

BYLAW 6337

**A BYLAW OF THE CITY OF LETHBRIDGE TO
IMPOSE A DOWNTOWN BUSINESS IMPROVEMENT AREA TAX
FOR THE 2022 TAX YEAR IN THE CITY OF LETHBRIDGE**

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26 and the *Business Improvement Area Regulation* Alberta Regulation 93/2016, (“AR 93/2016”), City Council has established the Downtown Business Improvement Area under Bylaw 4770.

AND WHEREAS, pursuant to section 20(1) of AR 93/2016, City Council must pass a Business Improvement Area Tax bylaw prior to May 01, 2022 to impose and collect an amount sufficient to meet the business improvement area tax levy set out in the Downtown Business Improvement Area Board’s approved budget.

AND WHEREAS, section 20(3) of AR 93/2016 and sections 351 and 375 of the *Municipal Government Act* specify businesses that are exempt from the Business Improvement Area tax levy.

AND WHEREAS, pursuant to section 20(6) of AR 93/2016, a Business Improvement Area tax bylaw may establish a minimum amount to be paid.

AND WHEREAS pursuant to section 22 of AR 93/2016, the business tax provisions of the *Municipal Government Act* apply, with necessary modifications to the Business Improvement Area Tax with the exception of sections: 371, 372, 374(1)(a) and (2), 376, and 377 (3) and (4).

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

PART I – TITLE, PURPOSE AND DEFINITIONS

1 (1) This Bylaw may be cited as the 2022 Downtown Business Improvement Area Tax Bylaw.

Purpose

2 (1) The purpose of this bylaw is to impose a Downtown Business Improvement Area Tax.

Definitions

3 (1) In this Bylaw, unless the context otherwise requires:
(a) “Act” means *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended;
(b) “Business” means business as defined in the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended;
(c) “City” means the City of Lethbridge;
(d) “City Assessor” means the person who has the qualifications set out in the regulation and is appointed by the City of Lethbridge to the position as

designated officer to carry out the duties and responsibilities of an assessor;

- (e) "Downtown Business Improvement Area" means the Downtown Business Revitalization Zone identified in Bylaw 4770 establishing the Zone, or any successor bylaw;
- (f) "Floor space" means the superficial area of every floor in the building in which business is carried on and includes the superficial area of any land not forming the site of a building but occupied or used for the purpose of or incidental to the exercise or carrying on of a business;
- (g) "Person" means a natural or legal person and also includes an individual, partnership, association, organization, cooperative, corporation, trustee, executor, administrator or legal representative;
- (h) "Premises" means:
 - (i) land and buildings on the land
 - (ii) a building or part of a building, or
 - (iii) a store, office, warehouse, factory, building, enclosure, yard or any space occupied or used for the purpose of a business within the boundaries of the Downtown Business Improvement Area, or
 - (iv) permanent storage tanks used for the purpose of a business;
- (i) "Special Purpose Committees" means a Committee, Board or Commission which is established under the legislated powers of the City but has their own Constitution or Bylaws, including but not limited to, the Galt Museum & Archives Board of Directors, the Lethbridge Public Library Board of Directors, and the Lethbridge Police Commission.

- 4 (1) A Business Improvement Area tax is imposed on all taxable businesses operating within the Downtown Business Improvement Area.
- 5 (1) Every Business operating in and/or from a Premise will be assessed by the City Assessor in accordance with Schedule "B" for the purpose of imposing a Business Improvement Area tax, except for any Business located in a Business Improvement Area that is exempt from taxation under section 351 and 375 of the Act, Premises held by Special Purpose Committees, and those Business Premises operated by the City of Lethbridge.
- 6 (1) Businesses within the Downtown Business Improvement Area will be classified in accordance with Schedule "A".
- 7 (1) After giving reasonable notice to a Business, an assessor may at any reasonable time, for the purpose of carrying out the duties and responsibilities of the assessor under Parts 9 to 12 and the regulations,
 - (a) enter and inspect the Premises,
 - (b) request anything to be produced, and
 - (c) make copies of anything necessary to the inspection.
- 8 (1) When carrying out the duties under clause 7, an assessor must produce identification if requested to do so.
- 9 (1) A Person must provide, on request of an assessor, information necessary for the assessor to prepare a Business Improvement Area assessment or

determine if a business within the Business Improvement Area is to be assessed.

