

**Authority:** Item 17  
Public Works Committee  
Report: 07-011  
(TOE02005(b)/FCS02026(b)/PE  
D07248)  
CM: September 26, 2007

**Bill No. 035**

City of Hamilton

**BY-LAW No. 14-035**

Being a By-law to impose a sewer rate under the *Municipal Act, 2001*, as amended, upon owners of land abutting Rymal Road East from Fletcher Road to Dakota Boulevard, 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 7, did construct a sanitary sewer on land abutting Rymal Road East from Fletcher Road to Dakota Boulevard, in the City of Hamilton, hereinafter referred to as the "Sewer Works";

**AND WHEREAS** the cost of the sewer works to be recovered is \$178,100.00 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 Fletcher Road to Dakota Boulevard 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, 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 \$6,850.00 per existing residential lot is to be funded wholly by Development Charges.

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

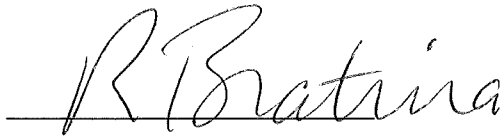
1. A Sanitary Sewer Main Line Fee is hereby imposed, pursuant to Section 221 of the *Municipal Act, as amended*, upon the owners or occupants of land, who

benefit from the construction of the Sewer Works, hereinafter referred to as "Assessed Owners".

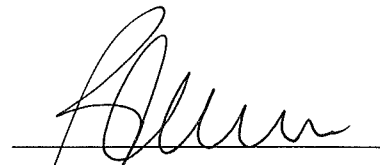
2. The Assessed Owners' lands and the Sanitary Sewer Main Line Flat Fee are more particularly described in Schedule "A" hereto, which Schedule forms part of this By-law.
3. The Sanitary Sewer Main Line Fee has been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a Sanitary Sewer Main Line Flat Fee of \$6,850.00 shall be attributed to each Assessed Owner per existing residential lot. The flat fee will be annually adjusted to the current rate in the City's Tariff of Fees By-law.
4. The charge resulting from the application of the Sanitary Sewer Main Line Fee 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 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 (2014 rate – 4.25%).
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** this 26th day of February, 2014

A handwritten signature in cursive script, appearing to read "R. Bratina", written over a horizontal line.

R. Bratina  
Mayor

A handwritten signature in cursive script, appearing to read "R. Caterini", written over a horizontal line.

R. Caterini  
City Clerk

**Schedule "A" to By-Law No. 14-035**

Sanitary Sewer Works Rymal Road East under Summit Park Phase 7

	<b>PROPERTY ADDRESS</b>		<b>SANITARY SEWER MAIN LINE FEE</b>
	1865	Rymal Road East	\$6,850.00
	1869	Rymal Road East	\$6,850.00
	1873	Rymal Road East	\$6,850.00
	1877	Rymal Road East	\$6,850.00
	1883	Rymal Road East	\$6,850.00
	1885	Rymal Road East	\$6,850.00
	1889	Rymal Road East	\$6,850.00
	1893	Rymal Road East	\$6,850.00
	1897	Rymal Road East	\$6,850.00
	1898	Rymal Road East	\$6,850.00
	1899	Rymal Road East	\$6,850.00
	1900	Rymal Road East	\$6,850.00
	1901	Rymal Road East	\$6,850.00
	1907	Rymal Road East	\$6,850.00
	1909	Rymal Road East	\$6,850.00
	1910	Rymal Road East	\$6,850.00
	1911	Rymal Road East	\$6,850.00
	1912	Rymal Road East	\$6,850.00
	1925	Rymal Road East	\$6,850.00
	1933	Rymal Road East	\$6,850.00
	1937	Rymal Road East	\$6,850.00
	1941	Rymal Road East	\$6,850.00
	1947	Rymal Road East	\$6,850.00
	1951	Rymal Road East	\$6,850.00
	1953	Rymal Road East	\$6,850.00
	1957	Rymal Road East	\$6,850.00