



# TOWN OF LADYSMITH

A REGULAR MEETING OF THE  
COUNCIL OF THE TOWN OF LADYSMITH  
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON  
MONDAY, FEBRUARY 2, 2015  
Call to Order 6:00 p.m.  
Closed Meeting 6:01 p.m.  
Regular Open Meeting 7:00 p.m.

## AGENDA

CALL TO ORDER 6:00 p.m. in order to retire immediately into Closed Session.

### 1. CLOSED MEETING

In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider the following items:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality
- litigation or potential litigation affecting the municipality

### 2. RISE AND REPORT

REGULAR MEETING 7:00 P.M.

### 3. AGENDA APPROVAL

### 4. MINUTES

4.1. Minutes of the Regular Meeting of Council held January 19, 2015.....1 - 8

### 5. DELEGATIONS

5.1. Gail Ralphs, Leona Petrak, Kathy Holmes – Arts Council of Ladysmith and District  
2014 Year in Review

5.2. Robin Maxted  
Petition and Presentation on Fenced Dog Park

**6. PROCLAMATIONS..... 9**

**6.1.** Mayor Stone has proclaimed the week of February 16 to 22, 2015 as “Heritage Week” in the Town of Ladysmith, with a theme of “Main Street: At the Heart of the Community,” recognizing that Main Streets and traditional downtowns embody the history and evolution of a community and provide assets to stimulate tourism, attract new residents and encourage investment.

**7. DEVELOPMENT APPLICATIONS – None**

**8. BYLAWS – OCP / ZONING – None**

**9. COMMITTEE REPORTS**

**9.1. Mayor A. Stone**

Advisory Design Panel; Heritage Revitalization Advisory Commission; Stocking Lake Advisory Committee; Community Health Advisory Committee/Interagency Group

**9.2. Councillor R. Hutchins**

Cowichan Valley Regional District; Liquid Waste Management Committee; Protective Services Committee; Stocking Lake Advisory Committee; Chamber of Commerce

**9.3. Councillor C. Henderson**

Community Health Advisory Committee/Interagency Group; Ladysmith Early Years Partnership; Social Planning Cowichan – Affordable Housing Directorate; Youth Advisory Committee

**9.4. Councillor D. Paterson**

Parks, Recreation and Culture Commission; Protective Services Committee; Festival of Lights Committee

Protective Services Committee Recommendation..... 10

That Council request staff to review options for a bylaw restricting after-hours access to Town parks.

**9.5. Councillor J. Friesenhan**

Liquid Waste Management Committee; Parks, Recreation and Culture Commission

**9.6. Councillor C. Fradin**

Community Safety Advisory Commission; Advisory Planning Commission; Liquid Waste Management Committee; Ladysmith Downtown Business Association

**9.7. Councillor S. Arnett**

Municipal Services Committee; Vancouver Island Regional Library Board;  
Stocking Lake Advisory Committee; Celebrations Committee

Municipal Services Committee Recommendations ..... **11 - 12**

1. That Council direct staff to amend Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2014, No. 1846 to include provision for a “shower only” admissions fee at the rate of half the current adult admission.
2. That Council direct staff to prepare an amendment to Ladysmith Fees and Charges Bylaw 2008, No. 1644 to implement fees as outlined in the attached recommendation from the Municipal Services Committee.

**10. STAFF REPORTS**

**10.1. Literacy Grant Mini-Library Kiosks** ..... **13 - 15**

Staff Recommendation

That Council direct staff to work with the Ladysmith Secondary School (LSS) woodworking class to design, build, and install up to four mini-library kiosks on identified Town of Ladysmith properties.

**10.2. Ladysmith Bar Watch Program** ..... **16 - 22**

Staff Recommendation

That Council:

- a) Approve the Ladysmith Bar Watch Program as presented;
- b) Send letters to all Ladysmith liquor-primary establishments to advise them of the Town’s implementation of the Bar Watch Program and associated bylaw and request their participation in the program;
- c) Appoint a member of Council to act as liaison to the Bar Watch Program; and,
- d) Proceed with first three readings of “Town of Ladysmith Business License Bylaw No. 1513, 2003, Amendment Bylaw 2015 No. 1870” which appears under the Bylaws portion of tonight’s Council meeting.

**11. BYLAWS**

- 11.1. Town of Ladysmith Business License Bylaw 2003, No. 1513, Amendment Bylaw 2015, No. 1870..... 23 - 24**

May be read a first, second and third time.

The purpose of Bylaw 1870 is to amend Business Licence Bylaw 1513 in order to establish requirements for licensed establishments to participate in the Town of Ladysmith Bar Watch Program.

- 11.2. Town of Ladysmith Board of Variance Bylaw 2015, No. 1671 ..... 25 - 29**

May be adopted.

The purpose of Bylaw 1671 is to repeal the previous Board of Variance bylaw and adopt a new one in accordance with the *Local Government Act*.

- 11.3. Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2015, No. 1871.....30**

May be adopted.

The purpose of Bylaw 1871 is to authorize the transfer of funds from the Cemetery Care Trust Fund to provide for upkeep of the Ladysmith Cemetery.

**12. CORRESPONDENCE -- None**

**13. NEW BUSINESS**

**14. UNFINISHED BUSINESS**

- 14.1. New Building Canada Fund – Small Communities Program Grant Application for Water Filtration System**

Council will recall that at its Regular meeting of December 14, 2014, staff were directed to apply for funding through the New Building Canada Fund for up to two-thirds of the cost of construction of the new water filtration system for the Town. One of the conditions of the funding program is that the Town contribute one-third of the funds. The source of these matching funds must be specified in the resolution, and a certified copy of the resolution must be included with the grant application. The application deadline is February 18, 2015.

Staff Recommendations

1. That Council rescind the following resolution CS 2014-402:

*That Council direct staff to apply to the Small Communities Fund Program of the New Building Canada Fund for grant funding of up to two-thirds of the cost of the Water Filtration Plant Project.*

2. That Council adopt the following resolution:

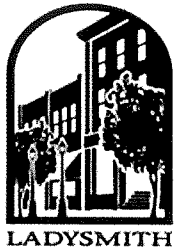
*That Council direct staff to apply to the Small Communities Fund Program of the New Building Canada Fund for grant funding of up to two-thirds of the cost of the Water Filtration Plant Project, with the Town's one-third share of the costs of the project to be drawn from borrowing as outlined in the approved 2014-2018 Financial Plan.*

## **15. QUESTION PERIOD**

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

## **16. ADJOURNMENT**





**TOWN OF LADYSMITH  
MINUTES OF A REGULAR MEETING OF COUNCIL  
MONDAY, JANUARY 19, 2015  
LADYSMITH EAGLES HALL  
921 FIRST AVENUE, LADYSMITH  
7:00 PM.**

**COUNCIL MEMBERS PRESENT:**

Mayor Aaron Stone  
Councillor Joe Friesenhan  
Councillor Duck Paterson

Councillor Steve Arnett  
Councillor Carol Henderson

Councillor Cal Fradin  
Councillor Rob Hutchins

**STAFF PRESENT:**

Ruth Malli  
Erin Anderson

Sandy Bowden  
John Manson

Felicity Adams  
Joanna Winter

**CALL TO ORDER**

Mayor Stone called this regular meeting of Council to order at 7:04 p.m.

