

THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 28-2023

BEING A BY-LAW to prohibit or regulate the removal of topsoil, the placing or dumping of fill and the alteration of the grade of land in the Township of Ashfield-Colborne-Wawanosh

WHEREAS Section 11(2) of the Municipal Act 2001, S.O. 2001, c.25, as amended hereinafter referred to as "the Act", authorizes a municipality to pass a By-law respecting the economic, social, and environmental well-being of the municipality and the health, safety, and well-being of persons;

AND WHEREAS Section 128 of the Act, authorizes a municipality to prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 129 of the Act, authorizes a municipality to prohibit and regulate with respect to noise, vibration, and dust;

AND WHEREAS Section 142 of the Act, authorizes a municipality to pass By-laws to prohibit, regulate or require a permit for, and impose conditions upon, the placing or dumping of fill, removal of topsoil or alteration of the grade of land;

AND WHEREAS Sections 23.1, 23.2 and 23.3 of the Act, authorize a municipality to delegate its powers and duties under the Act to a person;

AND WHEREAS Sections 9, 11 and 391 of the Act, authorize a municipality to provide services and to impose fees and charges for, inter alia, services and activities provided or done by or on behalf of the municipality;

AND WHEREAS Section 436 of the Act, authorizes a municipality to pass a By-law providing that the municipality may enter on land to conduct inspections;

AND WHEREAS Section 444 and 445 of the Act, authorize a municipality to make orders to discontinue, or to correct, the contravention of a By-law;

AND WHEREAS Section 446 of the Act, authorizes a municipality to do a matter or thing in default of it being done by the person directed or required to do it;

AND WHEREAS Section 446(3) of the Act, authorizes a municipality to recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Council for the Corporation of Township of Ashfield-Colborne-Wawanosh deems it in the public interest to enact a By-law prohibiting or regulating the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of the land in order to ensure that:

- (a) existing drainage patterns are maintained;
- (b) unanticipated drainage and site alteration changes are prevented;
- (c) haul routes for the transportation of fill and topsoil authorized for placement, dumping or removal will be designated to and/or from a site by the appropriate

Road Authority to minimize damage to Township and County roads and minimize interference and/or disturbance to the Township's residents and businesses;

- (d) hours of operation are established, to ensure safety on highways;
- (e) the Township's other regulatory By-laws are complied with;
- (f) the benefits of any proposed site alteration outweigh its potential impacts on other properties and persons;

the proponent of the site alteration project pays for its costs associated with the processing and enforcement of this By-law;

AND WHEREAS the Council for the Corporation of Township of Ashfield-Colborne-Wawanosh deems it advisable to exercise this authority, as well as provide for the rehabilitation of land, to define where the removal of topsoil, or the placing and dumping of fill or alteration of grade of land is permissible;

NOW THEREFORE the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh enacts as follows:

Section 1 - Definitions

1.1 In this By-law:

"adverse effect" means one or more of:

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

"Aggregate Resources Act" means the Aggregate Resources Act, R.S.O. 1990, c. A. 8, as amended;

"agricultural lands" includes all lands designated as an agricultural zone under the provisions of the Town's zoning By-law;

"applicant" means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf;

"contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect;

"County" means the Corporation of the County of Huron or its land within the geographic limit of the Township as the context requires.

"Director" means the Chief Building Official for the Township and includes any person authorized by the Chief Building Official to carry out any of the powers and/or duties of the Chief Building Official pursuant to this By-law;

"electronic submission" means the filing of an application for permit including all required forms, documents and drawings, submitted through an electronic means approved by the Director;

"fill" means any type of material deposited or placed on or removed from a site and includes but is not limited to earth, soil, topsoil, stone, brick, concrete, asphalt, sod, or turf, either singly or in combination;

"grade" means the elevation of the ground surface, and:

- (a) **"existing grade"** means the elevation of the existing ground surface of the land upon which the placing, dumping, cutting or removal of fill or altering of the grade is proposed and of abutting ground surface up to 3 metres wide surrounding such lands, except where such activity has occurred in contravention of this By-law, then the existing grade shall mean the ground surface of such lands as they existed prior to placing, dumping, cutting or removal of fill or altering of the grade;
- (b) **"proposed grade"** means the proposed finished elevation of ground surface of land upon which fill is proposed to be placed or the site is proposed to be altered;
- (c) **"finished grade"** means the approved final elevation of ground surface of the land upon which fill has been placed, dumped, cut or removed or the grade altered in accordance with this By-law;

"haul route" means identified highway route for transporting fill to or from the site;

"highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"land" means a lot or any part thereof and includes a site;

"lot" means a parcel of land which is capable of being legally conveyed;

"Officer" means a police officer, municipal law enforcement officer, building inspector or any other person appointed by By-law to enforce the provisions of this By-law;

"owner" includes the registered owner of the land or any person in charge, management or control of such land and includes as the context requires an applicant, an operator, a permit holder and a contractor;

"person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

"permit" means a permit issued pursuant to this By-law;

"prohibited area" means:

- (a) significant portions of the habitat of endangered or threatened species; or
- (b) the floodway of a river or stream;

"putrescible organic material" means material that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odours and to be capable of attracting or providing food for birds or other animals but does not include topsoil;

"Qualified Person" means a licensed professional as stated in section 168.1 of the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended and further described in Part II of Ontario Regulation 153/04, as amended, and includes other specialists such as agrologists, archaeologists, arborists, geotechnical engineer, hydrologist, and an Ontario Land Surveyor, where applicable and as determined by the Director;

"site" means an area of land to which a site alteration occurs;

"site alteration" includes the placing or dumping or removal of fill or the alteration of the existing grade;

"soil" means the natural materials commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel;

"source site" means land where soil is excavated from;

"topsoil" means 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;

"Township" means the Corporation of the Township of Ashfield-Colborne-Wawanosh or the land within the geographic limits of the Corporation of the Township of Ashfield-Colborne-Wawanosh as the context requires.

Section 2 – General and Exemptions

2.1 This By-law applies to the settlement areas as designated in the Township Official Plan.

2.2 This By-law does not apply to:

- (a) activities or matters undertaken by the Township, the County or a Provincial body, or a local board of the Township or the County;
- (b) the placing or dumping of fill, removal of topsoil or alteration of the existing grade of land:
 - i) as a condition to the approval of a Site Plan, a Plan of Subdivision or a Consent under section 41, 51 or 53, respectively, of the Planning Act or as a requirement of a Site Plan Agreement or Subdivision Agreement entered into under those sections;
 - ii) 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;
 - iii) undertaken by a Transmitter or Distributor, as those terms are defined in section 2 of the Electricity Act, 1998, S.O. 1998, c. 15 for the purpose of constructing and maintaining a Transmission System or a Distribution System, as those terms are defined in that section;
 - iv) undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act;
 - v) undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - a) that has not been designated under the Aggregate Resources Act or a predecessor of that Act, and
 - b) on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the Planning Act;
 - vi) undertaken as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act;
- (c) the use, operation, establishment, alteration, enlargement or extension of a waste disposal site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;
- (d) construction in accordance with the approved plans of a building or structure pursuant to a valid building permit issued under the Building Code Act, 1992, S.O. 1992, c. 23, as amended;

- (e) the placing or dumping of fill, removal of topsoil or alteration of the existing grade of land for the purpose of lawn dressing, landscaping, driveway re-surfacing or adding to flower beds or vegetable gardens, provided that:
 - i) the existing grade of the land is not increased by more than twenty (20) centimeters;
 - ii) there is no significant change in the direction or rate of drainage to or from a neighbouring property;
 - iii) it does not take place within 0.6 meters of any lot line;
 - iv) only soil, stone, sod or other material acceptable to the Director is used and provided that such material is clean and free of any glass, plastics, metals, termites, invasive species and/or their eggs or seeds, concrete, asphalt, garbage or any contaminants or putrescible organic material that would degrade the pre-existing conditions of the land;
- (f) the placing or dumping of fill, removal of topsoil or alteration of the existing grade for the installation of an outdoor swimming pool, including decking provided that a pool fence permit is obtained from the Township pursuant to the Township's Swimming Pool Fence By-law and any amendments thereto;
- (g) agricultural lands.

