

BY-LAW NO. 47

**BYLAW TO ESTABLISH THE
YARMOUTH BUSINESS IMPROVEMENT
DISTRICT COMMISSION**

WHEREAS the Town of Yarmouth has sent Notice of its intent to establish a Business Improvement District commission to all persons assessed within the proposed district for business occupancy tax or for real property tax in respect of commercial property;

AND WHEREAS the Town of Yarmouth has given the said Notice in accordance with Section 220A (3) of the Towns Act, R.S.N.D. 1967, C. 309, as amended;

AND WHEREAS written objections have not been received from the minimum number of assessed persons as set out in Section 220A (2) of the Towns Act;

BE IT THEREFORE RESOLVED that the following By-Law be and is hereby adopted and that it be forwarded to the Minister of Municipal Affairs with a request for his approval thereof, and with a further request that the said Minister issue to the Yarmouth Business Improvement District Commission an instrument of incorporation pursuant to Section 220B of the Towns Act.

COMMISSION

1. There is hereby established the Yarmouth Business Improvement District, with boundaries hereinafter delineated, and the Yarmouth Business Improvement District Commission.

DEFINITIONS

2. In this By-Law, unless the context otherwise requires:
 - a) **“Town”** means the Town of Yarmouth;
 - b) **“Council”** means the Town Council of the Town of Yarmouth;
 - c) **“Commission”** means the Business Improvement District Commission of the Town created pursuant to Section 220A to 220F of Chapter 43, Statutes of Nova Scotia, 1981;
 - d) **“District”** means a business improvement district established pursuant to the provisions of Section 220A of said Chapter 43, Statutes of Nova Scotia, 1981.

MEMBERSHIP

3. The membership of the Commission shall consist of:
 - a) two (2) members at large; and
 - b) six (6) members representing the Business Improvement District.
4. Commission members shall be appointed annually in November by the Council.

BOUNDARIES

5. The boundaries of the District shall be as set out in the plan entitled: “Yarmouth Business Improvement District”, attached hereto as Schedule “B” and as described in Schedule “A” attached hereto.

MEETINGS

6. Every meeting of the Commission shall be open to the public.
7. Meetings of the Commission shall be held as often as the business of the Commission may require, and at least quarterly, and shall be called by the President or at the request of any three (3) members of the Commission.
8. Every member of the Commission shall be entitled to attend any meeting of the Commission and to vote at any meeting of the Commission and to hold any office, but there shall be no proxy voting.
9. The first ordinary or annual general meeting of the Commission shall be held within thirty (30) days of the appointment of the members of the Commission, at the call of the Mayor, and at such meeting the members of the Commission shall elect officers who shall hold office until the next annual meeting or until their successors are elected.
10. The President, or in his absence, the Vice-President, or in the absence of both of them, any member appointed from among those members present shall preside as Chairman of meetings of the Commission.
11. At least 72 hours before the meeting is to take place, notice thereof, specifying the time, date and place, shall be inserted in a newspaper circulating in the Town and shall be given in writing to each member of the Commission in accordance with the Town's Act.
12. No business shall be transacted at any meeting of the Commission unless at least five (5) members are present.
13. The Chairman shall be entitled to vote as a member of the Commission and in the case of an equality of votes the motion shall be deemed to have been lost.

14. The rules of procedure of the Council shall apply mutatis mutandis to the proceedings of the Commission.

OFFICERS

15. The officers of the Commission shall be President, Vice President, Secretary and Treasurer. The Treasurer shall be the Town Clerk of, subject to the Council's approval, his nominee, who shall be an ex-officio non-voting officer.
16. The signing officers of the Commission shall be President or the Vice-President and the Treasurer.
17. The members of the Commission shall elect the officers, except the Treasurer, from among their number.
18. The Secretary of the Commission shall keep the Minutes of the Commission and perform such other duties as may be assigned to him by the Commission.
19. The Treasurer shall carry out such duties as the Commission may assign, but shall be a signing authority together with the President or Vice-President of all negotiable or other financial instruments.

OPERATIONS

20. The management of the activities of the Commission shall be carried out by the officers according to the direction of the Commission. The officers shall report to and be responsible to the Commission.
21. Each year the Commission shall, on or before the second Monday in December, submit to the Council its proposed operating budget for the next year, together with an estimate of the Business Improvement Rate required to be levied to raise the funds required to implement the operating budget as proposed.

