

DISTRICT OF SECHELT

Business Improvement Area Bylaw No. 387, 2001

**A bylaw to establish a specified area for the purpose
of annually funding a Business Improvement Area (BIA)
known as BIA Area No. 1**

WHEREAS the *Local Government Act* of British Columbia provides in Section 651.1 inter alia that Council may establish by bylaw specified areas for annual funding of a Business Improvement Area (BIA) being an area of a municipality where business or commerce is carried on;

AND WHEREAS the owners of certain properties lying within the Municipal boundaries have formed a BIA Merchant Association know as Sechelt Downtown Business Association, a registered non-profit society in the province of British Columbia, who wish to undertake a business promotion scheme to benefit the Business Improvement Area;

NOW THEREFORE, the Council of the District of Sechelt in open meeting assembled enacts as follows:

1. **TITLE:**

This bylaw may be cited for all purposes as District of Sechelt “BIA Area No. 1 Bylaw No. 387,” 2001.

2. **DEFINITIONS:**

“**Applicant**” means the Sechelt Downtown Business Association.

“**Business Promotion Scheme**” means:

- (a) carrying out studies or making reports respecting one or more business areas;
- (b) the improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in one or more business improvement areas; and
- (c) the conservation of heritage property in one or more business improvement areas; and
- (d) the encouragement of business in one or more business improvement areas.

“Taxable Parcel” means all parcels of land that are taxable and not further exempted from taxation, for General Municipal purposes that fall or would fall within Class 5 (Light Industry) or Class 6 (Business and Other) of the Prescribed Classes of Property Regulation under the Assessment Act.

3. **BIA ESTABLISHMENT**

(1) Designated Area

The District of Sechelt hereby adopts an initiative so as to designate those land within the area shown outlined and shaded on the map attached to and forming part of this bylaw as Schedule “A” as a Business Improvement Area (BIA) within the meaning of Section 651.1 of the *Local Government Act* which shall be known as Business Improvement Area No. 1.

(2) Grant

(a) The amount of money hereby authorized to be granted to the Applicant under this bylaw, is as follows:

- (i) in the calendar year 2001, a sum not to exceed Thirty One Thousand Four Hundred and Thirty Seven Dollars (\$31,437.00)
- (ii) in the calendar year 2002, a sum not to exceed Thirty One Thousand Four Hundred and Thirty Seven Dollars (\$31,437.00)
- (iii) in the calendar year 2003, a sum not to exceed Thirty One Thousand Four Hundred and Thirty Seven Dollars (\$31,437.00)
- (iv) in the calendar year 2004, a sum not to exceed Thirty One Thousand Four Hundred and Thirty Seven Dollars (\$31,437.00)
- (v) in the calendar year 2005, a sum not to exceed Thirty One Thousand Four Hundred and Thirty Seven Dollars (\$31,437.00)

(b) The District of Sechelt shall grant the applicant the money as specified in Section (3)(2)(a) of this bylaw, on or before the 15th of July of the calendar year so set out.

(3) Expenditures

The money granted under subsection (2) must be expended only:

- (a) by the Applicant;
- (b) in accordance with conditions and limitations set out in this bylaw;
- (c) For the Business Promotion Scheme set out in Schedule "B" attached hereto and forming part of this bylaw.

(4) The Applicant shall not incur any indebtedness or other obligations beyond each budget year.

(5) Budget

The Applicant shall submit a budget to Council each year for approval.

(6) Recovery

All of the money granted to the applicant under this bylaw shall be recovered within the Business Improvement Area No. 1 from owners of land within that area.

(7) Financial Statement

The Applicant shall submit to the District of Sechelt an annual audited financial statement which shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet and a Statement of Revenue and Expenditure.

(8) The financial statement shall be prepared on a calendar year basis.

(9) The financial statement shall be submitted by the Applicant on or before the first day of April in each year of the Business promotion Scheme and, notwithstanding anything in this bylaw, no payment shall be made unless the budget submitted is within the amounts established in this bylaw.

(10) The Applicant shall submit a monthly financial budget control statement by the 15th of each following month.

