

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

**Bill No. 245**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-**

#### **To Impose a Sanitary Sewer Charge on the owners of land who benefit the installation of sanitary sewer drains on Rymal Road East from Upper Mount Albion Road/Dakota Boulevard to Fletcher Road, in the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton authorized recovering a portion of costs associated with the construction of a 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 Multi- Area Development Inc. in satisfaction of terms and conditions of a subdivision agreement with the City of Hamilton known as Summit Park Phase 7, did construct sanitary sewer drains on land abutting Rymal Road East from Upper Mount Albion Road/Dakota Boulevard to Fletcher Road, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law.;

**AND WHEREAS** the cost of the Sewer Works to be recovered from all benefitting property owners is \$75,720.16, and has been funded from the City's development charge reserve fund.

**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 \$2,611.04 for each Sanitary Sewer Drain. 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 April 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 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 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 upon the completion of the Sewer Works.
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" 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. 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.
- 9.. 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.
10. This By-law comes into force on the day following the date of its passing.

**PASSED** this 14th day of September, 2016.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

## Schedule "A" to By-law No. 16-245

Sanitary Sewer Drains Rymal Road East under Summit Park Phase 7

PROPERTY ADDRESS		SANITARY SEWER DRAINS
1865	Rymal Road East	\$5,222.08
1869	Rymal Road East	\$2,611.04
1873	Rymal Road East	\$2,611.04
1877	Rymal Road East	\$2,611.04
1883	Rymal Road East	\$2,611.04
1885	Rymal Road East	\$2,611.04
1889	Rymal Road East	\$2,611.04
1893	Rymal Road East	\$2,611.04
1897	Rymal Road East	\$2,611.04
1899	Rymal Road East	\$2,611.04
1901	Rymal Road East	\$2,611.04
1907	Rymal Road East	\$2,611.04
1909	Rymal Road East	\$2,611.04
1911	Rymal Road East	\$2,611.04
1925	Rymal Road East	\$2,611.04
1933	Rymal Road East	\$2,611.04
1937	Rymal Road East	\$2,611.04
1941	Rymal Road East	\$2,611.04
1947	Rymal Road East	\$2,611.04
1951	Rymal Road East	\$2,611.04
1953	Rymal Road East	\$2,611.04
1957	Rymal Road East	\$2,611.04