

CITY OF TERRACE

BYLAW NO. 1982 – 2011

"A BYLAW OF THE CITY OF TERRACE TO ESTABLISH A BUSINESS IMPROVEMENT AREA."

WHEREAS under the provisions of Section 215 of the Community Charter, the Municipal Council of the City of Terrace may, by bylaw, establish a local area service to be designated a business improvement area;

AND WHEREAS 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 Proscribed Classes of Property Regulation, B.C. Reg. 438/81, as amended to December 6, 2010;

AND WHEREAS Council intends to grant the monies raised by such levy to the Terrace Downtown Improvement Area Society for carrying out a business promotion scheme;

AND WHEREAS Terrace Downtown Improvement Area Society has requested that the Council proceed with this Bylaw to establish a business improvement area for a five (5) year period;

AND WHEREAS 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 Community Charter;

AND WHEREAS 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 Municipal Council of the City of Terrace, in open meeting assembled, hereby enacts as follows:

1.0 This Bylaw may be cited, for all purposes, as the "**City of Terrace Business Improvement Area Bylaw No. 1982 – 2011**"

2.0 In this Bylaw:

"Business Improvement Area" means the area designated and shown in bold outline on Schedule 'A' attached to and forming part of this Bylaw;

"City" means the City of Terrace;

"Council" means the Council of the City of Terrace;

“Parcel” has the same meaning as in the Community Charter and, for the purposes of this Bylaw, means a parcel situated within the Business Improvement Area;

“Schedule” means a schedule attached to this Bylaw;

“Society” means the Terrace Downtown Improvement Area Society.

- 3.0 All money raised pursuant to this Bylaw will be granted to the Terrace Downtown Improvement Area Society. There shall be levied and imposed within the Business Improvement Area, as outlined in Schedule ‘A’, a tax rate on a Parcel (land and improvements) that fall or would fall within Class 5 or 6 of the Proscribed Classes of Property Regulation, B.C. Reg. 438/81, as amended to December 6, 2010, of not more than \$0.71 per \$1,000 of assessed value, provided that the maximum amount that may be levied in any calendar year pursuant to this Bylaw shall not exceed \$60,000.*

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

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

- 1. by the Society; and*
- 2. for the purpose of a Business Promotion Scheme which may include:
 - a) carrying out studies or making reports respecting the Business Improvement Area;*
 - 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.**

As set out in Schedule ‘B’ of this Bylaw.

- 5.0 As a condition of the City transferring funds to the Society, the Society must, on or before the first day of November of the prior year submit to Council a budget for the purposes of the Business Promotion Scheme set out in Schedule ‘B’ of this Bylaw.*

- 6.0 The Society shall prepare, and submit to Council; by April 1st in each year during the period that this Bylaw is in effect the Society’s financial statements to the previous financial year end of the Society. The financial statements*

shall include: 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 generally accepted accounting standards applied on a basis consistent with that of the previous year.

7.0 The Society shall provide the City with a copy of an insurance policy insuring the Society in accordance with the specifications set out in Schedule 'C', attached hereto and forming part of this Bylaw, which insurance shall be maintained by the Society.

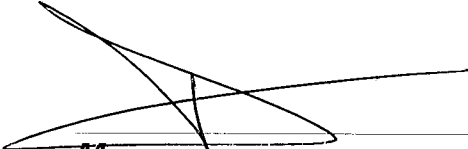
8.0 This Bylaw shall cease to have effect at midnight on December 31, 2016.

READ a first time this 24th day of May, 2011.

READ a second time this 24th day of May, 2011.

READ a third time this 24th day of May, 2011.

ADOPTED this 8th day of August, 2011.



Mayor



Interim Clerk

SCHEDULE 'B'

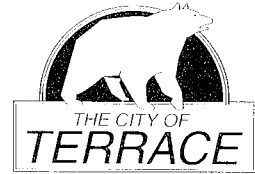
Business Promotion Scheme

1. *Carrying out studies and developing reports respecting the Business Improvement Area and marketing and promoting the Business Improvement Area.*
2. *The physical improvement, beautification or maintenance of streets, sidewalks or municipally-owned lands in the Business Improvement Area.*
3. *The encouragement of business through various initiatives which may include, but are not necessarily limited to, organizing of events, activities and festivals in the Business Improvement Area.*
4. *Maintaining an office and hiring a staff person, responsible to the Society, to coordinate and conduct the day-to-day administration and business of the Society.*

SCHEDULE 'C'

Insurance Specifications

1. *The Terrace Downtown Improvement Area Society shall provide and maintain Comprehensive General Liability Insurance acceptable to the City of Terrace and subject to limits of not less than Two Million Dollars (\$2,000,000) 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 or subcontractors hired by the Terrace Downtown Improvement Area Society.*
2. *The City of Terrace shall be added as an additional named insured under the Comprehensive General Liability and the Policy shall contain a Cross Liability Clause.*
3. *The Terrace Downtown Improvement Area Society shall provide the City of Terrace with a copy of its Comprehensive General Liability insurance policy prior to the City providing funding under Section 3 of this Bylaw.*
4. *The Terrace Downtown Improvement Area Society's Comprehensive General Liability insurance policy shall contain an endorsement to provide the City with 30 days written notice of change or cancellation.*



Certificate of Insufficiency

Regarding Petitions Against Work in Relation to:

City of Terrace

Business Improvement Area Bylaw No. 1982 - 2011

The total number of properties potentially affected by the City of Terrace Business Improvement Area Bylaw No. 1982 - 2011, representing 100% of the total assessed value, is **Two Hundred and Fifteen (215)**.

The number of those properties potentially affected by the City of Terrace Business Improvement Area Bylaw No. 1982 - 2011 that must sign a petition against work with respect to the aforementioned bylaw in order to prevent Council from proceeding with its adoption, and representing 50% or more of the total assessed value, is **One Hundred and Seven (107)**.

The number of property owners that submitted petitions against work regarding the City of Terrace Business Improvement Area Bylaw No. 1982 - 2011, representing 19,029,900 or 22.4% of the total assessed value, was **Thirty-Nine (39)**. This response equates to 18.1% of the total number of affected properties.

I hereby certify that petitions against work received in relation to the aforementioned bylaw are not sufficient to prevent Council from considering this bylaw.

Heather Nunn,
Corporate Administrator

Dated the 8th day of August, 2011.