

Administration

Office of the Regional Clerk

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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:

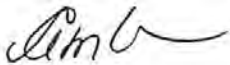
That Report PW 19-2022, dated May 10, 2022, respecting Waste Management System By-law and Access to Closed Landfill and Repurposed Sites By-law Updates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

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of Niagara, (short title being the "Waste Management By-law") as amended by By-laws 2020-62 and 2021-06, **BE REPEALED AND REPLACED** with the updated draft By-law provided in Appendix 1;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by The Regional Municipality of Niagara, (short title being the "Closed Landfills and Repurposed Sites By-law"), **BE REPEALED AND REPLACED** with the updated draft By-law provided in Appendix 3;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;

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

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

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

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and By-law No. 2021-06
and By-law No. 2022-xx*

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

- 1.7 "Brush" means woody Material including twigs, tree limbs or branches;
- 1.8 "Bulky Goods" means large household items which are Collectable Material that cannot fit into a normal Garbage Container and may be overweight (excluding construction/demolition Material). Some examples include, but are not limited to, the following:
- (a) Artificial Christmas Trees;
 - (b) Box spring, mattress, and bed frame;
 - (c) Carpet or rugs in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
 - (d) Couches, sofa, chair;
 - (e) Floor lamps;
 - (f) Furniture (for example, tables, cabinets, dressers);
 - (g) Glass Shards packaged in cardboard box labelled "glass";
 - (h) Large Toys;
 - (i) Pool cover and solar blankets in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
 - (j) Toilets or sinks that are individual and not part of construction and demolition;
 - (k) Other Collectable Material that cannot fit in a Garbage Container;
 - (l) Water softening units; and
 - (m) Other household items, As Designated by the Region;
- 1.9 "By-law" means this by-law and any schedule(s) and/or appendices to this By-law as they may be amended from time to time;
- 1.10 "Cart" means a container available from the Region or approved alternative as set out in Section 8, 10 and 11 of this By-law or As Designated, used to

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

set out Blue Box, Grey Box or Green Bin Material for Types B-F Premises as set out in Schedule "A" to this By-law;

- 1.11 "Care and Control" means Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:
- (a) Mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
 - (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;
 - (c) Material that can on a balance of probabilities be shown to have originated from Premises with respect of which a Person is considered an Owner and during the time the Person was considered an Owner; or
 - (d) Materials that can on a balance of probabilities be shown to have been transported in a motor vehicle owned or under the Care and Control of the Person.
- 1.12 "Christmas Trees" means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights;
- 1.13 "Christmas Trees, Artificial" means trees manufactured from manmade Material;
- 1.14 "Collectable" means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law;
- 1.15 "Communal Collection Point" means a collection point approved or as determined by the Region, that is authorized for the use of more than one Premises;
- 1.16 "Composter" means a container available from the Region or any enclosure with a lid for the purpose of decomposing Leaf and Yard Material and/or Green Bin Material by aerobic decay or bacterial action;

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and By-law No. 2021-06
and By-law No. 2022-xx*

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

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

1.23 "Eligible Property" means a Premises of Types A, B, C, D, E or F as set out in Section 13 and Schedule "A" to this By-law where:

- (a) container limits set out in Schedule "A" can be abided by in the normal course of waste generation activity; and
- (b) the Owner(s) of the Premises are in compliance with this By-law; and
- (c) the only Material set out for collection is Material generated on that Premises;

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

1.25 "Friendly Reminder" and "Final Friendly Reminder" means a written notice by the Region, in a form similar to that set out in Schedule B to this By-law

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and By-law No. 2022-xx*

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

- (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;

*As amended by By-law No. 2020-62
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*PWC 8-2017; Minute Item 5.1
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CL 1-2021; Minute Item 8.1.1
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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;

*As amended by By-law No. 2020-62
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PWC 8-2017; Minute Item 5.1
PWC 7-2020; Minute Item 5.1
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- (f) live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material, which has been drained of all liquids;
 - (g) septic or holding tank pumpings or raw sewage;
 - (h) Material of any kind or nature that may be explosive or combustible or may cause fire including hot coals, ashes, oil-soaked or gasoline soaked rags, papers, cloths or similar Material;
 - (i) gaseous, semi-liquid or liquid waste including liquid industrial waste as defined in Ontario Regulation 347: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
 - (j) sealed metal drums or barrels;
 - (k) other Material as prohibited in any relevant Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks under the relevant legislation;
 - (l) Sharps;
 - (m) Construction, Renovation or Demolition Material, including windows;
 - (n) Grass Clippings;
 - (o) Electrical and Electronic Equipment (EEE), as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment, under the *Resource Recovery and Circular Economy Act*, 2016, S.O. 2016, c.12, or any successor legislation;
 - (p) batteries (all types), as defined in Ontario Regulation 30/20: Batteries, under the *Resource Recovery and Circular Economy Act*, 2016, S.O. 2016, c.12, Sched. 1, or any successor legislation;
 - (q) White Goods; and
 - (r) other Material As Designated;
- 1.47 "Non-Compliant" and "Non-Compliance" means Material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law;
- 1.48 "Non-Designated Area" means an area which has not been designated for a particular purpose;

*As amended by By-law No. 2020-62
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PWC 8-2017; Minute Item 5.1
PWC 7-2020; Minute Item 5.1
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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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PWC 8-2017; Minute Item 5.1
PWC 7-2020; Minute Item 5.1
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- 1.57 "Region" or "the Region" means The Regional Municipality of Niagara or an authorized representative of The Regional Municipality of Niagara, including a Regional Drop-Off Location site attendant, a contractor or its employee, or a by-law enforcement officer, as appropriate in the context;
- 1.58 "Regional Drop-Off Location" means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to waste, recyclables, compost, or household hazardous waste;
- 1.59 "Regional Property" means all property, including lands and buildings, owned, leased, rented, controlled and/or managed by the Region, within the geographic area that is Niagara;
- 1.60 "Registered Charities" are charitable organizations, public foundations, or private foundations that are created and resident in Canada and have been issued a charitable registration number by the Canada Revenue Agency (CRA). They must use their resources for charitable activities and have charitable purposes in one or more of the following: the relief of poverty, the advancement of education, the advancement of religion, or other purposes that benefit the community. To receive exemption under Section 13.8 of this By-law, the Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage;
- 1.61 "Scavenge" means the unauthorized removal of Materials that have either been placed out for collection, or in the location where the container (containerized waste/carts) is stored and filled before being moved to the collection location;
- 1.62 "Set Out Service" means the provision of onsite service, as approved by the Region, for Owners living in Type A Premises as listed in Schedule "A" to this By-law and who are unable to physically carry their Garbage, Blue/Grey Box Materials and Green Bin Material to the curb for Curbside collection. Set Out Service only includes Garbage, Blue/Grey Box and Green Bin Material. Set Out Service does not include Leaf and Yard Material, Bulky Goods, Brush, or any other excluded items, As Designated by the Region;

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PWC 8-2017; Minute Item 5.1
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.

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PWC 8-2017; Minute Item 5.1
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- 2.3 No Owner shall be eligible for collection unless the Owner complies with this By-law and other terms As Designated.
 - 2.4 The Region may retain a contractor or contractors to fulfill the Region's responsibilities under this By-Law.
 - 2.5 If, due to breakdown of equipment, strike, inclement weather, or any other cause, waste collection is not provided to an Eligible Property, the Region shall not be liable to any Person for any damages, costs, loss or expenses of any kind due to the failure of such waste collection to take place.
3. Classes of Collectable Material
- 3.1 The Classes of Collectable Material are:
 - (a) Recyclable Material:
 - i. Blue Box Material;
 - ii. Brush;
 - iii. Christmas Trees;
 - iv. Green Bin Material;
 - v. Grey Box Material;
 - vi. Leaf and Yard Material; and
 - vii. Other recyclable Material As Designated.
 - (b) Non-Recyclable Material:
 - i. Bulky Goods;
 - ii. Garbage; and
 - iii. Other non-recyclable Material As Designated.
 - 3.2 All other Material is Non-Collectable Material and is not to be placed out for collection.

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*PWC 8-2017; Minute Item 5.1
PWC 7-2020; Minute Item 5.1
CL 1-2021; Minute Item 8.1.1
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4. Separate According to Class and Class Provisions

- 4.1 If collection service is available to an Eligible Property for any of the above Classes, then the Material which an Owner sets out for collection must be separated according to Class.
- 4.2 Every Owner shall prepare Collectable Material according to the provisions in Sections 5 through 13 of this By-law relevant to each Class of Material.

5. Brush

- 5.1 Brush shall be set out for collection in accordance with the schedule of collection days As Designated and
 - (a) shall be packaged in bundles where each individual piece of Material shall not exceed 7 cm (2.8 inches) in diameter and where each bundle shall not exceed:
 - i. a size of 1.5 m (5 feet) in length by 0.5 m (1.6 feet) in diameter; and
 - ii. a weight of 22.7 kg (50 pounds); and
 - (b) if collected on the same day as other Material, shall be clearly separated from any other class of Material set out for collection.
- 5.2 Brush is only collectable from a Type A Premises as defined in Schedule "A" to this By-law. Further information on the collection of Brush is available from sources noted in Section 53 of this By-law.

6. Bulky Goods

- 6.1 Bulky Goods are only collectable from a Type A Premises as defined in Schedule "A" to this By-law. Further information on the collection of Bulky Goods is available from the sources noted in Section 53 of this By-law.
- 6.2 Bulky Goods set out for Curbside collection:

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- (a) shall be in a contained state neatly placed at the Curbside; and
 - (b) shall not be stacked; and
 - (c) shall not have Material stacked or loose set on top of Bulky Goods; and
 - (d) shall be dismantled if possible; and
 - (e) shall not include Construction, Renovation and Demolition Material; and
 - (f) must be of a weight and dimension to be able to fit into the collection vehicle in a safe and efficient manner, As Designated by the Region; and
 - (g) limit of four (4) items per collection per Eligible Property.
- 6.3 The Owner must arrange in advance with the Region's collection contractor for the scheduled collection of Bulky Goods As Designated. Information on how to schedule collection is available from the sources noted in Section 53 of this By-law.
- 6.4 Contaminated items (e.g. mattresses with bed bugs), as determined by the Region, must be wrapped in plastic to be eligible for pick up.
- 6.5 Artificial Christmas Trees shall be set out for scheduled collection as Bulky Goods.
- 6.6 Collectable Material which can fit within a regular Garbage Container should not be disposed of as Bulky Goods, but as Garbage.
- 6.7 Glass shards resulting from broken mirrors, dishes, picture frames or other household glass, not including windows, are collectable as Bulky Goods if:
- (a) placed in a separate, sturdy, walled container to be collected with its glass shard contents, and secured so as to remain closed and to protect the safety of collection personnel;
 - (b) labelled appropriately (i.e. "Broken Glass"); and

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- (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

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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.

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

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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
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PWC 8-2017; 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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- 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

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

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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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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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- (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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- 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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notice, either by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail or hand delivered, to the Owner, cease collection from the Premises until such time as the Non-compliance is corrected to the satisfaction of the Region.

- 14.4 If the Owner of a Premises or a tenant engages in any inappropriate behaviour, riotous, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by the Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate behaviour, conduct and/or language is corrected to the satisfaction of the Region.
- 14.5 The Owner of any Premises receiving collection shall be responsible to ensure that all Persons on the Premises who use or expect to use the Region's collection service receive and follow the instructional information relating to the service provided by the Region.
- 14.6 The Owner of any Premises receiving collection shall be responsible to ensure that animals such as dogs are secured or tied to ensure safety of collection workers and uninterrupted collection.
- 14.7 The Owner of a Premises shall not interfere with collection vehicles or personnel.
- 14.8 The Owner of a Premises shall not deposit any Material into a collection vehicle.
- 14.9 In the event a change is made to the schedules of collection day As Designated, the Region shall make reasonable efforts to advise all affected persons by publication or service of notice upon the Owner of the affected Premises as provided for in this section. Publication for purposes of this section means notice placed on the Region's website at least fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Service of notice by the Region for purposes of this section means notices given to the Owner of affected Premises either

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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

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after collection. During winter weather, when snow or snow banks may alter the normal set out location, the Owner shall place the Material:

- (a) at the end of the driveway next to the snow bank; or
- (b) in a spot cleared out in the side of the snow bank near the travelled portion of the road.

15.6 Material shall not be collected from inside an enclosure, shed or other structures As Designated, unless otherwise approved by the Region. Enclosures must be placed as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk, unless otherwise approved by the Region. Collection personnel must be able to access Materials from enclosures by opening the enclosure from the front not the top and must be able to remove Materials from the enclosure without any obstruction.

16. Collection Times and Collection Days

16.1 Collectable Material shall be set out not earlier than 5:00 p.m. on the day before the designated collection day and not later than 7:00 a.m. on the designated collection day.

16.2 The Owner shall remove all containers, together with any Material that was not collected for any reason, from the Curbside as soon as possible after collection, but not later than 7:00 p.m. on the designated collection day.

16.3 Material left Curbside before and after collection times will be the responsibility of the Owner of the Premises.

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

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

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- (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
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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
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*PWC 8-2017; Minute Item 5.1
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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;

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

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

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

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
<p>Dear Property Owner/Tenant:</p> <p>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: _____</p>	
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.	Niagara Region niagararegion.ca/waste

 <p>BOX IT. BIN IT. SORT IT.</p>	<p>FRIENDLY REMINDER Curbside Collection Services</p>
<p>UNACCEPTABLE MATERIALS</p>	
<ul style="list-style-type: none"> <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 	
<p>BLUE/GREY BOX</p>	
<ul style="list-style-type: none"> <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.) 	
<p>GREEN BIN/LEAF & YARD/BRANCHES</p>	
<ul style="list-style-type: none"> <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. 	
<p>NOTES/COMMENTS</p>	
<p>_____</p> <p>_____</p>	
<p>Waste Info-Line 905-356-4141 or 1-800-594-5542 Monday to Friday: 8 a.m. - 5 p.m.</p>	<p>Niagara Region  niagararegion.ca/waste</p>

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

Short Form Offences and Set Fines

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

Bill **xx**

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

APPENDIX 3

MAPS (Attached)

Appendix 4

Set Fines (Attached)

Set Fines

Part 1: Provincial Offences Act

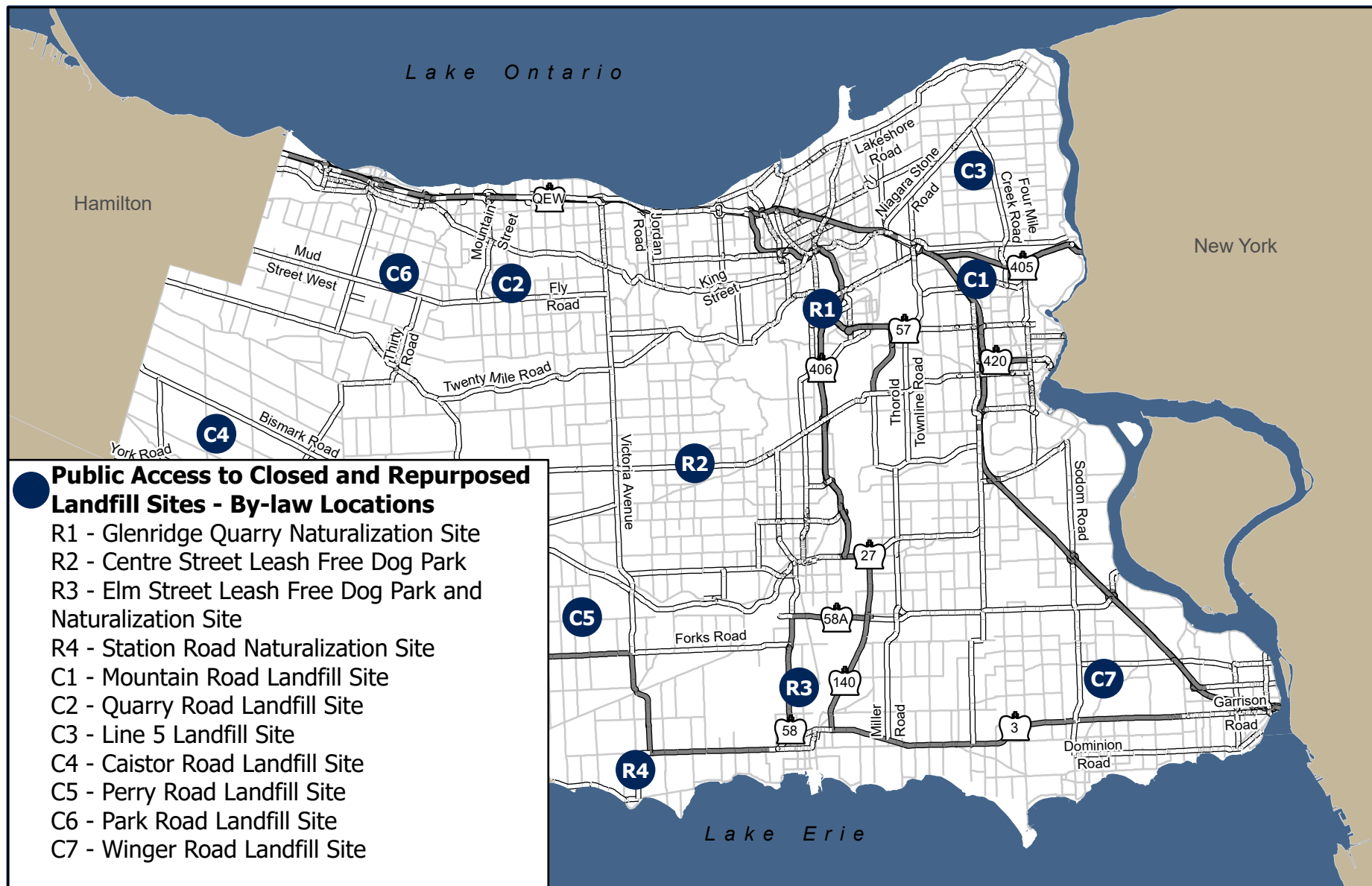
Note: The penalty provision for offences indicated is Section 61

