

**Authority:** Items 9, 10, 11, 12, and 13, General Issues Committee Report 18-022 (PED18245, PED18237, PED18239, PED18243, and PED18242)  
CM: December 19, 2019

Item 9, General Issues Committee Report 19-004 (PED19038)  
CM: February 27, 2019

Items 5 and 6, General Issues Committee Report 19-005 (PED19049 and PED19051)

CM: March 27, 2019

Ward: 1, 2, 3, 4, 5, 7, 12, 13, 15

**Bill No. 128**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the Year 2019**

**WHEREAS** section 208 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes the City of Hamilton to levy a special charge upon the rateable properties in the Business Improvement Areas that are in a prescribed business property class sufficient to raise the amount required for the purposes of the Boards of Management of the Business Improvement Areas; and

**WHEREAS** City of Hamilton By-law No. 19-123 establishes optional property classes within the City of Hamilton; and

**WHEREAS** City of Hamilton By-law No. 19-124 establishes tax ratios and tax reductions for the 2019 taxation year; and

**WHEREAS** the City of Hamilton has created 13 Business Improvement Areas as listed in Schedule "A" attached to this By-law; and

**WHEREAS** the amount of money to be provided by the City of Hamilton for each of the 13 Business Improvement Areas' Boards of Management with an approved 2019 budget for the 2019 taxation year is set out in Schedule "A" attached to this By-law; and

**WHEREAS** the total rateable property in each Business Improvement Area, upon which assessment will be levied, is set out in Schedule "A" attached to this By-law and which said assessment is the basis upon which the taxes for the Business Improvement Area will be raised.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. This By-law applies to all land within the 13 Business Improvement Areas identified in City of Hamilton By-law 14-253. Any reference to Schedule "A" in this By-law means Schedule "A" attached to this By-law.

2. Within each Business Improvement Area identified in Schedule "A" the respective tax rate identified in Schedule "A" shall be levied upon the rateable properties for the tax classes and subclasses identified in the Schedule "A" in the Business Improvement Area in which the rateable property is located.
3. The Treasurer shall collect the amount to be raised by this By-law, together with all other sums on the tax roll in the manner as set forth in the Assessment Act, the Municipal Act, 2001 and any other applicable Acts and the By-laws in force in the City of Hamilton.
4. The special charge levied by this By-law other than that levied by the interim levy, shall be paid in two instalments, the first due July 2, 2019 and the second due September 30, 2019, or 21 days after an instalment tax bill is mailed out, whichever is later.
5. Pursuant to subsection 342(1)(b) of the Municipal Act, 2001, which allows for alternative instalment due dates to spread the payment of taxes more evenly over the year, the final tax levy and any special levies, other than those levied by interim levy, shall be as follows:
  - (i) for those on one of the 12-month pre-authorized automatic bank withdrawal payment plans, shall be paid in 6 equal instalments due on the first working day of each month, July to December, inclusive, or due on the first working day on or after the 15<sup>th</sup> of each month, July to December, inclusive.
  - (ii) for those on the 10-month pre-authorized automatic bank withdrawal payment plan, paid in 5 equal instalments, due on the first working day of each month, July to November, inclusive.

The payment plans set out in subsections (i) and (ii) shall be penalty free for so long as the taxpayer is in good standing with the terms of the plan agreement.

6. When payment of any instalment or any part of any instalment of taxes levied by this By-law is in default, penalties and where applicable interest, shall be imposed respectively in accordance with City of Hamilton By-law 13-136 and section 345 of the Municipal Act, 2001.
7. The Treasurer is authorized and directed to serve personally or to mail or cause to be mailed, notices of the taxes levied to the person or persons taxed at the address of the resident or place of business of such person.
8. The Treasurer is authorized to accept part payment from time to time on account of any taxes due, or alternatively is authorized to refuse acceptance of any such part payment.

9. Schedule "A", attached to this By-law, forms part of this By-law.
10. This By-law is deemed to have come into force on January 1<sup>st</sup>, 2019.

**PASSED** this 22<sup>nd</sup> day of May, 2019.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk