

The Corporation of The Township of Scugog

By-law Number 27-26

Being a by-law to regulate Site Alteration and the Movement of Fill in the Township of Scugog.

Whereas Section 142 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes the Council of The Corporation of the Township of Scugog to pass By-laws for prohibiting or regulating Site Alteration to the Grade (topography) of Property through the movement, removal or placement of Topsoil, Soil or Fill within the Township; and

And Whereas Sections 8, 9 and 11 of the Municipal Act permit a municipality to pass By-laws necessary or desirable for municipal purposes, and paragraphs 5, 6 and 8 of Subsection 11(2) authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property; and

And Whereas Section 23.2 of the Municipal Act authorizes a municipality to delegate its powers to an officer, employee, or agent of the municipality; and

And Whereas Subsection 444(1) of the Municipal Act permits a municipality, if satisfied that a contravention of a By-law of the municipality passed under the Municipal Act has occurred, to make an order requiring the person who contravened the By-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity; and

And Whereas Subsection 446 of the Municipal Act gives a municipality the authority to direct or require a person to do a matter or thing. The municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. For these purposes the municipality may enter upon land at any reasonable time, and the municipality may recover the costs of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and

And Whereas Section 425 of the Municipal Act permits a municipality to pass By-laws providing that any person who contravenes any By-law of the municipality passed under the Municipal Act is guilty of an offence; and

And Whereas Section 426(4) of the Municipal Act deems that any Person who hinders or obstructs, or attempts to hinder or obstruct, any Person who is exercising or performing a duty under a By-law created under the Act is guilty of an offence; and

And Whereas the Council of the Corporation of the Township of Scugog deems it expedient and in the public interest to enact a By-law to regulate Site Alteration and the

Movement of Fill;

Now therefore, the Council of The Corporation of The Township of Scugog hereby enacts as follows:

That this By-law be comprised of Thirteen (13) Parts containing various sections, namely:

Part 1	Interpretation and Administration
Part 2	Definitions
Part 3	Prohibitions
Part 4	Exemptions
Part 5	Requirements for Issuance of a Permit
Part 6	Permit Administration
Part 7	Enforcement
Part 8	Orders
Part 9	Work Done by The Township
Part 10	Penalty And Offence
Part 11	Appeal
Part 12	Transition Provision
Part 13	Effective Dates And Repeal Of Predecessor By-Law

Part 1 - Interpretation and Administration

- 1.1 This By-law may be referred to as the “*Site Alteration By-law.*”
- 1.2 This By-law applies to all property in the Township of Scugog. The Director will be responsible for the administration of this By-law.
- 1.3 The Director is authorized and has the delegated authority to:
 - a) approve, exempt/waive, issue, revoke, extend, renew, amend, or close a Permit and/or grant approvals of Site Alteration, and impose Conditions for continuing to hold a Permit, in addition to the requirements under this By-law;
 - b) determine when a Public Open House or a meeting of Council is required or not required;
 - c) determine and deem an Application as abandoned, expired, or closed;
 - d) approve and coordinate any remediation works;
 - e) approve amendments to Site Alteration and Fill Management Plans;
 - f) approve and amend Application forms and Guidelines;
 - g) establish appropriate requirements;
 - h) ensure compliance with Section 3.9 of this By-law, including requiring appropriate testing and documentation;
 - i) appoint a peer review consultant or other engineering, scientific, or technical experts to fulfill the role or duties of an Officer for the purposes of this By-law;
 - j) require or exempt certain works from provisions of this By-law, as permitted in this By-law;
 - k) authorize any Person to carry out any of the powers or duties of the Director and/or an Officer pursuant to this By-law;

- l) hire or authorize such agents, contractors, and other Persons to perform work as required; and
- m) determine if an Application of over 1,000 m³ requires the approval of Council.

1.4 **Conflict** – Where there is a conflict between a provision of this By-law and a provision of any other Township by-law, the provision that establishes the highest standards to protect the health and safety of the public and the natural environment shall apply. No agreement shall be deemed to provide an exemption from the requirements of this By-law unless this By-law authorizes such exemption and the agreement specifically provides for it.

Part 2 - Definitions

In this By-law:

2.1. **“Adverse Effect”** means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to Property or to plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any Property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of Property; and
- h) interference with the normal conduct of business.

2.2. **“Agricultural”** means the use of Property for the growing of crops, including nursery, biomass, and horticultural crops; the raising of livestock; the raising of other animals for food, fur or fibre (including poultry and fish); aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including (but not limited to) livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

2.3. **“Applicant”** means the Owner of a Property and includes a Person authorized in writing to act on behalf of the Owner to apply for a Permit.

2.4. **“Application”** means a written submission to request or amend a Permit.

2.5. **“Conservation Authority”** means the Central Lake Ontario Conservation Authority, the Lake Simcoe Region Conservation Authority, or the Kawartha Region Conservation Authority.

2.6. **“Condition(s)”** means the mandatory performance requirements outlined in a Permit or Order and may include the requirement for monetary deposits or securities in connection with the Application.