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

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

PW 19-2022 Appendix 5

Closed Landfill and Repurposed Site Maps

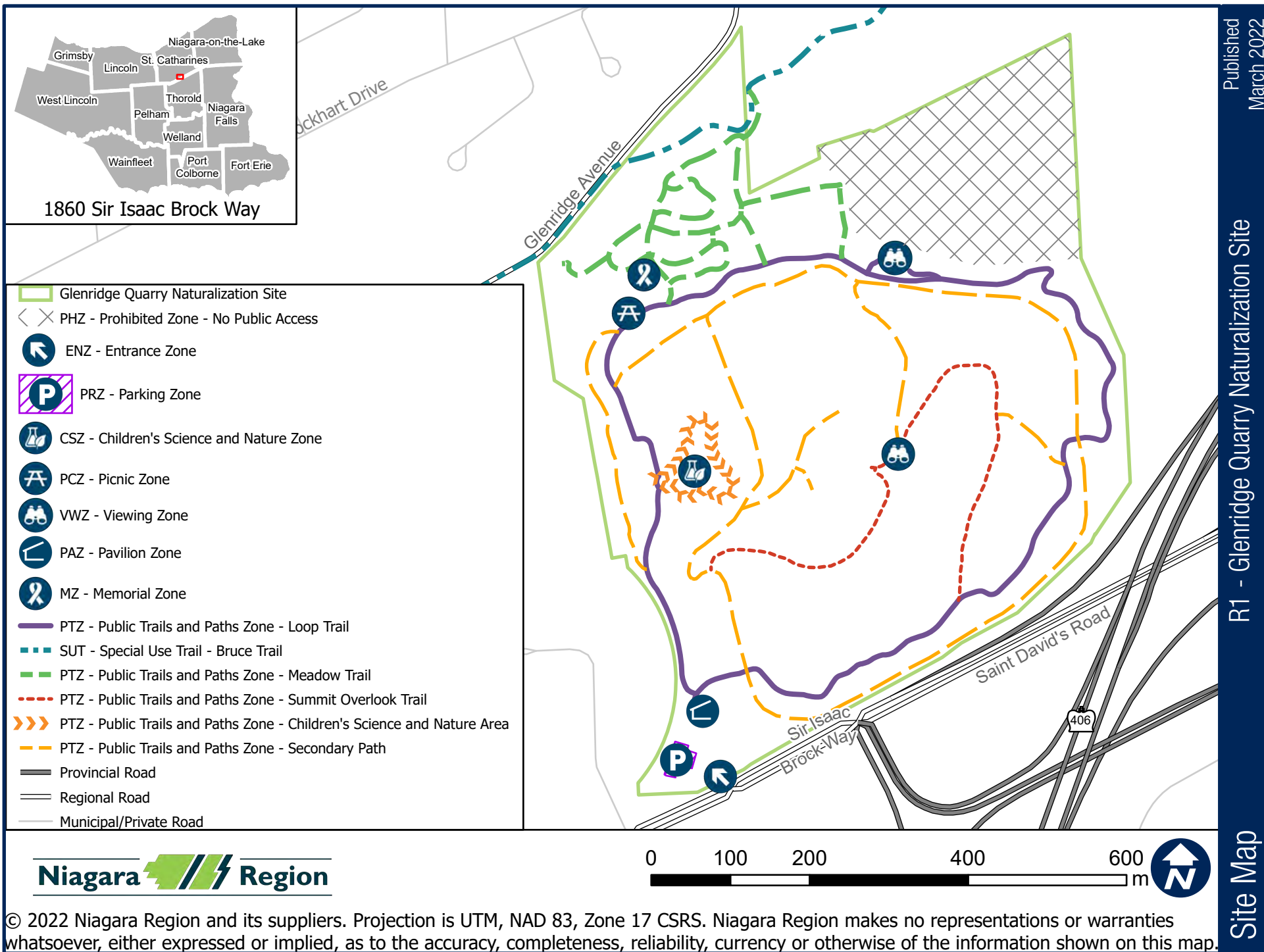


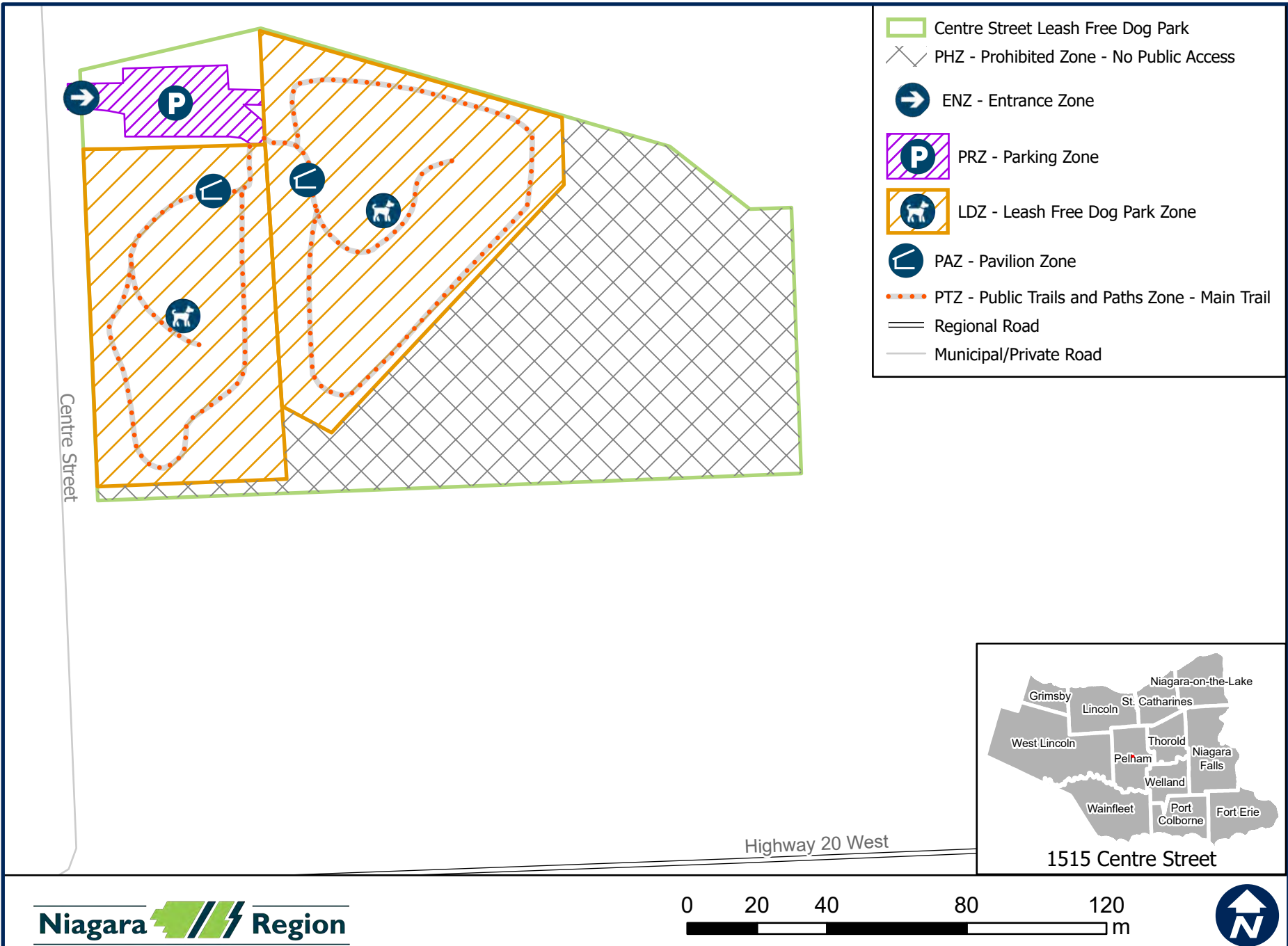
Niagara Region

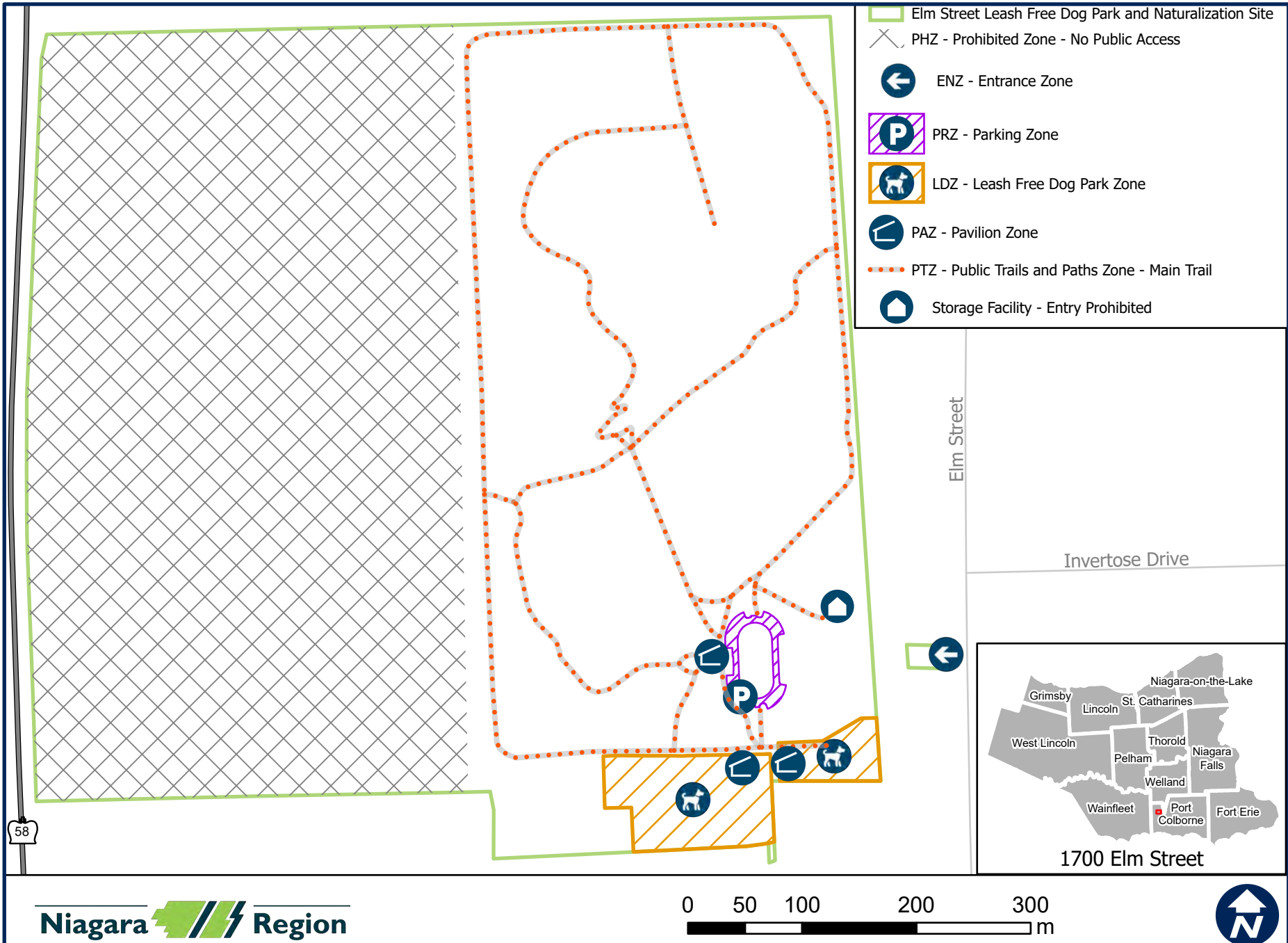
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









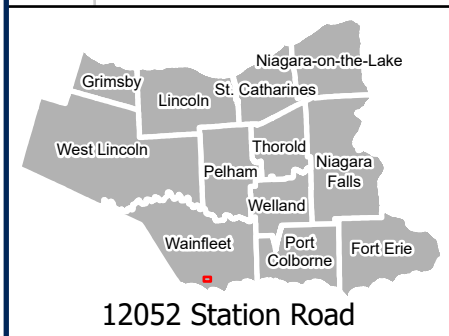
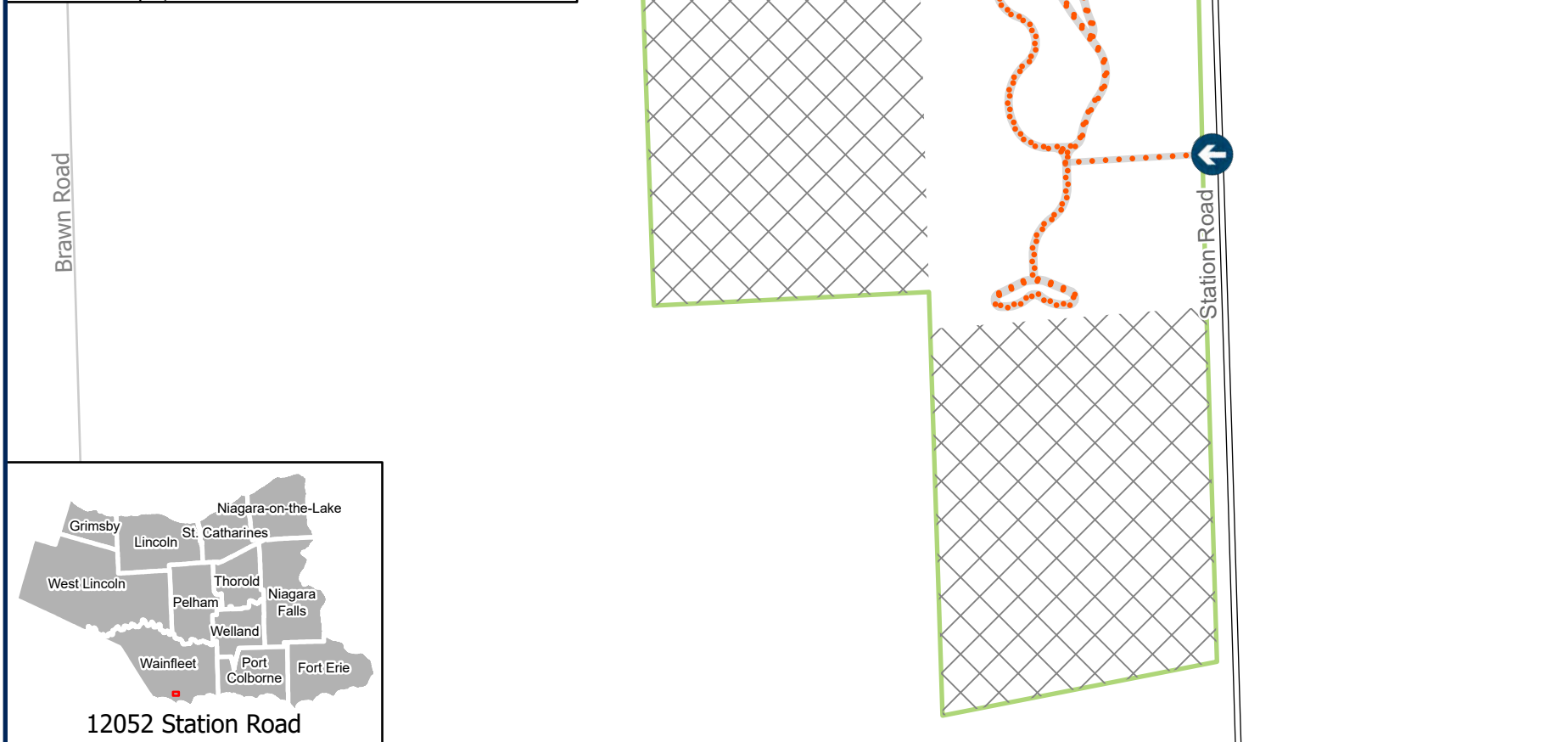
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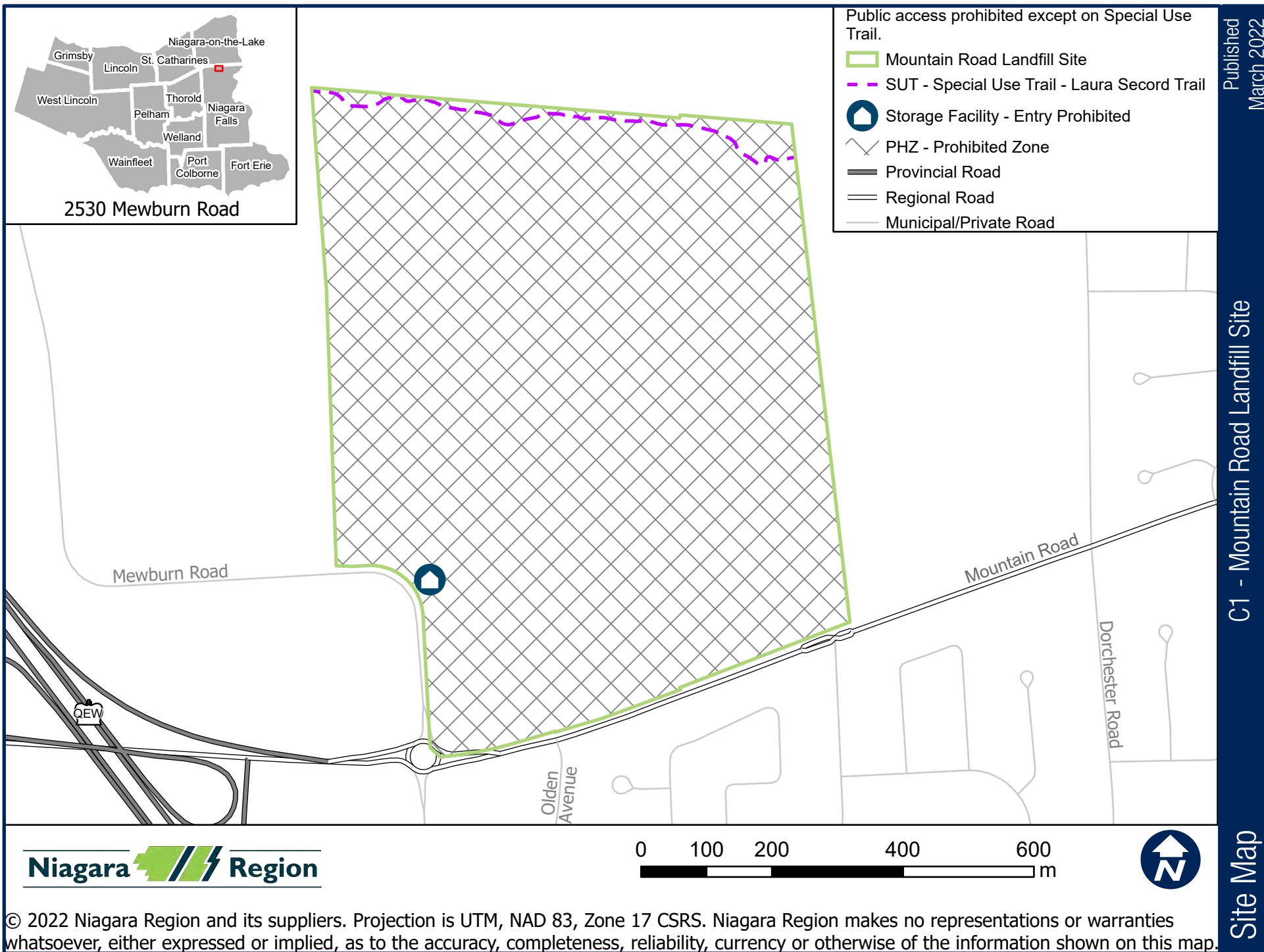






