

CONSOLIDATED WITH BYLAW 36-2015 & 42-2015 & 17-2016

THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NO. 4-15

Being a by-law to prohibit or regulate the placing or dumping of fill, the stripping of topsoil and alteration to the grade of lands in areas of the Township of Mulmur

(Fill By-law)

WHEREAS Section 142 of the *Municipal Act*, 2001, c 25, as amended, provides that a Council of a local municipality may pass by-laws to prohibit and/or regulate the placing or dumping of fill;

AND WHEREAS Section 128(1) of the *Municipal Act* authorizes the local municipality to prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are, or could become or cause public nuisances;

AND WHEREAS Council deems it appropriate to regulate such activities and to impose certain limitations and requirements relating to such activities, and to provide for exemptions or permission for such activities where necessary to accommodate the ordinary, necessary and desirable development and use of land;

AND WHEREAS Council deems this to be desirable in order to protect the environment, natural resources and features, as well as the scenic resources and rural character of the Township, to prevent the contamination of land and surface and groundwater resources and to provide for the safety, health and well-being of residents of the Township;

AND WHEREAS Council deems it appropriate to import quality material for the filling of exhausted pits

NOW THEREFORE the Council of the Corporation of the Township of Mulmur enacts as follows:

1. DEFINITIONS

In this by-law:

“Agricultural lands” means lands under cultivation or capable of being cultivated and contained within either an “Agricultural” or “Rural” zone in the Township’s Zoning By-law, as amended from time to time.

“Council” means the Council of the Corporation of the Township of Mulmur;

“Director” means the Director of Public Works for the Township and shall include any person authorized by the Director to carry out the powers and/or duties of the Director pursuant to this by-law.

“Dump” or “Dumping” means the depositing of fill in a location other than the location from which the fill was obtained and includes the movement or depositing of fill from one location to another on the same property.

“Fill” means any type of material deposited or placed on land and includes but is not limited to soil, earth, topsoil, stone, aggregate, asphalt, concrete, sod, turf and any combination thereof, and

“Fill, locally sourced” means fill that originates from a property within the Township of Mulmur;

“Grade” means, at any point on the surface of the land, the elevation of the ground surface of the land and

“Existing Grade” means the grade as it existed prior to any site alteration.

“Large Scale Project” means an operation involving the placement of fill in an amount greater than 7500 m³ of material on a Site.

“Officer” means a police officer, a municipal by-law enforcement officer, the chief building official, the Director or other person charged with the responsibility of or appointed for the purposes of enforcement of this by-law.

“Owner” means the registered owner(s) of the lot or lots;

“Person” includes any individual, corporation, partnership or association.

“Prime Agricultural Lands” means land that is identified as Class 1, 2 or 3 soil on Canada Land Inventory land capability for agriculture mapping or as identified as such in a more detailed LEAR analysis or other appraisal carried out by a qualified person.

“Prime Agricultural Area” means any area designated “Agricultural” in the Township’s Official Plan.

“Qualified Person”

means a person qualified as defined within Ontario Regulation 153/04 (under the Environmental Protection Act), and without limited the forgoing shall mean (a) a person who holds a license, limited license or temporary license under the Professional Engineers Act; or (b) a person who holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practicing member, temporary member or limited member of the Association of Professional Geoscientists of Ontario.

“Rural Character” has the same meaning as that which is contained in the Township’s Official Plan;

“Site” means the lot or lots altered or proposed to be altered by means of filling or a site alteration.

“Site alteration” means the placement or dumping of fill on land;

“Small Scale Project” means an operation involving the placement of fill in an amount between 300 m³ and 7500m³ of material on a Site.

“Township” means the Corporation of the Township of Mulmur;

“Township Engineer” means an employee of the firm of professional engineers retained by the Township that provided engineering services to the Township;

“Topsoil” means the horizons or layers in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter;

“Watercourse” means the natural or man-made channel or swale in which a flow of water occurs, either continuously or intermittently with some degree of regularity.

2. GENERAL REGULATIONS

No person shall:

- a) Place or dump fill, or cause or permit fill to be placed or dumped on any land in the Township except in accordance with the provisions of this by-law and without first obtaining a Permit under this By-law from the Director, unless otherwise exempt under Section 4.
- b) Alter, or cause or permit to be altered, the grade of any land in the Township except in accordance with the provisions of this by-law and without first obtaining a Permit under this By-law from the Director or from Council, unless otherwise exempt under Section 4.
- c) Stripping of Topsoil, unless otherwise exempt under Section 4.
- d) Fail to obey an order issued under Section 13 of this By-law.

