

**Amherst Town Council
Special Meeting
Minutes**

0185

Date: July 10, 2020
Time: 12:00 pm
Location: Zoom Virtual Meeting

Members Present Mayor David Kogon
Deputy Mayor Sheila Christie
Councillor Vince Byrne
Councillor Darrell Jones
Councillor Wayne MacKenzie
Councillor Terry Rhindress

Staff Present Jason MacDonald, Deputy CAO Operations
Shelley Rector, Chief Financial Officer
Dwayne Pike, Police Chief
Greg Jones, Fire Chief
Tom McCoag, Corporate Communications Officer
Kim Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

Due to the COVID-19 pandemic and the requirement for physical distancing, this was a virtual meeting held via Zoom.

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 12:00 p.m.

2. REQUEST FOR DECISION

- 2.1 Bylaw to Amend the Fires and Burning of Materials Bylaw C-7 2nd Reading
Moved By Councillor Byrne
Seconded By Councillor MacKenzie
That Council give second reading to the Bylaw to Amend the Fire and
Burning of Materials Bylaw C-7 as attached.**

Motion Carried

TOWN OF AMHERST

FIRES AND BURNING OF MATERIALS BY-LAW (C-7)

1. SHORT TITLE

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

2. DEFINITIONS

In this By-Law,

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

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

3. FIRES AND BURNING OF MATERIALS

No person shall light, ignite, start, allow or cause to be lit, ignited or started, or add fuel to, or otherwise permit or encourage to burn, a fire of any kind whatsoever in the open air, except as permitted by this bylaw within the limits of the Town of Amherst.

For greater clarity, the burning of materials, articles or substances in any container outside a building shall be considered burning outdoors. This means any place on a property that is not a building. A structure used mainly for the purpose of containing a burning facility or housing a vessel used for burning of materials or substances, does not qualify as a building. No person shall burn rubber tires, oil, plastic, petroleum products or domestic waste, such as leaf and yard waste including grass and grass clippings, twigs, and house and garden plants; and construction or demolition material, including saw dust, wood shavings, planking, siding, wood beams, plastic and rubber.

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

4. PERSON IN CHARGE OF THE FIRE

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

- a. They are at least the age of nineteen (19) years of age or older and shall have the ability to act quickly without delay if an issue or incident occurs in relation to the fire, and has the means to call 911 from the site, without delay. Shall be present at all times while the fire is burning or smoldering embers are completely extinguished prior to leaving the site after burning is completed;
- b. They are present at all times while the fire is burning or smoldering embers are completely extinguished prior to leaving the site after burning is completed;
- c. They are equipped with tools or equipment to contain an outdoor fire (which may include brooms, rakes, back tanks, shovels and an extinguisher or garden hose shall be available on the property within a reasonable distance from where the fire is located, that has an adequate water supply;
- d. The operating instructions that came with the recreational outdoor burning appliance shall be retained and readily available upon request. In addition, in the cause where the operating instructions from the manufacture are stricter than the requirements of in this Bylaw, then the position and operation of the appliance must comply with those operating instructions;
- e. Where the recreational outdoor burning appliance burns wood instead of natural gas or propane:
 - o it shall have a spark arrestor or mesh screen used to contain any sparks or blowing debris, that has no openings larger than 9.65 mm (3/8"). A spark arrestor is a device fitted to a recreational outdoor burning appliance to prevent the release of sparks into the atmosphere or surrounding area;
 - o In the case of using wood, you shall ensure that only clean, dry, untreated wood or charcoal is burned. This means wood that has not been chemically treated, stained or painted, and has been stored in a manner to deter dampness;
 - o The fire shall not exceed 60 centimeters in width at the largest point and not piled higher than 45 centimeters in height; and shall not create an unreasonable interference with a neighboring property owner's enjoyment of his or her property;
- f. Where the recreational outdoor burning appliance burns natural gas or propane it shall not have combustible products added to it while in operation.
- g. Recreational outdoor burning appliances shall not be placed on wooden decks or combustible surfaces or under or near a combustible structure; and that only one recreational outdoor burning appliance is used on a property at a time;
- h. Burning does not take place within 4.75 metres (15 feet) of any dwelling, accessory building, flammable structure, combustible material or property line;
- i. No fire is to be ignited or remain active when the wind speed is in excess of 25 km per hour as reported on the Environment Canada Website for Amherst, Nova Scotia;
- j. Shall ensure that no fires are ignited when a "Non-burn day – Burning is not permitted" indicator is issued for the Cumberland region, by the Nova Scotia department of Lands & Forestry, between the period of March 15th to October 15th or as determined from time to time by the Province of Nova Scotia as set out in the Forest Fire Protection Regulations.

