

HALIFAX

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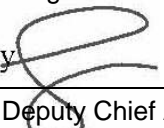
Item No. 14.1.3
Halifax Regional Council
March 8, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: February 12, 2016

SUBJECT: Amendments to By-law B-700 – A By-law Respecting the Regulation
of Business Improvement Districts

ORIGIN

This recommendation report is staff initiated to address commercial tenant voter notification and plebiscite challenges respecting By-law B-700, Respecting the Regulation of Business Improvement Districts.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008. c. 39, including section 70.

By-law B-700, Respecting the Regulation of Business Improvement Districts.

Administrative Order Number 47, the Business Improvement District Administrative Order.

RECOMMENDATION

It is recommended that Halifax Regional Council move first reading of By-law B-701, A By-law Amending By-law B-700, Respecting the Regulation of Business Improvement Districts, as contained in Attachment B.

BACKGROUND

In February of 2014, DDBC's Board notified the Chief Administrative Officer and the Municipal Clerk, in writing, of its intention to proceed with a vote to expand its business district boundaries. In November of 2014, letters were sent by the municipality to all commercial property owners within the proposed BID expansion area. Commercial property owners were given information on the BID expansion process and requested to submit their respective commercial tenant data online. Although section 13 of By-law B-700 stipulates that a commercial property owner must provide the municipality with a list of their commercial tenants and mailing addresses, within 21 calendar days of a request, no commercial tenant data was provided in response to this written request.

DISCUSSION

A by-law amendment is proposed as a means to address practical difficulties associated with identifying commercial tenants and ensuring that commercial tenants receive notice of a new BID or changes to an existing BID. While the process-related concerns came to light in connection with DDBC's boundary expansion, they are likely to arise in the future unless By-law B-700 is amended. Amended notice provisions will increase the likelihood that commercial tenants are aware of their right to vote, and can exercise that right to vote, in relation to a BID plebiscite.

Proposed amendments to the By-law may be summarized as follows:

- (1) Any Business Improvement District Steering Committee intending to change its BID boundary, create a new BID, or amalgamate two BIDs would be required to provide the Municipality with a list of commercial tenants impacted by the proposed BID boundary change. Commercial property owners would no longer be required to submit commercial tenant information to HRM.
- (2) The Municipality would be required to provide notice of all public meeting(s) related to BID formation, expansion, contraction and amalgamation. In addition to notifying commercial property owners and the commercial tenants identified by the BID, the municipality would give notice in a local newspaper at least seven days before the public meeting.
- (3) The Municipality would be required to provide notice of any BID area rate vote. In addition to notifying commercial property owners and the commercial tenants identified by the BID (by mail), notice would be given in a local newspaper at least fourteen days before the meeting.
- (4) An eligible voter (commercial tenant or commercial property owner within the BID boundary) that did not receive a BID area rate ballot would be entitled to request and receive a ballot from the Municipal Clerk.
- (5) General housekeeping amendments would be made to format sections and subsections and to correct typos.

An amended version of By-law B-700 is presented for Council's consideration (see Attachment A).

FINANCIAL IMPLICATIONS

If the draft By-law were to be approved by Council, the municipality would incur costs in relation to complying with the proposed notice provisions. Advertising costs range between \$600 and \$900 (per advertisement), dependent on the publication within which the notice is placed can be absorbed in Cost Centre E400.

COMMUNITY ENGAGEMENT

Staff have consulted with all eight Business Improvement Districts (BIDs) regarding the proposed amendments to By-law B-700. The Spryfield and District Business Commission (SDBC) maintains that the municipality, rather than the BID, should be responsible for gathering commercial tenant contact data. No other objections were raised by the BIDs in regards to the proposed By-law amendments.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

1. Council could direct staff to amend By-Law B-700 to restrict voting rights to commercial property owners. This alternative is not recommended. Granting voting rights to commercial tenants helps to ensure that the revenues generated by the area rate levy (imposed on district businesses and property owners) are reserved for programs these stakeholders want and are controlled by their representatives.
2. Council could direct staff to gather commercial tenancy data for purposes of a plebiscite. This alternative is not recommended. The municipality no longer maintains commercial tenancy data.¹ As such, a mechanism for gathering commercial tenant data would have to be put in place solely for the purposes of BID formation or BID boundary change. Proponents are best positioned to gather tenancy data due to their knowledge of the business district and their relationships with commercial tenants as BID stakeholders.

