

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NO. 15-029

Being a by-law to prohibit or regulate the placing or dumping or removal of fill in The Township of Tiny

WHEREAS section 142 of the Municipal Act, S.O. 2001, c. M.25, as amended authorizes the Council of a local municipality to enact By-laws for prohibiting or regulating the placing or dumping or removal of fill of any kind in any defined area or areas and requiring that a permit be obtained for the placing or dumping or removal of fill.

AND WHEREAS Council of the Corporation of the Township of Tiny deems it desirable and in the public interest to implement such a By-law for the purposes of:

- Protecting significant natural heritage features within the Township;
- Ensuring existing drainage patterns are maintained;
- Ensuring any changes to existing drainage patterns are appropriate to protect environmental features;
- Preventing the importation of large quantities of fill of unknown quality and/or sourced from outside of the Township.

NOW THEREFORE the Council of the Corporation of the Township of Tiny does hereby enact as follows:

1. TITLE

- 1.1 This By-law may be cited as the "Fill Control By-law". In the text of the by-law, it is referred to as "this By-law".

2. DEFINITIONS

- 2.1 "Applicant" means the owner or the owner's agent as authorized in writing for the purposes of filing and submitting an application for a Permit under this By-law.
- 2.2 "Applicable law" means any Provincial or Federal statute or regulation and any By-law of the County of Simcoe or of the Township that touches on the matters of drainage or protection of the environment and it includes but is not limited to the *Ontario Building Code Act*, the *Planning Act*, the *Conservation Authorities Act*, the *Environmental Assessment Act*, the *Ontario Heritage Act*, the *Clean Water Act*, the *Electricity Act*, the *Aggregate Resources Act*, the *Drainage Act*, the *Tile Drainage Act*, the *Environmental Protection Act*, the *Public Transportation and Highway Improvement Act*, and the *Municipal Act*, each as amended from time to time, and to any regulation, official plan or other plan or similar document enacted or established under such legislation.
- 2.3 "Complete application" means an application as described in Section 5 of this By-law and/or as approved by the Township of Tiny or their designate.
- 2.4 "Council" means the elected Council of the Corporation of the Township of Tiny.
- 2.5 "County" means the County of Simcoe.

- 2.6 "Drainage" means 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.
- 2.7 "Dump" or "dumping" means the depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location on the same property.
- 2.8 "Fill" means any type of material deposited or placed on land and includes, but is not limited to, stone, concrete, sod, turf, recycled asphalt (RAP) and soil.
- 2.9 "Grade" shall be defined as follows:
- (a) "Existing grade" means the elevation of the existing ground surface of the lands upon which dumping and/or placing of fill is proposed and of abutting ground surface up to three (3) metres wide surrounding such lands, 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.
 - (b) "Finished grade" means the elevation of ground surface of lands upon which fill has been dumped and/or placed in accordance with this by-law.
 - (c) "Proposed grade" means the proposed elevation of ground surface of land upon which fill is proposed to be placed.
- 2.10 "Normal farm practice" means any activity undertaken in accordance with the *Farming and Food Production Protection Act* that is part of an agricultural operation, and is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations under similar circumstances, and may make use of innovative technology in a manner consistent with advanced farm management techniques, but does not include the removal of topsoil for sale, exchange or other disposition.
- 2.11 "Officer" means a Municipal Law Enforcement Officer for The Township of Tiny.
- 2.12 "Owner" includes any person, firm or corporation controlling, maintaining or occupying the land upon which fill is, or is to be, placed or dumped or removed.
- 2.13 "Permit" means a fill permit issued under the authority of this By-law.
- 2.14 "Permit Holder" means the owner as defined in this By-law or the person in possession of the property and includes a lessee, a mortgagee in possession or a person in charge of the property.
- 2.15 "Place" or "placing" means the distribution of fill on lands to establish a finished grade different from the existing grade.
- 2.16 "Ponding" means the accumulation of surface water in an area not having drainage therefrom where the lack of drainage is

caused by the placing or dumping of fill.

- 2.17 "Qualified Person" has the meaning set out in O.Reg. 153/04 under the *Environmental Protection Act, or its successor*.
- 2.18 "Remove or removal" means excavation or extraction of any fill which lowers the existing grade, which includes soil stripping.
- 2.19 "Renew" or "renewal" as it relates to a Permit under this By-law means the extension of the Permit under the same terms and conditions as the original application for the Permit without modification, enlargement, extension or addition, subject to the authority of the Township or their designate to allow such minor modification, enlargement, extension or addition that, in their sole and absolute discretion, are appropriate and the Township's or their designate's determination shall be final.
- 2.20 "Retaining wall" means a wall designed to contain and support fill which has a finished grade higher than that of adjacent lands.
- 2.21 "Soil" means material commonly known as earth, top soil, loam, subsoil, clay, sand, silt or gravel.
- 2.22 "Swale" means a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of drainage.
- 2.23 "Township of Tiny" or "Township" means the Corporation of the Township of Tiny.
- 2.24 "Watercourse" means an identifiable depression in the ground in which a flow of water seasonally or continuously drains.

3. GENERAL REGULATIONS

- 3.1 No person shall:
- (a) Place or dump 2000 cubic metres of fill or more, or cause or permit 2000 cubic metres of fill or more to be placed or dumped on any land within a 12 month period except in accordance with the provisions of this By-law without first obtaining a Permit under this By-law from the Township, unless otherwise exempt under Section 4 of this By-law.
 - (b) Notwithstanding any other provision of this By-law, do anything, or permit or cause the doing of anything, which results in the alteration, modification, fouling or blockage of any swale, ditch, drainage course, watercourse or part thereof, on any land unless authorized by the public authority or public agency with relevant jurisdiction.
 - (c) Place, dump, or remove fill or cause or permit fill to be placed, dumped, or removed on any land zoned as Environmental Protection One (EP1) in Comprehensive Zoning By-law 06-001 as amended except for the purposes of driveway construction with an approved Entrance Permit from the Township.
 - (d) Place, dump, or remove fill or cause or permit fill to be

placed, dumped, or removed on any land zoned as Environmental Protection Three (EP3) in Comprehensive Zoning By-law 06-001 as amended except for the purposes of driveway construction with an approved Entrance Permit from the Township.

- (e) Place or dump or cause or permit fill to be placed or dumped on any land for storage purposes unless the outside storage of such fill on the land is permitted by Comprehensive Zoning By-law 06-001 as amended.
- (f) Place or dump fill or cause or permit fill to be placed or dumped unless such fill complies with O.Reg 153/04, Part IX and Tables 1-9 of the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act or its successor.
- (g) Place or dump fill from construction activities or cause or permit fill from construction activities to be placed or dumped unless such fill complies with the Ontario Ministry of Environment and Climate Change, Central Region, Operations Division's "Management of Excess Soil – A Guide for Best Management Practices" dated January 2014 or its successor.
- (h) This By-law is not intended to and shall not circumvent any development approval process which is required under the *Planning Act* and, without limiting the generality of the foregoing, the fill permit process shall not be used to allow for pre-servicing of subdivision lands, industrial or commercial development which would otherwise be addressed through the site plan or subdivision approval process under sections 41 and 51 or 53 of the *Planning Act*.
- (i) Where a Permit has not been issued and any person is in contravention of this By-law, the Township or their designate may issue an Order requiring the person to restore the land to a condition it was prior to commencement of such work, to the satisfaction of the Township within the time set out in the Order.
- (j) Notwithstanding any other provision of this By-law, the Township may in its sole and absolute discretion require that, as a condition of the issuance of a Permit under this By-law, the owner or any other person deemed appropriate enter into an agreement with the Township respecting the work contemplated by the Permit containing such terms and conditions as the Township considers appropriate, including, without limiting the generality of the foregoing, the posting of financial security and the Township is hereby delegated authority to execute any such agreement authorized under this By-law.

