

Authority: Item 6, Public Works Committee
Report 20-004 (PW20021)
CM: June 24, 2020
Ward: 13

Bill No. 188

CITY OF HAMILTON

BY-LAW NO. 20-188

To Impose a Sanitary Sewer Charge Upon Owners of Lands Known as Hopkins Court, from York Road to Ernest Street, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized the construction of a sanitary sewer on Hopkins Court, from York Road to Ernest Street, in the City of Hamilton, by approving Item 5.9 of Public Works Committee Report 20-004 (Report PW20021) (the "Sewer Works");

WHEREAS pursuant to the Funding Methodology for Municipal Infrastructure Extensions Policy approved by the Council on September 26, 2007 (Item 17 of Public Works Committee Report (TOE02005b/FCS02026b/PED07248), the Council of the City of Hamilton also authorized the full cost recovery for the construction of the Sewer Works, by imposing a Sanitary Sewer Charge on the owners of land who benefit from the Sewer Works (the "Sewer Charges");

WHEREAS the said Sewer Charges are imposed pursuant to Part XII of the Municipal Act, S.O. 2001, c. 25 as amended and pursuant to section 14 of The City of Hamilton Act, 1999, S.O., 1999, c. 14, Schedule C as amended;

WHEREAS the estimated construction cost of the Sewer Works, including one sanitary private drain connection for each property, to be recovered from benefiting properties is \$215,131.12.

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 Owners' lands and the estimated 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 TOE02005b/FCS02026b/PED07248, (Funding Methodology for Municipal Infrastructure Extensions Review and Update), at an estimated cost of \$26,891.39 which includes one sanitary private drain connection attributable to each Assessed Owner of an existing lot. The Sewer 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 to the date of payment.

- 4. The amount resulting from the application of the Sewer Charges (the “Indebtedness”) shall be due upon completion of the Sewer Works.
- 5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of 15 years by entry on the tax roll, to be collected in the same 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 (2020 rate: 3.00%).
- 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. 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.
- 8. If any provision or requirement by 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 be separately valid and enforceable.
- 9. This By-law comes into force the day following the date of its passing.

PASSED this 16th day of September 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No. 20-188

Hopkins Court
Sanitary Sewer including Sanitary Private Drain Connections on Hopkins Court from York Road to Ernest Street.

Sewer Charges

Property Address	Estimated Sanitary Sewer Including One Private Drain Connection
69 Hopkins Court	\$ 26,891.39
73 Hopkins Court	\$ 26,891.39
74 Hopkins Court	\$ 26,891.39
77 Hopkins Court	\$ 26,891.39
78 Hopkins Court	\$ 26,891.39
81 Hopkins Court	\$ 26,891.39
83 Hopkins Court	\$ 26,891.39
84 Hopkins Court	\$ 26,891.39
TOTAL	\$215,131.12

Note:
Any additional sewer laterals, water services and upgrade services requested by a property owner shall be paid for by the property owner prior to construction and will be installed solely at risk of the property owner. It will be made clear to the property owner that the City is making no representations whatsoever about the likelihood of any future development applications.