

Authority: Item 17, Public Works Committee
Report 07-011 (TOE02005(b) /
FCS02026(b) / PED07248)
CM: September 26, 2007
Ward: 11

Bill No. 227

CITY OF HAMILTON

BY-LAW NO. 18-227

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Nebo Road from Twenty Road to approximately 608m Southerly, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized the construction of a sanitary sewer work by approving the 2017 Capital Budget on November 23, 2016 (Report FCS16079/GIC16-030; Item 5.3) (the "Sewer Works");

WHEREAS pursuant to the Funding Methodology for Municipal Infrastructure Extensions Policy approved by the Council on September 26, 2007 (Item 17 of Public Works Committee Report (TOE02005b/FCS02026b/PED07248), the Council of the City of Hamilton also authorized full cost recovery for the construction of the Sewer Works, by imposing a Sanitary Sewer Charge on the owners of land who benefit from the Sewer Works (the "Sewer Charges"); and

WHEREAS the actual construction cost of the Sewer Works, including sanitary drain connections, to be recovered from benefiting property owners, is \$351,806.27.

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 Owners' 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 TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a fee per property based on an apportioned share of the total project cost attributable to each Assessed Owner in addition to \$2,742.53 for each 150mm sanitary drain connection and \$3,287.81 for each 250mm sanitary drain connection. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series) commencing from April 2013 to the date of permit issuance.
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 (2018 rate-3.25%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of 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 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

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Schedule "A" to By-law No. 18-227

Nebo Road

Sanitary sewer and connections on Nebo Road from Twenty Road to approximately 608m southerly

Sewer Charges

Property Address	Sanitary Sewer Charge	Sanitary Drain Connection	Total
720 Nebo Road	\$32,865.47	\$ 3,287.81	\$36,153.28
728 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
732 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
734 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
738 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
740 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
745 Nebo Road	\$70,678.44		\$70,678.44
752 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
754 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
758 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
770 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
762 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
766 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
774 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
776 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
780 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
784 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
786 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
788 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
792 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
796 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
798 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
804 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
805 Nebo Road	\$70,678.44		\$70,678.44
810 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
814 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
PIN 173880200	\$ 4,520.48		\$ 4,520.48
TOTAL	\$282,713.87	\$69,092.40	\$351,806.27