

REGULAR COUNCIL AGENDA

C-12/2022 - Regular Council

Monday, June 20, 2022

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream

www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. Call to Order and Declaration of Quorum

1.1. Land Recognition Statement

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

2. Approval of Agenda

3.	Disclosure of Pecuniary Interests and General Nature Thereof	
4.	Hearing of Presentation, Delegations, Regional Report	
4.1.	Presentations	
4.2.	Delegations	
4.2.1.	Cannabis Control Committee	7 - 10
	Tim Nohara, Chair	
4.3.	Report of Regional Councillor	
5.	Adoption of Minutes	
5.1.	RC-11/2022 - June 7, 2022 - Regular Council	11 - 24
6.	Business Arising from Council Minutes	
7.	Request(s) to Lift Consent Agenda Item(s) for Separate Consideration	
8.	Consent Agenda Items to be Considered in Block	
8.1.	Presentation of Recommendations Arising from COW or P&P, for Council Approval	
8.2.	Minutes Approval - Committee	
8.3.	Staff Reports of a Routine Nature for Information or Action	
8.3.1.	Permanent StoryWalk Installation in Woodstream Park , 2022-0142-Public Works	25 - 29
8.4.	Action Correspondence of a Routine Nature	
8.4.1.	Ombudsman Report dated June 10, 2022	30 - 42
8.5.	Information Correspondence Items	
8.5.1.	Niagara Region Correspondence	
8.5.1.1.	Waste Management System By-law and	43 - 255

**Access to Closed Landfill and Repurposed
Sites By-law Updates**

May 31, 2022

- 8.5.1.2. Brownfield Tax Assistance Incentive Funding Request 256 - 264**

May 31, 2022

8.5.2. Niagara Peninsula Conservation Authority

- 8.5.2.1. 2021 Annual Report 265 - 265**

https://npca.ca/images/uploads/board_files/NPCA-2021-Annual_Report-email.pdf

- 8.5.2.2. Board of Directors Meeting Highlights - May 20, 2022 266 - 267**

- 8.5.3. Saw Developments Correspondence re: Summersides Village Development 268 - 273**

8.6. Regional Municipality of Niagara - Action Items

8.7. Committee Minutes for Information

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1. Reports from Members of Council:

10.2. Staff Reports Requiring Action

- 10.2.1. 2022 Road Rehabilitation Program Budget Additional Funding, 2022-0141-Public Works 274 - 281**

- 10.2.2. Proposed STEM Camp Summer 2022, 2022-0139-Recreation 282 - 292**

- 10.2.3. Final Parking Strategy Report, 2022-0138-Planning 293 - 485**

- 10.2.4. Parking and Development Options for Lands Adjacent 486 - 511**

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws

512 - 529

1. By-law 4463(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands on the north side of Port Robinson Road, east of Station Street, legally described as Part of Lot 167, Geographic Township of Thorold, Part of Lots 17, 18 & 19 Plan 717, Town of Pelham, from the Residential Multiple 1 – 263 (RM1-263) and Residential Development (RD) zones to a site specific Residential 2 (R2-322) zone. Hummel Properties Inc. File No. AM-07-21

2. By-law 4464(2022) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 14. Summersides Village. File no. OP-AM-02-21

3. By-law 4470(2022) - Being a By-law to authorize the Mayor and Clerk to enter into a Memorandum of Understanding with Innova Stem Labs Inc. for the STEM Camp Program.

14. Motions and Notices of Motion

14.1. Mayor Junkin - Honouring Jane Haist

Mover: Mayor Junkin

Seconder: Councillor Olson

WHEREAS the Corporation of the Town of Pelham has enacted a Naming of Corporate Assets Policy (S201-03) to govern the process of naming significant municipal assets such as parks, open spaces, facilities, street and other municipal buildings or properties after groups or individuals who have positively contributed or represented the Town of Pelham;

AND WHEREAS the late Jane Haist, longtime resident of the Town of Pelham, competed on behalf of the Pelham District High School track and field team, around the world, including

such places as: Australia, New Zealand, Russia, Israel, Mexico, Ukraine, Sweden, Norway, United States and Great Britain;

AND WHEREAS the late Jain Haist furthered her athletic career and accomplishments by competing in the 1974 Commonwealth Games in New Zealand winning gold medals in Women's Shot Put and Discus, 1975 winning a bronze medal at the Pan America Games in Mexico City, 1977 and 1978 winning the AIAW National Championship in Discus and represented Canada as an Olympian at the 1976 Olympics in Montreal;

AND WHEREAS Council for the Town of Pelham deems it desirable to recognize Jane Haist by naming a community asset after her;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham directed staff to provide a report to Council outlining opportunities and options to honour the late Jane Haist;

AND THAT staff shall report back to Council by July 25, 2022

14.2. Councillor Kore - Notice of Motion

Revoke the Approval of the Summersides Village Plan of Subdivision

15. Matters for Committee of the Whole or Policy and Priorities Committee

16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

17. Resolution to Move in Camera

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

**(c) - proposed or pending disposition of land by the municipality and
(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose - (1 item - Property Located in Ward 2)**

(c) - proposed or pending disposition of land by the municipality - (1

item - Files L07-2022-01-S and L07-2022-02-S - Property Located in Ward 2)

18. Rise From In Camera

19. Confirming By-Law

530 - 530

20. Adjournment

Name: Tim Nohara	
Address: PO Box 366, Fonthill, ON	
Postal Code: L0S 1E0	Telephone #: 905-329-1875
Email Address: tnohara@accipiterradar.com	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: <input checked="" type="checkbox"/> Laptop <input checked="" type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: June 20, 2022</p>	
<p>Please identify the desired action of Council that you are seeking on this issue:</p> <p>To receive for information the material reported by the Cannabis Control Committee (CCC)</p>	
<p>I have never spoken on this issue before. Key points of my deputation are as follows: (Presentation must accompany the request)</p> <p>Please see the attached material which will be presented to Council with an opportunity for Council to ask questions of the CCC Chair. The material provides a summary of the Pelham Cannabis Regulations developed by the CCC and approved by Council, along with information on how residents and stakeholders can participate.</p>	
<p>In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.</p> <p>All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.</p> <p>I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording will be posted to the Town of Pelham's YouTube Channel.</p> <p>I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to hwillford@pelham.ca in accordance with the deadlines outlined above.</p>	
Signature <i>Tim J. Nohara</i>	Date 5 June 2022

DEPUTATION PROTOCOLS:

The Town of Pelham is an Open, Welcoming and Inviting Community, committed to supporting the strategic theme of ensuring that we are an engaged Community. To assist in achieving this goal, a Deputation Protocol has been developed to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

Before:

- ✓ Please provide Clerk with a final and complete copy of your presentation to be included on the agenda for the meeting. MS PowerPoint is preferred. Failure to provide the final presentation will result in the deferral of your delegation.
- ✓ Presentations will be livestreamed. Therefore any PowerPoint presentation should move forward with your speaking points for the ease of the online public audience.
- ✓ Please arrive at the meeting by 5:15 p.m.

During:

- ✓ When called upon, please proceed immediately to the podium.
- ✓ Please keep your presentation brief and to the point. The maximum allowable time is 10 minutes.
- ✓ Please, only discuss the matters indicated on your submission and present in a respectful, temperate manner.
- ✓ If appearing as a group, please designate a spokesperson.
- ✓ Rules of decorum apply during your delegation in accordance with the Procedural By-law.

After:

- ✓ Upon completion of your presentation, please remain in position to allow for questions from Council members.

In Addition:

- ✓ Thank you for participating in this public meeting process.
- ✓ Your submission will form part of the public record on this matter.
- ✓ Deputation will not be permitted on items that are or have been subject of a Public Meeting under the Planning Act. Persons should present such concerns and opinions at the scheduled public meeting.

This form may contain personal information as defined under the Municipal Freedom of Information and Protection of Privacy Act. This information is collected under the legal authority of the Municipal Act, S.O. 2001 c.25, as amended and may be publicly released. Questions should be directed to the Clerk, 905.892.2607, ext. 315.

Municipal & Planning Tools	Approved by Council	Legally Challenged by Redecan, CannTrust and/or Woodstock Biomed
Official Plan Amendment (OPA)	Bylaw 4251 (2020) adopted OPA No.9 on 2020/07/13 https://www.pelham.ca/en/town-hall/resources/Documents/cannabis/4251-2020_Complete.pdf	The OPA/ZBA were appealed to the Ontario Land Tribunal (OLT). Hearings resume July 25-29, 2022.
Zoning Bylaw Amendment (ZBA)	Bylaw 4252 (2020) amended the Town's Zoning Bylaw 1136 (1987) on 2020/07/13 https://www.pelham.ca/en/town-hall/resources/Documents/By-law-4252-2020-Zoning-By-law-Amendment-for-Cannabis.pdf	Attend online: https://global.gotomeeting.com/join/660145013 Access Code: 660-145-013 Or call in (Toll Free): 1 888 299 1889 Decision to follow likely in the Fall 2022.
Odorous Industries Nuisance Bylaw (OINBL)	Bylaw 4202 (2020) was approved on 2020/03/23 and amended by Bylaw 4263 (2020) on 2020/07/27 https://www.pelham.ca/en/town-hall/resources/Documents/bylaws/4202-2020.pdf https://www.pelham.ca/en/town-hall/resources/Documents/bylaws/4263-2020.pdf	The OINBL was appealed to the Ontario Superior Court. Hearings likely not until 2023.
Site Plan Control Bylaw	Bylaw 4262 (2020) was approved on 2020/07/27 to amend the Site Plan Control Bylaw 1118 (1987)	In effect. No legal challenges.
Light Bylaw	A light bylaw was drafted but deferred	Pelham is waiting for legal challenges with other municipalities to be settled first.
Our legal, planning and odour experts are Aird & Berlis LLP, Meridian Planning Consultants, and PG Compliance Management Inc.		

Official Plan & Zoning Bylaw Amendments Overview Official Plan Amendment: <u>Purpose:</u> To establish permissions for indoor cannabis and industrial hemp cultivation subject to a zoning by-law amendment, and to establish approval criteria. (Outdoor cultivation in agricultural areas is allowed.) <u>Summary:</u> New facility approval requires adverse effects to be avoided or appropriately mitigated with setbacks determined on a case-by-case basis through peer reviewed odour and light studies and contingency mitigation plans, and subject to Site Plan Control in accordance with Section E1.4 of the Plan.	Odorous Industries Nuisance Bylaw Overview <u>Purpose:</u> To regulate certain matters related to odorous industrial facilities including cannabis, landfill, slaughter house and rendering operations. <u>Summary:</u> To avoid adverse effects (such as material discomfort or loss of enjoyment of your property) because of obnoxious odours, facilities are required to employ air filtration systems and take corrective action to prevent the escape of obnoxious odours. An odour contractor regularly measures and publishes odour levels, and Bylaw Enforcement take spot measurements in response to complaints to ensure odour levels are within specified limits. <u>Implementation</u> <ul style="list-style-type: none"> The Bylaw Enforcement Department is responsible for responding to odour complaints which can result in issuing fines for violations. A facility must add mitigations if needed from its Contingency Odour Mitigation Plan.
Zoning Bylaw Amendment: <u>Purpose:</u> To add two specific Agricultural-Cannabis and General-Industrial-Cannabis zones to regulate newly approved indoor and outdoor cannabis facilities. <u>Summary:</u> Sets 300m setback for outdoor uses; lot area, coverage, frontage, front yard, rear yard and side yard standards for indoor uses. Sets parking standards.	Site Plan Control Bylaw Amendment Overview <u>Purpose:</u> To ensure that indoor cannabis and hemp facilities are subject to site plan control. <u>Summary:</u> The prior exemption for cannabis and industrial hemp agricultural uses was removed. <u>Implementation</u> <ul style="list-style-type: none"> The Planning Department is responsible to process prior to issuing a building permit.
Implementation: <ul style="list-style-type: none"> The Planning Department is responsible for processing new cannabis facility applications. Required applicant studies will be peer reviewed by the Town's experts and shared with the public. Public Meetings inform residents and stakeholders & provide venue to hear concerns. Council must approve a Zoning Bylaw Amendment for an application to proceed. 	

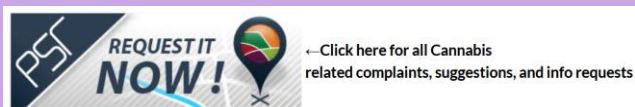
Odorous Industries Nuisance Bylaw

Filing an Odour Complaint with the Town


1. Using the web to file a complaint

Click the link to Town cannabis information

<https://www.pelham.ca/en/town-hall/cannabis.aspx>



Clicking the button which will raise a screen like this:


Create

What:

Not selected yet

Where:

Not defined yet

Image/Video/Document:

No objects added yet

Info:

No info yet

Select

Define

Add

Describe

Use the buttons on the right to complete & file the complaint. The link below walks you through this step by step.

Note: Pelham is in the process of replacing the PSR system with a new one.
<https://thevoiceofpelham.ca/2020/10/29/featured-filing-cannabis-odour-complaints-with-the-town-a-how-to/>

2. File a complaint in person or by e-mail

Click the link below and print and complete the form

<https://www.pelham.ca/en/town-hall/resources/Documents/By-law-Services-Request-Form.pdf>

E-mail the form or drop it off using the addresses found on the form.

3. File a complaint by telephone

Call the Town of Pelham By-law Services Division
 Phone 905-892-2607 Ext 204

Official Plan and Zoning Bylaw Amendments

Attend Committee of Adjustment (COA) Meetings

Existing cannabis facilities wishing to expand can apply to the COA as they are non-conforming uses. By attending COA meetings, the public can voice concerns and influence outcomes. They can also appeal decisions. See sections E1.5 (Minor Variances), E2 (Non-Conforming Uses) of our Official Plan.

https://www.pelham.ca/en/business-and-development/resources/Documents/Planning_OfficialPlan/Official-Plan.pdf

Attend Public Meetings and Council Meetings

- Applicants for a newly proposed cannabis facility must go through a public process.
- The public can attend information meetings and voice concerns.
- Pre-consultation Meetings occur with Staff.
- The public can attend a Statutory Public Meeting and voice formal comments.
- The public can attend the Council Meeting and make submissions in writing where the Applicant seeks the required Zoning Bylaw Amendment.

Register for OPA/ZBA notifications

<https://subscribe.pelham.ca/subscribe>

Contact Us

Community Members:

Tim Nohara (Chair) timnohara@gmail.com

Carla Baxter (Co-Chair) bcbondi@gmail.com

Bill Heska wheska@sympatico.ca

Jim Jeffs jimjeffsdds@live.com

John Langendoen john@willowbrooknursuries.com

James Steele jdstele75@gmail.com

Louis Damm louisdamm@icloud.com

Staff Member Barbara Wiens bwuens@pelham.ca

Councillor Bob Hildebrandt

Representative bhildebrandt@pelham.ca

Fall Election & New Cannabis Advisory Committee

- The CCC's mandate ends with the Fall election
- Residents may wish to promote and participate in a new cannabis advisory committee
- Contact your Councillor or a CCC member

REGULAR COUNCIL MINUTES

Meeting #: C-11/2022 - Regular Council
Date: Tuesday, June 7, 2022
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Lisa Haun
Councillor Bob Hildebrandt
Councillor Ron Kore
Councillor Wayne Olson
Councillor John Wink

Regrets: Councillor Marianne Stewart

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Charlotte Tunikaitis, Deputy Treasurer

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm.

1.1 Land Recognition Statement

The Town Clerk read the land acknowledgement into the record.

2. Approval of Agenda

The Mayor stated the Town lost a great citizen and athlete, Ms. Jane Haist, who passed away recently. The Mayor provided a short bio of Ms. Haist's athletic career. The Mayor offered condolences to the Haist family on behalf of Council and the Town.

Moved By Councillor Wayne Olson

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the agenda for the June 7, 2022 Regular meeting of Council be adopted, as circulated.

Amendment:

Moved By Councillor John Wink

Seconded By Councillor Bob Hildebrandt

THAT the agenda be amended to:

- **Include a Notice of Motion as Agenda Item 14.3**

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Motion as Amended:

Moved By Councillor John Wink

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the agenda for the June 7, 2022 Regular meeting of Council be adopted, as amended.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

3. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update – CEMC and CAO

Fire Chief Lymburner advised this would be the last regularly scheduled COVID-19 update presentation.

Chief Lymburner and Mr. David Cribbs, CAO provided Council an update with respect to the COVID-19 pandemic.

Mr. Cribbs further thanked Ms. Charlotte Tunikaitis, Deputy Treasurer, for her work at the Town of Pelham. Council and staff wished Ms. Tunikaitis well wishes in her future endeavors.

Moved By Councillor John Wink

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator and D. Cribbs, Chief Administrative Officer, for information.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

4.2 Delegations

4.2.1 Niagara Region - New Regional Official Plan

Mr. David Heyworth, Official Plan Policy Consultant from the Niagara Region provided Council a presentation with respect to the Region's Official Plan Update. Mr. Heyworth answered questions from Council.

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive the delegation from David Heyworth, Official Plan Policy Consultant for the Region of Niagara with respect to the New Regional Official Plan, for information.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

4.3 Report of Regional Councillor

5. Adoption of Minutes

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. RC-10/2022 - Regular Council - May 16, 2022

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

6. Business Arising from Council Minutes

7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

8. Consent Agenda Items to be Considered in Block

Councillor Haun noted she was not present at the May 9th Public Meeting included within the consent agenda. The Clerk stated this comment would be noted and indicated the Councillor is welcome to vote on the consent agenda as a whole.

Moved By Councillor Lisa Haun

Seconded By Councillor John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the June 7, 2022 Council Agenda be received and the recommendations contained therein be approved:

8.1. Presentation of Recommendations Arising from COW or P&P, for Council Approval

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

1. PCOW-04/2022 - May 9, 2022 - Special Committee of the Whole, Public Meeting under the Planning Act

8.2. Minutes Approval - Committee

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. PCOW-04/2022 - May 9, 2022 - Special Committee of the Whole, Public Meeting under the Planning Act

8.3. Staff Reports of a Routine Nature for Information or Action

8.3.1. December 2021 Financial Reports, 2022-0129-Corporate Services

BE IT RESOLVED THAT Council receive Report #2022-0129-Corporate Services, December 2021 Financial Reports, for information.

8.3.2. 2021 Reserve and Reserve Fund Report, 2022-0130-Corporate Services

BE IT RESOLVED THAT Council receive Report #2022-0130-Corporate Services 2021 Reserve and Reserve Fund Report, for information;

AND THAT Council direct the 2021 Annual Treasurer's Statement of Reserve Funds for Development Charges and 2021 Annual Treasurer's Parkland Dedication Reserve Fund Statement be made available to the public upon request.

8.3.3. 2021 Year-end Building Department Report, 2022-0127-Corporate Services

BE IT RESOLVED THAT Council receive Report #2022-0127 - 2021 Year-end Building Department Report, for information.

8.3.4. Grants update from 2019 to 2022, 2022-0131-Corporate Services

BE IT RESOLVED THAT Council receive Report # 2022-0131-Corporate Services, Grant Report Update from 2019 to 2022, for information.

8.4. Action Correspondence of a Routine Nature

8.4.1. Pelham Audit and Finance Committee - Recommendation Letter

BE IT RESOLVED that Council receive the Recommendation Letter from the Pelham Audit and Finance Committee dated May 26, 2022;

AND THAT Council approve and endorses the recommendations therein, and that:

Council approve the 2021 Town of Pelham Consolidated Financial Statements.

8.5. Information Correspondence Items

8.5.1. Parking in Ridgeville

8.5.1.1. Heather Hamilton Correspondence re: Parking in Ridgeville at Canboro & Effingham

BE IT RESOLVED THAT Council receive correspondence from Heather Hamilton regarding Parking in Ridgeville at Canboro & Effingham, for information.

8.5.1.2. Lise Daniel Correspondence re: Ridgeville Parking

BE IT RESOLVED THAT Council receive correspondence from Lise Daniel regarding Ridgeville Parking, for information.

8.5.1.3. Bobbi Lococo Correspondence re: Ridgeville Parking

BE IT RESOLVED THAT Council receive correspondence from Bobbi Lococo regarding Ridgeville Parking, for information.

8.5.2. Niagara Region re: Voluntary Russian Sanction Request

BE IT RESOLVED THAT Council receive correspondence from Niagara Region regarding Motion - Voluntary Russian Sanction Request, for information.

8.5.3. Niagara Peninsula Conservation Authority re: European Water Chestnut

BE IT RESOLVED THAT Council receive correspondence from Niagara Peninsula Conservation Authority regarding European Water Chestnut, for information.

8.7. Committee Minutes for Information

8.7.1. Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive meeting minutes dated April 6, 2022 from the Cannabis Control Committee, for information.

8.7.2. Pelham Finance and Audit Committee

BE IT RESOLVED THAT Council receive meeting minutes dated February 16, 2022 from the Pelham Finance and Audit Committee, for information.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.2 Staff Reports Requiring Action

**10.2.1 Volunteer Firefighter Insurance, 2022-0126-
Chief Administrator Officer**

Moved By Councillor John Wink

Seconded By Councillor Bob Hildebrandt

**BE IT RESOLVED THAT Council receive Report
#2022-0126 – Proposed Changes to Volunteer
Firefighter Insurance, for information;**

**AND THAT Council approve the On Duty Proposal 2
coverage and the Optional Member Only Insurance
benefits provided by VFIS;**

**AND THAT Council suspend the volunteer firefighter
reserve fund program approved through by-law
4313(2021), including minimum transfers to the
reserve fund and expenditures from the reserve
fund;**

**AND THAT Council approve a budget transfer of
\$10,379 from Fire Department reserve transfers to
Fire Department insurance.**

For (6): Mayor Marvin Junkin, Councillor Lisa Haun,
Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor
Wayne Olson, and Councillor John Wink

Carried (6 to 0)

**10.2.2 Triple Majority Vote re Potential New Regional
Health Bylaw, 2022-0134-Chief Administrator Officer**

Moved By Councillor Wayne Olson

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council receive Report #2022-0133 – Potential Support for Proposed Niagara Region Waterpipe Smoking By-Law, for information;

AND THAT Council of the Town of Pelham consents to the passage of the Waterpipe By-Law of the Regional Municipality of Niagara, being a by-law to regulate waterpipe smoking in the Region.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws

Councillor Haun requested the motion be divided to consider By-Law No. 4463 (2022) and 4464(2022) separately.

Council unanimously decided to consider the divided by-laws together as they relate to the same matter.

Moved By Councillor Ron Kore

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council of the Town of Pelham, having given due consideration to the following By-law do now read a first and second time;

1. By-law 4466(2022) - Being a by-law to provide for updated schedule of assessments, updated schedule of assessment for future maintenance and schedule of actual costs for Big Creek Drain System. (first and second reading)

AND THAT Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and

AND THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

2. By-law 4459(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 952 Foss Road (east side of Victoria Avenue, between Foss Road to the north and Sumbler Road to the south), legally described as Part of Lot 18, Concession 11, former Township of Pelham, now Town of Pelham with the site-specific Agricultural-51 (A-51) zone. Spinosa. File No. AM-01-2022

3. By-law 4460(2022) - Being a By-law to declare the Town-owned lands described in Schedule "A", attached to and forming part of this By-Law, surplus to the needs of the Municipality and therefore

available for disposition (Lands Between Webber Road and Chantler Road being Part of Lot 14, Concession 13 in the Town of Pelham, designated as Parts 8-15, 17-20 on Plan 59R-9440)

4. By-law 4461(2022) - Being a By-law to authorize the sale of Town-owned lands to Michael and Julie Korolyk or successors in title, the lands being described on Schedule "A" appended hereto and to authorize the mayor and Clerk to execute all necessary documents to complete the transaction

5. By-law 4462(2022) - Being a By-law to designate private roadways as fire routes along which no parking of vehicles or motor vehicles shall be permitted.

6. By-law 4463(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands on the north side of Port Robinson Road, east of Station Street, legally described as Part of Lot 167, Geographic Township of Thorold, Part of Lots 17, 18 & 19 Plan 717, Town of Pelham, from the Residential Multiple 1 – 263 (RM1-263) and Residential Development (RD) zones to a site specific Residential 2 (R2-322) zone. Hummel Properties Inc. File No. AM-07-21

7. By-law 4464(2022) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 14. Summersides Village. File no. OP-AM-02-21

8. By-law 4465(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 690 Quaker Road, in the Town of Pelham from the Neighbourhood Commercial (NC) zone to the Residential Multiple 1 (RM1-321) zone with a holding provision zone. Upper Canada Consultants. File No. AM-11-2021

9. By-law 4467(2022) - Being a by-law to appoint a Court of Revision on the Big Creek Municipal Drain System.

Moved By Councillor Ron Kore

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council of the Town of Pelham, having given due consideration to the following By-law do now read a first and second time;

1. By-law 4466(2022) - Being a by-law to provide for updated schedule of assessments, updated schedule of assessment for future maintenance and schedule of actual costs for Big Creek Drain System. (first and second reading)

AND THAT Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and

AND THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

2. By-law 4459(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 952 Foss Road (east side of Victoria Avenue, between Foss Road to the north and Sumbler Road to the south), legally described as Part of Lot 18, Concession 11, former Township of Pelham, now Town of Pelham with the site-specific Agricultural-51 (A-51) zone. Spinosa. File No. AM-01-2022

3. By-law 4460(2022) - Being a By-law to declare the Town-owned lands described in Schedule "A", attached to and forming part of this By-Law, surplus to the needs of the Municipality and therefore available for disposition (Lands Between Webber Road and Chantler Road being Part of Lot 14, Concession 13 in the Town of Pelham, designated as Parts 8-15, 17-20 on Plan 59R-9440)

4. By-law 4461(2022) - Being a By-law to authorize the sale of Town-owned lands to Michael and Julie Korolyk or successors in title, the lands being described on Schedule "A" appended hereto and to authorize the mayor and Clerk to execute all necessary documents to complete the transaction

5. By-law 4462(2022) - Being a By-law to designate private roadways as fire routes along which no parking of vehicles or motor vehicles shall be permitted.

8. By-law 4465(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 690 Quaker Road, in the Town of Pelham from the Neighbourhood Commercial (NC) zone to the Residential Multiple 1 (RM1-321) zone with a holding provision zone. Upper Canada Consultants. File No. AM-11-2021

9. By-law 4467(2022) - Being a by-law to appoint a Court of Revision on the Big Creek Municipal Drain System.

Moved By Councillor Lisa Haun

Seconded By Councillor Ron Kore

THAT consideration of By-Laws No. 4463(2022) and 4464(2022) be deferred.

For (3): Councillor Lisa Haun, Councillor Bob Hildebrandt, and Councillor Ron Kore

Against (3): Mayor Marvin Junkin, Councillor Wayne Olson, and Councillor John Wink

Defeated (3 to 3)

Moved By Councillor Ron Kore

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same,

AND THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-law:

6. By-law 4463(2022) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands on the north side of Port Robinson Road, east of Station Street, legally described as Part of Lot 167, Geographic Township of Thorold, Part of Lots 17, 18 & 19 Plan 717, Town of Pelham, from the Residential Multiple 1 – 263 (RM1-263) and Residential Development (RD) zones to a site specific Residential 2 (R2-322) zone. Hummel Properties Inc. File No. AM-07-21

7. By-law 4464(2022) - Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area. Amendment No. 14. Summersides Village. File no. OP-AM-02-21

For (3): Mayor Marvin Junkin, Councillor Wayne Olson, and Councillor John Wink

Against (3): Councillor Lisa Haun, Councillor Bob Hildebrandt, and Councillor Ron Kore

Defeated (3 to 3)

Moved By Councillor Lisa Haun

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council reconsider By-Law No. 4463(2022) and By-Law 4464(2022) at the next regular meeting of Council.

For (4): Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, and Councillor John Wink

Against (2): Mayor Marvin Junkin, and Councillor Wayne Olson

Carried (4 to 2)

14. Motions and Notices of Motion

The Mayor vacated his seat as Chair. Deputy Mayor Kore presided over this portion of the meeting.

14.1 Notice of Motion - Mayor Junkin

Mayor Junkin introduced his motion with respect to finding opportunities to honour the late Jane Haist which will be on the agenda at the next regular meeting of Council.

14.2 Motion - Councillor Olson re: Ridgeville Parking

Councillor Wink suggested a friendly amendment, requesting staff include within their report a shovel ready project to extend parking on Canboro Road to the west. Councillor Wink stated this could be beneficial if there becomes a grant opportunity available. After Council discussion, Councillor Wink withdrew his suggested friendly amendment.

Moved By Councillor Wayne Olson

Seconded By Mayor Marvin Junkin

WHEREAS staff have been previously directed by Council for the Town of Pelham to prepare a by-law regulating parking at the Meridian Community Centre and other properties owned by the Town of Pelham;

AND WHEREAS the draft municipal parking study presented to Council by RV Andersons at the April 4, 2022 Regular Council Meeting indicates that the Ridgeville parking options are consistently being exceeded;

AND WHEREAS Council for the Town of Pelham believe expanded parking options would immediately improve the competitive position of important local enterprises;

AND WHEREAS the Town of Pelham owns a parcel of land on the southeast corner of the intersection of Effingham and Canboro currently being used for storage and structures associated with water filling;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham directed staff to provide a report to Council which details options for expanding the use of these lands to provide parking options for the Shops of Ridgeville;

AND THAT staff are further directed to assess the cost of incorporating Low Impact Development ("LID") characteristics into the design and cost of any potential parking lot, including but not limited to permeable pavement, specialized storm water features and potential use of botanical features to reduce runoff;

AND THAT staff are further directed to draft any closed session companion report they deem necessary or appropriate to address legal ramifications and/or cost valuations of the lands in question;

AND THAT the said report or reports are to be delivered to Council by July 25, 2022.

Amendment:

Moved By Councillor Lisa Haun

Seconded By Councillor Bob Hildebrandt

THAT the motion be amended to include:

AND THAT Council direct staff to investigate why the private parking lot besides 'Bobs Boys' is not being utilized.

For (3): Councillor Lisa Haun, Councillor Bob Hildebrandt, and Councillor Ron Kore

Against (3): Mayor Marvin Junkin, Councillor Wayne Olson, and Councillor John Wink

Defeated (3 to 3)

Moved By Councillor Wayne Olson

Seconded By Mayor Marvin Junkin

WHEREAS staff have been previously directed by Council for the Town of Pelham to prepare a by-law regulating parking at the Meridian Community Centre and other properties owned by the Town of Pelham;

AND WHEREAS the draft municipal parking study presented to Council by RV Andersons at the April 4, 2022 Regular Council Meeting indicates that the Ridgeville parking options are consistently being exceeded;

AND WHEREAS Council for the Town of Pelham believe expanded parking options would immediately improve the competitive position of important local enterprises;

AND WHEREAS the Town of Pelham owns a parcel of land on the southeast corner of the intersection of Effingham and Canboro currently being used for storage and structures associated with water filling;

NOW THEREFORE BE IT RESOLVED THAT Council for the Town of Pelham directed staff to provide a report to Council which details options for expanding the use of these lands to provide parking options for the Shops of Ridgeville;

AND THAT staff are further directed to assess the cost of incorporating Low Impact Development ("LID") characteristics into the design and cost of any potential parking lot, including but not limited to permeable pavement, specialized storm water features and potential use of botanical features to reduce runoff;

AND THAT staff are further directed to draft any closed session companion report they deem necessary or appropriate to address legal ramifications and/or cost valuations of the lands in question;

AND THAT the said report or reports are to be delivered to Council by July 25, 2022.

For (4): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Wayne Olson, and Councillor John Wink

Against (2): Councillor Lisa Haun, and Councillor Ron Kore

Carried (4 to 2)

14.3 Notice of Motion - Councillor Wink

Councillor Wink stated he intends to bring forth a motion at the next meeting regarding the proper delivery of unsolicited materials, newspapers and junk mail.

15. Matters for Committee of the Whole or Policy and Priorities Committee

16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

17. Resolution to Move in Camera

The Mayor returned to his seat as Chair.

Moved By Councillor Lisa Haun

Seconded By Councillor John Wink

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(c) - proposed or pending disposition of land by the municipality - (1 item - File L07-2021-05-S - Property Located in Ward 1)

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

18. Rise From In Camera

Moved By Councillor John Wink

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With Report.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

Moved By Councillor Lisa Haun

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of June 7, 2022.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

19. Confirming By-Law

Moved By Councillor Ron Kore

Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4468(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 07 day of June, 2022.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

20. Adjournment

The meeting was adjourned at 7:45pm.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for June 20, 2022 at 5:30 pm.

For (6): Mayor Marvin Junkin, Councillor Lisa Haun, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, and Councillor John Wink

Carried (6 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford

Subject: Installation of Permanent StoryWalk Signage in Woodstream Park

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0142 – Installation of Permanent Stor Walk Signage, for Information.

Background:

StoryWalk is an educational activity that places the pages from children's stories inside protective cases along popular walking routes within a community, or neighborhood. The concept of StoryWalk was conceived as a way to inspire parents, teachers and children to enjoy reading stories together in an outdoor setting. StoryWalk is able to combine three critical elements of overall family health: early literacy, family engagement outdoors, and physical activity.

The Pelham Library has been providing StoryWalks for the past 5 years in locations around Pelham including: schools, daycares, the Meridian Community Centre, Summerfest, Bandshell, and around Library gardens.

In the past, Library Staff utilized wooden stakes, corrugated cardboard, and Velcro to set up the StoryWalk signs and pages. These materials were found to be adequate for short term installations, but were not weather or water proof and could not be left in place for more than a day or two.

In 2021 the Pelham Art Festival made a charitable donation to the Pelham Library for the purchase of a set of 20 permanent StoryWalk signs (Appendix A), which had a cost of approximately \$10,000.

Public Works and Recreational, Culture, & Wellness Staff worked in conjunction with Staff from the Lincoln Pelham Public Library to determine a suitable location for installation.

Analysis:

A permanent StoryWalk site will allow Lincoln Pelham Library Staff to leave the story pages up for a longer period of time to be enjoyed by a greater number of people. The design of the signage allows for the stories to be changed easily at intervals determined by Library staff.

Staff investigated a number of potential sites to install StoryWalk signs. These sites included all the major community parks, the Steve Bauer Trail system and neighborhood parks. After spending time in each location to observe people and how they utilize the outdoor space, Woodstream Park was chosen as the first permanent StoryWalk site.

Reading a StoryWalk with adults gives children the opportunity to learn new words, describe things and events, enjoy and tell stories, and learn how to follow a story in sequence through physically moving from page to page. The layout of Woodstream Park, including the 380m crushed stone loop, made the park the ideal candidate. StoryWalk Signage can be spaced every 18m along the inside of the pathway as shown in Appendix B.

Installation of the signs is a simple process that can be undertaken by Public Works Staff without any budget implications, and the signs pose no major issues in performing maintenance within the Park. The Lincoln Pelham Public Library had planned on setting up temporary signs in Woodstream Park on July 11, 2022 as part of their StoryWalk program. Public Works Staff intend on installing the signs prior to July 11th to accommodate the Library's timeline.

Financial Considerations:

There are no financial considerations pertaining to this report.

Alternatives Reviewed:

This report is for information only.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

StoryWalks promote early literacy and learning, outdoor activity, and physical health. They provide an opportunity for children to learn and experience books while playing outdoors.

Consultation:

Recreation, Culture, and Wellness, and Lincoln Pelham Public Library Staff were consulted in the preparation of this report.

Other Pertinent Reports/Attachments:

Appendix A – StoryWalk Design and Installation Specification

Appendix B – Woodstream Park, General Sign Layout

Prepared and Recommended by:

Ryan Cook, Dipl M.M., CRS
Manager of Public Works

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

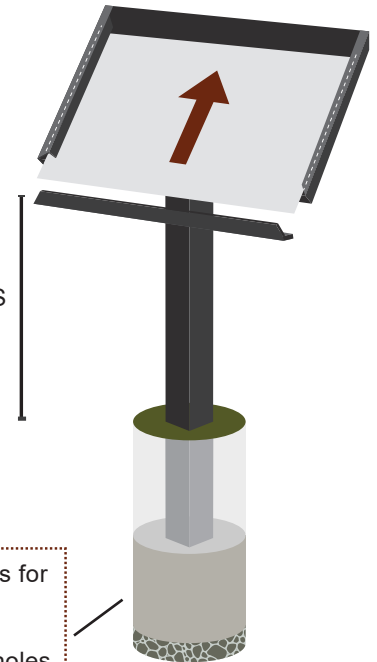


StoryWalk® Solutions

ALUMINUM FRAME with ALUMINUM POST-ANGLED

- Designed for an 18"H x 24"W page, with a viewable area of 17"H x 23"W
- 45 Degree display angle
- Standard post length of 60" for in-ground installation
 - Longer post lengths available
 - Surface mount aluminum posts available
- Removable bottom rail for easy page insertion
- Two sheets of acrylic protect the laminated page
- 3 Year Warranty on the powder-coated aluminum frame and post.
- Made in the USA

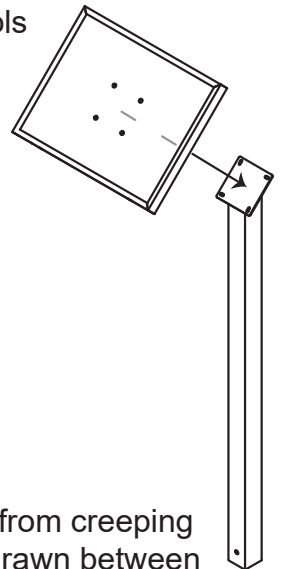
SIGN PANEL MOUNTS
28-32" FROM GRADE



Prepare footing depth per recommendations for your geographic region. Ensure that post is plumb and level while back-filling with appropriate materials. The pre-drilled thru holes at post-end allows for insertion of 1/2" diameter x 8" long piece of rebar for added security.

Assembly Instructions:

1. Attach the frame to the post plate using the provided hardware and allen driver. You will need a 7/16" socket wrench to install the nylock nut. DO NOT use power tools as the stainless hardware may gall and seize.
2. Remove the 2 screws from the bottom frame rail with the provided allen driver.
3. Insert the acrylic sheets and replace the bottom rail.



Page Installation Instructions - First time

1. Remove the bottom frame rail using the provided allen driver
2. Remove the blue masking from both sides of the acrylic sheets.
3. Place your page and optional colored backer between the sheets of acrylic.
4. Slide the sheets into the frame bottom.
5. Replace the bottom rail.

Moisture Issue? Add 2 or 3 Clip Spacers to the bottom of your page to minimize water from creeping up between the acrylic sheets. It creates a larger gap; therefore, moisture will not be drawn between the sheets as easily. Clip spacers are small, plastic paper clips that are sold under the brand Plastiklips LP-0200.



Cleaning Instructions:

- Use a soft cloth and a diluted soap & water solution to wash the display.
- Dry the display with a soft cloth.
- DO NOT USE ammonia cleaners (Windex) or paper towels as they may damage the acrylic.



Legend

- Parcel Fabric
- Regional Administration
- Provincial Offences Court
- Address Points

50.8 0 25.40 50.8 Meters

© 2018 – The Regional Municipality of Niagara and its suppliers. All Rights Reserved. Produced (in part) under license from: © 2018 OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED; © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a plan of survey; 2006 Air Photos courtesy of First Base Solutions Inc.; 1934 Air Photos courtesy of Brock University.

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



Notes

Red Dots show a general representation of StoryWalk signs. Not to Scale



J. Paul Dubé, Ombudsman

BY EMAIL

June 10, 2022

Council for the Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Members of Council for the Town of Pelham:

Re: Report – Office of the Ontario Ombudsman

I have completed my investigation into a complaint regarding the closed meeting held by council for the Town of Pelham on April 19, 2021. Please find my final report enclosed.

In accordance with section 14.1 (8) of the *Ombudsman Act*, the municipality should make my report available to the public, and we ask that this be done no later than the next council meeting. In accordance with s. 239.2(12) of the *Municipal Act, 2001*, the Town should pass a resolution stating how it intends to address this report.

Pursuant to section 14.1 (9) of the *Ombudsman Act*, I will also post a copy of the report on my website at www.ombudsman.on.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Paul Dubé', written over a large, stylized blue 'O' that is part of the Ombudsman logo.

Paul Dubé
Ombudsman of Ontario

Cc: Holly Willford, Clerk, Town of Pelham

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
Toronto, ON M5G 2C9

Tel./Tél. : 416-586-3300 Facsimile/Télécopieur : 416-586-3485 TTY/ATS : 1-866-411-4211

www.ombudsman.on.ca

Facebook : facebook.com/OntarioOmbudsman Twitter : twitter.com/Ont_Ombudsman YouTube : youtube.com/OntarioOmbudsman





Ombudsman Report

**Investigation into a closed meeting held by council
for the Town of Pelham on April 19, 2021**

**Paul Dubé
Ombudsman of Ontario
June 2022**

Complaint

- 1 My Office received a complaint about a closed session held by council for the Town of Pelham (the “Town”) on April 19, 2021.
- 2 The complaint alleged that council’s closed session discussion, which related to the Niagara Central Dorothy Rungeling Airport, did not fall within any of the prescribed exceptions in the *Municipal Act, 2001*.
- 3 My review has determined that council for the Town contravened the *Municipal Act, 2001* when it held a closed meeting on April 19, 2021. My review also found that the Town failed to describe the general nature of the discussion in the resolution to proceed *in camera*.

Ombudsman jurisdiction

- 4 Under the *Municipal Act, 2001*¹ (the “Act”), all meetings of council, local boards, and committees of either must be open to the public, unless they fall within prescribed exceptions.
- 5 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality or local board has complied with the Act in closing a meeting to the public. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 6 The Ombudsman is the closed meeting investigator for the Town of Pelham.
- 7 When investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the municipality’s governing procedures have been observed.
- 8 My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as

¹ SO 2001, c 25.

issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/digest.

Investigative process

- 9 On May 5, 2021, my Office advised the Town of our intent to investigate the complaint about the meeting on April 19, 2021.
- 10 We reviewed the Town's procedure by-law and relevant portions of the *Municipal Act, 2001*. Additionally, we reviewed the open and closed meeting agendas, open and closed meeting minutes, and an audio recording of the closed session.
- 11 We reviewed the *Welland-Port Colborne Airport Act, 1976* and a recent report about the Niagara Central Dorothy Rungeling Airport published by the Regional Municipality of Niagara.²
- 12 We interviewed all members of council, the Chief Administrative Officer (CAO), the former Clerk and current Clerk, as well as two members of council from the City of Welland who were present at the meeting in their roles as members of the Niagara Central Dorothy Rungeling Airport Commission.
- 13 My Office received full co-operation in this matter.

Background

- 14 Council's *in camera* discussion on April 19, 2021 was about the potential development of the Niagara Central Dorothy Rungeling Airport (the "Airport") land, and whether to upload management of the Airport to the Regional Municipality of Niagara ("Niagara Region").
- 15 The Airport is located in the Town and is owned and operated by the Niagara Central Dorothy Rungeling Airport Commission (the "Commission"). The Commission manages the Airport on behalf of the Town, the Cities of Welland and Port Colborne, and the Township of

² "Feasibility Study and Business Case Niagara District Airport & Niagara Central Dorothy Rungeling Airport", HM Aero Aviation Consulting, online: <<https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=8101>>.

Wainfleet, each of which appoints members of council to be Commission members. The four municipalities also financially support the Airport.

- 16 Between 2015 and 2017, councils for all four municipalities voted to upload management of the Airport to Niagara Region. However, this upload had yet to occur at the time of the meeting on April 19, 2021.

April 19, 2021 council meeting

- 17 The meeting on April 19, 2021 began at 5:30 p.m. in council chambers. After some open session discussion, council passed a resolution to move into closed session under the exception for plans and instructions for negotiations, set out in section 239(2)(k) of the Act. The resolution did not provide a general description of what council would discuss *in camera*.
- 18 Members of council, the CAO, the Acting Clerk³, the Deputy Clerk and the Treasurer for the Town were present at the closed meeting on April 19, 2021. One member of council is also a member of the Commission. Two members of council from the City of Welland were also present at the meeting in their capacity as members of the Commission.
- 19 Once *in camera*, council for the Town heard a presentation from members of the Commission about potential development opportunities for the Airport land and the benefits this would generate for the Town.
- 20 Some councillors pointed out that there are constraints on the use and sale of the Airport land and asked how this would affect development proposals. The Commission members indicated that they were exploring lease options, such as long-term leases, and a legal opinion, but did not provide additional details. One Commission member mentioned that it was difficult to make plans due to the unknown future of the Airport's management.
- 21 At one point in the discussion, a councillor asked about the typical cost and length of a hangar lease at the Airport. A Commission member responded with the estimated cost of leasing a specific Airport hangar.
- 22 During the meeting, there was some discussion about whether council would vote to retain the Commission's management of the Airport. A Commission member clarified that to retain management of the Airport, a

³ The Acting Clerk is now the Town's Clerk; her first day as Acting Clerk was April 19, 2021 – the same day as the meeting that is the subject of this investigation.

consensus would have to be reached among all four councils, with each voting to rescind its decision to upload the management to Niagara Region.

- 23 Council returned to open session with no public report back from closed session. My Office's review found that no decisions were made, nor was any direction provided to staff, as a result of the *in camera* discussion.

Analysis

Applicability of the exception for plans and instructions for negotiations

- 24 Council relied on the exception for plans and instructions for negotiations to proceed *in camera* on April 19, 2021.
- 25 The purpose of this exception is to allow "a municipality to protect information that could undermine its bargaining position or give another party an unfair advantage over the municipality during an ongoing negotiation."⁴
- 26 In order for the exception to apply, the municipality must show that:
- a. The *in camera* discussion was about positions, plans, procedures, criteria, or instructions;
 - b. The positions, plans, procedures, criteria, or instructions are intended to be applied to negotiations;
 - c. The negotiations are being carried on currently, or will be carried on in future; and
 - d. The negotiations are being conducted by or on behalf of the municipality.⁵
- 27 The second and third branches of the test require that the discussion relate to ongoing or potential negotiations.
- 28 In this case, no one we interviewed could clearly identify the subject or parties of any ongoing or future negotiations related to the *in camera* discussion. There is no evidence that negotiations were ongoing at the time

⁴ *Grey Highlands (Municipality of) (Re)*, 2021 ONOMBUD 11 at para 17, online: <<https://canlii.ca/t/jfzr8>>.

⁵ *Ibid.*

of the meeting or that they would be carried out in the future. The Town did not have a bargaining position to protect.

- 29 Accordingly, the *in camera* discussion held on April 19, 2021 did not fit within the exception for plans or instructions for negotiations.

Applicability of the exception for acquisition or disposition of land

- 30 While not cited by council, it was suggested to my Office that the exception for acquisition or disposition of land, under section 239(2)(c) of the Act, could have applied to the meeting on April 19, 2021.
- 31 Generally speaking, a municipality must be either the seller or purchaser of the land in order for the exception to apply.⁶ The purpose of the exception is to protect council's bargaining position during negotiations to purchase or sell (or lease) land.⁷ Our Office has found that the exception does not apply to discussions that involve speculation about a land transaction or discussions about land transactions that may or may not happen in the future, since there is no bargaining position to protect in these instances.⁸ The discussion must involve a land transaction that is currently pending or that has been proposed.⁹
- 32 In a 2018 report, my Office reviewed a meeting held by council for the Town of Fort Erie that was closed under the exception for acquisition or disposition of land. Council heard a presentation about a proposed partnership with a post-secondary institution that included timelines, potential benefits to the municipality and identified specific properties that could be appropriate if the partnership proceeded.¹⁰ However, my Office found that the exception did not apply since council had not identified a specific property that it wished to purchase or lease, and the municipality had taken no practical steps to acquire a property at the time of the meeting.¹¹

⁶ *Port Colborne (City of)*, 2015 ONOMBUD 32 at para 77, online: <<https://canlii.ca/t/gtp7c>>.

⁷ *Fort Erie (Town of) (Re)*, 2015 ONOMBUD 12 at para 23, online: <<https://canlii.ca/t/gtp5w>>.

⁸ *Ibid.*

⁹ *Norfolk (County of) (Re)*, 2021 ONOMBUD 6 at para 33, online: <<https://canlii.ca/t/jdr8d>>.

¹⁰ *Fort Erie (Town of) (Re)*, 2018 ONOMBUD 2 at para 33, 38, online: <<https://canlii.ca/t/hvmtm>>.

¹¹ *Ibid* at para 38.

- 33 In a 2021 report about the County of Norfolk, my Office reviewed a closed committee meeting where staff discussed a proposal to sell land to raise capital. My Office found that while there was no pending land transaction, the committee discussed setting a target price per acre for a specific parcel of land and thus the County of Norfolk had a bargaining position to protect.¹² This discussion fit within the exception for acquisition or disposition of land.
- 34 In this case, council for the Town discussed the Commission's suggestion to develop the Airport land. The Town is not the owner of the Airport land and would not be a party to a land transaction involving Airport land.
- 35 While the Commission identified specific areas of the Airport land for development and raised the possibility of long-term leases, it did not propose prices for these leases or otherwise discuss a plan to sell or lease the land. One Commission member explicitly acknowledged the difficulty of formulating a plan given the unknown future of the Airport's management. Multiple council members also raised the limitations on the Commission's ability to re-sell or develop the Airport land. There is no evidence that the Commission had pursued or obtained an exception to the limitations at the time of the meeting. The discussion about potential development of Airport land was high-level and speculative, and the Town did not have a bargaining position to protect.
- 36 Accordingly, the exception for acquisition or disposition of land does not apply to council's *in camera* discussion on April 19, 2021.

Applicability of the exception for information supplied in confidence by a third party

- 37 It was further suggested to my Office that the exception for information supplied in confidence by a third party, under section 239(2)(j) of the Act, could have applied to the closed session on April 19, 2021. My Office was told that the information provided by the Commission about the lease for a specific hangar is not available to the public and would cause harm if disclosed.

¹² *Ibid* at para 34.

- 38 This exception is intended to protect confidential information about a third party, rather than to protect information about a municipality supplied by a third party.¹³ In order for the exception to apply, the discussion must be about information that:
- a. Falls into one of the listed types: trade secret, scientific, technical, commercial, financial, or labour relations information;
 - b. Was supplied confidentially, whether explicitly or implicitly, to the municipality by a third party; and
 - c. If disclosed, could reasonably be expected to cause harm, either by prejudicing significantly the competitive position or interfering significantly with the contractual or other negotiations of a person, group of persons or organization.¹⁴
- 39 In a 2021 report about the City of Greater Sudbury, my Office reviewed a closed session where staff provided an update to council about information received from third parties regarding a development proposal, which those third parties had specifically requested remain confidential.¹⁵ The third parties were concerned that if details of the proposal were made public, they could be pressured to provide funding to other municipalities for similar projects on similar terms. My Office found that if the information in question were made public, it could reasonably have been expected to interfere with the competitive position and negotiations of the third parties and thus the discussion fit within the exception.
- 40 The Ontario Superior Court has found that the onus is on the party seeking to withhold information to supply “detailed and convincing” evidence to establish a reasonable expectation of harm.¹⁶
- 41 In this case, no one we spoke to could identify a clear harm to the Commission if information about the specific hangar lease were disclosed to the public. One councillor suggested that disclosing the terms of an existing lease agreement could dissuade others from leasing hangars at the Airport, which would affect the Commission’s contractual negotiations. This speculation does not establish a reasonable expectation of harm. There is

¹³ *St.-Charles (Municipality of) (Re)*, 2019 ONOMBUD 6 at para 29, online: <<https://canlii.ca/t/j2p1h>>.

¹⁴ Letter from the Ontario Ombudsman to Town of South Bruce Peninsula (14 October 2021), online: <<https://www.ombudsman.on.ca/resources/reports-and-case-summaries/municipal-meetings/2021/town-of-south-bruce-peninsula>>.

¹⁵ *Greater Sudbury (City of) (Re)*, 2021 ONOMBUD 10 at para 24, online: <<https://canlii.ca/t/jfvt3>>.

¹⁶ *Corporation of the Town of Arnprior v Information and Privacy Commissioner of Ontario*, 2016 ONSC 2904 (CanLII) at paras 22 – 24, online: <<http://canlii.ca/t/gpqlx>>.

no evidence that the information disclosed during the meeting could have been expected to cause significant harm to the Commission.

- 42 Accordingly, the exception for information supplied in confidence by a third party does not apply to council's April 19, 2021 closed meeting.

Applicability of the exception for information belonging to the municipality

- 43 It was also suggested to my Office that the exception for information belonging to the municipality under section 239(2)(j) of the Act could have applied to the closed meeting on April 19, 2021. The individual who suggested it said that the idea of rescinding the decision to upload management of the Airport to Niagara Region was financial information because it would have financial implications for the Town.
- 44 Based on decisions of the courts and the Information and Privacy Commissioner, my Office has adopted the following three-part test for the exception, which sets out that the exception will apply where the *in camera* discussion is about:
- a. A trade secret, or financial, commercial, scientific or technical information;
 - b. that belongs to the municipality or local board; and
 - c. has monetary value or potential monetary value.¹⁷
- 45 Financial information is information relating to the use or distribution of money and must refer to specific data.¹⁸ In order to satisfy the second part of the test, the information will belong to the institution if it is owned by the institution. My Office has found that information prepared by municipal staff indicates that it belongs to the municipality.¹⁹ The third part of the test requires that the information itself have monetary value. This means that the information must have intrinsic value, such that disclosure would deprive the institution of that monetary value.²⁰ The potential for harm if the information were to be disclosed is not relevant for this exception.²¹

¹⁷ *Hamilton (City of) (Re)*, 2019 ONOMBUD 3 at para 48, online: <<https://canlii.ca/t/j2b49>>.

¹⁸ *Ibid* at para 45.

¹⁹ *Ibid* at para 52.

²⁰ *Ibid* at para 47.

²¹ *Ibid* at para 54.

- 46 In this case, there was very little discussion of financial information at the meeting on April 19, 2021. Rather, the discussion was focused on receiving a presentation about the Commission's suggestions for development of the Airport land, and considering the future management of the Airport. This presentation was not prepared by municipal staff and cannot be considered information belonging specifically to the Town. Further, the idea of rescinding the decision to upload management of the Airport has no monetary value, as there is no evidence that anyone would purchase this information from the Town.
- 47 There is no evidence that any other information discussed *in camera* could have met the test for this exception.
- 48 Accordingly, council's *in camera* discussion on April 19, 2021 does not fit under the exception for information belonging to the municipality.

Resolution to proceed *in camera*

- 49 Before moving into a closed session, section 239(4)(a) of the Act requires a municipality to state by resolution in open session that a closed meeting will be held, and the general nature of the matter to be considered at the closed meeting.
- 50 The Ontario Court of Appeal has determined that the resolution to close a meeting should provide a general description of the issue to be discussed in a way that maximizes the information available to the public without undermining the reason for excluding the public.²² My Office has also recommended that councils provide more substantive detail in resolutions authorizing closed sessions.²³
- 51 In this case, the resolution to proceed into closed session did not include any information about council's intended discussion other than referencing the exception for plans and instructions for negotiations.
- 52 Accordingly, council for the Town did not fulfil the requirements of the Act when it failed to provide a general description of the issue to be discussed in its resolution to proceed *in camera*.

²² *Farber v Kingston (City)*, 2007 ONCA 173 (CanLII), online: <<https://canlii.ca/t/1qtzl>>.

²³ *Niagara (District Airport Commission) (Re)*, 2016 ONOMBUD 22, online: <<https://canlii.ca/t/h2stf>>.

Opinion

- 53 Council for the Town of Pelham contravened the *Municipal Act, 2001* on April 19, 2021 when it held a closed session to discuss future management and potential development of the Niagara Central Dorothy Rungeling Airport with the Airport Commission. The discussion did not fit within the cited exception for plans and instructions for negotiations, or any other exception to the open meeting rules.
- 54 Council for the Town of Pelham contravened the requirements of section 239(4)(a) of the *Municipal Act, 2001* on April 19, 2021 by failing to state by resolution the general nature of the matters to be considered *in camera*.

Recommendations

- 55 I make the following recommendations to assist the Town of Pelham in fulfilling its obligations under the Act and enhancing the transparency of its meetings:

Recommendation 1

All members of council for the Town of Pelham should be vigilant in adhering to their individual and collective obligation to ensure that council complies with its responsibilities under the *Municipal Act, 2001* and its own procedure by-law.

Recommendation 2

The Town of Pelham should ensure that no subject is discussed in closed session unless it clearly comes within one of the statutory exceptions to the open meeting requirements.

Recommendation 3

The Town of Pelham should ensure that its resolution to proceed *in camera* provides a general description of the issue to be discussed in a way that maximizes the information available to the public while not undermining the reason for excluding the public.

Report

- 56 Council for the Town of Pelham was given the opportunity to review a preliminary version of this report and provide comments to my Office. Due to restrictions in place related to COVID-19, some adjustments were made to the normal preliminary review process and I thank council and staff for their co-operation and flexibility. No comments were received.
- 57 This report will be published on my Office's website, and should also be made public by the Town of Pelham. In accordance with section 239.2(12) of the *Municipal Act, 2001*, council is required to pass a resolution stating how it intends to address this report.



Paul Dubé
Ombudsman of Ontario

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:

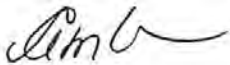
That Report PW 19-2022, dated May 10, 2022, respecting Waste Management System By-law and Access to Closed Landfill and Repurposed Sites By-law Updates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

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;

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

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

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

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

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

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

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

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

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

- 1.17 "Construction, Renovation and Demolition" Material includes but is not limited to windows, drywall, wood, doors, metal, PVC pipe and other building Materials As Designated by the Region;
- 1.18 "Council" means the elected Council of The Regional Municipality of Niagara;
- 1.19 "Curbside" means the area directly in front of an Owner's Premises as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk. It normally extends 1.2 m (four (4) feet) rearward from the travelled portion of the road;
- 1.20 "Designated Business Area" means an area designated by the Area Municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services;
- 1.21 "Dwelling Unit" means a place of residence designed or intended for habitation by one (1) or more persons with its own culinary and sanitary facilities which are provided for the exclusive use of the person or persons who reside therein. If an Owner disagrees with the number of units contained within the Premises as assessed, it is up to the Owner to provide proof of the actual number of legally existing individual units within the Premises. In the absence of provision of proof to the satisfaction of the Region, the limit for the Premises in question shall be as determined by the Region;
- 1.22 "Electrical and Electronic Equipment (EEE)" means electrical and electronic equipment that, (a) is designed for use with an electrical current and a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current, (b) weighs no more than 250 kilograms, and (c) is not intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location, as defined in Ontario Regulation 522/20: Electrical and Electronic Equipment under the *Resource Recovery and Circulate Economy Act, 2016*, S.O. 2016, c.12, Sched. 1, , or any successor legislation, including but not limited to the following:
 - a) Computers;

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

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

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

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

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

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

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

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

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

or As Designated, which is delivered to an Owner, or left in a visible location, which can be readily seen at the Premises, or in a mailbox, to address Non-Compliance;

- 1.26 "Garbage" means all non-hazardous, solid, residual waste which, for purposes of collection or drop-off at a Regional Drop-Off Location, does not fall within a recyclable class of Material as set out in Subsection 3.1(a) or elsewhere in this By-law and such other Material As Designated. It does not include Grass Clippings;
- 1.27 "Garbage Container" means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of Garbage for collection. It does not include cardboard boxes;
- 1.28 "Garbage Exemptions" mean exemptions as set out in Section 13 to the approved Garbage Container limits as shown in Schedule "A";
- 1.29 "Garbage Tag" means a tag that can be purchased from the Region or authorized vendor and affixed and untampered (i.e. torn in half) to the neck of a waterproof bag or on top of the bag situated on the top in the Garbage Container to allow additional limit of Garbage to be set out for collection. Only Type A Premises as defined in Schedule "A" of this By-law can use a Garbage Tag;
- 1.30 "Grass Clippings" means vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns and pastures, which are the cut portions of grass, that are left behind or captured in a grass catcher; but does not include weed-type plants, such as "crab grass", where the whole plant is removed, including its root system;
- 1.31 "Green Bin Container" means a container such as a Green Bin, Carts or the smaller Kitchen Catcher available from the Region, or other rigid reusable closed or open-top container clearly labelled with handles used for storing and setting out Green Bin/Cart Material;
- 1.32 "Green Bin Material" means compostable organic Material collected under the Green Bin program As Designated by the Region, including but not

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

limited to food waste (such as meat, bones, shells, tea bags), pumpkins, tissue paper, paper towels and napkins, paper egg cartons, 100% compostable paper cups and plates, dryer lint, soiled newspaper, cold fireplace ashes, brown paper bags, saw dust, wood shavings, paper takeout trays, kitty litter and Pet Waste. It does not include Grass Clippings or Liquid Material;

- 1.33 "Grey Box" means a container available from the Region or approved alternative as set out in Section 11 of this By-law or As Designated, used to set out Grey Box Material;
- 1.34 "Grey Box Material" means recyclable Material that is collected as part of the Grey Box Program. The Grey Box Material(s) include(s):
- (a) soft-covered books and hard-covered books with the covers removed;
 - (b) boxboard (non-waxed, such as cereal and cracker boxes);
 - (c) cardboard (non-waxed);
 - (d) fine paper and paper envelopes;
 - (e) newspapers and unaddressed ad mail and flyers;
 - (f) plastic bags and stretchy plastic outer-wrap including but not limited to plastic grocery and retail bags, outer-wrap from such things as empty bread bags, empty produce bags, toilet paper and paper towel packaging, empty and clean milk bags dry cleaner bags. Plastic bags and stretchy plastic outer-wrap must be stuffed into one bag and securely tied;
 - (g) shredded paper placed in a securely-tied, transparent plastic bag;
 - (h) telephone books and magazines, including catalogues and all glossy publications; and
 - (i) other Material As Designated;
- 1.35 "Household Hazardous Waste Drop-Off Depots" means those locations as noted the Region's website, which may be updated from time to time, but which includes:

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

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

- 1.43 "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
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) 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
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*

1.49 "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

*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

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

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

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

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

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

- 1.63 "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;

*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

- (m) Steel and plastic barrels, unless the lid is removed and the barrel is empty and dry;
 - (n) Automotive parts, not including automobile tires or small automotive parts;
 - (o) Waste with excess liquid accumulated in the load or Material that fails a slump test;
 - (p) Asbestos not prepared as set out in Section 28;
 - (q) Organic material which has decomposed under anaerobic conditions; and
 - (r) Other Material As Designated.
- 1.66 "Waste Disposal Site" means (a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a), as defined in the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation;
- 1.67 "White Goods" means major household appliances or items such as stoves, washers, dryers, dishwashers, dehumidifiers, water tanks, barbeques, swing sets, bicycles, air-conditioning units, heat-pumps, microwaves, refrigeration units or freezer units and other Material As Designated.

PART II - COLLECTION SERVICES

2. General Collection Provision

- 2.1 The Region provides collection of all Collectable Material from Eligible Properties in the Region according to the terms of this By-law and subject to other terms As Designated.
- 2.2 The Region also provides enhanced services as requested, approved and funded by local municipalities.

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

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

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

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

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

4. Separate According to Class and Class Provisions

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

5. Brush

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

6. Bulky Goods

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

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

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

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

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

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

- (c) large glass pieces (greater than 1.5ft by 1.5ft) must be removed from any bulky item, packaged or wrapped separately in a cardboard, bubble wrap or another approved packaging Material, and appropriately labelled (i.e. " Glass") to protect the safety of collection personnel.

7. Christmas Trees

- 7.1 Christmas Trees shall be set out for Curbside collection without wrapping, bagging, tinsel, lights or any other decorations, in accordance with the schedule of collection days and times As Designated. Further information on the collection of Christmas Trees is available from the sources noted in Section 53 of this By-law.
- 7.2 Christmas Trees are only collectable from Type A Premises, as defined in Schedule "A" to this By-law.
- 7.3 No Owner shall set out a Christmas Tree unless it, or segments cut from it, are less than 3 metres (10 feet) in length and free of all accessories, decorations and plastic wrap. No Artificial Christmas Trees, wrapped or bagged trees, will be collected for this purpose. Refer to Section 6, Bulky Goods, for the collection of Artificial Christmas Trees.

8. Blue Box Material

- 8.1 Blue Box Material shall be set out for collection according to the following requirements:
 - (a) Blue Box Material must be packaged as follows:
 - i. in designated recyclable containers (Blue Box) available from the Region; or
 - ii. in a Cart only for Type B-F Premises as set out in Schedule "A" to this By-law for; or

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

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

- iii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides to facilitate the lifting and emptying of the said receptacle; or
- iv. in transparent plastic bags; or
- v. in a sturdy non-waxed cardboard box (box will be recycled); and

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

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

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

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

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

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

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

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

9. Leaf and Yard Material

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

- (a) packaged in rigid, reusable containers or compostable paper bags or certified compostable plastic bags As Designated:
 - i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
 - ii. for Leaf and Yard Containers with lids, the lid must be readily separable from the container. Any devices used to tie down or secure any lids must be removed by the Owner prior to collection; and
 - iii. be of sufficient quality to withstand normal collection activities and use; and
 - iv. be clearly identifiable as Leaf and Yard Material from the collection vehicle with the use of labels, or an open-top container; and
- (b) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

9.2 Non-compostable plastic bags (without a 'Biodegradable Products Institute' (BPI) logo or '100% Compostable' logo) or cardboard boxes are not permitted.

9.3 Leaf and Yard Material is only Collectable from Type A Premises as defined in Schedule "A" to this By-law.

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

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

9.4 Further information on the collection of Leaf and Yard Material is available from the sources noted in Section 53 of this By-law.

10. Green Bin Material

10.1 Green Bin Material shall be set out for Curbside collection packaged:

- (a) in a Green Bin Container available from the Region or other suitable containers in accordance with section 10.1 (c) packaged in:
 - i. Compostable plastic bags with BPI logo or 100% Compostable logo;
 - ii. Paper bags;
 - iii. Wrapped in newspaper; and/or
 - iv. Placed directly into the Green Bin container in a loose fashion.
- (b) in a Cart only for Type B-F Premises as set out in Schedule "A" to this By-law for; or
- (c) in other containers labelled "Organics":
 - i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61 cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
 - ii. not exceeding a total weight (of container and Green Bin Material together) of 22.7 kg (50 pounds); and
 - iii. which are equipped with handles; and
 - iv. be of sufficient quality to withstand normal collection activities and use; and
 - v. Carts are exempt from section 10.1 (c) i-iii; *and*

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

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

(d) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.

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

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

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

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

11. Grey Box Material

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

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

- i. in designated recycling containers (Grey Box) available from the Region; or
- ii. in clearly marked, reusable, solid-walled, rigid containers with handles or indentations on two (2) sides to facilitate the lifting and emptying of the said receptacle; or
- iii. in a Cart only for Type B-F Premises as set out in Schedule "A" to this By-law; or

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

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

- iv. in transparent plastic bags; or
 - v. in a sturdy non-wax cardboard box (box will be recycled); or
 - vi. in case of cardboard, must bundle together in bundles not exceeding a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); or
 - vii. in the case of flattened cardboard placed inside another cardboard box, which cardboard box must not exceed a size of 91 cm (3 feet) in width by 91 cm (3 feet) in length by 91 cm (3 feet) in depth and not exceeding a weight of 22.7 kg (50 pounds); Loose cardboard must be flattened and tied using twine, packing tape or an approved alternative, in bundles no larger than 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet), and not exceeding a weight of 22.7 kg (50 pounds); or
 - viii. in the case of plastic bags and stretchy plastic outer-wrap, by placing all loose plastic bags or plastic film in one securely tied Plastic Bag (not loose in the Grey Box); and
- (b) Grey Box containers must meet the following requirements:
- i. height not exceeding a size of up to 91 cm (3 feet) measured internally from the bottom of the receptacle to the top lip of the opening; and no width exceeding a size of up to 61cm (2 feet) measured internally from side to side, not corner to corner, or as determined by the Region; and
 - ii. not exceed a weight (of container and Material together) of 22.7 kg (50 pounds); and
 - iii. Carts for Type B-F Premises are exempt from section 11.1 (b) i-ii;
 - iv. be of sufficient quality to withstand normal collection activities and use; and
 - v. for Grey Box containers with lids, the lid must be readily separable from the container. Any devices used to tie down or

*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

secure any lids must be removed by the resident prior to collection; and

- (c) contents placed within a Grey Box container shall not exceed 91 cm (3 feet) x 91 cm (3 feet) x 91 cm (3 feet); and
- (d) clearly separated from any other class of Collectable Material on the same Premises.

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

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

12. Garbage

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

(a) packaged in a Garbage Container:

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

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

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

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

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

- (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;

*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

- 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

*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

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

*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

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;

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

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

- (d) for Type E Premises, an Owner may set out for collection up to eight (8) Green Carts or the equivalent number of Green Bins as determined solely by the Region. Type E Premises that consistently exceed the eight (8) Cart equivalent limit with Green Bins, as solely determined by the Region, will be encouraged to use Carts. If the Owner of a Premises fails to switch to Cart collection, despite the Region's attempts to encourage the switch, the Region may, at their discretion, and upon written notice to the Owner, cease collection from the Premises until such time as the property switches to adequate Cart collection, to the satisfaction of the Region.
- 13.4 In all cases, the Material collected during collection must be Material generated at the self-contained unit for Type A Premises or on the Premises for Type B-F Premises.
- 13.5 Type A Premises that use private Garbage collection services or are not able to stay within the Garbage limit, as determined by the Region, are subject to review by the Region and may not be eligible for Garbage and/or Bulky collection services as Designated. This applies to both base and enhanced service, where applicable.
- 13.6 To be eligible for Garbage collection services, Type B-F Premises must utilize the Region's recycling and organics collection services. This applies to both base and enhanced service, where applicable.
- 13.7 Any Type C or E Premises, as shown in Schedule "A" with a building greater than three (3) storeys, as determined by the Region, excluding municipal or Region owned buildings are not eligible for any collection services.
- 13.8 Any Type B-F Premises, as shown in Schedule "A", that retain private service for Blue or Grey Box Material collection will not be eligible for Regional collection services. An exemption to this clause applies for regional and municipal facilities, Regional Agencies, Boards and Commissions, as well as Registered Charities and schools, subject to application and approval by the Region.

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

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

- 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

*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

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

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

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

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

mailed by ordinary mail (where receipt is deemed to be three (3) days after mailing), registered mail, or hand delivered to the address of the Owner according to the last revised assessment roll of the subject property or by posting the notice at the subject property, and such service shall be deemed good and sufficient notice effective upon delivery. Information posters and media releases may be used, in addition to the above publication or service methods. In the event of an emergency situation, as determined by the Region, involving a matter of public health and safety or a legal or regulatory requirement which requires As Designated changes to be implemented faster than on fourteen (14) days' notice, the Region may in its discretion provide less than fourteen (14) days' prior notice but will endeavour to provide as much notice as reasonably practicable.

15. Collection Location

- 15.1 Except as set out in Section 15.2 the Owner of Premises shall set out Material for collection by placing it at Curbside in front of the Premises in a location to clearly distinguish separation from a neighbouring Premises and as close as possible to the travelled portion of the road without obstructing or interfering with the travelled portion of the road or any sidewalk.
- 15.2 The Owner of Premises shall set out Material at a collection point or Communal Collection point approved or as determined by the Region. Dwelling Units that place their Material at a Communal Collection point must ensure all collection containers are labelled with the Dwelling Unit address to clearly distinguish separation from neighbouring Dwelling Units.
- 15.3 No Owner shall place Material out for collection at any Premises except at their own Premises.
- 15.4 No Owner shall permit Material at any time in the Care and Control of that Owner to be located otherwise than on their Premises or in a Collection location permitted by Section 15 of this By-law.
- 15.5 No Owner shall place Material out for collection on top or behind snow banks. This will ensure the Material can safely be collected and prevent containers from falling behind the snow bank or onto the roadway before or

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

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

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

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

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

16. Collection Times and Collection Days

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

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

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

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

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

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

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

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

17. Acceptable Containers

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

- (a) each container shall be maintained in a safe and efficient condition for collection and have handles or indentations to facilitate the lifting and emptying of the said receptacle; and
- (b) intact, as required, to prevent spillage or breakage during collection; and

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

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

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

18. Uncontained Material

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

19. Ownership

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

20. Requirements for Waste Collection

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

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

20.1 The Region may enter a Private Property for collection purposes provided that:

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

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

PART IV- REGIONAL DROP-OFF LOCATIONS

21. Drop-off of Acceptable Material

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

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

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

22. Unacceptable Materials

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

22.2 Unacceptable Material includes the following:

- (a) Any dangerous and hazardous Material such as poisons, hot live ashes, caustics, acids, pesticides, herbicides, radioactive Material, industrial process sludge, biomedical waste, or substances which may cause personal or environmental problems with the exception of the Household Hazardous Waste categories as set out in Section 26;
- (b) Ammunition;
- (c) Reactive chemical waste;
- (d) Liquid waste with the exception of certain Household Hazardous Waste categories as set out in Section 26;
- (e) Pathological waste with the exception of Sharps, which are collectable at Household Hazardous Waste Drop-Off Depots only;
- (f) Sludge from septic tanks or seepage;
- (g) Highly flammable, volatile, explosive, reactive or radioactive Materials with the exception of certain Household Hazardous Waste categories as set out in Section 26;
- (h) Leachate toxic waste;
- (i) PCB waste;
- (j) Carcasses of dogs, cats, fowl and other such creatures, or parts thereof;
- (k) Live animals or birds;
- (l) Human excrement;
- (m) Steel and plastic barrels, unless the lid is removed and the barrel is empty and dry;

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

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

- (n) Automotive parts, not including automobile tires or small automotive parts;
- (o) Waste with excess liquid accumulated in the load or Material that fails a slump test;
- (p) Asbestos not prepared as set out in Section 28;
- (q) Organic material which has decomposed under anaerobic conditions; and
- (r) Other Material As Designated.

23. Acceptable Material

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

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

24. Acceptable Drop-off/Recycling Material

24.1 Acceptable Material for Drop-off includes the following:

- (a) Automobile tires separated from the rims and free of foreign Material and excessive moisture;
- (b) Asphalt and concrete
- (c) Batteries, either single use alkaline or rechargeable (excludes electric-vehicle batteries or traction batteries);
- (d) Blue Box Material;
- (e) Bulky Goods;
- (f) Clothing for re-use;

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

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

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

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

25. Acceptable Composting Material

25.1 Acceptable Material for composting includes the following:

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

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

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

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

26. Acceptable Household Hazardous Waste Material

26.1 Acceptable Material for Household Hazardous Waste is:

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

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

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

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

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

27. Acceptable Landfilling Material

27.1 Acceptable Material for Landfilling is:

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

28. Acceptable Asbestos Preparation and Acceptance Procedures

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

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

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

- 28.2 Any Person dropping off asbestos shall contact the Region at least twenty-four (24) hours prior to delivery of the asbestos to allow for preparation of the Regional Drop-Off Location designated area.
- 28.3 All asbestos must be contained in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the asbestos, or the asbestos Material must be double bagged in two (2) six millimetre polyethylene bags. The container must be free from punctures, tears or leaks and shall be clearly labelled to indicate the nature of the contents. The external surface of the container and the vehicle used for the transport of the asbestos must be free of asbestos.
- 28.4 During unloading, the packaged asbestos shall be handled individually and care taken to place the packages in the designated area to avoid spillage. This unloading shall be the responsibility of the Person dropping off the asbestos.
- 28.5 The unloading shall only be done in the presence of the Region to ensure that no loose asbestos or broken containers are unloaded and that no airborne particulate is generated.
- 28.6 In the event that loose asbestos or broken containers are found, the Person dropping off the asbestos shall repackage the Material with additional containers or bags provided in his/her vehicle.
- 28.7 The asbestos containers shall be placed directly in the designated area which has been prepared by the Region.
29. Material Requiring Special Handling
- 29.1 Any Person dropping off Material requiring special handling (such as dusty material) shall contact the Region at least 24 hours prior to delivery to a Regional Drop-Off Location to receive handling instructions from the Region and to allow for preparation of the Regional Drop-Off Location designated area.

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

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

29.2 The unloading of the Material requiring special handling shall be the responsibility of the Person dropping it off.

29.3 The Material requiring special handling shall be placed directly in the designated area by the Person dropping it off.

29.4 Material requiring special handling is only accepted Mondays to Fridays, between the hours of 8:30 a.m. and 3:00 p.m.

30. Fees

30.1 The Region shall set fees to be paid by Persons for the drop-off of Material at Regional Drop-Off Locations.

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

31. Access

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

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

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

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

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

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

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

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

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

PART V - REGIONAL DROP-OFF LOCATION RESTRICTIONS AND RESPONSIBILITIES

32. Drop-off Restrictions

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

- (a) all drivers shall ensure the vehicle load is fully covered and/or secured and the vehicle is not over loaded;
- (b) all drivers shall bring vehicles to a complete stop and await the direction of the Region's site attendant before entering or leaving the weigh scale;
- (c) all drivers shall identify the Material type and source to the Region's site attendant;
- (d) all vehicles shall weigh inbound and outbound unless instructed otherwise by the Region's site attendant;
- (e) no Material originating from outside the Region shall be dropped off;

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

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

- (f) all Material deposited shall become the property of the Region and may be salvaged, recycled, reclaimed, disposed of and otherwise dealt with as the Region may deem fit;
- (g) no Person, while at a Regional Drop-Off Location, shall operate a vehicle or do any other thing without exercising due care and attention or in a manner that causes or is likely to cause injury or harm to any Person or damage to any property;
- (h) no Person, while at a Regional Drop-Off Location, shall:
 - i. indulge in any riotous, violent, threatening or illegal conduct, or use profane or abusive language as determined by the Region; or
 - ii. create a Nuisance or in any way interfere with the use of a Regional Drop-Off Location by any other Person;
 - iii. Any person deemed by staff to be engaging in these behaviours may be refused service and/or requested to leave the premises.
- (i) no Person shall deposit or allow or cause to be deposited Materials except in bins or disposal areas for such purposes;
- (j) all Persons shall at all times obey all signs and directions of the Region, its site attendants or staff or contractors' staff;
- (k) all Persons shall enter or exit a Regional Drop-Off Location by the designated access and exit routes;
- (l) no Person shall deposit or permit to be deposited Garbage into recycling bins or composting areas;
- (m) no Person shall deposit Recyclable Material including Leaf and Yard Material, Green Bin Material, Blue Box Material, Grey Box Material and/or other Material As Designated into the Garbage area located at the Drop-off/Recycling Depot or in the area designated for Landfilling;
- (n) no Person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty (60) minute period.

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

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

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

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

33. No Trespassing

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

34. Drop-off Responsibilities

- 34.1 Every Person dropping off Material at a Regional Drop-Off Location shall:
 - (a) drop off only Material acceptable for deposit As Designated;
 - (b) comply with all orders or directions given by the Region's site attendants or contractors' staff;
 - (c) obey all speed limit signs and other signs posted at a Regional Drop-Off Location;
 - (d) separate each type of Material and deposit in areas designated for such Material by the Region;
 - (e) unload Material in a safe manner and use extreme caution while unloading;

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

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

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

35. Refusal

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

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

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

36. Safe Loads

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

PART VI - FURTHER RESTRICTIONS

37. Illegal Dumping

37.1 **General Prohibition:** No Person shall dump, drop, sweep, throw, cast or otherwise deposit; or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping, dropping, sweeping, throwing, casting or otherwise depositing any Material whatsoever on or in any road or Public Property, or at the entrance to or around the perimeter of a Regional Drop-Off Location.

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

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

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

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

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

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

38. Scavenging

38.1 No Person shall, without the written approval of the Region, Scavenge, interfere with, pick over, disturb, remove or scatter any Material set out for collection.

38.2 No Person shall Scavenge, interfere with, pick over, disturb, remove or scatter any Material at a Regional Drop-Off Location unless the Material has been designated for re-use by the Region and the Person has received permission from the Region.

39. Saving Provisions

39.1 A Person shall be liable under Section 37.3 if they can establish on the basis of a balance of probabilities that such Material, deemed by Section 37.4 to have been within the Care and Control of that Person was in fact never in that Person's care or control.

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

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

- 39.2 A Person or Owner shall not be liable for breach of either Section 15.4 or 37.3 of this By-law if they establish on a balance of probabilities that they took all reasonable precautions to prevent occurrence of the offence.

PART VII - ENFORCEMENT

40. Friendly Reminders

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

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

- 41.1 Notwithstanding any other provision of this By-law, no Person or Owner shall be charged with an offense for setting out, or permitting to be set out contrary to this By-law (included specific As Designated areas or collection times or schedules), any Collectable Material for collection where the As Designated provisions have not been published or communicated as set out in Section 16.6 of this By-law.

- 41.2 In addition to the publication and communication of As Designated changes set out in Section 16.6, the Region will issue a minimum of one (1) written notification to inform the Owner of the As Designated alternate schedule for the As Designated area before any such Owner is charged with an offense as set out above.

42. Enhanced Services

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

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

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

PART VIII – OFFENCES, PENALTIES, AND FINES

43. Offences

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

44. Fines – *Provincial Offences Act*

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

45. Fines – *Municipal Act, 2001*

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

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

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

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

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

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

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

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

46. Special Fines

46.1 In addition to the fines in Sections 44 and 45, a special fine is also chargeable and may exceed \$100,000, where an offence of this By-law has been committed and there is evidence that the Person who has committed the offence has achieved an economic advantage or gain from contravening this By-law. The intent of this section is to eliminate or reduce such economic advantage or gain or to deter the Person from further Non-compliance with this By-law.

47. Alternative Set Fine Procedure

47.1 In the discretion of the Region, charges may be laid for offences committed in contravention of this By-law using the certificate of offence set fine procedure set out under Part I of the Provincial Offences Act, R.S.O. 1990, Ch. P.33, or any successor legislation.

48. Order Prohibiting Continuation

48.1 When a Person or Owner has been convicted of an offence under this By-law, and in addition to any other remedy and to any penalty imposed by the By-law including a fine and a remedial action fee as set out in Section 49, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person or Owner convicted.

49. Work Orders

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

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

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

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

49.2 The Order shall set out:

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

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

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

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

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

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

50. Remedial Actions

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

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

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

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

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

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

PART IX - GENERAL

51. Conflicts of Laws

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

52. Schedules

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

53. Further Information on Material Preparation

53.1 More detailed instructions on preparation of Material for collection or drop off at Regional Drop-Off Location are available on the Region's website at www.niagararegion.ca or in publications updated and distributed by the Region from time to time or by contacting the Waste Info-line Monday to Friday, 8:00am – 5:00pm, at 905-356-4141 or Toll-free at 1-800-594-5542.

54. Delegation of Powers to Commissioner of Public Works

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

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

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

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

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

55. Severability

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

56. Environmental Compliance Approvals

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

57. References

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

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

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

58. Short Title of By-Law

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

59. Force and Effect Date

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

60. Interpretation

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

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

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

61. Repeal of Prior By-Law

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

THE REGIONAL MUNICIPALITY OF NIAGARA

Jim Bradley, Regional Chair

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

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

Ann-Marie Norio, Regional Clerk

Passed: xx xx, 2022

SCHEDULE “A”

COLLECTABLE VOLUME LIMITS – Table 1

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

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

Table 1: Garbage Container Limits

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

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

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

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes with seven (7) or more rooms, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).	2 per self-contained unit up to a maximum 24 per building	Every-other-week
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas.	Maximum 4 per Premises	Weekly
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area.	Maximum 4 per Premises	Weekly
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises .	Maximum 8 per Premises	Every-other-week
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area.	Maximum 8 per Premises	Every-other-week

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

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

COLLECTABLE VOLUME LIMITS – Table 2

Table 2: Recycling Container Limits

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

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

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

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
<ul style="list-style-type: none"> residential farms 		
B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes with seven (7) or more rooms, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).	Unlimited with guideline for 1 Cart for every 20 units for Blue Box Material and 1 Cart for every 11 units for Grey Box Material or to be determined by the Region	Weekly
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas.	Unlimited	Weekly
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area.	Unlimited	Weekly
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premise.	Combined limit of the eight (8) Blue and Grey Carts or the equivalent in Blue and Grey Boxes as determined solely by the Region.	Weekly

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

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



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

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

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

Type of Premises (as Assessed by MPAC)	Container Limit	Collection Frequency
B. Multi-Residential Premises are residential buildings containing seven (7) or more self-contained units, including but not limited to, apartments, condominiums and rentals, nursing and retirement homes, cottage properties with seven (7) or more cottages, boarding homes with seven (7) or more rooms, Group Homes, and vertical structures (stacked townhouses or similar style) where one or more unit does not have a primary external access door directly accessing ground level and cannot be serviced as a Type A Premises, and mobile homes (not assessed by MPAC as Low Density Residential Units).	Quantity as determined by the Region on a request only basis for Green Bins or Carts	Weekly
C. Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms inside Designated Business Areas.	Unlimited	Weekly
D. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area.	Unlimited	Weekly
E. Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area and Bed and Breakfasts with four (4) or more bedrooms outside Designated Business Areas are Type E Premises.	Limit of eight (8) Green Carts or the equivalent number of Green Bins as determined solely by Niagara Region.	Weekly
F. Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area.	Unlimited	Weekly

SCHEDULE "B" - FRIENDLY REMINDER NOTICE

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

 <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 	
<ul style="list-style-type: none"> <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>	
<hr/> <hr/>	
<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 foregoing, approaching closer than 1 metre to a body of water or prohibited incline, or approaching closer than permitted by posted signage shall in all cases be deemed to endanger a user.

PART VI – GUIDELINES FOR CONSIDERATION OF NEW USES

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

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

PART VII – ENFORCEMENT

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

PART VIII – OFFENCES, PENALTIES, AND FINES

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

PART IX - VALIDITY

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

THE REGIONAL MUNICIPALITY OF NIAGARA

Original signed by:

Regional Chair

Original signed by:

Regional Clerk

Passed: xx xx, 2022

APPENDIX 1**Listing of Zones**

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

APPENDIX 2

List of Sites

Repurposed Sites

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

Closed Sites

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

Active Sites

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

APPENDIX 3

MAPS (Attached)

Appendix 4

Set Fines (Attached)

Set Fines

Part 1: Provincial Offences Act

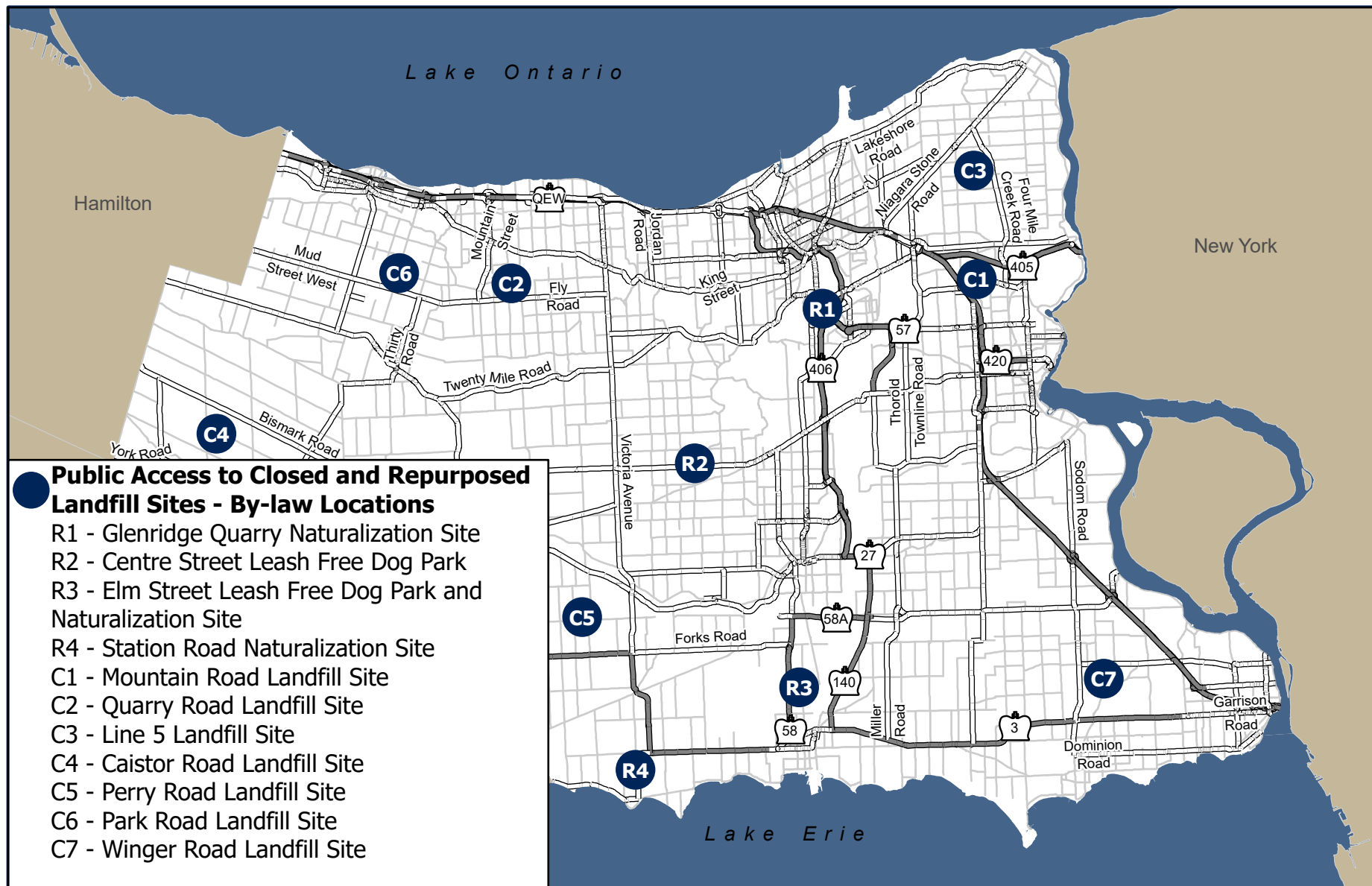
Note: The penalty provision for offences indicated is Section 61

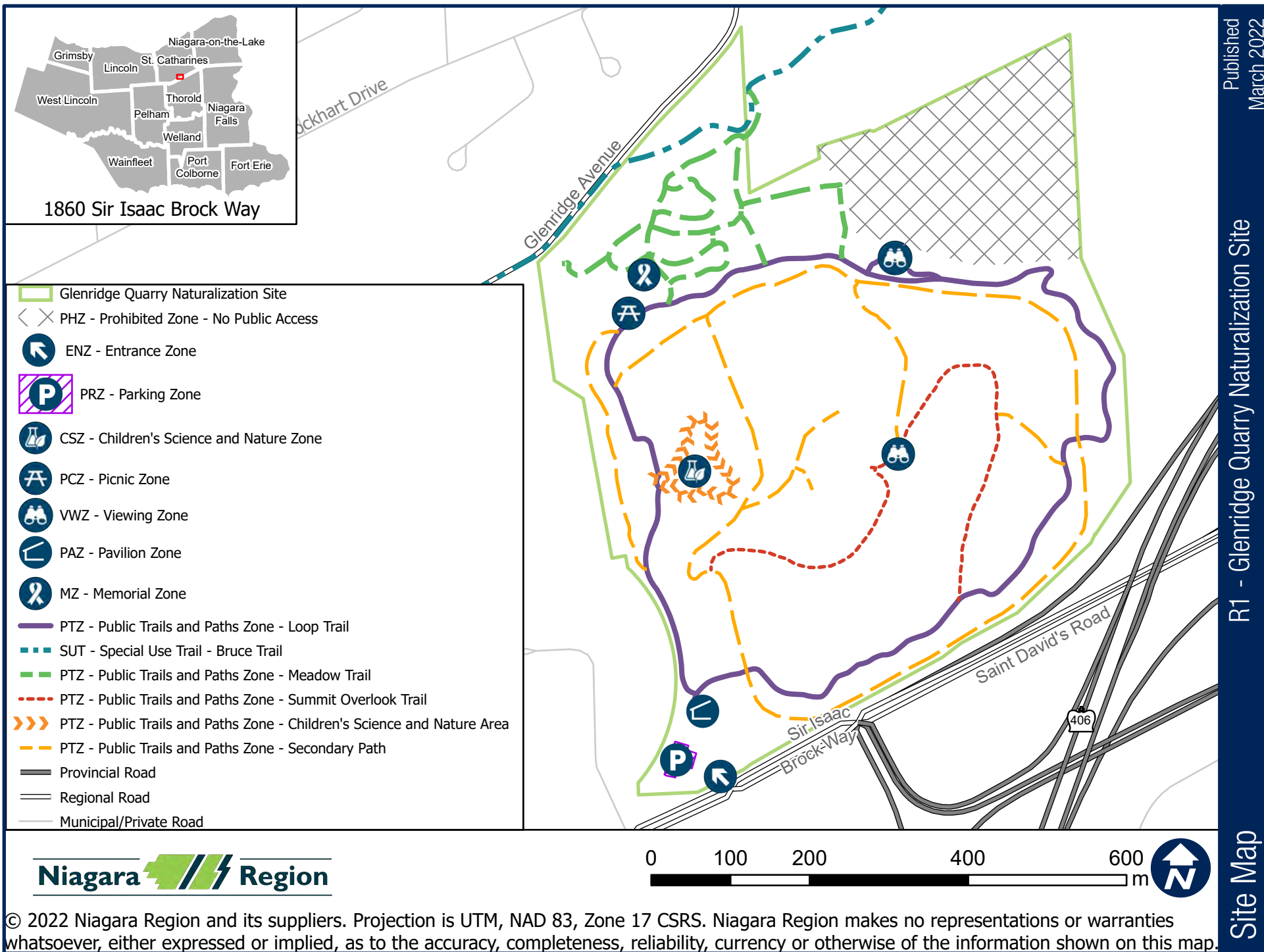
ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (Include Costs)
1.	Engage in dangerous sports	Section 21) 1)	\$100.00
2.	Operate any remote-controlled vehicle or toy on land, water or air	Section 21) 2)	\$100.00
3.	Camp, dwell, squat or lodge	Section 21) 3)	\$100.00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

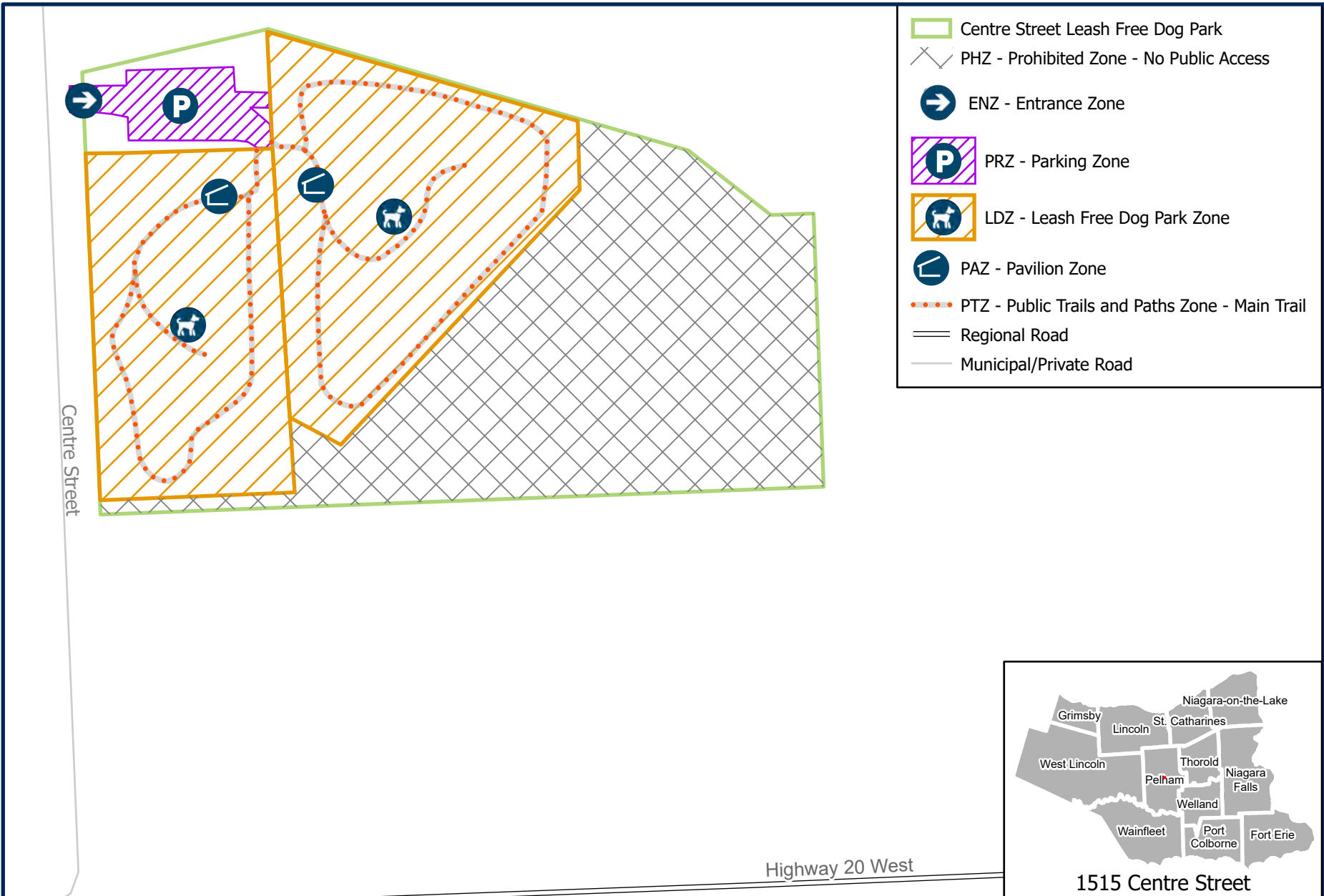
22	Create a nuisance	Section 21) 22)	\$100.00
23	Bring or operate a Vehicle, except the Parking Zone	Section 21) 23)	\$100.00
24	Be upon the site outside the posted hours of operation	Section 21) 24)	\$100.00
25	Engage in any Organized Activity, without written permission from Niagara Region	Section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

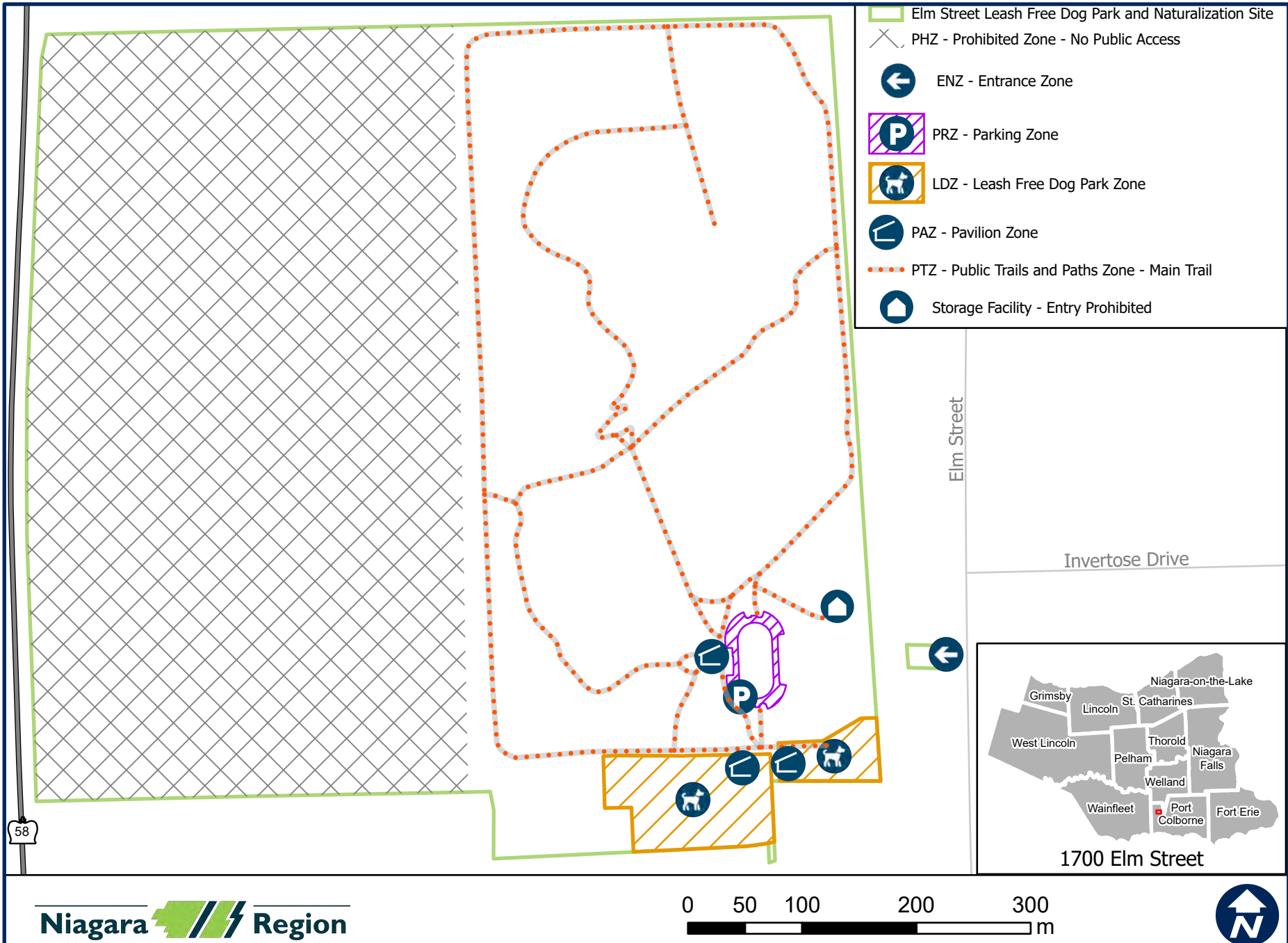
PW 19-2022 Appendix 5

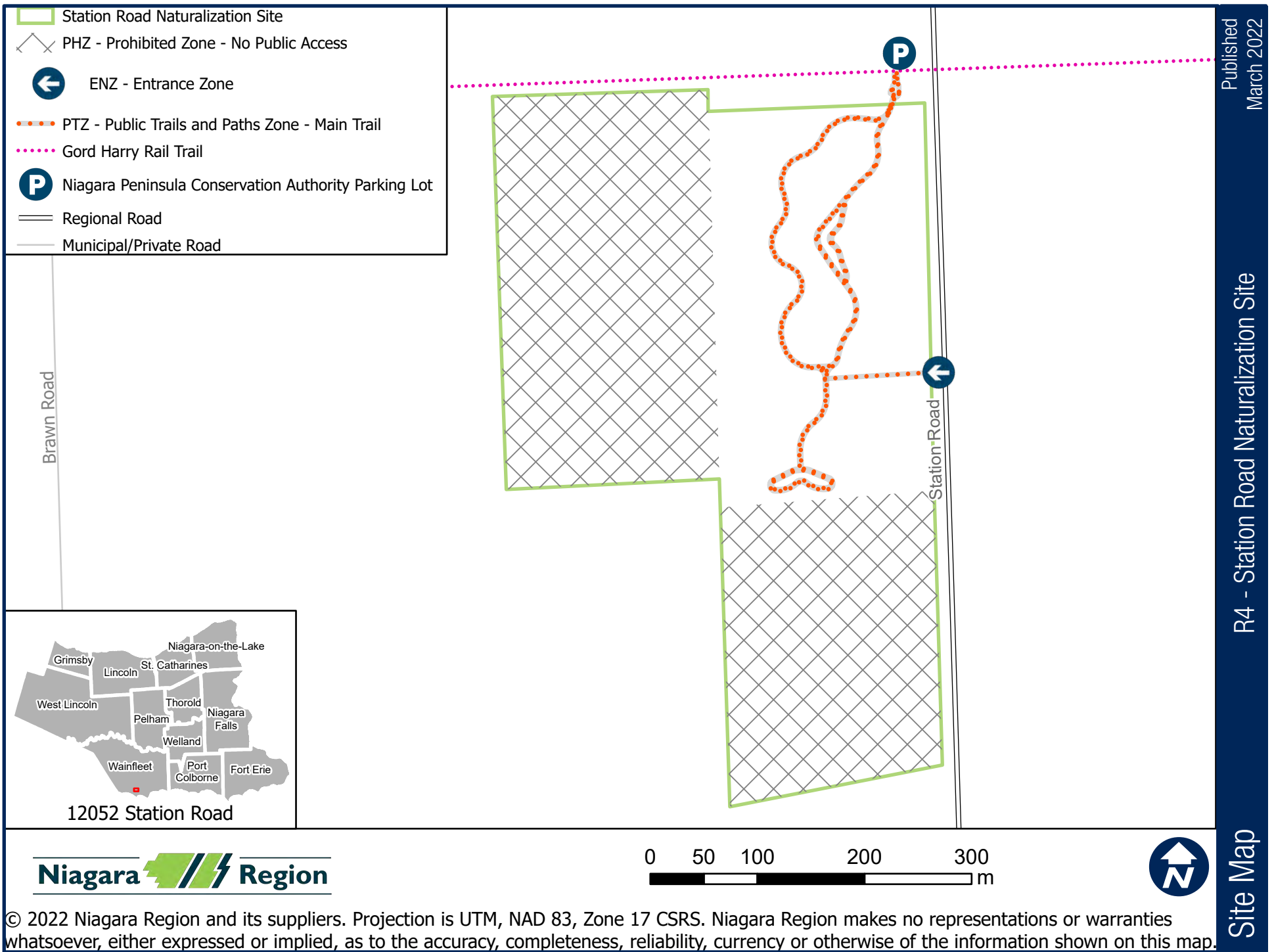
Closed Landfill and Repurposed Site Maps

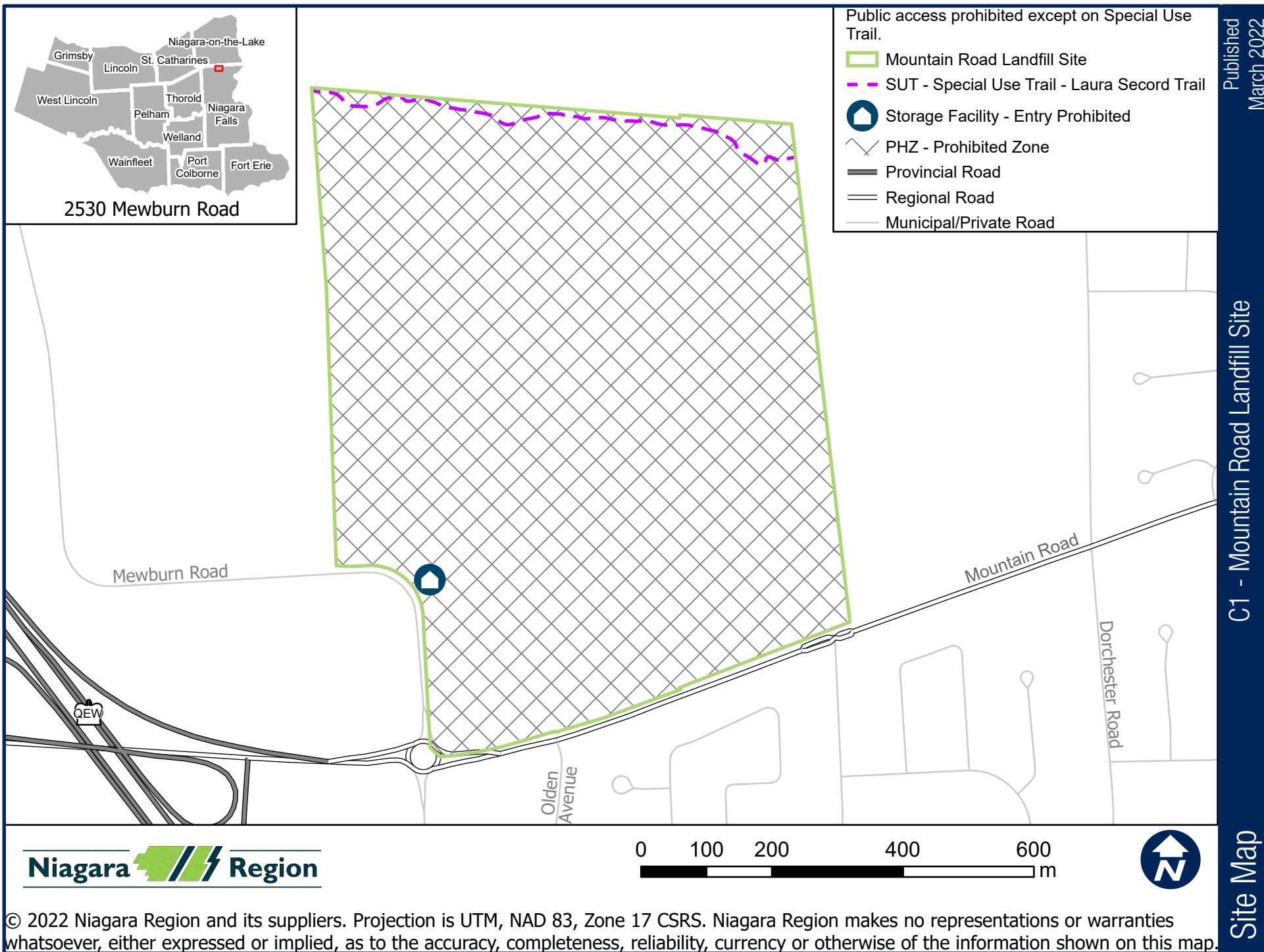














3768 Quarry Road (Rear)

Aberdeen Road

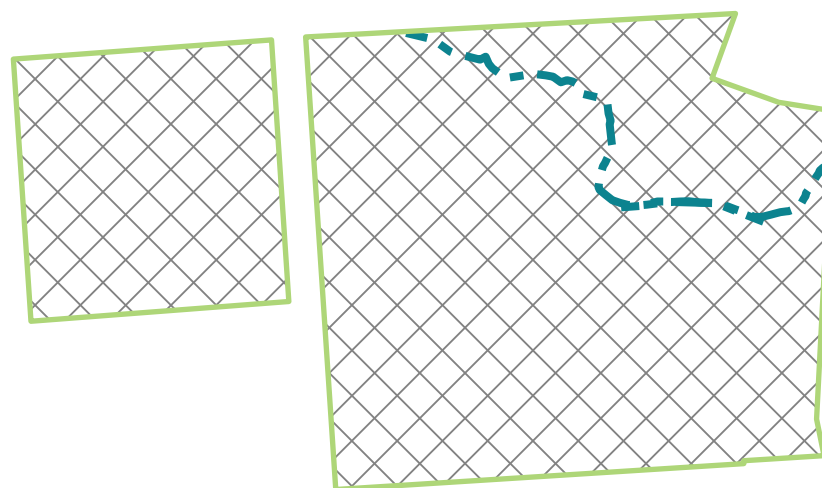
Public access prohibited except on Special Use Trail.

 Quarry Road Landfill Site

 SUT - Special Use Trail - Bruce Trail


 PHZ - Prohibited Zone

 Municipal/Private Road




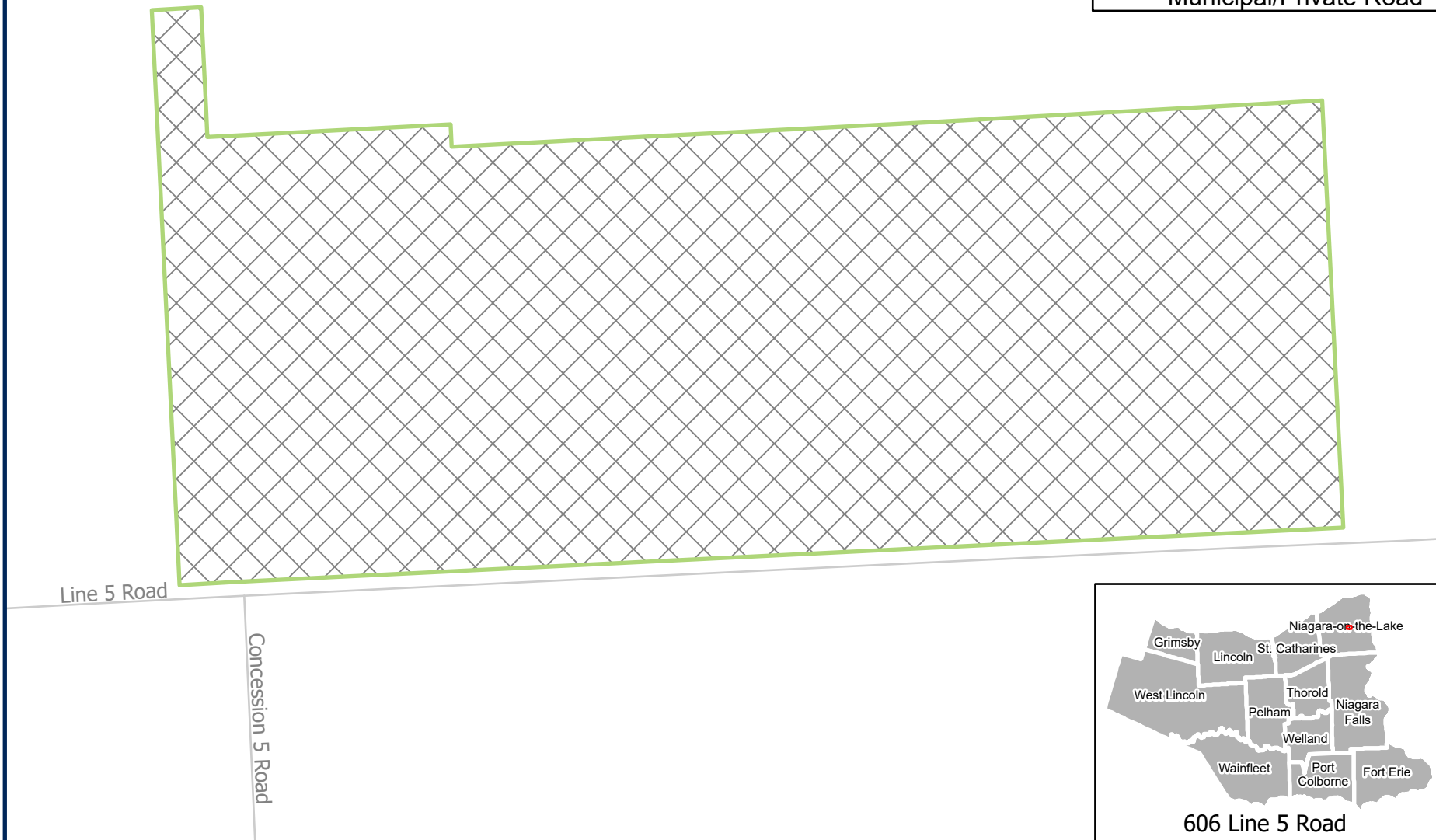
Quarry Road

Public access prohibited.

 Line 5 Landfill Site

 PHZ - Prohibited Zone

 Municipal/Private Road

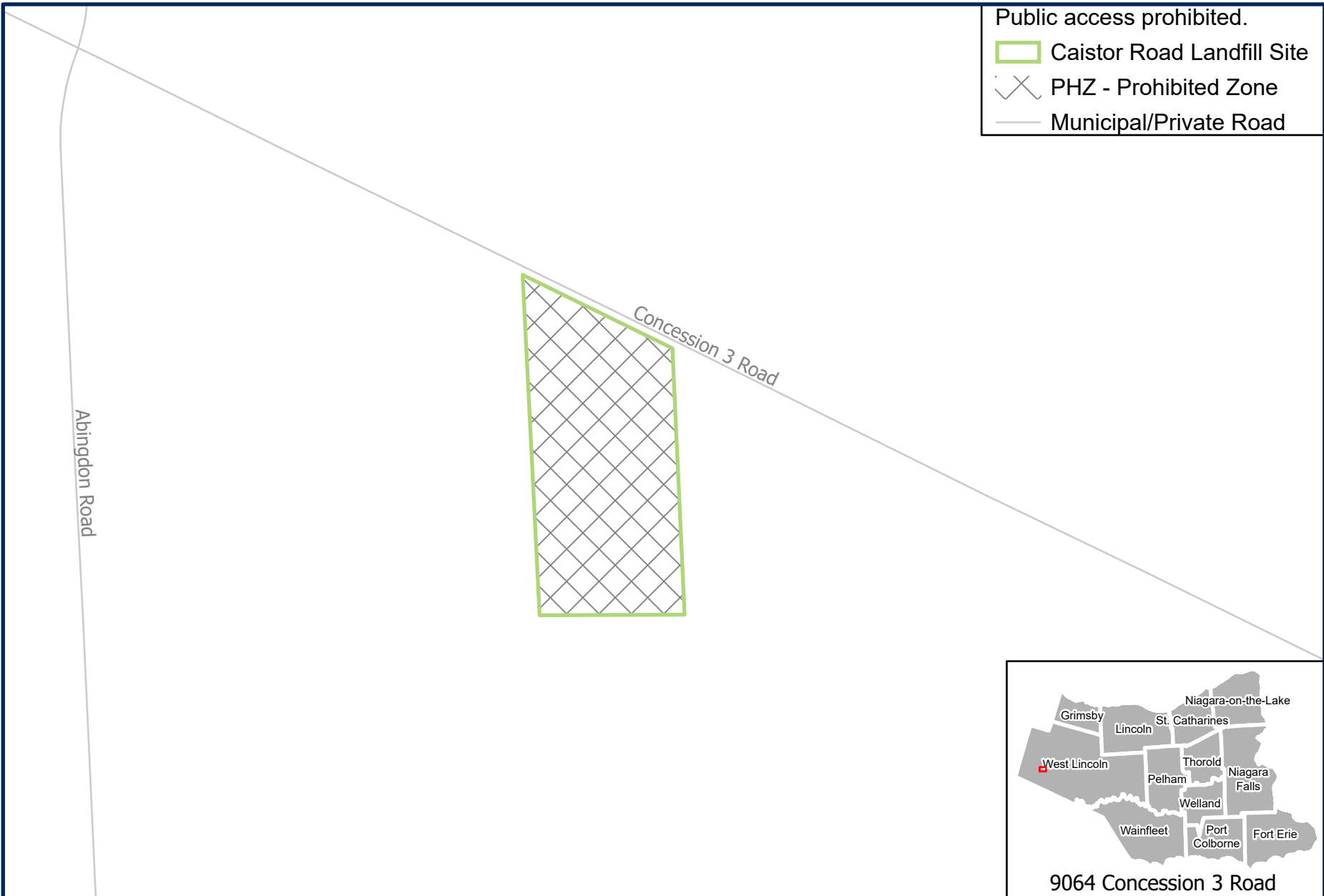


Niagara Region

0 50 100 200 300
m



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

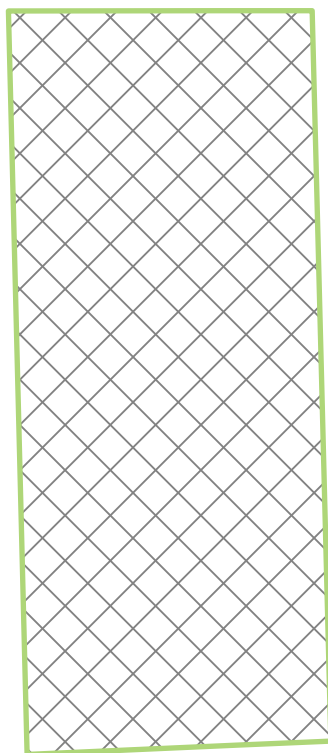
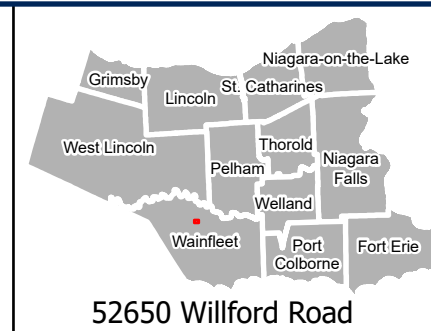


Public access prohibited.

 Perry Road Landfill Site

 PHZ - Prohibited Zone

 Municipal/Private Road



Willford Road

Traver Road

Priestman Road

Niagara Region

0 50 100 200 300 m







© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17 CSRS. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Published
March 2022

C5 - Perry Road Landfill Site

Site Map

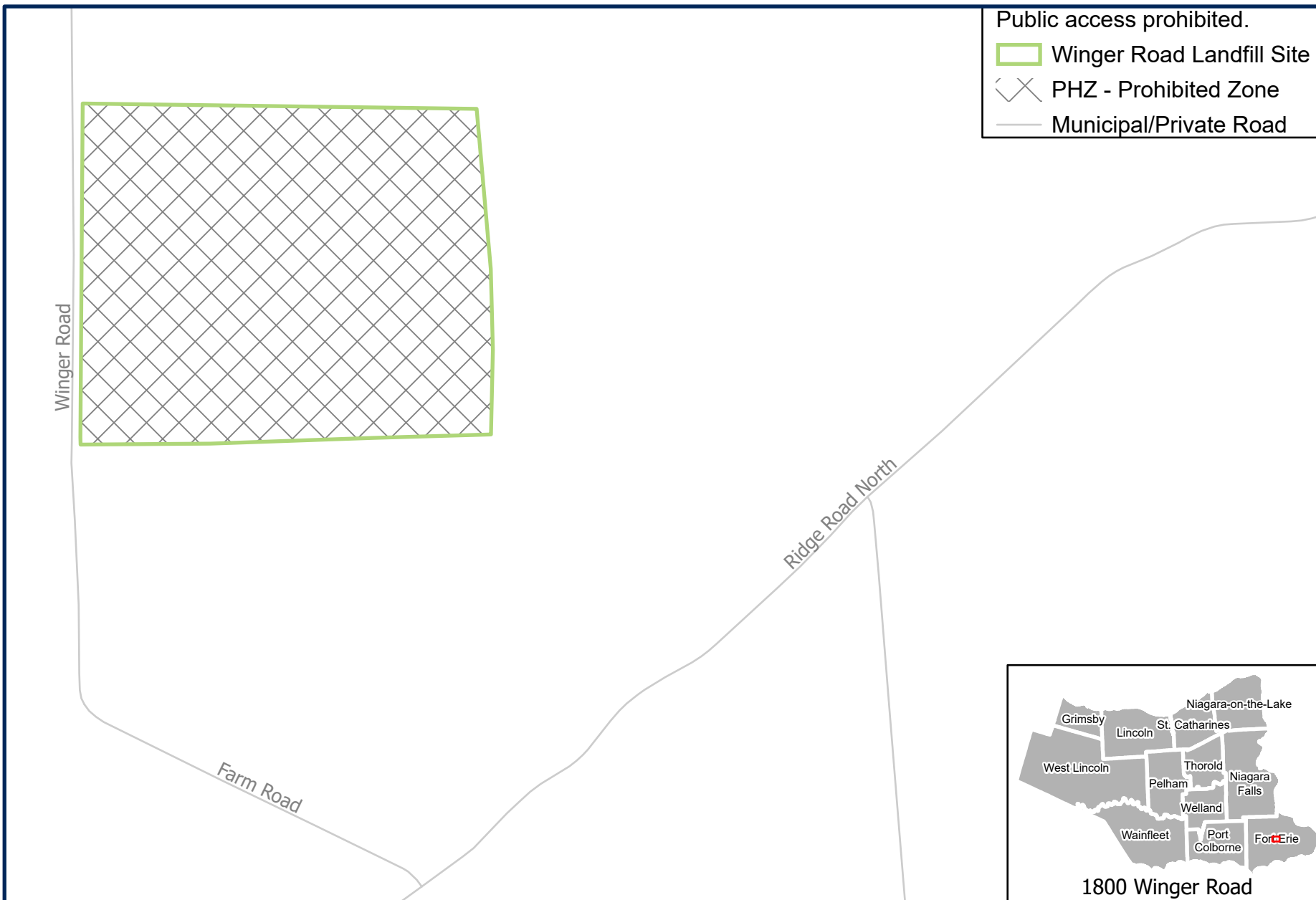
- Public access prohibited.
-  Park Road Landfill Site
 -  PHZ - Prohibited Zone
 -  Regional Road
 -  Municipal/Private Road



421 Park Road South



© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17 CSRS. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.



Public access prohibited.

Winger Road Landfill Site

PHZ - Prohibited Zone

Municipal/Private Road

Published
March 2022

C7 - Winger Road Landfill Site

Niagara Region

0 100 200 400 600 m



© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17 CSRS. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

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

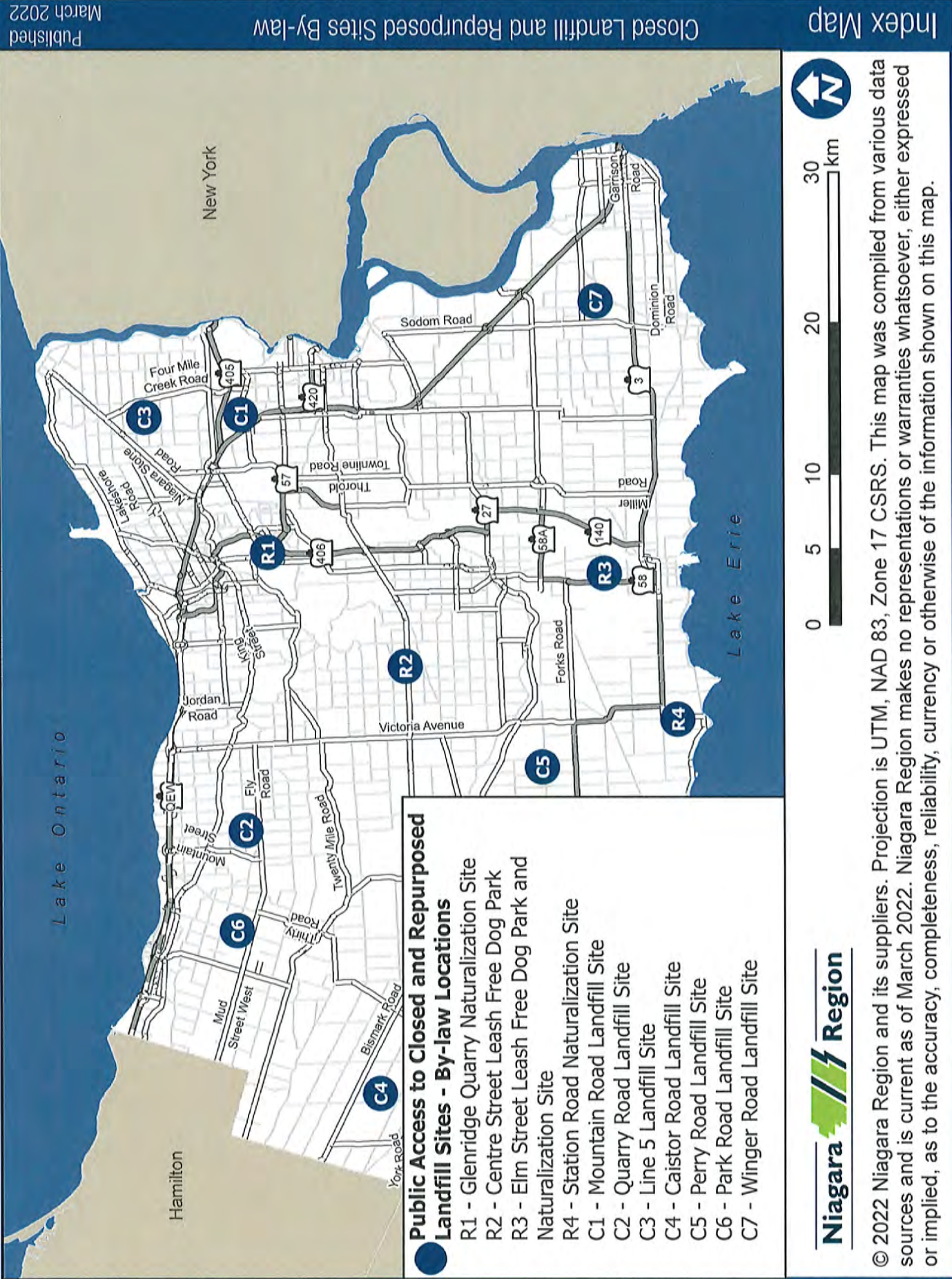
- C1) Mountain Road Landfill Site
- C2) Quarry Road Landfill Site
- C3) Line 5 Landfill Site
- C4) Caistor Road Landfill Site
- C5) Perry Road Landfill Site
- C6) Park Road Landfill Site
- C7) Winger Road landfill Site

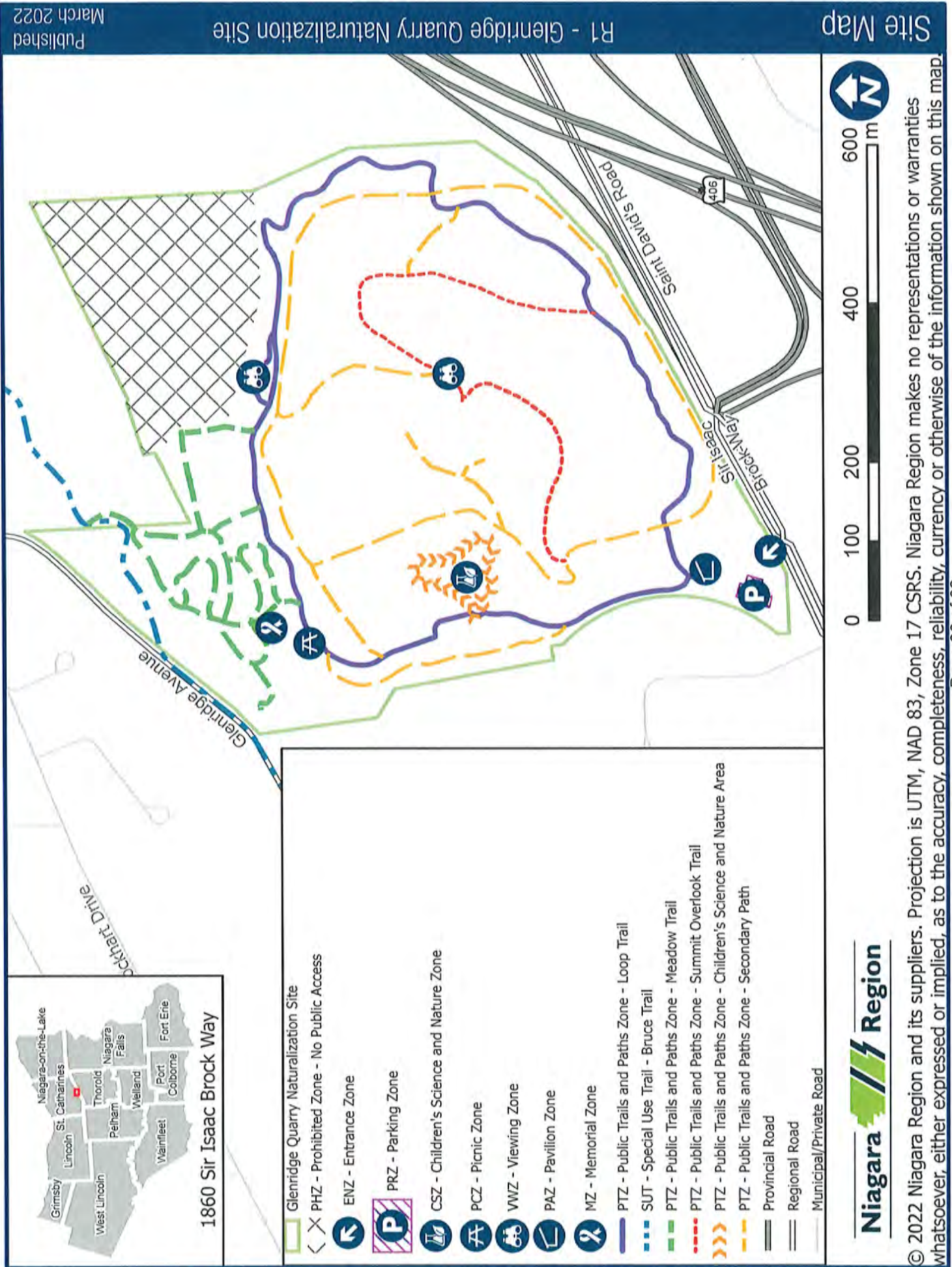
Active Sites

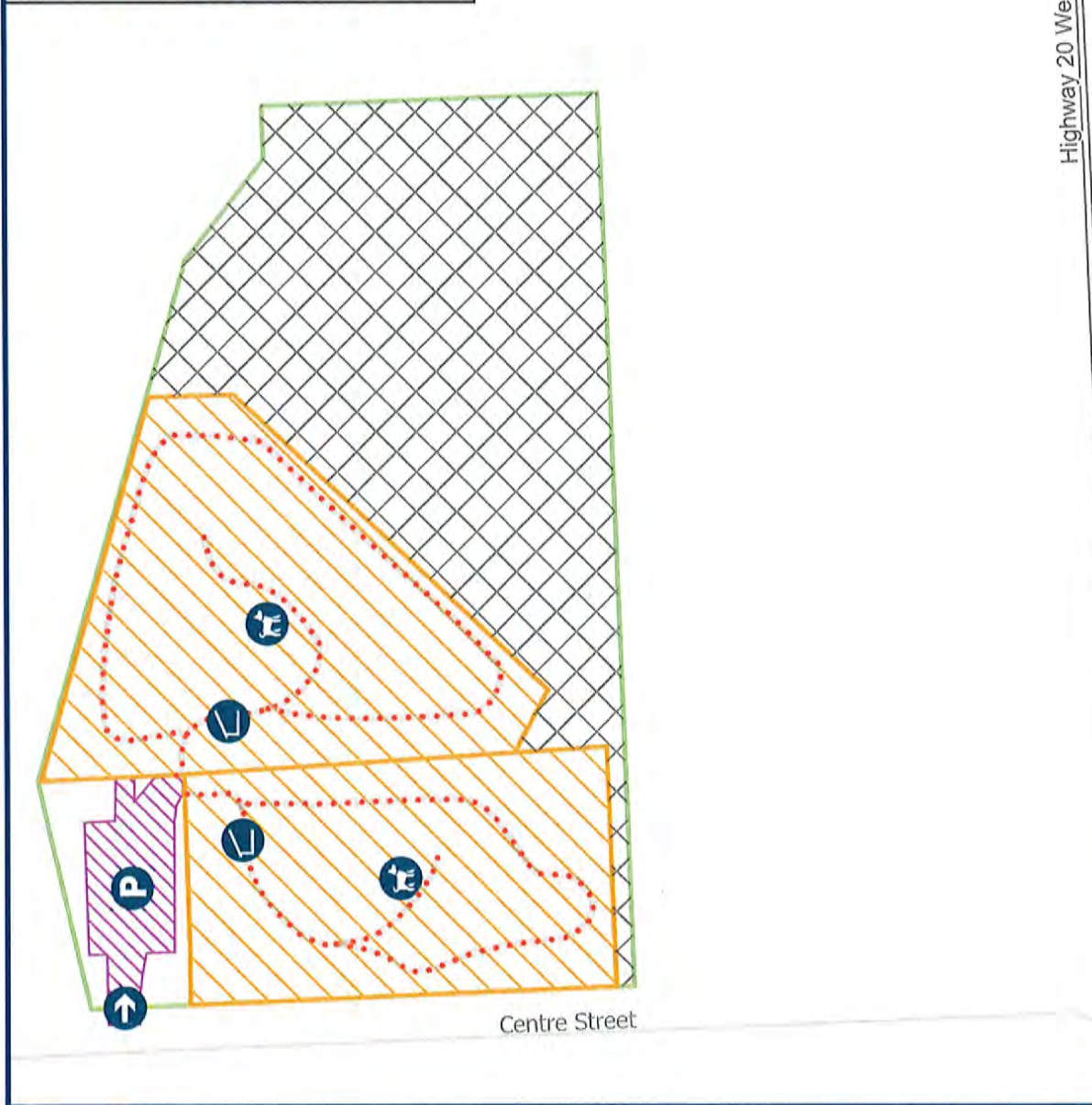
- A1) Bridge St. Residential Waste & Recycling Drop Off Depot
- A2) Humberstone Landfill Site
- A3) Niagara Road 12 Landfill Site

Bill No. 2022-33 Appendix 3

Closed Landfill and Repurposed Site Maps







Niagara Region

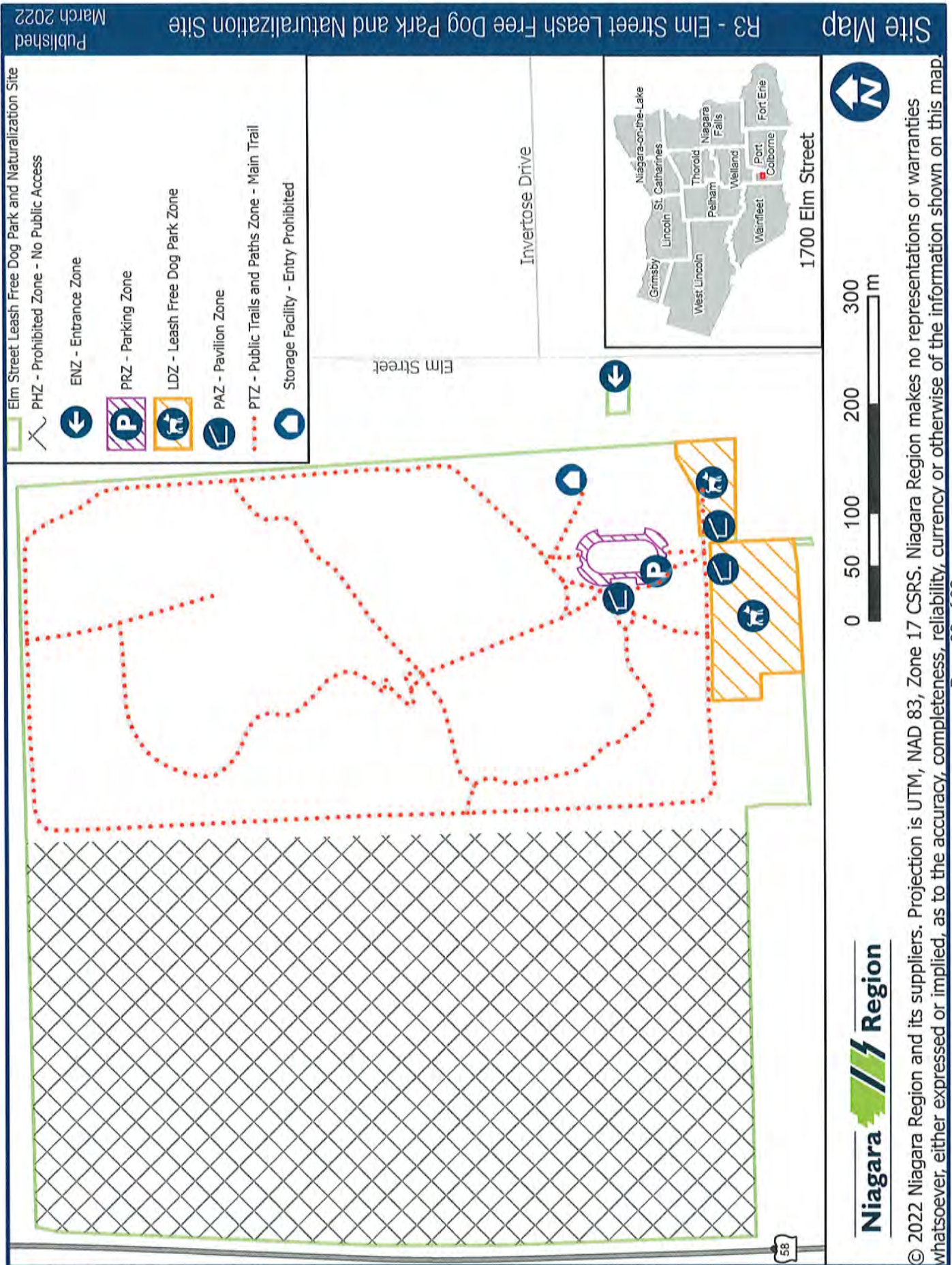
© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17 CSRS. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Site Map

R2 - Centre Street Leash Free Dog Park

0 20 40 80 120 m

North arrow



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



© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17 CSRS. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.



Site Map

R4 - Station Road Naturalization Site

Published
March 2022

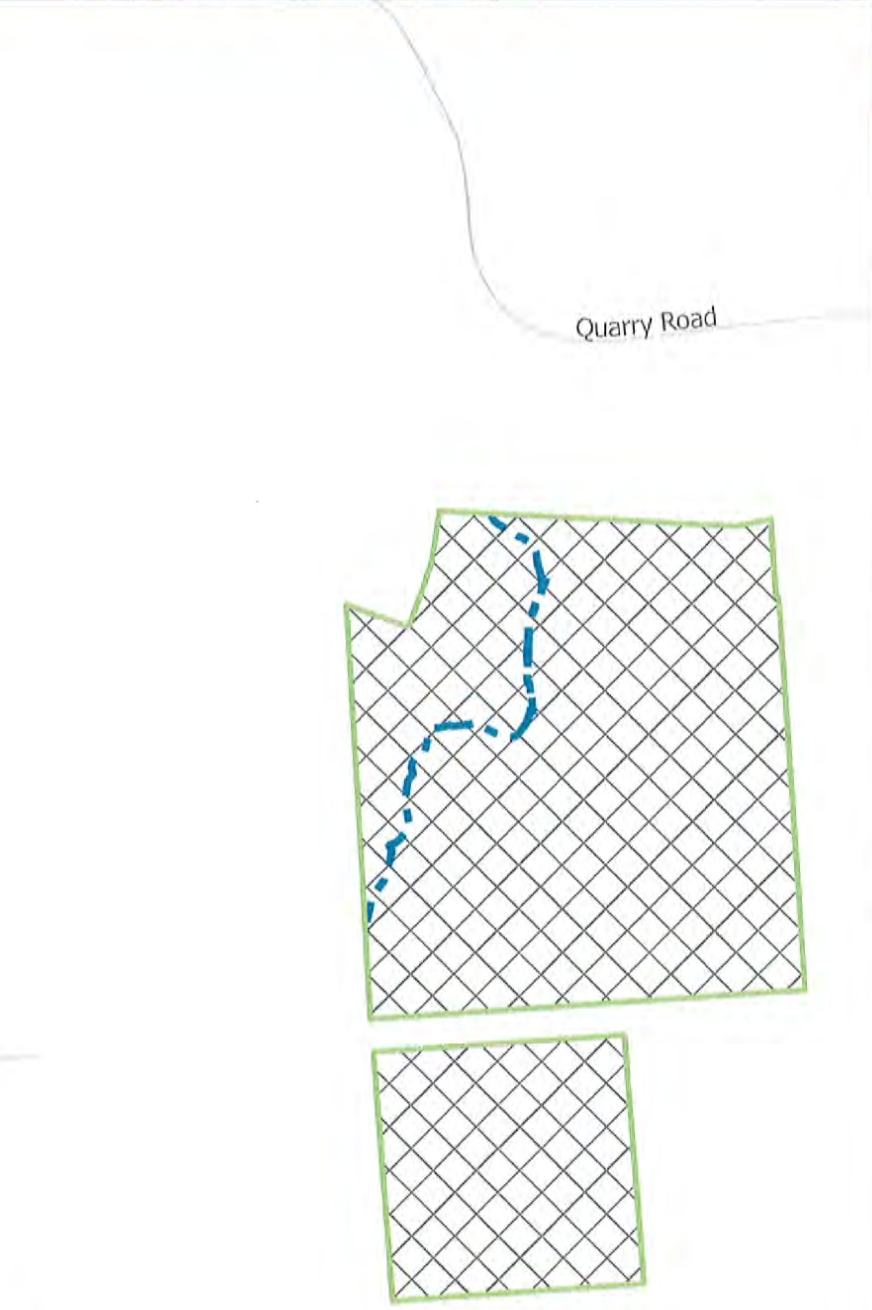




3768 Quarry Road (Rear)

Public access prohibited except on
Special Use Trail.

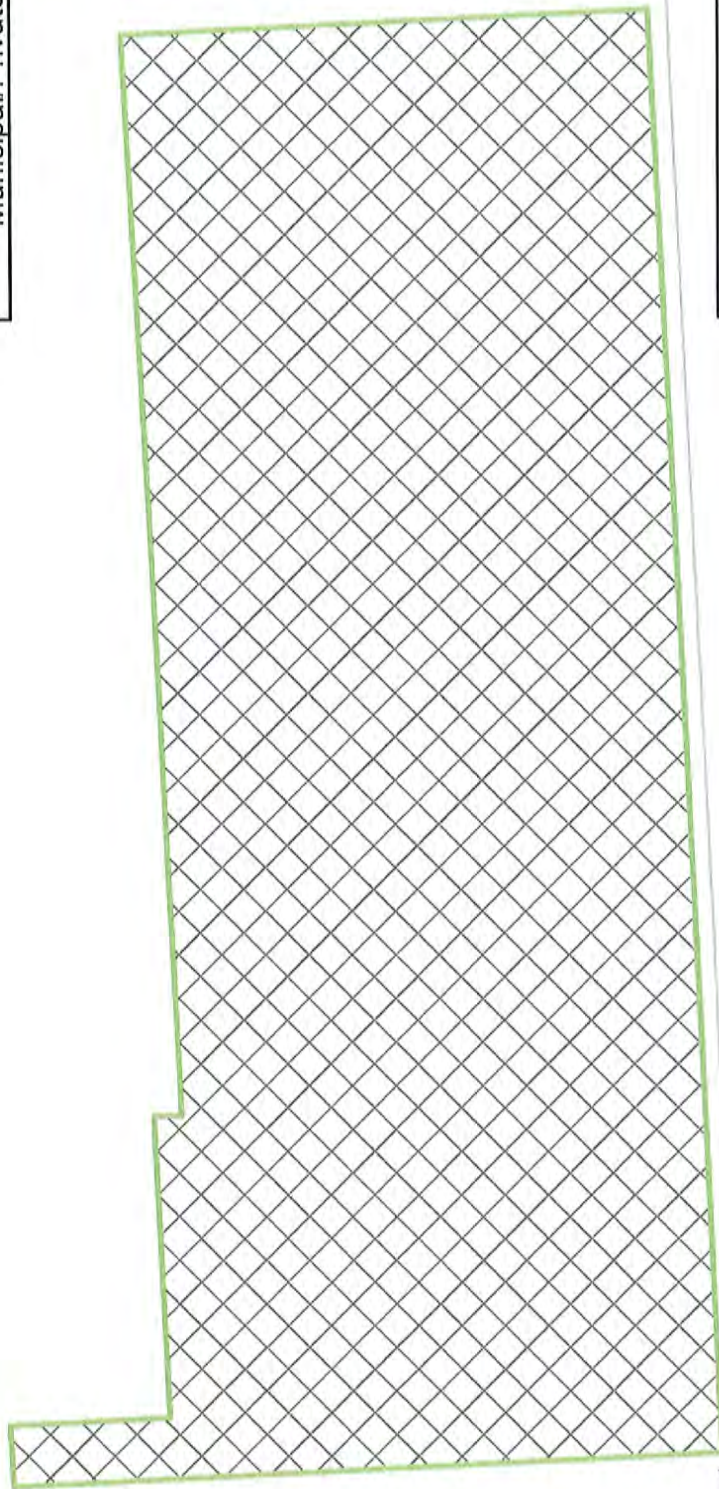
- Quarry Road Landfill Site
- SUT - Special Use Trail - Bruce Trail
- PHZ - Prohibited Zone
- Municipal/Private Road



© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17 CSRS. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

Published
March 2022

- Public access prohibited.
- Line 5 Landfill Site
 - PHZ - Prohibited Zone
 - Municipal/Private Road



Line 5 Road

Concession 5 Road



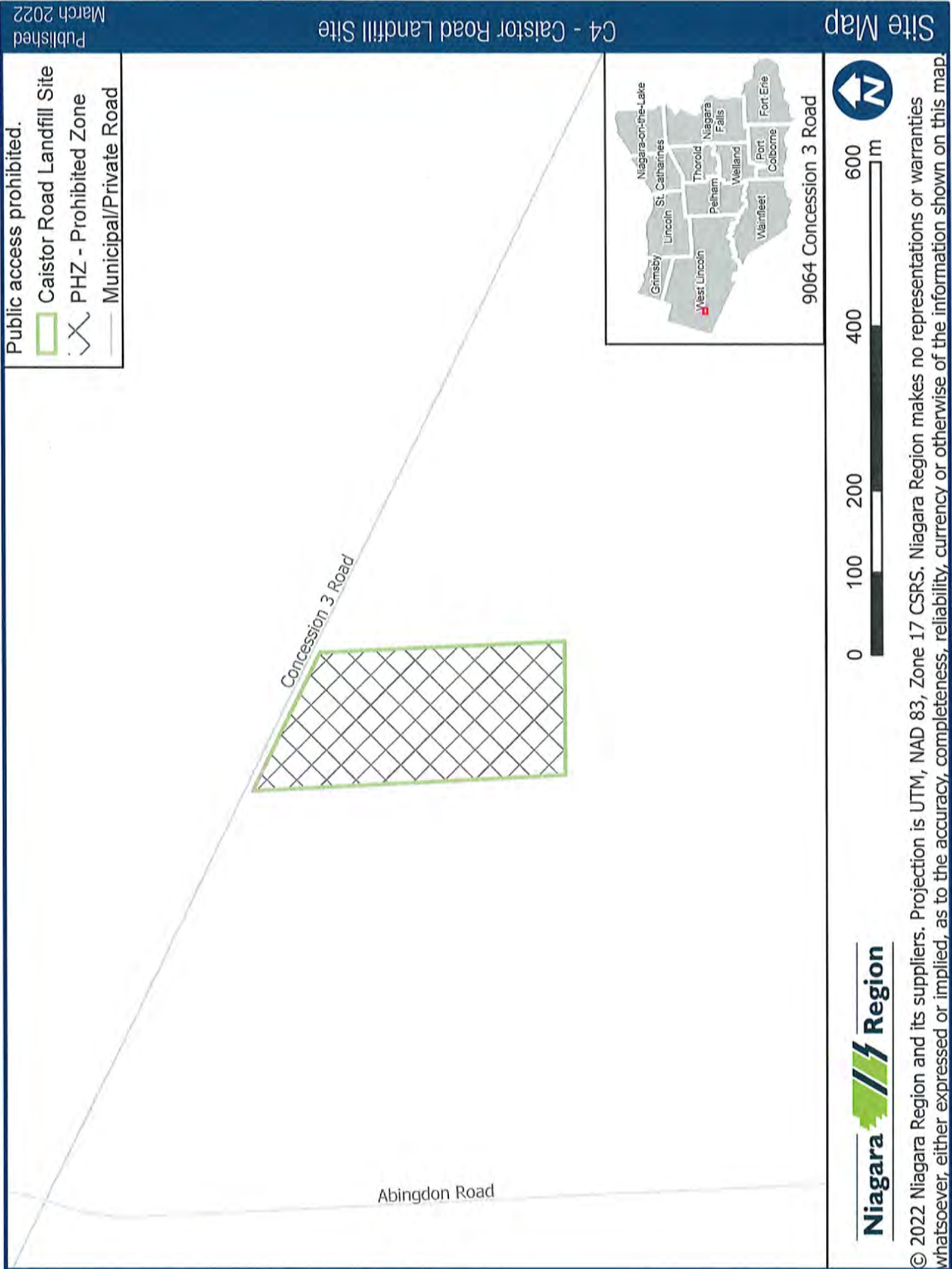
606 Line 5 Road

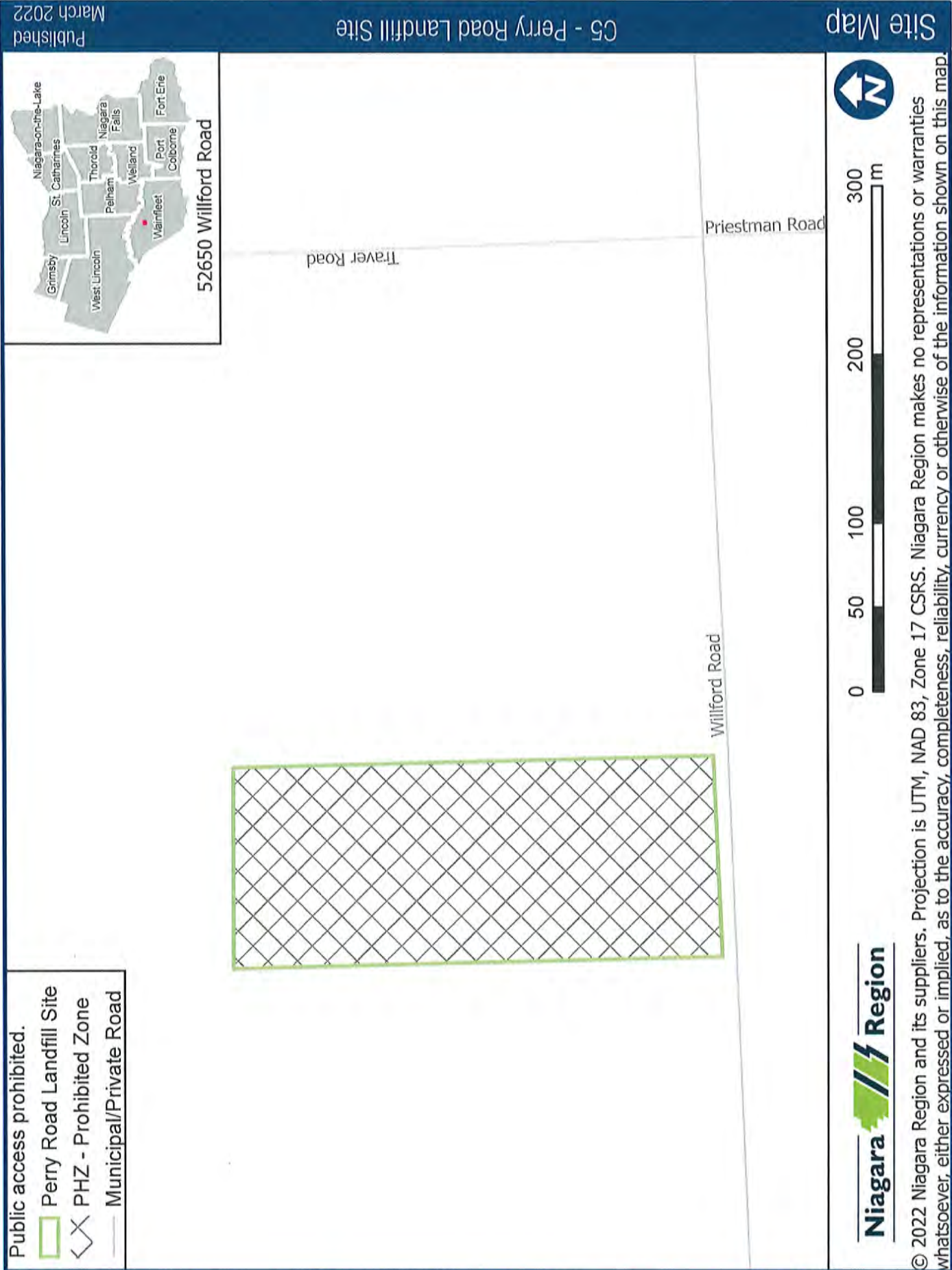


© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17 CSRS. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

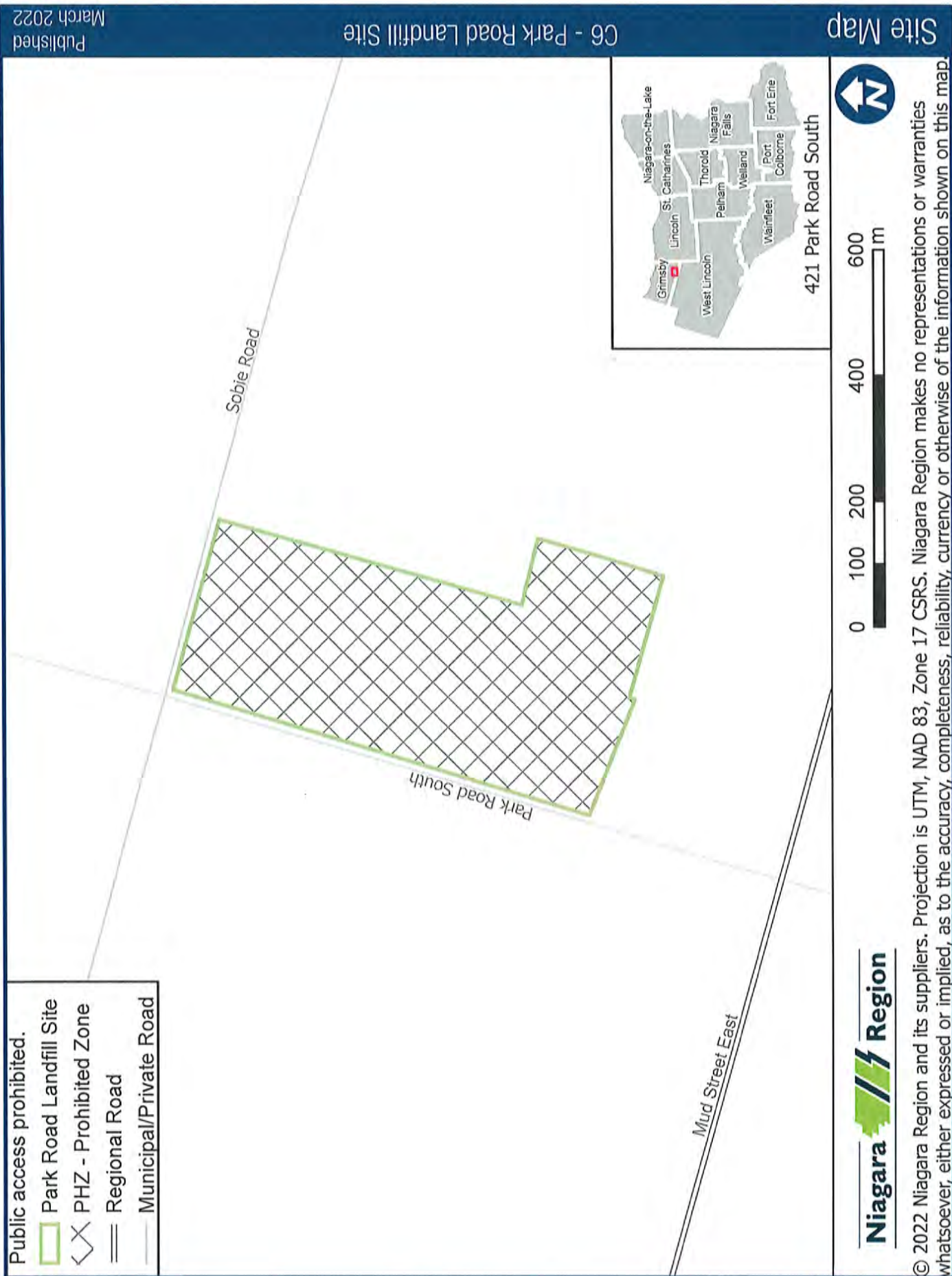
C3 - Line 5 Landfill Site

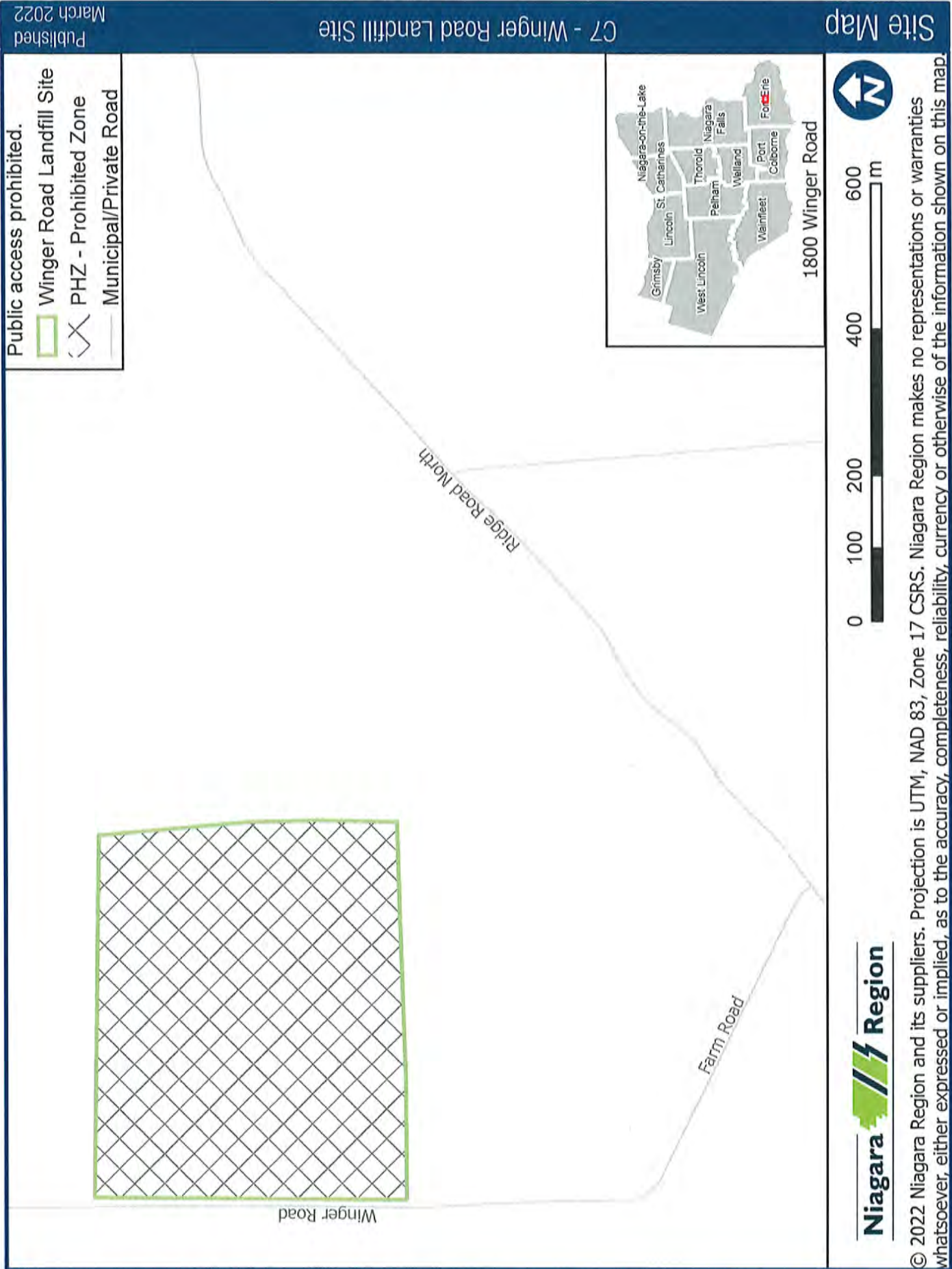
Site Map





Published
March 2022





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

Administration

Office of the Regional Clerk

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

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

www.niagararegion.ca

May 31, 2022

CL 10-2022, May 19, 2022

PEDC 4-2022, May 11, 2022

PDS 15-2022, May 11, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Brownfield Tax Assistance Incentive Funding Request

PDS 15-2022

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

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

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

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

Yours truly,



Ann-Marie Norio
Regional Clerk

:cv

CLK-C 2022-075

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

Subject: Brownfield Tax Assistance Incentive Funding Request

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 11, 2022

Recommendations

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

Key Facts

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

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

Financial Considerations

Regional Brownfield Incentive Funding

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

Niagara Falls BTAP Funding Request

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

Key figures regarding the Niagara Falls brownfield project:

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

Table 1: Regional Incentive Funding Requests for Niagara Falls Project

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

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

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

Analysis

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

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

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

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

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

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

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

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

Table 2 Estimated Regional BTAP Grant Options

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

Implications

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

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

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

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

Alternatives Reviewed

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

Relationship to Council Strategic Priorities

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

Priority 1: Supporting Businesses and Economic Growth

- Objective 1.1: Economic Growth and Development

Priority 4: Sustainable and Engaging Government

- Objective 4.3: Fiscally Sustainable

Other Pertinent Reports

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

Prepared by:

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

Recommended by:

Michelle Sergi, MPP, RCIP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

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

Appendices

Appendix 1 Map of Niagara Falls BTAP Request Site

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



Holly Willford
Clerk
Town of Pelham
20 Pelham Town Square, PO Box 400
Fonthill, ON, L0S 1E0



Wednesday, May 18, 2022

Dear Clerk Willford,

On behalf of the Niagara Peninsula Conservation Authority (NPCA), I am pleased to share our 2021 Annual Report, "Aspiring for the Next Generation Conservation." Over the past few years, we have made significant progress in rebuilding a solid organization based on 60 years of conservation. The ongoing pandemic challenged our resilience as an organization, but our transformation journey continued in 2021.