3. APPLICATION

This By-law applies to fill operations within the geographic area of the Township of Mulmur other than as may be exempted under Section 4 of this By-law. For the purposes of this By-law, proposals requiring a permit shall be distinguished as either “Small Scale Projects” or “Large Scale Projects” as defined in Section 2. The application, notification, consultation and approval requirements for such projects shall differ according to the respective applicable provisions of this by-law.

4. EXEMPTIONS AND MINOR PROJECTS

4.1 EXEMPTIONS

Notwithstanding any other provision of this by-law, site alterations involving the placing or dumping of fill, the removal or addition of topsoil and or the alteration of the grade of land are permitted when related to actions undertaken but where an exemption applies for the removal of soil, it shall not be construed to exempt receiving sites from permit requirements;

- a) By a Ministry or Department of the Provincial Government of Ontario or the Federal Government of Canada, the Corporation of the County of Dufferin, the Nottawasaga Valley Conservation Authority, the Township or any local board of the Township relating but not necessarily limited to such activities as the construction, extension, alteration, maintenance or operation of roads and bridges and other works under Section 28 of the *Public Transportation and Highway Improvement Act*, as amended, the establishment and maintenance of utilities and services, flood and erosion control and storm water management facilities; parkland development, walkways, trails, paths, fences, retaining walls, steps and lighting.
- b) which are exempted or prescribed by regulations issued pursuant to the provisions of Section 14 of the *Municipal Act*, 2001.
- c) pursuant to an approval, or a condition of approval, or an agreement relating to a site plan, a plan of subdivision, a consent or a development permit issued under Section 41, 51, 53 or 70 respectively of the *Planning Act*;
- d) on lands where the total number of standard (30m³) truckloads does not exceed 10 in any calendar year.
- e) on lands where no soil is being added or removed from the subject lands, but rather is being moved on the site, and the amount of soil being moved on site does not exceed 300m³.
- f) on lands where an entrance permit has been approved by the appropriate road authority and the aggregate material is being imported from a licensed pit for the purposes of constructing a driveway.

4.2 MINOR PROJECTS REQUIRING ROAD AGREEMENT

Notwithstanding any other provision of this by-law, site alterations involving the placing or dumping of fill, the removal or addition of topsoil and or the alteration of the grade of land are permitted when related to actions undertaken by the following are permitted subject to the owner completing an application and entering into a Road Agreement with the Township and providing required securities:

- a) pursuant to an approval or a condition of approval of a development permit issued by the Niagara Escarpment Commission under the *Niagara Escarpment Planning and Development Act*;
- b) pursuant to an approval or a condition of approval of a permit issued by the Nottawasaga Valley Conservation Authority under the *Conservation Authorities Act*;

pursuant to an approval or a condition of approval of a building or demolition permit or a permit for a septic system, or pursuant to an order, directive or other requirement by an inspector issued under the *Ontario Building Code Act*;
- c) on lands where the placing or dumping of fill, removal of topsoil or alteration of the grade of land is undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, for the purposes of constructing and maintaining an electricity transmission system or distribution system or fiber-optical system or other communication system, as those terms are defined in that section;
- d) on lands described in a license for a pit of quarry or a permit for a wayside pit or quarry issued under the *Aggregate Resources Act*, where the rehabilitation plans approved by the Ministry of Natural Resources prior to the passing of this by-law explicitly provide for the importation of fill, but that any filling of excavated areas or importation of topsoil, or filling in excess of the approved rehabilitation plan shall not be exempt;
- e) on lands where the placing or dumping of fill, removal of topsoil or alteration of the grade of land is undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*.
- f) On lands owned by the Township of Mulmur or on lands where the placement of fill is carried out by the Township of Mulmur;
- g) on lands where the placing or dumping of fill, removal of topsoil or alteration of the grade of land is undertaken as an incidental part of a normal agricultural practice including such activities as the removal of topsoil as an incidental part of sod farming, greenhouse and nursery operations or horticultural production, but this exemption does not apply to the removal of topsoil for sale, exchange or other disposition;

