

CITY OF NANAIMO

BYLAW NO. 7339

A BYLAW TO CREATE A BUSINESS IMPROVEMENT AREA

WHEREAS a Council may, by majority vote, grant money to an applicant under Section 215 of the *Community Charter* 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 Sections 211(2) and 215 of the *Community Charter*;

AND WHEREAS Council has had an application for a grant of money under Section 215 of the *Community Charter*;

AND WHEREAS Council has not received a sufficient petition against in accordance with Section 213(4) of the *Community Charter*;

THEREFORE BE IT RESOLVED that the City of Nanaimo in open meeting assembled hereby enacts as follows:

1. Title

This Bylaw may be cited as “Old City Quarter Business Improvement Area Bylaw 2022 No. 7339”.

2. Definitions

In this Bylaw, unless the context otherwise requires:

| | |
|-----------------------------|---|
| “Applicant” | means the Old City Quarter Association (OCQA). |
| “Business Improvement Area” | means the tract of land shaded on “Schedule A” attached hereto and forming part of this bylaw. |
| “Business Promotion Scheme” | means: <ul style="list-style-type: none">(a) carrying out studies or making reports respecting one or more areas in the municipality where business or commerce is carried on,(b) improving, beautifying or maintaining streets, sidewalks or municipally owned land, buildings or other structures in one or more business improvement areas, |

- (c) the removal of graffiti from buildings and other structures in one or more business improvement areas,
- (d) conserving heritage property in one or more business improvement areas, and
- (e) encouraging business in one or more business improvement areas,
- (f) marketing, promotions and special events: advertising expenses, design and production of marketing materials, special event development and production, volunteer management, and target market research.
- (g) administrative costs to a maximum of 25%

“City”

means the City of Nanaimo.

“Council”

means the Council of the City.

“Parcel”

means all properties within the boundaries of the Business Improvement Area that are taxable for General Municipal Purposes that fall or would fall within Class 5 or 6 of the Prescribed Classes of Property Regulation BC Reg. 438/81.

3. Grant

- 3.1 The maximum amount of money to be granted to the *Applicant* under this Bylaw pursuant to Section 215 of the *Community Charter* is as follows:

| | |
|---------------|-------------|
| Year 1 (2022) | \$50,000.00 |
| Year 2 (2023) | \$51,250.00 |
| Year 3 (2024) | \$52,531.25 |
| Year 4 (2025) | \$53,844.53 |
| Year 5 (2026) | \$55,190.64 |

subject to adjustment under Subsection 3.3.

- 3.2 The *City* shall grant to the *Applicant* the money on or before the 15th day of July in the applicable year.
- 3.3 The *City* may deduct an administration fee of One Thousand Two Hundred and Fifty Dollars (\$1,250.00) in 2022 from the amount otherwise paid by way of grant to the *Applicant* for that year.

4. Expenditure

4.1 The money granted under Section 215 of the *Community Charter* pursuant to this Bylaw shall be expended only:

4.1.1 by the *Applicant*;

4.1.2 in accordance with the conditions and limitations set out in this Bylaw;

4.1.3 for the *Business Promotion Scheme* described in the definitions section of this Bylaw;

5. Cost Recovery

All of the costs of the service established pursuant to this Bylaw shall be recovered within the Business Improvement Area from the owners of the land within that area by a local area service tax imposed and calculated in accordance with Section 7.

6. Local Service Tax

6.1 For the purpose of recovering the costs of the service established under this Bylaw, *Council* hereby levies and imposes each year within the Business Improvement Area pursuant to Section 216(2) of the *Community Charter* a local area service tax which shall yield a sum sufficient to raise the amounts specified for each year as set out in section 4.1 as follows:

6.1.1 For the calendar year 2022, each parcel shall be assessed a tax of \$270.72 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,497.15 per parcel;

6.1.2 For the calendar year 2023, each parcel shall be assessed a tax of \$273.43 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,562.12 per parcel;

6.1.3 For the calendar year 2024, each parcel shall be assessed a tax of \$276.16 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,627.74 per parcel;

6.1.4 For the calendar year 2025, each parcel shall be assessed a tax of \$278.92 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,694.02 per parcel;

6.1.5 For the calendar year 2026, each parcel shall be assessed a tax of \$281.71 plus an amount based on that part of the assessed value over \$275,000 to a maximum of \$6,760.96 per parcel.

7. Conditions and Limitations

- 7.1 The *Applicant* shall submit an annual budget for the approval of the *City* and, notwithstanding anything in this Bylaw; no payments shall be made unless the budget submitted is within the amounts established by this Bylaw.
- 7.2 The annual budget of the *Applicant* shall be submitted on or before the first day of June in each year of the *Business Promotion Scheme*.
- 7.3 The *Applicant* shall submit a monthly financial statement by the 15th day of each following month.
- 7.4 The *Applicant* shall cause its financial statements to be compiled by a qualified accountant and shall include a Balance Sheet and a Statement of Revenue and Expenditure. At any time, the *City* may request that the financial statements are reviewed or audited by a qualified accountant, to ensure that the expenditures of the *Applicant* in relation to the *Business Promotion Scheme* comply with this Bylaw.
- 7.5 The *Applicant* shall submit its annual financial statements to *City* on or before the first day of July in each year.
- 7.6 The *Applicant* is an agency independent from the *City* and it shall be solely responsible for managing its own affairs and for hiring, compensating, training and providing direction to its own employees.
- 7.7 The *Applicant* shall pay all expenses in connection with its operation, including, but not limiting the generality of the foregoing, salaries of administration and support staff, rent, stationery, telephone and postage, taxes, electricity, heat and other utility charges, and all other office expenses from the amount received by way of grant under this Bylaw, or from other revenues of the *Applicant*.
- 7.8 The *Applicant* will not in any manner whatsoever commit or purport to commit the *City* to the payment of any money to any person, firm or corporation.

8. Insurance

- 8.1 The *Applicant* shall at all times carry a policy of Comprehensive General Liability insurance in the amount of no 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 anyone employed directly or indirectly by the *Applicant* as well as any contractor hired by the *Applicant* and its subcontractors.
- 8.2 The *City* shall be added as an additional named insured and the policy will contain a cross coverage provision, and an endorsement to provide that the policy shall not be cancelled, lapsed or materially altered without giving thirty (30) days' notice in writing to the *City*.

- 8.3 The cost of insurance shall be paid by the *Applicant*.
- 8.4 The *Applicant* shall provide the *City* with a copy of its Comprehensive General Liability Insurance policy prior to the *City* providing funding under Section 4 of this Bylaw.
- 8.5 The *Applicant's* Comprehensive General Liability Insurance policy shall contain an endorsement to provide the *City* within 30 days written notice of change or cancellation of the policy.

9. Expiration Date

This Bylaw shall cease to have effect after 2026-DEC-31.

10. Merging of Business Improvement Areas

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 services for the merged area.

PASSED FIRST READING: 2022-FEB-07
PASSED SECOND READING: 2022-FEB-07
PASSED THIRD READING: 2022-FEB-07

Notice of intention to proceed with this Bylaw was published on this 16th day of February, 2022 and the 23rd day of February, 2022 in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo pursuant to Section 94 of the *Community Charter*.

CORPORATE OFFICER CERTIFICATE OF SUFFICIENCY RECEIVED: 2022-APR-11

ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

