

Attachment #3

DBIA Bylaw (Primary)

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO.8288, 2021

A Bylaw to establish a Business Improvement Area Service

WHEREAS a Council may, by majority vote, grant money to an applicant for the purpose of planning and implementing a Business Promotion Scheme pursuant to Section 215(2) of the *Community Charter*;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a bylaw as required by Section 215(5) of the *Community Charter*;

AND WHEREAS the Council has received a request from the Downtown New Westminster Business Improvement Society to establish a Business Improvement Area to enable that Society to undertake certain works and services and to encourage and promote business within that area;

AND WHEREAS the Council may impose a property value tax to be borne by the owners of real property within a Business Improvement Area in accordance with Section 216(1)(a) of the *Community Charter*;

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminster ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Downtown New Westminster Business Improvement Area (Primary Area) Bylaw No. 8288, 2021".

Definitions

2. In this Bylaw:

"Applicant" means the Downtown New Westminster Business Improvement Society;

"Business Improvement Area" means a business improvement area pursuant to Section 215(1) of the *Community Charter*;

"City" means the Corporation of the City of New Westminster;

"Council" means the Council of the Corporation of the City of New Westminster;

“Downtown New Westminster Business Improvement Area (Primary Area)” means those lands and improvements within the area shown outlined in heavy black on the map attached and forming part of this bylaw;

“Fiscal Year” means the time period from January 01 to the following December 31.

Establishment

3. Council hereby establishes a business improvement area service for the purpose of providing grants under section 215(2) of the *Community Charter*.

Designation of Area

4. The Downtown New Westminster Business Improvement Area (Primary Area) is hereby designated as a Business Improvement Area.

Grant

5. Following adoption of this Bylaw, the Council may, by majority vote in each year, grant to the applicant amounts not exceeding \$161,912.41 for 2022, \$166,769.78 for 2023, \$171,772.87 for 2024 and \$176,926.06 for 2025, in aggregate an amount not exceeding \$677,381.12 for the term of this bylaw.

Expenditures

6. The money granted pursuant to this Bylaw shall be expended only:
 - a) by the applicant acting in accordance with and subject to the conditions and limitations set out in this Bylaw; and
 - b) for the Business Promotion Scheme set out in Schedule “B” of this Bylaw in relation to the Downtown New Westminster Business Improvement Area (Primary Area).

Budget

7. The applicant shall submit a budget for approval by Council on or before October 15 prior to each fiscal year in the form attached to and forming part of this Bylaw as Schedule “C” for the purpose of implementing the Business Promotion Scheme.

Accounting

8. a) The applicant shall provide Review Engagement financial statements no later than March 15 accounting for all money granted and approved by Council during the previous fiscal year.
- b) The City shall have access to the accounts and records of the applicant for the purpose of inspection, verification or audit on the basis of providing the applicant with twenty-four hours written notice of its intentions and requirements.

Recovery

9. All of the money granted to the applicant pursuant to section 5 of this Bylaw shall be recovered by a property tax under section 216(1)(a) of the *Community Charter* imposed against all land and improvements within the Downtown New Westminster Business Improvement Area (Primary Area) that are classified as Class 5 [light industry] and Class 6 [business and other].

Indebtedness

10. a) The applicant shall not incur any indebtedness or other obligations beyond each budget year, unless prior written approval is given by the City.
- b) For the term of this Bylaw, the applicant shall continue to maintain its status as a non-profit society in good standing pursuant to the Society Act.

Insurance

11. The applicant shall take out and maintain insurance and shall provide to the City a copy of its insurance policy insuring the applicant in accordance with the specifications set out in Schedule "D" of this Bylaw.

Term of Bylaw

12. This Bylaw shall take effect on January 1, 2022 and shall cease to have effect after December 31, 2025.

WHEN THE BYLAWS ARE REVISED, the readings section needs to be changed so that it says:

Given three readings this _____ day of _____, 2021

Third reading repealed this _____ day of _____, 2021

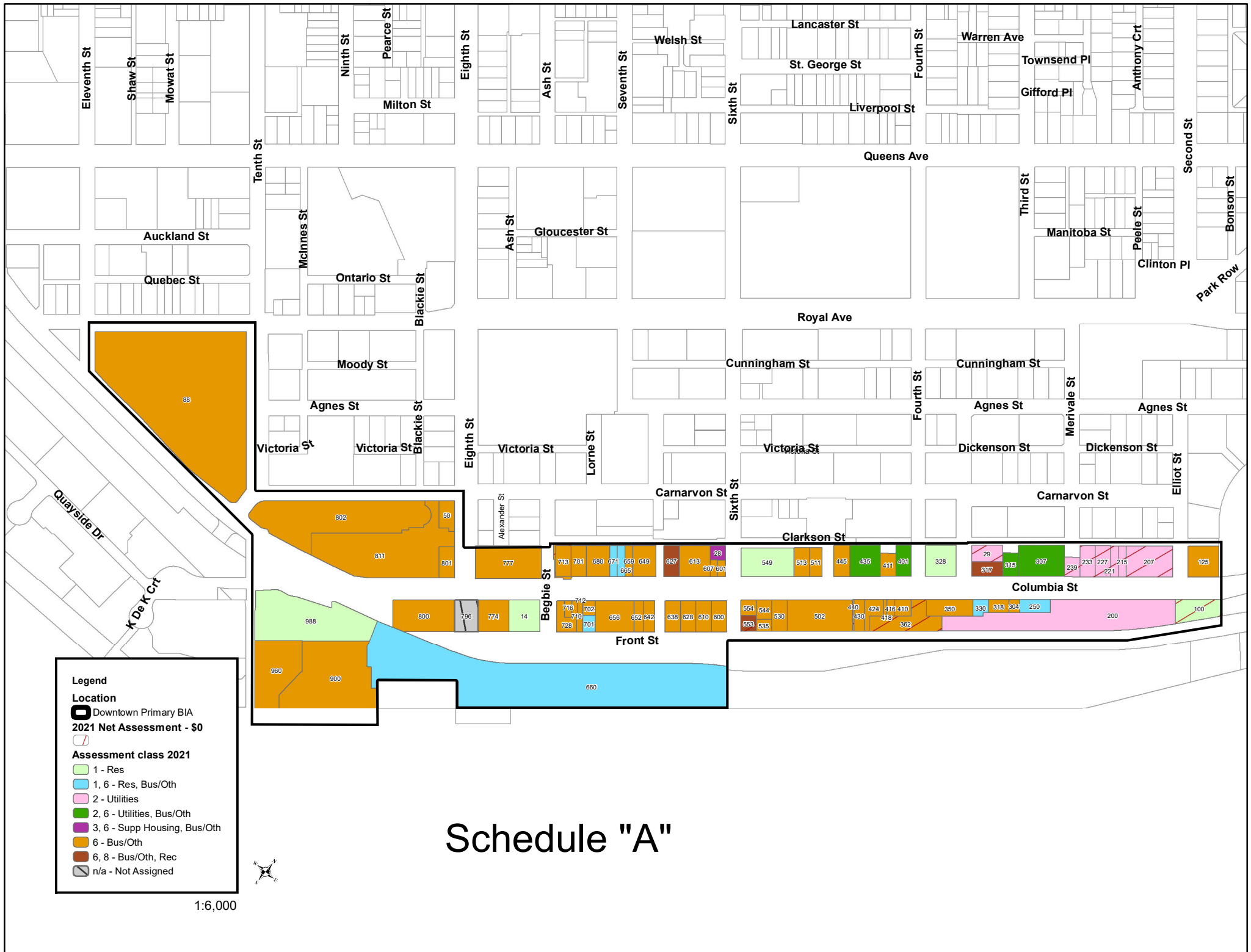
Bylaw amended this _____ day of _____, 2021

Given third reading as amended this _____ day of _____, 2021

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this
day of 2022.

Jonathan Cote MAYOR

Jacque Killawee CITY CLERK



Schedule "A"

SCHEDULE "B"

BUSINESS PROMOTION SCHEME

The Business Promotion Scheme to be undertaken by the Downtown New Westminster Business Improvement Society pursuant to the provisions of this Bylaw shall include the following activities:

1. the encouragement of business in the Business Improvement Area in order to complement and expand the present business mix;
2. the strengthening of businesses in the Business Improvement Area by undertaking beautification projects and promotional initiatives including special events and by advertising and promoting existing businesses;
3. the carrying out of research and the preparation of reports including measures to enhance the economic vitality of the Business Improvement Area; and
4. the improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in the Business Improvement Area.

