CITY OF HAMILTON

BY-LAW NO. 05-376

To Amend the Sanitary Surcharge and Wastewater
Abatement By-law 03-272, as amended, and Implement the 2006
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, a municipality may pass by-laws imposing 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:

AND WHEREAS on the 14th day of December, 2005, the Council of the City of Hamilton did approve of Item 1 of Committee of the Whole Report 05-026 and did authorize the 2006 water and wastewater user fees and charges, including the fees and charges set out herein;
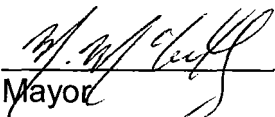
AND WHEREAS notice of the 2006 fees and charges set out herein has been given in a form and in the manner and at the times that the Council considers adequate and otherwise in accordance with the provisions of the said Municipal Act, 2001;

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

1. That Schedule "B" to By-law No. 03-272, as amended, is hereby repealed and that Schedule "B" attached to this by-law be substituted therefor.

2. That this by-law shall come into force and take effect as of January 1, 2006.

3.   In all other respects, the contents of By-law 03-272, as amended, including but not limited to all other fees and charges therein, are hereby confirmed as unchanged for 2006.

PASSED AND ENACTED this 14th day of December, 2005.

_____   _____
Mayor   City Clerk

SCHEDULE "B"

astewater Abatement Frogram

1. (a) Initial Application Processing Fee $104.55 plus applicable
            (Section 10)   taxes

    (b) Supplementary Application Fee $313.65 plus applicable
            (Section 11)   taxes and Full Cost
                                                                         Recovery for peer review

    (c) Annual Administration Fee (where $418.20 plus applicable
            annual Abatement exceeds $500.00   taxes
            -sub-section 22(b))

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^3) 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 x 133%
    Step 3:   E% = $\frac{(A - D)}{A}$ x 100

    Step 4:   F% = E% x 33.3% (phase-in for 2003)
                    F% = E% x 66.6% (phase-in for 2004)
                    F% = E% x 100% (phase-in for 2005)

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 2003 is $0.669 per cubic meter of water; for 2004 is $0.733 per cubic meter of water; for 2005 is $0.792 per cubic meter of water; and for 2006 is $0.851 per cubic meter of water)

$J = Dollar Amount *of* Abatement for the billing period

Step 5:   G x F% = H
Step 6:   H x I = $J