

Authority: Item 17, Public Works Committee
Report 07-11
(TOE02005(b)/PED07248)
CM: September 26, 2007
Ward: 12

Bill No. 039

CITY OF HAMILTON

BY-LAW NO. 18-039

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Garner Road West from Shaver Road to Approximately 190m Easterly, 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 Works including by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248); and

WHEREAS a developer, Monterey Heights Development Corporation, in satisfaction of terms and conditions of subdivision agreement "Monterey Heights", did construct certain Sanitary Sewer Works, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law; and

WHEREAS the cost of the Sewer Works to be recovered from all benefitting property owners is \$23,235.00.

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 flat fee Sewer Charge of \$7,745.00. The Sewer Charges shall be annually adjusted to the current rate in the City's User Fees and Charges By-law.
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 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. The developer, Monterey Heights Development Corporation, upon satisfying the City that it has completed its obligations with respect to the construction of the said Sewer Works, shall receive repayment of that portion of the associated cost of the construction collected hereunder, pursuant to the terms and conditions of its subdivision agreement.
9. 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.
10. 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.
11. This By-law comes into force on the day following the date of its passing.

PASSED this 28th day of February, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk

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Schedule "A" to By-law No. 18-039

Garner Road West
Sanitary Sewer on Garner Road West from Shaver Road to approximately 190m
Easterly

Property Address	Sanitary Sewer Charge
629 Garner Road West	\$7,745.00
527 Shaver Road	\$7,745.00
563 Shaver Road	\$7,745.00
TOTAL	\$23,235.00