SUBJECT: Enforcement Strategy for Solid Waste Management By-law 05-190 (PW04034c) - (City Wide)

RECOMMENDATION:

(a) That the enforcement strategy for Solid Waste Management By-law 05-190 contained in Report PW04034c be approved;

(b) That the Director of Waste Management be directed to make application to the Regional Senior Justice for the establishment of the set fines, as set out in Appendix A attached to Report PW04034c;

(c) That the Reward and Recognition Program be approved and funded from the Waste Management Community Outreach account 512830-57213; and

(d) That the corresponding item be removed from the Public Works, Infrastructure and Environment Outstanding Business List.

Scott Stewart, C.E.T.
General Manager
Public Works

EXECUTIVE SUMMARY:

On June 29, 2005, Council approved Solid Waste Management By-law 05-190 and referred the proposed set fines back to the Solid Waste Management Master Plan (SWMMP) Steering Committee and the Public Works, Infrastructure and Environment Committee for further consideration.
Further consultation has been undertaken with the Steering Committee as well as the Property Standards and Licensing staff, Legal Services staff, Finance staff and the Waste Reduction Task Force.

This report provides:

- Additional information on the Provincial Offences Act - Parts 1 and 3
- A proposed enforcement strategy
- A revised schedule of proposed set fines
- A Reward and Recognition Program

The Provincial Offences Act provides municipalities with two enforcement options.

Part 1 enables the establishment of set fines for ticketing purposes and is the process used by the City for animal control, water usage, municipal parks use, snow removal and noise.

Part 3, which summons a defendant to court, is the system that is presently available to the City’s Municipal Law Enforcement staff concerning waste management matters. However, few cases have gone to trial because former by-laws were open to interpretation and prosecution was doubtful.

Although the wording in the new By-law was considered carefully to ensure that the provisions could be enforced, it is difficult to predict the number of cases that may go to trial.

Therefore an enforcement strategy is being proposed that is a blend of set fines under Part 1 of the Provincial Offences Act and the Information process under Part 3 of the Provincial Offences Act, if and when necessary. The set fines presented for consideration include those that promote waste diversion, those that are the most common offences and those that address health and safety of the public, collection crews and City contractors. Enforcement activities will be tracked by the Licensing and Property Standards staff to monitor the frequency and effectiveness of the enforcement process.

Voluntary compliance with the By-law will be encouraged in 2006 and 2007 in conjunction with the roll-out of the Green Cart Program. It is considered that the addition of staff resources on a temporary basis would provide customer service support that would facilitate the transition to the Green Cart program. A staffing plan will be brought forward to the Public Works, Infrastructure and Environment Committee and Council in the near future.

To promote and provide an incentive for good waste management practices for curbside collection, a Reward and Recognition Program is being recommended. If residents are doing a good job, they will be invited to apply for the opportunity to be recognized. The program will commence in January of 2006 and will be funded from within the Waste Management Division operating budget.

It is recommended that the enforcement strategy be approved, that the revised schedule of proposed set fines in Appendix A be forwarded to the Regional Senior Justice. The revised schedule of proposed set fines has been reduced from forty-one (41) to seventeen (17) offences, which focus on compliance with provisions that
promote waste diversion, provisions that are commonly offended and provisions that relate to the health and safety of the public and the collection crews and contractors.

**BACKGROUND:**

The information provided in this report has City wide implications.

Solid Waste Management By-law No. 05-190, (the By-law), was approved by Council on June 29, 2005.

While the By-law was passed, Council referred the enforcement and set fines back to the SWMMP Steering Committee and the Public Works, Infrastructure and Environment Committee (PWIE) for further consideration. This report is intended to provide the PWIE Committee with:

- Additional information on the enforcement options available under the Provincial Offences Act, and other City applications of set fines
- Present enforcement practices
- A proposed enforcement strategy
- A revised schedule of proposed set fines
- A proposed Reward and Recognition Program

**ANALYSIS/RATIONALE:**

The By-law provides the City with the ability to enforce the By-law in accordance with the Provincial Offences Act. How the City undertakes that enforcement is the subject of this analysis.

