

Authority: Item 17, Public Works Committee
Report 07-011
(TOE02005b/FCS02026b/ PED07248)
CM: September 26, 2007

Bill No. 001

City of Hamilton

By-law No. 11-001

To impose a Sanitary Sewer Charge upon owners of land abutting Upper Mount Albion Road from Stone Church Road/Paramount Drive to Mud Street, in the City of Hamilton.

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

AND WHEREAS a developer, Winterberry Paramount Corporation, in satisfaction of terms and conditions of subdivision agreement Heritage Greene, Plan 62M-1107, did construct certain Sewer Works including private drain connections in the City of Hamilton, as more particularly described in Schedule "A" attached to this by-law;

AND WHEREAS at the time of the passage of this By-law, the Sanitary Sewer Main Line Flat Fee of \$6,000.00 per existing residential lot to be funded wholly by Development Charges.

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

1. Sewer Charges are hereby imposed upon the owners or occupants of land who benefit from the construction, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the respective Sewer Charges are more particularly described in Schedule "A" hereto, which Schedule 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 Sanitary Sewer Main Line Flat Fee of \$6,000.00 shall be attributed to each Assessed Owner per existing residential lot. The flat fee will be annually adjusted in accordance with the Construction Cost Index.

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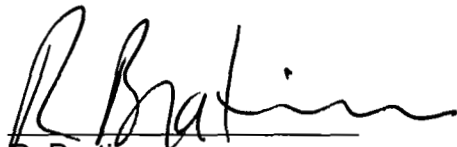
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4. The amount resulting from the application of the Sanitary Sewer Main Line Fee, hereinafter, the "Indebtedness", shall be collected at the time of permit issuance for any connection to the said Sewer Works, in addition to any applicable permit fee.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of fifteen (15) years from the date of permit issuance for connection by entry on the collector's 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 (2010 rate – 5.00%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "B" 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 amount owed to the City hereunder, 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 in a lump sum as a condition of the severance or subdivision approval.
8. The developer, Winterberry Paramount 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. The Sewer Charge and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands. If the Indebtedness, or any portion thereof, remains unpaid after the due date established in section 5 above, the unpaid amount may be entered on the collector's roll and collected in like 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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.


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11. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED this 12th day of January, 2011.



R. Bratina
Mayor



R. Caterini
City Clerk

Schedule "A" to By-Law No. 11-001

250mm diameter sanitary sewer and private drain connection on Upper Mount Albion Road from Stone Church Road/Paramount Drive to Mud Street at \$6,000.00 per property

Schedule "B" to By-Law No. 11-001

City of Hamilton
Cost Break-Down Sanitary Sewer

Upper Mount Albion Road ("Heritage Greene", Plan 62M-1107)

Winterberry Paramount Corporation

Property Address			Sanitary Sewer
	188	Upper Mount Albion Rd.	\$6,000.00
	190	Upper Mount Albion Rd.	\$6,000.00
	196	Upper Mount Albion Rd.	\$6,000.00
	198	Upper Mount Albion Rd.	\$6,000.00
	200	Upper Mount Albion Rd.	\$6,000.00
	202	Upper Mount Albion Rd.	\$6,000.00
	208	Upper Mount Albion Rd.	\$6,000.00
Total			\$42,000.00