

**Town of New Glasgow**

**Bylaw No. 22**

**Business District Bylaw**

1. The Bylaw shall be known and may be cited as the "Business District Bylaw" of the Town of New Glasgow.
2.
  - (1) A word used in this bylaw shall have the meaning given to it in Town of New Glasgow Bylaw No 1 - Interpretation Bylaw, if so defined therein.
  - (2) If not defined in the bylaw referred to in Subsection (1) a word used in this bylaw shall have the meaning given to it in the Municipal Government Act of Nova Scotia, if so defined therein.
  - (3) If not defined in the Municipal Government Act of Nova Scotia, a word used in this bylaw shall be given its ordinary dictionary meaning.
3. Council shall identify and promote a business district pursuant to Section 56(1) of the Municipal Government Act of Nova Scotia, the purpose and objects of which are to:
  - (a) promote the district as a place for retail, commercial, cultural and recreational activity.
  - (b) beautify, improve, enlarge, repair, alter, equip, service, ensure and maintain property of the Town or of a non-profit organization referred to in Section of this bylaw;
4. The boundaries of the district shall be as described in Schedule "A" attached hereto and as outlined on Schedule "B" attached hereto.
5. Council shall establish a business improvement district committee to advise and make recommendations to Council with respect to the carrying out of the purpose and objects set out in Section 3 of this Bylaw.
6. The Committee shall consist of;
  - (a) two members of Council
  - (b) two members of the New Glasgow Development Corporation or its successor
  - (c) four members from within the business improvement district
  - (d) one member at large
7. The Committee members shall be appointed in accordance with Town of New Glasgow Bylaw No. 5 – Committees, Boards and Commissions Bylaw.

8. (a) The Committee shall appoint a Chair and a Vice Chair at the first meeting held after the annual appointment of the Committee members who shall hold office until their successors are appointed.

(b) The Town Clerk shall be the Secretary of the committee.

9. (a) The meetings of the Committee shall be held at least quarterly and may hold such other meetings as may be necessary or expedient for the dispatch of business.

(b) At least 72 hours before any meeting is to take place written notice shall be given to each member.

(c) Where the Committee fails to meet at any time determined by law it is not dissolved, but may hold future meetings as if these had been no such failure.

10. In order to carry out certain of its objects relating to the business district Council, upon recommendation of the Committee, may engage the services of a non-profit organization that has been incorporated for similar purposes.

11. The Council, upon recommendation of the Committee, may from time to time make grants to the non profit organization for the purpose of carrying out its objects relating to the business district.

12. In order to qualify for a grant the non-profit organization must comply with the provisions of this bylaw and any agreements entered into between the Council or the Committee and the organization.

13. On or before March 31 of each year the Committee shall submit to Council its proposed operating budget for the fiscal year commencing that April 1 or its recommendations with respect to any such proposed operating budget of a non profit organization engaged pursuant to Section 10 of this Bylaw together with an estimate of the area rate required to be levied and collected pursuant to Section 56 of the Municipal Government Act in order to raise the necessary funds required for a grant to the non-profit organization to implement the operating budget as proposed.

14. (1) Prior to the submission to Council of such proposed operating budget for the current year, the Committee shall hold a meeting to consider the proposed operating budget and area rate and to hear all submissions of persons within the business district who are assessed for business occupancy tax or commercial property tax.

(2) At least 10 days prior to the meeting:

(a) notice of the date, time and location of the meeting shall be sent by prepaid ordinary mail to every person within the business district assessed for business occupancy tax or commercial property tax and

(b) notice shall be published in a newspaper circulating in the Town stating the date, time and location of the meeting.

(3) A report of the meeting held pursuant to Subsection (1) shall be included with the proposed operating budget submitted to Council.

15. If Council approves such proposed operating budget the Council shall pursuant to Section 56 of the Municipal Government Act levy and collect an area rate, applicable only to the commercial property and business occupancy assessments in the business district, sufficient to raise the sum estimated to be required as a grant from the Town to defray the expenditures as set out in the proposed operating budget less any revenue to be received other than from the collection of such area rate.

16. In setting an area rate Council may set different rates for business occupancy assessments, and commercial property assessments, a minimum and maximum amount to be paid by a person so assessed or may provide that payments be made on another basis established by Council.

17. If Council does not approve the proposed operating budget Council will return it to the Committee with a recommended area rate and a request that the proposed operating budget be resubmitted.

