

CITY OF PRINCE GEORGE
BYLAW NO. 8929

A Bylaw of the City of Prince George to establish a Business Improvement Area.

WHEREAS Sections 210, 211 and 215 of the *Community Charter* provides Council with the authority to designate, by bylaw, a business improvement area;

AND WHEREAS Council may levy and impose within such business improvement area a local service tax on land and improvements that are classified as Class 5 [*light industry*] or 6 [*business and other*] property class under the *Prescribed Classes of Property Regulation* (B.C. Reg. 438/81);

AND WHEREAS Council intends to grant the monies raised by such local service tax to the Prince George Downtown Business Improvement Association for the purposes of a business promotion scheme as defined in Section 215 of the *Community Charter*;

AND WHEREAS the Prince George Downtown Business Improvement Association has requested that Council proceed to establish a business improvement area for a seven (7) year term as set out in this Bylaw, on Council's own initiative - subject to petition against, pursuant to Section 213 of the *Community Charter*;

AND WHEREAS notice of the intention to establish the business improvement area has been given in accordance with the provisions of the *Community Charter*;

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

1. INTERPRETATION

1.1 In this bylaw:

- (a) "Association" means the Prince George Downtown Business Improvement Association, a society incorporated pursuant to the *Society Act* under incorporation number S40023;
- (b) "Business Promotion Scheme" as referred to in Section 215(1) of the *Community Charter*, means:
 - (i) carrying out studies or making reports respecting an area within the Downtown Business Improvement Area;
 - (ii) the improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in the Downtown Business Improvement Area;
 - (iii) the conservation of heritage property in the Downtown Business Improvement Area; and
 - (iv) the encouragement of business in the Downtown Business Improvement Area;
- (c) "Council" means the municipal council of the City of Prince George;

- (d) "Downtown Business Improvement Area" means that area of the City of Prince George designated by section 2.1 of this Bylaw as a business improvement area;
- (e) "Proportional Share" means the amount equal to a Taxable Property's total net taxable value appearing on the assessment roll, divided by the sum total net taxable value of all Taxable Property within the Downtown Business Improvement Area, multiplied by the total amount granted to the Association for the applicable year;
- (f) "Taxable Property" means land or improvements, or both, that are listed in the assessment roll, classified as Class 5 [*light industry*] or 6 [*business and other*] property class under the Prescribed Classes of Property Regulation (B.C. Reg. 438/81), and that are not exempt from paying municipal property taxes under the *Community Charter*.

1.2 Unless otherwise defined herein, all phrases in this Bylaw shall have the meaning given to them in the *Community Charter* and the *Local Government Act*.

2. DESIGNATION OF BUSINESS IMPROVEMENT AREA

2.1 Council hereby designates the area outlined by a dashed line and described as "Downtown Prince George Business Improvement Area Boundary" on Appendix "A" attached to, and forming part of, this Bylaw, as a business improvement area for a term commencing on April 1, 2018, and ending on March 31, 2025.

3. GRANT TO ASSOCIATION

3.1 Council hereby establishes a business improvement area service in respect of the Downtown Business Improvement Area.

3.2 Subject to the terms and conditions of this Bylaw, Council hereby approves a grant to the Association as follows:

- (a) a grant not to exceed \$300,000 in respect of the first year of the term (April 1, 2018 to March 31, 2019);
- (b) a grant not to exceed \$309,000 in respect of the second year of the term (April 1, 2019 to March 31, 2020);
- (c) a grant not to exceed \$318,270 in respect of the third year of the term (April 1, 2020 to March 31, 2021);
- (d) a grant not to exceed \$327,818 in respect of the fourth year of the term (April 1, 2021 to March 31, 2022);
- (e) a grant not to exceed \$337,653 in respect of the fifth year of the term (April 1, 2022 to March 31, 2023);
- (g) a grant not to exceed \$347,782 in respect of the sixth year of the term (April 1, 2023 to March 31, 2024); and
- (h) a grant not to exceed \$358,216 in respect of the seventh year of the term (April 1, 2024 to March 31, 2025).

