adequate for the effective control of the movements of the dog which is used by a person to</p>

accompanying human of the movements of the dog;		restrict movement of a dog.
“Microchip” means an approved Canadian Standard encoded tag implanted into a dog, which contains unique code that permits or facilitates access to an owner’s name address and telephone number, which is stored in the municipal registry;		Microchip means an approved Canadian Standard encoded tag implanted into a dog which contains a unique code that permits or facilitates access to an owner’s name, address and telephone number, which is stored in the municipal registry;
“Mitigating Factor” means a circumstance that reasonably explains and excuses the aggressive behavior or actions of a dog;		Mitigating Factor means a circumstance that reasonably explains and excuses the aggressive behavior or actions of a dog;
“Municipality” means the Municipality of the District of West Hants;		
“Muzzle” means a humane covering device of sufficient strength placed over a dog’s mouth to prevent it from biting;		Muzzle means placing a humane covering device of sufficient strength over a dog’s mouth to prevent it from biting;
<p>“Owner” means any person or body corporate:</p> <ul style="list-style-type: none"> <li>• who is the licensed Owner of the dog; and/or;</li> <li>• who has legal title to the dog; and/or;</li> <li>• who has possession or custody of the dog, either temporarily or permanently; and/or;</li> <li>• who has care or control of the dog; and/or; <ul style="list-style-type: none"> <li>• who harbours the dog, or allows the dog to remain on his/her premises.</li> </ul> </li> </ul> <p>Where such a person is a minor, “owner” includes the parent,</p>	<p>“Owner” of a dog includes a company or any person who possesses, has the care of, has the control of, or harbours a dog and, where said person is a minor, includes a person with custody, care or control of the minor;</p>	<p>Owner means any person or body corporate:</p> <ul style="list-style-type: none"> <li>• who is the licensed Owner of the dog; and/or;</li> <li>• who has legal title to the dog; and/or;</li> <li>• who has possession or custody of the dog, either temporarily or permanently; and/or;</li> <li>• who has care or control of the dog; and/or;</li> <li>• who harbours the dog, or allows the dog to remain on his/her premises.</li> </ul> <p>Where such a person is a minor, “owner” includes the</p>

guardian, or custodian of such a person		parent, guardian, or custodian of such a person.
“Owner of Premises” includes a tenant, occupier, a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or building, and in the case of the absence or incapacity of the person having title to the land or building, a trustee, personal representative, an agent, a mortgagee in possession, an attorney under a valid Power of Attorney or a person having the care or control of the land or building;	“Owner of Premises” includes a tenant, occupier, a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or building, and in the case of the absence or incapacity of the person having title to the land or building, a trustee, personal representative, an agent, a mortgagee in possession, an attorney under a valid Power of Attorney or a person having the care or control of the land or building;	Owner of Premises includes a tenant, occupier, a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or building, and in the case of the absence or incapacity of the person having title to the land or building, a trustee, personal representative, agent, mortgagee in possession, attorney under a valid Power of Attorney or a person having the care or control of the land or building;
“Peace Officer” includes a police officer or a special constable;		Peace Officer includes a police officer or a special constable;
“Pound” means such premises and facilities designated by the Municipality as a dog pound for the keeping and disposition of impounded animals;	The Council of the Town may, by Resolution, establish one or more pounds for dogs and may appoint keepers thereof and the Council, may, from time to time, fix by Policy the remuneration of any such keepers and the amount of board to be paid by the owner for keeping a dog which has been impounded.	Pound means any premises or facilities designated by the Region as a dog pound for the keeping and disposition of impounded animals;
“Pound Keeper” means a person appointed as such by the Council, and in the absence of such person a temporary replacement designated by the CAO, and is the person responsible to care for dogs being held and to maintain the cleanliness of the pound;		Pound Keeper means a person engaged by the Region to be responsible for caring for dogs being held and for maintaining a clean environment for the dogs.
		Region means West Hants Regional Municipality
“Registration” means the recording of information regarding a dog for the purposes of issuing a tag pursuant to this By-law.		Registration means the recording of information regarding a dog for the purposes of issuing a tag pursuant to this By-law.

“Running at Large” includes any dog that is off the property of its owner without being under the effective restraint or control of a person;		Running at Large means any dog that is off the property of its owner without being under the effective restraint or control of a person;
“Service Dog” means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability or which is used for search and rescue or law enforcement;		Service Dog means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability or which is used for search and rescue or law enforcement;
“SPCA” means the Society for Prevention of Cruelty to Animals;		SPCA means the Society for Prevention of Cruelty to Animals;
“Seize” means to take a dog into custody pursuant to a warrant;		Seize means to take a dog into custody pursuant to a warrant;
“Tag” means a piece identification issued upon registration as defined in this By-law;		Tag means a piece identification issued upon registration as defined in this By-law;
	Town” means the Town of Windsor.	
	Treasurer” means the Treasurer of the Town of Windsor.	
<b>ANNUAL REGISTRATION</b>		<b>3.0 REGISTRATION</b>

<p>Registration of a dog is required with the Municipality:</p> <ul style="list-style-type: none"> <li>• within ten (10) days after the person becomes the owner of the dog;</li> <li>• notwithstanding subsection (a)(i), a person who possesses, has the care of, and has the control of or harbours a dog for less than 20 days is not required to license the dog.</li> <li>• notwithstanding subsections (a)(i) and (a)(ii), a kennel used for the purposes of breeding are exempt from registering puppies under the age of twelve (12) weeks.</li> <li>• owners of breeding dogs with litters less than the age of twelve (12) weeks are exempt from annual registration for the puppies, but after twelve (12) weeks subsections (a)(i) and (a)(ii) apply.</li> </ul>	<p>Every owner of a dog shall, within ten (10) days of having become an owner, register such dog with the Town and obtain from the Town a tag for such dog.</p> <p>Where the owner of any dog sells or gives it to any other person, the new owner shall register the dog with the Clerk or Deputy and the Clerk or Deputy shall alter the registration of such dog accordingly.</p> <p>When requested to do so, the owner of a dog shall deliver to the Clerk or Deputy a statement in writing of the number of dogs owned or harboured or habitually kept on the premises of the owner, and in the event the owner neglects or refuses to provide the statement within a period of ten (10) business days after having received notice requiring the statement to be provided shall be guilty of an offence.</p>	<p>3.1 Registration of a dog with the Region is required:</p> <ul style="list-style-type: none"> <li>(a) within ten (10) days after the person becomes the owner of the dog;</li> <li>(b) notwithstanding subsection (a), above, a person who possesses, has the care of, and has the control of or harbours a dog for less than 20 days is not required to license the dog;</li> <li>(c) notwithstanding subsections (a) and (b), a kennel used for the purposes of breeding is exempt from registering puppies under the age of twelve (12) weeks; and</li> <li>(d) owners of breeding dogs with litters less than the age of twelve (12) weeks are exempt from annual registration for the puppies, but after twelve (12) weeks must register the puppies;</li> <li>(e) service dogs must be registered but are exempt from registration fees when the owner has provided: <ul style="list-style-type: none"> <li>(i) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada or other proof satisfactory to the Region of the training received by the dog as a service dog; or</li> <li>(ii) a certificate from a qualified health services practitioner indicating that the owner suffers from a disability and requires the use of a dog that is trained to assist persons with such disabilities; or</li> <li>(iii) a certificate or other proof satisfactory to the Dog Control Officer that the dog is used for search and rescue or law enforcement.</li> </ul> </li> </ul>
<p>Subject to section 3 of this By-law, on or before the 1st day of</p>	<p>On or before the 1<sup>st</sup> day of April in each and every year,</p>	

<p>April in each year, the owner of any dog shall register such dog and obtain a tag from the Municipality.</p>	<p>the owner of a dog shall register such dog with the Town and obtain from the Town a tag for such dog.</p>	
<p>Annual registration shall be effective until the last day of March.</p>	<p>Registration shall be effective until March 31<sup>st</sup> in the year following the year of registration.</p>	
	<p>Where registration occurs during the year, the annual registration fee shall be pro-rated for the balance of the year.</p>	
<p><b>2 (d)</b> An owner shall pay the annual registration fee and shall supply the following information:</p> <ul style="list-style-type: none"> <li>• dog owner’s name, civic address, mailing address, and telephone numbers;</li> <li>• the name of the dog;</li> <li>• the description of the dog including its sex, breed, colour, and known or approximate age, spayed or neutered.</li> <li>• at the discretion of the owner, any pertinent information the owner feels may help in identifying the dog such as microchip implants, tattoo, special markings, temperament, inoculations or photograph of the dog.</li> </ul>	<p>In order to register a dog, an owner shall pay the annual registration fee and shall supply the Town with the following:</p> <ul style="list-style-type: none"> <li>(a) name, civic address, mailing address and telephone number of the owner;</li> <li>(b) name and breed of the dog;</li> <li>(c) a description of the dog including whether the dog is male or female, spayed or not-spayed; neutered or not-neutered as the case may be;</li> <li>(d) a photograph of the dog, if requested by the Clerk or Deputy;</li> <li>(e) identification information such as micro-chip implants, tattoos or other special markings, if available; and</li> <li>(f) the name of the veterinary clinic frequented by the dog and veterinary file identification number, if available.</li> </ul>	<p>3.2 In order to register a dog, an owner shall pay the required fee and shall supply the following information:</p> <ul style="list-style-type: none"> <li>(a) name, civic address, mailing address and telephone number of the owner;</li> <li>(b) name and breed of the dog;</li> <li>(c) a description of the dog including whether the dog is male or female, spayed or not-spayed; neutered or not-neutered;</li> <li>(d) a photograph of the dog, if available;</li> <li>(e) identification information such as micro-chip implants, tattoos or other special markings, if available; and</li> <li>(f) the name of the veterinary clinic frequented by the dog and veterinary file identification number, if available.</li> </ul>
<p>Service dogs are not exempt from registration but are exempt from annual registration fees when the owner has provided, in the case of a service dog for persons with a disability:</p>	<p>Notwithstanding the provisions of Section 38.03:</p> <ul style="list-style-type: none"> <li>(a) a dog that is trained to assist and regularly assist a person</li> </ul>	

	shall be registered, but is exempt from any registration fee;	
<ul style="list-style-type: none"> <li>• a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada or other proof satisfactory to the Dog Control Officer of the training received by the dog as a service dog; or</li> <li>• a certificate from a qualified health services practitioner indicating that the owner suffers from a disability and requires the use of a dog that is trained to assist persons with such disabilities; or</li> <li>• a certificate or other proof satisfactory to the Dog Control Officer that the dog is used for search and rescue or law enforcement.</li> </ul>		
<b>2 (f)</b> The owner of every dog shall keep on the dog a collar with the tag issued for that dog by Municipality at the time of registration. Such tag shall be kept securely fixed on the dog at all times during the year of current registration.	The owner shall keep the tag issued for the dog securely fixed on each dog owned by him at all times during the year and until he procures a tag for the following year except that a tag may be removed from the dog when the dog is being lawfully used for hunting, herding sheep or during a supervised dog event.	3.3 The owner of every dog shall keep on the dog at all times a collar with the tag issued for that dog by the Region.
The owner shall not use the tag issued for one dog on any other dog.	The owner shall not use the tag issued for one dog on any other dog.	3.4 The owner shall not use the tag issued for one dog on any other dog.
<b>2 (h)</b> When the Municipality is satisfied that a tag validly issued has been lost, and upon payment of a fee, the Municipality shall issue a new tag to replace the lost one.	When the Clerk or Deputy is satisfied that a tag validly issued has been lost, and upon payment to him of a fee set by the Town by Policy, the Clerk or Deputy shall issue a new tag to replace the lost one.	3.5 When the Region is satisfied that a tag has been lost, and upon payment of a fee, the Region shall issue a replacement tag.

