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CM: June 28, 2023 Ward: City Wide

**Bill No. 100**

## **CITY OF HAMILTON**

### **BY-LAW NO. 25-**

#### **A By-law to Provide for the Imposition of a Stormwater Charge**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes the City of Hamilton (the “City”) to 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 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*;

**WHEREAS** subsection 391(1) of the *Municipal Act, 2001* provides that sections 9 and 10 of that Act authorize a municipality to impose 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;

**WHEREAS** subsection 391 (3) of the *Municipal Act, 2001* provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets;

**WHEREAS** the City has constructed and is operating and maintaining a stormwater management system for the benefit of residents and business property owners in the City;

**WHEREAS** the Council of the City of Hamilton deems it necessary and desirable to maintain a dedicated funding option for the long-term sustainability and enhancement of its existing stormwater management system through effective and efficient capital construction, operation and maintenance programs;

**WHEREAS** it is deemed just that the cost of operating, maintaining and upgrading the stormwater management system is paid for by those who benefit from the system;

**WHEREAS** the Council for the City of Hamilton desires to implement a credit program as an incentive for certain property owners to provide on-site stormwater management measures and to recognize existing properties with stormwater management measures already in place;

**WHEREAS** section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with its by-laws, directions, orders and conditions of licences;

**WHEREAS** the Council of the City of Hamilton desires to impose a stormwater charge on property owners; and,

**WHEREAS** in establishing the stormwater charge rate tiers set out in this by-law, the Council of the City of Hamilton has had regard for the amount of impervious area and property sizes and types;

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

## **PART 1 – DEFINITIONS**

1. In this By-law,

“adjustment” means a process by which changes are made to information associated with a given Stormwater Account;

“Applicant” means the owner or authorized agent of the owner, of a property who submits a Request for Reassessment Application or a Stormwater Charge Credit Application on the City approved form, where applicable;

“billing error” means an undercharge or overcharge caused by a gross or manifest error in the preparation of the Water Bill or Stormwater Only Bill that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors;

“Credit Application” means a completed application form and all required supporting documents demonstrating on-site stormwater management measures eligible to receive a Stormwater Charge Credit;

“Credit Program” means the City’s Stormwater Incentive Credit Program that reduces Stormwater Charges for Non-Residential property owners who provide on-site stormwater management measures or to existing properties with stormwater management measures already in place, as detailed in Schedule “B”.

“Council” means the elected Council of the City of Hamilton;

“General Manager of Finance and Corporate Services” means the City’s General Manager of Finance and Corporate Services or their designate;

“General Manager of Public Works” means the City’s General Manager of Public Works or their designate;

“green space” means all land that is not included within the Impervious Area of a property;

“Impervious Area” means the total area of paved or hard surfaces, building rooftops, compacted gravel, disturbed or compacted soil stripped of vegetation and other surfaces on a property which are considered highly resistant to the infiltration of water, increasing stormwater runoff. Impervious area is a result of human action and is typically measured using aerial photography;

“Material Change” means information as part of an approved Stormwater Charge Credit or Stormwater Charge Reassessment application that has changed, was not provided or aware of by the parties at the time and results in a property no longer being in compliance with the approved credit or exemption;

“MPAC” means the Municipal Property Assessment Corporation;

“Multi-residential building” means a building that contains more than one self-contained residential unit;

“Non-residential Property” means a property or portion of a property that contains Industrial, Commercial and Institutional (ICI), Agricultural, mixed-use properties, as well as residential condominiums and Multi-residential buildings with seven or more self-contained units. Property that is not seen to contribute to the Stormwater Management System (i.e. property with zero Impervious Area) is excluded;

“Project Manager, Stormwater Incentive Program” means the City’s Project Manager, Stormwater Incentive Credit Program in the Environmental Monitoring and Enforcement Unit, Compliance and Regulation Services or their designate;

“property” means any real property within the City, including buildings, structures and erections of any nature and kind in or upon such lands;