3.3 All money granted to the Association must be expended only by the Association for the sole purpose of its Business Promotion Scheme in accordance with the conditions and limitations set out in this Bylaw.

3.4 Money granted under this Bylaw shall be paid to the Association on or before August 1st in each year during the term that this Bylaw is in effect.

4. LOCAL SERVICE TAX

4.1 The full amount of all grants paid to the Association under this Bylaw shall be recovered by means of a local service tax imposed on the owners of Taxable Property within the Downtown Business Improvement Area.

4.2 Each Taxable Property within the Downtown Business Improvement Area shall be taxed annually for its Proportional Share of the amount granted to the Association for the applicable year, up to a maximum annual tax of \$12,500.

4.3 If the Proportional Share of any Taxable Property within the Downtown Business Improvement Area is calculated to be greater than \$12,500, then the amount exceeding \$12,500 shall be allocated proportionally between the owners of the remaining Taxable Properties within the Downtown Business Improvement Area and shall be recovered from such owners accordingly.

5. BUDGET, ACCOUNTING AND AUDITED FINANCIAL STATEMENTS

5.1 As a condition of the Association receiving a grant under this Bylaw, the Association must:

- (a) appoint an auditor having the qualifications set out in section 169(2) of the *Community Charter* to audit the accounts and transactions of the Association in each year during the period that this Bylaw is in effect;
- (b) cause its auditor to perform an examination that enables the auditor to prepare audited financial statements of the Association and report to Council in the manner set forth in section 171(2) of the *Community Charter*, and the Association shall provide its auditor the right to access all the Association's records for such purpose;
- (c) by June 30th in each year from 2018 to 2025 inclusive, submit to Council the Association's audited financial statements for the previous financial year end of the Association, including: 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 accounting principles applied on a basis consistent with that of the previous year; and
- (d) by June 30th in each year from 2018 to 2025 inclusive, submit to Council for approval, a budget for the purpose of the Business Promotion Scheme based on a fiscal year commencing January 1st, which contains sufficient detailed information to describe all anticipated expenses and revenues of the Association.

6. INSURANCE

- 6.1 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 FIVE MILLION DOLLARS (\$5,000,000.00) 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.
- 6.2 The City of Prince George shall be added as an additional named insured under the Association's Comprehensive General Liability Insurance policy.
- 6.3 The Association's Comprehensive General Liability Insurance policy shall contain an endorsement to provide the City of Prince George with 30 days prior written notice of change or cancellation of the policy. Any such prior notice shall be addressed to the Corporate Officer of the City of Prince George.
- 6.4 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 any money to the Association pursuant to this Bylaw.

7. EFFECTIVE DATE AND TERM

- 7.1 This Bylaw shall come into full force and effect on April 1, 2018, and shall cease to have effect at midnight on March 31, 2025.

8. TITLE

- 8.1 This Bylaw may be cited as the "City of Prince George Downtown Business Improvement Area Bylaw No. 8929, 2018".

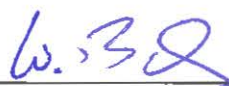
READ A FIRST TIME THIS 22nd DAY OF JANUARY , 2018.

READ A SECOND TIME THIS 22nd DAY OF JANUARY , 2018.

READ A THIRD TIME THIS 22nd DAY OF JANUARY , 2018.

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

Certified correct as passed Third Reading, this 24th day of January , 2018.