		3.6 Every registration and tag shall be effective during the lifetime of the registered dog.
		3.7 Registration and a tag issued under this By-law shall not be transferrable, including not being transferrable between owners or dogs.
<b>2 (i)</b> The Municipality shall keep a record of every dog registered, showing the date and number of the tag, the name and description of the dog with the name and address of the owner and the respective registration category.		3.8 The Region shall keep a record of every dog registered, showing the date and number of the tag, the name, description of the dog and the name and address of the owner.
<b>2 (j)</b> The owner shall notify the Municipality if the ownership or place of residence of the dog changes at any time.		3.9 The owner shall notify the Region if the ownership or place of residence of the dog changes at any time.
<b>2 (k)</b> It shall be an offence to provide false information to the Municipality when registering a dog.		3.10 It shall be an offence to provide false information to the Region when registering a dog.
<b>LIFETIME REGISTRATION</b>		
In order to obtain a lifetime registration tag, the owner shall provide proof microchip has been installed, and the owner shall: <ul style="list-style-type: none"> <li>• provide the Municipality with the information required in Section 2 (d), and Section 2 (e) as required.</li> <li>• provide to the Municipality the identification number of the microchip attached to the dog;</li> <li>• pay the lifetime registration fee.</li> </ul>		
Once the requirements under Section 3 (a) have been provided to the Municipality, the Municipality shall issue a lifetime tag to the owner, and supply the owner with a receipt.		

Every lifetime registration and tag shall be effective during the lifetime of the registered dog.		
Lifetime registration and a tag issued under this By-law shall not be transferrable, including not being transferrable between people or dogs.		
Lifetime registration shall only apply to individual dogs and shall not apply to kennels.		
Sections 2 (f), 2 (h), 2 (i), 2 (j), and 2 (k) shall also apply to lifetime registration and tags with any necessary changes for context.		
<b>KENNEL REGISTRATION</b>		<b>4.0 KENNEL REGISTRATION</b>
	the owner of a kennel of purebred dogs that are registered with the Canadian Kennel Club shall, in each year, pay a fee set by the Town by Policy as a tax upon the kennel for that year and upon payment of such amount, the owner of the kennel is exempt from any further fee in respect to dogs for that year.	
To qualify for a kennel registration, the kennel must: <ul style="list-style-type: none"> <li>• be registered with the Canadian Kennel Club, or</li> <li>• meet the definition of a Kennel herein; and</li> <li>• be a lawful structure and land use under any applicable land use planning laws or bylaws.</li> </ul>		4.1 To qualify for a kennel registration, the kennel must: <ul style="list-style-type: none"> <li>(a) be registered with the Canadian Kennel Club, or</li> <li>(b) meet the definition of a Kennel herein; and</li> <li>(c) have obtained any required development and building permit.</li> </ul>
To obtain a kennel registration the owner of the kennel will pay the annual kennel registration fee and provide the Municipality with the following information:		4.2 To obtain a kennel registration the owner of the kennel must pay the annual kennel registration fee and provide the region with the following information:

<ul style="list-style-type: none"> <li>• provided information as under Section 2 (d) for each dog;</li> <li>• kennel’s owner’s name, civic address, mailing address, and telephone numbers;</li> <li>• the maximum number of dogs to be kenneled;</li> <li>• the registered name of the kennel;</li> <li>• any land use planning documents which may reasonably be requested by the Dog Control Officer; and</li> <li>• where applicable, a copy of the current Canadian Kennel Club license.</li> </ul> <p>Upon receipt of this information, the Municipality shall supply the kennel owner with a receipt and sufficient number of tags which shall be kept on the dogs.</p>		<ul style="list-style-type: none"> <li>• information required by s. 3.2 for each dog;</li> <li>• kennel’s owner’s name, civic address, mailing address, and telephone numbers;</li> <li>• the maximum number of dogs to be kenneled;</li> <li>• the registered name of the kennel;</li> <li>• copies of required development and building permits; and</li> <li>• where applicable, a copy of the current Canadian Kennel Club license.</li> </ul> <p>Upon receipt of this information, the Region shall supply the kennel owner with a receipt and a tag for each dog, which shall be kept on each dog. <b>No individual dog tag fee is required for the individual tags used by a kennel.</b></p>
<p>Tags issued to a kennel may be transferred within the registration year to replacement dogs upon notification to the Municipality. The Municipality shall issue additional tags during the registration year as required.</p>		<p>4.3 Tags issued to a kennel may be transferred within the registration year to replacement dogs only if the Region is notified. The Region shall issue additional tags during the registration year as required.</p>
<p>The Municipality shall keep a record of every kennel registered, showing the date and number of the tag, the kennel owner’s name and address of the owner.</p>		<p>4.4 The Region shall keep a record of every kennel registered, showing the date and number of the tags, the kennel owner’s name and address of the owner.</p>
<p>The owner shall notify the Municipality if the ownership or address of the kennel changes at any time.</p>		<p>4.5 The owner shall notify the Region if the ownership or address of the kennel changes at any time. If the location changes, the owner shall provide copies of the relevant development and building permits.</p>
<p>Sections 2 (h), 2 (i), and 2 (j) shall also apply to a kennel registration with any necessary changes for context.</p>		

It shall be an offence to provide false information to the Municipality when registering a kennel.		4.6 It shall be an offence to provide false information to the Region when registering a kennel.
<b>FEES</b>		<b>5. FEES</b>
All fees referred to in this By-law shall be set by policy and amended by Council from time to time.	The registration fee for a dog shall be determined by the Town by Policy.	5.1 All fees referred to in this By-law shall be set by policy and may be amended by Council from time to time.
The registration fee for annual dog and kennel registrations after October 1 <sup>st</sup> of that year will be equal to one-half of the otherwise applicable annual registration fee.		5.2 The registration fee for annual kennel registrations after October 1 <sup>st</sup> of any year will be one-half of the annual registration fee.
<b>DOG CONTROL AND POUND</b>		<b>6. DOG CONTROL AND POUND</b>
The Dog Control Officer shall be primarily responsible to enforce this By-law as it pertains to dog control and impounding.		6.1 The By-law Officer shall be primarily responsible to enforce this By-law as it pertains to dog control and impounding.

<p>The Pound Keeper shall:</p> <ul style="list-style-type: none"> <li>• collect on behalf of the Municipality, any impounding fees, daily pound fees and any other additional charges, expenses or fees as are authorized in this By-law;</li> <li>• be responsible for the operation of the pound; and</li> <li>• receive all dogs duly impounded or seized and shall detain the same and furnish them with food, water and shelter in accordance with the Nova Scotia SPCA Standards of Care guidelines and as amended from time to time.</li> </ul>	<p>The keeper of a dog pound shall receive all dogs delivered to him/her or seized by him/her and shall detain the same and furnish them with food, water and shelter (as outlined in the <i>Nova Scotia SPCA Standards of Care as are in effect from time to time</i>).</p>	<p>6.2 The Pound Keeper shall:</p> <p>(a) be responsible for the operation of the pound; and</p> <p>(b) receive all dogs impounded or seized, detain them and provide food, water and shelter in accordance with the Nova Scotia SPCA Standards of Care guidelines as amended from time to time.</p>
<p><b>RESPONSIBILITIES OF THE OWNER</b></p>		<p><b>7. RESPONSIBILITIES OF THE OWNER</b></p>
<p>In all areas of the Municipality, the owner of a dog shall, while the dog is off the property occupied by the owner, keep the dog under control by means of a harness or leash, except in officially designated off leash parks where the dog must be under the effective control of the owner. The dog shall be deemed to be running at large where the owner fails to use such apparatus or the dog is not under effective control.</p>	<p>(1) The owner of a dog shall confine such dog to the lands and premises of the owner.</p> <p>(2) The owner of a dog, however, may permit such dog to leave the lands and premises when it is under the fully effective restraint of some responsible person.</p>	<p>7.1 The owner of a dog shall confine such dog to the lands and premises of the owner.</p> <p>7.2 Notwithstanding s. 7.1, the owner of a dog may permit such dog to leave the lands and premises when it is under the effective control of a responsible person.</p> <p>7.3 The dog shall be deemed to be running at large where the dog is not under effective control.</p>

<p>Every owner of a dog:</p> <ul style="list-style-type: none"> <li>• whose dog runs at large;</li> <li>• whose dog is not wearing a tag required by this By-law;</li> <li>• whose dog is not licensed pursuant to this By-law;</li> <li>• whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;</li> <li>• whose dog at any time without the presence of a mitigating factor attacks or injures any person or animal, or damages any property;</li> <li>• who harbours, keeps, or has under care, control or direction, a dog that is fierce or dangerous;</li> <li>• who fails to remove the feces of such dog, other than a service dog that is trained to assist and assisting a person with a disability reasonably preventing removal of feces by that person, from public property or private property other than the owners;</li> </ul> <p>is guilty of an offence under this By-law.</p>	<p>An owner is guilty of an offence against this bylaw and is subject to, upon conviction, the penalty prescribed in this Section if the dog:</p> <p>(a) runs at large; and/or</p> <p>(b) is not registered or has lapsed or unpaid registration; and/or</p> <p>(c) is fierce or dangerous; and/or</p> <p>(d) disturbs the quiet of any neighbourhood by barking, howling or in any manner; whether or not such dog is chained, muzzled or otherwise restrained and is subject, on conviction, to the penalty prescribed in this Section.</p> <p>The owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, shall immediately remove the dog’s feces from any public property or private property other than the property of its owner, and the failure to do so shall constitute a violation of this Bylaw.</p> <p>(2) The owner of a dog is responsible for the immediate removal of the dog’s feces from any public property or private property when the dog is running at large.</p>	<p>7.4 Every owner of a dog:</p> <p>(a) whose dog runs at large; or</p> <p>(b) whose dog is not wearing a tag required by this By-law; or</p> <p>(c) whose dog is not licensed pursuant to this By-law; or</p> <p>(d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or</p> <p>(e) whose dog at any time without the presence of a mitigating factor attacks or injures any person or animal, or damages any property; or</p> <p>(f) who harbours, keeps, or has under care, control or direction, a dog that is fierce or dangerous; and</p> <p>(g) who fails to remove the feces of their dog from public property or private property other than the owners; is guilty of an offence under this By-law.</p> <p>Clause (g) does not apply to the owner of a service dog that is trained to assist and is assisting a person with a disability which reasonably prevents removal of the feces by that person.</p>
<p>When requested to do so, the owner shall deliver to the Municipality a statement in writing of the number of dogs owned or harboured or habitually kept on the premises of the owner, and in the event the owner neglects or refuses to provide the statement within a period of ten (10) business days, after having</p>		<p>7.5 At the request of the Region, the owner shall provide a written statement of the number of dogs owned or harboured or habitually kept on the premises of the owner.</p> <p>7.6 If the owner neglects or refuses to provide the</p>

received notice requiring the statement to be provided, shall be guilty of an offence under this By-law.		statement within ten (10) business days of the request of the Region, the owner shall be guilty of an offence under this By-law.
<b>ADDITIONAL REMEDIES FOR FIERCE OR DANGEROUS DOGS</b>		<b>8. REMEDIES FOR FIERCE OR DANGEROUS DOGS</b>
<p>Where a Dog Control Officer has reason to believe that a dog is a fierce or dangerous dog and the owner of the dog has been identified, the Dog Control Officer, in addition to any other remedies provided by statute or under this By-law may, after giving the owner a fair opportunity to be heard except in emergency situations:</p> <ul style="list-style-type: none"> <li>• issue the owner a notice to muzzle the dog, which requires the dog to be muzzled at all times when outside of its owner's residence or its owner's fenced yard; and/or</li> <li>• issue the owner a notice to microchip the dog at the owner's expense; and/or</li> <li>• issue the owner a Notice of Violation or Notice to Appear; and/or</li> <li>• impound or seize the dog under section 9 or 10 hereof.</li> </ul>	A Constable, Peace Officer or Bylaw Enforcement Officer in apprehending any dog may use a tranquilizer in order to capture any dog running at large or if such dog is fierce or dangerous, and the Constable, Peace Officer or Bylaw Enforcement Officer shall not be liable for the injury or death of such dog in the use of the tranquilizer gun.	<p>8.1 Where a By-law Officer has reason to believe that a dog is fierce or dangerous and the owner has been identified, the By-law Officer, in addition to any other remedies provided by statute or under this By-law may, after giving the owner a fair opportunity to be heard, except in emergency situations may:</p> <p>(a) issue the owner a notice to muzzle the dog at all times when outside of its owner's residence or its owner's fenced yard; and/or</p> <p>(b) issue the owner a notice to microchip the dog at the owner's expense; and/or</p> <p>(c) issue the owner a Notice of Violation or Notice to Appear; and/or</p> <p>(d) impound or seize the dog under section 9, <i>Impoundment</i> or 10, <i>Seizure under Warrant</i>.</p>
Every owner who, having received a notice to muzzle under section 8(a)(i) or 9(g) (1) fails to ensure their dog is muzzled while the dog is off the property occupied by the owner is guilty of an offence under this By-law.		8.2 Every owner who, having received a notice to muzzle fails to ensure their dog is muzzled while the dog is off the property occupied by the owner is guilty of an offence under this By-law.
Every owner who, having received a notice to microchip under section 8 (a)(ii) or section 9(g)(ii),		

