

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 Sub-section (i) of section 1 of By-law No. 03-272, as amended, is repealed and the following sub-section substituted: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

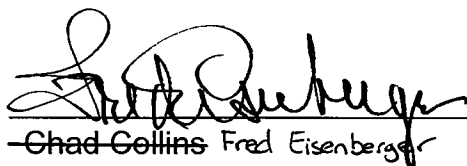
3. All references in By-law No. 03-272, as amended, to the "General Manager of Corporate Services" are amended by striking out each reference and by substituting in each case "General Manager of Finance and Corporate Services".

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