

THE CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 9-2025

A by-law to impose a rate for the collection, disposal and diversion of waste

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 2025 in the amount of \$1,117,054 to cover the cost for the collection, disposal and diversion of waste.

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, disposal and diversion of waste against all residential units, with the exception of residential units within an Apartment Dwelling, to defray the expenses of collection, disposal, diversion of waste.

2. **THAT** the corporation shall levy and impose a fee to defray the expenses of collection, disposal and diversion of waste against non-residential units and residential units within an Apartment Dwelling, that receive this service, to defray the expenses of collection, disposal and diversion of waste.
3. **THAT** a rate of \$208.00 per 240L bin shall be levied by the treasurer and shall be determined by using as its numerator the total estimated cost for the collection and disposal of garbage for 2025 or portion thereof including an amount, if any, for contributions to reserves for waste disposal and by using as its denominator the total number of 240L bins issued.
4. **THAT** a rate of \$301.00 per 360L bin shall be levied by the treasurer and shall be determined by using as its numerator the total estimated cost for the collection and disposal of garbage for 2025 or portion thereof including an amount, if any, for contributions to reserves for waste disposal and by using as its denominator the total number of 360L bins issued.
5. **THAT** a rate of \$32.00 per dwelling unit, for the diversion of waste initiatives be calculated by the Treasurer and be determined by using a numerator the estimated total cost for the waste diversion initiatives for 2025 or part thereof, including an amount, if any, for contributions to reserves for waste diversion using as denominator, the total amount of taxable households.
6. **THAT** properties classified as Apartment Dwelling are eligible to opt-in or opt-out of the municipal garbage collection service. The exemption or addition of the corresponding rates as set forth in section 4 will automatically apply when such a request to opt-in or opt-out is made by the property owner via the request form.
7. **THAT** commercial properties, and any properties with at least one commercial unit, as well as retirement homes, licensed group homes or Home for the Aged as defined respectively in the Zoning By-law N° 20-2018 and the *Long-Term Care Homes Act, 2007*, as amended, are eligible to opt-in or opt-out of the municipal waste collection services which include both the garbage collection service and the waste diversion services. Any request to opt-in or opt-out of the municipal waste collection services must be done for the entirety of these services. The exemption or addition of the corresponding rates as set forth in sections 3, 4 and 5 will automatically apply when such a request to opt-in or opt-out is made by the property owner via the request form.
8. Notwithstanding the aforesaid, the onus is on the property owner to contact the Town to opt in, opt out or make changes to their municipal waste collection and disposal services:

- a. **THAT** this request for a change must be made within the first month of a billing cycle to take effect for the entirety of that billing cycle. If the request is made after the first month of a quarterly billing cycle, the change in billing corresponding to the request will take effect as of the subsequent billing cycle. The effective date of the change to the collection services can be scheduled within 2 weeks of the request.

Request period	Effective date of billing change
February 1 to April 30	April 1
May 1 to July 31	July 1
August 1 to October 31	October 1
November 1 of the current year to January 31 of the next year	January 1

- b. **THAT** a maximum one (1) change per property per year is allowed.
9. **THAT** a fee representing the full purchase cost of a designated garbage shall be imposed on all units in the Town of Hawkesbury for each additional or subsequent designated garbage bin requested. The quantity and size of the designated garbage bins available and automatically allocated to any given property are 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 is \$110.00 and any change to this fee will be confirmed by amendment to the present by-law. This fee is non-refundable.
10. **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 prorated quarterly rate from the date of occupancy specified in the supplementary assessment roll to the end of the current billing cycle.
11. **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 2025.
12. **THAT** the billings to defray the expenses of providing waste management facilities and services shall be in the months of April, July and October 2025 and January 2026.

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 2025.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 10TH DAY OF FEBRUARY 2025.**

Robert Lefebvre, Mayor

Sonia Girard, Clerk