

# **NOTICE**

**THE MAYOR HAS CALLED**

**A SPECIAL MEETING OF COUNCIL**

**AT 6:25 P.M.**

***TUESDAY, NOVEMBER 12, 2019***

**IN THE COUNCIL ANTE ROOM – CIVIC SQUARE  
TO DISCUSS THE FOLLOWING:**

- **PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD AND LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD.**
  - *Property matter.*

**AND**

**IN OPEN SESSION  
IN COUNCIL CHAMBERS, CIVIC SQUARE  
TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS**

A handwritten signature in cursive script, appearing to read "Tara Stephens", written over a horizontal line.

**Tara Stephens,  
City Clerk**



## **SPECIAL COUNCIL MEETING AGENDA**

*Tuesday, November 12, 2019*

*7:00 P.M.*

**COUNCIL CHAMBERS – CIVIC SQUARE**

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1. **COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:25 p.m.)**  
**(See yellow tab)**
  - Proposed or pending acquisition or disposition of land by the municipality or local board and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board:
    - *Property matter.*
  
2. **ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 p.m.)**
  
3. **OPEN COUNCIL MEETING (7:00 p.m.)**
  - 3.1 **CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
  
  - 3.2 **ADDITIONS/DELETIONS TO AGENDA**
  
  - 3.3 **DISCLOSURES OF INTEREST**
  
  - 3.4 **COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**
  
4. **ORAL REPORTS AND DELEGATIONS**
  - 4.1 **PRESENTATIONS - Nil**
  
  - 4.2 **DELEGATION(S) (maximum 5/10/5 policy) - Nil**
  
  - 4.3 **AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) - Nil**
  
5. **BY-LAWS (SEE AGENDA INDEX)**



## **SPECIAL COUNCIL MEETING AGENDA – Page 2**

**Tuesday, November 12, 2019  
7:00 P.M.  
COUNCIL CHAMBERS – CIVIC SQUARE**

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### **6. CONFIRMATORY BY-LAW**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 12<sup>th</sup> day of November, 2019. Ref. No. 19-1

### **7. ADJOURNMENT**



## **SPECIAL COUNCIL MEETING AGENDA INDEX**

**Tuesday, November 12, 2019  
7:00 P.M.  
COUNCIL CHAMBERS – CIVIC SQUARE**

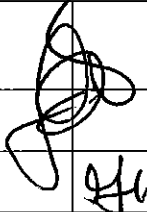
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Page No.

### **AGENDA BLOCK**

1. **BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil**
  
2. **COMMITTEE AND STAFF REPORTS**
  1. **Business Arising from Committee-of-the-Whole (closed) - Nil**
  2. **Staff Reports**
    - 1 - 3        **ENG 2019-42** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Service Centre Roof Replacement Phase 1 Tender. Ref. No. 19-46 (See By-law 1)
    - 4 - 9        **ENG 2019-43** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Installation Award for - Main Arena Steam Boiler Replacement. Ref. No. 19-19 (See By-law 2)
  
3. **NEW BUSINESS - Nil**
  
4. **BY-LAWS**
  1. A By-law to enter into contract with Schreiber Brothers Limited for the Service Centre Roof Replacement - Phase 1. Ref. No 19-46 (See Report ENG-2019-42)
  2. A By-law to enter into contract with Union Boiler Company Limited for installation of boilers at the Main Arena. Ref. No 19-19 (See Report ENG-2019-43)

**SPECIAL COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2019-42  
NOVEMBER 12, 2019

19-46

**SUBJECT: SERVICE CENTRE ROOF REPLACEMENT PHASE 1  
– TENDER AWARD**

**AUTHOR: GAGE STEPHENS  
PROJECT MANAGER FACILITIES**

**APPROVING MANAGER: CHRIS ANDERS, P.ENG  
MANAGER OF ENGINEERING SERVICES**

**APPROVING G.M.: TRAVERS FITZPATRICK  
GENERAL MANAGER, INFRASTRUCTURE AND  
DEVELOPMENT SERVICES**

**RECOMMENDATIONS:**

1. THAT THE COUNCIL OF THE CITY OF WELLAND receive Report ENG-2019-42 Service Centre Roof Replacement Phase 1 – Tender Award
2. THAT Welland City Council accepts the tender from Schreiber Brothers Limited. in the amount of \$574,990.00 plus HST being the lowest tender of four (4) tenders meeting the tender requirements and
3. THAT the City Clerk prepare all necessary by-laws to enter into contract with Schreiber Brothers Limited.

**ORIGIN AND BACKGROUND:**

The Public Works Municipal Service Centre was constructed in 1982. Located on Federal Road, just north of Shaw Street, the two level industrial building contains a fleet maintenance garage, south and west fleet parking garages, stock room, workshops, administrative offices and ancillary service and support rooms.

The flat roof is original to the building construction. There have been many minor repairs to the roof, but it now has significant leaks. This is posing a health and safety risk to workers and damage to stock and equipment.

**COMMENTS AND ANALYSIS:**

The tender for the works was released on Biddingo.com a major Canadian tendering website on October 15, 2019. A mandatory site meeting was held on October 23, 2019 and eleven (11) contractors attended.

There were ten (10) plan takers and seven (7) bids were received on closing day, Wednesday October 30, 2019.

In order to submit a bid for this project, contractors must be a member of the Ontario Industrial Roofing Contractors Association (OIRCA) and have a Certificate of Recognition (COR) from the Infrastructure Health and Safety Association (IHSA) and The Canadian Federation of Construction Safety Associations (CFCSA).

A provisional price to add extra insulation to the heated storage area was requested with the bid. This would increase the insulation value from R17, to R29. Staff recommend the addition of this provisional item as it will increase the thermal efficiency in the heated storage area. This building consumes 31% of our natural gas consumption for city facilities. Increasing the insulation factor will reduce this energy consumption considerably.

The table below shows the bid results:

Company	Base Bid	Provisional	Total	Certified
T Hamilton & Sons Roofing 20 Thornmount Drive, Scarborough On, M1B-3J4	\$466,642.00	\$35,000.00	\$501,642.00	N
Atlantic Roofers Ontario 151 Brockley Drive, Hamilton, Ontario, L8E 3C4	\$462,400.00	\$53,000.00	\$515,400.00	N
Schreiber Brothers Limited 50 Brockley Drive, Hamilton, Ontario, L8E 3P1	\$534,545.00	\$40,445.00	\$574,990.00	Y
Flynn Canada Ltd. 6435 Northwest Drive, Mississauga, Ontario, L4V 1K2	\$519,900.00	\$60,615.00	\$580,515.00	Y
Pollard Roofing 1795 Ironstone Drive, Burlington, Ontario, L7L 5T8	\$515,000.00	\$70,000.00	\$585,000.00	N
Triumph Roofing & Sheet Metal 1 Connie Street, Toronto, Ontario, M6L 2H8	\$576,800.00	\$40,000.00	\$616,800.00	Y
Altas Apex Roofing Inc. 65 Disco Road, Etobicoke, Ontario, M9W 1M2	\$596,424.00	\$45,300.00	\$641,724.00	Y

Of the seven (7) bids received, the lowest bid compliant bid was from Schreiber Brothers Limited.

#### **FINANCIAL CONSIDERATION:**

The tender price from the low bidder plus approximately 1.76% for the City's HST share results in an ultimate project value of approximately \$585,109.82.

A breakdown of the funding structure for this project is shown in the following table:

<b>2018 and 2019 Capital Budget</b>	<b>Amount</b>
2018 Service Centre Roof Replacement Ph 1 of 3 (10-444-G40)	\$250,000.00
2019 Service Centre Roof Replacement Ph 2 of 3 (10-444-19083)	\$550,000.00
<b>Total Funding</b>	<b>\$800,000.00</b>

**OTHER DEPARTMENT IMPLICATIONS:**

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Purchasing, Finance, Clerks and Legal departments.

**SUMMARY AND CONCLUSION:**

Replacement of the Municipal Service Center roof is required to maintain operations at that facility. The current roof is leaking considerably and is causing damage to equipment, loss of stock and creating a health and safety risk to workers.

Staff recommends awarding the contract to Schreiber Brothers Limited, of Hamilton, Ontario to facilitate the replacement of the existing roof unit at the Municipal Service Center.

**ATTACHMENTS:**

None

**SPECIAL COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	(C)
CFO	(S)
CAO	ML

19-19  
**REPORT ENG-2019-43**  
**NOVEMBER 12, 2019**

**SUBJECT:                   INSTALLATION AWARD FOR – MAIN ARENA STEAM BOILER REPLACEMENT**

**AUTHOR:                    GAGE STEPHENS,  
PROJECT MANAGER FACILITIES**

**APPROVING  
MANAGER:                 CHRIS ANDERS, P.ENG  
MANAGER OF ENGINEERING SERVICES**

**APPROVING G.M.: TRAVERS FITZPATRICK  
GENERAL MANAGER, INFRASTRUCTURE AND  
DEVELOPMENT SERVICES**

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**RECOMMENDATIONS:**

1.     **THAT THE COUNCIL OF THE CITY OF WELLAND receive Report ENG-2019-43 Installation Award for - Main Arena Steam Boiler Replacement; and**
2.     **THAT Welland City Council accepts the Engineering Tender bid from Union Boiler Company; in the amount of \$141,101 plus HST, being the lower of two (2) bids received and**
3.     **THAT Council directs the City Clerk to prepare all necessary by-laws to enter into contract with Union Boiler Company.**

**ORIGIN AND BACKGROUND:**

Heating for the Main Arena is provided by a single natural gas fired, low pressure, steam boiler that is 60% efficient. This boiler was installed in 1981 with an expected service life of 30 years. To date staff have managed to keep the boiler operating, however, parts are no longer available, so repairs can no longer be made to keep the boiler operating.

If the boiler were to stop operating during the winter months, the building temperature would drop causing pipes to freeze. Staff have engaged Can Ecosse Engineering to prepare all drawings, specifications and tender package to install the new boilers.

Report ENG-2019-36 approved the purchase of two (2) new replacement boilers from Waterloo Manufacturing.



**COMMENTS AND ANALYSIS:**

Staff prepared Engineering Tender ENG19-36 which was posted to Bidding October 10, 2019. A mandatory site meeting was held October 18, 2019, only two (2) contractors attended. The tender was posted for 15 days, with bids closing November 1, 2019.

Both contractors who attended the mandatory site visit submitted bids, both were complete and satisfied all requirements. The table below shows the result:

<b>Contractor</b>	<b>Tender Price</b>
Union Boiler Company 163 Niagara St. Hamilton, Ontario, L8L 6A8	\$141,101.00
Group 92 24 Commerce Place, St. Catharines, Ontario, L2S 0B3	\$174,675.00

Union Boiler Company is TSSA certified and have been operating since 1966.

**FINANCIAL CONSIDERATION:**

The previous pre-approval of the 2020 capital project and emergency purchase of the steam boilers identified the funding source as Debt Financing. This funding has been transferred to a project account as shown in the table below.

**Funding Breakdown:**

<b>2020 Capital Budget</b>	<b>Amount</b>
2020 Main Arena Steam Boiler Installation (540000-10-430-20099)	\$400,000.00
<b>Total Funding</b>	<b>\$400,000.00</b>

The following table shows all estimated costs to date of the project:

<b>Project Costs Without HST</b>	<b>Amount</b>
Design, Tender, Specification and Drawing Preparation	\$9,100.00
Purchase of Two New Boilers	\$105,689.00
Piping and Appurtenances for Installation	\$14,611.00
Installation of Two New Boilers	\$141,101.00
Hazardous Material Testing	\$700.00
Commissioning of New Boilers	\$1,200.00
Backup Electrical Heating	\$7,500.00
<b>Total Costs</b>	<b>\$279,901.00</b>

The piping and appurtenances are specific changes that need to be made to the boilers so they can be installed into the existing heating system at the arena. This includes shipping, the initial start up of the boilers and a one year warranty on labour.

The hazardous material testing is required to ensure all materials are disposed of properly and workers are using the proper personal protection equipment while working.

The commissioning costs are required for Can Ecosse Engineering to ensure the installation is in accordance with TSSA regulations.

During the installation of the steam boilers there will be no heat in the arena until the first boiler is installed and operational. In order to prevent the pipes in the building from freezing, temporary electrical heating will be installed.

The new boilers operate at a higher gas pressure than the existing boiler. Staff are currently working with Enbridge for the design and installation of a pressure reducing station. This will increase the gas pressure coming into the arena to the required pressure to operate the new boilers. Staff will report back to Council with the costs of the pressure reducing station.

Enbridge has informed Staff that the City is eligible for an incentive program. Enbridge will measure the reduction in natural gas used and will pay the City \$0.50 for each cubic meter reduction in gas not used.

**OTHER DEPARTMENT IMPLICATIONS:**

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Purchasing, Finance, Clerks and Legal departments.

**SUMMARY AND CONCLUSION:**

Staff have ordered the new steam boilers from Waterloo Manufacturing and have closed a tender for the installation of the boilers. The backup electrical heat has been installed in the arena.

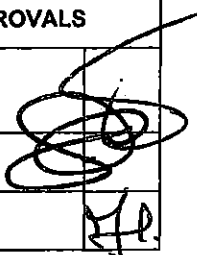
Staff recommends awarding the contract to Union Boiler Company, of Hamilton, Ontario to facilitate the replacement of the existing boiler unit at the Welland Main Arena.

**ATTACHMENTS:**

ENG-2019-36 Preapproval of 2020 Capital Project- Main Arena

APPENDIX I

**SPECIAL COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**REPORT ENG-2019-36**  
**OCTOBER 8, 2019**

**SUBJECT: PRE-APPROVAL OF 2020 CAPITAL PROJECT FOR –  
 MAIN ARENA STEAM BOILER REPLACEMENT**

**AUTHOR: GAGE STEPHENS,  
 PROJECT MANAGER FACILITIES**

**APPROVING MANAGER: CHRIS ANDERS, P.ENG  
 MANAGER OF ENGINEERING SERVICES**

**APPROVING G.M.: TRAVERS FITZPATRICK  
 GENERAL MANAGER, INFRASTRUCTURE AND  
 DEVELOPMENT SERVICES**

**RECOMMENDATIONS:**

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2019-36 Pre-approval of 2020 capital project for Main Arena Steam Boiler Replacement; and further
2. THAT Welland City Council pre-approve the 2020 capital project in the amount of \$400,000 for the design and replacement of the boiler; and further
3. THAT Welland City Council direct staff to emergency purchase two(2) steam boilers from Waterloo Manufacturing.
4. THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into contract with Waterloo Manufacturing Co. Ltd.

**ORIGIN AND BACKGROUND:**

Heating for the Main Arena is provided by a single natural gas fired, low pressure, steam boiler that is 60% efficient. This boiler was installed in 1981 with an expected service life of 30 years. To date staff have managed to keep the boiler operating, however, parts are no longer available, so repairs can no longer be made to keep the boiler operating.

If the boiler were to stop operating during the winter months, the building temperature would drop causing pipes to freeze. A temporary boiler must be brought in or other heating sources until the boiler is replaced. This may lead to the arena being shutdown. This will leave only the Jack Ballantyne Arena operational for all user groups and Rogers Hometown Hockey.

**COMMENTS AND ANALYSIS:**

Staff have completed site visits with five (5) consultants so they could review the existing heating system and provide a recommendation for replacement. The recommendations provided were consistent across all five consultants, replacement of the existing steam boiler with two smaller high efficiency (85%) steam boilers.

Staying with a low pressure steam system will allow the existing piping in the building to be reused. Included in the project will be the replacement of any old heating pipes and components. This will reduce the overall cost of the project.

The new system will have a higher operating efficiency and will provide a backup system for maintenance work. The two boilers will cycle back and forth to reduce run time and maintenance work required. Should one boiler breakdown, the facility can operate on one boiler until repairs are made.

Staff have retained the services of Can Ecosse Engineering to complete the design and prepare the tender documents. Staff are proposing to complete this project quickly before winter. This will reduce the need for temporary heating and the chance that the existing boiler breaks down.

Can Ecosse acquired four(4) estimates from boiler manufacturers that would be best for this heating application. Three manufacturers gave estimates, one declined to bid. The bid results are shown in the table below.

<b>Manufacturer</b>	<b>Cost</b>	<b>Boiler Type</b>	<b>Manufacture Time</b>
Waterloo Man Co. Ltd. 505 Dotzert Cr. Unit 1 Waterloo, ON N2L 6A7	\$105,689.00	Low Pressure	6-7 weeks, 1 ready
Miura Boiler Co. Ltd. 5-4025 Sladeview Cres Mississauga, ON, L5L 5Y1	\$137,064.00	High Pressure	6-8 weeks, 0 ready
Unilux Advanced Man. 30 Commerce Park Dr Kiskayuna, New York 12309-3545	\$105,745.00	Low Pressure	12-14 weeks, 0 ready
Clayton Industries Rowtree Dairy Road Unit 32 Vaughan, Ontario L6S 5W6	No Bid Received		

The price received from Unilux was in American dollars and needed to be converted to Canadian. Their price is subject to changes in the exchange rate and tariffs.

An emergency purchase is recommended as build time for a boiler is 8-14 weeks depending on manufacturer. Waterloo has one built and ready to install that would facilitate the quickest installation of the boiler before the coldest weather months. The second boiler will be manufactured and will be ready to install in 8 weeks not impeding the installation timeline. All other manufacturers had longer turn around time.

**FINANCIAL CONSIDERATION:**

The estimated replacement price from the consultant plus 1.76% HST results in an ultimate project value of approximately \$400,000.00. Staff are proposing to fund this project from 2020 Debt Financing.

**Funding Breakdown:**

<b>2020 Capital Budget</b>	<b>Amount</b>
2020 Debt Financing	\$400,000.00
<b>Total Funding</b>	<b>\$400,000.00</b>

Direct emergency purchase of the low pressure steam boilers from Waterloo Manufacturing is recommended by consultants and staff to keep with installation timelines. Other procurement methods will not guarantee installation before the cold weather season.

Staff have contacted Enbridge and the City is eligible for an incentive program. Enbridge will measure the reduction in natural gas used and will pay the City \$0.50 for each cubic meter reduction in gas used.

**OTHER DEPARTMENT IMPLICATIONS:**

The plan for the boiler replacement has been discussed with the Arena and Maintenance Staff. The work will be coordinated with the Arena Staff to ensure the facility will remain operational. Once complete Arena and Maintenance Staff will be trained on the operation and maintenance of the new system.

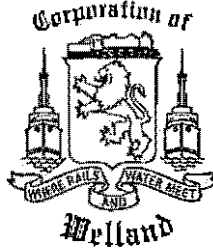
Purchasing Staff will post the bid documents on Biddingo to ensure a competitive process is followed.

**SUMMARY AND CONCLUSION:**

The Welland Main Arena is utilized by several community groups throughout the winter. Welland will also be visited by Rogers Hometown Hockey for a live broadcast in November. Staff recommend proceeding with pre-approval of the 2020 capital project in the amount of \$400,000 and the emergency purchase of the recommended steam boilers from Waterloo Manufacturing totaling \$105,689 + HST. Work will commence immediately upon funding.

**ATTACHMENTS:**

None



## GENERAL COMMITTEE

Tuesday, November 12, 2019  
COUNCIL CHAMBERS - CIVIC SQUARE

Meeting Number 2019 - 13

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1. OPEN GENERAL COMMITTEE MEETING FOLLOWING THE SPECIAL COUNCIL MEETING.
  - 1.1 CALL TO ORDER BY VICE MAYOR ADAM MOOTE
  - 1.2 ADDITIONS/DELETIONS TO AGENDA
  - 1.3 DISCLOSURES OF INTEREST
  - 1.4 ADOPTION OF MINUTES
  - 1.5 ITEMS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See blue tab)
  
2. VERBAL REPORTS AND DELEGATIONS
  - 2.1 PRESENTATIONS – Nil
  - 2.2 DELEGATIONS (MAXIMUM 5/10/5 RULE)
    - 19-13 Carolyn Ryall, Director, Niagara Region Transportation Services and Frank Tassone, Associate Director, Niagara Region Transportation Engineering re: Overview of the Niagara Region Transportation Services 5 Year Forecast.
  
    - 19-28 Leslie Bellingham, Director of Development and Communications of Open Arms Mission re: Current Programs/Services and New Initiatives at Open Arms Mission.  
(Background information provided in Council members packages).
  - 2.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) – Nil
  
3. COMMITTEE-OF-THE-WHOLE (OPEN)  
(Discuss items removed from Agenda Block)
  
4. ADJOURNMENT



## GENERAL COMMITTEE

Tuesday, November 12, 2019  
COUNCIL CHAMBERS - CIVIC SQUARE

Meeting Number 2019 - 13

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Page No.

### AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil

2. STAFF REPORTS

INFRASTRUCTURE & DEVELOPMENT SERVICES – L. Van Vliet, Chair

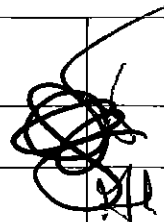
Traffic Division

1 - 38

TRAF 2019-16 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -  
Review of the Clean Yards By-law. Ref. No. 03-59

3. NEW BUSINESS - Nil

1  
**GENERAL COMMITTEE**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**TRAFFIC DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2019-16  
NOVEMBER 12, 2019

03-59

**SUBJECT: REVIEW OF THE CLEAN YARDS BYLAW**

**AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.  
SUPERVISOR, TRAFFIC, PARKING & BY-LAWS**

**APPROVING MANAGER: CHRIS ANDERS, P. ENG  
MANAGER, ENGINEERING SERVICES**

**APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

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**RECOMMENDATIONS:**

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REPORT TRAF-2019-16 REVIEW OF THE CLEAN YARDS BYLAW; and further
2. THAT Welland City Council approves the Clean Yards By-law as set out in Appendix I; and further
3. THAT Welland City Council approves the Administrative Penalty By-law for Non-parking Related Offences as set out in Appendix II; and further
4. THAT Welland City Council amends the Property Standards By-law 2009-108 as amended, as follows:

**ADD the following:**

- 16.3 Administrative Penalty By-law 2019-XX applies to each administrative penalty issued pursuant to this By-law.
- 16.4 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty by-law 2019-XX, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule "B" attached.

**DELETE:** Schedule A of the Property Standards By-law and replace with Schedule A contained in Appendix III

**ADD:** Schedule B to the Property Standards By-law contained within Appendix IV.



**ORIGIN AND BACKGROUND:**

At the August 06, 2019 Council meeting, the following motion was approved:

"THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to review the Clean Yards By-law and to forward a report to General Committee on any possible changes. Further to focus specifically on additional fines and immediate action for repeat offenders for both long grass and refuse on property."

**COMMENTS AND ANALYSIS:**

The City of Welland Clean Yards By-law sets out the minimum standards of maintenance for the exterior portions of privately owned properties within The City. The Clean Yards By-law is used to resolve issues such as overgrown grass on a property, excessive accumulations of garbage, refuse or miscellaneous debris, and the placement of derelict motor vehicles on a property.

The Clean Yards By-law (10727) was enacted in 1996. Over the years, several amendments were made to tweak the by-law based on court decisions and to increase the minimum maintenance standards for all residents within the City. Some key changes were:

- 2008: The definition of Inoperative Motor Vehicle was amended after an unsuccessful court case.
- 2015: The height requirements for grass and weeds was reduced from 8 inches to 6 inches. By allowing the reduction, By-law Enforcement Staff were be able to issue a notice at an earlier stage and minimize the impacts of an overgrown property within its respective neighborhood.
- 2016: The definition of yard was amended and provisions were added to regulate injurious insects, termites, rodents, vermin and other pests.
- 2019: Provisions were added to regulate bird feeders in response to the rodent issues facing the community.

As the by-law evolved over the years, efficiencies were also added. The most notable change was in 2015, when the height limit for grass and weeds was reduced from 8 inches to 6 inches. The by-law was also amended to require only one notice per calendar year for property owners not in compliance with the grass/ weed provision of the by-law. This amendment helped expedite the enforcement process, allowing for quicker results. Welland is currently the only municipality within the Region that has this clause within the Clean Yards By-law.

During our recent review of the Clean Yards By-law, two sections were added to regulate refuse containers and standing water. Refuse containers kept in the yard will need to be made of rigid, watertight construction with a tight fitting cover and be maintained in good condition. The refuse containers must also be located in the side or rear yard and be placed against a building or fence and arranged in an orderly manner. The standing water provisions are not new to the City of Welland. They were contained in By-law 2004-47. Staff felt it would be more efficient to move the provisions to the Clean Yards By-law.

Current Compliance Procedure regarding Tall Grass:

The Clean Yards By-law requires every owner, lessee or occupant of grounds, yards or vacant lands to cut, trim or remove the grass and weeds whenever the growth of the grass/weeds exceeds 15 centimeters (6 inches) in height.

If there is a house present on the property, staff will post a notice on site providing 48 hours to comply. If the land is vacant, staff will send out a notice and give 7 days to comply. If the home owner fails to comply, staff will issue a work order for our contractor to complete the work necessary to achieve compliance with the by-law. The contractor has 5 days to complete the work. If the property is a repeat offender within the same year, by-law staff does not issue a second notice to cut the grass. Staff automatically issues a work order for the contractor to cut the grass/ weeds. Once the property is cut, the contractor submits an invoice to the Municipality, which in turn is charged back to the property owner. Currently there is a \$100.00 administrative charge added to the invoice. If the invoice is not paid, it is added to the tax roll. Staff will be recommending the administrative fee be increased to \$200.00 in the 2020 budget.

Compliance Procedure regarding Refuse:

At the present time, staff, upon receiving a complaint pertaining to garbage/refuse, will issue a notice and provide 7 days (5 days for the mail to be deemed delivered and 2 days for compliance) to complete the work. If the property owner fails to comply, arrangements are made with a contractor to remove the refuse. Currently there is a \$200.00 administrative charge added to the invoice. If the invoice is not paid, it is added to the tax roll.

