

**Authority:** Item 8.2(i)(f), Audit, Finance and Administration Committee Minutes 25-011  
(FCS21082(i)) CM: October 8, 2025 Ward: City Wide  
Written approval for this by-law was given by Mayoral Decision MDE-2025-21  
Dated December 10, 2025

**Bill No. 220**

## **CITY OF HAMILTON**

### **BY-LAW NO. 25-220**

#### **To Amend By-law No. 25-100 A By-law to Provide for the Imposition of a Stormwater Charge**

**WHEREAS** Council enacted a By-law to Provide for the Imposition of a Stormwater Charge, May 7, 2025;

**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:

1. That Section 6.15 of By-law 25-100 be amended by updating the implementation date.

6.15 This By-law comes into force on July 1, 2026.

2. In all other respects, By-law No. 25-100 is confirmed

**PASSED** this 10<sup>th</sup> day of December, 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:**

$R_{sc} = R_u \times S_{fu} \times S_r$

Where:  
 $R_{sc}$  = residential Stormwater Charge  
 $R_u$  = number of residential units of the same representative property type on property  
 $S_{fu}$  = assigned SFU factor for the residential property as set out in Table 1  
 $S_r$  = Stormwater Rate

**Table 1**

SFU Factor	
Representative Property (Residential Only)	Assigned SFU Factor (per residential unit)
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:**

$N_{sc} = S_{bu} \times S_r$

$S_{bu} = \left( \frac{I_a}{291\text{ m}^2} \right)$

Where:  
 $N_{sc}$  = Non-residential stormwater charge  
 $S_{bu}$  = Total number of Stormwater Billing Units per property  
 $I_a$  = Total Impervious Area for the property (m<sup>2</sup>)  
 $S_r$  = 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	The outcome of all Reviews will first be decided by the Project Manager, Stormwater Incentive Program  Decision may require further information from the property owner and/or consultation with staff in other divisions.  Property owners who are unsatisfied may appeal the decision, where applicable, as indicated in the next column (Level 2 Review).	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			