

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

**SECTIONS 50-53 MUNICIPAL GOVERNMENT ACT, RSA 2000, c M-26**  
**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.

**Establishment**

**Procedure for establishment**

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

**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.

**Board**

**6(1)** A board established for a business improvement area must consist of individuals nominated by one or more taxpayers in the zone.

**(2)** A council may also appoint one or more councillors to be members of a board.

**(3)** A council may only revoke the appointment of a board member who was nominated by a taxpayer if the revocation is recommended by the board.

### **Change in boundaries**

**8(1)** A council may not pass a proposed bylaw to amend a business improvement area bylaw that changes the boundaries of the area unless, before the proposed bylaw receives second reading,

- (a) the area's board consents to the change in boundaries, and
- (b) taxpayers in the area and people who would be taxpayers under the change in boundaries are provided with an opportunity to make representations concerning the change to council.

**(2)** Before the proposed bylaw receives second reading, the municipality must take reasonable steps to ensure that a notice that meets the requirements of subsection (3) is mailed or delivered to every taxable business in the area and to every business that would be a taxable business under the change in boundaries.

**(3)** The notice must set out

- (a) a summary of the proposed bylaw, including a description of the change in boundaries,
- (b) a statement that taxpayers in the area and people who would be taxpayers under the change in boundaries may make representations concerning the proposed bylaw to council, and
- (c) the manner and time period for making those representations.

### **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.