5. SPECIAL BURNING PERMIT

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

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

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

6. AUTHORITY

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

Where it is determined that a fire poses a fire hazard to persons or property, or where there is a failure to meet the requirements of this bylaw, they shall have the authority to extinguish or order extinguished any fire which poses a health or safety hazard to persons or property, or in their opinion that the fire causing a nuisance; or does not comply with the provisions of this Bylaw.

7. PENALTY

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

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

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

8. EXCEPTION

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

9. REPEAL

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

2.2 Tax Financing Policy

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

That Council approve the proposed change to the due date of applications for the COVID 19 Property Tax Financing Program Policy from June 30, 2020 to July 31, 2020 and the revisions to section 4.2.2 and 4.2.2.1 to allow for the program to be applicable to resource land for tourism operators.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 03800-05
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DEPARTMENT: CORPORATE SERVICES

TITLE: COVID-19 Property Tax Financing Program Policy

Minutes reference date: July 10, 2020 May 25, 2020

1. This Policy is entitled the "COVID-19 Property Tax Financing Program Policy."
2. **Objective:**
The Town of Amherst is concerned about the health and safety of residents. The Town of Amherst recognizes that facilitating the payment of property taxes in installments will better allow citizens of Amherst to follow the public health directives endorsed by the Government of Nova Scotia. This Policy responds to that need by establishing a one-time property tax installment payment program (the "Program") for owners of residential and commercial properties negatively affected by the COVID-19 global pandemic.
3. **Authority:**
Sections 111 and 112 of the *Municipal Government Act* give Council the authority to provide for the payment of taxes by installments.
Section 113 of the *Municipal Government Act* allows Council to charge interest for non-payment of taxes when due, at a rate determined by policy.
4. **Scope:**
4.1 Residential - The following owners of residential property are eligible to participate in the Program:

4.1.1 An owner of a residential property that is the owner's primary residence, where the owner has experienced financial hardship through a significant reduction in income due to the State of Emergency declared by the Government of Nova Scotia in response to COVID-19, demonstrated through receipt of Provincial or Federal program assistance, or a Record of Employment (ROE) demonstrating layoff from employment after March 1, 2020;

4.1.2 An owner of a residential property where the owner was a registered Tourism Operator with Tourism Nova Scotia for the 2019 tourist season (excluding AirBNBs);

4.2 Commercial - The following owners of commercial property are eligible to participate in the Program:

4.2.1 An owner of a taxable commercial property where the property has a total taxable 2020 property assessment value equal to or less than \$2,000,000 and where the owner's business or building located on the property has experienced financial hardship through loss of sales related to the State of Emergency, demonstrated through the following:

4.2.1.1 For a business that was in operation before March 1, 2019 - that the sum of total sales for March, April and May of 2020 is less than 70% of the sum of total sales for March, April and May of 2019. The owner will be required to provide and certify a schedule of sales by month to support the application.

4.2.1.2 For a business that was established on or after March 1, 2019 – an analysis of all monthly sales from the inception of the business to May 31, 2020 clearly establishing loss of expected sales of 30% or more due to the State of Emergency for the period from March 1, 2020 to May 31, 2020. The analysis may be required to be supported by further documentation such as, but not limited to, cash flow projections prepared the purpose of obtaining financing at the time of establishing the business

4.2.2 An owner of a taxable commercial or resource property who has experienced financial hardship through loss of revenue related to the State of Emergency, regardless of the assessed value, where:

4.2.2.1 The owner of the property is a tourism operator registered under the *Tourist Accommodations Registration Act*;

4.3 Exclusions: Regardless of sections 4.1 and 4.2 of this policy, the following are not eligible to participate in the Program:

4.3.1 Property owners who have not experienced financial hardship through loss of revenue related to the State of Emergency;

4.3.2 Property owners who have received compensation from Business Interruption Insurance as a result of the State of Emergency;

4.3.3 Properties occupied by daycare centres in receipt of federal or provincial funding, or those in receipt of other emergency funding;

4.3.4 Properties used for landfill, pipeline, managed forest, parking, and commercial vacant land;

4.3.5 Properties for which there is an active tax agreement with the Town through legislation or bylaw;

4.3.6 Properties owned by non-profit organizations that are funded by the Town or that are partially exempted from property tax;

4.3.7 All properties managed under payment-in lieu-programs.

4.4 General Requirements

4.4.1 Installments shall be payable by the person, company or other entity assessed for the property for the current fiscal year.

4.4.2 In order for taxes for a property to qualify for the Program, the taxes for the property must not be in arrears at the time of application. For greater clarity, an account is not in arrears if it has a balance of \$0 or less in respect of prior years, or if the property owner has a signed payment arrangement and has fulfilled all obligations under the arrangement to the date of application.

4.5 Application

4.5.1 Property owners wishing to apply to participate in the Program for a property must complete and submit to the Town an application in the form as determined by the Town from time to time.

4.4.3 The application deadline to participate in the Program is July31, 2020.

5. Administration

5.1 Tax Installments

5.1.1 For applications meeting the Program criteria set out above, property tax payments normally due between April 1st, 2020 and September 30th, 2020 for approved properties may be paid in installments as follows.

5.1.2 For each property, Program participants will pay tax installments as follows:

5.1.2.1 Payments of \$25 per month for six months, payable on or before the last day of each month, commencing in the month the property tax payment is normally due.

5.1.2.2 Following these six months at \$25 per month, 24 equal monthly payments to amortize the balance of the amount eligible for the Program including interest as set out below. These monthly payments are payable on or before the last day of each month and continue for 24 months.

5.1.4 The rate of interest for the Program will be 1.35% per year.

5.1.5 Interest on amounts owing under the Program will be calculated commencing on the date the property tax payment is normally due and continuing until all installments have been paid.

5.2 Terms of the Program

5.2.1 The Treasurer, or his or her delegate, shall approve qualifying applicants.

5.2.2 Payments under the Program must remain in good standing with the Town throughout the duration of the Program.

5.2.3 Default in payment of an installment when due will result in the following:

5.2.3.1 The balance of outstanding taxes on the applicable property and interest will become immediately due and payable; and

5.2.3.2 The outstanding taxes and interest then owing will become subject to the Town's regular rate of interest for overdue taxes of 12% per annum.

5.2.4 All amounts owing and payable on the property tax account that are not included in the Program, including existing signed payment arrangements, are due on their normal dates and any amounts not paid when due will be subject to the Town's regular rate of interest for overdue taxes of 12% per annum.

5.2.5 Payments received by the Town from a property owner will first be applied to any installments due under the Program, in priority to any other taxes or other amounts owing by the owner to the Town.

6. Responsibilities

6.1 Council will:

7.1.1 Monitor the implementation and administration of this policy and make any amendments required for the effective and efficient operation of the Program.

7.2 The Chief Administrative Officer will:

7.2.1 Be responsible for the administration and implementation of this policy and the Program; and


7.2.2 Identify necessary amendments to this policy in consultation with Council and managerial staff and make recommendations accordingly to Council.

7. General Provisions

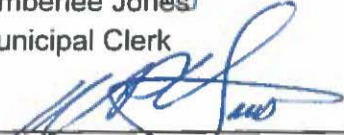
Payments received by mail are deemed to be paid on the date received by the Town.

3. **ADJOURNMENT**
Moved By Councillor Byrne
Seconded By Councillor Rhindress
To adjourn the meeting at 12:10 p.m.

Motion Carried



Kimberlee Jones
Municipal Clerk



David Kogon, MD
Mayor