



CONSOLIDATED VERSION
of
C-966-16
CITY CENTRE BUSINESS IMPROVEMENT AREA BYLAW

Enacted August 16, 2016

As Amended By:

Bylaw C-1365-24 - Enacted November 18, 2024

The text in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change to this bylaw.

THE CITY OF SPRUCE GROVE

BYLAW C-966-16

CITY CENTRE BUSINESS IMPROVEMENT AREA BYLAW

WHEREAS the Council of the City of Spruce Grove received a request, pursuant to the *Business Improvement Area Regulation*, Alta. Reg. 93/2016, appended hereto as Schedule “A”, to establish a business improvement area generally located in the area of King Street extending west to Calahoo Road and from First Avenue extending north to the King Street Mall.

AND WHEREAS, pursuant to the *Business Improvement Area Regulation*, reasonable steps were taken to ensure that notice of the intention of Council to consider this Bylaw was mailed to every business that would be a taxable business under this Bylaw;

AND WHEREAS, no petition objecting to the establishment of the business improvement area was received by the City of Spruce Grove;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1 This Bylaw is called the “City Centre Business Improvement Area Bylaw”.

2. DEFINITIONS

2.1 “Act” means the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto;

2.2 “Area” means the City Centre Business Improvement Area designated in Section 3.1 of this Bylaw.

2.3 “Association” means the corporation established as the City Centre Business Association pursuant to this Bylaw;

2.4 “Board” means all Directors and Officers of the Association as appointed by Council from time to time;

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- 2.5 “City” means the municipal corporation of the City of Spruce Grove.
- 2.6 “Council” means the municipal council of the City of Spruce Grove;
- 2.7 “Director” means a person appointed or elected pursuant to Part 7 of this Bylaw, including the Officer of the Board, and includes Voting Directors and Non-Voting Directors;
- 2.8 “Director’s Family” means a Director’s spouse or adult interdependent partner, the Director’s children, the parents of the Director and the parents of the Director’s spouse or adult interdependent partner;
- 2.9 “Member” means:
- (a) a business assessed for business taxes within the area;
 - (b) an owner of real property within the Area which owner has voluntarily requested to be a member of the Association and has paid the Membership Fee to the Association.
(Bylaw C-1365-24, November 18, 2024)
- 2.9.1 “Membership Fee” means an annual fee equal to the business improvement area tax which is payable by a Taxpayer in the relevant year.
(Bylaw C-1365-24, November 18, 2024)
- 2.10 “Officer” a Director of the Board appointed or elected pursuant to Part 9 of this Bylaw;
- 2.11 “Person” includes an individual, partnership, corporation, trustee, executor, administrator or legal representative;
- 2.12 “Taxpayer” means a person who operates a business and is liable to pay business improvement area tax in respect of that business, and for the purposes of Sections 7.2, 7.4 and 11.8 of this Bylaw includes a person who operates a business that will, upon Council’s passage of a business improvement area tax Bylaw and tax rate Bylaw, be liable to pay business improvement area tax in respect of that business, and;

3. DESIGNATION OF THE AREA

- 3.1 That area, the boundaries of which are outlined and shaded on the map attached hereto as Schedule “B” and forming part of this Bylaw, and which are more particularly described in Schedule “C” attached hereto and forming

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part of this Bylaw, is hereby designated as the “City Centre Business Improvement Area”.

4. ESTABLISHMENT OF THE ASSOCIATION

- 4.1 The Board of Directors of the City Centre Business Association is hereby established as the Board for the Area.
- 4.2 The Board of Directors of the Association shall consist of Directors appointed by Council from time to time in accordance with Part 7 of this Bylaw.

5. PURPOSES OF THE AREA

- 5.1 The objects or purposes for which the Area is established are:
 - (a) improving, beautifying and maintaining property in the Area;
 - (b) developing, improving and maintaining public parking, and;
 - (c) promoting the Area as a business or shopping area.

by building effective partnerships with businesses, property owners, and municipal government, developing and marketing a positive image for the Area, attracting new businesses that support the vision for the Area, and encouraging reinvestment and future development in the Area.

6. POWERS OF ASSOCIATION

- 6.1 Subject to the provisions of this Bylaw and every other applicable Bylaw of the City or statute or regulation of the Province, the Association shall have the power to do all things necessarily incidental to the attainment of its objectives including but not limited to: hiring and terminating employees, entering into contracts, applying for grant funds, and raising revenues to support activities in furtherance of the objectives and purposes of the Association.
- 6.2 Nothing in this Bylaw shall be construed as giving the Association the power to borrow money or otherwise pledge its assets without the express direction of Council.

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7. DIRECTORS

- 7.1 The Board of the Association shall consist of no more than thirteen (13) Directors consisting of the following:
- (a) One (1) member of Council, appointed by Council, who shall be a Voting Director;
 - (b) Ten (10) Voting Directors that have been elected by the Members of the Association and appointed by Council in accordance with Section 7.2;
 - (c) One (1) Non-Voting Director that has been appointed by Council in accordance with Sections 7.3 and 7.4, and;
 - (d) One (1) Non-Voting Director that holds office by virtue of being the Past President of the Board, in accordance with Section 9.2.
- 7.2 Other than the member of Council appointed pursuant to Section 7.1(a), the Voting Directors shall be elected by the Members of the Association at the annual general meeting of all Members, subject to Council approval. No person shall be appointed as a Voting Director pursuant to this provision unless that person:
- (a) Owns a property or operates a business in the Area;
 - (b) Has been nominated in writing, submitted to the Board before close of nominations, for election as a Director, by one or more taxpayers;
 - (c) Has consented to act as a Director, in writing submitted to the Board prior to that person's Appointment, and;
 - (d) The Director's appointment has been approved by Council.
- 7.3 The Spruce Grove and District Chamber of Commerce may, subject to Council approval, appoint one (1) Non-Voting Director, in addition to the Voting Directors.
- 7.4 No person shall be appointed as a Non-Voting Director by the Spruce Grove and District Chamber of Commerce unless that person:

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- (a) Has been nominated in writing, submitted to the Board before close of nominations, for appointment as a Director, by one or more taxpayer;
 - (b) Has consented to act as a Director, in writing submitted to the Board prior to that person's appointment, and;
 - (c) The Director's appointment has been approved by Council.
- 7.5 Each of the Voting Directors, including the member of Council appointed as a Director, shall have one vote. Non-Voting Directors shall not have voting rights or privileges.
- 7.6 Each appointment or election of a Director is for a term of two (2) years for a maximum of three (3) consecutive terms.
- 7.7 Any Director may resign from the Board at any time upon sending written notice to the Board to that effect.
- 7.8 Where an Alderman appointed pursuant to Section 7.1(a) ceases to be a Director of the Board before the expiration or his or her designated term, Council may appoint another Alderman as an acting Director for the unexpired portion of the term.
- 7.9 Where a person elected pursuant to Section 7.2 ceases to be a Director of the Board before the expiration of his or her designated term, the Board, subject to Council approval, may appoint an acting Director for the unexpired portion of the term provided that the acting Director was nominated by one or more taxpayers.
- 7.10 Where a person appointed pursuant to sections 7.3 and 7.4 ceases to be a Director of the Board before the expiration of his or her designated term, the Spruce Grove and District Chamber of Commerce may, subject to Council approval, appoint an acting Director for the unexpired portion of the term provided that the acting Director was nominated by one or more taxpayers.
- 7.11 An acting Director shall have all of the rights and privileges of a Director pursuant to this Bylaw.
- 7.12 A majority of existing, appointed Directors constitutes quorum.

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8. REMUNERATION

- 8.1 The position of a Director is voluntary, and no remuneration will be paid for services as a Director.
- 8.2 Directors shall be reimbursed for expenses necessarily incurred in performance of duties as a Director and carrying out the business of the Association. Notwithstanding the foregoing, Directors shall not be reimbursed for any expenses relating to their attendance at meetings of the Board.

9. OFFICERS OF THE ASSOCIATION

- 9.1 The Officers of the Association shall consist of the President, Vice-President, Treasurer and Secretary and shall be elected by the Members of the Association at the annual general meeting of all Members, and appointed by Council. The Officers of the Association shall be Voting Directors of the Board.
- 9.2 In addition to the Officers elected pursuant to Section 9.1 the Past-President shall continue to be an Officer of the Association for a period of one (1) year. The Past President shall be a Non-Voting Director and shall perform such duties as may be assigned by Board.
- 9.3 Neither the Director appointed by Council pursuant to Section 7.1(a) of this Bylaw nor the Non-Voting Director appointed pursuant to Sections 7.3 and 7.4 of this Bylaw shall be an Officer of the Association.
- 9.4 Where a person elected as an Officer pursuant to Section 7.2 ceases to be a Director of the Board before the expiration of his or her designated term, the Board may, subject to Council approval, appoint an acting Officer from the Directors of the Association for the unexpired portion of the term. Neither the Director appointed by Council pursuant to Section 7.1(a) of the Bylaw nor the Non-Voting Director appointed pursuant to Sections 7.3 and 7.4 of this Bylaw shall be appointed as an acting Officer.
- 9.5 The Board may specify the powers and duties of the Officers and, subject to the provisions of this Bylaw, may delegate to an Officer such of the powers of the Board as the Board thinks fit.

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10. PROCEDURES FOR THE BOARD

- 10.1 An acting Director shall have all of the rights and privileges of a Director pursuant to this Bylaw.
- 10.2 The Board shall manage the business and affairs of the Association.
- 10.3 The Board shall meet at least monthly and may meet more frequently, if it sees fit, for the dispatch of business.
- 10.4 The President of the Board shall chair all meetings of the Board. In the absence of the President, the Vice-President of the Board shall act as temporary chair. In the absence of the President and Vice-President of the Board, the Directors shall elect one of their number as temporary chair provided, however, that at no time shall the Director appointed by Council pursuant to Section 7.1(a) serve as chair of the Board.
- 10.5 A motion is lost when the vote is tied.
- 10.6 The Board may delegate any of the Board's powers, other than approval of its proposed budget for submission to Council pursuant to Part 11 of this Bylaw, to a committee or committees consisting of Directors, Members, taxpayers, citizens at large, or any one or more of them.

11. FINANCIAL MATTERS

- 11.1 The financial year of the Association is the calendar year.
- 11.2 If a Director or a Director's Family has a pecuniary interest in a matter before the Board, the Director shall be precluded from voting on, or participating in the discussion regarding, the matter.
- 11.3 The banking business of the Association shall be transacted with such banks or financial institutions as the Board may from time to time designate, and shall be transacted in accordance with such agreements, instructions and delegations of power as the Board may from time to time prescribe.
- 11.4 The Board shall cause true accounts to be kept of the sums of money received by the Association and the matter or matters in respect of which such receipts and expenditures take place, all acquisitions and dispositions of the property of the Association, and all the assets and liabilities of the Association.

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- 11.5 The books of accounts of the Associations shall be kept at such place or places as the Board considers fit, and no person, other than a Director, an Officer, accountant, or other person whose duty to the Association or to the Council require that person to do so, shall have any right to inspect any account or book or document of the Association except as may be authorized by the Board, by Council or by statute.
- 11.6 The Board shall, in each year at the time and in the form prescribed by the Council, submit to the Council, for its approval, a proposed budget. The proposed budget must be a balanced budget and include:
 - (a) The estimated amount of the Association's revenue from every source, including the amount that the Association will receive from the City in respect of the business improvement area tax, and;
 - (b) The estimated amount of all operating and capital expenditures planned for the year.
- 11.7 The Board shall present and review those estimates with its Members at the annual general meeting and subsequently revise, if necessary, and approve them prior to their submission to Council. Notwithstanding the foregoing, and notwithstanding Section 12.3(a) of this Bylaw, a vote of the Members of the Association to approve or adopt the Board's proposed budget prior to submission to Council is not required.
- 11.8 The Board shall notify by mail, electronic mail, or a combination of the two, every business within the Area whose operator is a taxpayer of the date and place of the Council meeting at which the proposed budget will be considered.
- 11.9 "A Member who is an owner of real property within the Area pursuant to Section 2.9(b) and is not a Taxpayer shall pay the Membership Fee to the Association annually at the same time the business improvement area tax is payable by a Taxpayer to the City. If any Membership Fee is not paid when due, the property owner will immediately cease to be a Member of the Association. **(Bylaw C-1365-24, November 18, 2024)**

12. ANNUAL GENERAL

- 12.1 In each calendar year, prior to submitting its estimate of revenues and expenditures to Council, the Board shall have an annual general meeting of all Members.

