

Authority: Item 17, Public Works Committee
Report 07-011
(TOE02005(b)/PED07248)
CM: September 27, 2007

Item 5, Public Works Committee
Report 16-003 (PW16012)
CM: March 9, 2016

Bill No. 215

CITY OF HAMILTON

BY-LAW NO. 16-215

**To Impose a Sanitary Sewer Charge upon owners of land
abutting Regional Road 56 from 2323 Regional Road 56 to 3084
Regional Road 56 and a Watermain Charge upon owners of land
abutting Regional Road 56 from 3021 Regional Road 56 to 3084
Regional Road 56, 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 and watermain works by approving Item 5 of Public Works Committee Report 16-003 (Report PW16012) (the "Sewer and Watermain 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 authorized recovering a portion of costs associated with the construction of the Sewer and Watermain Works, by imposing a Sanitary Sewer Charge and Watermain Charge on the owners of land who benefit from the Sewer and Watermain Works (the "Sewer and Watermain Charges");

AND WHEREAS the cost of the Sewer and Watermain Works, including sanitary and watermain connections to be recovered from all benefitting property owners is \$969,025.00 and has been funded from the City's development charge reserve fund;

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

1. Sewer and Watermain Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer and Watermain Works (the "Assessed Owners").
2. The Assessed Owners' lands and the estimated Sewer and Watermain Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.

To Impose a Sanitary Sewer Charge upon owners of land abutting Regional Road 56 from 2323 Regional Road 56 to 3084 Regional Road 56 and a Watermain Charge upon owners of land abutting Regional Road 56 from 3021 Regional Road 56 to 3084 Regional Road 56, in the City of Hamilton

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3. The Sewer and Watermain 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 the 2015 User Flat Rate Sanitary Sewer Charge of \$7,070.0, the 2015 User Flat Rate Watermain Charge of \$4,955.00, an estimated cost of \$3,650.00 for each sanitary sewer private drain connection and an estimated cost of \$2,800.00 for each watermain service. The 2015 Service Extension Flat Fee will be in effect up until December 31, 2018. If the property owner chooses to connect to the sewer or watermain 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.
4. The amount resulting from the application of the Sewer and Watermain Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said Sewer and Watermain 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 (2016 rate – 3.25%).
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 and Watermain 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 and Watermain 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

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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 12th day of August, 2016.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Schedule "A" to By-Law No. 16-215

Regional Road 56
Sanitary sewer Regional Road 56 from 2323 Regional Road 56 to 3084 Regional Road 56
Watermain Regional Road 56 from 3021 Regional Road 56 to 3084 Regional Road 56

ADDRESS		Sanitary Sewer (2015 Flat Rate)	Sanitary Lateral (Estimate)	Watermain (2015 Flat Rate)	Watermain Service (Estimate)	Total (Estimate)
3079	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3065-3079	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3059	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3053	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3047	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3041	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3033	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3029	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3013-3021	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3084	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3078	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3070	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3064	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3056	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3046	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3044	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
3038	Regional Road 56	\$7,070	\$3,650	\$4,955	\$2,800	\$18,475
0	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2605	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2595	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2585	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2575	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2656	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2555	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2545	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2634	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2626	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2620	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2600	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
0	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2544	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2532	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2506-2520	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2490	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2450	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2341	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2351	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2359	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2365	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2375	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2385	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2395	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2403	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2413	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2431	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2441	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2451	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2461	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2471	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2487	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2474	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2486	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2400	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
0	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
0	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2641	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2621	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2640	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2640	Regional Road 56	\$7,070			\$2,800	\$9,870
2640	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2641	Regional Road 56	\$7,070			\$2,800	\$9,870
2666	Regional Road 56	\$7,070			\$2,800	\$9,870
2668	Binbrook Rd	\$7,070			\$2,800	\$9,870
2651	Regional Road 56	\$7,070				\$7,070
2323	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2333	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
2610	Regional Road 56	\$7,070	\$3,650		\$2,800	\$13,520
		\$ 473,690	\$ 226,300	\$ 84,235	\$ 184,800	\$ 969,025