

# MEMORANDUM

## **PRIVILEGED AND CONFIDENTIAL**

Date: April 29, 2015

To: His Worship the Mayor & Members of Council

From: Robert Bursey, City Solicitor

Re: **Illegal Use of Trailers – Thomas Pond Watershed  
Proposed St. John’s Trailer By-Law**

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### **Background:**

In the latter half of 2014 Council became aware of significant trailer usage/operation on public property in the Thomas Pond Watershed. This activity was undertaken without permit and appeared to be a contributing factor in the accumulation of debris and litter in the general area of the trailers. The City, at considerable expense, cleaned up the more prominent debris and litter. Council publically indicated its opposition to the continuation of trailers being located or utilised in the area.

### **Current Action:**

Recently the City has undertaken excavation work in the general area where trailers were located last year with the intended effect of eliminating accessibility. In addition to this signs have been erected in the general area to provide notice that any location or usage of trailers is prohibited and that undertaking the same may result in the trailer being towed, as well as prosecution.

Further, insofar as the locating of trailers usually takes place in the late Spring/early Summer seasons, City staff, during this period, will be patrolling the areas previously frequented by trailers in order to identify and remove trailers that may be located in the Thomas Pond Watershed.

### **Proposed By-Law:**

Section 391 of the *City of St. John’s Act* provides the City with broad power to enact subordinate legislation to “...*regulate, prohibit and control the construction, alteration, repair, use, operation, location, maintenance, occupancy, change of use, removal or demolition of a trailer.*” Further to this, a proposed *St. John’s Trailer By-Law* has been drafted (see attached) for the perusal and consideration of Council.

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LEGAL DEPARTMENT

CITY OF ST. JOHN’S PO BOX 908 ST. JOHN’S NL CANADA A1C 5M2 WWW.STJOHNS.CA

The draft By-Law is relatively simple. It creates a specific offence for the locating or use, without permit, of a trailer on public property in St. John's. The key feature of the proposed By-Law is that it specifically empowers Council to tow or demolish trailers used or located in violation of the By-Law.

Other existing subordinate legislation creates an offense for the location and use of trailers in the TP Watershed, however the conviction/removal process requires recourse to the time consuming and cumbersome court process. The addition of the towing provision in this By-Law will serve to expedite removal of offending trailers and, hopefully, reduce attendant negative environmental issues. It should be noted, however, that actual towing and/or demolition of trailers may result in damage claims.

**Recommendation:**

The enactment of the proposed By-Law with the additional power to tow offending trailers provides an effective and efficient means to address the problem of non-compliant trailer use. It also mitigates against potential attendant negative environmental problems. The benefits of this appear to outweigh the possibility of damage claims resulting from removal/demolition of offending trailers.

In this regard it is recommended that Council enact the proposed By-Law at a future Regular Meeting.

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Robert J. Bursey, LL.B.  
City Solicitor

RJB/kab  
Attachment

**BY-LAW NO.**

**TRAILER BY-LAW**

**PASSED BY COUNCIL ON \_\_\_\_\_**

Pursuant to the powers vested in it under the City of St. John's Act, RSNL c.C-17 as amended and all other powers enabling it, in particular section 391 of the said Act, the City of St. John's enacts the following By-Law relating to the regulation of trailers in the City of St. John's:

**ST. JOHN'S TRAILER BY-LAW**

1. This by-law may be cited as the St. John's Trailer By-Law;
2. For the purpose of this By-Law:
  - (a) "City" means City of St. John's;
  - (b) "trailer" has the meaning ascribed by section 391(2) of the City of St. John's Act; and
  - (c) "public property" means any real property that is within the boundaries of the City and is owned by the City or the Province of Newfoundland and Labrador, or the Dominion of Canada, and does not include a street as defined by the City of St. John's Act.
3. Neither the Federal nor the Provincial Crown are bound by this By-Law.
4.
  - (a) No trailer shall be occupied, used, operated, located, or maintained upon public property without prior approval from the City;
  - (b) The owner of, and/or persons occupying, operating or using, a trailer in contravention of section 4(a) shall be guilty of an offence and liable upon summary conviction to a penalty as provided for in section 403 of the City of St. John's Act;
  - (c) In addition to the penalty prescribed in section 4(b), where a trailer is used, operated, located, or maintained upon public property in contravention of section 4(a), the City shall have the power:
    - (i) to tow and impound the trailer without notice and, following impound, deal with the trailer, in accordance with the Towing and Impounding of Vehicles By-Law; or

