

Authority: Item 9, Audit and Administration
Committee Report; 07- 012
CM: October 24, 2007

Item 11, Audit and Administration
Committee Report 07-015
CM: December 12, 2007

Bill No. 087

CITY OF HAMILTON

BY-LAW NO. 08-087

To Amend The City of Hamilton Waterworks By-law R84-026, as amended.

WHEREAS on March 20, 1984, the Council of The Regional Municipality of Hamilton-Wentworth passed and enacted Regional By-law R84-026, being a by-law respecting the management and maintenance of the waterworks system of The Regional Municipality of Hamilton-Wentworth and the establishment of water rates and charges;

AND WHEREAS pursuant to the *City of Hamilton Act, 1999*, S.O. 1999, c. 14, Schedule "C", The Regional Municipality of Hamilton-Wentworth was dissolved on January 1, 2001 and the City of Hamilton stands in the place of The Regional Municipality of Hamilton-Wentworth for all purposes;

AND WHEREAS pursuant to the *City of Hamilton Act, 1999*, S.O. 1999, c. 14, Schedule "C", every by-law of an old municipality, such as the former Regional Municipality of Hamilton-Wentworth, that is in force on December 31, 2000 shall be deemed to be a by-law of the City of Hamilton until it expires or is repealed or amended to provide otherwise;

AND WHEREAS on the 24th day of October, 2007, the Council of the City of Hamilton did approve of Item 9 of Audit and Administration Committee Report 07-012 and did thereby approve the revised Water and Wastewater Arrears Policy and the amendment of By-law R84-026, as amended, to reflect the City's current water account collection practices;

AND WHEREAS on the 12th day of December, 2007, the Council of the City of Hamilton did approve of Item 11 of Audit and Administration Committee Report 07- 015 and did thereby approve the Water Leak Adjustment Policy and the amendment of By-law R84-026, as amended, to implement such policy.

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

1. Section 1 of By-law R84-026, as amended, is further amended by adding the following new sub-section (c.1) immediately after sub-section 1(c):
 - (c.1) "City of Hamilton Water and Wastewater Arrears Policy" means the policy approved by the Council of the City of Hamilton at its meeting of October 24, 2007 as Item 9(a) of Audit and Administration Committee Report 07-012, 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.

2. Section 1 of By-law R84-026, as amended, is further amended by adding the following new sub-section (c.2) immediately after sub-section 1(c.1):
 - (c.2) "City of Hamilton Water Leak Adjustment Policy" means the policy approved by the Council of the City of Hamilton at its meeting of December 12, 2007 as Item 11(a) of Audit and Administration Committee Report 07-015, 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.

3. Section 12 of By-law R84-026, as amended, is further amended by adding the following new sub-section (13):
 - (13) The Owner or Occupant of the lands to which water is supplied by the City of Hamilton shall immediately report to the City of Hamilton any leaks that develop at the water meter or its couplings. Where a leak has developed, the City of Hamilton Water Leak Adjustment Policy may apply to provide adjustments to fees and charges paid or payable for metered and non-metered rate accounts in the circumstances specified in the policy.

4. Sub-sections 13(4), (5), (6) and (7) of By-law R84-026, as amended, are repealed and the following new sub-sections (4), (5), (6), (7) and (8) substituted:

Water and Wastewater Arrears Policy

- (4) The City of Hamilton Water and Wastewater Arrears Policy will apply to the collection of fees and charges for unpaid metered and non-metered rate accounts.

When Meter Does Not Record Properly or Cannot Be Read

- (5) In the event of a water meter failing to record properly, or where the meter-reader is unable to obtain a reading, the person or persons liable to pay the meter rates are liable to pay the same for an amount of water estimated on the basis of a corresponding period in the immediately previous year, or, where the water user did not

occupy the same premises for the same period during the corresponding period in the previous year, then on the basis of a similar period in the current year, or where that is not applicable then the water user is liable for the applicable minimum charge set forth in Schedule "G" to this By-law.

Debt

- (6) All fees and charges for unpaid metered and non-metered rate accounts imposed by this By-law on a person are a debt due to the City of Hamilton and the City of Hamilton may take such action as it considers necessary and as permitted by law to collect the debt.

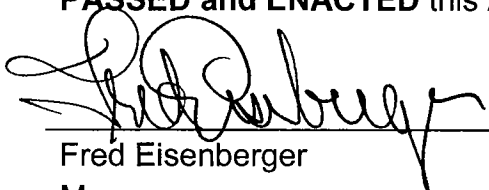
Collected in Same Manner as Municipal Taxes

- (7) Where all or part of a fee or charge for a metered or non-metered rate account imposed by this By-law for the supply of water remains unpaid, such amount may be added to the tax roll for the property to which the water was supplied, and collected in the same manner as municipal taxes.

Shutting Off Water

- (8) Without limiting the provisions of sub-sections 13(6) and (7) above, the City of Hamilton may shut off the supply of water to a property if the fees or charges payable by the Owners or Occupants of the property for the supply of the water to the property are overdue. The fees for turning off the water and turning on the water, as set out in Schedule "E" to this By-law, must also be paid to the City before the water will be turned on again.
5. Sections 1 and 4 of this by-law shall be deemed to have come into force as of the 24th day of October, 2007.
 6. Sections 2 and 3 of this by-law shall be deemed to have come into force as of the 12th day of December, 2007.
 7. In all other respects, the contents of By-law R84-026, as amended, are hereby confirmed as unchanged.

PASSED and ENACTED this 23rd day of April, 2008.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk