

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-

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.

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 The fees and charges imposed by this by-law continue in force until amended, repealed or replaced (by by-law or by a resolution of the Council of the City of Hamilton confirmed by by-law) and for greater certainty this includes continuing in force after December 31, 2013 until amended, repealed or replaced.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: $G \times H = \$I$