

**City of Port Colborne
Council Meeting Agenda**

Date: Tuesday, June 14, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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	In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at www.portcolborne.ca/delegation , email deputyclerk@portcolborne.ca or phone 905-835-2900, ext. 115.	
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21. Confidential Items

Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.

22. Procedural Motions

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Memorandum

To: Nicole Rubli, Acting City Clerk
Saima Tufail, Interim Deputy City Clerk

From: Karen Walsh, Executive Administrative Assistant, Economic
Development and Tourism Division

Date: May 24, 2022

Re: June is Seniors' Month Proclamation

The Senior's Advisory Council would like City Council to proclaim June 1-30, 2022 as "Seniors' Month" in the City of Port Colborne.

The 2022 theme is Stay Active, Connected and Safe:

- Stay active is important for your health and quality of life. Staying mentally and socially engaged is also key to good overall health along with a healthy diet and a good night's sleep.
- Stay connected with your community. Social, cultural, learning and recreational programs help reduce social isolation and help seniors stay active, independent and engaged.
- Stay safe, protect yourself from serious illnesses with safe and reliable vaccines. Learn what financial support is available and protection from financial scams and fraud to help seniors stay safe.

Each June, the Government of Ontario proclaims that June is Seniors' Month to celebrate our seniors and to recognize the contributions they continue to make in our city.

Please see attached proclamation.

Sincerely,

Karen Walsh
Executive Administrative Assistant,
Economic Development and Tourism Division
Staff Liaison for Senior's Advisory Council



PORT COLBORNE

May 24, 2022

Moved by Councillor
Seconded by Councillor

WHEREAS Seniors' Month is an annual province-wide celebration for the month of June; and

WHEREAS 2022 theme is "Stay Active, Connected and Safe"; and

WHEREAS seniors have contributed and continue to contribute immensely to the life and vibrancy of this community; and

WHEREAS seniors continue to serve as leaders, mentors, volunteers and important and active members of this community; and

WHEREAS their contributions past and present warrant appreciation and recognition and their stories deserve to be told; and

WHEREAS the health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community; and

WHEREAS the knowledge and experience seniors pass on to us continues to benefit all;

NOW THEREFORE, I, Mayor, William C. Steele, proclaim June 1 – 30, 2022 as "**Seniors' Month**" in the City of Port Colborne and encourage all citizens to recognize and celebrate the accomplishments of our seniors.

William C. Steele
Mayor

From: Usick, Karen <Karen.Usick@niagarahealth.on.ca>
Sent: May 18, 2022 6:15 PM
To: 'jim.bradley@niagararegion.ca' <jim.bradley@niagararegion.ca>; 'wayne.redekop@niagararegion.ca' <wayne.redekop@niagararegion.ca>; 'marvin.junkin@niagararegion.ca' <marvin.junkin@niagararegion.ca>; 'frank.campion@niagararegion.ca' <frank.campion@niagararegion.ca>; 'Walter.Senzik@NiagaraRegion.ca' <Walter.Senzik@NiagaraRegion.ca>; 'Betty Disero' <betty.disero@notl.com>; bill.steele@niagararegion.ca; 'sandra.easton@niagararegion.ca' <sandra.easton@niagararegion.ca>; 'jeff.jordan@niagararegion.ca' <jeff.jordan@niagararegion.ca>; dave.bylsma@niagararegion.ca; 'terry.ugulini@niagararegion.ca' <terry.ugulini@niagararegion.ca>; 'jim.diodati@niagararegion.ca' <jim.diodati@niagararegion.ca>; 'Kevin.Gibson@niagararegion.ca' <Kevin.Gibson@niagararegion.ca>
Cc: 'Kristine Elia' <kelia@niagarafalls.ca>; Diana Kelley <DKelley@forterie.ca>; 'SLeach@pelham.ca' <SLeach@pelham.ca>; 'theresa.ettore@welland.ca' <theresa.ettore@welland.ca>; 'jhughes@stcahtarines.ca' <jhughes@stcahtarines.ca>; 'victoria.steele@notl.com' <victoria.steele@notl.com>; Andrea Chambers (achambers@lincoln.ca) <achambers@lincoln.ca>; 'hsoady-easton@grimsby.ca' <hsoady-easton@grimsby.ca>; 'Jthrower@westlincoln.ca' <Jthrower@westlincoln.ca>; 'ginger@thorold.com' <ginger@thorold.com>; Amber Dashwood <ADashwood@wainfleet.ca>; 'erica.pretty@notl.com' <erica.pretty@notl.com>; Brenda Heidebrecht <Brenda.Heidebrecht@portcolborne.ca>; 'BHutchinson@westlincoln.ca' <BHutchinson@westlincoln.ca>; Nancy Giles <Nancy.Giles@portcolborne.ca>

Subject: World Hepatitis Day - Proclamation Request - 2022

Greetings everyone

I am in touch with you today on behalf of the Niagara Health System-Hepatitis C Care Clinic to make our request for you to proclaim July 28, 2022 World Hepatitis in your Niagara Region municipality. However, I would like to begin by thanking each of you for all that you are doing to support and carry our municipalities through the Covid pandemic . . . and now in this post pandemic world. We all have become accustom to an ever-evolving world where things can change overnight. The one thing that has remains constant is your hard work and dedication for the residents of Niagara, as this is so truly admirable and appreciated! These are unprecedented times and so much of our lives that we knew as normal has changed so much. The Covid-19 virus remains in the forefront of much we are doing at this time; but our Team is working hard to raise awareness of World Hepatitis Day-2022, hepatitis and liver health.

We are very excited to be sharing with you that the Hepatitis C Care Clinic will be holding the annual World Hepatitis Day event "in-person" this year. We will be hosting our community awareness events on Friday July 22, 2022 in St. Catharines at Montebello Park, this event will run from 11:00 am to 3:00 p.m. In addition, we will be hosting a 2nd World Hepatitis Day awareness event in Niagara Falls on Thursday July 28, 2022 at Centennial Square, from 10:00 am to 2:00 pm. These will be our first events since 2019... and in a post-pandemic world. We would like to assure you that we are proceeding cautiously in our planning to ensure everyone's safety at the events. We realize that there will be changes from how our event looked before, but we know that if we all work together this event will make a huge impact within our communities and on those individuals in Niagara that need us the most.

If you have any questions, or require further information about World Hepatitis Day, hepatitis, or the care and services of the Hepatitis C Care Clinic program, please feel free to contact me!

Hope you have a lovely evening!

Take care and stay safe!

Karen

Karen Usick – Reg. N

Hepatitis C Care Clinic | Community Coordinator

Niagara Health System| Addiction Services

Karen.Usick@NiagaraHealth.on.ca

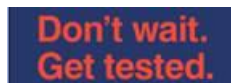
W: 905-378-4647 x32555 | C: 289-696-2523

260 Sugarloaf Street, Port Colborne, ON L3K 2N7

HCCC Website Address - www.niagarahealth.on.ca/site/hepatitis-c-care

NHS Addiction Services - www.niagarahealth.on.ca/services/addiction-recovery

niagarahealth



#HepCantWait | #WorldHepatitisDay | #NoHep

WORLD HEPATITIS DAY

July 28th, 2022

WHEREAS, over 194,000 Canadians living with hepatitis C and approximately 380,710 living with hepatitis B can potentially develop cirrhosis, liver failure, liver cancer and related illnesses;

WHEREAS, Ontario has over 110,000 people living with hepatitis B or C, both of which are slow and progressive diseases; and

WHEREAS, there are vaccines available for Hepatitis A and B; emerging Hepatitis C treatment therapies can cure over 95% of cases; and

WHEREAS, World Hepatitis Day provides an opportunity to reach out to millions of Canadians and encourage hepatitis testing, provide treatment and care for those affected while paving the way towards elimination of hepatitis as a public health concern in Canada by 2030;

THEREFORE, I, Bill Steele, Mayor of the City of Port Colborne, do hereby proclaim **July 28th, 2022 World Hepatitis Day** in Port Colborne.

JOURNÉE MONDIALE CONTRE L'HÉPATITE

Le 28 juillet 2022

ATTENDU QUE, au Canada, quelque 194 000 personnes vivant avec l'hépatite C et environ 380 710 personnes vivant avec l'hépatite B risquent de développer une cirrhose, une insuffisance hépatique, un cancer du foie et des maladies connexes;

ATTENDU QUE l'Ontario compte plus de 110 000 personnes vivant avec l'hépatite B ou C, deux maladies lentes et progressives; et

ATTENDU QU'il existe des vaccins pour protéger contre l'hépatite A et B et que de nouvelles thérapies de traitement de l'hépatite C peuvent guérir plus de 95 % des cas; et

ATTENDU QUE la Journée mondiale contre l'hépatite est une occasion de joindre des millions de Canadiennes et de Canadiens, d'encourager le dépistage de l'hépatite et de fournir traitements et soins aux personnes touchées tout en ouvrant la voie vers l'élimination de l'hépatite en tant que problème de santé publique au Canada d'ici 2030;

PAR CONSÉQUENT, je, Bill Steele, maire de la Ville de Port Colborne, proclame par la présente le **28 juillet 2022 Journée mondiale contre l'hépatite** à Port Colborne.

Bill Steele
Mayor / Maire



June 14, 2022

Moved by Councillor
Seconded by Councillor

WHEREAS over 194,000 Canadians living with hepatitis C and approximately 380,710 living with hepatitis B can potentially develop cirrhosis, liver failure, liver cancer and related illnesses; and

WHEREAS Ontario has over 110,000 people living with hepatitis B or C, both of which are slow and progressive diseases; and

WHEREAS there are vaccines available for Hepatitis A and B; emerging Hepatitis C treatment therapies can cure over 95% of cases; and

WHEREAS World Hepatitis Day provides an opportunity to reach out to millions of Canadians and encourage hepatitis testing, provide treatment and care for those affected while paving the way towards elimination of hepatitis as a public health concern in Canada by 2030; and

NOW THEREFORE I, Mayor William C. Steele, do hereby proclaim July 28, 2022 as "World Hepatitis Day" in the City of Port Colborne.

William C. Steele
Mayor

City of Port Colborne
Public Meeting Minutes

Date: Monday, May 16, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present: S. Luey, Chief Administrative Officer
C. Kalimootoo, Director of Public Works
S. Tufail, Acting Deputy Clerk (minutes)
N. Rubli, Acting City Clerk

1. Call to Order

Mayor Steele called the meeting to order at 6:34 p.m.

2. Adoption of Agenda

Moved By Councillor R. Bodner
Seconded By Councillor H. Wells

That the agenda dated May 16, 2022 be confirmed, as amended.

Carried

3. Disclosures of Interest

4. Special Public Meeting-Road Ends

4.1 Final Road Ends Report, 2022-99

Purpose of Meeting

The purpose of this meeting was for the Corporate Services Department Report 2022-99 to be received; and Sierra Planning and Management - Review of Road Allowances as Informal Beach Accesses (Road Ends Report) to be received for information; and for staff to report back to Council on specific implementation plans from the recommendations within the Road Ends Report and/or bring forward Capital Projects for approval through future capital budget requests.

Method of Notice

The Notice of Public Meeting was circulated to required agencies, and Meeting details were provided on the City's Website, Paper ads and Social Media posts.

Presentation of Review of Road Allowances as Informal Beach Accesses (Road Ends Report)

Mr. Jon Hack, Consultant, Sierra Planning and Management presented the following:

A review of Road Allowances as Informal Beach Access and the issues involving Road Ends. He further explained the impacts that are faced by the neighboring property owners and provided a wide range of relevant workable solutions.

Questions and Comments from Council of Clarification to planning Staff/Consultant

In response to Councillor Bruno's request for clarification on the use of technology and the controlled access for the different gates, Mr. Hack specified that there is an opportunity for fob key access to be established for all gates.

In response to Councillor Bruno's concern for an increased tourist attraction to the existing Public Parks and creating new level of service expectation to the Road Ends, Mr. Hack advised that this concern will be taken into consideration.

In response to Councillor Desmarais' inquiry regarding the timeline for the final recommendations and whether these will be provided by the Consultant or City Staff, The Director of Public Works informed Council

that additional Community Outreach will take place and that based on the direction of Council the reports will come forward for Capital Projects.

Councillor Desmarais requested to address parking issues around Road Ends. She favoured the implementation of recommended amenities. She further stated that the access to Road Ends should be barrier free and accessible however, the vehicle access to the Beach should be limited.

In response to Councillor Kalailieff's inquiry in respect to usage of golf carts for access to the beach, Mr. Hack responded that the issue needs to be addressed further and all limitations need to be explored.

Councillor Bagu inquired whether the Road Ends enforcement will persist for 2022. The Director of Public Works informed Council that City Staff will continue to enforce the area similar to those previous couple years.

In response to Councillor Wells' request for clarification, Mr. Hack confirmed that the characteristics of Silver Bay Road allowance contribute to its narrow appearance in comparison to other Road Allowances. Councillor Wells further questioned whether requests for consideration of naturalized setting were received. Mr. Hack confirmed that no such requests have been received.

Councillor Wells requested that the consultant provide recommendations for the implementation for policies.

Councillor Bodner inquired the ownership status of the parcels at the end of Cedar Bay Road. He requested that an option for accessible parking areas be explored.

In response to Councillor Wells' inquiry regarding the timeline for the implementation of the recommendations, The CAO sated that the implementation will take place in various stages. The Director of Public Works stated that the plan for implementation is scheduled for 2023.

Explanation for Future Meetings

Staff will report back to Council on specific implementation plans from the recommendations within the Road Ends Report and/or bring forward Capital Projects for approval through future capital budget requests.

Moved By Councillor F. Danch

Seconded By Councillor G. Bruno

That Corporate Services Department Report 2022-99 be received; and

That Sierra Planning and Management - Review of Road Allowances as Informal Beach Accesses (Road Ends Report), be received for information; and

That staff report back to Council on specific implementation plans from the recommendations within the Road Ends Report and/or bring forward Capital Projects for approval through future capital budget requests.

Carried

a. Delegation from Brendon Bulger, Resident

Mr. Bulger raised concerns that paid parking and locked gates do not contribute to a welcoming and inclusive public space. He further reiterated that there are no drastic changes needed at this time.

b. Delegation from Carlie Winger, Resident

Ms. Winger did not attend the meeting.

c. Delegation from Betsy Brady, Resident

Ms. Brady did not present any questions or comments during the meeting.

d. Delegation from Ingrid Copland, Resident

Mrs. Copland did not attend the meeting.

e. Delegation from Jay Cardwell, Resident

Mr. Cardwell did not attend the meeting.

f. Delegation from Rick Froese, Chair-Lorraine Bay Association

Mr. Froese reiterated his written comments. He requested to be included in the development of any policies and plans pertaining to Road Ends specifically parking policies , safety issues, signage as well as the installation of garbage cans.

g. Delegation from Carey Benvenuti, Resident

Ms. Benvenuti did not attend the meeting.

h. Delegation from Chris Comfort, Resident

Mr. Comfort reiterated his written statements including his concerns regarding parking. He stated that a few designated, well marked, well patrolled and enforced spots are required.

i. Delegation from the McCreadie family, Residents

Mrs. McCreadie raised concerns regarding accessibility. She stated that proposed changes will create barriers and will contribute to a less accessible space for the community.

j. Written Delegation material from Carol Domenicucci, Resident

k. Written Delegation material from Dean Cutting, Resident

l. Written Delegation material from Jennifer Repec, Resident

m. Written Delegation material from John Lynn

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 8:37 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, May 17, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present: S. Luey, Chief Administrative Officer
N. Rubli, Acting City Clerk
D. Schulz, Senior Planner
C. Roome, Planner

1. Call to Order

Mayor Steele called the meeting to order at 6:33 p.m.

2. Adoption of Agenda

Moved By Councillor D. Kalailieff
Seconded By Councillor M. Bagu

That the agenda dated May 17, 2022 be confirmed, as amended.

Carried

3. Disclosures of Interest

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Zoning By-law Amendment on the Borden Avenue Road Allowance, File D14-04-22, 2022-110

Purpose Of Meeting

The purpose of this meeting, pursuant to section 34 of the *Planning Act*, is to consider an application initiated by the City of Port Colborne for the lands known as Part of the Borden Avenue Road allowance lying between Knoll Street to the west and Steele Street to the east, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as a part of the Borden Avenue Road allowance.

The application for a Zoning By-law Amendment proposes to zone the lands as First Density Residential (R1). The parcel currently has no zoning as it is a former road allowance that was recently closed by By-law 6990/28/22. The zoning is proposed to permit one single detached dwelling on a standalone lot, while addressing a reduction in lot frontage. The Zoning By-law Amendment is being sought as part of the City's Real Estate Strategy to utilize surplus lands.

Method Of Notice

Notice of the Public Meeting was administered in accordance with Section 34 of the *Planning Act*, as amended, and Ontario Regulations 545/06. Notice of Public Meeting was circulated on April 28, 2022, to internal departments and agencies. Notice was also circulated via regular mail to property owners within 120m on April 27, 2022. Meeting details were provided along with the Council Agenda on the City's website and under "Current Applications".

Presentation Of Application For Zoning By-Law Amendment

Mr. Schulz presented the following:

The Zoning By-law Amendment proposes to add a special provision of the R1 zone that will permit a single-detached dwelling on a lot. The intention is to create one lot fronting on Steele Street and one lot fronting on Knoll Street. The special provision is being sought to allow for a reduction in lot frontage, depending on the outcomes of the real estate initiative.

Questions Of Clarification To Planning Staff/Applicant

Councillor Bruno asked if the rezoning of the property would allow for future severance for development.

Mr. Schulz responded that it would permit for future severance.

Councillor Wells asked why a special provision is required as the existing frontage meeting the zoning requirement.

Mr. Schulz explained the proposed application intends to rectify existing encroachment issues on city property through becoming private ownership. As a result, the frontage would not meet the required frontage in the R1 zone, thus requiring the special provision.

Councillor Kalailieff asked if the nearby property owners are purchasing this property and if the remaining lot would be large enough for development.

Mr. Schulz responded the intention is to work with the economic development department to determine the best solution for the encroachment. The remaining lot would not be large enough to meet the R1 zoning requirements which called for the special provision.

Councillor Bagu asked if the property was amended however neighbouring property owners do not purchase their sections of the encroached lot, would this lot have to be rezoned again for larger developments.

Mr. Schulz responded the zoning amendment would only allow for a single detached dwelling and would require a rezoning for a larger development.

Councillor Beauregard asked if nearby property owners purchased part of this lot, would their interior yard setback comply with the current zoning requirement.

Mr. Schulz responded yes, details would be worked out.

Moved By Councillor H. Wells

Seconded By Councillor G. Bruno

That Development and Legislative Services Report 2022-110 be received for information.

Carried

4.2 Public Meeting Report for Proposed Zoning By-law Amendment on Neff Street, File D14-02-22, 2022-111

Purpose Of Meeting

The purpose of this meeting, pursuant to section 34 of the *Planning Act*, is to consider an application initiated by Grandstone Living Inc. for the lands known as Part of Lot 2, on Plan 762, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as a vacant lot on the north side of Neff Street

The application for Zoning By-law Amendment proposes to change the zoning from Fourth Density Residential (R4) to a special provision of the Downtown Commercial zone that will remove the requirement for a landscape buffer between a parking area and an abutting residential property.

Method Of Notice

Notice of the Public Meeting was administered in accordance with Section 34 of the *Planning Act*, as amended, and Ontario Regulation 545/06. The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the lands on April 21st, 2022. A public meeting sign was also posted on the property no later than April 27, 2022. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

Presentation Of Application For Zoning By-Law Amendment

Mr. Roome presented the following:

The subject parcel was recently zoned as Fourth Density Residential (R4) in 2021 for a proposed triplex dwelling. Due to site constraints identified during a reconfiguration of the proposal by the applicant, an additional Zoning- By-law Amendment is required to change the zoning to Downtown Commercial. The DC zone permits apartment uses.

Questions Of Clarification To Planning Staff/Applicant

Councillor Wells asked if the proposed development meets any of the R4 zoning requirements.

Mr. Roome responded the initial proposal was for a triplex in the R4 zone however with the new plans, majority of the R4 zone requirements would not be met.

Councillor Beauregard asked to clarify on the special provision of the landscape buffer

Mr. Vaillancourt explained due to setback restrictions the parking lot had to be planned closer to the railway to meet the number of parking spaces requirement.

Councillor Kalailieff asked if the units had been reduced to fit the new proposal.

Mr. Vaillancourt responded the proposal is not finalized but it is being proposed for 6 one bedroom units at approximately seven to eight hundred squared foot per unit.

Moved By Councillor A. Desmarais
Seconded By Councillor R. Bodner

That Planning and Development Services Report 2022-111 be received for information.

Carried

4.3 Public Meeting Report for Proposed Zoning By-law Amendment at 360 Killaly Street East - File D14-01-22, 2022-108

Purpose Of Meeting

The purpose of this meeting, pursuant to section 34 of the *Planning Act*, is to consider an application initiated by Joseph M. Tomaino for the lands known as Part of Lot 25 on Concession 2, on the north side of Killaly Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 360 Killaly Street East.

The application for Zoning By-law Amendment proposes to change the zoning from Institutional (I) to a special provision of the Fourth Density Residential zone, that is proposed to permit a reduction in parking area landscape buffers, reduction in aisle width, and a reduction in parking requirements. The Zoning By-law Amendment is being sought to permit the construction of a 16-unit apartment building on the subject property.

Method Of Notice

Notice of the Public Meeting was administered in accordance with Section 34 of the *Planning Act*, as amended, and Ontario Regulations 545/06.

The Notice of Public Meeting was circulated via mail to the required agencies and property owners within 120 metres of the lands on April 27, 2022. Meeting details were provided along with the Council Agenda on the City's website and under "Current Applications".

Presentation Of Application For Zoning By-Law Amendment

Mr. Schulz presented the following:

The Zoning By-law Amendment proposes to change the zoning of the property from Institutional (I) to a special provision of the Fourth Density Residential (R4) zone. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings; public apartment buildings; and uses, structures and buildings accessory thereto. The special provision is being sought to permit a reduction in parking area landscape buffers, reduction in aisle width and a reduction in parking space requirements.

Questions Of Clarification To Planning Staff/Applicant

Councillor Wells asked to clarify the minimum rear yard setback and the unit sizes.

Mr. Tomaino stated the rear yard setback would be 4.1m and that the plans are conceptual to show they can meet the minimum requirements of the zoning by-law.

Councillor Wells asked if the minimum lot area per unit included coverage of balconies, elevators, lobbies, and foyers.

Mr. Schulz responded the minimum lot area per unit were calculated based on the number of units based on the lot area and did not include common areas, but balconies were considered part of the unit.

Councillor Desmarais asked if the number of parking could reach 1.5 as required in the zone, due to concerns of street parking and high traffic road. As well, what the process is for snow removal.

Mr. Tomaino responded he did not have a direct answer and would be considered during a detailed site plan stage.

Councillor Desmarais asked for more information for garbage removal.

Mr. Tomaino stated there is a proposal in place for garbage removal and the final details will be considered during the site plan process.

Councillor Desmarais has concerns if garbage collection units are located by the front curbside.

Councillor Beauregard asked about functional servicing in the area.

Mr. Schulz stated servicing typically are reviewed in the site plan process and would be the applicant's responsibility.

Mr. Tomaino responded they have not considered servicing at the moment and will be in the site plan process.

Councillor Bagu asked for the type of units that are being proposed.

Mr. Tomaino responded they will be two-bedroom units.

Moved By Councillor F. Danch

Seconded By Councillor E. Beauregard

That Development and Legislative Services Report 2022-108 be received for information.

Carried

a. In-person Delegation from Roxanne St Louis, Resident

Ms. St Louis opposed the development and raised concerns regarding privacy, noise, light pollution, obstructions of view and odour from recreational substance.

Councillor Bruno asked if the mentioned tree is situated on her property.

Ms. St Louis responded it is located on her property line and if a fence must be erected, she would like it to go around the tree.

b. In-person Delegation from Steve Parker, Resident

Mr. Parker highlighted the importance of the tree on Ms. St Louis' property as it helps to prevent flooding in the area. He raised concerns in regards to the potential impacts of development on his health.

Councillor Bruno questioned if the drainage from the neighbouring property would impact his property. Mr. Parker advised not that he is aware of but there would be runoff. Mr. Schulz stated that the

drainage and stormwater management would be dealt with at the site plan stage.

c. Virtual Delegation from Lisa Doddridge, Resident

Ms. Doddridge raised concerns with the neighbourhood aesthetics, impacts of increased traffic, privacy concerns, and the size of the development.

d. Written Delegation material from Steve Czinege, Resident

Mr. Czinege raised parking concerns, the logistics of snow removal and storage of snow on site during the winter months, and stated that the infrastructure would not have the capacity to support the development

e. Written Delegation material from a Resident

f. Written Delegation Material from Lori Sturman and Stephen Ward, Residents

Ms. Sturman and Mr. Ward raised concerns with the building not fitting in with the neighbourhood, the parking lot not adequate for the number of units, privacy concerns with balconies, and not having enough green space on the property.

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 7:39 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk

City of Port Colborne
Council Meeting Minutes

Date: Tuesday, May 24, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Staff Present: G. Long, Acting Chief Administrative Officer
C. Kalimootoo, Director of Public Works
S. Tufail, Acting Deputy Clerk (minutes)
N. Rubli, Acting City Clerk

1. Call to Order

Mayor Steele called the meeting to order at 6:32 p.m.

2. National Anthem

3. Land Acknowledgment

4. Proclamations

5. Adoption of Agenda

Moved by Councillor M. Bagu

Seconded by Councillor D. Kalailieff

That the agenda dated May 24, 2022 be confirmed, as circulated.

Carried

6. Disclosures of Interest

6.1 Councillor E. Beauregard - Meadow Heights Subdivision Amending Agreement – Phase 2, Stage 2, 2022-115

The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the agents for the applicant.

6.2 Councillor E. Beauregard - By-law to authorize subdivision agreement between The City of Port Colborne and 1399908 Ontario Inc.

The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the agents for the applicant.

7. Approval of Minutes

7.1 Regular Meeting of Council-May 10, 2022

Moved by Councillor A. Desmarais
Seconded by Councillor E. Beauregard

That the minutes of the regular meeting of Council, held on May 10 2022, be approved **with an amendment to Section 6 and Section 13 to reflect Councillor R. Bodner's conflict of interest due to the ownership of a business inside of Sherkston Shores Resort only.**

Carried

8. Staff Reports

8.1 Bill 109: More Homes for Everyone Act, 2022, 2022-94

Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

That Development and Legislative Services Department Report 2022-94 be received for information.

Carried

9. Correspondence Items

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That items 9.1 to 9.5 be received for information

Carried

9.1 City of Thorold - Bill 109 Response to Province's Housing Affordability Task Force

9.2 Township of Cramahe - Bill 109 Response to Province's Housing Affordability Task Force

9.3 Town of Rainy River - Connecting Link Program

9.4 Landscape Ontario Horticultural Trades Association - Proposed Development charges for Agriculture, Regional Municipality of Niagara

9.5 Bluebelt and Grand River - A Treaty Restoration Project

10. Presentations

11. Delegations

11.1 Anton Plitko- Request to receive exemption from By-law# 5383/137/09 and relief from Recharge to Tax Account

Tim Pyne, property manager appeared before Council on behalf of the owner of 344 Fares Street for a Request to receive an exemption from By-Law# 5383/137/09 and relief from Recharge to Tax Account.

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That the delegation by Tim Pyne, on behalf of Anton Plitko, owner of 344 Fares Street, be received.

Carried

12. Mayor's Report

A copy of the Mayor's Report is attached.

13. Regional Councillor's Report

14. Staff Remarks

15. Councillors' Remarks

15.1 Grass Cutting on Main Street West (Bruno)

Councillor Bruno expressed his appreciation towards Regional Councillor Barbara Butters and staff for addressing his request for the maintenance of the Traffic Island on Main Street West.

15.2 Pavement of Forkes Road East (Bodner)

Councillor Bodner inquired if staff have considered paving Forkes Road East in its entirety. The Director of Public Works stated that staff can be directed to complete the project if given direction by Council. The following motion was brought forward and was approved:

Moved by Councillor R. Bodner

Seconded by Councillor H. Wells

That staff be directed to complete the remainder of the pavement project for Forkes Road from Snider Road West to the end of Forkes Road.

Carried

15.3 Museum Week (Kalailieff)

Councillor Kalailieff informed Council that she attended a special event to celebrate Museum Week. Councillor Kalailieff further stated that William J. Thomas was awarded the key to the City for his contributions to the Roselawn Centre.

15.4 Friendship Trail (Danch)

Councillor Danch expressed appreciation towards staff for all their efforts in maintaining the Friendship Trail as he had received compliments from the public.

15.5 Parking on Main Street (Danch)

In response to Councillor Danch's request to monitor parking on Main Street West, the Fire Chief informed Council that he would investigate this matter.

15.6 Signage of Commercial Businesses (Bagu)

Councillor Bagu expressed gratitude towards staff for a quick turn around on his request to address signage within Ward 4.

15.7 Cruise Night (Bagu)

Councillor Bagu informed Council that the Downtown Cruise night was well received.

15.8 Grass Cutting (Bruno)

In response to Councillor Bruno's inquiry regarding whether an agreement for more frequent grass cutting and property maintenance by other government entities can be established, the Director of Public Works informed Council that he will explore possible solutions.

15.9 A Socially Progressive City (Desmarais)

Councillor Desmarais informed Council that she has received numerous compliments from the public on the City of Port Colborne being a socially progressive City.

15.10 Fireworks (Desmarais)

Councillor Desmarais expressed concerns and reminded residents to be mindful of others and practice safe handling of fireworks.

15.11 Pop-up Pools and Hot Tubs (Desmarais)

In response to Councillor Desmarais' inquiry regarding whether there is a policy in place to address pop-up pools and hot tubs, the Fire Chief advised Council and residents to lodge any complaints through CityWide and staff will address them appropriately.

15.12 Road Work on Snider Road (Wells)

Councillor Wells reported that he has received concerns with regards to road repair work on Snider Road. The Director of Public Works notified Council that it is an active construction zone and will ensure that concerns are rectified before the end of project.

16. Consideration of Items Requiring Separate Discussion

16.1 Port Colborne Historical and Marine Museum 2021 Annual Report, Department Update, 2022-114

The Director of Museum and Culture provided a presentation with respect to Port Colborne Historical and Marine Museum and Department Update and responded to questions received from Council.

Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That Department of Museum and Culture Report 2022-114 be received for information.

Carried

16.2 Meadow Heights Subdivision Amending Agreement – Phase 2, Stage 2, 2022-115

Councillor E. Beauregard declared a conflict on this item. (The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the agents for the applicant.)

Moved by Councillor G. Bruno
Seconded by Councillor F. Danch

That Development and Legislative Services Department Report 2022-115 be received;

That Council approve the amending subdivision agreement to the Meadow Heights Subdivision attached as Appendix A;

That the By-law to authorize entering into the Subdivision agreement for the Meadow Heights Subdivision be approved; and

That the Mayor and Clerk be authorized to sign the amending agreement and have the agreement registered on the title of the lands.

Carried

16.3 Hybrid Attendance Model at Meetings, 2022-116

Moved by Councillor G. Bruno
Seconded by Councillor D. Kalailieff

That Development and Legislative Services Report 2022-116 be received;

That Council approve a hybrid attendance model at Council, Board, and Committee meetings; and

That Staff be directed to bring the amended Procedural By-law for approval at a future meeting of Council

Carried

Amendment:

Moved by Councillor G. Bruno

Seconded by Councillor D. Kalailieff

That recommendation number three of Report 2022-116, a proposed amendment to the Procedural By-law to include a protocol to stand when addressing Council during Council meetings be removed.

Carried

16.4 Holloway Bay Road Ownership Status, 2022-95

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That Chief Administrative Officer Report 2022-95 be received for information.

Carried

16.5 United Way Niagara - Period Promise Campaign

Moved by Councillor A. Desmarais

Seconded by Councillor D. Kalailieff

That the City Staff be directed to provide a staff report regarding the cost and ways of implementation of providing City facilities including recreational spaces and libraries, working with the homeless, street involved, low income, vulnerable girls, transgender and non-binary people access to free menstrual products in a manner that reduces menstrual stigma; and

That the City endorse the United Way-Period Promise Campaign as a locally built solution that promotes equality, inclusivity, health and well being, security and dignity in Niagara Region.

Carried

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

19.1 Port Colborne Museum Board Minutes, April 20, 2022

Moved by Councillor E. Beauregard

Seconded by Councillor F. Danch

That the minutes of the Port Colborne Museum Board meeting held on April 20, 2022, be approved as presented.

Carried

20. By-laws

20.1 By-law to authorize subdivision agreement between The City of Port Colborne and 1399908 Ontario Inc.

Councillor E. Beauregard declared a conflict on this item. (The Councillor has declared an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the agents for the applicant.)

Moved by Councillor M. Bagu

Seconded by Councillor G. Bruno

That item 20.1 be enacted and passed.

Carried

20.2 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

Moved by Councillor E. Beauregard

Seconded by Councillor R. Bodner

That item 20.2 be enacted and passed.

Carried

21. Confidential Items

Moved by Councillor F. Danch

Seconded by Councillor H. Wells

That Council do now proceed into closed session in order to address the following matter(s):

Carried

21.1 Chief Administrative Office Report 2022-107, A Proposed or Pending Acquisition or Disposition of Land by The Municipality or Local Board

22. Procedural Motions

23. Information items

24. Adjournment

Council moved into Closed Session at approximately 8:15 p.m.

Council reconvened into Open Session at approximately 9:26 p.m.

Mayor Steele adjourned the meeting at approximately 9:27 p.m.

William C. Steele, Mayor

Nicole Rubli, Acting City Clerk



Subject: 2021 Year End Review – Fire and Emergency Services

To: Council

From: Community Safety & Enforcement Department

Report Number: 2022-75

Meeting Date: June 14, 2022

Recommendation:

That Fire and Emergency Services Department Report 2022-75 be received for information purposes.

Purpose:

The Fire Chief has prepared this report to outline the highlights of the Fire Service in 2021.

Background:

The Director of each department has been tasked with providing Council with a year-end review. The review is to provide Council with the insight into various activities/functions that each department provides within the City structure.

Discussion:

Fire safety and fire fighter safety are and have always been the Department's number one concern. All fire deaths are preventable. Unfortunately, fires will always occur, however, through public education and enforcement the Department can save lives and ensure fires are mitigated to a minimal level. Prevention and education are key to a safe community.

COVID-19 has created many obstacles to providing fire safety to the community. The Department's dedicated team has come up with many creative ways to ensure residents continue to receive important fire safety messages.

Financial Implications:

There are no financial implications associated with this report.

Public Engagement:

Council will note, while reviewing the year end review the many creative ideas staff have put in place to ensure that important fire safety messages are passed along to the residents of Port Colborne.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - People: Supporting and Investing in Human Capital
-

Conclusion:

The 2021 year-end review is being provided to Council for information purposes only.

Appendices:

- a. Year End Review
- b. Power Point Presentation

Respectfully submitted,

Scott Lawson

Fire Chief

905-834-4512, extension 402

scott.lawson@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



Port Colborne Community Safety & Enforcement

2021 Year in Review

3 Killaly Street West
Port Colborne ON, L3K 6H1
Tel: 905-834-4512
Email: scott.lawson@portcolborne.ca

http://portcolborne.ca/page/fire_and_emergency_services



PortColborneFire



@Port_Fire

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Message from Chief Lawson

On behalf of Port Colborne Fire & Emergency Services and By-law Services, it is my pleasure to present the 2021 Community Safety & Enforcement Annual Report.

This year brought change with the merging of Port Colborne's Fire Service with By-law Enforcement. The new department was ably named Community Safety & Enforcement. Despite the challenges of providing emergency and enforcement services during a pandemic, our team remains committed to our philosophy of continuous improvement. Ensuring not only



the safety of our residents; the safety of our Fire & Emergency Services and By-law staff during the pandemic which required the department to amend some of our traditional service delivery approaches to adapt to this new public hazard.

Emergency Management was once again a major focus in 2021 with not just our involvement in managing the City's response to the pandemic but also an increase in weather events. The City saw events of damaging winds on multiple occasions in 2021. While these events are challenging to all departments in the City, a coordinated effort signified a skilled and resilient City workforce.

Despite the above-mentioned challenges, our fire personnel remained flexible and adjusted when needed by embracing the world of virtual learning and modifying training schedules. Our staff worked with senior staff to continue working on improving our skills and abilities to reach our goals. We look forward to being a part of our community as it grows. The growth will present new and exciting challenges for the department as we see vertical growth coming to our City.

By-law staff experienced another busy summer in a City that is being recognized as a premier summer destination. The increased pressures seen on our roadway, beaches, lake access and parks proved challenging at times. Through these challenges, staff remained professional and courteous while providing enforcement to the City's by-laws.

I am exceptionally proud of our career and volunteer men and women that serve in all areas of Community Safety & Enforcement. They are skilled, dedicated professionals who are pushed to their physical, mental, and emotional limits on a regular basis.

Lastly, I would like to thank past Fire Chief, Thomas B. Cartwright for leaving a fire department that was well run, equipped, and trained. His vision for the department will be reflected in the department's success in the years to come.

Chief Cartwright started his fire service career on September 13th, 1972 for the Town of Markham. During Tom's career, he served as the Deputy Chief in Georgina, Fire Chief in Fort Erie until coming to Port Colborne in 2001. Tom served as the Fire Chief of our City for 20 years.

Tom was a big believer that prevention was key to an effective fire service. Some of the innovative programs that brought Provincial recognition to the department were the in-service inspection and smoke alarm program. This led to Tom being named Fire Chief of the Year in 2018 by the Ontario Municipal Fire Prevention Officers Association.



Who We Are – What We Do (Port Colborne Fire & Emergency Services)

Port Colborne Fire & Emergency Services provides City of Port Colborne's residents, visitors, and businesses with protection against loss of life, property, and the environment from the effects of fire, illness, accidents, and all other hazards. We do this through preparedness, prevention, public education and emergency response, with an emphasis on quality services, efficiency, effectiveness, and safety. Port Colborne Fire & Emergency Services is comprised of 15 full-time staff and approximately 32 volunteer fire fighters operating from one strategically located fire station.

Emergency calls are received by the St. Catharines Fire Dispatch Centre, who then dispatch crews. Depending on the call, only the duty crew responds. These calls include medicals, vehicle fires, burning complaints and assistance calls to name a few. For incidents larger in nature, the volunteers will be paged out for labor and to transport specialized apparatus on scene. Upon receiving a general alarm, the volunteer fire fighters respond to the station, don their personal protective equipment and then respond to the incident. These calls include motor vehicle accidents, structure fires and alarm systems to name a few.

In addition to providing an all-hazards response within the City of Port Colborne, Port Colborne Fire & Emergency Services responds to hazardous material incidents in the Niagara Region to supply decontamination services. We also will respond to mutual aid calls in neighboring municipalities as part of an automatic aid/mutual aid agreement.



Who We Are – What We Do (By-law Services)

Port Colborne By-law Services is responsible for a multitude of by-laws created by Council to help facilitate the enjoyment of our City by its residents and visitors. The department helps guide the residents of Port Colborne in how to be compliant with the by-laws. By-laws include, but are not limited to parking, lot maintenance, nuisance, property standards, and snow/ice. If a contravention of a by-law is found, education, orders to remedy and/or fines are means the department uses to get compliance.



The By-law Department is comprised of 4 full-time staff and augmented with students for the busy summer months. The department did welcome 3 students in 2021 to assist in controlling parking and grass issues throughout the municipality. The department was relocated this year from City hall to the fire hall located at 3 Killaly Street West.

Calls for assistance are received at the front desk and dispursed to an Officer. A hazard index was created this year to help determine how quickly the complaint has to be dealt with. If public safety is in question, the file takes priority and immediate action is taken.

With the pandemics continued grip on public health, By-law has seen multiple changes in priorities. With the increase in traffic coming to our City to enjoy our beaches and parks, parking has become a major focus. With all the competing priorities of our community, the department has still found the time to add proactive enforcement as a staple. Identifying and fixing problems before they become severe has been an added feature this year.

Mandate

To provides the high-quality emergency services for the residents and visitors of our City.

Vision Statement

To be valued by not only our community but by the people that serve here.

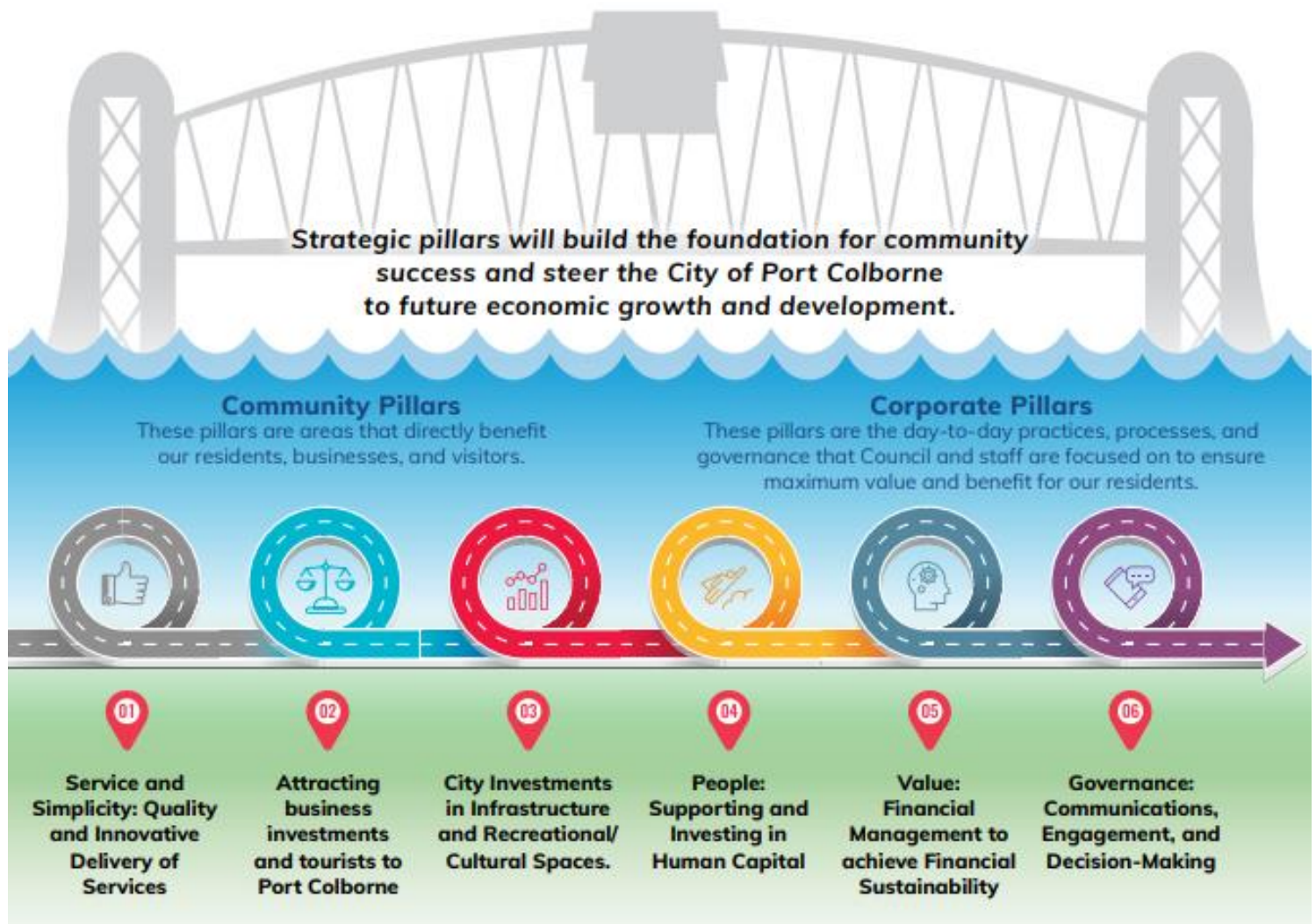
Mission Statement

Port Colborne Fire & Emergency Services is committed to being an organization recognized and respected by the community for making a difference in the lives of our citizens and visitors when called upon by providing superior service through prevention and emergency response.

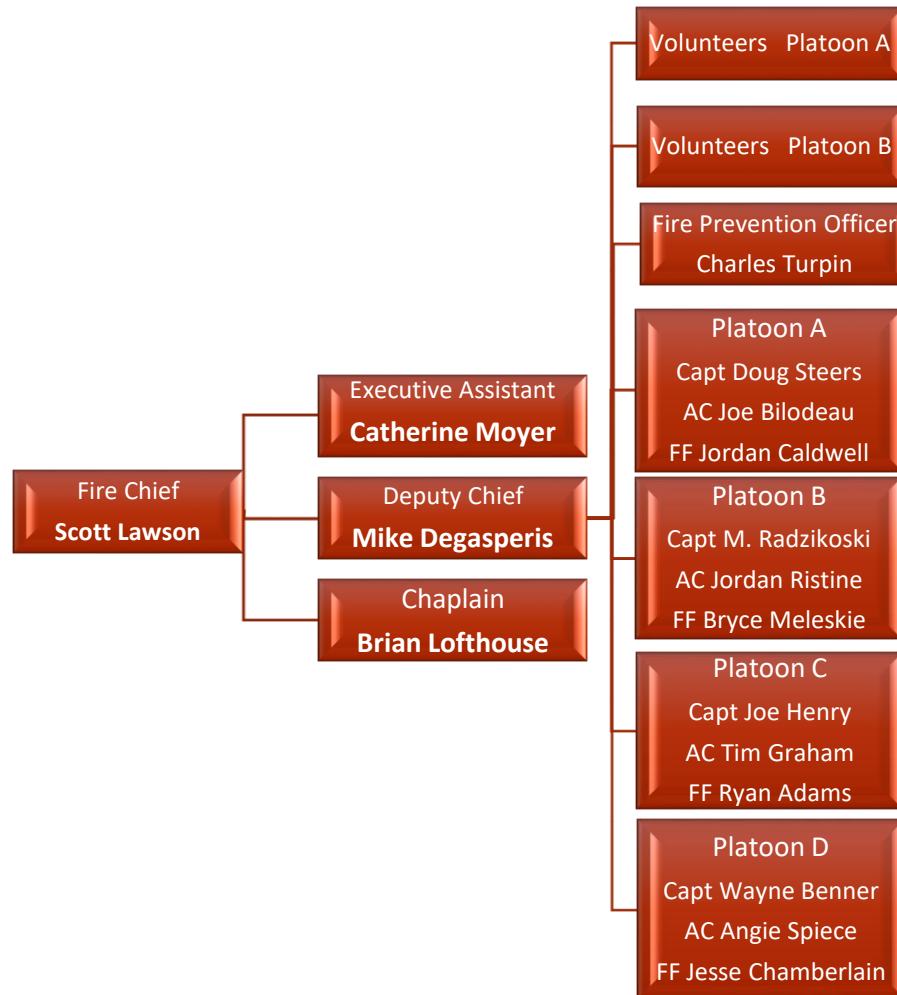


Aligning with the City's Pillars

The City of Port Colborne strategic pillars are based on the key themes that emerge from roundtable discussions with Council and Staff. They were developed to support the City's Vision and Mission Statement. These pillars were used in the creation of the Port Colborne Fire & Emergency Services and By-law tactical plans to align Community Safety and Enforcement with the City's strategic plan. The 2021 – 2025 tactical plan will provide road maps for the departments to follow to help guarantee continued success and superior service.



PORT COLBORNE FIRE & EMERGENCY SERVICES 2021 ORGANIZATIONAL CHART

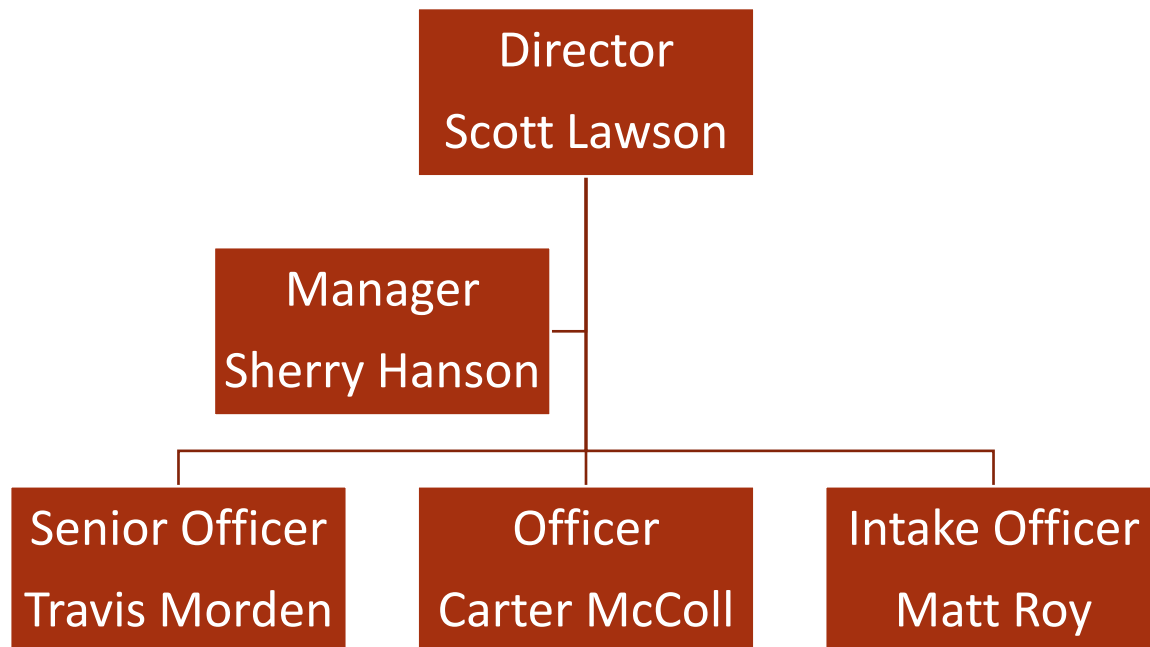


Active Volunteer Fire Fighters are as follows:

Mike Radzikoski
Joe Henry
Jordan Ristine
Bryce Meleskie
Angie Spiece
Michael Dezenosky
Matt Lannan
Beau Sutherland
Derek McCabe
Rick Smith
Justin Bonds
Alissa Lobbezoo
Sarah Kolbuc
Kevin Stivorc
Chris Huneault

Wayne Benner
Doug Steer
Tim Graham
Ryan Adams
Jordan Caldwell
Jesse Chamberlain
Curtis Wilcox
Kaylah Benner
Colin Graat
Shaun Senyk
Jeremy Worrall
Glen Gamble
Kyle Roy
Darrell Thompson

PORT COLBORNE BY-LAW SERVICES 2021 ORGANIZATIONAL CHART





Focused on Community – Giving Back (Port Colborne Fire & Emergency Services)

Port Colborne Fire & Emergency Services has a proud history of giving back to the community. Given our current environmental circumstances, the need in the community has increased. Community events like the Easter boot drive, safety day and the open house continue to be canceled to protect the health

of not only our members but our generous community. In 2021, the department continued to find innovative ways to assist those in our community that needed help. Community engagement was a focus in 2021.

Christmas Toy Drive

Port Colborne Fire & Emergency Services has been holding the annual toy drive for the past six years. It fills the void in the community when Santa's Helpers closed their doors.

The 2021 toy drive continued with the addition of a drive-through toy drop-off at the Fire Hall. The department did have a slower start than seen in past years. One small article in the newspaper and the department was flooded with toys from the community. The reverse parade was also a successful community event that served as a drop-off point for toys too. Thanks go out to the community; a bunch of familiar faces and a few new ones. Your continued support is appreciated.

Community Dinner

Starting with the 2016 Christmas dinner, Port Colborne Fire & Emergency Services has helped



sponsor and serve the Christmas dinner at the Port Cares Reach Out Centre. This event is a staple to our Safe Community Initiative. While complicated by the pandemic, the need is still there and the department once again stepped up to help. This year staff delivered meals directly to those that could not attend Port Cares to pick-up their meal.

Vaccine Clinic Support



Being part of the vaccine clinic was not just gratifying, we used it as an educational piece to our never ending pursuit of community safety. With the help of a generous donor, the department handed out hand sanitizer and masks to the residents and visitors to our City. The clinic was well

received in the Region as one of the premier locations.

Food Delivery

Port Colborne Fire & Emergency Services personnel is again volunteering their time to deliver food to the mobility-challenged residents of our community, for Port Cares.

Every other Friday, staff take time out of their busy lives to deliver much-needed boxes of supplies around our City in support of Port Cares.



Engagement



With schools going to on-line, lockdowns, and other COVID restrictions, Port Colborne Fire & Emergency Services recognized the need to engage our community and provide something to do. With an underlying fire safety message, we created contests that not only stimulated the mind but promoted fire safety. Between a poster contest, building a fire truck, and sidewalk art contests, our fire service engaged the community in the hopes of

bringing a smile to a few faces.

Charity Golf Tournament

Sherry Hanson, Manager of By-law Services volunteers her time on the Pet Adoptions Matter (PAM) Committee. The Committee started in 2017 along with a golf tournament which helped raise \$2000.00 in the inaugural year. Last year, SkyScene TV Niagara attended and donated their time to prepare a video to help promote the tournament. In 2020 they raised \$6,612.00. Sherry is looking forward to our 5th Annual tournament this fall.



Fire Service Model – (Port Colborne Fire & Emergency Services)

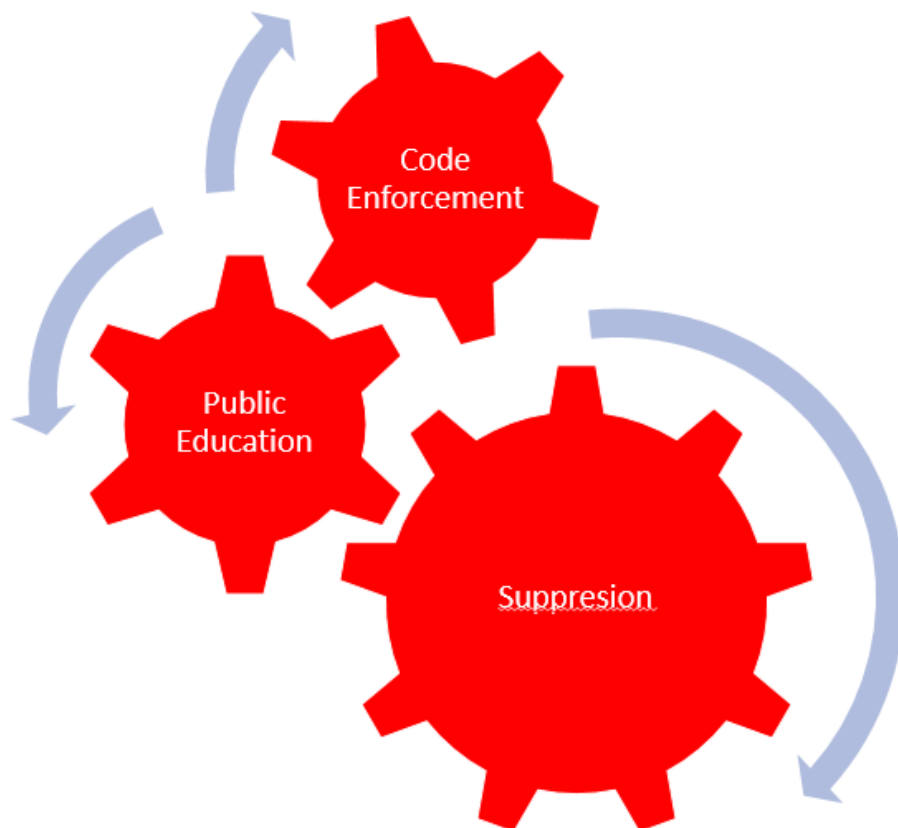
Within the Province of Ontario, the delivery of fire protection services is guided by the Fire Protection and Prevention Act, including the strategic optimization of the three lines of defence, which include:

Line one: Public fire safety education;

Line two: Fire safety standards and enforcement, and;

Line three: Emergency response.

Balance in the delivery of all three lines is key to effective fire service model. Integrating the lines into our fire service allows for suppression activities and findings from code inspections to helping direct public education events.



PREVENTION

There is no glory in fighting a fire that could have been prevented. Fires are damaging to property, cause injury or death, and can even eliminate jobs since many buildings destroyed by fire are not rebuilt. Ontario law does mandate fire prevention inspections, education, and training. Many of the activities that Port Colborne Fire & Emergency Services is involved in is to ensure the municipality is compliant with the applicable legislation that dictate our actions.

Port Colborne Fire & Emergency Services has a proud history of being a leader in prevention not only in Niagara but in the Province. Through our Safety Community Initiative, activities that promote safe practices are encouraged by all members of the department. The Fire Prevention Division is overseen by the Fire Chief, the Fire Prevention Officer, and assisted by full-time and volunteer fire fighters who dedicate their time to assisting with fire prevention and public fire safety education programs. Fire Prevention is responsible for the following:

- Conducting fire safety inspections to ensure compliance with the Ontario Fire Code
- Initiating the prosecution of Ontario Fire Code offenses
- Reviewing fire safety plans
- Reviewing and commenting on planning & development applications/plans
- Reviewing and approving special events
- Providing public fire safety education
- Conducting investigations into the cause & origin of fires

Ontario saw its second consecutive year of increased fires across the Province. With people spending more time at home, complacency has reared its head. Cooking fires continue to lead the Province in preventable fires in our homes. Unattended cooking being the largest contributor to this trend.

The First Line – Public Education

Port Colborne Fire & Emergency Services prides itself on being highly visible in the community and takes every opportunity to engage and educate the public on fire safety. Advocating for fire safety in our community is about taking action; and through innovative ideas and programming, our fire service strives to provide the highest service delivery every day. As our first line of defense, there has been an increased focus on fire prevention outreach to prevent fires before they occur.

Fire Prevention Week 2021

Port Colborne Fire & Emergency Services once again hosted the CHCH morning show with all 12 municipalities from the Region taping four segments and aired during fire safety tips during Fire



Prevention Week. The CHCH morning show is enjoyed by over 3.9 million Canadians each week. Port Colborne has been the home of Fire Prevention Week filming for four years running for CHCH.

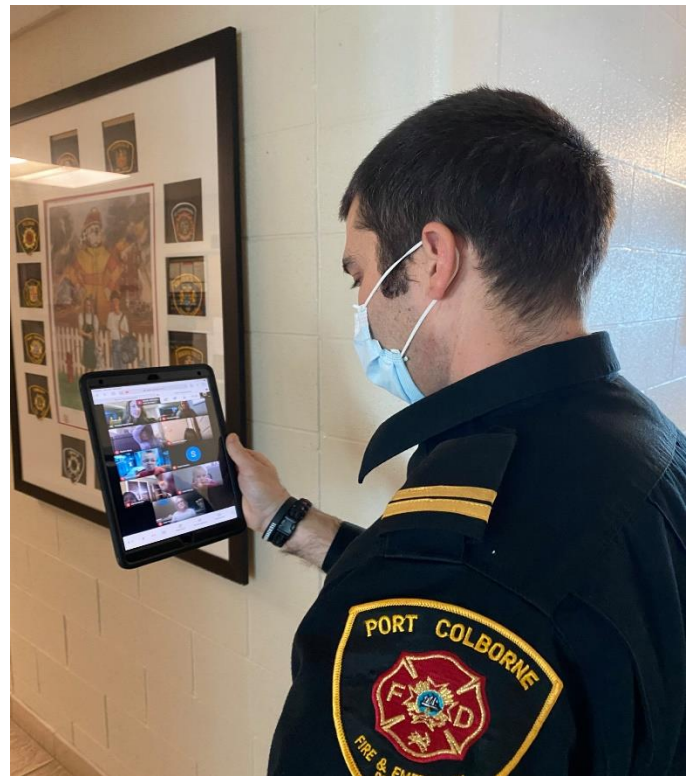
91.7 Giant FM Partnership

The partnership that started in 2016 with Giant FM is as strong as ever. The #1 radio station in Niagara continues to support our fire-safe messaging over the holiday season through the 12 days of holiday safety contest and daily spots.



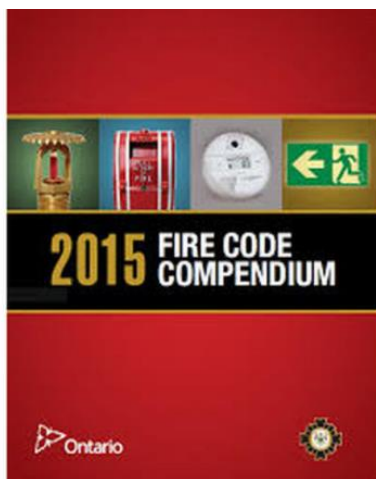
Virtual Public Education

With the barriers created by COVID, the Department had to get creative on how we continue to educate the public, specifically school-aged children in regards to fire safety. The Department has embraced the virtual world. Duty crews are now performing virtual tours and public education events, to assist our community partners. While not ideal, and we miss interacting with the people we protect, it helps us meet our provincial mandates and continue as a fire safety first community.



The Second Line – Code Enforcement

The Ontario Fire Code is a regulation made under the Fire Protection and Prevention Act, 1997 consisting of a set of minimum requirements respecting fire safety within and around existing buildings and facilities. The owner is responsible for complying with the Fire Code, and a



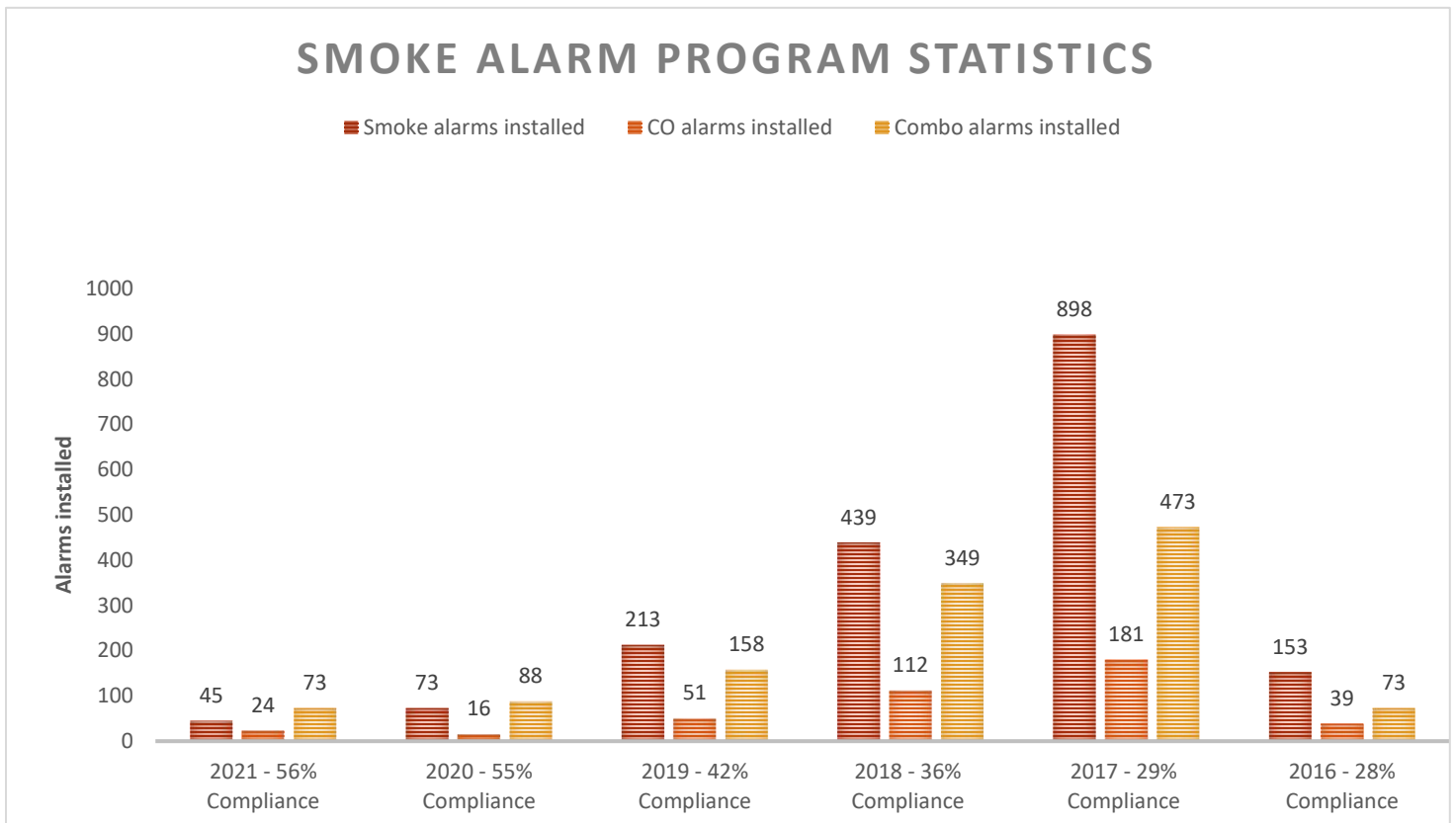
municipal fire department enforces the Fire Code. Port Colborne Fire & Emergency Services understands the importance of compliance with our codes and the effects on our community when they are not met.

Port Colborne Fire & Emergency Services is widely recognized for its progressive smoke alarm program. The Fire Protection & Prevention Act under Part II mandates the following:

2 (1) Every municipality shall,

(a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention.

Home visits completed by the in-service fire fighters to ensure compliance in single-family homes help the City of Port Colborne meet the required regulation. A glimpse into the program statistics are:



A smoke alarm is critical for the early detection of a fire in your home and could mean the difference between life and death. In a fire, smoke and deadly gases tend to spread farther and faster than heat. That is one reason why most fire victims die from inhalation of smoke and toxic gases, not from burns. Our regulatory inspection program continues to make our community safer.

While COVID restrictions did limit the proactive portion of Port Colborne Fire & Emergency Services provincially recognized program, the Department did enter 274 homes. This is an increase from the 208 homes the previous year. A positive takeaway from this year's statistics is another small increase in smoke and carbon monoxide alarm compliance rates in Port Colborne.

The Third Line – Response

The third line of defense is response. A response can be broken down in a multitude of ways; from the level of service, equipment, training, and of course, call response. Each is reliant on the other to ensure not only the effectiveness of the response but the safety of the firefighters themselves.

Level of Service

The level of service offered by Port Colborne Fire & Emergency Services is set by Council with the enactment of By-law 6745/109/19. A list of services offered to the community are:

- | | |
|---------------------------------------|----------------------------------|
| - Interior Structural Fire Fighting | - Public Assistance Calls |
| - Grass/Brush Fires | - Carbon Monoxide Investigations |
| - Burn Complaints | - Natural Gas Emergencies |
| - Water/Ice Rescue | - Technical Rescue (rope) |
| - Elevator Rescue | - Vehicle Fires |
| - Motor Vehicle Accidents/extrication | - Medical Assistance Calls |

The level of service is the framework for the fire department. Port Colborne Fire & Emergency Services uses the levels to assess current and future training needs along with the equipment to meet these needs. The department continually strives to meet and then exceed the standards that regulate the fire service to provide the best service and results to our citizens.

Equipment



Engine 1 - **2015 Spartan Metrostar**

Engine No. 2 - **2000 E-1 - Superior**

Tanker 1 - **2015 Freightliner**

Rescue 1 - **2012 Spartan Metro Star Custom Built**

Ladder 1 – **2006 Pierce – 75' Ladder**

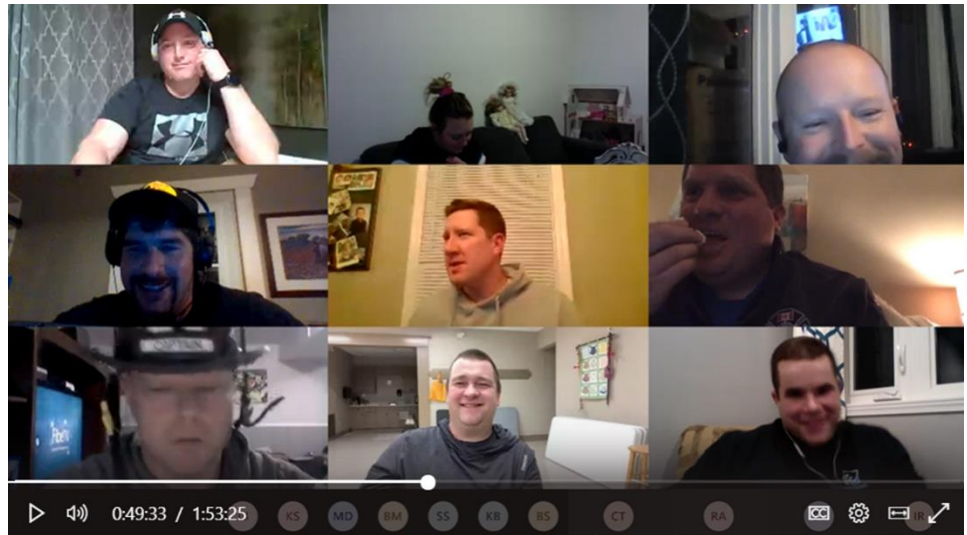
Training

Training is the backbone of a fire department. It produces a well-prepared force that through repetition increases the speed of an operation and enhances proper execution while reducing injuries. A fire fighter who arrives at an emergency unprepared can be faced with life-and-death situations and will find themselves under extreme stress to perform their duties

Port Colborne Fire & Emergency Services is proud of the fact that all personnel is National Fire Protection Association (NFPA) certified. With the Province once again bringing mandatory certification forward, our fire service has positioned itself well for the future. To that, we must continue to be proactive and not only maintain our acquired skills but expand on them.

Restrictions bring Creativity in Training

COVID-19 restrictions did take a toll on our training program. Taking into account the health of our people and protecting our ability to respond, training moved to an online format to start the year. Three courses were offered



and as a result our fire fighters certified as Public Educator, Incident Safety Officer and Fire Officer I. More importantly, staff had a chance to interact with one other. The fire service is about comradery and being part of the team. While not ideal, the virtual training brought us together.

Recruits 2021



Port Colborne Fire & Emergency Services started the recruitment process in late 2020. This recruitment was to boost the volunteer complement due to retirements and other vacancies. Multiple alterations were made to the recruit training process to once again, keep our people safe. Live fire training, the recruits went to Niagara Falls. NFPA testing was completed in October.

Recruitment for the 2022 class started in September of this year. We received a strong applicant pool this year compared to past years. The 2022 class starts training in January.

Rope Rescue

With the NFPA certification training complete for suppression activities, our attention turned to technical rescue. Our level of service includes rope and water/ice rescue. A technical rescue has been best described as a low-frequency, high-risk activity.

Under the direct supervision of the Deputy Chief we updated not only our equipment but our program and corresponding Operational Guidelines. The department has been very fortunate to have the use of Robin Hood for training. The facility provides multiple scenarios for our fire fighters to hone their skills.



Robin Hood Partnership

One of the strengths of our department is the continued support and partnerships we have in the community. Robin Hood is a prime example of that. Armed with a training grant from the Province, we were able to

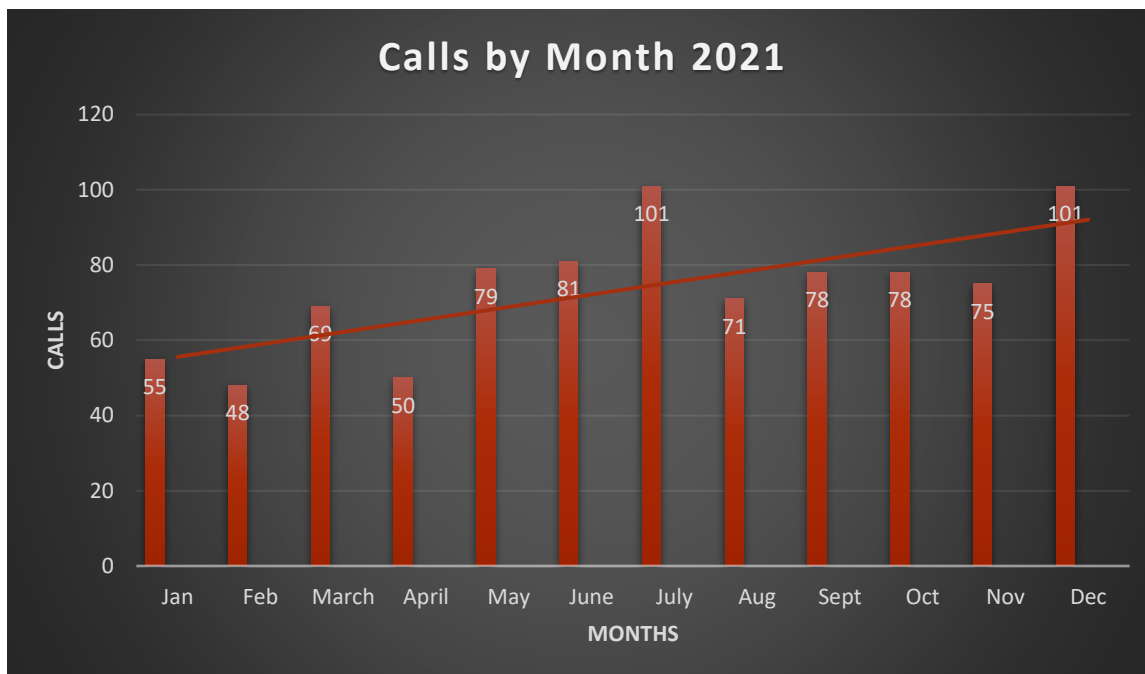


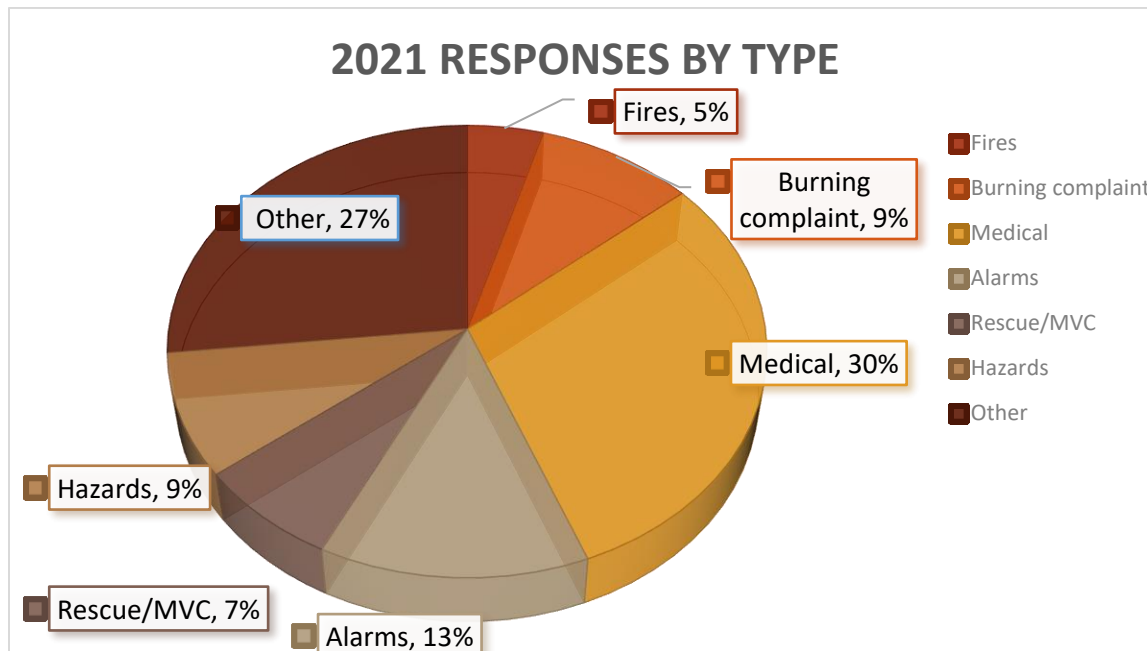
buy and build a structure inside of Robin Hood to facilitate training. Fire fighter survival, along with search and rescue training was completed inside a controlled atmosphere. Movable walls give us the ability to change the look which changes the training.

Emergency Response

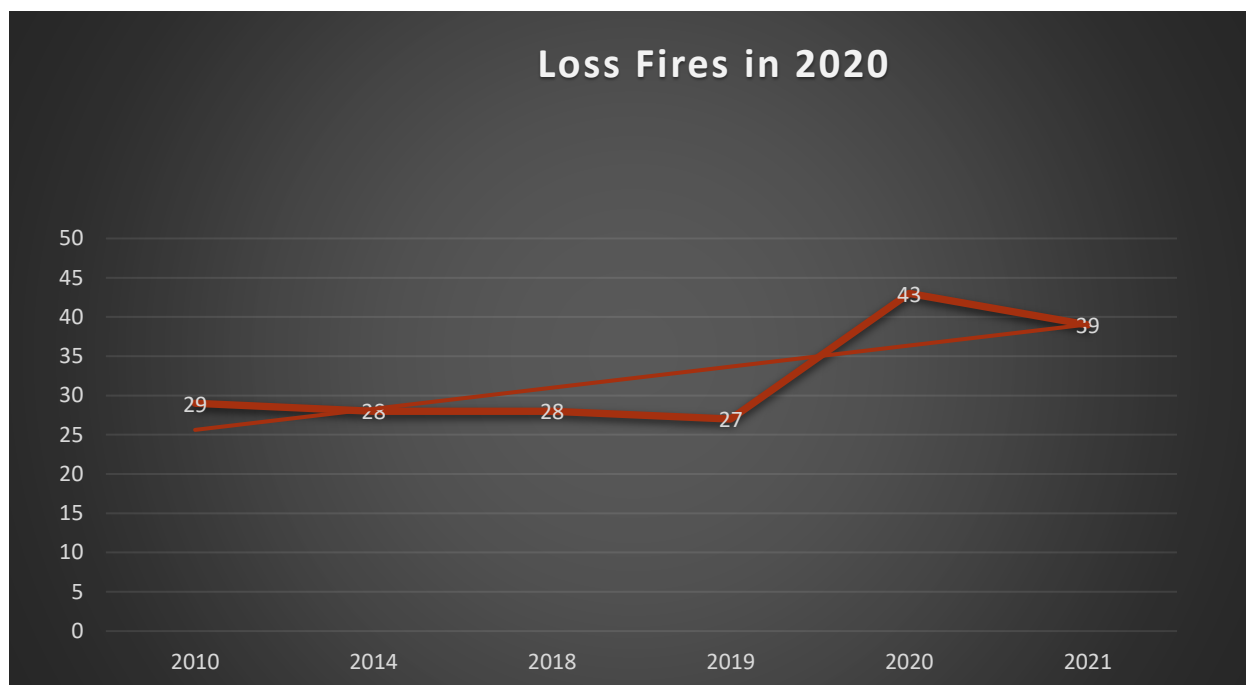
The department provides a wide range of emergency and non-emergency services to the citizens of Port Colborne. The following data provides a brief overview of these activities. 2021 started off with a common trend of reduced calls primarily due to shortages of personal protective equipment (PPE). Niagara Emergency Medical Service (NEMS) continued with the reduced medical response to conserve PPE and ultimately reduce unnecessary risk.

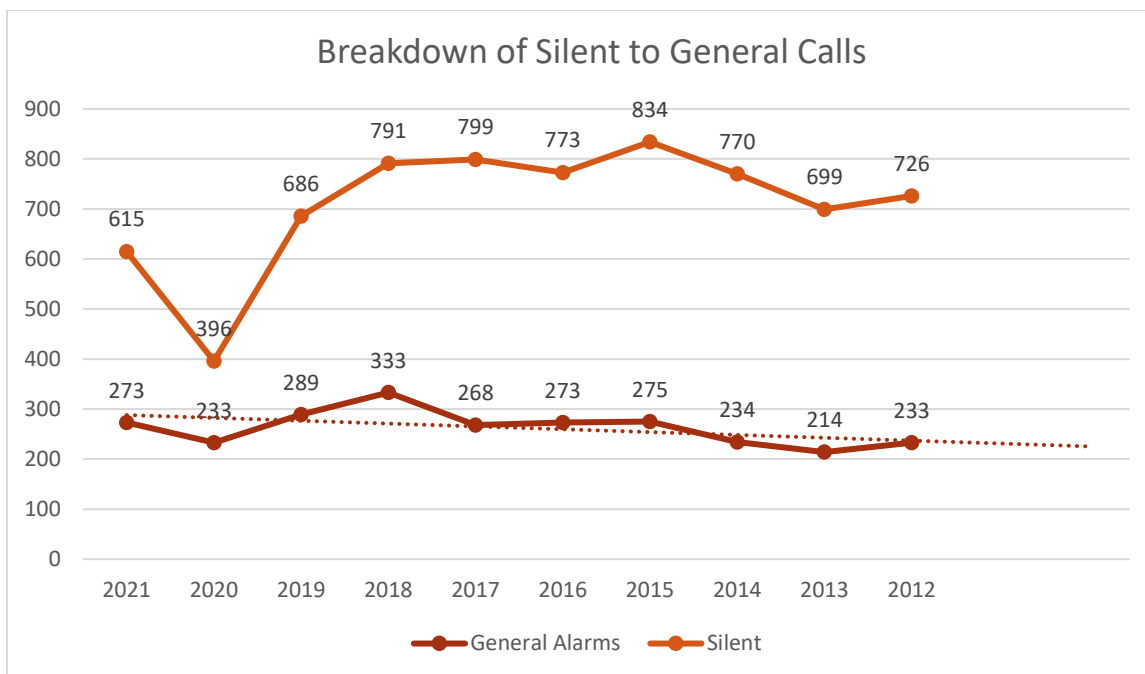
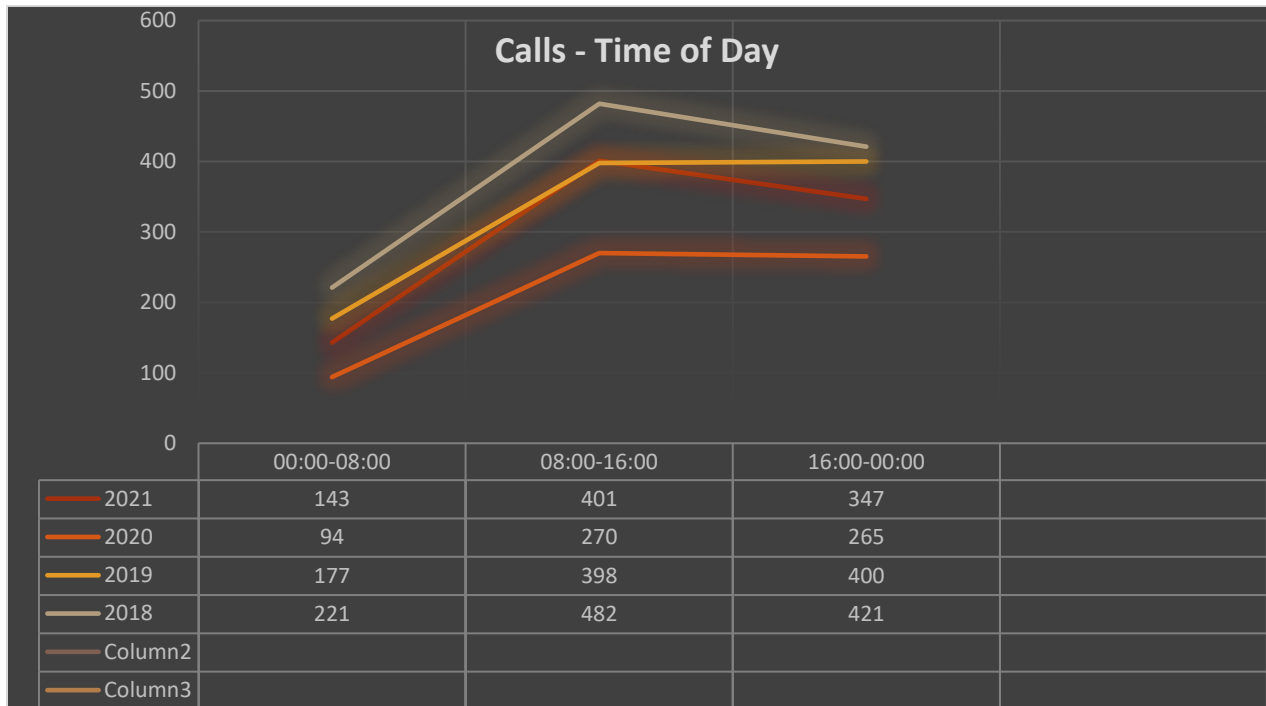
With an ever-increasing medical workload on NEMS and an increased supply of PPE, medical response went back to pre-pandemic tiering in May, 2021. This change brought back an increase in service levels that the community expects and benefits from.

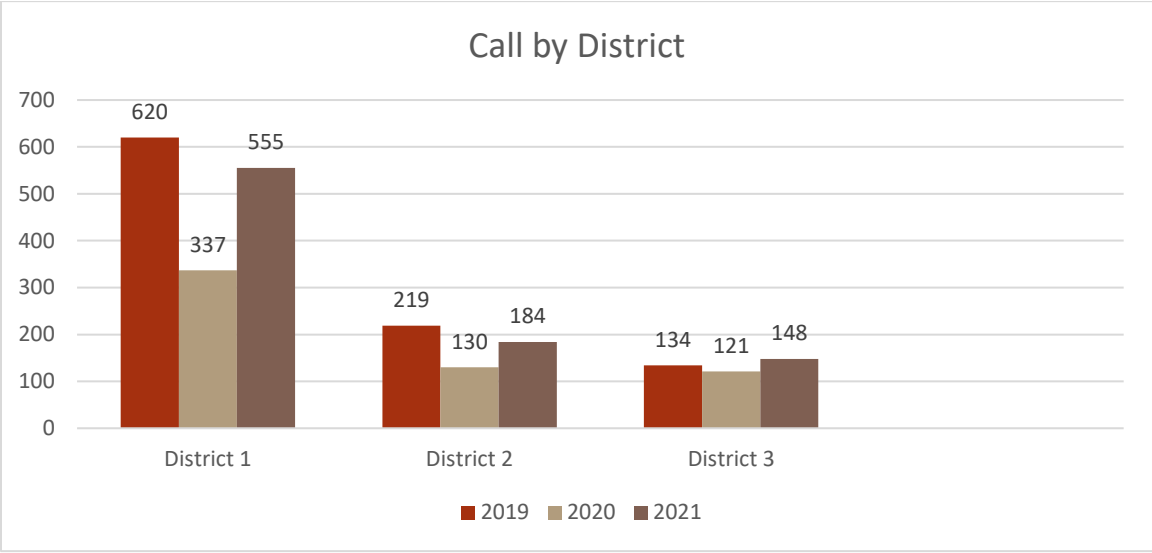




Loss fires remained higher than normal in 2021; an increase of 30% over the five-year average. This remains a common trend across the Province.







By-law Service Model – (By-law Division)

The Municipal Act, 2001 permits municipalities to pass by-laws that can enhance and protect the safety of the community. These by-laws allow the municipality appointed staff to enter onto lands at any reasonable time without a warrant for the purposes of investigating alleged by-law infractions or determining compliance with orders.

In the execution of these duties Officers have the ability to educate, place orders, and in some cases fine. The ultimate goal is compliance with the by-law which results in greater public safety and enjoyment of our City. Much like the fire service, a balanced approach is needed to get the best results. A first-time offender may just need to be educated on what can and cannot be done in the City.

When compliance may be an issue or the gravity of the work required is significant, orders with timelines are placed on the property. These orders allow staff to fix the issue if the owner is not willing to comply. A frequent offender of our City's by-laws will see charges in the way of the Administrative Monetary Penalty System (AMPS) or a part 3 charge under provincial offenses.

Lot Maintenance

Lot maintenance is perhaps the by-law that keeps staff the busiest. It requires owners or occupants of the land to clean and clear the land. Notwithstanding the visual aspect of poor lot maintenance, vermin thrive in these conditions causing health concerns. All properties are required to keep clean and free of:



- Rubbish, debris, objects, or conditions that might create a health, fire, or accident hazard
- Wrecked, dismantled, discarded, or abandoned machinery, vehicles, trailers, or boats

- Vehicles unlicensed for the current year and not properly enclosed and protected
- Long grass, bush, undergrowth, and noxious weeds as defined in the Weed Control Act as amended
- Dead, decayed, or damaged trees or other natural growth
- All garbage shall be placed in containers with covers

Parking

Parking issues have come to the forefront over the past few years. With the City becoming a go to location within the Region, staff anticipate ongoing enforcement issues. Prohibited and permit parking are identified by



municipal signage, particularly when it comes to disabled parking. However, some parking prohibitions do not require signage. Vehicles cannot park so they are obstructing driveways, fire routes, fire hydrants or sidewalks. In the case of temporary parking restrictions, including parking interfering with snow removal.

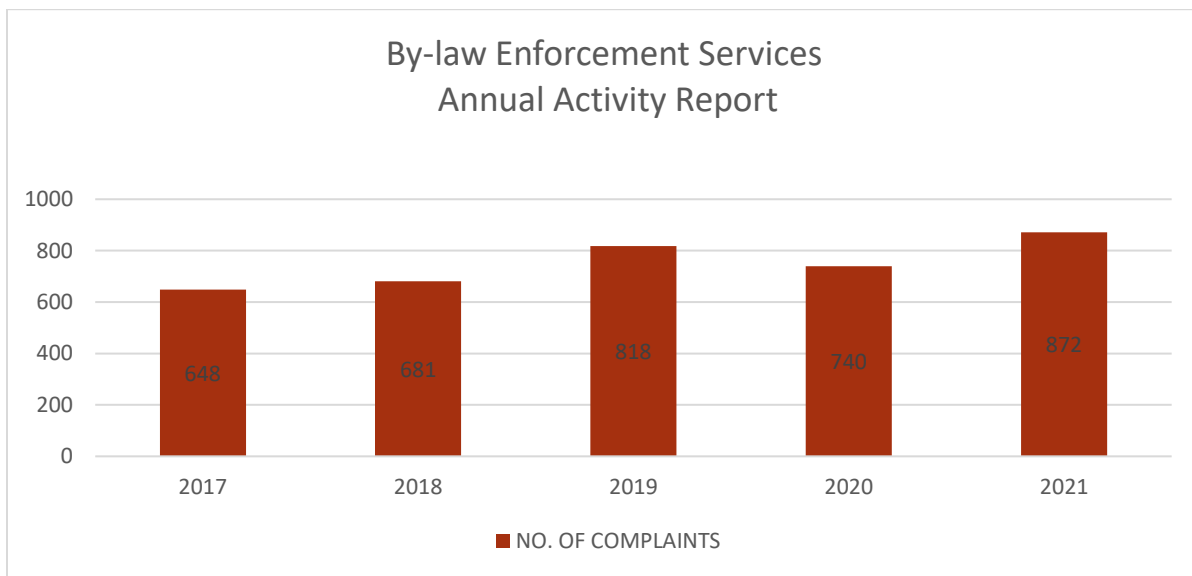
Property Standards

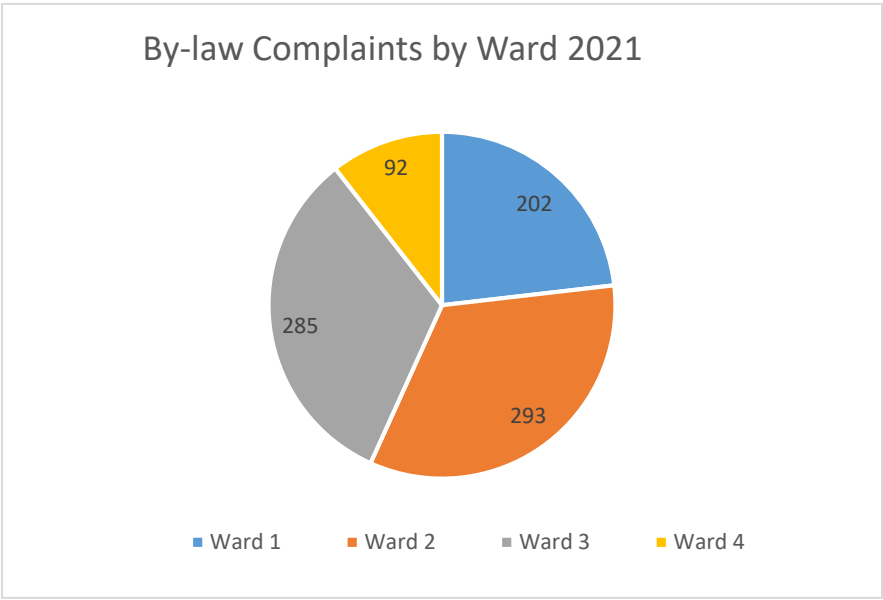
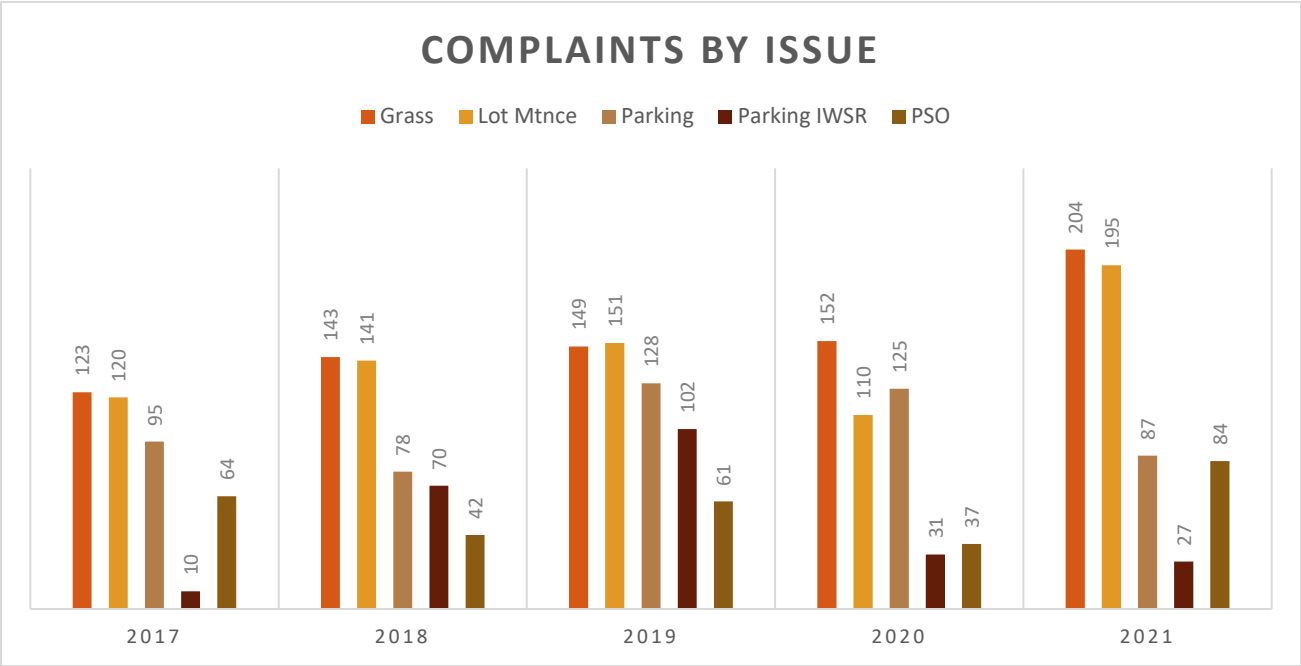


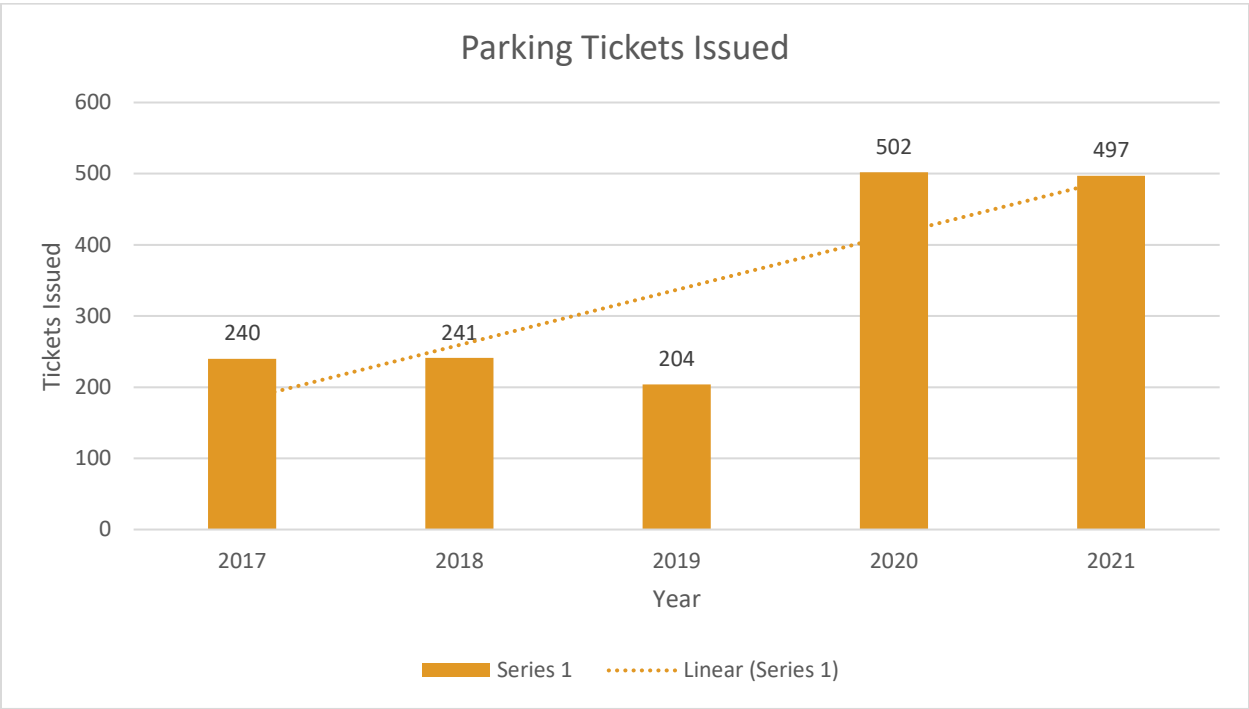
The property standards by-law prescribes the minimum standards for the maintenance and occupancy of property within the municipality. Buildings are required to be structurally sound and their

components are required to be in good repair and protected against deterioration. This particular by-law helps protect tenants' rights that have unsafe conditions in their rental unit.

While not an all-encompassing list of the work the by-law department does for the City, it provides a glimpse into the day of a By-law Officer. If I have learned anything about by-law enforcement in 2021, it is that we will not and cannot make everyone happy. Usually, two different parties are involved in a complaint. One will get self-proclaimed justice while the other will feel wronged.







Animal Control activities within the City of Port Colborne

Animal Calls Received	Totals	Shelter Admissions	Total
Stray Dogs	26	Stray Dogs	31
Stray Cats	24	Stray OTHER	2
Wildlife	152	Stray Cats	54
Bylaw Infractions	94	Owner surrendered	24
Farm	5	Wildlife	100
Exotic	1	Annual Total	211
SUEP	217	Adoptions	Total
Rescue	0	Dogs	5
Emergency Assistance	18	Cats	59
Ambulance	0		
Kennel Inspections	7	Annual Total	64
Other	215	Claimed	Total
Annual Total	759	Dogs	23
By-law Infractions	Total	Other	
Loose Dog/Cat	36	Cats	5
Licence	4		
Excrement	8	Annual Total	28
Barking Complaint	16	Euthanized	Total
Dog Bites	21	Dogs	1
Muzzle	5	Cats	3
Annual Total	90	Wildlife	83
		Annual Total	87

Strengths, Weaknesses, Opportunities, Threats (SWOT)

The purpose of a SWOT analysis is to study the internal and external environments of a department, through the identification and analysis of the strengths and weaknesses of the organization, and the opportunities and threats to which it is exposed. By completing the above SWOT, staff can position themselves to take full advantage of the strengths and opportunities of the document while mitigating the effects of weaknesses and threats. Some of the highlighted from the SWOT are:



The majority of Community Safety & Enforcements strengths come from human capital. Dedicated staff not only want to show up and do great work but assist in making the department better. Council's support and continued funding can also fit under this element.

- City growth

The City is bracing for substantial growth over the next 10 years. Growth will bring on additional change for the fire service, but it will also provide a larger pool of applicants for positions.

- Data Management System

The City currently uses an out-of-date system called Lotus Notes. While there is an abundance of data for senior staff to use in its decision making, it is difficult to extract and must be compiled manually.

- Dedicated People

Like so many organizations, our people need to be the biggest strength. Our dedicated fire fighters and officers were flexible when needed with each adjustment made from our attempt to stay ahead of COVID.

- COVID-19

The Community Safety & Enforcement has seen multiple cases of COVID-19 which in turn limits in-service staffing levels. While the majority of the staff is vaccinated, the last wave has shown the vaccine has limited success in protecting people from the virus.

- Volunteer Spirit

Port Colborne Fire & Emergency Services has noticed a decrease in applications to become a volunteer fire fighter. With that, the majority of community volunteer organizations have seen a downturn in people wanting to be involved in the community.

Successes & Challenges (Port Colborne Fire & Emergency Services)

Any successful Department must take the time to reflect to see what went well and should continue. Just as important, we must take the time to see what isn't working and must be reworked or eliminated altogether. The following, while not an all-encompassing list of successes and challenges, is a sample of the ongoing items that are a focus of this Department.

Merging of Fire Department with By-law Services

The departments have a history of working closely with each other. Both departments are mandated to protect the safety of the community and enforce provincial and municipal laws. Benefits of the merge have been seen both internally and externally. Departmental silos have all but been removed and the flow of troubled property information is flowing between units. Community Safety and Enforcement is looking forward to the growth of our City and is prepared to deal with the benefits and challenges that will emerge.

COVID – 19

I am personally looking at our Departments response to COVID-19 as a success. All levels of the organization responded quickly and adopted control measures put in place. Both Associations were flexible and worked with Senior Management to protect our ability to respond. With multiple disruptions to the training calendar, our team adjusted when needed.

The pandemic continues to frustrate many of the departments normal activities. All the lines of defense have been altered from time to time to ensure our continued ability to have staff to respond. Our continued ability to predict and change to our environment will be critical to our continued success.

Recruitment

The department continues to see an issue in attracting and retaining paid-on-call volunteer fire fighters. This trend is not just a Port Colborne issue. Other municipal fire services struggle with the same issue of retaining paid-on-call volunteer fire fighters. This turnover in fire fighters may well be the reality of running a composite fire service that is continually advertising and training recruit fire fighters annually.

While multiple articles can be found during research on the topic, no one issue can be targeted to resolve the struggle. Changes in family dynamics, competing interests and the reality of the level of commitment needed to be a volunteer are often key factors. It is noted that not only do the fire service struggle to recruit and retain quality volunteers; many of the mainstay organizations in our community struggle to get quality help as well.

An example of the struggle to attract people; Port Colborne Fire & Emergency Services started recruitment for volunteers in late November 2020 for a start date in 2021. The Department

received just 11 applications which are less than half of what was received in 2019. Of these six recruits, only 3 made it through recruitment.

Senior Port Colborne Fire & Emergency Services staff did see an increase in the 2022 recruitment. Retention of trained staff will be a focus in the coming years.

Successes & Challenges (By-law Division)

Administrative Monetary Penalty System (AMPS)

The Administrative Monetary Penalty System (AMPS) is a fast and efficient way of processing parking tickets in the City of Port Colborne. Since 2014, the City has been using the system for parking. In 2021, the addition to the AMPS ticketable offenses for lot maintenance, noise, snow removal, and trees will give added options for enforcement. This change also enables the City to resolve disputes in a less formal and costly setting of the Provincial Court system.

Enforcement Policy

The enforcement policy will help change the By-law Division from a complaint driven model to a modified proactive model. When matters pertained to public health and enforcement are now pursued on a proactive basis in terms of priority. A risk assessment tool is now in use to help staff prioritize complaints instead of a first come, first serve model.

What is next?

The workplace is dynamic and constantly changing and challenging us. While we are focused on our current needs to provide a quality service to the residents, we must look up from our current tasks to look at what the future may hold.

Apparatus Replacement

Engine No. 2 is currently up for replacement. A fire engines life span is 20 years as per NFPA standards.

Technical Rescue

With the changes to training to meet the NFPA standards complete for our more common disciplines like fire suppression and auto extrication, the Department's Technical Rescue Programs will be the next to be reviewed and updated as needed. Rope rescue has been successfully updated as previously mentioned. Water/ice rescue will be the main focus for 2022.

Pre-incident Planning

Pre-incident planning facilitates the transfer of critical information to first-responders that can guide their response to a fire incident and improve their response capabilities, which may ultimately save lives and reduce property damage and business interruption. Our fire departments in-service crews will be using new technology on the trucks to update and create pre-plans for City. The information will be available to responding crews as they respond to calls to assist in making decisions that can save lives and property.

The second benefit to a solid pre-incident program is in-service inspections can be completed at the same time. Identifying safety concerns and remedying the hazard fits with the Department's proactive approach to life safety. Crews will be able to issue orders on infractions to ensure compliance and continue our path to a fire-safe community.

Consolidated Dispatch

Currently, our fire service is dispatched by the St Catharines Fire Department. There is a movement to consolidate the four different dispatching services in the Niagara Region into one. The move would see Port Colborne Fire & Emergency Services move from the current analog radio system to a digital format P25. Many of these changes are being forced upon emergency services by the Canadian Radio-television and Telecommunications (CRTC) mandating the replacement of the current 9-1-1 infrastructure across Canada. Full implementation is scheduled to be completed by March 2024.

The upgrade will improve public safety by allowing the use of new media and data for reporting emergencies and events. This could be streaming video from an emergency incident, sending photos of accident damage or of a fleeing suspect, or sending personal medical information that could greatly aid emergency responders and provide greater situational awareness.

Weather events

There has been a noticeable increase in weather events in the past few years. These events pose challenges to all of the City's departments. Adjustments have been made after each event as we learn and attempt to predict outcomes.

