

CITY OF EDMONTON

BYLAW 12370

CHINATOWN AND AREA BUSINESS IMPROVEMENT AREA BYLAW

(CONSOLIDATED ON DECEMBER 13, 2016)

THE CITY OF EDMONTON**BYLAW 12370****CHINATOWN AND AREA BUSINESS IMPROVEMENT AREA BYLAW**

(S.2, Bylaw 13921, April 19, 2005)
(S.2, Bylaw 14496, February 13, 2007)
(S.2(a), Bylaw 16967, October 28, 2014)
(S.2, Bylaw 17091, January 27, 2015)
(S.2(a), Bylaw 17783, December 13, 2016)

WHEREAS the Municipal Council of the City of Edmonton has received a request, appended hereto and forming Appendix “A” to this Bylaw, pursuant to Section 50 of the Municipal Government Act and the Business Revitalization Zone Regulation (Alta. Reg. 377/94), as amended, to

- (a) designate a prescribed area as a business revitalization zone;
- (b) designate a name for the zone;
- (c) establish a board for the zone;
- (d) specify the number of board members, describe the term of office of board members, the method of filling vacancies on the board and related matters;
- (e) authorize a business assessment in the zone to be used for the purposes of the business revitalization zone tax, if a council has not passed a business tax bylaw for the municipality.

AND WHEREAS on June 21, 2000, notice of the intention of Council to pass this Bylaw was mailed to every person who is shown on the current assessment roll of the City as being assessed for business taxes within the boundaries of the proposed Business Revitalization Zone;

AND WHEREAS no petition objecting to the passing of this Bylaw has been received by the Municipal Council of the City;

AND THEREFORE the Municipal Council of the City of Edmonton, duly assembled, enacts as follows:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION**DEFINITIONS**

- 1 In this bylaw, unless the context otherwise requires:
- (a) **“Board”** means all Directors of the Business Improvement Area as appointed by Council from time to time;
 - (b) **“City”** means the municipal corporation of the City of Edmonton;
 - (c) **“Council”** means the municipal council of the City of Edmonton;
 - (d) **“Director”** means a person appointed by Council pursuant to section 6 of this bylaw;
 - (e) **“Member”** means a business assessed for business taxes within the Chinatown and Area Business Improvement Area;
 - (f) **“MGA”** means the *Municipal Government Act*, S.A. 2000, c. M-26;
 - (g) **“Person”** includes an individual, partnership, association, corporation, trustee, executor, administrator or legal representative; and
 - (h) *Deleted*

(S.2(b), Bylaw 16967, October 28, 2014)

(S.3, Bylaw 17091, January 27, 2015)

(S.2(b), 3, 4(a), Bylaw 17783, December 13, 2016)

(S.3, Bylaw 13921, April 19, 2005)

DESIGNATION OF THE ZONE(S.4, Bylaw 13921,
April 19, 2005)

- 2 That area, the boundaries of which are outlined and shaded on the map attached as Appendix “B” to this Bylaw, and which are more particularly described in Appendix “C” attached to this Bylaw, is hereby designated as the “Chinatown and Area Business Improvement Area”.

(S.3, Bylaw 14496, February 13, 2007)

(S.2(c), Bylaw 16967, October 28, 2014)

(S.4, Bylaw 17091, January 27, 2015)

(S.2(c), Bylaw 17783, December 13, 2016)

ESTABLISHMENT

- 3 (1) The Board of Directors of the Chinatown and Area Business

**OF THE
ASSOCIATION**

Improvement Area is hereby established as a corporation pursuant to Section 51(2) of the Municipal Government Act under the name “Chinatown and Area Business Association”.

(S.5, Bylaw 13921,
April 19, 2005)

(S.4, Bylaw 14496, February 13, 2007)
(S.2(d), Bylaw 16967, October 28, 2014)
(S.5, Bylaw 17091, January 27, 2015)
(S.4(b), Bylaw 17783, December 13, 2016)

- (2) The corporation hereby established shall consist of Directors appointed from time to time in accordance with Section 6.

**PURPOSES OF THE
ZONE**

4

The objects or purposes for which the Chinatown and Area Business Improvement Area are established are:

- (a) improving, beautifying and maintaining property in the Chinatown and Area Business Improvement Area;
- (b) developing, improving, and maintaining public parking; and
- (c) promoting the Chinatown and Area Business Improvement Area as a business or shopping district.

(S.4(c), Bylaw 17783, December 13, 2016)

**POWERS OF
ASSOCIATION**

5

- (1) Subject to the provisions of this bylaw and every other applicable bylaw of the City or statute or regulations of the Province, the Chinatown and Area Business Improvement Area shall have the power to do all things necessarily incidental to the attainment of its objects.