1. **Provincial Offences Act**

Municipalities have two options for enforcement under the Provincial Offences Act. Part 1 deals with certificates of offence or ticketing, where set fines have been established by the Regional Senior Justice. Part 3 deals with charges by Information (referred to as the summons process in previous reports). Both provide different means to the same end, the method of laying the charges, seeking compliance where there is an offence, fining the offender and deterring others from offending. Concerning waste management issues, the present enforcement system in Hamilton is the Part 3 process.

Legal Services staff suggests that there is little reason to consider the differences in costs of the two processes, as the courts do not fix fines based on costs incurred by the enforcement agency (City or police). Under either process, the offender has the right to a trial. The length of a trial and outcome cannot be predicted under either process. The courts determine the fine based on what is believed necessary to deter others from offending. Ticketing provides a means of achieving immediate enforcement and faster compliance of less serious offences.

a) **Provincial Offences Act - The Part 1 Process**

Under Part 1 of the Provincial Offences Act, a municipality makes application to the Regional Senior Justice for the establishment of set fines. Set fines are typically implemented through a ticketing process.
The set fine process provides the offender with the opportunity to plead guilty out of court. The lower fines and lack of consequences for conviction allow enforcement to be discretionary making the Part 1 process appropriate for treating lesser offences.

The maximum set fine permitted under the act is currently $500 (five hundred dollars), with the usual set fines between $100 (one hundred dollars) and $300 (three hundred dollars). The accused may simply pay the fine as a way of pleading guilty without going to court. If the accused wishes to plead guilty but requests relief to either the amount or the fine or the timeframe for payment, a request may be made to a Justice of the Peace out of court. In court, the court still decides the actual amount of the fine and can suspend the sentence or reduce the fine below the set fine in consideration of financial circumstances and the ability of the fine to deter the offender.

The City has many by-laws in place that have set fines associated with them. The intent of set fines is to deter people from committing a further offence, without the expense and staff time associated with lengthy documentation and court time. The range of the set fines proposed is relative to the severity of the offence and in this way is consistent with other City set fines. Examples include:

- **Animal Control By-law** - set fines range from $100 (one hundred dollars) for allowing an animal (dog or cat) to run at large to $350 (three hundred and fifty dollars) for keeping a vicious dog in the City. These fines exclude victim surcharges and costs which increase the amount payable to $125 (one hundred and twenty-five dollars) to $430 (four hundred and thirty dollars).

- **Waterworks By-law** - offences range from $80 (eighty dollars) for watering lawns when prohibited to $380 (three hundred and eighty dollars) for wasting water during an emergency water shortage.

- **Municipal Parks By-law** - approximately one-hundred and forty (140) set fines for municipal park use, ranging from $65 (sixty-five dollars) for climbing on buildings, structures and equipment not meant for climbing to $305 (three hundred and five dollars) for leaving a barbeque or campfire without extinguishing the fire.

- **Snow Removal By-law** - the set fine for throwing snow on the travelled portion of a road is $105 (one hundred and five dollars), while failure to clear snow from the sidewalk carries a $300 (three hundred dollars) fine.

- **Noise By-law** - the set fines range from $105 (one hundred and five dollars) for audible noises between 9:00 p.m. and 7:00 a.m. to $205 (two hundred and five dollars) for permitting a dog to bark, which is clearly audible at the point of reception.

**b) Provincial Offences Act - The Part 3 Process**

Where there are no set fines in place under Part 1 of the Provincial Offences Act, enforcement must be through Part 3 of the Act, which means that the offender will be issued an Information to attend court, possibly more than once, to deal with the plea and charge. The staff time and associated costs make the Part 3 process cumbersome and expensive. The court determines the fine based on what is considered necessary to deter others from offending. Part 3 also allows for much higher fines and gives the court options for other penalties and orders such as jail sentences, prohibition and rehabilitation orders. Jail sentences are not penalties under the Solid Waste
Management By-law; however, the City can seek prohibition orders for flagrant offences which may lead to criminal charges for repeat offences.