-  Station Road Naturalization Site
-  PHZ - Prohibited Zone - No Public Access
-  ENZ - Entrance Zone
-  PTZ - Public Trails and Paths Zone - Main Trail
-  Gord Harry Rail Trail
-  Niagara Peninsula Conservation Authority Parking Lot
-  Regional Road
-  Municipal/Private Road





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3768 Quarry Road (Rear)

Aberdeen Road

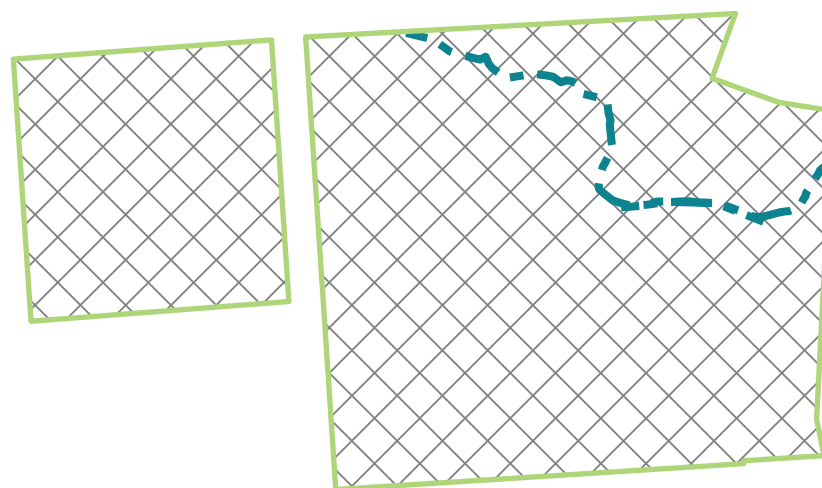
Public access prohibited except on Special Use Trail.

 Quarry Road Landfill Site

 SUT - Special Use Trail - Bruce Trail

 PHZ - Prohibited Zone

 Municipal/Private Road



Quarry Road

Niagara Region

0 50 100 200 300
m




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Published
March 2022


C2 - Quarry Road Landfill Site

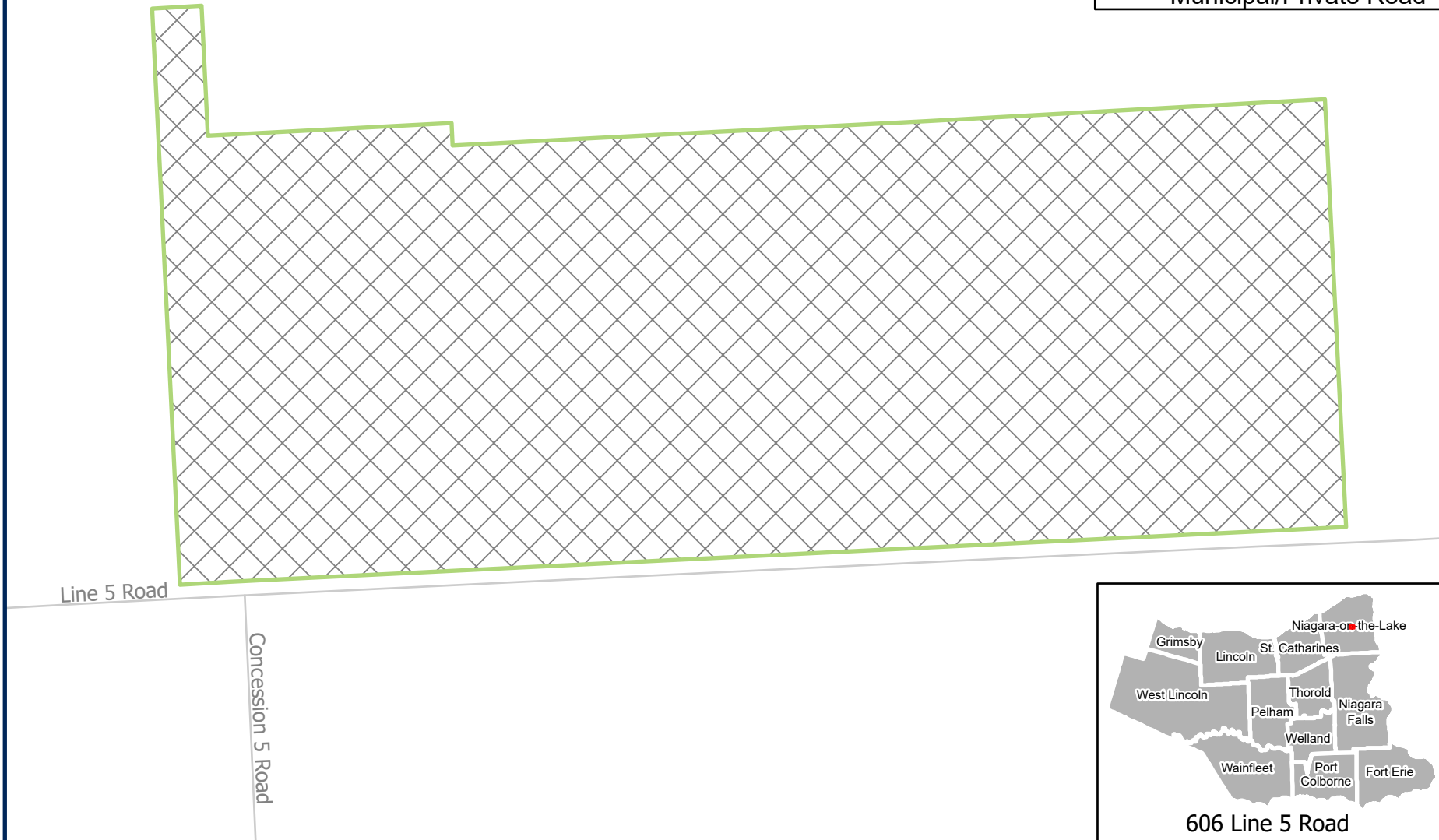
Site Map

Public access prohibited.

 Line 5 Landfill Site

 PHZ - Prohibited Zone

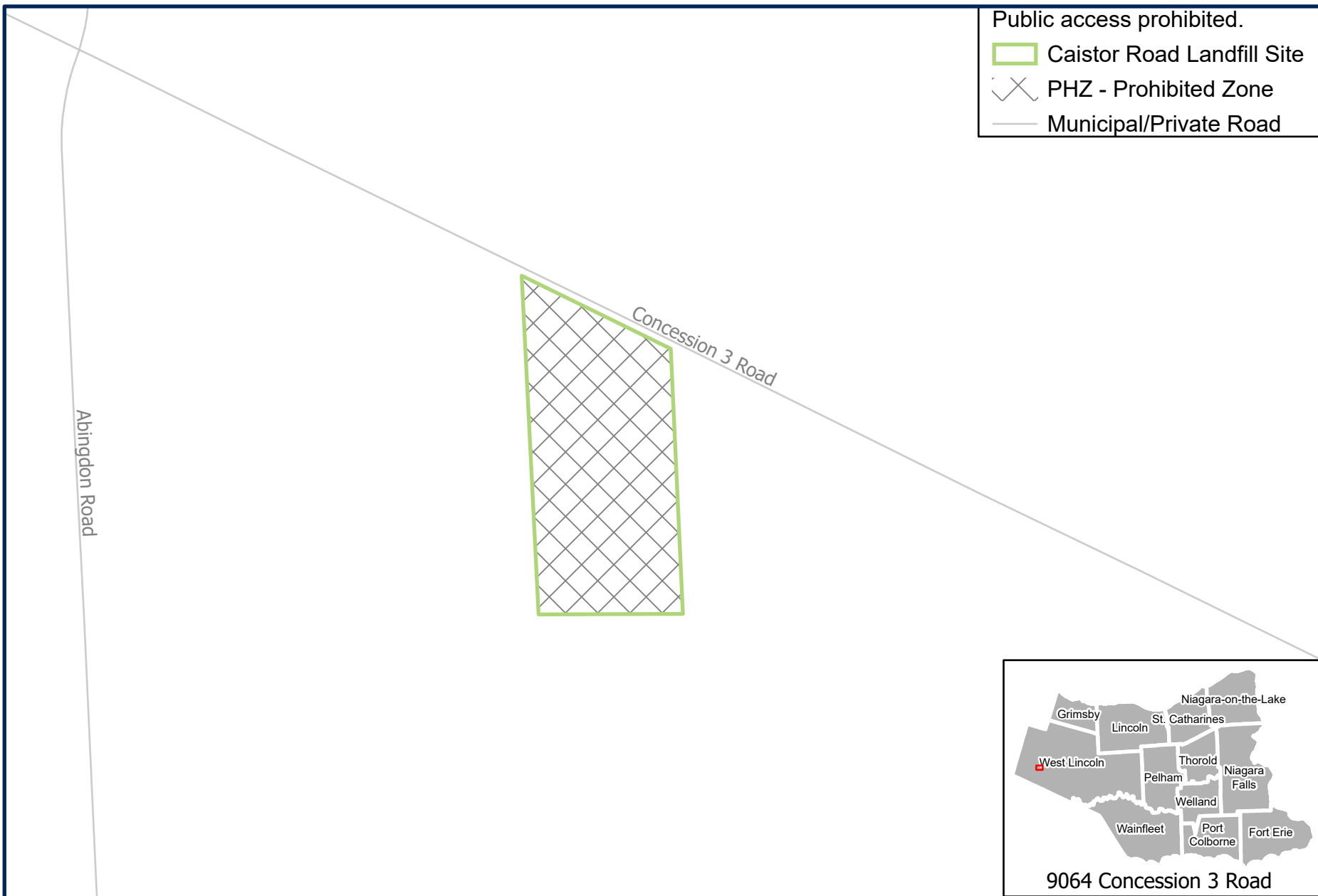
 Municipal/Private Road



Niagara Region

0 50 100 200 300
m





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

Published
March 2022

C4 - Caistor Road Landfill Site

Niagara Region

0 100 200 400 600 m



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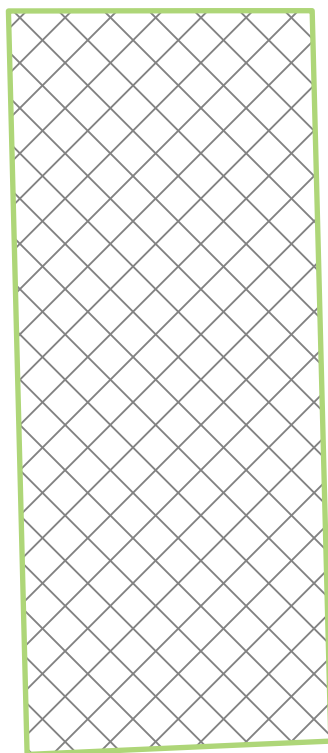
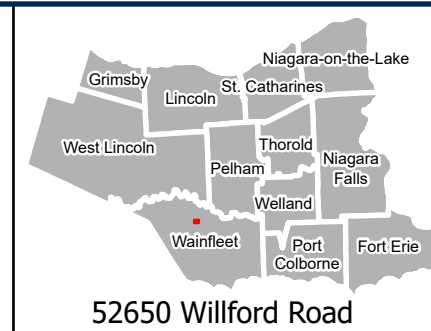
Site Map

Public access prohibited.

 Perry Road Landfill Site

 PHZ - Prohibited Zone

 Municipal/Private Road



Willford Road

Traver Road

Priestman Road

Niagara Region

0 50 100 200 300 m



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Published
March 2022

C5 - Perry Road Landfill Site

Site Map

Public access prohibited.

 Park Road Landfill Site

 PHZ - Prohibited Zone

 Regional Road

 Municipal/Private Road

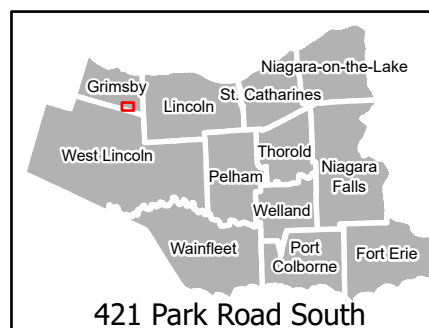
Park Road South

Sobie Road

Mud Street East

Niagara  **Region**

0 100 200 400 600
m



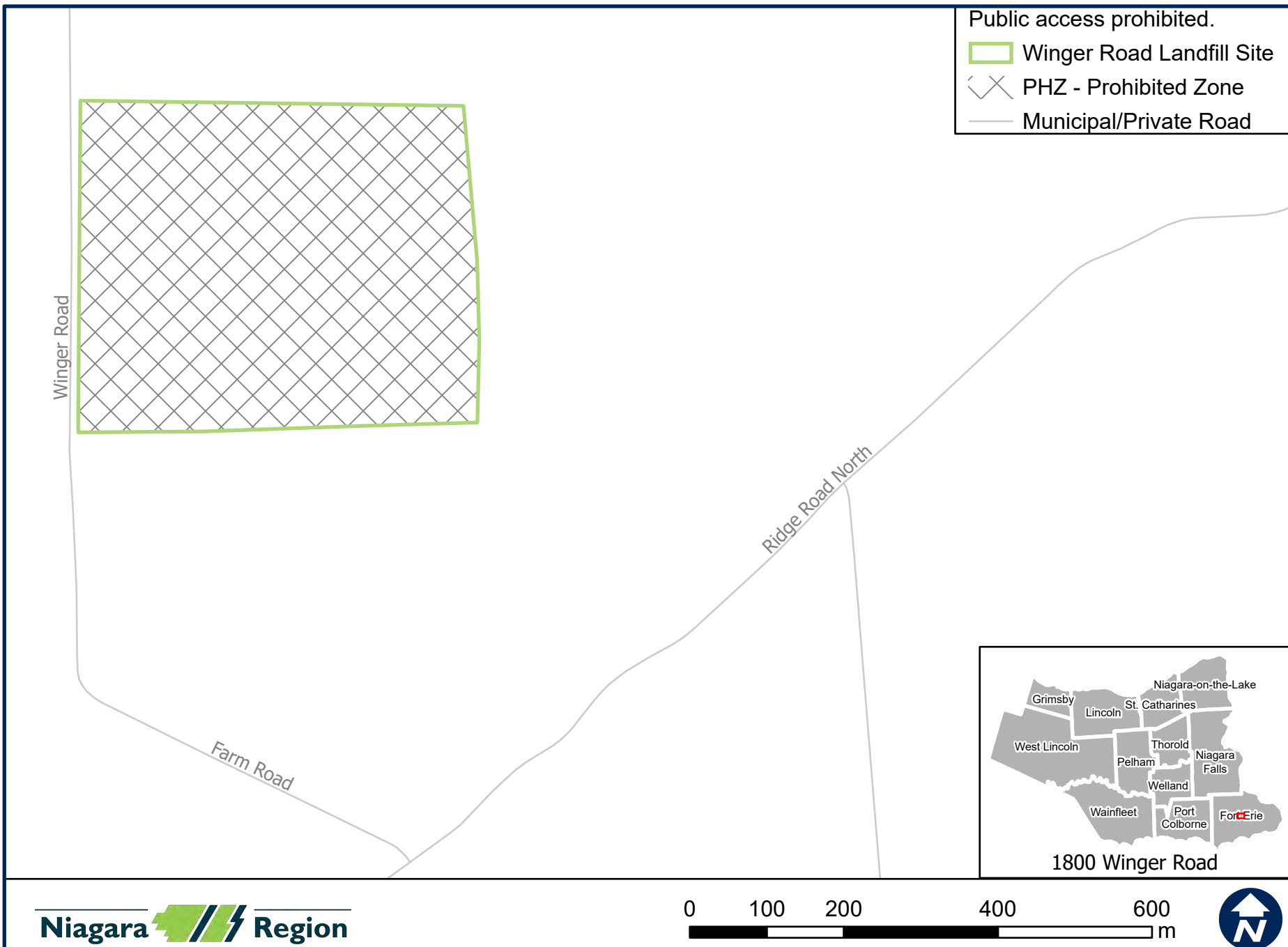
421 Park Road South

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Published
March 2022

C6 - Park Road Landfill Site

Site Map



Published
March 2022

C7 - Winger Road Landfill Site

Site Map

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2022-32

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

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

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

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

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

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

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

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

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

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

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

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

PART I - DEFINITIONS

1. The following terms are defined for purposes of this By-law:
 - 1.1 "Agencies, Boards and Commissions" means a self-governing organization that delivers services for the Region, including Niagara Regional Housing, Niagara Regional Police Service and Niagara Peninsula Conservation Authority.
 - 1.2 "Amnesty Week" means the two (2) weeks that follow Christmas Day where, in addition to the regular Garbage limit, selected Premises can place additional Garbage to the curb for collection without a Garbage Tag on the regular Garbage collection day(s).
 - 1.3 "Area Municipality" means any one of the municipalities or corporations of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln.
 - 1.4 "As Designated" means as designated by the Region from time to time by the Commissioner of Public Works or his/her designate. It is anticipated that the Region's recycling and other programs and related requirements will continue to evolve as new methods and Materials emerge. These changes will be implemented on an "As Designated" basis.
 - 1.5 "Blue Box" means a container available from the Region or approved alternative as set out in Section 8 of this By-law or As Designated, used to set out Blue Box Material for collection.
 - 1.6 "Blue Box Material" means recyclable Material that is collected under the Blue Box Program. The Material includes:

- (a) empty glass bottles, jars and lids/caps (lids/caps must be removed), including all glass containers which previously contained a food or beverage product;
- (b) empty metal food and beverage cans, including all hard shell steel or aluminum containers which previously contained a food or beverage product;
- (c) empty metal paint cans and lids (lids must be removed and a thin layer of dry residue are acceptable);
- (d) clean aluminum foil meaning food wrap, food packaging and kitchenware such as pie plates made from a thin sheet of aluminum;
- (e) empty plastic containers and packaging which previously contained a food or consumer product, including Polyethylene Terephthalate (PETE #1) bottles and containers; High Density Polyethylene (HDPE #2) tubs and lids, or bottles; Polyvinyl Chloride (PVC #3); Low Density Polyethylene (LDPE #4) plastic tubs and lids; Polypropylene (PP #5) plastic bottles, tubs and lids; Polystyrene (PS #6) containers and rigid foam packaging; and Polycarbonate mixed plastic (PC #7);
- (f) empty gable-top cartons (e.g. milk and juice cartons) and aseptic packaging (e.g. juice boxes);
- (g) empty spiral wound containers (e.g. frozen juice or potato chip containers) with metal lids bottoms and paper sides;
- (h) empty metal aerosol cans (lids and caps must be removed); and
- (i) other Material As Designated.

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

1.8 "Bulky Goods" means large household items which are Collectable Material that cannot fit into a normal Garbage Container and may be overweight (excluding construction/demolition Material). Some examples include, but are not limited to, the following:

- (a) artificial Christmas trees;
- (b) box spring, mattress, and bed frame;

- (c) carpet or rugs in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
 - (d) couches, sofa, chair;
 - (e) floor lamps;
 - (f) furniture (for example, tables, cabinets, dressers);
 - (g) glass shards packaged in cardboard box labelled "glass";
 - (h) large toys;
 - (i) pool cover and solar blankets in compact rolls/bundles not exceeding 1.5 metres (4.5 ft) in length and 0.76 metres (2.5 ft) in diameter and tied;
 - (j) toilets or sinks that are individual and not part of construction and demolition;
 - (k) other collectable Material that cannot fit in a garbage container;
 - (l) water softening units; and
 - (m) other household items, as designated by the Region.
- 1.9 "By-law" means this by-law and any schedule(s) and/or appendices to this By-law as they may be amended from time to time.
- 1.10 "Cart" means a container available from the Region or approved alternative as set out in Section 8, 10 and 11 of this By-law or As Designated, used to set out Blue Box, Grey Box or Green Bin Material for Types B-F Premises as set out in Schedule "A" to this By-law.
- 1.11 "Care and Control" means Material shall be deemed to have been within the care and control of a Person at a point in time if the Material included any Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:
- (a) mail and other paper products bearing the name, address or other identifying characteristics typically associated with that Person;
 - (b) Material that can on a balance of probabilities be shown to have been purchased by that Person;

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

- 1.21 "Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region.
- 1.22 "Electrical and Electronic Equipment (EEE)" means electrical and electronic equipment that, (a) is designed for use with an electrical current and a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current, (b) weighs no more than 250 kilograms, and (c) is not intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location, as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment under the *Resource Recovery and Circulate Economy Act, 2016*, S.O. 2016, c.12, Sched. 1, or any successor legislation, including but not limited to the following:
- a) computers;
 - b) printers (desktop and floor-standing), including printer cartridges;
 - c) video gaming devices;
 - d) telephones, including cellular phones;
 - e) display devices;
 - f) radios and stereos, including after-market vehicle stereos;
 - g) headphones;
 - h) speakers;
 - i) cameras, including security cameras;
 - j) video recorders;
 - k) drones with audio or visual recording equipment;

- l) peripherals and cables used to support the function of information technology, telecommunications and audio visual equipment, including charging equipment;
 - m) parts of information technology, telecommunications and audio visual equipment sold separately, such as hard drives;
 - n) handheld point-of-sale terminals or devices; and
 - o) musical instruments and audio recording equipment.
- 1.23 "Eligible Property" means a Premises of Types A, B, C, D, E or F as set out in Section 13 and Schedule "A" to this By-law where:
- (a) container limits set out in Schedule "A" can be abided by in the normal course of waste generation activity;
 - (b) the Owner(s) of the Premises are in compliance with this By-law; and
 - (c) the only Material set out for collection is Material generated on that Premises.
- 1.24 "Environmental Protection Act" means the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation.
- 1.25 "Friendly Reminder" and "Final Friendly Reminder" means a written notice by the Region, in a form similar to that set out in Schedule B to this By-law or As Designated, which is delivered to an Owner, or left in a visible location, which can be readily seen at the Premises, or in a mailbox, to address Non-Compliance.
- 1.26 "Garbage" means all non-hazardous, solid, residual waste which, for purposes of collection or drop-off at a Regional Drop-Off Location, does not fall within a recyclable class of Material as set out in Subsection 3.1(a) or elsewhere in this By-law and such other Material As Designated. It does not include Grass Clippings.
- 1.27 "Garbage Container" means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of Garbage for collection. It does not include cardboard boxes.
- 1.28 "Garbage Exemptions" mean exemptions as set out in Section 13 to the approved Garbage Container limits as shown in Schedule "A".

- 1.29 "Garbage Tag" means a tag that can be purchased from the Region or authorized vendor and affixed and untampered (i.e. torn in half) to the neck of a waterproof bag or on top of the bag situated on the top in the Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule "A" of this By-law can use a Garbage Tag.
- 1.30 "Grass Clippings" means vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns and pastures, which are the cut portions of grass, that are left behind or captured in a grass catcher; but does not include weed-type plants, such as "crab grass", where the whole plant is removed, including its root system.
- 1.31 "Green Bin Container" means a container such as a Green Bin, Carts or the smaller Kitchen Catcher available from the Region, or other rigid reusable closed or open-top container clearly labelled with handles used for storing and setting out Green Bin/Cart Material.
- 1.32 "Green Bin Material" means compostable organic Material collected under the Green Bin program As Designated by the Region, including but not limited to food waste (such as meat, bones, shells, tea bags), pumpkins, tissue paper, paper towels and napkins, paper egg cartons, 100% compostable paper cups and plates, dryer lint, soiled newspaper, cold fireplace ashes, brown paper bags, saw dust, wood shavings, paper takeout trays, kitty litter and Pet Waste. It does not include Grass Clippings or Liquid Material.
- 1.33 "Grey Box" means a container available from the Region or approved alternative as set out in Section 11 of this By-law or As Designated, used to set out Grey Box Material.
- 1.34 "Grey Box Material" means recyclable Material that is collected as part of the Grey Box Program. The Grey Box Material(s) include(s):
- (a) soft-covered books and hard-covered books with the covers removed;
 - (b) boxboard (non-waxed, such as cereal and cracker boxes);
 - (c) cardboard (non-waxed);
 - (d) fine paper and paper envelopes;

- (e) newspapers and unaddressed ad mail and flyers;
 - (f) plastic bags and stretchy plastic outer-wrap including but not limited to plastic grocery and retail bags, outer-wrap from such things as empty bread bags, empty produce bags, toilet paper and paper towel packaging, empty and clean milk bags and dry cleaner bags. Plastic bags and stretchy plastic outer-wrap must be stuffed into one bag and securely tied;
 - (g) shredded paper placed in a securely-tied, transparent plastic bag;
 - (h) telephone books and magazines, including catalogues and all glossy publications; and
 - (i) other Material As Designated.
- 1.35 "Household Hazardous Waste Drop-Off Depots" means those locations as noted on the Region's website, which may be updated from time to time, but which includes:
- (a) Niagara Road 12 Landfill;
 - (b) Humberstone Landfill;
 - (c) Thorold Yard Household Hazardous Waste Drop-Off Depot, and
 - (d) Bridge Street Drop-Off Depot.
- 1.36 "Illegal Dumping" means the disposing of Material in Non-Designated Areas, including both Public Property and Regional Property, but does not include Litter.
- 1.37 "Large Rigid Plastic" means hard plastic items that do not fit into a Blue Box for Curbside Collection such as but not limited to buckets, pails, pots, crates, trays, baskets, totes, toys, pools, furniture, chairs and car seats with no other parts, metal or Material attached. Large plastic items does not include plastic coolers, piping, siding or any plastic that also contain or have attached any wood, metal, insulation, rubber and non-plastic components.
- 1.38 "Leaf and Yard Material" means leaves, weeds, trimmings, flowers, small twigs less than 1.5 cm in diameter and other Material As Designated, but does not include Grass Clippings, Brush, soil, dirt, roots, rocks, logs, stumps or sod.

- 1.39 "Leaf and Yard Container" means reusable, rigid containers, paper bags or certified plastic compostable plastic bags As Designated by the Region. It does not include cardboard boxes or non-compostable plastic bags.
- 1.40 "Litter" means debris, refuse, or Material(s) disposed of in non-designated areas, discarded outside the regular Collection Point, or lying scattered about the area.
- 1.41 "Liquid Material" means Material which is not solid and which exhibits evidence of free water, or other liquids, whether or not contained.
- 1.42 "MPAC" means the Municipal Property Assessment Corporation.
- 1.43 "Material" is the broadest categorization of all that a Person or Owner wishes to dispose or recycle either through public collection or at a Regional Drop-Off Location. Subcategories of Material for collection are Collectable Material, including Recyclables and Non Recyclables, to be prepared according to the class instructions in this By-law, and excluded Non-Collectable Material. Any Material may also be Non-Compliant because of its content or preparation. Subcategories of Material for drop-off at Regional Drop-Off Locations are Acceptable Material, to be prepared according to the category instructions in this By-law, and excluded Unacceptable Material.
- 1.44 "Multi-Purpose Property" means a single property as defined by MPAC and/or contained in applicable Site Plan Conditions, housing multiple Premises types.
- 1.45 "Niagara region" and "Niagara" means the geographic area within The Regional Municipality of Niagara.
- 1.46 "Non-Collectable Material" means Material forbidden, prohibited and not acceptable for Curbside collection pursuant to this By-law including:
 - (a) hazardous waste which is corrosive, flammable, toxic, explosive or biomedical, or as defined in Ontario Regulation 347: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
 - (b) prohibited Material, as defined under the *Transportation of Dangerous Goods Act*, 1992, S.C. 1992, c.34, or any successor legislation;

- (c) pathological waste, as defined and regulated in Ontario Regulation 347: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
- (d) solid and liquid waste Material or substances which contain or could contain pathogen bacteria or micro-organisms that may be hazardous or dangerous;
- (e) motor vehicles or automotive parts;
- (f) live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material, which has been drained of all liquids;
- (g) septic or holding tank pumpings or raw sewage;
- (h) Material of any kind or nature that may be explosive or combustible or may cause fire including hot coals, ashes, oil-soaked or gasoline soaked rags, papers, cloths or similar Material;
- (i) gaseous, semi-liquid or liquid waste including liquid industrial waste as defined in Ontario Regulation 347: General – Waste Management, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or any successor legislation;
- (j) sealed metal drums or barrels;
- (k) other Material as prohibited in any relevant Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks under the relevant legislation;
- (l) sharps;
- (m) construction, renovation or demolition Material, including windows;
- (n) grass clippings;
- (o) Electrical and Electronic Equipment (EEE), as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment, under the *Resource Recovery and Circular Economy Act, 2016*, S.O. 2016, c.12, or any successor legislation;

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

- (b) the Person for the time being managing or receiving the rent from Premises, which is subject to this By-law, whether on the Person's own account or as agent or trustee of any other Person or who would receive the rent if the Eligible Property was let; and
- (c) a Person who is a lessee or occupant or tenant of the Premises who in their capacity as lessee or occupant manages or is in charge or control Premises, which is subject to this By-law.

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

- 1.51 "Person" includes a partnership, an unincorporated association, a corporation, a cooperative society or a cooperative organization, the successors of a partnership, of an association, of a corporation, of a society or of an organization and the heirs, executors, liquidators of the succession, administrators or other legal representatives of a Person.
- 1.52 "Pet Waste" means animal excrement/droppings generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, kept in kennels and/or breeders, and including kitty litter, wood shavings and other natural pet bedding, newspaper cage liners, feathers, and fur, whether separate or intermingled with such excrement/droppings, but does not include animal excrement generated by horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals.
- 1.53 "Premises" means land and buildings combined in the geographic area of Niagara region or a part of such land and buildings combined in the case of land and buildings which contain multiple self-contained units with respect to which a Person is considered an Owner. Premises shall be categorized by type in accordance with the definitions contained in Schedule "A".
- 1.54 "Private Property" means any land or building that is registered to a Person on title in the Land Registry Office or Land Titles Division, as the case may be, that is not owned by an Area Municipality in the Region, a Conservation Authority, a Local Board, the Region, or the Crown in Right of Ontario, the Crown in Right of Canada or any emanations thereof, unless it is leased to a person or corporation not listed above.
- 1.55 "Public Property" means any land or building that is owned by an Area Municipality, an Agency, Board and Commission, the Region, or the Crown

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

- 1.56 "Public Space Litter/Recycling Bin" means a container that is placed in a public area for use by general public for the purpose of holding litter that has been thrown away by public space users. The bins are not intended for Materials that have been privately generated by a business or residence or Non-Collectable Material.
- 1.57 "Region" or "the Region" means The Regional Municipality of Niagara or an authorized representative of The Regional Municipality of Niagara, including a Regional Drop-Off Location site attendant, a contractor or its employee, or a by-law enforcement officer, as appropriate in the context.
- 1.58 "Regional Drop-Off Location" means a temporary or permanent location set up by the Region for drop-off of Material including but not limited to waste, recyclables, compost, or household hazardous waste.
- 1.59 "Regional Property" means all property, including lands and buildings, owned, leased, rented, controlled and/or managed by the Region, within the geographic area that is Niagara.
- 1.60 "Registered Charities" are charitable organizations, public foundations, or private foundations that are created and reside in Canada and have been issued a charitable registration number by the Canada Revenue Agency (CRA). They must use their resources for charitable activities and have charitable purposes in one or more of the following: the relief of poverty, the advancement of education, the advancement of religion, or other purposes that benefit the community. To receive exemption under Section 13.8 of this By-law, the Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage.
- 1.61 "Scavenge" means the unauthorized removal of Materials that have either been placed out for collection, or in the location where the container (containerized waste/carts) is stored and filled before being moved to the collection location.
- 1.62 "Set Out Service" means the provision of onsite service, as approved by the Region, for Owners living in Type A Premises as listed in Schedule "A" to this By-law and who are unable to physically carry their Garbage, Blue/Grey Box Materials and Green Bin Material to the curb for Curbside collection. Set Out Service only includes Garbage, Blue/Grey Box and Green Bin

Material. Set Out Service does not include Leaf and Yard Material, Bulky Goods, Brush, or any other excluded items, As Designated by the Region.

- 1.63 "Sharps" means blades, needles, syringes, including safety engineered needles, laboratory glass, or other Materials capable of causing punctures or cuts.
- 1.64 "Site Plan Conditions" means comments and conditions provided by the Region during the site plan, subdivision plan or condominium application process pursuant to the Region's Policy C-A-002 "Requirements for Waste Collection".
- 1.65 "Unacceptable Material" means Material which is not accepted at a Regional Drop-Off Location. Unacceptable Material includes:
- (a) any dangerous and hazardous Material such as poisons, hot live ashes, caustics, acids, pesticides, herbicides, radioactive Material, industrial process sludge, biomedical waste, or substances which may cause personal or environmental problems with the exception of the Household Hazardous Waste categories as set out in Section 26;
 - (b) ammunition;
 - (c) reactive chemical waste;
 - (d) liquid waste with the exception of certain Household Hazardous Waste categories as set out in Section 26;
 - (e) pathological waste with the exception of sharps, which are collectable at Household Hazardous Waste Drop-Off Depots only;
 - (f) sludge from septic tanks or seepage;
 - (g) highly flammable, volatile, explosive, reactive or radioactive Materials with the exception of certain Household Hazardous Waste categories as set out in Section 26;
 - (h) leachate toxic waste;
 - (i) PCB waste;
 - (j) carcasses of dogs, cats, fowl and other such creatures, or parts thereof;

- (k) live animals or birds;
- (l) human excrement;
- (m) steel and plastic barrels, unless the lid is removed and the barrel is empty and dry;
- (n) automotive parts, not including automobile tires or small automotive parts;
- (o) waste with excess liquid accumulated in the load or Material that fails a slump test;
- (p) asbestos not prepared as set out in Section 28;
- (q) organic Material which has decomposed under anaerobic conditions; and
- (r) other Material As Designated.

