

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW 2021-####

By-Law 2013

(Last updated: Consolidated By-Law 3180: October 11, 2005

By-Law 2013: October 17, 1978)

A BY-LAW to designate a certain area as an improvement area and to establish a Board of Management therefor.

WHEREAS Section ~~204361~~ of The Municipal Act, R.S.O. ~~2001-1970~~, ~~c.25~~Chapter 284, and amendments thereto, grants authority to Council to pass a by-law to designate an improvement area and to establish a Board of Management therefor, to which will be entrusted 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;

AND WHEREAS notice of the intention of Council to pass this by-law has been served by mail as required by the said Section of the Municipal Act;

AND WHEREAS it is deemed desirable to designate the area as set out on Schedule "A" hereto as an improvement area to be known as "The Tillsonburg Downtown Business Improvement Area."

NOW THEREFORE the Council of the Town of Tillsonburg enacts as follows:

1. The area as described in Schedule "A" attached hereto, is hereby designated as an Improvement Area to be known as "The Tillsonburg Downtown Improvement Area."
2. A Board of Management for the said Improvement Area, is hereby established which shall be known as "The Board of Management for the Tillsonburg Downtown Improvement Area," (hereinafter called "the Board").
3. The Board established under Clause 2 hereof is a Body Corporate and shall consist of such number of members appointed by Council as the Council considers advisable, at least one of whom shall be a member of Council and the remaining members shall be persons qualified to be elected as members of Council and who are assessed for business assessment in respect to lands within the defined area.

4. The members of the Board shall hold office from the time of appointment until the expiration of the term of office of the Council that appoints them, or until their successors appointed, provided they continue to be qualified as set out in Clause 3.

5. Where a vacancy occurs the Board from any cause, the Council shall, by resolution appoint a person qualified, who shall hold office for the remainder of the term for which his predecessor was appointed.

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6. The Board of Management shall submit its estimates for the current year to Council at a time and in a form as prescribed by Council. However the Council may reject such estimates in whole or in part and also may refuse to provide such money for the purposes of the Board.

7. The Board shall not expend any monies not included in its estimates, which have received prior approval of the Council or in a reserve fund established under Section 308 of the Municipal Act.

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

9. The Board shall, annually, on or before the 1st day of March, submit its annual report for the preceding year to Council. The report shall include an audited financial statement of the affairs of the Board.

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

11. Upon repeal of this by-law, the Board shall cease to exist and its undertaking assets and liabilities shall be assumed by the Town of Tillsonburg.

12. The Council shall, in each year, levy a special charge upon persons in the said designated area assessed for business assessment, sufficient to provide a sum equal to the sum of money provided for the purposes of the Board and as approved by Council, which shall be borne and paid by such persons in 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 of the real property in the area used as the basis for computing business assessment.

12.1 Despite section 12 and as provided by subsection 208(3) of the *Municipal Act*, the aggregate amount payable by Parcel 1, as described in Schedule "B", shall not exceed the maximum special charge of forty-three percent (43%) of the Board's budget in any taxation year and the aggregate amount payable by Parcel 2, as described in Schedule

“B”, shall not exceed the maximum special charge of seven percent (7%) of the Board’s budget in any taxation year.

12.2 Despite section 12 and as provided by subsection 208(3) of the *Municipal Act*, the aggregate amount payable by Parcel 1, as described in Schedule “B”, shall not fall below the minimum special charge of forty-three percent (43%) of the Board’s budget in any taxation year and the aggregate amount payable by Parcel 2, as described in Schedule “B”, shall not fall below the minimum special charge of seven percent (7%) of the Board’s budget in any taxation year.

12.3 “Parcels” shall mean those lands identified on the assessment roll returned in 2020 for taxation in 2021 as roll numbers 3204 030 030 08000 0000, and 3204 030 030 08301 0000 for 164, 170, 200, and 248 Broadway, as being separately assessed for taxation purposes and which are more particularly outlined and identified on the attached Schedule “B”. If the foregoing assessment roll numbers are changed, consolidated or subdivided, Parcels shall mean those lands outlined and identified on Schedule “B”.

12.4 If necessary for a fiscal year to raise the amount referred to in section 12 because the maximum charge applies to the Parcels, the municipality shall for the year adjust any charges applicable to the remaining individual properties in The Tillsonburg Downtown Improvement Area by adjusting the percentage of assessment established under section 12 for those properties in proportion to the assessed value of the real property, as provided for in paragraph 208(4)(b) of the *Municipal Act*.

13. Any levy imposed under Clause 12 hereof may be collected in the same manner and with the same remedies as provided by the Municipal Act for the collection of taxes for business assessment.