ATTACHMENTS

Attachment A – Proposed Amendments to By-Law B-700

Attachment B – Amending By-law B-701

Attachment C – Incorporating Proposed Amendments to By-Law B-700

¹ The municipality formerly maintained commercial tenancy data when the Business Occupancy Tax was in place.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Scott Sheffield, Government Relations & External Affairs, 902.490.3941

Report Approved by: _____
Maggie MacDonald, Managing Director, Government Relations
and External Affairs, 902.490.1742

Financial Approval by: _____
Amanda Whitewood – Director of Finance and Information Technology/CFO,
902.490.6308

Report Approved by: _____
Martin Ward Q.C., Acting Director – Legal, Insurance and Risk Management Services,
902-490-6532

**Attachment A – Proposed
Amendments to By-Law B-700**

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER B-700
RESPECTING THE REGULATION OF BUSINESS IMPROVEMENT DISTRICTS**

WHEREAS Halifax Regional Municipality wishes to support the attraction, retention and promotion of institutions, industries and businesses, to encourage tourism and to facilitate the stabilization and expansion of employment opportunities;

AND WHEREAS Business Improvement Districts' outreach, advocacy, promotion and beautification activities help Halifax Regional Municipality to identify business development priorities, resolve service delivery issues, make business districts more attractive to investors, developers and clientele and otherwise assist the Municipality in achieving its economic development mandate;

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the *Halifax Regional Municipality Charter*, S.N.S. 2008. c. 39, including section 70, as follows:

Short Title

1. This By-Law shall be known as By-Law No. B-700, Respecting the Regulation of Business Improvement Districts, and may be cited as the "Business Improvement District By-Law".

Part I: Definitions

2. In this By-Law,

- (a) "Administrative Order" means a policy passed by Council pursuant to this By-law;
- (b) "Area Rate Levy" means a levy that Council sets to be an area rate levy for the purposes of this By-law;
- (c) "Assessment Roll" means the assessment roll required to be prepared pursuant to the *Assessment Act*, R.S., c. 23, s. 1;
- (d) "Board" means a Board of Directors for a Business Improvement Association;
- (e) "Business Improvement District" means an area designated as a business improvement district by an Administrative Order;
- (f) "Business Improvement Association" means a registered non-profit entity contracted by the Municipality to carry out business improvement activities within a Business Improvement District;
- (g) "Chief Administrative Officer" means the Chief Administrative Officer of the Halifax Regional Municipality;
- (h) "Commercial property" means property that is assessed as commercial property under the *Assessment Act*, R.S., c. 23, s. 1;

(i) "Commercial Property Owner" means the person in whose name commercial property is assessed under the *Assessment Act*, R.S., c. 23, s. 1 where that property is located within a Business Improvement District or proposed Business Improvement District; and

(j) "Community Council" means the council of a community established pursuant to the *Halifax Regional Municipality Charter*; 2008, c.39, s.1, as amended;

(k) "Council" means the Regional Council of the Halifax Regional Municipality;

(l) "Municipality" means Halifax Regional Municipality;

(m) "Polling District" means municipal electoral boundaries, as set by the Nova Scotia Utility and Review Board, or its successor;

(n) "Tenant" means an individual, body corporate, partnership, firm, society, association, syndicate or other body which is the lessee or occupier of commercial property in a Business Improvement District or proposed Business Improvement District.

Delegation

3. The Chief Administrative Officer may delegate any or all of his or her powers, duties, functions or authority under this By-law to any employee of the Municipality.

Part II: Administrative Order

4. In accordance with Part III of this By-law, Council may, by Administrative Order, designate an area of the Municipality to be a Business Improvement District.

5. The Administrative Order designating a Business Improvement District shall set out the boundaries of the Business Improvement District.

Part III: Designation of a Business Improvement District

Steering Committee

6. (1) A request to designate a Business Improvement District, or to amalgamate two or more Business Improvement Districts, or to expand or contract the boundaries of Business Improvement Districts, shall originate with a steering committee.

(2) The steering committee shall be established:

(a) on Council's motion; or

(b) on the initiative of members of the community.

(3) The steering committee shall consist of at least 5 members.

(4) The steering committee shall be comprised of Tenants and Commercial Property Owners.

(5) In the case of a proposed expansion or contraction of the boundaries of an existing Business Improvement District, the steering committee shall be the Board of the existing Business Improvement District.

(6) In the case of a proposed amalgamation of two or more existing Business Improvement Districts, the steering committee shall be the Boards of the existing Business Improvement Districts.

(7) (4a) The steering committee shall:

(ai) define the proposed boundaries of the proposed Business Improvement District; or

(bii) define the proposed boundaries of a proposed Business Improvement District that is the result of a proposed expansion or contraction of the boundaries of an existing Business Improvement District; or

(eiii) define the proposed boundaries of a proposed Business Improvement District that is the result of a proposed amalgamation of two or more existing Business Improvement Districts; and

(7) (2b) After the boundaries are defined under subsection (1), the steering committee shall:

(ai) notify the Clerk of the Municipality, who shall notify the Councillor(s) responsible for the Polling District(s) containing the whole or part of the proposed Business Improvement District that it intends to establish a new Business Improvement District, or to change the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts; and

(bii) develop and implement a strategy to consult with and to communicate, to Commercial Property Owners and Tenants, its intentions to establish a new Business Improvement District, or to change the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts; and

(iii) compile a list of all Tenants within the proposed Business Improvement District, or who are currently within the Business Improvement District and are proposed to be removed from the Business Improvement District, and provide that list, including the mailing address of all identified Tenants, to the Clerk of the Municipality.

(8) After having implemented its consultation strategy and communicated its intention to establish a new Business Improvement District, or to change the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts, the steering committee shall determine the interest in:

- (a) establishing a new Business Improvement District; or
- (b) expanding or contracting an existing Business Improvement District; or
- (c) amalgamating two or more existing Business Improvement Districts.

(9) The steering committee shall notify the Chief Administrative Officer, in writing, of its determination under subsection 6(8) and the notification shall be signed by a majority of the steering committee members.

(10) If the steering committee determines there is a demonstrated interest in establishing the proposed Business Improvement District, or in changing the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts, the notification shall:

- (a) identify the boundaries of the proposed Business Improvement District, or the boundaries of the proposed expanded or contracted Business Improvement District, or the boundaries of the proposed amalgamated Business Improvement Districts;
- (b) provide an annual budget;
- (c) confirm that the communication and consultation required under section 6(7)(2)(b) has been carried out, and provide the particulars thereof;
- (d) recommend an area rate, and a minimum levy and a maximum levy to be applied to the commercial property located in the proposed Business Improvement District or the proposed expanded or contracted Business Improvement District or the proposed amalgamated Business Improvement Districts;
- (e) request that Community Council(s) responsible for the district(s) containing the whole or part of the proposed Business Improvement District approve a Business Improvement District area rate vote; and
- (f) request that Council establish a new Business Improvement District, or expand or contract an existing Business Improvement District, or amalgamate two or more existing Business Improvement Districts.

Community Council

7. Upon receipt of notice, pursuant to subsections 6(7), 6(8) and 6(9), the Chief Administrative Officer shall advise the Community Council(s) responsible for the District(s) containing the whole or part of the proposed Business Improvement District of the steering committee's intent to proceed.

8. The Community Council(s) responsible for the District(s) containing the whole or part of the proposed Business Improvement District shall, for the purposes of conducting an area rate vote and public meeting:

- (a) approve, approve with amendment, or reject the proposed area rate, minimum levy, and maximum levy based on the budget and activity plan; and

(b) approve, approve with amendment, or reject the proposed Business Improvement District boundaries.

9. (1) If the Community Council(s), pursuant to section 8, approve(s) the steering committee's request to conduct an area rate vote, the Municipality shall hold a public meeting and conduct an area rate vote.

(2) If the Community Council(s) reject(s) the steering committee's request to conduct an area rate vote, the steering committee shall be provided with a copy of the minutes of the Community Council's meeting(s) at which the matter is considered.

(3) If the Community Council(s), pursuant to section 8, approve(s), with amendment, the area rate, minimum levy, maximum levy or boundary proposed by the steering committee, the Community Council(s) may:

(a) substitute a lower or higher area rate, lower or higher minimum levy or a lower or higher maximum levy, than the area rate, minimum levy and maximum levy proposed by the steering committee; and/or

(b) substitute a boundary that is geographically smaller or geographically larger than the boundary proposed by the steering committee;

10 (1) If, pursuant to subsection 9(3), Community Council approves, with amendment, the proposed area rate, minimum levy, maximum levy or boundary, the amendments shall be referred back to the steering committee for its consideration.

(2) If the steering committee ratifies Community Council's amendments, made pursuant to subsection 9(3), the Municipality shall hold a public meeting and conduct an area rate vote reflecting the boundaries, area rate, minimum levy and maximum levy, as amended by Community Council, and ratified by the steering committee.

(3) If the steering committee declines to ratify Community Council's amendments, made pursuant to subsection 9(3), the request to proceed with an area rate vote shall be considered to be rejected.

(4) If the steering committee does not make a decision within 180 calendar days from the date of the Community Council decision under subsection 10(1), the request to proceed with an area rate is deemed to be rejected by the steering committee.

Public Meeting

11. The public meeting required under section 9 shall:

(a) be advertised publicly;

(b) identify the affected areas;

(c) communicate the rationale for the proposed area rate;

(d) communicate an initial recommended area rate, minimum levy and maximum levy to be applied in the Business Improvement District's first year of operation;

(e) communicate that a Business Improvement District area rate will be applied in perpetuity unless the Business Improvement District is dissolved;

(f) communicate that the initial recommended area rate, minimum levy and maximum levy to be applied, may, subject to Business Improvement Association recommendation and Council approval, change on an annual basis;

(g) clarify the role of the Business Improvement District and Business Improvement Association;

(h) be conducted in a manner that affords those attending the meeting an opportunity to comment on the area rate's appropriateness; and

(i) clarify the area rate vote's balloting process.

Notice of Public Meeting

12. The Chief Administrative Officer shall notify Commercial Property Owners within the proposed boundaries of the proposed Business Improvement District and all Tenants identified under subclause 6(7)(b)(iii) of the public meeting.

~~13.—A Commercial Property Owner who receives notice of a public meeting under section 12 shall, within 21 calendar days of the receipt of the notice, provide the Chief Administrative Officer, in writing, with a list of all the Tenants of that property and their mailing addresses. Repeal.~~

13A. (1) The Municipality shall provide notice of the public meeting in a local newspaper at least seven (7) calendar days prior to the date the meeting shall be held.