4. EXEMPTIONS

4.1 This By-law does not apply to:

- (a) Activities or matters undertaken by the Township or a local board of the Township, the County, the Provincial Government and the Federal Government.

- (b) The placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed as a condition of the approval of a site plan, plan of subdivision, site plan agreement or subdivision agreement.
- (c) The placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act.
- (d) The placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under the Aggregate Resources Act.
- (e) The placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act.
- (f) Any activity that is associated with a building or demolition permit that has been issued by the Chief Building Official for the erection or demolition of a building or structure.
- (g) The removal of soil as an incidental part of a normal farm practice including such removal as an incidental part of sod farming, greenhouse operations and nurseries for horticultural products.
- (h) The harvesting of peat in a commercial operation.
- (i) Any work undertaken by By-law 07-036 "Topsoil Preservation By-law".

5. APPLICATION FOR PERMIT

- 5.1 Permits shall be issued by the Township once the application has been approved by Council. The application shall be presented to Council once:
 - (a) It has been reviewed and approved by the Township Engineering Consultant. All costs associated with the review of the application by the Township Engineering Consultant shall be borne by the applicant.
 - (b) The Township is satisfied that the lands which are the subject of the application for a Permit are not within an area where the placing or dumping of fill or the alteration of the grade of land is prohibited.
 - (c) The applicant has fulfilled all requirements of this By-law and all other applicable law.
- 5.2 An applicant for a Permit to dump or place or remove fill on the lands shall submit the following to the Township:
 - (a) A completed application in the form prescribed by the Township.

- (b) The required Fill Permit fee. The cost of obtaining a Fill Permit shall be set out in the Township's Fee Schedule By-Law, as amended.
- (c) A Fill-Control Plan, which shall include all of the following:
 - i) A key map showing the location of the subject property, including the nearest major intersection and north arrow.
 - ii) The lot boundaries of the subject property in metres and lot size in square metres or hectares.
 - iii) The use of the subject property and the location (with setbacks) of all existing and proposed buildings and structures.
 - iv) The location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on or adjacent to the subject property.
 - v) The location and type of the predominant soils on the subject property.
 - vi) The location and dimensions of driveways, utilities, easements and rights-of-way over, under, across or through the subject property.
 - vii) The location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on the subject property.
 - viii) The existing lot topography extending a minimum of thirty (30) metres beyond the subject lot boundary.
 - ix) The proposed final grades of the subject lot including any drainage systems and retaining walls.
 - x) The location and dimensions of all proposed land disturbing activities, including construction access road.
 - xi) The location and dimensions of all temporary soil or dirt stockpiles.
 - xii) The location, dimensions, design details and design calculations of all construction site erosion control measures.
 - xiii) A schedule of the anticipated starting and completion dates of each land disturbing or land developing activity including the installation of construction site erosion control measures.
 - xiv) Provisions for the maintenance of the construction site erosion control and dust control

measures during construction and after as required.

- xv) The scale of drawing (each drawing control plan to be in metres).
 - xvi) An indication on the drawing of directions of overland flow and overland flow route.
 - xvii) Any other necessary information required by the Township in order to properly assess the application.
- 5.3 A description of the proposed fill including the source, composition and any associated test results.
- 5.4 A plan showing the design details to proper scale of any retaining wall that may be required and the dimensions of any materials to be used in construction of such retaining wall including distances to property lines.
- 5.5 A \$5000.00 security deposit to secure the performance of the work for which the permit is being applied. The Township may draw upon the security posted to recover the cost of the Township performing any required work which the owner has failed to perform or to cover any other costs, such as engineering, as part of the review of the application. The \$5000.00 security deposit must be maintained at all times. The Township reserves the right to require a larger security deposit depending on the nature of the application.

Once all work associated with the Fill Permit has been completed to the Township's satisfaction, it is the applicant's responsibility to request in writing the return of the security deposit.

6. PERMIT CONDITIONS

- 6.1 As a condition of the issuance of a Permit under this By-law, the Township may require any person, either prior to the Permit being issued or after the Permit has been issued, that the person comply with one or more of the following requirements:
- (a) To construct a retaining wall (including a safety net) to the satisfaction of the Township if the existing or finished grade at a property line involves a slope greater than 3:1, which retaining wall 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 lands.
 - (b) To provide protection for the finished grade.
 - (c) To provide that fill shall not be placed around the perimeter of any existing building unless such building and its foundation walls are evaluated and reinforced in accordance with accepted engineering and construction practice, and an appropriate building permit has been issued.
 - (d) To ensure that no trench in which drainage piping that is laid is covered and backfilled until the work has been

inspected and approved by the Township.

- (e) To provide protection for trees.
- (f) To prepare, submit for approval and comply with a well monitoring program developed and undertaken by a qualified person to include both onsite groundwater monitoring as well as offsite private well base studies as part of a detailed hydrogeological study.
- (g) To provide siltation and erosion control measures, in accordance with Township standards.
- (h) To provide protection for environmentally significant land in accordance with the policies of the Township's Official Plan.
- (i) To remove the topsoil and stockpile on-site or at such location as approved by the Township prior to the performance of the work in the alteration of the grade or the placing or dumping of fill and to restore the surface in accordance with Ministry of Environment and Climate Change regulations.
- (j) To provide financial security in a form and amount to be determined by the Township to secure the proposed work:
 - i) The performance of the work for which the Permit is to be issued.
 - ii) The maintenance of the highways that are used by the trucks delivered the fill in a state of repair and free from dust and mud.
 - iii) Against damage to any public highways that are used by any vehicles delivering fill to the land on which work is to be performed.

Security may be drawn upon by the Township in its sole and absolute discretion to remedy or rectify any damage or complete any performance required under this By-law and shall be released upon the Township's satisfaction that the fill operation is complete.

- (k) To provide adequate drainage from the land on which the work is to be performed in accordance with Township standards.
- (l) To keep and maintain the following records in a good and businesslike manner:
 - i) The full and complete legal name and business name, if different from the legal name, of each hauler.
 - ii) The commercial vehicle registration number of each hauler.
 - iii) The motor vehicle permit number of the motor vehicles owned and operated by each hauler.

- iv) The date and time of each delivery of fill.
 - v) The point of origin of each delivery of fill, must be assessed for all applicable parameters to ensure it satisfies the standards pursuant to O.Reg. 153/04 under the Environmental Protection Act, or its successor for the receiving site and test reports must be prepared by a qualified person.
 - vi) The volume of each delivery of fill.
 - vii) The content of material of each delivery of fill.
 - viii) Any other information required by the Township.
 - ix) To make available for inspection upon the request of the Township the records referred to in this clause.
- (m) To provide to the Township one or more reports from:
- i) A qualified engineer and/or environmental consultant possessing expert or special knowledge in respect of the source and nature of the fill to be placed or dumped to ensure the fill is clean in accordance with criteria of the Ministry of the Environment and Climate Change.
 - ii) A qualified professional possessing expert or special knowledge specific to any special circumstances that may exist with respect to the land, including but not limited to hydrogeological, archaeological and/or natural heritage features and conditions.
- (n) To restrict truck daily volumes and/or the location of truck and/or access routes or staging and storage areas.
- (o) To notify the Township of the commencement, the completion, and of the various stages of performance of the work in the alteration of the grade of the land and in placing or dumping of fill on the land and to make the site available for inspection by his/her designate.
- (p) To provide the Township upon completion of the works or at any other time required by the Township at its sole and absolute discretion a topographic survey verifying the interim or final grades of the site alteration.
- (q) To operate in compliance with provisions of the Township's Noise By-law and any successor legislation thereto or as otherwise required by the Township.
- (r) To indemnify the Township for any liability, costs, damages or losses incurred directly or indirectly caused by the issuing of a Permit and provide

insurance satisfactory to the Township.

- (s) To enter into an agreement with the Township.
- 6.2 The issuance of any Permit by the Township shall not relieve the holder of the Permit from compliance with this By-law or any other applicable law or legislation.
- 6.3 Where a Permit has been issued under this By-law authorizing the placing or dumping of fill, no person shall place or dump fill except in accordance with:
- (a) The plans, documents and any other information required for the approval of the Permit.
 - (b) The terms and conditions of the Permit.
 - (c) In compliance with any agreement entered into with the Township as a condition of obtaining the Permit.
 - (d) All other provisions of this By-law or any other Township By-law.
- 6.4 No person shall 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 Township.

7. PERMIT REVOCATION, EXPIRY AND TRANSFER OF PERMITS

- 7.1 The Township may revoke a Permit for the following reasons:
- (a) It was issued on mistaken, false or incorrect information.
 - (b) It was issued in error.
 - (c) The owner and/or applicant requests in writing, that it be revoked.
 - (d) The terms of an agreement under this By-law have not been complied with.
 - (e) Work authorized under the Permit has not been commenced prior to its expiry date.
 - (f) The owner or any other person has failed to comply with the provisions of this By-law or any other Township By-law.
- 7.2 When work on land has taken place or has commenced before a Permit for that work has been issued under this By-law or when such work has taken place after the date upon which a Permit has expired, the fees for an application for each Permit required shall double the amount specified in the Township Fee Schedule By-law, as amended.
- 7.3 Where a Permit has not been issued and any person is in contravention of this By-law, an Officer of the Township may issue an Order for removal requiring the person to restore the land to the condition it was prior to the commencement of

such work to the satisfaction of the Township within the time set out in the Order.

7.4 Permits issued under this By-law shall:

- (a) Be valid for a period of one (1) year from the date of issuance, unless otherwise authorized by the Township in writing.
- (b) Expire six (6) months after the date of issuance if work is not commenced under the Permit, which determination shall be at the Township's sole and absolute discretion and be final.

7.5 A Permit may be renewed prior to the expiry date set out in the Permit upon receipt of a complete application to the Township in accordance with this By-law and payment of the prescribed fees in accordance with the Township's Fee Schedule By-law, as amended.

7.6 A Permit which has expired may be renewed at the sole discretion of the Township within three (3) months from the date of expiry upon receipt of a complete application to the Township in accordance with this By-law and payment of the prescribed fees in accordance with the Township's Fee Schedule By-law, as amended.

7.7 If title of the land for which a Permit has been issued is transferred while the Permit remains in effect, the Permit shall terminate and become null and void unless the owner of the lands, no later than thirty (30) days from the date of the transfer of title of the land:

- (a) Provides the Township with an undertaking satisfactory to the Township to comply with all the conditions under which the existing permit was issued.
- (b) Applies for and obtains a new Permit in accordance with the provisions of this By-law.

7.8 If a Permit is expired, cancelled or revoked after work has commenced and prior to the 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 Township in a manner that will prevent adverse impacts on abutting properties and the environment.

8. AGREEMENT

8.1 Where deemed appropriate by the Township, the owner may be required to enter into an agreement with the Township which may be registered on title to the land on which the work is to be performed which agreement shall include but not limited to the following terms and conditions:

- (a) To retain a qualified person, approved by the Township, who shall be responsible for ensuring that the placing and dumping of fill is in accordance with reasonable engineering and environmental practices, and follows the Ontario Ministry of the Environment and Climate Change's "Management of Excess Soil – A Guide for Best Management Practices" dated

January 2014 when dealing with fill from construction activities, meet O.Reg. 153/04 (as amended to O.Reg. 511/09) site standards and is in accordance with the plan submitted for the Permit and Section 6.1 of this By-law.