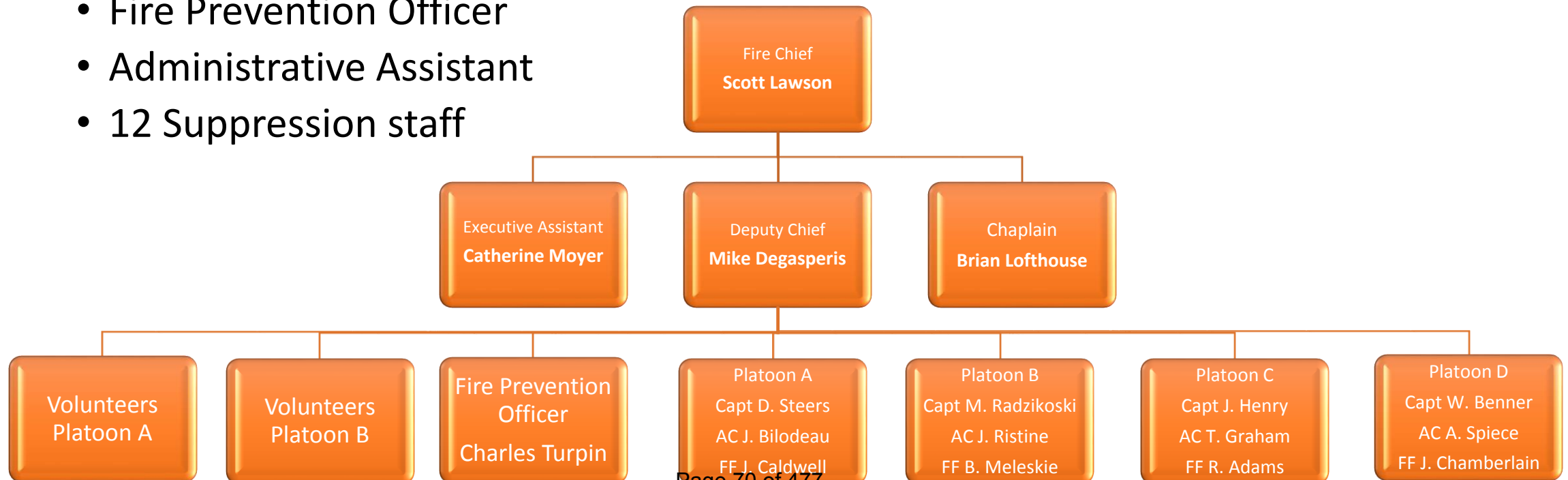
COMMUNITY SAFETY & ENFORCEMENT 2021 YEAR IN REVIEW

Report 2022-75
Appendix B



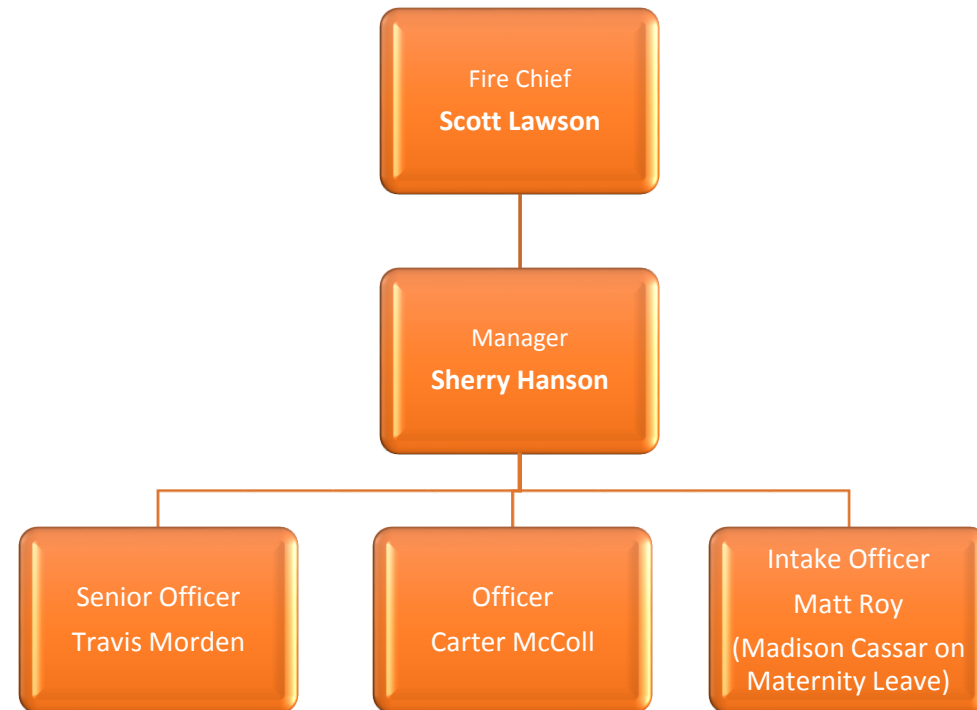
Organizational Chart – PCF&ES

- 15 full-time staff
 - Fire Chief
 - Deputy Fire Chief
 - Fire Prevention Officer
 - Administrative Assistant
 - 12 Suppression staff
- 32 Volunteers
- 1 Chaplain



Organizational Chart – By-law

- 4 full-time dedicated staff to by-law
 - Fire Chief
 - Manager
 - Senior Officer
 - Officer
 - Intake
 - Students in the summer



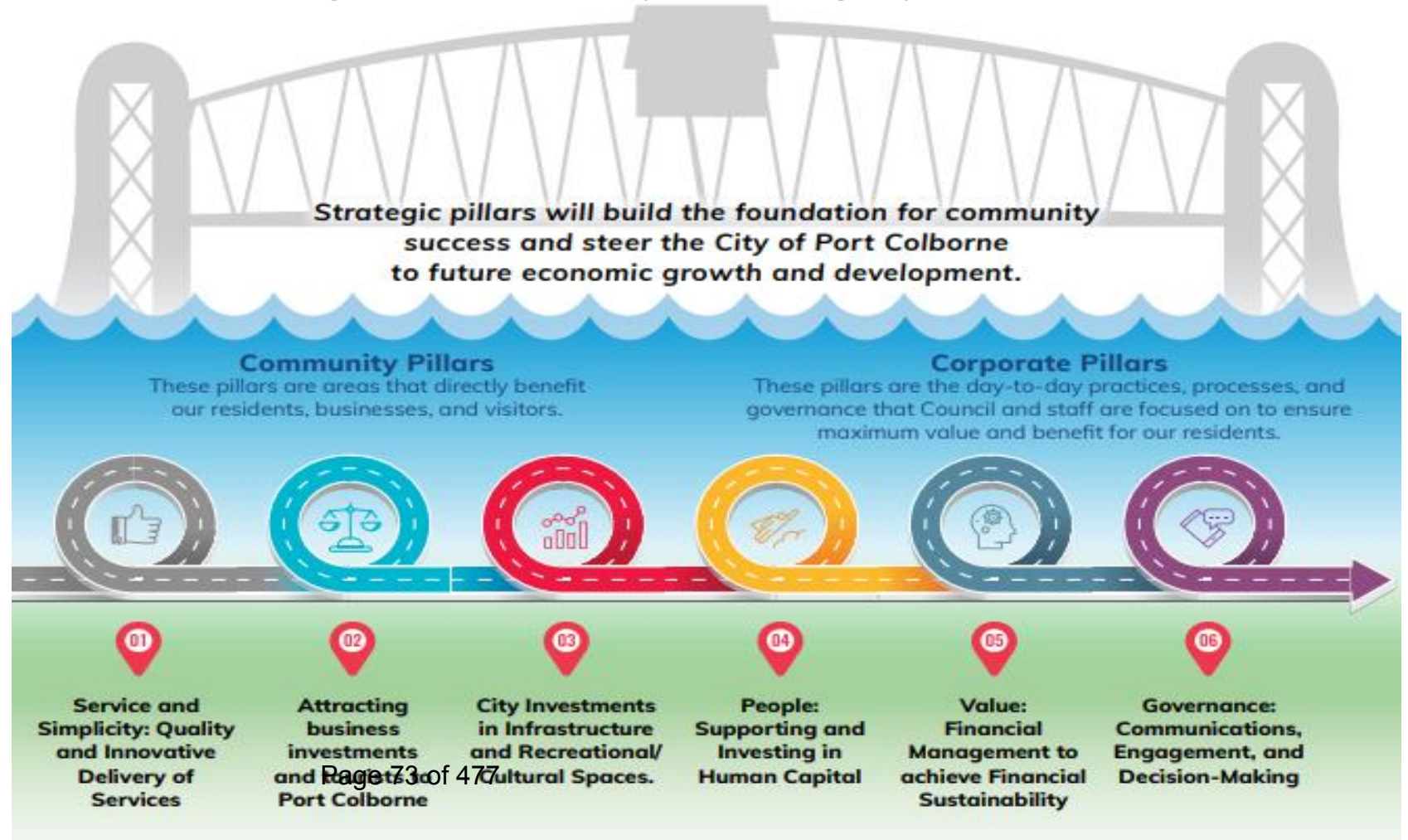
Organizational Chart

Chief Cartwright retired after 21 years of service to the City



Aligning with the City's Pillars

2021-2025 Tactical plans created to align with the City's strategic plan



PORT COLBORNE

FOCUSED ON COMMUNITY

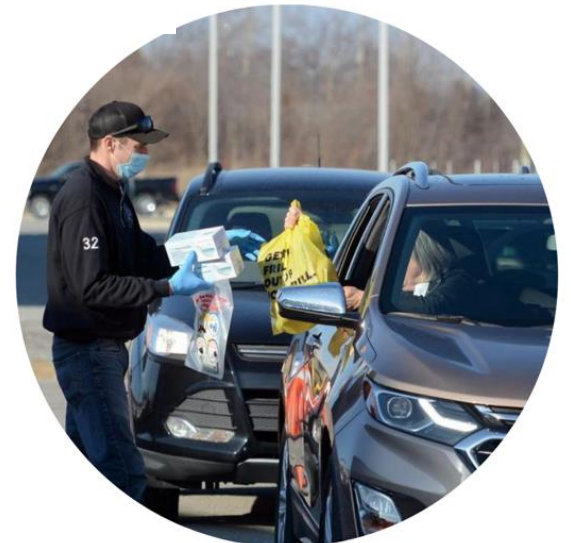
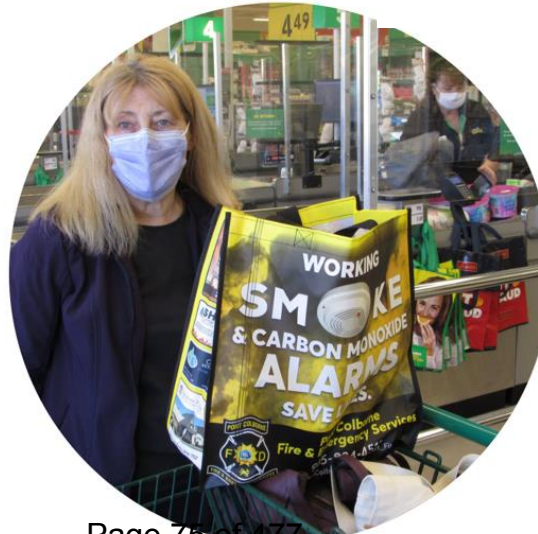
Vaccine Clinic Support

Drive Thru Mask Giveaway

Toy Drive 2021

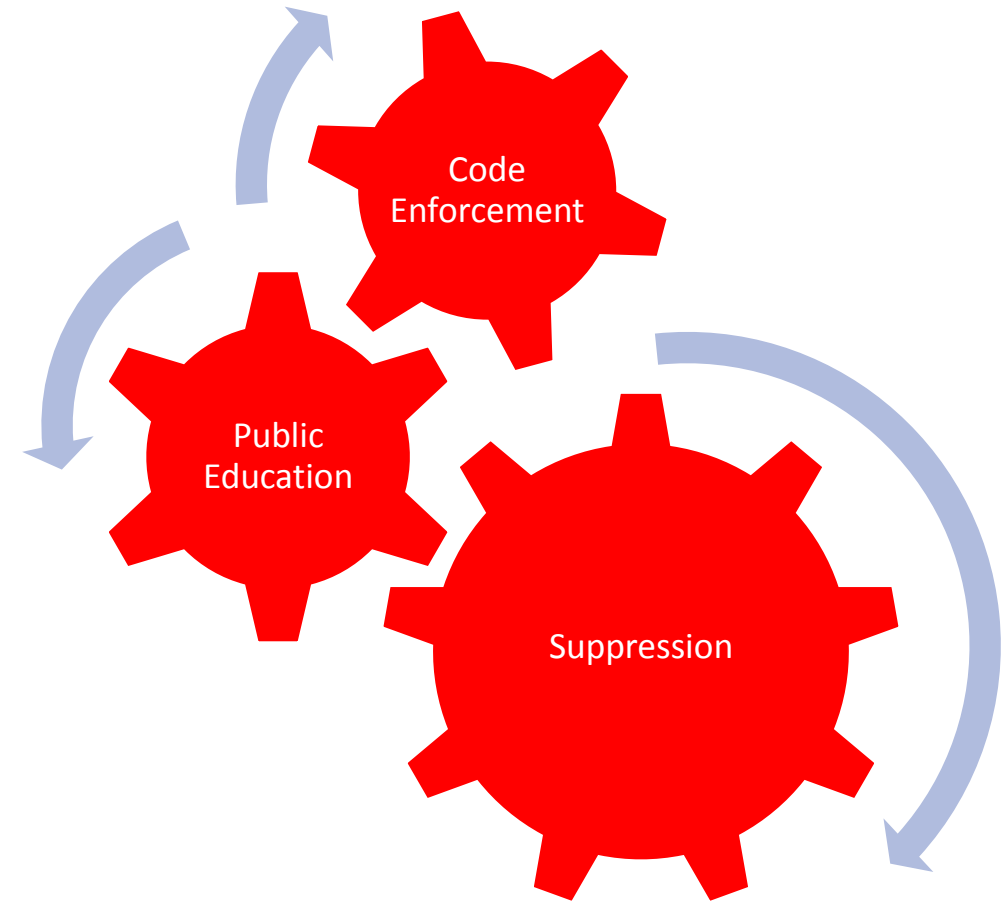


FOCUSED ON COMMUNITY



Fire Service Model - Three Lines of Defense

Effective Fire Service Delivery



Three Lines of Defense

Public Education

Virtual school visits

Morning Show - CHCH

Farmers Market

Social media – FB, Twitter

Smoke Alarm Program (request & complaint)

Community engagement/promotions



Three Lines of Defense

Code Enforcement

Business Licences

Supervised Fire Drills

Property Inspections

Fire Safety Plan Reviews

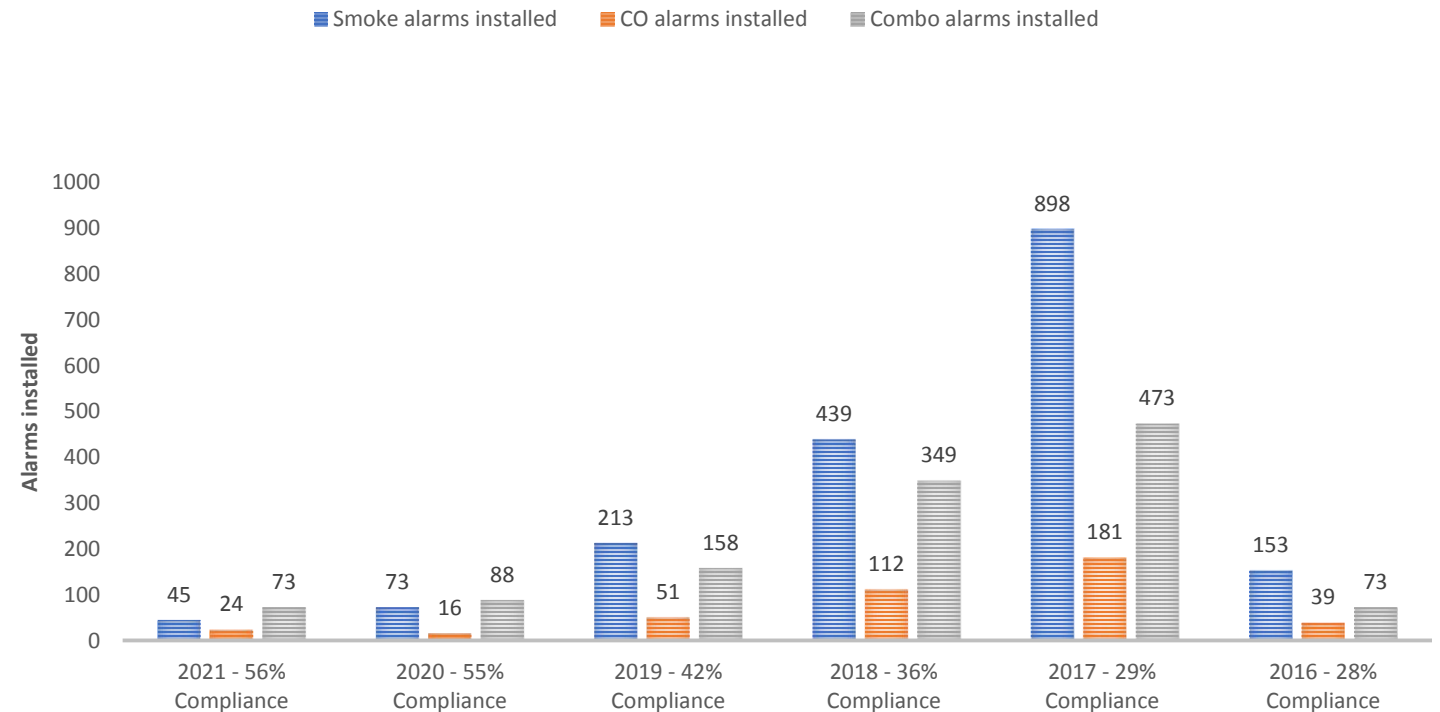
Building Plan Review

Prosecutions (Part 1 & 3)

Smoke Alarm Program....

We respond to all request and complaints

SMOKE ALARM PROGRAM STATISTICS



Three Lines of Defense

Response

Broken down into four key elements

- Level of Service
- Equipment
- Training
- Call Response



Three Lines of Defense

- Level Of Service
- Establishing & Regulating By-law 6745/109/19 sets the Council through core services: As an example:
 - Interior Structural Fire Fighting
 - Grass/Brush Fires
 - Burn Complaints
 - Water/Ice Rescue
 - Elevator Rescue
 - Motor Vehicle extrication
 - Public Assistance Calls
 - Carbon Monoxide Investigations
 - Natural Gas Emergencies
 - Technical Rescue (rope)
 - Vehicle Fires
 - Medical Assistance Calls



The Corporation of the City of Port Colborne

By-law no. 6745/109/19

Being a by-law to establish and regulate the
City of Port Colborne Fire and Emergency Services (Composite)

Whereas the *Fire Protection and Prevention Act, 1997, S.O. 1997* permits the Council to enact a by-law to establish and regulate a fire department.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. In this by-law, unless the context otherwise requires;
 - a) “approved” means approved by Council.
 - b) “Chief Administrative Officer” means the person appointed by Council to act as Chief Administrative Officer for the Corporation.
 - c) “Corporation” means the Corporation of the City of Port Colborne.
 - d) “Fire Fighter” means a Fire Chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer fire fighter.
 - e) “Council” means the Council of the City of Port Colborne.
 - f) “Deputy Fire Chief” means the person appointed by Council to act as the Deputy Fire Chief.

Three Lines of Defense

Response - Equipment

Engine 1 - **2015 Spartan Metrostar**

Engine 2 - **2000 E-1 - Superior**

Tanker 1 - **2015 Freightliner**

Rescue 1 - **2012 Spartan Metro Star Custom Built**

Ladder 1 – **2006 Pierce – 75' Ladder**



Three Lines of Defense

Response – Virtual Training

- COVID = Creativity
- Online for Public Educator
 - Certified 17 firefighters
- Online Incident Safety Officer
 - Certified 5 firefighters
- Online Fire Officer 1
 - Certified 8 firefighters



Three Lines of Defense

Response – Hands on Training (HOT)

- Recertified in Defib
- Survival
 - Entrapment/low profile
 - Bailouts (hose & ladder)
 - Rapid Intervention
 - Denver & Nance
- Roof Ops - Ventilation
- Hose movement & stretching
- Rural water
- Search & Rescue
- SCBA





Three Lines of Defense

Training

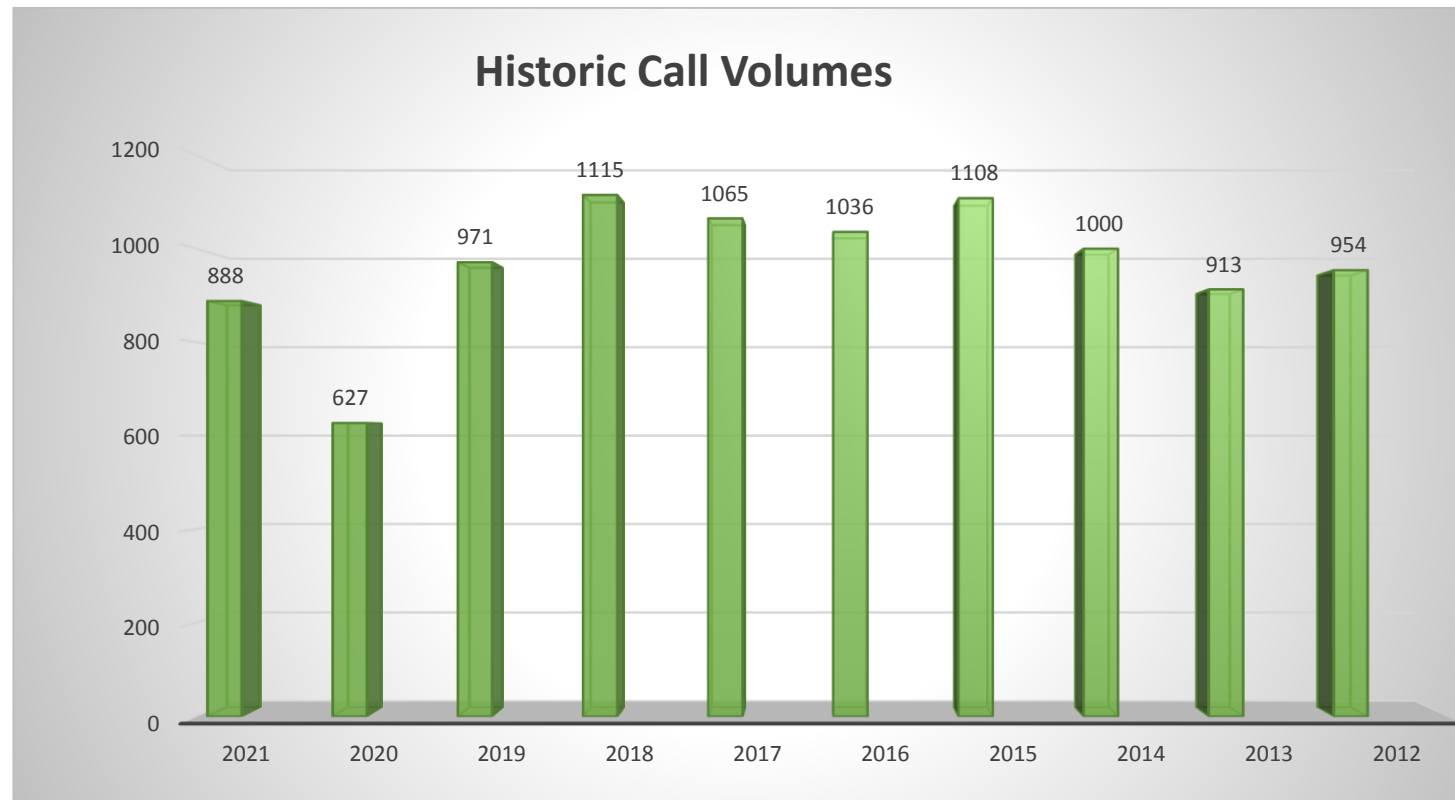
- The start of updating tech rescue
 - Rope was the 2021 focus
 - New equipment purchased through the operating budget

New program created and operating guidelines updated.



Three Lines of Defense

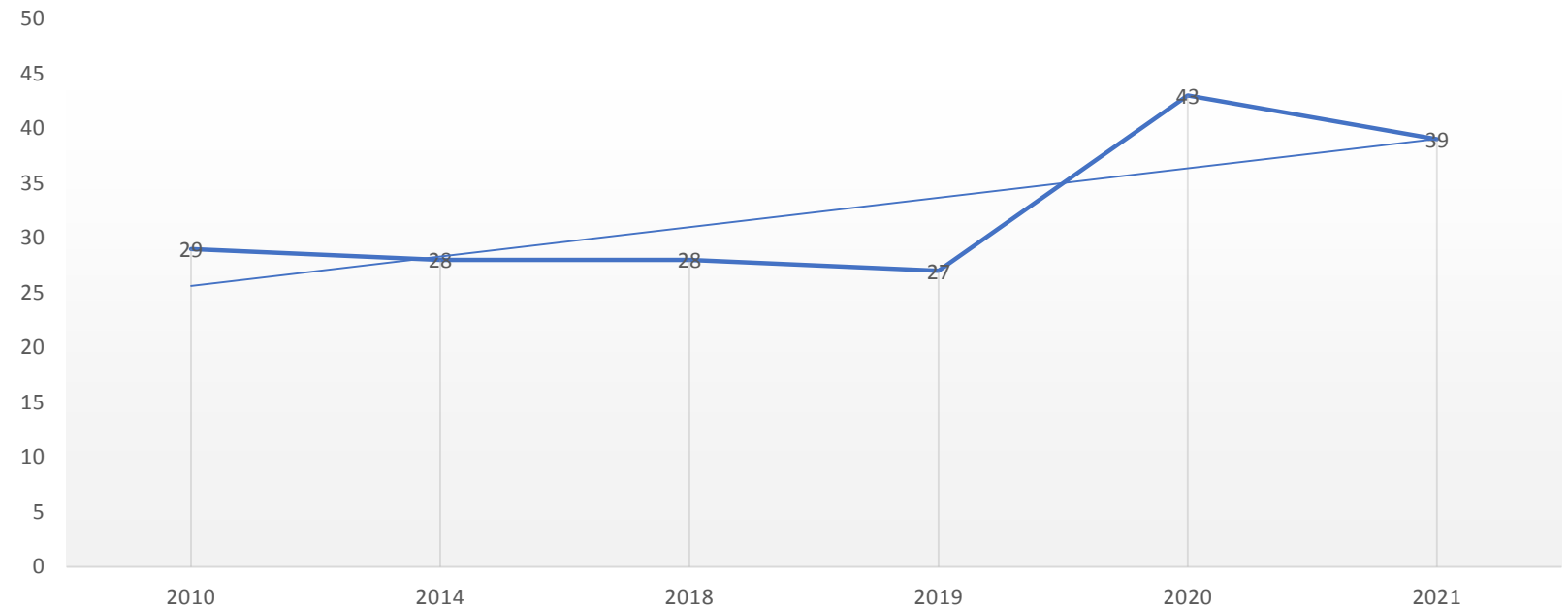
Response - Calls



Three Lines of Defense

- Response – Loss Fires

Loss Fires in 2020



By-law Service Model

- The Model is Similar to Fire
 - Education
 - Key to lowering complaints and repeat issues
 - Enforcement
 - Compliance to by-law through orders
 - Eliminate the threat
 - City driven clean ups, repairs, towing, fines, etc.

By-law Service – Big 3

- Lot Maintenance
 - Outside of the property
 - Rubbish, vehicles, noxious weeds, long grass etc
 - Visually unappealing
 - Can lead to vermin issues



By-law Service – Big 3

- Parking
 - No longer the hidden gem of Niagara
 - Increase in visitors means more vehicles
 - Parking issues throughout the municipality
 - Road ends
 - Beach accesses
 - West Street

Not just a May to September issue anymore



By-law Service – Big 3

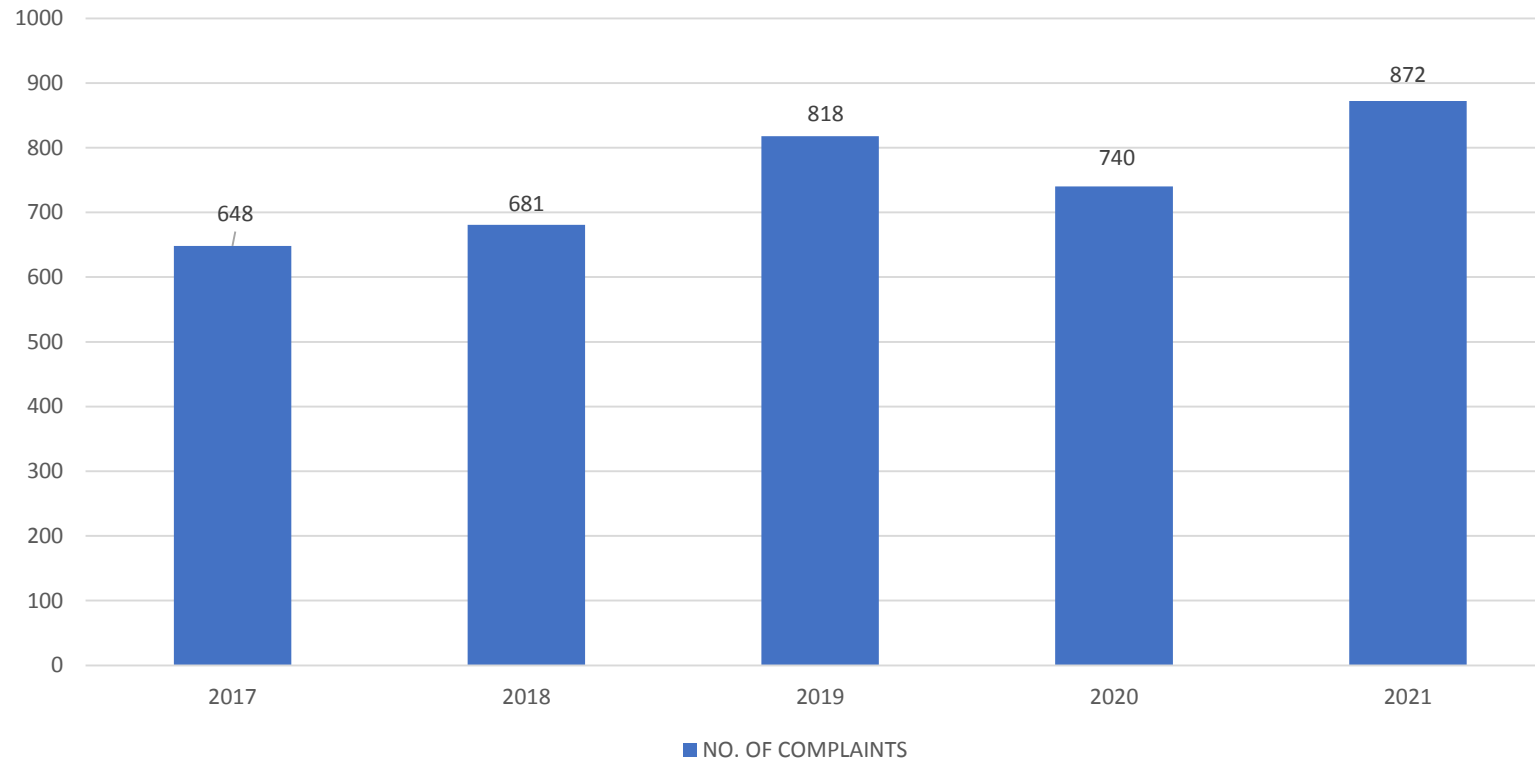
- Property Standards
 - The building itself
 - Inside and out
 - Roof, windows, railings etc.
 - Visually unappealing
 - Health issues

Protects tenant from unsafe conditions

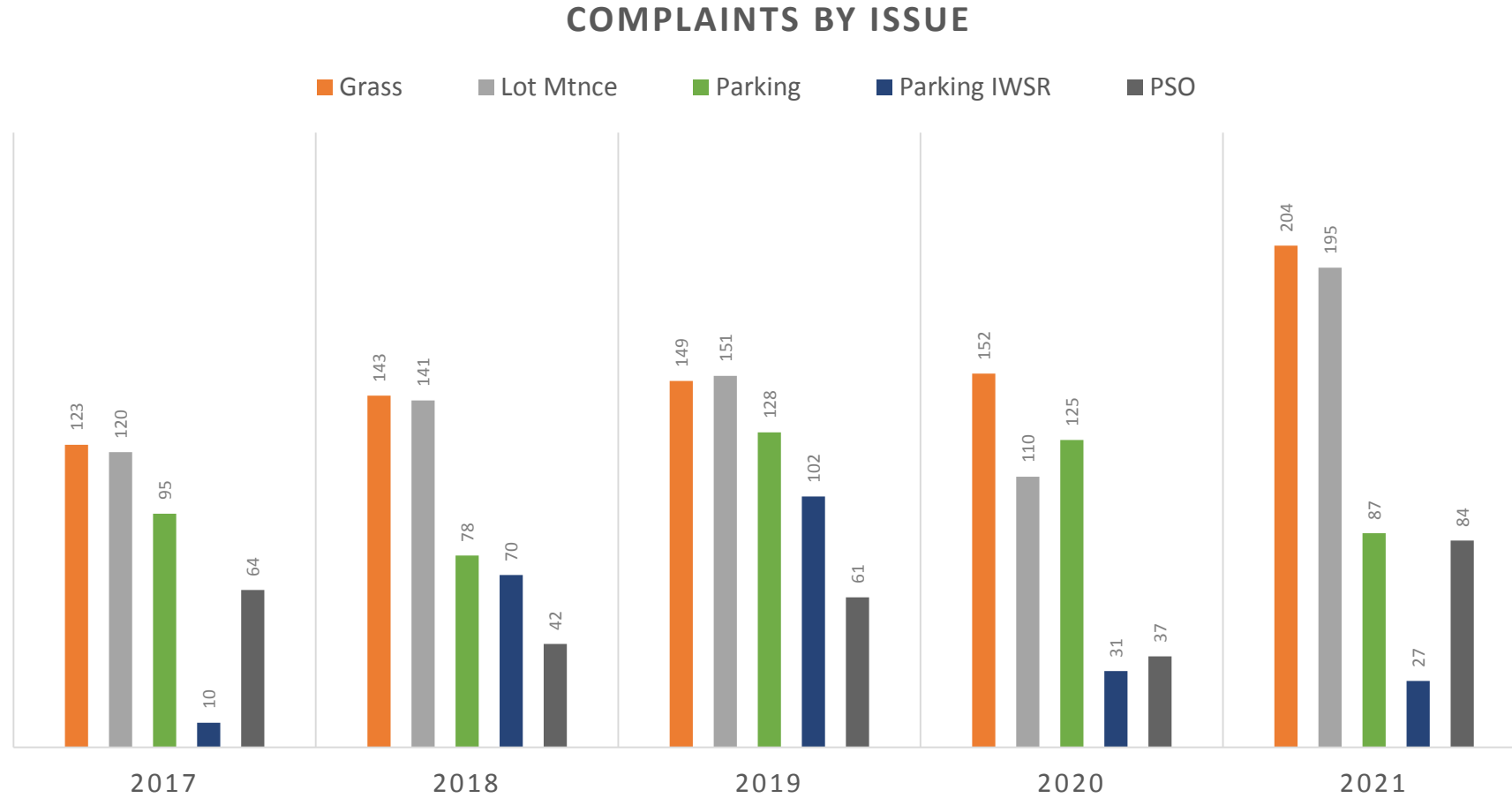


Activity Report

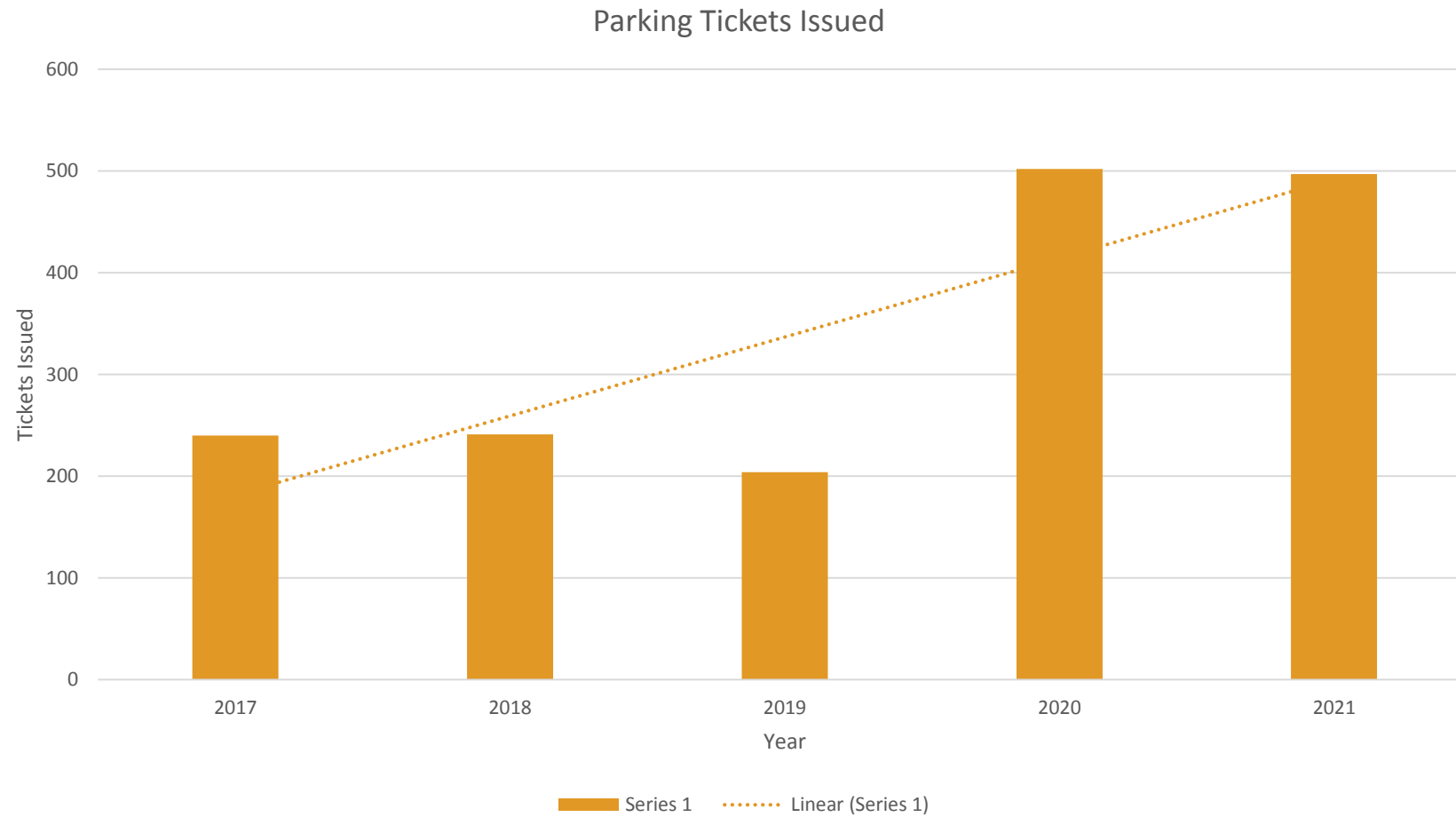
By-law Enforcement Services Annual Activity Report



Complaints by Issue

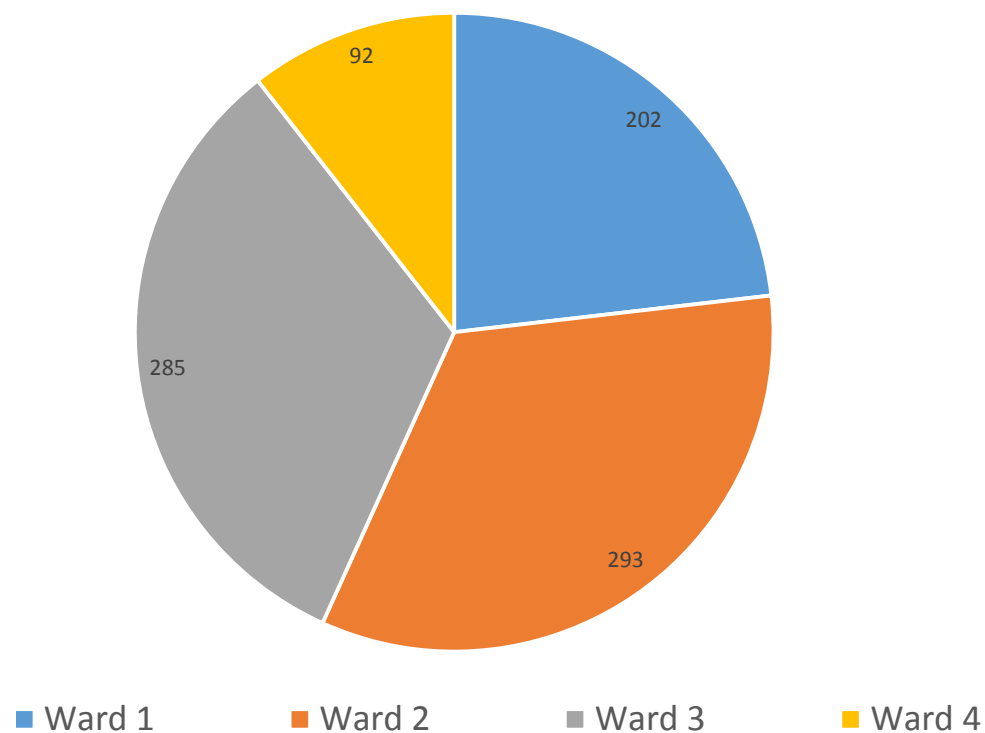


Parking Issues



Complaints by Ward

By-law Complaints by Ward 2021



Successes & Challenges

Successes of 2021

- COVID Response
- Certification Complete
- Multiple windstorms
 - Blackberry AdHoc used
- Engaging the community
- AMPS
- Enforcement Policy
- The merge

Resilient Workforce



Successes & Challenges

Successes of 2021

- Addition of some awesome staff
- Deputy DeGasperis
- Fire Fighter Meleskie
- Volunteers – Kolbuc, Roy, Thompson
- Officer Carter McColl



Successes & Challenges

Challenges of 2021

- COVID Response
- Recruitment
 - While 2021 recruitment was successful, many issues identified through the process.
- Public demands





Subject: Tennessee Avenue Gates Design Services and Firelane Pillars Scope Change and Additional Funding

To: Council

From: Public Works Department

Report Number: 2022-121

Meeting Date: June 14, 2022

Recommendation:

That Public Works Department Report 2022-121 be received, and

That Council approve the increase in scope for the Tennessee Gate Design project to also include design services to address the entrance pillar widths at Firelane 1 and Lorraine Road and at Firelane 2 and Pinecrest Road, and

That Council approve additional funding of \$20,000 to include the redesign of the pillars at each location to accommodate emergency vehicles and other larger vehicles.

Purpose:

The purpose of this report is to seek Council approval for staff to award the design contract for the Tennessee Gates and include additional scope and funding in the amount of \$20,000 to address the existing pillar entrance limitations at the intersection of Lorraine Road and Firelane 1 and the intersection of Pinecrest Road and Firelane 2.

The existing, narrow Firelane Pillars cause issues for access and accommodation of larger vehicles, including emergency service vehicles.

Background:

On May 8, 2017, Staff were directed to undertake necessary maintenance of the City-owned heritage properties, in accordance with Section 33 of the *Ontario Heritage Act*. While not designated by their own individual bylaw, these pillars are referenced in the Heritage Bylaw of adjacent properties and are of historical significance to the area.



Figure 1: Lorraine Road and Firelane 1 Entrance Pillars (Left) and Pinecrest Road and Firelane 2 Entrance Pillars (Right)

As part of the 2021 budget, Tennessee Gate Inspection and Design was approved in the Capital Budget for \$30,000.

While investigating and preparing the Tennessee Gate design Request for Proposal (RFP), the entrance pillars at the corner of Lorraine Road and Firelane 1, (Figure 1) and at the corner of Pinecrest and Firelane 2, (Figure 2), were identified as concerns by the Fire Department, due to the inaccessibility of larger vehicles, including emergency vehicles.

Upon review, staff noted that the pillar investigation and design would be similar in scope, including heritage significance, to the existing approved project. Therefore, staff amalgamated the RFP to also undertake an inspection and design of the Firelane Pillars at the same time as the Tennessee Gates, including potential relocation of one pillar at each location.

Discussion:

The Request for Proposal (RFP) was advertised on the City Bids and Tenders website on March 22, 2022. On April 25, 2022, the RFP for Design Services for Natural Heritage Restoration of Tennessee Avenue Pillars/Gate/Walls and Firelane Pillars closed.

The City received two submissions and the entire proposal process and opening adhered to policies as previously adopted and endorsed by Council.

WSP received the highest allotment of points from the evaluation process and are the recommended consultant to award the project.

To accommodate the additional scope, the cost of the bid was higher than the previously approved budget. Therefore, staff are requesting \$20,000 to be able to allow the Firelane Pillars to be evaluated and have WSP provide a range of management strategies to address the concerns of settlement, cracking, and mortar joints.

Internal Consultations:

The Public Works Engineering division, in partnership with the City Fire department reviewed the limitations of the existing pillars and continue to work in partnership to achieve an acceptable access to both Firelane locations.

Financial Implications:

This project has \$30,000 available through previously approved projects 21C-PW-B30. The Firelane Pillars project requires an additional \$20,000 to complete the pillar design work.

If approved, the budget for project 21C-PW-B30 will increase to \$50,000 and the \$20,000 difference will be funded from the capital contingency fund that has a balance of \$91,531 at the time of writing this report.

Physical reconstruction and relocation of the Gate/Pillars will be included in future Capital Budget requests, once the design and cost estimate for those works are completed through the investigation and design process.

Public Engagement:

The City Heritage Committee will be consulted during the project and will be asked to approve the proposed design works prior to any construction. Any local homeowners in the area will be notified to ensure understanding of the proposed project.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Council approval would allow staff to award the Request for Proposal to the consultant WSP to move forward with the design works for the Tennessee Avenue Gates and the Firelane Pillars. Staff will make a budget recommendation in 2022 to move forward with construction in 2023.

Appendices:

- a. Exhibit A – Report for Heritage Committee: Tennessee Avenue Stone Pillars

Respectfully submitted,

Eliza Durant,
Civil Technologist
905-835-2900 Ext. 215
Eliza.Durant@portcolborne.ca

Scott Lawson,
Fire Chief
905-835-2900 Ext. 307
Scott.lawson@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and the City Treasurer, when relevant. Final review and approval by the Chief Administrative Officer.

Report for Heritage Committee:

RE: Tennessee Avenue Stone Pillars – Humberstone Summer Resort Company

4 March 2022; Michelle Vosburgh, Archivist

History:

The Humberstone Summer Resort Company, incorporated in 1890 by the Province of Ontario, was a endeavour by American entrepreneur, Peter McIntosh, and his business partner, Charles Steele to create a summer cottage resort on Gravelly Bay. The company sold individual lots within the property to cottage owners, and managed the property and its amenities. In 1892, as per an agreement with Humberstone Township Council, part of the former Lakeshore Road was turned over to the company to become a private road, renamed Tennessee Avenue, stretching from Sugarloaf St. on the east, to Lakeshore Road in the west. The township then opened a road allowance for Sugarloaf St. from Steele St. west to connect again with Lakeshore Rd., so the public could bypass the resort's property.

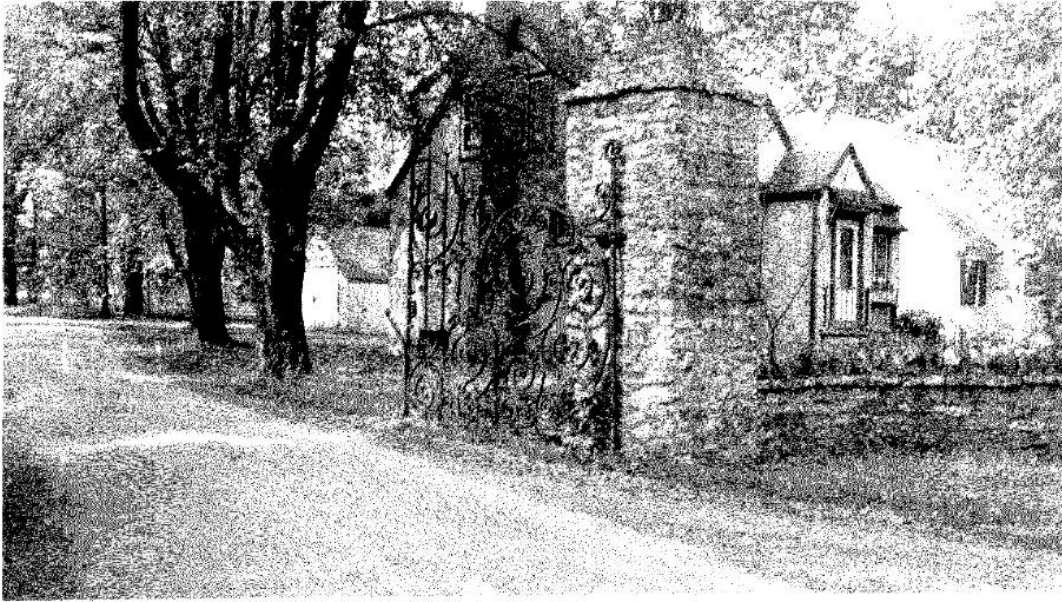
In 1895, as part of the process of enclosing the Humberstone Club property, the Humberstone Summer Resort Company oversaw the erection of a stone wall, and gateway, including two 10-foot-high stone pillars at either side of the entrance to Tennessee Avenue from Sugarloaf St. In 1896, large iron gates were added to the pillars, and large lamps placed on top of each pillar. The money to pay for the pillars and gates came from two cottage owners: J.J. O'Fallon of St. Louis and John Barclay of New Orleans. Contractor Harry Leslie (who did a lot of work for the Humberstone Summer Resort Company) built the stone wall and pillars assisted by members of the Wegerich family. According to the newspaper reports, Charles Steele supervised the construction of the pillars and stone wall. Oral tradition and local history accounts claim the pillars were named for the daughters of J.J. O'Fallon.

When the Humberstone Summer Resort Company went out of business in the 1930s, Tennessee Avenue reverted to public ownership. The original entranceway to Tennessee Avenue at Sugarloaf Street between the gates was only 50 feet wide, and it became necessary to widen the road. The stone pillars were also in a poor state of repair. As a result, the entranceway was dismantled, with the pillars rebuilt, further back from the travelled roadway. The rebuilt pillars were shorter than the originals, and the iron gates were reattached in a way which rendered them inoperable being now attached on the north side of the stone pillars, instead of the original position on the west side of the east pillar, and east side of the west pillar. See Appendix #1 for photo showing original position. The stone wall has also been reduced in height from its original. The Port Colborne Historical and Marine Museum has, in its collection, some of the stones removed when the pillars were rebuilt.

Additional photos of the gates in their original state and position are included in appendices.

It is important to note that there is, in the vicinity, south of the gates on Tennessee Avenue, a confirmed burial mound from the Attawandaron or Chonnonton (sometimes referred to as the "Neutral") nation, c.1600-1650, along with other nearby archaeological evidence of the presence of First Nations who lived, hunted, fished, and traversed the area.

Appendix 1



PCHMM 986.72.200

Appendix #2



PCHMM 977.330.3

Appendix #3



PCHMM 986.72.10

Subject: Canada Day Celebrations

To: Council

From: Corporate Services Department

Report Number: 2022-101

Meeting Date: June 14, 2022

Recommendation:

That Corporate Services Department Report 2022-101 be received; and

That the waiver of fees of approximately \$800 for the Optimist Club Canada Day Celebrations at H.H. Knoll Lakeview Park Celebrations be approved as a City sponsorship of the event;

That the following roads be closed to parking and vehicular traffic on Friday, July 1, 2022, from 9:00 p.m. to 11:00 p.m.

- West Street, from the southern limit of Charlotte Street to the southern limit of the former Public Works Yard (11 King Street);
- Intersection of Kent Street at West Street;
- Intersection of Victoria Street at West Street;
- Intersection of Adelaide Street at West Street; and
- Intersection of Sugarloaf Street at West Street.

That Staff be directed to confirm that the Port Colborne Optimist Club file a certificate of insurance naming the City as an additional insured, in the amount of \$2,000,000, prior to the event.

That the Chief Administrative Officer and Director, Corporate Services/Treasurer be delegated the authority to approve and organize future Canada Day Celebration events provided the event follows a similar model as presented in this report, for greater clarity staff are delegated the authority to change and/or add additional street closures, change times and firework location, if required.

Purpose:

The purpose of this report is to provide Council with information regarding the 2022 Optimist Club Canada Day Celebrations at H.H. Knoll Lakeview Park and a recommendation for the Canada Day fireworks display road closures.

Background:

The annual Optimist Club Canada Day Celebrations (the “event”) provides the community with a fun-filled day of family activities at H.H. Knoll Lakeview Park. This is a family orientated community event with food vendors, retail, vendors, artisan vendors, penny sales, community organizations, children’s activities, and more. The afternoon will also feature various entertainers and performances. This event is deemed to be a significant event for the City of Port Colborne and is recognised in the maintenance standards for Municipal Parks under section 8.2 Special Events – subsection 8.2.1 – Regionally Significant Events. The event poster from the Optimist Club can be viewed in Appendix “A”.

To facilitate the Canada Day Fireworks, a portion of West Street, from the southern limit of Charlotte Street to the southern limit of the former Public Works Yard (11 King Street), will need to be closed to prohibit general vehicular traffic and parking by the public.

Discussion:

The event at H.H. Knoll Lakeview Park will be held from 10:00 a.m. to 6:00 p.m. on Friday, July 1, 2022. The Optimist Club is requesting the City waive fees for H.H. Knoll Lakeview Park, the large pavilion, and the bandshell. The Optimist Club is also requesting the City install snow fencing to accommodate the birds of prey exhibit, provide portable washrooms, and waive of the noise variance fee. Below is a summary of the total value of the waiver of fees.

Sponsorship Type	Approximate Value (\$)
Park Permit – H.H. Knoll Lakeview Park	\$78
Pavilion and Bandshell Permit	\$88.50
Snow Fencing Installation Fee	\$300
Noise Variance Fee	\$100
Portable Washroom Fee	\$200

Road closures are required to facilitate a safe viewing area for the fireworks display along West Street and are recommended between 9:00 p.m. and 11:00 p.m. on Friday, July 1, 2022. This area is for pedestrians to view the Canada Day Fireworks that will

occur over the Welland Canal beginning at approximately 10:00 p.m. (weather permitting). The following road closures are recommended:

- West Street, from the southern limit of Charlotte Street to the southern limit of the former Public Works Yard (11 King Street);
- Intersection of Kent Street at West Street;
- Intersection of Victoria Street at West Street;
- Intersection of Adelaide Street at West Street; and
- Intersection of Sugarloaf Street at West Street.

The proposed road closure map is attached as Appendix “B”.

Financial Implications:

As mentioned previously in the report, staff are seeking Council approval to waive fees to support the Optimist Club Canada Day Celebrations as a City sponsorship of the event. The waiver of fees is valued at roughly \$800 and staff time will also be required during the event.

Recreation staff applied to the Celebrate Canada grant and were successful in receiving \$16,000. These funds will be utilized for the fireworks and Canada Day cake at the Optimist Club opening ceremonies.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
-

Conclusion:

In conclusion, staff recommend that Council approve the waiver of fees as a city sponsorship for the Optimist Club Canada Celebrations at H.H. Knoll Lakeview Park and the road closures for the fireworks.

Appendices:

- a. Optimist Club’s Canada Day Event Poster

b. Firework Viewing Road Closure Map

Respectfully submitted,

Luke Rowe
Event Coordinator
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Luke.rowe@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

PORT COLBORNE
OPTIMIST
CLUB
PRESENTS A
CANADA DAY
FAMILY CELEBRATION





JOIN US
FOR A FULL DAY OF FAMILY FUN
FRIDAY, JULY 1ST H.H. KNOLL PARK PORT COLBORNE
FIREWORKS AT 10PM BY THE CANAL - Presented by the City of Port Colborne

GIANT PENNY SALE

FREE ACTIVITIES
THROUGHOUT THE
PARK

Birds of Prey
Alpaca's
Bouncy Castles
Hay Rides

PONY RIDES \$6
11—5 pm

Vendor Fair
Food Vendors
4:00 pm to 6:00pm
MUSIC BY

the Figure Four

Photo Booth
Popcorn
Snow cones

Schedule of Events
10:30 — Mad Science
11:30 — Smudge Fundaes
12:30 — Ann Singer Band
1:00 — Brooke Madeleine
1:45 — Opening Ceremonies
2:30 — Tara's Highland Dance
3:15 — Magician
4:00 — The Figure Four

Schedule subject to change

Violet King will be singing the National Anthem at 1:00 PM



PORT COLBORNE

Lemayzzz Meats Frank's Home Hardware



ARMSTRONG

For up-to-date information please visit the clubs website at
<https://www.pcoptimistclub.com/canada-day-1.html>



Subject: Borden Avenue Road Allowance – Surplus Declaration

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-120

Meeting Date: June 14, 2022

Recommendation:

That Chief Administrative Officer Report 2022-120 be received; and

That Council declare the closed Borden Avenue Road Allowance, legally described as Part of the road allowance between Lots 15 and 16 on Plan 10 and Lots 23 and 24 on Plan 33 between Steele Street and Knoll Street, shown as Appendix A, as surplus; and

That staff be directed to work with the adjoining landowners regarding the creation of parcels to address current encroachments and provide an opportunity to purchase the parcels at fair market value; and

That Economic Development and Tourism staff be directed to create one building lot on the west half of the Borden Avenue Road Allowance and sell the property in accordance with the Sale of Land Policy.

Purpose:

The purpose of this report is to have the Borden Avenue previously closed road allowance declared surplus.

Background:

The Economic Development and Tourism Services Division has undertaken a review of City owned properties to identify potential surplus lands. The Borden Avenue Road Allowance has been identified during this exercise as being potential surplus property for future development. The property was laid out under a plan of subdivision in 1914 and has been vacant for many years. It is not required for future road and transportation purposes. A Stop up and Close By-law was approved April 12, 2022, and a report was

received at a public meeting on May 17, 2022, to propose zoning for the property. A Planning report will come back to a future meeting of Council with recommendations.

