

REGULAR MEETING OF COUNCIL

AGENDA

DATE: Monday, April 16, 2018
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of April 3, 2018](#)

pg 3-6

3. PUBLIC AND STATUTORY HEARINGS

4. PETITIONS AND DELEGATIONS

Chamber of Commerce

Re: Update

5. DEVELOPMENT MATTERS

Brickyard Road Surfacing Strategy – Chief Administrative Officer Brief

[0015-18-DVP-END](#)

Lot A, District Lot 226 and of Section 35, Township 18, Range 9, W6M, KDYD,

Plan 6122 – 335 Brickyard Rd

Applicant: Jason Taber

pg 7-14

6. BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

7. BYLAWS

8. REPORTS

Mayor and Council

[Building Permit Detail Report – March 2018](#)

pg 15

9. NEW BUSINESS

[Proposed Bus Stop Relocation](#) – Memo from Chief Administrative Officer dated April 9, 2018

pg 16-19

[Strategic Wildfire Prevention Initiative – Grant Approval](#) – Correspondence from UBCM dated April 5, 2018

pg 20-21

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

Closed to the public, pursuant to Section 90 (1) (k) of the *Community Charter*

12. ADJOURNMENT

THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Tuesday, April 3, 2018 at 4:30 p.m. in the Council Chambers of City Hall

Present: Mayor Greg McCune
Councillor Tundra Baird
Councillor Brad Case
Councillor Roxanne Davyduke
Councillor Raquel Knust
Councillor Brian Schreiner
Councillor Shawn Shishido

Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner and Deputy Corporate Officer – Kurt Inglis
Recording Secretary – Bettyann Kennedy
The Press and Public

APPROVAL OF AGENDA

Moved by Councillor Baird, seconded by Councillor Davyduke that the agenda be approved as circulated.

Carried

ADOPTION OF MINUTES

Regular Meeting Minutes of March 19, 2018

The following correction was noted:

The Mill Avenue Bust Stop discussion item (pg 2) second bullet point should state: "It could involve using *Mill Avenue* on the west side....."

Moved by Councillor Knust, seconded by Councillor Shishido that the minutes of the regular meeting of March 19, 2018 be adopted as amended.

Carried

REPORTS

Mayor McCune

- RCMP Sgt. Hobenshield is leaving. A meeting should be coordinated with Gord Stewart to discuss policing in Enderby. We need to lobby for officers to be stationed here. Also need to discuss our ongoing issues as service is currently reactionary only.
- Mayor's Caucus meeting:
 - Discussed the opioid crisis. Dr. Mark Tindal was an interesting guest speaker. He has worked over 20 years in Vancouver and shared some interesting ideas to deal with the problem by legalizing all drugs.
 - Cannabis sales – some communities are looking at getting into dispensing to generate revenue.

- Smart City Challenge – Infrastructure Canada is taking applications to obtain funds for community projects that will have a lasting impact on the community. Funding will be available until April 24th.

Councillor Knust

FACT:

- Councillor Knust revealed Heather Edwards' conceptual painting for the new HUT. Four seasons will be represented on each side of the HUT.
- Ms. Edwards is donating her talent to the project, but they are in need of funds to cover paint supplies. Donations of left-over paint or money would be welcomed.
- Mayor McCune offered to pay \$400 for the conceptual painting to fund the project.
- They are still looking to fill the coordinator position.

Councillor Schreiner

Status of COPS program:

- The CAO reported that we have 10-12 applicants thus far. Training dates are being coordinated with RDNO instructor. It is hoped to have the program up and running by mid to late May.

Councillor Davyduke

FACT – Heather Edwards' presentation of her painting was excellent. Coordinator position closes on April 22nd.

Councillor Baird

- Salmon Arm Drive Road Update:
 - The CAO reported that pathway milling being done, followed by installation of water line and milling of the roadway. The project is on target.
- Street sweeping – contractor is doing Kelowna and we will be next. A date will be firmed up next week.
- Some of the trees on Cliff Avenue appear stressed after the winter. The gardener will look into if there is any permanent damage.

Chief Administrative Officer

- Work on the bridge is being done. Hopefully they will be done by May. There will be a water outage east of the bridge to allow the temporary water line to be raised so that the crew can work under it on the western abutment.
- A budget portfolio meeting will be scheduled for late April.

NEW BUSINESS

Village of Canal Flats – Correspondence dated February 28, 2018

Re: Support for Flexible Ride-Sharing Regulation

Moved by Councillor Schreiner, seconded by Councillor Baird that the correspondence be received and filed.

Carried

UBCM – Correspondence dated March 28, 2018
Re: UBCM Principles for Cannabis Taxation

Moved by Councillor Schreiner, seconded by Councillor Baird that the correspondence be received and filed.

Carried

Enderby Arts Festival 2018 – Temporary Road Closure – Memo from Planner and Deputy Corporate Officer dated March 28, 2018

Moved by Councillor Shishido, seconded by Councillor Davyduke that the application be received and filed.

Carried

Draft Solid Waste Management Plan (2017 Update) – Memo from Planner and Deputy Corporate Officer dated March 28, 2018

Moved by Councillor Case, seconded by Councillor Shishido that Council advise the Regional District of North Okanagan that the City of Enderby is:

- i. Open to having discussions at the regional level regarding solid waste management;
- ii. Looking forward to reviewing the results of the Solid Waste Management Survey, as it will help inform Enderby's long term approach to solid waste management;
- iii. Supportive of further consultation regarding the strategic objectives and implementation of the Solid Waste Management Plan, prior to the Plan being submitted for Ministry approval.
- iv. Requesting that the Regional District of North Okanagan perform a business case on the installation and operation of a larger scale transfer station, following the closure of the Armstrong landfill, which is capable of accepting solid waste from curbside collection programs in addition to self-haulers, in order to determine cost-savings to curbside collection programs, reductions in greenhouse gas emissions, reduced wear-and-tear on public roads, and other possible benefits.

Carried

PUBLIC QUESTION PERIOD

None

ADJOURNMENT

The following was released from in-camera from the March 19, 2018 in-camera meeting:

Splatsin Carwash Sanitary Connection Request – Memo from Chief Administrative Officer dated March 14, 2018

Moved by Councillor Knust, seconded by Councillor Case that Council approve Splatsin's request to connect its new carwash development to a sanitary main that is ultimately discharged into the City of Enderby sanitary sewer collection system, subject to the following conditions:

- a) The connection passes inspection by Public Works prior to backfill;*
- b) All fees and charges associated with the connection are paid, as well as all other balances owed; and*
- c) Receipt of a Band Council Resolution endorsing the addition of the carwash to the Sewer Municipal Type Servicing Agreement.*

AND THAT Council's resolution be released from in camera.

Carried

Moved by Councillor Shishido, seconded by Councillor Baird that the regular meeting adjourn at 5:20 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

**CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION**

File No.: 0015-18-DVP-END

April 11, 2018

APPLICANT: Jason Taber

LEGAL DESCRIPTION: Lot A, District Lot 226 and of Section 35, Township 18, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 6122

P.I.D #: 010-227-288

CIVIC ADDRESS: 335 Brickyard Road, Enderby BC

PROPERTY SIZE: 1.21 hectares (2.99 acres)

ZONING: General Industrial (I.2)

O.C.P DESIGNATION: Residential Medium Density

PROPOSAL: To construct an industrial building to accommodate recreational vehicle repair/modification and retail services, with the property to be serviced on-site by a private well and septic system in lieu of connecting to community water and sanitary sewer.

PROPOSED VARIANCE: Vary Sections 3.0, 4.0, and 4.2.9 of Schedule "A" and Schedule "B" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring a connection to a community water system or community sanitary sewage system, and permitting an on-site sewage disposal system on a lot less than 2 hectares in size.

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as Lot A, District Lot 226 and of Section 35, Township 18, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 6122 and located at 335 Brickyard Road, Enderby B.C. to permit variances to the following Sections of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 3.0 of Schedule "A" and Schedule "B" by not requiring a connection to a community water system;
- Section 4.0 of Schedule "A" and Schedule "B" by not requiring a connection to a community sanitary sewage system; and
- Section 4.2.9 of Schedule "A" by permitting an on-site sewage disposal system on a lot less than 2 hectares in size,

Subject to the property owner providing a sworn affirmation acknowledging that they are aware that:

- The issuance of variances does not limit the City's ability to require connection to the City's community water and sanitary sewer systems in the future, at the property owner's expense; and
- It would be prudent to plumb and pre-service for community water and community sewer on any future buildings of the subject property, in order to minimize the potential connection costs when required by the City.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 335 Brickyard Road. The applicant is proposing to construct an industrial building to accommodate recreational vehicle repair/modification and retail services; the applicant is proposing for this development to be serviced on-site by a private well and septic system, rather than connect to community water and sewer.