(2) The Municipality shall provide notice of the area rate vote in a local newspaper at least fourteen (14) days prior to the return date specified on the ballot.

(3) Any person who is a Tenant within the proposed Business Improvement District, or who is currently a Tenant within the Business Improvement District and is proposed to be removed from the Business Improvement District, and who has not received a ballot may request that the Municipality provide them with an area rate ballot package by providing notice to the Clerk of the Municipality.

(4) Where the Municipality receives notice from a person under subsection (3) of this section, it may require that person to provide proof that they are a Tenant within the proposed Business Improvement District, or is a Tenant within the Business Improvement District and is proposed to be removed from the Business Improvement District, to the satisfaction of the Municipality.

(5) Any person who has provided notice and satisfied the Municipality that they are a Tenant under subsection (4), shall be considered a Tenant for the purpose of this by-law.

14. The Municipality shall send notification of the public meeting to the mailing addresses of the Tenants provided under **subclause section 136(7)(b)(iii)**, and to Commercial Property Owners, at least 14 calendar days in advance of the public meeting.

Area Rate Ballot Package

15. (1) The Chief Administrative Officer shall provide an area rate ballot package to:

(a) in the case of a proposed Business Improvement District or a proposed amalgamated Business Improvement District, all persons in the proposed Business Improvement District or in the proposed amalgamated Business Improvement District that are Commercial Property Owners on the most recent assessment roll;

(b) in the case of a proposed Business Improvement District or a proposed amalgamated Business Improvement District, all Tenants in the proposed Business Improvement District or in the proposed amalgamated Business Improvement District that are identified under **subclause 6(7)(b)(iii) and** section 13;

(c) in the case of a proposed expanded Business Improvement District, all persons in a proposed expanded Business Improvement District that are Commercial Property Owners on the most recent assessment roll and are not within the original boundaries of the existing Business Improvement District;

(d) in the case of a proposed expanded Business Improvement District, all Tenants in the proposed expanded Business Improvement District that are identified under **subclause 6(7)(b)(iii) and** Section 13 and are not within the original boundaries of the existing Business Improvement District;

(e) in the case of a proposed contracted Business Improvement District, all persons that are Commercial Property Owners on the most recent assessment roll and that would be removed from the boundaries of the existing Business Improvement District if the proposed contracted Business Improvement District is approved; and

(f) in the case of a proposed contracted Business Improvement District, all Tenants that are identified under **subclause 6(7)(b)(iii) and** Section 13 that would be removed from the boundaries of the existing Business Improvement District if the proposed contracted Business Improvement District is approved.

(2) The area rate ballot package shall include:

(a) an area rate ballot;

(b) an explanatory letter:

(i) communicating the rationale for the proposed area rate;

(ii) specifying the initial recommended area rate, minimum levy and maximum levy to be applied in the Business Improvement District's first year of operation;

(iii) clarifying that a Business Improvement District area rate will be applied in perpetuity, in an amount set annually, unless the Business Improvement District is dissolved; and

(iv) clarifying that the initial recommended area rate, minimum levy and maximum levy to be applied, may, subject to Business Improvement Association recommendation and Council approval, change on an annual basis

(c) a map of the proposed Business Improvement District:

(i) defining the proposed boundaries of the proposed Business Improvement District; or

(ii) defining the proposed boundaries of a proposed Business Improvement District that is the result of a proposed expansion or contraction of the boundaries of an existing Business Improvement District; or

(iii) defining the proposed boundaries of a proposed Business Improvement District that is the result of a proposed amalgamation of two or more existing Business Improvement Districts.

16. (1) Ballots returned to the Municipality before 4:00 pm on the date specified on the ballot shall be counted.

(2) Ballots returned to the Municipality after 4:00 pm on the date specified on the ballot shall not be counted.

Count Results

17. (1) If a majority of the area rate ballots returned are marked in favour of establishing an Area Rate Levy, the Chief Administrative Officer shall request that Council establish by Administrative Order a new Business Improvement District, or amalgamate two or more Business Improvement Districts, or change the boundaries of an existing Business Improvement District.

(2) Council may, upon receipt of the Chief Administrative Officer's request that Council establish by Administrative Order a new Business Improvement District, amalgamate two or more Business Improvement Districts, or change the boundaries of an existing Business Improvement District:

(a) approve the establishment of a new Business Improvement District, or the amalgamation of two or more Business Improvement Districts, or a change to the boundaries of an existing Business Improvement District; or

(b) reject the establishment of a new Business Improvement District, or the amalgamation of two or more Business Improvement Districts, or a change to the boundaries of an existing Business Improvement District;

(3) If, pursuant to clause 17(2)(a), Council approves the establishment of a new Business Improvement District, or the amalgamation of two or more Business Improvement Districts, or a change to the boundaries of an existing Business Improvement District, Council

shall, by Administrative Order, set the ~~the~~ boundaries, area rate, minimum levy and maximum levy of the Business Improvement District.