One of our most celebrated achievements in 2021 was completing the NPCA's 2021-2031 Strategic Plan. The Strategic Plan has clearly articulated our aspiration for the next generation of conservation. We have the energy and drive to build conservation-inspired action capacity and collaboration in the Niagara Peninsula watershed.

In 2021 we also continued to navigate and respond to legislative changes in the Conservation Authorities Act while effectively delivering on our mandate of protecting people and property from flooding, natural hazards and conserving natural resources. I want to thank Conservation Ontario and the Provincial Working Group for their collaboration and ongoing support of the conservation authorities through this transition.

Our significant challenges in the coming years will be the growth, intensification, and climate change impacts on our watershed resources. Our 41 conservation areas and greenspace will continue to be a critical asset for community health and well-being. They also support a biodiverse natural heritage system for critical Carolinian flora and fauna across the Niagara Escarpment and Greenbelt. We stay committed to strengthening our science capacity and innovative research to support evidence-based decision-making and the application of best practices. We continue to update our policies and procedures to adapt to our watershed's changing needs, and our commitment to addressing climate change is at the forefront of our watershed work.

The NPCA is fortunate to have more than 1,600 volunteers and partners that have helped us increase our conservation impact in the Niagara Peninsula watersheds. I want to thank and celebrate the achievements of staff, volunteers, and partners who make up this vibrant community of conservation champions. I also thank our Chair, Vice-Chair, and Board of Directors for their ongoing support and leadership through a challenging yet rewarding year.

The 2021 Annual Report is our story about how our programs, services, thought leadership, and community are transforming the future of conservation across our jurisdiction. We look forward to working with our municipal partners, stakeholders, and community to deliver on our promise of bringing forward the next generation of conservation.

Yours in conservation,



Chandra Sharma, MCIP RPP
Chief Administrative Officer/Secretary-Treasurer

Board of Directors Meeting Highlights – May 20, 2022

On Friday, May 20, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting in a hybrid electronic format with a limited number of Board Members attending proceedings at the Ball's Falls Centre for Conservation. Highlights from the meeting included:

A Presentation on the European Water Chestnut Rapid Response Program

The Board of Directors was given an overview on the European Water Chestnut Rapid Response Program from Karen Alexander, Invasive Species Policy Coordinator with the Invasive Species Centre (ISC). The European Water Chestnut (EWC) was explained to be an invasive species with negative economic, social, and ecological impacts. It was noted that the EWC has been found in the Northeastern United States and more recently, in parts of the Welland River. Ms. Alexander detailed the mechanisms that are effective at removing EWCs from the water surface.

It was noted that the removal program would be a collaborative project between the ISC, Ontario Federation of Anglers and Hunters (OFAH) and the NPCA, with the goal of controlling the spread of EWC in the Welland River. Field staff employed by OFAH were slated to be removing EWCs from the Welland River from the end of June, 2022 to September, 2022. The project would require long-term control and monitoring by the ISC and its partners, as the intent was to invest in the control of EWC as required.

Gonder's Flats Wetland Enhancement Project Presentation

The Board of Directors was given a presentation on the work taking place for the Gonder's Flats Wetland Enhancement Project. The project scope covered the removal of invasive species, excavation of a 1.5 ha of wetland, creation of berms with excavated soils, planting of wetland and shoreline vegetation, establishment of wildlife habitat features, accessible trails, and interpretive signage. It was noted that funding for the project came from the NPCA, Niagara Parks Commission, Ducks Unlimited Canada, Land Care Niagara, and Niagara Community Foundation. The timeline for the project was laid out with most tasks stated to be complete prior to 2023.

NPCA Draft Interim Section 28 Environmental Impact Study (EIS) Guideline

The Board of Directors approved the "Niagara Peninsula Conservation Authority (NPCA) Draft Interim Environmental Impact Study Guideline for the Implementation of s. 28 of the Conservation Authorities Act and O. Reg. 155/06". The guideline provides technical guidance for the completion and review of an EIS required for an NPCA work permit until such time that new NPCA policies

and a procedural manual are completed as part of the Phase 2 Policy Review work that is currently underway.

NPCA Draft Interim Wetlands Procedure Document

The Board of Directors approved the “Niagara Peninsula Conservation Authority (NPCA) Draft Interim Wetlands Procedure Document for the Implementation of s. 28 of the Conservation Authorities Act and O. Reg. 155/06”. The procedure document provides clarity and certainty for landowners, applicants, and consultants to understand NPCA’s expectations and study requirements when proposed development or site alteration affects regulated wetlands.

Links to Agendas, Minutes and Video:

<https://npca.ca/about/board-meetings>



SAW Developments Inc.
42076 Hwy #3
Wainfleet, Ontario
L0S 1V0

Ms. Holly Wilford, Town Clerk
Town of Pelham
PO Box 400,
200 Pelham Town Square
Fonthill, On
L0S 1E0

June 14th, 2022

RE: SAW Developments Correspondence for June 20th 2022 Council Meeting

Our group has once again been denied the opportunity to appear as a delegation at this upcoming Council meeting. We had hoped to have our concerns heard with respect to the Summersides Village Development. We believe the denial, while consistent with protocol, is contrary to what we believe Council voted for at the June 7th 2022 Meeting.

Alternatively, we supply this correspondence for Council's consideration.

In Early December we reached out to the Town for information on the Summersides Village Development. On December 10th 2021, we received the Complete Application submitted by Hummel Properties Inc. on September 30, 2021. The Complete Application included the Draft Plan of Subdivision with ONE Road connection to Summersides Boulevard. This is the same plan displayed on the Public Notice Sign.

Below are Figure 1: the Draft Plan we received and Figure 2: The Public Notice Sign for Summersides Village.

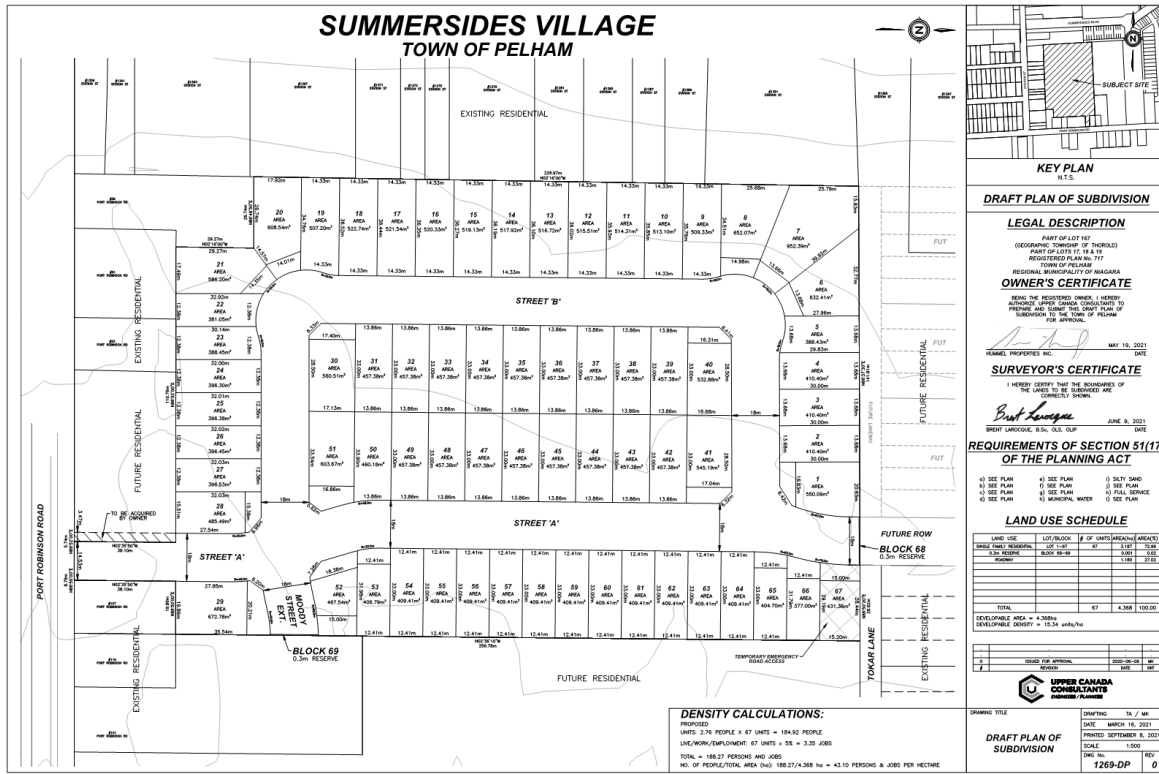


Figure 1: Draft Plan Summersides Village Submitted September 30th, 2021

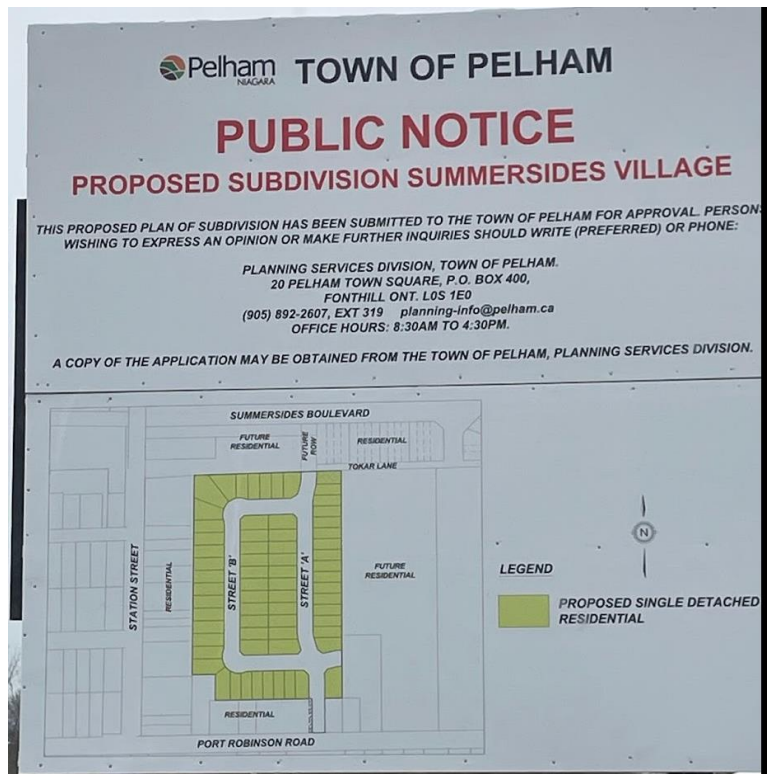


Figure 2: Current Public Notice Sign Depicting Summersides Village Proposal

The Town noted: "There may be revisions to accommodate necessary road connections."

We reviewed the Secondary Plan and on December 12th and informed the Town we objected to having a second road connection through our property (Street "B"). We were told these connections could be up for discussion and would like to be included in conversations before revisions were made as it would impact our development plans.

We proceeded to make an offer on 1395 Station Street with a non-refundable deposit based on the understanding we could discuss this second road connection and with the history of neighbouring developments having road connections removed from the Neighbourhood Plan.

With no notification or discussion, we found out on February 16th that Hummel Properties Inc. had been directed by the Town to revise their plan to include both road connections to Summersides Boulevard.

We proceeded to speak at the Public Meeting, objected to the revised Draft Plan of Subdivision, requested to be included in the approval process of this development and, to have further discussions regarding the road connections.

We were directed to justify our planning rationale and retained a Planner to perform Neighbourhood Density Calculations. We intended to bring this new information to Council for discussion. With no timely notification provided of the Recommendation Report, we were once again denied an opportunity to be involved in the planning for the land we have an agreement to purchase.

We urge the current members of Council to review a previous Town Council Meeting on September 17th 2018, where a similar situation occurred regarding the removal of a road connection to Summersides Boulevard addressed in the review of the Conditions of Draft Plan Approval for River Estates Phase 2.

Youtube Link: <https://youtu.be/WmuFo2M5xJg?t=5064>

Beginning at time stamp 1:24:30 – 1:30:00

b) Prior to the approval of any development application, proponents shall provide a housing mix and density plan that geographically distributes housing forms/types, lot sizes and densities based on the objectives and policies of this Plan. The following minimum density targets shall be achieved within each neighbourhood:

i) Neighbourhood 1 shall achieve an overall minimum density of approximately 57 persons and jobs per gross hectare combined;”

East Fonthill Neighbourhood 1 Density Calculation for Developments Processed to Date

Subdivision	Population by Unit Type	Development Area	Density
River Estates Phase 1	124 singles x 3.2pph = 396.8 3 street T/H x 2.5 pph = 7.5 192 Apts x 1.8 pph = <u>345.6</u> 749.9	12.445 ha	60.25 pp/ha
River Estates Phase 2	38 singles x 3.2 pph = 121.6 29 street T/H x 2.5 = 72.5 16 block T/H x 2.0 = <u>32.0</u> 226.1	4.497 ha	50.27 pp/ha
Park Place South	16 singles x 3.2 pph = 51.2 113 street T/H x 2.5 pph = <u>282.5</u> 333.7	4.476 ha	74.55 pp/ha
Park Place West	12 single detached x 3.2 pph = 38.4 16 semi detached x 2.8 pph = 44.8 18 street T/H x 2.5 pph = <u>45.0</u> 128.2	1.816 ha	70.56 pp/ha
Summersides Village	70 singles x 3.2 pph = 224	4,262 ha	52.55 pp/ha
Vivant	7 street T/H x 2.5 pph = 17.5	0.18 ha	97.22 pp/ha
Total	1679.4	27.676	60.68pp/ha

Based on what we know of the proposed development on the land east of Summersides Village it is estimated that there would be an additional 307.3 people on 5.41 ha of land which would result in 60.05 pp/ha.

Overall we are on target of meeting and exceeding the density targets set for Neighbourhood 1 in the East Fonthill Secondary Plan.

Figure 4: Town Planning Staff Density Calculations June 13, 2022

Our comprehensive review of the approved and proposed developments of Neighbourhood 1 as a whole result in a deficient 52 pp/gha.

	Plan 59M-434 River Estates Phase 1		Park Place South		Plan 59M-471 River Estates Phase 2		Park Place West Summersides Village		Summersides Village		Concept 5 Future Development		Vivant 155 Lambeth		S.A.W.		Total Units	Total Persons	Density*	PPGH
	Units	Persons	Units	Persons	Units	Persons	Units	Persons	Units	Persons	Units	Persons	Units	Persons	Units	Persons				
Appartments	192	346													70	126				
Singles	124	397	16	52	38	122	12	39	70	224	111	356								
Semis							16	45												
Towns - street	3	8	113	283	29	73	18	45			43	108	7	18						
Towns - block					16	32														
Total	319	750	129	334	83	227	46	129	70	224	154	308	7	18	70	126	878	2116	21.787	52.51
N'hood 1 Gross Area 40.3 HA																				
p/apt** 1.8																				
p/block townhouse** 2																				
p/street townhouse** 2.5																				
p/semi** 2.8																				
p/single** 3.2																				
average ppu 2.46																				
*Units Per Hectare																				
** from Assumptions to Generate Development Yields - March 23,2012 in Appendix D. East FortHill Secondary Plan																				
B1.7.7.2b) Neighbourhood 1 shall achieve an overall minimum density of approximately 57 persons and jobs per gross hectare combined																				
B1.7.7.5.2 Development Policies a) Apartment buildings shall be developed at densities ranging from a minimum of 35 units per net hectare, up to 160 units per net hectare;																				

Figure 5: SAW Developments Density Calculations June 14, 2022

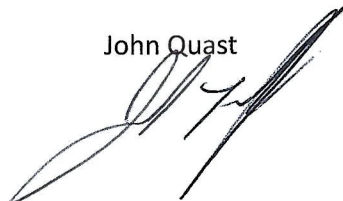
With the current and proposed developments, the density requirement of the Official Plan, we feel it is justified to remove one of the road connections across 1395 Station Street to reduce the amount of Medium Density lands used up by roadways and allow for a medium Density Apartment Building with the potential of 70 Units to assist the Town in getting closer to the required densities for Neighbourhood 1 as a whole.

We request Council make a motion to amend the Draft Conditions of Approval to remove the "Street B" connection to Summersides Boulevard and approve the Original Proposed Draft plan submitted with a complete application with accompanying studies Dated September 30th, 2022.

Respectfully Submitted,

Doug Buitter

John Quast



Subject: 2022 Road Rehabilitation Program Budget Additional Funding

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0141 – 2022 Road Rehabilitation Program Budget Additional Funding, for information;

AND THAT Council APPROVE the award of the 2022 Road Rehabilitation Program to Walker Construction in the amount of \$690,093 plus applicable taxes;

AND THAT Council APPROVE a budget increase of \$93,300 for project RD 09-22, funded from the Road Reserve.

Background:

In December of 2021, Council approved the capital project for the rehabilitation of roads in Pelham under capital project RD 09-22 Road Rehabilitation in the amount of \$550,000.

The road rehabilitation and reconstruction program focuses on improving the Town's road network in order to allow for the safe and reliable movement of vehicular and pedestrian traffic.

In 2019 staff retained the services of Applied Research Associates Inc. (ARA) to complete a visual inspection of the town's road network and prepare an overall condition report based on their inspections. The Pavement Condition Index (PCI) is a metric used by staff to determine which roads should be selected for rehabilitation and/or reconstruction.

The average PCI of the Town's road network is 69 out of 100. In the 2019 Pavement Condition Study ARA recommended that in order to maintain the average PCI at its current level an annual investment of \$3 million is required. Without this level of spending the average PCI of the network will decrease over time.

The proposed 2022 Road Rehabilitation project scope consists of rehabilitating the following sections of the road:

Roland Road: West Limit to Maple Street
Roland Road: Maple Street to Balfour Street
Roland Road: Balfour Street to Cream Street
Roland Road: Cream Street to Centre Street
Center Street: Roland Road South to Sixteen Road
Center Street: Roland Road North to Roland Road South

Based on the 2019 Pavement Condition Index (PCI) Study and road patrols, the road sections listed above have a PCI rating of 40 which indicates that the sections of the road require full reconstruction. The above sections of roads are exhibiting severe structural failure with numerous potholes and are quickly becoming non-drivable. (See Appendix A for photographs of existing road conditions).

Analysis:

As part of the 2022 capital budget Council approved capital project RD 09-22 Road Rehabilitation in the amount of \$550,000 (plus the rebate portion of applicable taxes).

On May 7th staff initiated the public tendering process in accordance with the Town's procurement policy (P303-00). On June 7th staff closed the request for tender (RFT). The Town received two (2) bid submissions from Walker Construction and Circle P Paving Ltd. The unofficial tender results are as follows:

- 1) Walker Construction \$690,093 (plus applicable taxes)
- 2) Circle P Paving Ltd. \$749,344 (plus applicable taxes)

Recent increases in the cost to complete construction projects have been realized in the last year. It is safe to say that the costs associated with construction projects have increased by approximately 30% over previous years. Much of the increase in cost is related to supply chain issues of material and the increasing price of petroleum based products and fuel. As a result of these increases there is a budget shortfall for RD 09-22.

Based on the condition of the Town's current rural road network it is imperative that this contract be completed. The Town has experienced increased operational maintenance costs as a result of the poor condition of the road network. In addition, staff are receiving public service requests (PSRs) at an increasing rate related to road conditions specifically potholes and it is becoming more difficult to maintain minimum maintenance standards which ultimately places the corporation at risk.

In 2021 Council approved a capital budget for RD 06-21 2021 Road Rehabilitation Program in the amount of \$500,000. To date, the costs associated with this capital project are \$430,591. There is a carry forward amount of \$69,409 associated with this project. The contractor that was awarded the 2021 Road Rehabilitation Project has approximately \$10,000 in outstanding landscape and restoration work to complete. As a result, there is approximately \$59,000 remaining which can be used to fund a portion of the 2022 road rehabilitation program.

Financial Considerations:

Council approved a budget of \$550,000 (plus the rebate portion of applicable taxes) for the 2022 Road Rehabilitation project under capital account RD 09-22. The lowest bidder has submitted a tender price of \$690,093 (plus applicable taxes). Including the HST for which the Town cannot claim a rebate, this will result in a total cost of \$702,239, and a budget shortfall of \$152,239 for this project.

There is approximately \$59,000 in available funding from capital project RD 06-21 which can be used to fund a portion of the 2022 road rehabilitation, leaving a shortfall of \$93,239. In 2021, the Public Works department had operating savings on engineering, catch basin cleaning, pavement markings, and interest of \$92,600 which was transferred to the Roads Reserve at year-end. Therefore the increased project cost can be funded without negatively impacting the Roads Reserve forecast.

Staff's recommendation is to proceed with the award of this project in the amount of \$690,093 (plus applicable taxes) and to adjust the budget for project RD 09-22 and increase it by \$93,300 funded from the Roads Reserve.

Alternatives Reviewed:

Council may decide to not approve the additional expenditure above the original budget amount. This would result in the 2022 Road Rehabilitation project being canceled until a sufficient budget is approved through future capital budget requests. Staff is not supportive of this course of action seeing that the annual investment into the Town's road network is considerably lower than the recommended \$3M annual investment (see 2019 Pavement Condition Study).

Strategic Plan Relationship: Strong Organization

The Town's infrastructure benefits from the timely replacement of our aging infrastructure and is critical to ensuring the Town maintains a safe and efficient transportation network.

Consultation:

Consultation was undertaken with the Manager Financial Services and Deputy Treasurer regarding the financial and budgetary considerations for this report.

Other Pertinent Reports/Attachments:

Appendix A – Current condition of Proposed Road Rehabilitation Candidates

2020-0119 Town of Pelham 2019 Pavement Condition and Road Need Study,
August 10th,2020.

Prepared By:

Gimuel Ledesma, C.Tech.
Engineering Technologist

Recommended by:

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Appendix A – Road Rehabilitation Locations



Fig.1-Roland Road between West Limit and Maple Street



Fig.2-Roland Road between Maple Street and Balfour Street



Fig.3-Roland Road between Balfour Street and Cream Street

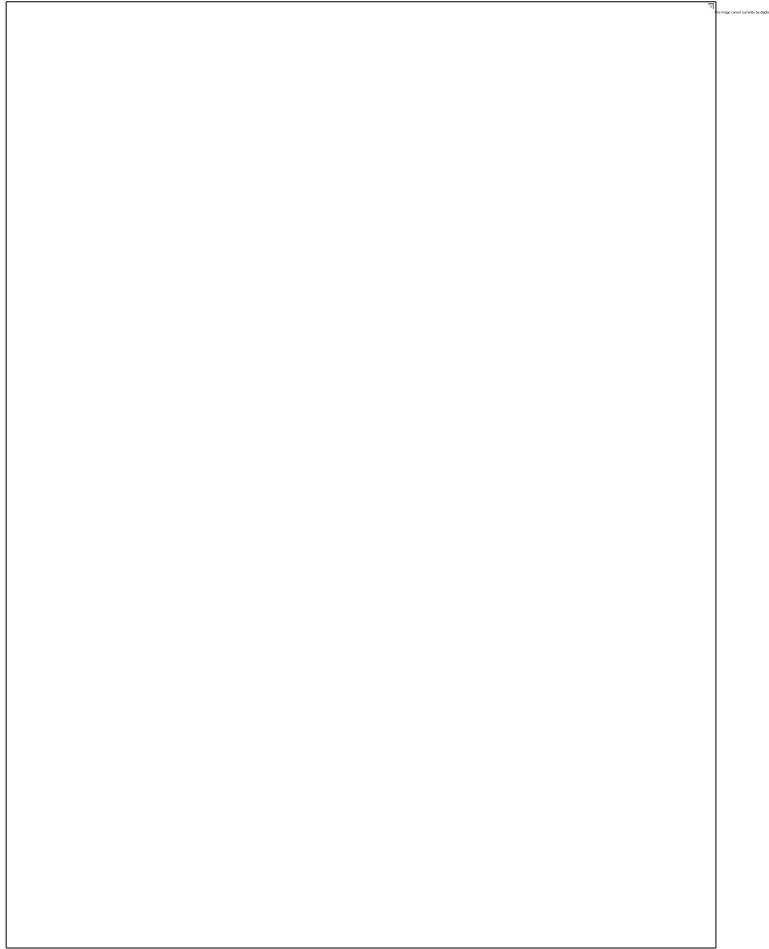


Fig.4-Roland Road between Cream Street and Centre Street

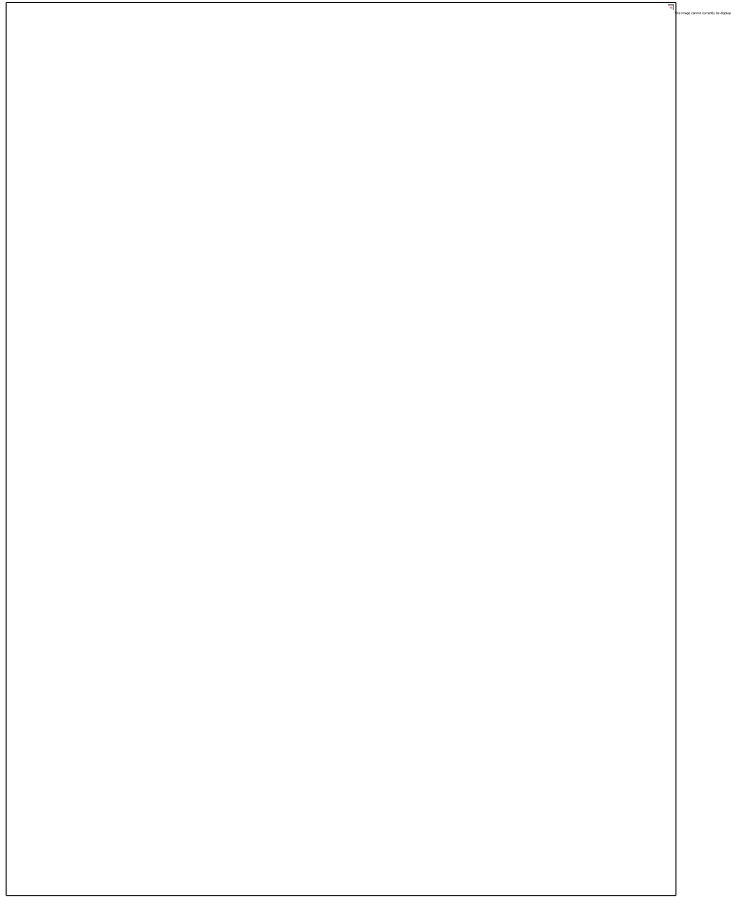


Fig.5-Centre Street between Sixteen Road and Roland Road

Subject: Proposed Pelham STEM Camp Summer 2022

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022-0139
Recreation – Proposed Pelham STEM Camp Summer 2022, for
information;**

**AND THAT the Mayor and Clerk be authorized to sign the
Memorandum of Understanding with Innova STEM Labs Inc. to
supply equipment, program/curriculum materials and staff training
to implement Pelham STEM Camps for the Summer of 2022;**

**AND THAT Council approve the following rates and fees immediately
to be applied:**

- **Weekly Camp Registration | \$299 per child (25% discount on 3 or more children)**
- **Early Bird Camp Weekly Registration | \$279 per child (25% discount on 3 or more children)**
- **Multiple Week Registration discount each week after 2 weeks \$10.00**
- **Extended Care (7:30am-5:30pm) | \$38 per week**
- **Optional Friday Lunch | \$10**

Background:

Pelham offers summer camps for children annually. The camps have always been popular and have filled quickly. 2022 summer camps filled immediately with wait lists. Additional staff were hired to lessen the wait list although space has been a challenge with accommodating daily rentals and continued senior/adult programming at the same time in the Meridian Community Centre. Currently there are 575 children registered, leaving 115 on the waiting list. The ideal situation would be to be able to offer additional camps in other locations. Presently camps are offered at the fire halls, the Old Pelham Town Hall and the MCC.

Staff recently had the opportunity to tour the Ryerson Innovation Hub in Niagara Falls and during that tour were referred to Innova STEM Labs Inc. (Innova). Innova

has a STEM Mobile Lab available for camps and would consider offering the Lab to a Municipality in Niagara.

Analysis:

Staff wishes to implement a new program of summer camps with a focus on science, technology, engineering and math (STEM). Innova has the curriculum and equipment required to operate a STEM Camp Program.

The use of Innova STEM Mobile Lab allows camps to have access to technology and all equipment within the trailer including, but not limited to laptops, microcontrollers, 3D printers, virtual reality goggles, augmented reality goggles, electronics, robotic kits and other non-technological equipment.

It is proposed to use the Mobile Lab and other areas in the MCC not already occupied by other programming or rentals to offer a STEM Camp Program commencing on July 18, 2022. The program will consist of seven (7) weekly camps, Monday – Friday 9am – 4pm.

The Innova STEM Mobile Lab will be on site and used for the months of July and August. It has not been determined as yet what use, if any, the Town might have for the mobile lab after the summer months. Staff will report back to Council at that time.

Innova will supply the technology/equipment, program materials/curriculum, training for Town hired Camp Leaders and it will be offered as a Town STEM camp on the same basis as other programming.

Innova will transport the Mobile Lab and will place it on the north side of the MCC in the PMHA Court Yard. The Town will supply the electricity for the Mobile Lab. Additional equipment will be set up in the MCC in the area previous known as the Pro Shop, creating an Innovation Hub.

The Town will operate all aspects of the STEM Camp Program, advertise & promote; receive and process all registrations and fees; hire and pay all staff; and the Town will pay for supplies and materials associated with offering the camp.

The Town will retain all fees collected to offset the operating expenses; however, if there is a surplus of funds at the end of the term, meaning that revenues generated in relation to the program exceed the operating expenses, the Town and Innova will be entitled to fifty percent (50%) of the surplus.

Financial Considerations:

The \$4,000. rental fee of the Innova Stem Mobile Lab, including the technology and equipment for July & August, has arranged sponsorship through Ryerson Innovation Hub.

Registration fees will cover the materials, supplies and camp staff wages.

Weekly Camp Registration | \$299 per child (25% discount on 3 or more children)
Early Bird Camp Weekly Registration | \$279 per child (25% discount on 3 or more children)

Multiple Week Registration discount each week after 2 weeks \$10.00

Extended Care (7:30am-5:30pm) | \$38 per week

Optional Friday Lunch | \$10

Alternatives Reviewed:

None. There is no obligation to offer this expanded service if Council does not wish to do so.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

This is a great opportunity to provide a combination of fun and education for Pelham area youth. All camps serve the social function of providing quality child care during the summer months. Further, it is anticipated that these camps will produce additional revenue for MCC operations.

Consultation:

Bob Lymburner, Fire Chief; Barb Wiens, Planning; Jennifer Stirton, Solicitor; Mike Guglielmi, IT, David Cribbs, CAO.

Other Pertinent Reports/Attachments:

Appendix 1 – Innova Stem Mobile Lab

Prepared and Recommended by:

Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

INNOVA STEM MOBILE LAB



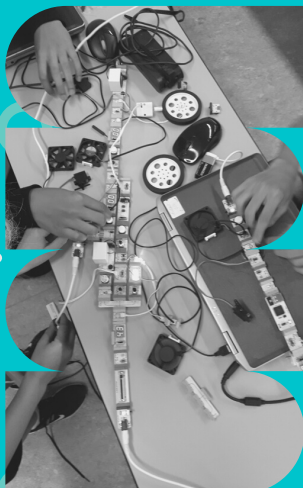
The Mobile Lab

The use of Innova STEM Mobile Lab allows camps/districts to have access to technology and equipment not readily available to many. In lieu of using scarce funds to purchase equipment that experiences valuable but limited use throughout the year, districts can rent the technology and support necessary for only the time required. The mobile lab allows teachers to provide engaging and meaningful experiences that bring learning to life, and to do so in a budget-conscious manner.



INNOVASTEM

Main Camps Activities



ROBOTICS



PROGRAMING

DIGITAL MEDIA



VIDEO GAME DESIGN



WEB DEVELOPMENT

APP DEVELOPMENT



AI & MORE

HANDS-ON ACTIVITIES

Engaging labs and activities are designed to excite students and provide them the opportunity to interact with meaningful technology.

ALIGNED CURRICULUM

Labs and activities are aligned to current state and national standards. Custom activities can be created to match your current content and grade level.

THE CORPORATION OF THE TOWN OF PELHAM

("the Town")

- and -

INNOVA STEM LABS INC.

("Innova")

MEMORANDUM OF UNDERSTANDING

WHEREAS the Town wishes to implement a program of summer camps with a focus on science, technology, engineering and math ("STEM Camp Program");

AND WHEREAS Innova has equipment and resources to support the Town's operation of a STEM Camp Program;

AND WHEREAS the Town and Innova wish to collaborate to implement the STEM Camp Program in the Town of Pelham for the 2022 summer season;

NOW THEREFORE in consideration of the promises and covenants in this Memorandum of Understanding and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Town and Innova (each "a party" and collectively "the parties"), confirm their mutual understanding of, and agreement to, the following terms:

1. Purpose

- 1.1. This Memorandum of Understanding sets out all rights and responsibilities of the Town and Innova in relation to the STEM Camp Program.

2. Term

- 2.1. This Memorandum of Understanding comes into effect on the date it is signed by the parties and will continue until 5:00 p.m. on September 9, 2022, unless it is amended or terminated in accordance with section 8 or is rendered null and void in accordance with section 3.6 ("the Term").

3. Details and Location of the STEM Camp Program

- 3.1. The STEM Camp Program will commence on July 18, 2022 and will consist of seven (7) weekly sessions, each of which will run Monday to Friday from 9:00 a.m. to 4:00 p.m. The parties may, by mutual agreement, schedule additional STEM Camp Program activities to take place outside these hours.

RN

- 3.2. The Town is the registered owner of the Meridian Community Centre located at 100 Meridian Way in Fonthill, ON ("the MCC"). The STEM Camp Program will be held at the MCC.
- 3.3. Innova is the registered owner of a portable trailer that operates as a mobile STEM lab ("the Mobile Lab") and all equipment within the trailer, including but not limited to laptops, microcontrollers, 3D printers, virtual reality goggles, augmented reality goggles, electronics, robotics kits and other technological and non-technological equipment. The STEM Camp Program will use the Mobile Lab for its operations
- 3.4. Innova will transport the Mobile Lab to the MCC and, subject to approval by the Town acting reasonably, will situate it in a parking area on the north side of the MCC for the duration of the Term ("the Mobile Lab Location").
- 3.5. The Town grants to Innova a non-exclusive licence to use the Mobile Lab Location and to access such other areas of the MCC as may reasonably be required by Innova in accordance with its rights and responsibilities under this Memorandum of Understanding. Innova will pay no licence fee to the Town.
- 3.6. In July 2022 and August 2022, the Town will pay to Innova a rental fee for the Mobile Lab, provided that the Town has secured and received a full financial sponsorship for that purpose. The rental fee payable for the period from July 18, 2022 to July 31, 2022 is one thousand dollars (\$1,000.00). The rental fee payable for the month of August 2022 is two thousand dollars (\$2,000.00). In the event that the Town does not receive a full financial sponsorship in these amounts, this Memorandum of Understanding is null and void in its entirety.

4. Rights and Responsibilities of the Town

- 4.1. The Town will, at its sole expense, supply electricity to the Mobile Lab during the Term, including the installation of a 50-amp electrical receptacle on the exterior of the MCC to service the Mobile Lab during the Term.
- 4.2. The Town will operate all aspects of the STEM Camp Program and, without limiting the generality of the foregoing, will:
 - (a) advertise, promote and publicize the STEM Camp Program;
 - (b) receive and process STEM Camp Program registrations and camp fees;
 - (c) subject to section 5.1, provide all materials and supplies required to operate the STEM Camp Program;
 - (d) provide all staff required to operate the STEM Camp Program;
 - (e) subject to section 5.2, provide general employment training to STEM Camp Program staff;
 - (f) be responsible for all staff wages and employment obligations, including during the training period(s) described in section 5.2; and

(g) maintain all areas of the MCC used for the STEM Camp Program.

- 4.3. Other than the expenses for which Innova is responsible in accordance with section 5 of Memorandum of Understanding, the Town will pay all fees, costs and expenses arising from and/or associated with the operations of the STEM Camp Program ("Operating Expenses").
- 4.4. The Town is entitled to retain all fees collected in relation to the STEM Camp Program to offset the Operating Expenses; however, in the event that there is a surplus of funds at the end of the Term, meaning that revenues generated in relation to the STEM Camp Program exceed the Operating Expenses, the Town and Innova will each be entitled to fifty percent (50%) of the surplus.
- 4.5. The Town will maintain insurance coverage in accordance with section 6 of this Memorandum of Understanding.
- 4.6. The Town will not assign any right or responsibility under this Memorandum of Understanding without the prior written consent of Innova.

5. Rights and Responsibilities of Innova

- 5.1. Innova will provide all curriculum materials required for the STEM Camp Program at no cost to the Town and grants the Town a non-exclusive licence to access, use, copy and distribute the curriculum materials as required to operate the STEM Camp Program.
- 5.2. Innova will provide program-specific training and certification to STEM Camp Program staff at no cost to the Town; however, the Town remains responsible for the wages and employment obligations of the STEM Camp Program staff during any such training period(s).
- 5.3. Innova will transport the Mobile Lab and situate it in the Mobile Lab Location prior to the commencement of the first session of the STEM Camp Program at no cost to the Town.
- 5.4. Innova will ensure that all equipment in the Mobile Lab is fully operational and in good working order prior to the commencement of the first session of the STEM Camp Program and for the duration of the Term.
- 5.5. Innova will complete any necessary inspections, maintenance and/or repairs of the Mobile Lab and all equipment within it during the Term. Innova is solely responsible for the cost of such inspections, maintenance and repairs unless the need for same was caused by the negligence of the Town or anyone for whom it is in law responsible, in which case the Town will reimburse Innova for the reasonable cost of the inspection, maintenance and/or repair.

- 5.6. At the end of the Term, Innova will remove the Mobile Lab from the Mobile Lab Location at no cost to the Town and will repair, to the satisfaction of the Town acting reasonably, any damage to the Mobile Lab Location caused by the Mobile Lab, including its installation and/or removal.
- 5.7. Innova will maintain insurance coverage in accordance with section 6 of this Memorandum of Understanding.
- 5.8. Innova will not assign any right or responsibility under this Memorandum of Understanding without the prior written consent of the Town.

6. Insurance and Indemnity

- 6.1. During the Term, Innova will obtain and maintain in full force and effect one or more policies of insurance providing physical asset coverage for the Mobile Lab and its contents including, without limitation, property damage caused by fire, vandalism, theft or any other cause.
- 6.2. During the Term, each party will obtain and maintain in full force and effect a policy of comprehensive general liability insurance with limits of not less than two million dollars (\$2,000,000.00) for any one occurrence and that names the other party as an additional insured but only with respect to this Memorandum of Understanding. The parties will provide one another with evidence of this insurance upon request.
- 6.3. Each party will indemnify and save harmless the other party and its officers, employees and agents from and against all losses, claims, actions, demands, liabilities and expenses in connection any personal injury or property damage occasioned by or caused wholly or in part by any negligent act or omission of that party or anyone for whom it is in law responsible.

7. Confidentiality

- 7.1. Subject to section 7.2, the parties will not disclose confidential or proprietary information received pursuant to this Memorandum of Understanding and/or in the course of implementing or operating the STEM Camp Program.
- 7.2. Notwithstanding section 7.1, the parties acknowledge that any information collected by and/or exchanged with the Town pursuant to this Memorandum of Understanding is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56.

8. Amendment and Termination

- 8.1. This Memorandum of Understanding may be amended by mutual agreement of the parties at any time. Any amendments will be made in writing, signed by the parties, and appended to this Memorandum of Understanding.

- 8.2. This Memorandum of Understanding may be terminated by either party on thirty (30) days' written notice.
- 8.3. This Memorandum of Understanding may also be terminated by the parties' mutual agreement, which agreement will be made in writing, signed by the parties and appended to this Memorandum of Understanding.
- 8.4. Termination of this Memorandum of Understanding will be without prejudice to the rights of either party against the other that may have accrued up to the date of termination.

9. Dispute Resolution

- 9.1. If a dispute arises as to the interpretation, application and/or execution of this Memorandum of Understanding, the parties will confer in good faith to resolve the dispute.
- 9.2. If the parties are unable to resolve the dispute, the matter shall be mediated and/or arbitrated. If the matter is not resolved through mediation, it will go to and be resolved through binding arbitration. The decision of the arbitrator will be final and binding on the parties.
- 9.3. The parties will each bear their own costs associated with the determination of disputes arising under this Memorandum of Understanding, including but not limited to legal costs and arbitration costs.

10. General

- 10.1. This Memorandum of Understanding constitutes the entire understanding and agreement between the parties relating to the matters set out herein. There are no other representations, covenants or terms relating to the subject matter of this Memorandum of Understanding and this Memorandum of Understanding supersedes any and all prior discussions, understandings or agreements between the parties relating to its subject matter.
- 10.2. Nothing in this Memorandum of Understanding will be deemed to create any partnership, agency or joint venture between the Town and Innova.
- 10.3. The invalidity or unenforceability of a particular term of this Memorandum of Understanding will not limit the validity or enforceability of the remaining terms, each of which is distinct and severable from all other terms contained in this Memorandum of Understanding.
- 10.4. This Memorandum of Understanding will be governed by and construed in accordance with the law of the Province of Ontario and the laws of Canada applicable herein.

- 10.5. This Memorandum of Understanding may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed in original or electronic form and may be exchanged by way of mail or PDF file delivered by email.

[signature page follows]

EXECUTED as a Memorandum of Understanding this day of, 2022.

THE CORPORATION OF THE TOWN OF PELHAM

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

INNOVA STEM LABS INC.

By: _____

Name: *Rasha RL Nossery*

Title: *President*

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: *14 Jun 2022*

Subject: Final Parking Strategy Report

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0138 – Final Parking Strategy Report, for information;

AND THAT Council receive the final Parking Strategy Report from R.V. Anderson Associates Limited; and

AND THAT Staff be directed to include the implementation of the recommendations contained in the Parking Strategy Report to improve the supply of public parking in downtown, Fonthill, Fenwick, Ridgeville and at the MCC in future capital budget planning processes;

AND THAT Staff be directed to include in the new Comprehensive Zoning By-law the recommendations contained in the Parking Strategy Report with regards to parking requirements for various land uses.

Background:

In the October 2020 the Town retained R. V. Anderson Associated Limited to undertake a parking study. The purpose of the parking study was to determine the parking needs in downtown Fonthill, Fenwick and Ridgeville and the Meridian Community Centre and to assess if adequate parking exists in these areas. In addition, the parking study was to compare the Town parking requirements for various land use types with other municipalities to determine if the Town's parking requirements in the Zoning By-law are appropriate and to consider measures that may be available to mitigate any parking deficiencies.

A draft of the Parking Strategy report was presented to Council on April 4, 2022. The consultants have now finalized the report taken into consideration the input received from Council on April 4, 2022.

Analysis:

The changes made to the final Parking Strategy report from draft presented to Council on April 4, 2022 include the following:

1. The Executive Summary has been completed
2. Section 5.0 Future Parking Demand & Reserve Capacity – this section was revised to provide clarification and context with regards to the population growth projections, proposed future boundary expansion areas, and low and high growth projections for future parking demand.
3. Section 6.2 Residential Off-Street Parking Requirements – the paragraph regarding Secondary Suite in this section was revised to note that Pelham does have a parking requirement of 1 parking space/secondary unit requirement and that this should be maintained in the Zoning By-law.
4. Section 7.1.4 Future Parking Demand & Reserve Capacity – the paragraph regarding the Meridian Community Centre was revised to include a discussion regarding accessible parking spaces and noted that consideration of a potential parking structure would require a further feasibility study to evaluate impacts and constructability.
5. Section 7.1.5 Parking Standards Review – the paragraph regarding the need for 1 parking space/secondary unit was removed as the Town has this standard currently.

As part of the study, the consultants also reviewed the Town's parking requirements for various types of residential and commercial land uses. The recommendations contained in the Parking Strategy with regards to minimum parking requirements for vehicles and bicycles will be included in the proposed new comprehensive Zoning By-law.

The Parking Strategy report recommends a number of strategies aimed at improving the parking supply and increasing efficiency of the existing supply. The following tables summarize the recommendations of the study.

Recommended Action	Strategy	Timeline	Financial
Fenwick			
Improve Municipal Lot parking signs with bigger, more eye-catching signs and reinforce that the parking is free in these areas.	Increase efficiency	0-3 years	<\$10k

Recommended Action	Strategy	Timeline	Financial
Initiate investigations into the urbanization of a portion of Maple Street to formalize the provision of on-street parking spaces (currently gravel/grass shoulders).	Increase efficiency	>5 years	>\$100k
Undertake a sightline assessment at the intersection of Maple Street and Canboro Road to confirm adequate sightlines are achievable based on industry guidelines.	Improve road user safety	0-3 years	<\$10k
Ridgeville			
Initiate investigations into the provision of designated public parking on the municipally owned water station lands at the southeast corner of Canboro Road at Effingham Street.	Increase parking supply	0-5 years	>\$100k
Initiate investigations into the provision of additional on-street parking on Canboro Road west of Effingham Street, requiring additional urbanization of Canboro Road.	Increase parking supply	0-5 years	>\$100k
Provide enhanced pedestrian crosswalks at all four approaches of the intersection of Canboro Road at Effingham Street, using either enhanced pavement markings or decorative pavers, with required AODA sidewalk letdowns and tactile plates.	Improve road user safety	0-5 years	\$10k-\$100k
Fonthill			
Improve Municipal Lot parking signs with bigger, more eye-catching signs and reinforce that the parking is free in these areas.	Increase efficiency	0-3 years	<\$10k

Recommended Action	Strategy	Timeline	Financial
Encourage the use of non-auto transportation modes for travel to the Downtown.	Reduce parking demand	0-3 years	\$10k-\$100k
Introduce pavement markings to delineate on-street parking spaces on Church Hill.	Increase efficiency	0-3 years	<\$10k
Undertake a sightline assessment at the intersection of Maple Street and Canboro Road to confirm adequate sightlines are achievable based on industry guidelines.	Improve road user safety	0-3 years	<\$10k
<i>Meridian Community Centre</i>			
Initiate investigations into the provision of additional parking on the municipally owned lands between the MCC and Rice Road.	Increase parking supply	0-5 years	>\$500k
Increase the designated snow storage capacity of the site to avoid using parking spaces.	Increase efficiency	0-3 years	<\$10k
Maintain appropriate number of accessible parking spaces with parking lot expansion.	Increase efficiency	0-5 years	N/A
<i>General (All Areas)</i>			
Continue to monitor parking utilization in the Downtown. Undertake post covid Parking surveys.	Increase efficiency	0-3 years	<\$10k
Review schedule/frequency of parking enforcement for the Fenwick and Ridgeville Communities	Increase efficiency	0-3 years	N/A

Recommended Action	Strategy	Timeline	Financial
Consider use of Cash-in-Lieu policy for Parking supply in East Fonthill Mixed use zone	Increase efficiency and fund additional parking needs	0-5 years	>\$50k
Introduce minimum bicycle parking requirements.	Reduce parking demand	0-5 years	<\$10k
Introduce reductions in parking requirements to apartments / condominiums offering car share parking spaces.	Reduce parking demand	0-5 years	<\$10k
Where carpool programs exist allow preferential parking for carpool vehicles.	Reduce parking demand	0-5 years	<\$10k

Financial Considerations:

The Parking Strategy Study was completed on budget. Implementation and phasing of the capital recommendations of Parking Strategy Study will be considered as part of future capital budget approvals over the next number of years. It is anticipated that the recommendations will be phased in over a period of time and will require Council approval as part of the budget approval process.

Alternatives Reviewed:

Council reviewed the draft Parking Strategy Study in April 2022 and the consultants have finalized the Report in consideration of Council's input.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Meeting the parking needs of the community is important to building strong communities and establishing appropriate parking requirements for business and other uses help to support the success of businesses and other uses as well as contributing to building strong communities and community and cultural assets.

Consultation:

In addition to the presentation to Council in April 2022, the consultants consulted with Town Planning, Recreation, Culture and Wellness and Public Works staff during the preparation of the report. Consultation also occurred with the MCC User Group Committee and there was public engagement through on-line surveys with the public and businesses.

Other Pertinent Reports/Attachments:

Staff Report #2022-0081

Final Parking Strategy Report, by R. V. Anderson Associates Limited, dated May 30, 2022.

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



Town of Pelham Parking Strategy

Parking Strategy Report
Final

May 30, 2022

Prepared for:





R.V. Anderson Associates Limited
43 Church Street Suite 104
St. Catharines Ontario L2R 7E1 Canada
Tel 905 685 5049 Fax 855 833 4022
www.rvanderson.com

May 30, 2022

RVA 205476

Town of Pelham
20 Pelham Town Square
Fonthill, ON
L0S 1E0

Attention: Barb Wiens – Director of Community Planning and Development

Dear Ms. Wiens:

Re: Town of Pelham Parking Strategy
Final Report

R.V. Anderson Associates Limited (RVA) submits herein an electronic copy of the Final Report for the Town of Pelham Parking Strategy.

Yours very truly,

R.V. ANDERSON ASSOCIATES LIMITED

A handwritten signature in black ink, appearing to read 'Adam Mildenberger'.

Adam Mildenberger, B.A., C.E.T.
Transportation Planner

A handwritten signature in blue ink, appearing to read 'Nick Palomba'.

Nick Palomba, P.Eng.
Vice-President



Town of Pelham Parking Strategy

Parking Strategy Report Final

Town of Pelham

This document is protected by copyright and was prepared by R.V. Anderson Associates Limited for the account of the Town of Pelham. It shall not be copied without permission. The material in it reflects our best judgment in light of the information available to R.V. Anderson Associates Limited at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. R.V. Anderson Associates Limited accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.



**RVA 205476
May 30, 2022**

**Town of Pelham Parking Strategy
Parking Strategy Report**

TABLE OF CONTENTS

Executive Summary.....	1
1.0 Introduction.....	6
1.1 Overview	6
1.2 Study Scope and Area	7
2.0 Parking Inventory	9
2.1 Existing Parking Supply.....	9
2.2 Operational Observations.....	11
3.0 Existing Parking Demand.....	12
3.1 Methodology	12
3.2 Demand and Utilization	13
3.2.1 Fonthill Demand and Utilization.....	14
3.2.1.1 On-Street Parking	14
3.2.1.2 Municipal Lot Parking	17
3.2.1.3 Total Parking Supply	20
3.2.2 Ridgeville Demand and Utilization.....	23
3.2.2.1 On-Street Parking	23
3.2.2.2 Municipally Owned Water Station	26
3.2.2.3 Total Parking Supply	26
3.2.3 Fenwick Demand and Utilization	29
3.2.3.1 On-Street Parking	29
3.2.3.2 Municipal Lot Parking	32
3.2.3.3 Total Parking Supply	35
3.2.4 Meridian Community Centre Demand and Utilization	38
3.3 Duration	41
3.3.1 Fonthill Duration	41
3.3.1.1 On-Street Parking	41
3.3.1.2 Municipal Lot Parking	41
3.3.1.3 Total Parking Supply	41
3.3.2 Ridgeville Duration	45

3.3.2.1	On-Street Parking	45
3.3.2.2	Municipal Lot Parking	45
3.3.2.3	Total Parking Supply	45
3.3.3	Fenwick Duration.....	49
3.3.3.1	On-Street Parking	49
3.3.3.2	Municipal Lot Parking	49
3.3.3.3	Total Parking Supply	49
3.3.4	Meridian Community Centre Duration	53
3.4	Existing Conditions Assessment of Parking Supply	55
3.4.1	Assessment of Fonthill, Ridgeville and Fenwick.....	55
3.4.2	Assessment of Meridian Community Centre	57
3.4.3	The COVID Factor.....	58
3.4.3.1	COVID impacts on Fonthill, Ridgeville and Fenwick 58	
3.4.3.2	COVID impacts on the MCC	58
3.4.3.3	Parking Supply Sensitivity Check.....	59
4.0	Stakeholder Consultations	61
4.1	Meridian Centre User Group Consultation	61
4.1.1	Facility Programming.....	62
4.1.2	Modes of Travel.....	62
4.1.3	Parking Supply Availability & Peak Demand Periods	62
4.1.4	Other Parking Concerns and Considerations	63
4.1.5	General Comments on Other Study Areas	63
4.2	Online Survey	63
4.2.1	Customer and Resident Parking Survey	64
4.2.2	Employee Parking Survey	65
5.0	Future Parking Demand & Reserve Capacity	67
5.1	Parking Demand Growth Assumptions	67
5.2	Projected Parking Demand and Utilization.....	68
6.0	Parking Standards Review	74
6.1	Commercial Off-Street Parking Requirements	74
6.2	Residential Off-Street Parking Requirements	76
6.3	Shared Parking.....	79
6.4	Bicycle Parking Requirements	79
6.5	Other Parking Considerations	81
7.0	Conclusions and Recommendations	82

7.1	Conclusions	82
7.1.1	Existing Parking Supply	82
7.1.2	Existing Parking Demand, Utilization & Duration	82
7.1.3	Stakeholder Consultations.....	84
7.1.3.1	MCC User Group Meeting	84
7.1.3.2	Customer and Resident Parking Survey	85
7.1.3.3	Employee Parking Survey	85
7.1.4	Future Parking Demand & Reserve Capacity	85
7.1.5	Parking Standards Review	88
7.2	Recommendations	89

LIST OF TABLES

Table 1: Existing Study Area Parking Supply

Table 2: Parking Count Dates and Times

Table 3: Assessment of Parking Supply (Fonthill, Ridgeville & Fenwick)

Table 4: Assessment of Parking Supply (Meridian Community Centre)

Table 5: Assessment of Parking Supply (COVID Stress Test)

Table 6: Minimum Commercial Off-Street Parking Requirements - Niagara
Regional Municipalities

LIST OF FIGURES

Figure 1: Study Area Map

Figure 2: Parking Demand – Fonthill (On-Street Parking Only)

Figure 3: Parking Utilization – Fonthill (On-Street Parking Only)

Figure 4: Parking Demand – Fonthill (Municipal Lot Only)

Figure 5: Parking Utilization – Fonthill (Municipal Lot Only)

Figure 6: Parking Demand – Fonthill (All Spaces)

Figure 7: Parking Utilization – Fonthill (All Spaces)

Figure 8: Parking Demand – Ridgeville (On-Street Parking Only)

Figure 9: Parking Utilization – Ridgeville (On-Street Parking Only)

Figure 10: Parking Demand – Ridgeville (Municipal Lot Only)

Figure 11: Parking Demand – Ridgeville (All Spaces)

Figure 12: Parking Demand – Fenwick (On-Street Parking Only)

Figure 13: Parking Utilization – Fenwick (On-Street Parking Only)

Figure 14: Parking Demand – Fenwick (Municipal Lot Only)

Figure 15: Parking Utilization – Fenwick (Municipal Lot Only)

Figure 16: Parking Demand – Fenwick (All Spaces)

Figure 17: Parking Utilization – Fenwick (All Spaces)

Figure 18: Parking Demand – Meridian Community Centre (All Spaces)

- Figure 19: Parking Utilization – Meridian Community Centre (All Spaces)
- Figure 20: Parking Duration – Fonthill (On-Street Parking Only)
- Figure 21: Parking Duration – Fonthill (Municipal Lot Only)
- Figure 22: Parking Duration – Fonthill (All Spaces)
- Figure 23: Parking Duration – Ridgeville (On-Street Parking Only)
- Figure 24: Parking Duration – Ridgeville (Water Station Lot Only)
- Figure 25: Parking Duration – Ridgeville (All Spaces)
- Figure 26: Parking Duration – Fenwick (On-Street Parking Only)
- Figure 27: Parking Duration – Fenwick (Municipal Lot Only)
- Figure 28: Parking Duration – Fenwick (All Spaces)
- Figure 29: Parking Duration – Meridian Community Centre (All Spaces)
- Figure 30: Future Parking Utilization – Fonthill (All Spaces)
- Figure 31: Future Parking Utilization – Ridgeville (All Spaces)
- Figure 32: Future Parking Utilization – Fenwick (All Spaces)
- Figure 33: Future Parking Utilization – Meridian Community Centre
- Figure 34: Example of Parking Lot Expansion (approx. 200 new spaces)

Executive Summary

The Town of Pelham has retained R.V. Anderson Associates Limited (RVA) to undertake a Parking Strategy for the downtowns of Fonthill, Fenwick, Ridgeville, and the Meridian Community Centre, with the key objectives being the identification of existing and future levels of parking demand for public parking facilities within the study area locations, an assessment to determine if the existing parking supply is sufficient to meet anticipated future parking demands, and the development of recommendations to mitigate any gaps or deficiencies in the study area's parking supply and Town's parking standards.

A comprehensive parking count program was conducted on multiple days in 2021 and 2022 to gather data on existing parking demand (utilization) and duration within the study areas. Given the count program was conducted during COVID, a +20% adjustment was applied to account for the effects of COVID on the collected data.

For projecting future growth in parking demand over a 10-year horizon (2032) for the Fonthill, Ridgeville and Fenwick areas, a 10% Low Growth Scenario (based on recorded historical population growth trends per Statistics Canada) and a 20% High Growth Scenario (based on projected population, household, and employment trends per Niagara Region forecasts) were assessed.

For the MCC site a 10% growth in parking demand has been forecast as the facility's growth is largely controlled by building capacity and activity scheduling. In addition to this future growth, adjustments for special events (i.e., tournaments) were considered in assessing overall future parking demand to 2032.

Summary of Findings

Fonthill

The low and high growth scenarios are projected to bring the parking supply in Fonthill to approximately 50% and 55% utilized, respectively, during peak periods, resulting in 55-60 reserve spaces. Despite these growth assumptions, Fonthill is still expected to have ample reserve parking capacity during peak periods. This suggests the existing parking supply is sufficient to accommodate projected parking demands.

Ridgeville

The current parking supply in Ridgeville is over-capacity with a projected shortage of 14 spaces. Potential opportunities for increasing the parking supply include redeveloping the water station property to accommodate several designated parking spaces, and extend the provision of on-street parking on Canboro Road further west.

Fenwick

The low and high growth scenarios are projected to reduce the parking supply in Fenwick to approximately 6-12 spaces during peak periods, which is considered critical with only 10% reserve supply during peak periods. Although on-street parking is permitted on Maple Street north of Canboro Road, there is an opportunity to urbanize and formalize the on-street parking to improve the efficiency of the parking supply.

Meridian Community Centre

The low and high growth scenarios with provision for a 10% reserve, will require a total parking supply of 390-435 spaces, or an additional 125-170 spaces, to accommodate projected future demands. A potential expansion of the parking lot eastwards within the existing Town lands can provide the site an additional 200 spaces, resulting in some additional parking capacity for future growth.

Recommendations

There are tools available that can be used individually, or in combination, to improve parking management and contribute to the economic viability of the Town of Pelham. **Table ES-1** summarizes the recommended strategies and timelines for implementation based on the findings this Parking Study.

Table ES-1: Recommended Improvement Strategy

Recommended Action	Strategy	Timeline	Financial
Fenwick			
Improve Municipal Lot parking signs with bigger, more eye-catching signs and reinforce that the parking is free in these areas.	Increase efficiency	0-3 years	<\$10k
Initiate investigations into the urbanization of a portion of Maple Street to formalize the provision of on-street parking spaces (currently gravel/grass shoulders).	Increase efficiency	>5 years	>\$100k
Undertake a sightline assessment at the intersection of Maple Street and Canboro Road to confirm adequate sightlines are achievable based on industry guidelines.	Improve road user safety	0-3 years	<\$10k
Ridgeville			
Initiate investigations into the provision of designated public parking on the municipally owned water station lands at the southeast corner of Canboro Road at Effingham Street.	Increase parking supply	0-5 years	>\$100k
Initiate investigations into the provision of additional on-street parking on Canboro Road west of Effingham Street, requiring additional urbanization of Canboro Road.	Increase parking supply	0-5 years	>\$100k

Provide enhanced pedestrian crosswalks at all four approaches of the intersection of Canboro Road at Effingham Street, using either enhanced pavement markings or decorative pavers, with required AODA sidewalk letdowns and tactile plates.	Improve road user safety	0-5 years	\$10k-\$100k
Fonthill			
Improve Municipal Lot parking signs with bigger, more eye-catching signs and reinforce that the parking is free in these areas.	Increase efficiency	0-3 years	<\$10k
Encourage the use of non-auto transportation modes for travel to the Downtown.	Reduce parking demand	0-3 years	\$10k-\$100k
Introduce pavement markings to delineate on-street parking spaces on Church Hill.	Increase efficiency	0-3 years	<\$10k
Undertake a sightline assessment at the intersection of Maple Street and Canboro Road to confirm adequate sightlines are achievable based on industry guidelines.	Improve road user safety	0-3 years	<\$10k
Meridian Community Centre			
Initiate investigations into the provision of additional parking on the municipally owned lands between the MCC and Rice Road.	Increase parking supply	0-5 years	>\$500k

Increase the designated snow storage capacity of the site to avoid using parking spaces.	Increase efficiency	0-3 years	<\$10k
Maintain appropriate number of accessible parking spaces with parking lot expansion.	Increase efficiency	0-5 years	N/A
General (All Areas)			
Continue to monitor parking utilization in the Downtown. Undertake post covid Parking surveys.	Increase efficiency	0-3 years	<\$10k
Review schedule/frequency of parking enforcement for the Fenwick and Ridgeville Communities	Increase efficiency	0-3 years	N/A
Consider use of Cash-in-Lieu policy for Parking supply in East Fonthill Mixed use zone	Increase efficiency and fund additional parking needs	0-5 years	>\$50k
Introduce minimum bicycle parking requirements.	Reduce parking demand	0-5 years	<\$10k
Introduce reductions in parking requirements to apartments / condominiums offering car share parking spaces.	Reduce parking demand	0-5 years	<\$10k
Where carpool programs exist allow preferential parking for carpool vehicles.	Reduce parking demand	0-5 years	<\$10k

1.0 Introduction

1.1 Overview

Local businesses primarily situated in the Fonthill, Fenwick and Ridgeville downtown centres have voiced their concerns regarding an inadequate public parking supply, and similar concerns have also been raised about the Meridian Community Centre (MCC). Additionally, Council has expressed concerns with the current parking requirements for various land use types. The Town of Pelham has therefore retained R.V. Anderson Associates Limited (RVA) to undertake a Parking Strategy for the downtowns of Fonthill, Fenwick, Ridgeville, and the Meridian Community Centre.

The key objectives of this Parking Strategy will be:

- Identify existing levels of parking demand for public parking facilities within the study area locations through the completion of in-field parking surveys;
- Determine the utilization and duration of parking within these public parking facilities;
- Determine the degree to which the existing parking supply is insufficient, sufficient, or excessive based on the observed utilization levels;
- Assess if the existing parking supply is sufficient to meet anticipated future parking demands;
- Review the Town's current parking standards, in light of the findings of this study and in comparison to other municipalities; and
- Develop recommendations to mitigate any gaps or deficiencies in the study area's parking supply and Town's parking standards.

The Study consisted of the following two key phases:

- **Phase 1** focuses on identifying and quantifying the existing parking situation through standards review, public engagement, parking facility inventories, parking demand & duration surveys, and parking data analysis; and
- **Phase 2** provides recommendations to improve efficiencies, accommodate local business needs, meet future parking demands, and provide guidance through the development of a municipal Parking Strategy for the Town of Pelham.

1.2 Study Scope and Area

The Study involved the following key tasks:

- Undertake a parking inventory in downtown Fonthill, Fenwick and Ridgeville, and the Meridian Community Centre, to collect required information about the capacity, use, applicable regulations, and current condition, of existing parking facilities;
- Facilitate a workshop with the user groups of the Meridian Community Centre to understand what the needs of the users are as it is related to parking;
- Prepare an online questionnaire on the Town's website via the Bang-the-Table platform, in order to obtain public engagement on matters concerning the parking situation and parking needs within the study areas;
- Collect parking demand and duration data in the study areas by undertaking weekday and weekend parking surveys;
- Analyze the existing parking demand, utilization, and duration of the study areas;
- Identify, locate, and quantify the existing deficiencies in parking supply, with consideration for time-of-day fluctuations in demand, location-specific "hot spots", and facility-specific concerns;
- Undertake future conditions analysis to estimate the level of additional demand that can be accommodated within the existing supply, and identify any potential deficiencies in parking supply should growth exceed the reserve supply based on reasonable growth projections;
- Prepare recommendations as they relate to the study areas under existing and future conditions, where warranted, and present recommendations; and
- Prepare a Parking Strategy Report which details the approach, methodology, analysis, findings, and recommendations for the downtown Fonthill, Fenwick, Ridgeville, and the Meridian Community Centre.

A map of the study area locations is shown in **Figure 1**.

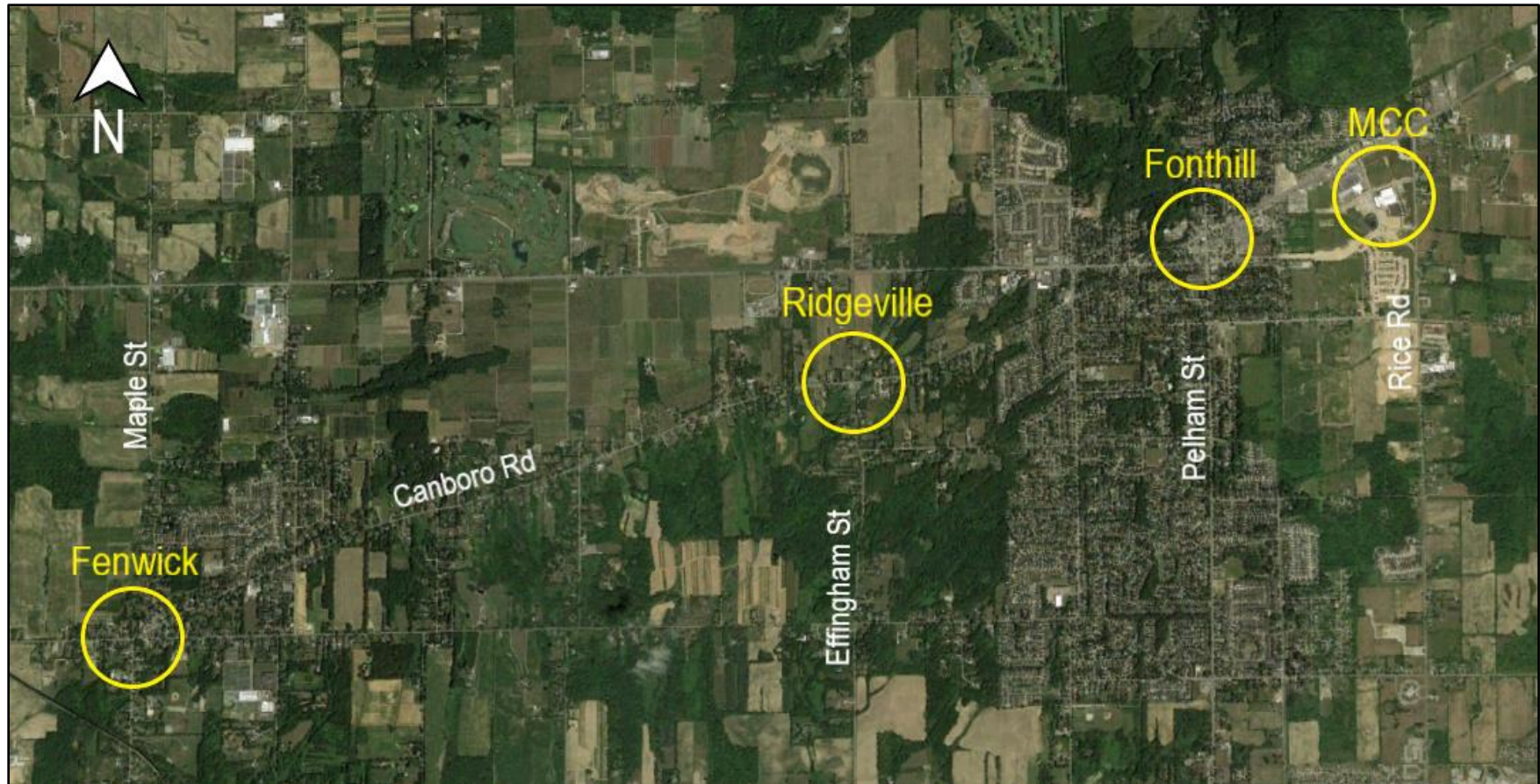


Figure 1: Study Area Map

2.0 Parking Inventory

2.1 Existing Parking Supply

The municipal parking system in the downtown Fonthill, Fenwick and Ridgeville study areas, and the Meridian Community Centre, consist of a combination of the following parking facility types:

- **Public On-Street Parking**, with or without time restrictions (i.e., 15 minutes, 30 minutes, 2 hours, or no limit), which are found in Fenwick, Ridgeville, and Fonthill; and
- **Municipally controlled parking lots**, which are found in Fenwick (municipal lot at 1129-1135 Maple Street), Fonthill (municipal lots at Pelham Municipal Offices) and the Meridian Community Centre (community centre parking lot).

An inventory of existing facilities within the study areas was compiled from aerial photography and site visits to determine the total parking supply by type. Parking supply in the municipal lots are delineated by painted stalls, with on-street parking generally delineated by either painted stalls or decorative pavers. Any unmarked on-street parking supply was quantified by an assumed typical stall length of 7 metres.

Table 1 provides a summary of the existing parking inventory within each study area. There are a combined 225 municipal parking spaces within the Fenwick, Ridgeville and Fonthill study areas, consisting of 113 (50%) on-street parking spaces and 112 (50%) municipal lot parking spaces. More than half (64%) of all municipal parking spaces is within the Fonthill area, excluding the MCC. The MCC has a total of 265 municipal lot parking spaces.

Appendix A provides zone maps for each study area, segregating each study area into distinct zones to support a more refined level of analysis.

Table 1: Existing Study Area Parking Supply

Study Area	On-Street	Municipal Lot	Total
Fonthill	75 (52%)	69 (48%)	144 (100%)
Ridgeville	12 (100%)	0 (0%)	12 (100%)
Fenwick	26 (38%)	43 (62%)	69 (100%)
SUBTOTAL	113 (50%)	112 (50%)	225 (100%)
Meridian Community Centre	0 (0%)	265 (100%)	265 (100%)
GRAND TOTAL	113 (23%)	377 (77%)	490 (100%)

2.2 Operational Observations

The following provides some general information on operational observations made during field investigations:

- There is no charge for parking in the study areas;
- On-street parking is permitted for up to two (2) hours on all roads within the study areas, except for the following locations:
 - **Fonthill:** 30-minute limit on Pelham Town Square, north of the Pelham Municipal Offices.
 - **Fenwick:** No time restrictions on Maple Street and Canboro Road, except for 8 spaces on the south side of Canboro Road, east of Maple Street, which have a 15-minute limit.
- Parking on any street in the Town during the winter season is not permitted at any time during plowing, sanding, or salting operations.
- Observations of vehicles parking in municipal or private lands that are not intended for accommodating public parking, were made as follows:
 - **Ridgeville:** Observations of several instances in which vehicles parked in the municipally owned water station at the southeast corner of the intersection of Effingham Street at Canboro Road, and the motorist crossed Effingham Street to reach the local business establishments. During these events, the designated on-street parking supply on Canboro Road was generally full, meaning the water station property was primarily being utilized as an informal overflow parking lot.
 - **Fenwick:** Observations of several instances in which vehicles parked in the ACDelco service centre parking lot at the northwest corner of the intersection of Canboro Road at Maple Street, and the motorist walked to other establishments in the area. During these events, there was available parking supply in the nearby municipal parking lot across Maple Street that could have been utilized.

3.0 Existing Parking Demand

3.1 Methodology

A comprehensive parking count program was conducted to characterize the current parking conditions in the study areas. RVA staff performed parking counts on multiple days in 2021 and 2022 to gather data on parking demand (utilization) and duration.

The project commenced in Summer 2021 while covid-related restrictions were implemented. Given this would have implications for travel patterns and parking demand in these downtown areas, it was decided that most counts be postponed to a later date. Therefore, counts at the Fenwick, Ridgeville and Fonthill study areas were delayed to late October 2021 and early November 2021 when restrictions were generally reduced to a greater degree.

A single weekday count and single weekend count were conducted at Fenwick, Ridgeville, and Fonthill. Time periods were selected based on a review of business establishments within each study area, and their respective typical peak operating hours as per publicly available Google Maps business information data.

With respect to the MCC, Town staff directed the project team to conduct counts at the MCC on July 6th and July 7th, 2021, to capture parking demand associated with scheduled vaccination clinics being held within the MCC; no other sporting events or other events were programmed on those days. A follow-up count was conducted on February 12th, 2022, to capture parking demand on a Saturday with multiple back-to-back scheduled hockey games, basketball games, and other on-site activities.

Table 2 lists the dates and times that the counts were conducted.

Assigned surveyors walked pre-determined routes at 30-minute intervals, recording the number of parked vehicles observed for determining demand and utilization, and the last three (3) digits of each license plate for determining duration.

Table 2: Parking Count Dates and Times

Study Areas	Date	Time Period
Fonthill	Thursday October 28 th , 2021 Saturday November 6 th , 2021	10:00 a.m. to 7:00 p.m. 11:00 a.m. to 7:00 p.m.
Ridgeville	Friday November 5 th , 2021 Saturday November 6 th , 2021	10:00 a.m. to 7:00 p.m. 12:00 p.m. to 6:00 p.m.
Fenwick	Friday November 5 th , 2021 Saturday November 6 th , 2021	9:00 a.m. to 8:00 p.m. 12:00 p.m. to 6:00 p.m.
Meridian Community Centre	Tuesday July 6 th , 2021 Wednesday July 7 th , 2021 Saturday February 12 th , 2022	9:00 a.m. to 6:00 p.m. 9:00 a.m. to 6:00 p.m. 10:00 a.m. to 3:00 p.m.

3.2 Demand and Utilization

The following section evaluates the **parking demand** (the number of observed parking spaces occupied) and **utilization** (the number of observed parking spaces occupied divided by the total number of parking spaces) collected within the study areas.

From this data, the **maximum parking demand** (the peak number of parking spaces occupied over the survey period) and **maximum utilization** (the highest number of occupied spaces observed over the entire day divided by the total number of parking spaces) could be calculated. This information represents the peak parking requirement.

Maximum values are more critical than typical observed values because they represent the parking supply required to satisfy peak parking demand. These numbers also help indicate the overall surplus or deficiency experienced and aid with appropriate recommendations to increase or decrease the available parking supply in response to existing parking demand.

Raw demand and utilization data collected during the surveys is provided in **Appendix B**.

3.2.1 Fonthill Demand and Utilization

3.2.1.1 On-Street Parking

Figure 2 and **Figure 3** illustrate the collected on-street parking demand and utilization data, respectively, for the Fonthill study area. Key findings based on our review of the data are as follows:

- Fonthill currently provides a total of 63 on-street parking spaces within the study area, which can be found on Highway 20, Pelham Street, Church Hill, and Pelham Town Square;
- The maximum on-street parking demand during the weekday survey was 28 spaces (44% utilization) at 11:30 a.m., and during the Saturday survey was 37 spaces (59% utilization) at 11:00 a.m.;
- The minimum on-street parking demand during the weekday survey was 13 spaces (21% utilization) at 1:30p.m., and during the Saturday survey was 6 spaces (10% utilization) at 6:30 p.m.;
- Parking utilization during both the weekday and Saturday surveys generally ranged between 10% and 40% utilized;
- The average on-street parking utilization over the duration of the surveys during the weekday and Saturday surveys were 33% and 34%, respectively;
- At peak usage (Saturday at 11:00 a.m.), the on-street parking supply had a surplus of 26 spaces (41% surplus); and
- The current on-street parking supply was able to accommodate the maximum demand during both the weekday and Saturday surveys.

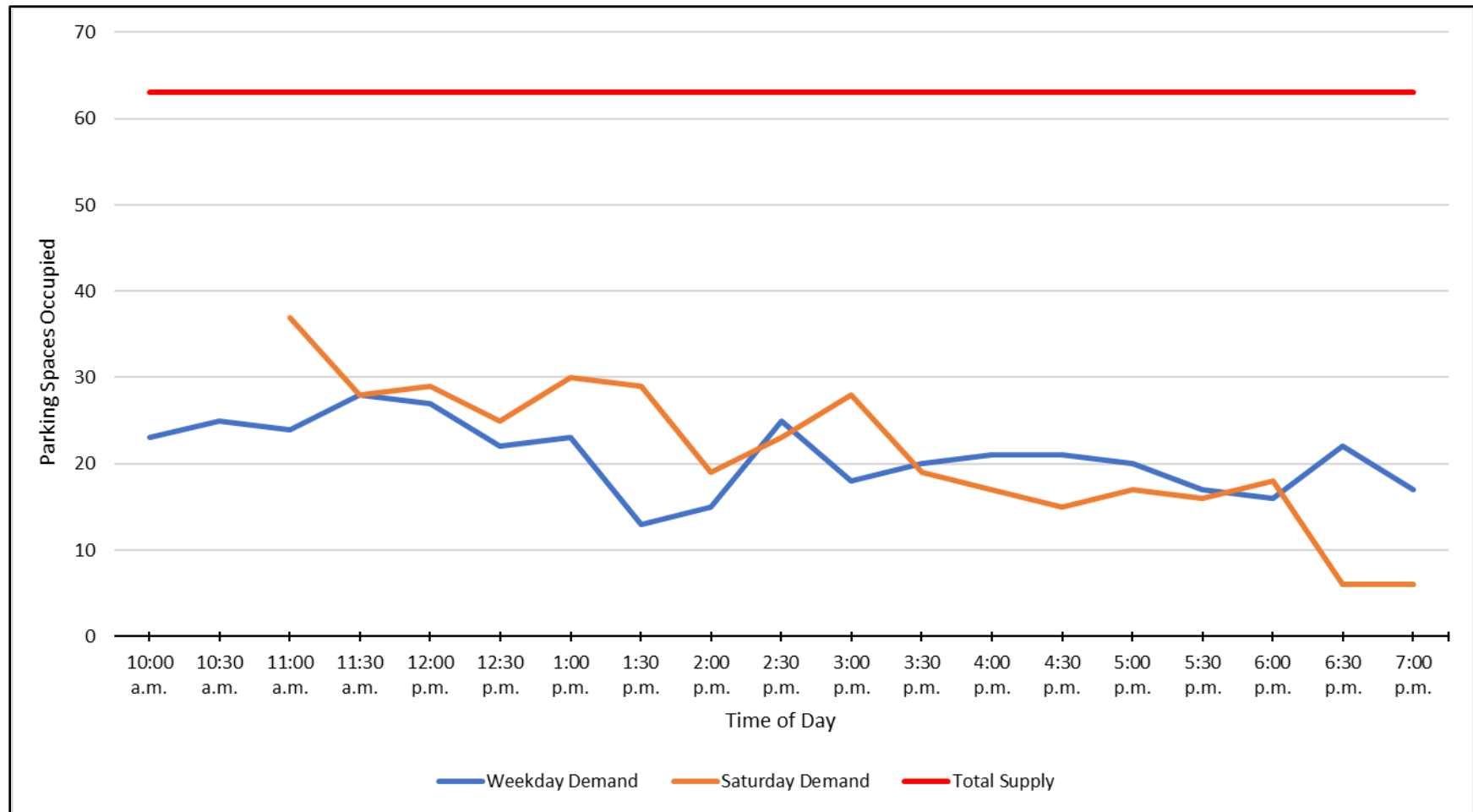


Figure 2: Parking Demand – Fonthill (On-Street Parking Only)

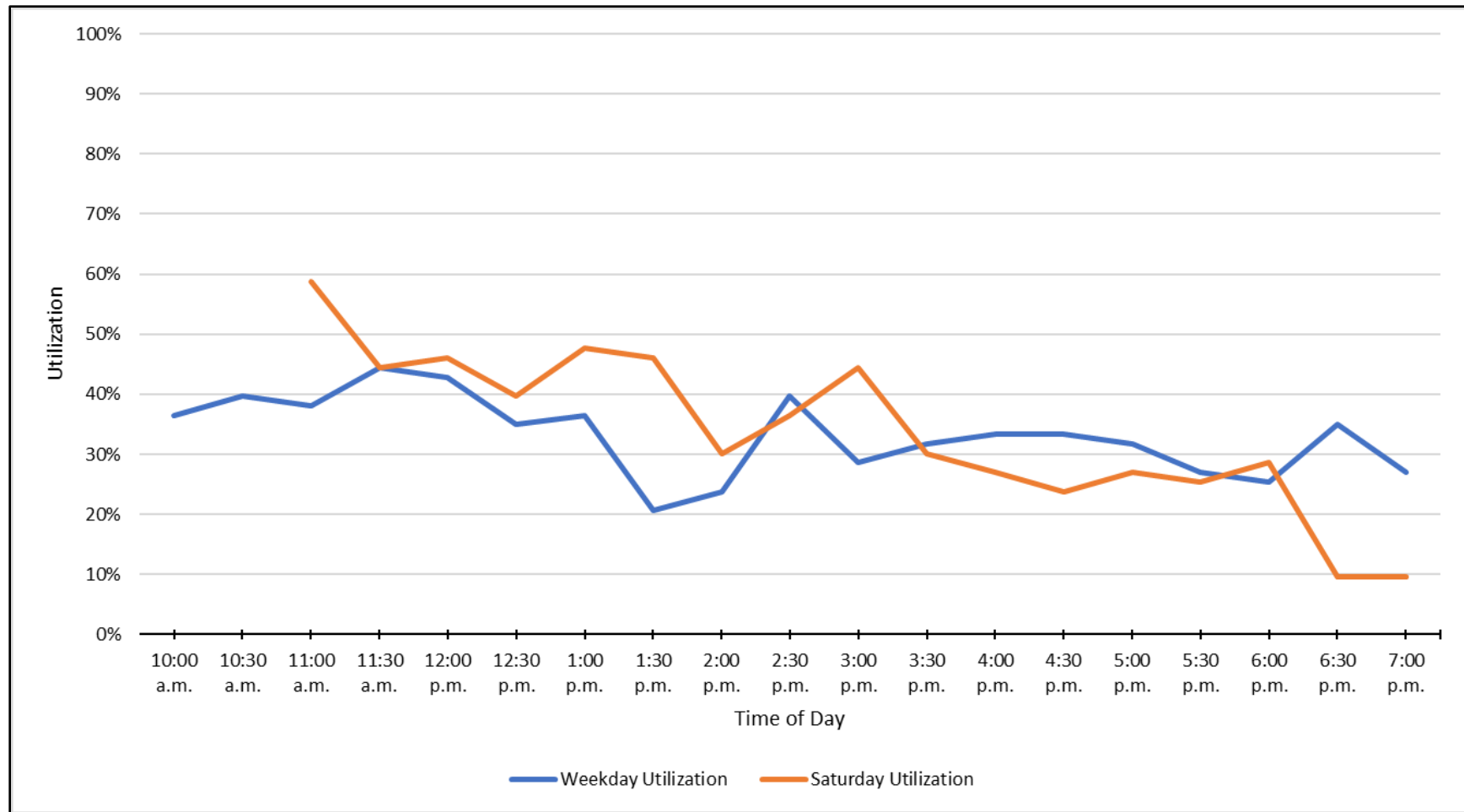


Figure 3: Parking Utilization – Fonthill (On-Street Parking Only)

3.2.1.2 Municipal Lot Parking

Figure 4 and **Figure 5** illustrate the collected municipal lot parking demand and utilization data, respectively, for the Fonthill study area. Key findings based on our review of the data are as follows:

- Fonthill currently provides a total of 69 parking spaces within the Town's two municipal parking lots off Pelham Town Square adjacent to the Pelham Municipal Office;
- The maximum parking demand in the municipal lot during the weekday survey was 30 spaces (43% utilization) at 3:30 p.m., and during the Saturday survey was 21 spaces (30% utilization) at 12:00 p.m.;
- The minimum parking demand in the municipal lot during the weekday survey was 15 spaces (22% utilization) at 5:30 p.m., and during the Saturday survey was 0 spaces (0% utilization) at 6:30 p.m.;
- Parking utilization during the weekday survey generally ranged between 20% and 45% utilized, and during the Saturday survey generally ranged between 10% and 30% utilized;
- The average utilization in the municipal lot over the duration of the surveys during the weekday and Saturday surveys were 35% and 18%, respectively;
- At peak usage (weekday at 3:30 p.m.), the municipal lot's parking supply has a surplus of 39 spaces available (57% surplus); and
- The municipal lot's current parking supply was able to accommodate the maximum demand for both the weekday and Saturday surveys.

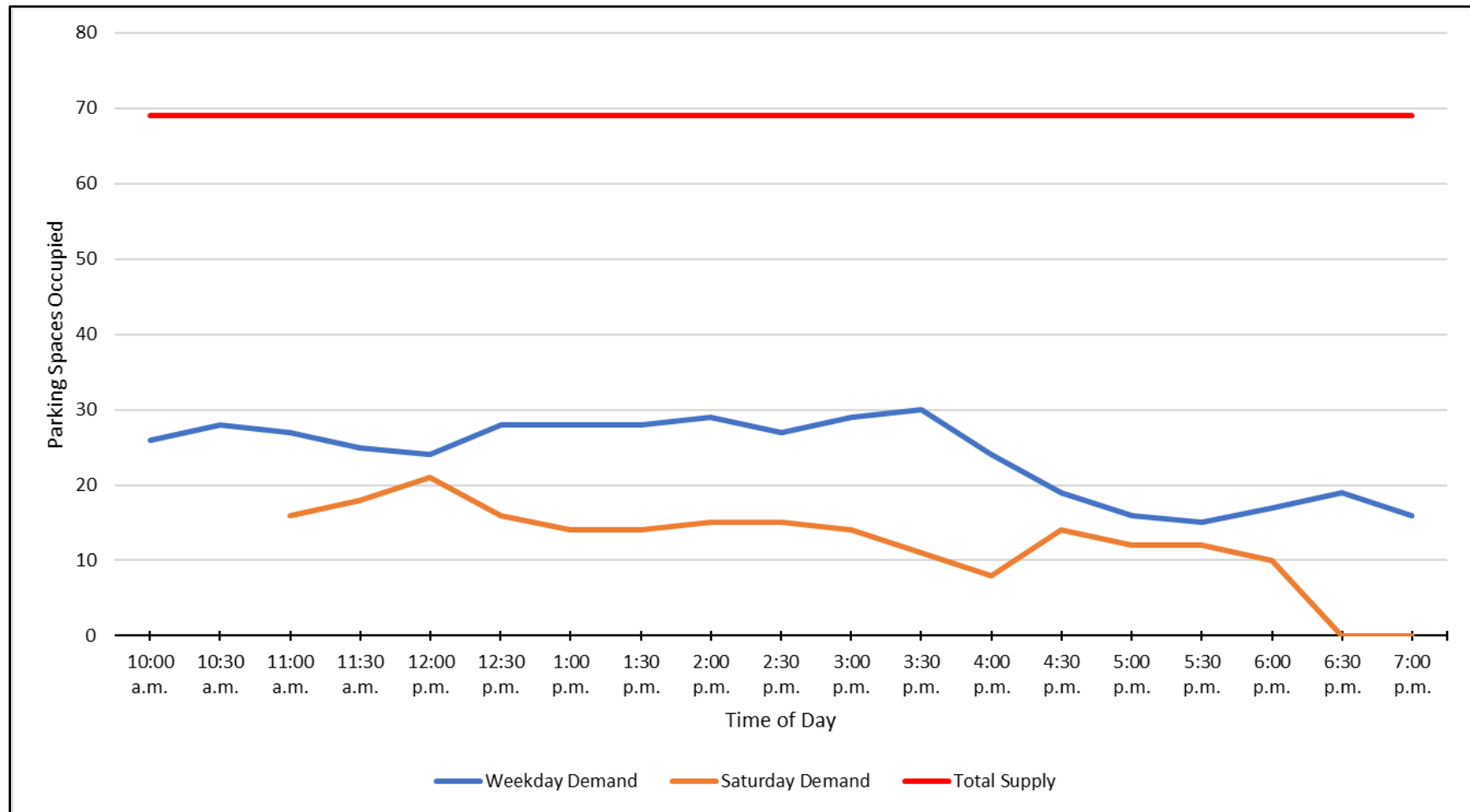


Figure 4: Parking Demand – Fonthill (Municipal Lot Only)

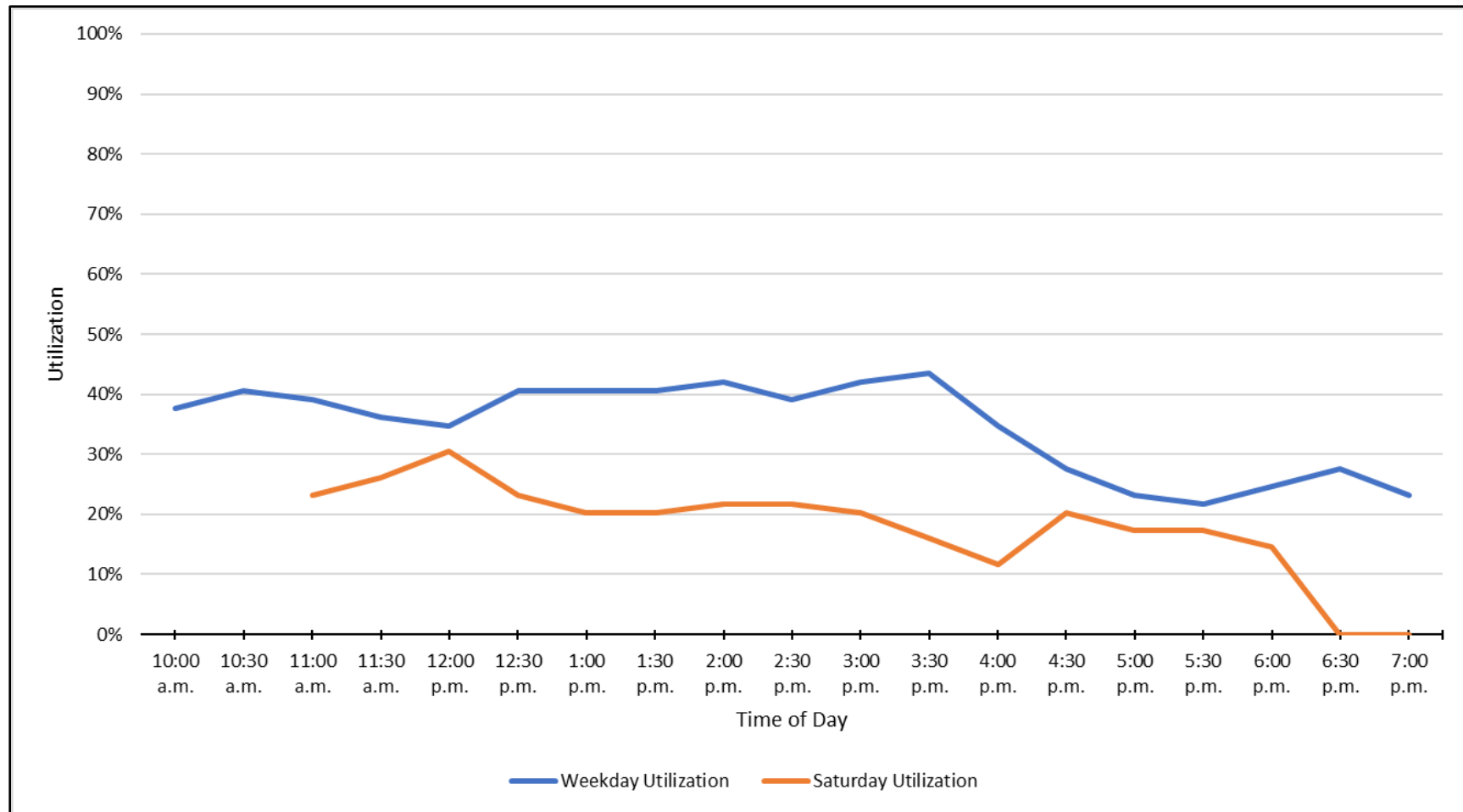


Figure 5: Parking Utilization – Fonthill (Municipal Lot Only)

3.2.1.3 Total Parking Supply

Figure 6 and **Figure 7** illustrate the collected total parking demand and utilization data, respectively, for the Fonthill study area. Key findings based on our review of the data are as follows:

- Fonthill currently provides a total of 132 parking spaces within the study area, consisting of both on-street and municipal lot parking spaces;
- The maximum parking demand during the weekday survey was 53 spaces (40% utilization) at 11:30 a.m., and during the Saturday survey was 53 spaces (40% utilization) at 11:00 a.m.;
- The minimum parking demand during the weekday survey was 32 spaces (24% utilization) at 5:30 p.m., and during the Saturday survey was 6 spaces (5% utilization) at 6:30 p.m.;
- Parking utilization during the weekday and Saturday surveys generally ranged between 20% and 40%% utilized;
- The average utilization over the duration of the surveys during the weekday and Saturday surveys were 34% and 25%, respectively;
- At peak usage (weekday at 11:30 a.m. and weekend at 11:00 a.m.), the study area's total parking supply has a surplus of 79 spaces (60% surplus); and
- The study area's total parking supply in Fonthill was able to accommodate the maximum demand for both the weekday and Saturday surveys.



Figure 6: Parking Demand – Fonthill (All Spaces)

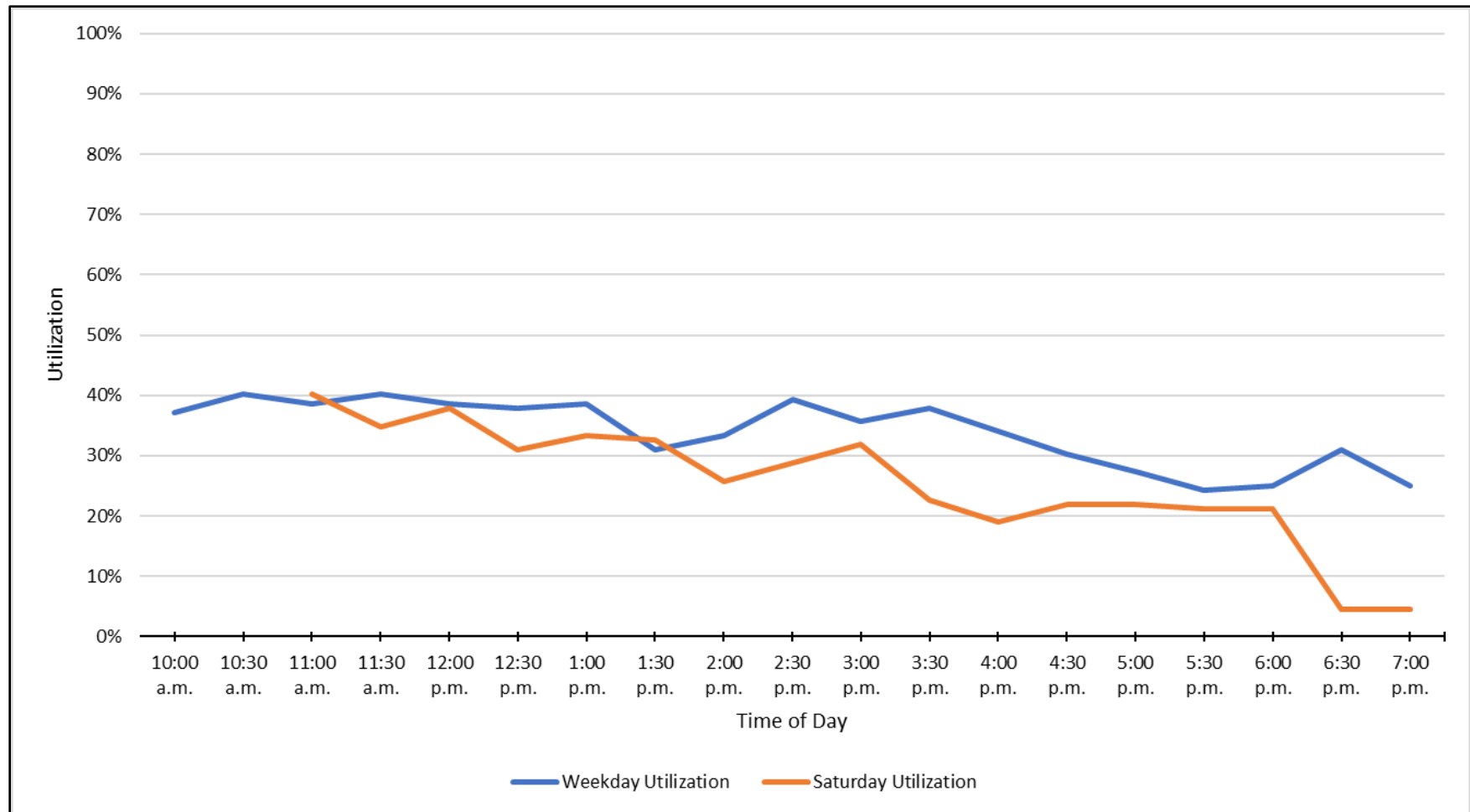


Figure 7: Parking Utilization – Fonthill (All Spaces)

3.2.2 Ridgeville Demand and Utilization

3.2.2.1 On-Street Parking

Figure 8 and **Figure 9** illustrate the collected on-street parking demand and utilization data, respectively, for the Ridgeville study area. Key findings based on our review of the data are as follows:

- Ridgeville currently provides a total of 12 on-street parking spaces within the study area, which can be found on both sides of Canboro Road just west of Effingham Street;
- The maximum on-street parking demand on the weekday survey was 12 spaces (100% utilization) at 11:00 a.m. and on the Saturday survey was 12 spaces (100% utilization) at 1:00 p.m.;
- The minimum on-street parking demand on the weekday survey was 0 spaces (0% utilization) at 7:00 p.m., and on the Saturday survey was 0 spaces at 2:30 p.m.;
- Both weekday and Saturday utilization trended downwards throughout the day.
- The average on-street parking utilization over the duration of the surveys on the weekday and Saturday surveys were 47% and 42%, respectively;
- At peak usage (weekday at 11:00 a.m. and Saturday at 1:00 p.m.), the on-street parking supply was fully occupied with no surplus spaces; and
- Given vehicles were observed parking in the municipally owned water station at the southeast corner of the intersection of Effingham Street at Canboro Road while the designated on-street parking on Canboro Road was fully occupied, the current supply of on-street parking was not able to accommodate the maximum demand for both the weekday and Saturday surveys.

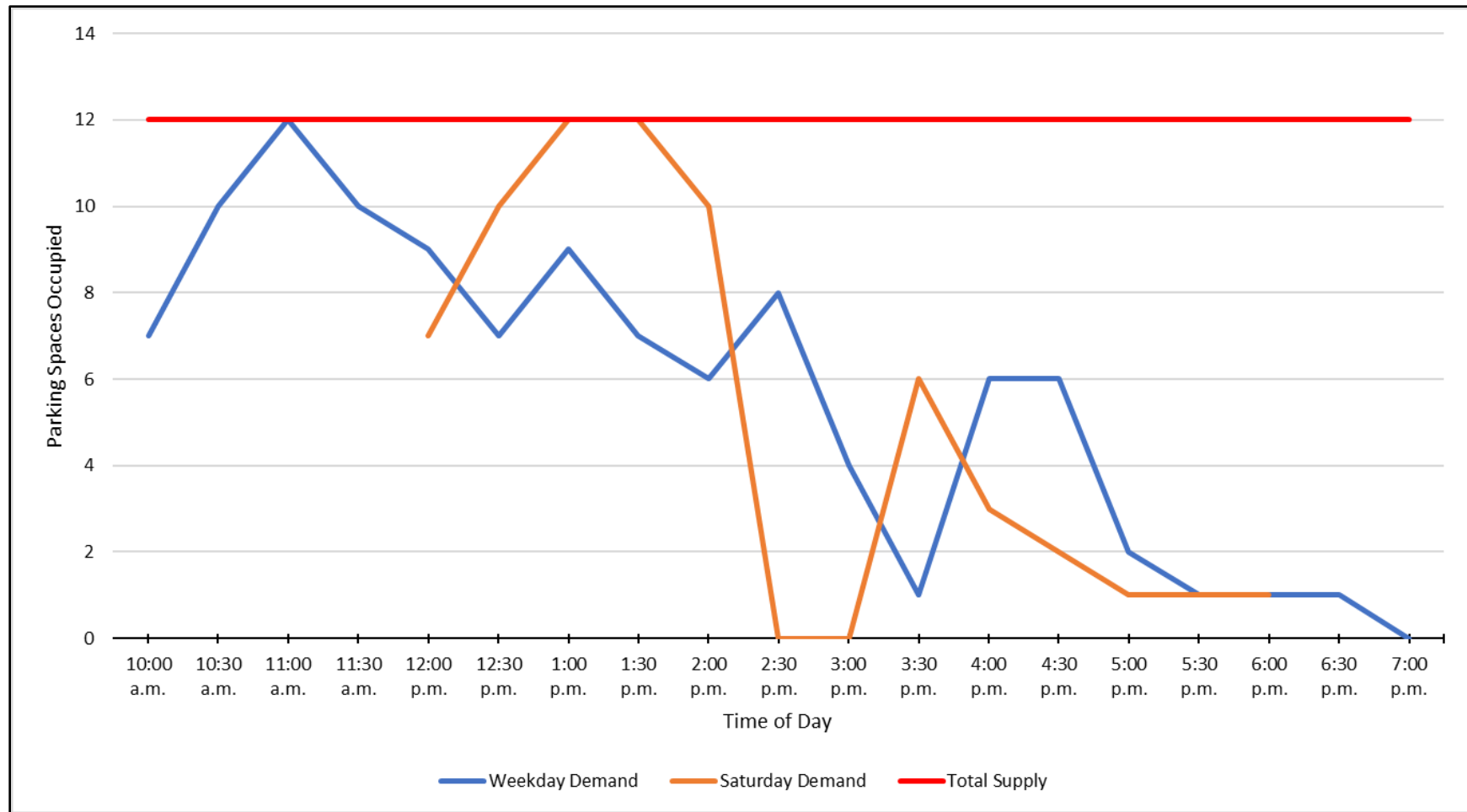


Figure 8: Parking Demand – Ridgeville (On-Street Parking Only)

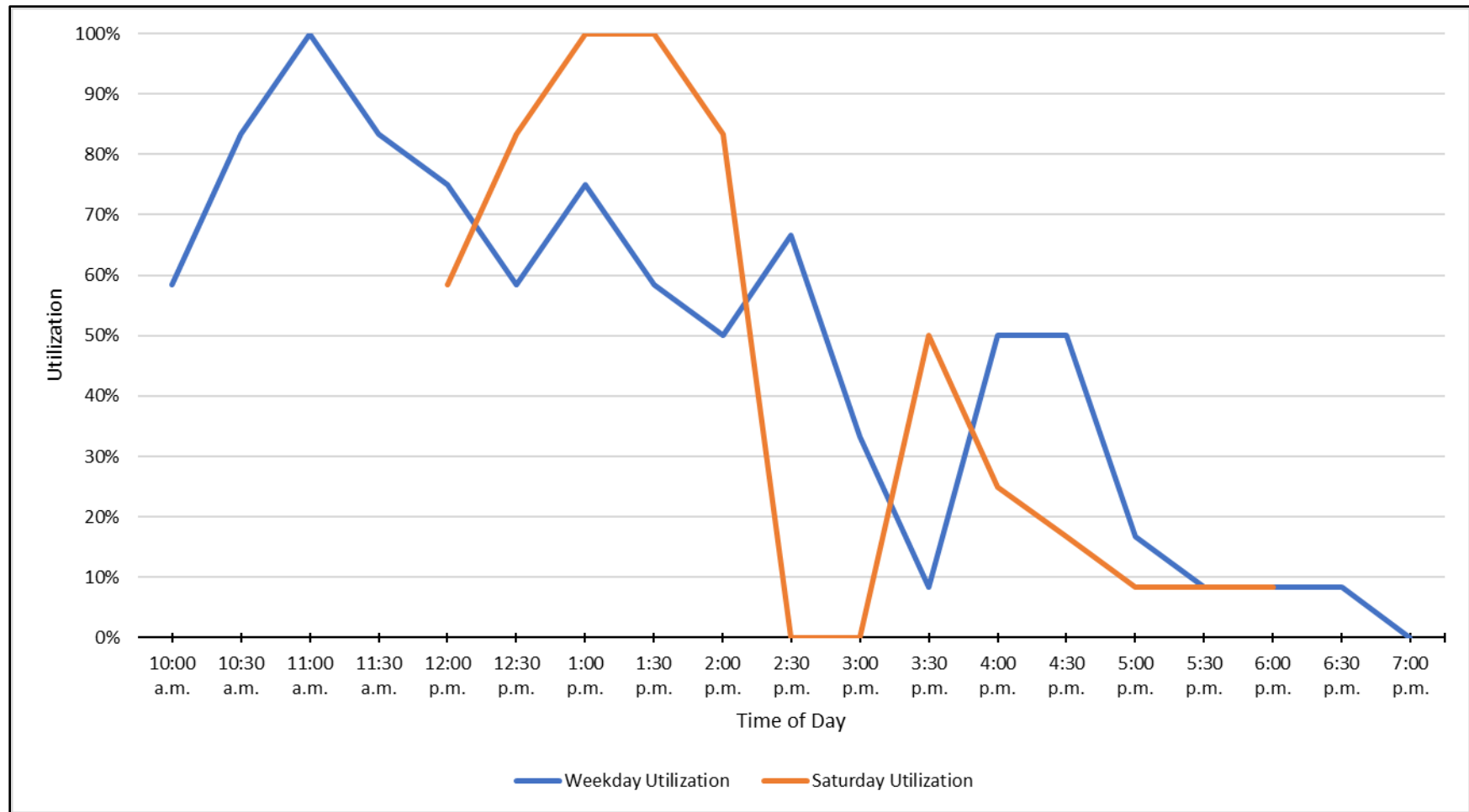


Figure 9: Parking Utilization – Ridgeville (On-Street Parking Only)

3.2.2.2 Municipally Owned Water Station

Figure 10 illustrates the collected municipally owned water station parking demand data for the Ridgeville study area. Given there is no defined parking capacity for the property, utilization was not calculated. Key findings based on our review of the data are as follows:

- The maximum parking demand in the municipally owned water station property on the weekday survey was 4 spaces at 11:00 a.m. and 1:00 p.m., and on the Saturday survey was 7 spaces at 1:30 p.m.;
- There was no parking demand for the municipally owned water station at various times throughout the weekday and Saturday surveys; and
- Parking demand generally trended downwards during both the weekday and Saturday surveys, with both periods generally peaking midday.

3.2.2.3 Total Parking Supply

Figure 11 illustrates the collected total parking demand data for the Ridgeville study area. Given there is no defined parking capacity for the water station property, utilization was not calculated for the overall area (on-street plus water station). Key findings based on our review of the data are as follows:

- The maximum parking demand in Ridgeville during the weekday survey was 16 spaces at 11:00 a.m., and during the Saturday survey was 19 spaces at 1:30 p.m.;
- The minimum parking demand in Ridgeville during the weekday survey was 0 spaces at 7:00 p.m., and during the Saturday survey was 0 spaces at 2:30 p.m.;
- Parking demand generally trended downwards during both the weekday and Saturday surveys, with both periods generally peaking midday; and
- Given the municipally owned water station is not intended to provide a public parking supply, and given vehicles were observed parking at the station while the designated on-street parking on Canboro Road was fully occupied, the current supply of public parking in Ridgeville is considered insufficient to accommodate the maximum demand during both the weekday and Saturday surveys.

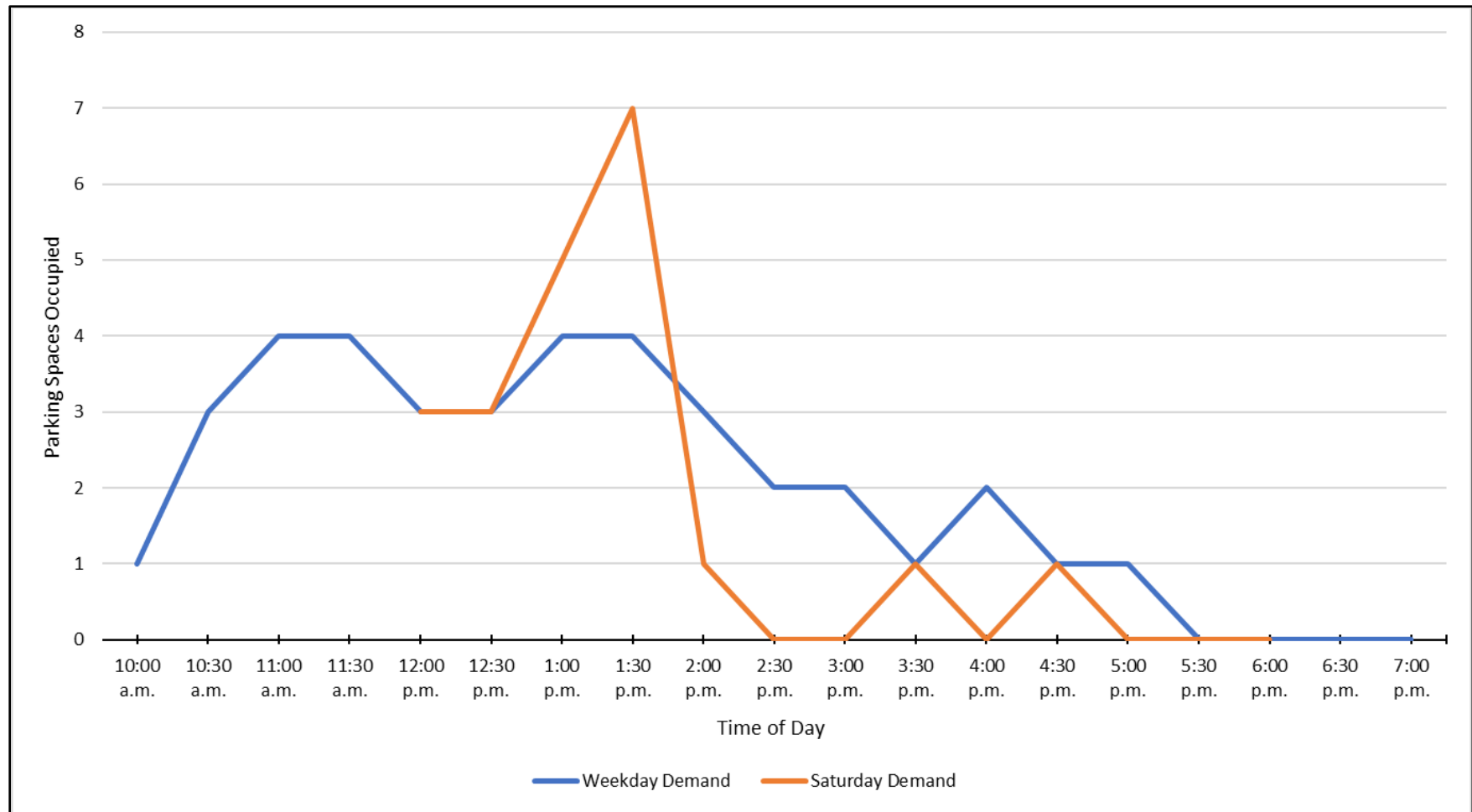


Figure 10: Parking Demand – Ridgeville (Municipal Lot Only)

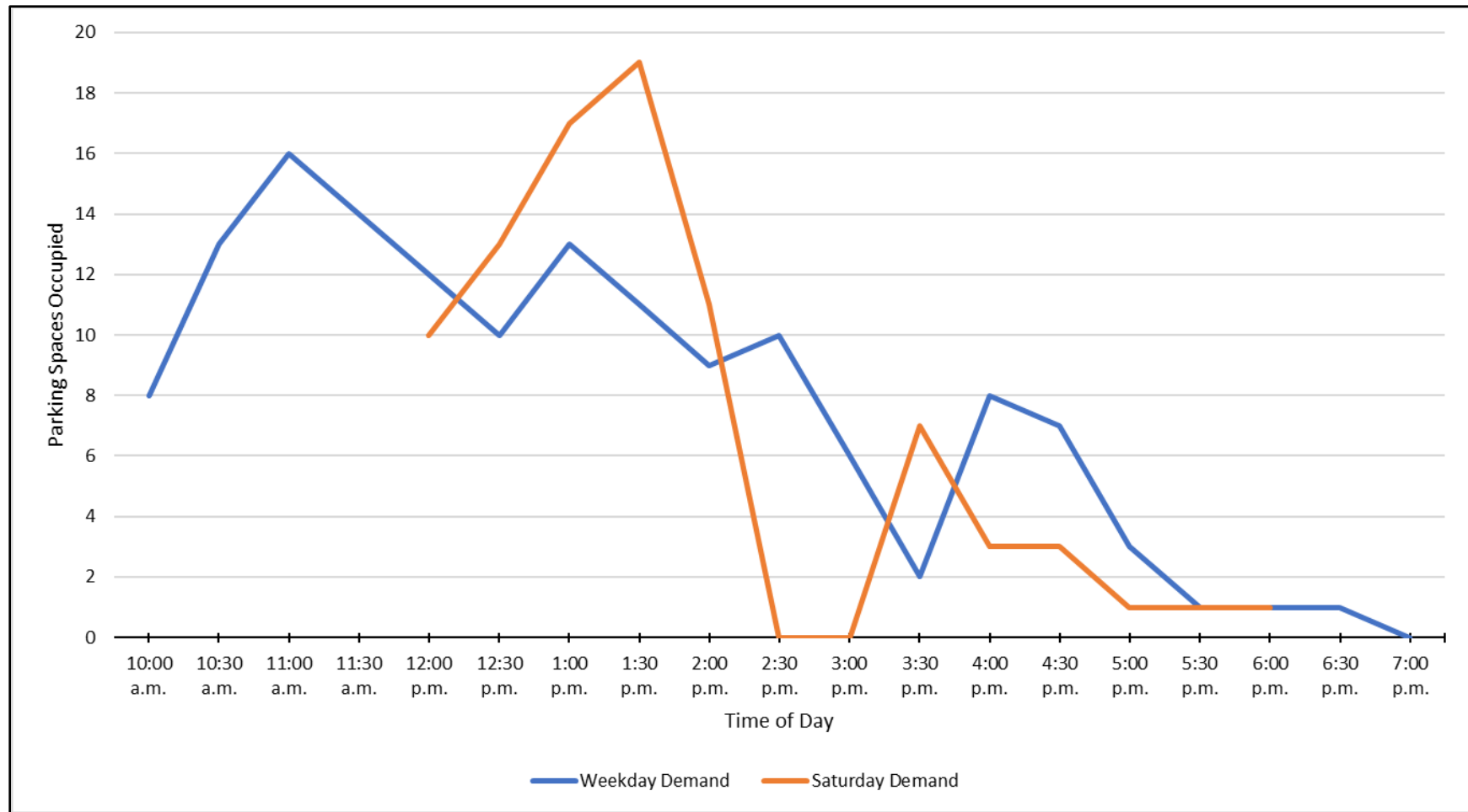


Figure 11: Parking Demand – Ridgeville (All Spaces)

3.2.3 Fenwick Demand and Utilization

3.2.3.1 On-Street Parking

Figure 12 and **Figure 13** illustrate the collected on-street parking demand and utilization data, respectively, for the Fenwick study area. Key findings based on our review of the data are as follows:

- Fenwick currently provides a total of 26 on-street parking spaces within the study area, which can be found on Maple Street and Canboro Road;
- The maximum on-street parking demand on the weekday survey was 17 spaces (65% utilization) at 5:30 p.m. and on the Saturday survey was 11 spaces (42% utilization) at 12:00 p.m.;
- The minimum on-street parking demand on the weekday survey was 0 spaces at 9:00 a.m. and at 10:00 a.m. and on the Saturday survey was 0 spaces at 3:00 p.m. and at 6:00 p.m.;
- Weekday utilization generally had 3 peaks occurring between 10:30 a.m. and 11:30 a.m., at 2:30 p.m., and at 5:30 p.m.;
- Saturday utilization trended downwards until approximately 3:00 p.m., followed by a slight increase in utilization between 3:30 p.m. and 5:00 p.m.;
- The average on-street parking utilization over the duration of the surveys on the weekday and Saturday surveys were 33% and 13%, respectively;
- At peak usage (weekday at 5:30 p.m.), the on-street parking supply had a surplus of 9 spaces available (35% surplus); and
- The current on-street parking supply was able to accommodate the maximum demand for both the weekday and Saturday surveys.



Figure 12: Parking Demand – Fenwick (On-Street Parking Only)

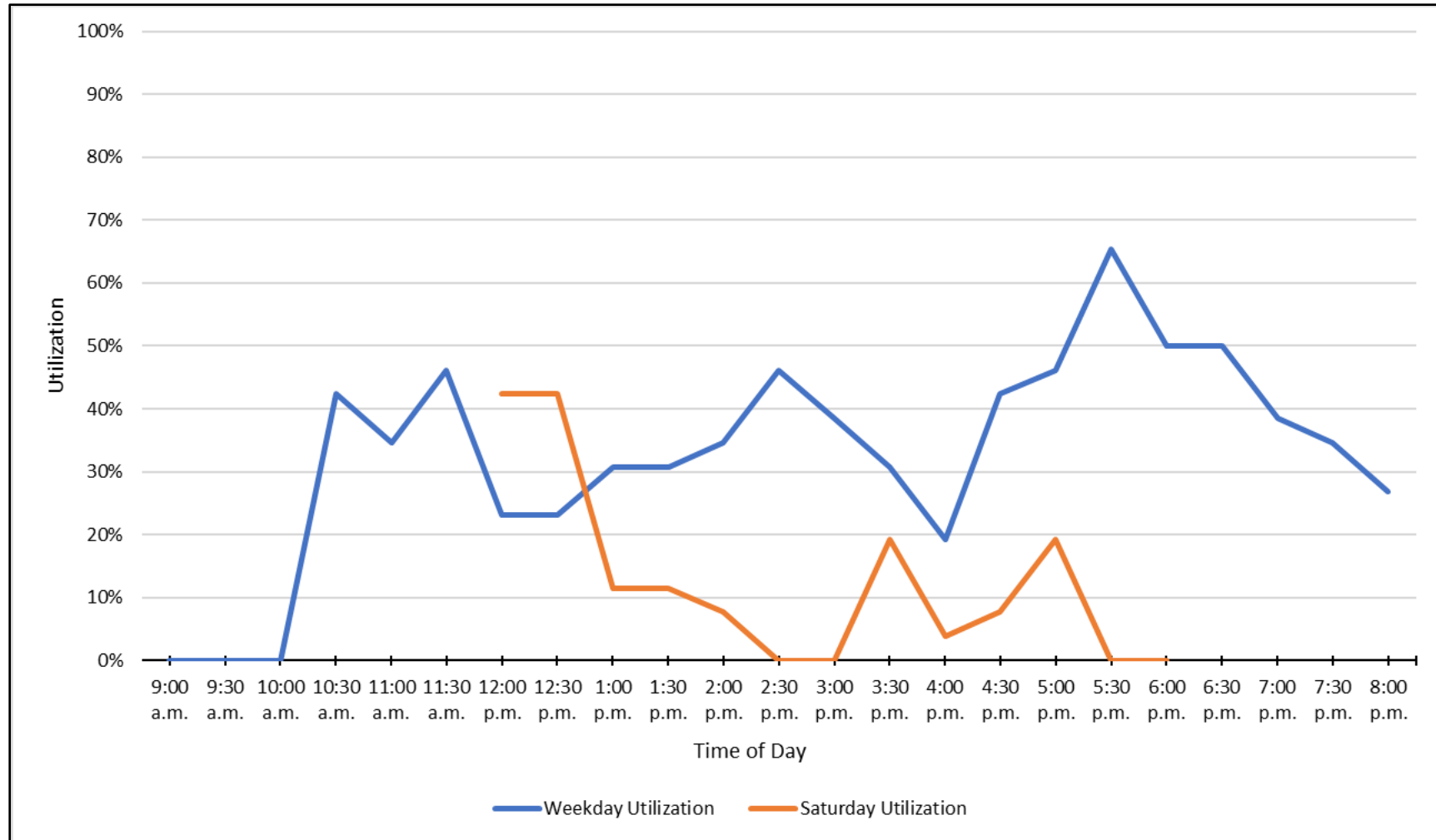


Figure 13: Parking Utilization – Fenwick (On-Street Parking Only)

3.2.3.2 Municipal Lot Parking

Figure 14 and **Figure 15** illustrate the collected municipal lot parking demand and utilization data, respectively, for the Fenwick study area. Key findings based on our review of the data are as follows:

- Fenwick currently provides a total of 35 parking spaces within the Town's municipal parking lot off Maple Street;
- The maximum parking demand in the municipal lot on the weekday survey was 27 spaces (77% utilization) at 4:30 p.m. and on the Saturday survey 28 spaces (80% utilization) at 5:30 p.m.;
- The minimum parking demand in the municipal lot on the weekday survey was 7 spaces (20% utilization) at 8:00 p.m., and on the Saturday survey was 5 spaces (14% utilization) at 12:00 p.m.;
- Both weekday and Saturday utilization trended upwards throughout the day, although with a notable dip on Saturday at approximately 3:00 p.m.;
- The average utilization in the municipal lot over the duration of the surveys on the weekday and Saturday surveys were 48% and 43%, respectively;
- At peak usage (Saturday at 5:30 p.m.), the municipal lot's parking supply had a surplus of 7 spaces available (20% surplus); and
- The municipal lot's current parking supply was able to accommodate the maximum demand for both the weekday and Saturday surveys.



Figure 14: Parking Demand – Fenwick (Municipal Lot Only)

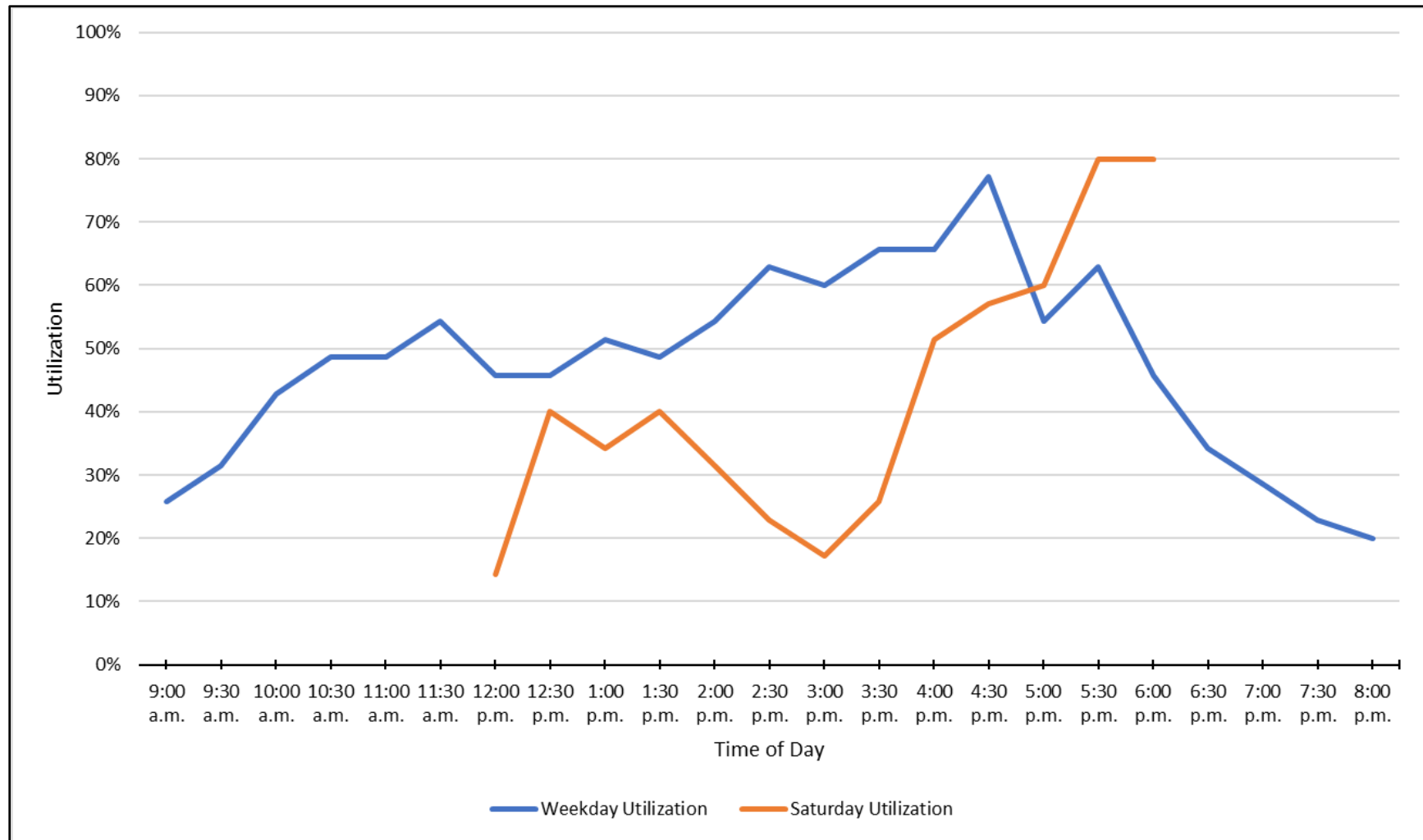


Figure 15: Parking Utilization – Fenwick (Municipal Lot Only)

3.2.3.3 Total Parking Supply

Figure 16 and **Figure 17** illustrate the collected total parking demand and utilization data, respectively, for the Fenwick study area. Key findings based on our review of the data are as follows:

- Fenwick currently provides a total of 61 parking spaces within the study area, consisting of both on-street and municipal lot parking spaces;
- The maximum parking demand on the weekday survey was 39 spaces (64% utilization) at 5:30 p.m. and on the Saturday survey was 28 spaces (46% utilization) at 5:30 p.m.;
- The minimum parking demand on the weekday survey was 9 spaces (15% utilization) at 9:00 a.m. and on the Saturday survey was 6 spaces (10% utilization) at 3:00 p.m.;
- Weekday utilization generally remained between 40% and 60% between 10:00 a.m. and 6:00 p.m.;
- Saturday utilization trended downwards until approximately 3:00 p.m., and then trended upwards until approximately 5:00 p.m.;
- The average utilization over the duration of the surveys on the weekday and Saturday surveys were 41% and 30%, respectively;
- At peak usage (weekday at 5:30 p.m.), the study area's total parking supply had a surplus of 22 spaces (36% surplus); and
- The study area's total parking supply in Fenwick was able to accommodate the maximum demand for both the weekday and Saturday surveys.

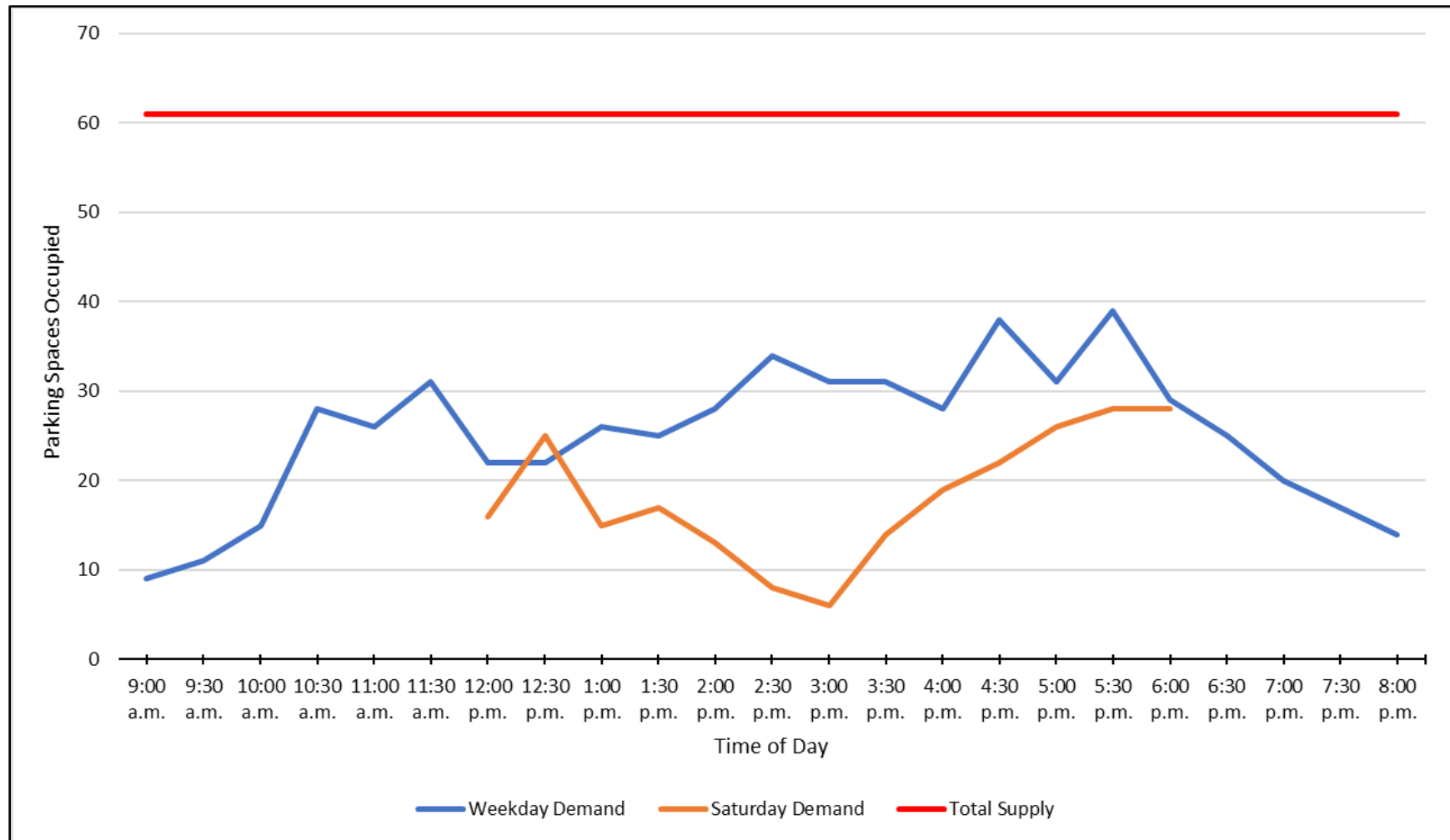


Figure 16: Parking Demand – Fenwick (All Spaces)

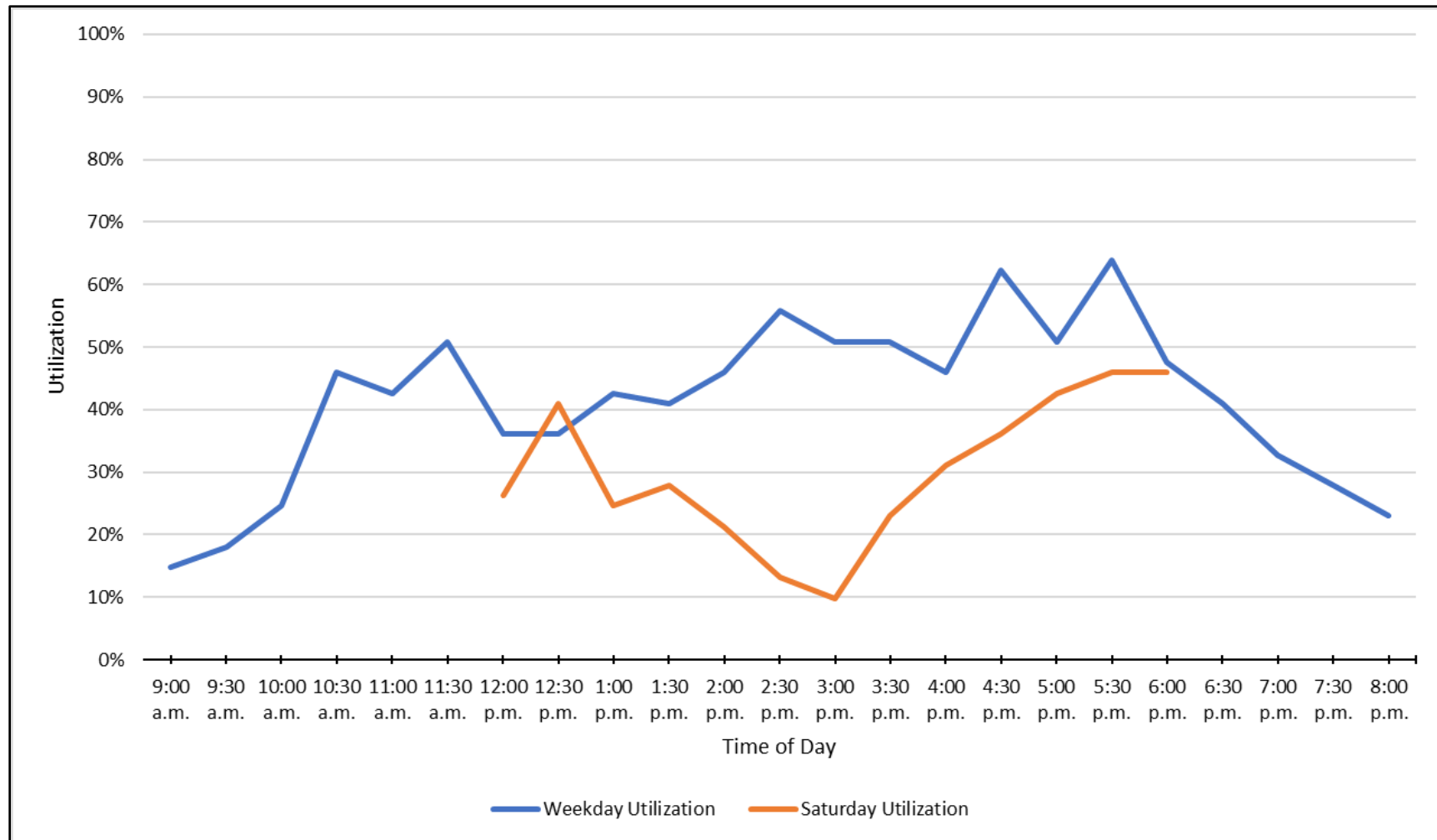


Figure 17: Parking Utilization – Fenwick (All Spaces)

3.2.4 Meridian Community Centre Demand and Utilization

Figure 18 and **Figure 19** illustrate the collected parking demand and utilization data, respectively, for the MCC study area. Key findings based on our review of the data are as follows:

- The MCC currently provides a total of 265 parking spaces within the study area;
- The maximum parking demand during the weekday survey was 270 spaces (102% utilization) at 12:00 p.m. with a number of vehicles parking in non-designated parking areas (i.e., bus storage areas), and during the Saturday survey was 184 spaces (69% utilization) at 12:30 p.m.;
- The minimum parking demand during the weekday was 173 spaces (65% utilization) at 2:00 p.m., and during the Saturday was 86 spaces (32% utilization) at 2:30 p.m.;
- Parking utilization during the weekday survey generally ranged between 70% and 100% utilized, with a noticeable peak midday (approximately 12:00 p.m.) and mid-afternoon (approximately 3:00 p.m.), with a noticeable trough (low period) separating the two peaks.
- Parking utilization during the Saturday survey generally ranged between 30% and 70% utilized, with a noticeable peak midday (approximately 12:30 p.m.) followed by a downward trend as the day progressed.
- The average parking utilization over the duration of the survey during the weekday and Saturday surveys were 85% and 50%, respectively.
- The MCC's total parking supply was not able to accommodate the maximum demand for the weekday surveys.

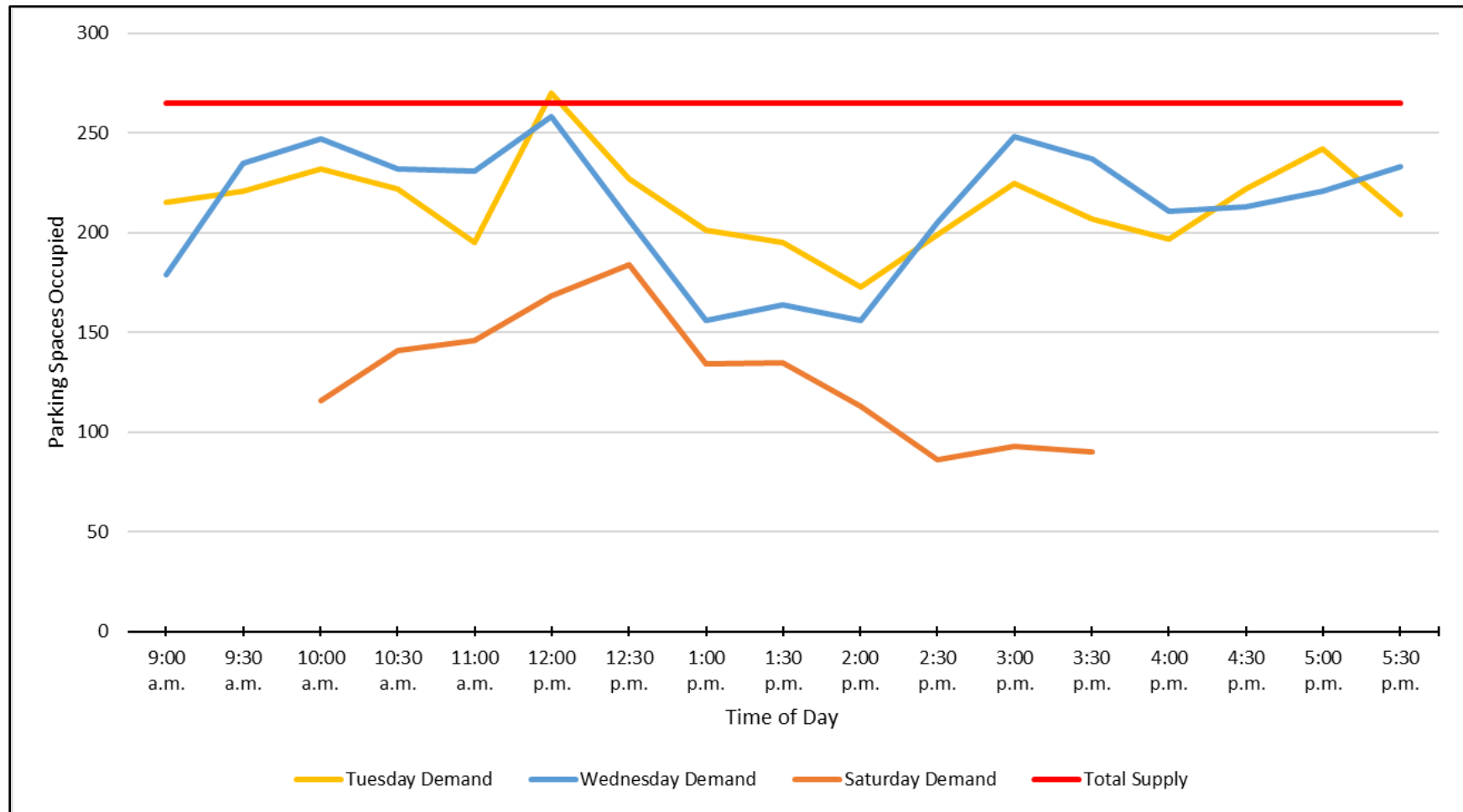


Figure 18: Parking Demand – Meridian Community Centre (All Spaces)

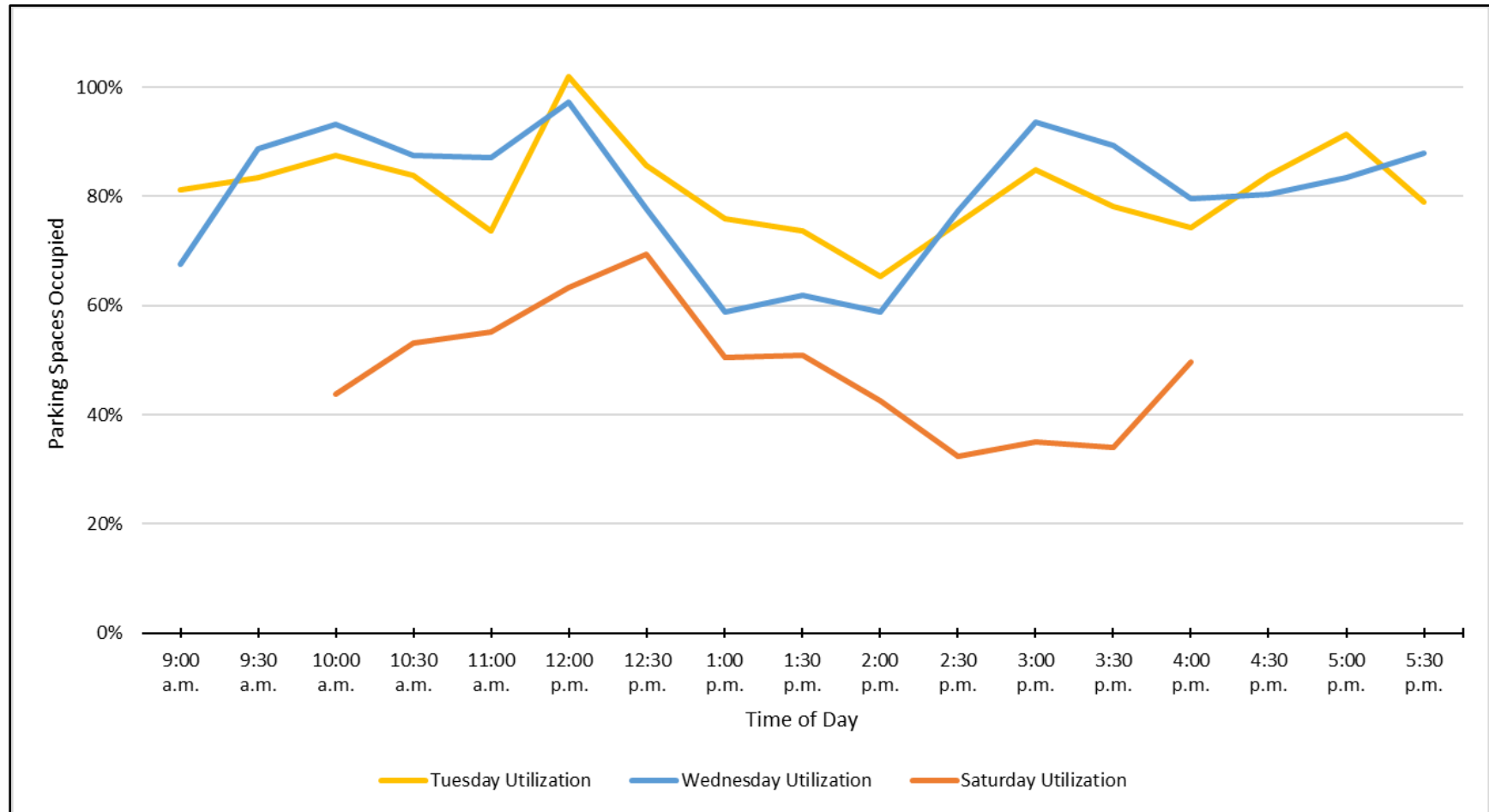


Figure 19: Parking Utilization – Meridian Community Centre (All Spaces)

3.3 Duration

The following section evaluates the detailed parking duration data collected within the study areas. **Duration** refers to the length of time the same vehicle is parked in the same parking space, as determined by licence plate matches. Durations of one (1) hour or less are considered short-term and typically associated with shopping and personal visits. Vehicles parked by residents, employees, diners, and those on business will typically have a longer parking duration.

3.3.1 Fonthill Duration

Figure 20, Figure 21, and Figure 22 illustrate the collected parking duration data for on-street parking, municipal lot parking, and total parking supply, respectively, for the Fonthill study area. The data is summarized as follows:

3.3.1.1 On-Street Parking

- Up to One (1) Hour – 79% on weekdays and 82% on weekends;
- Between One (1) Hour and Two (2) Hours – 13% on weekdays and 9% on weekends; and
- Longer than Two (2) Hours – 8% on weekdays and 9% on weekends.

3.3.1.2 Municipal Lot Parking

- Up to One (1) Hour – 37% on weekdays and 39% on weekends;
- Between One (1) Hour and Two (2) Hours – 16% on weekdays and 31% on weekends; and
- Longer than Two (2) Hours – 47% of weekdays and 30% on weekends.

3.3.1.3 Total Parking Supply

- Up to One (1) Hour – 67% on weekdays and 72% on weekends;
- Between One (1) Hour and Two (2) Hours – 14% on weekdays and 14% on weekends; and
- Longer than Two (2) Hours – 19% of weekdays and 14% on weekends.

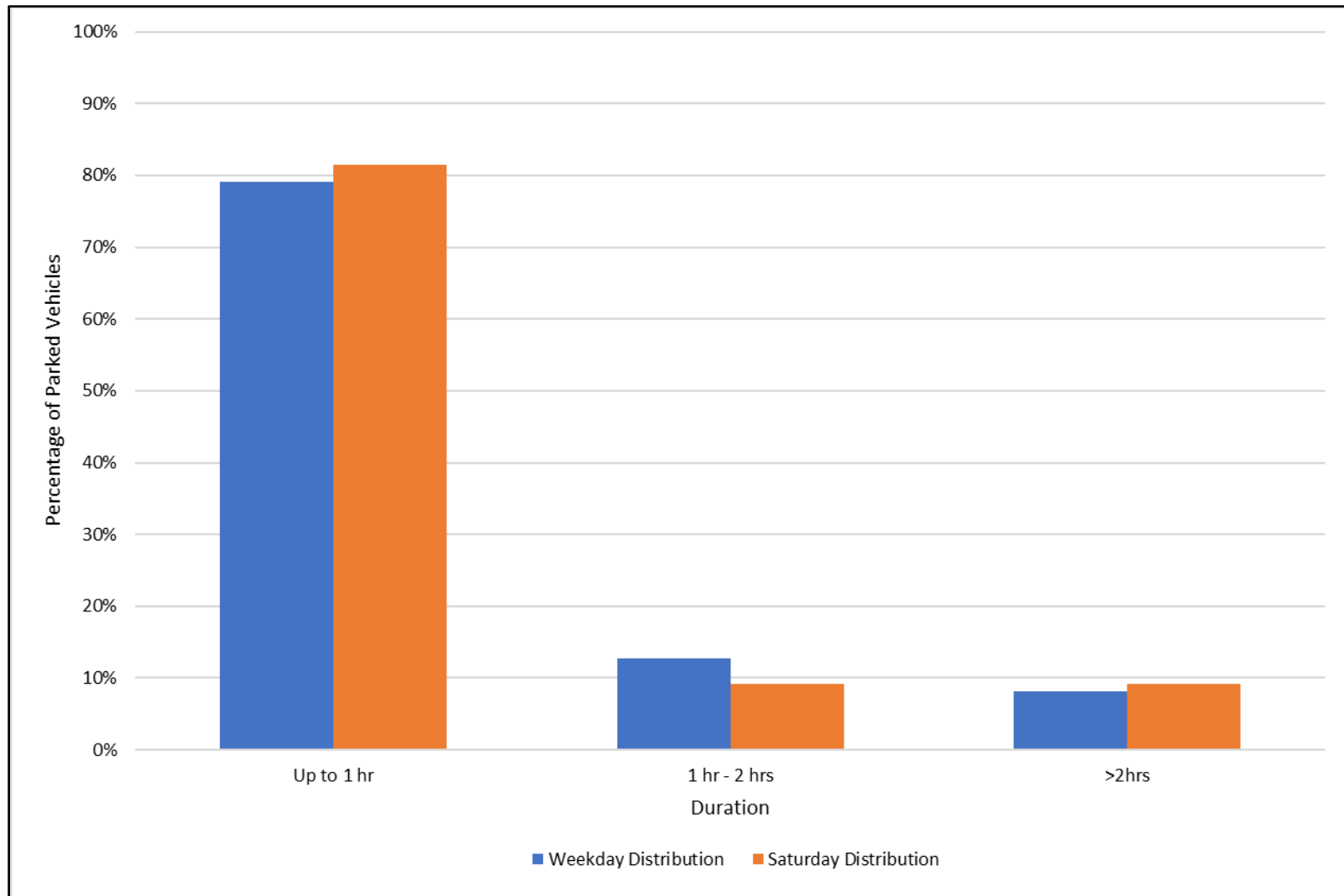


Figure 20: Parking Duration – Fonthill (On-Street Parking Only)

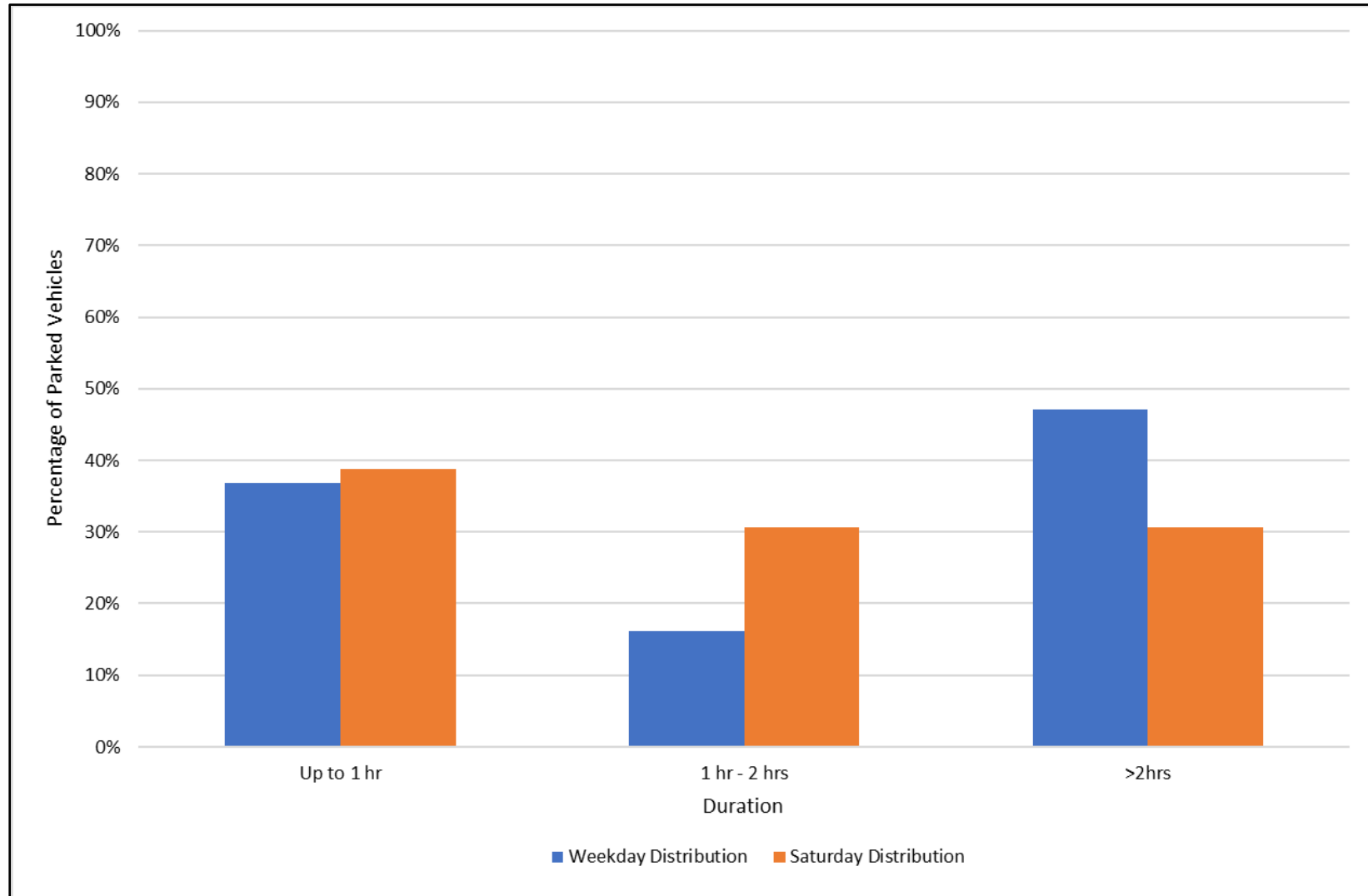


Figure 21: Parking Duration – Fonthill (Municipal Lot Only)

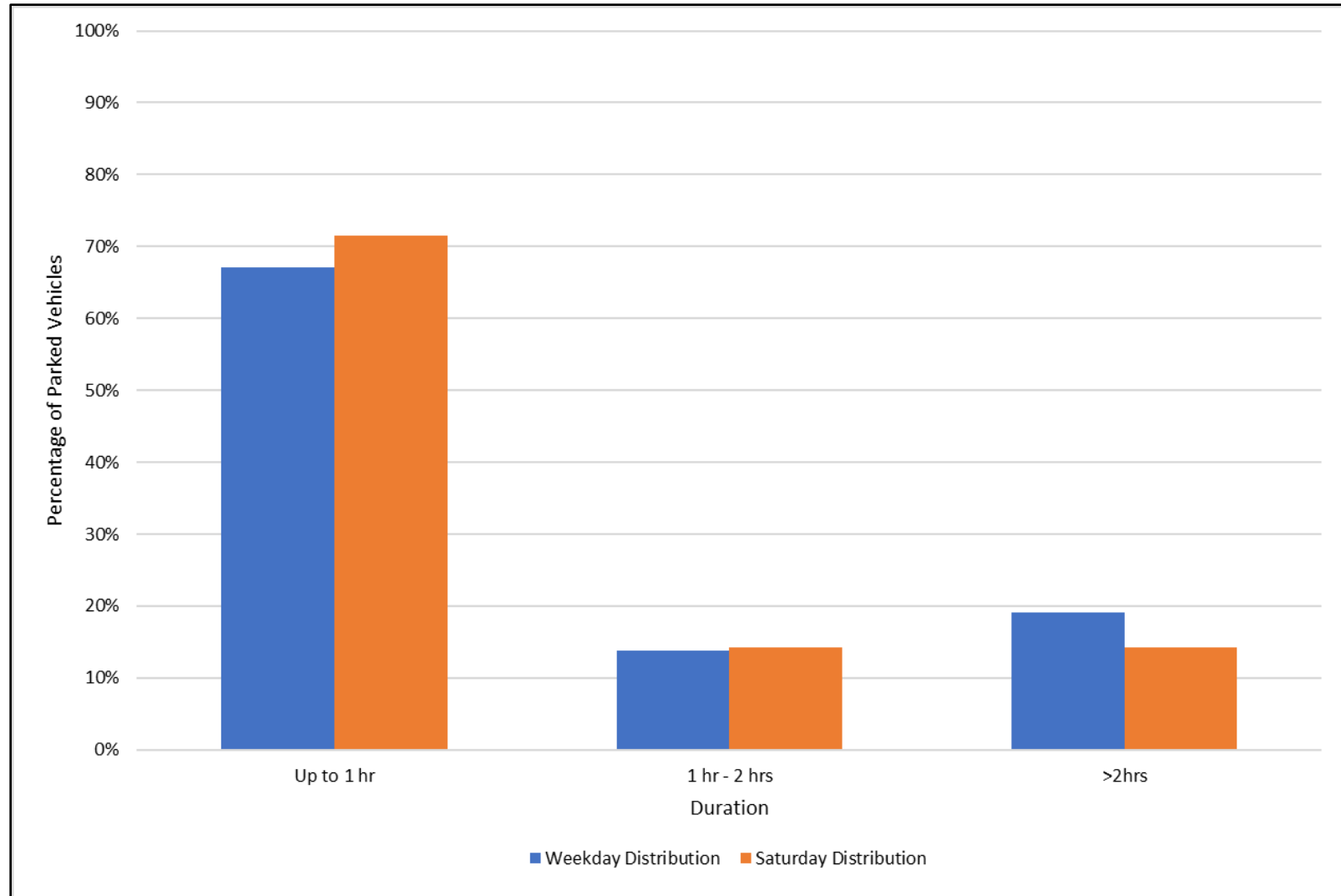


Figure 22: Parking Duration – Fonthill (All Spaces)

3.3.2 Ridgeville Duration

Figure 23, Figure 24, and Figure 25 illustrate the collected parking duration data for on-street parking, water station lot, and total parking supply, respectively, for the Ridgeville study area. The data is summarized as follows:

3.3.2.1 On-Street Parking

- Up to One (1) Hour – 74% on weekdays and 96% on weekends;
- Between One (1) Hour and Two (2) Hours – 20% on weekdays and 4% on weekends; and
- Longer than Two (2) Hours – 6% on weekdays and 0% on weekends.

3.3.2.2 Municipal Lot Parking

- Up to One (1) Hour – 72% on weekdays and 93% on weekends;
- Between One (1) Hour and Two (2) Hours – 7% on weekdays and 7% on weekends; and
- Longer than Two (2) Hours – 21% of weekdays and 0% on weekends.

3.3.2.3 Total Parking Supply

- Up to One (1) Hour – 74% on weekdays and 95% on weekends;
- Between One (1) Hour and Two (2) Hours – 17% on weekdays and 5% on weekends; and
- Longer than Two (2) Hours – 9% of weekdays and 0% on weekends.

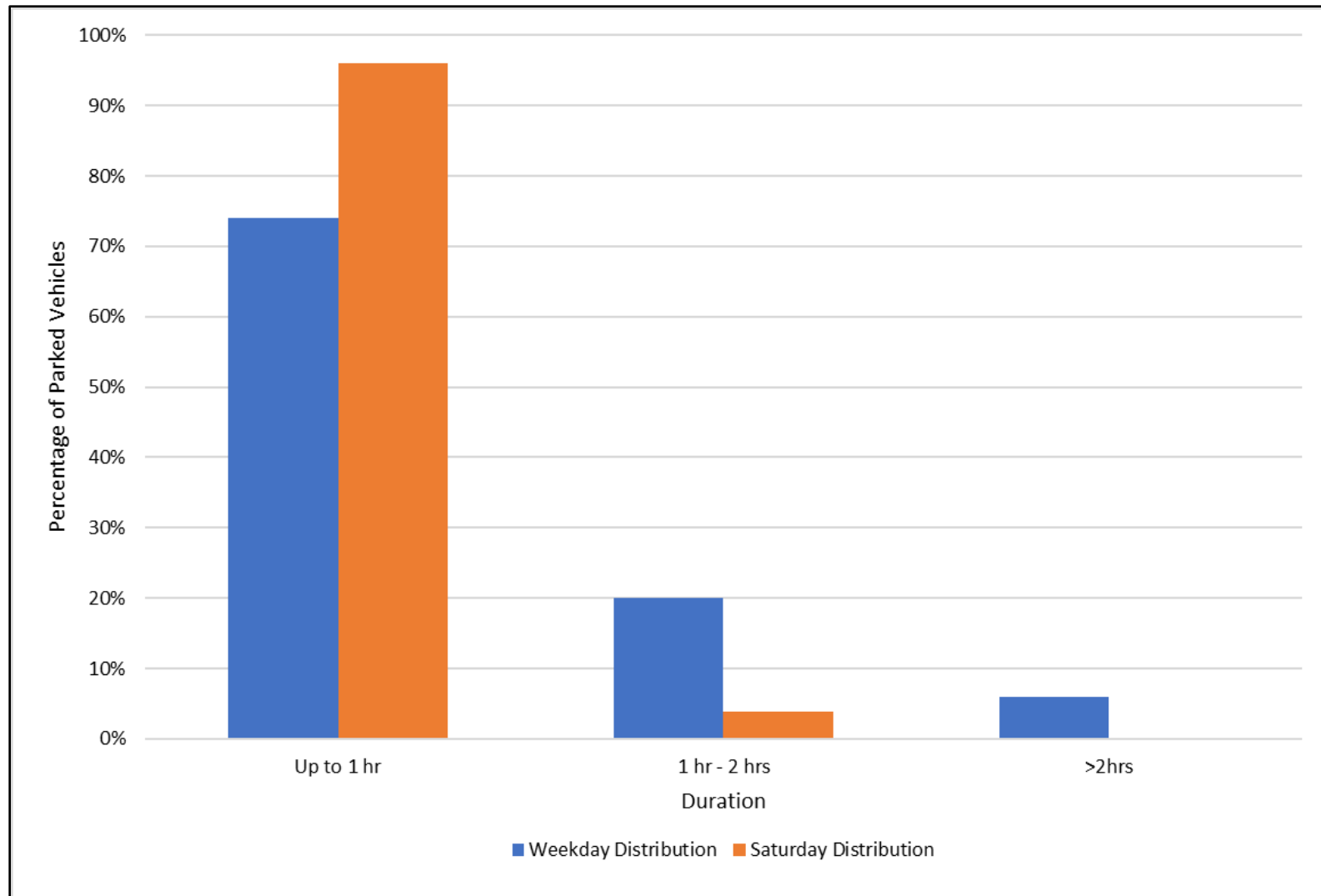


Figure 23: Parking Duration – Ridgeville (On-Street Parking Only)

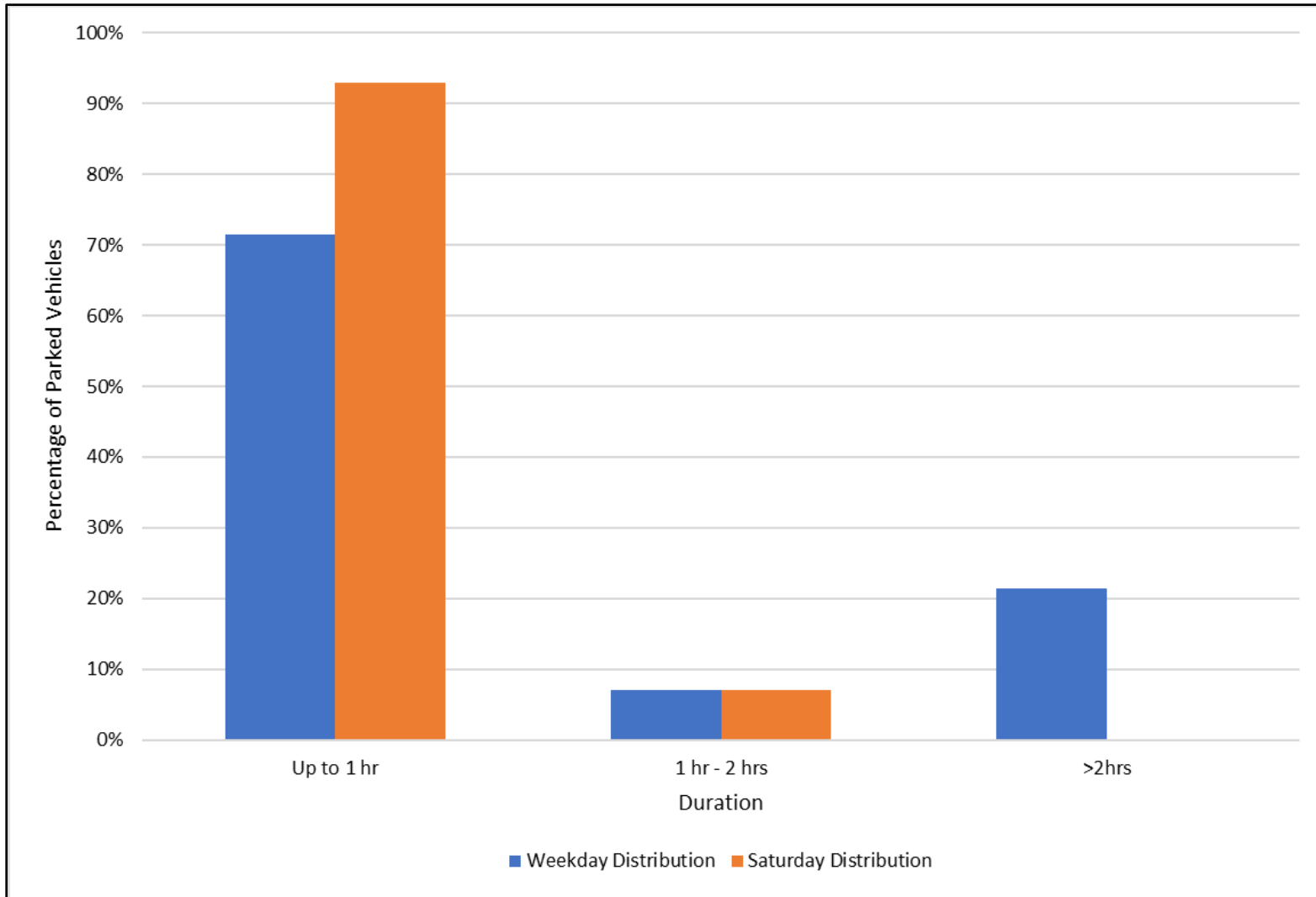


Figure 24: Parking Duration – Ridgeville (Water Station Lot Only)

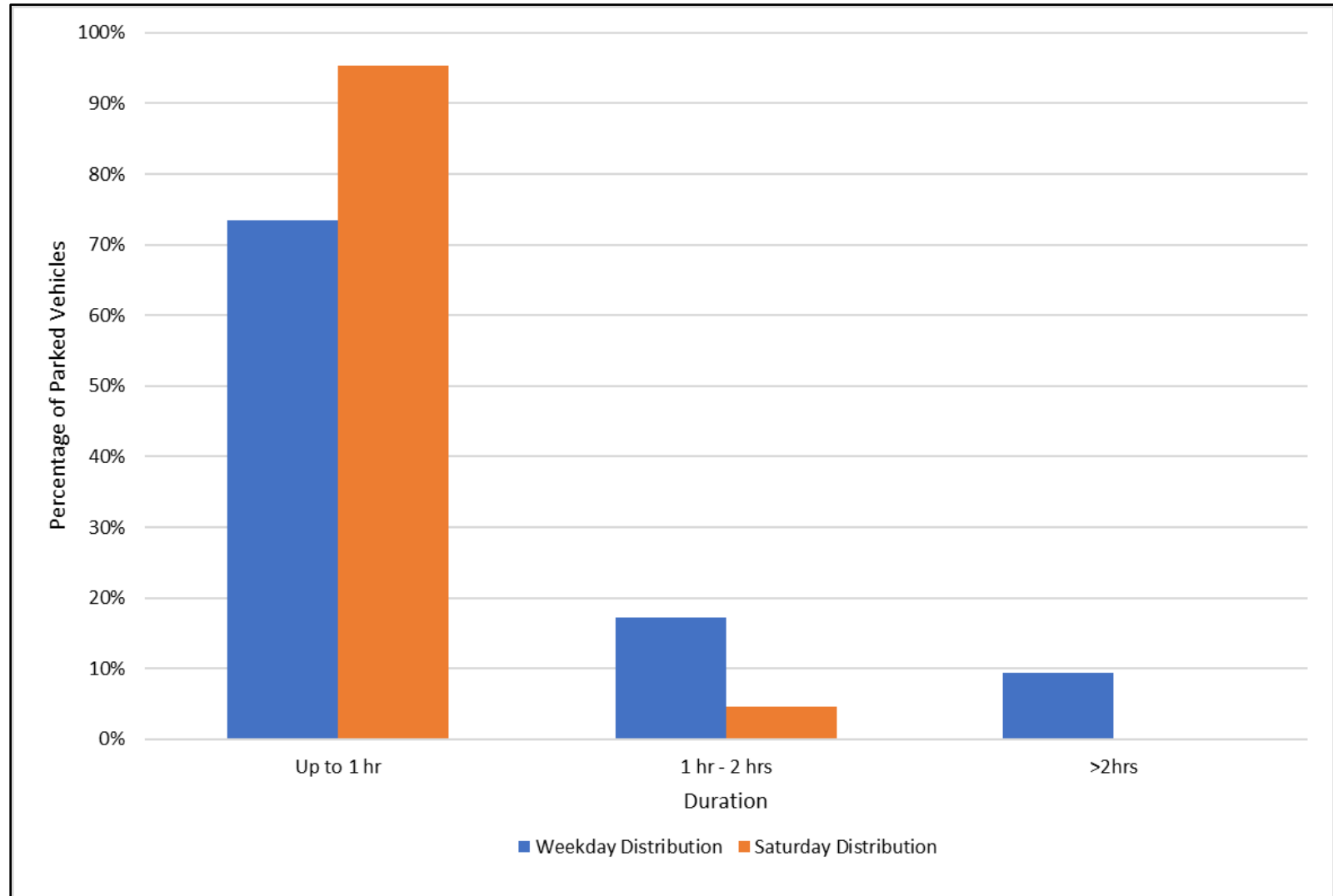


Figure 25: Parking Duration – Ridgeville (All Spaces)

3.3.3 Fenwick Duration

Figure 26, Figure 27, and Figure 28 illustrate the collected parking duration data for on-street parking, municipal lot parking, and total parking supply, respectively, for the Fenwick study area. The data is summarized as follows:

3.3.3.1 On-Street Parking

- Up to One (1) Hour – 75% on weekdays and 100% on weekends;
- Between One (1) Hour and Two (2) Hours – 19% on weekdays and 0% on weekends; and
- Longer than Two (2) Hours – 6% on weekdays and 0% on weekends.

3.3.3.2 Municipal Lot Parking

- Up to One (1) Hour – 56% on weekdays and 50% on weekends;
- Between One (1) Hour and Two (2) Hours – 16% on weekdays and 22% on weekends; and
- Longer than Two (2) Hours – 28% of weekdays and 28% on weekends.

3.3.3.3 Total Parking Supply

- Up to One (1) Hour – 65% on weekdays and 68% on weekends;
- Between One (1) Hour and Two (2) Hours – 17% on weekdays and 14% on weekends; and
- Longer than Two (2) Hours – 18% of weekdays and 18% on weekends.

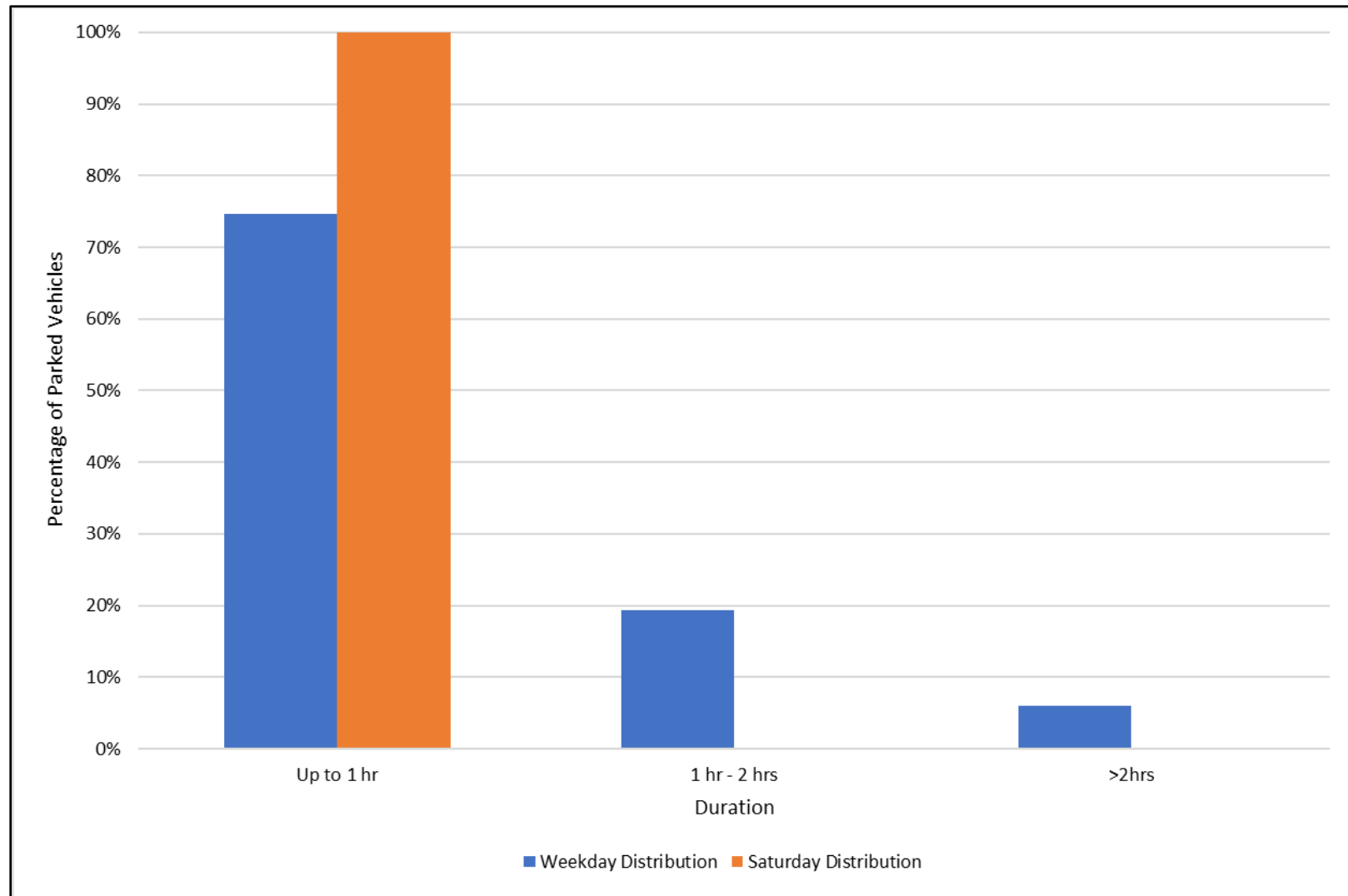


Figure 26: Parking Duration – Fenwick (On-Street Parking Only)

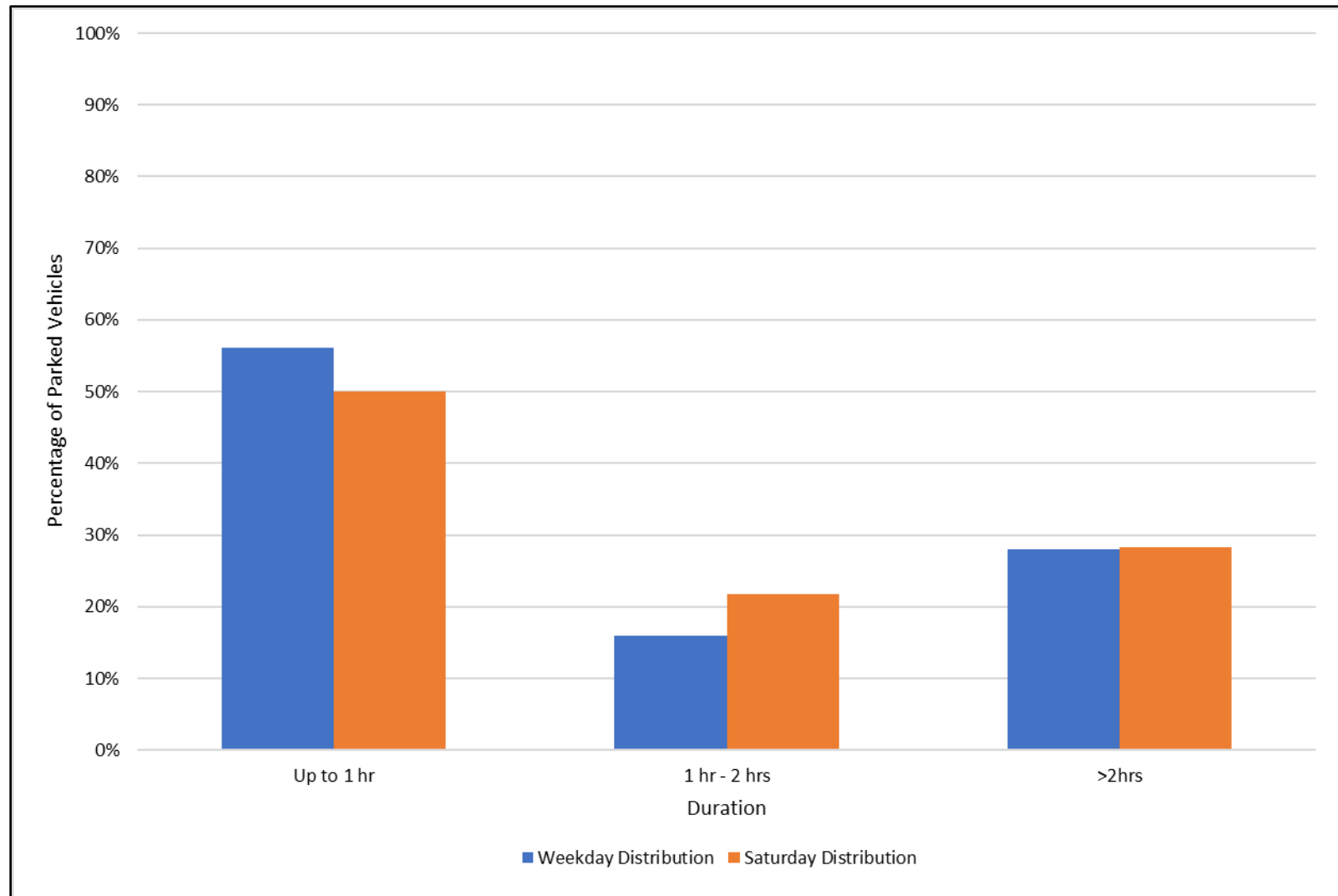


Figure 27: Parking Duration – Fenwick (Municipal Lot Only)

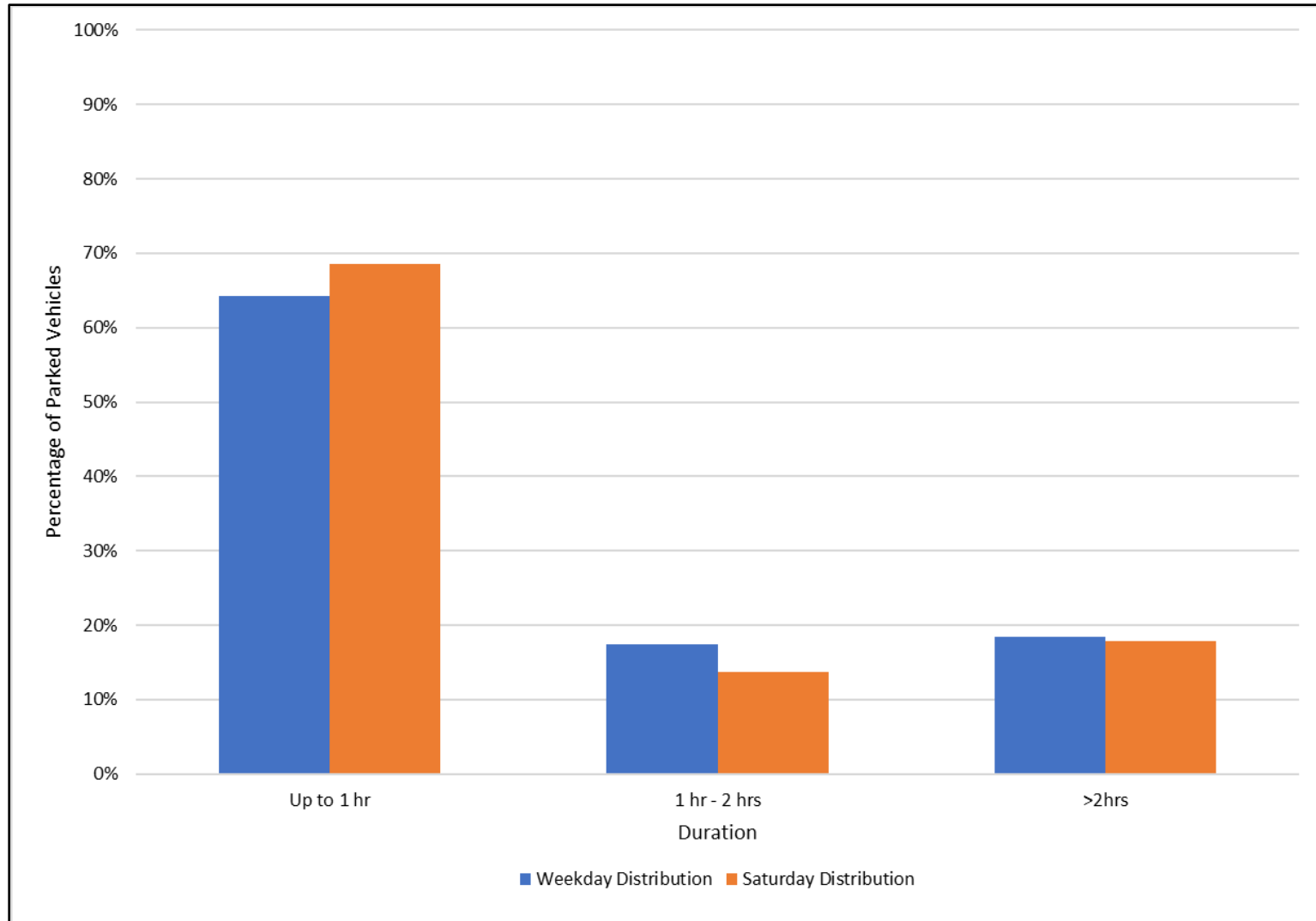


Figure 28: Parking Duration – Fenwick (All Spaces)

3.3.4 Meridian Community Centre Duration

Figure 29 illustrates the collected parking duration data for the MCC study area. The data is summarized as follows:

- Up to One (1) Hour – 81% on weekdays and 58% on weekends;
- Between One (1) Hour and Two (2) Hours – 18% on weekdays and 36% on weekends; and
- Longer than Two (2) Hours – 1% on weekdays and 6% on weekends.

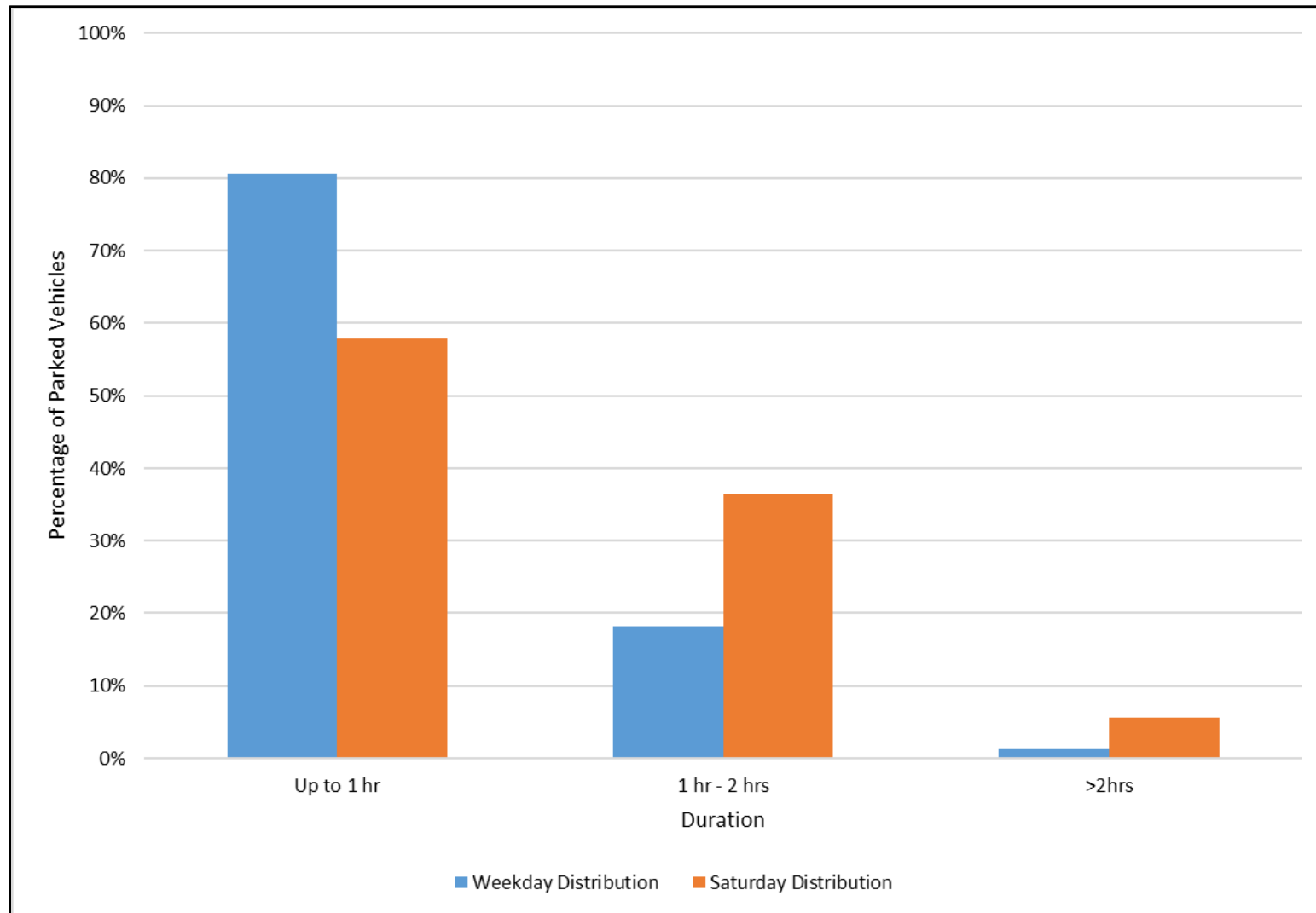


Figure 29: Parking Duration – Meridian Community Centre (All Spaces)

3.4 Existing Conditions Assessment of Parking Supply

3.4.1 Assessment of Fonthill, Ridgeville and Fenwick

Table 3 summarizes and compares the utilization of the Fonthill, Ridgeville, and Fenwick areas, by parking type based on the maximum observed demand.

Table 3: Assessment of Parking Supply (Fonthill, Ridgeville & Fenwick)

Parking Type	Existing Inventory	Maximum Demand	Utilization	Parking Surplus/Deficit
<i>Fonthill</i>				
On-Street	63	37	59%	+26
Municipal Lot	69	30	43%	+39
Total	132	67	51%	+65
<i>Ridgeville</i>				
On-Street	12	19	160%	-7
<i>Fenwick</i>				
On-Street	25	17	65%	+8
Municipal Lot	35	28	80%	+7
Total	60	45	75%	+15
<i>Total</i>				
On-Street	100	73	73%	+27
Municipal Lot	104	58	56%	+46
Total	204	131	64%	+27

Table 3 indicates that the peak demand in Fenwick and Fonthill does not exceed the current parking supply, suggesting that the existing supply is sufficient. While it is recognized that there are certain “hotspot” locations within both Fenwick and Fonthill that may operate at or near capacity (i.e., on-street parking in proximity to street-level retail and restaurant establishments, such as on-street parking on south side of Canboro Road between Welland Road and Maple Street in Fenwick, and on-street parking on Pelham Street between Pelham Town Square and Church Hill in Fonthill), there is surplus parking available nearby and thus additional spaces within these high-use areas may not be needed.

That said, with continued growth and potential future development in Pelham, the currently available reserve capacity could diminish, and should be monitored as new developments are planned. Overall, the Fonthill area maintained a reserve capacity of approximately 50% over the course of this study, which is substantial; however, the Fenwick area maintained a comparatively smaller reserve capacity at 25% (only 15 spaces) indicating lesser flexibility for accommodation of any special events and less capacity for future growth.

While the overall inventory may be adequate on a Town-wide basis, **Table 3** shows that the Ridgeville area is suffering from a significant deficiency in designated public parking supply, with the municipal water station lot acting as an informal overflow lot for parking demand. This is problematic as the lot is not designated nor designed for accommodation of public parking, with the potential for interference with the filling of municipal water trucks.

Parking duration in Fenwick and Fonthill were generally similar, with on-street parking generally lasting less than 1 hour (70% to 100% of vehicles), with durations between 1- and 2-hours accounting for a far smaller proportion (less than 20%), and only a few instances of on-street vehicles parked for greater than 2 hours. For the municipal lots, duration was more varied, with approximately 30% to 50% of vehicles parked for less than 1 hr, and the remainder of vehicles generally falling evenly into either the 1-to-2-hour category or plus 2 hours category.

Ridgeville overall had a higher proportion of vehicles parking for less than 1 hour, which was generally consistent for both the on-street parking and water station lot.

3.4.2 Assessment of Meridian Community Centre

Table 4 summarizes the utilization of the Meridian Community Centre (MCC) based on the maximum observed demand.

Table 4: Assessment of Parking Supply (Meridian Community Centre)

Site Operations	Existing Inventory	Maximum Demand	Utilization	Parking Surplus/Deficit
Weekday (vaccination clinics)	265	270	102%	-5
Saturday (Programmed Sporting Events & Other Special Events)	265	184	69%	+81

Table 4 indicates that the peak demand at the MCC exceeded the current parking supply for the weekday surveys (vaccination clinics) and was approximately 70% utilized on the Saturday survey with programmed sporting events.

The Saturday survey at the MCC captured the core period (10:00 a.m. to 3:00 p.m.) in which the major programmed sporting events (notable parking demand generators) for the day overlapped. These programmed events included:

- Pelham Minor Basketball Association with a variety of teams between 7:30 a.m. and 9:00 p.m., with approximately 600 persons attending;
- Pelham Minor Hockey Association with a variety of teams between 7:45 a.m. and 6:15 p.m., with approximately 700 persons attending; and
- Figure skating between 10:00 a.m. and 12:30 p.m., with approximately 150 people attending.

Overall, approximately 2,153 people entered the facility between 7:00 a.m. and 11:30 p.m. that day, which based on consultation with Town staff was noticeably less than typical operating conditions (pre-COVID) which typically experience between 2,400 and 2,600 persons.

Parking duration at the MCC during the Saturday seemed to exhibit more rapid turnover than what was previously occurring pre-COVID. Before COVID, a greater proportion of trips at the MCC are anticipated to have remained on-site for greater

than 1 hour (parents parking and staying) whereas during COVID it appears a greater proportion of trips are staying less than 1 hour (parents dropping players off). Almost 60% of parked vehicles remained on-site for less than 1 hour, with 30% to 40% parked 1 to 2 hours and less than 10% over 2 hours. Duration was even more rapid during the weekday, as expected, given the site was accommodating scheduled vaccinations only which would typically require less than 1 hour of time to complete.

3.4.3 The COVID Factor

3.4.3.1 COVID impacts on Fonthill, Ridgeville and Fenwick

A major consideration is the impact COVID-related restrictions have had on parking activity during the survey periods. Although it is difficult to quantify the impacts given historical pre-COVID parking demand data for these sites are not available, RVA's review of research documenting changes in travel patterns and trip making during COVID highlights that trip making was reduced on average by 20% to 30% lower than normal pre-COVID levels.

3.4.3.2 COVID impacts on the MCC

With respect to the MCC, on the day of the Saturday parking survey a total of 2,153 people accessed the building. Town staff have indicated that this attendance was low compared to historical (pre-COVID) levels, with approximately 2,400 to 2,600 people typically accessing the MCC on a similar day of programmed sports and events. This equates to a decline in attendance of approximately 10% to 17% on a typical day attributed to COVID restrictions.

However, given the proportion of attendees that are spectators during peak "game" periods (i.e., multiple simultaneous hockey and basketball games) is higher than the proportion experienced throughout the remainder of the day, and given the enhanced level of impact COVID has had on spectator attendance compared to general attendance (which includes players, coaches, and typically immediate family), the decrease in person attendance during peak "game" periods could be notably higher than 10 to 17%. It is expected the decline in person attendance (and thus vehicle parking demand) could be in the order of approximately 30% during peak "game" periods. This would increase the observed parking demand from 184 spaces to 239 spaces.

An additional consideration is the lack of Junior B games and tournaments (i.e., Silver Stick Tournament) captured during the surveys. Such tournaments can result in numerous hockey teams being present at the MCC simultaneously.

Generally, each rink would have 2 teams playing and two teams in the dressing rooms for a total of 8 teams.

In tournament scenarios, teams and spectators can remain on site waiting for subsequent games and/or for taking other activities and services. This could generate 2 to 3 additional teams per rink on site, which would equate to approximately an additional 80 to 120 participants. This is equivalent to an approximate 30% to 50% increase during these special events. Similar scenarios can also be considered for other events such as basketball tournaments.

3.4.3.3 Parking Supply Sensitivity Check

Therefore, a sensitivity check has been completed to “stress test” the current parking supply at each study area location to account for the impacts COVID-restrictions may have had on the collected survey data. A 20% growth in demand has been applied to the Fonthill, Ridgeville, and Fenwick areas, and 30% growth at the MCC plus an additional parking demand of 80-120 spaces for tournaments. The results of this COVID “stress test” are shown in **Table 5**.

Table 5: Assessment of Parking Supply (COVID Stress Test)

Parking Type	Existing Inventory	Maximum Demand	Utilization	Parking Surplus/Deficit
Fonthill				
On-Street	63	45	71%	+18
Municipal Lot	69	36	52%	+33
Total	132	81	61%	+51
Ridgeville				
On-Street	12	23	192%	-11
Fenwick				
On-Street	25	21	84%	+4
Municipal Lot	35	34	97%	+1
Total	60	55	92%	+5
Meridian Community Centre				
Municipal Lot	265	319 - 359	120% - 135%	-54 to -94

Table 5 indicates that with a 20% increase in parking demand at the Fonthill, Ridgeville and Fenwick areas results in overall utilization in Fenwick increasing to 92%, which is considered to be nearing capacity (+90% utilized) and at a critical level. As expected, parking demand in Ridgeville is almost double the current designated parking supply. Although the utilization of the on-street parking in Fonthill increases to 71%, the overall parking supply is still largely underutilized at 61% utilized given the municipal lots barely surpasses half capacity.

With respect to the MCC, the parking demand adjustment to account for the impacts of COVID-restrictions results in the MCC parking lot being over-capacity, at 120% to 135% utilized. This is consistent with the stakeholder and user group input received concerning these events at the MCC. This over-capacity situation affords the site no reserve capacity for other special events (such as the numerous

types of Shows typically hosted by the MCC), winter snow storage, or any capacity for potential (and anticipated) future growth.

A future follow-up survey of the study areas could be undertaken to re-confirm parking demand and utilization without the temporary impacts of COVID-restrictions.

4.0 Stakeholder Consultations

RVA carried out stakeholder consultations in parallel with the technical analyses to gather feedback from local businesses and residents on people's experiences parking within the defined study areas. The user groups of the MCC were also consulted to understand the needs of the MCC as it relates to parking.

4.1 Meridian Centre User Group Consultation

The MCC User Group Consultation Meeting occurred virtually on Thursday October 19th, 2020. Key topics discussed included:

- An introduction to the Pelham Parking Study, including objectives and key phases;
- An introduction to the purpose of the MCC User Group Consultation Meeting, meeting objectives, and who are the MCC "User Groups";
- What programming is provided at the MCC;
- What are the typical modes of arrival for MCC users;
- What is the perceived availability of parking supply at the MCC;
- When are the typical peak parking demand periods;
- And any other miscellaneous perceived parking concerns and opportunities for improvement.

A copy of the presentation is provided in **Appendix C**. A summary of meeting notes taken by the RVA project team are provided in **Appendix D**.

The following sections present some of the key comments documented at the meeting:

4.1.1 Facility Programming

- Open seven days a week, with both arenas utilized on weekends;
- Silver Stick Tournament cancelled due to COVID;
- The MCC is a Service Organization hosting various event types (i.e., Seniors' Christmas Event, Spring Home Show, Art Show, Men's Hockey League, Irish Dance Competition, graduations, fundraisers, etc.);
- Typically, approximately 800 participants during Pelham basketball during weekday evenings and all-day weekends, but reduced to mid-400s during COVID; and
- Overlap between minor and junior hockey teams, with basketball and other special events occurring simultaneously.

4.1.2 Modes of Travel

- Buses leave the site to wait after dropping players off, with some instances of buses dropping players on-street; and
- Primarily auto-based travel observed by meeting attendees.

4.1.3 Parking Supply Availability & Peak Demand Periods

- Parking supply issue not observed during COVID in 2020;
- Under normal circumstances (pre-COVID) parking supply appears sufficient on weekdays and during spring and summer seasons, although is sometimes limits on weekday evenings, but weekends during winter experience heaviest parking demands with insufficient parking supply;
- Insufficient snow storage space, which will worsen as adjacent vacant lands are developed (currently being uses for snow storage);
- Insufficient supply in January with Silver Stick Tournament, with parking spilling into the commercial plaza parking lot;
- When sporting events coincide with other scheduled events/shows, all available parking it utilized including any available grassy areas; and
- Parking supply is consistently a major matter of discussion for event planning.

4.1.4 Other Parking Concerns and Considerations

- Lack of accessible parking, with size of spaces being insufficient for side-panel vans (Seniors' Fair requires more accessible spaces);
- Parking spaces in general seem too narrow (many large trucks); and
- Kiss-n-Ride activity is very busy, sometimes interfering with pedestrian accessibility at the main doors.
- Ensure the future adjacent residential subdivision does not have vehicular access through the parking lot; and
- Provide more on-site snow storage capacity.

4.1.5 General Comments on Other Study Areas

- **Fenwick:** Poor delineation of parking spaces; parked vehicles encroaching into pedestrian realm; sightline issues due to on-street parking near intersection of Canboro Road at Welland Street.
- **Ridgeville:** General lack of parking for local businesses.
- **Downtown Fonthill:** Sightline issues created by on-street parking near Churchill Street intersection.

4.2 Online Survey

RVA prepared an online survey for residents/customers and an online survey for employees, concerning parking in Fonthill, Fenwick and Ridgeville in the Town of Pelham. The survey was open for public response between February 17th and October 3rd, 2021, and 18 total responses were received. The survey was advertised on social media and on the Town's webpage. The survey was presented on the "Bang the Table" platform via the Town's webpage.

The following summary describes responses to each question of the survey, analysis of the written responses, and a summary of findings. Graphs illustrating the responses selected by participants are provided in **Appendix E**.

4.2.1 Customer and Resident Parking Survey

General

- 72% of the survey responses noted that their destination was to a business, with the remaining 28% destined to the Meridian Community Centre (MCC).
- 75% of the survey responders went into Town in the afternoon between 2 p.m. and 6 p.m.
- 61% of the responses noted that they their last trip into town was during the weekdays. 39% took trips during the weekend.
- 78% of the responders made the trip alone (39%) or with one other individual (39%).
- The most common activities in town were to shop (35%), play sports (22%), and dining (16%).
- Half of all responders only went to one location during their trip into town, while another 39% went to two stores.
- 61% of trips were under 1 hour. Of those, 33% of trips were less than 15 minutes. Another 33% of trips lasted 2 hours.
- 93% of customers used their cars to arrive at their destination.
- The most common parking spot types are on-street parking with no meters or pay and display (39%), public town surface lots (39%), and privately owned and free customer lots (17%).
- 44% of customers have never had a problem with parking enforcement. 17% of customers noted that there is not enough parking enforcement.
- Most responses indicate that the parking time length is not an issue.
- 94% of customers have not received a ticket in the last 4 months.

Fonthill Parking

- The most common parking locations in Fonthill are business parking (43%), area A3 (29%), and area A4 (21%).
- 61% of customers frequent Fonthill between 1 and 3 times per week. 35% of customers go to Fonthill 4 or more times per week.
- 82% and 53% of customers have had issues finding on-street and off-street parking in Fonthill, respectively.
- Finding parking at the Meridian Community Centre in Fonthill is difficult, especially on evenings, weekends, and during special events.

Ridgeville Parking

- All residents or customers who parked in Ridgeville parked in area B1.
- 63% of customers do not go to Ridgeville very often.
- On-street parking in Ridgeville is sometimes a problem for 57% customers. 77% of responders have had at least some difficulty finding off-street parking.

Fenwick Parking

- The most common parking locations in Fenwick are area C5 (64%) and area C1 (27%).
- 56% of responders go to Fenwick not very often or only once a week. 38% of customers frequent Fenwick 4 or more times per week.
- Most customers have had difficulty finding on-street parking in Fenwick. Half of the responding customers have had difficulty finding off-street parking in Fenwick.
- Parking can be difficult to find near the Canboro Gardens. The public are concerned that new subdivisions will reduce the available parking even further.
- Vehicles that park at the corner of Canboro and Maple can restrict sightlines of oncoming traffic while turning onto Canboro.
- The public believes that there should be more parking enforcement in Fenwick.

4.2.2 Employee Parking Survey

- 79% of the employees arrive before 9am, with the majority of them arriving between 8AM and 9AM. 67% of employees leave work between 4PM and 6PM.
- 68% of the survey responders work full time, 5 days a week.
- 32% of the responses noted they leave work once a day for workplace related trips. 21% of employees do not leave very often. 21% of employees leave their work twice a day. 26% of employees leave work three or more times a day.
- 9% of employees used their cars to arrive at their destination.
- Half of all responders use public town surface lots to park.
- 94% of employees do not pay for parking.

- 94% of employees would not consider another mode to get to work.
- 68% of employees have never had a problem with parking enforcement. 21% of employees noted that there is not enough parking enforcement.
- 82% of employees have had difficulties with parking on-street. 71% of employees have had difficulties with off-street parking, with the majority of them having often or chronic issues with off-street parking.
- Half of the responses indicate that the parking time length is never a problem.
- None of the employees have received a ticket in the last 4 months.
- The most common parking locations in Fonthill are not shown (32%), area A4 (25%), and area A3 (17%).
- The most common parking location in Fenwick is area C5 (44%).
- Public parking is limited and blocked on unannounced days. Businesses expect they lose business because of it. Some have parking farther away but concerned about fast drivers on highway 20.
- Parking enforcement is lacking, especially in the no parking area
- Cars have been parking near the corners of intersections. This creates difficult sightlines to view oncoming traffic. No parking on corners of intersections should be enforced.

5.0 Future Parking Demand & Reserve Capacity

5.1 Parking Demand Growth Assumptions

Potential opportunities may exist within downtown Fonthill for further intensification and/or redevelopment of existing lands, although at this time it is our understanding current downtown redevelopment projects are limited to a single property at the northwest corner of the intersection of Pelham Street and Highway 20. There is currently no intensification or major redevelopment projects planned within the Fenwick and Ridgeville areas, and most new employment will be in the East Fonthill commercial area associated with retail land uses, seniors' retirement residences, and long-term care residences.

However, should additional future intensification occur in these "downtown" locations, and/or as new residential development is completed in nearby peripheral areas (i.e., significant level of residential subdivision development in Pelham south and east of Fonthill; proposed urban boundary expansions in the vicinity of Rice Road at Merritt Road, and north of Foss Road from Haist Street to Clare Avenue.), current levels of reserve parking capacity in the public parking supply may diminish. Although private development is required to provide off-street parking per the Town's zoning by-law, new residential development will increase the Town's population which in turn generates new customers for local businesses, new visitors to these "downtown" areas, and new users to the MCC.

Therefore, it is important that the Town monitor its parking supply at scheduled intervals (i.e., every few years) to confirm that reserve parking capacity has not reduced to critical levels, potentially negatively impacting the viability of its local business community and the on-street parking supply in surrounding residential neighbourhoods due to parking overflow.

Future parking demand is influenced by many factors and is difficult to predict. Such factors include population growth and traffic generation from new development within and in proximity to the Town, the availability and convenience of non-auto-based modes of travel, and the growth and "busyness" of local business establishments. Therefore, given the difficulty in accurately identifying future parking demand, a sensitivity analysis has been completed to "stress test" the current parking supply at each study area location under potential growth scenarios.

Historical Statistics Canada population data updated in February 2022 shows that the population in the Town of Pelham has been growing at an average annual

growth rate of approximately 1% per year since 2001. With this population increase the Town will realize an increase in trip making and ultimately parking demand. Assuming that parking demand will follow a similar trend, this implies an annual growth rate of 1% per year, or 10% over the study period to 2032.

Future growth projections for population, number of households, and employment within the Town of Pelham have been prepared by the Region of Niagara for compliance with the *Growth Plan for the Greater Golden Horseshoe*. These projections indicate that population and employment are forecast to grow by approximately 16% over the next 30 years (2051), while households are forecast to grow by approximately 18% over the same 30-year period. Annualizing these growth rates results in rates of 1.3% and 1.5% per year, respectively. Therefore, over the 10-year horizon of this study, Pelham can expect total growth of 16% to 18% in population/employment and number of households.

For the purpose of this parking study, a sensitivity analysis was completed utilizing both a Low Growth parking demand scenario and a High Growth parking demand scenario. The Low Growth scenario has been based on recorded historical population growth trends per Statistics Canada (10%), and the High Growth scenario based on the projected population, household, and employment trends per Niagara Region (20%).

For the MCC site only a 10% growth scenario has been assessed as its growth rate is largely controlled by facility capacity and activity scheduling, in addition to the COVID and tournament adjustments as presented in section 3.4.3.2. With the additional 10% growth, the forecast parking demand for the MCC is in the range of 351-395 spaces, which exceeds the current available capacity by 86-130 spaces.

5.2 Projected Parking Demand and Utilization

Figure 30, Figure 31, Figure 32, and Figure 33 illustrate the projected parking utilization data for a 2032 horizon year for Fonthill, Ridgeville, Fenwick, and the MCC, respectively:

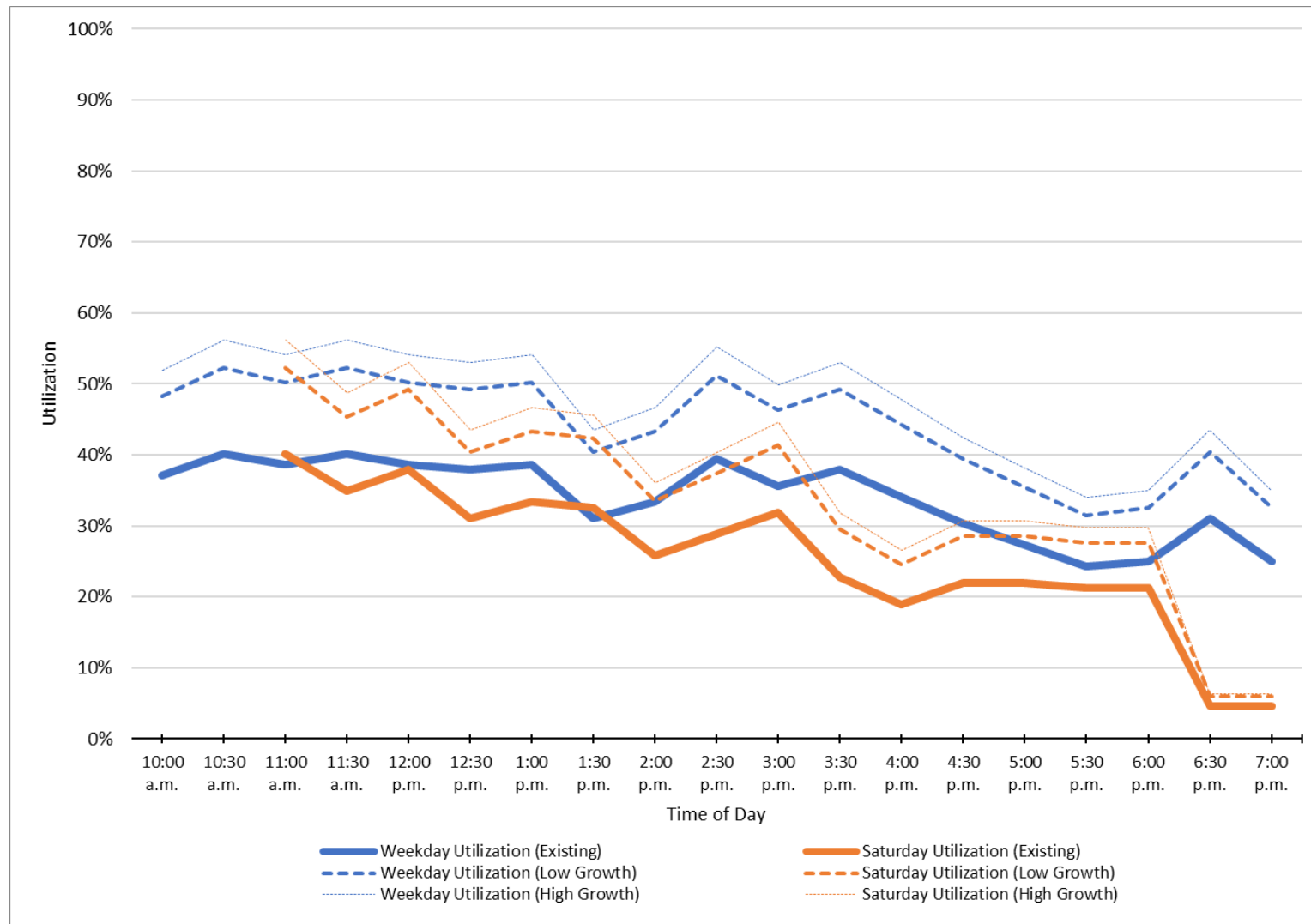


Figure 30: Future Parking Utilization – Fonthill (All Spaces)

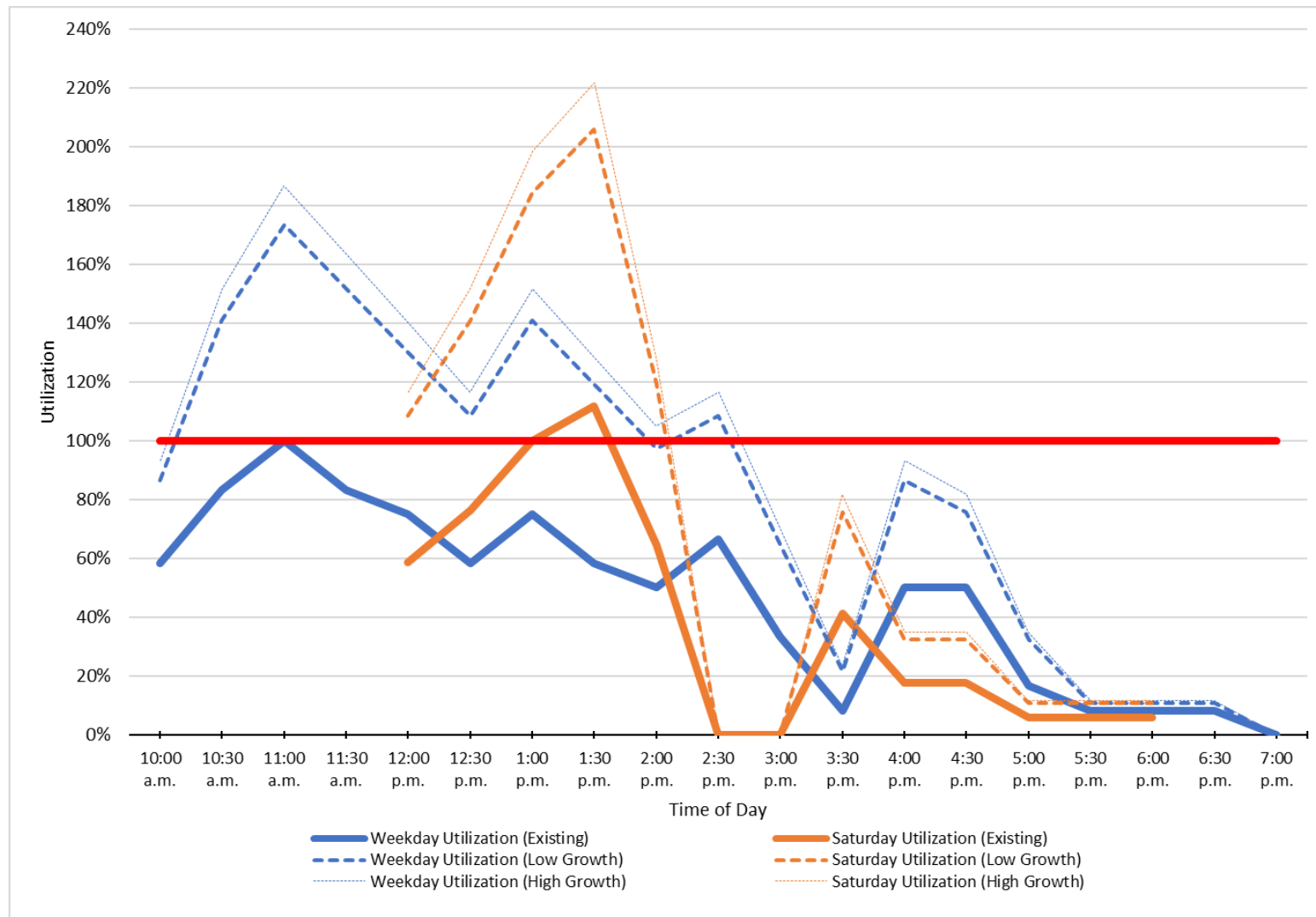


Figure 31: Future Parking Utilization – Ridgeville (All Spaces)

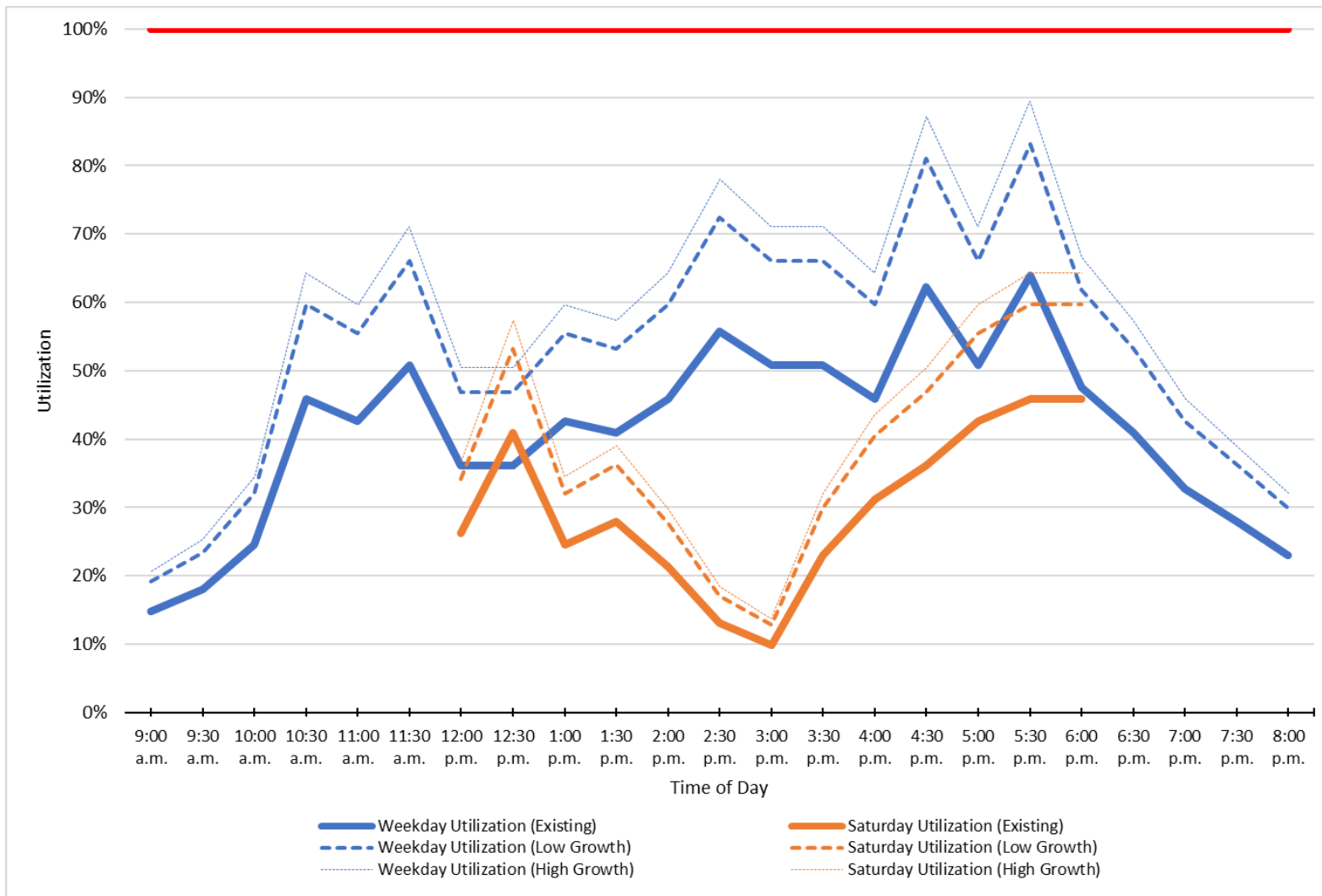


Figure 32: Future Parking Utilization – Fenwick (All Spaces)

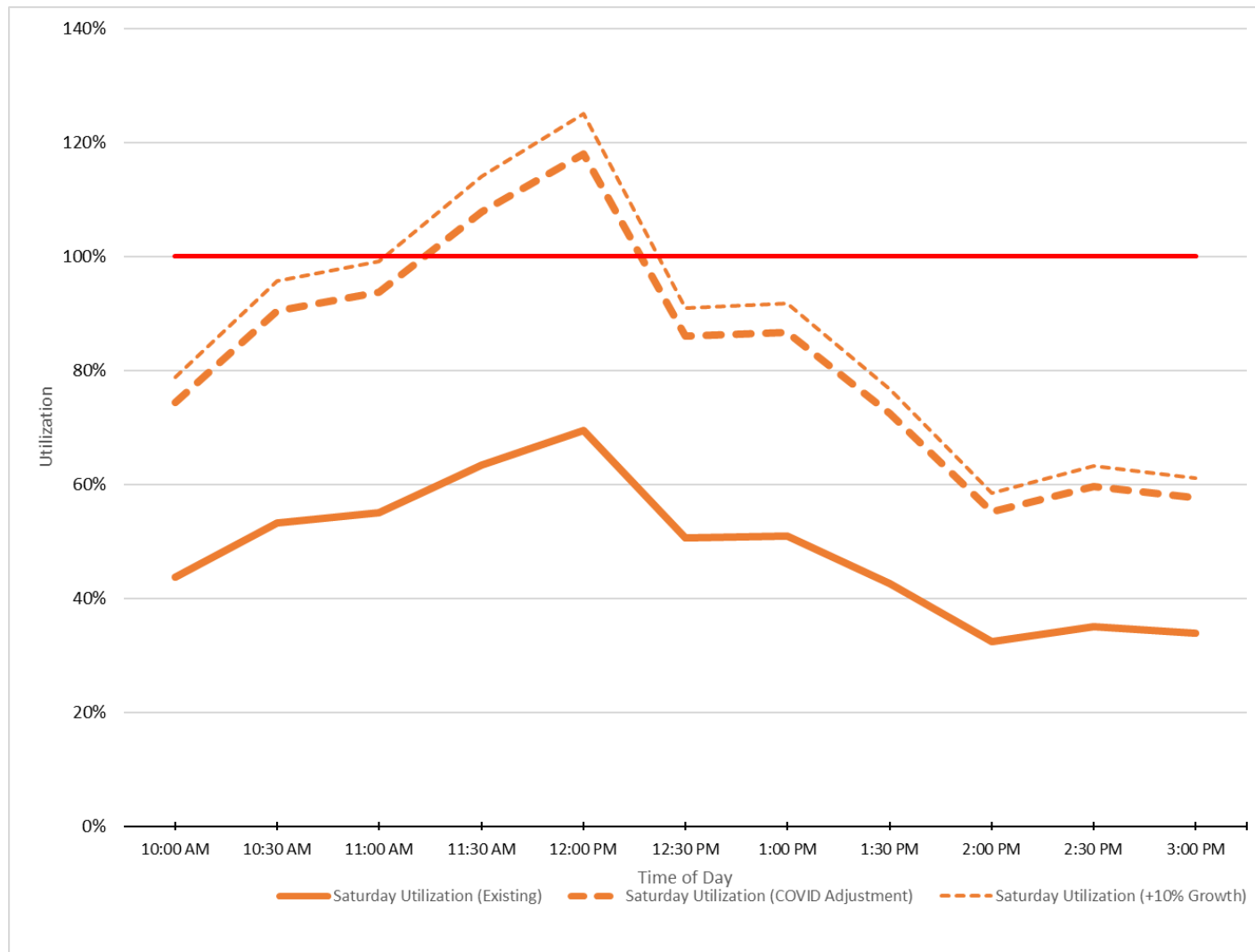


Figure 33: Future Parking Utilization – Meridian Community Centre

The results of this growth scenarios “street test” are described below:

- **Fonthill:** The low and high growth scenarios are projected to bring the parking supply in Fonthill to approximately 50% and 55% utilized, respectively, during peak periods. Despite these growth assumptions, Fonthill is still expected to have ample reserve parking capacity during peak periods.
- **Ridgeville:** The current parking supply in Ridgeville is over-capacity. Therefore, any future increase in demand is expected to bring demand well over capacity (i.e., 200% and 220% over-capacity based on low and high growth scenarios, respectively).
- **Fenwick:** The low and high growth scenarios are projected to bring the parking supply in Fenwick to approximately 80% and 90% utilized, respectively, during peak periods. Therefore if 40% total growth in parking demand is realized, the current parking reserve for Fenwick will be considered critical with only 10% reserve supply during peak periods.

Meridian Community Centre: The low and high growth scenarios are projected to bring the peak future parking demand at the MCC to an over-capacity situation. They would require up to an additional 86-130 spaces to meet the Saturday peak parking demands. This would result in a total parking supply of 351-395 spaces. It is recommended that the MCC plan for a 10% reserve capacity of approximately 35-40 spaces. This would increase the required total parking supply to 390-435 spaces, or an additional 125-170 parking spaces.

A future follow-up survey of the study areas could be undertaken to re-confirm parking demand and utilization without the temporary impacts of COVID-restrictions.

6.0 Parking Standards Review

Parking standards regulate the supply and design of off-street parking facilities and can be used to ensure sufficient off-street spaces are provided to meet development parking needs. Parking demand and duration trends identified in this study can provide insight into the adequacy of the Town's current off-street parking requirements. For example, an insufficient supply of public parking supply to accommodate existing parking demands indicates the need for increased public parking supply, but may also indicate an inadequacy in the Town's parking standards to require developer's provide sufficient off-street parking to meet the parking demands of the development. This may require modifications to the Town's parking standards to ensure new development is providing residents, employees, and/or visitors with sufficient off-street parking supply in order to reduce the demand for public facilities. Conversely, an excessive oversupply of public parking may suggest that the Town's parking standards be modified to reduce the minimum parking supply requirements developers are required to provide.

The Town's current parking standards ("Parking Area Regulations") can be found in Section 6.16 of the Town's Zoning By-Law No.1136. Furthermore, Section 30 of the regulations includes parking requirement exceptions pertinent to mixed-use land-uses in East Fonthill. Both sections are in provided in **Appendix F**.

6.1 Commercial Off-Street Parking Requirements

Table 5 compares the minimum off-street parking requirements for three common commercial land use types across all municipalities within Niagara Region. These land use types were selected given they represent the uses most represented in the immediate "downtown" areas of this study.

Table 6: Minimum Commercial Off-Street Parking Requirements - Niagara Regional Municipalities

Municipality	Dine-In Restaurant (1 space per x)	Office (1 space / x)	Retail (1 space / x)
Township of West Lincoln	20 m ²	28 m ²	20 m ²
Township of Wainfleet	4.5 m ²	28 m ²	28 m ²
Town of Pelham (East Fonthill Mixed-Use Zone)	4 seats (4.25-5.25 spaces / 100m ²)	30 m ² (2.75-3.25 spaces / 100m ²)	30 m ² (4.25-5.25 spaces / 100m ²)
Town of Niagara-on-the-Lake	9 m ²	28 m ²	18.5 m ²
Town of Lincoln	4.5 m ²	30 m ²	30 m ²
Town of Grimsby	4.5 m ²	28 m ²	28 m ²
Town of Fort Erie	4 seats	28 m ²	30 m ²
City of Welland	30 m ²	30 m ²	30 m ²
City of Thorold	10 m ²	25 m ²	25 m ²
City of Port Colborne	20 m ²	28 m ²	20 m ²
City of St. Catharines	20 m ²	28 m ²	20 m ²
City of Niagara Falls	5 seats	25 m ²	25 m ²

A brief summary of the minimum rates for each commercial land use in relation to the Town's rates are as follows:

Dine-In Restaurants

It is expected the Town's general rate of 1 space per 4 seats likely results in a comparatively higher minimum parking requirement when compared to common rates of 1 space per 20 m² or 30 m² gfa.

However, in the East Fonthill Mixed-Use Zone, the Town's minimum requirement of 1 space per 24 m² gfa results in a comparatively lower minimum parking requirement when compared to most rates ranging between 1 space per 20 m² gfa and 1 space per 4.5 m² gfa. Interestingly, the Town has also provided a maximum parking requirement for the East Fonthill Mixed-Use Zone, a practice not found in other Regional municipalities, and beneficial for encouraging non-auto-based transportation in downtown areas as well as for maximizing the developable (and business generating) area of a property.

Retail

The Town's general rate of 1 space per 30 m² gfa results in the lowest parking requirement when compared to other Regional municipalities, consistent with Lincoln, Fort Erie, and Welland. However, in the East Fonthill Mixed-Use Zone, the minimum parking requirement is slightly increased to 1 space per 24 m² gfa, although with a maximum at 1 space per 19 m² gfa.

Office

The Town's general rate of 1 space per 30 m² gfa results in the lowest parking requirement when compared to other Regional municipalities, consistent with Lincoln and Welland. However, in the East Fonthill Mixed-Use Zone, the minimum parking requirement is slightly increased to 1 space per 36 m² gfa, although with a maximum at 1 space per 21 m² gfa.

6.2 Residential Off-Street Parking Requirements

Table 7 compares the minimum off-street parking requirements for five common residential land use types across all municipalities within Niagara Region.

Table 7: Minimum Residential Off-Street Parking Requirements - Niagara Regional Municipalities

Municipality	Apartment (x spaces / unit)	Single Family Detached (x spaces / unit)	Townhouse (x spaces / unit)	Senior Apartment House (x spaces / unit)	Secondary Suite (x spaces / unit)
Township of West Lincoln	1.75	2	1.75	-	1
Township of Wainfleet	2*	2*	2*	-	-
Town of Pelham	1 (+0.5V)	1	1.5	1	1
Town of Niagara-on-the-Lake	1	2	2	0.25	-
Town of Lincoln	1.25	2	2	-	-
Town of Grimsby	1.25 (+0.25V)	1.5	1.5	-	1
Town of Fort Erie	1.5	1	1.5	0.5	-
City of Welland	1*	1	1	-	1
City of Thorold	1.25	2	2	-	1
City of Port Colborne	1.25	1	1	-	1
City of St. Catharines	1.25	1	1	-	1
City of Niagara Falls	1.4	1	1	-	1

Notes: "-" denotes no parking requirement.

*1/unit in commercial zone **Minimum 10 spaces

A brief summary of the minimum rates for each residential land use in relation to the Town's rates are as follows:

Apartment

The Town's rate of 1 resident space per unit plus one visitor space per two units results in an overall parking rate of 1.5 spaces per unit. This is a higher parking requirement than most other municipalities in the Region, except for the City of Niagara Falls (1.4 spaces per unit) and Township of West Lincoln (1.75 spaces per unit).

Single Family Detached

The Town's rate of 1 space per unit (in a garage or carport) does not consider parking provided within a driveway which typically would provide an additional space at a minimum. Given the vast majority of single family detached dwelling units provide a driveway which can accommodate at least 1 parked vehicle, this results in a de facto minimum parking requirement of 2 spaces per unit. This is similar to all other Regional municipalities which require between 1-2 spaces per single family detached unit.

Townhouse

The Town's rate of 1.5 spaces per unit falls within the range of other Regional municipalities which require between 1-2 spaces per townhouse unit; the calculated average townhouse rate of all Regional municipalities is also 1.5 spaces per unit.

Senior Apartment House

The Town is one of three municipalities that provide a minimum parking requirement specific to senior apartment houses, at 1 space per unit. The Town of Niagara-on-the-Lake requires 0.25 spaces per unit, and the Town of Fort Erie requires 0.5 spaces per unit.

Secondary Suite

Similar to most municipalities in the Region, the Town has a minimum parking requirement specific to secondary suites, at 1 space per unit, which was enacted during the course of this study. This off-street parking requirement for secondary suites is a reasonable addition to the Town's parking requirements, and should be maintained.

6.3 Shared Parking

The Town's zoning by-law currently requires minimum parking requirements be calculated for each individual land use type separately if multiple land use types exist within a common building or structure. This can create an oversupply of required off-street parking when the multiple land uses do not have overlapping peak operating periods (i.e., office staff use during weekdays and restaurant clientele in the evenings and on weekends).

Some municipalities, such as the City of Toronto, provide reduction factors for minimum off-street parking requirements depending on the types of shared land uses within a building. This general approach was also recommended in the Town's *Downtown Master Plan for Fenwick and Fonthill*, dated 2014.

6.4 Bicycle Parking Requirements

The Town's zoning by-law currently does not provide any minimum requirements for off-street bicycle parking. Such requirements are becoming more common in municipalities across the Golden Horseshoe, including several municipalities in Niagara Region. The Town's *Downtown Master Plan for Fenwick and Fonthill* recommended all new developments should meet or exceed local bicycle parking requirements provided in local zoning by-laws or Bicycle Master Plans, or suggested the following minimum bicycle parking standards:

Table 1. Minimum Bicycle Parking Standards, by Use and Type

Use	Minimum Space by Bicycle Parking Type	
	Occupant/ Employee*	Visitor **
Multi-unit Residential	0.7/unit	0.8/unit
Retail, Services & Community Facilities	0.1/100 m ²	3 + 0.25/100 m ²
General Office	0.15/100 m ²	3 + 0.25/100 m ²
Medical Office	0.15/100 m ²	3 + 0.1/100 m ²
Hospital	0.06/100 m ²	3 + 0.06/100 m ²
Elementary/ Secondary School	0.06/100 m ²	3 + 0.06/100 m ²
Post-Secondary School	0.06/100 m ²	3 + 0.2/100 m ²
Other non-residential (e.g. Industrial)	0.06/100 m ²	0.1/100 m ²
High-order Transit Station	<i>Complete a bicycle parking demand estimate for the station, for example using boardings, alightings and local bicycle mode share data.</i>	

*Occupant/Employee ("long-term") parking refers to secure, enclosed bicycle storage that is locked, weather protected and easily accessible to residents and/or workers. Signage indicating the location and information on use of these parking facilities should be provided.

**Visitor ("short-term") parking refers to outdoor, covered/uncovered bicycle racks.

6.5 Other Parking Considerations

The Town's *Downtown Master Plan for Fenwick and Fonthill* also recommended the following considerations with respect to parking standards, which based on our review have not been incorporated into the Town's zoning by-law:

- Reductions in parking requirements should be given to:
 - Buildings and other facilities within 400 metres of a transit stop; and
 - Apartments/condominiums offering car share parking spaces (with each car share space equivalent to 10 regular spaces).
- On-street parking should be included on all streets except where inappropriate for technical or safety reasons, given its traffic calming effects;
- Where available, economic incentives should be identified and utilized to provide structured parking, rather than surface parking; and
- Preferential parking for carpool vehicles should be provided.

Based on our review, there is surplus parking within downtown Fonthill within the 10-year horizon which would allow for the consideration of some of these parking reduction options as well as the preferential carpool spaces. This would require further planning for formalizing a strategy to identify legal carpool vehicles and support for on-street parking where feasible.

The results for Fenwick do not indicate that a parking reduction could be accommodated, and on-street parking is already maximized. Additional carpools and parking structures are not necessarily viable for this area given the lower density of trip generators.

7.0 Conclusions and Recommendations

7.1 Conclusions

From the analysis completed for this Study, it is concluded that:

7.1.1 Existing Parking Supply

The municipal parking system in the downtown Fonthill, Fenwick and Ridgeville study areas, and the Meridian Community Centre, consist of a combination of Public On-Street Parking, with or without time restrictions (i.e., 15 minutes, 30 minutes, 2 hours, or no limit), and municipally controlled parking lots, which are found in Fonthill (Pelham Municipal Offices) and the Meridian Community Centre (community centre parking lot).

There are a combined 230 municipal parking spaces within the Fenwick, Ridgeville and Fonthill study areas, consisting of 113 (49%) on-street parking spaces and 117 (51%) municipal lot parking spaces. More than half (62%) of all municipal parking spaces is within the Fonthill area, excluding the MCC. The MCC has a total of 265 municipal lot parking spaces.

In Fenwick, field staff observed multiple vehicles parking in the ACDelco service centre parking lot at the northwest corner of the intersection of Canboro Road at Maple Street, with the motorists walking to other establishments in the area despite available parking supply in the nearby municipal parking lot across Maple Street. Also, field staff observed multiple vehicles parking in the municipally owned water station at the southeast corner of the intersection of Effingham Street at Canboro Road in Ridgeville, with the motorists crossing Effingham Street to reach the local business establishments, although this generally occurred when the designated on-street parking supply on Canboro Road was fully utilized.

7.1.2 Existing Parking Demand, Utilization & Duration

The peak demand in Fenwick and Fonthill does not exceed the current parking supply, suggesting that the existing supply is sufficient. Although there are certain “hotspot” locations within both Fenwick and Fonthill that may operate at or near capacity (i.e., on-street parking in proximity to street-level retail and restaurant establishments), there is surplus parking available nearby and thus additional spaces within these high-use areas may not be needed. Overall, the Fonthill area maintained a reserve capacity of 65 spaces, which is substantial; however, the Fenwick area maintained a comparatively smaller reserve capacity of 15 spaces indicating lesser flexibility for accommodation of any special events and less capacity for future growth.

Most on-street parking duration in Fenwick and Fonthill lasted less than 1 hour (70% to 100% of vehicles), with durations between 1- and 2-hours accounting for a far smaller proportion (less than 20%), and only a few instances of on-street vehicles parked for greater than 2 hours. For the municipal lots, duration was more varied, with approximately 30% to 50% of vehicles parked for less than 1 hour, and the remainder of vehicles generally falling evenly into either the 1-to-2-hour category or plus 2 hours category.

The Ridgeville area is suffering from a significant deficiency in designated public parking supply, with the municipal water station lot acting as an informal overflow lot for parking demand. This is problematic as the lot is not designated nor designed for accommodation of public parking, with the potential for interference with the filling of municipal water trucks. Ridgeville overall had a higher proportion of vehicles parking for less than 1 hour, which was generally consistent for both the on-street parking and water station lot.

Peak demand at the MCC exceeded the current parking supply during the weekday vaccination clinics, but experienced surplus supply of 81 spaces during the Saturday with programmed events and activities. Based on consultation with Town staff, attendance at the MCC on the Saturday was noticeably less than typical pre-COVID operating conditions. During the Saturday, almost 60% of parked vehicles remained on-site for less than 1 hour, with 30% to 40% parked 1 to 2 hours and less than 10% over 2 hours. Duration was even more rapid during the weekday, as expected, given the site was accommodating scheduled vaccinations only which would typically require less than 1 hour of time to complete.

To account for the potential implications COVID-restrictions may have had on the collected parking demand data, adjustment factors were applied to all demand data as a sensitivity analysis. This resulted in the reserve capacity in Fenwick reducing to 5 spaces which is considered to be nearing capacity and at a critical level. Fonthill continues to have a comfortable degree of reserve capacity with 51 reserve spaces. Parking supply at the MCC during the Saturday with programmed events and activities decreased to a shortage of 54 to 94 spaces, indicating the facility is over-capacity. And as expected parking demand at Ridgeville would be almost double the current designated parking supply, with a shortage of 11 spaces.

A future follow-up survey of the study areas could be undertaken to re-confirm parking demand and utilization without the temporary impacts of COVID-restrictions.

7.1.3 Stakeholder Consultations

7.1.3.1 MCC User Group Meeting

Based on a consultation meeting completed with the MCC User Groups, the following background information and suggestions were informative to the study:

- Typically, approximately 800 participants attend the MCC during Pelham basketball on weekday evenings and all-day weekends, but has been reduced to mid-400s during COVID;
- Parking supply issue has not been observed during COVID in 2020;
- Under normal circumstances (pre-COVID) parking supply appears sufficient on weekdays and during spring and summer seasons, although is sometimes limited on weekday evenings, but weekends during the winter experience the heaviest parking demands with insufficient parking supply;
- Insufficient snow storage space, which will worsen as adjacent vacant lands are developed (currently being uses for snow storage);
- Lack of accessible parking, with size of spaces being insufficient for side-panel vans (Seniors' Fair requires more accessible spaces);
- Kiss-n-Ride activity is very busy, sometimes interfering with pedestrian accessibility at the main doors, and sometimes buses leave the site to wait after dropping players off, with some instances of buses dropping players on-street;

The MCC User Groups also provided some useful background information on other areas captured in this study including the following key points:

- **Fenwick:** Sightline issues due to on-street parking near intersection of Canboro Road at Welland Street;
- **Ridgeville:** General lack of parking for local businesses; and
- **Downtown Fonthill:** Sightline issues created by on-street parking near Churchill Street intersection.

The findings of an online survey for residents and customers on parking in Fonthill, Fenwick and Ridgeville can be summarized as follows:

7.1.3.2 Customer and Resident Parking Survey

In general, most respondents indicated the parking time length is not an issue, and 94% of customers have not received a ticket in the last 4 months.

In Fonthill, a notable number of survey respondents have had issues finding on-street parking (82%) and off-street parking (53%), with general comments indicating finding parking at the MCC is difficult on evenings, weekends, and during special events.

In Fenwick, most survey respondents have had issues finding on-street parking and approximately half have had issues finding off-street parking. There is a general concern that vehicles parking at the corner of Canboro Road and Maple Street can restrict sightlines at the intersection, and that the Town should provide more parking enforcement.

In Ridgeville, 77% of respondents had have at least some difficulty finding on-street parking, with 57% indicating parking is sometimes a problem.

7.1.3.3 Employee Parking Survey

There is a general opinion by employees that parking enforcement is lacking, especially in parking restricted areas. Cars have been parking within proximity to intersections creating sightline issues. Most employees (68%) state they personally have never had a problem with parking enforcement, and none have received a ticket in the last 4 months. Only 21% of customers have stated there is not enough parking enforcement.

Most employees (82%) have had difficulty with on-street parking supply, and 71% have had similar issues with off-street parking supply.

Half of received responses indicate parking time length is not an issue.

7.1.4 Future Parking Demand & Reserve Capacity

Fonthill

The low and high growth scenarios are projected to bring the parking supply in Fonthill to approximately 50% and 55% utilized, respectively, during peak periods, resulting in 55-60 reserve spaces. Despite these growth assumptions, Fonthill is still expected to have ample reserve parking capacity during peak periods. This suggests the existing parking supply is sufficient to accommodate projected parking demands.

Ridgeville

The current parking supply in Ridgeville is over-capacity with a projected shortage of 14 spaces. Potential opportunities for increasing the parking supply include redeveloping the water station property to accommodate several designated parking spaces, and extend the provision of on-street parking on Canboro Road further west.

Fenwick

The low and high growth scenarios are projected to reduce the parking supply in Fenwick to approximately 6-12 spaces during peak periods, which is considered critical with only 10% reserve supply during peak periods. Although on-street parking is permitted on Maple Street north of Canboro Road, there is an opportunity to urbanize and formalize the on-street parking to improve the efficiency of the parking supply.

Meridian Community Centre

The low and high growth scenarios with provision for a 10% reserve, will require a total parking supply of 390-435 spaces, or an additional 125-170 spaces, to accommodate projected future demands. A conceptual illustration of a potential expansion of the parking lot eastwards within the existing Town lands is shown in **Figure 34**. This potential expansion can provide the site an additional 200 spaces, resulting in some additional parking capacity for future growth beyond 2032.

Should the Town not choose to develop the vacant municipal lands to the east in order to provide the additional required parking supply, or should only a portion of those lands be developed to provide less than the additional required parking supply, the Town may consider an on-site parking structure in order to provide the additional required parking supply. Consideration of a parking structure would require a feasibility study to evaluate its constructability as well on-site and off-site impacts.

The Meridian Community Centre currently has four (4) accessible-reserved parking spaces and four (4) family parking spaces. Based on the Town's Accessibility Parking By-Law (#97-2020), the current 265 parking spaces requires the provision of only 3 accessible spaces, as such one additional accessible parking space beyond the by-law requirement is provided. Increasing the site's overall parking supply by 200 spaces (total of 465 spaces) results in an accessible parking supply requirement of (5) five spaces. We would recommend that at the time of the expansion, that the location of the new accessible parking space be located near the building entrance and also that the Town review the need for additional family parking spaces.

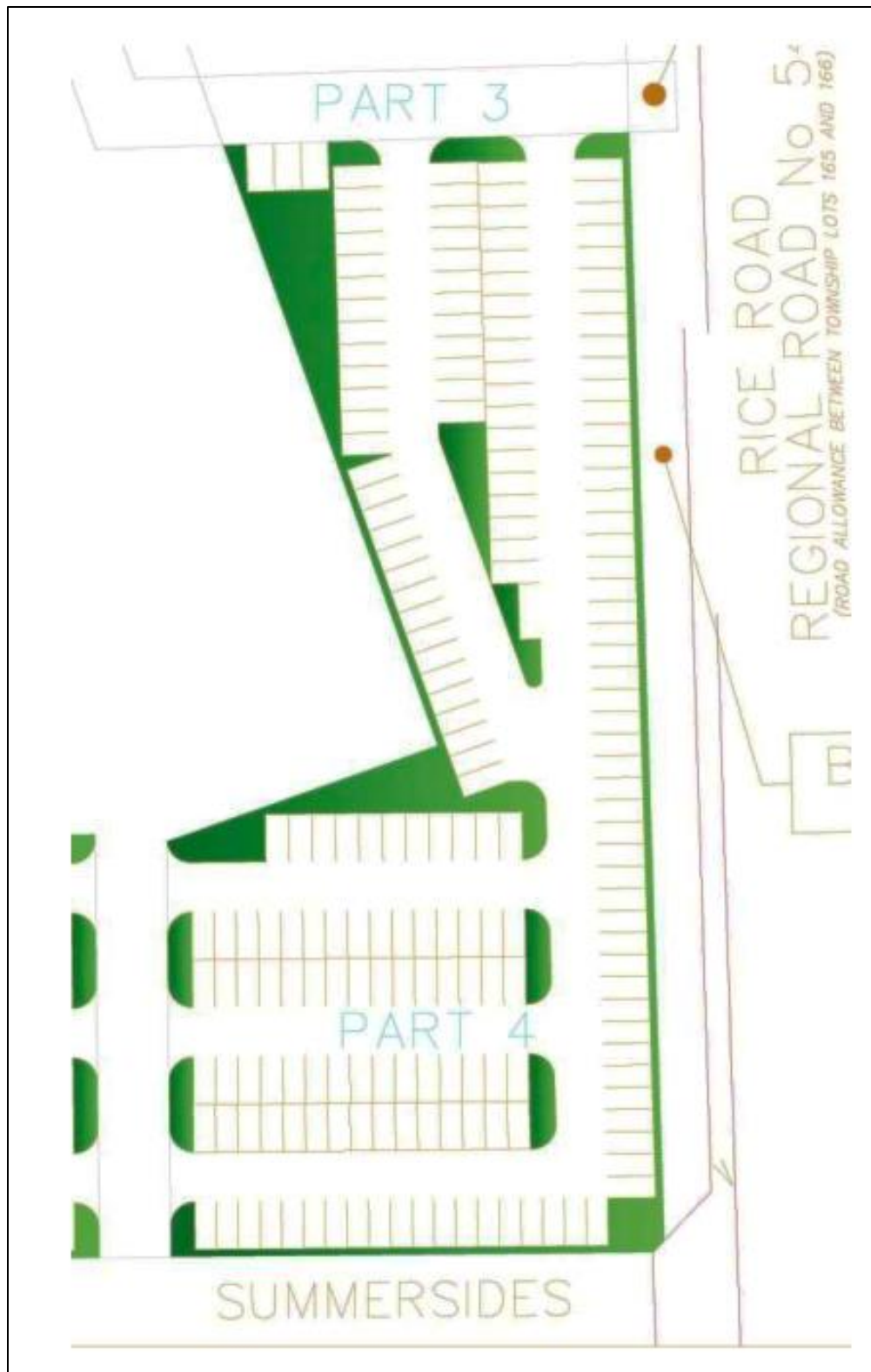


Figure 34: Example of Parking Lot Expansion (approx. 200 new spaces)

7.1.5 Parking Standards Review

Findings from a review of the Town's parking standards are as follows:

- The Town's general minimum parking rate requirement for Dine-In Restaurants results in a comparatively higher minimum parking requirement when compared to other rates found in other municipalities, whereas the rate for Retail and Office uses results in a comparatively lower minimum parking requirement.
- The Town provided maximum parking rate requirements for Dine-In Restaurant, Retail, and Office uses in the East Fonthill Mixed-Use Zone, a practice not found in other municipalities in the Region, although beneficial for encouraging non-auto-based transportation in downtown areas as well as for maximizing the developable (and business generating) area of a downtown property.
- The Town's minimum parking rate requirement for apartment, single family detached, and townhouse uses is generally consistent with other Regional municipalities, although the 0.5 visitor spaces required for apartment uses is higher than most other municipalities.
- The Town is one of three municipalities to provide a minimum parking requirement specific to senior apartment houses (1 space per unit) which is desirable.
- The Town's zoning by-law currently requires minimum parking requirements be calculated for each individual land use type separately if multiple land use types exist within a common building or structure, which can create an oversupply of required off-street parking when multiple land uses do not have overlapping peak operating periods.
- The Town's zoning by-law currently does not provide any minimum requirements for off-street bicycle parking, although such requirements were recommended in the Town's *Downtown Master Plan for Fenwick and Fonthill*.
- There is surplus parking within downtown Fonthill within the 10-year horizon which would allow for the consideration of some of these parking reduction options as well as the preferential carpool spaces. This would require further planning for formalizing a strategy to identify legal carpool vehicles and support for on-street parking where feasible.
- The results for Fenwick do not indicate that a parking reduction could be accommodated, and on-street parking is already maximized. Additional carpools

and parking structures are not necessarily viable for this area given the lower density of trip generators.

7.2 Recommendations

There are tools available that can be used individually, or in combination, to improve parking management and contribute to the economic viability of the Town of Pelham. The range of possible parking management strategies can be separated into the following three (3) categories:

- Optimize existing parking supply and increase efficiency;
- Reduce parking demand; and
- Increase parking supply.

Table 8 summarizes the recommended strategies and timelines for implementation based on the findings this Parking Study.

