

The Corporation of The Town of  
New Tecumseth

## By-law

Number 2024-116

### “Site Alteration and Fill By-law”

A By-law of the Corporation of the Town of New Tecumseth to prohibit or regulate the placing or dumping of fill, soil stripping and/or alteration to the grade of lands in areas of the Town of New Tecumseth (the “Town”).

**Whereas** Section 142 of the *Municipal Act*, 2001, Chapter 25, provides that Council of a local Municipality may pass By-laws to:

- (a) prohibit and/or regulate the placing or dumping of fill;
- (b) prohibit and/or regulate the removal of topsoil;
- (c) prohibit and/or regulate the alteration of the *grade* of the land;
- (d) require that a permit be obtained for the placing or dumping of fill, the removal of topsoil, or the alteration of the grade of the land; and
- (e) impose conditions to a permit, including requiring the preparation of plans and reports acceptable to the Town relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

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

**And Whereas** Council deems it in the public interest to prohibit, regulate or require a permit for the dumping and placing of fill on lands in the Town in order to ensure existing drainage patterns are maintained, to ensure any changes to existing drainage patterns are appropriate to protect environmental features, to prevent the importation of hazardous materials, to prevent the possibility of groundwater contamination, to minimize disturbance to land form features, and to put in place haul routes and other controls to minimize disturbance of residences and businesses;

**Now Therefore** the Council of the Corporation of the Town of New Tecumseth hereby enacts as follows:

#### 1.0 Definitions

In this By-law:

**1.1 “Agriculture and agricultural”** shall mean a use of *land*, buildings or structures for the purpose of the growing of field crops, berry crops, mushrooms, nurseries, sod farms, tree farms, aviaries, apiaries, grazing, breeding, raising, boarding of livestock or any other similar use carried on in the field of general agriculture, including selling, packaging, treating, warehousing and/or sorting of produce, crops or livestock produced. Within the Oak Ridges Moraine Area, *agriculture*, shall mean,

- a) growing crops, including nursery and horticultural crops,
- b) raising livestock and other animals, including poultry and fish, for food and fur,
- c) aquaculture, and
- d) agroforestry and maple syrup production

- 1.2** “**Conservation Authority**” shall mean the Nottawasaga Valley Conservation Authority or the Lake Simcoe Region Conservation Authority or their successors;
- 1.3** “**Director**” shall mean the Director of Engineering and Development for the Town, his designate or such other person designated by Council or the Chief Administrative Officer of the Town.
- 1.4** “**Drainage**” shall mean the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method;
- 1.5** “**Dump, dumped or dumping**” shall mean the depositing of fill in a location other than where the fill was obtained and includes the movement or depositing of fill from one location on lands to another location on the same lands;
- 1.6** “**Environmentally significant lands**” includes:
- a) Provincially significant lands, including wetlands or life science areas of natural and scientific interest (ANSI) as identified by the Ontario Ministry of Natural Resources mapping, as amended from time to time;
  - b) environmentally sensitive areas on maps, as amended from time to time prepared by any conservation authority having jurisdiction over the lands within the Town;
  - c) lands zoned “Oak Ridges Moraine Environmental Protection (ORMEP) by Comprehensive Zoning By-law 96-103 as amended by By-law 2003-120 approved July 2009 by the Province;
  - d) lands zoned “Environmental Protection (EP)” by Comprehensive Zoning By-law 96-103 as amended from time to time;
  - e) lands within any permanent or intermittent watercourse and/or related valley feature;
- 1.7** “**Erosion**” shall mean the detachment and movement of soil, sediment or rock fragments by water, wind, ice, gravity or ground movement;
- 1.8** “**Excavate, Excavation or Excavating**” shall mean activities on lands resulting in the removal or displacement of soil;
- 1.9** “**Existing grade**” shall mean the elevation of the existing ground surface of land and the abutting ground surface of land up to three (3) metres beyond, except that where placing or dumping of fill has occurred in contravention of this By-law, existing grade shall mean the ground surface of the lands as it existed prior to the placing or dumping of fill or any site alteration;
- 1.10** “**Fill**” shall mean any type of material deposited or placed on land and without limiting the generality of the foregoing, includes soil, stone, brick, concrete, other types of aggregates, sod or turf either singly or in combination capable of being removed from, deposited on, or relocated within lands or as may otherwise be defined by the Ministry of the Environment, Conservation and Parks from time to time;
- 1.11** “**Fill Management Plan**” means a detailed document approved by the Director that has details on current conditions, how the site alteration activities will be conducted, the final site conditions and the impact mitigation measures to be employed and as further set out in sections 10.8 and 11.6 below.
- 1.12** “**Finish or finished grade**” shall mean the elevation of the ground surface of

lands upon which fill has been placed in accordance with this By-law;

- 1.13 “**Grade**” shall mean existing grade, proposed grade or finished grade;
- 1.14 “**Guidelines**” means the application requirements, information, documentation and material, as determined by the Director from time to time, to be used for the purpose of applying this By-law and to consider any application for a site alteration permit.
- 1.15 “**Hydro-Excavation Truck**” means any truck that excavates, evacuates, removes or moves fill with water and/or air. The material hauled in a hydro-excavation truck may be referenced as, among other names: slurry, liquid fill, wet fill or fill.
- 1.16 “**Hydrologically Sensitive Feature**” shall mean a hydrologically sensitive feature as described in Section 26 of the Oak Ridges Moraine Conservation Plan;
- 1.17 “**Inspector**” shall mean any employee or agent of the Town or any persons appointed for the purposes of enforcing this By-law and includes the Chief Building Official, Building Inspectors and Municipal Law Enforcement Officers;
- 1.18 “**Key Natural Heritage Feature**” shall mean a key natural heritage feature as described in Section 22 of the Oak Ridges Moraine Conservation Plan;
- 1.19 “**Land or Lands**” shall mean all land within the Town including a parcel of land, described in a deed or other document legally capable of conveying land, or shown as a lot or lots or block in a registered plan of subdivision, including public road allowances and Town owned lands;
- 1.20 “**Minimum Vegetation Protection Zone**” shall mean the minimum vegetation protection zones identified on the Table in Part III, Protecting Ecological and Hydrological Integrity, of the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02;
- 1.21 “**MECP**” shall mean the Ministry of Environment, Conservation and Parks.
- 1.22 “**Owner**” shall mean the registered owner of any land which is to be re-graded or on which fill is proposed to be placed or dumped, as well as any person, firm or corporation managing or controlling such lands;
- 1.23 “**Proposed grade**” shall mean the intended ground surface elevation of lands upon which fill is proposed to be placed or removed in accordance with this By-law;
- 1.24 “**Place of disposal**” shall mean a place where the disposal of fill or soil is legally permitted;
- 1.25 “**Placing, place or placed**” shall mean the distribution of fill on lands to establish a grade different from the existing grade;
- 1.26 “**Ponding**” shall mean the accumulation of surface water in an area not having drainage or where the lack of drainage is caused by placing or dumping of fill;
- 1.27 “**Reclaimed Fill**” means any form of fill that once contained contaminants or was unacceptable for a property and has since been decontaminated by any means.
- 1.28 “**Restoration**” shall mean the re-establishment of existing conditions prior to any site alteration and/or the stabilization of the works;