Under Part 3, the maximum fine is set by the statute, in this case the Solid Waste Management By-law. The By-law allows for fines ranging from $10,000 (ten thousand dollars) for the first offence to an individual to $50,000 (fifty thousand dollars) for a corporation. Subsequent offences can result in fines of $25,000 (twenty-five thousand dollars) for an individual to $100,000 (one hundred thousand dollars) for a corporation. The courts decide on the level of the fine and maximum fines are generally only used for the most serious breaches of law.

2. Present Enforcement Activities

In 2004, the Waste Management Division received two-hundred and ninety-one (291) enforcement calls related to waste management issues. The Municipal Law Enforcement staff of the Licensing and Property Standards section received five-hundred and thirty-six (536) complaints about waste related issues. The main focus of the complaints is garbage being set out too early, garbage scattered, dumped waste and unacceptable materials. Over one-hundred (100) Provincial Offences Notices were issued and about 98% compliance was achieved as a result. This indicates that owners/occupants understand the severity of their offence enough to correct the situation. In the non-complying situations, City staff goes out to remove non-complying waste materials.

Most of the other four-hundred and thirty-six (436) complaints were either resolved through additional information or clarification or dismissed because the by-law interpretation was too flexible and these complaints could not be written up as Provincial Offences Notices. Approximately thirty (30) complaints resulted in Provincial Offences Notices being issued.

Of the Provincial Offences Notices issued, the Municipal Law Enforcement staff made one application for a Part 3 Information under the Provincial Offences Act; however, the prosecutor would not try the case because the existing by-law was too open to interpretation to stand up in the courts. In such a situation, the enforcement process starts over again.

The City could continue to utilize the Part 3 Information process, recognizing that the strength and clarity of the By-law may lead to more cases going to trial and resulting potential implications on staff resources in Municipal Law Enforcement and Legal Services. The extent of the impacts is difficult to predict at this time.

3. Proposed Enforcement Strategy

If residents follow their Waste Collection Calendar, they will not be impacted by any enforcement that the City may undertake. It is not desirable to issue punitive charges to offenders; however, there are circumstances in which it is necessary to do so to deter habitual offenders. The City can continue to use the Part 3 Information process and would likely be more successful with the clearly interpretable provisions of the new By-law. However, the court process involves staff time and resources to put together defence cases and appear in court on behalf of the City. The time to get a case into court can take up to a year. Although the By-law addresses all aspects of the Solid
Waste Management System, the enforcement strategy focuses on enforcing the By-law provisions related to waste collection.

The proposed enforcement strategy is very similar to the one currently in place, in that it starts out with an approach of education and assistance, and still gives the City the ability to extend charges to serious offenders who will not comply on a voluntary basis.

All complaints will be recorded with the nature of the complaint; the location of the alleged violation; and the complainant's name, address and telephone number.

It is proposed that a four step enforcement process be implemented for curbside collection related infractions. It is important to note that the steps must apply to the same offence. The steps are:

- **First Offence** - Waste Management staff will sticker the material identifying the problem waste materials/container(s) in contravention of the by-law provision for curbside related violations advising the property owner/occupant of correct procedures; addresses of offending property owners/occupants would be recorded to monitor offences.

- **Second Offence** - a Customer Service representative would visit the offending owner/occupant to see if a solution to their offence can be found and if not to issue a verbal warning of potential subsequent offences; subsequent complaints, including all pertinent information and warnings would be assigned to a Municipal Law Enforcement Officer, who will commence the investigation.

