

CITY OF HAMILTON

BY-LAW NO. 03-272

**To Impose Fees and Charges Respecting the Use of the City of Hamilton
Sanitary Sewage System and to Implement a Wastewater Abatement Program**

WHEREAS pursuant to Section 391 of the Municipal Act, 2001, as amended, the City of Hamilton may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or On behalf of it;

AND WHEREAS By-law No. 2-75 was passed and enacted by the former Regional Municipality of Hamilton-Wentworth on January 21, 1975, being a by-law to impose and collect a sanitary surcharge on the water rate to cover the cost of the establishment, construction, maintenance, operation and financing of the sanitary sewage system of the former Regional Municipality of Hamilton-Wentworth, and has been amended on numerous occasions;

AND WHEREAS at its meeting on December 11, 2002, the Council of the City of Hamilton approved of Item 7 of Hearings Sub-Committee Report 02-040 and thereby authorized a wastewater abatement program commencing on January 1, 2003;

AND WHEREAS at its meeting of September 24, 2003, the Council of the City of Hamilton approved of Item 1 of Hearings Subcommittee Report 03-031 and thereby authorized this consolidated by-law to impose fees and charges consisting of a sanitary surcharge on the water rate, and to thereby repeal By-law No. 2-75, as amended, as well as to implement the wastewater abatement program and impose administration fees and charges related to the wastewater abatement program;

AND WHEREAS a public meeting was held on September **24**, 2003 and prior to the passing of this by-law, in accordance with the provisions of Ontario Regulation 244/02 made under the Municipal Act, 2001.

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

Definitions

1. In this By-law,
 - (a) "Abatement" means a credit on the Sanitary Surcharge amount paid by the Consumer, as approved by the City under the wastewater abatement program described in this By-law;
 - (b) "Annual Administration Fee" has the meaning assigned in sub-section 22(b) of this By-law;
 - (c) "Application" has the meaning assigned in section 10 of this By-law;
 - (d) "City" means the City of Hamilton;
 - (e) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
 - (f) "Commercial" means of or pertaining to retail and wholesale sales of manufactured goods and/or services;
 - (g) "Consumer" means either a Commercial or Industrial ratepayer who is responsible under the Waterworks By-law and this By-law for paying fees and charges respecting water supplied by the City of Hamilton and wastewater services provided by the City of Hamilton;
 - (h) "Director" shall mean the Director of Water and Wastewater, Public Works Department, for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;

- (i) “General Manager of Corporate Services” means the General Manager of the Corporate Services Department for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;
- (j) “General Manager of Public Works” means the General Manager of the Public Works Department for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;
- (k) “Industrial” means of or pertaining to the manufacturing, producing or processing of anything, or the research or development in connection with the manufacturing, producing or processing of anything;
- (l) “Initial Application Processing Fee” has the meaning assigned in section 10 of this By-law;
- (m) “sanitary sewage system” means,
 - (i) the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines and installations, and other works designated for the collection and treatment of sanitary sewage by the City, and
 - (ii) includes lands appropriated for such purposes and uses;
- (n) “sanitary sewage works” means,
 - (i) all sanitary sewers, sanitary sewer systems, pumping stations, sewage treatment plants, and
 - (ii) includes combined sewers, sanitary private drains and other works for the collection, acceptance, transmission, treatment and disposal of sanitary sewage;

- (o) “Sanitary Surcharge” means a charge payable by owners or occupants of lands who are connected to the sanitary sewage systems of the City in respect of the following matters:
- (i) the cost of the operation and maintenance of the sanitary sewage works and includes a charge for deferred maintenance or a reserve fund for any purpose; and
 - (ii). the capital cost of sanitary sewage works which includes debt charges but does not include,
 - 1. any existing frontage and connection charges imposed upon the owners or occupants of lands, other than the City, under any provision of any other City by-law, and
 - 2. the cost of new local sanitary sewers up to and including 18” diameter, and of private drains which are to be charged against the owners or occupants of lands, other than the City, under any provision of any other City by-law;
- (p) “Sewer Use By-law” means By-law R89-049 of the City of Hamilton, as amended or replaced from time to time;
- (q) “Supplementary Application Fee” has the meaning assigned in section 11 of this By-law;
- (r) “water rate” means the fees and charges established by the City of Hamilton under By-law R84-026, as amended or replaced from time to time; and
- (s) “Waterworks By-law” means By-law R84-026 of the City of Hamilton, as amended or replaced from time to time.

Administration and Enforcement of Fees and Charges

2. (a) The General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, is responsible, except as otherwise provided in this By-law, for the billing and collection of the fees and charges imposed under the provisions of this By-law.
- (b) The Director is to furnish to the General Manager of Corporate Services quarter-yearly in January, April, July and October, not later than the 10th day of each of the said months, with a list of all streets and parts of streets and other places where yard sewers and private drains have been connected to a City sanitary sewer or combined sewer during the immediately preceding three (3) calendar months.

Sanitary Surcharge

3. The owners and occupants of all lands within the geographic area of the City who are connected to the sanitary sewage systems of the City are liable to pay fees and charges in accordance with the provisions of this By-law, consisting of a Sanitary Surcharge, based on the percentage of the water rates of the City as set forth in Schedule "A" to this By-law.

Liability for Surcharge based Non-Metered Water Rates

4. Where there is a non-metered water rate imposed by the Waterworks By-law for the whole or any part of the City, then the Sanitary Surcharge shall be calculated based on the percentage as set forth in Schedule "A" to this By-law, of that non-metered water rate whether that rate is derived from an assessment base or is a flat rate.

Liability for surcharge Based on Metered Water Rates

5. (a) Where there is a metered water rate imposed by the Waterworks By-law for the whole or any part of the City, then the Sanitary Surcharge shall be calculated based on the percentage as set forth in Schedule " A to this By-law, of that metered water rate.
- (b) The Sanitary Surcharge determined under section 4 and sub-section 5(a) of this By-law is to be added to the same bills sent to an owner and/or occupant of lands for metered or non-metered water, as applicable, under the Waterworks By-law.
- (c) Where a water meter fails to record properly, or where the meter-reader is unable to obtain a reading, the person or persons liable to pay the Sanitary Surcharge based on metered water rates are liable to pay such Sanitary Surcharge on the water rate for an amount of water estimated on the basis of a corresponding period in the immediately preceding year, or, where the water user did not occupy the same property for the same period during the corresponding period in the previous year, then such person or persons are liable to pay such Sanitary Surcharge on the water rate for an amount of water based on a similar period of the current year, or, where that is not applicable, then the person or persons are liable for such Sanitary Surcharge based on the applicable minimum charge for water imposed by the City under the Waterworks By-law. Should the General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, subsequently receive the water meter data on the amount of water actually supplied to the property by the City, the amount billed to such person or persons will be subsequently adjusted to reflect the actual amount of water supplied to the property and the person or persons shall be liable for the resulting adjusted Sanitary Surcharge.

Unpaid Accounts

6. Effective October 2, 2002, late payment charges for any overdue Sanitary Surcharge accounts will be at the rate of 1.5% per month calculated daily on any overdue balance.
7. Where an account for the Sanitary Surcharge based on metered or non-metered water rates remains unpaid
 - (a) seven (7) calendar days after the due date set forth on the bill for the Sanitary Surcharge, a notice of non-payment is to be sent by the General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, by ordinary prepaid mail, and
 - (b) twenty-eight (28) calendar days after the due date set forth on the bill for the Sanitary Surcharge, a final verbal notice is to be given by the General Manager of Corporate Services, or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton, advising that if the account continues unpaid for ninety (90) calendar days after the original due date set forth on the bill for the Sanitary Surcharge,
 - (i) the water may be turned off as set forth in sub-section 8 (a) of this By-law, or
 - (ii) the arrears may be collected by a distress as set forth in sub-section 8 (b) of this By-law, or
 - (iii) the arrears may be added to the tax roll for the property connected to the sanitary sewage systems of the City and collected in the same manner as municipal taxes as set forth in sub-section 8(c) of this By-law.

8. Where an account for the Sanitary Surcharge based on metered or non-metered water rates remains unpaid, the City may proceed in any or all of the following ways:
- (a) The General Manager of Corporate Services may notify the General Manager of Public Works of any bill remaining in arrears ninety (90) calendar days after the due date set forth on the bill for the Sanitary Surcharge, and upon receipt of such notification the General Manager of Public Works may cause the water to be shut off and not turned on again until payment is made of the outstanding bill for the Sanitary Surcharge based on metered or non-metered water rates, plus a fee for turning on the water in the amount set forth in the Waterworks By-law;
 - (b) Accounts in arrears for a Sanitary Surcharge based on metered or non-metered water rates may be collected by distress upon the goods and chattels of the person or persons who is or are liable to pay the same, or upon any goods and chattels in the possession of such person or persons, wherever the same may be found in Ontario; or
 - (c) the arrears of all accounts for the Sanitary Surcharge based on metered or non-metered water rates which remain unpaid ninety (90) calendar days after the due date set forth on the bill for the Sanitary Surcharge, may be entered on the tax roll for the property connected to the sanitary sewage systems of the City and collected in the same manner as municipal taxes, and are subject to the same interest and penalties as for taxes. Within ten (10) calendar days after such action has been taken, a written notice to that effect is to be sent by ordinary prepaid mail by the General Manager of Corporate Services, or on his behalf, to the owner of the property as set forth in the last revised assessment roll.

9. The owner or occupant of lands within the City:
- (a) which are connected to the City sanitary sewage system, but
 - (b) which are not connected to the City's waterworks system,
- are to pay a Sanitary Surcharge as set forth in Schedule "A" attached to this By-law, that is based on one (1) cubic metre (m³) per day, and are to be invoiced for payment either monthly or bi-monthly by the General Manager of Corporate Services or any other body acting on behalf of the General Manager of Corporate Services under an agreement with the City of Hamilton.

Wastewater Abatement Program

10. A Consumer may apply for an Abatement for a property by firstly submitting to the Director an application in the form provided by the City (hereinafter referred to as the "Application"), together with the non-refundable initial application processing fee set out in Schedule "B" attached to this By-law (hereinafter referred to as the "Initial Application Processing Fee"). Based on the information contained in the Application, the Director will determine whether or not the Consumer appears to qualify for an Abatement in accordance with the provisions of this By-law and will then advise the Consumer whether or not the Consumer may proceed to the second stage of the qualification process.
11. Should the Director determine that the Consumer may proceed to the second stage of the qualification process as set out in section 10 of this By-law, the Director will advise the Consumer as to the fee required to complete the second stage of the qualification process (hereinafter referred to as the "Supplementary Application Fee"). The Supplementary Application Fee represents on a full cost-recovery basis the costs associated with a peer review to be conducted by the City or its consultant, or both, of the Consumer's engineering report noted below in order to determine if the Consumer will actually qualify for an Abatement. Therefore prior to the final authorization of an Abatement as set out in section 12 of this By-law, the Consumer shall, at its

sole expense, submit to the Director no later than six (6) months from the date that the Director advises the Consumer it may proceed to the second stage of the qualification process, the Supplementary Application Fee as well as a detailed engineering report either certified by an independent licensed professional engineer approved by the City, or certified by a licensed professional engineer and verified by an independent licensed professional engineer approved by the City, which report at a minimum must contain the following information with respect to the previous calendar year:

- (a) water consuming processes/products;
 - (b) wastewater volumes not discharged to the City's sanitary sewer and combined sewer systems;
 - (c) a certification of the water balance for the Consumer's account, which shall cover a minimum period of five (5) calendar days over a minimum of three (3) separate occasions and shall include at least one balance showing seasonal variation, including activities such as shutdowns;
 - (d) sewer flow monitoring (if required by the Director);
 - (e) data on the quality of wastewater discharge to the City's sanitary sewer and combined sewer systems, where available;
 - (f) water billings by the City;
 - (g) quantity of products produced by the Consumer;
 - (h) seasonal variations; and
 - (i) other related information as required by the Director.
12. No Consumer shall be entitled to an Abatement until such Abatement is authorized by the Director and the General Manager of Corporate Services in accordance with this By-law. However, once authorized, subject to sections 16 and 17 of this By-law, the Consumer shall be entitled to an Abatement

retroactive from January 1st of the calendar year of application. The Abatement will be credited by the City on a quarterly basis on the same bill sent to an owner or occupant of lands, or both, for metered or non-metered water, as applicable, under the Waterworks By-law.

