

City of Chilliwack

Bylaw No. 4742

A bylaw to create a Business Improvement Area

The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as **“Business Improvement Area Bylaw 2019, No. 4742”**.
2. For the purposes of the Bylaw, the Business Improvement Area to which this Bylaw is applicable shall be comprised of those tracts of land shown in heavy outline on Schedule “A”, comprising Area A and Area B, attached hereto and forming part of this Bylaw.
3. The Council may, in the calendar years 2020 through 2024, grant to the “Downtown Chilliwack Business Improvement Association” (known hereafter as the “BIA”), funds as set out in Schedule “C” attached hereto and forming part of this Bylaw, which is not to exceed in any calendar year, the amount collected by property value tax imposed under this Bylaw within that year. These monies shall be paid to the BIA on or before the 1st day of July of each year, for a 5-year period ending on the 31st day of December, 2024.
4. Monies granted to the BIA under this Bylaw must be expended only by the BIA and in accordance with the conditions and limitations set out in this Bylaw and for the planning and implementation of the Business Promotion Scheme as set out in Schedule “B” attached hereto and forming part of this Bylaw.
5. All of the money granted to the BIA, pursuant to this Bylaw, shall be recovered within the Business Improvement Area from the owners of land within that area.
6. For the purpose of recovering the monies granted to the BIA under this Bylaw, the Council shall levy and impose an annual local service tax, based on assessed value of each parcel within the Business Improvement Area at the rate and on the terms specified on Schedule “C” attached hereto and forming part of this bylaw.
7. The BIA shall keep separate from any other accounts, an account used for money granted to the BIA by the Council pursuant to this Bylaw, and shall cause the revenue and expenditures in that separate account to be presented in a schedule to the financial statement required by Section 8 of this Bylaw.
8. The BIA shall submit to the City of Chilliwack an annual financial statement, which shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet and a Statement of Revenue and Expenditure. The financial statement shall be prepared on a calendar year basis. The financial statement relating to the year 2020 shall be submitted by the BIA on or before the 1st day of April, 2020.
9. The BIA shall submit annually to Council for approval, by April 1st, a budget for the Business Promotion Scheme which is based on a fiscal year commencing January 1st and which contains information sufficient to describe all anticipated expenses and revenues for the Business Promotion Scheme for that fiscal year.

10. No payments shall be made to the BIA unless the payments are within the amounts set out in the budget approved by the Council under Section 9.
11. The BIA shall provide the City of Chilliwack with copies of insurance policies insuring the BIA in accordance with the specifications set out in Schedule “D” attached hereto and forming part of this Bylaw, which insurance shall be maintained by the BIA.
12. The BIA shall not carry out any borrowing, which results in an indebtedness or other obligation as to money granted to it by the Council pursuant to this Bylaw, which extends beyond the fiscal year in which that money was granted.
13. The BIA shall permit the Director of Finance of the City, or a designate of the Director of Finance, to inspect during normal business hours on reasonable notice, all books of account, receipts, invoices, and other financial position records, which the Director of Finance deems advisable for the purposes of verifying and obtaining further particulars of the budget and any financial statements of the BIA as they relate to money granted to the BIA by the Council pursuant to this Bylaw.
14. Any money granted to the BIA by the Council pursuant to this Bylaw shall, if not required for immediate use, be invested only in securities in which trustees are authorized by law to invest.
15. The BIA shall not alter or approve amendments to its constitution or bylaws without providing the Director of Corporate Services of the City with 2 months’ notice of its intention to make such alteration or amendment, and if any alteration or amendment is made without such notice the City may withhold any payments under this Bylaw.
16. This Bylaw shall cease to have effect on the 31st day of December, 2024 but the lapsing of the term over which money may be granted under this Bylaw shall not affect the obligations of the BIA as to the expenditure of and accounting for monies granted under this Bylaw.

Received first and second reading on the 3rd day of September, 2019.

Received third reading on the 3rd day of September, 2019.

NOTICE given in accordance with Section 94 of the *Community Charter* on the 6th day of September and the 13th day of September, 2019.

Third reading rescinded on the 5th day of November, 2019.

Received third reading, as amended, on the 5th day of November, 2019.

Received adoption on the 19th day of November, 2019.

“Ken Popove”