**AGENDA APPROVAL**

**CS 2015-011**

*Moved and seconded:*

That the agenda for the Council Meeting of January 19, 2015 be approved.

*Motion carried.*

**MINUTES**

**CS 2015-012**

*Moved and seconded:*

That the minutes of the Regular Meeting of Council held January 5, 2015 be approved.

*Motion carried.*

**DELEGATIONS**

**Donna Hemingson, Denis Hughes**

**The Right to a Healthy Environment – David Suzuki Foundation Blue Dot Initiative and Declaration of the Right to a Healthy Environment**

Denis Hughes and Donna Hemingson spoke about the importance of protecting the environment and ensuring individuals' right to a healthy environment. They urged Council to adopt a resolution declaring that right.

Council thanked D. Hughes and D. Hemingson.

**CS 2015-013**

*Moved and seconded:*

WHEREAS municipalities and regional districts are the governments nearest to people and the natural environment, and therefore share

a deep concern for the welfare of the natural environment and understand that a healthy environment is inextricably linked to the health of individuals, families, future generations and communities; AND WHEREAS fostering the environmental well-being of the community is a municipal purpose under section 7(d) of the *Community Charter* and a regional district purpose under section 2(d) of the *Local Government Act* ;

The Council of the Town of Ladysmith declares that:

1. Every resident has the right to live in a healthy environment, including the right to:
  - a. breathe clean air,
  - b. drink clean water,
  - c. consume safe food,
  - d. access nature,
  - e. know about pollutants and contaminants released into the local environment, and
  - f. participate in decision making that will affect the environment;
2. The Town of Ladysmith has the authority, within its jurisdiction, to respect, protect, fulfill and promote these rights;
3. The Town of Ladysmith will consider the precautionary principle when making decisions: where threats of serious or irreversible damage to human health or the environment exist, the Town of Ladysmith will consider cost effective measures to prevent the degradation of the environment and protect the health of its citizens, and the absence of full scientific certainty will not be viewed as sufficient reason for the Town of Ladysmith to postpone such measures;
4. The Town of Ladysmith will apply full cost accounting: when evaluating reasonably foreseeable costs of proposed actions and alternatives, the Town of Ladysmith will consider costs to human health and the environment;
5. By 2016, the Town of Ladysmith will specify objectives, targets, timelines and actions the Town of Ladysmith will take, within its jurisdiction, to address the residents' right to a healthy environment under section 1, including priority actions to:
  - a. distribute environmental benefits and burdens equitably within the municipality, preventing the development of pollution "hot spots";
  - b. ensure infrastructure and development projects of the Town of Ladysmith and private sector respect the objective of protecting the environment, including air quality;
  - c. address climate change by reducing greenhouse gas emissions and implementing adaptation measures;



- d. responsibly increase density in accordance with growth and servicing strategies that respect the objective of a healthy environment;
  - e. prioritize walking, cycling and public transit as preferred modes of transportation;
  - f. prioritize infrastructure and protected water sources for the provision of safe and accessible drinking water;
  - g. promote the availability of safe food;
  - h. reduce solid waste and promote recycling, re-use and composting;
  - i. establish and maintain accessible green spaces in all residential neighbourhoods, and protect and conserve nature in public open spaces;
6. The Town of Ladysmith will review the objectives, targets, timelines and actions of its healthy environment policy every five (5) years, and measure progress toward fulfilling this Declaration; and
7. The Town of Ladysmith will consult with residents as part of this process.

**AMENDMENT**

*Moved and seconded:*

**CS 2015-014**

That Resolution CS 2015-013 be amended by adding the following:

And further, that Council direct staff to prepare a draft resolution for consideration by the Association of Vancouver Island and Coastal Communities at its 2015 Annual Meeting, in consultation with other local governments.

*Amendment carried.*

*Motion as amended carried.*

**Keith Lawrence, Brian Carruthers, Cowichan Valley Regional District  
Regional Water Management and Governance: Presentation of  
Draft Report**

Keith Lawrence and Brian Carruthers of the Cowichan Valley Regional District presented the draft report on Regional Water Management and Governance for the Regional District, sought Council's input on a proposed governance model outlined in the draft report, and responded to questions.

Council thanked K. Lawrence and B. Carruthers for their informative presentation and congratulated them on their comprehensive initiative to help protect watersheds in the region.

**PROCLAMATIONS**

Mayor Stone proclaimed the month of February 2015 as **Heart Month** in the Town of Ladysmith to urge all citizens to support the Heart and Stroke Foundation Campaign to raise funds for life-saving

programs and research.

**DEVELOPMENT  
APPLICATIONS**

**Riparian Development Permit Application (Carey)**

**Lot 1, District Lot 103, Oyster District, Plan 34532 – PID#000-294-438; District Lot 103, Oyster District, Except Part Shown Coloured Red on Plan Deposited Under DD28900 and Except Part in Plan 34532 – PID#009-474-251; Block 192, Oyster District – PID#009-438-319**

**CS 2015-015**

*Moved and seconded:*

That Council:

1. Issue Riparian Development Permit 3060-14-07 to permit the subdivision of land and road dedication, and to establish the Streamside Protection and Enhancement Areas (SPEA) on Lot 1, District Lot 103, Oyster District, Plan 34532 – PID#000-294-438; District Lot 103, Oyster District, Except Part Shown Coloured Red on Plan Deposited Under DD28900 and Except Part in Plan 34532 – PID#009-474-251; Block 192, Oyster District – PID#009-438-319; and
2. Authorize the Mayor and Corporate Officer to sign the Development Permit.

*Motion carried.*

**Signage Development Variance Permit Application – Harway Holdings (49th Parallel Grocery)**

**CS 2015-016**

*Moved and seconded:*

That Council direct staff to proceed with statutory notice for Signage Development Variance Permit application 3090-14-05, located at 1020 First Avenue.

*Motion carried.*

**Development Variance Permit Application – 410 Third Avenue (Forrest)**

**Lot 1, Block 73, District Lot 56, Oyster District, Plan 7033A**

Mayor Stone invited residents both within and outside the Development Variance Permit Application Notice Area to address Council with comments about the application.

*Bill Drysdale, 816 Malone Road* – commented that a majority of residents favoured the development of coach houses during the secondary suites consultation process, and reminded Council to consider whether the carriage house in question addresses the need for affordable housing in the community.

*Glenda Patterson, 920 Third Avenue, Ladysmith* – commented that there are a number of other buildings in the Town that do not

comply with the Zoning Bylaw and other regulations.

*Russell Barling, 126 Forward Road* – urged Council to adhere to the bylaws in a way that reflects the spirit of the community, and added that he expected Council to enforce the bylaw in making its decision, as allowing a variance would open the door to future such requests.

Mayor Stone reminded the audience that variances are permitted under the provincial legislation.

*Aaron Lafontaine, 312 Roberts Street* – spoke about the significant impact the structure in question has had on his privacy, views and property value.

*Moved and seconded:*

**CS 2015-017**

That Council not issue Development Variance Permit 3090-14-02 to vary the siting and height of a coach house within an existing accessory building on Lot 1, Block 73, District lot 56, Oyster District, Plan 703A (410 Third Avenue).as the development application does not meet Development Permit Area guidelines.

*Motion carried.*

**Development Permit Application – 410 Third Avenue (Forrest)  
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A**

This item was removed from the agenda, as consideration of the Development Permit Application was contingent on Council approving Development Variance Permit application 3090-14-02.

**REPORTS**

**Municipal Services Committee Recommendation**

*Moved and seconded:*

**CS 2015-018**

That Council repeal “Land Use Agreements Policy 06-2320-A” and replace it with the new “Community Amenity Contribution Policy” as presented with the staff report from the Director of Development Services dated November 5, 2014.

*Motion carried.*

**2015 to 2019 Financial Plan – Policy Objectives**

The Director of Financial Services reviewed the current policies which guide development of the Financial Plan and sought Council’s confirmation of policies to guide development of the 2015 to 2019 Financial Plan as outlined in the 2014 to 2018 Financial Plan Bylaw 1853.

*Moved and seconded:*

**CS 2015-019**

That Council confirm the Financial Plan Statement of Objectives and Policies as outlined in Schedule B of Town of Ladysmith 2014 to 2018 Financial Plan Bylaw No. 1853.

*Motion carried.*

**Enrollment in Union of British Columbia Municipalities Benefits Plan for Elected Officials**

**CS 2015-020**

*Moved and seconded:*

That Council refer the matter of enrollment in the Union of British Columbia Municipalities Benefits Plan for elected officials to an upcoming meeting of Council.

*Motion carried.*

**CS 2015-021**

*Moved and seconded:*

That Council direct staff to research the practice with respect to enrollment in the Union of British Columbia Municipalities benefits plan for elected officials in other Vancouver Island municipalities, including City of Duncan, Town of Lake Cowichan, Municipality of North Cowichan, City of Parksville, Town of Qualicum Beach and the Cowichan Valley Regional District, and report back to Council.

*Motion carried.*

**Town of Ladysmith Board of Variance**

**CS 2015-022**

*Moved and seconded:*

That Council:

1. Direct staff to advertise for three individuals to serve on the Town of Ladysmith Board of Variance and that the advertisement include reference to the following criteria for potential appointees:
  - Public or private sector experience in the delivery of public programs or services
  - Practical experience in research, analysis, land use planning, architecture, landscape architecture, building design and construction, engineering, law or local governance
  - Resident and respected member of the community
  - Member of a community organization
  - Business owner
2. Proceed with first three readings of Board of Variance Bylaw No. 1671, which appears under the Bylaws section of tonight's Council agenda;
3. Direct staff to include \$5,000 in the 2015-2019 financial plan to cover costs associated with the Board of Variance; and,
4. Direct staff to make the necessary arrangements for the development of Board of Variance Guidelines to outline the Board's role, mandate and responsibilities regarding Board of Variance applications.

*Motion carried.*

### **Water Conservation Plan Update**

The Director of Infrastructure Services gave a slide presentation to accompany his report on water demand and consumption rates in the Town.

**CS 2015-023**

*Moved and seconded:*

That Council adopt the following recommendations and include them in an updated Conservation Plan for 2015:

- 1 Set a new residential water consumption target of 20 per cent lower than the current published Canadian average residential consumption rate;
- 2 Direct staff to investigate the potential to expand the current single family residential block water rate structure to other users, such as commercial and industrial users, and report back to Council on possible changes to the rate structure;
- 3 Direct staff to investigate further reductions of water use at municipal facilities, including parks irrigation, as well as any unaccounted for water use (water leaks);
- 4 Direct staff to investigate new potential rebates and public education, and other water reduction programs to achieve the target water reductions noted above.

*Motion carried.*

### **BYLAWS**

#### **Town of Ladysmith Board of Variance Bylaw 2015, No. 1671**

**CS 2015-024**

*Moved and seconded:*

That Town of Ladysmith Board of Variance Bylaw 2015, No. 1671, be read a first, second and third time.

*Motion carried.*

**CS 2015-025**

#### **Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2015, No. 1871**

*Moved and seconded:*

That Town of Ladysmith Cemetery Care Trust Fund Appropriation Bylaw 2015, No. 1871 be read a first, second and third time.

*Motion carried.*

### **CORRESPONDENCE**

Councillor Paterson declared a conflict of interest with the following agenda item due to his association with the Kinsmen Club and the playground project, and excused himself from the meeting.

**CS 2015-026**

*Moved and seconded:*

That Council enter into a partnership with the Ladysmith Kinsmen Club for the sole purpose of securing grant funding through the Home Depot Foundation to replace the playground structure at Transfer Beach; and further, that Council direct staff to work with the Club to establish details of this arrangement.

*Motion carried.*

Councillor Paterson returned to the meeting.

**QUESTION PERIOD**

Members of the audience asked questions of Council concerning the Board of Variance, Community Amenity Contributions, and seating for staff at Council meetings.

**ADJOURNMENT**

**CS 2015-027**

*Moved and seconded:*

That this meeting of Council adjourn at 9:11 p.m.