Declaring the land as surplus will allow for the existing encroachment issues with neighbouring property owners to be addressed and for the City to create an infill residential building lot. These transactions will be completed in accordance with the City's Sale of Land Policy and Council approval.

Discussion:

This property is currently generating no tax assessment for the City and is maintained by City staff. Public Works has identified Borden Avenue as not being required for future road or transportation purposes. In addition, there are potential liability issues with residents using City property for personal use.

Upon the declaration of this property as surplus, staff will move forward with a listing on MLS for the Knoll Street lot (west side of Borden Avenue Road Allowance) and prepare a plan with adjoining property owners to address the encroachments through a new survey. Staff will bring forward a report and purchase agreements to Council for review and approval.

Internal Consultations:

Planning and Public Works have identified three encroachment issues with neighbouring property owners. Public Works have identified two catch basins on the road allowance connected to the roadside catch basin. Staff have requested that any future sale include a clause stating the pipes and catch basins will become privately owned and the city will not maintain them.

Financial Implications:

There are no immediate financial implications to this report. Developing this property will result in property taxes, water/wastewater and storm sewer fees. It will remove potential liabilities issues with residents using City property for personal use and save Public Works time from maintaining the property, although these time costs are anticipated to be minimal.

Public Engagement:

Public engagement was conducted through the Stop up and Close process and public notice was provided in the Port Colborne Leader Feb 3rd, 10th, 17th and 28th for the public meeting on March 15, 2022. The zoning process has been initiated with the public meeting held on May 17, 2022, public notice was provided in accordance with the Planning Act.

Neighbouring property owners with encroachment issues have also been directly consulted

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - Value: Financial Management to Achieve Financial Sustainability
-

Conclusion:

The Borden Avenue Road Allowance has been identified as surplus in the City land review and can be made available to support infill development and address long-standing encroachment issues. Council approved the necessary Stop up and Close By-law on April 12, 2022, and received a zoning by-law amendment report for information on May 17, 2022. A report will be presented to Council at a future meeting with planning recommendations.

It is recommended that staff move forward with the sale of the land following the zoning of the property. Staff will also work with the adjoining property owners on a plan to address the encroachments through a new survey.

Appendices:

- a. Property Map – Borden Avenue Road Allowance

Respectfully submitted,

Bram Cotton

Economic Development Officer

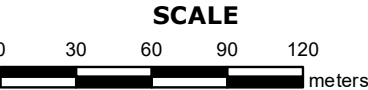
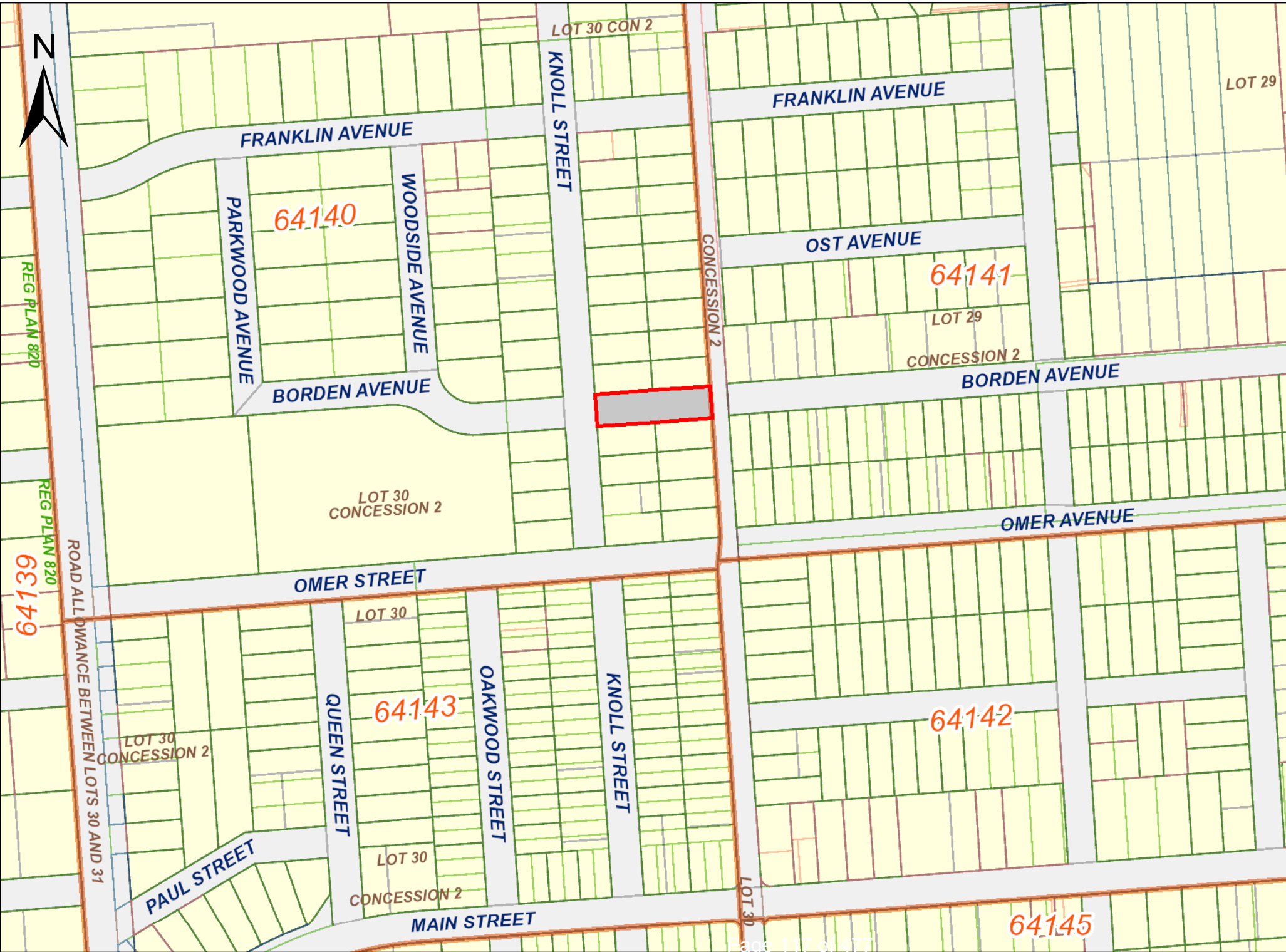
(905) 835-2900 ex 504

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Gary Long
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Gary.Long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



PROPERTY INDEX MAP
NIAGARA SOUTH(No. 59)

LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE
PROPERTY INFORMATION AS THIS MAP MAY
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND
DOCUMENTS RECORDED IN THE LAND
REGISTRATION SYSTEM AND HAS BEEN PREPARED
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT
REFERENCE PLANS ARE NOT ILLUSTRATED

Subject: Stop up and Close Alma Street Road Allowance

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2022-118

Meeting Date: June 14, 2022

Recommendation:

That Chief Administrative Officer Report 2022-118 be received;

That the Stop Up and Close By-law, being a By-law to stop up and close the unimproved Alma Street Road Allowance, legally described as Plan 843 Pt Alma Street, west of Welland Street and abutting Canal Bank Road PIN 64149-01521 be approved; and

That the City owned Alma Street Road Allowance legally described as Plan 843 Pt Alma Street, west of Welland Street and abutting Canal Bank Road PIN 64149-01521 be declared surplus land.

Purpose:

The purpose of this report is regarding a Stop Up and Close By-Law for the Alma Street Road Allowance and having Council declare the property as surplus.

Background:

The Economic Development and Tourism Services Division has undertaken a review of City-owned property to identify potential surplus lands that could be made available to support development opportunities and expand the City's tax base. Infill development creates additional assessment on the City's tax roll and adds users to the water and wastewater system to help improve efficiency and financial sustainability. Staff have applied this rationale when analyzing sites for potential disposition.

This property is legally described as Plan 843 Pt Alma Street, west of Welland Street and abutting Canal Bank Road PIN 64149-01521.

City staff believe that the subject parcel meets these objectives. In order to advance this for a decision on the disposition and sale of the property, several actions must take place, including the passage of a by-law to Stop Up and Close the road allowance and declaring it as surplus.

Discussion:

The subject parcel is currently generating no tax revenue for the City and is not required for operational or maintenance reasons.

Staff believe that a better use of the property would be achieved through private ownership. Selling this property to the private sector would fulfill the goals of the surplus land review to support development opportunities and expand the City's tax base.

If Council chooses to proceed with the Stop Up and Close By-Law and declare the property as surplus to the City needs, staff will proceed with next steps to facilitate the sale of the subject parcel in accordance with the City's Sale of Land Policy. The successful purchaser of the property will be responsible for zoning of the property as it currently is not zoned as a road allowance.

Internal Consultations:

The Alma Street Road Allowance is surplus to the City's needs based on input from City departments and has no strategic value to the City.

Public Works has identified a drainage ditch which runs adjacent to the subject parcel, this would remain in ownership of the City. If an easement is required for City maintenance of the drainage ditch, it would be obtained to the satisfaction of the City, prior to any sale and registration on title.

Financial Implications:

There are no financial implications at this time.

Public Engagement:

A public notice, along with a property map, was placed in Niagara This Week/Port Colborne Leader, April 28, May 5, 12, and 19, 2022. This notice was also posted on the City's website under Public Notices and News and Notices starting April 28, 2022.

No public comments have been received through the Clerks Department since the public Notices were posted.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - Value: Financial Management to Achieve Financial Sustainability
-

Conclusion:

The Economic Development and Tourism Services Division has undertaken a review of City-owned property to identify potential surplus lands and maximize the value of City Real Estate.

The Alma Street Road Allowance has been identified by staff as potential surplus land that could be made available to support development opportunities and expand the City's tax base.

It is recommended that the Stop Up and Close By-law be approved and the property declared surplus to City needs to provide opportunity for future residential development.

Appendices:

- A. PIN Map
- B. Alma Street Road Allowance
- C. Stop Up and Close By-law

Respectfully submitted,

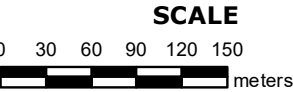
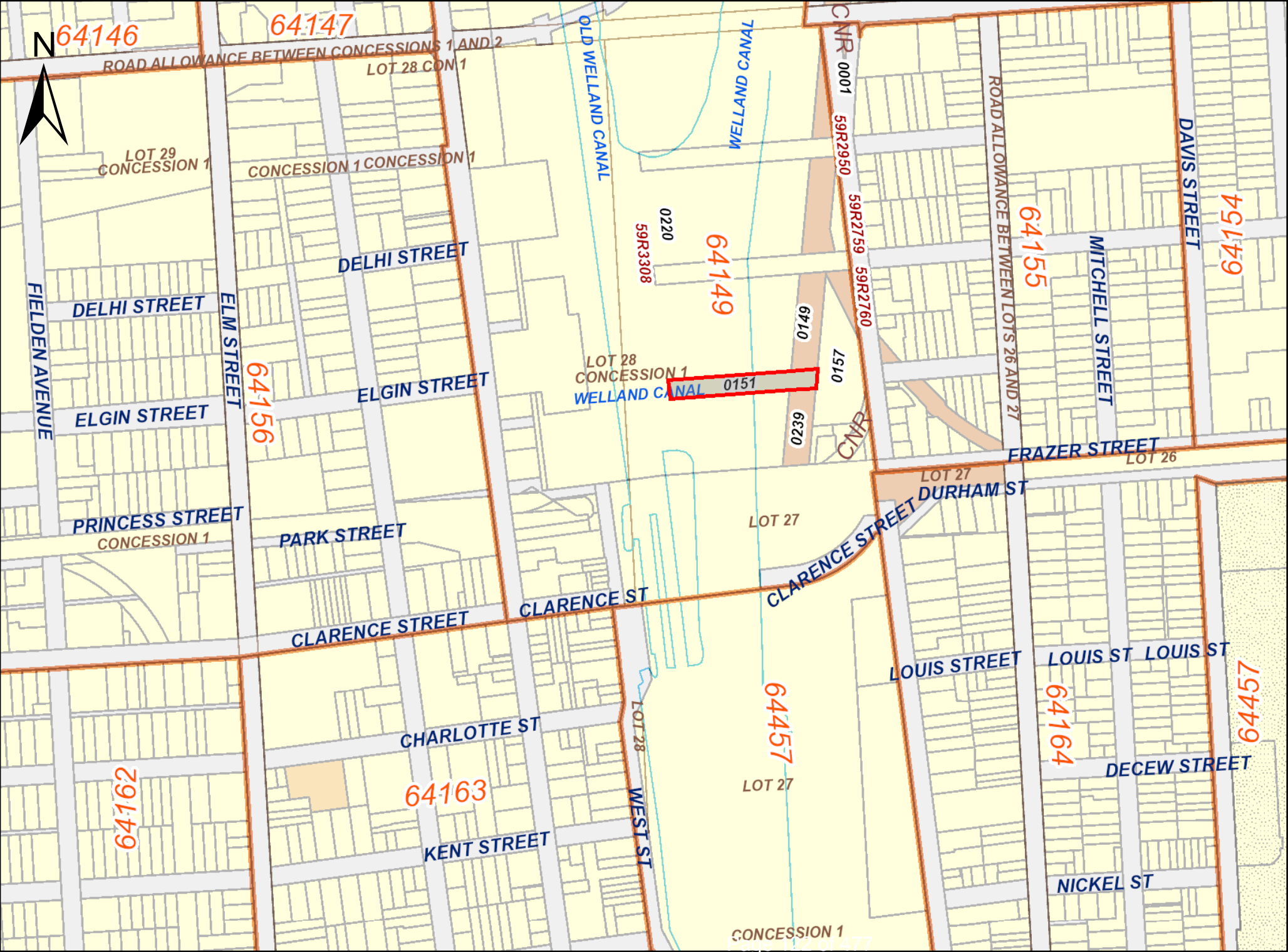
Bram Cotton
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Gary Long
Manager of Strategic Initiatives
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Gary.long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



PROPERTY INDEX MAP
NIAGARA SOUTH(No. 59)

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REFERENCE PLANS UNDERLYING MORE RECENT
REFERENCE PLANS ARE NOT ILLUSTRATED





Legend

 Parcel Fabric

50.8 0 25.40 50.8 Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Stop Up and Close for Alma Street Road Allowance,
between Welland Street and Canal Bank Road, being all of PIN 64149-01521.

WHEREAS at its meeting of June 14, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report No. 2022-118, Subject: Stop up and Close By-law for Alma Street Road Allowance; and

WHEREAS Section 27(1) of the Municipal Act, 2001, provides that, except as otherwise provided in the Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

WHEREAS it is deemed expedient in the interest of The Corporation of the City of Port Colborne that the road allowance set out and described in this by-law be stopped up and closed; and

WHEREAS in accordance with Section 34(1) of the Municipal Act, 2001 and By-law 4339/12/03, Being a By-law to Prescribe Provision of Public Notice, public notice of Council's intention to permanently close the highway set out and described in this by-law was provided; and

WHEREAS no person claiming their lands will be prejudicially affected by the by-law applied was heard by the Council of the Corporation of the City of Port Colborne at the meeting held by the Council for that purpose on Tuesday, June 14, 2022.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That upon passing of this by-law the portion of the road allowance described as part of the original Alma Street road allowance, between Welland Street and Canal Bank Road, being all of PIN 64149-01521 is hereby stopped up and closed.
2. That the Mayor, the City Clerk be and are hereby authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Clerk is duly authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office to effect the closing of the Alma Street road allowance hereinbefore described.
4. This by-law shall take effect on the day that a certified copy of the by-law is registered in the proper Land Registry Office.

Enacted and passed this 14th day of June, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk



Subject: Appointments to Boards and Committees

To: Council

From: Development and Legislative Services Department

Report Number: 2022-89

Meeting Date: June 14, 2022

Recommendation:

That Development and Legislative Services Department Report 2022-89 be received;

That the applicants listed in the Confidential Memo pertaining to Development and Legislative Report 2022-89 as circulated to Council be appointed to the respective Boards and Committees for a term ending December 31, 2026, or until such time as successors are appointed.

Purpose:

The purpose of this report is to obtain approval regarding appointments to the Joint Accessibility Advisory Committee, Port Colborne Historical Marine and Museum Board, Senior Citizen Advisory Council and Social Determinants of Health Advisory Committee - Everyone Matters.

Background:

In 2006, staggered terms were introduced for many of the City's boards and committees and citizens were appointed for terms of two, three, or four years. Future appointments were to be four-year terms in order to maintain the staggered structure established by the 2006 appointments. Council's current policy regarding the appointments to boards and committees was adopted by Council on November 10, 2008. A copy of the policy is available on the City's website.

New appointments to fill vacancies are for a four-year term.

Discussion:

Recruitment took place from March 24, 2022, to end of day April 8, 2022 for the following citizen boards and committees:

- Joint Accessibility Advisory Committee
- Port Colborne Historical Marine and Museum Board
- Senior Citizens Advisory Council
- Social Determinants of Health Advisory Committee-Everyone Matters

The Clerk and Deputy Clerk reviewed the applications and consulted the respective board/committee staff liaison for input. A list was then prepared to indicate staff's recommended appointees based on work/volunteer experience, education, skills, and specialized knowledge. The list of recommended appointees to the above-mentioned boards and committees has been circulated to Council.

If Council approves the applicants listed in the Confidential Memo as circulated, then this appendix will become public record by being attached to the minutes and the successful appointees will be notified. If Council wishes to discuss the Confidential Memo, then they may pass a motion to go into Closed Session. The list will then be brought forward at the next open Council meeting for approval.

Internal Consultations:

The Clerk's Division obtained input from the various staff liaisons assigned to each respective board and committee regarding the applications received. The staff liaisons contributed to the recommendations made to Council as provided in the Confidential Memo.

Financial Implications:

There are no financial implications associated with this report.

Public Engagement:

Advertisements regarding recruitment were posted on the City's website, social media channels and in the local newspaper. Applications from persons wishing to stand for appointment were accepted from March 24, 2022, until end of day on April 08, 2022.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Staff have prepared this report to obtain approval regarding appointments to the Joint Accessibility Advisory Committee, Port Colborne Historical Marine and Museum Board, Senior Citizen Advisory Council and Social Determinants of Health Advisory Committee-Everyone Matters. The list of recommended appointees has been circulated to Council in a Confidential Memo.

Respectfully submitted,

Saima Tufail
Deputy Clerk
905-835-2900 Ext. 115
saima.tufail@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

Subject: Energy Consumption and Greenhouse Gas Emissions Report (2020)

To: Council

From: Public Works Department

Report Number: 2022-109

Meeting Date: June 14, 2022

Recommendation:

That Public Works Department Report 2022-109 be received for information.

Purpose:

The Purpose of this report is to inform Council of the 2020 Energy Consumption and Greenhouse Gas Emissions Report in accordance with the requirements of Ontario Regulation (O. Reg) 507/18 (Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans) under the *Electricity Act, 1998*. The City is required to submit the Report to the Ministry of Energy, Northern Development and Mines (the Ministry) by July 1, 2022 for the 2020 reporting year.

Background:

Under the *Electricity Act, 1998* all Ontario municipalities are required to comply with O. Reg 507/18 (Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans). As part of this regulation, the City of Port Colborne is required to track and report a summary of annual energy consumption and greenhouse gas (GHG) emissions from all heated and/or cooled City operated facilities, of which the City pays the utilities for. Energy reporting and conservation planning is an important tool in setting benchmarks and evaluating results over time. The regulation assists in enabling a province wide reduction in energy.

In order to fulfill the requirement of annual energy reporting, a database of annual electricity and natural gas consumption for all heated and/or cooled City operated facilities, of which the City pays the utilities for, has been created. These records are

organized and stored using the Energy Planning Tool (EPT), a web-based program developed and provided by Local Authority Services (LAS). The City began using this tool to record monthly electricity and natural gas consumption, starting with 2011 data. The City must submit an annual report to the Ministry by July 1st of each year, reporting on data from two years prior to the current calendar year. After submission, City staff must make the reports available for public viewing in both printed form and on the City's official website.

The 2022 annual report, included in Appendix A, reports on 2020 energy consumption and GHG emissions for only those City-operated buildings that are heated and cooled. It was prepared and submitted to the Ministry on May 13, 2022. For a comparative, the 2021 annual report, which reports on 2019 data, is included as Appendix B.

Discussion:

Analyzing energy consumption data from the City's annual reports allows for the monitoring and identification of trends. Using this data, the City's largest energy consuming facilities can be identified, which then allows for a targeted approach to energy conservation. For example, City staff have conducted in-depth energy audits on the City's primary energy consuming facilities, including City Hall, Fire Hall, Library, Roselawn Centre, Museum, Marina, and Vale Health and Wellness Centre. These energy audits have allowed for the identification of appropriate energy conservation initiatives. Attainable energy conservation goals and objectives have been set through the collection of information from these reports, as outlined under the City's official Energy Conservation and Demand Management Plan (ECDM), endorsed by Council in June of 2019.

The 2020 Energy Consumption and Greenhouse Gas Emissions Report (Appendix A), outlines the total annual electricity and natural gas consumption from all heated and/or cooled City operated facilities during the associated year. It is important to note that the City's inventory of facilities required to be reported on has changed since the first report in 2011. The most significant changes have been the closure of the Teeder Kennedy Youth Arena, West Side Arena, Centennial Swimming Pool, Public Works building, and Parks Depot; additionally, the opening of the Vale Health and Wellness Centre, and Engineering and Operations Centre. The facilities included in the parameters of this summary are outlined in Table 1.

Table 1 list the facilities included in this report and the respective addresses

Facilities Included in City of Port Colborne's Energy Consumption & GHG Emissions Report [2020]	
Facility Name	Facility Address
City Hall	66 Charlotte Street
Engineering and Operations Centre	1 Killaly Street West
First Rose Lawn	296 Fielden Avenue
Harbour Master	201 West Street
Library	310 King Street
Lions Field Park Canteen	148 Killaly Street W.
Marine Lighthouse Exhibit	280 King Street
Port Colborne Fire and Emergency Services	3 Killaly Street W.
Port Colborne Museum- Tea Room	61 Princess Street
Port Colborne Museum- Archives	286 King Street
Port Colborne Museum- HRC	291 Catharine Street
Roselawn Centre	296 Fielden Avenue
Sugarloaf Marina	3 Marina Road
Tourism Information Centre	76 Main Street West
Vale Health and Wellness Centre	550 Elizabeth Street

The City's total annual energy consumption for 2020 reached a sum of 8,076,960 (equivalent kilowatt-hours per year), which is a 25% decrease from the 2019 total. The total annual GHG emissions saw a 21% decrease compared to 2019, totaling 898,108 kg of eCO₂. Based on historical data from the Government of Canada website, 2020 experienced significantly warmer weather (with 400 cooling degree days and 3141 heating degree days in 2020 compared to 311 cooling degree days and 3516 heating degree days in 2019) than 2019.

The year 2020 resulted in a 19% decrease in natural gas consumption, and a 29% decrease in electricity consumption. One of the main differences to note in the 2020 data is the impact of COVID-19 altering the use of City facilities for the majority of the 2020 calendar year. City facilities were closed to the public with services shifting to online or by appointment to limit contact. In addition, many staff worked remotely throughout 2020. Weather is another impact on the changes in energy consumption. Changes in GHG emissions are due to the change in energy consumption and depend on the factor in the formula the Province uses to calculate GHG emissions. Environment Canada's National Inventory determines the factor used each year, and thus affects the City's reportable GHG emissions.

Beyond sole consideration of facility consumption, an important indicator of energy use and efficiency is energy intensity – the measure of a building’s consumption relative to its total operational area (energy use per area). Figure 1, below, depicts the energy intensity of all relevant Port Colborne facilities during the 2019 and 2020 report periods. The Vale Health and Wellness Centre (VHWC), Engineering and Operations Centre, Roselawn Centre, Sugarloaf Marina, and the Fire Hall have the highest energy intensities.

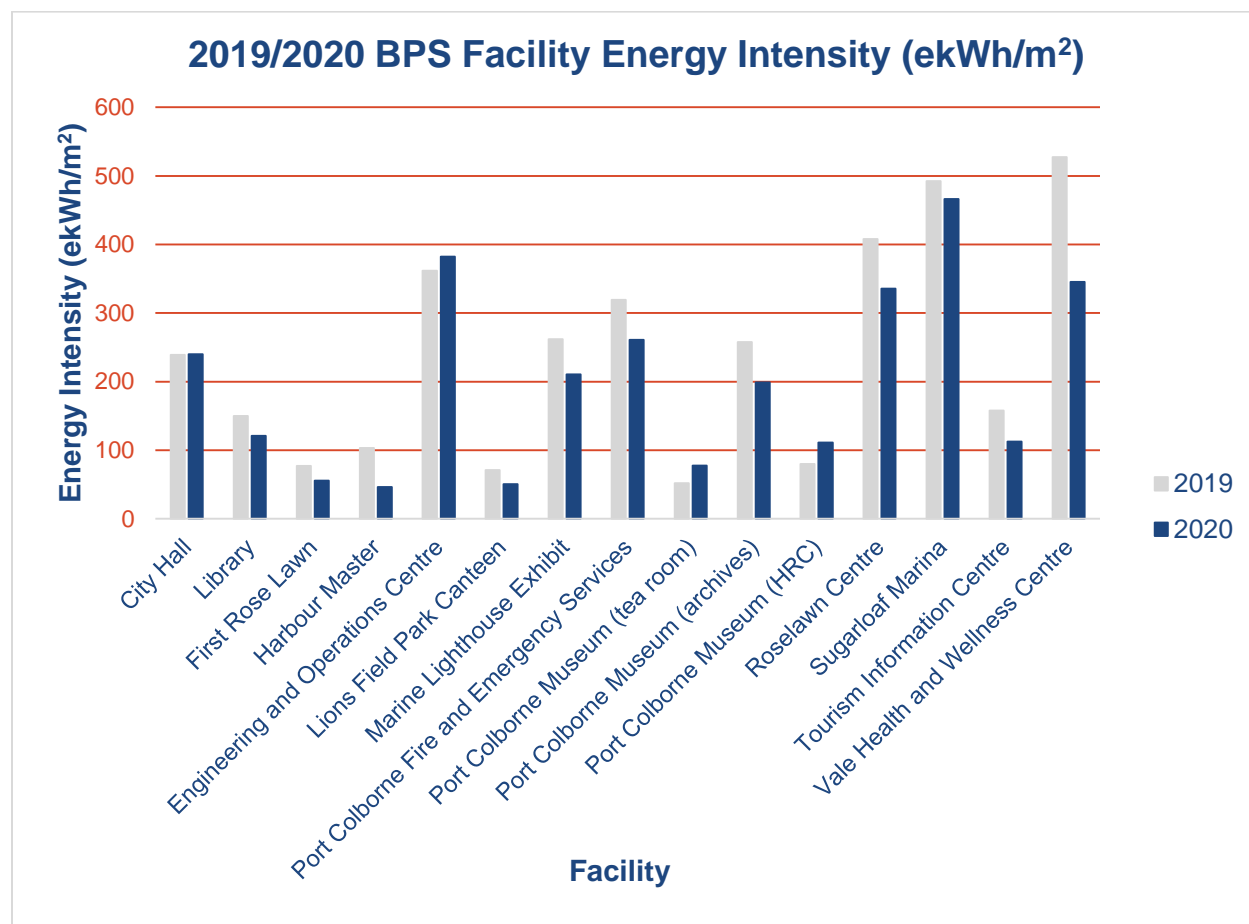


Figure 1 displays the energy intensity of each BPS Reporting facility in the City for 2019 and 2020

It is anticipated that future reports should show reductions in energy intensity, paralleled by an increase in efficiency upgrades as staff work towards the quantitative energy management goals in the 2019 ECDM Plan. Under the current ECDM Plan, the City has committed to reducing energy intensity at City facilities to make them more efficient. To meet this commitment, City staff will carry out energy conservation programs and initiatives when financially and practically possible. Staff are also updating the ECDM Plan in 2022 to include additional energy conservation measures and will identify energy savings, facility improvement and renewable opportunities. These measures will be incorporated into the 2023 budget process and future budgets moving forward.

Internal Consultations:

No formal internal comments were provided by other departments.

Financial Implications:

There are no financial implications of this report. This report focuses on usage and not the financial cost of energy. A reduction or increase in energy usage would see a reduction or increase in energy cost provided the unit and related costs of energy remained constant. Further energy efficient changes recommended for the facilities will come forward in future capital budget requests.

Public Engagement:

There were no public engagement initiatives, however, the report will be available to the public in printed form and uploaded to the City's official website.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

The City submitted its finalized 2020 Annual Energy Consumption and Greenhouse Gas Emissions Report to the Ministry on May 13, 2022. The report will be available to the public in printed form and uploaded to the City's official website. The submission is an important part of the City's commitment to track energy consumption and facilitates informed decision making in alignment with the City's 2019 official Energy Conservation and Demand Management Plan. Staff will continue to investigate and develop energy conservation initiatives and opportunities throughout City facilities in order to meet outlined goals and objectives as set under requirement of O. Reg 507/18.

Appendices:

- a. 2020 GHG Emissions Report
- b. 2019 GHG Emissions Report

Respectfully submitted,

Mae Lannan
Climate Change Coordinator
905-835-2900
Mae.Lannan@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

CITY OF PORT COLBORNE

Corporate Facility Energy Consumption & Emissions Report [2020]

Facility Name	Facility Type	Total Energy (ekWh)	Electricity (ekWh)	Natural Gas (ekWh)
Municipal Totals		8,076,960.83	3,654,424.00	4,422,536.83
City Hall	Administrative	671,786.53	435,818.00	235,968.53
Engineering and Operations Centre	Administrative	1,308,723.47	276,947.00	1,031,776.47
First Rose Lawn	Other	49,967.41	7,722.00	42,245.41
Harbour Master	Other	3,473.00	3,473.00	0.00
Library	Cultural	259,312.92	85,028.00	174,284.92
Lions Field Park Canteen	Other	6,616.53	6,489.00	127.53
Marine Lighthouse Exhibit	Cultural	53,728.32	7,540.00	46,188.32
Port Colborne Fire & Emergency Services	Emergency Services	423,720.90	172,002.00	251,718.90
Port Colborne Museum - Tea Room	Cultural	22,657.03	4,356.00	18,301.03
Port Colborne Museum - Archives	Cultural	51,671.65	15,686.00	35,985.65
Port Colborne Museum - HRC	Cultural	32,190.70	4,144.00	28,046.70
Roselawn Centre	Other	226,655.19	49,894.00	176,761.19
Sugarloaf Marina	Other	284,467.66	62,836.00	221,631.66
Tourism Information Centre	Other	32,694.37	4,010.00	28,684.37
Vale Health and Wellness Centre	Recreation	4,649,295.15	2,518,479.00	2,130,816.15

CITY OF PORT COLBORNE

Corporate Facility Energy Consumption & Emissions Report [2020]

Facility Name	Facility Type	Intensity (ekWh/m ²)	Emissions (GHG - kg)
Municipal Totals		3,013.98	898,107.87
City Hall	Administrative	239.92	55,258.27
Engineering and Operations Centre	Administrative	382.22	191,987.15
First Rose Lawn	Other	55.52	7,750.55
Harbour Master	Other	46.31	105.83
Library	Cultural	120.72	33,595.45
Lions Field Park Canteen	Other	50.51	220.43
Marine Lighthouse Exhibit	Cultural	210.70	8,446.43
Port Colborne Fire & Emergency Services	Emergency Services	260.75	50,020.92
Port Colborne Museum - Tea Room	Cultural	77.59	3,388.40
Port Colborne Museum - Archives	Cultural	198.74	6,879.66
Port Colborne Museum - HRC	Cultural	111.00	5,115.64
Roselawn Centre	Other	335.79	32,965.33
Sugarloaf Marina	Other	466.34	41,341.94
Tourism Information Centre	Other	112.74	5,225.00
Vale Health and Wellness Centre	Recreation	345.13	455,806.87

CITY OF PORT COLBORNE

Corporate Facility Energy Consumption & Emissions Report [2019]

Facility Name	Facility Type	Total Energy (ekWh)	Electricity (ekWh)	Natural Gas (ekWh)
	Municipal Totals	10,735,906.71	5,150,521.00	5,585,385.71
City Hall	Administrative	669,504.73	428,945.00	240,559.73
Engineering and Operations Centre	Administrative	1,239,209.00	305,410.00	933,799.00
First Rose Lawn	Other	69,304.55	11,702.00	57,602.55
Harbour Master	Other	7,745.00	7,745.00	0.00
Library	Cultural	321,971.23	118,258.00	203,713.23
Lions Field Park Canteen	Other	9,299.03	5,845.00	3,454.03
Marine Lighthouse Exhibit	Cultural	66,809.96	10,047.00	56,762.96
Port Colborne Fire & Emergency Services	Emergency Services	518,619.58	179,636.00	338,983.58
Port Colborne Museum - Tea Room	Cultural	23,281.79	7,829.00	15,452.79
Port Colborne Museum - Archives	Cultural	66,935.72	24,956.00	41,979.72
Port Colborne Museum - HRC	Cultural	15,098.68	3,897.00	11,201.68
Roselawn Centre	Other	275,355.63	79,677.00	195,678.63
Sugarloaf Marina	Other	300,430.63	57,384.00	243,046.63
Tourism Information Centre	Other	45,771.50	8,468.00	37,303.50
Vale Health and Wellness Centre	Recreation	7,106,569.68	3,900,722.00	3,205,847.68

CITY OF PORT COLBORNE

Corporate Facility Energy Consumption & Emissions Report [2019]

Facility Name	Facility Type	Intensity (ekWh/m ²)	Emissions (GHG - kg)
Municipal Totals		3,558.39	1,150,563.28
City Hall	Administrative	239.11	55,865.58
Engineering and Operations Centre	Administrative	361.92	175,424.81
First Rose Lawn	Other	77.01	37,238.22
Harbour Master	Other	103.27	10,603.79
Library	Cultural	149.89	236.01
Lions Field Park Canteen	Other	70.98	39,843.21
Marine Lighthouse Exhibit	Cultural	262.00	792.57
Port Colborne Fire & Emergency Services	Emergency Services	319.15	10,404.00
Port Colborne Museum - Tea Room	Cultural	79.73	65,777.49
Port Colborne Museum - Archives	Cultural	257.45	2,111.47
Port Colborne Museum - HRC	Cultural	52.06	8,228.46
Roselawn Centre	Other	407.93	2,987.54
Sugarloaf Marina	Other	492.51	44,985.41
Tourism Information Centre	Other	157.83	6,894.15
Vale Health and Wellness Centre	Recreation	527.55	689,170.55

From: True Politics with Steven Soos <[REDACTED]>
Sent: June 4, 2022 7:13 PM
To: Angie Desmarais <angie.desmarais@portcolborne.ca>; City Clerk <cityclerk@portcolborne.ca>
Subject: Fwd: State of emergency mental health homelessness and addiction

Hello Clerk,

I would like to have Port Colborne City Council to support this motion.

----- Forwarded message -----

From: True Politics with Steven Soos <[REDACTED]>
Date: Mon, 30 May 2022 at 17:43
Subject: State of emergency mental health homelessness and addiction

WHEREAS According to the Province of Ontario Emergency Response Plan (2008), Canadian municipalities are free to declare states of emergencies in response to "any situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to life or property."

WHEREAS 11/12 of Niagara-area municipalities have unanimously requested that Niagara Region declare a state of emergency on mental health, homelessness, and addiction, Port Colborne **previously unanimously supported a motion requesting the Niagara Region declare a state of emergency on mental health, homelessness, and addiction**

WHEREAS Niagara EMS reported 1001 suspected opioid overdoses (2021) and 210 suspected opioid overdoses already this year (April 2022)

WHEREAS Approximately 665 residents, including 121 children in Niagara, were counted as homeless (March 2021)

WHEREAS Niagara's suicide rate of 9.8 deaths per 100,000 is higher than the provincial average of 7.7 deaths per 1000,000 in Ontario (Stats Can)

BE IT RESOLVED That Port Colborne Council direct Mayor Bill Steele as the Head of Council to declare a state of emergency on mental health, homelessness and addiction in the City of Port Colborne

FURTHERMORE, that the Ontario Minister of the Solicitor General, Emergency Management Ontario, the Premier of Ontario, the Ontario Ministry of Community and Social Services, the Ontario Associate Minister for Mental Health, all Niagara-area MPP's, and all Niagara-area Municipalities be copied on the resolution.

--

Steven Soos,

with Steven Soos

May 25, 2022

CL 10-2022, May 19, 2022
PHSSC 5-2022, May 10, 2022
PHD 2-2022, May 10, 2022

LOCAL MUNICIPAL CLERKS

SENT ELECTRONICALLY

Re: Waterpipe Smoking By-law

Regional Council, at its meeting of May 19, 2022, approved the following recommendation of its Public Health and Social Services Committee:

That Report PHD 2-2022, dated May 10, 2022, respecting Waterpipe Smoking By-law, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the proposed by-law to regulate waterpipe use in the Regional Municipality of Niagara, outlined in Appendix 1 of Report PHD 2-2022;
2. That Regional Council **ADOPT** a by-law to regulate waterpipe smoking in the Regional Municipality of Niagara, outlined in Appendix 1 of Report PHD 2-2022, that will, if adopted, come into force and effect on January 1, 2023, provided that:
 - 2.1. A majority of the councils of the local area municipalities pass resolutions consenting to the by-law; and
 - 2.2. The total number of electors in the local municipalities that have passed resolution in support of the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018; and
3. That, subject to the adoption of the aforementioned by-law, a copy of the by-law and Report PHD 2-2022 **BE CIRCULATED** to the Clerks of the 12 local area municipalities (LAMs) with a request that their councils adopt the following resolution and advise the Regional Clerk of the results of that consideration by August 1, 2022:

“That the Council of (name of municipality) consents to the passage of the Waterpipe By-law of the Regional Municipality of Niagara, being a by-law to regulate waterpipe smoking in the Region.”

Pursuant to Section 115(5) of the *Municipal Act, 2001*, a by-law passed under subsection 115(1) shall not come into force unless:

- a) A majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- b) A majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- c) The total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

We respectfully request that you place this matter before your Council at your earliest opportunity to consider a resolution consenting to the by-law and advise of the action taken by your Council no later than August 1, 2022.

A copy of Report PHD 2-2022 and By-law No. 2022-35 are enclosed for your information.

Thanking you in advance for your assistance and should you require anything further, please do not hesitate to contact me.

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2022-073

cc: K. Grewal, Health Promoter, Chronic Disease & Injury Prevention
Dr. M. M. Hirji, Acting Medical Officer of Health
D. Teng, Manager, Chronic Disease & Injury Prevention
D. Lorenzo, Associate Director, Chronic Disease & Injury Prevention
W. Middleton, Executive Assistant to the Acting Medical Officer of Health

Subject: Waterpipe Smoking By-law

Report to: Public Health and Social Services Committee

Report date: Tuesday, May 10, 2022

Recommendations

1. That Regional Council **APPROVE** the proposed by-law to regulate waterpipe use in the Regional Municipality of Niagara, outlined in Appendix 1 of Report PHD 2-2022;
2. That Regional Council **ADOPT** a by-law to regulate waterpipe smoking in the Regional Municipality of Niagara, outlined in Appendix 1 of Report PHD 2-2022, that will, if adopted, come into force and effect on January 1, 2023, provided that:
 - 2.1. A majority of the councils of the local area municipalities pass resolutions consenting to the by-law; and
 - 2.2. The total number of electors in the local municipalities that have passed resolution in support of the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018; and
3. That, subject to the adoption of the aforementioned by-law, a copy of the by-law and Report PHD 2-2022 **BE CIRCULATED** to the Clerks of the 12 local area municipalities (LAMs) with a request that their councils adopt the following resolution and advise the Regional Clerk of the results of that consideration by August 1, 2022:

‘That the Council of (name of municipality) consents to the passage of the Waterpipe By-law of the Regional Municipality of Niagara, being a by-law to regulate waterpipe smoking in the Region.’

Key Facts

- The purpose of this report is to seek Council’s approval to enact a by-law that prohibits tobacco and non-tobacco (i.e., herbal) waterpipe smoking in open and enclosed public spaces as described in the Policy Consideration section and Appendix 1 of Report PHD 2-2022.
- Taking a proactive approach to governing waterpipe use could prevent an influx in establishments coming to Niagara due to restrictions in neighbouring communities (e.g., Halton, Toronto, Peel Region and Durham Region), allow consistency of rules across the Golden Horseshoe, and give predictability and clarity to local businesses.

- Through an online survey, 60.8% of the general population was supportive of a waterpipe by-law to restrict use in public places. LAM members that participated in consultation were also supportive of a regional waterpipe by-law.

Financial Considerations

There are no financial implications of this report. The Ministry of Health provides funding under the Smoke-free Ontario Strategy in a cost shared (provincial and Regional levy) model for the Tobacco Control Program. Existing staff of this program will manage enforcement of the by-law should it be adopted within the existing budget.

Analysis

Current Legislation

The *Smoke-free Ontario Act, 2017 (SFOA)* prohibits spaces where waterpipe smoking of tobacco product is allowed, however has no restrictions to non-tobacco (i.e., herbal) products which are allowed in enclosed public spaces and outdoor spaces under the *SFOA* and By-law No. 112-2013.

Enforcement challenges arise when determining whether a product is tobacco or non-tobacco. Testing is offered through the provincial Ministry of Health and requires taking a sample and testing at a lab, making it difficult to know what is being used in waterpipe devices. Sampling of four establishments conducted between Dec. 2021 and March 2022 all came back positive with tobacco. Waterpipes therefore exploit a legislative and regulatory loophole to allow smoking of substances in otherwise regulated places.

Local Context

In Niagara, there are five waterpipe establishments in operation, three in Niagara Falls and two in St. Catharines. As by-laws are implemented across the GTHA to address the current regulatory gaps, there are concerns that more establishments may decide to relocate or open in Niagara given the absence of governing rules.

Healthy and Safety Concerns

Waterpipes filled with tobacco and/or herbal shisha contain harmful toxins and chemicals comparable to cigarette smoking, including particulate matter, polycyclic aromatic hydrocarbons, carbon monoxide, and heavy metals.¹ Non-tobacco and

tobacco shisha contain similar levels of toxins, thus health harms are due to the waterpipe device rather than the product itself.¹ Similar to cigarette smoking, waterpipe use is associated with increases in lung cancer and cardiovascular disease.^{1,2}

A waterpipe session lasts from 20 to 80 minutes, putting others at risk due to high levels of toxic compounds in second-hand smoke, irrespective of the product being used (i.e., tobacco or herbal).^{1,3} Non-smoking sections of waterpipe cafés have similar levels of toxins in the air as restaurants where cigarette smoking is allowed.¹ The chemicals and toxins in second-hand exposure lead to increased risk of cancer, cardiovascular disease, carbon monoxide poisoning and chronic obstructive pulmonary disease.¹

Waterpipe smokers often share a hose/mouthpiece in a communal environment, putting users at risk of contracting viruses and respiratory infections such as tuberculosis, hepatitis, herpes, influenza, COVID-19 and oral diseases.^{1,3}

Public Consultation

An online survey was conducted from February 8 to March 14, 2022, to gauge public opinion. To review the promotion of the survey, see Appendix 2 of Report PHD 2-2022. 956 surveys were completed and included in the analysis. See Appendix 3 of Report PHD 2-2022, for the breakdown of survey responses per municipality in Niagara Region.

Of the respondents, 10.4% had used a waterpipe in the last 12 months; use was highest among youth 17-24 year olds (16.9%). Of all respondents, 35% perceived waterpipe use as more socially acceptable than cigarettes. The flavouring, misperception of harm, accessibility, and social use are contributing factors to waterpipe use among youth.^{4,5}

2.9% of those who smoked waterpipe in the last 12 months were “very concerned” with the health effects as compared to 97.1% of non-users. 33.3% of users thought waterpipe use was a healthier alternative to cigarette smoking.

31.3% used waterpipes for cultural reasons. Waterpipes were most commonly used at waterpipe establishments (68.7%), at home (59.6%), or someone else’s home (55.6%). When asked about the primary reason for visiting a waterpipe establishment, ‘to socialize’ (34.5%) was the top reason; for ‘food and drink (26.7%)’ was second; ‘to smoke’ (21.6%) was ranked third.

60.8% of the respondents supported a by-law, 27.4% did not support, and 11.1% were ambivalent. The majority of respondents supported further restrictions in particular

locations including restaurants, lounges, and bars (67.8%), workplaces (81.2%), and patios (58.5%). See Appendix 4 of Report PHD 2-2022 for the breakdown of support for a by-law.

Owner/Operator Consultation

All five existing establishments participated in interviews. Establishments offered food and drink in addition to waterpipes. Some offered alcoholic beverages and live entertainment as well. Revenue from waterpipe sales ranged from three to 15%. Owners noted that demand had not changed, with the exception of a decline due to the pandemic, and they did not foresee a change in the future.

Two of the five establishments did not expect a prohibition to have a significant impact on their business, whereas others felt it would significantly affect revenue as waterpipe is what brings patrons into the establishment.

Municipal Consultation

Niagara Region Public Health & Emergency Services (NRPH&ES) consulted with the area CAOs to convene a representative group together from each LAM. The LAM group met on Dec. 6, 2021 and March 28, 2022. Background information, current research and evidence on waterpipe smoking was provided. As a group, decisions and guidance were provided for the public consultation survey including planning, implementation, and communication.

Consultation results were shared with LAM representatives in attendance. The LAM group was presented with items for consideration, a proposed by-law based on the consultations done, the opportunity to discuss whether amendments should be added, and the opportunity to either support or oppose the by-law. All LAMs in attendance were supportive of the by-law.

Policy Consideration

The Water Pipe Smoking By-law intends to address tobacco and non-tobacco (i.e. herbal) waterpipe smoking in Niagara. The by-law will address all areas currently covered by the *SFOA* and Niagara Region By-law 112-2013, which include enclosed public places, enclosed workplaces, parks, beaches, recreational trails, nine metres from public entrances, patios, sporting areas and their spectator areas, schools, and 20 metres from sporting and spectator areas, playgrounds and schools.

In alignment with GTHA jurisdictions, the fines will be no more than \$10,000 for the first offence, and \$25,000 for subsequent convictions, for individuals. For corporate offences are not more than \$50,000 for the first offence, and \$100,000 for subsequent offences.

Enforcement

There are five FTE Tobacco Control Officers currently supporting the existing provincial and local smoke-free legislation, and will support education and enforcement the new by-law. As part of routine *SFOA* inspections, waterpipe establishment education and sampling is already conducted on an annual basis.

Niagara takes a progressive enforcement approach, which entails providing education, then moving on to warn and/or enforce. The by-law will be monitored through routine inspections and on a complaint basis. Complaints are received through the NRPH Tobacco Hotline 1-888-505-6074 ext.7393 and NRPH&ES website.

Comprehensive education is fundamental to ensuring successful implementation. It is important to ensure that people know about the changes and NRPH&ES will ease into this change process with a similar approach to previous legislative changes.

Alternatives Reviewed

Through the consultation process, the owners/operators of waterpipe establishments suggested to continue allowing waterpipes in designated areas, at specific times (i.e., time of day or duration), or to remove hookah lounges from the by-law. Considering the health concerns due to second-hand smoke, difficulty with enforcement and previous experience with similar alternatives when prohibiting indoor smoking, Public Health recommends moving forward with restricting waterpipe use at all locations within the *SFOA* and current smoke-free Bylaw No. 112-2013.

Relationship to Council Strategic Priorities

Adoption of a by-law to regulate waterpipe use supports the Council Strategic Priority of Healthy and Vibrant Community by enabling Public Health to protect children and vulnerable persons from exposure to second-hand vapour from waterpipe sources.

Other Pertinent Reports

- [PHD 10-2021 – Waterpipe \(Hookah\) Smoking – Policy Consideration](https://pub-niagararegion.escibemeetings.com/filestream.ashx?DocumentId=19010)
(https://pub-niagararegion.escibemeetings.com/filestream.ashx?DocumentId=19010)
- [PHD 09-2019 – Amendments to By-law 112-2013 – A Regional By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-hand Smoke](https://pub-niagararegion.escibemeetings.com/filestream.ashx?DocumentId=3899)
(https://pub-niagararegion.escibemeetings.com/filestream.ashx?DocumentId=3899)

Prepared by:

Kavalpreet Grewal
Health Promoter, CDIP
Public Health and Emergency Services

Recommended by:

M. Mustafa Hirji, MD MPH RCPC
Medical Officer of health & Commission
Public Health and Emergency Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Diana Teng, Manager, Chronic Disease and Injury Prevention, and reviewed by Callie Anderson, Health Promoter, Chronic Disease and Injury Prevention, and David Lorenzo, Associate Director, Chronic Disease and Injury Prevention.

Appendices

Appendix 1	Waterpipe By-Law
Appendix 2	Survey promotion for public consultation
Appendix 3	Number and Proportion of Respondents by Municipality
Appendix 4	Support Versus Opposition for a By-law by Municipality

Sources

¹ Public Health Ontario. (2021). Evidence Brief: Health Impacts of Waterpipe Smoking and Exposure. Retrieved from: (https://cm.publichealthontario.ca/-/media/documents/e/2021/eb-waterpipe-smoking-exposure.pdf?sc_lang=eng)

² U.S. Centers for Disease Control and Prevention. (2018). Smoking and tobacco use: hookahs. Retrieved from: (https://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs/index.htm)

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THE REGIONAL MUNICIPALITY OF NIAGARA
BY-LAW NO.

A by-law to regulate water pipe smoking in the Regional Municipality of Niagara

WHEREAS, water pipe smoking has been associated with various disease and poor health outcomes, including lung cancer, negative pregnancy outcomes, poor oral health, dental disease, respiratory illness and impaired lung function linked to tobacco water pipe formulations, and carbon monoxide exposure and reduced lung capacity linked to non-tobacco formulations;

AND WHEREAS, water pipe smoking, in general, negatively affects indoor air quality for indicators including carbon monoxide and particulate matter, which are closely related to potential impacts on human health;

AND WHEREAS, subsection 11(2) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that upper tier municipalities have the authority to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS, subsection 115(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may prohibit or regulate the smoking of tobacco in public places and workplaces;

AND WHEREAS, it is desirable for the health, safety and well-being of the inhabitants of Niagara Region to prohibit the use of water pipes in enclosed public places, enclosed workplaces, and other specified areas within Niagara Region to protect individuals from conditions hazardous to human health;

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

DEFINITIONS

1. That in this By-law:

“Employee” means a person who performs any work for, or supplies any service to, an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer;

“Employer” includes an owner, operator, proprietor, manager, superintendent, overseer, receiver or trustee of an activity, business, work, trade, occupation, profession, project or undertaking who has control or direction of, or is directly or indirectly responsible for, the employment of a person in it;

“Enclosed Public Place” means the inside of any place, building or structure, or vehicle or conveyance or a part of any of them,

- (a) That is covered by a roof; and
- (b) To which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

“Enclosed Workplace” means the inside of any place, building or structure or vehicle or conveyance or a part of any of them,

- (a) That is covered by a roof; and
- (b) That employees work in or frequent during the course of their employment whether or not they are acting in the course of their employment at the time.

“Highway” means a highway as defined in the Municipal Act, 2001, S.O. 2001, c. 25

“Medical Officer of Health” means the Medical Officer of Health for The Regional Municipality of Niagara, duly appointed under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended;

“Officer” means a Provincial Offences Officer, acting under the direction of the Medical Officer of Health;

“Order” has the meaning set forth in section 11 of this By-law.

“Person” means an individual or a corporation;

“Playground” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, that is primarily used for the purposes of children’s recreation, and is equipped with children’s play equipment including but not limited to slides, swings, climbing apparatuses, splash pads, wading pools, or sand boxes.

“Proprietor” means the person, governing body or agency which controls, governs or directs activity carried on within an Enclosed Public Place, Enclosed Workplace, or other area specified by this By-law and includes the person who is actually in charge thereof;

“Patio” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or that is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time, and where food or drink is served or sold or offered for consumption, or that is part of or operated in conjunction with an area where food or drink is served or sold or offered.

“Property Owner” means a Person with a legal or beneficial ownership of a building or other structure that contains an Enclosed Public Place or an Enclosed Workplace operated either directly by the Property Owner or indirectly by a tenant, licensee or other Person operating in the building or structure with the permission of that Property Owner and includes:

- (a) the registered owner on title of the property
- (b) the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and,
- (c) the lessee or occupant of the property.

“Public Place” means

- (a) Any property owned, leased, or controlled by Niagara Region or any area municipality, including without limitation parks, playgrounds, sports or playing fields, recreational trails, beaches, arenas, recreational centers, community meeting areas, special events, farmers markets, bus shelters, splash pads, and pools;
- (b) Any outdoor area within a nine-metre radius of an entrance to or exit from a building located at any property owned, leased or controlled by Niagara Region or any area municipality; and
- (c) Any outdoor area that is within a nine-metre radius of an entrance to or exit from a public building or building generally accessible to the public, whether or not the building is leased, or controlled by Niagara Region or any area municipality, including places of employment, condominium buildings, apartment buildings and other similar residential buildings

“Roof” means a physical barrier of any size, whether temporary or permanent, that covers an area or place or any part of an area or place, and that is capable of excluding rain or impeding airflow, or both;

“School” means the lands or premises included in the definition of a school under the Education Act, R.S.O. 1990, c. E.2 or the building or the grounds surrounding the building of a private school as defined in the Education Act, where the private school is the sole occupant of the premises, or the grounds annexed to a private school as defined in the Education Act, where the private school is not the sole occupant of the premises.

“Spectator Area” means an area with tiered seating or benches;

“Smoke” or “Smoking” includes the use or carrying of any lighted or activated or heated Water pipe as well as the fumes or byproducts of heating or combustion associated with Water pipe use.

“Sporting Area” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, used primarily for the purposes of sports including, but without being limited to soccer, football, basketball, tennis, baseball, softball, cricket, skating, beach volleyball, running, swimming, or skateboarding.

“Water pipe” means any activated, lighted or heated smoking equipment used to burn or heat tobacco or a non-tobacco substance or a combination thereof, with which the vapor or smoke may be passed through a water basin before inhalation.

