

CITY OF NIAGARA FALLS

By-law No. 98 - 247

A By-law to designate an area as an Improvement Area and to establish for such area a Board of Management.

WHEREAS subsection 1 of section 220 of the Municipal Act provides that the Council of a local municipality may pass by-laws designating an area as an Improvement Area and may, by by-law, establish for any such area so designated a Board of Management to which may be entrusted, subject to such limitations as the by-law may provide, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area; and

WHEREAS the Council of The Corporation of the City of Niagara Falls now deems it desirable to designate the area shown shaded in brown in Schedule "A" to this by-law; and

WHEREAS the said Council further deems it desirable to establish a Board of Management for the said area; and

WHEREAS notice of the intention of the Council to pass this by-law was sent by prepaid mail on July 31, 1998 to every person who, on the last returned assessment roll, is assessed with respect to rateable property in the area shown that is in a prescribed business property class; and

WHEREAS no objections to the passing of the by-law have been received by the City Clerk.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:


1. The area shown shaded in pink in Schedule "A" to this by-law is designated as an Improvement Area to be known as the "Downtown Business Improvement Area" (hereinafter called the "area").
2. There is established for the area a Board of Management to be known as the "Board of Management for the Downtown Business Improvement Area" (hereinafter called the "Board").
3. There is entrusted to the Board, subject to the limitations hereinafter set out, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is

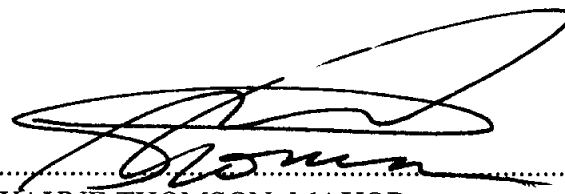
provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.

4. The Board is a body corporate and shall consist of 11 members appointed by the Council, two of whom shall be members of the Council and the remaining members shall be individuals qualified for membership in the Business Improvement Area or nominees of such individuals or of Corporations so assessed.
5. Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him, provided he continues to be qualified as provided for in section 4.
6. Where a vacancy occurs from any cause, the Council shall appoint a person qualified as set out in section 4 to be a member who shall hold office for the remainder of the term for which his predecessor was appointed.
7. The members shall hold office until their successors are appointed and are eligible for reappointment on the expiration of their term of office.
8. The Board shall, as soon as possible, after its members are appointed in each year, elect a chairman and vice-chairman and appoint a secretary and treasurer, and such other officers as it may deem necessary to properly conduct the business of the Board during the said year.
9. The Secretary of the Board shall keep proper minutes of every meeting of the Board and shall be responsible for keeping all of the records of the Board with the exception of the accounting records.
10. The Board shall adopt and maintain only banking arrangements and ordinary good accounting practices that are acceptable to the City Auditor of the Corporation and keep such books and accounts and submit such statements from time to time as the said City Auditor may require.
11. The City Auditor shall be the Auditor of the Board and all books, documents, transactions, minutes and accounts of the Board shall, at all times, be open to his inspection.
12. The fiscal year of the Board shall be the calendar year.
13. On or before the 1st day of March in each year, the Board shall submit its annual report for the preceding year to Council, including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

14. The Board shall submit to the Council, its estimates for the current year at the time, and in the form prescribed by Council and make requisitions upon the Council for all sums of money required to carry out its powers and duties, but nothing herein divests the Council of its authority, with reference to rejecting such estimates, in whole, or in part, or providing the money for the purposes of the Board and when money is so provided by the Council, the City Treasurer shall, upon the certificates of the Board, pay out such money to the Board.
15. The Board shall not expend any moneys not included in the estimates approved by the Council or in a reserve fund established under section 165 of the Municipal Act.
16. The Board shall not borrow money and, without the prior approval of the Council, it may not incur any indebtedness extending beyond the current year.
17. The Board shall deposit and keep on deposit with the City Treasurer, insurance policies satisfactory in all respects to the City Treasurer, indemnifying the Corporation against public liability and property damage in respect to the activities of the Board.

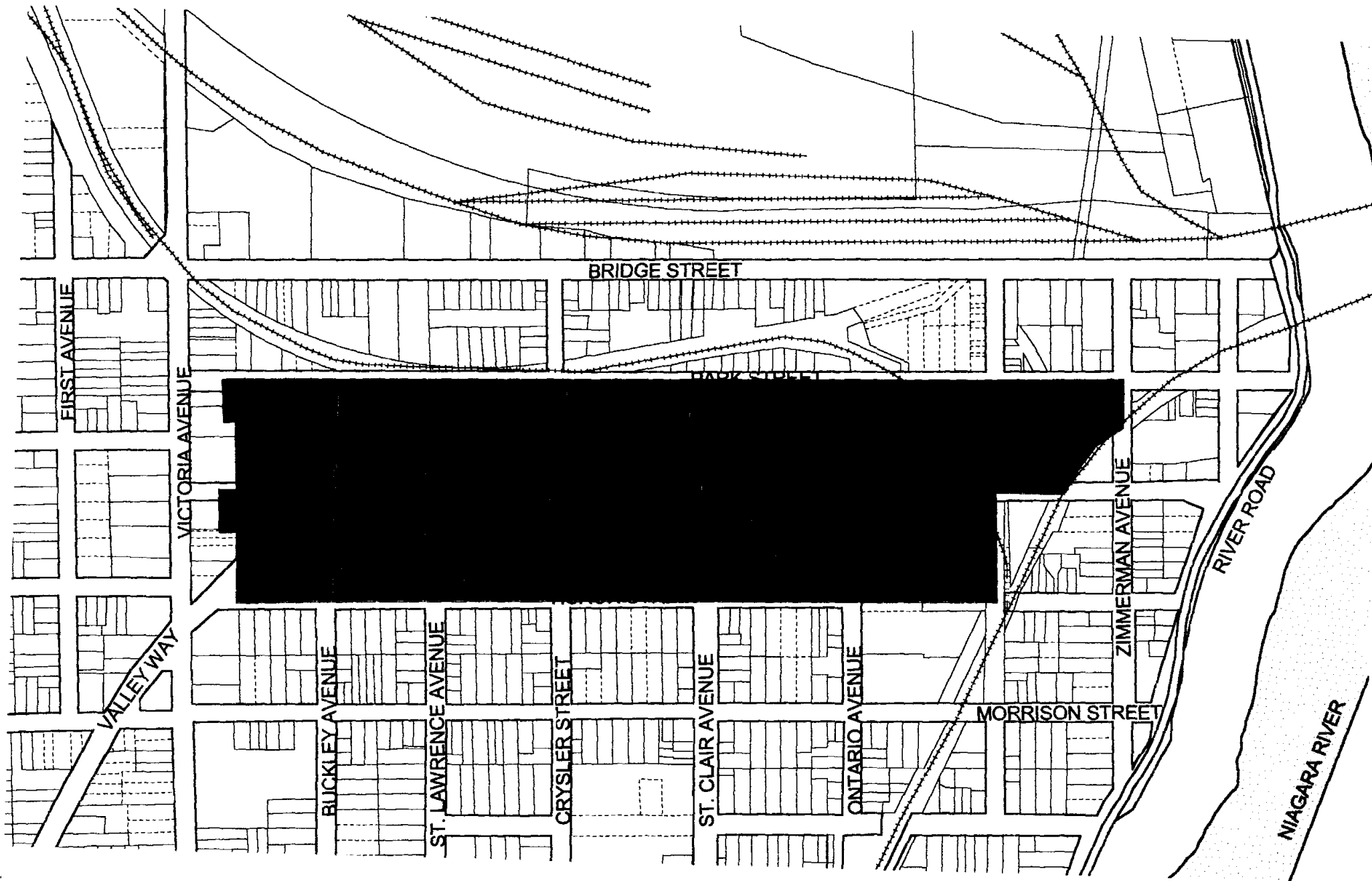
Passed this ninth day of November , 1998.


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E. C. WAGG, CITY CLERK


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WAYNE THOMSON, MAYOR

First Reading: November 9th, 1998
Second Reading: November 9th, 1998
Third Reading: November 9th, 1998

DOWNTOWN BUSINESS IMPROVEMENT AREA



LEGEND:

● DOWNTOWN BIA



Scale
1 : 5,000