(11) Parcel Tax

For the purposes of recovering the monies granted to the Applicant under this bylaw pursuant to Section 656.1 of the *Local Government Act*, the Council hereby levies and imposes each year within Business Improvement Area No. 1 a parcel tax with respect to each parcel identified by a single assessment roll number and assessed as Class 5 or Class 6 assessment under B.C. Reg. 438\81 which when multiplied by the number of those parcels in that Business Improvement Area will yield the amount of the respective grants set out in Section 3(2), subject to the following limits:

- (a) In no calendar year shall a parcel tax rate exceed Four Hundred and Ninety Nine Dollars (\$499.00) per parcel as identified by a single assessment roll number.
- (b) Alternatively, in the 2001 calendar year, the parcel tax for the full five year period may be paid in one lump sum at the commuted value not to exceed \$2,350.00 (Two Thousand Three Hundred and Fifty Dollars) per parcel as identified by a single assessment roll number.

(12) Insurance

The Applicant must take out and maintain insurance in accordance with the specifications set out in Schedule "C" attached to and forming part of this bylaw and must provide the District of Sechelt with a copy of such insurance policies.

- (13) The Applicant is independent from the District of Sechelt and shall bar all the responsibility for managing its own affairs, hiring its own employees and paying all its own expenses, including all salaries, subject to the terms of this bylaw.
- (14) Employees of the Applicant are not employed by the District of Sechelt and as such are not bound by or benefit from the terms and Conditions set out in agreements made between the District of Sechelt and its employees.
- (15) The Applicant will not in any manner whatsoever commit or purport to commit the District of Sechelt to the payment of any money to any person, firm or corporation.

(16) Time Limited Operation


This bylaw shall be operative only from the date of final adoption of this bylaw as indicated below and for a period of five (5) years thereafter.

READ A FIRST TIME THIS 7th DAY OF MARCH, 2001

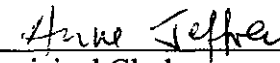
READ A SECOND TIME THIS 7th DAY OF MARCH, 2001