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- 12.2 Written notice of the annual meeting shall be sent by mail, electronic mail, or a combination of the two, to all Members, at least fourteen (14) days prior to the meeting date.
- 12.3 At the annual meeting the Board shall:
- (a) Review with Members its estimates of revenues and expenditures for the next calendar year, provided however that a vote of the Members of the Association to approve or adopt the Board's estimates is not required;
 - (b) Review with Members any nominations for new Officers and Directors from the Members for the next calendar year received by the Board prior to the meeting;
 - (c) Seek any additional nominations for new Officers and Directors for the next calendar year;
 - (d) Close the nomination period for new Officers and Directors for the next calendar year, and;
 - (e) Hold an election for such Officers and Directors as is required by the provisions of this Bylaw.
- 12.4 For the purposes of any vote of the membership during the annual meeting or a general meeting, the following voting procedures shall apply:
- (a) Each Member shall be entitled to one vote;
 - (b) In order to be entitled to vote, each representative of a Member that is not the owner or operator of the Member shall present to the Board upon arrival at the meeting, an original signed statement giving the bearer permission to represent the Member in any vote at that meeting; and
 - (c) Motions are passed by a majority of the votes cast by the Members present at the meeting.

13. ANNUAL REPORT

- 13.1 The Board shall prepare and submit to Council an annual report of the activity of the Association at the time specified by Council, together with an audited financial statement of the Association comprised of an income and

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expenditure account and balance sheet and any other statements and reports required by Council.

14. EFFECTIVE DATE

14.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

First Reading Carried 27 June 2016

Second Reading Carried 15 August 2016

Third Reading Carried 15 August 2016

Date Signed 16 August 2016

Mayor

City Clerk

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SCHEDULE A: REQUEST TO ESTABLISH A BUSINESS IMPROVEMENT AREA

Date: January 15, 2016

Mayor Stuart Houston
City of Spruce Grove
315 Jespersen Avenue
Spruce Grove, Alberta
T7X 3X8

Dear Mayor Houston,

On behalf of the Spruce Grove City Centre Revitalization Steering Committee, we are excited to present you with a signed petition for a request to create a Business Revitalized Zone (BRZ) within the attached boundary. (Schedule A) for the proposed purposes:

1. Build effective partnerships with businesses, property owners and municipal government;
2. Develop and market a positive image for the city centre.
3. Attract new businesses that support the vision for the area.
4. Beautify the area.
5. Reinvestment and future development in the area.

To the best of our knowledge, the signatures obtained on the petition are from valid business owners and represent approximately 68% of the total number of 120 taxable businesses within the boundary.

Our goal is to have a BRZ formed and levied in 2016. To accomplish this, we sincerely ask for your and city administrative staff support to help us achieve this timeline.

Yours truly,



Carson Beier
Acting President
Spruce Grove City Centre Revitalization Steering Committee

