

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 2012-136

“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.

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 *soil*;
- (c) prohibit and/or regulate the alteration of the *grade* of the land;

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 regulate the *dumping and placing of fill* on lands in order to ensure existing drainage patterns are maintained, any changes to existing drainage patterns are appropriate to protect environmental features, to prevent the importation of hazardous materials and to prevent the possibility of groundwater contamination;

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) agro-forestry and maple syrup production
- 1.2** **“Chief Building Official”** shall mean, pursuant to the *Ontario Building Code Act*, S.O. 1992, c23, s3.-(2) the Chief Building Official for the *Town*.
- 1.3** **“Conservation Authority”** shall mean the Nottawasaga Valley Conservation Authority or the Lake Simcoe Region Conservation Authority or their successors;
- 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 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*;
- 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, concrete, other types of aggregates, sod or turf either singly or in combination;
- 1.11 **“Finish or finished grade”** shall mean the elevation of the ground surface of *lands* upon which *fill* has been *placed* in accordance with this ByLaw;
- 1.12 **“Grade”** shall mean *existing grade*, *proposed grade* or *finished grade*;
- 1.13 **“Hydrologically Sensitive Feature”** shall mean a hydrologically sensitive feature as described in Section 26 of the Oak Ridges Moraine Conservation Plan;
- 1.14 **“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;
- 1.15 **“Key Natural Heritage Feature”** shall mean a key natural heritage feature as described in Section 22 of the Oak Ridges Moraine Conservation Plan;
- 1.16 **“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;
- 1.17 **“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;
- 1.18 **“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*;
- 1.19 **“Proposed grade”** shall mean the intended ground surface elevation of lands upon which *fill* is proposed to be *placed* in accordance with this By-Law;

- 1.20 "**Place of disposal**" shall mean a municipal-owned storm *drainage* sewer, roadside ditch, a natural watercourse, or an outlet for storm *drainage* approved by the *Town*;
- 1.21 "**Placing, place or placed**" shall mean the distribution of *fill* on lands to establish a *grade* different from the *existing grade*;
- 1.22 "**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*;
- 1.23 "**Restoration**" shall mean the re-establishment of existing conditions prior to any *site alteration* and/or the *stabilization* of the works;
- 1.24 "**Retaining wall**" shall mean a wall designed to contain and support *fill* which has a *grade* higher than that of adjacent lands;
- 1.25 "**Sediment Control**" means a recognized engineering practice to control the movement of eroded *soils* from a disturbed area;
- 1.26 "**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;
- 1.27 "**Site Alteration**" shall mean any activity on lands such as the *dumping*, *grading*, *removing* or *excavating* of *fill* or *soil* that would change the *grade* of the land, the landform or the natural vegetative characteristics of land;
- 1.28 "**Soil**" shall mean material commonly known as earth, *topsoil*, loam, subsoil, clay, sand or gravel;
- 1.29 "**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*;
- 1.30 "**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*;
- 1.31 "**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);
- 1.32 "**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 *Town* 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 "A" attached hereto, which Schedule will form part of this By-Law. This By-Law is subject to the provisions of the Oak Ridges Moraine 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 "A" identifies generally the Oak Ridges Moraine Area and the ORMEP zone lands within that Area. Schedule "A" is intended as a guide only and the precise location of boundaries will be determined in accordance with the mapping approved by the *Town's* implementing By-Laws pursuant to the Oak Ridges Moraine Plan.

3.0 SITE ALTERATION PROHIBITED

- 3.1 Except as provided in Sections 4 and 5 below, no *site alteration* shall be permitted on any lands within the *Town* including the *importation* or *exportation* of *fill* and *soil*.

- 3.2 The prohibition against *site alteration* in Section 3.1 shall include the *removal of topsoil* for sale, exchange or other disposition.
- 3.3 No *fill* shall be *placed or dumped* on any lands for storage purposes unless it is permitted by:
- i) the applicable Zoning By-Law of the *Town*; and
 - ii) a written Agreement between the land owner and the *Town*.
- 3.4 Any person who undertakes or engages in any *site alteration*, or permits *site alteration*, is guilty of an offence.

4.0 **EXEMPTIONS**

4.1 The following are exempted from this By-Law:

- a) Activities exempted or prescribed by regulations issued pursuant to the provisions of Section 14 of the *Municipal Act, 2001*;
 - b) Activities or matters undertaken by the *Town* or a local board of the *Town*; (*Municipal Act, 2001, Section 142 (5)(a)*);
 - c) *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)*);
 - d) *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)*);
 - e) *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)*);
 - f) *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)*);
 - g) *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)*);
 - h) *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)*);
 - i) The construction, extension, alteration, maintenance or operation of works under Section 28 of the *Public Transportation and Highway Improvement Act, R.S.O. 1990 c. P.50*, as amended; and,
 - j) *Site alteration* undertaken where a building permit has been issued or an order, directive or other requirement by an *inspector* has been made pursuant to the *Ontario Building Code Act, R.S.O. 1992; c 25, s 8.-(1), s12.-(2)*.
- 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:

5.1.1 Any work constituting the tillage of *land* pursuant to normal *agricultural* practices by a bonafide farmer;

5.1.2 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 5.1.2 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));

5.1.3 Any work where *fill* is *placed* or *dumped* on lands for the purpose of lawn dressing, constructing a fence, pool or other accessory structure, landscaping or adding to flower beds or vegetable gardens, provided that:

i) the quantity of *fill* does not exceed 100 cubic metres;
ii) the existing *grade* of the lands has not been increased pursuant to this section in the previous twelve (12) months; and
iii) 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;

5.1.4 The *placing* or *dumping* of *fill*, removal of *soil* or alteration of the *grade* of *land* 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;

5.1.5 Activities of a Ministry of the Provincial Government, the Corporation of the County of Simcoe, *Conservation Authority*, as relates to lands owned by them in the *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;

5.1.6 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*;

5.1.7 Works undertaken by the holder of a related Road Occupancy Permit; and,

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

5.2 The exceptions set out above in Section 5.1 do not apply to lands identified as the Oak Ridges Moraine Environmental Protection (ORMEP) zone on Schedule "A" to this By-Law, or any lands within 90 metres from the ORMEP zone unless specifically provided for in Section 15 (Oak Ridges Moraine) of this By-Law.

6.0 OAK RIDGES MORaine

6.1 In accordance with the Oak Ridges Moraine Conservation Plan no *site alteration* shall be permitted within 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 MINIMUM STANDARDS

- 7.1 Every person who *places or dumps fill*, or causes *fill* to be *placed or dumped*, or alters the *grade* of land shall:
- a) if the *existing or finished grade* at a property line involves a slope steeper than 3:1 and if required by the *Inspector*, construct a *retaining wall* to the satisfaction of the *Inspector* 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*; an *Inspector* 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 than that of the *existing or finished grade* of the abutting *lands*.
 - b) ensure that the *finished grade* surface is protected by sod, turf, seeding of grass, greenery, asphalt, concrete or such other material as the *Inspector* may approve, either singly or in combination;
 - c) 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 *Inspector*;
 - d) 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 *Inspector*;
 - e) provide such protection for trees with a calliper greater than seventy-five (75) millimetres as may be required by the *Inspector*;
 - f) ensure that all *fill* used is clean and free of rubbish, rubber, plastics, metals, glass, garbage, termites, organic material, liquid or solid and/or toxic chemicals, and other contaminants or related waste and for this purpose the *Chief Building Official* may require contaminant testing of the *fill* to be *placed or dumped*; and,
 - g) 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 to proper surface storm water *drainage*.

8.0 ORDER TO DISCONTINUE ACTIVITY

- 8.1 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 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.

9.0 WORK ORDER

- 9.1 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*.

10.0 WORK DONE BY MUNICIPALITY

- 10.1 If the work required by an order in Section 9 (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.
- 10.2 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.

11.0 SERVICE OF A WORK ORDER

- 11.1 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*.
- 11.2 If the *Town* is unable to effect service on the *owner* under Section 11.1, 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.
- 11.3 The *Town* will not enter the *lands* to conduct remedial work until notice of its intention has been given under Section 11.1 or 11.2 of this By-Law unless the giving of such notice would result in an immediate danger to the health or safety of any person.

12.0 RECOVERY OF COSTS

- 12.1 Costs incurred by the *Town* arising from any default or failure to perform the obligations and requirements under this By-Law including under Section 10, 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.
- 12.2 Cost incurred by the *Town* as set out in Section 12.1 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.
- 12.3 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.
- 12.4 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.

13.0 POWER OF ENTRY

13.1 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.

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

14.0 OBSTRUCTION

14.1 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.

15.0 ENFORCEMENT

15.1 The administration and enforcement of the By-law shall be performed by the *Chief Building Official*, and by persons authorized by the *Chief Building Official* as may be appointed by By-Law of the Council of the *Town*.

15.2 The cost of enforcement, including the professional and administrative expenses of the *Town* shall be at the expense of the *owner* and the *Corporation* 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 12.

15.3 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:

- a) comply with the provisions of this By-Law;
- b) cease the *placing* or *dumping* of *fill*;
- c) replace any *fill* that has been removed within forty-eight (48) hours after service of the order, or such other length of time as may be specified in the order;
- d) remove the *fill* that has been *placed* or *dumped* within forty-eight (48) hours after service of the order, or such other length of time as may be specified in the order;
- e) order an *owner* or any other person to take and supply at their expense such tests and samples as are specified in the order.

15.4 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) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and,
- c) require the production for inspection of documents or things including drawings or specifications that may be relevant to the land.

15.5 In the event a sample is taken pursuant to Section 15.4 (b), the procedures set out in Section 436 of the *Municipal Act*, 2001 will be followed.

16.0 OFFENCE AND PENALTY

16.1 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 16.1 (a), contraventions of Section 3 (SITE ALTERATION PROHIBITED) are designated as continuing offences pursuant to Section 429(2) of the *Municipal Act*, 2001, as amended, or any successor provision. Every person who contravenes Section 3 (SITE ALTERATION PROHIBITED) 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 offense under this By-Law.

17.0 ORDER UPON CONVICTION

17.1 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 8 (ORDER TO DISCONTINUE ACTIVITY or Section 9 (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; and/or,
- 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.

18.0 ASSISTANCE FOR INSPECTOR

18.1 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*.

19.0 CONFLICTING LEGISLATION

19.1 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;

20.0 VALIDITY AND SEVERABILITY

20.1 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;

20.2 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.

21.0 SCHEDULES

21.1 That Schedule "A" attached hereto and by this reference shall form part of this By-Law;

22.0 SHORT TITLE

22.1 This By-Law shall be cited as the "SITE ALTERATION AND FILL BY-LAW".

23.0 FORCE AND EFFECT

23.1 This By-Law shall take effect and come into force and effect upon final passage hereof.

23.2 By-Law 2010-021 will be superseded upon the passage of this By-Law. Notwithstanding the passage of this By-Law, the provisions of By-Law 210-021 will continue to apply to all *site alteration* and *fill* matters including *permits* prior to the date of the passage of this By-Law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF NOVEMBER, 2012.


MAYOR


CLERK

**SCHEDULE "A" – 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* and the alteration of the *grade of land*.

