

BYLAW NO. 5314, 2023

A Bylaw to create a Business Improvement Area
along the Austin Heights corridor

WHEREAS:

- A. The City of Coquitlam may establish a local area service in relation to a Business Improvement Area;
- B. It is the intention of the City of Coquitlam to establish a local area service in relation to a Business Improvement Area in Austin Heights pursuant to Section 210 of the *Community Charter*, S.B.C. 2003, c.26;

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled,
ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw shall be cited for all purposes as the “Austin Heights Business Improvement Area Bylaw No. 5314, 2023”.

2. Definitions

In this Bylaw, the following words have the following meanings:

“Association” means the Austin Heights Business Improvement Association, or any other name that the members of the Association may approve.

“Austin Heights Business Improvement Area” or “Business Improvement Area” means the area of the City designated by Section 3 of this Bylaw.

“Business Promotion Scheme” means:

- a. the encouragement of business in the Business Improvement Area in order to complement and expand the present business mix;
- b. the strengthening of businesses in the Business Improvement Area by undertaking beautification projects and new marketing strategies and merchandising techniques to promote existing business; and
- c. the improvement, beautification, maintenance and security of the Business Improvement Area to attract customers and improve community ambiance.

3. Council hereby designates those lands designed to benefit from the business promotion scheme shown in Schedule "A" attached to and forming part of this Bylaw, as the Austin Heights Business Improvement Area.
4. Council hereby approves granting to the Association the following amounts annually to support the business promotion scheme:
 - 2023 = \$268,809
 - 2024 = \$301,066
 - 2025 = \$331,173
 - 2026 = \$357,666
 - 2027 = \$386,280

This will represent, in aggregate, a total amount not exceeding \$1,644,994 for the term of this Bylaw.

5. Monies granted to the Association under this Bylaw must be expended only by the Association and only for the purpose of the Business Promotion Scheme in accordance with the terms and conditions set out in this Bylaw.
6. All monies granted to the Association pursuant to this Bylaw shall be recovered as a local service tax within the Austin Heights Business Improvement Area from the owners of land within that area as provided in this Bylaw.
7. Land or improvements within the Business Improvement Area shown outlined in heavy black on the attached map identified as "Schedule A" will not be subject to this local service tax unless classified, in whole or in part, as Class 6 (business and other - as defined in the Assessment Act Regulation, B.C. Reg. 438/81), with the exception of those Class 6 properties which are granted a statutory or permissive exemption under sections 220(1) or 224(1) of the *Community Charter*.
8. The Association shall submit to the City of Coquitlam, on or before April 1 of each year of the term of this Bylaw, an annual budget in a form acceptable to the General Manager Finance, Lands and Police for the purpose of the Business Promotion Scheme set out in Section 2 of this Bylaw.
9. The local service tax will be collected as a property value tax which will be calculated on the basis of each individual property's assessed value in relation to the assessed value of all properties in the local service area multiplied by the rate necessary to raise the required funds as set out in Section 4 of this Bylaw.
10. All grants provided for under Section 4 of this Bylaw are subject to the Austin Heights Business Improvement Association's approval of their annual budget, and monies granted pursuant to Section 4 of this Bylaw shall be expended only for projects provided for in the Association's annual budget submitted to the City.

11. The Association shall account for the money granted and approved by Council for the previous year by submitting to the City on or before June 1 in each of the years 2023, 2024, 2025, 2026 and 2027, an annual audited financial statement which shall be prepared in accordance with generally accepted accounting principles and shall include a Statement of Financial Position and a Statement of Operations. The financial statement shall be prepared on a calendar year basis.
12. The Association shall not incur any indebtedness or other obligations beyond each budget year.
13. The Association shall obtain and maintain in force during the five year term of this Bylaw, a policy of insurance in accordance with the specifications set out in Schedule "B" attached hereto, and shall deliver a certified copy of each policy to the City of Coquiltlam on or before June 1 of each year of the five year term of this Bylaw.
14. This Bylaw shall be in effect from the date of adoption until December 31, 2027.
15. If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

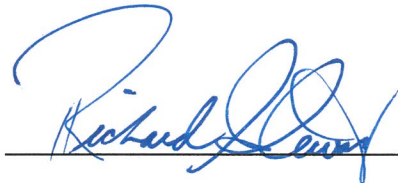
PUBLIC NOTICE OF COUNCIL'S INTENTION TO UNDERTAKE THIS LOCAL AREA SERVICE WAS PROVIDED on the 2nd and 9th of February, 2023.

READ A FIRST TIME this 17th day of April, 2023.

READ A SECOND TIME this 17th day of April, 2023.

READ A THIRD TIME this 17th day of April, 2023.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 24th day of April, 2023.



MAYOR



CLERK

Austin Heights Business Improvement Area Bylaw No. 5314, 2023

SCHEDULE "A"

Boundaries of the Austin Heights Business Improvement Area

The boundaries of the Austin Heights Business Improvement Area are shown in heavy outline on the map below:



Austin Heights Business Improvement Area Service Bylaw No. 5314, 2023

SCHEDULE "B"

Insurance Specifications

1. The Association shall provide and maintain Commercial General Liability Insurance acceptable to the City and subject to limits of not less than **TWO MILLION DOLLARS (\$2,000,000.00)** 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 applicant as well as any contractor or subcontractor hired by the applicant.
2. The City shall be added as an additional insured under the Comprehensive General Liability Policy and the Policy shall contain a Cross Liability Clause.
3. The Association, or its insurance broker, shall provide the City with a copy of its current insurance certificate prior to the City providing funding under Section 4 of this Bylaw. Also, the applicant, or its insurance broker, shall provide a copy of its commercial general liability insurance if the City so requests.
4. The Association's Commercial General Liability Policy shall contain an endorsement to provide that the policy shall not be cancelled, lapsed, or materially altered, without giving thirty (30) days notice in writing to the City.