



# COUNCIL INFORMATION PACKAGE

## SUMMARY

JUNE 3, 2022

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1. **C-2022-118**  
Correspondence dated May 31, 2022, from the Ministry of Northern Development, Mines, Natural Resources and Forestry, Wildlife Research and Monitoring Section respecting notification of rabies control operations.
2. **C-2022-119**  
Correspondence dated May 31, 2022, from the Office of the Regional Clerk respecting Waste Management System By-law and Access to Closed Landfill and Repurposed Sites By-law Updates.
3. **C-2022-120**  
Correspondence dated May 31, 2022, from the Office of the Regional Clerk respecting approval of the City of Niagara Falls Brownfield Tax Assistance Incentive Funding Request.
4. **C-2022-121**  
Correspondence dated June 1, 2022, from the The District Municipality of Muskoka to the The Honourable Doug Ford, Premier of Ontario respecting a request for Annual Emergency Exercise Exemption.
5. **C-2022-122**  
Correspondence dated June 1, 2022, from the City of Cambridge respecting a motion requesting the Province of Ontario for a Plan of Action to Address Joint and Several Liability.
6. **C-2022-123**  
Correspondence dated May 31, 2022, from the Town of Fort Erie to the Public Health Agency of Canada respecting support for the City of Niagara Falls Resolution regarding Cross Border Travel and ArriveCAN.
7. **C-2022-124**  
Correspondence dated May 31, 2022, from the Town of Fort Erie to the The Right Honourable Justin Trudeau, Prime Minister of Canada respecting ArriveCAN & COVID-19 Travel Measures to Enter Canada.
8. **C-2022-125**  
Correspondence dated May 24, 2022, from the Town of The Blue Mountains respecting a request for support of a motion regarding the inclusion of the mailing addresses of voters on voter's lists be provided to candidates.
9. **C-2022-126**  
Correspondence dated June 1, 2022 from the City of Cambridge respecting amotion regarding Ontario Must Build it Right the First Time.

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**Ministry of Northern Development, Mines,  
Natural Resources and Forestry**

Wildlife Research and Monitoring Section  
2140 East Bank Drive  
DNA Building, c/o Trent University  
Peterborough, ON K9L 1Z8

**Ministère du Développement du Nord, des  
Mines, des Richesses naturelles et des Forêts**

Phone: 1-888-574-6656  
Fax: 705-755-1559  
Email: [rabies@ontario.ca](mailto:rabies@ontario.ca)

May 31, 2022

In 2022, the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) will once again be conducting Oral Rabies Vaccine (ORV) bait distribution and trap-vaccinate-release (TVR) programs in Ontario. Baiting and TVR operations will begin June 27 and continue until the end of October. TVR operations in St. Catharines began May 2.

Please find attached:

- 1) Map of planned baiting area for 2022
- 2) Rabies Vaccine Bait Information Sheet

Per the attached map, rabies vaccine bait distribution will be conducted in rural areas with NDMNRF aircraft and by hand in urban areas by NDMNRF wildlife technicians. These are the details of bait distribution work in 2022 (dates are subject to change depending on weather conditions):

- Grey shaded areas will be completed with a combination of Twin Otter airplane and Eurocopter EC130 helicopter. Twin Otter flights will occur from August 15 through to August 21, with Eurocopter EC130 flights occurring August 22-26.
- Urban hand baiting, including the use of temporary bait stations, will occur in the brown shaded areas starting June 27 and continue through to the end of October.
- Live trapping and vaccinating wildlife (trap-vaccinate-release) will occur in the areas surrounding Hamilton, Niagara, St. Catharines and Welland shaded in yellow starting May 2 and will continue through to the end of October.
- Preventative baiting of the purple shaded areas in eastern Ontario will take place in early August and will take one day to complete.

In addition to the activities mentioned above, NDMNRF may conduct localized rapid response baiting and trap-vaccinate-release measures, which would take place in the event of a raccoon or fox strain rabies case outside of the planned baiting area.

The ministry is committed to the research, surveillance, control and elimination of the outbreak of rabies in southwestern Ontario to prevent the disease from spreading. Since the start of the rabies outbreak in 2015, the first of its kind in over a decade, NDMNRF has taken quick action to protect communities, distributing 7.5 million vaccine baits by air and ground. Rabies cases have decreased by 95% since 2016.

In keeping with current World Health Organization guidelines, the 2022 rabies control zone has been reduced as some areas have had no reported cases in over two years. The control zone encompasses an area within approximately 50 km of positive cases that are less than two years old (positive cases since July 1, 2020).

Any warm-blooded mammal can contract rabies. If a human contracts rabies and does not receive treatment, the disease is fatal.

The khaki-green coloured bait being distributed by hand and by aircraft is made of wax-fat with an attractant flavour (vanilla-sugar). A label with a toll-free telephone number (1-888-574-6656) and the message "Do not eat" is located on the exterior of the bait, and a plastic package containing the liquid rabies vaccine is embedded in the centre. If found, the bait should not be touched, but left for raccoons, skunks and foxes to consume. (See attached bait identification hand out for detailed description.)

Ontario's rabies vaccine baits have been tested to ensure they are safe for wildlife, people, and pets. However, eating a vaccine bait does not replace the regular rabies vaccination provided by a veterinarian for pets. If a pet has eaten a bait and the owner is concerned, they should contact their vet as a precaution.

Ontario's rabies control program is a joint effort that receives important input and contributions from a variety of partners across the province. Partnerships with provincial ministries, federal agencies, regional health units, municipalities, wildlife rehabilitators, licensed trappers, wildlife control agents and Indigenous communities are all key to the continued success of Ontario's rabies control program.

For further information about rabies in Ontario, please visit [Ontario.ca/rabies](https://ontario.ca/rabies) or contact the ministry's rabies information line at 1-888-574-6656.

**Larissa Nituch**

Rabies Science Operations Supervisor

705-313-2043 (cell)

[Larissa.Nituch@ontario.ca](mailto:Larissa.Nituch@ontario.ca)

# Rabies vaccine bait identification

June 2022

The Ultra-lite vaccine bait, ONRAB®, is used in Ontario for both fox strain and raccoon strain rabies control. Exposure to the bait is not harmful to people or pets; however, in the unlikely event that people or pets come in contact with the vaccine contained in the bait, contacting a doctor or veterinarian as a precaution is recommended.

## Bait Ingredients

The bait formula coats the blister pack containing the vaccine. This formula consists of vegetable based fats, wax, icing sugar, vegetable oil, artificial marshmallow flavour and dark-green food grade fat-soluble dye.

## Ultra-lite blister-pack (Vaccine Carrier)

This is a polyvinyl chloride (PVC) blister pack (40 mm x 22 mm x 10 mm) which weighs approximately 4.3 grams. The blister pack is a white/clear polyester flocked container with a heat-sealed laminated polyester lidding. The body of the blister pack is embedded in the bait matrix but the green lidding is exposed and has a black warning label printed on it.



## Inside Baits: ONRAB® oral rabies vaccine

Description: a recombinant live virus liquid vaccine

Volume/bait: 1.8 ±0.1 ml in the blister pack

Other inclusions: vaccine stabilizers

Colour: clear

Target species: skunk, fox, and raccoon

**Contact:** Wildlife Research and Monitoring Section

[rabies@ontario.ca](mailto:rabies@ontario.ca)

1-888-574-6656

[Ontario.ca/rabies](http://Ontario.ca/rabies)

Disponible en français

May 31, 2022

**CL 10-2022, May 19, 2022**

**PWC 4-2022, May 10, 2022**

**PW 19-2022, May 10, 2022**

## **LOCAL AREA MUNICIPALITIES**

### **SENT ELECTRONICALLY**

#### Waste Management System By-law and Access to Closed Landfill and Repurposed Sites By-law Updates

PW 19-2022

Regional Council, at its meeting held on May 19, 2022, passed the following recommendation of its Public Works Committee:

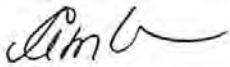
That Report PW 19-2022, dated May 10, 2022, respecting Waste Management System By-law and Access to Closed Landfill and Repurposed Sites By-law Updates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That By-law No. 2017-56, A By-law to Regulate the Use of the Waste Management System for The Regional Municipality of Niagara, (short title being the "Waste Management By-law") as amended by By-laws 2020-62 and 2021-06, **BE REPEALED AND REPLACED** with the updated draft By-law provided in Appendix 1;
2. That the proposed Short Form Offences and Set Fines Schedule for the updated Waste Management By-law, attached as Appendix 2, **BE FORWARDED** for the approval of the Chief Justice of the Ontario Court of Justice (Provincial Division), as required under Section 91.1(1) of the *Provincial Offences Act* in order to allow for enforcement of the updated By-law by the issuance of tickets;
3. That By-law No. 83-2016, A By-law to Regulate Access to Closed Landfill and Repurposed Sites Owned by The Regional Municipality of Niagara, (short title being the "Closed Landfills and Repurposed Sites By-law"), **BE REPEALED AND REPLACED** with the updated draft By-law provided in Appendix 3;

4. That the proposed Short Form Offences and Set Fines Schedule for the updated Regulation of Closed Landfills and Repurposed Sites By-law, attached as Appendix 4, **BE FORWARDED** for the approval of the Chief Justice of the Ontario Court of Justice (Provincial Division), as required under Section 91.1(1) of the *Provincial Offences Act* in order to allow for enforcement of the updated By-law by the issuance of tickets; and
5. That Report PW 19-2022 and the updated By-laws, **BE CIRCULATED** to the Local Area Municipalities for information.

A copy of Report PW 19-2022 and By-law No. 2022-32, and By-law No. 2022-33 are enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

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CLK-C 2022-074

cc: B. Zvaniga, Interim Commissioner, Public Works  
N. Coffey, Executive Assistant, Public Works  
K. Ashbridge, Supervisor, Waste Management

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**Subject:** Waste Management System By-law and Access to Closed Landfill and Repurposed Sites By-law Updates

**Report to:** Public Works Committee

**Report date:** Tuesday, May 10, 2022

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## Recommendations

1. That By-law No. 2017-56, A By-law to Regulate the Use of the Waste Management System for The Regional Municipality of Niagara, (short title being the “Waste Management By-law”) as amended by By-laws 2020-62 and 2021-06, **BE REPEALED AND REPLACED** with the updated draft By-law provided in Appendix 1;
2. That the proposed Short Form Offences and Set Fines Schedule for the updated Waste Management By-law, attached as Appendix 2, **BE FORWARDED** for the approval of the Chief Justice of the Ontario Court of Justice (Provincial Division), as required under Section 91.1(1) of the *Provincial Offences Act* in order to allow for enforcement of the updated By-law by the issuance of tickets;
3. That By-law No. 83-2016, A By-law to Regulate Access to Closed Landfill and Repurposed Sites Owned by The Regional Municipality of Niagara, (short title being the “Closed Landfills and Repurposed Sites By-law”), **BE REPEALED AND REPLACED** with the updated draft By-law provided in Appendix 3;
4. That the proposed Short Form Offences and Set Fines Schedule for the updated Regulation of Closed Landfills and Repurposed Sites By-law, attached as Appendix 4, **BE FORWARDED** for the approval of the Chief Justice of the Ontario Court of Justice (Provincial Division), as required under Section 91.1(1) of the *Provincial Offences Act* in order to allow for enforcement of the updated By-law by the issuance of tickets; and
5. That Report PW 19-2022 and the updated By-laws, **BE CIRCULATED** to the Local Area Municipalities for information.

## **Key Facts**

- The purpose of this report is to seek Committee's approval for the repeal and replacement of the following By-laws:
  1. By-law No. 2017-56, A By-law to Regulate the Use of the Waste Management System for The Regional Municipality of Niagara (the "Waste Management By-law"); and
  2. By-law No. 83-2016, A By-law to Regulate Access to Closed Landfill and Repurposed Sites Owned by The Regional Municipality of Niagara (the "Closed Landfill and Repurposed Sites By-law").
- The Waste Management By-law was last updated in 2020/2021 to reflect service level changes, including every-other-week garbage collection. Since the last amendment, staff have identified areas of improvement that will provide clarification on existing conditions for enhanced enforcement and public understanding.
- The Closed Landfill and Repurposed Sites By-law was created in 2016 to consolidate various individual naturalization sites by-laws. The 2022 update will address use issues that were not previously contemplated in the 2016 By-law, as well as improve public understanding.

## **Financial Considerations**

There are no anticipated financial implications with the proposed updates of these By-laws.

## **Analysis**

### **1. Waste Management By-law**

The purpose of the Waste Management By-law is to regulate and control the use of Niagara Region's waste management system. Since coming into effect in October 1999, the Waste Management By-law has regularly been revised to reflect changes to waste programs, collection services and requirements.

The current update to the Waste Management By-law is required to address minor housekeeping issues and to increase consistency among similar sections of the Waste Management By-law. The Waste Management By-law update will also allow for improvements in enforcement activity, specifically in regards to illegal dumping in Public Space Litter Bins and on Regional Property.



Outlined below are the proposed Waste Management By-law revisions, which are contained in Appendix 1.

- Additional wording for Green Bin, Grey Bin and Leaf and Yard waste containers to align with requirements for garbage and Blue Box containers;
- Corrected Amnesty Week definition to reflect every-other-week garbage collection;
- Defined Sharps and added Sharps to the short form wording for the set fine of “Setting out hazardous, pathological Materials or Sharps for collection” Set fine amount remains \$500;
- Updated grass references to “Grass Clippings” and included definition of Grass Clippings (i.e. not crab grass or ornamental grasses);
- Remove food wrap from acceptable Grey Box Material;
- Updated definition of Electrical and Electronic Equipment to align with new provincial legislation and categories;
- Added microwaves to the white goods definition – as of October 2020 white goods were no longer collected curbside and can be accepted as scrap metal;
- Added wording to prohibit the illegal dumping of material deemed to have been in the Care and Control of a person, into a Public Space Litter or Recycling Bin;
- Added Type B properties (Multi-Residential) to section 13.6: To be eligible for Garbage collection services, Type B-F Premises must utilize the Region's recycling and organics collection services. This applies to both base and enhanced service. Multi-residential properties using garbage collection must also participate in organics and recycling diversion programs, this change is in line with the existing requirements for Mixed-Use and Industrial, Institutional and Commercial properties;
- Added Regional Property to definition of illegal dumping in order to allow for enforcement of illegal dumping on Regional Property (e.g. Environmental Centre);
- Added requirement for Designated Business Area (DBA) properties, with afternoon collection times to set out their material no earlier than 1 hour prior to collection. This change addresses the issue of DBA's with 5 p.m. collection time, setting out material the day before collection. The set fine in the amount of \$75 is consistent with the current set fine of \$75 for Setting out waste contrary to specified times;
- Updated the definition of Low Density Residential (LDR) premise to include boarding homes with six (6) or fewer rooms, and the definition of Multi-Residential premise to

include boarding homes with seven (7) or more rooms, based on MPAC assessment; and

- Minor clarifications and clerical corrections to the existing by-law wording and definitions have been made to improve public understanding and administration.

## **2. Closed Landfill and Repurposed Sites By-law**

Outlined below are the proposed Closed Landfill and Repurposed Sites By-law revisions, which are contained in Appendix 3.

- Added definition of Organized Activities – any activity which is pre-planned and involves a group of 25 people or more. Set fine in the amount of \$100;
- Consolidating the Memorial Forest, Mental Health area and future COVID-19 memorial into one zone – the Memorial Zone;
- Updated definition of Nuisance in line with comparator municipalities' by-laws;
- Updated sports and games section, to allow for non-dangerous activity (no golf, baseball, etc.);
- Added restriction to prohibit use of snowmobiles or all-terrain vehicles on-site. Set fine in the amount of \$200. The set fine for bringing a vehicle on-site is currently set at \$100. The increased set fine is being proposed for the use of snowmobiles or all-terrain vehicles, as these recreational vehicles have the potential to cause greater damage to Site infrastructure such as monitoring well and landfill cap;
- Additional guidelines for organizers who enter into a Permission to Enter Agreement with the Region (including proof of insurance) to provide 10 days' notice prior to use;
- Added additional wording that prohibits dwelling or squatting on sites;
- Parking has been limited to a maximum of two (2) hours at Repurposed Sites. The previous By-law limited the use of Parking Zones to accessing the particular Site; however, enforcement was challenging due to the lack of time limit restrictions.
- Included trapping to prohibited activities. Updated set fine for hunt, trap or interfere with any animal, fish, bird or nest to \$500 from previous \$100 set fine. The increased set fine is being proposed to further discourage fishing and hunting at Sites as this has been identified a issue by staff;
- Updated Set Fine for bringing in or discharging fireworks or weapon to \$300 from \$100. The increased set fine is being proposed due to the severity of this by-law contravention;

- Updated Set Fine for vandalism to \$300 from \$100. The increased set fine is being proposed due to the severity of this by-law contravention;
- Updated maps provided in Appendix 5, zones and symbolism to correspond with signage on-site; and
- Minor clarifications and clerical corrections to the existing by-law wording and definitions have been made to improve public understanding and administration.

### **Alternatives Reviewed**

Alternatives considered included no changes to the Waste Management and Closed Landfill and Repurposed Sites By-laws. However, the updates to the Waste Management By-law will allow for the improved ability to issue fines for illegal dumping contraventions, which has been identified as a key issue by Committee members and staff. Additionally, not updating the Closed Landfill and Repurposed Sites would result in limited ability to enforce issues that were not previously considered in the original by-law such as the use of the site for organized activities.

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

The amendments to the Waste Management and Closed Landfill and Repurposed Sites By-laws will support Council's Strategic Priority of Sustainable and Engaging Government, specifically the promotion of high quality, efficient and co-ordinated core services.

### **Other Pertinent Reports**

PW 34 -2020 Solid Waste Management By-Law Update

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**Prepared by:**  
Kate Ashbridge  
Supervisor  
Waste Management

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**Recommended by:**  
Bruce Zvaniga, P.Eng.  
Commissioner of Public Works (Interim)  
Public Works Department

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**Submitted by:**  
Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with Caitlin Reid, Legal Counsel and reviewed by Sherri Tait Manager Waste Collection & Diversion and Emil Prpic, Associate Director Waste Disposal Operations and Engineering, and Catherine Habermebl, Director, Waste Management Services.

## **Appendices**

Appendix 1	Waste Management By-law
Appendix 2	Short Form Offences and Set Fines Schedule for the Waste Management By-law
Appendix 3	Closed Landfills and Repurposed Sites By-law
Appendix 4	Short Form Offences and Set Fines Schedule for the Closed Landfills and Repurposed Sites By-law
Appendix 5	Closed Landfills and Repurposed Site Maps

**PW 19-2022**  
**Appendix 1**

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

## **THE REGIONAL MUNICIPALITY OF NIAGARA**

### **BY-LAW NO. 2022-XX**

#### **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; and

**WHEREAS** Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that an upper tier municipality may pass By-laws respecting waste management subject to the requirements set out in the Act; and

**WHEREAS** Section 227 of the *Municipal Act, 2001*, provides that it is the role of the officers and employees of the municipality to carry out duties required under this or any other Act and other duties as assigned by the municipality; and

**WHEREAS** Section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence; and

**WHEREAS** Section 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority this, or any other Act, or under a by-law under this Act, or any other Act, to direct or require a person to do a matter of thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and

**WHEREAS** Section 446(3) of the *Municipal Act, 2001* provides that the municipality may recover the costs of doing a matter or thing under subsection 446(1) from the person directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

**WHEREAS** By-law No. 2017-56 was passed by Regional Council on May 15, 2017, and this by-law has been in place to regulate the use of the waste management system for The Regional Municipality of Niagara; and

**WHEREAS** By-law No. 2020-62, was passed by Regional Council on September 17, 2020, being a by-law to amend By-law No. 2017-56; and By-law No. 2021-06, was passed by Regional Council on January 21, 2021, being a by-law to amend By-law No. 2017-56; and

**WHEREAS** legislative updates have occurred, along with a desire to repeal and replace By-law No. 2017-56 with this By-law;

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

## **PART I - DEFINITIONS**

1. The following terms are defined for purposes of this By-law:

- 1.1 "Agencies, Boards and Commissions" means a self-governing organization that delivers services for the Region, including Niagara Regional Housing, Niagara Regional Police Service and Niagara Peninsula Conservation Authority;
- 1.2 "Amnesty Week" means the two (2) weeks that follow Christmas Day where, in addition to the regular Garbage limit, selected Premises can place additional Garbage to the curb for collection without a Garbage Tag on the regular Garbage collection day(s);
- 1.3 "Area Municipality" means any one of the municipalities or corporations 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;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

- 1.4 "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;
- 1.5 "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;
- 1.6 "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;



*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

- 1.7 "Brush" means woody Material including twigs, tree limbs or branches;
- 1.8 "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 by the Region;
- 1.9 "By-law" means this by-law and any schedule(s) and/or appendices to this By-law as they may be amended from time to time;
- 1.10 "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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

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;

- 1.11 "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.
- 1.12 "Christmas Trees" means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights;
- 1.13 "Christmas Trees, Artificial" means trees manufactured from manmade Material;
- 1.14 "Collectable" means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law;
- 1.15 "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;
- 1.16 "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;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

- 1.17 "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;
- 1.18 "Council" means the elected Council of The Regional Municipality of Niagara;
- 1.19 "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;
- 1.20 "Designated Business Area" means an area designated by the Area Municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services;
- 1.21 "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;
- 1.22 "Electrical and Electronic Equipment (EEE)" means electrical and electronic equipment that, (a) is designed for use with an electrical current and a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current, (b) weighs no more than 250 kilograms, and (c) is not intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location, as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment under the *Resource Recovery and Circulate Economy Act, 2016*, S.O. 2016, c.12, Sched. 1, , or any successor legislation, including but not limited to the following:
  - a) Computers;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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- b) Printers (desktop and floor-standing), including printer cartridges;
- c) Video gaming devices;
- d) Telephones, including cellular phones;
- e) Display devices;
- f) Radios and stereos, including after-market vehicle stereos;
- g) Headphones;
- h) Speakers;
- i) Cameras, including security cameras;
- j) Video recorders;
- k) Drones with audio or visual recording equipment;
- l) Peripherals and cables used to support the function of information technology, telecommunications and audio visual equipment, including charging equipment;
- m) Parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives;
- n) Handheld point-of-sale terminals or devices; and
- o) Musical instruments and audio recording equipment.

1.23 "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(s) 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;

1.24 "Environmental Protection Act" means the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation;

1.25 "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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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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;

- 1.26 "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 Clippings;
- 1.27 "Garbage Container" means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of Garbage for collection. It does not include cardboard boxes;
- 1.28 "Garbage Exemptions" mean exemptions as set out in Section 13 to the approved Garbage Container limits as shown in Schedule "A";
- 1.29 "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 bag situated on the top in the 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;
- 1.30 "Grass Clippings" means vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns and pastures, which are the cut portions of grass, that are left behind or captured in a grass catcher; but does not include weed-type plants, such as "crab grass", where the whole plant is removed, including its root system;
- 1.31 "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;
- 1.32 "Green Bin Material" means compostable organic Material collected under the Green Bin program As Designated by the Region, including but not

*As amended by By-law No. 2020-62  
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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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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 takeout trays, kitty litter and Pet Waste. It does not include Grass Clippings or Liquid Material;

- 1.33 "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;
- 1.34 "Grey Box Material" means recyclable Material that is collected as part of the Grey Box Program. The Grey Box Material(s) include(s):
- (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 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;
- 1.35 "Household Hazardous Waste Drop-Off Depots" means those locations as noted the Region's website, which may be updated from time to time, but which includes:

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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- (a) Niagara Road 12 Landfill;
- (b) Humberstone Landfill;
- (c) Thorold Yard Household Hazardous Waste Drop-Off Depot, and
- (d) Bridge Street Drop-Off Depot;

- 1.36 "Illegal Dumping" means the disposing of Material in Non-Designated Areas, including both Public Property and Regional Property, but does not include Litter;
- 1.37 "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;
- 1.38 "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 Clippings, Brush, soil, dirt, roots, rocks, logs, stumps or sod;
- 1.39 "Leaf and Yard Container" means reusable, rigid 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;
- 1.40 "Litter" means debris, refuse, or Material(s) disposed of in non-designated areas, discarded outside the regular Collection Point, or lying scattered about the area;
- 1.41 "Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained;
- 1.42 "MPAC" means the Municipal Property Assessment Corporation;

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*PWC 8-2017; Minute Item 5.1  
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CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

- 1.43 "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;
- 1.44 "Multi-Purpose Property" means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types;
- 1.45 "Niagara region" and "Niagara" means the geographic area within The Regional Municipality of Niagara;
- 1.46 "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: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
  - (b) prohibited Material, as defined under the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, c.34, or any successor legislation;
  - (c) pathological waste, as defined and regulated in Ontario Regulation 347: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, 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;



*As amended by By-law No. 2020-62  
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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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- (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 pumpings 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: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
  - (j) sealed metal drums or barrels;
  - (k) other Material as prohibited in any relevant Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks under the relevant legislation;
  - (l) Sharps;
  - (m) Construction, Renovation or Demolition Material, including windows;
  - (n) Grass Clippings;
  - (o) Electrical and Electronic Equipment (EEE), as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment, under the *Resource Recovery and Circular Economy Act*, 2016, S.O. 2016, c.12, or any successor legislation;
  - (p) batteries (all types), as defined in Ontario Regulation 30/20: Batteries, under the *Resource Recovery and Circular Economy Act*, 2016, S.O. 2016, c.12, Sched. 1, or any successor legislation;
  - (q) White Goods; and
  - (r) other Material As Designated;
- 1.47 "Non-Compliant" and "Non-Compliance" means Material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law;
- 1.48 "Non-Designated Area" means an area which has not been designated for a particular purpose;

*As amended by By-law No. 2020-62  
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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

1.49 "Nuisance" includes, but is not limited to, the following:

- (a) Disorderly conduct;
- (b) Public drunkenness or public intoxication;
- (c) The unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- (d) The deposit of refuse on the Site;
- (e) Damage to, or destruction of, public or private property on the Site;
- (f) Traffic that obstructs the free flow of Persons and Motor Vehicles, or could interfere with the ability to provide emergency services;
- (g) Unreasonable noise, including loud music or shouting;
- (h) Unlawful open burning or fireworks;
- (i) Public disturbances, including public brawls or fights;
- (j) Outdoor public urination or defecation; and/or
- (k) Use of or entry upon a roof not intended for such occupancy.

1.50 "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 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;

1.51 "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

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or of an organization and the heirs, executors, liquidators of the succession, administrators or other legal representatives of a Person;

- 1.52 "Pet Waste" means animal excrement/droppings generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, kept in kennels and/or breeders, and including kitty litter, wood shavings and other natural pet bedding, newspaper cage liners, feathers, and fur, whether separate or intermingled with such excrement/droppings, but does not include animal excrement generated by horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals;
- 1.53 "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";
- 1.54 "Private Property" means any land or building that is registered to a Person on title in the Land Registry Office or Land Titles Division, as the case may be, that is not owned by an Area Municipality in the Region, a Conservation Authority, a Local Board, the Region, or the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof, unless it is leased to a person or corporation not listed above;
- 1.55 "Public Property" means any land or building that is owned by an Area Municipality a Agencies, Board and Commission, the Region, or the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof;
- 1.56 "Public Space Litter/Recycling Bin" means a container that is placed in a public area for use by general public for the purpose of holding litter that has been thrown away by public space users. The bins are not intended for Materials that have been privately generated by a business or residence or Non-Collectable Material;

*As amended by By-law No. 2020-62  
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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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- 1.57 "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;
- 1.58 "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;
- 1.59 "Regional Property" means all property, including lands and buildings, owned, leased, rented, controlled and/or managed by the Region, within the geographic area that is Niagara;
- 1.60 "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 of this By-law, the Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage;
- 1.61 "Scavenge" means the unauthorized removal of Materials that have either been placed out for collection, or in the location where the container (containerized waste/carts) is stored and filled before being moved to the collection location;
- 1.62 "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 Curbside 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;

*As amended by By-law No. 2020-62  
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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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- 1.63 "Sharps" means blades, needles, syringes, including safety engineered needles, laboratory glass, or other Materials capable of causing punctures or cuts;
- 1.64 "Site Plan Conditions" means comments and conditions provided by the Region during the site plan, subdivision plan or condominium application process pursuant to the Region's Policy C-A-002 "Requirements for Waste Collection";
- 1.65 "Unacceptable Material" means material which is not accepted at a Regional Drop-Off Location. Unacceptable Material includes:
- (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, which are collectable at Household Hazardous Waste Drop-Off Depots only;
  - (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;

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- (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.
- 1.66 "Waste Disposal Site" means (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a), as defined in the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation;
- 1.67 "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, microwaves, 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.

*As amended by By-law No. 2020-62  
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- 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.

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*PWC 8-2017; Minute Item 5.1  
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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:



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- (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

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PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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- (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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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- 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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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 containers or compostable paper bags or certified compostable plastic bags As Designated:
  - 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 not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
  - ii. 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
  - iii. be of sufficient quality to withstand normal collection activities and use; and
  - iv. be clearly identifiable as Leaf and Yard Material from the collection vehicle with the use of labels, or an open-top container; 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' (BPI) logo 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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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 section 10.1 (c) packaged in:
  - i. Compostable plastic bags with BPI logo or 100% Compostable 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. 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 61 cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; 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. be of sufficient quality to withstand normal collection activities and use; and
  - v. Carts are exempt from section 10.1 (c) i-iii; *and*

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

(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 Clippings, 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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- 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. 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 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 section 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

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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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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 Bylaw shall be set out for collection as Garbage, and

(a) packaged in a Garbage Container:

- 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 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



*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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- (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.
- 12.4 The Region reserves the right to implement additional safeguards for “sensitive” Materials, which shall include, but not be limited to, items such as medical waste, health-related waste, and personal protective equipment.
- 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;

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and By-law No. 2022-xx*

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- 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

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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) Garbage 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) Garbage 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

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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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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;

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and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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- (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 B-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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
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- 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

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PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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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

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PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
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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



*As amended by By-law No. 2020-62  
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PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
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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 and Collection Days

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 For Designated Business Areas with a designated collection time before noon (12:00 p.m.), Collectable Material shall not be set out earlier than 5:00 p.m. on the day before the designated collection time.

