

CITY OF SURREY

BYLAW NO. 18105

A Bylaw to establish the Newton Business Improvement Area

As amended by By-law No. 18553; 11/30/15; 19613, 12/03/18

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS a City Council may pursuant to Section 215 of the Community Charter, S.B.C. 2003, c.323, as amended, grant money to an applicant that has as one of its aims, functions and purposes, the planning and implementation of a Business Promotion Scheme;

AND WHEREAS a City Council may propose on its own initiative that a Business Promotion Scheme be undertaken;

AND WHEREAS before a City Council grants money for a Business Promotion Scheme, the City Council shall pass a Bylaw pursuant to Section 215 of the Community Charter, S.B.C. 2003, c. 323, as amended.

NOW, therefore, the City Council of the City of Surrey, ENACTS AS FOLLOWS:

1. This Bylaw be cited for all purposes as "Newton Business Improvement Area Bylaw, 2014 No. 18105"
2. For the purpose of this Bylaw:

"Association" means the Newton Business Improvement Association, or any other name that the members of the Association may approve.

"Business Promotion Scheme" means:

- (a) carrying out studies and making reports respecting the advancement of project plans and improvements designed to benefit the Newton Business Improvement Area and carrying out all of the studies incidental to the objectives of the Association and to further these goals, and all management and administration necessary to implement the scheme of the Newton Business Improvement Area;
- (b) the improvement, beautification or maintenance of the streets and sidewalks in the Newton Business Improvement Area;

- (c) the conservation of heritage property in the Newton Business Improvement Area;
- (d) the encouragement and promotion of commercial business development and encouragement of entertainment, sports and cultural activities within the Newton Business Improvement Area in furtherance of its economic and commercial welfare; and
- (e) the creation of a pleasant environment in the Newton Business Improvement Area.

“City” means the City of Surrey.

“City Council” means the Council of the City of Surrey.

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

“Taxable Property” means land or improvements, or both, that fall within Class 5 or 6 of the Assessment Act - Prescribed Classes of Property Regulation, B.C. Regulation 438/81, as that regulation stood on January 8, 1988.

3. City Council hereby designates for a term of five (5) years those lands shown in heavy outline on Schedule “A” attached hereto and forming part of this Bylaw as Newton Business Improvement Area.
4. City Council hereby approves a grant to the Association of an amount not exceeding four hundred thousand Dollars (\$400,000) in Year 1 (2014). The amount shall not increase in the first five years and is as follows:

| | | | |
|-----|--------|------|-----------|
| (a) | Year 2 | 2015 | \$400,000 |
| (b) | Year 3 | 2016 | \$400,000 |
| (c) | Year 4 | 2017 | \$400,000 |
| (d) | Year 5 | 2018 | \$400,000 |
5. Monies granted to the Association under this Bylaw must be expended only by the Association and in accordance with the conditions and limitations set out in this Bylaw and for the planning and implementation of a Business Promotion Scheme.
6. Monies granted to the Association pursuant to this Bylaw shall be for projects provided for in the annual budget submitted and approved by City Council pursuant to Section 9 of this Bylaw.
7. All of the money granted to the Association pursuant to this Bylaw shall be recovered within the Newton Business Improvement Area from the owners of land or improvements, or both, or from persons from whom charges provided in the Community Charter, S.B.C. 2003, c.323 as amended, may be collected in the Newton Business Improvement Area.

8. For the purpose of recovering the monies granted to the Association an annual tax shall be imposed on the Taxable Property within the Newton Business Improvement Area and such tax shall be based on the assessed value of the land, improvements, or both.
9. The Association shall submit annually to the City Council for approval, on or before April 1st in each year, a budget for the purpose of the Business Promotion Scheme based on a fiscal year commencing April 1st which contains information sufficient in detail to describe all anticipated expenses and revenues and which have been approved by a majority of the members present at the annual general meeting of the Association.
10. The Association shall keep separate from any other accounts, the account used for money granted to the Association by the City pursuant to this Bylaw, and shall cause the revenue and expenditures resulting from the use of that separate account to be an audited schedule to the financial statements of the Association and reported separately as required by Section 17 of this Bylaw.
11. The Association shall not carry out any borrowing that results in indebtedness or other obligation as to money granted to it by the City pursuant to this Bylaw which extends beyond the fiscal year in which the money was granted.
12. The directors of the Association shall permit the General Manager, Finance and Technology of the City, or a nominee of the General Manager, Finance and Technology, to inspect during normal business hours on reasonable notice, all books of account, receipts, invoices, and other financial position records which the General Manager, Finance and Technology deems advisable for the purpose of verifying and obtaining further particulars of the budget and any financial statements of the Association as they relate to money granted to the Association by the City pursuant to this Bylaw.
13. Any money granted to the Association by the City pursuant to this Bylaw shall, if not required for immediate use, be invested in only such securities in which trustees, by law are authorized to invest.
14. The Association shall at all times carry a policy of comprehensive general liability insurance in the amount of five million dollars (\$5,000,000) with the City added as an additional named insured and containing a cross coverage provision, and such policy shall also 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 General Manager, Finance and Technology.
15. The Association shall give notice of every general meeting not less than fourteen (14) days prior to the date scheduled for the meeting if delivered by hand or transmitted via facsimile or e-mail, twenty-one (21) days by other means to:
 - (a) the General Manager, Finance and Technology;

- (b) all persons who own Taxable Property within the Newton Business Improvement Area, to their addresses as ascertained from the most recent assessment rolls for the City; and
 - (c) all persons who lease Taxable Property within the Newton Business Improvement Area and from which they carry on business, to their address as determined by directories, visual inspections or any other information system.
- 15.1 For the purposes of Section 15(b), the City will provide to the Association upon request the name and address of every owner of Taxable Property within the Newton Business Improvement Area according to the most recent assessment information provided to the City by Assessment Authority.
16. The bylaws of the Association must include the provisions set out in Schedule "A" to this Bylaw.
17. The Association shall not alter or approve amendments to its constitution and bylaws without providing the General Manager, Finance and Technology with two (2) months notice of its intentions to make such alteration or amendment, and where any alteration or amendment is made without such notice the City may withhold any payments of the grant referred to in this Bylaw.
18. The Association shall account for the money approved by City Council for the previous year by submitting to the City on or before May 15th in each of the years 2015, 2016, 2017 2018 and 2019, an annual audited financial statement of the Association 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.
19. The Association shall not incur any indebtedness or other obligations beyond each budget year.
20. This Bylaw shall be in effect until March 31, 2019.

PASSED FIRST READING on the 12th day of November, 2013.

PASSED SECOND READING on the 12th day of November, 2013.

PASSED THIRD READING, as amended, on the 10th day of March, 2014.

NOTICE OF INTENTION ADVERTISED on the 7th and the 14th day of January, 2014 in the NOW newspapers.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 10th day of March, 2014.

_____MAYOR

_____CLERK

The Bylaws of the Association must include the following provisions:

Definitions

1. "Authorized Representative" to be defined as follows:

"Authorized Representative" means a person who has authority to act on behalf of a member of the Association in its day to day operations and who is authorized in writing by that member to represent the member at any meeting of the Newton BIA.

2. "Property Owner" to be defined as follows:

"Property Owner" means a person who is:

- i. registered in the Land Title Office as the fee simple owner, or the purchaser under a registered agreement for sale; or
- ii. a tenant,

of Class 5 or Class 6 real property as described in *Prescribed Classes of Property Regulation*, B.C. Reg. 438/81 that is located within the Newton Business Improvement Area.

3. "Tenant" to be defined as follows:

"Tenant" means a person who is a tenant pursuant to a lease or rental agreement for a term of years which, including all options to renew, is less than 60 years in aggregate, of Class 5 or Class 6 real property as described in *Prescribed Classes of Property Regulation*, B.C. Reg. 438/81 that is located within the Newton Business Improvement Area.

Members and Meetings of Members

4. There will be only two classes of members: voting members and associate members.
5. Only a Property Owner or a Tenant may be a voting member.
6. The number of associate members must not exceed the number of voting members.
7. Voting by proxy is not permitted at meetings of members.

Directors

8. No person may be elected or appointed as a director unless that person is a voting member of the Association or an Authorized Representative of a member.
9. A maximum of two directors may be elected or appointed who are associate members of the Association.