Enclosures

CC. Mr. Robert Cotterill, City Manager

Spruce Grove City Centre Revitalization Steering Committee

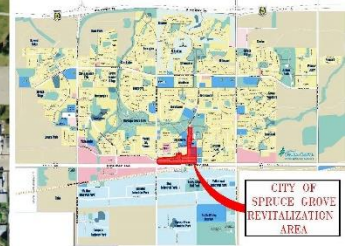
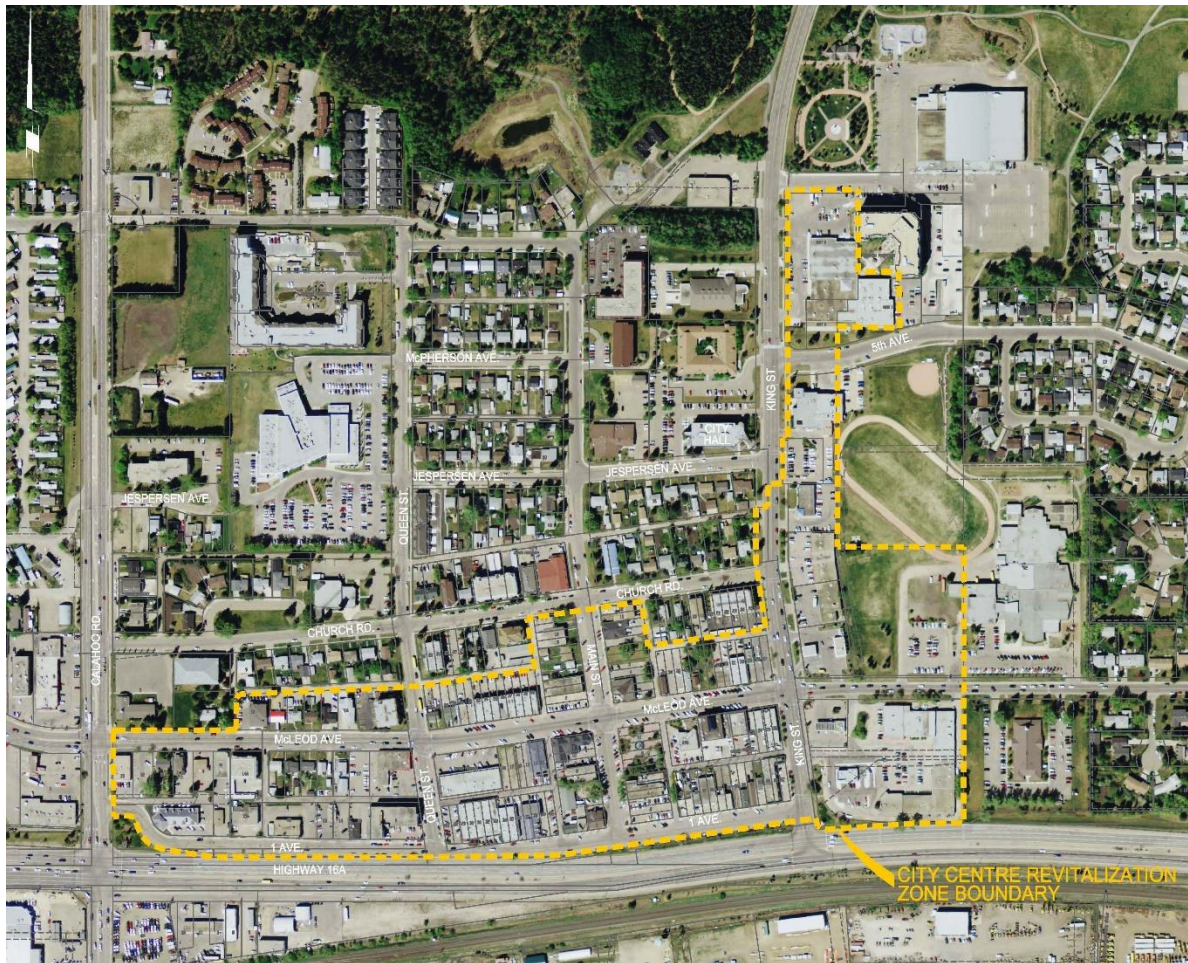
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SCHEDULE "B": MAP OF CITY CENTRE BUSINESS IMPROVEMENT AREA



LOCATION PLAN
N.T.S.

REVITALIZATION ZONE BOUNDARY

PROPOSED CITY CENTRE REVITALIZATION DEVELOPMENT

SPRUCE GROVE, ALBERTA

Spruce Grove
City Centre Revitalization

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SCHEDULE “C”: DESCRIPTION OF CITY CENTRE BUSINESS IMPROVEMENT AREA

The proposed Spruce Grove Business Revitalization Zone (BRZ) generally encompasses the following area:

- a) From King Street (including Grove Plaza and other commercial lands on the east side of King Street) extending west along First Avenue and Macleod Avenue to Calahoo Road; and

- b) From First Avenue extending north along Main Street to Church Avenue and along King Street to Agrena Avenue (including the King Street Mall).

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