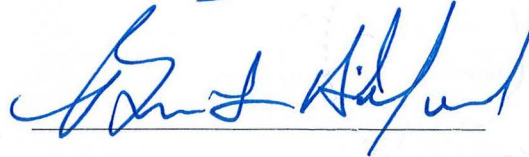
- 10 (1) The City Assessor will, each year prepare a Business Improvement Area assessment roll for the purpose of generating a Downtown Business Improvement Area Tax Roll for the current year.
- (2) In each year, the City Assessor will enter on the Business Improvement Area assessment and tax rolls the name of every Person operating a Business in a Premise, together with the name of the assessed Business, the Business Improvement Area assessment and tax prepared for the Business.
- 11 (1) When the Business Improvement Area assessment and tax rolls have been prepared, the City will send to every Person whose name appears on the roll, an assessment and tax notice containing the information shown on the roll which pertains to that Person.
- 12 (1) Where a Person carries on a Business within the Downtown Business Improvement Area in any year in respect of which a business Improvement Area tax is imposed by the City:
 - (a) if the Person carries on the Business therein during every month of the year, that Person is liable for the payment of the full annual Business Improvement Area tax in respect to that Business; but
 - (b) if the Person does not carry on the Business therein during every month of that year, they are only liable for the payment of the minimum tax or that part of the full annual business Improvement Area tax in respect of that Business which is in proportion to the number of months of that year during which they carried on that Business therein, a portion of a month being taken as a full month, whichever is greater.
- (2) Notwithstanding subsection (1)(a) where the Person carries on the Business for less than a total of THIRTY (30) DAYS in that year, whether in one or more months, they are not liable for the payment of the Business Improvement Area tax.
- 13 (1) This bylaw sets a minimum tax of \$120 (one hundred and twenty dollars per year) in accordance with section 20(6) of AR 93/2016.
- 14 (1) Where any tenant, liable to assessment in respect of any Premises leased by the tenant, sublets the whole or any portion thereof the City Assessor, in her/his discretion, may assess either the tenant or the sub-tenant in respect of the Premises or the portion of the Premises sublet.
- 15 (1) Businesses exempt from Business Improvement Area tax are listed in Schedule "C", attached hereto.

16 (1) This Bylaw shall come into force and effect on the date of final passing thereof.

READ A FIRST TIME this 18 day of January, A.D. 2022



MAYOR



CITY CLERK

READ A SECOND TIME this 1 day of February, A.D. 2022



MAYOR



CITY CLERK

READ A THIRD TIME this 1 day of February, A.D. 2022



MAYOR



CITY CLERK

BYLAW 6337

2022 DOWNTOWN BUSINESS IMPROVEMENT AREA TAX BYLAW

SCHEDULE "A"

Business within the Downtown Business Improvement Area shall be divided in to the following classes:

Business Improvement Area – Class 1

Business Improvement Area - Class 1 includes all businesses not included in Business Improvement Area Classes 2, 3 and 4;

Business Improvement Area – Class 2

Business Improvement Area Class 2 means hotel and motel rooms including lobbies and floor areas used exclusively to service the hotel and motel guest rooms but excluding all commercial space used for other purposes;

Business Improvement Area – Class 3

Business Improvement Area Class 3 means banks

Business Improvement Area – Class 4

Business Improvement Area Class 4 means permanent storage tanks.

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SCHEDULE "B"

Calculation of the Assessment = Constant + (Area Rate x Size)**

**Note:

- Area Rates are contained in the following tables
- If the Business occupies multiple floors in a building, each floor area rate assessment will be calculated separately.
- The Area Rate for each floor the business occupies is determined by that floor's square footage ("Size") that the Business occupies
- The Constant assessment for Business Improvement Area Class 1 and 3 will be based on one hundred percent (100%) of the total square footage of the floor space area(s) ("Size") that the Business occupies or where the space is used for business purposes

Business Improvement Area – Class 1

Main Floor Rates (in dollars per square foot of floor area):

Size (ft²)	0-999	1,000-1,999	2,000-3,999	4,000-9,999	10,000-49,999	50,000+
Area Rate (value/ft ²)	50	20	20	20	20	18
Constant (value)	0	30,000	45,000	80,000	150,000	300,000

1. All occupied Class 1 space in a building with an elevator shall be calculated at 100% of that floor spaces' area rate.
2. All occupied Class 1 space in a building on the main floor, and on a lower level floor that is partially above ground where the lower level has a similar level of construction finish and utility as the main floor as deemed by the City Assessor, will be calculated at 100% of that floor spaces' area rate.
3. All occupied Class 1 space in a building without an elevator that is on the main floor of the building shall be calculated at 100% of that floor spaces' area rate.
4. All occupied Class 1 space in a building without an elevator that is on the 2nd floor and above shall be calculated at 50% of that floor spaces' area rate.
5. All occupied Class 1 space in a building without an elevator that is on the basement floor shall be calculated at 10% of that floor spaces' area rate.

6. All commercial space in a hotel and motel used for purposes other than exclusively to service the hotel and motel guest rooms will be calculated at 100% of the applicable Class 1 main floor area rate.

Business Improvement Area – Class 2 – Hotels/Motels

7. Hotels and motel including lobbies and floor areas used exclusively to service the hotel and motel guest rooms but excluding all commercial space used for other purposes; will be calculated at \$9,400 per room.

Business Improvement Area – Class 3 – Banks

Main Floor Rates (in dollars per square foot of floor area):

Size (ft ²)	0-9,999	10,000+
Area Rate (value/ft ²)	35	35
Constant (value)	50,000	210,000

8. All occupied Class 3 space in a building with an elevator shall be calculated at 100% of that floor spaces' area rate.
9. All occupied Class 3 space in a building on the main floor, and on a lower level floor that is partially above ground and that has a similar level of construction finish and utility as deemed by the City Assessor, will be calculated at 100% of that floor spaces' area rate.
10. All occupied Class 3 space in a building without an elevator that is on the main floor of the building shall be calculated at 100% of that floor spaces' area rate.
11. All occupied Class 3 space in a building without an elevator that is on the 2nd floor and above shall be calculated at 50% of that floor spaces' area rate.
12. All occupied Class 3 space in a building without an elevator that is on the basement floor shall be calculated at 10% of that floor spaces' area rate.

Business Improvement Area – Class 4 – Permanent Storage Tanks

13. Storage tanks will be calculated at \$1.25 per liter of maximum storage capacity in addition to the Class 1 Area Rate and Constant calculated for any building on the Business Premises.

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SCHEDULE "C"

Exempt Business Improvement Area Class

Exempt Business Premises include:

1. Business Premises held and operated by the municipality;
2. Area within a property that is used to provide senior citizens with accommodations, not including any Premises occupied by a Business;
3. Parking space, stall, lot, or parkade that is included or associated as part of a commercial leasehold, which leasehold interest is outside of the parking space, stall, lot or parkade;
4. Parking space, stall, lot or parkade, which is included or associated as part of a residential tenancy agreement;
5. Parking space, stall, lot, or parkade located on non-residential assessment class properties ("non-residential" as defined in section 297(4)(b) of the Act) for which no fee is charged;
6. Municipally owned and operated parking space, meter, stall, lot, or parkade;
7. Crown owned and operated parking space, meter, stall, lot or parkade;
8. Vacant, non-residential property space ("non-residential" as defined in section 297(4)(b) of the Act):
 - a. For greater certainty, the term "vacant" means space which forms part of a Business Premises: but
 - i. Is physically separated from other space by walls and locked doors or is separate by other means which makes it inaccessible and unable to be used for Business purposes; and
 - ii. Is entirely empty from wall-to-wall and floor-to-ceiling, and does not contain equipment, furnishing, cubicle walls and partitions; and
 - iii. Does not include portions of Business Premises which are temporarily unused such as hotel and motel rooms, individual offices, parking spaces, parking stalls, or space being renovated;
9. A Premises on which there is no Business;
10. A Business conducted in residential property ("residential" as defined in section 297(4)(c) of the Act);
11. Business Premises held or operated by Special Purpose Committees;
12. Business Premises that qualify as exempt under section 351 of the Act; and
13. Business Premises that qualify as exempt under section 375 of the Act.