<p>fails to have a microchip implanted, or fails to have the microchip remain functional and effective is guilty of an offence under this Bylaw.</p>		
<p><b>9 IMPOUNDMENT</b></p>		<p><b>9 IMPOUNDMENT</b></p>
<p>Any Dog Control Officer, without notice to, or complaint against the owner of any dog, may impound a dog:</p> <ul style="list-style-type: none"> <li>▪ found running at large contrary to this By-law;</li> <li>▪ which is rabid or appears to be rabid or exhibiting symptoms of canine madness;</li> <li>▪ which is fierce and dangerous;</li> <li>▪ which persistently disturbs the quiet of the neighborhood or area, by barking, howling or otherwise.</li> </ul>	<p>(1) Any Constable, Peace Officer or Bylaw Enforcement Officer, without notice to, or complaint against the owner of any dog, may impound a dog:</p> <ul style="list-style-type: none"> <li>(a) found running at large contrary to this Bylaw; or</li> <li>(b) in respect of which the registration fee or tax imposed by this Bylaw has not been paid; or</li> <li>(c) which is rabid or appears to be rabid or exhibiting symptoms of canine madness; or</li> <li>(d) which persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.</li> </ul>	<p>9.1 The By-law Officer without notice to, or complaint against the owner of any dog, may impound a dog:</p> <ul style="list-style-type: none"> <li>(a) found running at large contrary to this By-law; and/or</li> <li>(b) which is rabid or appears to be rabid or exhibiting symptoms of canine madness; and/or</li> <li>(c) which is fierce and dangerous; and/or</li> <li>(d) which persistently disturbs the quiet of the neighborhood or area, by barking, howling or otherwise.</li> </ul>
	<p>Any Constable, Peace Officer or Bylaw Enforcement Officer, without notice to, or complaint against the owner of any dog, may kill on sight without impounding any dog or impound and kill any dog:</p> <ul style="list-style-type: none"> <li>(i) which is fierce or dangerous; or</li> <li>(ii) which is rabid or appears to be rabid or exhibiting symptoms of canine madness</li> </ul>	
<p>Every owner who redeems a dog from the Pound Keeper shall be liable to the Municipality for payment of all fees, charges, and expenses incurred in impounding or seizing a dog including, but not limited to, the cost of apprehension, board, food, care, and any veterinary fees prior to reclaiming such dog. In addition, the owner must provide valid proof the impounded dog is</p>	<p>Every owner who reclaims a registered dog from the pound keeper shall be liable for payment of the cost of apprehension of the dog, board for the keeping of the dog by the pound keeper, and/or veterinary fees to reclaim such dog. In addition, the owner must pay all fines or penalties levied against the owner of the dog before it can be</p>	<p>9.2 Every owner who redeems a dog shall be liable to the Region for payment of all fees, charges, and expenses incurred in impounding or seizing a dog including, but not limited to, the cost of apprehension, board, food, care, and any veterinary fees prior to reclaiming such dog.</p>

<p>their dog, before the dog(s) can be redeemed from the pound.</p>	<p>reclaimed from the pound.</p>	<p>9.3 Every owner who redeems a dog must provide valid proof the impounded dog is their dog, before the dog(s) can be redeemed from the pound.</p>
<p>Every owner who redeems a dog from the Pound Keeper, which has not been registered or is not wearing a tag, shall also register the dog or obtain a replacement tag, before the dog(s) can be redeemed from the pound.</p>	<p>Every owner who reclaims an unregistered dog from the pound keeper shall be liable for payment of the cost of apprehension of the dog, board for the keeping of the dog by the pound keeper, veterinary fees, registration fee, plus an additional Fifteen Dollars (\$15.00) to reclaim such dog. In addition, the owner must pay all fines or penalties levied against the owner of the dog before it can be reclaimed.</p>	<p>9.4 Every owner who redeems a dog from the Pound Keeper which has not been registered or is not wearing a tag, shall also register the dog or obtain a replacement tag, before the dog(s) can be redeemed from the pound.</p>
<p>Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours from seizure or impoundment, excluding Saturdays, Sundays, and Holidays, may, after the expiration of that period, become the property of the Municipality, and may be offered to the SPCA for adoption, and, if refused by the SPCA, may be humanely euthanized under the direction of the Dog Control Officer.</p>	<p>Any dog which has not been reclaimed after a period of seventy-two (72) hours, excluding Saturdays, Sundays and Holidays, may, after the expiration of that period, be offered to the local SPCA for adoption.</p>	<p>9.5 Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours from seizure or impoundment, excluding Saturdays, Sundays, and Holidays, may, after the expiration of that period, become the property of the Region and may be offered to the SPCA for adoption, and, if refused by the SPCA, may be humanely euthanized at the direction of the By-law Officer.</p>
<p>Any dog seized or impounded with a valid tag shall require the Municipality to contact the owner, which may include written notice to the owner, and only after notice is given to the owner, personally or by being left at the owner's residence, shall a period of seventy-two (72) hours, excluding Saturdays, Sundays, and Holidays, commence. The registered dog may, after the expiration of that period, become the property of the Municipality, and may be offered to the SPCA for adoption, and if refused by the SPCA, may be humanely euthanized under the</p>		<p>9.6 If a dog is seized or impounded with a valid tag:  (a)the Region shall contact the owner, in writing in person or by a notice left at the owner's residence; and  (b)following a minimum of seventy-two (72) hours from the time the notice was provided, excluding Saturdays, Sundays, and Holidays the registered dog may become the property of the Region, and may be offered to the SPCA for adoption, and if refused by the SPCA, may be humanely euthanized under the direction of the By-law</p>

direction of the Dog Control Officer.		Officer.
<p>Impounded or seized dogs suspected of being inflicted with rabies or canine madness shall be examined by a veterinarian. Any dog reasonably requiring such veterinary examination or other veterinary care, including humane euthanasia, once in control of any Dog Control Officer or Pound Keeper will receive such care. Except in emergency situations, reasonable efforts shall be used to allow the owner a fair opportunity to be heard before a dog is euthanized. All veterinary fees must be paid by the owner before a dog shall be released to the owner, and shall also be due and payable by the owner in the event the dog is not released to the owner but is euthanized on veterinary advice.</p>		<p>9.7 Impounded or seized dogs suspected of being infected with rabies or canine madness shall be examined by a veterinarian.</p> <p>9.8 Except in emergency situations, reasonable efforts shall be used to allow the owner a fair opportunity to be heard before a dog is euthanized.</p> <p>9.9 All veterinary fees must be paid by the owner either if the dog is euthanized on veterinary advice or if the dog is being released to the owner.</p>

<p>Where an impounded or seized dog has previously been the subject of two warnings or convictions or to one warning and one conviction under this By-law to its owner and former owners, the Dog Control Officer may give notice to its owner to present himself or herself to the Dog Control Officer to show cause why the dog should not be the subject of one or more of the following remedial actions, which may be considered and acted upon by the Dog Control Officer thereafter after duly considering and balancing the health and safety of people and animals in the Municipality against the interests of the owner:</p> <ul style="list-style-type: none"> <li>• a notice to the owner to muzzle the dog, which requires the dog to be muzzled at all times when outside of its owner’s residence or its owner’s fenced yard;</li> <li>• a notice to the owner to microchip the dog at the owner’s expense;</li> <li>• humane euthanization of the dog at the owner’s expense;</li> <li>• offering the dog to the SPCA for adoption, and if refused by the SPCA, humane euthanization under the direction of the Dog Control Officer at the owner’s expense.</li> </ul>		<p>9.10 Where an impounded or seized dog has been the subject of either two warnings or convictions or one warning and one conviction under this By-law, the By-law Officer may give notice to its owner to present themselves to the By-law Officer to show why the dog should not be the subject of one or more of the following remedial actions:</p> <ul style="list-style-type: none"> <li>(a) a notice to muzzle the dog at all times when outside of its owner’s residence or its owner’s fenced yard;</li> <li>(b) a notice to the owner to microchip the dog at the owner’s expense;</li> <li>(c) humane euthanization of the dog at the owner’s expense; or</li> <li>(d) offering the dog to the SPCA for adoption, and if refused by the SPCA, humane euthanization at the direction of the By-law Officer at the owner’s expense, any of which may be considered and acted upon by the By-law Officer after considering and balancing the health and safety of people and animals in the Region against the interests of the owner.</li> </ul>
<p><b>10 SEIZURE UNDER WARRANT</b></p>		<p><b>10 SEIZURE UNDER WARRANT</b></p>

<p>Where a <b>Peace Officer</b> believes, on reasonable grounds, that a person is harbouring, keeping, or has under care, control or direction, a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise contrary to this By-law, and where the dog is located on private property to which the Peace Officer does not have consent of the occupant to enter and search a justice of the peace may, by warrant, authorize and empower the person named in the warrant to:</p> <ul style="list-style-type: none"> <li>• enter and search the place where the dog is located;</li> <li>• open or remove any obstacle preventing access to the dog; and</li> <li>• seize and deliver the dog to the pound and for such purpose, break, remove or undo any fastening of the dog to the premises.</li> </ul> <p>Where the person named in the warrant is unable to seize the dog in safety, the person may destroy the dog.</p>		<p>10.1 Where a By-law Officer believes on reasonable grounds, that a person is harbouring, keeping, or has under their care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise, contrary to this By-law, and where the dog is located on private property to which the By-law Officer does not have consent of the occupant to enter and search, a Justice of the Peace may by warrant, authorize and empower the person named in the warrant to:</p> <ul style="list-style-type: none"> <li>(a) enter and search the place where the dog is located;</li> <li>(b) open or remove any obstacle preventing access to the dog; and</li> <li>(c) seize and deliver the dog to the pound, and for such purpose, break, remove or undo any fastening of the dog to the premises.</li> </ul> <p>Where the person named in the warrant is unable to seize the dog in safety, the person may have the dog destroyed.</p>
<p><b>DESTRUCTION OF A DOG</b></p>		<p><b>11. DESTRUCTION OF A DOG</b></p>
<p>Where the owner of a dog:</p> <ul style="list-style-type: none"> <li>• which is fierce or dangerous;</li> <li>• which is rabid or appears to be rabid or exhibiting symptoms of canine madness;</li> </ul> <p>has euthanized or caused to be euthanized said dog; the owner shall provide to the Municipality or the Dog Control Officer, upon request, evidence of euthanization.</p>	<p>Where the owner of a dog:</p> <ul style="list-style-type: none"> <li>(a) which is fierce or dangerous; or</li> <li>(b) which is rabid or appears to be rabid or exhibiting symptoms of canine madness; or</li> <li>(c) has euthanized or caused to be euthanized said dog, shall before disposal or burial of the carcass of the dog, exhibit the said carcass to the Bylaw Enforcement Officer.</li> </ul> <p>(2) Where the owner of a dog disposes of the carcass of a</p>	<p>11.1 Where the owner of a dog:</p> <ul style="list-style-type: none"> <li>• which is fierce or dangerous; or</li> <li>• which is rabid or appears to be rabid or exhibiting symptoms of canine madness;</li> </ul> <p>has euthanized or caused to be euthanized said dog, upon request from the Region the owner shall provide evidence of euthanization.</p>

