

## **The Corporation of the City of Penticton**

### **Bylaw No. 2022-09**

*A bylaw to renew the Business Improvement Area for the Downtown Penticton Business Improvement Association.*

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WHEREAS the Council may, by majority vote, grant money to a corporation or other organization for the purpose of planning and implementation of a Business Promotion Scheme;

AND WHEREAS the Council has received an application from the Downtown Penticton Business Improvement Association for a grant of money under a business improvement area scheme;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a business improvement area bylaw;

AND WHEREAS a notice of the intention of Council to establish a local service area for the purpose of funding the "Downtown Penticton Business Improvement Association", (known hereafter as the Applicant) to do certain works and services and to market and promote business within the business improvement 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 Penticton in open meeting assembled hereby enacts as follows:

**1. Title:**

This bylaw may be cited for all purposes as the "Downtown Business Improvement Area Bylaw No. 2022-09".

**2. Designation of Area:**

For the purposes of this bylaw, the Downtown Business Improvement Area to which this Bylaw is applicable, being the local service area for the business improvement services, 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:**

Based on the assessed values of land and improvements, the annual costs of the business improvement area service, as noted in the table below, shall be recovered by applying an annual tax rate to the properties that are assessed in Class 5 and 6 within the business improvement area subject to a maximum levy of \$12,000.00 and a minimum levy per parcel of \$300.00. The annual rate will differ for each year, will be applied per thousand dollars of assessed value and be set annually as part of City of Penticton Tax Rates Bylaw.

Year	Levy Amount
2022	\$303,523
2023	\$315,664
2024	\$328,290
2025	\$341,422
2026	\$355,079

The City shall pay 50% of the revenue from this tax to the Applicant on or before the first day of February and the remainder in July in each year of the grant.

**4. Term:**

The term of the grant under this Bylaw shall be five (5) years commencing May 1, 2022.

**5. Expenditure:**

The money granted under 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:**

All of the money granted to the Applicant pursuant to this bylaw shall be recovered under this Bylaw within the Downtown Business Improvement Area shown on Schedule "A".

**7. Conditions and Limitations:**

- 7.1 The money granted pursuant to this Bylaw 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 to the Chief Financial Officer, on or before April 1<sup>st</sup> of each year, 2022 through 2026 inclusive, a budget for the Association's fiscal year which contains information sufficient in detail to describe all anticipated expenses and revenues and which has been approved by a majority of the members present at the Annual General Meeting of the Association.
- 7.3 The Applicant shall submit to the Chief Financial Officer 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 contract for General and Comprehensive liability insurance coverage in the amount of FIVE MILLION DOLLARS (\$5,000,000) with the City of Penticton named as an additional insured and shall deliver proof of coverage annually to the City.

**9. Expiration Date and Renewal:**


This bylaw shall come into effect May 1, 2022 and cease to have effect on the 30<sup>th</sup> day of April 2027. The applicant shall apply for a renewal to Council no later than October 31, 2026.

**10. Severability:**

If any section, subsection or clause of the Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this Bylaw.

READ A FIRST time this	24 day of	March, 2022
READ A SECOND time this	24 day of	March, 2022
READ A THIRD time this	24 day of	March, 2022
ADOPTED this	10 day of	May, 2022

Notice of intention to proceed with this bylaw was published on the 30 day of March, 2022 and the 6 day of April, 2022 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

  
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Judy Sentes, Acting Mayor

  
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Angie Collison, Corporate Officer



## SCHEDULE "A"



### Schedule A to Downtown Business Improvement Area

Bylaw No. 2022-09



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February 23-17  
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penticton.ca

## **SCHEDULE "B"**

### **BUSINESS PROMOTION SCHEME**

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

- a) General marketing and promotion of downtown Penticton including organization and/or support for large and small events;
- b) The improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in the business improvement area including the use of security cameras to safe guard infrastructure;
- c) The removal of graffiti from buildings and other structures in the business improvement area;
- d) The encouragement of business in the business improvement area including efforts towards potential new businesses and filling vacant spaces or properties.