

## CITY OF SALMON ARM

### BYLAW NO. 3787

#### **A bylaw to designate a Business Improvement Area**

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WHEREAS the Council may grant money to a corporation or other organization under Section 215 of the Community Charter, SBC, Chapter 26 and amendments thereto for the purpose of the planning and implementation of a Business Promotion Scheme;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a bylaw as required by Section 215 of the Community Charter, SBC, Chapter 26 and amendments thereto;

AND WHEREAS a Business Promotion Scheme is in effect for the Salmon Arm Downtown Business Area, which will expire on December 31, 2009;

AND WHEREAS the affected owners were notified of the proposed renewal and expansion of the Business Promotion Scheme pursuant to the provisions of Section 215 of the Community Charter, SBC, Chapter 26 and amendments thereto;

AND WHEREAS Council has been advised through a report prepared by the Corporate Officer that the petitions filed by affected property owners, requesting Council not to proceed with the initiative, are insufficient;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled enacts as follows:

#### DEFINITIONS:

1. In this bylaw, unless the context otherwise requires:

"Applicant" means the Salmon Arm Downtown Improvement Association;

"Business Promotion Scheme" means

- i) carrying out studies or making reports respecting one or more business areas;
- ii) the improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in one or more business improvement areas;
- iii) the removal of graffiti from building and other structures in one or more business improvement areas;
- iv) the conservation of heritage property in one or more business improvement areas; and
- v) the encouragement of business in one or more business improvement areas.

as set out in Schedule "B" attached hereto and forming part of this bylaw.

"Corporate Officer" means the Chief Administrative Officer of the City of Salmon Arm as appointed from time to time;

"Council" means the Council of the City of Salmon Arm;

"Downtown Business Improvement Area" means the business improvement area designated by Section 2 of this bylaw; and

"Municipality" means the City of Salmon Arm.

#### DESIGNATION

2. The lands within the area outlined in heavy black on the map attached hereto and forming part of this bylaw as Schedule "A" are hereby designated as a Business Improvement Area (BIA) pursuant to Section 215 of the Community Charter, SBC, Chapter 26 and amendments thereto, and the business improvement area shall be known as the Downtown Business Improvement Area.

#### ANNUAL GRANTS

3. The Municipality may grant to the Applicant annual grants in the years 2010 to 2019, both inclusive, not exceeding the following respective amounts:

2010	\$148,100.00
2011	\$171,900.00
2012	\$166,100.00
2013	\$161,800.00
2014	\$158,800.00
2015	\$171,500.00
2016	\$173,200.00
2017	\$168,976.00
2018	\$179,045.00
2019	\$179,267.00

#### EXPENDITURE

4. The money granted under Section 215 of the Community Charter, SBC, Chapter 26 and amendments thereto pursuant to this bylaw shall be expended only:
  - a) by the Applicant;
  - b) in accordance with the conditions and limitations set out in this bylaw; and
  - c) for the Business Promotion Scheme set out in Schedule "B" attached hereto and forming part of this bylaw.

#### RECOVERY

5. All of the money granted to the Applicant pursuant to this bylaw shall be recovered within the Business Improvement Area from the owners of property within that area with Class 5 and Class 6 designations.

#### TAX LEVY

6. For the purpose of recovering the monies granted to the Applicant under this bylaw pursuant to Section 215 of the Community Charter, SBC, Chapter 26 and amendments thereto, Council may levy and impose within the Downtown Business Improvement Area by way of an annual rate on taxable land and improvements, amounts sufficient to recover grants made to the Applicant in each respective year pursuant to Section 3 of this bylaw.

#### CONDITIONS AND LIMITATIONS

7. The money granted pursuant to this bylaw under Section 215 of the Community Charter, SBC, Chapter 26 and amendments thereto shall be expended by the Applicant for the purpose of carrying out the Business Promotion Scheme.
8. The Applicant shall not incur any indebtedness or other obligations beyond those provided for in the budget for the current year as approved by Council.

#### ACCOUNTING

9.
  - a) The monies granted pursuant to this bylaw shall be paid to the Applicant in quarterly instalments, based on the calendar year fiscal cycle.
  - b) The Applicant shall account for the money granted and approved by Council for the previous year at the same time as the annual budget is submitted pursuant to Section 10 hereof in the manner and form attached to and forming part of this bylaw as Schedule "C".
  - c) 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 (24) hours written notice of its intentions and requirements.

#### BUDGET

10. The Applicant shall submit annually, on or before February 28th in each year, a budget in the form of Schedule "D" attached hereto and forming part of this bylaw, for the approval of the Council and notwithstanding the preceding paragraph, no payments shall be made unless the payments are within the amounts set out in the budget approved by Council.

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INSURANCE

11. The Applicant shall provide to the City of Salmon Arm copies of insurance policies insuring the Applicant in accordance with the specifications set out in Schedule "E" attached hereto and forming part to this bylaw.

EFFECTIVE DATE

12. This bylaw shall come into full force and effect on the 1st day of January, 2010.

EXPIRY DATE

13. This bylaw shall cease to have effect on the 31st day of December 2019.

MERGER

14. The Council may, by bylaw, merge this Business Improvement Area created by this bylaw with any other Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating or completing necessary works or services for such merged area.

CITATION

15. This bylaw may be cited for all purposes as "**City of Salmon Arm Business Improvement Area Bylaw No. 3787**".

READ A FIRST TIME THIS	22nd	DAY OF	June	2009
READ A SECOND TIME THIS	22nd	DAY OF	June	2009
READ A THIRD TIME THIS	22nd	DAY OF	June	2009
ADOPTED BY COUNCIL THIS	24th	DAY OF	August	2009

\_\_\_\_\_  
"M. BOOTSMA"

MAYOR

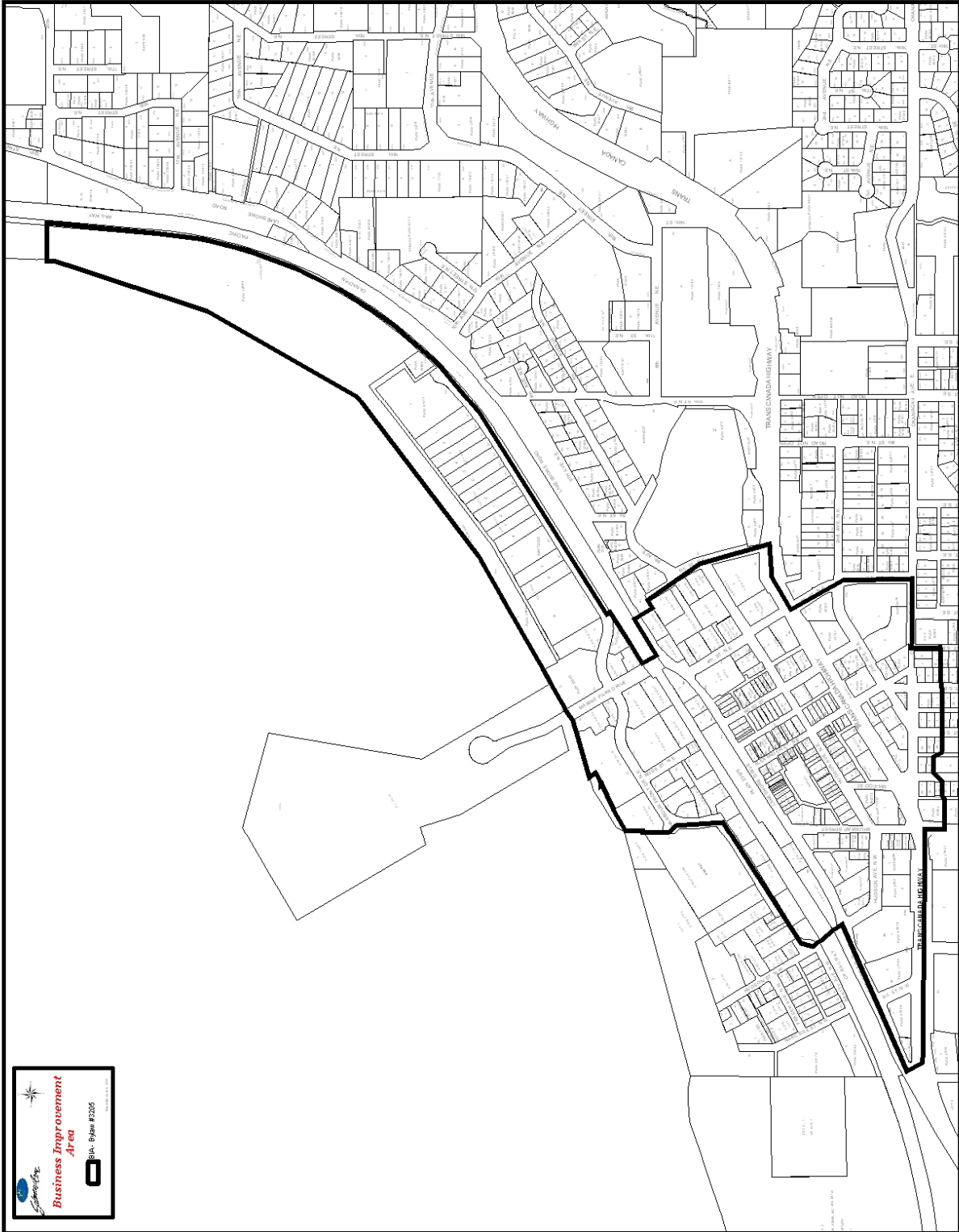
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"C. BANNISTER"

CORPORATE OFFICER

BYLAW NO. 3787

SCHEDULE "A"

BUSINESS PROMOTION AREA



**BYLAW NO. 3787**

**SCHEDULE "B"**

**BUSINESS PROMOTION SCHEME**

The Business Promotion Scheme to be undertaken by the Salmon Arm Downtown Improvement Association pursuant to the provisions of this bylaw shall encompass the following activities:

- i) carrying out studies or making reports respecting one or more business areas;
- ii) the improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in one or more business improvement areas;
- iii) the removal of graffiti from building and other structures in one or more business improvement areas;
- iv) the conservation of heritage property in one or more business improvement areas; and
- v) the encouragement of business in one or more business improvement areas.

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SCHEDULE "D"

DOWNTOWN IMPROVEMENT ASSOCIATION  
(BUSINESS IMPROVEMENT AREA)  
20\_ Budget

REVENUE

Surplus Carried Forward:	\$ _____	\$ _____
City of Salmon Arm Grant	_____	_____
Other Revenue (Specify)	_____	_____
<b>TOTAL REVENUE</b>	<b>\$ _____</b>	<b>\$ _____</b>

EXPENDITURE

PROMOTION & MARKETING: (specify projects)

_____	\$ _____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OPERATING EXPENSE - OFFICE \_\_\_\_\_

MANAGEMENT & OFFICE EXPENSES \_\_\_\_\_

CAPITAL EQUIPMENT - OFFICE \_\_\_\_\_

**TOTAL EXPENDITURE** \$ \_\_\_\_\_

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**SCHEDULE "E"**

**INSURANCE SPECIFICATIONS**

1. General and Comprehensive Liability Insurance in the amount of Two Million (\$2,000,000.00) Dollars per occurrence, naming the City of Salmon Arm as an additional insured party.



BYLAW NO. 3787

SCHEDULE "C"

DOWNTOWN IMPROVEMENT ASSOCIATION  
(BUSINESS IMPROVEMENT AREA)

STATEMENT OF REVENUE & EXPENDITURE  
for the year ended December 31, \_\_.

	Budget	Actual
<b>REVENUE</b>		
Surplus Carried Forward:	\$ _____	\$ _____
City of Salmon Arm Grant	_____	_____
Other Revenue (Specify)	_____	_____
<b>TOTAL REVENUE</b>	<b>\$ _____</b>	<b>\$ _____</b>
<b>EXPENDITURE</b>		
Promotion & Marketing: (specify projects)		
_____	\$ _____	\$ _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b>OPERATING EXPENSE - OFFICE</b>		
<b>MANAGEMENT &amp; OFFICE EXPENSES</b>	_____	_____
<b>CAPITAL EQUIPMENT - OFFICE</b>	_____	_____
<b>TOTAL EXPENDITURE</b>	<b>\$ _____</b>	<b>_____</b>
Surplus, end of year		\$ _____