	<p>dog without exhibiting it to the Bylaw Enforcement Officer, the owner shall provide to the Town or the Bylaw Enforcement Officer a Statutory Declaration which shall set forth the following information:</p> <p>(a)the date the dog was euthanized and the method of euthanization;</p> <p>(b)where the dog is euthanized by veterinarian, attaching to the Statutory Declaration, a letter from the veterinarian indicating that he or she euthanized the dog, the date of euthanization and disposal of the carcass;</p> <p>(c)where the owner disposes of the carcass of a dog, a statement of how the owner of the dog disposed of the carcass.</p> <p>(3)Where the owner of a dog fails to carry out the provisions of this Section, shall be guilty of an offence and liable on conviction to a penalty of not less than Two Hundred Dollars (\$200.00) and not more than Ten Thousand Dollars (\$10,000.00), and in default of payment, to imprisonment for a term not exceeding two (2) months.</p>	
<p>In an emergency any Dog Control Officer, without notice to the owner, may destroy or tranquilize any dog that is running at large and which he or she reasonably believes, to pose an imminent danger to a person (including the Dog Control Officer) or to a domestic animal.</p>		<p>11.2 In an emergency the By-law Officer, without notice to the owner, may destroy or tranquilize any dog that is running at large and which they reasonably believe pose an imminent danger to a person (including the By-law Officer) or to a domestic animal.</p>
<p><b>DUTY TO REPORT ABUSE</b></p>		<p><b>12 DUTY TO REPORT ABUSE</b></p>

<p>If in the course of performing his or her duties he or she reasonably believes that a dog has been abused or neglected, the Dog Control Officer must notify a peace officer having authority under the Animal Protection Act. The peace officer(s) may with the assistance of the Dog Control Officer take the dog into protective care and, if necessary, provide veterinary services to such dog. The cost of care and any veterinary services so provided shall be paid or reimbursed by the owner. These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.</p>	<p>In the event of an emergency, or during the course of a normal by-law response, it is suspected that a dog has been abused or neglected, the by-law enforcement officer must notify a peace officer having authority under the Animal Protection Act. The officer may with the assistance of the by-law enforcement officer take the dog into protective care and, if necessary, provide veterinary services to such dog. The cost of care and any veterinary services so provided shall be paid by the owner. These instances must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.</p>	<p>12.1 If in the course of performing their duties the By-law Officer reasonably believes that a dog has been abused or neglected, they must notify a peace officer having authority under the Animal Protection Act. The peace officer(s) may with the assistance of the By-law Officer take the dog into protective care and, if necessary, provide veterinary services to such dog. The cost of care and any veterinary services so provided shall be paid or reimbursed by the owner. Any instance must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.</p>
<p><b>PENALTIES</b></p>		<p><b>13 PENALTIES</b></p>
<p>A person who does anything else prohibited by this By-law or who neglects or fails to do anything required by this By-law to be done by him is guilty of an offence and except where some other penalty is provided by this By-law for the act, refusal, neglect or failure, the offence is liable on summary conviction to a penalty of not more than ten thousand dollars (\$10,000) per offence and, in default of payment, to imprisonment for a term not exceeding sixty (60) days.</p>	<p>Any person who fails to comply with Sections 38.12(1)(a) and (b) shall be guilty of an offence and liable to a penalty of not less than Two Hundred Dollars (\$200.00) and not more than Ten Thousand Dollars (\$10,000.00), and in default of payment, to imprisonment for a term not exceeding two (2) months.</p> <p>Person who is convicted of Section 38.12(1)(c) and (d) is liable to a penalty of not less than Five Hundred Dollars (\$500.00) and not more than Ten Thousand Dollars (\$10,000.00), and in default of payment, to imprisonment for a term not exceeding two (2) months.</p> <p>(4) Every day during which an offence pursuant to Section 38.12 continues shall be a separate offence.</p>	<p>13.1A person who does anything else prohibited by this By-law or who neglects or fails to do anything they are required to do by this By-law is guilty of an offence and except where some other penalty is provided by this By-law for the act, refusal, neglect or failure, the offence is liable on summary conviction to a penalty of not more than ten thousand dollars (\$10,000) per offence and, in default of payment, to imprisonment for a term not exceeding sixty (60) days.</p> <p>13.2 Every day during which an offence pursuant to Clause 13.1 continues shall be a separate offence.</p>

<p>In lieu of prosecution under this By-law, the Dog Control Officer may, in his sole and absolute discretion, issue to any person he believes upon reasonable grounds has committed an offence under this By-law a Notice of Violation, which Notice shall require the person to whom it is directed to pay to the Municipality within fourteen (14) days of the issuance of the Notice the sum of \$250.00 for an offence under section 8 (a) of this By-law and \$150.00 for all other offences. 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 Municipality to issue a Notice of Violation before initiating a prosecution.</p>		<p>13.3 In lieu of prosecution under this By-law, the By-law Officer may, in their sole and absolute discretion, issue to any person they believe upon reasonable grounds has committed an offence under this By-law a Notice of Violation. This Notice shall require the person to whom it is directed to pay to the Region within fourteen (14) days of the issuance of the Notice the sum of \$250.00 for an offence under s. 8.1 of this By-law and \$150.00 for all other offences. Where a Notice of Violation is issued and the required amount is paid, no prosecution shall follow respecting the matter or matters referred to in the Notice. For greater certainty, nothing in this bylaw requires the Region to issue a Notice of Violation before initiating a prosecution.</p>
	<p>Any person who fails to comply with the provisions of this Bylaw for which no penalty is expressly provided shall be liable on conviction to a penalty of not less than Two Hundred Dollars (\$200.00) and not more than Ten Thousand Dollars (\$10,000.00), and in default of payment, to imprisonment for a term not exceeding two (2) months.</p>	
<p><b>REPEAL</b></p>		<p><b>14 REPEAL</b></p>
<p>The Dog By-law of the Municipality of the District of West Hants approved October 21, 2009, By-law 2008-3 Respecting the Registration and Regulation of Dog of the former Town of Hantsport approved July 8, 2008, and all previously enacted By-Laws of the Municipality of West Hants and the former Town of Hantsport relating to the regulation, registering and</p>		<p>The Dog By-law of the former Municipality of the District of West Hants approved July 11, 2017 Respecting the Registration and Regulation of Dogs and the Dog By-law of the former Town of Windsor approved February 22, 2011 are hereby repealed on the effective date of this By-law.</p>

<p>harbouring of dogs are hereby repealed, on the effective date of this By-law.</p>		
<p>First Reading: June 13, 2017  Notice Published: June 26, 2017  Second Reading &amp; Approval July 11, 2017  Final Publication July 17, 2017  Notice to Municipal Affairs July 17, 2017  Description: Initial Approval of D-003 Dog By-law which includes the repeal of West Hants Dog By-law approved October 21, 2009 and Hantsport Dog By-law approved July 8, 2008.</p>	<p>Date of first reading: Tuesday, January 25, 2011  Dates of advertisement of Notice of Intent to Consider: February 03 &amp; February 10, 2011  Date of second reading: Tuesday, February 22, 2011  *Date of advertisement of Passage of Bylaw: March 03, 2011  Date of mailing to Minister a certified copy of Bylaw: Friday, March 04, 2011</p>	

**Appendix B**  
**DRAFT DOG BY-LAW FOR WHRM**

**1. TITLE**

This By-law is made pursuant to the Municipal Government Act, Chapter 18 of the Acts of 1998 as amended from time to time.

This By-law shall be administered in accordance with the Municipal Government Act, R.S.N.S. 1989.

**2. DEFINITIONS**

In this By-law, the following words and phrases shall have the following meanings:

Attack means to injure, scratch or bite, or to commit an assault resulting in real or perceived injury to another person or animal;

Bite means wound, pierce, or penetration of the skin by a tooth or teeth;

Dog means any dog, male or female, or any animal that is the result of the breeding of a dog and any other canine animal;

By-law Officer means a person appointed by Council, and in the absence of such person a temporary replacement designated by the CAO, including the Pound Keeper, Special Constables and all other Peace Officers responsible for providing dog control activities in an emergency or as a support to a By-law Officer;

Emergency means a present or imminent event where a Peace Officer or Dog Control Officer believes prompt action must be undertaken to protect the health, safety or welfare of people and/or animals;

Fierce or Dangerous Dog means any dog that, in the absence of a mitigating factor as defined herein:

- attacks a person
- attacks an animal other than an insect;
- attacks or demonstrates a propensity, tendency or disposition to attack a person or animal either on public or private property;
- has caused injury to or otherwise endangered the safety of a person or animal;
- with unreasonable ferocity threatens any person or domestic animal;
- is owned or harboured in whole or in part for the purpose of dog fighting, or is trained for dog fighting.

No dog shall be deemed a “fierce or dangerous dog” solely because it bites, attacks or menaces a trespasser on the property of its owner,

harms or menaces anyone who has tormented or abused it, was at the time of its aggressive behavior acting in defense to an attack from a person or animal or acting in defense of its young provided that any such bite, attack or menacing behavior is a reasonable defensive response in the circumstances.

Kennel	means a lot, building or structure on or within which four or more domesticated animals are housed, groomed, bred, boarded, trained or sold for monetary gain and does not include a veterinary clinic.
Leash	means a device adequate for the effective control of the movements of the dog which is used by a person to restrict movement of a dog.
Microchip	means an approved Canadian Standard encoded tag implanted into a dog which contains a unique code that permits or facilitates access to an owner's name, address and telephone number, which is stored in the municipal registry;
Mitigating Factor	means a circumstance that reasonably explains and excuses the aggressive behavior or actions of a dog;
Muzzle	means placing a humane covering device of sufficient strength over a dog's mouth to prevent it from biting;
Owner	<p>means any person or body corporate:</p> <ul style="list-style-type: none"><li>• who is the licensed Owner of the dog; and/or;</li><li>• who has legal title to the dog; and/or;</li><li>• who has possession or custody of the dog, either temporarily or permanently; and/or;</li><li>• who has care or control of the dog; and/or;</li><li>• who harbours the dog, or allows the dog to remain on their premises.</li></ul> <p>Where such a person is a minor, "owner" includes the parent, guardian, or custodian of such a person.</p>
Owner of Premises	includes a tenant, occupier, a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or building, and in the case of the absence or incapacity of the person having title to the land or building, a trustee, personal representative, agent, mortgagee in possession, attorney under a valid Power of Attorney or a person having the care or control of the land or building;

Peace Officer	includes a police officer or a special constable;
Pound	means any premises or facilities designated by the Region as a dog pound for the keeping and disposition of impounded animals;
Pound Keeper	means a person engaged by the Region to be responsible for caring for dogs being held and for maintaining a clean environment for the dogs.
Region	means West Hants Regional Municipality
Registration	means the recording of information regarding a dog for the purposes of issuing a tag pursuant to this By-law.
Running at Large	means any dog that is off the property of its owner without being under the effective restraint or control of a person;
Service Dog	means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability or which is used for search and rescue or law enforcement;
SPCA	means the Society for Prevention of Cruelty to Animals;
Seize	means to take a dog into custody pursuant to a warrant;
Tag	means a piece of identification issued upon registration as defined in this By-law.

### **3.0 REGISTRATION**

#### **3.1 Registration of a dog with the Region is required:**

- (a) within ten (10) days after the person becomes the owner of the dog;
- (b) notwithstanding subsection (a), above, a person who possesses, has the care of, and has the control of or harbours a dog for less than 20 days is not required to license the dog;
- (c) notwithstanding subsections (a) and (b), a kennel used for the purposes of breeding is exempt from registering puppies under the age of twelve (12) weeks; and
- (d) owners of breeding dogs with litters less than the age of twelve (12) weeks are exempt from annual registration for the puppies, but after twelve (12) weeks must register the puppies;
- (e) service dogs must be registered but are exempt from registration fees when the owner has provided:
  - (i) a certificate from the Canadian National Institute of the Blind or the Hearing Ear Dogs of Canada or other proof satisfactory to the Region of the training received by

the dog as a service dog; or

- (ii) a certificate from a qualified health services practitioner indicating that the owner suffers from a disability and requires the use of a dog that is trained to assist persons with such disabilities; or
- (iii) a certificate or other proof satisfactory to the Dog Control Officer that the dog is used for search and rescue or law enforcement.