13. To qualify for an Abatement, the volume of wastewater discharged by a Consumer from its property to the City's sanitary sewer and combined sewer systems in a calendar year must be at least 25% less than the measured volume of all water supplied to the property from all sources, including but not limited to water supplied by the City.
14. For the purposes of calculating the volume of wastewater discharged by a Consumer as set out in section 13 of this By-law, the amount of water or wastewater that is discharged to a storm sewer which is routed to a City wastewater treatment plant for treatment shall be deemed to be discharged to the City's sanitary sewer and combined sewer systems.
15. No Consumer is entitled to an Abatement on the Sanitary Surcharge solely because the Consumer's property is exempt under the *Assessment Act*, R.S.O. 1990, Chapter A.31, as amended or replaced from time to time.
16. No Consumer is entitled to an Abatement on the Sanitary Surcharge where the Consumer's wastewater discharge is not in compliance with the City's Sewer Use By-law. Any Abatement authorized in accordance with this By-law will only be applied from the date that the Consumer's wastewater discharge comes into compliance with the City's Sewer Use By-law, in the sole opinion of the Director. Further any Abatement authorized in accordance with this By-law will automatically terminate should the Consumer's wastewater discharge subsequently become not in compliance with the City's Sewer Use By-law until such date that the Consumer's wastewater discharge comes into compliance with the City's Sewer Use By-law, in the sole opinion of the Director.
17. No Consumer who is in arrears to the City with regard to payments for any water supplied by the City, municipal property taxes, Sanitary Surcharge or

other fees and charges for the consumption of City water or the use of the City's sanitary sewer and/or combined sewer systems, including but not limited to any fees and charges imposed under the Sewer Use By-law, shall be entitled to any Abatement as long as such arrears remain outstanding. Any Abatement authorized in accordance with this By-law will only be applied from the date that the Consumer's arrears have been paid in full. Further any Abatement authorized in accordance with this By-law will automatically terminate should the Consumer subsequently become in arrears to the City with regard to any of the matters noted above until such date that the Consumer's arrears have been paid in full.

18. That the Abatement for authorized Consumers shall be no more than 75% of the calculated Sanitary Surcharge for the property for the applicable calendar year.
19. That the Abatement for a Consumer at a property with less than 100% of its wastewater diverted from the City's sanitary/combined sewer system, be calculated with an add-back adjustment of 33.33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration.
20. That the Abatement for authorized Consumers be phased in at 33.33% of the maximum permitted Abatement in 2003, 66.66% of the maximum permitted Abatement in 2004 and 100% of the maximum permitted Abatement in 2005, and as more particularly set out in Schedule "B" to this By-law. The City reserves the right to discontinue or continue the wastewater abatement program and associated Abatement at any time and for any reason whatsoever.
21. The Consumer shall permit the City and its representatives to conduct an inspection of the Consumer's property, at any reasonable time, to verify any and all information in relation to the Application submitted by the Consumer prior to any decision to authorize the Abatement and while any authorization to provide an Abatement to the Consumer is in effect.

22. Where a Consumer has been authorized to receive an Abatement for a property in accordance with section 12 of this By-law, the Consumer shall continue to receive an Abatement in accordance with this By-law provided that, in addition to any other requirements contained in this By-law:
- (a) in each of the next three (3) subsequent calendar years after the year in which the authorization of the Abatement has been given, the Consumer submits to the Director, in a form and content satisfactory to the Director, verification that the flow differential between the Consumer's wastewater discharged to the City's sanitary sewer and combined sewer systems and the amount of the water supplied by the City to the Consumer for the previous calendar year continues to meet the requirements set out in this By-law, by no later than the 1st day of February of each calendar year.
 - (b) where the amount of the authorized Abatement to a Consumer in a particular calendar year is calculated to be in excess of five hundred dollars (\$500.00), or the actual Abatement provided to the Consumer in a particular calendar year is in excess of five hundred dollars (\$500.00), the Consumer: pays the annual administration fee set forth in Schedule "B" to this By-law (hereinafter referred to as the "Annual Administrative Fee"). In such circumstances, the Annual Administration Fee shall be invoiced to and paid by the Consumer in quarterly installments on the same bills sent to the Consumer respecting the Abatement credit. However, where it is not known until after the first quarter of a particular calendar year that the actual Abatement for a Consumer will be in excess of five hundred dollars (\$500.00), the Annual Administration Fee shall be invoiced to and paid by the Consumer over the remaining quarters in the calendar year; and
 - (c) the Consumer immediately notifies the Director of any change in the amount of the flow differential between the Consumer's wastewater discharge and the amount of water supplied to the property from all sources, including but not limited to water supplied by the City, provided

that the Consumer continues to meet all of the requirements for an Abatement as set out in this By-law. Should the change cause the Consumer to no longer meet all of the requirements for an Abatement as set out in this By-law, the Abatement will automatically terminate.

23. Any failure by a Consumer authorized to receive an Abatement to comply with the requirements set out in section 22 of this By-law shall entitle the Director and the General Manager of Corporate Services to revoke or suspend any Abatement authorized for the Consumer pursuant to this By-law, and to require the Consumer to pay the full Sanitary Surcharge from the date of such revocation or suspension.
24. An Abatement authorized in accordance with this By-law will automatically terminate upon the changing of the owner or occupant of the property and the new owner or occupant will be required to re-apply for an Abatement in accordance with the provisions of this By-law, including but not limited to the payment of all fees, unless in the opinion of the Director and the General Manager of Corporate Services, the circumstances require otherwise.
25. Should the Director and the General Manager of Corporate Services determine at any time that the Consumer no longer meets all of the requirements for an Abatement as set out in this By-law, the Director and the General Manager of Corporate Services shall be entitled to revoke the Abatement.
26. An Abatement authorized in accordance with section 12 of this By-law automatically expires five (5) years from the date the authorized Abatement comes into effect, unless otherwise terminated, revoked or suspended in accordance with this By-law. To determine eligibility to continue to receive an Abatement, a Consumer must re-apply for an Abatement in accordance with the provisions of this By-law, including but not limited to sections 10 and 11 of this By-law. The provisions of this By-law shall apply to the re-application as though the Consumer were applying for the first time for an Abatement, except that the Consumer will only have to pay the Supplementary Application Fee and not the Initial Application Processing Fee.

General

27. The fees and charges imposed in this By-law shall constitute a debt of the person to the City of Hamilton and if the debt, or any portion thereof, remains unpaid after the due date established in this By-law, the unpaid amount may be added to the tax roll for the person's property in the City of Hamilton connected to the City's sanitary sewer or combined sewer system and collected in a like manner as municipal taxes, including but not limited to the same interest and penalties as for municipal taxes.
28. If a court of competent jurisdiction declares a part or the whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and the remainder shall survive and be applied and be enforced in accordance with its terms to the extent possible under the law.
29. Schedules "A" and "B" attached hereto form part of this By-law and shall have the same force and effect as if the provisions contained therein were contained in the body of this By-law.
30. That By-law No. 2-75, as amended, is hereby repealed.
31. This By-law may be known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law".
32. This By-law shall come into force and effect on the date of its passing and enactment except that section 6 shall be deemed to have come into force and effect on October 2, 2002.

PASSED and ENACTED this 24th day of September, 2003.



MAYOR



CITY CLERK

SCHEDULE "A"

Sanitary Surcharge

The Sanitary Surcharge is calculated as 100% of the gross amount of the monthly or bimonthly metered water or non-metered water rate.

SCHEDULE "B"

Wastewater Abatement Program

- | | | | |
|----|-----|--|---|
| 1. | (a) | Initial Application Processing Fee
(section 10) | \$100.00 plus applicable
taxes |
| | (b) | Supplementary Application Fee
(section 11) | \$300.00 plus applicable
taxes and Full Cost
Recovery for peer review |
| | (c) | Annual Administration Fee (where
annual Abatement exceeds \$500.00
-sub-section 22(b)) | \$400.00 plus applicable
taxes |

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = Annual Volume (m³) of Water Supplied to the Property from all sources

B = Annual Wastewater Diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Applicant is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = Annual Wastewater Discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = Infiltration and Inflow Add Back (D = C X 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = Wastewater Abatement in Percentage (**before** phase-in)

F% = Wastewater Abatement in Percentage (**after** phase-in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)

$F\% = E\% \times 66.6\%$ (phase-in for 2004)

$F\% = E\% \times 100\%$ (phase-in for 2005)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = Actual Volume (m³) of Water Supplied to the Property by the City during the previous quarter

H = Volume (m³) of Water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2003, is \$0.669 per cubic metre of water; for 2004 and 2005, will be in accordance with the water and Sanitary Surcharge rates annually determined by City Council)

\$J = Dollar Amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

The following By-laws amend By-law No. 03-272

- 04-320 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2005 Fees and Charges Passed by Council December 15, 2004**
- 05-376 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2006 Fees and Charges Passed by Council December 14, 2005**
- 06-344 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2007 Fees and Charges Passed by Council December 13, 2006**
- 07-357 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2008 Fees and Charges Passed by Council December 12, 2007**
- 08-086 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended Passed by Council April 23, 2008**
- 08-300 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2009 Fees and Charges Passed by Council December 10, 2008**
- 09-153 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the Consecutive Estimated Accounts Policy Passed by Council July 9, 2009**
- 09-261 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2010 Fees and Charges Passed by Council December 9, 2009**
- 11-038 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2011 Fees and Charges Passed by Council January 26, 2011**
- 11-312 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2012 Fees and Charges Passed by Council December 14, 2011**
- 12-291 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2013 Fees and Charges Passed by Council December 12, 2012**
- 13-211 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 Passed by Council August 16, 2013**
- 13-323 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2014 Fees and Charges Passed by Council December 11, 2013**
- 15-028 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2015 Fees and Charges Passed by Council January 22, 2015**

15-281

**To Amend the Sanitary Surcharge and Wastewater Abatement By-law
No. 03-272 and Implement the 2016 Fees and Charges
Passed by Council December 9, 2015**

Authority: Item 1, Committee of the Whole
Report; 04-014
(FCS04150/PW04127)
CM: December 15, 04

Bill No. 320

CITY OF HAMILTON

BY-LAW NO. 04-320

To Amend the Sanitary Surcharge and Wastewater Abatement By-law 03-272 and Implement the 2005 Fees and Charges

WHEREAS on September 24, 2003 the Council of the City of Hamilton passed and enacted By-law 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

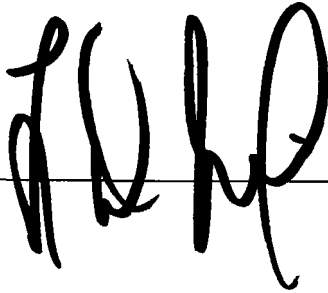
AND WHEREAS on the 15th day of December, 2004, the Council of the City of Hamilton did approve of Item 1 of Committee of the Whole Report 04-014 and did authorize the 2005 water and wastewater user fees and charges, including the fees and charges set out herein;


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

1. That Schedule "B" to By-law No. 03-272, as amended, is hereby repealed and that Schedule "B" attached to this by-law be substituted therefore.
2. That this by-law shall come into force and take effect as of January 1, 2005.

3. In all other respects, the contents of By-law 03-272, as amended, including but not limited to all other fees and charges therein, are hereby confirmed as unchanged.

PASSED AND ENACTED this 15th day of December, 2004.

Mayor 


City Clerk

SCHEDULE "B"

Wastewater Abatement Program

1. (a) Initial Application Processing Fee (Section 10) \$102.50 plus applicable taxes
- (b) Supplementary Application Fee (Section 11) \$307.50 plus applicable taxes and Full Cost Recovery for peer review
- (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$410.00 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = Annual Volume (m³) of Water supplied to the Property from all sources

B = Annual Wastewater Diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Applicant is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = Annual Wastewater Discharged to the City's sanitary sewer and combined sewer system (C = A - B)

D = Infiltration and Inflow Add Back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = Wastewater Abatement in Percentage (before phase in)

F% = Wastewater Abatement in Percentage (after phase in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)

$F\% = E\% \times 66.6\%$ (phase-in for 2004)

$F\% = E\% \times 100\%$ (phase-in for 2005)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = Actual Volume (m³) of Water Supplied to the Property by the City during the previous quarter

H = Volume (m³) of Water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2003 is \$0.669 per cubic meter of water; for 2004 is \$0.733 per cubic meter of water; and for 2005 is \$0.792 per cubic meter of water)

\$J = Dollar Amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

Authority: Item 1, Committee of the Whole
Report; 05-026 (FCS05124/PW05143)
CM: December 14, 2005

Bill No. 376

CITY OF HAMILTON

BY-LAW NO. 05-376

To Amend the Sanitary Surcharge and Wastewater Abatement By-law 03-272, as amended, and Implement the 2006 Fees and Charges

WHEREAS on September 24, 2003 the Council of the City of Hamilton passed and enacted By-law 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control:

AND WHEREAS on the 14th day of December, 2005, the Council of the City of Hamilton did approve of Item 1 of Committee of the Whole Report 05-026 and did authorize the 2006 water and wastewater user fees and charges, including the fees and charges set out herein;

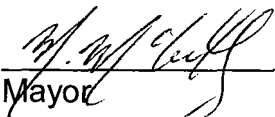
AND WHEREAS notice of the 2006 fees and charges set out herein has been given in a form and in the manner and at the times that the Council considers adequate and otherwise in accordance with the provisions of the said Municipal Act, 2001;

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

1. That Schedule "B" to By-law No. 03-272, as amended, is hereby repealed and that Schedule "B" attached to this by-law be substituted therefor.
2. That this by-law shall come into force and take effect as of January 1, 2006.

3. In all other respects, the contents of By-law 03-272, as amended, including but not limited to all other fees and charges therein, are hereby confirmed as unchanged for 2006.

PASSED AND ENACTED this 14th day of December, 2005.



Mayor



City Clerk

SCHEDULE "B"Wastewater Abatement Program

1.
 - (a) Initial Application Processing Fee (Section 10) \$104.55 plus applicable taxes
 - (b) Supplementary Application Fee (Section 11) \$313.65 plus applicable taxes and Full Cost Recovery for peer review
 - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$418.20 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = Annual Volume (m³) of Water supplied to the Property from all sources

B = Annual Wastewater Diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Applicant is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = Annual Wastewater Discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = Infiltration and Inflow Add Back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = Wastewater Abatement in Percentage (before phase in)

F% = Wastewater Abatement in Percentage (after phase in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)
 $F\% = E\% \times 66.6\%$ (phase-in for 2004)
 $F\% = E\% \times 100\%$ (phase-in for 2005)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = Actual Volume (m³) of Water Supplied to the Property by the City during the previous quarter

H = Volume (m³) of Water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2003 is \$0.669 per cubic meter of water; for 2004 is \$0.733 per cubic meter of water; for 2005 is \$0.792 per cubic meter of water; and for 2006 is \$0.851 per cubic meter of water)

\$J = Dollar Amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

Authority: Item 1, Committee of the Whole
Report; 06-023 (FCS060114/PW06137)
CM: December 13, 2006

Bill No. 344

CITY OF HAMILTON

BY-LAW NO. 06-344

To Amend the Sanitary Surcharge and Wastewater Abatement By-law 03-272, as amended, and Implement the 2007 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 13th day of December, 2006 the Council of the City of Hamilton did approve of Item 1 of Committee of the Whole Report 06-023 and did authorize the 2007 water and wastewater fees and charges, including the fees and charges set out herein;

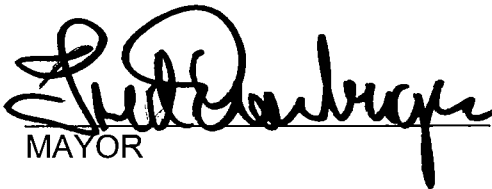
AND WHEREAS notice of the 2007 fees and charges set out herein has been given in a form and in the manner and at the times that the Council considers adequate and otherwise in accordance with the provisions of the said *Municipal Act, 2001*.

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

1. That Schedule "A" to By-law No. 03-272, as amended, is hereby repealed and that Schedule "A" attached to this by-law be substituted therefor.

2. That Schedule "B" to By-law No. 03-272, as amended, is hereby repealed and that Schedule "B" attached to this by-law be substituted therefor.
3. That this by-law shall come into force and take effect as of January 1, 2007.
4. In all other respects, the contents of By-law 03-272, as amended, including but not limited to all other fees and charges therein, are hereby confirmed as unchanged for 2007.

PASSED AND ENACTED this 13th day of December, 2006.


MAYOR


CLERK

SCHEDULE "A"

Sanitary Surcharge

The Sanitary Surcharge is calculated as 100% of the gross amount of the monthly or bi-monthly metered water or non-metered water rate.

SCHEDULE "B"Wastewater Abatement Program

1.
 - (a) Initial Application Processing Fee (Section 10) \$106.70 plus applicable taxes
 - (b) Supplementary Application Fee (Section 11) \$319.91 plus applicable taxes and full cost recovery for peer review
 - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$426.60 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = Annual Volume (m³) of Water supplied to the Property from all sources

B = Annual Wastewater Diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Applicant is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = Annual Wastewater Discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = Infiltration and Inflow Add Back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = Wastewater Abatement in Percentage (before phase in)

F% = Wastewater Abatement in Percentage (after phase in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{A - D}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)
 $F\% = E\% \times 66.6\%$ (phase-in for 2004)
 $F\% = E\% \times 100\%$ (phase-in for 2005 and each calendar year thereafter)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = Actual Volume (m³) of Water Supplied to the Property by the City during the previous quarter

H = Volume (m³) of Water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2003 is \$0.669 per cubic meter of water; for 2004 is \$0.733 per cubic meter of water; for 2005 is \$0.792 per cubic meter of water; for 2006 is \$0.851 per cubic meter of water; and for 2007 is \$0.913 per cubic meter of water)

\$J = Dollar Amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

Authority: Item 1, Committee of the Whole
Report; 07-036 (FCS07098/PW07145)
CM: December 12, 2007

Bill No. 357

CITY OF HAMILTON

BY-LAW NO. 07-357

**To Amend The Sanitary Surcharge and Wastewater
Abatement By-law 03-272, as amended, and Implement the 2008
Fees and Charges**

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 12th day of December, 2007 the Council of the City of Hamilton did approve of Item 1 of Committee of the Whole Report 07- 036 and did authorize the 2008 water and wastewater fees and charges, including the fees and charges set out herein;

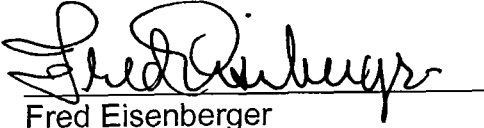
AND WHEREAS notice of the 2008 fees and charges set out herein has been given in a form and in the manner and at the times that the Council considers adequate to give reasonable notice.

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

1. Schedule "A" to By-law No. 03-272, as amended, is repealed and Schedule "A" attached to this by-law is substituted therefor.
2. Schedule "B" to By-law No. 03-272, as amended, is repealed and Schedule "B" attached to this by-law is substituted therefor.
3. This by-law shall come into force as of January 1, 2008.

4. In all other respects, the contents of By-law 03-272, as amended, are hereby confirmed as unchanged.

PASSED AND ENACTED this 12th day of December, 2007.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

SCHEDULE "A"

Sanitary Surcharge

The Sanitary Surcharge is calculated as 100% of the gross amount of the monthly or bi-monthly metered water or non-metered water rate, plus applicable taxes.

SCHEDULE "B"Wastewater Abatement Program

- | | | | |
|----|-----|--|---|
| 1. | (a) | Initial Application Processing Fee
(Section 10) | \$108.83 plus applicable
taxes |
| | (b) | Supplementary Application Fee
(Section 11) | \$326.31 plus applicable
taxes and full cost
recovery for peer review |
| | (c) | Annual Administration Fee (where
annual Abatement exceeds \$500.00
-sub-section 22(b)) | \$435.13 plus applicable
taxes |

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = Annual Volume (m³) of Water supplied to the Property from all sources

B = Annual Wastewater Diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Applicant is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = Annual Wastewater Discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = Infiltration and Inflow Add Back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = Wastewater Abatement in Percentage (before phase in)

F% = Wastewater Abatement in Percentage (after phase in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)

$F\% = E\% \times 66.6\%$ (phase-in for 2004)

$F\% = E\% \times 100\%$ (phase-in for 2005 and each calendar year thereafter)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = Actual Volume (m³) of Water Supplied to the Property by the City during the previous quarter

H = Volume (m³) of Water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2003 is \$0.669 per cubic meter of water; for 2004 is \$0.733 per cubic meter of water; for 2005 is \$0.792 per cubic meter of water; for 2006 is \$0.851 per cubic meter of water; for 2007 is \$0.913 per cubic meter of water; for 2008 is \$0.994 per cubic meter of water)

\$J = Dollar Amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

Authority: Item 9, Audit and Administration
Committee Report; 07- 012
CM: October 24, 2007

Item 11, Audit and Administration
Committee Report 07-015
CM: December 12, 2007

Bill No. 086

CITY OF HAMILTON

BY-LAW NO. 08-086

To Amend The Sanitary Surcharge and Wastewater Abatement By-law 03-272, as amended.

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS on the 24th day of October, 2007, the Council of the City of Hamilton did approve of Item 9 of Audit and Administration Committee Report 07-012 and did thereby approve the revised Water and Wastewater Arrears Policy and the amendment of The Sanitary Surcharge and Wastewater Abatement By-law, as amended, to reflect the City's current wastewater account collection practices;

AND WHEREAS on the 12th day of December, 2007, the Council of the City of Hamilton did approve of Item 11 of Audit and Administration Committee Report 07- 015 and did thereby approve the Water Leak Adjustment Policy and the amendment of The Sanitary Surcharge and Wastewater Abatement By-law, as amended, to implement such policy

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

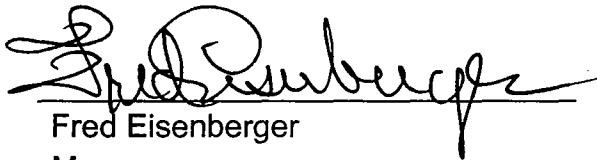
1. Section 1 of By-law No. 03-272, as amended, is further amended by adding the following new sub-section (d.1) immediately after sub-section 1(d):
 - (d.1) "City of Hamilton Water and Wastewater Arrears Policy" means the policy approved by the Council of the City of Hamilton at its meeting of October 24, 2007 as Item 9(a) of Audit and Administration Committee Report 07-012, as amended or re-enacted from time to

time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton.