*Motion carried.*

CERTIFIED CORRECT:

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

Subject to Adoption



LADYSMITH

TOWN OF LADYSMITH

## PROCLAMATION

### HERITAGE WEEK


**WHEREAS:** *British Columbians value and wish to conserve their rich and diverse heritage resources.*

**AND WHEREAS:** *“Heritage Week” begins on National Heritage Day, the third Monday of February;*

**AND WHEREAS:** *the theme for Heritage Week 2015 is “Main Street: At the Heart of the Community,” recognizing that Main Streets and traditional downtowns are at the heart of communities big and small across British Columbia;*

**AND WHEREAS:** *Many communities recognize that Main Streets embody the history and evolution of a community and provide assets to stimulate tourism, attract new residents and encourage investment;*

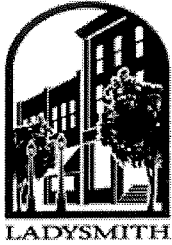
**THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim the week of February 16 – 22, 2015 as “Heritage Week” in the town of Ladysmith, British Columbia.*



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Mayor A. Stone

February 2, 2015



Town of Ladysmith

**COMMITTEE REPORT**

To: Mayor and Council  
From: Councillor Duck Paterson  
Chair, Protective Services Committee  
Date: January 28, 2015  
File No: 0550-20-PSC

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Re: PROTECTIVE SERVICES COMMITTEE RECOMMENDATIONS

At its January 13, 2015 meeting, the Protective Services Committee confirmed the following recommendation:

1. That Council request Parks, Recreation and Culture staff to review options for a bylaw restricting after-hours access to Town parks.







Town of Ladysmith

**COMMITTEE REPORT**

To: Mayor and Council  
 From: Councillor Steve Arnett  
 Chair, Municipal Services Committee  
 Date: January 20, 2015  
 File No:

Re: **MUNICIPAL SERVICES COMMITTEE RECOMMENDATIONS**

At its meeting of January 19, 2015, the Municipal Services Committee recommended that Council:

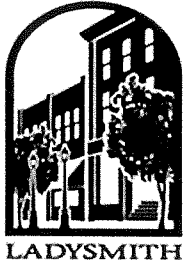
1. Direct staff to amend Town of Ladysmith Community Centre and Facilities Fees and Charges Bylaw 2014, No. 1846 to include provision for a "shower only" admissions fee at the rate of half the current adult admission.
2. Direct staff to prepare an amendment to Ladysmith Fees and Charges Bylaw 2008, No. 1644 to implement fees as follows:

<b>Miscellaneous Fees:</b>	
Waterfront Area Plan	\$25
Holland Creek Area Plan	\$10
South Ladysmith Area Plan	\$10
Official Community Plan, including Schedule A.1 (DPAs)	\$35
Zoning Bylaw	\$40
OCP and Zoning Bylaw Maps (Large size)	\$15 per map

<b>Application Fees:</b>	
OCP Amendment	\$2,000 + advertising and delivery costs
Zoning Bylaw Amendment	\$2,000 + advertising and delivery costs
Combined OCP/Zoning Bylaw Amendment	\$3,000 + advertising and delivery costs
Development Permit - Multi-Unit, Commercial, Downtown Industrial	\$1,000
Development Permit - High	\$750



<b>Application Fees:</b>	
Street Intensive Residential	
Development Permit – Riparian, Hazard Lands	\$250
Development Permit – Coach House Intensive Residential	\$250
Development Permit – Façade, Amendment	\$100
Sign Permit	\$100
Development Variance Permit	\$750 + delivery costs
Board of Variance	\$750 + delivery cost
Temporary Use Permit	\$1500 + advertising and delivery costs
Subdivision - PLA	\$500 + \$250 per lot
Subdivision – Approval, Extension, Form P	\$500
Strata Conversion	\$500 + \$250 per unit
Boundary Extension Proposal	\$2000 + \$50 per hectare plus advertising and electoral approval costs
Liquor Licence Primary Referral Review	\$250
Community Consultation	\$1,500 + advertising
ALR Application – Subdivision / Non-Farm Use	\$600 + ALR Fees
ALR Application - Exclusion	\$2,000 + ALR Fees
Film Permit	\$250



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Clayton Postings  
Date: January 26, 2015  
File No:

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Re: **LITERACY GRANT MINI-LIBRARY KIOSKS**

**RECOMMENDATION(S):**

That Council direct Staff to work with the Ladysmith Secondary School (LSS) woodworking class to design, build, and install up to four mini-library kiosks on identified Town of Ladysmith properties.

**PURPOSE:**

To enhance literacy and social support networks through the establishment of “social bumping spaces” at mini-library kiosks throughout the community, thereby improving individual health and quality of life.

**INTRODUCTION/BACKGROUND:**

Ladysmith Parks, Recreation and Culture (PRC) received a \$1,500 grant from the Nanaimo-Ladysmith Literacy Task Force as part of an allocation for enhancing literacy in Ladysmith. There are various local initiatives underway and the mini-library concept was one which was presented to PRC. This initiative will increase public awareness relating to literacy.

PRC staff presented the idea to LSS in anticipation of making this a youth-driven project where local woodworking students could design and build the mini-libraries.

PRC staff members have reviewed potential locations on various Town of Ladysmith properties, and identified the preferred locations as follows:

1. Frank Jameson Community Centre lobby,
2. Aggie Hall,
3. Transfer Beach Park, and
4. One panel of the 3-panel poster kiosk at the Ladysmith Post office.

The kiosks will be stocked with used books donated by the community, to be shared and exchanged by the general public, and maintained by PRC staff as necessary.

**SCOPE OF WORK:**

The department will work with other Town of Ladysmith departments and community partners (e.g. LSS) to establish the mini-library kiosks and provide ongoing maintenance.

**ALTERNATIVES:**

Ladysmith Council may choose not to participate in this community literacy initiative and return the funds to the Literacy Task Force to be distributed to another local agency.

**FINANCIAL IMPLICATIONS:**

The \$1,500 grant will cover most of the building and installation costs for the kiosks, with any remaining expenses and ongoing maintenance costs to be funded from the department operations budget.

**LEGAL IMPLICATIONS:**

The locations being considered are all Town of Ladysmith properties.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

The “community mini-library” phenomenon is catching on around the world (Google “The Little Free Library Index” for an impressive list with photos and contact information for world-wide locations). This is an initiative that will improve the health and quality of life of individuals and the community as a whole.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Public Works would be required to assist with installation of the mini-libraries.

**RESOURCE IMPLICATIONS:**

Resources beyond the grant would be primarily PRC department staff and operating budget.

**ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:**

This initiative aligns with Sustainability Action Plan items #6 (Culture & Identity), #7 (Public Health & Social Development), and #10 (Leadership & Partnerships).

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The initiative aligns with Strategic Direction F (A Safe & Healthy Community).

**SUMMARY:**

Council is encouraged to support the recommendation to partner with LSS to design, build, and install up to four mini-library kiosks on Town of Ladysmith properties, to be funded with the \$1,500 grant received for such a project from the Nanaimo-Ladysmith Literacy Task Force.

I concur with the recommendation.



