



# COUNCIL INFORMATION PACKAGE

## SUMMARY

OCTOBER 9, 2020

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1. **C-234-2020**  
Correspondence dated October 2, 2020 from the Office of the Solicitor General providing information regarding the anti-racism initiatives being done to bring the Community Safety and Policing Act, 2019 into force.
2. **C-235-2020**  
Correspondence dated September 28, 2020 from Community Living Port Colborne-Wainfleet expressing appreciation for the commitment demonstrated towards their organization, social services, vulnerable populations, and the Township of Wainfleet.
3. **C-236-2020**  
Correspondence dated September 28, 2020 from Haldimand County to the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks regarding decommissioning of the Normandale Weather Radio Station.
4. **C-237-2020**  
Correspondence dated October 1, 2020 from the Association of Ontario Land Surveyors regarding the role of Surveyors in municipal work.
5. **C-238-2020**  
Correspondence dated October 1, 2020 from the Association of Ontario Land Surveyors regarding the distribution of plans of survey.
6. **C-239-2020**  
Correspondence dated September 30, 2020 from the Niagara Region, providing notice that Council approved the recommendations in Public Works Committee Report PW 34-2020 regarding solid waste management by-law update.
7. **C-240-2020**  
Correspondence dated October 6, 2020 from the Town of Fort Erie to the Honourable Doug Ford, Premier of Ontario regarding a request for the Province of Ontario to investigate the level of on-site licensed nursing care – private sector retirement homes.
8. **C-241-2020**  
Correspondence dated September 28, 2020 from the Township of North Glengarry with a resolution urging the Province of Ontario to allow capital expenditures under the Safe Restart Agreement.

9. **C-242-2020**  
Correspondence dated October 7, 2020 from the Township of Asphodel Norwood to addressed to Ministers, Members of Parliament, and Members of Provincial Parliament respecting cannabis production.
10. **C-243-2020**  
Correspondence dated October 8, 2020 from the City of Thorold to local area municipalities regarding a motion passed pertaining to amendments to Bill 197 (Environmental Assessment Act) relating to landfill sites.
11. **C-244-2020**  
Correspondence dated October 2, 2020 from the County of Wellington respecting a motion urging the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value.
12. **C-245-2020**  
Correspondence dated October 5, 2020 from the Niagara Peninsula Conservation Authority respecting Good Forestry Practices Permit Application for 53658 Smith Road, Wainfleet.

**Solicitor General**

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132-2020-3484  
**By email**

October 2, 2020

Dear Head of Council:

The Ministry of the Solicitor General is committed to keeping communities across Ontario safe, supported and protected. I would like to take this opportunity to share some information with your municipality regarding the anti-racism initiatives of my ministry and the Anti-Racism Directorate (ARD), the regulatory work being done to bring the *Community Safety and Policing Act, 2019*, into force, new police oversight measures, police training as it relates to de-escalation, mental health and diverse communities, mental health and addictions initiatives and investments, Community Safety and Well-Being (CSWB) Planning and police-hospital transition protocol.

Anti-Racism

Our government has zero tolerance for hate, racism or discrimination in all its forms. We share a responsibility to speak out and act against racism and hate and build a stronger society. Our government is committed to addressing racism and building a stronger, more inclusive province for us all.

I am proud to be the minister responsible for Ontario's Anti-Racism Directorate (ARD), which leads strategic initiatives to advance anti-racism work across government with a plan that is grounded in evidence and research. Through the ARD, the government continues to invest in community-led research, public education and awareness initiatives. This includes investments to the Canadian Mental Health Association (CMHA) Ontario to undertake research that seeks to identify key mental health issues impacting survivors of victims of homicide violence in Ontario.

*Community Safety and Policing Act, 2019*

Our government is also committed to addressing racism at a systemic level through the regulatory framework under the *Anti-Racism Act, 2017*, and through the work we are doing to bring the *Community Safety and Policing Act, 2019*, into force. As we work to develop regulations under the *Community Safety and Policing Act, 2019*, we will continue to engage racialized groups, including Black, South Asian, First Nation, Inuit and Métis organizations. We are committed to ensuring that Ontario's communities are well supported and protected by law enforcement and that all interactions between members of the public and police personnel are conducted without bias or discrimination, and in a manner that promotes public confidence and keeps our communities safe.

The *Community Safety and Policing Act, 2019*, which is part of the *Comprehensive Ontario Police Services Act, 2019*, provides policing and police oversight legislation. Once in force, the *Community Safety and Policing Act, 2019*, will address a number of recommendations made by Justice Michael H. Tulloch, including:

- Mandatory training for all police service board members, the Inspector General, inspectors, police officers and special constables on human rights, systemic racism as well as training that promotes the diverse, multiracial and multicultural character of Ontario society and the rights and cultures of First Nation, Inuit and Métis Peoples;
- The requirement for each municipality that maintains a municipal board to prepare and publish a diversity plan to ensure members of the board are representative of the diversity of the population of the municipality;
- Not releasing the names of officials and witnesses in SIU investigations;
- Ensuring information made available to the public about an SIU investigation helps them understand the decision made by the SIU director; and
- Ensuring the SIU continues to publish investigative reports on its website.

### New Measures for Police Oversight

#### *Inspector General of Policing*

The *Community Safety and Policing Act, 2019*, will establish an Inspector General (IG) of Policing who will be required to monitor and conduct inspections related to compliance with the Act and regulations. The IG will work with policing entities to ensure consistent application of policing across the province by measuring compliance with prescribed standards.

Key functions of the IG include:

- Consulting with, advising, monitoring and conducting inspections of police service boards, Ontario Provincial Police (OPP) detachment boards, First Nation OPP boards, OPP Advisory Council, chiefs of police, special constable employers, police services and other policing providers regarding compliance with the Act and regulations.
- Receiving and investigating, if warranted, public complaints about members of police service boards, OPP detachment boards, First Nation OPP boards and the OPP Advisory Council regarding misconduct and policing complaints regarding the provision of adequate and effective policing, failure to comply with the Act and regulations, and policies and procedures.
- Reporting inspection findings, issuing directions to remedy or prevent non-compliance with the Act and imposing measures if the direction is not complied with, or, reprimanding, suspending or removing a board member if board member misconduct is identified.
- Conducting analysis regarding compliance with the Act and regulations.
- Reporting on the activities of the IG annually, including inspections conducted, complaints dealt with, directions issued and measures imposed; and compliance with the Act and regulations.

The Act also gives the IG and its inspectors the right to access closed police service board meetings.

### *Law Enforcement Complaints Agency*

The *Community Safety and Policing Act, 2019* will continue the office of the Independent Police Review Director as the Law Enforcement Complaints Agency (LECA), headed by the Complaints Director.

The LECA will receive and screen complaints from the public about the conduct of police officers. In addition, the LECA will have the authority to initiate an investigation in the absence of a public complaint if, in the Complaints Director's opinion, it is in the public interest to do so.

The Complaints Director may also undertake reviews of issues of a systemic nature that have been the subject of public complaints or investigations, or that may contribute or otherwise be related to misconduct.

### *The Special Investigations Unit*

The *Special Investigations Unit Act, 2019*, (SIU Act), once in force, will set out a new legal framework for the SIU. The SIU Act will focus and clarify the mandate of the SIU to better ensure more timely, efficient, reasonable and transparent investigations. Key changes contained in the Act will focus the SIU's investigative resources where they are needed most – on criminal activity.

The Ministry of the Attorney General will continue to consult with law enforcement, community organizations and advocates to ensure their input is incorporated into the development of regulations under the SIU Act.

### Police Training

Training is developed and delivered in a manner that reinforces principles of fairness, equity and compliance with the Ontario *Human Rights Code* and *Canadian Charter of Rights and Freedoms*.

All Basic Constable Training (BCT) recruits undergo diversity-focused training designed to improve their ability to engage with the public and respond to victims of crime. This training focuses on improving recruits' understanding of the experiences of, and systemic barriers faced by, diverse communities, including racialized, Indigenous, First Nations and Metis, and Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning and Two-Spirited (LGBTQ2S) people.

Diversity and anti-racism training includes:

- Human rights framework for policing;
- Equity and inclusion;
- Harassment and discrimination;

- Defining police professional;
- Collection of Identifying Information in Certain Circumstances regulation;
- History of profiling in policing and the impact of racial profiling on the community;
- Profiling practices and the mindset behind it;
- Stereotyping;
- Bias free policing – racial profiling vs. criminal profiling;
- Hate crimes and bias incidents of a non-criminal nature; and
- Practical skills scenario that reinforces academic learning on hate crimes.

Training on Indigenous issues includes:

- Indigenous culture;
- Residential schools;
- Land claims and treaties;
- First Nations Policing;
- Cultural appropriation;
- Cultural practices; and
- Practical skills scenario that reinforces academic learning on Indigenous issues.

The Serving with Pride organization attends each intake to deliver a presentation to all recruits entitled “LGBTQ2S 101” which covers a number of issues related to the LGBTQ2S communities including historical events, current and appropriate terminology, gender expression, gender identity and other topics.

In addition to the standalone sessions, the above noted issues are interwoven and reinforced throughout the BCT program. For example, recruits are taught to respond to victims in a trauma-informed manner for all victims of crime acknowledging potentially vulnerable groups.

#### *De-escalation and Mental Health Crisis Response Training*

The Ontario Police College’s current de-escalation training emphasizes communication techniques such as establishing rapport, threat management and conflict resolution and mediation.

The training specifically addresses scenarios in which police interact with people in crisis with a goal of resolving conflicts in a manner that protects the safety of the public, the person in crisis and police officers. Officers must also undertake follow-up training every 12 months. Police services are also encouraged to have policies and procedures in place as set out in the “Use of Force” Guideline. This includes procedures for impact weapons, aerosol weapons, conducted energy weapons, firearms and use of force reporting.

Training on the BCT program is reviewed and updated to reflect the most current information after every BCT intake.

Once in force, the *Community Safety and Policing Act, 2019*, will require all police officers, special constables and board members to successfully complete training related to human rights, systemic racism and the rights and cultures of Indigenous Peoples. This training will also be required for the new Inspector General of Policing, its inspectors, the Complaints Director at LECA and LECA investigators. This is part of the government's commitment to ensure that all interactions are conducted without bias or discrimination, and in a manner that promotes public confidence and keeps communities safe.

### Mental Health and Addictions Initiatives and Investments

#### *Dedicated Funding for Mental Health and Addictions Programs*

Ontario's community mental health services include:

- assertive community treatment teams, case management, crisis intervention, early psychosis intervention, eating disorders programs, vocational programs, supportive housing and consumer/survivor initiatives, peer supports and other programs; and
- initiatives to keep people with serious mental health issues out of the criminal justice system which include, but are not limited to, court support and diversion, crisis intervention and safe beds.

In July 2018, Ontario announced its commitment to invest \$3.8 billion over 10 years, with the support of the Government of Canada, to develop and implement a comprehensive and connected mental health and addictions strategy. This includes \$174 million for mental health and addictions programs in 2019-20. As part of the \$174 million commitment of funds to support mental health and addictions in 2019-20, my ministry partnered with the Ministry of Health to announce \$18.3 million in new funding to support those affected by mental health and addictions challenges in the justice sector.

Specifically, in 2019-20, the Ministry of Health provided funding for an integrated set of mobile crisis services that assist in the de-escalation and stabilization of persons in crisis and their connection to community programming and supports to address their physical and mental well-being over the longer term, in order to prevent further crises. Five teams were implemented in 2019-20 with \$6.95 million of the \$174 million in new, annualized funding to develop and enhance mobile crisis services. Mobile crisis services partner police with community mental health organizations to respond to persons in mental health and addictions (MHA) crises and determine if the crisis:

- can be de-escalated and resolved at the scene;
- warrants further psychiatric attention at hospital emergency rooms; or
- requires short-term community stabilization and reintegration.

Part of the \$18.3 million in new funding also includes \$2.5 million for various programs run by the ministry, one of which includes de-escalation training.

### *Ministry of the Solicitor General Grant Programs*

Apart from the dedicated funding for mental health and addictions programs highlighted above, the ministry also offers a number of grant programs that are primarily available to police services, working in collaboration with municipal and community partners, to support local Community Safety and Well-Being (CSWB) initiatives, including mental health-related programs. For example, under the 2019-20 to 2021-22 Community Safety and Policing Grant local and provincial priorities funding streams, the ministry is providing funding to 27 police services/boards for projects involving an integrated response between police and a mental health worker to respond to situations of crisis (e.g., Mobile Crisis Response Teams).

### Community Safety and Well-Being Planning

The ministry developed the *Community Safety and Well-Being Planning Framework: A Shared Commitment in Ontario* booklet, which includes the CSWB Planning Framework and a toolkit of practical guidance documents to assist municipalities, First Nations and their community partners as they engage in the CSWB planning process. The Framework encourages communities to work with various partners across sectors to proactively identify and address local priority risks in the community before they escalate and result in situations of crisis (e.g., crime, victimization or suicide). This involves reducing the number of incidents that require enforcement by shifting to more proactive, preventative programs and strategies that improve the social determinants of health (e.g., education, housing, mental health).

In support of this work, effective January 1, 2019, the government mandated municipalities lead the development of CSWB plans which identify and address local priority risks to safety and well-being, working in partnership with police services/boards and various other sectors, including health/mental health, education, community/social services and children/youth services.

Complementary to the Framework, a Situation Table is one type of multi-sectoral risk intervention model that is being implemented across our province.

The ministry also offers the Risk-driven Tracking Database (RTD), which allows for the collection of risk-based data and helps to inform the CSWB planning process, free of charge to communities across Ontario that are engaged in multi-sectoral risk intervention models, such as Situation Tables. As of June 2020, 60 sites have been on-boarded to the RTD and any communities who are interested in being on-boarded to the RTD is encouraged to contact the ministry.



Police-Hospital Transition Protocol

Additionally, to improve front-line response to persons experiencing a mental health or addictions-related crisis, my ministry partnered with the Ministry of Health to support the Provincial Human Services and Justice Coordinating Committee and CMHA of Ontario to develop a framework for local police emergency room transition protocols for persons apprehended under the *Mental Health Act*.

On June 3, 2019, the Ministry of the Solicitor General and the Ministry of Health jointly endorsed the release of [Improving Police-Hospital Transitions: A Framework for Ontario](#), as well as the supporting toolkit, *Tools for Developing Police-Hospital Transition Protocols in Ontario*. The purpose of the framework and toolkit is to assist police services and hospitals with developing joint emergency department transition protocols, which are responsive to unique local needs, in order to ensure the seamless transfer of care for persons in a mental health or addictions crisis brought to a hospital by police officers.

I hope you find this information useful and I appreciate your municipality's support during this time of uncertainty.

Sincerely,



Sylvia Jones  
Solicitor General  
Minister Responsible for Anti-Racism

c: Chief Administrative Officers

Municipal Clerks

Received October 5, 2020

C-235-2020

COMMUNITY LIVING  
Port Colborne-Wainfleet



*Imagining Possibilities  
in a community where everyone belongs*

September 28, 2020

Dear Mayor Gibson,

My name is Mark Phillips and I feel privileged to have recently joined the team at Community Living Port Colborne-Wainfleet as their Chief Executive Officer. I feel great pride as our agency continues its spirit and practice of continuous improvement, community leadership, and unwavering commitment to person-centred work.

On behalf of Community Living Port Colborne-Wainfleet Board of Directors, staff, and volunteers, I want to express our sincere appreciation for the commitment you demonstrate towards our organization, social services, vulnerable populations, and the Township of Wainfleet.

The people we support rely on strong stewards in the community that value their participation and full citizenship through opportunities to serve as volunteers, employees, and residents who are treated fairly and equally. Your involvement in our agency demonstrates this and does not go unnoticed.

As we move into the second wave of the pandemic, I want to provide you with a brief update on how things are going with our agency related to COVID-19:

- We have closed our office to the public until further notice; however, there are administrative staff there Monday to Friday.
- We are a COVID-19 free environment.
- We are fully equipped with PPE and are in regular communication with public health and our funder, Ministry of Children, Community and Social Services.
- Our staff – in the office, working in congregate care settings or in the community – all continue to follow all public health and provincial directives for staff and people we support.

We are appreciative of your leadership in Wainfleet and the Niagara region.

We hope you will continue to stay safe and healthy.

I look forward to meeting you in person in the near future.

All the best,

Mark Phillips

CEO

Community Living Port Colborne-Wainfleet



Central Administration Building  
53 Thorburn St. S.  
Cayuga, ON N0A 1E0  
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September 28, 2020

The Honourable Jeff Yurek  
Minister of the Environment, Conservation and Parks  
College Park 5<sup>th</sup> Floor  
777 Bay Street  
Toronto, ON M7A 2J3

Dear Minister Yurek,

**RE: Decommissioning of the Normandale Weather Radio Station**

Please be advised that on September 21, 2020, Haldimand County Council adopted the following resolution:

1. WHEREAS Environment Canada is considering decommissioning the Weather Radio Station at Normandale, Ontario and is in the process of soliciting public feedback regarding the value of this station;
2. WHEREAS this station provides numerous residents, tourists and boaters between Long Point to Fort Erie with current weather conditions and is depended upon for up-to-date weather information on land and on Lake Erie;
3. AND WHEREAS cell phone and internet coverage along the Lake Erie shoreline in Haldimand County is known to be sporadic and weak thus creating more reliance on Weather Radio Station updates;
4. BE IT RESOLVED THAT Haldimand County objects to the potential decommissioning of the Weather Radio Station at Normandale, Ontario for the aforementioned reasons.
  - i. THAT Haldimand County requests that Environment Canada maintain the Station in operation for the safety and benefit of users along the Lake Erie shoreline.



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- ii. AND THAT a copy of this resolution be sent to Environment Canada, MPP Toby Barrett and Ontario Municipalities along the Lake Erie shoreline from Long Point to Fort Erie.

Should you require further information, please contact Mike Evers, General Manager of Community & Development Services at 905-318-5932, extension 6204.

Sincerely,

A handwritten signature in black ink that reads "E Evelyn Eichenbaum".

Evelyn Eichenbaum  
Manager, Citizen & Legislative Services/Clerk

EE/cb

- cc Toby Barrett, MPP, Haldimand & Norfolk  
Andy Grozelle, County Clerk, Norfolk County  
William Kolasa, CAO, Township of Wainfleet  
Amber LaPointe, City Clerk, City of Port Colborne  
Carol Schofield, Clerk, Town of Fort Erie  
Mike Evers, General Manager of C&DS, Haldimand County

## Association of Ontario Land Surveyors

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October 1<sup>st</sup>, 2020

To: Municipal Clerk

Subject: Role of Surveyors in Municipal Work

Dear Sir/Madam:

I am writing you to remind you of the important role that professional surveyors play in municipal government. Surveyors play many roles depending on the organization including:

- Reducing or eliminating risk to the organization with respect to land related matters
- Developing and maintaining land related policies
- Establishing standards and specification for the acquisition of survey services including topographic plans for engineering design and capital works programs
- Improving land information related processes that meet key government needs
- Providing real-property advice
- Maintaining and managing spatial databases
- Performing and overseeing a range of surveys

These roles are critical in protecting your rights of ways, land holdings and infrastructure for the public benefit. As a result, I encourage you to consider using an Ontario Land Surveyor to help achieve the above noted roles if you are not already doing so.

