

Authority: Item 7, Public Works,
Infrastructure and Environment
Committee Report 04-018
(PW04112/FCS04116)
CM: October 13, 2004

Bill No. 258

City of Hamilton

BY-LAW NO. 04-258

To impose a sewer rate under the Municipal Act, upon owners or occupants of land abutting Stone Church Road, in the City of Hamilton and to repeal By-law 02-156.

WHEREAS at its meeting of May 15, 2002, the Council of the City of Hamilton did initially approve the construction of storm and sanitary sewers on Stone Church Road from West 5th Street to Upper James Street, in the City of Hamilton as a project under the Municipal Act.

AND WHEREAS at its meeting of October 13, 2004, the Council of the City of Hamilton did approve Item 7 of Public Works, Infrastructure & Environment Committee Report 04-017 and thereby did approve that the cost of the construction of the sanitary sewer only (including mainline and private drains) be paid by those property owners whose land abuts the south side of Stone Church Road, and who choose to connect to the said sewer; and that By-law No. 02-156 be repealed.

AND WHEREAS that the total cost of the said storm and sanitary sewers of \$698,000.00 be funded from the benefiting property owners in the amount of \$142,024.00 and from Development Charges in the amount of \$555,976.00.

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

1. A "sewer rate", consisting of a charge for the capital cost of the Sewer Work described below as well as a charge for the capital cost of the sanitary private drains (herein called the "Sewer Rate"), is hereby imposed upon the owners of land who derive, will derive or may derive a benefit from the construction of a sanitary sewer on Stone Church Road (herein called the "Sewer Work").

2. The Sewer Rate of \$17,753.00, as set out in Schedule "A" attached to this by-law, shall be imposed upon the owners of each of the lands described in said Schedule "A".
3. The Sewer Rate shall be indexed annually in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series), commencing one year from the date of the passage of this by-law.
4. (a) Subject to section 6, the Sewer Rate shall be payable when an owner of a parcel of land described in Schedule "A" attached to this by-law connects to the Sewer Work and shall be collected at the time of sewer permit issuance in addition to the regular permit fees.

(b) The owners of the parcels of land described in Schedule "A" attached to this by-law who connect to the Sewer Work have the option of paying the Sewer Rate by way of annual payments over a period of 15 years by entry on the collector's roll, to be collected in the same way, as nearly as may be, as municipal taxes are collectable.

(c) The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program (2004 rate – 5.75%) or the Council approved rate substituted therefor.
5. The Sewer Rate shall be a lien and a charge upon the land and, if the Sewer Rate or any part thereof remains unpaid after the due date established in 4(a) or section 6 of this by-law, the amount unpaid may be entered on the collector's roll to be collected in the same way, as nearly as may be, as municipal taxes are collectable.
6. Should an owner sever or subdivide his or her parcel of land, then the amount owed to the City, whether the parcel of land is connected to the Sewer Work or not, shall be paid to the City as a condition of severance or subdivision approval.
7. That Schedule "A" attached hereto forms part of this by-law.
8. 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.
9. This by-law shall come into force and take effect on the day following the date of its passing and enactment.
10. That By-law No. 02-156 of the City of Hamilton is hereby repealed.

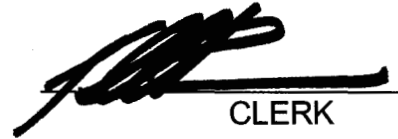
10. That By-law No. 02-156 of the City of Hamilton is hereby repealed.

PASSED and ENACTED this 27th day of October, 2004

MAYOR

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CLERK

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**City of Hamilton
Schedule "A" To By-Law No. 04-258**

Stone Church Road Sanitary Sewer Municipal Act Project

	Property	Construct Cost	PD	Owner Share/Sewer Rate	City Share
1	27 Stone Church Rd. West 08 09510 7450	\$ 15,289	\$ 2,464	\$ 17,753	
2	33 Stone Church Rd. West 08 09510 7480	\$ 15,289	\$ 2,464	\$ 17,753	
3	37 Stone Church Rd. West 08 09510 7510	\$ 15,289	\$ 2,464	\$ 17,753	
4	41 Stone Church Rd. West 08 09510 7540	\$ 15,289	\$ 2,464	\$ 17,753	
5	53 Stone Church Rd. West 08 09510 7600	\$ 15,289	\$ 2,464	\$ 17,753	
6	73 Stone Church Rd. West 08 09510 7660	\$ 15,289	\$ 2,464	\$ 17,753	
7	77 Stone Church Rd. West 08 09510 7690	\$ 15,289	\$ 2,464	\$ 17,753	
8	83 Stone Church Rd. West 08 09510 7720	\$ 15,289	\$ 2,464	\$ 17,753	
	21 Stone Church Rd. West 08 09510 4700 Barton Stone United Church	\$ 45,612	\$ 2,464		\$ 48,076
	63 Stone Church Rd. West 08 09510 7630 Assyrian Church	\$ 52,235	\$ 2,464		\$ 54,699
Totals:		\$ 122,312	\$ 24,640	\$142,024.00	\$ 102,775