

DRAFT

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER _____

A By-law to regulate Construction of Buildings and Structures and Site Alteration on lands adjacent to Georgian Bay in the Township of Tiny

(“The Shoreline By-law”)

Whereas Part II and Part III General and Specific Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass a bylaw to provide the services and other things that the municipality considers necessary or desirable for the municipality; managing and preserving the public assets of the municipality; the health, safety and well-being of persons, the protection of persons and property, including consumer protection, culture, parks, recreation and heritage, drainage and flood control, *structures*, fostering the current and future economic, social and environmental well-being of the municipality including respecting climate change; and delivering and participating in provincial programs and initiatives;

And Whereas Part II General Municipal Powers Section 8(1) General Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues. 2006, c. 32, Sched. A, s. 8;

And Whereas Section 9 General Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c 32, Sched. A, s. 8;

And Whereas Section 11(1-4), Spheres of Jurisdiction, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality may;

11 (1) provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4). 2006, c. 32, Sched. A, s. 8;

11(2) pass by-laws, subject to the rules set out in subsection (4), respecting the following matters:

1. Governance *structure* of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.
4. Public assets of the municipality acquired for the purpose of exercising its authority under this Municipal Act or any other Act.
5. Economic, social and environmental well-being of the municipality, including respecting climate change.
6. Health, safety and well-being of persons.
7. Services and things that the municipality is authorized to provide under subsection (1).

8. Protection of persons and property, including consumer protection. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 2;

11(3) pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction:

5. Culture, parks, recreation and heritage.
6. Drainage and flood control, except storm sewers.
7. *Structures*, including fences and signs;

And Whereas Part III Specific Municipal Powers and Nuisance, Section 142 Natural Environment, Site alteration of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to enact a bylaw to:

- 142 (2) Without limiting sections 9, 10 and 11, a local municipality may,
- a. prohibit or regulate the placing or dumping of fill;
 - b. prohibit or regulate the removal of *topsoil*;
 - c. prohibit or regulate the alteration of the *grade* of the land;
 - d. require that a *permit* be obtained for the placing or dumping of fill, the removal of *topsoil* or the alteration of the *grade* of the land; and
 - e. impose conditions to a *permit*, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of *topsoil* and the rehabilitation of the site. 2006, c. 32, Sched. A, s. 76 (1);

And Whereas, the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to establish fees and charges, undertake enforcement and impose orders and undertake remedial actions;

And Whereas the Council for the *Township of Tiny*, consistent with provincial law and policy, deems it desirable and in the public interest to enact a 'Shoreline By-law' for the health, safety and environmental well-being of the Municipality and for protecting areas adjacent to the shorelines of Georgian Bay;

NOW THEREFORE the Council of the Corporation of the *Township of Tiny* enacts as follows:

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DRAFT

1. TITLE

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

2. DEFINITIONS

- 2.1. **"Adverse effects"** as defined in the *Environmental Protection Act*, 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 property 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 property or plant or animal life unfit for human use;
 - (g) loss of enjoyment of normal use of property; and
 - (h) interference with normal conduct of business. *PPS (Proposed April 12, 2024)*
- 2.2. **"Applicant"** means the *person* or their agent (as authorized in writing) who submits an application to the *Township of Tiny* for a *permit* pursuant to the provisions of this By-law.
- 2.3. **"Areas of natural and scientific interest (ANSI)"** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. *PPS (2024)*
- 2.4. **"Complete application"** means an application as described in Section 6 of this By-law
- 2.5. **"Council"** means the Council of the Corporation of the *Township of Tiny*.
- 2.6. **"County"** means the County of Simcoe.
- 2.7. **"Cultural heritage landscape"** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, *structures*, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. *PPS (2024)*
- 2.8. **"Dynamic Beach Hazard"** means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and large inland lakes, as identified by provincial standards, as amended from time to time *PPS (2024)*. For the Georgian Bay Shoreline the *'Dynamic Beach Hazard'* consists of the following:
- The Ministry of Natural Resources and Forestry 100 year Flood elevation (178 metre GSC elevation) plus the Wave Effects/Wave Uprush and Overtopping Flood Component of 15 metres plus the Dynamic Beach Allowance of 30 metres.
- 2.9. **"Designate"** means a *person* who is an employee of the *Township of Tiny* and who has been appointed by the Director to administer all or part of this By-law on behalf of the Director.
- 2.10. **"Director"** means the Director of Engineering and/or Director of Planning and Development for the *Township of Tiny*

