

# CITY OF PARKSVILLE

## BYLAW NO. 1556

### DOWNTOWN BUSINESS IMPROVEMENT AREA ESTABLISHMENT

---

**WHEREAS** Section 215 of the *Community Charter* provides Council with the authority to establish, by bylaw, a business improvement area (the "BIA") and grant money to an applicant for the purpose of planning and implementing a Business Promotion Scheme;

**AND WHEREAS** the Council of the City of Parksville has not received a sufficient petition against the provision of business improvement area services as required under Section 213 of the *Community Charter*.

**AND WHEREAS** the Council of the City of Parksville has been notified the owners of certain properties in the downtown area of the City have formed the Parksville Downtown Business Association (the "Association") and the Association has submitted an application for a grant of money under Section 215 of the *Community Charter*.

**NOW THEREFORE** the Council of the City of Parksville 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 designated as a Business Improvement Area within the meaning of Section 215 of the *Community Charter* and shall be known as the Parksville Downtown Business Improvement Area.

**2. GRANT**

(1) Council is hereby empowered to grant to the Association for the term of this bylaw, money not exceeding the following amounts:

For the calendar year 2020 - \$180,000.00

For the calendar year 2021 - \$185,000.00

For the calendar year 2022 - \$190,000.00

For the calendar year 2023 - \$195,000.00

For the calendar year 2024 - \$200,000.00

(2) These monies shall be paid to the Association on or before the first day of August in each year.

- (3) An advance payment equal to 25% of the current year grant amount may be provided to the Association prior to Council approval of the annual budget for each of the years included in this bylaw.

The amount of the grant made following Council approval of an annual budget shall be adjusted to take into account any such advanced payment.

### **3. EXPENDITURE**

- (1) The money granted under Section 2 of this bylaw shall be expended only by the Association, only in accordance with the conditions and limitations set out in this bylaw and only for the following Business Promotion Scheme:
  - (a) Marketing and promotions, events, advertising, holiday lighting, communication with downtown business owners and tenants on issues and opportunities;
  - (b) Improving or beautifying sidewalks, public art structures, murals, seating areas, flowers and banners in the business improvement area;
  - (c) The removal of graffiti from buildings and other structures, creation or support of anti-litter and anti-vandalism projects in the business improvement area; and
  - (d) Encouraging business in the business improvement area.
- (2) The Association shall not incur any indebtedness or other obligations related to the Business Promotion Scheme beyond December 31, 2024.

### **4. RECOVERY OF FUNDS**

- (1) All of the money granted to the Association pursuant to this bylaw shall be recovered within the Business Improvement Area in the manner set out in this Section.
- (2) For the purpose of recovering the monies granted to the Association under this bylaw in any year in which a grant is made to the Association, there shall be levied annually on all land and improvements within the Business Improvement Area that fall or would fall within Class 5 or Class 6 of the *Assessments - Classes and Percentage Levels Regulation, BC Reg. 438/81*, excluding federal, provincial and municipal owned properties used for government purposes, a rate sufficient to raise the sums set out in Section 2 herein for that year. The levy shall be based on the assessed value of land and improvements for general municipal purposes.

### **5. CONDITIONS AND LIMITATIONS**

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

- (i) Submits an annual budget for approval by the Council no later than March 31<sup>st</sup> in each year, beginning in 2020 which outlines all revenues and expenditures related to the Business Promotion Scheme during that calendar year;
- (ii) Accounts for the money granted by Council for the previous calendar year, by submitting financial statements prepared by a professional accountant, at the same time as the annual budget is submitted under this section;
- (iii) 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.

**6. INSURANCE**

- (1) The Association shall provide and maintain Comprehensive General Liability Insurance acceptable to the City and subject to limits of not less than Five Million Dollars (\$5,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. The insurance shall cover any person employed directly or indirectly by the Association as well as any contractor or subcontractor hired by the Association.
- (2) The City shall be added as an additional named insured under the Comprehensive General Liability Insurance policy and shall be primary without any right of contribution from any insurance otherwise maintained by the City
- (3) The Association shall provide the City with a copy of the current Comprehensive General Liability Insurance policy prior to the City providing funding under Section 2 of this bylaw.
- (4) The Association's Comprehensive General Liability Insurance policy shall contain an endorsement requiring the City be provided with 30 days prior written notice of any change in the policy or its cancellation.

**7. INDEPENDENT ENTITY**

- (1) The Association is independent from the City of Parksville and shall bear all the responsibility for managing its own affairs; hiring its own employees; and paying all its own expenses, including all salaries, in accordance with the terms of this bylaw.
- (2) Employees of the Association are not employed by the City of Parksville and as such are not bound by or benefit from the terms and conditions set out in agreements made between the City of Parksville and its employees.
- (3) The Association will not in any manner whatsoever commit or purport to commit the City of Parksville to the payment of any money to any person, firm or corporation.

**8. MISCELLANEOUS**

- (1) This bylaw shall cease to have effect on the 31<sup>st</sup> day of December, 2024.
- (2) The Business Improvement Area created by this bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating, or completing necessary works or service for the merged area.

**9. CITATION**

This bylaw may be cited for all purposes as "Downtown Business Improvement Area Establishment Bylaw, 2019, No. 1556".

**READ A FIRST TIME** this 15<sup>th</sup> day of July, 2019

**READ A SECOND TIME** this 15<sup>th</sup> day of July, 2019

**READ A THIRD TIME** this 15<sup>th</sup> day of July, 2019

**RECONSIDERED AND FINALLY ADOPTED** this 4<sup>th</sup> day of September, 2019

Original signed by E. Mayne  
Mayor

Original signed by K. Kehler  
Corporate Officer

### Schedule "A" Parksville Downtown Business Improvement Area