PROHIBITIONS

2. That no person shall Smoke a Water pipe in:
 - (a) an Enclosed Public Place;
 - (b) an Enclosed Workplace;
 - (c) a Patio;
 - (d) a Playground;
 - (e) a Public Place;
 - (f) a Sporting Area;
 - (g) a Spectator Area adjacent to a Sporting Area;
 - (h) a School; or
 - (i) any area that is within nine metres of any point on the perimeter of a Public Place, Playground, Sporting Area or Spectator Area adjacent to a Sporting Area.
3. That the prohibitions in this By-law shall apply whether or not a notice is posted that Water pipe Smoking is prohibited;
4. That no Person shall provide or supply a Water pipe for use in an area where Smoking a Water pipe is prohibited by this By-law;
5. That no Proprietor, Employer, or Employee shall encourage, entice, cause or permit the Smoking of a Water pipe within an Enclosed Public Place, Enclosed Workplace, or Restaurant or Patio or Sporting Area or Spectator Area;
6. No Property Owner, shall cause or permit use of a building or other structure that contains an Enclosed Public Place or an Enclosed Workplace building in which that Property Owner has a legal or beneficial interest to be used

EXEMPTIONS

7. That this By-law does not apply to a Highway including a pedestrian sidewalk adjacent to a Highway, but does apply to public transportation vehicles and taxicabs on a Highway;
8. That this By-law does not apply to the portion of a premises used primarily as a private dwelling;

ENFORCEMENT

9. That where any Person contravenes any provision of this By-law, an Officer may direct such Person to comply with this By-law. Every Person so directed shall comply with such direction without delay;
10. That where an Officer has reasonable grounds to believe that an offence has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person, and the Person shall supply the required information;
11. In the event the Medical Officer of Health is satisfied that a contravention of this By-law has occurred, Niagara Region may make an order, as authorized by section 444(1) of the *Municipal Act, 2001* S.O. 2001 c25 (as amended or replaced from time to time) requiring the person who contravened the By-law or who caused or permitted the contravention or the Property Owner of the land on which the contravention occurred to discontinue the contravening activity and the Medical Officer of Health is by this By-law, delegated authority to issue such Orders.

INSPECTIONS

12. That an Officer may enter and inspect all buildings, structures or parts thereof that are subject to this By-law at any reasonable time for the purposes of determining whether there is compliance with this By-law;
13. That for the purposes of an inspection under this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
14. In the event the Medical Officer of Health determines that it would be beneficial for the enforcement of the requirements of this By-law, Niagara Region shall have

all be entitled to:

- (a) seek a search warrant pursuant to section 439 of the *Municipal Act, 2001* S.O. 2001 c25 (as amended or replaced from time to time);
- (b) Apply to restrain any breach or continuing breach of the By-law pursuant to section 440 of the *Municipal Act, 2001* S.O. 2001 c25 (as amended or replaced from time to time); and

OBSTRUCTION

- 15. That no Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer lawfully carrying out a power, duty or direction under this By-law;

OFFENCES

- 16. That every Person other than a corporation who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence; and not more than \$25,000 for any subsequent conviction;
- 17. That every Person other than a corporation who fails to promptly comply with an Order issued pursuant to section 11 of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence; and not more than \$25,000 for any subsequent conviction;
- 18. That every corporation which contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction;
- 19. That every corporation which fails to promptly comply with an Order issued pursuant to section 11 of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction;
- 20. That without limiting any other section of this By-law, every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33;
- 21. That without limiting any other section of this By-law, every Person who fails to promptly comply with an Order issued pursuant to section 11 of this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

22. That if any Person is in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected;
23. That for the purposes of this By-law, subsequent conviction means a conviction for an offence which occurs after the date of conviction for an earlier offence under this By-law;
24. That where any Person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the Region directly related to the contravention;

SEVERABILITY

25. That if any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect;

CONFLICT

26. That in the event of a conflict between any provision of this By-law and any applicable Act or regulation, the provision that is the most restrictive prevails;

EFFECTIVE DATE

27. That this By-law shall come into force and take effect on <insert date>, provided that the conditions in subsection 115(5) of the *Municipal Act, 2001*, S.O. 2001, c. 25 have been satisfied;

SHORT TITLE

28. That the short title of this By-law is the “Niagara Region Water pipe Smoking By-law”.

Appendix 2

Survey Promotion for Public Consultation

The target population for the public consultation survey was Niagara residents from all municipalities who were 16 and older. The survey was primarily promoted through paid advertisements on Niagara Region social media accounts (i.e. Twitter, Facebook, Instagram, and Snapchat). Advertisements were placed on the Niagara Region website Public Health landing page and the vine site. Municipal communications representatives for each LAM were provided a promotion toolkit enabling them to promote the survey through unpaid social media messages, email and/or newsletter, and other established communication channels. Finally, the survey may also have spread on social media organically and by word of mouth.

Appendix 3

Table 1 – Number and Proportion of Respondents by Municipality

Municipality	Population Estimate	Proportion of Total Niagara Population	Response Rate per Municipality	Number of Respondents	Proportion of Total Survey Respondents
Niagara Region	447,888	100%	0.21%	956	96.27%
St. Catharines	133,113	30%	0.25%	327	33.93%
Niagara Falls	88,071	20%	0.22%	191	19.23%
Welland	52,293	12%	0.19%	98	9.87%
Fort Erie	30,710	7%	0.25%	76	7.65%
Port Colborne	18,306	4%	0.25%	45	4.53%
Lincoln	23,787	5%	0.16%	39	3.93%
Niagara-on-the-Lake	17,511	4%	0.18%	31	3.12%
Grimsby	27,314	6%	0.13%	35	3.52%
Thorold	18,801	4%	0.26%	48	4.83%
Pelham	17,110	4%	0.22%	38	3.83%
West Lincoln	14,500	3%	0.09%	13	1.31%
Wainfleet	6,372	1%	0.16%	10	1.01%

Appendix 4

Table 2 – Support Versus Opposition for a By-law by Municipality

Municipality	Support Number of respondents	Support Proportion of respondents	Opposition Number of respondents	Opposition Proportion of respondents
Niagara Region	581	60.8%	269	28.1%
St. Catharines	197	60.2%	96	29.4%
Niagara Falls	115	60.2%	48	25.1%
Welland	56	57.1%	32	32.7%
Fort Erie	45	59.2%	21	27.6%
Port Colborne	23	51.1%	14	31.1%
Lincoln	23	59.0%	14	35.9%
Niagara-on- the-Lake	22	71.0%	7	22.6%
Grimsby	22	62.9%	9	25.7%
Thorold	31	64.6%	11	22.9%
Pelham	27	71.1%	10	26.3%
West Lincoln	Not reportable	Not reportable	Not reportable	Not reportable
Wainfleet	Not reportable	Not reportable	Not reportable	Not reportable

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2022-35

A BY-LAW TO REGULATE WATER PIPE SMOKING IN THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS, water pipe smoking has been associated with various disease and poor health outcomes, including lung cancer, negative pregnancy outcomes, poor oral health, dental disease, respiratory illness and impaired lung function linked to tobacco water pipe formulations, and carbon monoxide exposure and reduced lung capacity linked to non-tobacco formulations;

WHEREAS, water pipe smoking, in general, negatively affects indoor air quality for indicators including carbon monoxide and particulate matter, which are closely related to potential impacts on human health;

WHEREAS, subsection 11(2) of the Municipal Act, 2001, S.O. 2001, c. 25, provides that upper tier municipalities have the authority to pass by-laws respecting the health, safety and well-being of persons;

WHEREAS, subsection 115(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may prohibit or regulate the smoking of tobacco in public places and workplaces; and

WHEREAS, it is desirable for the health, safety and well-being of the inhabitants of Niagara Region to prohibit the use of water pipes in enclosed public places, enclosed workplaces, and other specified areas within Niagara Region to protect individuals from conditions hazardous to human health.

NOW THEREFORE, the Council of the Regional Corporation enacts as follows:

DEFINITIONS

1. In this By-law:

“Employee” means a person who performs any work for, or supplies any service to, an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer.

“Employer” includes an owner, operator, proprietor, manager, superintendent, overseer, receiver or trustee of an activity, business, work, trade, occupation, profession, project

or undertaking who has control or direction of, or is directly or indirectly responsible for, the employment of a person in it.

“Enclosed Public Place” means the inside of any place, building or structure, or vehicle or conveyance or a part of any of them:

- (a) that is covered by a roof; and
- (b) to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

“Enclosed Workplace” means the inside of any place, building or structure or vehicle or conveyance or a part of any of them:

- (a) that is covered by a roof; and
- (b) that employees work in or frequent during the course of their employment whether or not they are acting in the course of their employment at the time.

“Highway” means a highway as defined in the Municipal Act, 2001, S.O. 2001, c. 25.

“Medical Officer of Health” means the Medical Officer of Health for The Regional Municipality of Niagara, duly appointed under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, as amended.

“Officer” means a Provincial Offences Officer acting under the direction of the Medical Officer of Health;

“Order” has the meaning set forth in section 11 of this By-law.

“Person” means an individual or a corporation;

“Playground” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, that is primarily used for the purposes of children’s recreation, and is equipped with children’s play equipment including but not limited to slides, swings, climbing apparatuses, splash pads, wading pools, or sand boxes.

“Proprietor” means the person, governing body or agency which controls, governs or directs activity carried on within an Enclosed Public Place, Enclosed Workplace, or other area specified by this By-law and includes the person who is actually in charge thereof;

“Patio” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or that is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time, and where food or drink is served or sold or offered for consumption, or that is part of or operated in conjunction with an area where food or drink is served or sold or offered.

“Property Owner” means a Person with a legal or beneficial ownership of a building or other structure that contains an Enclosed Public Place or an Enclosed Workplace operated either directly by the Property Owner or indirectly by a tenant, licensee or other Person operating in the building or structure with the permission of that Property Owner and includes:

- (a) the registered owner on title of the property;
- (b) the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- (c) the lessee or occupant of the property.

“Public Place” means:

- (a) any property owned, leased, or controlled by Niagara Region or any area municipality, including without limitation parks, playgrounds, sports or playing fields, recreational trails, beaches, arenas, recreational centers, community meeting areas, special events, farmers markets, bus shelters, splash pads, and pools;
- (b) any outdoor area within a nine-metre radius of an entrance to or exit from a building located at any property owned, leased or controlled by Niagara Region or any area municipality; and
- (c) any outdoor area that is within a nine-metre radius of an entrance to or exit from a public building or building generally accessible to the public, whether or not the building is leased, or controlled by Niagara Region or any area municipality, including places of employment, condominium buildings, apartment buildings and other similar residential buildings.

“Roof” means a physical barrier of any size, whether temporary or permanent, that covers an area or place or any part of an area or place, and that is capable of excluding rain or impeding airflow, or both.

“School” means the lands or premises included in the definition of a school under the Education Act, R.S.O. 1990, c. E.2 or the building or the grounds surrounding the building of a private school as defined in the Education Act, where the private school is the sole occupant of the premises, or the grounds annexed to a private school as defined in the Education Act, where the private school is not the sole occupant of the premises.

“Spectator Area” means an area with tiered seating or benches.

“Smoke” or “Smoking” includes the use or carrying of any lighted or activated or heated Water pipe as well as the fumes or byproducts of heating or combustion associated with Water pipe use.

“Sporting Area” means an area where the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, used primarily for the purposes of sports including, but without being limited to soccer, football, basketball, tennis, baseball, softball, cricket, skating, beach volleyball, running, swimming, or skateboarding.

“Water pipe” means any activated, lighted or heated smoking equipment used to burn or heat tobacco or a non-tobacco substance or a combination thereof, with which the vapor or smoke may be passed through a water basin before inhalation.

PROHIBITIONS

2. No person shall Smoke a Water pipe in:

- (a) an Enclosed Public Place;
- (b) an Enclosed Workplace;
- (c) a Patio;
- (d) a Playground;
- (e) a Public Place;
- (f) a Sporting Area;
- (g) a Spectator Area adjacent to a Sporting Area;
- (h) a School; or

- (i) any area that is within 9 metres of any point on the perimeter of a Public Place, Playground, Sporting Area or Spectator Area adjacent to a Sporting Area.
- 3. The prohibitions in this By-law shall apply whether or not a notice is posted that Water pipe Smoking is prohibited.
- 4. No Person shall provide or supply a Water pipe for use in an area where Smoking a Water pipe is prohibited by this By-law.
- 5. No Proprietor, Employer, or Employee shall encourage, entice, cause or permit the Smoking of a Water pipe within an Enclosed Public Place, Enclosed Workplace, or Restaurant or Patio or Sporting Area or Spectator Area.
- 6. No Property Owner, shall cause or permit use of a building or other structure that contains an Enclosed Public Place or an Enclosed Workplace building in which that Property Owner has a legal or beneficial interest to be used.

EXEMPTIONS

- 7. This By-law does not apply to a Highway including a pedestrian sidewalk adjacent to a Highway, but does apply to public transportation vehicles and taxicabs on a Highway.
- 8. This By-law does not apply to the portion of a premises used primarily as a private dwelling.

ENFORCEMENT

- 9. Where any Person contravenes any provision of this By-law, an Officer may direct such Person to comply with this By-law. Every Person so directed shall comply with such direction without delay.
- 10. Where an Officer has reasonable grounds to believe that an offence has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person, and the Person shall supply the required information.
- 11. In the event the Medical Officer of Health is satisfied that a contravention of this By-law has occurred, Niagara Region may make an order, as authorized by section 444(1) of the Municipal Act, 2001 S.O. 2001 c25 (as amended or replaced from time to time) requiring the person who contravened the By-law or who caused or permitted the contravention or the Property Owner of the land on which the contravention occurred to discontinue the contravening activity and the

Medical Officer of Health is by this By-law, delegated authority to issue such Orders.

INSPECTIONS

12. An Officer may enter and inspect all buildings, structures or parts thereof that are subject to this By-law at any reasonable time for the purposes of determining whether there is compliance with this By-law.
13. For the purposes of an inspection under this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
14. In the event the Medical Officer of Health determines that it would be beneficial for the enforcement of the requirements of this By-law, Niagara Region shall have all be entitled to:
 - (a) seek a search warrant pursuant to section 439 of the Municipal Act, 2001 S.O. 2001 c. 25 (as amended or replaced from time to time); and
 - (b) apply to restrain any breach or continuing breach of the By-law pursuant to section 440 of the Municipal Act, 2001 S.O. 2001 c. 25 (as amended or replaced from time to time).

OBSTRUCTION

15. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer lawfully carrying out a power, duty or direction under this By-law.

OFFENCES

16. Every Person other than a corporation who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence; and not more than \$25,000 for any subsequent conviction.
17. Every Person other than a corporation who fails to promptly comply with an Order issued pursuant to section 11 of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence; and not more than \$25,000 for any subsequent conviction.
18. Every corporation which contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction.
19. Every corporation which fails to promptly comply with an Order issued pursuant to section 11 of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction.
20. Without limiting any other section of this By-law, every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33.
21. Without limiting any other section of this By-law, every Person who fails to promptly comply with an Order issued pursuant to section 11 of this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33.
22. If any Person is in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
23. For the purposes of this By-law, subsequent conviction means a conviction for an offence which occurs after the date of conviction for an earlier offence under this By-law.

24. Where any Person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the Region directly related to the contravention.

SEVERABILITY

25. If any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

CONFLICT

26. In the event of a conflict between any provision of this By-law and any applicable Act or regulation, the provision that is the most restrictive prevails.


EFFECTIVE DATE

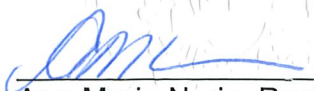
27. This By-law shall come into force and take effect on January 1, 2023, provided that the conditions in subsection 115(5) of the Municipal Act, 2001, S.O. 2001, c. 25 have been satisfied.

SHORT TITLE

28. The short title of this By-law is the "Niagara Region Water Pipe Smoking By-law".

THE REGIONAL MUNICIPALITY OF NIAGARA


James Bradley, Regional Chair


Ann-Marie Norio, Regional Clerk

Passed: May 19, 2022

May 25, 2022

CL 10-2022, May 19, 2022

DISTRIBUTION LIST

SENT ELECTRONICALLY

Re: Motion - Voluntary Russian Sanction Request

Whereas Russia's unprovoked and brazen invasion of the sovereign nation of Ukraine has been unequivocally condemned by the majority of the free world, including by those living and working in Niagara;

Whereas the death and destruction caused by Russia's senseless invasion will have a lasting impact on the innocent and independent citizens of Ukraine;

Whereas Russia has placed sanctions on many Canadian premiers, mayors, journalists, military officials as well as senior staff in the federal government, "indefinitely" banning these individuals from entering Russia;

Whereas those Russian sanctions include Toronto Mayor John Tory and Ottawa Mayor Jim Watson;

Whereas the residents and businesses of Niagara stand in solidarity with the people of Ukraine and the proud Ukrainian-Canadian community who call our region home;

Whereas Niagara Region continues to be a willing host to those Ukrainian citizens fleeing their homeland during this challenging time, providing support through the Region's Community Services Department as well as number of other local agencies;

Whereas silence may be interpreted as complicity; and

Whereas any sanctions placed on Niagara's elected officials be considered wholly ineffective and be received as a demonstration of Niagara's steadfast commitment to support Ukraine during this time.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Regional Council unequivocally **DENOUNCES** Russia's unjustifiable invasion of the sovereign nation of Ukraine;

2. That Niagara Regional Council **SUPPORTS** all of the sanctions that the Federal Government of Canada has thus far imposed on Russia;
3. That any Regional Councillor who wishes to be voluntarily sanctioned **INDICATE** their support by advising the Regional Chair's Office by phone or email by no later than Friday, May 20 at 4:30 p.m.;
4. That the Regional Chair **BE DIRECTED** to send correspondence to the Consulate General of the Russian Federation with the names of the Regional Councillors who have indicated their support to be voluntarily sanctioned, resulting in their "indefinite" ban from entering Russia;
5. That the Regional Clerk **BE DIRECTED** to circulate this motion to Niagara's 12 local councils, local area MPs, MPPs, AMO, and FCM; and
6. That this motion **BE FORWARDED** to all other municipalities in Ontario, requesting they consider enacting similar measures in order to present a united front and support the citizens of Ukraine.

Yours truly,



Ann-Marie Norio

Regional Clerk

CLK-C 2022-079

Distribution List

Local Area Councils

Chris Bittle, Member of Parliament, St. Catharines

Vance Badawey, Member of Parliament, Niagara Centre

Tony Baldinelli, Member of Parliament, Niagara Falls

Dean Allison, Member of Parliament, Niagara West

Jennie Stevens, Member of Provincial Parliament, St. Catharines

Jeff Burch, Member of Provincial Parliament, Niagara Centre

Wayne Gates, Member of Provincial Parliament, Niagara Falls

Sam Oosterhoff, Member of Provincial Parliament, Niagara West

Association of Municipalities Ontario

Federation of Canadian Municipalities

All Ontario Municipalities

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,



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

Subject: Brownfield Tax Assistance Incentive Funding Request

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 11, 2022

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

Regional Grant (Totals)	Amount Requested	Amount Paid / Committed
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
TOTAL Regional incentive requests	\$727,530	

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

Funding Option	Basis of Calculation	Estimated Regional BTAP grant amount
<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

Prepared by:

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

Recommended by:

Michelle Sergi, MPP, RCIP
Commissioner
Planning and Development Services

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)



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:

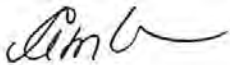
That Report PW 19-2022, dated May 10, 2022, respecting Waste Management System By-law and Access to Closed Landfill and Repurposed Sites By-law Updates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

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

:cv

CLK-C 2022-074

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

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

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

Prepared by:
Kate Ashbridge
Supervisor
Waste Management

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

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;

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PWC 8-2017; Minute Item 5.1
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- 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;

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- 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

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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;

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- 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;

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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

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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

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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:

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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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- 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;

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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;

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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;

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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;

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PWC 7-2020; Minute Item 5.1
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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
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

- 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.

*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*

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:

*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) 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

*As amended by By-law No. 2020-62
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PWC 8-2017; 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
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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
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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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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
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(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

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

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

*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

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
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

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.

*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

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 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

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

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"> • single-family detached with one self-contained unit, • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • residential buildings with three (3) to six (6) units; • cottage properties with up to six (6) cottages; • Bed and Breakfast establishments with three (3) bedrooms or less; • structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing; • 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) • trailer parks (only those classified as LDR in MPAC), • boarding homes with six (6) or fewer rooms; and • residential farms 	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

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

*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"> • single-family detached with one self-contained unit; • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • residential buildings with three (3) to six (6) units; • cottage properties with up to six (6) cottages; • Bed and Breakfast establishments with three (3) bedrooms or less; • structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing; • 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); • trailer parks (only those classified as LDR in MPAC); • boarding homes with six (6) or fewer rooms; and 	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

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
<ul style="list-style-type: none"> residential farms 		
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



Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
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**

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"> • single-family detached with one self-contained unit; • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • residential buildings with three (3) to six (6) units; • cottage properties with up to six (6) cottages; • Bed and Breakfast establishments with three (3) bedrooms or less; • structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing; • 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); • trailer parks (only those classified as LDR in MPAC); • boarding homes with six (6) or fewer rooms; and • residential farms 	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

	FRIENDLY REMINDER 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: _____	
NON-COMPLIANT SETOUT	
<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 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. <input type="checkbox"/> Containers and any material not collected MUST 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 NOT 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	
OVER LIMIT	
<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	
BULKY GOODS/LARGE ITEMS	
<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 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. <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"> • 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.	 niagararegion.ca/waste

 BOX IT. BIN IT. SORT IT.	FRIENDLY REMINDER Curbside Collection Services
UNACCEPTABLE MATERIALS	
<input type="checkbox"/> Household Hazardous Waste. Accepted FREE of charge at Household Hazardous Waste Depot. Commercial material not accepted. <input type="checkbox"/> Syringes and sharps <input type="checkbox"/> Automotive parts and tires <input type="checkbox"/> Electronics, appliances and metal household items <input type="checkbox"/> Construction, renovation or demolition materials. Materials can be taken directly to the landfill. Disposal fees will apply. <input type="checkbox"/> Garbage containing recycling, Green Bin or Leaf & Yard Materials	
BLUE/GREY BOX	
<input type="checkbox"/> Mixed Blue and Grey Box materials are NOT acceptable <input type="checkbox"/> Material not accepted in recycling program <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 <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.)	
GREEN BIN/LEAF & YARD/BRANCHES	
<input type="checkbox"/> Grass not collected curbside <input type="checkbox"/> Sod, soil, stumps, gravel are not collected curbside <input type="checkbox"/> Liquid material is not permitted in the Green Bin <input type="checkbox"/> Material must NOT be placed in plastic bags or cardboard boxes for collection <input type="checkbox"/> Loose materials including leaves and branches are not accepted <input type="checkbox"/> Branches are only collected on designed collection weeks. The next collection week in your area is _____	
<input type="checkbox"/> 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

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

Short Form Offences and Set Fines

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

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

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. 46.3	\$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. xx-2022****A BY-LAW TO REGULATE ACCESS TO CLOSED LANDFILL AND
REPURPOSED SITES OWNED BY THE REGIONAL MUNICIPALITY OF
NIAGARA**

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 forgoing, 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**

Alpha-Numerical Designation	Name of Zones
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

APPENDIX 3

MAPS (Attached)

Appendix 4

Set Fines (Attached)

Set Fines

Part 1: Provincial Offences Act

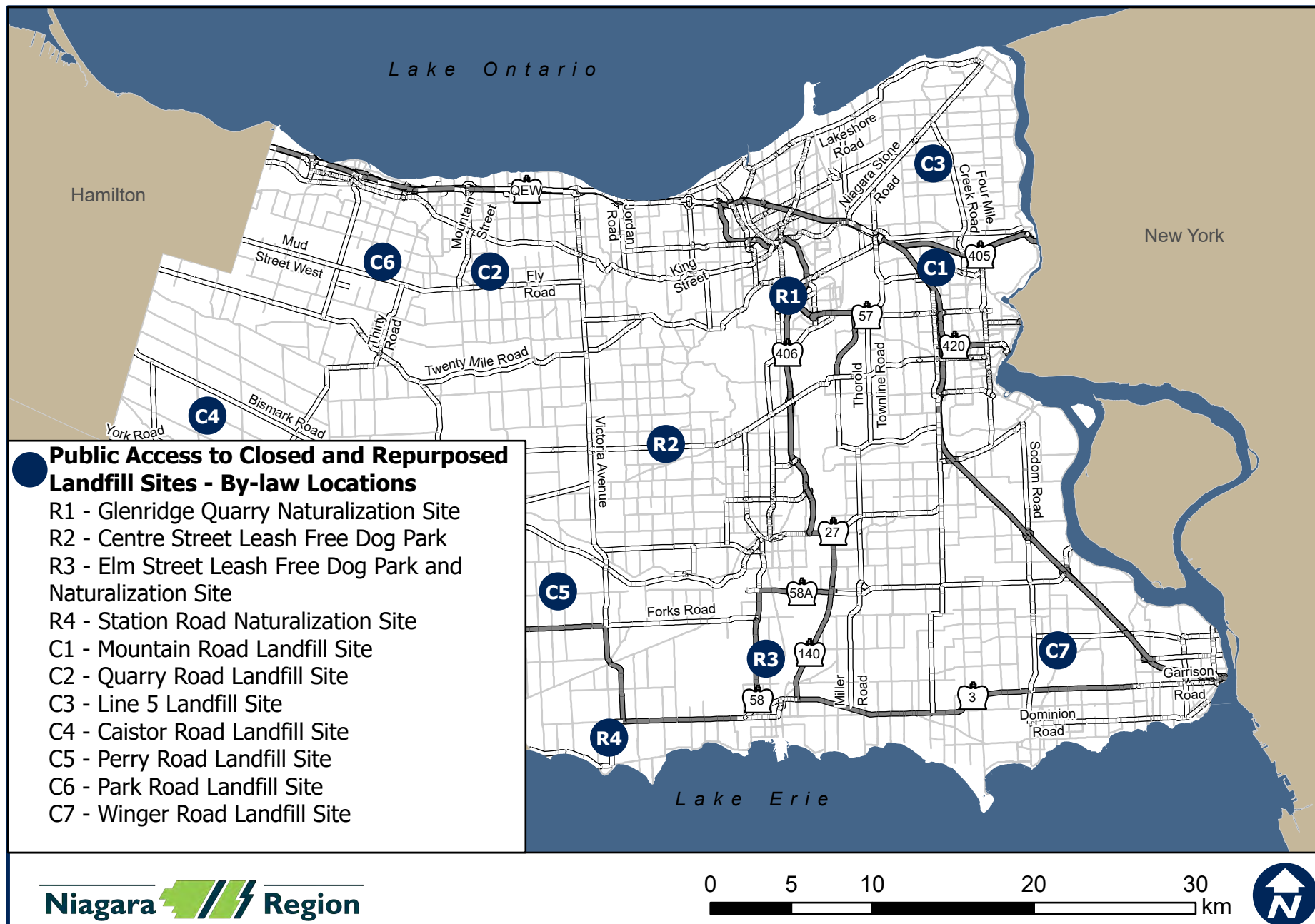
Note: The penalty provision for offences indicated is Section 61

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

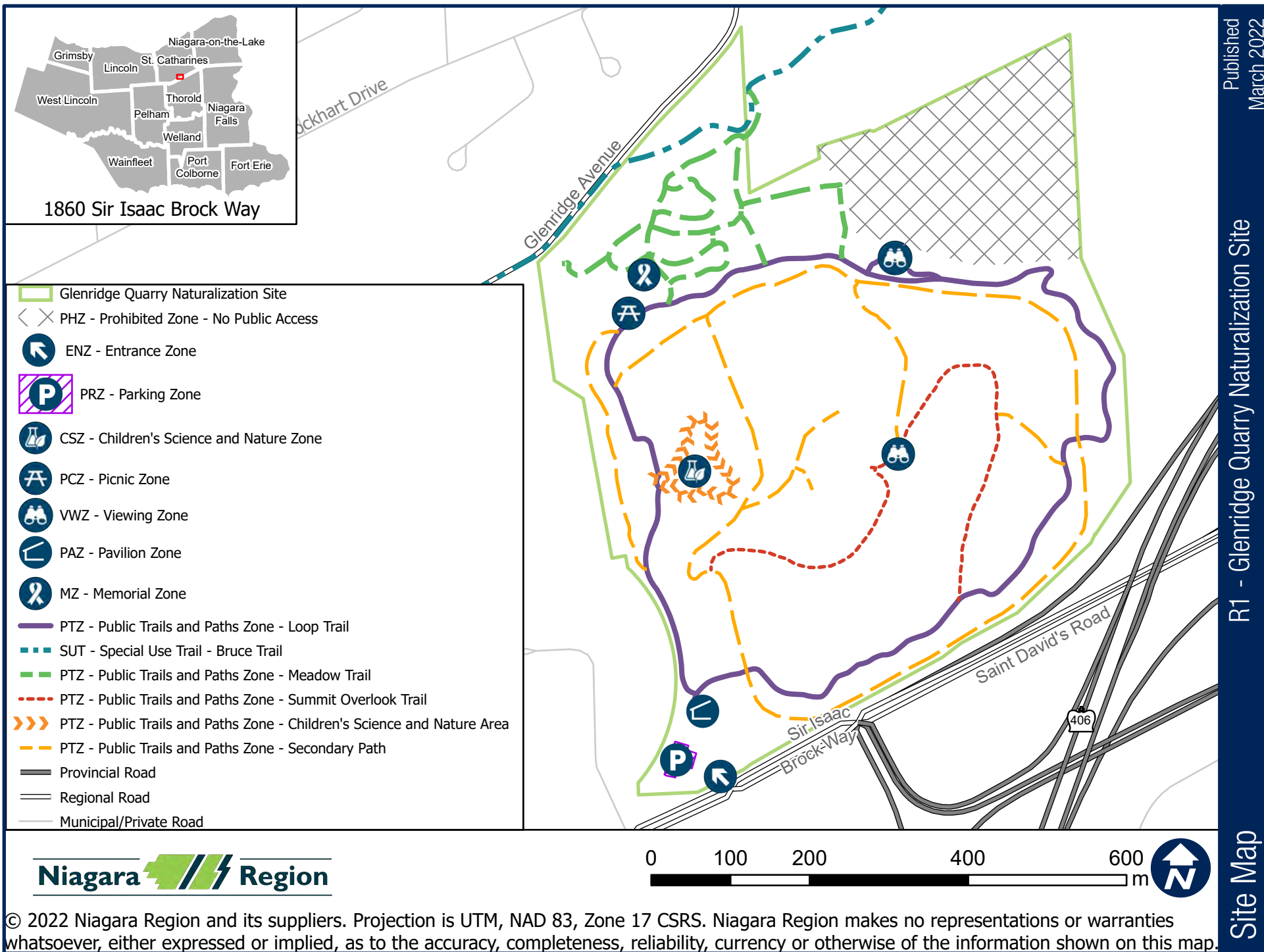
22	Create a nuisance	Section 21) 22)	\$100.00
23	Bring or operate a Vehicle, except the Parking Zone	Section 21) 23)	\$100.00
24	Be upon the site outside the posted hours of operation	Section 21) 24)	\$100.00
25	Engage in any Organized Activity, without written permission from Niagara Region	Section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



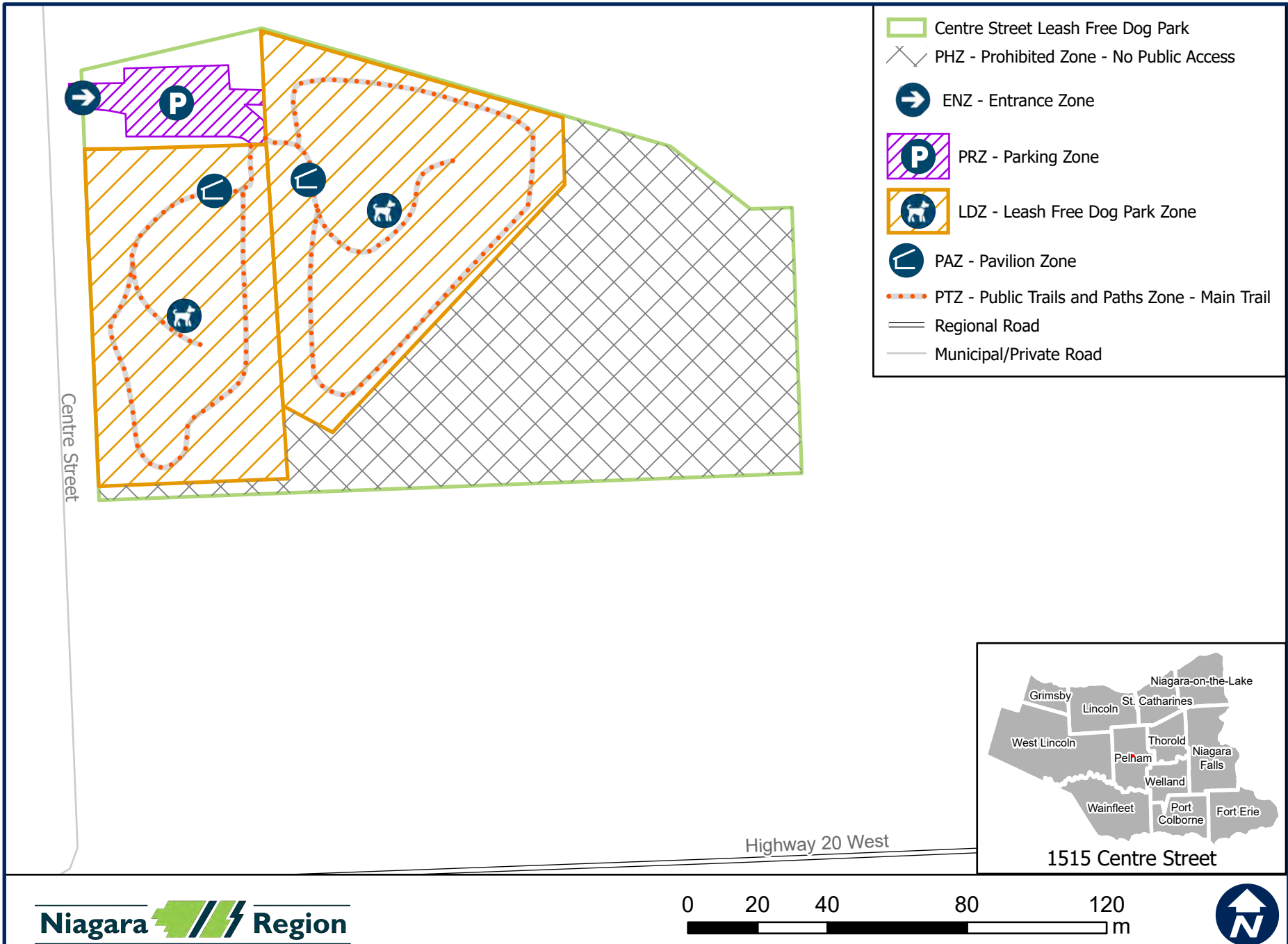
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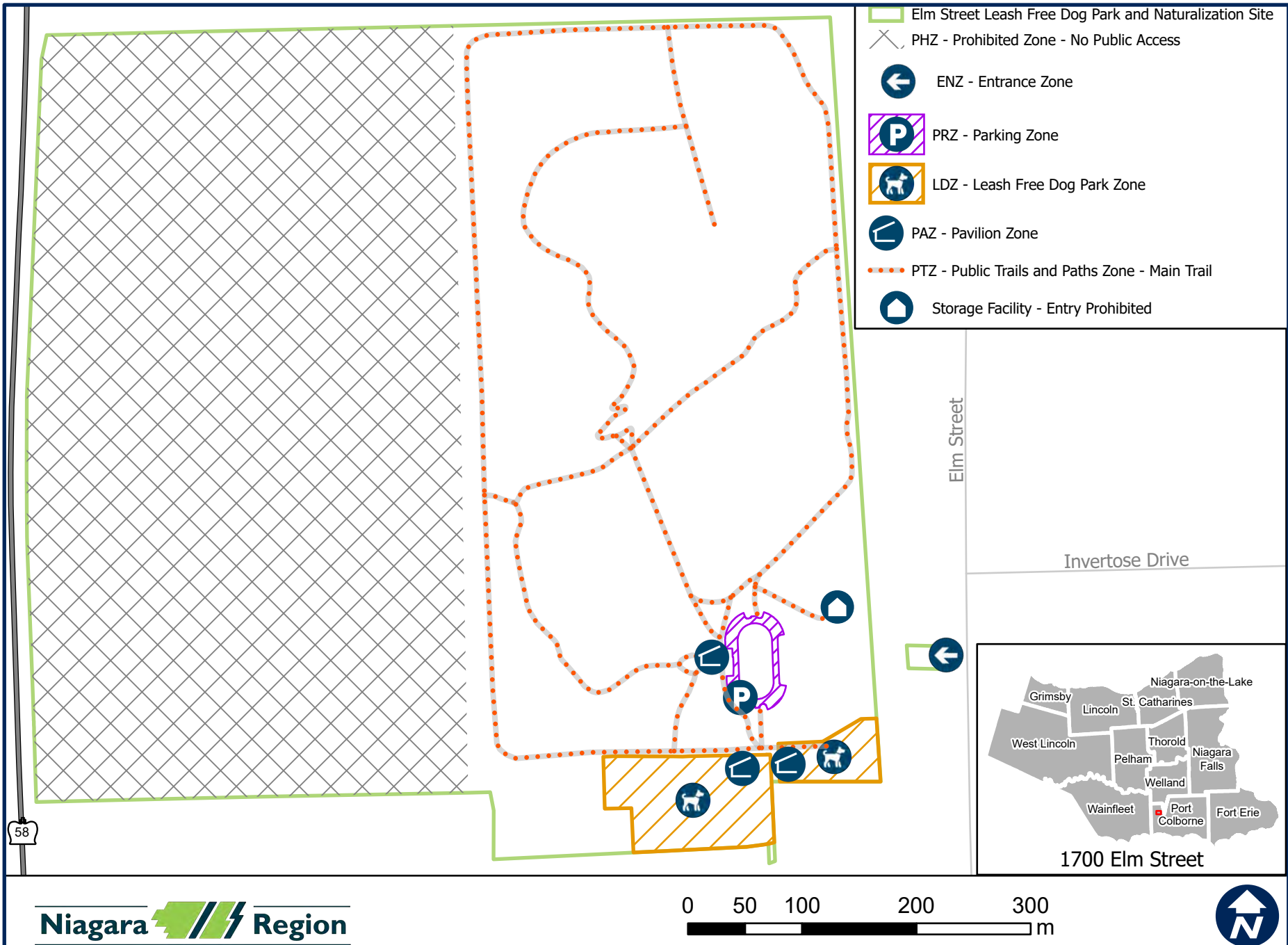


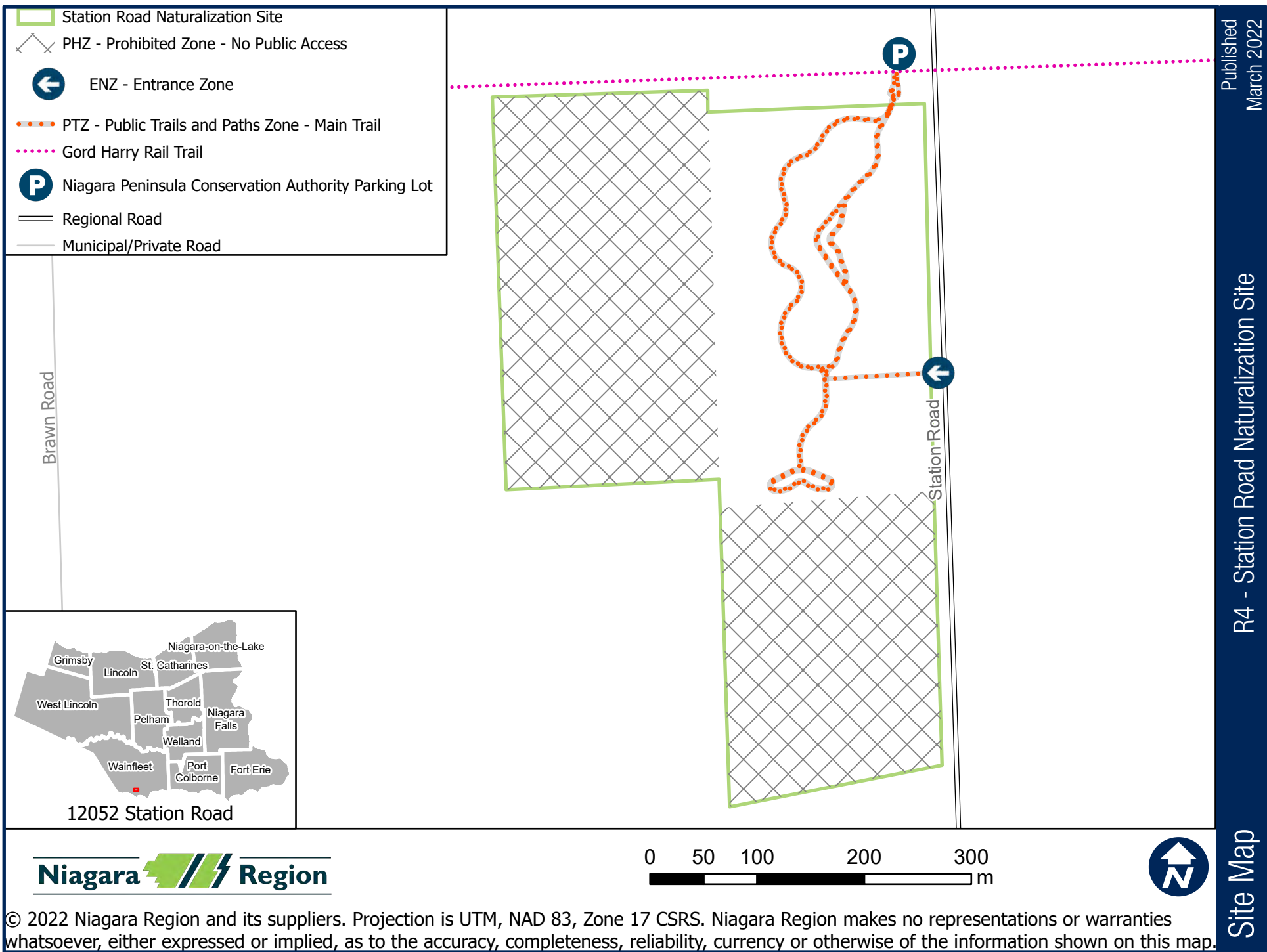
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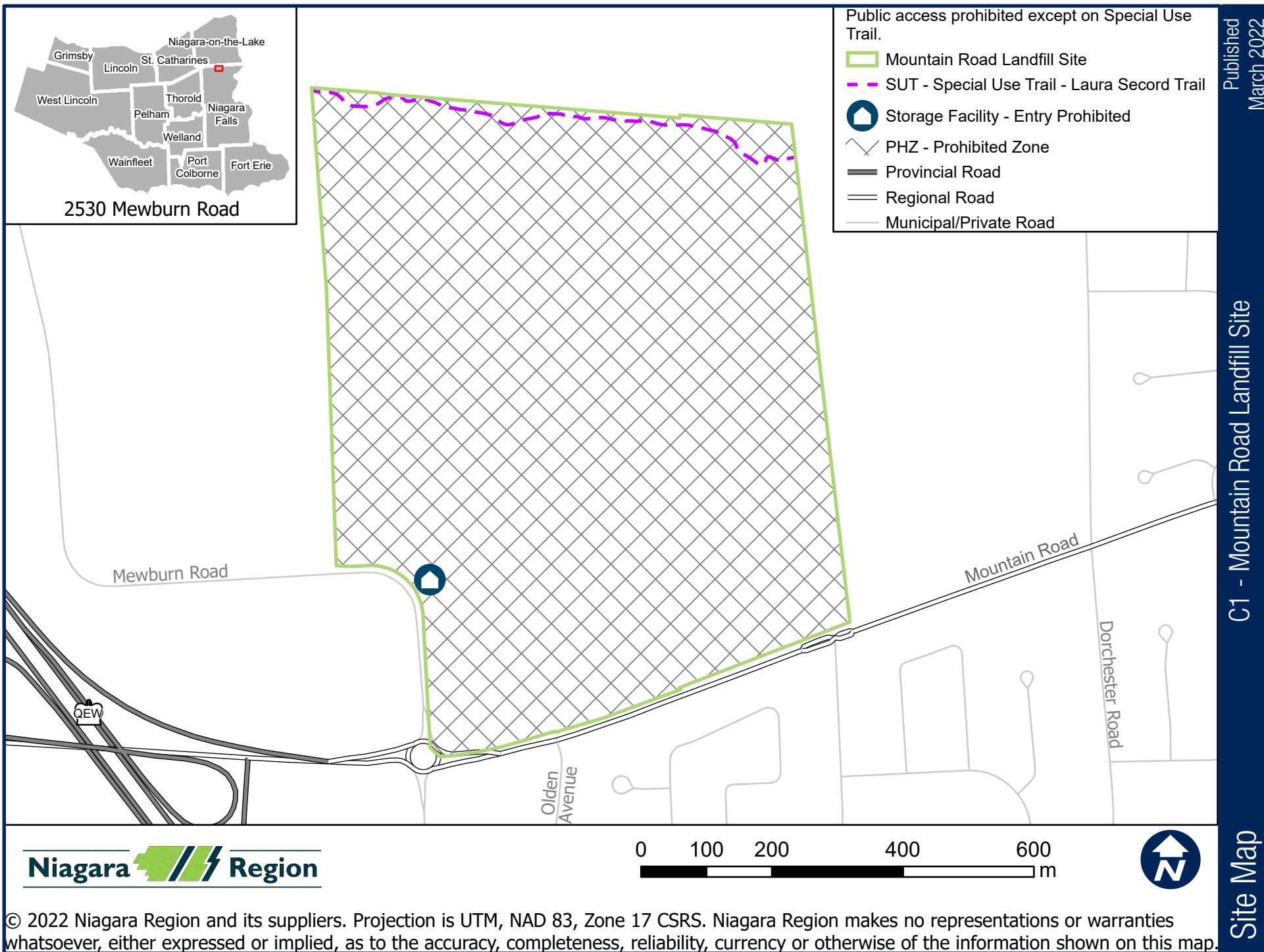
R1 - Glenridge Quarry Naturalization Site

Site Map











3768 Quarry Road (Rear)

Aberdeen Road

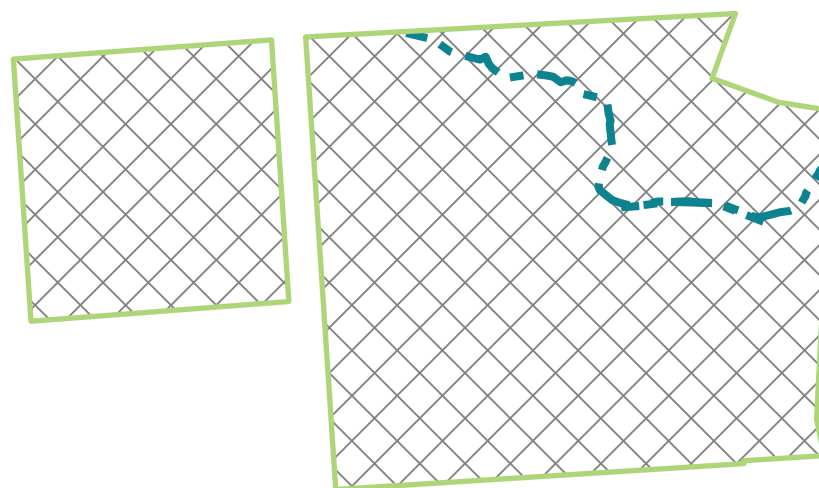
Public access prohibited except on Special Use Trail.

 Quarry Road Landfill Site

 SUT - Special Use Trail - Bruce Trail

 PHZ - Prohibited Zone


 Municipal/Private Road




Quarry Road

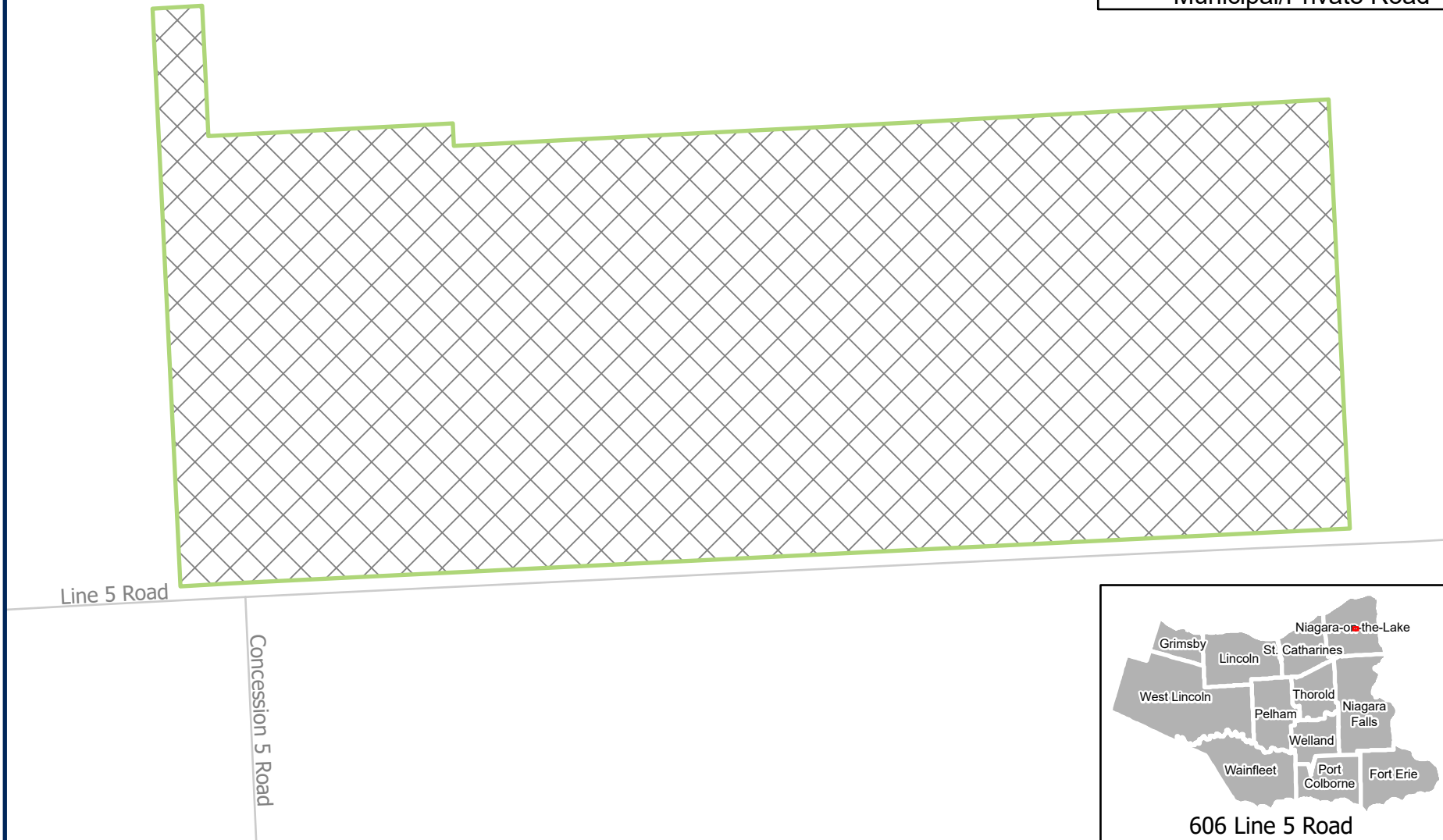


Public access prohibited.

 Line 5 Landfill Site




 PHZ - Prohibited Zone

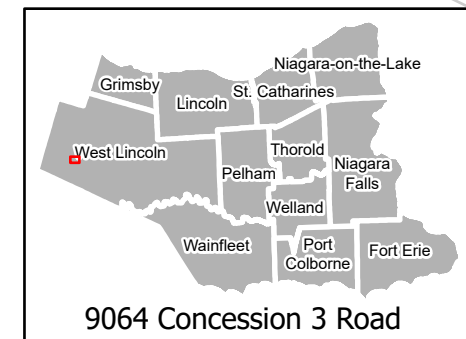
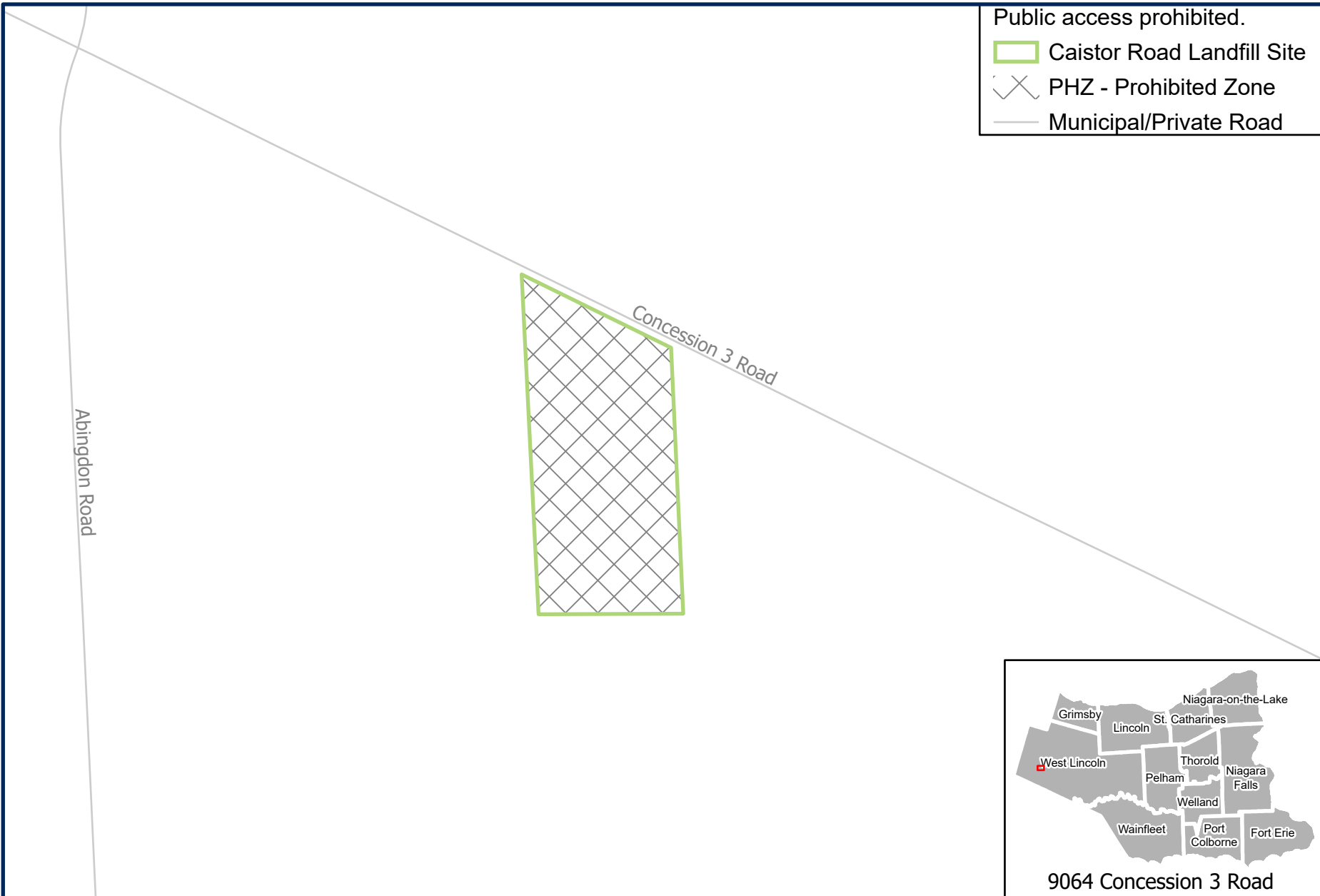
 Municipal/Private Road



Niagara Region



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

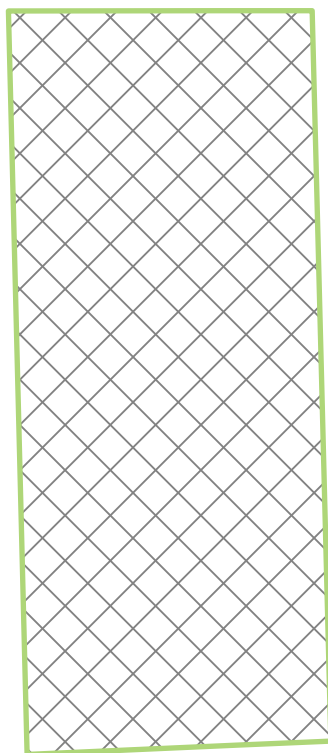
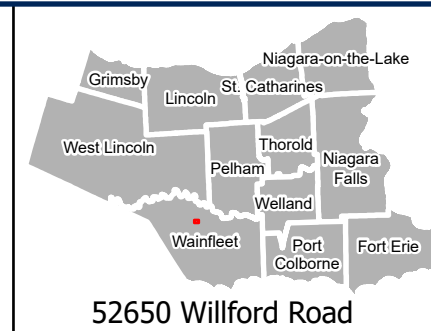


Public access prohibited.

