The Corporation of the Township of Adjala-Tosorontio

By-law 20-47
(Consolidated – as amended)

SITE ALTERATION & FILL BY-LAW

A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the removal of soil or topsoil, the placing or dumping of fill, the alteration to the grade of lands, and/or the storage of soil, topsoil or any other fill material in areas of the Township of Adjala-Tosorontio.

Consolidation		
Amendment No. 1	By-law 21-23	May 12, 2021
Amendment No. 2	By-law 21-73	December 8, 2021
Amendment No. 3	By-law 23-61	June 14, 2023

Disclaimer:

The following consolidation is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The Township of Adjala-Tosorontio does not warrant the accuracy of this electronic version.

This consolidation cannot be distributed or used for commercial purposes. It may be used for other purposes, only if you repeat this disclaimer. Official versions of all By-laws can be obtained from the Township Clerk's Department 705-434-5055.

OFFICE CONSOLIDATION
Current to Amendment No. 3
By-law 23-61, June 14, 2023

The Corporation of the Township of Adjala-Tosorontio
By-law No. 20-47

A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the removal of soil or topsoil, the placing or dumping of fill, the alteration to the grade of lands, and/or the storage of soil, topsoil or any other fill material in areas of the Township of Adjala-Tosorontio.

Whereas Section 11 of the Municipal Act, 2001, Chapter 25, provides that Council of a local Municipality may pass by-laws respecting the economic, social and environmental well-being of the Township and the health, safety and well-being of persons; and

Whereas Section 128 of the Municipal Act, 2001, Chapter 25, authorizes Council of a local Municipality to pass by-laws to 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 129 of the Municipal Act, 2001, Chapter 25, authorizes Council of a local Municipality to prohibit and regulate with respect to noise, vibration, and dust; and

Whereas Section 142 of the Municipal Act, 2001, Chapter 25, provides that Council of a local Municipality may pass by-laws to prohibit, regulate and/or require a permit for, and impose conditions upon, the placing or dumping of fill, removal of topsoil, the alteration of the grade of lands, and/or the storage of soil, topsoil or any other fill material; and

Whereas Council is desirous of addressing and preventing the negative impacts of site alteration on the environment and the residents of the Township; and

Whereas Council deems it in the public interest to prohibit, regulate or require a permit for the dumping and placing of fill, the removal of soil or topsoil, and the alteration of the grade of lands, and/or the storage of soil, topsoil or other fill material in the Township in order to ensure existing drainage patterns are maintained, and erosion and sedimentation are prevented, to ensure any changes to existing drainage or grade patterns are appropriate to protect environmental features, natural heritage features, and archaeological resources, to prevent the importation of hazardous materials, to prevent interference and damage to watercourses or water bodies, to minimize disturbance to land form characteristics and features, and to put in place haul routes and other controls to minimize damage to the Township's roads and to minimize disturbances of residences and businesses;

Now therefore the Council of the Corporation of the Township of Adjala-Tosorontio hereby enacts as follows:

1.0 DEFINITIONS

In this By-law:

1.1 "Adverse Effect" shall mean impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property, plant life or animal life; an adverse effect on the health of any person(s); the impairment of the safety of any person(s); rendering any property, plant or animal life unfit for human use; interference with the normal conduct of business; the reduction of adjoining owners' ability to use and enjoy their properties as the owners have in the past; or negative impact on local residents in the vicinity of filling operations.

1.2 "Agreement" shall mean any agreement entered into between the Township and a property owner.

1.3 "Agricultural" shall mean land, buildings or structures used by a farming business registered under the Farm registration and Farm Organization Funding Act, 1993, Chapter 21, for the purpose of beekeeping, field crops, forestry, horticulture, pasturage, raising of livestock, cannabis, or any other farming use. Within the Oak Ridges Moraine Area, agricultural, shall mean,

a) Growing crops, including nursery and horticultural crops,
b) Raising livestock;
c) Raising other animals, including poultry and fish, for food, fur or fibre
d) Aquaculture, and
e) Agroforestry and maple syrup production.

[Item 1.4 added by By-law 23-61]

1.4 "Agricultural Berm" shall mean an earthen work or mound of earth of a specified height and width, and exhibiting sloping, landscaped sides, which is intended to act as a barrier or buffer strip on lands designated as agricultural for the purpose of protecting crops.

1.5 "Approved Fill" shall mean fill that a qualified person deems suitable as per O. Reg 153/04 as amended, and O. Reg 406/19 for the applicable receiving site's site condition standards, as approved by the Director.

1.6 "Bona fide farmer" shall mean the owner or operator of an Agricultural Operation as in Section 1 of the Farming and Food Production Protection Act, 1998, Chapter 1, which is located on Agricultural Lands and registered under the Farm Registration and Farm Organizations Funding Act, 1993, Chapter 21, for growing of crops, including nursery and horticultural crops, raising livestock, raising of other animals for food, fur or fibre, including poultry and fish, aquaculture, apiaries, agro-forestry and maple syrup production, which is carried on with the expectation of profit.

1.7 "Bona fide farming purpose" shall mean a bona fide farmer placing or dumping fill, or removing soil, topsoil, or completing the alteration of the grade of lands including the storage of soil, topsoil or any other material, for the sole purpose of advancing their Agricultural Operation.

1.8 "Building" shall mean as defined under 1(1) of the Ontario Building Code Act.

1.9 "By-law Enforcement Officer" shall mean an individual appointed by the Council, to enforce the by-laws of the Township.

1.10 "Chief Building Official" shall mean a person as defined under 1(1) of the Ontario Building Code Act.

1.11 "Conservation Authority" shall mean the Nottawasaga Valley Conservation Authority or the Toronto Region Conservation Authority or their successors.

1.12 "Contaminant" shall mean any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly that causes or may cause an adverse effect.

1.13 "Contaminants of concern" shall mean as defined in O.Reg 153/04.

1.14 "Council" shall mean the Council of the Township of Adjala-Tosorontio.

1.15 "Designated Officer" shall mean a person designated by the Township Chief Administrative Officer or Township Council.

1.16 "Director" shall mean the Director of Infrastructure and Development for the Township, his designate or such other person designated or authorized by Council or the Chief Administrative Officer of the Township to administer and enforce the provisions of this By-law.

1.17 "Drainage" shall mean the movement of water to an outlet, whether by way of the natural characteristics of the ground surface or by an artificial method.

1.18 "Dump, dumped or dumping" shall mean the importation of fill in a location other than where the said material was obtained and includes the placement of these materials from location on lands to another location on the same lands.

1.19 "Environmentally significant lands" shall mean any area deemed to have ecological significance how-so-ever described in the Official Plans or Zoning By- Laws including, but not limited to, terms such as Environmental Protection Areas and Environmentally Significant Areas and shall include:

a) Provincially significant lands, including wetlands or life science areas of natural and scientific interest (ANSI) as identified by the Ontario Ministry of Natural Resources, as amended, at the discretion of a qualified person,

b) Environmentally sensitive areas on maps, as amended, prepared by any conservation authority having jurisdiction over the lands within the Township,

c) Lands zoned "Oak Ridges Moraine Conservation (ORMC)" by comprehensive Zoning By-Law 03-56, as amended,

d) Lands zoned "Open Space Conservation (OSC)" by Comprehensive Zoning By-Law 03-57, as amended,

e) Lands within any permanent or intermittent watercourse and/or related valley feature

1.20 "Erosion" shall mean the detachment and movement of soil, sediment or rock fragments by water, wind, ice, gravity or ground movement.

1.21 "Excavate, excavation or excavating" shall mean activities on lands resulting in the removal or displacement of any material.

1.22 "Existing grade" shall mean the elevation of the existing ground surface of land and the abutting ground surface of land up to three (3) metres beyond, except that where placing, dumping or alteration of material has occurred in contravention of this By-law, existing grade shall mean the ground surface of the lands as it existed prior to the placing or dumping of material or any site alteration.

1.23 "Fill" shall mean any type of material deposited or placed on lands and without limiting the generality of the foregoing, includes soil, stone, brick, concrete, other types of aggregates, sod or turf either singly or in combination capable of being removed from, deposited on, or relocated within lands or as may otherwise be defined by the Ministry of the Environment, Conservation and Parks.

1.24 "Fill operation" shall mean the action of hauling, dumping or removing fill on any lands in the Township.

1.25 "Finish or finished grade" shall mean the approved final elevation of the ground surface of lands upon which material has been placed, dumped or altered in accordance with this By-law.

1.26 "Grade" shall mean the existing elevation of the ground surface.

