

Authority: Item 17, Public Works Committee
Report 07-011
(TOE02005b/FCS02026b/PED07248)
CM: September 26, 2007

BILL NO. 281

City of Hamilton

BY-LAW NO. 07-281

Being a By-law to impose a sewer rate under the *Municipal Act, 2001*, as amended, upon owners of land abutting West 5th Street (from approximately 50m north of Rymal Road West to Mewburn Easement) and Mewburn Easement (from West 5th Street to approximately 270m east) in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized the construction of the Mewburn and Sheldon Neighbourhood Sanitary Trunk including private drain connections, in the City of Hamilton, hereinafter, referred as the "Sewer Works" by approving Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248);

AND WHEREAS at the meeting of September 26, 2007, the Council of the City of Hamilton did also approve that a cost recovery of the construction of the said Sewer Works by way of *Municipal Act 2001*, as amended, by imposing a Sanitary Sewer Main Line Flat Fee upon the owners of land who 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, as amended*;

AND WHEREAS at the time of the passage of this By-law, the Sanitary Sewer Main Line Flat Fee of \$6,000.00 per existing residential lot to be funded wholly by Development Charges.

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

1. A Sanitary Sewer Main Line Fee is hereby imposed, pursuant to Section 221 of the *Municipal Act, as amended*, upon the owners or occupants of land, who benefit from the construction of the Sewer Works, hereinafter referred to as "Assessed Owners".

2. The Assessed Owners' lands and the Sanitary Sewer Main Line Flat Fee are more particularly described in Schedule "A" hereto, which Schedule forms part of this By-law.
3. The Sanitary Sewer Main Line Fee has 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 Main Line Flat Fee estimate of \$6,000.00 shall be attributed to each Assessed Owner per existing residential lot and each private sanitary drain estimated at \$2,300.00. The flat fees will be annually adjusted in accordance with the Construction Date Index.
4. The charge resulting from the application of the Sanitary Sewer Main Line Fee and cost of the service drain connection, hereinafter, the "Indebtedness", shall be collected at the time of permit issuance in addition to the regular fees.
5. Assessed Owners have the option of paying the Sanitary Sewer Main Line Fee and private sanitary 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 (2007 rate – 5.00%).
6. Notwithstanding Section 4, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness at any time.
7. Should an Assessed Owner sever or subdivide their parcel of and, then the amount owed to the City, whether the parcel of land is connected to the Sewer Works or not, shall be paid to the City as a condition of the severance of subdivision approval.
8. 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 4 or section 6 herein, the unpaid amount may be entered on the collector's roll and collected in the same manner as municipal taxes.
9. That Schedule "A" attached hereto forms part of this by-law.

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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
11. 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 26th day of September, 2007.



David L. Mitchell
Acting Mayor



Kevin C. Christenson
City Clerk

Schedule "A" to By-Law No. 07-281

Sanitary Sewer Project on West 5th Street (from approx. 50m North Rymal Road West to Mewburn Easement) and Mewburn Easement (from West 5th Street to approx. 270m East)

Private sanitary drain from the mainline sanitary to the property line is approximately \$2,300.00 each

	PROPERTY ADDRESS		SANITARY SEWER MAIN LINE FEE
1	1050	WEST 5TH ST	\$6,000.00
2	1073	WEST 5TH ST	\$6,000.00
3	1073	WEST 5TH ST	\$6,000.00
4	1136	WEST 5TH ST	\$6,000.00
5	1142	WEST 5TH ST	\$6,000.00
6	1146	WEST 5TH ST	\$6,000.00
7	1150	WEST 5TH ST	\$6,000.00
8	1155	WEST 5TH ST	\$6,000.00
9	1156	WEST 5TH ST	\$6,000.00
10	1162	WEST 5TH ST	\$6,000.00
11	1166	WEST 5TH ST	\$6,000.00
12	1172	WEST 5TH ST	\$6,000.00
13	1177	WEST 5TH ST	\$6,000.00
14	1183	WEST 5TH ST	\$6,000.00
15	1187	WEST 5TH ST	\$6,000.00
16	1204	WEST 5TH ST	\$6,000.00
17	1208	WEST 5TH ST	\$6,000.00
18	1212	WEST 5TH ST	\$6,000.00
19	1216	WEST 5TH ST	\$6,000.00
20	1232	WEST 5TH ST	\$6,000.00
21	1236	WEST 5TH ST	\$6,000.00
22	1240	WEST 5TH ST	\$6,000.00
23	1248	WEST 5TH ST	\$6,000.00
24	1254	WEST 5TH ST	\$6,000.00
25	1260	WEST 5TH ST	\$6,000.00
26	1268	WEST 5TH ST	\$6,000.00
27		WEST 5TH ST W/S	\$6,000.00