

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 1999 - 51

A BY-LAW TO DESIGNATE A CERTAIN AREA AS AN IMPROVEMENT AREA (WELLAND DOWNTOWN IMPROVEMENT AREA) AND TO ESTABLISH A BOARD OF MANAGEMENT THEREFORE AND TO REPEAL BY-LAWS 6157, 6426, 7605, 8247, 8257 AND 8682

WHEREAS Section 220 of The Municipal Act, R.S.O. 1990, c. M.45, as amended, 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 it is desirable to designate the area hereinafter described as an improvement area and to establish a Board of Management for such area for the purposes set out herein.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. The area comprised of the land shown on the sketch attached hereto as Schedule "A" and forming a part of this by-law is designated as an improvement area within the meaning of **Section 220 of The Municipal Act** (hereinafter called "the area").
2. There is established for the area shown on said Schedule "A" to this by-law a Board of Management to be known as the "Board of Management for the Welland Downtown 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 the 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 of shopping area.
4. The Board shall consist of eleven members appointed by the Council, two of whom shall be members of the Council, and the remaining nine members shall be individuals assessed with respect to rateable property in the area that is in a prescribed business property class or a tenant of such property who, under the tenant's lease, is required to pay all or a part of the taxes on the property, or who are nominated by such persons.

5. Each member shall hold office from the time of appointment until the expiration of the term of the Council that made the appointment, provided the member continues to be qualified as provided for in paragraph 4 herein.
6. Where a vacancy occurs from any cause, the Council shall appoint a person qualified as set out in paragraph 4 to be a member, who shall hold office for the remainder of the term for which his/her 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 other officers as it may deem necessary to properly conduct the business of the Board during the said year.
9. The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the City Clerk as soon as possible after the meeting covered thereby.
10. The Board shall adopt and maintain only banking arrangements and ordinary good accounting practices that are acceptable to the City Treasurer and keep such books of accounts and submit such statements from time to time as the said City Treasurer may require.
11. The municipal 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 Council shall in each year levy a special charge upon rateable property in the area that is in a prescribed business property class sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest on the sum at such rate as is required to repay any interest payable by the municipality in the whole or any part of such sum.

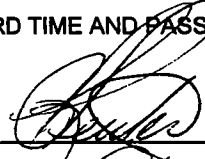
15. The Board shall submit to the Council its estimates for the current year at the time and in the form prescribed by the Council. The Board may make requisitions upon the Council for all sums of money required to carry out its powers and duties, within the limits of the estimates as approved by the Council, but nothing herein divests the Council of its authority with reference to rejecting such estimates in whole or in part of providing the money for the purposes of the Board of Management and when money is so provided by the Council, the Treasurer shall, upon the certificate of the Board of Management, pay out such money to the Board of Management.

16. The Board shall not expend any monies not included in the estimates approved by the Council or in a reserve fund established under **section 163 of the Municipal Act.**

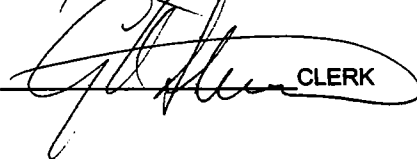
17. The Board shall not incur any indebtedness extending beyond the current year.