18. If a majority of the ballots returned are marked against establishing an Area Rate Levy, the Chief Administrative Officer shall declare the Area Rate Levy defeated.

Failure to Provide Notice

19. Failure to provide notice to any person under this ~~b~~By-law does not invalidate an Administrative Order.

Done and passed in Council this 2nd day of October, 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of Halifax Regional Council on October 2, 2012.

Cathy Mellett, Municipal Clerk

Attachment B – Amending By-law B-701

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER B-701
RESPECTING THE AMENDMENT OF BY-LAW NUMBER B-700
THE BUSINESS IMPROVEMENT DISTRICT BY-LAW**

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-law B-700, the “Business Improvement District By-law” is amended as follows:

1. Section 2 is amended by:
 - (a) striking out the colon “:” after the word “By-Law” and before clause a;
 - (b) adding a comma after the word “By-law” and before clause a; and
 - (c) capitalizing the word “by-law” in clauses a and b after the word “this” and before the end of each clause.

2. Section 3 is amended by capitalizing the word “by-law” after the word “this” and before the word “to”.

3. Section 6 is amended by:
 - (a) adding a period at the end of subsection 1;
 - (b) renumbering subsection 7 (1) as clause a of subsection 7 by striking out the number “1” after the “(” and before the bracket “)” and adding the letter “a” after the “(” and before the bracket “)”;
 - (c) renumbering subclauses (7)(1)(a)(b)(c) as subclauses as 7(a)(i)(ii)(iii) by striking out the letter and brackets “a” “b)” and “c)” and by adding “(i)”(ii)” and “(iii)”;
 - (d) renumbering subsection 7 (2) as clause 7(b) by striking out the number “2” between the brackets and by adding “b” between the brackets;
 - (e) renumbering subclauses 7(2)(a)(b) as subclauses 7(b)(i)(ii) by striking out the letters and brackets “a” “b)” and by adding “(i)” and “(ii)”;
 - (f) striking out the word “and” at the end of subclause (7)(b)(i);
 - (g) adding the word “and” at the end of subclause (7)(b)(ii);
 - (h) adding the following subclause after subclause (7)(b)(ii):
 - “(iii) compile a list of all Tenants within the proposed Business Improvement District, or who are currently within the Business Improvement District and are proposed to be removed from the Business Improvement District, and provide that list, including the mailing address of all identified Tenants, to the Clerk of the Municipality.”; and
 - (i) adding a bracket “(” before the letter identifying the subclause in section 6 of the by-law.

4. Section 7 is amended by adding the prefix “sub” before the word “sections” after the word “to” and before the numbers and brackets “6(7)”.

5. Subsection 1 of section 9 is amended by adding a period at the end of the subsection.

6. Subsections 1, 2, and 3 of section 10 are amended by adding the prefix “sub” to the word “section” after the word “to” and before the word number and bracket (9(3)” in each subsection.

7. Section 12 is amended by adding the words “and all Tenants identified under subclause 6(7)(b)(iii)” after the word “District” and before the word “of”.

8. Section 13 is repealed and section 13A is added after the repealed section 13 and before section 14 as follows::
- “13A. (1) The Municipality shall provide notice of the public meeting in a local newspaper seven (7) days prior to the date the meeting shall be held.
- (2) The Municipality shall provide notice of the area rate vote in a local newspaper fourteen (14) days prior to the date specified on the ballot as the date on which the ballot must be returned.
- (3) Any person who is a Tenant within the proposed Business Improvement District, or who is currently a Tenant within the Business Improvement District and is proposed to be removed from the Business Improvement District, may request that the Municipality provide them with an area rate ballot package by providing notice to the Clerk of the Municipality.
- (4) Where the Municipality receives notice from a person under subsection (3), it may require that person to provide proof that they are a Tenant within the proposed Business Improvement District, or is a Tenant within the Business Improvement District and is proposed to be removed from the Business Improvement District, to the satisfaction of the Municipality.
- (5) Any person who has provided notice and satisfied the Municipality that they are a Tenant under subsection (4),, shall be considered a Tenant for the purpose of this by-law.”
9. Section 14 is amended by:
- (a) striking out the word “section” after the word “under” and before the number 13,
(b) adding the word “subclause” after word “under” and before the number 13; and
(c) striking out the number “13” and replacing it with the numbers and brackets “6(7)(b)(iii)”.
10. Section 15 is amended by adding the words “subclause6(7)(b)(iii)” and” after the word “under” and before the words “section 13” in subsections (1)(b), (1)(d), and (1)(f).
11. Subsection (3) of Section 17 is amended by striking out the word “the” after the word “the” and before the word “boundaries”.
12. Section 19 is amended by capitalizing the word “by-law” after the word “this” and before the word “does”.
13. Adding a bracket “(“ before the letter identifying the clause throughout the by-law.
14. Removing the blank space after each header throughout the by-law.

Done and passed in Council this day of , 2015.