3.2 In order to register a dog, an owner shall pay the required fee and shall supply the following information:

- (a) name, civic address, mailing address and telephone number of the owner;
- (b) name and breed of the dog;
- (c) a description of the dog including whether the dog is male or female, spayed or not-spayed; neutered or not-neutered;
- (d) a photograph of the dog, if available;
- (e) identification information such as micro-chip implants, tattoos or other special markings, if available; and
- (f) the name of the veterinary clinic frequented by the dog and veterinary file identification number, if available.

3.3 The owner of every dog shall keep on the dog at all times a collar with the tag issued for that dog by the Region.

3.4 The owner shall not use the tag issued for one dog on any other dog.

3.5 When the Region is satisfied that a tag has been lost, and upon payment of a fee, the Region shall issue a replacement tag.

3.6 Every registration and tag shall be effective during the lifetime of the registered dog.

3.7 Registration and a tag issued under this By-law shall not be transferrable, including not being transferrable between owners or dogs.

3.8 The Region shall keep a record of every dog registered, showing the date and number of the tag, the name, description of the dog and the name and address of the owner.

3.9 The owner shall notify the Region if the ownership or place of residence of the dog changes at any time.

3.10 It shall be an offence to provide false information to the Region when registering a dog.

#### **4.0 KENNEL REGISTRATION**

4.1 To qualify for a kennel registration, the kennel must:

- (a) be registered with the Canadian Kennel Club, or
- (b) meet the definition of a Kennel herein; and
- (c) have obtained any required development and building permit.

4.2 To obtain a kennel registration the owner of the kennel must pay the annual kennel registration fee and provide the region with the following information:

- information required by s. 3.2 for each dog;
- kennel's owner's name, civic address, mailing address, and telephone numbers;
- the maximum number of dogs to be kenneled;
- the registered name of the kennel;
- copies of required development and building permits; and
- where applicable, a copy of the current Canadian Kennel Club license.

Upon receipt of this information, the Region shall supply the kennel owner with a receipt and a tag for each dog, which shall be kept on each dog. No individual dog tag fee is required for the individual tags used by a kennel.

4.3 Tags issued to a kennel may be transferred within the registration year to replacement dogs only if the Region is notified. The Region shall issue additional tags during the registration year as required.

4.4 The Region shall keep a record of every kennel registered, showing the date and number of the tags, the kennel owner's name and address of the owner.

4.5 The owner shall notify the Region if the ownership or address of the kennel changes at any time. If the location changes, the owner shall provide copies of the relevant development and building permits.

4.6 It shall be an offence to provide false information to the Region when registering a kennel.

#### **5. FEES**

5.1 All fees referred to in this By-law shall be set by policy and may be amended by Council from time to time.

5.2 The registration fee for annual kennel registrations after October 1<sup>st</sup> of any year will be one-half of the annual registration fee.

#### **6. DOG CONTROL AND POUND**

6.1 The By-law Officer shall be primarily responsible to enforce this By-law as it pertains to dog control and impounding.

- 6.2 The Pound Keeper shall:
- (a) be responsible for the operation of the pound; and
  - (b) receive all dogs impounded or seized, detain them and provide food, water and shelter in accordance with the Nova Scotia SPCA Standards of Care guidelines as amended from time to time.

## **7. RESPONSIBILITIES OF THE OWNER**

- 7.1 The owner of a dog shall confine such dog to the lands and premises of the owner.
- 7.2 Notwithstanding s. 7.1, the owner of a dog may permit such dog to leave the lands and premises when it is under the effective control of a responsible person.
- 7.3 The dog shall be deemed to be running at large where the dog is not under effective control.
- 7.4 Every owner of a dog:
- (a) whose dog runs at large; or
  - (b) whose dog is not wearing a tag required by this By-law; or
  - (c) whose dog is not licensed pursuant to this By-law; or
  - (d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise; or
  - (e) whose dog at any time without the presence of a mitigating factor attacks or injures any person or animal, or damages any property; or
  - (f) who harbours, keeps, or has under care, control or direction, a dog that is fierce or dangerous; and
  - (g) who fails to remove the feces of their dog from public property or private property other than the owners;  
is guilty of an offence under this By-law.

Clause (g) does not apply to the owner of a service dog that is trained to assist and is assisting a person with a disability which reasonably prevents removal of the feces by that person.

- 7.5 At the request of the Region, the owner shall provide a written statement of the number of dogs owned or harboured or habitually kept on the premises of the owner.
- 7.6 If the owner neglects or refuses to provide the statement within ten (10) business days of the request of the Region, the owner shall be guilty of an offence under this By-law.

## **8. REMEDIES FOR FIERCE OR DANGEROUS DOGS**

- 8.1 Where a By-law Officer has reason to believe that a dog is fierce or dangerous and the owner has been identified, the By-law Officer, in addition to any other remedies provided by statute or under this By-law may, after giving the owner a fair opportunity to be heard, except in

emergency situations may:

- (a) issue the owner a notice to muzzle the dog at all times when outside of its owner's residence or its owner's fenced yard; and/or
- (b) issue the owner a notice to microchip the dog at the owner's expense; and/or
- (c) issue the owner a Notice of Violation or Notice to Appear; and/or
- (d) impound or seize the dog under section 9, *Impoundment* or 10, *Seizure under Warrant*.

8.2 Every owner who, having received a notice to muzzle fails to ensure their dog is muzzled while the dog is off the property occupied by the owner is guilty of an offence under this By-law.

## **9 IMPOUNDMENT**

9.1 The By-law Officer without notice to, or complaint against the owner of any dog, may impound a dog:

- (a) found running at large contrary to this By-law; and/or
- (b) which is rabid or appears to be rabid or exhibiting symptoms of canine madness; and/or
- (c) which is fierce and dangerous; and/or
- (d) which persistently disturbs the quiet of the neighborhood or area, by barking, howling or otherwise.

9.2 Every owner who redeems a dog shall be liable to the Region for payment of all fees, charges, and expenses incurred in impounding or seizing a dog including, but not limited to, the cost of apprehension, board, food, care, and any veterinary fees prior to reclaiming such dog.

9.3 Every owner who redeems a dog must provide valid proof the impounded dog is their dog, before the dog(s) can be redeemed from the pound.

9.4 Every owner who redeems a dog from the Pound Keeper which has not been registered or is not wearing a tag, shall also register the dog or obtain a replacement tag, before the dog(s) can be redeemed from the pound.

9.5 Any dog without a tag which has not been redeemed after a period of seventy-two (72) hours from seizure or impoundment, excluding Saturdays, Sundays, and Holidays, may, after the expiration of that period, become the property of the Region and may be offered to the SPCA for adoption, and, if refused by the SPCA, may be humanely euthanized at the direction of the By-law Officer.

9.6 If a dog is seized or impounded with a valid tag:

- (a) the Region shall contact the owner, in writing in person or by a notice left at the owner's residence; and
- (b) following a minimum of seventy-two (72) hours from the time the notice was provided, excluding Saturdays, Sundays, and Holidays the registered dog may become the

property of the Region, and may be offered to the SPCA for adoption, and if refused by the SPCA, may be humanely euthanized under the direction of the By-law Officer.

- 9.7 Impounded or seized dogs suspected of being infected with rabies or canine madness shall be examined by a veterinarian.
- 9.8 Except in emergency situations, reasonable efforts shall be used to allow the owner a fair opportunity to be heard before a dog is euthanized.
- 9.9 All veterinary fees must be paid by the owner either if the dog is euthanized on veterinary advice or if the dog is being released to the owner.
- 9.10 Where an impounded or seized dog has been the subject of either two warnings or convictions or one warning and one conviction under this By-law, the By-law Officer may give notice to its owner to present themselves to the By-law Officer to show why the dog should not be the subject of one or more of the following remedial actions:
- (a) a notice to muzzle the dog at all times when outside of its owner's residence or its owner's fenced yard;
  - (b) a notice to the owner to microchip the dog at the owner's expense;
  - (c) humane euthanization of the dog at the owner's expense; or
  - (d) offering the dog to the SPCA for adoption, and if refused by the SPCA, humane euthanization at the direction of the By-law Officer at the owner's expense,
- any of which may be considered and acted upon by the By-law Officer after considering and balancing the health and safety of people and animals in the Region against the interests of the owner.

## **10 SEIZURE UNDER WARRANT**

- 10.1 Where a By-law Officer believes on reasonable grounds, that a person is harbouring, keeping, or has under their care, control or direction a dog that is fierce or dangerous, rabid or appears to be rabid, that exhibits symptoms of canine madness or that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise, contrary to this By-law, and where the dog is located on private property to which the By-law Officer does not have consent of the occupant to enter and search, a Justice of the Peace may by warrant, authorize and empower the person named in the warrant to:
- (a) enter and search the place where the dog is located;
  - (b) open or remove any obstacle preventing access to the dog; and
  - (c) seize and deliver the dog to the pound,
- and for such purpose, break, remove or undo any fastening of the dog to the premises. Where the person named in the warrant is unable to seize the dog in safety, the person may have the dog destroyed.

## **11. DESTRUCTION OF A DOG**

11.1 Where the owner of a dog:

- which is fierce or dangerous; or
- which is rabid or appears to be rabid or exhibiting symptoms of canine madness;

has euthanized or caused to be euthanized said dog, upon request from the Region the owner shall provide evidence of euthanization.

11.2 In an emergency the By-law Officer, without notice to the owner, may destroy or tranquilize any dog that is running at large and which they reasonably believe pose an imminent danger to a person (including the By-law Officer) or to a domestic animal.

## **12 DUTY TO REPORT ABUSE**

12.1 If in the course of performing their duties the By-law Officer reasonably believes that a dog has been abused or neglected, they must notify a peace officer having authority under the Animal Protection Act. The peace officer(s) may with the assistance of the By-law Officer take the dog into protective care and, if necessary, provide veterinary services to such dog. The cost of care and any veterinary services so provided shall be paid or reimbursed by the owner. Any instance must be reported to the Nova Scotia SPCA's Chief Provincial Inspector.

## **13 PENALTIES**

13.1 A person who does anything else prohibited by this By-law or who neglects or fails to do anything they are required to do by this By-law is guilty of an offence and except where some other penalty is provided by this By-law for the act, refusal, neglect or failure, the offence is liable on summary conviction to a penalty of not more than ten thousand dollars (\$10,000) per offence and, in default of payment, to imprisonment for a term not exceeding sixty (60) days.

13.2 Every day during which an offence pursuant to Clause 13.1 continues shall be a separate offence.

13.3 In lieu of prosecution under this By-law, the By-law Officer may, in their sole and absolute discretion, issue to any person they believe upon reasonable grounds has committed an offence under this By-law a Notice of Violation. This Notice shall require the person to whom it is directed to pay to the Region within fourteen (14) days of the issuance of the Notice the sum of \$250.00 for an offence under s. 8.1 of this By-law and \$150.00 for all other offences. Where a Notice of Violation is issued and the required amount is paid, no prosecution shall follow respecting the matter or matters referred to in the Notice. For greater certainty, nothing in this bylaw requires the Region to issue a Notice of Violation before initiating a prosecution.

## **14 REPEAL**

The Dog By-law of the former Municipality of the District of West Hants approved July 11, 2017 Respecting the Registration and Regulation of Dogs and the Dog By-law of the former Town of Windsor approved February 22, 2011 are hereby repealed on the effective date of this By-law.

