

**Authority:** Item 9, Audit and Administration  
Committee Report 09-008  
CM: May 13, 2009

**Bill No. 154**

## **CITY OF HAMILTON**

### **BY-LAW NO. 09-154**

#### **To Amend the Waterworks By-law R84-026, as amended, And Implement the Consecutive Estimated Accounts Policy**

**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that is in force on December 31, 2000 shall be deemed to be a by-law of the City of Hamilton until it expires or is repealed or amended to provide otherwise;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 13<sup>th</sup> day of May, 2009, the Council of the City of Hamilton did approve of Item 9 of Audit and Administration Committee Report 09-008 and did approve the Consecutive Estimated Accounts Policy described therein;

**AND WHEREAS** it is necessary to amend By-law R84-026 to implement the said Consecutive Estimated Accounts 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.3) immediately after sub-section 1(c.2):
  - (c.3) "City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy" means the policy approved by the Council of the City of Hamilton at its meeting of May 13, 2009 as Item 9 of the Audit and Administration Committee Report 09-008, as amended or re-enacted

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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. Sub-sections 12(11) and (12) of By-law R84-026, as amended, are repealed and the following new sub-sections (11) and (12) substituted:
  - (11) Where the Owner or Occupant of the lands with an existing water meter refuses to permit the installation of a remote reading device by the City, the Owner or the Occupant of the lands shall pay for the estimated amounts of water supplied to the property based on metered or non-metered rates as set out in the City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy, until such time as a remote reading device is installed by the City. Should the General Manager of Finance and Corporate Services, or any other body acting on behalf of the General Manager of Finance and Corporate Services under an agreement with the City of Hamilton, subsequently receive the water meter data on the amount of water actually supplied to the property by the City of Hamilton, the amount billed to such person or persons will be subsequently adjusted to reflect the actual amount of water supplied to the property, where such actual amount is greater than the estimated amounts invoiced, and the person or persons shall be liable for the resulting adjusted water rate.
  - (12) Where,
    - (a) the Owner or Occupant of the lands with an existing water meter refuses to allow access by the City of Hamilton to the water meter or water meter equipment, including but not limited to the remote reading device, for inspection or servicing; or
    - (b) the City of Hamilton is otherwise unable to access the water meter or water meter equipment, including but not limited to the removed reading device, and obtain water meter data on the amount of water actually supplied to the property,the Owner or the Occupant of the lands shall pay for the estimated amounts of water supplied to the property based on metered or non-metered rates as set out in the City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy until such time as the City of Hamilton is able to obtain the water meter data on the amount of water actually supplied to the property. Should the General Manager of Finance and Corporate Services , or any other body acting on behalf of the General Manager of Finance and Corporate Services under an agreement with the City of Hamilton, subsequently receive the water meter data on the amount of water actually supplied to the property by the City, the amount billed to such person or persons will be subsequently adjusted to reflect the actual amount of water supplied to the property, where such actual amount is greater than the estimated

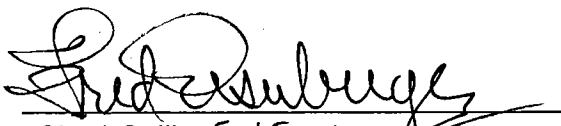
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amounts invoiced, and the person or persons shall be liable for the resulting adjusted water rate.

3. Sub-section 13(5) of By-law R84-026, as amended, is repealed and the following substituted:
  - (5) In the event of a water meter failing to record properly, the person or persons liable to pay the metered water rates are liable to pay the same for an amount of water estimated on the basis of a corresponding period in the immediately preceding 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. Should the General Manager of Finance and Corporate Services , or any other body acting on behalf of the General Manager of Finance and Corporate Services under an agreement with the City of Hamilton, subsequently receive the water meter data on the amount of water actually supplied to the property by the City, the amount billed to such person or persons will be subsequently adjusted to reflect the actual amount of water supplied to the property, where such actual amount is greater than the estimated amounts invoiced, and the person or persons shall be liable for the resulting adjusted water rate.
4. This by-law shall come into force on the day it is passed.
5. In all other respects, the contents of By-law R84-026, as amended, are hereby confirmed as unchanged.

**PASSED AND ENACTED** this 9<sup>th</sup> day of July, 2009.

  
~~Chad Collins~~ Fred Eisenberger  
Acting Mayor

  
Kevin C. Christenson  
City Clerk