- h) on lands where the placing or dumping of fill, removal of topsoil or alteration of the grade of land involves an amount of soil or fill less than 300 m³ within any one year period, which is related and incidental to a building or development authorized by the Township or to landscaping around such building or development, or to the construction of a residential or farm driveway, or to a normal agricultural, horticultural or forestry operation or practice provided the fill or soil is free of contaminants of any sort and there is no change in the location, direction or elevation on any natural or artificial watercourse, open channel, swale or ditch used to drain the lands, or the adjoining lands, and;

5. APPLICATION FOR PERMIT

An owner who wishes to import or remove more than 300m³ of fill or soil in any given year, or alter the grade of land, in any way that is not otherwise specifically exempted above, shall submit an application in the form prescribed by the Director that:

- a) Identifies all land(s) and the landowner(s) involved, the operator's business and legal name(s), the individual and firm name(s) and qualifications of the qualified person or persons responsible for ensuring that the requirements of this by-law and other applicable law are satisfied along with a proposed schedule indicating when a qualified person will be on-site, and full contact information for all such persons:
- b) Identifies proposed haul route(s) with a map, and a hauling schedule and duration;
- c) Specifies the types and proposed location of temporary signage to be provided along the haul route(s) and at the site;
- d) Identifies the location and provides design details for a temporary entrance which shall include an adequate internal stacking area, mud mat specifications and location, truck turning and other necessary improvements and signage and any other traffic control measures required by the Director. For smaller scale projects the requirements may be tailored to suit the proposal and an existing entrance may be used, at the discretion of the Director;
- e) Contains accurate plans of the lands involved based on a legal survey and to the satisfaction of the Director showing:
 - i) the location of, and an identification or description of all man-made and natural features, including details on forested areas, hedgerows and trees, and spot elevations for Small Scale Projects or contours at one metre intervals for Large Scale Projects, of the Site and within 30 m. on the adjacent lands in sufficient detail to accurately depict the existing grades and drainage features and patterns;
 - ii) the location of easements or rights-of way, utilities, services and other features and infrastructure on the Site and within the adjacent road allowance(s);

- iii) the proposed locations and specifications for erosion and sedimentation controls and measures to prevent impacts on both on and off-site surface water features and adjacent land and the tracking of mud onto roadways;
 - iv) a detailed plan showing the proposed finished grades and drainage patterns, and;
 - v) a detailed plan showing site restoration measures and detailed specifications for the re-establishment of vegetation cover and for the replacement of trees removed, damaged or destroyed by the operation and a schedule for completion and, for Large Scale Projects, a phasing plan and timeframe for completion.
- f) Identifies the source or sources of the fill and contains a detailed description of the material and a soils/contaminants analysis prepared by a qualified person based on sampling taken at appropriate and sufficient locations and intervals at the source or sources of the fill. Soil shall be Table 1 Standard as per MNR Soil Standards, provided in Appendix A. For Small Scale Projects, this requirement may be waived at the discretion of the Director for locally sourced fill which is known to be free of contaminants;
- g) Contains a report or reports prepared by a qualified person or persons which conclude(s) that the proposed fill operation will not have a negative impact on the environment, surface and groundwater resources, important recharge areas or source water protection areas, drainage patterns including those affecting adjacent properties, prime agricultural lands or areas, existing agricultural operations, sensitive land uses on adjacent lands, significant views and vistas and the rural character of the Township generally. For Small Scale Projects, some or all of these requirements may be waived or the scope of the report(s) may be tailored to suit the proposal, at the discretion of the Director;
- h) Contains documentation that demonstrates that the following approvals have been obtained where applicable;
- A permit or clearance from the Nottawasaga Valley Conservation Authority;
 - A development permit or exemption from the Niagara Escarpment Commission
 - A permit under any applicable tree cutting by-law;
 - A temporary entrance permit or confirmation that a permit can be obtained from the Director or from the appropriate road authority having jurisdiction;
- i) Is accompanied by the prescribed fees and deposits payable to the Township of Mulmur in accordance with Section 6 of this by-law.
- j) Contains an irrevocable consent from the owner or owners of all lands involved authorizing any Officer to enter the site to determine compliance with the By-law or the conditions of the permit and/or to perform any work necessary to bring the site into compliance.

- k) For Small Scale Projects, includes a list of the surrounding landowners within 500 m of the Site, the landowners along the proposed haul route within the Township, the road authorities and the agencies that the Owner has informed of and/or consulted in advance of submitting the application, and a copy of the information provided and any correspondence or other printed material received. For Large Scale Projects, the requirements of Section 10 shall apply

6. FEES AND DEPOSITS

Prescribed fees and deposits to be provided include:

- a) Permit application fee of \$500.00 (non-refundable) for Small Scale Projects and \$1,000.00 for Large Scale Projects (non-refundable). There shall be no fee for projects under section 4.2 All fees and deposits shall be by certified cheque, cash or letter of credit.
- b) The Owner shall provide a Performance Security Deposit, the amount of which shall be calculated based on the anticipated size of the fill project at \$10.00 per 10m³ load equivalent which shall be required prior to commencing the fill project. The Performance Security Deposit shall be returned only when the Township is satisfied with the rehabilitation, monitoring and the quality of fill.
- c) The Owner shall provide a Road Maintenance and Restoration Deposit, the amount of which shall be calculated by the Director based on the haul route road type and length, being \$100.00 per metre of paved route plus \$60.00 per metre of gravel route, excluding roads not under the Township's jurisdiction which shall be required prior to commencing the fill activity.
- d) The Owner shall provide an Application Review and Performance Evaluation Deposit sufficient to cover the anticipated costs of technical reviews required to evaluate the application, the cost of legal and other professional services required to prepare any required agreement or administer and enforce the conditions of the permit or the provisions of this by-law, and/or to evaluate any performance report provided to the Township pursuant to Section 7e) shall be provided. A minimum deposit of \$2000.00 shall be required at the time of submission of the application.
- e) The Owner shall provide a fee of \$2.00 per load prior to the fill project. The fee shall be estimated and provided to the Township prior to commencing the fill activity. Truck importation records shall be provided on a weekly basis. The fee shall be reconciled on a weekly basis should the project exceed the estimated capacity, or if it under-performs, reconciliation shall occur at the end of the project.

The Township shall be entitled to, and the Owner shall top up any deposit that has been used or depleted pursuant to actions taken pursuant to Sections 7 or 13 of this By-law, to the amount of the original deposit required, forthwith and not later than five business days after the deposit was drawn on by the Township.

7. PERMIT CONDITIONS

- a) The following shall be deemed to be conditions of every permit:
- i) A permit expires on the lesser of one calendar year after it is issued or on the date specified for the completion of the fill operation on the permit;
 - ii) There shall be no contravention of any other applicable law or regulation. The permit may be revoked without notice under Section 8 a) ii) of this By-law in the event of a major contravention of this by-law, or the permit may be suspended immediately upon the discovery of a minor contravention of this by-law and for a reasonable period of time to be determined by, and at the discretion of the Director;
 - iii) The determination of what constitutes a minor contravention shall be made by and in the sole discretion of the Director. The Owner shall take the necessary steps forthwith and without delay to remedy a minor contravention and obtain confirmation from the Director and/or written confirmation from any other agency or agencies having jurisdiction within the prescribed timeframe provided by the Director.
 - iv) The Owner shall provide the Director with at least five (5) business days notification of the intended commencement of hauling and placing of fill;
 - v) Once the fill operation is commenced, and until rehabilitation of the site is completed to the satisfaction of the Director, the owner shall provide bi-weekly written reports from a qualified person to the Director which confirm that the works are being carried out in accordance with the terms of the permit and this by-law;
 - vi) The Township may apply any portion of the Road Maintenance and Restoration Security Deposit to remediate, control or to prevent damage to the haul route or to remedy any safety concern or nuisance impact, including the raising of dust, if the Owner fails or refuses to do so after the Director has given notice to the Owner. In addition, the Owner shall apply calcium on all graveled portions of the haul route prior to commencing the fill activity.
 - vii) The Township may apply any portion of the Performance Security Deposit to remediate, control or to prevent damage to any adjacent lands, or to remedy any deficiency of the operation or any breach of any condition of the permit or this by-law, or any contravention of any other applicable law or regulation, or to remedy any safety concern or nuisance impact, including the raising of dust, if the Owner fails or refuses to do so after the Director has given notice to the Owner.
 - viii) The Owner(s) shall indemnify the Township, its elected officials, officers, employees and agents from any liability, cost, damages or losses incurred directly or indirectly by issuing a permit. The Owner, or each owner if more

than one property is involved, shall carry a comprehensive policy of insurance and shall add the Township of Mulmur as an 'additional insured' under that policy and at the owner's expense, and provide a minimum of Ten Million Dollars (\$10,000,000.00) of liability coverage per occurrence. Proof of insurance shall be provided to the Township before the permit is issued and the permit shall be deemed to have been revoked if, and at the precise moment, the insurance coverage lapses or is not maintained in full force and effect.

- b) The Director may attach such other conditions to a permit that, in the opinion of the Director, are reasonably required to protect the economic, social and environmental well-being of the Township and the health, safety and well-being of persons as a result of anticipated impacts of the fill operation.
- c) The Owner shall securely install and maintain the Permit placard issued by the Director with the permit at the driveway entrance so that it is easily visible from the roadway. The placard shall contain the commencement and expiry date of the permit and the contact information of the Owner, the operator and the Township to the satisfaction of the Director.
- d) The Owner shall create 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 each and every motor vehicles hauling to/from the site;
 - iv) the date and time of each delivery of fill;
 - v) the point of origin of each delivery of fill;
 - vi) the weight or the weight and volume of each delivery of fill,
 - vii) the content or type of material constituting each delivery of fill;

The Owner shall make available to the qualified person responsible for certifying that the operation is in compliance, and to the Director or any Officer, the records referred to in this clause, upon demand.

- e) The Township may engage legal, engineering, hydrogeology, environmental, surveying and/or landscaping consultants to evaluate any application, studies, reports or other supporting information provided in support of an application, to prepare or review any required agreements, and to evaluate any performance reports provided to the Township pursuant to Section 7 a) v) of this by-law.
- f) The Township, and/or its agents shall have the right to access the site during the term of the fill permit, rehabilitation and any related Performance period.

8. EXPIRY OR REVOCATION OF PERMIT

- a) The Township may revoke a permit if;

- i) the Township determines that the application contained false or misleading information, or;
- ii) the Owner breaches any of the conditions or terms of this By-law or the permit, or;
- iii) the Owner fails to bring the operation into compliance within thirty (30) days when a permit has been suspended under Section 7 a) ii).

9. CRITERIA FOR CONSIDERING APPLICATIONS

The Township does not warrant in any way that approval of any project is guaranteed, or that there is necessarily any entitlement whatsoever to obtaining a permit under this by-law. The following shall be used by the Township in evaluating applications:

Applications may not be approved if;

- The operation or the resulting landscape changes could have a negative impact on surface or groundwater resources, recharge characteristics or wellhead protection areas;
- The lands are prime agricultural lands or within a prime agricultural area;
- the operation could have a significant negative impact on an adjacent established or as-of-right land use, including any adjacent agricultural use, that cannot be adequately mitigated;
- The lands are zoned “Environmental Protection” in the Township’s Zoning By-law;
- The site is within any significant natural feature which is protected under the Provincial Policy Statement (PPS) issued pursuant to the Planning Act;
- The site is situated within ‘adjacent lands’ defined by the PPS to any significant natural feature, unless it can be demonstrated through an Environmental Impact Study that there will be no negative impact on the natural feature or its function.
- The operation involves significant tree removal, or compensatory measures for trees lost or damaged by the operation are not proposed and/or cannot be agreed upon and provided;
- The lands are part of an area that has important scenic qualities or the location, nature and/or extent of the operation and/or the resulting landscape changes significantly detract from the scenic qualities of the area or the rural character of the Township generally:
- The haul route(s) are not suitable or capable of safely accommodating the truck traffic resulting from the operation or maintenance and rehabilitation of roads is not proposed and/or cannot be agreed upon and reasonably be carried out.
- Large applications shall only be considered for rehabilitation and filling exhausted pits and quarries, or to rectify extenuating soil topography on a site-by-site basis.

10. PUBLIC INFORMATION AND CONSULTATION

For Small Scale Projects, the Owner is responsible for providing information, meeting the consultation requirements and providing the record set out in Section 7 k), to the satisfaction of the Director,

For Large Scale Projects, at least twenty (20) days before the municipal Council holds a public information meeting or a Council meeting at which the proposal will be considered under Section 11, a notice with details about the proposal sufficient to reasonably inform the owners of land within 120 metres of the site, shall be forwarded by first class mail or delivered to those individuals and agencies, published in the local newspaper(s) having circulation in the local area and posted on a sign at the site which is visible from each adjacent road. The notice, notification list, and sign details shall be approved in advance by the Director.

In addition to the details of the project, the Notice shall include details of the public information meeting or Council meeting at which the proposal will be considered and a reasonable opportunity will be provided to the public and agencies to provide their comments and input.

11. ROLE OF COUNCIL, COUNCIL DECISION FINAL

For Small Scale Projects, if the Director refuses to issue a permit, or imposes conditions which are unreasonable or deems a contravention to be a major contravention pursuant to in Section 7 a) ii) resulting in the revocation of the permit, the Owner may appeal to the municipal Council.

For Large Scale Projects, the decision on whether to issue a permit shall be made by Council and the conditions and requirements of the permit shall be dictated by Council, based on the recommendations of the Director. The Director shall determine if a contravention referred to in Section 7 a) ii) is minor or major, and such determination may also be appealed to the municipal Council.

A decision of the Council under this Section is final and is not subject to any further or other appeal process.

12. OTHER APPROVALS

The issuance of a permit under this by-law does not exempt or excuse the Owner from complying with all other applicable Federal, Provincial and municipal laws and requirements and it does not constitute assurance that the Owner will necessarily be able to obtain other required approvals from other agencies.

13. RECOVERY OF COSTS

- a) Costs incurred by the Township over and above the securities held, arising out of any default or failure of the Owner to perform the obligations and requirements under this By-law or the conditions of the permit, plus interest accrued to the date payment is made at the rate of ten percent (10%) or such lesser rate as may be approved by the Township, will be recoverable from the Owner of the land by

action or in like manner as taxes pursuant to the provisions of Section 446 of the *Municipal Act*, 2001.

- b) Costs incurred by the Township as set out in Section 10 a) of this by-law, including interest at 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.
- c) The lien shall be in respect to all costs that are payable at the time the notice is registered plus interest at the prescribed rate and accrued to the payment date.
- d) Upon payment of all costs payable plus interest accrued to the date of debt retirement being made by the Owner, a discharge of the lien shall be registered to the Township in the proper Land Registry Office of a notice of the discharge of the lien pursuant to Section 446 of the *Municipal Act*, 2001.

14. ORDER TO DISCONTINUE ACTIVITY AND WORK ORDER

If an Officer is satisfied that a contravention of this by-law or the conditions of the permit or any other applicable law or regulation has occurred, the Officer may make an order requiring the Owner and/or the person who caused or permitted the placing or dumping of fill, removal of fill or alteration of the grade of land in contravention of any requirement, to discontinue the activity and the order shall set out:

- The municipal address and the legal description of the land;
- Reasonable particulars of the contravention.

In the event that the permit is suspended under Section 7 a) ii) the order to discontinue may also incorporate;

- a work order which, in addition to the above, describes the work to be done,
- the date or period of time within which compliance must be achieved,
- direction to provide immediate stabilization of all disturbed areas, and;
- a notice stating that, if the work is not done in compliance with the order and otherwise remedy the contravention within the specified time period, the permit will be revoked and/or the Township may carry out the works or have the works performed by an agent or contractor of the Township at the Owners expense..

15. ALL COST ARE THE RESPONSIBILITY OF THE OWNER

Unless otherwise provided in this by-law, all costs of administering and enforcing this by-law and/or the conditions of approval of the permit, including the costs of works undertaken by the Township, its agents or contractors, to remedy any contravention or to stabilize, restore and/or rehabilitate the Site, any adjacent land adversely affected by the operation and/or any roads, with interest where and as applicable, shall be the responsibility of the Owner and shall be borne in their entirety by the Owner.

16. CONTRAVENTION AND SYSTEM OF FINES

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof is liable to:

- a) In the case of an individual, a fine of not less than \$500.00 and not more than \$25,000.00 for a first offence and for a fine of not more than \$100,000.00 for any subsequent offence, and;
- b) In the case of a corporation, a fine of not less than \$1,000.00 and not more than \$50,000.00 for a first offence and for a fine of not more than \$100,000.00 for any subsequent offence.

17. GENERAL

In the event that any particular provision or part of any provision of this by-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision shall be deemed to be severed, and the rest of the by-law shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

18. EFFECTIVE DATE

This By-law shall come into force and take effect on the date of passage hereof.

By-law read a first and second time this 4th day of February, 2015.

By-law read and third time and finally passed this 4th day of February, 2015.

Terry Horner

Heather Hayes

Terry Horner, Clerk

Heather Hayes, Deputy Mayor

APPENDIX A – SOIL STANDARDS (Refer to Ministry of Environment’s ‘Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, April 15, 2011, PIBS # 7382e01

TABLE 1: Full Depth Background Site Condition Standards

Table 1 Contaminant	Soil (other than sediment) µg/g		Ground Water (µg/L)	Sediment (µg/g)
	Agricultural or Other Property Use	Residential/ Parkland/Institutional/ Industrial/Commercial/ Community Property Use	All Types of Property Uses	All Types of Property Uses
Acenaphthene	0.05	0.072	4.1	NV
Acenaphthylene	0.093	0.093	1	NV
Acetone	0.5	0.5	2700	NV
Aldrin	0.05	0.05	0.01	0.002
Anthracene	0.05	0.16	0.1	0.22
Antimony	1	1.3	1.5	NV
Arsenic	11	18	13	6
Barium	210	220	610	NV
Benzene	0.02	0.02	0.5	NV
Benz[a]anthracene	0.095	0.36	0.2	0.32
Benzo[a]pyrene	0.05	0.3	0.01	0.37
Benzo[b]fluoranthene	0.3	0.47	0.1	NV
Benzo[ghi]perylene	0.2	0.68	0.2	0.17
Benzo[k]fluoranthene	0.05	0.48	0.1	0.24
Beryllium	2.5	2.5	0.5	NV
Biphenyl 1,1'-	0.05	0.05	0.5	NV
Bis(2-chloroethyl)ether	0.5	0.5	5	NV
Bis(2-chloroisopropyl)ether	0.5	0.5	120	NV
Bis(2-ethylhexyl)phthalate	5	5	10	NV
Boron (Hot Water Soluble)*	NA	NA	NA	NA
Boron (total)	36	36	1700	NV
Bromodichloromethane	0.05	0.05	2	NV
Bromoform	0.05	0.05	5	NV
Bromomethane	0.05	0.05	0.89	NV
Cadmium	1	1.2	0.5	0.6
Carbon Tetrachloride	0.05	0.05	0.2	NV
Chlordane	0.05	0.05	0.06	0.007
Chloroaniline p-	0.5	0.5	10	NV
Chlorobenzene	0.05	0.05	0.5	NV
Chloroform	0.05	0.05	2	NV
Chlorophenol, 2-	0.1	0.1	8.9	NV
Chromium Total	67	70	11	26
Chromium VI	0.66	0.66	25	NV
Chrysene	0.18	2.8	0.1	0.34
Cobalt	19	21	3.8	50
Copper	62	92	5	16
Cyanide (CN-)	0.051	0.051	5	0.1
Dibenz[a,h]anthracene	0.1	0.1	0.2	0.06
Dibromochloromethane	0.05	0.05	2	NV
Dichlorobenzene, 1,2-	0.05	0.05	0.5	NV
Dichlorobenzene, 1,3-	0.05	0.05	0.5	NV
Dichlorobenzene, 1,4-	0.05	0.05	0.5	NV
Dichlorobenzidine, 3,3'-	1	1	0.5	NV
Dichlorodifluoromethane	0.05	0.05	590	NV
DDD	0.05	0.05	1.8	0.008
DDE	0.05	0.05	10	0.005
DDT	0.078	1.4	0.05	0.007
Dichloroethane, 1,1-	0.05	0.05	0.5	NV
Dichloroethane, 1,2-	0.05	0.05	0.5	NV
Dichloroethylene, 1,1-	0.05	0.05	0.5	NV
Dichloroethylene, 1,2-cis-	0.05	0.05	1.6	NV
Dichloroethylene, 1,2-trans-	0.05	0.05	1.6	NV
Dichlorophenol, 2,4-	0.1	0.1	20	NV
Dichloropropane, 1,2-	0.05	0.05	0.5	NV
Dichloropropene, 1,3-	0.05	0.05	0.5	NV
Dieldrin	0.05	0.05	0.05	0.002

