



The Corporation of the District of North Cowichan

Chemainus Business Improvement Area Bylaw

BYLAW NO. 3931

A bylaw to establish and designate a Business Improvement Area in Chemainus

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WHEREAS a Council may establish a business improvement area service to grant money to an organization that has the planning and implementation of a business promotion scheme as one of its aims, functions or purposes;

AND WHEREAS Council previously adopted Chemainus Business Improvement Area Bylaw No. 3823, 2021, which will expire on May 1, 2024;

AND WHEREAS Council has received a request from the Chemainus Business Improvement Area Society to renew the Chemainus Business Improvement Area by way of the Council initiative (subject to petition against) approval process;

NOW THEREFORE, the Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

Citation

1 This Bylaw may be cited as "*Chemainus Business Improvement Area Bylaw No. 3931, 2023*".

Definitions

2 In this Bylaw:

"Association" means the Chemainus Business Improvement Association.

"Business Improvement Area" means the local service area designated in section 3.

“Business Promotion Scheme” means:

- (a) advertising and promotion,
- (b) beautification of streets, sidewalks or municipally owned land, buildings or structures in the business improvement area,
- (c) special events, and
- (d) related administration.

“Municipality” means The Corporation of the District of North Cowichan.

Designation of Area

- 3 The “*Business Improvement Area*” to which this bylaw applies is comprised of those tracts of lands within the areas designated as Sub-Areas 1, 2 and 3, shown in bold outline in Schedule “1” attached to and forming part of this bylaw.

Annual Grant

- 4 Subject to the conditions and limitations set out in this bylaw Council hereby grants the following sums to the “*Association*” to undertake its “*Business Promotion Scheme*”, on or before August 1:
- (a) in 2024, a sum not to exceed \$146,287
 - (b) in 2025, a sum not to exceed \$149,213
 - (c) in 2026, a sum not to exceed \$152,197

Grant Restrictions

- 5 The money granted under this bylaw must be expended only:
- (a) by the applicant,
 - (b) in accordance with the conditions and limitations set out in this bylaw,
 - (c) for the “*Business Promotion Scheme*”, and
 - (d) for projects and expenditures provided for in the applicant’s annual budget.

Grant Recovery

- 6 The money granted to the “*Association*” under this bylaw must be recovered within the “*Business Improvement Area*” from the owners of land within that area.
- 7 For the purpose of recovering the monies granted to the “*Association*”, in any year, the “*Municipality*” will impose a property value tax on land or improvements, or both, that fall within the “*Business Improvement Area*”, as set out in Schedule “2”.

Financial Statements

- 8 The “*Association*” must account for the money granted to it by submitting the “*Municipality*” annual financial statements, prepared in accordance with Generally Accepted Accounting Principles.

Insurance

9 The "Association" must take out, maintain, and provide the "Municipality" with proof of its comprehensive general liability insurance in the amount of at least \$2 million dollars, naming The Corporation of the District of North Cowichan as an additional insured.

Schedules

10 The following schedules are included in and form part of this Bylaw:
(a) Schedule "1" – Chemainus Business Improvement Area
(b) Schedule "2" – Grant Recovery

Effective Date

11 This bylaw comes into force and effect on March 1, 2024.

Expiry Date

12 The authority provided under this bylaw will expire at midnight on December 31, 2026.

Severability

13 If any section, subsection, sentence, clause, or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

Repeal

14 Chemainus Business Improvement Area Bylaw No. 3823, 2021, and all amendments thereto, is hereby repealed.

READ a first time on December 20, 2023

READ a second time on December 20, 2023

READ a third time on December 20, 2023

NOTICE of Intention to proceed with this bylaw was advertised on the municipality's social media sites on January 3, 2024, in the Cowichan Valley Citizen and the Chemainus Valley Courier on January 11, 2024 and was posted to the municipality's public notice places on January 2, 2024.

