



## BYLAW: 4770

**DATE OF CONSOLIDATION:** Most Recent Amendment – October 28, 2019

### Amendment History:

BYLAW 5207	Amends and/or replaces Section 1; Section 3; Section 8(2); Section 8, Subsection 6(e); Section 9; Section 12(1), 12(2), 12(10).
BYLAW 5510	Replaces Section 8(1)(a)
BYLAW 5757	Replaces Section 13(3); deletion of Section 13(4)
BYLAW 6202	Deletes and replaces Section 8(2)(a); deletes and replaces Section 8(3)

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Bylaw Last Revised: October 28, 2019  
Effective Date: October 28, 2019  
Bylaw 6202

CONSOLIDATION OF A BYLAW OF THE CITY OF LETHBRIDGE,  
IN THE PROVINCE OF ALBERTA, TO CONTINUE TO DESIGNATE  
THE DOWNTOWN AREA AS A BUSINESS REVITALIZATION ZONE,  
AND TO ESTABLISH A BOARD OF DIRECTORS FOR THE BUSINESS  
REVITALIZATION ZONE

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WHEREAS pursuant to Section 53 and 381 of the Municipal Government Act Statutes of Alberta 1994, Chapter M-26.1 and Alberta Regulation 337/94, as amended, a Council may by Bylaw designate an area as a Business Revitalization Zone and prescribe its boundaries and establish a Board of Directors for the Business Revitalization Zone.

AND WHEREAS, the Council of the City of Lethbridge, in the Province of Alberta, has in the past, received a request from 10 persons in the downtown area who are shown on the current assessment roll of the municipality as being assessed for business assessment.

AND WHEREAS, no petition has been received objecting to the designation of the downtown area as a Business Revitalization Zone.

AND WHEREAS, this Bylaw reflects changes to the Municipal Government Act governing the activities of Business Revitalization Zones.

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This bylaw may be cited as the "Downtown Lethbridge BRZ" Procedural Bylaw.

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2. Definitions:

In this Bylaw:

- (1) "AREA MEMBER" means any person within the Downtown Business Revitalization Zone who is shown on the current assessment roll as being assessed for business assessment.
- (2) "ASSOCIATION" means the Downtown Business Revitalization Zone Association of the City of Lethbridge.
- (3) "BOARD" means the Board of Directors of the Downtown Business Revitalization Zone Association of the City of Lethbridge.

- (4) "CITY" means the City of Lethbridge or the area contained within the boundaries of the City as the context requires.
  - (5) "CITY CLERK" means the City Clerk of the City of Lethbridge.
  - (6) "COUNCIL" means the Council of the City of Lethbridge.
  - (7) "DOWNTOWN BUSINESS REVITALIZATION ZONE" means the area as outlined and designated on the Schedule "A" attached hereto and forming a part of this Bylaw.
  - (8) "MAYOR" means the Mayor of the City of Lethbridge.
  - (9) "PERSON" includes a partnership or corporation as well as a natural person.
  - (10) "PROCEDURE BYLAW" means Bylaw No. 2995 being the City of Lethbridge Procedure Bylaw.
3. There is hereby continued a Business Revitalization Zone to be known as the Downtown Lethbridge BRZ the boundaries of which are as outlined and designated on Schedule "A".

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4. There is hereby continued a Downtown Business Revitalization Zone Association, the membership of which shall be comprised of those persons carrying on business within the Downtown Business Revitalization Zone who are shown on the current assessment roll of the City as being assessed for business assessment.
5. The purpose of the Association shall be:
- (1) to improve, beautify and maintain municipally owned lands, buildings and structures in the area, in addition to any improvement, beautification or maintenance that is provided at the expense of the municipality at large;
  - (2) to acquire, by purchase, lease or otherwise, any real property necessary for its purposes and improve, beautify and maintain that property;
  - (3) to promote the area as a business or shopping area;
  - (4) to undertake interim improvement and maintenance of any property mentioned in Clause (2) for use as parking and subsequently to dispose of that property, by sale, lease, exchange or otherwise, for public or private redevelopment for commercial purposes at a price not less than its fair market value;
  - (5) to conduct any studies or prepare any designs that may be necessary for the purpose of this section.

6. There is hereby continued a Board to be known as "The Board of Directors of the Downtown Business Revitalization Zone Association".

7. The purpose of the Board shall be to represent and administer the business of the Association in the development of the Downtown Business Revitalization Zone.

8. MEMBERSHIP:

(1) The Board shall consist of ten (10) members. The Mayor shall be an ex officio member of the Board. The members shall consist of:

a) one (1) individual nominated by one or more taxpayers in the zone and appointed by City Council.