SCHEDULE "C"

BUDGET FORMAT OUTLINE

DOWNTOWN NEW WESTMINSTER BUSINESS IMPROVEMENT SOCIETY

The projects and activities of the Downtown New Westminster Improvement Society can be described or classified into five categories.

1. BUSINESS RECRUITMENT AND BUSINESS DEVELOPMENT

Business recruitment and business development will concentrate on attracting new businesses to the downtown and informing or educating existing businesses. This will include a method for providing new businesses and property owners with assistance regarding municipal standards and business information.

Business seminars will offer assistance to existing businesses in the downtown to help them become more competitive. Seminars will include topics such as Advertising and Promotions, Merchandising and Product Mix, Knowing your Customers, What Your Windows say about your Business, etc...

2. PROMOTION AND ADVERTISING

Promotions and advertising will concentrate primarily on attracting new and old customers to our downtown. Special events and activities for the first year will emphasize the fact that our downtown is changing and there are many reasons to return to the downtown - watch our progress.

3. BEAUTIFICATION AND SEASONAL ITEMS

Seasonal items and beautification concentrate primarily on giving our area a distinct look or identification from the rest of the City. These items are used to make the downtown look attractive and bustling. Examples of such items are street banners, flags or pennants for Canada Day, Christmas lights for all the store windows, cedar boughs, and murals. The majority of these items can be used year after year and

4. ADMINISTRATION AND OVERHEAD

The administration and overhead portion of the budget includes all costs of running the BIA such as office costs and related expenses. Staffing includes all aspects of planning and carrying out the BIA activities.

5. MAINTENANCE

Maintenance involves the extra effort which should be made by the BIA to keep the downtown looking neat, clean and attractive. Examples include a spring clean up, and sign removal.

SCHEDULE "C"

DOWNTOWN NEW WESTMINSTER BUSINESS IMPROVEMENT SOCIETY

20 _ BUDGET FORMAT OUTLINE

REVENUE

Balance from Previous Year \$ _____

Municipal Levies \$ _____

Government Grants: \$ _____

Federal \$ _____

Provincial \$ _____

Municipal \$ _____

Interest \$ _____

Other (specify) \$ _____

TOTAL REVENUE \$ _____

SCHEDULE "C"

DOWNTOWN NEW WESTMINSTER BUSINESS IMPROVEMENT SOCIETY

20 _ BUDGET FORMAT OUTLINE

EXPENDITURES

1) BUSINESS RECRUITMENT AND BUSINESS DEVELOPMENT: (Specify projects)

A _____ \$ _____

B _____ \$ _____

C _____ \$ _____

D _____ \$ _____

E _____ \$ _____

2) PROMOTION AND ADVERTISING

A _____ \$ _____

B _____ \$ _____

C _____ \$ _____

D _____ \$ _____

E _____ \$ _____

3) BEAUTIFICATION AND SEASONAL ITEMS

A _____ \$ _____

B _____ \$ _____

C _____ \$ _____

D _____ \$ _____

E _____ \$ _____

4) ADMINISTRATION AND OVERHEAD

A _____ \$ _____

B _____ \$ _____

C _____ \$ _____

D _____ \$ _____

E _____ \$ _____

5) MAINTENANCE

A _____ \$ _____

B _____ \$ _____

C _____ \$ _____

D _____ \$ _____

E _____ \$ _____

TOTAL EXPENDITURES

\$ _____

SCHEDULE "D"

INSURANCE SPECIFICATIONS

1. The applicant shall provide and maintain Comprehensive General Liability insurance acceptable to the City and subject to 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 applicant as well as any contractor or subcontractors hired by the applicant.
2. The City shall be added as an additional named insured under the Comprehensive General Liability.
3. 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.
4. The applicant's Comprehensive General Liability policy shall contain an endorsement to provide the City with 30 days written notice of change or cancellation.