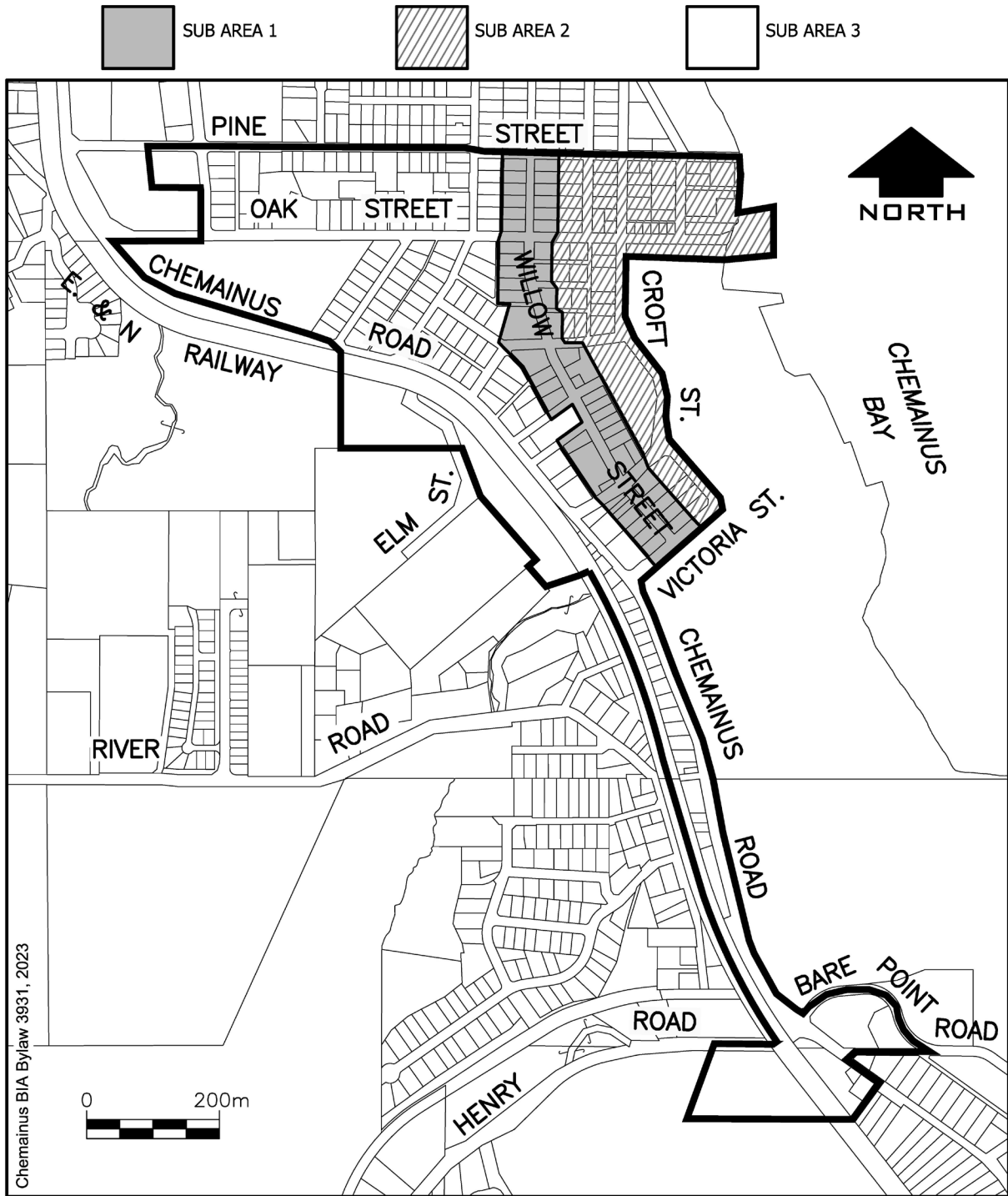
CERTIFICATE OF SUFFICIENCY received from the Deputy Corporate Officer on February 12, 2024.

ADOPTED on February 21, 2024

CORPORATE OFFICER

PRESIDING MEMBER

SCHEDULE "1" – CHEMAINUS BUSINESS IMPROVEMENT AREA



SCHEDULE "2" – GRANT RECOVERY

For the years 2024 - 2026, the owners of properties within the Chemainus Business Improvement Area will be charged property taxes to raise:

Sub-Area	Ratio Charged on Assessed Value
1	40% of the annual grant amount
2	25% of the annual grant amount
3	35% of the annual grant amount

Note:

The tax will be applied only to properties within the BIA area outlined on Schedule "1" that have both land and improvements classified by the B.C. Assessment Authority as "business and other" (Class 6). For certainty, residential (Class 1) land and improvements will not be subject to the tax.