***Bylaw 5510 – February 9, 2008***

(b) nine (9) members from the Downtown Business Revitalization Zone Association, chosen by the BRZ and ratified by City Council.

(2) (a) a term of office shall be up to three years.

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(b) in the case of a vacancy, area members shall be ratified by resolution of City Council after nomination by the Association with the appointment to expire at the Association's next Annual General Meeting.

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(3) Each term of an appointment commences on the date of the first annual general meeting after the appointment and ends at the conclusion of the annual general meeting in the last year of the appointment.

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(4) At no time shall the Board consist of less than six (6) area members.

(5) Any area member may resign from the Board at any time upon sending written notice to Council to that effect.

(6) Any area member ceases to be a member of the Board as follows:

(a) fails to attend three (3) consecutive regular meetings of the Board, unless absence is caused through illness or is authorized by resolution of the Board.

(b) if hired in a full-time capacity with the City or the Association.

- (c) ceases to be a member of the Association.
- (d) council removes the area member by resolution.
- (e) upon serving three (3) successive years on the Board and shall not be eligible for re-appointment to the Board until one year has expired.

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9. (1) Annual Budget Meetings

The Association shall on or before February 15<sup>th</sup> of each year hold an Annual Budget Meeting for the purposes of reviewing the work done by the Board, approval of program estimates and budgets for the ensuing year prior to submission to Council.

(2) Special Association Meetings

- (a) Special Association Meetings shall be called by the Chairman of the Board with the approval of four (4) members of the Board.
- (b) Special Association Meetings shall be called upon ten (10) or more area members petitioning the Board to call a special meeting of the Association.
- (c) Special Association Meetings shall be held within 21 days after resolution is passed or the petition of ten (10) or more area members is received, as the case may be.
- (d) Notice of the Special Association Meeting shall be by written notice mailed or delivered to the address as shown on the current assessment roll not less than twenty-one (21) days prior to the date of such Special Association Meeting.

(3) Annual General Meeting

The Association shall on or before March 30<sup>th</sup> each year hold a meeting for the purpose of nominating members to be appointed to the Board and reviewing the budget approved by Council.

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- 10. (1) The Board shall hold at least ten (10) regular meetings per year at such times and places designated by the Board.
- (2) The first meeting of the Board shall be held in March of each year for the appointment of officers of the Board and conduct any other business deemed necessary.

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- (3) Special meetings of the Board may be called by the Chairman, with the approval of two members of the Board.
  - (4) If the Chairman is absent or refuses to call a special meeting of the Board when requested by any three (3) members of the Board, the Secretary to the Board shall call a special meeting when requested to do so in writing by any three (3) members of the Board.
  - (5) No special meeting of the Board shall be called unless twenty-four (24) hours notice is given in writing to all members of the Board, or by unanimous consent provided all members of the Board are present.
  - (6) The members of the Board may consider or transact any business at any meeting provided it is within the powers established for the Board.
  - (7) A majority of the members of the Board shall form a quorum.
  - (8) The Board shall establish such rules and regulations as are necessary to govern the conduct of the Board meetings, and meetings of committees appointed by the Board, provided such rules and regulations are not inconsistent with powers herein conferred, and provided they are not inconsistent with the Procedure By-law, and copies of all such rules and regulations shall be filed with the City Clerk.
  - (9) Minutes shall be kept of all Board meetings (regular and special) and Board Committee Meetings, and copies shall be filed with the City Clerk.
  - (10) The Chairman and all members present shall vote on every question before the Board and in the event of an equal division, the question shall be disposed of in the negative.
11. (1) A Chairman and Secretary of the Board shall be selected from among the area members of the Board.
  - (2) The Board may appoint committees of its members, or from members of the Association, and/or of citizens at large to deal with any matter, special study, or assignment coming within its jurisdiction. Such committees shall deal only with the matter or question referred to it for consideration and where appropriate, upon completion of the assignment, shall be dissolved.
12. (1) The Board shall, no later than February 28<sup>th</sup> of each year submit to the City Clerk for presentation to Council, in the form prescribed by Council, for its approval the program and estimates of revenues and expenditures of the Board of the next year together with any request for sums of money required to carry out the Board's powers and duties.

- (2) The Board shall submit the program and estimates to the Association at the Association's Annual Budget Meeting for approval prior to submission to Council.