## Appendix C

### Proposed Fee Schedule

Regional Dog By-law (not yet enacted)	Section 5.1 Registration Fee	\$15.00 all dogs
	Section 5.2 Annual Kennel Registration fee	\$45.00
	Section 3.5 Replacement Tag	\$7.50
	Section 9.2 Fees associated with impoundment, board, food, care and veterinary costs	Actual costs incurred



**WEST HANTS REGIONAL MUNICIPALITY REPORT**

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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**To:** Planning/Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Sara Poirier, Senior Planner

**Date:** February 10, 2022

**Subject:** Plan Review: Dog Parks Continued

**LEGISLATIVE AUTHORITY**

Municipal Government Act (MGA) Part 8

**DECISION REQUEST**

Draft regulations for dog parks are attached in Appendix A for discussion by PAC/HAC. The PAC/HAC is to determine if the regulations are satisfactory for recommendation for inclusion in the draft West Hants Regional Municipality Land Use By-law. If an application for a dog park is received before a Municipal Planning Strategy and Land Use By-law (MPS & LUB) is approved for the Region, the policies included in the draft MPS & LUB will also be considered when reviewing the application.

**BACKGROUND**

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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West Hants Regional Municipality (WHRM) has a separate Municipal Planning Strategy, Land Use By-law and Subdivision By-law for Hantsport, West Hants and Windsor. As part of the plan review, planning staff are working on updating the planning documents and combining the nine (9) documents into three (3) documents: a Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law (SUB) for the Region.

On February 11, 2021 the PAC/HAC discussed policies related to parks and playgrounds. PAC/HAC determined that a policy should be added to the Regional Municipal Planning Strategy to regulate skate parks and dog parks separately from all other parks and playgrounds, to reduce the impact on neighbouring properties.

On October 14, 2021 the PAC/HAC discussed questions related to items that could be regulated in the proposed Regional planning documents related to skate parks and dog parks, such as parking, lighting, buffer strips, lot size and location. The PAC/HAC requested staff discuss these items with the Community Development Department and return with draft regulations to review further.

On January 13, 2022 the PAC/HAC discussed draft regulations for both skate parks and dog parks. The PAC/HAC requested more time to determine whether the proposed dog park regulations were satisfactory for inclusion in the draft Regional planning documents.

## **DISCUSSION**

On January 13, 2022 the PAC/HAC discussed draft regulations for dog parks at length. The Committee was concerned with the draft regulations and the draft definition of “private dog parks”. Some members stated the maximum number of parking spaces should be set at 10 parking spaces similar to the draft skate park regulations. Other members thought buffering, lighting, specific yard requirements, and watercourse setbacks may not be required. The Committee agreed that staff revise the definition of “private dog park” and bring back the same regulations at the next PAC/HAC meeting for discussion.

The proposed definition in Appendix A was changed from:

“Private dog park – means a dedicated fenced park where only members may allow their dogs to run off-leash”

to

“Dog Park – means a dedicated fenced park where visitors may allow their dogs to run off-leash”.

The regulations in Appendix A are the same as the January 13, 2022 report. Appropriate locations for dog parks will be discussed further when staff and PAC/HAC review each zone and the permitted uses in each zone.

## **NEXT STEPS**

Once PAC/HAC has determines how dog parks should be regulated, these regulations will be placed on file to be incorporated during the plan review.

## **FINANCIAL IMPLICATIONS**

There are no financial implications for the Region associated with the filing of this report.

**ALTERNATIVES**

Should PAC/HAC not wish to place the draft regulations for dog parks on file, it may:

- determine that PAC/HAC does not want to regulate dog parks separately from other parks and playgrounds;
- provide alternative direction, such as requesting further information on a specific topic.

Report Prepared by: \_\_\_\_\_  
Sara Poirier, Senior Planner

Report Reviewed by: \_\_\_\_\_  
Madelyn LeMay, Director of Planning and Development

## Appendix A

Proposed regulations and definitions (in blue) for dog parks to be incorporated in the West Hants Regional Municipality Land Use By-law.

### X.X Dog Parks

Where private dog parks are permitted, the following provisions shall apply:

- (a) minimum lot size shall be 21,780 sq. ft. (2,023.42 sq. m.);
- (b) front, rear and side yards shall be a minimum of 50 ft;
- (c) a major buffer shall be required when a dog park abuts residential uses;
- (d) a minor buffer shall be required when a dog park abuts any other use;
- (e) the separation distance from any fenced area of the dog park to a watercourse shall be a minimum of 100 ft. (30.48 m);
- (f) the area shall be enclosed by galvanized fencing a minimum of 4 ft (1.2 m) in height with a double gated entry;
- (g) parking shall be required at 1 space per 5,000 sq. ft. (464.52 sq. m.) of lot area to a maximum of 15 required parking spaces;
- (h) overhead lighting which meets the requirements of s. XX, *Exterior Lighting*, shall be required to ensure all portions of the fenced in dog park are illuminated during hours of operation;
- (i) in addition to signage permitted in the zone, a double-sided sign will be permitted on the fence of the dog park outlining the rules of the dog park and property owner contact information.

### Definitions

**Dog park** – means a dedicated fenced park where visitors may allow their dogs to run off-leash;



**West Hants**

PAC/HAC  
Buffer Strips  
January 13, 2022



# “Recap”

- buffer strips discussed at December PAC/HAC meeting
- Bruce Wright described Federation of Agriculture areas of concern (spray drift, industry, noise, smell, livestock & impact of off-road vehicles on farms)
- need for buffer strips between a variety of designations, zones and uses discussed

# “Recap”

Discussion focused on:

- the distance sonic devices are heard & their impact
- different sizes of lots that could be affected by buffers
- difficulty in differentiating between “large” & “small” industries (a physically small industry could be more obnoxious than a large one)
- can a requirement for a buffer be varied by the Development Officer using the variance provisions of the MGA? (no)
- potential need for buffer strips to be porous rather than impervious
- main need for buffer may be between residential and agricultural developments

# Terms

- designation: an area of land shown on the GFLUM of MPS; indicates Council's long-term intent for an area
- zone: an area of land shown on the Zoning Map of the LUB; indicates Council's short-term intent for an area or a lot
- existing use: happening to-day
- permitted (or listed) use – uses enabled by a Zone in the LUB

# Present Buffer Strip Locations

## Hantsport

- term not used; buffers not required

## West Hants

- generally requires a planting strip when a commercial or industrial **zone** abuts any other type of **zone**
- in addition recent amendments require a planting strip when a commercial or industrial **zone** in the Rural Commercial (RC) Zone abuts an existing residential **use**

# Present Buffer Strip Locations

## Windsor

- detailed requirements for Wentworth Gateway District
- planting strips required where a commercial use in a commercial zone abuts a **residential use** or where a **lot in an Industrial zone abuts a residential or institutional zone**
- increased setbacks (without planting) required in several instances



# PROPOSED MPS BACKGROUND

When a new commercial, industrial or agricultural use is proposed for an area abutting an existing residential or institutional use, the neighbour in the residential or institutional use often worries about the impact on their use. Will the new use be unpleasant to look at? Noisy? Have a lot of traffic coming and going? Often residential owners complain about noise, odor and dust from a commercial, industrial or agricultural use. Council will address these concerns by requiring the new development to develop and maintain a “buffer strip” on its property.

- Is the proposed MPS background material acceptable for the draft Regional document? If not, what changes are needed?

# MPS POLICY

As a result it shall be the policy of Council to:

- z.1 require all new commercial, industrial or agricultural developments and some new residential developments to develop and maintain a buffer strip on the same lot as the development;
- z.2 define and distinguish where major and minor buffer strips are to be used, dependent on the type of use and location of the development;

# MPS POLICY

- z.3 require all buffer strips to be developed in a manner which creates a reasonably dense or opaque screen sufficient to buffer the new use from the abutting development; and
  - z.4 permit walkways or permitted driveways to cross buffer strips.
- are the proposed MPS policies acceptable for the draft Regional document? If not, what changes are needed?

# Revised Buffer Strip Definition

Major Buffer Strip:

means a strip of land a minimum of 20 ft. wide abutting a lot line and containing:

- (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of five (5) ft.; or
  - (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
  - (iii) a berm which is a minimum of six (6) ft. in height to buffer the abutting property; or
  - (iv) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or
- any combination of the above, all arranged to form a dense or opaque screen.

# Revised Buffer Strip Definition

## Minor Buffer Strip

means a strip of land a minimum of ten (10) ft. wide abutting a lot line and containing:

- (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 5 ft.; or
  - (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
  - (iii) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or
- any combination of the above, all arranged to form a dense or opaque screen.

➤ are the revised definitions satisfactory for use in the draft Regional documents?

# LUB General Provisions

- x.y no buffer strip shall be required:
- (i) along the street frontage of any lot;
  - (ii) on a lot that is being developed or where a building is being expanded within 500 ft. of existing development with frontage on the same street if the existing development was not required to provide a buffer to the abutting designation or use; or
  - (iii) for any skate park.

x.z walkways or permitted driveways are permitted to cross buffer strips.

➤ are the general provisions satisfactory for use in the draft Regional documents?

# LUB General Provisions (Staff Recommendation)

Development	Designation	Zone	Abuts	Requires
Residential or Institutional	Residential or Institutional	Any Residential or Institutional	Any other designation	major
Residential or Institutional	Any other than Residential or Institutional	Any other than Residential or Institutional	Any other use	minor
Any development other than Residential or Institutional	Any other than Residential or Institutional	Any other than Residential or Institutional	Any residential use	minor

