

BYLAW NO. 5-78

The Village of Pelly Bylaw No. 5-78, being a bylaw to designate an area in the downtown business district a Business Improvement District and to establish a Board of Management therefor.

WHEREAS Section 198B of the Urban Municipality Act provides that the council of an urban municipality may by bylaw designate an area as a Business Improvement District and establish for any such area so designated a Board of Management which may, subject to such limitations as the bylaw may provide:

- a) improve, beautify and maintain municipally owned lands, buildings and structures in the area, in addition to any improvement, beautification or maintenance that is provided at the expense of the municipality at large;
- b) acquire, by purchase, lease or otherwise, any real property necessary for its purposes and improve, beautify and maintain that property;
- c) promote the area as a business or shopping area;
- d) undertake interim improvement and maintenance of any property mentioned in clause (b) for use as parking and may subsequently dispose of that property, by sale, lease, exchange or otherwise for public or private redevelopment for commercial purposes at a price not less than its fair market value;
- e) conduct any studies or prepare any designs that may be necessary for the purposes of this section;

AND WHEREAS it is desirable to designate the area hereinafter described as a Business Improvement District and to establish a Board of Management for such district for the purpose set out herein;

AND WHEREAS notice as prescribed by the said Act of the intention of the council to pass a bylaw designating the area hereinafter described as a Business Improvement District has been given and no sufficiently signed petition objecting to the passing of the bylaw has been received within the time limited therefor;

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF PELLY

ENACTS AS FOLLOWS:

1. Designation of the Business Improvement District:

The area comprised of the land described in Schedule "A" and shown in Schedule "B" annexed hereto and made part of this bylaw is designated as a Business Improvement District within the meaning of Sections 198B to 198Q of the Urban Municipality Act, 1970, (hereinafter called "the district").

2. Establishment of the Board of Management:

There is established for the district in said Schedule "A" to this bylaw a Board of Management to be known as the "Board of Management for the Pelly Business Improvement District."

3. Powers, Responsibilities and Obligations of the Board:

The Board is entrusted with such powers, responsibilities and obligations as are set out in Sections 198B to 198Q of the Urban Municipality Act, subject to such limitations as this bylaw may provide.

4. Composition of the Board:

The Board is a body corporate and shall consist of four persons appointed by a resolution of the council. At least one person appointed shall be a member of the council, and the other persons appointed shall be persons who are eligible to be elected as members of the council and who are assessed for business assessment in the district or who are nominees of corporations so assessed.

5. Term of Office:

The term of office of a member of the Board shall coincide with the term of office of the council that appointed him, provided he continues to be eligible to be appointed as a member of the Board, as provided above, notwithstanding which a member of the Board shall hold office until his successor is appointed and he is eligible for reappointment on the expiration of his term of office. The council may, by resolution, remove any person appointed and appoint another person to replace him. Where a vacancy occurs in the membership of the Board, the council shall appoint a person who is eligible to be appointed as a member of the Board to fill the vacancy.

6. Election of Chairman, Appointment of Secretary-Treasurer:

The Board shall as soon as possible after its members are appointed elect a chairman and vice-chairman and appoint a Secretary-Treasurer, and such other officers as it may deem necessary to properly conduct its business.

7. Minutes and Records of the Board:

The Board shall keep proper minutes and records of every meeting of the Board, and shall make these available to all members of the Board and to the Secretary upon request. The minutes and records of the Board shall be open to inspection by any person assessed for business assessment in the district or nominee of a corporation so assessed.

8. Financial Records:

The Board shall adopt and maintain only banking arrangements and good accounting practices that are acceptable to the treasurer of the Council of Pelly and shall keep such books of account and submit such statements from time to time as the said treasurer may require.

9. Approval of Estimates by Council:

The Board shall submit to the council for its approval the estimates of the Board for the current year by the first day of March, and for each year thereafter by the first day of March in each year, in the form prescribed by the council. The Board may requisition the council for any sums of money required to carry out its powers and duties and, where money is so provided by the council, the treasurer shall pay that money to the Board.

10. Limit of the Board's Expenditure and Indebtedness:

The Board shall expend only those monies included in the estimates approved by the council and any member of the Board who authorizes the expenditure of funds not previously approved by the council is guilty of an offence and liable on summary conviction to a fine of not more than \$100. No indebtedness extending beyond the current fiscal year shall be incurred by the Board.

11. Levy on Business Assessments:

The council shall authorize the levy upon all business assessments within the Business Improvement District, of a uniform rate that the council considers sufficient to raise the amount required for the estimates of the Board. Any funds:

- a) contributed to the Board by the council from monies collected from the municipality at large;
- b) from grants received by the Board from the province; or
- c) received by the Board from the disposal or conveyance or real property for commercial redevelopment;

shall form a part of the estimates that are approved by the council to be expended, but no such funds shall be used for the promotion of the areas as a business or shopping area or for studies.

12. Auditor:

The municipal auditor shall be the auditor of the Board and all books, documents, records of transactions, minutes and accounts of the Board shall, at all times, be open to his inspection.

13. Fiscal Year and Annual Report of the Board:

The fiscal year of the Board shall be the calendar year and, on or before the first day of March in each year, the Board shall submit its annual report for the preceding year to the council, and that report shall include a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.

14. Insurance:

The Board shall deposit and keep on deposit with the treasurer of the Corporation, insurance policies satisfactory in all respects to the municipal treasurer indemnifying the Corporation against public liability and property damage in respect of the activities of the Board.

15. Carry-over of Funds:

Monies from the approved estimates remaining unexpended at the end of the Board's fiscal year shall be carried over by the municipality in trust and applied to the Board's approved estimates for the next fiscal year.

(Seal)

Certified a true copy of the
bylaw adopted by Resolution
of the Council on the 7
day of Nov, A.D. 1978.

W. Hruszka
Mayor

M. T. Lennick
Secretary

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