

Authority: Item 8, Public Works, Infrastructure
and Environment Committee
Report 06-003 (PW06023)
CM: March 1, 2006

Bill No. 072

City of Hamilton

By-law No. 06-072

Being a By-law to impose a sewer rate under the *Municipal Act, 2001*, upon owners of land abutting a section of North Service Rd. from 1075 North Service Road to 196m easterly and then 61M northerly (through existing sewer/watermain easement) to existing sewer outlet on Trillium Avenue, in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized the construction of a sanitary sewer on North Service Road to Trillium Avenue, including private drain connections, in the City of Hamilton, hereinafter, referred as the "Sewer Works" by approving Item 8 of Public Works Infrastructure & Environment Committee Report 06-003 (Report PW06023);

AND WHEREAS at the meeting of March 1, 2006, the Council of the City of Hamilton did also approve that a full cost recovery of the construction of the said Sewer Works by way of *Municipal Act 2001*, by imposing a sewer rate upon the owners of land who derive, will derive, or may derive a benefit from the Sewer Works and full recovery of the costs for each private drain connection, all in accordance with the provisions of the *Municipal Act 2001*;

AND WHEREAS at the time of the passage of this By-law, the estimated construction cost of the Sewer Works is \$200,000.00, including private drain connections be recovered in total from benefiting property owners, on a per lot basis.

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

1. A sewer rate is hereby imposed, pursuant to Section 221 of the *Municipal Act*, upon the owners or occupants of land, who derive, will derive or may derive a benefit from the construction of the Sewer Works, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the estimated sewer rate are more particularly described in Schedule "A" hereto, which Schedule forms part of this By-law.

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3. The sewer rate has been established using the approved method for cost apportionment per City of Hamilton Report TOE02005 (Funding Methodologies for Municipal Infrastructure Extensions), estimated construction cost of \$200,000.00 shall be attributed to each Assessed Owner on a per lot basis of \$33,333.33 which includes one private drain connection.
4. The charge resulting from the application of the sewer rate and cost of the service drain connection, hereinafter, the "Indebtedness", shall be due upon completion of the work.
5. The Assessed Owners have the option of paying the sewer rate and service drain connection charge by way of annual payments over a period of fifteen (15) years by entry on the collector's roll, to be collected in the same way, as municipal taxes are collected. The interest rate utilized for the 15 year payment shall be the annual interest rate approved for the City's Municipal Act Program (2006 rate – 5.00%).
6. Notwithstanding Section 7, an Assessed Owner may pay the commuted value of the Indebtedness at any time.
7. The sewer rate and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands and, if the Indebtedness, or any portion thereof, remains unpaid after the due date established in section 6 or section 7 herein, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
8. That Schedule "A" attached hereto forms part of this by-law.
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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
10. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

PASSED and ENACTED this 22nd day of March, 2006


MAYOR


CLERK

Schedule "A" to By-Law No. 06-072

City of Hamilton

ESTIMATED TOTAL\$ (including 1 private drain per lot) \$200,000.00

Property Address			Per Lot Cost
1	North Service Rd	1075	\$33,333.33
2	North Service Rd	1079	\$33,333.33
3	North Service Rd	1083	\$33,333.33
4	North Service Rd	1089	\$33,333.33
5	North Service Rd	1093	\$33,333.33
6	North Service Rd	1097	\$33,333.33