Table 8: Recommended Improvement Strategy

Recommended Action	Strategy	Timeline	Financial
Fenwick			
Improve Municipal Lot parking signs with bigger, more eye-catching signs and reinforce that the parking is free in these areas.	Increase efficiency	0-3 years	<\$10k
Initiate investigations into the urbanization of a portion of Maple Street to formalize the provision of on-street parking spaces (currently gravel/grass shoulders).	Increase efficiency	>5 years	>\$100k
Undertake a sightline assessment at the intersection of Maple Street and Canboro Road to confirm adequate sightlines are achievable based on industry guidelines.	Improve road user safety	0-3 years	<\$10k
Ridgeville			
Initiate investigations into the provision of designated public parking on the municipally owned water station lands at the southeast corner of Canboro Road at Effingham Street.	Increase parking supply	0-5 years	>\$100k
Initiate investigations into the provision of additional on-street parking on Canboro Road west of Effingham Street, requiring additional urbanization of Canboro Road.	Increase parking supply	0-5 years	>\$100k
Provide enhanced pedestrian crosswalks at all four approaches of the intersection of Canboro Road at Effingham Street,	Improve road user safety	0-5 years	\$10k-\$100k

using either enhanced pavement markings or decorative pavers, with required AODA sidewalk letdowns and tactile plates.			
Fonthill			
Improve Municipal Lot parking signs with bigger, more eye-catching signs and reinforce that the parking is free in these areas.	Increase efficiency	0-3 years	<\$10k
Encourage the use of non-auto transportation modes for travel to the Downtown.	Reduce parking demand	0-3 years	\$10k-\$100k
Introduce pavement markings to delineate on-street parking spaces on Church Hill.	Increase efficiency	0-3 years	<\$10k
Undertake a sightline assessment at the intersection of Maple Street and Canboro Road to confirm adequate sightlines are achievable based on industry guidelines.	Improve road user safety	0-3 years	<\$10k
Meridian Community Centre			
Initiate investigations into the provision of additional parking on the municipally owned lands between the MCC and Rice Road.	Increase parking supply	0-5 years	>\$500k
Increase the designated snow storage capacity of the site to avoid using parking spaces.	Increase efficiency	0-3 years	<\$10k

Maintain appropriate number of accessible parking spaces with parking lot expansion.	Increase efficiency	0-5 years	N/A
General (All Areas)			
Continue to monitor parking utilization in the Downtown. Undertake post covid Parking surveys.	Increase efficiency	0-3 years	<\$10k
Review schedule/frequency of parking enforcement for the Fenwick and Ridgeville Communities	Increase efficiency	0-3 years	N/A
Consider use of Cash-in-Lieu policy for Parking supply in East Fonthill Mixed use zone	Increase efficiency and fund additional parking needs	0-5 years	>\$50k
Introduce minimum bicycle parking requirements.	Reduce parking demand	0-5 years	<\$10k
Introduce reductions in parking requirements to apartments / condominiums offering car share parking spaces.	Reduce parking demand	0-5 years	<\$10k
Where carpool programs exist allow preferential parking for carpool vehicles.	Reduce parking demand	0-5 years	<\$10k

APPENDIX A

Study Area Zones







APPENDIX B

Raw Parking Study Data

Table 1: Fonthill Raw Parking Data

Start Time	Weekday							Weekend						
	A1	A2	A3	A4	A5	A6	A7	A1	A2	A3	A4	A5	A6	A7
10:00 a.m.	7	5	5	5	1	12	14							
10:30 a.m.	8	6	5	5	1	13	15							
11:00 a.m.	8	3	6	6	1	13	14	8	9	7	9	4	15	1
11:30 a.m.	7	5	8	4	4	11	14	6	10	2	7	3	17	1
12:00 p.m.	6	5	8	4	4	11	13	6	4	5	8	6	21	0
12:30 p.m.	5	2	8	3	4	14	14	4	3	5	7	6	15	1
1:00 p.m.	5	2	9	2	5	16	12	5	5	6	8	6	13	1
1:30 p.m.	2	2	5	2	2	15	13	3	6	9	7	4	12	2
2:00 p.m.	3	2	4	3	3	15	14	2	4	3	6	4	14	1
2:30 p.m.	4	4	8	4	5	15	12	3	5	6	8	1	13	2
3:00 p.m.	3	1	7	4	3	17	12	5	4	10	8	1	12	2
3:30 p.m.	5	1	7	5	2	16	14	1	3	6	8	1	7	4
4:00 p.m.	5	0	5	6	5	11	13	2	1	6	8	0	5	3
4:30 p.m.	2	0	7	6	6	9	10	2	2	6	5	0	5	9
5:00 p.m.	3	1	8	5	3	5	11	2	2	5	6	2	3	9
5:30 p.m.	0	1	9	4	3	4	11	1	2	4	7	2	3	9
6:00 p.m.	0	0	10	5	1	3	14	1	2	6	5	4	3	7
6:30 p.m.	3	1	10	6	2	6	13	1	2	0	0	3	0	0
7:00 p.m.	3	0	8	5	1	5	11	1	2	0	0	3	0	0

Table 2: Ridgeville Raw Parking Data

Start Time	Weekday		Weekend	
	B1	B2	B1	B2
10:00 a.m.	7	1		
10:30 a.m.	10	3		
11:00 a.m.	12	4		
11:30 a.m.	10	4		
12:00 p.m.	9	3	7	3
12:30 p.m.	7	3	10	3
1:00 p.m.	9	4	12	5
1:30 p.m.	7	4	12	7
2:00 p.m.	6	3	10	1
2:30 p.m.	8	2	0	0
3:00 p.m.	4	2	0	0
3:30 p.m.	1	1	6	1
4:00 p.m.	6	2	3	0
4:30 p.m.	6	1	2	1
5:00 p.m.	2	1	1	0
5:30 p.m.	1	0	1	0
6:00 p.m.	1	0	1	0
6:30 p.m.	1	0		
7:00 p.m.	0	0		

Table 3: Fenwick Raw Parking Data

Start Time	Weekday				Weekend			
	C1	C2	C3	C4	C1	C2	C3	C4
9:00 a.m.	9	0	0	0				
9:30 a.m.	11	0	0	0				
10:00 a.m.	15	0	0	0				
10:30 a.m.	17	2	5	4				
11:00 a.m.	17	1	7	1				
11:30 a.m.	19	1	10	1				
12:00 p.m.	16	0	6	0	5	1	6	4
12:30 p.m.	16	0	6	0	14	1	6	4
1:00 p.m.	18	0	8	0	12	0	0	3
1:30 p.m.	17	0	8	0	14	2	1	0
2:00 p.m.	19	0	8	1	11	1	1	0
2:30 p.m.	22	1	6	5	8	0	0	0
3:00 p.m.	21	1	4	5	6	0	0	0
3:30 p.m.	23	4	4	0	9	0	2	3
4:00 p.m.	23	0	5	0	18	0	1	0
4:30 p.m.	27	1	5	5	20	0	2	0
5:00 p.m.	19	3	6	3	21	0	2	3
5:30 p.m.	22	4	10	3	28	0	0	0
6:00 p.m.	16	4	4	5	28	0	0	0
6:30 p.m.	12	1	7	5				
7:00 p.m.	10	0	8	2				
7:30 p.m.	8	1	8	0				
8:00 p.m.	7	1	6	0				

Table 4: Meridian Community Centre Raw Parking Data (Tuesday)

Start Time	Weekday (Tuesday)										
	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11
9:00 a.m.	6	15	8	21	1	24	33	12	32	24	17
9:15 a.m.	6	15	9	22	1	23	32	13	33	24	17
9:30 a.m.	6	15	10	30	5	29	27	14	31	16	16
9:45 a.m.	6	15	11	26	5	31	29	9	28	22	21
10:00 a.m.	6	16	12	29	5	31	34	7	26	22	22
10:15 a.m.	6	14	11	28	4	29	35	13	30	22	18
10:30 a.m.	6	15	12	29	4	24	31	11	31	20	19
10:45 a.m.	7	17	11	27	3	22	22	9	25	23	23
11:00 a.m.	7	16	10	21	3	20	22	10	22	24	20
11:15 a.m.											
11:30 a.m.											
11:45 a.m.											
12:00 p.m.	7	17	12	38	5	33	38	20	33	22	22
12:15 p.m.	8	17	11	33	5	28	30	16	34	21	20
12:30 p.m.	8	17	11	28	5	28	27	13	28	20	21
12:45 p.m.	7	14	11	20	3	24	29	12	25	22	16
1:00 p.m.	6	20	11	17	2	20	22	13	24	23	21
1:15 p.m.	6	13	11	18	2	23	23	11	26	20	21
1:30 p.m.	6	17	12	19	3	20	22	9	26	20	20
1:45 p.m.	8	14	12	22	3	14	14	7	15	24	21
2:00 p.m.	8	14	9	16	2	11	17	12	21	23	21
2:15 p.m.	8	14	9	21	2	22	20	13	26	19	21
2:30 p.m.	8	14	9	23	2	20	23	11	30	22	19
2:45 p.m.	8	14	9	23	2	22	38	15	30	23	23
3:00 p.m.	8	14	9	30	3	26	25	19	30	21	21
3:15 p.m.	8	14	9	32	6	22	28	18	29	22	20
3:30 p.m.	8	14	9	26	5	22	25	12	25	23	20
3:45 p.m.	8	14	9	24	6	19	20	15	28	23	23
4:00 p.m.	8	14	9	22	5	16	23	14	24	23	21
4:15 p.m.	8	14	9	20	3	16	23	17	34	23	21
4:30 p.m.	8	14	9	20	4	28	25	23	32	23	23
4:45 p.m.	8	14	9	18	6	31	34	22	34	23	23
5:00 p.m.	8	14	9	46	7	31	29	17	23	22	23
5:15 p.m.	8	14	9	28	5	26	25	18	27	23	24
5:30 p.m.	8	14	9	25	4	25	25	18	26	22	21
5:45 p.m.	8	14	9	26	4	23	24	18	25	22	19

Table 5: Meridian Community Centre Raw Parking Data (Wednesday)

Start Time	Weekday (Wednesday)										
	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11
9:00 a.m.	7	17	11	20	1	19	23	3	29	18	14
9:15 a.m.	7	16	12	32	3	27	26	4	31	21	20
9:30 a.m.	8	16	12	41	6	31	30	9	29	18	16
9:45 a.m.	8	17	12	46	7	36	28	12	25	19	17
10:00 a.m.	8	17	12	43	7	30	28	13	27	20	17
10:15 a.m.	8	17	12	35	5	24	30	15	28	22	21
10:30 a.m.	8	17	12	33	4	27	29	13	28	20	20
10:45 a.m.	8	17	12	31	4	27	22	17	27	22	17
11:00 a.m.	8	17	12	31	8	27	22	17	27	22	18
11:15 a.m.											
11:30 a.m.											
11:45 a.m.											
12:00 p.m.	7	16	12	40	6	35	38	15	27	22	19
12:15 p.m.	8	17	11	35	0	34	34	13	25	20	15
12:30 p.m.	8	16	11	31	6	23	23	12	20	21	15
12:45 p.m.	8	14	11	28	4	17	17	10	21	20	18
1:00 p.m.	7	14	11	16	2	8	14	10	18	20	18
1:15 p.m.	8	18	10	14	1	9	15	13	0	21	21
1:30 p.m.	8	18	12	15	1	9	13	12	15	22	19
1:45 p.m.	8	18	12	15	2	11	13	7	19	21	17
2:00 p.m.	8	16	11	17	2	3	11	10	17	21	21
2:15 p.m.	8	16	12	9	2	15	13	8	22	20	19
2:30 p.m.	7	14	12	21	2	17	26	11	28	24	23
2:45 p.m.	7	15	12	23	2	22	36	13	35	23	24
3:00 p.m.	8	16	12	23	2	34	38	16	35	23	21
3:15 p.m.	8	15	12	30	5	33	34	13	34	23	21
3:30 p.m.	8	13	12	32	6	32	28	14	30	23	18
3:45 p.m.	8	14	12	38	5	23	32	16	32	22	18
4:00 p.m.	8	13	11	33	0	24	28	13	28	20	17
4:15 p.m.	8	13	12	29	5	26	28	18	30	21	17
4:30 p.m.	5	13	12	32	4	25	25	16	26	21	18
4:45 p.m.	4	10	12	26	4	32	30	10	31	18	16
5:00 p.m.	3	11	11	24	5	34	35	14	31	23	15
5:15 p.m.	2	12	12	31	6	25	32	18	31	24	21
5:30 p.m.	2	12	12	31	8	24	31	18	35	24	23
5:45 p.m.	2	11	11	30	8	24	30	14	35	23	20

Table 6: Meridian Community Centre Raw Parking Data (Weekend)

Start Time	Weekend										
	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	D11
10:00 a.m.	1	5	6	4	0	11	20	7	25	21	16
10:30 a.m.	1	6	6	4	0	15	24	8	31	24	22
11:00 a.m.	1	5	8	7	0	18	30	11	30	19	17
12:00 p.m.	1	4	9	19	2	24	24	14	28	23	20
12:30 p.m.	1	4	10	21	0	25	29	17	33	23	21
1:00 p.m.	1	4	10	20	0	12	22	12	24	14	15
1:30 p.m.	1	5	8	13	0	13	21	12	25	20	17
2:00 p.m.	1	4	8	10	1	12	13	8	21	19	16
2:30 p.m.	1	5	4	2	1	8	9	8	16	19	13
3:00 p.m.	1	3	4	2	1	9	14	9	16	21	13
3:30 p.m.	1	5	4	3	1	9	16	8	15	15	13

APPENDIX C

MCC User Group Consultation Presentation

Meridian Community Centre (MCC) User Group Committee

WELCOME

PARKING STRATEGY - MCC USER GROUP CONSULTATION

INTRODUCTIONS

Barb Wiens, Director of Planning (Town of Pelham)
Tara Lynn O'Toole, Policy Planner (Town of Pelham)

Nick Palomba, Project Manager (RV Anderson)
Adam Mildenberger, Transportation Planner (RV Anderson)

MCC User Groups

Thursday October 19th, 2020
5:00pm to 7:00pm

Meridian Community Centre (MCC) User Group Committee

PURPOSE OF THE PELHAM PARKING STUDY

- Develop a Parking Strategy for the downtowns of Fonthill, Fenwick, and Ridgeville, and for the Meridian Community Centre.
- Project has two phases:

Phase 1: Identify the existing parking situation through:

- Stakeholder consultations,
- Standards review,
- Inventory of parking facilities,
- Parking demand/duration field surveys, and
- Parking data analysis.

Meridian Community Centre (MCC) User Group Committee

PURPOSE OF THE PELHAM PARKING STUDY

Phase 2: Review the collected field data, industry research, and other inputs from Phase 1 to develop recommendations which:

- Consider/address stakeholder input and needs
- Confirm the adequacy of the parking supply and current practices
- Confirm the awareness and effectiveness of wayfinding for public lots
- Identify immediate supply needs and anticipate future parking demands/pressures
- Develop a parking strategy to provide guidance on policy, investment/budgeting and timing for:
 - Parking supply and location, wayfinding, pedestrian linkages, bylaw rates, funding and control strategy (time limits, shared, pay, etc.)

Meridian Community Centre (MCC) User Group Committee

PURPOSE OF THE MCC USER GROUP STAKEHOLDER CONSULTATION

For the Project Team to gain a better understanding of the USER Groups, their programs and their parking-related experiences and needs.

PROPOSED DISCUSSION TOPICS:

1. Who are the “User Groups” at the MCC?
2. What programming is provided? (i.e. types of events, frequency, attendance, etc.) Any future programming plans?
3. Typical modes of arrival for users. Any notable pedestrian/cycling activity? Carpooling? Transit? Pick-up/Drop-off?
4. Availability of the parking supply.
 - Is their insufficient parking?
 - What has been your experience?
 - When and where has there been challenges?
5. Peak parking demand periods. Days of week? Time of day? Special events? *This information will help inform the design of our upcoming parking surveys.*
6. Other parking-related complaints/concerns with the MCC?
7. What parking-related improvements (if any) do you think are required to meet current (and future) parking demands?
8. Other ?

Meridian Community Centre (MCC) User Group Committee

THANK YOU FOR ATTENDING

If you have any further comments or information you would like to provide the Project Team, please email your comments to the contact below.



R.V. Anderson Associates Limited

Adam Mildenberger, BA, CET

Transportation Planner

E-mail: AMildenberger@rvanderson.com

APPENDIX D

MCC User Group Consultation Meeting Minutes

Questions	Pelham Minor Hockey	Community Based Service Clubs	Pelham Basketball	Pelham Junior Hockey Club
1. What programming is provided? (i.e. types of events, frequency, attendance, etc.) Any future programming plans?	<ul style="list-style-type: none"> • Mondays, Wednesday and Thursdays, evening 5pm-10pm • Both arenas used on Tuesdays and Fridays • Games and practices • Due to COVID, 15-minute grace period (2 teams in at one time, then next 2 arrive, next teams waiting in parking lot) • Operating 7 days a week during both regular and COVID circumstances. • Both arenas utilized on weekends, 8am-7pm • Silver Stick Tournament cancelled this year because of COVID (3 tournaments cancelled due to COVID) 	<ul style="list-style-type: none"> • They are a Service Organization, with various event types • 2nd Floor accommodates Senior's Christmas event; cancelled this year; 160-170 seniors, arriving with vehicles; Tuesday or Wednesday night; parking maxed out during this event • Spring Home Show on the arena floor; 2-day event; parking maxed out for the weekend; 4,500 vehicles last year; cancelled this year • The Art Show is also quite a large event • Desire to consider a craft show if there was capacity to accommodate 	<ul style="list-style-type: none"> • Typically, 800 participants during Pelham basketball (down to 429 during COVID) • Occurs Monday-Friday (4:30pm-evening); Weekends (8am-9pm) • Ages JK to Grade 12 • 16 teams • November to May, there is a tournament every weekend; multiple games each day (9am-9pm) • Teams on court for 1hr-1:15hr; some overlap with other teams • 4 teams playing, 4 teams waiting • 2 gyms playing at once. 	<ul style="list-style-type: none"> • Practice 4 days a week, starting in August • Other programs are not started yet • Regular Season is Sunday afternoons, or some Tuesday/Friday nights • Staff and players consist of about 20 individuals per team • Minor hockey going on before and after us (with overlap); basketball and special events going on at same time • Cumulative impact usually 2 basketball, 1 minor hockey and 1 junior game plus other activities represents worst case.
2. Typical modes of travel for users of the MCC. Any notable pedestrian/cycling activity? Carpooling? Transit?	<ul style="list-style-type: none"> • Buses drop players off, then leave site to wait; sometimes let players out on street 	<p>Generally, auto based</p>	<ul style="list-style-type: none"> • Generally, 1 car per player • No bus traffic; individual cars; local kids 	<ul style="list-style-type: none"> • 200 to 600 fans/players from local teams; travelling by vehicle; at least 20 vehicles per team
3. Availability of the parking supply. Is their insufficient parking? What has been your experience? When and where has there been challenges?	<ul style="list-style-type: none"> • No problems with parking during COVID • Under normal circumstances, 4 teams in each arena (2 playing, 2 preparing); weekends are a "zoo" (insufficient parking) • 3 Silver Stick Tournaments (January tournament, 3000 people, insufficient parking, spilling into plaza parking lot) • During winter, less supply of on-site parking (lines blurred) and snow storage • During the hockey season, when basketball is running, there is sufficient parking Monday to Thursday; they are "overloaded" on evenings and weekends, with most customers being students in school 	<ul style="list-style-type: none"> • When sports are running at the same time as shows, it utilizes all available parking on surrounding roads, grassy areas, adjacent Wellspring Niagara site etc. • 85-90 vendors during shows; encouraged not to take vehicles, but end up occupying at least 1/3rd of available spaces • Parking is always a major discussion topic when planning for any event 	<ul style="list-style-type: none"> • No parking issues for the Spring and Summer sessions 	<ul style="list-style-type: none"> • Vehicles observed parked in fields • Parking is very tight on evenings

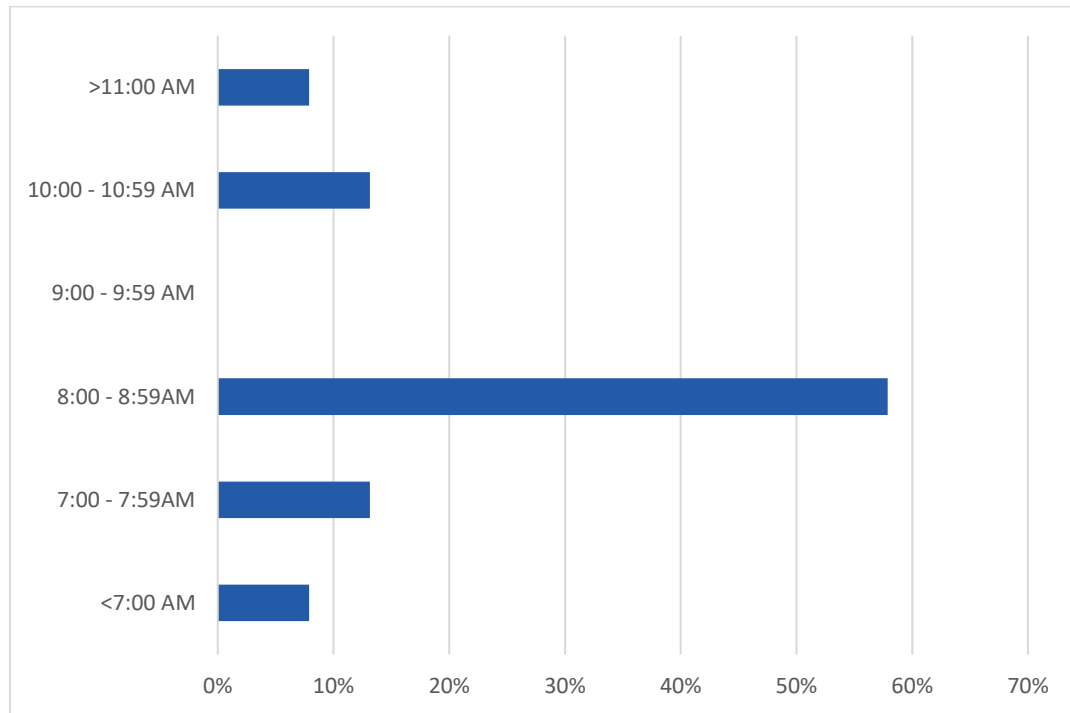
<p>4. Peak parking demand periods. Days of week? Time of day? Special events? <i>This information will help inform the design of our upcoming parking surveys.</i></p>	<ul style="list-style-type: none"> • They are “overloaded” on evenings and weekends, with most customers being students in school • have receive some complaints that spaces are too tight 		<ul style="list-style-type: none"> • Pelham Basketball occurs Monday-Friday (4:30pm-evening); Weekends (8am-9pm); No parking issues for the Spring and Summer sessions 	<ul style="list-style-type: none"> • Regular Season is Sunday afternoons, or some Tuesday/Friday nights
<p>5. Other parking-related complaints/concerns with the MCC?</p>	<ul style="list-style-type: none"> • Variety of large event types: fundraisers, Men’s Hockey League, graduations, Irish Dance Competition. • Big room upstairs, having a 200-person maximum occupancy; gets rented out regularly on weekends for receptions, etc. • Booking information is available through Town’s Active Net Software; RVA requested booking data for the 2019 year from the Town (Barb). • There is a lack of accessible parking; size of spaces is insufficient for side entry vans; the Senior’s Fair occurs in the fall (not during COVID), typically having 300+ seniors attending, requiring more accessible spaces • Kiss-n-Ride activity is very busy; sometimes blocks pedestrians from entering overhead doors 			
<p>6. What parking-related improvements (if any) do you think are required to meet current (and future) parking demands?</p>	<ul style="list-style-type: none"> • Do not have the subdivision use the parking lot as a thru way • They have used offsite parking (St. Alexander’s Church, as far as Town Hall, Legion, Lions Club) with cook service (because they have no other choice); parking capacity is 265 right now; participant doesn’t think we need double, but short maybe 75 spaces • Not a lot of snow storage space, which can utilize up to 15 spaces; they have been lucky so far with little development in the area, which provides some unutilized areas that act as snow storage, but that is changing. During Silver Stick, buses are staged off-site onto undeveloped area roadways, but this will be eliminated as development occurs • A Junior game alone can generate approximately 230-240 vehicles, and that’s for approximately only 400 people; playoffs can get much busier; that doesn’t include basketball; there are 265 spaces now, estimates a need of +200 more 			
<p>7. Other?</p>	<ul style="list-style-type: none"> • There are a lot of trucks; parking stall dimensions seem very tight • Downtown Fonthill: Sightline issues due to on-street parking, near the TD Bank, near Churchill Street at Pelham Street intersection • Fenwick: Delineation of parking spaces seems to be an issue, west of the “Gavel”, vehicles seem to be parking within the pedestrian walking area • Ridgeville: General lack of parking for businesses • Sightline issue in Fenwick; the last parking spot on the south section of Canboro Road at the Welland intersection • <i>RVA to be provided attendance numbers for various events; facility usage reports; if requested.</i> 			

APPENDIX E

Parking Survey Result Graphs

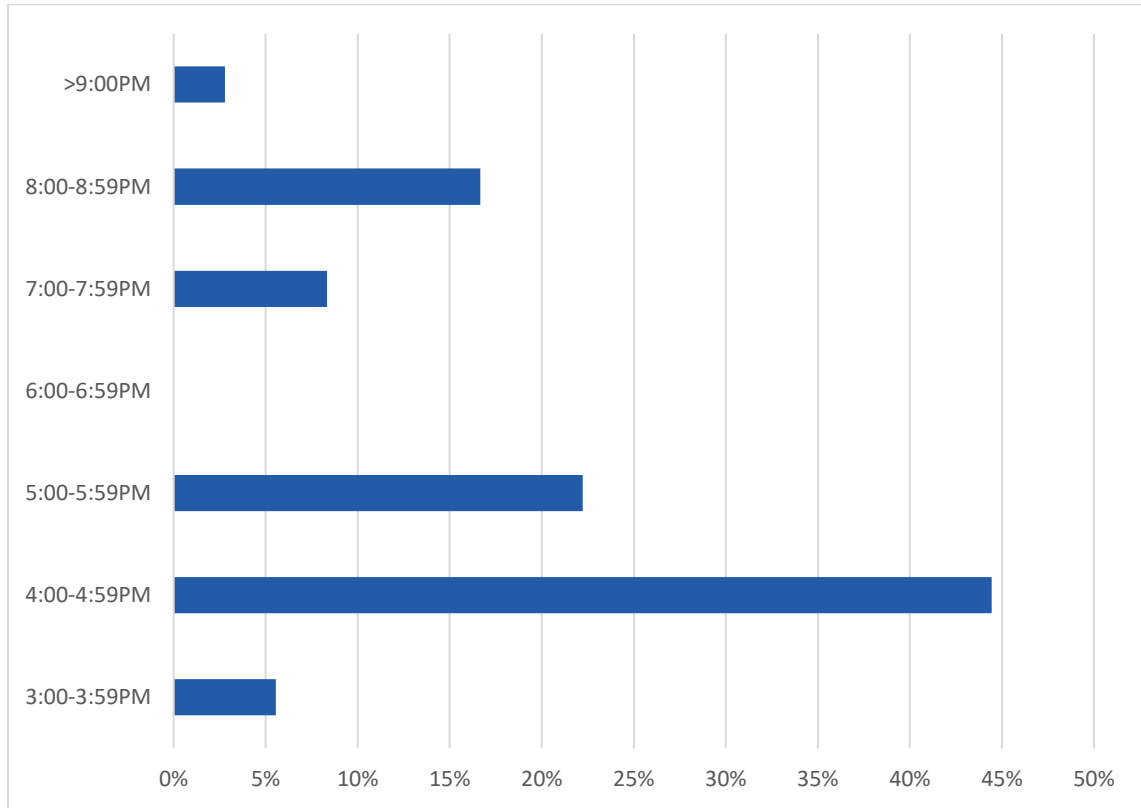
Employer Parking Survey Results

1. Typically, what time do you arrive?



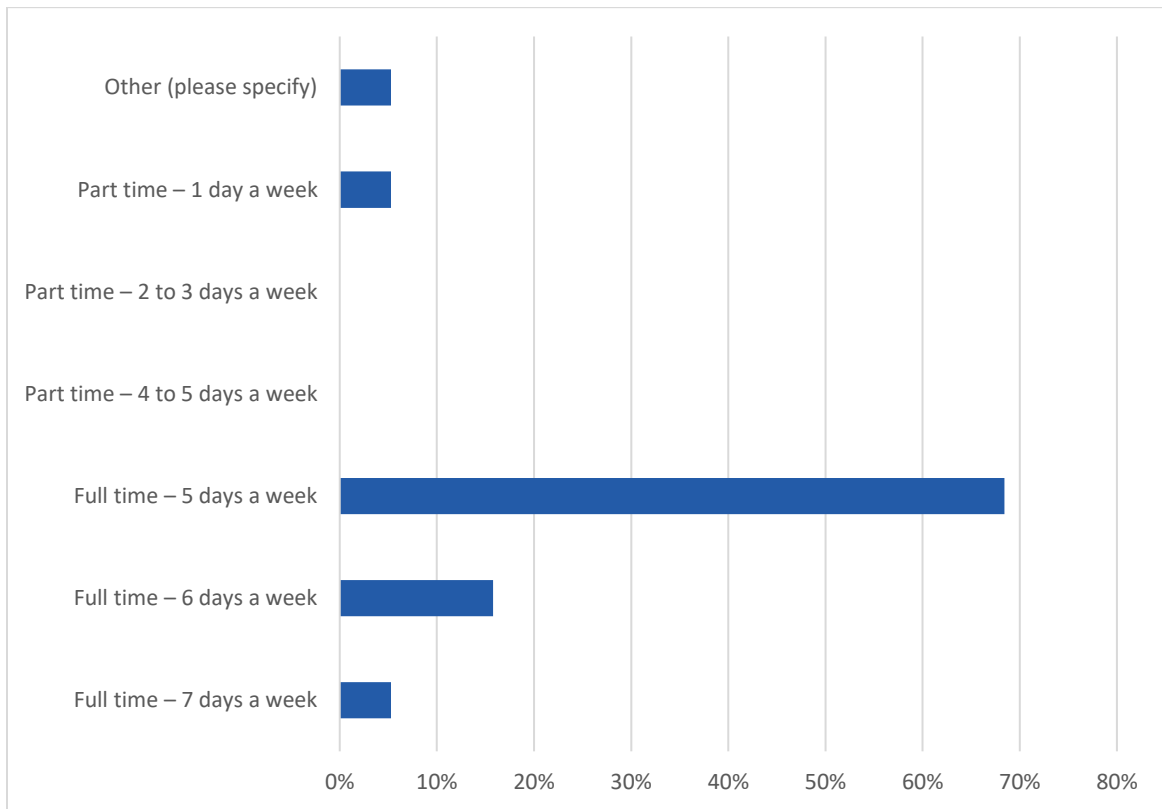
	<i>Response Count</i>	<i>Response Percent</i>
<7:00 AM	1.5	8%
7:00 - 7:59AM	2.5	13%
8:00 - 8:59AM	11	58%
9:00 - 9:59 AM	0	0%
10:00 - 10:59 AM	2.5	13%
>11:00 AM	1.5	8%
<i>Total</i>	19	100%

2. Typically, what time do you leave?



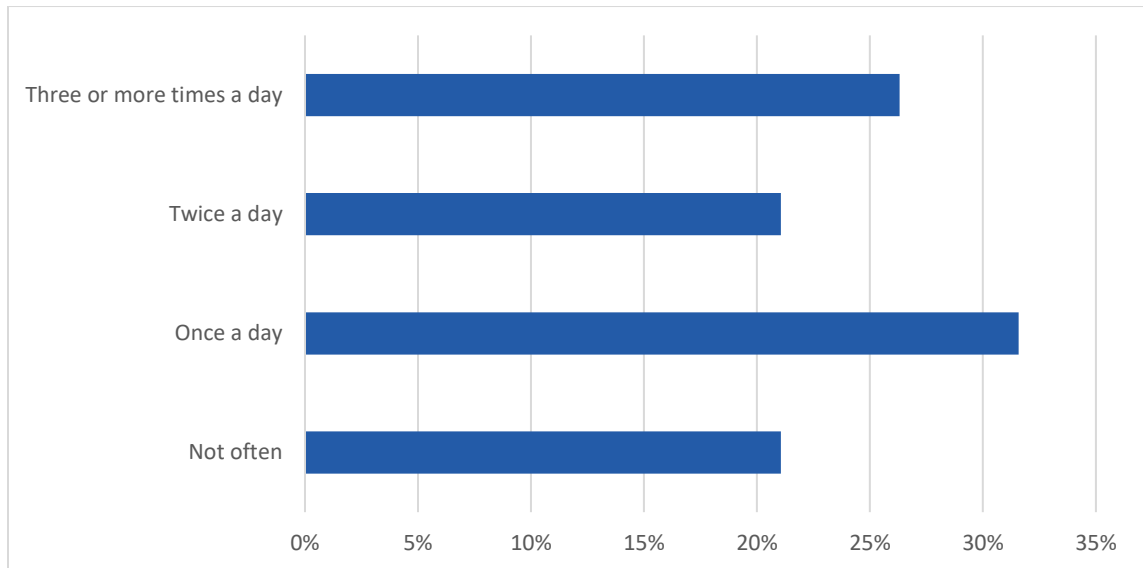
	Response Count	Response Percent
3:00-3:59PM	1	6%
4:00-4:59PM	8	44%
5:00-5:59PM	4	22%
6:00-6:59PM	0	0%
7:00-7:59PM	1.5	8%
8:00-8:59PM	3	17%
>9:00PM	0.5	3%
Total	18	100%

3. Which of the following categories best describes your current employment status?



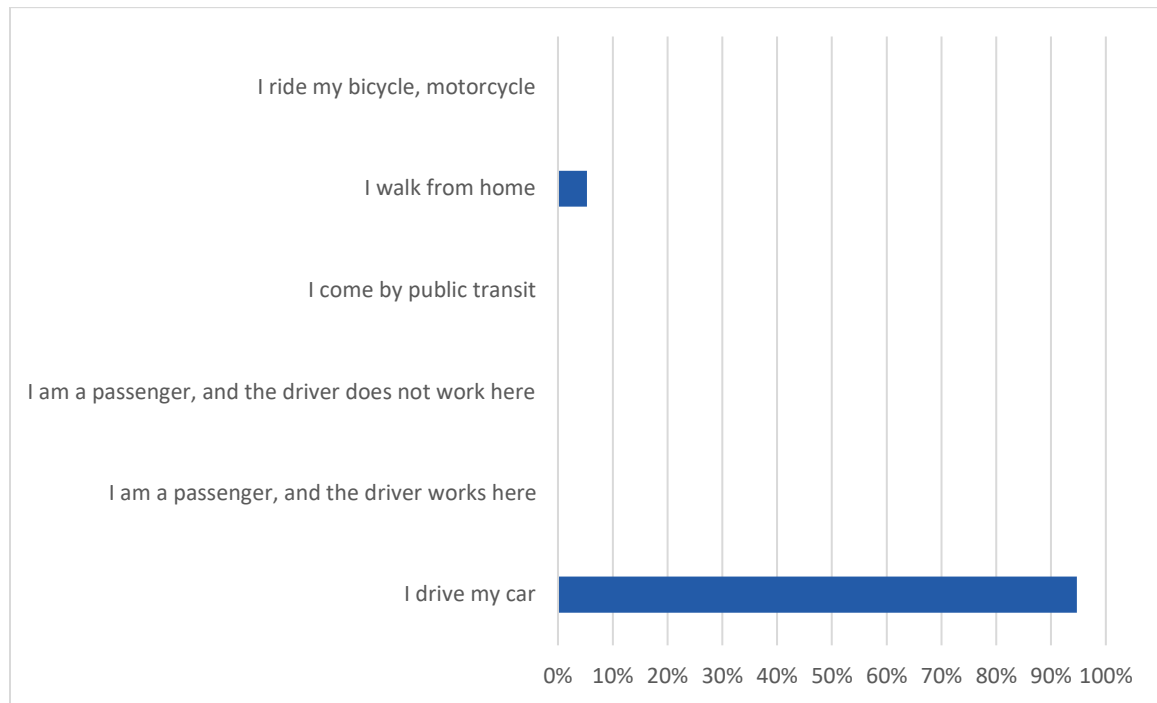
	Response Count	Response Percent
Full time – 7 days a week	1	5%
Full time – 6 days a week	3	16%
Full time – 5 days a week	13	68%
Part time – 4 to 5 days a week	0	0%
Part time – 2 to 3 days a week	0	0%
Part time – 1 day a week	1	5%
Other (please specify)	1	5%
Total	19	100%

4. Over the course of a typical day, how many times do you leave your place of employment for work-related trips?



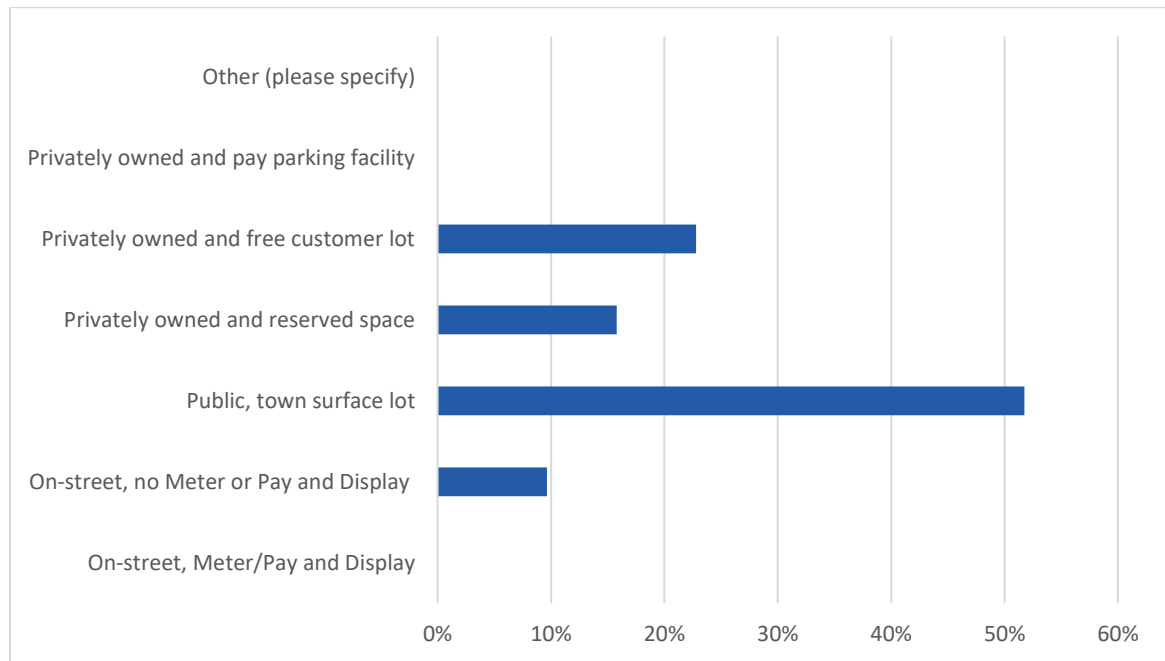
	<i>Response Count</i>	<i>Response Percent</i>
<i>Not often</i>	4	21%
<i>Once a day</i>	6	32%
<i>Twice a day</i>	4	21%
<i>Three or more times a day</i>	5	26%
<i>Total</i>	19	100%

5. Typically, what is your mode of transportation to get to work?



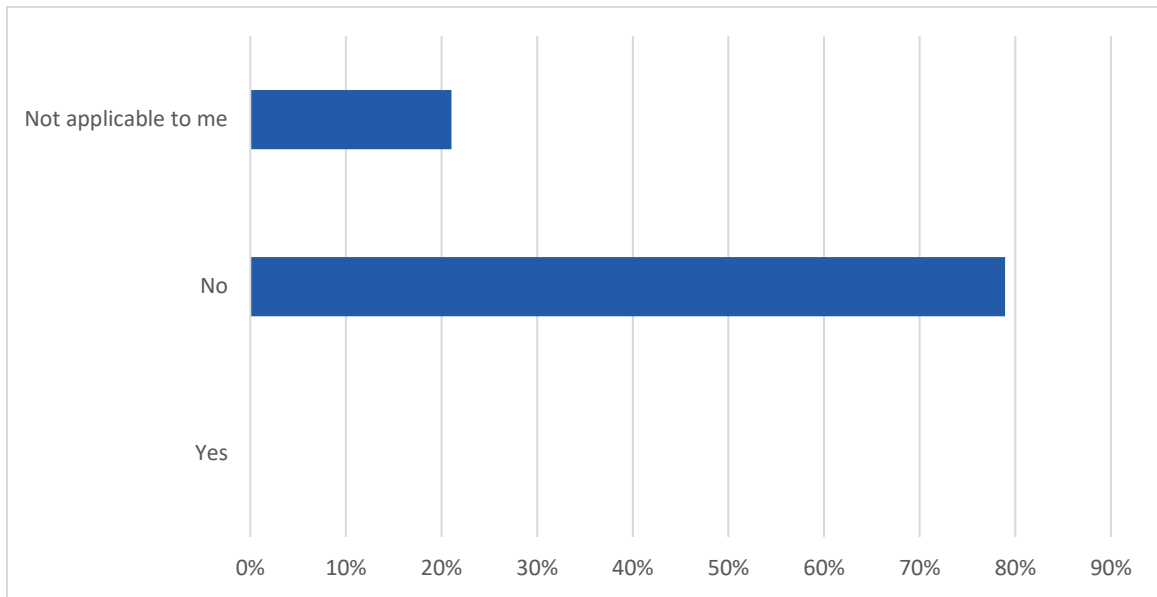
	Response Count	Response Percent
<i>I drive my car</i>	18	95%
<i>I am a passenger, and the driver works here</i>	0	0%
<i>I am a passenger, and the driver does not work here</i>	0	0%
<i>I come by public transit</i>	0	0%
<i>I walk from home</i>	1	5%
<i>I ride my bicycle, motorcycle</i>	0	0%
Total	19	100%

6. What type of space do you typically park your vehicle?



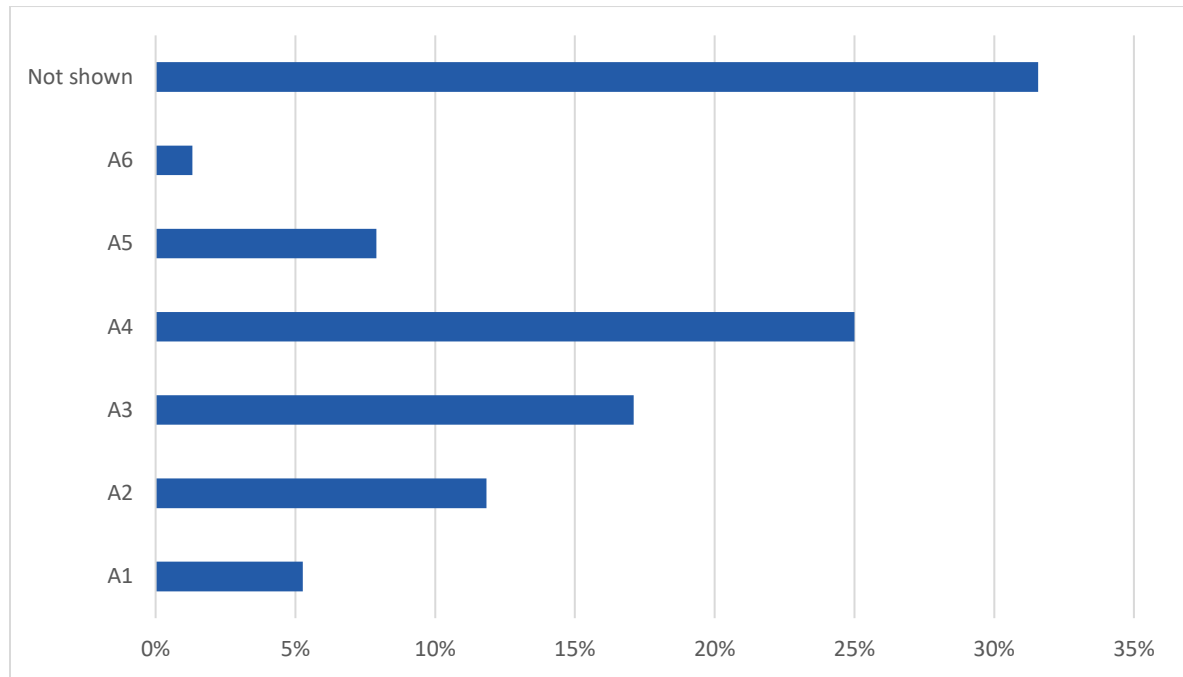
	Response Count	Response Percent
Onstreet, Meter/Pay and Display	0	0%
Onstreet, no Meter or Pay and Display	1.83	10%
Public, town surface lot	9.83	52%
Privately owned and reserved space	3	16%
Privately owned and free customer lot	4.33	23%
Privately owned and pay parking facility	0	0%
Other (please specify)	0	0%
Total	19	100%

7. Do you pay for your parking monthly?



	<i>Response Count</i>	<i>Response Percent</i>
<i>Yes</i>	0	0%
<i>No</i>	15	79%
<i>Not applicable to me</i>	4	21%
<i>Total</i>	19	100%

8. Where did you park on your most recent trip to Fonhill? See Figure 1 for Fonhill parking locations.



	<i>Response Count</i>	<i>Response Percent</i>
A1	1	5%
A2	2.25	12%
A3	3.25	17%
A4	4.75	25%
A5	1.5	8%
A6	0.25	1%
Not shown	6	32%
Total	19	100%

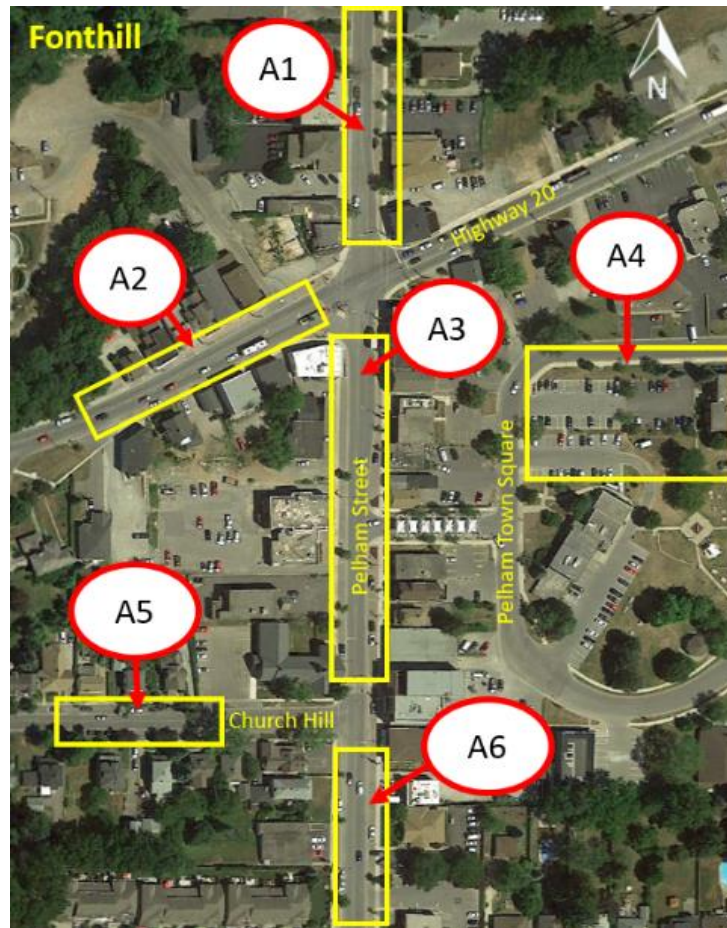
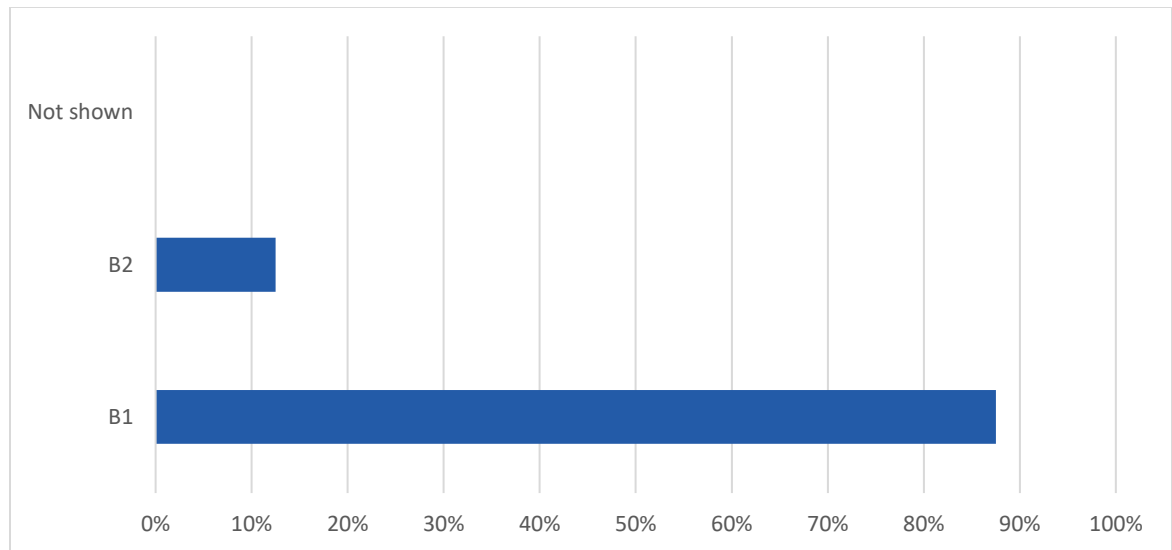


Figure 1: Fonhill Parking Locations

9. Where did you park on your most recent trip to Ridgeville? See Figure 2 for Fenwick parking locations.

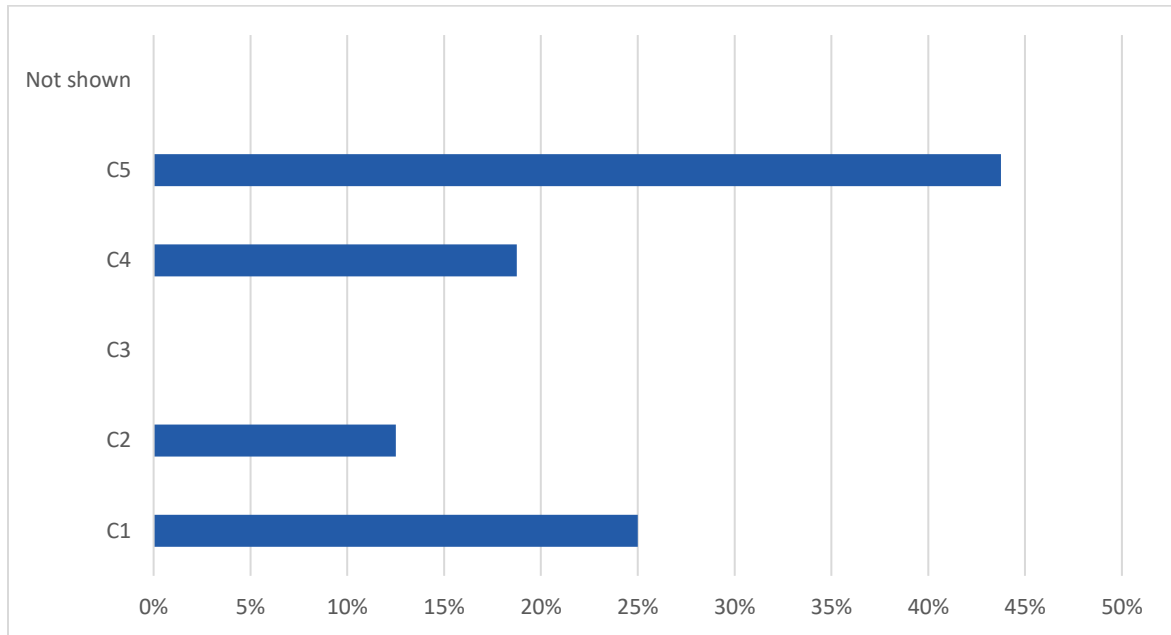


	Response Count	Response Percent
B1	7	88%
B2	1	13%
Not shown	0	0%
Total	8	100%



Figure 2: Ridgeville Parking Locations

10. Where did you park on your most recent trip to Fenwick? See Figure 3 for Fenwick parking locations.



	<i>Response Count</i>	<i>Response Percent</i>
<i>C1</i>	2	25%
<i>C2</i>	1	13%
<i>C3</i>	0	0%
<i>C4</i>	1.5	19%
<i>C5</i>	3.5	44%
<i>Not shown</i>	0	0%
<i>Total</i>	8	100%

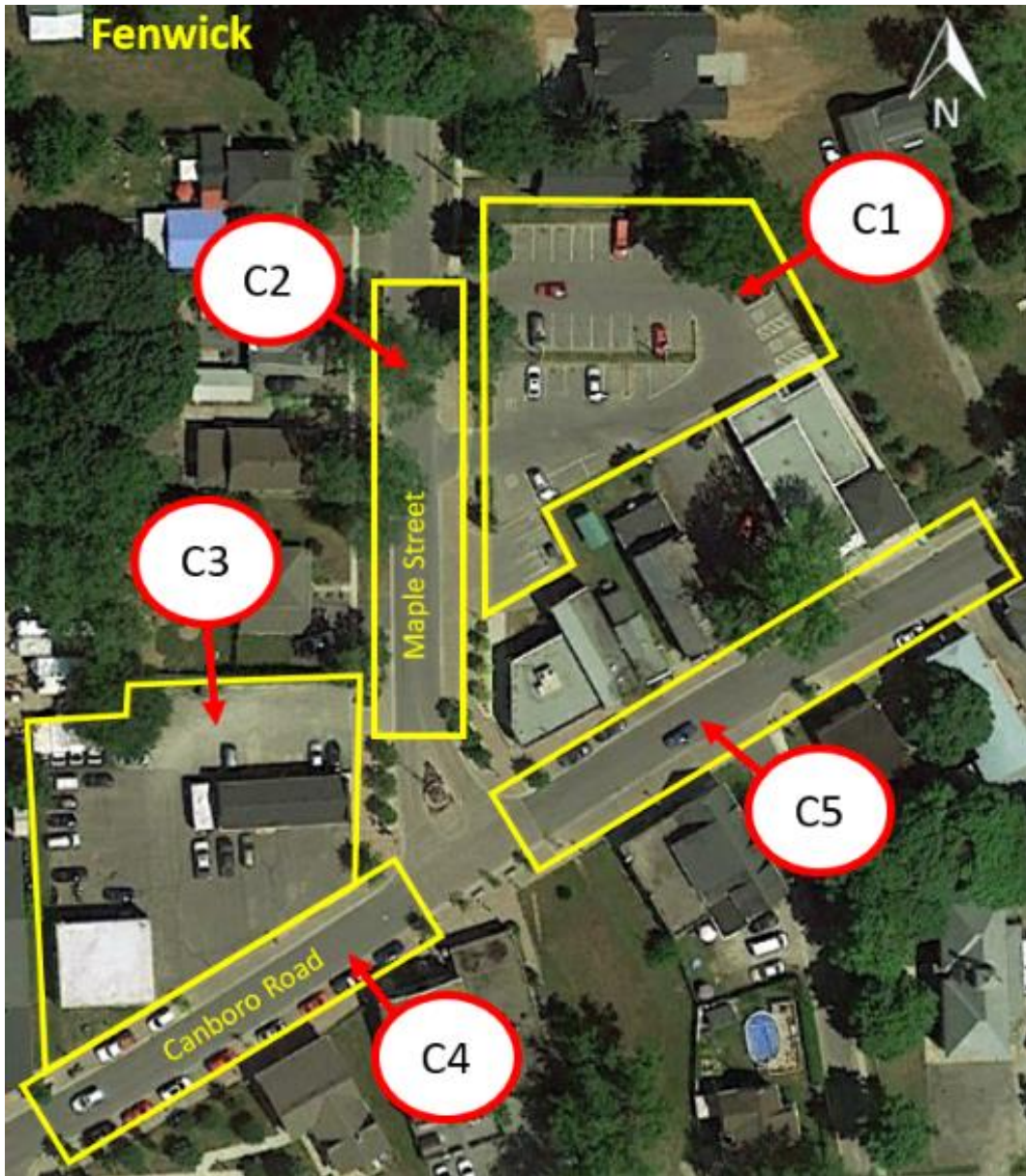
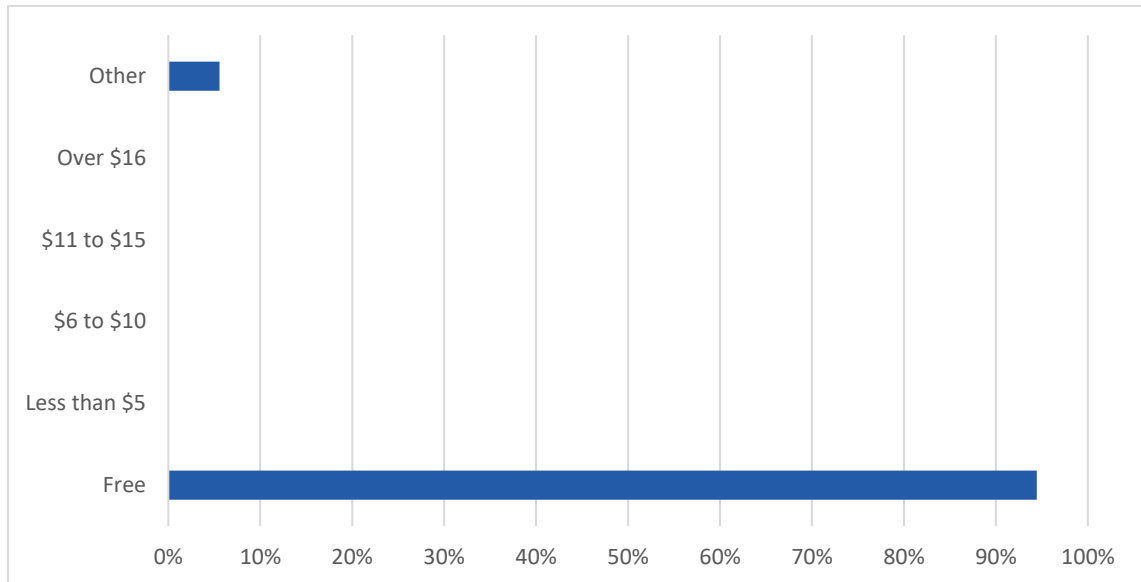


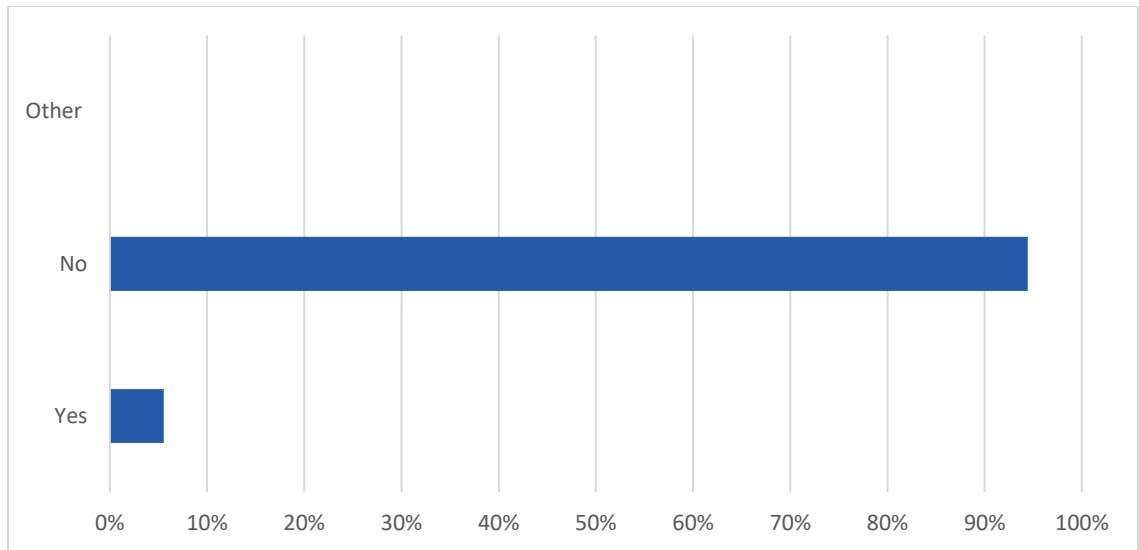
Figure 3: Fenwick Parking Locations

11. To understand the value of parking to you, please indicate the category that best matches your DAILY parking costs to you for a work-related trip. If you pay monthly, divide the monthly value by 22 days to arrive at a daily cost to you.



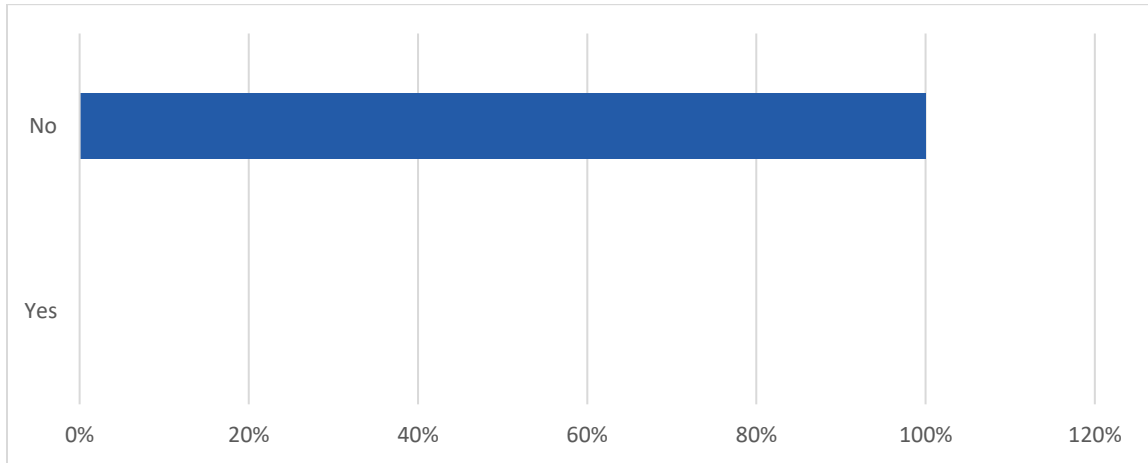
	<i>Response Count</i>	<i>Response Percent</i>
<i>Free</i>	17	94%
<i>Less than \$5</i>	0	0%
<i>\$6 to \$10</i>	0	0%
<i>\$11 to \$15</i>	0	0%
<i>Over \$16</i>	0	0%
<i>Other</i>	1	6%
<i>Total</i>	18	100%

12. Would you consider taking another mode of transportation to get to work in the near future?



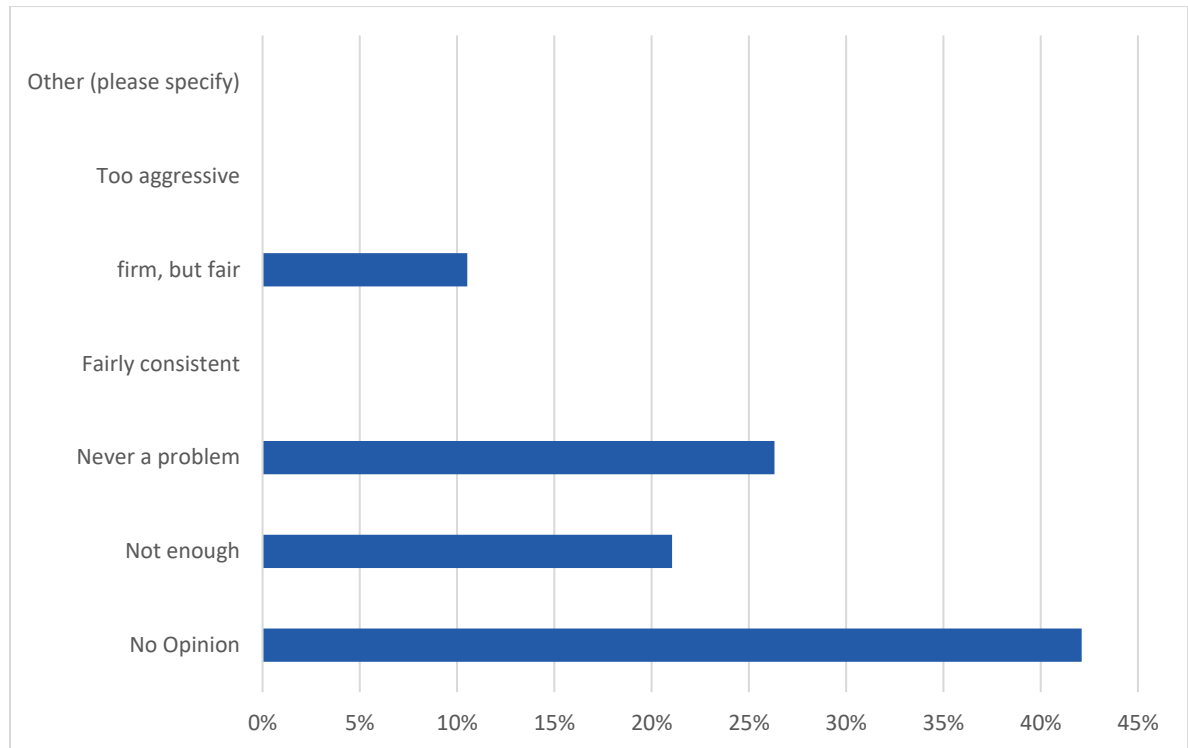
	Response Count	Response Percent
Yes	1	6%
No	17	94%
Other	0	0%
Total	18	100%

13. Have you received a parking ticket in the last four months in your area?



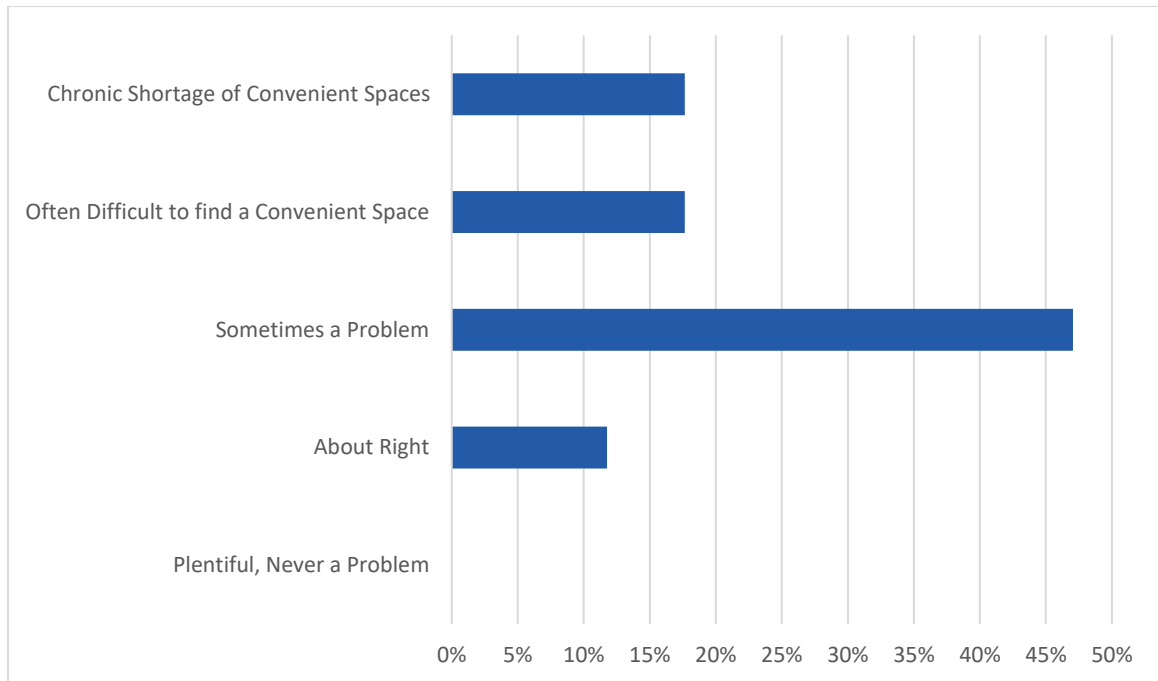
	<i>Response Count</i>	<i>Response Percent</i>
<i>Yes</i>	0	0%
<i>No</i>	19	100%
<i>Total</i>	19	100%

14. What is your opinion about the level of parking enforcement in the immediate area of your workplace?



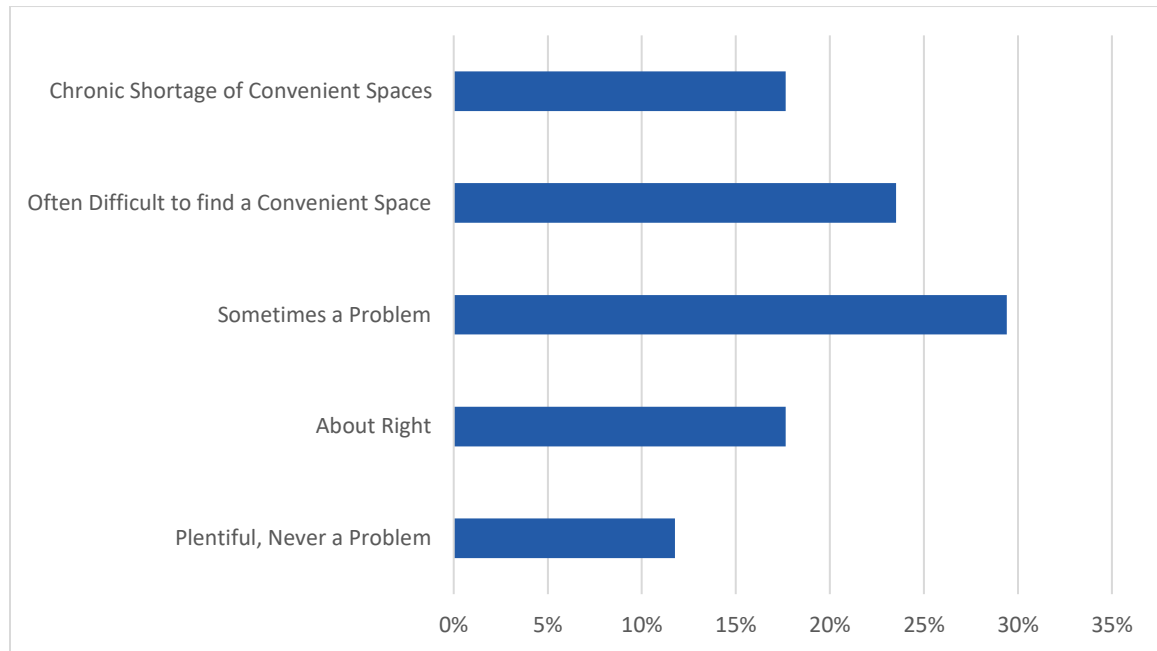
	Response Count	Response Percent
No Opinion	8	42%
Not enough	4	21%
Never a problem	5	26%
Fairly consistent	0	0%
firm, but fair	2	11%
Too aggressive	0	0%
Other (please specify)	0	0%
Total	19	100%

15. How do you feel about the availability of ON-STREET parking spaces in your area for a work-related trip?



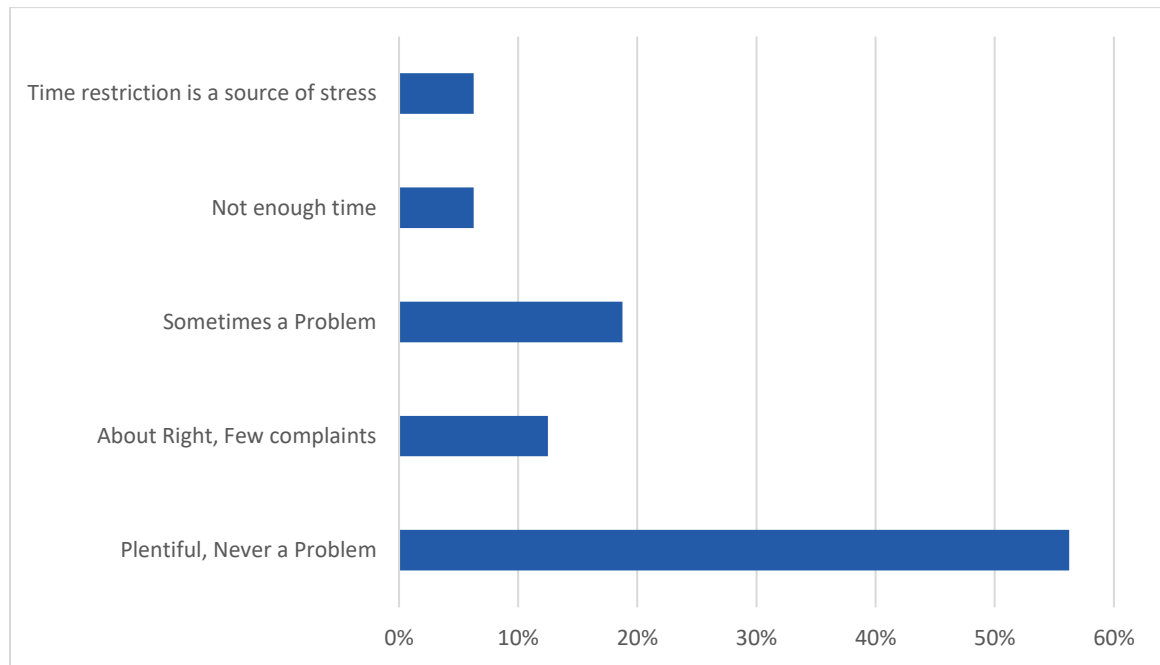
	Response Count	Response Percent
<i>Plentiful, Never a Problem</i>	0	0%
<i>About Right</i>	2	12%
<i>Sometimes a Problem</i>	8	47%
<i>Often Difficult to find a Convenient Space</i>	3	18%
<i>Chronic Shortage of Convenient Spaces</i>	3	18%
<i>Total</i>	16	94%

16. How do you feel about the availability of ON-STREET parking spaces in your area for a work-related trip?



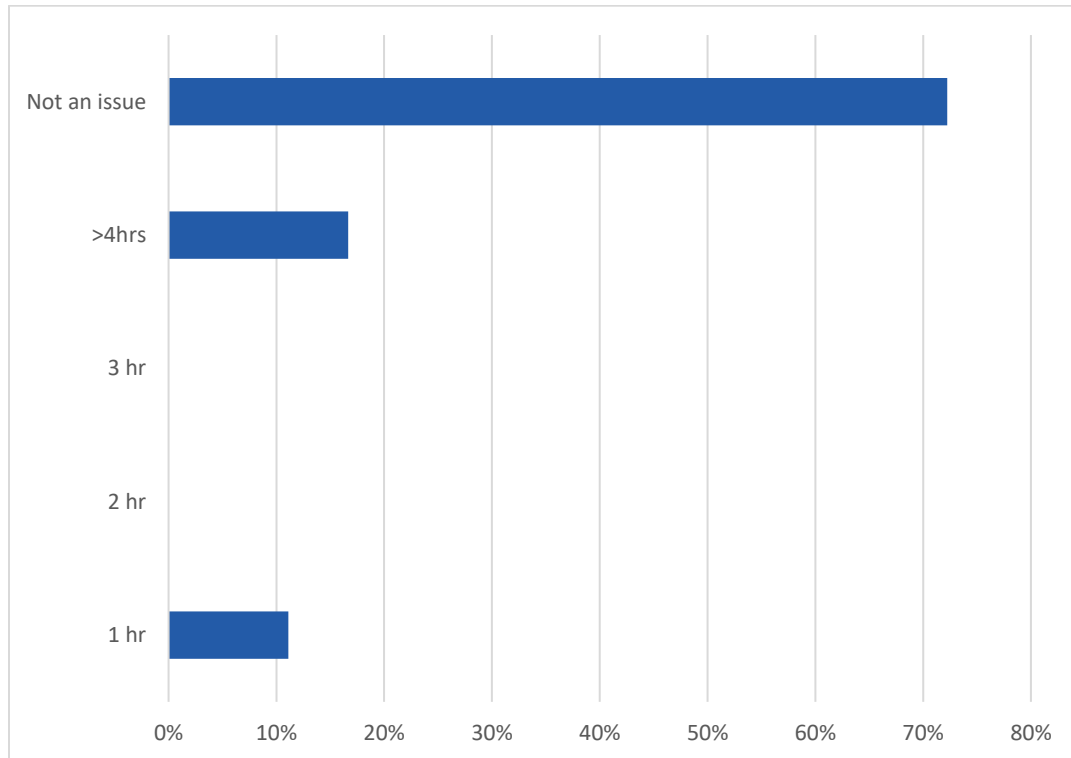
	Response Count	Response Percent
<i>Plentiful, Never a Problem</i>	2	12%
<i>About Right</i>	3	18%
<i>Sometimes a Problem</i>	5	29%
<i>Often Difficult to find a Convenient Space</i>	4	24%
<i>Chronic Shortage of Convenient Spaces</i>	3	18%
<i>Total</i>	17	100%

17. Are the parking time limits adequate for your needs?



	Response Count	Response Percent
<i>Plentiful, Never a Problem</i>	9	56%
<i>About Right, Few complaints</i>	2	13%
<i>Sometimes a Problem</i>	3	19%
<i>Not enough time</i>	1	6%
<i>Time restriction is a source of stress</i>	1	6%
<i>Total</i>	16	100%

18. If the parking time limit is a concern, please indicate below the length of time you think would help.



	Response Count	Response Percent
1 hr	2	11%
2 hr	0	0%
3 hr	0	0%
>4hrs	3	17%
Not an issue	13	72%
Total	18	100%

1.1 Written Responses

We're committed to monitoring the quality of parking services. As part of an ongoing improvement in our customer service we would appreciate your feedback.

<i>Comment Category</i>	<i>Comments</i>
<i>Client Parking difficulty</i>	<ul style="list-style-type: none">• As a downtown business owner,, would love for a more secured intersection as the unnecessary speed increased and very difficult for my clients to enter or exit my limited available parking I can provide for them. They do use the Town Parking but that yet is limited to them as it is blocked on days that are unannounced.. I try to redirect them to available to my knowledge when they come to appointment where other possible parking can be available for the follow up appointment.. i do have several parking down at the Shoppers Giant Tiger Plaza and walk up.. but then i worry about the speed demons on HWY 20.. they do find their way in and very grateful for this as I am now on my 7th year in Fonthill :)• As a business owner there are often shortages on parking spaces and I have lost business because of it• There are a number of businesses along Pelham Street that could benefit from combining and reconfiguring their own parking spaces. Instead they use the Municipal Parking lots for free.. which is ok if that service is intended to support downtown businesses at the expense of lost parking revenue and inconvenience to staff and visitors to Town Hall.• We need a central downtown Fonthill parking lot that is convenient to get to the downtown businesses, especially for those with disabilities, wheelchairs etc.. many without handicapped signs need to be within a 3 minute walk, especially in the winter.
<i>Parking Enforcement</i>	<ul style="list-style-type: none">• Bylaw should be more rigorously enforcing parking laws generally, and specifically the No Parking area noted above. Tickets, tickets, tickets! Cheers

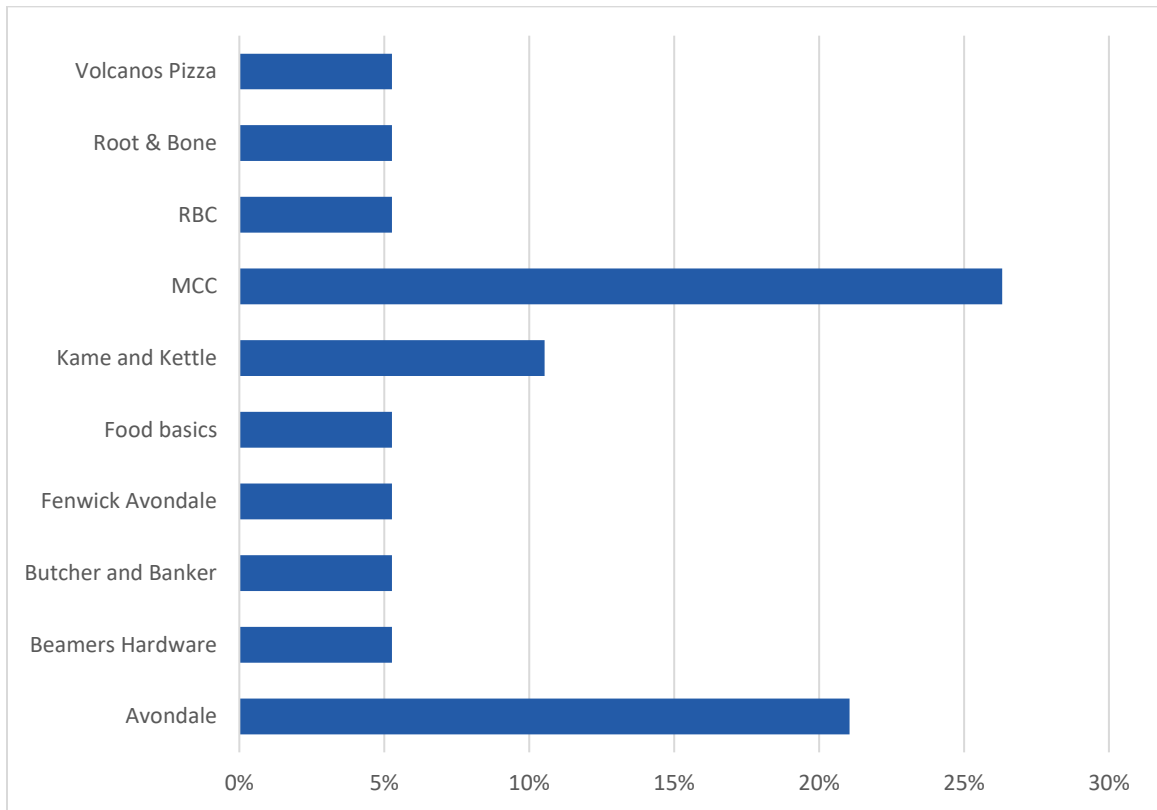
*Other
Parking*

- RESIDENCE PARK ON STREET ON CORNERS AND BUSY AREAS MAKES IT VERY HARD TO GET PAST WHEN TRAFFIC IS COMING (((NO PARKING ON CORNERS SHOULD BE ENFORCED
- PARKING AT STOP SIGNS REALLY SHOULD BE POSTED NO PARKING ON AREAS OF STOP SIGNS AND CORNERS NEED SIGNS NO PARKING
- We have an ongoing problem on the west side of Pelham Street, which is why I have completed this survey. While there is a No Parking sign immediately to the south of our driveway entrance, drivers park in this space all the time anyway. This is a significant safety hazard for vehicles attempting to enter Pelham Street from our parking lot. Either constant enforcement is needed by Bylaw, or a solid barrier should be installed to prevent people from parking here.
- Would like to see more parking along Town Sq Blvd in Fonthill and angled parking on Pelham street
- More parking is needed at MCC
- Parking spaces in Fenwick are not clearly marked. There is not enough contrast between the red bricks and the grey bricks outlining the spaces. Demarcating spaces clearly would help people use the spaces properly.
- The benches at the bottom of Maple are dumb. No one wants to sit that close to the road (and recently the benches have been covered with plants), and they take up at least 2 spots in front of the post office, where people need to stop in regularly.
- the public lot North of Canboro needs paid spots in it. McKeen Construction and several residents use it for free parking/instead of parking in their own driveways. A monthly tag would put more people in their own driveways, generate some revenue, and probably reduce the number of cars in it.
- Paving and signing the shoulders on Maple would provide a tonne of parking pretty cost effectively.
- The spacing between the lamp posts and the parking needs to be looked at. There are a few spots where people pull up

to the lamp posts, which blocks the whole sidewalk. Forces kids to walk on the road, especially in the winter.

