

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda - AMENDED
April 26, 2022 - 6:00 p.m.
Virtual via Zoom
(also FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.



1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous/Unsightly
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2022-03-16 Special Council Meeting Minutes
 - b) 2022-03-22 Council Meeting Minutes
 - c) 2022-03-22 Public Hearing Meeting Minutes, Redesignation and Concurrent Rezoning of 65 Fort Edward
 - d) 2022-03-31 Special Council Meeting Minutes
7. Public Hearings
 - i. Mobile Canteen Vending By-law Amendment Request
 - ii. Wentworth Road Gateway District: WMPS and WLUB Text Amendment
8. Second Readings
 - i. Mobile Canteen Vending By-law Amendment Request
 - ii. Wentworth Road Gateway District: WMPS and WLUB Text Amendment
9. Unfinished Business/Postponed Motions
10. Mayor's Report
11. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (April 12, 2022)
 - i. Accessibility Adoption Plan
 - ii. West Hants Avon River Region Tourism/Economic Development
 - iii. Revisit the closure of exit 6 and the downtown merchants
 - iv. #1792 Project Request for Proclamation or Recognition for 230th anniversary

- v. Foundry Field
 - vi. Avon River Discussions
 - vii. Partnership Opportunity -AgriSpirit Fund – The Station Food Hub
 - viii. Status Update Request – Bowman Road
 - ix. Meeting and Committee Procedural Policy – Audio recordings In-camera
 - x. In- Camera Land Matter Excerpt 13(a) MGA 22(2)(a)
- b) Planning and Heritage Recommendations (April 14, 2022)
- i. College Rd, Windsor, PID 45336203, Development Agreement, First Reading
 - ii. Dog Tags By-Law Committee of the Whole Recommendation and First Reading
 - iii. Fees Policy Decision Request – Dir. LeMay
12. Councillor Municipal Business/Activity Reports
- a) Councillor Ivey, District 11 Information Report
13. Correspondence
- a) Information
- 1. Avon Causeway Activity Log
 - i. Current Correspondence sent as of April 20, 2022 - None
 - 2. Current Correspondence received as of April 20, 2022
 - i. 2022-03-14 Joseph Feeney, PVSC re Provincial Deed Property Tax
 - ii. 2022-04-21 Darren Porter re Avondale boat launch budget
 - 3. Fort Edward Activity Log
 - i. Current correspondence received as of April 20, 2022
 - 4. Storm Wastewater Activity Log
 - i. Current Correspondence received as of April 20, 2022
- b) Requests – None
- c) Outgoing
- 1. Current Correspondence Sent as of April 20, 2022 - None
14. New Business
- a) Former Town of Windsor Debt Balloon Payment Recommendation Report – Dir. Rochon
 - b) Provincial Representative Volunteer Recommendation Report – Dir. Kehoe
 - c) **Newport & District Rink Commission – FCC AgriSpirit Fund Decision Request - Dir. Kehoe**
 - d) **Walking Trails - Councillor Jannasch**
15. In-Camera

- a) 2022-03-16 Special Council In-Camera Meeting Minutes
- b) 2022-03-31 Special Council In-Camera Meeting Minutes
- c) Legal Matter MGA 22(2)(a)

16. Next Meeting Date / Adjournment

WEST HANTS REGIONAL MUNICIPALITY
Public Hearing Minutes – Mobile Canteen Vending By-law Amendment
Tuesday, April 26, 2022 - 6:05 pm
In-person Sanford Council Chambers and virtually via ZOOM
(also Facebook Livestreamed)



1. Call to Order

The Public Hearing was called to order at 6:05 pm.

