



The Corporation of the Township of Hamilton

By-law Number 2019 - 67

Being a by-law to impose a charge for services related to a highway and fire protection to recover the capital cost of those services for new Solar PV Installations, Wind Turbines, and Telecommunication Towers developments.

WHEREAS the Township of Hamilton (the "Township") has determined to impose a charge for solar PV installations, wind turbines, and telecommunication towers pursuant to its powers under Part 12 of the *Municipal Act*, 2001, as amended (the "*Municipal Act*");

AND WHEREAS the Council of the Township is authorized by Part 12 of the Municipal Act to impose a charge for services related to a highway and fire protection charge upon owners or occupants of land related to solar PV installations, wind turbines, or telecommunication towers who derive or will or may derive a benefit from the construction of services related to a highway and fire protection works sufficient to pay all or such portion of the capital costs of the works as Council deems appropriate;

AND WHEREAS the lands to be benefited and charged with the services related to a highway and fire protection charges are all areas within the Township;

AND WHEREAS the Township has determined that the capital costs of such services related to a highway and fire protection works shall be borne by the new solar PV installations, wind turbines, and telecommunication towers utilizing the systems from time to time of said lands;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF HAMILTON ENACTS AS FOLLOWS:

1. In this by-law:

(1) "Act" means the Municipal Act, 2001;

(2) "capital costs" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or under an agreement,

- a. to acquire land or an interest in land,
- b. to improve land,
- c. to acquire, construct or improve buildings and structures,
- d. to acquire, construct or improve facilities including:
 - i. rolling stock, furniture and equipment with an estimated useful life of seven years or more,
 - ii. materials acquired for circulation, reference or information purposes by a library board as defined in the Public Libraries Act, 1984, S.O. 1984, c. 57,

iii. furniture and equipment, other than computer equipment,

e. to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), required for the provision of services designated in this by-law within or outside the municipality, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth-related;

(3) "council" means the Council of the municipality;

(4) "demolition" means a demolition is deemed to have occurred on the date of issuance of a demolition permit, or in the case of accidental or natural destruction of the structure from the lands, the date of such occurrence;

(5) "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment;

(6) "owner" means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed;

(7) "solar PV" means any solar energy system comprised of one or more solar panels and associated control or conversion electronics that converts sunlight into electricity. A solar PV installation may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary;

(8) "telecommunications tower" means any tower, apparatus, structure or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility as defined in the Telecommunications Act;

(9) "wind turbine" means any wind energy system, comprising one or more turbines, that converts energy into electricity, with a combined nameplate generating capacity greater than 100 kilowatts and consists of a wind turbine, a tower and associated control or conversion electronics. A wind turbine energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary.

2. The capital cost of the services related to a highway and fire protection works shall be as described in the "Township of Hamilton Development Charge Background Study" report, dated May 3, 2019, as amended, subject to annual review by the Township of Hamilton.

3. The services related to a highway charge provided in this by-law shall provide for the capital costs related to the road upgrades, vehicles and equipment, and public works expansions, but shall not include localized works to service individual properties.

4. The fire protection charge provided in this by-law shall provide for the capital costs related to the facility, vehicles and equipment, but shall not include localized works to service individual properties.
5. The services related to a highway charge shall be imposed in all areas within the Township of Hamilton, as amended from time to time. These areas are deemed as the benefitting areas as provided by Part 12 of the *Municipal Act*.
6. The fire protection charge shall be imposed in all areas within the Township of Hamilton, as amended from time to time. These areas are deemed as the benefitting areas as provided by Part 12 of the *Municipal Act*.
7. The services related to a highway and fire protection charges are set forth in Schedule A and shall be imposed against all new solar PV installations, wind turbines, and telecommunication towers.
8. Notwithstanding clause 7, if a development charge for services related to a highway has been paid, no further charge will be imposed under this by-law.
9. Notwithstanding clause 7, if a development charge for fire protection services has been paid, no further charge will be imposed under this by-law.
10. The charges set forth in this by-law will be imposed based on, but not limited to, the following approvals granted by the municipality:
 - (1) Severance of the lot;
 - (2) Entrance permits;
 - (3) Site plan approval; or
 - (4) Any other approval issued by the Township.
11. The following exemptions to this by-law shall apply:
 - (1) a solar PV Installations with a nameplate generation capacity of less than 100 kW shall be exempt from this by-law;
 - (2) Wind Turbines with a nameplate generation capacity of less than 100 kW shall be exempt from this by-law; and
 - (3) Telecommunication Towers of less than 30 metres in height shall be exempt from this by-law.
12. Services related to a highway and fire protection charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on the first anniversary date of this by-law and each anniversary year thereafter, in accordance with the Statistics Canada Quarterly Construction Price Index.
13. The following schedules to this by-law form an integral part thereof:

Schedule A – Services related to a Highway and Fire Protection Charges for Solar PV Installations, Wind Turbines, and Telecommunication Towers

14. The charges presented in Schedule 'A' are to be phased-in as provided by the schedule.
15. By-law 2015-40 is hereby repealed on the effective date this by-law comes into force.
16. This by-law shall come into force on the 15th day October, 2019.
17. THIS BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 15th day of October, 2019.



William Cane, Mayor



K. Surerus, Municipal Clerk

Schedule "A"
Township of Hamilton
Schedule of Services related to a Highway and Fire Protection Charges for Solar PV
Installations, Wind Turbines, and Telecommunication Towers

(Effective October 16, 2019 - October 15, 2021)

Service	Solar PV, Telecommunications Towers, and Wind Turbines
Municipal Wide Services:	
Services Related to a Highway	4,347
Fire Protection Services	620
Total Municipal Wide Services	4,967

(Effective October 16, 2021)

Service	Solar PV, Telecommunications Towers, and Wind Turbines
Municipal Wide Services:	
Services Related to a Highway	4,347
Fire Protection Services	750
Total Municipal Wide Services	5,097