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- (3) The Council may add to the estimates an allowance for non-collection and administration costs involved in raising the requested money.
- (4) The Council shall provide, in the form and manner it considers adequate, to every person assessed for business purposes in the area, notice of the estimates and the date and place of the Council Meeting at which the proposed budget will be considered.
- (5) On approval of all or part of the budget the Council shall direct the payment of the approved amount to the Board.
- (6) The Board shall expend only money included in the estimates approved by the Council and any member of the Board who authorizes the expenditure of money not previously approved by Council is guilty of an offence and liable to a fine of not more than \$500.00.
- (7) No indebtedness extending beyond the current fiscal year shall be incurred by the Board.
- (8) The Board shall include in its estimates any funds provided by the Council from money collected from the municipality at large.
- (9) No funds outlined in Section 12(8) shall be used for the promotion of the area as a business or shopping centre or for any studies related thereto.
- (10) On or before May 15<sup>th</sup> in each year, the Board shall submit its Annual Report for the preceding year to the City Clerk for distribution to Council and that report shall include a summary of the previous year's activities and a complete audited financial statement of its affairs with a balance sheet and a revenue and expenditure statement.

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- (11) All books, documents, records of transactions, minutes and accounts of a Board shall, at all times, be open to inspection by the municipal auditor.
- (12) The Board may:
  - (a) appoint one of its members
  - (b) hire any person, or
  - (c) by agreement with the Council, rely on the municipality to maintain any books, documents, records of transactions, minutes and accounts, and for making and receiving payments.

(13) The Board shall obtain Public Liability Insurance or such other forms of insurance in such an amount as deemed necessary by the City and the Board.

13. (1) The Council shall, on an annual basis, authorize, by a tax and tax rate Bylaw, a levy against all business assessments in the area, at a uniform rate that the Council considers sufficient to raise the amount required for the purposes of Section 12(5).

(2) Any levy imposed under this section may be collected in the same manner and with the same remedies as provided in the Municipal Government Act 1994 - Chapter M-26.1, as amended, for the collection of taxes on business assessments.

(3) The City Assessor shall include in the Business Revitalization Zone roll the businesses that are subject to a Business Revitalization Zone levy.

***Bylaw 5757 – March 5, 2012***

(4) D E L E T E D

***Bylaw 5757 – March 5, 2012***

14. In the event of this Bylaw being repealed, the Board shall cease to exist and its undertakings, assets and liabilities shall be assumed by the City.

15. (1) Taxpayers in a business revitalization zone may petition for a Bylaw to disestablish the zone in accordance with Alberta Regulation 377/94.

(2) The petition is not sufficient unless it is signed by taxpayers representing at least 25% of the taxable businesses in the business revitalization zone.

(3) A Council must within 30 days of the chief administrative officer's declaring a petition referred to in 15(1) above to be sufficient.

(a) give first reading to a Bylaw to disestablish the business revitalization zone.

(b) specify a date that is within 90 days after the Bylaw receives first reading for a vote of the taxpayers in the zone on the Bylaw, and

(c) specify the question that is to appear on the ballot for the vote.

(4) A Council that wants to disestablish a business revitalization zone either on its own initiative or on the request of the zone's board must follow the procedures for the disestablishment of the zone that apply when a petition referred to in Section 15(1) is declared to be sufficient.



- (5) After a Bylaw to disestablish a zone received first reading, the municipality must take reasonable steps to ensure that every taxable business within the zone is notified.
  - (a) That a Bylaw to disestablish the zone has been given first reading, and
  - (b) That a vote on the Bylaw will be held on the specified day.
- (6) The Board of the business revitalization zone is responsible for holding the vote on the Bylaw to disestablish the zone and for the costs and expenses of the vote.
- (7) Council may direct a member of its administration to supervise the holding of the vote.
- (8) The vote on the Bylaw must be conducted in accordance with the Local Authorities Election Act except that:
  - (a) the Board and not the Council is the election authority.
  - (b) section 10(1)(b), 44, 46(1), (1.1 and (2) and 47 of the Local Authorities Election Act do not apply to the vote.
  - (c) only a taxpayer in the business revitalization zone is eligible to vote.
  - (d) if there is more than one taxpayer for a taxable business, only one taxpayer may vote in respect of that business, and
  - (e) the Board must establish the hours during which every voting station is to be kept open on voting date.
- (9) If the vote approves the Bylaw to disestablish the zone, the Council must pass the Bylaw within 30 days of the date of the vote without any alteration affecting its substance.
- (10) If the vote does not approve the Bylaw, the Council:
  - (a) must not give the Bylaw any further readings and any previous readings are rescinded, and
  - (b) must not, within 2 years of the date of the vote, give first reading to a Bylaw that disestablishes the business revitalization zone.

