

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2019-119

BEING A BY-LAW TO ESTABLISH YEARLY RATES FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND RECYCLING AND ALL RELATED WASTE MANAGEMENT ACTIVITIES.

WHEREAS Section 391 of the Municipal Act R.S.O., 2001 as amended provides that a by-law may be passed by the Council of local municipalities for the collection, removal, and disposal by the Corporation of garbage and/or other refuse, throughout the whole municipality or in defined areas at the expense of the owners and occupants of the land therein;

AND WHEREAS Subsection 1 of Section 398 of the Municipal Act R.S.O., 2001 as amended states that fees and charges imposed by a municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS Subsection 2 of Section 398 of the Municipal Act R.S.O., 2001 as amended states that the Treasurer of a local municipality may add fees and charges imposed by a municipality 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 Council of the Corporation of the City of Clarence-Rockland recognizes and has complied with the notice provisions as set out in By-Law 2011-105;

NOW THEREFORE the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

1. Definitions;

"Equivalent residential unit"

An equivalent residential unit is a place of residence; in the case of an apartment and/or a semi-detached, each place of residence shall be deemed to be an equivalent unit.

"Equivalent commercial unit"

An equivalent commercial unit is a property with a place of business assessed with a commercial evaluation; only one (1) equivalent commercial unit can be charged per property.

"Home Occupation"

Means any occupation conducted for gain or profit as an accessory use within a residential unit.

"Garbage"

means local household generated waste material and includes the following categories:

Type I Garbage
(Household Waste)

Includes any article, thing, matter or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following: kitchen and table waste of animal origin resulting from the preparation or consumption of food; clothing; ashes; paper (except recyclable paper); broken crockery; and other such articles which would normally pertain to a dwelling.

Type II Garbage
(Recyclable waste)

Includes all materials collected by the Municipality for recycling and without limiting the generality of the forgoing includes: beverage and food containers, cardboard, recyclable paper.

"Supplementary
Assessment Roll"

The list of properties, issued by the Municipal Property Assessment Corporation as per Section 34 (1) of the Assessment Act, R.S.O. 1990, c.A.31, as amended, to which an increase in value occurs which results from the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture or any portion thereof that commences to be used for any purpose

2. The following rates shall be paid as follows:
 - a) a fixed rate of \$187.50 per equivalent residential unit
 - b) a fixed rate of \$400.00 per equivalent commercial unit.
 - c) or \$150.00 / ton with a minimum of \$2,225.00 for commercial clients that use bins
3. A residential unit with a home occupation will be charged the fixed rate of one equivalent commercial unit, and will be allowed to the service equivalent to one commercial unit.
4. All new residential unit and commercial unit 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. The monthly rate 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.

5. The fixed rate will be charged to all residential units and commercial units on the final tax bill and this fee will be for the service provided in the current year starting January 1st to December 31st and of each consecutive year until repealed.
6. All past due accounts will be subject to the penalty and interest charges as set out in the current by-law which provides for the adoption of tax rates and to further provide for penalty and interest in default of payment thereof.
7. If any section or portion of this By-law is found by a court of competent jurisdiction to be invalid, it is the intent of Council of the Corporation of the City of Clarence-Rockland that all remaining sections and portions of this By-Law continue in force and effect.
8. This By-Law shall be deemed to have come into force and take effect on the 1st day of January 2020.
9. That By-Law Number 2019-12 is hereby repealed.

READ AND PASSED IN OPEN COUNCIL THIS 16TH DAY OF DECEMBER 2019.

Guy Desjardins, Mayor

Monique Ouellet, Clerk