The applicant is requesting variances to the following Sections of City of Enderby Subdivision Servicing and Development Bylaw No. 1278:

- Section 3.0 of Schedule "A" and Schedule "B" by not requiring a connection to a community water system;
- Section 4.0 of Schedule "A" and Schedule "B" by not requiring a connection to a community sanitary sewage system; and
- Section 4.2.9 of Schedule "A" by permitting an on-site sewage disposal system on a lot less than 2 hectares in size.

Site Context

The 1.21 hectare (2.99 acre) subject property is relatively flat and is currently undeveloped with no improvements on the site. The property is located along the east side of Brickyard Road, along the northern stretch of the corridor which is constructed to a gravel standard with no underground utilities. There is currently no constructed access to the site along Brickyard Road. To the west of the subject property is the former Canadian Pacific Railway corridor and to the east is the Shuswap River. The eastern portion of the property is within the Riparian Assessment Area.

The following orthophoto of the subject and surrounding properties was taken in 2011:



****NOTE: The property lines shown above are not an accurate representation of their true locations and are intended for display purposes only.**

The Proposal

As shown on the attached Schedule "A", the applicant is proposing to construct an industrial building to accommodate recreational vehicle repair/modification and retail services; the applicant is proposing for this development to be serviced on-site by a private well and septic system, rather than connect to community water and sewer.

Primary access to the property would be gained off of Brickyard Road via a private access driveway. The proposed industrial building is shown in the northwest corner of the property, with the central portion of the property to be fenced off as a secured compound. As the applicant is still in the preliminary stage of the

development planning process, a number of elements of the proposed development have not been finalized such as parking, loading, and landscaping.

ZONING BYLAW:

The subject property and the properties to the south are zoned General Industrial (I.2) and are designated in the Official Community Plan (OCP) as Residential Medium Density. The properties to the north are zoned Country Residential (C.R) and are designated in the OCP as General Industrial. The properties to the east and west are located within Area 'F' of the Regional District of North Okanagan.

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.
- Policy 8.3.l - Council will support alternative infrastructure standards and urban design principles which promote environmental, economic, and social sustainability.

SUBDIVISION SERVICING AND DEVELOPMENT BYLAW

Schedule 'B' of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 sets forth the required levels of works and services for development throughout the community, while Schedule 'A' presents the design criteria, specifications, and standard drawings for the required works and services. As the subject property is zoned General Industrial (I.2), Schedule 'B' of the Bylaw requires development on the property to be connected to the City's community water and sanitary sewer systems. Furthermore, Section 4.2.9 of Schedule 'A' states that on-site sewage disposal will only be permitted on lots with a minimum size of 2 hectares (4.94 acres). Given that the applicant is proposing to service the development by a private well and septic system rather than connect to community water and sanitary sewer, and the area of the subject property is only 1.21 hectares (2.99 acres), variances to those Sections of the Bylaw are required.

REFERRAL COMMENTS:

The application was referred to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief.

The Public Works Manager provided the following comments:

With respect to the proposed variances, I think that it is prudent to ensure that the property is developed in such a way that it will be cost effective for the property owner to connect to community

water and sewer services, if and when they are extended. The property owner should also acknowledge the City's right to require connection to community water and sewer services in the future, at a property owner's expense.

No other comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to waive the requirement to connect to a community water system or community sanitary sewer system, and to permit an on-site sewage disposal system on a lot less than 2 hectares in size, for the following reasons:

- The City completed a servicing study in 2016 and determined that the costs associated with extending community water and sewer services from the intersection of Brickyard Road and Bass Avenue to the northern end of Brickyard Road, and completing the necessary upgrades to the broader system to provide sufficient fire flows, are extremely high; the costs are significant enough that Staff do not anticipate that there is any scale of industrial development that could occur on the subject property that would make extending the services economically viable;
- On-site servicing avoids a significant community water and sanitary sewer extension to service an individual property, which is consistent with sound asset management planning (i.e. leap frog servicing would result in the City inheriting significant linear assets with minimal adjacent assessment value);
- On-site servicing makes development of the subject property viable in the short-term which will result in job creation and economic development;
- The subject property is of sufficient size to accommodate an on-site septic system, although the applicant would be required to go through the necessary permitting and approval process through Interior Health;
- Permitting on-site servicing does not limit the potential for service extensions in the future, which could occur through a number of different mechanisms including a Local Area Service, a Connection Area charge, or having the City or a developer complete the works and potentially recover costs through a Latecomer Agreement; and
- It is not anticipated that the proposed variance will negatively impact the use and enjoyment of the subject or neighbouring properties.

The City of Enderby Planner is recommending that the proposed variances be supported subject to the property owner providing a sworn affirmation acknowledging that they are aware that:

- The issuance of variances does not limit the City's ability to require connection to the City's community water and sanitary sewer systems in the future, at the property owner's expense

Although the issuance of variances would enable the property owner to service the development on-site by a private well and septic system, this would not limit the City's ability to require the property owner to connect to the community water or sanitary sewer systems in the future (should they be available), at their expense. Given this, Staff feel that it is advisable to require the property owner to affirm awareness of this fact.

It would be prudent to plumb and pre-service for community water and community sewer on any future buildings of the subject property, in order to minimize the potential connection costs when required by the City

As previously mentioned, notwithstanding issuances of variances, the City has the ability to require the property owner to connect to the community water or sanitary sewer systems at the property owner's expense. Given this, it would be prudent for the property owner to plumb and pre-service for community water and sewer on any future buildings, in order to minimize potential connection costs when required by the City. Staff feel that it is prudent to require the property owner to affirm awareness of this fact.

SUMMARY:

This is an application for a Development Variance Permit for the property located at 335 Brickyard Road, Enderby BC. The applicant is proposing to construct an industrial building to accommodate recreational vehicle repair/modification and retail services; the applicant is proposing for this development to be serviced on-site by a private well and septic system, rather than connect to community water and sewer.

The applicant is proposing to vary the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to waive the requirement to connect to a community water system or community sanitary sewage system, and to permit an on-site sewage disposal system on a lot less than 2 hectares in size.

It is recommended that upon consideration of adjacent land owner's comments, Council issue a Development Variance Permit to authorize the proposed variances subject to the applicant satisfying the aforementioned terms and conditions.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