- 2.11. **"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.
- 2.12. **"Dump" or "dumping"** means the depositing of material in a location other than where the material was obtained and includes the movement and depositing of material from one location on a property to another location on the same property but shall not include the relocation of sand as *general shoreline maintenance*, as defined in this By-law.
- 2.13. **"Ecological function"** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions. *PPS (2024)*
- 2.14. **"Engineer"** means a Professional Engineer currently licensed to practice in the Province of Ontario. For the purposes of providing opinion and conclusions with respect to flooding/*erosion/dynamic beach hazards*, must be qualified and have a specialty in coastal engineering.
- 2.15. **"Erosion"** means the detachment and movement of material, *soil*, sediment or rock fragments by water, wind, ice, or gravity.
- 2.16. **"Erosion Hazard"** means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the;
- 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span),
 - an allowance for slope stability, and
 - an erosion/erosion access allowance. *PPS (2024)*
- 2.17. **"Fill"** means any type of material deposited or placed on land and includes, but is not limited to, stone, rock, gravel, concrete, sod, turf, recycled asphalt (RAP) and *soil*.
- 2.18. **"Fish"** means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles. *PPS (2024)*.
- 2.19. **"Fish habitat"** as defined in the *Fisheries Act*, means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas. *PPS (2024)*
- 2.20. **"Flooding Hazard"** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water. Along the shorelines of the *Great Lakes - St. Lawrence River System* (including Georgian Bay) and large inland lakes, the *flooding hazard* limit is based on the *one hundred year flood level* (178 metre G.S.C. elevation plus a 15 metre allowance for *wave effects* and *other water-related hazards*. *PPS (2024)*
- 2.21. **"General Shoreline Maintenance"** means activities such as garden weeding, raking, and minor trimming of vegetation. Also includes the seasonal movement of sand, without the use of mechanized equipment, that has deposited due to natural causes and is impeding the use of or access to lands, buildings or *structures*.

- 2.22. **"Grade"** at any point on the land means the elevation of the ground surface of the land; and
- "Existing *Grade*" means the *grade* as it existed prior to any *shoreline site alteration*;
 - "Finished *Grade*" means the actual *grade* after the *shoreline site alteration*; and
 - "Proposed *Grade*" means the *grade* proposed by an *applicant* for a Shoreline By-law Permit.
- 2.23. **"Great Lakes - St. Lawrence River System"** means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario. *PPS (2024)*
- 2.24. **"Ground water feature"** means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations. *PPS (2024)*
- 2.25. **"Habitat of endangered species and threatened species"** means habitat within the meaning of Section 2 of the Endangered Species Act, 2007. *PPS (2024)*
- 2.26. **"Hazardous lands"** means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System* [Including Georgian Bay], this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. *PPS (2024)*
- 2.27. **"Hydrologic function"** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the *soil* and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things. *PPS (2024)*
- 2.28. **"Infrastructure"** means, physical *structures* (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities. *PPS (2024)*
- 2.29. **"Natural Heritage Features and Areas"** means features and areas, including significant *wetlands*, significant coastal *wetlands*, other coastal *wetlands* in Ecoregions 5E, 6E and 7E, *fish* habitat, significant *woodlands* and significant *valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species*, significant *wildlife habitat*, and significant *areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area. *PPS (2024)*
- 2.30. **"Natural heritage system"** means, a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation

reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used. *PPS (2024)*

- 2.31. **"Officer"** means a Municipal Law Enforcement *Officer* for The *Township of Tiny*.
- 2.32. **"One hundred year flood level"** means for the shorelines of the Great Lakes (including Georgian Bay), the peak instantaneous still water level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equaled or exceeded in any given year *PPS (2024)*.
- 2.33. **"Other water-related hazards"** means water-associated phenomena other than *flooding hazards* and *wave effects* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming. *PPS (2024)*
- 2.34. **"Permit"** means a *permit* issued under the authority of this By-law.
- 2.35. **"Permit Holder"** means the *person* to whom a Shoreline By-law *Permit* has been issued.
- 2.36. **"Person"** means any individual human being, association, firm, partnership, corporation, trust, incorporated company, sole proprietorship, organization, trustee or agent, the heirs, executors, or other legal representatives of a *person* to whom the same can apply according to Federal and/or Provincial law, and includes an *applicant* for a *permit* under this By-law as the context requires.
- 2.37. **"Provincial Planning Statement (PPS)"** means the document that was issued under the Section 3 of The *Planning Act*.
- 2.38. **"Ponding"** means the accumulation of surface water.
- 2.39. **"Shoreline Retaining wall"** means a wall designed to contain and support *fill* which has a finished *grade* higher than that of adjacent lands and which is located within the *Shoreline Development Area*.
- 2.40. **"Shoreline Construction"** means the construction, reconstruction or placing of a building or *structure* of any kind, whether installed on, above or below the surface of land or water.
- 2.41. **"Shoreline Development"** means any *Shoreline Construction* and/or *Shoreline Site Alteration* that occurs within the *Shoreline Development Area*.
- 2.42. **"Shoreline Development Area"** means all lands within 45 metres of the 178 metre G.S.C elevation of Georgian Bay.
- 2.43. **"Shoreline Site Alteration"** means activities, such as the temporary or permanent placement, *dumping* or removal, extraction or excavation of any material, or the alteration of the *grade* by any means including *soil* stripping, the removal of vegetation (i.e. including but not limited to beach/dune grasses, shrubs, trees), vegetative cover, materials, the compaction of *soil*/material or the creation of impervious surfaces, or any combination of these activities that would change the landform, the natural processes and vegetative characteristics of a site originating on the site or elsewhere. *General Shoreline Maintenance* shall not be *Shoreline Site Alteration* for the purposes of this By-law.

- 2.44. **"Structure"** means, any material, or combination of materials joined together, that are constructed, reconstructed, built or erected, or which is attached to something having location for the use of which requires location on, above or below the surface of land or water.
- 2.45. **"Soil"** means material commonly known as earth, top *soil*, loam, subsoil, clay, sand, silt or gravel.
- 2.46. **"Surface Water Feature"** means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their *soil* moisture, *soil* type, vegetation or topographic characteristics. *PPS (2024)*
- 2.47. **"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*.
- 2.48. **"Topsoil"** in Section 142 (1) of the Municipal Act, means those horizons in a *soil* profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat. 2001, c. 25, s. 142 (1). Municipal Act (consolidated April 1, 2024)
- 2.49. **"Threatened species"** means a species that is classified as "*Threatened Species*" on the Species at Risk in Ontario List, as updated and amended from time to time. *PPS (2024)*
- 2.50. **"Township of Tiny"** or **"Township"** means the Corporation of the *Township of Tiny*.
- 2.51. **"Watercourse"** means an identifiable depression in the ground in which a flow of water intermittently or continuously occurs.
- 2.52. **"Water resource systems"** means a system consisting of *ground water features* and areas, *surface water features* (including shoreline areas), *natural heritage features and areas*, and *hydrologic functions*, which are necessary for the ecological and hydrological integrity of the watershed. *PPS (2024)*
- 2.53. **"Wave effects"** means the movement of water up onto a shoreline or *structure* following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of *wave effects* is the point of furthest landward horizontal movement of water onto the shoreline. *PPS (2024)*
- 2.54. **"Wetlands"** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric *soils* and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be *wetlands* for the purposes of this definition. *PPS (2024)*
- 2.55. **"Wildlife habitat"** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific *wildlife habitats* of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non- migratory species. *PPS (2024)*
- 2.56. **"Woodlands"** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as *erosion* prevention, hydrological and

nutrient cycling, provision of clean air and the long-term storage of carbon, provision of, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest". *PPS (2024)*

3. GENERAL PROVISIONS

3.1. Lands Subject to By-law

This By-law applies to all land within 45 metres of the 178 metre G.S.C Elevation adjacent to Georgian Bay including Dynamic Beach Hazard lands, in the *Township of Tiny*.

3.2. Requirement for *Permit*

A *permit* shall be required for any shoreline construction and/or shoreline site alteration within 45 metres of the 178 metre G.S.C elevation of Georgian Bay (Shoreline Development Area).

3.3. Permit Issuance

In considering the issuance of a permit, the Director shall have regard to the following:

- a) The considerations outlined in Section 4.2 of this By-law.
- b) Public access to the shoreline shall not be impacted.
- c) Dynamic movement of sand to and from neighbouring lots shall not be impact
- d) Opportunities shall be explored and implemented to revegetate, naturalize and stabilize lands between dwellings and the shoreline.
- e) Potential impacts to public health and safety shall be avoided or where appropriate, mitigated.

4. PROHIBITIONS

4.1. No *person* shall carry out shoreline construction and/or shoreline site alteration on any lands within 45 metres of the 178 metre C.S.C elevation of Georgian Bay (Shoreline Development Area) without having first obtained a Shoreline By-law *Permit*. This includes any in-water works.

4.2. No *person* shall carry out shoreline construction or undertake shoreline site alteration in a way that:

- a) Creates any new flooding, erosion and/or dynamic beach hazard or aggravates existing flooding, erosion and/or dynamic beach hazards.
- b) Causes negative impacts to the natural features and functions of the shoreline or dynamic beach and coastal processes.
- c) Creates or aggravates public safety and/or access issues including impacts on abutting properties.
- d) Has the potential to negatively impact the shoreline or dynamic beach processes and/or change the ground cover conditions of the subject and/or adjacent properties by substantially altering the natural movement of existing or future sand.

- e) Alters the existing grade of a property in a way that negatively impacts drainage on another property, any creek system, or the channel of any small creek that flows through beach and dune system on the property.

4.3. This By-law is not intended to and shall not circumvent any development approval process which is required under the Planning Act.

5. **PERMITTED EXEMPTIONS**

5.1. Notwithstanding Section 3.3 of this By-law, a *person* may undertake shoreline construction and/or shoreline site alteration or in-water works without obtaining a *Permit* provided that the shoreline construction and/or shoreline site alteration is undertaken:

- a) As part of an activity or matter conducted by the Township, a local board of the Township, as part of the construction, extension, alteration, maintenance or operation of works undertaken by the Township of Tiny.
- b) As part of an activity or matter conducted by the Township on lands that are under the Township's control (e.g. Road Allowance, Parks, Washrooms, playground equipment, park amenities etc.).
- c) Public safety and emergency repair work performed in consultation with the Township, subject to any requirement from the Director to obtain a permit for the continuation of such work.
- d) By a transmitter or distributor for the purpose of constructing and maintaining a transmission system or a distribution system, as defined in the Electricity Act, as amended.
- e) As part of the construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P. 50, as amended.
- f) To implement a permit issued by the Township of Tiny for a class 2-5 sewage system
- g) To conduct General Shoreline Maintenance.
- h) Temporary event tents.

6. **APPLICATION REQUIREMENTS FOR PERMIT**

6.1. The applicable *permit* fee, calculated in accordance with the Township's Fee Schedule By-law, as amended.

6.2. A completed Shoreline By-law Permit Application Form.

6.3. A sketch including the following:

- a) lot lines;
- b) existing buildings, structures, shoreline retaining walls, large boulders, tent structures, awnings, gazebos, decks, fire pits etc.;
- c) proposed shoreline construction and/or shoreline site alteration including all proposed buildings, structures, shoreline retaining walls, large boulders, tent structures, awnings, gazebos, decks, fire pits etc.;
- d) location of buildings and structures on abutting a lots; and,
- e) the location of permanent and intermittent watercourses and ditches on and adjacent to the subject property.