Ruth Malli, City Manager

**ATTACHMENTS:**

Sample illustrations of mini-libraries

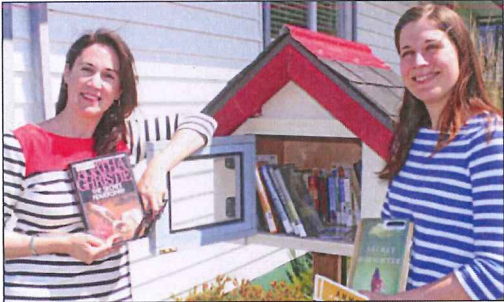


MINI-LIBRARY SAMPLE ILLUSTRATIONS

Thursday, November 28, 2013 The Parkville Qualicum Beach News

COMMUNITY LITERACY

# Take a book, leave a book



## Parkville council is considering free "pop-up" or mini-libraries

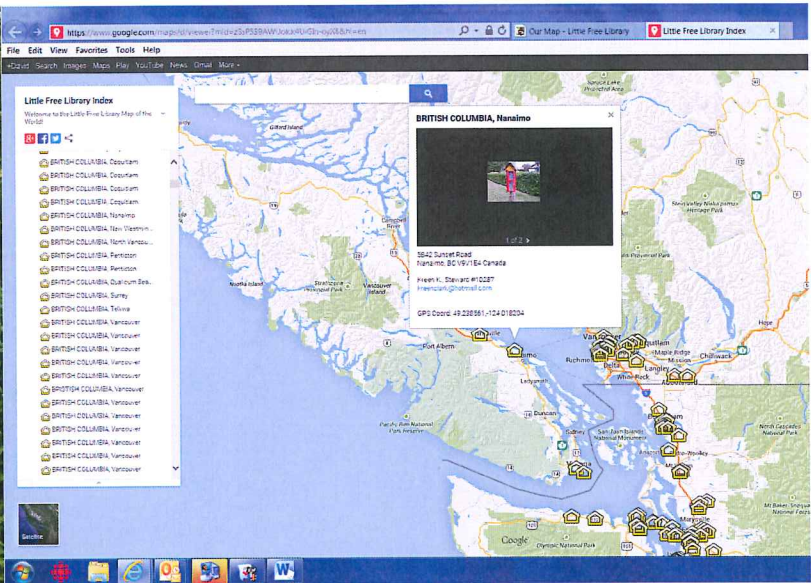
AUREN RUVINSKY  
writer@pqnews.com

Parkville council will consider the addition of "pop-up" or mini-libraries around the city, as proposed by councillor Carrie Powell-Davidson.

"They are clearly supporting literacy, because they are books, the concept behind this is take a book, or give a book," she explained of the project she sees as more of a community effort than a city project.

She said the Ballenas Secondary wood-working teach-

Patricia Huntsman (left) and Eileen Gillette showed off the mini-library on Qualicum Beach last summer.





Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Sandy Bowden, Director of Corporate Services  
Date: January 27, 2015  
File No:

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**RE: LADYSMITH BAR WATCH PROGRAM**

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**RECOMMENDATION(S):**

That Council:

- a) approve the Ladysmith Bar Watch Program as presented;
- b) send letters to all Ladysmith liquor-primary establishments to advise them of the Town's implementation of the Bar Watch Program and associated bylaw and request their participation in the program;
- c) appoint a member of Council to act as liaison to the Bar Watch Program; and,
- d) proceed with first three readings of "Town of Ladysmith Business License Bylaw No. 1513, 2003, Amendment Bylaw 2015 No. 1870" which appears under the Bylaws portion of tonight's Council meeting.

**PURPOSE:**

The purpose of this staff report is to provide Council with an update on the Bar Watch Program which Council endorsed in November of 2014.

**INTRODUCTION/BACKGROUND:**

At the Council meeting held on November 3, 2014 the following resolution was adopted regarding this matter:

*That Council endorse the Town's participation, in conjunction with the Ladysmith Detachment of the RCMP and local liquor-primary establishments, in the implementation of the Ladysmith Bar Watch Program.*

This matter has been discussed with the RCMP and both the Town and the RCMP concur with all aspects of the program.

The following provides Council with some background on the program.

The City of Nanaimo implemented a Bar Watch Program in 2007 to promote the safety and security of patrons utilizing downtown licensed establishments. More specifically, the

Program is designed to discourage, and ultimately prevent, patrons from engaging in unlawful and uncivil behaviour that endangers other patrons, staff and police within member establishments. The Town's program is modelled after the Nanaimo program, which, in turn, is modelled after the Vancouver program. Participants in the program include liquor-primary nightclub establishments that operate and own the program; local police; other municipal departments; and provincial liquor license inspectors.

In the Vancouver program, each participating establishment is required to install a video camera (CCTV) at its entrance, alongside Bar Watch signs. Patrons entering the club are informed by the signs that they are entering an establishment that participates in the Program, which is sponsored by the Vancouver Police Department. Patrons are advised that they are being taped and that such tapes will be submitted to the Vancouver Police Department in response to a subpoena. Patrons are also informed that a strict dress code is in effect, which includes a no-gang-colour policy. The clear message given to patrons entering a Bar Watch establishment is that unlawful and uncivil behaviour will not be tolerated.

In addition to the CCTV and signs located at the entrance to the participating premises, Bar Watch members alert each other and the police of potential problems. For example, a nightclub that ejects or refuses entry to an individual who has been acting abusively will inform other clubs and the police of the action taken. A description of the person is provided so that all parties are aware of the individual.

Staff has met with representatives of the RCMP and confirm that the RCMP will contact liquor-primary establishment owners to organize a meeting of all concerned to discuss the program and encourage their participation. The program is voluntary. It is anticipated that a meeting of this group may take place every two months or as needed. Staff recommends that Council appoint a member of Council to act as liaison to the Bar Watch Program. It may be appropriate to consider this appointment in conjunction with the Protective Services Committee representatives.

The Good Neighbour Agreement is an important component of the Bar Watch Program and will assist the RCMP in ensuring participants are committed to the goals and objectives of the program. Sections 7 and 8 of the Agreement regulate "entertainment" (i.e. stripping and exotic dancing) if permitted in the zoning. Currently such activities are not prohibited in the Zoning Bylaw. If Council wishes to regulate these entertainment activities it should direct Staff to do so.

#### SCOPE OF WORK:

Staff will proceed with the work outlined as directed by Council.

#### ALTERNATIVES:

Council could direct staff to discontinue this initiative.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the Bar Watch Program identified at this time.

LEGAL IMPLICATIONS:

The proposed Good Neighbour Agreement and amendment to the Business License Bylaw have been reviewed by the Town's solicitor.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The proposed Ladysmith Bar Watch Program will address public safety concerns associated with local liquor-primary establishments and assist with decreasing the occurrence of illegal activity in the Town.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

This initiative will involve Bylaw Enforcement and Corporate Services, as well as the Ladysmith RCMP Detachment.

