



CITY OF EDMONTON
BYLAW 8621 (AS AMENDED)
EDMONTON KINGSWAY BUSINESS IMPROVEMENT AREA
BYLAW

(CONSOLIDATED ON DECEMBER 13, 2016)

THE CITY OF EDMONTON

BYLAW 8621 (AS AMENDED)

EDMONTON KINGSWAY BUSINESS IMPROVEMENT AREA BYLAW

(S.2(a), Bylaw 17780, December 13, 2016)

WHEREAS the Municipal Council of the City of Edmonton received a request, appended hereto and forming Appendix "A" to this Bylaw, pursuant to the Municipal Government Act, R.S.A. 1980, c. M-26, as amended, to:

- (a) designate an area as a Business Revitalization Zone and prescribe its boundaries;
- (b) establish a Board of Directors for the Business Revitalization Zone and incorporate the said Board of Directors;

AND WHEREAS pursuant to Section 171.2 (2) of the Municipal Government Act, R.S.A. 1980, c. M-26, 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 Business Revitalization Zone;

AND WHEREAS no petition objecting to the passing of this Bylaw was received by the Municipal Council of the City:

NOW 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 Edmonton Kingsway 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),3, 4(a) Bylaw 17780, December 13, 2016)

DESIGNATION OF THE ZONE 2 The Kingsway Business District, the boundaries of which are outlined in red on the map appended hereto and forming Appendix “B” to this Bylaw and which are more particularly described in Appendix “C” of this Bylaw, is hereby designated as the “Edmonton Kingsway Business Improvement Area”.

(S.2(c), Bylaw 17780, December 13, 2016)

ESTABLISHMENT OF THE ASSOCIATION 3 (1) The Board of Directors of the Edmonton Kingsway Business Improvement Area is hereby established as a corporation under the name “Kingsway District Association”.

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

(S.4(b), Bylaw 17780, December 13, 2016)

PURPOSES OF THE ZONE 4 The objects or purposes for which the Edmonton Kingsway Business Improvement Area are established are:

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

(S.4(c), Bylaw 17780, 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 Edmonton Kingsway Business Improvement Area shall have the power to do all things necessarily incidental to the attainment of its objects.
- (2) Nothing in this bylaw shall be construed as giving the Edmonton Kingsway Business Improvement Area the power to borrow money or otherwise pledge its assets without the express direction of Council.

(S.4(d), Bylaw 17780, December 13, 2016)

DIRECTORS

- 6 (1) The Board of the Edmonton Kingsway 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 Edmonton Kingsway 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 Edmonton Kingsway 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 17780, 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 Edmonton Kingsway Business Improvement Area.

(S.4(f), Bylaw 17780, 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 Edmonton Kingsway 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 Edmonton Kingsway 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 Edmonton Kingsway Business Improvement Area shall appear.
- (5) The banking business of the Edmonton Kingsway 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 Edmonton Kingsway 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 Edmonton Kingsway Business Improvement Area.

- (7) The books of account of the Edmonton Kingsway 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 Edmonton Kingsway 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 Edmonton Kingsway 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 Edmonton Kingsway 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 Edmonton Kingsway 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 17780, December 13, 2016)

**ANNUAL GENERAL
MEETINGS AND
SPECIAL
MEETINGS OF THE
BOARD**

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

ANNUAL REPORT

- 11 The Board shall prepare and submit to Council an annual report of the activity of the Edmonton Kingsway Business Improvement Area at the time specified by Council, together with an audited financial statement of the Edmonton Kingsway 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 17780, December 13, 2016)

PART II - GENERAL

EFFECTIVE DATE	12	This bylaw takes effect beginning on the date on which this bylaw is passed and signed.
	13	Bylaw 8621 is hereby consolidated into one Bylaw by incorporating this amendment and Amendment Bylaws 8803, 10811, and 10967.

(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 8621 passed by Council November 10, 1987

Amendments:

- Bylaw 13923, April 19, 2005
- Bylaw 16218, October 17, 2012
- Bylaw 16645, November 6, 2013
- Bylaw 17780, December 13, 2016

APPENDIX "A"

REQUEST FOR BUSINESS REVITALIZATION ZONE AND ASSOCIATION

TO: His Worship the Mayor
and City Council
Edmonton, Alberta

Ladies and Gentlemen:

We, the undersigned proprietors of businesses shown on the current Business Assessment Roll for The City of Edmonton in the area outlined in red on the attached schedule and more particularly described as follows:

That area bounded by:

1. Kingsway Avenue starting at 106 Street continuing north west and ending at the north and southbound railway tracks, including those properties fronting both the south and north side of that portion of Kingsway Avenue.
2. The north and southbound railway tracks starting at Kingsway Avenue continuing north and ending at the Yellowhead Trail, including those properties fronting the east side of this portion of the railway tracks.
3. Yellowhead Trail starting at the north-southbound railway tracks and continuing east ending at 107 Street including those properties fronting the south side of that portion of the Yellowhead Trail.
4. 107 Street starting at the Yellowhead Trail and continuing south to 120 Avenue where it branches into 106 Street, continuing south on 106 Street and ending at Kingsway Avenue, including those properties fronting the west side of those portions of 106 Street 107 Street.

