



**THE CORPORATION OF THE TOWNSHIP OF SEVERN**  
**BY-LAW NO. 2019-19**

**BEING A BY-LAW TO ESTABLISH AND DESIGNATE A  
BUSINESS IMPROVEMENT AREA  
WITHIN THE COMMUNITY OF COLDWATER**



Enacted: February 6, 2019

**BUSINESS IMPROVEMENT AREA  
COMMUNITY OF COLDWATER**

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AREA WITHIN THE COMMUNITY OF COLDWATER

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WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 204., provides that a municipality may designate an area as an improvement area and may establish a Board of Management;

AND WHEREAS it is deemed expedient to designate a business improvement area within the community of Coldwater;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. **Improvement Area**

1.1 That the designated Business Improvement Area (BIA) within the community of Coldwater is hereby established as provided in Schedule "A" attached hereto and forming part of this By-law.

2. **Establish**

2.1 A Board of Management is hereby established for the BIA as outlined in Schedule "A" attached hereto and forming part of this By-law.

3. **Composition**

3.1 That the Board of Management shall be a body corporate and shall consist of seven (7) members. Two (2) members shall be Members of Council with voting privileges and the remaining five (5) members shall be selected by a majority vote of the membership to be appointed by Council.

- 3.2 Members of the BIA 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 classes (commercial and industrial) and tenants of such property.
- 3.3 The vote of the membership shall be conducted at the Annual General Meeting according to procedures adopted by the Board. Where no procedures exist, reference shall be made to the procedures set out in the *Municipal Elections Act, 1996*.
- 3.4 A majority vote of the membership shall be determined by the total in attendance for the matter to be determined.
- 3.5 Each member of the Business Improvement Area is entitled to one (1) vote regardless of the number of properties that the member may own or lease in the improvement area.
- 3.6 The members of the Board of Directors are eligible for reappointment on the expiration of their term of office.
- 3.7 Notice of the Annual General Meeting(s) and Election of Officers shall be given by the Board of Management to the membership by first class mail a minimum of thirty (30) days prior to the scheduled meeting to the last known address as indicated on the current Assessment Roll for the Township of Severn.

#### 4. **Term of Board of Directors**

- 4.1 That the term of office of the Board of Directors shall be for the term of Council or on the date that their successors are appointed.

#### 5. **Regular Meetings**

- 5.1 That the Board of Directors shall hold regularly scheduled meetings on the date and at the time determined by a majority of the Board of Directors or as required at the Call of the Chair.
- 5.2 The regular meetings shall be held at a regular location or an alternative location as identified by a majority of the Board.
- 5.3 That the Board of Directors shall invite all members and hold a minimum of one (1) general meeting per year to review and receive authorization for the annual budget or other matters as determined by the Board.

- 5.4 That except for the provisions in Section 239. of the *Municipal Act*, all meetings of the Board of Directors shall be open to the public.
- 5.5 That at the first meeting annually, the Board of Directors shall appoint a Chair, Vice-Chair and Secretary from the membership.
- 5.6 That all meetings of the Board of Management shall be governed by the *Municipal Act*, S.O. 2001, Chapter 25, and the Township of Severn Procedural By-law.

6. **Duties of the Chair**

- 6.1 That the Chair shall preside at all meetings of the Board.
- 6.2 That the Chair shall set the agenda for the meetings, in consultation with the Secretary.
- 6.3 That the Chair shall report to the Clerk changes in the regular meeting schedule as well as any special meetings or cancellations.
- 6.4 That the Chair shall meet with the Treasurer to prepare the proposed annual budget for presentation to the Board.
- 6.5 That the Chair shall approve the payment of accounts by the Treasurer in accordance with the annual budget.

7. **Duties of the Recording Secretary**

- 7.1 That the Secretary shall attend all Board Meetings to record and sign the minutes of each meeting of the Board.
- 7.2 That the Secretary shall give notice to the members of the Board of the date, time and location of rescheduled meetings.
- 7.3 That the Secretary shall report all changes in Board membership to the Clerk.
- 7.4 That the Secretary shall forward an annual budget to the Clerk for consideration and approval of Council.
- 7.5 That the Secretary shall on an annual basis forward all minutes, papers, records and documents belonging to the Board to the Clerk for keeping, in accordance with the Township Records Management By-law.

8. **Vacancy**

8.1 Where a vacancy occurs from any cause, the Council shall appoint a person to fill the vacancy for the unexpired portion of their term of office.

9. **Absenteeism**

9.1 That members shall be deemed to have resigned their appointment if they are absent from 3 consecutive meetings without the prior consent of the Board of Management or unless they are absent for health reasons, in which case by a report from the Board of Management, the continuation of their appointment shall be determined by Council.

9.2 That the Chair of a Board of Directors shall advise the Clerk when a current member has been absent from 3 consecutive meetings without the prior consent of Council or absent for health reasons.

9.3 That before the "3 consecutive absence situations" are referred to Council, the Clerk shall give written notice of such absence to the absent member and invite him/her to provide a written explanation for the absences on the understanding that such written explanation will be submitted to Council.

9.4 That members are required to inform their Board's Recording Secretary of any anticipated but unavoidable absences from upcoming meetings.

10. **Terms of Reference**

10.1 That the Board of Directors is hereby entrusted with the improvement, beautification and maintenance of land, buildings and structures in the designated area owned by the Township of Severn as is provided at the expense of the members of the Business Improvement Area and the promotion of the area as a business or shopping area.

11. **Levy of Taxes**

11.1 That upon the approval of the annual budget, a special levy shall be added to the property tax paid by every owner of property designated as industrial or commercial within the boundaries of the Business Improvement Area. For each property, the amount of the levy will be added to its annual taxes. The exact amount of the BIA levy will be determined by dividing the property's realty assessment by the total realty assessment in the BIA and multiplying by the total BIA annual budget.

- 11.2 As provided in the Act, the Board of Directors or Council may establish a minimum or maximum charge or both, expressed for one or more separately assessed properties or categories separately assessed properties in a prescribed class as:
- (a) percentages of the assessed value of rateable property in the improvement area that is in a prescribed business property class;
  - (b) dollar amounts; or
  - (c) percentages of the board of management's annual budget.

12. **Financial**

12.1 **Treasurer**

That the Treasurer appointed for the Corporation of the Township of Severn shall be the Treasurer responsible for keeping the books and accounts of the Board.

12.2 **Auditors**

That the Auditors for the Corporation of the Township of Severn shall be the Auditors for the Board and all books, documents, transactions, minutes and accounts of the Board shall, at all times, be open to their inspection. The cost of the annual audit shall be borne by the budget of the Business Improvement Area.

12.3 **Annual Budget**

12.3.1 The Board shall submit to Council, prior to December 31<sup>st</sup> of the preceding year, an annual budget which includes details of its improvements, beautification and/or maintenance proposals for all land, buildings and structures in the Business Improvement Area and Council shall notify the board within 45 days if, in the opinion of Council, any project may adversely affect the use or function of any Township-owned property and upon such notification, the Board shall delete the project or alter the project to the satisfaction of Council.

12.3.2 That the Council of the Corporation of the Township of Severn shall review the Board's budget submission during annual budget deliberations.

12.3.3 That the Council has the sole discretion for approval of the annual budget within financial constraints, having due regard to the financial impact on the Business Improvement Area.

12.3.4 That the budget for the Board shall include any and all costs incurred by the Township on behalf of the Business Improvement Area.

13. **Fiscal Year**

13.1 That the fiscal year for the Board of Directors shall be the fiscal year for the Township.

14. **Annual Report**

14.1 That in conjunction with the presentation of the Municipal Audited Statements, the Board shall submit and present its annual report for the preceding year to Council, including a complete audited and certified financial statement of its affairs.

15. **Effect**

15.1 That this By-law shall come into force and effect on the date of passing thereof.

16. **Repeal**

16.1 That By-law No. 2009-65, as amended, be and it is hereby repealed.

By-law read a first and second time this 6<sup>th</sup> day of February, 2019.

By-law read a third time and finally passed this 6<sup>th</sup> day of February, 2019.