 Perry Road Landfill Site

 PHZ - Prohibited Zone

 Municipal/Private Road



Willford Road

Traver Road





Priestman Road

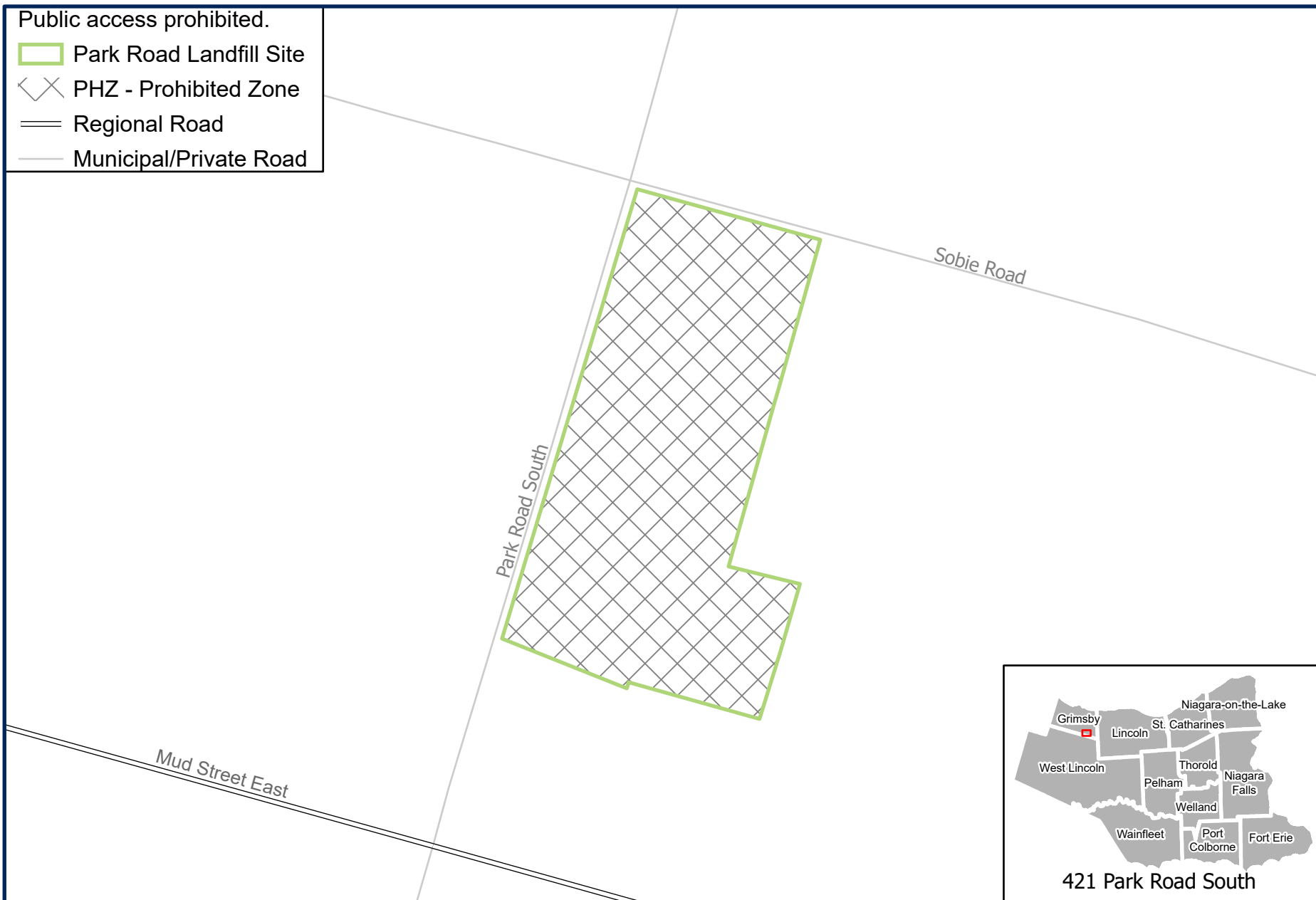
Niagara Region

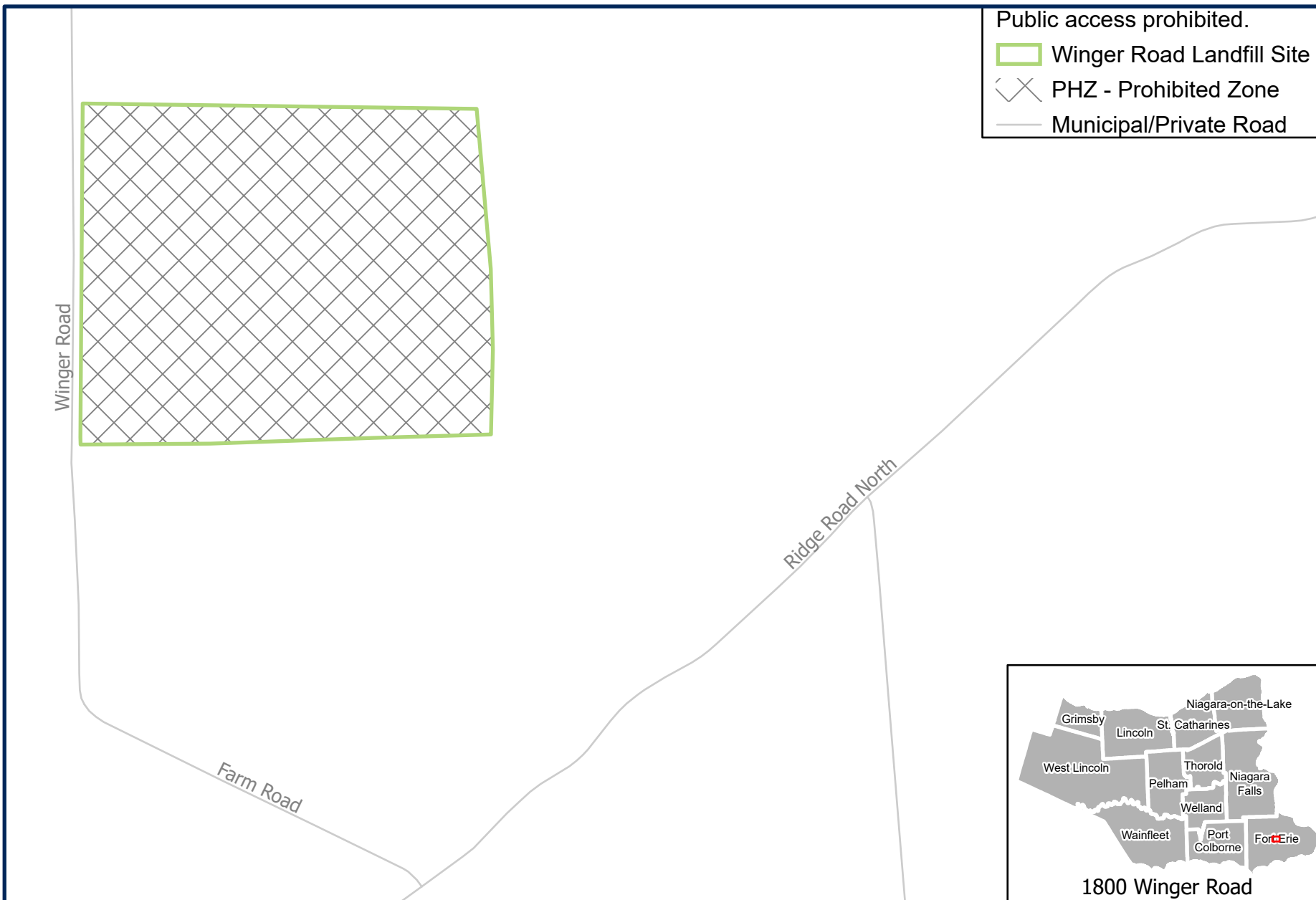
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- Public access prohibited.
-  Park Road Landfill Site
 -  PHZ - Prohibited Zone
 -  Regional Road
 -  Municipal/Private Road





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 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"> • single-family detached with one self-contained unit, • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • residential buildings with three (3) to six (6) units; • cottage properties with up to six (6) cottages; • Bed and Breakfast establishments with three (3) bedrooms or less; • structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing; • 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) • trailer parks (only those classified as LDR in MPAC), • boarding homes with six (6) or fewer rooms; and • residential farms 	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"> • single-family detached with one self-contained unit; • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • residential buildings with three (3) to six (6) units; • cottage properties with up to six (6) cottages; • Bed and Breakfast establishments with three (3) bedrooms or less; • structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing; • 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); • trailer parks (only those classified as LDR in MPAC); • boarding homes with six (6) or fewer rooms; and • residential farms 	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"> • single-family detached with one self-contained unit; • semi-detached residential with 2 residential homes, both self-contained units; • duplex residential structure with 2 self-contained units; • residential buildings with three (3) to six (6) units; • cottage properties with up to six (6) cottages; • Bed and Breakfast establishments with three (3) bedrooms or less; • structures with six (6) or more units that are considered horizontal, row or townhouses or condo housing; • 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); • trailer parks (only those classified as LDR in MPAC); • boarding homes with six (6) or fewer rooms; and • residential farms 	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 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

SCHEDULE B

FRIENDLY REMINDER NOTICE



BOX IT. BIN IT. SORT IT.

FRIENDLY REMINDER
Curbside Collection Services

UNACCEPTABLE MATERIALS

- ☐ 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

Appendix 1

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

Short Form Offences and Set Fines

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

Alpha-Numerical Designation	Name of Zones
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

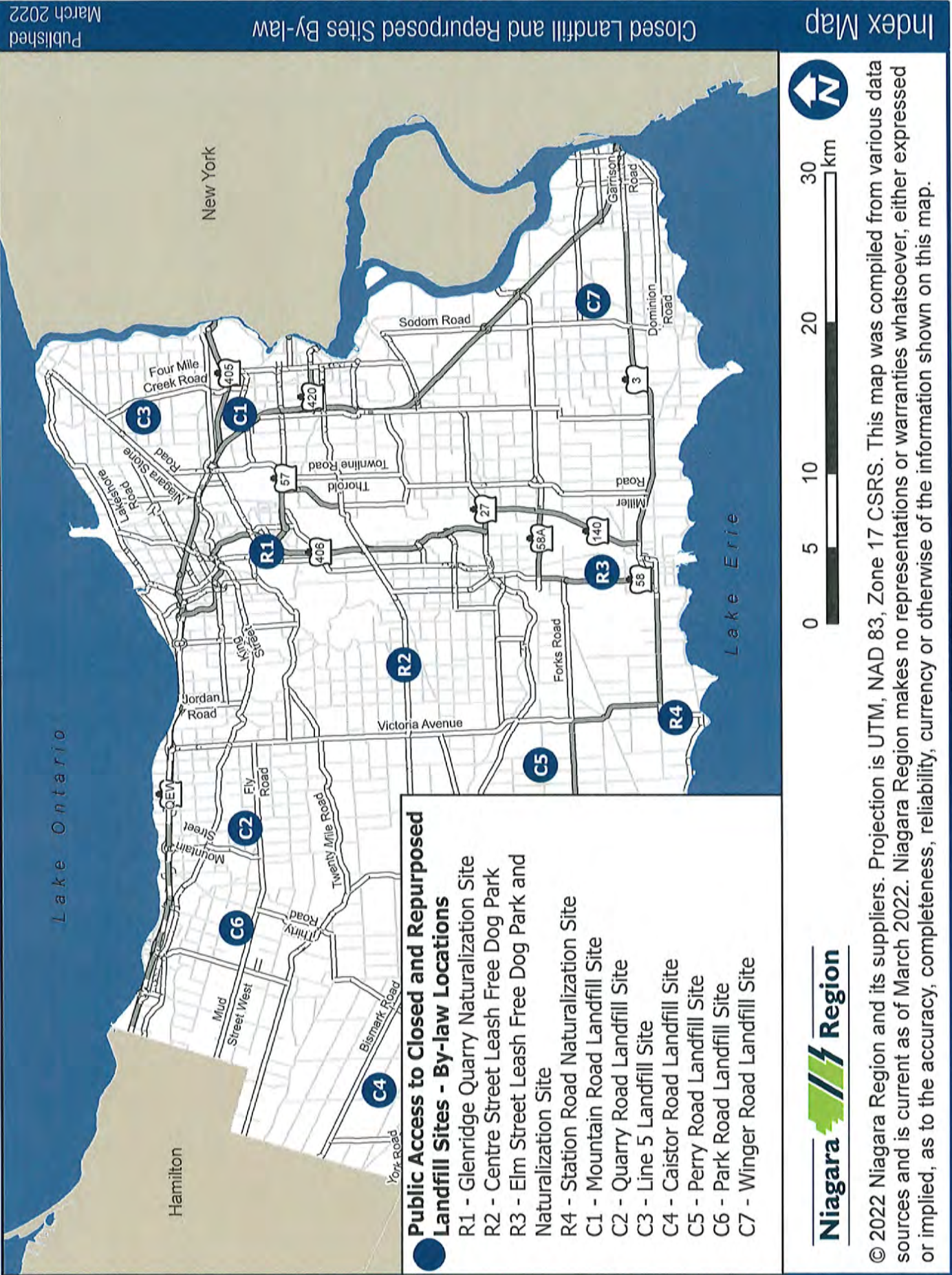
Closed Sites

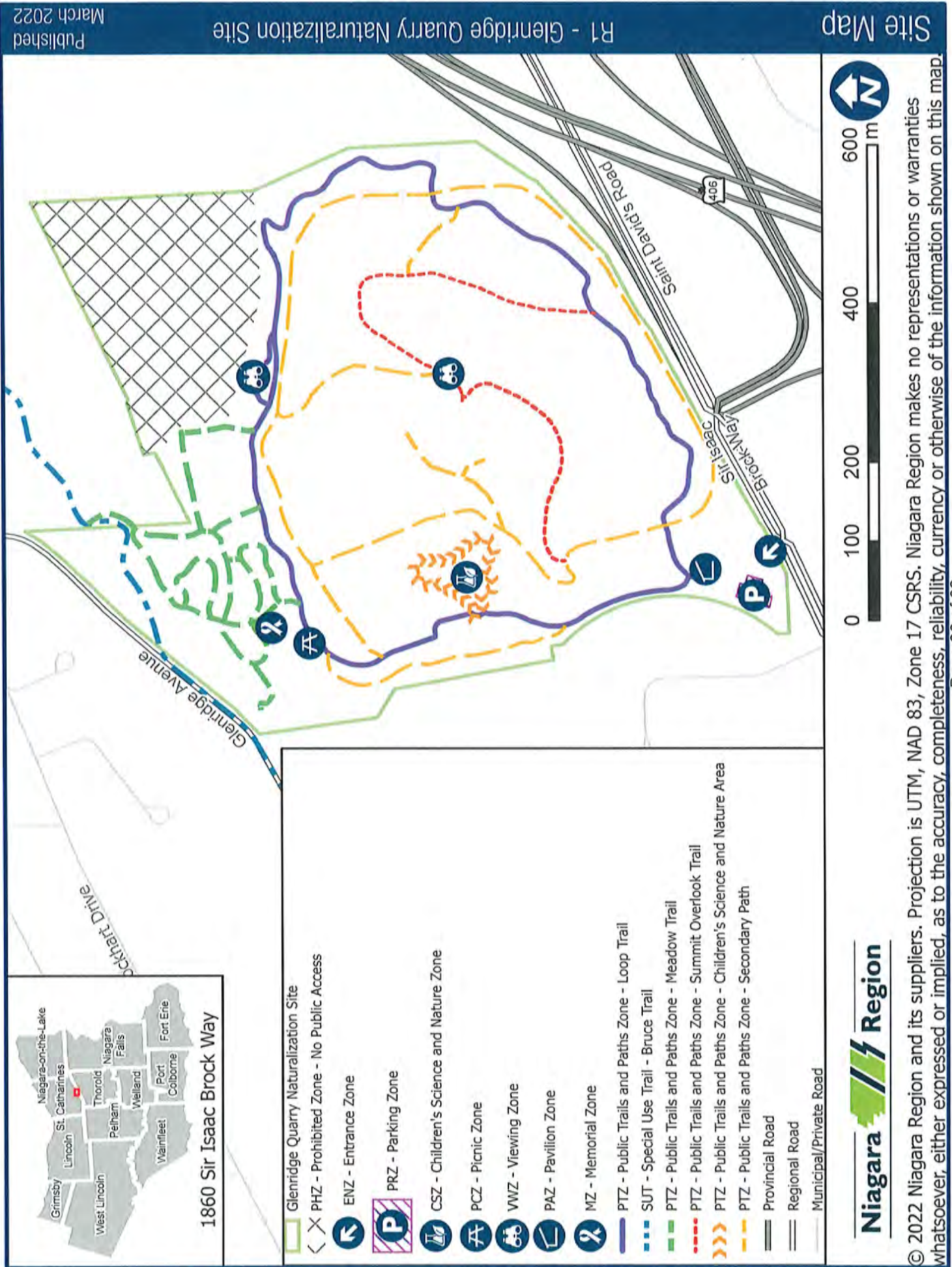
- C1) Mountain Road Landfill Site
- C2) Quarry Road Landfill Site
- C3) Line 5 Landfill Site
- C4) Caistor Road Landfill Site
- C5) Perry Road Landfill Site
- C6) Park Road Landfill Site
- C7) Winger Road landfill Site

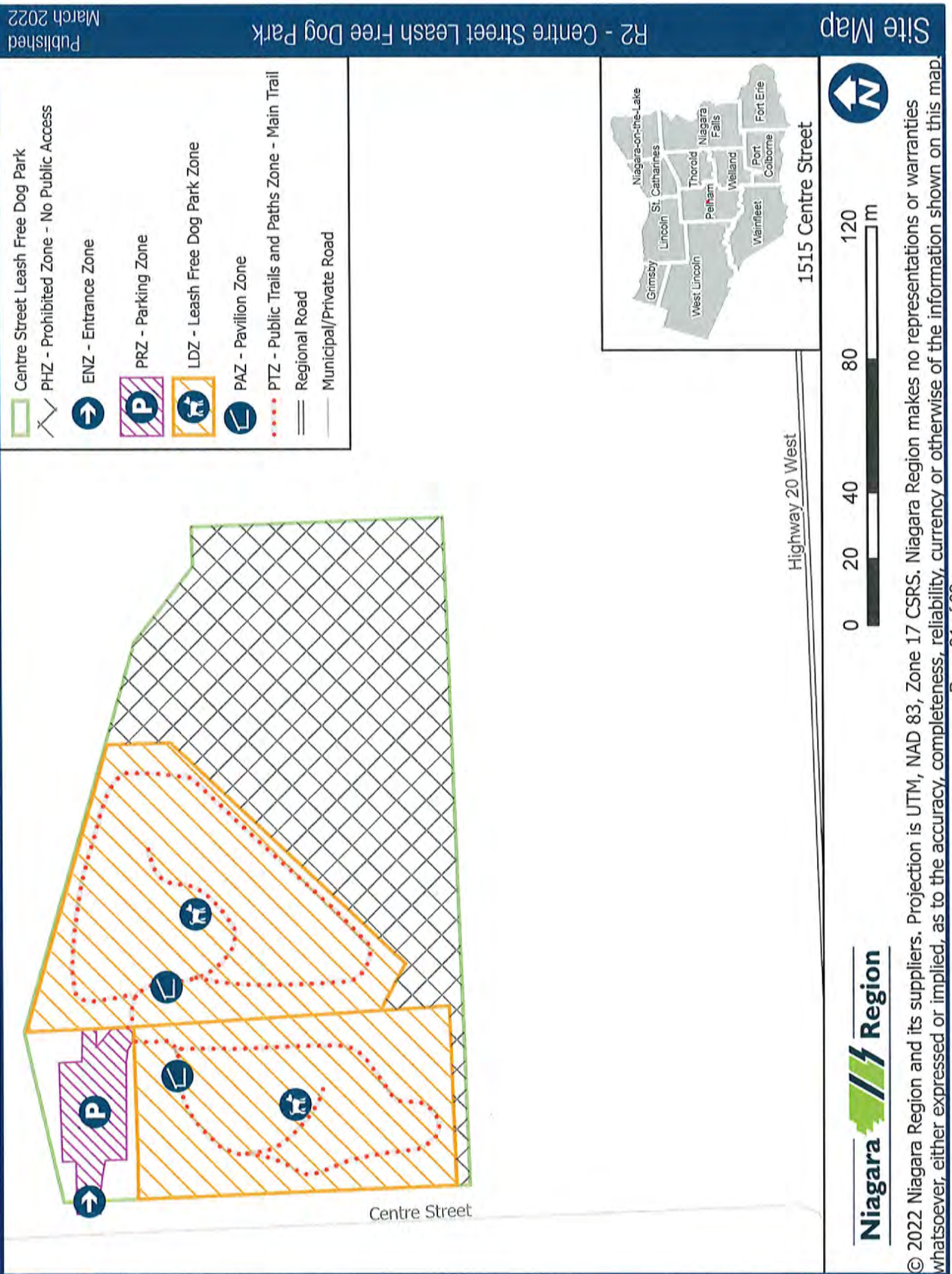
Active Sites

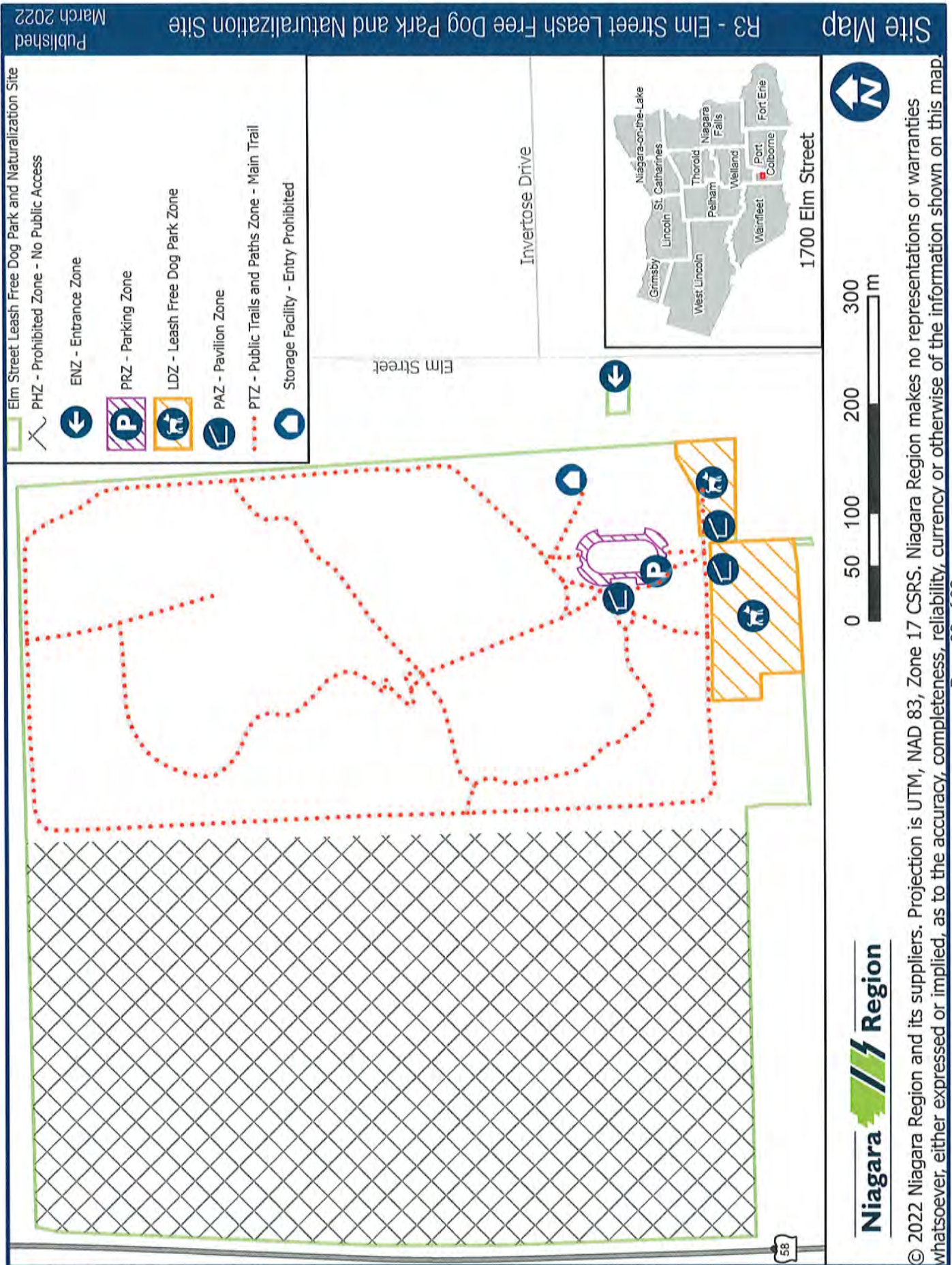
- A1) Bridge St. Residential Waste & Recycling Drop Off Depot
- A2) Humberstone Landfill Site
- A3) Niagara Road 12 Landfill Site

Bill No. 2022-33 Appendix 3
Closed Landfill and Repurposed Site Maps









Station Road Naturalization Site

PHZ - Prohibited Zone - No Public Access

ENZ - Entrance Zone

PTZ - Public Trails and Paths Zone - Main Trail

Gord Harry Rail Trail

Niagara Peninsula Conservation Authority Parking Lot

Regional Road

Municipal/Private Road

Brawn Road

Station Road



12052 Station Road



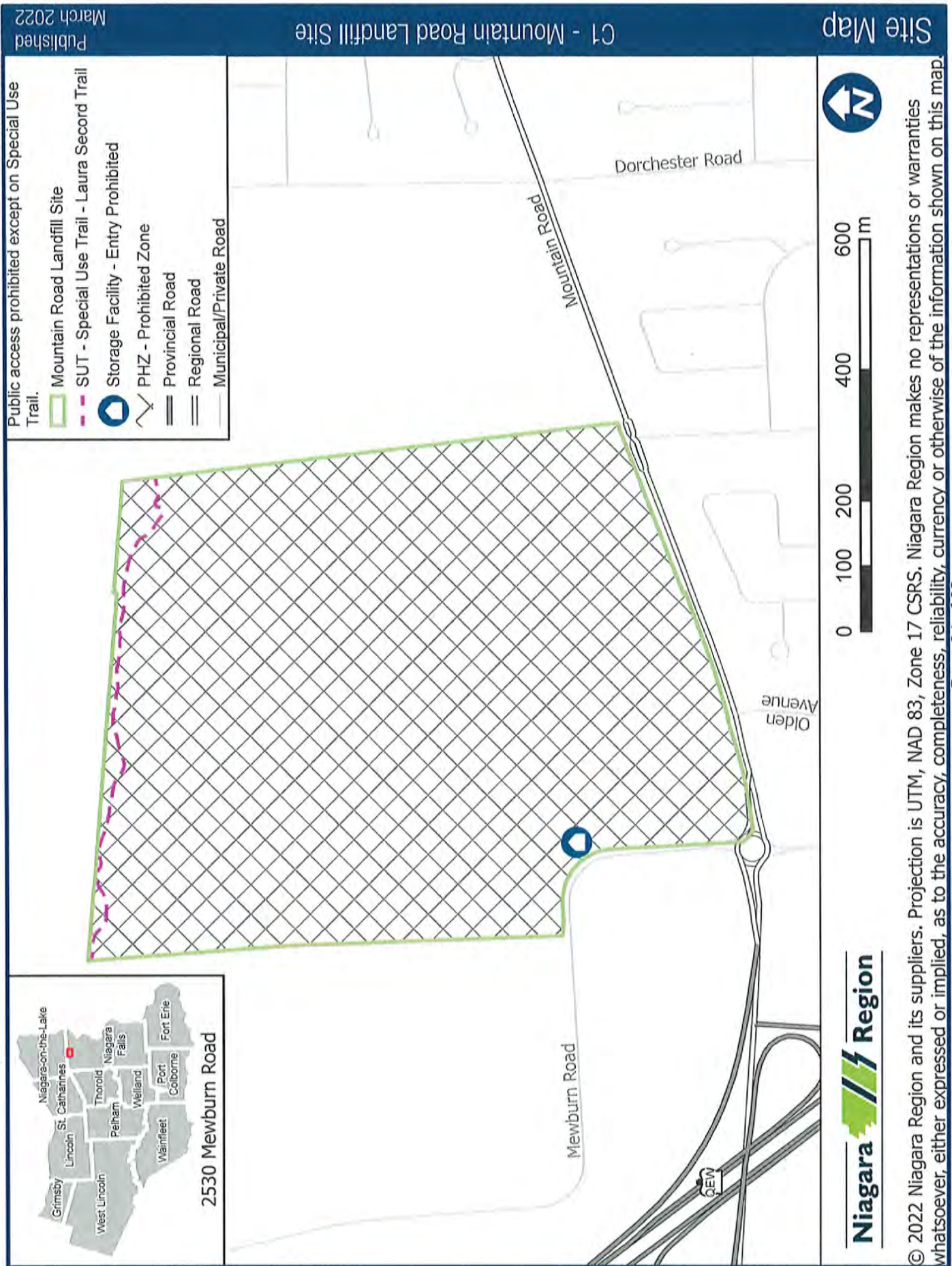
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Site Map



R4 - Station Road Naturalization Site

Published
March 2022

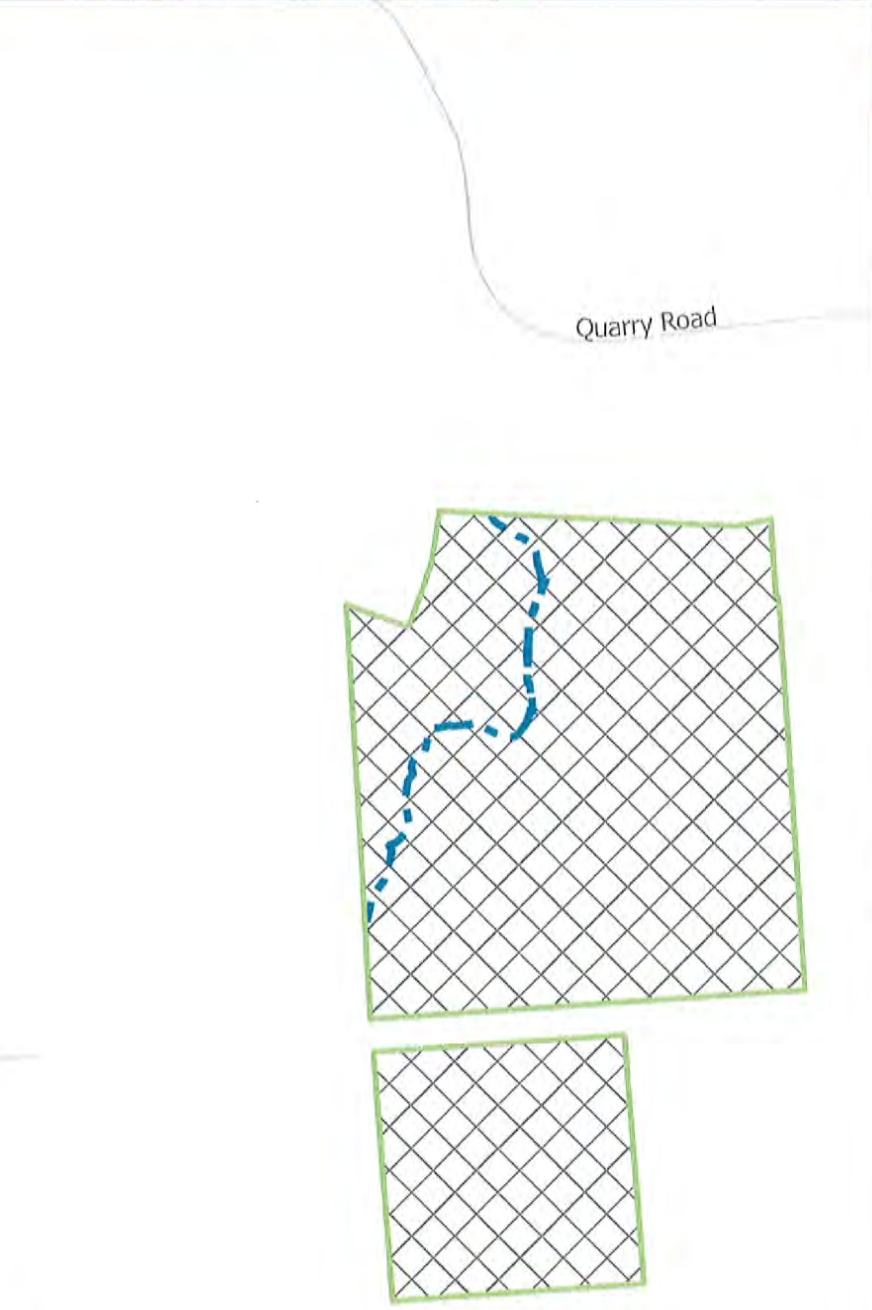




3768 Quarry Road (Rear)

Public access prohibited except on
Special Use Trail.

- Quarry Road Landfill Site
- SUT - Special Use Trail - Bruce Trail
- PHZ - Prohibited Zone
- Municipal/Private Road



**Niagara Region**

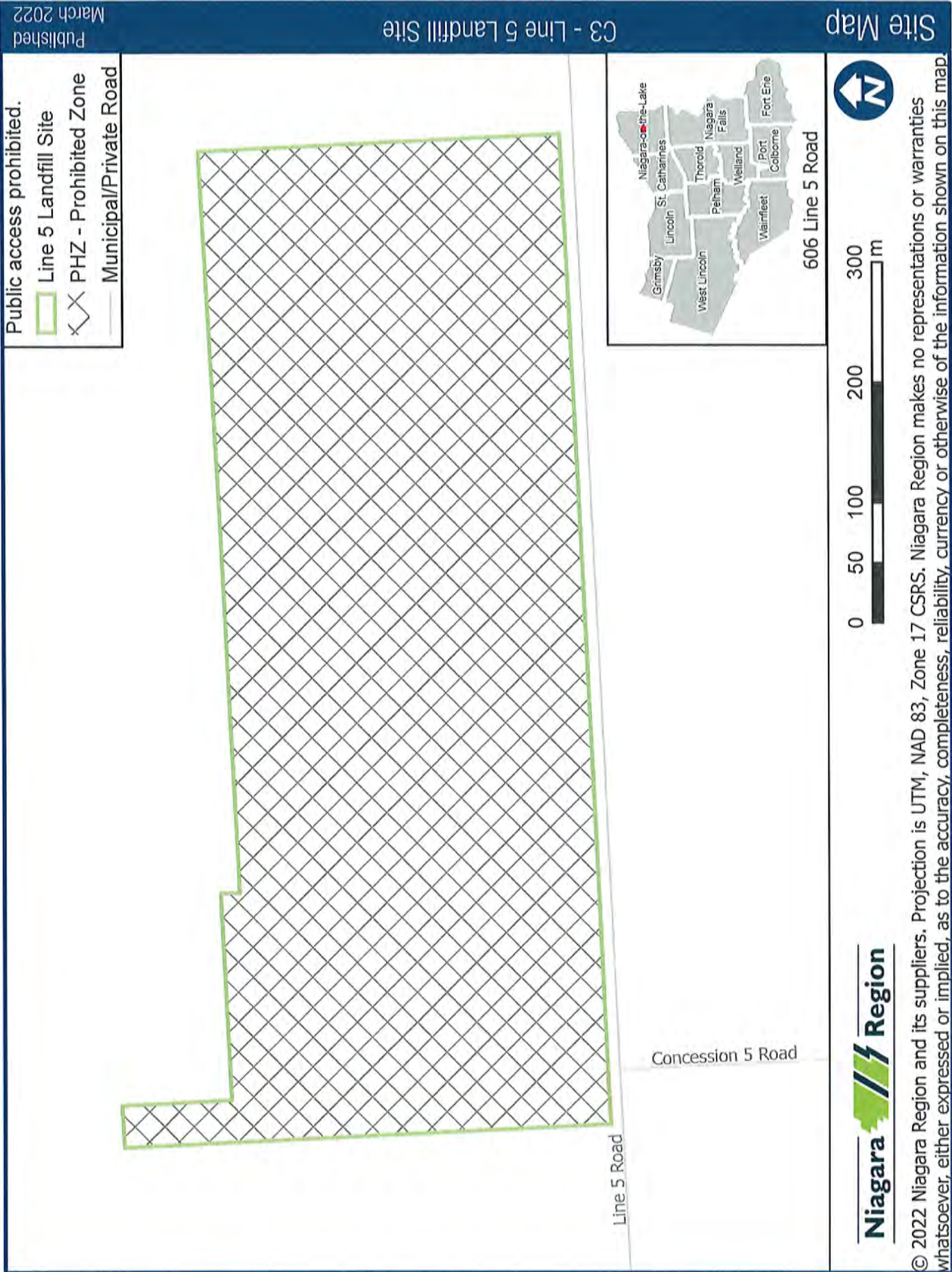


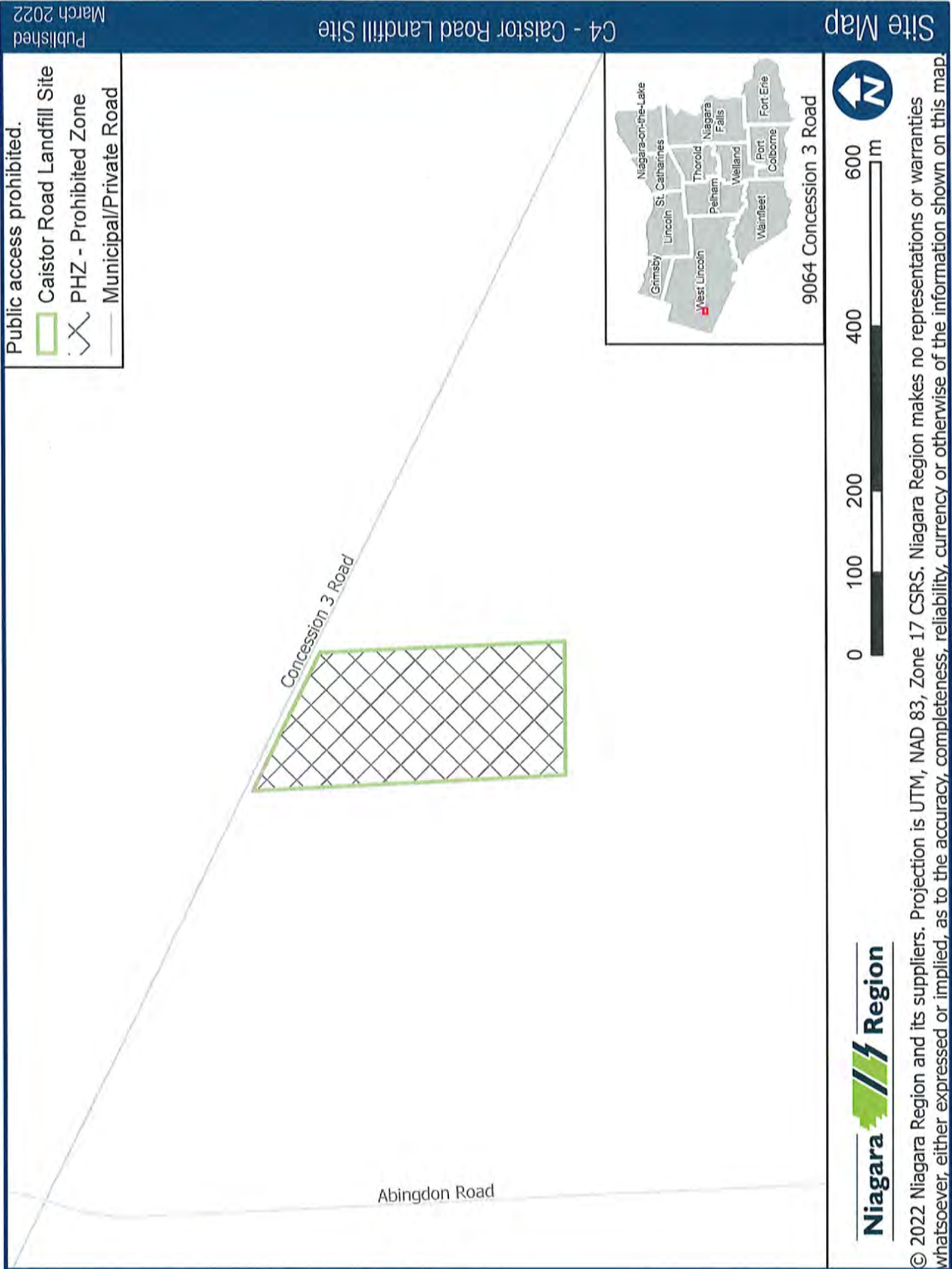
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C2 - Quarry Road Landfill Site

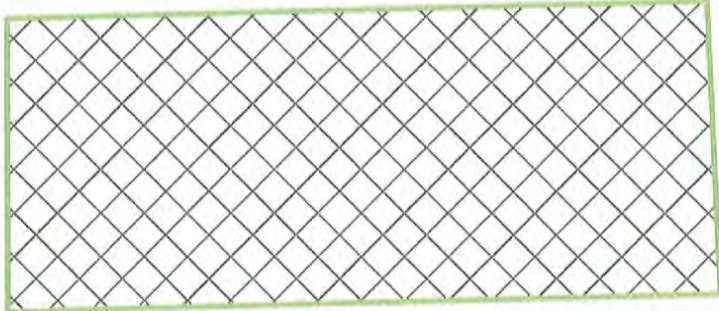
Site Map

Published
March 2022









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

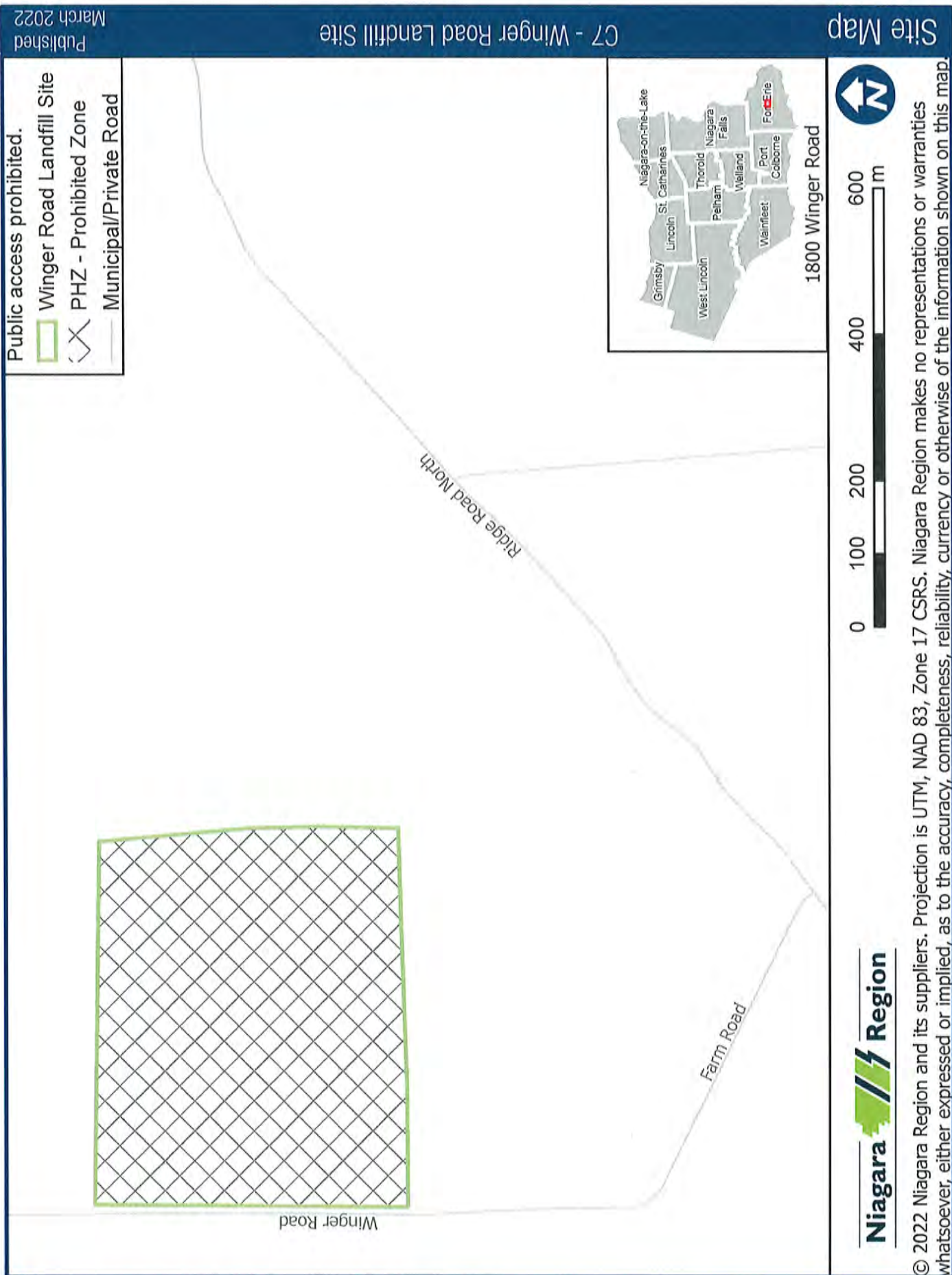


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- Public access prohibited.
-  Park Road Landfill Site
 -  PHZ - Prohibited Zone
 -  Regional Road
 -  Municipal/Private Road



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Appendix 4

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 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



Community Services

Legislative Services

May 31, 2022

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P. O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio:

Re: Niagara Region's Motion – Voluntary Russian Sanction Request

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 30, 2022 received and supported the Region's correspondence dated May 19, 2022 regarding the following:

- Denouncing Russia's unjustifiable invasion of the sovereign nation of Ukraine,
- Supporting sanctions that the Federal Government of Canada has thus far imposed on Russia,
- Advising any Regional Councillor who wishes to be may voluntarily sanctioned indicate their support
- Regional Chair to send correspondence to the Consulate General of the Russian Federation naming those Councillors who indicated their support, resulting in their "indefinite ban from entering Russia",
- Forwarding to all municipalities in Ontario requesting they consider enacting similar measures in order to present a united front and support the citizens of Ukraine.

A copy of your correspondence dated May 19, 2022, is attached.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk

Attach

c.c. Jennifer Stevens, MPP - St. Catharines JStevens-CO@ndp.on.ca
Jeff Burch, MPP - Niagara Centre JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook sam.oosterhoff@pc.ola.org
Dean Ellison, MP, Niagara West dean.allison@parl.gc.ca
Chris Bittle, MP - St. Catharines Chris.Bittle@parl.gc.ca
Vance Badaway, MP - Niagara Centre Vance.Badaway@parl.gc.ca
Tony Baldinelli, MP, Niagara Falls tony.baldinelli@parl.gc.ca
Association of Municipalities of Ontario AMO@amo.on.ca
Federation of Canadian Municipalities resolutions@fcm.ca
All Ontario Municipalities

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

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Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

G

May 25, 2022

CL 10-2022, May 19, 2022

DISTRIBUTION LIST**SENT ELECTRONICALLY****Re: Motion - Voluntary Russian Sanction Request**

Whereas Russia's unprovoked and brazen invasion of the sovereign nation of Ukraine has been unequivocally condemned by the majority of the free world, including by those living and working in Niagara;

Whereas the death and destruction caused by Russia's senseless invasion will have a lasting impact on the innocent and independent citizens of Ukraine;

Whereas Russia has placed sanctions on many Canadian premiers, mayors, journalists, military officials as well as senior staff in the federal government, "indefinitely" banning these individuals from entering Russia;

Whereas those Russian sanctions include Toronto Mayor John Tory and Ottawa Mayor Jim Watson;

Whereas the residents and businesses of Niagara stand in solidarity with the people of Ukraine and the proud Ukrainian-Canadian community who call our region home;

Whereas Niagara Region continues to be a willing host to those Ukrainian citizens fleeing their homeland during this challenging time, providing support through the Region's Community Services Department as well as number of other local agencies;

Whereas silence may be interpreted as complicity; and

Whereas any sanctions placed on Niagara's elected officials be considered wholly ineffective and be received as a demonstration of Niagara's steadfast commitment to support Ukraine during this time.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Regional Council unequivocally **DENOUNCES** Russia's unjustifiable invasion of the sovereign nation of Ukraine;

2. That Niagara Regional Council **SUPPORTS** all of the sanctions that the Federal Government of Canada has thus far imposed on Russia;
3. That any Regional Councillor who wishes to be voluntarily sanctioned **INDICATE** their support by advising the Regional Chair's Office by phone or email by no later than Friday, May 20 at 4:30 p.m.;
4. That the Regional Chair **BE DIRECTED** to send correspondence to the Consulate General of the Russian Federation with the names of the Regional Councillors who have indicated their support to be voluntarily sanctioned, resulting in their "indefinite" ban from entering Russia;
5. That the Regional Clerk **BE DIRECTED** to circulate this motion to Niagara's 12 local councils, local area MPs, MPPs, AMO, and FCM; and
6. That this motion **BE FORWARDED** to all other municipalities in Ontario, requesting they consider enacting similar measures in order to present a united front and support the citizens of Ukraine.

Yours truly,



Ann-Marie Norio
Regional Clerk
CLK-C 2022-079

Distribution List

Local Area Councils

Chris Bittle, Member of Parliament, St. Catharines
Vance Badawey, Member of Parliament, Niagara Centre
Tony Baldinelli, Member of Parliament, Niagara Falls
Dean Allison, Member of Parliament, Niagara West
Jennie Stevens, Member of Provincial Parliament, St. Catharines
Jeff Burch, Member of Provincial Parliament, Niagara Centre
Wayne Gates, Member of Provincial Parliament, Niagara Falls
Sam Oosterhoff, Member of Provincial Parliament, Niagara West
Association of Municipalities Ontario
Federation of Canadian Municipalities
All Ontario Municipalities



Community Services

Legislative Services

May 31, 2022

File #120203

Sent via email: 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

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

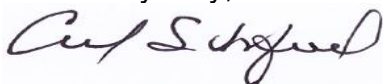
That: This resolution be circulated to the Greater Niagara Chamber of Commerce and the Niagara South Chamber of Commerce for distribution to their membership, and further

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

CS:dlk

Attach

c.c.

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

The Honourable Marco Mendicino, Minister of Public Safety marco.mendicino@parl.gc.ca

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

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

The Honourable Doug Ford, Premier of Ontario premier@ontario.ca

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

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

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

All Members of Provincial Parliament (MPP)

Association of Municipalities of Ontario AMO@amo.on.ca

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

Mishka Balsom, CEO, Greater Niagara Chamber of Commerce mishka@gncc.ca

Dolores Fabiano, Executive Director, Niagara South Chamber of Commerce dolores@wellandpelhamchamber.com

Niagara Region

Local Area Municipalities



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
Wayne Gates, MPP, wgates-co@ndp.on.ca
City of Windsor, mayoro@citywindsor.ca
City of Sarnia, 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



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



Community Services

Legislative Services

May 31, 2022

File #120203

Sent via email: 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: Federal Government's Plans to Tax Vacant Foreign Owned Properties

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

Whereas the Federal Government proposed a tax on vacant non-resident foreign owned properties in the 2021 budget, and

Whereas the intent of this tax is to reduce speculation in the real estate market which is believed to contribute to housing unaffordability in Canada, and

Whereas Fort Erie and other vacation destinations across Ontario have a high number of non-resident American-owned vacation properties that are vacant during the tourism off-season during the winter months, and

Whereas the Federal Government signaled their intent to exempt non-resident foreign owned vacation properties in Canada so long as they meet certain requirements including being located in a Census Agglomeration with a population of less than 30,000 people, and

Whereas Fort Erie and numerous other seasonal vacation destinations across Southern Ontario are in Census Metropolitan Areas and Census Agglomerations with populations well in excess of 30,000 people despite the communities themselves being small and medium-sized municipalities, and

Whereas Fort Erie and other communities across Ontario have a long history of being a vacation destination for American visitors, many of which have owned the same property for generations, and would be taxed yearly on their assessed value of their vacation property based on this proposal, 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

Whereas vacant property taxes would be allocated to the general revenues of the federal government and not directly benefit the municipalities where these properties are located and serviced, and

Whereas vacation properties that are seasonally vacant do not contribute to the speculation that is believed to contribute to housing unaffordability in Canada,

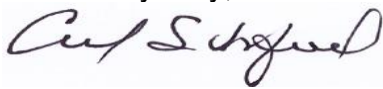
Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie requests the Federal Government to review the proposed exemption framework for seasonal vacation properties to better reflect the reality of where these properties are located and how they are used, and further

That: This resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Chrystia Freeland, Deputy Prime Minister of Canada and Minister of Finance, the Honourable Diane Lebouthillier, Minister of National Revenue (Canada), Tony Baldinelli, Member of Parliament for Niagara Falls, the Association of Municipalities of Ontario, and all municipalities located in Ontario.

Thank you for your attention to this matter.