Section 3 - General Prohibitions and Regulations

- 3.1 No person shall place or dump, cause or permit to be placed or dumped any fill without a permit.
- 3.2 No person shall remove, cause or permit the removal of any fill without a permit.
- 3.3 No person shall permit or perform, or cause site alteration on any land unless it is done at the request of or with the consent of the registered owner of the land.
- 3.4 No person shall place or dump, cause or permit to be placed or dumped fill other than in accordance with the terms and conditions of a permit, the approved plans, or this By-law.
- 3.5 No person shall remove, cause, or permit to be removed any fill other than in accordance with the terms and conditions of a permit, the approved plans or this By-law.
- 3.6 No person shall permit or perform or cause site alteration on lands that are subject to an approved site plan, draft plan of subdivision or a consent under Section 41, 51 or 53 respectively of the Planning Act, as amended, without an executed Site Plan Agreement, Pre-servicing Agreement, Subdivision Agreement, Consent Agreement or Condominium Agreement.
- 3.7 No person shall place or dump, or cause or permit to be placed or dumped any fill in a prohibited area.

Section 4 - Application for a permit

- 4.1 An application for a permit shall be in a form approved by the Director, who shall require at a minimum, the information as outlined in Schedule A to this By-law.

Site Alteration Application

- 4.2 A person making an application for a permit shall submit:
 - (a) a complete application in the form approved by the Director;

- (b) documents which meet the requirements as outlined in Schedule B to the satisfaction of the Director;
- (c) proof of ownership of the land, where required;
- (d) applicable Conservation Authority permit or letter of permission;
- (e) applicable approvals from any other applicable government body or agency;
- (f) the required permit fee;
- (g) any other tests, reports, plans or studies as outlined on Schedule B prepared by a Qualified Person, as required and to the satisfaction of the Director;
- (h) any other documents as may be required by the Director; and
- (i) securities as outlined in Section 13 may be required by the Director.

Section 5 – Permit

- 5.1 A permit shall be issued where the Director is satisfied that the requirements of this By-law have been met.
- 5.2 Where the Director refuses to issue a permit, the Director shall provide written reasons for such refusal to the applicant.
- 5.3 Where the Director refuses to issue a permit, an owner may appeal to Council by sending a notice of appeal by registered mail or personal delivery to the Clerk of the Township within fourteen (14) days after being served with the written reasons of refusal.
- 5.4 An appeal under section 5.3 shall be conducted pursuant to the *Statutory Powers and Procedures Act*.
- 5.5 The issuing of a permit does not relieve a person from any responsibility to obtain all other approvals that may be required from any level of government or authority or agencies thereof having jurisdiction.
- 5.6 A permit is not transferable to another site.

Section 6 – Terms and Conditions of a Permit

- 6.1 A permit is subject to the terms and conditions as set out in Schedule C of this By-law.
- 6.2 The Director may impose additional terms or conditions to a permit that, in the opinion of the Director, are reasonable and taking into consideration:
 - (a) the economic, social and environmental well-being of the Township; and
 - (b) the health, safety and well-being of persons as a result of anticipated impacts of the site alteration.
- 6.3 An applicant who is not satisfied with the terms and conditions of a permit may appeal to Council by sending a notice of appeal by registered mail or personal delivery to the Clerk of the Township within fourteen (14) days after being advised of any additional terms and conditions being imposed by the Director.
- 6.4 An appeal under section 6.3 shall be conducted pursuant to the *Statutory Powers and Procedures Act*.