- 2.7. **“Contaminant”** means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.
- 2.8. **“Council”** means the Council of The Corporation of the Township of Scugog.
- 2.9. **“Director”** means a Person designated by the Township’s Chief Administrative Officer or Council to carry out any of the powers and duties of the Director pursuant to this By-law and designated to have responsibility for this By-law. “Director” may include any Person authorized by the Director to carry out any of the powers or duties of the Director pursuant to this By-law.
- 2.10. **“Drainage”** means the movement of surface water, whether by way of the natural characteristics of the ground surface or by artificial means.
- 2.11. **“Fill”** means any type of material that can be removed from (cut) or placed on (infill) land including, but not limited to, the following:
- a) **“Aggregate”** – a collective term for mineral materials such as sand, gravel and crushed stone that can be used with a binding medium to form compounds such as concrete. Aggregates can be natural or manufactured and exclude asphalt (asphalt may be placed on a surface but not below Grade);
 - b) **“Clean concrete and brick”** – concrete, brick, block and other silica-based construction materials that are free of Contaminants;
 - c) **“Compost”** – a mixture of various decaying organic substances, such as dead leaves or manure, used for fertilizing soil;
 - d) **“Excess Soil”** – soil, crushed rock, or soil mixed with rock or crushed rock, that has been excavated as part of a project and removed from the project area for the project;
 - e) **“Liquid Soil”** – soil that has a slump of more than 150 millimetres using the test method for determining “Liquid Waste” (slump test) set out in Schedule 9 to R.R.O. 1990, Regulation 347 (Environmental Protection Act);
 - f) **“Rock”** – a naturally occurring aggregation of one or more minerals that is 2 millimetres or larger in size or that does not pass the U.S. No. 10 sieve;
 - g) **“Sod”** – the upper stratum of soil bound by grass and plant roots into a thick mat (turf);
 - h) **“Soil”** – unconsolidated, naturally occurring mineral particles and other naturally occurring materials resulting from the natural breakdown of rock or organic matter by physical, chemical or biological processes, that are smaller than 2 millimetres in size or that pass the U.S. No. 10 sieve;
 - i) **“Topsoil”** – those horizons in a soil profile commonly known as the “O” and “A” horizons, containing organic material, including deposits of partially decomposed organic matter such as peat; and **asphalt**, asphalt grindings, or any other natural or manufactured material.
- 2.12. **“Grade”** at any point on the land means the elevation of the ground surface of the land; and:

- a) **“Approved Grade”** means the final elevation of the ground surface following Site Alteration or Movement of Fill as approved by the Director in accordance with this By-law;
 - b) **“Existing Grade”** means the elevation of the existing ground surface prior to any Site Alteration or Movement of Fill, including the natural Grade prior to human activities or the Grade previously legally established (such as a former Approved Grade); and
 - c) **“Unapproved Grade”** means the elevation of the ground surface that is not an Existing Grade or an Approved Grade.
- 2.13. **“Guidelines”** means the Application, supporting documentation and Conditions requirements for a Permit, as determined by the Director from time to time, to be used for the purpose of administering this By-law. Without limiting the generality of the foregoing, the Guidelines may require the posting of deposits and/or securities in connection with the Application. The Guidelines may be posted on the Township’s website (www.scugog.ca).
- 2.14. **“Highway”** means a common and public highway and includes a street, bridge or other structure forming part of a highway over or across which a highway passes and includes the whole of a road allowance under the jurisdiction of the Township.
- 2.15. **“Invasive Species”** means “Invasive Species” as defined in the *Invasive Species Act, 2015*, S.O. 2015, c.22, as amended.
- 2.16. **“Large Site Alteration”** means any Site Alteration that does not meet the definition of a Minor Site Alteration or a Small Site Alteration.
- 2.17. **“Minor Site Alteration”** means a one-time maximum cumulative volume of Site Alteration per Property, based on the area of the Property suitable for Site Alteration (the Property area excluding buildings, structures and fixed features), calculated as follows:
- a) Area of Property suitable for Site Alteration (hectares) × 200 m³/hectare of Site Alteration, up to a maximum area of Property suitable for Site Alteration of 1.0 hectare. The resulting product is the maximum one-time cumulative volume allowed. Any Site Alteration that exceeds this maximum one-time cumulative volume is no longer qualifies as Minor Site Alteration.
 - b) The maximum volume calculation of a Minor Site Alteration (up to 199m³) excludes any Site Alteration conducted under the approval of any other Township instrument such as a Building Permit.
 - c) Minor Site Alterations must obtain a Permit through an online registry at www.scugog.ca.
 - d) Minor Site Alterations with a cumulative volume under 10m³ do not require a Permit.

- 2.18. **“Movement of Fill”** means any non-natural transfer of Fill from one location to another, over any distance, except Fill that is transported through the Township and is always contained within the transport vessel.
- 2.19. **“Normal Farm Practice”** has the same meaning as in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1, as amended (or any successor legislation), which defines it as a practice that:
- a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; and/or
 - b) makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 2.20. **“Officer”** means a Municipal Enforcement Officer, or other individual authorized by the Township to enforce Township By-laws, and may include a designate, a peer review consultant, or other technical specialist if so designated by the Director under this By-law.
- 2.21. **“Ontario Regulation 153/04”** means Ontario Regulation 153/04 (*Records of Site Condition – Part XV.1 of the Environmental Protection Act*), as amended.
- 2.22. **“Ontario Regulation 406/19”** means Ontario Regulation 406/19 (*On-Site and Excess Soil Management*) made under the *Environmental Protection Act*, as amended.
- 2.23. **“Order”** means an Order issued under this By-law.
- 2.24. **“Owner”** means the registered owner(s) of the Property.
- 2.25. **“Permit”** means a formal authorization issued by the Township under this By-law.
- 2.26. **“Person”** includes an individual, sole proprietorship, partnership, corporation, trust, agent or legal representative.
- 2.27. **“Property”** means a legal parcel of land that can be conveyed, including all buildings and structures on the land.
- 2.28. **“Public Open House”** means an open meeting to which all members of the public are invited, for the purpose of informing the public and receiving comments regarding a proposed Site Alteration.
- 2.29. **“Qualified Person”** means a person who meets the qualifications set out in Section 5 or 6 of Ontario Regulation 153/04 (*Records of Site Condition – Part XV.1 of the Environmental Protection Act*).
- 2.30. **“Road(s)”** means a common and public highway, and includes a street, bridge or other structure forming part of a Highway over or across which a Highway passes, and includes the whole of a road allowance under the jurisdiction of the Township.