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PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

16.5 For Designated Business Areas with a designated collection time after noon (12:00 p.m.), Collectable Material shall not be set out earlier than one (1) hour prior to the designated collection time.

16.6 From time to time, the Region may define specific collection times other than those referenced above 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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- (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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

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, which are collectable at Household Hazardous Waste Drop-Off Depots only;
- (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;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- (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 (excludes electric-vehicle batteries or traction batteries);
- (d) Blue Box Material;
- (e) Bulky Goods;
- (f) Clothing for re-use;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

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:



*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- (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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- 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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- (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 Violation(s) of Restrictions at Regional Drop-Off Locations:

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- (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 under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or as amended, 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;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- (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 Environmental Compliance Approval(s), and any relevant Regional By-laws, Policies, and Procedures; and
- (o) not smoke any substance anywhere on or near a Regional Drop-Off Location.

35. Refusal

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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 **General Prohibition:** 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 **Prohibition re: Public Space Litter/Recycling Bin:** No Person shall dump or otherwise deposit, or permit their contractor, agent, employee, child under their care or control or animal under their care or control to dump or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping or otherwise depositing any Material generated on a Premises owned or occupied by that Person, or at any time in the Care and Control of that Person, into or within a one (1) metre radius of a Public Space Litter/Recycling Bin on any road or Public Property.

37.3 **Prohibition re: Care and Control:** 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 of this By-law.



*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

37.4 For the purpose of Subsections 15.4, 37.2 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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

- 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.

### **41. Where a Person or Owner is in Non-compliance with this By-law and if the, and Non-compliance continues, despite the Region's attempts to obtain voluntary compliance, the Region may issue an Order as outlined in Section 48. 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 16.6 of this By-law.

- 41.2 In addition to the publication and communication of As Designated changes set out in Section 16.6, 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.

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

## **PART VIII – OFFENCES, PENALTIES, AND FINES**

### **43. Offences**

43.1 Section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

### **44. Fines – *Provincial Offences Act***

44.1 Section 61 of the *Provincial Offences Act* provides that every Person who is convicted of an offence is liable to a fine not exceeding **\$5,000**.

### **45. Fines – *Municipal Act, 2001***

45.1 Section 429(1) of the *Municipal Act, 2001*, a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*.

45.2 Every Person who contravenes a provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, and is liable on conviction to a penalty, where the minimum fine shall not exceed **\$500** (save and except the fine for “Illegal Dumping” which carries a minimum fine of **\$750**), and a maximum fine, shall not exceed **\$100,000**, exclusive of costs under the provisions of the *Municipal Act, 2001*.

45.3 In the case of a continuing offence(s), every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence, and is liable on conviction, to a penalty not exceeding **\$10,000** per day, or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001*.

45.4 In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed **\$500** (save and except the fine

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

for “Illegal Dumping” which carries a minimum fine of **\$750**) and a maximum fine shall not exceed **\$10,000**.

45.5 Notwithstanding Section 45.3 and Section 45.4, and in accordance with the provisions of the *Municipal Act, 2001*, the total of all fines for the continuous offences or multiple offences, is not limited to **\$100,000**.

46. Special Fines

46.1 In addition to the fines in Sections 44 and 45, 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.

47. Alternative Set Fine Procedure

47.1 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.

48. Order Prohibiting Continuation

48.1 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.

49. Work Orders

49.1 Where the Region is satisfied that a Person or Owner has failed to comply with any provision of this By-law, and a contravention has occurred, the

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

Region may, by written notice, issue an order requiring the Person or Owner who contravened the By-law, or who caused or permitted the contravention, or the Person or Owner or Occupant of the land on which the contravention occurred, to do work to correct the contravention, as set out in the *Municipal Act, 2001*, S.O. 2001, c.25, or as amended.

49.2 The Order shall set out:

- (a) The municipal address and/ or the legal description of the property or land on which the contravention occurred;
- (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.

49.3 Every a Person or Owner who contravenes an Order is guilty of an offence.

49.4 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.

49.5 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.

49.6 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.

49.7 Every Person or Owner shall comply with any Order issued under the authority of this By-law.

50. Remedial Actions

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

*PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx*

- 50.1 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.
- 50.2 Any Material removed may be immediately disposed of.
- 50.3 The Region may invoice the Person or Owner for all costs associated with the work done pursuant to Section 46 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.
- 50.4 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.
- 50.5 In the event that a Person or Owner was provided an invoice for costs in accordance with Section 48, 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, 2001*, S.O. 2001, c.25, as may be amended from time to time.
- 50.6 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.
- 51. Entry for Enforcement
  - 51.1 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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

occupant's permission, or unless so authorized by order of a court of competent jurisdiction.

## **PART IX - 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 Monday to Friday, 8:00am – 5:00pm, at 905-356-4141 or Toll-free at 1-800-594-5542.

### **54. Delegation of Powers to Commissioner of Public Works**

54.1 The Commissioner of Public Works or their 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 Bylaw, 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;

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

- (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, and Friendly Final 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

57.1 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.



*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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-Law

61.1 By-law No. 2017-56 of the Region is hereby revoked and repealed, and replaced with By-law No. 2022-XX.

**THE REGIONAL MUNICIPALITY OF NIAGARA**

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Jim Bradley, Regional Chair

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

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Ann-Marie Norio, Regional Clerk

Passed: xx xx, 2022

## **SCHEDULE “A”**

### **COLLECTABLE VOLUME LIMITS – Table 1**

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

**Table 1: Garbage Container Limits**

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
<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 with six (6) or fewer rooms; and</li> <li>• residential farms</li> </ul>	2 per self-contained unit	Every-other-week

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

<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 with seven (7) or more rooms, 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).	2 per self-contained unit up to a maximum 24 per building	Every-other-week
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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

## COLLECTABLE VOLUME LIMITS – Table 2

**Table 2: Recycling Container Limits**

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
<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 with six (6) or fewer rooms; and</li> </ul>	Unlimited per self-contained unit	Weekly

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
<ul style="list-style-type: none"> <li>residential farms</li> </ul>		
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 with seven (7) or more rooms, 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 Premise.	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

*As amended by By-law No. 2020-62  
and By-law No. 2021-06  
and By-law No. 2022-xx*

PWC 8-2017; Minute Item 5.1  
PWC 7-2020; Minute Item 5.1  
CL 1-2021; Minute Item 8.1.1  
PWC 19-2022; Minute Item xx

<b>Type of Premises (as Assessed by MPAC)</b>	<b>Container Limit</b>	<b>Collection Frequency</b>
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area.	Unlimited	Weekly



**COLLECTABLE VOLUME LIMITS – Table 3****Table 3: Organic Container Limits**

<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 with six (6) or fewer rooms; and</li> <li>• residential farms</li> </ul>	Unlimited per self-contained unit	Weekly



Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
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 with seven (7) or more rooms, 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).	Quantity as determined by the Region on a request only basis for Green Bins or Carts	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.	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

**SCHEDULE "B" - FRIENDLY REMINDER NOTICE**

	<b>FRIENDLY REMINDER</b> Curbside Collection Services
Dear Property Owner/Tenant: Failure to comply with the following may result in charges under Niagara Region's Waste Management By-Law. To ensure compliance with guidelines noted below, Enforcement Staff will return to the property on: _____	
<b>NON-COMPLIANT SETOUT</b>	
<input type="checkbox"/> Garbage placed at the curb on the wrong week <input type="checkbox"/> Materials (garbage, recycling, Green Bin, large household items, etc.) must <b>NOT</b> be set out before 5 p.m. on the evening before scheduled collection and must be at the curb by 7 a.m., the day of collection. <input type="checkbox"/> Containers and any material not collected <b>MUST</b> be removed from the curbside no later than 7 p.m. on your collection day <input type="checkbox"/> Container or bag is more than 91 cm (3ft.) in height by 61 cm (2 ft.) in diameter and/or has an affixed lid <input type="checkbox"/> Materials must <b>NOT</b> be placed at the curbside in an uncontained pile <input type="checkbox"/> Containers or bags weigh more than 22.7 kg (50 lbs) <input type="checkbox"/> Materials must be removed immediately from the curbside	
<b>OVER LIMIT</b>	
<input type="checkbox"/> Your property is over the maximum garbage container/bag limit of ____ per collection <input type="checkbox"/> Property does not have a diaper exemption	
<b>BULKY GOODS/LARGE ITEMS</b>	
<input type="checkbox"/> Residents of single-family, semi-detached or properties with six units or less are required to: Complete the online booking form at <a href="http://niagararegion.ca/waste">niagararegion.ca/waste</a> or call GFL 1-855-971-4550 at least <b>2 BUSINESS DAYS IN ADVANCE</b> of your regular collection day to arrange a <b>FREE</b> pick up. <input type="checkbox"/> A maximum of four items can be booked for collection <input type="checkbox"/> Large item pick up is not available for: <ul style="list-style-type: none"> <li>• Apartments with 7 or more units</li> <li>• Mixed use properties (commercial and residential)</li> <li>• Commercial, industrial or institutional properties</li> </ul>	
Waste Info-Line 905-356-4141 or 1-800-594-5542 Monday to Friday: 8 a.m. – 5 p.m.	 <b>Niagara Region</b> <a href="http://niagararegion.ca/waste">niagararegion.ca/waste</a>

 <p><b>BOX IT. BIN IT. SORT IT.</b></p>	<p><b>FRIENDLY REMINDER</b> Curbside Collection Services</p>
<p><b>UNACCEPTABLE MATERIALS</b></p>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Household Hazardous Waste. Accepted <b>FREE</b> of charge at Household Hazardous Waste Depot. Commercial material not accepted.</li> <li><input type="checkbox"/> Syringes and sharps</li> <li><input type="checkbox"/> Automotive parts and tires</li> <li><input type="checkbox"/> Electronics, appliances and metal household items</li> <li><input type="checkbox"/> Construction, renovation or demolition materials. Materials can be taken directly to the landfill. Disposal fees will apply.</li> <li><input type="checkbox"/> Garbage containing recycling, Green Bin or Leaf &amp; Yard Materials</li> </ul>	
<p><b>BLUE/GREY BOX</b></p>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Mixed Blue and Grey Box materials are <b>NOT</b> acceptable</li> <li><input type="checkbox"/> Material not accepted in recycling program</li> <li><input type="checkbox"/> All plastic bags and recyclable plastic film and outer-wrap must be placed inside one plastic bag (not loose) in the Grey Box</li> <li><input type="checkbox"/> Cardboard must be bundled together and no larger than 91 cm (3 ft.) x 91 cm (3 ft.) x 91 cm (3 ft.)</li> </ul>	
<p><b>GREEN BIN/LEAF &amp; YARD/BRANCHES</b></p>	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Grass not collected curbside</li> <li><input type="checkbox"/> Sod, soil, stumps, gravel are not collected curbside</li> <li><input type="checkbox"/> Liquid material is not permitted in the Green Bin</li> <li><input type="checkbox"/> Material must <b>NOT</b> be placed in plastic bags or cardboard boxes for collection</li> <li><input type="checkbox"/> Loose materials including leaves and branches are not accepted</li> <li><input type="checkbox"/> Branches are only collected on designed collection weeks. The next collection week in your area is</li> </ul>	
<hr/> <ul style="list-style-type: none"> <li><input type="checkbox"/> Branches <b>MUST</b> be tied in bundles no longer than 1.5 m (5 ft.) and no wider than 0.5 m (1.6 ft.). Individual branches cannot exceed 7 cm (2.7 in.) in diameter.</li> </ul>	
<p><b>NOTES/COMMENTS</b></p>	
<hr/>	
<p><b>Waste Info-Line</b> 905-356-4141 or 1-800-594-5542 Monday to Friday: 8 a.m. - 5 p.m.</p>	<p><b>Niagara Region</b>  <a href="http://niagararegion.ca/waste">niagararegion.ca/waste</a></p>

**The Regional Municipality of Niagara  
Part 1 Provincial Offences Act  
By-law 2022-XX Waste Management By-law**

**Short Form Offences and Set Fines**

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
1.	Set-out of Non-Collectable Material	<b>s. 14.1 (a)</b>	\$100
2.	Set-out of Non-Compliant Material	<b>s. 14.1 (b)</b>	\$100
3.	Setting out hazardous, pathological Material or Sharps for collection	<b>s. 14.1 (a)</b>	\$500
4.	Not securing animal to ensure collection worker safety	<b>s. 14.6</b>	\$100
5.	Depositing Material into a collection vehicle	<b>s. 14.8</b>	\$100
6.	Obstructing road or sidewalk with Material	<b>s. 15.1</b>	\$250
7.	Setting out Material at premises other than your own	<b>s. 15.3</b>	\$100
8.	Permitting Material at any time in the Care and Control of an Owner to be located otherwise than on their own Premises or in a permitted Collection location	<b>s. 15.4</b>	\$100
9.	Setting out waste contrary to specified times	<b>s. 16.1</b>	\$75
10.	Failing to remove containers and Material after collection	<b>s. 16.2</b>	\$75
11.	Setting out waste contrary to specified times within Designated Business Area	<b>s. 16.4</b> <b>s. 16.5</b>	\$75
12.	Failing to set out an acceptable container	<b>s. 17.1</b>	\$75
13.	Failing to ensure containment of Material set out for collection	<b>s. 18.1</b>	\$100
14.	Dropping off unacceptable Material at Regional Drop-Off Location	<b>s. 22.1</b>	\$500
15.	Depositing Garbage into recycling bins or composting areas at Regional Drop-Off Location	<b>s. 32.1 (I)</b>	\$200

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
16.	Depositing recyclable Material in Garbage bin or landfill areas at Regional Drop-Off Location	<b>s. 32.1 (m)</b>	\$100
17.	Trespassing at Regional Drop-Off Location by illegal entry	<b>s. 33.1</b>	\$500
18.	Trespassing at Regional Drop-Off Location or closed landfill or perimeter when closed	<b>s. 33.2</b>	\$500
19.	Trespassing at Regional Drop-Off Location or perimeter with vehicle	<b>s. 33.3</b>	\$500
20.	Failing to drop off only acceptable Material at RDOL	<b>s. 34.1 (a)</b>	\$200
21.	Failing to comply with Regional Drop-Off Location staff directions	<b>s. 34.1 (b)</b>	\$200
22.	Failing to obey signs at Regional Drop-Off Location	<b>s. 34.1 (c)</b>	\$200
23.	Failing to separate and deposit Material properly at Regional Drop-Off Location	<b>s. 34.1 (d)</b>	\$200
24.	Failing to remove covers as directed at Regional Drop-Off Location	<b>s. 34.1 (f)</b>	\$200
25.	Failing to remove loose Material after unloading at Regional Drop-Off Location	<b>s. 34.1 (g)</b>	\$200
26.	Failing to secure vehicle after unloading at Regional Drop-Off Location	<b>s. 34.1 (h)</b>	\$200
27.	Failing to ensure child under 12 stays in vehicle at Regional Drop-Off Location	<b>s. 34.1 (i)</b>	\$200
28.	Failing to ensure children act responsibly at Regional Drop-Off Location	<b>s. 34.1 (j)</b>	\$200
29.	Failing to ensure animal stays in vehicle at Regional Drop-off Location	<b>s. 34.1 (k)</b>	\$200
30.	Failing to pay fees before departing Regional Drop-Off Location	<b>s. 34.1 (m)</b>	\$200

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
31.	Failing to refrain from smoking on Regional Drop-Off Location	<b>s. 34.1 (o)</b>	\$200
32.	Transporting insecure load	<b>s. 36.1</b>	\$100
33.	Illegal dumping	<b>s. 37.1</b>	\$750
34.	Dumping privately generated Material into Public Litter bin	<b>s. 37.2</b>	\$150
35.	Illegal dumping Care and Control	<b>s. 37.3</b>	\$250
36.	Scavenging Material set out for collection	<b>s. 38.1</b>	\$100
37.	Scavenging at a Regional Drop-Off Location	<b>s. 38.2</b>	\$250
38.	Failure to comply with an Order	<b>s. 46.3</b>	\$300

Note: The general penalty provision for the offences listed above is Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

**THE REGIONAL MUNICIPALITY OF NIAGARA****BY-LAW NO. xx-2022****A BY-LAW TO REGULATE ACCESS TO CLOSED LANDFILL AND  
REPURPOSED SITES OWNED BY THE REGIONAL MUNICIPALITY OF  
NIAGARA**

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**WHEREAS** sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") authorize Niagara Region to pass by-laws necessary or desirable for municipal purposes;

**WHEREAS** Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that an upper tier municipality may pass By-laws respecting waste management subject to the requirements set out in the Act; and

**WHEREAS** Section 227 of the *Municipal Act, 2001*, provides that it is the role of the officers and employees of the municipality to carry out duties required under this or any other Act and other duties as assigned by the municipality; and

**WHEREAS** Section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence; and

**WHEREAS** Section 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority this, or any other Act, or under a by-law under this Act, or any other Act, to direct or require a person to do a matter of thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense; and

**WHEREAS** Section 446(3) of the *Municipal Act, 2001* provides that the municipality may recover the costs of doing a matter or thing under subsection 446(1) from the person directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and

**WHEREAS** Niagara Region, in exercising its responsibility has acquired ownership of landfill sites within Niagara region, not all of which are actively used as an operating landfill site;

**WHEREAS** the current use of landfill sites varies from active operating landfill sites, sites that have in part been repurposed for identified public uses and closed landfill sites that have no specific identified use;

**WHEREAS** Niagara Region has various site specific by-laws for regulating sites that have been repurposed for identified public uses;

**WHEREAS** while various repurposed sites have differences in the specific permitted uses, the sites also have many attributes in common;

**WHEREAS** all potentially desirable uses of closed landfill sites cannot be anticipated and documented in advance;

**WHEREAS** the residents of Niagara region would benefit from a single source of information regarding actual and potential uses for closed landfill sites and Niagara Region's rules applicable to those uses;

**WHEREAS** Niagara Region by this by-law intends to establish criteria for the regulation and use of all parts of landfill sites that are not actively used in landfilling of waste; and,

**WHEREAS** regulations are based on the principle of safeguarding the public, protection of Niagara Region's infrastructure and upholding the values of Niagara Region taking into account the many unique attributes of the landfill sites that make certain activities inadvisable.

**WHEREAS** legislative updates have occurred, along with a desire to repeal and replace By-law No. 83-2016 with this By-law.

**NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:**

## **PART I – SHORT TITLE**

- 1) This By-law may be referred to as the "Regulation of Closed Landfill and Repurposed Sites By-law".

## **PART II – DEFINITIONS**

- 2) For the purposes of this By-law the capitalized terms set forth in this Section 2 shall apply equally to the singular and plural forms of the terms defined.
  - a) "Active Site" means any landfill site owned and currently operated (meaning it is open and in operation for its primary purpose, being the accepting and managing of waste materials) by Niagara Region for the disposal or transfer of waste;



- b) "Agencies, Boards and Commissions" means a self-governing organization that delivers services for the Region, including Niagara Regional Housing, Niagara Regional Police Service and Niagara Peninsula Conservation Authority;
- c) "Alpha-Numerical Designation" means the letter and number combination or the letters or numbers separately used to designate a Site and/or Zone within this By-law and the appendices attached hereto;
- d) "Area Municipality" means any one of the municipalities or corporations 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;
- e) "By-law" means this by-law and any schedule(s) and/or appendices to this By-law as they may be amended from time to time;
- f) "Closed Landfill Site" means any parcel of land owned by Niagara Region that had been used for the disposal of waste by Niagara Region or any predecessor municipality with jurisdiction for the site, but which is no longer an Active Site; or is a parcel of land that is owned and or operated by Niagara Region, which abuts (be next to, or have a common boundary with) a closed landfill site.
- g) "Council" means the elected Council of The Regional Municipality of Niagara;
- h) "Day Use Visitor" means Persons who enter the Repurposed Site to use the sites amenities;
- i) "Niagara Region" means The Regional Municipality of Niagara;
- j) "Nuisance" includes, but is not limited to, the following:
  - 1 Disorderly conduct;
  - 2 Public drunkenness or public intoxication;
  - 3 The unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
  - 4 The deposit of refuse on the Site;
  - 5 Damage to, or destruction of, public or private property on the Site;

- 6 Traffic that obstructs the free flow of Persons and Motor Vehicles, or could interfere with the ability to provide emergency services;
  - 7 Unreasonable noise, including loud music or shouting;
  - 8 Unlawful open burning or fireworks;
  - 9 Public disturbances, including public brawls or fights;
  - 10 Outdoor public urination or defecation; and/or
  - 11 Use of or entry upon a roof not intended for such occupancy.
- k) "Organized Activity(ies)" means any activity which is pre-planned, involves a group of People (twenty five (25) People or more, depending on the particular Site in question, as may be determined by Niagara Region) and which may, or is likely to, constitute a nuisance or limits general public access to a Site, or any activity that involves instruction or training for a group larger than twenty five (25) People, as may be determined by Niagara Region. A Permission to Enter Agreement for an Organized Activity(ies) must be provided to Niagara Region, and appropriate legal documentation must be executed.
- l) "Permission to Enter Agreement" means an agreement in writing with Niagara Region permitting access to Repurposed Sites for Organized Activity(ies) and to Closed Site and Prohibited Areas, excluding Special Use Trails. An Application for Entrance Permit precedes such an agreement, and is required for any access to Closed Site and Prohibited Areas, excluding Special Use Trails;
- m) "Person/People" means any individual, corporation, and/or partnership;
- n) "Pictorial Designation" means a symbolic representation attributable to a particular type of Site or Zone and used for reference in the Appendices attached hereto;
- o) "Repurposed Site" means a Closed Landfill Site or a part thereof, that has been approved for specified public uses including, but not limited to, uses such as a naturalization site with trails and learning features or leash-free dog park, and/or has had improvements constructed to facilitate the permitted uses and is intended to be open to the public in whole or in part without the need for express written consent from Niagara Region in the form of Permission to Enter Agreement;
- p) "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including physical, psychiatric, intellectual or other mental disability;

- q) “Signage” means a display (such as a lettered board) used to identify or advertise a Site, including but not limited to advising/describing the area, providing a list of allowed and prohibited activities, as well as providing contact information for additional inquiries;
- r) “Sites” means all Active and Closed Landfill and Repurposed Sites respectively listed and mapped with Zone designations more particularly set forth in Appendix 2 and Appendix 3 to this By-law;
- s) “Smoke” has the meaning set forth in Niagara Region By-law 112-2013, as amended by By-law No. 2019-52, being A REGIONAL BY-LAW TO PROTECT CHILDREN AND VULNERABLE PERSONS FROM EXPOSURE TO OUTDOOR SECOND-HAND SMOKE;
- t) “Stroller” means a carriage or other similar non-motorized device used exclusively for the purpose of pushing or pulling babies and/or young children;
- u) “Vehicle” includes the following: a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car, as well as vehicles designed for travel on land, water (such as jet skis) or air (such as drones), whether motorized or not, but does not include Wheelchairs or Strollers;
- v) “Wheelchair” means a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a Person whose mobility is limited by one or more conditions or functional impairments, and includes motorized wheelchairs;
- w) “Zone Map” means the division and mapping of a Site into one or more Zones as set forth in Appendix 3 to this By-law, which may be amended from time to time with administrative updates;
- x) “Zone Regulations” mean those regulations set forth in Part V of this By-law;
- y) “Zones” means the categories of potential uses for Sites described in Part IV of this By-law.

**PART III – SCOPE**

- 3) Active Sites are governed under By-law 2021-06, as may be amended from time to time, and are included for reference only. Parts IV through VIII of this By-law do not apply to Active Sites.
- 4) All Zones shall be listed in Appendix 1 to this By-law with a corresponding Alpha-Numerical Designation. Zones within Appendix 1 may be, but are not required to be, further designated by a Pictorial Designation.
- 5) All types of Sites shall be listed in Appendix 2 to this By-law with an indication therein whether the Site is an Active Site, Closed Site and/or Repurposed Site and including an Alpha-Numerical Designation;
- 6) All Sites shall be mapped with all applicable Zones illustrated thereon and attached as part of Appendix 3.
- 7) The only permitted uses within any Site (or part thereof) shall be the permitted uses for the Zone Descriptions illustrated on that Site's Zone Map.

**PART IV – ZONE DESCRIPTIONS**

- 8) "Alternative Use" means all permitted uses of a Special Use Zone and any use of any other Zone for a purpose not specifically contemplated by or included in that Zone's description.
- 9) "Children's Science and Nature Zone" means an area within a Repurposed Site used for educational purposes and includes the improvements constructed therein to facilitate such use.
- 10) "Entrance Zone" means the access road leading from the municipal street into the Parking Zone and orientation centre (the Pavilion Zone).
- 11) "Leash-Free Dog Park Zone" means an area within a Repurposed Site where dogs are permitted without leashes.
- 12) "Memorial Zone" means an area within a Repurposed Site, where trees and other vegetation is planted as part of a memorial; and includes the following: Memorial Forest Zone, Mental Health Zone, and COVID-19 Memorial Zone.
- 13) "Parking Zone" means an area designated within any Site for the purpose of the temporary parking of vehicles for Day Use Visitors only.

- 14) "Pavilion Zone" means the area near the entrance that includes the visitors' orientation centre.
- 15) "Picnic Zone" means an area designated within a Repurposed Site for the purpose of picnics.
- 16) "Prohibited Zone" means an area at any Site where members of the public are prohibited from entering without the express written consent of Niagara Region.
- 17) "Public Trails and Paths Zone" means trails or pathways within a Repurposed Site where members of the public are permitted to traverse.
- 18) "Special Use Trail" means a trail which access points are outside of the Sites boundaries. Special Use Trails may cross through Closed Sites or Prohibited Zones. Where Special Use Trails cross through Prohibited Zones or Closed Sites, no Person shall leave the designated trail.
- 19) "Viewing Zone" means an area within a Repurposed Site identified as desirable for viewing a particular geographical or other feature of interest.

## **PART V – ZONE REGULATIONS**

- 19) No Person shall enter any portion of any Site except in the manner and for the purposes specifically authorized by this By-law.
- 20) Provided all other regulations applicable to the Zones referenced in this subsection are complied with, members of the public may freely enter into any of the Zones, listed in Appendix 1, for the purposes for which the Zones were created.
- 21) Without written permission of the Region, in all Zones that permit access by members of the Public, no Person shall partake in the following activities:
  1. play or practice golf or strike or throw a golf ball or engage in any sport or game, including any game of chance, such as, but not limited to baseball, football, ball hockey or any other activity deemed by the Director of Waste Management to be dangerous to public safety in any area of the Site;
  2. operate any remote-controlled vehicle or toy on land, water or air;
  3. dwell, camp, squat, or lodge;
  4. smoke;

5. light any fire (including any barbecue);
6. picnic, except in a Picnic Zone;
7. swim, bathe or wade in water;
8. ice skate and/or toboggan;
9. bring or discharge any fireworks or weapon;
10. bring or have any animal, including a Service Animal without a leash in any Zones other than a Leash Free Dog Park Zone;
11. fail to remove immediately any feces left by an animal brought or had upon any Site;
12. bring or consume any alcoholic beverage;
13. be under the influence of alcohol or drugs;
14. fish for, disturb, molest, injure, kill, move or remove any animal, fish, bird or bird's nest or egg;
15. hunt, trap, or otherwise interfere with any animal, fish, bird, bird's nest (including eggs);
16. climb, cut, break, injure, deface, paint, mark, write upon, move, remove, add, or alter any building, equipment, sign, trail, infrastructure, or nature (such as trees, flowers, plants, etc.);
17. introduce any plant, animal and/or fish to the Site;
18. leave any refuse or any personal items upon land, water or air, except in receptacles provided for that purpose;
19. sell, offer for sale, purchase or offer to purchase any good or service;
20. distribute or post any advertising;
21. indulge in any riotous, boisterous, threatening or indecent conduct or use abusive, threatening or profane language or accost, annoy or interfere with any other Person. Indecent conduct shall include but not be limited to indecent exposure, urination and defecation;
22. create a nuisance (as defined above);
23. except in the Parking Zone, during posted opening hours, bring or operate any Vehicle;
24. bring, leave, or operate any snow mobile, or other all-terrain vehicle into the Site;
25. be upon any Site outside the posted hours of operation, if any, found at the Site or be upon any Site for any reason, whether or not posted, between the hours of 9:00 p.m. and 6:00 a.m. local time from May to October; and 6:00 p.m. and 8:00 a.m. from November to April; and/or

26. engage in any Organized Activity, as defined above, without written permission from Niagara Region.

22) The following Zone specific rules apply to the following Zones:

a) Parking Zone

- i. Only a Day Use Visitor shall park and/or leave a Vehicle in the Parking Zone.
- ii. Any and all Vehicle(s) parked or left in a Parking Zone shall abide by a two (2) hour maximum time limit.
- iii. For clarity no Person shall enter and park within the Parking Zone for any use other than access to a Site that is ancillary to the undertaking of another permitted activity within the Site or a part thereof.
- iv. No Person shall park or leave a Vehicle in the Parking Zone outside posted hours of operation.
- v. No Person shall park or leave a Vehicle outside of the designated Parking Zone or in any other area(s) of the Site.

b) Children's Science and Nature Zone

- i. Users shall supervise all children under the age of 16 years old in their care, which shall also include dependents of any age, whilst using the Children's Science and Nature Zone.

c) Leash-Free Dog Park Zone

- i. Users may only use the zone during Site operating hours.
- ii. Users must keep their dogs within sight and be verbally in control of their dogs at all times and ensure that their dogs by their actions do not intimidate or threaten other people or dogs.
- iii. Users must ensure their dogs have up to date vaccinations, licenses and dog tags.
- iv. Users must leash their dogs at all times before entering and after exiting the fenced area.
- v. Users shall supervise all children under the age of 16 years old in their care.
- vi. Users shall not bring in glass containers or food.
- vii. Users must remove any waste produced by their dog.
- viii. Users shall not bring in dogs under the age of 4 months old, dogs in heat, sick dogs or dogs that require muzzling for the safety of other users.