# DECISION

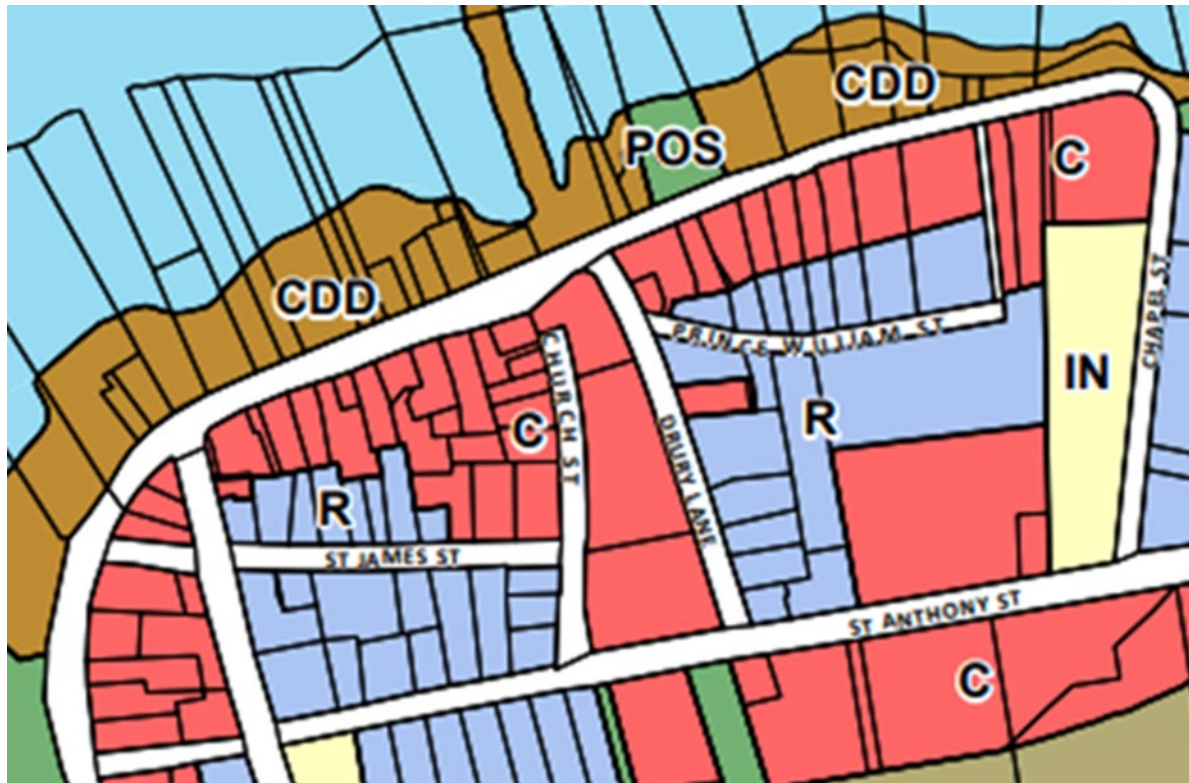


# DECISION

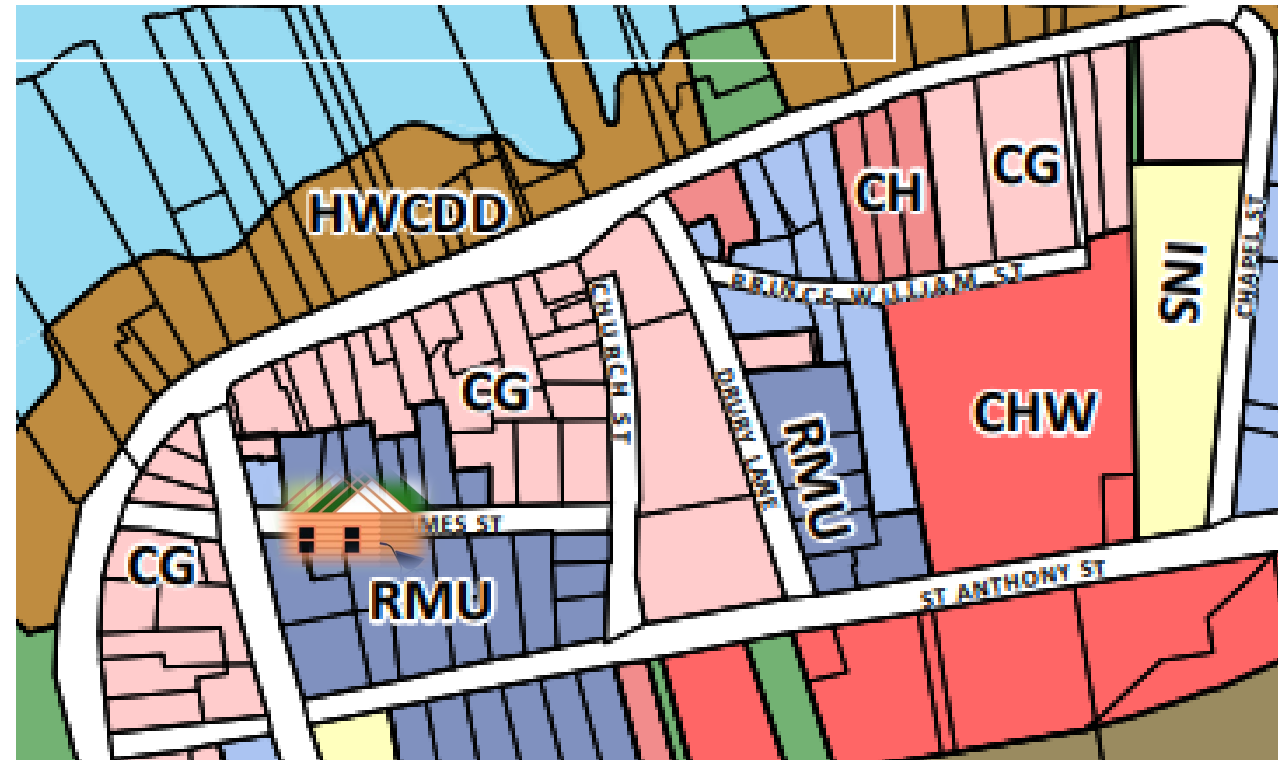
does PAC/HAC want to recommend a **major** buffer:

- where a Residential or Institutional development in any Residential or Institutional designation or zone abuts any other designation?

DESIGNATION

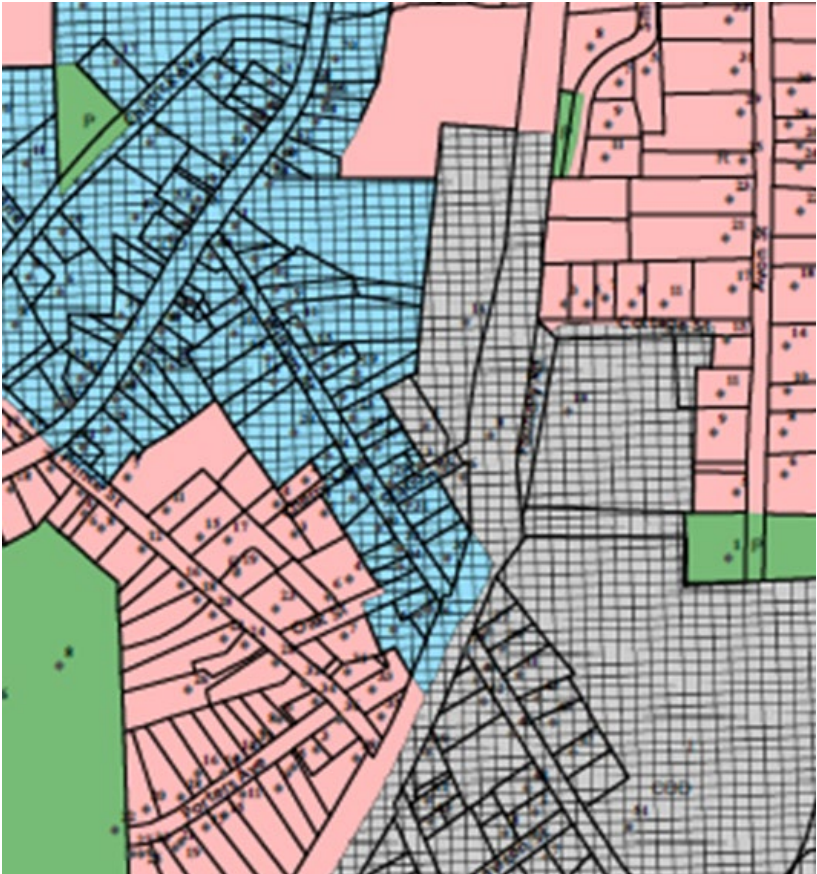


ZONES

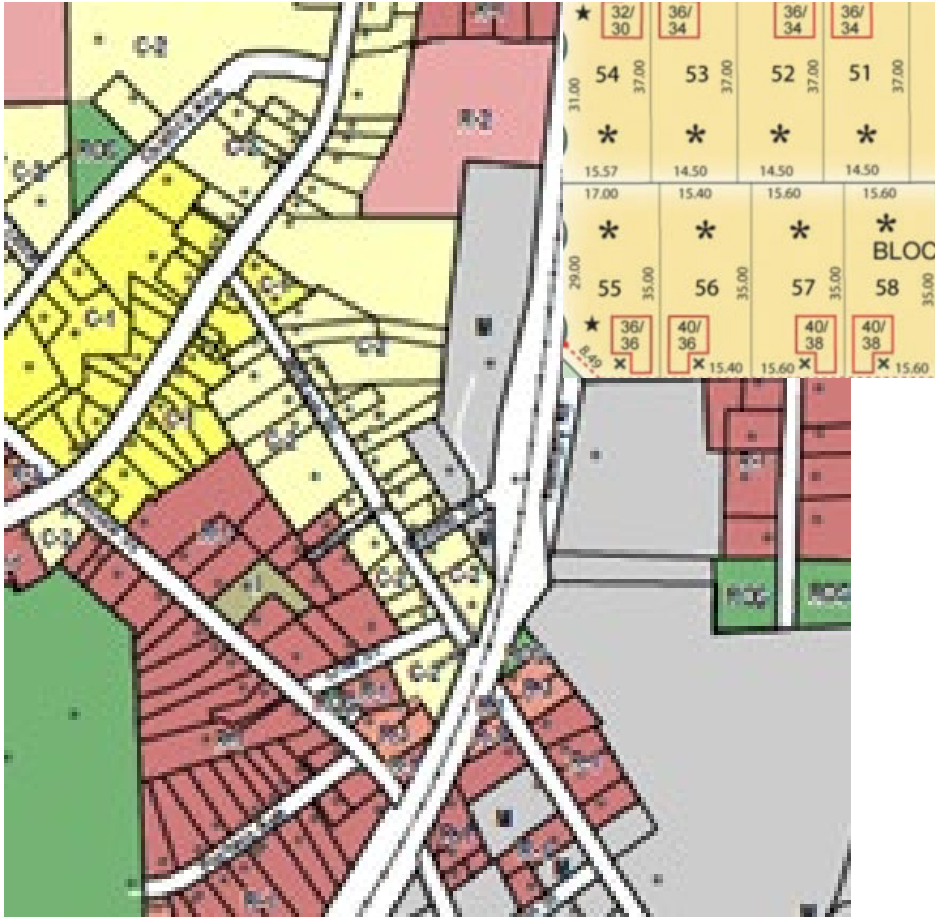


# Second example

DESIGNATION



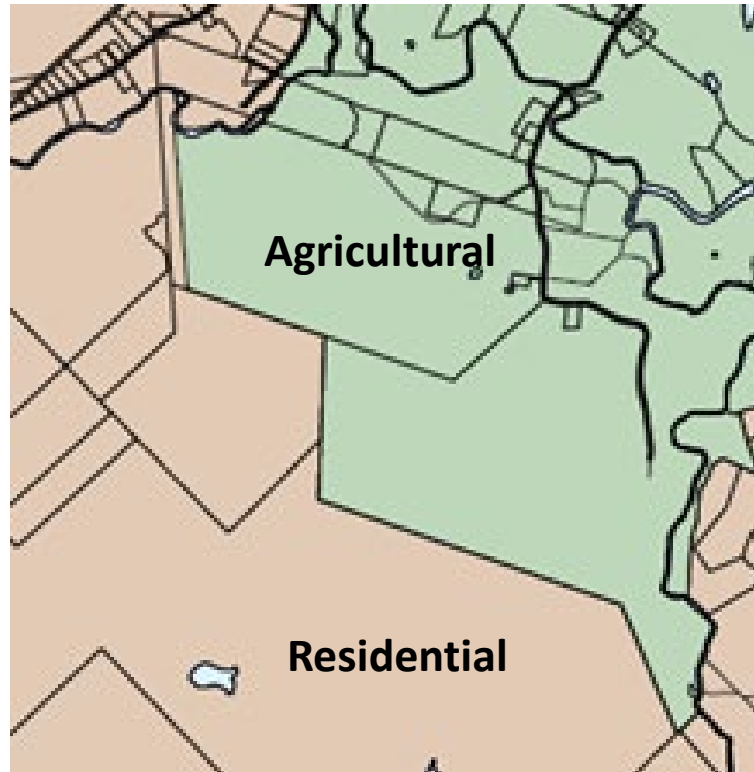
ZONES



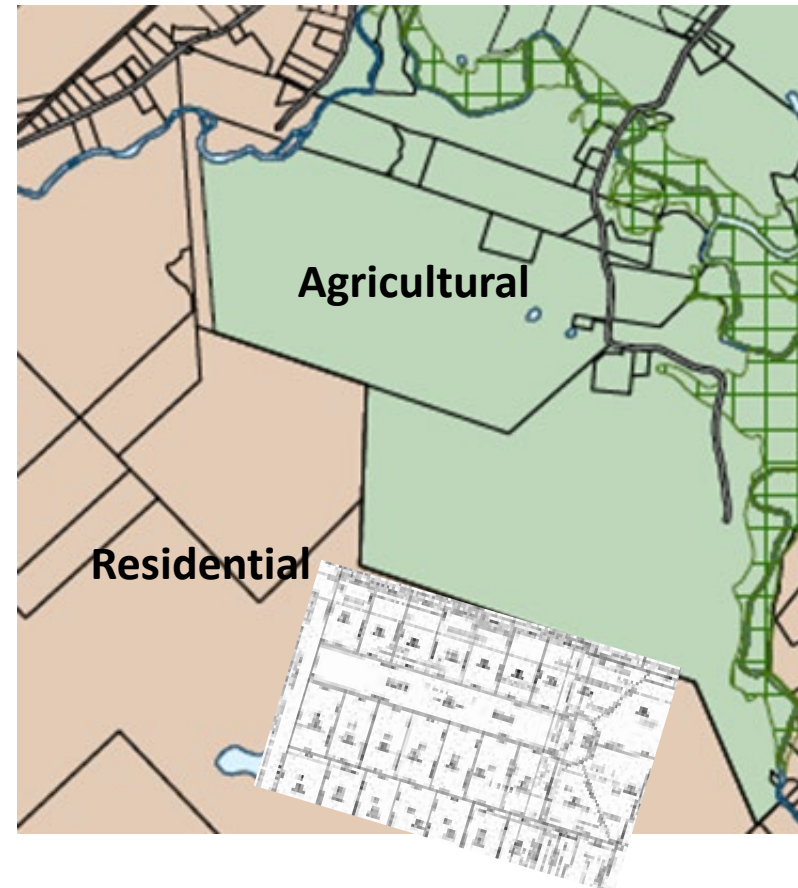
# Third example

Residential development in a residential zone abuts an agricultural zone

**DESIGNATION**



**ZONES**



# DIRECTION

does PACHAC want to recommend a **minor** buffer:

- where any residential or institutional development in a designation and zone other than Residential or Institutional abuts any other use?