Section 7 – Expiry, Revocation and Transfer of Permit

Expiry

- 7.1 A permit shall be valid for a period of one (1) year from the date the permit is issued.

- 7.2 Notwithstanding section 7.1 a permit shall expire if no work is commenced within six (6) months of the date the permit being issued or if work is not carried out for any period in excess of 30 days once work commences.

Extension

- 7.3 An applicant may request an extension to the expiry date of a permit upon submitting a written request outlining the reasons an extension is required to the Director with payment of the extension fee in accordance with the Township's Fees and Charges By-law, such extension to be requested no more than one (1) month in advance of the expiry date.
- 7.4 The Director upon being satisfied with the reasons for requesting an extension may grant an extension for up to but no more than two (2) additional months.

Revocation

- 7.5 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 requests in writing that the permit be revoked;
 - (d) the terms and conditions of this By-law, a permit, or the approved plans have not been complied with;
 - (e) the permit has expired.
- 7.6 Where a permit has been revoked, the owner shall forthwith cease all site alteration work except as required to comply with section 7.9.

Transfer

- 7.7 A permit may be transferred to a new registered owner of a lot upon submitting a written request for a transfer to the Director with payment of the transfer fee in accordance with the Township's Fees and Charges By-law.
- 7.8 The Director upon being satisfied that all requirements of this By-law, a permit, and the approved plans continue to be met may authorize the transfer of the permit.

Restoration – Work Not Complete

- 7.9 If a permit expires or is revoked after work has commenced and prior to completion of the work in accordance with the permit, the owner shall forthwith restore the site to its original condition or stabilize the site to the satisfaction of the Director or an Officer.

Section 8 - Administration

- 8.1 The Director is hereby delegated authority to administer this By-law.

Section 9 - Inspection/Enforcement

- 9.1 This By-law shall be enforced by the Director or an Officer.
- 9.2 An Officer or Director may enter upon the 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 permit, or a term or condition of a permit;
 - (c) the approved plans;
 - (d) a direction or order made under the *Municipal Act, 2001*, or this By-law.
- 9.3 For the purposes of an inspection under this By-law, the Officer or Director 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 person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 9.4 All documents and records shall be kept in a good and business-like manner for review by the Officer or Director at their request.
- 9.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 9.6 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- 9.7 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
- 9.8 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or Director exercising a power or performing a duty or corrective works pursuant to this By-law.

Section 10 - Orders

- 10.1 If an Officer or Director is satisfied that a contravention of this By-law, terms and conditions of a permit, or the approved plans has occurred, the Officer or Director may make an Order requiring the person who contravened this By-law, the terms and conditions of a permit or who caused or permitted the contravention or the owner of the lot on which the contravention occurred to:
- (a) discontinue the contravening activity; and/or
 - (b) do work to correct the contravention.
- 10.2 An Order under section 10.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the location of the land on which the contravention occurred; and
 - (c) either:
 - (i) in the case of an Order under section 10.1 (a), the date by which there must be compliance with the Order; or
 - (ii) in the case of an Order under section 10.1 (b), the work to be done and the date by which the work must be done.
- 10.3 An Order under section 10.1 (b) may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into effect.
- 10.4 In default of any work required by an Order under section 10.1 (b) being done by the owner directed or required to do it, within the period specified, the work may be done by the Township, in addition to all other remedies it may have, and for the purposes of this section, the Township and its employees, agents and representatives may enter upon land at any reasonable time.

- 10.5 The Township may recover the costs of doing anything or matter pursuant to this By-law, including work undertaken pursuant to section 10.4, by drawing on the securities posted, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- 10.6 The costs in section 10.5 shall include interest calculated at a rate of 15 per cent per annum, calculated for the period commencing on the day the Township incurs the costs and ending on the day the costs, including interest, are paid in full.
- 10.7 An Order issued under this By-law shall be served on the person the Officer or Director believes is contravening this By-law, the terms and conditions of a permit, or the approved plans by personal delivery or registered mail at the last known address. The Order shall be deemed to have been served on the seventh day after the date of mailing or on the date of personal delivery.
- 10.8 An Officer or Director who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service.
- 10.9 A person who has been served with an Order and who is not satisfied with the terms and conditions of the Order may appeal to Council by sending a notice of appeal by registered mail or personal delivery to the Clerk of the Township within fourteen (14) days after being served with the Order.
- 10.10 An appeal under section 10.9 shall be conducted pursuant to the *Statutory Powers and Procedures Act*.
- 10.11 An Order under this By-law that is not appealed within the time referred to in section 10.9 shall be deemed to be final.