DO HEREBY REQUEST you pursuant to Section 171.1 to 171.9 inclusive of The Municipal Government Act, R.S.A. 1980 c. M-26 to, by bylaw:

- (a) designate the above-described area as a Business Revitalization Zone and prescribe its boundaries; and
- (b) establish a Board of Directors for the Business Revitalization Zone, the Board being a corporation called the Kingsway Business Revitalization Zone Association.

AND WE FURTHER REQUEST THAT the following persons be named by resolution of Council as Directors of the Association (include one or more members of Council and not more than ten other persons):

1. Aaron Shtabsky
2. Jess Morrill
3. Don Hamilton
4. Jim Murray
5. James Carson
6. Gail Spurgeon

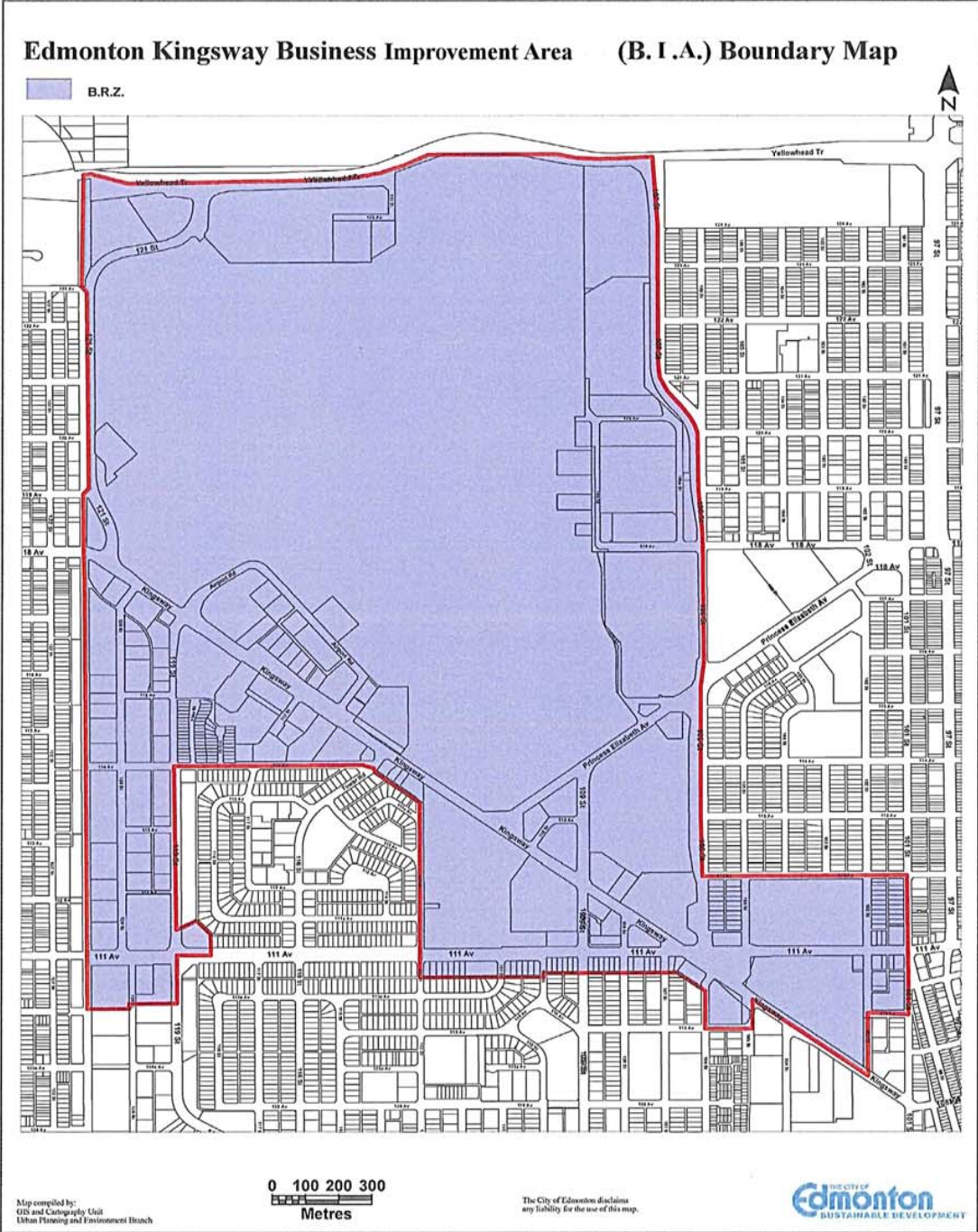
IN WITNESS WHEREOF we have executed this Request as of the 8th day of June, 1987, in the City of Edmonton, in the Province of Alberta.

Witness

Name of Business	Signature of Authorized Representative(s)	Address of Business
CONFEDERATION LIFE INSURANCE	Per: <i>[Signature]</i> Per:	11941-121ST 752 4147
CREE AIRWAYS CORP. (ALTA)	Per: <i>[Signature]</i> Per:	11941-121ST #11A.
BRISTOW INSTRUMENTS	Per: <i>[Signature]</i> Per:	32 AIRPORT ROAD T5G 0W7
AIRPOWER INC	Per: <i>[Signature]</i> Per:	HANGAR 2 AIRPORT / T5G 2Z # EDM. INTL. AIRPORT
DUCKY AVIONICS LTD	Per: <i>[Signature]</i> Per:	HANGAR #2 EDMONTON MUNICIPAL AIRPORT T5G 2Z3
ANGUS AVIATION LTD	Per: <i>[Signature]</i> Per:	1402 #1 - 11930 109 ST EDMONTON T5G 2T8
HAMILTON AVIATION LTD	Per: <i>[Signature]</i> Per:	63 Airport Road
EDMONTON INN	Per: <i>[Signature]</i> Per:	400 OXFORD TOWER EDMONTON
EDMONTON AIRCRAFT SALES	Per: <i>[Signature]</i> Per:	11930 - KINGSWAY EDMONTON 11941-121ST. HANGAR #11A.
CAPTAIN JOHN'S SEAFOOD	Per: <i>[Signature]</i> Per:	11311 - KINGSWAY AVE T5G 0X3.
A.G. EXPEDITIOUS SERVICES LTD	<i>[Signature]</i>	12002 KINGSWAY AVE T5G 0V9

Note: If the business is a single proprietorship, the proprietor may sign. A partnership may sign by having all of the partners sign. A corporation may sign by signature of at least one director or officer of the corporation.

Appendix "B"



(S.2(e), Bylaw 17780, December 13, 2016)

APPENDIX “C”

EDMONTON KINGSWAY BUSINESS IMPROVEMENT AREA - BOUNDARIES

- On the West – Originating on the north/south lane west of 120 Street at the western boundary of the first lot south of 111 Avenue (legal description: Plan 3256HW Block 20 Lot J), north along that boundary, continuing north along the north/south lane west of 120 Street to the section of 118 Avenue that branches into Kingsway Avenue, continuing north along the north/southbound railway tracks starting at the western boundary of the first lot north of Kingsway Avenue and west of 121 Street (legal description: Plan 9020277 Block 6B Lot 1), continuing north along the north/southbound railway tracks to Yellowhead Trail.
- On the North – Originating at Yellowhead Trail starting at the north/southbound railway tracks west of 121 Street, east along Yellowhead Trail to 107 Street.
- On the East – Originating at the intersection of 107 Street at Yellowhead Trail, south along 107 Street to 120 Avenue where 107 Street branches into 106 Street, continuing south along 106 Street to the intersection of 106 Street and 112 Avenue, east along 112 Avenue to 101 Street, south along 101 Street to 110 Avenue, west along 110 Avenue to 102 Street, south along 102 Street to Kingsway Avenue.
- On the South – Originating at the intersection of 102 Street and Kingsway Avenue, northwest along Kingsway Avenue to 105 Street, south along 105 Street to 110 Avenue, west along 110 Avenue to 106 Street, north along 106 Street to the southeast/northwest lane south of Kingsway Avenue, northwest along the southeast/northwest lane south of Kingsway Avenue to the point where this lane veers east/west and becomes south of 111 Avenue at the southern boundary of the second lot east of 107 Street (legal description: Plan 1124613 Block 2), continuing west along the east/west lane south of 111 Avenue to 113 Street, north along 113 Street to the lane running northwest/southeast south of Kingsway Avenue, northwest along this lane to the intersection of Tower Road and 114 Avenue, west along 114 Avenue to 119 Street, south along 119 Street to the northwest boundary of corner lot east of 119 Street and north of 111 Avenue (legal description: Plan 5771MC Block 18A Lot 15), following the northern boundaries of this lot and then south along the eastern boundary of this lot to 111 Avenue, west along 111 Avenue to 119 Street, south along 119 Street to the southern boundary of the fourth lot north of 109a Avenue (legal description: Plan 9922683 Block 19 Lot 1), west along this boundary to the eastern boundary of the first lot west of 120 Street and south of 111 Avenue (legal description: Plan 3256HW Blk 20 Lot J), south and then west along the boundary of this lot to the north/south lane west of 120 Street.

(S.2(e), Bylaw 17780, December 13, 2016)