- 1.29 “**Retaining wall**” shall mean a wall designed to contain and support fill which has a grade higher than that of adjacent lands;
- 1.30 “**Site Alteration Plan**” shall mean a conceptual based document approved by the Director that has details on current conditions, how the site alteration activities will be conducted, the final site conditions and the impact mitigation measures to be employed.
- 1.31 “**Sediment Control**” means a recognized engineering practice to control the movement of eroding soils from a disturbed area;
- 1.32 “**Significant Vegetation**” means any natural vegetation whether or not they are woody species that are identified or known to be locally, regionally, provincially or nationally significant and/or rare;
- 1.33 “**Site Alteration**” shall mean any activity that involves the dumping, grading, removing, movement or excavating of fill or soil;
- 1.34 “**Soil**” shall mean material commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel, or as otherwise defined by the MECP from time to time;
- 1.35 “**Stabilization**” shall mean ensuring that the finished grade surface is protected by sod, turf, seeding for grass, greenery, or other means, either singly or in combination, to the Town;
- 1.36 “**Swale**” shall mean a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of drainage;
- 1.37 “**Topsoil**” shall mean those horizons in a soil profile, commonly known as the “O” and “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat; (Municipal Act, 2001, c. 25, s. 142 (1)); and
- 1.38 “**Town**” shall mean The Corporation of the Town of New Tecumseth;

**2.0 Application of By-law**

- 2.1 This By-law applies to all lands within the geographical area of the Town as set out in Schedule “A” other than those areas which are subject to regulations made under Section 28 of the Conservation Authorities Act respecting the placing or dumping of fill, removal of topsoil or alteration of the grade of land.
- 2.2 This By-law applies to the Oak Ridges Moraine Area as shown on Schedule “B” attached hereto, which Schedule will form part of this By-law. This By-law is subject to the provisions of the Oak Ridges Moraine Plan and the Town’s Oak Ridges Moraine Conformity By-law 2003-103, together with such amendments or successor By-laws as may be, from time to time, in force. Schedule “B” identifies generally the Oak Ridges Moraine Area and the ORMCP zone lands within that Area. Schedule “B” is intended as a guide only and the precise location of boundaries will be determined in accordance with the mapping approved by the Town’s implementing By-laws pursuant to the Oak Ridges Moraine Plan.
- 2.3 This By-law shall be administered by the Engineering Department of the Town under the direction and supervision of the Director, his designate or such other person designated by Council or the Chief Administrative Officer of the Town.

**3.0 Site Alteration Prohibited**

- 3.1 Except as provided in Sections 4 and 5 of this By-law, no person shall alter or shall be permitted to alter a site on any lands within the Town unless a permit has been issued under the provisions of this By-law or unless it is otherwise permitted by the provisions of this By-law.
- 3.2 The prohibition against site alteration in Section 3.1 shall include the removal of topsoil for sale, exchange or other disposition, or the excavation of fill or soil that results in the creation of a hole, depression or pond area.
- 3.3 No person shall place or dump fill on any lands for storage purposes unless it is permitted by:
  - a) the applicable Zoning By-law of the Town; and
  - b) a written Agreement between the land owner and the Town.
- 3.4 No person shall import fill onto any property within the Town with the use of a hydro-excavation truck.
- 3.5 No person shall use any reclaimed fill on any property within the Town.
- 3.6 Every person who contravenes any provision of this By-law is guilty of an offence.

**4.0 Exemptions**

- 4.1 The following are exempted from this By-law:
  - a) activities or matters undertaken by the Town or a local board of the Town; (Municipal Act, 2001, Section 142 (5)(a));
  - b) site alteration undertaken as a condition to the approval of a site plan, a plan of subdivision or a consent under Sections 41, 51, or 53, respectively, of the Planning Act or as a requirement of a site plan agreement, subdivision agreement, pre-servicing agreement or grading agreement entered into under those sections; (Municipal Act, 2001, Section 142 (5) (b));
  - c) site alteration undertaken as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act or as a requirement of an agreement entered into under that regulation; (Municipal Act, 2001, Section 142 (5) (c));
  - d) site alteration undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, for the purpose of constructing or maintaining a transmission system or a distribution system, as those terms as defined in that section; (Municipal Act, 2001, Section 142 (5)(d));
  - e) site alteration undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act; (Municipal Act, 2001, Section 142 (5) (e));
  - f) site alteration undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under the Aggregate Resources Act or a predecessor of that Act, and on which a pit or quarry is a permitted land use under a By-law passed under Section 34 of the Planning Act: (Municipal Act, 2001, Section 142 (5)(f));
  - g) site alteration undertaken as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act; (Municipal Act, 2001,

Section 142 (5)(g));

- h) the construction, extension, alteration, maintenance or operation of works under Section 28 of the Public Transportation and Highway Improvement Act, R.S.O. 1990 c. P.50, as amended;
- i) site alteration undertaken where a building permit has been issued or an order, directive or other requirement by an inspector has been made pursuant to the Ontario Building Code Act, R.S.O. 1992; c. 23, s8.(1), s12.( 2), but such exemption does not apply to any site Alteration:
  - i) Beyond a maximum of 3 horizontal metres of the building footprint on properties located within the urban settlement boundaries as defined in the Town's Official Plan and amendments, except with respect to:
    - a) the extent of excess soil from the excavation which will be redistributed on site within the owner's property limits and in accordance with an approved grading plan;
    - b) the extent of the construction of an approved driveway, loading or parking area for vehicular access in accordance with the approved grading plan.
  - ii) Beyond a maximum of 9 horizontal metres of the building footprint on properties located outside the urban settlement boundaries as defined in the Town's Official Plan and amendments, except with respect to:
    - a) the extent of excess soil from the excavation which will be redistributed on site within the owner's property limits and in accordance with an approved grading plan;
    - b) the extent of the construction of an approved driveway, loading or parking area for vehicular access in accordance with the approved grading plan.
  - iii) Notwithstanding Section 4.1 (i) Sub-sections i) and ii) set out above, the following restrictions shall be adhered to in accordance with the issued building permit as approved by the Chief Building Official or designate:
    - a) the maximum vertical height of fill material placement around the perimeter of the building footprint shall not exceed the height measured between the finished grade elevation below the top of foundation wall to the underside of the foundation footing; and
    - b) the maximum horizontal distance of fill material placement around the perimeter of the building footprint shall not exceed 15 metres to the proposed grading match point or to the property line, whichever is less.
  - iv) In no event or circumstance under this Section 4.1 i) Subsections i), ii) and iii) will fill material be permitted within an existing significant embankment or topographical depression to achieve foundation backfill and/or grading around the perimeter of the building footprint.