2. Section 1 of By-law No. 03-272, as amended, is further amended by adding the following new sub-section (d.2) immediately after sub-section 1(d.1):
 - (d.2) "City of Hamilton Water Leak Adjustment Policy" means the policy approved by the Council of the City of Hamilton at its meeting of December 12, 2007 as Item 11(a) of Audit and Administration Committee Report 07-015, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton.
3. Section 5 of By-law No. 03-272, as amended, is further amended by adding the following new sub-section 5(d) immediately after sub-section 5(c):
 - (d) The owner or occupant of lands who are connected to the sanitary sewage systems of the City shall immediately report to the City of Hamilton any leaks that develop at the water meter or its couplings. Where a leak has developed, the City of Hamilton Water Leak Adjustment Policy may apply to provide adjustments to any Sanitary Surcharge paid or payable in the circumstances specified in the policy.
4. Section 7 of By-law No. 03-272, as amended, is repealed and the following new section 7 substituted:
 7. The City of Hamilton Water and Wastewater Arrears Policy will apply to the collection of unpaid fees and charges consisting of the Sanitary Surcharge.
5. Section 8 of By-law No. 03-272, as amended, is repealed and the following new section 8 substituted:
 8. Where an account for the Sanitary Surcharge based on metered or non-metered water rates remains unpaid, the following provisions apply:
 - (a) The unpaid Sanitary Surcharge imposed by this By-law on a person is a debt due to the City of Hamilton and the City of Hamilton may take such action as it considers necessary and as permitted by law to collect the debt.

- (b) Such unpaid amount may be added to the tax roll for the property to which the City's sewage system is connected, and collected in the same manner as municipal taxes.
 - (c) Without limiting the provisions of sub-sections 8(a) and (b) above, the City of Hamilton may shut off the supply of water to a property if the fees or charges payable by the owners or occupants of the property in respect of the Sanitary Surcharge are overdue. The fees for turning off the water and turning on the water, as set out in Schedule "E" to the Waterworks By-law, must also be paid to the City before the water will be turned on again.
6. Sections 1, 4 and 5 of this by-law shall be deemed to have come into force as of the 24th day of October, 2007.
7. Sections 2 and 3 of this by-law shall be deemed to have come into force as of the 12th day of December, 2007.
8. In all other respects, the contents of By-law 03-272, as amended, are hereby confirmed as unchanged.

PASSED and ENACTED this 23rd day of April, 2008.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

Authority: Item 2, Committee of the Whole
Report 08-035;
CM: December 10, 2008

Bill No. 300

CITY OF HAMILTON

BY-LAW NO. 08-300

To Amend The Sanitary Surcharge and Wastewater Abatement By-law 03-272, as amended, and Implement the 2009 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 10th day of December, 2008 the Council of the City of Hamilton did approve of Item 2 of Committee of the Whole Report 08-035 and did authorize the 2009 water and wastewater fees and charges, including the fees and charges set out herein;

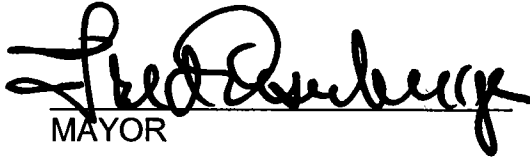
AND WHEREAS notice of the 2009 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351.

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

1. Schedule "B" to By-law No. 03-272, as amended, is repealed and Schedule "B" attached to this by-law is substituted therefor.
2. This by-law shall come into force as of January 1, 2009.

3. In all other respects, the contents of By-law 03-272, as amended, are hereby confirmed as unchanged.

PASSED AND ENACTED this 10th day of December, 2008.


MAYOR


CLERK

Approved
as to form

Legal
Services

SCHEDULE "B"Wastewater Abatement Program

1.
 - (a) Initial Application Processing Fee (Section 10) \$112.53 plus applicable taxes
 - (b) Supplementary Application Fee (Section 11) \$337.40 plus applicable taxes and full cost recovery for peer review
 - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$449.92 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = Annual Volume (m³) of Water supplied to the Property from all sources

B = Annual Wastewater Diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Applicant is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = Annual Wastewater Discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = Infiltration and Inflow Add Back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = Wastewater Abatement in Percentage (before phase in)

F% = Wastewater Abatement in Percentage (after phase in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{A - D}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)
 $F\% = E\% \times 66.6\%$ (phase-in for 2004)
 $F\% = E\% \times 100\%$ (phase-in for 2005 and each calendar year thereafter)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = Actual Volume (m³) of Water Supplied to the Property by the City during the previous quarter

H = Volume (m³) of Water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2008 is \$0.994 per cubic meter of water; for 2009 is \$1.0387 per cubic meter of water)

\$J = Dollar Amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

Authority: Item 9, Audit and Administration
Committee Report 09-008;
CM: May 13, 2009

Bill No. 153

CITY OF HAMILTON

BY-LAW NO. 09-153

To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the Consecutive Estimated Accounts Policy

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS on the 13th day of May, 2009 the Council of the City of Hamilton did approve of Item 9 of Audit and Administration Committee Report 09-008 and did approve the Consecutive Estimated Accounts Policy described therein;

AND WHEREAS it is necessary to amend The Sanitary Surcharge and Wastewater Abatement By-law to implement the said Consecutive Estimated Accounts Policy;

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

1. Section 1 of By-law No. 03-272, as amended, is further amended by adding the following new sub-section (d.3) immediately after sub-section 1(d.2):
 - (d.3) "City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy" means the policy approved by the Council of the City of Hamilton at its meeting of May 13, 2009 as Item 9 of the Audit and Administration Committee Report 09-008, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton.

**To Amend The Sanitary Surcharge and Wastewater Abatement
By-law No. 03-272, as amended, and Implement the Consecutive
Estimated Accounts Policy
Page 2 of 3**

2. Sub-section (i) of section 1 of By-law No. 03-272, as amended, is repealed and the following sub-section substituted:
 - (i) "General Manager of Finance and Corporate Services" means the General Manager of Finance and Corporate Services for the City of Hamilton or the person duly authorized to act in his or her stead.

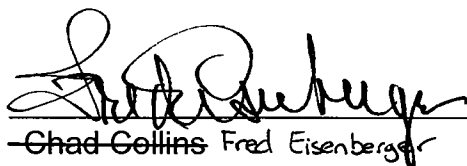
3. All references in By-law No. 03-272, as amended, to the "General Manager of Corporate Services" are amended by striking out each reference and by substituting in each case "General Manager of Finance and Corporate Services".

4. Sub-section 5(c) of By-law No. 03-272, as amended, is repealed and the following sub-section 5(c) substituted:
 - (c) Where a water meter fails to record properly, the person or persons liable to pay the Sanitary Surcharge based on metered water rates are liable to pay such Sanitary Surcharge on the water rate for an amount of water estimated on the basis of a corresponding period in the immediately preceding year, or, where the water user did not occupy the same property for the same period during the corresponding period in the previous year, then such person or persons are liable to pay such Sanitary Surcharge on the water rate for an amount of water based on a similar period of the current year, or where that is not applicable, then the person or persons are liable for such Sanitary Surcharge based on the applicable minimum charge for water imposed by the City under the Waterworks By-law. Where the City is unable to obtain water meter data for the actual amount of water supplied to a property, the water user will be liable to pay the Sanitary Surcharge on the metered or non-metered water rates for the estimated amounts of water supplied to the property as set out in the City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy. Should the General Manager of Finance and Corporate Services, or any other body acting on behalf of the General Manager of Finance and Corporate Services under an agreement with the City, subsequently receive the water meter data on the amount of water actually supplied to the property by the City, the amount billed to such person or persons will be subsequently adjusted to reflect the actual amount of water supplied to the property, where such actual amount is greater than the estimated amounts invoiced, and the person or persons shall be liable for the resulting adjusted Sanitary Surcharge on the adjusted water rate.

**To Amend The Sanitary Surcharge and Wastewater Abatement
By-law No. 03-272, as amended, and Implement the Consecutive
Estimated Accounts Policy
Page 3 of 3**

5. This by-law shall come into force on the day it is passed.
6. In all other respects, the contents of By-law No. 03-272, as amended, are hereby confirmed as unchanged.

PASSED AND ENACTED this 9th day of July, 2009.



~~Chad Collins~~ Fred Eisenberger
~~Acting Mayor~~



Kevin C. Christenson
City Clerk

Authority: Item 3, Committee of the Whole
Report 09-034 (FCS09102/PW09100)
CM: December 9, 2009 and
Item 11, Audit and Administration
Committee Report 09-012 ((FCS09058)
CM: September 9, 2009

Bill No. 261

CITY OF HAMILTON

BY-LAW NO. 09- 261

To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2010 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 9th day of December, 2009 the Council of the City of Hamilton did approve of Item 3 of Committee of the Whole Report 09-034 and did authorize the 2010 water and wastewater fees and charges, including the fees and charges set out herein;

AND WHEREAS notice of the 2010 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351;

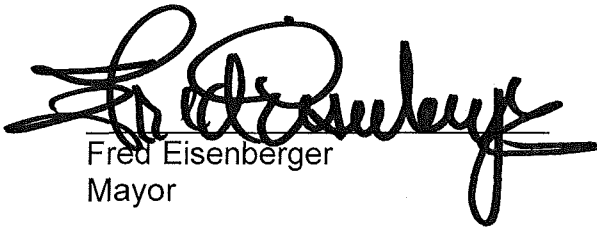
AND WHEREAS on the 16th day of September, 2009, the Council of the City of Hamilton did approve of Item 11 of Audit and Administration Committee Report 09-012 and did approve the Wastewater Abatement Program amendment described herein.

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


1. Sub-section 1(f) of By-law No. 03-272, as amended, is repealed and the following substituted:

- (f) "Commercial" means of or pertaining to retail and wholesale sales of food grown on a farm, manufactured goods and/or services;"
2. Schedule "B" to By-law No. 03-272, as amended, is repealed and Schedule "B" attached to this by-law is substituted therefor.
 3. This by-law comes into force on January 1, 2010, except that section 1 shall be deemed to have come into force on September 16, 2009.
 4. In all other respects, the contents of By-law No. 03-272, as amended, are hereby confirmed as unchanged.

PASSED and ENACTED this 9th day of December, 2009.



Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk

SCHEDULE "B"Wastewater Abatement Program

1.
 - (a) Initial Application Processing Fee (Section 10) \$114.78 plus applicable taxes
 - (b) Supplementary Application Fee (Section 11) \$344.15 plus applicable taxes and full cost recovery for peer review
 - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$458.92 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from all sources

B = annual wastewater diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage (before phase in)

F% = wastewater Abatement in percentage (after phase in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)
 $F\% = E\% \times 66.6\%$ (phase-in for 2004)
 $F\% = E\% \times 100\%$ (phase-in for 2005 and each calendar year thereafter)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = actual volume (m³) of water supplied to the property by the City during the previous quarter

H = volume (m³) of water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2010 is \$1.0802 per cubic meter of water)

\$J = dollar amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

Authority: Item 3, General Issues Committee
Report 11-001 (FCS11009/PW11004)
CM: January 26, 2011

Bill No. 038

CITY OF HAMILTON

BY-LAW NO. 11-038

To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2011 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 26th day of January, 2011 the Council of the City of Hamilton did approve of Item 3 of General Issues Committee Report 11-001 and did authorize the 2011 water and wastewater fees and charges, including the fees and charges set out herein;


AND WHEREAS notice of the 2011 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351;

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


1. Schedule "B" to By-law No. 03-272, as amended, is repealed and Schedule "B" attached to this by-law is substituted therefor.
2. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2011 until amended, repealed or replaced.

3. This by-law comes into force on the day it is passed.
4. In all other respects, the contents of By-law No. 03-272, as amended, are hereby confirmed as unchanged.

PASSED this 26th day of January, 2011.



R. Bratina
Mayor



R. Caterini
City Clerk

SCHEDULE "B"

Wastewater Abatement Program

- | | | | |
|----|-----|--|---|
| 1. | (a) | Initial Application Processing Fee
(Section 10) | \$117.08 plus applicable
taxes |
| | (b) | Supplementary Application Fee
(Section 11) | \$351.03 plus applicable
taxes and full cost
recovery for peer review |
| | (c) | Annual Administration Fee (where
annual Abatement exceeds \$500.00
-sub-section 22(b)) | \$468.10 plus applicable
taxes |

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from all sources

B = annual wastewater diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage (before phase in)

F% = wastewater Abatement in percentage (after phase in)

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{A - D}{A} \times 100$

Step 4: $F\% = E\% \times 33.3\%$ (phase-in for 2003)

$F\% = E\% \times 66.6\%$ (phase-in for 2004)

$F\% = E\% \times 100\%$ (phase-in for 2005 and each calendar year thereafter)

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

G = actual volume (m³) of water supplied to the property by the City during the previous quarter

H = volume (m³) of water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2011 is \$1.126 per cubic meter of water)

\$J = dollar amount of Abatement for the billing period

Step 5: $G \times F\% = H$

Step 6: $H \times I = \$J$

Authority: Item 3, General Issues Committee
Report 11-035 (FCS11100/PW11086)
CM: December 14, 2011

Bill No. 312

CITY OF HAMILTON

BY-LAW NO. 11-312

To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2012 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as “The Sanitary Surcharge and Wastewater Abatement By-law”;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality’s property, including property under its control;

AND WHEREAS on the 14th day of December, 2011 the Council of the City of Hamilton did approve of Item 3 of General Issues Committee Report 11-035 and did authorize the 2012 water and wastewater fees and charges, including the fees and charges set out herein;

AND WHEREAS notice of the 2012 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton’s Public Notice Policy By-law No. 07-351;

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

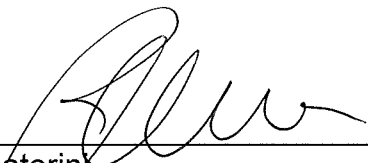
1. Section 20 of By-law No. 03-272 is deleted and replaced with the following:
 20. That the Abatement for authorized Consumers be 100% of the maximum permitted Abatement and as more particularly set out in Schedule “B” to this By-law. The City reserves the right to discontinue or continue the wastewater abatement program and associated Abatement at any time and for any reason whatsoever.

2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.
3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2012 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2012.
5. In all other respects, the contents of By-law No. 03-272 are hereby confirmed as unchanged.

PASSED this 14th day of December, 2011.



R. Bratina
Mayor



R. Caterini
City Clerk

SCHEDULE "B"Wastewater Abatement Program

1.
 - (a) Initial Application Processing Fee (Section 10) \$119.65 plus applicable taxes
 - (b) Supplementary Application Fee (Section 11) \$358.76 plus applicable taxes and full cost recovery for peer review
 - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$478.40 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from all sources

B = annual wastewater diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B)

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A – B = C

Step 2: D = C x 133%

Step 3: E% = $\frac{(A - D)}{A} \times 100$

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H= Sanitary Surcharge (for 2012 is \$1.174 per cubic meter of water)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = H$

Step 5: $G \times H = \$I$

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

Bill No. 291

CITY OF HAMILTON

BY-LAW NO. 12-291

To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2013 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the said Act or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the said Act;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 12th day of December, 2012 the Council of the City of Hamilton did approve of Item 3 of General Issues Committee Report 12-031(a) and did authorize the 2013 water and wastewater fees and charges, including the fees and charges set out herein;

AND WHEREAS notice of the 2013 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351;

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


1. Section 1 of By-law No. 03-272 is amended by deleting sub-section (o) and by relettering the subsequent sub-sections accordingly.
2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.

To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272
and Implement the 2013 Fees and Charges

Page 2 of 4

3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2013 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2013.

PASSED this 12th day of December, 2012.



R. Bratina
Mayor



R. Caterini
City Clerk

SCHEDULE "B"

Wastewater Abatement Program

1. (a) Initial Application Processing Fee (Section 10) \$122.40 plus applicable taxes
- (b) Supplementary Application Fee (Section 11) \$367.00 plus applicable taxes and full cost recovery for peer review
- (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$489.40 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from all sources

B = annual wastewater diverted from the City's sanitary sewer and combined sewer system (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A - B)

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: $A - B = C$

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{A - D}{A} \times 100$

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of water supplied to the property by the City during the previous quarter

G = volume (m3) of water eligible for the Abatement during the previous quarter

H= Sanitary Surcharge (for 2013 is \$1.223 per cubic meter of water)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 5, Public Works Committee
Report 13-009
CM: August 16, 2013

Bill No. 211

CITY OF HAMILTON

BY-LAW NO. 13-211

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS on the 13th day of February, 2013 the Council of the City of Hamilton did approve of Item 2 of Public Works Committee Report 13-002 and did direct that The Sanitary Surcharge and Wastewater Abatement By-law be amended to reflect that the calculation used for determining potential eligibility for the wastewater abatement program only include water provided from the municipal water supply;

AND WHEREAS on the 16th day of August, 2013, the Council of the City of Hamilton did approve of Item 5 of Public Works Committee Report 13-009 and did direct that The Sanitary Surcharge and Wastewater Abatement By-law be amended to reflect some additional technical and housekeeping amendments as set out in this by-law;

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

1. Section 1 of By-law No. 03-272 is deleted and replaced with the new Section 1 as follows:

Definitions

1. In this By-law,

“Abatement” means a credit on the Sanitary Surcharge amount paid by the Consumer, as approved by the City under the wastewater abatement program described in this By-law;

“Annual Administration Fee” has the meaning assigned in sub-section 22(b) of this By-law;

“Application” has the meaning assigned in section 10 of this By-law;

“City” means the City of Hamilton;

“City of Hamilton Water and Wastewater Arrears Policy” means the policy approved by the Council of the City of Hamilton at its meeting of October 24, 2007 as Item 9(a) of Audit and Administration Committee Report 07-012, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton;

“City of Hamilton Water Leak Adjustment Policy” means the policy approved by the Council of the City of Hamilton at its meeting of December 12, 2007 as Item 11(a) of Audit and Administration committee Report 07-015, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton;

“City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy” means the policy approved by the Council of the City of Hamilton at its meeting of May 13, 2009 as Item 9 of the Audit and Administration Committee Report 09-008, as amended or re-enacted from time to time, and any successor to such policy. This policy may be found at the Office of the City Clerk for the City of Hamilton;

“combined sewer” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;

“Commercial” means of or pertaining to retail and wholesale sales of food grown on a farm, manufactured goods and/or services;

“Consumer” means either a Commercial or Industrial ratepayer who is responsible under the Waterworks By-law and this By-law for paying fees and charges respecting water supplied by the City of Hamilton and wastewater services provided by the City of Hamilton;

“Director” shall mean the Director of Hamilton Water, Public Works Department, for the City of Hamilton, the person duly authorized to act in his or her stead, or his or her successor;

“General Manager of Finance and Corporate Services” means the General Manager of Finance and Corporate Services for the City or the persons the General Manager may designate from time to time to act in his or her stead for purposes of this By-law, or successor;

“General Manager of Public Works” means the General Manager of the Public Works Department for the City or the persons the General Manager may designate from time to time to act in his or her stead for purposes of this By-law, or successor;

“Industrial” means of or pertaining to the manufacturing, producing or processing of anything, or the research or development in connection with the manufacturing, producing or processing of anything;

“Initial Application Processing Fee” has the meaning assigned in section 10 of this By-law;

“potable water” means water that is fit for human consumption;

“potable water supply” means potable water supplied by the City;

“sanitary sewage system” means,

- (i) the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines

and installations, and other works designated for the collection and treatment of sanitary sewage by the City, and

- (ii) includes lands appropriated for such purposes and uses;

“sanitary sewage works” means,

- (i) all sanitary sewers, sanitary sewer systems, pumping stations, sewage treatment plants, and
- (ii) includes combined sewers, sanitary private drains and other works for the collection, acceptance, transmission, treatment and disposal of sanitary sewage;

“Sewer Use By-law” means By-law R89-049 of the City of Hamilton, as amended or replaced from time to time;

“stormwater” means water from rainfall or other natural precipitation or from the melting of snow or ice or drainage from land or a watercourse;

“Supplementary Application Fee” has the meaning assigned in section 11 of this By-law;

“water rate” means the fees and charges established by the City of Hamilton under By-law R84-026; and

“Waterworks By-law” means By-law R84-026 of the City of Hamilton.

2. Section 11 of By-law No. 03-272 is amended by deleting subsections (a) to (i) inclusive and replacing them with the new subsections (a) to (m) as follows:

- (a) volume of incoming water to the property from all sources including but not limited to private wells and reservoirs, stormwater, and water from a watercourse such as a lake, harbour, stream, river, pond or spring;

- (b) volume of potable water purchased by the Consumer from the potable water supply;
 - (c) volume of water discharged to a sanitary sewage works that was purchased by the Consumer from the potable water supply;
 - (d) volume of water discharged to a sanitary sewage works that was not purchased by the Consumer from the potable water supply;
 - (e) water consuming processes/products;
 - (f) wastewater volumes diverted from the City's sanitary sewage works;
 - (g) a certification of the water balance for the Consumer's account, which shall cover a minimum period of five calendar days over a minimum of three separate occasions and shall include at least one balance showing seasonal variation, including activities such as shutdowns;
 - (h) sewer flow monitoring (if required by the Director);
 - (i) data on the quality of wastewater discharge to the City's sanitary sewage works, where available;
 - (j) water billings by the City;
 - (k) quantity of products produced by the Consumer;
 - (l) seasonal variations; and
 - (m) other related information as required by the Director.
3. Section 13 of By-law No. 03-272 is deleted and replaced by the following new Section 13:
13. To qualify for an Abatement, the volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works in a calendar year must be at least 25% of the measured volume of water purchased by the Consumer from the potable water supply.

4. Section 14 of By-law No. 03-272 is deleted and replaced by the following new Section 14:

14. For the purposes of calculating the volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works by a Consumer, as set out in section 13, the amount of water or wastewater that is discharged to a storm sewer which is routed to a City wastewater treatment plant for treatment shall be deemed to not be diverted from the City's sanitary sewage works.