READ A THIRD TIME THIS 7th DAY OF MARCH, 2001

RECONSIDERED AND FINALLY ADOPTED THIS 21st DAY OF MARCH, 2001

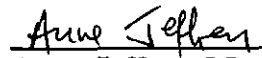


Mayor

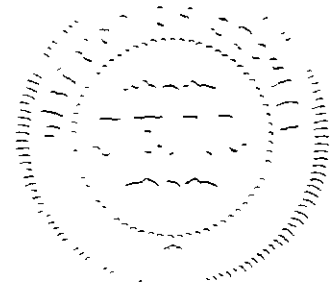


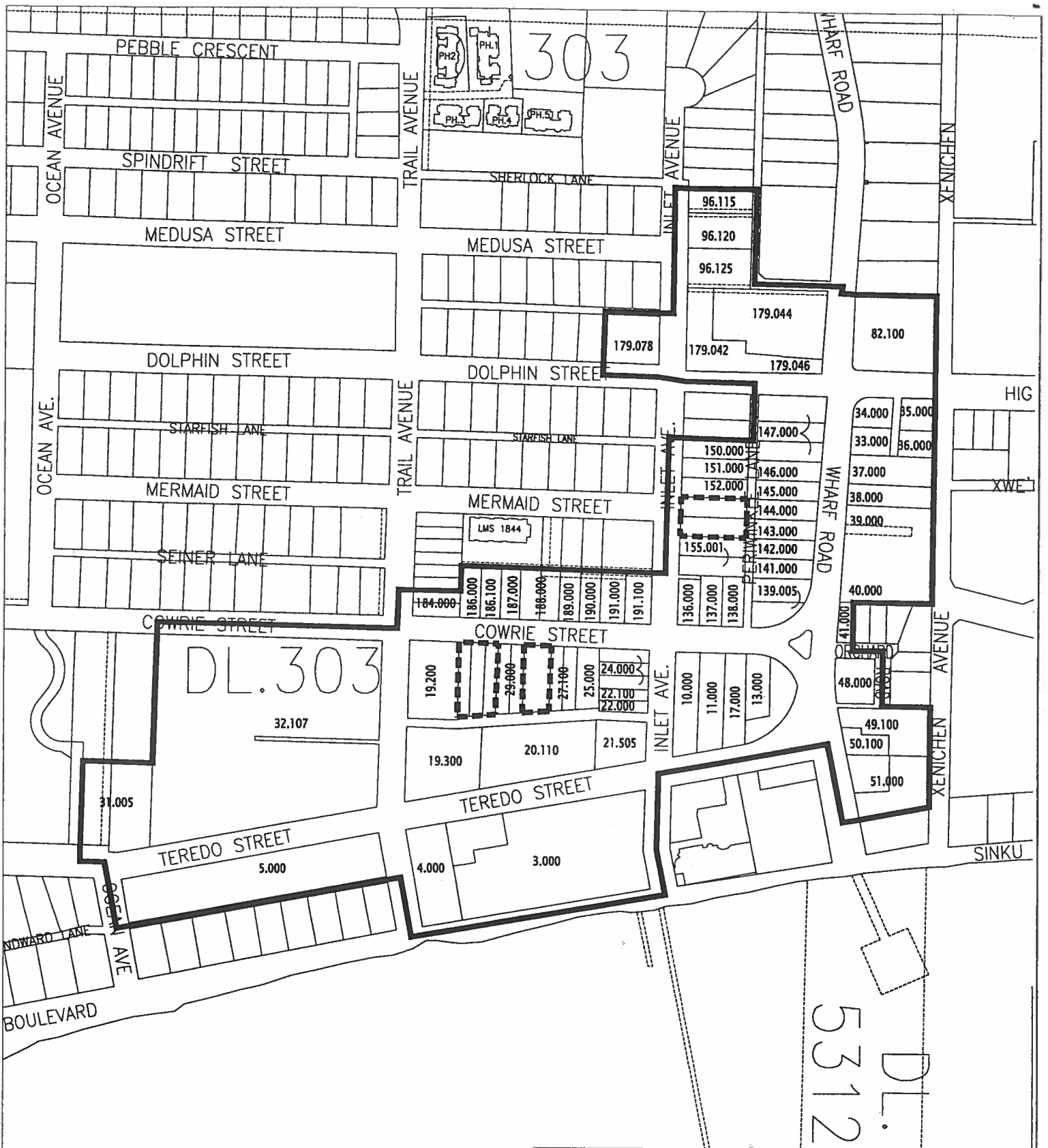
Municipal Clerk

I hereby certify this to be a true and accurate copy of District of Sechelt "BIA Area No. 1 Bylaw No. 387", 2001.




Anne Jeffrey, Municipal Clerk





----- Excluded Properties

Business Improvement Area	
DISTRICT OF SECHT	
BYLAW No. _____	
SCHEDULE "A"	
Secht Village	
	MAYOR _____
MUNICIPAL CLERK _____	MAYOR _____
Scale: NTS	February 15, 2001

SCHEDULE “B”

BUSINESS IMPROVEMENT AREA NO. 1

Bylaw No. 387, 2001

Business Promotion Scheme

- 1. Marketing (includes advertising, special events, promotions, newsletter)**
- 2. Wages\Benefits**
- 3. Facilities**
- 4. Administration**
- 5. Community Projects (2001-2006)**

SCHEDULE “C”

BUSINESS IMPROVEMENT AREA NO. 1

Bylaw No. 387, 2001

Insurance Specification

1. The Applicant shall provide and maintain Comprehensive General Liability Insurance acceptable to the District and submit to the limits of no less than **TWO MILLION DOLLARS** (\$2,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. The insurance shall cover anyone employed directly or indirectly by the Applicant as well as any contractor or subcontractor hired by the Applicant.
2. The District shall be added as an additional named insured under the Comprehensive General Liability.
3. The Applicant shall provide Employee Fidelity insurance of no less than \$100,000 (One Hundred Thousand Dollars) per employee.
4. The Applicant shall provide the District with a copy of its Comprehensive General Liability and Employee Fidelity Insurance Policies prior to the District providing funding under Section 3 of this Bylaw.
5. The Applicant’s Comprehensive General Liability and Employee Fidelity Insurance policies shall contain an endorsement the policy shall not be cancelled, lapsed or materially altered without giving the District thirty (30) days written notice of change or cancellation.