

City of Charlottetown
Business Improvement Area Bylaw
#2025-BIA-01

BE IT ENACTED by the Council of the City of Charlottetown as follows:

1. Title

1.1. This bylaw shall be known as, and may be cited as, the “Business Improvement Area Bylaw”

2. Purpose

2.1 This bylaw provides the legal framework for the creation and governance of a Business Improvement Area, enabling local business owners to collectively invest in initiatives such as beautification, marketing, events, and safety measures that benefit the area

3. Authority

3.1 Pursuant to Section 180(c) of the Municipal Government Act, RSPEI 1988, Cap M-12.1, A council may pass bylaws and provide services for municipal purposes respecting businesses, business activities and persons engaged in business, including but not limited to the regulation and prohibition of business and business activities.

4. Application

4.1 This bylaw applies to all commercial properties within the designated area illustrated in Schedule A.

5. Definitions

5.1 “Act” means the Municipal Government Act RSPEI 1988, Cap M-12.1,

5.2 “BIA” or “BID” “business improvement area or district” is a self-help mechanism whereby an association of businesspersons, 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.

5.3 “Board” means the Board of Directors of the Business Association.

5.4 “Business Association” means six or more Businesspersons 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.

- 5.5 “Businessperson” means the owner of commercial realty according to the Provincial assessment roll within the BIA area, or their designate.
- 5.6 “City” means the City of Charlottetown;
- 5.7 “Council” means the mayor and other members of the council of a municipality;
- 5.8 “Levy” means a business improvement levy set by the Business Association and approved by City Council.

6. Approval

- 6.1 Where a group of Businesspersons wish to establish a Business Association for the purpose of establishing and managing a BIA/BID, notice of the intent to establish the Business Association shall be publicly advertised 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.

- 6.2 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.
- 6.3 Any Businesspersons, within the designated area, wishing to oppose the continuance of the Business Association shall provide their written comments by the date and to the Chief Administrative Officer, or designate 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.
- 6.4 The Chief Administrative Officer or designate shall attend the public meeting and receive any written comments and 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/BID.
- 6.5 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/BID, within thirty (30) days of receipt of the recommendation. Notice of Council’s decision shall be communicated to each Businessperson within the BIA/BID.

7. Designation or Expansion of Area

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

8. Board of Directors

- 8.1 The Business Association shall hold an annual meeting.
- 8.2 The Business Association's activities shall be managed by a Board of Directors elected from among the Businesspersons within the BIA/BID at the annual meeting of the Business Association.
- 8.3 Notice of the annual meeting of the Business Association shall be communicated to each Businessperson within the BIA/BID at least ten (10) days in advance of the meeting.
- 8.4 The Board of Directors shall consist of not less than six (6) persons, as follows:
- i. one person appointed by City Council; and
 - ii. such other persons elected at the annual meeting of the Business Association, provided that all such persons must be Businesspersons subject to paying the BIA/BID levy, or the Businessperson's designate.

9. Budget

- 9.1 Each year the Board of Directors shall prepare an annual budget.
- 9.2 The Business Association shall present the budget for approval at its annual meeting.

10. Presentation to Committee of Council

- 10.1 After the annual meeting each year, the Business Association shall present its proposed activities to the Standing Committee responsible for this Bylaw for the upcoming year including:
- i. any proposed changes to the BIA/BID;
 - 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/BID; and
- v. the purposes and objectives of the Business Association for the upcoming year.

