

Excerpts from the Municipal Government Act and the *Business Improvement Area Regulation*, AR 93/2016

SECTIONS 50-53 MUNICIPAL GOVERNMENT ACT
Division 5: Business Improvement Areas



Purpose

50 A council may by bylaw establish a business improvement area for one or more of the following purposes:

- (a) improving, beautifying and maintaining property in the business improvement area;
- (b) developing, improving and maintaining public parking;
- (c) promoting the business improvement area as a business or shopping area.

RSA 2000 cM-26 s50;2015 c8 s5

Board

51(1) A business improvement area is governed by a board consisting of members appointed by council under the business improvement area bylaw.

- (2) The board is a corporation.

RSA 2000 cM-26 s51;2015 c8 s6

Civil liability of board members

52(1) In this section, "approved budget" means a budget of the board of a business improvement area that has been approved by council.

(2) A member of a board of a business improvement area that makes an expenditure that is not included in an approved budget is liable to the municipality for the expenditure.

(3) If more than one member is liable to the municipality under this section in respect of a particular expenditure, the members are jointly and severally liable to the municipality for the expenditure.

(4) The liability may be enforced by action by

- (a) the municipality, or
- (b) a person who is liable to pay the business improvement area tax imposed in the business improvement area.

RSA 2000 cM-26 s52;2015 c8 s6

Regulations

53 The Minister may make regulations

- (a) respecting the establishment of a business improvement area;
- (b) setting out what must be included in a business improvement area bylaw;
- (c) respecting the appointment, term and renewal of members of the board of a business improvement area;
- (d) respecting the powers and duties of the board and the board's annual budget;
- (e) respecting the disestablishment of a business improvement area and the dissolution of a board;
- (f) that operate despite Part 8, authorizing a municipality to lend money to a board and to borrow money on behalf of a board;

- (g) establishing restrictions on the municipality providing money to the board.

RSA 2000 cM-26 s53;2015 c8 s7

ALBERTA REGULATION 93/2016
Municipal Government Act
BUSINESS IMPROVEMENT AREA REGULATION

Definitions

1 In this Regulation,

- (a) “board” means the board of a business improvement area;
- (b) “capital property” means a capital property as defined in section 241(c) of the Act;
- (c) “disestablishment” in respect of a business improvement area includes the dissolution of the area’s board;
- (d) “taxable business” means a business in a business improvement area whose operator is a taxpayer;
- (e) “taxpayer” means a person who operates a business and is liable to pay business improvement area tax in respect of that business.

Transitional

32(1) In this section, “previous regulation” means the *Business Revitalization Zone Regulation* (AR 377/94).

(2) On the coming into force of this Regulation,

- (a) a business revitalization zone established under the previous regulation is deemed to be a business improvement area established under this Regulation;
- (b) a board of a business revitalization zone established under the previous regulation is deemed to be a board of a business improvement area;
- (c) a business revitalization zone bylaw passed under the previous regulation is deemed to be a business improvement area bylaw passed under this Regulation;
- (d) a business revitalization zone tax bylaw passed under the previous regulation is deemed to be a business improvement area tax bylaw passed under this Regulation;
- (e) a business revitalization zone tax rate bylaw passed under the previous regulation is deemed to be a business improvement area tax rate bylaw passed under this Regulation.

Commencement

Coming into force

33 This Regulation comes into force on July 1, 2016.