Having a registered or licensed land surveyor on staff to advise on land related matters is essential to the success of a Municipality. All Ontario Land Surveyors operate under a code of ethics, with mandatory continuing education and peer competence review helping ensure quality services that you can depend on.

The Association of Ontario Land Surveyors has noted a general decline in the number of surveyors employed in government. We recognize that this could be due to recruiting challenges, since the number of surveyors has declined and salary levels in the private sector have risen. It may also be a conscious choice on your part as you deal with fiscal pressures. There are several advantages to having a licensed surveyor on staff or outsourcing survey services. These include ensuring appropriate standards, specifications and quality of land related information are upheld to ultimately provide value to the public.

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We are concerned that the loss of professional surveyors in government roles increases risk faced by the public sector. Surveyors play a crucial role in developing sound public policy and processes and they ensure the quality of contracts and work required to protect public land and infrastructure are in place.

In the event you do not have an Ontario Land Surveyor on staff, we would ask that you ensure that any municipal work related to determining boundaries and acquiring survey services is completed by a licensed surveyor. In accordance with the Surveyors Act, Cadastral or boundary surveys in Ontario can only be undertaken by a licensed Ontario Land Surveyor. We believe Municipalities hold themselves up to a higher standard of care than most other organizations and therefore, believe that Municipalities set policies that are in accordance with existing laws.

Lastly, we believe that professional land surveyors can assist with the key leadership skills required to help you meet your challenging role.

We hope this helps you consider the roles your surveyors are playing in and for your organization.

Should you wish to explore further how an Ontario Land Surveyor can be of benefit to your organization, please contact our office.

Sincerely,

Brian Maloney, O.L.S.  
Executive Director  
Association of Ontario Land Surveyors  
Email: [brian@aols.org](mailto:brian@aols.org)

## Association of Ontario Land Surveyors

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October 1<sup>st</sup>, 2020

To: Municipal Clerk

Subject: Distribution of Plans of Survey

Dear Sir/Madam:

I write to you on behalf of the Association of Ontario Land Surveyors (AOLS) concerning the use and distribution of plans of survey without prior consent of the authoring surveyor.

The Association of Ontario Land Surveyors (AOLS) was established in 1892. We are a self-governing association, responsible for the licensing and governance of professional land surveyors under the *Surveyors Act*. As with all self-governing professions, the AOLS has a responsibility to ensure that the public interest is paramount.

The AOLS recognizes that many municipalities in Ontario provide copies of plans of surveys to the public. We further recognize and understand the importance of maintaining accessible and open government services, and of complying with the intent and provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. However, as a professional organization we wish to take this opportunity to inform you of our concerns and the potential risks with providing such information to the public.

In Canada, Copyright law protects all original creative works, provided the said work is compliant with the terms and conditions set forth by the *Copyright Act*. Under the provisions of the Act, copyright is defined as the sole right to print, publish, perform, film, or record any original literary, artistic, or musical material, and to authorize others to do the same. To be classified as an original work, it must be more than a copy of an existing work, and the author must demonstrate that skill and judgment were used in its creation. The AOLS is of the opinion that a Plan of Survey prepared and signed by a Professional Ontario Land Surveyor are largely classed as original works, thus protected under the *Copyright Act*.

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Furthermore, the AOLS is of the opinion that providing out-of-date survey information could be misleading and provide inaccurate information to the public. The information shown on a Plan of Survey is certified to be true and correct at a specific date in time, and is compliant with applicable requirements, regulations and standards of the day. The use of old survey information does not guarantee its compliancy with current standards, it does not verify that the boundary shown on the existing plan is correct, nor does it guarantee that the boundary remains unchanged. Therefore, a municipality may be causing harm to the public by providing an out-of-date Plan of Survey.

Lastly, we believe that plans of survey are protected from release under section 10 of the *Municipal Freedom of Information and Protection of Privacy Act* and that if they are released there should be consent from the surveyor involved. Plans of survey are prepared specifically for a client and not for broader distribution. Without understanding the limitations and intended additional uses, release of the plan may cause public harm and unnecessary liability for the surveyor.

For the above stated reasons, the AOLS is recommending that municipalities cease to provide copies of plans of survey to the public. We further recommend that a municipality provide members of the public with the name and contact information for the firm which prepared the survey, who can then provide the individual with a copy of the plan or other information at their discretion if appropriate.

Should you wish to discuss or require additional information, please feel free to contact the AOLS office at your earliest convenience. We welcome any comments or suggestions that you may have.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Kevin Wahba', is located below the 'Sincerely,' text.

Kevin Wahba, B. Eng., LL.B. O.L.S., Barrister & Solicitor  
Registrar  
Association of Ontario Land Surveyors  
Email: Kevin@aols.org





**Administration**

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September 30, 2020

**CL 15-2020, August 13, 2020 & CL 17-2020, September 17, 2020**  
**PWC 7-2020, August 4, 2020**  
**PW 34-2020, August 4, 2020**

***Local Area Municipalities***

***SENT ELECTRONICALLY***

**RE:** Solid Waste Management By-law Update

Regional Council, at its meeting of August 13, 2020, approved the following recommendation of its Public Works Committee:

That Report PW 34-2020, dated August 4, 2020, respecting Solid Waste Management By-law Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Solid Waste Management By-law No. 2017-56 as amended, **BE AMENDED** to reflect the by-law updates outlined in Appendix 1 to Report PW 34-2020;
2. That the proposed Short Form Offences and Set Fines Schedule, attached as Appendix 2 to Report PW 34-2020 as amended, **BE FORWARDED** to the Chief Justice of the Ontario Court (Provincial Division) for approval, as required under the Provincial Offences Act and upon approval including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law; and
3. That a copy of the amended By-law and Report PW 34-2020 **BE FORWARDED** to the local area municipalities for information.

The amended by-law was approved at the Regional Council meeting held on September 17, 2020.

A copy of Report PW 34-2020 and the amended by-law are enclosed for your information.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie Norio".

Ann-Marie Norio  
Regional Clerk

:kl

Distribution List:

Susan McPetrie Waste Management Services Advisor  
Nick Lidstone Contract Supervisor  
Bruce Zvaniga, P.Eng Commissioner of Public Works (Interim)  
N. Coffey, Executive Assistant to the Commissioner, Public Works

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**Subject:** Solid Waste Management By-law Update

**Report to:** Public Works Committee

**Report date:** Tuesday, August 4, 2020

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## Recommendations

1. That this Committee recommend to Regional Council that the Solid Waste Management By-law No. 2017-56, as amended **BE AMENDED** to reflect the By-law updates outlined in this report and attached as Appendix 1;
2. That this Committee recommend to Regional Council that the proposed Short Form Offences and Set Fines Schedule, attached as Appendix 2, **BE FORWARDED FOR APPROVAL** to the Chief Justice of the Ontario Court (Provincial Division) as required under the *Provincial Offences Act*. Upon approval including any changes by the Chief Justice, the Short Form Offences and Set Fines Schedule become enforceable under the updated By-law; and
3. That a copy of the amended By-law and the subject report **BE FORWARDED** to the local area municipalities, for information.

## Key Facts

- The purpose of this report is to seek Committee's approval for the amendment of the Solid Waste Management By-law No.2017-56 (By-law), which was last updated in 2017.
- Several updates to the By-law are required due to service level changes which have previously been approved by Council, to be effective October 19, 2020.
- Additional updates to the By-law to include provisions on exemptions, container limits and set-out specifications, Acceptable Materials, inappropriate behaviour towards staff, Illegal Dumping and issuing Orders for clean-up of Non-Compliant Material.
- An update to the Short Form Offences and Set Fines Schedule is proposed to facilitate the enforcement of property owners' responsibility to remove Material deemed uncollectable (i.e. contaminated or does not otherwise meet By-law restrictions) by the collection contractors.
- Minor clarifications and clerical corrections to the existing By-law wording have been made to improve public understanding and administration.

## **Financial Considerations**

There are no anticipated financial implications with the proposed update of the By-law.

## **Analysis**

The purpose of the By-law is to regulate and control the use of Niagara Region's waste management system. Since coming into effect in October 1999, the By-law has regularly been revised to reflect changes to waste collection services and requirements. Amendments were adopted in 2001, 2002, 2003, 2008, 2010, 2011, 2012, 2015 and 2017.

The current update to the By-law is required to incorporate the waste collection service level changes approved by Council on October 17, 2019 (PW 61-2019), which take effect October 19, 2020. The update also includes improvements in wording to encourage increased waste diversion and provide clarification on existing conditions for enhanced enforcement and public understanding.

A coordinated update to the Requirements for Waste Collection policy and procedures is needed to ensure consistency with the By-law change. An update to the Requirements of Waste Collection policy and procedures will be provided to Public Works Committee in September, 2020.

Outlined below are the proposed By-law revisions which are contained in Appendix 1:

## **Service Level Changes**

The By-law has been updated to reflect the waste, recyclables and organics service levels changes taking place on October 19, 2020.

### Every-other-week Garbage collection

All properties outside of the Designated Business Areas (DBAs) and those residential properties inside specified DBAs, which receive Niagara Region's curbside Garbage collection, will receive every-other-week Garbage collection as a base service. Weekly collection of Blue/Grey Box/Cart and Green Bin/Cart Material will continue. Schedule A of the By-law has been revised to show the collection frequencies for each service.

### Changes to Garbage Container limits

Garbage Container limits will also be changing on October 19, 2020. Schedule A has been updated with the following container limit changes:

- Garbage Container limits will double for all properties receiving every-other-week Garbage collection. (i.e. if current limit is one (1) Garbage Container per unit, per week, it will double to two (2) Garbage Containers every-other-week).
- Mixed-Use (MU) and Industrial, Commercial and Institutional (IC&I) properties outside DBAs will be permitted to set out eight (8) Garbage Containers, per property, every-other-week.
- MU and IC&I properties inside DBAs will change from a container limit of seven (7) containers per property, per week to four (4) containers, per property, per week as a base service.

### Limit on Bulky Goods Collection – Low Density Residential Properties

Starting October 19, 2020, there will be a limit of four (4) Bulky Goods, per unit, per Garbage collection. Section 6.2 of the By-law has been updated to include this limit. There is no limit on the number of times a resident can schedule a pick up.

### Discontinuation of Curbside Collection of White Goods

As curbside collection of White Goods will be discontinued effective October 19, these items have been removed from Section 3, Classes of Collectable Items and Section 12 under Collection Services in the By-law. Section 1.39, Non-Collectable Material, of the By-law has been updated to include White Goods.

### **Diaper Exemptions**

As per the Public Works Committee recommendation on May 12, 2020, a garbage exemption program was approved to have diapers collected weekly with the start of the new collection contracts, for households with a child under the age of four in diapers. In addition, a weekly collection service was approved for residents who generate additional garbage due to a medical condition. Section 14.1 of the By-law has been changed to provide the appropriate criteria and guidelines for the updated exemptions.

## **Blue/Grey Cart and Green Cart Limits for IC&I Outside DBAs**

Similar to other comparator municipalities, Niagara Region has placed a limit on the number of recycling and organics carts that can be collected weekly at IC&I properties outside the DBAs. This ensures that resources and capacity are sufficient to efficiently and effectively collect and process residential recycling and organics. The container limits in Schedule A of the By-law have been updated with a maximum limit of eight (8) Blue/Grey Carts and eight (8) Green Carts for IC&I properties outside of DBAs. Section 14 of the By-law has been updated to place a limit on the number of recycling and organics carts that can be collected weekly at IC&I properties outside the DBAs.

## **Container and Set-out Specifications**

The size restrictions for Blue and Grey Boxes have been further defined to provide a maximum depth, in addition to the maximum height and width, and clarify how dimension should be measured. The By-law has also been updated to specify that containers must have handles or indentations to facilitate lifting.

In section 11.1, the acceptable methods for bundling flattened cardboard have been updated.

Section 14.1 has been updated to provide instructions on how to properly affix Garbage Tags to Garbage bags and on Garbage Material.

Clarifications have been made to improve public understanding and administration of the use of lids on collection containers. All lids must be readily separable from all collection containers with the exception of Blue, Grey, and Green Carts from As Designated properties, and Green Bins, available from the Region, or approved alternatives.

## **Acceptable Household Hazardous Waste Containers**

Although guidelines for acceptable containers for Household Hazardous Waste are provided on the Region website, they have not previously been included in the By-law. Section 27 has been updated to outline the parameters for acceptable containers for disposing of Household Hazardous Waste at Region landfills and drop-off sites.

## **Farm Exemption**

Section 14.9 of the By-law has been updated to reflect the Region's existing farm exemption parameters.

On a request basis, if a residential farm requests commercial services, the property will be categorized as an IC&I premise and will receive services as such and specifically will no longer be eligible for Bulky Good, Leaf and Yard Material and Brush collection, and cannot purchase Garbage Tags for additional Garbage.

If a commercial farm requests single family residential services, the property will be categorized as a low-density residential premise and receive services as such and specifically will not be eligible for the eight (8) bag/can per every-other-week Garbage limit.

## **Private Garbage Collection**

Previously, IC&I and MU properties that used private garbage collection were not permitted to receive Regional Garbage collection. Section 14.5 of the By-law has been updated to allow properties using private garbage collection to receive Regional Garbage collection, provided they are also using Regional Blue/Grey Box/Cart and Green Bin/Cart collection and are able to stay within the applicable Garbage Container limits. The rationale for the elimination of the restriction was to improve service delivery to those IC&I and MU properties that would otherwise have been ineligible to receive curbside Regional Garbage collection.

## **Multi-Purpose Properties**

Section 14.8 was modified to align with Niagara Region's "Requirements for Waste Collection" policy.

## **Inappropriate Behaviour**

To enforce the safety of Niagara Region or contractors' staff, if the Owner of a Premises or a tenant indulges in any inappropriate behaviour, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by Niagara Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate

behaviour is corrected to the satisfaction of the Region. These changes are reflected in Section 15.3b of the By-law.

### **Material in Enclosures**

A new section (16.6) has been added to the By-law to provide service users using enclosures to store Materials, with criteria for these enclosures. The purpose of establishing criteria is to ensure enclosures are constructed in a manner that does not pose a health and safety risk to the collector.

### **Communal Collection Points**

Section 16.2 has been updated so that Premises that place their Material at a Communal Collection Point must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Premises.

### **Uncontained Material**

In addition to the existing wording in Section 19, which requires that Owners of Premises ensure that Material set out for collection does not become uncontained and are responsible for immediate clean-up of all uncontained Material, the By-law has been updated to state that if the uncontained Material is not cleaned up, the Region may clean up the Material and charge the Owner for this work. Wording has also been added to outline a notification process for Premises with persistent issues of uncontained Material.

### **Notices and Orders for Clean-up**

Where a Person or Owner is in Non-compliance with this By-law and if the Non-compliance continues despite the Region's attempts to obtain compliance, as outlined in Section 41.1, the Region may forthwith perform the work required to obtain compliance with this By-law, by way of an Order, as determined by Region staff as outlined in Section 49.

Section 49 has been expanded to facilitate the enforcement of Orders, which was previously not specified in By-law No.2017-56.



### **Authorize collection of Non-Compliant or Non-Collectable Material**

Section 20.3 has been added to the By-law to authorize the collection of Non-Compliant or Non-Collectable Material by the Region or its Contractors for the purpose of investigation or health, safety and welfare of the general public.

The following changes have been made to the list of Acceptable Materials:

- Section 26.1 Acceptable Materials for Compositing: added (g) organic material which has decomposed under anaerobic conditions;
- Section 28.1 Acceptable Materials for Landfilling: Clarified (e) soil or dirt in acceptable quality and quantity, as determined by the Region.

### **Regional Drop-off Location Restrictions**

Regional Drop-off Location restrictions have been updated to include an anti-idling provision. Section 33 specifies that no Person shall cause of permit a vehicle to idle for more than three (3) minutes.

### **Illegal Dumping**

In addition to the current guidelines prohibiting a Person from dumping or depositing Material into public litter bins or on any public road or property, Section 38 now includes restrictions on dumping Material within a one (1) metre radius of a public litter bin.

### **Enforcement: Friendly Reminders**

To encourage compliance, with this By-law, the Region may use Friendly Reminders and Final Friendly Reminders to inform Persons or Owners of Non-Compliance. Where a Person or Owner is in Non-Compliance with this By-law and if the Non-Compliance continues, despite the Region's attempts to obtain compliance, the Region may proceed with an Order requiring the Person or Owner to correct the contravention, as outlined in Sections 49.

### **Additions and Modifications to Definitions Section**

The following definitions have been revised:

“Amnesty Week” has been updated from what was previously “Garbage Exemption Week”. It has also been updated to reflect the changes in garbage container limits related to every-other-week garbage collection.

“Bulky Goods” has been revised to reflect more examples of acceptable items, including large toys and water softening units.

“Friendly Reminder” has been updated to include “Final Friendly Reminders” in the definition of written notices used by the Region.

“Garbage Exemptions” has been simplified for clarity.

“Garbage Tag” has been updated to specify that tags must be untampered and affixed to the neck of a waterproof bag or on top of Materials placed in a Garbage container.

“Green Bin Container” has been updated to include that the container may be a container from the Region or other rigid reusable closed or open-top container clearly labelled with handles.

“Leaf and Yard Material” has been updated to add logs to the list of materials that are not considered “Leaf and Yard Material”.

“Pet Waste” has been broadened to include pet bedding to animal excrement generated by small household pets.

“Regional Drop-Off Location” has been simplified for clarity.

“Set Out Service” has been updated to specify that it does not include “Leaf and Yard Material”, “Bulky Good”, “Brush” or any other excluded items As Designated by the Region.

“Sharps” has been updated to include safety engineered needs, laboratory class or other Materials capable of causing punctures or cuts.

The following new definitions have been added to the By-law:

“Care and Control”: Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any Material typically associated

with or used by that Person and shall include but is not restricted to the following Materials:

- a) mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
- b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
- c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner;
- d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the care and control of the Person.

“Communal Collection Point” means a Collection Point approved or as determined by the Region, that is authorized for the use of more than one Premises.

“Construction, Renovation and Demolition”: Material includes but is not limited to windows, drywall, wood, metal, PVC pipe and other building Materials.

"Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region.

“Illegal Dumping” means the disposing of Material in non-designated areas, such as public roads or ditches, public property and public litter bins, as set out in Section 38 of this By-law. Illegal Dumping does not include Litter.

"Litter" means debris, refuse, or Material discarded outside the regular Collection Point or lying scattered about the area.

"Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained.

“Multi-Purpose Property” means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types.

### **General revision and language updates**

The new By-law is a result of a collaborative team approach involving several meetings between the Region’s Legal and Court Services Division, front line staff and managers from the Waste Management Services Division. Terminology usage has been standardized in the By-law to use commonly understood words and clearly phrased responsibilities and prohibitions so that residents can easily understand how to deal with Recyclables and Garbage, both in their curbside collection and at the Regional Drop-Off Locations. It should be noted that By-law enforcement staff’s first priority has been and will continue to be the education of residents rather than simply levying fines. However, staff will continue to actively pursue illegal dumping and will levy fines when appropriate. The proposed By-law enhancements will provide staff with the necessary tools to enforce the By-law and levy fines if verbal or written communication with residents is not sufficient to achieve compliance.

The amended By-law will be posted on the Region’s website for review by residents and businesses.

### **Alternatives Reviewed**

Alternatives were not considered as the By-law required updates to align with previously approved program changes.

### **Relationship to Council Strategic Priorities**

The amendment of the By-law will support Council’s Strategic Priority of Sustainable and Engaging Government, specifically the promotion of high quality, efficient and coordinated core services.

### **Other Pertinent Reports**

WMPSC C-54-2017 Requirements for Waste Collection (C3.007)

WMPSC C-12-2017 Waste By-law Update

PW 61-2019 Base Level Service for Waste Management Collection Contract

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*This report was prepared in consultation with Patricia D'Souza, Legal Counsel and reviewed by Catherine Habermebl, Director Waste Management Services, Sherri Tait Manager Waste Collection & Diversion, Lydia Torbicki Manager Waste Policy & Planning and Emil Prpic, Associate Director Waste Disposal Operations and Engineering.*

**Appendices**

Appendix 1 – Proposed Amendments to Solid Waste Management By-law.

Appendix 2 – Proposed Short Form Offences and Set Fines

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-62

A BY-LAW TO AMEND BY-LAW 2017-56 BEING A BY-LAW  
TO REGULATE THE USE OF THE WASTE MANAGEMENT SYSTEM FOR  
THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS on April 11, 1996, Regional Council adopted By-laws 8280-96, 8281-96 and 8282-96 to assume from the twelve area municipalities all waste management powers conferred by any Act upon the area municipalities;

WHEREAS Section 11(3) of the Municipal Act, 2001, ("the Act") provides that an upper tier municipality may pass By-laws respecting waste management subject to the requirements set out in the Act;

WHEREAS on May 15, 2017, Regional Council passed By-law No. 2017-56 being a by-law to regulate the use of the waste management system for The Regional Municipality of Niagara; and

WHEREAS Regional Council wishes to amend the said By-Law to reflect changes in service levels and improvements in wording to encourage increased waste diversion and provide clarification on existing conditions for enhanced enforcement and public understanding.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF NIAGARA ENACTS AS FOLLOWS:

1. That the following sections be repealed and replaced with the following:

**PART I – DEFINITIONS**

1. The following terms are defined for purposes of this By-law:
  - 1.1 "Amnesty Week" means the five (5) Garbage Collection Days immediately following December 25 where, in addition to the regular Garbage limit, selected Premises can place additional Garbage to the curb for collection without a Garbage Tag;
  - 1.2 "Area Municipality" means any one of the municipality or corporation of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;

- 1.3 “As Designated” means as designated by the Region from time to time by the Commissioner of Public Works or his/her designate. It is anticipated that the Region’s recycling and other programs and related requirements will continue to evolve as new methods and Materials emerge. These changes will be implemented on an “As Designated” basis;
- 1.4 “Blue Box” means a container available from the Region or approved alternative as set out in Section 8 of this By-law or As Designated, used to set out Blue Box Material for collection;
- 1.5 “Blue Box Material” means recyclable Material that is collected under the Blue Box Program. The Material includes:
- (a) empty glass bottles, jars and lids/caps (lids/caps must be removed), including all glass containers which previously contained a food or beverage product;
  - (b) empty metal food and beverage cans, including all hard shell steel or aluminum containers which previously contained a food or beverage product;
  - (c) empty metal paint cans and lids (lids must be removed and a thin layer of dry residue are acceptable);
  - (d) clean aluminum foil meaning food wrap, food packaging and kitchenware such as pie plates made from a thin sheet of aluminum;
  - (e) empty plastic containers and packaging which previously contained a food or consumer product, including Polyethylene Terephthalate (PETE #1) bottles and containers; High Density Polyethylene (HDPE #2) tubs and lids, or bottles; Polyvinyl Chloride (PVC #3); Low Density Polyethylene (LDPE #4) plastic tubs and lids; Polypropylene (PP #5) plastic bottles, tubs and lids; Polystyrene (PS #6) containers and rigid foam packaging; and Polycarbonate mixed plastic (PC #7);
  - (f) empty gable-top cartons (e.g. milk and juice cartons) and aseptic packaging (e.g. juice boxes);
  - (g) empty spiral wound containers (e.g. frozen juice or potato chip containers) with metal lids bottoms and paper sides;
  - (h) empty metal aerosol cans (lids and caps must be removed); and
  - (i) other Material As Designated;
- 1.6 “Brush” means woody Material including twigs, tree limbs or branches;

- 1.7 “Bulky Goods” means large household items which are Collectable Material that cannot fit into a normal Garbage Container and may be overweight (excluding construction/demolition Material). Some examples include, but are not limited to, the following:
- (a) Artificial Christmas Trees;
  - (b) Box spring, mattress, and bed frame;
  - (c) Carpet or rugs in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
  - (d) Couches, sofa, chair;
  - (e) Floor lamps;
  - (f) Furniture (for example, tables, cabinets, dressers);
  - (g) Glass Shards packaged in cardboard box labelled “glass”;
  - (h) Large Toys;
  - (i) Pool cover and solar blankets in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
  - (j) Toilets or sinks that are individual and not part of construction and demolition;
  - (k) Other Collectable Material that cannot fit in a Garbage Container;
  - (l) Water softening units; and
  - (m) Other household items, As Designated the Region;
- 1.8 “Cart” means a container available from the Region or approved alternative as set out in Section 8, 10 and 11 of this By-law or As Designated, used to set out Blue Box, Grey Box or Green Bin Material for Types B-F Premises as set out in Schedule A to this By-law
- 1.9 “Care and Control” means Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:
- (a) Mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
  - (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
  - (c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person



- is considered an Owner and during the time the Person was considered an Owner; or
- (d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the Care and Control of the Person.
- 1.10 "Christmas Trees" means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights;
- 1.11 "Christmas Trees, Artificial" means trees manufactured from manmade Material;
- 1.12 "Collectable" means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law;
- 1.13 "Communal Collection Point" means a collection point approved or as determined by the Region, that is authorized for the use of more than one Premises;
- 1.14 "Composter" means a container available from the Region or any enclosure with a lid for the purpose of decomposing Leaf and Yard Material and/or Green Bin Material by aerobic decay or bacterial action;
- 1.15 "Construction, Renovation and Demolition" Material includes but is not limited to windows, drywall, wood, doors, metal, PVC pipe and other building Materials As Designated by the Region;
- 1.16 "Council" means the Council of The Regional Municipality of Niagara;
- 1.17 "Curbside" means the area directly in front of an Owner's Premises as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk. It normally extends 1.2 m (four (4) feet) rearward from the travelled portion of the road;
- 1.18 "Designated Business Area" means an area designated by the local municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services;
- 1.19 "Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up

to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region;

- 1.20 “Eligible Property” means a Premises of Types A, B, C, D, E or F as set out in Section 13 and Schedule A to this By-law where:
- (a) container limits set out in Schedule A can be abided by in the normal course of waste generation activity; and
  - (b) the Owner of the Premises are in compliance with this By-law; and
  - (c) the only Material set out for collection is Material generated on that Premises;
- 1.21 “Friendly Reminder” and “Final Friendly Reminder” means a written notice by the Region, in a form similar to that set out in Schedule B to this By-law or As Designated, which is delivered to an Owner, or left in a visible location, which can be readily seen at the Premises, or in a mailbox, to address Non-compliance;
- 1.22 “Garbage” means all non-hazardous, solid, residual waste which, for purposes of collection or drop-off at a Regional Drop-Off Location, does not fall within a recyclable class of Material as set out in Subsection 3.1(a) or elsewhere in this By-law and such other Material As Designated. It does not include grass;
- 1.23 “Garbage Container” means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of Garbage. It does not include cardboard boxes;
- 1.24 “Garbage Exemptions” mean exemptions as set out in Section 13 to the approved Garbage Container limits as shown in Schedule A;
- 1.25 “Garbage Tag” means a tag that can be purchased from the Region or authorized vendor and affixed and untampered (i.e. torn in half) to the neck of a waterproof bag or on top of the Materials placed in a Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law can use a Garbage Tag;
- 1.26 “Green Bin Container” means a container such as a Green Bin, Carts or the smaller Kitchen Catcher available from the Region, or other rigid reusable closed or open-top container clearly labelled with handles used for storing and setting out Green Bin/Cart Material;

- 1.27 “Green Bin Material” means compostable organic Material collected under the Green Bin program As Designated by the Region, including but not limited to food waste (such as meat, bones, shells, tea bags), pumpkins, tissue paper, paper towels and napkins, paper egg cartons, 100% compostable paper cups and plates, dryer lint, soiled newspaper, cold fireplace ashes, brown paper bags, saw dust, wood shavings, paper take-out trays, kitty litter and Pet Waste. It does not include grass or Liquid Material;
- 1.28 “Grey Box” means a container available from the Region or approved alternative as set out in Section 11 of this By-law or As Designated, used to set out Grey Box Material;
- 1.29 “Grey Box Material” means recyclable Material that is collected as part of the Grey Box Program. The Material includes:
- (a) soft-covered books and hard-covered books with the covers removed;
  - (b) boxboard (non-waxed, such as cereal and cracker boxes);
  - (c) cardboard (non-waxed);
  - (d) fine paper and paper envelopes;
  - (e) newspapers and unaddressed ad mail and flyers;
  - (f) plastic bags and stretchy plastic outer-wrap including but not limited to plastic grocery and retail bags, outer-wrap from such things as clean food wrap, empty bread bags, empty produce bags, toilet paper and paper towel packaging, empty and clean milk bags dry cleaner bags. Plastic bags and stretchy plastic outer-wrap must be stuffed into one bag and securely tied;
  - (g) shredded paper placed in a securely-tied, transparent plastic bag;
  - (h) telephone books and magazines, including catalogues and all glossy publications; and
  - (i) other Material As Designated;
- 1.30 “Illegal Dumping” means the disposing of Material in non-designated areas, such as public roads, ditches, public property, rural areas, and public Litter bins, as set out in Section 37 of this By-Law. Illegal Dumping does not include Litter;
- 1.31 “Large Rigid Plastic” means hard plastic items that do not fit into a Blue Box for Curbside Collection such as but not limited to buckets, pails, pots, crates, trays, baskets, totes, toys, pools, furniture, chairs and car seats with no other parts, metal or Material attached. Large

plastic items does not include plastic coolers, piping, siding or any plastic that also contain or have attached any wood, metal, insulation, rubber and non-plastic components;

- 1.32 "Leaf and Yard Material" means leaves, weeds, trimmings, flowers, small twigs less than 1.5 cm in diameter and other Material As Designated, but does not include grass, Brush, soil, dirt, roots, rocks, logs, stumps or sod;
- 1.33 "Leaf and Yard Container" means reusable, rigid, open-top containers, paper bags or certified plastic compostable plastic bags As Designated by the Region. It does not include cardboard boxes or non-compostable plastic bags;
- 1.34 "Litter" means debris, refuse, or Material discarded outside the regular Collection Point or lying scattered about the area;
- 1.35 "Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained;
- 1.36 "MPAC" means the Municipal Property Assessment Corporation;
- 1.37 "Material" is the broadest categorization of all that a Person or Owner wishes to dispose or recycle either through public collection or at a Regional Drop-Off Location. Subcategories of Material for collection are Collectable Material, including Recyclables and Non-Recyclables, to be prepared according to the class instructions in this By-law, and excluded Non-Collectable Material. Any Material may also be Non-Compliant because of its content or preparation. Subcategories of Material for drop-off at Regional Drop-Off Locations are Acceptable Material, to be prepared according to the category instructions in this By-law, and excluded Unacceptable Material;
- 1.38 "Multi-Purpose Property" means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types;
- 1.39 "Non-Collectable Material" means Material forbidden, prohibited and not acceptable for Curbside collection pursuant to this By-law including:
- (a) hazardous waste which is corrosive, flammable, toxic, explosive or biomedical or as defined in Ontario Regulation 347, R.R.O. 1990, under the Environmental Protection Act or any successor legislation;

- (b) prohibited Material as defined under the Transportation of Dangerous Goods Act, 1992, or any successor legislation;
  - (c) pathological waste, as defined and regulated in Ontario Regulation 347, R.R.O. 1990, under the Environmental Protection Act or any successor legislation;
  - (d) solid and liquid waste Material or substances which contain or could contain pathogen bacteria or micro-organisms that may be hazardous or dangerous;
  - (e) motor vehicles or automotive parts;
  - (f) live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material, which has been drained of all liquids;
  - (g) septic or holding tank pumping's or raw sewage;
  - (h) Material of any kind or nature that may be explosive or combustible or may cause fire including hot coals, ashes, oil-soaked or gasoline-soaked rags, papers, cloths or similar Material;
  - (i) gaseous, semi-liquid or liquid waste including liquid industrial waste as defined in Ontario Regulation 347, R.R.O. 1990, under the Environmental Protection Act or any successor legislation;
  - (j) sealed metal drums or barrels;
  - (k) other Material as prohibited in any relevant Certificate of Approval issued by the Ministry of the Environment under the relevant legislation;
  - (l) Sharps;
  - (m) Construction, Renovation or Demolition Material including windows;
  - (n) grass clippings;
  - (o) Waste Electrical and Electronic Equipment (WEEE);
  - (p) batteries (all types);
  - (q) White Goods; and
  - (r) other Material As Designated;
- 1.40 "Non-Compliant" means Material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law. "Non-Compliance" has the related meaning;
- 1.41 "Owner" includes but is not limited to:
- (a) a Person who is the registered owner and or the beneficial owner of Premises which is subject to this By-Law;
  - (b) the Person for the time being managing or receiving the rent of from Premises, which is subject to this By-Law, whether on

the Person's own account or as agent or trustee of any other Person or who would receive the rent if the Eligible Property was let; and

- (c) a Person who is a lessee or occupant or tenant of the Premises who in their capacity as lessee or occupant manages or is in charge or control Premises, which is subject to this By-Law;

There may be more than one Owner within the forgoing definition with respect to a particular Premises;

- 1.42 "Person" includes a partnership, an unincorporated association, a corporation, a cooperative society or a cooperative organization, the successors of a partnership, of an association, of a corporation, of a society or of an organization and the heirs, executors, liquidators of the succession, administrators or other legal representatives of a Person;
- 1.43 "Pet Waste" means animal excrement generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, and including pet bedding, whether separate or intermingled with such excrement, but excluding animal excrement generated by horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals;
- 1.44 "Premises" means land and buildings combined in the geographic area of Niagara region or a part of such land and buildings combined in the case of land and buildings which contain multiple self-contained units with respect to which a Person is considered an Owner. Premises shall be categorized by type in accordance with the definitions contained in Schedule A;
- 1.45 "Region" or "the Region" means The Regional Municipality of Niagara or an authorized representative of The Regional Municipality of Niagara, including a Regional Drop-Off Location site attendant, a contractor or its employee, or a by-law enforcement officer, as appropriate in the context;
- 1.46 "Regional Drop-Off Location" means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to waste, recyclables, compost, or household hazardous waste;

- 1.47 “Registered Charities” are charitable organizations, public foundations, or private foundations that are created and resident in Canada and have been issued a charitable registration number by the Canada Revenue Agency (CRA). They must use their resources for charitable activities and have charitable purposes in one or more of the following: the relief of poverty, the advancement of education, the advancement of religion or other purposes that benefit the community. To receive exemption under Section 13.8 the Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage;
- 1.48 “Scavenge” means to search through, pick over or remove objects or Material set out for Curbside collection or deposited at a Regional Drop-Off Location;
- 1.49 “Set Out Service” means the provision of onsite service, as approved by the Region, for Owners living in Type A Premises as listed in Schedule A to this By-law and who are unable to physically carry their Garbage, Blue/Grey Box Materials and Green Bin Material to the curb for collection. Set Out Service only includes Garbage, Blue/Grey Box and Green Bin Material. Set Out Service does not include Leaf and Yard Material, Bulky Goods, Brush, or any other excluded items, As Designated by the Region;
- 1.50 “Sharps” means blades, needles, syringes, including safety engineered needles, laboratory glass, or other Materials capable of causing punctures or cuts;
- 1.51 “Site Plan Conditions” means comments and conditions provided by the Region during the site plan application process pursuant to the Region’s Policy “Requirements for Waste Collection”;
- 1.52 “Waste Disposal Site” means as defined in the Environmental Protection Act, R.S.O. 1990, Ch. E.19, or any successor legislation (“Environmental Protection Act”);
- 1.53 “Waste Electrical and Electronic Equipment (WEEE)” means equipment as defined by O.Reg, 389/16 under the Waste Diversion and Transition Act, 2016, or any successor legislation, including but not limited to the following:
- (a) Desktop computers;
  - (b) Portable computers;
  - (c) Computer peripherals (keyboards, mice, hard drives, optical drives – CD Blu-ray, DVD, HD-DVD);

- (d) Monitors;
- (e) Televisions;
- (f) Desktop printing devices, including copiers and multi-function devices;
- (g) Floor standing devices, including printers, photocopiers and multi-function devices;
- (h) Scanners and typewriters;
- (i) Telephones and answering machines;
- (j) Cellular phones, PDA's and pagers;
- (k) Audio and video players/recorders (MP3, cassette, digital);
- (l) Cameras;
- (m) Radios;
- (n) Receivers;
- (o) Speakers;
- (p) Turntables;
- (q) Video players/projectors, digital frames;
- (r) Video recorders; and
- (s) Personal handheld computers, tablets.

- 1.54 "White Goods" means major household appliances or items such as stoves, washers, dryers, dishwashers, dehumidifiers, water tanks, barbeques, swing sets, bicycles, air-conditioning units, heat-pumps, refrigeration units or freezer units and other Material As Designated.

