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THE CORPORATION OF THE CITY OF PENTICTON

DOWNTOWN BUSINESS IMPROVEMENT AREA BYLAW NO. 2012-5017

CONSOLIDATED FOR CONVENIENCE ONLY

Amended by Bylaw No. 2012-5017.01 (November 5, 2012)

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW NO. 2012-5017

A BYLAW TO ESTABLISH
A BUSINESS IMPROVEMENT AREA
PURSUANT TO SECTION 215 OF THE *COMMUNITY CHARTER*

WHEREAS the Council may, by majority vote, grant money to an applicant under Section 215 of the *Community Charter* for the purpose of planning and implementation of a Business Promotion Scheme;

AND WHEREAS the Council has received an application from the Downtown Pentiction Association for a grant of money under Section 215 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 of the *Community Charter*;

AND WHEREAS a notice of the intention of Council to establish a specified area for the purpose of funding the "Downtown Pentiction Association", (known hereafter as the Applicant) to do certain works and services and to market and promote business within the BIA area, has been advertised, and served upon the owners of the parcels liable to be specially charged;

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the City of Pentiction in open meeting assembled hereby enacts as follows:

1. Title:
This bylaw may be cited for all purposes as the City of Pentiction "Downtown Business Improvement Area Bylaw No. 2012-5017."
2. Designation of Area:
For the purposes of this bylaw, the Downtown Business Improvement Area to which this Bylaw is applicable shall be comprised of those tracts of land shown "shaded in green" on Schedule "A" attached hereto and forming part of this bylaw.
3. Grant/Tax Levy:
For the purpose of this Bylaw, the maximum amount of money to be raised annually to fund the applicant is \$0.987 per \$1,000.00 of assessed value levy on Class 5 and Class 6 taxable land and improvements within the specified area on the basis of general purpose assessments subject to a maximum levy of \$2,800 and a minimum levy per roll of \$200.00.

These monies shall be paid to the Applicant on or before the first day of August in each year of the grant

4. Term:
For the purpose of this Bylaw the term of the grant shall be five (5) years commencing May, 2012.
5. Expenditure:
For the purposes of this bylaw the money granted under Section 215 of the *Community Charter* pursuant to this Bylaw shall be expended only; (1) by the Applicant; (2) in accordance with the conditions and limitations set out in this bylaw; (3) for the Downtown Business Promotion Scheme set out in Schedule "B" attached hereto and forming part of this bylaw.
6. Recovery:
For the purpose of this bylaw all of the money granted to the Applicant pursuant to this bylaw shall be recovered within the Downtown Business Improvement Area shown on Schedule "A".
7. Conditions and Limitations:
 - 7.1 The money granted pursuant to this Bylaw under Section 215 of the *Community Charter* shall be expended by the Applicant for the purpose of carrying out the Downtown Promotion Scheme more particularly set out in Schedule "B".
 - 7.2 The Applicant shall submit a budget 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 the Council and shall not exceed the amount set out in Article 3 of this bylaw. The budget of the Applicant shall be submitted on or before the first day of April of each year.
 - 7.3 The Applicant shall submit to the City 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 of the grant shall be submitted by the Applicant on or before the first day of April of the year following.

8. Insurance:

The Applicant shall provide to the City General and Comprehensive liability insurance in the amount of TWO MILLION DOLLARS (\$2,000,000) with the City of Penticton named as an additional insured.

9. Expiration Date:

This bylaw shall come into effect May 1, 2012 and cease to have effect on the 30th day of April 2017.

10. Repeal:

This bylaw shall repeal "City of Penticton, Downtown Business Improvement Area Bylaw No. 2007-56" effective May 1, 2012.

11. Merging of Downtown Business Improvement Areas:

The Downtown Business Improvement Area created by this bylaw may be merged with other Business Improvement Areas, whether contiguous or not, for the purpose of providing, consolidating or completing necessary works or services for the merged areas.

Notice of intention to proceed with this bylaw was published on the 24th of February, 2012 and the 29th day of February, 2012, in the Penticton Western newspapers, pursuant to Section 94 of the *Community Charter*.

PASSED FIRST READING this 20th day of February, 2012.

PASSED SECOND READING this 20th day of February, 2012.

PASSED THIRD READING this 20th day of February, 2012.

ADOPTED this 16th day of April, 2012.

