

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. 086

CITY OF HAMILTON

BY-LAW NO. 08-086

To Amend The Sanitary Surcharge and Wastewater Abatement By-law 03-272, as amended.

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 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 The Sanitary Surcharge and Wastewater Abatement By-law, as amended, to reflect the City's current wastewater 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 The Sanitary Surcharge and Wastewater Abatement By-law, as amended, to implement such policy

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

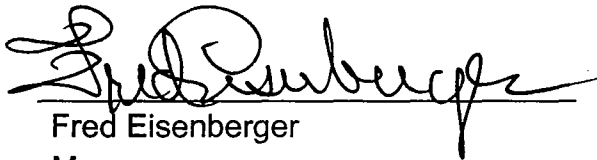
1. Section 1 of By-law No. 03-272, as amended, is further amended by adding the following new sub-section (d.1) immediately after sub-section 1(d):
 - (d.1) "City of Hamilton Water and Wastewater Arrears Policy" means the policy approved by the Council of the City of Hamilton at its meeting of October 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 No. 03-272, as amended, is further amended by adding the following new sub-section (d.2) immediately after sub-section 1(d.1):
 - (d.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 5 of By-law No. 03-272, as amended, is further amended by adding the following new sub-section 5(d) immediately after sub-section 5(c):
 - (d) The owner or occupant of lands who are connected to the sanitary sewage systems of the City 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 any Sanitary Surcharge paid or payable in the circumstances specified in the policy.
4. Section 7 of By-law No. 03-272, as amended, is repealed and the following new section 7 substituted:
 7. The City of Hamilton Water and Wastewater Arrears Policy will apply to the collection of unpaid fees and charges consisting of the Sanitary Surcharge.
5. Section 8 of By-law No. 03-272, as amended, is repealed and the following new section 8 substituted:
 8. Where an account for the Sanitary Surcharge based on metered or non-metered water rates remains unpaid, the following provisions apply:
 - (a) The unpaid Sanitary Surcharge imposed by this By-law on a person is 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.

- (b) Such unpaid amount may be added to the tax roll for the property to which the City's sewage system is connected, and collected in the same manner as municipal taxes.
 - (c) Without limiting the provisions of sub-sections 8(a) and (b) 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 in respect of the Sanitary Surcharge are overdue. The fees for turning off the water and turning on the water, as set out in Schedule "E" to the Waterworks By-law, must also be paid to the City before the water will be turned on again.
6. Sections 1, 4 and 5 of this by-law shall be deemed to have come into force as of the 24th day of October, 2007.
7. Sections 2 and 3 of this by-law shall be deemed to have come into force as of the 12th day of December, 2007.
8. In all other respects, the contents of By-law 03-272, as amended, are hereby confirmed as unchanged.

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


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk