



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 154-08

BEING A BY-LAW TO RE-ESTABLISH THE CRYSTAL BEACH BUSINESS IMPROVEMENT AREA AND TO MAKE RE- APPOINTMENTS THERETO

WHEREAS Sections 204 to 215 of the *Municipal Act, 2001*, as amended, regulate business improvement areas, and

WHEREAS Subsection 204(1.2) of the *Municipal Act, 2001*, as amended, designates business improvement area management boards as a local board of the municipality for all purposes, and

WHEREAS Section 216 of the *Municipal Act, 2001* as amended, provides without limiting Sections 9, 10 and 11, that a municipality may dissolve or change a local board, and

WHEREAS Resolution 9C passed by the Mayor and Council of the Town of Fort Erie at its meeting of May 28, 2007 provides as follows:

WHEREAS business improvement areas are established and regulated pursuant to the provisions of Section 204 of the Municipal Act, and

WHEREAS amendments occurred to Section 204 of the Municipal Act with respect to the composition of the board of management providing for one or more directors to be appointed directly by the municipality, and the remaining directors selected by a vote of the membership of the improvement area and appointed by the municipality, (hereinafter referred to as "composition"), and

WHEREAS the municipality may refuse to appoint a person selected by the members of an improvement area and the council has the option to leave the position vacant or direct the members of the improvement area to hold another membership meeting to elect or select another candidate for the municipality's consideration, and

WHEREAS the current composition of the boards of management of the business improvement areas is as follow:

- (1) BRIDGEBURG STATION - 7-11 members of the area, including one (1) member of Council
- (2) RIDGEWAY - 7 members of the area, including one (1) member of Council
- (3) CRYSTAL BEACH - 7 members of the area, including one (1) member of Council

WHEREAS in an effort to update the BIA by-laws pursuant to the *Municipal Act, 2001* as amended, it is deemed necessary to amend same legislatively and with respect to composition;

NOW THEREFORE be it resolved by the Municipal Council of the Town of Fort Erie that the composition of the BIA by-laws be updated pursuant to the *Municipal Act, 2001*, as amended, as follows:
(1) Notice shall be sent by the Clerk of the Town of Fort Erie to each of the members of each of the BIA's advising of Council's intentions to legislatively update the by-laws with respect to composition and that by-laws be submitted to Council to re-establish the BIA's (except Crystal Beach) pursuant to the *Municipal Act, 2001* as amended and that the current members thereof be re-appointed.

(2) The Clerk and Town Solicitor shall establish a protocol to be used at the membership meeting for the election of directors for Council's consideration, including the nomination process, and same shall be included with the Notice.

WHEREAS it is deemed desirable to dissolve the business improvement area board of management and to re-establish same as a local board, to establish the composition and to re-appoint members thereto for the Crystal Beach Business Improvement Area;

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NOW THEREFORE the Municipal Council of the Town of Fort Erie hereby enacts as follows:

1. THAT the Board of Management for the Crystal Beach Business Improvement Area be and it is hereby dissolved and re-established as a local board to be known as the "Crystal Beach Business Improvement Area" for the re-designated area set out under By-law No. 147-08.

2. THAT the composition of the Crystal Beach Business Improvement Area shall be as follows:

6 members of the designated BIA
1 Councillor

3. THAT the mandate, composition, duties and responsibilities, procedures and practices of the Crystal Beach Business Improvement Area shall be in accordance with BIA Operating Guidelines By-law No. 183-07.

4. THAT the following persons be and they are hereby re-appointed to the Crystal Beach Business Improvement Area for the period ending January 31, 2011:

- | | |
|--------------------|------------------------|
| 1. Dennis Dupon | 4. Stephen Oprici |
| 2. Goran Maljkovic | 5. Winnifred Swalm |
| 3. Carol McKay | 6. Councillor Lockwood |

5. THAT in the event any by-law conflicts with the provisions herein, this by-law shall prevail.

6. THAT pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the Municipal Act, 2001, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27TH DAY OF OCTOBER, 2008.

MAYOR

CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 154-08 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 200 .