18. If a non profit organization is engaged pursuant to Section 10 of the Bylaw;

(a) The expenditures of the non-profit organization in any fiscal year shall not exceed the revenue of the organization for that fiscal year.

(b) Any surplus or deficit incurred in a fiscal year by the non-profit organization shall be the sole responsibility of the organization and will be included in the budget proposal submitted to the Committee for the next fiscal year.

(c) It shall use all grants or funds received from Council solely for the purposes set out in its budget which must be solely in fulfillment of the purpose and objects set out in Section 3 of this Bylaw.

(d) It shall follow all instructions of Council upon recommendation of the Committee with respect to the expenditure of money based on an approved budget, any substantial change over \$5,000 would require the approval of Council upon recommendation of the Committee.

19. Within sixty days of the end of each fiscal year, the non-profit organization shall submit to the Committee an audited financial statement for that fiscal year and such additional details of expenditures as required by the Committee including copies of contracts, invoices and the like.

20. Council may establish more than one business district.
21. Council may add an area within the Town to an existing business district upon complying with the provisions of Section 22 to 25 inclusive with respect to the area proposed to be added.
22. Council shall consider a petition requesting the establishment of a business district as a place for retail and commercial activity provided the petition is signed by:
- (a) 51% of the persons who are assessed for business occupancy tax within the proposed district and whose total business occupancy assessment within the proposed district is at least 51% of the total business occupancy assessment of all persons within the proposed district and
  - (b) 51% of the persons who are assessed for commercial property tax within the proposed district and whose total commercial property assessment within the proposed district is at least 51% of the total commercial property assessment of all persons within the proposed district.
23. Council may consider in its usual course of service provision the establishment of a business district.
24. (1) Upon receipt of a petition pursuant to Section 22 of this bylaw or upon a decision of Council pursuant to Section 23 of the bylaw, Council shall send by registered mail notices of the proposal to establish such a business district to all persons assessed for business occupancy tax or for commercial property tax within the proposed district.
- (2) The notice shall contain a description of the proposed business district and a request that the persons reply in writing within 14 days from the date of the notice to the Town clerk whether he or she is for or against the proposal.
- (3) A copy of this bylaw shall be enclosed with the notice.
25. Council shall establish the proposed district as a business district pursuant to Section 56 of the Municipal Government Act of Nova Scotia upon receipt of written acceptance of the proposal from at least:
- (a) 60% of the persons who are assessed for business occupancy tax within the proposed district and whose total business occupancy assessment within the proposed district is at least 60% of the total business occupancy assessment of all persons within the proposed district and
  - (b) 60% of the persons who are assessed for commercial property tax within the proposed district and whose total commercial property assessment within

- (c) the proposed district is at least 60% of the total commercial property assessment of all persons within the proposed district.

26. The provisions of Town of New Glasgow Bylaw No. 4 - Council Meetings Bylaw and Town of Glasgow Bylaw No. 5 – Committees Board and Bylaws apply except where they are inconsistent with any provision of this Bylaw.

I, J. K. Langille, Clerk of the Town of New Glasgow do hereby certify that the foregoing is a true copy of a bylaw duly passed at a duly called meeting of the Town Council held on June 19, 2000 (after receiving first reading at a duly called meeting of the Town Council held on May 15, 2000) and published on June 27, 2000 as required by Section 169 of the Municipal Government Act of Nova Scotia.

Given under the hand of the Town Clerk and under the seal of the Town of New Glasgow this 4<sup>th</sup> day of July 2000

Town Clerk

1<sup>st</sup> Reading - May 15/00  
Advertisement of Intent to Consider - May 25/00  
2<sup>nd</sup> Reading - June 19/00  
Date of Publication - June 27/00

SCHEDULE "A"

Beginning at the intersection of the eastern shoreline of the East River of Pictou with the prolongation westerly of the centre line of John Street.

Thence easterly along the said prolongation, and the actual center line of John Street to the centre line of North Provost Street.

Thence along the centre lines of North Provost Street and Archimedes Street to the centre line of George Street.

Thence along the centre line of George Street to the centre line of Temperance Street.

Thence along the centre line of Temperance Street to the centre line of Donald Street.

Thence along the centre line of Donald Street to the centre line of East River Road.

Thence along the centre line of East River Road to the centre line of Victoria Street.

Thence along the centre line of Victoria Street and its prolongation westerly to the eastern shoreline of the East River of Pictou.

Thence along the said shoreline of the East River of Pictou to the point of beginning.