SCHEDULE "A"

ALL THAT CERTAIN lot of land and premises situated in the Town of Yarmouth, County of Yarmouth and Province of Nova Scotia and more particularly bounded and described as follows:

BEGINNING at a point where the Western side of Water Street right-of-way intersects with the Westerly prolongation of Store Street;

THENCE in an Easterly direction following the center of Store Street to Main Street;

THENCE continuing in the same direction, as a prolongation of Store Street and along the Northern bound of lands formerly occupied by Atlas Auto Supplies, to the Northeast corner bound thereof;

THENCE in an Easterly direction to the lands presently owned by Rodd's Grand Hotel Company Limited and used as a parking lot;

THENCE in a Northerly direction along the lands of Rodd's Grand Hotel Company Limited to its Northeast corner bound;

THENCE in a Southerly direction along the said lands of Rodd's Grand Hotel Company Limited to the center of Grand Street;

THENCE in an Easterly direction along the center of Grand Street to the Easternmost bound of lands of Rodd's Grant Hotel Company Limited;

THENCE in a Southerly direction fo the Southeast corner bound of lands owned and occupied by James Thibeau and Wendy Siddall;

THENCE continuing in a Southerly direction to the center of Parade Street;

THENCE in an Easterly direction along the center of Parade Street to its point of intersection with the center of Willow Street;

THENCE in a Southerly direction by the center of Willow Street to a point being the Eastern prolongation of the Southern bound of lands of Scott Sweeney and Judy Maillet, being an apartment house on the corner of Willow and John Streets;

THENCE in a Westerly direction by the Southern bound of lands of Scott Sweeney and Judy Maillet to the Eastern bound of lands occupied by the Dairy Queen Restaurant;

THENCE in a Southerly direction to the Southeast corner bound of lands of now or formerly of New South Development Limited where they intersect with the Northern side of Cliff Street;

THENCE in a Western direction by Cliff Street to the prolongation of the Eastern bound of lands now or formerly of Yarmouth Sea Projects Limited;

THENCE in a Southerly direction along the Eastern bound of lands now or formerly of Yarmouth Sea Products Limited to the Southeast corner bound thereof;

THENCE in a Westerly direction to the Southeast corner bound of lands presently occupied by Nickerson's Hardware;

THENCE in a Southerly direction along the Eastern bound of lands of Vaughne Realty Limited to Cumberland Street;

THENCE in an Easterly, Southerly, Easterly, Southerly direction along the lands of the Nova Scotia Liquor Commission to Forest Street;

THENCE in a Westerly direction along Forest Street to the center of Main Street;

THENCE in a Southerly direction by the center of Main Street to its intersection with the corner of Horton Street;

THENCE in a Westerly direction along the center of Horton Street to its intersection with the center of Water Street;

THENCE in a Northerly direction along the center of Water Street to its intersection with the center of Forest Street;

THENCE in a Westerly direction by the center of Forest Street to the Western boundary of Water Street right-of-way;

THENCE in a Northerly direction along the Western boundary of Water Street to the Southeast boundary of 90 Water Street (formerly the Killam property);

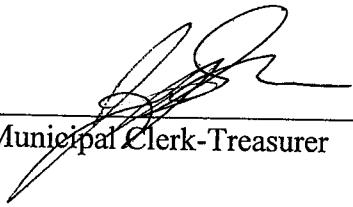
THENCE in a Westerly direction along the Southern bounds of the lands, wharves and structures in Yarmouth Harbour formerly known as the Killam Wharf property to the Southwest corner bound thereof;

THENCE in a Northerly direction along the Western bounds of the lands, wharves and structures in Yarmouth Harbour formerly known as the Killam Wharf property to the Northwest corner bound thereof;

THENCE in an Easterly direction along the Northern bounds of the lands, wharves and structures in Yarmouth Harbour formerly known as the Killam Wharf property to the Northeast corner bound thereof;

THENCE in a Northerly direction along the Western boundary of Water Street right-of-way to its point of intersection with the Westerly prolongation of the center of Store Street, being the place of beginning.

THIS IS TO CERTIFY THAT the
foregoing is a true copy of the
Business Improvement District
Commission By-law of the Town of
Yarmouth.



Municipal Clerk-Treasurer



Date

By-law passed	July 11, 1986
Amendment to Schedule A & B	March 31, 1992

YARMOUTH BUSINESS IMPROVEMENT DISTRICT COMMISSION

SCHEDULE "B"

Prescott

Baker

Ellis

Chester

Edith

King

Flatts

Store

Porter

South

Ji St

Public

Grand

Glebe St

Lovill St

First

Second

Jenkins

Collins

Central

St

St

Alma

John

St

Willow

Brown

St

Kirk St

St

Water

Hawthorne

St

Cumberland

St

Forest

St

William

Park Lane

Horton

St

Main

Prince Lane

Haskell

St

Albert

Pearl

St

East

Prince

St

Cooks Lane

AMENDMENT

CNR Ferry

Yarmouth Harbour