(S.4(d), Bylaw 17783, December 13, 2016)

DIRECTORS

6

- (1) The Board of the Chinatown and Area Business Improvement Area shall consist of fifteen Directors appointed by Council.
- (2) At the recommendation of the Board, Council may appoint fewer than fifteen Directors.
- (3) Each appointment made by Council is for a term of one year with no maximum number of terms.
- (4) No person shall be appointed as a Director unless that person:
- (a) has been nominated in writing, submitted to the Board before close of nominations, for appointment as a Director, by any person in the Chinatown and Area Business Improvement Area who is shown on the current assessment roll of the City as being assessed for business taxes with respect to a business carried on within the Chinatown and

Area Business Improvement Area, and

- (b) has consented to act as a Director, in writing submitted to the Board prior to that person's appointment.

(5) A Majority of existing, appointed members constitutes quorum.

(S.4(e), Bylaw 17783, December 13, 2016)

REMUNERATION

- 7 (1) The position of a Director is voluntary, and no remuneration will be paid for services as a Director.
- (2) Directors shall be reimbursed for expenses necessarily incurred in the performance of duties as a Director.

PROCEDURES FOR THE BOARD

- 8 (1) The Board shall manage the business and affairs of the Chinatown and Area Business Improvement Area.
(S.4(f), Bylaw 17783, December 13, 2016)
- (2) The Board shall meet at least quarterly and may meet more frequently, as it sees fit, for the dispatch of business.
- (3) The Directors shall:
 - (a) elect one of their number as Chair of the Board to preside at all meetings of the Board, and
 - (b) determine the period for which that person is to hold office.
- (4) If the Chair is not present within fifteen (15) minutes from the time fixed for the holding of any meeting, the Directors present shall choose one of their number to be the Chair of the meeting.
- (5) A motion is lost when the vote is tied.
- (6) The Board may delegate any of the Board's powers to a committee or committees consisting of one or more Directors.

FINANCIAL MATTERS

- 9 (1) The financial year of the Board is the calendar year.
- (2) The Board may appoint such officers of the Chinatown and Area Business Improvement Area as the Board sees fit and may specify the powers and duties of such officers and, subject to the provisions of this bylaw, may delegate to any officer such of the powers of the Board as the Board thinks fit.
- (3) If a Director or a Director's family member, as defined within the MGA, has a pecuniary interest in a matter before the Board, the Director shall be precluded from voting or participating in the discussion.

- (4) The Chinatown and Area Business Improvement Area may have a corporate seal, which seal may be adopted or changed from time to time by the Board and on which the name of the Chinatown and Area Business Improvement Area shall appear.
- (5) The banking business of the Chinatown and Area Business Improvement Area 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.
- (6) The Board shall cause true accounts to be kept of the sums of money received and expended by the Chinatown and Area Business Improvement Area and the matter or matters in respect of which such receipts and expenditures take place, all acquisitions and dispositions of property of the Association, and all the assets and liabilities of the Chinatown and Area Business Improvement Area.
- (7) The books of account of the Chinatown and Area Business Improvement Area shall be kept at such place or places as the Board thinks fit, and no person, other than a Director, an officer, the City Auditor, or an officer, accountant, or other person, whose duty to the Chinatown and Area Business Improvement Area to the Council require that person to do so, shall have any right to inspect any account or book or document of the Chinatown and Area Business Improvement Area except as may be authorized by the Board, by Council, or by statute.
- (8) The Board shall, in each year at the time and in the form prescribed by the Council, submit to the Council, for its approval, estimates of revenues and expenditures expected to be received and made by the Chinatown and Area Business Improvement Area for the next fiscal year.
- (9) The Board shall present and review these estimates with its Members at the annual general meeting and subsequently revise, if necessary, and approve them prior to their submission to Council.
- (10) The Board shall notify by mail, personal delivery, or a combination of the two, all businesses within the Chinatown and Area Business Improvement Area listed in the current assessment roll of the proposed budget, and of the date and place when Council will consider approval of the proposed budget.

(S.4(g), Bylaw 17783, December 13, 2016)

ANNUAL GENERAL 10 (1) In each calendar year, prior to submitting its estimates of revenues

**MEETINGS AND
SPECIAL
MEETINGS OF THE
BOARD**

and expenditures to Council, the Board shall hold an annual general meeting of all Members.

- (2) Written notice of the annual meeting shall be sent by mail, personal delivery, or a combination of the two, to all Members, at least fourteen (14) days prior to the meeting date.
- (3) At the annual meeting the Board shall:
 - (a) review with Members its estimates of revenues and expenditures for the next calendar year;
 - (b) review with Members any nominations for new Directors from the Members for the next calendar year received by the Board prior to the meeting;
 - (c) seek any additional nominations for new Directors for the next calendar year; and
 - (d) close the nomination period permanently for new Directors for the next calendar year.
- (4) For the purposes of any vote of the membership during the annual meeting or a special meeting, the following voting procedures shall apply:
 - (a) Each Member shall be entitled to one vote;
 - (b) In order to be eligible to vote, each representative 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.

(S.6(4.0 – 10.4), Bylaw 13921, April 19, 2005)

ANNUAL REPORT

- 11 The Board shall prepare and submit to Council an annual report of the activity of the Chinatown and Area Business Improvement Area at the time specified by Council, together with an audited financial statement of the Chinatown and Area Business Improvement Area comprised of an income and expenditure account and a balance sheet and any other statements and reports required by Council.
(S.4(h), Bylaw 17783, December 13, 2016)

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw 12370, passed by Council September 26, 2000,

Amendments:

Bylaw 13921, April 19, 2005

Bylaw 14433, December 12, 2006 (Effective January 1, 2007)

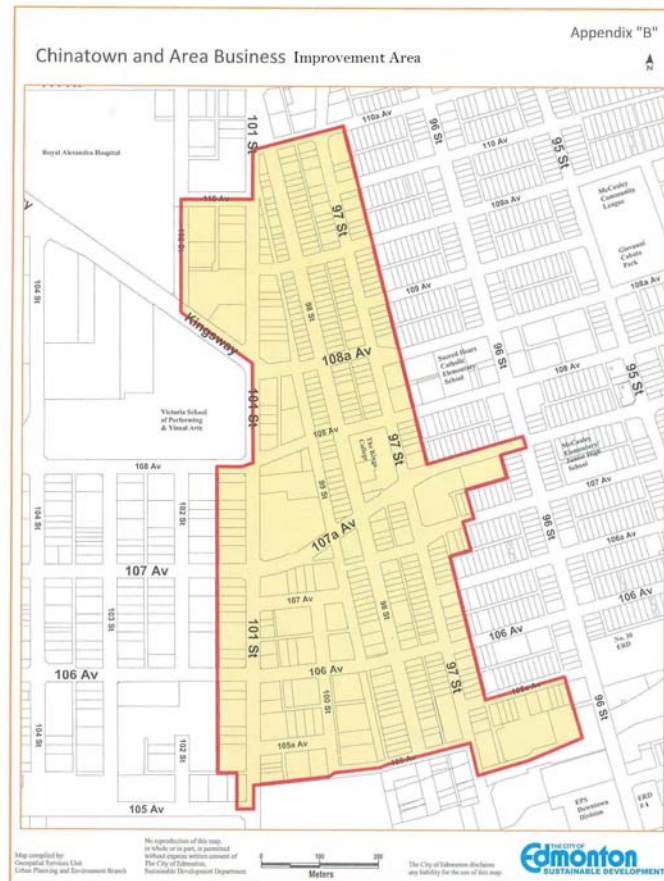
Bylaw 14496, February 13, 2007

Bylaw 16967, October 28, 2014

Bylaw 17091, January 27, 2015

Bylaw 17783, December 13, 2016

Appendix "B"



(S.1(a), Bylaw 14433, December 12, 2006) Effective January 1, 2007
 (S.3, Bylaw 16967, October 28, 2014)
 (S.2(d), Bylaw 17783, December 13, 2016)

Appendix “C”

**BOUNDARIES OF THE CHINATOWN AND AREA BUSINESS IMPROVEMENT
AREA**

The Chinatown and Area Business Improvement Area shall consist of all lots lying within the following boundaries:

- Originating at the intersection of 108 Avenue and 101 Street;
- North along 101 Street to Kingsway Avenue;
- Northwest along Kingsway Avenue to 102 Street;
- North along 102 Street to 110 Avenue;
- East along 110 Avenue to 101 Street;
- North along 101 Street to 110A Avenue;
- East along 110A Avenue to the north/south lane east of 97 Street;
- South along the lane to 107A Avenue;
- East along 107A Avenue to the north/south lane west of 96 Street;
- South along the lane to the east/west lane north of 107 Avenue;
- West along the lane to the eastern boundary of the third lot east of 97 Street (legal description: Plan ND Block 23 Lot 33);
- South to 107 Avenue;
- West along 107 Avenue to the eastern boundary of the fourth lot east of 97 Street (legal description: Plan ND Block 22 Lot 18);
- South to the lane north of 106A Avenue;
- West along the lane to the north/south lane east of 97 Street;
- South along the lane to 105A Avenue;
- East to the north/south lane west of 96 Street;
- South along the lane to the northern boundary of the CNR Right-of-Way;
- West along the northern boundary of the CNR Right-of-Way to 97 Street;
- North to 105 Avenue;
- West along 105 Avenue to 100 Street;
- Continuing west along the east/west lane north of Lot 98B, Plan 4812NY to 101 Street;
- South on 101 Street to 105 Avenue;
- West along 105 Avenue to the western boundary of the first lot west of 101 Street (legal description: Plan B3 Block 1 Lot 227);
- North along the western boundary of this lot to the lane north of 105 Avenue; Bylaw 12370
- West along the lane to the north/south lane west of 101 Street;
- North along the lane to 108 Avenue;
- East along 108 Avenue to the starting point at the intersection of 108 Avenue and 101 Street.

(S.1(b), Bylaw 14433, December 12, 2006) Effective January 1, 2007

(S.5, Bylaw 14496, February 13, 2007)

(S.3, Bylaw 16967, October 28, 2014)

(S.2(e), Bylaw 17783, December 13, 2016)