

THE CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 14-2023

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

WHEREAS Section 391 of the *Municipal Act, 2001* 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 decides 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 has decided to levy and impose a fee to defray the expenses of collection, removal and disposal of garbage against all non-residential units within the Town of Hawkesbury;

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;

AND WHEREAS an "Apartment Dwelling" means the whole of a multi-dwelling building that contains five (5) or more dwelling units, with each dwelling unit having a separate entrance or access via a common entranceway. An "Apartment Dwelling" does not include a quadruplex dwelling, a group of row dwellings, or a pair or group of semi-detached duplex or triplex dwellings, nor any other dwelling otherwise defined herein;

AND WHEREAS a budget for the year 2023 in the amount of \$1,431,100 to cover the cost for the collection of garbage and recyclable material.

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** the corporation shall levy and impose a fee to defray the expenses of collection, removal and disposal of garbage against rateable non-residential

units to defray the expenses of collection, removal and the disposal of garbage.

3. **THAT** a rate of \$243.00 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 2023 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.
4. **THAT** a rate of \$63.00 per dwelling unit, upon a written proof of an agreement with a private contractor for the collection, removal and disposal of garbage for an Apartment-Dwelling submitted before November 30 of the preceding year, be calculated by the Treasurer and be determined by using a numerator the estimated total cost for the special collection of garbage and the collection of recyclable materials for 2023 or part thereof, including an amount, if any, for contributions to reserves for garbage disposal and recycling purposes using as numerator, the total amount of taxable dwellings.
5. **THAT** a fee of \$180.00 per non-residential unit shall be imposed on all rateable non-residential units for the collection, removal and disposal of garbage for 2023 or portion thereof including an amount, if any, for contributions to reserves for waste disposal.
6. **THAT** a fee of \$56.00 per dwelling unit in retirement homes shall be imposed on all rateable non-residential units for the collection, removal and disposal of garbage for 2023 or portion thereof including an amount, if any, for contributions to reserves for waste disposal.
7. **THAT** a fee representing half the purchase cost of a designated garbage shall be imposed on all rateable residential units, non-residential units or dwelling units in retirement homes in the Town of Hawkesbury for each designated garbage bin allocated. The number of bins allocated is determined as defined in By-Law 51-2022, as amended, and as per previous registration with the Town of Hawkesbury. The amount of this fee will be confirmed by amendment to the present by-law and will be charged on the service bill of October 2023.
8. **THAT** all owners of new residential units, non-residential units or dwelling units in retirement homes 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.
9. **THAT** the monthly rate as required in Section 8 of the present by-law shall be determined by using as its numerator the special rate as determined in Section 3, 4, 5 or 6 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.

10. **THAT** a 1.25% monthly penalty charge of the gross amount of the overdue account shall be charged for all past due accounts on the morning of the fourth working day of default and on the first day of each calendar month during which the default continues without going beyond year 2023.
11. **THAT** the billings to defray the expenses of providing waste management facilities and services shall be in the months of April, July and October 2023 and January 2024.
12. **THAT** upon a written proof of an agreement with a private contractor for the collection, removal and disposal of garbage, a non-residential unit or dwelling unit in retirement homes will be exempted from the corresponding fees defined in subsections 5 and 6 of the present by-law. Notwithstanding the aforesaid, the Town will not proceed with any exemption for the current year if proof of an agreement is not submitted before November 30 of the preceding year.
13. **THAT** upon receipt of the bill for garbage and recycling services, the onus is on the owner of lands to verify the accuracy of all inscriptions thereto and to report any inaccuracies to the treasurer of the municipality within thirty days from the date of the bill. The municipality shall refund the owner of lands any amount overcharged from the first day of the month that the inaccuracies have been reported to the treasurer to the end of the year and no interest will apply.
14. **THAT** should a court of competent jurisdiction declares 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.
15. **THAT** this by-law shall be deemed to have come into force and effect on the 1st day of January 2023.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 27TH DAY OF FEBRUARY 2023.**

Robert Lefebvre, Mayor

Sonia Girard, interim Clerk