Mayor

Municipal Clerk

**Attachment C – Incorporating Proposed
Amendments to By-Law B-700**

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER B-700
RESPECTING THE REGULATION OF BUSINESS IMPROVEMENT DISTRICTS**

WHEREAS Halifax Regional Municipality wishes to support the attraction, retention and promotion of institutions, industries and businesses, to encourage tourism and to facilitate the stabilization and expansion of employment opportunities;

AND WHEREAS Business Improvement Districts' outreach, advocacy, promotion and beautification activities help Halifax Regional Municipality to identify business development priorities, resolve service delivery issues, make business districts more attractive to investors, developers and clientele and otherwise assist the Municipality in achieving its economic development mandate;

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of the *Halifax Regional Municipality Charter*, S.N.S. 2008. c. 39, including section 70, as follows:

Short Title

1. This By-Law shall be known as By-Law No. B-700, Respecting the Regulation of Business Improvement Districts, and may be cited as the "Business Improvement District By-Law".

Part I: Definitions

2. In this By-Law,

- (a) "Administrative Order" means a policy passed by Council pursuant to this By-law;
- (b) "Area Rate Levy" means a levy that Council sets to be an area rate levy for the purposes of this By-law;
- (c) "Assessment Roll" means the assessment roll required to be prepared pursuant to the *Assessment Act*, R.S., c. 23, s. 1;
- (d) "Board" means a Board of Directors for a Business Improvement Association;
- (e) "Business Improvement District" means an area designated as a business improvement district by an Administrative Order;
- (f) "Business Improvement Association" means a registered non-profit entity contracted by the Municipality to carry out business improvement activities within a Business Improvement District;
- (g) "Chief Administrative Officer" means the Chief Administrative Officer of the Halifax Regional Municipality;
- (h) "Commercial property" means property that is assessed as commercial property under the *Assessment Act*, R.S., c. 23, s. 1;

(i) "Commercial Property Owner" means the person in whose name commercial property is assessed under the *Assessment Act*, R.S., c. 23, s. 1 where that property is located within a Business Improvement District or proposed Business Improvement District; and

(j) "Community Council" means the council of a community established pursuant to the *Halifax Regional Municipality Charter*; 2008, c.39, s.1, as amended;

(k) "Council" means the Regional Council of the Halifax Regional Municipality;

(l) "Municipality" means Halifax Regional Municipality;

(m) "Polling District" means municipal electoral boundaries, as set by the Nova Scotia Utility and Review Board, or its successor;

(n) "Tenant" means an individual, body corporate, partnership, firm, society, association, syndicate or other body which is the lessee or occupier of commercial property in a Business Improvement District or proposed Business Improvement District.

Delegation

3. The Chief Administrative Officer may delegate any or all of his or her powers, duties, functions or authority under this By-law to any employee of the Municipality.

Part II: Administrative Order

4. In accordance with Part III of this By-law, Council may, by Administrative Order, designate an area of the Municipality to be a Business Improvement District.

5. The Administrative Order designating a Business Improvement District shall set out the boundaries of the Business Improvement District.

Part III: Designation of a Business Improvement District

Steering Committee

6. (1) A request to designate a Business Improvement District, or to amalgamate two or more Business Improvement Districts, or to expand or contract the boundaries of Business Improvement Districts, shall originate with a steering committee.

(2) The steering committee shall be established:

(a) on Council's motion; or

(b) on the initiative of members of the community.

(3) The steering committee shall consist of at least 5 members.

(4) The steering committee shall be comprised of Tenants and Commercial Property Owners.

(5) In the case of a proposed expansion or contraction of the boundaries of an existing Business Improvement District, the steering committee shall be the Board of the existing Business Improvement District.

(6) In the case of a proposed amalgamation of two or more existing Business Improvement Districts, the steering committee shall be the Boards of the existing Business Improvement Districts.

(7) (a) The steering committee shall:

(i) define the proposed boundaries of the proposed Business Improvement District; or

(ii) define the proposed boundaries of a proposed Business Improvement District that is the result of a proposed expansion or contraction of the boundaries of an existing Business Improvement District; or

(iii) define the proposed boundaries of a proposed Business Improvement District that is the result of a proposed amalgamation of two or more existing Business Improvement Districts; and

(b) After the boundaries are defined under subsection (1), the steering committee shall:

(i) notify the Clerk of the Municipality, who shall notify the Councillor(s) responsible for the Polling District(s) containing the whole or part of the proposed Business Improvement District that it intends to establish a new Business Improvement District, or to change the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts;

(ii) develop and implement a strategy to consult with and to communicate, to Commercial Property Owners and Tenants, its intentions to establish a new Business Improvement District, or to change the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts; and

(iii) compile a list of all Tenants within the proposed Business Improvement District, or who are currently within the Business Improvement District and are proposed to be removed from the Business Improvement District, and provide that list, including the mailing address of all identified Tenants, to the Clerk of the Municipality.

(8) After having implemented its consultation strategy and communicated its intention to establish a new Business Improvement District, or to change the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts, the steering committee shall determine the interest in:

- (a) establishing a new Business Improvement District; or
- (b) expanding or contracting an existing Business Improvement District; or
- (c) amalgamating two or more existing Business Improvement Districts.