16. Bylaw No. 4156 is hereby repealed.

17. This Bylaw shall com into full force and effect on the final date passed thereof.

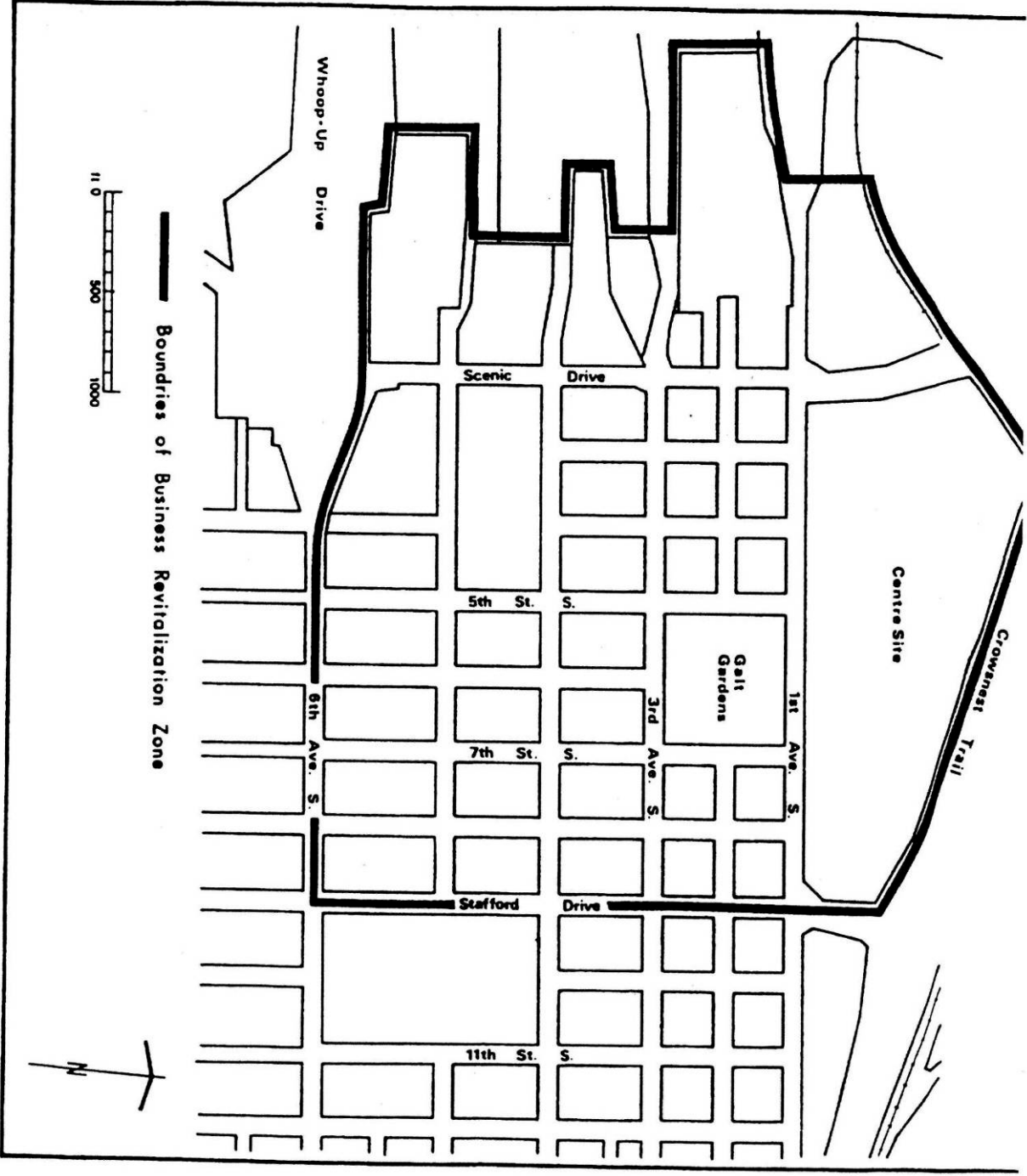
READ A FIRST TIME THIS 11<sup>th</sup> DAY OF MARCH, 1996.

READ A SECOND TIME THIS 9<sup>TH</sup> DAY OF APRIL, 1996.

READ A THRID TIME THIS 9<sup>TH</sup> DAY OF APRIL, 1996.

(Sgd.) D.M. LeBaron  
DEPUTY MAYOR

(Sgd.) M.J. Johnstone  
CITY CLERK



SCHEDULE "A"

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