While reviewing our current procedures and timeframes for infractions under the Clean Yards By-law, staff conducted an informal survey of surrounding municipalities. The results contained in Appendix V:

Fines for By-law Infractions:

It should be noted that currently all municipal by-laws (except Parking) are dealt with through the Provincial Court system. Under the Clean Yards bylaw, staff can issue fines to property owners that fail to meet compliance. However, as more serious offences take precedence over minor offences in the courts, non-serious matters (including many municipal by-law infractions) are not scheduled in reasonable time frame. Due to current court backlogs, municipal by-law matters can often see wait times of 4 to 6 months before matters are first heard and up to a full year to be completed. As a result, staff involve a private contractor to remove the refuse on private property as an alternative to issuing fines.

Implementation of Administrative Penalty System for By-law Infractions:

Based on staff discussions with the City's legal team, the best option to implement fines for repeat offenders is to implement an administrative penalty system for non-parking related offences.

In 2014, the City of Welland successfully implemented an Administrative Penalty System (APS) for parking-related offences. APS is a municipally administered program that replaces the current Court system with a faster, more flexible and customer-focused

adjudication process for by-law offences. One of the main objectives of an APS program is to create a simple, accessible, fair and cost-effective system of dealing with by-law violations.

Under the current Provincial Offences Act and Court regime for non-parking offences, a person receives either a "Part I - Certificate of Offence" for failing to comply with a municipal by-law. If the person wishes to dispute the Certificate of Offence, he/she can do so by requesting a trial and the matter is subsequently heard by a Justice of the Peace in Court, which may take 4 to 6 months.

Under an APS program, a person receives a municipal penalty notice rather than a POA Certificate of Offence. A person who wishes to dispute a penalty notice can request a review by a Screening Officer, and can subsequently appeal the Screening Officer's decision to a Hearing Officer. The review and adjudication process, the language used in the issuance of a penalty notice and the penalty amount imposed (any by-laws enacted under the Municipal Act and Building Code Act) are under the jurisdiction of the municipality and no longer require the use of Provincial Courts or the approval of the Chief Justice of Ontario.

Time spent preparing and attending Provincial Court will be drastically reduced. Enforcement Officers do not have to attend APS Hearings to defend tickets (it was estimated that Officers spent a minimum of two to three hours waiting to make a brief appearance in court with a minimum of three appearances to resolve the matter).

Subject to Council approval, staff is recommending that regular fines for all infractions under the current clean yards bylaw be set at \$400.00 and fines for repeat offenders be set at \$800.00. The proposed fines will assist in ensuring that property owners take care of their properties on their own rather than relying on City services.

#### Review of the Property Standards By-law:

During our review process, the Building Division thought it would be beneficial to amend the Property Standards By-law and include it as a designated by-law within the Administrative Penalty By-law. This would allow penalty notices to be issued under the APS program.

#### Implementation:

The proposed by-laws and amendments contained within this report will take effect on January 1, 2020. This will allow the Clerks Division time to implement the Administrative Penalty System for Non-parking related by-laws.

#### **FINANCIAL CONSIDERATION:**

While using the Provincial Court System is the last resort, it does prove to be quite costly and does not guarantee compliance. By adopting an administrative penalty by-law for non-parking related offences by-law contraventions can be dealt with out of the Provincial Court System thus reducing legal fees incurred.

In addition, all fines collected by the Court are split among all 12 Niagara Municipalities based on population size. Under the administrative penalty system, all monies collected will remain with the City of Welland.

The implementation of an administrative penalty system for non-parking related offences will require the Clerks department to hire Screening/ Hearings Officers to adjudicate penalty notice disputes. The cost to hire Screening/ Hearings Officers will be approximately \$2500.00 per year. It is anticipated that all additional costs will offset by additional fine revenue.

**OTHER DEPARTMENT IMPLICATIONS:**

Legal Services and the Clerks Department would be required to prepare the necessary by-laws associated with this report.

**SUMMARY AND CONCLUSION:**

The Municipal Act specifically authorizes the implementation of an administrative penalty system for non-parking related by-laws. Staff is seeking Council approval to implement an administrative penalty by-law for non-parking related by-laws and to approve an updated Clean Yards By-law.

The proposed changes will allow the City to have more control over the enforcement process and the City will no longer need to apply to the Attorney General for set fine amounts. With the increased fine amounts,

**ATTACHMENTS:**

- APPENDIX I - By-law 2019-XX: The Clean Yards By-law
- APPENDIX II - By-law 2019-XX: The Administrative Penalty By-law
- APPENDIX III - Schedule A; The Property Standards By-law; Staff Appointments
- APPENDIX IV - Schedule B; The Property Standards By-law; Set Fines
- APPENDIX V – Regional Survey: Number of Days for Compliance

**APPENDIX I****THE CORPORATION OF THE CITY OF WELLAND****BY-LAW NUMBER \_\_\_\_\_****A BY-LAW TO PROVIDE REGULATIONS FOR MAINTAINING  
LAND IN A CLEAN AND CLEAR CONDITION (CLEAN YARDS  
BY-LAW)**

WHEREAS the Municipal Act, S.O. 2001, c.25 as amended (the "Act") section 128 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 128(2) of the Act states that the opinion of Council under Section 128 of the Act, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 127 of the Act provides that the municipality may, among other things, require the owner or occupant of land to clean and clear the land, not including buildings and regulate when and how these matters shall be done and to prohibit the depositing of refuse or debris on land, and to define refuse for the purposes of this section;

AND WHEREAS Section 446 of the said Act, among other things, authorizes municipal remedial action, entry onto land, recovery of costs and addition of costs to the tax roll;

AND WHEREAS Section 391 of the Act provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS the Council of the Corporation of the City of Welland deems it necessary and expedient to use the powers granted to it pursuant to the aforementioned Sections of the Municipal Act:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

**SECTION 1 - SHORT TITLE**

1.1 This By-law may be referred to as the Clean Yards By-law.

**APPENDIX I****SECTION 2 - DEFINITIONS**

For the purposes of this By-law all words shall have their normal and customary meaning save and except for those hereinafter defined:

- 2.1 "By-Law Enforcement Officer" means a person appointed by The Corporation of the City of Welland for the purposes of enforcement of its By-laws.
- 2.2 "City" means The Corporation of the City of Welland.
- 2.3 "Inoperative Motor Vehicle" means any vehicle which does not, display a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the Highway Traffic Act, but does not include:
- (a) one (1) un plated vehicle per premises, owned by the Owner, provided the vehicle is:
    - I. a "hobby repair vehicle" where hobby repair is being actively carried on; or
    - II. a "historic vehicle", being an automobile that is at least thirty (30) years old; or
    - III. a vehicle used seasonally and plated annually for a period of time less than a full year;
  - (b) a vehicle in a salvage yard and the like where an un plated vehicle is an integral component of a legally operating business.
- 2.4 "owner" means and includes an owner, lessee or occupant.
- 2.5 "person" means an owner, individual, corporation or other entity.
- 2.6 "property" means and includes yards, vacant lands, or any part of a lot not occupied by a principal building, if any, and includes the space within or upon unenclosed decks, unenclosed porches, unenclosed carports and unenclosed accessory structures;
- 2.7 "Region" means The Regional Municipality of Niagara.
- 2.8 "Sewage" includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off.

**APPENDIX I**

2.9 "Refuse" means any debris, article, thing, matter or effluent that: has been cast aside, discarded or abandoned; or is used up in whole or in part, or expended or worn out in whole or in part; or appears to be worthless, or useless or of no practical value; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that refuse extends to the following classes:

- (a) Branches, brush or tree clippings;
- (b) Paper, paper cartons, and other paper products;
- (c) Rotting vegetable matter, or rotting animal matter, unless it is contained in an appropriate composting container;
- (d) Appliances, including refrigerators, stoves, dishwashers, microwaves, freezers, washers, dryers or any part or parts of such things;
- (e) Electronic devices, including televisions, computers and related components, radios, amplifying devices, speakers, audio and visual players and any parts of such things;
- (f) Furnaces or furnace parts, air-conditioners, ducting, pipes, heat pumps, fittings and wire;
- (g) Water or fuel tanks;
- (h) Inoperative motor vehicles, and parts or accessories of such items;
- (i) Inoperative bicycles, lawnmowers, engines and mechanical tools;
- (j) Accumulations, deposits, leavings, litter, remains, rubbish or trash of any sort, whether animal, mineral or vegetable;
- (k) Broken or discarded furniture;
- (l) Crockery, dishes, pots and pans, and small kitchen appliances;
- (m) Sewage;
- (n) Animal waste products, hides, parts of carcasses other than those arising from industrial or agricultural businesses legally operating on the land;
- (o) Construction, demolition, repair or renovation debris;

**APPENDIX I**

- (p) Accumulation of broken concrete, asphalt pavement, brick pavers and sidewalk slabs;
- (q) articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
  - I. agricultural, animal, vegetable, lumber or wood products;  
or
  - II. mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed;
- (r) Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials; and
- (s) Discarded clothing;

Refuse as defined in this by-law does not cease to become refuse by reason only that it may be commercially saleable or recyclable.

