



Province of Alberta

AN ACT TO STRENGTHEN MUNICIPAL GOVERNMENT

Statutes of Alberta, 2017
Chapter 13

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Office Consolidation

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AN ACT TO STRENGTHEN MUNICIPAL GOVERNMENT

Chapter 13

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Municipal Government Act

Amends RSA 2000 cM-26

1(1) The *Municipal Government Act* is amended by this section.

(4) Division 5 of Part 3 is repealed.

(39) Division 4 of Part 10 is repealed and the following is substituted:

Division 4 Establishment of Business Improvement Area and Business Improvement Area Tax

Purpose

380.1 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 in the business improvement area;
- (c) promoting the business improvement area as a business or shopping area.

Board

380.2(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.

Civil liability of board members

380.3(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 respect of the business improvement area.

Business improvement area tax

380.4(1) A council may, by bylaw, impose a business improvement area tax in respect of a business improvement area.

(2) A council must pass a business improvement area tax bylaw in respect of each business improvement area.

(3) The business improvement area tax bylaw authorizes the council to impose a tax on property or on businesses, but not on both, within the business improvement area, except

- (a) businesses that are referred to in section 351 or 375,
- (b) if applicable, the administration or management office of the business improvement area located within the business improvement area, and
- (c) if the tax is a tax on property,
 - (i) all property other than non-residential property, and
 - (ii) a property that is exempt under section 351, 361, 362 or 364, unless section 363 or 365 applies in respect of that property.

(4) The person liable to pay a business improvement area tax is

- (a) if the tax is imposed on property within the business improvement area, the owner of the property, and
 - (b) if the tax is imposed on businesses within the business improvement area, the person who operates the business.
- (5) Division 1, other than sections 348 to 352, does not apply to a business improvement area tax on property within a business improvement area.
- (6) A business improvement area tax on property within a business improvement area is not a property tax for the purposes of Division 2.
- (7) Notwithstanding that one or more parts of a property in a business improvement area are exempt from the business improvement area tax, the business improvement area tax imposed on a taxable part of the property is recoverable against the entire property.

Regulations

380.5 The Minister may make regulations

- (a) respecting the establishment or modification 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 membership of members of the board of a business improvement area;
- (d) respecting the powers and duties of a board of a business improvement area and a board's annual budget;
- (e) respecting the disestablishment of a business improvement area and the dissolution of a board of a business improvement area;
- (f) that operate despite Part 8, authorizing a municipality to lend money to a board of a business improvement area and to borrow money on behalf of a board;
- (g) establishing restrictions on the providing of money to a board of a business improvement area by a municipality;
- (h) specifying provisions in this Part that do not apply, or that apply with modifications, to a business

improvement area tax on property within a business improvement area;

- (i) respecting a business improvement area tax, including, without limitation, regulations respecting the assessment, administration, collection and frequency of payment of a business improvement area tax;
- (j) respecting any other matter or thing that the Minister considers necessary for carrying out the intent and purpose of this Division.

(40) Section 410(e) is amended by striking out “or a community aggregate payment levy” and substituting “, a community aggregate payment levy or, where a business improvement area tax is imposed on property under section 380.4(3), a business improvement area tax”.

(41) Section 437(c) is amended by adding the following after subclause (i):

- (i.1) a business improvement area tax,

(55) Section 616 is amended by adding the following after clause (j):

- (j.1) “joint use and planning agreement” means an agreement under section 670.1;

(61) Section 666 is amended

- (a) in subsection (2) by striking out “The aggregate” and substituting “Subject to section 670.2(9), the aggregate”;**
- (b) in subsection (3) by striking out “section 667” and substituting “section 667 or, in the case of land referred to in section 670.2, the value determined in accordance with the regulations under that section”;**
- (c) in subsection (4)(b) by striking out “appraised market value of the land required under” and substituting “value referred to in”.**

(62) Section 667 is amended by adding the following after subsection (1):

- (1.1)** Subsection (1) does not apply in respect of money required to be provided under section 670.2.

(63) Section 670(1) is amended by adding “as municipal reserve, school reserve or municipal and school reserve” **after** “reserve land is required to be provided”.

(64) The following is added after section 670:

Joint use and planning agreements

670.1(1) Where on the coming into force of this section a school board is operating within the municipal boundaries of a municipality, the municipality must, within 3 years after this section comes into force, enter into an agreement under this section with the school board.

(2) Where after the coming into force of this section a school board commences operating within the municipal boundaries of a municipality, the municipality must, within 3 years after the school board commences operating in the municipality, enter into an agreement under this section with the school board.

(3) An agreement under this section must contain provisions

- (a) establishing a process for discussing matters relating to
 - (i) the planning, development and use of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality,
 - (ii) transfers under section 672 or 673 of municipal reserves, school reserves and municipal and school reserves in the municipality,
 - (iii) disposal of school sites,
 - (iv) the servicing of school sites on municipal reserves, school reserves and municipal and school reserves in the municipality, and
 - (v) the use of school facilities, municipal facilities and playing fields on municipal reserves, school reserves and municipal and school reserves in the municipality, including matters relating to the maintenance of the facilities and fields and the payment of fees and other liabilities associated with them,
- (b) respecting how the municipality and the school board will work collaboratively,
- (c) establishing a process for resolving disputes, and

- (d) establishing a time frame for regular review of the agreement,

and may, subject to this Act, the regulations, the *School Act* and the regulations under that Act, contain any other provisions the parties consider necessary or advisable.

- (4) More than one municipality may be a party to a joint use and planning agreement.

- (5) A joint use and planning agreement may be amended from time to time as the parties consider necessary or advisable.

Funding future reserves

670.2(1) In this section, “reserve land assembly area” means an area of land referred to in subsection (2).

- (2) A municipality may, by bylaw, in accordance with the regulations, identify and delineate the boundaries of an area of land in respect of which the municipality

- (a) expects a future need for municipal reserve, school reserve or municipal and school reserve, and
- (b) will require money to fund future purchases of land to increase the size of municipal reserve, school reserve or municipal and school reserve, or a combination of them, within the area and to service the land.

- (3) A bylaw under subsection (2) must contain an estimate, prepared in accordance with the regulations, of the costs of purchasing land in the future to increase the size of municipal reserve, school reserve or municipal and school reserve, or a combination of them, within the reserve land assembly area and of servicing the land.

- (4) Where on a subdivision approval application a subdivision authority requires a combination of land and money to be provided under section 666(1)(c), the municipality may, if the land lies within a reserve land assembly area identified by bylaw under subsection (2) and the amount of money does not exceed 5% of the value, as determined in accordance with the regulations, of the land at the time the application for subdivision approval was received by the subdivision authority,

- (a) retain the money in a fund, or
- (b) in the case of money required to be provided in place of school reserve or municipal and school reserve, allocate any or all of the money in accordance with an agreement

between the municipality and each school board concerned and retain the remainder, if any, in a fund.

(5) Money in a fund under subsection (4)(a) must be used only for the purposes of purchasing land to increase the size of municipal reserve, school reserve or municipal and school reserve, or a combination of them, within the reserve land assembly area and of servicing the land.

(6) Money in a fund under subsection (4)(b) must be used only for the purposes of purchasing land to increase the size of school reserve or municipal and school reserve, or a

combination of them, within the reserve land assembly area and of servicing the land.

(7) Any interest earned on a fund under subsection (4)(a) or (b) accrues to the fund.

(8) Money in a fund under subsection (4)(a) or (b) must be accounted for separately from other money.

(9) A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision within a reserve land assembly area to provide an amount of land that exceeds the aggregate amount of land that could be taken as municipal reserve, school reserve or municipal and school reserve under sections 666(2) and 668.

