



BILL NO. 267

Local Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

An Act to Authorize a Marketing Levy on Cape Breton Island

CHAPTER 63
ACTS OF 2005

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 8, 2005**

Manning MacDonald
Cape Breton South

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Authorize a Marketing Levy on Cape Breton Island

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Cape Breton Island Marketing Levy Act*.

2 In this Act,

(a) “accommodation” means the provision of lodging in hotels and motels and in any other facilities required to be licensed under the *Tourist Accommodations Act* and in a building owned or operated by a post-secondary educational institution where the hotel, motel, facility or building consists of one or more

(i) rental units, or

(ii) rooms,

that are offered as lodging;

(b) “Association” means the regional tourism industry association that the Governor in Council from time to time designates as the lead tourism organization for Cape Breton Island;

(c) “Cape Breton Island” means the Cape Breton Regional Municipality, the Municipality of the County of Inverness, the Town of Port Hawkesbury, the Municipality of the County of Richmond and the Municipality of the County of Victoria;

(d) “council” means the council of the Cape Breton Regional Municipality, the Municipality of the County of Inverness, the Town of Port Hawkesbury, the Municipality of the County of Richmond or the Municipality of the County of Victoria;

(e) “levy” means the levy imposed pursuant to this Act;

(f) “municipality” means the Cape Breton Regional Municipality, the Municipality of the County of Inverness, the Town of Port Hawkesbury, the Municipality of the County of Richmond or the Municipality of the County of Victoria;

(g) “operator” means a person who, in the normal course of the person's business, sells, offers to sell, provides or offers to provide accommodation in a municipality;

(h) “purchase price” means the price for which accommodation is purchased, including the price in money, the value of services rendered and other consideration accepted by the operator in return for the accommodation provided, but does not include the goods and services tax.

3 (1) Effective on and after April 1, 2006, each council shall impose a levy, to be known as a marketing levy, upon a person who, for a daily charge, fee or remuneration purchases accommodation in its municipality.

(2) The levy shall be at such rate as may be set by the council but must not be less than one point five per cent or more than two per cent of the purchase price of the accommodation.

(3) Subsections (1) and (2) do not apply to

(a) a person who pays for accommodation for which the daily purchase price is not more than twenty dollars;

(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; or

(c) a person who is accommodated in a room for more than thirty consecutive days.

(4) The levy collected pursuant to this Section must be remitted to the Association and must be used by the Association to promote Cape Breton Island as a tourist destination.

(5) An operator is deemed to be an agent of the municipality in which the operator is situate for the purpose of collecting the levy and remitting it to the Association and as such shall collect the levy from the purchaser and remit it to the Association.

(6) The levy, whether the price is stipulated to be payable in cash, on terms, by instalments 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 Association at the times and in the manner prescribed by by-law passed pursuant to subsection (7).

(7) A council may, in the manner prescribed by law, pass any by-laws that are necessary to implement a levy in its municipality and, without limiting the generality of the foregoing, may pass a by-law to provide for

(a) the forms and records to be maintained by the operator and the information to be recorded therein;

(b) the method of collection and remittance of the levy and any other conditions or requirements affecting collection and remittance;

(c) the rate of levy to be collected including, where so prescribed, a minimum and maximum levy;

(d) the method by which a purchase price may be attributed to accommodations that are sold as part of a combination of accommodations, meals and specialized goods or services;

(e) the inspection and audit of records maintained by the operator;

(f) interest and penalties for the failure to collect or remit the levy as required by the by-law;

(g) the times at which and the manner in which operators remit the levy to the Association.

4 The Association shall provide to each municipality, not later than ninety days after the Association's financial year end, audited financial statements with a full accounting of the levies collected for the fiscal year and a full accounting of the expenditure of the levies collected for the fiscal year.

5 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