1.27 "Guidelines" shall mean the application requirements, information, documentation and material, as determined by the Director, to be used for the purpose of applying this By-law.

1.28 "Haul routes" shall mean routes defined by the Director and permitted by the Township or any Agreement under this By- law that describes which routes must be followed when transporting material to or from the site.

1.29 "His" shall mean in this By-law, words importing the neuter gender shall include the feminine gender and masculine gender and vice versa and words importing the singular shall include the plural where the context requires.

1.30 "Hydro-excavation truck" shall mean any truck that excavates, evacuates, removes or moves fill with water and/or air. The material hauled in a hydro-excavation truck may be reference as, among other names: slurry, liquid fill, wet fill or fill.

1.31 "Inspector" shall mean any person designated by this or any other By-law of the Township as an Inspector or agent of the Township or any persons appointed for the purposes of enforcing this By-law, and includes the Chief Building Official, Building Inspectors, the Director and By-law Enforcement Officers.

1.32 "Insurance" shall mean Commercial General Liability Insurance and Pollution Liability Insurance or any other Insurance as deemed necessary by the Director.

1.33 "Land or lands" shall mean all land within the Township including a parcel of land, described in a deed or other document legally capable of conveying land, or shown as a lot or lots or block in a registered plan of subdivision, including public road allowances and Township owned lands.

1.34 "Major" shall mean any site alteration or fill operation where the fill area will total more than 300 m^3.

1.35 "Management of Excess Soil - A Guide for the Best Management Practices" shall mean the document released by the MECP, and which addresses management of excess soils, as amended.

1.36 "MECP" shall mean the Ministry of Environment, Conservation and Parks.

1.37 "Minor" shall mean any site alteration or fill operation where the fill area exceeds 100m^3 but does not exceed 300m^3.

1.38 "Nuisance" shall mean the interference of one's reasonable use of their property including, but not limited to, all adverse effects as defined in this By-law.

1.39 "Officer" shall mean individuals appointed by Council, as Inspectors, or By-law Enforcement Officers, or such other person delegated responsibility to act under this By-law by the Director.

1.40 "Operator" shall mean any person, firm or corporation authorized by the Owner to manage or control the placing or dumping of fill, and/or any other permitted work occurring on the Owner's land and/or who alone or with others, operates, manages, supervises, runs or directs such business, activity or undertaking.

1.41 "Order" shall mean a mandatory requirement for action within a specified time period specifically issued by the By-law Enforcement Officer or other authorized personnel to address issues of non-compliance with the conditions of this By-law or Agreement required by the Township.

1.42 "Owner" shall mean the registered owner of any lands which are to be re-graded, altered or on which fill is proposed to be placed or dumped, as well as any person, firm or corporation managing or controlling such lands.

1.43 "Person" shall mean any individual, firm, property owner, multiple persons, corporation, partnership or association, trust, incorporated company, trustee or agent, and their heirs, executors, assigns or other legal representatives of a person to whom the context can apply according to law.

1.44 "Placing, place or placed" shall mean the distribution of fill on lands to establish a grade different from the existing grade.

1.45 "Ponding" shall mean the accumulation of surface water in an area not having drainage or where the lack of drainage is caused by placing or dumping fill.

1.46 "Qualified Person" shall mean a person who has the qualifications set out in Subsection 5(2) of Records of Site Condition - Part XV.1 of Act, 0. Reg 153/04, as amended, being a person who holds a license, limited license or temporary license under the Professional Engineers Act, or person who

holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practicing member, temporary member or limited member of the Association of Professional Geoscientist of Ontario, and/or expertise necessary to complete the intended function.

1.47 "Receiving site" shall mean the property to which material is transported and will include the term "Site".

1.48 "Reclaimed fill" shall mean any form of fill that once contained contaminants or was unacceptable for a property and has since been decontaminated by any means.

1.49 "Restore or restoration" shall mean the re-establishment of existing conditions prior to any site alteration and/or the stabilization of the works.

1.50 "Retaining wall" shall mean a wall designed to contain and support fill which has a grade higher than that of adjacent lands.

1.51 "Security deposit" shall mean a certified cheque, cash or an irrevocable letter of credit in a form acceptable to the Director.

1.52 "Sediment control" shall mean a recognized engineering practice to control the movement of eroding soils from a disturbed area.

1.53 "Site" shall mean the real property where site alteration is occurring, planned to occur, or has occurred.

1.54 "Site alteration" shall mean any alteration to the grade (topography) of land through the movement, removal or placement of soil, topsoil, or fill, the alteration of the grade of the land and/or the storage of soil, topsoil or any other fill material which affects the land form or natural vegetative characteristics of the lands.

1.55 "Site alteration and fill management plan" shall mean a detailed document completed by a qualified person and approved by the Director, that has details on current conditions, how the site alteration activities will be conducted, the final site conditions and the impact mitigation measures to be employed together with the standards to be met under section 7.0 below.

1.56 "Site alteration and fill permit" shall mean the permit issued by the Township permitting a person to place, dump, alter or store materials on lands.

1.57 "Soil" shall mean material commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel, or as otherwise defined by the MECP.

1.58 "Stabilization" shall mean ensuring that the finished grade surface is protected by sod, turf, seeding for grass, greenery, or other means, either singly or in combination, to the satisfaction of the Township.

1.59 "Staff" shall mean any person employed or retained by the Township.

1.60 "Swale" shall mean a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of drainage.

1.61 "Topsoil" shall mean those horizons in a soil profile, commonly known as the "A" and "O" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat; (Municipal Act, 2001, c. 25, s. 142 (1)).

1.62 Township" shall mean The Corporation of the Township of Adjala-Tosorontio.

1.63 "Township Engineer" shall mean any engineer retained or employed by the Township.

2.0 APPLICATION OF BY-LAW

2.1 This By-law applies to all lands within the geographical area of the Township of Adjala-Tosorontio.

2.2 This By-law applies to the Oak Ridges Moraine Area as shown on Schedule "A" attached hereto, which Schedule will form part of this By-law. This By-law is subject to the provisions of the Oak Ridges Moraine Conformity By-law 03-56, together with such amendments or successors By-laws as may be in force. Schedule "A" identifies generally the Oak Ridges Moraine Area. Schedule "A" is intended as a guide only and the precise location of boundaries will be determined in accordance with the mapping approved by the Township's implementing By-laws pursuant to the Oak Ridges Moraine Plan.

2.3 This By-law shall be administered by the Public Works, Infrastructure and Development Department of the Township under the direction and supervision of the Director, his designate or such other person designated by

Council or the Chief Administrative Officer of the Township.

3.0 SITE ALTERATION PROHIBITED

3.1 Except as provided in Sections 4 and 5 of this By-law, no site alteration shall be permitted by any person on any lands within the Township unless a permit has been issued under the provisions of this By-law or unless it is otherwise permitted by the provisions of this By-law.

3.2 The prohibition against site alteration in Section 3.1 shall include the removal of topsoil for sale, exchange or other disposition, or the excavation of fill or soil that results in the creation of a hole, depression or pond area.

3.3 No person shall place or dump fill on any lands for storage purposes unless it is permitted by:

a) The applicable Zoning by-law of the Township; and

b) A written Agreement between the landowner and the Township.

3.4 No person shall import fill onto any property within the Township with the use of a hydro-excavation truck.

3.5 No person shall use any reclaimed fill on any property within the Township.

3.6 No person shall use salt impacted soil within the Township.

3.7 Site alteration and fill are prohibited in Wellhead Protection Areas, Significant Ground Water Recharge Areas or Highly Vulnerable Aquifer Areas or as designated in the Source Water Protection Plans or the Official Plan for the Township.