2.10 "Standing Water" means any still water found upon any privately owned property in the City between April 1 and October 31 of each year other than:

- (a) A natural, moving body of water;
- (b) A body of water effectively maintained and treated to prevent the breeding or larval existence of mosquitos;
- (c) A body of water containing live fish;
- (d) Storm water management ponds and catch basins on private property;
- (e) A body of water which is a natural pond, bog, marsh or wetland;  
and
- (f) A body of water contained for less than four (4) days.



**APPENDIX I****SECTION 3 - GENERAL PROVISIONS APPLICABLE TO ALL PROPERTIES**Refuse

- 3.1 Every owner of property in the City of Welland shall keep and maintain the same in a clean and clear condition and free from refuse of any kind.
- 3.2 No person shall throw, place or deposit by any means any refuse on private property without the written authority of the owner or occupant of the property.
- 3.3 No owner shall permit refuse to remain on any property within the City.
- 3.4 No person shall throw, place or deposit any refuse on City property or Region property without the written authority of the City or Region and where such property is occupied by a person other than the owner, without the written authority of the occupant.
- 3.5 Every owner shall, in accordance with the provisions of the Environmental Protection Act, dispose of refuse at a site approved by the Ministry of Environment and Energy.

Health and Safety

- 3.6 No person shall put, permit to be put, or permit to remain in an unsafe condition:
- (a) any property;
  - (b) any excavation or opening on any property;
  - (c) any septic tank, cistern or well located on any property.
- 3.7 Every owner of property in the City of Welland shall keep and maintain the same in a clean and clear condition and free from the following:
- (a) Injurious insects, termites, rodents, vermin or other pests;
  - (b) Refrigerators, freezers, appliances, and other containers that could trap a child.
  - (c) Syringes, needles and other sharps;

Vegetation

- 3.8 Every owner of property in the City of Welland shall cut, trim or remove the grass and weeds whenever the growth of the grass or weeds exceeds six (6) inches in height.

**APPENDIX I**Bird Feeders

- 3.9 No person shall be permitted to have more than three (3) bird feeders located on any property, excluding hummingbird feeders containing nectar.
- 3.10 Every owner shall maintain the ground underneath the bird feeder by regularly removing and disposing of the bird food/ birdseeds.
- 3.11 No person shall throw or place, or permit to be thrown or placed, any type of food, on a property for the purposes of feeding any birds.
- 3.12 Section 3.11 of this By-law shall not apply to bird feeders that are suspended off the ground and dispense commercially available bird food such as seeds.

Refuse Containers

- 3.13 Every owner shall ensure that all refuse which accumulates on their property and when not placed out for collection is:
- (a) In containers:
    - I. Made of rigid, watertight construction;
    - II. Provided with a tight fitting cover, which may be removed only when the container is empty or is being actively loaded;
    - III. Maintained in good condition;
    - IV. Located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner.
  - (b) Not permitted to accumulate longer than 7 days.

Standing Water

- 3.14 Every owner shall keep and maintain any property free from standing water.
- 3.15 Every owner shall maintain every swimming pool, hot tub, wading pool and artificial pond within on any property in a safe and proper manner and in a good state of repair;
- 3.16 No owner shall obstruct or cause or permit the obstruction of a private drain, swale or watercourse in a manner which causes the holding or ponding of standing water on any property;

**APPENDIX I**

- 3.17 Every owner shall keep and maintain all vessels, containers, statuary or objects on any property, which are capable of holding standing water, free from standing water.

**SECTION 4 – WORK ORDER**

- 4.1 Where a By-law Enforcement Officer is satisfied that an owner has failed to comply with any provision of this By-law, the By-law Enforcement Officer may issue an Order requiring the owner to correct the contravention.
- 4.2 An Order shall set out:
- (a) The municipal address and/ or the legal description of the property;
  - (b) Reasonable particulars of the contravention adequate to identify the contravention;
  - (c) The date by which there must be compliance with the order.
- 4.3 Every owner who contravenes an order is guilty of an offence.
- 4.4 Any order issued under this by-law may be given by ordinary mail, 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.
- 4.5 Only one (1) order per calendar year is required for any contravention of section 3.8. If, after an order has been served in accordance with this by-law, the By-law Enforcement Officer, determines that a subsequent violation has occurred, the Municipality may proceed with the remedy set forth in Section 4.7 without further notice. In addition the City shall publish annual notice once in a local newspaper of general circulation advising residents of the requirements of section 3.8.
- 4.6 Every owner shall comply with any order issued under the authority of this by-law.
- 4.7 Where the owner is in default of an order, the By-law Enforcement Officer may, without notice and in addition to any other action, cause the work to be done at the owners expense. Without limitation, the City, its employees, agent or contractor may enter upon the land and remove such things or carry out the work required to make the property comply with this By-law. The City's rights pursuant to this section are in addition to the penalty provisions contained in section 6 and the City shall have the option to exercise the rights contained herein as well as the rights contained in section 6.

**APPENDIX I**

- 4.8 Any thing removed may be immediately disposed of or deposited elsewhere on the property on which it is located, or may be stored by the City, its employees, agent or contractor. Where a thing has been removed and stored, the owner or person may reclaim such thing upon payment to the City any costs incurred by the City, its employees, agent or contractor in the removal of such thing. Where the thing has not been reclaimed within thirty (30) days of its removal, such thing may be forthwith destroyed or otherwise disposed of by the City, its employees, agent or contractor.
- 4.9 Where any of the matters or things are done in accordance with Subsection 4.7, the expense of having the thing done shall be recovered in a like manner as municipal taxes, in accordance with Section 446 of the Act.

**SECTION 5 - ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS**

- 5.1 This By-law shall be administered and enforced by the City, the By-law Enforcement Officer or anyone appointed or otherwise delegated the authority of administration and enforcement.
- 5.2 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision in this By-law shall apply.
- 5.3 It is hereby declared that notwithstanding that any part of this By-law, or parts thereof, may be found by any Court of law to be invalid or beyond the power of Council to enact such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent there from and enacted as such.
- 5.4 Pursuant to the provisions of Sections 23.1 to 23.5 of the Act, 2001 the Clerk of the City of Welland is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this By-law as may be necessary after the passage of this By-law.
- 5.5 A By-law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter upon any land for the purpose of carrying out an inspection to determine whether or not this By-law is being contravened and/ or to determine if an order has been complied with.
- 5.6 A By-law Enforcement Officer may, for the purposes of the inspection under section 5.5, alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

**APPENDIX I**

- 5.7 Any cost incurred by the City in exercising its authority to inspect under section 5.6, including but not limited to the cost of examination, test, sample or photograph necessary for the inspection, shall be paid by the owner of the property where the inspection takes place.
- 5.8 The By-law Enforcement Officer shall have inspection powers described in Section 436 of Act.
- 5.9 No person shall obstruct or hinder, or attempt to obstruct or hinder, a By-law Enforcement Officer, in the exercise of a power or the performance of a duty under this by-law.
- 5.10 No person shall refuse to produce any documents or things required by a By-law Enforcement Officer under Sections 5.5 and 5.8 of this By-law, and every person shall assist any entry, inspection, examination, or inquiry by a By-law Enforcement Officer.
- 5.11 No person shall knowingly furnish false information in any form to the By-law Enforcement Officer with respect to this by-law.

**SECTION 6 - PENALTY**

- 6.1 Any person who contravenes any provision of this By-law is guilty of an offence.
- 6.2 A person convicted of an offence contrary to a provision of this By-law in a proceeding commenced under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, is liable to a fine of no more than Ten Thousand Dollars (\$10,000.00).
- 6.3 Administrative Penalty By-law 2019-~~XX~~ applies to each administrative penalty issued pursuant to this By-law.
- 6.4 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law 2019-~~XX~~, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule "A" attached.

**SECTION 7 – TRANSITION, REPEAL, FORCE AND EFFECT**

- 7.1 All prosecutions and other enforcement processes commenced under By-law 10727, as amended, which have not been completed on the day this By-law comes into force shall be completed under By-law 10727, as amended, as if it had not been repealed.

**APPENDIX I**

7.2 By-law 10727, as amended, is repealed as of the day this By-law comes into force and effect.

7.3 This By-law comes into force and effect on January 1, 2020.

**SECTION 8 – EXEMPTIONS**

8.1 This By-law does not apply to the Federal Government of Canada, the Province of Ontario, the Regional Municipality of Niagara or the City of Welland.

8.2 This by-law does not apply so as to prevent a farm, defined as an "agricultural operation" under the Farming and Food Production Protection Act, from carrying on a normal farm practice as defined in that Act.

8.3 Section 3.6 of this By-law does not apply to land on which construction is proceeding under a valid building permit or Municipal Consent.

8.4 Section 3.8 of this By-law does not apply to a bog, marsh, forested area or wetland.

READ THE FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS  
XXTH DAY OF XXXXXX, 2019.

*Mayor*

*Clerk*

## APPENDIX I

SCHEDULE "A"

## CITY OF WELLAND

## SET FINE SCHEDULE

**CITY OF WELLAND BY-LAW 2019-XX, BEING A BY-LAW TO PROVIDE  
REGULATIONS FOR MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION  
WITHIN THE CITY OF WELLAND**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 First Penalty</b>	<b>COLUMN 4 Second or Subsequent Penalty</b>
1.	Fail to keep property in a clean and clear condition	Sec. 3.1	\$400.00	\$800.00
2.	Fail to keep property free from refuse	Sec. 3.1	\$400.00	\$800.00
3.	Throw refuse on private property without written authority	Sec. 3.2	\$400.00	\$800.00
4.	Place refuse on private property without written authority	Sec. 3.2	\$400.00	\$800.00
5.	Deposit refuse on private property by any means without written authority	Sec. 3.2	\$400.00	\$800.00
6.	Owner permit refuse to remain on a property	Sec. 3.3	\$400.00	\$800.00
7.	Throw refuse on public property without written authority	Sec. 3.4	\$400.00	\$800.00
8.	Place refuse on public property without written authority	Sec. 3.4	\$400.00	\$800.00
9.	Deposit refuse on public property by any means without written authority	Sec. 3.4	\$400.00	\$800.00
10.	Fail to dispose of refuse at an approved site	Sec. 3.5	\$400.00	\$800.00
11.	Permit property to remain in an unsafe condition	Sec. 3.6 (a)	\$400.00	\$800.00

## APPENDIX I

12.	Permit an excavation to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
13.	Permit an opening on a property to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
14.	Permit a septic tank to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
15.	Permit a cistern to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
16.	Permit a well to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
17.	Fail to keep property free from Injurious insects, termites, rodents, vermin or other pests	Sec. 3.7 (a)	\$400.00	\$800.00
18.	Fail to keep property free from refrigerators, freezers, appliances, and other containers that could trap a child	Sec. 3.7 (b)	\$400.00	\$800.00
19.	Fail to keep property free from syringes, needles and other sharps	Sec. 3.7 (c)	\$400.00	\$800.00
20.	Fail to cut/trim/remove grass/weeds more than six inches in height	Sec. 3.8	\$400.00	\$800.00
21.	Fail to remove a bird feeder	Sec. 3.9	\$400.00	\$800.00
22.	Fail to maintain the ground underneath a bird feeder	Sec. 3.10	\$400.00	\$800.00
23.	Throw any type of food, on a property for the purposes of feeding any birds	Sec. 3.11	\$400.00	\$800.00
24.	Place any type of food, on a property for the purposes of feeding any birds	Sec. 3.11	\$400.00	\$800.00
25.	Permit any type of food, on a property for the purposes of feeding any birds	Sec. 3.11	\$400.00	\$800.00
26.	Fail to keep refuse in containers	Sec. 3.13 (a)	\$400.00	\$800.00
27.	Permit refuse to accumulate longer than 7 days	Sec. 3.13 (b)	\$400.00	\$800.00
28.	Fail to keep property free of standing water	Sec. 3.14	\$400.00	\$800.00
29.	Fail to maintain swimming pool/ hot tub/ wading pool/ pond	Sec. 3.15	\$400.00	\$800.00
30.	Obstruct private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00



## APPENDIX I

31.	Cause/ Permit the obstruction of private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00
32.	Fail to maintain container/ object free of standing water	Sec. 3.17	\$400.00	\$800.00
33.	Fail to comply with an order	Sec. 4.3	\$400.00	\$800.00
34.	Obstruction	Sec. 5.9	\$400.00	\$800.00
35.	Fail to produce any documents or things required by a By-law Officer	Sec. 5.10	\$400.00	\$800.00
36.	Furnish false information to a By-law Officer	Sec. 5.11	\$400.00	\$800.00

**APPENDIX II****THE CORPORATION OF THE CITY OF WELLAND****BY-LAW NUMBER \_\_\_\_\_****A BY-LAW TO ESTABLISH AN ADMINISTRATIVE PENALTY SYSTEM FOR NON-PARKING RELATED OFFENCES**

WHEREAS sections 8, 9, 10 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") authorize The Corporation of the City of Welland to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS section 434.1 (1) of the Municipal Act, 2001 provides that, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS section 434.1 (2) of the Municipal Act, 2001, provides that the purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 15.4.1 of the Building Code Act, 1992 as amended, authorizes a municipality to pass a by-law that may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Building Code Act, 1992, as amended or an order of an officer authorized under 15.2(2) or 15.3, 2017, c. 34, Sched. 2, s. 10 of the Building Code Act, 1992, as amended;

AND WHEREAS section 434.2 (1) of the Municipal Act, 2001, provides that an administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality;

AND WHEREAS section 391 (1) of the Municipal Act, 2001, provides that without limiting sections 9, 10 and 11, those sections authorize a Municipality to impose fees or charges on persons;

AND WHEREAS the City of Welland considers it desirable to have one administrative penalty system for all non-parking related offences;

AND WHEREAS the City of Welland considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the administrative penalty system;

**APPENDIX II**

NOW THEREFORE the Council of The Corporation of the City of Welland enacts as follows:

**PART I – SHORT TITLE**

- 1.0 This By-law may be referred to as the “Administrative Penalty By-law for Non-parking Related Offences”.

**PART II – DEFINITIONS**

- 2.0 For the purposes of this By-law:

“Administrative Fee” means any fee specified in this by-law and listed in Schedule “B”;

“Administrative Penalty” means a monetary penalty set out in Schedule “C” attached to this by-law and approved by Council for a contravention of a Designated By-law;

“City” means The Corporation of the City of Welland;

“Council” means the elected Council of the City;

“Designated By-law” means a by-law, or a part or provision of a by-law, that is designated under this or any other by-law, and is listed in the attached Schedule “A”, to which this by-law applies;

“Hearing Non-appearance Fee” means an Administrative Fee from time to time established by Council in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearings Officer and listed in Schedule “B”

“Hearings Officer” means a person from time to time appointed by Council pursuant to the Hearings Officer By-law;

“Hearing Decision” means a notice that contains the decisions of a Hearings Officer;

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices for the City are officially closed for business;

“Late Payment Fee” means an Administrative Fee from time to time established by Council in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-law and listed in Schedule “B”;

**APPENDIX II**

"Manager" means the person from time to time performing the function of the City's Chief Administrative Officer;

"NSF Fee" means an Administrative Fee from time to time established by Council in respect of a demand for payment received by the City from a Person for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, and listed in Schedule "B";

"Officer" means each of:

- (a) A Municipal By-law Enforcement Officer, Building Inspector, Property Standards Officer, Fire Prevention Officer or other person appointed by or under the authority of a City By-law to enforce a Designated By-law; and
- (b) A police officer employed by Niagara Regional Police, the Ontario Provincial Police or the Royal Canadian Mounted Police;
- (c) Any employee or agent of the Welland and District SPCA appointed by or under the authority of a City By-law to enforce a Designated By-law;

"Penalty Notice" means a notice given to a Person pursuant section 4.0 of this by-law;

"Penalty Notice Date" means the date of the contravention specified on the Penalty Notice pursuant to section 4.2 (a);

"Penalty Notice Number" means the number specified on the Penalty Notice pursuant to section 4.2;

"Person" includes an individual, corporation, partnership or limited partnership;

"Request for Review by Hearings Officer" means the form attached to the Notice of Decision which may be filed by a Person under section 6.2 of this by-law;

"Screening Decision" means a notice which contains the decision of a Screening Officer;

"Screening Non-appearance Fee" means an Administrative Fee from time to time established by Council in respect of a Person's failure to appear at the time and

**APPENDIX II**

place scheduled for a review by a Screening Officer and listed in Schedule "B" of this by-law; and

"Screening Officer" means a person from time to time performing the functions of a Screening Officer pursuant to this by-law.

**PART III – DESIGNATED BY-LAWS**

- 3.0 City by-laws or portions of City by-laws, that are listed in Schedule "A" to this by-law shall be Designated By-laws and are hereby designated to be under an administrative penalty system pursuant to section 434.1 and section 434.2 of the Municipal Act, 2001 as amended.
- 3.1 Schedule "B" of this By-law provides Administrative Fees imposed for the purposes of this By-law.
- 3.2 Schedule "C" of this By-law sets out Administrative Penalties for the Designated By-laws.

**PART IV – PENALTY NOTICE**

- 4.0 Every person who contravenes a provision of a Designated By-law shall, when given a Penalty Notice, be liable to pay to the City an Administrative Penalty.
- 4.1 An Officer who has reason to believe that a Person has contravened a provision of a Designated By-law may issue a Penalty Notice as soon as reasonably practicable.
- 4.2 A Penalty Notice shall include the following information:
- (a) the Penalty Notice Date;
  - (b) the Penalty Notice Number;
  - (c) the Municipal Address;
  - (d) the name of the Person;
  - (e) the details of the Designated By-law infraction including short form wording or other particulars reasonably sufficient to indicate the contravention;
  - (f) the amount of the Administrative Penalty;

**APPENDIX II**

- (g) the date on which the Administrative Penalty is due and payable;
- (h) such information as the Clerk determines is appropriate respecting the process by which the Person may exercise the Person's right to request a review of the Administrative Penalty; and
- (i) a statement advising that an Administrative Penalty, including any Administrative Fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Person to the City.

4.3 A Person who is served a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Penalty Notice is due and payable, shall also pay to the City any applicable Administrative Fee(s).

**PART V – REVIEW BY SCREENING OFFICER**

5.0 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so within 15 days after the Penalty Notice Date. A Person may request that the review by a Screening Officer be held in person or in writing.

5.1 If a Person has not requested a review within the time limit set out in Section 5.0, a Person may request that the Screening Officer extend the time to request a review within 45 days after the penalty notice date. A Person's right to request an extension of time expires if it has not been exercised within 45 days after the penalty notice date at which time:

- (a) the Person shall be deemed to have waived the right to request a review;
- (b) the Administrative Penalty shall be deemed to be affirmed on the 16<sup>th</sup> day after the Penalty Notice Date; and
- (c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.

5.2 A Person's right to request a review or to request an extension of time to request a review are exercised by:

- (a) submitting a Request for Screening form available at the City's web page as set out in the Penalty Notice by mail, fax or e-mail and scheduling the time and place for the review; or

## APPENDIX II

- (b) attending in person at the location listed in the Penalty Notice to complete a Request for Screening form and scheduling the time and place for review.
- 5.3 A review or request for extension of time to request a review shall only be scheduled by the City if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 5.0 and 5.1.
- 5.4 Where a person fails to attend at the time and place scheduled for review of the Administrative Penalty:
  - (a) the Person shall be deemed to have abandoned the request for review of the Administrative Penalty;
  - (b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed on the 16<sup>th</sup> day after the Penalty Notice Date and is not subject to any further review, including by any Court; and
  - (c) the Person shall pay to the City a Screening Non-appearance Fee.
- 5.5 For the purposes of section 5.1, the Screening Officer may only extend the time to request a review of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- 5.6 Where an extension of time is not granted by the Screening Officer the Administrative Penalty is deemed to be affirmed.
- 5.7 On a review of the Administrative Penalty, the Screening Officer may affirm the Administrative Penalty, or the Screening Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
  - (a) where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
  - (b) where the Person establishes on a balance of probabilities that the reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee, is necessary to relieve any undue hardship.

**APPENDIX II**

5.8 After a review has been held, the Screening Officer shall serve the Screening Decision on the Person.

**PART VI – REVIEW BY HEARINGS OFFICER**

6.0 A Person may request a review of a Screening Decision by a Hearings Officer and shall do so within 15 days after the Screening Decision has been delivered to the Person.

6.1 If a Person has not requested a review within the time limit set out in section 6.0, a Person may request that the Hearings Officer extend the time to request a review within 30 days of the Screening Decision being delivered to the Person. A Person's right to request an extension of time expires if it has not been exercised within 30 days after the Screening Decision has been delivered at which time:

- (a) the Person shall be deemed to have waived the right to request a hearing;
- (b) the Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be affirmed; and
- (c) the Screening Decision and the Administrative Penalty shall not be subject to any further review, including review by any Court.

6.2 A Person's right to request a review of a Screening Decision or to request an extension of time to request the review are exercised by attending in person or by representative at the place specified in the Request for Review by Hearings Officer form and filing a completed form.

6.3 A review or request for an extension of time to request a review shall only be scheduled by the City if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 6.0 and 6.1.

6.4 Where a Person fails to attend at the time and place scheduled for a review by the Hearings Officer:

- (a) the Person shall be deemed to have abandoned the request for a review of the Screening Decision;



## APPENDIX II

- (b) the Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be final and are not subject to any further review, including by any Court;
  - (c) the Administrative Penalty, if applicable as modified in the Screening Decision, is deemed to be affirmed on the date the Screening Decision was served on the Person; and
  - (d) The Person shall pay to the City a Hearing Non-Appearance Fee.
- 6.5 For the purposes of section 6.1, the Hearings Officer may only extend the time to request a review of a Screening Decision where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- 6.6 Where an extension of time is not granted by the Hearings Officer the Screening Decision and Administrative Penalty, if applicable as modified in the Screening Decision, are deemed to be affirmed.
- 6.7 A Hearings Officer shall not make any decision respecting a review of a Screening Decision unless the Hearings Officer has given the Person and the City an opportunity to be heard at the time and place scheduled for the hearing of the review.
- 6.8 On a review of a Screening Decision, the Hearings Officer may affirm the Screening Decision, or the Hearings Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
- (a) Where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
  - (b) Where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.
- 6.9 All hearings conducted by the Hearings Officer shall be in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22, as amended.
- 6.10 After a hearing is complete, the Hearings Officer shall serve the Person with a Hearing Decision.

**APPENDIX II**

- 6.11 Any decision by a Hearings Officer is final.
- 6.12 Neither a Screening Officer nor a Hearings Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

**PART VII – SERVICE OF DOCUMENTS**

- 7.0 Service of any document or notice, including a Penalty Notice, respecting the By-law may be given in writing in any of the following ways and is effective:
- (a) When a copy is immediately served on the Person to whom it is addressed;
  - (b) On the 5<sup>th</sup> day after a copy is sent by registered mail or by regular mail to the Person's last known address;
  - (c) Upon the sending of the notice or document or a copy thereof by e-mail transmission to the Person's last known e-mail address.
- 7.1 For the purposes of subsections 7.0 (b) and (c), a Person's last known address and e-mail address may include an address and e-mail provided by the Person to the City as may be required by a form, practice or policy developed under this By-law.

**PART VIII – ADMINISTRATION OF THE BY-LAW**

- 8.0 The Manager, or his or her delegate shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law and may amend such practices, policies and procedures from time to time as the Manager deems necessary.
- 8.1 The Manager, or his or her delegate shall prescribe all forms and notices, including the Penalty Notice, necessary to implement the By-law and may amend such forms and notices from time to time as the Manager deems necessary.
- 8.2 The Manager, or his or her delegate may designate areas within the City for conducting screening reviews and hearings under this By-law.

**PART IX – GENERAL PROVISIONS**

- 9.0 The Manager may appoint as Screening Officers such individuals and on such terms as the Manager considers appropriate.

**APPENDIX II**

- 9.1 It is Council's opinion that the delegations in this By-law to the Manager, to Hearings Officers and Screening Officers are of a minor nature. In forming this opinion, Council has had regard to the number of people, the size of geographic area and the time period affected by the exercise of each delegated power.
- 9.2 An Administrative Penalty, including any Administrative Fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the City owed by the Person to whom the Penalty Notice was given.
- 9.3 Where an Administrative penalty is not paid within 15 days after it becomes due and payable, the Person to whom the Penalty Notice was given shall pay to the City a Late Payment Fee.
- 9.4 Where an Administrative Penalty is not paid within 30 days after it becomes due and payable, the City shall add the outstanding amount to the tax roll and collected in the same manner as municipal taxes.
- 9.5 Where a Person provides a payment to the City for any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the City a NSF Fee.
- 9.6 Where an Administrative Penalty is cancelled by a Screening Officer or a Hearings Officer, any Administrative Fee is also cancelled.
- 9.7 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.
- 9.8 No Officer may accept payment in respect of an Administrative Penalty.
- 9.9 Any Schedule attached to this By-law forms part of this By-law.

**PART X – VALIDITY**

- 10.0 This By-law shall come into force on January 1, 2020.
- 10.1 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.

Schedule "A"

CITY OF WELLAND  
ADMINISTRATIVE PENALTY BY-LAW 2019-XX

DESIGNATED BY-LAWS

DESIGNATED BY-LAW	BY-LAW NUMBER
Clean Yards By-law	2019-XX
Property Standards By-law	2009-108, as amended

## APPENDIX II

## Schedule "B"

CITY OF WELLAND  
ADMINISTRATIVE PENALY BY-LAW 2019-XX

## ADMINISTRATIVE FEES

ITEM	FEE
Hearing Non-appearance Fee	\$250.00
Late Payment Fee	\$20.00
NSF Fee	\$30.00
Screening Non-appearance Fee	\$100.00



## Schedule "C"

**CITY OF WELLAND  
ADMINISTRATIVE PENALTY BY-LAW 2019-XX**

**SET FINE SCHEDULE**

**TO**

**THE CLEAN YARDS BY-LAW, 2019-XX**

**BEING A BY-LAW TO PROVIDE REGULATIONS FOR MAINTAINING LAND IN A  
CLEAN AND CLEAR CONDITION WITHIN THE CITY OF WELLAND**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 First Penalty	COLUMN 4 Second or Subsequent Penalty
1.	Fail to keep property in a clean and clear condition	Sec. 3.1	\$400.00	\$800.00
2.	Fail to keep property free from refuse or refuse material	Sec. 3.1	\$400.00	\$800.00
3.	Throw refuse or refuse material on private property without written authority	Sec. 3.2	\$400.00	\$800.00
4.	Place refuse or refuse material on private property without written authority	Sec. 3.2	\$400.00	\$800.00
5.	Deposit refuse or refuse material on private property by any means without written authority	Sec. 3.2	\$400.00	\$800.00
6.	Throw refuse or refuse material on public property without written authority	Sec. 3.3	\$400.00	\$800.00
7.	Place refuse or refuse material on public property without written authority	Sec. 3.3	\$400.00	\$800.00
8.	Deposit refuse or refuse material on public property by any means without written authority	Sec. 3.3	\$400.00	\$800.00
9.	Owner permit refuse or refuse material to remain on a property	Sec. 3.4	\$400.00	\$800.00

## APPENDIX II

10.	Fail to dispose of refuse at an approved site	Sec. 3.5	\$400.00	\$800.00
11.	Permit yard to remain in an unsafe condition	Sec. 3.6 (a)	\$400.00	\$800.00
12.	Permit an excavation to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
13.	Permit an opening in a yard to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
14.	Permit a septic tank to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
15.	Permit a cistern to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
16.	Permit a well to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
17.	Fail to remove weeds more than six inches in height	Sec. 3.7	\$400.00	\$800.00
18.	Fail to keep property free from Injurious insects, termites, rodents, vermin or other pests	Sec. 3.7 (a)	\$400.00	\$800.00
19.	Fail to keep property free from Refrigerators, freezers, appliances, and other containers that could trap a child	Sec. 3.7 (b)	\$400.00	\$800.00
20.	Fail to keep property free from syringes, needles and other sharps	Sec. 3.7 (c)	\$400.00	\$800.00
21.	Fail to remove grass more than six inches in height	Sec. 3.8	\$400.00	\$800.00
22.	Fail to trim weeds more than six inches in height	Sec. 3.8	\$400.00	\$800.00
23.	Fail to trim grass more than six inches in height	Sec. 3.8	\$400.00	\$800.00
24.	Fail to remove a bird feeder	Sec. 3.9	\$400.00	\$800.00
25.	Fail to maintain the ground underneath a bird feeder	Sec. 3.10	\$400.00	\$800.00
26.	Throw any type of food, in a yard for the purposes of feeding any birds.	Sec. 3.11	\$400.00	\$800.00
27.	Place any type of food, in a yard for the purposes of feeding any birds.	Sec. 3.11	\$400.00	\$800.00
28.	Permit any type of food, in a yard for the purposes of feeding any birds.	Sec. 3.11	\$400.00	\$800.00



## APPENDIX II

29.	Fail to keep refuse or refuse material in containers.	Sec. 3.13 (a)	\$400.00	\$800.00
30.	Permit refuse or refuse material to accumulate longer than 7 days	Sec. 3.13 (b)	\$400.00	\$800.00
31.	Fail to keep property free of standing water	Sec. 3.14	\$400.00	\$800.00
32.	Fail to maintain swimming pool/ hot tub/ wading pool/ pond	Sec. 3.15	\$400.00	\$800.00
33.	Obstruct private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00
34.	Cause/ Permit the obstruction of private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00
35.	Fail to maintain container/ object free of standing water	Sec. 3.17	\$400.00	\$800.00
36.	Fail to comply with an order	Sec. 4.3	\$400.00	\$800.00
37.	Obstruction	Sec. 5.9	\$400.00	\$800.00
38.	Fail to produce any documents or things required by a By-law Officer	Sec. 5.10	\$400.00	\$800.00
39.	Furnish false information to a By-law Officer	Sec. 5.11	\$400.00	\$800.00

## Schedule "C"

**CITY OF WELLAND  
ADMINISTRATIVE PENALY BY-LAW 2019-XX**

**SET FINE SCHEDULE**

**TO**

**THE PROPERTY STANDARDS BY-LAW 2009-108, as amended**

**BEING A BY-LAW PRESCRIBING STANDARDS FOR THE  
MAINTENANCE AND OCCUPANCY OF PROPERTY**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 First Penalty</b>	<b>COLUMN 4 Second or Subsequent Penalty</b>
1.	Fail to comply with an Order, direction or other requirement	Sec. 16.1 (a)	\$400.00	\$800.00
2.	Obstruction	Sec. 14.6	\$400.00	\$800.00
3.	Fail to produce any documents or things required by an Officer	Sec. 14.9	\$400.00	\$800.00
4.	Furnish false information to an Officer	Sec. 14.10	\$400.00	\$800.00

## SCHEDULE A

**TO BY-LAW 2009-108 OF THE CITY OF WELLAND  
THE PROPERTY STANDARDS BY-LAW, as amended**

1. The following person employed by the City of Welland as Chief Building Official is assigned the responsibility of administering and enforcing this By-law;

- (a) Jack Tosta

2. The following persons employed by the City of Welland as Building Inspector/ Property Standards Officers are assigned the responsibility of administering and enforcing this By-law:

- (a) Silvestro Ravenda
  - (b) Thomas Ferguson
  - (c) Gary Graziani
  - (d) Jennifer Blacklock
  - (e) Tony Ranalli

3. The following persons employed by the City of Welland as Municipal By-law Enforcement Officers are assigned the responsibility of administering and enforcing this by-law:

- (a) James Cronshaw
  - (b) Adam White
  - (c) Jeff Petruzzo

(By-law 2011-19)  
(By-law 2015-104)  
(By-law 2016-157)

## APPENDIX IV

## Schedule "B"

## CITY OF WELLAND

## SET FINE SCHEDULE

THE PROPERTY STANDARDS BY-LAW 2009-108, as amended

BEING A BY-LAW PRESCRIBING STANDARDS FOR THE  
MAINTENANCE AND OCCUPANCY OF PROPERTY

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 First Penalty	COLUMN 4 Second or Subsequent Penalty
1.	Fail to comply with an Order, direction or other requirement	Sec. 16.1 (a)	\$400.00	\$800.00
2.	Obstruction	Sec. 14.6	\$400.00	\$800.00
3.	Fail to produce any documents or things required by an Officer	Sec. 14.9	\$400.00	\$800.00
4.	Furnish false information to an Officer	Sec. 14.10	\$400.00	\$800.00

**APPENDIX V**

Regional Survey: Number of Days for Compliance

<b>Regional Survey: Number of Days for Compliance</b>				
<b>Municipality</b>	<b>Grass</b>		<b>Refuse</b>	
	<b>1<sup>st</sup> Offence</b>	<b>Repeat Offence</b>	<b>First Offence</b>	<b>Repeat Offence</b>
<b>Welland</b>	48 Hours (Notice posted on Door)  7 Days: if sent by mail	Property inspected and sent directly to contractor  (Contractor has 5 days to complete the task)	7 Days	
<b>Fort Erie</b>	10 Days	3 Days	10 to 21 Days	10 Days
<b>Pelham</b>	5 to 7 Days		Depends on scope of work. Small jobs: 14 Days. Large jobs: 30 Days	
<b>Port Colborne</b>	72 Hours (Notice posted on Door)  8 Days: if sent by mail	48 Hours (Notice posted on Door)  7 Days: if sent by mail	12 Days	8 Days
<b>Niagara Falls</b>	5 Days		Depends on scope of work. Small jobs: 5 days. Large jobs: 30 days	
<b>Niagara On The Lake</b>	8 Days		8 Days	
<b>St Catharines</b>	6 Days		12 Days	
<b>Thorold</b>	48 Hours (Notice posted on Door) 8 Days- if sent by mail		8 Days	