

# DISTRICT OF SEHELDT

## Bylaw No. 451, 2006

### A bylaw to designate a Business Improvement Area

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**WHEREAS** the *Community Charter* provides that Council may establish by bylaw specified areas for annual funding of a Business Improvement Area (BIA);

**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;

**AND WHEREAS** the affected owners were notified on the proposed Business Promotions Scheme pursuant to the provisions of the *Community Charter*;

**AND WHEREAS** Council has been advised through a report from the municipality's Corporate Officer that the petitions filed by affected owners, requesting Council not to proceed with the initiative are insufficient;

**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 Downtown Business Improvement Area Bylaw No. 451, 2006"

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 area as set out in Schedule "B" of this bylaw.

"Classes of Business" means those parcels of land that are subject to the parcel tax provided for in Section 6 of this bylaw, based on them being Class 5 or Class 6 businesses.

"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. **Designation**

The lands within the area outlined in heavy black on the map attached to and forming part of this bylaw as Schedule "A" are hereby designated as a Business Improvement Area (BIA) pursuant to the *Community Charter* and shall be known as the "Downtown Business Improvement Area".

4. **Annual Grants**

The municipality may grant to the Applicant grants in the years 2006 through 2010 inclusive, not exceeding the \$70,000 in any of the grant years.

The annual grant will be granted no later than July 15 of each calendar year as set out above, after the collection of the parcel tax, with the exception of the first year (2006) where the payment will be granted once sufficient funds have been received through a supplementary collection system for 2006 only.

5. **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.

6. **Recovery**

For the purposes of recovering the monies granted to the Applicant under this bylaw, the Council hereby levies and imposes each year with the Downtown Business Improvement Area a parcel tax of \$499 with respect to each parcel identified by a single assessment roll number and assessed as Class 5 or Class 6 assessment under the Prescribed Classes of Property Regulation (*Assessment Act*), which when multiplied by the number of those parcels in that Business Improvement Area will yield the amount of annual grant not to exceed the amount set out in Section 4.

**7. Conditions and Limitations**

The money granted pursuant to this bylaw shall be expended by the Applicant for the purpose of carrying out the business promotion scheme.

The Applicant shall not incur any indebtedness or other obligations beyond those provided for in this budget for the current year as reviewed by Council.

**8. Accounting**

8.1 The application shall submit a budget to the Council by February 28 of each year for review by the Council.

8.2 The Applicant shall submit annually to the District of Sechelt a financial statement prepared on a Review Engagement basis, which shall include a Balance Sheet and Statement of Revenue and Expenditure.

8.3 Notwithstanding anything in this bylaw, no payment shall be made unless the budget submitted is within the amounts established in this bylaw.

**9. Insurance**

9.1 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.

9.2 The Applicant is independent from the District of Sechelt and shall bear 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.

9.3 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.

9.4 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.

**10. Time Limit for Bylaw**

This bylaw shall be operative from the date of adoption of this bylaw as indicated below until July 31, 2010.

READ A FIRST TIME THIS	21st	DAY OF	June,	2006
READ A SECOND TIME THIS	21st	DAY OF	June,	2006
READ A THIRD TIME THIS	21st	DAY OF	June,	2006
ADOPTED THIS	9th	Day of	August,	2006