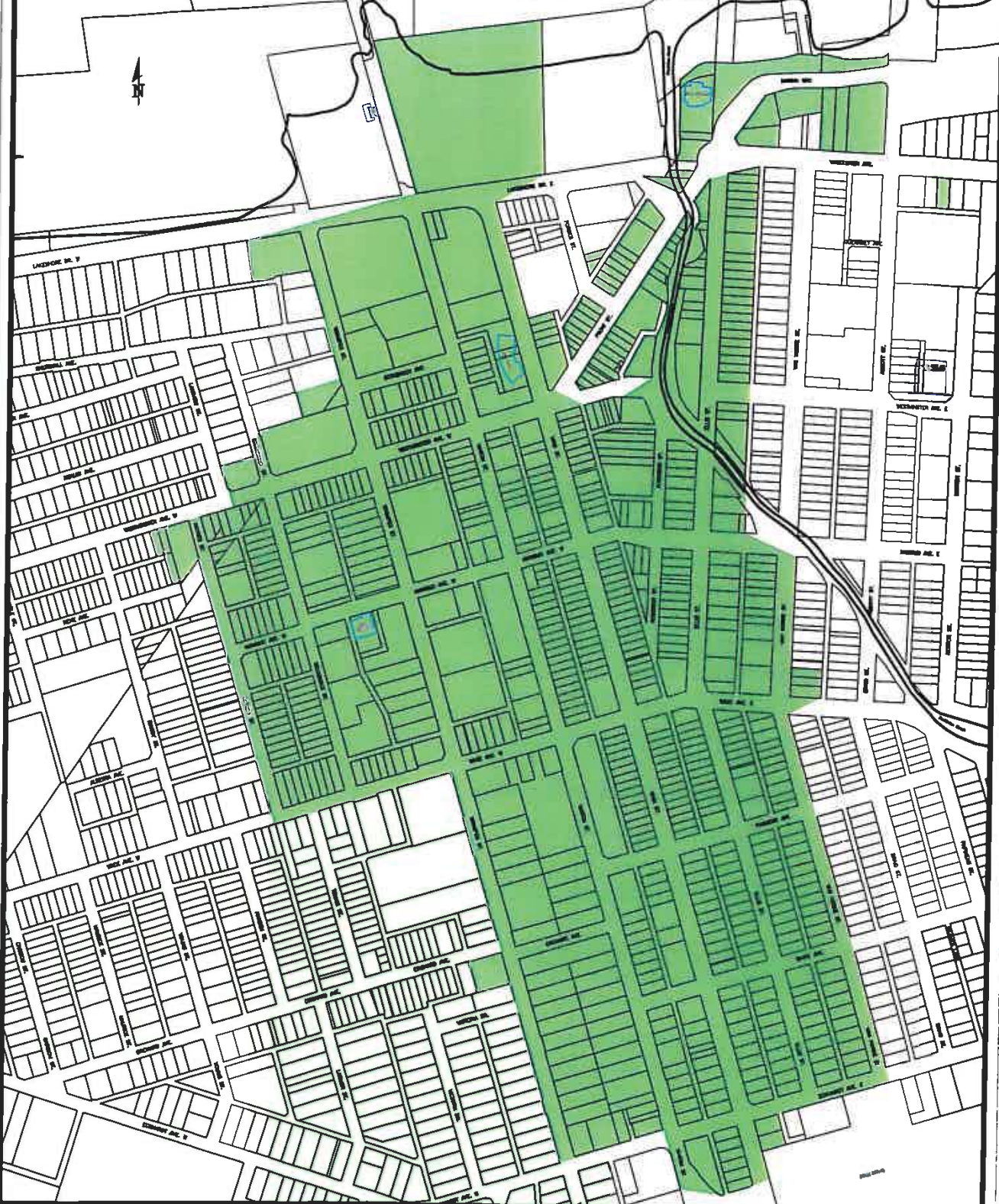
Original signed by

Dan Ashton, Mayor

Original signed by

Karen Burley, Corporate Officer

City of Penticton



SUBJECT: _____ SCHEDULE 'A' to Bylaw 2012-5017 _____
DATE: 12/09/12 SCALE: N.T.S. FILE NO: _____

SCHEDULE “B”

BUSINESS PROMOTION SCHEME

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

- a) Carrying out studies or making reports respecting one or more business areas;
- b) The improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in one or more business improvement areas;
- c) The encouragement of business in one or more business improvement areas.