

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

Bill No. 057

CITY OF HAMILTON

BY-LAW NO. 16-057

To Impose a Watermain Charge Upon Owners of Land Abutting Trinity Road South from Wilson Street West to Approximately 700m South, in the City of Hamilton

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

AND WHEREAS a developer, Ancaster Agricultural Society, in satisfaction of terms and conditions of subdivision agreement "Ancaster Fairgrounds", did construct certain Watermain Works, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law.

AND WHEREAS the cost of the Watermain Works to be recovered from all benefiting property owners is \$40,880.00 and has been funded from the City's development charge reserve fund.

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

1. Watermain Charges are imposed upon the owners or occupants of land who benefit from the construction of the Watermain Works (the "Assessed Owners").
2. The Assessed Owners' lands and the respective Watermain Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.
3. The Watermain 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 flat fee Watermain Charge of \$5,110.00. The Watermain Charges shall be annually adjusted to the current rate in the City's

Fees and Charges By-law.

4. The amount resulting from the application of the Watermain Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said 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 collector's 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 (2016 rate – 3.25%). A 5% administration fee will be added to the total Watermain Charges if the property owner chooses not to pay in full at the time of permit issuance.
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 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 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.
10. This By-law comes into force on the day following the date of its passing.

PASSED this 24th day of February, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

Schedule "A" to By-Law No. 16-057

Trinity Road South

Watermain on Trinity Road South from Wilson Street West to approximately 700m south

Property Address		Frontage in Metres	Watermain
1654	Wilson St. West	36.48	\$5,110.00
591	Trinity Rd. South	57.82	\$5,110.00
609	Trinity Rd. South	62.27	\$5,110.00
623	Trinity Rd. South	61.87	\$5,110.00
635	Trinity Rd. South	148.23	\$5,110.00
1643	Claybar Road	73.00	\$5,110.00
701	Trinity Rd. South	73.00	\$5,110.00
735	Trinity Rd. South	135.64	\$5,110.00
		648.31	\$40,880.00