(9) The steering committee shall notify the Chief Administrative Officer, in writing, of its determination under subsection 6(8) and the notification shall be signed by a majority of the steering committee members.

(10) If the steering committee determines there is a demonstrated interest in establishing the proposed Business Improvement District, or in changing the boundaries of an existing Business Improvement District, or to amalgamate two or more Business Improvement Districts, the notification shall:

- (a) identify the boundaries of the proposed Business Improvement District, or the boundaries of the proposed expanded or contracted Business Improvement District, or the boundaries of the proposed amalgamated Business Improvement Districts;
- (b) provide an annual budget;
- (c) confirm that the communication and consultation required under section 6(7)(2)(b) has been carried out, and provide the particulars thereof;
- (d) recommend an area rate, and a minimum levy and a maximum levy to be applied to the commercial property located in the proposed Business Improvement District or the proposed expanded or contracted Business Improvement District or the proposed amalgamated Business Improvement Districts;
- (e) request that Community Council(s) responsible for the district(s) containing the whole or part of the proposed Business Improvement District approve a Business Improvement District area rate vote; and
- (f) request that Council establish a new Business Improvement District, or expand or contract an existing Business Improvement District, or amalgamate two or more existing Business Improvement Districts.

Community Council

7. Upon receipt of notice, pursuant to subsections 6(7), 6(8) and 6(9), the Chief Administrative Officer shall advise the Community Council(s) responsible for the District(s) containing the whole or part of the proposed Business Improvement District of the steering committee's intent to proceed.

8. The Community Council(s) responsible for the District(s) containing the whole or part of the proposed Business Improvement District shall, for the purposes of conducting an area rate vote and public meeting:

- (a) approve, approve with amendment, or reject the proposed area rate, minimum levy, and maximum levy based on the budget and activity plan; and

(b) approve, approve with amendment, or reject the proposed Business Improvement District boundaries.

9. (1) If the Community Council(s), pursuant to section 8, approve(s) the steering committee's request to conduct an area rate vote, the Municipality shall hold a public meeting and conduct an area rate vote.

(2) If the Community Council(s) reject(s) the steering committee's request to conduct an area rate vote, the steering committee shall be provided with a copy of the minutes of the Community Council's meeting(s) at which the matter is considered.

(3) If the Community Council(s), pursuant to section 8, approve(s), with amendment, the area rate, minimum levy, maximum levy or boundary proposed by the steering committee, the Community Council(s) may:

(a) substitute a lower or higher area rate, lower or higher minimum levy or a lower or higher maximum levy, than the area rate, minimum levy and maximum levy proposed by the steering committee; and/or

(b) substitute a boundary that is geographically smaller or geographically larger than the boundary proposed by the steering committee;

10 (1) If, pursuant to subsection 9(3), Community Council approves, with amendment, the proposed area rate, minimum levy, maximum levy or boundary, the amendments shall be referred back to the steering committee for its consideration.

(2) If the steering committee ratifies Community Council's amendments, made pursuant to subsection 9(3), the Municipality shall hold a public meeting and conduct an area rate vote reflecting the boundaries, area rate, minimum levy and maximum levy, as amended by Community Council, and ratified by the steering committee.

(3) If the steering committee declines to ratify Community Council's amendments, made pursuant to subsection 9(3), the request to proceed with an area rate vote shall be considered to be rejected.

(4) If the steering committee does not make a decision within 180 calendar days from the date of the Community Council decision under subsection 10(1), the request to proceed with an area rate is deemed to be rejected by the steering committee.

Public Meeting

11. The public meeting required under section 9 shall:

(a) be advertised publicly;

(b) identify the affected areas;

(c) communicate the rationale for the proposed area rate;

(d) communicate an initial recommended area rate, minimum levy and maximum levy to be applied in the Business Improvement District's first year of operation;

(e) communicate that a Business Improvement District area rate will be applied in perpetuity unless the Business Improvement District is dissolved;

(f) communicate that the initial recommended area rate, minimum levy and maximum levy to be applied, may, subject to Business Improvement Association recommendation and Council approval, change on an annual basis;

(g) clarify the role of the Business Improvement District and Business Improvement Association;

(h) be conducted in a manner that affords those attending the meeting an opportunity to comment on the area rate's appropriateness; and

(i) clarify the area rate vote's balloting process.

Notice of Public Meeting

12. The Chief Administrative Officer shall notify Commercial Property Owners within the proposed boundaries of the proposed Business Improvement District and all Tenants identified under subclause 6(7)(b)(iii) of the public meeting.

13. Repealed.

13A. (1) The Municipality shall provide notice of the public meeting in a local newspaper at least seven (7) calendar days prior to the date the meeting shall be held.

(2) The Municipality shall provide notice of the area rate vote in a local newspaper at least fourteen (14) days prior to the return date specified on the ballot.