- 2.31. **“Site”** means the lot or lots of a Property that are altered or proposed to be altered by means of a Site Alteration.
- 2.32. **“Site Alteration”** means any alteration to the Existing Grade of a Property through the removal, placing, relocation or Movement of Fill.
- 2.33. **“Site Alteration and Fill Management Plan”** means a document prepared by or on behalf of an Owner (in accordance with the Guidelines) detailing such matters as current Site conditions, methodology, Existing Grade, Approved Grade and impact mitigation measures for the proposed Site Alteration.
- 2.34. **“Small Site Alteration”** means any Site Alteration that does not meet the definition of a Minor Site Alteration and is less than 1,000 m³ of total Site Alteration in any 12- month period.
- 2.35. **“Temporary Fill Storage Site”** means any Property where Fill is stored above the Existing Grade on a temporary basis as part of the activities of a licensed business.
- 2.36. **“Temporary Storage of Fill”** means the storage of Fill at a Temporary Fill Storage Site above Existing Grade for a period of time determined by the activities of the licensed business, with the expectation that the business involves the regular Movement of Fill onto and off of the Site in a manner that results in no Fill being stored longer than 18 months.
- 2.37. **“Township”** means The Corporation of the Township of Scugog, and also refers to the geographic area of the Township of Scugog.
- 2.38. **“Tree”** means any species of woody perennial plant (including its root system) that has reached, or can reach, a height of at least 4.5 metres at physiological maturity.
- 2.39. **“Watercourse”** means a natural or man-made channel or swale in which a flow of water occurs, either continuously or intermittently with some degree of regularity.
- 2.40. **“Zoning By-law”** means the Township’s Zoning By-law, as applicable and as amended from time to time.

Part 3 - Prohibitions

- 3.1. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration on any Property within the Township without first obtaining a Permit, unless otherwise exempt under this By-law.
- 3.2. No Person shall have, or allow to remain, Fill on that Person’s Property that is not approved through a Permit, whether or not the Fill was placed there while the Person was the Owner of the Property.
- 3.3. No Person shall place or dump any Fill, remove any Topsoil or Fill, or otherwise alter the grade of land by causing, permitting or performing any other form of Site

Alteration on land within the Township without the Owner first receiving a Permit issued under this By-law by the Director or Council, unless otherwise exempt.

- 3.4. No Person shall fail to comply with an Order issued pursuant to Section 8 of this By-law.
- 3.5. No Person shall cause, permit or perform a Site Alteration on any lands in the Oak Ridges Moraine unless:
 - a) the Applicant for the Permit under this By-law can demonstrate that such Site Alteration is permitted pursuant to the Oak Ridges Moraine Conservation Plan;
 - b) such Site Alteration is directly associated with a Building Permit issued by the Township or is authorized by another development agreement with the Township; or
 - c) such Site Alteration is directly associated with activities described in Section 4 of this By-law.
- 3.6. No Person shall cause, permit or perform a Site Alteration in any of the areas described below in subsections (a) to (d), or a Large Site Alteration in any of the areas described below in subsections (a) to (i), unless such Site Alteration or Large Site Alteration is directly associated with a Building Permit issued by the Township or is authorized by another development agreement with the Township:
 - a) environmentally sensitive areas;
 - b) key natural heritage feature areas;
 - c) hydrogeologically sensitive areas;
 - d) “minimum vegetation protection zones” associated with areas described in subsections (b) and (c) above;
 - e) “natural linkage areas” as defined in the Oak Ridges Moraine Conservation Plan;
 - f) “natural core areas” as defined in the Oak Ridges Moraine Conservation Plan;
 - g) areas of “high aquifer vulnerability” as designated in an Official Plan or under the Oak Ridges Moraine Conservation Plan;
 - h) “landform conservation areas” on lands designated as “Countryside” under the Oak Ridges Moraine Conservation Plan;
 - i) wellhead protection areas, significant groundwater recharge areas or significant high aquifer vulnerability areas as designated in a drinking water source protection plan under the *Clean Water Act*.

- 3.7. No Person shall cause, permit or perform a Site Alteration on lands that are subject to an approved Site Plan, Draft Plan of Subdivision or a Consent under Sections 41, 51 or 53, respectively, of the *Planning Act*, as amended, without an agreement or approval from the Township.
- 3.8. No Person shall perform a Site Alteration on any land unless it is done at the request of, or with the written consent of, the Owner of the land on which the Site Alteration is to occur.
- 3.9. No Person shall perform a Site Alteration or permit the performance of a Site Alteration:
 - a) Between the hours of 7:00 p.m. and 7:00 a.m., Monday to Friday;
 - b) Anytime on a Saturday, Sunday or Statutory Holiday;
 - c) During any period in which a wind warning for the area has been issued by Environment Canada;
 - d) During any weather conditions, where the ability to mitigate site alteration activity impacts is severely compromised (i.e., heavy rain, etc.); or
 - e) During any situation where site alteration activities can unduly impact adjacent landowners (i.e., brush fires, floods, unsuitable road conditions, etc.)
- 3.10. Compliance with this By-law does not relieve the Owner from any responsibility to obtain all other approvals as required from any other government or authority, or from compliance with any other obligations.
- 3.11. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that could injure or destroy a Tree except in accordance with the Regional Municipality of Durham's Woodland By-law and the Township's Woodlot, Tree Preservation, Protection, Replacement and Enhancement Policy (2005, as amended), and in accordance with the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, the Township's Official Plan and the Township's Zoning By-law.
- 3.12. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that may adversely affect the quality or quantity of any surface water or groundwater, however it may exist, including all water used for or available as a source of water for agriculture or human consumption.
- 3.13. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that could adversely affect any Watercourse or Drainage on any Property without prior written approval from the Director.
- 3.14. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that will result in an Unapproved Grade.

- 3.15. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that will, or can be reasonably expected to, result in an Adverse Effect.
- 3.16. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration unless the Fill:
- a) complies with the requirements of Ontario Regulation 406/19 and Ontario Regulation 153/04;
 - b) does not contain demolition debris such as coated brick and concrete, concrete fines, exposed rebar, paints or coatings, putrescible materials, plastic, asphalt, glass, petroleum products or hydrocarbon materials;
 - c) does not contain Contaminants; and
 - d) is free of termites, pests and Invasive Species (including the eggs and seeds of such species).
- 3.17. No Person shall conduct, undertake, cause, permit or carry out a Site Alteration on any Property unless the activity is in accordance with:
- a) the Township's Zoning By-law;
 - b) the Township's Traffic By-law;
 - c) the Township's Noise By-law;
 - d) the Township's Property Standards By-law;
 - e) the Township's Yard Waste By-law;
 - f) the Township's Fees and Charges By-law;
 - g) the requirements of any applicable Conservation Authority; and
 - h) all other applicable statutes, regulations, policies, and By-laws.
- 3.18. No Person shall place or dump Fill, or cause or permit Fill to be placed or dumped, on a lot fronting on a Township Road that has been deemed by the Township, in its sole discretion, to be unsuitable for the deposition of Fill.

