

Authority: Item 7, Public Works, Environment and Infrastructure Committee Report 05-005 (TOE02145(b)/FCS02092(b))
CM: March 23,2005

Bill No. 198

City of Hamilton

BY-LAW NO. 05-198

To impose a sanitary sewer charge under the Municipal Act 2001; upon owners of land abutting Glancaster and Rymal Road, in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized the construction of a “two-line” sanitary sewer extension on Rymal Road from Upper Paradise Road to No. 723 Rymal Road West and from Hawkswood Trail westerly through a City-owned walkway, westerly across the Hydro Corridor and lands at No. 97 Glancaster Road, in the City of Hamilton, hereinafter, referred as the “Sewer Works” by approving Item 6 of Hearings Subcommittee Report 02-037 (Report TOE02145A/FCS02092A/PD02214) and as amended Item 7 of Public Works, Infrastructure and Environment Committee Report 05-005 (Report TOE02145b/FCS02092b).

AND WHEREAS at the meeting of March 23, 2005, the Council of the City of Hamilton did also approve that the capital cost of the construction of the said Sewer Works by way of the Municipal Act 2001 by imposing a sewer rate upon the owners of land who derive, will derive, or may derive a benefit from the Sewer Works and full recovery of the capital costs for each private drain connection, all in accordance with the provisions of the Municipal Act 2001.

AND WHEREAS at the time of the passage of this By-law, the estimated capital cost of the Sewer Works is \$700,000.00 and the estimated capital cost of the construction for the service drain connections is \$3,000.00 each. The City’s share shall not exceed \$400,000.00.

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

1. A sewer rate is hereby imposed, pursuant to the Municipal Act 2001, upon the owners or occupants of land who derive, will derive or may derive a benefit from the construction of the Sewer Works, hereinafter referred to as “Assessed Owners”.
2. The Assessed Owners’ lands and the estimated sewer rate are more particularly described in Schedule “A” attached to this bylaw which Schedule forms part of this By-law. The Hamilton District Christian High School has committed to contributing \$100,000.00 to this sanitary sewer extension project should they receive all the necessary approvals.


3. The sewer rate has been established using the approved method for cost apportionment per City of Hamilton Report TOE02005 (Funding Methodologies for Municipal Infrastructure Extensions), at an estimated cost of \$700,000.00 shall be attributed to each Assessed Owner on the basis of assessable frontage of the subject lands, at an estimated cost per metre of frontage of approximately \$297.42 per metre without the schools contribution and \$209.68 per metre with the schools contribution and the estimated capital cost of \$3,000.00 for each private drain connection.
4. (a) Subject to section 6, the sewer rate shall be due and payable when an Assessed 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 permit issuance in addition to the regular fees.

(b) The Assessed Owners of the parcels of the 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 annual payments over a period of fifteen (15) years by entry on the collector's roll, to be collected in the same way as municipal taxes are collected.

(c) The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program. (2005 rate- 5.00%)
5. Notwithstanding Section 4, an Assessed Owner of a parcel of land described in Schedule "A" attached to this by-law may pay the commuted value of the sewer rate at any time.
6. Should an Assessed Owner sever or subdivide their parcel of land, then the amount owed to the City, whether the parcel of land is connected to the Sewer Works or not, shall be paid to the City as a condition of the severance or subdivision approval.
7. The sewer rate shall be a lien and charge upon the Assessed Owner's lands and, if the sewer rate, or any portion thereof, remains unpaid after the due date established in 4 (a) or section 6 of this by-law, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
8. That Schedule "A" attached hereto forms part of this by-law.

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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
10. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED and ENACTED this 13th day of July, 2005