(3) Any person who is a Tenant within the proposed Business Improvement District, or who is currently a Tenant within the Business Improvement District and is proposed to be removed from the Business Improvement District, and who has not received a ballot may request that the Municipality provide them with an area rate ballot package by providing notice to the Clerk of the Municipality.

(4) Where the Municipality receives notice from a person under subsection (3) of this section, it may require that person to provide proof that they are a Tenant within the proposed Business Improvement District, or is a Tenant within the Business Improvement District and is proposed to be removed from the Business Improvement District, to the satisfaction of the Municipality.

(5) Any person who has provided notice and satisfied the Municipality that they are a Tenant under subsection (4), , shall be considered a Tenant for the purpose of this by-law.

14. The Municipality shall send notification of the public meeting to the mailing addresses of the Tenants provided under subclause 6(7)(b)(iii), and to Commercial Property Owners, at least 14 calendar days in advance of the public meeting.

Area Rate Ballot Package

15. (1) The Chief Administrative Officer shall provide an area rate ballot package to:

(a) in the case of a proposed Business Improvement District or a proposed amalgamated Business Improvement District, all persons in the proposed Business Improvement District or in the proposed amalgamated Business Improvement District that are Commercial Property Owners on the most recent assessment roll;

(b) in the case of a proposed Business Improvement District or a proposed amalgamated Business Improvement District, all Tenants in the proposed Business Improvement District or in the proposed amalgamated Business Improvement District that are identified under subclause 6(7)(b)(iii) and section 13;

(c) in the case of a proposed expanded Business Improvement District, all persons in a proposed expanded Business Improvement District that are Commercial Property Owners on the most recent assessment roll and are not within the original boundaries of the existing Business Improvement District;

(d) in the case of a proposed expanded Business Improvement District, all Tenants in the proposed expanded Business Improvement District that are identified under subclause 6(7)(b)(iii) and Section 13 and are not within the original boundaries of the existing Business Improvement District;

(e) in the case of a proposed contracted Business Improvement District, all persons that are Commercial Property Owners on the most recent assessment roll and that would be removed from the boundaries of the existing Business Improvement District if the proposed contracted Business Improvement District is approved; and

(f) in the case of a proposed contracted Business Improvement District, all Tenants that are identified under subclause 6(7)(b)(iii) and Section 13 that would be removed from the boundaries of the existing Business Improvement District if the proposed contracted Business Improvement District is approved.

(2) The area rate ballot package shall include:

(a) an area rate ballot;

(b) an explanatory letter:

(i) communicating the rationale for the proposed area rate;

(ii) specifying the initial recommended area rate, minimum levy and maximum levy to be applied in the Business Improvement District's first year of operation;

(iii) clarifying that a Business Improvement District area rate will be applied in perpetuity, in an amount set annually, unless the Business Improvement District is dissolved; and

(iv) clarifying that the initial recommended area rate, minimum levy and maximum levy to be applied, may, subject to Business Improvement Association recommendation and Council approval, change on an annual basis

(c) a map of the proposed Business Improvement District:

(i) defining the proposed boundaries of the proposed Business Improvement District; or

(ii) defining the proposed boundaries of a proposed Business Improvement District that is the result of a proposed expansion or contraction of the boundaries of an existing Business Improvement District; or

(iii) defining the proposed boundaries of a proposed Business Improvement District that is the result of a proposed amalgamation of two or more existing Business Improvement Districts.

16. (1) Ballots returned to the Municipality before 4:00 pm on the date specified on the ballot shall be counted.

(2) Ballots returned to the Municipality after 4:00 pm on the date specified on the ballot shall not be counted.

Count Results

17. (1) If a majority of the area rate ballots returned are marked in favour of establishing an Area Rate Levy, the Chief Administrative Officer shall request that Council establish by Administrative Order a new Business Improvement District, or amalgamate two or more Business Improvement Districts, or change the boundaries of an existing Business Improvement District.

(2) Council may, upon receipt of the Chief Administrative Officer's request that Council establish by Administrative Order a new Business Improvement District, amalgamate two or more Business Improvement Districts, or change the boundaries of an existing Business Improvement District:

(a) approve the establishment of a new Business Improvement District, or the amalgamation of two or more Business Improvement Districts, or a change to the boundaries of an existing Business Improvement District; or

(b) reject the establishment of a new Business Improvement District, or the amalgamation of two or more Business Improvement Districts, or a change to the boundaries of an existing Business Improvement District;

(3) If, pursuant to clause 17(2)(a), Council approves the establishment of a new Business Improvement District, or the amalgamation of two or more Business Improvement Districts, or a change to the boundaries of an existing Business Improvement District, Council

shall, by Administrative Order, set the boundaries, area rate, minimum levy and maximum levy of the Business Improvement District.

18. If a majority of the ballots returned are marked against establishing an Area Rate Levy, the Chief Administrative Officer shall declare the Area Rate Levy defeated.

Failure to Provide Notice

19. Failure to provide notice to any person under this By-law does not invalidate an Administrative Order.

Done and passed in Council this 2nd day of October, 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of Halifax Regional Council on October 2, 2012.

Cathy Mellett, Municipal Clerk