- ix. Users will be subject to the *Dog Owners Liability Act* and all applicable laws including municipal by-law.
  - x. Users will be liable for any potential injuries or harm caused to the dog, such as dog bites and/or ticks;
  - xi. Users will not allow their dogs to chase wildlife, and will take all reasonable steps to stop their dogs from chasing wildlife.
- d) Prohibited Zone
- i. No Person shall enter a Prohibited Zone without the express written consent of Niagara Region and if requested shall, prior to entry, execute a Permission to Enter Agreement and provide such insurance and other security, all in a form approved by the Niagara Region Director of Legal and Court Services, the Director of Waste Management, and/or their delegates, as required by Niagara Region.
  - ii. Prohibited Zones may appear to be overlapped in Zone illustrations attached as Appendix 3 by other specific Zones created by this By-law.
  - iii. To the extent an overlapping of Zones exists on such a map, the rules of the most permissive Zone shall apply.
- e) Public Trails and Paths Zone
- i. Running and jogging within a Public Trail Zone shall be permitted only on trails marked in yellow on a Zone Map.
  - ii. All running, jogging, and/or hiking are solely at the risk of the Person undertaking the activity.
  - iii. Organized Activities shall require an executed Permission to Enter Agreement with Niagara Region. The organizer shall endeavour to provide a minimum of ten (10) calendar days' notice prior to such an event. No additional maintenance shall occur, aside for the routine maintenance, in preparation for any such Organized Activity, unless specifically negotiated with Niagara Region.
- f) Special Use Trail
- i. A person may enter a site on a Special Use Trail. Special Use Trails may cross through closed sites or prohibited zones. Only on Special Use Trails is access through the Site Permitted. No person shall leave the designated trail and enter into Prohibited Zones.



g) Viewing Zone

- i. No Person shall climb over the wooden railing along a boardwalk, or become close enough to any body of water or sharp drop-off or cliff if such proximity would endanger any Site user including the user approaching the prohibited limit. A standard of a reasonable Person shall apply to determining in the whole of the circumstances what distance would endanger a user. Without limiting the foregoing, approaching closer than 1 metre to a body of water or prohibited incline, or approaching closer than permitted by posted signage shall in all cases be deemed to endanger a user.

**PART VI – GUIDELINES FOR CONSIDERATION OF NEW USES**

- 23) The Director of Waste Management (the “Director”) or designate may, in their unfettered discretion, permit or refuse access to a Special Use Trail or Alternative Uses within other Zones.
- 24) The Director shall, as a condition of permitting access to an Alternative Use Zone within another Zone or use of any Site for an Organized Activity, require that the proposed user/organizer, execute a Permission to Enter Agreement (the organizer shall provide a minimum of ten (10) calendar days’ notice prior to the date of the Organized Activity) and provide such insurance and other security as the Director considers necessary after consultation with the Director of Legal and Court Services or delegate.
- 25) Should the required minimum ten (10) calendar days’ notice not be provide to the Region, the request to undertake an Alternative Zone Use or Organized Activity will be rejected unless the Director waives the requirement in the Directors sole unfettered discretion. Waiving one or more instances of non-compliance shall not obligate the Director to waive compliance with respect to any other request.
- 26) The Permission to Enter Agreement required by this Part shall be in a form approved by the Director of Legal and Court Services or their delegate.
- 27) A Permission to Enter Agreement is required for a Prohibited Zone, Organized Activities, the operation of drones, and/or as may be required by Niagara Region from time to time.
- 28) The Director, when exercising the Director’s discretion, shall consider, at a minimum, the following:

- a) Protection of infrastructure (integrity of landfill cover/vegetation, condition of trails, monitoring wells, etc.);
- b) Risk to Niagara Region from anyone participating or a spectator being injured;
- c) Conflict with regular Day Use Visitor of the Site (how the proposed use affects the regular users from a temporary shut-down of the Site);
- d) Nuisance caused by the special event and/or Organized Activity(ies);
- e) Type of activity and potential effects on the Site (potential damage to trails and infrastructure and suitability of the Site for the type of activity);
- f) The extent to which any restoration of the Site to its original form will be required, and the ability and willingness of the applicant requesting the Alternative Use to restore after the special event based on plans submitted for such restoration;
- g) An applicant may be responsible for a “restoration deposit” depending on the nature of the special event to take place. Such a requirement will be discussed with the applicant prior to sign-off; and
- h) Ability and willingness of applicant requesting the special event to promote recycling and diversion at their event.

## **PART VII – ENFORCEMENT**

- 27) The Commissioner of Public Works of Niagara Region may, from time to time, appoint employees, contractors and agents of Niagara Region for the purpose of enforcing this By-law.
- 28) Police officers and Municipal Law Enforcement Officers are hereby authorized to enforce this By-law.
- 29) Any police officer, police cadet, Municipal Law Enforcement Officer, or any other officer appointed by Niagara Region for carrying out the provisions and enforcement of this By-law, may upon discovery of any property (including but not restricted to a Motor Vehicle) in contravention of the provisions of this By-law, cause it to be moved or taken to and placed or stored in a suitable place. All associated costs, shall be a lien upon the Vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act. RSO 1990, c. 25*.

## **PART VIII – OFFENCES, PENALTIES, AND FINES**

- 30) Any Person who contravenes any provision of this By-law is guilty of an offence, and upon conviction, is liable to a fine as provided in the *Provincial Offences Act*, RSO. 1990, c. P 33, as amended.
- 31) Set fines for contraventions of the provisions of this By-law, shall be as set forth in Appendix 4 forming part of this By-law.
- 32) Administrative penalties applicable to contraventions of the provisions of this Bylaw related to prohibited parking, shall be such penalties as are prescribed by bylaw from time to time by the local municipality in which the Site is located with respect to private parking and with the consent of the local municipality, enforced by that municipality in accordance with its by-laws.

## **PART IX - VALIDITY**

- 33) Except as otherwise specified in this By-law, this By-law shall come into force and effect on the date passed by Regional Council.
- 34) If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.
- 35) By-law 83-2016, being a by-law to regulate access to closed landfill and repurposed sites owned by The Regional Municipality of Niagara is hereby revoked and repealed.
- 36) This By-law, By-law xx-2022, shall replace said revoked and repealed By-law.

**THE REGIONAL MUNICIPALITY OF NIAGARA**

Original signed by:

\_\_\_\_\_  
Regional Chair

Original signed by:

\_\_\_\_\_  
Regional Clerk

Passed: xx xx, 2022

**APPENDIX 1****Listing of Zones**

<b>Alpha-Numerical Designation</b>	<b>Name of Zones</b>
ENZ	Entrance Zone
PAZ	Pavilion Zone
PRZ	Parking Zone
CSZ	Children's Science and Nature Zone
LDZ	Leash-Free Dog Park Zone
MZ	Memorial Zone
PCZ	Picnic Zone
PTZ	Public Trails and Paths Zone
VWZ	Viewing Zone
SUT	Special Use Trail
PHZ	Prohibited Zone

## **APPENDIX 2**

### **List of Sites**

#### Repurposed Sites

- R1) Glenridge Quarry Naturalization Site
- R2) Centre St. Leash Free Dog Park
- R3) Elm St. Leash Free Dog Park and Naturalization Site
- R4) Station Road Naturalization Site

#### Closed Sites

- C1) Mountain Road Landfill Site
- C2) Quarry Road Landfill Site
- C3) Line 5 Landfill Site
- C4) Caistor Road Landfill Site
- C5) Perry Road Landfill Site
- C6) Park Road Landfill Site
- C7) Winger Road landfill Site

#### Active Sites

- A1) Bridge St. Residential Waste & Recycling Drop Off Depot
- A2) Humberstone Landfill Site
- A3) Niagara Road 12 Landfill Site

Bill **xx**

Authorization Reference: PWC-C **xx**-2022;  
PWC **xx**-2022; Minute Item **xx**

### **APPENDIX 3**

**MAPS (Attached)**

**Appendix 4**

**Set Fines (Attached)**

## Set Fines

### Part 1: Provincial Offences Act

Note: The penalty provision for offences indicated is Section 61

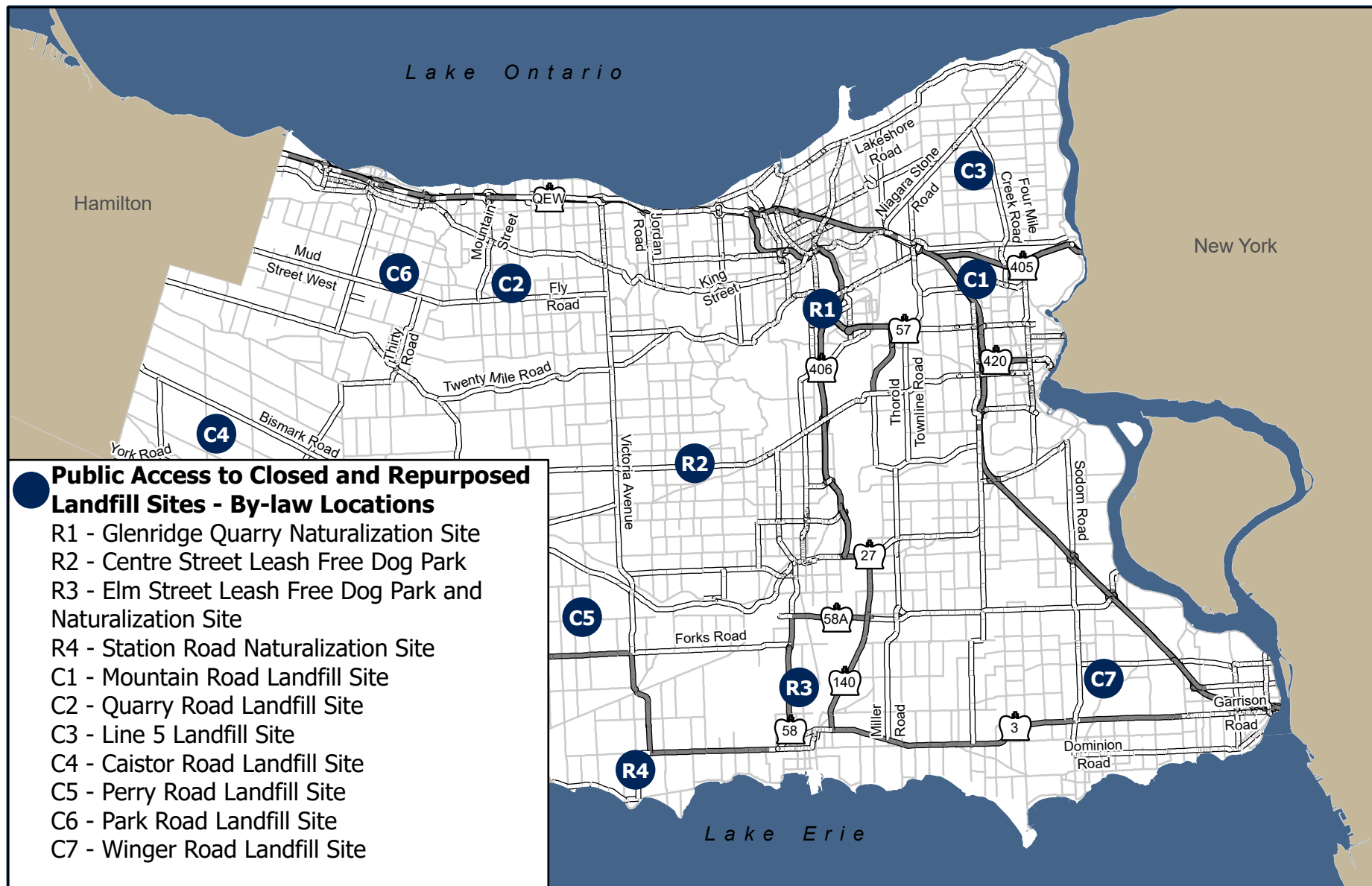
ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (Include Costs)
1.	Engage in dangerous sports	Section 21) 1)	\$100.00
2.	Operate any remote-controlled vehicle or toy on land, water or air	Section 21) 2)	\$100.00
3.	Camp, dwell, squat or lodge	Section 21) 3)	\$100.00
4.	Smoke	Section 21) 4)	\$100.00
5.	Light any fire including barbeque	Section 21) 5)	\$100.00
6.	Picnic except in the Picnic Zone	Section 21) 6)	\$100.00
7.	Swim, bathe or wade in water	Section 21) 7)	\$100.00
8.	Ice skate or toboggan	Section 21) 8)	\$100.00
9.	Bring or discharge fireworks or weapon	Section 21) 9)	\$300.00
10	Bring or have any animal without leash	Section 21) 10)	\$100.00
11	Fail to remove immediately any feces left by an animal brought or had upon the Site	Section 21) 11)	\$100.00
12	Bring or consume any alcoholic beverage	Section 21) 12)	\$100.00
13	Be under the influence of alcohol or drugs	Section 21) 13)	\$100.00
14	Fish for, disturb, molest, injure, kill, move or remove any animal, fish, bird or bird's nest or egg	Section 21) 14)	\$100.00
15	Hunt, trap or interfere with any animal, fish, bird or nest	Section 21) 15)	\$500.00
16	Climb, cut, break, injure, deface, paint, mark, write upon, move, remove, add, or alter any building, equipment, sign, trail, infrastructure or plant	Section 21) 16)	\$300.00
17	Introduce any plant, animal and/or fish	Section 21) 17)	\$100.00
18	Leave any refuse or Personal items upon land or water except in receptacles provided for that purpose	Section 21) 18)	\$100.00
19	Sell, offer to sell, purchase or offer to purchase any good or service	Section 21) 19)	\$100.00
20	Distribute or post any advertising	Section 21) 20)	\$100.00
21	Indulge in any riotous, boisterous, threatening or indecent conduct or use abusive, threatening or profane language or accost, annoy or interfere with any other Person	Section 21) 21)	\$100.00



22	Create a nuisance	Section 21) 22)	\$100.00
23	Bring or operate a Vehicle, except the Parking Zone	Section 21) 23)	\$100.00
24	Be upon the site outside the posted hours of operation	Section 21) 24)	\$100.00
25	Engage in any Organized Activity, without written permission from Niagara Region	Section 21) 25)	\$100.00
26	Bring or operate a snow mobile or all-terrain vehicle on the Site	Section 21) 26)	\$200.00

**PW 19-2022 Appendix 5**

**Closed Landfill and Repurposed Site Maps**

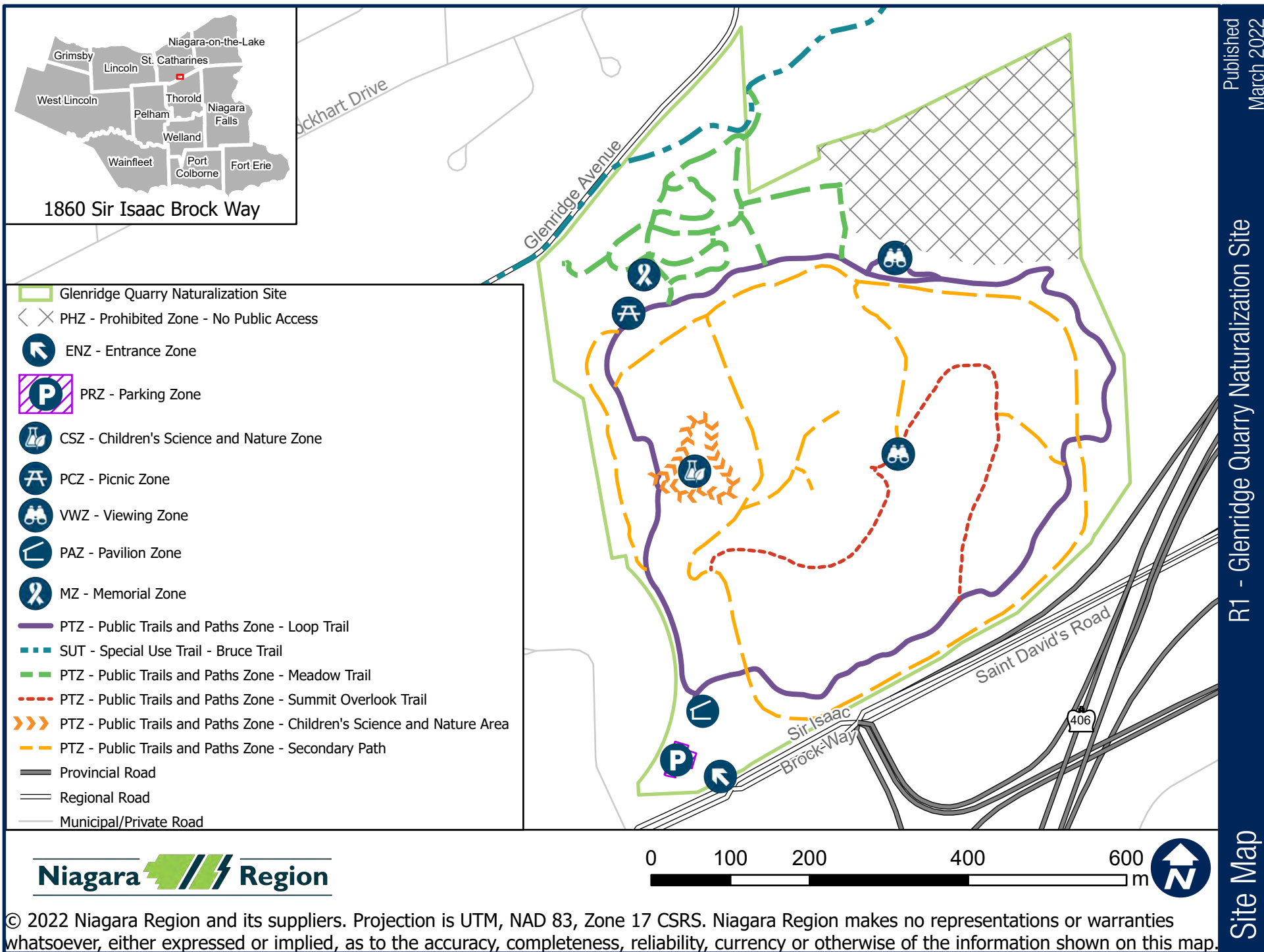


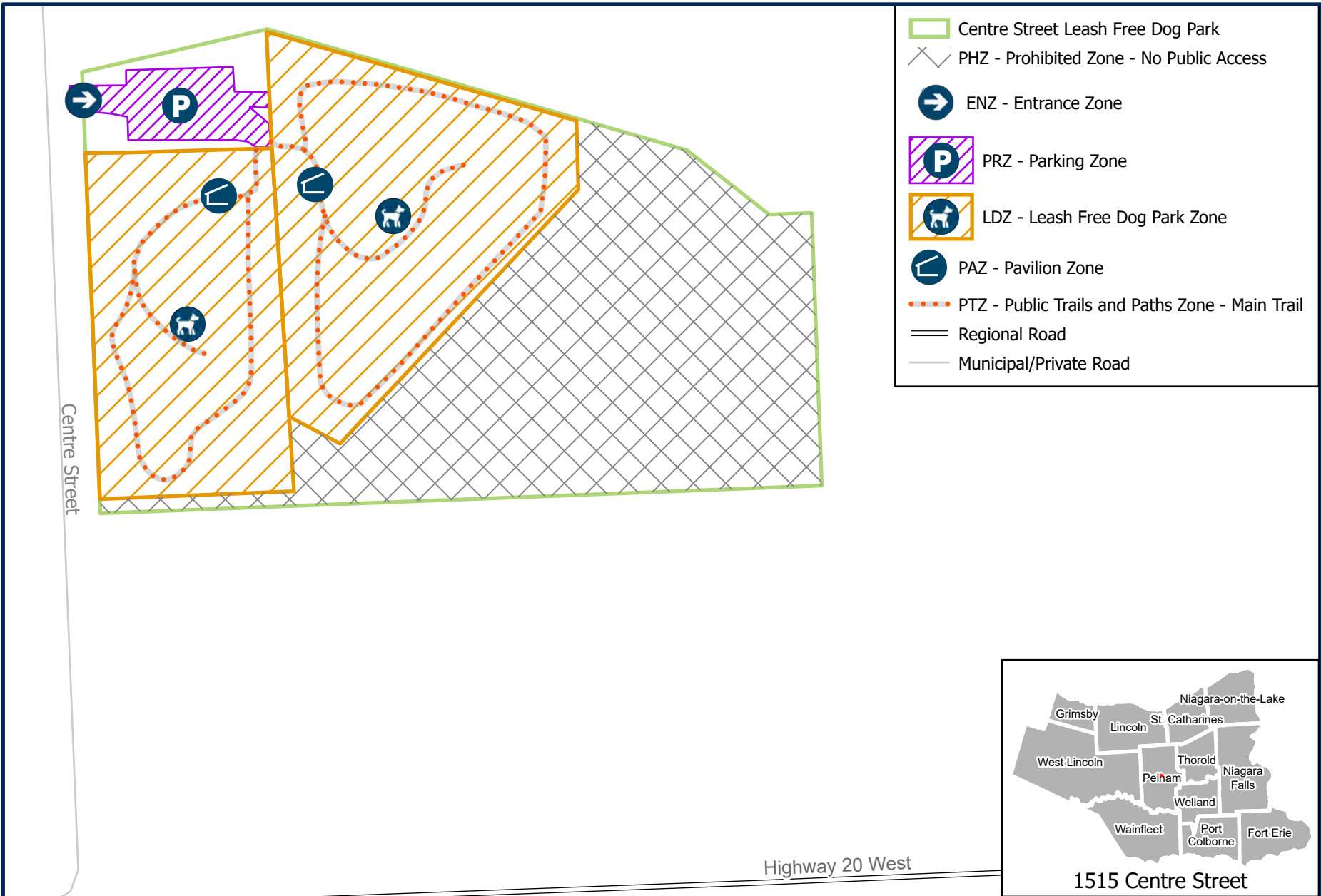
**Niagara Region**

0 5 10 20 30 km



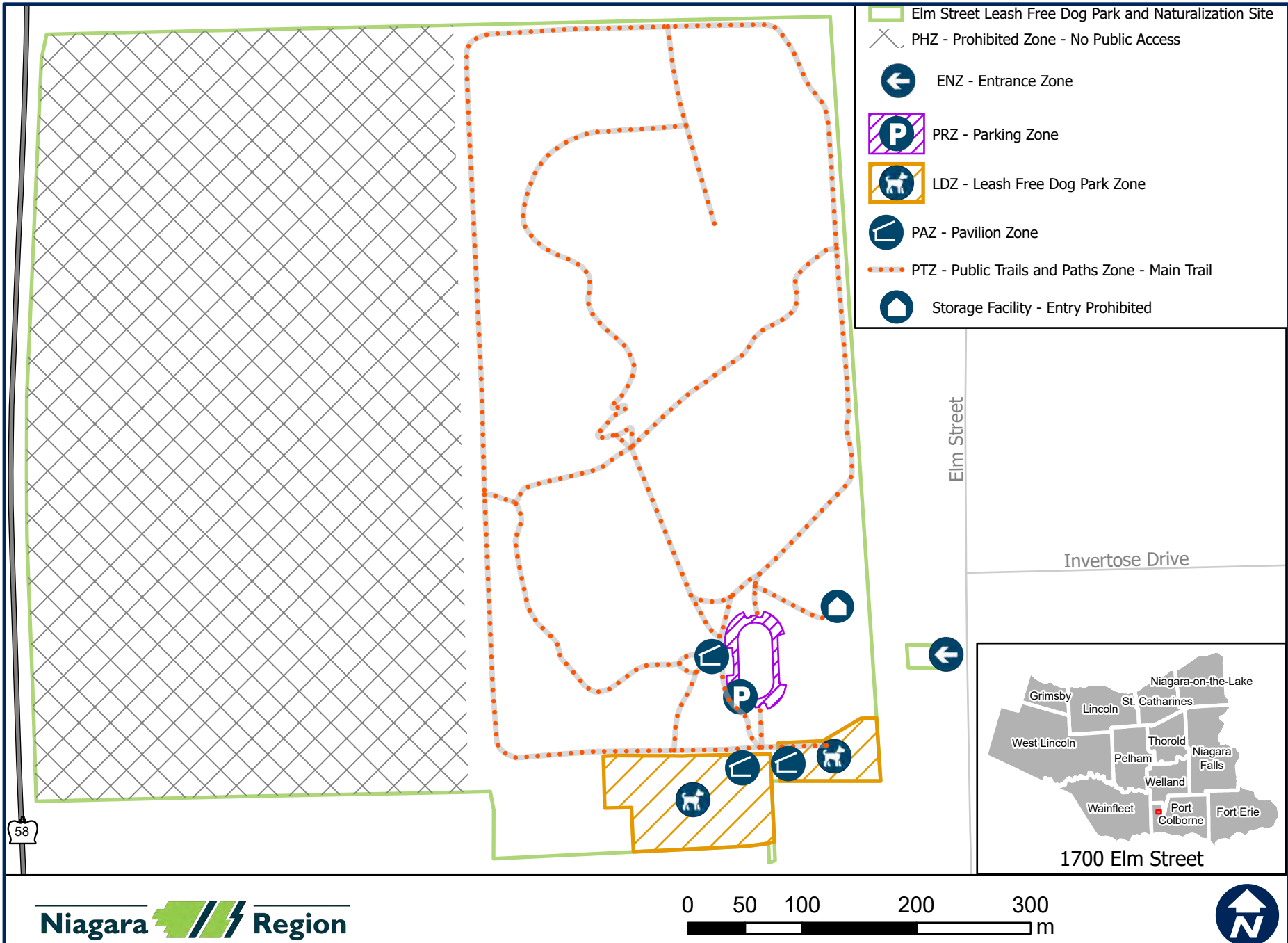
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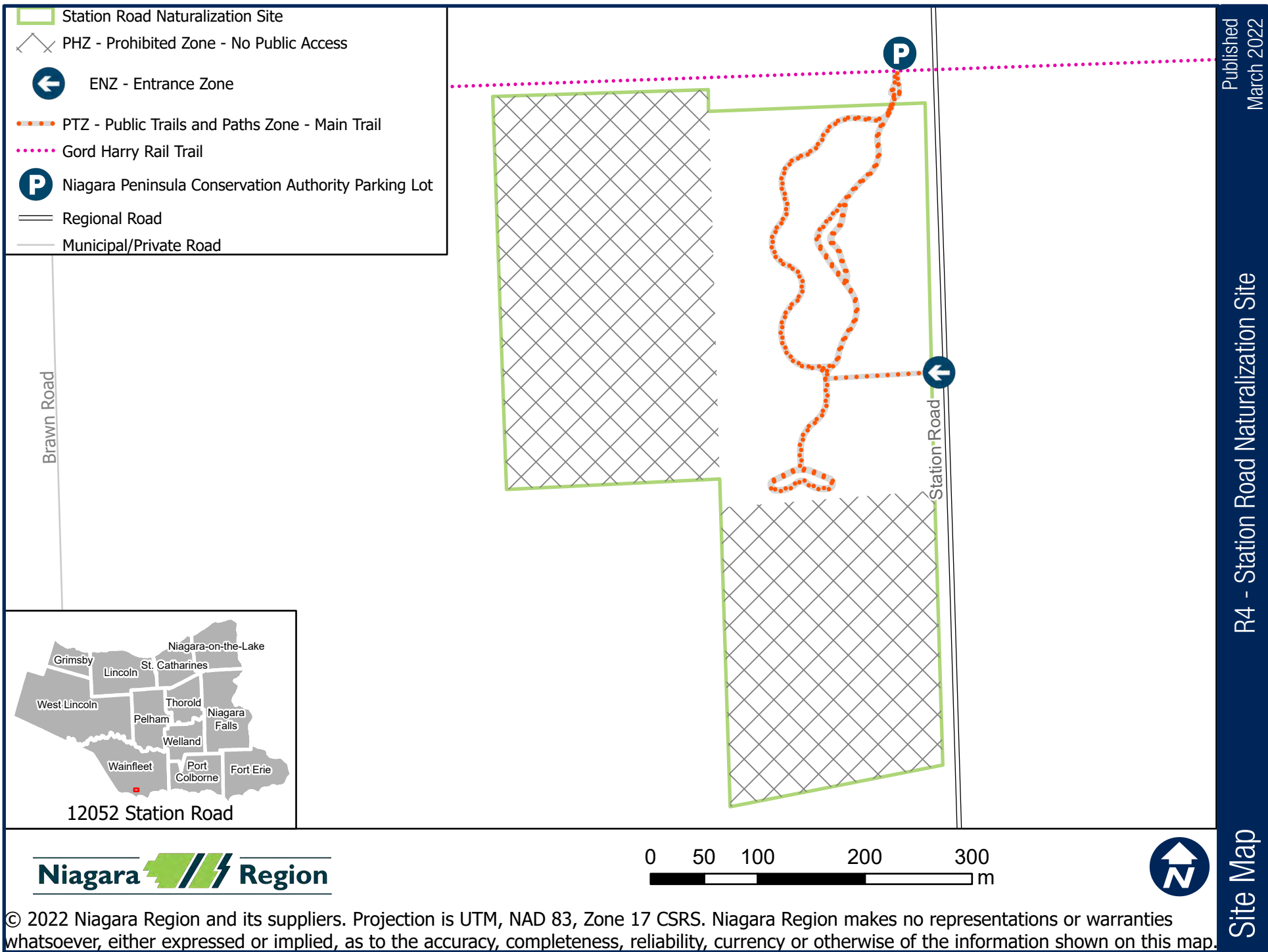


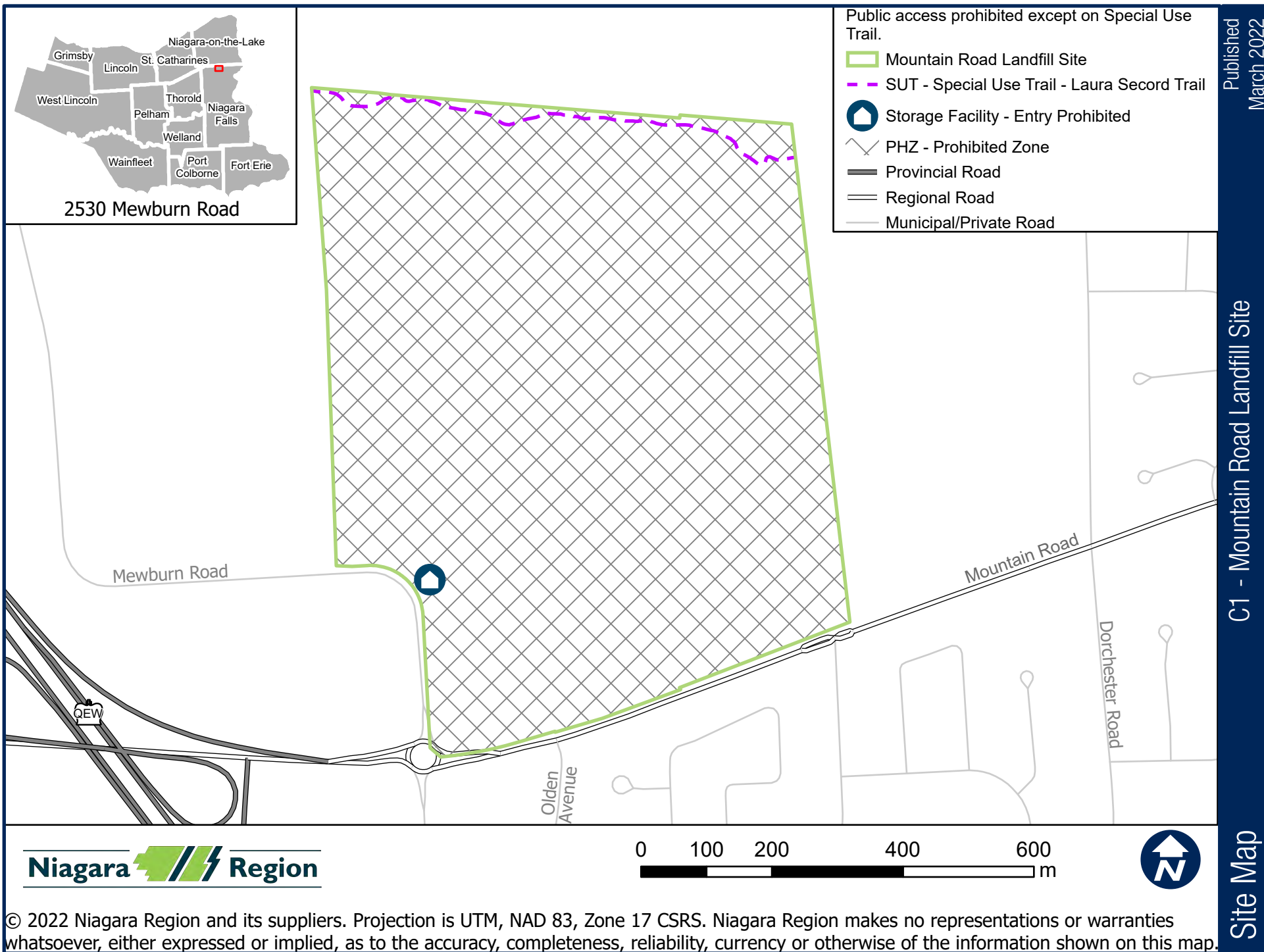


- Centre Street Leash Free Dog Park
- PHZ - Prohibited Zone - No Public Access
- ➔ ENZ - Entrance Zone
- P PRZ - Parking Zone
- 🐕 LDZ - Leash Free Dog Park Zone
- 🏠 PAZ - Pavilion Zone
- PTZ - Public Trails and Paths Zone - Main Trail
- Regional Road
- Municipal/Private Road













3768 Quarry Road (Rear)

Aberdeen Road

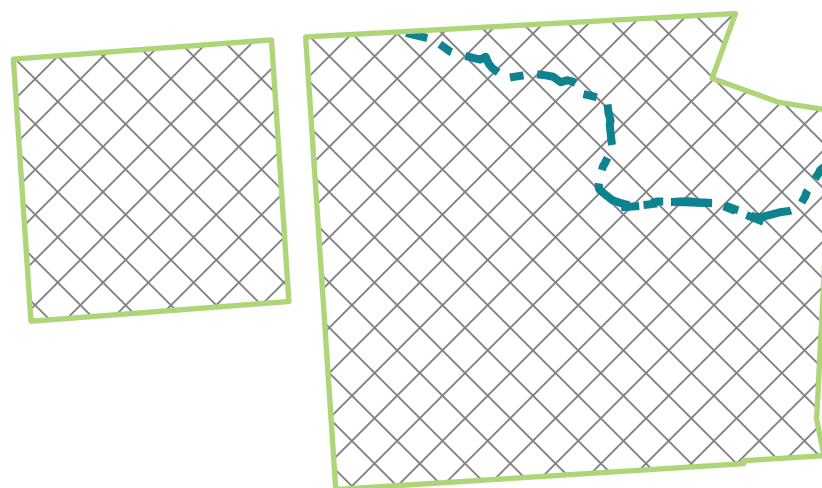
Public access prohibited except on Special Use Trail.