14. This by-law shall not come into force and effect until such time as it receives the approval of the Ontario Municipal Board and shall be subject to whatever conditions, restrictions or limitations the Ontario Municipal Board may, by order, impose.

**READ A FIRST AND SECOND TIME THIS ~~12-13~~¹²th day of ~~JULY~~^{DECEMBER},
~~2021~~¹⁹⁷⁷.**

**READ A THIRD TIME AND FINALLY PASSED THIS ~~12-17~~¹²th day of ~~JULY~~^{JULY}
~~OCTOBER~~, ~~2021~~¹⁹⁷⁸.**

Original signed by

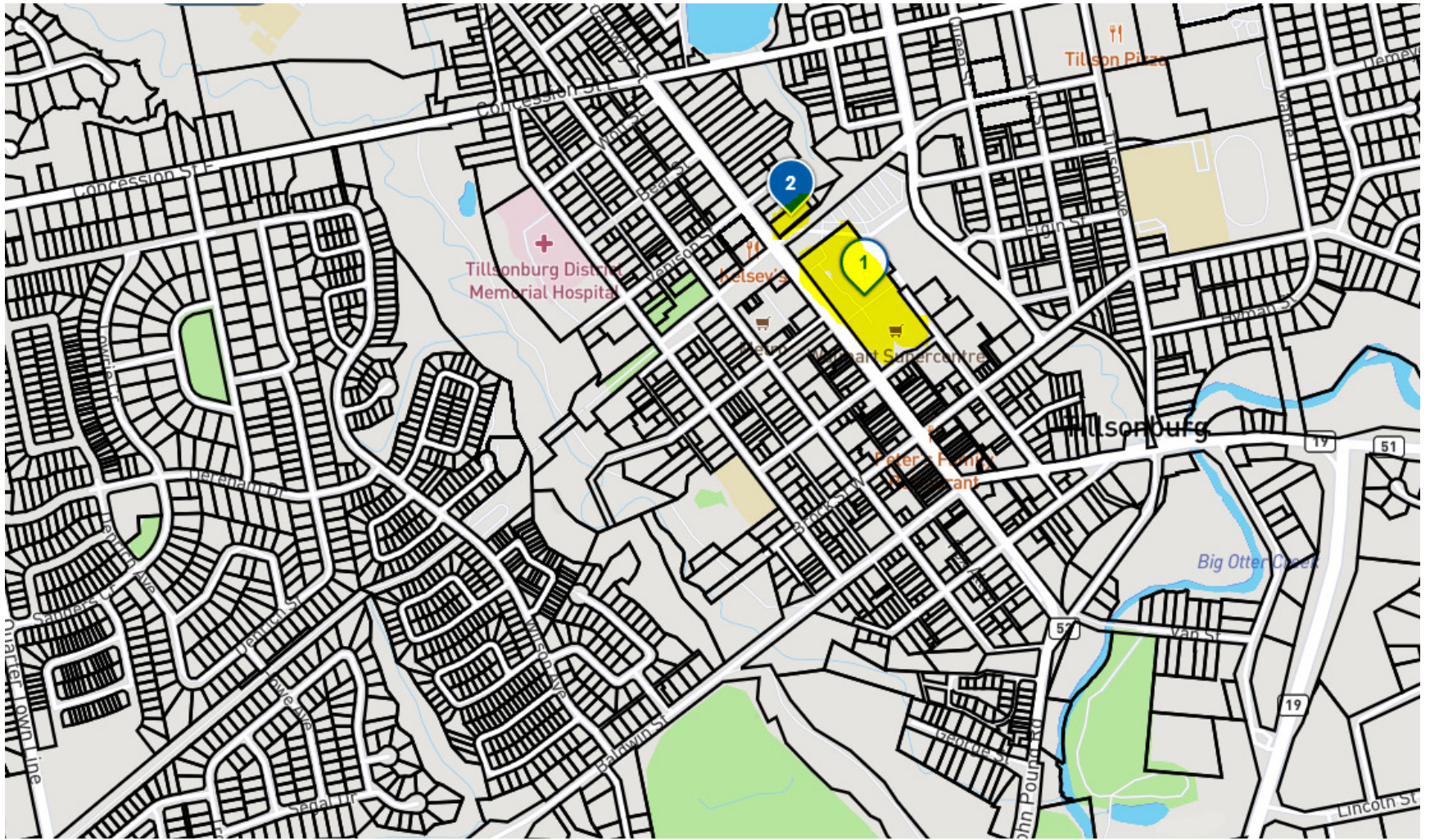
MAYOR

Original signed by

CLERK

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Schedule "B"



Parcel 1 - 164, 170 & 200 Broadway

Parcel 2 - 248 Broadway