Yours very truly,



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

cschofield@forterie.ca

CS:dlk

c.c. The Honourable Chrystia Freeland, Deputy Prime Minister of Canada and Minister of Finance

chrystia.freeland@parl.gc.ca

The Honourable Diane Lebouthillier, Minister of National Revenue (Canada) diane.lebouthillier@parl.gc.ca

Tony Baldinelli, MP, Niagara Falls tony.baldinelli@parl.gc.ca

Association of Municipalities of Ontario AMO@amo.on.ca

All Ontario Municipalities



Community Services

Legislative Services

May 31, 2022
File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Bidding Wars on Apartment Rentals

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

Whereas Canada's housing market has not only made it difficult for many Canadians to afford to purchase a home but also to rent apartments, and

Whereas there is a disconnect between affordability of housing and apartment rentals versus wages that have not kept pace with them nor has it kept pace with inflation, cost of living expenses, the rising costs of goods & services including – food, gas and utility, and

Whereas Ontario has now become the least affordable jurisdiction suffering the worst erosion in the last 50 years, and

Whereas many Canadians continue to be locked out of the housing & rental market for many reasons including the affordability of a down payment, rising inflation rates, and the escalation of bidding wars, and

Whereas bidding wars do not stop at home purchases but have now transitioned to apartment rentals as a ripple effect of the real estate market, and

Whereas there is a profound psychological effect to those individuals who continue to be shut out of the housing and rental market as a direct result, and

Whereas both blind bids and open bids are bad for the housing and apartment market which can lead to a housing bubble, and while blind bids offer no transparency, both types create unrealistic values that helps the seller and the rental owner but hurts the purchaser and renter, and

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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 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

Whereas there are multiple sites that encourage and teach how to win at bidding wars, and

Whereas there is no comprehensive data or statistics that currently tracks prices for rentals, and

Whereas the Government of Ontario will be introducing new legislation with respect to blind bidding only which does not prohibit the seller from entering into a bidding war but, rather, would give sellers the option to "opt for an open offer process", and

Whereas the changes to the *Trust in Real Estate Services Act* provides an advantage to the seller(s) and largely weakens opportunities of the buyer and renter further adding to the disparity between the two;

Now therefore, be it resolved,

That: Both the Federal & Provincial Governments enact legislation that prevents both open and closed bidding on both rental units and residential sales, and further

That: Both the Federal & Provincial Government prohibit sales beyond the list price, and further

That: A copy of this resolution be circulated to The Right Honourable Justin Trudeau, The Honourable Doug Ford, Premier of Ontario, All Members of Parliament, All Members of Provincial Parliament, and all Municipalities for their support.

References:

<https://www.truenorthmortgage.ca/blog/how-the-blind-offer-is-hurting-the-canadian-housing-market>

<https://www.cbc.ca/news/bidding-wars-to-rent-a-house-in-ontario-tenants-and-agents-say-it-s-a-new-reality-1.6094412>

<https://nationalpost.com/news/canada/extremely-stressful-bidding-wars-no-longer-limited-to-purchase-of-houses-now-its-rentals-too>

<https://www.blogto.com/real-estate-toronto/2022/04/ontario-new-regulations-bidding-wars-homes/>

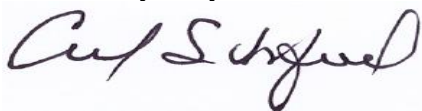
<https://www.cp24.com/news/ontario-to-allow-new-home-sales-tactic-that-would-change-the-bidding-process-1.5867054?cache=yes&clipId104062%2F7.493183>

<https://www.ontario.ca/laws/statute/s20001>

https://www.gensqueeze.ca/housing_affordability_analysis

Thank you for your attention to this matter.

Yours very truly,



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

cschofield@forerie.ca

CS:dlk

c.c. All Members of Parliament
All Members of Provincial Parliament
All Ontario Municipalities

CLERKS DEPARTMENT

May 25, 2022

Hon. Dean Allison, M.P.
Room 880 The Valour Building
House of Commons
Ottawa, ON
K1A 0A6

Sent via email: dean.allison@parl.gc.ca

Dear Hon. Dean Allison,

Re: Grimsby Regional Airport

This is to confirm that at the May 24, 2022 Council Meeting the following resolution was adopted with respect to the above noted matter:

That, the Township of West Lincoln support both the citizens West Lincoln and Grimsby whose rights to safety, enjoyment of property and privacy are being compromised as a result of the use and operation of Grimsby Air Park; and,

That, the Township of West Lincoln request the Federal Transportation Minister to address the concerns raised by citizens of West Lincoln and Grimsby whose rights to equal treatment under the laws and policy of the Federal Government have been disregarded; and,

That, the Federal Transportation Minister be also aware of the negative impact that the continued operation of the Grimsby Air Park may have on the Town of Grimsby and Township of West Lincoln's ability for future growth; and,

That, the Federal Minister of Transportation be and hereby requested to investigate the use and operation of Grimsby Air Park and the possible abuse of the privileges that have been bestowed upon them, being Interjurisdictional Immunity, in a manner that disserves the many other Air Parks that contribute positively to their immediate communities; and,

That, a copy of this resolution be forwarded to Dean Allison, MP – Niagara West, the Town of Grimsby to take further action to address the citizens of Grimsby and West Lincoln who are being affected by the use and operation of Grimsby Air Park; and,

That, a copy of this resolution be forwarded to the Chair and CEO of Transportation Canada, France Pegoet, as well as Niagara Region and the Niagara Region Area

Municipalities for support.

If you have any questions or concerns regarding the above, do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne Scime".

Joanne Scime, Clerk

cc. Town of Grimsby
France Pegoet, Chair and CEO of Transportation Canada
Niagara Region and Area Municipalities

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To: Mr. Dean Allison – MP Niagara West

Date: 1/28/2022

From: The Town of Grimsby

Subject: Grimsby Regional Airport

Dear Mr. Allison,

Please find this communication on behalf of the Town of Grimsby and Tax Payer constituents who reside in the area of the Grimsby air park.

As you are aware, the changes with respect to the operation of this formerly small and lightly used air park have presented us with challenges that we strongly feel need to be addressed.

We appreciate the time that you and your office have provided us in our resolution efforts back in October 2021. Please know that we as a Group have responded in a good faith manner hoping that the outcome of that meeting would translate into something positive. Please know that more than six months have passed and nothing positive has resulted from your efforts. In fact we have reason to believe that things will actually get worse as we head into the spring and summer months.

As a result, we are hopeful that you can, as we discussed six+ months ago, reach out to the Minister of Transport Canada on our behalf. We have provided a draft letter for that purpose for your convenience. Any recommendations you have with respect to changes to this letter are welcome. Additionally, we have supplied a document entitled “Grimsby air park – Background, Issues and Recommendations”. Contained within it is some historical context, discussion on current policy and recommendations we believe are reasonable and fair to all those affected.

In short as you are aware, our concerns include but are not limited to:

- 1) Our Rights to Safety, Enjoyment of Property and Privacy that are currently being compromised.
- 2) How Our Rights to Equal Treatment under the laws and policy of the Federal government have been disregarded.
- 3) The impact that the continued operation of this air park in this manner will have on our ability to grow this part of our town in the longer term.

With respect to points 1 and 2, we have reason to believe not that anyone has approached us or that these restrictions are present on our property deeds that we are no longer allowed to enjoy our properties as others can. We apparently are no longer allowed to do things like light fires, fly kites or fly drones because of the imposition of this PRIVATELY owned and RECREATIONAL air park.

Again we appreciate your time and support in this matter and are hopeful that we can continue the dialogue necessary to see this matter resolved satisfactorily.

Kindest Regards,

The Town of Grimsby and its' Tax Payers.

To: The Minister of Transport Canada, Mr. Omar Alghabra

Date:

From: MP – Niagara West, Mr. Dean Allison on behalf of the Towns of Grimsby and West Lincoln and a Growing Group of Tax Payers

Subject: Issues with PRIVATELY owned and operated Grimsby air park, Current air park Regulations and Interjurisdictional Immunity

Dear Minister Alghabra,

Please find the attached discussion and recommendations. It outlines the issues that currently exist between a PRIVATELY owned and operated air park (Grimsby Regional air park), numerous Tax Paying citizens in the area of the air park and the Town of Grimsby.

It also discusses possible resolutions that we as a Group hope will be considered. There is much more to this than recorded, however we respect your time, so we have tried to keep this communication as brief and concise as possible.

We are hopeful that upon review of this information that you recognize:

- 1) Our Rights to Safety, Enjoyment of Property and Privacy that are currently being compromised.
- 2) Our Rights to Equal Treatment under the laws and policy of the Federal government have been disregarded.
- 3) The negative impact that the continued operation of this air park in this manner will have on our ability to grow this part of our town in the longer term.
- 4) That this air park is abusing the privilege bestowed upon it (Interjurisdictional Immunity) in a manner that does a disservice to those many air parks that contribute positively to their immediate communities.

With respect to points 1 and 2, we have reason to believe, not that anyone has approached us or that these restrictions are present on our property deeds, that we are no longer allowed to enjoy our properties as others can. We apparently are no longer allowed to do things like light fires, fly kites or fly drones because of the imposition of this PRIVATELY owned and RECREATIONAL air park.

We look forward to further discussion of this at your earliest convenience and trust you will advise Mr. Dean Allison, our MP of West Niagara, accordingly.

Of course feel free to contact me directly.

On behalf of a growing list of concerned Tax Paying property owners, thank you for your attention to this important matter.

Greg Middleton,

Grimsby air park – Historical Context, Existing Policy and Recommendations

Historical Context

The Grimsby air park used to be a privately owned and operated personal hobbyist operation. Many years ago, it had a modest training facility that failed as a business.

Air traffic was largely minimal and most pilots were respectful of our rights to safety, enjoyment of property and privacy. They largely kept out over the fields. Despite the air park organizing in 1978, there were many homes and livestock operations in the vicinity prior to that. This air park was only tolerated because of the minimal amount of traffic it presented. Prior to the year 2000 landing/take-off events were only a few per week. Between the years 2000 and 2015, prior to new ownership, the number of landing/take-off events were approximately a modest 520 per year or 10 per week.

Fast forward to the Present.....

This air park has now been sold to a company that among other things, is now operating a flight school out of that location. As a result, we have been faced with significantly increased traffic, some of which are flying as low as SEVENTY FIVE feet over our homes depending on how close one is located to the airport. Even kilometres away they pass over our homes in some cases as low as ONE HUNDRED feet. Late night/Early morning activity is not uncommon. Imagine a plane barnstorming your home at 100' at 6am or planes passing over your lifelong home every 4-5 minutes for hours at a time! Sometimes they are so loud you have to stop talking, they rattle windows, you can hear them in basements or with ear protection on.

The Grimsby air park exists on roughly 100 acres compared to the 300+ acres the Niagara District Airport occupies that offers these very same services. Twenty minutes away, the Dorothy Rungeling Airport in Welland Ontario resides on 400+ acres. At approximately 100 acres The Grimsby air park was never intended to be anything more than a small personal air park. The new operation represents a **change in use** that area residents do not support and that is resulting in damages. On some days we are dealing with over a 100 landing/take-off events.

It is important to note that.....

It should also be noted that, with respect to land use for an air park, this property fails in many regards in ways that puts pilots and those on the ground in harms way. Wildlife refuges, ponds, open fields, parks, cattle paddocks, poultry factory farms, hog farms and landfills all exist within Primary, Secondary and Special Zones per TP1247 PART 3. The level of risk ranges from POTENTIALLY HIGH to POTENTIALLY MODERATE. This represents more risk than the local residents are prepared to accept for this largely **RECREATIONAL** activity. These concerns were not as prevalent beforehand due to the low number of flights, however now this is not the case. Bird collisions have been witnessed. Wild life such as deer crossing the runway has also been observed.

There is virtually no security on this site. There is no perimeter fencing and security lighting.

We have eye witness accounts of middle in the night flights arriving without runway and airplane lighting activated. They land for a couple of minutes, a car will exit the air park rapidly and the plane takes off again. The concern here is that this facility, due to lacking security, is engaged in illegal activity.

Additionally, it would appear that this PRIVATELY owned air park is taking advantage of the Interjurisdictional Immunity it enjoys in a manner that was never the original intent of this privilege.

a) On at least one occasion events like unsanctioned and unsafe drag racing have been held on this site. They involved large groups, had no security or first responder support. Police were called and the organizers cited federal Interjurisdictional immunity preventing law enforcement from enforcing the laws we all live by.

b) Please know that we also have reason to believe that the original intent of the re-classification of this property from RURAL to UTILITY by the previous owner was in order to execute a sale to Durante Properties. Durante Properties shortly after taking control of this property, took the Town of Grimsby to the Land Tribunal over its use of the property as a works yard. The Town of Grimsby lost on appeal in 2020. This has resulted in a situation where a private company is using and abusing its Interjurisdictional Immunity privileges to avoid scrutiny of its activity on this property.

As a Community we have tried to deal with this Air Park in a constructive manner.....

In early 2021 a noise committee was established that included a Grimsby councillor (Dorothy Bothwell) and the Mayor of West Lincoln (Dave Bylsma). This committee only met once. It was reported that recommendations were drafted. Despite inquiries, we were never apprised of these recommendations. Despite numerous complaints from many affected property owners we never received a response from air park management.

In the 3rd quarter of calendar year 2021, out of frustration and at the request of our TAX PAYER GROUP, a meeting was called by our MP Dean Allison, Mayors of West Lincoln and Grimsby and our MPP Sam Oosterhoff with air park management. As a result of this meeting, in October 2021, it was reported by the air park that they would re-engage the noise committee, implement a 1000' rule (pilots to attain 1000' before banking or entering descent at 1000') and make the air park PPR (Prior Permission Required). In the interest of being reasonable, despite reservations, we as a Group decided to give this a chance.

Unfortunately none of the above responses resulted in any improvement. The outcome of this as of the 1st week of January 2022, a full YEAR after the initial engagement and six months after the multi-governmental meeting with the Grimsby air park, has been:

a) No decrease in flight activity. On those days nice enough to fly during these winter months, planes continued to repeatedly passed over our homes and properties at unsafe altitudes. Please see a sample of flight activity at the bottom of this document. Please know that very recently and largely due to the increase in fuel prices, flight activity has lessened. We are only mentioning this here in the interest of being open and honest. However, we are concerned that once fuel prices return to something more normal, that activity will return to its previous levels.

b) Planes disregarding the 1000' rule and our homes continuing to be barnstormed.

c) Emails to the air park going unanswered.

d) The noise committee not re-initiated as promised.

e) On at least one occasion meetings were cancelled without notice. One involved Mayor Bylsma.

The bulk of the offensive activity is related to flight training. Air park property management knew this was the case when offering to make the air park PPR (Prior Permission Required). The air park claimed it was pilots from other air parks causing the problems. It was the very pilots/trainers that operated out of this air park.

On one occasion one member of our Group was finally able to get a response from the air park and was offered an "if you don't like it move" ultimatum by the manager Gary Plummer.

Naturally, we are all very concerned what this will mean when the weather gets nicer. Especially if the attitude expressed above prevails.

In summary, our concerns are related to....

a) Our Rights to safety, enjoyment of property and privacy continue to be stripped away by a PRIVATELY owned recreational company and pilots that continue to fly their planes over our properties at altitudes that according to current CARAC policy would be considered unsafe elsewhere.

b) Our Rights to Fair and Equal Treatment under the law and the fact that we are not offered the same protections afforded to property owners who reside farther away from this air park under the current policy. We have reason to believe that this issue, satisfying Charter compliance case predicates, is actionable.

Again this PRIVATE enterprise offers zero economic value to the community, is not owned by any level of government and is not of national interest. It is simply a facility that allows recreational pilots a place to execute and learn their hobby at our collective expense.

We are not aware of any other recreational activity that is allowed to impose itself in this manner on Tax Paying property owners as is the case here. Please know that there are other facilities available that offer these services that are more ideally suited for this activity in the Region.

Please know that in close proximity to this air park, West Lincoln has developed a hamlet which is slated for additional growth. Grimsby has established a hamlet along Grimsby Mountain Road that is also affected by this traffic. That is in addition to all of the homes and farming/livestock operations that have existed in the area, many of which were present before the air park was first licensed, on a much smaller scale, to operate on this location. The Town of Grimsby has also made significant investment in its recreational property Southward Community Park just down the road. This park falls into the Secondary Hazard Zone per TP1247 Part 3.

The negative impact this has had on numerous residents has been widespread ranging from PTSD like symptoms, lost sleep, severe anxiety, loss of enjoyment and of course concern that at any time one of these planes could fail and a crash occur. One person has already been injured from an aircraft crash originating from this air park.

Several months ago, a plane that was destined for the Grimsby air park for circuit training purposes crash landed on the 407. We have witnessed bird strikes and close calls that we know go unreported. Again, please review the impact statements to get a sense of our frustration and concern.

This is a photo of a plane that crashed a couple of 100 yards from Ruby Wilcox's former lifetime residence on Kemp Road, Grimsby.



The plane pictured below crash landed on the 407 just a couple of months ago. Thankfully, no innocents were hurt. It was on its way to Grimsby air park where it was scheduled to continuously fly for hours over our homes/properties at altitudes that would be considered unsafe elsewhere. All this for a recreational hobby! I know my hobbies don't put people at risk in their homes.



A Few Points on Current Regulatory Policy

For your convenience, please find these brief notes on current policy and how they contribute to this situation.

1) Minimum Flight Altitudes:

Currently rules are in place restricting flight altitudes/clearance of 1000' (linearly/laterally) over built up areas (houses, buildings, persons present) or 500' in areas that are not built up (expansive fields, undeveloped terrain). We understand that this policy was designed to allow the pilot an opportunity to recover and avoid personal property in the event of a bird strike, malfunction, health issue or any other mishap that can occur. This policy makes sense.

The following is what does not make sense. Exempt from the above rules are the take-off and landing phases of flight. Please note that landing and take-off phases of flight are, for reasons that should be obvious, statistically the highest risk phases of flight.

Every time a plane barnstorms our homes/properties and Transport Canada investigates they use this exemption to justify this behaviour. The response from Transport Canada has traditionally been that as long as the pilot is landing or taking off they can fly at whatever altitude they want, wherever they want!

We hope you are asking yourself the following questions:

a) Why would government policy allow for a pilot to fly/land/take-off over a PRIVATE Home/Property that is not controlled/owned by the air park at altitudes that are otherwise restricted over other properties for reasons of SAFETY?

b) How is it possible that one CANADIAN Tax Payer is afforded protections under the law and another afforded NOTHING under the very same policy document?

2) Interjurisdictional Immunity

Air parks enjoy what is called Interjurisdictional Immunity. Interjurisdictional Immunity prevents the province, municipality and region from enforcing laws and policies on air parks such as this even if they are PRIVATE enterprises and of zero national interest.

This immunity extends to building, land change/use, noise etc. It would appear that once a property is licensed as an air park, even if it is PRIVATELY owned and of no significance whatsoever, that regional, provincial and municipal authorities have little recourse in terms of enforcement of their respective laws on those properties.

This has caused other municipalities much grief and material legal costs. Take Burlington Airport for example and its landfill disposal efforts. This was all done in the name of expansion which never occurred. It was largely accepted that the tipping fees, which were almost a million dollars, were the real reason behind that activity. The end result for the city of Burlington was expending hundreds of thousands of dollars in legal fees and significant hardship on local property Tax Payers. This occurred only because of the immunity that is for some reason afforded to these private businesses by the Federal government and subsequent abuse by the property owner. We are hopeful that you are seeing the disconnect here.

As mentioned previously, we have reason to believe that Durante Properties is primarily interested in this property for private non-aviation related activities. However, it wants to keep the aviation element of the property active so that it can enjoy the Interjurisdictional Immunity that is attached to it.

Our Recommendations and Request for Change

It's always easy to complain, so we have given some thought to what we consider to be practical solutions to these problems. As the Legal property owners of the lands in question, we feel that they are appropriate and respect our Rights to Fair and Equal treatment under Federal Laws and Government policy as they pertain to our Rights to Safety, Enjoyment of Property and Privacy.

1) Control of Land Required to Facilitate 1000' Altitude

Privately owned for-profit air parks that are of zero national interest should be required to either acquire through lease or ownership the land necessary to accommodate a pre-landing/post-take-off phase of flight altitude/clearance of 1000' (linearly/laterally).

This policy change would introduce consistency within the measures currently employed to protect the general population. All CANADIANS are afforded equal treatment under the rule of law. Government policies can not discriminate. In this particular case we as a Group do not have the same protections afforded other CANADIAN Tax Payers. Canadians other than us are afforded visa vis government policy a minimum flight clearance of 1000' over their personal properties. For some reason, Tax Paying property owners in the vicinity of air parks (even if they are kilometres away/regardless of who was there first) are not afforded these very same protections. This is a Charter issue.

If this policy change were implemented, many of our issues would be resolved. It would provide a mechanism whereby if neighbours accepted the risks a facility of this nature could co-exist. It would also provide for the implementation of understandings that would be enforceable. It would recognize that area property owners have rights that deserve to be respected.

Frankly, we do not understand how this allowance to fly/land/take-off over someone else's personal property during the most dangerous phases of flight ever came into existence. However, that doesn't mean it can't or shouldn't be corrected. We use the term correction, because it is our opinion that this policy should never have been introduced in the first place and that when this policy was originally developed area property owners were not considered in the process. We are pretty certain the only people that had input were pilots and they were simply securing their own interests at our expense. As it stands right now our properties are being used as extensions of this air park to the benefit of the for-profit private largely recreational enterprises that operate out of them.

We understand that federally owned airports that are of national interest like Pearson International, would be exempt for obvious reasons.

Many of us on this list are business owners ourselves. Our business operations would never be allowed to impose on someone else's rights to safety, enjoyment of property and privacy for all the right reasons. The same common-sense restrictions should exist with small private air park businesses.

2) Re-consider Interjurisdictional Immunity

While we appreciate that in the case of airports that are of national interest and importance the Federal government is required to be the governing body and Interjurisdictional Immunity afforded, we don't understand why small privately owned recreational air parks of zero national and economic importance are also afforded the same protections/privilege. We understand the regulatory end of it, but we just don't understand the immunity aspect. What has been witnessed in a number of jurisdictions, for example Burlington, is that these air parks use this immunity to insulate themselves from local, regional and provincial laws to the detriment of those levels of government and their tax payers. Providing PRIVATE enterprises this level of immunity from governance of other levels of government is fraught with problems as has been discussed here already with the Burlington air park case and our own personal experiences with Grimsby air park.

In this particular case, Durante Properties can operate with impunity claiming activities on the property are aviation related. As was discovered in the Burlington Air Park case the dumping of fill that occurred on that property ultimately had more to do with tipping fees than it did with air park expansion. According to court documents Rossi the owner of the Burlington Air Park netted \$855,000 for this abuse.

Additionally, we find it disturbing that a property owner can apply to have their property licensed as an airport and there is nothing the local, regional and provincial governments, or neighbours for that matter, can do about it even if the use as an airport contravenes local land use rules. We find it disturbing that PRIVATE air parks can with immunity build, alter the land, contravene noise and nuisance laws contrary to all levels of government policy that is put in place for others. There is something wrong with that.

We respectfully request that in the case of small privately owned airports such as the one in Grimsby, Interjurisdictional immunity be re-considered such that immunity to *change of use*, local building, noise and land management policy are no longer provided for.

3) Restrict Air Traffic at Grimsby air park

Lastly, we respectfully request, if the above two recommendations can not for some reason be accommodated, that flight activity at this air park be heavily restricted, given the ***change of use*** the NEW operation represents, to that which it was while operating under the previous owners (520 per year) and the training activity halted.

As mentioned earlier we are being exposed to planes barnstorming our homes and properties every 4-5 minutes for hours on some days. This is surely something that no Tax Payer should be expected to endure to support the operation of a PRIVATELY owned for profit business that is in this case largely recreational, of ZERO economic benefit to all levels of government and is of ZERO national interest.

TAX PAYER IMPACT STATEMENTS

Branko Kuruc 219 Woolverton Rd. Grimsby

The increased traffic represents safety and noise issues. This air park should be re-located.

Glen&Kathy Worstencroft 3425 South Grimsby Rd. 11 Grassie.

I am very concerned. The type of airport they are changing to, should not be in a residential area. I want to help stop it.

Yes, I am in west Lincoln, just down road 12 on the opposite side of Mud from you.

This planes pass directly over my house, last on the left before the train tracks.

They pass right over at a very low altitude. It is a scary feeling knowing that some of these pilots are in training! I do feel unsafe.

As far as enjoyment of property goes? It's gone way downhill. Can't even enjoy an outdoor BBQ with friends because of the noise!

And regarding privacy, yes I feel like I'm being watched whenever they fly over whether I'm outside doing yard work, or practicing my golf swing.

It's becoming more and more stressful as time goes on.

I've made numerous calls to the town of Grimsby bylaw enforcement officer to see if the airport must be breaking some kind of noise laws. Just called yesterday and left a message, waiting to hear back.

And one more thing. What about the negative effect all this is having on the resale value of our homes?! It must be devaluing, who wants to buy a house that's in the path of runways of a busy airport?

I'm mad as hell about it. Sorry, I think it's even having an affect on my mental health as well.

Rick and Michelle Nordeman, 237 Inglehart Road, Grimsby

Michelle and I have lived at 237 Inglehart Road for 3 years and the air traffic has increased significantly over that time. Many of the planes from the Grimsby air park are flying directly over our homes at very low altitudes which makes us feel unsafe and like we are being watched. Many are also extremely loud to the point that we can't even hear each other speak. When training, the same plane takes off and lands repeatedly every 4-5 minutes making it very difficult to enjoy our backyards. Please, something needs to be done to address these concerns

Max, Linda, and Leah Smith. 7876 Mud Street E. Grassie, ON.

We are very concerned. We have been dealing with these people since last August 2020. You have 100% of our support.

We lived here for 20 years across from the airport and never had any issues with the airport until the new owners moved into our community and took over. They show their ignorance daily.

We have been harassed and bullied, especially when putting in a complaint into the Grimsby By-Law Officer several times within the last 14 months, and didn't get any response back. They then changed their flight path to over our house. People are afraid to put a complaint in because they are afraid they will be harassed.

This airport has caused nothing but trouble. It has caused much anxiety, stress, and physical/mental health issues.

My husband has been diagnosed by the Doctor with PTSD which occurred at the beginning of all of this last August. We have to wear double hearing protection due to the noise, there are vibrations inside our home when they fly over, and we are worried about the health effects this is causing. This airport needs to be shut down so we all can enjoy our properties once again.

Thank God, for our Mayor, Dave Bylsma for being 100% with us, he has been supporting us since last August 2020.

Thank you,

John Taylor, Marie Taylor Kristine Taylor John Michael Taylor Katherine Taylor 3531 South Grimsby Road 12 Grassie

I am concerned about the issues at the air park. The noise from some of the planes is awful during take offs, particularly when they simply go up turn around land and take off again, sometimes as many as 10 – 12 times in a row, basically every 5 minutes, you cannot sit outside at times because of them! Another

concern is the height of the planes. I personally have seen the planes below 100 feet crossing over the houses on South Grimsby Road 12. Just this week I noticed a plane crossing over my back yard below 100 feet and that plane had to pull up to miss the houses on Mud Street. Something must be done for the safety of the residents trying to live a quiet peaceful life without what I can only assume is harassment by these individuals as the disturbances have escalated since the first complaints.

Mary and Kyle Newton 8010 Mud Street, Grassie On L0R 1M0

The planes are coming in to land extremely low. I drive school bus and have noticed how low the planes are flying in. I was on my way home from my bus route the other morning and had a plane come in for a landing. I was surprised as to how low the plane was on approach. A little unnerving to say the least. I too have had my home "barn stormed". The event that stands out is an evening I was up at around 2-2:30 in the morning. There was a plan looping around my house for what seemed like an hour. I drive school bus and need to have a good nights sleep since I'm up at 5:30am to get ready for work. I believe this happened during the spring or early summer of 2020. I was livid! I do have a hard enough time sleeping now I have to worry about some pilot practicing manoeuvres the wee hours of the morning over my home. Glad the drag racing was mentioned. I couldn't enjoy a beautiful Sunday. Made Mud Street even more dangerous to walk on while the cars attending the event had no consideration to the residents and used the street to warm up. I too called Grimsby town hall and complained. Last I heard the bylaw officer was looking into it. We built our dream home here 22 years ago. We love there area for the peace and quiet and didn't mind the small quite airport and the occasional freight train. We didn't sign up for what is going on with the airport now. We pay too much in property taxes to put up with this type of "poor neighbour". I'm sure the owners of the airport wouldn't put up with what we are enduring as home owners. Thank you for what you are doing! Sincerely, Mary Newton

Lisa Blythe. 3568 South Grimsby Rd. 12

Hi my name is Lisa Blythe I live at 3568 South Grimsby Rd. 12

I'm in 100% agreement to stop the airport from doing anything more than what the small Grassie air park did.

I'm the 8th Generation to live in Grassie, Grew up on the family fruit farm. Lived in the same place for the last 52 years and was here long before any airport went in.

The differences between the two airstrips are the following:

Old Grimsby air park

3-4 planes during the week day

6 or so maybe on the weekend

Planes would follow a flight plan and NOT go over the residential houses.

Small planes, small engines, small sound.

NEW Grimsby Regional Airport

25 plus planes during the week day

Extremely busy on the weekends probably 75 plus planes landing and taking off continuously

Start flying as early as 7:00 am and well past dark.

Larger planes, bigger engines, extremely loud sounding engines

Planes constantly taking off, circling landing, taking off, circling landing.

Can't enjoy the back yard, planes low flying over our house

When the louder engine planes take off We can't talk to someone that's standing right beside you. It's terrible and extremely frustrating.

Now they started allowing exotic, modified, fast, loud cars to race on Sunday afternoons doing 1/4 mile times.

This airport is in the Hamlet of Grassie and should not be allowed or located in a residential area. Way back when the airport was much smaller and should never have been allowed to grow into what it is today. There were many of us here that were here before.

Mike and Susanna Ferreri, 233 Inglehart Road, Grimsby, Ontario

I am very concerned about safety and noise, and lack of peacefulness around my area. It is very disturbing and disruptive to our quality of life. There are a lot of big birds like turkey vultures in this area. I have seen near misses.

It also is agitating my pets and livestock waking them up when ever they fly by so low and loud and the noise is unbelievable for such small planes.

I am kilometers away and instead of keeping out over fields fly over my home at less than 100'. Almost like they are doing it on purpose.

The new owner is not helpful.

Jamie Campbell. 278 Allen Rd, Grimsby

I agree totally this unused airport has now become a hazard and nuisance, we can not sit out on a weekend and have a conversation with out having to wait for the noisy plane to pass only to return 15 minutes later. These planes now fly right over our home and property, when the airport was open previously (several years ago), the planes which were not frequent flew over the bush, not our heads!

Thank you for taking this initiative.

Shelly Penny, 120 Elm Tree Rd W, Grimsby L3M 4E7

We, Jeff & Shelley Penny, would like to join your petition please. We would rather not have more air traffic over our home. The low altitude these planes fly at represents a risk to our safety, our right to enjoyment of our property and our right to privacy.

Carmen Biljan. 210 Kemp rd West. Grimsby, Ontario

We should file a class action lawsuit against Grimsby, the Federal Government and the Grimsby Air Park. The noise level has to increased 1000 percent. They fly right over our farm at 210 Kemp rd West.

The management is unresponsive to our concerns. Every time we complain it gets worse like they are penalizing us for complaining.

We really need to do something ASAP

Let's get started

Carmen Biljan

Jill and Tony Abbot, 213 Inglehart Road, Grimsby, Ontario

We are writing this letter to address our concern with the noise and air traffic from the Grimsby air park.

We are concerned about our safety as the planes travel at very low altitudes and in some cases almost appear to be out of control perhaps due to wind. Winds can be very extreme in this area.

Also , when outside and attempting to relax on our back deck/garden we are subject to the frequent droning noise and shadows of low flying planes taking off and landing from this air strip. This noise continues to be a disturbance while inside the house especially when these planes choose to turn direction overtop of our dwelling. The vibration can actually be felt when inside. We will also note at this time that these flights are not specific to a certain time of day but continue morning, afternoon and evening and have also been heard well after night fall at times. Is there no rest/downtime for these flights?

Although we respect the fact that people enjoy their flying, it should not be detrimental to our safety and the enjoyment of our own personal property. Our hope is that you as mayor will take the lead as requested to see that this situation is rectified and represent the concerns of all of us tax payers who deserve better.

Scott Phillips, 3557 South Grimsby Road 12, Grassie, Ontario, L0R1M0

This air park never used to be a problem. Now it has become a big problem and safety concern.

Andy Gould and Crystal Angers, 218 Inglehart Road, Grimsby

MAKE IT STOP! WE ARE TAX PAYERS AND HAVE RIGHTS!

Mike and Nattie Rehner, 270 Inglehart Road, Grimsby

We are against the expansion of the local airport. The increased air traffic presents increased safety risk given the extremely low altitudes and results in noise, pollution, and privacy concerns. There are no benefits of this expansion to our neighbours and local community, only detriments. This needs to be stopped.

Mike and Natty Rehner

Tony and Sandy Viveros, 205 Inglehart Road, Grimsby, Ontario

Please know that we are extremely concerned about the air traffic generated by the new owners of the Grimsby Air Park.

I have lived in my home since 1998 and the problem has been getting worse since the purchase. It is obvious that if an incident like a bird strike occurred they would have no chance to recover. Please know migratory birds are common in this area. We have witnessed impacts. At any rate they should have more respect for our safety and privacy. There are a lot of fields they can fly over if need be. Actually it would be better for all concerned if this air park did not exist. It doesn't belong here and would be better suited farther south on a bigger property away from homes. There are days that they start about 6 a.m., carry on all day at about 5 minute intervals and are so low to the houses, it is unnerving. So low that we can almost see the pilot. We can feel vibrations in our home which is unacceptable. I hope that this situation can be resolved soon.

Greg and Rita Middleton, 241 Inglehart Road, Grimsby

The new owners of this air park have ZERO regard for their neighbours. If the pilots and management were concerned about safety they wouldn't fly directly over homes that are km's away at less than 100'. This air park needs to be re-located where it won't put people and property at risk. Where it won't have to depend on property they don't own to attain a safe flight altitude. It has no business operating in this built-up area. This problem will not go away and will only get worse when more development inevitably occurs here.

Tino Cipans, 179 Inglehart Road, Grimsby

This air park should never have been allowed in the first place. Ruby Wilcox hated it especially when they chopped her trees down after she told them no. Two planes have crashed their already.

Joe Deluca – President– Gizio Club, 288 Kemp Road, Grimsby

I own/run a business and have made significant investment in this community in a manner that results in significant municipal taxes and provincial/federal taxes. I employ people in this area. I have to jump through hoops to plant trees and install a community soccer field, yet this privately owned company is allowed to ruin our business and do whatever it wants. How am I supposed to host a wedding with noisy planes flying over our property in a way that is dangerous and inconsiderate. These recreational pilots are ruining this area and this air park needs to be re-located.

Carleigh & Jordan Hochheimer, 442 Mud St West, Grassie L0R 1M0

We are concerned with the increased traffic, increased noise, and not only the safety of us but of our two small children. Not only are the planes an issue flying directly above our house CONSTANTLY, but a few weeks ago they had a drag racing competition there and the increase in traffic was insane. We had cars flying down our road WAY above the speed limit with zero concern or regard to anyone or anything. How am we supposed to feel safe raising our family when the owner doesn't care about anyones safety? This is not ok and these issues need to be corrected.

Robert and Lacy Stull 3577 S. Grimsby Road 12, Grassie

Unsafe and noisy aircraft originating from this air park.

Walter Vanderholk, 489 Allen Road, Grassie, Ontario

Unsafe and noisy aircraft originating from this air park.

Maria Kuiper, 198 Mud Street, Grimsby, Ontario

Unsafe and noise all nights. Causing me migraines.

Misaru Suzuki 3556 South Grimsby Road 12, Grassie, Ontario

We are concerned about our safety, noise and quality of life.

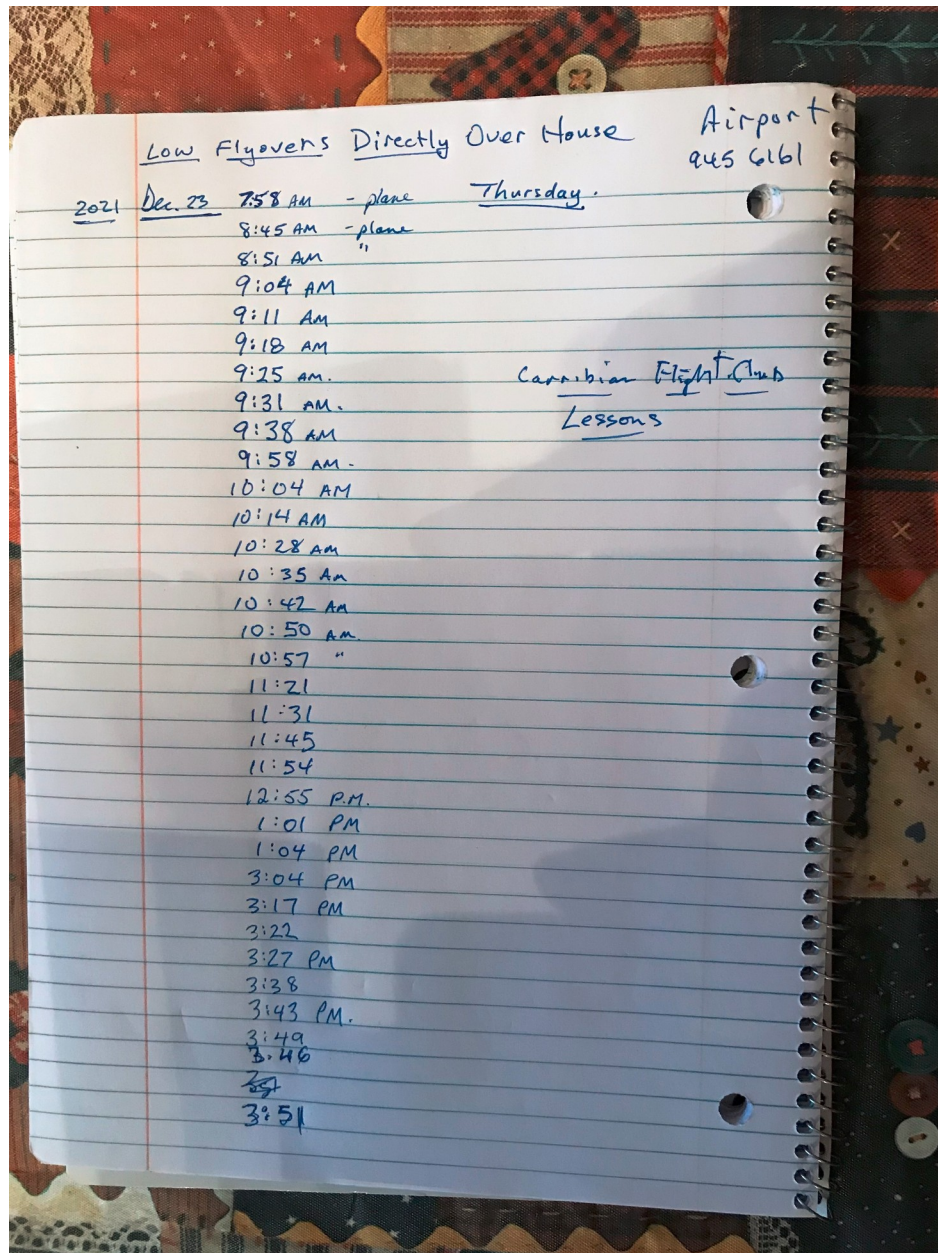
Shawn Comeau, 3588 S. Grimsby Road 12. Grassie, Ontario

I have witnessed planes flying so low I thought it was going to hit Max Smiths house. This has happened far more than once. It looked like they were doing it on purpose.

Chris Moffat, Grassie Road

Even at some distance from this air park these planes fly extremely low often banking over our barns and livestock causing them grief. We are concerned for our safety, the well being of our livestock and the peace that typically comes from living in the country. My family's home has been here a lot longer than this air park ever was!

Here is a sample of what we have to deal with in terms of traffic. Imagine your home barnstormed continuously every few minutes for hours on end!





Legislative Services
Michael de Rond
905-726-4771
clerks@aurora.ca

Town of Aurora
100 John West Way, Box 1000
Aurora, ON L4G 6J1

May 31, 2022

Delivered by email
justin.trudeau@parl.gc.ca
karina.gould@parl.gc.ca

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
80 Wellington Street
Ottawa, ON K1A 0A2

The Honourable Karina Gould, P.C., M.P.
Minister of Families, Children and Social Development
House of Commons
Ottawa, ON K1A 0A6

Dear Prime Minister Trudeau and Minister Gould:

Re: Town of Aurora Council Resolution of May 24, 2022
Motion 10.1 - Councillor Humfryes; Re: Private Member's Bill C-233 "Keira's Law"

Please be advised that this matter was considered by Council at its meeting held on May 24, 2022, and in this regard, Council adopted the following resolution:

Whereas violence against women is a Canadian public health crisis that demands urgent action; and

Whereas one in four women experience domestic violence in their lifetime. One woman or girl is killed every other day, on average, somewhere in our country; and

Whereas the most dangerous time for a victim of abuse is when she separates from her partner. According to research from the U.S. Centre for Disease Control and Prevention, when there is a history of coercive control, violence and a recent separation, a woman's risk of domestic homicide goes up 900 times; and

Whereas the current Canadian court system is not equipped to protect women. According to the National Judicial Institute, there is no mandatory education for Judges on domestic violence. Judges need education on what constitutes domestic violence or coercive control. A formal education program would ensure

another line of defense for victims, as well as preventing violence and abuse before it happens; and

Whereas the COVID-19 pandemic has only exacerbated the domestic violence crisis. Women's shelters and crisis centres have reported a marked increase in requests for services this year. The concerns for children are significant.

According to recent research from The Children's Hospital of Eastern Ontario, doctors have seen more than double the number of babies with serious injuries as this time last year. These include head injuries, broken bones or in some cases death. Institutions across the country are reporting a similar trend; and

Whereas, according to Article 19 of the UN Convention on the Rights of the Child, children must be protected from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child." Our current family justice system often fails our children in this regard; and

Whereas, in worst case scenarios, children are killed by a violent parent. As reported by the Canadian Domestic Homicide Prevention Initiative, recent separation and domestic violence are the two biggest risk factors for domestic violence related child homicides; and

Whereas custody disputes are an additional risk factor. Each year in Canada, about 30 children are killed by a parent. Mothers are responsible about 40 per cent of the time, often due to postpartum depression or mental illness. In the 60 per cent of cases where fathers are the murderers, anger, jealousy or post-separation retaliatory revenge are the usual motivations; and

Whereas Keira's Law is named after four-year-old Keira Kagan, who was killed while in the custody of her father, in 2020; and

Whereas many cases of domestic violence are inappropriately labelled as "high conflict" in the family court system. According to research by Rachel Birnbaum, a Social Work Professor at the University of Western Ontario who specializes in child custody, approximately one third of cases called "high conflict" by the court had substantiated evidence of valid concerns about domestic violence. These cases must be recognized and treated differently by judges; and

Whereas voting in favour of "Keira's Law", contained in Private Member's Bill C-233, will not only protect victims of violence and children, it will save lives by

amending the *Judges Act* to establish seminars for judges on intimate partner violence and coercive control;

- 1. Now Therefore Be It Hereby Resolved That Aurora Town Council calls upon the House of Commons to support Member of Parliament Anju Dhillon's Private Member's Bill C-233, that will raise the level of education on domestic violence and coercive control for federally appointed Judges; and**
- 2. Be It Further Resolved That a copy of this resolution be sent to: The Right Honourable Justin Trudeau, Prime Minister of Canada; The Honourable Karina Gould, MP, Minister of Families, Children and Social Development; The Honourable Candice Bergen, Interim Leader of the Conservative Party of Canada; Yves-Francois Blanchet, MP, Leader of the Bloc Quebecois; Jagmeet Singh, MP, Leader of the New Democratic Party; MP Tony Van Bynen; and MP Leah Taylor Roy; and**
- 3. Be It Further Resolved That a copy of this resolution be circulated to all Ontario municipalities and the Federation of Canadian Municipalities (FCM).**

The above is for your consideration and any attention deemed necessary.

Yours sincerely,



Michael de Rond
Town Clerk
The Corporation of the Town of Aurora

MdR/lb

Copy: Hon. Candice Bergen, M.P., Interim Leader of the Conservative Party of Canada
Yves-François Blanchet, M.P., Leader of the Bloc Québécois
Jagmeet Singh, M.P., Leader of the New Democratic Party of Canada
Tony Van Bynen, M.P. Newmarket—Aurora
Leah Taylor Roy, M.P. Aurora—Oak Ridges—Richmond Hill
Federation of Canadian Municipalities (FCM)
All Ontario municipalities



May 18, 2022

Federation of Canadian Municipalities (FCM);

Association of Municipalities of Ontario (AMO);

Sent via email: resolutions@fcm.ca ; policy@amo.on.ca

To Whom it may concern:

Please be advised that Brantford City Council at its Special City Council meeting held May 17, 2022 adopted the following:

5.1 Release of all Federal and Provincial Documents Related to the Former Mohawk Institute Residential School

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 confirmed that Residential Schools were part of a coherent policy implemented by the Federal Government to eliminate Indigenous people as distinct Peoples and to assimilate them into Christian society against their will; and

WHEREAS the Deputy Minister of Indian Affairs Duncan Campbell Scott outlined the goals of that policy in 1920, when he told a parliamentary committee that “our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic...”; and

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 also confirmed that despite the coercive measures that the government adopted, it failed to achieve its policy goals. Although Indigenous Peoples and cultures have been badly damaged, they continue to exist; and

WHEREAS the former Mohawk Institute Residential School operated from 1831 to 1970 within the boundaries of what is now the City of Brantford; and

WHEREAS Survivors have released statements of missing, murdered, and buried students; and

WHEREAS, to date, the unmarked burials of over 7000 missing Indigenous children have been discovered nation-wide; and

WHEREAS, following the May 2021 announcement by Tk'emlúps te Secwépemc First Nation of locating 215 potential burials of children in unmarked graves at the Kamloops Indian Residential School in British Columbia, the Survivors of the Mohawk Institute,

along with their families and community members called on the Federal and Provincial governments to support a search for the remains of missing children who may have been buried on the Mohawk Institute's grounds and the surrounding area; and

WHEREAS, as of November, 2021, a search, led by the Survivors' Secretariat, of the Mohawk Institute Residential School grounds and over 200 hectares of land associated with the school began; and

WHEREAS Survivors of the Mohawk Institute Residential School are demanding the release of all Federal and Provincial documents related to the former Mohawk Institute Residential School; and

WHEREAS staff of the City of Brantford are currently undertaking a search of City records and archives for any documents, maps, or other relevant information related to the operation of the Mohawk Institute Residential School in order to release this information to the Survivors' Secretariat to aid in the search for truth, justice and healing; and

WHEREAS this Council is committed to working to advance reconciliation and renewed relationships with First Nations; and

WHEREAS the Truth and Reconciliation Commission of Canada issued 94 Calls to Action, thirteen of which are directed at municipal governments;

NOW THEREFORE BE IT RESOLVED:

- A. THAT the Council of The Corporation of the City of Brantford respectfully REQUESTS THE IMMEDIATE RELEASE, to the Survivors' Secretariat, of all documents in the possession of the Government of Canada or the Government of Ontario and the Anglican Church related to the former Mohawk Institute Residential School now located on Six Nations of the Grand River Territory, within the geographic boundaries of the City of Brantford; and
- B. THAT the Clerk BE DIRECTED to send a copy of this resolution to: Prime Minister Justin Trudeau; Premier Doug Ford; Minister of Crown-Indigenous Relations Marc Miller; Minister of Indigenous Services, Patty Hajdu; Minister of Indigenous Affairs, Greg Rickford; Linda Nicholls, Primate of the Anglican Church of Canada; MPP Will Bouma; MP Larry Brock, Mayor David Bailey; Chief Mark Hill; Chief Stacey Laforme; and the Survivors' Secretariat; and
- C. THAT the Clerk BE DIRECTED to send a copy of this resolution to the Federation of Canadian Municipalities (FCM) and the Association of Municipalities Ontario (AMO) for circulation to all municipalities in Ontario with an invitation to adopt a similar resolution, and, specifically, to those located within the Haldimand Tract,

including: Haldimand County; the County of Brant; the City of Cambridge; the City of Kitchener; the City of Waterloo; and the Region of Waterloo.

I trust this information is of assistance.

Yours truly,



Tanya Daniels
City Clerk, tdaniels@brantford.ca

Cc All Ontario Municipalities
Survivors' Secretariat



The Town of The Blue Mountains Council Meeting

Title: Mayor Soever Notice of Motion May 10, 2022

Date: Tuesday, May 24, 2022

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



Office of the District Chair

SENT VIA EMAIL (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.

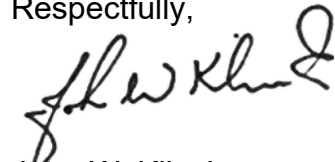
In 2021, The District's Emergency Control Group (ECG) convened twenty-four (24) times amounting to approximately 435 hours spent on emergency related activities. One of these incidents involved a watermain break in the Town of Bracebridge. Murray Advisory Services performed a critical analysis of the 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

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

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;

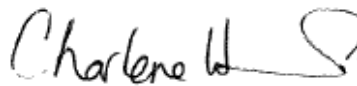
NOW THEREFORE, BE IT RESOLVED THAT Muskoka District Council hereby **requests** the Province of Ontario to amend Ontario Regulation 380/04 under the Emergency Management and Civil Protection Act to provide an exemption to the annual exercise requirement for municipalities that have activated their Emergency 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

**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

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.

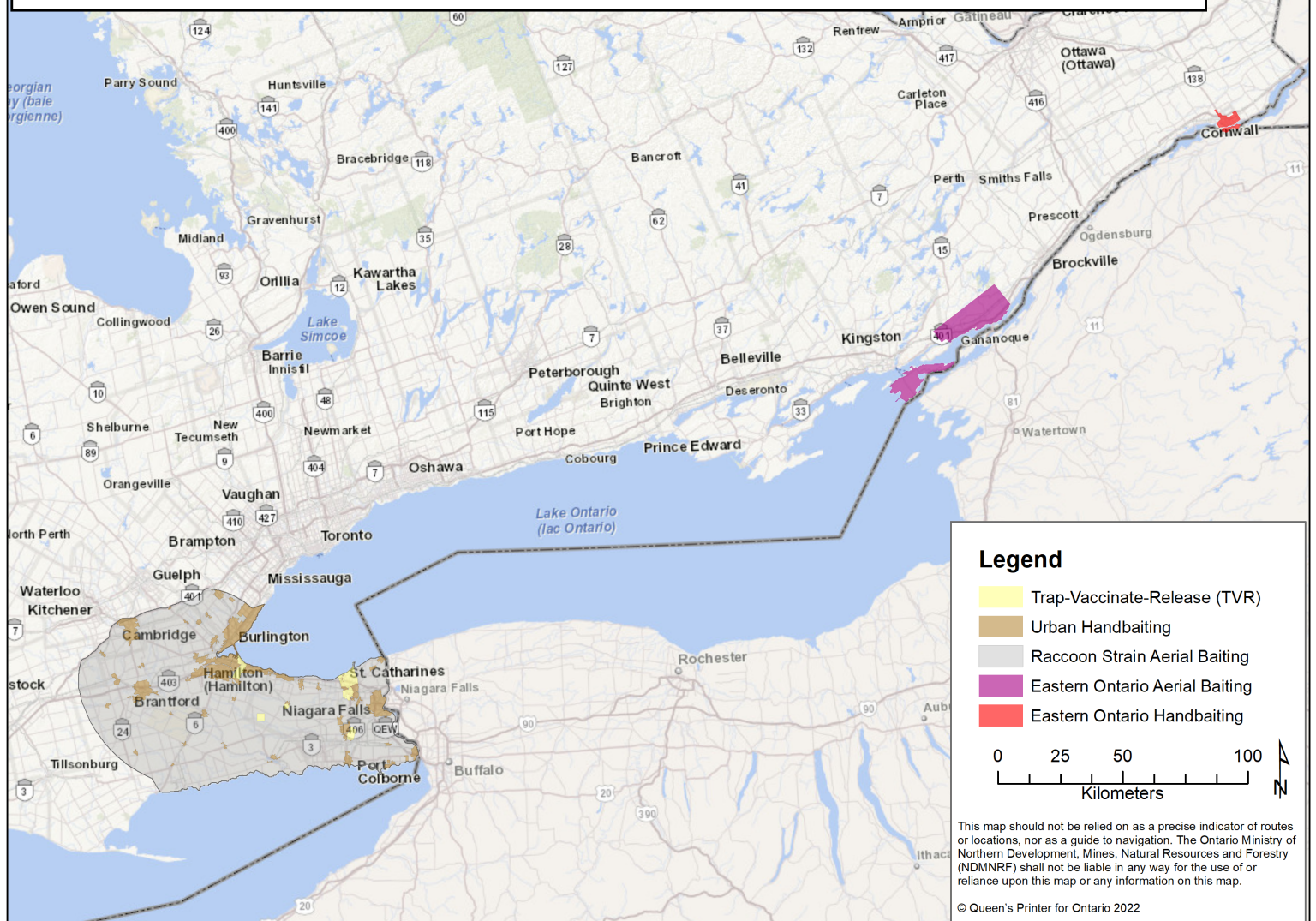
For further information about rabies in Ontario, please visit [Ontario.ca/rabies](https://ontario.ca/rabies) or contact the ministry's rabies information line at 1-888-574-6656.

Larissa Nituch

Rabies Science Operations Supervisor

705-313-2043 (cell)

Larissa.Nituch@ontario.ca



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

1-888-574-6656

Ontario.ca/rabies

Disponible en français

*Copy to Mr. Blair Holinaty

Mike Tenszen
2-576 Fielden Avenue
Port Colborne, Ontario
[REDACTED]

May 17, 2022



Mayor Bill Steele and Council
City of Port Colborne

Dear Mayor Steele :

In these troubling times I must act on
a personal, and perhaps rather trivial matter.

I need city council's help in getting my
old antique motorboat into "slip 13" once
again this year. I am prepared to pay \$900^{xx}
for the season to berth my classic, 1953
red cedar runabout in the pristine calm
and secure water of Port Colborne Marina.

However, Mr. Blain Holinaty has
informed me that the city is unwilling to accept
four post-dated cheques from this old retiree,
who lives below the poverty level but has
never bounced a cheque in Port Colborne in the
last 20 years of my residence here and

(2)

I paid last season's slip fee with up front cash, and four (4) post dated cheques. Everything worked out well.

