

SUMMARY:

The Kelowna Downtown Business Improvement Area Bylaw establishes specified areas for the purposes of annually funding the Kelowna Downtown Business Improvement Area (20014-2018).

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# CITY OF KELOWNA

## BYLAW NO. 10880

### KELOWNA DOWNTOWN BUSINESS IMPROVEMENT AREA

**A bylaw of the City of Kelowna to re-establish a local area service for the purposes of annually funding the Kelowna Downtown Business Improvement Area (2014-2018).**

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WHEREAS section 215 of the *Community Charter* provides Council with the authority to establish, by bylaw, a business improvement area ("BIA");

AND WHEREAS the Council of the City of Kelowna has been notified that the owners of certain properties in the downtown area of the City have formed a BIA merchant association known as the Downtown Kelowna Association ("DKA");

AND WHEREAS the Council of the City of Kelowna has mailed to the owners of the parcels liable to be specially charged, pursuant to section 213 of the *Community Charter*, notice of Council's intention to proceed with a bylaw to establish the Kelowna Downtown BIA for the years 2014-2018 in order to provide certain services, through the DKA, under a business promotion scheme;

AND WHEREAS notice of Council's intention to proceed with a bylaw to re-establish the Kelowna Downtown BIA for the years 2014-2018 in order to enable the DKA to provide certain services under a business promotion scheme has been published in a newspaper pursuant to section 213 of the *Community Charter*;

AND WHEREAS any petition received against the proposed work was not sufficient pursuant to section 212 of the *Community Charter*, to prevent Council from proceeding;

NOW THEREFORE, the Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. Those lands within the area shown outlined in black on the map attached hereto and forming part of this bylaw as Schedule "A" are designated as a Business Improvement Area (BIA) within the meaning of section 215 of the *Community Charter* and shall be known as Downtown Kelowna Business Improvement Area.

2. Council is hereby empowered to grant to the DKA, for the term of this bylaw, money in the amount of the DKA's annual budget, as submitted to and approved by Council, but in any event not exceeding the sum of Eight Hundred and Eighty-Seven Thousand, Four Hundred and Seven Dollars (\$887, 407.00) per annum.
3. Money granted pursuant to section 2 of this bylaw must be expended only by the DKA.
4. Money granted pursuant to section 2 of this bylaw shall be expended only for projects provided for in the annual budget of the DKA, as submitted to and approved by Council, and following the Business Promotion Scheme, attached to and forming part of this bylaw as Schedule "B".
5. The DKA shall submit to the Council of the City of Kelowna, annually, on or before March 15, a budget for the calendar year, which outlines revenues and expenditures related to the carrying out of the Business Promotion Scheme outlined in Schedule "B" during that year.
6. The DKA shall account for the money granted by Council for the previous calendar year at the same time as the annual budget is submitted pursuant to section 5 hereof.
7. An advance payment equal to 25% of the prior year grant amount may be provided to the DKA prior to Council approval of the annual budget for each of the years included in this agreement. Any advance payment shall then be deducted from the total grant amount to be paid to the DKA for that year following Council's review and approval of the annual budget.
8. The DKA shall not incur any indebtedness or other obligations beyond each budget year.
9. There shall be levied annually against all taxable land and improvements within the designated Business Improvement Area which fall within Class 5 or 6 of the Assessments - Class and Percentage Levels Regulation, B.C. Reg. 438/81 excluding Federal, Provincial and Municipal owned properties used for government purposes, and based on assessed values, rates sufficient to raise the sum in accordance with section 2 herein or such lesser amount as granted to the DKA pursuant to the provisions of this bylaw.
10. The DKA shall take out and maintain public liability, property damage, and other required insurance naming the City of Kelowna as Additional Insured in the amount of not less than \$2,000,000.00, and shall provide upon request to the City of Kelowna proof of such insurance in the form of the City's standard Certificate of Insurance.

11. The DKA shall procure and maintain at its own expense:
  - (a) Comprehensive General Liability Insurance providing for all sums which the DKA shall become legally obligated to pay for as a result of bodily injury, property damage or other damages, providing for an inclusive limit of not less than \$2,000,000.00 for each occurrence or accident;
  - (b) Automobile Liability Insurance covering all motor vehicles owned operated and used directly or indirectly in the operations of the DKA, with a limit of liability of not less than \$2,000,000.00 inclusive; and
  - (c) Such other insurance coverage appropriate for the operations of the DKA as determined by the City.
12. All Insurance required to be obtained by the DKA pursuant to this bylaw shall name the City as an Additional Insured, and shall be primary without any right of contribution from any insurance otherwise maintained by the City.
13. The DKA shall submit Certificates of Insurance as, and in the form, required by the City, which shall provide that 30 days' written notice shall be given to the Risk Manager of the City, or designate, prior to any material changes or cancellations of any such policy or policies.
14. The Business Improvement Area created by this bylaw may be merged with another Business Improvement Area, whether contiguous or not, for the purpose of providing, consolidating or completing necessary works or services for the merged area.
15. This bylaw shall be effective from January 1, 2014 through December 31, 2018 inclusive.
16. This bylaw may be cited as "Kelowna Downtown Business Improvement Area Bylaw No. 10880."