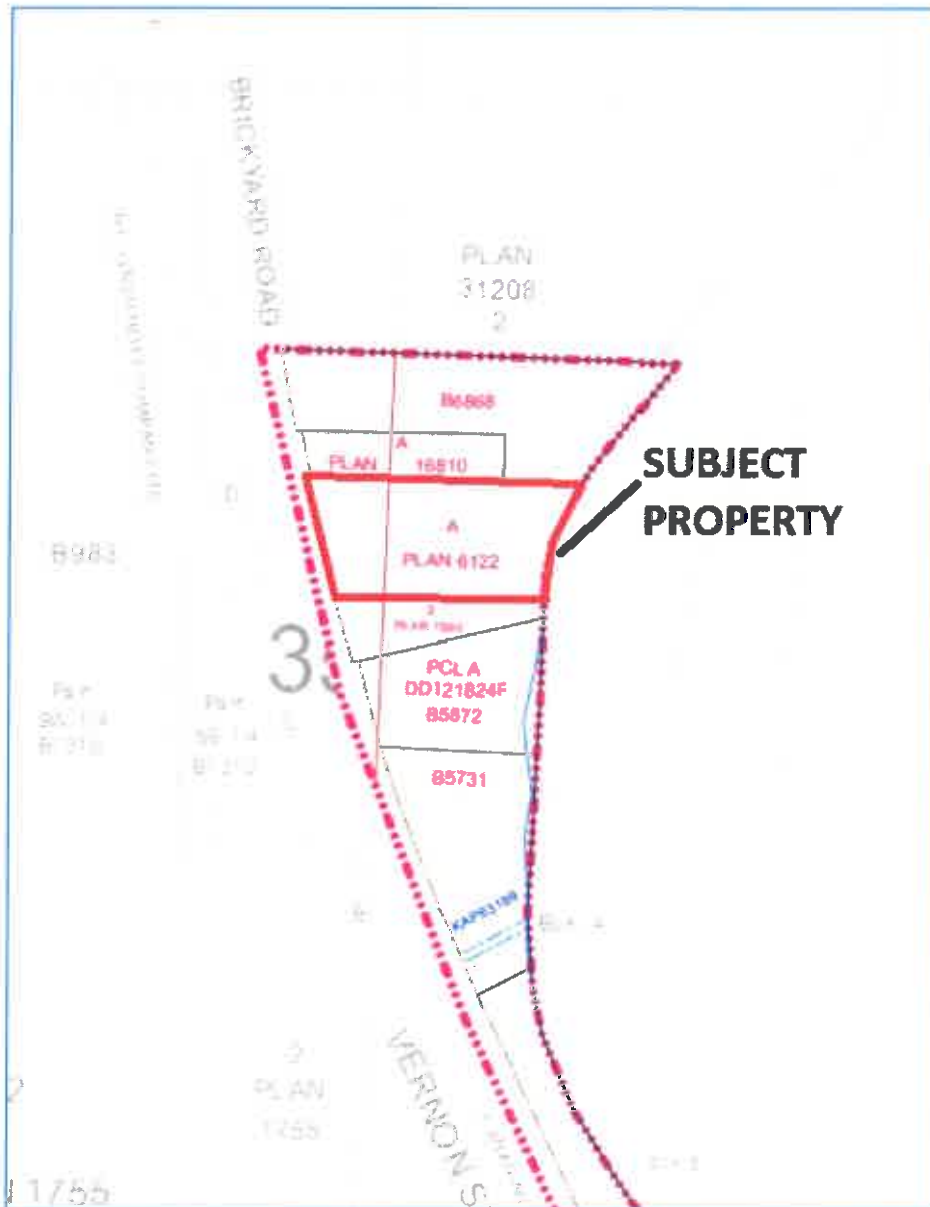
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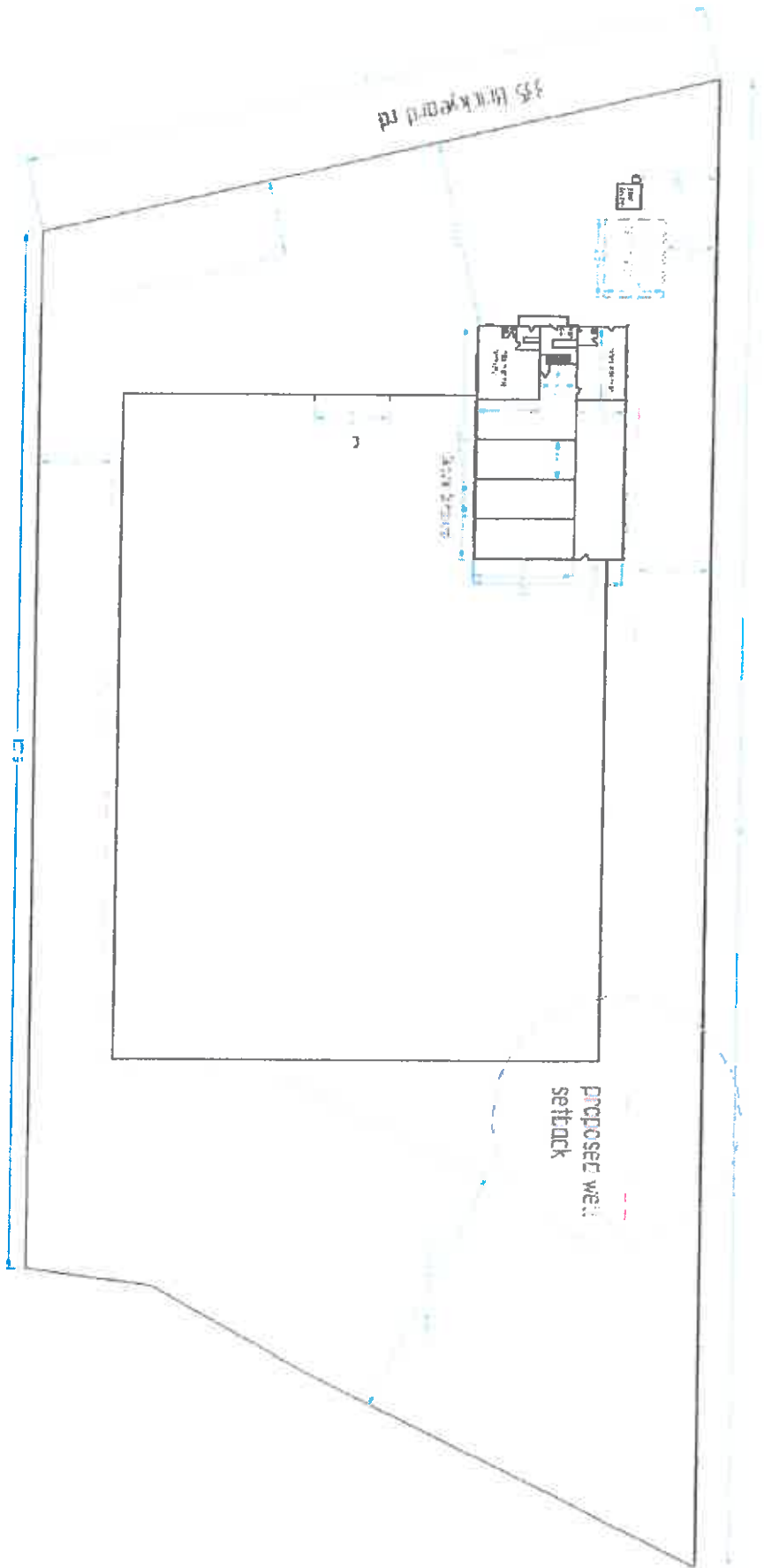


Tate Bengtson
Chief Administrative Officer

**THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP**

File: 0015-18-DVP-END
Applicant: Jason Taber
Owner: W.H. Steele Lumber Co. Ltd.
Location: 335 Brickyard Road, Enderby BC





RDNO Building Permits Issued Comparison for Year/Month - Summary

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2018 Month: 03

Folder Type	2018 / 03		2017 / 03		2018 to 03		2017 to 03	
	Permits Issued	Res. Units Created	Building Value	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value
ACCESSORY BUILDING	0	0	0	2	9,000	0	3	34,000
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0
DEMOLITION	0	0	0	0	0	0	0	0
END - COMMERCIAL BUILDING	0	0	0	0	0	0	0	0
END - SINGLE FAMILY DWELLING	0	0	0	0	0	1	0	16,000
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0
INSTITUTIONAL	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0
PLUMBING	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0
SEWER	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	100,000	1	0	0	0	105,000
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	2	0
Report Totals	0	0	109,000	3	0	1	5	139,000

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: April 9, 2018
Subject: Proposed Bus Stop Relocation

RECOMMENDATION

THAT Council reviews the proposed new location on Mill Avenue west of George Street for a new bus stop, which would consolidate the existing Mill Avenue and Maud Street bus stops;

AND THAT Council directs staff to proceed with contacting the Ministry of Transportation and Infrastructure and businesses adjacent to the current and proposed bus stops to assess their concerns;

AND FURTHER THAT Council directs staff to implement a survey on the City of Enderby's website to poll the public about their support and concerns for the proposed changes.

BACKGROUND

Changes in traffic patterns, longstanding sightline challenges, and increased congestion around the Mill Avenue bus stop behind the City Hall parking lot has compelled Council to request that BC Transit relocate this stop. Moreover, while not reported as a source of conflict as frequently, the bus stop on Maud Street is problematic as there is no pull-over lane at this location either; parking stalls are adjacent to the bus stop pole, which can interfere both with bus operations and traffic flow.

At the March 19, 2018 Council meeting, a variety of options were presented by BC Transit about how to resolve these issues. Rather than opt for an interim solution that could come at a high cost with relatively little return, Council preferred that BC Transit take a more involved look at how to route the bus service through Enderby so that the best long-term solution could be identified and implemented. Council recommended that BC Transit explore Mill Avenue west of George Street (Highway 97A) as a location that may be especially well-suited.

Since that time, Staff have met on-site with BC Transit and RDNO staff. A variety of locations were reviewed, and there was general consensus that Mill Avenue west of George Street merits further exploration. The northern boulevard area has the most potential due to the superior access control of the adjacent property (the Credit Union). In general, the area is attractive because of the width of the road dedication, the lighted intersections, and the proximity to both

commercial and residential neighbourhoods. The proposed location would result in the removal of the bus stops at both Mill Avenue and Maud Street due to the challenges mentioned above.

Attached to this memorandum is a discussion diagram showing the proposed location of the bus stop as well as modified routing. BC Transit is currently undertaking the technical exercises required to move this forward.

As consolidation and relocation of bus stops may have consequences for both neighbouring businesses as well as transit riders, City staff are in agreement with BC Transit's recommendation that stakeholder consultation be implemented in advance of any relocation. In addition to business and public consultation, City staff are also proposing to contact the Ministry of Transportation and Infrastructure given the proximity to a Highway 97A lighted intersection. There will be notices posted at the existing bus stop poles and shelter advising riders of the survey.

Council should be advised that there will be site works associated with this relocation, which will include excavation and grading, installing a new concrete pad, and relocating the existing shelter, bus stop pole, and garbage can. Local government typically bears these costs, particularly when it initiates the relocation.


