

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

Bill No. 098

CITY OF HAMILTON

BY-LAW NO. 16-

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Barton Street from Approximately 120m East of Napa Lane to East Limit of 1361 Barton Street, 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 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, Hamilton-Wentworth Catholic District School Board, in satisfaction of terms and conditions of subdivision agreement "Winona Catholic Elementary School", did construct certain Sanitary Sewer 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 Sanitary Sewer Works to be recovered from all benefiting home owners is \$71,674.00.

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 of the Sewer Works (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.
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 Sanitary Sewer Charge of \$10,561.40 to each Assessed Owner of an existing residential lot and \$3,773.40 for each sanitary sewer 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 June 2015, 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 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 (2016 rate – 3.25%). 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, Hamilton-Wentworth Catholic District School Board, upon satisfying the City of Hamilton 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 under this By-law, 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. This By-law comes into force on the day following the date of its passing.

PASSED this 13th day of April, 2016.

F. Eisenberger
Mayor

R.Caterini
City Clerk

Schedule "A" to By-Law No.

Barton Street

Sanitary sewer from approx. 120m east of Napa Lane to east limit of 1361 Barton Street

Property Address		Sanitary Sewer	Sanitary Sewer Private Drain	Total
1348	Barton Street East	\$10,561.40	\$3,773.40	\$14,334.80
1354	Barton Street East	\$10,561.40	\$3,773.40	\$14,334.80
1356	Barton Street East	\$10,561.40	\$3,773.40	\$14,334.80
1360	Barton Street East	\$10,561.40	\$3,773.40	\$14,334.80
1364	Barton Street East	\$10,561.40	\$3,773.40	\$14,334.80
		\$52,807.00	\$18,867.00	\$71,674.00