6.4. Additional Permit Application Requirements

Depending on the scope of the proposal, the following additional requirements may be required at the discretion of the Director:

- a) A survey completed by a Ontario Land Surveyor showing the 178 metre G.S.C elevation and setbacks to proposed shoreline construction and/or shoreline site alteration
- b) Supporting Studies and reports by qualified professionals, depending on the scope and nature of the application, including but not limited to:
 - (1) Wave uprush/Coastal Engineering Study
 - (2) Coastal Geomorphology Study
 - (3) Flooding, *Erosion*, Slope Stability Reports
 - (4) Geotechnical/Soils Stability Report
 - (5) Terms of Reference for the above studies must be to the satisfaction of the Director.
 - (6) Deposit may be required for peer review of supporting studies and reports.

7. PERMIT CONDITIONS

7.1. The Township may include any conditions deemed to be appropriate to a *permit* issued in accordance with this By-law.

7.2. Conditions may include:

7.2.1. The requirement for the *applicant*, owner or any other *person* deemed appropriate to enter into a Development Agreement that may include the requirement for a security deposit to secure the performance of the work for which the *permit* is being applied.

7.2.2. Any other conditions determined to be appropriate by the *Director*.

8. PERMIT REVOCATION, EXPIRY, RENEWAL, TRANSFER OF PERMITS

8.1. 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 *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 *applicant* or any other *person* has failed to comply with the provisions of this By-law or any other Township By-law.

8.2. When work has taken place with no Permit, or 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.

8.3. 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.

8.4. The Township or the Township's approved contractor has the right to complete the works based

on the original plan for the actual costs at the owner's expense plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 60 days.

8.5. *Permits* issued under this By-law shall:

- a) Be valid for a period of two (2) years from the date of issuance, unless otherwise authorized by the Township in writing.
- b) Expire one (1) year 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.

8.6. 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.

8.7. A *Permit* which has expired may be renewed at the sole discretion of the Director upon receipt of a *complete application* to the Township in accordance with this By-law and payment of the prescribed fees of 50% of the original *Permit* fee, in accordance with the Township's Fee Schedule By-law, as amended.

8.8. If title of the land for which a *Permit* relates is transferred while the *Permit* remains in effect, the *Permit* shall terminate and become null and void unless the owner of the lands for which the *permit* relates, no later than thirty (90) days from the date of the transfer of title of the land; provides the Township with an undertaking satisfactory to the Township to comply with all the conditions under which the existing *permit* was issued.

8.9. If a *Permit* is expired, cancelled or revoked after work has commenced and prior to the completion of the site alteration; the *applicant* and/or 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 the environment, said property and on abutting properties and the environment.

The Township or the Township's contractor has the right to complete the works based on the original plan at the owner's expense, for the actual costs plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 90 days.

9. **AGREEMENT**

9.1. Where deemed appropriate by the Township, the *applicant* and/or owner may be required to enter into a development agreement with the Township which may be registered on title to the land on which the work is to be performed or registered to adjacent lands owned by the owner.

10. **APPEAL**

10.1. Any *person* applying and not issued a *permit* by the Director shall be permitted to appeal by making a request for a *permit* from *Council*.

10.2. The Township Fee By-law may prescribe fees or deposits for request to *Council* associated with this By-law.

11. ORDERS

- 11.1. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order, requiring the *person* who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and remedy the contravention
- 11.2. 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.
- 11.3. Where an Order has not been complied with, the Township or the Township's contractor has the right to complete the works based on the original plan for the actual costs at the owner's expense plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 90 days.

12. ENTRY AND INSPECTION

- 12.1. An Officer may enter onto land at any reasonable time.

13. PENALTY

- 13.1. In addition to any other remedy available to the Township, every *person* who contravenes 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 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. CONFLICT AND APPLICATION OF OTHER LAWS

- 14.1. If there is a conflict between this By-law and another Federal, Provincial, County of Simcoe or *Township of Tiny* legislation, regulation or By-law (e.g. By-law enacted by the *Council* of the County of Simcoe or *Township of Tiny*) the more restrictive legislation prevails.

15. SEVERABILITY

- 15.1. 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 to be in force.

16. EFFECTIVE DATE

- 16.1. 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 XXth day of May 2025.

READ A THIRD TIME and finally passed this XXth day of May 2025.

David Evans, Mayor

Sue Walton, Clerk

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