

**CITY OF PRINCE GEORGE**

**BYLAW NO. 7531**

**A BYLAW TO ESTABLISH A BUSINESS IMPROVEMENT AREA**

**WHEREAS** Section 651.1 (3) of the Local Government Act provides Council with the authority to designate, by bylaw, a business area as a business improvement area;

**AND WHEREAS** the Council may levy and impose within such business improvement area a rate on land and improvements that fall or would fall within Class 5 or 6 of the Assessments – Classes and Percentage Levels Regulation, B.C. Reg. 438/81, as that regulation stood on January 8, 1988;

**AND WHEREAS** the Council intends to grant the monies raised by such levy to the Prince George Downtown Business Improvement Association for a business promotion scheme;

**AND WHEREAS** the Prince George Downtown Business Improvement Association has requested that the Council proceed with this Bylaw to establish a business improvement area for a five (5) year period;

**AND WHEREAS** the Council proposes to establish the business improvement area on its own initiative, and notice of this intention has been given in accordance with the provisions of the Local Government Act;

**AND WHEREAS** the Council has not received a Petition from the owners of the parcels liable to be specially charged pursuant to this Bylaw sufficient to prevent it from establishing said business improvement area;

**NOW THEREFORE** the Council of the City of Prince George, in open meeting assembled, **ENACTS AS FOLLOWS:**

**1. DESIGNATION OF BUSINESS IMPROVEMENT AREA**

That area of the City of Prince George, and the land and improvements, within an area encompassed by First Avenue as the North boundary, Queensway Street as the East boundary, Seventh Avenue as the South boundary, and Victoria Street as the West Boundary, shown outlined in dashed line on Appendix "A", which Appendix is attached to, and forms a part of, this Bylaw, is designated as a Business Improvement Area (BIA) pursuant to section 651 (3) (a) of the Local Government Act.

The aforementioned Business Improvement Area shall be known as the "Downtown Business Improvement Area".

## 2. GRANT

All money raised pursuant to this Bylaw will be granted to the Prince George Downtown Business Improvement Association (incorporated as a Society under number S40023), of 440 Brunswick Street, Prince George, British Columbia, V2L 2B6.

The maximum amount of money that may be granted to the Prince George Downtown Business Improvement Association (the "Association") pursuant to this Bylaw in any calendar year is the amount generated by a tax rate of not more than \$1.70 per \$1000 of assessed value of land and improvements, or the amount of \$175,000, whichever is the lesser.

Money raised pursuant to this Bylaw shall be paid to the Association on or before the first day of August in each year during the period that this Bylaw is in effect.

## 3. EXPENDITURE

All money granted pursuant to this Bylaw must be expended only:

1. by the Association; and
2. for the purposes of a business promotion scheme which may include:
  - 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 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.

## 4. BUDGET AND ACCOUNTING

As a condition of the City paying funds to the Association pursuant to section 2 of this Bylaw, the Association must, on or before the first day of March in each year from 2004 to 2008 inclusive, submit to Council a budget and the Financial Statements required by this Bylaw.

## 5. RECOVERY AND TAX RATE

There shall be levied and imposed within the business improvement area a tax rate on land and improvements that fall or would fall within Class 5 or 6 of the Assessments – Classes and Percentage Levels Regulation, B.C. Reg. 438/81, as that regulation stood on January 8, 1988, of not more than \$1.70 per \$1000 of assessed value, provided that the maximum amount that may be granted to the Association in any calendar year pursuant to this Bylaw shall not exceed \$175,000.

All money paid to the Association, pursuant to this Bylaw, shall be recovered from the owners of land and improvements within the Downtown Business Improvement Area.

## **6. FINANCIAL STATEMENTS**

The Association shall prepare, and submit to the Council, by March 1 in each year during the period that this Bylaw is in effect the Association's audited financial statements to the previous financial year end of the Association. The audited financial statements shall include: the auditor's report; the notes thereto and supporting schedules, consisting of statements of income and retained earnings and cash flow; a balance sheet; and other related statements and information that may be required in accordance with Canadian generally accepted auditing standards applied on a basis consistent with that of the previous year.

The Association shall appoint an auditor, having the qualifications set out in section 331 (2) of the Local Government Act, to audit the accounts and transactions of the Association in each year during the period that this Bylaw is in effect.

The auditor shall make an examination that enables the auditor to report to the Council in the manner set forth in section 331.3 (3) and (4) of the Local Government Act, and the Association shall give to the auditor the rights of access to the Association's records, and the rights to require information and explanations set forth in section 331.4 (1) and (2) (b) and (c) of the Local Government Act.

## **7. INSURANCE**

The Association shall provide and maintain Comprehensive General Liability Insurance acceptable to the City of Prince George and subject to the 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 Association, any volunteers acting on behalf of the Association, as well as any contractor or subcontractor hired by the Association.

The City of Prince George shall be added as an additional named insured under the aforementioned Comprehensive General Liability Insurance policy.

The Association shall provide the City of Prince George with a Certificate of Insurance for its Comprehensive General Liability insurance policy each year as a condition of the City paying funds to the Association pursuant to section 2 of this Bylaw.

The Association's Comprehensive General Liability insurance policy shall contain an endorsement to provide the City with 30 days prior written notice of change or cancellation of the policy. Any such prior notice shall be addressed to the City Clerk.

**8. EFFECTIVE DATE AND TERM**

This Bylaw shall come into full force and effect at 12:00 am on January 1, 2004, and shall cease to have effect at midnight on December 31, 2008.

**9. TITLE**

This Bylaw may be cited as the "Downtown Business Improvement Area Bylaw No. 7531, 2003".

READ A FIRST TIME THIS THE 8<sup>th</sup> DAY OF *September*, 2003.

READ A SECOND TIME THIS THE 8<sup>th</sup> DAY OF *September*, 2003.

READ A THIRD TIME THIS THE 8<sup>th</sup> DAY OF *September*, 2003.

All three readings passed by a *unanimous* decision of members of Council present and eligible to vote.

ADOPTED THIS THE *3rd* DAY OF *November*, 2003 BY A *unanimous* DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK



 DBIA Boundary  
 Parcel Boundary

**Downtown Business Improvement Area**  
**Appendix "A" to Bylaw No. 7531**