Section 11 - Offences and Penalties

- 11.1 Any person who contravenes an Order made pursuant to this By-law is guilty of an offence.
- 11.2 Every person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable:
- (a) on a first offence, to a fine not less than \$250.00 and not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine not less than \$1,000.00 and not more than \$100,000.00
- 11.3 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be subject to a fine, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 11.4 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer or Director upon request, and failure to do so shall be deemed to have hindered or obstructed an Officer or Director in the execution of his or her duties.
- 11.5 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 11.6 If a person convicted of an offence for contravening a provision of this By-law or an Order made under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person, to correct the contravention in such manner and within such period as the court considers appropriate, including but not limited to:
- (a) by rehabilitating the land;

- (b) by removing the fill dumped or placed contrary to the By-law or the permit;
- (c) by restoring the grade of the land to its original condition;
- (d) by removing the topsoil stored on the land;
- (e) by prohibiting the continuation or repetition of the contravention.

Section 12 - Fees

- 12.1 The fee for a permit, extension of a permit, a revision to a permit, an appeal and site alteration agreement shall be in accordance with the Township's Fees and Charges By-law.
- 12.2 Where the Director determines that the Township needs to retain legal, engineering, hydrology, hydrogeology, environmental, surveying, landscape consultants or any other consultants to evaluate studies or a site alteration agreement, the cost shall be paid by the owner.

Section 13 - Securities

- 13.1 Where a security deposit is required in accordance with this By-law it shall be:
- (a) in the form of satisfactory to the Township to secure:
 - (i) the performance of the work for which a permit is issued, performance of work in accordance the site alteration agreement or the approved plans, or to restore the land to a condition satisfactory to the Director and to recover any costs to the Township in performing or having performed the said work;
 - (ii) the performance of work that an owner has failed to perform to the satisfaction of the Director;
 - (iii) the performance of repair or restoration work on an approved haul route highway or cleanup of mud tracking on an approved haul route highway;
 - (iv) the performance of any works on Township or publicly owned lands which service the site;
 - (v) the completion of work required under an Order issued pursuant to this By-law;
 - (vi) payment to the Township of all inspection, consulting or other costs the Township may incur in connection with works required under the permit, a site alteration agreement, the approved plans or this By-law.
 - (b) in the amount of 100% of the estimated costs to the satisfaction of the Director to:
 - (i) maintain the site control measures;
 - (ii) stabilize the site;
 - (iii) undertake the completion of work outlined in 13.1 (a);
 - (iv) complete the performance of any works on Township or publicly owned lands of any kind which service the site;
 - (v) guarantee payment to the Township as outlined in 13.1 (a);
 - (c) in effect for the duration of the permit, or until completion of the works to the satisfaction of the Director, whichever is later;
 - (d) in the case of an irrevocable letter of credit or a renewal thereof, contain a clause stating that thirty (30) days written notice shall be provided to the Township prior to its expiry or cancellation.