- **Third Offence** - third time offenders will be assigned a Municipal Law Enforcement “Problem Code” and “Responsibility Code” by Waste Management staff. Municipal Law Enforcement staff will visit the property owner/occupant and issue a “Notice to Comply”, advising that failure to comply may result in the issuance of a Provincial Offences Notice (Information to appear in court in accordance with Part 3).

- **Subsequent Offences** - if the property owner/occupant fails to comply, the investigating officer may issue a Provincial Offences Notice under either Part 1 or 3, as appropriate.

It is considered appropriate that set fines under Part 1 be used for By-law provisions related to curbside waste collection that:

- Promote waste diversion
- Cause the most severe enforcement concerns, and
- Protect the health and safety of the public and waste collection crews and contractors.

The balance of the by-law provisions would continue to be enforced under Part 3 if required. The schedule of proposed set fines is attached as Appendix A to this report.

If an investigating officer observes By-law violations on other properties while investigating the original complaint, appropriate enforcement of the By-law may be undertaken with respect to those other properties commencing at the first offence.

In the case of subsequent violations of By-law 05-190 at the same property where a conviction has already been attained, the Municipal Law Enforcement Officer may issue
additional Provincial Offences Act Part 3 Information to appear in court, which provides for fines ranging from $10,000 (ten thousand dollars) to $100,000 (one hundred thousand dollars) upon conviction by a court.

This entire enforcement process will provide owners/occupants with several opportunities to correct their waste collection set out practices. As indicated previously, if residents continue to follow their Waste Collection Calendars, they are likely doing things right. Residents are responsible for setting out their waste in a manner that facilitates collections.

For example, it is not intended that residents be fined because they set their waste out before 7:00 p.m., however, if waste is set out two or three days in advance, it becomes a health and safety issue. Similarly, empty waste containers left out for several days can create health and safety issues.

In terms of containers, it is important to note that the present container limit is six (6), with a voluntary three (3) container limit. Waste containers in excess of six (6) would initially be stickered and left at the curb. As of April 1, 2006, the container limit will be three (3), with a voluntary container limit of one (1), in conjunction with the roll-out of the Green Cart program. Any further reduction in the three (3) container limit is not expected before 2007 and then only with the approval of Council to amend the By-law. Staff will be reporting back on the success of the Green Cart Program on achieving higher diversion rates.

It is not intended that punitive charges generate revenue, but to ensure that habitual offenders are dealt with in the most cost effective manner. Municipal Law Enforcement Officers work with the understanding that compliance with the By-law is the priority and that use of Provincial Offences Notices, either under Part 1 or Part 3 of the Act is a last resort to achieving compliance with habitual offenders. In Part 3 offences, it could take up to a year for a case to go to court and the likelihood of the defendant re-offending is higher.

In both Part 1 and Part 3 processes, there is an element of Municipal Law Enforcement staff time to prepare and deliver evidence. In a Part 1 process, the Municipal Law Enforcement Officer’s time will be in the order of four hours while in a Part 3 process the time will be approximately five hours. Additional costs in either process for clerical services, Legal Services, prosecution and court related time vary depending on the extent of evidence required and the number of witnesses. However, as indicated previously, it is difficult to predict the frequency of cases that may go to court with by-law provisions that have yet to be tried.

4. **Revised Schedule of Proposed Set Fines**

The revised schedule of proposed set fines is included as Appendix A to this report. The set fines have been revised from forty-one (41) to seventeen (17) offences that focus on:

- Provisions of the by-law that promote waste diversion,
- Provisions that tend to cause enforcement difficulties, and
- Provisions that promote and protect the health and safety of the public and waste collection crews and contractors.
Previous versions of the proposed set fines included wording for all provisions that could be enforced such as animals disturbing waste and activities at the Transfer Stations.

5. Reward and Recognition Program

As a means of promoting successful waste management practices in the home, Waste Management staff has worked together with Finance staff to develop a Reward and Recognition Program for residents who deserve recognition for their efforts to achieve 65% waste diversion by 2008.

