

Administrative Order Number 2022-008-ADM

Respecting the Implementation of Area Rates to Fund Sidewalks Outside of the Urban Tax Area in the Halifax Regional Municipality

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the *Rural Sidewalk Area Rates Administrative Order*.

Interpretation

2. In this Administrative Order,
 - (a) “active transportation” or “AT” means
 - (i) All human-powered forms of travel, including walking, cycling, skateboarding, in-line skating, and,
 - (ii) The use of wheelchairs, mobility scooters or similar personal transporters, whether motorized or not, which are required by a person for travel along a sidewalk or MUP;
 - (b) “area rate” means an area rate set pursuant to subsection 96(2) of the HRM Charter;
 - (c) “AT Plan” means the Municipality’s most recent plan, as approved by Council, which guides active transportation projects in the Municipality;
 - (d) “candidate rural community” means a community that has been identified by staff as having a cluster of amenities and has been added to the AT Plan, as approved by Council, for future sidewalk implementation;
 - (e) “community boundary” means the geographic outlines that represent the official community boundaries within the Municipality;
 - (f) “complete streets” means a holistic, flexible and context-sensitive approach to street design and maintenance, aiming to improve the comfort and safety of all users of transportation modes, including pedestrians, cyclists and transit users;
 - (g) “Council” means the Council of the Halifax Regional Municipality;
 - (h) “HRM Charter” means the *Halifax Regional Municipality Charter*, S.N.S. 2008, c. 39, as amended;
 - (i) “Integrated Mobility Plan” means the Municipality’s 2017 plan which guides investment in active transportation, transit, transportation demand management, goods movement and the roadway network in Halifax;

- (j) “Municipality” means the Halifax Regional Municipality;
- (k) “MUP” means a pathway or facility suitable for the broadest range of active transportation users;
- (l) “paved shoulder” means the area to the right of the travel lane, between the white painted line and the edge of the pavement. For active transportation purposes, paved shoulders provide a separate space for active transportation use and are not designated or marked as a bicycle lane;
- (m) “recreational trail” means an “at-grade” hard or soft surface travel way used for non-motorized modes of transportation, such as walking, running, and cycling, but not vehicles which are motorized and are not included in the AT Plan or Integrated Mobility Plan;
- (n) “rural” means lands outside of the Halifax Regional Municipality’s residential urban tax boundary;
- (o) “Rural Active Transportation Program” means the program approved by Regional Council on February 8, 2022, which focusses on rural community centre sidewalks and incorporates a prioritization framework, funding strategy, ten-year target, and an approach for operations and maintenance;
- (p) “sidewalk” means a paved public thoroughfare for use by pedestrians within the Municipality’s right-of-way. If recommend by staff and approved by the Municipality’s Traffic Authority, a sidewalk may be designed as a MUP for use by a broader range of active transportation users;
- (q) “staff” means employees of the Municipality;
- (r) “streetscaping” means the implementation of elements along a street that make the experience more enjoyable for active transportation users, including but not limited to seating, lighting, and public art;
- (s) “vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheelchair and devices moved by human power;

Purpose

3. The purpose of this Administrative Order is to establish a process for the implementation of area rates to fund the construction, maintenance, and operation of sidewalks and MUPs in candidate rural communities in the Municipality.

General Provisions

4. Nothing in this Administrative order shall be interpreted to limit or otherwise prescribe Council’s general discretion to establish an area rate under the HRM Charter.

Area Rate Eligibility

5. Through this Administrative Order, an area rate shall only be implemented to fund rural sidewalks in communities listed as candidate rural communities in the AT Plan, as approved by Council.

6. Communities not currently listed as candidate rural communities in the AT Plan must be added through an AT Plan amendment, as approved by Council, prior to eligibility.

Amount of Area Rate

7. The area rate shall be equal to the difference between the urban and rural residential general tax rates.

Properties Required to Pay Area Rate

8. The area rate shall apply to all residential and resource properties within the community area rate boundary and all commercial properties within the community area rate boundary paying the rural general rate.

Timing of Area Rate Application

9. The area rate shall be applied to properties in the fiscal year following substantial completion of the sidewalk infrastructure.

Establishment of Community Area Rate Boundary

10. An area rate boundary shall be established for each sidewalk that will encompass the community boundary of the candidate rural community receiving the sidewalk and neighbouring communities deemed to benefit from the implementation of the sidewalk.
11. Before recommending an area rate boundary to Council, HRM staff shall review the area receiving the sidewalk using elements including, but not limited to:
 - (a) Community and stakeholder engagement;
 - (b) Travel patterns as determined by travel monitoring data;
 - (c) School catchment boundaries; and
 - (d) Concentration and use of community amenities.

Permitted Uses of Area Rate Revenue

12. Area rate revenue generated through this Administrative Order shall be used to fund:
 - (a) the construction, operation, and maintenance of sidewalks and MUPs in candidate rural communities that improve active transportation trips between a cluster of amenities, including any necessary drainage and stormwater infrastructure; and
 - (b) complete streets elements that directly support a safer and more comfortable environment in the candidate rural community for AT users, including but not limited to AT crossings, accessibility features, lighting, and seating.

Prohibited Use of Area Rate Revenue

13. Area rate revenue generated through this Administrative Order shall not be used to fund:

- (a) any infrastructure outside of a candidate rural community;
- (b) the implementation, operation, or maintenance of recreational trails anywhere in the Municipality;
- (c) the implementation, operation, or maintenance of paved shoulders anywhere in the Municipality;
- (d) the implementation, operation, or maintenance of infrastructure for use by a vehicle; or
- (e) AT education and promotion.

Notification and Community Engagement

14. Residents and property owners within the proposed area rate boundary shall be notified that their community is being assessed for implementation of an area rate to fund a sidewalk in their own community or a community nearby.
15. The notification in section 14 may include:
 - (a) a description of the proposed area rate, including impacts to individual property owners;
 - (b) an example of the type of facility the area rate revenue may support funding;
 - (c) background on the Rural Active Transportation Program and overall active transportation goals of the Municipality;
 - (d) a description of the Municipality's rural sidewalk planning process prior to the implementation of the area rate;
 - (e) information on any community engagement opportunities;
 - (f) links to any additional information available online; and
 - (g) staff contacts for further information.
16. Staff shall complete community engagement prior to the proposed area rate being presented at Council.
17. Community engagement may include any of the following:
 - (a) holding an in-person public meeting;
 - (b) holding a virtual engagement meeting; or
 - (c) hosting an online public engagement tool, such as a survey.

18. Notifications of community engagement opportunities may be made by way of mailings to residents and property owners within the candidate rural community, public service announcements, advertisements in community and regional newspapers, the Municipality's social media, and advisories to local community organizations.

19. The report to Council shall include the process used for community engagement and the results thereof.

Approval by Council

20. The applicable Community Council shall provide a recommendation to Council, including a map of the proposed community boundary and community-specific rationale as to how it was chosen.

21. Council may accept, decline, or modify staff's recommendation for an area rate.

22. The area rate will be set by resolution of Council, at its sole discretion, pursuant to the HRM Charter.

Done and passed in Council this 7th day of February, 2023.

Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of the Halifax Regional Council held on February 7, 2023.

Iain MacLean, Municipal Clerk

Notice of Motion:
Approval:

January 10, 2023
February 7, 2023