

Authority: Item 17, Public Works Committee
Report 07-011 (TOE02005(b)/
FCS02026(b)/PED07248)
CM: September 26, 2007

Bill No. 299

City of Hamilton

BY-LAW NO. 07-299

Being a By-law to impose a sewer rate under the *Municipal Act, 2001*, as amended, upon owners of land abutting Rymal Road East-Dakota Drive to west of Glover Road, in the City of Hamilton.

WHEREAS Multi-Area Development Inc. in satisfaction of terms and conditions of a subdivision agreement with the City of Hamilton known as Summit Park Phase, did construct a sanitary sewer and private drain connections, on land abutting Rymal Road East from Upper Mount Albion Road to approximately 220 metres west of Glover Road, in the City of Hamilton, hereinafter referred to as the "Sewer Works";

AND WHEREAS the cost of the sewer works to be recovered is \$2,486,876.06 to be recovered from benefiting property owners and has been funded from the City's development charge reserve fund.

AND WHEREAS the Council of the City of Hamilton authorized the construction of the sanitary sewer on Rymal Road East from Upper Mount Albion Road to approximately 220 metres west of Glover Road including private drain connections, in the City of Hamilton, hereinafter, referred as the "Sewer Works" by approving Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248);

AND WHEREAS at the meeting of September 26, 2007, the Council of the City of Hamilton did also approve that a cost recovery of the construction of the said Sewer Works by way of *Municipal Act 2001*, as amended, by imposing a Sanitary Sewer Main Line Flat Fee upon the owners of land who benefit from the Sewer Works and full recovery of the costs for each private drain connection, all in accordance with the provisions of the *Municipal Act 2001, as amended*;

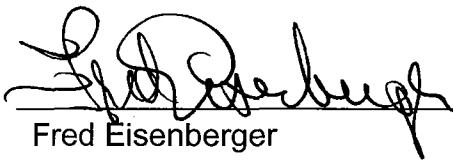
AND WHEREAS at the time of the passage of this By-law, the Sanitary Sewer Main Line Flat Fee of \$5,000.00 per existing residential lot is to be funded wholly by Development Charges.

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

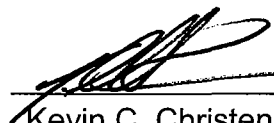
1. A Sanitary Sewer Main Line Fee is hereby imposed, pursuant to Section 221 of the *Municipal Act, as amended*, upon the owners or occupants of land, who benefit from the construction of the Sewer Works, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the Sanitary Sewer Main Line Flat Fee are more particularly described in Schedule "A" hereto, which Schedule forms part of this By-law.
3. The Sanitary Sewer Main Line Fee has 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 Sanitary Sewer Main Line Flat Fee of \$5,000.00 shall be attributed to each Assessed Owner per existing residential lot and each 150mm and 200mm private sanitary drain at \$6,063.38 and \$6,620.66 respectively. The flat fees will be annually adjusted in accordance with the Construction Date Index.
4. The charge resulting from the application of the Sanitary Sewer Main Line Fee and cost of the service drain connection, hereinafter, the "Indebtedness", shall be collected at the time of permit issuance in addition to the regular fees.
5. Assessed Owners have the option of paying the Sanitary Sewer Main Line Fee and private sanitary drain connection charge by way of 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. The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program (2007 rate – 5.00%).
6. Notwithstanding Section 4, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness at any time.
7. Should an Assessed Owner sever or subdivide their parcel of and, 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 of subdivision approval.

8. The sewer rate and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands and, if the Indebtedness, or any portion thereof, remains unpaid after the due date established in section 4 or section 6 herein, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
9. That Schedule "A" attached hereto forms part of this by-law.
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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
11. 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 24th day of October, 2007.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

Schedule "A" to By-Law No. 07-299

Sanitary Sewer Works Rymal Road East under Summit Park Phase 1

	PROPERTY ADDRESS		SANITARY SEWER MAIN LINE FEE	PRIVATE DRAIN	TOTAL
1	1824	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
2	1465	Rymal Rd E	\$5,000.00		\$5,000.00
3	1519	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
4	1549	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
5	1557	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
6	1562	Rymal Rd E	\$5,000.00		\$5,000.00
7	1565	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
8	1600	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
9	1603	Rymal Rd E	\$5,000.00		\$5,000.00
10	1610	Rymal Rd E	\$5,000.00	\$6,620.66	\$11,620.66
11	1622	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
12	1631	Rymal Rd E	\$5,000.00	\$6,620.66	\$11,620.66
13	1636	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
14	1645	Rymal Rd E	\$5,000.00		\$5,000.00
15	1655	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
16	1831	Rymal Rd E	\$5,000.00		\$5,000.00
17	1835	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
18	1837	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
19	1841	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
20	1843	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
21	1847	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
22	1809	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
23	1817	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
24	1825	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
25	1829	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
26	10	Trinity Church Rd (NW)	\$5,000.00	\$6,063.38	\$11,063.38
27	0	Trinity Church Rd (NE)	\$5,000.00		\$5,000.00
28	1821	Rymal Rd. East	\$5,000.00	\$6,063.38	\$11,063.38
29	1845	Rymal Rd E	\$5,000.00	\$6,063.38	\$11,063.38
30	694	Pritchard	\$5,000.00	\$6,620.66	\$11,620.66
31	0	Rymal Rd E	\$5,000.00		\$5,000.00
32	0	Hwy 53	\$5,000.00		\$5,000.00
33	0	Upper Mount Albion Rd	\$5,000.00		\$5,000.00