Respectfully submitted,

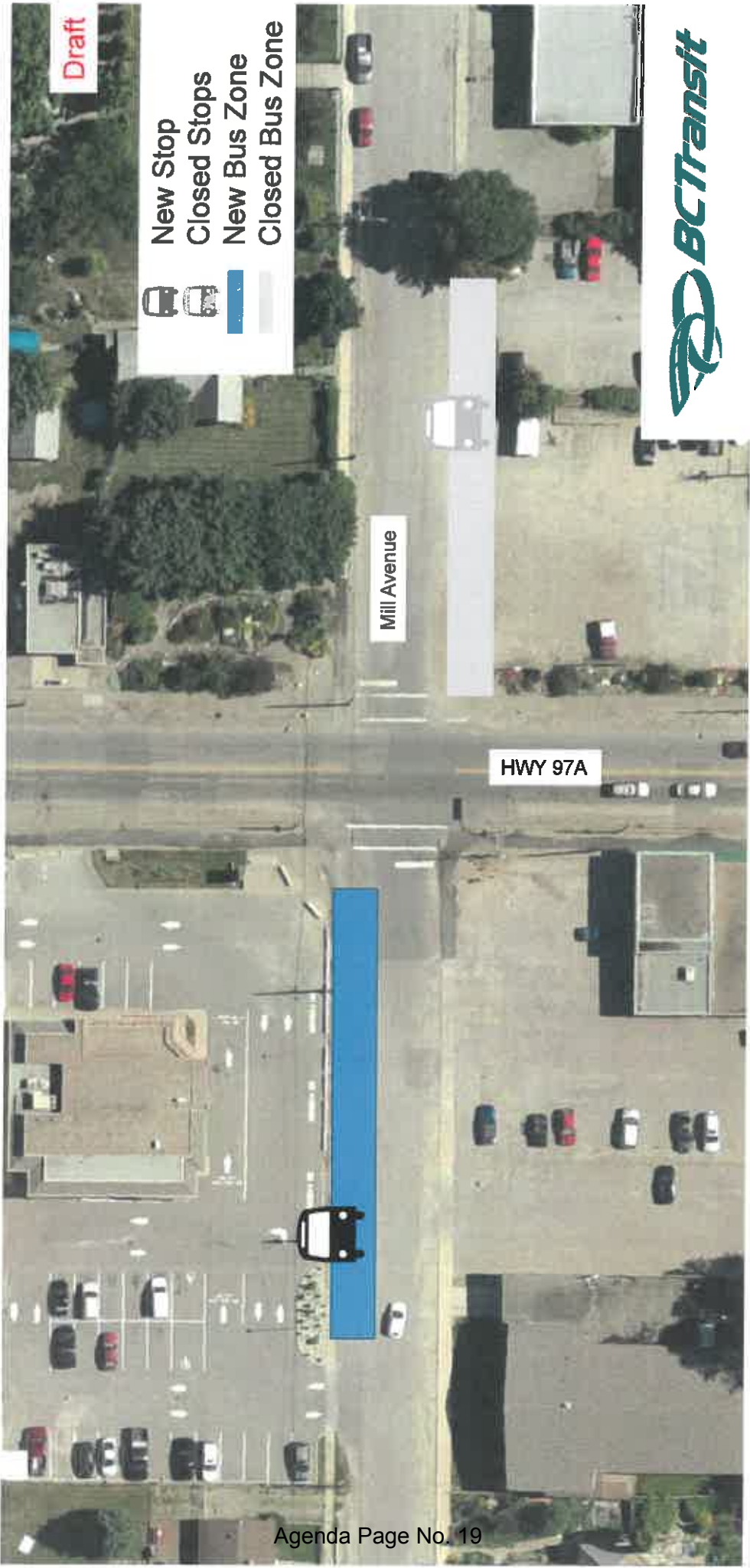


Tate Bengtson
Chief Administrative Officer



Draft

-  New Stop
-  Closed Stops
-  New Bus Zone
-  Closed Bus Zone



Agenda

Local Government Program Services

...programs to address provincial-local government shared priorities

Corporation of The
City of Enderby



April 5, 2018

Mayor McCune and Council
City of Enderby
Box 400
Enderby, BC, V0E 1V0



FIRST NATIONS'
Emergency Services
BRITISH COLUMBIA



BRITISH
COLUMBIA
www.gov.bc.ca

The Strategic Wildfire
Prevention Initiative
is managed by the
SWPI Working Group.
For program
information, visit the
Funding Program
section at:

www.ubcm.ca

LGPS Secretariat

Local Government House
525 Government Street
Victoria, BC, V8V 0A8

E-mail: swpi@ubcm.ca
Phone: (250) 356-2947

RE: Strategic Wildfire Prevention Initiative - Approval of 2018 FireSmart Planning & Activities Grant (SWPI-874: Enderby FireSmart Implementation Plan)

Dear Mayor and Council,

Thank you for submitting an application under the 2018 FireSmart Planning & Activities Grant Program for the above noted project.

I am pleased to inform you that the Evaluation Committee has approved funding for your project in the amount of \$9,890.00.

Grant payments will be issued when the approved project is complete and UBCM has received and approved the required final report and financial summary.

