

Chapter 19
Marketing Levy By-law



Title

1. This By-law may be cited as the “Marketing Levy By-law”.

Definitions

2. In this By-law:
 - (1) “accommodation” means the provision of one or more rental units or rooms as lodging in hotels and motels and in any other facility required to be registered under the *Tourist Accommodations Registration Act* and in a building owned or operated by a post-secondary educational institution.
 - (2) “inspector” means a person appointed by the Municipality to investigate whether this By-law is being complied with.
 - (3) “marketing levy” means a levy imposed pursuant to this By-law.
 - (4) “operator” means a person who, in the normal course of the person’s business, sells, offers to sell, provides, and offers to provide accommodation in the Municipality.
 - (5) “purchase price” means the price for which accommodation is purchased including the price in money, the value of the services rendered, and other consideration accepted by the operator in return for the accommodation provided but does not include the goods and services tax.
 - (6) “remittance” means the remittance of levies collected by an operator to the Municipality.
 - (7) “remittance period” means each of a quarterly period ending March 31, June 30, September 30 and December 31,
 - (8) “Municipality” means Municipality of Colchester.

Notice Effective

3. A person shall be deemed to have received written notice when the written notice is hand-delivered to the person, sent to the person by email or other electronic communication at the address and/or number registered with the Municipality for electronic communication, or posted on the person’s place of business. A person shall be deemed to have received written notice 5 days after the notice is sent to the person by regular mail.

Application of Levy

4. (1) A marketing levy is hereby imposed upon every person who, for a daily charge, fee or remuneration purchases accommodation in the Municipality. The marketing levy is set at the rate of 3% of the purchase price of the accommodation.
- (2) The marketing levy, whether the price is stipulated to be payable in cash, on terms, by installments or otherwise, must be collected at the time of the purchase on the total amount of the purchase price and must be remitted to the Municipality at the times and in the manner set out in this By-law.

Exemption From Levy

5. (1) The marketing levy shall not apply to:
 - (a) a person who pays for accommodation for which the daily purchase price is no more than twenty dollars (\$20.00);
 - (b) a student who is accommodated in a building owned or operated by a post-secondary educational institution while the student is registered at and attending a post-secondary educational institution;
 - (c) a person who is accommodated in a room for more than thirty consecutive days; or
 - (d) a person and the person's family accommodated while the person or a member of the person's family is receiving medical treatment at a hospital or provincial healthcare center or seeking specialist medical advice, provided the person provides to the operator a statement from a hospital or provincial healthcare center stating that:
 - (i) the person or a member of the person's family is receiving medical treatment at the hospital or center or from a physician licensed to practice medicine in the Province of Nova Scotia;
 - (ii) as a result thereof the person or member of the person's family is in need of the accommodation; and
 - (iii) the duration that the accommodation will be required.

Registration of Operator

6. (1) Every operator must apply for and obtain a certificate of registration under this By-law for each place of business providing accommodations.
- (2) An operator applying for a certificate of registration must submit an application to the Municipality on a form provided by the Municipality.
- (3) The registration certificate shall be displayed in a prominent place at the facility.

- (4) Where an operator changes their address, the name of their business, or the nature of the accommodation offered, they shall forthwith apply to the Municipality to amend their certificate of registration accordingly.
- (5) Where an operator ceases to carry on or sells a business in respect of which a registration certificate has been issued, the certificate shall immediately be void, and the operator shall return the certificate to the Municipality within 15 days of the date of discontinuance or sale of the business.
- (6) Where a registration certificate is lost or destroyed, the operator shall apply to the Municipality for a copy of the original.
- (7) A registration certificate granted under this By-law is not transferable.

Remittance of Levy

7. (1) All operators shall make remittances to the Municipality or its delegate within thirty days following the end of each remittance period.
- (2) Each remittance shall be accompanied by a completed remittance return in the form provided by the Municipality.
- (3) If an operator during the preceding period has collected no levy, they shall nevertheless make a report to that effect on the prescribed remittance form.
- (4) Where an operator ceases to carry on or disposes of their business, they shall make the return and remit the levy collected with 15 days of the date of discontinuance or disposal.

Records

8. (1) Every operator shall keep books of account, records, and documents sufficient to furnish the Municipality with the necessary particulars of:
 - (a) sales of accommodation;
 - (b) amount of levies collected; and
 - (c) payment of levies to the Municipality.
- (2) All entries concerning the levy in such books of account, records, and documents shall be separate and distinguishable from other entries made therein.
- (3) Every operator shall retain any book of account, record, or other document referred to in this section for a period of five years, unless under audit.
- (4) Where a receipt, bill, invoice, or other document is issued by a person selling accommodation, the levy shall be shown as a separate item thereon.

Calculation of Levy

9. Where an operator sells accommodation in combination with meals and other specialized services for an all-inclusive package price, the purchase price of the accommodations within the all-inclusive package shall be deemed to be the purchase price of the accommodations when offered for sale in the same facility without the addition of meals and other specialized services.