CORPORATION OF THE TOWNSHIP OF SEVERN

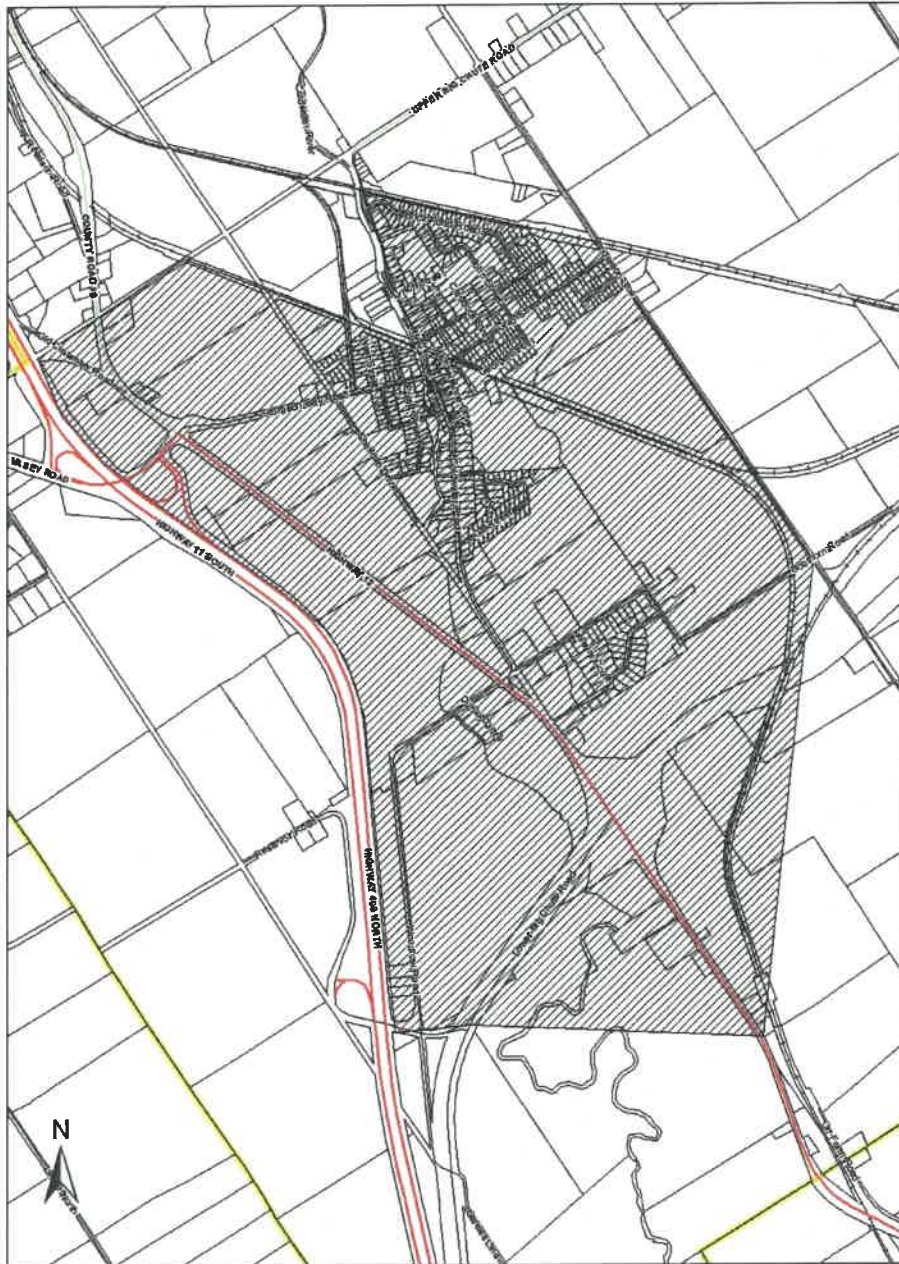
  
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MAYOR

  
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CLERK



**SCHEDULE "A" TO BY-LAW NO. 2019-19**

**DESIGNATED BUSINESS IMPROVEMENT AREA  
COMMUNITY OF COLDWATER**



**PROPOSED COLDWATER  
BUSINESS IMPROVEMENT AREA**



0 280 560 1,120 1,680 2,240 Meters

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