

Excerpts of the Business Improvement Area Enabling Legislation

Municipal Government Act, RSA 2000, c M-26, as amended

**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

Part 7 Public Participation

Petitions

Rules for petitions

219 Sections 220 to 226 apply to all petitions to a council and the Minister under this Act, any other enactment or bylaw except to the extent that they are modified by this Act or any other enactment.

1994 cM-26.1 s219

CAO duties

220 When the Minister receives a petition, the Minister must designate a person to carry out the duties of a chief administrative officer with respect to the petition.

1994 cM-26.1 s220

Petition sufficiency requirements

221 A petition is sufficient if it meets the requirements of sections 222 to 226.

1994 cM-26.1 s221

Who can petition

222 Unless otherwise provided in this or any other enactment, only electors of a municipality are eligible to be petitioners.

1994 cM-26.1 s222

Number of petitioners

223(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,

- (a) in the case of a municipality other than a summer village, by electors of the municipality equal in number to at least 10% of the population, and
- (b) in the case of a summer village, by 10% of the electors of the summer village.

1994 cM-26.1 s223

Other requirements for a petition

224(1) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition.

(2) The petition must include, for each petitioner,

- (a) the printed surname and printed given names or initials of the petitioner,
- (b) the petitioner's signature,
- (c) the street address of the petitioner or the legal description of the land on which the petitioner lives, and
- (d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must

- (a) sign opposite the signature of the petitioner, and
- (b) take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(4) The petition must have attached to it a signed statement of a person stating that

- (a) the person is the representative of the petitioners, and
- (b) the municipality may direct any inquiries about the petition to the representative.

1994 cM-26.1 s224

Counting petitioners

225(1) A petition must be filed with the chief administrative officer and the chief administrative officer is responsible for determining if the petition is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the chief administrative officer.

(3) In counting the number of petitioners on a petition there must be excluded the name of a person

- (a) whose signature is not witnessed,
- (b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition,
- (c) whose printed name is not included or is incorrect,
- (d) whose street address or legal description of land is not included or is incorrect,
- (e) if the date when the person signed the petition is not stated,
- (f) when a petition is restricted to certain persons,
 - (i) who is not one of those persons, or
 - (ii) whose qualification as one of those persons is not, or is incorrectly, described or set out,

or

- (g) who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer.

(4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

1994 cM-26.1 s225

Report on sufficiency of petition

226(1) Within 30 days after the date on which a petition is filed, the chief administrative officer must make a declaration to the council or the Minister on whether the petition is sufficient or insufficient.

(2) Repealed 1995 c24 s26.

(3) If a petition is not sufficient, the council or the Minister is not required to take any notice of it.

1994 cM-26.1 s226; 1995 c24 s26

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.

Establishment

Procedure for establishment

2 A business improvement area may only be established in accordance with this Regulation.

Request for establishment

3(1) The process for establishing a business improvement area begins with a request to council signed by persons who

- (a) would be taxpayers if an area was established, and
- (b) represent at least 25% of the businesses that would be taxable businesses if an area was established.

(2) The request must ask that an area be established and describe the proposed purposes and boundaries of the area.

(3) Within 30 days of receiving a request that meets the requirements of subsections (1) and (2), the municipality must take reasonable steps to ensure that a notice of the request is mailed or delivered to every business in the proposed area that would be a taxable business if an area was established.

Petition objecting to establishment

4(1) Persons who would be taxpayers if a proposed area was established may petition the council objecting to the establishment of the area.

(2) The petition is not sufficient unless

- (a) it is signed by persons referred to in subsection (1) who represent more than 50% of the businesses that would be taxable businesses if the proposed area was established, and

- (b) it is filed with the chief administrative officer within 60 days of the last date on which notice of the request was mailed or delivered.
- (3) If the chief administrative officer declares a petition to be sufficient, council may not pass a bylaw establishing a business improvement area set out in the request until 2 years have passed from the day the petition was declared to be sufficient.

Business improvement area bylaw

5(1) If a sufficient petition is not received, the council may pass a business improvement area bylaw that is based on the request.

- (2) A business improvement area bylaw must
 - (a) designate an area as a business improvement area,
 - (b) designate a name for the area,
 - (c) describe the purposes for which the area is established,
 - (d) establish a board for the area, and
 - (e) specify the number of board members, the term of office of board members and the method of filling vacancies.

Non-profit organization

16 A board must apply all income and any profits to promoting the objects of the board and must not pay any dividends to any person.

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.