

**THE CORPORATION OF THE CITY OF KENORA**

**BY-LAW NUMBER 166 - 2003**

**A BY-LAW TO DESIGNATE A CERTAIN AREA AS AN IMPROVEMENT AREA AND TO ESTABLISH A BOARD OF MANAGEMENT THEREFORE**

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**WHEREAS** Section 204 of The Municipal Act, 2001, 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 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 generally, and the promotion of the area as a business or shopping area; and

**WHEREAS** Council of the City of Kenora deems it desirable to designate the area hereinafter described as an improvement area and to establish a Board of Management for such area for the purpose set out herein;

**NOW THEREFORE**, the Council of the Corporation of the City of Kenora hereby enacts as follows:-

- 1.** The area comprised of the land described in Schedule “A” annexed hereto and made part of this by-law is designated as an improvement area within the meaning of Section 204 of The Municipal Act, 2001 (hereinafter called “the area”).
- 2.** There is established for the area described in said Schedule “A” to this by-law a Board of Management to be known as the “Harbourtown Centre Business Improvement Board” (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 shall consist of five members appointed by Council, one of whom shall be a member of Council, and the remaining members shall be persons qualified to be members of the improvement area, or nominees of corporations so assessed as set out in Section 204 (4) of The Municipal Act, 2001.
- 5.** Each member shall hold office for the same term as the term of Council, provided such person continues to be qualified as provided 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 the 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 such 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 of the Corporation and keep such books of account 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 1<sup>st</sup> 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 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 Council, 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, pay out such money to the Board.

- 15. The Council shall annually raise the amount required for the purposes of the Board, including any interest payable by the Municipality on money borrowed by it for purposes of the Board. A minimum charge for all rateable properties in the improvement area that is in a prescribed business property class shall be established at \$250.00 annually. Thereafter each remaining rateable property in the improvement area that is in a prescribed business property class exceeding the \$250.00 minimum, shall be charged based on assessed value and its pro-rated share of the total remaining annual estimate to be raised.
- 15. The Board shall not expend any money unless it is included in the budget approved by the Council or in a reserve fund established under Section 417 of The Municipal Act, 2001.
- 16. The Board shall not incur any indebtedness extending beyond the current year without the prior approval of Council, or borrow money.
- 17. The Board shall deposit and keep on deposit with the City Treasurer, insurance policies satisfactory in all respects to the said City Treasurer, indemnifying the Corporation against public liability and property damage in respect of the activities of the Board.
- 18. By-Law 3081 of the former Town of Kenora is hereby repealed.
- 19. **THAT** this by-law shall come into force and be in effect from and after the final passing thereof.

**By-law read a First and Second Time this 22 day of December, 2003**  
**By-law read a Third and Final Time this 22 day of December, 2003**

**THE CORPORATION OF THE CITY OF KENORA:**

.....**MAYOR**  
**David Canfield**

.....**CLERK**  
**Joanne L. McMillin**