

# TOWN OF SIDNEY

## BYLAW NO. 2045

### A BYLAW TO ESTABLISH A BUSINESS IMPROVEMENT AREA IN THE TOWN OF SIDNEY

**WHEREAS** Section 215 of the *Community Charter* authorizes Council to establish, by bylaw, a local service area to provide funding to a Business Improvement Area (BIA);

**AND WHEREAS** the Council of the Town of Sidney has received a request to establish a BIA by way of the council initiative/alternate approval process outlined in Section 213 of the *Community Charter*;

**AND WHEREAS** the owners of certain properties in the Town will form the Sidney Business Improvement Area Society (the Society), a registered non-profit society in the province of British Columbia, to market and promote business within the designated BIA;

**NOW THEREFORE**, the Council of the Town of Sidney in open meeting assembled enacts as follows:

#### 1. DESIGNATION OF AREA

Those lands within the area shown outlined on the map attached to and forming part of this bylaw as Schedule "A" are hereby designated as a Business Improvement Area within the meaning outlined in Section 215 of the *Community Charter*, and shall be known, for purposes of this bylaw, as the Sidney Business Improvement Area.

#### 2. GRANT

2.1 Council is hereby empowered to grant to the Society, for the term of this bylaw, money not exceeding the following amounts:

- For the calendar year 2013 the sum of \$250,000.
- For the calendar year 2014 the sum of \$256,250.
- For the calendar year 2015 the sum of \$262,656.
- For the calendar year 2016 the sum of \$269,222.
- For the calendar year 2017 the sum of \$275,952.

2.2 The monies specified in this Section shall be paid to the Society on or before the 15th of July of the calendar year in which the funds are collected.

2.3 An advance payment equal to 50% of the current year grant amount may be provided to the Society upon receipt of the annual budget for each of the years included in this bylaw.

#### 3. EXPENDITURE

The money granted under Section 2 of this bylaw shall be expended by the Society in accordance with the conditions and limitations set out in the *Community Charter* and in this bylaw, and for the sole purpose of the following Business Promotion Scheme:

3.1 Marketing and public relations, events, and communicating with area businesses on issues and opportunities with the purpose of encouraging business in the BIA and enhancing the profile of Sidney.

#### **4. INDEBTEDNESS**

The Society shall not incur any indebtedness or other financial obligations beyond each years' budget.

#### **5. RECOVERY**

5.1 All of the money granted to the Society under this bylaw shall be recovered within that BIA in the manner set out in this Section.

5.2 For the purpose of recovering the monies granted to the Society under this bylaw, there shall be levied annually, on all taxable land and improvements within the BIA that fall within Class 5 or Class 6 of the *Assessments – Classes and Percentage Levels Regulation, BC Reg. 438/81*, a rate sufficient to raise the sums set out in Section 2 herein for that year.

#### **6. CONDITIONS AND LIMITATIONS**

Notwithstanding any other provision of this bylaw, no grant shall be made and no grant funds shall be used or spent by the Society in any year, unless the Society:

6.1 Submits an annual budget, for each calendar year, to the Council for information, on or before the 31<sup>st</sup> of January in each year covered by this bylaw;

6.2 Accounts for the money granted by the Town for the previous calendar year, by submitting to the Town a set of annual financial statements, which shall be prepared in accordance with generally accepted accounting principles, and in accordance with the requirements of the *Societies Act*. The annual statements shall be submitted to the Town by April 1<sup>st</sup> each year.

6.3 Is a Society incorporated and in good standing under the provisions of the *Society Act, RSBC 1996*, created for the purpose of administering the business promotion scheme identified in this bylaw.

#### **7. INSURANCE**

7.1 The Society shall provide and maintain Comprehensive General Liability Insurance acceptable to the Town and subject to limits of not less than Five Million Dollars (\$5,000,000) per occurrence for bodily injury, death and damage to property including the loss of use thereof. The insurance shall cover any person employed directly or indirectly by the Society, as well as any contractor or subcontractor hired by the Society.

7.2 The Town shall be added as an additional named insured under the policy outlined in Section 7.1.

7.3 The Society shall provide the Town with a copy of the current policy prior to the Town providing funding under Section 2 of this bylaw.

7.4 The Society's policy shall contain an endorsement requiring that the Town be provided with at least 30 days prior written notice of any change in the policy, or its cancellation.

**8. INDEPENDENT ENTITY**

8.1 The Society is independent from the Town of Sidney 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.

8.2 Employees of the Society are not employed by the Town of Sidney and as such are not bound by, nor benefit from, the terms and conditions set out in agreements made between the Town of Sidney and its employees.

8.3 The Society shall not, in any manner whatsoever, commit or purport to commit the Town of Sidney to the payment of any money to any person, firm or corporation.

**9. TERM OF EFFECTIVENESS**

This bylaw shall be in effect from the date of final adoption to the 31<sup>st</sup> day of December, 2017.

**10. CITATION**

This bylaw may be cited as "**Town of Sidney Business Improvement Area Bylaw No. 2045.**"

Introduced and read a first time this	14 <sup>th</sup>	day of	January, 2013.
Read a second time this	14 <sup>th</sup>	day of	January, 2013.
Read a third time this	14 <sup>th</sup>	day of	January, 2013.
Reconsidered and finally adopted this		day of	, 2013.

\_\_\_\_\_  
MAYOR

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CORPORATE ADMINISTRATOR

**SCHEDULE A**

**Business Improvement Area**