Example: new dwelling (s) abuts drive through in commercial designation and zone



# DIRECTION

- does PAC/HAC want to require a **minor** buffer where any development other than Residential or Institutional in any designation and zone other than Residential or Institutional abuts any residential use?
- example: new commercial development in commercial zone abuts existing residential uses



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# CHANGE OF PACE

# Riparian Buffers

❖ transitional area between land uses & watercourses

Impact:

- mitigate impact of agricultural runoff from fields
  - provide shade which can lower the temperature of watercourses
  - filter sediment
  - help prevent erosion
  - act as windbreaks
- 
- any riparian buffer will have some impact; greater width will have greater impact
  - balance needed between permitting development and protecting watercourses

# WORDS



Yard (also called setback)

- defined in LUB
- can be varied by Development Officer (specific process)

Separation Distance

- not defined in MGA or LUB
- MGA: 220 (5) (o) regulate or prohibit development within a specified distance of a watercourse etc...
- difference: “specified distance” **cannot be varied**

# Present Requirements

## Hantsport:

- separation distance for any main building of 98' from a watercourse
- no vegetation required
- no required setback for accessory buildings

## Windsor and West Hants:

- separation distance of 50' from a watercourse
- no vegetation required
- for an unserviced lot with any part within 75 ft of a watercourse, a minimum lot area of 40,000 ft<sup>2</sup> is required
- specific requirements for intensive uses (livestock operations, kennels)

# Staff Recommendations

- staff not recommending a definition of “riparian buffer”
- staff recommending that the MPS policy specify a minimum 50’ separation distance from a watercourse for all development with greater requirements for more intense uses
- vegetation requirements be established in the LUB:
  - retention of existing vegetation; or
  - planting trees at specific heights and sizes; or
  - specific types of vegetation.



# RECOMMENDED MPS BACKGROUND

## Riparian Buffers

Development along the edges of watercourses may have a negative impact on the watercourse. In order to protect watercourses within WHRM, Council will prevent building too close to a watercourse and ensure the areas along watercourses help prevent runoff from fields, provide shade to help lower the temperature of watercourses, filter sediment, help prevent erosion and act as windbreaks.

:

- is the proposed MPS background acceptable for the draft Regional document? If not, what changes are needed?

# RECOMMENDED MPS POLICY

As a result it shall be the policy of Council to:

- x.1 require a minimum separation distance of fifty feet (50 ft.) from watercourses for all development, including both main and accessory buildings;
- x.2 require an increased separation distance from some uses associated with intensive or non-intensive livestock operations or other specified uses;

# RECOMMENDED MPS POLICY

- x.3 require vegetative cover of all land within the minimum separation distance with the exception of driveways required in association with a development permit;
  - x.4 establish minimum standards for vegetative cover within the minimum separation distance.
- are the proposed MPS policies acceptable for the draft Regional document? If not, what changes are needed?



## West Hants

### WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request X	Councillor Activity <input type="checkbox"/>
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**To:** Planning and Heritage Advisory Committee (PAC/HAC)

**Submitted by:** \_\_\_\_\_  
Madelyn LeMay, Director, Planning and Development

**Date:** January 13, 2022 **RECIRCULATED FEBRUARY 10 2022**

**Subject:** Buffers: Additional Material #2

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#### 1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 274

#### 2.0 BACKGROUND

PAC/HAC discussed the first part of a report regarding Buffer Strips and Riparian Buffers at the October 14, 2021, PAC/HAC meeting and requested discussion with the Federation of Agriculture regarding buffer strips. This took place at the December 2, 2021 PAC/HAC meeting.

#### 3.0 DISCUSSION

Discussion at the December meeting clearly showed the complexity of requiring buffer strips in a variety of locations. The emphasis in discussion kept returning to residential development. This may be the reasonable first step for requiring “improved buffers”. The material proposed for buffer strips has been revised to reflect this.

##### 3.1 Definitions

The definitions presented for the December PAC/HAC meeting remain the definitions under consideration (Appendix A).

##### 3.2 Riparian Buffers

Material on Riparian Buffers was in the October 14, 2021 report and is attached as Appendix B and will be discussed at the January meeting.

#### **4.0 NEXT STEPS**

Just as with definitions and more general policies, any decision related to Buffer Strips and Riparian Buffers would be included in the draft documents for future review by the public. Public review of Buffer Strips and Riparian Buffers as a separate item is not recommended.

#### **5.0 FINANCIAL IMPLICATIONS**

There are no financial implications for the Region associated with the filing of this report.

#### **6.0 ALTERNATIVES**

Should PAC/HAC not wish to accept the draft policies and regulations as written, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

#### **7.0 APPENDICES**

Appendix A	Second Revision MPS and LUB Material Regarding Buffers
Appendix B	Riparian Buffer Information

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Report Content Prepared by: Planners and Development Officers, Planning and Development Department

## Appendix A

### Plan Review Material Regarding Buffer Strips – January 13, 2022

#### MPS

##### Background

When a new use is proposed for an area abutting an existing residential or institutional use, the neighbour in the residential or institutional use often worries about the impact on their use. Will the new use be unpleasant to look at? Noisy? Have a lot of traffic coming and going? Often residential owners complain about noise, odor and dust from a commercial, industrial or agricultural use. Council will address these concerns by requiring the new development to develop and maintain a “buffer strip” on its property.

##### Policy

As a result it shall be the policy of Council to:

- z.1 require new commercial, industrial or agricultural developments and some new residential developments to develop and maintain a buffer strip on the same lot on the same lot, as established in the LUB;
- z.2 not require a buffer strip:
  - (i) along the street frontage of a lot;
  - (ii) on a lot that is being developed within 500 ft. of existing development with frontage on the same street lot which was not required to provide a buffer to the abutting designation or use.
- z.3 define major and minor buffer strips and distinguish where they are to be used, depending on the type and location of the development;
- z.4 require all buffer strips to be developed in a manner which creates a reasonably dense or opaque screen sufficient to buffer the abutting development from the new use; and
- z.5 permit walkways or permitted driveways to cross buffer strips.

#### LUB

##### Definitions

Major Buffer Strip: means a strip of land a minimum of 20 ft. wide abutting a lot line and containing:

- (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of 2 in. measured at 4.5 ft. above the surrounding grade and a minimum height of five (5) ft.; or

- (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (iii) a berm which is a minimum of six (6) ft. in height to buffer the abutting property; or
- (iv) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen.

Minor Buffer Strip means a strip of land a minimum of ten (10) ft. wide abutting a lot line and containing:

- (i) a mix of local species of coniferous trees. At planting, each tree shall have a diameter of two (2) in. measured at four-and-one half (4.5) ft. above the surrounding grade and a minimum height of 5 ft.; or
- (ii) a hedge of a variety of coniferous shrubs each of which will reach over six (6) ft. in height at maturity; or
- (iii) a wall or an opaque fence which is a minimum of five (5) ft. in height and of sufficient height to provide a visual buffer to the abutting property; or

any combination of the above, all arranged to form a dense or opaque screen.

**Land Use By-law General Provisions**

The following material would be placed in the General Provisions Section of the LUB:

x.x buffers shall be required in accordance with the following table:

<b>Development- (Developer Provides the Buffer)</b>	<b>Designation</b>	<b>Zone</b>	<b>Abuts</b>	<b>Requires</b>
Residential or Institutional	Residential or Institutional	Any Residential or Institutional	Any other designation	major

Residential or Institutional	Any other than Residential or Institutional	Any other than Residential or Institutional	Any other use	minor
Any development other than Residential or Institutional	Any other than Residential or Institutional	Any other than Residential or Institutional	Any residential use	minor

x.y no buffer strip shall be required:

- (i) along the street frontage of any lot;
- (ii) on a lot that is being developed or where a building is being enlarged within 500 ft. of existing development with frontage on the same street if the existing development was not required to provide a buffer to the abutting designation or use; or
- (iii) for any skate park.

x.z walkways or permitted driveways are permitted to cross buffer strips.

**Appendix B: Riparian Buffers**

**Taken From October 14 Report to PAC/HAC**

Hantsport LUB	West Hants LUB	Windsor LUB	Recommended MPS
<p><b>5.20 Setback from a Watercourse</b> All main buildings shall be setback from a watercourse as shown on the Zoning Map a distance of 30 metres.</p>	<p>5.20 Where kennels are permitted by this by-law, the following special provisions shall apply:</p> <p>(a) no kennel building or structures, including outdoor exercise runs, shall be located</p> <p>...</p> <p>(ii) 100 ft (30.48 m) from all water wells and watercourses;</p> <p>5.50 With the exception of marine uses, structures required for water distribution or irrigation, water and sewage treatment uses and buildings and structures necessary for the prevention of floods, erosion or to facilitate drainage, no structure shall be located closer than 50 ft (15.24 m) from a watercourse.</p> <p>18.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or</p>	<p>Watercourse Separation Distance</p> <p>5.42 With the exception of marine uses, water and sewage treatment uses, and accessory buildings permitted in Section 5.1, no structure shall be located closer than 50 ft (15.24 m) from a watercourse.</p> <p>Intensive Livestock Operations</p> <p>26.3 No building or structure housing an intensive livestock operation, manure storage facility for an Intensive livestock operation, or burial site or incinerator for the disposal of dead animals shall be located within:</p> <p>...</p> <p>(c) 300 ft (91.44 m) from any water well or watercourse</p> <p>Non-intensive Livestock Operations</p> <p>26.7 No building or structure housing a non-intensive livestock operation shall</p>	<p><b>Riparian Buffers</b> Development along the edges of watercourses may have a negative impact on the watercourse. In order to protect watercourses within WHRM, Council will prevent building too close to a watercourse and ensure the areas along watercourses help prevent runoff from fields, provide shade to help lower the temperature of watercourses, filter sediment, help prevent erosion and act as windbreaks.</p> <p>As a result it shall be the policy of Council to:</p> <p>x.1 require a minimum separation distance from watercourses for all development, including both main and accessory buildings;</p> <p>x.2 require an increased separation distance from some uses associated with intensive or non-intensive livestock operations or other specified uses;</p>

	<p>incinerator for the disposal of dead animals shall be located within:</p> <p>...</p> <p>(d) 300 ft (91.44 m) of a water well or watercourse.</p> <p>18.6 No building or structure housing a non-intensive livestock operation on a lot greater than one (1) acre shall be located within:</p> <p>...</p> <p>(d) 100 ft (30.48 m) of a water well or watercourse</p>	<p>be located within:</p> <p>...</p> <p>(b) 100 ft (30.48 m) of a water well or watercourse.</p>	<p>x.2 require vegetative cover of all land within the minimum separation distance with the exception of driveways required in association with a development permit;</p> <p>x.3 establish minimum standards for vegetative cover within the minimum separation distance.</p>
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