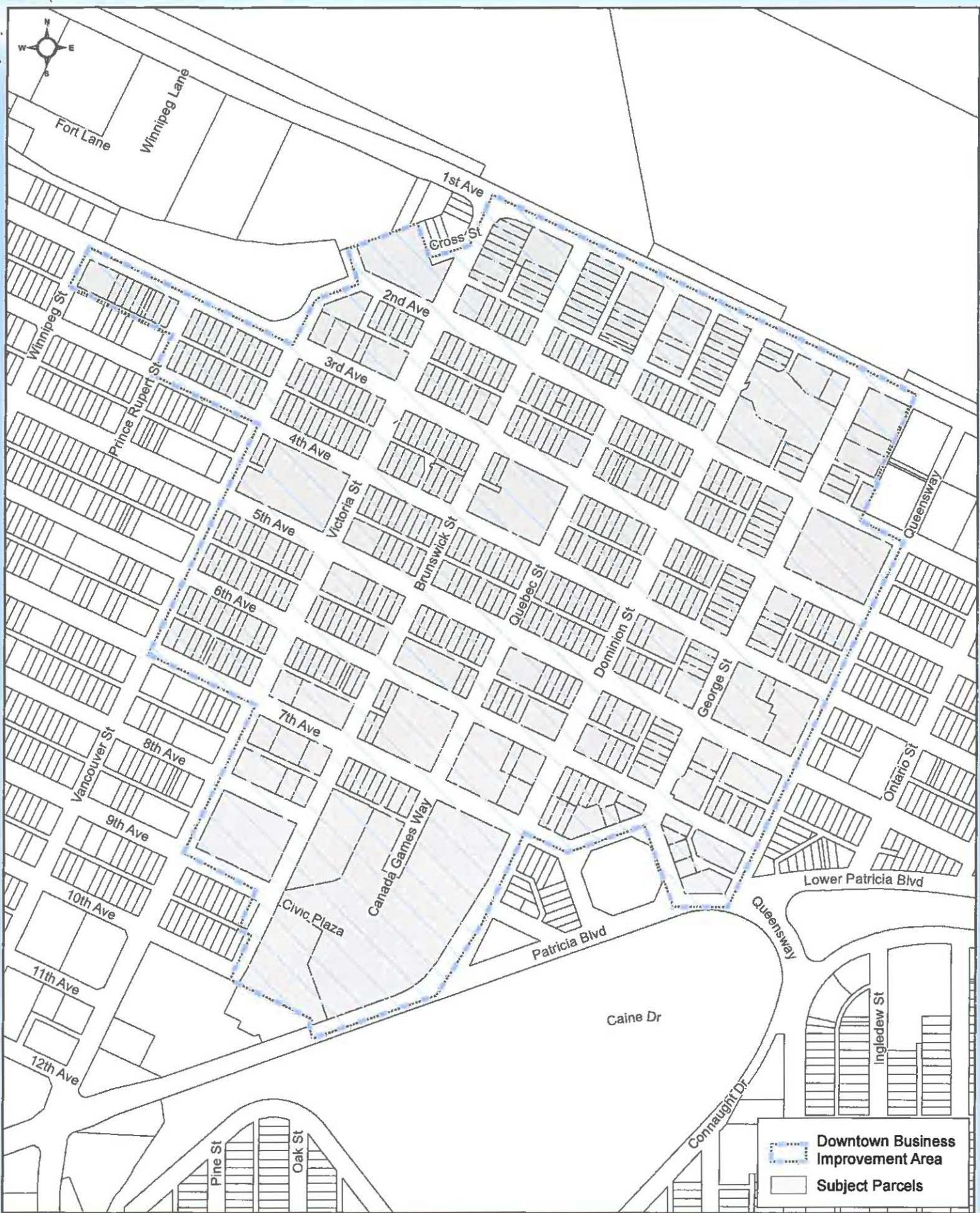

CORPORATE OFFICER OF
THE CITY OF PRINCE GEORGE


ADOPTED THIS 12th
BY A UNANIMOUS
PRESENT AND ELIGIBLE TO VOTE.


DAY OF MARCH , 2018,
DECISION OF ALL MEMBERS OF CITY COUNCIL


MAYOR


CORPORATE OFFICER



 Downtown Business Improvement Area

 Subject Parcels



Coordinate System: NAD 1983 UTM Zone 10N
 Projection: Transverse Mercator
 Datum: North American 1983

1:5500

Appendix "A" to Bylaw No. 8929, 2018



CITY OF PRINCE GEORGE