18. That By-laws 6157, 6426, 7605, 8247, 8257, 8682 shall be and the same are hereby repealed.

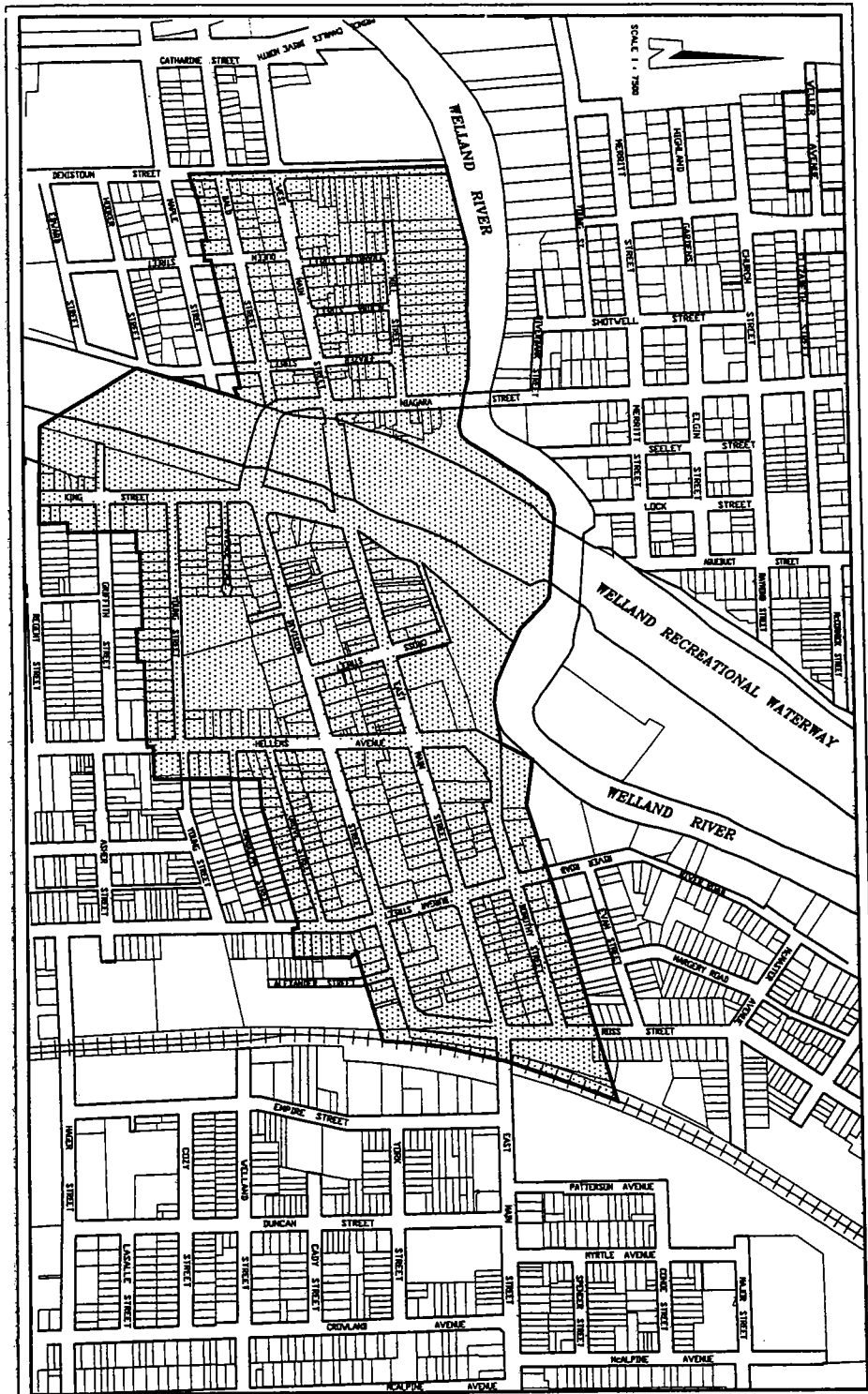
READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
20th DAY OF April, 1999.



MAYOR

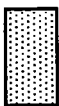


CLERK

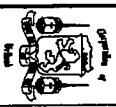


THIS IS SCHEDULE 'A' TO BY-LAW 1999-51
 PASSED THE 20TH DAY OF APRIL, 1999

LEGEND:



WELLAND DOWNTOWN IMPROVEMENT AREA



CITY OF WELLAND

DEPARTMENT OF DEVELOPMENT SERVICES
 PLANNING DIVISION AND CITY CLERK'S DEPARTMENT
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