Part 4 - Exemptions

- 4.1. Notwithstanding Section 3 of this By-law, this By-law does not apply to:
- a) activities or matters undertaken by the Township, the Regional Municipality of Durham, a Conservation Authority, the Province of Ontario or the Government of Canada;
 - b) activities in accordance with Subsection 142(5) of the Municipal Act, 2001, S.O. 2001, c.25, as follows:

- i. activities or matters undertaken by a municipality or a local board of a municipality;
 - ii. the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to the approval of a Site Plan, a Plan of Subdivision or a Consent under Section 41, 51 or 53 of the *Planning Act*, or as a requirement of a Site Plan Agreement or Subdivision Agreement entered into under those sections;
 - iii. the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 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;
 - iv. the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
 - v. the placing or dumping of fill, removal of topsoil or alteration of the grade of land 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*;
 - vi. the placing or dumping of fill, removal of topsoil or alteration of the grade of land 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*; or
 - vii. the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*.
- c) the use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
 - d) the construction, extension, alteration, maintenance, or operation of works under Section 26 of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c.P.50, as amended; and
 - e) the harvesting of peat in a commercial operation regulated and approved by the applicable Conservation Authority and the Township.

- 4.2. Any Person undertaking a Site Alteration that is exempt pursuant to this By-law must be able to demonstrate to the satisfaction of the Director, at any time upon request, the applicability of the exemption in accordance with this By-law.

Part 5 - Requirements for Issuance of a Permit

- 5.1. Where the requirement for a Permit is waived in accordance with Section 5.2, all other sections of this By-law (except Sections 5.3 through 5.8 and Section 6) remain applicable.
- 5.2. Despite Section 3.1, a Permit is not required in the following situations:
- a) A Minor Site Alteration with a cumulative volume under 10m³.
 - b) When another legal instrument of the Township, such as a planning approval, a Building Permit, or a legal agreement with the Township, includes a clause specifically waiving the requirement for a Permit, including:
 - i. construction or demolition of a building and minor related works adjacent to the building footprint, pursuant to a Building Permit issued by the Chief Building Official;
 - ii. a Site Alteration for a septic disposal system where a permit has been issued in accordance with Part 8 of the Ontario Building Code, or through an Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks;
 - iii. any filling of an excavation to the elevation of Existing Grade following the demolition or removal of a building for which a demolition permit has been issued by the Chief Building Official, or for which no demolition permit is required under the *Building Code Act, 1992, c.23*; and
 - iv. any previously approved grading plan is maintained or, if no grading plan exists for the Property, a minimum 60 centimetre strip of undisturbed ground remains along the rear and side Property lines within the rear yard; and
 - v. any retaining walls are limited to 0.5 metres in height, measured from existing ground elevations.
 - vi. an agreement entered into under the *Planning Act*.
 - c) Site Alteration directly related to a Normal Farm Practice. This exception is only available to persons who have an active registration as a “farming business” as defined in the *Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c.21* (as amended or successor legislation), are in good standing under that Act and conducting activities recognized as Normal Farm Practice by

the *Ontario Farming and Food Production Protection Act* under the jurisdiction of the Normal Farm Practices Protection Board.

d) Site Alteration that is an incidental part of the construction or reconstruction of any public Highway, or underground service.

e) When a Permit waiver is provided by the Director in writing.

5.3. An Applicant for a Permit shall complete an Application in the form established by the Director and submit it along with all applicable fees and required documentation. The required documentation is outlined on the application form included in the Guidelines. The applicable Site Alteration Permit fee is set out in the Township's Fees and Charges By-law. Notwithstanding anything else in this By-law, no Permit will be issued until the Director is satisfied that a complete Application, including all supporting documentation and information required as identified in the Guidelines (including fees and deposits), has been submitted and approved.

5.4. For a Minor Site Alteration in excess of a cumulative volume of 10m³, the Applicant will be required to complete the online permit application questionnaire for a Minor Site Alteration Permit. If the proposed project does not qualify for a Minor Site Alteration Permit, the Applicant will be required to apply for a Small or Large Site Alteration Permit. The Township may also require the Applicant to meet additional requirements in order to be issued a Permit for the Minor Site Alteration including, but not limited to:

a) confirming the chemical quality of any Fill to be imported onto the Site;

b) other details regarding the source and placement of Fill; and

c) providing details of proposed grade modifications of the project.

5.5. For a Small Site Alteration (less than 1,000 m³), the Township may require that the Applicant meet additional requirements in order to be issued a Permit for the Small Site Alteration including, but not limited to:

a) providing a Site Alteration and Fill Management Plan, and a permit application form, prepared by a Qualified Person;

b) providing all fees and security deposits as required by the Fees and Charges By-law; and

c) Site specific studies and reporting to demonstrate compliance with the By-law and provincial regulations including Ontario Regulation 153/04, as outlined in the Guidelines Manual.

5.6. In the case of a Large Site Alteration (1,000 m³ or greater), at the discretion of the Director (based on the size and potential issues such as sensitive land uses, haul

routes, public concerns, etc. related to the Application), additional requirements may be imposed including, but not limited to:

- a) Site Alteration and Fill Management Plan prepared by a Qualified Person as outlined in the Guidelines Manual;
- b) providing all fees and security deposits as required by the Fees and Charges By-law;
- c) holding a Public Open House;
- d) entering into a legal agreement with the Township; and
- e) obtaining approval of Council.

5.7. At the discretion of the Director, any Applicant may be required to conduct a Public Open House and/or make a submission to Council regarding the proposed Site Alteration. In the case of a Public Open House, all comments and concerns received must be addressed by the Applicant and submitted to the Director for evaluation as part of the Application.

5.8. Fees referenced under this By-law are payable in accordance with the Township's Fees and Charges By-law, including (but not limited to) fees related to administration and enforcement activities.

5.9. At the time an application for a Permit under this By-law is made, the Applicant shall:

- a) pay to the Township the applicable fees calculated in accordance with the rates set out in the Township's Fees and Charges By-law; and
- b) pay a deposit in an amount to be determined by the Director to cover the cost of all estimated legal and consulting fees payable by the Township for processing the application.

5.10. At the time of issuance of the Permit, and thereafter as required, the Applicant shall:

- a) provide to the Township security in an amount set out in the Township's Fees and Charges By-law or as determined by the Director; and
- b) pay tipping fees to the Township (as identified in the Township's Fees and Charges By-law) at such intervals as determined by the Director.

5.11. The Township may engage legal, engineering, hydrology, environmental, arborist, landscape, Qualified Person or any other consultant the Director deems necessary to evaluate studies and/or agreements or to provide assistance throughout the Site Alteration process. The costs incurred by the Township for such evaluations shall be charged back to the Applicant as set out in the Township's Fees and Charges By-law.

- 5.12. The Township may draw on the security required under this By-law to remedy any breach of this By-law, any Condition imposed on the Permit by the Director, or any other obligation of the Owner relating to the Permit. Without limiting the generality of the foregoing, such security may be used to return the land to a condition satisfactory to the Director and to pay any outstanding amounts owed by the Applicant or Owner related to the Permit (including amounts owed pursuant to this By-law).
- 5.13. The Director may require that additional security be provided by the Owner at any time if, in the opinion of the Director, such additional security is required. The Owner shall provide such additional security immediately upon the Director's request.
- 5.14. When work has commenced before a Permit for that work has been issued under this By-law, the fees for each Permit required shall:
- a) be double the amount otherwise specified in this By-law;
 - b) include an additional inspection fee as set out in the Township's Fees and Charges By-law for each inspection that was made, required, or requested prior to issuance of the Permit.
- 5.15. In reviewing any Application, the Director may seek comments or approvals from any relevant agency, including (but not limited to) a Conservation Authority, the Regional Municipality of Durham, and adjacent municipalities. Any comments received shall form part of the completed Application.
- 5.16. The Director shall issue a Permit under this By-law when the following conditions are met:
- a) the Director is satisfied that the lands which are the subject of the Permit application are not within an area where placing or dumping of Topsoil or other Site Alteration is prohibited under Section 3 of this By-law;
 - b) the Applicant has fulfilled all applicable requirements of Section 5 of this By-law;
 - c) the Applicant has signed the Application, thereby entering into any agreement referred to in Section 6 of this By-law;
 - d) all applicable agencies and authorities have been notified and have provided comments to the satisfaction of the Director;
 - e) all applicable fees, security, and expenses for services have been satisfied by the Owner; and
 - f) all other applicable requirements of this By-law have been satisfied.
- 5.17. The Director is authorized to refuse the issuance of a Permit, and in doing so may have regard to any of the following:

- a) the effect of the Large Site Alteration on the environment;
- b) the effect of the Large Site Alteration on nearby communities;
- c) any comments provided by adjacent municipalities and agencies;
- d) the concerns of the public and the Applicant's responses to those concerns;
- e) any possible effects of the Large Site Alteration on ground and surface water resources;
- f) any possible effects of the Large Site Alteration on existing agricultural resources;
- g) any planning and land use considerations;
- h) the main haulage routes and proposed truck traffic to and from the Site;
- i) the quality and quantity of Fill proposed to be imported;
- j) the Applicant's history of compliance with regard to Fill importation; and
- k) any other matters that the Director considers appropriate.

5.18. If the proposed Site Alteration involves Fill being transported to the Site from any other source site, the Application shall contain:

- a) the address and legal description of each source site;
- b) a statement of the nature of the project on each source site that is generating the Fill to be transported to the Site;
- c) the volume of Fill to be transported to the Site from each source site;
- d) the contact details for the person responsible for the project at each source site;
- e) the past uses of each source site;
- f) a copy of the detailed sampling and analysis plan for all Fill excavated from each source site, and confirmation from a Qualified Person stating that the Fill to be transported to the Site is suitable for use at the Site;
- g) a letter from the owner (or representative such as a Qualified Person) of the source site confirming items (a) through (f) above;
- h) documented compliance with Ontario Regulation 406/19; and
- i) the proposed haul routes, daily truck volume, and hours of operation of truck traffic to and from the Site.

Part 6 - Permit Administration

- 6.1. An Application for a Permit will be deemed abandoned, and the Application file will be closed, where a period of twelve (12) months has elapsed during which:
- a) the Person applying for the Permit has not provided all information, documents, fees and deposits as required by the Director (including any new submissions that may be required);
 - b) the Application has been placed on hold or in abeyance; or
 - c) the Application has not seen meaningful progress through submissions toward the issuance of a Permit.
- 6.2. The expiry period for each permit is as follows:
- a) A Permit for a Small Site Alteration will be issued for a period of one year and expires on the date set out in the Permit, unless otherwise specified as a Condition of the Permit.
 - b) A Permit for a Large Site Alteration shall have an expiry date as a Condition of the Permit. The expiry date for a Large Site Alteration Permit shall be subject to a review conducted by the Director to determine whether the Permit should be amended, renewed or revoked.
 - c) A Permit issued for a Large Site Alteration will be subject to an annual review conducted by the Director to determine whether the Permit should be amended, renewed or revoked.
 - d) Every Owner shall satisfy all Conditions of the Permit, even if the Permit is expired, and shall provide the Township with:
 - i. a letter of acknowledgment of the filing of a Record of Site Condition (in accordance with Ontario Regulation 153/04), if required;
 - ii. a completed final topographic survey confirming the Approved Grade; and
 - iii. proof of completion of all Permit Conditions.
- 6.3. If title to the Property for which a Permit has been issued is transferred while the Permit is in effect, the Permit shall be automatically revoked unless the new Owner, prior to the transfer, provides the Township with an undertaking (to the satisfaction of the Director) to comply with all Conditions under which the Permit was issued.
- 6.4. The Director may at any time, and without notice, revoke a Permit for any of the following reasons:
- a) it was obtained based on mistaken, false or incorrect information;
 - b) it was issued in error;

- c) the Property Owner and/or Permit holder requests in writing that it be revoked;
 - d) the Permit holder has failed to comply with any of the Conditions of the Permit and/or the requirements of the By-law; or
 - e) the Permit holder is unwilling or unable to comply with the Conditions of an Order.
- 6.5. An Applicant or Owner may submit a request to the Director for an amendment to a Permit based on proposed changes to the details of the initial Application as reflected in the Permit Conditions.
- 6.6. An Applicant or Owner may submit a request to the Director for a renewal of a Permit if the only change from the initial Application and Conditions is the timeline and expiry date.
- 6.7. A Permit is considered closed when all the Conditions and any Orders related to the Permit have been fulfilled to the satisfaction of the Director, at which time all unexpended deposits and securities held by the Township shall be released to the Applicant unless an agreement specifies otherwise.
- 6.8. The Township may administer Permits in accordance with additional requirements as set out in the Guidelines.
- 6.9. Where a Minor Site Alteration is proposed, the Owner shall complete the online application form, indicating the amount of fill to be imported and other details in accordance with the application requirements for a Minor Site Alteration.
- 6.10. Where a Small Site Alteration is proposed, the Owner shall provide a complete Application and, if required by the Director, enter into a Permit Agreement with the Township. The Permit Agreement shall include conditions requiring the Owner to:
- a) undertake the Site Alteration in accordance with the Permit, the approved plans, and the provisions of this By-law;
 - b) complete the Site Alteration by the date specified in the Permit;
 - c) ensure that the Site Alteration does not result in contamination of the natural environment and that all applicable environmental laws and regulations are complied with;
 - d) retain a Qualified Person to confirm that the Site Alteration is proceeding in accordance with the standards for Fill established in this By-law and that the Site Alteration will not result in:
 - i. soil erosion;
 - ii. blockage or siltation of a watercourse;

- iii. flooding or ponding on abutting lands;
 - iv. pollution of a watercourse;
 - v. injury or destruction of municipal trees or trees protected under Township or Regional by-laws;
- e) provide a final report or letter of certification from the Qualified Person confirming compliance with Subsection 6.10(d) upon completion of the Site Alteration;
 - f) provide security in an amount determined by the Township to remedy any breach of this By-law or the Permit Agreement;
 - g) indemnify the Township against any liability, costs, damages, or losses arising from, or in connection with, the Site Alteration or the issuance of the Permit; and
 - h) pay the applicable fees as set out in the Township's Fees and Charges By-law.

6.11. Where a Large Site Alteration is proposed, the Owner shall provide a complete Application and, if the Large Site Alteration is authorized by Council, enter into an agreement with the Township which shall be registered on title to the land on which the work is to be performed. Such agreement shall include conditions that require the Owner to undertake the following (or to reimburse the Township for undertaking such requirements at the Township's discretion):

- a) retain a Qualified Person to ensure that the Site Alteration is proceeding in accordance with reasonable engineering and environmental practices, including the standards for Fill contained in this By-law, the plans submitted for the Permit, and the Conditions imposed pursuant to Section 5.11 of this By-law;
- b) undertake the Site Alteration in accordance with the Permit;
- c) require the Qualified Person to report in writing on a regular basis (or as determined by the Director) that the Site Alteration is in accordance with Subsection 6.11(a) of this By-law;
- d) require that the Site Alteration be completed by the date specified in the Permit;
- e) not contaminate the natural environment and abide by all applicable environmental laws and regulations;
- f) provide a report from the Qualified Person confirming that the Site Alteration will not result in:

- i. soil erosion;
 - ii. blockage of a watercourse;
 - iii. siltation in a watercourse;
 - iv. pollution of a watercourse;
 - v. flooding or ponding on abutting lands;
 - vi. flooding or ponding caused by a watercourse overflowing its banks;
 - vii. a detrimental effect on any trees of a caliper of 75 millimetres or more located on the lands;
 - viii. a detrimental effect on any matters of inherent biological sensitivity (including, but not limited to, aquifer recharge, water quality, unusual plants or wildlife, or overwintering habitats);
 - ix. unauthorized injury or destruction of municipal trees or other trees protected under Township or Regional by-laws; or
 - x. injury or destruction of other trees which, in the opinion of the Director, could reasonably be avoided;
- g) undertake soil sampling and well monitoring at a frequency determined by the Director, at the Applicant's expense;
- h) engage an Ontario Land Surveyor to prepare any plans requested by the Director to identify the extent and location of any Fill placed or dumped, or any Site Alteration performed;
- i) acknowledge that the Township may engage legal, engineering, hydrology, environmental, arborist, landscape or any other consultant the Director deems necessary to evaluate studies and/or agreements or to provide assistance throughout the Site Alteration process, and that the costs incurred for such evaluations shall be charged back to the Applicant (plus the administrative charge set out in the Township's Fees and Charges By-law);
- j) provide security in an amount determined by the Township to be used to remedy any breach of this By-law or of the agreement;
- k) indemnify the Township for any liability, costs, damages or losses incurred directly or indirectly as a result of, or in connection with, the processing or issuing of a Permit or the Permit agreement;
- l) provide insurance (including environmental impairment liability insurance) in an amount and on terms satisfactory to the Township; and
- m) pay such additional fees as may be determined by the Township.

Part 7 - Enforcement

- 7.1. This By-law may be enforced by Officers and/or the Director. Without limiting any other power, duty or function granted by this By-law, Officers and/or the Director may give direction, issue an Order to discontinue or to perform work, give verbal or written direction, and may enter on Property and carry out any inspections reasonably required to determine compliance with this By-law. An Officer and/or the Director may issue an Order under this By-law to any Person believed to be contravening or to have contravened any provision of this By-law. An Order may include but is not limited to:
- a) immediately desist from the activity constituting or contributing to the contravention;
 - b) leave the Property and cease the contravening activity immediately; and
 - c) take immediate action to mitigate and/or remediate the impacts of the activity.
- 7.2. Officers and the Director may, at any reasonable time:
- a) enter and inspect any Property to determine compliance with the provisions of this By-law, any Condition of a Permit, or any Order issued under this By-law (noting that this power of entry does *not* allow entry into any dwelling);
 - b) enter the Property to collect information and to take photographs, videos, measurements, readings and samples (of air, surface water, groundwater, soil, materials, etc.);
 - c) require the production of copies of reports, manifests or other documentation for the purposes of auditing any Site Alteration or compliance with the Conditions of a Permit, agreement or Order; and
 - d) require the production of documents or things relevant to the inspection, inspect and remove such documents or things for the purpose of making copies or extracts.
- 7.3. Where an Officer has reasonable grounds to believe that an Offence has been committed by a Person, the Officer may require the name, address and proof of identity of that Person. The Person shall supply the required information.
- 7.4. Obstruction –
- a) No Person shall hinder or obstruct, or attempt to obstruct, the Director, an Officer, or any other person in the discharge of duties under this By-law, or as required by the Director or Officer in order to bring a Property into compliance with this By-law or an Order issued under this By-law.

