

# THE CORPORATION OF THE TOWN OF HAWKESBURY

## By-law N° 25-2010

### A by-law to impose a rate for the collection, removal and disposal of garbage and recyclable material (blue box program)

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**WHEREAS** Section 391 of the Municipal Act, 2001 S.O. 2001, c. 25 provides that a municipality may by by-law impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** the Council of the Corporation of the Town of Hawkesbury desires to levy and impose a fee to defray the expenses of collection, removal and disposal of garbage including recyclable material (blue box program) against all residential units within the Town of Hawkesbury as per the last revised assessment roll of the Town of Hawkesbury;

**AND WHEREAS** the Council of the Corporation of the Town of Hawkesbury desires to levy and impose a monthly fee to defray the expenses of collection, removal and disposal of garbage including recyclable material (blue box program) against the owners of all new residential units within the Town of Hawkesbury according to supplementary assessment rolls issued by the Municipal Property Assessment Corporation;

**AND WHEREAS** Subsection 1 of Section 398 of the Municipal Act, 2001 states that fees and charges imposed by a municipality of local board on a person under Part XII constitutes a debt of the person to the municipality or local board respectively;

**AND WHEREAS** Subsection 2 of Section 398 of the Municipal Act, 2001 states that the Treasurer of a local municipality may add fees and charges imposed by a municipality under Part XII to the tax roll for the property to which the public utility was supplied and collect them in the same manner as municipal taxes;

**NOW THEREFORE** the Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. **THAT** the Corporation shall levy and impose a fee to defray the expenses of collection, removal and disposal of garbage including recyclable material against all rateable residential units to defray the expenses of collection, removal and the disposal of garbage and recycling material.
2. **THAT** a rate of \$169.00 per residential unit shall be calculated by the Treasurer and shall be determined by using as its numerator the total estimated cost for the collection, removal and disposal of garbage including recyclable material for 2010 or portion thereof including an amount, if any, for contributions to reserves for waste disposal and recycling purposes and by using as its denominator the total number of rateable residential units.

3. **THAT** all owners of new residential units in the Town of Hawkesbury as per the supplementary assessment roll(s) shall be levied and imposed a monthly rate from the date of occupancy specified in the supplementary assessment roll to the end of the current calendar year.
4. **THAT** the monthly rate as required in Section 3 of the present by-law shall be determined by using as its numerator the special rate as determined in Section 2 and using as its denominator 12 and consequently multiplying the results by the number of months of occupancy as indicated in Section 3 of the present by-law.
5. **THAT** a ten percent (10%) penalty charge of the gross amount of the overdue account shall be devied for all past due accounts.
6. **THAT** any surpluses or deficits created in the calendar year as a result of garbage collection services including recyclable material shall be forwarded and carried over to the following subsequent year and used in the calculation process as defined in Section 2 unless otherwise directed by Council by resolution.
7. **THAT** the dates of the payment to defray the expenses of providing waste management facilities and services shall be as follows:
 

Due date – First instalment	-	May 28, 2010
Due date – Second instalment	-	August 27, 2010
8. **THAT** should a Court of competent jurisdiction declare any section or part of a section of the present by-law to be invalid or *ultra vires*, such section or part of a section shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such and shall not affect the validity of the by-law as a whole or any part thereof, other than the provision or part of the section so declared to be invalid.
9. **THAT** this By-law shall be deemed to have come into force and effect on the 1<sup>st</sup> day of January 2010.
10. **THAT** By-law N° 19-2009 is hereby repealed.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING  
THIS 29<sup>th</sup> DAY OF MARCH 2010.**

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**Mayor**

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**Clerk**