

The Corporation of North Algona Wilberforce Township

By-law 2020-89

Being a by-law to limit, prohibit and control paper waste biosolids and paper waste berm construction products

WHEREAS the Council of North Algona Wilberforce Township deems it advisable to limit, prohibit and control the use of products that contain paper waste biosolids;

AND WHEREAS Section 11 (2) 6 of the Municipal Act, S.O. 2001, c.25 as amended, provides that a municipality may pass by-laws respecting Health, Safety and Well-being of persons;

AND WHEREAS paper waste biosolids are being used for the construction of structures such as sound proof barriers;

AND WHEREAS paper waste biosolids products are sold under the trademarked names of Sound-Sorb and Nitro-Sorb;

AND WHEREAS paper waste biosolids have also been used as a soil amendment in the agriculture industry;

AND WHEREAS testing of soil, streams and lakes and ground water after the placement of paper waste biosolids indicate pathogens, heavy metals and chemicals that exceed provincial guidelines;

AND WHEREAS the possibility of airborne exposure to pathogens such as moulds and fungus spores exist from the decomposition of the material;

NOW THEREFORE the Council of the Corporation of North Algona Wilberforce Township ENACTS AS FOLLOWS:

1. That the placement of paper waste biosolids or any products produced that contain paper waste biosolids be prohibited from being placed anywhere within the boundary of North Algona Wilberforce Township.
2. That if it has been determined that paper waste biosolids have been placed within the boundary of the Township prior to the passing of this by-law, the Township will call upon the Ministry of Environment and Energy (MOEE) to test and monitor the water and soil for contaminants that exceed provincial guidelines.
3. If a property has been found that has received paper waste biosolids prior to the passing of this by-law, Council will notify the property owner and all property owners within 120 metres of the subject property of the MOEE water and soil testing results and of any remedial action required of the property owner by the Ministry.
4. PENALTIES
 - 4.1 Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
 - 4.2 Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and

a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25, as amended.

- 4.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 4.4 Despite section 4.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 4.5 For the purpose of multiple offences, every person who contravenes an provision of this by-law and every director or officer of a corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 4.6 Despite section 4.5 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 4.7 Every person who fails to comply with a notice made under this by-law is guilty of an offence.
- 4.8 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001, S.O. 2001, c. 25, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.
- 4.9 Any person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, S.O. 2001, c. 25, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.
- 4.10 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

5. This by-law shall come into force and take effect on the day of passing of the by-law.

Read a First and Second Time this day of November, 2020.

Read a Third Time and Passed this day of November, 2020.



MAYOR James Brose



CLERK Andrew Sprunt