“property owner” means the registered owner of property or any person, firm or corporation having control over or possession of the property or any portion thereof, including a property manager, mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy, and any occupant, lessee, tenant or any other persons which is served by the municipal stormwater drainage system;

“Residential Property” means a property or a portion of a property on which residential uses are carried on, and which are classified as Residential by the MPAC, but does not include residential condominium buildings or Multi-residential buildings with seven or more self-contained units;

“Request for Reassessment” means the process by which a property owner requests a review of their Stormwater Charge assessment;

“SFU Factor” means the assigned single family unit factor for Residential Property as set out in Table 1 of Schedule “A”;

“Stormwater Account” means the City of Hamilton water and wastewater service customer account to which Water Bills or Stormwater Only Bills are invoiced;

“Stormwater Billing Unit” means the number of billing units assigned to a property as a result of a Stormwater Charge assessment. A single “Stormwater Billing Unit” is equivalent to the average total impervious area (291m<sup>2</sup>) found on detached single residential properties in the City and will be determined up to one decimal place;

“Stormwater Charge” means the City’s stormwater fees and charges in respect of the Stormwater Management System, as listed in Schedule “A” and imposed pursuant to ss. 9 and 10 and Part XII of the *Municipal Act, 2001*;

“Stormwater Charge Credit” means a Stormwater Charge reduction granted to a property owner through an approved Credit Application or automatically applied Green Space Credit;

“Stormwater Charge Subsidy” means a City grant provided to reduce or eliminate the amount of Stormwater Charge payable by a person;

“stormwater drainage system” means the physical infrastructure as part of the overall Stormwater Management System that is designed to manage stormwater flow;

“stormwater management measures” means a technique, practice or control used to manage the quantity and quality of stormwater runoff;

“Stormwater Management Program” means the planning, development, construction, operation, maintenance, renewal and enforcement of by-laws associated with the municipal Stormwater Management System to protect property, infrastructure and the natural environment from erosion, flooding and to improve water quality;

“Stormwater Management System” means the infrastructure or measures used, controlled, maintained or operated by the City to manage stormwater flow and drainage systems and all appurtenances thereto owned, and includes, but is not limited to, storm sewers, catchbasins, storm service connections, drains, pipes, outfalls, overland conveyance systems including road corridors, culverts, channels, ditches, swales, rivers, streams, creeks and watercourses, stormwater

management facilities including landscaping and low impact development features, storage ponds or underground tanks, and oil and grease treatment devices that control quantity or quality of stormwater runoff, pumping stations and all equipment laid within any highway or road allowance, City right-of-way or easement or City property used for the collection, transmission, detention and treatment of stormwater or uncontaminated water;

“Stormwater Only Bill” means the City’s Stormwater Charge as invoiced by the City of Hamilton where water and wastewater services are not provided or instances with multiple property owners or tenants;

“Stormwater Rate” means the base charge for each Stormwater Billing Unit as enacted by Council, from time to time, in the Water and Wastewater/ Storm Fees and Charges By-law, and any successor by-laws thereto;

“Water Bill” means the City’s Stormwater Charge as invoiced by the City of Hamilton’s water and wastewater utility charges and itemized on the same monthly or quarterly invoice.