10.2 Council must approve the levy and any changes to the BIA/BID boundaries prior to any collection of any levies.

11. Collection

11.1 Any levy to be collected in a BIA/BID must be approved by resolution of City Council.

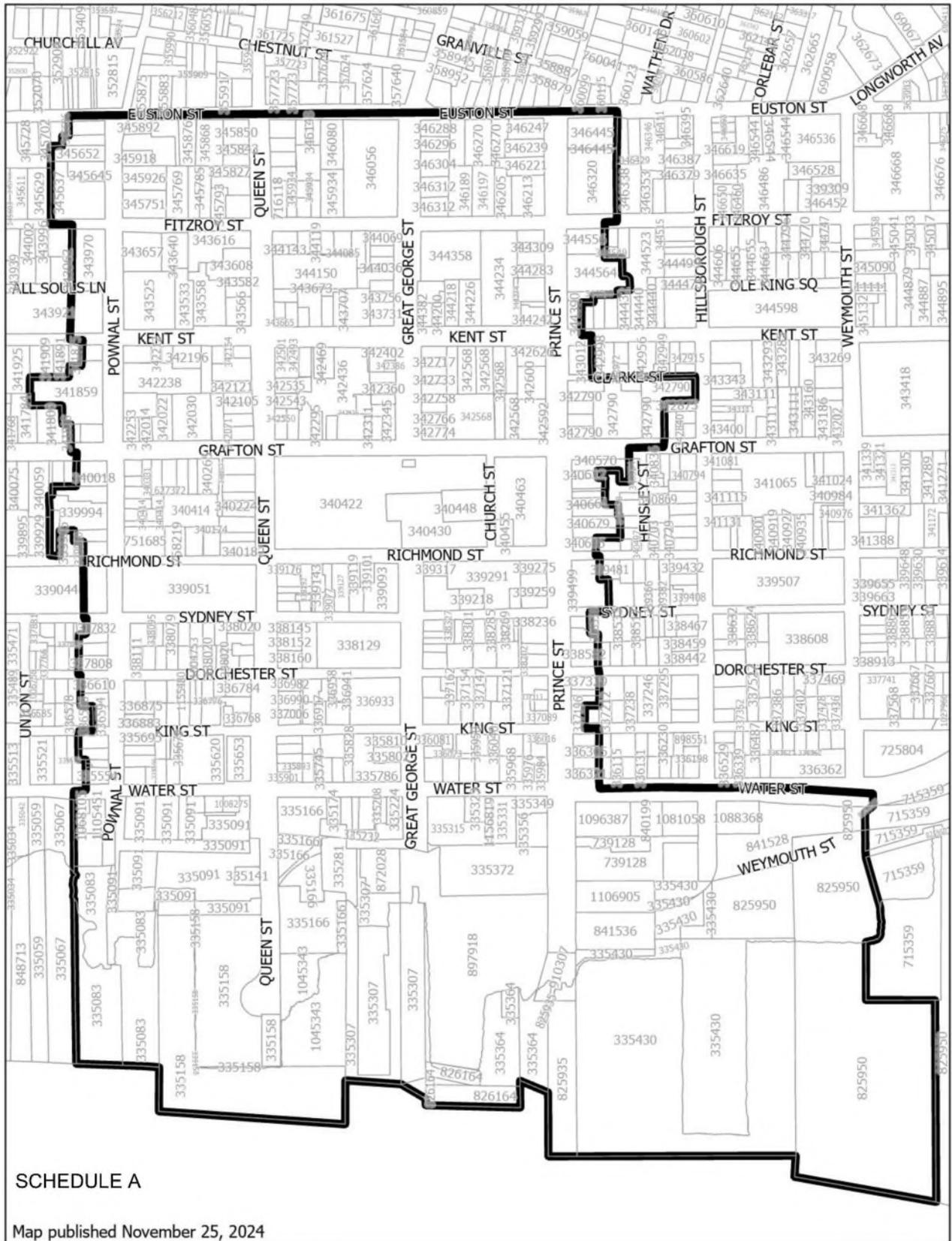
11.2 The levy established by resolution of Council shall be collected in the same manner as a tax on commercial realty imposed under the *Realty Property Tax Act*, R.S.P.E.I 1988, Chapter R-5.

12. Dissolution

12.1 City Council may by resolution dissolve a BIA where:

- i. letters of objection are received by at least two-thirds of the eligible Businesspersons in the BIA/BID; or
- ii. here the Board has not functioned for a period of one or more years.

“This document is an office consolidation of this Bylaw (amending bylaw adopted 13-May-2025). It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources. If you find any errors or omissions in this consolidation, please contact the Procedure & Records Coordinator.”



SCHEDULE A

Map published November 25, 2024