

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2017-56

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*, (“the Act”) provides that an upper tier municipality may pass By-laws respecting waste management subject to the requirements set out in the Act; and

WHEREAS By-law No. 63-2015 was passed by Regional Council 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 Regional Council wishes to repeal By-law No.63-2015 and replace same with an updated By-law regulating the use of the Region’s Waste Management System;

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. “Area Municipality” means any one of the municipality or corporation of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, or Township of West Lincoln;
  - 1.2. “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 will continue to evolve as new methods and Materials emerge. These changes will be implemented on an “As Designated” basis;

- 1.3 “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;
- 1.4 “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;
- 1.5 “Brush” means woody Material including twigs, tree limbs or branches;
- 1.6 “Bulky Goods” means large household items (but not White Goods) and other Material As Designated, including but not limited to:
- (a) artificial Christmas trees;
  - (b) box springs and mattresses;
  - (c) couches;
  - (d) floor lamps;
  - (e) furniture (e.g. chairs, tables);
  - (f) glass shards packaged in cardboard box labelled “glass”;

- (g) microwave ovens;
  - (h) pool covers and solar blankets;
  - (i) carpets or rugs in compact rolls/bundles not exceeding 1.5 m (4.5 feet) in length and 0.76 m (2.5 feet) in diameter; and
  - (j) other household items that cannot fit in a Garbage Container;
- 1.7 “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;
- 1.8 “Christmas trees” means naturally grown evergreen trees without tinsel, decorations, ornaments or tree lights;
- 1.9 “Christmas trees, Artificial” means trees manufactured from manmade material;
- 1.10 “Collectable” means Material which may be collected at Curbside or a collection point approved by the Region pursuant to this By-law;
- 1.11 “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;
- 1.12 “Council” means the Council of The Regional Municipality of Niagara;
- 1.13 “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;
- 1.14 “Designated Business Area” means an area designated by the local municipality to receive alternate collection services compared to residential or other industrial, commercial and institutional services;
- 1.15 “Eligible Property” means a Premises of Types A, B, C, D, E or F as set out in Section 14 and Schedule A to this By-law where:
- (a) container limits set out in Schedule A can be abided in the normal course of waste generation activity; and
  - (b) the Owner of the Premises are in compliance with this By-law; and
  - (c) the only Material set out for collection is Material generated on that Premises;

- 1.16 “Friendly Reminder” means a written notice by the Region, in a form similar to that set out in Schedule C 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, to address Non-compliance;
- 1.17 “Garbage” means all non-hazardous, solid, residual waste which, for purposes of collection or drop-off at a Regional Drop-off Location, does not fall within a recyclable class of Material as set out in Subsection 3.1(a) or elsewhere in this By-law and such other Material As Designated. It does not include grass;
- 1.18 “Garbage Container” means a waterproof opaque bag, receptacle, can, bin, or such other container As Designated, for the storing and setting out of garbage. It does not include cardboard boxes;
- 1.19 “Garbage Exemption Week” means the five (5) collection days immediately following December 25 each year where residents of Type A, B, D and F. Premises as shown in Schedule A are permitted to set out double their Garbage Container Limit for collection;
- 1.20 “Garbage Exemptions” mean exemptions as set out in Section 14 to the approved Garbage Container limits as shown in Schedule A. Type A, B, D and F Premises as defined in Schedule A of this By-law can receive a Garbage Exemption;
- 1.21 “Garbage Tag” means a tag that can be purchased from the Region or authorized vendor and affixed to 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;
- 1.22 “Green Bin Container” means a container such as the Green Bin, Carts or the smaller kitchen catcher available from the Region, or approved alternative, used for the storing and/or setting out of Green Bin Material;
- 1.23 “Green Bin Material” means compostable organic Material collected under the Green Bin program As Designated by the Region, including but not limited to food waste (such as meat, bones, shells, tea bags), pumpkins, tissue paper, paper towels and napkins, paper egg cartons, 100% compostable paper cups and plates, dryer lint, soiled newspaper, cold fireplace ashes, brown paper bags, saw dust, wood shavings, paper take-out trays, kitty litter and pet waste. It does not include grass or liquid Material;