5. Section 15 of By-law No. 03-272 is deleted and replaced by the following new Section 15:

15. No Consumer is entitled to an Abatement:

(a) solely because the Consumer's property is exempt under the *Assessment Act*, R.S.O. 1990, Chapter A.31;

(b) to the extent the water supplied to the Consumer's property is not purchased by the Consumer from the potable water supply;
or

(c) to the extent the water supplied to the Consumer's property is purchased by the Consumer from the potable water supply and that water is used for one or more of the following purposes:

(i) irrigation for ground maintenance on the Consumer's property,

(ii) recreational activities on the Consumer's property, including but not limited to the filling of a swimming pool, hot tub or fountain;

(iii) cleaning, consumption or other uses which do not occur on the Consumer's property.

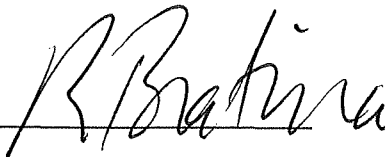
6. Section 22 of By-law No. 03-272 is amended as follows:

(a) the word "potable" is added before the word "water" in the sixth line of subsection 22(a); and

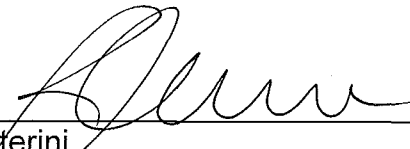
(b) the word "potable" is added before the word "water" in the fourth line of subsection 22(c).

7. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.
8. This by-law shall come into force on the date of its passing.

PASSED this 16th day of August, 2013.



R. Bratina
Mayor



R. Caterini
Clerk

SCHEDULE "B"Wastewater Abatement Program

1.
 - (a) Initial Application Processing Fee (Section 10) \$122.40 plus applicable taxes
 - (b) Supplementary Application Fee (Section 11) \$367.00 plus applicable taxes and full cost recovery for peer review
 - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$489.40 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from the potable water supply

B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B) or C=actual measured value using sewer flow monitoring if required by the Director

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A – B = C; or C=actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: E% = $\frac{(A - D)}{A} \times 100$

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

- F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter
- G = volume (m³) of water eligible for the Abatement during the previous quarter
- H = Sanitary Surcharge (for 2013 is \$1.223 per cubic meter of water)
- \$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 2, General Issues Committee
Report 13-022(a)
CM: December 11, 2013

Bill No. 323

CITY OF HAMILTON

BY-LAW NO. 13-323

To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2014 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the said Act or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the said Act;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 11th day of December, 2013 the Council of the City of Hamilton did approve of Item 2 of General Issues Committee Report 13-022(a) and did authorize the 2014 fees and charges set out herein;

AND WHEREAS notice of the 2014 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351;

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

1. By-law No. 03-272 is amended by deleting the words "To Impose Fees and Charges Respecting the Use of the City of Hamilton Sanitary Sewage System and to Implement a Wastewater Abatement Program" on the first page of the By-law prior to the preamble, and by substituting therefor the words "To Impose Fees and Charges Respecting the Use of the City of Hamilton Sanitary and Storm Sewage Systems and to Implement a Wastewater Abatement Program."
2. The Preamble to By-law No. 03-272 is deleted and replaced with the following new Preamble:

WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality, including the provisions of public utilities such as water and sewage, and for the use of the municipality's property, including property under its control;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, fees and charges may be imposed to recover costs related to the establishment, construction, maintenance, operation and financing of the City of Hamilton wastewater/storm system;

AND WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS this by-law imposes fees and charges consisting of a wastewater/storm rate, and implements the wastewater abatement program;

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

3. By-law No. 03-272 is amended by deleting the words "Sanitary Surcharge" and "sanitary surcharge" every time such words appear in the By-law and by substituting therefor in each case the words "wastewater/storm fees and charges".
4. Section 1 of By-law No. 03-272 is amended by deleting the word "Initial" in the definition of "Initial Application Processing Fee".
5. Section 1 of By-law No. 03-272 is amended by deleting the definition of "Supplementary Application Fee".

6. Section 1 of By-law No. 03-272 is amended by adding the following definition:

“wastewater/storm fees and charges” means the fees and charges set out in Schedule “A” to this By-law.

7. Section 3 of By-law No. 03-272 is deleted and replaced with the following new section 3:

Wastewater/Storm Fees and Charges

3. The owners and occupants of all lands within the geographic area of the City who are connected to the sanitary sewage system of the City are liable to pay wastewater/storm fees and charges in accordance with the provisions of this By-law and as set forth in Schedule “A” to this By-law.

8. Section 4 of By-law No. 03-272 is deleted and replaced with the following new Section 4:

Liability for Wastewater/Storm Fees and Charges where Non-Metered Water Rates Apply

4. Where there is a non-metered water rate imposed by the Waterworks By-law for the whole or any part of the City, then the wastewater/storm fees and charges shall be the non-metered annual wastewater/storm rate as set forth in Schedule “A” to this By-law.

9. Subsection 5(a) of By-law No. 03-272 is deleted and replaced with the following new subsection 5(a):

Liability for Wastewater/Storm Fees and Charges on Metered Water Rates

- (a) Where there is a metered water rate imposed by the Waterworks By-law for the whole or any part of the City, then the wastewater/storm fees and charges shall consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge as set forth in Schedule “A” to this By-law.
10. Subsection 5(c) of By-law No. 03-272 is deleted and replaced with the following new subsection 5(c):

- (c) Where a water meter fails to record properly, the person or persons liable to pay wastewater/storm fees and charges are liable to pay:

(i) the daily wastewater/storm fixed charge, plus the wastewater/storm treatment charge calculated on an amount of water estimated on the basis of a corresponding period in the immediately preceding year; or

(ii) where the water user did not occupy the same property for the same period during the corresponding period in the previous year, the daily wastewater/storm fixed charge, plus the wastewater/storm treatment charge calculated on an amount of water based on a similar period of the current year; or

(iii) where the situation described in clause (ii) is not applicable, the daily wastewater/storm fixed charge plus the wastewater/storm treatment charge that is based on one cubic metre (m³) of water consumption per day.

Where the City is unable to obtain water meter data for the actual amount of water supplied to a property, the water user will be liable to pay the daily wastewater/storm fixed charge plus the wastewater/storm treatment charge for the estimated amounts of water supplied to the property as set out in the City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy. Should the General Manager of Finance and Corporate Services, or any other body acting on behalf of the General Manager of Finance and Corporate Services under an agreement with the City, subsequently receive the water meter data on the amount of water actually supplied to the property by the City, the amount billed to such person or persons will be subsequently adjusted to reflect the actual amount of water supplied to the property, where such actual amount is greater than the estimated amounts invoiced, and the person or persons shall be liable for the resulting adjusted wastewater/storm treatment charge.

11. Section 8 of By-law No. 03-272 is amended by deleting the words in the first two lines of the section and by substituting therefor the words "Where an account for wastewater/storm fees and charges remains unpaid, the following provisions apply:".
12. Section 9 of By-law No. 03-272 is deleted and replaced with the following new Section 9:
 9. The owner or occupant of lands within the City:
 - (a) which are connected to the City sanitary sewage system, but
 - (b) which are not connected to the City's waterworks system,

are to pay wastewater/storm fees and charges as set forth in Schedule "A" to this By-law, consisting of a daily wastewater/storm fixed charge, and a wastewater/storm treatment charge that is based on one cubic metre (m³) of water consumption per day, and are to be invoiced for payment bi-monthly, monthly or at any other time as determined to be appropriate by the General Manager of Finance and Corporate Services or by any other body acting on behalf of the General Manager of Finance and Corporate Services under an agreement with the City.

13. Sections 10, 11 and 12 of By-law No. 03-272 are deleted and replaced with the following new Sections 10, 11 and 12:

Wastewater Abatement Program

10. (a) A Consumer may apply for an Abatement for a property by submitting to the Director an application in the form provided by the City (hereinafter referred to as the "Application"), together with a non-refundable application processing fee as set out in Schedule "B" to this By-law (hereinafter referred to as the "Application Processing Fee").
- (b) Based on the information contained in the Application, the Director will determine whether the Consumer is required to obtain the services of a professional engineering consultant to prepare and submit a report to the City as set out in section 11.
- (c) Upon the Director advising the Consumer in writing that the Consumer is required to obtain the services of a professional engineering consultant, the Consumer shall, at its sole expense, and no later than six months from the date of the Director's written notice, submit a report to the City as set out in section 11, which report is either certified by:
- (i) an independent professional engineer licensed in the Province of Ontario; or
 - (ii) an in-house professional engineer licensed in the Province of Ontario and verified through a peer review conducted by an independent professional engineer approved by the City and at the expense of the Consumer.
- (d) Where the Consumer fails to submit the engineering report to the City within the six month period referred to in subsection (c), the Consumer's application will be deemed to

be rejected and the Consumer's Application Processing Fee will be forfeited. Should the Consumer still wish to apply for an Abatement, the Consumer will have to re-apply for the Abatement by submitting a new application and a new Application Processing Fee.

11. Where the Director requires the Consumer to obtain the services of a professional engineering consultant, the report to be submitted, shall, at a minimum, contain the following information with respect to the previous twelve month period:
 - (a) volume of incoming water to the property from all sources including but not limited to private wells and reservoirs, stormwater, and water from a watercourse such as a lake, harbour, stream, river, pond or spring;
 - (b) volume of potable water purchased by the Consumer from the potable water supply;
 - (c) volume of water discharged to a sanitary sewage works that was purchased by the Consumer from the potable water supply;
 - (d) volume of water discharged to a sanitary sewage works that was not purchased by the Consumer from the potable water supply;
 - (e) water consuming processes/products;
 - (f) wastewater volumes diverted from the City's sanitary sewage works;
 - (g) a certification of the water balance for the Consumer's account, which shall cover a minimum period of five calendar days over a minimum of three separate occasions and shall include at least one balance showing seasonal variation, including activities such as shutdowns;
 - (h) sewer flow monitoring (if required by the Director);
 - (i) data on the quality of wastewater discharge to the City's sanitary sewage works, where available;
 - (j) water billings by the City;
 - (k) quantity of products produced by the Consumer;


(l) seasonal variations; and

(m) other related information as required by the Director.

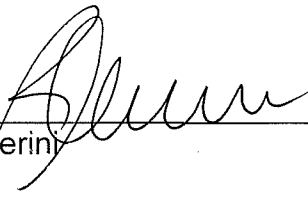
12. No Consumer shall be entitled to an Abatement until such Abatement has been authorized by the Director and the General Manager of Finance and Corporate Services in accordance with this By-law. However, once authorized, subject to sections 16 and 17 of this By-law, the Consumer shall be entitled to an Abatement retroactive from the date the Application was submitted to the City. The Abatement will be credited by the City on the same bill sent to the owner or occupant of lands, or both, for metered or non-metered water, as applicable, under the Waterworks By-law.
14. Section 18 of By-law No. 03-272 is deleted and replaced with the following new section 18:
 18. That the Abatement for authorized Consumers shall be no more than 75% of the calculated wastewater/storm treatment charge for the property for the applicable calendar year.
15. Subsection 22(b) of By-law No. 03-272 is amended by deleting the words "Annual Administrative Fee" that are in brackets in the sixth and seventh lines of the subsection and by substituting therefor the words "Annual Administration Fee".
16. Section 26 of By-law No. 03-272 is amended by deleting the words "except that the Consumer will only have to pay the Supplementary Application Fee and not the Initial Application Processing Fee" from the end of the section.
17. Section 31 of By-law No. 03-272 is deleted and replaced with the following new section 31:
 31. This By-law may be known and referred to as the "Wastewater/Storm Fees and Charges and Wastewater Abatement By-law."
18. Schedule "A" to By-law No. 03-272 is deleted and replaced with the new Schedule "A" attached to this by-law.
19. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.