## **PART II –COLLECTION SERVICES**

### **2. General Collection Provision**

- 2.1 The Region provides collection of all Collectable Material from Eligible Properties in the Region according to the terms of this By-law and subject to other terms As Designated.
- 2.2 The Region also provides enhanced services as requested, approved and funded by local municipalities.
- 2.3 No Owner shall be eligible for collection unless the Owner complies with this By-law and other terms As Designated.
- 2.4 The Region may retain a contractor or contractors to fulfill the Region's responsibilities under this By-Law.
- 2.5 If, due to breakdown of equipment, strike, inclement weather, or any other cause, waste collection is not provided to an Eligible Property, the Region shall not be liable to any Person for any damages, costs,



loss or expenses of any kind due to the failure of such waste collection to take place.

### 3. Classes of Collectable Material

#### 3.1 The Classes of Collectable Material are:

##### (a) Recyclable Material:

- i. Blue Box Material;
- ii. Brush;
- iii. Christmas Trees;
- iv. Green Bin Material;
- v. Grey Box Material;
- vi. Leaf and Yard Material; and
- vii. Other recyclable Material As Designated.

##### (b) Non-Recyclable Material:

- i. Bulky Goods;
- ii. Garbage; and
- iii. Other non-recyclable Material As Designated.

3.2 All other Material is Non-Collectable Material and is not to be placed out for collection.

### 4. Separate According to Class and Class Provisions

4.1 If collection service is available to an Eligible Property for any of the above Classes, then the Material which an Owner sets out for collection must be separated according to Class.

4.2 Every Owner shall prepare Collectable Material according to the provisions in Sections 5 through 13 of this By-law relevant to each Class of Material.

### 5. Brush

5.1 Brush shall be set out for collection in accordance with the schedule of collection days As Designated and

- (a) shall be packaged in bundles where each individual piece of Material shall not exceed 7 cm (2.8 inches) in diameter and where each bundle shall not exceed:

- i. a size of 1.5 m (5 feet) in length by 0.5 m (1.6 feet) in diameter; and
    - ii. a weight of 22.7 kg (50 pounds); and
  - (b) if collected on the same day as other Material, shall be clearly separated from any other class of Material set out for collection.
- 5.2 Brush is only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Brush is available from sources noted in Section 53 of this By-law.
6. Bulky Goods
- 6.1 Bulky Goods are only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Bulky Goods is available from the sources noted in Section 53 of this By-law.
- 6.2 Bulky Goods set out for Curbside collection:
- (a) shall be in a contained state neatly placed at the Curbside; and
  - (b) shall not be stacked; and
  - (c) shall not have Material stacked or loose set on top of Bulky Goods; and
  - (d) shall be dismantled if possible; and
  - (e) shall not include Construction, Renovation and Demolition Material; and
  - (f) must be of a weight and dimension to be able to fit into the collection vehicle in a safe and efficient manner, As Designated by the Region; and
  - (g) limit of four (4) items per collection per Eligible Property.
- 6.3 The Owner must arrange in advance with the Region's collection contractor for the scheduled collection of Bulky Goods As Designated. Information on how to schedule collection is available from the sources noted in Section 53 of this By-law.
- 6.4 Contaminated items (e.g. mattresses with bed bugs), as determined by the Region, must be wrapped in plastic to be eligible for pick up.
- 6.5 Artificial Christmas Trees shall be set out for scheduled collection as Bulky Goods.

- 6.6 Collectable Material which can fit within a regular Garbage Container should not be disposed of as Bulky Goods, but as Garbage.
- 6.7 Glass shards resulting from broken mirrors, dishes, picture frames or other household glass, not including windows, are collectable as Bulky Goods if:
- (a) placed in a separate, sturdy, walled container to be collected with its glass shard contents, and secured so as to remain closed and to protect the safety of collection personnel;
  - (b) labelled appropriately (i.e. "Broken Glass"); and
  - (c) Large glass pieces (greater than 1.5ft by 1.5ft) must be removed from any bulky item, packaged or wrapped separately in a cardboard, bubble wrap or another approved packaging Material, and appropriately labelled (i.e. " Glass") to protect the safety of collection personnel.
7. Christmas Trees
- 7.1 Christmas Trees shall be set out for Curbside collection without wrapping, bagging, tinsel, lights or any other decorations, in accordance with the schedule of collection days and times As Designated. Further information on the collection of Christmas Trees is available from the sources noted in Section 53 of this By-law.
- 7.2 Christmas Trees are only collectable from Type A Premises, as defined in Schedule A to this By-law.
- 7.3 No Owner shall set out a Christmas Tree unless it, or segments cut from it, are less than 3 metres (10 feet) in length and free of all accessories, decorations and plastic wrap. No Artificial Christmas Trees, wrapped or bagged trees, will be collected for this purpose. Refer to Section 6, Bulky Goods, for the collection of Artificial Christmas Trees.
8. Blue Box Material
- 8.1 Blue Box Material shall be set out for collection according to the following requirements:
- (a) Blue Box Material must be packaged as follows:
    - i. in designated recyclable containers (Blue Box) available from the Region; or

- ii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for; or
- iii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides to facilitate the lifting and emptying of the said receptacle; or
- iv. in transparent plastic bags; or
- v. in a sturdy non-waxed cardboard box (box will be recycled); and

(b) Blue Box containers shall meet the following requirements:

- i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
- ii. not exceeding a weight (of container and Material together) of 22.7 kg (50 pounds); and
- iii. Carts for Type B-F Premises are exempt from 8.1 (b) (i) and (b) (ii); and
- iv. be of sufficient quality to withstand normal collection activities and use; and
- v. for Blue Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and

(c) contents shall not exceed the limits of the top of the Blue Box container; and

(d) must be clearly separated from any other class of Material set out for collection on the same Premises.

8.2 Blue Box Material that is loose or not packaged as outlined above may not be collected.

8.3 Further information on the collection of Blue Box Materials is available from the sources noted in Section 53 of this By-law.

## 9. Leaf and Yard Material

9.1 Leaf and Yard Material shall be set out for Curbside collection:

- (a) packaged in rigid, reusable, open-top containers or compostable paper bags or certified compostable plastic bags As Designated:
    - i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
    - ii. not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
    - iii. for Leaf and Yard Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and
  - (b) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.
- 9.2 Non-compostable plastic bags (without a 'Biodegradable Products Institute' or '100% Compostable' logo) or cardboard boxes are not permitted.
- 9.3 Leaf and Yard Material is only Collectable from Type A Premises as defined in Schedule A to this By-law.
- 9.4 Further information on the collection of Leaf and Yard Material is available from the sources noted in Section 53 of this By-law.
10. Green Bin Material
- 10.1 Green Bin Material shall be set out for Curbside collection packaged:
- (a) in a Green Bin Container available from the Region or other suitable containers in accordance with 10.1 (c) packaged in:
    - i. Compostable plastic bags with BPI logo;
    - ii. Paper bags;
    - iii. Wrapped in newspaper; and/or
    - iv. Placed directly into the Green Bin container in a loose fashion.
  - (b) in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for; or
  - (c) in other containers labelled "Organics":

- i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
    - ii. not exceeding a total weight (of container and Green Bin Material together) of 22.7 kg (50 pounds); and
    - iii. which are equipped with handles; and
    - iv. Carts are exempt from 10.1 (c) i-iii; and
  - (d) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.
- 10.2 Small amounts of Leaf and Yard Material including weeds, garden Material, trimmings, and twigs smaller than 1.5 cm (0.5 inches) in diameter and no longer than 30.5 cm (12 inches), excluding grass, are permitted as Green Bin Material.
- 10.3 Pet waste and kitty litter shall be either bagged using small certified compostable plastic bags As Designated, paper bags or completely wrapped in newspaper before being placed in the Green Bin/Cart or other labelled container as above.
- 10.4 Green Bin Material that has a tendency to turn into liquid, as determined by the Region, shall be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material or Material that exhibits evidence of free water, or other liquids, whether or not contained is not permitted in the Green Bin/Cart. The collection service is designed for solid Material.
- 10.5 Further information on the collection of Green Bin Material is available from sources noted in Section 53 of this By-law.
11. Grey Box Material
  - 11.1 Grey Box Material shall be set out for collection according to the following requirements:
    - (a) Grey Box Material must be packaged as follows:
      - i. in designated recycling containers (Grey Box) available from the Region; or
      - ii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides to facilitate the lifting and emptying of the said receptacle; or

- iii. in a Cart only for Type B-F Premises as set out in Schedule A to this By-law; or
  - iv. in transparent plastic bags; or
  - v. in a sturdy non-wax cardboard box (box will be recycled); or
  - vi. in case of cardboard, must bundle together in bundles not exceeding a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); or
  - vii. in the case of flattened cardboard placed inside another cardboard box, which cardboard box must not exceed a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); Loose cardboard must be flattened and tied using twine, packing tape or an approved alternative, in bundles no larger than 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet), and not exceeding a weight of 22.7 kg (50 pounds); or
  - viii. in the case of plastic bags and stretchy plastic outer-wrap, by placing all loose plastic bags or plastic film in one securely tied Plastic Bag (not loose in the Grey Box); and
- (b) Grey Box containers must meet the following requirements:
- i. not exceed a size of up to 91 cm (3 feet) in height by 61 cm (2 feet) in width; and
  - ii. not exceed a weight (of container and Material together) of 22.7 kg (50 pounds); and
  - iii. Carts for Type B-F Premises are exempt from 11.1 (b) i – ii;
  - iv. be of sufficient quality to withstand normal collection activities and use; and
  - v. For Grey Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the resident prior to collection; and
- (c) contents placed within a Grey Box container shall not exceed 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet); and
- (d) clearly separated from any other class of Collectable Material on the same Premises.

11.2 Grey Box Material that is loose or not packaged as outlined above may not be collected.

11.3 Further information on the collection of Grey Box Material is available from sources noted in Section 53 of this By-law.

## 12. Garbage

12.1 Material not included in the other Classes of Collectable Material of this By-law shall be set out for collection as Garbage, and

(a) packaged in a Garbage Container:

- i. not exceeding a size of 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
- ii. not exceeding a weight (of container and waste) of 22.7 kg (50 pounds); and
- iii. receptacle, can, bin or other container As Designated must be equipped with handles on two (2) sides; and
- iv. be of sufficient quality to withstand normal collection activities and use; and

(b) such that the contents shall not exceed the limits of the top of the Garbage Container; and

(c) in such a way as to clearly separate it from any other classes of Collectable Material on the same Premises; and

(d) if required by this By-law, with the relevant Garbage Tag affixed, refer to Section 13.1 (a); and

(e) containing no other Classes of Collectable Material including but not limited to Leaf and Yard Material, Green Bin Material, Blue Box Material and Grey Box Material and Non-Collectable Material.

12.2 For Garbage Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection.

12.3 Garbage that is Non-Compliant, or which contains other classes of Collectable Material and/or Non-Collectable Material, may not be collected.



## 13. Collection Limits and Procedure for Garbage Exemptions

13.1 The maximum number of Garbage Containers set out every-other-week for Type A ,B, E, F Premises and every week for Type C and D Premises shall be as set out in Schedule A to this By-law as follows:

- (a) An Owner of a Type A self-contained unit may set out additional Garbage Containers provided that each extra Garbage Container has the appropriate Garbage Tag affixed, which Garbage Tag has been purchased from the Region or its authorized vendor; and
- (b) the Garbage Tag shall be affixed:
  - i. untampered to a Garbage Container (i.e. torn in half) to the neck of a waterproof bag or on top of the Materials placed in a Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule A of this By-law are eligible to use a Garbage Tag; Any tampered Garbage Tags will not be accepted and Material will not be collected; and
  - ii. in a clearly visible location readily seen upon removal of the container's lid for a non-disposable Garbage Container such as a Garbage can, bin or receptacle. The Garbage Tag shall not be placed directly on the can, bin, handle or receptacle.
  - iii. Information on Garbage Tags is available from the sources noted in Section 53 of this By-law.
- (c) an Owner of Premises may be allowed a Garbage Exemption if they do not also have private Garbage collection services, and subject to application and approval by the Region for the following reasons:
  - i. A medical condition that results in the generation of additional Garbage for Type A Premises and group homes, homes for adults with disabilities and homes for assisted living;
  - ii. Type A Premises with one child under the age of four in diapers can apply for collection of one (1) transparent plastic bag of diapers combined with no other collectable material, to be collected on the week alternate to their regularly scheduled Garbage

- collection day. These properties are restricted to two Garbage Containers and no additional bag of diapers on their regularly scheduled Garbage collection day.
- iii. Type A Premises with two children under the age of four in diapers can apply for weekly collection of one (1) transparent plastic bag of diapers combined with no other Collectable Material;
  - iv. Type A Premises with three or more children under the age of four in diapers can apply for weekly collection of two (2) transparent plastic bag of diapers combined with no other Collectable Material;
  - v. Type A Premises operating as an in-home child care provider can apply for weekly collection of two (2) additional transparent plastic bag of diapers combined with no other Collectable Material;
- (d) an Owner of a Type A Premises may set out two (2) additional Garbage Containers during Amnesty Week;
  - (e) an Owner of Type B Premises may set out for collection a maximum of two (2) containers per unit up to a maximum of twenty-four (24) containers every-other-week per Premises;
  - (f) an Owner of Type B Premises may set out a maximum of two (2) additional Garbage Container per unit up to a maximum of twenty-four (24) additional Garbage Containers per Premises during Amnesty Week;
  - (g) an Owner of Type C-D Premises may set out for collection a maximum of four (4) containers weekly;
  - (h) an Owner of Type D Premises may set out four (4) additional Garbage Containers during Amnesty Week
  - (i) an Owner of Type E and F Premises may set out for collection a maximum of eight (8) containers every-other-week;
  - (j) an Owner of Type F Premises may set out eight (8) additional Garbage Containers during Amnesty Week;
- 13.2 The number of Blue Box, Grey Box or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:

- (a) for Type A Premises, an Owner may set out for collection unlimited Blue and Grey Boxes;
- (b) for Type B Premises, an Owner may set out for collection unlimited Carts with a guideline of one (1) Cart for every twenty (20) units for Blue Box Material and one (1) Cart for every eleven (11) units for Grey Box Material;
- (c) for Type C, D and F Premises, an Owner may set out for collection unlimited Blue and Grey Boxes or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained .
- (d) for Type E Premises, an Owner may set out for collection up to a combined total of eight (8) Blue and Grey Carts or the equivalent number of units as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Boxes, bundles or bags, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.

13.3 The number of Green Bin Containers or Carts which may be collected from different types of Premises shall be as set out in Schedule A to this By-law, that is:

- (a) for Type A Premises, an Owner may set out for collection unlimited Green Bins;
- (b) for Type B Premises, an Owner may set out for collection Green Bins or Green Carts on a request only basis in the quantity determined by the Region;
- (c) for Type C, D and F Premises, an Owner may set out for collection unlimited Green Bins or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained .
- (d) for Type E Premises, an Owner may set out for collection up to eight (8) Green Carts or the equivalent number of Green Bins as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Green Bins, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to

switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.

- 13.4 In all cases, the Material collected during collection must be Material generated at the self-contained unit for Type A Premises or on the Premises for Type B-F Premises.
- 13.5 Type A Premises that use private Garbage collection services or are not able to stay within the Garbage limit, as determined by the Region, are subject to review by the Region and may not be eligible for Garbage and/or Bulky collection services as Designated. This applies to both base and enhanced service, where applicable.
- 13.6 To be eligible for Garbage collection services, Type C-F Premises must utilize the Region's recycling and organics collection services. This applies to both base and enhanced service, where applicable.
- 13.7 Any Type C or E Premises, as shown in Schedule A with a building greater than three (3) storeys, as determined by the Region, excluding municipal or Region owned buildings are not eligible for any collection services.
- 13.8 Any Type B-F Premises, as shown in Schedule A, that retain private service for Blue or Grey Box Material collection will not be eligible for Regional collection services. An exemption to this clause applies for regional and municipal facilities, Regional Agencies, Boards and Commissions, as well as Registered Charities and schools, subject to application and approval by the Region.
- 13.9 Collection limits for types of Premises are determined by the Region in accordance with Schedule A using the property classifications designated by MPAC and/or contained in applicable Site Plan Conditions. In the event of discrepancy, the Region's designation of the Premises type will prevail. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of Niagara Region, the limit for the Premises in question shall be as determined by the Region. In the event of a Multi-Purpose Property, each individual Premises is subject to their respective eligibility requirements and collection limits.

- 13.10 On a request basis, residential farms, as determined by the Region using the property classification identified by MPAC, can receive either Type A or Type E collection limits. If a residential farm does not request a farm exemption, the premises will be serviced, as per their property classification identified by MPAC, as set out in Schedule A to this By-law.

### **PART III – COLLECTION RESTRICTIONS AND RESPONSIBILITIES**

#### **14. Collection Restrictions and Responsibilities**

- 14.1 No Person or Owner shall set out or permit to be set out:
- (a) Non-Collectable Material; or
  - (b) Non-Compliant Material.
- 14.2 The Owner of Premises shall set out for collection the Classes of Collectable Material at the locations as shown in Section 15, in the manner, and in accordance with the schedules of collection days As Designated. See Section 53 of this By-law for further sources of schedule and Material preparation information.
- 14.3 If the Owner of a Premises fails to comply with the responsibilities and requirements as set out in this By-law, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice, either by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail or hand delivered, to the Owner, cease collection from the Premises until such time as the Non-compliance is corrected to the satisfaction of the Region.
- 14.4 If the Owner of a Premises or a tenant engages in any inappropriate behaviour, riotous, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by the Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate behaviour, conduct and/or language is corrected to the satisfaction of the Region.
- 14.5 The Owner of any Premises receiving collection shall be responsible to ensure that all Persons on the Premises who use or expect to use the Region's collection service receive and follow the instructional information relating to the service provided by the Region.

- 14.6 The Owner of any Premises receiving collection shall be responsible to ensure that animals such as dogs are secured or tied to ensure safety of collection workers and uninterrupted collection.
- 14.7 The Owner of a Premises shall not interfere with collection vehicles or personnel.
- 14.8 The Owner of a Premises shall not deposit any Material into a collection vehicle.
- 14.9 In the event a change is made to the schedules of collection day As Designated, the Region shall make reasonable efforts to advise all affected persons by publication or service of notice upon the Owner of the affected Premises as provided for in this section. Publication for purposes of this section means notice placed on the Region's website at least fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Service of notice by the Region for purposes of this section means notices given to the Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail, or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or by posting the notice at the subject property, and such service shall be deemed good and sufficient notice effective upon delivery. Information posters and media releases may be used, in addition to the above publication or service methods. In the event of an emergency situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.
15. Collection Location
- 15.1 Except as set out in Section 15.2 the Owner of Premises shall set out Material for collection by placing it at Curbside in front of the Premises in a location to clearly distinguish separation from a neighbouring Premises and as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk.
- 15.2 The Owner of Premises shall set out Material at a collection point or Communal Collection point approved or as determined by the Region. Dwelling Units that place their Material at a Communal

Collection point must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Dwelling Units.