## **PART TWO - IMPOSITION OF CHARGE**

- 2.1 A Stormwater Charge shall be imposed upon all property owners in the City in accordance with the Stormwater Fee Structure set out in Schedule “A” to this By-law, which is based on the amount of Impervious Area and property sizes and types. Stormwater Charges will be subject to Harmonized Sales Tax (HST) where applicable.
- 2.2 A Stormwater Charge for residential property, or the residential component of properties with both residential and non-residential uses, is calculated by;
- (a) multiplying the number of residential units on a property by the assigned SFU factor for that residential unit, and,
  - (b) then multiplying the figure obtained in (a) by the Stormwater Rate;
- in accordance with the formula set out in Schedule “A” to this By-law. If the property has more than one type of representative property, with different assigned SFU Factors, the calculations in (a) and (b) must be done for each type of representative property and then added together.
- 2.3 A Stormwater Charge for non-residential property, or the non-residential component of property with both residential and non-residential uses is calculated by:
- (a) dividing the total impervious area for that property by 291 m<sup>2</sup> to get the total number of stormwater billing units; and,
  - (b) then multiplying the figure in (a) by the Stormwater Rate;
- in accordance with the formula set out in Schedule “A” to this By-law.
- 2.4 The total Stormwater Charge for any property is the sum of both the residential property Stormwater Charge as calculated in subsection 2.2 and the non-residential property Stormwater Charge as calculated in subsection 2.3 applicable to that property.
- 2.5 The General Manager of Public Works shall be responsible for the administration of this By-law and shall prescribe all forms necessary to implement this By-law and may amend such forms from time to time as the General Manager of Public Works deems necessary.

**PART THREE – CREDITS**

- 3.1 Council hereby establishes the Stormwater Credit Program as set out in Schedule “B” to this By-law.
- 3.2 The Credit Program provides owners of non-residential property with the opportunity to receive a reduction to their Stormwater Charge for efforts at implementing and maintaining stormwater management measures on their property which limit the property’s overall reliance on the City’s Stormwater Management System.
- 3.3. Owners of Non-Residential property may qualify for Stormwater Charge Credits where such property owners can clearly demonstrate to the City that their on-site stormwater management measures effectively control stormwater runoff and contribute in part to the City’s efforts to manage stormwater. Qualifying criteria of the Credit Program are outlined in Schedule “B”.
- 3.4 Notwithstanding a property’s eligibility for a Stormwater Charge Credit, every Non-Residential Property must pay a minimum Stormwater Charge equal to one Stormwater Billing Unit. Therefore, any Stormwater Charge calculated for a property that, once the relevant credit is applied, is less than one Stormwater Billing Unit, will be rounded up to one Stormwater Billing Unit.
- 3.5 For those Stormwater Charge Credits that require application, owners of Non-Residential property must submit a Credit Application in a form approved by the City for qualification and consideration. Credit Applications will be reviewed by, and approved credit amounts will be determined by, the Stormwater Incentives Program Project Manager or their designate in the Public Works Department.
- 3.6 Reductions to Stormwater Charges made as a result of the approval of a Credit Application will be retroactive to the date of receipt of the Credit Application or the date on which the qualified stormwater management measures were implemented into service, as determined by the Environmental Monitoring and Enforcement Unit whichever is later.
- 3.7 Stormwater Charge Credits do not apply to any property, or any portions of a property, that receives a Stormwater Charge Subsidy or is exempt from the imposition of Stormwater Charges.
- 3.8 Stormwater Charge Credits shall be in effect for a period of up to five (5) years or as otherwise specified at the time of credit approval. Credits will expire if not renewed prior to the expiration date of the credit approval.
- 3.9 A credit update application must be submitted to the City no later than three (3) months after any Material Change to a property that may impact an approved credit application. Any late submission of the application may result in a discontinuance of the current credit amount. The City may adjust (increase or decrease) the current credit amount.
- 3.10 A credit renewal application must be submitted to the City no later than three (3) months prior to the expiration date of the credit approval. Any late submission of the application may result in a discontinuance of the current credit amount. The City may adjust (increase or decrease) the current credit amount.
- 3.11 The General Manager of Public Works or their designate shall have delegated authority and is authorized to:
  - (a) approve or reject any application submitted for Stormwater Charge Credit or update or renewal of said credit;

