

# The Corporation of the Township of Springwater By-Law No. 2018-006

Being a by-law to regulate and prohibit the placing or dumping of fill and site alterations in the Township of Springwater

## (Cut and Fill By-Law)

**Whereas** Section 142 of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Municipal Act, 2001”), permits the enactment of a by-law by the Council of The Corporation of the Township of Springwater to prohibit or regulate the placing or dumping of fill, prohibiting or regulating the site alteration of the grade of land in any defined area or on any class of land in the municipality, and requiring that a permit be obtained for the placing or dumping of fill or the site alteration of the grade of land;

**And Whereas** Council deems it in the public interest to regulate the dumping and placing of fill and site alterations in order to ensure that groundwater is protected, that existing drainage patterns are maintained and that any changes to existing drainage patterns are appropriate to protect environmental features and to prevent the importation of hazardous material;

**And Whereas** By-law No. 2007-053 was adopted by Council on May 22, 2007 and is hereby being repealed and replaced by this by-law;

**Now Therefore** the Council of The Corporation of the Township of Springwater hereby enacts as follows:

### 1. Definitions

1.1. In this by-law:

- a) **Building:** has the same meaning as the Building Code Act, 1992, S.O. 1992, c.23, as amended;
- b) **Director:** means the Director of Public Works, or his or her designate;
- c) **Dump or Dumping:** includes the depositing of Fill, or any other deleterious material, in a location other than where the said material was obtained and includes the movement and depositing of these materials from one location on a property to another location on the same property;
- d) **Existing Grade:** means:
  - i. The elevation of the existing ground surface on the lands upon which Dumping and/or Placing of Fill or Site Alteration is proposed and includes

abutting ground surface up to three (3) metres wide surrounding such lands; or

- ii. Where Placing or Dumping of Fill or Site Alteration has occurred in contravention of this by-law or previous by-laws, the ground surface of the lands as it existed prior to the Placing or Dumping of Fill or Site Alteration;
- e) **Fill:** means soil, stone, concrete, sod or turf either singly or in combination;
- f) **Fill Permit:** means a permit issued by the Township permitting a person to Place of Dump Fill on land;
- g) **Financial Security:** means a certified cheque, cash or an irrevocable letter of credit in a form acceptable to the Director;
- h) **Finished Grade:** means the approved final elevation of ground surface of lands upon which Fill has been Dumped or Placed or Site Alteration has occurred in accordance with this by-law;
- i) **Deleterious Material:** means material that does not comply with the applicable Ministry of the Environment criteria and the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, as amended;
- j) **Hauler:** means a hauler of Fill;
- k) **Municipal Law Enforcement Officer:** means an individual appointed by the Township to enforce the by-laws of the Township pursuant to section 15 of the Police Services Act, R.S.O. 1990, c.P.15, as amended;
- l) **Officer:** means a person listed under section 10.1 of this by-law;
- m) **Operator:** means any person, firm or corporation authorized by the Owner to manage or control any 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;
- n) **Owner:** means the registered owner of the lands;
- o) **Permit:** means either a Fill Permit or a Site Alteration Permit;
- p) **Person:** means an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the Condominium Act, organization, trustee or agent, and their heirs, executors or other legal

representatives of a person to whom the context can apply according to law;

- q) **Place or Placing:** means the distribution of Fill on lands to establish a finished grade different from the Existing Grade;
- r) **Qualified Person:** means a person qualified as defined within Ontario Regulation 153/04 – “Qualified Person, other than Risk Assessment” as amended;
- s) **Site Alteration:** means altering the Existing Grade of the land, whether temporarily or permanently, without the Placing or Dumping of Fill;
- t) **Site Alteration Permit:** means a permit issued by the Township for a person to conduct Site Alteration on land;
- u) **Topsoil:** means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;
- v) **Township:** means The Corporation of the Township of Springwater; and,
- w) **Works:** means the Placing or Dumping of Fill or Site Alteration;

## 2. General Regulations

### Application of By-Law

- 2.1. This by-law applies to all lands within the Township, subject to Part 3 of this by-law.

### No Placing or Dumping of Fill Without a Permit

- 2.2. No person shall Place or Dump Fill, or cause or permit Fill to be Placed or Dumped, on any land, without first obtaining a Fill Permit under this by-law.
- 2.3. No person shall Place or Dump Fill, or cause or permit Fill to be Placed or Dumped, on any land, except in accordance with the provisions of this by-law.
- 2.4. No person shall Place or Dump Fill except in accordance with:
  - a) The plans, materials, documents or other information submitted to the Township in order to obtain the Fill Permit;

- b) The terms and conditions of the Fill Permit; and,
  - c) Any agreement entered into with the Township as a condition of obtaining the Fill Permit.
- 2.5. No person shall Place or Dump any Deleterious Material, or cause or permit Deleterious Material to be Placed or Dumped, on any land within the Township.

#### **No Site Alteration Without a Permit**

- 2.6. No person shall commence any Site Alteration, or cause or permit any Site Alteration to occur, without first obtaining a Site Alteration Permit under this by-law.
- 2.7. No person shall commence any Site Alteration, or cause or permit any Site Alteration to occur, except in accordance with the provisions of this by-law and any issued Site Alteration Permit.

#### **No Blocking of Drainage Courses**

- 2.8. No person shall do anything, or permit or cause the doing of anything, which results in the alteration, modification, fouling or blockage of any swale, ditch, drainage course, watercourse, or part thereof, on any land.

### **3. Exemptions**

- 3.1. Notwithstanding any other provision of this by-law, this by-law shall not apply to the following:
- a) Any of the exemptions or exceptions listed under sections 142(5) and 142(6) of the Municipal Act, 2001;
  - b) The Placing or Dumping of soil on lands for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that:
    - i) The ground elevation of the land is not increased by more than two hundred (200) millimeters;
    - ii) The elevation of the land within sixty (60) centimeters (24 inches) or any property line is not changed;
    - iii) There is no change in the location, direction, or elevation of any natural or artificial watercourse, drainage course, swale, or ditch used to drain land;

- iv) Any material for deposition is within those parameters outlined in Table 1 of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended; and,
- v) A maximum of 300m<sup>3</sup> of Fill in total in each year is imported.
- c) Land in any area of the Township to which a regulation under Section 28 of the Conservation Authorities Act, R.S.O. 1990, c.C.27, as amended, applies.

#### **4. Permit Applications**

##### **Complete Form and Pay Fee**

- 4.1. In order to apply for a Permit under this by-law, an Owner shall:
  - a) Fill out the form prescribed by the Township; and
  - b) Pay the applicable fee, in accordance with Schedule “A” to this by-law.
- 4.2. If works have been performed prior to the issuance of a Permit, the fees for an application for a Permit shall:
  - a) Double the amount otherwise specified in this by-law; and
  - b) Include engineering site inspection(s) fees as defined in Schedule “A” for each inspection that was made, required or requested prior to a Permit being issued.

##### **Types of Permit Applications**

- 4.3. There shall be two (2) types of permits under this by-law:
  - a) A Fill Permit; and
  - b) A Site Alteration Permit.

##### **Required Information for a Permit**

- 4.4. The following information shall be required by the Director in order to obtain a Permit:
  - a) The name, address and other contact information of the Owner and the Operator, if applicable;

- b) The municipal address of the land upon which the proposed Works are to occur;
- c) A general description of the proposed Works including, but not limited to, the following:
  - i) The purpose of the Works;
  - ii) The approximate total volume of Fill to be Placed or Dumped, if applicable;
  - iii) A description of the Fill proposed to be Placed or Dumped, if applicable;
  - iv) The nature and extent of any Site Alteration, if applicable;
  - v) The approximate start and end date of the proposed Works;
- d) The proposed end land use for the lands upon which the proposed Works are to occur;
- e) A signed acknowledgment by the Owner and Operator certifying the correctness of all the information in the Permit application;
- f) A signed authorization by the Owner allowing the Operator to conduct the proposed Works on the Owner's land, if applicable;
- g) Signed authorizations of any grantees of any easements on the property agreeing to the Works on or in the vicinity of the easement;
- h) The Official Plan designation and zoning of the lands in question; and.
- i) Written confirmation from the Nottawasaga Valley Conservation Authority that the proposed Works are not taking place on land to which a regulation under Section 28 of the Conservation Authorities Act, R.S.O. 1990, c. C. 27, as amended, applies.

