

Authority: Item 17, Public Works Committee
Report 07-011 (TOE2005(b)/
FCS02026(b)/PED07248)
CM: September 26, 2007
Ward: 12

Bill No. 273

CITY OF HAMILTON

BY-LAW NO. 19-273

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Garner Road East from Approximately 30m West of Raymond Road to Approximately 280m 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 TOE02005(b)/FCS02026(b)/PED07248);

WHEREAS developers, Marz Homes (Garner) Inc. and A. DeSantis Developments Ltd., in satisfaction of terms and conditions of subdivision agreements "Cortland", Plan 62M-1255 and "Garner Estates", Plan 62M-1253, did construct certain 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, including sanitary drain connections and a watermain connection is \$147,043.98 to be recovered from benefiting property owners. Cost recovery in favour of Marz Homes (Garner) Inc. for the water service connection.

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 Owner's 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 TOE02005(b)/FCS02026(b)/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a Flat Fee Sanitary Sewer Charge of \$7,745.00 attributable to each Assessed Owner of an existing residential lot, in addition to the actual cost of \$6,588.23 for each 150mm sanitary drain connection by A. DeSantis Developments Ltd.; \$6,455.67 for each 150mm sanitary drain connection by Marz Homes (Garner) Inc. and the actual cost of \$4,639.60 for a water service connection attributable to 954 Garner Road East.

The Flat Fee shall be annually adjusted to the current rate in the City's User Fees and Charges By-law. The Sanitary drain and water service connection charges shall

be indexed in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series) commencing from the completion date of construction, July 2018, to the date of permit issuance.

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 fees.
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 (2019 rate-3.50%).
6. Notwithstanding Section 5, an 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. 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.
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, and each provision and requirement of this By-law shall be separately valid and enforceable.
10. This By-law comes into force on the day following the date of its passing.

PASSED this 13th day of November 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No. 19-273

Garner Road East

Sanitary Sewer including Sanitary Drain Connections on Garner Road East from approximately 30m West of Raymond Road to approximately 280m Westerly

Sewer Charges

Property Address	Watermain Connection Charge	Sanitary Sewer Charge	Sanitary Sewer Drain Charge	Total Charge
954 Garner Road East	\$4,639.60	\$7,745.00	\$6,588.23	\$18,972.83
964 Garner Road East		\$7,745.00	\$6,588.23	\$14,333.23
992 Garner Road East		\$7,745.00	\$6,588.23	\$14,333.23
998 Garner Road East		\$7,745.00	\$6,455.67	\$14,200.67
1006 Garner Road East		\$7,745.00	\$6,455.67	\$14,200.67
1010 Garner Road East		\$7,745.00	\$6,455.67	\$14,200.67
1021 Garner Road East		\$7,745.00	\$6,455.67	\$14,200.67
1024 Garner Road East		\$7,745.00	\$6,455.67	\$14,200.67
1038 Garner Road East		\$7,745.00	\$6,455.67	\$14,200.67
0 Garner Road East (PIN 170810045)		\$7,745.00	\$6,455.67	\$14,200.67
TOTAL	\$4,639.60	\$77,450.00	\$64,954.38	\$147,043.98