MAYOR


CLERK

PROPERTY ROLL NUMBER	FRONTAGE m	FRONTAGE AT \$297.42/m	CONNECTION COST \$	TOTAL COST \$	ANNUAL AMOUNT	FRONTAGE AT \$209.68/m	CONNECTION COST \$	TOTAL COST \$	ANNUAL AMOUNT
90211000200	31.40	\$ 9,338.99	\$ 3,000.00	\$ 12,338.99	\$1,188.77	\$ 6,583.95	\$ 3,000.00	\$ 9,583.95	\$ 923.34
90211000400	76.20	\$ 22,663.40	\$ 3,000.00	\$ 25,663.40	\$2,472.47	\$ 15,977.62	\$ 3,000.00	\$ 18,977.62	\$ 1,828.35
90211000600	22.86	\$ 6,799.02	\$ 3,000.00	\$ 9,799.02	\$ 944.06	\$ 4,793.28	\$ 3,000.00	\$ 7,793.28	\$ 750.82
90211000800	22.86	\$ 6,799.02	\$ 3,000.00	\$ 9,799.02	\$ 944.06	\$ 4,793.28	\$ 3,000.00	\$ 7,793.28	\$ 750.82
90211001000	22.86	\$ 6,799.02	\$ 3,000.00	\$ 9,799.02	\$ 944.06	\$ 4,793.28	\$ 3,000.00	\$ 7,793.28	\$ 750.82
90211001200	30.48	\$ 9,065.36	\$ 3,000.00	\$ 12,065.36	\$1,162.40	\$ 6,391.05	\$ 3,000.00	\$ 9,391.05	\$ 904.75
90211001400	47.37	\$ 14,088.79	\$ 3,000.00	\$ 17,088.79	\$1,646.37	\$ 9,932.54	\$ 3,000.00	\$ 12,932.54	\$ 1,245.95
90211001600	22.86	\$ 6,799.02	\$ 3,000.00	\$ 9,799.02	\$ 944.06	\$ 4,793.28	\$ 3,000.00	\$ 7,793.28	\$ 750.82
90211001800	45.72	\$ 13,598.04	\$ 3,000.00	\$ 16,598.04	\$1,599.09	\$ 9,586.57	\$ 3,000.00	\$ 12,586.57	\$ 1,212.62
90211002000	22.86	\$ 6,799.02	\$ 3,000.00	\$ 9,799.02	\$ 944.06	\$ 4,793.28	\$ 3,000.00	\$ 7,793.28	\$ 750.82
08104100040	232.71	\$ 69,212.61	\$ 3,000.00	\$ 72,212.61	\$6,957.13	\$ 48,794.63	\$ 3,000.00	\$ 51,794.63	\$ 4,990.01
08 11010 9150	27.79	\$ 8,265.30	\$ 3,000.00	\$ 11,265.30	\$1,085.32	\$ 5,827.01	\$ 3,000.00	\$ 8,827.01	\$ 850.41
08 11010 9155	15.16	\$ 4,508.89	\$ 3,000.00	\$ 7,508.89	\$ 723.42	\$ 3,178.75	\$ 3,000.00	\$ 6,178.75	\$ 595.27
08110109160	15.11	\$ 4,494.02	\$ 3,000.00	\$ 7,494.02	\$ 721.99	\$ 3,168.26	\$ 3,000.00	\$ 6,168.26	\$ 594.26
08110109190	30.48	\$ 9,065.36	\$ 3,000.00	\$ 12,065.36	\$1,162.40	\$ 6,391.05	\$ 3,000.00	\$ 9,391.05	\$ 904.75
08110109220	37.49	\$ 11,150.28	\$ 3,000.00	\$ 14,150.28	\$1,363.27	\$ 7,860.90	\$ 3,000.00	\$ 10,860.90	\$ 1,046.36
08110109250	26.79	\$ 7,967.88	\$ 3,000.00	\$ 10,967.88	\$1,056.67	\$ 5,617.33	\$ 3,000.00	\$ 8,617.33	\$ 830.21
08 11010 9280	29.01	\$ 8,628.15	\$ 3,000.00	\$ 11,628.15	\$ 1,120.28	\$ 6,082.82	\$ 3,000.00	\$ 9,082.82	\$ 875.06
08110109310	22.88	\$ 6,804.97	\$ 3,000.00	\$ 9,804.97	\$ 944.63	\$ 4,797.48	\$ 3,000.00	\$ 7,797.48	\$ 751.23
08110109340	46.05	\$ 13,696.19	\$ 3,000.00	\$ 16,696.19	\$ 1,608.55	\$ 9,655.76	\$ 3,000.00	\$ 12,655.76	\$ 1,219.29
08110100495	10.13	\$ 3,012.86	\$ 3,000.00	\$ 6,012.86	\$ 579.29	\$ 2,124.06	\$ 3,000.00	\$ 5,124.06	\$ 493.66
08110109380	136.45	\$ 40,582.96	\$ 3,000.00	\$ 43,582.96	\$4,198.88	\$ 28,610.84	\$ 3,000.00	\$ 31,610.84	\$ 3,045.46
		\$290,139.16							