

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4736

A Bylaw to continue a business improvement area

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

DEFINITIONS

1 In this Bylaw:

"ASSOCIATION" means the Oak Bay Business Improvement Association;

"BUSINESS IMPROVEMENT AREA" means the area of the Municipality designated by Section 2;

"BUSINESS IMPROVEMENT AREA SERVICE" means the provision of grants as set out in Section 3;

"COUNCIL" means the Municipal Council of The Corporation of the District of Oak Bay;

"LOCAL SERVICE TAX" means a property value tax, a parcel tax, or a tax based on any other factor, imposed only within the business improvement area;

"MUNICIPALITY" means The Corporation of the District of Oak Bay;

"PARCEL TAX" means a tax imposed on the basis of a single amount for each parcel, the taxable area of a parcel or the taxable frontage of a parcel;

"PROPERTY VALUE TAX" means a tax imposed on the basis of the value of land or improvements, or both.

DESIGNATION OF AREA

2 The business improvement area to which this Bylaw applies shall consist of the lands within the area shown in bold outline on Schedule "A" attached hereto and forming part of this Bylaw.

GRANT

- 3 (1) Subject to the conditions set out in this Bylaw, as a business improvement area service a sum not to exceed Five Hundred Thousand Dollars (\$500,000.00) may be granted by the Municipality to the Association during the term of the business improvement area service.
- (2) Grants provided pursuant to this Bylaw shall be paid to the Association in accordance with the following schedule in each year of the term of the business improvement area service:
- (a) forthwith upon the approval of the Association's annual budget by Council: one-third of the amount to be raised by local service tax as shown on the revenue side of the approved budget; and
 - (b) on or before August 1 in the year to which the approval of the Association's annual budget by Council applies: two-thirds of the amount to be raised by local service tax as shown on the revenue side of the approved budget, less any adjustment required to reflect a revenue shortfall attributable to changes in the assessed values of properties within the Business Improvement Area following the adoption of the Tax Rates Bylaw for the applicable year.

EXPENDITURE

- 4 The money granted pursuant to this Bylaw shall be expended only:
- (1) by the Association;
 - (2) in accordance with the conditions and limitations set out in this Bylaw; and
 - (3) for purposes falling within the Business Promotion Scheme set out in Schedule "B" attached hereto and forming part of this Bylaw.

RECOVERY

- 5 The entire cost of the business improvement area service shall be recovered within the business improvement area from the owners of land within that area.

TAX LEVY

- 6 During the term of the business improvement area service, Council shall impose in each calendar year on all land and improvements that fall into Class 5 [*light industry*] or Class 6 [*business and other*] as described in the *Prescribed Classes of Property Regulation [B.C. Reg. 438/81, as amended]* within the business improvement area a property value tax sufficient to recover the approved cost of the business improvement area service for that year.

CONDITIONS AND LIMITATIONS

- 7 The Association shall submit to Council for consideration of approval, annually on or before March 1, a budget for the purpose of the business promotion scheme set out in Schedule "B".
- 8 Money granted pursuant to Section 3 shall be expended by the Association only for purposes falling within the business promotion scheme set out in Schedule "B" and in accordance with the annual budget of the Association as approved by Council.
- 9 No expenditures shall be made by the Association unless the payments are within the amounts set out in the budget approved by Council.
- 10 The Association shall account for the money granted and approved by Council for the previous calendar year by submitting to the Municipality on or before March 1 in each of the years 2020, 2021, 2022, 2023 and 2024, an annual audited financial statement which shall be prepared on a calendar year basis and in accordance with generally accepted accounting principles, and which shall include a Balance Sheet and a Statement of Revenue and Expenditure.
- 11 Despite:
- (1) Sections 5, 6, 8 and 9; and
 - (2) the limit on the cost of the business improvement area service set out in Section 3,

Council may grant money, not recovered by way of a local service tax, to the Association for capital expenditures or special projects for the purpose of the business promotion scheme set out in Schedule "B", provided however that the cost to the Municipality of such a grant may not be recovered in whole or in part, directly or indirectly, by means of a property value tax, nor a parcel tax, nor a tax based on any other factor, imposed outside of the business improvement area.