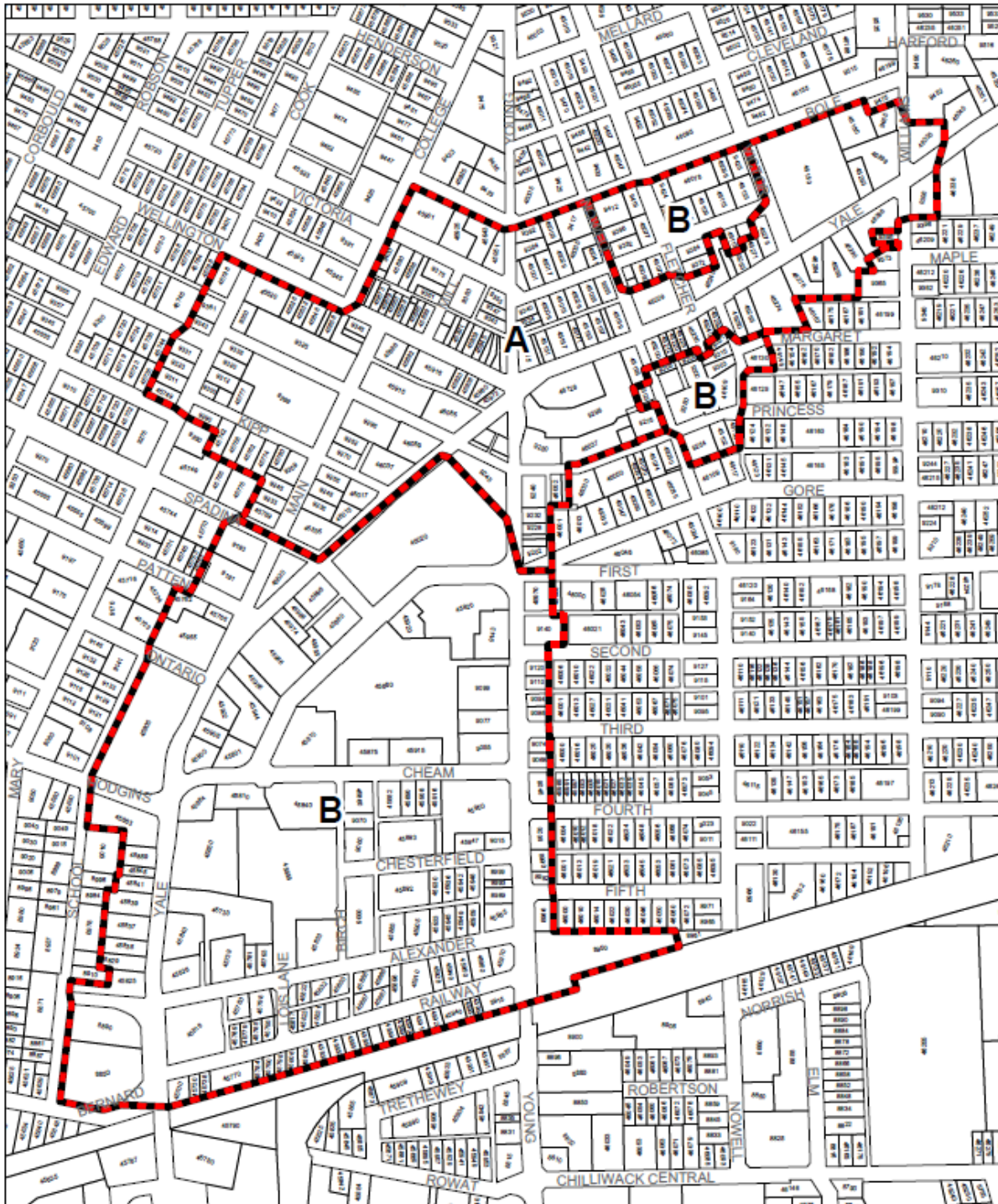
Mayor

“Jacqueline Morgan”

Corporate Officer

Schedule “A”


Business Improvement Area



BUSINESS IMPROVEMENT AREA BYLAW 2019, No 4742
Schedule "A"

Revision Date: August 9, 2019
File Name: bia_areas_bylaw_20190809.mxd
Scale: 1:5,500

CITY OF CHILLIWACK

 Business Improvement Area

“Schedule “B”

Business Promotion Scheme

- 1.** Continued support of Commercial Development in the downtown core;
 - a) Communication, information resources and other benefits for downtown businesses and properties.
- 2.** Emphasis on Business Attraction;
 - b) Marketing efforts geared towards potential new businesses and filling vacant spaces; and,
 - c) Work with vacant properties to help create more desirable destinations.
- 3.** General marketing and promotion of downtown Chilliwack;
 - a) Includes organization and/or support for large and small events.
- 4.** Downtown Maintenance and Security;
 - a) Work with partners to keep streets clean and safe;
 - i) Continued attention to security, street cleaning and graffiti removal.
 - b) Public and private physical enhancement projects.
- 5.** Administration costs not to exceed 30% of the monies granted.

Schedule “C”

Downtown Chilliwack Business Improvement Area
Annual Charges

AREA	RATIO CHARGED ON ASSESSED VALUE
A	2.1274
B	1.0000

Based on the assessed values of land and improvements, the annual levy shall be raised by applying an annual tax rate to the properties that are assessed in Class 5 and 6 only. The annual tax rate will differ for each of the areas defined in the Bylaw and will be applied per thousand dollars of assessed value. The rates shall have a ratio of 2.1274 to 1.0000 for Area “A” and Area “B” respectively.

Total annual levy:

2020	\$330,000.00
2021	\$339,537.00
2022	\$349,349.00
2023	\$359,445.00
2024	\$369,833.00

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Schedule “D”

Insurance Specifications

1. The BIA shall provide and maintain Comprehensive General Liability insurance acceptable to the City of Chilliwack and subject to limits of not less than \$5,000,000.00 inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof (the “Liability Insurance”).
2. The Liability Insurance shall:
 - (a) include, but not necessarily be limited to, the following coverages:
 - (i) Non-Owned and Hired Auto; and
 - (ii) Directors and Officers coverage for not less than One Million Dollars.
 - (b) include all premises and assets necessary or incidental to the performance of the Business Promotion Scheme, on a replacement cost basis;
 - (c) cover anyone employed directly or indirectly by the BIA as well as any contractor or subcontractors hired by the BIA;
 - (d) name the City of Chilliwack as an additional named insured and shall include a cross coverage provision; and,
 - (e) include a provision requiring the insurer to give the City 30 days prior written notice before making any material change to the insurance coverage, or the termination or cancellation thereof.
3. The BIA shall provide the City of Chilliwack with a copy of its Liability Insurance policy prior to the City providing funding under Section 4 of this Bylaw.

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