



CITY OF KINGSTON

Ontario

By-Law Number 2005-260

**A By-Law Regarding The Levying Of Special Rates And The
Charging Of Fees For Waste Management Services**

Passed: November 1, 2005

Updated: September 6, 2016

As Amended:

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| By-Law Number 2012-14 | January 10, 2012 |
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| By-Law Number 2016-159 | September 6, 2016 |

(Office Consolidation)

City of Kingston By-law Number 2005-260

A By-Law Regarding The Levying Of Special Rates And The Charging Of Fees For Waste Management Services

Passed: November 1, 2005

Whereas the City of Kingston operates a waste management system for the purpose of collecting, processing and disposing of recyclable and non-recyclable waste;

And Whereas the City's waste management system provides different levels of service in different areas of the municipality;

And Whereas Section 326 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes Council to pass a by-law which identifies a special service that is being provided or undertaken at different levels or in a different manner in different parts of the municipality and further provides that the costs for the special service shall be raised by levying a special rate on the property designated;

And Whereas as part of that waste management system, disposal services is deemed a special service that shall be provided to all residential property as described in clause 1(h) herein;

And Whereas Section 391 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes Council to pass by-laws for imposing fees or charges for services or activities provided by the municipality;

And Whereas Ontario Regulation 244/02 entitled, "Fees and Charges", brought into force pursuant to the Municipal Act, 2001, S.O. 2001, c.25 provides for the use of fees or charges for the use of a waste management system;

And Whereas as part of that waste management system, disposal services shall be provided by way of an optional fee to residences which are condominiums as well as new multi-residential and multi-residential properties as well as commercial property within the Downtown Kingston BIA;

Now Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1. In this By-law,
 - a. "BIA" means the Downtown Kingston Business Improvement Area, or the Special Collection Area (as identified in By-law 2014-5) and for the purposes of this by-law, will also include properties with frontage on Princess Street, between the boundaries of the West side of Division Street and the South sides of Bath Road/Concession Street.

(By-law Number 2005-260; 2013-10; 2016-159)

- b. "City" means The Corporation of the City of Kingston;
 - c. "disposal services" means those facilities, equipment, programs and services of the City's waste management system received after collection for transfer, landfill and related services;
 - d. "diversion" means those facilities, equipment, programs and services of the City's waste management system operated for the purpose of diverting waste from landfill, including without limiting, recycling, composting and household hazardous waste;
 - e. "collection" means those facilities, equipment, programs and services of the City's waste management system not operated or used for the purpose of diversion or disposal services;
 - f. "municipality" means the City of Kingston;
 - g. "property class" means a class of real property prescribed under the Assessment Act, R.S.O. 1990, c. A-31.
 - h. "residential property" means all property within the residential property class except for all residential condominium corporation properties within the City of Kingston.
2. The City shall impose each year on all residential property within the municipality according to its assessed value a rate sufficient to recover in full the City's estimated costs for disposal services for the year.
3. Upon application by the proper party, the following fees shall apply to the solid waste disposal services other than disposal services in relation to residential properties:
- a) A fee of \$50.00 per residential unit per year where residential condominium corporations request municipal garbage service on behalf of all property owners in the corporation to a maximum of one bag without a tag per residential unit.
 - b) A fee of \$50.00 per residential unit per year where owners of new multi-residential and multi-residential property request municipal garbage service to a maximum of one bag without a tag per residential unit.

(By-law Number 2005-260; 2016-159)

- c) A fee of \$240.00 per business within a commercial property within the BIA where owners of commercial property within the BIA that request municipal garbage service to a maximum of six bags without tags per business.
 - i) For 2012, a fee of \$217.50 for municipal garbage service for the full year and a fee of \$37.50 for service until the end of March, to a maximum of six bags without tags per business.

(By-law Number 2005-260; 2012-14)
 - d) Repealed.

(By-law Number 2005-260; 2012-14)
 - e) Fees shall be adjusted annually, on January 1 starting in 2013, by the Consumer Price Core Index of the third quarter of the prior year.

(By-law Number 2005-260; 2012-14)
4. Any fee charged in accordance with this By-law which is unpaid shall be a debt due to the City from the owner originally assessed or charged, and from any subsequent owner, and may be added to the tax roll for the owner's property and shall be recovered together with interest and penalties in the same manner as municipal taxes pursuant to Section 398 of the Municipal Act, 2001.
 5. If any fee charged under this By-law becomes a debt due pursuant to Section 4 herein, the City shall charge penalties and interest on the amount overdue at the same rate and in the same manner that penalties and interest are charged for the non-payment of municipal taxes.
 6. This By-Law shall come into force and take effect on January 1, 2006.