 Quarry Road Landfill Site

 SUT - Special Use Trail - Bruce Trail

 PHZ - Prohibited Zone

 Municipal/Private Road



Quarry Road

**Niagara Region**

0 50 100 200 300  
m




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C2 - Quarry Road Landfill Site

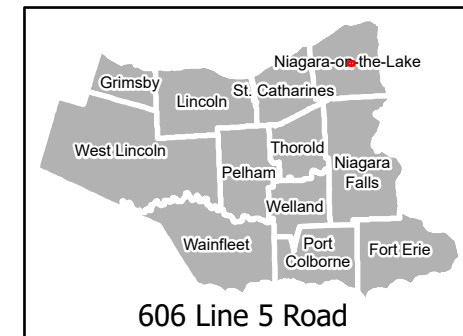
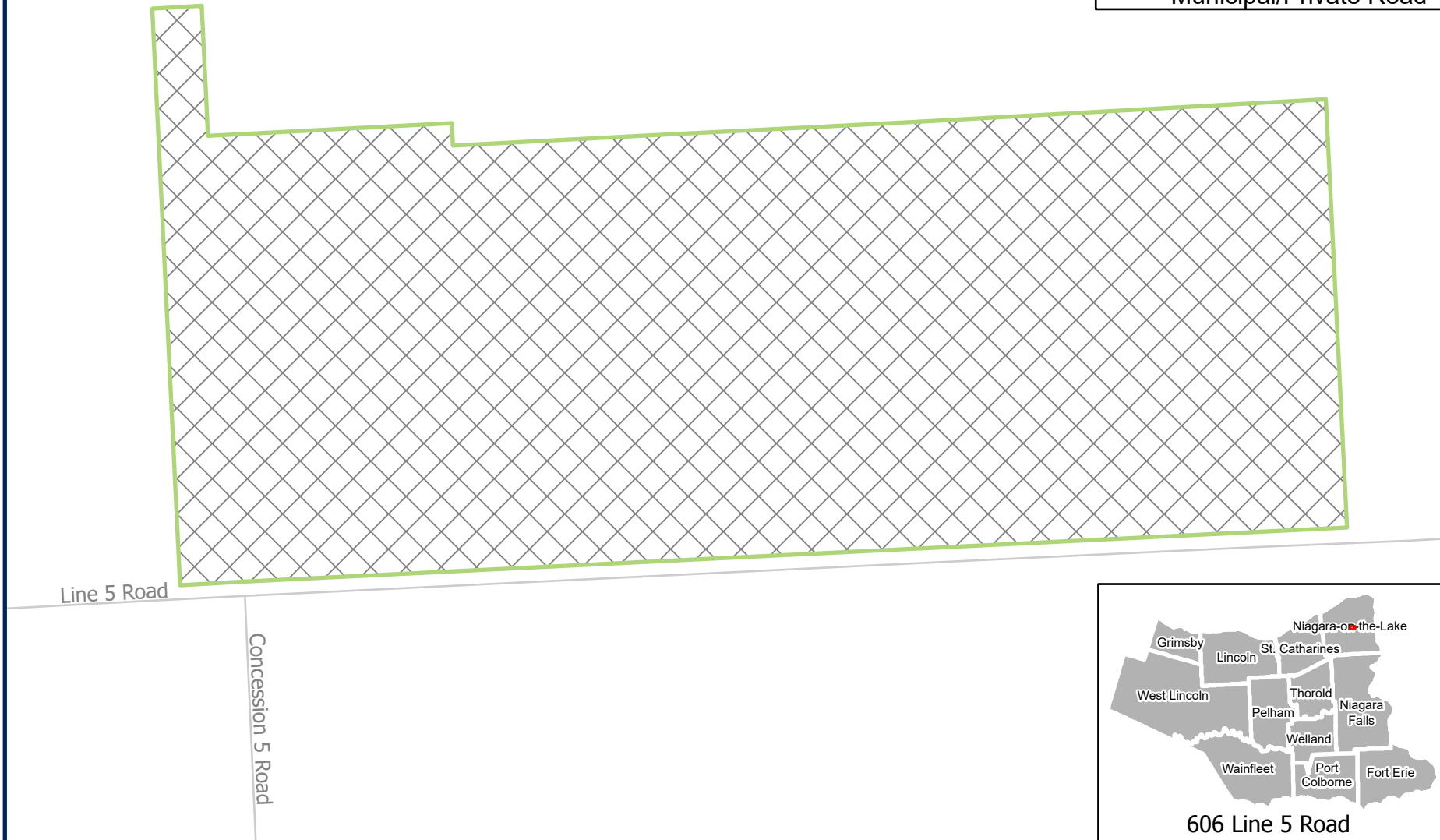
Site Map

Public access prohibited.

 Line 5 Landfill Site

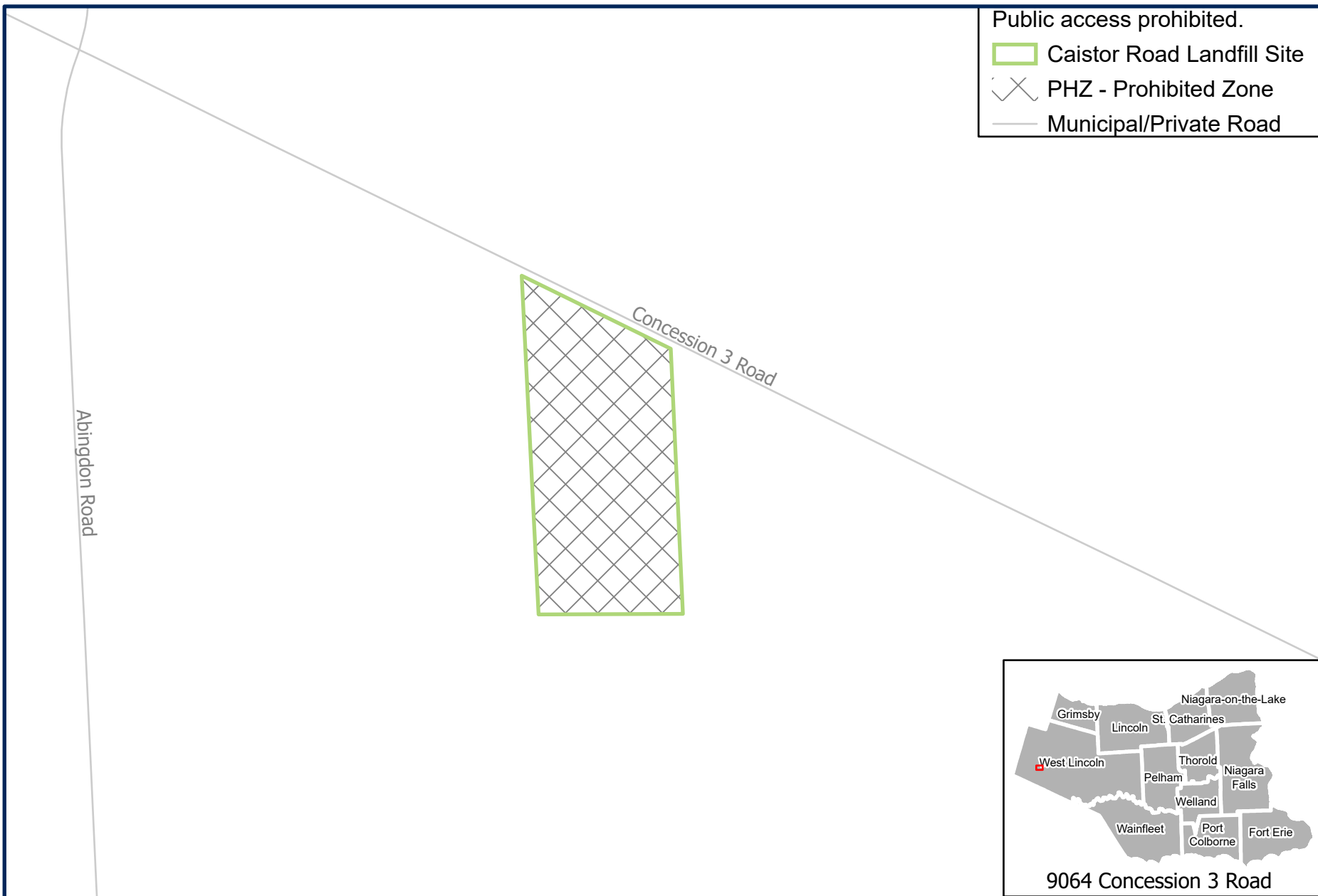
 PHZ - Prohibited Zone

 Municipal/Private Road



**Niagara Region**





- Public access prohibited.
- Caistor Road Landfill Site
  - PHZ - Prohibited Zone
  - Municipal/Private Road

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March 2022

C4 - Caistor Road Landfill Site

**Niagara Region**

0 100 200 400 600 m



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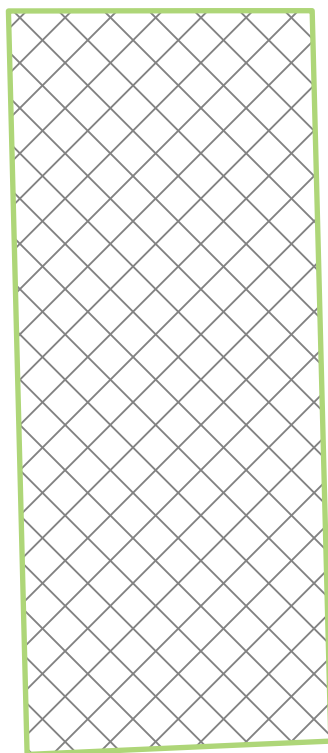
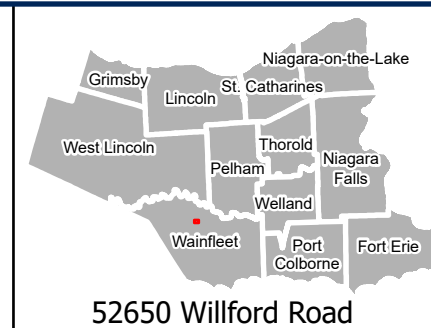
Site Map

Public access prohibited.

 Perry Road Landfill Site

 PHZ - Prohibited Zone

 Municipal/Private Road



Willford Road

Traver Road

Priestman Road

**Niagara Region**

0 50 100 200 300 m



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Published  
March 2022

C5 - Perry Road Landfill Site

Site Map

Public access prohibited.

 Park Road Landfill Site

 PHZ - Prohibited Zone

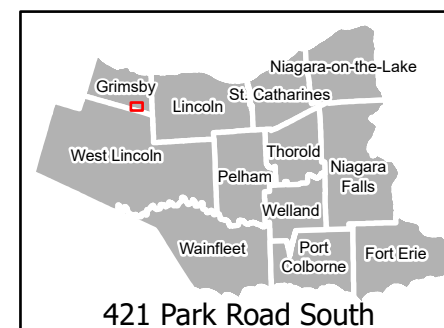
 Regional Road

 Municipal/Private Road

Park Road South

Sobie Road

Mud Street East



**Niagara Region**

0 100 200 400 600  
m

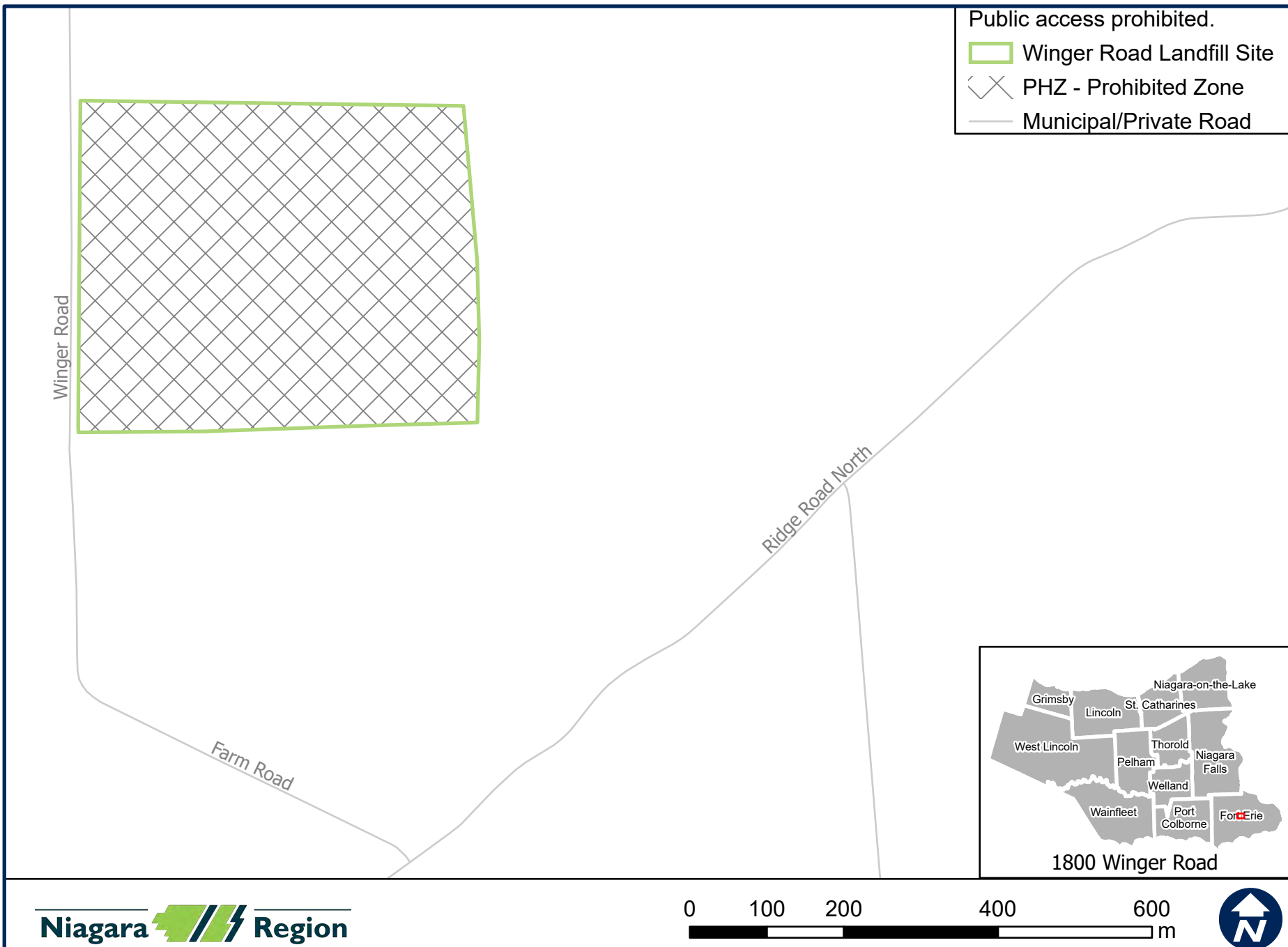


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Published  
March 2022

C6 - Park Road Landfill Site

Site Map



THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2022-32

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

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*, S.O. 2001, c.25, provides that an upper tier municipality may pass By-laws respecting waste management subject to the requirements set out in the Act;

WHEREAS Section 227 of the *Municipal Act, 2001*, provides that it is the role of the officers and employees of the municipality to carry out duties required under this or any other Act and other duties as assigned by the municipality;

WHEREAS Section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

WHEREAS Section 446(1) of the *Municipal Act, 2001* provides that if a municipality has the authority under this, or any other Act, or under a by-law under this Act, or any other Act, to direct or require a person to do a matter of thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

WHEREAS Section 446(3) of the *Municipal Act, 2001* provides that the municipality may recover the costs of doing a matter or thing under subsection 446(1) from the person directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

WHEREAS By-law No. 2017-56 was passed by Regional Council on May 15, 2017, and this by-law has been in place to regulate the use of the waste management system for The Regional Municipality of Niagara;

WHEREAS By-law No. 2017-113 was passed by Regional Council on December 7, 2017, being a by-law to amend By-law No. 2017-56, and By-law No. 2020-62, was passed by Regional Council on September 17, 2020, being a by-law to amend By-law No. 2017-56;

and By-law No. 2021-06, was passed by Regional Council on January 21, 2021, being a by-law to amend By-law No. 2017-56;

WHEREAS legislative updates have occurred, along with a desire to repeal and replace By-law No. 2017-56 with this By-law;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

## PART I - DEFINITIONS

1. The following terms are defined for purposes of this By-law:
  - 1.1 "Agencies, Boards and Commissions" means a self-governing organization that delivers services for the Region, including Niagara Regional Housing, Niagara Regional Police Service and Niagara Peninsula Conservation Authority.
  - 1.2 "Amnesty Week" means the two (2) weeks that follow Christmas Day where, in addition to the regular Garbage limit, selected Premises can place additional Garbage to the curb for collection without a Garbage Tag on the regular Garbage collection day(s).
  - 1.3 "Area Municipality" means any one of the municipalities or corporations 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.
  - 1.4 "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.
  - 1.5 "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.
  - 1.6 "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.

1.7 "Brush" means woody Material including twigs, tree limbs or branches.

1.8 "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 by the Region.
- 1.9 "By-law" means this by-law and any schedule(s) and/or appendices to this By-law as they may be amended from time to time.
- 1.10 "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.
- 1.11 "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.
- 1.12 "Christmas Trees" means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights.
- 1.13 "Christmas Trees, Artificial" means trees manufactured from manmade Material.
- 1.14 "Collectable" means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law.
- 1.15 "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.
- 1.16 "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.
- 1.17 "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.
- 1.18 "Council" means the elected Council of The Regional Municipality of Niagara.
- 1.19 "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.
- 1.20 "Designated Business Area" means an area designated by the Area Municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services.

- 1.21 "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.
- 1.22 "Electrical and Electronic Equipment (EEE)" means electrical and electronic equipment that, (a) is designed for use with an electrical current and a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current, (b) weighs no more than 250 kilograms, and (c) is not intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location, as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment under the *Resource Recovery and Circulate Economy Act, 2016*, S.O. 2016, c.12, Sched. 1, or any successor legislation, including but not limited to the following:
- a) computers;
  - b) printers (desktop and floor-standing), including printer cartridges;
  - c) video gaming devices;
  - d) telephones, including cellular phones;
  - e) display devices;
  - f) radios and stereos, including after-market vehicle stereos;
  - g) headphones;
  - h) speakers;
  - i) cameras, including security cameras;
  - j) video recorders;
  - k) drones with audio or visual recording equipment;

- l) peripherals and cables used to support the function of information technology, telecommunications and audio visual equipment, including charging equipment;
  - m) parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives;
  - n) handheld point-of-sale terminals or devices; and
  - o) musical instruments and audio recording equipment.
- 1.23 "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;
  - (b) the Owner(s) 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.
- 1.24 "Environmental Protection Act" means the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation.
- 1.25 "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.
- 1.26 "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 Clippings.
- 1.27 "Garbage Container" means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of Garbage for collection. It does not include cardboard boxes.
- 1.28 "Garbage Exemptions" mean exemptions as set out in Section 13 to the approved Garbage Container limits as shown in Schedule "A".

- 1.29 "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 bag situated on the top in the 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.
- 1.30 "Grass Clippings" means vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns and pastures, which are the cut portions of grass, that are left behind or captured in a grass catcher; but does not include weed-type plants, such as "crab grass", where the whole plant is removed, including its root system.
- 1.31 "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.
- 1.32 "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 takeout trays, kitty litter and Pet Waste. It does not include Grass Clippings or Liquid Material.
- 1.33 "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.
- 1.34 "Grey Box Material" means recyclable Material that is collected as part of the Grey Box Program. The Grey Box Material(s) include(s):
- (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 empty bread bags, empty produce bags, toilet paper and paper towel packaging, empty and clean milk bags and 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.
- 1.35 "Household Hazardous Waste Drop-Off Depots" means those locations as noted on the Region's website, which may be updated from time to time, but which includes:
- (a) Niagara Road 12 Landfill;
  - (b) Humberstone Landfill;
  - (c) Thorold Yard Household Hazardous Waste Drop-Off Depot, and
  - (d) Bridge Street Drop-Off Depot.
- 1.36 "Illegal Dumping" means the disposing of Material in Non-Designated Areas, including both Public Property and Regional Property, but does not include Litter.
- 1.37 "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.
- 1.38 "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 Clippings, Brush, soil, dirt, roots, rocks, logs, stumps or sod.

- 1.39 "Leaf and Yard Container" means reusable, rigid 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.
- 1.40 "Litter" means debris, refuse, or Material(s) disposed of in non-designated areas, discarded outside the regular Collection Point, or lying scattered about the area.
- 1.41 "Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained.
- 1.42 "MPAC" means the Municipal Property Assessment Corporation.
- 1.43 "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.
- 1.44 "Multi-Purpose Property" means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types.
- 1.45 "Niagara region" and "Niagara" means the geographic area within The Regional Municipality of Niagara.
- 1.46 "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: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
  - (b) prohibited Material, as defined under the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, c.34, or any successor legislation;



- (c) pathological waste, as defined and regulated in Ontario Regulation 347: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, 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 pumpings 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: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
- (j) sealed metal drums or barrels;
- (k) other Material as prohibited in any relevant Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks under the relevant legislation;
- (l) sharps;
- (m) construction, renovation or demolition Material, including windows;
- (n) grass clippings;
- (o) Electrical and Electronic Equipment (EEE), as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment, under the *Resource Recovery and Circular Economy Act, 2016*, S.O. 2016, c.12, or any successor legislation;

- (p) batteries (all types), as defined in Ontario Regulation 30/20: Batteries, under the *Resource Recovery and Circular Economy Act, 2016*, S.O. 2016, c.12, Sched. 1, or any successor legislation;
  - (q) White Goods; and
  - (r) other Material As Designated.
- 1.47 "Non-Compliant" and "Non-Compliance" means Material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law.
- 1.48 "Non-Designated Area" means an area which has not been designated for a particular purpose.
- 1.49 "Nuisance" includes, but is not limited to, the following:
- (a) disorderly conduct;
  - (b) public drunkenness or public intoxication;
  - (c) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
  - (d) the deposit of refuse on the site;
  - (e) damage to, or destruction of, public or private property on the site;
  - (f) traffic that obstructs the free flow of persons and motor vehicles, or could interfere with the ability to provide emergency services;
  - (g) unreasonable noise, including loud music or shouting;
  - (h) unlawful open burning or fireworks;
  - (i) public disturbances, including public brawls or fights;
  - (j) outdoor public urination or defecation; and/or
  - (k) use of or entry upon a roof not intended for such occupancy.
- 1.50 "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 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.

- 1.51 "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.
- 1.52 "Pet Waste" means animal excrement/droppings generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, kept in kennels and/or breeders, and including kitty litter, wood shavings and other natural pet bedding, newspaper cage liners, feathers, and fur, whether separate or intermingled with such excrement/droppings, but does not include animal excrement generated by horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals.
- 1.53 "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".
- 1.54 "Private Property" means any land or building that is registered to a Person on title in the Land Registry Office or Land Titles Division, as the case may be, that is not owned by an Area Municipality in the Region, a Conservation Authority, a Local Board, the Region, or the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof, unless it is leased to a person or corporation not listed above.
- 1.55 "Public Property" means any land or building that is owned by an Area Municipality, an Agency, Board and Commission, the Region, or the Crown

in Right of Ontario, the Crown in Right of Canada or any emanations thereof.

- 1.56 "Public Space Litter/Recycling Bin" means a container that is placed in a public area for use by general public for the purpose of holding litter that has been thrown away by public space users. The bins are not intended for Materials that have been privately generated by a business or residence or Non-Collectable Material.
- 1.57 "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.
- 1.58 "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.
- 1.59 "Regional Property" means all property, including lands and buildings, owned, leased, rented, controlled and/or managed by the Region, within the geographic area that is Niagara.
- 1.60 "Registered Charities" are charitable organizations, public foundations, or private foundations that are created and reside 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 of this By-law, the Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage.
- 1.61 "Scavenge" means the unauthorized removal of Materials that have either been placed out for collection, or in the location where the container (containerized waste/carts) is stored and filled before being moved to the collection location.
- 1.62 "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 Curbside 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.

- 1.63 "Sharps" means blades, needles, syringes, including safety engineered needles, laboratory glass, or other Materials capable of causing punctures or cuts.
- 1.64 "Site Plan Conditions" means comments and conditions provided by the Region during the site plan, subdivision plan or condominium application process pursuant to the Region's Policy C-A-002 "Requirements for Waste Collection".
- 1.65 "Unacceptable Material" means Material which is not accepted at a Regional Drop-Off Location. Unacceptable Material includes:
- (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, which are collectable at Household Hazardous Waste Drop-Off Depots only;
  - (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.

1.66 "Waste Disposal Site" means (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a), as defined in the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation.

1.67 "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, microwaves, 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;
  - (b) shall not be stacked;
  - (c) shall not have Material stacked or loose set on top of Bulky Goods;



- (d) shall be dismantled if possible;
  - (e) shall not include Construction, Renovation and Demolition Material;
  - (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 containers or compostable paper bags or certified compostable plastic bags As Designated:
    - 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 not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
    - ii. 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

- iii. be of sufficient quality to withstand normal collection activities and use; and
- iv. be clearly identifiable as Leaf and Yard Material from the collection vehicle with the use of labels, or an open-top container; 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' (BPI) logo 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 section 10.1 (c) packaged in:
  - i. Compostable plastic bags with BPI logo or 100% Compostable 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. 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 61 cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; 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. be of sufficient quality to withstand normal collection activities and use; and
  - v. Carts are exempt from section 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 Clippings, 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. 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 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 section 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 Bylaw shall be set out for collection as Garbage, and
- (a) packaged in a Garbage Container:
    - 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 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.

12.4 The Region reserves the right to implement additional safeguards for "sensitive" Materials, which shall include, but not be limited to, items such as medical waste, health-related waste, and personal protective equipment.

### 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) Garbage 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) Garbage 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 B-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 of, 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 and Collection Days
- 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 For Designated Business Areas with a designated collection time before noon (12:00 p.m.), Collectable Material shall not be set out earlier than 5:00 p.m. on the day before the designated collection time.

- 16.5 For Designated Business Areas with a designated collection time after noon (12:00 p.m.), Collectable Material shall not be set out earlier than one (1) hour prior to the designated collection time.
- 16.6 From time to time, the Region may define specific collection times other than those referenced above 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) 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, which are collectable at Household Hazardous Waste Drop-Off Depots only;
- (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 (excludes electric-vehicle batteries or traction batteries);
- (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) Electrical and Electronic Equipment with personal information removed;
- (j) Garbage;
- (k) Grey Box Material;

- (l) Household items for re-use including small appliances and toys and other such goods;
- (m) Large Rigid Plastic;
- (n) Mattresses up to a maximum of four (4) per load, with the exception of loads delivered by the Region's Collection Contractor;
- (o) Shingles;
- (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 Violation(s) of Restrictions at Regional Drop-Off Locations:

- (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 under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or as amended, 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 Environmental Compliance Approval(s), and any relevant Regional By-laws, Policies, and Procedures; and
- (o) not smoke any substance anywhere on or near 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 **General Prohibition:**

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 Prohibition re: Public Space Litter/Recycling Bin:**

No Person shall dump or otherwise deposit, or permit their contractor, agent, employee, child under their care or control or animal under their care or control to dump or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping or otherwise depositing any Material generated on a Premises owned or occupied by that Person, or at any time in the Care and Control of that Person, into or within a one (1) metre radius of a Public Space Litter/Recycling Bin on any road or Public Property.

**37.3 Prohibition re: Care and Control:**

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 of this By-law.

**37.4 For the purpose of Subsections 15.4, 37.2 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 not 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.

41. 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 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 16.6 of this By-law.
- 41.2 In addition to the publication and communication of As Designated changes set out in Section 16.6, 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.

PART VIII – OFFENCES, PENALTIES, AND FINES

43. Offences

43.1 Section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence.

44. Fines – *Provincial Offences Act*

44.1 Section 61 of the *Provincial Offences Act* provides that every Person who is convicted of an offence is liable to a fine not exceeding \$5,000.

45. Fines – *Municipal Act, 2001*

45.1 Section 429(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*.

45.2 Every Person who contravenes a provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, and is liable on conviction to a penalty, where the minimum fine shall not exceed \$500 (save and except the fine for “Illegal Dumping” which carries a minimum fine of \$750), and a maximum fine, shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*.

45.3 In the case of a continuing offence(s), every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence, and is liable on conviction, to a penalty not exceeding \$10,000 per day, or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001*.



- 45.4 In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 (save and except the fine for "Illegal Dumping" which carries a minimum fine of \$750) and a maximum fine shall not exceed \$10,000.
- 45.5 Notwithstanding Section 45.3 and Section 45.4, and in accordance with the provisions of the *Municipal Act, 2001*, the total of all fines for the continuous offences or multiple offences, is not limited to \$100,000.
- 46. Special Fines
  - 46.1 In addition to the fines in Sections 44 and 45, 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.
- 47. Alternative Set Fine Procedure
  - 47.1 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.
- 48. Order Prohibiting Continuation
  - 48.1 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.
- 49. Work Orders
  - 49.1 Where the Region is satisfied that a Person or Owner has failed to comply with any provision of this By-law, and a contravention has occurred, the Region may, by written notice, issue an order requiring the Person or Owner who contravened the By-law, or who caused or permitted the contravention, or the Person or Owner or Occupant of the land on which the contravention

occurred, to do work to correct the contravention, as set out in the *Municipal Act, 2001*, S.O. 2001, c.25, or as amended.

49.2 The Order shall set out:

- (a) The municipal address and/ or the legal description of the property or land on which the contravention occurred;
- (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.

49.3 Every Person or Owner who contravenes an Order is guilty of an offence.

49.4 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.

49.5 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.

49.6 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.

49.7 Every Person or Owner shall comply with any Order issued under the authority of this By-law.

50. Remedial Actions

50.1 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.

50.2 Any Material removed may be immediately disposed of.

- 50.3 The Region may invoice the Person or Owner for all costs associated with the work done pursuant to Section 46 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.
- 50.4 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.
- 50.5 In the event that a Person or Owner was provided an invoice for costs in accordance with Section 48, 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, 2001*, S.O. 2001, c.25, as may be amended from time to time.
- 50.6 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.
- 51. Entry for Enforcement
  - 51.1 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 IX - GENERAL

- 52. Conflicts of Laws
  - 52.1 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.
- 53. Schedules
  - 53.1 The Schedules to this By-law form an integral part of this By-law.

54. Further Information on Material Preparation

54.1 More detailed instructions on preparation of Material for collection or drop off at a 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 Monday to Friday, 8:00am – 5:00pm, at 905-356-4141 or Toll-free at 1-800-594-5542.

55. Delegation of Powers to Commissioner of Public Works

55.1 The Commissioner of Public Works or their 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 Bylaw, 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, and Friendly Final 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.

56. Severability

56.1 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.

57. Environmental Compliance Approvals

57.1 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.

58. References

58.1 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.

59. Short Title of By-law

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

60. Force and Effect Date

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

61. Interpretation

61.1 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.


61.2 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.


61.3 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.

62. Repeal of Prior By-law

62.1 By-law No. 2017-56 is hereby repealed.

THE REGIONAL MUNICIPALITY OF NIAGARA

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

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

Passed: May 19, 2022

## SCHEDULE "A"

## COLLECTABLE VOLUME LIMITS

Table 1: Garbage Container Limits

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
<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 with six (6) or fewer rooms; and</li> <li>• residential farms</li> </ul>	2 per self-contained unit	Every-other-week

## SCHEDULE "A"

## COLLECTABLE VOLUME LIMITS

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
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 with seven (7) or more rooms, 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).	2 per self-contained unit up to a maximum 24 per building	Every-other-week
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



## SCHEDULE "A"

## COLLECTABLE VOLUME LIMITS

Table 2: Recycling Container Limits

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
<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 with six (6) or fewer rooms; and</li> <li>• residential farms</li> </ul>	Unlimited per self-contained unit	Weekly

## SCHEDULE "A"

## COLLECTABLE VOLUME LIMITS

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
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 with seven (7) or more rooms, 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 Premise.	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

## SCHEDULE "A"

## COLLECTABLE VOLUME LIMITS

Table 3: Organic Container Limits

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
<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 with six (6) or fewer rooms; and</li> <li>• residential farms</li> </ul>	Unlimited per self-contained unit	Weekly

## SCHEDULE "A"

## COLLECTABLE VOLUME LIMITS

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
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 with seven (7) or more rooms, 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).	Quantity as determined by the Region on a request only basis for Green Bins or Carts	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.	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

## SCHEDULE B

## FRIENDLY REMINDER NOTICE



Dear Property Owner/Tenant:

Failure to comply with the following may result in charges under Niagara Region's Waste Management By-Law. To ensure compliance with guidelines noted below, Enforcement Staff will return to the property on:

**NON-COMPLIANT SETOUT**

- ☐ Garbage placed at the curb on the wrong week
- ☐ Materials (garbage, recycling, Green Bin, large household items, etc.) must NOT be set out before 5 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 curbside no later than 7 p.m. on your collection day
- ☐ Container or bag is more than 91 cm (3ft.) in height by 61 cm (2 ft.) in diameter and/or has an affixed lid
- ☐ Materials must NOT be placed at the curbside in an uncontained pile
- ☐ Containers or bags weigh more than 22.7 kg (50 lbs)
- ☐ Materials must be removed immediately from the curbside

**OVER LIMIT**

- ☐ Your property is over the maximum garbage container/bag limit of \_\_\_\_ per collection
- ☐ Property does not have a diaper exemption

**BULKY GOODS/LARGE ITEMS**

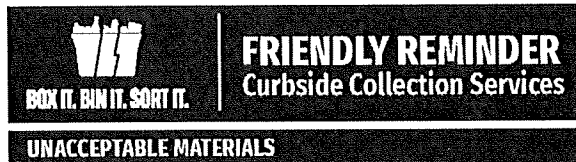
- ☐ Residents of single-family, semi-detached or properties with six units or less are required to:  
Complete the online booking form at [niagararegion.ca/waste](http://niagararegion.ca/waste) or call GFL 1-855-971-4550 at least 2 BUSINESS DAYS IN ADVANCE of your regular collection day to arrange a FREE pick up.
- ☐ A maximum of four items can be booked for collection
- ☐ Large item pick up is not available for:
  - Apartments with 7 or more units
  - Mixed use properties (commercial and residential)
  - Commercial, industrial or institutional properties

Waste Info-Line  
905-356-4141 or 1-800-594-5542  
Monday to Friday: 8 a.m. – 5 p.m.

Niagara Region  
[niagararegion.ca/waste](http://niagararegion.ca/waste)

## SCHEDULE B

## FRIENDLY REMINDER NOTICE



- ☐ Household Hazardous Waste. Accepted FREE of charge at Household Hazardous Waste Depot. Commercial material not accepted.
- ☐ Syringes and sharps
- ☐ Automotive parts and tires
- ☐ Electronics, appliances and metal household items
- ☐ Construction, renovation or demolition materials. Materials can be taken directly to the landfill. Disposal fees will apply.
- ☐ Garbage containing recycling, Green Bin or Leaf & Yard Materials

**BLUE/GREY 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 bundled together and no larger than 91 cm (3 ft.) x 91 cm (3 ft.) x 91 cm (3 ft.)

**GREEN BIN/LEAF & YARD/BRANCHES**

- ☐ Grass not collected curbside
  - ☐ 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 materials including leaves and branches are not accepted
  - ☐ Branches are only collected on designed 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 (1.6 ft.). Individual branches cannot exceed 7 cm (2.7 in.) in diameter.

**NOTES/COMMENTS**

Waste Info-Line  
905-356-4141 or 1-800-594-5542  
Monday to Friday: 8 a.m. – 5 p.m.

Niagara  Region  
[niagararegion.ca/waste](http://niagararegion.ca/waste)

## Appendix 1

**The Regional Municipality of Niagara  
Part 1 Provincial Offences Act  
Waste Management By-law**

**Short Form Offences and Set Fines**

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
1.	Set-out of Non-Collectable Material	<b>s. 14.1 (a)</b>	\$100
2.	Set-out of Non-Compliant Material	<b>s. 14.1 (b)</b>	\$100
3.	Setting out hazardous, pathological Material or Sharps for collection	<b>s. 14.1 (a)</b>	\$500
4.	Not securing animal to ensure collection worker safety	<b>s. 14.6</b>	\$100
5.	Depositing Material into a collection vehicle	<b>s. 14.8</b>	\$100
6.	Obstructing road or sidewalk with Material	<b>s. 15.1</b>	\$250
7.	Setting out Material at premises other than your own	<b>s. 15.3</b>	\$100
8.	Permitting Material at any time in the Care and Control of an Owner to be located otherwise than on their own Premises or in a permitted Collection location	<b>s. 15.4</b>	\$100
9.	Setting out waste contrary to specified times	<b>s. 16.1</b>	\$75
10.	Failing to remove containers and Material after collection	<b>s. 16.2</b>	\$75
11.	Setting out waste contrary to specified times within Designated Business Area	<b>s. 16.4 s. 16.5</b>	\$75
12.	Failing to set out an acceptable container	<b>s. 17.1</b>	\$75
13.	Failing to ensure containment of Material set out for collection	<b>s. 18.1</b>	\$100
14.	Dropping off unacceptable Material at Regional Drop-Off Location	<b>s. 22.1</b>	\$500
15.	Depositing Garbage into recycling bins or composting areas at Regional Drop-Off Location	<b>s. 32.1 (I)</b>	\$200

## Appendix 1

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
16.	Depositing recyclable Material in Garbage bin or landfill areas at Regional Drop-Off Location	s. 32.1 (m)	\$100
17.	Trespassing at Regional Drop-Off Location by illegal entry	s. 33.1	\$500
18.	Trespassing at Regional Drop-Off Location or closed landfill or perimeter when closed	s. 33.2	\$500
19.	Trespassing at Regional Drop-Off Location or perimeter with vehicle	s. 33.3	\$500
20.	Failing to drop off only acceptable Material at RDOL	s. 34.1 (a)	\$200
21.	Failing to comply with Regional Drop-Off Location staff directions	s. 34.1 (b)	\$200
22.	Failing to obey signs at Regional Drop-Off Location	s. 34.1 (c)	\$200
23.	Failing to separate and deposit Material properly at Regional Drop-Off Location	s. 34.1 (d)	\$200
24.	Failing to remove covers as directed at Regional Drop-Off Location	s. 34.1 (f)	\$200
25.	Failing to remove loose Material after unloading at Regional Drop-Off Location	s. 34.1 (g)	\$200
26.	Failing to secure vehicle after unloading at Regional Drop-Off Location	s. 34.1 (h)	\$200
27.	Failing to ensure child under 12 stays in vehicle at Regional Drop-Off Location	s. 34.1 (i)	\$200
28.	Failing to ensure children act responsibly at Regional Drop-Off Location	s. 34.1 (j)	\$200
29.	Failing to ensure animal stays in vehicle at Regional Drop-off Location	s. 34.1 (k)	\$200
30.	Failing to pay fees before departing Regional Drop-Off Location	s. 34.1 (m)	\$200



## Appendix 1

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
31.	Failing to refrain from smoking on Regional Drop-Off Location	s. 34.1 (o)	\$200
32.	Transporting insecure load	s. 36.1	\$100
33.	Illegal dumping	s. 37.1	\$750
34.	Dumping privately generated Material into Public Litter bin	s. 37.2	\$150
35.	Illegal dumping Care and Control	s. 37.3	\$250
36.	Scavenging Material set out for collection	s. 38.1	\$100
37.	Scavenging at a Regional Drop-Off Location	s. 38.2	\$250
38.	Failure to comply with an Order	s. 49.3	\$300

Note: The general penalty provision for the offences listed above is Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2022-33

A BY-LAW TO REGULATE ACCESS TO CLOSED  
LANDFILL AND REPURPOSED SITES OWNED BY THE  
REGIONAL MUNICIPALITY OF NIAGARA AND TO REPEAL  
BY-LAW 83-2016

WHEREAS sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") authorize Niagara Region to pass by-laws necessary or desirable for municipal purposes;

WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that an upper tier municipality may pass By-laws respecting waste management, subject to the requirements set out in the Act;

WHEREAS Section 227 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that it is the role of the officers and employees of the municipality to carry out duties required under this or any other Act and other duties as assigned by the municipality;

WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

WHEREAS Section 446(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality has the authority under this or any other Act, or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

WHEREAS Section 446(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the municipality may recover the costs of doing a matter or thing under subsection 446(1) from the person directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

WHEREAS Niagara Region, in exercising its responsibility has acquired ownership of landfill sites within Niagara region, not all of which are actively used as an operating landfill site;

WHEREAS the current use of landfill sites varies from active operating landfill sites, sites that have in part been repurposed for identified public uses and closed landfill sites that have no specific identified use;

WHEREAS Niagara Region has various site specific by-laws for regulating sites that have been repurposed for identified public uses;

WHEREAS while various repurposed sites have differences in the specific permitted uses, the sites also have many attributes in common;

WHEREAS all potentially desirable uses of closed landfill sites cannot be anticipated and documented in advance;

WHEREAS the residents of Niagara region would benefit from a single source of information regarding actual and potential uses for closed landfill sites and Niagara Region's rules applicable to those uses;

WHEREAS Niagara Region by this by-law intends to establish criteria for the regulation and use of all parts of landfill sites that are not actively used in landfilling of waste;

WHEREAS regulations are based on the principle of safeguarding the public, protection of Niagara Region's infrastructure and upholding the values of Niagara Region, taking into account the many unique attributes of the landfill sites that make certain activities inadvisable; and

WHEREAS legislative updates have occurred, along with a desire to repeal and replace By-law No. 83-2016 with this By-law.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

#### PART I – SHORT TITLE

1. This By-law may be referred to as the "Regulation of Closed Landfill and Repurposed Sites By-law".

#### PART II – DEFINITIONS

2. For the purposes of this By-law, the capitalized terms set forth in this Section 2 shall apply equally to the singular and plural forms of the terms defined.

- a) "Active Site" means any landfill site owned and currently operated (meaning it is open and in operation for its primary purpose, being the accepting and managing of waste materials) by Niagara Region for the disposal or transfer of waste.
- b) "Agency, Board and Commission" means a self-governing organization that delivers services for the Region, including Niagara Regional Housing, Niagara Regional Police Service and Niagara Peninsula Conservation Authority.
- c) "Alpha-Numerical Designation" means the letter and number combination or the letters or numbers separately used to designate a Site and/or Zone within this By-law and the appendices attached hereto.
- d) "Area Municipality" means any one of the municipalities or corporations 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.
- e) "By-law" means this by-law and any schedule(s) and/or appendices to this By-law as they may be amended from time to time.
- f) "Closed Landfill Site" means any parcel of land owned by Niagara Region that had been used for the disposal of waste by Niagara Region or any predecessor municipality with jurisdiction for the site, but which is no longer an Active Site; or is a parcel of land that is owned and or operated by Niagara Region, which abuts (be next to, or have a common boundary with) a closed landfill site.
- g) "Council" means the elected Council of The Regional Municipality of Niagara.
- h) "Day Use Visitor" means Persons who enter the Repurposed Site to use the sites amenities.
- i) "Niagara Region" means The Regional Municipality of Niagara.
- j) "Nuisance" includes, but is not limited to, the following:
  - i. Disorderly conduct;

- ii. Public drunkenness or public intoxication;
  - iii. The unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
  - iv. The deposit of refuse on the Site;
  - v. Damage to, or destruction of, public or private property on the Site;
  - vi. Traffic that obstructs the free flow of Persons and Motor Vehicles, or could interfere with the ability to provide emergency services;
  - vii. Unreasonable noise, including loud music or shouting;
  - viii. Unlawful open burning or fireworks;
  - ix. Public disturbances, including public brawls or fights;
  - x. Outdoor public urination or defecation; and/or
  - xi. Use of or entry upon a roof not intended for such occupancy.
- k) "Organized Activity" means any activity which is pre-planned, involves a group of People (twenty five ((25)) People or more, depending on the particular Site in question, as may be determined by Niagara Region) and which may, or is likely to, constitute a nuisance or limits general public access to a Site, or any activity that involves instruction or training for a group larger than twenty five (25) People, as may be determined by Niagara Region. A Permission to Enter Agreement for an Organized Activity must be provided to Niagara Region, and appropriate legal documentation must be executed.
- l) "Permission to Enter Agreement" means an agreement in writing with Niagara Region permitting access to Repurposed Sites for Organized Activity and to Closed Site and Prohibited Areas, excluding Special Use Trails. An Application for Entrance Permit precedes such an agreement, and is required for any access to Closed Site and Prohibited Areas, excluding Special Use Trails.
- m) "Person/People" means any individual, corporation, and/or partnership.

- n) "Pictorial Designation" means a symbolic representation attributable to a particular type of Site or Zone and used for reference in the Appendices attached hereto.
- o) "Repurposed Site" means a Closed Landfill Site or a part thereof, that has been approved for specified public uses including, but not limited to, uses such as a naturalization site with trails and learning features or leash-free dog park, and/or has had improvements constructed to facilitate the permitted uses and is intended to be open to the public in whole or in part without the need for express written consent from Niagara Region in the form of Permission to Enter Agreement.
- p) "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including physical, psychiatric, intellectual or other mental disability.
- q) "Signage" means a display (such as a lettered board) used to identify or advertise a Site, including but not limited to advising/describing the area, providing a list of allowed and prohibited activities, as well as providing contact information for additional inquiries.
- r) "Sites" means all Active and Closed Landfill and Repurposed Sites respectively listed and mapped with Zone designations more particularly set forth in Appendix 2 and Appendix 3 to this By-law.
- s) "Smoke" has the meaning set forth in Niagara Region By-law No. 112-2013, as amended by By-law No. 2019-52, being a by-law to protect children and vulnerable persons from exposure to outdoor second-hand smoke.
- t) "Stroller" means a carriage or other similar non-motorized device used exclusively for the purpose of pushing or pulling babies and/or young children.
- u) "Vehicle" includes the following: a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car, as well as vehicles designed for travel on land, water (such as jet skis) or air (such as drones), whether motorized or not, but does not include Wheelchairs or Strollers.

- v) "Wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a Person whose mobility is limited by one or more conditions or functional impairments, and includes motorized wheelchairs.
- w) "Zone Map" means the division and mapping of a Site into one or more Zones as set forth in Appendix 3 to this By-law, which may be amended from time to time with administrative updates.
- x) "Zone Regulations" mean those regulations set forth in Part V of this By-law.
- y) "Zones" means the categories of potential uses for Sites described in Part IV of this By-law.

### PART III – SCOPE

- 3. Active Sites are governed under the Waste Management By-law as may be amended from time to time, and are included for reference only. Parts IV through VIII of this By-law do not apply to Active Sites.
- 4. All Zones shall be listed in Appendix 1 to this By-law with a corresponding Alpha-Numerical Designation. Zones within Appendix 1 may be, but are not required to be, further designated by a Pictorial Designation.
- 5. All types of Sites shall be listed in Appendix 2 to this By-law with an indication therein whether the Site is an Active Site, Closed Site and/or Repurposed Site and including an Alpha-Numerical Designation.
- 6. All Sites shall be mapped with all applicable Zones illustrated thereon and attached as part of Appendix 3.
- 7. The only permitted uses within any Site (or part thereof) shall be the permitted uses for the Zone Descriptions illustrated on that Site's Zone Map.

### PART IV – ZONE DESCRIPTIONS

- 8. "Alternative Use" means all permitted uses of a Special Use Zone and any use of any other Zone for a purpose not specifically contemplated by or included in that Zone's description.

9. "Children's Science and Nature Zone" means an area within a Repurposed Site used for educational purposes and includes the improvements constructed therein to facilitate such use.
10. "Entrance Zone" means the access road leading from the municipal street into the Parking Zone and orientation centre (the Pavilion Zone).
11. "Leash-Free Dog Park Zone" means an area within a Repurposed Site where dogs are permitted without leashes.
12. "Memorial Zone" means an area within a Repurposed Site, where trees and other vegetation is planted as part of a memorial and includes the following: Memorial Forest Zone, Mental Health Zone, and COVID-19 Memorial Zone.
13. "Parking Zone" means an area designated within any Site for the purpose of the temporary parking of vehicles for Day Use Visitors only.
14. "Pavilion Zone" means the area near the entrance that includes the visitor orientation centre.
15. "Picnic Zone" means an area designated within a Repurposed Site for the purpose of picnics.
16. "Prohibited Zone" means an area at any Site where members of the public are prohibited from entering without the express written consent of Niagara Region.
17. "Public Trails and Paths Zone" means trails or pathways within a Repurposed Site where members of the public are permitted to traverse.
18. "Special Use Trail" means a trail which access points are outside of the Sites boundaries. Special Use Trails may cross through Closed Sites or Prohibited Zones. Where Special Use Trails cross through Prohibited Zones or Closed Sites, no Person shall leave the designated trail.
19. "Viewing Zone" means an area within a Repurposed Site identified as desirable for viewing a particular geographical or other feature of interest.

#### PART V – ZONE REGULATIONS

20. No Person shall enter any portion of any Site except in the manner and for the purposes specifically authorized by this By-law.



21. Provided all other regulations applicable to the Zones referenced in this subsection are complied with, members of the public may freely enter into any of the Zones, listed in Appendix 1, for the purposes for which the Zones were created.
22. Without written permission of the Region, in all Zones that permit access by members of the Public, no Person shall partake in the following activities:
  - a) play or practice golf or strike or throw a golf ball or engage in any sport or game, including any game of chance, such as, but not limited to baseball, football, ball hockey or any other activity deemed by the Director of Waste Management to be dangerous to public safety in any area of the Site;
  - b) operate any remote-controlled vehicle or toy on land, water or air;
  - c) dwell, camp, squat, or lodge;
  - d) smoke;
  - e) light any fire (including any barbecue);
  - f) picnic, except in a Picnic Zone;
  - g) swim, bathe or wade in water;
  - h) ice skate and/or toboggan;
  - i) bring or discharge any fireworks or weapon;
  - j) bring or have any animal, including a Service Animal without a leash in any Zones other than a Leash Free Dog Park Zone;
  - k) fail to remove immediately any feces left by an animal brought or had upon any Site;
  - l) bring or consume any alcoholic beverage;
  - m) be under the influence of alcohol or drugs;
  - n) fish for, disturb, molest, injure, kill, move or remove any animal, fish, bird or bird's nest or egg;
  - o) hunt, trap, or otherwise interfere with any animal, fish, bird, bird's nest (including eggs);

- p) climb, cut, break, injure, deface, paint, mark, write upon, move, remove, add, or alter any building, equipment, sign, trail, infrastructure, or nature (such as trees, flowers, plants, etc.);
- q) introduce any plant, animal and/or fish to the Site;
- r) leave any refuse or any personal items upon land, water or air, except in receptacles provided for that purpose;
- s) sell, offer for sale, purchase or offer to purchase any good or service;
- t) distribute or post any advertising;
- u) indulge in any riotous, boisterous, threatening or indecent conduct or use abusive, threatening or profane language or accost, annoy or interfere with any other Person. Indecent conduct shall include but not be limited to indecent exposure, urination and defecation;
- v) create a nuisance (as defined above);
- w) except in the Parking Zone, during posted opening hours, bring or operate any Vehicle;
- x) bring, leave, or operate any snow mobile, or other all-terrain vehicle into the Site;
- y) be upon any Site outside the posted hours of operation, if any, found at the Site or be upon any Site for any reason, whether or not posted, between the hours of 9:00 p.m. and 6:00 a.m. local time from May to October; and 6:00 p.m. and 8:00 a.m. from November to April; and/or
- z) engage in any Organized Activity, as defined above, without written permission from Niagara Region.

23. The following Zone specific rules apply to the following Zones:

- a) Parking Zone
  - i. Only a Day Use Visitor shall park and/or leave a Vehicle in the Parking Zone.
  - ii. Any and all Vehicle(s) parked or left in a Parking Zone shall abide by a two (2) hour maximum time limit.

- iii. For clarity no Person shall enter and park within the Parking Zone for any use other than access to a Site that is ancillary to the undertaking of another permitted activity within the Site or a part thereof.
  - iv. No Person shall park or leave a Vehicle in the Parking Zone outside posted hours of operation.
  - v. No Person shall park or leave a Vehicle outside of the designated Parking Zone or in any other area(s) of the Site.
- b) Children's Science and Nature Zone
- i. Users shall supervise all children under the age of 16 years old in their care, which shall also include dependents of any age, whilst using the Children's Science and Nature Zone.
- c) Leash-Free Dog Park Zone
- i. Users may only use the zone during Site operating hours.
  - ii. Users must keep their dogs within sight and be verbally in control of their dogs at all times and ensure that their dogs by their actions do not intimidate or threaten other people or dogs.
  - iii. Users must ensure their dogs have up to date vaccinations, licenses and dog tags.
  - iv. Users must leash their dogs at all times before entering and after exiting the fenced area.
  - v. Users shall supervise all children under the age of 16 years old in their care.
  - vi. Users shall not bring in glass containers or food.
  - vii. Users must remove any waste produced by their dog.
  - viii. Users shall not bring in dogs under the age of 4 months old, dogs in heat, sick dogs or dogs that require muzzling for the safety of other users.

- ix. Users will be subject to the Dog Owners Liability Act and all applicable laws including municipal by-law.
  - x. Users will be liable for any potential injuries or harm caused to the dog, such as dog bites and/or ticks;
  - xi. Users will not allow their dogs to chase wildlife, and will take all reasonable steps to stop their dogs from chasing wildlife.
- d) Prohibited Zone
- i. No Person shall enter a Prohibited Zone without the express written consent of Niagara Region and if requested shall, prior to entry, execute a Permission to Enter Agreement and provide such insurance and other security, all in a form approved by the Niagara Region Director of Legal and Court Services, the Director of Waste Management, and/or their delegates, as required by Niagara Region.
  - ii. Prohibited Zones may appear to be overlapped in Zone illustrations attached as Appendix 3 by other specific Zones created by this By-law.
  - iii. To the extent an overlapping of Zones exists on such a map, the rules of the most permissive Zone shall apply.
- e) Public Trails and Paths Zone
- i. Running and jogging within a Public Trail Zone shall be permitted only on trails marked in yellow on a Zone Map.
  - ii. All running, jogging, and/or hiking are solely at the risk of the Person undertaking the activity.
  - iii. Organized Activities shall require an executed Permission to Enter Agreement with Niagara Region. The organizer shall endeavour to provide a minimum of ten (10) calendar days' notice prior to such an event. No additional maintenance shall occur, aside for the routine maintenance, in preparation for any such Organized Activity, unless specifically negotiated with Niagara Region.

## f) Special Use Trail

- i. A person may enter a site on a Special Use Trail. Special Use Trails and may cross through closed sites or prohibited zones. Only on Special Use Trails is access through the Site Permitted. No person shall leave the designated trail and enter into Prohibited Zones.

## g) Viewing Zone

- i. No Person shall climb over the wooden railing along a boardwalk, or become close enough to any body of water or sharp drop-off or cliff if such proximity would endanger any Site user including the user approaching the prohibited limit. A standard of a reasonable Person shall apply to determining in the whole of the circumstances what distance would endanger a user. Without limiting the foregoing, approaching closer than 1 metre to a body of water or prohibited incline, or approaching closer than permitted by posted signage shall in all cases be deemed to endanger a user.

## PART VI – GUIDELINES FOR CONSIDERATION OF NEW USES

24. The Director of Waste Management (the “Director”) or designate may, in their unfettered discretion, permit or refuse access to a Special Use Trail or Alternative Uses within other Zones.
25. The Director shall, as a condition of permitting access to an Alternative Use Zone within another Zone or use of any Site for an Organized Activity, require that the proposed user/organizer, execute a Permission to Enter Agreement (the organizer shall provide a minimum of ten (10) calendar days’ notice prior to the date of the Organized Activity) and provide such insurance and other security as the Director considers necessary after consultation with the Director of Legal and Court Services or delegate.
26. Should the required minimum ten (10) calendar days’ notice not be provided to the Region, the request to undertake an Alternative Zone Use or Organized Activity will be rejected unless the Director waives the requirement in the Directors sole unfettered discretion. Waiving one or more instances of non-compliance shall not obligate the Director to waive compliance with respect to any other request.
27. The Permission to Enter Agreement required by this Part shall be in a form approved by the Director of Legal and Court Services or their delegate.

28. A Permission to Enter Agreement is required for a Prohibited Zone, Organized Activities, the operation of drones, and/or as may be required by Niagara Region from time to time.
29. The Director, when exercising the Director's discretion, shall consider, at a minimum, the following:
- a) Protection of infrastructure (integrity of landfill cover/vegetation, condition of trails, monitoring wells, etc.);
  - b) Risk to Niagara Region from anyone participating or a spectator being injured;
  - c) Conflict with regular Day Use Visitor of the Site (how the proposed use affects the regular users from a temporary shut-down of the Site);
  - d) Nuisance caused by the special event and/or Organized Activity;
  - e) Type of activity and potential effects on the Site (potential damage to trails and infrastructure and suitability of the Site for the type of activity);
  - f) The extent to which any restoration of the Site to its original form will be required, and the ability and willingness of the applicant requesting the Alternative Use to restore after the special event based on plans submitted for such restoration;
  - g) An applicant may be responsible for a "restoration deposit" depending on the nature of the special event to take place. Such a requirement will be discussed with the applicant prior to sign-off; and
  - h) Ability and willingness of applicant requesting the special event to promote recycling and diversion at their event.

## PART VII – ENFORCEMENT

30. The Commissioner of Public Works of Niagara Region may, from time to time, appoint employees, contractors and agents of Niagara Region for the purpose of enforcing this By-law.
31. Police officers and Municipal Law Enforcement Officers are hereby authorized to enforce this By-law.

32. Any police officer, police cadet, Municipal Law Enforcement Officer, or any other officer appointed by Niagara Region for carrying out the provisions and enforcement of this By-law, may upon discovery of any property (including but not restricted to a Motor Vehicle) in contravention of the provisions of this By-law, cause it to be moved or taken to and placed or stored in a suitable place. All associated costs, shall be a lien upon the Vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act. RSO 1990, c. 25.

#### PART VIII – OFFENCES, PENALTIES, AND FINES

33. Any Person who contravenes any provision of this By-law is guilty of an offence, and upon conviction, is liable to a fine as provided in the Provincial Offences Act, RSO. 1990, c. P 33, as amended.
34. Set fines for contraventions of the provisions of this By-law, shall be as set forth in Appendix 4 forming part of this By-law.
35. Administrative penalties applicable to contraventions of the provisions of this Bylaw related to prohibited parking, shall be such penalties as are prescribed by bylaw from time to time by the local municipality in which the Site is located with respect to private parking and with the consent of the local municipality, enforced by that municipality in accordance with its by-laws.


#### PART IX - VALIDITY

36. Except as otherwise specified in this By-law, this By-law shall come into force and effect on the date passed by Regional Council.
37. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

38. By-law 83-2016, being a by-law to regulate access to closed landfill and repurposed sites owned by The Regional Municipality of Niagara is hereby revoked and repealed.

THE REGIONAL MUNICIPALITY OF NIAGARA

  
James Bradley, Regional Chair

  
Ann-Marie Norio, Regional Clerk

Passed: May 19, 2022



## Appendix 1

## Listing of Zones

<b>Alpha-Numerical Designation</b>	<b>Name of Zones</b>
ENZ	Entrance Zone
PAZ	Pavilion Zone
PRZ	Parking Zone
CSZ	Children's Science and Nature Zone
LDZ	Leash-Free Dog Park Zone
MZ	Memorial Zone
PCZ	Picnic Zone
PTZ	Public Trails and Paths Zone
VWZ	Viewing Zone
SUT	Special Use Trail
PHZ	Prohibited Zone

Appendix 2

List of Sites

Repurposed Sites

- R1) Glenridge Quarry Naturalization Site
- R2) Centre St. Leash Free Dog Park
- R3) Elm St. Leash Free Dog Park and Naturalization Site
- R4) Station Road Naturalization Site

Closed Sites

- C1) Mountain Road Landfill Site
- C2) Quarry Road Landfill Site
- C3) Line 5 Landfill Site
- C4) Caistor Road Landfill Site
- C5) Perry Road Landfill Site
- C6) Park Road Landfill Site
- C7) Winger Road landfill Site

Active Sites

- A1) Bridge St. Residential Waste & Recycling Drop Off Depot
- A2) Humberstone Landfill Site
- A3) Niagara Road 12 Landfill Site

Bill No. 2022-33 Appendix 3

Closed Landfill and Repurposed Site Maps



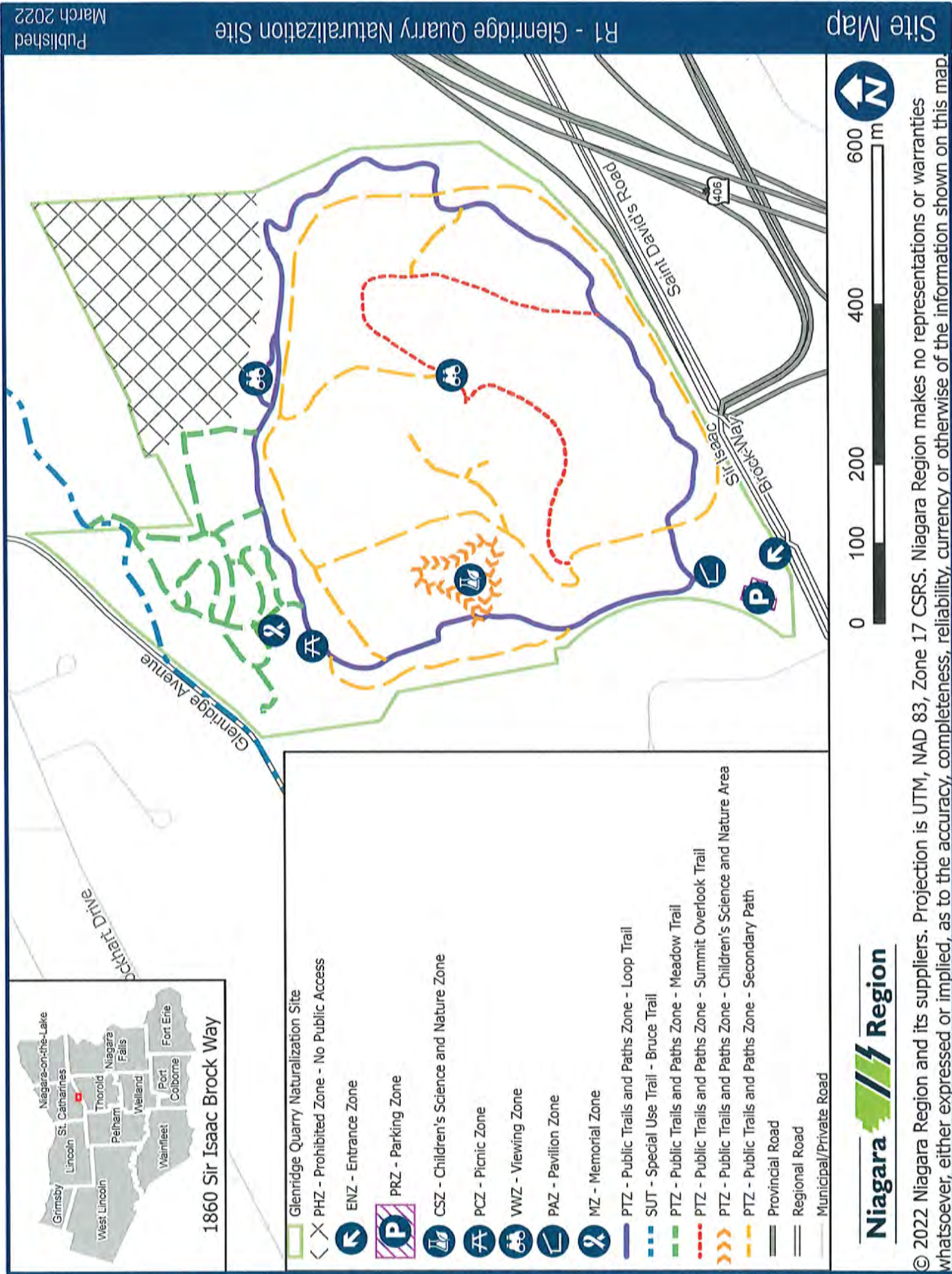
### Public Access to Closed and Repurposed Landfill Sites - By-law Locations

- R1 - Glenridge Quarry Naturalization Site
- R2 - Centre Street Leash Free Dog Park
- R3 - Elm Street Leash Free Dog Park and Naturalization Site
- R4 - Station Road Naturalization Site
- C1 - Mountain Road Landfill Site
- C2 - Quarry Road Landfill Site
- C3 - Line 5 Landfill Site
- C4 - Caistor Road Landfill Site
- C5 - Perry Road Landfill Site
- C6 - Park Road Landfill Site
- C7 - Winger Road Landfill Site



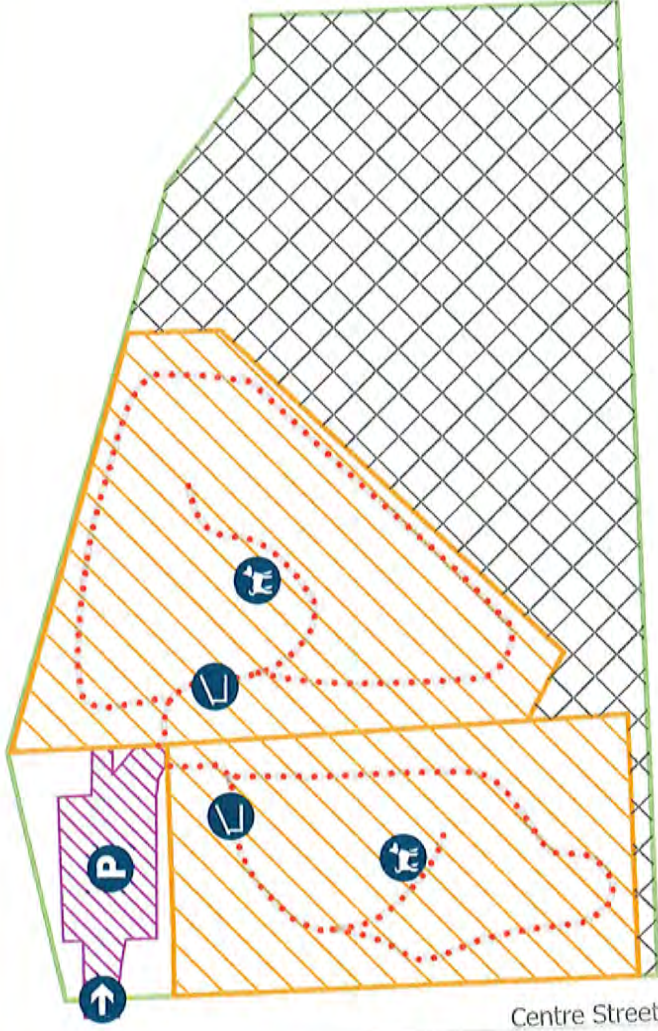
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- Centre Street Leash Free Dog Park
- PHZ - Prohibited Zone - No Public Access
- ENZ - Entrance Zone
- PRZ - Parking Zone
- LDZ - Leash Free Dog Park Zone
- PAZ - Pavilion Zone
- PTZ - Public Trails and Paths Zone - Main Trail
- Regional Road
- Municipal/Private Road



R2 - Centre Street Leash Free Dog Park

Published  
March 2022



Highway 20 West

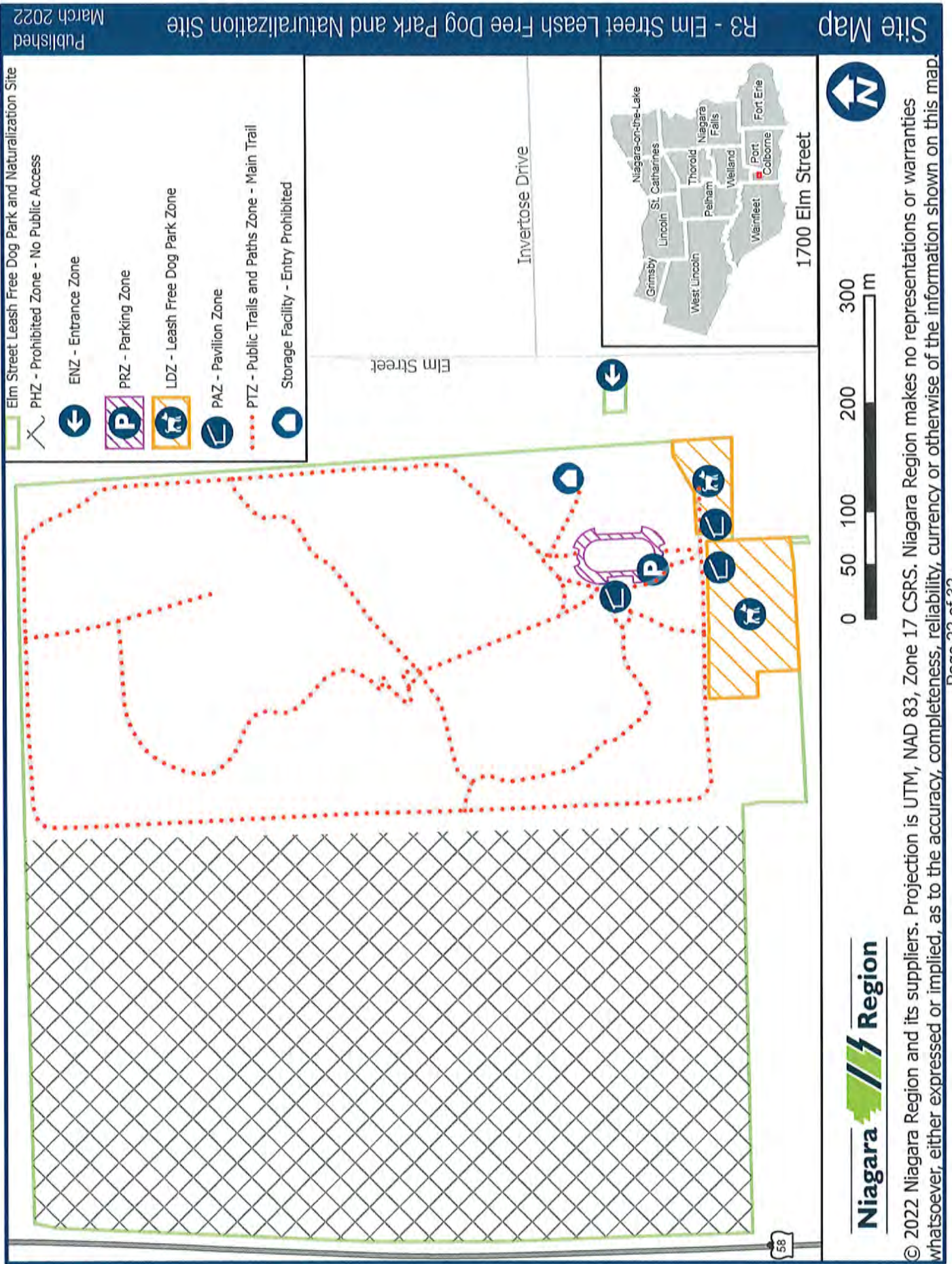
1515 Centre Street



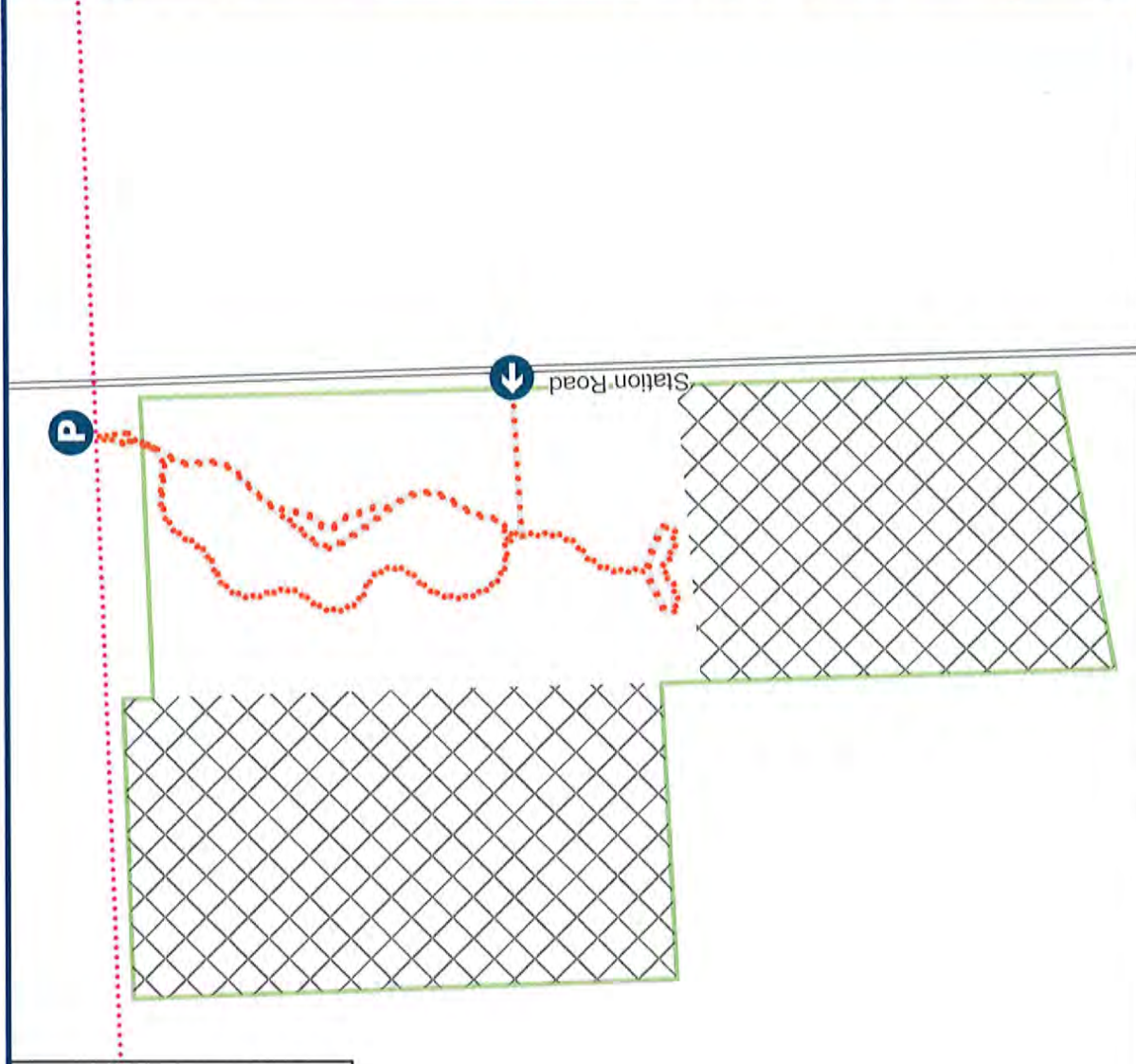
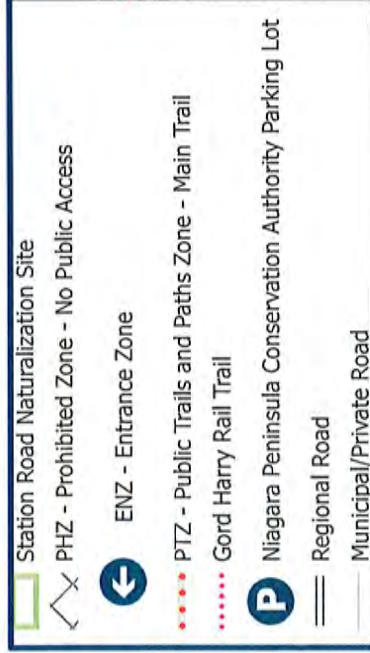
**Niagara**  **Region**

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Niagara Region

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2530 Mewburn Road

- Public access prohibited except on Special Use Trail.
- Mountain Road Landfill Site
  - SUT - Special Use Trail - Laura Secord Trail
  - Storage Facility - Entry Prohibited
  - PHZ - Prohibited Zone
  - Provincial Road
  - Regional Road
  - Municipal/Private Road



C1 - Mountain Road Landfill Site



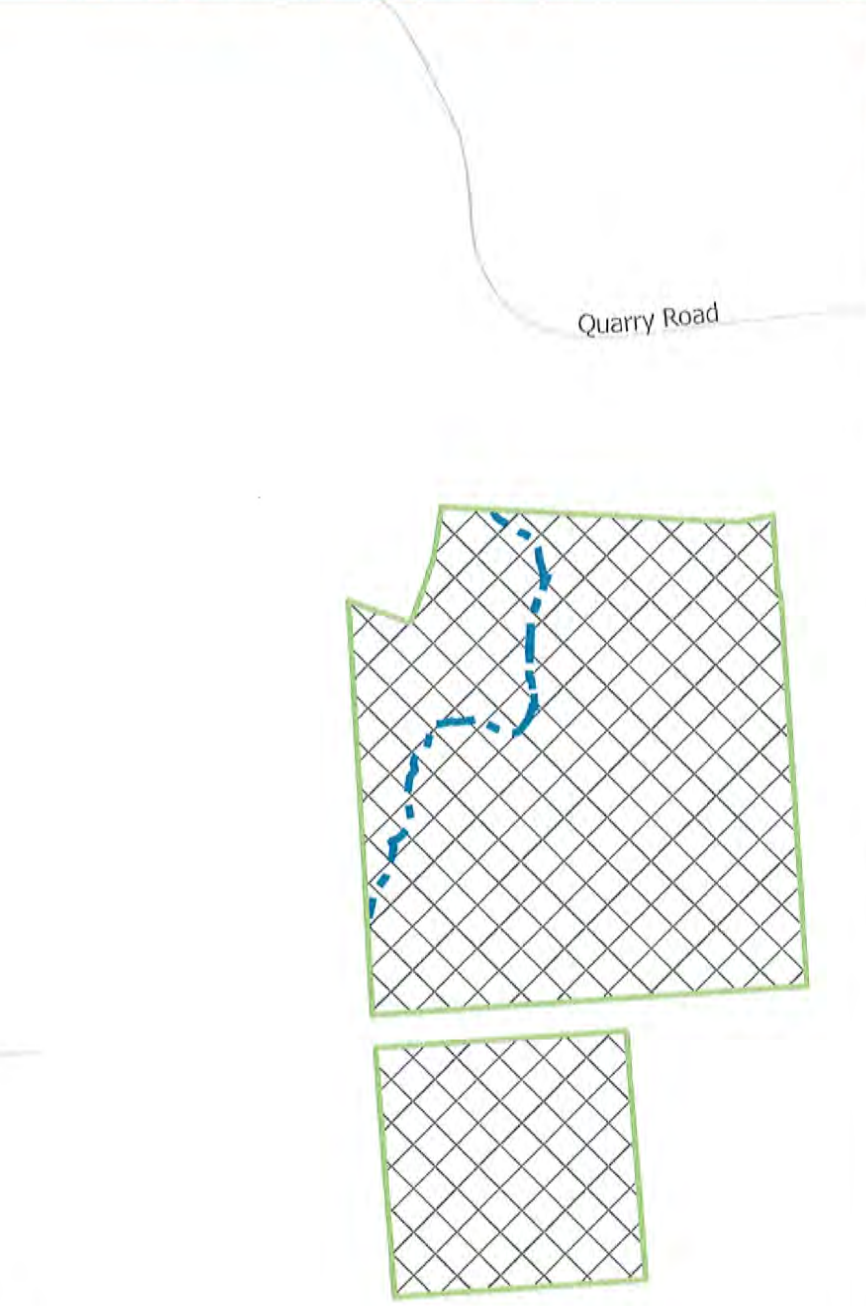
**Niagara**  **Region**

Site Map



3768 Quarry Road (Rear)

- Public access prohibited except on  
Special Use Trail.
- Quarry Road Landfill Site
  - SUT - Special Use Trail - Bruce Trail
  - PHZ - Prohibited Zone
  - Municipal/Private Road



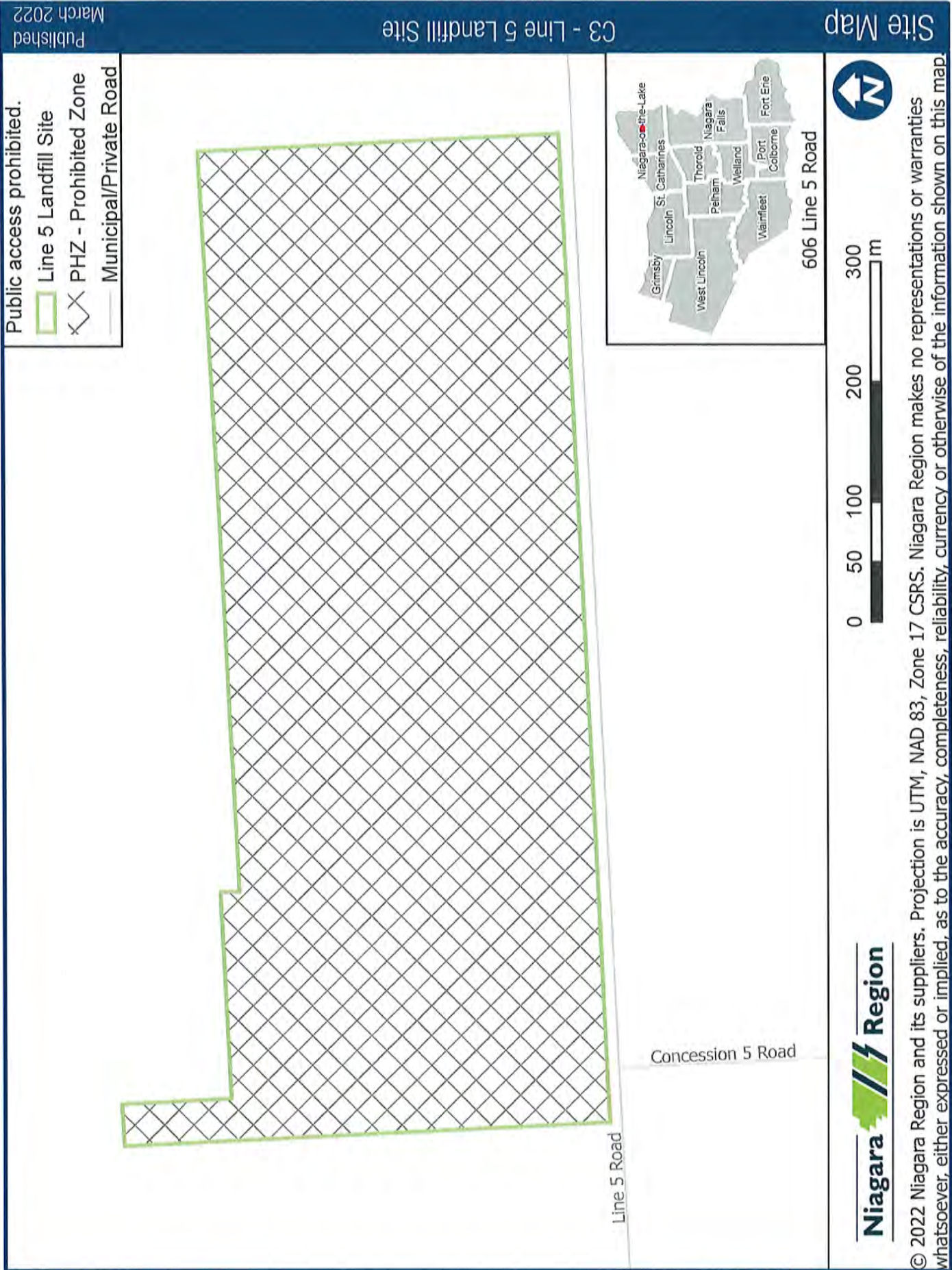
C2 - Quarry Road Landfill Site

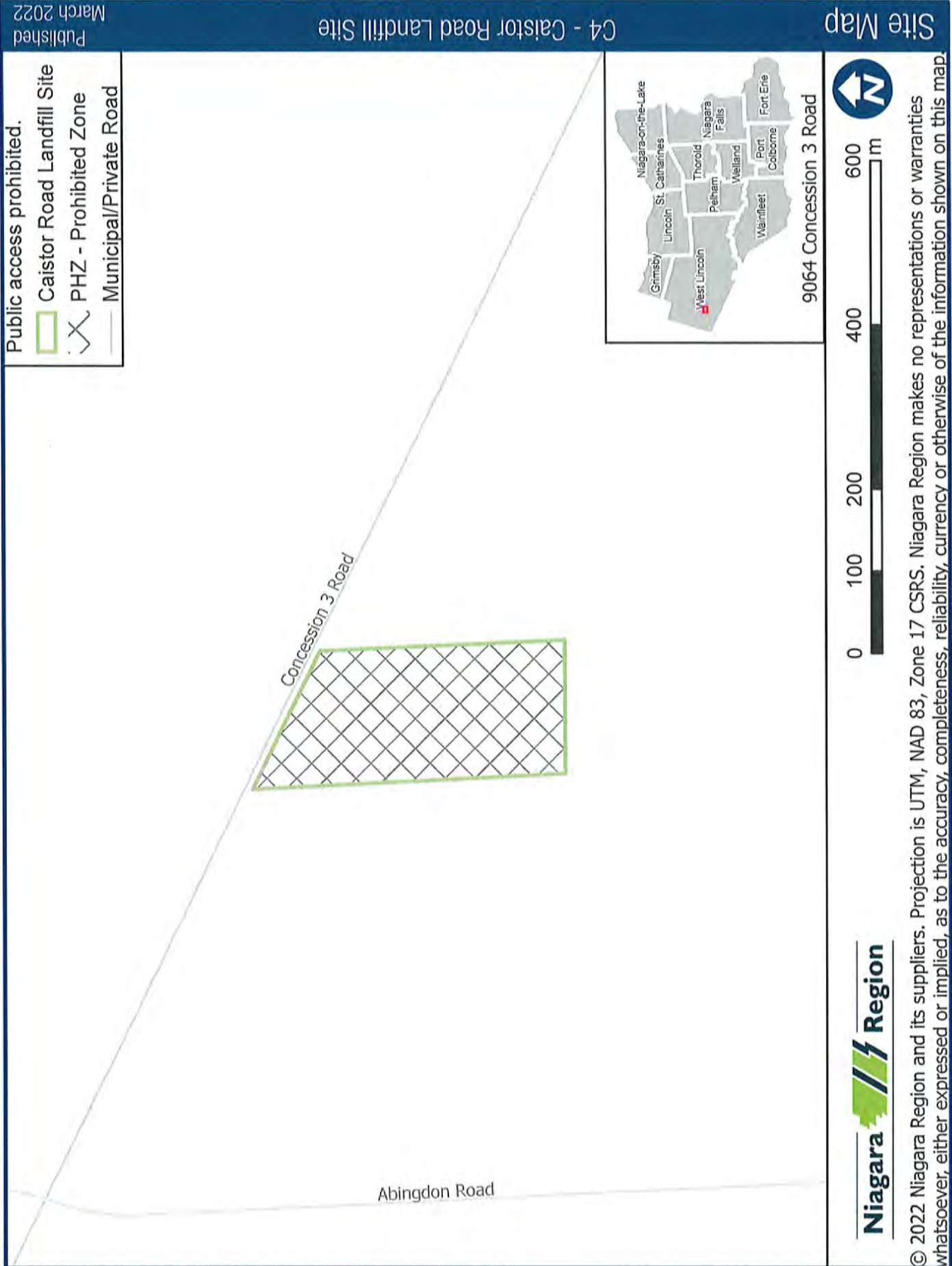
Published  
March 2022

Site Map






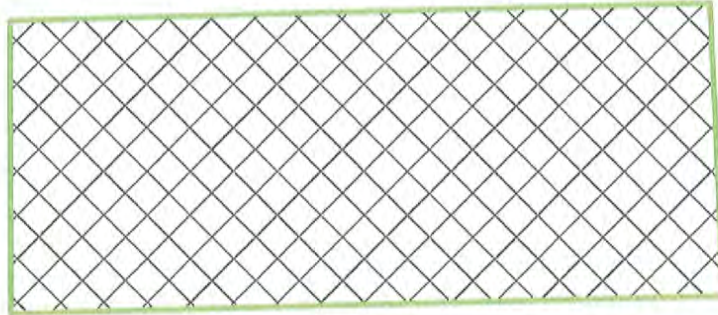












- Public access prohibited.
-  Perry Road Landfill Site
  -  PHZ - Prohibited Zone
  -  Municipal/Private Road

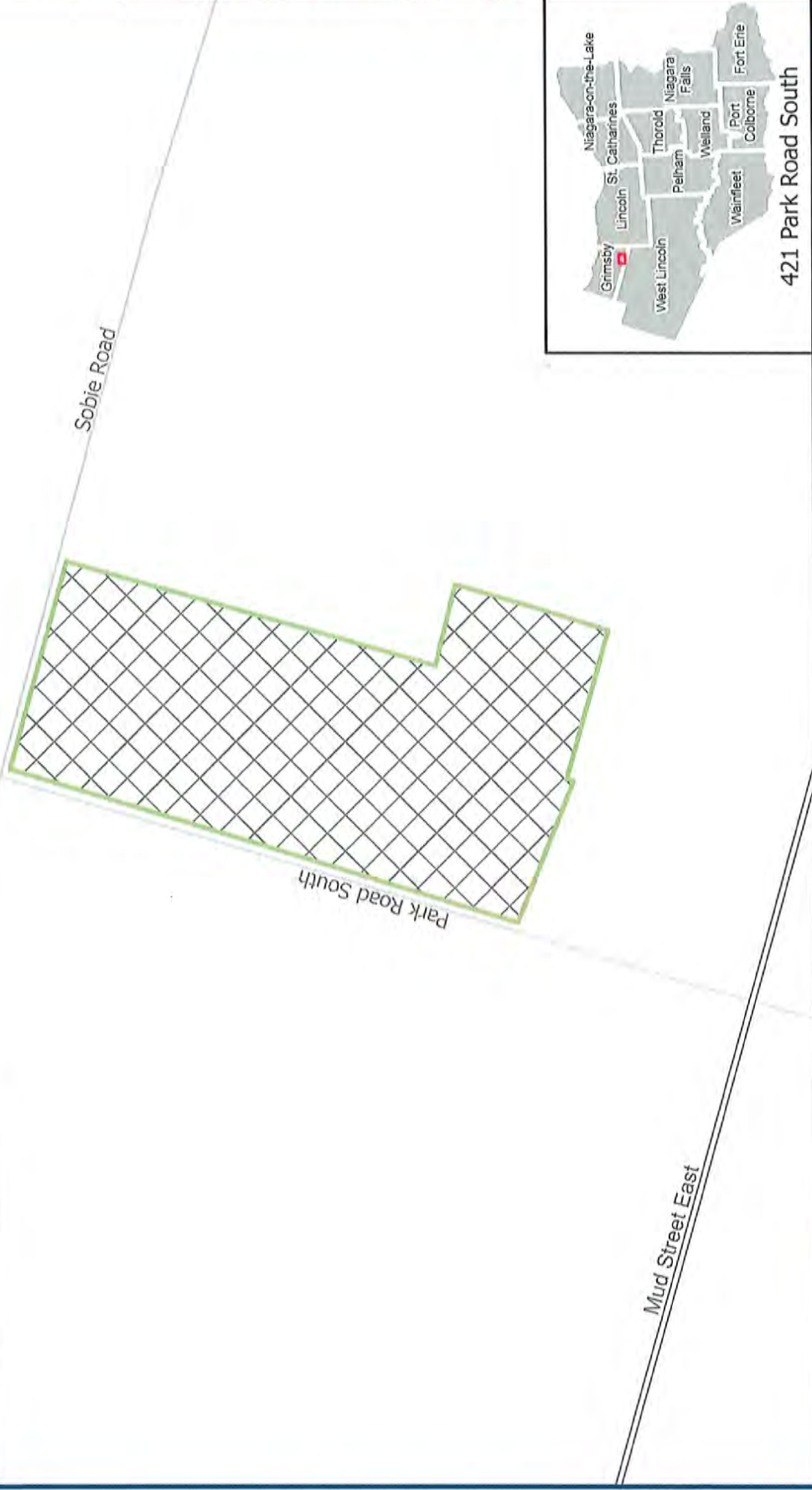


C5 - Perry Road Landfill Site

Site Map



- Public access prohibited.
-  Park Road Landfill Site
  -  PHZ - Prohibited Zone
  -  Regional Road
  -  Municipal/Private Road



**Niagara**  **Region**



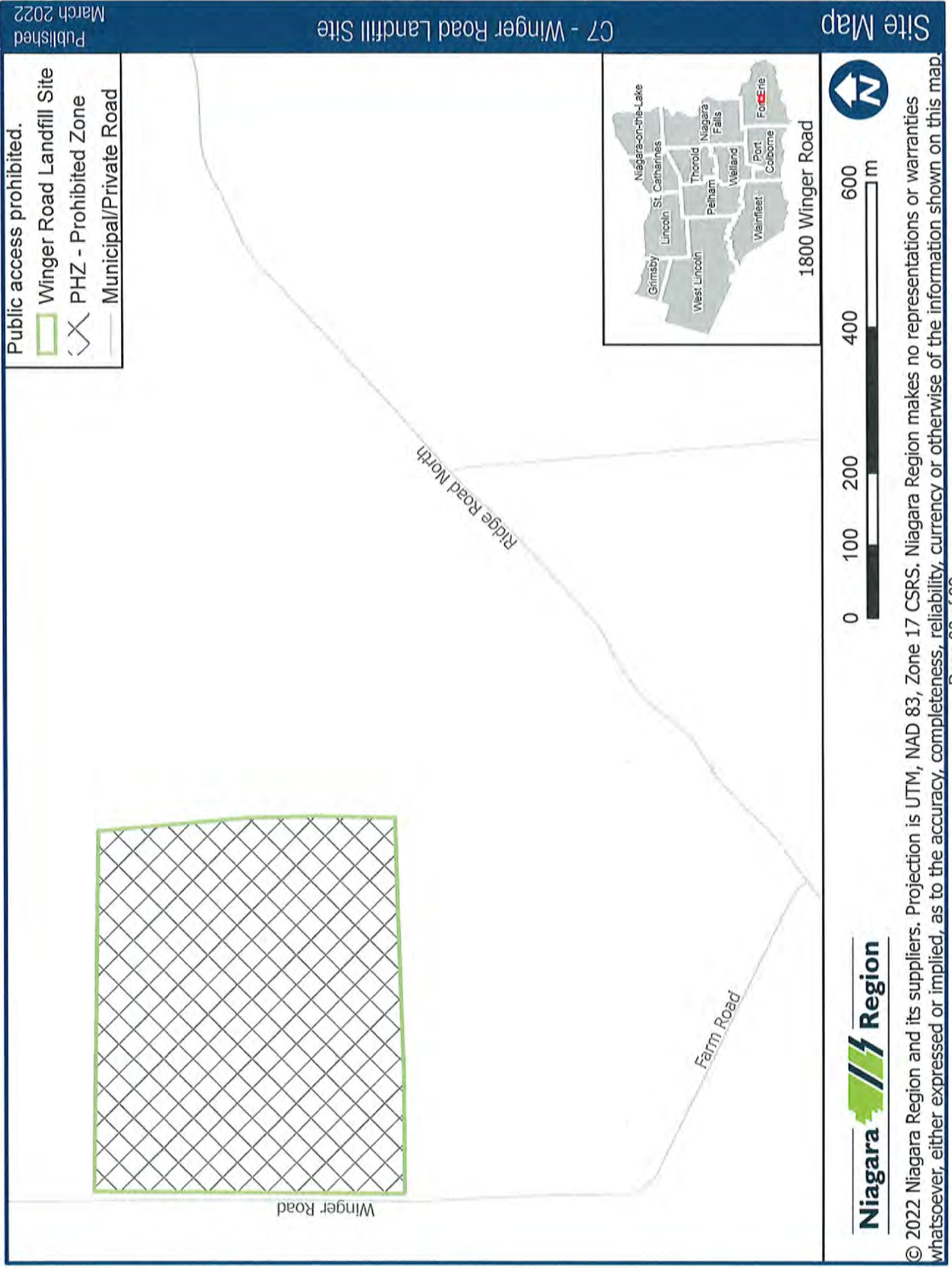
421 Park Road South

C6 - Park Road Landfill Site

Site Map

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## Appendix 4

**Set Fines**

## Part 1: Provincial Offences Act

Note: The penalty provision for offences indicated is Section 61

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine (Include Costs)</b>
1.	Engage in dangerous sports	Section 22) 1)	\$100.00
2.	Operate any remote-controlled vehicle or toy on land, water or air	Section 22) 2)	\$100.00
3.	Camp, dwell, squat or lodge	Section 22) 3)	\$100.00
4.	Smoke	Section 22) 4)	\$100.00
5.	Light any fire including barbeque	Section 22) 5)	\$100.00
6.	Picnic except in the Picnic Zone	Section 22) 6)	\$100.00
7.	Swim, bathe or wade in water	Section 22) 7)	\$100.00
8.	Ice skate or toboggan	Section 22) 8)	\$100.00
9.	Bring or discharge fireworks or weapon	Section 22) 9)	\$300.00
10	Bring or have any animal without leash	Section 22) 10)	\$100.00
11	Fail to remove immediately any feces left by an animal brought or had upon the Site	Section 22) 11)	\$100.00
12	Bring or consume any alcoholic beverage	Section 22) 12)	\$100.00
13	Be under the influence of alcohol or drugs	Section 22) 13)	\$100.00
14	Fish for, disturb, molest, injure, kill, move or remove any animal, fish, bird or bird's nest or egg	Section 22) 14)	\$100.00
15	Hunt, trap or interfere with any animal, fish, bird or nest	Section 22) 15)	\$500.00
16	Climb, cut, break, injure, deface, paint, mark, write upon, move, remove, add, or alter any building, equipment, sign, trail, infrastructure or plant	Section 22) 16)	\$300.00
17	Introduce any plant, animal and/or fish	Section 22) 17)	\$100.00
18	Leave any refuse or Personal items upon land or water except in receptacles provided for that purpose	Section 22) 18)	\$100.00
19	Sell, offer to sell, purchase or offer to purchase any good or service	Section 22) 19)	\$100.00
20	Distribute or post any advertising	Section 22) 20)	\$100.00
21	Indulge in any riotous, boisterous, threatening or indecent conduct or use abusive, threatening or profane language or accost, annoy or interfere with any other Person	Section 22) 21)	\$100.00



## Appendix 4

22	Create a nuisance	Section 22) 22)	\$100.00
23	Bring or operate a Vehicle, except the Parking Zone	Section 22) 23)	\$100.00
24	Be upon the site outside the posted hours of operation	Section 22) 24)	\$100.00
25	Engage in any Organized Activity, without written permission from Niagara Region	Section 22) 25)	\$100.00
26	Bring or operate a snow mobile or all-terrain vehicle on the Site	Section 22) 26)	\$200.00

May 31, 2022

**CL 10-2022, May 19, 2022**

**PEDC 4-2022, May 11, 2022**

**PDS 15-2022, May 11, 2022**

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

Brownfield Tax Assistance Incentive Funding Request

PDS 15-2022

Regional Council, at its meeting held on May 19, 2022, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 15-2022, dated May 11, 2022, respecting Brownfield Tax Assistance Incentive Funding Request, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional matching funding for a request to partner on a Brownfield Tax Assistance Program (BTAP) grant in the amount of \$99,092 in the City of Niagara Falls **BE APPROVED**; and
2. That Report PDS 15-2022 **BE CIRCULATED** to the Local Area Municipalities.

A copy of PDS 15-2022 is enclosed for your reference.

Yours truly,

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

Ann-Marie Norio

Regional Clerk

:cv

CLK-C 2022-075

cc: M. Sergi, Commissioner, Planning & Development Services  
N. Oakes, Executive Assistant, Planning & Development Services  
M. Bannerman, Program Manager, Grants and Incentives, Planning & Development Services

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**Subject:** Brownfield Tax Assistance Incentive Funding Request

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, May 11, 2022

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## Recommendations

1. That Regional matching funding for a request to partner on a Brownfield Tax Assistance Program (BTAP) grant in the amount of \$99,092 in the City of Niagara Falls **BE APPROVED**; and
2. That Report PDS 15-2022 **BE CIRCULATED** to Local Area Municipalities.

## Key Facts

- This report requests Council direction on Regional participation in a Brownfield Tax Assistance Program (BTAP) grant at the property adjacent to 3659 Stanley Avenue in Niagara Falls. Typically Niagara Region matches requests from local municipalities for BTAP incentives. This report outlines for Council ways in which the current request differs from those received to date.
- BTAP grants encourage remediation of brownfield sites by providing a freeze or cancellation of the property taxes on a property that is undergoing remediation and redevelopment, to assist with the cost of environmental remediation. This grant is provided for a time period specified in a municipality's program and the project agreement.
- Requests for matching Regional funding for BTAP grants must be approved by Council resolution.
- The structure and financial implications of this BTAP incentive differ from past BTAP incentives approved by Council. This request results in a more expensive grant, paid out after both remediation and redevelopment, for a longer duration than most BTAPs, as outlined below (close to 10 times more than BTAP grants calculated under other programs). One other municipality in Niagara has a similarly structured program (West Lincoln).
- This BTAP application is the first request from the City of Niagara Falls, though more may be forthcoming. No BTAP requests have been made from the Township of West Lincoln under a similar program though one is expected.

- Through PDS 3-2022, Council has approved expiry of the Region's BTAP matching program on October 1, 2023.
- A related matching Regional funding request for a Brownfield Tax Increment Grant (BTIG) on this property has been received and is anticipated to be approved by staff through delegated authority (PDS 30-2015).

## **Financial Considerations**

### **Regional Brownfield Incentive Funding**

Niagara Region funds several brownfield incentive programs, primarily as matching programs with local municipalities. These include Brownfield Regional Development Charge (RDC) reduction grants, Brownfield Tax Increment Grants (BTIGs), Brownfield Tax Assistance Program grants (BTAPs), and Environmental Assessment Study grants (ESAs). Two of these programs, BTAPs and ESA grants, will expire on October 1, 2023. Brownfield projects may access several Regional incentives during their assessment, remediation and redevelopment stages. Annual budget requirements for these programs vary depending on the approved projects and timing of development, but potential Regional commitments to brownfield incentives is currently estimated to be approximately \$57 million. Several million more in brownfield incentive requests are anticipated over the next few years.

### **Niagara Falls BTAP Funding Request**

The 2022 budget for the Region's BTAP is \$38,000. It was funded through assessment growth as part of the annual budget process. Should the current BTAP request be approved, it would not be paid out until project completion, and the total grant (estimated to be \$99,092) would be paid over five annual installments. These funds would be included in the operating budget approval process, to be funded with assessment growth in the years payment is projected

Key figures regarding the Niagara Falls brownfield project:

- Eligible remediation costs: \$1,010,411
- Eligible redevelopment costs: \$507,933
- Estimated pre-project assessment value: \$250,000
- Estimated post-project assessment value: \$2,137,920
- Pre-project taxes (City and Region): \$3,886
- Estimated post-project taxes (City and Region): \$42,882

Table 1: Regional Incentive Funding Requests for Niagara Falls Project

<b>Regional Grant (Totals)</b>	<b>Amount Requested</b>	<b>Amount Paid / Committed</b>
SNIP Environmental Assessment Study grant	\$5,000	Paid
Brownfield Regional DC Reduction grant	\$464,891	Pending
SNIP Property Rehabilitation and Revitalization Tax Increment grant (BTIG)	\$158,547	Pending
Brownfield Tax Assistance Program grant (BTAP)	\$99,092	Pending
<b>TOTAL Regional incentive requests</b>	<b>\$727,530</b>	

Total City incentive funding for the project is estimated to be \$256,770.

There is a substantial difference between BTAP grants calculated under a program used by seven Niagara municipalities, and BTAP grants calculated under a program used by two other Niagara municipalities. Table 2 below is a specific comparison of the different ways these grants are calculated. Though it is difficult to predict the amount of BTAP funding that will be requested given the nature and timing of remediation and development for each project, if there were several requests as is anticipated, the financial implication could be significant.

## **Analysis**

Niagara Region has been requested to provide matching funding for a BTAP grant in the City of Niagara Falls. A municipal address has not yet been provided for the project site, which is located near Stanley Avenue (Appendix 1). The intended use of the BTAP project site is as an industrial storage facility with industrial storage units, self-storage units, and office space.

BTAP grants encourage remediation of brownfield sites by providing a freeze or cancellation of the property taxes on a property that is undergoing remediation and redevelopment, to assist with the cost of environmental remediation. This grant is provided for a time period specified in a municipality's program and the project agreement.

Most municipalities in Niagara have BTAP grants limited by the earlier of:

- the remediation period
- a specified period (usually three or five years)
- until the grant provided equals total eligible remediation costs
- other limits (e.g., sale of the property)

However, two Niagara municipalities, Niagara Falls and West Lincoln, have BTAP programs which include post-development taxes rather than only remediation period taxes in their calculation. In these cases, BTAP grants are based on the difference in property taxes assessed at the time an agreement is executed (pre-project) and the property taxes assessed following both the rehabilitation and the redevelopment phases (post-project). The implications of this approach are that:

- the BTAP grant is paid late in the process, after redevelopment
- the length of the remediation period is not relevant to the grant amount
- the BTAP grant is greater than that calculated based only on the remediation period – in the current case, close to ten times more than a BTAP grant calculated under other programs

BTAP grants must be approved through a bylaw at the local municipal level, and any matching participation by the Region must be approved through a resolution of Council. (There is an option for the province to participate by matching the education tax portion through its Brownfield Financial Tax Incentive Program, though most recent projects to not pursue this option.) Bylaw 2022-10 approving this BTAP grant was passed by the Niagara Falls City Council January 18, 2022.

All past BTAP grant requests have been approved by Council for matching Regional funding. However, as acknowledged in the Niagara Falls Brownfield Community Improvement Plan under which this BTAP incentive was approved, “[t]he matching Regional portion of the property taxes to be frozen is subject to approval by Regional Council. The tax assistance provided by the Region may be delivered differently than the tax assistance provided by the City and may be subject to additional conditions.” Regional Council may wish to consider the options outlined in Table 2 regarding funding this BTAP grant.

Table 2 Estimated Regional BTAP Grant Options

<b>Funding Option</b>	<b>Basis of Calculation</b>	<b>Estimated Regional BTAP grant amount</b>
<u>Option 1</u> : Provide a Regional BTAP grant calculated under the City of Niagara Falls' BTAP	Grant based on difference between current and post-project taxes for a five year period	\$99,092
<u>Option 2</u> : Provide a Regional BTAP grant for the remediation period (similar to other local municipal BTAPs)	Grant based on current taxes cancelled during the remediation period (approximately four months)	\$658
<u>Option 3</u> : Provide a Regional BTAP grant for five years	Grant based on current taxes cancelled during remediation period rate for five years	\$9,875
<u>Option 4</u> : Provide no Regional BTAP grant	---	\$0

## Implications

The City's current request for Regional matching BTAP funding would result in a grant close to ten times what the estimated amount would be if calculated under most local municipal BTAPs. This would be in addition to one confirmed and two other potential brownfield grants from the Region. These four Regional grant requests alone would amount to over 70% of the remediation costs for the property.

The Regional BTAP program is slated to expire on October 1, 2023. Should Regional Council approve matching this BTAP grant at the level requested by the City, it is difficult to know how many additional grants calculated in this manner may be forthcoming prior to the end of the program. At least one is soon expected from West Lincoln, which has a similar BTAP incentive. Niagara Falls has brownfield properties which may be eligible to submit BTAP applications before the program deadline, including some of magnitude, particularly redevelopment for residential projects.

Brownfield remediation was identified as a key priority area for incentives by Council. The new Niagara Region Incentives Policy includes brownfield incentives that remain robust while becoming more sustainable and accountable. Many substantial brownfield

incentive applications are expected in the next few years. Millions of dollars in Regional incentives are likely to be requested under existing and continuing Regional brownfield incentive programs such as BTAPs, BTIGs and Brownfield RDC grants and deferrals. Recent reports to the Regional Development Charge Task Force have outlined the Region's exposure regarding Brownfield RDC costs (RDCPTF-C 5-2022). Background on Regional BTIG commitments was provided as part of the Regional incentive review (PDS 31-2021). A more complete forecast of BTIG requests will be available following local municipal Tax Increment Grant forecasting in July. These considerations may be helpful to Council in determining how to fund requests for expiring brownfield incentive programs in light of anticipated requests for new incentives for an increasing range, size and number of brownfield sites in Niagara.

### **Alternatives Reviewed**

The recommendation in this report is to approve Option 1 in Table 2 above, i.e., matching Regional BTAP funding at the level requested by the City. This practice is consistent with Regional matching of most incentives approved by local municipalities. It is also noted that future financial exposure may be limited by the expiry of Regional participation in the BTAP program on October 1, 2023. Alternative options to this recommendation are presented in Table 2.

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

The information in this report relates to the following Council strategic priorities:

#### **Priority 1: Supporting Businesses and Economic Growth**

- Objective 1.1: Economic Growth and Development

#### **Priority 4: Sustainable and Engaging Government**

- Objective 4.3: Fiscally Sustainable

### **Other Pertinent Reports**

RDCPTF-C 5-2022	Regional Development Charge Bylaw Policy Considerations
PDS 31-2021	Niagara Region Incentives Review



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**Prepared by:**

Marian Bannerman, PhD  
Program Manager, Grants and  
Incentives  
Planning and Development Services

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**Recommended by:**

Michelle Sergi, MPP, RCIP  
Commissioner  
Planning and Development Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with Blair Hutchings, Senior Tax and Revenue Analyst, and reviewed by Todd Harrison, CPA, CMA, Commissioner of Corporate Services/Treasurer.

## **Appendices**

Appendix 1            Map of Niagara Falls BTAP Request Site

Appendix 1: Map of Niagara Falls BTAP Request Site (adjacent to 3659 Stanley Avenue)





Received June 1, 2022  
C-2022-121

Office of the District Chair

**SENT VIA EMAIL** ([premier@ontario.ca](mailto:premier@ontario.ca))

June 1, 2022

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

Dear Premier Ford,

**RE: Annual Emergency Exercise Exemption**

On behalf of The District Municipality of Muskoka, I am writing to express key concerns regarding the requirement for Ontario municipalities to conduct an annual practice exercise for a simulated emergency incident as prescribed by Regulation 380/04. The simulations aim to validate response plans and procedures, train staff and identify areas of improvement to ensure emergency response is delivered at optimal levels. Exemptions are not currently permitted under this legislation. While the District of Muskoka acknowledges and supports the need for emergency exercises, Muskoka District Council strongly encourages the amendment of Regulation 380/04 to permit exemptions for municipalities who have responded to an actual emergency during the respective calendar year. A copy of the District's Health Services Committee resolution, as adopted by Muskoka District Council, is attached as Appendix I.

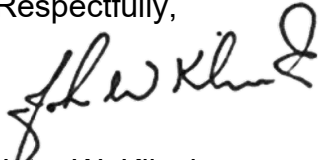
In 2021, The District's Emergency Control Group (ECG) convened twenty-four (24) times amounting to approximately 435 hours spent on emergency related activities. One of these incidents involved a watermain break in the Town of Bracebridge. Murray Advisory Services performed a critical analysis of the event and confirmed that the goals of an emergency exercise were achieved. The firm's final report included twelve (12) recommendations that helped improve the outcomes of a second water disruption event in the Town of Gravenhurst a few weeks later.

Despite the volume of actual emergencies managed by the ECG, the District of Muskoka must still conduct an annual exercise to remain compliant with the Regulation. This is not an efficient use of municipal resources and does not serve as a useful training mechanism for staff who have been over-extended by the emergency situations they have managed over the past year.

The Solicitor General granted a one-time exemption to municipalities in 2020 recognizing that municipalities were actively engaged in and managing various COVID-19 related initiatives. If pandemic management warrants an exemption to the annual simulation, surely there must be grounds to grant an exemption for the management of other emergency situations.

On behalf of Muskoka District Council, your consideration of this matter is appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read 'John W. Klinck', written in a cursive style.

John W. Klinck  
District Chair

**THE DISTRICT MUNICIPALITY OF MUSKOKA**

Cc: Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Honourable Sylvia Jones, Solicitor General  
Norm Miller, MPP Parry Sound-Muskoka  
All Municipalities in Ontario

## Appendix I

R10/2022-HS

### **The District Municipality of Muskoka**

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Health Services Committee  
February 24, 2022

Moved By: J. Klinck

Seconded By: R. Nishikawa

WHEREAS Ontario Regulation 380/04: Standards under the Emergency Management and Civil Protection Act sets the municipal standards for emergency management programs in Ontario and requires municipalities to conduct an annual exercise with their Emergency Control Group in order to evaluate the municipality's emergency response plan and procedures, O. Reg. 380/04, s. 12 (6);

AND WHEREAS Emergency Management Ontario previously granted municipalities exemption for the annual exercise requirement when the municipality experienced an actual emergency with documented proof of the municipality actively engaging their emergency management procedures and plan in response to the emergency;

AND WHEREAS on August 5, 2021 the Chief, Emergency Management Ontario (EMO) issued a memo to Community Emergency Management Coordinators stating that effective immediately, the Chief, EMO would no longer be issuing exemptions to the O. Reg. 380/04 requirement to conduct an annual exercise;

AND WHEREAS municipalities experience significant costs and burden to staff resources when faced with the response to an actual emergency and activation of their Emergency Control Group and/or Emergency Operations Centre;

AND WHEREAS a municipality's response to an actual emergency is more effective than an exercise in evaluating its emergency response plan and procedures as mandated by O. Reg. 380/04;



## Appendix I

### The District Municipality of Muskoka

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AND WHEREAS planning, conducting and evaluating an emergency exercise requires significant time and effort for the Community Emergency Management Coordinator and Municipal Emergency Control Group that is duplicated when the municipality experiences a real emergency;

NOW THEREFORE, BE IT RESOLVED THAT Muskoka District Council hereby **requests** the Province of Ontario to amend Ontario Regulation 380/04 under the Emergency Management and Civil Protection Act to provide an exemption to the annual exercise requirement for municipalities that have activated their Emergency Control Group and/or Emergency Response Plan in response to an actual emergency that year in recognition of the significant resources used to respond to the emergency and the effectiveness of such response in evaluating the municipality's emergency response plan and procedures;

AND THAT a copy of this resolution **be forwarded** to the Honourable Doug Ford, Premier of Ontario; the Honourable Norm Miller, MPP for Parry Sound-Muskoka; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; the Honourable Sylvia Jones, Solicitor General; and all other municipalities of Ontario.

Carried

✓

Defeated



Deputy Clerk

**The Corporation of the City of Cambridge  
Corporate Services Department  
Clerk's Division  
The City of Cambridge  
50 Dickson Street, P.O. Box 669  
Cambridge ON N1R 5W8  
Tel: (519) 740-4680 ext. 4585  
[mantond@cambridge.ca](mailto:mantond@cambridge.ca)**

June 1, 2022

**Re: Motion from Councillor Liggett – Request to the Province of Ontario for a Plan of Action to Address Joint and Several Liability**

At the Special Council Meeting of May 31, 2022, the Council of the Corporation of the City of Cambridge passed the following Motion:

WHEREAS the cost of municipal insurance in the Province of Ontario has continued to increase with especially large increases going into 2022; and

WHEREAS Joint and Several Liability continues to ask property tax payers to carry the lion's share of a damage award when a municipality is found at minimum fault; and

WHEREAS these increases are unsustainable and unfair and eat at critical municipal services; and

WHEREAS the Association of Municipalities of Ontario outlined seven recommendations to address insurance issues including:

1. That the Provincial Government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.


5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims and deductible limit changes which support its own and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

NOW THEREFORE BE IT RESOLVED that the Council for the Corporation of the City of Cambridge call on the Province of Ontario to immediately review these recommendations despite COVID-19 delays, as insurance premiums will soon be out of reach for many communities and

BE IT FURTHER RESOLVED that this motion be provided to the Premier of Ontario, the Minister of Finance, the Attorney General, the Council of the Region of Waterloo, all Ontario municipalities.

Should you have any questions related to the approved resolution, please contact me.

Yours Truly,



Danielle Manton  
City Clerk

Cc: (via email)  
Hon. Premier Ford  
Ontario Minister of Health, Christine Elliot  
Association of Municipalities of Ontario  
City of Cambridge Council





Received June 1, 2022  
C-2022-123

## Community Services

### Legislative Services

May 31, 2022  
File #120203

Public Health Agency of Canada  
130 Colonnade Road  
A.L. 6501H  
Ottawa, ON K1A 0K9

To Whom it May Concern:

**Re: City of Niagara Falls Resolution – Cross Border Travel and ArriveCAN**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 30, 2022 received and supported correspondence from the City of Niagara Falls dated May 16, 2022 requesting the Government of Canada to continue to market the ArriveCAN application as an “optional” tool when crossing the border and it no longer be a mandatory requirement.

Attached please find a copy of the City of Niagara Falls’ correspondence dated May 16, 2022.

Thank you for your attention to this matter.

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Attach

c.c. Tony Baldinelli, MP, Niagara Falls [tony.baldinelli@parl.gc.ca](mailto:tony.baldinelli@parl.gc.ca)  
Wayne Gates, MPP, Niagara Falls [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
Mayor Mike Bradley, City of Sarnia [mike.bradley@sarnia.ca](mailto:mike.bradley@sarnia.ca)  
Drew Dilkens, Mayor, City of Windsor [mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca)  
Local Area Municipalities

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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 4:30 p.m.

Phone: (905) 871-1600 FAX: (905) 871-4022

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



May 16, 2022

Public Health Agency of Canada  
130 Colonnade Road  
A.L. 650 1H  
Ottawa, ON K1A 0K9

To Whom It May Concern:

**Re: Cross Border Travel and ArriveCAN**

Please be advised that at the May 10, 2022 meeting of Niagara Falls City Council, the following motion was passed:

**Ordered on the motion of Councillor Vince Kerrio, Seconded by Councillor Chris Dabrowski that Council endorse the letter received from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority to ask the Government of Canada to continue to market the ArriveCAN application as an "optional" tool when crossing the border and that it no longer be a mandatory requirement; And that a copy of the letter and Council's motion be forwarded to the Public Health Agency of Canada, bordering municipalities across Ontario, Members of Parliament for Niagara and Local Area Municipalities in Niagara for support.**

The background to the above motion is relating to the current mandatory ArriveCAN application at border crossings to enter Canada. A copy of the letter from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority is attached.

If you have any questions, please contact me directly.

Sincerely,

William G. Matson  
City Clerk

cc.

Tony Baldinelli, MP, Niagara Falls [tony.baldinelli@parl.gc.ca](mailto:tony.baldinelli@parl.gc.ca)  
Wayne Gates, MPP, [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
City of Windsor, [mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca)  
City of Sarnia, [mayor@sarnia.ca](mailto:mayor@sarnia.ca)  
Local Area Municipalities

**RECEIVED**

**MAY 30 2022**

**BY COUNCIL**

***Working Together to Serve Our Community***

Clerks  
Ext 4342 Fax 905-356-9083  
[billmatson@niagarafalls.ca](mailto:billmatson@niagarafalls.ca)



May 10, 2022

**VIA EMAIL**

Mayor Jim Diodati and Councillors  
City of Niagara Falls  
4310 Queen Street  
Niagara Falls Ontario  
L2E 6X5

Dear Mayor Diodati and Councillors

**Re: Cross Border Travel and ArriveCan**

The Covid-19 pandemic has decimated cross border traffic. Even after the Covid testing requirements to enter Canada were lifted on April 1, 2022, auto traffic for the month of April was down 52% at the bridges of the Niagara Falls Bridge Commission and 43% at the Peace Bridge, compared to pre-pandemic April 2019. This has had a devastating impact on our toll revenues, the tourism industry and other border dependent businesses.

The Government of Canada's **mandatory** ArriveCan app to enter Canada is a major contributing factor to depressing discretionary travel. This is due to a number of factors:

- For travelers by air, airlines require and assist passengers in completing ArriveCan and in airports people are much easier to move than cars. ArriveCan simply works better and is more applicable at an airport than at a land port of entry.
- ArriveCan is not known in the U.S. The result is people arriving at the border without ArriveCan and then completing it at the inspection booth or having technical difficulties (especially prevalent at borders with competing U.S. and Canadian cell towers and roaming) resulting in inordinately long processing times, sometime exceeding ten minutes. Meanwhile, compliant drivers behind such a vehicle have no place to go and are also delayed leading to lengthy border wait times. CBSA processing times have increased dramatically compared to pre-pandemic processing.
- The technology discriminates against a large population of senior travelers. A January 2022 PEW Research survey found *"that 96% of those ages 18 to 29 own a smartphone compared with 61% of those 65 and older, a 35 percentage point difference."* 50% of Niagara tourism revenue comes from Americans and with 39% of Americans over 65 not having a smartphone it will undoubtedly have a negative impact on their ability to enter Canada and therefore Niagara tourism revenue. 40,000 people in the Niagara Region rely on tourism to provide for their families.

- Even for people aware of ArriveCan, the requirement to use the app for every border crossing is a disincentive to discretionary travel. Unlike air travel, the nature of this bi-national community is being able to cross frequently to visit friends or family, for dinner, a show, a winery tour, a baseball game, shopping, beach, etc without going through the process and inconvenience of having to file with ArriveCan each and every time. People just won't bother to cross the border for discretionary travel as they have enjoyed for decades.
- CBSA/Government of Canada will at some point declare success and say that a high percentage of travelers are using ArriveCan. That will **not** account for the half of the population that has decided it is no longer worth the inconvenience and delays to cross the border. That will be devastating to the Niagara tourism industry and other border dependent businesses.
- While CBSA has not provided us with the American/Canadian split of entrants to Canada, we believe, based on our license plate observations, that it is overwhelmingly Canadians returning to Canada after spending time and money in the U.S., as the U.S. is much simpler and easier to enter with no digital app requirement.

ArriveCan was developed in April 2020, to provide mandatory travel information before and after entry to Canada including the filing of quarantine plans. As of April 25, 2022 it is no longer necessary to file a quarantine plan to visit Canada or for Canadians returning to Canada. Both Canada and the U.S. only allow vaccinated individuals to cross the border. The exception is Canadians who are able to return to Canada unvaccinated but at this stage that number would be very small. Accordingly, ArriveCan now provides very little public health benefit while depressing border traffic and the tourism economy. ArriveCan does have potential traffic facilitation benefits for CBSA as it relates to pre-arrival information and for this reason it should be marketed as such and made optional at the land border.

The Victoria Day and Memorial Day holidays are only couple of weeks away. This is also the traditional start of the summer tourist season. Continuing to mandate ArriveCan will insure another disappointing season for traffic and tourism, not much better than the pandemic summers of 2020 and 2021.

Yours truly,



Kenneth Bieger  
CEO  
Niagara Falls Bridge Commission



Ron Rienas  
General Manager  
Buffalo and Fort Erie Public Bridge Authority



Received June 1, 2022  
C-2022-124

## Community Services

### Legislative Services

May 31, 2022  
File #120203

Sent via email: [Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca)

The Right Honourable Justin Trudeau,  
Prime Minister of Canada  
House of Commons  
Ottawa, ON K1A 0A6

Honourable and Dear Sir:

#### **Re: ArriveCAN & COVID-19 Travel Measures to Enter Canada**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 30, 2022 passed the following resolution:

**Whereas** according to the Ontario Chamber of Commerce, tourism is a vital component of Ontario's economy with over \$36 billion dollars of the province's gross domestic product directly related to that industry; and

**Whereas** according to Niagara Economic Development, over two billion dollars annually are injected into Niagara's local economy, with 40,000 to 60,000 local jobs across the Region tied directly to the tourism industry; and

**Whereas** half of that tourism revenue generated in Niagara comes from American visitors to our Region who cross the Canada-US land border; and

**Whereas** a growing number of Canadian Infectious Disease physicians have questioned the utility and necessity of continuing COVID-19 travel measures, applications and mandates in an era of high community immunity and the Omicron variant infecting and transmitting among the vaccinated and unvaccinated alike; and

**Whereas** compulsory use of the ArriveCAN application to enter Canada at the land border acts as a barrier to tourism recovery for many reasons which include but are not necessarily limited to inequitable access to the technology necessary to use the app, unfamiliarity with the app, and information requested by the app changes and may not be available for entry; and

**Whereas** all COVID-related travel and border mandates required for entry to Canada act as a barrier and disincentive to tourism recovery in the Region of Niagara and the Province of Ontario by creating delays at ports of entry and apprehension about the state of rules 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)

how they may apply to any individual in an era where these delays and apprehension are no longer required or necessary; and

**Whereas** according to observations by the international bridge authorities operating in Niagara, approximately half of the normal volume of traffic entering Canada use these crossings, with the majority of these returning Canadians rather than American visitors; and

**Whereas** due to much less stringent measures at the United States land border, Canadians can easily travel to the United States for tourism and recreation purposes without a reciprocal return of American visitors to Canada; and

**Whereas** jurisdictions that have embraced post-COVID tourism recovery have seen tourism revenue and activity rise to levels above those seen prior to COVID – an economic windfall which would benefit Niagara and other municipalities across Ontario but which is not being seen due to COVID-related border mandates and measures that remain;

**Now therefore be it resolved,**

**That:** The Municipal Corporation of the Town of Fort Erie requests that the Government of Canada immediately return all travel requirements and land ports of entry to pre-pandemic operation, which includes but is not necessarily limited to the removal of all COVID-related public health mandates and measures, returning to pre-pandemic staffing levels, as well as no longer requiring compulsory usage of the ArriveCAN application for entry to Canada at the land border, and further

**That:** The Municipal Corporation of the Town of Fort Erie requests that the Chair of The Regional Municipality and the Mayors of the twelve Local Area Municipalities along with other stakeholders form a Cross-Border Tourism Recovery Task Force to advocate to the federal and provincial governments on the importance of tourism and operation of the land border to Niagara's post-COVID economic recovery, and to report to Niagara's local area municipalities on the progress of that Task Force, and further

**That:** The Municipal Council of the Town of Fort Erie extends a formal invitation to The Honourable Randy Boissonnault, Minister of Tourism (Canada) and The Honourable Lisa McLeod, Minister of Tourism, Culture and Sport (Ontario) to visit Niagara and meet with stakeholders to discuss tourism recovery and the impact border measures are having on that recovery, and further

**That:** The Municipal Corporation of the Town of Fort Erie extends a formal invitation to all four Niagara-area Members of Parliament to address Council on the steps they, as Niagara-area Members of Parliament, have taken to convey border-related issues of concern in Ottawa as our federal representatives, and further

**That:** This resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Marco Mendicino, Minister of Public Safety, The Honourable Randy Boissonnault, Minister of Tourism (Canada), The Honourable Omar Alghabra, Minister of Transport (Canada), The Honourable Doug Ford, Premier of Ontario, The

Honourable Lisa McLeod, Minister for Tourism, Culture and Sport (Ontario), all Members of Parliament representing constituencies of border crossing municipalities located along the Canada-US border, all Members of Provincial Parliament in Ontario, the Association of Municipalities of Ontario, the Premiers of all Provinces and Territories in Canada that share a border with the United States, and further

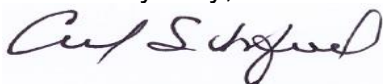
**That:** This resolution be circulated to the Greater Niagara Chamber of Commerce and the Niagara South Chamber of Commerce for distribution to their membership, and further

**That:** This resolution be circulated to Niagara Regional Council and the Councils of all twelve local area municipalities in Niagara for their endorsement and support.

Also, attached please find a copy of similar correspondence from the City of Niagara Falls, which the Town of Fort Erie received and supported.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Attach

c.c.

Chair, Regional Municipality and Mayors, Local Area Municipalities: [jim.bradley@niagararegion.ca](mailto:jim.bradley@niagararegion.ca), [jeff.jordan@niagararegion.ca](mailto:jeff.jordan@niagararegion.ca), [sandra.easton@niagararegion.ca](mailto:sandra.easton@niagararegion.ca), [jdiodati@niagarafalls.ca](mailto:jdiodati@niagarafalls.ca), [betty.disero@niagararegion.ca](mailto:betty.disero@niagararegion.ca), [marvin.junkin@niagararegion.ca](mailto:marvin.junkin@niagararegion.ca), [bill.steele@niagararegion.ca](mailto:bill.steele@niagararegion.ca), [walter.sendzik@niagararegion.ca](mailto:walter.sendzik@niagararegion.ca), [terry.ugulini@niagararegion.ca](mailto:terry.ugulini@niagararegion.ca), [kevin.gibson@niagararegion.ca](mailto:kevin.gibson@niagararegion.ca), [frank.campion@niagararegion.ca](mailto:frank.campion@niagararegion.ca), [dave.bylsma@niagararegion.ca](mailto:dave.bylsma@niagararegion.ca), [wredeop@niagararegion.ca](mailto:wredeop@niagararegion.ca)

The Honourable Marco Mendicino, Minister of Public Safety [marco.mendicino@parl.gc.ca](mailto:marco.mendicino@parl.gc.ca)

The Honourable Randy Boissonnault, Minister of Tourism (Canada) [randy.boissonnault@parl.gc.ca](mailto:randy.boissonnault@parl.gc.ca)

The Honourable Omar Alghabra, Minister of Transport (Canada) [omar.alghabra@parl.gc.ca](mailto:omar.alghabra@parl.gc.ca)

The Honourable Doug Ford, Premier of Ontario [premier@ontario.ca](mailto:premier@ontario.ca)

The Honourable Lisa McLeod, Minister for Tourism, Culture and Sport (Ontario) [Lisa.macleodco@pc.ola.org](mailto:Lisa.macleodco@pc.ola.org)

Members of Parliament representing constituencies of border crossing municipalities along the Canada-US border

[Terry.Sheehan@parl.gc.ca](mailto:Terry.Sheehan@parl.gc.ca), [Marcus.Powlowski@parl.gc.ca](mailto:Marcus.Powlowski@parl.gc.ca), [Marilyn.gladu@parl.gc.ca](mailto:Marilyn.gladu@parl.gc.ca), [eric.duncan.p9@parl.gc.ca](mailto:eric.duncan.p9@parl.gc.ca), [michael.barrett@parl.gc.ca](mailto:michael.barrett@parl.gc.ca), [Chris.Bittle@parl.gc.ca](mailto:Chris.Bittle@parl.gc.ca), [Tony.Baldinelli@parl.gc.ca](mailto:Tony.Baldinelli@parl.gc.ca), [Vance.Badawey@parl.gc.ca](mailto:Vance.Badawey@parl.gc.ca), [Carla.Qualtrough@parl.gc.ca](mailto:Carla.Qualtrough@parl.gc.ca), [kerry-lynn.findlay@parl.gc.ca](mailto:kerry-lynn.findlay@parl.gc.ca), [Tako.VanPopta@parl.gc.ca](mailto:Tako.VanPopta@parl.gc.ca), [ed.fast@parl.gc.ca](mailto:ed.fast@parl.gc.ca), [Richard.Cannings@parl.gc.ca](mailto:Richard.Cannings@parl.gc.ca), [Rob.Morrison@parl.gc.ca](mailto:Rob.Morrison@parl.gc.ca), [John.Barlow@parl.gc.ca](mailto:John.Barlow@parl.gc.ca), [Glen.Motz@parl.gc.ca](mailto:Glen.Motz@parl.gc.ca), [Jeremy.Patzer@parl.gc.ca](mailto:Jeremy.Patzer@parl.gc.ca), [Robert.Kitchen@parl.gc.ca](mailto:Robert.Kitchen@parl.gc.ca), [Larry.Maguire@parl.gc.ca](mailto:Larry.Maguire@parl.gc.ca), [candice.bergen@parl.gc.ca](mailto:candice.bergen@parl.gc.ca), [Ted.Falk@parl.gc.ca](mailto:Ted.Falk@parl.gc.ca), [Richard.Bragdon@parl.gc.ca](mailto:Richard.Bragdon@parl.gc.ca), [John.Williamson@parl.gc.ca](mailto:John.Williamson@parl.gc.ca), [Claude.DeBellefeuille@parl.gc.ca](mailto:Claude.DeBellefeuille@parl.gc.ca), [Brenda.Shanahan@parl.gc.ca](mailto:Brenda.Shanahan@parl.gc.ca), [Christine.Normandin@parl.gc.ca](mailto:Christine.Normandin@parl.gc.ca), [Lyne.Bessette@parl.gc.ca](mailto:Lyne.Bessette@parl.gc.ca), [Marie-Claude.Bibeau@parl.gc.ca](mailto:Marie-Claude.Bibeau@parl.gc.ca), [Luc.Berthold@parl.gc.ca](mailto:Luc.Berthold@parl.gc.ca), [Richard.Lehoux@parl.gc.ca](mailto:Richard.Lehoux@parl.gc.ca), [Bernard.Genereux@parl.gc.ca](mailto:Bernard.Genereux@parl.gc.ca), [Maxime.Blanchette-Joncas@parl.gc.ca](mailto:Maxime.Blanchette-Joncas@parl.gc.ca)

All Members of Provincial Parliament (MPP)

Association of Municipalities of Ontario [AMO@amo.on.ca](mailto:AMO@amo.on.ca)

Premiers of Provinces and Territories in Canada that Share a Border: [premier@gov.bc.ca](mailto:premier@gov.bc.ca), [premierministre@quebec.ca](mailto:premierministre@quebec.ca), [premier@gnb.ca](mailto:premier@gnb.ca), [premier@leg.gov.mb.ca](mailto:premier@leg.gov.mb.ca), [premier@gov.ab.ca](mailto:premier@gov.ab.ca), [premier@yukon.ca](mailto:premier@yukon.ca), [premier@gov.sk.ca](mailto:premier@gov.sk.ca)

Mishka Balsom, CEO, Greater Niagara Chamber of Commerce [mishka@gncc.ca](mailto:mishka@gncc.ca)

Dolores Fabiano, Executive Director, Niagara South Chamber of Commerce [dolores@wellandpelhamchamber.com](mailto:dolores@wellandpelhamchamber.com)

Niagara Region

Local Area Municipalities





## Community Services

### Legislative Services

May 31, 2022  
File #120203

Public Health Agency of Canada  
130 Colonnade Road  
A.L. 6501H  
Ottawa, ON K1A 0K9

To Whom it May Concern:

**Re: City of Niagara Falls Resolution – Cross Border Travel and ArriveCAN**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 30, 2022 received and supported correspondence from the City of Niagara Falls dated May 16, 2022 requesting the Government of Canada to continue to market the ArriveCAN application as an “optional” tool when crossing the border and it no longer be a mandatory requirement.

Attached please find a copy of the City of Niagara Falls’ correspondence dated May 16, 2022.

Thank you for your attention to this matter.

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Attach

c.c. Tony Baldinelli, MP, Niagara Falls [tony.baldinelli@parl.gc.ca](mailto:tony.baldinelli@parl.gc.ca)  
Wayne Gates, MPP, Niagara Falls [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
Mayor Mike Bradley, City of Sarnia [mike.bradley@sarnia.ca](mailto:mike.bradley@sarnia.ca)  
Drew Dikens, Mayor, City of Windsor [mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca)  
Local Area Municipalities

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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 4:30 p.m.

Phone: (905) 871-1600 FAX: (905) 871-4022

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





May 16, 2022

Public Health Agency of Canada  
130 Colonnade Road  
A.L. 650 1H  
Ottawa, ON K1A 0K9

To Whom It May Concern:

**Re: Cross Border Travel and ArriveCAN**

Please be advised that at the May 10, 2022 meeting of Niagara Falls City Council, the following motion was passed:

**Ordered on the motion of Councillor Vince Kerrio, Seconded by Councillor Chris Dabrowski that Council endorse the letter received from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority to ask the Government of Canada to continue to market the ArriveCAN application as an "optional" tool when crossing the border and that it no longer be a mandatory requirement; And that a copy of the letter and Council's motion be forwarded to the Public Health Agency of Canada, bordering municipalities across Ontario, Members of Parliament for Niagara and Local Area Municipalities in Niagara for support.**

The background to the above motion is relating to the current mandatory ArriveCAN application at border crossings to enter Canada. A copy of the letter from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority is attached.

If you have any questions, please contact me directly.

Sincerely,

William G. Matson  
City Clerk

cc.

Tony Baldinelli, MP, Niagara Falls [tony.baldinelli@parl.gc.ca](mailto:tony.baldinelli@parl.gc.ca)  
Wayne Gates, MPP, [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
City of Windsor, [mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca)  
City of Sarnia, [mayor@sarnia.ca](mailto:mayor@sarnia.ca)  
Local Area Municipalities

**RECEIVED**

**MAY 30 2022**

**BY COUNCIL**

***Working Together to Serve Our Community***

Clerks  
Ext 4342 Fax 905-356-9083  
[billmatson@niagarafalls.ca](mailto:billmatson@niagarafalls.ca)



May 10, 2022

**VIA EMAIL**

Mayor Jim Diodati and Councillors  
City of Niagara Falls  
4310 Queen Street  
Niagara Falls Ontario  
L2E 6X5

Dear Mayor Diodati and Councillors

**Re: Cross Border Travel and ArriveCan**

The Covid-19 pandemic has decimated cross border traffic. Even after the Covid testing requirements to enter Canada were lifted on April 1, 2022, auto traffic for the month of April was down 52% at the bridges of the Niagara Falls Bridge Commission and 43% at the Peace Bridge, compared to pre-pandemic April 2019. This has had a devastating impact on our toll revenues, the tourism industry and other border dependent businesses.

The Government of Canada's **mandatory** ArriveCan app to enter Canada is a major contributing factor to depressing discretionary travel. This is due to a number of factors:

- For travelers by air, airlines require and assist passengers in completing ArriveCan and in airports people are much easier to move than cars. ArriveCan simply works better and is more applicable at an airport than at a land port of entry.
- ArriveCan is not known in the U.S. The result is people arriving at the border without ArriveCan and then completing it at the inspection booth or having technical difficulties (especially prevalent at borders with competing U.S. and Canadian cell towers and roaming) resulting in inordinately long processing times, sometime exceeding ten minutes. Meanwhile, compliant drivers behind such a vehicle have no place to go and are also delayed leading to lengthy border wait times. CBSA processing times have increased dramatically compared to pre-pandemic processing.
- The technology discriminates against a large population of senior travelers. A January 2022 PEW Research survey found *"that 96% of those ages 18 to 29 own a smartphone compared with 61% of those 65 and older, a 35 percentage point difference."* 50% of Niagara tourism revenue comes from Americans and with 39% of Americans over 65 not having a smartphone it will undoubtedly have a negative impact on their ability to enter Canada and therefore Niagara tourism revenue. 40,000 people in the Niagara Region rely on tourism to provide for their families.

- Even for people aware of ArriveCan, the requirement to use the app for every border crossing is a disincentive to discretionary travel. Unlike air travel, the nature of this bi-national community is being able to cross frequently to visit friends or family, for dinner, a show, a winery tour, a baseball game, shopping, beach, etc without going through the process and inconvenience of having to file with ArriveCan each and every time. People just won't bother to cross the border for discretionary travel as they have enjoyed for decades.
- CBSA/Government of Canada will at some point declare success and say that a high percentage of travelers are using ArriveCan. That will **not** account for the half of the population that has decided it is no longer worth the inconvenience and delays to cross the border. That will be devastating to the Niagara tourism industry and other border dependent businesses.
- While CBSA has not provided us with the American/Canadian split of entrants to Canada, we believe, based on our license plate observations, that it is overwhelmingly Canadians returning to Canada after spending time and money in the U.S., as the U.S. is much simpler and easier to enter with no digital app requirement.

ArriveCan was developed in April 2020, to provide mandatory travel information before and after entry to Canada including the filing of quarantine plans. As of April 25, 2022 it is no longer necessary to file a quarantine plan to visit Canada or for Canadians returning to Canada. Both Canada and the U.S. only allow vaccinated individuals to cross the border. The exception is Canadians who are able to return to Canada unvaccinated but at this stage that number would be very small. Accordingly, ArriveCan now provides very little public health benefit while depressing border traffic and the tourism economy. ArriveCan does have potential traffic facilitation benefits for CBSA as it relates to pre-arrival information and for this reason it should be marketed as such and made optional at the land border.

The Victoria Day and Memorial Day holidays are only couple of weeks away. This is also the traditional start of the summer tourist season. Continuing to mandate ArriveCan will insure another disappointing season for traffic and tourism, not much better than the pandemic summers of 2020 and 2021.

Yours truly,



Kenneth Bieger  
CEO  
Niagara Falls Bridge Commission



Ron Rienas  
General Manager  
Buffalo and Fort Erie Public Bridge Authority



**The Town of The Blue Mountains  
Council Meeting**

Received June 2, 2022  
C-2022-125

**Title:** Mayor Soever Notice of Motion May 10, 2022

**Date:** Tuesday, May 24, 2022

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**Moved by:** Mayor Soever

**Seconded by:** Councillor Hope

WHEREAS it is in the best interest of good government and the democratic process that all Ontarians have access to candidate information during the upcoming municipal elections; and,  
WHEREAS the clerks of some municipalities do not supply the mailing addresses of voters on the voters list to candidates, thereby limiting the access of voters who have mailing addresses outside the municipality to candidate information, effectively disenfranchising them;  
BE IT RESOLVED THAT the Council of the Town of The Blue Mountains expresses its support for the inclusion of the mailing addresses of voters on voter's lists provided to candidates;  
AND THAT a copy of this resolution be sent to all municipalities in Ontario to ask for their support;  
AND THAT a copy of this resolution be sent to the Premier of Ontario and the Minister of Municipal Affairs and Housing;  
AND THAT a copy of this resolution be sent to the Canadian Civil Liberties Association

**YES: 6**

**NO: 0**

**CONFLICT: 0**

**ABSENT: 1**

**The motion is Carried**

**YES: 6**

Mayor Soever

Deputy Mayor Bordignon Councillor Hope

Councillor Matrosovs

Councillor Sampson

Councillor Bill Abbotts

**NO: 0**

**CONFLICT: 0**

**ABSENT: 1**

Councillor Uram

**The Corporation of the City of Cambridge**  
**Corporate Services Department**  
**Clerk's Division**  
**The City of Cambridge**  
**50 Dickson Street, P.O. Box 669**  
**Cambridge ON N1R 5W8**  
**Tel: (519) 740-4680 ext. 4585**  
[mantond@cambridge.ca](mailto:mantond@cambridge.ca)

June 1, 2022

**Re: Motion from Councillor Liggett – Ontario Must Build it Right the First Time**

At the Special Council Meeting of May 31, 2022, the Council of the Corporation of the City of Cambridge passed the following Motion:

WHEREAS the Province of Ontario adopted greenhouse gas reduction targets of 30% by 2030, and emissions from buildings represented 22% of the province's 2017 emissions,

WHEREAS all Waterloo Region municipalities, including the City of Cambridge, adopted greenhouse gas reduction targets of 80% below 2012 levels by 2050 and endorsed in principle a 50% reduction by 2030 interim target with the support of bold and immediate provincial and federal actions,

WHEREAS greenhouse gas emissions from buildings represent 45% of all emissions in Waterloo Region, and an important strategy in the TransformWR community climate action strategy, adopted by all Councils in Waterloo Region, targets new buildings to be net-zero carbon or able to transition to net-zero carbon using region-wide building standards and building capacity and expertise of building operators, property managers, and in the design and construction sector,

WHEREAS the draft National Model Building Code proposes energy performance tiers for new buildings and a pathway to requiring net zero ready construction in new buildings, allowing the building industry, skilled trades, and suppliers to adapt on a predictable and reasonable timeline while encouraging innovation;

WHEREAS the Ministry of Municipal Affairs and Housing consulted on changes for the next edition of the Ontario Building Code (ERO #: 019-4974) that generally aligns with the draft National Model Building Code except it does not propose adopting energy performance tiers, it does not propose timelines for increasing minimum energy performance standards step-by-

step to the highest energy performance tier, and, according to Efficiency Canada and The Atmospheric Fund, it proposes adopting minimum energy performance standards that do not materially improve on the requirements in the current Ontario Building code;

WHEREAS energy efficient buildings provide owners and occupants with lower energy bills, improved building comfort, and resilience from power disruptions that are expected to be more common in a changing climate, tackling both inequality and energy poverty;

WHEREAS the City of Cambridge in partnership with area municipalities and utility companies in the Region of Waterloo are actively exploring developing Green Building Standards;

WHEREAS while expensive retrofits of the current building stock to achieve future net zero requirements could be aligned with end-of-life replacement cycles to be more cost-efficient, new buildings that are not constructed to be net zero ready will require substantial retrofits before end-of-life replacement cycles at significantly more cost, making it more cost-efficient to build it right the first time.

THEREFORE BE IT RESOLVED THAT Council request the Province of Ontario to include in the next edition of the Ontario Building Code tiered energy efficiency standards and a timeframe for when higher tiers would become the minimum energy efficiency requirements in the Code, consistent with the draft Tiered National Model Building Code;

THAT Council request the Province of Ontario to adopt a more ambitious tier of the draft Tiered National Model Building Code as a minimum energy efficiency requirement than the tiers currently proposed for the next edition of the Ontario Building Code;

THAT Council request the Province of Ontario provide authority to municipalities to require increased performance in energy efficiency through the implementation of tiered Green Development Standards;

THAT Council request the Province of Ontario to facilitate capacity, education and training in the implementation of the Tiered National Model Building Code for municipal planning and building inspection staff, developers, and homebuilders to help build capacity; and

AND FUTHER THAT this resolution be provided to the Minister of Municipal Affairs and Housing, to area MPPs, and to all Ontario Municipalities.

Should you have any questions related to the approved resolution, please contact me.

Yours Truly,



Danielle Manton  
City Clerk

Cc: (via email)  
Hon. Premier Ford  
Ontario Minister of Health, Christine Elliot  
Association of Municipalities of Ontario  
City of Cambridge Council