

Bill No.  
2012

By-law No. WM-15-amend

A by-law to amend By-law WM-15 entitled "A by-law for imposing a sewer system charge"

WHEREAS subsection 5(3) of the *Municipal Act 2001* S.O. 2001, c.25, as amended provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of the Corporation of the City of London enacts as follows:

1. Section 4. (4) 1. of By-law WM-15 is amended as follows:

"C = the rate expressed in terms of dollars and fractions thereof per cubic metre of water in Table 1, for the appropriate classification for the subject year."

2. By-law WM-15 is amended by deleting Section 4 (5) and replacing it with the following paragraph:

"(5) Despite anything in this section to the contrary, if the quantity of sewage flowing from the land to a municipal sanitary sewer system:

(a) exceeds the quantity of water supplied by the City to the land; or,

(b) in the case of land in the industrial sewer rate classification that has qualified for the Sanitary Sewer Charge Rebate, is less than the quantity of water supplied by the City to the land; then,

the amount payable in respect of the Sanitary Sewer Charge shall be calculated using the following formula:

$$J = K \times L$$

Where:

J = the amount payable in respect of Sanitary Sewer Charge;

K = the number of cubic metres of sewage flowing from the land (as determined by a measuring procedure approved by the City) during the subject year; and,

L = the dividend resulting from dividing the rate (expressed in terms of dollars and fractions thereof per cubic metre of water) in Table 1 for the appropriate classification for the subject year by 0.85.

(c) The costs of any construction, installation of equipment and materials required to implement a measuring procedure to measure/calculate sewage flow volumes shall be borne by the owner of the land.

(d) Annual reporting requirements for the land shall be established within the measuring procedure approved by the City. The annual report shall generally include but not be limited to water consumption, measured/calculated sewage flows, and the measuring procedure used.

(e) Additional charges or credits shall be calculated based on the annual reports of monitored sanitary sewer flows and shall be calculated by the formula identified in this subsection. These charges or credits shall be issued by the City's Finance Department or designate.

- (f) The City or designate may audit the procedure and records that are kept to measure and calculate sewage flow volumes without notice.
- (g) Where the owner of the land fails to maintain the approved measurement procedure for the calculation of sewage flow volumes:
  - i) The City may establish a suitable monitoring procedure and invoice the charges for time and materials associated with calculating annual sanitary sewage flow to the land; or,
  - ii) The grant of the rebate identified in Section 8 may be terminated in writing by the City Engineer or designate. In this case, rebates for sanitary sewer charges based on flow differential shall cease, and the owner of the land shall be billed for sanitary sewer charges according to normal billing procedures.”

3. Subsection 6(2) of By-law WM-15 is amended by deleting it in its entirety and replacing it with the new subsection 6 (2):

- “(2) Notwithstanding subsection (1), no Sanitary Sewer Charge imposed under this by-law is payable in respect of land if the land is not connected to a municipal sanitary sewer system.”

4. By-law WM-15 is amended by adding the following Subsection 6 (4):

- “(4) Further to subsections (2) and (3), the following procedure shall apply to determine if the Sewer System Charge shall be imposed:
  - (a) The owner of the land shall contact the Company’s customer service department or the City’s Water or Wastewater and Drainage Engineering division with the address of the land;
  - (b) The City shall assess the status of the land against the criteria identified in subsections (2) and (3);
  - (c) Where the City determines that a Sewer System Charge should not be imposed, the land shall become exempted from further Sewer System Charges until there is a change to the status of the land or a change in City policy.”

5. By-law WM-15 is amended by adding the following section:

**“SANITARY SEWER CHARGE REBATE FOR INDUSTRIAL LANDS**

8. (1) In this section, “flow differential” means the difference between the volume of water supplied by the municipal distribution system and other water supply systems, and the volume discharged to the sanitary sewer or the volume of consumed municipal water that is not discharged to the sanitary sewer.

(2) Applications for a Sanitary Sewer Charge rebate shall only be considered for land within the industrial sewer rate classification where the owner of the land can demonstrate a minimum flow differential exceeding 85% of water consumption.

(3) Water from the municipal water supply system consumed for the following uses shall not be eligible for rebates:

- (a) Lawn or garden irrigation;
- (b) Filling swimming pools, hot tubs, or fountains;
- (c) Once through cooling water;
- (d) Plumbing problems; or,
- (e) Other uses not listed above as determined by the City Engineer.

- (4) An application for the Sanitary Sewer Charge Rebate shall be made to the City Engineer in writing. The Application shall include but not be limited to the following:
  - (a) contact name(s) of employee or representative, the "Applicant";
  - (b) the number of water meters supplying water and the water account number(s), a listing of other water supplies and an estimate of volume consumed from these sources;
  - (c) A description of the basis of the application for sanitary sewer charge rebate;
  - (d) Water consumption information for a period of at least one year;
  - (e) Estimation, calculation or measurement of flow differential for same period of time; and,
  - (f) Proposed methods for measurement/calculation of sewage flow volume.
- (5) The City shall acknowledge the Application in writing within 30 days of receipt.
- (6) The City Engineer or designate shall assess the Application on behalf of the City and may request site visits and additional information or consultation with the applicant prior to concluding the assessment.
- (7) Upon approval of the City Engineer, the City shall determine eligibility of the Application for the Sanitary Sewer Charge Rebate and notify the Applicant of the decision in writing.
- (8) Should the Sanitary Sewer Charge Rebate apply, the City may provide the following information:
  - (a) A measuring procedure for reporting the sewage flow volumes; and,
  - (b) Requirements for maintenance and calibration of flow measurement equipment to be used for determining sewage flow volumes.
- (9) Where the Applicant objects to or wishes to amend the decision of the City, the Applicant shall respond in writing within 30 days of receipt of the decision stating the rationale for the objection or requested amendment. The decision of the City Engineer shall be final and not subject to appeal.
- (10) Where the Applicant and the City are in agreement with the decision to grant a Sanitary Sewer Charge Rebate, the Applicant shall provide fully executed and sealed copies of the following documents to the satisfaction of the City:
  - (a) Flow Monitoring Procedure Letter; and,
  - (b) Full and Final Release.
- (11) The Sanitary Sewer Charge Rebate shall come into effect upon the delivery of the documents identified in subsection (10) above and after the Applicant has implemented the agreed upon measuring procedure.
- (12) The City may at any time revoke the grant of rebate because of a change in land ownership, change in process, or use. The City may also revoke the grant of rebate where the Applicant fails to provide the required reporting information; fails to maintain adequate records of the measurement of sewage flows for audit purposes; or, fails to maintain equipment for flow measurement in an adequate manner."

6. By-law WM-15 is amended administratively by renumbering the following sections:

- a. Section 8 becomes Section 9.
- b. Section 9 becomes Section 10.
- c. Section 10 becomes Section 11.
- d. Section 11 becomes Section 12.
- e. Section 12 becomes section 13.
- f. Section 13 becomes Section 14.
- g. Section 14 becomes Section 15.
- h. Section 15 becomes Section 16.

7. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on October 9, 2012.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 9, 2012  
Second Reading - October 9, 2012  
Third Reading - October 9, 2012