- b) No Person shall provide false information in any statement, whether orally, in writing or otherwise, made to an Officer or the Director.
- c) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or the Director who is exercising a power or performing a duty under this By-law.

7.5. No Person shall fail to obey an Order issued under this By-law.

7.6. Where any Site Alteration occurs, or is undertaken, caused or permitted on any Property, the Owner of the Property is presumed to have undertaken, caused or permitted the Site Alteration to occur. This presumption may be rebutted by evidence to the contrary on a balance of probabilities.

Part 8 - Orders

8.1. If, after an inspection, an Officer is satisfied that a contravention of this By-law has occurred, the Officer shall notify the Owner and/or the Permit holder of the particulars with a Notice of Contravention and/or an Order to Comply, pursuant to Subsection 444(1) or 445(1) of the Municipal Act. The Officer shall also provide all occupants of the Property with a copy of the notice or Order. Such notice or Order shall contain:

- a) the municipal address and legal description of the land;
- b) reasonable particulars of the contravention; and
- c) the period within which there must be compliance.

8.2. (8.2) A notice and/or Order issued pursuant to this By-law may require any Person who has altered the grade of land, caused or permitted the grade to be altered contrary to this By-law, or placed or dumped Fill (or caused or permitted Fill to be placed or dumped), or caused or permitted any other form of Site Alteration contrary to this By-law, to do one or more of the following:

- a) cease all work in respect of the Site Alteration until all required approvals have been obtained;
- b) remove the Fill;
- c) fill in any excavations or ponds; and/or
- d) do all work necessary to:
 - i. eliminate any hazard resulting from the alteration of the grade or the dumping or placing of Fill, and restore the land to a condition of safety;
 - ii. preserve the land pending any hearing of an appeal in respect of an Application; and

- iii. restore the land to its former condition prior to the grade alteration or the placing or dumping of the Fill or other Site Alteration.

- 8.3. A notice and/or Order issued pursuant to this By-law shall also contain:
- a. the time frame within which the work contained in the Order must be carried out; and
 - b. a notice stating that if the work is not done in compliance with the Order within the specified period, the Township may have the work done at the expense of the Owner.
- 8.4. An Owner who has received a notice or Order pursuant to this By-law shall comply with it within the time frame specified in the notice or Order. If the Owner fails to do so, the Director may draw on any security that has been provided pursuant to this By-law to remedy the contravention.
- 8.5. A notice or Order issued pursuant to this By-law shall be served personally or by prepaid registered mail or in accordance with Section 8.7 of this By-law. A notice or Order sent by registered mail shall be deemed to be served no later than the fifth day following the date of mailing.
- 8.6. A notice or Order issued pursuant to this Part, if sent by prepaid registered mail, shall be sent to the last known address of the Owner of the land or the Permit holder.
- 8.7. Notwithstanding Section 8.5, an Officer who is unable to effect service pursuant to Section 8.5 may post the notice or Order in a conspicuous place on the Property, and the posting of the notice or Order shall be deemed to be sufficient service on the Owner and the Permit holder.
- 8.8. If the Owner or Permit holder fails to do the work required by an Order issued pursuant to this Part within the period it specifies, the Township, in addition to all other remedies it may have, may do the work and for this purpose may enter on the land with its employees and agents. The costs incurred by the Township in so doing shall be paid by the Owner of the land and may be recovered by the Township in the same manner as property taxes or by drawing on any financial securities provided.
- 8.9. If an Officer or the Director is satisfied that a Person has undertaken, caused, permitted, allowed or performed a Site Alteration in contravention of this By-law, the Conditions of a Permit, and/or an agreement pursuant to this By-law, the Officer may issue an Order requiring work to be done to correct the contravention. Orders issued under this By-law shall contain the municipal address and/or the legal description of the Property, and shall set out:

- a) reasonable particulars of the contravention, the work to be done, any work or action required to cease or to be undertaken to rectify the contravention, and the period within which there must be compliance with the Order; and
- b) notification that if the work or action is not done, or ceased, in compliance with the Order within the period specified, the Township may have the work done at the expense of the Owner and may seek penalties as outlined in this By-law.

8.10. Orders issued by an Officer under this By-law shall be served as follows:

- a) personally, or by prepaid registered mail, to the last known address of the Owner, the Permit holder, and any other Person to whom the Order is issued; or
- b) if the Township is unable to effect service on the Owner by the methods in (a), a placard containing the terms of the Order may be placed in a conspicuous place on the Property, and the placing of the placard shall be deemed to be service of the Order.

8.11. If an Order is served on a Person by registered mail, it shall be deemed to have been served on the 5th day after the mailing of the Order, which deemed service may be rebutted by proof on a balance of probabilities that the Person did not receive the Order.

8.12. An Order may also be issued to a new Owner in any case where ownership of the Property has changed but the offence continues or remains.

Part 9 - Work Done by The Township

9.1. If the Conditions of an Order made under this By-law are not complied with within the period specified in the Order, then in addition to all other remedies it may have, the Township may undertake any activity to fulfill any of the Conditions of a Permit or Order at the Owner's expense, and may enter upon the Property at any reasonable time for this purpose.

Part 10 - Penalty and Offence

10.1. Every Person who contravenes any provision of this By-law, a Condition of a Permit, or an Order issued under this By-law, is guilty of an Offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended. If an Order has been issued under this By-law and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing Offence for each day or part of a day that the Order is not complied with.