**4.2** The exemptions contained in Section 4.1 are subject to the provisions of the Oak Ridges Moraine Plan and the Town's Oak Ridges Moraine Conformity By-law 2003-120, as, from time to time, amended or any successor By-laws.

## **5.0 Exceptions**

**5.1** Except as provided in Section 5.2, this By-law shall not apply to the following:

- a) any work constituting the tillage of land pursuant to normal agricultural practices by a bona fide farmer;
- b) the removal of topsoil as an incidental part of a normal agricultural

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

- i) the exception in 5.1(b) respecting the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition; (Municipal Act, 2001, Section 142 (7));
  - ii) the importation of replacement topsoil will be subject to the permit requirements set out in section 11.
- c) any site alteration for the purpose of property maintenance or minor enhancements which include adding to flower beds, vegetable gardens, lawn dressing, driveway topping/capping, or construction of a fence, pool, pond, landscaping or other accessory structures, provided that:
- i) the site alteration does not exceed 50 cubic metres on properties located within the urban settlement boundaries as defined in the Town's Official Plan and amendments;
  - ii) the site alteration does not exceed 300 cubic metres on properties located outside the urban settlement boundaries as defined in the Town's Official Plan and amendments;
  - iii) the existing grade of the lands has not been increased pursuant to this section in the previous twelve (12) months; and
  - iv) the minimum standards set out in section 8.0 are complied with.
- d) the site alteration as an incidental part of the construction of any form of underground service where the fill or soil is removed and properly held or stored for subsequent replacement, provided the subsequent replacement is completed;
- e) activities of a Ministry of the Provincial Government or the Federal Government, the Corporation of the County of Simcoe, Conservation Authority, as relates to lands owned by them in the Town or activities currently under exemption, related but not limited to the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
- f) construction of any building, structure, driveway, loading or parking facilities permitted or required on a lot pursuant to an order made by the Minister of Municipal Affairs pursuant to Section 47 of the Planning Act;
- g) works undertaken by the holder of a related Road Occupancy Permit;
- h) fill being placed or dumped in an excavation to the elevation of existing grade following the demolition or removal of a building or structure and the demolition or removal of a swimming pool; and
- i) site alteration as an incidental part of construction as it relates to an approval by a Ministry of the Provincial or Federal Governments.

**5.2** The exceptions set out above in Section 5.1 do not apply to lands identified as the Oak Ridges Moraine Environmental Protection (ORMEP) zone on Schedule "B" to this By-law, or any lands within 90 metres from the ORMEP zone unless:

- a) specifically provided for in Section 6.0 of this By-law; or

- b) the site alteration is for limited property maintenance purposes as outlined in accordance with Section 5.1 c) and in accordance with a Plan approved by the Town including a haul route if deemed necessary.

**6.0 Oak Ridges Moraine**

6.1 In accordance with the Oak Ridges Moraine Conservation Plan no site alteration shall be permitted within or 90 metres from an Oak Ridges Moraine Environmental Protection Zone (ORMEP), except as may be specifically permitted by the Town's Oak Ridges Moraine Conformity By-law 2003-120, or such amendments and successor By-laws as may, from time to time, be in force.

**7.0 Application for Variance**

7.1 Notwithstanding the provisions of this By-law, an owner may apply for a variance or exception to the prohibitions contained in Section 3 of this By-law. The owner shall follow the application process and requirements based on the size and type of site alteration as follows:

- a) small scale site alteration of less than 1,000 m<sup>3</sup> shall comply with the requirements set out in Section 9;
- b) large scale site alteration of 1,000 m<sup>3</sup> or more shall comply with the requirements set out in Section 10; and
- c) replacement of topsoil for agricultural purposes shall comply with the requirements set out in Section 11.

7.2 In the event that the Town issues a permit for site alteration in accordance with Sections 9, 10 or 11, the owner shall meet all of the requirements set out in the corresponding section of this By-law together with the minimum standards set out in Section 8 of this By-law.

**8.0 Minimum Standards**

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

- a) if the existing or finished grade at a property line involves a slope steeper than 3:1 and if required by the Town, construct a retaining wall to the satisfaction of the Town which does not encroach upon abutting lands, either above or below existing or finished grade, and which is not so high as to have a significant negative impact on abutting and other lands; the Town may require that a retaining wall be constructed where:
  - i) erosion of fill on to abutting lands may occur; or
  - ii) the existing or finished grade of the lands at the property line is higher or lower than that of the existing or finished grade of the abutting lands, if the retaining wall is required to protect the abutting lands.
- b) ensure there is no alteration to the volume, direction, intensity or form of storm water run-off to adjacent properties and provided that where the lands are located in a plan of subdivision the approved grading plan is maintained, with the responsibility to rectify private surface drainage problems being assigned and designated as follows:
  - i) Developers and/or Property owners in the case of an un-assumed plan of subdivision; and
  - ii) Property owners in the case of an assumed plan of subdivision.