- 15.3 No Owner shall place Material out for collection at any Premises except at their own Premises.
  - 15.4 No Owner shall permit Material at any time in the Care and Control of that Owner to be located otherwise than on their Premises or in a Collection location permitted by Section 15 of this By-law.
  - 15.5 No Owner shall place Material out for collection on top or behind snow banks. This will ensure the Material can safely be collected and prevent containers from falling behind the snow bank or onto the roadway before or after collection. During winter weather, when snow or snow banks may alter the normal set out location, the Owner shall place the Material:
    - (a) at the end of the driveway next to the snow bank; or
    - (b) in a spot cleared out in the side of the snow bank near the travelled portion of the road.
  - 15.6 Material shall not be collected from inside an enclosure, shed or other structures As Designated, unless otherwise approved by the Region. Enclosures must be placed as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk, unless otherwise approved by the Region. Collection personnel must be able to access Materials from enclosures by opening the enclosure from the front not the top and must be able to remove Materials from the enclosure without any obstruction.
16. Collection Times
- 16.1 Collectable Material shall be set out not earlier than 5:00 p.m. on the day before the designated collection day and not later than 7:00 a.m. on the designated collection day.
  - 16.2 The Owner shall remove all containers, together with any Material that was not collected for any reason, from the Curbside as soon as possible after collection, but not later than 7:00 p.m. on the designated collection day.
  - 16.3 Material left Curbside before and after collection times will be the responsibility of the Owner of the Premises.

16.4 From time to time, the Region may define specific collection times other than those referenced in in Section 16.1 and 16.2 for As Designated areas. The Owner of a Premises in an As Designated area shall set out Collectable Material for collection at the prescribed times and schedule As Designated which will be published or communicated by the Region for the As Designated areas. Publication for purposes of this Section means notice placed on the Region's website at least fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Communication by the Region for purposes of this Section means notices given to Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed good and sufficient service, effective upon delivery. Information posters and media releases may be used, in addition to the above publication or communication methods. In the event of an emergency situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.

17. Acceptable Containers

17.1 The Owner of Premises shall set out for collection only containers which are:

- (a) each container shall be maintained in a safe and efficient condition for collection and have handles or indentations to facilitate the lifting and emptying of the said receptacle; and
- (b) intact, as required, to prevent spillage or breakage during collection; and
- (c) contained, as required, to prevent the attraction of animals (including insects) and the release of odours; and
- (d) free of excess water, ice and snow or other substances which may interfere with collection. Any Material which has become frozen or stuck to the collection container and cannot be easily discharged will not be collected; or
- (e) Approved alternative, as determined by the Region



## 18. Uncontained Material

- 18.1 The Owner of a Premises shall not permit any Material set out for collection to become uncontained or otherwise escape in for any reason, including weather or animals.
- 18.2 The Owner of a Premises shall be responsible for the immediate clean up or re-securing of uncontained Material.
- 18.3 Where Material that has been set out for collection has blown away or otherwise escaped in any manner, the Owner of a Premises from which the Material originated shall clean up the Material.

## 19. Ownership

- 19.1 All properly prepared and separated Collectable Material set out within the designated times becomes the property of the Region upon pick-up or other receipt by authorized employees or contractors of the Region.
- 19.2 Material set out which is Non-Collectable or Non-Compliant remains the property and responsibility of the Owner.
- 19.3 At the Region's discretion, the Region may authorize the collection by the Region or Contractors, of Non-Compliant or Non-Collectable Material for the purpose of investigation or health, safety and welfare of the general public.

## 20. Requirements for Waste Collection

- 20.1 The Region may enter a private property for collection purposes provided that:
- (a) the Region has determined from time to time that the roadways to be used by collection vehicles on behalf of the Region:
- i. have been approved for on-site collection during the site plan approval process; and
  - ii. have widths, turning radii, means of access, and means of egress meeting or exceeding the requirements of the Region's Policy on Requirements for Waste Collection, as amended from time to time; and

- iii. have overhead clearance meeting or exceeding the standards prescribed in the Highway Traffic Act, R.S.O 1990, Ch. H.8, or any successor legislation; and
  - iv. are clear of snow and ice; and
  - v. provide unobstructed access to the Material to be collected; and
- (b) the Owner of the private property and/or development has entered into a written agreement with the Region in the form As Designated and in accordance with policies set by the Region.

20.2 Wherever practical, in accordance with the approved site plan and Region's Requirements for Waste Collection Policy as determined by the Region, Material from each unit shall be sufficiently separated to allow identification of the unit generating the Material for purposes of the enforcement of this By-Law.

#### **PART IV – REGIONAL DROP-OFF LOCATIONS**

##### **21. Drop-off of Acceptable Material**

21.1 The Region may establish Regional Drop-Off Locations for the drop-off of Acceptable Material as set out in Sections 24 to 27 of this By-law.

##### **22. Unacceptable Materials**

22.1 No Person shall drop off, or permit to be dropped off, unacceptable Material at a Regional Drop-Off Location.

22.2 Unacceptable Material includes the following:

- (a) any dangerous and hazardous Material such as poisons, hot live ashes, caustics, acids, pesticides, herbicides, radioactive Material, industrial process sludge, biomedical waste, or substances which may cause personal or environmental problems with the exception of the Household Hazardous Waste categories as set out in Section 26;
- (b) ammunition;
- (c) reactive chemical waste;
- (d) liquid waste with the exception of certain Household Hazardous Waste categories as set out in Section 26;
- (e) pathological waste with the exception of Sharps;

- (f) sludge from septic tanks or seepage;
- (g) highly flammable, volatile, explosive, reactive or radioactive Materials with the exception of certain Household Hazardous Waste categories as set out in Section 26;
- (h) leachate toxic waste;
- (i) PCB waste;
- (j) carcasses of dogs, cats, fowl and other such creatures, or parts thereof;
- (k) live animals or birds;
- (l) human excrement;
- (m) steel and plastic barrels, unless the lid is removed and the barrel is empty and dry;
- (n) automotive parts, not including automobile tires or small automotive parts;
- (o) waste with excess liquid accumulated in the load or Material that fails a slump test;
- (p) asbestos not prepared as set out in Section 28;
- (q) Organic material which has decomposed under anaerobic conditions; and
- (r) other Material As Designated.

### 23. Acceptable Material

23.1 Not all Regional Drop-Off Locations will receive all types of Acceptable Material and receipt will depend on whether any of the following activities occur at any given Regional Drop-Off Location:

- (a) Drop-off/Recycling;
- (b) Composting;
- (c) Household Hazardous Waste Collection;
- (d) Landfilling

### 24. Acceptable Drop-off/Recycling Material

24.1 Acceptable Material for Drop-off includes the following:

- (a) automobile tires separated from the rims and free of foreign Material and excessive moisture;
- (b) asphalt and concrete
- (c) batteries, either single use alkaline or rechargeable;
- (d) Blue Box Material;
- (e) Bulky Goods;
- (f) clothing for re-use;
- (g) Collectable Material;

- (h) Construction, Renovation and Demolition Material, including drywall, wood, metal, PVC pipe and other building Materials;
- (i) Garbage;
- (j) Grey Box Material;
- (k) Household items for re-use including small appliances and toys and other such goods;
- (l) Large Rigid Plastic
- (m) Mattresses up to a maximum of four (4) per load, with the exception of loads delivered by the Region's Collection Contractor
- (n) shingles
- (o) Waste Electrical and Electronic Equipment with personal information removed:
- (p) White Goods, and
- (q) other Material As Designated.

24.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in Section 53 for further information.

## 25. Acceptable Composting Material

25.1 Acceptable Material for composting includes the following:

- (a) Brush;
- (b) Christmas Trees;
- (c) Green Bin Material;
- (d) Leaf and Yard Material;
- (e) Grass clippings; and
- (f) other Material As Designated.

25.2 There may be locations where less than this full list may be Acceptable. Consult the sources listed in Section 53 for further information.

## 26. Acceptable Household Hazardous Waste Material

26.1 Acceptable Material for Household Hazardous Waste is:

- (a) aerosol cans with contents remaining;
- (b) antifreeze;
- (c) batteries (all types);
- (d) barbeque propane tanks;
- (e) corrosive cleaners including inorganic acids, bases and oxidizers;

- (f) fertilizers and other inorganic oxidizers;
- (g) fire extinguishers
- (h) flammable liquids such as solvents and thinners;
- (i) fluorescent light tubes;
- (j) gasoline and fuels;
- (k) medications;
- (l) mercury switches and thermometers
- (m) motor oil;
- (n) oil filters;
- (o) pesticides and herbicides;
- (p) paint;
- (q) paint sludge;
- (r) pharmaceuticals;
- (s) pool chemicals;
- (t) small gas cylinders such as propane, oxygen, carbon dioxide, helium, expanding foam;
- (u) Sharps in puncture-proof containers; and
- (v) other Material As Designated.

26.2 All Household Hazardous Waste Material must be in acceptable containers, which conform to the following requirements:

- (a) Must be in the original or clearly labelled container, indicating contents;
- (b) All containers must be capped and sealed;
- (c) Liquid wastes must not be larger than 20 litres each. Barrels and/or drums of liquid waste will not be accepted;
- (d) Gasoline will not be decanted at depots. The container and the contents will be taken for safe disposal;
- (e) No industrial, commercial or institutional hazardous waste will be accepted; and
- (f) Other acceptable containers As Designated.

## 27. Acceptable Landfilling Material

27.1 Acceptable Material for Landfilling is:

- (a) asbestos if prepared as set out in Section 28;
- (b) Bulky Goods, with the exception of those items which can be re-used or recycled;
- (c) Construction, Renovation and Demolition Material with wood, drywall, metal and other recyclable Material separated;
- (d) Garbage;
- (e) soil or dirt in acceptable quality and quantity, as determined by the Region; and

(f) other Material As Designated.

28. Acceptable Asbestos Preparation and Acceptance Procedures

28.1 No Person shall unload or dispose of asbestos at a Regional Drop-Off Location unless such unloading or disposal is in accordance with the conditions set out in this Section.

28.2 Any Person dropping off asbestos shall contact the Region at least twenty-four (24) hours prior to delivery of the asbestos to allow for preparation of the Regional Drop-Off Location designated area.

28.3 All asbestos must be contained in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the asbestos, or the asbestos Material must be double bagged in two (2) six millimetre polyethylene bags. The container must be free from punctures, tears or leaks and shall be clearly labelled to indicate the nature of the contents. The external surface of the container and the vehicle used for the transport of the asbestos must be free of asbestos.

28.4 During unloading, the packaged asbestos shall be handled individually and care taken to place the packages in the designated area to avoid spillage. This unloading shall be the responsibility of the Person dropping off the asbestos.

28.5 The unloading shall only be done in the presence of the Region to ensure that no loose asbestos or broken containers are unloaded and that no airborne particulate is generated.

28.6 In the event that loose asbestos or broken containers are found, the Person dropping off the asbestos shall repackage the Material with additional containers or bags provided in his/her vehicle.

28.7 The asbestos containers shall be placed directly in the designated area which has been prepared by the Region.

29. Material Requiring Special Handling

29.1 Any Person dropping off Material requiring special handling (such as dusty material) shall contact the Region at least 24 hours prior to delivery to a Regional Drop-Off Location to receive handling instructions from the Region and to allow for preparation of the Regional Drop-Off Location designated area.

- 29.2 The unloading of the Material requiring special handling shall be the responsibility of the Person dropping it off.
- 29.3 The Material requiring special handling shall be placed directly in the designated area by the Person dropping it off.
- 29.4 Material requiring special handling is only accepted Mondays to Fridays, between the hours of 8:30 a.m. and 3:00 p.m.
30. Fees
- 30.1 The Region shall set fees to be paid by Persons for the drop-off of Material at Regional Drop-Off Locations.
- 30.2 The fees are set out in the Region's Fees and Charges By-Law as amended from time to time.
31. Access
- 31.1 Access to a Regional Drop-Off Location shall be limited to the days and times As Designated by the Region. Days and hours of operation are posted at each permanent location.
- 31.2 Access to a Regional Drop-Off Location shall be limited to Persons who are:
- (a) commercial haulers who have provided a copy of their Ministry of the Environment, Conservation and Parks Waste Management System Certificate and, when requested by the Region, proof satisfactory to the Region that the Material they bring for drop-off has been generated from within the Region; or
  - (b) non-commercial haulers who, upon request, have provided proof of their residency in the Region satisfactory to the Region.
- 31.3 The Region may further limit access to certain Regional Drop-Off Locations As Designated.
- 31.4 The Region may specify time schedules and pre-deposit conditions for Persons seeking access to a Regional Drop-Off Location.

- 31.5 The Region may refuse access to a Person at the Region's discretion if:
- (a) the Person has violated this By-law;
  - (b) the Person is likely to violate this By-law;
  - (c) the Person owes money to the Region pursuant to this By-law;
  - (d) the Person is transporting Material which is unacceptable for deposit at the Regional Drop-Off Location;
  - (e) the Person's vehicle load is not fully covered and/or secured;
  - (f) the Person's vehicle appears to be unsafe; or
  - (g) the Person uses abusive or offensive language or behaviour toward workers or other Persons at the Regional Drop-Off Location.

## **PART V – REGIONAL DROP-OFF LOCATION RESTRICTIONS AND RESPONSIBILITIES**

### 32. Drop-off Restrictions

#### 32.1 The following restrictions apply at Regional Drop-Off Locations:

- (a) all drivers shall ensure the vehicle load is fully covered and/or secured and the vehicle is not over loaded;
- (b) all drivers shall bring vehicles to a complete stop and await the direction of the Region's site attendant before entering or leaving the weigh scale;
- (c) all drivers shall identify the Material type and source to the Region's site attendant;
- (d) all vehicles shall weigh inbound and outbound unless instructed otherwise by the Region's site attendant;
- (e) no Material originating from outside the Region shall be dropped off;
- (f) all Material deposited shall become the property of the Region and may be salvaged, recycled, reclaimed, disposed of and otherwise dealt with as the Region may deem fit;
- (g) no Person, while at a Regional Drop-Off Location, shall operate a vehicle or do any other thing without exercising due care and attention or in a manner that causes or is likely to cause injury or harm to any Person or damage to any property;
- (h) no Person, while at a Regional Drop-Off Location, shall:
  - i) indulge in any riotous, violent, threatening or illegal conduct, or use profane or abusive language as determined by the Region; or



- ii) create a nuisance or in any way interfere with the use of a Regional Drop-Off Location by any other Person;
  - iii) Any person deemed by staff to be engaging in these behaviours may be refused service and/or requested to leave the premises.
- (i) no Person shall deposit or allow or cause to be deposited Materials except in bins or disposal areas for such purposes;
  - (j) all Persons shall at all times obey all signs and directions of the Region, its site attendants or staff or contractors' staff;
  - (k) all Persons shall enter or exit a Regional Drop-Off Location by the designated access and exit routes;
  - (l) no Person shall deposit or permit to be deposited Garbage into recycling bins or composting areas;
  - (m) no Person shall deposit Recyclable Material including Leaf and Yard Material, Green Bin Material, Blue Box Material, Grey Box Material and/or other Material As Designated into the Garbage area located at the Drop-off/Recycling Depot or in the area designated for Landfilling;
  - (n) no Person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty (60) minute period.
- 32.2 (a) On the first occasion of violation of any of the restrictions in Section 32.1 above, a written warning notifying the Person of his/her violation may be issued by the Region; or
- (b) On the first or any subsequent occasion of violation of any of the restrictions in Section 32.1 above, the Person may be charged with an offence of having violated this By-law and may also be subject to being refused access to Regional Drop-Off Locations.

### 33. No Trespassing

- 33.1 No Person shall unlawfully enter a Regional Drop-Off Location at any time.
- 33.2 No Person shall unlawfully enter the land strip around the perimeter of a Regional Drop-Off Location (buffer lands) or a Regional Drop-Off Location property during the time that the Regional Drop-Off Location is closed.
- 33.3 No Person shall enter with or operate an off-road vehicle or bike of any type on any part of a Regional Drop-Off Location and/or the land strip around the perimeter of a Regional Drop-Off Location (buffer lands).



## 34. Drop-off Responsibilities

## 34.1 Every Person dropping off Material at a Regional Drop-Off Location shall:

- (a) drop off only Material acceptable for deposit As Designated;
- (b) comply with all orders or directions given by the Region's site attendants or contractors' staff;
- (c) obey all speed limit signs and other signs posted at a Regional Drop-Off Location;
- (d) separate each type of Material and deposit in areas designated for such Material by the Region;
- (e) unload Material in a safe manner and use extreme caution while unloading;
- (f) remove covers/tarpaulins and/or release turnbuckles on vehicles only in the unloading area and at the direction of the Site Attendants or contractor's staff;
- (g) remove any remaining loose Material from vehicles before leaving the unloading areas;
- (h) close and secure, in a manner acceptable to the Region, all unloading doors with chains or acceptable alternatives before departure from the unloading areas;
- (i) ensure that any child under the age of 12 remain inside the vehicle at all times;
- (j) ensure that children act responsibly at all times when outside the vehicle;
- (k) ensure that animals remain inside the vehicle at all times;
- (l) acknowledge and accept that any Person entering a Regional Drop-Off Location does so at their own risk. The Person and the Owner of any vehicle brought upon a Regional Drop-Off Location agrees to save the Region, its contractors, agents and employees, harmless from any damages or claims whatsoever to themselves or their property, or to any other Person or property whatsoever, arising from such Person's negligence or failure to comply with their responsibilities as set out in this By-law, As Designated or otherwise;
- (m) not depart from the Regional Drop-Off Location until the relevant fees as set by the Region from time to time are paid in full, whether by cash, debit, or charged to an authorized account;
- (n) conform strictly to all legislative requirements including, in particular, the Environmental Protection Act, the Occupational Health and Safety Act, R.S.O. 1990, Ch. 0.1, and any other relevant successor legislation, any relevant regulations there

- under, any relevant Certificates of Approval and any relevant Regional By-laws, Policies, and Procedures; and
- (o) not smoke anywhere on a Regional Drop-Off Location.

35. Refusal

- 35.1 The Region reserves the right to refuse to accept for drop-off any Material of a questionable nature or origin.

