The County of Peterborough

County Council

To: Warden and Members of Council

From: Chris Bradley, Director of Public Works

Date: December 6, 2017

Subject: Gifford Causeway Litter

Recommendation: That staff be directed to prepare a “No Trespassing” by-law for the areas between the guiderails of the James A. Gifford Causeway, and further;

That staff make application to the Ministry of the Attorney General for approval of the set fine amounts and short form wording of the offences contained in the by-law, and further;

That staff hire a private security firm to enforce the by-law, and further;

That staff implement the attached Communications Strategy, and further;

That the frequency for garbage and litter collection be increased to three times per week from May to October, and further;

That pre-budget approval be granted for the cost of implementing this plan.

Financial Impact: Total additional cost to the 2018 budget is $27,000

Background:

At the County Council meeting of August 23, 2017, Mr. Brad Sinclair, a resident of the Township of Selwyn, made a presentation to Council regarding trash and garbage on the James A. Gifford Causeway.

Mr. Sinclair reviewed his presentation including the recent photographs relating to the trash and garbage issue on the James A. Gifford Causeway. He explained that despite the volunteer work to clean up the Causeway performed by Ken and Cody Orgill on August 12th, less than forty-eight hours later the Causeway was again littered with garbage. He relayed local reaction and concerns. He responded to Council questions.
Following Mr. Sinclair’s presentation, the following resolution was passed by County Council:

352-2017 Moved by: Councillor Senis  
Seconded by: Councillor Martin

Be it resolved that County Council:

1. Receives the presentation from Brad Sinclair concerning the trash and garbage issue on James A. Gifford Causeway.

2. Directs staff to meet with the:
   a. Ministry of Natural Resources and Forestry
   b. Township of Selwyn
   c. Peterborough Ontario Federation of Anglers and Hunters
   d. All associated parties

3. Directs staff to bring back a staff report to Council for the September 20th Regular Council Meeting to include recommendations regarding remedying the trash and garbage issue on the James A. Gifford Causeway and the report to include a comparison of enforcing a trespassing ban as opposed to a fishing ban.  
   Carried

Following the County Council meeting of August 23, 2017, County staff met with solicitors Gravelle and Baird of LLF Lawyers to discuss enforcement options. Solicitor Gravelle outlined two options (Trespass and Nuisance) for Council consideration should Council proceed with enforcement as a means of reducing the impact on the Causeway of people who dispose of litter and trash.

County staff also met with representatives of the Ministry of Natural Resources and Forestry, the Township of Selwyn, the Ontario Association of Anglers and Hunters, Parks Canada and the Ontario Provincial Police on August 30th. The participants discussed the littering and the trash issue on the Causeway and provided input and suggestions on methods to deal with the issue.

Subsequently, staff prepared and presented a report to County Council at the Council meeting of September 20, 2017 suggesting that the development of a communication strategy along with a number of positive initiatives aimed at changing the behaviour of the small number of offenders may result in both short-term and long-term benefits.

The staff recommendation was that staff continue to work with representatives from the Township of Selwyn, the Ministry of Natural Resources and Forestry, Parks Canada, the Ontario Federation of Anglers and Hunters in developing a communications strategy and initiatives aimed at changing the behaviour of the
small number of offenders who are littering and leaving trash at the Causeway
and that a final report be presented to Council at a time that will facilitate
implementation in the 2018 fishing season and be included in the 2018 County
budget.

Following the presentation of the report by staff, the following resolution was
passed by County Council:

396-2017 Moved by: Councillor Senis
               Seconded by: Councillor McFadden

Be it resolved that County staff bring back a report on developing a plan for
increased enforcement as well as enhanced signage and education
(Communication strategy) and more regular garbage pickup, with enforcement
based on “No Trespassing” on the Causeway from guardrail to guardrail. Carried

Issues:

1. Increased Enforcement

There has been no enforcement of any by-law on the Gifford Causeway at any
time in the past. From the mid 1990s until the early 2000s, the County Public
Works department had a dedicated seasonal employee (summer only) who
cleaned up the litter and made contact with the public who used the Causeway for
recreational activities such as fishing. Although there were No Littering by-laws in
effect, no tickets were ever issued.

The County of Peterborough does not have any internal by-law enforcement
service. County Roads No Parking by-laws in the Townships of Trent Lakes,
North Kawartha, Asphodel-Norwood and Cavan Monaghan are enforced by
delegated authority by the lower tier municipalities. County Roads No Parking in
the remaining four lower tier municipalities are not enforced. In these instances,
the No Parking restrictions are generally ignored by the public.

Two options exist for by-law enforcement for the County of Peterborough once the
necessary registration with the Province of Ontario is completed, to hire a
dedicated employee and complete the work internally or to hire a private sector
security firm on a fee for service basis. Staff suggest that because of the
relatively small number of locations within the four municipalities where the lower
tiers do not provide the service for the County, there would not be enough work
for a dedicated County employee, therefore the work should be completed by a
private security firm. Staff further suggest that the four lower tier municipalities
who currently provide by-law enforcement for the County should continue to do
so.
Staff have contacted a private Security Service which provides by-law enforcement to a number of municipalities in and around the County of Peterborough on a fee for service basis. This firm is local and experienced. One advantage in particular in utilizing this firm for by-law enforcement is that the County can determine the amount of enforcement required and the firm will provide the necessary number of hours of work to meet the County needs. Costs are reasonable and can be included in the 2018 budget. Staff estimate a cost of approximately $300 per week for enforcement for the season (22 weeks), which would likely decrease as the number of charges increase and word spreads to the public.

Attached to this report is Appendix 1, correspondence from Solicitor Gravelle of LLF Lawyers LLP related to Potential Enforcement Mechanisms.

2. Communication Strategy:

At the Council meeting of September 29, staff produced a Causeway Communications Strategy as part of the original Council report dealing with the litter issue. Staff have attached a copy of the strategy as Appendix 2 to this report. Please see this attachment for details.

The objective of the strategy is to focus on a collaborative communication approach to gain awareness across all parties about the impacts and solutions for litter and the introduction of our Clean Marine Initiative, thereby minimizing litter and maximizing the enjoyment of the region and its attractors.

As part of the strategy, there would be targeted outreach campaigns and extensive on-site signage. Staff suggest an annual budget of $10,000 would be required for this initiative.

3. Increased Litter & Garbage Collection

County staff currently attend three locations once per week at the Causeway to clean out the garbage and recycling containers and tidy up any litter in publically accessible areas such as Rotary Park, the CR14 parking lot and the road allowance east of the bridge. This is typically performed on Mondays, however after a long weekend this occurs on Tuesday. With “No Trespassing” restrictions in place in all areas where guiderails exist, there should be no additional areas for clean-up required.

Depending on the time of year and volume of material, two staff will spend 2-3 hours cleaning the areas and gathering up waste. After a long weekend, this task typically takes 3-4 hours. Staff pile the bags of waste and recycling at BEL Rotary Park for collection by the waste and recycling collection haulers, but if they arrive at the site too late in the day, or if there is an excessive amount of material (such
as construction debris), staff must take the materials to the Smith Landfill for disposal. This adds approximately an hour to the task.

The cans must be set up and taken down at the start and end of each season, requiring about 8-10 hours of staff time. The Operations Coordinator spends about 8 hours training students on safety and collection procedures, and the students spend about half an hour each Monday preparing a Traffic Control Plan for the work. Over the course of the summer, it is estimated that County staff spend about 180 hours managing this single location.

Servicing the areas also occupies a work truck for the morning and, though a negligible cost, will use approximately 200 garbage bags per season.

Including staff time, fuel and materials, the County spends approximately $4,000 per season to maintain the three publically accessible areas around the causeway.

Increased frequency of clean up could be completed by Waste Management staff on Thursdays and by Operations staff on an overtime basis on Saturdays. Adding this time would result in an increased cost of approximately $8,000.

**Financial Impact:**

The financial impact for increasing enforcement by implementing and enforcing No Trespassing in all areas of the Causeway where there are guiderails, developing and implementing a Communications Strategy and increasing the frequency of garbage and litter collection is:

- **Enforcement:** $6,600
- **Communications Strategy:** $10,000
- **Increased Collection:** $8,000

**Total:** $24,600

Note: One-time costs for legal fees for making application to the Ministry of the Attorney General for approval of the set fine amounts and short form wording of the offences contained in the by-law are estimated to be $1,500 and the estimated cost for the design and printing of tickets and miscellaneous costs are $1,000.

**Summary:**

Council has directed staff to develop a plan to implement “No Trespassing” on the James A. Gifford Causeway from guiderail to guiderail, to increase the enforcement, to install enhanced signage, to develop an education program (Communication Strategy), and increase the frequency of garbage and litter collection.
Staff are confident the strategy outlined in the text of this report will meet Council’s requirements.

Respectfully submitted,

Original signed by