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

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

PART II - COLLECTION SERVICES

2. General Collection Provision

2.1 The Region provides collection of all Collectable Material from Eligible Properties in the Region according to the terms of this By-law and subject to other terms As Designated.

2.2 The Region also provides enhanced services as requested, approved and funded by local municipalities.

- 2.3 No Owner shall be eligible for collection unless the Owner complies with this By-law and other terms As Designated.
 - 2.4 The Region may retain a contractor or contractors to fulfill the Region's responsibilities under this By-law.
 - 2.5 If, due to breakdown of equipment, strike, inclement weather, or any other cause, waste collection is not provided to an Eligible Property, the Region shall not be liable to any Person for any damages, costs, loss or expenses of any kind due to the failure of such waste collection to take place.
3. Classes of Collectable Material
- 3.1 The Classes of Collectable Material are:
 - (a) Recyclable Material:
 - i. Blue Box Material;
 - ii. Brush;
 - iii. Christmas Trees;
 - iv. Green Bin Material;
 - v. Grey Box Material;
 - vi. Leaf and Yard Material; and
 - vii. Other recyclable Material As Designated.
 - (b) Non-Recyclable Material:
 - i. Bulky Goods;
 - ii. Garbage; and
 - iii. Other non-recyclable Material As Designated.
 - 3.2 All other Material is Non-Collectable Material and is not to be placed out for collection.

4. Separate According to Class and Class Provisions

- 4.1 If collection service is available to an Eligible Property for any of the above Classes, then the Material which an Owner sets out for collection must be separated according to Class.
- 4.2 Every Owner shall prepare Collectable Material according to the provisions in Sections 5 through 13 of this By-law relevant to each Class of Material.

5. Brush

- 5.1 Brush shall be set out for collection in accordance with the schedule of collection days As Designated and:
 - (a) shall be packaged in bundles where each individual piece of Material shall not exceed 7 cm (2.8 inches) in diameter and where each bundle shall not exceed:
 - i. a size of 1.5 m (5 feet) in length by 0.5 m (1.6 feet) in diameter; and
 - ii. a weight of 22.7 kg (50 pounds); and
 - (b) if collected on the same day as other Material, shall be clearly separated from any other class of Material set out for collection.
- 5.2 Brush is only collectable from a Type A Premises as defined in Schedule "A" to this By-law. Further information on the collection of Brush is available from sources noted in Section 53 of this By-law.

6. Bulky Goods

- 6.1 Bulky Goods are only collectable from a Type A Premises as defined in Schedule "A" to this By-law. Further information on the collection of Bulky Goods is available from the sources noted in Section 53 of this By-law.
- 6.2 Bulky Goods set out for Curbside collection:
 - (a) shall be in a contained state neatly placed at the Curbside;
 - (b) shall not be stacked;
 - (c) shall not have Material stacked or loose set on top of Bulky Goods;

- (d) shall be dismantled if possible;
 - (e) shall not include Construction, Renovation and Demolition Material;
 - (f) must be of a weight and dimension to be able to fit into the collection vehicle in a safe and efficient manner, As Designated by the Region; and
 - (g) limit of four (4) items per collection per Eligible Property.
- 6.3 The Owner must arrange in advance with the Region's collection contractor for the scheduled collection of Bulky Goods As Designated. Information on how to schedule collection is available from the sources noted in Section 53 of this By-law.
- 6.4 Contaminated items (e.g. mattresses with bed bugs), as determined by the Region, must be wrapped in plastic to be eligible for pick up.
- 6.5 Artificial Christmas Trees shall be set out for scheduled collection as Bulky Goods.
- 6.6 Collectable Material which can fit within a regular Garbage Container should not be disposed of as Bulky Goods, but as Garbage.
- 6.7 Glass shards resulting from broken mirrors, dishes, picture frames or other household glass, not including windows, are collectable as Bulky Goods if:
- (a) placed in a separate, sturdy, walled container to be collected with its glass shard contents, and secured so as to remain closed and to protect the safety of collection personnel;
 - (b) labelled appropriately (i.e. "Broken Glass"); and
 - (c) large glass pieces (greater than 1.5ft by 1.5ft) must be removed from any bulky item, packaged or wrapped separately in a cardboard, bubble wrap or another approved packaging Material, and appropriately labelled (i.e. "Glass") to protect the safety of collection personnel.
7. Christmas Trees
- 7.1 Christmas Trees shall be set out for Curbside collection without wrapping, bagging, tinsel, lights or any other decorations, in accordance with the schedule of collection days and times As Designated. Further information

on the collection of Christmas Trees is available from the sources noted in Section 53 of this By-law.

7.2 Christmas Trees are only collectable from Type A Premises, as defined in Schedule "A" to this By-law.

7.3 No Owner shall set out a Christmas Tree unless it, or segments cut from it, are less than 3 metres (10 feet) in length and free of all accessories, decorations and plastic wrap. No Artificial Christmas Trees, wrapped or bagged trees, will be collected for this purpose. Refer to Section 6, Bulky Goods, for the collection of Artificial Christmas Trees.

8. Blue Box Material

8.1 Blue Box Material shall be set out for collection according to the following requirements:

(a) Blue Box Material must be packaged as follows:

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

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

- i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
- ii. not exceeding a weight (of container and Material together) of 22.7 kg (50 pounds); and

- iii. Carts for Type B-F Premises are exempt from 8.1 (b) (i) and (b) (ii); and
 - iv. be of sufficient quality to withstand normal collection activities and use; and
 - v. for Blue Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and
 - (c) contents shall not exceed the limits of the top of the Blue Box container; and
 - (d) must be clearly separated from any other class of Material set out for collection on the same Premises.
- 8.2 Blue Box Material that is loose or not packaged as outlined above may not be collected.
- 8.3 Further information on the collection of Blue Box Materials is available from the sources noted in Section 53 of this By-law.
9. Leaf and Yard Material
- 9.1 Leaf and Yard Material shall be set out for Curbside collection:
- (a) packaged in rigid, reusable containers or compostable paper bags or certified compostable plastic bags As Designated:
 - i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
 - ii. for Leaf and Yard Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and

- iii. be of sufficient quality to withstand normal collection activities and use; and
 - iv. be clearly identifiable as Leaf and Yard Material from the collection vehicle with the use of labels, or an open-top container; and
 - (b) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.
- 9.2 Non-compostable plastic bags (without a 'Biodegradable Products Institute' (BPI) logo or '100% Compostable' logo) or cardboard boxes are not permitted.
- 9.3 Leaf and Yard Material is only Collectable from Type A Premises as defined in Schedule "A" to this By-law.
- 9.4 Further information on the collection of Leaf and Yard Material is available from the sources noted in Section 53 of this By-law.
- 10. Green Bin Material
 - 10.1 Green Bin Material shall be set out for Curbside collection packaged:
 - (a) in a Green Bin Container available from the Region or other suitable containers in accordance with section 10.1 (c) packaged in:
 - i. Compostable plastic bags with BPI logo or 100% Compostable logo;
 - ii. Paper bags;
 - iii. Wrapped in newspaper; and/or
 - iv. Placed directly into the Green Bin container in a loose fashion.
 - (b) in a Cart only for Type B-F Premises as set out in Schedule "A" to this By-law for; or
 - (c) in other containers labelled "Organics":
 - i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the

opening; and no width exceeding a size of up to 61 cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and

- ii. not exceeding a total weight (of container and Green Bin Material together) of 22.7 kg (50 pounds); and
 - iii. which are equipped with handles; and
 - iv. be of sufficient quality to withstand normal collection activities and use; and
 - v. Carts are exempt from section 10.1 (c) i-iii; and
- (d) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

10.2 Small amounts of Leaf and Yard Material including weeds, garden Material, trimmings, and twigs smaller than 1.5 cm (0.5 inches) in diameter and no longer than 30.5 cm (12 inches), excluding Grass Clippings, are permitted as Green Bin Material.

10.3 Pet Waste and kitty litter shall be either bagged using small certified compostable plastic bags As Designated, paper bags or completely wrapped in newspaper before being placed in the Green Bin/Cart or other labelled container as above.

10.4 Green Bin Material that has a tendency to turn into liquid, as determined by the Region, shall be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material or Material that exhibits evidence of free water, or other liquids, whether or not contained is not permitted in the Green Bin/Cart. The collection service is designed for solid Material.

10.5 Further information on the collection of Green Bin Material is available from sources noted in Section 53 of this By-law.

11. Grey Box Material

11.1 Grey Box Material shall be set out for collection according to the following requirements:

- (a) Grey Box Material must be packaged as follows:

- i. in designated recycling containers (Grey Box) available from the Region; or
 - ii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides to facilitate the lifting and emptying of the said receptacle; or
 - iii. in a Cart only for Type B-F Premises as set out in Schedule "A" to this By-law; or
 - iv. in transparent plastic bags; or
 - v. in a sturdy non-wax cardboard box (box will be recycled); or
 - vi. in case of cardboard, must bundle together in bundles not exceeding a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); or
 - vii. in the case of flattened cardboard placed inside another cardboard box, which cardboard box must not exceed a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); Loose cardboard must be flattened and tied using twine, packing tape or an approved alternative, in bundles no larger than 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet), and not exceeding a weight of 22.7 kg (50 pounds); or
 - viii. in the case of plastic bags and stretchy plastic outer-wrap, by placing all loose plastic bags or plastic film in one securely tied Plastic Bag (not loose in the Grey Box); and
- (b) Grey Box containers must meet the following requirements:
- i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
 - ii. not exceed a weight (of container and Material together) of 22.7 kg (50 pounds); and

- iii. Carts for Type B-F Premises are exempt from section 11.1 (b) i-ii;
 - iv. be of sufficient quality to withstand normal collection activities and use; and
 - v. for Grey Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the resident prior to collection; and
- (c) contents placed within a Grey Box container shall not exceed 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet); and
 - (d) clearly separated from any other class of Collectable Material on the same Premises.
- 11.2 Grey Box Material that is loose or not packaged as outlined above may not be collected.
- 11.3 Further information on the collection of Grey Box Material is available from sources noted in Section 53 of this By-law.

12. Garbage

- 12.1 Material not included in the other Classes of Collectable Material of this Bylaw shall be set out for collection as Garbage, and
- (a) packaged in a Garbage Container:
 - i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
 - ii. not exceeding a weight (of container and waste) of 22.7 kg (50 pounds); and
 - iii. receptacle, can, bin or other container As Designated must be equipped with handles on two (2) sides; and
 - iv. be of sufficient quality to withstand normal collection activities and use; and

- (b) such that the contents shall not exceed the limits of the top of the Garbage Container; and
- (c) in such a way as to clearly separate it from any other classes of Collectable Material on the same Premises; and
- (d) if required by this By-law, with the relevant Garbage Tag affixed, refer to Section 13.1 (a); and
- (e) containing no other Classes of Collectable Material including but not limited to Leaf and Yard Material, Green Bin Material, Blue Box Material and Grey Box Material and Non-Collectable Material.

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

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

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

13. Collection Limits and Procedure for Garbage Exemptions

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

- (a) An Owner of a Type A self-contained unit may set out additional Garbage Containers provided that each extra Garbage Container has the appropriate Garbage Tag affixed, which Garbage Tag has been purchased from the Region or its authorized vendor; and
- (b) the Garbage Tag shall be affixed:
 - i. untampered to a Garbage Container (i.e. torn in half) to the neck of a waterproof bag or on top of the Materials placed in a Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule "A" of this By-law are eligible to use a Garbage Tag.

Any tampered Garbage Tags will not be accepted and Material will not be collected; and

- ii. in a clearly visible location readily seen upon removal of the container's lid for a non-disposable Garbage Container such as a Garbage can, bin or receptacle. The Garbage Tag shall not be placed directly on the can, bin, handle or receptacle.
 - iii. Information on Garbage Tags is available from the sources noted in Section 53 of this By-law.
- (c) an Owner of Premises may be allowed a Garbage Exemption if they do not also have private Garbage collection services, and subject to application and approval by the Region for the following reasons:
- i. A medical condition that results in the generation of additional Garbage for Type A Premises and group homes, homes for adults with disabilities and homes for assisted living;
 - ii. Type A Premises with one child under the age of four in diapers can apply for collection of one (1) transparent plastic bag of diapers combined with no other collectable Material, to be collected on the week alternate to their regularly scheduled Garbage collection day. These properties are restricted to two Garbage Containers and no additional bag of diapers on their regularly scheduled Garbage collection day.
 - iii. Type A Premises with two children under the age of four in diapers can apply for weekly collection of one (1) transparent plastic bag of diapers combined with no other Collectable Material;
 - iv. Type A Premises with three or more children under the age of four in diapers can apply for weekly collection of two (2) transparent plastic bag of diapers combined with no other Collectable Material;
 - v. Type A Premises operating as an in-home child care provider can apply for weekly collection of two (2) additional transparent plastic bag of diapers combined with no other Collectable Material.

- (d) an Owner of a Type A Premises may set out two (2) additional Garbage Containers during Amnesty Week;
 - (e) an Owner of Type B Premises may set out for collection a maximum of two (2) containers per unit up to a maximum of twenty-four (24) containers every-other week per Premises;
 - (f) an Owner of Type B Premises may set out a maximum of two (2) additional Garbage Container per unit up to a maximum of twenty four (24) additional Garbage Containers per Premises during Amnesty Week;
 - (g) an Owner of Type C-D Premises may set out for collection a maximum of four (4) Garbage Containers weekly;
 - (h) an Owner of Type D Premises may set out four (4) additional Garbage Containers during Amnesty Week;
 - (i) an Owner of Type E and F Premises may set out for collection a maximum of eight (8) Garbage Containers every-other-week;
 - (j) an Owner of Type F Premises may set out eight (8) additional Garbage Containers during Amnesty Week.
- 13.2 The number of Blue Box, Grey Box or Carts which may be collected from different types of Premises shall be as set out in Schedule "A" to this By-law, that is:
- (a) for Type A Premises, an Owner may set out for collection unlimited Blue and Grey Boxes;
 - (b) for Type B Premises, an Owner may set out for collection unlimited Carts with a guideline of one (1) Cart for every twenty (20) units for Blue Box Material and one (1) Cart for every eleven (11) units for Grey Box Material;
 - (c) for Type C, D and F Premises, an Owner may set out for collection unlimited Blue and Grey Boxes or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained;
 - (d) for Type E Premises, an Owner may set out for collection up to a combined total of eight (8) Blue and Grey Carts or the equivalent

number of units as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Boxes, bundles or bags, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.

- 13.3 The number of Green Bin Containers or Carts which may be collected from different types of Premises shall be as set out in Schedule "A" to this By-law, that is:
- (a) for Type A Premises, an Owner may set out for collection unlimited Green Bins;
 - (b) for Type B Premises, an Owner may set out for collection Green Bins or Green Carts on a request only basis in the quantity determined by the Region;
 - (c) for Type C, D and F Premises, an Owner may set out for collection unlimited Green Bins or Carts, but will be subject to review by the Region to ensure that efficient and cost effective services are maintained;
 - (d) for Type E Premises, an Owner may set out for collection up to eight (8) Green Carts or the equivalent number of Green Bins as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Green Bins, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.
- 13.4 In all cases, the Material collected during collection must be Material generated at the self-contained unit for Type A Premises or on the Premises for Type B-F Premises.

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

PART III - COLLECTION RESTRICTIONS AND RESPONSIBILITIES

14. Collection Restrictions and Responsibilities

14.1 No Person or Owner shall set out or permit to be set out:

- (a) Non-Collectable Material; or
- (b) Non-Compliant Material.

14.2 The Owner of Premises shall set out for collection the Classes of Collectable Material at the locations as shown in Section 15, in the manner of, and in accordance with the schedules of collection days As Designated. See Section 53 of this By-law for further sources of schedule and Material preparation information.

14.3 If the Owner of a Premises fails to comply with the responsibilities and requirements as set out in this By-law, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice, either by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail or hand delivered, to the Owner, cease collection from the Premises until such time as the Non-compliance is corrected to the satisfaction of the Region.

14.4 If the Owner of a Premises or a tenant engages in any inappropriate behaviour, riotous, violent, threatening or illegal conduct, or uses profane or abusive language, as determined by the Region, towards Region staff or contractors' staff, the Region may, at the discretion of the Commissioner of Public Works or his/her designate, and upon written notice to the Owner, cease collection from the Premises until such time as the inappropriate behaviour, conduct and/or language is corrected to the satisfaction of the Region.

14.5 The Owner of any Premises receiving collection shall be responsible to ensure that all Persons on the Premises who use or expect to use the Region's collection service receive and follow the instructional information relating to the service provided by the Region.

14.6 The Owner of any Premises receiving collection shall be responsible to ensure that animals such as dogs are secured or tied to ensure safety of collection workers and uninterrupted collection.