- 20. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2014 until amended, repealed or replaced.
- 21. This by-law comes into force on January 1, 2014.

PASSED this 11th day of December, 2013.



R. Bratina
Mayor



R. Caterini
Clerk

SCHEDULE "A"

Wastewater/Storm Fees and Charges

I. **Metered Water Customers**

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City's wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.29
16 mm	\$ 0.29
20 mm	\$ 0.29
25 mm	\$ 0.73
38 mm	\$ 1.45
50 mm	\$ 2.32
75 mm	\$ 4.64
100 mm	\$ 7.25
150 mm	\$14.50
200 mm	\$23.20
250 mm	\$33.35
300 mm	\$49.30

Schedule "A" continuedB) Wastewater/Storm Treatment Charge

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential	Multi-Residential, Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.66	1.32
2	>10	1.32	1.32

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$467.60 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$461.62 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$929.22 per annum, plus applicable taxes.

SCHEDULE "B"Wastewater Abatement Program

- | | | | |
|----|-----|--|---|
| 1. | (a) | Application Processing Fee
(Section 10) | \$374.50 plus applicable
taxes and full cost
recovery for peer review, if
required by Director |
| | (b) | Annual Administration Fee (where
annual Abatement exceeds \$500.00
-sub-section 22(b)) | \$573.10 plus applicable
taxes |

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

- A = annual volume (m³) of water supplied to the property from the potable water supply
- B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)
- C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B) or C=actual measured value using sewer flow monitoring if required by the Director
- D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)
- E% = wastewater Abatement in percentage

Step 1: $A - B = C$; or C=actual measured value using sewer flow monitoring if required by the Director

Step 2: $D = C \times 133\%$

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H = wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 7.4, Motion
(FCS15002)
CM: January 21, 2015

Bill No. 028

CITY OF HAMILTON

BY-LAW NO. 15-028

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2015 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the said Act or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the said Act;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 21st day of January, 2015 the Council of the City of Hamilton did approve of Item 8.1 of General Issues Committee Report 15-003 and did authorize the 2015 fees and charges set out herein;

AND WHEREAS notice of the 2015 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351;

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

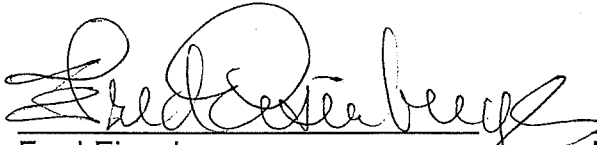
1. Schedule "A" to By-law No. 03-272 is deleted and replaced with the new Schedule "A" attached to this by-law.
2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and
Implement the 2015 Fees and Charges

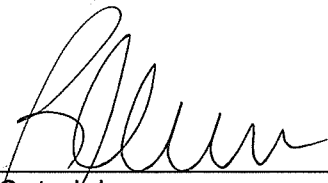
Page 2 of 6

3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2015 until amended, repealed or replaced.
4. This by-law comes into force on January 22, 2015.

PASSED this 21st day of January, 2015.



Fred Eisenberger
Mayor



Rose Caterini
City Clerk

SCHEDULE "A"

Wastewater/Storm Fees and Charges

I. **Metered Water Customers**

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City's wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.30
16 mm	\$ 0.30
20 mm	\$ 0.30
25 mm	\$ 0.75
38 mm	\$ 1.50
50 mm	\$ 2.40
75 mm	\$ 4.80
100 mm	\$ 7.50
150 mm	\$15.00
200 mm	\$24.00
250 mm	\$34.50
300 mm	\$51.00

Schedule "A" continued

B) Wastewater/Storm Treatment Charge

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential	Multi-Residential, Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.71	1.41
2	>10	1.41	1.41

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$499.40 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$472.20 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$971.60 per annum, plus applicable taxes.

SCHEDULE “B”

Wastewater Abatement Program

1. (a) Application Processing Fee (Section 10) \$374.50 plus applicable taxes and full cost recovery for peer review, if required by Director
- (b) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$586.60 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

- A = annual volume (m³) of water supplied to the property from the potable water supply
- B = annual volume of water that was sourced from the potable water supply and diverted from the City’s sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)
- C = annual wastewater discharged to the City’s sanitary sewer and combined sewer system (C = A – B) or C=actual measured value using sewer flow monitoring if required by the Director
- D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)
- E% = wastewater Abatement in percentage

Step 1: A – B = C; or C=actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H = wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 2, General Issues Committee
Report 15-024 (FCS15073)
CM: December 9, 2015

Bill No. 281

CITY OF HAMILTON

BY-LAW NO. 15-281

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2016 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as "The Sanitary Surcharge and Wastewater Abatement By-law";

AND WHEREAS pursuant to sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the said Act or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the said Act;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

AND WHEREAS on the 9th day of December, 2015 the Council of the City of Hamilton did approve of Item 5.2 of General Issues Committee Report 15-024 and did authorize the 2016 fees and charges set out herein;

AND WHEREAS notice of the 2016 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351;

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

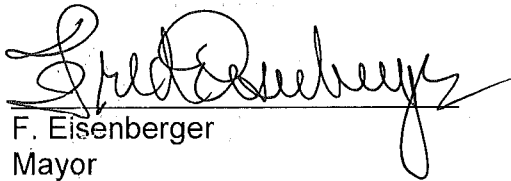
1. Schedule "A" to By-law No. 03-272 is deleted and replaced with the new Schedule "A" attached to this by-law.
2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.

To Amend the Sanitary Surcharge and Wastewater Abatement
By-law No. 03-272 and Implement the 2016 Fees and Charges


(Page 2 of 6)

3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2016 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2016.

PASSED this 9th day of December, 2015.



F. Eisenberger
Mayor



J. Pilon
Acting City Clerk

SCHEDULE "A"

Wastewater/Storm Fees and Charges

I. Metered Water Customers

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City's wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.32
16 mm	\$ 0.32
20 mm	\$ 0.32
25 mm	\$ 0.80
38 mm	\$ 1.60
50 mm	\$ 2.56
75 mm	\$ 5.12
100 mm	\$ 8.00
150 mm	\$16.00
200 mm	\$25.60
250 mm	\$36.80
300 mm	\$54.40

Schedule "A" continued

B) Wastewater/Storm Treatment Charge

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential	Multi-Residential, Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.74	1.48
2	>10	1.48	1.48

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$540.20 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$503.70 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$1,043.90 per annum, plus applicable taxes.

SCHEDULE "B"

Wastewater Abatement Program

1. (a) Application Processing Fee (Section 10) \$374.50 plus applicable taxes and full cost recovery for peer review, if required by Director
- (b) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$578.80 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

- A = annual volume (m³) of water supplied to the property from the potable water supply
- B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)
- C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B) or C=actual measured value using sewer flow monitoring if required by the Director
- D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)
- E% = wastewater Abatement in percentage

Step 1: A – B = C; or C=actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: $E\% = \frac{(A - D)}{A} \times 100$

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H = wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 2, General Issues Committee
Report 16-030 (FCS16079)
CM: December 14, 2016

Bill No. 321

CITY OF HAMILTON

BY-LAW NO. 16-321

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2017 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed and enacted By-law No. 03-272, known and referred to as “The Sanitary Surcharge and Wastewater Abatement By-law”;

AND WHEREAS pursuant to sections 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the said Act or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the said Act;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality’s property, including property under its control;

AND WHEREAS on the 14th day of December, 2016 the Council of the City of Hamilton did approve of Item 2 of General Issues Committee Report 16-030 and did authorize the 2017 fees and charges set out herein;

AND WHEREAS notice of the 2017 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton’s Public Notice Policy By-law No. 07-351;

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

1. Schedule “A” to By-law No. 03-272 is deleted and replaced with the new Schedule “A” attached to this by-law.

To Amend The Sanitary Surcharge and Wastewater Abatement
By-law No. 03-272 and Implement the 2017 Fees and Charges

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2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.
3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2017 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2017.

PASSED this 14th day of December, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

SCHEDULE “A”

Wastewater/Storm Fees and Charges

I. Metered Water Customers

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City’s wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.34
16 mm	\$ 0.34
20 mm	\$ 0.34
25 mm	\$ 0.85
38 mm	\$ 1.70
50 mm	\$ 2.72
75 mm	\$ 5.44
100 mm	\$ 8.50
150 mm	\$17.00
200 mm	\$27.20
250 mm	\$39.10
300 mm	\$57.80

Schedule "A" continued

B) Wastewater/Storm Treatment Charges

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential	Multi-Residential, Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.77	1.54
2	>10	1.54	1.54

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$562.10 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$521.95 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$1,084.05 per annum, plus applicable taxes.

SCHEDULE "B"

Wastewater Abatement Program

1. (a) Application Processing Fee (Section 10) \$374.50 plus applicable taxes and full cost recovery for peer review, if required by Director
- (b) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$583.20 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from the potable water supply

B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A - B) or C = actual measured value using sewer flow monitoring if required by the Director

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A - B = C; or C = actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: E% = $\frac{(A - D)}{A} \times 100$

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H = wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 23, General Issues Committee
Report 16-032 (FSC16092)
CM: December 14, 2016
Wards: City Wide

Bill No. 051

CITY OF HAMILTON

BY-LAW NO. 17-051

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed By-law No. 03-272, known and referred to as “The Sanitary Surcharge and Wastewater Abatement By-law”;

AND WHEREAS on the 14th day of December, 2016, the Council of the City of Hamilton approved Item 23 of General Issues Committee Report 16-032 to amend By-law 03-272 to change from quarterly to monthly billing for all customers of municipal wastewater/storm services.

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

1. Section 9 of By-law 03-272, is amended by deleting the word “bi-monthly,” from the seventh line of the section.
2. Subsection 22(b) of By-law 03-272, is deleted and replaced with the following new subsection 22(b):
 - (b) where the amount of the authorized Abatement to a Consumer in a particular calendar year is calculated to be in excess of five hundred dollars (\$500.00), or the actual Abatement provided to the Consumer in a particular calendar year is in excess of five hundred dollars (\$500.00), the Consumer pays the annual administration fee set forth in Schedule “B” to this By-law (hereinafter referred to as the “Annual Administration Fee”). In such circumstances, the Annual Administration Fee shall be invoiced to and paid by the Consumer in monthly installments on the same bills sent to the Consumer respecting the Abatement credit. However, where it is not known until after the first month of a particular calendar year that the actual Abatement for a Consumer will be in excess of five hundred dollars (\$500.00), the Annual Administration Fee shall be

To Amend the Sanitary Surcharge and Wastewater
Abatement By-law No. 03-272

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invoiced to and paid by the Consumer over the remaining
months in the calendar year; and

3. Section 3, in Schedule "B" to By-law No. 03-272, is amended by deleting the word "quarterly" from the second line of the section and replacing it with the word "monthly".
4. This By-law comes into force on March 30, 2017.

PASSED this 29 day of March, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

Authority: Item 2, General Issues Committee
Report 17-026
CM: December 8, 2017
Ward: City Wide

Bill No. 263

CITY OF HAMILTON

BY-LAW NO. 17-263

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2018 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton enacted By-law No. 03-272, known and referred to as “The Sanitary Surcharge and Wastewater Abatement By-law”;

AND WHEREAS pursuant to sections 8, 9 and 10 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the said Act or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the said Act;

AND WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, sections 9 and 10 of the said Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality’s property, including property under its control;

AND WHEREAS on the 8th day of December, 2017 the Council of the City of Hamilton did approve of Item 2 of General Issues Committee Report 17-026 and did authorize the 2018 fees and charges set out herein;

AND WHEREAS notice of the 2018 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton’s Public Notice Policy By-law No. 07-351;

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

1. Schedule “A” to By-law No. 03-272 is deleted and replaced with the new Schedule “A” attached to this by-law.

2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.
3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2018 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2018.