RESOURCE IMPLICATIONS:

No additional resources are required at this time.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

This initiative aligns with Sustainability Goal No. 8, Create healthy communities and individuals, and Pillar of Sustainability No. 7, Healthy Community.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This initiative aligns with Strategic Direction F, A Safe and Healthy Community.

SUMMARY:

Bar Watch is an effective program designed to discourage uncivil and illegal activity in liquor-primary establishments. Through Bar Watch, such establishments are better able to protect the safety and well-being of their patrons, to eliminate or reduce occurrences of unlawful behaviour, and to promote the industry's image in the community. The Ladysmith RCMP Detachment endorses the proposed Ladysmith program and will work with the community to ensure the program is effective.

I concur with the recommendation.



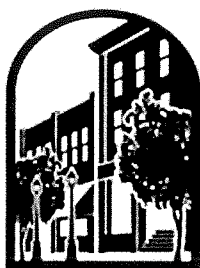
Ruth-Malli, City Manager

ATTACHMENT:

Good Neighbour Agreement







LADYSMITH

## GOOD NEIGHBOUR AGREEMENT

**WHEREAS** the Town of Ladysmith ("the Town"), the RCMP Ladysmith Detachment ("the RCMP") and the Owners of \_\_\_\_\_ ("the Licensed Establishment") (collectively "the Parties") recognize that liquor licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons; and

**WHEREAS** the Licensed Establishment wishes to demonstrate to the citizens of Ladysmith its desire to be a responsible corporate citizen; and

**WHEREAS** the Parties wish to promote Ladysmith as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers;

**NOW THEREFORE** the Licensed Establishment agrees with the Town and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

### Noise and Disorder

1. The Licensed Establishment shall undertake to ensure that noise emissions from the Establishment do not disturb surrounding residential developments, businesses and neighbourhoods, as provided by the Town of Ladysmith Noise Bylaw.
2. The Licensed Establishment shall undertake to monitor and promote the orderly conduct of patrons immediately outside of the Establishment, particularly those congregating outside during open hours as well as at closing time, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood.
  - 2.1 In cases where the presence of employees does not facilitate the orderly conduct of patrons, staff shall contact the RCMP to request assistance in dealing with any persons or crowds.

### Criminal Activity

3. The Licensed Establishment shall not tolerate any criminal activity within the Establishment.

- 3.1 The Establishment shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

### **Minors**

4. The Licensed Establishment shall not allow any person under the age of 19 into the Establishment.
  - 4.1 The Establishment shall check two pieces of identification for any person who appears to be under the age of 25; one piece must be picture identification and may be a driver's licence, a government identification card or a passport.

### **Sale and Consumption of Alcohol**

5. While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Licensed Establishment shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts.
  - 5.1 When offering price reductions and promotions, the Establishment shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated.
6. The Licensed Establishment shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Establishment.

### **Entertainment**

7. Stripping and exotic dancing shall only be permitted as forms of entertainment in the Licensed Establishment if the Establishment's zoning allows for such forms.
8. If stripping and exotic dancing are permitted, as per the Establishment's zoning, the Establishment shall ensure that advertisements are not offensive to the community.

### **On-Duty Employees**

9. Each on-duty employee of the Licensed Establishment shall wear a clearly visible nameplate showing his or her first name and/or employee number.
10. The Licensed Establishment shall maintain a work schedule showing each on-duty employee and shall make the work schedule available to the RCMP, upon request.

### **Cleanliness**

11. The Licensed Establishment shall assign staff to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage, broken glass or other foreign objects associated with the Establishment left within the general area of the Establishment.

12. The Licensed Establishment shall undertake to remove, as soon as is practicable, any graffiti from the building's exterior.
13. The Licensed Establishment agrees to work with the Town and its departments, including the RCMP, to resolve any concerns that arise with respect to the operation of the Establishment.
  - 13.1 The Licensed Establishment agrees to attend a formal meeting, as required, with the Town and the RCMP to discuss issues and concerns.
14. The Licensed Establishment shall demonstrate complete support for the RCMP and its members.
  - 14.1 When incidents occur which require RCMP involvement, all staff of the Licensed Establishment shall cooperate fully with RCMP members, and shall not impede or obstruct members in performing their duties.
15. The Licensed Establishment shall participate as an active member in the local Hospitality Industry Liquor Licensing Advisory Committee (HILLAC).
16. If the Licensed Establishment is a nightclub located within the downtown core, the Establishment will be strongly encouraged to participate in the Ladysmith Bar Watch Program.
17. The Licensed Establishment shall support programs which aim to eliminate occurrences of drinking and driving.
  - 17.1 A free telephone shall be available to patrons for the purpose of contacting a taxi or arranging other transportation from the Establishment.
  - 17.2 Non-alcoholic beverages shall be provided at prices which are below those set for alcoholic beverages.

#### **Amendment and Transferability**

18. Any proposed changes to the terms of the Good Neighbour Agreement shall be discussed and resolved among the Parties.

#### **Enforcement**

19. Obtaining a business license is contingent upon accepting and signing this Agreement; notwithstanding this fact, the parties recognize that the success in reaching the objectives of the Good Neighbour Agreement is largely dependent upon each establishment's willingness to make a concerted effort to support and adhere to the principles outlined in the Agreement.
  - 19.1 Any failure on the part of the Licensed Establishment to comply with the terms outlined herein will result in the following:

- (a) The Town will attempt to resolve the matter by requesting a meeting with the licensee.
- (b) If the matter is not satisfactorily resolved during a meeting, the Town will provide a written warning. The letter will clarify what action is needed in order for the licensee to comply with the terms of the agreement. The letter will also specify how much time will be provided for the licensee to comply. The length of time will depend on the nature of the infraction.
- (c) Continued non-compliance may be brought to the attention of Town Council, which may in turn require the owners of the Establishment to attend a "show cause" hearing related to the suspension of their Business Licence.

It should be noted that a "show cause" hearing would only be used when all other reasonable attempts to gain compliance have failed.

20. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the Town's rights and authorities in the exercise of its functions pursuant to the Community Charter and Local Government Act, as amended, and the rights and powers of the Town and the RCMP under provincial and federal statutes and regulations, and Town bylaws.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Ladysmith, British Columbia.

\_\_\_\_\_  
[name of Principal]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
[signature of Principal]

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
[name of Licensed Establishment]

\_\_\_\_\_  
[rank and name of Officer in Charge]  
Ladysmith Detachment, RCMP

**TOWN OF LADYSMITH**

**BYLAW NO. 1870**

A bylaw to amend "Town of Ladysmith Business License Bylaw No. 1513, 2003"

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**WHEREAS** the Local Government Act empowers Council to require an owner or operator of a business to hold a valid and subsisting license for the business, to fix and impose license fees for businesses and to provide for the collection of license fees and the granting, issuance and transfer of licenses;

**AND WHEREAS** a Council may, from time to time, amend such a bylaw as deemed appropriate;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Add the following new Section 11 to Bylaw No. 1513:

**11. Liquor Licenced Establishments**

11.1 Despite section 7.1, in the case of a business licence for a business licensed under the *Liquor Control and Licensing Act* (British Columbia), the business licence shall be considered by Council under this section prior to issuance.