- (ii) where the trailer is deteriorated or located in such a place or manner that removal or towing would be, in the opinion of the City, unsafe, or likely to cause significant damage to the trailer, then the City may demolish the trailer any time following fourteen (14) days after placement of a written notice on the trailer, which notice will express the intent of the City to demolish, and specify the date after which demolition may occur; and
- (iii) where a trailer is demolished and removed by the City further to section 4(c)(lil) herein, the owner of the trailer, shall, in addition to any penalty imposed further to section 4(b) herein, reimburse the City for all costs reasonably incurred in the demolition and/or removal of the trailer.

# MEMORANDUM

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**PRIVATE AND CONFIDENTIAL**

Date: May 1, 2015  
To: His Worship the Mayor and Members of Council  
Re: **Provincial Budget 2015 – Community Sustainability Partnership**

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## Issue

Overview of Provincial Budget and its Financial Impact on the City

## Discussion

As part of their 2015-2016 budget, the Province released a package of initiatives entitled the “Community Sustainability Partnership”. There are two key aspects to the plan as it relates to the City of St. John’s:

### 1. HST Rebate

Of the current 13% HST – 5% is refunded from the Federal government but the province keeps their 8%. In January 2016 the province will raise their provincial portion to 10% thereby increasing the HST to 15%. Starting in 2016 the City will receive a reimbursement of 25% of the provincial component of the HST. This will rise to 57.14% in 2017. The Province will only keep 7.5% in 2016 and 4.268% in 2017. Effectively this means the net tax on all purchases related to non-commercial activities (the majority of the City’s activities) drops from the current 8% to 4.286% upon full implementation. The net tax related to the City’s commercial activities remains at 0% as all taxes related to these activities are refunded.

- Once fully implemented in January of 2017 annual savings to the City should be in the range of \$4.5M - \$5M. In 2016, the savings are approximately \$0.625M.

### 2. Gas Tax Rebate

The province will allocate a portion of their gas tax monies towards municipalities – the total remitted to all municipalities will reach \$7.1M within 3 years. Half of this amount will be distributed on an equal basis with the other half based on population.

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CITY MANAGER

- This will total in the vicinity of \$700K to \$800K per year in additional revenue for the City of St. John's.

The two items combined serve to save the City in the range of \$5.25M - \$5.75M per year. The conditions on the new monies are that they not be used to lower taxes – clearly the intent is to ensure the money is invested in municipal infrastructure.

While disappointing that the 2% increase in HST reduces the amount to municipalities, these two items are positive steps in addressing the City's call for a new fiscal arrangement with the Province. Other items such as grants in lieu, and payment of user fees are still outstanding and will continue to be advanced.

Other items not as directly applicable to the City:

1. Municipal operating grants for those still receiving them will be committed for the next three years
2. Through regional services boards, resources will be put in place to help smaller municipalities build capacity to address issues like delivery of safe drinking water
3. Improved access to crown lands for development
4. An advisory board will be established to explore regional governance structures

## **Recommendation**

HST Rebate: That the savings realized commencing in 2016 as a result of the HST rebate be allocated to the City's capital out of revenue account. As Council is aware, we have a 10 year capital plan which will be brought before Council in the next month. These monies will be put to good use on projects arising out of that plan.

Gas Tax Rebate: The funds realized in 2015 and beyond supplement the existing gas tax program which qualifies for a wide range of capital projects.

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Kevin Breen,  
Acting City Manager

# MEMORANDUM

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Date: April 29, 2015

To: His Worship the Mayor & Members of Council

From: Brendan O'Connell, P. Eng.

**Re: Request for Proposals  
Water Street Infrastructure Improvements  
(Waldegrave Street to Job's Cove)**

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In response to the Request for Proposals for the above noted, proposals were received from the following consultants:

Pinnacle Engineering Limited  
Newfoundland Design Associates Limited  
Kavanagh Associates a Division of R.V. Anderson Associates Limited  
Amec Foster Wheeler Americas Limited  
Dillon Consulting  
Stantec Consulting Limited  
CBCL Limited

The proposals have been reviewed by staff of the Department of Planning, Development and Engineering. It is recommended that engineering consulting services be awarded to CBCL Limited in the amount of \$1,683,700.00 (HST included).

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Brendan O'Connell, P. Eng.,  
Director of Engineering

BO'C/dm

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