

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2019-16

A BY-LAW TO DESIGNATE AN AREA AS AN IMPROVEMENT AREA WITHIN THE BEAMSVILLE DOWNTOWN IN THE TOWN OF LINCOLN AND ESTABLISH A BOARD OF MANAGEMENT PURSUANT TO SUBSECTION 204 (1) OF THE MUNICIPAL ACT, 2001 AND TO REPEAL THE TOWN OF LINCOLN BY-LAW 78-81 AND AMENDING BY-LAW 83-35

WHEREAS in accordance with Subsection 204(1) of the Municipal Act, 2001 S.O. 2001, C. 25 (the "Municipal Act") a local municipality may designate an area as an improvement area and may establish a Board of Management to oversee the improvement, beautification, and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally and to promote the area as a business or shopping area;

AND WHEREAS Council of The Corporation of the Town of Lincoln has provided notice of its intention to alter the boundaries of the Beamsville Downtown Business Improvement Area pursuant to the Municipal Act;

NOW THEREFORE, the Council of The Corporation of the Town of Lincoln hereby enacts as follows:

1. THAT the area identified on Schedule "A" to this By-law is designated as the Beamsville Downtown Business Improvement Area within the meaning of Section 204 of the Municipal Act.
2. THAT the membership of the improvement area shall consist of persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property.
3. THAT a "Board of Management" to be known as the Board of Management of the Beamsville Downtown Business Improvement Area hereinafter referred to as "the Board".
4. THAT 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 improvement area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large and the promotion of the improvement area a business or shopping area.
5. THAT the Board shall consist of nine members appointed by the Council one of whom shall be a member of Council, and the remaining members shall be persons qualified to be elected as members of the Council assessed for business assessment in respect of land in the area, or nominees of corporations so assessed, provided that such nominees are persons qualified to be elected as members of the Council.
6. THAT the term of the Board of Management is the same as the term of the Council of the Town of Lincoln but continues until their successors are appointed. Directors are eligible for reappointment.
7. THAT if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.

8. THAT the Board shall, as soon as possible after its directors are appointed, 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. THAT the Board shall keep proper minutes and records of every meeting of the Board and shall forward certified copies of such minutes and records to all members of the Board and to the Town Clerk as soon as possible after the meeting covered thereby.
10. THAT the Board shall adopt and maintain only banking arrangements and ordinary good accounting practices that are acceptable to the Treasurer of the Town of Lincoln and keep such books, records, accounts and documents and submit the same from time to time as the Town Treasurer may require.
11. THAT the Town's 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 their inspection.
12. THAT the fiscal year of the Board shall be the calendar year.
13. THAT on or before the first 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. THAT the Board shall submit to Council its projects and estimates for the current year at the time and in the form prescribed by the Council and may 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 Treasurer shall, upon the certificate of the Board, signed by the Treasurer thereof, pay out such money to the Board.
15. THAT the Board shall not expend any monies not included in the estimates approved by the Council or in a reserve fund that may be established under the Municipal Act.
16. THAT the Board shall not incur any indebtedness extending beyond the current year.
17. THAT the Board shall deposit and keep on deposit with the Town Treasurer, insurance policies satisfactory in all respect to the Town Treasurer, indemnifying the Town against public liability and property damage in respect of the activities of the Board.
18. The Board shall indemnify and save harmless the Town against all claims and shall pay the Town's costs and expenses incurred as a result of the Town resisting any claim and/or defending any action commenced thereunder.
19. THAT Council shall in each year levy a special charge upon persons in the improvement area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board for that area, which shall be born and paid by such persons in the proportion that the assessed value of the real property that issued as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the improvement area used as the basis for computing business assessment.

20. THAT a charge imposed under Section 19 of this By-Law shall be deemed to be taxes on property.

21. THAT Bylaw 78.81 and 83-35 be repealed in their entirety.

22. THAT this By-Law comes into full force and effect upon finally being passed.

BY-LAW read a FIRST time this 28th day of January, 2019.

BY-LAW read a SECOND time this 28th day of January, 2019.

BY-LAW read a THIRD time and FINALLY PASSED this 28th day of January, 2019.


MAYOR: SANDRA EASTON


CLERK: JULIE KIRKELOS

By-Law Number 2019-16 Schedule "A"

The Beamsville Downtown Business Improvement Area as defined in the attached Map

