

Authority: Item 17
Planning Committee
Report: 007-11
(TOE02005(b)/FCS02026(b)/PED
07248)
CM: September 26, 2007

Bill No. 044

City of Hamilton

BY-LAW NO. 14-044

To Impose a Sanitary Sewer Charge upon owners of land abutting Chester Avenue from West 5th Street to approximately 95 metres westerly and a Storm Sewer Charge upon owners of land abutting Chester Avenue from West 5th Street to approximately 97 metres westerly, in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized the construction of sanitary and storm sewers on Chester Avenue from West 5th Street to approximately 97 metres westerly, including sanitary and storm private drain connections, in the City of Hamilton, hereinafter, referred as the "Sewer Works" by approving Item 12 of Public Works Committee Report 13-015 (Report PW13094);

AND WHEREAS at the meeting of March 1, 2006, the Council of the City of Hamilton did also approve that a full cost recovery of the construction of the said Sewer Works by way of *Municipal Act 2001*, by imposing a sewer charge upon the owners of land who derive, will derive, or may derive a benefit from the Sewer Works and full recovery of the costs for each private drain connection, all in accordance with the provisions of the *Municipal Act 2001, S.O. 2001*.

AND WHEREAS at the time of the passage of this By-law, the estimated construction cost of the Sewer Works is \$149,990.00, including sanitary and storm private drain connections be recovered in total from benefiting property owners.

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

1. Sewer Charges are hereby imposed upon the owners or occupants of land, who derive, will derive or may derive a benefit from the construction of the Sewer Works, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the estimated Sewer Charges are more particularly described in Schedule "A" hereto, which Schedule 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 Sanitary Sewer Charge of \$1,017.61 per metre of property frontage and a Storm Sewer Charge of \$1,213.26 per metre of property frontage attributable to each Assessed Owner of an existing residential lot and on a linear metre basis for each private drain.
4. The amount resulting from the application of the Sewer Charges, hereinafter referred to as the "Indebtedness", shall be due upon completion of the work.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of fifteen (15) years by entry on the collector's 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 (2014 rate – 4.25%).
6. Notwithstanding Section 7, an Assessed Owner may pay the commuted value of the Indebtedness at any time.
7. The Sewer Charges and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands and, if the Indebtedness, or any portion thereof, remains unpaid after the due date established in section 4 or section 5 herein, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
8. That Schedule "A" attached hereto forms part of this by-law.
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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
10. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED this 26th day of February, 2014.

R. Bratina
Mayor

R. Caterini
City Clerk

Schedule "A" to By-Law No. 14-044

Chester Avenue

Sanitary sewer from West 5th Street to approx. 95m westerly and

Storm sewer from West 5th Street to approx. 97m westerly

Property Address		Frontage in Metres	Sanitary Sewer	Storm Sewer	Quantity	Sanitary Sewer Private Drain	Quantity	Storm Sewer Private Drain	Total
96	Chester	45.72	\$46,525.13	\$55,470.25	3	\$8,220.00	3	\$9,180.00	\$119,395.38
85	Chester	12.19	\$12,404.67	\$14,789.64	1	\$1,780.00	1	\$1,620.00	\$30,594.31
		57.91	\$58,929.80	\$70,259.89		\$10,000.00		\$10,800.00	\$149,989.69