Table 1 Contaminant	Soil (other than sediment) (µg/g)		Ground Water (µg/L)	Sediment (µg/g)
	Agricultural or Other Property Use	Residential/ Parkland/Institutional/ Industrial/Commercial/ Community Property Use	All Types of Property Uses	All Types of Property Uses
Diethyl Phthalate	0.5	0.5	30	NV
Dimethylphthalate	0.5	0.5	30	NV
Dimethylphenol, 2,4-	0.2	0.2	10	NV
Dinitrophenol, 2,4-	2	2	10	NV
Dinitrotoluene, 2,4 & 2,6-	0.5	0.5	5	NV
Dioxane, 1,4	0.2	0.2	50	NV
Dioxin/Furan (TEQ)	0.000007	0.000007	0.000015	NV
Endosulfan	0.04	0.04	0.05	NV
Endrin	0.04	0.04	0.05	0.003
Ethylbenzene	0.05	0.05	0.5	NV
Ethylene dibromide	0.05	0.05	0.2	NV
Fluoranthene	0.24	0.56	0.4	0.75
Fluorene	0.05	0.12	120	0.19
Heptachlor	0.05	0.05	0.01	NV
Heptachlor Epoxide	0.05	0.05	0.01	0.005
Hexachlorobenzene	0.01	0.01	0.01	0.02
Hexachlorobutadiene	0.01	0.01	0.01	NV
Hexachlorocyclohexane Gamma-	0.01	0.01	0.01	NV
Hexachloroethane	0.01	0.01	0.01	NV
Hexane (n)	0.05	0.05	5	NV
Indeno[1 2 3-cd]pyrene	0.11	0.23	0.2	0.2
Lead	45	120	1.9	31
Mercury	0.16	0.27	0.1	0.2
Methoxychlor	0.05	0.05	0.05	NV
Methyl Ethyl Ketone	0.5	0.5	400	NV
Methyl Isobutyl Ketone	0.5	0.5	640	NV
Methyl Mercury **	NV	NV	0.12	NV
Methyl tert-Butyl Ether (MTBE)	0.05	0.05	15	NV
Methylene Chloride	0.05	0.05	5	NV
Methylnaphthalene, 2-(1-) ***	0.05	0.59	2	NV
Molybdenum	2	2	23	NV
Naphthalene	0.05	0.09	7	NV
Nickel	37	82	14	16
Pentachlorophenol	0.1	0.1	0.5	NV
Petroleum Hydrocarbons F1****	17	25	420	NV
Petroleum Hydrocarbons F2	10	10	150	NV
Petroleum Hydrocarbons F3	240	240	500	NV
Petroleum Hydrocarbons F4	120	120	500	NV
Phenanthrene	0.19	0.69	0.1	0.56
Phenol	0.5	0.5	5	NV
Polychlorinated Biphenyls	0.3	0.3	0.2	0.07
Pyrene	0.19	1	0.2	0.49
Selenium	1.2	1.5	5	NV
Silver	0.5	0.5	0.3	0.5
Styrene	0.05	0.05	0.5	NV
Tetrachloroethane, 1,1,1,2-	0.05	0.05	1.1	NV
Tetrachloroethane, 1,1,2,2-	0.05	0.05	0.5	NV
Tetrachloroethylene	0.05	0.05	0.5	NV
Thallium	1	1	0.5	NV
Toluene	0.2	0.2	0.8	NV
Trichlorobenzene, 1,2,4-	0.05	0.05	0.5	NV
Trichloroethane, 1,1,1-	0.05	0.05	0.5	NV
Trichloroethane, 1,1,2-	0.05	0.05	0.5	NV
Trichloroethylene	0.05	0.05	0.5	NV
Trichlorofluoromethane	0.05	0.25	150	NV
Trichlorophenol, 2,4,5-	0.1	0.1	0.2	NV
Trichlorophenol, 2,4,6-	0.1	0.1	0.2	NV
Uranium	1.9	2.5	8.9	NV
Vanadium	86	86	3.9	NV
Vinyl Chloride	0.02	0.02	0.5	NV

Table 1	Soil (other than sediment) µg/g		Ground Water (µg/L)	Sediment (µg/g)
Contaminant	Agricultural or Other Property Use	Residential/ Parkland/Institutional/ Industrial/Commercial/ Community Property Use	All Types of Property Uses	All Types of Property Uses
Xylene Mixture	0.05	0.05	72	NV
Zinc	290	290	160	120
Electrical Conductivity (mS/cm)	0.47	0.57	NA	NA
Chloride	NA	NA	790000	NV
Sodium Adsorption Ratio	1	2.4	NA	NA
Sodium	NA	NA	490000	NV

Notes

() Standard in bracket applies to medium and fine textured soils

N/V= No value derived. N/A = Not applicable

* The boron standards are for hot water soluble extract for all surface soils. For subsurface soils the standards are for total boron (mixed strong acid digest), since plant protection for soils below the root zone is not a significant concern.

** Analysis for methyl mercury only applies when mercury (total) standard is exceeded

*** The methyl naphthalene standards are applicable to both 1-methyl naphthalene and 2-methyl naphthalene, with the provision that if both are detected the sum of the two must not exceed the standard.

**** F1 fraction does not include BTEX; however, the proponent has the choice as to whether or not to subtract BTEX from the analytical result.