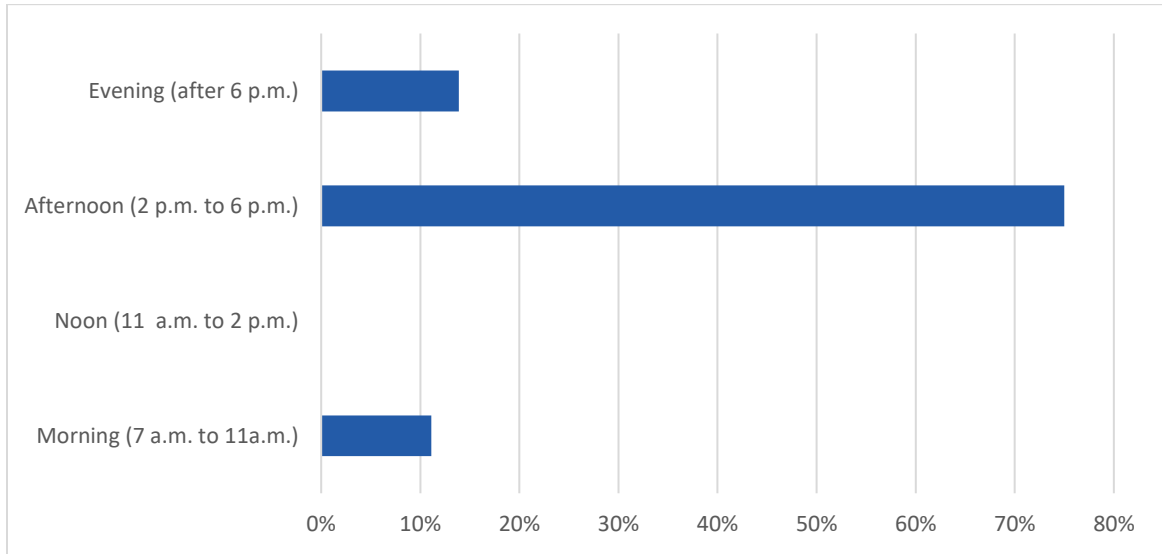
Customer and Resident Parking Survey Results

1. Identify the First Destination on This Trip:



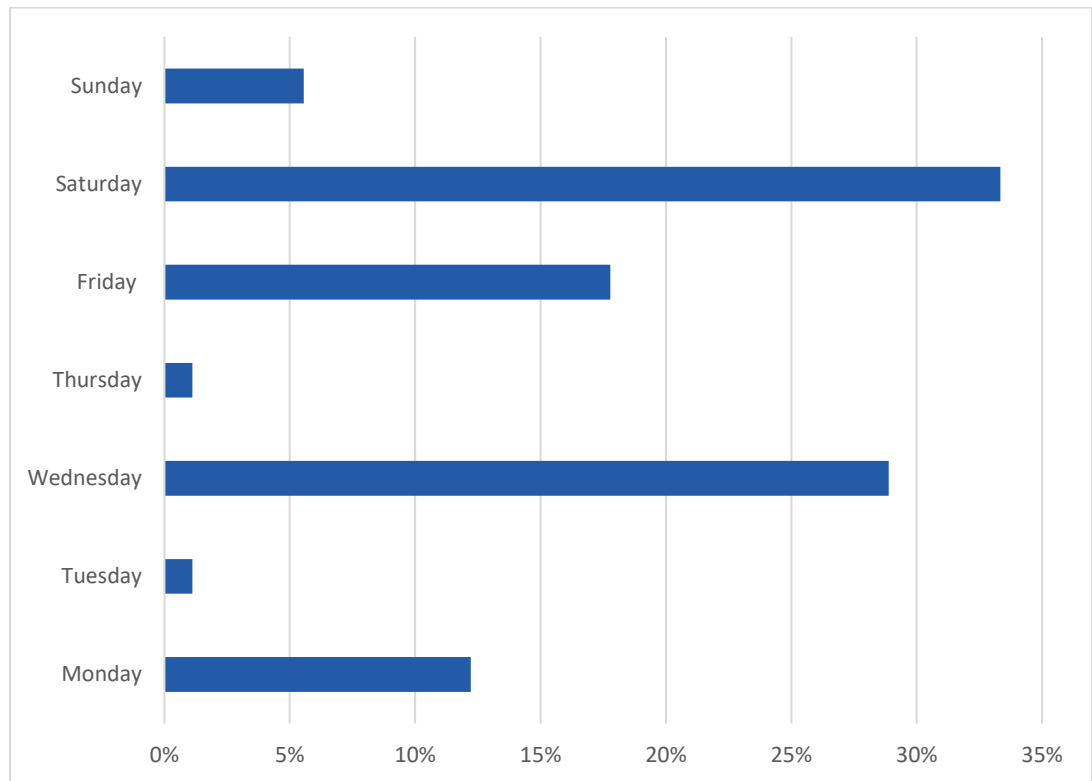
	Response Count	Response Percent
<i>Avondale</i>	4	21%
<i>Beamers Hardware</i>	1	5%
<i>Butcher and Banker</i>	1	5%
<i>Fenwick Avondale</i>	1	5%
<i>Food basics</i>	1	5%
<i>Kame and Kettle</i>	2	11%
<i>MCC</i>	5	26%
<i>RBC</i>	1	5%
<i>Root & Bone</i>	1	5%
<i>Volcanos Pizza</i>	1	5%
<i>Total</i>	18	100%

2. What time of day did you make your trip?



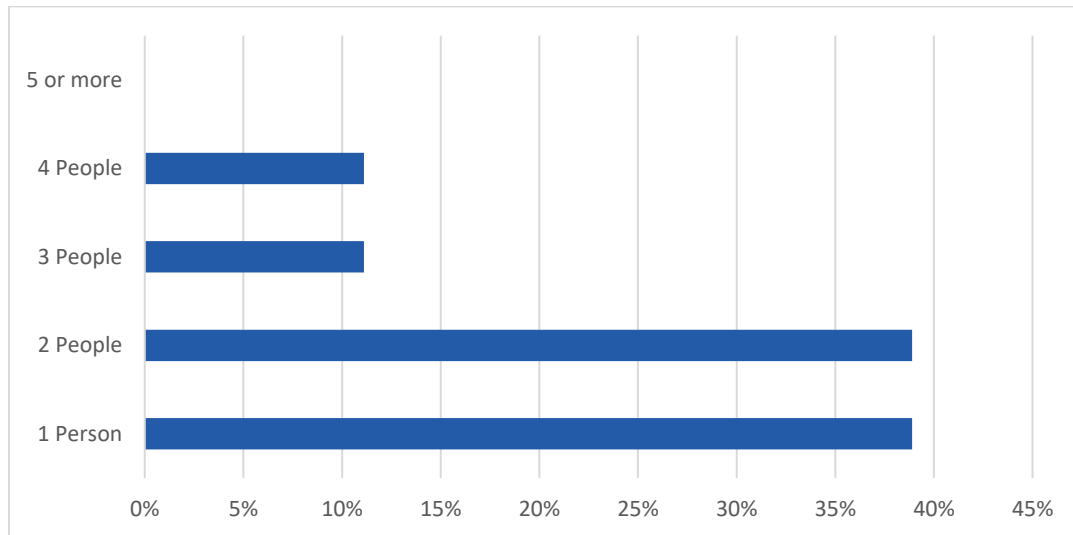
	<i>Response Count</i>	<i>Response Percent</i>
<i>Morning (7 a.m. to 11a.m.)</i>	2	11%
<i>Noon (11 a.m. to 2 p.m.)</i>	0	0%
<i>Afternoon (2 p.m. to 6 p.m.)</i>	13.5	75%
<i>Evening (after 6 p.m.)</i>	2.5	14%
<i>Total</i>	18	100%

3. Which day of the week did you make your trip?



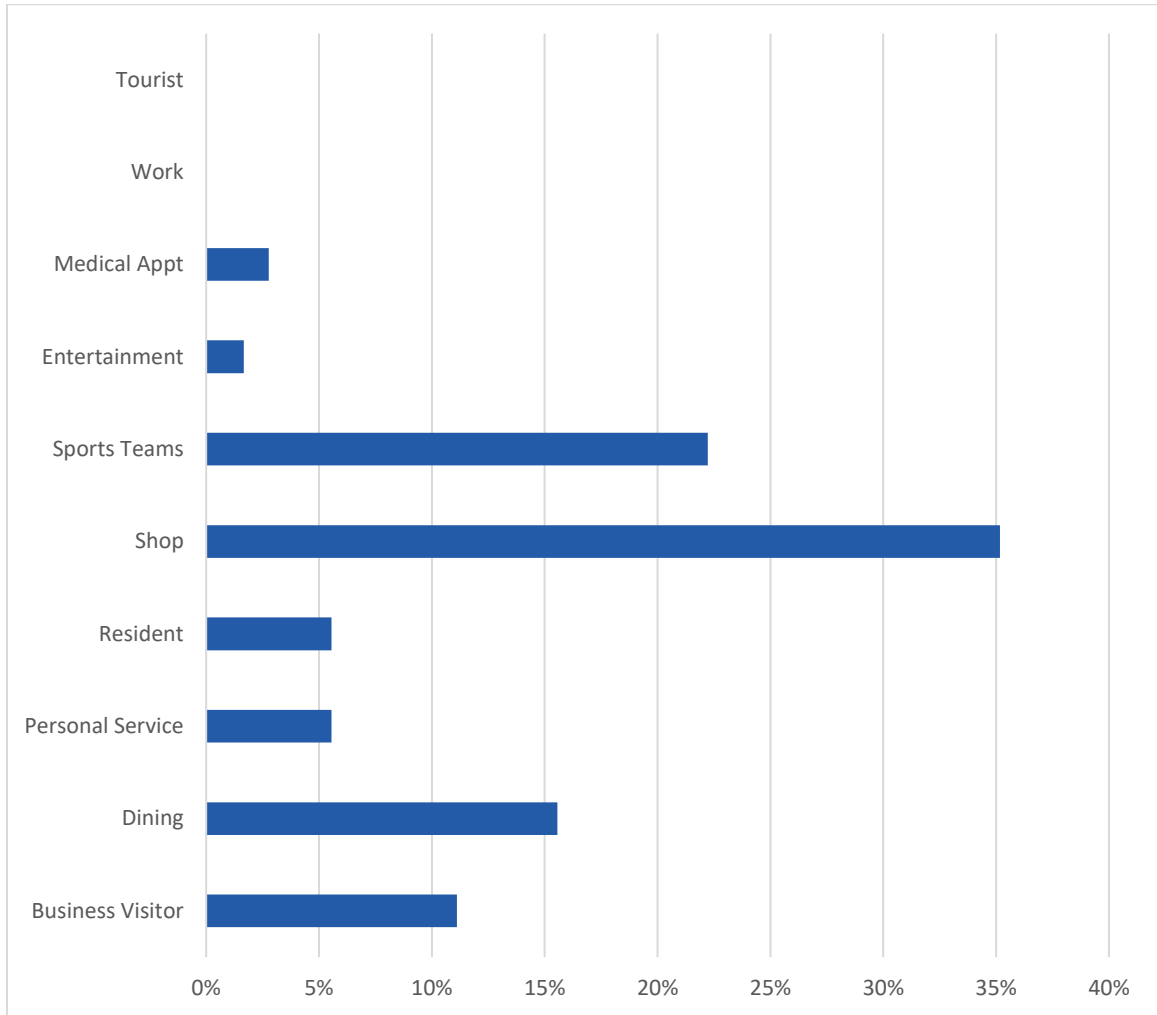
	Response Count	Response Percent
Monday	2.2	12%
Tuesday	0.2	1%
Wednesday	5.2	29%
Thursday	0.2	1%
Friday	3.2	18%
Saturday	6	33%
Sunday	1	6%
Total	18	100%

4. Including yourself, how many persons did you come with on this trip?



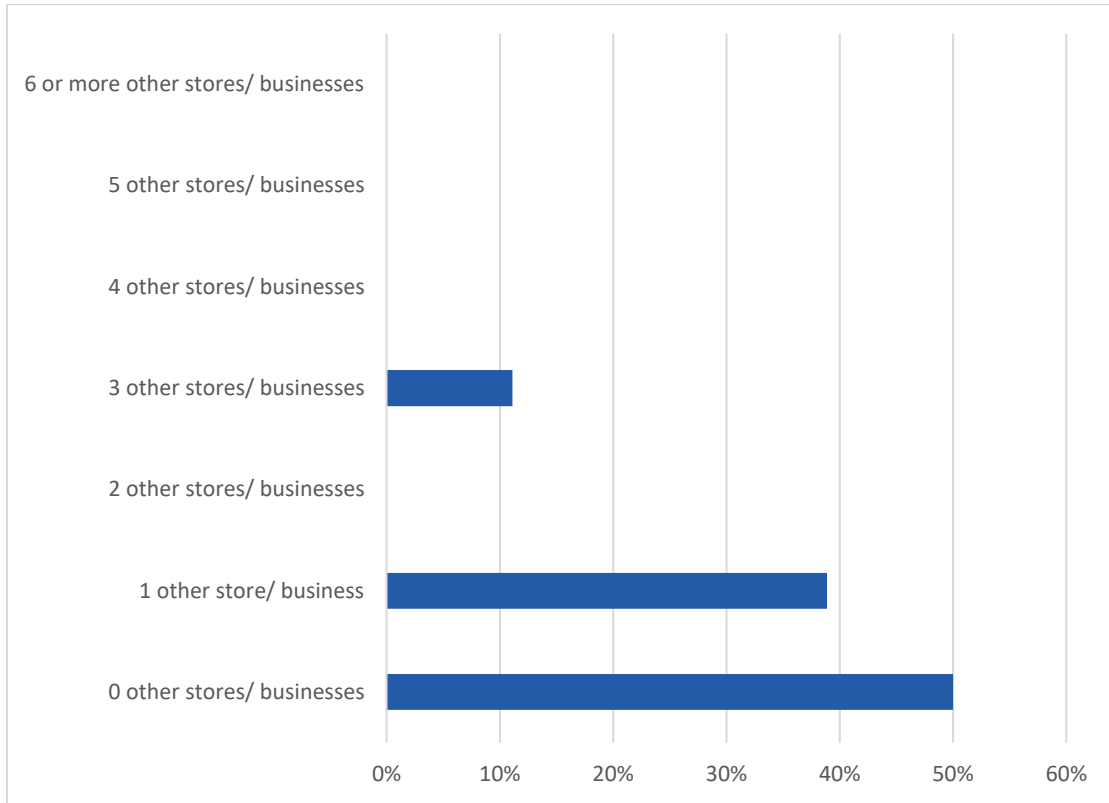
	<i>Response Count</i>	<i>Response Percentage</i>
<i>1 Person</i>	7	39%
<i>2 People</i>	7	39%
<i>3 People</i>	2	11%
<i>4 People</i>	2	11%
<i>5 or more</i>	0	0%
<i>Total</i>	18	100%

5. What was the primary purpose of your trip?



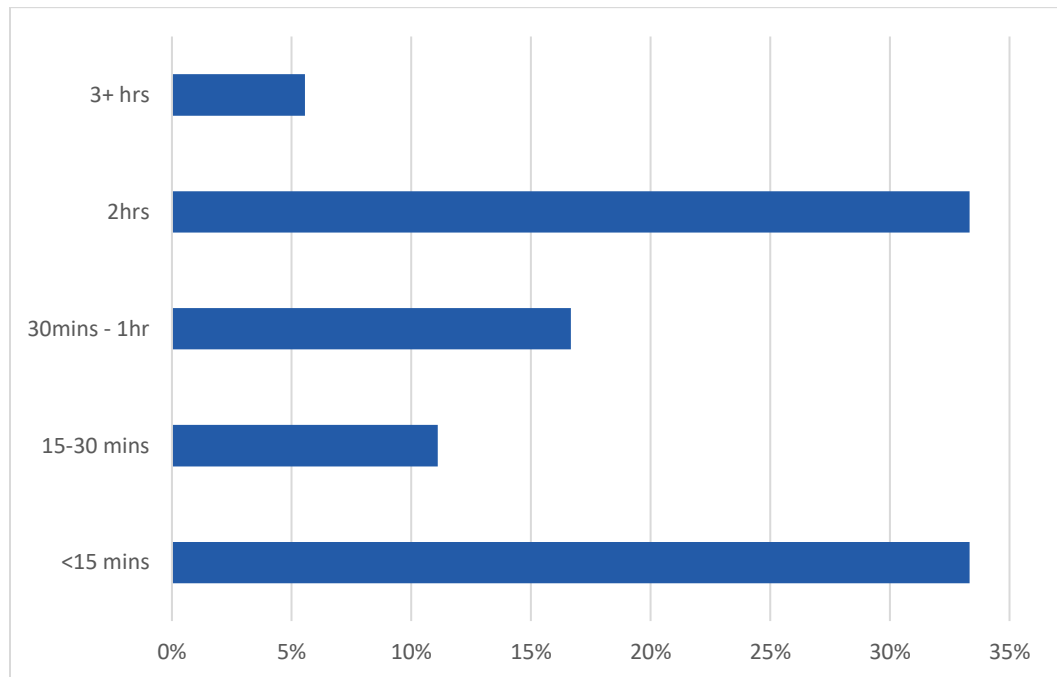
	Response Count	Response Percent
<i>Business Visitor</i>	2	11%
<i>Dining</i>	2.8	16%
<i>Personal Service</i>	1	6%
<i>Resident</i>	1	6%
<i>Shop</i>	6.3	35%
<i>Sports Teams</i>	4	22%
<i>Entertainment</i>	0.3	2%
<i>Medical Appt</i>	0.5	3%
<i>Work</i>	0	0%
<i>Tourist</i>	0	0%
<i>Total</i>	18	100%

6. On your trip, how many other stores or businesses in the area did you visit?



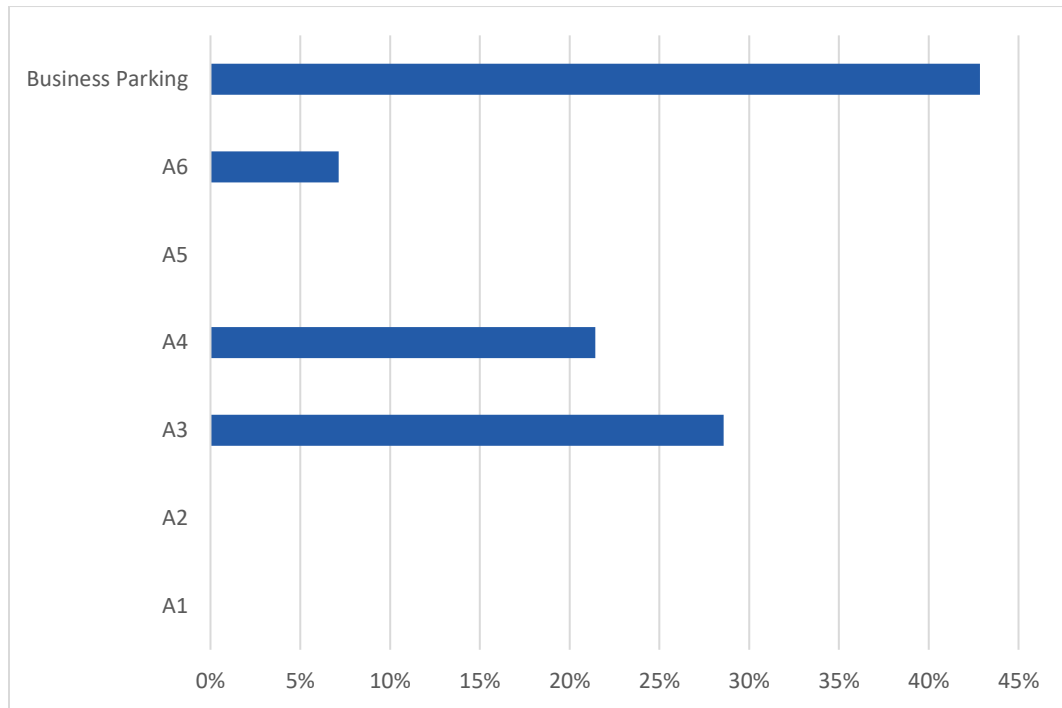
	Response Count	Response Percentage
0 other stores/ businesses	9	50%
1 other store/ business	7	39%
2 other stores/ businesses	0	0%
3 other stores/ businesses	2	11%
4 other stores/ businesses	0	0%
5 other stores/ businesses	0	0%
6 or more other stores/ businesses	0	0%
Total	18	100%

7. How long did you stay in this area on this most recent trip?



	Response Count	Response Percentage
<15 mins	6	33%
15-30 mins	2	11%
30mins - 1hr	3	17%
2hrs	6	33%
3+ hrs	1	6%
Total	18	100%

8. Where did you park on your most recent trip to Fontheil? See Figure 1 for Fontheil parking locations.



	Response Count	Response Percentage
A1	0	0%
A2	0	0%
A3	4	29%
A4	3	21%
A5	0	0%
A6	1	7%
Business Parking	6	43%
Total	14	100%

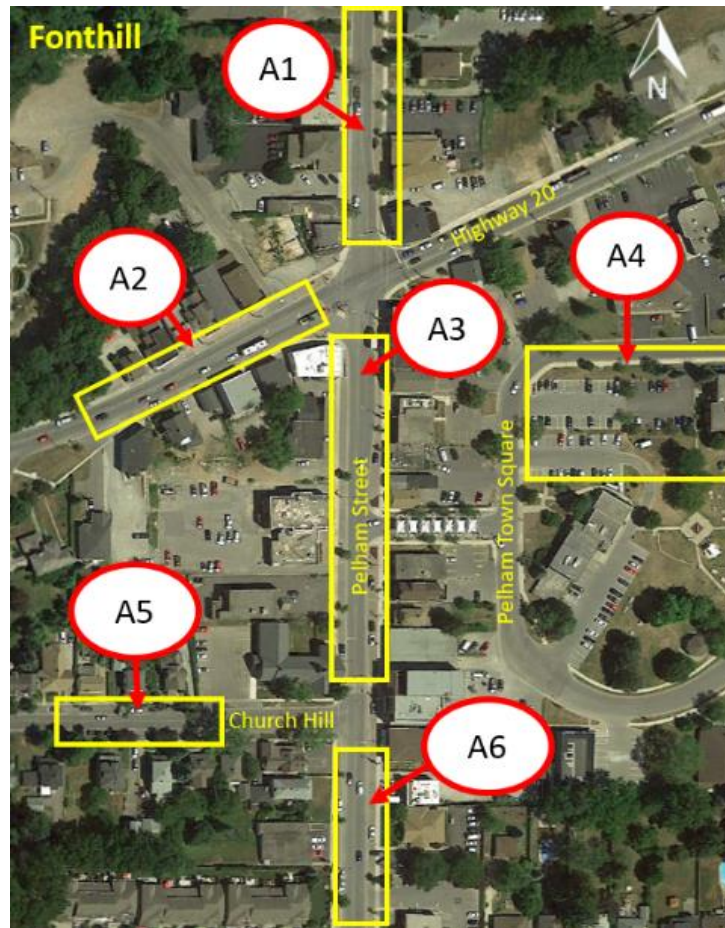
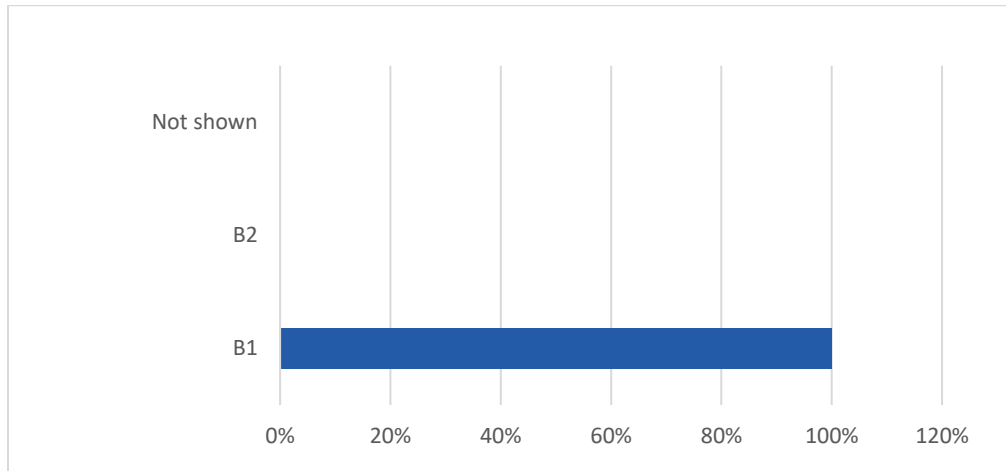


Figure 1: Fonhill Parking Locations

9. Where did you park on your most recent trip to Ridgeville? See Figure 2 for Ridgeville parking locations.

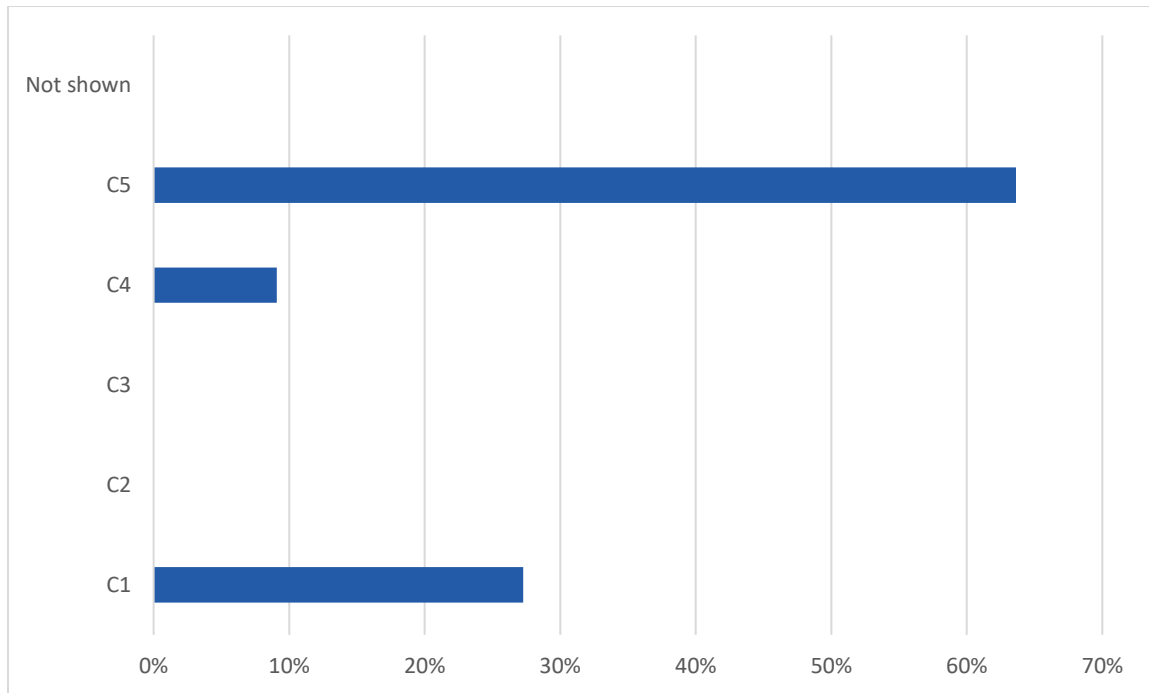


	Response Count	Response Percentage
B1	7	39%
B2	0	0%
Not shown	0	0%
Total	7	100%



Figure 2: Ridgeville Parking Locations

10. Where did you park on your most recent trip to Fenwick? See Figure 3 for Fenwick parking locations.



	Response Count	Response Percentage
C1	3	27%
C2	0	0%
C3	0	0%
C4	1	9%
C5	7	64%
Not shown	0	0%
Total	11	100%

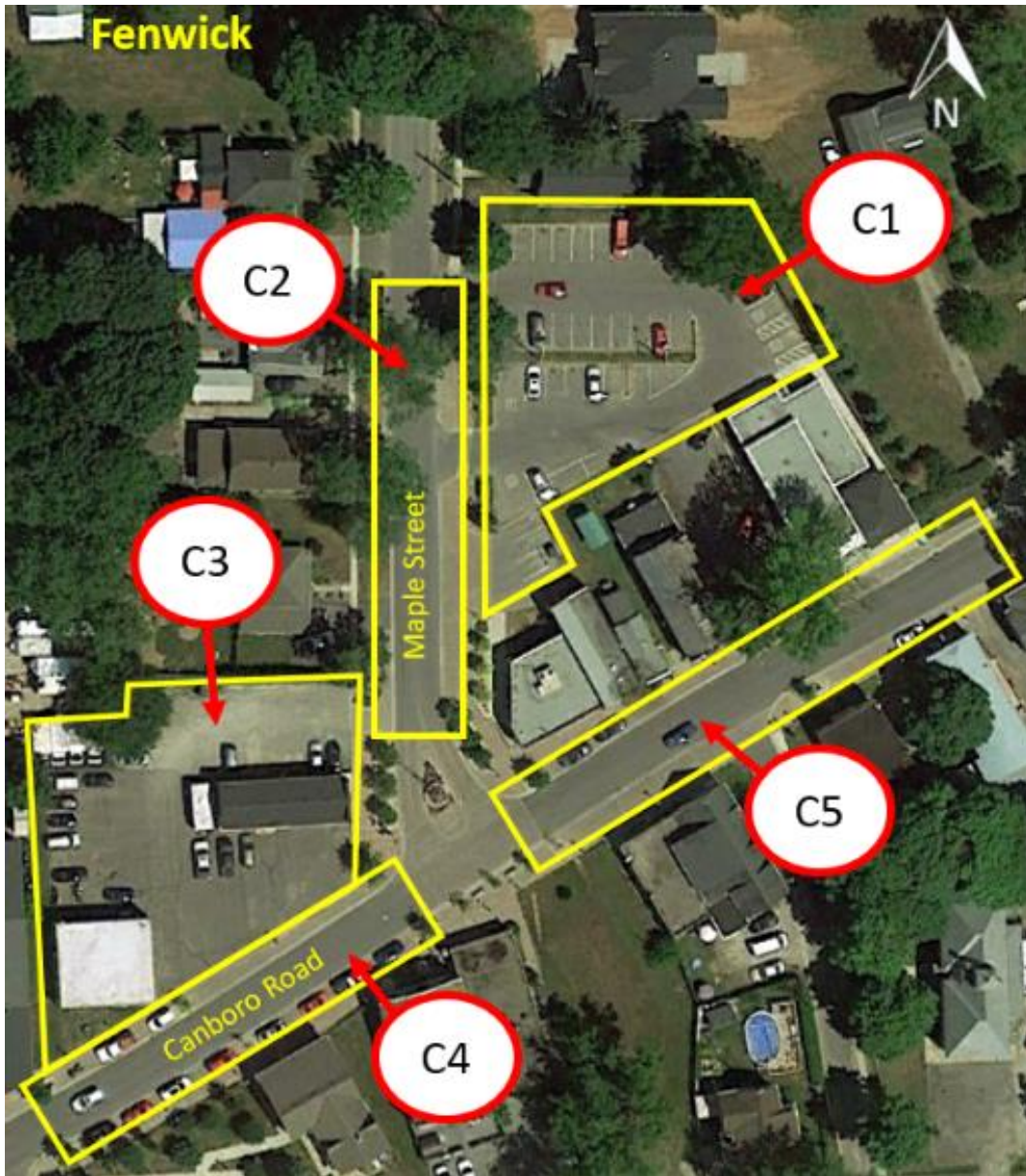
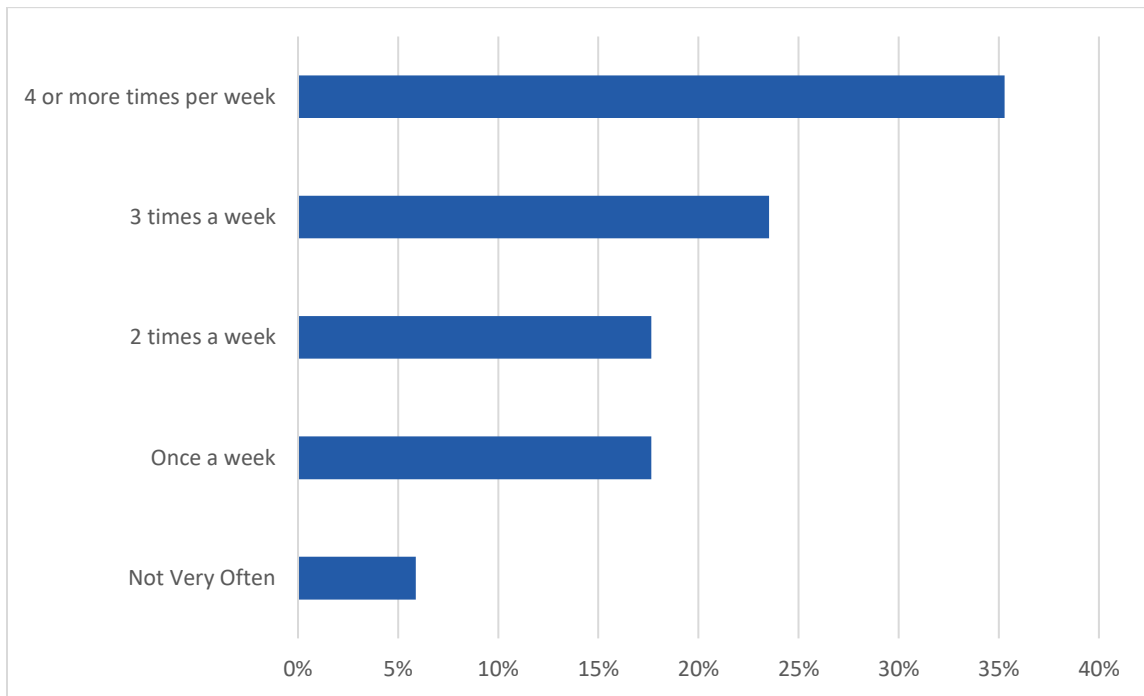


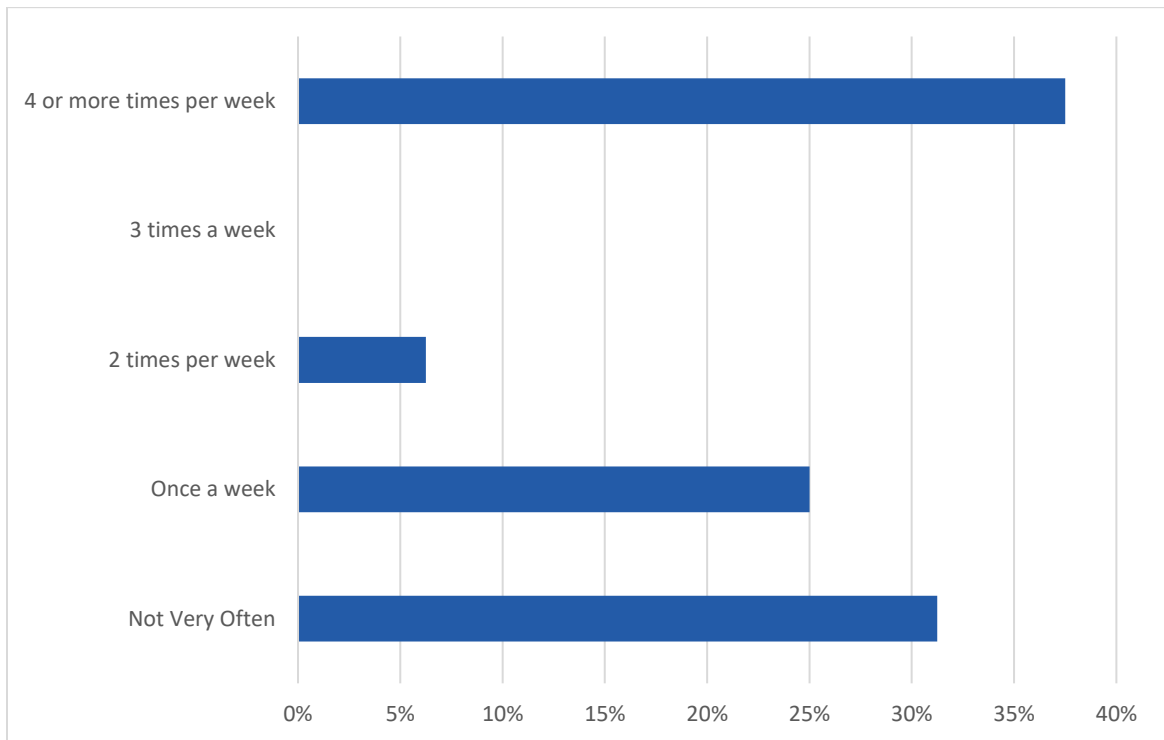
Figure 3: Fenwick Parking Locations

11. How often do you come to this location for non-work purposes? FONTILL



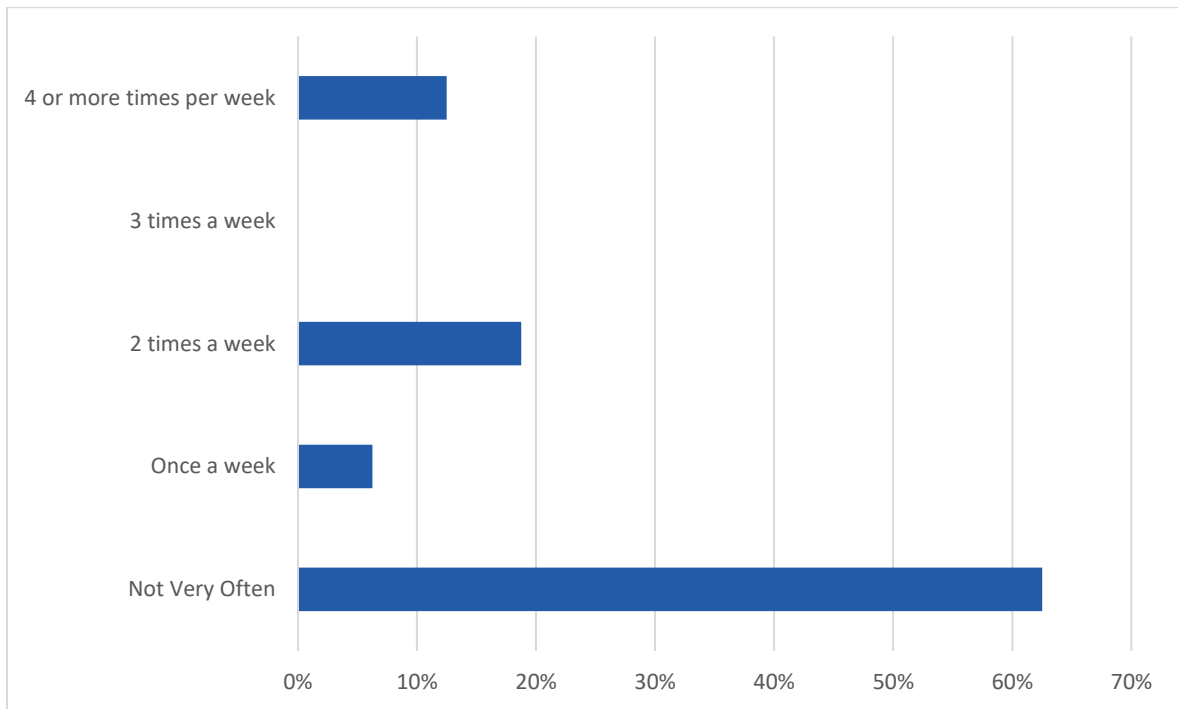
	Response Count	Response Percentage
Not Very Often	1	6%
Once a week	3	18%
2 times a week	3	18%
3 times a week	4	24%
4 or more times per week	6	35%
Total	16	100%

12. How often do you come to this location for non-work purposes? FENWICK



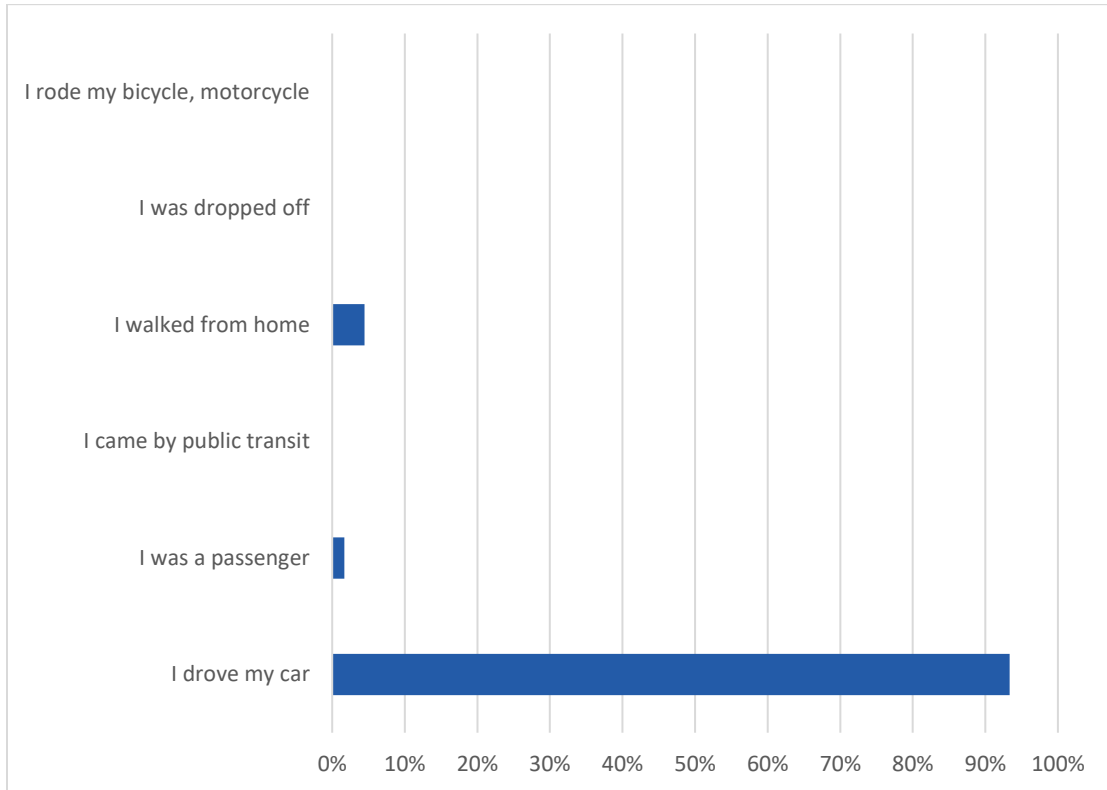
	Response Count	Response Percentage
Not Very Often	5	31%
Once a week	4	25%
2 times per week	1	6%
3 times a week	0	0%
4 or more times per week	6	38%
Total	16	100%

13. How often do you come to this location for non-work purposes? RIDGEVILLE



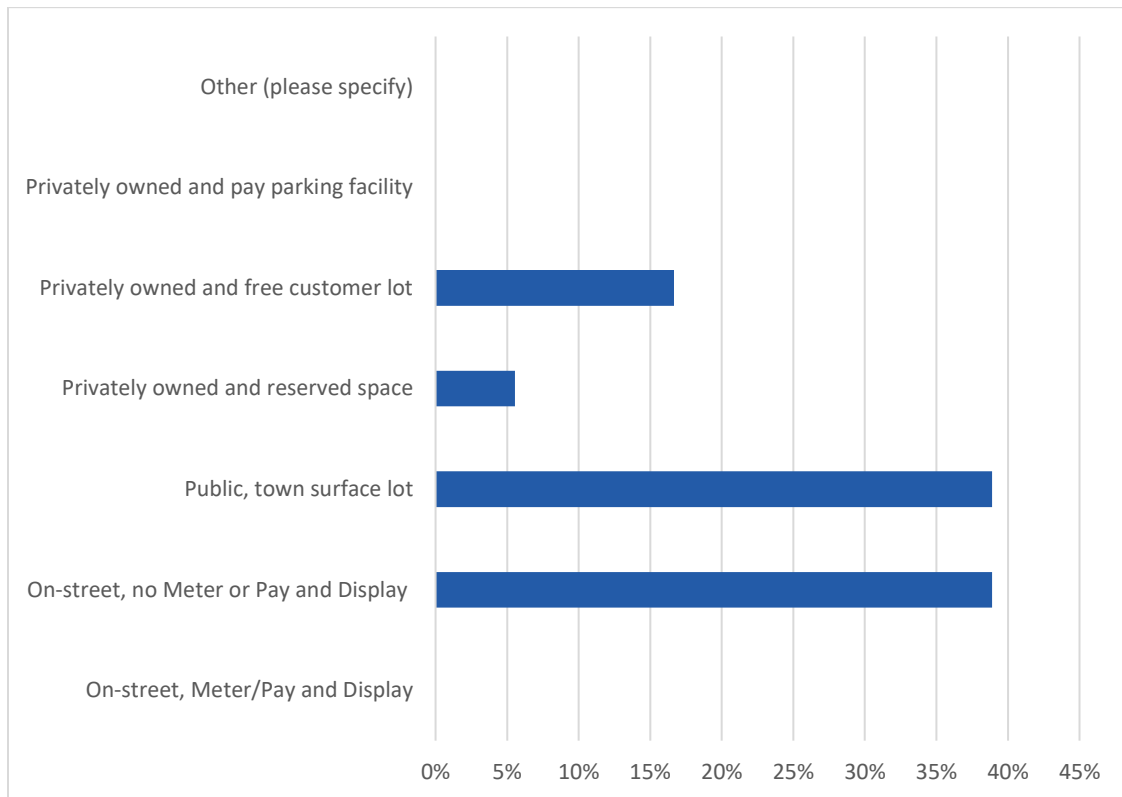
	Response Count	Response Percentage
Not Very Often	10	63%
Once a week	1	6%
2 times a week	3	19%
3 times a week	0	0%
4 or more times per week	2	13%
Total	16	100%

14. Typically, what is your mode of transportation to get to work?



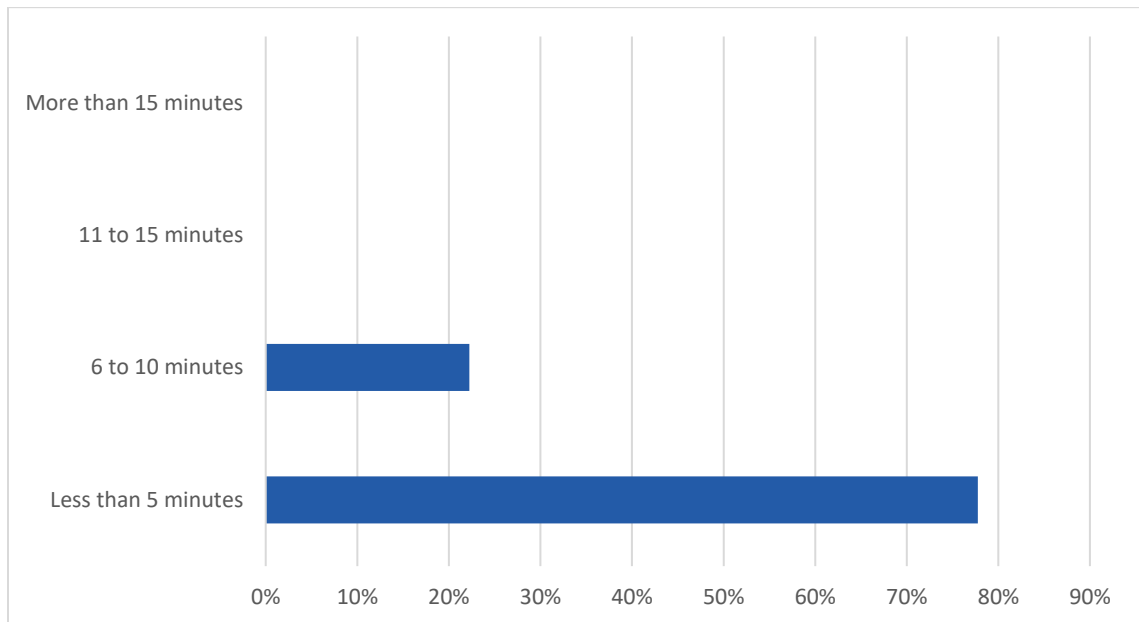
	Response Count	Response Percentage
<i>I drove my car</i>	16.8	93%
<i>I was a passenger</i>	0.3	2%
<i>I came by public transit</i>	0	0%
<i>I walked from home</i>	0.8	4%
<i>I was dropped off</i>	0	0%
<i>I rode my bicycle, motorcycle</i>	0	0%
<i>Total</i>	18	100%

15. What type of space do you typically park your vehicle?



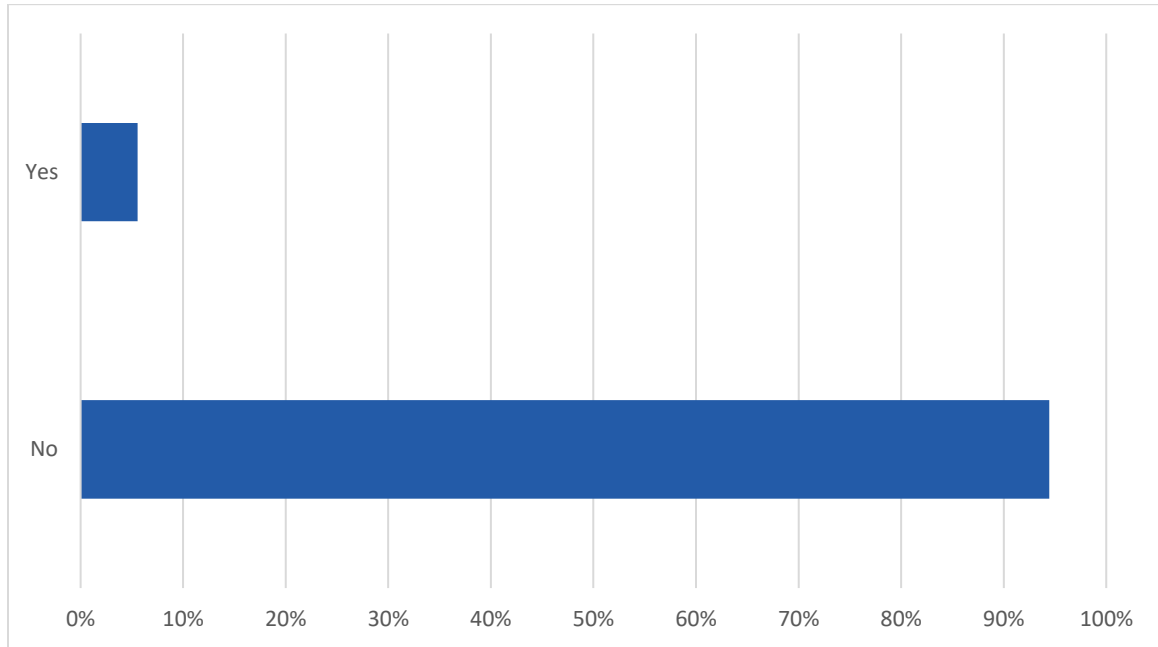
	Response Count	Response Percentage
<i>Onstreet, Meter/Pay and Display</i>	0	0%
<i>Onstreet, no Meter or Pay and Display</i>	7	39%
<i>Public, town surface lot</i>	7	39%
<i>Privately owned and reserved space</i>	1	6%
<i>Privately owned and free customer lot</i>	3	17%
<i>Privately owned and pay parking facility</i>	0	0%
<i>Other (please specify)</i>	0	0%
Total	18	100%

16. Estimate how long it took to find your parking space on your most recent trip.



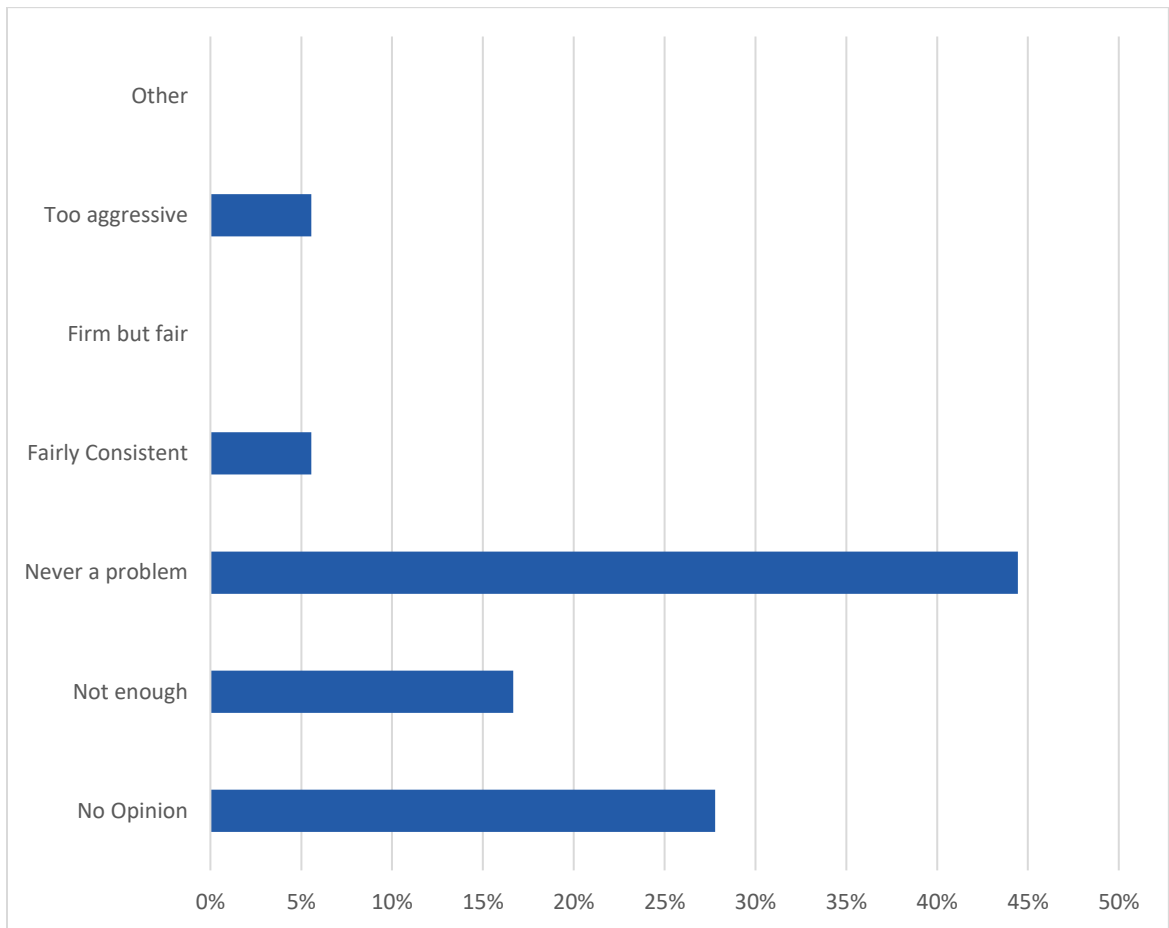
	<i>Response Count</i>	<i>Response Percentage</i>
<i>Less than 5 minutes</i>	14	78%
<i>6 to 10 minutes</i>	4	22%
<i>11 to 15 minutes</i>	0	0%
<i>More than 15 minutes</i>	0	0%
<i>Total</i>	18	100%

17. Have you received a parking ticket in the last four months in this area?



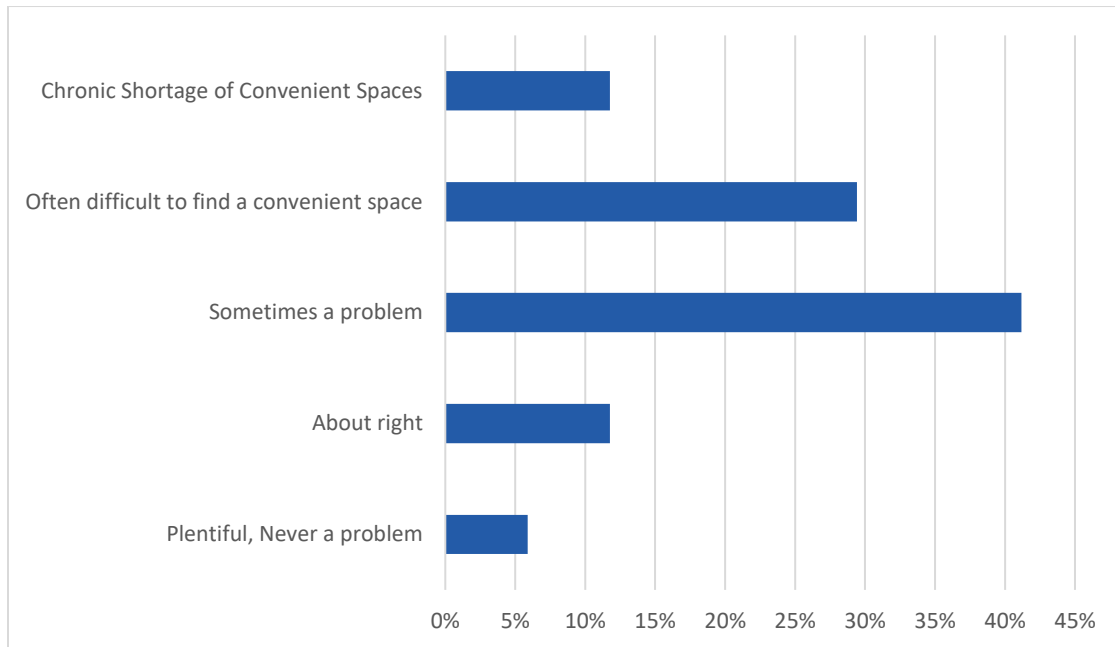
	Response Count	Response Percentage
No	17	94%
Yes	1	6%
Total	18	100%

18. What is your opinion about the level of parking enforcement?



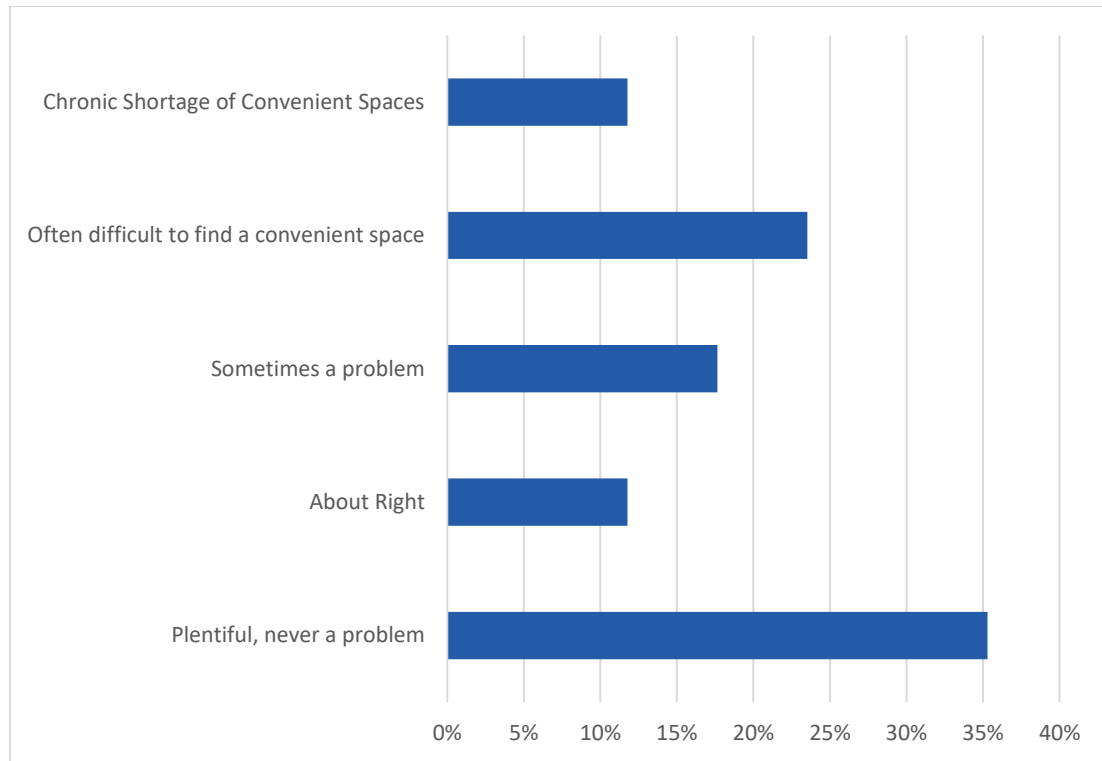
	Response Count	Response Percent
No Opinion	5	28%
Not enough	3	17%
Never a problem	8	44%
Fairly Consistent	1	6%
Firm but fair	0	0%
Too aggressive	1	6%
Other	0	0%
Total	18	56%

19. How do you feel about the availability of parking spaces in this area? Fonthill
On-Street



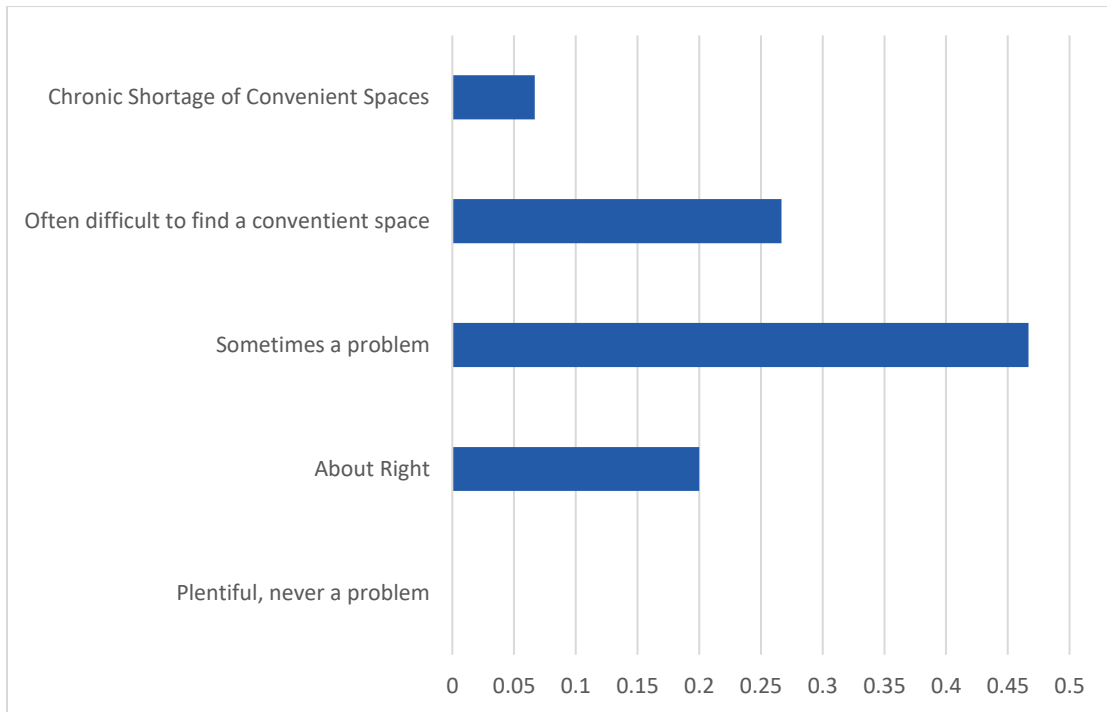
	Response Count	Response Percent
Plentiful, Never a problem	1	6%
About right	2	12%
Sometimes a problem	7	41%
Often difficult to find a convenient space	5	29%
Chronic Shortage of Convenient Spaces	2	12%
Total	17	100%

20. How do you feel about the availability of parking spaces in this area? FONTHILL
OFF STREET



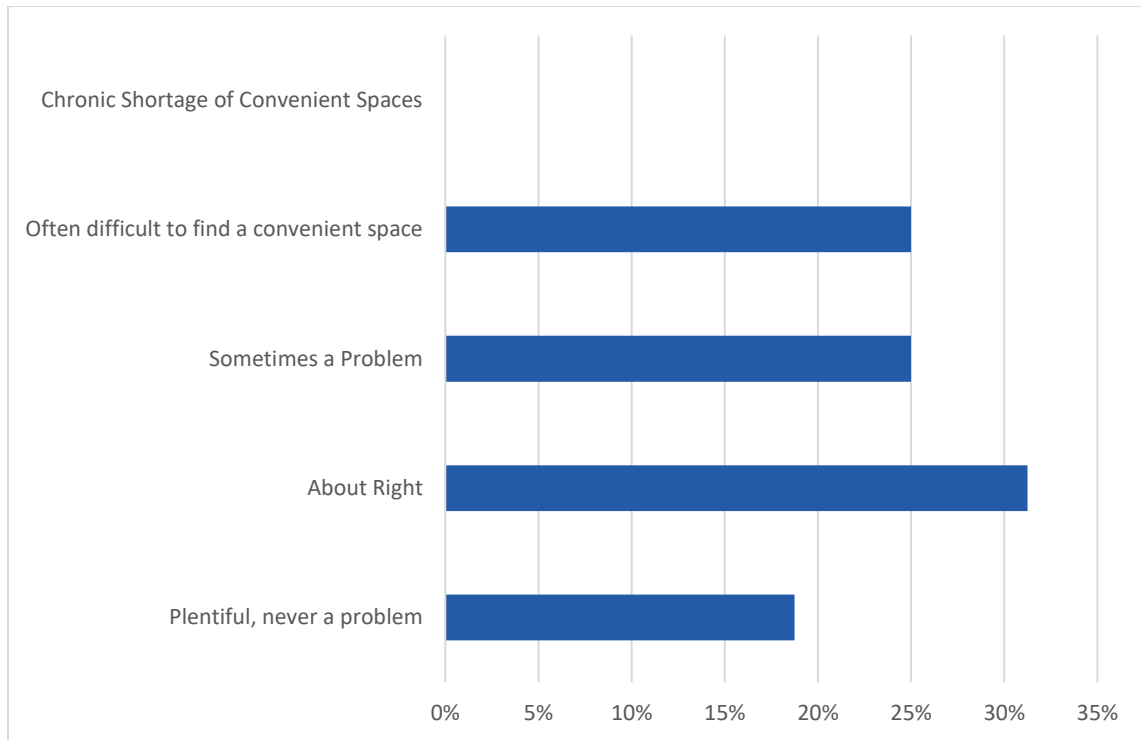
	Response Count	Response Percent
<i>Plentiful, never a problem</i>	6	35%
<i>About Right</i>	2	12%
<i>Sometimes a problem</i>	3	18%
<i>Often difficult to find a convenient space</i>	4	24%
<i>Chronic Shortage of Convenient Spaces</i>	2	12%
<i>Total</i>	17	100%

21. How do you feel about the availability of parking spaces in this area? FENWICK
ON-STREET



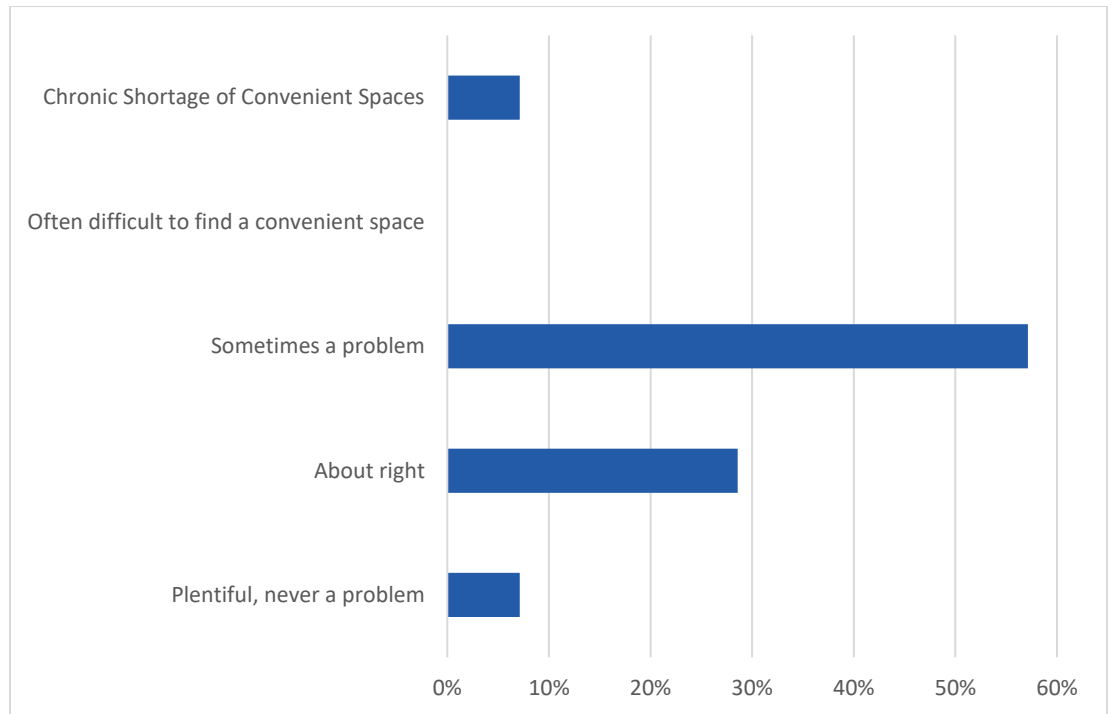
	Response Count	Response Percent
Plentiful, never a problem	0	0%
About Right	3	20%
Sometimes a problem	7	47%
Often difficult to find a convenient space	4	27%
Chronic Shortage of Convenient Spaces	1	7%
Total	15	100%

22. How do you feel about the availability of parking spaces in this area? FENWICK
OFF STREET



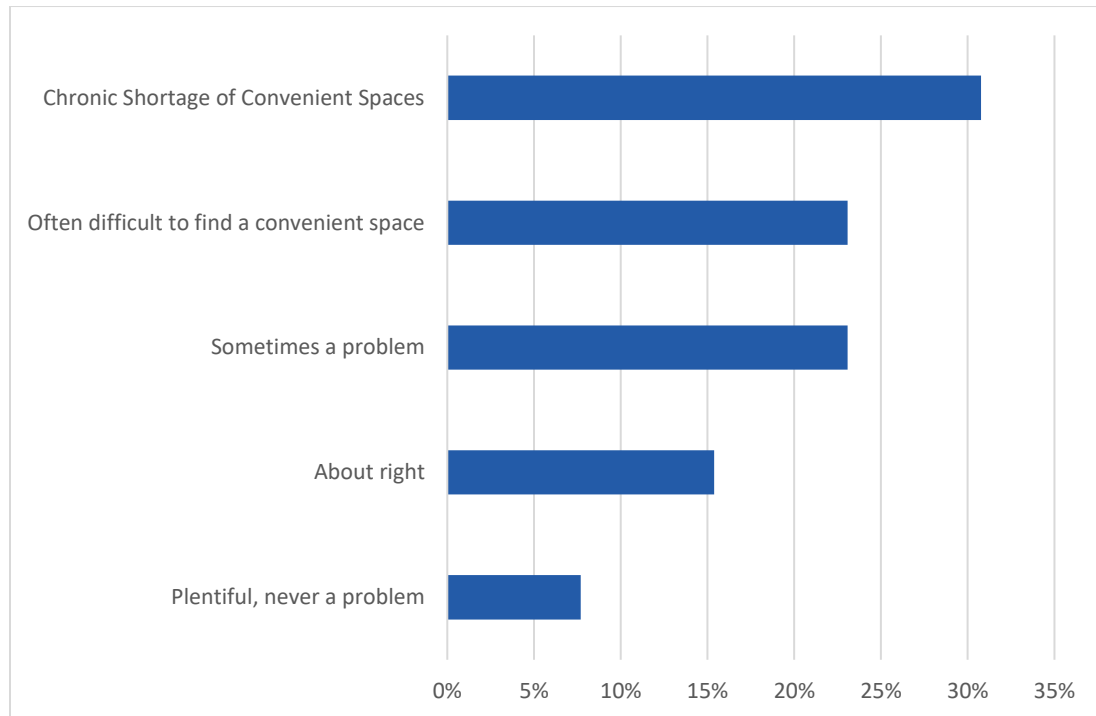
	Response Count	Response Percent
<i>Plentiful, never a problem</i>	3	19%
<i>About Right</i>	5	31%
<i>Sometimes a Problem</i>	4	25%
<i>Often difficult to find a convenient space</i>	4	25%
<i>Chronic Shortage of Convenient Spaces</i>	0	0%
<i>Total</i>	16	100%

23. How do you feel about the availability of parking spaces in this area?
 RIDGEVILLE ON-STREET



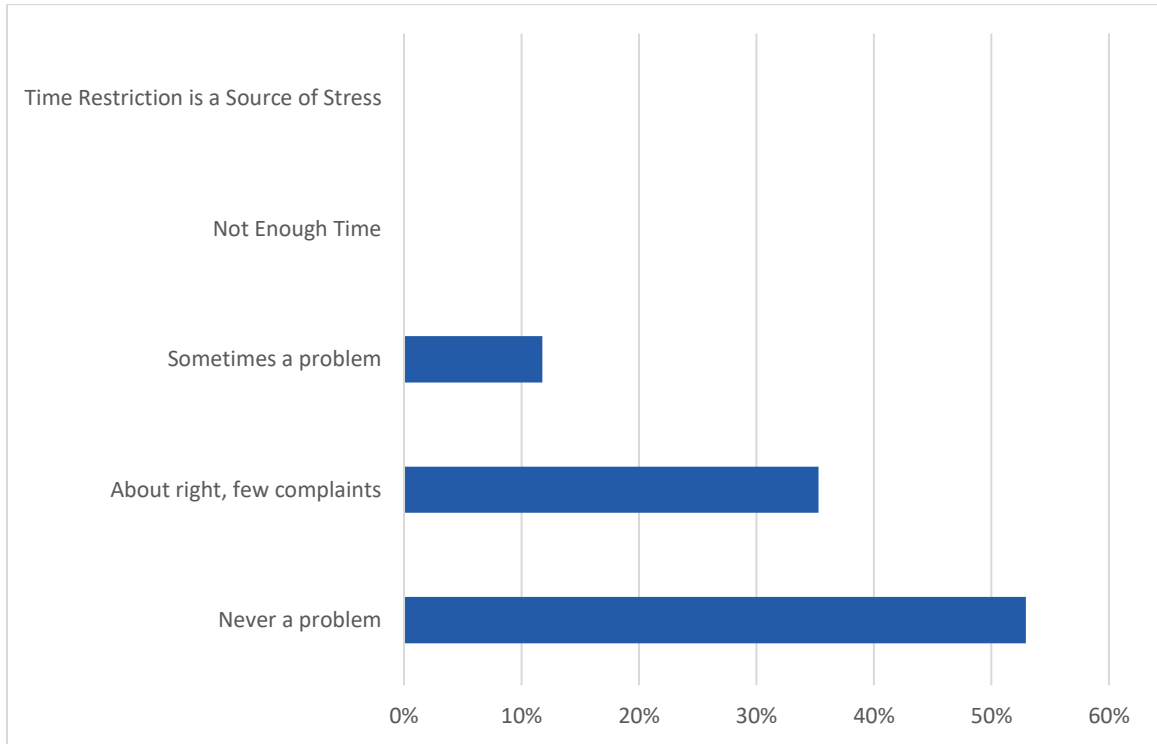
	Response Count	Response Percent
<i>Plentiful, never a problem</i>	1	7%
<i>About right</i>	4	29%
<i>Sometimes a problem</i>	8	57%
<i>Often difficult to find a convenient space</i>	0	0%
<i>Chronic Shortage of Convenient Spaces</i>	1	7%
<i>Total</i>	14	100%

24. How do you feel about the availability of parking spaces in this area?
RIDGEVILLE OFF STREET



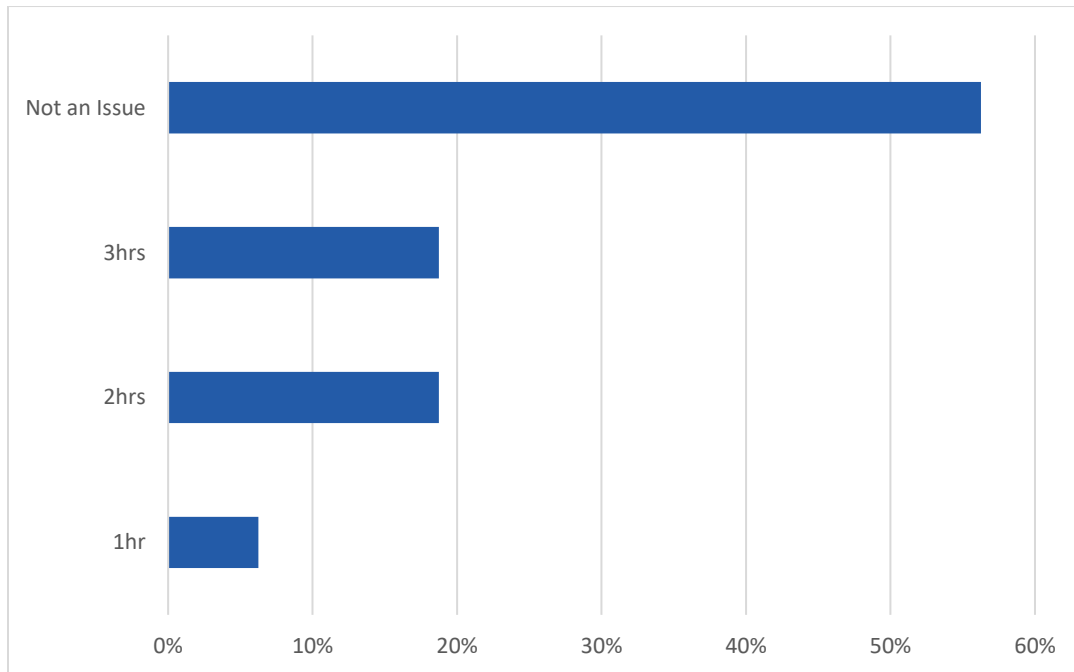
	Response Count	Response Percent
<i>Plentiful, never a problem</i>	1	8%
<i>About right</i>	2	15%
<i>Sometimes a problem</i>	3	23%
<i>Often difficult to find a convenient space</i>	3	23%
<i>Chronic Shortage of Convenient Spaces</i>	4	31%
<i>Total</i>	13	100%

25. Are Parking time limits adequate for your needs?



	Response Count	Response Percent
<i>Never a problem</i>	9	53%
<i>About right, few complaints</i>	6	35%
<i>Sometimes a problem</i>	2	12%
<i>Not Enough Time</i>	0	0%
<i>Time Restriction is a Source of Stress</i>	0	0%
<i>Total</i>	17	100%

26. If the parking time limit is a concern, please indicate below the length of time you think would help.



	<i>Response Count</i>	<i>Response Percent</i>
<i>1hr</i>	1	6%
<i>2hrs</i>	3	19%
<i>3hrs</i>	3	19%
<i>Not an Issue</i>	9	56%
<i>Total</i>	16	100%

1.1 Written Responses

We're committed to monitoring the quality of parking services. As part of an ongoing improvement in our customer service we would appreciate your feedback.

<i>Comment Category</i>	<i>Comments</i>
<i>Safety Concern</i>	<ul style="list-style-type: none"> I have had it more than once that when parking downtown Fenwick in the morning or driving/walking through that the town staff maintaining the lots had the part of the lawnmower where the grass comes up tied up and were shooting the rocks/grass/pointy things at cars/ the road and the sidewalk where I was!! That is a huge deal for people who park their cars for the day or for kids in strollers...
<i>Parking at the Meridian Community Centre</i>	<ul style="list-style-type: none"> MCC Parking is problematic. Particularly on Evenings and weekends when multiple activities are taking place throughout the facility. There are times when you just have to move on and miss your planned event. The MCC lot is always clear in winter. however when there is a lot going on at the arena (hockey, figure skating, basket ball, etc) all at the same time; parking is very difficult to find. Meridian Community Centre has insufficient parking spaces for visitors. New construction occurring around the MCC has further handicapped available parking on numerous occasions. Overall, in Pelham the parking is fine, It is just at the MCC I find it to be extremely difficult.
<i>Parking in Fenwick</i>	<ul style="list-style-type: none"> Enforce the 2 hour limit in Fenwick. Employees of business park in the street parking spots all day during the week. There seem to be lots of people who basically just store their cars in the Fenwick municipal lot behind the library. Like all weekend, all night. I always see them when I get mail daily. People were worried about a hotel in Fenwick using up too much parking. If people stopped storing their trucks there all the time, wouldnt there be way more parking for everyone else? And for Friday nights when downtown is busy and the lot is full? I think we need more parking in the

rest of Pelham. For example by Canboro Gardens. You're not allowed to park in front on Canboro, but there is a town mailbox across the street, lots of new houses going in, and the entire apartment building has visitors who need somewhere to park. When there is a funeral at Lampman's, every spot down the street can be filled up. Where are all these people going to park when the new subdivision is done? I hope they park in their own driveway, or they put a time limit on parking on Balfour. Downtown Fenwick Street parking seems to work perfectly the way it is. We go all the time and have never been mad about finding parking. Everyone stops for a few minutes and keeps going.