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Mayor

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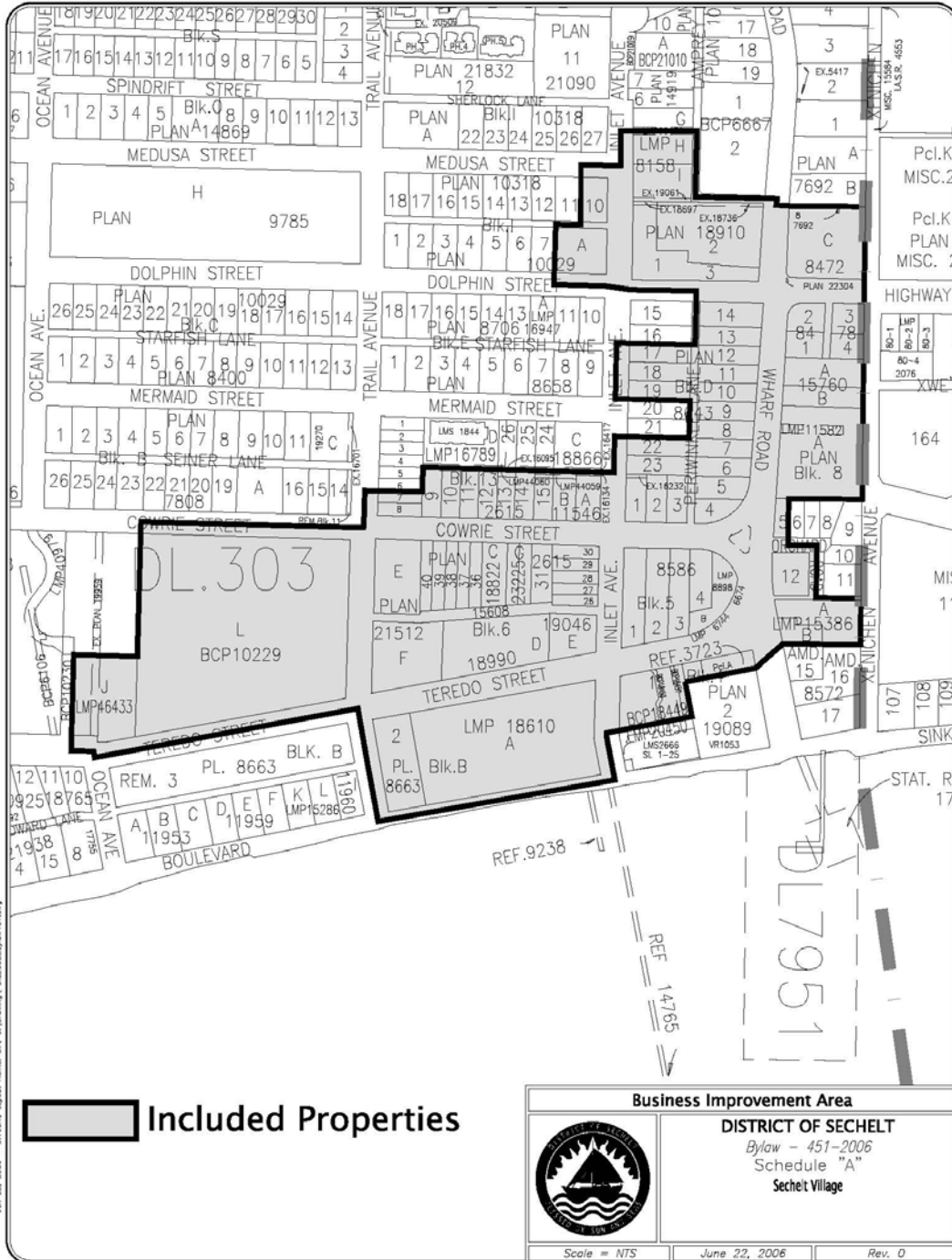
Corporate Officer

I hereby certify this to be a true and accurate copy of "District of Sechelt Downtown Business Improvement Area Bylaw No. 451, 2006"

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Corporate Officer

**SCHEDULE "A"**  
**Downtown Business Improvement Area**  
**Bylaw No. 451, 2006**



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**SCHEDULE “B”**  
**to**  
**Downtown Business Improvement Area**  
**Bylaw No. 451, 2006**

**Business Promotion Scheme**

The Sechelt Downtown Business Association’s Mission is to create a unique, vibrant and attractive downtown.

1. **Wages and Administration:** 20% of the Association’s budget goes towards paying a part-time administrator. The vast majority of the work is accomplished through community support and by our committed and hard-working team of volunteers!
2. **Marketing & Promotional Events:** Downtown Night Market, Canada Day Parade & Celebrations, Community Christmas Party, Halloween Decoration and promotions, Sechelt Business Welcome Kit, Sechelt Business News Publication, Sechelt Village Insider (Coast Reporter Column), Sechelt Village Walking Map.
3. **Facility Improvements:** Property Owner Grants for improvements in the areas of public safety, revitalization and beautification.
4. **Community Projects:** the SDBA is represented at the Sechelt Chamber of Commerce, Sechelt Swimming Pool Committee, Downtown Revitalization Committee, Sechelt Marine Access Committee, Sechelt Economic Development Partnership and the Sunshine Coast Tourism Partnership. In addition the SDBA supports the Wooden Boat Festival and Writer’s Festival.
5. **Advocacy and Infrastructure:** the SDBA will be the downtown business community’s voice to government and will review any development proposals and infrastructure improvements with consideration to the needs of local business

## **SCHEDULE “C”**

### **Downtown Business Improvement Area**

#### **Bylaw No. 451, 2006**

#### **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 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 4 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.