PASSED this 8th day of December, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

SCHEDULE “A”

Wastewater/Storm Fees and Charges

I. Metered Water Customers

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City’s wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.36
16 mm	\$ 0.36
20 mm	\$ 0.36
25 mm	\$ 0.90
38 mm	\$ 1.80
50 mm	\$ 2.88
75 mm	\$ 5.76
100 mm	\$ 9.00
150 mm	\$18.00
200 mm	\$28.80
250 mm	\$41.40
300 mm	\$61.20

Schedule "A" continued

B) Wastewater/Storm Treatment Charges

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential	Multi-Residential, Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.81	1.61
2	>10	1.61	1.61

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$587.65 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$543.85 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$1,131.50 per annum, plus applicable taxes.

SCHEDULE “B”

Wastewater Abatement Program

1. (a) Application Processing Fee (Section 10) \$374.50 plus applicable taxes and full cost recovery for peer review, if required by Director
- (b) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$693.30 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from the potable water supply

B = annual volume of water that was sourced from the potable water supply and diverted from the City’s sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City’s sanitary sewer and combined sewer system (C = A – B) or C = actual measured value using sewer flow monitoring if required by the Director

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A – B = C; or C = actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: $E\% = \frac{A - D}{A} \times 100$

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m3) of potable water supplied to the property by the City during the previous quarter

G = volume (m3) of water eligible for the Abatement during the previous quarter

H= wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 2, General Issues Committee
Report 18-020 (FCS18087)
CM: December 19, 2018
Ward: City Wide

Bill No. 343

CITY OF HAMILTON

BY-LAW NO. 18-343

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2019 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed By-law No. 03-272, known and referred to as “The Sanitary Surcharge and Wastewater Abatement By-law”;

AND WHEREAS pursuant to sections 8, 9 and 10 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the *Municipal Act 2001* or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the *Municipal Act, 2001*;

AND WHEREAS sections 9, 10 and 391 of the *Municipal Act, 2001*, authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality’s property, including property under its control;

AND WHEREAS on the 19th day of December, 2018 the Council of the City of Hamilton approved Item 2 of General Issues Committee Report 18-020 and authorized the 2019 fees and charges set out herein;

AND WHEREAS notice of the 2019 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton’s Public Notice Policy By-law No. 07-351;

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

1. Schedule “A” to By-law No. 03-272 is deleted and replaced with the new Schedule “A” attached to this by-law.

To Amend the Sanitary Surcharge and Wastewater Abatement
By-law No. 03-272 and Implement the 2019 Fees and Charges

Page 2 of 6

2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.
3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2019 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2019.

PASSED this 19th day of December, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE "A"

Wastewater/Storm Fees and Charges

I. Metered Water Customers

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City's wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.38
16 mm	\$ 0.38
20 mm	\$ 0.38
21 mm	\$ 0.38
25 mm	\$ 0.95
38 mm	\$ 1.90
50 mm	\$ 3.04
75 mm	\$ 6.08
100 mm	\$ 9.50
150 mm	\$19.00
200 mm	\$30.40
250 mm	\$43.70
300 mm	\$64.60

Schedule "A" continued

B) Wastewater/Storm Treatment Charges

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential	Multi-Residential, Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.84	1.68
2	>10	1.68	1.68

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$613.20 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$565.75 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$1,178.95 per annum, plus applicable taxes.

SCHEDULE "B"

Wastewater Abatement Program

1. (a) Application Processing Fee (Section 10) \$374.50 plus applicable taxes and full cost recovery for peer review, if required by Director
- (b) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$712.80 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from the potable water supply

B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B) or C = actual measured value using sewer flow monitoring if required by the Director

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A – B = C; or C = actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: E% = $\frac{A - D}{A} \times 100$

A

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H = wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 2, General Issues Committee
Report 19-025 (FCS19070)
CM: November 27/28, 2019
Ward: City Wide

Bill No. 288

CITY OF HAMILTON

BY-LAW NO. 19-288

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2020 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed By-law No. 03-272, known and referred to as “The Sanitary Surcharge and Wastewater Abatement By-law”;

AND WHEREAS pursuant to sections 8, 9 and 10 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the *Municipal Act 2001* or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the *Municipal Act, 2001*;

AND WHEREAS sections 9, 10 and 391 of the *Municipal Act, 2001*, authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality’s property, including property under its control;

AND WHEREAS on the 27th day of November, 2019 the Council of the City of Hamilton approved Item 2 of General Issues Committee Report 19-025 and authorized the 2020 fees and charges set out herein;

AND WHEREAS notice of the 2020 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton’s Public Notice Policy By-law No. 07-351;

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

1. Schedule “A” to By-law No. 03-272 is deleted and replaced with the new Schedule “A” attached to this by-law.

2. Schedule "B" to By-law No. 03-272 is deleted and replaced with the new Schedule "B" attached to this by-law.
3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2020 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2020.

PASSED this 28th day of November, 2019.

F. Eisenberger
Mayor

A. Holland
City Clerk

SCHEDULE “A”

Wastewater/Storm Fees and Charges

I. Metered Water Customers

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City’s wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.39
16 mm	\$ 0.39
20 mm	\$ 0.39
21 mm	\$ 0.39
25 mm	\$ 0.98
38 mm	\$ 1.95
50 mm	\$ 3.12
75 mm	\$ 6.24
100 mm	\$ 9.75
150 mm	\$19.50
200 mm	\$31.20
250 mm	\$44.85
300 mm	\$66.30

Schedule "A" continued

B) Wastewater/Storm Treatment Charges

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential	Multi-Residential, Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.88	1.75
2	>10	1.75	1.75

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$638.75 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$594.95 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$1,233.70 per annum, plus applicable taxes.

SCHEDULE "B"

Wastewater Abatement Program

1. (a) Application Processing Fee (Section 10) \$374.50 plus applicable taxes and full cost recovery for peer review, if required by Director
- (b) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$745.30 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from the potable water supply

B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B) or C = actual measured value using sewer flow monitoring if required by the Director

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A – B = C; or C = actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: E% = $\frac{A - D}{A} \times 100$

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H = wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$

Authority: Item 2, General Issues Committee
Report 20-020 (FCS20073)
CM: December 16, 2020
Ward: City Wide

Bill No. 256

CITY OF HAMILTON

BY-LAW NO. 20-256

To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2021 Fees and Charges

WHEREAS on September 24, 2003, the Council of the City of Hamilton passed By-law No. 03-272, known and referred to as “The Sanitary Surcharge and Wastewater Abatement By-law”;

AND WHEREAS pursuant to sections 8, 9 and 10 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under the *Municipal Act 2001* or any other Act, and respecting services that the municipality considers necessary or desirable for the public, including the provision of public utilities such as water and sewage, as defined in the *Municipal Act, 2001*;

AND WHEREAS sections 9, 10 and 391 of the *Municipal Act, 2001*, authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of the municipality and for the use of the municipality’s property, including property under its control;

AND WHEREAS on the 25th day of November, 2020 the Council of the City of Hamilton approved Item 2 of General Issues Committee Report 20-020 and authorized the 2021 fees and charges set out herein;

AND WHEREAS notice of the 2021 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton’s Public Notice Policy By-law No. 07-351;

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

1. Schedule “A” to By-law No. 03-272 is deleted and replaced with the new Schedule “A” attached to this by-law.
2. Schedule “B” to By-law No. 03-272 is deleted and replaced with the new Schedule “B” attached to this by-law.

3. The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2021 until amended, repealed or replaced.
4. This by-law comes into force on January 1, 2021.

PASSED this 16th day of December, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

SCHEDULE “A”

Wastewater/Storm Fees and Charges

I. Metered Water Customers

The Wastewater/Storm Fees and Charges consist of a daily wastewater/storm fixed charge and a wastewater/storm treatment charge.

A) Daily Wastewater/Storm Fixed Charge

The daily wastewater/storm fixed charge is not related to the direct costs of consumption and are not dependent upon or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City’s wastewater/storm sewage systems.

Meter Size	Wastewater/Storm Rate
15mm	\$ 0.42
16 mm	\$ 0.42
20 mm	\$ 0.42
21 mm	\$ 0.42
25 mm	\$ 1.05
38 mm	\$ 2.10
50 mm	\$ 3.36
75 mm	\$ 6.72
100 mm	\$10.50
150 mm	\$21.00
200 mm	\$33.60
250 mm	\$48.30
300 mm	\$71.40

Schedule "A" continued

B) Wastewater/Storm Treatment Charges

Wastewater/storm treatment charges are based on metered water consumption and the cost of wastewater collection and treatment, and stormwater management. Charges are on a per cubic meter basis at the rates indicated in the table below. The total monthly wastewater/storm treatment charge is the sum of usage in all blocks at the rate for each block:

		Residential Meter Size <25mm	Residential Meter Size =>25mm and Commercial, Institutional & Industrial
Consumption Block	Monthly Water Consumption (m³)	Rate (\$/m3)	Rate (\$/m3)
1	0-10	0.91	1.82
2	>10	1.82	1.82

II. Non-Metered Water Customers

The non-metered annual wastewater/storm rate is \$664.30 per annum, plus applicable taxes,

Note: The non-metered annual water rate for water supplied by the City of Hamilton is \$620.50 per annum, plus applicable taxes, for a combined total non-metered water and wastewater/storm annual rate of \$1,284.80 per annum, plus applicable taxes.

SCHEDULE "B"

Wastewater Abatement Program

1. (a) Application Processing Fee (Section 10) \$381.99 plus applicable taxes and full cost recovery for peer review, if required by Director
- (b) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$760.21 plus applicable taxes

2. In determining whether a Consumer appears to qualify for an Abatement under section 10 of this By-law, the Abatement shall be calculated in accordance with the following formula, based on data from the calendar year prior to the year of application for the Abatement:

A = annual volume (m³) of water supplied to the property from the potable water supply

B = annual volume of water that was sourced from the potable water supply and diverted from the City's sanitary sewage works (if B is less than 25% of A, the Consumer is not eligible for the Abatement; if B is greater than 75% of A, insert a value equal to 75% of A)

C = annual wastewater discharged to the City's sanitary sewer and combined sewer system (C = A – B) or C = actual measured value using sewer flow monitoring if required by the Director

D = infiltration and inflow add back (D = C x 133%: add back adjustment of 33% to the volumetric charge so that all ratepayers continue to pay an equal portion of the treatment costs associated with inflow and infiltration)

E% = wastewater Abatement in percentage

Step 1: A – B = C; or C = actual measured value using sewer flow monitoring if required by the Director

Step 2: D = C x 133%

Step 3: E% = $\frac{A - D}{A} \times 100$

Schedule "B" continued

3. If an Abatement is authorized for a Consumer in accordance with this By-law, the Abatement will be applied quarterly each year in accordance with the following formula:

F = actual volume (m³) of potable water supplied to the property by the City during the previous quarter

G = volume (m³) of water eligible for the Abatement during the previous quarter

H = wastewater/storm treatment charge (see Schedule "A" to this By-law)

\$I = dollar amount of Abatement for the billing period

Step 4: $F \times E\% = G$

Step 5: $G \times H = \$I$