Refund of Levy Collected in Error

10. (1) If the Municipality is satisfied that a levy or a portion of a levy has been paid in error, the Municipality shall refund the amount of the overpayment to the person entitled, which shall not include interest.
- (2) If the Municipality is satisfied that an operator has remitted to the Municipality an amount as collected levy that the operator neither collected nor was required to collect under this By-law, the Municipality shall refund the amount to the operator, which shall not include interest.

Claim for Refund

11. (1) In order to claim a refund under this By-law, a person must:
 - (a) submit to the Municipality an application in writing signed by the person who paid the amount claimed; and
 - (b) provide sufficient evidence to satisfy the Municipality that the person who paid the amount is entitled to the refund.
- (2) For the purposes of subsection (1)(a), if the person who paid the amount claimed is a corporation, the application must be signed by a director or authorized employee of the corporation.

Interest

12. Interest on overdue levies shall be paid at the rate of 15% per annum.

Inspection, Audit, and Assessment

13. An inspector appointed by the Municipality may enter at any reasonable time the business premises occupied by a person, or the premises where the person's records are kept:
 - (1) to determine whether:
 - (a) the person is an operator or the premises are accommodations are within the meaning of this By-law;

- (b) this By-law is being and has been complied with;
- (2) to inspect, audit, and examine books of account, records, or documents.
- 14. The person shall provide all reasonable assistance to the inspector to enable the inspector to confirm whether the person has been collecting and remitting the levy in accordance with this By-law and shall furnish the inspector with such information as the inspector may reasonably require to carry out their inspection.
- 15. Where the inspection, audit or examination reveals that an operator has not complied with this By-law, a person appointed by the Municipality shall calculate the amount of levy and any interest due in such a manner and form as the Municipality deems adequate.
- 16. When an operator fails to provide reasonable assistance in accordance with section 14, a person appointed by the Municipality may estimate the levy amount that should have been collected and remitted to the Municipality by the operator.
- 17. Upon calculating or estimating that a levy amount is due, the Municipality shall provide written notice to the operator that a levy amount is payable.
- 18. Regardless of whether the operator submits an application under section 19 objecting to the amount payable, the operator shall remit the levy amount plus applicable interest to the Municipality within 30 days of receiving notice that the levy amount is due.
- 19. If an operator objects to the amount payable to the Municipality, the operator must, within 15 days of receiving written notice of the amount due:
 - (a) submit to the Municipality an application in writing signed by the operator or a representative of the operator; and
 - (b) provide sufficient evidence to satisfy the Municipality that the operator has complied with this By-law.
- 20. Upon receiving an application by the operator, or from time to time, the Municipality may assess or reassess any amounts payable under this By-law and may vacate or vary any assessment or reassessment and thereupon, the amount so determined shall be payable to the Municipality by the operator.

Offence

- 21. A person who contravenes any provision of the By-law is guilty of offence punishable by summary conviction and on conviction is liable:
 - (1) for a first conviction, to a fine of not less than \$500 and not more than \$1,000;
 - (2) for a subsequent conviction, to a fine of not less than \$1,500 and not more than \$5,000.

Administration of By-law


22. This By-law shall be administered on behalf of the Municipality by the Chief Administrative Officer and any persons designated by the Chief Administrative Officer.

THIS IS TO CERTIFY, that Chapter 19 – Marketing Levy By-law, was duly approved at a duly called meeting of the Municipal Council of the Municipality of Colchester, duly convened and held on the 27th day of April, A.D., 2023.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 4th day of May, A.D., 2023.

Rob Simonds

Municipal Clerk



Colchester **Notice of Approval**
Chapter 19 – Marketing Levy By-law

TAKE NOTICE that on Thursday, April 27, 2023, Council of the Municipality of the County of Colchester approved, by way of Second Reading, Chapter 19 – Marketing Levy By-law.

This By-law will impose a marketing levy upon visitors who stay at recognized accommodation providers within the Municipality. The collected funds will be used for regional marketing initiatives. The rate of the levy is set at 3% of the purchase price of the accommodation. Some exemptions apply, as outlined in the By-law. Recognized accommodation providers will be required to remit the collected levy funds on a quarterly basis, and the Municipality will have the authority to audit an operator to ensure compliance. The anticipated implementation date for the Levy is October 2, 2023.

The By-law can be obtained from the Administrative Office, 1 Church Street, Truro, or is available on the County website at www.colchester.ca.

Dated May 4, 2023.

Rob Simonds
Chief Administrative Officer

I, Rob Simonds, Municipal Clerk of the Municipality of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 19 – Marketing Levy By-law, duly advertised in the Thursday, May 4, 2023 issue of the Truro News.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 4th day of May, 2023.

Rob Simonds

Municipal Clerk

First Reading: March 39, 2023
Notice of Intent: April 6 & 20, 2023
Second Reading: April 27, 2023
Notice of Approval: May 4, 2023