

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 8424, 2023

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 Uptown Business Association 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 local service parcel tax to be borne by the owners of real property within a Business Improvement Area in accordance with Section 216(1)(b) of the *Community Charter*;

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

Citation

1. This Bylaw may be cited for all purposes as "Uptown Business Improvement Area Bylaw No. 8424, 2023".

Definitions

2. In this Bylaw:

"Applicant" means the Uptown Business Association;

"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;

"Uptown Business Improvement Area" means those lands within the area shown outlined in heavy black on the map in Schedule A 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 Uptown Business Improvement 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 \$150,000 for 2024, \$154,000 for 2025, \$158,000 for 2026, \$162,000 for 2027, and \$166,000 for 2028 in aggregate an amount not exceeding \$790,000 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 relative to the Uptown Business Improvement 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. a) All of the money granted to the applicant pursuant to section 5 of this Bylaw shall be recovered by a local service parcel tax under section 216(1)(b) of the *Community Charter* imposed against all land within the Uptown New Westminster Business Improvement Area that are classified as Class 5 [light industry] and Class 6 [business and other].
- b) Monies collected shall be collected on a parcel frontage basis. For properties located on a street corner, only one frontage (the longest) will be counted.

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, 2024 and shall cease to have effect after December 31, 2028.

GIVEN THREE READINGS this 16th day of October 2023

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this 11th day of December 2023.

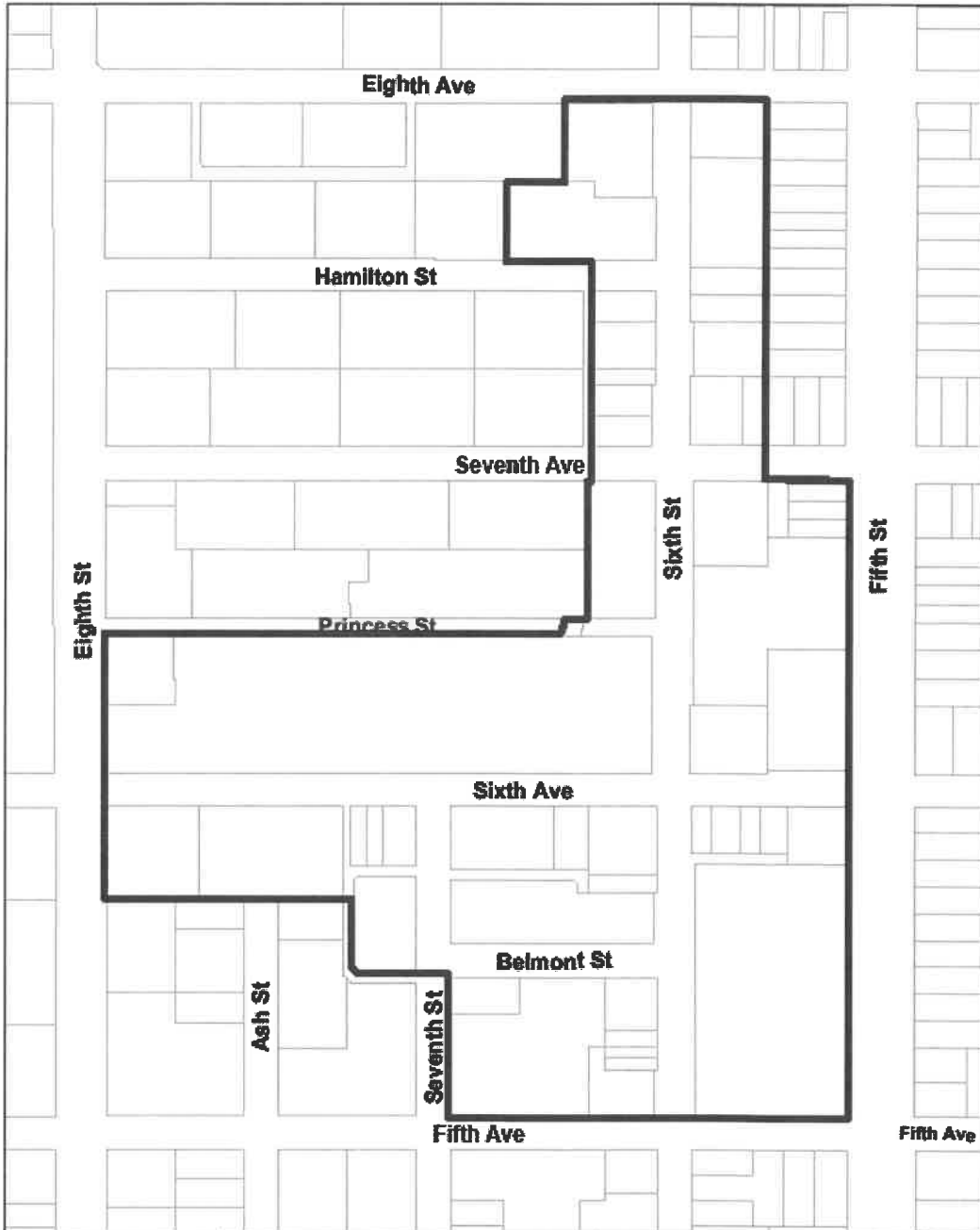


Mayor Patrick Johnstone



Peter DeJong, Corporate Officer

SCHEDULE "A"



SCHEDULE "B"

BUSINESS PROMOTION SCHEME

The Business Promotion Scheme to be undertaken by the Uptown Business Association Society pursuant to the provisions of this Bylaw shall include the following activities:

1. Street Beautification Initiatives consisting of tangible aesthetic improvements to the streetscape. These may include street banners, Christmas lighting, hanging baskets, and various street improvements such as bike racks, banner brackets and street furniture.
2. Street Activation Support for various events/activities in the public realm that feature the Uptown area and attract visitors, such as Uptown Live and Recovery Day, and partnering with community organizations, including the Arts Council, in funding Uptown Unplugged and other events and markets.
3. Promotion & Marketing Various programs to market and promote the Uptown area and the retailers and restaurant businesses located Uptown.
4. Outreach Partnering with community organizations to help fund programs that are mutually beneficial, such as I's on the Street, providing opportunities for people that are homeless or at risk of being homeless, while enhancing the Uptown area through additional street cleaning.

SCHEDULE "C"

UPTOWN BUSINESS ASSOCIATION

20__ BUDGET FORMAT OUTLINE

REVENUE

Balance from Previous Year	\$ _____
Municipal Levies	\$ _____
Government Grants:	\$ _____
Federal	\$ _____
Provincial	\$ _____
Municipal	\$ _____
Interest	\$ _____
Other (specify)	\$ _____
TOTAL REVENUE	\$ _____

SCHEDULE "C"

UPTOWN BUSINESS ASSOCIATION

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.