

**Authority:** Item: 9, Public Works Committee  
Report : 07-011  
TOE02005b/FCS02026b/ PED07248  
CM: September 26, 2007

**Bill No. 111**

City of Hamilton

BY-LAW NO. 12-

To Impose a Storm, Sanitary Sewer and Watermain Charge upon owners of land abutting Stone Church Road East from Trinity Church Ramp off Red Hill Creek Expressway to Upper Mount Albion Road, 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 and Watermain 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 & Watermain Works including private drain connections, 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 & Watermain Works to be recovered from all benefiting home owners is \$439,932.44.

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

1. Sewer & Watermain 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 & Watermain Charges are more particularly described in Schedule "B" hereto, which Schedule forms part of this By-law.
3. The Sewer & Watermain 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 Storm Sewer Charge of \$577.46 per metre of property frontage and \$11,359.74 for each storm sewer drain connection, a Sanitary Sewer Charge of \$218.98 per metre of property frontage and \$10,567.20 for each sanitary drain connection and a Watermain Charge of \$364.48 per metre of property frontage attributable to each Assessed Owner of an existing residential lot. The Sewer & Watermain 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 & Watermain Charges, hereinafter referred to as the "Indebtedness", shall be collected at the time of permit issuance for any connection to the said Sewer & Watermain 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 & Watermain 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 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 & Watermain 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 & Watermain Charges 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.
11. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED this 23<sup>rd</sup> day of May, 2012

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R. Bratina  
Mayor

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R. Caterini  
City Clerk

**Schedule "A" to By-Law No. 111**

600mm diameter, 825mm diameter and 900mm diameter storm sewers, 250mm diameter sanitary sewer and 400mm diameter watermain on Stone Church Road East from Trinity Church Ramp off RHCE to Upper Mount Albion Road at \$577.46 per metre of property frontage for storm sewer, \$218.98 per metre of property frontage for sanitary sewer and \$364.48 per metre of property frontage for watermain

825mm storm private drain connection at \$11,359.74 per connection

250mm sanitary private drain at \$10,567.20 per connection

Schedule "B" to By-Law No.111

City of Hamilton  
Cost Break-Down Storm, Sanitary Sewers & Watermain

Stone Church Road East ("Heritage Greene", Plan 62M-1107)

| Property Address |                    | Frontage<br>in Metres | Storm Sewer         | Storm<br>Connection | Sanitary<br>Sewer  | Sanitary<br>Connection | Watermain           | Total For Each<br>Property |
|------------------|--------------------|-----------------------|---------------------|---------------------|--------------------|------------------------|---------------------|----------------------------|
| 512              | Highland Road West | 249.849               | \$144,277.80        | \$11,359.74         | \$54,711.93        | \$10,567.20            | \$91,064.96         | \$311,981.64               |
| 60               | Highland Road West | 110.215               | \$63,644.75         | \$0.00              | \$24,134.88        | \$0.00                 | \$40,171.16         | \$127,950.80               |
| <b>Total</b>     |                    | <b>360.064</b>        | <b>\$207,922.56</b> | <b>\$11,359.74</b>  | <b>\$78,846.81</b> | <b>\$10,567.20</b>     | <b>\$131,236.13</b> | <b>\$439,932.44</b>        |