11.2 Council is hereby authorized to impose such terms and conditions as it considers reasonable on a licence under this Bylaw for a business licenced under the *Liquor Control and Licensing Act* (British Columbia), in the nature of:

- (a) controlling patron behaviour both inside and outside a licenced establishment, including but not limited to one or more of the following:
  - (i) maintaining orderly entrance and dispersal of patrons,
  - (ii) suppression of noise,
  - (iii) discouraging vandalism,
  - (iv) discouraging unlawful activities, and
  - (v) suppression of other nuisance behaviour.
- (b) safety and security of patrons and the public both inside and outside the licenced establishment, including one or more of the following:
  - (i) patron screening and door control,
  - (ii) provision of security staff and monitoring conduct of patrons,
  - (iii) installation and operation of closed circuit video cameras at all entrances and exits of the licenced establishment,
  - (iv) full cooperation with the R.C.M.P. and Town Staff in the performance of their duties and in resolving concerns related to the establishment that may arise,
  - (v) the wearing of identification nameplates by on-duty staff,
  - (vi) maintaining a list showing the full identification of on-duty staff and making the list available to the R.C.M.P. and Town Staff upon request.
- (c) responsible serving of alcoholic beverages including one or more of the following:
  - (i) over-service of patrons,
  - (ii) patron capacity,
  - (iii) price reductions and promotions,
  - (iv) free telephone available for making transportation arrangements,
  - (v) Designated Driver Program, including the sale of non-alcoholic beverages at prices which are below those set for alcoholic beverages.

- (d) condition of premises and nearby surrounding area including but not limited to:
  - (i) exterior condition and appearance of premises,
  - (ii) inspection and cleanup of litter.

2. Renumber Section 11 to Section 12, Section 12 to Section 13, Section 13 to Section 14, and Section 14 to Section 15.

**CITATION**

3. This bylaw shall be cited for all purposes as "Town of Ladysmith Business License Bylaw No. 1513, 2003, Amendment Bylaw 2015 No. 1870".

**READ A FIRST TIME** on the                      day of                      ,  
**READ A SECOND TIME** on the                      day of                      ,  
**READ A THIRD TIME** on the                      day of                      ,  
**ADOPTED** on the                      day of                      ,

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

**BYLAW NO. 1671**

A Bylaw to establish the Ladysmith Board of Variance.

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**PART 1 - INTRODUCTION**

**Citation**

- 1 This Bylaw may be cited as the "Ladysmith Board of Variance Bylaw 2015 No. 1671".

**Definitions**

- 2 In this Bylaw,

"Board"  
means the Board of Variance for the Town of Ladysmith;

"Chair"  
means the chair of the Board as approved under section 4 of this Bylaw.

"Secretary"  
means the secretary of the Board.

"Town"  
means the Town of Ladysmith

**PART 2 –THE BOARD**

**Membership on the Board**

- 3 (1) The Board consists of 3 members appointed by Council.
- (2) Subject to subsections (3) to (7), the term of office for members of the Board is 3 years.
- (3) Council may appoint a successor to finish the remainder of a term of office of a member that resigns, is removed from office by Council, or is otherwise unable to complete that term of office.
- (4) If Council has not approved a successor before or at the end of a member's term of office, that member's term of office continues until Council appoints a successor for that member.
- (5) A person is not eligible to be appointed to the Board if that person is
- (a) a member of Town Council,
  - (b) an officer or employee of the Town, a member of the Town's Advisory Planning Commission.
- (6) If a member of the Board ceases to hold office, the person's successor must be appointed in the same manner as the member who ceased to hold office, and, until the appointment of the successor, the remaining members constitute the Board.
- (7) The Council may remove a member from the Board at any time.
- (8) A member of the Board who has an interest in an application that would constitute a conflict of interest under the Community Charter must not:
- (a) Remain at or attend any part of a hearing during which the application is under consideration;
  - (b) Participate in any discussion of the application at the hearing;

- (c) Vote on the application at the hearing; or,
  - (d) Attempt in any way, whether before, during or after the hearing, to influence the voting on any question in respect of the application.
- (9) If a Board member has a right to be heard in respect of an application to the Board as the applicant or as a person notified under Section 11 of this Bylaw, and is prohibited by Section 3(8) from exercising that right, the member may appoint another person as a representative to exercise the member's right on his or her behalf.

#### **Chair to preside at meetings and hearings**

- 4 (1) The members of the Board must elect one of their members as Chair to preside at the Board's meetings and hearings.
- (2) The Chair may appoint another member to preside while the Chair is absent.

#### **Quorum**

- 5 The quorum for the Board is a majority of its members.

#### **Reimbursement of members**

- 6 Members of the Board must not receive compensation for their services as members, but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.

### **PART 3 – PROCEEDINGS AT THE BOARD**

#### **Secretary of the Board**

- 7 (1) The Town will provide the Board with a Secretary.
- (2) The Board's Secretary will carry out the duties assigned under this Bylaw and by the Board.

#### **Variance or exemption to relieve hardship**

- 8 A person may apply to the Board, in accordance with section 901(1) of the *Local Government Act*, for an order for a minor variance from:
- (a) the requirements of a bylaw respecting the siting, dimensions or size of a building or structure, or the siting of a manufactured home in a manufactured home park;
  - (b) the prohibition of a structural alteration or addition under section 911(5) of the *Local Government Act*;
  - (c) a subdivision servicing requirement under section 938(1)(c) of the *Local Government Act* in an area zoned for agricultural or industrial use.

#### **Order concerning damage of non-conforming use**

- 9 A person may apply to the Board, in accordance with section 902(1) of the *Local Government Act*, for an order to set aside the determination of a building inspector of the Town under section 911(8) of the *Local Government Act* in relation to the extent of damage or destruction of a non-conforming use.

#### **Procedure for applications**

- 10 (1) A person may apply to the Board by paying to the Town the application fee prescribed under Schedule 1 of the Fees and Charges Bylaw, and by completing a Board of Variance Application Form and submitting it to the Secretary.
- (2) An application must contain the following information:



- (a) written notice of the grounds of the application, including specific reference to the bylaw from which the variance is sought, and a description of how compliance with that bylaw would cause undue hardship to the applicant;
  - (b) accurate site plans of the property that is the subject of the application based on a survey prepared by a BC Land Surveyor, including elevation plans if the requested variance concerns a height-related issue;
  - (c) the address to which notices may be mailed to the applicant;
  - (d) any other information that the applicant intends to present to the Board at a hearing.
- (3) Immediately after receiving an application, the Secretary must notify the Chair, and
- (4) The Chair must appoint a time for the hearing of the application by the Board. All Board meetings will take place at City Hall or other Town facility.