3.8 Every person who contravenes any provision of this By-law is guilty of an offence.

4.0 EXEMPTIONS

4.1 The following are exempted from this by-law, notwithstanding the requirements of O. Reg 406/19:

a) Activities or matters undertaken by the Township or a local board of the Township; (Municipal Act, 2001, Section 142 (5)(a)).

b) Site alteration undertaken as a condition to the approval of a site plan, a plan of subdivision or a consent under Sections 41, 51, or 53, respectively, of the Planning Act or as a requirement of a site plan

agreement, subdivision agreement, pre-servicing agreement or grading agreement entered into under those sections; (Municipal Act, 2001, Section 142 (5) (b)).

c) Site alteration undertaken as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act or as a requirement of an agreement entered into under that regulation; (Municipal Act, 2001, Section 142 (5)(c)).

d) Site alteration undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, for the purpose of constructing or maintaining a transmission system or a distribution system, as those terms as defined in that section; (Municipal Act, 2001, Section 142 (5)(d)).

e) Site alteration undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act; (Municipal Act, 2001, Section 142 (5)(e)).

f) Site alteration undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under the Aggregate Resources Act or a predecessor of that Act, and on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the Planning Act; (Municipal Act, 2001, Section 142(5)(f)).

g) Site alteration undertaken as an incidental part of the drain construction under the Drainage Act or the Tile Drainage Act; (Municipal Act, 2001, Section 142 (5)(g)).

h) The construction, extension, alteration, maintenance or operation of works under Section 28 of the Public Transportation and Highway Improvement Act, R.S.O. 1990 c. P.50, as amended; and

i) Site alteration undertaken where a building permit has been issued or an order, directive or other requirement by an Inspector has been made pursuant to the Ontario Building Code Act, R.S.O. 1992; c 25, s 8.-(1), s12.-(2), but such exemption does not apply to any site alteration beyond 3 metres of the building footprint, except with the extent of excess soil from the excavation which shall be redistributed on site within the Owner's property limits and in accordance with a grading plan.

4.2 The exemptions contained in Section 4.1 are subject to the provisions of the Oak Ridges Moraine Plan and the Township's Oak Ridges Moraine Conformity By-law 03-56, as amended, or any successor by-laws.

5.0 EXCEPTIONS

5.1 Except as provided in Section 4, this By-law shall not apply to the following, notwithstanding requirements of 0. Reg 406/19:

a) Any work constituting tillage of land pursuant to normal agricultural practices by a bona fide farmer,

b) The removal of topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products; (Municipal Act, 2001, Section 142 (6)) provided:

i) The exception in 5.1 (b) respecting the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition; (Municipal Act, 2001, Section 142 (7)).

c) The importation of replacement topsoil will be subject to the permit conditions set out in Section 12.9.

d) Any site alteration for the purpose of lawn dressing, constructing a fence, pool or other accessory structure, landscaping or adding to flower beds or vegetable gardens, provided that:

i) The site alteration does not exceed 100 cubic metres;

ii) The existing grades of lands has not been increased pursuant to this section in the previous twelve (12) months; and

iii) The minimum standards set out in Section 7.0 are complied with.

e) The site alteration as an incidental part of the construction of any form of underground service where the fill or soil is removed and properly held or stored for subsequent replacement provided the subsequent replacement is completed.

f) Activities of a Ministry of the Provincial Government, the Corporation of the County of Simcoe, Conservation Authority, as relates to lands owned by them in the Township or activities currently under exemption, related but not limited to the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting.

g) Construction of any building, structure, driveway, loading or parking

facilities permitted or required on a lot pursuant to an order made by the Minister of Municipal Affairs pursuant to Section 47 of the Planning Act.

h) Fill being placed or dumped in an excavation to the elevation of the existing grade following the demolition or removal of a building or structure.

5.2 The exceptions set out above in Section 5.1 do not apply to lands identified as the Oak Ridges Moraine Zone on Schedule "A" to this By-law, unless specifically provided for in Section 6.0 of this By-law.

6.0 OAK RIDGES MORAINE

6.1 In accordance with the Oak Ridges Moraine Conservation Plan, no site alteration shall be permitted within the Oak Ridges Moraine, except as may be specifically permitted by the Township's Oak Ridges Moraine Conformity By- law 03-56, or such amendments and successor By-law as may from time to time be in force.

7.0 MINIMUM STANDARDS

7.1 Every person who places or dumps fill or causes fill to be placed or dumped or alters the grade of land shall:

a) If the existing or finished grade at the property line involves a slope steeper than 3 horizontal: 1 vertical and if required by the Township construct a retaining wall to the satisfaction of the Township which does not encroach upon abutting lands, either above or below existing or finished grade, and which is not so high as to have a significant negative impact on abutting and other lands; the Township may require a retaining wall be constructed where:

i) Erosion of fill onto abutting lands may occur; or
ii) The existing or finished grade of the lands at the property line is higher or lower than that of the existing or finished grade of the abutting lands, if the retaining wall is required to protect the abutting lands.

b) Ensure there is no alteration to the volume, direction, intensity or form of storm water runoff to adjacent properties and provided that where the lands are located in a plan of subdivision that approved grading plan is maintained.

c) Ensure that finished grade surface is protected by sod, turf, seeding of grass, greenery, asphalt, concrete or such other stabilization material as the Township may approve, either singly or combination within 15 days of finishing the grade.

d) Ensure that the fill is not placed around the perimeter of any existing building to an elevation higher than the elevation specified by the Ontario Building Code below the top of foundation such as building, unless such building and its foundation walls are altered in a manner satisfactory to the Chief Building Official or designate.

e) Ensure that no trench in which piping is laid forming part of the piped drainage system is covered and backfilled until the work has been inspected and approved by the Township.

f) Provide such protection for trees as may be required by the Township or the County.

g) Ensure that all fill used has been approved by a Qualified Person for the receiving site and ensuring compliance with the applicable 0. Reg 153/04 and 0. Reg 406/19 regulations, in order to meet the MECP soil standards for the intended use of the lands and to the satisfaction of the Township; provided that the fill shall not contain contaminant concentrates levels higher than as permitted in Table 1 of the Rules of Soil Management and Excess Soils Quality Standards, adopted by reference in 0. Reg 406/19 (On-Site and Excess Soil Management) made under Environmental Protection Act, R.S.O, 1990, c.E.19, as amended.

h) Ensure that fill is placed or dumped in such a manner and any retaining wall supporting such fill is erected in such a manner that no ponding is caused on the subject lands or abutting and other lands and that adequate provision is made for proper surface storm water drainage.

i) Ensure compliance with all Township By-laws.

j) Ensure compliance with the Township's Official Plan and Zoning By-Law, conformity to any provincial Plans, and consistent with the Provincial Policy Statement 2020, or any subsequent amendments to these documents.

k) Calculate the volumetric quantity of topsoil to be placed or dumped on the land and source of same;

l) Provide a design plan for any proposed retaining walls over 1.0 metres high at any minimum point to the satisfaction of the Director;

m) Only place or dump approved fill and only include soil, sod, or other material acceptable to the Director and such material must be clean and free of any glass, plastics, metals, termites, invasive species and/or their

eggs or seeds, concrete, bricks, asphalt, garbage or any contaminants that would degrade the pre-existing conditions of the lands.

n) Illustrate the use of the land and location and use of the buildings/structures located on the land and buildings/structures adjacent to the affected lands;

o) Identify any and all driveway access onto the land, together with any right-of-way over, under, across or through the land, and any easements affecting the lands;

p) Not conduct any site alteration:

i) In contravention of the Township's Nuisance By-law;
ii) Any time on a Sunday or on a statutory holiday;
iii) During any period in which there are high winds;
iv) During any weather conditions where the ability to mitigate site alteration activity impacts are severely compromised (e.g. heavy rain, thick fog, etc.)
v) That causes mud tracking on roadways that cannot be controlled by the Owner to the satisfaction of the Township;
vi) That causes dust impacts on adjacent landowners;
vii) Before the hours of 7:00am or after the hours of 6:00pm Monday- Saturday
viii) Without erosion and sediment control measures;
ix) During any situation where site alteration activities would likely adversely impact adjacent landowners (e.g. brush fires, floods, unsuitable road conditions, etc.); and
x) Ensure all reports, plans and surveys required pursuant to the By-law shall be prepared by a qualified professional whose professional designation is acceptable to the Director and as further outlined by the guidelines.

7.2 Every person who places or dumps fill, or causes fill to be placed or dumped, or alters the grade of land on lots or portions of lots within a Conservation designation or located within the adjacent lands of a natural heritage feature as identified in the Township's Official Plan will require an Environmental Impact Study to be completed and approved prior to any site alteration occurring. Notwithstanding, site alteration is prohibited on lands designated Conservation except for the purpose of establishing any of the permitted uses within the Conservation designation.

8.0 APPLICATION FOR MINOR PERMIT (100m^3 - 300m^3)

8.1 The Owner shall submit the following to the Director for his review:

a) A complete Township application form for a minor permit, which application will be submitted by the Owner or the agent of the Owner who has written authorization and is a person qualified to make such application. The application form will be established in accordance with section 12.1;

b) Applicable fees as prescribed in the Township's Fees and Charges By-law;

c) A survey or plan of the proposed site alteration area, which shall accurately identify the property limits and elevations in relation to the work area, suitable to the Director;

d) Identification of all environmentally sensitive features on the lands affected by the proposed site alteration;

e) Written confirmation from the Conservation Authority as to whether the site alteration is within a regulated area and if said property is within a Conservation Authority regulated area, a permit from the Conservation Authority shall be provided with the application form. The Township shall not approve any fill permit on regulated lands without a permit issued by the Conservation Authority;

f) Proposed haul routes;

g) A site alteration sketch for the proposed site alteration as part of the application process, which includes the expected quantity and quality of proposed fill;

h) Written confirmation that the owner will comply with all applicable County of Simcoe tree policies, By-laws and guidelines;

i) A schedule of the anticipated starting date of the site works and the completion date

j) Written clearance for site works entrances from the appropriate road authority;

k) Such further and other information with respect to the lands and/or site works as may be required by the Director.

8.2 Upon the Director being satisfied that the application for a permit is complete, the Director will circulate or cause the owner to circulate the application to all relevant Township Departments and such other government or regulatory agencies which may have an interest in the application to provide comments on the application

8.3 After the application has been circulated for comments, the Director will submit the complete application and all comments to Council for its review.

The Owner and all parties who received notice of the application will be notified of the date that the application will be heard by Council and will have the opportunity to make a deputation at Council regarding the application.

8.4 Council may decide whether to direct Staff to process the application subject to the Owner meeting all the requirements set out in this section, defer the application to obtain more information or deny the application. The decision of Council shall be final.

8.5 If Council directs Staff to process the application or site alteration is otherwise permitted in accordance with this By-law, a site alteration and fill permit with a term up to one (1) year will be issued in the form approved by the Director.

8.6 Any request for extensions or renewals thereafter must be submitted to the Director and be approved by Council. Any application for an extension of the permit is to be made a minimum of sixty (60) days before the expiration of the permit and is subject to payment of the applicable fee.

9.0 APPLICATION FOR MAJOR PERMIT *(more* than 300m^3)

9.1 The Owner shall submit the following to the Director for his review:

a) A Complete Township application form for a major permit, which application will be submitted by the Owner or the agent of the Owner who has written authorization and is a person qualified to make such application. The application form will be established in accordance with section 11.1;

b) Applicable fees as prescribed in the Township's Fees and Charges By-law;

c) A survey or plan of the proposed site alteration area, which shall accurately identify the property limits and elevations in relation to the work area, suitable to the Director;

d) Identification of all environmentally sensitive features on the lands affected by the proposed site alteration;

e) Written confirmation from the Conservation Authority as to whether the site alteration is within a regulated area and if said property is within a Conservation Authority regulated area, a permit from the Conservation Authority shall be provided with the application form. The Township shall not approve any fill permit on regulated lands without a permit issued by the Conservation Authority;

f) Proposed haul routes;

g) A site alteration plan for the proposed site alteration as part of the application process, which includes the expected quantity and quality of the proposed fill;

h) Written confirmation that the owner will comply with all applicable County of Simcoe tree policies, By-laws and guidelines;

i) Site alteration and fill management plan, which shall include any or all of the following, as specified by the Director:

   i) Meets the minimum requirements of Section 7 of this by-law;
   ii) A key map showing the location of the property, site boundaries and total size (number of hectares) of the land holding affected and a north arrow;
   iii) The use of the land and the location and use of the buildings/structures located on the land and building/structures adjacent to the affected lands;
   iv) Identification of any and all driveway access onto the land, any right-of-way over, under, across or through the land and any easements affecting the lands;
   v) The volumetric quantity of fill to be placed or dumped on the land and source of same and the quantity of fill to be removed or displaced in the alteration of the land;
   vi) A design plan for any proposed retaining walls over 1.0 metres high at any minimum point to the satisfaction of the Director;

j) A grading plan to the satisfaction of the Director which plan addresses, at a minimum:

   i) All proposed earthworks;
   ii) Depth of fill;
   iii) Slopes including toe and top of all slopes;
   iv) Sediment control measures;
   v) Site stabilization;
   vi) Proposed re-routing of natural drainage patterns and drainage courses;
   vii) Detailed drainage design;
   viii) Location and size of all stockpiles;
   ix) Location of all streams, wetlands, ponds, channels, seeps, springs, ditches, swales, berms, drainage systems or other water courses on the lands and within 30 metres on adjacent lands;
   x) Any Regulatory Floodplain and Conservation Authority Fill Regulation Lines; and

xi) Any permit requirements pursuant to the, County of Simcoe's Tree Cutting By-law.

k) A design plan for erosion control, sedimentation control and restoration of the lands suitable to its final use and to the satisfaction of the Director;

l) All property boundaries on which site works are to occur to be delineated by survey monuments together with a current survey of the lands;

m) A schedule of the anticipated starting date of the site works and the completion date of the site works including the completion date for the stabilization of the site works together with any progress report required by the Director in the event of non-compliance with the original approved schedule;

n) Written clearance for site works entrances from the appropriate road authority;

o) Provision for the maintenance of the site works with the appropriate on/off site control measures during operations including, but not limited to, the following:

i) Mud tracking prevention;
ii) Installation of mud mats at approved entrances onto the lands;
iii) Road and traffic impacts;
iv) Dust control plan, complete with in site measures;
v) Construction noise minimization measures;
vi) Drainage, runoff, erosion and sediment control; and
vii) Site access and security control.

p) An approved haul route plan acceptable to the Director;

q) Confirmation that the lands are not within an area regulated under the Oak Ridges Moraine;

r) For any application based on an agricultural purpose, an Agricultural Justification Report to address any potential effects on existing agricultural operations and the long term viability of the lands for agricultural uses;

s) A Site alteration and fill Management Plan that satisfies the requirements of the Director and complies with any policy, guideline or regulation issued by MECP related to management of excess soil and includes, at a minimum, source site approval, audit and sampling protocol, record keeping protocol, corrective actions, traffic control, groundwater monitoring, prohibition on fill containing contaminate concentrates higher than as permitted in Table 1 of the Rules for Soil Management and Excess Soil Quality Standards, adopted by reference in 0. Reg. 406/19 (On-Site and Excess Soil Management) made under the Environmental Protection Act, R.S.O 1990, c. E.19, as amended, a protocol for the removal and/or storage of topsoil and a complete response protocol;

t) Payment of the Township's fee to review the application, as set out in the Township's Fee's and Charges By-law; and

u) Such further and other information with respect to the lands and/or site works as may be required by the Director.

9.2 Upon the Director being satisfied that the application is complete, the Director will circulate or cause the owner to circulate the application to all relevant Township departments and such other government or regulatory agencies who may have an interest in the application to provide comments on the application.

9.3 After the application has been circulated for comments, the Director will submit the complete application and all comments to Council for review. The Owner and all parties who received notice of the application will be notified of the date that the application will be heard by Council and will have the opportunity to make a deputation at Council regarding the application.

9.4 Council may decide whether to direct Staff to process the application, subject to the Owner meeting all the requirements set out in this Section, defer the application to obtain additional information or deny the application. The decision of Council shall be final.

9.5 Upon the Council being satisfied with the Site Alteration and Fill Management Plan, the Owner shall enter into a Site Alteration & Fill Agreement with the Township that is substantially in accordance with the Township's standard Site Alteration and Fill Agreement for site alteration and fill operations. The Agreement will be registered against the title to the site lands; shall satisfy all conditions, financial or otherwise, of the Township with regard to the issuance of a Site Alteration and Fill Permit; and contain, at a minimum, the following

plans and information:

a) A certified site alteration and fill management plan;

b) A certified ground water monitoring program;

c) A certified grading plan;

d) A certified site alteration and fill management plan;

e) A certified mud and dust control plan;

f) A certified sediment and erosion control plan;

g) An approved haul route together with a pre-construction assessment of the structural condition of the Township roadways forming part of the haul route, at the owner's expense;

h) A Ministry of Transportation Ontario, or County permit, if applicable;

i) A complete response protocol;

j) Proof of insurance covering general and pollution liability;

k) Security deposit acceptable to the Director;

I) Provision for full cost recovery for the Township, including consultants retained by the Township;

m) Provision for retaining a qualified person to ensure site operations are proceeding in accordance with approved practice and ensure all record-keeping is maintained;

n) Provide any required surveys by an Ontario Land Surveyor;

o) Provide an indemnity to the Township for any liability, cost, damages or losses incurred or arising from the site alteration;

p) Provide site access and security plans that shall include appropriate gating, signage and fencing;

q) Comply with all MECP Regulations and Guidelines;

r) Provide a liquidated damages provision in the event that Owner breaches the Agreement; and

s) Permit access to the Township to complete any auditing activities, which may include quality and quantity of soil, placement and processing on the site during the site alterations until the permit is closed, in addition to any auditing activities preformed by the Owner's Qualified Person.

