

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 143-77

BEING A BY-LAW TO DESIGNATE AN IMPROVEMENT AREA TO BE KNOWN AS THE DOWNTOWN IMPROVEMENT AREA AND TO ESTABLISH A BOARD OF MANAGEMENT THEREFOR.

WHEREAS The Municipal Act, R.S.O. 1970, Chapter 284, Section 361, as amended, provides that the Council of a local municipality may pass by-laws designating an area as an Improvement Area;

AND WHEREAS notice of the intention of the Council to pass a by-law designating the area hereinafter described as an Improvement Area has been given as by the said Act prescribed and no sufficiently signed petition objecting to the passing of the by-law has been received within the time limited therefor.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The area hereinafter described is designated an Improvement Area within the meaning of the Municipal Act, to be known as the Downtown Improvement Area, such area is particularly described as follows:

All and singular, that certain parcel or tract of land and premises situate, lying and being in the City of North Bay, in the District of Nipissing, in the Province of Ontario described as follows:

"Commencing at the intersection of the centre line of Oak Street with the centre line of Sherbrooke Street, thence north easterly along the centre line of Sherbrooke Street to the centre line of McIntyre Street, thence North westerly along the centre line of McIntyre Street to the centre line of Cassells Street, thence southwesterly along the centre line of Cassells Street to the centre line of Oak Street, thence south easterly along the centre line of Oak Street to the point of commencement."

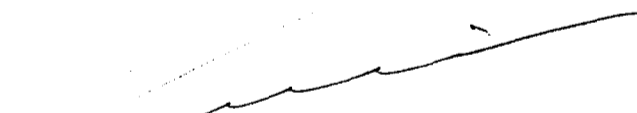
2. A Board of Management to be known as the Board of Management for the Downtown Improvement Area (hereinafter called the Board) is established for the area designated in paragraph 1.
3. There is entrusted to the Board, subject to the limitations set out in Clause 4, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area beyond such improvements, 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 have no power or authority to deal with the improvement, beautification or maintenance of those portions of Lots 131 and 132, Plan 10 which are owned by the Municipal Corporation of the City of North Bay or of the buildings or structures situate thereon without the approval of Council.
5. The Board of Management shall consist of five members, not more than two of whom shall be members of the Municipal Council and not fewer than three of whom 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, and further, provided that, until such time as Council shall by resolution declare that the Progressive Business Guild is no longer representative of those persons and corporations assessed for business assessment in respect of land in the area, the members of the Board of Management who are not members of the Municipal Council shall be appointed from a list of not fewer than six persons to be nominated by the Progressive Business Guild.


6. Each member of the Board shall hold office from the time of his appointment until the expiration of the term of Council that appointed him provided he continues to be qualified as provided in Section 5, and thereafter until his successor is appointed.
7. Whereaa vacancy in the membership of the Board occurs from any cause, the Council shall appoint a person qualified as set out in Section 5 to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.
8. The Board shall, at its first meeting in each year, select a chairman and vice-chairman and shall from time to time appoint a secretary and treasurer, and such other officers as it may deem necessary properly to 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, the City Clerk and to the Director of Planning and Works of the Corporation.
10. The Board shall adopt and maintain only such banking arrangements and ordinary good accounting practices as are acceptable to the Corporation's Auditor and shall keep such books of account and submit such statements from time to time as the said Corporation's Auditors may require.
11. The Corporation'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 his inspection.
12. The fiscal year of the Board shall be the calendar year.
13. On or before such date as may be determined by Council in each year, the Board shall submit to Council its annual report for the preceding year 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, an annual budget, in a form and at a time satisfactory to the Treasurer of the Corporation and, within the limits of the estimates as approved by Council, the money to be provided by Council shall be paid by the Treasurer of the Corporation to the Board from time to time upon receipt of requisitions signed by the Chairman thereof.
15. The Board shall submit to the Council a detailed statement of its proposed programme for each fiscal year. The Council shall notify the Board where any project which forms part of the programme may adversely affect the use or function of any land owned by the City including any highway, street, lane or pedestrian walkway, and upon such notification being given the Board shall delete or alter that project to the satisfaction of the Council.

