

**CITY OF HAMILTON**  
**BY-LAW NO. 19-**

**To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Upper Mount  
Albion Road from Times Square Boulevard to Columbus Gate, in the City of  
Hamilton**

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

**WHEREAS** a developer, 2324780 Ontario Limited, in satisfaction of terms and conditions of subdivision agreement "Central Park", Plan 62M-1250 did construct certain Sewer Works, 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, including storm and sanitary drain connections, to be recovered from all benefitting property owners is \$286,023.40.

**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 Owner's 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 Flat Fee Sanitary Sewer Charge of \$7,745.00 attributable to each Assessed Owner of an existing residential lot, in addition to the actual cost of \$2,345.40 for each 150mm sanitary drain connection and the actual cost of \$2,345.40 for each 150mm storm drain connection. The Flat Fee shall be annually adjusted to the current rate in the City's User Fees and Charges By-law. The Storm and Sanitary drain connection 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 23 2019, to the date of permit issuance.

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 tax 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 (2019 rate-3.50%).
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 as 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 22<sup>nd</sup> day of May 2019.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

Schedule "A" to By-law No. 19-112

Upper Mount Albion Road  
 Sanitary Sewer including Storm and Sanitary Drain Connections on Upper Mount Albion Road from Times Square Boulevard to Columbus Gate

**Sewer Charges**

<b>Property Address</b>	<b>Sanitary Sewer Charge</b>	<b>Sanitary Drain Connection Charge</b>	<b>Storm Drain Connection Charge</b>	<b>Total Charge</b>
25 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
26 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
29 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
30 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
31 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
32 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
33 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
36 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
37 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
38 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
40 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
41 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
45 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
46 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
50 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
53 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
54 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
55 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
57 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
58 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
60 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
61 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
66 Upper Mount Albion Rd.	\$7,745.00	\$2,345.40	\$2,345.00	\$12,435.80
<b>TOTAL</b>	<b>\$178,135.00</b>	<b>\$53,944.20</b>	<b>\$53,944.20</b>	<b>\$286,023.40</b>