

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;

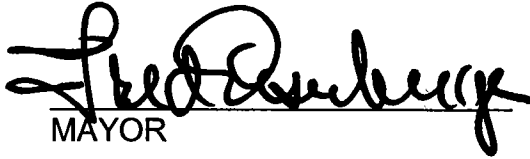
AND WHEREAS notice of the 2009 fees and charges set out herein has been given in accordance with the provisions of the City of Hamilton's Public Notice Policy By-law No. 07-351.

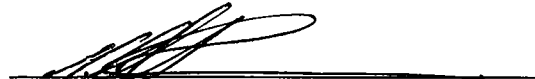
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

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 Schedule "B" to By-law No. 03-272, as amended, is repealed and Schedule "B" attached to this by-law is substituted therefor.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: $H \times I = \$J$