

**Authority:** Item 3, General Issues Committee  
Report 12-031(a)  
(FCS12076/PW12085)  
CM: December 12, 2012  
Ward: 10

**Bill No. 241**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-**

#### **To Impose a Sanitary Sewer Charge and Watermain Charge Upon Owners of Lands Abutting Arvin Avenue from McNeilly Road to Approximately 330 metres Westerly, in the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton authorized the construction of a sanitary sewer and watermain on Arvin Avenue, from McNeilly Road to approximately 330 metres westerly, in the City of Hamilton, by approving Item 5.1 of the General Issues Committee Report FCS12076/PW12085, (the “Sewer and Watermain Works”);

**WHEREAS** pursuant to the Funding Methodology for Municipal Infrastructure Extension Policy approved by the Council on September 26, 2007 (Item 17 of Public Works Committee Report (TOE02005b/PED07248), the Council of the City of Hamilton also authorized recovering a portion of costs associated with the construction of the Sewer and Watermain Works by imposing a Sanitary Sewer Charge and Watermain Charge on the owners of land who benefit from the Sewer and Watermain Works (the “Sewer and Watermain Charges”);

**WHEREAS** the said Sewer and Watermain Charges are imposed pursuant to Part XII of the Municipal Act, S.O., 2001, c. 25 as amended and pursuant to section 14 of The City of Hamilton Act, 1999, S.O., 1999, c. 14, Schedule C amended;

**WHEREAS** the estimated cost of the Sewer and Watermain Works, that relate to the benefitting property owners described in Schedule “A” is \$418,345.17, and this estimated amount is to be recovered from all benefitting property owners as set forth in this By-law;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sewer and Watermain Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer and Watermain Works (the “Assessed Owners”).
2. The Assessed Owners’ lands and the respective Sewer and Watermain Charges are more particularly described in Schedule “A”, which Schedule is attached to and forms part of this By-law.
3. The Sewer and Watermain Charges have been established using the approved method for cost apportionment per City of Hamilton Report

TOE02005b/FCS02026b/PED07248, (Funding Methodology for Municipal Infrastructure Extensions review and Update), establishing a Sewer Charge of

\$357.58 per metre of property frontage attributable to each Assessed Owner of an existing lot and a Watermain Charge of \$274.97 per metre of property frontage attributable to each Assessed Owner of an existing lot. In the instance where subdivision of the lands at 343 McNeilly Road results in the existing dwelling remaining on the land, then cost recovery shall apply only to the frontage on Arvin Ave. The Sewer and Watermain Charges shall be indexed in accordance with the percentage change in the composite Canadata Cost Index (Ontario Series) commencing from the completion date of construction, February 28, 2020 to the date of permit issuance.

4. The amount resulting from the application of the Sewer and Watermain Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said Sewer and Watermain 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 the same 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 (2020 rate 3.00%).
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 and Watermain 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 and Watermain 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.

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10. This By-law comes into force on the day following the date of its passing.

**PASSED** this 25<sup>th</sup> day of November, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

Schedule "A" to By-law No. 20-239

Arvin Avenue  
Sanitary Sewer and Watermain on Arvin Avenue from McNeilly Road to approximately 330m westerly

**Sewer and Watermain Charges**

<b>Property Address</b>	<b>Frontage in Metres</b>	<b>Watermain Charge</b>	<b>Sanitary Sewer Charge</b>	<b>Total Charge</b>
375 McNeilly Road.	194.688	\$53,533.36	\$69,616.54	\$123,149.89
Arvin Avenue PIN 173610087 Pt. 4 62R- 19402	66.494	\$18,283.86	\$23,776.92	\$ 42,060.78
Arvin Avenue PIN 173610084 Pts 1&2 62R- 19402	68.046	\$18,710.61	\$24,331.89	\$ 43,042.50
Rear of 967 Barton Street	68.111	\$18,728.48	\$24,355.13	\$ 43,083.61
Rear of 977 Barton Street	66.494	\$18,283.86	\$23,776.92	\$ 42,060.78
Rear of 993 Barton Street	91.460	\$25,148.76	\$32,704.27	\$ 57,853.02
343 McNeilly Road	106.070	\$29,166.07	\$37,928.51	\$ 67,094.58
<b>TOTAL</b>	<b>661.363</b>	<b>\$181,854.98</b>	<b>\$236,490.18</b>	<b>\$418,345.17</b>