(10) Where a subdivision authority requires the owner of a parcel of land to provide land under subsection (9), the municipality must, within 30 days after the Registrar issues a new certificate of title for the land under section 665(2), pay compensation to the landowner in an amount equal to the value, as determined in accordance with the regulations, of the amount of land that exceeds the aggregate amount of land that could be taken as municipal reserve, school reserve or municipal and school reserve under sections 666(2) and 668.

(11) The Minister may make regulations

- (a) respecting reserve land assembly areas and the identification of reserve land assembly areas, including, without limitation, regulations respecting
 - (i) the amount of land that may be identified as a reserve land assembly area,
 - (ii) circumstances in which land may be identified as a reserve land assembly area;

- (iii) factors that must be taken into consideration and factors that must not be taken into consideration in determining the size of a reserve land assembly area;
 - (iv) estimates of costs for the purposes of subsection (3), including, without limitation, what an estimate must include and the factors that must be taken into consideration and factors that must not be taken into consideration in preparing an estimate;
 - (v) the location of municipal reserve, school reserve or municipal and school reserve within a reserve land assembly area;
- (b) respecting the determination of the value of land for the purposes of subsection (4) or (10), or both;
 - (c) respecting funds under subsection (4) and the use of money in a fund;
 - (d) respecting the determination of the value of land proposed to be purchased for a purpose referred to in subsection (5) or (6);
 - (e) respecting any other matter or thing that the Minister considers necessary for carrying out the intent and purpose of this section.

(67) The *School Act* is amended

(a) in section 1(1)

(i) by adding the following after clause (n.1):

(n.2) “joint use and planning agreement” means an agreement referred to in section 62.1;

(ii) in clause (p) by adding “, except in section 62.1,” before “means”;

2017 c13 s1(67);2018 c11 s4

(b) by adding the following after section 62:

Joint use and planning agreements

62.1(1) In this section,

- (a) “municipality” has the meaning given to it in section 1(1)(s) of the *Municipal Government Act*;
- (b) “municipal reserve”, “municipal and school reserve” and “school reserve” have the meanings given to

them in section 616 of the *Municipal Government Act*.

- (2) Where on the coming into force of this section a board is operating within the municipal boundaries of one or more municipalities, the board must, within 3 years after this section comes into force, or if the Minister extends that period under subsection (4), within the extended period, enter into an agreement under section 670.1 of the *Municipal Government Act* with each of the municipalities.
- (3) Where after the coming into force of this section a board commences operating within the municipal boundaries of a municipality, the board must, within 3 years after it commences operating in the municipality, or if the Minister extends that period under subsection (4), within the extended period, enter into an agreement under section 670.1 of the *Municipal Government Act* with the municipality.
- (4) The Minister may extend the 3-year period under subsection (2) or (3) in respect of all boards or one or more specified boards.
- (5) More than one board may be a party to an agreement referred to in this section.
- (6) An agreement may be amended from time to time as the parties consider necessary or advisable.
- (c) **in section 63(1) by striking out** “section 62(1)(a)(ii) or 197” **and substituting** “section 62(1)(a)(ii), 62.1 or 197”;
- (d) **in section 197 by renumbering it as section 197(1) and adding the following after subsection (1):**
- (2) Subject to the regulations, subsection (1) does not apply to joint use and planning agreements.
- (3) The Minister may make regulations respecting the extent to which subsection (1) applies to joint use and planning agreements.

Transitional Regulations and Coming into Force

Transitional — regulations

5 The Lieutenant Governor in Council may make regulations providing for the transitional operation of the amendments to the *Municipal Government Act* made by this Act and by the *Modernized Municipal Government Act*, including, without

limitation, regulations modifying or suspending the operation of one or more provisions of the *Municipal Government Act* during the period specified in the regulations.

6(1) Section 1, except subsections (31), (32), (33), (34), (36), (37), (51) and (54), comes into force on Proclamation.

(2) Section 1(31) is deemed to have come into force on May 31, 2016.

(3) Section 1(36) comes into force on July 1, 2017.

(4) Section 4 comes into force on October 1, 2018.



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