

**Authority:** Item 3, Committee of the Whole  
Report 09-034 (FCS09102/PW09100)  
CM: December 9, 2009 and  
Item 11, Audit and Administration  
Committee Report 09-012 ((FCS09058)  
CM: September 9, 2009

**Bill No. 261**

## **CITY OF HAMILTON**

### **BY-LAW NO. 09- 261**

#### **To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2010 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 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 9th day of December, 2009 the Council of the City of Hamilton did approve of Item 3 of Committee of the Whole Report 09-034 and did authorize the 2010 water and wastewater fees and charges, including the fees and charges set out herein;

**AND WHEREAS** notice of the 2010 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;

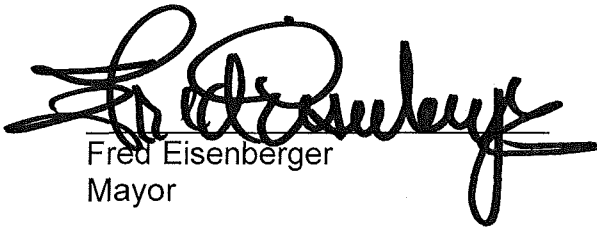
**AND WHEREAS** on the 16<sup>th</sup> day of September, 2009, the Council of the City of Hamilton did approve of Item 11 of Audit and Administration Committee Report 09-012 and did approve the Wastewater Abatement Program amendment described herein.

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


1. Sub-section 1(f) of By-law No. 03-272, as amended, is repealed and the following substituted:

- (f) "Commercial" means of or pertaining to retail and wholesale sales of food grown on a farm, manufactured goods and/or services;"
2. Schedule "B" to By-law No. 03-272, as amended, is repealed and Schedule "B" attached to this by-law is substituted therefor.
  3. This by-law comes into force on January 1, 2010, except that section 1 shall be deemed to have come into force on September 16, 2009.
  4. In all other respects, the contents of By-law No. 03-272, as amended, are hereby confirmed as unchanged.

**PASSED and ENACTED** this 9<sup>th</sup> day of December, 2009.



Fred Eisenberger  
Mayor



Rose Caterini  
Acting City Clerk

**SCHEDULE "B"**Wastewater Abatement Program

1.
  - (a) Initial Application Processing Fee (Section 10) \$114.78 plus applicable taxes
  - (b) Supplementary Application Fee (Section 11) \$344.15 plus applicable taxes and full cost recovery for peer review
  - (c) Annual Administration Fee (where annual Abatement exceeds \$500.00 -sub-section 22(b)) \$458.92 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 (m<sup>3</sup>) 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 (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 (m<sup>3</sup>) of water supplied to the property by the City during the previous quarter

H = volume (m<sup>3</sup>) of water eligible for the Abatement during the previous quarter

I = Sanitary Surcharge (for 2010 is \$1.0802 per cubic meter of water)

\$J = dollar amount of Abatement for the billing period

Step 5:  $G \times F\% = H$

Step 6:  $H \times I = \$J$