Mr. Mayor, I have used Port Colborne Marina for close to the last 20 years. I have had work done in the shop, bought gallons of paint, varnish, and other supplies, at the store and paid yearly launch fees.

Sir, I need to get a slip. I am too old to be an "in and out" launch customer, so I am asking for help getting my old beauty back in Lucky Slip 13.

Would you please help me?

By the way I am more than pleased with the cleaner, and seemingly better-run marina which I have recently observed.

Mr. Holinaty took time to explain the New Order, and suggested I appeal to you and council.

Best regards,
Mike

Mike Tenszen
2-576 Fielden Avenue
Port Colborne, Ontario
L3K 4U1

June 1/2022

Mayor Bill Steele and City Council
City of Port Colborne

Dear Mayor Steele:

Should I expect a reply to my letter to you and council or should I just forget about my appeal to you in my correspondence of May 17??

I also can, of course, be reached by my old-fashioned telephone.

The city either trust my loyalty and wishes my \$900^{xx} or the city does not. Your choice.

My old fraternity brother William Thomas received a well-deserved key to the city and just wish to rent a few gallons of water.

Please do the right thing. Win-win.

Best regards,

Mike

19 May 2022

City Council
City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Re: Appeal for Culvert for Heritage Family Holdings

Dear Council Members:

My family owns two 7-1/2 acre parcels that are side-by-side but are legally separate parcels. The ownership name is Heritage Family Holdings and I am the manager.

- The southern parcel has two access roads off Neff Road.
- The northern parcel only has one driveway that goes into our restored historic barn and does not give us access to the northern property.

We are asking for permission to place an additional access on the southern parcel.

- The new access will be about 20' south of the property line and although on the southern parcel provides access to reach the propane tank which services the northern parcel and provides access for other services on the northern parcel.
- If we put the access further north onto the northern parcel, we would need to take out a large number of trees from a lovely natural wooded area on the northern parcel.
- The northern parcel has our complete historic village with many restored buildings, artifacts from the 1800's and trees and green space, plants, wildlife. We don't want to disturb these things with the access necessary to service the historic area.
- The access 20' into the southern portion is a straight line that affects no trees and is on an open area not used or needed by the southern parcel.
- Neff Road is a dead end road that ends at the south end of our property so there is no traffic affected
- The tenants in the southern parcel and adjacent parcels have no objections to the new access.

Thank you for your consideration.

Sincerely,

Mary E. Schwartz, Manager
Heritage Family Holdings
4601 E. Forkes Road
Stevensville, Ontario L0S 1S0

cc: Scott Luey
Steve Shykowski







PORT COLBORNE

Senior Advisory Council
March 22, 2021 10:00 a.m.
In person and virtual

Present: Sue Brown, Valerie King, Lesley Rickard
Council: Councillor Angie Desmarais
Staff: Karen Walsh
Regrets: Audrey Garrett, Maggie Wahl – Horne

1. Call to order 10:05 a.m.
2. Motion to accept the agenda for March 22, 2022.
Moved by: Sue Brown
Seconded by: Leslie Rickard
THAT the agenda for March 22, 2022 be accepted.
CARRIED
3. Motion to accept the minutes of January 16th, 2022; September 9th, 2021 and October 14th, 2021.
Moved by: Leslie Richard
Seconded by: Valerie King
THAT the minutes of January 16th, 2022; September 9th, 2021 and October 14th, 2021 be accepted.
CARRIED
4. Disclosure of Interest.
None
5. Election of new Chair/Vice Chair
 - a. Sue Brown nominated Leslie Rickard
 - b. Leslie Rickard nominated Valerie King

- c. Leslie Rickard and Valerie King accepted

Motion to accept Leslie Rickard for chair and Valerie King for vice-chair.

Moved by: Sue Brown

Seconded by: Angie Desmarais

THAT Leslie Rickard be chair and Valerie King vice-chair of the Seniors Advisory Council.

CARRIED

6. Business Arising from the minutes

- a. June is Senior Month

- i. Other materials for Senior Month
 - ii. Karen to book the Farmer's Market for June 3, 10, 17 & 24
 - iii. Valerie available June 3 & 24th
 - iv. Karen to book flag at City Hall for the month of June & proclamation from council.

7. New Business

- a. Angie discussed Age Friendly Niagara and Niagara Older Adult Alliance – looking if someone would like to sit on one of the committees

8. Information/Correspondence

- a. Welland McMaster Family Health Team – Karen to invite to meeting
- b. Age Friendly Niagara Brochures – Angie to order 600 brochures (100 each week for the Farmer's Market, 100 for Friends Over 55 and 100 for doctor's and dentist's office) Angie will also check to see if Age Friendly Niagara has posters that can be used for the Farmer's Market.

9. Adjournment at 10:38 a.m.

Next meeting April 19th, 2022.

Terms of Reference

Let's chat benches



PORT COLBORNE

Senior Advisory Council
April 19, 2022 10:00 a.m.
Virtual

Present: Lesley Rickard
Council: Councillor Angie Desmarais
Staff: Karen Walsh
Regrets: Sue Brown, Audrey Garrett, Valerie King and Maggie Wahl – Horne

1. Call to order 10:02 a.m.
2. Motion to accept the agenda for April 19, 2022.
Deferred
3. Motion to accept the minutes of March 22, 2022.
Deferred
4. Disclosure of Interest.
None
5. Business Arising from the minutes
 - a. June is Senior Month
 - i. Flag raising June 1st at 10 a.m. invite Friends over 55
 - ii. Farmer's Market is booked for June 3, 10, 17 & 24
 - iii. Valerie available June 3 & 24, Lesley 3 or 10, Angie 4 weeks
 - iv. proclamation from council.
 - b. Age Friendly Niagara
 - i. Inventory of Age Friendly Senior groups
 - ii. Bench plaques (age friendly bench)
 - iii. Effectiveness of various councils around the region

- iv. Letters to government – long term care
 - c. Niagara Older Adult Alliance
 - i. Where are the gaps in regional senior services
 - ii. Look at education piece
 - iii. Planning an event at the Pelham Meridian Centre “Seniors and Motions”
6. New Business
- a. Terms of Reference – deferred
 - b. Senior of the Year Award
 - i. Consider the City of Port Colborne offering a Senior of the Year award – future agenda item (discuss with Nancy)
 - c. Housing
 - i. Looking for ways for seniors to live more affordable housing
 - ii. Tax incentive similar to the water bills
7. Information/Correspondence
- a. Welland McMaster Family Health Team – will be attending May 17th meeting
 - b. Age Friendly Niagara Brochures – Angie to order 600 brochures (100 each week for the Farmer’s Market, 100 for Friends Over 55 and 100 for doctor’s and dentist’s office) Angie will also check to see if Age Friendly Niagara has posters that can be used for the Farmer’s Market.
8. Adjournment at 10:45 a.m.

Next meeting May 17th, 2022.

Future items

- Legal services (will power of attorney)
- Dental care

Port Colborne Public Library Board

MINUTES of the Fourth Regular Meeting of 2022

Date: Wednesday, April 6, 2022
Time: 6:15 p.m.
Location: Virtual Meeting held via Microsoft Teams

Members Present: B. Ingram, Vice-Chair
M. Bagu, Councillor
B. Beck
V. Catton
H. Cooper
J. Frenette
A. Kennerly
C. MacMillan

Regrets: M. Cooper, Chair
B. Boles, Board Treasurer

Staff Present: S. Luey, Chief Executive Officer
S. Therrien, Director of Library Services (Board Secretary)

1. Call to Order

In the absence of the Chair, Vice-Chair B. Ingram called the meeting to order at approximately 6:17 p.m.

2. Declaration of Conflict of Interest

3. Adoption of the Agenda

Moved by A. Kennerly
Seconded by H. Cooper

That the agenda dated April 6, 2022 be adopted, as amended.

Carried

Port Colborne Public Library Board

4. Approval of Minutes

Moved by J. Frenette
Seconded by H. Cooper

That the minutes of the regular meeting dated March 2, 2022 be approved, as circulated.

Carried

5. Business Arising from the Minutes

6. Consent Items

6.1. Circulation Reports

- January 2022 Circulation Report
- January 2022 Digital Programming Report
- January 2022 LiNC Transits Report
- February 2022 Circulation Report
- February 2022 Digital Programming Report
- February 2022 LiNC Transits Report

6.2. Financial Statement

- March 30, 2022

6.3. Public Relations Report

Librarian R. Tkachuk reported on programming during March 2022.

6.4. Media Items

- Port Colborne Public Library Digital Newsletter, April 2022
- City Hall News, April 2022

Moved by C. MacMillan
Seconded by J. Frenette

Port Colborne Public Library Board

That consent items 6.1 to 6.3 be received for information purposes.

Carried

7. Discussion Items

7.1. Director's Report (S. Therrien)

7.1.1. COVID-19 Update

The Director reported that effective April 4, 2022, masks will no longer be required for staff in most situations. The exception to this is when a distance of six feet cannot be maintained. Staff will be required to wear a mask when working at the circulation desk where, due to shared tasks and workflows, safe physical distancing cannot be maintained. The Board supported the Director's managerial discretion in identifying and responding to these situations.

7.1.2. Upcoming Elections

In compliance with legislation requiring the Board to review its election policy before May 1st in a regular election year, the Board reviewed policy *OP-10: The Library and Political Elections*. This policy establishes rules and procedures with respect to the use of municipal or board resources during an election campaign period.

The Director reported on a meeting with Diana Vasu (Elections Coordinator, City of Port Colborne) to determine how the library can support the City. Proposed actions include: setting up a dedicated public computer for citizens to check if they are registered to vote; making information materials available in print and on the library's website and social media; and, investigating the possibility of setting up a digital or in-person workshop event.

7.1.3. Capital Projects Update

The Board reviewed the progress of the 2022 capital projects.

Port Colborne Public Library Board

7.1.4. OTF Resilient Communities Fund Project Update

On March 25, 2022, the library held a recognition event to celebrate the completion of the Ontario Trillium Foundation Resilient Communities Fund grant project. In attendance were Mike Haines (on behalf of Jeff Burch, MPP for Niagara Centre Riding), Ted Hessels (OTF Grant Review Team member), Councillor Mark Bagu, Scott Luey (CAO), Mike Cooper (Board Chair), members of City Council, City of Port Colborne staff members, Port Colborne Public Library Board members, Library staff, contractors, and members of the public.

7.2. Strategic Planning

The Board will meet on Saturday, April 9, 2022, for a planning session to renew its Strategic Plan. In preparation, the Board reviewed accomplishments made under its current Strategic Plan, and reviewed the City's Strategic Pillars. Discussion at the upcoming strategic planning session will focus on how the library's goals can be aligned with the City's pillars to help support the City's vision and mission.

8. Decision Items

8.1. Policy Review

- 8.1.1.** OP-10: The Library and Political Elections
- 8.1.2.** HR-04: Statement of Intellectual Freedom
- 8.1.3.** CFLA Position on Protest and Disagreement related to Collections, Programs and Speakers in Libraries

Moved by A. Kennerly
Seconded by H. Cooper

That policies 8.1.1 to 8.1.2 be approved, as presented.

Carried

Moved by C. MacMillan
Seconded by V. Catton

Port Colborne Public Library Board

That the Board endorses the *CFLA Position on Protest and Disagreement related to Collection, Programs and Speakers in Libraries*, and that it be added as an appendix to *Statement of Intellectual Freedom* (HR-04).

Carried

9. Other Business

10. Notices of Motion

11. Date of the Next Meeting

Wednesday, June 1, 2022 at 6:15 p.m. via Microsoft Teams

12. Adjournment

Moved by A. Kennerly

Seconded by J. Fremette

That the meeting be adjourned at approximately 7:30 p.m.

Carried.

Michael Cooper
Board Chair
June 1, 2022

Susan Therrien
Director of Library Services
Board Secretary
June 1, 2022



PORT COLBORNE

Meeting
Environmental Advisory Committee
April 13, 2022 6:00 p.m.

The following were in attendance:

Staff: Cassandra Banting
Janice Peyton

Council: Councillor Mark Bagu
Councillor Harry Wells

Public Members: George McKibbin
Jack Hellinga
Katherine Klauck
Tim Lamb
Kerry Royer
Trent Doan

This was an online Microsoft Teams meeting.

1. Call to Order

George called the meeting to order at 6:00 p.m.

2. Adoption of the Agenda

Moved by Harry Wells
Seconded by Katherine Klauck

That the agenda dated April 13, 2022, be accepted as circulated.
CARRIED.

3. Disclosures of Interest

Nil.

4. Approval / Review of Previous Meeting Minutes

Moved by Trent Doan
Seconded by Jack Hellinga

That the minutes of February 9, 2022, be accepted as written.
CARRIED.

5. Items Arising from Previous Minutes

a) Annual Report 2021

The annual EAC report has been provided to the Clerk. George thanked everyone for their comments.

6. Climate Change

a) Climate Change and Port Colborne's Strategic Plan

Trent noted that there is very little regarding climate change in the Strategic Plan.

Good ideas are coming from this committee, but where are they going outside of this group? How can the EAC better assist Council?

George reviewed the report on why we need a climate change statement on Port Colborne's infrastructure within Port Colborne's Strategic Policy. A copy is attached to the minutes.

The committee resolved to send the report to Council and ask that the Port Colborne Strategic Plan be amended to include policies on climate change. George will make some amendments to the report.

Harry commented that Council and staff recognize the need to consider climate change. Harry expressed concern that very little items come to the EAC through Council and staff for comment and he feels that some things are slipping by. He would like to see a process in place to help Council make educated decisions.

Jack referred to Fort Erie's EAC terms of reference; Port Colborne EAC terms of reference is very different.

b) 50by30 Niagara Climate Change Team

Tim advised that he is a member of a group called 50 by 30 Niagara, a group that is pushing for Niagara's 12 municipalities to reduce carbon emissions by 50 percent by 2030 and then to zero by 2050.

There are significant actions that can be taken that are well established, such as, fossil fuel heating and cooling, especially district heating recruits for buildings, walkable communities, public transportation, and electric vehicles for transportation. 50 by 30 Niagara strongly encourages Niagara region to move assertively in this direction.

50 by 30 Niagara is currently putting together a document to send to the region. Tim will bring the document to EAC when it is complete.

7. Draft Regional Official Plan and the Provincial Housing Task Force Report

George advised he has read through the Regional Official Plan and there is a significant section on climate change. Also, there is a release of a housing task force report. Single family zoning designation is changing to include multifamily residential and if this is approved a lot of policies become void. Single family zoning will not be eliminated though.

8. PC Quarry JART Committee Update

A copy of this document is attached to the minutes.

a) Land Use Compatibility

George provided a summary of the committees review of documentation produced by consultants for Port Colborne Quarry's pit expansion applications and the review being done by the Region's Joint Agency Review team (JART). Comments were provided on the planning, land use compatibility, social impact and the water and wetland updates.

b) Hydrology

Submission 2 of documents filed for the Port Colborne Quarries rezoning and OP amendment application to the City of Port Colborne and the Quarry License Application include hydrology and drainage responses. Jack gave a review of the hydrology recommendations and explained the basis of his summary.

The committee resolved to forward a copy of the update to JART at the Regional level and to the PLC at the City level.

9. A Request to Comment on Correspondence from the Multi Municipal Turbine Working Group Regarding Ontario's Energy Plan and Wind Turbines

A copy of correspondence referred to the EAC by Council is attached to the minutes.

George has begun to assemble background material for review and asked for volunteers for a sub-committee to prepare comments.

George, Harry, Katherine, and Trent will prepare a response. When completed, George will bring a draft response to this committee. Jack would like to follow and receive correspondence related to this item.

10. West Street Air Filter Analysis and Budget Clarification

George advised that some members were considering having an analysis done on Norbert's air filter, as Norbert reported an increase in particulates in the air filter at his residence/business on West Street. George learned that there is no longer an EAC budget that would cover this expense. We have had a budget in the past (\$12-\$15k) and are still funding low flow toilet and tree planting rebates. Harry will take on the task to seek the funds for the filter analysis through DCS Bryan Boles. Jack suggested having other sights analysed such as the Port Cares reach out centre, to get an idea of the air quality in the downtown area and in the East Village. Tim suggested setting up air monitoring stations in certain locations to give a more accurate reading. George advised that he has tried to set this up in the past, without much success. Harry advised that both Vale and MOE have monitoring stations within the area. He will investigate this with some of his contacts. Mark mentioned that he saw a lot of dust coming off a ship that was docked at the grain elevator one morning. Members will continue working on this issue and will report back at the next meeting. Mark reminded the group that budget time is approaching, and he would submit a budget request on behalf of the committee.

11. Draft Urban Forest Management Assessment RFP

George shared the history of this item with the committee.

The draft Urban Forest Management Assessment RFP was forwarded to the committee for comment. George expressed concern that the committee was given a turnaround time of only one week and that the draft RFP did not take into consideration recommendations from the EAC report on boulevard trees of November 13, 2019. A copy of the report is attached to the minutes for reference.

Cassandra advised that she sent the EAC comments back to staff and to the Director of Public Works. She assured the committee that their comments would be considered and that the revised draft RFP will be circulated to the committee for review. Cassandra commented that timing is flexible.

Mark advised that Planning staff confirmed there is software to survey the tree canopy for the entire city, and Mark suggested this be added to the budget for this project. Committee members agreed this should be included in the RFP and agreed with planting native trees. Portal Village could be referenced as an example, as the trees there are well suited to the boulevard. Cassandra will note these suggestions to staff and will include the EAC Report of November 13, 2019 that went before Council, and Council's resolution.

12. Other Business

George advised that the Gathering Place will hold a virtual Earth Day meeting on April 22nd.

13. Next Meeting /Adjournment

With no further business to discuss, the meeting was adjourned at 7:45 p.m.

CARRIED.

The next EAC meeting will be on Wednesday June 8th at 6 p.m.

Why we need a climate change statement on Port Colborne infrastructure within Port Colborne's Strategic Policy.

Jessica Blythe, Environment Sustainability Research Centre, Brock University, provided EAC with a link to an Environment Canada website displaying projections of past and future trends for temperature and precipitation from 1950 through 2021 and beyond assuming a maximum greenhouse gas emissions scenario. This data underlined the work Brock University undertook recently with citizens in participating municipalities within Niagara Region.

Port Colborne did not participate in this effort.

*"For the 1951 – 1980 period, the annual average temperature was 8.4 degrees C; for the 1981 – 2010 it was 9 degrees C. Under a high emissions scenario, annual average temperatures are projected to be **10.9 degrees C** for the 2021 – 2050 period, **12.9 degrees C** for the 2051 -2080 period and **14.3 degrees C** for the last 30 years of this century.*

*"Average annual precipitation for the 1951 – 1980 period was 874 mm. Under a high emissions scenario, this is projected to be **6% higher** for the 2021 – 2050 period, **10% higher** for the 2051 – 2080 period and **14% higher** for the last 30 years of this century."*¹

The International Panel on Climate Change reports in its 6th Assessment Report Summary for Policy Makers *"human induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since Assessment Report 5."*²

Using the Environment Canada, here is another way of visualizing what that means to Port Colborne. On page 18 of the Summary for Policy Makers, the authors visualize what incremental increases in temperature: 1 degree C; 1.5 degrees C; 2 degrees C; and 4 degrees C mean for 10 year hot temperature and precipitation events using the period of 1850 to 1900 data as benchmarks.

If an extreme temperature and a heavy precipitation events occurred once every 10 years, with a 1 degree C temperature increase, extreme temperature and heavy precipitation events occurred 2.8 times and 1.3 times more frequently. With a 1.5 degree C increase extreme temperature and heavy precipitation events occurred 4.3 and 1.5 times more frequently. With a 2 degree C increase, extreme temperature and heavy precipitation events occurred 5.6 and 1.7 times more frequently. With a 4 degree C increase, extreme temperature and heavy precipitation events occurred 9.4 and 2.7 times more frequently.³

¹ https://climatedata.ca/explore/location/?loc=FCHYP&location-select-temperature=tx_max&location-select-precipitation=r1mm&location-select-other=frost_days

² Page 8, Intergovernmental Panel on Climate Change, Climate Change 2021, The Physical Science Basis, Summary for Policymakers, 2021

³ Ibid, page 18, International Panel on Climate Change, 2021

We were not able to find and summarize information on extreme wind events and Lake Erie water levels except to say anecdotally we expect there will be changes as time unfolds.

In order to organize EAC's thoughts about these changes, we spoke to and entertained presentations from the Niagara Coastal collaborative and the Niagara Peninsula Conservation Authority⁴. Here are reasons and infrastructure components into which further examination of the effects of a warming climate are needed in Port Colborne and which we recommend be considered be provided for in Port Colborne's Strategic Plan:

- There should be an assessment and consideration of potentials for extreme events involving: winds; lake water levels; and excessive rainfall events.
- There should be assessment and consideration of storm sewer outfalls which may be below water levels and sewer surcharging of affected storm and combined sanitary sewers where these exist in Port Colborne.
- In low lying areas north of the Lake Erie shoreline are potentially below high Lake Erie lake levels. This is especially the case in areas close to Wignell and Eagle Marsh municipal drains and their outfall controls along Lake Erie. How effective are the control devices during events in which extreme wind, high lake levels and extreme precipitation events occur at the same time?
- The former cement quarry water level controls and drainage are managed by the Niagara Peninsula Conservation Authority in order to ensure elevations do not exceed residential basement floor elevations. Is this system put at risk in the future where extreme wind, high lake levels and extreme precipitation events occur and under conditions in which the Eagle Marsh Drain outlet has to be closed during lengthy periods of time due to high Lake water levels?
- What might be the fishery and water quality impacts associated with lengthier periods of time the Wignell and Eagle Marsh outlet controls need to be closed during spawning periods and other times during the years?
- Shoreline erosion and sedimentation pattern are changing as a result of high lake levels and changing precipitation and wind events. These changes require regular removal of sand from the mouth of the Eagle Marsh Drain and municipal storm outfalls into Lake Erie, particularly where the outlets are at times below the water levels. These should be addressed.

⁴ We spoke to Gregory Ford (Niagara Coastal Collaborative) and Kerry Royer and Steve Miller (Niagara Peninsula Conservation Authority). We appreciate their frank presentations. The analysis contained in this report is that of the Port Colborne Environmental Advisory Committee. Any errors or omissions are our responsibility.

- Shoreline morphology needs to be examined and efforts made to estimate what measures are needed to address shoreline erosion, morphology and planting for sustainability.
- The Region of Niagara's draft official plan provides for aggregate extraction within the aquifer north of the shoreline and across the entire municipality. Potentially this may result in a future in which the municipality has a band of abandoned and rehabilitated lakes where extraction took place below the water table. What kind of a future does that pose during high Lake water levels and extreme precipitation and wind events?

These are the reasons for and the considerations we recommend be addressed in the Port Colborne Strategic Plan.

Port Colborne Quarries JART Committee Update

Introduction: Port Colborne's Environmental Advisory Committee has been reviewing documentation produced by consultants for Port Colborne Quarry's (PCQ) pit expansion applications and the review being conducted by the Region's Joint Agency Review Team (JART). Aggregate applications involve many complex studies, policies, approvals and municipal and agency reviews. Joint Agency Review Teams are used to simplify and coordinate municipal and agency review.

What does a JART do? This JART conducts peer reviews of all the technical documentation undertaken by PCQ consultants and offers technical comments on the veracity and appropriateness of that work. Both Regional and City staff are involved in this review. JART reports to Regional Council and the results will be made available to Port Colborne Council. JART comments will assess whether amendments to the Regional and City official plans and the City zoning bylaw are appropriate and if so under what conditions and agreements.

Port Colborne's Environmental Advisory Committee has submitted two sets of comments: an OPPI Fly Rock Advisory; and a December 9, 2021 report on land use compatibility. JART comments on the first submission of technical documents were provided to PCQ in 2021. PCQ's planner and engineers have reviewed those comments and submitted responses. This report examines selected responses including the planning responses (planning, land use compatibility and social impact assessment updates) and those of the hydrogeologist and air and noise engineers.

We are providing comments on the planning, land use compatibility, social impact, and the water and wetland updates. Here is a list of the reports we have reviewed:

- Final Planning Justification Report, Port Colborne Quarries Inc., Pit 3 Extension (Revised January 28, 2022)
- Final Financial Impact Assessment and Economic Benefits, Port Colborne Quarries Inc., Pit 3 Extension (Revised Report), October 20, 2021
- Final Land Use Compatibility/Sensitive Land Use Study, Port Colborne Quarries Inc., Pit 3 Extension (revised December 15, 2021)
- Technical Memorandum, Addendum to the Noise Impact Assessment Report, Port Colborne Quarries Inc., Pit 3 Extension, January 21, 2022
- Technical memorandum, Response to the joint Agency Review Team Letter, Air Quality Impact Assessment – Port Colborne Quarries Inc., Pit 3 Extension, December 10, 2021

In addition to reviewing Ministry of the Environment, Conservation and Parks technical guidance and legislation, the following two documents were referred to:

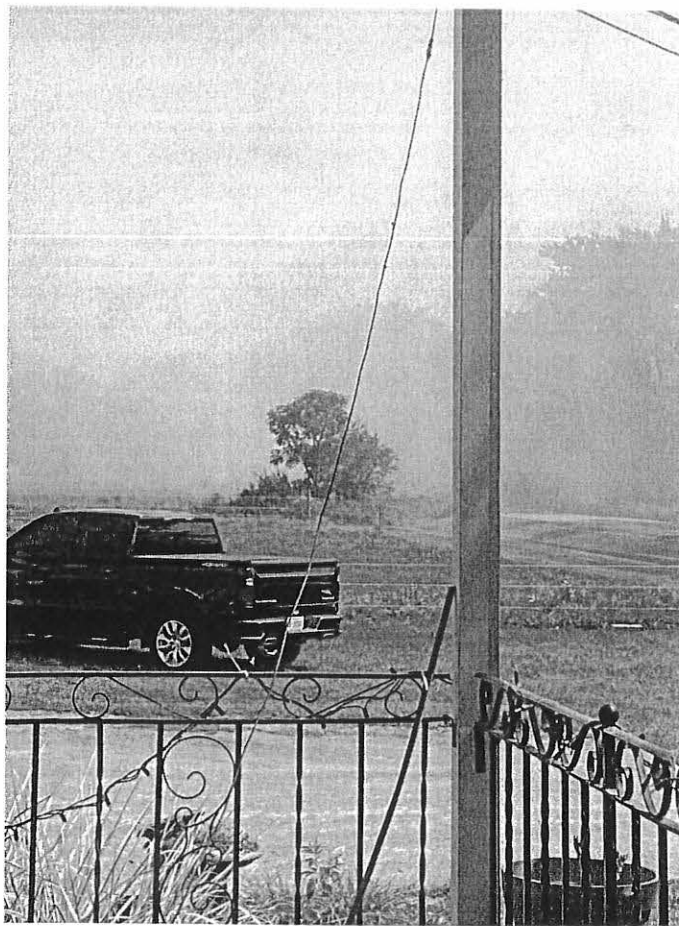
- Guideline for the Implementation of Air Standards in Ontario, Ontario Ministry of the Environment and Climate Change, February 2017
- Procedure for Preparing an ESDM Report, Ontario Ministry of the Environment and Climate Change, March 2018

The first three topics are addressed in this report while water and wetland comments are addressed separately.

Analysis: Air, Noise and Land Use Compatibility: Here is a summary of the main points made previously by Port Colborne's EAC:

1. PCQ air, noise and planning consultants use adjoining property not owned by PCQ to buffer the proposed extraction operations from sensitive land uses.
2. The air, noise and planning consultants assume adjoining sensitive residential and other uses will not change over the close to 50 years of extraction these applications provide for.
3. The planning report, and by extension the air and noise analyses do not consider other permitted uses on adjoining lands provided for in the zoning bylaw such as accessory dwellings and home occupations or the relocation of sensitive uses and activities on each lot.
4. If blasting results in fly rock on adjoining properties, the Environmental Protection Act is contravened. There are no Provincial fly rock guidelines presently. MNDMNRF staff are developing blasting guidelines for application but these guidelines are unavailable to date to our knowledge.

Concerns about air, noise and land use compatibility are genuine.



This photo was taken along Second Concession Road following a blast on August 27 2021.

Here are our observations and findings from our review of the documentation made available to the public:

Air analysis:

1. Reference is made to the air analysis as “conservative”. The analyses undertaken by Golder’s air analysts are required by Ontario Regulation 419 and the MECP Guidance on the preparation of ESDM reports. All facilities which have air emissions are required to do these analyses. These analyses help implement the Province’s air standards.
2. Figure 1: The Ministry’s Framework to Manage Risks under the Regulation (OR 419), on page 7 of Guideline for the Implementation of Air Standards in Ontario sets out the framework. Where Golder’s analysis *“exceeds the air standard but is no greater than the upper risk threshold... the facility must do an assessment and action may be required to reduce exposures.”* MECP *“may request a site specific or technical standard compliance approach.”*

3. Air standards are set at levels where trivial or no environmental and public health risks are expected to occur. Where these standards are exceeded, especially to the degree in which Golder's air analysts project, a discussion of the risks involved is needed.
4. For those air standards Golder's air analysts focus on, substantial exceedances exist for the existing operations and are projected to occur in each of the four phases of the Pit 3 expansion. Many air criteria are exceeded some by more than 300%.
5. These exceedances are also at sensitive receptors (residences) located on adjoining lands for each of the four phases of the Pit 3 expansion. These exceedances are not trivial.
6. Golder's amended air analysis confirms our previous finding that PCQ is using lands beyond the Pit 3 expansion to buffer the extraction from sensitive uses. Further, the amended air analysis confirms there is insufficient lands between the PCQ property boundary and many sensitive residences on adjoining lands for an adequate separation between extraction and many existing sensitive uses to ensure residents are not exposed to air criteria exceedances.
7. Where exceedances such as these occur, the environmental and public health standards for the air criteria standard need to be identified. Further an analysis of the population and uses exposed to the exceedances is needed to clarify who and which uses may be at risk, what that risk level is and what actions may be required to reduce exposures if that risk level is unacceptable. No such analysis exists in the revised planning, land use compatibility, social impact assessment or air analyses.
8. Notwithstanding the Pit 3 expansion is proposed to occur over a period of time of up to 50 years, the exceedances that occur as a result of the existing operations are projected to occur for each of the four phases of the Pit 3 expansion.
9. Where sensitive uses exist, the analysis assume no changes to the existing uses and no provision is made for other uses permitted in the zoning bylaw.
10. Standards have changed as health science knowledge improves. It is reasonable to expect air standards will change over the 50 years it may take for extraction in Pit 3 expansion to be complete. Golder's air analysts do not make provision for these changes.

Noise analysis:

1. The amended noise analysis shows many sensitive uses around the Pit 3 expansion will be exposed to noise levels at the limits of those required by NPC 300.
2. The assumptions used in this analysis assumes existing sensitive uses will remain exactly as constructed and used as built for close to 50 years. No provisions in the noise

analysis is made for structural changes to these uses or to the introduction of other uses permitted in the zoning bylaw.

The Planning, Land Use Compatibility and Social Impact Analyses:

1. Pit 3 extension involves extraction planned to occur up to 50 years from now if one includes extraction currently taking place in areas licensed currently. The planning analysis does not address changes in existing permitted uses or the introduction of other uses permitted in the zoning bylaw. It also doesn't make provision for changes that may be made by the Province to legally increase densities through legislation amending the Planning Act to where single family residential zoning exists.
2. It is unreasonable to assume static land uses over that period of time. Further it is defective planning to also impose separation distances onto lands not owned by PCQ under these circumstances.
3. The planning, land use compatibility and social impact assessments do not address the environmental or public health rationales for the air standards which are exceeded. Further these analyses do not identify who lives adjacent to the Pit 3 extension and more particularly what risks those residents and uses are proposed in these reports to be exposed to and which among the residents may be most vulnerable to.
4. MECP Environmental Protection Act approvals and compliance policy rely on land use compatibility where Planning Act approvals are made.
5. If the Pit 3 extension zoning bylaw amendment applications are approved as submitted, land use incompatibility will result. This land use incompatibility will compromise air and noise compliance efforts and may result in MECP amending its compliance policies by excluding complaints resulting from land use incompatibility from its compliance efforts. This will mean residents living adjacent to the proposed expansion and the City of Port Colborne will not be able to rely on MECP to enforce its air and noise standards. Rather the City of Port Colborne will need to enact regulations under the Municipal Act to address air and noise nuisances and adverse effects.

Recommendations:

1. Redesign of the extraction program is needed so air and noise standards are met at the property boundary.
2. No Planning Act rezoning approvals should be made for the Pit 3 extension unless it can be demonstrated that air and noise standards are and will be met at the PCQ property boundary during the entire length of the proposed extraction.

Submission 2 of documents filed for the Port Colborne Quarries (PCQ) rezoning and OP amendment application to the City of Port Colborne and the Quarry License Application include hydrology and drainage responses. The Technical Memorandum (TM) is the response to JART Hydrology PEER Review Comments. There are concerns with the observations and conclusions with both the content and the missing information in the TM. For simplicity a copy of the TM is provided separately.

- OBSERVATION: The City of Port Colborne does not need a different alignment of the north reach of the East Branch of the Wignell drain for road drainage purposes.
- What is stated numerous times in the TM is that the City is undertaking the review of the realignment of the north extent of the East Branch of the Wignell Drain under the Municipal Drainage Act. What is not provided is that the undertaking was requested by PCQ to facilitate access to a small "finger" of the property to the east of the wetland and woodlands along Second Concession Road at Carl Road.
- It is stated in the TM that the review, and the subsequent realignment, is being conducted under the Drainage Act. Since the review is specifically for the benefit of PCQ, the cost of the review, and the cost of any construction to facilitate future PCQ operations, should under the Drainage Act be entirely the responsibility of PCQ.
- Has the City of Port Colborne consulted with NPCA on the water balance impact on the wetland as a result of the contemplated realignment of the north reach of the East Branch of the Wignell Drain?
- The TM describes the intent to redirect surface drainage of $156 - 9 = 147$ Ha of the upstream woodland swamp catchment area to around the wetland. Currently the 147 Ha north of Second Concession Road that is tributary to the upper reach of the East Branch of the Wignell drain crosses from the north side to the south side of Second Concession Road at Carl Road. The drainage continues in open channel from the north boundary of the wetland to the south of the wetland and then easterly to the rear of the lots along Miller Road. The described intent is to direct the flow from north of Second Concession Road easterly along the north roadside ditch and cross Second Concession Road to the south side at the eastern extent of the wetland and woodland. This realignment would result in starving the wetland surface, topsoil, and subsoil, and consequently all the vegetation from the cyclic replenishing of moisture at each rainfall event. This is not addressed in any water balance by PCQ, as it assigns the realignment to the City.
- The TM constantly suggests the realignment WILL be constructed. This is an assumption that cannot be made, and is not ecologically nor hydrologically supported.

- During rainfall events the wetland provides several functions for upstream contributions. The precipitation and runoff is firstly attenuated, and secondly, it is filtered and naturally treated. This can be augmented with plantings of appropriate native species.
- The northerly most realignment will allow access to a finger of the proposed license area identified as Phase 3. Phase 1A and 2 will create a second face along the south of the wetland. The existing License 4444 has created a face along the west of the wetland. Phase 3 as proposed would create a third face along the east of the wetland and woodland, resulting in the wetland becoming a peninsula. The realignment of the drain would direct the upstream tributary area away from the wetland. Retaining the existing upstream drain location will maintain the natural drainage and existing water balance in the wetland, less the below grade seepage to the open faces.
- The JART and Matrix Peer Review comments and questions were not adequately answered in the TM to satisfy the wetland protection concerns.



PORT COLBORNE

Development and Legislative Services
Clerk's Division

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April 1, 2022

Environmental Advisory Committee

Re: Multi Municipal Wind Turbine Working Group – Ontario's Energy Plan and Wind Turbines

Please be advised that, at its meeting of March 22, 2022 the Council of The Corporation of the City of Port Colborne resolved as follows:

That correspondence from the Multi Municipal Turbine Working Group regarding Ontario's Energy Plan and Wind Turbines, be referred to the City of Port Colborne's Environmental Advisory Committee to investigate and bring an update forward at a future council meeting.

A copy of the above noted correspondence is enclosed for your reference.

Sincerely,

Nicole Rubli
Acting City Clerk

From: Julie Reid <deputyclerk@arran-elderslie.ca>

Sent: March 2, 2022 5:39 PM

To: City Clerk <cityclerk@portcolborne.ca>

Cc: JBurch-CO@ndp.on.ca; minister.mecp@ontario.ca

Subject: Letter re: Ontario's Energy Plan and Wind Turbines on behalf of te MMWTWG

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

March 2, 2022

City of Port Colborne
cityclerk@portcolborne.ca

RE: Ontario's Energy Plan and Wind Turbines

Dear Mayor and Council:

I am writing to share information compiled by the Multi-Municipal Wind Turbine Group (MMWTWG) on recent plans announced by the Ontario government to expand electricity generation capacity. We are providing this update to you because your municipality endorsed a 2017 resolution indicating that you were an "Unwilling Host" for wind turbine projects. While the threat of new wind turbine projects disappeared while Ontario had a surplus of generation capacity for electricity, the recent announcements suggest a potential for new wind projects.

The MMWTWG was initially created in 2009 by municipalities in Bruce, Grey and Huron Counties to share information on wind turbine projects being proposed or operating in our municipalities. The organization is a joint committee with elected and citizen representatives from the member municipalities. Since its formation, we have been monitoring the operation of wind turbines and advocating on behalf of our residents adversely affected by the wind turbines.

I wanted to ensure that your municipality is aware of the Ontario government's recently announced plans that have potential to lead to new wind turbine installations in rural Ontario. This plan is included among the energy program that was announced at the Rural Ontario Municipal Association meeting and in a speech that Todd Smith, as Minister of Energy, gave to the Empire Club. The program includes a pilot SMR pilot nuclear facility at Darlington, expanded hydroelectric generation capacity, new RFPs for medium term and long term

generation capacity and a program to certify renewable energy generation capacity.

We are specifically concerned about the certification program. While limited details are available for this program, we are concerned that wind turbines are included among the renewable energy generation facilities that can be certified under the program used to allow the installation of larger turbines within existing project sites. The wind companies are certainly listening as leasing activity in support of a project has already been reported in southwestern Ontario.

While changes introduced by the government allow municipalities to regulate the creation of new wind turbine facilities within their communities through zoning by-laws, other regulatory changes by the government exempts existing wind projects from these municipal by-laws, even when the project operator is replacing the existing wind turbines with larger, more powerful equipment. On this basis, the project repowering included in the recent Ministerial Directive would not require any municipal input or approval due to this regulation.

Many municipalities that have started the process of drafting by-laws relative to wind turbines find that they need direction on appropriate setbacks that would be included in a municipal zoning by-law. They know that the existing setbacks in Regulation 359/09 are not sufficient to protect residents and they are looking to the provincial government for revised setbacks reflecting the learning from the existing projects and the lived experiences in other jurisdictions. If the province is reviving wind power development, it needs to take a leadership role by updating these regulations immediately.

We are also concerned about the government's failure to address the problems created by the existing wind turbine projects. These projects operate under Renewable Energy Approvals or REAs that set out very strict operating requirements. First, project operators are required to prove that the project is operating within the 40 dBA audible noise limit by filing noise audit reports prove compliance. Many projects were provided with specific deadlines for the submission of these reports. The attached appendix shows the status of these audits based on public information. Only 45% of projects have reached some form of closure with the other continuing to operate (three continuing even though they have been found to be non-compliant) despite concrete timelines for action in their REAs.

The failure of the government to enforce the requirements of the REAs for wind turbine project operators to investigate and resolve complaints about project operations is another concern. More than 5,800 Incident Reports have been created as a result of complaints about noise emissions from wind turbine projects and based on feedback from the residents in our communities there has been little or no action by the project operators on these matters. Frankly, the government has shown no interest in working on behalf of rural residents. This is an additional concern as 39% of the Incident Reports, prepared and signed by Provincial Officers, include references to adverse health effects.

If you have not already made adjustments to your zoning by-laws, I hope that this reminder will prompt your Council to review their contents in the context of the government's apparent plans to start construction of more wind turbines despite the past failings of this technology.

Our view is that the provincial government needs to:

- **Update the direction provided in terms of setbacks** between wind turbines and other activities,
- The government needs to **take more aggressive action in enforcing the terms of the approvals** for existing wind turbines before authorizing the construction of any new turbines, and,
- Bar operators of projects with these compliance failures from participating in any of the contract extensions or opportunities to bid on capacity expansions that are envisioned in the recent Ministerial Directive.

If you agree, we ask that you communicate your concern to Minister David Piccini, Ontario Minister of Environment, Conservation and Parks as well as your local MPP(s).

If your municipality is interested in joining the Multi-Municipal Wind Turbine Group to receive updates on these matters please contact the Deputy-Clerk for information on the fee structure. The group meets every second month and Zoom facilitates the participation of members beyond easy driving distance of the normal meeting site in Chesley.

Yours truly,

Tom Allwood,

Chair, Multi-Municipal Wind Turbine Working Group
Councillor, Municipality of Grey Highlands

c. Honourable David Piccini, Minister of Environment, Conservation and Parks,
minister.mecp@ontario.ca

Jeff Burch, Niagara Centre, JBurch-CO@ndp.on.ca

February 1, 2022

Appendix 1: Status of Compliance Noise Audits

This table is based on information originally released in August 2019 by the MECP in response to a Freedom of Information request. It has been updated with information on more recent compliance testing from project websites. As the Protocol requires that project operators post these audit reports on their websites within 10 business days of their submission to the MECP, this should be an accurate source of status information.

	Project Name	Commercial Operation Date ¹	I-Audit Submitted to MECP ²	Updates to February 1, 2022 ³	MECP Review Completed ⁴	Time Since Start of Operation ⁵
	Demonstrated Compliance	Share – 43% - Average time under review – 3.8 years				
1.	Adelaide (Suncor) Wind	January 28, 2015	October 29, 2015		March 9, 2020	5.1 years
2.	Armow Wind Project	December 7, 2015	February 24, 2017		November 6, 2020	4.8 years
3.	Belle River Wind	September 1, 2017	August 6, 2020		August 20, 2020	2.6 years
4.	Bluewater Wind	July 19, 2014	June 12, 2015		June 25, 2019	4.9 years
5.	Bow Lake	August 10, 2015	August 9, 2017		March 21, 2019	3.6 years
6.	Dufferin Wind	December 1, 2014	September 1, 2015		September 26, 2018	3.8 years
7.	East Lake St Clair	May 22, 2013	April 20, 2016 ⁶		April 20, 2016	2.9 years
8.	Ernestown Wind	September 30, 2014	June 29, 2015		April 30, 2018	3.6 years
9.	Grand Bend Wind	April 19, 2016	March 21, 2017		December 4, 2018	2.6 years
10.	Grand Renewable Energy	December 9, 2014	December 21, 2015		November 4, 2019	4.9 years
11.	HAF Wind	June 14, 2014	March 14, 2015		December 17, 2018	4.5 years
12.	Grey Highland Clean Energy	September 21, 2016	July 11, 2017		August 30, 2019	2.9 years
13.	Grey Highlands ZEP	February 26, 2016	July 31, 2018		August 30, 2019	3.6 years
14.	MacLean's Mountain Wind	May 1, 2014	February 27, 2015		March 20, 2019	4.9 years
15.	Moorefield Wind	May 16, 2017	December 17, 2018		March 25, 2019	1.9 years
16.	Oxley Wind	February 8, 2014	September 27, 2017		April 25, 2019	5.2 years
17.	Napier Wind	December 3, 2015	March 3, 2017		January 22, 2021	5.1 years
18.	Quixote One	August 14, 2015	September 1, 2017		April 15, 2019	3.7 years
19.	St Columban Wind	July 16, 2015	June 22, 2016		October 2, 2018	3.2 years
20.	Settler's Landing	April 5, 2017	August 22, 2018		May 10, 2019 ⁷	2.1 years

	Demonstrated Non-Compliance- REA Amended		Share – 2%			
1.	North Kent 1 Wind	February 22, 2018	June 30, 2019	November 1, 2021	November 1, 2021 ⁸	3.7 years

	Demonstrated Non-Compliance – No Resolution		Share – 7% - Average time under review - 6.8 years			
1.	K2 Wind ⁹	May 29, 2015	November 25, 2016	December 12, 2019		6.8 years
2.	Unifor/CAW ¹⁰	October 24, 2013	June 28, 2018	No Updates	Not Provided	8.3 years
3.	Niagara Region Wind	November 2, 2016	July 20, 2018	February 3, 2021		5.3 years

	Deemed Incomplete	Share - 17% - Average time under review – 7.1 years				
1.	Cedar Point Wind	October 7, 2015	September 21, 2016	June 24, 2019		6.3 years
2.	East Durham Wind	August 15, 2015	August 17, 2016	July 2, 2019		6.5 years
3.	Goshen Wind	January 28, 2015	January 28, 2016	November 7, 2017		7.1 years
4.	Grand Valley Wind Phase 3	December 3, 2015	November 30, 2016	March 1, 2021		6.2 years
5.	Pt. Dover/Nanticoke Wind	November 8, 2013	August 6, 2014	December 16, 2020		8.3 years
6.	South Branch Wind	March 4, 2014	May 28, 2015	March 3, 2016		7.9 years
7.	Springwood Wind	November 21, 2014	May 31, 2016	No Updates ¹¹		7.2 years
8.	Whittington Wind	November 21, 2014	April 1, 2016	No Updates ¹¹		7.2 years

	Under Review	Share – 30% - Average time under review – 6.0 years				
1.	Adelaide (NextEra) Wind	August 22, 2014	August 10, 2015	June 26, 2020		7.3 years
2.	Amherst Island Wind	June 15, 2018	June 14, 2019	May 14, 2020		3.6 years
3.	Bornish Wind	August 15, 2014	August 7, 2015	July 2, 2020		7.3 years
4.	Conestogo Wind	December 20, 2012	December 20, 2013	April 5, 2019		9.1 years
5.	Gunn's Hill Wind	November 14, 2016	October 16, 2018	No Information		5.1 years
6.	Port Ryerse Wind	December 9, 2016	July 17, 2018	No Updates		5.1 years
7.	Romney Wind	December 31, 2019	Not Yet Due	June 29, 2021		1.8 year
8.	Snowy Ridge	October 5, 2016	September 20, 2017	No Updates ¹¹		5.3 years
9.	South Kent Wind	March 28, 2014	January 30, 2015	August 14, 2020		7.9 years
10.	Sumac Ridge Wind	November 17, 2017	September 27, 2018	No Information		4.1 years
11.	Summerhaven Wind	August 6, 2013	February 10, 2014	May 1, 2020		8.5 years
12.	Underwood ¹²	February 9, 2009	Not Provided	No Updates		13.0 years

13.	Wainfleet Wind	September 17, 2014	May 15, 2015	No Information		6.4 years
14.	ZEP Ganaraska Wind	May 6, 2016	September 14, 2018	No Information		4.7 years

	Submission Due					
1.	Henvey Inlet	October 19, 2019	Due – October 2020	No Information		2.3 years

	Not Yet Due					
1.	Nation Rise	June 17, 2021	Due - June 2022			0.6 years

¹ IESO Active Contract List as at September 30, 2021

² Data Provided by MECP as at July 30, 2019

³ Based on a review of project websites – “No Updates” = No change in information; “No information” = audit no information posted on website

⁴ Dates provided by MECP.

⁵ Elapsed time calculated either to the date compliance was confirmed or to the current date.

⁶ Identical dates for submission and review completion provided by MECP

⁷ Approval date posted by operator conflicts with status provided by MECP 2 months after “approval”

⁸ REA amended to reduce night time noise levels at 2 wind turbines to bring noise levels within noise guidelines.

⁹ In May 2019, the Ministry found the K2 project was out of compliance and ordered the operator to develop and implement a Noise Abatement Action Plan.

¹⁰ Turbine determined to be non-compliant on March 8, 2018, Noise Abatement Action Plan implemented. Problem not resolved.

¹¹ Capstone Renewable Project, limited project documentation posted on project websites.

¹² I-Audit report submitted in January 30, 2018 accepted and then rejected by MECP. More noise testing is currently underway.

Report on Boulevard Trees to EAC Meeting, November 13, 2019

Recommendation: *That Port Colborne Environmental Advisory Committee (EAC) recommends to Council that staff be directed to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw No. 6175/01/15, dated 12th January 2015) taking into regard the reasons provided in this report and report back to Council following this review.*

Introduction: Port Colborne's Environmental Advisory Committee (EAC) has been considering policy adopted by the City of Port Colborne on the planting and management of boulevard trees in Port Colborne. This policy is set out in a Tree Installation Policy which appears to have been adopted in the fall of 2007 and updated by Bylaw No. 6175/01/15 dated 12th January 2015.

The Bylaw and Tree Installation Policy provide for, among other things, the removal of trees from street boulevards, replanting a replacement tree if the adjoining landowner wishes, regulation of which trees can be planted with 4.5 m from City property and a strict prohibition on planting any tree within 1.5 m from City property including any replacement tree for one removed from the boulevard. No provision appears to be made for tree planting within streets owned by the City. Over time, this policy will result in the removal of trees from City streets in Port Colborne's urban area.

EAC believes that a review of this policy and it's further development to address the considerations listed below would benefit Port Colborne at this time for the following reasons:

1. Boulevard trees are important contributors to the quality of residential and commercial neighbourhoods and strategically planted can improve the environmental quality of the City as well as provide many other benefits described below. There is a substantial disparity in the distribution of boulevard trees throughout Port Colborne's urban area.
2. Public health research supports the importance of urban forestry and treed streetscapes. For example, American researchers have found the demise of ash trees due to the ash borer from the forest canopy correlates with increases in mortality where heart and lower respiratory diseases are concerned. More recently, Danish researchers have found that youth growing up in neighbourhoods with sufficient green space experience lower incidences of psychiatric disorders in later life. While the sciences doesn't establish causality where these correlations are concerned, sufficient evidence exists to warrant treed streetscapes, where possible.
3. Neighbourhood quality, including forested boulevards, is an important criteria where companies make decisions to develop and relocate manufacturing and industrial operations. The availability of quality walkable and green neighbourhoods for employees is an important consideration when relocation and development decisions are made.
4. Boulevard trees help improve air quality throughout the City. This is important where particulate matter is concerned. During extreme heat events, boulevard trees also help

cool neighbourhoods by providing shade. In addition, they calm traffic by encouraging slower vehicular speeds.

5. With the extreme wind events, we experienced in 2019, particularly October 31st and November 1st, Port Colborne may become geographically at risk to more severe and extreme wind events as a result of climate warming. More attention should be placed on reducing our vulnerability where larger tree species are concerned, particularly where hydroelectric facilities, building stock and streets are concerned. Attention is warranted to clarifying which species should be listed and regulated where bylaw 6175/01/15 are concerned. The list of prohibited trees and the possible addition of smaller tree species should be considered. This clarification should also be made available publicly so landowners can use these recommendations where replanting is undertaken, particularly where replacement of ash canopy is considered.
6. It may also be warranted to include this recommended re-consideration of Bylaw 6175/01/15 with work ongoing in the City on the topic of greenhouse gas mitigation strategies are concerned. Recent research on municipal climate change planning suggests that more emphasis needs to be placed on adaptation. Adaptation of Bylaw 6175/01/15 to extreme wind related events is warranted.

Further, in conducting this review, EAC recommends that the following matters be considered:

1. The use of smaller tree species to be determined as species recommended for application.
2. It is recommended that City staff work with municipal horticulturalists and landscape architects on staff and in other municipalities to identify and benefit for other municipal experience where comparable issues are concerned.
3. Where possible this work should be coordinated with the climate warming mitigation work underway presently in the City.
4. There is substantial variety in the dimensions and designs of the streetscapes in Port Colborne beyond the obvious variations that apply to commercial and industrial/manufacturing uses and residential neighbourhoods. If possible, can there be some adaptation of the boulevard tree policy to reflect these differences?

Recommendation: *That Port Colborne Environmental Advisory Committee (EAC) recommends to Council that staff be directed to review previous decisions on boulevard tree planting (Tree Installation Policy, October 2007 and Bylaw No. 6175/01/15, dated 12th January 2015) taking into regard the reasons provided in this report and report back to Council following this review.*

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-law to Appoint a Chief Building Official, Deputy Chief Building Official and Building Inspectors

Whereas Section 3(2) of *The Building Code Act, 1992, S.O. 1992, c.23* (the Act) provides that the council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction; and

Whereas Council is desirous of providing for the appointment of a Chief Building Official, a Deputy Chief Building Official and Building Inspectors; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That Gerald Moore be appointed as Chief Building Official for The Corporation of the City of Port Colborne.
2. That Devon Staley be appointed as Deputy Chief Building Official for The Corporation of the City of Port Colborne
3. That the duties of the Chief Building Official will be those set out in the *Building Code Act 1992, S.O. 1992, c. 23* and the Regulations thereunder, the Corporation's zoning and building by-laws and such other duties as Council may impose from time to time.
4. That Barbara Mocny, Mike McKean, John Drahorat and Grant Schwartzentruher be appointed as Building Inspectors for the City of Port Colborne.
5. That these appointments shall come into force and effect as of May 31st, 2022, and shall remain in effect until such appointments are rescinded or successors are appointed.
6. That By-law 6980/18/22 be repealed.

Enacted and passed this 14th day of June, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Stop Up and Close for Alma Street Road Allowance,
between Welland Street and Canal Bank Road, being all of PIN 64149-01521.

WHEREAS at its meeting of June 14, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report No. 2022-118, Subject: Stop up and Close By-law for Alma Street Road Allowance; and

WHEREAS Section 27(1) of the Municipal Act, 2001, provides that, except as otherwise provided in the Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and

WHEREAS it is deemed expedient in the interest of The Corporation of the City of Port Colborne that the road allowance set out and described in this by-law be stopped up and closed; and

WHEREAS in accordance with Section 34(1) of the Municipal Act, 2001 and By-law 4339/12/03, Being a By-law to Prescribe Provision of Public Notice, public notice of Council's intention to permanently close the highway set out and described in this by-law was provided; and

WHEREAS no person claiming their lands will be prejudicially affected by the by-law applied was heard by the Council of the Corporation of the City of Port Colborne at the meeting held by the Council for that purpose on Tuesday, June 14, 2022.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That upon passing of this by-law the portion of the road allowance described as part of the original Alma Street road allowance, between Welland Street and Canal Bank Road, being all of PIN 64149-01521 is hereby stopped up and closed.
2. That the Mayor, the City Clerk be and are hereby authorized to execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Clerk is duly authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office to effect the closing of the Alma Street road allowance hereinbefore described.
4. This by-law shall take effect on the day that a certified copy of the by-law is registered in the proper Land Registry Office.

Enacted and passed this 14th day of June, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk

The Corporation of the City of Port Colborne

By-Law No.

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Regular Meeting of June 14, 2022

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of June 14, 2022 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 14th day of June, 2022.

William C. Steele
Mayor

Nicole Rubli
Acting City Clerk