

# THE CORPORATION OF THE TOWN OF HAWKESBURY

## By-law N° 8-2020

### **A by-law to impose a rate for the collection, removal and disposal of garbage for non-residential units**

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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 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 or 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** a budget for the year 2020 in the amount of \$1,187,500 is required to cover the solid waste and recyclable material collections.

**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 against rateable non-residential units to defray the expenses of collection, removal and the disposal of garbage.
2. **THAT** a fee of \$166.00 per non-residential unit shall be imposed on all rateable non-residential units for the collection, removal and disposal of a maximum of ten garbage bags for 2020 or portion thereof including an amount, if any, for contributions to reserves for waste disposal.
3. **THAT** a fee of \$51.00 per dwelling unit in retirement homes shall be imposed on all rateable non-residential units for the collection, removal and disposal of a maximum of ten garbage bags for 2020 or portion thereof including an amount, if any, for contributions to reserves for waste disposal.
4. **THAT** all owners of new non-residential units or dwelling units in retirement homes in the Town of Hawkesbury as per the supplementary assessment

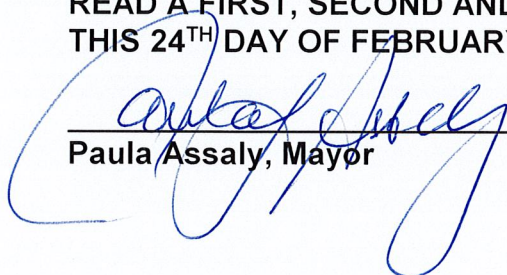


roll(s) shall be levied and imposed a monthly rate from the date of occupancy specified in the supplementary assessment roll to the end of the current calendar year.

5. **THAT** the monthly rates as required in Section 4 of the present by-law shall be determined by using as its numerator the special rate as determined in Sections 2 or 3 and using as its denominator 12 and consequently multiplying the results by the number of months of occupancy as indicated in Section 4 of the present by-law.
6. **THAT** a 1.25% monthly penalty charge of the gross amount of the overdue account shall be levied 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 2020.
7. **THAT** the billings to defray the expenses of providing waste management facilities and services shall be in the months of April, July and October 2020 and January 2021.
8. **THAT** upon a written proof of an agreement with a private contractor for the collection, removal and disposal of garbage, the fee imposed will be refunded to the non-residential unit or dwelling unit in retirement homes. Notwithstanding the aforesaid, the Town will not proceed with any full or partial refund for the current year if proof of an agreement is not submitted by January 31<sup>st</sup>, 2021.
9. **THAT** upon receipt of the bill for garbage 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.
10. **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.
11. **THAT** this by-law shall be deemed to have come into force and effect on the 1<sup>st</sup> day of January 2020.

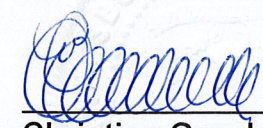


READ A FIRST, SECOND AND ADOPTED UPON THIRD READING  
THIS 24<sup>TH</sup> DAY OF FEBRUARY 2020.



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Paula Assaly, Mayor



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Christine Groulx, Clerk

