

**Authority:** Item 17, Public Works Committee  
Report 07-011  
(TOE02005(b)/PED07248)  
CM: September 26, 2007

**Bill No. 322**

## **CITY OF HAMILTON**

### **BY-LAW NO. 14-322**

**To Repeal and Replace By-law No.14-138 Imposing a Storm and Sanitary Sewer Charge upon owners of land abutting Kopperfield Lane from Glancaster Road to approximately 134 metres easterly, in the City of Hamilton.**

**WHEREAS** By-law No. 14-138 incorrectly set out the costs of the Storm and Sanitary Charge upon owners of land abutting Kopperfield Lane from Glancaster Road to approximately 134 metres easterly;

**AND WHEREAS** the Council of the City of Hamilton authorized recovering a portion of the costs associated with the construction of Storm and Sanitary Sewer Works by a developer, by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248);

**AND WHEREAS** a developer, Koppercreek Developments Inc., in satisfaction of terms and conditions of subdivision agreement "Koppercreek, Plan 62M-1173", did construct certain Storm and Sanitary Sewer Works including dual 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 Storm and Sanitary Sewer Works to be recovered from all benefiting home owners is \$81,979.94.

**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, (the "Assessed Owners").
2. The Assessed Owners' lands and the respective Sewer Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.

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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 Storm Sewer Charge of \$277.70 per metre of property frontage and a Sanitary Sewer Charge of \$186.27 per metre of property frontage attributable to each Assessed Owner of an existing residential lot and \$3,304.41 for each dual private drain connection. 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 September 2012, to the date of payment.
4. The amount resulting from the application of the Sewer Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said Storm and Sanitary 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 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 (2014 rate – 4.25%). A 5% administration fee will be added to the total Sewer 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 Sewer Charges owed to the City of Hamilton, 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 of Hamilton in a lump sum as a condition of the severance or subdivision approval.
8. The developer, Koppercreek Developments Inc., upon satisfying the City of Hamilton that it has completed its obligations with respect to the construction of the said Storm and Sanitary Sewer Works, shall receive repayment of that portion of the associated cost of the construction collected under this By-law,

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pursuant to the terms and conditions of its subdivision agreement.

9. 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.
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, and each provision and requirement of this By-law shall be separately valid and enforceable.
11. By-law No. 14-138 is repealed.
12. This By-law comes into force on the day following the date of its passing and enactment.

**PASSED** this 17<sup>th</sup> day of December, 2014

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Fred Eisenberger  
Mayor

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Rose Caterini  
City Clerk

**Schedule "A" to By-Law No. 14-322**

Kopperfield Lane  
 Storm and sanitary sewer works on Kopperfield Lane from  
 Glancaster Road to approximately 134 metres easterly

Property Address		Frontage in Metres	Storm Sewer	Sanitary Sewer	Dual Private Drain Connection	Quantity	Total Dual Private Drain Connections	Total
365	Glancaster Road	78.457	\$21,787.51	\$14,614.19	\$3,304.41	7	\$23,130.87	\$59,532.56
377	Glancaster Road	27.015	\$7,502.07	\$5,032.08	\$3,304.41	3	\$9,913.23	\$22,447.38
			<b>\$29,289.57</b>	<b>\$19,646.27</b>			<b>\$33,044.10</b>	<b>\$81,979.94</b>