- (b) impose such terms and conditions to any application under this By-law as the General Manager of Public Works or their designate considers appropriate; and,
  - (c) determine and decide any Request for Reassessment under the By-law.
- 3.12 The decision of the General Manager of Public Works made pursuant to section 3.11 shall be final and binding.
- 3.13 The General Manager of Finance and Corporate Services or their designate shall have delegated authority and is authorized to adjust (increase or decrease) the Stormwater Charge on any property, to the extent it is deemed appropriate due to a billing error, and in accordance with the City's Utility & Billing Policy, Schedule A to By-law 24-203.
- 3.14 Notwithstanding any other section of this By-law, the City reserves the right to conduct site inspections and may, at any reasonable time, enter and inspect any property, to review eligibility and may suspend, adjust (increase or decrease) or cancel credits if the approved stormwater management measures on the property no longer meet the performance criteria as documented in the Credit Application or the credit update or renewal application and/or its supporting documentation and/or the terms and conditions for the Stormwater Charge Credit approval, update or renewal.
- 3.15 A Stormwater Charge Credit may be suspended, adjusted (increase or decrease) or cancelled by the City under any of the following circumstances:
- (a) failure of an applicable property owner to make Stormwater Charge payments as invoiced by the City;
  - (b) failure of an applicable property owner to meet the terms and conditions of the credit approval;
  - (c) failure of an applicable property owner to remain in good financial standing with the City;
  - (d) submission of inaccurate or false information by the Applicant;
  - (e) failure of the Applicant to maintain a stormwater management measure as required by the terms and conditions of the credit approval;
  - (f) failure of a stormwater management measure to operate or meet the performance criteria as documented in the Applicant's Credit Application or credit update or renewal application and/or its supporting documentation and/or the terms and conditions for the Stormwater Charge Credit approval, update or renewal; and/or,
  - (g) failure to submit a complete Stormwater Charge Credit update or renewal application within the required timeframe.
- 3.16 An adjustment or cancellation of a Stormwater Charge Credit may be challenged by the Applicant through the Request for Reassessment process outlined in Schedule "C" to this By-law. The decision of the General Manager of Public Works or their designate shall be considered final and binding.

**PART FOUR – SUBSIDIES**

- 4.1 The City is entitled to provide a Stormwater Charge Subsidy by way of a grant made pursuant to section 107 of the *Municipal Act, 2001* to reduce or eliminate the amount of Stormwater Charge payable by Residential Properties.

- 4.2 A Stormwater Charge Subsidy is intended to reimburse property owners for expenditures related to efforts to reduce the flow of stormwater run-off on Residential Property.

**PART FIVE – REASSESSMENTS**

- 5.1 An Applicant will not be required to pay a service fee for any of the following Requests for Reassessment:

Reassessment Type	Category	Explanation
1. Inaccurate Stormwater Charge Assessment	a. Incorrect Category	The property has been incorrectly identified as “Residential Property” or “Non-Residential Property”.
	b. Incorrect Representative Property Classification	For Residential Properties only: The property is or is not in the correct representative size classification.
	c. Inaccurate Impervious Area Assessment	For Non- Residential Properties only: total impervious area assessment is or is not accurate.
2. Incorrect Storm Water Charge Reductions	a. Eligibility for Credit	A property may or may not be eligible to apply for credits.
	b. Amount of Credit	The amount of credit approved for an Applicant’s property is or is not appropriate.

- 5.2 The filing of a Request for Reassessment does not stay the requirement for payment of a Stormwater Charge. Any Stormwater Charge billed during the course of the Review will be due and payable upon the due date specified in any invoice issued by the City of Hamilton or by any other body acting on behalf of the City of Hamilton to any person in connection with a fee or charge imposed by this By-law, and remain subject to the City’s standard collection processes for utility accounts.
- 5.3 Adjustments made as a result of a Request for Reassessment shall take effect in accordance with the following schedule:
  - (a) Adjustments that result from Request for Reassessment will be retroactive to the date of receipt of the Request for Review Application by the Stormwater Charge Program Coordinator.
  - (b) Notwithstanding subsection (1) above, any Adjustment as a result of a credit update application under subsection 3.8 will be retroactive to the date of the subject Material Change as determined by the City. Where the change results in an increased credit, the additional amount will be retroactive up to a maximum period of six (6) months.
- 5.4 An Applicant will be contacted within fifteen (15) business days of the receipt of a Request for Reassessment, subject to the volume of requests received by the City. Project Manager, Stormwater Incentive Program may require further information from the Applicant in order to complete the review.
- 5.5 Stormwater Charge assessments may be revised in either of the following instances:

- (a) an external adjustment arising from an update to the assessment from a Request for Reassessment; or,
  - (b) an internal adjustment whereby the City may revise, modify or amend a Stormwater Charge assessment, legal exemption, or credit. These include:
    - i. Routine geospatial data maintenance resulting from annual update to aerial imagery;
    - ii. Targeted review and update of assessments of properties which are undertaking a redevelopment process through the City's Planning and Economic Development Department;
    - iii. Routine updates to MPAC assessment data; and
    - iv. Audits/inspections of properties receiving credit for on-site stormwater management measures.
- 5.6 Request for Reviews will follow the review process as determined by the General Manager of Public Works as set out in Schedule "C" to this By-law.

### **PART SIX - ADMINISTRATION**

- 6.1 The City of Hamilton is hereby authorized to invoice and collect the City's Stormwater Charges, together with any interest and fees related to such collection.
- 6.3 Payment of all Stormwater Charges imposed by the City under this By-law is due and payable upon the due date specified in any Water Bill or Stormwater Only Bill issued by the City of Hamilton or by any other body acting on behalf of the City of Hamilton. Stormwater Charge Credits under the Credit Program will be processed and reflected on the appropriate bill.
- 6.4 No person shall be entitled to any discounts for the early payment of any Stormwater Charge under this By-law.
- 6.5 Interest on any outstanding accounts shall be applied and calculated at the current City of Hamilton interest charge for late payment and shall be added after the due date for each subsequent Water Bill or Stormwater Only Bill that is issued, with unpaid and carried forward Stormwater Charges.
- 6.6 The City may enforce collection of the Stormwater Charges under this By-law in the same manner as City of Hamilton water and wastewater charges. The City is authorized to write-off uncollectible amounts in accordance with the City's Utility Billing & Collections Policy (under Schedule "A" of City of Hamilton By-law No. 24-203) and standard collection processes for utility accounts.
- 6.7 A Stormwater Charge imposed upon a property owner under this By-law, which shall be deemed to include any interest charges, penalties and all costs of collection, constitutes a debt of the person to the City.
- 6.8 Notwithstanding Section 6.5 of this By-law, all costs, including any interest on such costs, recoverable by the City pursuant to this by-law or otherwise pursuant to the *Municipal Act, 2001*, may be recovered by any lawful means available to the City, and such recovery methods may include pursuant to subsection 398(2) of the *Municipal Act, 2001* and any outstanding monies owed with respect to Stormwater Charges may be added to the tax roll of the property in respect of the money owed and any other any real property in the City registered in the name of the property owner, and shall be collected in the same manner as municipal taxes.
- 6.9 Where the City determines that a stormwater management measure is in a state of disrepair, no longer functions as approved or was never implemented, the

Applicant shall reimburse to the City the entire amount of the credit received in respect of the property since the date that the application was approved, updated, or renewed or since the last inspection by the City, whichever is later. If the credit has been cancelled, the Applicant may not re-apply for a credit for a period of twelve (12) months.

- 6.10 Schedules “A”, “B” and “C” shall form and be an integral part of this By-law.
- 6.11 Should any part of this by-law, including any part of Schedule “A” or Schedule “B” or Schedule “C”, be determined by a court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the by-law, shall be severable and that the remainder of this by-law, including the remainder of Schedules “A” and “B” and “C”, as applicable, shall continue to operate and to be in force and effect.
- 6.12 Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of this By-law otherwise requires.
- 6.13 Any decision or determination required to be made by the City or any official of the City under this By-law shall b made in the sole and absolute discretion of the City or the City official.
- 6.14 This By-law shall be known as the “Stormwater Fees and Charges By-law”.
- 6.15 This By-law comes into force on April 1, 2026.

**PASSED** this 7th day of May, 2025.

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A. Horwath  
Mayor

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M. Trennum  
City Clerk

**SCHEDULE A  
STORMWATER FEE STRUCTURE**

**Stormwater Charge Formula for Residential Property:**

$$Rsc = Ru \times Sfu \times Sr$$

Where:

*Rsc* = residential Stormwater Charge

*Ru* = number of residential units of the same representative property type on property

*Sfu* = assigned SFU factor for the residential property as set out in Table 1

*Sr* = Stormwater Rate

**Table 1**

<b>SFU Factor</b>	
<b>Representative Property (Residential Only)</b>	<b>Assigned SFU Factor (per residential unit)</b>
Single Family Detached	1.0
Link Home	1.0
Condo- Standard- Detached	1.0
Semi-Detached	0.5
Townhouse (Freehold)	0.5
Condo- Standard- Townhouse	0.5
Duplex	0.5
Triplex	0.3
Fourplex	0.3
Fiveplex	0.3
Sixplex	0.3

**Stormwater Charge Formula for Non-Residential Property:**

$$Nsc = Sbu \times Sr$$

$$Sbu = \left( \frac{Ia}{291 \text{ m}^2} \right)$$

Where:

*Nsc* = Non-residential stormwater charge

*Sbu* = Total number of Stormwater Billing Units per property

*Ia* = Total Impervious Area for the property (m<sup>2</sup>)

*Sr* = Stormwater Rate

Non-residential property is assessed based on stormwater billing units. A billing unit represents the average impervious area, including roofs and non-permeable driveways and patios, on a single family detached residential property (approximately 291.0 m<sup>2</sup>) being designated as one stormwater billing unit. To calculate the total stormwater charge of non-residential property, the total impervious area for the property is divided by 291.0 m<sup>2</sup> to give the total number of stormwater billing units. The number of stormwater billing units of the property is then multiplied by the Stormwater Rate. Non-residential property with less than 85 m<sup>2</sup> of Impervious Area will not be charged a Stormwater Charge.

**SCHEDULE B  
NON-RESIDENTIAL STORMWATER CREDIT PROGRAM**

The Stormwater Incentive Credit Program has been designed to provide a Stormwater Charge reduction to owners of Non-Residential Property whose stormwater management measures provide a benefit to the City’s Stormwater Management System and/or Program objectives.

The Credit Program consists of three streams for non-residential property. Property owners will only be eligible for one stream of the program such that stacking of credit streams is not permitted.

The three streams are as follows:

**1. Green Space Credit**

Eligible properties do not apply for the Green Space Credit. The Credit will be automatically applied to any Non-Residential Property that meets all the following criteria:

- a. The property does not have a direct discharge connection to the City’s stormwater drainage system, which includes sewers, ditches and watercourses;
- b. All runoff from the property’s impervious area drains to green space; and,
- c. More than 40 percent of the property must be covered by green space.

The Green Space Credit will be applied based on the following formula:

$$Gsc (\%) = 1 - \left[ \left( \frac{Gsr}{Dpr} \right) \left( \frac{Pip}{60\%} \right) \right]$$

Where:

*Gsc* = Green Space Credit (percentage)

*Gsr* = Run off coefficient of green space (0.1)

*Dpr*= Run off coefficient of average single family detached property (0.6)

*Pip* = Percentage of Impervious Area of property

60%= Average percentage of Impervious Area of single family detached property

**2. Harbourfront Stormwater Credit**

Non-Residential Property that can demonstrate the use of private pipelines, channels, or other flow routes to discharge stormwater runoff directly to the Hamilton Harbour and/or Lake Ontario and not through City infrastructure (which includes ditches, sewers and watercourses) may be eligible for the Harbourfront Stormwater Credit.