Residents would be invited to apply for the opportunity to have City staff audit their curbside waste to determine their current waste diversion rate. To qualify for a curbside audit, applicants must:

- Be the property owner of the address on the application
- Not have a City of Hamilton employee residing in the household
- Not have any taxes owing to the City of Hamilton
- Be a resident of Hamilton
- Be a curbside waste collection services customer of the City of Hamilton

Receipt of application will be considered as written permission to audit a given property’s curbside waste on a date randomly selected by the City. Residents will not know the date.

The program would be advertised on the City website and in local news media. The application would be available on-line or at Municipal Service Centres.

Each month an application would be selected at random. Waste Management staff would verify the eligibility of the applicant, conduct a curbside audit to determine the waste diversion rate and reward the resident as necessary. The reward would be a cheque in the amount of $100 (one hundred dollars) the annual waste management services cost for an average single family dwelling in the City. Part of the promotion of the program will be the publishing of the winners’ names on the City website and in the local news media and presentation of the reward at a Council Meeting.

The total annual cost will be approximately $1,200 (twelve hundred dollars), assuming a reward is issued every month. The financing of the program will be from the Community Outreach operating budget - Environmental Incentives account number 512830-57213.

To receive a reward, applicants will be required to meet the following at the time of the curbside audit:

- Set out no more than three (3) containers of residual garbage per week
- Set out properly sorted and acceptable recyclable materials, as per the City of Hamilton’s education materials
- Set out acceptable household organics materials (if applicable)
- Set out properly prepared and acceptable Leaf and Yard Waste (if applicable)
- Less than 10% divertible waste in their garbage

If approved, the Reward and Recognition Program could be launched in January of 2006.

6. Concluding Comments and Recommendations
The information contained in this report is a follow-up to the direction of Council on June 29, 2005 that the enforcement strategy and set fines be considered further with the Solid Waste Management Steering Committee and the Public Works, Infrastructure and Environment Committee, and report back.

The proposed enforcement strategy in this report is intended to provide a reasonable and fair approach to enforcement in a cost effective manner. It is not desirable to impose punitive charges on owners/occupants of property, but to work together with them to ensure compliance. However, the Provincial Offences Act provides the City with a tool for dealing with difficult and/or persistent enforcement situations.

Both the Part 1 and Part 3 processes of the Provincial Offences Act provide reasonable and fair approaches to enforcement. Although the Part 3 process has the potential to be more costly as the number of cases tried increases, it is difficult to predict this until the By-law has been in force for a period of time. However, Part 1 offers a more immediate approach to enforcement and compliance. The revised list of proposed set fines addresses the by-law provisions related to diversion and the most problematic offences. The enforcement strategy will be monitored regularly and the by-law reviewed periodically to ensure that the enforcement strategy is effective.

A Reward and Recognition Program will enable the City to recognize residents’ efforts to achieve proper Waste Management practices.

On the basis of the information in this report, it is recommended that the existing enforcement strategy be approved. It is also recommended that the Reward and Recognition Program be approved.

**ALTERNATIVES FOR CONSIDERATION:**

With the Solid Waste Management By-law now in force, the alternatives for consideration relate to the ways the By-law might be enforced. Although the preferred enforcement strategy is outlined in the Analysis/Rationale section, other alternatives include:

- The continued use of Part 3 of the Provincial Offences Act, the Information process, or
- The full use of set fines under Part 1 of the Provincial Offences Act.

The continued use of Part 3 has the potential to require significant staff resources, although as indicated previously, the extent of this is difficult to predict.

The full use of set fines has been presented to the Public Works, Infrastructure and Environment Committee and was not considered to be acceptable.

Enforcement of the By-law is also being balanced by a Reward and Recognition Program in conjunction with the roll-out of the Green Cart Program.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial and staffing implications predominantly relate to enforcement. At present, By-law 05-190 is enforced at the curbside by waste collection staff leaving materials behind. Escalated enforcement is done through two (2) Customer Service Coordinators in the Waste Management Division with the assistance of the Licensing and
Property Standards section, equivalent to 0.5 full-time employees. Within the existing budget allocation, this level of service would continue. A staffing plan to provide customer service support is being developed and will be brought forward to Public Works, Infrastructure and Environment Committee and Council in the near future.