#### **Additional Information That May be Required for a Permit**

- 4.5. The following additional information may be required by the Director in order to obtain a Permit:
  - a) An engineered and scaled drawing of any retaining wall that may be required and a description, including dimensions, or any materials to be used in the construction of such retaining wall;

- b) An accurate plan of the land to the satisfaction of the Director based on an identified legal survey showing:
  - i) The property lines of the lands on which the Works are to occur with appropriate dimensions,
  - ii) For the Placing or Dumping of Fill which would total less than 10,000 m<sup>3</sup> existing spot elevations on three (3) metre grids across the lands and six (6) metre grids beyond the property lines to clearly show the existing drainage patterns on the lands and on the abutting lands;
  - iii) For the Placing or Dumping of Fill which would total more than 10,000 m<sup>3</sup> a topographic survey at one (1) metre contour intervals certified by an engineer or surveyor defining all material and manmade features, including top and bottom of slopes, drainage patterns, tree lines, buildings, and stockpiles on the lands and within thirty (30) metres on abutting lands;
  - iv) For Site Alterations of less than 5000 m<sup>3</sup>, a plan and profile drawings including top and bottom of slopes, drainage patterns, tree lines, buildings, and stockpiles on the lands and within thirty (30) metres on abutting lands;
  - v) For Site Alterations between 5000 m<sup>3</sup> and 10,000 m<sup>3</sup>, existing spot elevations on three (3) metre grids across the lands and six (6) metre grids beyond the property lines to clearly show the existing drainage patterns on the lands and within thirty (4) metres on the abutting lands;
  - vi) For Site Alterations of greater than 10,000 m<sup>3</sup>, a topographic survey at one metre contour intervals certified by an engineer or surveyor defining all material and manmade features, including top and bottom of slopes, drainage patterns, tree lines, buildings, and stockpiles on the lands and within thirty (30) metres on abutting lands;
  - vii) All existing storm sewers, ditches, swales, drainage courses and watercourses on the lands, on the abutting lands and on abutting public highways;
  - viii) All existing buildings;
  - ix) The species and size in calliper of all trees greater than 20 cm, measured 1.37m from the base;
  - x) The location of all driveways on the lands;
  - xi) All easements and right-of-way over, under, across or through the lands;

- xii) The proposed grades and drainage systems upon the completion of the Works;
- xiii) All proposed ground covering to be used upon the completion of the Works; and,
- xiv) Any soil erosion control measures including the location thereof.
- c) For post-extraction aggregate operations, copies of all drawings and schedules associated with the license issued by the Ministry of Natural Resources and a confirmation of surrender of license;
- d) Dust, mud and erosion control plan; and,
- e) Proposed truck routes.

## **5. Permit Conditions**

- 5.1. As a condition of the issuance of a Permit, the Director may require the Owner and/or Operator to comply with one or more of the following:
  - a) To notify the Director, in writing, within forty eight (48) hours of commencing the Works;
  - b) To construct a retaining wall, including a safety fence, which does not encroach upon land abutting the land on which the Works are to be performed;
  - c) To provide protection for the finished Grade;
  - d) To provide that Fill shall not be Placed or Dumped around the perimeter of any existing building unless such building and its foundation wall are evaluated and reinforced in accordance with accepted engineering and construction practice;
  - e) To ensure that no trench in which drainage piping is laid, is covered and backfilled until the work has been inspected and approved by the Director;
  - f) To provide protection for trees as per the Township's standards and to implement those tree protection measurers prior to commencing the Works and to maintain those tree protection measurers throughout the duration of the Works.
  - g) To prepare, submit for approval, and operate in accordance with, a detailed hydrogeologic study, subject to Township approval;



- h) To prepare, submit for approval, and comply with a well monitoring program developed and undertaken by a Qualified Person to include both onsite groundwater monitoring as well as offsite private well base studies as part of a detailed hydrogeologic study subject to review of a Qualified Person;
- i) To provide siltation and erosion control measures as per Township standards, and to obtain the approval of the Nottawasaga Valley Conservation Authority for siltation and erosion control measures, if and when required.
- j) To provide protection for environmentally signification lands identified by, but not limited to, the Township's Official Plan and the Nottawasaga Valley Conservation Authority Regulations;
- k) To remove the Topsoil prior to the performance of the Works in order to restore the surface in accordance with Ministry of Environment regulations;
- l) To provide Financial Security in a form and amount to be determined by the Director to secure performance of the Works for which the Permit is to be issued and to secure the maintenance of the highways that are used by the trucks delivering the Fill in a state of repair and free from dust and mud. The Financial Security may be drawn upon by the Township at its sole discretion to remedy any deficiency in the Works;
- m) To provide adequate drainage from the land on which the Works are to be performed in accordance with applicable Township standards;
- n) To keep and maintain the following records in a good and businesslike manner and to make the following records available for inspection upon the request of the Director or his/her designate:
  - i) The full and complete legal name and business name (if different from the legal name) of each Hauler;
  - ii) The commercial vehicle registration number of each Hauler;
  - iii) The motor vehicle permit number of the motor vehicles owned and operated by each Hauler;
  - iv) The date and time of each delivery of Fill;
  - v) The volume of each delivery of Fill;
  - vi) The content of material of each delivery of Fill; and,

- vii) The point of origin of each delivery of Fill including verification.
  - o) To provide to the Director a report from a Qualified Person in respect of the source and nature of the Fill to be Placed or Dumped to ensure the Fill is clean as per Ministry of the Environment criteria and the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, as amended;
  - p) To restrict truck daily volumes and/or set the location of truck and/or access routes or staging and storage areas;
  - q) To notify the Director of the commencement, the completion, and of the various stages of performance of the Works and to make the site available for inspection by his/her designate at all times;
  - r) To indemnify the Township for any liability, costs, damages or losses incurred directly or indirectly as a result of the Works contemplated in the Permit and to provide insurance satisfactory to the Township;
  - s) To pay any and all costs incurred by the Township in order for the Township to conduct a peer review, quality control/assurance and operational compliance, including a 15% administration fee;
  - t) Such other conditions as may be deemed reasonable by the Director.
- 5.2. All activity permitted under this by-law shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. Monday to Friday.
- 5.3. Upon completion of the Works pursuant to a Permit, the Owner and/or Operator shall advise the Director within thirty (30) days of completion of the works.
- 5.4. For the Placing or Dumping of Fill which would total more than 10,000m<sup>3</sup> or for Site Alterations of greater than 10,000m<sup>3</sup>, the Owner and/or Operator, as determined by the Director, shall enter into an Agreement with the Township, which shall, at a minimum, address the following:
- a) The retention of a Qualified Person, approved by the Director, who shall be responsible for ensuring that the Placing and Dumping of Fill or Site Alteration of the site is in accordance with reasonable engineering and environmental practices, based on Ontario Regulation 153/04, as amended, and is in accordance with the plan submitted by the Owner and/or Operator and approved by the Director for the Permit;

- b) Placing or Dumping the Fill in accordance with this by-law, the Permit and the Agreement, if applicable;
- c) Requiring the Qualified Person to report in writing to the Director on a regular basis, or as determined by the Director, that the Placing and Dumping of Fill is in accordance with this by-law, the Permit, and the Agreement, as well as report on the overall compliance of site operations, if applicable;
- d) Require that the Placing or Dumping of Fill shall be completed by a specified date, if applicable;
- e) Not to contaminate the natural environment and to abide by all applicable environmental laws and regulations
- f) Provide a report from the Qualified Person that he/she is satisfied that the Works will not result in:
  - i) Soil erosion;
  - ii) Blockage of a swale, ditch, drainage course or watercourse;
  - iii) Siltation in a swale, ditch, drainage course or watercourse;
  - iv) Pollution of a swale, ditch, drainage course or watercourse;
  - v) Flooding or ponding of abutting lands;
  - vi) Flooding or ponding caused by a swale, ditch, drainage course or watercourse overflowing its banks;
  - vii) A detrimental effect on any trees of a caliper of 20 cm or more, measured 1.37m up from the base, located on the lands;
  - viii) Detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and over wintering habitats; or
  - ix) Contamination of the aquifer.
- g) Acknowledge that the Township may engage legal, engineering, hydrology, environmental and landscape consultants to, for example, evaluate studies and or prepare or amend Agreements, and that those costs incurred by the Township will be charged back to the Owner plus a 15% administrative charge;

- h) Provide Financial Security satisfactory to the Township to be used to remedy any breach of Federal legislation, Provincial legislation, this by-law, a Permit or an Agreement; and,
  - i) Indemnify the Township, to the satisfaction of the Township, for any liability, costs, damages or losses incurred directly or indirectly by the issuing of a Permit or the Works undertaken pursuant to the Permit and provide insurance satisfactory to the Township.
- 5.5. The Owner and/or Operator shall comply with all federal and provincial statutes and regulations as well as municipal by-laws when performing Works under a Permit.
- 5.6. In the event of an archaeological resource is discovered or identified during Site Alteration, even after the issuance of a Permit, the Owner and/or Operator shall:
- a) Immediately cease all activity on the lands which the Works are being performed on;
  - b) Immediately contact the Director; and,
  - c) Take such actions as defined by the Director or other responsible agency to address, safeguard and protect the resource.

## **6. Issuance of Permits**

- 6.1. The Director shall issue a Permit when:
- a) The Director is satisfied that:
    - i) All necessary documentation or other information has been received by the Township in accordance with the provisions of this by-law;
    - ii) The lands which are subject of the Permit application are not within an area where the Works would be prohibited by any legislation, regulation, Official Plan, Zoning By-law or other municipal by-law.
  - b) All other applicable permits have been obtained;
  - c) The necessary agreements, if any, have been entered into;
  - d) The applicable fee has been paid; and,
  - e) The applicant has fulfilled all of the requirements of this by-law.

## **7. Permit Revocation**

- 7.1. The Director may revoke a Permit for the following reasons:
- a) It was obtained on mistaken, false or incorrect information;
  - b) It was issued in error;
  - c) The Owner and/or Operator requests in writing, that it be revoked;
  - d) The terms of an agreement under this by-law have not been complied with;
  - e) Work authorized under the Permit has not been commenced prior to the Permit's expiry date; or
  - f) An Owner or Operator has failed to comply with the provisions of this by-law.
- 7.2. If a Permit has been revoked after the Works have been commenced but prior to the completion of the Works, the Owner and Operator, at their sole cost, shall forthwith restore the site to its original condition or stabilize the site to the satisfaction of the Director.

## **8. Permit Expiration**

- 8.1. All Permits issued under this by-law shall expire six (6) months after the date of issuance of the Permit.
- 8.2. A Permit that has expired may be renewed for an additional period to be set by, and at the discretion of, the Director.
- 8.3. If a Permit has expired after the Works have commenced but prior to the completion of the Works, the Owner and Operator, at their sole cost, shall forthwith restore the site to its original condition or stabilize the site to the satisfaction of the Director.

## **9. Transfer of Permits**

- 9.1. If 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.

## **10. Administration and Enforcement**

### **Administration and Enforcement**

- 10.1. The administration and enforcement of this by-law may be performed by:
- a) The Director;
  - b) The Municipal Law Enforcement Officer;
  - c) An Officer of the Huronia West OPP; or,
  - d) Any Qualified Person designated by the Director or Council

### **No Hindrance/Obstruction**

- 10.2. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

### **Inspections**

- 10.3. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) This by-law;
  - b) A direction or order of the Township made under the Municipal Act, 2001 or any by-law of the Township; or,
  - c) An order made under section 421 of the Municipal Act, 2001.
- 10.4. The Township may undertake an inspection pursuant to an order issued under section 438 of the Municipal Act, 2001.
- 10.5. For the purposes of an inspection, the Township may:
- a) Require the production for inspection of documents or things relevant to the inspection;
  - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) Require information from any person concerning a matter related to the inspection; and,

- d) Alone or in conjunction with a Qualified Person, make examinations or take tests, samples or photographs necessary for the purposes of the inspection, in accordance with section 436 of the Municipal Act, 2001.

### **Order to Discontinue Activity**

- 10.6. If the Township is satisfied that a contravention of this by-law has occurred, an Officer may make an order requiring the person who contravened this 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.
- 10.7. An Order under section 10.56 of this by-law shall set out:
- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
- b) The date by which there must be compliance with the order.
- 10.8. A person who contravenes an order under section 10.56 of this by-law is guilty of an offence.

### **Work Order**

- 10.9. If the Township is satisfied that a contravention of this by-law has occurred, an Officer may 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 do work to correct the contravention.
- 10.10. An order made under section 10.89 of this by-law shall set out:
- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
- b) The date by which there must be compliance with the order.
- 10.11. An order under section 10.89 of this by-law may require work to be done even though the fact which constitute the contravention of this by-law were present before the by-law making them a contravention came into force.
- 10.12. A person who contravenes an order under section 10.89 of this by-law is guilty of an offence.

### **Remedial Action**

- 10.13. If an Officer has issued an order requiring a person to do a matter of thing and the person directed or required to do it as not done so in contravention of the order, then the Township may enter upon land at any reasonable time to do the matter or thing at the person's expense.
- 10.14. The Township may recover the costs of doing a matter or thing under section 10.1213 of this by-law 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. The costs include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the Township first incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 10.15. The amount of the costs noted in section 10.13 of this by-law, constitute a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued at the rate established under section 10.13 of this by-law, to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the municipality shall register a discharge of the lien in the proper land registry office.

### **11. Penalty**

- 11.1. Any person who contravenes a provision of this by-law is guilty of an offence.
- 11.2. A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence.

#### **Fines**

- 11.3. 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 \$100 and not more than \$50,000; and,
  - b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400 and not more than \$100,000.

#### **Special Fines**



11.4. A special fine may be imposed, in addition to any fine under section 11.3 of this by-law, in circumstances where there is an economic advantage or gain from the contravention of this by-law.

11.5. The maximum amount of the special fine may exceed \$100,000.

### **Continuing Offences**

11.6. 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.

11.7. For each day or part of a day that an order has not been complied with, the minimum fine shall be \$500 per day and the maximum fine shall be \$10,000 per day.

11.8. The total for all of the daily fines for an offence under section 11.6 of this by-law is not limited to \$100,000.

### **Additional Order to Discontinue or Remedy**

11.9. If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

a) Prohibiting the continuation or repetition of the offence by the person convicted; and,

b) Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **12. Short Title**

12.1. This by-law may be cited as the "Cut and Fill By-law".

## **13. Severability**

13.1. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

**14. Schedules**

14.1. Schedule "A" attached hereto shall form part of this by-law.

**15. Repealing Section**

15.1. By-law 2007-053 is hereby repealed.

**16. Coming Into Force**

16.1. This by-law comes into force on the date of its passage by Council.

**Enacted and passed this 7 day of February, 2018.**

\_\_\_\_\_  
(Original Signed By)

**Bill French, Mayor**

\_\_\_\_\_  
(Original Signed By)

**Renée Chaperon, Clerk**

## Schedule “A” Fees

### Processing of Application

Volume of the Works	Application Fee
Permitted Works less than 1000m <sup>3</sup>	\$125 + \$0.80/m <sup>3</sup> proposed volumes (Maximum \$925)
Permitted Works between 1000m <sup>3</sup> and 5000m <sup>3</sup>	\$250 + \$0.70/m <sup>3</sup> proposed volumes (Maximum \$3750)
Permitted Works between 5000m <sup>3</sup> and 10,000m <sup>3</sup>	\$500.00 + \$0.60/m <sup>3</sup> proposed volumes (Maximum \$6500)
Permitted Works greater than 10,000m <sup>3</sup>	\$1750 + \$0.50/m <sup>3</sup> proposed volumes (Maximum \$15,000)

### Other Fees

Description	Fee
Engineering Site Inspection	\$250 per inspection (post application approval)
Expired Permit Renewal	\$200
Any legal, engineering, hydrology, hydrogeology, environmental and landscape consultants required to be retained by the Township	Actual cost plus a 15% administrative charge