- 1.24 "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;
- 1.25 "Grey Box Material" means recyclable Material that is collected as part of the Grey Box Program. The Material includes:
- (a) soft-covered books and hard-covered books with the covers removed;
  - (b) boxboard (non-waxed, such as cereal and cracker boxes);
  - (c) cardboard (non-waxed);
  - (d) fine paper and paper envelopes;
  - (e) newspapers and unaddressed ad mail and flyers;
  - (f) plastic bags and stretchy plastic outer-wrap including but not limited to plastic grocery and retail bags, outer-wrap from such things as clean food wrap, empty bread bags, empty produce bags, toilet paper and paper towel packaging, empty and clean milk bags dry cleaner bags. Plastic bags and stretchy plastic outer-wrap must be stuffed into one bag and securely tied;
  - (g) shredded paper placed in a securely-tied, transparent plastic bag;
  - (h) telephone books and magazines, including catalogues and all glossy publications; and
  - (i) other Material As Designated;
- 1.26 "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;
- 1.27 "Leaf and Yard Material" means leaves, weeds, trimmings, flowers, small twigs less than 1.5 cm in diameter and other Material As Designated, but does not include grass, Brush, soil, dirt, roots, rocks, stumps or sod;
- 1.28 "Leaf and Yard Material Container" means reusable, rigid, open-top containers, paper bags or certified plastic compostable plastic bags As Designated by the Region. It does not include cardboard boxes or non-compostable plastic bags;
- 1.29 "MPAC" means the Municipal Property Assessment Corporation;

- 1.30 "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;
- 1.31 "Non-Collectable Material" means Material forbidden, prohibited and not acceptable for Curbside collection pursuant to this By-law including:
- (a) hazardous waste which is corrosive, flammable, toxic, explosive or biomedical or as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (b) prohibited Material as defined under the *Transportation of Dangerous Goods Act, 1992*, or any successor legislation;
  - (c) pathological waste, as defined and regulated in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (d) solid and liquid waste Material or substances which contain or could contain pathogen bacteria or micro-organisms that may be hazardous or dangerous;
  - (e) motor vehicles or automotive parts;
  - (f) live animals or fowl or carcasses or part of an animal or other creature, save for normal and bona fide Green Bin Material, which has been drained of all liquids;
  - (g) septic or holding tank pumping's or raw sewage;
  - (h) Material of any kind or nature that may be explosive or combustible or may cause fire including hot coals, ashes, oil-soaked or gasoline-soaked rags, papers, cloths or similar Material;
  - (i) gaseous, semi-liquid or liquid waste including liquid industrial waste as defined in Ontario Regulation 347, R.R.O. 1990, under the *Environmental Protection Act* or any successor legislation;
  - (j) sealed metal drums or barrels;
  - (k) other Material as prohibited in any relevant Certificate of Approval issued by the Ministry of the Environment under the relevant legislation;
  - (l) Sharps;
  - (m) construction, renovation or demolition Material including windows;
  - (n) grass clippings;

- (o) Waste Electrical and Electronic Equipment (WEEE); and
- (p) other Material As Designated;

- 1.32 “Non-Compliant” means Material not prepared for collection or Regional Drop-Off Location deposit in accordance with the requirements set out in this By-law. “Non-Compliance” has the related meaning;
- 1.33 “Owner” includes but is not limited to:
- (a) a Person who is the registered owner and or the beneficial owner of Premises which is subject to this By-Law;
  - (b) the Person for the time being managing or receiving the rent of from Premises, which is subject to this By-Law, whether on the Person's own account or as agent or trustee of any other Person or who would receive the rent if the Eligible Property was let; and
  - (c) a Person who is a lessee or occupant or tenant of the Premises who in their capacity as lessee or occupant manages or is in charge or control Premises, which is subject to this By-Law;

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

- 1.34 “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;
- 1.35 “Pet Waste” means animal excrement generated by small household pets including cats, dogs, small rodents or other similar indoor pets kept for companionship and enjoyment, but excluding horses, cows, chickens or other similar farm, wild, working, undomesticated or commercial livestock animals;
- 1.36 “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;
- 1.37 “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;

- 1.38 “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 a location where Drop-off/Recycling, composting, Household Hazardous Waste Collection or Landfilling occurs;
- 1.39 “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 14.7 the Registered Charities must be the direct generators of Blue Box Material, Grey Box Material, Green Bin Material or Garbage.
- 1.40 “Scavenge” means to search through, pick over or remove objects or Material set out for Curbside collection or deposited at a Regional Drop-off Location;
- 1.41 “Set Out Service” means the provision of onsite service for residents living in Type A Premises as listed in Schedule A to this By-law and who are unable to physically carry their Blue/Grey Box Materials and Green Bin Material to the curb for collection;
- 1.42 “Sharps” means medical or veterinary equipment intended for the purpose of cutting or piercing and includes medical needles or syringes;
- 1.43 “*Site Plan Conditions*” means *comments and conditions provided by the Region during the site plan application process pursuant to the Region’s Policy “Requirements for Waste Collection”*;
- 1.44 “Waste Disposal Site” means as defined in the *Environmental Protection Act*, R.S.O. 1990, Ch. E.19, or any successor legislation (“*Environmental Protection Act*”);
- 1.45 “Waste Electrical and Electronic Equipment (WEEE)” means equipment accepted through the WEEE Program Plan operated by a stewardship program including but not limited to the following:
- (a) Desktop computers;
  - (b) Portable computers;
  - (c) Computer peripherals (keyboards, mice, hard drives, optical drives – CD Blu-ray, DVD, HD-DVD);



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

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

## **PART II –COLLECTION SERVICES**

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

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

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

2.3 No Owner shall be eligible for collection unless the Owner complies with this By-law and other terms As Designated.

### **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;
- vii. White Goods; and
- viii. 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 14 of this By-law relevant to each Class of Material.

5. Brush

5.1 Brush set out for Curbside collection:

- (a) shall be packaged in bundles where each individual piece of Material shall not exceed 7 cm (2.8 inches) in diameter and where each bundle shall not exceed:
  - i. a size of 1.5 m (5 feet) in length by 0.5 m (1.6 feet) in diameter; and
  - ii. a weight of 22.7 kg (50 pounds); and
- (b) if collected on the same day as other Material, shall be clearly separated from any other class of Material set out for collection.

5.2 Brush is only collectable from a Type A Premises as defined in Schedule A to this By-law. Further information on the collection of Brush is available from sources noted in Section 53 of this By-law.

6. Bulky Goods

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

6.2 Bulky Goods set out for Curbside collection:

- (a) shall be in a contained state neatly placed at the Curbside; and
- (b) shall be dismantled if possible; and
- (c) shall not include construction, demolition or renovation Material.

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 (i.e. bed bugs) mattresses or box springs 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 Bulky Goods collection is available on occasion to dispose of a reasonable amount of normal household items created in the normal course of waste generation activity and is not to be used to dispose of entire dwelling unit contents or for move outs.

6.8 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; and
- (b) Labelled appropriately (i.e. "Broken Glass").

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.

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 on two (2) sides; 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. not exceeding a size of up to 91 cm (3 feet) in height by 61cm (2 feet) in width; 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

(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 if this By-law.
9. Leaf and Yard Material
- 9.1 Leaf and Yard Material shall be set out for Curbside collection:
- (a) packaged in rigid, reusable, open-top containers or compostable paper bags or certified compostable plastic bags As Designated:
    - i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
    - ii. not exceeding a total weight (of container and Leaf and Yard Material together) of 22.7 kg (50 pounds.); and
  - (b) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.
- 9.2 Non-compostable plastic bags (without a 'Biodegradable Products Institute' or '100% Compostable' logo) or cardboard boxes are not permitted.
- 9.3 Leaf and Yard Material is only collectable from Type A Premises as defined in Schedule A to this By-law.
- 9.4 Further information on the collection of Leaf and Yard Material is available from the sources noted in Section 53 if this By-law.
10. Green Bin Material
- 10.1 Green Bin Material shall be set out for Curbside collection packaged:
- (a) in a Green Bin Container available from the Region or other suitable containers in accordance with 10.1 (c):
    - i. using certified compostable plastic bags As Designated; or
    - ii. in paper bags; or
    - iii. wrapped securely in newspaper; or
    - iv. loosely.

- (b) in a Cart only for Type B-F Premises as set out in Schedule A to this By-law for; or
  - (c) in other containers labelled "Organics":
    - i. not exceeding 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
    - ii. not exceeding a total weight (of container and Green Bin Material together) of 22.7 kg (50 pounds); and
    - iii. which are equipped with handles; and
    - iv. Carts are exempt from 10.1 (c) i-iii
  - (d) in such a way as to clearly separate it from any other class of Collectable Material set out for collection on the same Premises.
- 10.2 Small amounts of Leaf and Yard Material including weeds, garden Material, trimmings, and twigs smaller than 1.5 cm (0.5 inches) in diameter and no longer than 30.5 cm (12 inches), excluding grass, are permitted as Green Bin Material.
- 10.3 Pet waste and kitty litter shall be either bagged using small certified compostable plastic bags As Designated, paper bags or completely wrapped in newspaper before being placed in the Green Bin/Cart or other labelled container as above.
- 10.4 Green Bin Material that has a tendency to turn into liquid shall be packaged and not be loose so the liquid does not leak or spill during collection. Liquid Material 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 on two (2) sides; 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); or
  - viii. in the case of plastic bags and stretchy plastic outer-wrap, by placing all loose plastic bags or plastic film in one securely tied Plastic Bag (not loose in the Grey Box); and
- (b) Grey Box containers must meet the following requirements:
- i. not exceed a size of up to 91 cm (3 feet) in height by 61 cm (2 feet) in width; and
  - ii. not exceed a weight (of container and Material together) of 22.7 kg (50 pounds); and
  - iii. Carts for Type B-F Premises are exempt from 11.1 (b) i – ii;
  - iv. be of sufficient quality to withstand normal collection activities and use; and
- (c) contents shall not exceed the limits of the top of the Grey Box container; 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. White Goods
- 12.1 White Goods are only collectable from Type A Premises as defined in Schedule A of this By-law.

- 12.2 White Goods with moving doors, in particular, refrigerators, stoves and freezers, shall be set out for collection with their doors removed or secured in such a fashion that they cannot be opened, to address safety concerns about children or animals becoming trapped inside.
- 12.3 Any device bearing Refrigerant/Freon/CFC (chlorofluorocarbon) including but not limited to an air-conditioning, dehumidifier, water cooler, refrigeration or freezer unit shall be set out for collection only with the relevant CFC removal sticker. The Owner of the Premises shall pay to the Region or its authorized vendor the applicable fee as set by the Region, together with applicable Provincial and Federal taxes.
- 12.4 The Owner must arrange in advance with the Region for the scheduled collection of White Goods As Designated. Information on how to schedule collection is available from the sources noted in Section 53 of this By-law.

### 13. Garbage

- 13.1 Material not included in the other Classes of Collectable Material of this By-law shall be set out for collection as Garbage:
- (a) packaged in a Garbage Container:
    - i. not exceeding a size of 91 cm (3 feet) in height by 61 cm (2 feet) in diameter; and
    - ii. not exceeding a weight (of container and waste) of 22.7 kg (50 pounds); and
    - iii. receptacle, can, bin or other container as designated must be equipped with handles on two (2) sides; and
    - iv. be of sufficient quality to withstand normal collection activities and use; and
  - (b) such that the contents shall not exceed the limits of the top of the Garbage Container; and
  - (c) in such a way as to clearly separate it from any other classes of Collectable Material on the same Premises; and
  - (d) if required by this By-law, with the relevant Garbage Tag affixed, refer to Section 14.1 (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.
- 13.2 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 resident prior to collection.



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

14. Collection Limits and Procedure for Garbage Exemptions

14.1 The maximum number of Garbage Containers per week which may be collected from different types of 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. Any tampered Garbage Tags will not be accepted and Material will not be collected; and
  - ii. in a location clearly visible to the collection contractor on the outside of the bag for a disposable Garbage Container such as a garbage bag; or
  - iii. 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.
  - iv. 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 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. for Type A Premises with two or more children under the age of four in diapers one (1) additional transparent plastic bag of diapers combined with no other Collectable Material; two (2) additional transparent plastic bags of diapers with no other Collectable Material for three or more children under the age of four (4) in diapers;

- iii. for a Type A Premises operating as an in-home child care provider, two (2) additional transparent plastic bags of diapers with no other Collectable Material.
  - (d) an Owner of a Type A Premises may set out one (1) additional Garbage Container during Garbage Exemption Week;
  - (e) an Owner of Type B Premises may set out for collection a maximum of one (1) container per unit up to a maximum of twelve (12) containers per Premises;
  - (f) an Owner of Type B Premises may set out a maximum of one (1) additional Garbage Container per unit up to a maximum of twelve (12) additional Garbage Containers per Premises during Garbage Exemption Week;
  - (g) an Owner of Type C-D Premises may set out for collection a maximum of seven (7) containers;
  - (h) an Owner of Type D Premises may set out seven (7) additional Garbage Containers during Garbage Exemption Week to assist in disposing of extra Garbage generated;
  - (i) an Owner of Type E Premises may set out for collection a maximum of four (4) containers;
  - (j) an Owner of Type F Premises may set out for collection a maximum of six (6) containers;
  - (k) an Owner of Type F Premises may set out six (6) additional Garbage Containers during Garbage Exemption Week to assist in disposing of extra Garbage generated;
- 14.2 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-F Premises, an Owner may set out for collection unlimited Blue and Grey Boxes or Carts.

- 14.3 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-F Premises, an Owner may set out for collection unlimited Green Bins or Carts.
- 14.4 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.
- 14.5 Any Type E and F Premises, as shown in Schedule A, that use private Garbage services or are not able to stay within the Garbage limit are not eligible for Garbage collection services.
- 14.6 Any Type C or E Premises, as shown in Schedule A with a building greater than three (3) storeys, excluding municipal or Region owned buildings are not eligible for any collection services.
- 14.7 Any Type B - F Premises, as shown in Schedule A, that retain private service for Blue and Grey Box Material collection will not be eligible for curbside collection of any other Material. An exemption to this clause applies for Registered Charities and schools, subject to application and approval by the Region.
- 14.8 *Collection limits for types of Premises are determined by the Region in accordance with Schedule A using 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 Niagara Region.

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

#### 15. Collection Restrictions and Responsibilities

15.1 No Person or Owner shall set out nor permit to be set out:

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

15.2 The Owner of Premises shall set out for collection the Classes of Collectable Material at the locations as shown in Section 16, 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.

15.3 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 to the Owner, cease collection from the Premises until such time as the Non-compliance is corrected to the satisfaction of the Region.

15.4 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.

15.5 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.

15.6 The Owner of a Premises shall not interfere with collection vehicles or personnel.

15.7 The Owner of a Premises shall not deposit any Material into a collection vehicle.

#### 16. Collection Location

16.1 Except as set out in 16.2 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.

- 16.2 The Owner of Premises shall set out Material at a collection point approved or as determined by the Region.
  - 16.3 No Owner shall place Material out for collection at any Premises except at their own Premises.
  - 16.4 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 16 of this By-law.
  - 16.5 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.
17. Collection Times
- 17.1 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.
  - 17.2 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.
  - 17.3 Material left Curbside before and after collection times will be the responsibility of the Owner of the Premises.
  - 17.4 From time to time, the Region may define specific collection times other than as shown in Section 17.1 and 17.2 for As Designated areas. The Owner of a Premises in an As Designated area shall set out Collectable Material for collection at the prescribed times and schedule As Designated which will be published or communicated by the Region for the As Designated areas. Publication for purposes of this Section and Section 42 means notice placed on the Region's website at least thirty (30) days prior to any As Designated changes to collection schedule or area being implemented. Communication by the Region for purposes of this Section and Section 41 means notices given to Owner of affected Premises either mailed by ordinary mail (where receipt is deemed to be three (3) days

after mailing) or collection schedule or area being implemented (effective on delivery). Information posters and media releases may be used, in addition to the above publication or communication methods. The only exception to the thirty (30) day publication or communication requirement is in the event of an emergency situation, as determined by the Region, where emergency involves a situation of public safety or legal or regulatory requirement which requires As Designated changes to be implemented faster than on thirty (30) days' notice.

## 18. Acceptable Containers

18.1 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; and
- b. intact, as required, to prevent spillage or breakage during collection; and
- c. sealed, 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.

## 19. Uncontained Material

19.1 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.

19.2 The Owner of a Premises shall be responsible for the immediate clean up or re-securing of uncontained Material.

19.3 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 cleanup the Material.

## 20. Ownership

20.1 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.

20.2 Material set out which is Non-Collectable or Non-Compliant remains the property and responsibility of the Owner.

21. Commencement of On-Site Collection for New and Redevelopments

21.1 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.

21.2 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**

22. Drop-off of Acceptable Material

22.1 The Region may establish Regional Drop-off Locations for the drop-off of Acceptable Material as set out in Sections 25 to 28 of this By-law.

23. Unacceptable Material

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

23.2 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 27;
- (b) ammunition;
- (c) reactive chemical waste;
- (d) liquid waste with the exception of certain Household Hazardous Waste categories as set out in Section 27;
- (e) pathological waste with the exception of Sharps;
- (f) sludge from septic tanks or seepage;
- (g) highly flammable, volatile, explosive, reactive or radioactive Materials with the exception of certain Household Hazardous Waste categories as set out in Section 27;
- (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 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; and
- (p) other Material As Designated.

24. Acceptable Material

24.1 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.

25. Acceptable Drop-off/Recycling Material

25.1 Acceptable Material for Drop-off includes the following:

- (a) automobile tires separated from the rims and free of foreign Material and excessive moisture;
- (b) asphalt and concrete
- (c) batteries, either single use alkaline or rechargeable;
- (d) Blue Box Material;
- (e) Bulky Goods;
- (f) clothing for re-use;
- (g) Collectable Material;
- (h) construction, renovation and demolition Material, including drywall, wood, metal, PVC pipe and other building Materials;
- (i) Garbage;
- (j) Grey Box Material;
- (k) Household items for re-use including small appliances and toys and other such goods;
- (l) Large Rigid Plastic
- (m) Mattresses up to a maximum of four (4) per load, with the exception of loads delivered by the Region's Collection Contractor
- (n) shingles
- (o) Waste Electrical and Electronic Equipment with personal information removed:
- (p) White Goods, and
- (q) other Material As Designated.

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 Composting Material

26.1 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.

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

27. Acceptable Household Hazardous Waste Material

27.1 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.

28. Acceptable Landfilling Material

28.1 Acceptable Material for Landfilling is:

- (a) asbestos if prepared as set out in Section 29;
- (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 quantities acceptable by the Region; and
- (f) other Material As Designated.

29. Acceptable Asbestos Preparation and Acceptance Procedures

- 29.1 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.
- 29.2 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.
- 29.3 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.
- 29.4 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.
- 29.5 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.
- 29.6 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.
- 29.7 The asbestos containers shall be placed directly in the designated area which has been prepared by the Region.

30. Material Requiring Special Handling

- 30.1 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.
- 30.2 The unloading of the Material requiring special handling shall be the responsibility of the Person dropping it off.

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

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

31. Fees

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

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

32. Access

32.1 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.

32.2 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 and Climate Change 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.

32.3 The Region may further limit access to certain Regional Drop-off Locations As Designated.

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

32.5 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**

### **33. Drop-off Restrictions**

#### **33.1 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 Region's site attendant or site design;
- (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; or
  - ii. create a nuisance or in any way interfere with the use of a Regional Drop-off Location by any other Person;
- (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.

- 33.2 (a) On the first occasion of violation of any of the restrictions in Section 33.1 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 33.1 above, the Person may be charged with an offence of having violated this By-law and may also be subject to being refused access to Regional Drop-Off Locations.

34. No Trespassing

34.1 No Person shall unlawfully enter a Regional Drop-off Location at any time.

34.2 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.

34.3 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).

35. Drop-off Responsibilities

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

- (a) drop off only Material acceptable for deposit As Designated;
- (b) comply with all orders or directions given by the Region's site attendants or contractors' staff;
- (c) obey all speed limit signs and other signs posted at a Regional Drop-off Location;
- (d) separate each type of Material and deposit in areas designated for such Material by the Region;
- (e) unload Material in a safe manner and use extreme caution while unloading;
- (f) remove covers/tarpaulins and/or release turnbuckles on vehicles only in the unloading area and at the direction of the Site Attendants or contractor's staff;
- (g) remove any remaining loose Material from vehicles before leaving the unloading areas;

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

36. Refusal

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

37. Safe Loads

- 37.1 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**

### **38. Illegal Dumping**

- 38.1 No Person shall dump, drop, sweep, throw, cast or otherwise deposit; or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump, drop, sweep, throw, cast or otherwise deposit; or permit a vehicle owned by an Owner to be used by any Person for the purpose of dumping, dropping, sweeping, throwing, casting or otherwise depositing any Material whatsoever on or in any road or public property, or at the entrance to or around the perimeter of a Regional Drop-Off Location.
- 38.2 No Person shall dump or deposit, or permit his/her contractor, agent, employee, child under his/her care or control or animal under his/her care or control to dump or deposit any Material generated on a Premises owned or occupied by that Person into litter bins on any road or public property.
- 38.3 No Person shall permit Material at any time in the care and control of that Person to be dumped, dropped, swept, thrown, cast or otherwise deposited by any other Person in contravention of Section 38.1 or 38.2 of this By-law.
- 38.4 For the purpose of Subsections 16.4 and 38.3 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.



39. Scavenging

39.1 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.

39.2 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.

40. Saving Provisions

40.1 A Person shall be liable under Section 38.3 if they can establish on the basis of a balance of probabilities that such Material, deemed by Section 38.4 to have been within the care and control of that Person was in fact never in that Person's care or control.

40.2 A Person or Owner shall not be liable for breach of either Section 16.4 or 38.3 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**

41. Friendly Reminders

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

41.2 Any Eligible Property or Person who is offered the Region's recycling and organics collection services and does not participate in these services, and who, after receiving at least one (1) friendly reminder notice and at least one (1) warning letter, still does not participate (as evidenced by the Person setting out only garbage containers for a period of two (2) consecutive weeks, and such garbage is found to contain recyclable or organic Material), may be charged with an offence for setting out garbage that contains Green Bin, Grey Box or Blue Box Material.

42. Notifications

42.1 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 17.4 of this By-law.

42.2 In addition to the publication and communication of As Designated changes set out in Section 17.4, the Region will communicate to the Owner of a Premises in an As Designated area verbally and 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.

43. Enhanced Services

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

44. Maximum Fines

44.1 Every Person, including a corporation, who contravenes a provision of this By-law, is guilty of an offence and upon conviction thereof is liable to pay a maximum fine of not more than \$100,000 for each and every offence, subject to the exception in Section 45 below.

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

45. Special Fines

45.1 In addition to a fine under Section 44, 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.

46. Continuing Offences

46.1 In the case of a continuing offence, for each day or part of a day that the offence occurs or continues, the maximum fine shall be \$10,000.

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, for the offences enumerated in short form in Schedule B of this By-law.

47.2 Schedule B offences shall not be utilized until the amounts of the fines in Schedule B have been set by the Chief Judge of the Ontario Court (Provincial Division).

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. Remedial Action

49.1 Where a Person or Owner is in Non-compliance with this By-law and if the Non-compliance continues despite the Region's attempts to obtain compliance, and where the Person or Owner is made aware of the requirement that a matter or thing related to compliance with this By-law is required to be done by the Person or Owner, the Region may forthwith perform the work required to obtain compliance with this By-law.

49.2 The Region may invoice the Person or Owner for all costs associated with the clean-up work done pursuant to Section 49.1 including, but not limited to, court costs, Regional and/or local government administrative and legal fees, contractors' invoices, disposal fees or 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 fifty (\$50.00) dollars in the event the Material cleaned up is not separately weighed.

49.3 Such costs may be charged and enforced separately or in addition to any By-law enforcement offence charges, not as an alternative to same.

49.4 If an invoice is not paid by the Person or Owner within 60 days of issuance, recovery of such costs may be by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

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

50. Entry for Enforcement

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

**PART VIII – GENERAL**

51. Conflict of Laws

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

52. Schedules

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

53. Further Information on Material Preparation

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

54. Delegation of Powers to Commissioner of Public Works

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

- (a) alteration to the classes and lists of Material in this By-law requiring specific treatment or preparation for collection or drop-off at Regional Drop-off Locations;
- (b) appoint By-law Enforcement Officers for the purpose of the enforcement of this By-law;
- (c) changes to the forms in use for notification to the public, such as Friendly Reminders;
- (d) changes to the requirements for Material preparation for collection or drop-off at a Regional Drop-off Location;
- (e) changes to the procedure for scheduling collection of specialty items such as Bulky Goods or White Goods;
- (f) changes to the new and redevelopment agreements as set out in Section 21;
- (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. Certificates of Approval

56.1 The provisions of this By-law shall be subject to the terms of the Certificates of Approval 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.

58. Short Title of By-law

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

*Amended December 7, 2017*  
*By-law No. 2017-113*

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. Repeal of Prior By-laws

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

THE REGIONAL MUNICIPALITY OF NIAGARA

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Alan Caslin, Regional Chair

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Natasha L. Devos, Acting Regional Clerk

Passed: June 29, 2017

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

**COLLECTABLE VOLUME LIMITS**

<b>Garbage Container Limits</b>		
	<b>Type of Premises</b>	<b>Container Limit</b>
A.	<p>Low Density Residential Premises including:</p> <ul style="list-style-type: none"> <li>• single family detached with one self-contained unit</li> <li>• semi-detached residential with 2 residential homes, both self-contained units,</li> <li>• duplex residential structure with 2 self-contained units</li> <li>• multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or townhouses or condominium housing on ground level</li> <li>• Bed and Breakfast with 3 rooms or less</li> <li>• <i>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)</i></li> </ul>	1 per self-contained unit
B.	<p><i>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses 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 premise.</i></p>	1 per self-contained unit up to a maximum 12 per Premises
C.	<p>Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area</p>	Maximum 7 per Premises
D.	<p>Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area</p>	Maximum 7 per Premises
E.	<p>Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area</p>	Maximum 4 per Premises
F.	<p>Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area</p>	Maximum 6 per Premises

THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Recycling Container Limits		
	Type of Premises	Container Limit
A.	<p>Low Density Residential Premises including:</p> <ul style="list-style-type: none"> <li>• single family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units,</li> <li>• duplex residential structure with 2 self-contained units,</li> <li>• multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or town housing or condominium housing on ground level</li> <li>• Bed and Breakfast with 3 rooms or less</li> <li>• <i>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)</i></li> </ul>	Unlimited per self-contained unit
B.	<p><i>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses 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 premise.</i></p>	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
C.	<p>Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area</p>	Unlimited
D.	<p>Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area</p>	Unlimited
E.	<p>Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area</p>	Unlimited
F.	<p>Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area</p>	Unlimited



THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

COLLECTABLE VOLUME LIMITS

Green Bin Material Container Limits		
	Type of Premises	Container Limit
A.	<p>Low Density Residential Premises including:</p> <ul style="list-style-type: none"> <li>• single family detached with one self-contained unit,</li> <li>• semi-detached residential with 2 residential homes, both self-contained units,</li> <li>• duplex residential structure with 2 self-contained units,</li> <li>• multi-residential structures with up to 6 self-contained units including structures with 6 or more units that are considered horizontal, row or town housing or condominium housing on ground level</li> <li>• Bed and Breakfast with 3 rooms or less</li> <li>• <i>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)</i></li> </ul>	Unlimited per self-contained unit
B.	<p><i>Larger Residential Use Premises that include multi-residential high rise structures with 7 or more self-contained units including condominiums, rentals, nursing homes, retirement homes, boarding houses 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 premise.</i></p>	Quantity as determined by the Region on a request only basis for Green Bins or Carts
C.	<p>Premises used for one or more institutional, commercial or industrial purposes inside Designated Business Area</p>	Unlimited
D.	<p>Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes inside Designated Business Area</p>	Unlimited
E.	<p>Premises used for one or more institutional, commercial or industrial purposes outside Designated Business Area</p>	Unlimited
F.	<p>Mixed use Premises used for one or more institutional, commercial or industrial and residential purposes outside Designated Business Area</p>	Unlimited

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**Part 1 Provincial Offences Act  
Short Form Offences and Set Fines**

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
1.	Set-out of non-collectable Material	s. 15.1 (a)	\$100
2.	Set-out of non-compliant Material	s. 15.1 (b)	\$100
3.	Setting out hazardous or pathological Material for collection	s. 15.1 (a)	\$500
4.	Not securing animal to ensure collection worker safety	s. 15.5	\$100
5.	Depositing Material into a collection vehicle	s. 15.7	\$100
6.	Obstructing road or sidewalk with Material	s. 16.1	\$250
7.	Setting out Material at premises other than your own	s. 16.3	\$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	16.4	\$100
9.	Setting out waste contrary to specified times	s. 17.1	\$75
10.	Failing to remove containers after collection	s. 17.2	\$75
11.	Failing to set out an acceptable container	s. 18.1	\$75
12.	Failing to ensure containment of Material set out for collection	s. 19.1	\$100
13.	Dropping off unacceptable Material at Regional Drop-Off Location	s. 23.1	\$500
14.	Depositing garbage into recycling bins or composting areas at Regional Drop-Off Location	s. 33.1 (l)	\$200
15.	Depositing recyclable Material in garbage bin or landfill areas at Regional Drop-Off Location	s. 33.1 (m)	\$100
16.	Trespassing at Regional Drop-Off Location by illegal entry	s. 34.1	\$500
17.	Trespassing at Regional Drop-Off Location or closed landfill or perimeter when closed	s. 34.2	\$500
18.	Trespassing at Regional Drop-Off Location	s. 34.3	\$500

## THE REGIONAL MUNICIPALITY OF NIAGARA

## WASTE MANAGEMENT BY-LAW

**Part 1 Provincial Offences Act  
Short Form Offences and Set Fines**

<b>Item</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
	or perimeter with vehicle		
19.	Failing to drop off only acceptable Material at RDOL	s. 35.1 (a)	\$200
20.	Failing to comply with Regional Drop-Off Location staff directions	s. 35.1 (b)	\$200
21.	Failing to obey signs at Regional Drop-Off Location	s. 35.1 (c)	\$200
22.	Failing to separate and deposit Material properly at Regional Drop-Off Location	s. 35.1 (d)	\$200
23.	Failing to remove covers as directed at Regional Drop-Off Location	s. 35.1 (f)	\$200
24.	Failing to remove loose Material after unloading at Regional Drop-Off Location	s. 35.1 (g)	\$200
25.	Failing to secure vehicle after unloading at Regional Drop-Off Location	s. 35.1 (h)	\$200
26.	Failing to ensure child or animal stays in vehicle at Regional Drop-Off Location	s. 35.1 (i) (j) (k)	\$200
27.	Failing to pay fees before departing Regional Drop-Off Location	s. 35.1 (m)	\$200
28.	Failing to refrain from smoking on Regional Drop-Off Location	s. 35.1 (o)	\$200
29.	Transporting insecure load	s. 37.1	\$100
30.	Illegal dumping	s. 38.1	\$500
31.	Dumping privately generated Material into public litter bin	s. 38.2	\$150
32.	Illegal dumping care and control	s. 38.3	\$250
33.	Scavenging Material set out for collection	s. 39.1	\$100
34.	Scavenging at a Regional Drop-Off Location	s. 39.2	\$250

**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

WASTE MANAGEMENT BY-LAW

FRIENDLY REMINDER NOTICE

**FRIENDLY REMINDER**  
 Curbside Collection Services

**Dear Property Owner/Tenant:**  
 Failure to comply with the following may result in charges under  
 Niagara Region's Waste Management By-law No. 63-2015

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

**NON-COMPLIANT SETOUT**

- Materials (garbage, recycling, Green Bin, large household items, etc.) must NOT be set out before 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
- Garbage or Leaf & Yard Materials must NOT be placed out in cardboard boxes for collection
- Materials must NOT be placed at the curbside in an uncontained pile
- Containers or bundles weighed more than 22.7 kg (50 lbs)
- Containers or bags are more than 90 cm (36 in.) in height by 60 cm (24 in.) in diameter
- Materials must be removed immediately from the curbside

**OVER LIMIT**

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

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

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

PLEASE READ REVERSE SIDE



**FRIENDLY REMINDER**  
 Curbside Collection Services

**UNACCEPTABLE MATERIALS**

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

**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 91cm (3 ft) x 91 cm (3 ft) x 91cm (3ft)

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

- Material must NOT be placed in plastic bags or cardboard boxes for collection
- LOOSE materials including leaves and branches are not accepted
- Grass is not collected curbside
- Branches are only collected on designated collection weeks. The next collection week in your area is: \_\_\_\_\_

- Branches MUST be tied in bundles no longer than 1.5 m (5 ft) and no wider than 0.5 m (1.5 ft). Individual branches cannot exceed 7 cm (3 in) in diameter.

**NOTES/COMMENTS**

**FOR MORE INFORMATION**

Visit the Region's website  
[niagararegion.ca/waste](http://niagararegion.ca/waste)

Refer to your  
 Collection Guide

Call the Waste Info-Line  
 905-356-4141 or  
 1-800-594-5542



THE REGIONAL MUNICIPALITY OF NIAGARA

WASTE MANAGEMENT BY-LAW

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