



## TOWN OF LADYSMITH

A special meeting of the  
Council of the Town of Ladysmith  
will be held in Council Chambers at City Hall on

**MONDAY, MAY 11, 2009  
at 4:00 P.M.**

## AGENDA

	<u>Page</u>
<b>CALL TO ORDER</b>	
<b>1 AGENDA APPROVAL</b>	
<b>2 BYLAWS</b>	
2.1 <u>Town of Ladysmith Sewer Parcel Tax Bylaw 2009, No. 1690</u> Re: May be adopted.	<b>1</b>
2.2 <u>Town of Ladysmith Water Parcel Tax Bylaw, 2009, No. 1689</u> Re: May be adopted.	<b>2</b>
2.3 <u>Town of Ladysmith Financial Plan Bylaw 2009, No. 1688</u> Re: May be adopted.	<b>3 - 7</b>
2.4 <u>Town of Ladysmith Tax Rates Bylaw 2009, No. 1687</u> Re: May be adopted	<b>8 - 9</b>
<b>3 BYLAWS (OCP / ZONING)</b>	
3.1 <u>Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment         Bylaw (No. 74), 2009 No. 1691</u> Re: May be read a first and second time; may refer to the Advisory Planning Commission; may set a public hearing date of June 1, 2009.	<b>10 - 12</b>
<b>QUESTION PERIOD</b>	
<b>4 EXECUTIVE SESSION (Immediately Following the Special Session)</b>	
In accordance with Section 90(1) of the <i>Community Charter</i> , the first section of the meeting will be held In Camera to consider the following items:	
<ul style="list-style-type: none"><li>• the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;</li><li>• personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;</li></ul>	
<b>5 RISE AND REPORT</b>	
<b>ADJOURNMENT</b>	



**TOWN OF LADYSMITH  
BYLAW NO. 1690**

A bylaw to impose a sewer parcel tax on owners of land in the Town of Ladysmith, pursuant to the provisions of the *Community Charter*.

---

**WHEREAS** the Council of the Town of Ladysmith is empowered by the *Community Charter* to impose and levy a sewer parcel tax to meet the cost of works and services that benefit land within the Municipality; and

**WHEREAS** certain costs have or will be incurred by the Town of Ladysmith in constructing and improving the sewer system of the Town; and

**WHEREAS** it is deemed essential and expedient to impose and levy a sewer parcel tax on land benefitting from such improvements to meet such costs;

**NOW THEREFORE** the Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. In this bylaw, unless the context otherwise requires,

"Parcel" means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2009 Authenticated Tax Roll and all amendments thereto.

"Group of Parcels" means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly;

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Ninety-Four Dollars (\$ 94.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The sewer parcel tax shall have the same rights and remedies as other real property taxes.
5. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.
6. **REPEAL**  
"Sewer Parcel Tax Bylaw 2008, No. 1651" is hereby repealed.
7. The provisions of this bylaw shall become effective and be in force as of the 1st day of January for the year 2009.
9. **CITATION**  
This bylaw may be cited as "Sewer Parcel Tax Bylaw 2009, No. 1690".

**READ A FIRST TIME** on the                    4<sup>th</sup>    day of    May, 2009  
**READ A SECOND TIME** on the            4<sup>th</sup>    day of    May, 2009  
**READ A THIRD TIME** on the            4<sup>th</sup>    day of    May, 2009  
**ADOPTED** on the                            day of                    , 2009

---

Mayor (R. Hutchins)

**1**

---

Corporate Officer (S. Bowden)

**TOWN OF LADYSMITH  
BYLAW NO. 1689**

A bylaw to impose a water parcel tax on owners of land in the Town of Ladysmith pursuant to the provisions of the *Community Charter*.

---

**WHEREAS** the Council of the Town of Ladysmith is empowered by the *Community Charter* to impose and levy a water parcel tax to meet the cost of works and services that benefit land within the Municipality; and

**WHEREAS** certain costs have been or are to be incurred by the Town of Ladysmith in constructing and improving the water system of the Town; and

**WHEREAS** it is deemed essential and expedient to impose and levy a water parcel tax on land benefiting from such improvements to meet such costs;

**NOW THEREFORE** the Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. In this Bylaw, unless the context otherwise requires,

**"Parcel"** means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2009 Authenticated Tax Roll and all amendments thereto.

**"Group of Parcels"** means where a building or improvements is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

2. A water parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of Seventy Dollars (\$70.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the water parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes. The water parcel tax shall have the same rights and remedies as other real property taxes.
5. Every water parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter*.
6. The provisions of this Bylaw shall become effective and be in force as of the 1st day of January for the year 2009.
7. **REPEAL**  
"Water Parcel Tax Bylaw, 2008, No. 1650" is hereby repealed.
8. **CITATION**  
This bylaw may be cited as "Water Parcel Tax Bylaw 2009, No.1689".

**READ A FIRST TIME** on the 4<sup>th</sup> day of May, 2009

**READ A SECOND TIME** on the 4<sup>th</sup> day of May, 2009

**READ A THIRD TIME** on the 4<sup>th</sup> day of May, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

---

Mayor (R. Hutchins)

**2**  
Corporate Officer (S. Bowden)

**TOWN of LADYSMITH**

**BYLAW NO. 1688**

A bylaw establishing the Financial Plan for the years 2009-2013.

---

**WHEREAS** the *Community Charter* requires Municipal Councils to prepare and adopt, by bylaw, a financial plan;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule "A" attached hereto and made part of the bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending the thirty-first day of December, 2013.
- (2) Schedule "B" attached hereto and made part of the bylaw is hereby adopted and shall be the statement of objectives and policies for the Town of Ladysmith for the five years ending the 31<sup>st</sup> of December 2013.
- (3) This bylaw may be cited for all purposes as: "*Town of Ladysmith Financial Plan Bylaw 2009, No. 1688*".
- (4) "Town of Ladysmith Financial Plan Bylaw 2008, No. 1649" is hereby repealed.

**READ A FIRST TIME** on the 4<sup>th</sup> day of May, 2009

**READ A SECOND TIME** on the 4<sup>th</sup> day of May, 2009

**READ A THIRD TIME** on the 4<sup>th</sup> day of May, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

---

Mayor (R. Hutchins)

---

Corporate Officer (S. Bowden)

**Schedule "A"**

**Town of Ladysmith  
2009 - 2013 Financial Plan**

	2009	2010	2011	2012	2013
<b>Revenue</b>					
<b>Operating</b>					
Property Taxes	\$ 5,164,693	\$ 5,184,717	\$ 5,321,088	\$ 5,406,541	\$ 5,505,772
Payment in Place of Taxes	138,302	141,068	143,889	146,767	149,703
Fees, Charges, Other	2,504,664	2,554,868	2,606,169	2,658,574	2,712,132
Recreation - Area G & H	114,000	116,280	118,606	120,978	123,397
Interest on Investments	200,000	204,000	208,080	212,242	216,486
Penalty and Interest on Taxes	80,000	81,600	83,232	84,897	86,595
Grants (Federal, Provincial, Other)	535,250	545,955	556,874	568,012	579,373
Transfers from Own Funds	137,413	214,027	176,169	191,121	194,198
Collection for Other Govts.	3,685,976	3,759,696	3,834,889	3,911,588	3,989,819
	<u>\$12,560,298</u>	<u>\$ 12,802,210</u>	<u>\$ 13,048,996</u>	<u>\$ 13,300,718</u>	<u>\$ 13,557,474</u>
<b>Capital</b>					
Property Taxes	\$ 453,000	\$ 545,330	\$ 523,560	\$ 555,000	\$ 575,500
Parcel Tax	552,708	562,116	571,528	580,945	588,988
Fees, Charges, Other	-	-	-	-	-
Debt Proceeds	-	-	-	-	-
Grants (Federal, Provincial, Other)	6,257,740	8,000,000	-	866,667	-
Donations & Contributions	261,000	-	-	-	-
Transfers from Own Funds	6,007,712	4,324,834	862,811	903,888	395,952
	<u>\$13,532,160</u>	<u>\$ 13,432,280</u>	<u>\$ 1,957,900</u>	<u>\$ 2,906,500</u>	<u>\$ 1,560,440</u>
<b>Total</b>	<u>\$26,092,458</u>	<u>\$ 26,234,490</u>	<u>\$ 15,006,896</u>	<u>\$ 16,207,218</u>	<u>\$ 15,117,915</u>
<b>Expenditures</b>					
<b>Operating</b>					
Departmental Operations	\$ 7,350,976	\$ 7,495,637	\$ 7,643,226	\$ 7,793,767	\$ 7,947,320
Library	243,754	248,629	253,602	258,674	263,847
Policing	1,060,990	1,079,647	1,098,677	1,118,087	1,137,886
Collections for Other Govts.	3,685,976	3,759,696	3,834,889	3,911,588	3,989,819
Repayment of Debt	218,602	218,602	218,602	218,602	218,603
	<u>\$12,560,298</u>	<u>\$ 12,802,210</u>	<u>\$ 13,048,996</u>	<u>\$ 13,300,718</u>	<u>\$ 13,557,474</u>
<b>Capital</b>					
Departmental Capital	<u>\$13,532,160</u>	<u>\$ 13,432,280</u>	<u>\$ 1,957,900</u>	<u>\$ 2,906,500</u>	<u>\$ 1,560,440</u>
<b>Total</b>	<u>\$26,092,458</u>	<u>\$ 26,234,490</u>	<u>\$ 15,006,896</u>	<u>\$ 16,207,218</u>	<u>\$ 15,117,915</u>

**Town of Ladysmith  
2009-2013 Financial Plan  
Statement of Objectives and Policies  
Schedule 'B' of Bylaw No. 1688**

In accordance with Section 165(3.1) of the *Community Charter*, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the *Community Charter*;
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

**Funding Sources**

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2009. Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis. These include services such as general administration, fire protection, police services, bylaw enforcement and street lighting.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services – these are charged on a user pay basis. User fees attempt to apportion the value of a service to those who use the service.

**Objective**

- Over the next five years, the Town will increase the proportion of revenue that is received from user fees and charges by at least 3 percent over the current levels.

**Policies**

- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Universal water metering rates will be reviewed to ensure that appropriate user fees are being collected for water usage.
- Where possible, the Town will endeavor to supplement revenues from user fees and charges, rather than taxation, to lessen the burden on its limited property tax base.

**Table 1: Sources of Revenue**

<b>Revenue Source</b>	<b>% of Total Revenue</b>	<b>Dollar Value</b>
Property taxes	22%	\$5,617,693
Parcel taxes	2	552,708
User fees and charges	14	2,756,966
Other sources	2	541,000
Proceeds from borrowing	0	0
Government grants	26	6,792,990
Own funds	20	6,145,125
Collection for other governments	14	3,685,976
<b>Total</b>	<b>100%</b>	<b>\$26,092,458</b>

**Distribution of Property Tax Rates**

Table 2 outlines the distribution of property taxes among the property classes. The residential property class provides the largest proportion of property tax revenue. This is appropriate as

this class also forms the largest portion of the assessment base and consumes the majority of Town services.

**Objectives**

- Over the next five years, reduce the share of property tax paid by Major Industry (Class 4) by at least 2 percent. This reduction of the tax burden on industrial properties continues a commitment to encourage investment and employment in the community.
- Maintain the property tax rate for business and other (Class 6) at the current rate or less.

**Policies**

- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base as a result of the reduction in the tax share paid by major industry (Class 4).
- If a tax shift to other property classes is required as a result of the reduction in the tax rate to major industry (Class 4), Residential (Class 1) should be the first to absorb any such shifts.
- Continue to maintain and encourage economic development initiatives designed to attract more retail and commercial businesses to invest in the community. New investment from these areas will help offset the reduction to major industry (Class 4) while providing more revenue for the Town.
- Align the distribution of tax rates among the property classes with the social and economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.
- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

**Table 2: Distribution of Property Tax Rates**

Property Class	% of Total Property Taxation	Dollar Value
Residential (1)	66.60%	\$3,741,518
Utilities (2)	.54	30,552
Social Housing (3)	n/a	n/a
Major Industrial (4)	16.81	944,116
Light Industrial (5)	.64	35,881
Business and Other (6)	15.317	860,102
Managed Forest Land (7)	.003	162
Recreation/Non-profit (8)	.07	4,014
Farmland (9)	.02	1,289
<b>Total</b>	<b>100.00%</b>	<b>\$5,617,634</b>

**Permissive Tax Exemptions**

The Town provides permissive tax exemptions. Some of the eligibility criteria for permissive tax exemptions include the following:

- The tax exemption must demonstrate benefit to the community and residents of the Town by enhancing the quality of life (economically, socially and culturally) within the community.
- The goals, policies and principles of the organization receiving the exemption must not be inconsistent or in conflict with those of the Town.
- The organization receiving the exemption must be a registered non-profit society, as the support of the municipality will not be used for commercial and private gain.
- Permissive tax exemptions will be considered in conjunction with: (a) other assistance being provided by the Town; (b) the potential demands for Town services or infrastructure arising from the property; and (c) the amount of revenue that the Town will lose if the exemption is granted.



- The Town will continue to provide permissive tax exemptions to some non-profit societies. The Town has also expanded its offering of permissive tax exemptions to include revitalization tax exemptions. It also intends to offer permissive tax exemptions targeted at green development for the purposes of encouraging development that will meet our *Climate Action Charter* commitments.

**Policies**

- Expand the permissive tax exemption policy to include eligibility requirements for green revitalization tax exemptions.
- Develop a revitalization tax exemption program which details the kinds of green activities that the exemption program will target.
- Integrate the green revitalization tax exemption program into the Town's existing economic initiatives as a means of attracting retail and commercial businesses to further invest in the community.

**Table 3: Utilization of Reserves, DCC's and Surplus**

Source	% of Total	Dollar Value
Reserves	47%	\$2,812,096
DCC's	41	2,459,347
Surplus	12	873,682
<b>Total</b>	<b>100%</b>	<b>\$6,145,125</b>

**TOWN OF LADYSMITH**

**BYLAW NO. 1687**

Being a bylaw for the levying of rates for Municipal, Hospital and Regional District purposes for the year 2009.

---

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

The following rates are hereby imposed:

1. (a) For all lawful general purposes of the municipality on the assessed value of the land and improvements taxable for general municipal and debt purposes, rates appearing in column "A" of the Schedule attached hereto and forming part of this bylaw.
- (b) For the purposes of the Cowichan Valley Regional District on the assessed value of land and improvements taxable for regional hospital district purposes, rates appearing in column "B" of the Schedule attached hereto and forming part of this bylaw.
- (c) For hospital purposes on the assessed value of land and improvements taxable for regional hospital district purposes, rates appearing in column "C" for the Cowichan Valley Regional Hospital District attached hereto and forming part of this bylaw.
2. The minimum amount of taxation on a parcel of real property shall be One Hundred (\$100.00) dollars.
3. This bylaw may be cited as the "Town of Ladysmith Tax Rates Bylaw 2009, No. 1687".

**READ A FIRST TIME** on the 4<sup>th</sup> day of May, 2009

**READ A SECOND TIME** on the 4<sup>th</sup> day of May, 2009

**READ A THIRD TIME** on the 4<sup>th</sup> day of May, 2009

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

---

Mayor (R. Hutchins)

---

Corporate Officer (S. Bowden)

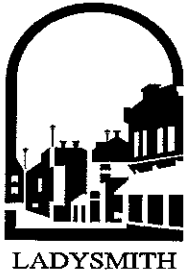
## SCHEDULE "A"

### TAX RATES (Dollars of tax per \$1000 taxable value)

PROPERTY CLASS	<u>A</u>		<u>B</u>	<u>C</u>
	Debt	Municipal	Cowichan Valley Regional District	Cowichan Valley Regional Hospital District
1. Residential	.3038	3.5407	.4815	.1954
2. Utility	2.8326	33.0104	1.6851	.6838
3. Major Industrial	6.6517	77.5174	1.6369	.6643
4. Light Industrial	1.1672	13.6018	1.6369	.6643
5. Commercial	1.1672	13.6018	1.1796	.4787
6. Managed Forest	2.7771	32.3641	1.4444	.5861
7. Seasonal	.2040	2.3776	.4815	.1954
8. Farm	1.9770	23.0399	.4815	.1954

This is Schedule "A" attached to and forming part of  
 "Town of Ladysmith Tax Rates Bylaw 2009, No. 1687"

\_\_\_\_\_  
 Corporate Officer (S. Bowden)



Town of Ladysmith  
**STAFF REPORT**

To: Ruth Malli, City Manager  
From: Felicity Adams, Manager of Development Services  
Date: May 6, 2009  
File No: Bylaw 1691

---

Re: ZONING BYLAW AMENDMENT – DRIVE-THRU SERVICE AND PAWN SHOPS

RECOMMENDATION(S):

1. That Council give first reading and second reading to “Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 74), 2009, No. 1691”.
2. That Council refer Bylaw 1691 to the Advisory Planning Commission.
3. That Council set a public hearing date of June 1, 2009 for Bylaw 1691.

PURPOSE:

The purpose of this report is to present a Zoning Bylaw amendment to Council that would regulate drive-through restaurants and pawn shops.

INTRODUCTION/BACKGROUND:

Previously Council has given direction to prohibit pawn shops and to prohibit further drive-through restaurants. The Zoning Bylaw has been reviewed and the regulations do not clearly achieve Council’s direction.

SCOPE OF WORK:

The proposed amending bylaw would prohibit further drive-through restaurants within the Town and prohibit pawn shop use. Current drive-through restaurants would become lawful, non-conforming.

ALTERNATIVES:

That Council not proceed with Bylaw 1691.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

A public hearing is required to be held before third reading and prior to consideration of the adoption of the bylaws.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The recommendation includes a referral to the Advisory Planning Commission concurrent with Council’s formal consideration of the amending bylaws.

A Notice of the public hearing is required to be placed in two consecutive issues of the local newspaper.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Bylaw implements previous Council direction.

SUMMARY:

The proposed amending bylaw would prohibit further drive-through restaurants within the Town and prohibit pawn shop use. Current drive-through restaurants would become lawful, non-conforming.

It is recommended that Council advance Bylaw 1691 to Public Hearing on June 1, 2009.

I concur with the recommendation.

---

Ruth Malli, City Manager

ATTACHMENTS:

Bylaw 1691

TOWN OF LADYSMITH

BYLAW NO. 1691

A bylaw to amend "Town of Ladysmith Zoning Bylaw, 1995, No. 1160"

**WHEREAS** pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the zoning bylaw;

**AND WHEREAS** after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 1995, No. 1160";

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) The text of "Town of Ladysmith Zoning Bylaw 1995, No. 1160" as amended is hereby further amended as follows:
  - (a) Deleting the definition of Restaurant in Section 4.0 "Definitions" and replacing it with the following definition:
 

"Restaurant means an establishment for the sale of prepared food to the public, but does not include drive-in restaurant or a restaurant with drive-through service."
  - (b) Adding "pawn shop" to the list of prohibited uses in Section 5.13 "Prohibited Uses".

**CITATION**

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 1995, No. 1160 Amendment Bylaw (No. 74), 2009, No. 1691".

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

**PUBLIC HEARING** held pursuant to the provisions of the *Local Government Act* on the day of \_\_\_\_\_ 2009.

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

**FINALLY PASSED AND ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Mayor (R. Hutchins)

\_\_\_\_\_  
Corporate Officer (S. Bowden)