- c) ensure that the finished grade surface is protected by sod, turf, seeding of grass, greenery, asphalt, concrete or such other stabilization material as the Town may approve, either singly or in combination within 15 days of finishing the grade;
- d) ensure that the fill is not placed around the perimeter of any existing building to an elevation higher than the elevation specified by the Ontario Building Code below the top of foundation of such building, unless such building and its foundation walls are altered in a manner satisfactory to the Town;
- e) ensure that no trench in which piping is laid forming part of the piped drainage system is covered and backfilled until the work has been inspected and approved by the Town;
- f) provide such protection for trees as may be required by the Town;
- g) ensure that all fill used in accordance with this By-law meets the MECP soil standards for the intended use of the lands to the satisfaction of the Town, provided that the fill shall not contain pcb levels higher than as permitted in Table 1 of the Rules for Soil Management and Excess Soil Quality Standards, adopted by reference in O. Reg. 406/19 (On-Site and Excess Soil Management) made under Environmental Protection Act, R.S.O 1990, c. E.19, as amended;
- h) ensure that fill is placed or dumped in such a manner and any retaining wall supporting such fill is erected in such a manner that no ponding is caused on the subject lands or abutting and other lands and that adequate provision is made for proper surface storm water drainage;
- i) ensure compliance with all Town By-laws;
- j) not conduct any Site Alteration:
  - i) in contravention of the Town's Noise By-law;
  - ii) any time on Sunday or on a statutory holiday;
  - iii) during any period in which there are high winds;
  - iv) during any weather conditions where the ability to mitigate site alteration activity impacts are severely compromised (e.g., heavy rain, thick fog, etc.);
  - v) that causes mud tracking on roadways that cannot be controlled by the owner to the satisfaction of the Town;
  - vi) that causes dust impacts on adjacent landowners;
  - vii) without erosion and sediment control measures; and
  - viii) during any situation where site alteration activities would likely adversely impact adjacent landowners (e.g., brush fires, floods, unsuitable road conditions, etc.);
- k) ensure all reports, plans and surveys required pursuant to the By-law shall be prepared by a qualified professional whose professional designation is acceptable to the Director and as further outlined by the guidelines; and
- l) ensure that a proposed haul route is provided, reviewed and approved by the Town prior to site alteration activities, where multiple import deliveries or export haulage will be required.

**8.2** Every person who places or dumps fill, or causes fill to be placed or dumped, or alters the grade of land on lots or portions of lots within an Environmental Protection designation or located within the adjacent lands of a natural heritage feature as identified in the Town's Official Plan will require an Environmental Impact Study to be completed and approved prior to any site alteration occurring. Notwithstanding, site alteration is prohibited on lands

designated Environmental Protection 1 except for the purposes of establishing any of the permitted uses within the Environmental Protection 1 designation.

**9.0 Small Scale Site Alteration (less than 1,000 m<sup>3</sup>)**

- 9.1** An owner may apply to the Director to request a variance or exception to Section 3 of this By-law for site alteration where the quantity is less than 1,000m<sup>3</sup>. The owner shall submit the following to the Director for the Director's review:
- a) complete application form in a form approved by the Director;
  - b) applicable fee and security as set out in Section 13.0 of this By-law;
  - c) a survey or plan of the proposed site alteration area, which shall accurately identify the property limits and elevations in relation to the work area, suitable to the Director;
  - d) identification of all environmentally sensitive features on the lands affected by the proposed site alteration;
  - e) written confirmation from the Conservation Authority as to whether the site alteration is within a regulated area (if required);
  - f) proposed haul routes;
  - g) a complete site alteration plan that meets the requirements as set out in the guidelines;
  - h) written confirmation that the owner will comply with all applicable Town and County of Simcoe tree policies, By-laws and guidelines; and
  - i) such further and other information with respect to the lands and/or site works as may be required by the Director.
- 9.2** Upon the Director being satisfied that the application is complete, the Director will circulate or cause the owner to circulate the application to all relevant Town departments and such other government or regulatory agencies who may have an interest in the application to provide comments on the application.
- 9.3** The owner shall comply with the notice and signage requirements of the Town, including notifying neighbours of the application as set out in the applicable guidelines.
- 9.4** The Director shall review the application and comments submitted pursuant to Section 9.2, if any, and determine whether to approve the application subject to the owner meeting the requirements set out below or deny the application.
- 9.5** If the Director approves the application, the Director shall issue a permit subject to the minimum standards being met set out in Section 8 of this By-law, a Fill Management Plan as approved by the Director and any further requirements as determined by the Director as set out in Section 10 of this By-law. The permit shall have a term of up to six (6) months in the form from time-to-time approved by the Director.

**10.0 Large Scale Site Alteration (1,000 m<sup>3</sup> or more)**

- 10.1** An owner may apply to Council to request a variance or exception to Section 3 of this By-law for site alteration where the quantity is 1,000m<sup>3</sup> or more.

**10.2** Notwithstanding the provisions of this By-law, if a large scale site alteration would be allowed in conjunction with any activity or purpose permitted by law, that would otherwise have been prohibited by this By-law, then the Town will be entitled to regulate such large scale site alteration as hereinafter set out. In order to obtain approval for a large scale site alteration undertaking otherwise permitted by law, an owner shall provide evidence satisfactory to the Director as to the bona fide nature of the undertaking being permitted by Federal or Provincial authority including appropriate certifications by qualified consultants, satisfactory to the Director.

**10.3** For any large scale site alteration, the owner shall:

- a) complete the Town's application form for a large scale permit, which application shall be submitted by the owner or the agent of the owner who has written authorization and is a person qualified to make such application. The application form will be as from time-to-time approved by the Director;
- b) provide a site alteration plan for the proposed site alteration as part of the application process, which includes the expected quantity and quality of the proposed fill;
- c) pay the application and security as set out in Section 13.0 of this By-law; and
- d) provide any other information as determined necessary by the Director.

**10.4** The application form approved by the Director will contain, at a minimum, the following information:

- a) the name and address of the owner of the site on which the large scale site alteration is to be conducted;
- b) the legal description and municipal address of the site;
- c) the name and address of the owner's Qualified Person and Qualified Agent, if applicable; and
- d) such other information or detail as required by the Director.

**10.5** Upon the Director being satisfied that the application is complete,

- a) the Director will circulate or cause the owner to circulate the application to all relevant Town departments and such other government or regulatory agencies who may have an interest in the application to provide comments on the application; and
- b) the owner shall comply with the notice and signage requirements of the Town, including a minimum of one public information consultation meeting and as further set out in the applicable guidelines;

**10.6** After the application has been circulated for comments and the public consultation meeting is complete, the Director will submit the complete application and all comments to Council for its review. The owner and all parties who received notice of the application and/or attended the public information consultation meeting will be notified of the date that the application will be heard by Council and will have the opportunity to make a deputation at Council regarding the application.

**10.7** Council may decide whether to direct staff to process the application subject to the owner meeting all the requirements set out in this section, defer the

application to obtain additional information or deny the application. The decision of Council shall be final.

- 10.8** If Council directs staff to process the application or if a large scale site alteration is otherwise permitted in accordance with Section 10.2 of this By-law, the owner shall provide a detailed Fill Management Plan which shall include any or all of the following as specified by the Director:
- a) meets the minimum requirements of section 8 of this By-law;
  - b) a key map showing the location of the property, site boundaries and total size (number of hectares) of the land holding affected and a north arrow;
  - c) the use of the land and the location and use of the buildings/structures located on the land and buildings/structures adjacent to the affected lands;
  - d) identification of any and all driveway access onto the land, right-of-way over, under, across or through the land and any easements on the land;
  - e) the volumetric quantity of fill to be placed or dumped on the land and source of same and the quantity of fill to be removed or displaced in the alteration of the land;
  - f) a Geotechnical Report that is acceptable to the Director;
  - g) a Design Plan for any proposed retaining walls over 1.0 metres high at any minimum point to the satisfaction of the Director;
  - h) a Grading Plan to the satisfaction of the Director which Plan satisfactorily addresses, at a minimum:
    - i) all proposed earthworks;
    - ii) depth of fill;
    - iii) slopes including toe and top of all slopes;
    - iv) sediment control measures;
    - v) site stabilization;
    - vi) proposed re-routing of natural drainage patterns and drainage courses;
    - vii) detailed drainage design;
    - viii) location and size of all stockpiles;
    - ix) location of all lakes, streams, wetlands, ponds, channels, seeps, springs, ditches, swales, berms, drainage systems or other water courses on the lands and within 30 metres on adjacent lands; and
    - x) any Regulatory Floodplain and Conservation Authority Fill Regulation Lines.
  - i) a Tree Inventory and Preservation Study in accordance with the Town's Tree By-law 2022-063 and applicable Technical Tree Guidelines, as amended from time to time. The Study will be prepared to the satisfaction of the Director which will include, at a minimum, the following:
    - i) locations and species of all trees with a calliper greater than 100 millimetres which may be removed or otherwise affected;
    - ii) the quality and condition of all affected trees;
    - iii) preservation methods;
    - iv) long-term impacts to the remaining trees and/or woodlot;
    - v) replacement and compensation valuation; and

- vi) compliance with the County of Simcoe's Tree Cutting By-law together with any permit required.
- j) a Program for Erosion Control, Sedimentation Control and rehabilitation of the lands suitable to its final use and to the satisfaction of the Director;
- k) all property boundaries on which site works are to occur to be demarcated by survey monuments together with a current survey of the lands;
- l) a schedule of the anticipated starting date of the site works and the completion date of the site works including the completion date for the stabilization of the site works together with any progress report required by the Director in the event of non-compliance with the original approved schedule;
- m) written clearance for site works entrances from the appropriate road authority;
- n) provision for the maintenance of the site works with appropriate on/off-site control measures during operations including, but not limited to, the following:
  - i. mud tracking prevention;
  - ii. installation of mud mats at approved entrances onto the lands;
  - iii. road and traffic impacts;
  - iv. dust control plan complete with on site measures;
  - v. construction noise minimization measures;
  - vi. drainage, runoff, erosion and sediment control; and
  - vii. site access and security control.
- o) an approved haul route plan acceptable to the Director;
- p) confirmation that the lands are not within an area regulated under the Oak Ridges Moraine Conservation Plan;
- q) for any application based on an agricultural purpose, an Agricultural Justification Report to address any potential effects on existing agricultural operations and the long-term viability of the lands for agricultural uses;
- r) a Hydrogeological report and groundwater monitoring program;
- s) well monitoring program for both on-site and off-site wells, which includes the establishment of the baseline quantity and quality of the well and a protocol to address interference complaints;
- t) A Fill Management Plan that satisfies the requirements of the Director and complies with any policy, guideline or regulation issued by MECP related to management of excess soil and includes, at a minimum, source site approval, audit and sampling protocol, record keeping protocol, corrective actions, traffic control, groundwater monitoring, prohibition on fill containing pcb levels higher than as permitted in Table 1 of the Rules for Soil Management and Excess Soil Quality Standards, adopted by reference in O. Reg. 406/19 (On-Site and Excess Soil Management) made under Environmental Protection Act, R.S.O 1990, c. E.19, as amended, a protocol for the removal and/or storage of topsoil and a complete response protocol;
- u) Payment of the Town's fee to review the application, such fee as set in Section 13.0 of this By-law; and

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

**10.9** Upon the Director being satisfied with the Fill Management Plan, and upon Council approval, the owner shall enter into a Site Alteration Agreement with the Town that is substantially in accordance with the Town's standard Site Alteration Agreement for large scale site alteration operations. The Agreement will be registered against the title to the site lands; shall satisfy all conditions, financial or otherwise, of the Town with regard to the issuance of a Site Alteration Permit and contain, at a minimum, the following plans and information:

- a) a certified fill management plan;
- b) a certified ground water monitoring program;
- c) a certified grading plan;
- d) a certified site alteration plan;
- e) a certified mud and dust control plan;
- f) a certified sediment and erosion control plan;
- g) an approved haul route together with a pre-construction assessment of the structural condition of the Town roadways forming part of the haul route;
- h) a Ministry of Transportation Ontario, or County permits, if applicable;
- i) a complete response protocol;
- j) proof of insurance covering general and pollution liability;
- k) securities and security deposits acceptable to the Director;
- l) provision for full cost recovery for the Town, including consultants retained by the Town;
- m) provision for retaining a qualified person to ensure site operations are proceeding in accordance with approved practice and ensure all record-keeping is maintained;
- n) provide any required surveys by an Ontario Land Surveyor;
- o) provide an indemnity to the Town for any liability, cost, damages or losses incurred or arising from the site alteration;
- p) provide site access and security plans that shall include appropriate gating, signage and fencing;
- q) provide a liquidated damages provision in the event the owner breaches the Agreement; and
- r) permit access to the Town to complete any auditing activities, which may include quality and quantity of soil, placement and processing on the site during the site alterations until the Permit is closed, in addition to any auditing activities performed by the owner's Qualified Person.

**10.10** If the Director is satisfied that all of the Town's requirements as set out above have been satisfied and that the Site Alteration Agreement is in good standing, the Director shall issue a Site Alteration Permit in the form from time-to-time approved by the Director and which Permit will contain the requirements as set out in the Site Alteration Agreement.

**10.11** The Director may, at his or her sole discretion, renew or extend a permit for up to one (1) year if the Director is satisfied that the work is progressing in accordance with the requirements of the permit and subject to any additional requirements that may have been identified by the Director. Any requests for extensions or renewals thereafter must be submitted to Council. Any application for an extension of the permit is to be made a minimum of sixty (60) days before the expiration of the permit and is subject to payment of the applicable fee.