- Street parking in Fenwick needs to be upgraded. Benches and trees in front of former post office need to be removed and returned as parking spaces. #1 parking spot in front of former Eberts Garage needs to be removed as it totally obstructs view coming out of Welland Rd. Current model-railroad building on Maple Ave needs to be removed in order to create more parking... Imagine 5-10 yrs from now when Fenwick will triple in size with new subdivision coming on Balfour.
- The Town could allow parking at the Firehall. Sufficient space exists for accommodation of vehicles for social events convened there. Those spaces could be utilized while events are not scheduled. The issue with parking is that most people want to park in front of the store that they are visiting and don't want to walk. I have seen vehicles parked on Pelham Street for days without tickets. In Fenwick, the multitude of 15-minute spaces seem to serve Avondale only. A business that has no on-street parking spaces but does have vacant land to provide spaces.
- The street parking in Fenwick at the corner of Canboro and Maple blocks the view of on-coming traffic when trying to turn off Maple onto Canboro. This is a daily problem.
- The Town investigated a significant amount in the reconstruction of Canboro Road and Pelham Street. Unfortunately, little appears to be spent on maintenance. Many trees are distressed from being hit by vehicles or

Maintenance

*Other
Parking*

snowploughs and they are not watered nor pruned. Weeds grow in the tree wells and between pavers. Bicycle racks are in poor condition from being hit by vehicles. The delineation of parking spaces on Pelham Street is not clear, as a result 2 cars are often parked where 4 spaces exist.

- Well Maintained
- The 5ft restriction at my residence is a problem. My husband was asked by bylaw to leave our baby alone to move his car bc it was 4ft away from a drive. There is no parking spaces in this street, everyone parks within 5 ft or there will be no space but never blocks driveways . My neighbor is harassing bylaw and us because her friend parked directly in front of my driveway while I was 9months pregnant . We always leave her room but she is angry her friend was asked to move so a pregnant woman could be driven to the hospital safely
- Growing community with limited space of parking.

APPENDIX F

Town By-Law No.1136 - Section 6.16 & Section 30

OFFICE CONSOLIDATION

TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

(This Office Consolidation Edition is prepared for purposes of convenience only. For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)

6.16 PARKING AREA REGULATIONS

The owners of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas in accordance with the provisions of this subsection, except for:

(i) CENTRAL BUSINESS AREA

Commercial uses within a GC zone, shall either be provided with the required number of parking spaces specified hereunder or shall be exempt from the provision of parking spaces in accordance with an agreement with Council pursuant to the **Planning Act**.

(a) PARKING REQUIREMENTS

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Residential (other than listed herein)	1 parking space in a private garage or carport per dwelling unit
Duplex dwelling, triplex dwelling, fourplex dwelling, converted dwelling	1 parking space per dwelling unit
Block townhouse dwelling	1.5 parking spaces per dwelling unit
Apartment dwelling	1.0 parking space per dwelling unit, plus 1.0 parking space for every two dwelling units or part thereof for visitor parking
Senior Citizen Apartment House	1 parking space per dwelling unit

Boarding house dwelling	1 parking space per dwelling unit plus 1 parking space per 3 guest rooms
Hotel, Motel, Tavern	1 parking space per guest room or suite of a motel; 1 parking space for every 3 guest rooms of a hotel; plus 1 parking space for each 5 persons that can be accommodated at any one time in a restaurant, beverage room or liquor lounge
Hospital, Nursing Home	1 parking space for 2 beds
Church	1 parking space per 5 persons seating capacity
Assembly Hall, Community Centre, Theatre, Auditorium	The greater of: (a) 1 parking space per 5 fixed seats or fraction thereof; or (b) 1 parking space for every 5 persons maximum design capacity
School, Elementary	1.5 parking spaces per classroom
School, Secondary	The greater of: (a) 1 parking space per 5 classroom seats; or (b) 1 parking space per 15 square metres of floor area in the gymnasium; or (c) 1 parking space per 15 square metres of floor area in the auditorium
Undertaking Establishment	1 parking space per 5 persons seating capacity with a minimum of 10 parking spaces
Take-out restaurant or Drive-in restaurant	1 parking space per 50 m ² (538.21 ft ²) of gross floor area

Eating Establishment	1 parking space per 4 persons seating capacity
Office, Public Building	1 parking space per 30 m ² (322.93 ft ²) of gross floor area
Bowling Alley	3 parking spaces per bowling lane
Curling Rink	4 parking spaces per curling sheet
Retail Store (other than a furniture store or factory outlet)	1 parking space per 30 m ² (322.93 ft ²) of gross floor area
Furniture Store, Factory Outlet, Warehouse Showroom	1 parking space per 100 m ² (1,076.43 ft ²) of gross floor area
Industrial Establishment	1 parking space per 50 m ² (538.21 ft ²) of gross floor area
Shopping Centre (other than an Eating Establishment)	1 parking space per 30 m ² (322.93 ft ²) of gross floor area for the first 2323 m ² (25,005.38 ft ²) and thereafter 1 parking space per 25 m ² (269.11 ft ²) of gross floor area
Uses permitted in this by-law other than those listed in this Table	1 parking space per 30 m ² (322.93 ft ²) of gross floor area

(b) CALCULATION OF PARKING REQUIREMENTS

- (i) Where a part of a parking space is required in accordance with this by-law for the use listed in Clause (a) of this subsection, such part shall be considered 1 parking space for the purpose of calculating the total parking requirement for the said use.

- (ii) Where a building, structure or lot accommodates more than one type of use as set out in Clause (a) of this subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof, except that in the case of a shopping centre, the parking space requirement for shopping centre shall apply.
- (iii) parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire and gain, display or sale.
- (iv) Where the number of parking spaces required in accordance with Clause (a) of this subsection is based upon the seating or other capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by the Ontario Building Code.
- (v) Parking Spaces for the exclusive use of the handicapped shall be provided in accordance with the Town of Pelham Handicap Parking By-law, as amended from time to time.

(c) PARKING AREA SURFACE

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material for a combined depth of at least 0.15 m (0.49 ft) and with provisions for drainage facilities, provided that:

- (i) in the case of a dwelling containing 4 or more dwelling units such parking area and driveway shall be paved with an asphaltic or concrete surface or such other hard surface as may be acceptable to the Town, and be bounded by curbs;
- (ii) in the case of Industrial, Institutional, Public and Commercial Zones, all parking areas and loading areas and their approaches shall have a cement or asphaltic binder or other permanent type of surfacing.

(d) INGRESS AND EGRESS

- (i) Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m (9.84 ft) wide, where only one-way traffic is permitted, and

have a minimum width of 7.5 m (24.61 ft), but not more than 9.0 m (29.53 ft) in perpendicular width where two-way traffic is permitted.

- (ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 m (29.53 ft).
- (iii) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 m (24.61 ft).
- (iv) Except in Residential zones the minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5 m (24.61 ft).
- (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (vi) Every lot shall be limited to the following number of driveways:
 - 1. up to the first 30.0 m (98.43 ft) of frontage - not more than 2 driveways; and
 - 2. for each additional 30.0 m (98.43 ft) of frontage - not more than 1 additional driveway.
- (vii) Notwithstanding the requirements of items (i) through (vi) above, the ingress and egress requirements of the Region shall apply along all Regional Roads.
- (viii) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle. On Regional roads all such gates and barriers should be set back from the property line to allow the temporary stopping of a vehicle so that the vehicle while stopped is entirely contained within the property limits and does not overhang the public road allowance.
- (ix) Nothing in this subsection shall apply to prevent the use of a right-of-way as a means of obtaining access to a parking area provided the said right-of-way has been legally established for such purpose.

(e) ILLUMINATION

Where parking areas are illuminated, lighting fixtures shall be arranged, designed and installed so that the light is directed downward and deflected away from adjacent lots.

(f) MORE THAN ONE USE ON A LOT

When a building or structure accommodates more than one type of use as set out in paragraph (a) of this subsection, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

(g) ADDITIONS TO BUILDINGS

The parking area requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area as it existed at such date is not increased and the building or structure is used for a purpose which does not require more parking spaces, according to paragraph (a) of this subsection, than were required by its use at the date of passing of this By-law. If an addition or change of use is made to a building or structure as it existed at the date of passing of this By-law, then additional parking spaces shall be provided to the number required for such addition or change in use, provided that this paragraph shall not apply to require the establishment of parking spaces and areas for a detached single-family dwelling house which existed at the date of passing of this By-law.

(h) OTHER PARKING REGULATIONS

- (i) Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants in any part of a parking area, except within a sight triangle, provided such shelter is not more than 4.5 m (14.76 ft) in height and has a floor area of not more than 5 m² (53.82 ft²).
- (ii) No motor fuel retail outlet or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-law.
- (iii) No commercial vehicle as defined in the **Highway Traffic Act**, of greater than one tonne maximum capacity and/or no bus used as a commercial vehicle designed for carrying 10 or more passengers and used for the transportation of persons, shall be parked or stored in a Residential Zone.

(i) PARKING AREA LOCATION ON LOT

Notwithstanding the yard provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards as follows:

ZONE	YARD IN WHICH REQUIRED PARKING AREA PERMITTED
Residential (except Apartment dwelling and Boarding House Dwelling)	All yards provided that no part of any parking area, other than a driveway, is located closer than 0.9 m (2.95 ft) to any street line
Apartment Dwelling and Boarding House Dwelling	All yards provided that no part of any parking area, other than a driveway, is located closer than 7.5 m (24.61 ft) to any street line and no closer than 3.0 m (9.84 ft) to any side lot line or rear lot line
Institutional, Commercial, Open Space	All yards provided that no part of any parking area, other than a driveway is located closer than 0.9 m (2.95 ft) to any street line
Industrial	Interior side and rear yards only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 4.5 m (14.76 ft) to any street line

j) DIMENSIONS OF PARKING SPACES

A parking space required hereby shall be in accordance with Schedule "C" except:

- (i) where the side of a parking space abuts a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5 m (1.64 ft) or more in height above the level of the parking space, the minimum width of the said parking space shall be 3 m (9.84 ft); and
- (ii) as otherwise provided in this clause, where a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 1 m (3.28 ft) in width, the minimum width of such parking space shall be 2.4 m (7.87 ft).

(k) LOCATION OF PARKING AREA

All required parking spaces shall be provided on the same lot occupied by the building, structure or use for which the parking spaces are required.

(l) PARKING STRUCTURES

- (i) Where a parking area located in a structure constitutes the main use on a lot, then such structure shall conform to all the zone provisions for the zone in which such lot is located.
- (ii) Where a parking area located in a structure is accessory to a permitted use on a lot, then such structure shall conform to all the provisions for accessory uses set out in Subsection (i) of this section.

(m) UNDERGROUND PARKING AREAS

Nothing in this By-law shall apply to prohibit the location of underground parking areas in any yard, provided that:

- (i) no part of any underground parking area shall be situated above finished grade in any required yard; and
- (ii) no part of any underground parking area shall be located within the limits of a street.

OFFICE CONSOLIDATION**TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended**

(This Office Consolidation Edition is prepared for purposes of convenience only. For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)

Section 30 Exceptions**East Fonthill Mixed - Use 1 (EF - MU1) Zone****Village of East Fonthill****3.0 Parking Requirements**

- a) All development shall include parking for vehicles and bicycles located at-grade and/or located within a structure. Within the specified parking space requirements, all development shall include appropriate spaces for visitors parking, parking for persons with disabilities, and/or parking for parents with young children, wherever appropriate.
- b) For all permitted office uses – 2.75 to 3.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- c) Notwithstanding b) above, for a medical office use, the parking requirement shall be between 4.0 and 5.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- d) For all permitted retail and service commercial uses, including restaurants – 4.25 to 5.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- e) For all other permitted uses – 3.0 to 4.0 spaces per 100 m² (1,076.4 ft²) of Gross Floor Area.

East Fonthill Mixed - Use 2 (EF - MU2) Zone**3.0 Parking Requirements**

- a) All development shall include parking for vehicles and bicycles located at-grade and/or located within a structure. Within the specified parking space requirements, all development shall include appropriate spaces for visitors parking, parking for persons with disabilities, and/or parking for parents with young children, wherever appropriate.
- b) For all permitted residential uses – 1.00 to 1.25 spaces per unit. Seniors housing has a parking requirement of between 0.5 and 0.75 spaces per unit.
- c) For all permitted office uses – 2.75 to 3.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.

- d) Notwithstanding c) above, for a medical office use, the parking requirement shall be between 4.0 and 5.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- e) For all permitted retail and service commercial uses, including restaurants – 4.25 to 5.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- f) For all other permitted uses – 3.0 to 4.0 spaces per 100 m² (1,076.4 ft²) of Gross Floor Area.

East Fonthill Mixed - Use 3 (EF - MU3) Zone

3.0 Parking Requirements

- a) All development shall include parking for vehicles and bicycles located at-grade and/or located within a structure. Within the specified parking space requirements, all development shall include appropriate spaces for visitors parking, parking for persons with disabilities, and/or parking for parents with young children, wherever appropriate.
- b) For all permitted residential uses – 1.00 to 1.25 spaces per unit. Seniors housing has a parking requirement of between 0.5 and 0.75 spaces per unit.
- c) For all permitted office uses – 2.75 to 3.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- d) Notwithstanding c) above, for a medical office use, the parking requirement shall be between 4.0 and 5.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- e) For all permitted retail and service commercial uses, including restaurants – 4.25 to 5.25 spaces per 100 m² (1,076.4 ft²) of Gross Leasable Floor Area.
- f) For a permitted Multi-Use Recreational Facility, that includes any continuation of cultural, recreational and/or entertainment uses, as well as associated office space, and/or retail stores, restaurants and personal service uses – 2.0 to 3.5 spaces per 100 m² (1,076.4 ft²) of Gross Floor Area.
- g) For all other permitted uses – 3.0 to 4.0 spaces per 100 m² (1,076.4 ft²) of Gross Floor Area.

East Fonthill General Provisions*****Amending By-law No. 3543 (2014)*****

Notwithstanding the Provisions under Section 6.16, the parking area regulations applicable to EF – MU1, EF – MU2, and EF – MU3 are as follows:

1.0 Parking Space/Aisle Dimensions

- a) Parking spaces shall be a minimum of 2.7 m (8.9 ft) wide and 5.9 m (19.4 ft) wide.
- b) The aisle width between perpendicular rows of parking shall be a minimum of 6.2 m (20.3 ft) wide.

Community Planning and Development Department

Monday, June 20, 2022

Subject: Parking and Development Options for Lands Adjacent to Meridian Community Centre

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0144 Parking and Development Options for Lands Adjacent to Meridian Community Centre, for information;

AND FURTHER BE IT RESOLVED THAT Council direct staff to pursue Option #_____, by:

- a) Referring the matter to the 2023 budget including parking lot cost options; and/or**
- b) Initiating the workflow to result in a severance of the Subject Lands so that the Northerly/Southerly portion is retained for future parking lot purposes and the Northerly/Southerly portion is to be sold for development purposes; and/or**
- c) Requiring that staff report back with recommendations on how to specifically subdivide the subject lands by September 6, 2022;**

AND FURTHER BE IT RESOLVED that staff are to report back with a progress and status update pertaining to this file by September 6, 2022.

Background:

On May 3, 2022 Council passed the below noted resolution in open session.

Moved: Councillor Wink

Seconded: Councillor Stewart

WHEREAS staff have been previously directed by Council to prepare a report pertaining to the Town's parking bylaw and its application to the Meridian Community Centre (the "MCC");

AND WHEREAS Staff have previously reported on various options to create temporary parking facilities in the vicinity of the MCC;

AND WHEREAS Town Council has received the draft report of the municipal parking study from RV Anderson Associates on April 4, 2022;

AND WHEREAS the draft municipal parking study indicates that the current parking supply at the MCC is inadequate to meet demand during peak periods;

AND WHEREAS the Town owns a parcel of vacant land to the South and East of the MCC facility;

NOW THEREFORE staff are directed to provide a report to Council which details options for use of the vacant lands, including analysis of the benefits and drawbacks associated with sale of the lands, with potential apportionment of some amount of land for sale and some amount of retention of land for increased parking and with retention of the entirety of the lands for parking, and any other options deemed advisable by staff;

AND STAFF are further directed to assess the cost of incorporating Low Impact Development ("LID") characteristics into the design and cost of any potential parking lot, including but not limited to permeable pavement, specialized storm water features and potential use of botanical features to reduce runoff;

AND STAFF are further directed to draft any closed session companion report they deem necessary or appropriate to address legal ramifications of potential sale of land for specific purposes and/or cost valuations of the lands in question;

AND THAT said report or reports are to be delivered to Council by June 20, 2022.

This report is written in satisfaction of the aforementioned motion. There is a companion, closed session legal report to this one which provides legal advice with respect to a potential sales process and related substantive considerations.

Analysis:

INTEGRATION DATA

COORDINATE REFERENCE POINTS (CRP) - NO. 1747 (1), MATHEW (THURMAN)
 COORDINATES TO JOHN ASSESSMENT FROM 1985 (14) OF GRID 20/00

POINT ID	EASTING	NORTHING
CRP (1)	840 325.54	1 707 538.78
CRP (2)	840 317.58	1 707 472.24
CRP (3)	840 302.58	1 707 35.21

COORDINATE CONTROL - CHECKED BY: J. ASSESSMENT
 DATE: 08-08-2008 (14) 14-11-11

BLOCK 4 & PART OF BLOCK 14
REGISTERED PLAN 59M-432
TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 1000

PLAN 59M-16105

RECEIVED AND REPOSITED
 DATE: March 15, 2008
 BY: [Signature]
 ONTARIO LAND SURVEYORS

SCHEDULE

POINT	BLOCK	PLAN	AREA
1			2.56 P.G.
2			7.45 P.G.
3			1.46 P.G.
4			9.53 P.G.
5			20.0 P.G.
6			25.1 P.G.
7			87.2 P.G.
8			97.7 P.G.

NOTES

1. THIS IS A REGISTERED COPY OF THE PLAN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 2. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 3. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 4. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 5. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 6. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 7. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 8. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 9. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 10. THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

LEGEND

- 1. BOUNDARY
- 2. BOUNDARY
- 3. BOUNDARY
- 4. BOUNDARY
- 5. BOUNDARY
- 6. BOUNDARY
- 7. BOUNDARY
- 8. BOUNDARY
- 9. BOUNDARY
- 10. BOUNDARY
- 11. BOUNDARY
- 12. BOUNDARY
- 13. BOUNDARY
- 14. BOUNDARY
- 15. BOUNDARY
- 16. BOUNDARY
- 17. BOUNDARY
- 18. BOUNDARY
- 19. BOUNDARY
- 20. BOUNDARY

SURVEYOR'S CERTIFICATE

I, MATTHEW CAMERON, HEYWOOD - KERRY T. HOWE, SURVEYING LTD.,
 A PROFESSIONAL SURVEYING FIRM, HAVE SURVEYED THE LAND SHOWN ON THE PLAN AND
 HAVE FOUND THAT THE SAME IS CORRECTLY DESCRIBED AND THE SAME IS
 IN ACCORDANCE WITH THE ACT AND THE REGULATIONS THEREUNDER.
 DATED: 15.03.08
 BY: [Signature]
 FOR: [Signature]

MATTHEW CAMERON,
HEYWOOD - KERRY T. HOWE
 A PROFESSIONAL SURVEYING FIRM
 1000 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONTARIO M1S 1T6
 TEL: (416) 291-1111 FAX: (416) 291-1112
 WWW.MATTHEW-CAMERON.COM

Staff have concluded that there are in effect three options, with multiple variants of the third option. The options are to sell all lands, retain all lands, or sell a portion and retain a portion (apportionment to be determined by Town Council).

Option 1 – Sell All the Land

In September of 2014, the lands were zoned East Fonthill Mixed Use 3 (EF-MU3) Zone to implement the policies of the East Fonthill Secondary Plan. This Zone permits a variety of land uses for which the lands could be developed including: a multi-use recreational facility, including cultural, recreational and entertainment uses; commercial, professional, medical and/or government offices; retail uses including retail stores, restaurants and personal services; hotels and tourist establishments; conference and convention centres; public and private institutional uses; townhouses and apartment buildings; housing for seniors and special needs housing; child care facilities; parks and urban squares; public uses and public and private utilities; public art installations; and public roads, active transportation facilities and transit facilities. The Zoning permits a minimum building height of 2 storeys and a maximum building height of 10 storeys at this location.

The property could be sold for development purposes consistent with the zoning permissions, however, given its irregular configuration, it is somewhat constrained. It also noted that the Region of Niagara will not permit direct access onto Rice Road so access to the lands would be via Summersides Boulevard or internally from the MCC site either via Part 3, 59R-16104 (owned by the Town) or by extending Summersides Mews rear lane eastward.

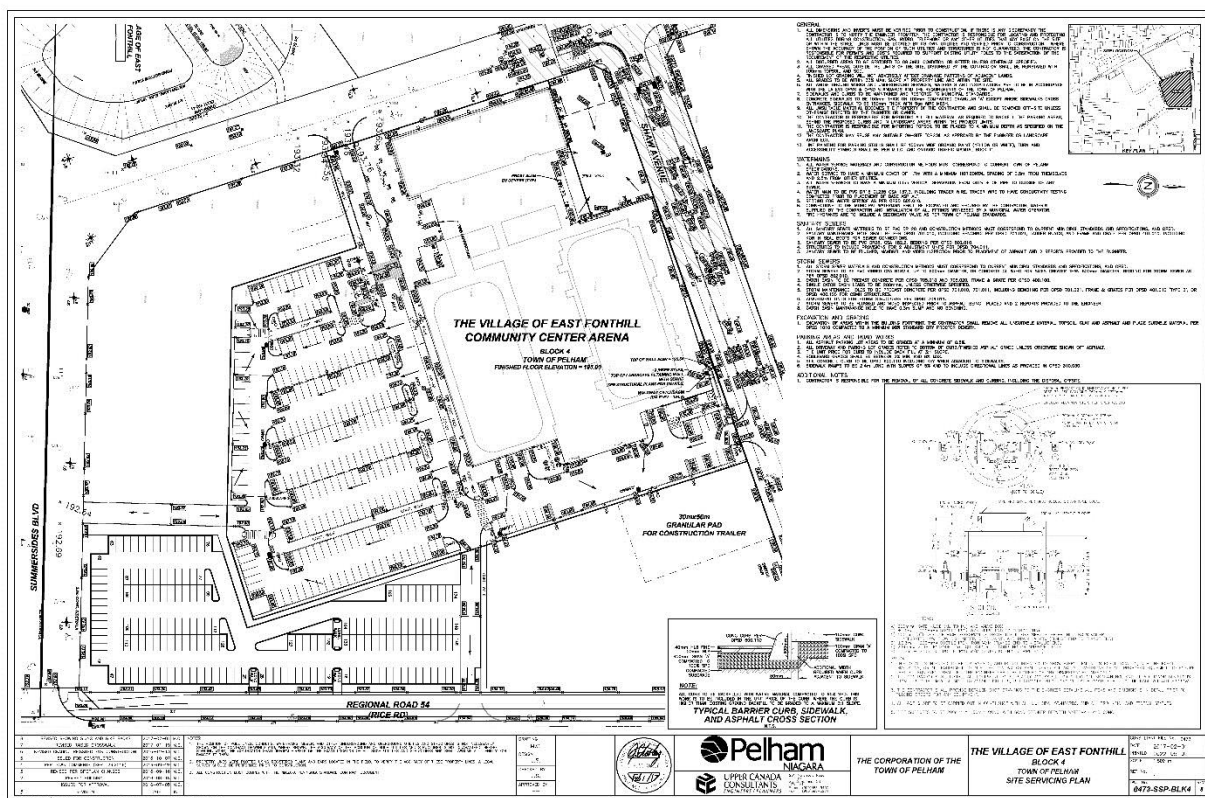
The rationale for selling all of the lands is twofold: firstly this was part of the underlying business case for the development of the MCC and the donation of land for Wellspring Niagara. The Town still has more than \$30,000,000 in debt related to the foregoing transactions, and sale of these lands was meant to cover a portion of these costs (at time of writing the Town's only reserve fund to be "in the red" is the land acquisition fund, which is in a deficit of almost \$900,000). Proceeds from sale of this land can be applied towards the reserve deficit (which is a debt). Thereafter the Town would receive property tax revenue, in perpetuity, from any commercial or residential development that occurs as a result.

The second rationale for selling the lands is to avoid the 'double whammy' negative financial impact that the Town would experience if it were to retain the lands and construct additional parking. Firstly, all of the sale proceeds and future revenue streams would be foregone. Secondly, the Town has not budgeted for the costs associated with paving and thereafter maintaining a parking lot. It is extremely unrealistic to hope for any third party (upper tier government) to provide a grant for a parking lot. Most government policy calls for the provision of less parking and greater use of transit – this is the exact opposite of what most communities attempt to do. Accordingly, it is reasonable to assume that all costs associated with a new parking lot would be borne by the local taxpayer.

Option 2 – Retain All the Land for Parking Lot Expansion using Conventional Construction Methods

Another option is to retain all of the lands for expansion of the MCC parking lot to be used for additional parking at the MCC. The recently completed Parking Strategy for the Town recommended an additional 86-130 parking spaces be provided at the MCC to address current and future peak parking demands and that a further 10% reserve capacity of 35-40 parking spaces be provided which combined means an additional 120-170 parking spaces should be planned to be provided at the MCC in the future.

A proposed conceptual plan of an expanded parking layout is illustrated below. 172 parking spaces can be accommodated on the entire site with 98 spaces on the south portion and 74 parking spaces on the northern portion. Please note that this concept is more detailed and refined than compared to the concept that was included in the Parking Strategy report.



The estimated cost to develop all of Part 4, 59R-16105 for an expanded parking lot is \$1,096,100 (including HST). This cost is based on a conventional asphalt pavement parking lot with conventional storm sewer collection methods. In addition, the Town would incur additional costs of between 5% and 8% for detailed design and contract administration. The estimated total project cost is

approximately \$1.2M. Development of the expanded parking area could potentially be phased to spread cost over two budget cycles.

As Council is well aware, there is strong demand amongst MCC user groups, and to a lesser extent amongst the general public, for additional parking spaces. By every objective measure, the MCC has been more successful than pre-construction predictions called for. With weekend usage rates routinely exceeding 3,000 patrons, the benefit of more parking is clear. Creating more parking would solve a problem experienced by many residents and guests who wish to enjoy the MCC and is fully supported by the Parking Report which is also presented on today's agenda. While the 2022 budget has no resources to create a parking lot, Council could direct staff to include the matter in the 2023 budget for potential approval by the next Council.

Option 3 – Sell Part of the Land and Retain Part of the Land for Parking Lot Expansion using Conventional Construction Methods

The third option is to sell part of the land and retain part of the land for an expanded parking lot at the MCC. If this option is Council's preference, it is recommended that the North portion of Part 4, 59R-16105 be retained and developed for 74 parking spaces and the south portion be sold for development purposes. In the further alternative, Council can approve other variations of how much land is to be retained for parking and how much land is to be offered for sale.

The estimated cost to develop the North portion of Part 4 is approximately \$565,000 (plus HST). This cost is based on a conventional asphalt pavement parking lot with conventional storm sewer collection methods. In addition, the Town will incur additional costs of approximately 5% - 8% for detailed design and contract administration for a total estimated cost of \$610,000.

Option 4 – Parking Lot Construction Using Low Impact Development Concepts

Staff have assessed the cost of incorporating Low Impact Development (LID) characteristics into the design and cost of any potential parking lot, including but not limited to permeable pavement specialized storm water features and potential use of botanical features to reduce runoff.

The traditional approach to dealing with stormwater has been to move it away from city streets as quickly and efficiently as possible. This results in large volumes of water entering our waterways at high velocities, carrying the pollutants picked up along the way.

LID, by contrast, deals with stormwater by mimicking natural water cycles. It increases the infiltration of stormwater into the soil, where it can be filtered and/or

absorbed by plants. LID is a lower-cost alternative to conventional grey infrastructure and provides a number of ecological, economic and social benefits. Some examples of LID practices that may be applicable to this area are as follows:

- Soakaway Pits/Infiltration Trenches

These practices promote infiltration of stormwater into the surrounding soils by excavating a pit or trench which is typically lined with a filter cloth, backfilled with coarse granular material and either fed by sheet drainage from the surrounding area or through perforated pipes conveying flows from a storm conveyance system. (See Appendix B – Low Impact Development Options).

The estimated cost of including this LID feature is \$375/m assuming it is installed between parking bays.

- Vegetated Filter Strips/Enhanced Grassed Swales

This practice provides a vegetated area for stormwater flows to be conveyed through which can provide quality benefits by removing suspended sedimentation and promote infiltration as the flows travel over the pervious area. (See Appendix B).

The estimated cost of including this LID feature is \$150 - \$300 /m.

- Bioretention/Biofilters

This LID feature functions as a filter to improve stormwater quality and also provide quantity controls by retaining flows and either promoting infiltration, given adequate soil conditions, or conveying flows through a perforated subdrain to a storm sewer conveyance system. (See Appendix B for Bioretention/Biofilter examples).

The estimated cost of including this LID feature is \$375 - \$525 /m depending on the types of plantings that are used.

- Permeable Pavement/ Porous Asphalt

Permeable pavement can be utilized to allow for stormwater flows that would typically run off from the impervious pavement area to drain through the pavement surface to the subgrade as opposed to draining to catch basins or spill ways. From the subgrade infiltration can be promoted, provided adequate soil conditions are present, or subdrain can be installed to convey flows to a storm sewer conveyance system. (See Appendix B for Permeable Pavement examples).

The estimated cost of including this LID feature results in a 20% premium over conventional asphalt pavements.

- Permeable Stone Pavers

Permeable Paving Stones act in similar fashion to permeable porous asphalt pavement by allowing infiltration of surface stormwater through the pavement structure prior to the storm runoff entering conventional stormwater conveyance systems. As a light coloured surface there are also significant heat island benefits and associated improved tree and vegetation health. (See Appendix B for Permeable Pavement examples).

The estimated cost of including this LID feature is much more expensive and results in almost a 100% premium over conventional asphalt pavement costs.

The long-term drawbacks for soakaway pits, vegetative strips and biofilters are extensive maintenance to prevent the vegetation from becoming overgrown and encroaching on the parking area. As well, garbage and debris tend to accumulate within the vegetation area which in turn increases maintenance requirements. Without proper and ongoing maintenance the soakaway pits will rapidly fill with sediment and overtime lose the ability to function properly as designed. The cost to excavate and reconstruct the soakaway pits is significant if required.

Staff recommends that if LID alternatives are implemented that permeable pavement options be considered. Below is a description and cost breakdown of permeable porous asphalt and permeable stone paver options.

Permeable Pavement /Porous Asphalt

This alternative is expected to increase the granular cost by approximately \$45,000 (due to replacing crushed granular base with a clear stone layer) and the asphalt cost by \$105,000 for a total cost premium of approximately \$150,000 or 20% of the project cost based on the entire area of Part 4. In addition, if other LID methods are considered such as infiltration trenches and vegetative strips the cost for the entire area Part 4 will increase by \$103,000 to \$412,500. The total estimated additional cost to implement permeable porous asphalt and associated LID features as described above is between \$253,000 to \$562,500. The cost to complete the entire area using permeable asphalt for the northern portion of Part 4 only (approximately 45% of the total parking area) is between \$113,850 to \$253,125. These costs and associated works is in accordance with the Low Impact Development Stormwater Management Planning and Design Guide (LID SWMPD) by the Ministry of Environment.

Due to the high cost of implementing LID pavement strategies over the entire parking area the recommendation from staff is that the permeable asphalt (LID treatment) be only placed on the parking stalls and that normal asphalt be used for the drive isles.

The estimated cost to implement porous asphalt on only the parking stalls for the entire area of Part 4 (including associated LID landscaping features) is between \$106,260 to \$238,250. Considering the North area of Part 4 only the estimated cost to implement porous asphalt on the parking stalls is between \$42,504 to \$95,300.

Permeable porous asphalt does require a significant amount of maintenance. Periodic pressure washing is recommended to ensure long-term usability of the asphalt as it must remain free-draining to prevent ice accumulation and damage to the pavement during freeze-thaw cycles. Further, it is recommended that snow clearing be performed using specialized equipment such as plastic/rubber plowing blades. Another drawback is that permeable porous asphalt is highly susceptible to damage from stationary tire rotations.

Permeable Stone Pavers

Staff investigated the option of using permeable paving stones as a substitute for the LID pavement surfaces in the parking lot expansion, however, there is a significant cost increase associated with its implementation compared to conventional paving methods and using permeable asphalt. The increase in cost over conventional paving methods is 100%.

As noted above, the estimated cost of implementing LID landscaping features to the entire area is between \$253,000 to \$562,500 and between \$113,850 to \$253,125 for the northern portion. These costs and associated works are in accordance with the Low Impact Development Stormwater Management Planning and Design Guide (LID SWMPD) by the Ministry of Environment. If implemented for the entire area of Part 4, the estimated cost of permeable stone pavers is \$1M to \$1.2M. Adding in the other LID landscaping features the total estimated cost for all of Part 4 is \$1.5M.

The estimated cost if permeable paving stones are implemented for the entire Part 4 on the parking stalls only is \$417,000. Including the other LID landscaping features the total estimated cost for this option is between \$700,000 and \$900,000.

Alternatively, if permeable stone pavers are implemented on the parking stalls only for the northern area, the estimated cost is \$178,000. Including other LID landscaping features the total estimated cost is between \$290,000 and \$425,000.

Consultant's Recommendation for LID Implementation

Based on the Consultant's review and recommendation the additional benefit from LID practices within the relatively small portion of the overall drainage area would be minimal. Most of the practices stated above would only provide benefits if infiltration into the native soils is feasible, which would require additional geotechnical investigations. In addition, the LID options will treat the stormwater flows and improve quality, however, the existing storm water management facility located at Hwy 20 and Rice Road, which ultimately receives this stormwater, has already been designed to accomplish this goal.

Because of the in-place implementation, the use of LIDs for the expanded parking lot is unlikely to have any measurable impact upon the downstream water quality or quantity and will compound and increase significantly both the initial capital construction costs, approvals timelines and ongoing operation and maintenance costs for the Town of Pelham.

Financial Considerations:

The financial plan to build the Meridian Community Centre included a total projected cost \$36,204,778 (2016 dollars). The MCC funding model included the following notable elements:

- (1) two debentures to be issued in the amount of \$21,204,758;
- (2) \$12,000,000 in land sales in East Fonthill; and
- (3) \$3,000,000 of donations to be collected over a five-year period by 2023.

Collectively, these three amounts were projected to fully fund the budget of \$36,204,778.

The actual costs of construction and chattels was \$35,597,487. The actual MCC funding results are as follows:

- (1) two debentures were issued in the amount of \$21,204,758 (exactly as predicted);
- (2) \$9,477,439 was received from the East Fonthill land sales (a shortfall);
- (3) some donations were pledged over a 25-year period, resulting in \$914,724 donations received to October 1, 2020;
- (4) interest revenue of \$90,455; and
- (5) a portion of the existing demand instalment loan of \$460,111 was applied.

One of the parcels of land (the Subject Lands of this report) that was earmarked to be sold in East Fonthill was taken off the market by Council in 2019 (recommended by Policy and Priorities Committee on January 21, 2019 and ratified by Council on February 4, 2019), as a precautionary measure given that the MCC was very successful and potentially more parking would be required.

A debenture was issued on October 1, 2020 in the amount of \$3,450,000 to cover the timing difference of the pledges being received and the parcel of land being removed from the market.

Option 1 – Sell All of the Land: The size of the land that is available for sale is 1.61 acres at a cost per acre of approximately \$800,000 which equals \$1.288 million (this number is conservative). The proceeds of this land could be transferred to the MCC reserve (the Town's land acquisition reserve is the other good option) to pay for the principal and interest on the debenture of \$3.45 million that was taken out and reduce the future impact on the tax levy. As of December 31, 2021 there were debenture payments remaining, including principal and interest, of \$3.99 million, with \$630,000 in the MCC reserve and estimated pledges remaining of \$1.31 million. The shortfall will need to be paid for by the tax levy starting in approximately 2029, for \$170,000 per year after donations. Selling the land and putting the proceeds into the reserve would delay the tax levy impact by 9 years to 2037. This debenture is scheduled to be paid off in 2040.

Option 2 – Retain All of the Land for Parking Lot Expansion. There will need to be capital dollars of approximately \$1.2 million to fund the new parking lot for 172 parking spaces. This estimate is based on providing a conventional parking lot pavement structure.

Option 3 – Sell Part of the Land and Retain Part of the Land for Parking Lot Expansion- If part of the land is sold (approximately 0.9 acres), the proceeds from the sale, which is approximately \$800,000 can be used towards the cost of the new parking lot. The parking lot that can be built on the part of land that is not sold is 74 parking spaces, for an estimated cost of \$500,000 (based on conventional parking lot pavement structure). Therefore, the land that is sold for approximately \$800,000 could be sufficient to cover the cost of the 74 parking spaces. The remaining funds of approximately \$300,000 could be transferred to the MCC Reserve to pay for future debenture payments.

Alternatives Reviewed:

The alternatives are outlined in this report.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Meeting the parking needs of the community is important to building strong communities and establishing appropriate parking requirements for our recreational facilities ensures that patrons can access these facilities enhancing the quality of life for the residents of the Town of Pelham.

Consultation:

Director Corporate Services and Treasurer

Director of Public Works

Director of Community Planning and Development

Other Pertinent Reports/Attachments:

Appendix A – Implementation Costs and Effectiveness of Low Impact Development (LID) Practices Meridian Centre Expanded Parking Facility

Appendix B – Low Impact Development Options

Meridian Community Centre Parking, November 5, 2018

2022-0081 - Temporary Parking Solutions and Enforcement Options for the Meridian Community Centre, February 22, 2022

2022-0081 - Town of Pelham Parking Strategy Report, April 4, 2022

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



June 8, 2022
File: 0473

Town of Pelham
20 Pelham Town Square
Fonthill, ON, L0S 1E0

Attn: Mr. Jason Marr, P.Eng. – Director of Public Works

**Re: Implementation Costs and Effectiveness of Low Impact Development (LID) Practices
Meridian Centre Expanded Parking Facility – Fonthill, Town of Pelham**

At the request of the Town of Pelham Upper Canada Consultants has updated the previously prepared parking expansion preliminary concept to reflect current pricing.

The conceptual parking lot is illustrated on Drawing 0473-SSP-BLK4 and provides approximately 174 additional parking spaces to the south east of the existing arena on the block adjacent to Regional Road 54 - Rice Road.

We have provided a baseline construction cost estimate updated to June 2022 with a conventional construction. The baseline construction cost estimate is approximately \$970,000 + HST. The use of significant Low Impact Development (LID) measures is expected to increase this base cost by between 20% and 100% to upwards of \$2 million dollars.

The proposed parking lot expansion is approximately 7,100 m² in area and will be comprised of predominantly paved asphalt parking area with concrete walkways with some landscaped areas within curbed islands and around the exterior of the parking area.

The construction of the proposed parking lot expansion will reduce the amount of area in which stormwater flows will be able to infiltrate into the native soils (i.e. pervious area), as compared to the conditions present prior to construction. This reduction in pervious area will result in an overall increase in stormwater volume and flow rate that will be conveyed from the impervious paved areas and be captured into the storm sewer system.

An emerging practice for new and infill developments is Low Impact Development (LID), which aims to explore options to maintain the existing hydrological functions at the source as opposed to downstream end-of-pipe controls. Some examples of LID practices that may be applicable to this area are as follows:

- Soakaway Pits/Infiltration Trenches;
- Vegetated Filter Strips/Enhanced Grassed Swales;
- Bioretention/Biofilters; and,
- Permeable Pavement.



The Ontario Institute of Pedology prepared field mapping in 1981 – 1985 of the soils within the Niagara Region, including the subject property. Based on this mapping, the native soils were identified as primarily silty clay with a thin layer of sandy textures (15 – 40 cm) with an infiltration potential classified as “imperfectly drained” (BVY.C soil classification) with a secondary composition of silty loam with a more substantial sandy layer (40 - 100 cm) with an infiltration potential classified as “well drained” (WSH soil classification). Therefore, infiltration-focused methods such as soakaway pits, bioretention, and permeable pavement may be considered for this area following a more site-specific geotechnical investigation.

The following will provide a brief overview of the applicable alternatives stated above.

Soakaway Pits/Infiltration Trenches

These practices promote infiltration of stormwater into the surrounding soils by excavating a pit or trench which is typically lined with a filter cloth, backfilled with coarse granular material and either fed by sheet drainage from the surrounding area or through perforated pipes conveying flows from a storm conveyance system.

In the context of this site, the spacing constraints with the parking area would be more supportive to infiltration trenches along the landscaped strips between the parking area and the driveway aisles/road allowances than any centralized pits.

These practices are only effective in controlling the quantity of stormwater and will not provide significant quality improvements. In fact, as the sole method of controlling stormwater, there is potential for contaminants from the parking area (salt, oil, sediment, etc.) to be directed into the soil and groundwater if the water table is high enough. Therefore, it is recommended to also provide a method of quality improvement to as pre-treatment prior to discharging to an infiltration trench.

Per the Low Impact Development Stormwater Management Planning and Design Guide (LID SWMPD) published by the Ministry of the Environment, Conservation and Parks (MECP) in 2010, these practices have a typical space requirement of 20:1 to 5:1 of the serviced impervious area. The proposed parking lot expansion is comprised of approximately 5,500 m² of impervious area and therefore approximately 275 m² to 1,100 m² of area will need to be designated for the infiltration trenches. There is approximately 1,600 m² of landscape area available immediately adjacent to the parking lot expansion.

The use of soak away pits/infiltration techniques are not recommended due to the need to implement pre-treatment to ensure contamination of the underlying soils does not occur. The Town has incurred a sunk cost associated with the construction of the existing SWM pond and with associated ongoing maintenance costs. The Town will not be able to realize any of the potential cost savings associated with reduced runoff volumes as the SWM facility and sewers are already constructed.

Without pre-treatment these types of LID's rapidly fill with sediment and overtime lose their ability to function, where they need to be excavated and reconstructed at a significant cost. Budgetary costs associated with capital construction is approximately \$375/metre assuming 2m between rows of parking bays.



UCC does not recommend soakaway pits or infiltration trenches swales be implemented as part of a future parking area.

Vegetated Filter Strips/Enhanced Grassed Swales

These practices provide a vegetated area for stormwater flows to be conveyed through which can provide quality benefits by removing suspended sedimentation and promote infiltration as the flows travel over the pervious area.

Filter strips are typically utilized as a supporting component in the overall stormwater management design and not as a sole controlling practice but have the benefit of being easily implemented where stormwater can be conveyed across the pervious areas. Alternatively, enhanced swales can provide greater quality improvements and even quantity controls with the caveat of requiring more detailed design, maintenance, and space requirements.

Per the LID SWMPD (MECP 2010), these practices have a typical space requirement of 10:1 to 5:1 of the serviced impervious area. Therefore, approximately 550 m² to 1,100 m² of area will need to be designated for the filter strips or enhanced swales. There is approximately 1,600 m² of landscape area available immediately adjacent to the parking lot expansion.

Both practices could be implemented for the proposed parking lot expansion as there are multiple continuous strips of landscape area available at the extents of the parking area. However, grading of the parking lot could be a constraint as stormwater flows from the impervious paved area would need to be conveyed to these landscape areas.

The use of vegetated filter strips/enhanced grasses swales are not recommended due to the need to implement pre-treatment to ensure contamination of the underlying soils does not occur. The Town has incurred a sunk cost associated with the construction of the existing SWM pond and ongoing increased maintenance costs.

This type of LID will reduce the overall available parking spots and the Town will not be able to realize any of the potential cost savings associated with reduced runoff volumes as the SWM facility and sewers are already constructed. Further in our experience this type of installation was installed by the City of St. Catharine's at their Public Works Yard as part of a test program and ultimately removed as maintenance staff are required to perform very labour intensive management to prevent the vegetation from becoming overgrown and encroaching on the parking area. Garbage and debris accumulate within the vegetation and resulted in numerous complains from the public and staff that needed to be removed by hand.

Capital construction costs for budgetary estimates are approximately \$150-\$300 per metre depending on the intensity of plantings.



UCC does not recommend significant filter strips or enhanced grassed swales be implemented as part of a future parking area.

Bioretention/Biofilters

These practices can function as a filter to improve stormwater quality and also provide quantity controls by retaining flows and either promoting infiltration, given adequate soil conditions, or conveying flows through a perforated subdrain to a storm sewer conveyance system.

The facilities themselves can be adapted to various situations, such as the landscaped islands within the parking lot and along the exterior curbs of the parking lot to receive and control stormwater flows. Similar to infiltration trenches, additional geotechnical analysis will be required to determine the efficacy of including an infiltration component. It is typically recommended to allocate additional space for a forebay or pre-treatment area to remove heavier sediments that may clog the filtration component.

Per the LID SWMPD (MECP 2010), these practices have a typical space requirement of 15:1 to 5:1 of the serviced impervious area. Therefore, approximately 370 m² to 1,100 m² of area will need to be designated for the bioretention areas. There is approximately 1,600 m² of landscape area available immediately adjacent to the parking lot expansion.

Bioretention and biofilters function similarly to vegetated filter strips combined with infiltration trenches/soakaway pits and have similar drawback and advantages. The Town has incurred a sunk cost associated with the construction of the existing SWM pond and ongoing increased maintenance costs and this type of LID will reduce the overall available parking spots and the Town will not be able to realize any of the potential cost savings associated with reduced runoff volumes as the SWM facility and sewers are already constructed.

Further in our experience this type of installation was installed by the City of St. Catharine's at their Public Works Yard as part of a test program and ultimately removed as maintenance staff are required to perform very labour intensive management to prevent the vegetation from becoming overgrown and encroaching on the parking area. Garbage and debris accumulate within the vegetation and resulted in numerous complains from the public and staff that needed to be removed by hand.

For the purpose of estimating capital construction costs we recommend a range of \$375-\$525 per metre depending on the significance of the plantings associated with the installation.

UCC does not recommend significant bioretention or biofilter facilities be implemented as part of a future parking area.

Permeable Pavement



Permeable pavement can be utilized to allow for stormwater flows that would typically run off from the impervious pavement area to drain through the pavement surface to the subgrade as opposed to draining to catch basins or spill ways. From the subgrade infiltration can be promoted, provided adequate soil conditions, or subdrain can be installed to convey flows to a storm sewer conveyance system.

The benefit of this practice is the utilization of the impervious area as a stormwater management facility as opposed to relying on potentially limited landscape areas. However, if applied to the proposed parking lot expansion, consideration will need to be made for the clogging of the permeable surface by sand and sediment as well as the infiltration rates of the native soils.

Per the LID SWMPD (MECP 2010), these practices have a typical space requirement of 1.2:1 to 1:1 of the serviced impervious area. For application in the proposed parking lot expansion, it would be proposed to utilize the entire asphalt parking area and not the concrete walkways for this type of facility, which would fall into the typical space requirement.

Asphalt

Permeable asphalt has been installed in the St. Catharine's Public Works Yard as a long term test for over 10 years. Our understanding is that the asphalt has preformed suitably as would be an acceptable use in this case. However, the underlying stone must be replaced with a thicker layer of clear stone to encourage infiltration and there is a significant price premium to the asphalt. It is recommended that snow clearing be done with a special dedicated vehicle equipped with a plastic/rubber blade in place of typical steel snow clearing blades.

Further periodic pressure washing is recommended to ensure the long term usability of the asphalt as it must remain free-draining to prevent ice accumulation and obliteration of the asphalt during freeze cycles.

This alternative is expected to increase the granular cost by approximately \$45,000 and the asphalt cost by \$105,000 for a total cost premium of approximately \$150,000 or 20% of the project cost. UCC is unable to determine the associated ongoing maintenance costs.

If implemented we would recommend that the asphalt be only placed on the parking stalls and that normal asphalt be used for the drive isles as permeable asphalt is especially susceptible to damage from stationary tire rotations.

Permeable Paving Stones

Permeable Paving Stones continue to be the recommended parking solution and we believe that it would be the best use case for implementation in the parking lot expansion, however there is a significant cost associated with it vs. conventional asphalt.

As a light coloured surface there are also significant heat island benefits and associated improved tree and vegetation health.



This alternative is approximately \$25/ sq.ft and if implemented over the entire area would have a cost of approximately \$1.2 Million, or a project cost increase of approximately \$1 Million dollars.

Current Stormwater Management Design

Independent of any proposed LID measures for the proposed parking lot expansion, stormwater flows from this area have been allocated to the constructed and approved stormwater management wet pond facility located immediately northwest of the Summersides Boulevard/Wellspring Way roundabout and the associated storm sewer conveyance system.

The facility received an Environmental Compliance Approval from the MECP to provide pre- to post-development peak flow attenuation up to and including the 100-year design storm event and stormwater quality improvements up to MECP Normal levels (70% TSS Removal) for the entire tributary drainage area.

With the construction of this facility, the additional benefit from new LID practices within the relatively small portion of the overall drainage area would be minimal. Most of the practices stated above would only provide benefits if infiltration into the native soils is feasible, which would require additional geotechnical investigations and the others would serve to provide pre-treatment to stormwater flows which will ultimately drain to the storm sewer system and into the constructed wet pond facility anyway.

Because of the in-place implementation the use of LIDs for the expanded parking lot is unlikely to have any measurable impact upon the downstream water quality or quantity and will compound and increase significantly both the initial capital construction costs, approvals timelines and ongoing operation and maintenance costs for the Town of Pelham.

Should you have any questions, concerns or require further information, please contact the undersigned.

Yours very truly,

Adam Keane, P.Eng.

Encl.

APPENDIX B – LOW IMPACT DEVELOPMENT OPTIONS

Staff assessed the methods of incorporating Low Impact Development (LID) characteristics into the design and cost of any potential parking lot, including but not limited to permeable pavement specialized storm water features and potential use of botanical features to reduce runoff.

Analysis

The traditional approach to dealing with stormwater has been to move it away from city streets as quickly and efficiently as possible. This results in large volumes of water entering our waterways at high velocities, carrying the pollutants picked up along the way.

LID, by contrast, deals with stormwater by mimicking natural water cycles. It increases the infiltration of stormwater into the soil, where it can be filtered and/or absorbed by plants. LID is a lower-cost alternative to conventional grey infrastructure and provides a number of ecological, economic and social benefits. Some examples of LID practices that may be applicable to this area are as follows:

- Soakaway Pits/Infiltration Trenches

These practices promote infiltration of stormwater into the surrounding soils by excavating a pit or trench which is typically lined with a filter cloth, backfilled with coarse granular material and either fed by sheet drainage from the surrounding area or through perforated pipes conveying flows from a storm conveyance system.

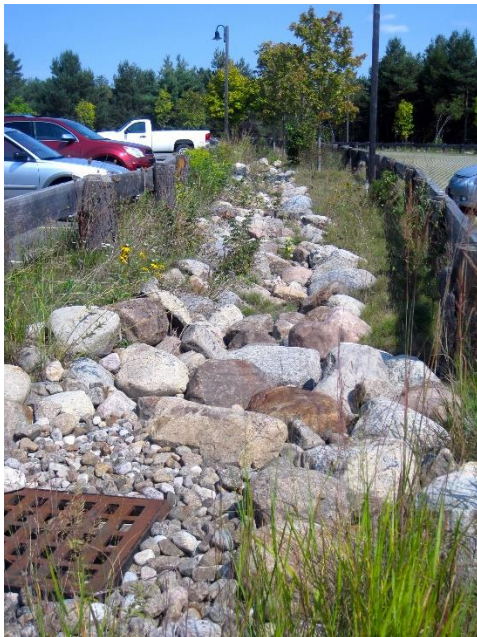


Fig.1. – Soakway Pits/Infiltration Trenches

- Vegetated Filter Strips/Enhanced Grassed Swales

This practice provide a vegetated area for stormwater flows to be conveyed through which can provide quality benefits by removing suspended sedimentation and promote infiltration as the flows travel over the pervious area.



Fig.2.- Vegetated Filter Strips

- Bioretention/Biofilters

Functions as a filter to improve stormwater quality and also provide quantity controls by retaining flows and either promoting infiltration, given adequate soil conditions, or conveying flows through a perforated subdrain to a storm sewer conveyance system.



Fig.3.- Bioretention/Biofilters

- Permeable Pavement/ Porous Asphalt

Permeable pavement can be utilized to allow for stormwater flows that would typically run off from the impervious pavement area to drain through the pavement surface to the subgrade as opposed to draining to catch basins or spill ways. From the subgrade infiltration can be promoted, provided adequate soil conditions, or subdrain can be installed to convey flows to a storm sewer conveyance system.

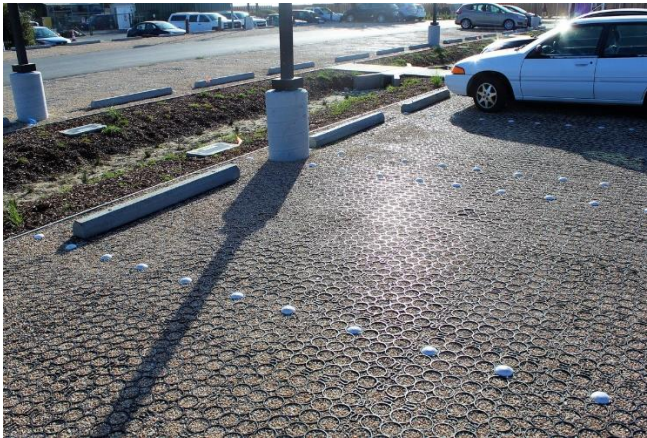


Fig.4.- Permeable Pavement



Fig.5.-Porous Asphalt

- Permeable Stone Pavers

Permeable Paving Stones continue to be the recommended parking solution for municipalities and it is be the best use case for implementation in the parking lot expansion, however there is a significant cost associated with it vs. conventional asphalt. As a light coloured surface there are also significant heat island benefits and associated improved tree and vegetation health.



Fig.6. -Permeable Stone Pavers

Looking further to permeable paving

Permeable pavements, an alternative to traditional impervious pavement, allow stormwater to drain through them and into a stone reservoir where it is infiltrated into the underlying native soil or temporarily detained. They can be used for low traffic roads, parking lots, driveways, pedestrian plazas and walkways. Permeable pavement is ideal for sites with limited space for other surface stormwater BMPs. The following permeable pavement types are:

- permeable interlocking concrete pavers (i.e., block pavers);
- plastic or concrete grid systems (i.e., grid pavers);
- pervious concrete; and
- porous asphalt.

Figure 4.7.5 Permeable pavement system featuring an overflow edge

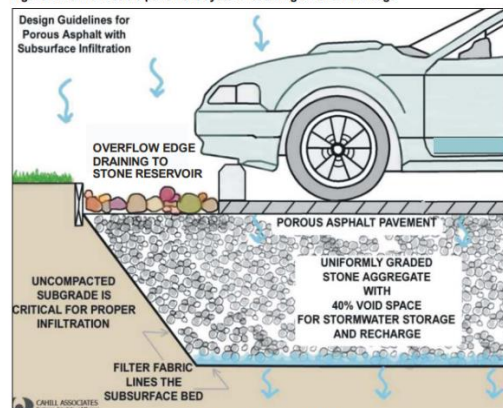


Fig.7. – Example Section

What are the drawbacks?

There are some dis-advantages that come along with permeable pavements. They include:

1. It is more expensive to install as compared to traditional pavements.
2. The maintenance requirements of permeable pavement are quite different. It is prone to clogging if the water in the reservoir isn't drained out properly. The sand and fine particles that can block the space between the pavers must be removed using an industrial vacuum. It can even clog when you sand for ice during the winter. If you do not cater to clogging quickly, it will cause the water and pollutants to run off the surface, defeating the purpose of installing permeable pavement.
3. They aren't as strong as traditional or asphalt pavements. If you put consistent pressure (like heavy vehicle braking) on it, then the pores of the pavement will collapse. Due to this, permeable pavement isn't ideal for building airport runways and highways.

What are the Benefits?

1. Permeable pavements help reestablish a more natural hydrologic balance and reduce runoff volume by trapping and slowly releasing precipitation into the ground instead of allowing it to flow into storm drains and out to receiving waters as effluent. This same process also reduces the peak rates of discharge by preventing large, fast pulses of precipitation through the stormwater system.
2. Permeable pavement can reduce the concentration of some pollutants either physically (by trapping it in the pavement or soil), chemically (bacteria and other microbes can break down and utilize some pollutants), or biologically (plants that grow in-between some types of pavers can trap and store pollutants).
3. By slowing down the process, permeable pavements can cool down the temperature of urban runoff, reducing the stress and impact on the stream or lake environment.
4. By controlling the runoff at the source, such as a parking lot, permeable pavement can also reduce the need for or the required size of a regional BMP, such as a wet detention pond, which saves money and effort.

Cold-weather benefits

5. Another benefit of permeable pavement is the reduced need to apply road salt for deicing in the winter time.
6. Other researchers have found that the air trapped in the pavement can store heat and release it to the surface, promoting the melting and thawing of snow and ice.

Low Impact Developments in Ontario

In Ontario, there are a number of municipalities that have engaged in LID as a green approach to the construction of their facilities. . As an example, in 2013, the municipality of King City was looking for eco-friendly paving materials to help transform their 1300 m² parking area into a functional, permeable, and green parking lot for the town's public library. Similarly, in 2016, the Huron Natural Area permeable parking lot project by the City of Kitchener paved way to help tackle climate change and increase environmental sustainability. It also served as a pivotal point to encourage the city for more green projects.



Fig.8.-Township of King Public Library Parking Lot



Fig.9.- Huron Natural area, City of Kitchener

What are the benefits of LID?

LID Provides Many Environmental and Economic Benefits:

1. Improved Water Quality. Stormwater runoff can pick up pollutants such as oil, bacteria, sediments, metals, hydrocarbons and some nutrients from impervious surfaces and discharge these to surface waters. Using LID practices will reduce pollutant-laden stormwater reaching local waters. Better water quality increases property values and lowers government clean-up costs.
2. Reduced Number of Costly Flooding Events. In communities that rely on ditches and drains to divert runoff to local waterways, flooding can occur when large volumes of stormwater enter surface waters very quickly. Holistically incorporating LID practices reduces the volume and speed of stormwater runoff and decreases costly flooding and property damage.
3. Restored Aquatic Habitat. Rapidly moving stormwater erodes stream banks and scours stream channels, obliterating habitat for fish and other aquatic life. Using LID practices reduces the amount of stormwater reaching a surface water system and helps to maintain natural stream channel functions and habitat.
4. Improved Groundwater Recharge. Runoff that is quickly shunted through ditches and drains into surface waters cannot soak into the ground. LID practices retain more rainfall on-site, allowing it to enter the ground and be filtered by soil as it seeps down to the water table.
5. Enhanced Neighborhood Beauty. Traditional stormwater management infrastructure includes unsightly pipes, outfalls, concrete channels and fenced

basins. Using LID broadly can increase property values and enhance communities by making them more beautiful, sustainable and wildlife friendly

What are the drawbacks with LID?

There are some adverse aspects, such as LID projects tend to involve more ongoing maintenance than the traditional pipe-to-sewer stormwater infrastructure.

Another downside is that not all LID projects function the same. Understanding the site specifics is critical for selecting the proper LID. For example, vegetated filter strips can be ideal for small parking lots but not for sites with large drainage areas.

Other potential cons to installing LID:

1. Requires approval from local codes or ordinances
2. Increases maintenance and required landscaping
3. Diminishes pollutant removal if improperly designed
4. Increases erosion during large storm events
5. Increases pavement failure at LID/curb interface
6. Increases liability and safety concerns
7. Reduces performance over time.

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 4463(2022)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands on the north side of Port Robinson Road, east of Station Street, legally described as Part of Lot 167, Geographic Township of Thorold, Part of Lots 17, 18 & 19 Plan 717, Town of Pelham, from the Residential Multiple 1 – 263 (RM1-263) and Residential Development (RD) zones to a site specific Residential 2 (R2-322) zone.

Hummel Properties Inc.

File No. AM-07-21

WHEREAS, Section 34 of the Planning Act. RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A5” to Zoning By-law 1136 (1987) as amended, is hereby further amended by rezoning the lands identified on Schedule ‘A’ attached hereto and forming part of this By-law from the Residential Multiple 1 – 263 (RM1-263) and Residential Development (RD) zones to a site specific Residential 2 (R2-322) zone.
2. **THAT** Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

General Provisions	Section 6 of the General Provisions is amended by deleting and replacing the following subsection as follows for the lands identified as R2-322:
--------------------	--

Section 6.35 – Yard Encroachments Permitted

c) Unenclosed Porches, Balconies, Steps & Patios

Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2m of the front lot line or exterior side lot line, and 4.5m of the rear lot line

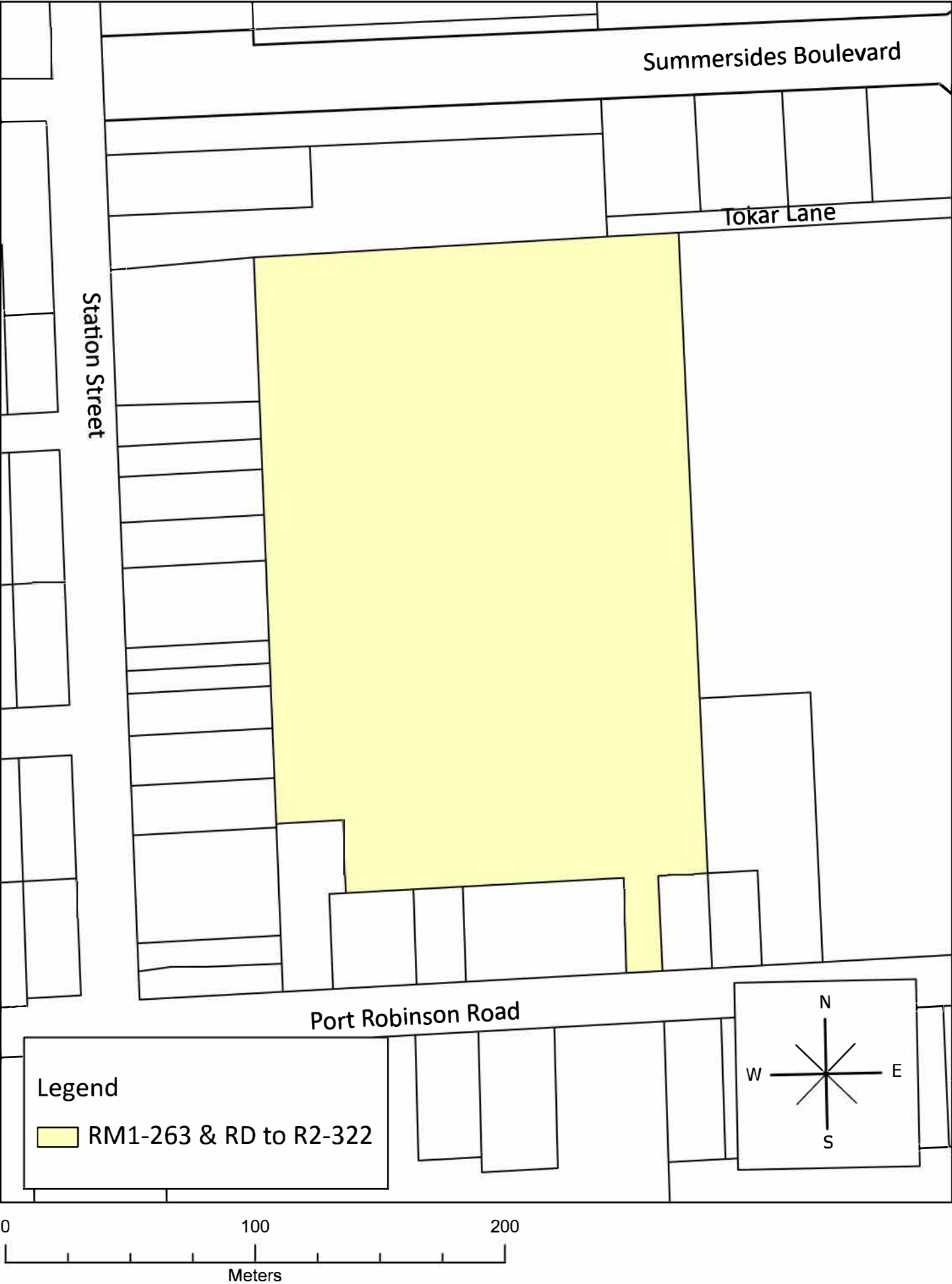
R2-322 Notwithstanding Sections 14(d), (e) and (f) of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

d)	Minimum Front Yard	4 m to dwelling front face; 6 m to garage
e)	Minimum Interior Side Yard	1.2m on both sides where a carport or garage is attached, 1.2m on one side and 3m on the other side where there is no attached carport of garage
f)	Minimum Exterior Side Yard	4 m

- ENACTED, SIGNED AND SEALED THIS
20th DAY OF JUNE, 2022 A.D.

CLERK HOLLY WILLFORD

Schedule 'A'



This is Schedule 'A' to By-law No. 4463 (2022) passed the 20 day of June, 2022.

Mayor: Marvin Junkin

Clerk: Holly Willford

THE CORPORATION OF THE
T O W N O F P E L A M

BY-LAW NO. 4464(2022)

**Being a by-law to adopt an Amendment to the Official Plan for the
Town of Pelham Planning Area.**

Amendment No. 14

**Summersides Village
File no. OP-AM-02-21**

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN
OF PELHAM IN ACCORDANCE WITH THE PROVISIONS OF SECTION
17 OF THE PLANNING ACT, R.S.O, 1990, AS AMENDED, HEREBY
ENACTS AS FOLLOWS:

1. **THAT** Amendment No. 14 to the Official Plan of the Town of Pelham
consisting of the attached explanatory text and schedule is adopted.
2. **AND THAT** the Clerk of the Town is authorized to effect any minor
modifications or correction solely of an administrative, numerical,
grammatical, semantical or descriptive nature to this by-law or its
schedules after passage of this by-law

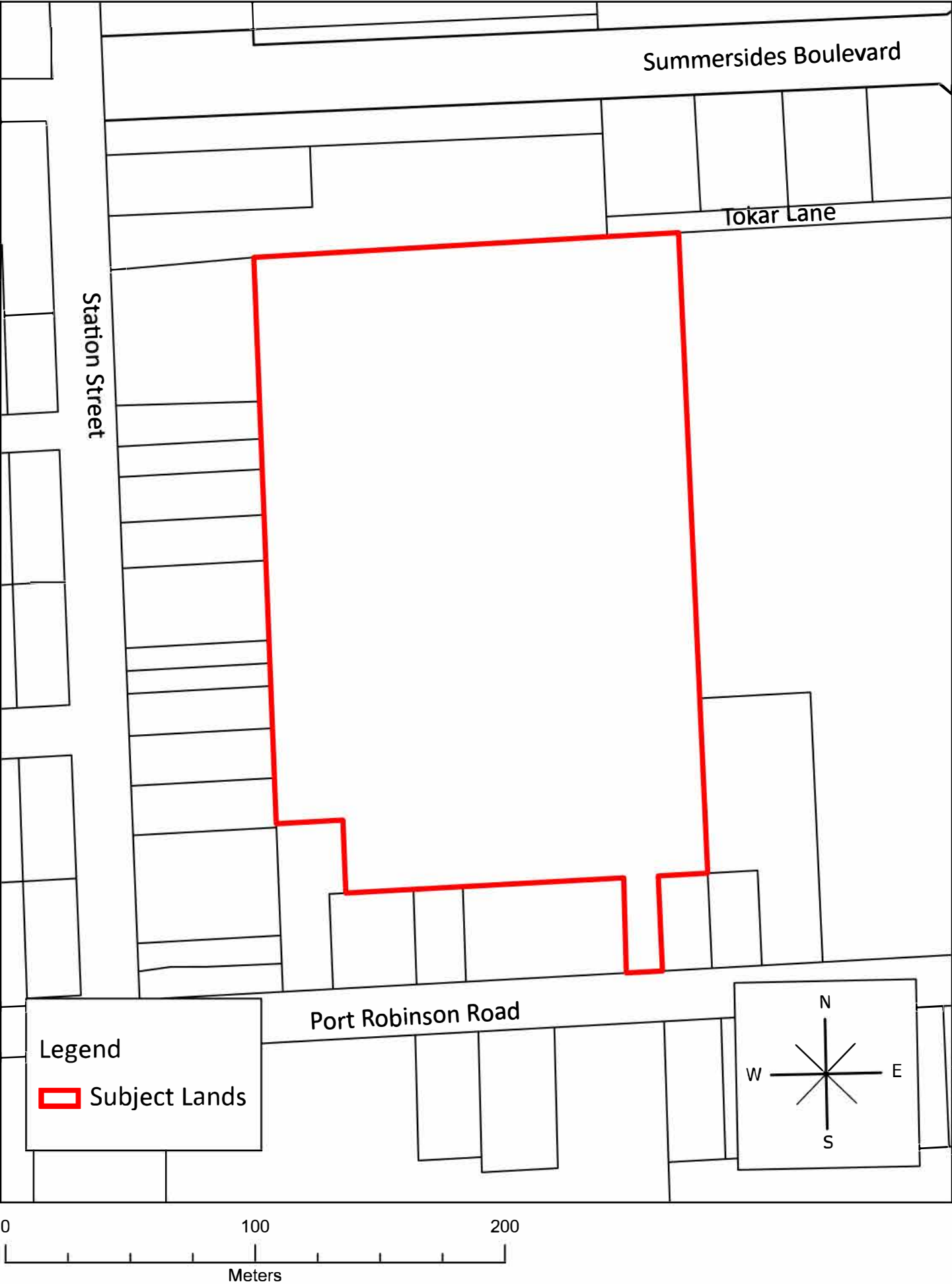
ENACTED, SIGNED AND SEALED THIS

20th DAY OF JUNE, 2022 A.D.

MAYOR MARVIN JUNKIN

CLERK HOLLY WILLFORD

Schedule 'A'



This is Schedule 'A' to By-law No. 4464 (2022) passed the 20 day of June, 2022.

Mayor: Marvin Junkin

Clerk: Holly Willford

AMENDMENT NO. 14
TO THE
OFFICIAL PLAN (2014)
FOR THE
CORPORATION OF THE TOWN OF PELHAM
4464(2022)

CONTENTS

PART "A" – THE PREAMBLE

- Section 1 Title and Components
- Section 2 Purpose of the Amendment
- Section 3 Location of the Amendment
- Section 4 Basis of the Amendment
- Section 5 Implementation of the Amendment

PART "B" – THE AMENDMENT

- Introductory Statement
- Details of the Amendment
- Appendix A Schedule 'A' to the Official Plan Amendment

PART "A" – THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. 14 to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text constitutes Amendment No. 14 to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Policy B1.7.4.1(c) by allowing a deviation from the Demonstration Plans contained in Appendix A of the Official Plan to reflect changes in the proposed street network.

The effect of the amendment will be to permit the draft plan of subdivision with the proposed street network which eliminates the westerly street connection to Port Robinson Road and the rear laneway as shown on the Demonstration Plans contained in A of the Official Plan.

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are located on the north side of Port Robinson Road, east of Station Street.

SECTION 4

BASIS OF THE AMENDMENT

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The amendment will facilitate orderly and logical development that will allow for the efficient movement of residents through the neighbourhood without negative impacts to the street network.
2. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

PART "B" – THE AMENDMENT

The Amendment consisting of the following policies and attached map designated as Schedule 'A', identifies the subject lands that constitute Amendment No. 14 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

1. The revision of the following Policy:

Part "B" – The Amendment consisting of the following policies and attached map designated as Schedule 'A', identifies the subject lands that constitute Amendment No. 14 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

B.1.7.4.1 Demonstration Plans

c) All development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans attached to this Plan as Appendix A. Adjustments and further refinements to the Demonstration Plans are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the satisfaction of the Town.

to

c) The street network proposed in the Summersides Village Draft Plan of Subdivision is permitted with deviations from the Demonstration Plans attached to this Plan as Appendix A.

The Corporation of the Town of Pelham

By-law No. 4470(2022)

Being a By-law to authorize the Mayor and Clerk to enter into a Memorandum of Understanding with Innova Stem Labs Inc. for the STEM Camp Program.

WHEREAS the Council for the Corporation of the Town of Pelham deems it desirable to enter into a Memorandum of Understanding with Innova Stem Labs Inc.;

AND WHEREAS the Council for the Corporation of the Town of Pelham deems it desirable to implement a program of summer camps with a focus on science, technology, engineering and math referred to as the "STEM Camp Program";

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- 1. THAT** the Memorandum of Understanding attached hereto and made part of this by-law between the Corporation of the Town of Pelham and Innova Stem Labs Inc. be and is hereby approved; and
- 2. THAT** the Mayor and Clerk be and are hereby authorized and directed to execute the agreement annexed hereto as Schedule "A" to the by-law and to affix the corporate seal thereto.

3. Effective Date

3.1. This By-law shall come into force on the date that it is passed.

Read, Enacted, Signed and Sealed this
20th Day of June, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk

THE CORPORATION OF THE TOWN OF PELHAM

("the Town")

- and -

INNOVA STEM LABS INC.

("Innova")

MEMORANDUM OF UNDERSTANDING

WHEREAS the Town wishes to implement a program of summer camps with a focus on science, technology, engineering and math ("STEM Camp Program");

AND WHEREAS Innova has equipment and resources to support the Town's operation of a STEM Camp Program;

AND WHEREAS the Town and Innova wish to collaborate to implement the STEM Camp Program in the Town of Pelham for the 2022 summer season;

NOW THEREFORE in consideration of the promises and covenants in this Memorandum of Understanding and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Town and Innova (each "a party" and collectively "the parties"), confirm their mutual understanding of, and agreement to, the following terms:

1. Purpose

- 1.1. This Memorandum of Understanding sets out all rights and responsibilities of the Town and Innova in relation to the STEM Camp Program.

2. Term

- 2.1. This Memorandum of Understanding comes into effect on the date it is signed by the parties and will continue until 5:00 p.m. on September 9, 2022, unless it is amended or terminated in accordance with section 8 or is rendered null and void in accordance with section 3.6 ("the Term").

3. Details and Location of the STEM Camp Program

- 3.1. The STEM Camp Program will commence on July 18, 2022 and will consist of seven (7) weekly sessions, each of which will run Monday to Friday from 9:00 a.m. to 4:00 p.m. The parties may, by mutual agreement, schedule additional STEM Camp Program activities to take place outside these hours.

RN

- 3.2. The Town is the registered owner of the Meridian Community Centre located at 100 Meridian Way in Fonthill, ON ("the MCC"). The STEM Camp Program will be held at the MCC.
- 3.3. Innova is the registered owner of a portable trailer that operates as a mobile STEM lab ("the Mobile Lab") and all equipment within the trailer, including but not limited to laptops, microcontrollers, 3D printers, virtual reality goggles, augmented reality goggles, electronics, robotics kits and other technological and non-technological equipment. The STEM Camp Program will use the Mobile Lab for its operations
- 3.4. Innova will transport the Mobile Lab to the MCC and, subject to approval by the Town acting reasonably, will situate it in a parking area on the north side of the MCC for the duration of the Term ("the Mobile Lab Location").
- 3.5. The Town grants to Innova a non-exclusive licence to use the Mobile Lab Location and to access such other areas of the MCC as may reasonably be required by Innova in accordance with its rights and responsibilities under this Memorandum of Understanding. Innova will pay no licence fee to the Town.
- 3.6. In July 2022 and August 2022, the Town will pay to Innova a rental fee for the Mobile Lab, provided that the Town has secured and received a full financial sponsorship for that purpose. The rental fee payable for the period from July 18, 2022 to July 31, 2022 is one thousand dollars (\$1,000.00). The rental fee payable for the month of August 2022 is two thousand dollars (\$2,000.00). In the event that the Town does not receive a full financial sponsorship in these amounts, this Memorandum of Understanding is null and void in its entirety.

4. Rights and Responsibilities of the Town

- 4.1. The Town will, at its sole expense, supply electricity to the Mobile Lab during the Term, including the installation of a 50-amp electrical receptacle on the exterior of the MCC to service the Mobile Lab during the Term.
- 4.2. The Town will operate all aspects of the STEM Camp Program and, without limiting the generality of the foregoing, will:
 - (a) advertise, promote and publicize the STEM Camp Program;
 - (b) receive and process STEM Camp Program registrations and camp fees;
 - (c) subject to section 5.1, provide all materials and supplies required to operate the STEM Camp Program;
 - (d) provide all staff required to operate the STEM Camp Program;
 - (e) subject to section 5.2, provide general employment training to STEM Camp Program staff;
 - (f) be responsible for all staff wages and employment obligations, including during the training period(s) described in section 5.2; and

(g) maintain all areas of the MCC used for the STEM Camp Program.

- 4.3. Other than the expenses for which Innova is responsible in accordance with section 5 of Memorandum of Understanding, the Town will pay all fees, costs and expenses arising from and/or associated with the operations of the STEM Camp Program ("Operating Expenses").
- 4.4. The Town is entitled to retain all fees collected in relation to the STEM Camp Program to offset the Operating Expenses; however, in the event that there is a surplus of funds at the end of the Term, meaning that revenues generated in relation to the STEM Camp Program exceed the Operating Expenses, the Town and Innova will each be entitled to fifty percent (50%) of the surplus.
- 4.5. The Town will maintain insurance coverage in accordance with section 6 of this Memorandum of Understanding.
- 4.6. The Town will not assign any right or responsibility under this Memorandum of Understanding without the prior written consent of Innova.

5. Rights and Responsibilities of Innova

- 5.1. Innova will provide all curriculum materials required for the STEM Camp Program at no cost to the Town and grants the Town a non-exclusive licence to access, use, copy and distribute the curriculum materials as required to operate the STEM Camp Program.
- 5.2. Innova will provide program-specific training and certification to STEM Camp Program staff at no cost to the Town; however, the Town remains responsible for the wages and employment obligations of the STEM Camp Program staff during any such training period(s).
- 5.3. Innova will transport the Mobile Lab and situate it in the Mobile Lab Location prior to the commencement of the first session of the STEM Camp Program at no cost to the Town.
- 5.4. Innova will ensure that all equipment in the Mobile Lab is fully operational and in good working order prior to the commencement of the first session of the STEM Camp Program and for the duration of the Term.
- 5.5. Innova will complete any necessary inspections, maintenance and/or repairs of the Mobile Lab and all equipment within it during the Term. Innova is solely responsible for the cost of such inspections, maintenance and repairs unless the need for same was caused by the negligence of the Town or anyone for whom it is in law responsible, in which case the Town will reimburse Innova for the reasonable cost of the inspection, maintenance and/or repair.

- 5.6. At the end of the Term, Innova will remove the Mobile Lab from the Mobile Lab Location at no cost to the Town and will repair, to the satisfaction of the Town acting reasonably, any damage to the Mobile Lab Location caused by the Mobile Lab, including its installation and/or removal.
- 5.7. Innova will maintain insurance coverage in accordance with section 6 of this Memorandum of Understanding.
- 5.8. Innova will not assign any right or responsibility under this Memorandum of Understanding without the prior written consent of the Town.

6. Insurance and Indemnity

- 6.1. During the Term, Innova will obtain and maintain in full force and effect one or more policies of insurance providing physical asset coverage for the Mobile Lab and its contents including, without limitation, property damage caused by fire, vandalism, theft or any other cause.
- 6.2. During the Term, each party will obtain and maintain in full force and effect a policy of comprehensive general liability insurance with limits of not less than two million dollars (\$2,000,000.00) for any one occurrence and that names the other party as an additional insured but only with respect to this Memorandum of Understanding. The parties will provide one another with evidence of this insurance upon request.
- 6.3. Each party will indemnify and save harmless the other party and its officers, employees and agents from and against all losses, claims, actions, demands, liabilities and expenses in connection any personal injury or property damage occasioned by or caused wholly or in part by any negligent act or omission of that party or anyone for whom it is in law responsible.

7. Confidentiality

- 7.1. Subject to section 7.2, the parties will not disclose confidential or proprietary information received pursuant to this Memorandum of Understanding and/or in the course of implementing or operating the STEM Camp Program.
- 7.2. Notwithstanding section 7.1, the parties acknowledge that any information collected by and/or exchanged with the Town pursuant to this Memorandum of Understanding is subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56.

8. Amendment and Termination

- 8.1. This Memorandum of Understanding may be amended by mutual agreement of the parties at any time. Any amendments will be made in writing, signed by the parties, and appended to this Memorandum of Understanding.

- 8.2. This Memorandum of Understanding may be terminated by either party on thirty (30) days' written notice.
- 8.3. This Memorandum of Understanding may also be terminated by the parties' mutual agreement, which agreement will be made in writing, signed by the parties and appended to this Memorandum of Understanding.
- 8.4. Termination of this Memorandum of Understanding will be without prejudice to the rights of either party against the other that may have accrued up to the date of termination.

9. Dispute Resolution

- 9.1. If a dispute arises as to the interpretation, application and/or execution of this Memorandum of Understanding, the parties will confer in good faith to resolve the dispute.
- 9.2. If the parties are unable to resolve the dispute, the matter shall be mediated and/or arbitrated. If the matter is not resolved through mediation, it will go to and be resolved through binding arbitration. The decision of the arbitrator will be final and binding on the parties.
- 9.3. The parties will each bear their own costs associated with the determination of disputes arising under this Memorandum of Understanding, including but not limited to legal costs and arbitration costs.

10. General

- 10.1. This Memorandum of Understanding constitutes the entire understanding and agreement between the parties relating to the matters set out herein. There are no other representations, covenants or terms relating to the subject matter of this Memorandum of Understanding and this Memorandum of Understanding supersedes any and all prior discussions, understandings or agreements between the parties relating to its subject matter.
- 10.2. Nothing in this Memorandum of Understanding will be deemed to create any partnership, agency or joint venture between the Town and Innova.
- 10.3. The invalidity or unenforceability of a particular term of this Memorandum of Understanding will not limit the validity or enforceability of the remaining terms, each of which is distinct and severable from all other terms contained in this Memorandum of Understanding.
- 10.4. This Memorandum of Understanding will be governed by and construed in accordance with the law of the Province of Ontario and the laws of Canada applicable herein.

- 10.5. This Memorandum of Understanding may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed in original or electronic form and may be exchanged by way of mail or PDF file delivered by email.

[signature page follows]

EXECUTED as a Memorandum of Understanding this day of, 2022.

THE CORPORATION OF THE TOWN OF PELHAM

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

INNOVA STEM LABS INC.

By: _____

Name: *Rasha RL Nossery*

Title: *President*

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: *14 Jun 2022*

The Corporation of the Town of Pelham

By-law No. 4471(2022)

Being a by-law to adopt, ratify and confirm the actions of the Council at its regular meeting held on the 20th day of June 2022.

WHEREAS Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that, unless otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

- (1) (a) The actions of the Council at its meeting held on the 20th day of June, 2022, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (I) any actions required by-law to be taken by resolution, or
 - (II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- (2) The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- (3) Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- (4) THAT this by-law shall come into force on the day upon which it is passed.

Read, Enacted, Signed and Sealed this
20th Day of June, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk