

# THE CORPORATION OF THE TOWN OF HAWKESBURY

## By-law N° 14-2024

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

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**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, disposal and diversion of waste 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 diversion of waste 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 2024 in the amount of \$1,129,764 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 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, 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 waste for 2024 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 waste for 2024 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 2024 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** a fee representing the full purchase cost of a designated waste shall be imposed on all units in the Town of Hawkesbury for each additional or subsequent designated garbage bin requested. 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 is \$92.00 and any change to this fee will be confirmed by amendment to the present by-law.
7. **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.
8. **THAT** the monthly rate as required in Section 7 of the present by-law shall be determined by using as its numerator the special rate as determined in Section 3, 4 or 5 and using as its denominator 12 and consequently multiplying the results by the number of months of occupancy as indicated in Section 3, 4 or 5 of the present by-law.
9. **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 2024.

10. **THAT** the billings to defray the expenses of providing waste management facilities and services shall be in the months of April, July and October 2024 and January 2025.
11. **THAT** the owner of a registered retirement home, a licensed group home 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, that opt to receive municipal waste collection and disposal services, shall pay garbage rates as per section 4 of the present by-law and waste diversion rates imposed on 1/3 of the total dwelling unit or room in the home where the per unit quarterly rates are as set forth in section 5 of the present by-law. For the purpose of billing, units are rounded up. Notwithstanding the aforesaid, the onus is on the property owner to contact the Town to opt in to receive municipal waste collection and disposal services and this request must be submitted before November 30 of any given year to apply to the collection services for the following year.
12. **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.
13. **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.
14. **THAT** this by-law shall be deemed to have come into force and effect on the 1<sup>st</sup> day of January 2024.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING  
THIS 4<sup>TH</sup> DAY OF MARCH 2024.**

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**Robert Lefebvre, Mayor**

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**Sonia Girard, Clerk**