

BUSINESS IMPROVEMENT AREA BYLAW

EFFECTIVE MARCH 11, 2004

PURPOSE

The Business Improvement Area (“BIA”) is a self-help mechanism whereby an association of business people in a specific geographic area join together to manage an improvement of a commercial area by collecting a special levy on the commercial assessment, with the approval of the City.

PART I: DEFINITIONS

1.1 In this bylaw

- (i) “BIA” means a “business improvement area” designated by the Business Association and approved by City Council.
- (ii) “Business person” means the owner of commercial realty according to the Provincial assessment roll within the BIA area, or their designate.
- (iii) “Levy” means a business improvement levy set by the Business Association and approved by City Council.
- (iv) “Business Association” means six or more Business Persons who incorporate an organization for the purpose of managing a business improvement initiative by means of a board of directors appointed pursuant to this Bylaw.
- (v) “Board” means the Board of Directors of the Business Association.
- (vi) “City” means the City of Charlottetown as established pursuant to the *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1988, Cap. C-1.
- (vii) “Council” means the Council of the City, as provided for in the *Charlottetown Area Municipalities Act*, supra.

PART II: APPROVAL

2.1 Where a group of Business Persons wish to establish a Business Association for the purpose of establishing and managing a BIA, notice of the intent to establish the Business Association shall be published in the local newspaper having general circulation in the City of Charlottetown twice weekly for three consecutive weeks. The notice shall include the geographic area affected, the purpose for which the Business Association is being formed and the time, date and place of a public meeting being held for the purpose of discussing the initiative in an open forum; the person designated by the Business Association and the City to receive written comments either for or against the establishment of the Business Association and the date by which the written comments must be received.

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- 2.2 The public meeting shall be held on the date and at the time and place published for the purpose of discussing the initiative in an open forum.
- 2.3 Any persons wishing to oppose the continuance of the Business Association shall provide their written comments by the date and to the City Administrator to receive such written comments, and after the establishment of a Business Association, delivering such objections to the City by January 31st of each year following formation of the Business Association.
- 2.4 The City shall designate a person or persons to attend the public meeting and to receive any written comments, and the person designated by the City shall provide a written recommendation to Council on the establishment or continuation of the Business Association and any amendment of the boundaries of the BIA.
- 2.5 Council shall determine whether or not to approve the establishment or continuance of a Business Association, and the establishment or amendment of the geographic boundaries of the BIA, within thirty (30) days of receipt of the recommendation. Notice of Council's decision shall be mailed to each Business Person within the BIA.

PART III: DESIGNATION OF AREA

- 3.1 The Business Association shall have the authority to alter the boundaries of the BIA at any time, providing the procedure for receiving comments on the BIA boundaries in this Bylaw are followed and approval for the change is received from City Council.

PART IV: BOARD OF MANAGEMENT

- 4.1 The Business Association shall hold an annual meeting.
- 4.2 The Business Association's activities shall be managed by a Board of Management elected from among the Business Persons within the BIA at the annual meeting of the Business Association.
- 4.3 Notice of the annual meeting of the Business Association shall be mailed to each Business Person within the BIA at least ten (10) days in advance of the meeting.
- 4.4 The Board of Management shall consist of not less than six(6) persons, as follows:
 - (i) one person designated by City Council; and
 - (ii) such other persons elected at the annual meeting of the Business Association, provided that all such persons must be Business Persons subject to paying the BIA levy, or the Business Person's designate.

PART V: BUDGET

- 5.1 Each year the Management Board shall prepare an annual budget.
- 5.2 The Business Association shall present the budget for approval at its annual meeting.

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PART VI: PRESENTATION TO CITY COUNCIL

- 6.1 After the annual meeting each year, the Business Association shall present to City Council its proposed activities for the upcoming year including:
- (i) any proposed changes to the BIA;
 - (ii) proposed levy for the upcoming year;
 - (iii) its annual budget;
 - (iv) any objections received to the budget, the proposed levy or the proposed changes to the BIA; and
 - (v) the purposes and objectives of the Business Association for the upcoming year.
- 6.2 Council must approve the levy and any changes to the BIA boundaries prior to any collection of any levies.

PART VII: COLLECTION

- 7.1 Any levy to be collected in a BIA must be approved by Resolution of City Council.
- 7.2 The levy established by resolution of Council shall be collected in the same manner as a tax on commercial realty imposed under the *Realty Property Tax Act*, R.S.P.E.I 1988, Chapter R-5.

PART VIII: DISSOLUTION

- 8.1 City Council may by resolution dissolve a BIA where:
- (i) letters of objection are received by at least one third of the eligible Business Persons in the BIA; or
 - (ii) where the Board has not functioned for a period of one or more years.

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