36. Safe Loads

- 36.1 Persons entering a Regional Drop-Off Location shall ensure that all Material transported is secure, covered, tied, or enclosed to prevent any Material from falling onto any roadway or public property.

**PART VI – FURTHER RESTRICTIONS**

37. Illegal Dumping

- 37.1 No Person shall dump, drop, sweep, throw, cast or otherwise deposit; or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping, dropping, sweeping, throwing, casting or otherwise depositing any Material whatsoever on or in any road or public property, or at the entrance to or around the perimeter of a Regional Drop-Off Location.
- 37.2 No Person shall dump or deposit, or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump or deposit any Material generated on a Premises owned or occupied by that Person into or within a one (1) metre radius of a Litter bin on any road or public property.
- 37.3 No Person shall permit Material at any time in the Care and Control of that Person to be dumped, dropped, swept, thrown, cast or otherwise deposited by any other Person in contravention of Section 37.1 or 37.2 of this By-law.
- 37.4 For the purpose of Subsections 15.4 and 37.3 Material shall be deemed to have been within the Care and Control of a Person at a point in time if the Material included any Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:

- (a) mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
- (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
- (c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner;
- (d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the Care and Control of the Person.

### 38. Scavenging

- 38.1 No Person shall, without the written approval of the Region, Scavenge, interfere with, pick over, disturb, remove or scatter any Material set out for collection.
- 38.2 No Person shall Scavenge, interfere with, pick over, disturb, remove or scatter any Material at a Regional Drop-Off Location unless the Material has been designated for re-use by the Region and the Person has received permission from the Region.

### 39. Saving Provisions

- 39.1 A Person shall be liable under Section 37.3 if they can establish on the basis of a balance of probabilities that such Material, deemed by Section 37.4 to have been within the Care and Control of that Person was in fact never in that Person's care or control.
- 39.2 A Person or Owner shall not be liable for breach of either Section 15.4 or 37.3 of this By-law if they establish on a balance of probabilities that they took all reasonable precautions to prevent occurrence of the offence.

## **PART VII – ENFORCEMENT**

### 40. Friendly Reminders

- 40.1 To encourage compliance with this By-law, the Region may use Friendly Reminders and Final Friendly Reminders to identify or inform Persons or Owners of Non-compliance. Where a Person or Owner is in Non-compliance with this By-law and if the Non-

compliance continues, despite the Region's attempts to obtain voluntary compliance, the Region may issue an Order as outlined in Section 48.

#### 41. Notifications

41.1 Notwithstanding any other provision of this By-law, no Person or Owner shall be charged with an offense for setting out, or permitting to be set out contrary to this By-law (included specific As Designated areas or collection times or schedules), any Collectable Material for collection where the As Designated provisions have not been published or communicated as set out in Section 16.4 of this By-law.

41.2 In addition to the publication and communication of As Designated changes set out in Section 16.4, the Region will issue a minimum of one (1) written notification to inform the Owner of the As Designated alternate schedule for the As Designated area before any such Owner is charged with an offense as set out above.

#### 42. Enhanced Services

42.1 Offences under this By-law apply to all enhanced services as may be applicable.

#### 43. Maximum Fines

43.1 Every Person, including a corporation, who contravenes a provision of this By-law, is guilty of an offence and upon conviction thereof is liable to pay a maximum fine of not more than \$100,000 for each and every offence, subject to the exception in Section 44 below.

43.2 A director or officer of a corporation who knowingly concurs in the contravention of a provision of this By-law is also guilty of an offence under this By-law.

#### 44. Special Fines

44.1 In addition to a fine under Section 43, a special fine is also chargeable and may exceed \$100,000, where an offence of this By-law has been committed and there is evidence that the Person who has committed the offence has achieved an economic advantage or gain from contravening this By-law. The intent of this section is to eliminate or reduce such economic advantage or gain or to deter the Person from further Non-compliance with this By-law.

45. Continuing Offences
- 45.1 In the case of a continuing offence, for each day or part of a day that the offence occurs or continues, the maximum fine shall be \$10,000.
46. Alternative Set Fine Procedure
- 46.1 In the discretion of the Region, charges may be laid for offences committed in contravention of this By-law using the certificate of offence set fine procedure set out under Part I of the Provincial Offences Act, R.S.O. 1990, Ch. P.33, or any successor legislation.
47. Order Prohibiting Continuation
- 47.1 When a Person or Owner has been convicted of an offence under this By-law, and in addition to any other remedy and to any penalty imposed by the By-law including a fine and a remedial action fee as set out in Section 49, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person or Owner convicted.
48. Work Order
- 48.1 Where the Region is satisfied that a Person or Owner has failed to comply with any provision of this By-law, the Region may, by written notice, issue an Order requiring the Person or Owner to correct the contravention.
- 48.2 The Order shall set out:
- (a) The municipal address and/ or the legal description of the property;
  - (b) Reasonable particulars of the contravention adequate to identify the contravention;
  - (c) The work to be done and the date by which there must be compliance with the Order.
- 48.3 Every a Person or Owner who contravenes an Order is guilty of an offence.
- 48.4 Any Order issued under this by-law may be given by ordinary mail, registered mail or hand delivered to the address of the Person or Owner according to the last revised assessment roll of the subject

property or the notice may be posted at the subject property, and such service shall be deemed good and sufficient service.

- 48.5 Where an Order has been served on an Owner/ Occupant by personal service or posting a copy on the property, it is deemed to be delivered immediately.
- 48.6 Where an Order is given by: ordinary mail it is deemed to have been received three (3) days after mailing; and by registered mail, it is deemed to have been received on date of delivery.
- 48.7 Every Person or Owner shall comply with any Order issued under the authority of this by-law.

#### 49. Remedial Actions

- 49.1 Where a Person or Owner is in default of an Order, the Region may, without notice and in addition to any other action, cause the work to be done at the Person or Owner's expense. Without limitation, the Region, its employees, agents or contractors may access and remove such Material or carry out the work required to make the property comply with this By-law.
- 49.2 Any Material removed may be immediately disposed of.
- 49.3 The Region may invoice the Person or Owner for all costs associated with the work done pursuant to Section 48 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees and interest at a rate of fifteen (15%) per cent per annum from the day the Region incurs such costs. The Region may include a minimum disposal charge of one hundred and fifteen (\$115.00) dollars in the event the Material cleaned up is not separately weighed.
- 49.4 Such costs may be charged and enforced separately or in addition to any other enforcement action undertaken pursuant to this By-law, not as an alternative to same.
- 49.5 In the event that a Person or Owner was provided an invoice for costs in accordance with Section 49, and the invoice is not paid by the Person or Owner within sixty (60) days of issuance, the costs may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes in accordance with section 446 of the Municipal Act S.O 2001, c.25, as may be amended from time to time.



49.6 The amount of the costs constitutes a lien on the land or Premises involved upon the registration in the proper land registry office of a notice of lien.

50. Entry for Enforcement

50.1 By-law enforcement officers may enter on private properties or new and redeveloped roadways on private or public properties for the purpose of enforcing this By-law but may not enter a residential dwelling without the occupant's permission or unless so authorized by order of a court of competent jurisdiction.

**PART VIII – GENERAL**

51. Conflicts of Laws

51.1 Where a provision of this By-law conflicts with a provision of another By-law in force in the Region, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

52. Schedules

52.1 The Schedules to this By-law form an integral part of this By-law.

53. Further Information on Material Preparation

53.1 More detailed instructions on preparation of Material for collection or drop-off at Regional Drop-Off Location are available on the Region's website at [www.niagararegion.ca](http://www.niagararegion.ca) or in publications updated and distributed by the Region from time to time or by contacting the Waste Info-line at 905-356-4141 or 1-800-594-5542.

54. Delegation of Powers to Commissioner of Public Works

54.1 The Commissioner of Public Works or his/her designate is delegated the administrative power by Council to implement minor program changes which have no negative financial impact and/or minimal service level implications to the Waste Management system of the Region under this By-law, including but not limited to:

- (a) alteration to the classes and lists of Material in this By-law requiring specific treatment or preparation for collection or drop-off at Regional Drop-Off Locations;

- (b) appoint By-law Enforcement Officers for the purpose of the enforcement of this By-law;
- (c) changes to the forms in use for notification to the public, such as Friendly Reminders;
- (d) changes to the requirements for Material preparation for collection or drop-off at a Regional Drop-Off Location;
- (e) changes to the procedure for scheduling collection of specialty items such as Bulky Goods;
- (f) changes to the new and redevelopment agreements as set out in Section 20;
- (g) temporary changes to access, time schedules or opening hours at Regional Drop-Off Locations; and
- (h) establishment of such other matters as are necessary for the proper administration of this By-law.

#### 55. Severability

- 55.1 If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.

#### 56. Environmental Compliance Approvals

- 56.1 The provisions of this By-law shall be subject to the terms of the Environmental Compliance Approvals for any Regional Drop-Off Location or any other waste management facilities or systems operated by or on behalf of the Region, and any relevant statutes and regulations.

#### 57. References

Any reference to a statute is to such statute and to the regulations made pursuant to it, as such statute and regulations may at any time be amended or modified and in effect, and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations

#### 58. Short Title of By-Law

- 58.1 The short title of this By-law is the "Waste Management By-law".

#### 59. Force and Effect Date

- 59.1 Except as otherwise specified in this By-law, this By-law shall come into force and effect on the date passed by Regional Council.

60. Interpretation

60.1 The necessary grammatical changes required to make the provisions of this By-law applicable to corporations, partnerships, trusts and persons, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.

60.2 The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

60.3 The insertion of headings and the division of this By-law into sections and subsections are for convenience of reference only and shall not affect the interpretation thereof.

61. Repeal of Prior By-Laws

61.1 By-law No. 63-2015 of the Region previously providing for waste management are hereby revoked and repealed.

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

<b>Garbage Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
<p>A. Low Density Residential (LDR) Premises including:</p> <ul style="list-style-type: none"> <li>• single-family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units;</li> <li>• duplex residential structure with 2 self-contained units;</li> <li>• residential buildings with three (3) to six (6) units;</li> <li>• cottage properties with up to six (6) cottages;</li> <li>• Bed and Breakfast establishments with three (3) bedrooms or less;</li> <li>• structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</li> <li>• Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures)</li> <li>• trailer parks (only those classified as LDR in MPAC),</li> <li>• boarding homes; and</li> <li>• residential farms.</li> </ul>	<p>2 per self-contained unit</p>	<p>Every-other-week</p>
<p>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).</p>	<p>2 per self-contained unit up to a maximum 24 per building</p>	<p>Every-other-week</p>

THE REGIONAL MUNICIPALITY OF NIAGARA  
 WASTE MANAGEMENT BY-LAW  
 COLLECTABLE VOLUME LIMITS

<b>Garbage Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas	Maximum 4 per Premises	Weekly
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Maximum 4 per Premises	Weekly
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.	Maximum 8 per Premises	Every-other-week
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Maximum 8 per Premises	Every-other-week

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

<b>Recycling Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
<p>A. Low Density Residential (LDR) Premises including:</p> <ul style="list-style-type: none"> <li>• single-family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units;</li> <li>• duplex residential structure with 2 self-contained units;</li> <li>• residential buildings with three (3) to six (6) units;</li> <li>• cottage properties with up to six (6) cottages;</li> <li>• Bed and Breakfast establishments with three (3) bedrooms or less;</li> <li>• structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</li> <li>• Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures)</li> <li>• trailer parks (only those classified as LDR in MPAC),</li> <li>• boarding homes; and</li> <li>• residential farms.</li> </ul>	<p>Unlimited per self-contained unit</p>	<p>Weekly</p>

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

<b>Recycling Container Limits</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).	Unlimited with guideline for 1 Cart for every 20 units for Blue Box Material and 1 Cart for every 11 units for Grey Box Material or to be determined by the Region	Weekly
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas	Unlimited	Weekly
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Unlimited	Weekly
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.	Combined limit of the eight (8) Blue and Grey Carts or the equivalent in Blue and Grey Boxes as determined solely by the Region.	Weekly
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Unlimited	Weekly

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

<b>Organic Container Limit</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
<p>A. Low Density Residential (LDR) Premises including:</p> <ul style="list-style-type: none"> <li>• single-family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units;</li> <li>• duplex residential structure with 2 self-contained units;</li> <li>• residential buildings with three (3) to six (6) units;</li> <li>• cottage properties with up to six (6) cottages;</li> <li>• Bed and Breakfast establishments with three (3) bedrooms or less;</li> <li>• structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing;</li> <li>• Vertical structures where all units have a primary exterior door directly accessing ground level that is visible from the collection point (including stacked townhouse structures)</li> <li>• trailer parks (only those classified as LDR in MPAC),</li> <li>• boarding homes; and</li> <li>• residential farms.</li> </ul>	<p>Unlimited per self-contained unit</p>	<p>Weekly</p>
<p>B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and</p>	<p>Quantity as determined by the Region on a request only basis for Green Bins or Carts</p>	<p>Weekly</p>



THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

<b>Organic Container Limit</b>		
<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
mobile homes (not assessed by MPAC as Low Density Residential Units).		
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas	Unlimited	Weekly
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area	Unlimited	Weekly
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.	Limit of eight (8) Green Carts or the equivalent number of Green Bins as determined solely by Niagara Region.	Weekly
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area	Unlimited	Weekly

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

FRIENDLY REMINDER NOTICE

**FRIENDLY REMINDER  
Curbside Collection Services**

Dear Property Owner/Tenant:  
Failure to comply with the following may result in charges under Waste Management By-law No. 2017-56 or subsequent approved By-laws.

To ensure compliance with guidelines noted below, Enforcement Staff will return to the property on: \_\_\_\_\_

**NON-COMPLIANT SETOUT**

- Materials (garbage, recycling, Green Bin, large household items, etc.) must **NOT** be set out before 6 p.m. on the evening before scheduled collection and must be at the curb by 7 a.m. the day of collection.
- Containers and any material not collected **MUST** be removed from the outside no later than 7 p.m. on your collection day.
- Garbage or Leaf & Yard Materials must **NOT** be placed out in cardboard boxes for collection.
- Materials must **NOT** be placed at the curbside in an uncontained pile.
- Containers or bags weighed more than 22.7 kg (50 lbs).
- Containers or bags are more than 90 cm (35 in.) in height by 60 cm (24 in.) in diameter.
- Materials must be removed immediately from the curbside.

**OVER LIMIT**

- Your property is over the maximum garbage container/bag limit of \_\_\_\_\_ per week.

**BULKY GOODS (LARGE ITEMS/APPLIANCES)**

- Residents of single-family, semi-detached or properties with 6 units or less are required to:
  - Complete the online booking form at [niagararegion.ca/waste](http://niagararegion.ca/waste) or call Eriqima Environmental at 905-227-7771 (Toll Free: 1-855-227-7771) at least **2 BUSINESS DAYS IN ADVANCE** of your regular collection day to arrange a **FREE** pick-up.
- All items must be booked for collection.
- Bulky Goods service is not available for:
  - apartments with 7 or more units
  - commercial, industrial, institutional or multi-use properties
- OPC permits/refuses required.

**PLEASE READ REVERSE SIDE**



**FRIENDLY REMINDER  
Curbside Collection Services**

**UNACCEPTABLE MATERIALS**

- Household Hazardous Waste (HHW). Accepted FREE of charge at HHW depots.
- Springs and tires.
- Automotive parts and tires.
- Electronics.
- Construction, renovation or demolition materials.
- Materials can be taken directly to the landfill. Disposal fees will apply.
- Garbage containing recyclables, Green Bin or Leaf & Yard materials.

**BLUE/GRY BOX**

- Mixed Blue and Grey Box materials are **NOT** acceptable.
- Material not accepted in recycling program.
- All plastic bags and recyclable plastic film and outer wrap must be placed inside one plastic bag (not loose) in the Grey Box.
- Cardboard must be banded together and no larger than 91cm (35") x 91cm (35") x 91cm (35").

**GREEN BIN/LEAF & YARD BRANCHES**

- Sod, soil, stumps, gravel are not collected curbside.
- Liquid material is not permitted in the Green Bin.
- Material must **NOT** be placed in plastic bags or cardboard boxes for collection.
- Loose material including leaves and branches are not accepted.
- Grass not collected curbside.
- Branches are only collected on designated collection weeks. The next collection week in your area is \_\_\_\_\_.
- Branches **MUST** be tied in bundles no longer than 1.5 m (5 ft) and no wider than 0.5 m (1.5 ft). Individual branches cannot exceed 7 cm (3 in) in diameter.

**NOTES/COMMENTS**

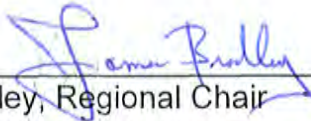
**FOR MORE INFORMATION**

Visit the Region's website: [niagararegion.ca/waste](http://niagararegion.ca/waste)  
Refer to your **Collection Guide**  
Call the Waste Info Line 905-356-4141 or 1-800-594-5542



2. That this by-law shall come into force and effect on October 19, 2020.

THE REGIONAL MUNICIPALITY OF NIAGARA

  
\_\_\_\_\_  
James Bradley, Regional Chair

  
\_\_\_\_\_  
Ann-Marie Norio, Regional Clerk

Passed: September 17, 2020



## Community Services

### Legislative Services

October 6, 2020

File #120203

Sent via email: [premier@ontario.ca](mailto:premier@ontario.ca)

The Honourable Doug Ford, Premier of Ontario  
Room 281, Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

Honourable and Dear Sir:

**Re: Request Province of Ontario to Investigate the Level of On-Site Licensed Nursing Care - Private Sector Retirement Homes**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of October 5, 2020 passed the following resolution:

**Whereas** the Town of Fort Erie has received multiple concerns from families that their loved ones are being discharged from hospital to Retirement Homes and not to Long-Term Care Homes, and

**Whereas** the Town of Fort Erie recognizes Long-Term Care Homes, considered part of the health care system, are funded by the Province (along with resident co-pay requirements) and have very specific legislation under the *Long-Term Care Homes Act, 2007*; to ensure the care needs of residents are met, and

**Whereas** the Town of Fort Erie recognizes that Retirement Homes are entirely funded through the payments of residents and can vary quite widely in cost, care and housing offerings and quality, and that while they do have some oversight through the Retirement Homes Regulatory Authority, that is not part of the legislation under the *Long-Term Care Homes Act, 2007*, and

**Whereas** the Long-Term Care Homes have a formal complaint process with the Ministry of Long-Term Care to deal with complainants not satisfied, by an internal complaint process, and

**Whereas** the private sector Retirement Homes do not have the same level of consistent family and patient satisfaction processes, complaint mechanism, clear health and safety protocols or adequate methods for communicating with residents and families, and

**Whereas** the Town of Fort Erie has concerns that the COVID-19 pandemic has revealed the inability of the Long-Term Care Homes to accept the high numbers of patients waiting for placement from Complex and Continuing Care at hospitals, and

.../2

Mailing Address:

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca)

**Whereas** many of these patients are being discharged to the Independent Living Retirement Homes where the level of on-site Licensed Registered Nursing care is not adequate to meet the needs of these individuals, and

**Whereas** the Town of Fort Erie feels that there is an opportunity and a need for Ontario Health to address this gap in care with provincially funded health care professionals on-site in the Retirement Homes to ensure that residents receive the care that they require and deserve;

**Now therefore be it resolved,**

**That:** The Council of the Town of Fort Erie hereby requests that the Province of Ontario investigate the level of on-site licensed Nursing care being provided at the private sector Retirement Homes, and further

**That:** The Province of Ontario ensure patients are being discharged from hospitals to facilities that provide the level of care they require and deserve, and further

**That:** The Province of Ontario direct Ontario Health to ensure the appropriate level of care required by patients discharged from hospitals to Retirement Homes when Long-Term Care accommodations are not available and provide the necessary level of funding for Ontario Health to do so, and that the Province of Ontario establish clear, consistent and effective rules to regulate Retirement Homes as a vital component of the continuum of care as our residents age and require various care needs, and further

**That:** A copy of this resolution be circulated to The Honourable Doug Ford, Premier of Ontario, The Honourable Merrilee Fullerton, Minister of Long-Term Care, The Honourable Christine Elliott, Minister of Health, and Niagara MPP's, The Regional Municipality of Niagara, and all Niagara Area Local Municipalities, for their support.

Thank you for your attention to this very important and compassionate matter.

Yours very truly,



Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk  
[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Sent via email

The Honourable Merrilee Fullerton, Minister of Long-Term Care [merrilee.fullerton@pc.ola.org](mailto:merrilee.fullerton@pc.ola.org)

The Honourable Christine Elliott, Minister of Health [Christine.elliott@pc.ola.org](mailto:Christine.elliott@pc.ola.org)

Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)

Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario [sam.oosterhoff@pc.ola.org](mailto:sam.oosterhoff@pc.ola.org)

Jennifer Stevens, MPP-St. Catharines [JStevens-CO@ndp.on.ca](mailto:JStevens-CO@ndp.on.ca)

Jeff Burch, MPP-Niagara Centre [JBurch-QP@ndp.on.ca](mailto:JBurch-QP@ndp.on.ca)

The Regional Municipality of Niagara

Niagara Area Local Municipalities

**CORPORATION OF THE  
TOWNSHIP OF NORTH GLENGARRY**

**Resolution #** 6

**Date:** Monday, September 28, 2020

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**Moved by:** Jeff Manley

**Seconded by:** Johanne Wensink

THAT Council of the Township of North Glengarry adopt the following resolution:

WHEREAS the Ontario government has provided emergency assistance funding to municipalities through the Safe Restart Agreement to offset the financial impact due to the COVID-19 pandemic;

AND WHEREAS the Province has specified funding must be used for operating costs and pressures due to COVID-19;

AND WHEREAS due to the nature of the pandemic and the necessity to make physical retrofits to offices to accommodate staff and the public in a safe environment, capital costs will be incurred by municipalities;

AND WHEREAS the Township has been advised by SDG County, through the Ministry of Finance that COVID-19 related capital costs are ineligible for Safe Restart Agreement Funding;

THEREFORE, BE IT RESOLVED THAT the Township of North Glengarry urges Ontario to allow capital expenditures under the Safe Restart Agreement, and that a copy of this resolution be forwarded to Premier Doug Ford, Jim McDonell, MPP and the Association of Municipalities of Ontario (AMO).

Carried

Deferred

Defeated

  
\_\_\_\_\_  
Mayor / Deputy Mayor

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Office of the Mayor  
Rodger Bonneau

October 7, 2020

Sent via E-mail

**Re: Cannabis Production**

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Dear Ministers, Members of Parliament, and Members of Provincial Parliament,

Please be advised that the Council for the Corporation of the Township of Asphodel-Norwood passed the following resolution at its regular meeting of September 22, 2020:

Motion No. 239/20 | Moved by: Councillor Walsh | Seconded by: Deputy Mayor Burt

**WHEREAS** the Ontario Federation of Agriculture has adopted the position that licenced cannabis production for medical and/or recreational-use purposes should be considered a farming activity;

**AND WHEREAS** the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

**AND WHEREAS** Section 7 of the Cannabis Act requires that any person who intends to submit an application for a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis must provide written notice to: a) The local government, b) The local fire authority, and c) The local police force or the Royal Canadian Mounted Police detachment responsible for providing policing services to the area in which the site is referred to in the application;

**AND WHEREAS** Section 35(1) of the Act requires a holder of a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis to provide a written notice to the local authorities within 30 days of issuance, amendment, suspension, reinstatement or revocation of a licence and provide a copy of said notice to the Minister; and

**FURTHER BE IT RESOLVED THAT** the Township of Asphodel-Norwood requests a governing body in cannabis production that:

1. Takes a unified approach to land use planning restrictions;
2. Enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region;
3. Communicates more readily with local governments; and
4. Provides local governments with more support.

**AND FURTHER BE IT RESOLVED THAT** the Township of Asphodel-Norwood will forward this motion to the following partners: All municipalities in Ontario, the MP and MPP of Northumberland-Peterborough South, the MP and MPP of Peterborough-Kawartha, the Minister of Agriculture, Food and Rural Affairs, and the Minister of Agriculture and Agri-Food with the request that they enact legislation to support local governments with land use management and enforcement issues.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rodger Bonneau".

Rodger Bonneau, Mayor  
Township of Asphodel-Norwood

- c. E. Hardeman, Minister of Agriculture, Food and Rural Affairs  
M. Bibeau, Minister of Agriculture and Agri-Food  
D. Piccini, MPP Northumberland-Petrborough South  
P. Lawrence, MP Northumberland-Petrborough South  
D. Smith, MPP Peterborough –Kawartha  
M. Monsef, MP Peterborough-Kawartha  
All municipalities in Ontario





October 8, 2020

Town of Fort Erie  
Town of Grimsby  
Town of Lincoln  
City of Niagara Falls  
Town of Niagara-on-the-Lake  
Town of Pelham  
City of Port Colborne  
City of St. Catharines  
Township of Wainfleet  
City of Welland  
Township of West Lincoln

**Re: Amendments to Bill 197**

Please be advised Thorold City Council, at its October 6, 2020 meeting, adopted the following resolution:

Whereas Thorold City Council adopted a motion at its July 21, 2020 meeting pertaining to Bill 197 being amendments to the Environmental Assessment Act, relating to landfill sites; and

Whereas the motion was forwarded to Premier Ford, Minister of Environment and Minister of Municipal Affairs and Housing and the local MPP; and

Whereas a request has been made to circulate this motion to local area municipalities for their support; and

Whereas there were three items in the approved motion, however items two and three were direction to staff and item one contained feedback on the legislation for which support from local area municipalities is desired.

Now Therefore Be it Resolved:

1. That the City Clerk be directed to circulate the motion passed by Thorold City Council on July 21, 2020 regarding its feedback on Bill 197 being amendments to the Environmental Assessment Act, relating to landfill sites to local area municipalities for support of item one.

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**City of Thorold**

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

[www.thorold.ca](http://www.thorold.ca)

Tel: 905-227-8613

Yours truly,



Donna Delvecchio  
City Clerk

DD:cd

cc: M. Dilwaria, Chief Administrative Officer

**Resolution Number** 11a  
**Title:** City of Thorold  
**Date:** Tuesday, July 21, 2020



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**MOVED BY:** Councillor Neale  
**SECONDED BY:** Mayor Terry Ugolini

Whereas Bill 197, specifically Schedule 6, considers amendments to the Environmental Assessment Act relating to landfill sites; and

Whereas language proposed in the amendment suggests broader engagement on the establishment of landfill sites with the host municipality and any municipality within 3.5 km of the property boundary; and

Whereas this amendment that allows for additional input and oversight from multiple municipalities, could cause conflict in the effective management of landfill sites and also may lead to a devolution of community fees payable to municipalities which host landfill sites.

Now Therefore Be it Resolved:

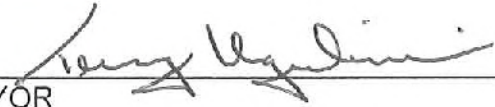
1. That while the City of Thorold supports reviewing the Environmental Assessment Act to streamline processes for the effective management of landfill sites, it opposes the following:
  - The expansion of broader engagement and oversight to municipalities not hosting the landfill site as it may negatively impact the effective operation of the landfill site within the host municipality; and,
  - A reduction of community fees to payable to municipalities that host land fill sites.
2. That staff be directed to provide comments to this effect during the 45 day review period of the legislation which ends on August 22, 2020.

3. That a copy of this motion be forwarded to Premier Ford, Minister of Environment, Conservation and Parks Jeff Yurek, as well as, the Minister of Municipal Affairs and Housing Steve Clark and the local MPP.

CARRIED

LOST

MAYOR

A handwritten signature in cursive script, likely belonging to the Mayor, is written over a horizontal line. The signature is written in black ink and is somewhat stylized.



COUNTY OF WELLINGTON

KIM COURTS  
DEPUTY CLERK  
T 519.837.2600 x 2930  
F 519.837.1909  
E kimc@wellington.ca

74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

October 2, 2020

Sent via email to all Ontario Municipal Clerks

Dear Municipal Clerks,

At its meeting held September 24, 2020, Wellington County Council approved the following recommendation from the Administration, Finance and Human Resources Committee:

**WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and**

**WHEREAS Wellington County Council supports a fair and equitable assessment system for all aggregate resource properties; and**

**WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and**

**WHEREAS Wellington County Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties.**

**NOW THEREFORE BE IT RESOLVED:**

**(a) That Wellington County Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and**

**(b) That Wellington County Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and**

**(c) That Wellington County Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and**

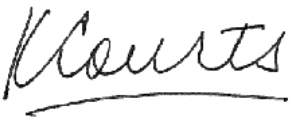
**(d) That Wellington County Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).**

Please find the Aggregate Resource Property Valuation and Advocacy report and Municipal Resolution enclosed.

Wellington County Council is requesting that all Ontario municipalities adopt the Municipal Resolution and forward to Donna Bryce, Wellington County Clerk at [donnab@wellington.ca](mailto:donnab@wellington.ca) upon passing.

Should you have any questions please contact Ken DeHart, County Treasurer, at [kend@wellington.ca](mailto:kend@wellington.ca) or call 519.837.2600 ext 2920.

Sincerely,

A handwritten signature in cursive script that reads "Kim Courts". The signature is written in black ink and is underlined with a single horizontal line.

Kim Courts  
Deputy Clerk



# COUNTY OF WELLINGTON

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## COMMITTEE REPORT

**To:** Chair and Members of the Administration, Finance and Human Resources Committee  
**From:** Ken DeHart, County Treasurer  
**Date:** Tuesday, September 15, 2020  
**Subject:** **Aggregate Resource Property Valuation and Advocacy Report**

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### **Background:**

Through the County's Assessment Base Management Policy and Programme approved in 2016; Wellington County has made significant efforts to maintain, protect and enhance the quality of the assessment roll. This includes reviewing the accuracy of individual assessments and ensuring the equitable distribution of the tax burden. The County remains a strong advocate for the accurate and equitable valuation and property tax treatment of all properties, including gravel pit and aggregate resource properties in the County and throughout Ontario.

The County has been actively pursuing fair and accurate assessment valuations for gravel pits through two streams:

1. Assessment appeals heard by the Assessment Review Board
2. Advocacy through the province on a permanent policy solution

### **Assessment Appeals**

The County has filed assessment appeals on all aggregate producing properties in its three southern-most municipalities, being Puslinch, Erin and Guelph/Eramosa for the 2017 to 2020 taxation years. The purpose of these appeals is to ensure that the current value assessment of these properties is captured through the existing legislation, and to deal with how those properties are classified for taxation purposes.

The effect of the current property tax valuation structure by the Municipal Property Assessment Corporation ("MPAC") unfairly sees active gravel pits incurring less property tax than many single-family homes and small businesses as a result of unduly low and inaccurate current value assessments. It also leads to properties that are located in the same areas and are similar to gravel pits receiving vastly different property valuations, which contradicts the principle of fairness and transparency underpinning our taxation system that similar properties should be treated and taxed equally. Arbitrarily classifying gravel pits as among the lowest form of farmland (Class 5) sets an artificial cap on these producers' property assessments and keeps their property taxes well below what they should be paying. In turn, residents and businesses are subsidizing the break that gravel producers are receiving.

In terms of next steps for these appeals, a settlement conference is scheduled to take place on September 16 and hearings are scheduled for the weeks of November 16 and 23.

### **Advocacy for a Permanent Policy Solution**

The County has been working with its colleagues through the Top Aggregate Producing Municipalities of Ontario (TAPMO) to raise awareness of the assessments and the inequitable treatment of these properties and ask the government to review how these properties are assessed and treated from a property tax policy perspective through the MPAC review that is currently taking place.

Through this work, TAPMO endorsed the attached municipal resolution to be shared with TAPMO municipalities for consideration at local Councils. The resolution formally asks the province to review how these properties are assessed in light of the inequitable treatment in comparison to other residential and business properties in the municipality. Several municipalities across the province have approved and forwarded this resolution to the province and local MPPs.

To be clear, the County believes MPAC's property valuation is incorrect even within the current legislation, however, the County is looking for further direction and possible legislative or regulatory changes that will eliminate future disputes. This kind of permanent policy change is in everyone's best interest to resolve this issue once and for all.

Staff recommend that the Administration, Finance and Human Resources Committee support the resolution and pass it along to County Council for approval. This is also an opportunity for the County to remind its member municipalities to review and give consideration to this resolution as well.

### **AMO Delegation Meeting**

On August 18, 2020, in collaboration with the Top Aggregate Producing Municipalities of Ontario (TAPMO), County representatives met with Stan Cho, Parliamentary Assistant to the Minister of Finance, to discuss the need to improve how aggregate properties are assessed across Ontario under an equitable valuation system. The meeting was held during the Association of Municipalities of Ontario (AMO) conference. This is where municipal and provincial policymakers come together to discuss pressing issues facing both levels of government.

Wellington County and other TAPMO members presented several policy-driven solutions to Mr. Cho that would make MPAC's property tax valuations accurate and equitable. There are many possible legislative, regulatory or policy changes that can achieve a permanent solution. These include:

- Creating a separate class for aggregate producing properties (as was done for landfills in 2015);
- Directive (or regulation) from the Minister to MPAC regarding how to assess these types of properties to reflect their true market or industrial value;
- Remove the aggregate exemption from the *Assessment Act* (as was the situation prior to 2008).

This would enable municipalities to maintain stability in local taxation levels and meet the needs of their communities. Directing MPAC on how to assess these properties based on their true market value makes common sense and will result in stability and accuracy in the assessment process. The solution to remove the exemption of aggregate in the *Assessment Act* would allow MPAC to assess the full value of the property.



## **Summary**

Aggregate sites are important job creators and an increasingly critical element of public works that help to fuel steady economic growth across Ontario, especially as part of municipalities' post-pandemic recovery. Yet, under the current MPAC valuation formula, their current value assessment is inaccurate such that these sites generate significantly less revenue for municipalities and the Province than other possible uses for the same land. This costs Ontario municipalities millions of dollars in lost tax revenue every year and negatively impacts their abilities to deliver more fulsome services and programmes to residents. The current system also generates less Education property taxes which shifts even more tax burden onto homeowners and small businesses. Municipalities are therefore eager to find a solution that is fair for all involved: the municipality, taxpayers, and aggregate producers.

COVID-19 has highlighted the urgency for a policy-driven, equitable approach. Municipalities across Ontario are fighting to continue providing a high standard of services to our families and businesses who need them now more than ever. The lost tax revenue undermines our ability to enhance those services and make key infrastructure investments at a time when our residents are suffering. The County wants to be fair to aggregate producers while recognizing that they should be part of the solution in terms of helping families and businesses get back on their feet – the very people who are carrying the burden of the current MPAC system.

## **Recommendation:**

That the Aggregate Resource Property Valuation and Advocacy Update Report be received for information; and

That the attached resolution be supported by County Council and sent to the Ministry of Finance.

Respectfully submitted,



Ken DeHart, CPA, CGA  
County Treasurer

## SCHEDULE A – MUNICIPAL RESOLUTION

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and

WHEREAS Wellington County Council supports a fair and equitable assessment system for all aggregate resource properties; and

WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and

WHEREAS Wellington County Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties;

NOW THEREFORE BE IT RESOLVED:

- (a) That Wellington County Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and
- (b) That Wellington County Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and
- (c) That Wellington County Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and
- (d) That Wellington County Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

October 5, 2020

File: FOCP 1.1.29.2.12

Leo and Beatrice Droppert  
53658 Smith Road  
Wainfleet, ON L0S 1V0

Dear Mr. and Ms. Droppert

Re: Good Forestry Practices Permit Application  
Tree and Forest Conservation Bylaw 30-2008  
CON 5 PT LOT 36 and 37  
53658 Smith Road  
Municipality of Wainfleet

---

Thank you for your application for a Good Forestry Practices Permit under the Niagara Region's Tree and Forest Conservation Bylaw. The application has been assessed based on the information submitted with the application, which includes a Silvicultural Prescription prepared by John Todd. The information submitted has been reviewed in the field in relation to the requirements under the Bylaw. Based on that information it has been determined that a Permit can be issued.

The enclosed permit (2020-11) has been issued pursuant to Tree and Forest Conservation Bylaw 30-2008. Forest operations must occur in accordance with the attached permit and its conditions using Good Forestry Practices. NPCA forestry staff will conduct harvest inspections to ensure those conditions are followed.

Also enclosed is *A Landowner's Guide to Careful Logging* which provides landowners with information on proper logging practices that will ensure good forestry is attained. The harvest inspections conducted by the NPCA are based on the contents in the guide.

The woodland where harvesting is planned has been designated as a Provincially Significant Wetland (PSW) by the Ministry of Natural Resources. There are several important considerations and conditions that must be addressed in carrying out a logging operation in this woodland:

- Logging must occur when the soil conditions are favourable for operations (dry weather or when the ground is frozen);
- Attempt to use existing trails located throughout the woodland; and
- Select skid trails as to avoid low areas and drainages located throughout the woodland.

Please be advised that this permit does not relieve you of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements. Do not hesitate to contact this office should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Dan Drennan".

Dan Drennan, R.P.F.  
Forester, By-law Officer  
905.788.3135 x247

Enclosure

Copy: Ken Stayzer, 62606 Travers Road, Wellandport, ON L0R 2J0  
John Todd, 457 King Edward Street, Paris, ON N3L 3E3  
William Kolasa, Township Clerk, Township of Wainfleet, 31940 Hwy 3, PO Box 40, Wainfleet, ON L0S 1V0



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

**GOOD FORESTRY PRACTICES PERMIT**

**REGIONAL MUNICIPALITY OF NIAGARA  
TREE AND FOREST CONSERVATION BY-LAW**

**PERMIT NUMBER: 2020-11**

This permit is issued pursuant to Tree and Forest Conservation By-law No. 30-2008 of the Regional Municipality of Niagara. Conditions pertaining to this permit are on page two.

**DATE OF ISSUE:** October 5, 2020  
**PERMIT EXPIRY:** October 4, 2021

**PERMIT ISSUED TO:**

Name: Leo and Beatrice Droppert  
Address: 53658 Smith Road, Wainfleet, ON  
Postal Code: L0S 1V0 Telephone: 289-213-3382

**LOCATION OF WOODLAND:** (See map in Appendix A)

Legal Desc: CON 5 PT LOT 36 and 37  
Road: 53658 Smith Road  
Municipality: Wainfleet

**REGISTERED PROFESSIONAL FORESTER (or Associate Member)**

Name: John Todd  
Address: 457 King Edward Street, Paris, ON  
Postal Code: N3L 3E3 Telephone: 519-442-3102

**CERTIFIED TREE MARKER:**

Name: John Todd  
Address: 457 King Edward Street, Paris, ON  
Postal Code: N3L 3E3 Telephone: 519-442-3102

**LOGGING CONTRACTOR:**

Name: Ken Stayzer  
Address: 62606 Travers Road, Wellandport, ON.  
Postal Code: L0R 2J0 Telephone: 905-899-7878

**NPCA APPROVAL:**

A handwritten signature in black ink, appearing to read "Dan Drennan", written over a horizontal line.

Dan Drennan, R.P.F.  
Forester

## GOOD FORESTRY PRACTICES PERMIT

### CONDITIONS

The following conditions apply to **Permit # 2020-11**

1. The unnecessary destruction of any tree not authorized by this permit is hereby prohibited; this permit shall be null and void in the event that the destruction of trees not authorized by this permit occurs.
2. All requirements of the tree marking and the Tree Marking Prescription as attached in appendix B, as prepared and approved by for the harvest and preservation of trees as permitted in this Permit, shall be complied with.
3. All trees marked for removal by the certified tree marker must be felled during the initial harvest operation to ensure silvicultural objectives in the tree marking prescription or harvest plan are achieved. **Trees marked with orange paint are the only trees permitted to be removed.**
4. Only trees with a visible butt mark may be harvested or felled. Trees marked at eye level for removal, but missing a visible butt mark as per the *Ontario Tree Marking Guide* must not be felled until verified by the Tree Marker and marked at the butt. Trees felled without a visible butt mark will be regarded as a contravention of the Niagara Region Tree and Forest Conservation Bylaw.
5. Trees that are not marked but are damaged from adjacent tree felling cannot be removed unless authorized by Bylaw staff in the field.
6. The harvest of trees authorized by this permit shall be complied with on or before the expiration of this permit.
7. This permit shall be null and void if the work or a portion of the work authorized by this permit is undertaken by an individual other than that indicated on this permit.
8. Recognizable temporary bodies of open water (vernal pools) encountered during operations that have a surface area  $\geq 500 \text{ m}^2$  (i.e., about 25 m in diameter if circular), are not ponds (i.e.,  $< 0.5 \text{ ha}$  in size), and are not connected to a stream, will have the following conditions:
  - No machine travel within 3 m of the high-water mark of pools during the frost-free period.
  - No excessive removal or damage of sapling-sized trees ( $< 10 \text{ cm dbh}$ ) and shrubs within 3 m of the high-water mark of pools.
  - No felling of trees into pools or within 3 m of the high-water mark of pools during the frost-free period. Trees accidentally felled into pools will be left where they fall.
  - No disturbance of the forest floor that leaves ruts or a significant area of exposed mineral soil (see Section 10) within 15 m of the high-water mark of pools. Ruts or significant patches of exposed mineral soil will be promptly rehabilitated.
  - Trees will be retained in, and within, 3 m of the high-water mark of pools to provide  $\geq 70\%$  canopy cover; and retain forest comprised of trees  $\geq 35$  years of age (or  $\geq 10 \text{ m}$  in height) with a canopy closure  $\geq 50\%$  within 15 m of the high-water mark of pools to provide cover for amphibians.

Note: When these pools are difficult to identify because of snow cover they will be marked (with pink flagging tape) creating an Area of Concern (AOC). No skidding is permitted within the AOC.
9. Skidder trails shall be kept to the minimum required for the trees being cut and their construction or use shall not unnecessarily damage or disrupt other trees, vernal pools, wetland areas, natural habitats wildlife (i.e., Stick Nests) or drainages.

10. Any injuring or destruction of trees or removal of felled trees or portions thereof shall be done in a manner that avoids adverse impacts to the soil, wetlands, natural habitat or other portions of the Woodlands. Operations within the woodland must occur when the ground is frozen or when soil conditions are favourable for operations (dry weather). Operations must cease if this condition does not exist. Use light loads when skidding. Compliance with this condition is outlined in section 10.1: Soil Conservation.

### 10.1 Soil Conservation

This section addresses the conservation of soil and shallow ground water resources during forest management activities, with a focus on site disturbance resulting from forest management operations. Quantifiable measurements will be provided and used as a means of assessing compliance with Condition 9 above.

Well-informed advanced planning is a critical step in conserving soil resources. This includes all aspects of planning such as; landing location, skid trail layout, machinery selection, timing of entry, duration of entry, and operator training. The importance of prevention, through advanced planning and good information, cannot be overstated.

In general terms, a rut is a trench or furrow created by machine wheels or tracks caused by soil displacement and/or compaction. Compaction is the compression of soil caused by a machine load that exceeds the strength of the soil to resist it. Compaction can occur independent of rutting through machine vibration and slipping of tires. Rutting may occur independent of compaction (e.g., on saturated soil), but in general a rut can be thought of as a visual proxy for compaction.

For the purpose of measuring a rut under the Bylaw, a rut is a continuous trench or furrow created by machine traffic that is  $\geq 4$  m long and  $\geq 30$  cm deep (Figure 1) as stated in the *OMNR Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales (2010)*.

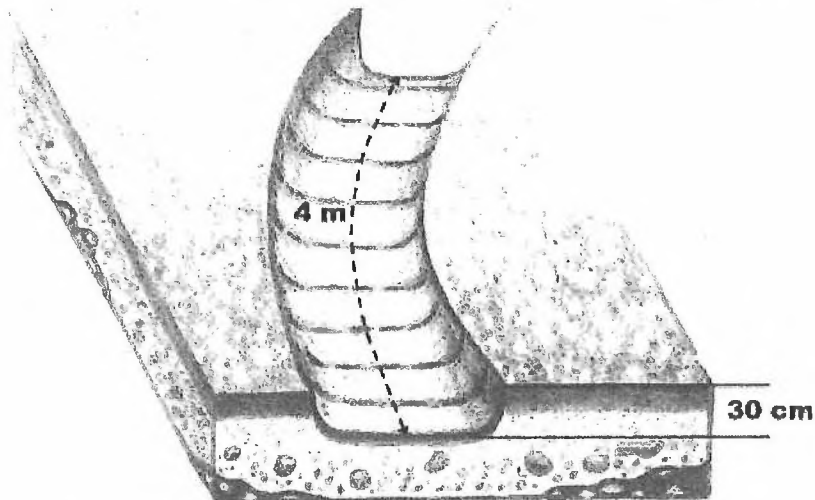


Figure 1. Graphical representation of a rut (Illustration by Mandy Saille).

#### **Compliance Standards:**

Condition 10 will be contravened if:

- more than 50% of any 0.1 ha circle is occupied in ruts; or
- more than 2% of any harvest area is occupied in ruts; or
- ruts channel water into, or are within 5 m of rivers, streams, and woodland pools,

The method to measure the percent coverage, depth, and length of a rut, is as follows:

**Percent coverage** is to be determined based on a line transect method. The total distance of the line that intersects ruts as a percentage of the total line length should determine the areal coverage over the sampled area. The methodology will be:

- Pick the center of the most disturbed area on the block, establish 3 random 100 m transects, offset by 120 degrees, within a 250m radius circle around that point. The percent cover would be the total length of the line that intersects a rut or trail divided by 3.

**Depth** is to be measured from the surface of the soil, including organic layers (LFH) if present

- When the depth varies across the width of the rut (i.e., perpendicular to the direction of travel), the deepest point is to be measured as the depth.
- When a rut has been filled, or partially filled with soil, litter, water, or debris, the depth should be measured as if the rut had not been filled. This includes areas in organic soil where churning and mixing of surface and sub-surface organic layers has occurred. In some circumstances it will be difficult to determine the unfilled depth.

When determining if a potential rut is at least 4 m long, **the length** is measured as the contiguous portion that is deeper than 30 cm (or depth to bedrock / large boulders), and is not to be an average depth measurement where some of the length is less than 30 cm deep.

11. **Bird nest sites**

Nests and eggs of all wild birds (except American crow, brown-headed cowbird, common grackle, house sparrow, red-winged blackbird, and European starling) are protected from disturbance and/or destruction (including incidental take) by either the federal Migratory Birds Convention Act or the provincial Fish and Wildlife Conservation Act, 1997.

All nests (occupied or unoccupied) will receive an Area of Concern prescription to mitigate the potential adverse affects of forest management operations on breeding activity. The AOC to be applied is species-specific. The *OMNR Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales (2010): Section 4.2.2* will be used to prescribe an AOC.

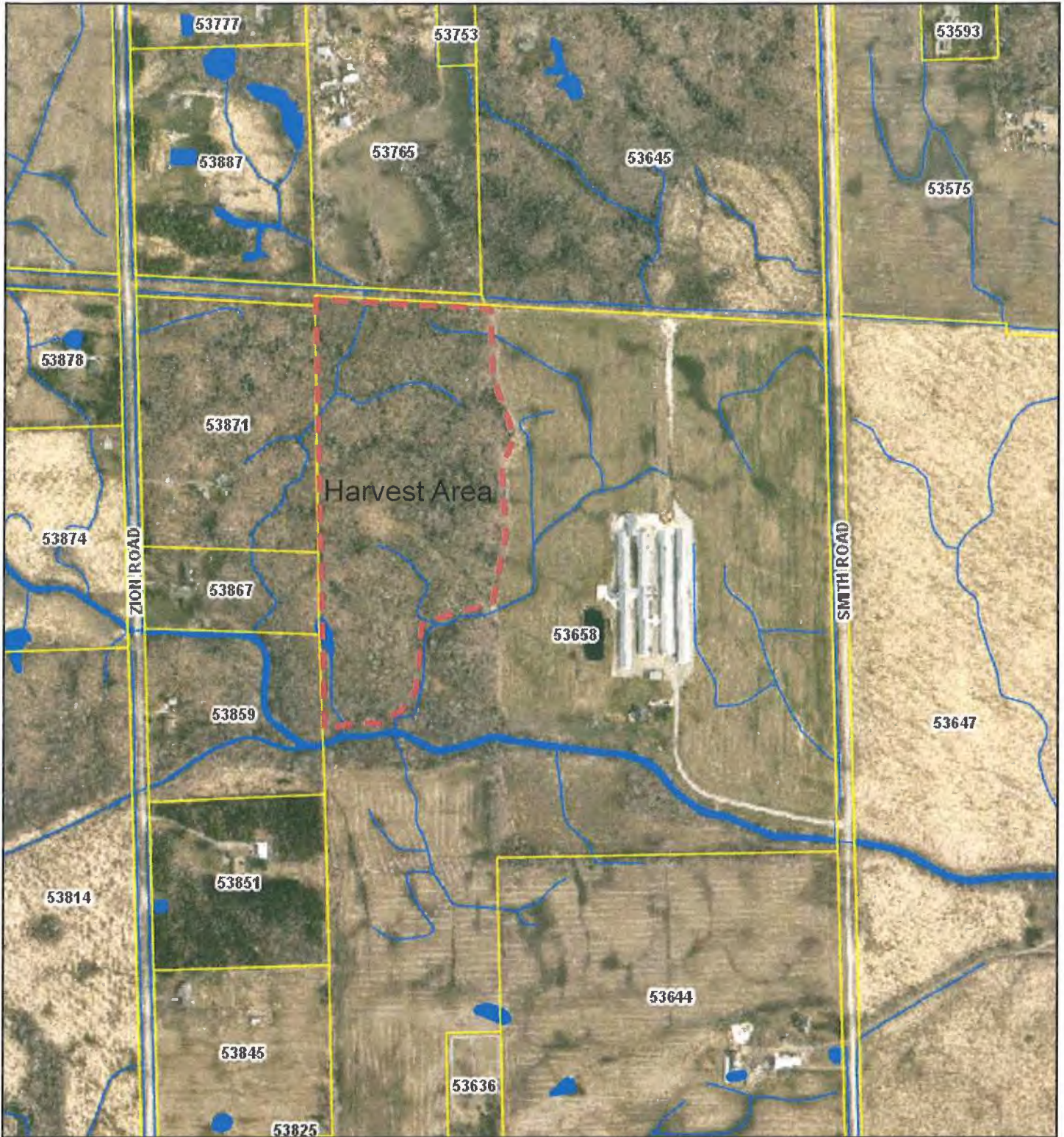
12. The landowner or the logging contractor must notify the Bylaw officer at the NPCA of the exact day when operations are to commence. The notification must be three (3) working days (excludes weekend days) before commencement

**PLEASE NOTE:** This information is collected pursuant to the Municipal Act and/or the Municipal Freedom of Information and Protection of Privacy Act and will be used for the sole purpose of administering this By-Law.

**APPENDIX A**  
**MAP OF WOODLAND LOCATION**

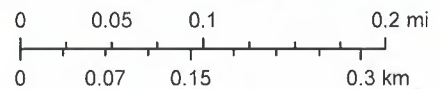


# Permit 2020-11: Droppert Woodlot



10/1/2020, 4:13:29 PM

1:9,028



Brian Lee, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

**APPENDIX B**  
**SILVICULTURAL PRESCRIPTION**

**MARKING PRESCRIPTION**  
**WILDLIFE AND FORESTRY CONSULTING**

**Property Location:**

Ownership: Leo Droppert      Compartment area: 20 acres 911#  
Lot: 36/37 Conc.: S      Former Township: Wainfleet County: Niagara  
Mailing Address: 53658 Smith Rd.      Phone: 289-213-3383

**Contractor Information:**

Name: \_\_\_\_\_ Person in charge of Tree Removal \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Estimated Starting Date \_\_\_\_\_

**Compartment Site Characteristics:**

Soil type: <u>Sandy Loam</u>	Drainage: <u>Good to Imperfect</u>
Topography: <u>Flat to slightly sloping</u>	Water features: <u>Dug drain along road and field</u>
Species Composition: <u>Ms<sub>4</sub>Or<sub>3</sub>Be<sub>1</sub>OH<sub>2</sub></u>	Access: <u>From field</u>
Physical Features: <u>n/a</u>	Height: <u>80</u>
Other features: _____	

**Stand Description:**

Roughly half of this stand is typical soft maple/red oak and the other half is composed primarily of upland tolerant hardwoods. The last harvest was approximately 12 years ago. Residual damage is low and there are few major defects. A high percentage of red oak and soft maple is coppiced but the average quality is good. The stand has deep, well drained, vernal pools. The moisture regime has changed since the edges of the field were ditched and many sections dominated by soft maple have an understory of hard maple saplings. There is some signs of crown decline in the soft maple around the vernal pools – likely a result of drier conditions for more of the growing season. Advanced and early hardwood regeneration is abundant. Ash appears to be the most common seedling but there is ample red oak and soft maple. Beech bark disease is omnipresent and beech root suckers are affecting early regen establishment but salvaging any remaining beech should aid in the transition. Average pre-harvest basal area is approximately 26 m<sup>2</sup>/ha.



**Tree Regeneration Assessment Table:**

Stage of Development	Species	Quantity (per cent cover)	Pattern of Distribution
Early (<0.5 m tall)	Soft maple	Some	Patchy
	Ash	Ample	Uniform
	Red oak	Some	Patchy
Advanced (> 0.5m tall)	Soft maple	Little	Patchy
	Hard maple	Ample	Scattered
	Ash	Some	Scattered

Note quantity    •little <10 percent    •some 11-30 percent    Pattern of distribution    •scattered    •uniform    •patchy  
                              •ample 31-60 percent    •heavy >60 percent

### Marking Instructions:

This woodland will be marked under single tree selection using good forestry practices. Priority of removal will be given to all marketable beech and ash as well as any beech poles or root suckers that are convenient for the logger to lay down. Quality red oak and soft maple stems should be release from direct competition. Single stems with high vigor should be retained over coppice stems. Oak and hickory shall be given priority of retention over tolerant hardwoods. Where hard maple is well established and competing directly with oak and hickory, small patches of group selection may be warranted to aid in mid-tolerant hardwood regeneration. Edge trees of a merchantable size should be considered for removal if they have heavy branches or they are leaning out towards the field. Where hazel is present in the understory overtopping trees should be considered for removal in order to improve nut production. Average post-harvest basal area should be approximately 17 m<sup>2</sup>/ha.

### Long-term management objectives (20 years).

The long-term objectives of this woodland are as follows:

- 1) Encourage high quality wildlife habitat through the retention of oak and encouraging hazel thickets;
- 2) Producing high quality trees for timber production and aesthetic value; and
- 3) Improving resilience of the woodland by encouraging diversity of species and tree health.

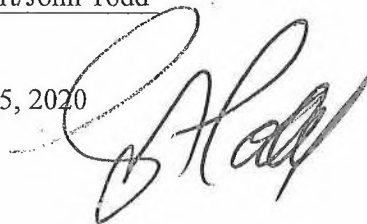
### Short-term management activities (5 years).

Short term management objectives are as follows:

- 1) Break down tops to encourage decomposition;
- 2) Cutting patches of spicebush where tree regeneration is lacking.
- 3) Maintain the internal trail system for recreation and future logging access.

Prepared By:                      Travis Lockhart/John Todd

Date:                                      September 5, 2020




# Tree Summary For Leo Droppert

Item #	Description	Qty	FBM
1	Red Oak	25	9190
2	Black Cherry	13	1901
3	Elm	1	99
4	Hard Maple	22	4187
5	Hickory	18	2576
6	Beech	3	473
7	Poplar	24	4662
8	Basswood	25	4606
9	Soft Maple	94	22458
	Total Logs	225	50152
	Fuel Wood	181	75 Cords

