

Authority: Item 17, Public Works Committee
Report 07-011
(TOE02005(b)/PED07248)
CM: September 26, 2007
Ward: 8

Bill No. 082

CITY OF HAMILTON
BY-LAW NO. 18-082

To Impose a Storm and Sanitary Sewer Charge Upon Owners of Land Abutting Rymal Road West from 350 Rymal Road West to Approximately 200m Westerly, in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized recovering a portion of costs associated with the construction of Sewer Works by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248); and

WHEREAS a developer, Spallacci & Sons Limited, in satisfaction of terms and conditions of subdivision agreement "Eden Park Phase 1", Plan 62M-1166, did construct 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 \$184,690.00.

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 a Flat Fee Storm Sewer Charge of \$9,045.00 and a Flat Fee Sanitary Sewer Charge of \$7,745.00 attributable to each unit owned by each Assessed Owner of an existing residential lot. The Flat Fees 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, as 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, Spallacci & Sons Limited, 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 11th of April, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

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Schedule "A" to By-law No. 18-082

Rymal Road West
Storm and Sanitary Sewers on Rymal Rd. West from 350 Rymal Rd. West to
Approximately 200m Westerly

Sewer Charges

Property Address	2018 Sanitary Sewer Charge	2018 Storm Sewer Charge	Max. No. of Recoverable Units	Max. Recoverable Amount
350 Rymal Rd. W.	\$7,745.00	\$9,045.00	1	\$16,790.00
358 Rymal Rd. W.	\$7,745.00	\$9,045.00	1	\$16,790.00
366 Rymal Rd. W.	\$7,745.00	\$9,045.00	5	\$83,950.00
384 Rymal Rd. W.	\$7,745.00	\$9,045.00	4	\$67,160.00
TOTAL				\$184,690.00