- (b) To place or dump the fill in accordance with this By-law.
- (c) To require the professional or qualified person to report in writing on a regular basis or as determined by the Township that the placing and dumping of fill is in accordance with this By-law.
- (d) To require that the placing or dumping of fill be completed by a specified date.
- (e) Not to contaminate the natural environment and to abide by all applicable environmental laws and regulations.
- (f) To provide a report from a professional, qualified person or environmental consultant that he/she is satisfied that the placing or dumping of fill will not result in:
 - (i) Soil erosion.
 - (ii) Blockage of a watercourse.
 - (iii) Siltation in a watercourse.
 - (iv) Pollution of a watercourse.
 - (v) Flooding or ponding of abutting lands.
 - (vi) Flooding or ponding caused by a watercourse overflowing its banks.
 - (vii) A detrimental effect on any trees of a caliper of seventy-five (75) millimeters or more located on the lands.
 - (viii) A detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and overwintering habitats.
- (g) To acknowledge that the Township may engage legal, engineering, hydrogeology, environmental, landscape or such other consultants as may be deemed appropriate by the Township, in its sole and absolute discretion, to evaluate studies and/or agreements in which case the costs incurred will be charged back to the owner and such other persons plus a three percent (3%) administrative charge.
- (h) To indemnify the Township for any liability, costs, damages or losses incurred directly or indirectly caused by the issuing of a Permit and provide proof of insurance coverage that is satisfactory to the Township.

9. APPEAL

9.1 Any person applying for a permit shall have such rights of appeal to the Ontario Municipal Board in relation to refusal thereof as set out in the Municipal Act, 2001.

10. ORDERS

10.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Work Order, requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

10.2 The Work Order shall set out:

- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
- b) The work to be done and the date by which the work must be done.

10.3 A Work Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

10.4 A Work Order under Section 10.1 may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law making them a contravention came into force.

10.5 No person shall fail to comply with a Work Order issued pursuant to Section 10.1.

10.6 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Discontinue Activity Order, requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

10.7 The Discontinue Activity Order shall set out:

- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
- b) The date by which there must be compliance with the Discontinue Activity Order.

10.8 A Discontinue Activity Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

10.9 No person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 10.7.

10.10 In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property owner.

11. REMEDIAL ACTION

11.1 Where an Order has been issued to direct or require an owner or person to do a matter or thing, in default of it being done by the person directed or required to do it, the Township may cause the matter or thing to be done at the person's expense.

11.2 Where any of the matters or things are remediated in accordance with Section 11.1, the matters or things may be immediately disposed of.

11.3 The Township shall recover the expense in doing a matter or thing referred to in Section 11.1 by action, or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

12. ENTRY AND INSPECTION

12.1 An Officer may enter onto land at any reasonable time as set out in the Township of Tiny Power of Entry By-law 07-082, as amended.

13. OBSTRUCTION

13.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

13.2 Any person, who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his/her duties.

14. PENALTY

14.1 In addition to any other remedy available to the Township, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.2 Every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$250 and the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.3 For the purpose of continuous offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law,

is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

- (a) Notwithstanding Section 14.3 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

14.4 For the purpose of multiple offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

- (a) Notwithstanding Section 14.4 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

14.5 Every person who contravenes any section of this By-law under a Part 1 Certificate of offence, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

14.6 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

15. CONFLICT

15.1 If there is a conflict between this By-law and a By-law enacted by the Council of the County of Simcoe, the By-law of the County of Simcoe prevails where it is more restrictive.

15.2 If there is a conflict between this By-law and By-law 07-036 or its successor, the By-law that is more restrictive prevails.

16. SEVERABILITY

16.1 Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17. SINGULAR AND PLURAL USE

17.1 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.

18. REPEAL

18.1 That By-law 7-82 is hereby repealed.

19. EFFECTIVE DATE

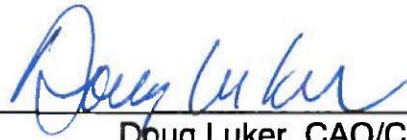
19.1 This By-law shall come into full force and take effect on the date of passing thereof.

READ A FIRST AND SECOND TIME on this 11th day of May 2015.

READ A THIRD TIME and finally passed this 11th day of May 2015.



George Cornell, Mayor



Doug Luker, CAO/Clerk