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

- 15.3 No Owner shall place Material out for collection at any Premises except at their own Premises.
 - 15.4 No Owner shall permit Material at any time in the Care and Control of that Owner to be located otherwise than on their Premises or in a Collection location permitted by Section 15 of this By-law.
 - 15.5 No Owner shall place Material out for collection on top or behind snow banks. This will ensure the Material can safely be collected and prevent containers from falling behind the snow bank or onto the roadway before or after collection. During winter weather, when snow or snow banks may alter the normal set out location, the Owner shall place the Material:
 - (a) at the end of the driveway next to the snow bank; or
 - (b) in a spot cleared out in the side of the snow bank near the travelled portion of the road.
 - 15.6 Material shall not be collected from inside an enclosure, shed or other structures As Designated, unless otherwise approved by the Region. Enclosures must be placed as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk, unless otherwise approved by the Region. Collection personnel must be able to access Materials from enclosures by opening the enclosure from the front not the top and must be able to remove Materials from the enclosure without any obstruction.
16. Collection Times and Collection Days
- 16.1 Collectable Material shall be set out not earlier than 5:00 p.m. on the day before the designated collection day and not later than 7:00 a.m. on the designated collection day.
 - 16.2 The Owner shall remove all containers, together with any Material that was not collected for any reason, from the Curbside as soon as possible after collection, but not later than 7:00 p.m. on the designated collection day.
 - 16.3 Material left Curbside before and after collection times will be the responsibility of the Owner of the Premises.
 - 16.4 For Designated Business Areas with a designated collection time before noon (12:00 p.m.), Collectable Material shall not be set out earlier than 5:00 p.m. on the day before the designated collection time.

- 16.5 For Designated Business Areas with a designated collection time after noon (12:00 p.m.), Collectable Material shall not be set out earlier than one (1) hour prior to the designated collection time.
- 16.6 From time to time, the Region may define specific collection times other than those referenced above for As Designated areas. The Owner of a Premises in an As Designated area shall set out Collectable Material for collection at the prescribed times and schedule As Designated which will be published or communicated by the Region for the As Designated areas. Publication for purposes of this Section means notice placed on the Region's website at least fourteen (14) days prior to any As Designated changes to collection schedule or area being implemented. Communication by the Region for purposes of this Section means notices given to Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed good and sufficient service, effective upon delivery. Information posters and media releases may be used, in addition to the above publication or communication methods. In the event of an emergency situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.
17. Acceptable Containers
- 17.1 The Owner of Premises shall set out for collection only containers which are:
- (a) maintained in a safe and efficient condition for collection and have handles or indentations to facilitate the lifting and emptying of the said receptacle; and
 - (b) intact, as required, to prevent spillage or breakage during collection; and
 - (c) contained, as required, to prevent the attraction of animals (including insects) and the release of odours; and

- (d) free of excess water, ice and snow or other substances which may interfere with collection. Any Material which has become frozen or stuck to the collection container and cannot be easily discharged will not be collected; or
- (e) approved alternative, as determined by the Region.

18. Uncontained Material

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

19. Ownership

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

20. Requirements for Waste Collection

- 20.1 The Region may enter a Private Property for collection purposes provided that:
 - (a) the Region has determined from time to time that the roadways to be used by collection vehicles on behalf of the Region:
 - i. have been approved for on-site collection during the site plan approval process; and

- ii. have widths, turning radii, means of access, and means of egress meeting or exceeding the requirements of the Region's Policy on Requirements for Waste Collection, as amended from time to time; and
 - iii. have overhead clearance meeting or exceeding the standards prescribed in the *Highway Traffic Act*, R.S.O 1990, Ch. H.8, or any successor legislation; and
 - iv. are clear of snow and ice; and
 - v. provide unobstructed access to the Material to be collected; and
- (b) the Owner of the Private Property and/or development has entered into a written agreement with the Region in the form As Designated and in accordance with policies set by the Region.

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

PART IV- REGIONAL DROP-OFF LOCATIONS

21. Drop-off of Acceptable Material

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

22. Unacceptable Materials

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

22.2 Unacceptable Material includes the following:

- (a) Any dangerous and hazardous Material such as poisons, hot live ashes, caustics, acids, pesticides, herbicides, radioactive Material, industrial process sludge, biomedical waste, or substances which may cause personal or environmental problems with the exception

of the Household Hazardous Waste categories as set out in Section 26;

- (b) Ammunition;
- (c) Reactive chemical waste;
- (d) Liquid waste with the exception of certain Household Hazardous Waste categories as set out in Section 26;
- (e) Pathological waste with the exception of Sharps, which are collectable at Household Hazardous Waste Drop-Off Depots only;
- (f) Sludge from septic tanks or seepage;
- (g) Highly flammable, volatile, explosive, reactive or radioactive Materials with the exception of certain Household Hazardous Waste categories as set out in Section 26;
- (h) Leachate toxic waste;
- (i) PCB waste;
- (j) Carcasses of dogs, cats, fowl and other such creatures, or parts thereof;
- (k) Live animals or birds;
- (l) Human excrement;
- (m) Steel and plastic barrels, unless the lid is removed and the barrel is empty and dry;
- (n) Automotive parts, not including automobile tires or small automotive parts;
- (o) Waste with excess liquid accumulated in the load or Material that fails a slump test;
- (p) Asbestos not prepared as set out in Section 28;
- (q) Organic Material which has decomposed under anaerobic conditions; and
- (r) Other Material As Designated.

23. Acceptable Material

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

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

24. Acceptable Drop-off/Recycling Material

24.1 Acceptable Material for Drop-off includes the following:

- (a) Automobile tires separated from the rims and free of foreign Material and excessive moisture;
- (b) Asphalt and concrete;
- (c) Batteries, either single use alkaline or rechargeable (excludes electric-vehicle batteries or traction batteries);
- (d) Blue Box Material;
- (e) Bulky Goods;
- (f) Clothing for re-use;
- (g) Collectable Material;
- (h) Construction, Renovation and Demolition Material, including drywall, wood, metal, PVC pipe and other building Materials;
- (i) Electrical and Electronic Equipment with personal information removed;
- (j) Garbage;
- (k) Grey Box Material;

- (l) Household items for re-use including small appliances and toys and other such goods;
- (m) Large Rigid Plastic;
- (n) Mattresses up to a maximum of four (4) per load, with the exception of loads delivered by the Region's Collection Contractor;
- (o) Shingles;
- (p) White Goods, and
- (q) Other Material As Designated.

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

25. Acceptable Composting Material

25.1 Acceptable Material for composting includes the following:

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

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

26. Acceptable Household Hazardous Waste Material

26.1 Acceptable Material for Household Hazardous Waste is:

- (a) aerosol cans with contents remaining;
- (b) antifreeze;
- (c) batteries (all types);

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

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

- (a) Must be in the original or clearly labelled container, indicating contents;
- (b) All containers must be capped and sealed;

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

27. Acceptable Landfilling Material

27.1 Acceptable Material for Landfilling is:

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

28. Acceptable Asbestos Preparation and Acceptance Procedures

- 28.1 No Person shall unload or dispose of asbestos at a Regional Drop-Off Location unless such unloading or disposal is in accordance with the conditions set out in this Section.
- 28.2 Any Person dropping off asbestos shall contact the Region at least twenty-four (24) hours prior to delivery of the asbestos to allow for preparation of the Regional Drop-Off Location designated area.
- 28.3 All asbestos must be contained in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the asbestos, or the asbestos Material must be double bagged in two (2) six millimetre polyethylene bags. The container must be free from punctures, tears or

leaks and shall be clearly labelled to indicate the nature of the contents. The external surface of the container and the vehicle used for the transport of the asbestos must be free of asbestos.

- 28.4 During unloading, the packaged asbestos shall be handled individually and care taken to place the packages in the designated area to avoid spillage. This unloading shall be the responsibility of the Person dropping off the asbestos.
 - 28.5 The unloading shall only be done in the presence of the Region to ensure that no loose asbestos or broken containers are unloaded and that no airborne particulate is generated.
 - 28.6 In the event that loose asbestos or broken containers are found, the Person dropping off the asbestos shall repackage the Material with additional containers or bags provided in his/her vehicle.
 - 28.7 The asbestos containers shall be placed directly in the designated area which has been prepared by the Region.
29. Material Requiring Special Handling
- 29.1 Any Person dropping off Material requiring special handling (such as dusty Material) shall contact the Region at least 24 hours prior to delivery to a Regional Drop-Off Location to receive handling instructions from the Region and to allow for preparation of the Regional Drop-Off Location designated area.
 - 29.2 The unloading of the Material requiring special handling shall be the responsibility of the Person dropping it off.
 - 29.3 The Material requiring special handling shall be placed directly in the designated area by the Person dropping it off.
 - 29.4 Material requiring special handling is only accepted Mondays to Fridays, between the hours of 8:30 a.m. and 3:00 p.m.
30. Fees
- 30.1 The Region shall set fees to be paid by Persons for the drop-off of Material at Regional Drop-Off Locations.

30.2 The fees are set out in the Region's Fees and Charges By-law as amended from time to time.

31. Access

31.1 Access to a Regional Drop-Off Location shall be limited to the days and times As Designated by the Region. Days and hours of operation are posted at each permanent location.

31.2 Access to a Regional Drop-Off Location shall be limited to Persons who are:

- (a) commercial haulers who have provided a copy of their Ministry of the Environment, Conservation and Parks Waste Management System Certificate and, when requested by the Region, proof satisfactory to the Region that the Material they bring for drop-off has been generated from within the Region; or
- (b) non-commercial haulers who, upon request, have provided proof of their residency in the Region satisfactory to the Region.

31.3 The Region may further limit access to certain Regional Drop-Off Locations As Designated.

31.4 The Region may specify time schedules and pre-deposit conditions for Persons seeking access to a Regional Drop-Off Location.

31.5 The Region may refuse access to a Person at the Region's discretion if:

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

PART V - REGIONAL DROP-OFF LOCATION RESTRICTIONS AND
RESPONSIBILITIES

32. Drop-off Restrictions

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

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

- (i) no Person shall deposit or allow or cause to be deposited Materials except in bins or disposal areas for such purposes;
- (j) all Persons shall at all times obey all signs and directions of the Region, its site attendants or staff or contractors' staff;
- (k) all Persons shall enter or exit a Regional Drop-Off Location by the designated access and exit routes;
- (l) no Person shall deposit or permit to be deposited Garbage into recycling bins or composting areas;
- (m) no Person shall deposit Recyclable Material including Leaf and Yard Material, Green Bin Material, Blue Box Material, Grey Box Material and/or other Material As Designated into the Garbage area located at the Drop-off/Recycling Depot or in the area designated for Landfilling;
- (n) no Person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty (60) minute period.

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

- (a) On the first occasion of violation of any of the restrictions in Section 32.1 above, a written warning notifying the Person of his/her violation may be issued by the Region; or
- (b) On the first or any subsequent occasion of violation of any of the restrictions in Section 32.1 above, the Person may be charged with an offence under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or as amended, of having violated this By-law, and may also be subject to being refused access to Regional Drop-Off Locations.

33. No Trespassing

33.1 No Person shall unlawfully enter a Regional Drop-Off Location at any time.

33.2 No Person shall unlawfully enter the land strip around the perimeter of a Regional Drop-Off Location (buffer lands) or a Regional Drop-Off Location property during the time that the Regional Drop-Off Location is closed.

33.3 No Person shall enter with or operate an off-road vehicle or bike of any type on any part of a Regional Drop-Off Location and/or the land strip around the perimeter of a Regional Drop-Off Location (buffer lands).

34. Drop-off Responsibilities

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

- (a) drop off only Material acceptable for deposit As Designated;
- (b) comply with all orders or directions given by the Region's site attendants or contractors' staff;
- (c) obey all speed limit signs and other signs posted at a Regional Drop-Off Location;
- (d) separate each type of Material and deposit in areas designated for such Material by the Region;
- (e) unload Material in a safe manner and use extreme caution while unloading;
- (f) remove covers/tarpaulins and/or release turnbuckles on vehicles only in the unloading area and at the direction of the Site Attendants or contractor's staff;
- (g) remove any remaining loose Material from vehicles before leaving the unloading areas;
- (h) close and secure, in a manner acceptable to the Region, all unloading doors with chains or acceptable alternatives before departure from the unloading areas;
- (i) ensure that any child under the age of 12 remain inside the vehicle at all times;
- (j) ensure that children act responsibly at all times when outside the vehicle;
- (k) ensure that animals remain inside the vehicle at all times;
- (l) acknowledge and accept that any Person entering a Regional Drop-Off Location does so at their own risk. The Person and the Owner of any vehicle brought upon a Regional Drop-Off Location agrees to

save the Region, its contractors, agents and employees, harmless from any damages or claims whatsoever to themselves or their property, or to any other Person or property whatsoever, arising from such Person's negligence or failure to comply with their responsibilities as set out in this By-law, As Designated or otherwise;

- (m) not depart from the Regional Drop-Off Location until the relevant fees as set by the Region from time to time are paid in full, whether by cash, debit, or charged to an authorized account;
- (n) conform strictly to all legislative requirements including, in particular, the *Environmental Protection Act*, the *Occupational Health and Safety Act*, R.S.O. 1990, Ch. 0.1, and any other relevant successor legislation, any relevant regulations there under, any relevant Environmental Compliance Approval(s), and any relevant Regional By-laws, Policies, and Procedures; and
- (o) not smoke any substance anywhere on or near a Regional Drop-Off Location.

35. Refusal

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

36. Safe Loads

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

PART VI - FURTHER RESTRICTIONS

37. Illegal Dumping

37.1 **General Prohibition:**

No Person shall dump, drop, sweep, throw, cast or otherwise deposit; or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping, dropping, sweeping, throwing, casting or otherwise depositing any Material whatsoever on or in

any road or Public Property, or at the entrance to or around the perimeter of a Regional Drop-Off Location.

37.2 Prohibition re: Public Space Litter/Recycling Bin:

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

37.3 Prohibition re: Care and Control:

No Person shall permit Material at any time in the Care and Control of that Person to be dumped, dropped, swept, thrown, cast or otherwise deposited by any other Person in contravention of Section 37.1 of this By-law.

37.4 For the purpose of Subsections 15.4, 37.2 and 37.3, Material shall be deemed to have been within the Care and Control of a Person at a point in time if the Material included any Material typically associated with or used by that Person and shall include but is not restricted to the following Materials:

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

38. Scavenging

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

39. Saving Provisions

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

PART VII - ENFORCEMENT

40. Friendly Reminders

- 40.1 To encourage compliance with this By-law, the Region may use Friendly Reminders and Final Friendly Reminders to identify or inform Persons or Owners of Non-compliance.

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

- 41.1 Notwithstanding any other provision of this By-law, no Person or Owner shall be charged with an offense for setting out, or permitting to be set out contrary to this By-law (included specific As Designated areas or collection times or schedules), any Collectable Material for collection where the As Designated provisions have not been published or communicated as set out in Section 16.6 of this By-law.
- 41.2 In addition to the publication and communication of As Designated changes set out in Section 16.6, the Region will issue a minimum of one (1) written

notification to inform the Owner of the As Designated alternate schedule for the As Designated area before any such Owner is charged with an offense as set out above.

42. Enhanced Services

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

PART VIII – OFFENCES, PENALTIES, AND FINES

43. Offences

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

44. Fines – *Provincial Offences Act*

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

45. Fines – *Municipal Act, 2001*

- 45.1 Section 429(1) of the *Municipal Act, 2001*, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*.
- 45.2 Every Person who contravenes a provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, and is liable on conviction to a penalty, where the minimum fine shall not exceed \$500 (save and except the fine for “Illegal Dumping” which carries a minimum fine of \$750), and a maximum fine, shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*.
- 45.3 In the case of a continuing offence(s), every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence, and is liable on conviction, to a penalty not exceeding \$10,000 per day, or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001*.

- 45.4 In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 (save and except the fine for "Illegal Dumping" which carries a minimum fine of \$750) and a maximum fine shall not exceed \$10,000.
 - 45.5 Notwithstanding Section 45.3 and Section 45.4, and in accordance with the provisions of the *Municipal Act, 2001*, the total of all fines for the continuous offences or multiple offences, is not limited to \$100,000.
46. Special Fines
 - 46.1 In addition to the fines in Sections 44 and 45, a special fine is also chargeable and may exceed \$100,000, where an offence of this By-law has been committed and there is evidence that the Person who has committed the offence has achieved an economic advantage or gain from contravening this By-law. The intent of this section is to eliminate or reduce such economic advantage or gain or to deter the Person from further Non-compliance with this By-law.
47. Alternative Set Fine Procedure
 - 47.1 In the discretion of the Region, charges may be laid for offences committed in contravention of this By-law using the certificate of offence set fine procedure set out under Part I of the Provincial Offences Act, R.S.O. 1990, Ch. P.33, or any successor legislation.
48. Order Prohibiting Continuation
 - 48.1 When a Person or Owner has been convicted of an offence under this By-law, and in addition to any other remedy and to any penalty imposed by the By-law including a fine and a remedial action fee as set out in Section 49, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person or Owner convicted.
49. Work Orders
 - 49.1 Where the Region is satisfied that a Person or Owner has failed to comply with any provision of this By-law, and a contravention has occurred, the Region may, by written notice, issue an order requiring the Person or Owner who contravened the By-law, or who caused or permitted the contravention, or the Person or Owner or Occupant of the land on which the contravention

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

49.2 The Order shall set out:

- (a) The municipal address and/ or the legal description of the property or land on which the contravention occurred;
- (b) Reasonable particulars of the contravention adequate to identify the contravention;
- (c) The work to be done and the date by which there must be compliance with the Order.

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

49.4 Any Order issued under this By-law may be given by ordinary mail, registered mail or hand delivered to the address of the Person or Owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed good and sufficient service.

