

Authority: Item 17, Public Works Committee
Report 07-011
(TOE2005(b)/FCS02026(b)/PED07248)
CM: September 26, 2007
Item 8, Public Works Committee
Report 21-011 (PW21046)
CM: August 13, 2021
Ward: 9

Bill No. 159

CITY OF HAMILTON
BY-LAW NO. 21-159

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Rymal Road East from Approximately 200m East of Second Road West to Upper Centennial Parkway, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized recovering a portion of costs associated with the construction of a sanitary sewer on Rymal Road East from approximately 200m east of Second Road West to Upper Centennial Parkway, in the City of Hamilton, by approving Item 8 of the Public Works Committee Report 21-011, (the “Sewer Works”);

WHEREAS pursuant to the Funding Methodology for Municipal Infrastructure Extension Policy approved by the Council on September 26, 2007 (Item 17 of Public Works Committee Report (TOE02005(b)/FCS02026(b)/PED07248), the Council of the City of Hamilton also authorized recovering a portion of costs associated with the construction of the Sewer Works by imposing a Sanitary Sewer Charge on the owners of land who benefit from the Sewer Work (the “Sewer Charges”);

WHEREAS the said Sewer Charges are imposed pursuant to Part XII of the Municipal Act, S.O., 2001, c. 25 as amended and pursuant to section 14 of the City of Hamilton Act, 1999, S.O., 1999, c. 14, Schedule C amended;

WHEREAS the cost of the Sewer Works, that relate to the benefitting property owners described in Schedule “A” is \$302,573.98 and has been funded from the City’s Development Charge Reserve Fund. This amount is to be recovered from all benefitting property owners as set forth in this By-law:

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

1. Sewer Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer Works (the “Assessed Owners”).
2. The Assessed Owner’s lands and the respective Sewer Charges are more particularly described in Schedule “A”, which Schedule is attached to and forms part of this By-law.
3. The Sewer Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE02005(b)/FCS02026(b)/PED07248, (Funding Methodology for Municipal Infrastructure Extensions Review and Update),

establishing the 2021 User Flat Fee Sanitary Sewer Charge of \$7,945.00, in addition to each properties actual cost of each sanitary lateral connection. If the property owner chooses to connect to the sewer after this date, then the Service Extension Flat Fee shall be the rate in the year in which the property owner applies for the permit to connect and the actual cost for each sanitary lateral will be adjusted yearly by the City of Hamilton's 15 year serial all-in interest rate (2021 rate 1.60%).

4. The amount resulting from the application of the Sewer Charges (the "Indebtedness") shall be collected at the time of permit issuance for any connection to the said Sewer Works, in addition to any applicable permit fee.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of 15 years from the date of permit issuance for connection by entry on the tax roll, to be collected in like manner as municipal taxes. The interest rate utilized for the 15 year payment shall be the City of Hamilton's then current 15 year borrowing rate (2021 rate 2.00%).
6. Notwithstanding Section 5, as Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time.
7. Should an Assessed Owner sever or subdivide their parcel of land, the Sewer Charges owed to the City of Hamilton, whether the parcel of land is connected or not, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 5 above shall be paid forthwith to the City of Hamilton in a lump sum as a condition of the severance or subdivision approval.
8. Unpaid Sewer Charges constitute a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
9. If any provision or requirement of this By-law, or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.
10. This By-law comes into force on the day following the date of its passing.

PASSED this 29th day of September, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No. 21-159

Rymal Road East

Sanitary Sewer including Sanitary Laterals on Rymal Road East from approximately 200m east of Second Road West to Upper Centennial Parkway

Sewer Charges

Property Address	Sanitary Sewer Charge	Sanitary Lateral (Estimate)	Total Estimated Cost
2099 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2105 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2109 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2113 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2119 Rymal Road East	\$7,945.00	\$5,220.16	\$13,165.16
2129 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
*2133 Rymal Road East	\$0	\$0	\$0
2149 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2153 Rymal Road East	\$7,945.00	\$0	\$7,945.00
2155 Rymal Road East	\$7,945.00	\$0	\$7,945.00
2157 Rymal Road East	\$7,945.00	\$7,612.80	\$15,557.80
0 Rymal Road East (PIN 170870648)	\$7,945.00	\$0	\$7,945.00
2227 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2237-2241 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2247 Rymal Road East	\$7,945.00	\$4,745.60	\$12,690.60
2251 Rymal Road East	\$7,945.00	\$2,966.00	\$10,911.00
2257 Rymal Road East	\$7,945.00	\$12,614.50	\$20,559.50
2273-2297 Rymal Road East	\$7,945.00	\$0	\$7,945.00
21 Upper Centennial Pkwy	\$7,945.00	\$12,614.50	\$20,559.50
2200 Rymal Road East	\$7,945.00	\$7,116.20	\$15,061.20
2250 Rymal Road East	\$7,945.00	\$21,973.11	\$29,918.11
2260 Rymal Road East	\$7,945.00	\$22,901.31	\$30,846.31
TOTAL			\$302,573.98

*Per current designation and zoning, property is not developable; excluded from cost recovery