

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

Item 4, Public Works Committee
Report 14-007 (PW14053)
CM: June 1, 2014

Bill No. 096

City of Hamilton

BY-LAW NO. 15-096

To Impose a Sanitary Sewer Charge and a Storm Sewer Charge on the owners of land who benefit the installation of sanitary sewer on Eleanor Avenue from 35m south of Dulgaren Street to 190m north and a storm sewer on Dulgaren Street from Eleanor Avenue to 23m west and on Eleanor Avenue from Dulgaren Street to 190m north, in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized the construction of a sanitary sewer on Eleanor Avenue from 35m south of Dulgaren Street to 190m north and a storm sewer on Dulgaren Street from Eleanor Avenue to 23m west and on Eleanor Avenue from Dulgaren Street to 190m north, in the City of Hamilton, by approving Item 4 of Public Works Committee Report 14-007 (Report PW14053) (the "Sewer Works");

AND 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 07-011 (Report TOE02005b/FCS02026b/PED07248), the Council of the City of Hamilton also approved full cost recovery for the construction of the Sewer Works, by imposing a Sanitary Sewer Charge and Storm Sewer Charge on the owners of land who benefit from the Sewer Works (the "Sewer Charges").

AND WHEREAS at the time of the passage of this By-law, the estimated construction cost of the Sewer Works is \$516,591.56, including sanitary and storm private drain connections, to be recovered in total from benefiting property owners.

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

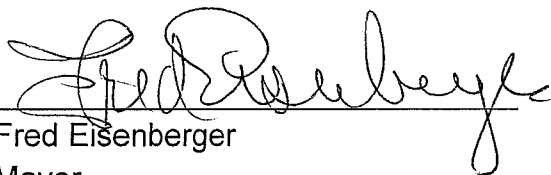
1. Sewer Charges are hereby imposed upon the owners or occupants of land who benefit from the construction of the Sewer Works (the "Assessed Owners").
2. The Assessed Owners' lands and the estimated Sewer Charges are more particularly described in Schedule "A", which Schedule is attached to and forms 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 Sanitary Sewer Charge of \$594.26 per metre of property frontage; a Storm Sewer Charge of \$639.12 per meter or property frontage; and

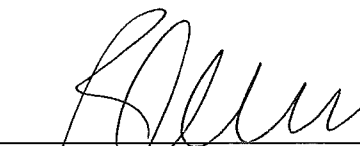
To Impose a Sanitary Sewer Charge and a Storm Sewer Charge on the owners of land who benefit the installation of sanitary sewer on Eleanor Avenue from 35m south of Dulgaren Street to 190m north and a storm sewer on Dulgaren Street from Eleanor Avenue to 23m west and on Eleanor Avenue from Dulgaren Street to 190m north, in the City of Hamilton

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- a Private Drain Charge for each of the sanitary sewer and the storm sewer private drains on a linear metre basis
4. The amount resulting from the application of the Sewer Charges (the "Indebtedness"), shall be due upon completion of the 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 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 (2015 rate – 3.25%). A 5% administration fee will be added to the total Sewer Charges if the property owner chooses not to pay in full upon the completion of the Sewer Works.
 6. Notwithstanding Section 5, an 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 22nd day of April, 2015


Fred Eisenberger
Mayor


Rose Caterini
City Clerk

Schedule "A" to By-Law No. 15-096

Eleanor Avenue

Sanitary sewer Eleanor Ave. from 35m south of Dulgaren St. to 190m north

Storm sewer Dulgaren St. from Eleanor Ave. to 23m west and on Eleanor Ave. from Dulgaren St. to 190m north

Property Address		Frontage in Metres	Sanitary Sewer	Sanitary Sewer Private Drain	Storm Sewer	Storm Sewer Private Drain	Total
41	Eleanor	51.840	\$30,806.31	\$3,000.00	\$33,131.95	\$3,600.00	\$70,538.26
44	Eleanor	34.836	\$20,701.55	\$3,000.00	\$22,264.36	\$2,700.00	\$48,665.91
54	Eleanor	30.489	\$18,118.32	\$3,000.00	\$19,486.11	\$2,700.00	\$43,304.43
60	Eleanor	30.489	\$18,118.32	\$3,000.00	\$19,486.11	\$2,700.00	\$43,304.43
61	Eleanor	67.970	\$40,391.68	\$3,000.00	\$43,440.94	\$3,600.00	\$90,432.62
72	Eleanor	30.489	\$18,118.32	\$3,000.00	\$19,486.11	\$2,700.00	\$43,304.43
78	Eleanor	30.489	\$18,118.32	\$3,000.00	\$19,486.11	\$2,700.00	\$43,304.43
84	Eleanor	30.489	\$18,118.32	\$3,000.00	\$19,486.11	\$2,700.00	\$43,304.43
0	Eleanor	67.970	\$40,391.68	\$3,000.00	\$43,440.94	\$3,600.00	\$90,432.62
		375.061	\$222,882.81	\$27,000.00	\$239,708.75	\$27,000.00	\$516,591.56