

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

Bill No. 075

CITY OF HAMILTON

BY-LAW NO. 12-

To Impose a Storm Sewer Charge upon owners of land abutting Binbrook Road East from Tanglewood Drive to Southbrook Drive, 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 Rob-Geoff Properties Limited, in satisfaction of terms and conditions of subdivision agreement "Jackson Heights-Phase 1", Plan 62M-1016, 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 costs of the said Sewer Works to be recovered from all benefiting home owners is \$73,218.49.

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 "B" 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 Sewer Charge of \$1,624.19 per metre of property frontage to each Assessed Owner of an existing residential lot. The Sewer Charges shall be indexed annually in accordance with the percentage change in

- the composite Canadata Construction Cost Index (Ontario Series), commencing one year from the date of the passage of this by-law.
4. The amount resulting from the application of the Sewer Charges, hereinafter referred to as 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 (2012 rate – 3.75%) A 5% administration fee will be added to the total Sewer Charge if the property owner chooses not to pay in full at the time of permit issuance.
 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 as 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, Rob-Geoff Properties Limited, 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 by 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 11th day of April, 2012.

R. Bratina
Mayor

M. Gallagher
Acting City Clerk

Schedule "A" to By-Law No. 12-

1500mm diameter storm sewer on Binbrook Road East from Tanglewood Drive to Southbrook Drive
at \$1,624.19 per metre of property frontage

Schedule "B" to By-Law No. 12-

City of Hamilton
 Cost Break-Down Storm Sewer

Binbrook Road East ("Jackson Heights Phase 1", Plan 62M-1016)

Rob-Geoff Properties Limited

Property Address		Frontage in Metres	Storm Sewer
	2592	Binbrook Road	18.200
	2600	Binbrook Road	24.380
	2606	Binbrook Road	2.500
Total			\$73,218.49