- 16. The Board of Management shall not expend any monies not included in the estimates approved by the Council or in a reserve fund established under Section 308 of The Municipal Act.
- 17. The Board of Management established under this By-law shall not incur any indebtedness extending beyond the current year.
- 18. Upon the repeal of this By-law the Board of Management ceases to exist and its undertakings, assets and liabilities shall be assumed by the Municipality.
- 19. The Council shall in each year levy a special charge upon the persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used 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 area used as the basis for computing business assessment.
- 20. Any charge imposed under Clause Nineteen may be collected in the same manner and with the same remedies as provided by the Municipal Act for the collection of taxes upon business assessment.
- 21. The Board shall deposit and keep on deposit with the Clerk, insurance policies satisfactory in all respects to the Council, indemnifying the Corporation against public liability and property damage in respect of the activities of the Board.
- 22. This by-law shall not come into force until such time as it is approved by the Ontario Municipal Board.

READ A FIRST TIME IN OPEN COUNCIL THIS 19TH DAY OF DECEMBER, 1977.
 READ A SECOND TIME IN OPEN COUNCIL THIS 19TH DAY OF DECEMBER, 1977.
 READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED
 THIS 23RD DAY OF JANUARY, 1978.

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 MAYOR

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 CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 143-77 OF THE CORPORATION OF
THE CITY OF NORTH BAY

: :

NORTH BAY-MATTAWA CONSERVATION AUTHORITY, CHIPPEWA CREEK FLOOD
AND EROSION CONTROL PROGRAMME, PHASE I

TOTAL ESTIMATED COST for 1977	\$71,428.00
Less Grant from the Province of Ontario, Ministry of Natural Resources	<u>46,428.00</u>
TOTAL ESTIMATED COST TO BE DEBENTURED BY THE CITY OF NORTH BAY	\$25,000.00



M 7810

Ontario Municipal Board

IN THE MATTER OF Section 361 of
The Municipal Act (R.S.O. 1970,
c. 284)

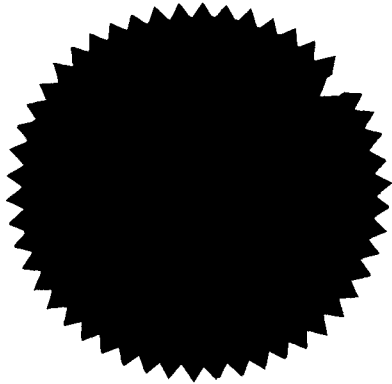
- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of its
By-law 144-77, passed on the
23rd day of January, 1978, being
a by-law to designate a certain
area as an Improvement Area to be
known as North Bay Downtown
Improvement Area

B E F O R E :

W. SHUB, Q.C.)	
Chairman)	
)	Monday, the 13th day of
- and -)	
)	February, 1978
A.H. ARRELL, Q.C.)	
Vice-Chairman)	

THE BOARD ORDERS, under and in pursuance of the legislation hereinbefore referred to and of any and all other powers vested in the Board, that this application be and the same is hereby granted and that By-law 144-77, passed by Council of The Corporation of the City of North Bay on the 23rd day of January, 1978, designating the area described in Schedule "A" attached hereto as an Improvement Area, to be known as North Bay Downtown Improvement Area, be and the same is hereby approved.



SECRETARY

ENTERED
O. B. No. <i>M78-1</i>
Folio No. <i>3</i>
FEB 17 1978
SECRETARY, ONTARIO MUNICIPAL BOARD



M 7810

Ontario Municipal Board

SCHEDULE "A"

to the order of the Ontario Municipal Board
made on the 13th day of February, 1978

"Commencing at the intersection of the centre line of Oak Street with the centre line of Sherbrooke Street, thence north easterly along the centre line of Sherbrooke Street to the centre line of McIntyre Street, thence north westerly along the centre line of McIntyre Street to the centre line of Cassells Street, thence south westerly along the centre line of Cassells Street to the centre line of Oak Street, thence south easterly along the centre line of Oak Street to the point of commencement."