

HALIFAX

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Item No. 9.1.4
Halifax Regional Council
May 26, 2020

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: May 7, 2020

SUBJECT: **Amendment to Administrative Order #15, Respecting Licenses, Permits and Processing Fees, to Forgive Sidewalk Café Fees**

ORIGIN

The COVID-19 pandemic has created an unprecedented environment of economic uncertainty that has directly and immediately impacted residents and businesses in HRM. Should such establishments be allowed to re-open, the Municipality wishes to provide support to assist restaurant and café proprietors with economic recovery from COVID-19 by providing relief of the sidewalk café fee.

LEGISLATIVE AUTHORITY

- *Halifax Regional Municipality Charter*, subclause 60(1)(c)(i) as follows:
60 (1) The Council may make policies
(c) setting and amending the fees to be paid for
(i) licences issued pursuant to a by-law of the Municipality,
- By-law S-1000, the *Sidewalk Café By-Law*, clause 13(f) as follows
13. An application for a café license shall include:
(f) any fee prescribed by Administrative Order 15; and
- Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*, section 21A.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt the amendments to Administrative Order 15, the License, Permits and Processing Fees Administrative Order, as set out in Attachment 2 of this report.

BACKGROUND

The Current fee schedule for sidewalk cafés is as follows:

Fee Description	Fees
Seasonal Sidewalk Café License Fee for unenclosed sidewalk café.	\$250 per Seasonal Sidewalk Café
Seasonal Sidewalk Café License fee for unenclosed sidewalk café where the tables and chairs are removed from the sidewalk each day by the closing time of the principle use property.	No fee
Seasonal Sidewalk Café License Fee for enclosed sidewalk cafés smaller than 9.29 square meters.	\$400 per Seasonal Sidewalk Café
All other Seasonal Sidewalk Café License Fee.	\$800 per Seasonal Sidewalk Café
Annual Sidewalk Café License Fee.	\$1,000 per Annual Sidewalk Café
Parking Meter Removal and Reinstatement Fee.	\$150 per meter per sidewalk café season
Street Post Removal and Reinstatement Fee.	\$150 per street post per sidewalk café season

DISCUSSION

Although it is unknown at this time when Public Health orders will allow restaurants to provide dine-in service, it is expected that physical distancing will be in play when they do. The resulting reduced seating capacity can be offset through the accommodation of sidewalk cafés. To assist restaurant and café proprietors with economic recovery from COVID-19, staff is recommending amendments to Administrative Order 15 to provide relief of the sidewalk café fees, should such establishments be allowed to re-open for dine-in service.

The amendments, if adopted, would waive the fees for sidewalk cafés for the period of May 27, 2020 until December 31, 2020. In addition, the amount of the fee for proprietors who paid fees during the period of January 1, 2020 and May 26, 2020 will be applied to a subsequent application made prior to 4:15 pm on March 31, 2024.

FINANCIAL IMPLICATIONS

Based on historical data, a waiver of the fees for sidewalk cafés is forecast to result in a decrease of revenues by approximately \$40K in fiscal year 2020/21. This amount has been incorporated in the revised proposed 2020/21 operating budget.

RISK CONSIDERATION

Due to financial pressure caused by COVID-19, the potential annual revenue lost for the 2020/2021 season has a small impact on budget. If Regional Council decides not to approve the proposed amendments to AO15 to forgive sidewalk café fees, there is a risk of reputational harm to the Municipality as being viewed as not being supportive of businesses that are experiencing financial hardships during this time.

COMMUNITY ENGAGEMENT

No direct community engagement was completed to aid in the development of this report. Correspondence from the Business Improvements Districts in support of waiving fees for sidewalk cafés was submitted to Council on May 4, 2020. External stakeholders include: Business Improvement Districts, Halifax Partnership and industry members.

ENVIRONMENTAL IMPLICATIONS

There are no Environmental Implications.

ALTERNATIVES

Regional Council could choose to enact only some or none of the proposed amendment. This is not recommended.

ATTACHMENTS

Attachment 1: Showing proposed changes to Administrative Order 15

Attachment 2: Amending Administrative Order 15

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Hilary Hayes, Supervisor – Licensing, Planning and Development 902.490.2550

**ATTACHMENT 1
(Showing Proposed Changes)**

21A. (1) There are no fees prescribed under By-law S-1000, Respecting the Regulation of Sidewalk Cafes, for the period from May 27, 2020 until December 31, 2020, including both dates.

(2) If a fee prescribed under subsection (4) of this section has been paid to the Municipality during the period from January 1, 2020 until May 26, 2020, including both dates, the fee for a subsequent café license or a subsequent removal and reinstatement shall be reduced by the amount paid during such period, until either:

(a) 4:15 pm on March 31, 2024; or

(b) the full amount paid during the period has been applied against the fee for the subsequent café license or a subsequent removal and reinstatement,

whichever occurs first.

(3) The reduction under subsection (2) of this section may be applied to reduce a fee under subsection (4), providing the applicant is the same applicant that paid the fee for the period from January 1, 2020 until May 26, 2020, including both dates.

(4) Subject to subsections (1), (2), and (3) of this section, the fees prescribed under By-law S-1000 are as follows:

Fees pursuant to By-law S-1000, Respecting the Regulation of Sidewalk Cafes		
Fee Description	By-Law Section	Fees
Seasonal Sidewalk Cafe License Fee for unenclosed sidewalk café.	13	\$250 per Seasonal Sidewalk Café
Seasonal Sidewalk Café License fee for unenclosed sidewalk café where the tables and chairs are removed from the sidewalk each day by the closing time of the principle use property.		No fee
Seasonal Sidewalk Café License Fee for enclosed sidewalk cafés smaller than 9.29 square meters.	13	\$400 per Seasonal Sidewalk Café
All other Seasonal Sidewalk Café License Fee.	13	\$800 per Seasonal Sidewalk Café
Annual Sidewalk Café License Fee.	13	\$1,000 per Annual Sidewalk Café
Parking Meter Removal and Reinstatement Fee.		\$150 per meter per sidewalk café season
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