10.2. Instead of laying a charge under the *Provincial Offences Act* for a breach of any provision of this By-law, an Officer may issue an administrative penalty to the

Person who has contravened this By-law. The Officer has the discretion to either proceed by way of an administrative penalty or to lay a charge under the *Provincial Offences Act*. If a Person is required by the Township to pay an administrative penalty in respect of a contravention of this By-law, the Person shall not be charged with an Offence in respect of the same contravention. The amount of the administrative penalty for a breach of a provision of this By-law is as set out in the Township's Fees and Charges By-law (as amended or any successor By-law). A Person who is issued an administrative penalty shall be subject to the procedures provided for in the Township's Fees and Charges By-law (as amended or successor). An administrative penalty imposed on a Person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable constitutes a debt of the Person to the Township and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

- 10.3. Every Person who is guilty of an Offence under this By-law shall be subject to the following penalties:
- a) upon a first conviction, to a fine of not less than \$250 and not more than \$50,000;
 - b) upon a second or subsequent conviction for the same Offence, to a fine of not less than \$500 and not more than \$100,000;
 - c) upon conviction for a continuing Offence, to a fine of not less than \$500 and not more than \$10,000 for each day or part of a day that the Offence continues (and the total of the daily fines may exceed \$100,000); and
 - d) upon conviction of a multiple Offence, for each Offence included in the multiple Offence, to a fine of not less than \$10,000 and not more than \$100,000 (and the total of all fines for each included Offence is not limited to \$100,000).
- 10.4. When a Person has been convicted of an Offence under this By-law:
- a) The Ontario Court of Justice, or any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the Person convicted, make an order prohibiting the continuation or repetition of the Offence by the Person convicted.
 - b) In addition to any fine or other penalty, any Person who is convicted of contravening a provision of this By-law, the terms and conditions of a Permit, or an Order issued pursuant to this By-law (and Subsection 444(1) or 445(1) of the Municipal Act) may be ordered by a court of competent jurisdiction, at the expense of the Person, to:
 - i. rehabilitate the land;

- ii. remove the Fill placed or dumped; and/or
 - iii. restore the grade of the land to its original condition.
- c) If a Permit is revoked by the Director or the Permit holder is unable or decides not to complete the approved Site Alteration proposal, the Permit holder shall promptly restore the Site to a condition consistent with this By-law to the satisfaction of the Director.
- d) If a Person is convicted of an Offence for contravening an Order to stop the injuring or destruction of trees, the court in which the conviction has been entered (or any court of competent jurisdiction thereafter) may order the Person to rehabilitate the land or plant or replant trees in such manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.
- 10.5. The Township may recover its costs of remedying a violation of this By-law by invoicing the Owner, by instituting court proceedings, or by adding the cost (including interest) to the tax roll in the same manner as municipal taxes. The exercise of any one remedy shall not preclude the exercise of any other available remedy.

Part 11 - Appeal

- 11.1. A Person who considers themselves aggrieved by an Order made by an Officer may appeal the Order to the Director within 20 days after the date on which the Order is made. The appeal shall be in writing and shall include the Person's name, address, email address (if applicable), phone number, and details concerning the reason for the appeal and the remedy being requested.
- 11.2. An appeal shall be served by prepaid ordinary or registered mail, courier, or email addressed to the attention of the Director.
- 11.3. An appeal will be heard only if filed/received within the time period specified in Section 11.1 and if all applicable fees are paid. The appeal shall be heard in writing. The Director may, in his/her sole discretion, arrange for an oral hearing if the Director considers it necessary to do so.
- 11.4. An appeal does not stay the operation of the Order appealed from, but the Director may, on such terms as are just, stay the operation of the Order until the disposition of the appeal.
- 11.5. On an appeal, the Director may require production of any further documents, reports, or information from the person appealing the Order, from the Officer who issued the Order, and from any other person who may have knowledge or information relevant to the Order. The Director may consider any issue relevant to

the issuance of the Order, including legal issues and interpretation of the By-law, and may consult with legal counsel in determining the validity of the Order.

- 11.6. The Director may affirm, vary, or rescind the Order, or take any other action that the Director considers the person ought to take in accordance with this By-law. For this purpose, the Director may substitute his/her opinion for that of the Officer. The Director's decision shall be made in writing and shall be delivered by ordinary mail, registered mail, courier, email, or facsimile transmission to the person appealing the Order and to the Officer who issued the Order.

Part 12 - Transition Provision

- 12.1. If any provision of this By-law, or the application thereof to any person or circumstance, is invalid, the invalidity does not affect other provisions or applications of this By-law which can be given effect without the invalid provision or application. To this end, the provisions of this By-law are severable.
- 12.2. References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may be amended, extended or re-enacted from time to time. References in this By-law to items in the plural include the singular, and references to the singular include the plural, as applicable. The words "include", "includes" and "including" shall be read as not limiting the words or phrases that precede them. This By-law and the provisions contained within are intended to be complementary to provincial statutes and to other By-laws passed by Council. In the event that any other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.
- 12.3. Notwithstanding the repeal of By-law 62-15 (and all amendments thereto), that By-law shall continue to apply to any acts, omissions or occurrences, and to any Offences that took place prior to the enactment of this By-law.

Part 13 – Effective Dates and Repeal of Predecessor By-Law

- 13.1. This By-law shall come into force and effect upon its passage, at which time By-law 62-15 (and all amendments thereto) is hereby repealed.
- 13.2. The provisions of Sections 5 and 6 of this By-law do not apply to an Owner with an approved Permit issued pursuant to the former Site Alteration By-law No. 62-15 (as repealed). The Director shall not permit any extensions or renewals of Permits issued under that predecessor By-law.

This By-law Read and Passed by Council on the 25th day of May, 2026.

ORIGINAL SIGNED BY _____

MAYOR, Wilma Wotten

ORIGINAL SIGNED BY _____

CLERK, Blair Labelle

By signing this by-law on the 25th day of May, 2026, Mayor Wilma Wotten will not exercise the power to veto this by-law.