

**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2264**

**A Bylaw to establish a Business Improvement Area**

WHEREAS, the Council may, by majority vote, grant money to an applicant under Section 651.1 of the Local Government Act for the purpose of the planning and implementation of a Business Promotion Scheme;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a bylaw as required by Section 651.1 of the Local Government Act;

AND WHEREAS the Council has had an application for a grant of money under Section 651.1 of the Local Government Act;

THEREFORE BE IT RESOLVED that the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. **Definitions:**

In this Bylaw, unless the context otherwise requires:

"**Applicant**" means the Downtown Courtenay Business Improvement Association.

"**Business Improvement Area**" means the area of the City designated by Section 2 of this Bylaw.

"**Business Promotion Scheme**" means:  
(a) carrying out studies or making reports respecting the business area;  
(b) the improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in the Business Improvement Area;  
(c) the conservation of heritage property in the Business Improvement Area; and,  
(d) the encouragement of business in the Business Improvement Area.

2. For the purposes of this Bylaw, the Business Improvement Area is the business area designated in Schedule "A" attached to and forming part of this Bylaw.

3. Council is hereby empowered to grant to the Applicant annually an amount not exceeding the sum of Sixty Thousand Dollars (\$60,000.00). These monies shall be paid to the Applicant on or before the 1st day of September in each year.
4. The money granted under this Bylaw shall be expended only:
  - (a) by the Applicant;
  - (b) in accordance with the conditions and limitations set out in this Bylaw; and,
  - (c) for the Business Promotion Scheme set out in Schedule "B" of this Bylaw.
5. All of the money granted to the Applicant pursuant to this Bylaw shall be recovered within the Business Improvement Area from the owners of land within that area.
6. For the purpose of recovering the monies granted to the Applicant under this Bylaw, the Council shall levy annually on all land and improvements that fall into Class 5 or 6 of the Assessments – Classes and Percentages Levels Regulation, BC Reg. 438/81 within the designated Business Improvement Area, rates sufficient to raise the sum of Sixty Thousand (\$60,000.00) or such lesser amount as granted to the Applicant pursuant to the provisions of this Bylaw.
7. The Applicant shall submit, annually on or before March 1st, a budget for the purpose of the Business Promotion Scheme set out in Schedule "B".
8. Money granted pursuant to Section 3 of this Bylaw shall be expended only for projects provided for in the annual budget submitted by the Applicant and approved by Council.
9. No payments shall be made by the Applicant unless the payments are within the amounts set out in the budget approved by Council.
10. The Applicant shall account for the money granted and approved by Council for the previous year by submitting to the City on or before April 1st, in each of the years, 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. The financial statement shall be prepared on a calendar year basis.
11. The Applicant shall not incur any indebtedness or other obligations beyond each budget year.
12. The Applicant shall provide to the City copies of insurance policies insuring the Applicant in accordance with the specifications set out in Schedule "C" attached hereto and forming part of this Bylaw, which insurance shall be maintained by the Applicant.

13. This Bylaw may be cited as the "Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002"

Read a first time this 16<sup>th</sup> day of December, 2002

Read a second time this 16<sup>th</sup> day of December, 2002

Read a third time this 16<sup>th</sup> day of December, 2002

Finally passed and adopted this 20<sup>th</sup> day of January, 2003

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Mayor

Clerk

**Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002**

**SCHEDULE "A"**

**Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002**

**SCHEDULE "B"**

**Business Promotion Scheme**

1. Marketing
2. Research & Education
3. Staff
4. Physical Improvements to the Business Area
5. Administration

**Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002**

**SCHEDULE "C"**

**Insurance Specifications**

1. The Applicant shall provide and maintain Comprehensive General Liability insurance acceptable to the City and subject to limits of not less than Two Million Dollars (\$2,000,000.00) 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 subcontractors hired by the Applicant.
2. The City shall be added as an additional named insured under the Comprehensive General Liability and the Policy shall contain a Cross Liability Clause.
3. The Applicant shall provide the City with a copy of its Comprehensive General Liability insurance policy prior to the City providing funding under Section 3 of this Bylaw.
4. The Applicant's Comprehensive General Liability insurance policy shall contain an endorsement to provide the City with 30 days written notice of change or cancellation.