2. Council:

Abraham Zebian, Mayor
Rupert Jannasch, Councillor, District 1
Scott McLean, Councillor, District 2
Mark McLean, Councillor, District 3
Jeff Hartt, Councillor, District 4
Debbie Francis, Councillor, Dist. 5

Paul Morton, Deputy Mayor, District 8
Bob Morton, Councillor District 6
Ed Sherman, Councillor, District 7
John A. Smith, Councillor, District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Staff and Guests:

Mark Phillips, Chief Administrative Officer
Shelleena Thornton, Mun. Operations Supervisor
Deanna Snair, Exec. Asst/ Clerk
Kathy Kehoe, Dir. Community Development
Madelyn LeMay, Dir. Planning & Development

Todd Richard, Dir. Public Works
Sara Poirier, Sr. Planner
Alex Dunphy, Planner
Carlee Rochon, Dir. Financial Services
Diana Gibson, Manager of Accounting
and Financial Services

Planner Fuller, Brighter Planning

3. Public Hearings – All public hearings and presentations are available on the Municipal website.

Mobile Canteen Vending By-law Amendment Public Hearing and Second Reading
Planner Dunphy reviewed the presentation (attached) and highlighting the proposed amendment. Notice was placed in the Valley Journal Advertiser on April 4, 2022. Deadline for comments was April 21, 2022, no comments were received. Tonight, will conclude the Public Hearing and Second Reading.

4. Mayor Zebian declared the Public Hearing adjourned.

The Public Hearing ended at 6:23 pm.

Abraham Zebian, Mayor

Deanna Snair, Executive Assistant/Clerk



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: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: April 26th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMENDATION

... that Council gives Second Reading and amends the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *“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.”*

... that Council gives Second Reading and amends the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *“Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens”.*

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 14th, 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

On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

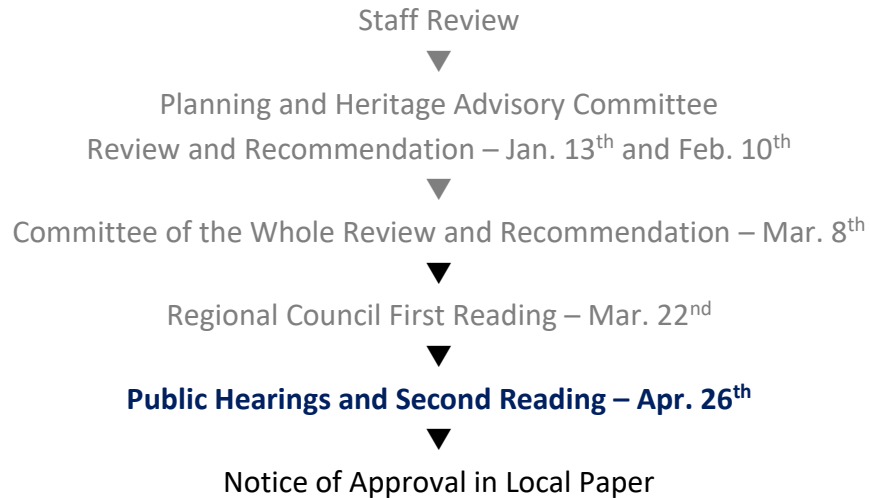
On March 8th, 2022 staff presented a recommendation report to the Committee of the Whole to move forward with the requested amendment to the Mobile Canteen Vending By-law. During the presentation, staff discussed the proposed amendments, the surrounding context of both community centres and church properties, and the taxation implications of allowing mobile canteen operations on community centres and church properties. The Committee of the Whole recommended in favour of the proposed amendments, which will allow staff to take the proposal to Council for First Reading.

On March 22nd, 2022 staff presented a recommendation report to Council for First Reading of the Mobile Canteen Vending By-law and Land Use By-law amendments. Council recommended in favour of holding a public hearing and proceeding to Second Reading for the proposed amendments.

NEXT STEPS

The Council recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is as follows:



FINANCIAL IMPLICATIONS

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

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 of community centres to apply for municipal grants.

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment 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 2022-03-22 File 21-20 D Mobile Canteen Council First Reading

CHIEF ADMINISTRATIVE OFFICER REVIEW

I have no further comments. I support the recommendations.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, CAO

Attachment A - Mobile Canteen First Reading Report



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: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
 Alex Dunphy, Planner

Date: March 22nd, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *“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.”*

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *“Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens”.*

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 14th, 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

On January 13th, 2022 staff presented an information report to the Planning and Heritage Advisory Committee regarding the request to amend the Mobile Canteen Vending By-law to allow mobile vendors to locate on community centre properties. Staff outlined that the request would require amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law. Staff also discussed the possibility of including church properties within the amendment. The Committee requested further information about taxation and the inclusion of church properties in the amendment from the Planner.