#### **Notices**

- 11 (1) At least 10 clear days before the date set for a hearing, the Secretary must mail or deliver a notice of the hearing to the last known address of the following persons:
- (a) the applicant;
  - (b) the Town's Board of Variance;
  - (c) the Town's Director of Development Services, or his or her designate, and the Building Inspector;
  - (d) the owners and tenants of parcels, any part of which is the subject of the application or lies within 60 metres of the boundary of a parcel that is subject to the application.
- (2) A notice given in relation to an application must state the subject matter of the application and the time and place where the application will be heard.

#### **Attendance at hearings**

- 12 Subject to Sec.93(d) of the *Community Charter*, proceedings of the Board are open to the public.

#### **Parties and agents at a hearing**

- 13 (1) The following persons have a right to be heard at a Board's hearing:
- (a) the applicant or designate;
  - (b) the owners and tenants of parcels, any part of which is the subject of the application or lies within 60 metres of the boundary of a parcel that is subject to the application.
- (2) Any person who is entitled to be heard at a hearing of the Board may be represented by that person's solicitor, or by an agent who is appointed in writing by the person entitled to be heard.

#### **Evidence at hearings**

- 14 (1) Proceedings of the Board may be informal.
- (2) The Board may inspect the property that is the subject of the hearing.
- (3) At the beginning of a hearing, the Secretary may, upon request from the Board, read aloud written submissions by any party unless that requirement is waived by the parties to the application.

- (4) The Board must permit evidence and arguments to be presented at a hearing in the following order:
  - (a) first, the hearing of evidence and arguments from the applicant;
  - (b) second, the hearing of evidence and arguments of all other parties in the sequence directed by the Chair until all parties have been given an opportunity to present their evidence and arguments.
- (5) The Board may hear oral evidence only during a regularly constituted hearing.

#### **Deliberations of the Board**

- 15 (1) The Board may confer with a member of the Town's Development Services Department when considering an application at a hearing.
- (2) The Board may request the Town to obtain a legal opinion on any point of law arising in connection with an application and may receive and discuss the opinion at a meeting or portion of a meeting that is closed to the public.
- (3) The Board is not required to adopt or to act upon any legal opinion or evidence obtained by the Town.
- (4) After a hearing is closed, and except as provided in subsections (1) and (2), a member of the Board must not, before the Board has made a decision about an application, discuss the merits of the application with any person who is not a member of the Board.
- (5) The Board may proceed to decide an application if the applicant fails to appear at a hearing.

#### **Decisions of the Board**

- 16 (1) After hearing an application the Board may
  - (a) accept the application
    - (i) by ordering a minor variance from the requirements of a bylaw, or an exemption from the statutory prohibition against a structural alteration or addition in relation to a non-conforming use, in accordance with section 901 of the *Local Government Act*, or
    - (ii) by setting aside the determination of the Town's building inspector under section 911(8) of the *Local Government Act* in relation to the extent of damage or destruction of a non-conforming use, and making the determination in the building inspector's place, in accordance with section 902 of the *Local Government Act*;
  - (b) deny the application;
  - (c) permit the applicant to amend his or her application by reducing the extent of the variance sought and accept that amended application;
  - (d) adjourn the application to another time for hearing.
- (2) The decision in writing of a majority of the members of the Board is the decision of the Board.
- (3) Decisions of the Board must be filed with its Secretary.
- (4) The Secretary must forward a copy of the Board's decision to the applicant, the Town's Development Services Department, the Building Inspector and all other persons indicated by the Board.
- (5) A decision of the Board is final.

- (6) A decision of the Board of Variance terminates if:
  - (a) The construction is not started and completed within two years; or,
  - (b) The construction is not started within and completed within a time frame established by the Board of Variance in its decision. The Board shall not establish a time frame that goes beyond two years.

**Appeals**

17 In accordance with section 902(3) of the *Local Government Act*, an applicant or the Town may appeal a decision of the Board under section 17(1)(ii) to the Supreme Court.

**Records of Board’s proceedings**

- 18 (1) The Secretary must legibly record and keep minutes of the Board’s proceedings. The minutes shall state:
  - (a) A summary of the representations made by the applicant, any person notified under Section 11 of this Bylaw, the Director of Development Services or the Building Inspector;
  - (b) The Board’s determination with respect to undue hardship;
  - (c) The order of the Board, including the details of any building plans and specifications to which the order refers; and,
  - (d) Any time specified by the Board within which construction must be completed or substantially started.
- (2) The minutes of the Board’s proceedings must be signed by the Chair and the Corporate Officer shall ensure that they are stored at City Hall in the same manner as the minutes of the Council.
- (3) A person may, during the Board’s normal business hours, inspect and make copies of the Board’s minutes and decisions.
- (4) The Secretary shall give written notice of the decision of the Board to each applicant, by ordinary post mailed not more than five days following the date of the hearing.

**PART 4 - GENERAL**

**Repeal**

19 Bylaw No.1386, the Board of Variance Bylaw, is hereby repealed.

**READ A FIRST TIME** on the 19th day of January, 2015  
**READ A SECOND TIME** on the 19th day of January, 2015  
**READ A THIRD TIME** on the 19th day of January, 2015  
**ADOPTED** on the day of

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (S. Bowden)

TOWN OF LADYSMITH

**BYLAW NO. 1871**

A bylaw to appropriate monies from the Cemetery Care Trust Fund.

**WHEREAS** the sum of \$145,515.61 is on deposit in the Cemetery Care Trust Fund; and

**WHEREAS** it is deemed necessary to appropriate the sum of up to \$1,583.49 from the Cemetery Care Fund for the purpose of the Cemetery Operations; and

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- 1. The sum of up to One thousand, five hundred eighty-three dollars and forty-nine cents (\$1,583.49) is hereby appropriated from the Cemetery Care Trust Fund and transferred to the General Revenue Fund to provide for the cemetery.

**Citation**

- 2. This bylaw may be cited as the "Cemetery Care Trust Fund Appropriation Bylaw 2015, No. 1871".

**READ A FIRST TIME** on the 19<sup>th</sup> day of January, 2015

**READ A SECOND TIME** on the 19<sup>th</sup> day of January, 2015

**READ A THIRD TIME** on the 19<sup>th</sup> day of January, 2015

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Mayor (A. Stone)

\_\_\_\_\_  
Corporate Officer (S. Bowden)