Read a first, second and third time by the Municipal Council of the City of Kelowna this 12<sup>th</sup> day of August, 2013.

Adopted by the Municipal Council of the City of Kelowna this 30<sup>th</sup> day of September, 2013.

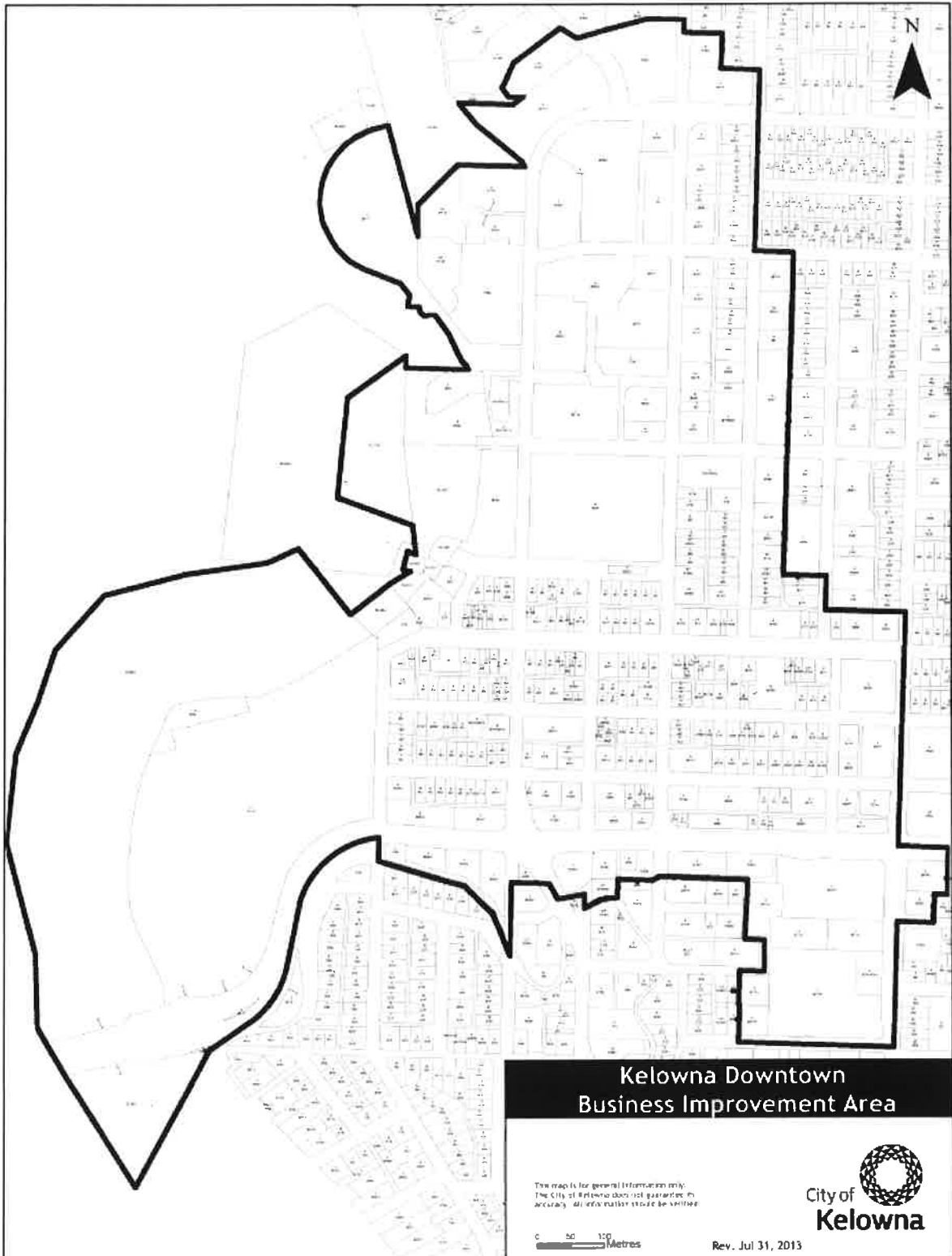
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Mayor

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City Clerk

SCHEDULE A - Map



**Kelowna Downtown  
Business Improvement Area**

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.

0 50 100 Metres



Rev. Jul 31, 2013