On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

On March 8th, 2022 staff presented a recommendation report to the Committee of the Whole to move forward with the requested amendment to the Mobile Canteen Vending By-law. During the presentation, staff discussed the proposed amendments, the surrounding context of both community centres and church properties, and the taxation implications of allowing mobile canteen operations on community centres and church properties. The Committee of the Whole recommended in favour of the proposed amendments, which will allow staff to take the proposal to Council for First Reading.

NEXT STEPS

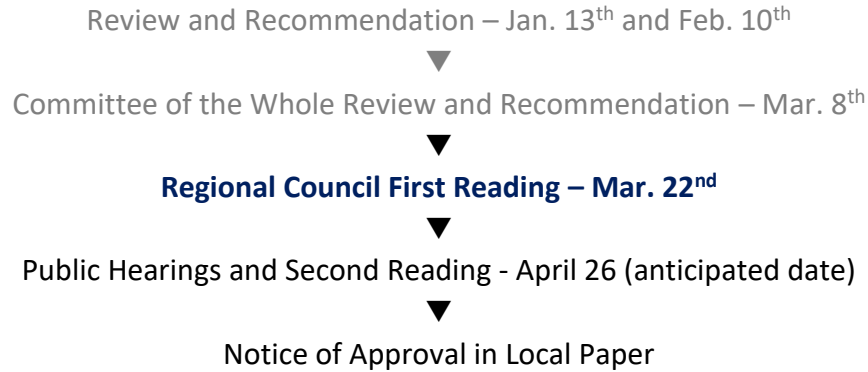
The COTW recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is:

Staff Review



Planning and Heritage Advisory Committee



FINANCIAL IMPLICATIONS

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

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 of community centres to apply for municipal grants.

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment 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 2022-03-08 File 21-20 C Mobile Canteen COTW Recommendation

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by: _____


Mark Phillips, CAO

Attachment A - Mobile Canteen COTW Recommendation Report



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: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: March 8th, 2022

Subject: Mobile Canteen Vending By-law Amendment Request

LEGISLATIVE AUTHORITY

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

RECOMENDATION

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of Clause 4.1 (f) of the Mobile Canteen Vending By-law to read as follows: *“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.”*

... that Council gives First Reading and will hold a Public Hearing to consider amending the text of the definition of Community Centre in the West Hants Land Use By-law to read as follows: *“Community Centre means any tract of land and the buildings thereon, the control of which is vested in the Municipality or local board or agent which is used for community activities and not used for commercial purposes with the exception of mobile canteens”.*

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 14th, 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

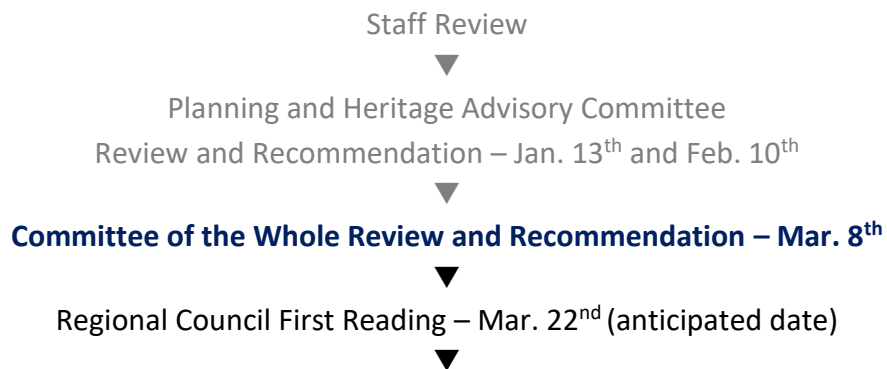
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On February 10th, 2022 staff presented a decision request report to the Planning and Heritage Advisory Committee to follow up on the requested amendment to the Mobile Canteen Vending By-law. Staff discussed the surrounding context of both community centre and church properties, access requirements, and parking requirements. Staff also provided information from the Property Valuation Services Corporation regarding the valuation of tax-exempt properties. Staff suggested the inclusion of a statement during the permitting process to notify applicants and property owners that a change in taxation assessment may occur. The Committee then recommended that staff draft amendments to the Land Use By-law and Mobile Canteen Vending By-law to allow the operation of mobile canteens on community centre and church properties and present them to Committee of the Whole.

NEXT STEPS

The PAC/HAC recommendations would result in amendments to both the Mobile Canteen Vending By-law and the West Hants Land Use By-law (WHLUB).

The required process for amendments to each document is:



Public Hearings and Second Reading - April 26 (anticipated date)



Notice of Approval in Local Paper

FINANCIAL IMPLICATIONS

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

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 of community centres to apply for municipal grants.

ALTERNATIVES

In response to the proposed amendments, Council may:

- recommend that only community centres be included in the amendment 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 2022-02-10 File 21-20 C Mobile Canteen Decision Request Report

CHIEF ADMINISTRATIVE OFFICER REVIEW

I believe the recommendation is in alignment with past Council, PAC / HAC and staff discussions.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, CAO

Attachment A - Mobile Canteen Decision Request Report



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 10th, 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 14th, 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 1st '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: _____

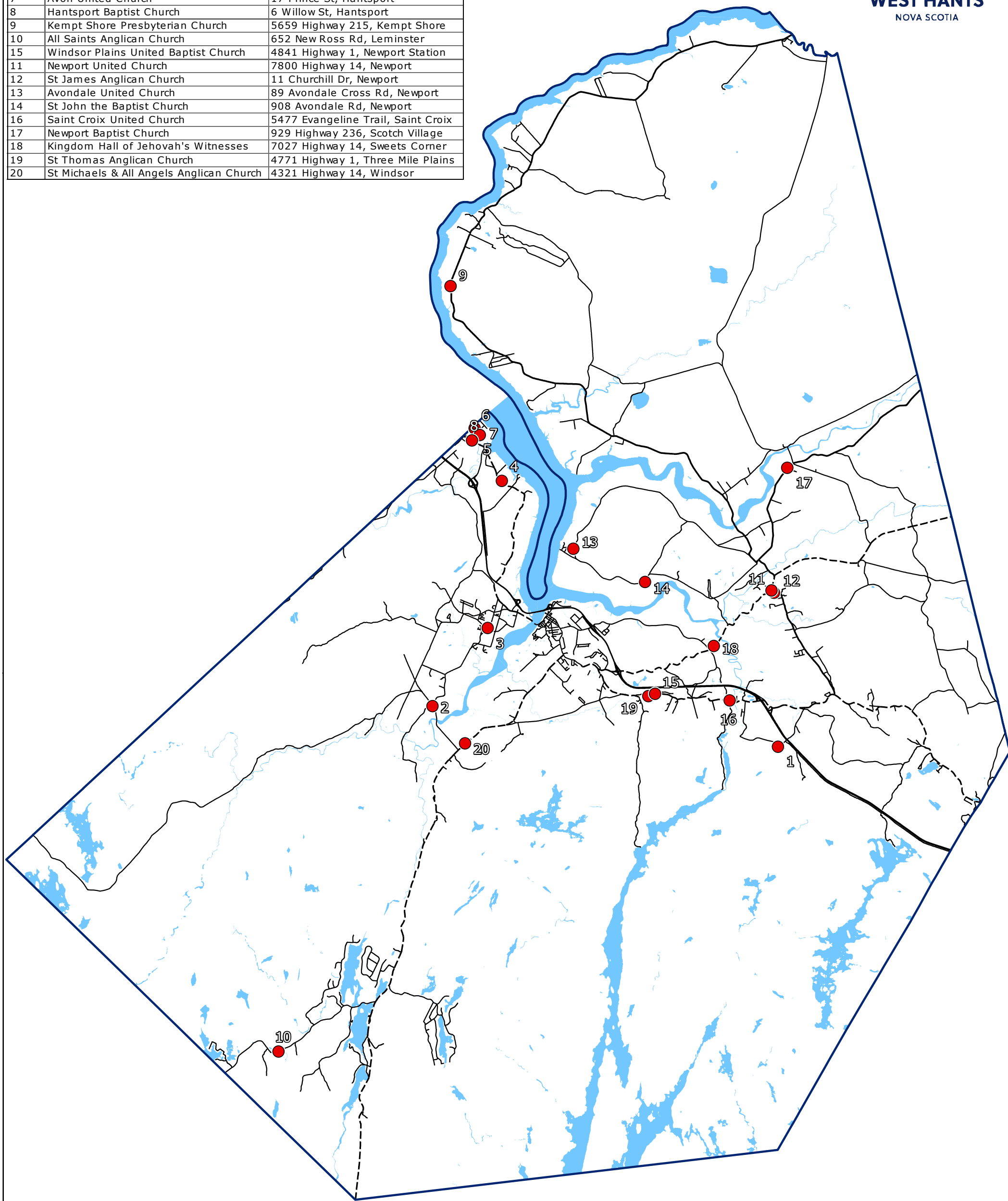
Madelyn LeMay, Director of Planning and Development

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



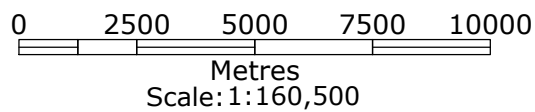
Municipality of the District of West Hants

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 13th, 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 14th, 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

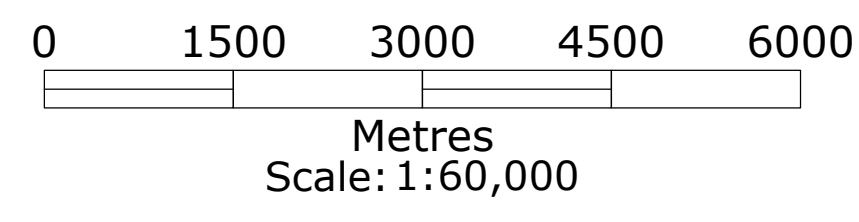
Attachment A - West Hants Regional Municipality Community Centres Map

West Hants Regional Municipality



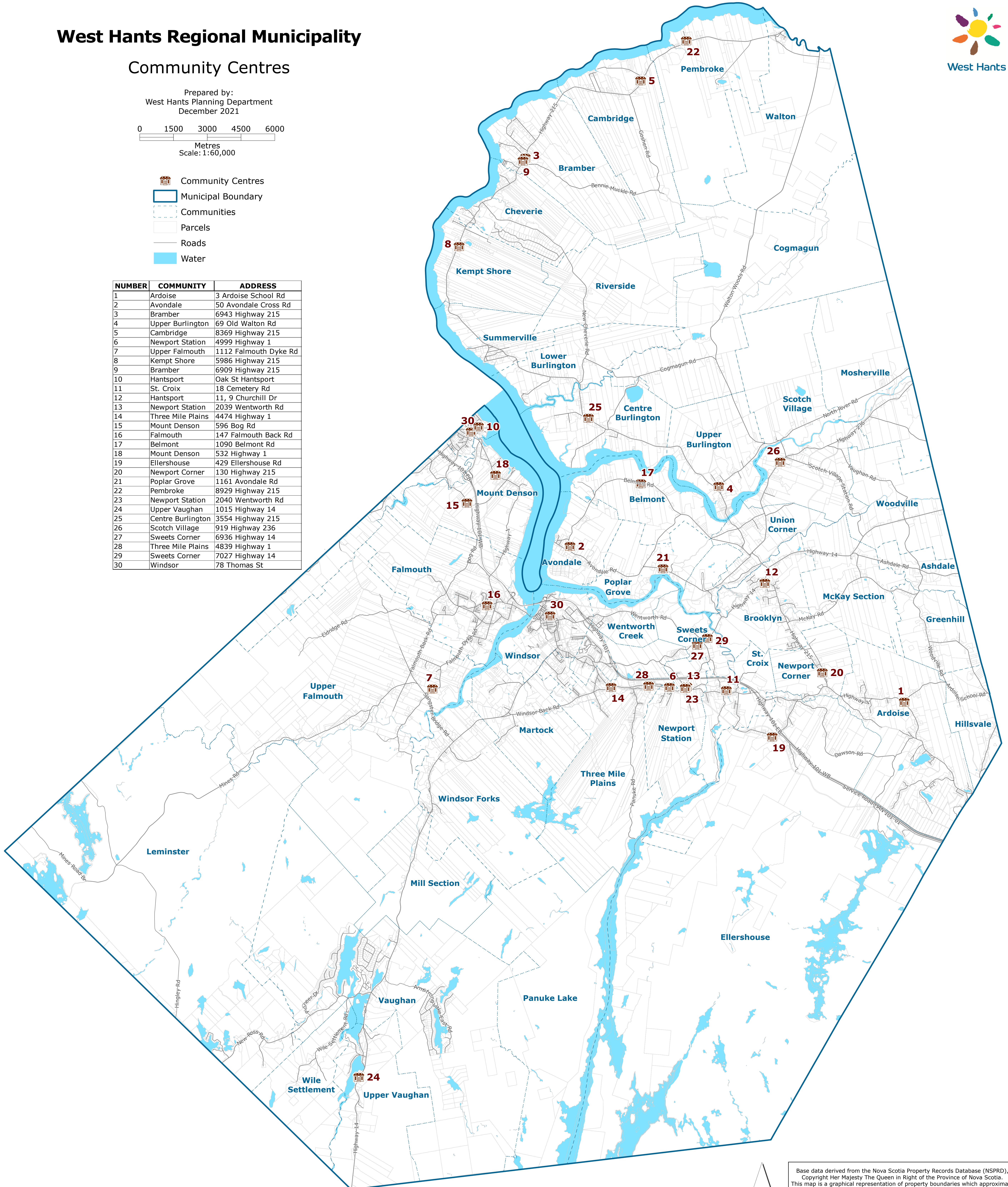
Community Centres

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

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

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

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

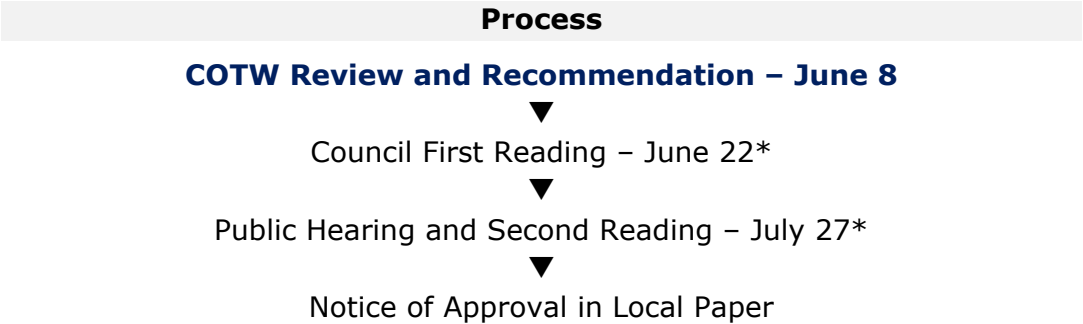
Table 2: An Example of Possible Fee Amendments to the Hawkers, Traders and Peddlers By-law for Mobile Canteens

Option 1: Existing Mobile Canteen provisions in the Windsor Hawkers, Traders and Peddlers By-law	Option 2: Amend the Windsor Hawkers, Traders and Peddlers By-law to permit mobile canteens on a monthly, seasonal, or yearly basis	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
\$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

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

- (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

- (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

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

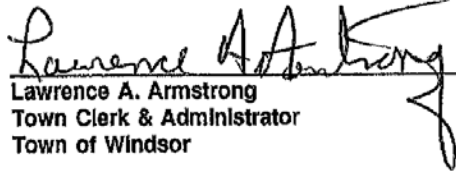
All licenses issued in the Town shall be signed by the Mayor and Chief Administrative Officer and sealed with the seal of the Town and shall bear date of the day of issue.

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.



Louis Coutinho, CAO
Town of Windsor