Authority: Item 17, Public Works Committee Report 07-011 (TOE02005(b)/FCS02026(b)/PED07248)
CM: September 26, 2007
Ward: 10

Bill No. 228

CITY OF HAMILTON

BY-LAW NO. 19-

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Fifty Road from South Service Road to approximately 68 metres South of South Service 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 Sewer Works by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report (TOE02005(b)/FCS02026(b)/PED07248);

WHEREAS a developer, Penady (Stoney Creek) Ltd., in satisfaction of terms and conditions of external works agreement DA-13-022, 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 to be recovered from all benefitting property owners is $67,482.77.

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 TOE02005(b)/FCS02026(b)/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a lump sum payment. 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 May 2018, 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 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, as 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. The developer, Penady (Stoney Creek) Ltd., upon satisfying the City 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 hereunder, pursuant to the terms and conditions of its external works 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 25th day of September, 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule “A” to By-law No.

Fifty Road
Sanitary Sewer on Fifty Road from South Service Road to approximately 68 metres South of South Service Road

Property Address	**Sanitary Sewer Charge**
Fifty Road (PIN 173701043)	$67,482.77
TOTAL	**$67,482.77**