**11.0 Replacement of Topsoil for Agricultural Purposes**

**11.1** An owner of agricultural land may apply to the Director to request a variance or exception to Section 3 of this By-law for site alteration where the owner is seeking to replace topsoil for agricultural purposes, to a maximum depth of 0.3 metres.

**11.2** An owner applying to replace topsoil for agricultural purposes, shall comply with the following:

- a) complete the Town's application form for a replacement of topsoil permit, which application may be submitted by the owner or the agent of the owner who has written authorization and is a person qualified to make such application. The application form will be as from time-to-time approved by the Director;
- b) provide a Site Alteration Plan for the proposed site alteration as part of the application process, which includes the expected quantity and quality of the proposed topsoil;
- c) provide evidence satisfactory to the Director as to the bona fide nature of the agricultural operation and requirement for topsoil;
- d) Pay the application fee as set out in Section 13.0 of this By-law; and
- e) Provide any other information as determined necessary by the Director.

**11.3** The application form approved by the Director will contain, at a minimum, the following information:

- a) The name and address of the owner of the site on which the replacement of topsoil is to be conducted;
- b) The legal description and municipal address of the site;
- c) The name and address of the owner's Qualified Person and Qualified Agent, if applicable; and
- d) Such other information or detail as required by the Director.

**11.4** Upon the Director being satisfied that the application is complete,

- a) the Director will circulate or cause the owner to circulate the application to all relevant Town departments and such other government or regulatory agencies who may have an interest in the application to provide comments on the application; and

- b) the owner shall comply with the notice and signage requirements of the Town, including a minimum of one public information consultation and as further set out in the applicable guidelines.

**11.5** The Director shall review the application and comments submitted, if any, and determine whether to approve the application subject to the owner meeting the requirements set out below, defer the application to obtain additional information or deny the application.

**11.6** If the Director approves the application, the owner shall provide a detailed Fill Management Plan which shall include any or all of the following as specified by the Director:

- a) meets the minimum requirements of section 8 of this By-law;
- b) a key map showing the location of the property, site boundaries and total size (number of hectares) of the land holding affected and a north arrow;
- c) the use of the land and the location and use of the buildings/structures located on the land and buildings/structures adjacent to the affected lands;
- d) identification of any and all driveway access onto the land, right-of-way over, under, across or through the land and any easements on the land;
- e) the volumetric quantity of topsoil to be placed or dumped on the land and source of same;
- f) a Design Plan for any proposed retaining walls over 1.0 metres high at any minimum point to the satisfaction of the Director;
- g) an Agrologist Report confirming the quality of the source topsoil is suitable for the current or proposed agricultural purposes, as the case may be;
- h) a Grading Plan to the satisfaction of the Director which Plan satisfactorily addresses, at a minimum:
  - i) all proposed earthworks;
  - ii) depth of topsoil;
  - iii) slopes including toe and top of all slopes;
  - iv) sediment control measures;
  - v) site stabilization;
  - vi) proposed re-routing of natural drainage patterns and drainage courses;
  - vii) detailed drainage design;
  - viii) location and size of all stockpiles;
  - ix) location of all lakes, streams, wetlands, ponds, channels, seeps, springs, ditches, swales, berms, drainage systems or other water courses on the lands and within 30 metres on adjacent lands; and
  - x) any Regulatory Floodplain and Conservation Authority Fill Regulation Lines.
- i) if trees will be removed, the owner to comply with all Town and County of Simcoe tree policies and By-laws;
- j) all property boundaries on which site works are to occur to be demarcated by survey monuments together with a current survey of the lands;



- k) a schedule of the anticipated starting date of the site works and the completion date of the site works including the completion date for the stabilization of the site works together with any progress report required by the Director in the event of non-compliance with the original approved schedule;
- l) written clearance for site works entrances from the appropriate road authority;
- m) provision for the maintenance of the site works with appropriate on/off-site control measures during operations including, but not limited to, the following:
  - i. mud tracking prevention;
  - ii. installation of mud mats at approved entrances onto the lands;
  - iii. road and traffic impacts;
  - iv. dust control plan complete with on site measures;
  - v. construction noise minimization measures;
  - vi. drainage, runoff, erosion and sediment control; and
  - vii. site access and security control.
- n) an approved haul route plan acceptable to the Director;
- o) confirmation that the lands are not within an area regulated under the Oak Ridges Moraine Conservation Plan;
- p) A Fill Management Plan that satisfies the requirements of the Director and complies with any policy, guideline or regulation issued by MECP related to management of excess soil and includes, at a minimum, source site approval, audit and sampling protocol, record keeping protocol, corrective actions, traffic control, groundwater monitoring, prohibition on fill containing pcb levels higher than as permitted in Table 1 of the Rules for Soil Management and Excess Soil Quality Standards, adopted by reference in O. Reg. 406/19 (On-Site and Excess Soil Management) made under Environmental Protection Act, R.S.O 1990, c. E.19, as amended, a protocol for the removal and/or storage of topsoil and a complete response protocol;
- q) payment of the Town's fee to review the application as set out in Section 13.0 of this By-law;
- r) proof of insurance covering general and pollution liability;
- s) securities and security deposits acceptable to the Director;
- t) provision for full cost recovery for the Town, including consultants retained by the Town;
- u) provide an indemnity to the Town for any liability, cost, damages or losses incurred or arising from the site alteration;
- v) provide a liquidated damages provision in the event the owner breaches the Plan;
- w) permit access to the Town to complete any auditing activities, which may include quality and quantity of soil, placement and processing on the site during the site alterations until the Permit is closed, in addition to any auditing activities performed by the owner's Qualified Person.

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

**11.7** If the Director is satisfied that all of the Town's requirements as set out above have been satisfied and that the Fill Management Plan is in good standing, the Director shall issue a Site Alteration Permit with a term up to one (1) year in the form from time-to-time approved by the Director and which Permit will contain the requirements as set out in the Fill Management Plan.

**11.8** The Director may, at his or her sole discretion, renew or extend a permit for up to six (6) months if the Director is satisfied that the work is progressing in accordance with the requirements of the permit and subject to any additional requirements that may have been identified by the Director. Any requests for extensions or renewals thereafter must be submitted to Council. Any application for an extension of the permit is to be made a minimum of sixty (60) days before the expiration of the permit and is subject to payment of the applicable fee.

**12.0 Permit for Site Alteration**

**12.1** The owner shall not commence site alteration until all requirements of the Town have been fulfilled and a permit has been issued by the Director.

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

**12.3** If the Director issues a permit for site alteration as set out in sections 9, 10 or 11 of this By-law, the Director may revoke or suspend a permit that has been issued in the event of any of the following circumstances:

- a) it was issued on mistaken, false, incomplete and/or incorrect information;
- b) it was issued in error;
- c) the owner requests in writing that it be revoked;
- d) the conditions upon which the permit was issued have not been complied with;
- e) the Site Alteration Agreement or Plan, as applicable, have not been complied with;
- f) work authorized under the permit is not proceeding in accordance with the plans, specifications, documents and other information forming the basis on which the permit was issued;
- g) work authorized under the permit has not been commenced prior to its expiry date;
- h) monitoring and maintenance of control measures are not complied with; or
- i) any negative environmental impacts are identified.

**12.4** In the event a permit is suspended, the owner must satisfy the requirements of the Director before the Director authorizes the reinstatement of the permit.

**12.5** In the event a permit is expired or revoked after work has commenced and

prior to completion of the site alteration, the owner shall forthwith restore the land to its original condition or stabilize the site to the satisfaction of the Director in a manner that will prevent adverse impacts on abutting properties and the environment.

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

**13.0 Fees and Securities**

**13.1** The owner shall submit applicable fees, deposits and securities in accordance with the Town's Fees and Charges By-law 2023-067, as amended from time to time.

**14.0 Order to Discontinue Activity**

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

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

**15.0 Work Order**

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

- a) the municipal address and/or legal description of the land;
- b) reasonable particulars of the contravention and the work to be done and the period within which there must be compliance with the order;
- c) direction to provide immediate stabilization of all disturbed areas, at the owner's sole expense, upon issuance of a work order; and,
- d) a notice stating that if the work is not done in compliance with the order within the period it specifies, the Town may have the work done at the expense of the owner.

**16.0 Work Done by Municipality**

**16.1** If the work required by an order in Section 15 (WORK ORDER) is not done within the specified period, the Town, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon land, at any reasonable time, for that purpose pursuant to the Municipal Act, 2001, c.25, s. 446.

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

**17.0 Service of a Work Order**

**17.1** If the Town;

- a) issues any work order pursuant to this By-law; or
- b) intends to enter the lands that are subject to a permit to conduct remedial work;

then the order or notice of intention to enter the lands, as the case may be, shall be served on the owner of the lands personally or by prepaid registered mail to the last known address of the owner of the lands.

**17.2** If the Town is unable to effect service on the owner under Section 17.1, it may place a placard containing the terms of the order or of the notice of intention to enter the lands in a conspicuous location on the lands and may enter the lands for this purpose.

**17.3** The Town will not enter the lands to conduct remedial work until notice of its intention has been given under Section 17.1 or 17.2 of this By-law unless the giving of such notice would result in an immediate danger to the health or safety of any person.

**18.0 Recovery of Costs**

**18.1** Costs incurred by the Town arising from any default or failure to perform the obligations and requirements under this By-law including under Section 16, plus interest accrued to the date payment is made at the rate of fifteen percent (15%) or such lesser rate as may be approved by the Town, will be recoverable from the owner of the lands by action or in like manner as taxes pursuant to the provisions of Section 446 of the Municipal Act, 2001.

**18.2** Cost incurred by the Town as set out in Section 18.1 of this By-law including interest as the prescribed rate, are a lien on the lands upon registration in the proper land registry office of a notice of lien pursuant to Section 446 (5) of the Municipal Act, 2001.

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

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

**19.0 Power of Entry**

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

**19.2** Pursuant to Section 437 of the Municipal Act, the power of entry under this section does not allow a municipality to enter or remain in any room or place actually being used as a dwelling unless one of the sub-sections (a) to (f) of the Act is met.

**20.0 Obstruction**

**20.1** Every person who hinders or obstructs, or attempts to hinder or obstruct, any

person exercising a power or performing a duty pursuant to this By-law is guilty of an offence as provided in Section 426 of the Municipal Act, 2001.

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

**21.0 Enforcement**

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

**21.2** The cost of enforcement, including the professional and administrative expenses of the Town shall be at the expense of the owner and the Town may recover the expenses incurred in so doing by action or the same may be recovered in like manner as municipal taxes, as provided for in Section 18.

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

- a) comply with the provisions of this By-law;
- b) cease all site alterations;
- c) complete the Town's permit application form, which application shall be submitted by the owner or the agent of the owner who has written authorization and is a person qualified to make such application, which will be deemed complete by the Director;
- d) make payment of applicable fees and security deposits as set out in Section 13.0 of this By-law;
- e) replace any fill that has been removed within the length of time as specified in the order or permit;
- f) remove the fill that has been placed or dumped within the length of time as specified in the order or permit;
- g) take and supply at their expense such tests and samples as are specified in the order or permit.

**21.4** Pursuant to Section 436 of the Municipal Act, 2001, including for the purposes of an inspection, an inspector may:

- a) enter upon land at any reasonable time without a warrant;
- b) require the production for inspection of documents or things including drawings or specifications that may be relevant to the land;
- c) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- d) require information from any person concerning a matter related to the inspection; and
- e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

**21.5** In the event a sample is taken pursuant to Section 21.4(b), the procedures set out in Section 436 of the Municipal Act, 2001 will be followed.

**22.0 Offence and Penalty**

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

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

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

- a) Every person who contravenes any of the provisions of the By-law is guilty of an offence pursuant to Section 425 of the Municipal Act, 2001, as amended, and liable upon conviction to a fine of not less than \$500.00 and not more than \$100,000.00;
- b) 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;
- c) Notwithstanding subsection 22.3(a), contravention of Section 3 of this By-law is designated as a continuing offence pursuant to Section 429(2) of the Municipal Act, 2001, as amended, or any successor provision. Every person who contravenes those sections of this By-law is guilty of a continuing offence and on conviction is liable to a fine of not less than \$500.00 and not more than \$10,000.00 for each day or part of a day that the offence continues;
- d) Notwithstanding the provisions of this Section, the Town may proceed pursuant to Part III of the Provincial Offences Act, R.S.O. c.P.33, as amended, commencement of proceedings by information; and
- e) The conviction of an offender upon the breach of any provisions of the By-law shall not fetter the prosecution against the same offender upon any continued or subsequent breach of any provision and the Presiding Judge or judicial officer may convict any offender repeatedly for continued or subsequent breaches of the By-law and the provisions of Section 429 of the Municipal Act, 2001, as amended from time to time, shall further apply to any continued or repeated breach of this By-law. Each day shall constitute a separate offence under this By-law.

**23.0 Order Upon Conviction**

**23.1** Pursuant to Section 431 of the Municipal Act, 2001, if an owner or other person is convicted of an offence for contravening this By-law or an order under Section 14 (ORDER TO DISCONTINUE ACTIVITY or Section 15 (WORK ORDER), the court in which the conviction has been entered, and any court of competent jurisdiction thereafter may order the owner or other person, in such manner and within such period as the court considers appropriate:

- a) to rehabilitate the land;
- b) to remove the fill dumped or placed contrary to this By-law; and/or
- c) to restore the grade of the land to its original condition.

**24.0 Assistance for Inspector**

**24.1** The Director or an inspector shall have the right to confer with staff of the Town and/or retain consulting services for the purposes of determining whether the requirements of this By-law have been complied with, and to assist with the administration of the By-law; costs attributed to these services shall be paid for by the owner.

**25.0 Conflicting Legislation**

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

**26.0 Validity and Severability**

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

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

**27.0 Schedules**

**27.1** That Schedule “A” and Schedule “B” attached hereto and by this reference shall form part of this By-law;

**28.0 Short Title**

**28.1** This By-law shall be cited as the “Site Alteration and Fill By-law ”.

**29.0 Force and Effect**

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

**30.0 Transition Provision**

**30.1** The within By-law replaces By-laws 2010-021, 2012-136 and 2020-007 and all amendments thereto for any Site Alteration Permit issued or site alteration requested after the date of passage of this By-law. For any Site Alteration Permit issued or Agreement entered into prior to the passage of this By-law, the provisions of By-laws 2010-021, 2012-136 and 2020-007, as applicable, shall continue to apply, including to any acts, omissions or occurrences and to any offences that took place prior to the passing of this By-law.

Read a first, second and third time and finally passed this 2<sup>nd</sup> day of December, 2024.

\_\_\_\_\_  
Mayor

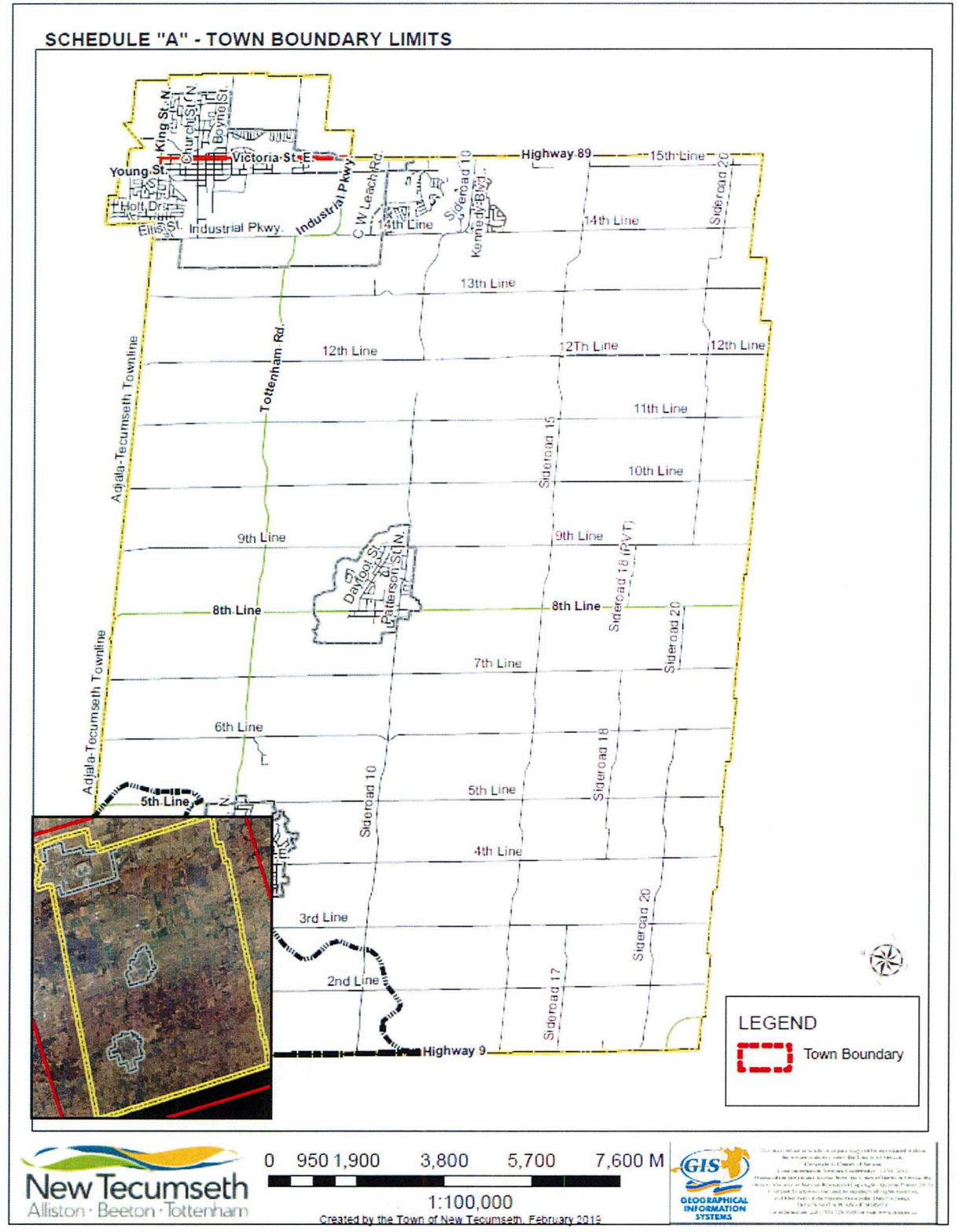
*Pamela Hutter*

\_\_\_\_\_  
Clerk

Schedule "A"

Town Boundary Limits

To the By-law of the Corporation of the Town of New Tecumseth prohibiting and regulating the placing or dumping of fill, the removal of topsoil or the alteration of the grade of land.





**Schedule "B"**

**Oak Ridges Moraine Environmental Protection (ORMEP) Zones**

To the By-law of the Corporation of the Town of New Tecumseth prohibiting and regulating the *placing or dumping of fill*, the removal of topsoil or the alteration of the *grade of land*.