- 13.2 In the event the Township receives notice that a letter of credit is expiring and will not be renewed, or if further or additional securities are not provided within the said thirty (30) days, the Township may draw on the letter of credit at the discretion of the Director.
- 13.3 In the event, an owner fails to perform or complete work or make payment for matters outlined in section 13.1 (a) the Township shall be at liberty to draw upon the security provided to pay the costs incurred by the Township for any work undertaken or costs incurred by it or on its behalf.
- 13.4 The Township at the request of the owner shall release the securities or remaining securities upon:
- (a) submission of a certificate from a Qualified Person:
 - (i) that the final grade has been completed in accordance with the permit, and the approved plans;
 - (ii) that the finished project does not detrimentally affect drainage on neighbouring properties;
 - (iii) that the finished project does not detrimentally affect the quality or quantity of water in wells on neighbouring properties.
 - (b) a final inspection being conducted by the Director or Officer; and
 - (c) the Director being satisfied that the works have been completed in accordance with this By-law, the terms and conditions of the permit and the site alteration agreement and the approved plans.

Section 14 – Severability

- 14.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Township that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

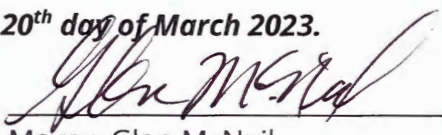
Section 15 – Interpretation

- 15.1 References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- 15.2 The words “include”, “includes” and “including” are not to be read or interpreted as limiting words, phrases or descriptions that precede them.
- 15.3 This By-law and the provisions contained within are intended to be complementary to provincial statutes and to other By-laws passed by the Township. In the event that any other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.
- 15.4 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

The Schedules appended to this By-law are incorporated into and form part of this By-law.

Read a first and second time this 20th day of March 2023.

Read a third time and finally passed this 20th day of March 2023.



Mayor, Glen McNeil



Deputy Clerk, Kaitlin Bos

THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 28-2023

SCHEDULE A

1. An application form for a permit under this By-law shall at a minimum contain the following:
 - (a) the name, address, signature and contact information of the owner;
 - (b) the name, address, signature and contact information of the applicant.
 - (c) the name, address, and contact information of the operator, if applicable;
 - (d) the name, address and contact information of the Qualified Persons retained by the owner;
 - (e) the name, address and contact information of the contractor retained by the owner;
 - (f) the municipal address of the site;
 - (g) the legal description of the site;
 - (h) where the applicant is not the registered owner of the lot the consent of the registered owner(s) of the lot authorizing the applicant to act as agent on behalf of the registered owner;
 - (i) a signed authorization by the registered owner certifying the correctness of the information in the application form;
 - (j) written acknowledgement and acceptance of fill being transferred to the site;
 - (k) lot size;
 - (l) Official Plan and Zoning By-law designation;
 - (m) state whether any part of the lands are regulated by a Conservation Authority;
 - (n) whether the land is designated under Part IV or Part V or by a Minister's Order under the *Ontario Heritage Act*;
 - (n) a brief description of the proposed works that have been identified on the Plan or Site Plan, as applicable;
 - (o) the current and proposed use of the lot
 - (p) the quantity of fill to be received on the lot;
 - (q) all source site location(s) of the fill being placed or dumped;
 - (r) proposed ground covering to be used upon completion of the works;
 - (s) proposed commencement and completion dates.

THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 28-2023

SCHEDULE B

1. One copy or electronic submission of an accurate plan of the lot which shall include:
 - (a) the property boundaries of the lot with dimensions;
 - (b) all existing above and below grade utilities, ditches, swales, drainage courses, drainage paths, storm sewers, bodies of water, watercourses, natural heritage features and environmental sensitive areas on the lot and on abutting lots and highways;
 - (c) the locations of all driveways on the lot and of all easements and rights-of-way over, under, across or through the lot;
 - (d) the location of all existing buildings and structures on the lot;
 - (e) proposed sediment and erosion controls that will be installed prior to alteration of the lot;
 - (f) proposed grades and the drainage system to be used upon completion;
 - (g) the location of all wetlands, floodplains, shoreline, top of bank features and approximate regulation limits as required by the applicable Conservation Authority;
 - (h) the quantity of fill to be received on the lot.
2. One copy or electronic submission of a topographic survey certified by a licensed Professional Engineer or Ontario Land Surveyor existing elevations in the form of contours at 0.5 metre intervals or less, with spot elevations along the site boundary lines and 3.0 metres beyond the site boundary lines at sufficient intervals to clearly show the existing drainage patterns on the lot and on the abutting lots.
3. Where required by the Director, the following tests, reports, plans or studies shall be prepared by a Qualified Person and submitted to the satisfaction of the Director:
 - (a) an Archaeological Assessment;
 - (b) Phase I, Phase II, Record of Site Conditions and/or other Environmental Assessment reports;
 - (c) Pre-Assessment information relating to the groundwater on the lot and a Ground Water Monitoring Plan;
 - (d) Pre and Post Site Alteration storm water calculations.
4. Where required by the Director a Site Alteration Agreement.

THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 28-2023

SCHEDULE C

A permit is subject to the following terms and conditions:

1. All fill dumped or placed shall be clean and free of waste, asphalt, trash, rubbish, glass liquid or toxic chemicals, hazardous waste and contaminants.
2. The site alteration shall not cause ponding or alteration of existing drainage, or any natural or human-made watercourse or water body, surface water flow or negatively affect neighbouring lands, wells, or the environment.
3. Where required, the finished grade shall be protected from erosion by sod, turf, seeding for grass, greenery, asphalt, concrete, or other means either singly or in combination, within two (2) months of completion of the works, or as specified by the Director.
4. All fill shall be properly compacted using acceptable engineering practices, unless it is being stockpiled on the site for future use.
5. All haul route highways are to be kept free of debris.
6. Completion of works shall be in accordance with the permit, approved plans, surveys and any control measures.
7. Completion of a site alteration shall be in accordance with the permit the approved plans and the By-law.
8. Where insurance is required to be provided, maintain valid insurance in effect until a final inspection is conducted by the Director or Officer and the Director is satisfied that the works have been completed in accordance with the By-law, the permit the approved plans and the Director advises in writing the insurance is no longer required.
9. Maintain the works, facilities, installations, structures, and features outlined on the approved plans, in good condition and repair.
10. Ensure that all required environmental control and or monitoring devices identified on the approved plans are properly maintained and protected from damage at all times.
11. Maintain a copy of the permit, all approved plans and associated records required under the approved plans.
12. Maintain all records required under the approved plans for a minimum of seven (7) years after the completion of the works.
13. No site alteration shall be performed:
 - (a) during any weather conditions where the ability to mitigate site alteration activity impacts is severely compromised (e.g. heavy rain, thick fog, etc.);
 - (b) During any situation where site alteration activities would likely have an adverse impact on neighbouring properties (e.g. brush fires, floods, unsuitable road conditions, dust, etc.);
 - (c) in contravention of the Town's Noise By-law;
14. An owner shall contact the Director:
 - (a) prior to commencement of work;
 - (b) to arrange for an inspection for all trenches in which piping is laid as part of the drainage system prior to backfilling the excavation;
 - (c) if archaeological resources are discovered or identified, and shall immediately cease all activity on the lot;
 - (d) in respect of any change in the Qualified Person retained by the owner;

- (e) to carry out a final inspection to confirm that all work has been completed in accordance with the By-law, the permit, the approved plans.

THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH
Part I Provincial Offences Act

BY-LAW NUMBER 28-2023

SCHEDULE D

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1.	Dump, cause or permit dumping of fill without permit	3.1	\$250.00
2.	Remove, cause or permit removal of fill without a permit	3.2	\$250.00
3.	Alter site without owners' consent	3.3	\$250.00
4.	Dumping fill not in accordance with permit, approved plans or by-law	3.4	\$250.00
5.	Removing fill not in accordance with permit, approved plans or by-law	3.5	\$250.00
6.	Alter site prior to executed agreement	3.6	\$250.00
7.	Dump fill in prohibited area	3.7	\$250.00
8.	Hinder or obstruct Officer or Director performing duty	9.8	\$250.00

Note: The penalty provision(s) for the offences indicated above is Section 11 of the By-Law Number 28-2023, a certified by-law which has been filed.