INDEBTEDNESS

- 12 The Association shall not incur any indebtedness or other obligations extending beyond the end of each calendar year.

INSURANCE

- 13 (1) The Association shall provide and maintain Comprehensive General Liability insurance acceptable to the Municipality and subject to limits of not less than Three Million Dollars (\$3,000,000.00) 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 Association, as well as any contractor or subcontractors hired by the Association.
- (2) The Municipality shall be added as an additional named insured under the required policy of Comprehensive General Liability insurance.
- (3) The Association shall provide the Municipality with a certificate of its Comprehensive General Liability insurance coverage prior to the Municipality providing funding under Section 3.
- (4) The Association's Comprehensive General Liability policy shall contain an endorsement with a requirement to provide the Municipality with thirty days written notice of change or cancellation.

EFFECTIVE DATE

- 14 This Bylaw shall take effect on January 1, 2020.

EXPIRATION DATE

- 15 The authority for the local service provided under this Bylaw will expire at midnight on December 31, 2024.

SEVERABILITY

- 16 If any part of this Bylaw is declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

CITATION

17 This Bylaw may be cited as the "**OAK BAY BUSINESS IMPROVEMENT AREA BYLAW, 2020**".

READ a first, second and third time by the Municipal Council on September 9, 2019

ADOPTED AND FINALLY PASSED by the Municipal Council on

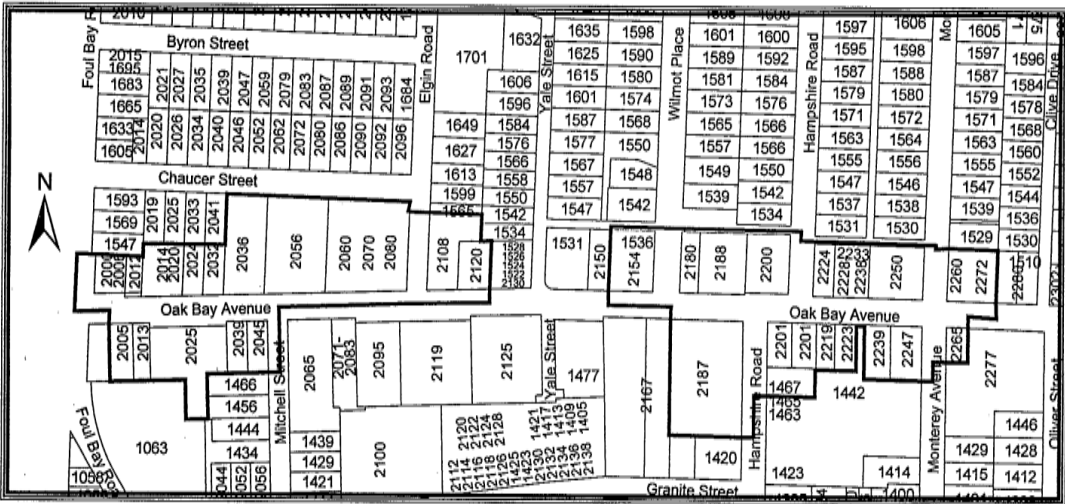
Mayor

Director of Corporate Services

Sealed with the Seal of The
Corporation
of the District of Oak Bay

SCHEDULE 'A'

Business Improvement Area Boundaries



SCHEDULE 'B'

Business Promotion Scheme

1. To develop, encourage, promote and retain business in the Business Improvement Area through advertising, promotional events and marketing activities.
2. To conduct studies and advance projects, plans, or improvements designed to benefit the Business Improvement Area.
3. To provide membership training programs designed to benefit the Business Improvement Area.