

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

**Bill No. 153**

## **City of Hamilton**

### **BY-LAW NO. 12-**

To Impose a Watermain Charge upon owners of land abutting Copes Lane from Jones Road to approximately 362m east of Jones 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 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, DiCenzo Construction Company Limited, in satisfaction of terms and conditions of subdivision agreement "Trillium Gardens Phase 2, Plan 62M-1132", did construct certain Watermain Works including watermain 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 Watermain Works to be recovered from all benefiting home owners is \$48,469.01.

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

1. 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 Watermain Charges are more particularly described in Schedule "B" hereto, which Schedule forms part of this By-law.
3. The 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 Watermain Charge of \$131.88 per metre of property frontage attributable to each Assessed Owner of an existing residential lot and \$1,116.59 for each watermain connection. The Watermain 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, December 2011 to the date of payment.

4. The amount resulting from the application of the Watermain Charges, hereinafter referred to as the “Indebtedness”, shall be collected at the time of permit issuance for any connection to the said 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 Watermain Charges 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, DiCenzo Construction Company Limited, upon satisfying the City that it has completed its obligations with respect to the construction of the said 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 Watermain 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 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

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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 12<sup>th</sup> day of July, 2012

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R. Bratina  
Mayor

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R. Caterini  
City Clerk

**Schedule "B" to By-Law No. 12-153**

150mm and 200mm diameter watermain on Copes Lane from Jones Road  
to approximately 362m east of Jones Road at \$131.88 per metre of property frontage

25mm diameter water service connection at \$1,116.59 per connection

Schedule "B" to By-Law No. 12-153

City of Hamilton  
 Cost Break-Down Watermain

Copes Lane ("Trillium Gardens Phase 2", Plan 62M-1132)

Property Address		Frontage in Metres	Watermain Split Equally Between City & Developer	Water Service Connection 100% Developer	Total For Each Property
528	Jones Road	101.980	\$13,449.12	\$0.00	\$13,449.12
14	Copes Lane	15.240	\$2,009.85	\$1,116.59	\$3,126.44
16/18	Copes Lane	45.720	\$6,029.55	\$1,116.59	\$7,146.14
24	Copes Lane	17.000	\$2,241.96	\$0.00	\$2,241.96
30	Copes Lane	59.770	\$7,882.47	\$0.00	\$7,882.47
32/34	Copes Lane	38.620	\$5,093.21	\$1,116.59	\$6,209.80
Block 20	Plan 62M-1132	46.860	\$6,179.90	\$2,233.18	\$8,413.08
<b>Total</b>		<b>325.190</b>	<b>\$42,886.06</b>	<b>\$5,582.95</b>	<b>\$48,469.01</b>