The Reward and Recognition Program can be funded from the existing Waste Management Community Outreach operating budget.

**POLICIES AFFECTING PROPOSAL:**

The policies affecting this proposal are those of the Solid Waste Management Master Plan (SWMMP).

The most significant and directly related policy is Recommendation 8 which requires that flexible enforcement systems that are progressively more rigorous, as waste diversion programs are developed, become operational. The By-law is the document that will facilitate this enforcement system.

The enforcement of a new Solid Waste Management By-law contributes to fulfilling of a number of other SWMMP recommendations.

By-law enforcement will build on our waste diversion programs resulting in the preservation of valuable landfill capacity, which is Recommendation 2.

By-law enforcement is an important tool in striving to achieve our waste diversion target of 65% by 2008, as in Recommendation 3.

This By-law will be instrumental in the implementation of the three stream waste collection system, as in Recommendation 6.

An approved By-law and progressive enforcement sets the stage for future consideration of a user-pay system to encourage waste diversion and to offset the costs of waste management activities, as in Recommendation 7.

By-law enforcement supports Recommendation 13, which is the City’s commitment to continuous improvement in the waste management system.

**RELEVANT CONSULTATION:**

Further to the June 29, 2005 direction of Council, Waste Management staff has worked closely with the Municipal Law Enforcement staff to refine the enforcement strategy and the proposed set fines. Additional consultation has been undertaken with the Solid Waste Management Master Plan Steering Committee, and also with the Waste Reduction Task Force.

The Solid Waste Management Master Plan Steering Committee passed a motion on August 9, 2005 to proceed with the set fines process. This followed a discussion on having fewer set fines and flexibility.

At its meeting on July 15, 2005, the Waste Reduction Task Force passed the following resolution:

“As presented, the proposed enforcement strategy is rational and reasonable and is supported by the Task Force. Staffing should be at a level to allow adequate enforcement. Further attention should be given to scavenging. Set fines should
be the preferred enforcement method.”

Budgets and Finance staff were consulted regarding the implementation of the Reward and Recognition Program.

CITY STRATEGIC COMMITMENT:

The approval of a new Solid Waste Management By-law will contribute to the City’s vision for a safe, healthy, sustainable community.

The enforcement of the By-law is intended to assist in the efficiency of the waste collection system contributing to fiscal responsibility and to increase waste diversion.

By-law enforcement and any resulting increases in waste diversion will assist in fulfilling Council’s commitment to Vision 2020, which is discussed below, and to reducing waste going to landfill through aggressive diversion programs.

The establishment of set fines supports the goal of Best Practices - Best Value as it will assist in controlling costs while providing best value in waste collection service delivery.

Vision 2020

The approval of the Solid Waste Management By-law and the accompanying enforcement strategy provides opportunities to improve waste diversion programs, contributing to fulfillment of the goal of managing waste safely and responsibly. It is also consistent with several of the specific Strategies for a Sustainable Community for Reducing and Managing Waste, including the diversion of waste for recycling, and enhancing diversion programs and increasing participation.

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Evaluate the implications of your recommendations by indicating and completing the sections below. Consider both short-term and long-term implications.

Community Well-Being is enhanced. ☑ Yes ☐ No

Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

Human health and safety are protected. Consumption of all natural resources is reduced. Waste is reduced and recycled.

Economic Well-Being is enhanced. ☑ Yes ☐ No

Hamilton's high-quality environmental amenities are maintained and enhanced.

Does the option you are recommending create value across all three bottom lines?

☑ Yes ☐ No

By-law enforcement contributes to a balance between community well-being and environmental protection in a cost effective manner.

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☑ Yes ☐ No
Not relevant.
### Set Fine Schedule
CITY OF HAMILTON

Pursuant to Part I of the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended
Respecting By-law No. 05-190, being a by-law to regulate and provide for the establishment, maintenance and operation of a Waste Management System for the City of Hamilton

<table>
<thead>
<tr>
<th>Item</th>
<th>Description of Offence</th>
<th>Provision Creating/Defining the Offence</th>
<th>Set Fine (Includes Costs)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Waste - General Prohibitions</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Set out Waste for collection on vacant property</td>
<td>6.2</td>
<td>$100.00</td>
</tr>
<tr>
<td>2.</td>
<td>Allow, acquiesce in or cause Waste to be set out for collection on vacant property</td>
<td>6.2</td>
<td>$100.00</td>
</tr>
<tr>
<td>3.</td>
<td>Deposit Waste on a street or public property</td>
<td>6.3</td>
<td>$100.00</td>
</tr>
<tr>
<td>4.</td>
<td>Allow, acquiesce in or cause Waste to be deposited on a street or public property</td>
<td>6.3</td>
<td>$100.00</td>
</tr>
<tr>
<td>5.</td>
<td>Set out Waste for collection on another person’s property without prior consent</td>
<td>6.12</td>
<td>$150.00</td>
</tr>
<tr>
<td>6.</td>
<td>Allow, acquiesce in or cause Waste to be set out for collection on another person’s property without prior consent</td>
<td>6.12</td>
<td>$150.00</td>
</tr>
<tr>
<td>7.</td>
<td>Fail to clean up Waste that has escaped</td>
<td>8.1(e)</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

**Prohibitions for the Set Out of Garbage for Collection**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description of Offence</th>
<th>Provision Creating/Defining the Offence</th>
<th>Set Fine (Includes Costs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Set out Unacceptable Garbage for collection</td>
<td>6.1</td>
<td>$100.00</td>
</tr>
<tr>
<td>9.</td>
<td>Allow, acquiesce in or cause Unacceptable Garbage to be set out for collection</td>
<td>6.1</td>
<td>$100.00</td>
</tr>
<tr>
<td>10.</td>
<td>Set out more than six Containers for Garbage for single family dwelling (prior to April 1, 2006)</td>
<td>8.2.1.1(b)</td>
<td>$100.00</td>
</tr>
<tr>
<td>11.</td>
<td>Allow, acquiesce in or cause to be set out more than six Containers for Garbage for single family dwelling (prior to April 1, 2006)</td>
<td>8.2.1.1(b)</td>
<td>$100.00</td>
</tr>
<tr>
<td>12.</td>
<td>Set out more than three Containers for Garbage for single family dwelling (effective April 1, 2006)</td>
<td>8.2.1.1(c)</td>
<td>$100.00</td>
</tr>
<tr>
<td>13.</td>
<td>Allow, acquiesce in or cause to be set out more than three Containers for Garbage for single family dwelling (effective to April 1, 2006)</td>
<td>8.2.1.1(c)</td>
<td>$100.00</td>
</tr>
<tr>
<td>14.</td>
<td>Exceed three Bin Container limit for garbage for Multi-family Residential Dwelling</td>
<td>8.2.2.1(c)</td>
<td>$200.00</td>
</tr>
<tr>
<td>15.</td>
<td>Exceed three Bin Container limit for garbage for commercial property</td>
<td>8.2.2.1(c)</td>
<td>$200.00</td>
</tr>
<tr>
<td>16.</td>
<td>Exceed three Bin Container limit for garbage for Church</td>
<td>8.2.2.1(c)</td>
<td>$200.00</td>
</tr>
<tr>
<td>17.</td>
<td>Exceed three Bin Container limit for garbage for Special Policy Area Property</td>
<td>8.2.2.1(c)</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

**Note:** The penalty provision for the offences indicated herein are set out in Section 4.3 of By-law No. 05-190, a copy of which has been filed.