

CITY OF DUNCAN

BYLAW NO. 3173, 2017

A BYLAW TO ESTABLISH BUSINESS IMPROVEMENT FEE STRUCTURE ONE AREA WITHIN THE CITY OF DUNCAN

WHEREAS a City Council may, pursuant to the *Community Charter*, grant money to an applicant that has as one of its aims, functions and purposes, the planning and implementation of a Business Promotion Scheme;

AND WHEREAS, Council has previously adopted a Business Improvement Core Area Bylaw, that being Bylaw 3068, which will expire on December 31, 2017;

AND WHEREAS Council, at the request of the Downtown Duncan Business Improvement Area Society, wishes to renew the Business Improvement Fee Structure One (formerly "Fringe") Area;

NOW THEREFORE the Council of the City of Duncan enacts as follows:

1. CITATION

- 1.1. This Bylaw may be cited for all purposes as the City of Duncan "Business Improvement Fee Structure One Area Bylaw No. 3173, 2017".

2. DEFINITIONS

For the purpose of this Bylaw:

"Applicant" means the Downtown Duncan Business Improvement Area Society.

"Business Improvement Fee Structure One Area" means the area of the *City* designated on Schedule "A" attached hereto and forming part of this Bylaw.

"Business Promotion Scheme" means:

- 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;
including but not limited to:

- overseeing the improvement, beautification and maintenance in the area beyond that generally provided at the expense of the *City*;
- promoting the area as a vibrant business, shopping and service area;
- promoting community economic development within the member businesses and shopping area; or
- attracting people to the area by hosting events and activities.

“City” means the City of Duncan.

“City Council” means the Council of the City of Duncan.

“Taxable Class 6 Properties” means properties that are taxable for General Municipal Purposes that fall or would fall within Class 6 of the Prescribed Classes of Property Regulation, B.C. Reg. 438/81.

3. GRANT

3.1. *City Council* hereby designates for a term of five (5) years those lands shown in colour on Schedule “A” attached hereto and forming part of this Bylaw and being the *Business Improvement Fee Schedule One Area*.

3.2. The amount of money to be granted under this Bylaw to the *Applicant* shall not exceed:

Year 1 - 2018 \$102,500
Year 2 - 2019 \$105,000
Year 3 - 2020 \$107,500
Year 4 - 2021 \$110,000
Year 5 - 2022 \$112,500

3.3. The money shall be paid to the *Applicant* on or before the 1st day of August in the applicable year.

4. EXPENDITURE

4.1. Monies granted to the *Applicant* under the *Community Charter* pursuant to this Bylaw must be expended only by the Applicant and in accordance with the conditions and limitations set out in this Bylaw for the planning and implementation of the *Business Promotion Scheme*.

5. COST RECOVERY

- 5.1. All of the money granted to the *Applicant* in Section 3 must be recovered from the owners of *Taxable Class 6 Properties* within the *Business Improvement Fee Structure One Area*.
- 5.2. For the purpose of recovering the monies granted to the *Applicant* under this Bylaw in any year in which a grant is made to the Applicant, there shall be levied and imposed in each year a property value tax on the land and improvements of all *Taxable Class 6 Properties* within the *Business Improvement Fee Structure One Area* a rate sufficient to raise the sum set out in Section 3 herein for that year.

6. CONDITIONS AND LIMITATIONS

- 6.1. No payments shall be made unless the payments are within the amounts set out in the budget approved by *City Council*.
- 6.2. 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.
- 6.3. The Business Improvement Area created by this Bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purposes of providing, consolidating or completing necessary works or services for the merged area.

7. INSURANCE

- 7.1. The *Applicant* shall at all times carry a policy of comprehensive general liability insurance in the amount of Two Million Dollars (\$2,000,000) with the *City* added as an additional named insured and containing a cross coverage provision, and such policy shall also contain 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. SEVERABILITY

- 8.1. If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of the bylaw.

9. EFFECTIVE DATE

- 9.1. This Bylaw shall come into effect on January 1, 2018.

10. EXPIRATION DATE

- 10.1. This Bylaw shall be in effect until December 31, 2022.

PASSED FIRST READING 2017-SEPTEMBER-18
PASSED SECOND READING 2017-SEPTEMBER-18
PASSED THIRD READING 2017-SEPTEMBER-18

Notice of intention to proceed with this bylaw was published in the Cowichan Valley Citizen on September 22, 2017 and September 27, 2017, pursuant to Section 94 of the *Community Charter*.

PETITION AGAINST WAS CONDUCTED

ADOPTED

Phil Kent, Mayor

Paige MacWilliam,
Director of Corporate Services

SCHEDULE A
CITY OF DUNCAN
BUSINESS IMPROVEMENT FEE STRUCTURE ONE AREA