The conditions of approval are outlined in the Program & Application Guide and the general Terms & Conditions are attached. In addition, please note the approved grant is also subject to the following requirements:

- (1) The funding is to be used solely for the purpose of the above named funding program and project, and for the expenses itemized in the budget that was approved as part of your application;
- (2) Funds are not transferable to other projects;
- (3) All funded activities are to take place within 12 months of approval;
- (4) FireSmart home and property assessments, including Home Ignition Zone structure and site hazard assessments (including aerial and GIS-based assessments) can only be conducted with the private property owners' consent;
- (5) The final report is required to be submitted within 30 days of project completion and no later than May 6, 2019. The report must include:
 - Completed and signed copy of the final report form

- Financial summary
- Copies of any community assessments, FireSmart Community Plans or any other plan that was developed or updated as part of the 2018 SWPI FireSmart Planning & Activities grant.

On behalf of the Evaluation Committee, I would like to congratulate you for responding to this opportunity to address community safety issues in your community.

If you have any questions, please contact Local Government Program Services at (250) 356-2947 or by email at swpi@ubcm.ca.

Sincerely,



Peter Ronald
Programs Officer

cc: *Kurt Inglis, Planner & Deputy Corporate Officer, City of Enderby*

Enclosure

THE CORPORATION OF THE CITY OF ENDERBY

Agenda

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: April 12, 2018
Subject: Enderby Open Air Market - Horse-Drawn Wagon Ride Request

RECOMMENDATION

THAT Council considers the Open Air Market's request to provide horse-drawn wagon rides along Vernon Street as part of the Market's monthly special events;

AND THAT should Council support the request, the approval be subject to the owner/operator of the horse-drawn wagon:

1. Indemnifying the City of Enderby and providing proof of suitable public liability insurance with the City as a named insured; and
2. Being outfitted with appropriate clean-up paraphernalia and immediately removing any horse excrement that is deposited on public property.

BACKGROUND

For the 2018 season, the Enderby Open Air Market has relocated to the Splatsin Community Centre parking lot. The Market will be hosting special events on the last Friday of each month (i.e. Mother's Day Celebration, Corn Festival, Apple Festival, etc.) and is requesting that the City provide permission for the Market to provide free horse-drawn wagon rides along Vernon Street as part of these monthly events. The Market organizer advised that the wagon rides would involve trips back and forth between the BMO parking lot and the Splatsin Community Centre, and are intended to provide a fun, free transportation option to and from the Market, particularly for those without a means of transportation (i.e. seniors, youth, etc.).

The Motor Vehicle Act and the City of Enderby Streets and Traffic Bylaw No. 1471, 2010 both permit horse traffic on roadways; however, Council does have the authority to regulate horses on roadways within its jurisdiction. Given this, Staff are seeking direction from Council regarding the Market's request for permission to provide horse-drawn wagon rides along Vernon Street, which is under the City's jurisdiction. (**Note: the southern portion of Vernon Street is outside of the City's jurisdiction and therefore the Market organizers will need to engage with the Ministry of Transportation & Infrastructure to obtain any necessary approvals to operate the horse-drawn wagon on that portion of the roadway.)

In Staff's opinion, the key concern that should be addressed as part of this request is the deposit of horse excrement along public roadways. Section 701.2 of the City's Streets and Traffic Bylaw requires the immediate clean-up of any deposited waste material (including horse excrement):

701.2 Should any material, due to any cause whatsoever, fall from the vehicle, the operator shall forthwith take all reasonable precautions to safeguard traffic from the consequence thereof and shall remove such material from the spillage area.

The topic of responsible horse ownership was addressed in 2013, with Council ultimately passing a resolution requiring all horses ridden in the City to be outfitted with appropriate clean-up paraphernalia. Given this previous policy direction, Staff are recommending that should Council approve the Market's request to provide wagon rides along Vernon Street as part of their monthly special events, it be subject to the owner/operator of the wagon outfitting the wagon with appropriate clean-up paraphernalia and immediately removing any horse excrement that is deposited on public property. Furthermore, it is recommended that the approval be subject to the owner/operator of the wagon providing proof of suitable public liability insurance with the City as a named insured, in order to avoid any potential liability to the City.

Should the horse-drawn wagon rides result in traffic conflicts, Staff (and Council through direction to Staff) have the ability to further regulate and ultimately prescribe (restrict) certain classes of vehicles.

Subject to Council supporting this request, the owner/operator will be advised that this permission does not exempt them from the Motor Vehicle Act and regulations, or any other provincial or municipal enactment.

Respectfully Submitted,



Kurt Inglis

Planner and Deputy Corporate Officer