49.5 Where an Order has been served on an Owner/Occupant by personal service or posting a copy on the property, it is deemed to be delivered immediately.

49.6 Where an Order is given by: ordinary mail, it is deemed to have been received three (3) days after mailing; and by registered mail, it is deemed to have been received on date of delivery.

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

50. Remedial Actions

50.1 Where a Person or Owner is in default of an Order, the Region may, without notice and in addition to any other action, cause the work to be done at the Person or Owner's expense. Without limitation, the Region, its employees, agents or contractors may access and remove such Material or carry out the work required to make the property comply with this By-law.

50.2 Any Material removed may be immediately disposed of.

- 50.3 The Region may invoice the Person or Owner for all costs associated with the work done pursuant to Section 46 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees and interest at a rate of fifteen (15%) per cent per annum from the day the Region incurs such costs. The Region may include a minimum disposal charge of one hundred and fifteen (\$115.00) dollars in the event the Material cleaned up is not separately weighed.
- 50.4 Such costs may be charged and enforced separately or in addition to any other enforcement action undertaken pursuant to this By-law, not as an alternative to same.
- 50.5 In the event that a Person or Owner was provided an invoice for costs in accordance with Section 48, and the invoice is not paid by the Person or Owner within sixty (60) days of issuance, the costs may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes in accordance with section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25, as may be amended from time to time.
- 50.6 The amount of the costs constitutes a lien on the land or Premises involved upon the registration in the proper land registry office of a notice of lien.
- 51. Entry for Enforcement
 - 51.1 By-law enforcement officers may enter on private properties or new and redeveloped roadways on private or public properties for the purpose of enforcing this By-law, but may not enter a residential dwelling without the occupant's permission, or unless so authorized by order of a court of competent jurisdiction.

PART IX - GENERAL

- 52. Conflicts of Laws
 - 52.1 Where a provision of this By-law conflicts with a provision of another By-law in force in the Region, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- 53. Schedules
 - 53.1 The Schedules to this By-law form an integral part of this By-law.

54. Further Information on Material Preparation

54.1 More detailed instructions on preparation of Material for collection or drop off at a Regional Drop-Off Location are available on the Region's website at www.niagararegion.ca 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



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

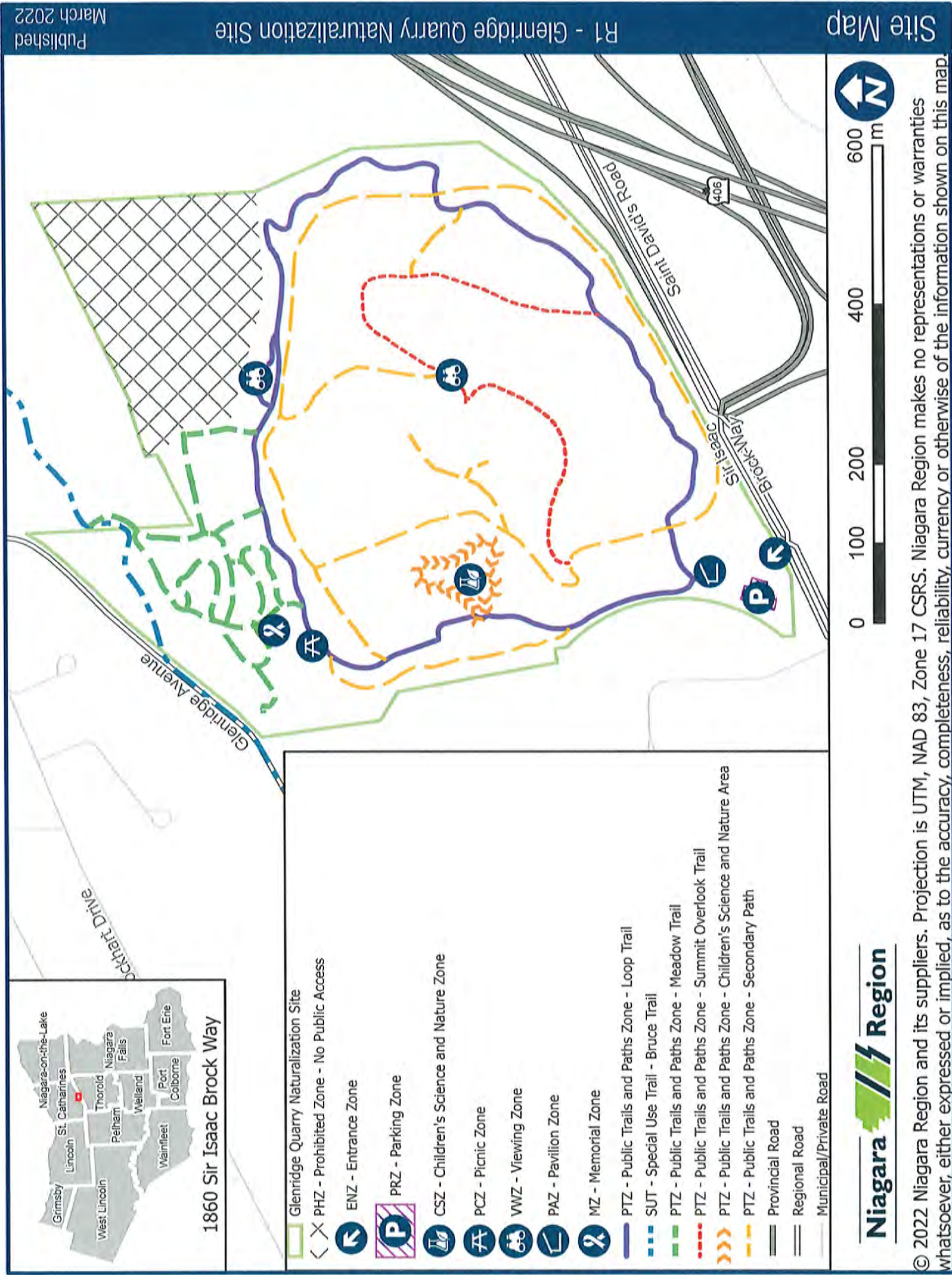
- R1 - Glenridge Quarry Naturalization Site
- R2 - Centre Street Leash Free Dog Park
- R3 - Elm Street Leash Free Dog Park and Naturalization Site
- R4 - Station Road Naturalization Site
- C1 - Mountain Road Landfill Site
- C2 - Quarry Road Landfill Site
- C3 - Line 5 Landfill Site
- C4 - Caistor Road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



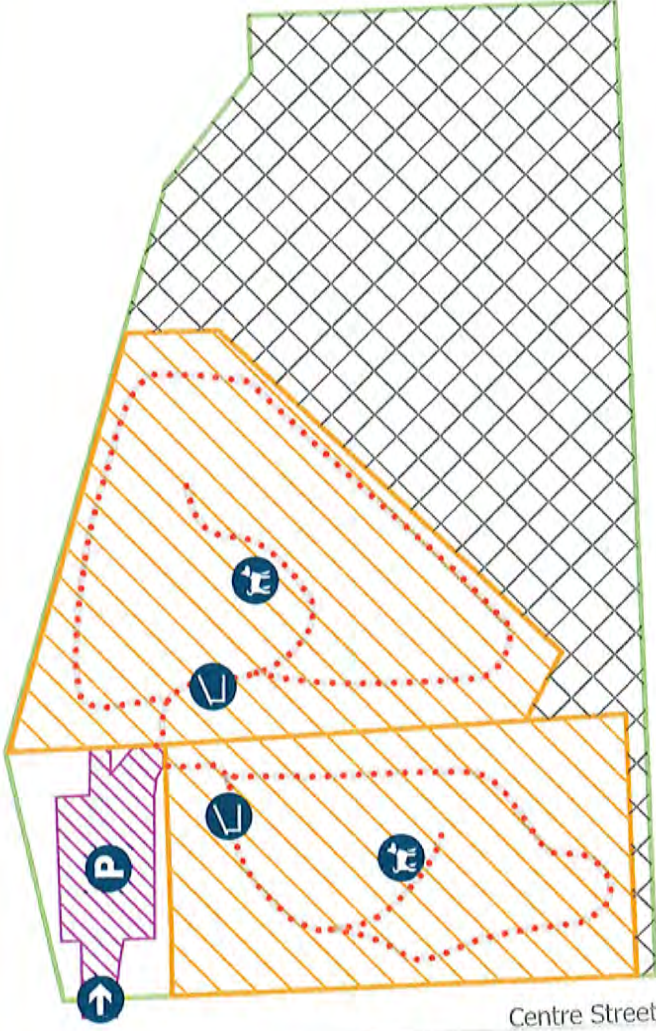
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Closed Landfill and Repurposed Sites By-law