9.6 If the Director is satisfied that all of the Township's requirements as set out above have been satisfied and that the Site Alteration and Fill Agreement is in good standing, the Director shall issue a Site Alteration and Fill Permit, in the form approved by the Director and which permit will contain the requirements as set out in the Site Alteration and Fill Agreement.

9.7 Any request for extensions or renewals must be submitted to Council. Any application for an extension of the permit is to be made a minimum of sixty (60) days before the expiration of the permit and is subject to payment of applicable fees.

10.0 REPLACEMENT OF TOPSOIL FOR AGRICULTURAL PURPOSES

10.1 An Owner applying to replace topsoil in excess of 100 cubic metres for agricultural purposes, shall comply with the following:

a) Submit a complete Township agricultural application form, which application may be submitted by the owner or the agent of the owner who has written authorization and is a person qualified to make such application. The application form will be established in accordance with section 12.1;

b) Provide a site alteration and fill management plan for the proposed site alteration as part of the application process, which includes the expected quantity and quality of the proposed topsoil;

c) Provide evidence satisfactory to the Director as to the bona fide nature of the agricultural operation and requirements for topsoil;

d) Meet the minimum requirements of Section 7 of this By-law;

e) Provide a key map showing the location of the property, site boundaries and total size (number of hectares) of the land holding affected and a north arrow;

f) Provide an agrologist report confirming the quality of the source topsoil is suitable for the current or proposed agricultural purpose, as the case may be;

g) Provide a grading plan to the satisfaction of the Director which plan satisfactorily addresses, at a minimum:

i) All proposed earthworks
ii) Depth of topsoil;
iii) Slopes including toe and top of all slopes;
iv) Sediment control measures;
v) Site stabilization;
vi) Proposed re-routing of natural drainage patterns and drainage courses;
vii) Detailed drainage design;
viii) Location and size of all stockpiles;
ix) Location of all streams, wetlands, ponds, channels, seeps, springs, ditches, swales, berms, drainage systems or other water courses on the lands and within 30 metres on adjacent lands; and
x) Any Regulatory Floodplain and Conservation Authority Fill Regulation Lines.

h) If trees will be removed, comply with all County of Simcoe tree policies and By-laws;

i) Delineate all property boundaries on which site works are to occur by survey monuments together with a current survey of the lands;

j) Provide a schedule of the anticipated starting date of the site works and the completion date of the site works including the completion date for the stabilization of the site works together with any progress report required by the Director in the event of non-compliance with the original approved schedule.

k) Obtain a written clearance for site works entrances from the appropriate road authority;

l) Put in place provisions for the maintenance of the site works with appropriate on/off site control measures during operations including, but not limited to the following:

i) Mud tracking prevention;
ii) Installation of mud mats at approved entrances on the lands;
iii) Road and traffic impacts;
iv) Dust control plan complete with on site measures;
v) Construction noise minimization measures;

vi) Drainage, runoff, erosion and sediment control; and
vii) Site access and security control.

m) Provide an approved haul route plan acceptable to the Director;

n) Provide confirmation that the lands are not within an area regulated under the Oak Ridges Moraine Conservation Plan;

o) Provide a site alteration and fill management plan that satisfies the requirements of the Director and complies with any policy, guideline or regulation issued by the MECP related to management of excess soil and includes, at a minimum, source site approval, audit and sampling protocol, record keeping protocol, corrective actions, traffic control, groundwater monitoring, prohibition on fill containing contaminant concentrates levels higher than as permitted in Table 1 of the Rules for Soils Management and Excess Soil Quality Standards, adopted by reference in 0. Reg. 406/19 (On- Site and Excess Soil Management) made under Environmental Protection Act,
R.S.O 1990, c. E.19 as amended, a protocol for the removal and/or storage of topsoil and a complete response protocol;

p) Provide payment of the Township's fee to review the application, as set out in the Township's Fees and Charges By-law;

q) Provide proof of insurance covering general and pollution liability;

r) Provide a security deposit acceptable to the Director;

s) Put in place provision for full cost recovery for the Township, including consultants retained by the Township;

t) Provide an indemnity to the Township for any liability, cost, damages or losses incurred or arising from the site alteration;

u) Provide a liquidated damages provision in the event the owner breaches the plan;

v) Permit access to the Township to complete any auditing activities, which may include quality and quantity of soil, placement and processing on the site during the site alterations until the permit is closed, in addition to any auditing activities preformed by the owner's Qualified Person, if applicable; and

w) Provide such further and other information with respect to the lands and/or site works as may be required by the Director and as further set out in any guidelines.

10.2 Upon the Director being satisfied that the application for a permit is complete, the Director will circulate or cause the owner to circulate the application to all relevant Township Departments and such other government or regulatory agencies which may have an interest in the application to provide comments on the application

10.3 After the application has been circulated for comments, the Director will submit the complete application and all comments to Council for its review. The Owner and all parties who received notice of the application will be notified of the date that the application will be heard by Council and will have the opportunity to make a deputation at Council regarding the application.

10.4 Council may decide whether to direct Staff to process the application subject to the Owner meeting all the requirements set out in this section, defer the application to obtain more information or deny the application. The decision of Council shall be final.

10.5 If Council directs Staff to process the application or site alteration is otherwise permitted in accordance with this By-law, a site alteration and fill permit with a term up to one (1) year will be issued in the form approved by the Director.

10.6 Any request for extensions or renewals thereafter must be submitted to the Director and be approved by Council. Any application for an extension of the permit is to be made a minimum of sixty (60) days before the expiration of the permit and is subject to payment of the applicable fee.

[Section 11 added by By-law 23-61]

11.0 AGRICULTURAL BERMS TO PROTECT CROPS

11.1 An Owner applying for the importation of fill to create a berm for the purpose of protecting crops, in excess of 100 cubic metres for agricultural purposes, shall comply with the following:

a) Complete Site Alteration & Fill Permit Application form, which application may be submitted by the Owner or the agent of the Owner who has written authorization and is a person who is qualified to make such application;

b) Provide a site alteration and fill management plan for the proposed site alteration as part of the application process, which include the expected quantity and quality of the proposed fill;

c) Provide evidence satisfactory to the Director as to the bona fide nature of the agricultural operation and requirements for fill;

d) Meet the minimum requirements of Section 7 of this By-law;

e) Provide a key map showing the location of the property, site boundaries and total size (number of hectares) of the land holding affected and a north

arrow;

f) Provide an agrologist report confirming the quality of the sourced fill is suitable and will not harm the existing agricultural operation;

g) Provide a grading plan to the satisfaction of the Director which plan satisfactorily address, at minimum:
    i) All proposed earthworks;
    ii) Depth of fill;
    iii) Slopes including top and top of all slopes;
    iv) Sediment control measures;
    v) Site stabilization;
    vi) Proposed re-routing of natural drainage patterns and drainage courses;
    vii) Detailed drainage design;
    viii) Location and size of all stockpiles;
    ix) Location of all streams, wetlands, ponds, channels, seeps, springs, ditches, swales, berms, drainage systems or other water courses on the lands and within 30 metres on adjacent lands; and
    x) Any Regulatory Floodplain and Conservation Authority Fill Regulation Lines.

h) If trees will be removed, comply with all County of Simcoe tree policies and By-laws;

i) Provide a schedule of the anticipated starting date of the site works and the completion date of the site works including the completion date for the stabilization of the site works together with any progress report required by the Director in the event of non-compliance with the original approved schedule;

j) Obtain a written clearance for site works entrances from the appropriate road authority;

k) Put in place provisions for the maintenance of the site works with appropriate on/off site control measures during operations including, but not limited to the following:

    i) Mud tracking prevention
    ii) Installation of mud mats at approved entrances on the lands
    iii) Road and traffic impacts
    iv) Dust control plan complete with on site measures
    v) Construction noise minimization measures
    vi) Drainage, runoff, erosion and sediment control; and
    vii) Site access and security control

l) Provide an approved haul route plan acceptable to the Director;

m) Provide a security deposit acceptable to the Director;

n) Provide payment of the Township's review fees and deposits;

o) Put in place provisions for full cost recovery for the Township, including consultants retained by the Township;

p) Provide an indemnity to the Township for any liability, cost, damages or losses incurred or arising from the site works;

q) Provide a liquidated damages provision in the event the owner breaches the plan;

r) Permit access to the Township to complete any auditing activities, which may include quality and quantity of soil, placement and processing on the site during the site alterations until the permit is closed, in addition to any auditing activities preformed by the owner's Qualified Person, if applicable;

s) Provide such further and other information with respect to the lands and/or site works as may be required by the Director and as further set out in any guidelines;

t) That lands shall be designated as agricultural;

u) The Owner of said lands shall be a bona fide farmer and have an existing farming operation within the Township;

v) That a site plan showing the location and size of the proposed berm is provided to the satisfaction of the Director;

w) That the edge of the proposed berm is no closer than 5 metres to any property line;

x) That the berm is only located where direct protection of crops will occur;

y) That the Owner is responsible for sediment fencing, dust and erosion control measures, haul routes, road deposits, supplying a berm design, supplying fill tickets and soil analysis, as requested by the Director; and

z) That permits and additional requirements from other authorities are obtained.

11.2 Upon the Director being satisfied that the application for a permit is complete, the Director will circulate or cause the owner to circulate the application to all relevant Township Departments and such other government or regulatory agencies which may have an interest in the application to provide comments on the application.

11.3 After the application has been circulated for comments, the Director will submit the complete application and all comments to Council for its review.

11.4 Council may decide whether to direct Staff to process the application subject to the Owner meeting all the requirements set out in this section, defer the application to obtain more information or deny the application. The decision of Council shall be

final.

11.5 If Council directs Staff to process the application or site alteration is otherwise permitted in accordance with this By-law, a site alteration and fill permit with a term up to one (1) year will be issued in the form approved by the Director.

11.6 Any request for extensions or renewals thereafter must be submitted to the Director and be approved by Council. Any application for an extension of the permit is to be made a minimum of sixty (60) days before the expiration of the permit and is subject to payment of the applicable fee.

12.0 PERMIT REQUIREMENTS FOR SITE ALTERTATION AND FILL

12.1 The application form for a permit will be as approved from time to time by the Director and will contain, at a minimum, the following:

a) The name and address of the Owner of the site on which the site alteration is to be conducted;

b) The legal description and municipal address of the site;

c) The name and address of the Owner's Qualified Person and Qualified Agent, if applicable; and

d) Such other information or details as required by the Director.

[Section 12.2 added by By-law 23-61]

12.2 An Owner applying for the importation of fill to create an agricultural berm for the purpose of protecting crops, in excess of 100 cubic metres for shall be exempt from the application fees.

12.3 The Owner shall not commence any work until all requirements of the Township have been fulfilled and a permit has been issued by the Director.

12.4 The Owner shall not make a material change or cause a material change to be made to a plan, specification, document, or other information which provided the basis for which a permit was issued without first notifying the Director, filing written details and obtaining the authorization of the Director.

12.5 If the Director issues a permit for site alteration as set out in Sections 8, 9 or 10 of this By-law, the Director may revoke or suspend a permit that has been issued in the event of any of the following circumstances:

a) It was issued on mistaken, false, incomplete and/or incorrect information;

b) It was issued in error;

c) The Owner requests in writing that it be revoked;

d) The conditions upon which the permit was issued have not been complied with;

e) The Site Alteration and Fill Agreement or plan, as applicable, have not been complied with;

f) Work authorized under the permit is not proceeding in accordance with the plans, specifications, documents and other information forming the basis on which the permit is issued;

g) Work authorized under the permit has not been commenced prior to the expiry date;

h) Monitoring and maintenance of control measures are not complied with; or

i) Any negative environmental impacts are identified.

12.6 In the event a permit is suspended, the Owner must satisfy the requirements of the Director before the Director authorizes the reinstatement of the permit.

12.7 In the event a permit is expired or revoked after work has commenced and prior to the completion of the site alteration or fill, the Owner shall forthwith restore the land to its original condition or stabilize the site to the satisfaction of the Director in a manner that will prevent adverse impacts on abutting properties and the environment.

12.8 The permit shall be closed and the securities released to the Owner upon certification from the Qualified Person, if applicable, or the Owner that the works are completed in accordance with the Site Alteration and Fill Agreement or Plan, as applicable, and to the satisfaction of the Director.

12.9 In addition to any other request, the Director may require the Owner and/or Operator to comply with one or more of the following as a condition of the issuance of a permit:

a) To notify the Director, in writing, within forty-eight (48) hours of commencing works;

b) To submit a detailed hydrogeological study by a qualified person and approved by the Director, which will include onsite ground water monitoring, as well as offsite private well monitoring;

c) To supply the Commercial vehicle registration number of each hauler;

d) To supply the motor vehicle permit number of the motor

vehicles owned and operated by each hauler;

e) To provide the following:

i) The date and time of each delivery of fill;
ii) The volume of each delivery of fill;
iii) The content of material of each delivery of fill; and
iv) The point of origin of each delivery of fill including verification.

f) To pay any and all costs incurred by the Township in order for the Township to conduct peer reviews, quality control/assurance and operational compliance, including a 15% administration fee;

g) Not import soil in agriculturally designated areas that will degrade the current soil classifications set out in OMAFRA's agricultural soil classifications and municipal soil mapping guidelines;

h) Not import soil that will result in soil degradation caused by the presence of chemicals, heavy metals, or other alterations in the natural soil environment caused by industrial activity or improper disposal of waste; and

i) Pay upfront to the Township all fees by certified cheque or money order prior to the work being started.

13.0 FEES AND SECURITIES

13.1 The Owner shall submit applicable fees, deposits and securities in accordance with the Township's Fee's and Charges by-law, as amended.

14.0 ORDER TO DISCONTINUE USE

14.1 Pursuant to Section 444 (1) of the Municipal Act, 2001, if an Inspector is satisfied that a contravention of the by-law has occurred, the Inspector may make an order requiring the Owner of the land and any person who caused or permitted any site alteration including the placing or dumping of fill, removal of topsoil or alteration of the grade of land in contravention of the By- law to discontinue the activity and the order shall set out:

a) The municipal address and/or legal description of the land;

b) Reasonable particulars of the contravention; and

c) The date or period of time within which there must be compliance.

15.0 WORK ORDER

15.1 Pursuant to Section 445 (1) of the Municipal Act, 2001, if an Inspector is satisfied that a contravention of the By-law has occurred, the Inspector may make an order requiring work to be done to correct the contravention and the order shall set out:

a) The municipal address and/or legal description of the land;

b) Reasonable particulars of the contravention and the work to be done and the period within which there must be compliance with the order;

c) Direction to provide immediate stabilization of all disturbed areas, at the Owner's sole expense, upon issuance of a work order; and

d) A notice stating that if the work is not done in compliance with the order within the period it specifies, the Township may have the work done at the expense to the Owner.

16.0 WORK DONE BY MUNICIPALITY

16.1 If the work required by an order in Section 14 is not done within the specified period, the Township, in addition to all other remedies it may have, may do the work at the Owner's expense and may enter the land, at any reasonable time, for that purpose pursuant to the Municipal Act, 2001, c.25, s. 446.

16.2 The Township will not be required to undo any remedial work and the Township will not be required to provide compensation as a result of doing the remedial work undertaken pursuant to this By-law.

17.0 SERVICE OF WORK ORDER
(By-law 21-23)

17.1 If the Township;

a) Issues any work order pursuant to this By-law; or

b) Intends to enter the lands that are subject to a permit to conduct remedial work;

17.2 An order under this by-law shall be served on the owner of the land, the occupier of the land, the contravener, or upon the person who caused or permitted the contravention, as applicable.

17.3 An order required to be served under this by-law may be served personally or by registered mail sent to the last known address of the person upon

whom the order is to be served or to that person's agent for service.

17.4 If the order is to be served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the order was not received until a later date.

a) If the order cannot be served personally, by registered mail or by service on the person's agent for service, an officer may post a copy of the order in a conspicuous place on the land and may enter on the land for this purpose.

b) The posting of the order shall be deemed to be sufficient service of the order under this by-law

17.5 The Township will not enter the lands to conduct remedial work until notice of its intention has been given under Section 16 of this By-law unless the giving of such notice would result in an immediate danger to the health or safety of any person.

18.0 RECOVERY OF COSTS

18.1 Costs incurred by the Township arising from any default or failure to perform the obligations and requirements under this By-law including under Section 15, plus interest accrued to the date payment is made at the rate of fifteen percent (15%) per annum or such lesser rate as may be approved by the Township, will be recoverable from the Owner of the lands by action or in like manner as taxes pursuant to the provisions of Section 446 of the Municipal Act, 2001.

18.2 Cost incurred by the Township as set out in Section17.1 of this By-law including interest as the prescribed rate, are a lien on the lands upon registration in the proper land registry office of a notice of lien pursuant to Section 446 (5) of the Municipal Act, 2001.

18.3 The lien is in respect of all costs that are payable at the time the notice is registered plus interest at the prescribed rate and accrued to the date payment is made.

18.4 Upon payment of all costs payable plus interest accrued to the date of debt retirement being made by the Owner of the land, a discharge of the lien shall be registered by the Township in the proper land registry office where the notice of lien was registered pursuant to Section 446 of the Municipal Act, 2001.

19.0 POWER OF ENTRY

19.1 An Inspector, an employee or agent of the Township may, at any reasonable time enter and inspect any lands to determine whether this By-law, an order or direction under this By-law or an order under Section 431 of the Municipal Act, 2001, is being complied with pursuant to Section 436 of the Municipal Act, 2001.

19.2 The power of entry under this section does not allow a municipality to enter any buildings.

20.0 OBSTRUCTION

20.1 Every person who hinders or obstructs, or attempts to hinder or obstruct, any person exercising a power or preforming a duty pursuant to this By-law is guilty of an offence as provided in Section 426 of the Municipal Act, 2001.

20.2 No person shall provide false information or give a false statement to an officer, employee and/or agent of the Township in the lawful exercise of a power or duty under this By-law.

21.0 ENFORCEMENT

21.1 The By-law and any agreements entered into in accordance with this By-law are administered by the Director. The enforcement of any violation of this By-law shall be preformed by an Inspector, his designate or such other person designated by Council or the Chief Administrative Officer of the Township.

21.2 The cost of enforcement, including the professional and administrative expenses of the Township shall be at the expense of the Owner and the Township may recover the expense incurred in so doing by action or the same may be recovered like the manner as municipal taxes, as provided for in Section 17.

21.3 Where any site alteration has taken place contrary to any provision of this By-law, an Inspector may make an order directing the Owner or any other person to do any or all of the following within such a time as is specified in the order and every owner shall:

a) Comply with the provisions of this By-law;

b) Cease the placing or dumping of fill;

c) Replace any fill that has been removed within forty-eight (48) hours after service of the order, or such other length of time as may be specified in

the order;

d) Take and supply at their expense such test and samples as are specified in the order.

e) Remove the fill that has been placed or dumped within forty-eight (48) hours after service of the order, or such other length of time as may be specified in the order;
(By-law 21-73)

21.4 Pursuant to Section 436 of the Municipal Act, 2001, including for the purpose of an inspection, an Inspector may:

a) Enter upon land at any reasonable time without a warrant;

b) 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; and

c) Require the production for inspection of documents or things including drawings or specifications that may be relevant to the land.

21.5 In the event a sample is taken pursuant to section 20.4 (b), the procedures set out in Section 436 of the municipal Act, 2001 will be followed.

22.0 OFFENCE AND PENALTY

22.1 Every person shall comply with any Order or Notice issued under the authority of this By-law.

22.2 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

22.3 Where a person contravenes the provision of this By-law such person is liable to a fine as established pursuant to the Municipal Act, 2001, as follows:

a) Every person who contravenes any of the provisions of the By-law is guilty of an offence pursuant to Section 425 of the Municipal Act, 2001, as amended, and is liable upon conviction to a fine of not less than $500 and not more than $100,000.;

b) A Director or officer of a corporation who knowingly concurs in a contravention of this By-law by the corporation is guilty of an offence;

c) Notwithstanding subsection 21.3 (a), contravention of Section 3 of this By-law is designated as a continuing offence pursuant to Section 429 (2) of the Municipal Act, 2001, as amended, or any successor provision. Every person who contravenes those sections of this By-law is guilty of a continuing offence and upon conviction is liable to a fine not less than $500 and not more than $10,000 for each day or part of a day that the offence continues;

d) Notwithstanding the provisions of this Section, the Township may proceed pursuant to Part Ill of the Provincial Offences Act, R.S.O. c. P. 33, as amended, commencement of proceedings by information; and

e) The conviction of an offender upon breach of any provisions of the By-law shall not fetter the prosecution against the same offender upon any continued or subsequent breach of any provision and the Presiding Judge or judicial officer may convict any offender repeatedly for continued or subsequent breaches of this By-law and the provisions of Section 429 of the Municipal Act, 2001, as amended shall further apply to any continued or repeated breach of this by-law. Each day shall constitute a separate offence under this By-law.

23.0 ORDER UPON CONVICTION

23.1 Pursuant to Section 431 of the Municipal Act, 2001, if an Owner or other person is convicted of an offence for contravention of this By-law or an order under Section 13 (Order to Discontinue Use) or Section 14 (Work Order), the court in which the conviction has been entered, and any court of competent jurisdiction thereafter may order the Owner or other person, in such a manner and within such a period as the court considers appropriate:

a) To restore the lands;

b) To remove the fill dumped or placed contrary to this By-law; and/or

c) To restore the grade of the land to its original condition.

24.0 OTHER APPROVALS

24.1 The issuance of a permit under this By-law does not excuse the Owner from complying with other applicable federal, provincial and municipal laws, and it does not warrant or guarantee that the Owner will obtain any other permit or authorization from the Township or other government entity.

25.0 TRANSFER OF PERMIT

25.1 If the title or lease of the land for which a permit has been issued is transferred while the permit remains in effect, the permit shall be deemed expired unless the new Owner of the lands, at a minimum of thirty (30) days prior to the transfer, provides the Township with an undertaking to comply with all the conditions under which the existing permit was issued.

26.0 ASSISTANCE FOR INSPECTOR

26.1 The Director or an Inspector shall have the right to confer with Staff of the Township and/or retain consulting services for the purpose of determining whether the requirements of this By-law have been complied with, and to assist with the administration of the By-law; costs attributed to those services shall be paid for by the Owner.

27.0 CONFLICTING LEGISLATION

27.1 Where there is any conflict between the provisions of this By-law and any provisions of the Municipal Act, 2001, as amended, the provisions of the Municipal Act, 2001 shall prevail to the extent of the conflict.

28.0 VALIDITY AND SEVERABILITY

28.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent there-from and enacted as such.

28.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

29.0 SCHEDULES

29.1 Schedule "A" attached hereto and by this reference shall form part of this By-law

30.0 SHORT TITLE

30.1 This By-law shall be cited as the "Site Alteration and Fill By-law.

31.0 FORCE AND EFFECT

31.1 This By-law shall take effect and come into force and effect upon the date it is passed.

32.0 TRANSITION PROVISION

32.1 By-law 14-08 is hereby repealed. For any Fill Permit issued or agreement entered into prior to the passage of this By-law, the provisions of By-law 14- 08, as applicable, shall continue to apply, including to any acts, omissions or occurrences and to any offences that took place prior to the passing of this By-law.

Read first, second and third time and finally passed on this 9th day of September, 2020.

Floyd Pinto, Mayor

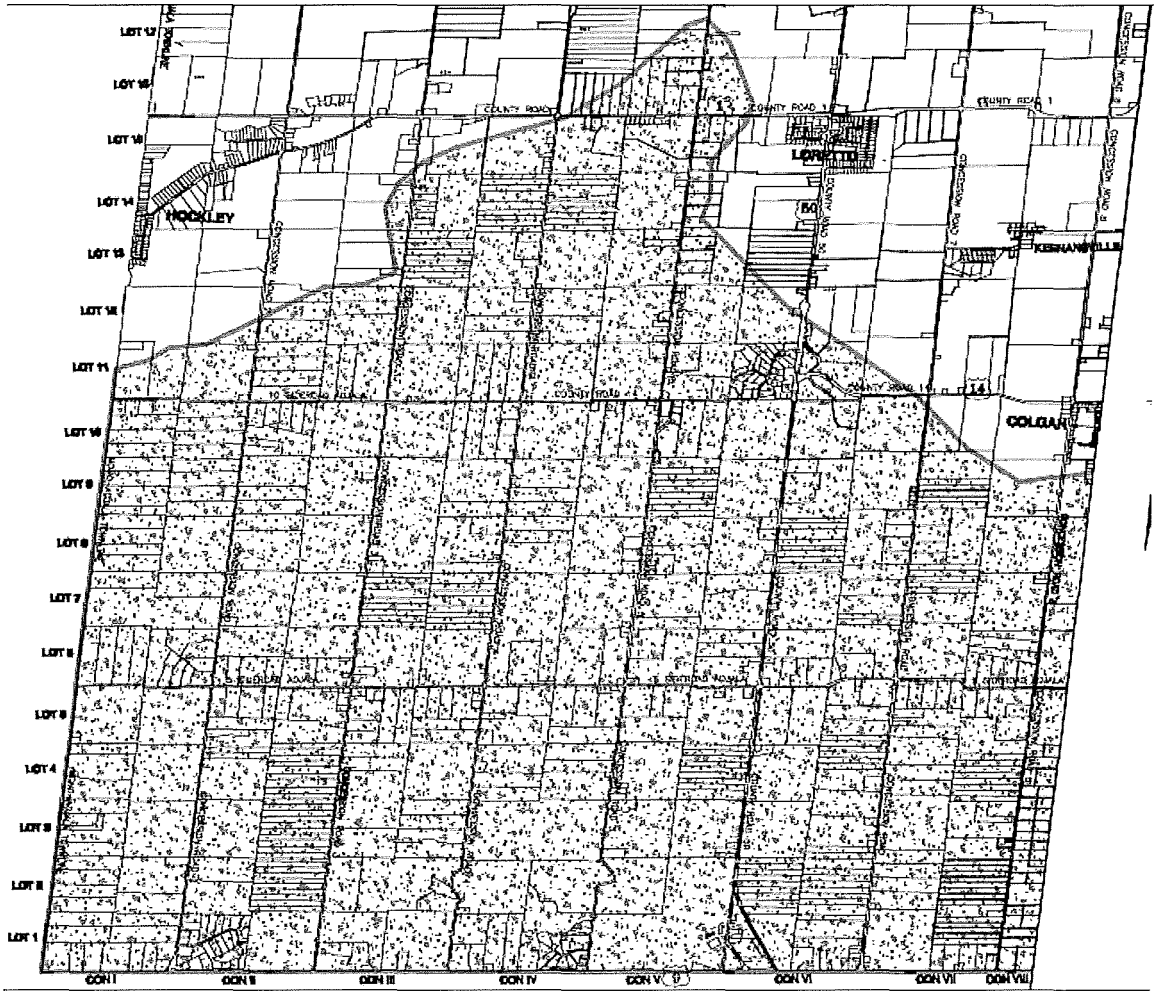
Office Consolidation

Robin Reid, Acting Clerk

Schedule "A" To By-law 20-47

Oak Ridges Moraine Zone

To the By-law of the Corporation of the Township of Adjala-Tosorontio prohibiting and regulating the placing or dumping of fill, the removal of topsoil or the alteration of the grade of land.



TOWNSHIP OF ADJALA-TOSORONTIO
BY-LAW 20-47, as amended – "SITE ALTERATION AND FILL BY-LAW"
A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the placing or dumping of fill, soil stripping and/or alteration to the grade of lands in area of the Township of Adjala-Tosorontio (The "Township")

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Fail to obtain a permit	3.1	$500
2.	Place or dump fill on any lands for storage purposes unless permitted	3.3	$500
3.	Import fill onto any property using a hydro-excavation truck	3.4	$500
4.	Use reclaimed fill	3.5	$500
5.	Fail to construct retaining wall as required	7.1(a)	$500
6.	Alter volume, direction, intensity or form of storm water run-off	7.1(b)	$500
7.	Fail to protect finished grade	7.1(c)	$500
8.	Place fill around perimeter of any existing building, higher than the elevation specified	7.1(d)	$500

NOTE: The penalty provisions for offences listed above are Section 21.2 of By-law 20-47, as amended certified copy of which has been filed.

TOWNSHIP OF ADJALA-TOSORONTIO
BY-LAW 20-47, as amended – "SITE ALTERATION AND FILL BY-LAW"
A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the placing or dumping of fill, soil stripping and/or alteration to the grade of lands in area of the Township of Adjala-Tosorontio (The "Township")

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
9.	Backfill trench/piping before inspection and approval	7.1(e)	$500
10.	Fail to provide protection for trees	7.1(f)	$500
11.	Fail to use appropriate fill	7.1(g)	$500
12.	Fail to ensure there is no ponding	7.1(h)	$500
13.	Conduct site alteration any time on Sunday or on a statutory holiday	7.1(p)(ii)	$500
14.	Conduct site alteration in high winds	7.1(p)(iii)	$500
15.	Conduct site alteration during any weather conditions where ability to mitigate site alteration activity impacts are severely comprised	7.1(p)(iv)	$500
16.	Conduct site alteration that causes mud tracking	7.1(p)(v)	$500
17.	Conduct site alteration that causes dust impacts	7.1(p)(vi)	$500

NOTE: The penalty provisions for offences listed above are Section 21.2 of By-law 20-47, as amended certified copy of which has been filed.

TOWNSHIP OF ADJALA-TOSORONTIO
BY-LAW 20-47, as amended – "SITE ALTERATION AND FILL BY-LAW"
A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the placing or dumping of fill, soil stripping and/or alteration to the grade of lands in area of the Township of Adjala-Tosorontio (The "Township")

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
18.	Conduct site alteration without erosion and sediment control	7.1(p)(viii)	$500
19.	Conduct site alteration that would impact adjacent landowners	7.1(p)(ix)	$500
20.	Fail to have all reports, plans and surveys prepared by a qualified Professional	7.1(p)(x)	$500
21.	Fail to complete an application form	8.1(a)	$500
22.	Fail to submit the applicable fee	8.1(b)	$500
23.	Fail to submit survey or plan	8.1(c)	$500
24.	Fail to identify all environmentally sensitive features	8.1(d)	$500
25.	Fail to provide written confirmation from the Conservation Authority	8.1(e)	$500
26.	Fail to submit proposed haul routes	8.1(f)	$500
27.	Fail to complete a site alteration plan	8.1(g)	$500
28.	Fail to provide written confirmation owner will comply with County Tree Policy	8.1(h)	$500
29.	Fail to provide further information as requested by Director	8.1(k)	$500

NOTE: The penalty provisions for offences listed above are Section 21.2 of By-law 20-47, as amended certified copy of which has been filed.

PART 1 *PROVINCIAL OFFENCES ACT*

TOWNSHIP OF ADJALA-TOSORONTIO
BY-LAW 20-47, as amended – "SITE ALTERATION AND FILL BY-LAW"
A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the placing or dumping of fill, soil stripping and/or alteration to the grade of lands in area of the Township of Adjala-Tosorontio (The "Township")

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
30.	Fail to complete application for major permit	9.1 (a)	$500
31.	Fail to pay application fee for major permit	9.1(b)	$500
32.	Fail to provide site alteration plan for major permit	9.1(c)	$500
33.	Fail to provide detailed Fill Management Plan for major permit	9.1(s)	$500
34.	Fail to provide other information as determined necessary for major permit	9.1(u)	$500
35.	Fail to enter into a site alteration & fill agreement for major permit	9.5	$500

NOTE: The penalty provisions for offences listed above are Section 21.2 of By-law 20-47, as amended certified copy of which has been filed.

TOWNSHIP OF ADJALA-TOSORONTIO
BY-LAW 20-47, as amended – "SITE ALTERATION AND FILL BY-LAW"
A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the placing or dumping of fill, soil stripping and/or alteration to the grade of lands in area of the Township of Adjala-Tosorontio (The "Township")

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
36.	Fail to complete an application form for agricultural purposes	10.1(a)	$500
37.	Fail to provide site alteration plan for agricultural purposes	10.1(b)	$500
38.	Fail to provide evidence satisfactory to Director as to bona fide nature of the agricultural purposes	10.1(c)	$500
39.	Fail to provide a Fill Management Plan for agricultural purposes	10.1(o)	$500
40.	Fail to pay application fee for agricultural purposes	10.1(p)	$500
41.	Commence site alteration before requirements met/permit issued	11.2	$500
42.	Make/cause a material change	11.3	$500
43.	Fail to restore the land to its original condition/stabilize site	11.6	$500

NOTE: The penalty provisions for offences listed above are Section 21.2 of By-law 20-47, as amended certified copy of which has been filed.

TOWNSHIP OF ADJALA-TOSORONTIO
BY-LAW 20-47, as amended – "SITE ALTERATION AND FILL BY-LAW"
A By-law of the Corporation of the Township of Adjala-Tosorontio to prohibit or regulate the placing or dumping of fill, soil stripping and/or alteration to the grade of lands in area of the Township of Adjala-Tosorontio (The "Township")

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
44.	Fail to cease the placing or dumping of fill	20.3(b)	$500
45.	Fail to replace fill	20.3(c)	$500
46.	Fail to take/supply tests and samples as specified	20.3(d)	$500
47.	Fail to remove fill that has been placed or dumped	20.3(e)	$500
48.	Fail to comply with order	21.1	$500

NOTE: The penalty provisions for offences listed above are Section 21.2 of By-law 20-47, as amended certified copy of which has been filed.