This credit potentially reduces base stormwater charges by up to 90% for Non-Residential Property. The subject property must have an Environmental Compliance Approval issued by the Ministry of the Environment Conservation and Parks or an approval from the higher level of Government to discharge such stormwater into Hamilton Harbour and/or Lake Ontario.

The total amount of the Harbourfront Stormwater Credit is calculated by multiplying the percentage of the property’s stormwater that can be demonstrated to discharge into Hamilton Harbour and/or Lake Ontario by 90 percent, as per the formula outlined below:

$$Hsc (\%) = 90\% \times Psw$$

Where:

*Hsc* = Harbourfront Stormwater Credit percentage

$P_{sw}$  = Percentage of property's stormwater that discharges into Hamilton Harbour/  
Lake Ontario

Property owners must apply for the Harbourfront Stormwater Credit. To qualify for the Credit, Applicants will be required to provide the City with:

- A completed application form;
- A copy of the Ministry of the Environment, Conservation and Parks approval, where applicable;
- Drawings showing the on-site storm sewer system, location of discharge to the Harbour/ Lake, property catchments, and the amount of property that drains to the Harbour/Lake; and,
- Calculations that show the percentage of impervious area that drains directly to the Harbour/ Lake.

### 3. Stormwater Infrastructure Credit

Property owners who do not qualify for the automatic Green Space credit or the Harbourfront Stormwater Credit may apply for the Stormwater Infrastructure Credit. This stream takes into consideration properties that operate infrastructure or implement processes that reduce the quantity or improve the quality of stormwater that runs off their property.

The Stormwater Infrastructure Credit can reduce base Stormwater Charges by up to 50% for Non-residential Property that demonstrate the existence and operation of infrastructure or processes that reduce the quantity or improve the quality of stormwater that runs off the property. Applicants must demonstrate that they have implemented and maintained eligible stormwater management measures, and that measures remain in place and are reviewed/improved when necessary.

The eligibility criteria and associated credit are summarized below in Table 1.

**Table 1**

Stormwater Objective	Maximum Credit Amount (Max. 50%)	Eligibility Criteria	Example Measures
<b>Slow it down</b> (Peak Flow Reduction)	40%	Percent reduction of the 100-year storm post-development flow to pre-development conditions of the site.	Detention ponds, cisterns
<b>Clean it up</b> (Water Quality Treatment)	25%	Remove ammonia, sediment, and phosphorus. Remove 60% to 70% sediment (based on receiving waters).	Oil-grit separators, treatment facilities
<b>Soak it up</b> (Runoff Volume Reduction)	40%	Percent capture of first 28 mm of rainfall during a single rainfall event.	Infiltration facilities/rain gardens, re-use facilities, pervious pavers
<b>Prevent it first</b> (Prevention Measures)	15%	Develop and implement a pollution prevention plan.	Salt management plan, pesticide/manure management, sweeping, spill response plan, public education etc.

**SCHEDULE C  
REQUEST FOR REASSESSMENT OUTLINE**

Review Type		Review Mechanism	Decision Making Authority	
			Level 1 Review	Level 2 Review
1. Inaccurate Stormwater Charge Assessment	A. Incorrect Category (Residential or Non-Residential)	A property owner must file a Stormwater Fee Reassessment Form	<p>The outcome of all Reviews will first be decided by the Project Manager, Stormwater Incentive Program</p> <p>Decision may require further information from the property owner and/or consultation with staff in other divisions.</p> <p>Property owners who are unsatisfied may appeal the decision, where applicable, as indicated in the next column (Level 2 Review).</p>	Not Applicable
	B. Incorrect Representative Property Classification (Residential Only)			
	C. Inaccurate Impervious Area Assessment (Non-Residential Only)			
2. Incorrect Stormwater Charge Reductions	A. Eligibility for Credit	A property owner must contact StormwaterIncentives@hamilton.ca for more information about the program and may be referred to the Project Manager, Stormwater Incentive Program		General Manager of Public Works or designate(s)
	B. Amount of Credit			