Index Map



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



R2 - Centre Street Leash Free Dog Park

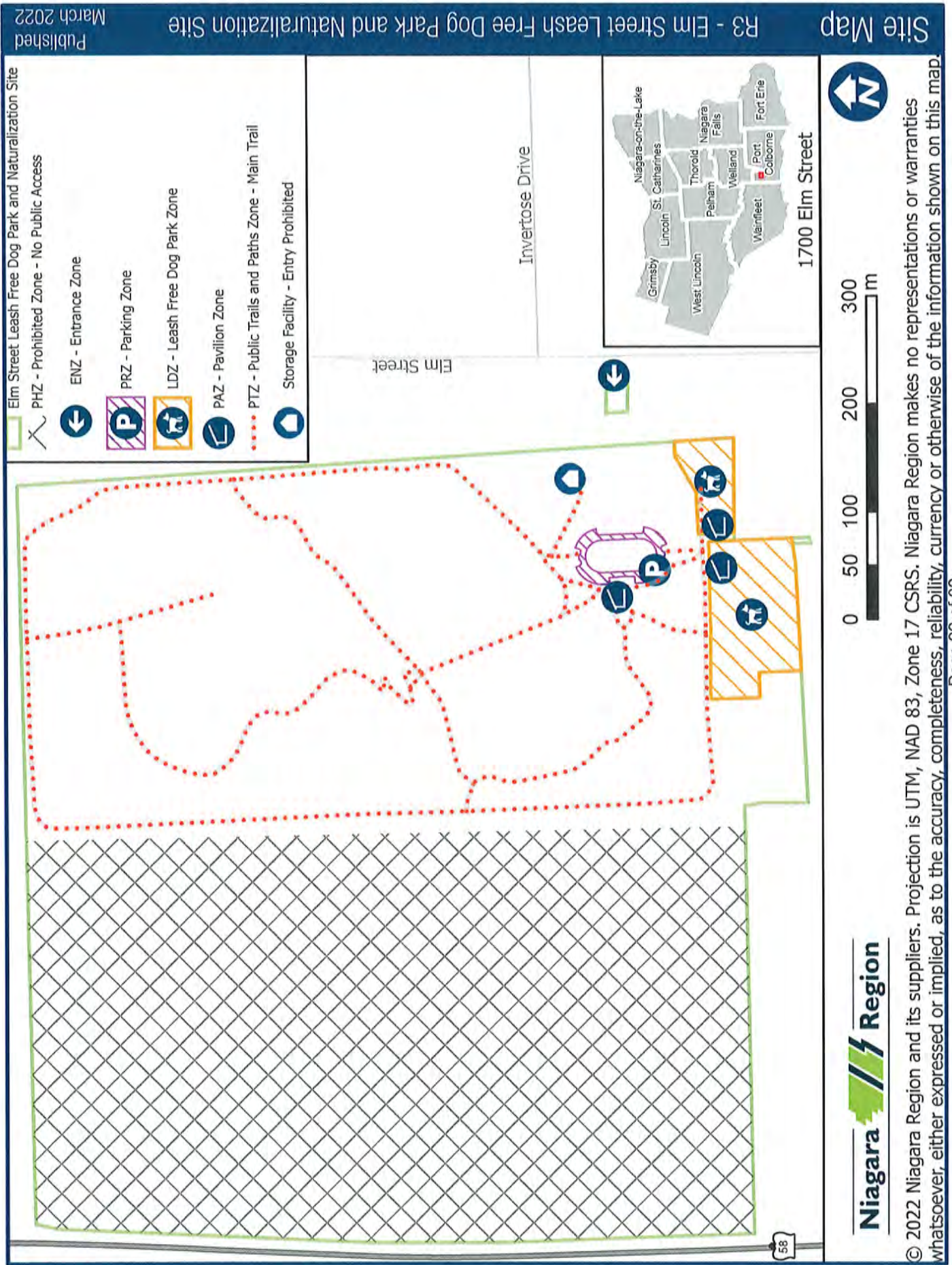


Highway 20 West

1515 Centre Street



Niagara  **Region**



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



2530 Mewburn Road

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



C1 - Mountain Road Landfill Site



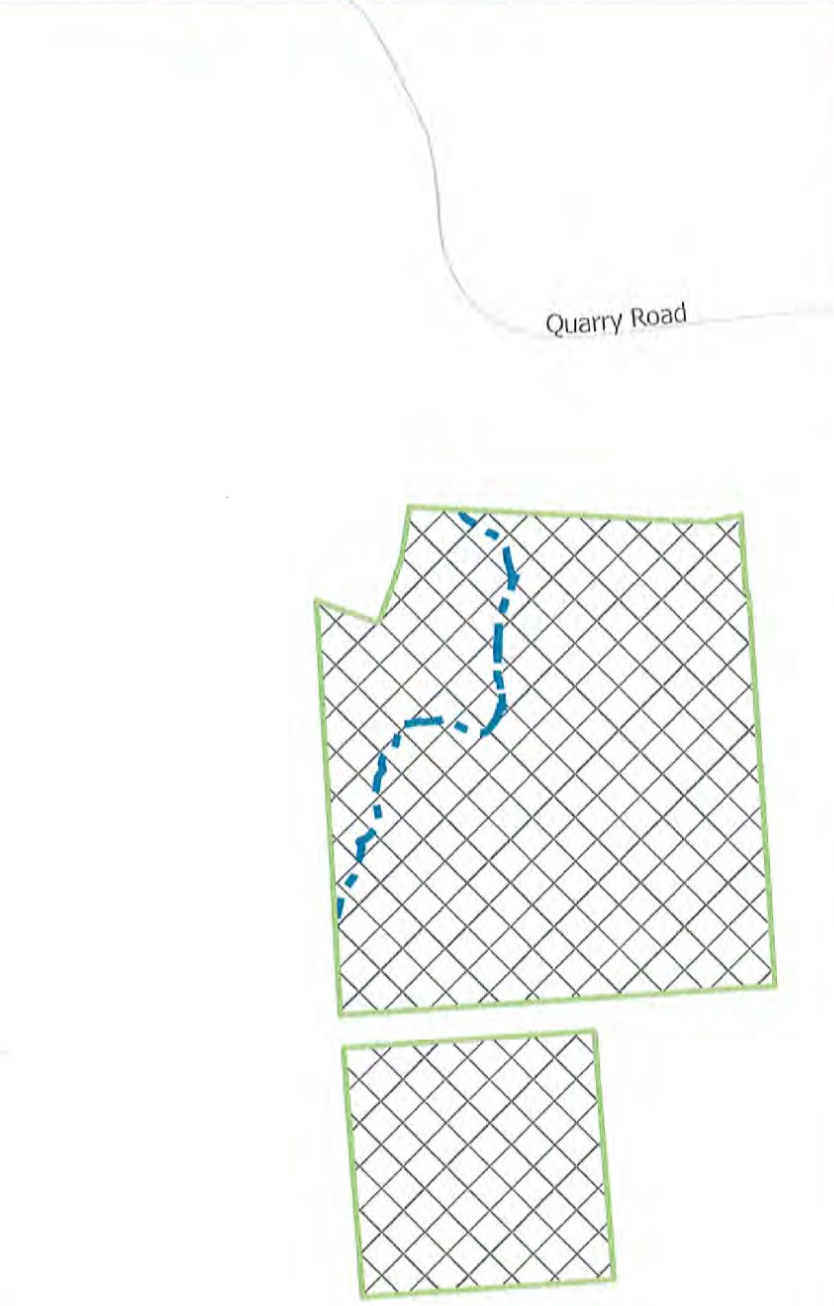
Niagara  **Region**

Site Map



3768 Quarry Road (Rear)

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



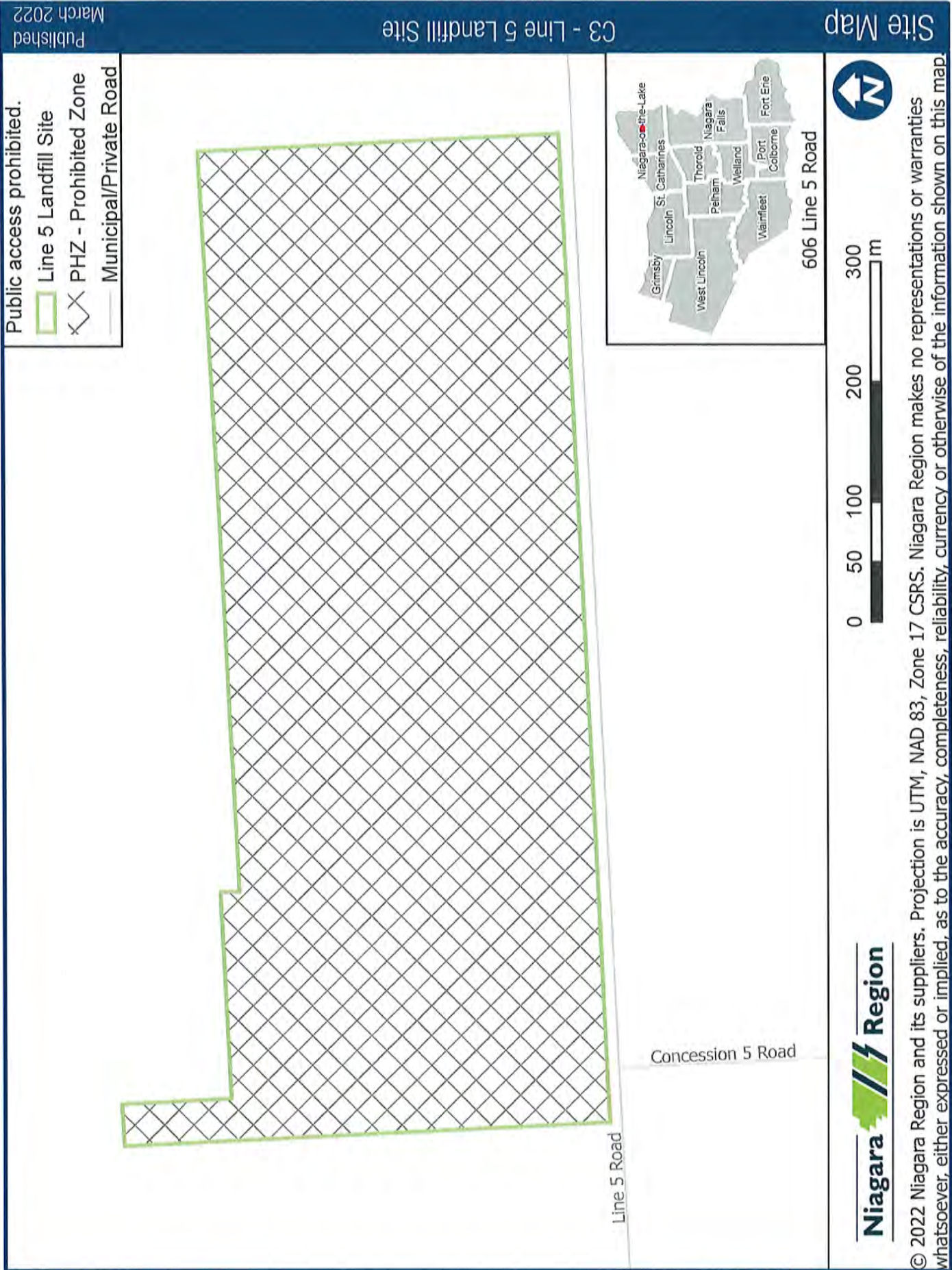
C2 - Quarry Road Landfill Site

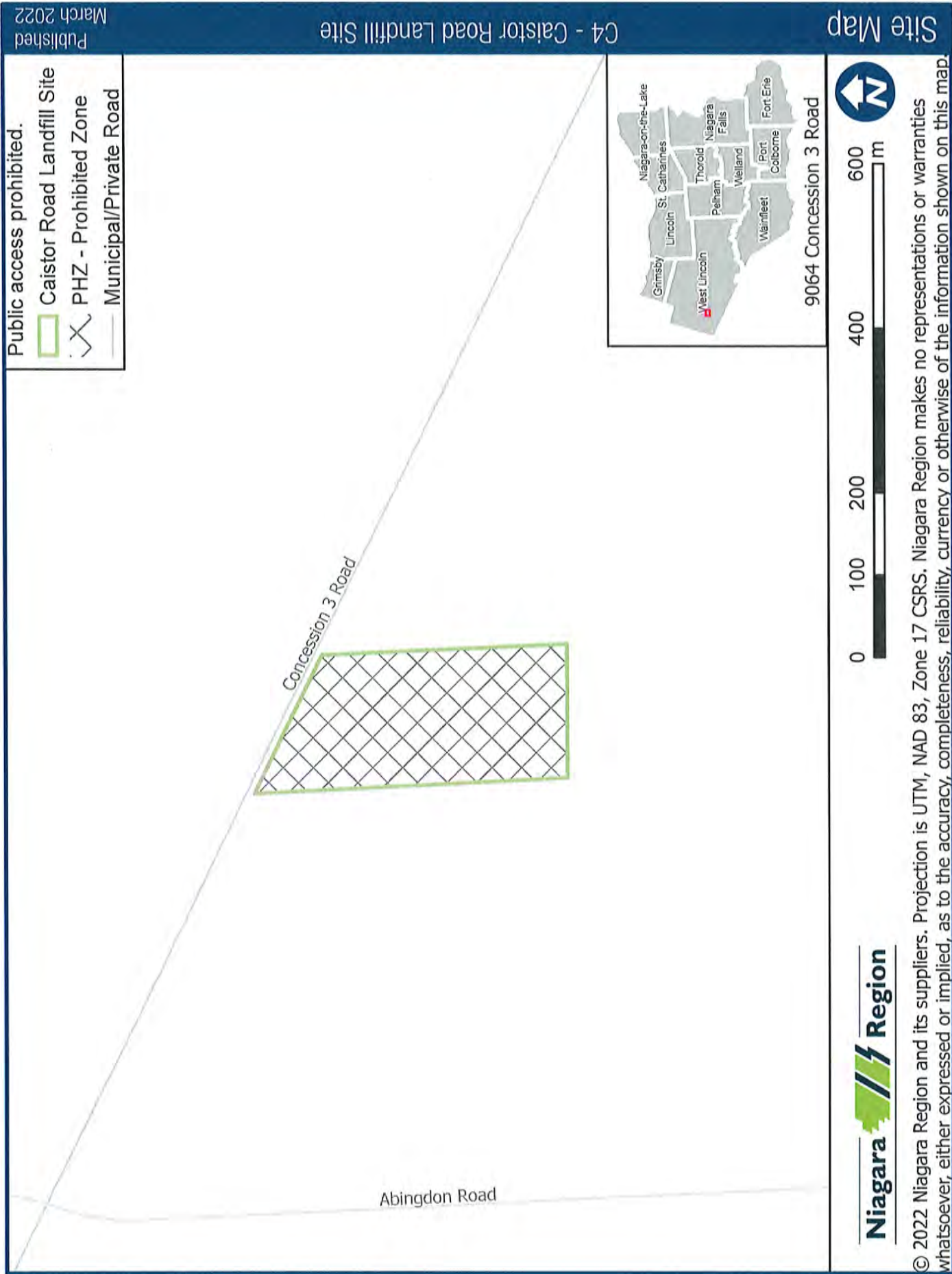
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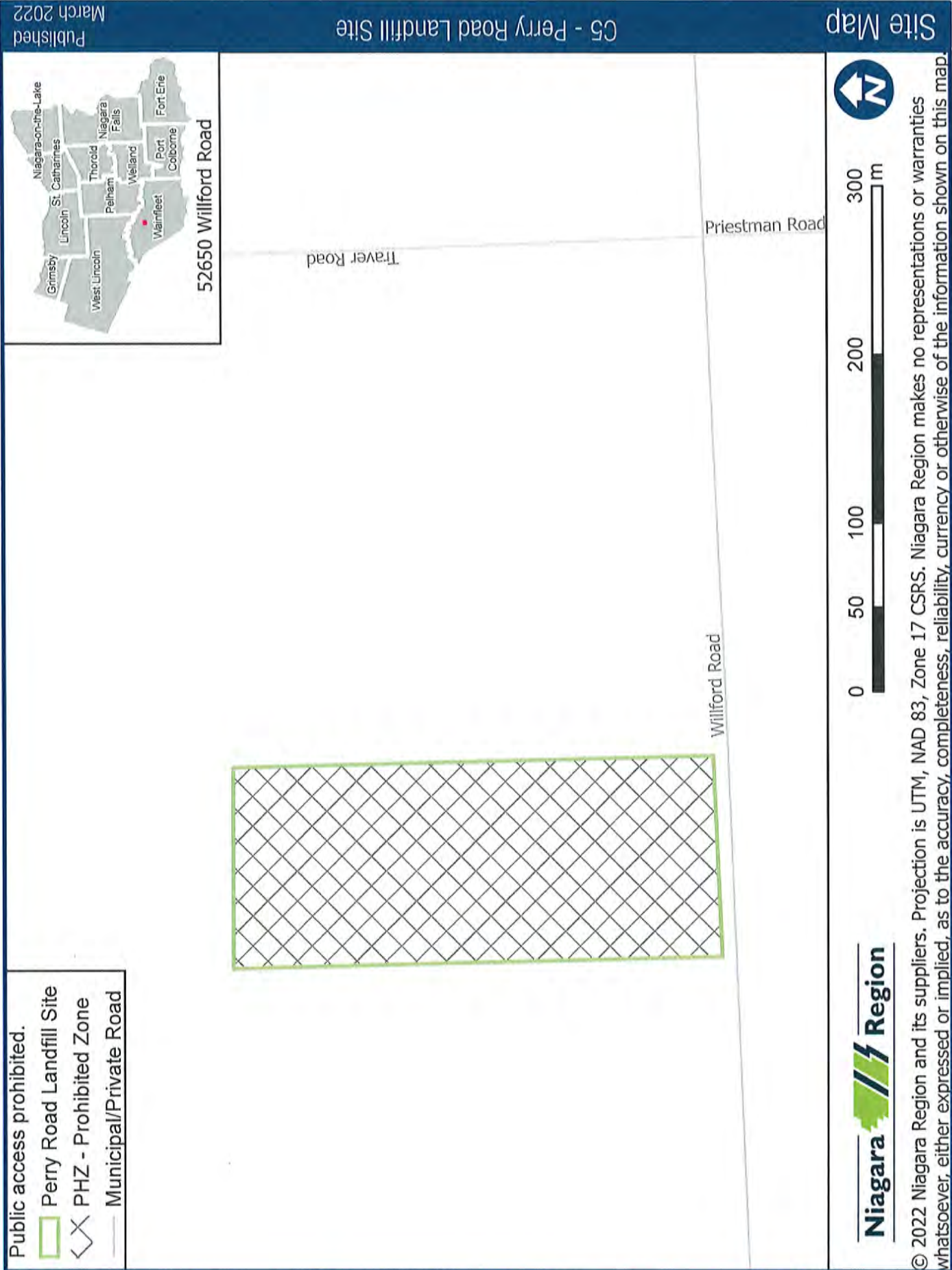
Site Map







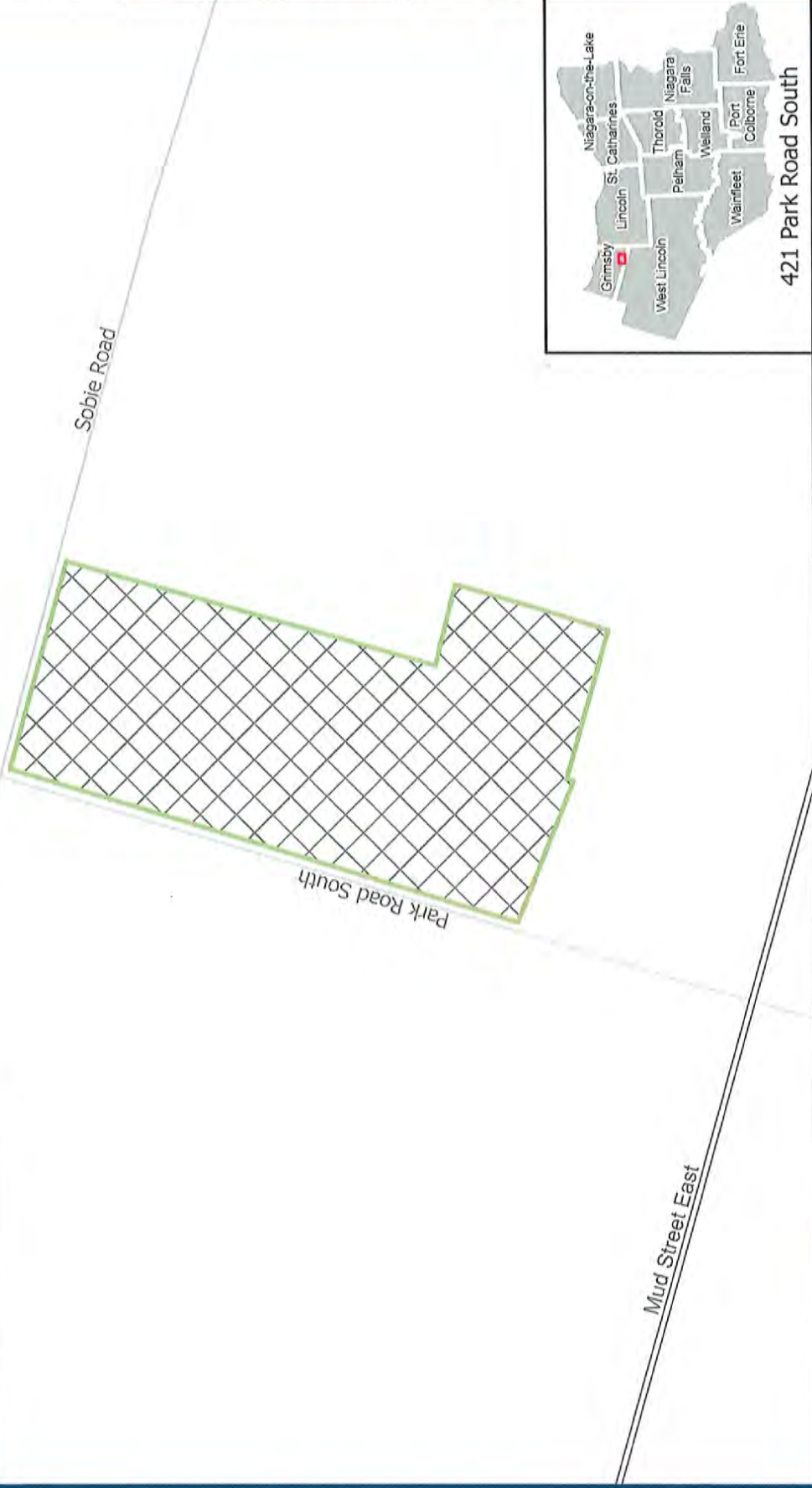
Niagara Region

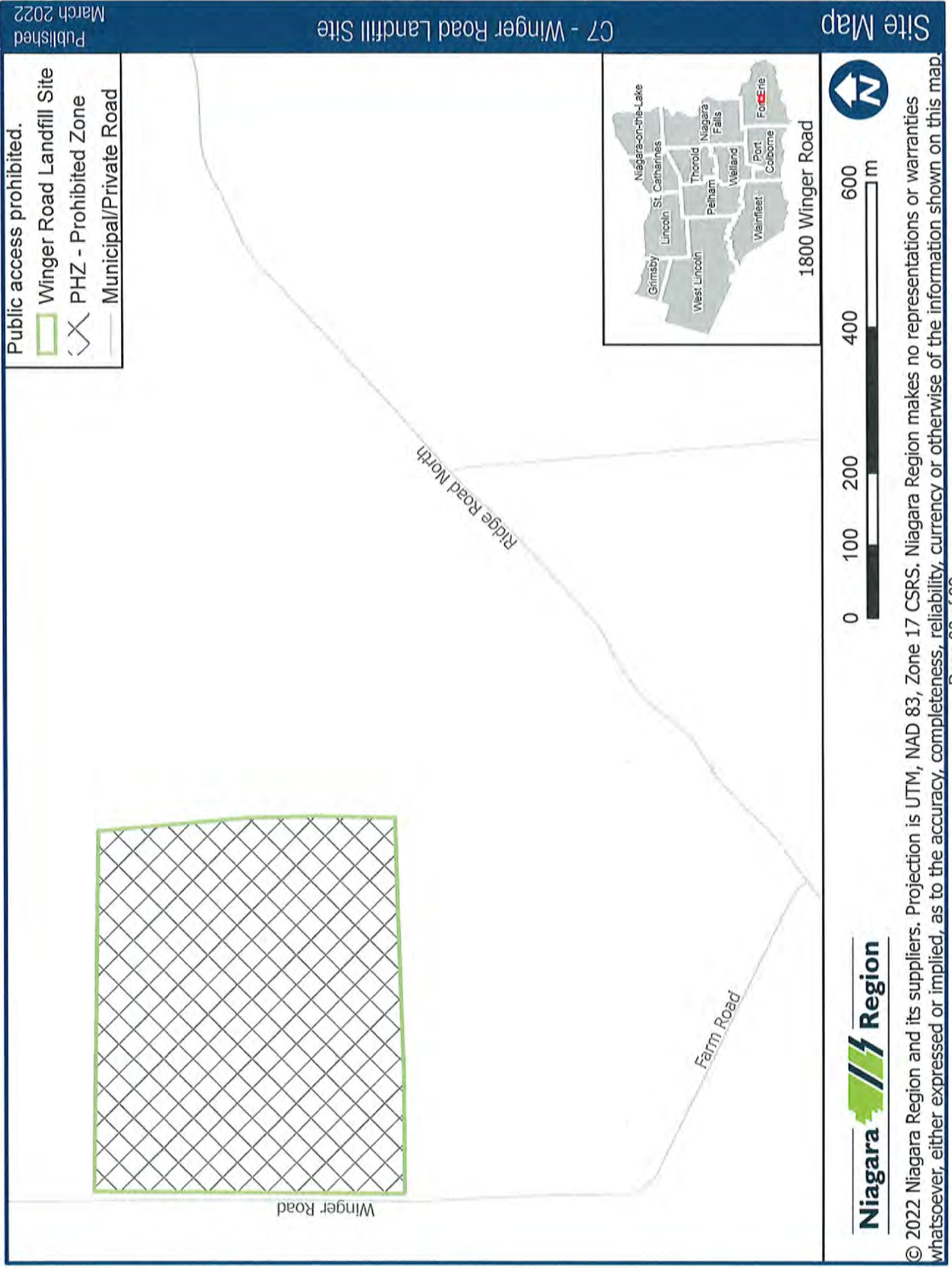






- Public access prohibited.
-  Park Road Landfill Site
 -  PHZ - Prohibited Zone
 -  Regional Road
 -  Municipal/Private Road





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