



The Corporation of the Township of Mulmur

By-Law No. 31 – 2026

Being a By-law to Regulate Site Alteration and Movement of Fill

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (hereafter referred to as the *Municipal Act, 2001*) provide that a municipality may pass by-laws necessary or desirable for municipal purposes;

And whereas section 142 of the *Municipal Act, 2001* authorizes a municipality to:

- a) Prohibit or regulate the placing or dumping of fill;
- b) Prohibit or regulate the removal of topsoil;
- c) 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
- d) 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.

And whereas section 23.2 of the *Municipal Act, 2001* authorizes a municipality to delegate its powers to an officer, employee or agent of a municipality;

And whereas section 425 of the *Municipal Act, 2001* authorizes a municipality to pass a by-law providing that a person who contravenes a by-law of the municipality is guilty of an offence;

And whereas section 426 of the *Municipal Act, 2001* deems that any person that hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising or performing a duty under the Act or a by-law passed under the Act is guilty of an offence;

And whereas section 444 (1) of the *Municipal Act, 2001*, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under the Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention of the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And whereas section 445 (1) of the *Municipal Act, 2001*, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under the Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention of the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

And whereas section 446 of the Municipal Act, 2001 gives a municipality authority to direct or require a person to do a matter or thing, and the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. For these purposes the municipality may enter upon land at any reasonable time, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

And whereas the Council of the Corporation of the Township of Mulmur deems it necessary and desirable to establish a by-law to regulate site alteration and movement of fill;

Now therefore the Council of the Corporation of the Township of Mulmur hereby enacts as follows:

1.0 Definitions

Adverse Effect shall have the same meaning as in the Environmental Protection Act, R.S.O. 1990, c. E.19.

Aggregate shall have the same meaning as in the Aggregate Resources Act, R.S.O. 1990, c.A.8, as amended ("Aggregate Resources Act").

Agricultural shall have the same meaning as in the Township's Comprehensive Zoning By-law, as amended.

Applicant means the Owner of a Property and includes a Person formally identified in writing to act on behalf of the Owner to apply for a Permit.

Application means a submission to request or amend a Permit.

Compost means a mixture of various decaying organic substances, such as dead leaves or manure, used for fertilizing soil.

Conservation Authority means the legislated Conservation Authority managing, protecting and regulating development on lands under the Conservation Authorities Act.

Condition(s) means the mandatory performance requirements outlined in a Permit, or Order, including any legal agreement between the Township and Owner that is required in association with a Permit under this By-law.

Contaminant means any solid, liquid, gas, odour heat, sound, vibration, radiation or combination of an of them resulting directly or indirectly from human activities

that causes or may cause an Adverse Effect.

Council means the Council of the Corporation of the Township of Mulmur.

Director means the Township's Director of Infrastructure, the Chief Administrative Officer (CAO) or designate.

Drainage means the movement of surface water, whether by way of the natural characteristics of the ground surface or by artificial means.

Dump(ing) means the placement or deposit of Fill in a location other than where the Fill was obtained from, or the movement and placement or deposit of Fill from one location on a property to another location on the same property or to a separate property.

Excess Soil shall have the same meaning as in the Environmental Protection Act, R.S.O. 1990, c. E.19.

Fill means any type of material that can be removed from (cut) or placed on (in-fill) land and includes, but is not limited to, Soil, Excess Soil, Liquid Soil, Rock, Sod, Compost, Aggregate and Topsoil.

Grade means the elevation of the ground surface of the land at any point on the land.

Grade, Approved means the approved final elevation of the ground surface following Site Alteration or Movement of Fill in accordance with this By-law.

Grade, Existing means the Grade of the existing ground surface prior to any Site Alteration or Movement of Fill, including the natural Grade prior to human activities or the Grade previously legally established such as a former Approved Grade.

Grade, Unapproved means any elevation of the ground surface that is not either an Existing Grade or an Approved Grade.

Guidelines means application requirements, information and documentation including conditions, requirements for a Permit, as determined by the Director from time to time, to be used for the purpose of administering this By-law.

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

Invasive Species shall have the same meaning as in the Invasive Species Act, 2015, as amended.

Soil, Liquid means liquid soil as defined in O.Reg. 406/19 under the *Environmental Protection Act*.

MECP means the Ontario Ministry of the Environment, Conservation and Parks as may be renamed from time to time.

Movement of Fill means any non-natural transfer of Fill from one location to another of any distance within the Township, excluding Fill that is transported through the Township and is always contained within the transport vessel.

Normal Farm Practice means a normal farm practice as defined in the *Farming and Food Production Protection Act, 1998*.

Offence means a contravention of any provision of this By-law, any Condition of a Permit or Order issued under this By-law by any Person who could then be subjected to fines and penalties.

Officer means a Municipal Law Enforcement Officer appointed by the Township for the purpose of municipal law enforcement, including but not limited to a Police Officer, Building Inspector, By-law Enforcement Officer or a person assigned and authorized by Council with the responsibility for enforcement.

Ontario Regulation 153/04 means Ontario Regulation 153/04 (Records of Site Condition — Part XV.1 of the Environmental Protection Act) as may be amended.

Ontario Regulation 406/19 means Ontario Regulation 406/19 (On Site and Excess Soil Management) under the Environmental Protection Act, as may be amended.

Order means a mandatory requirement for action within a specified time period specifically issued by an Officer to address issues of non-compliance with the By-law and/or the Conditions of a Permit.

Owner means the registered Owner(s) of land.

Permit means a formal authorization issued with Conditions under this By-law.

Person includes Owners, individuals, sole proprietorships, partnerships, corporations, trustees, agents, or legal representatives.

Property means a parcel or tract of land described in a deed or other legal

document, including all buildings, structures and fixtures thereon that may be conveyed or otherwise transferred in accordance with applicable law.

Public Information Meeting means an open meeting to which all members of the public are invited, for the purpose of informing the public and receiving comments regarding a proposed activity or action.

Qualified Person means a licensed professional (Engineer or Geoscientist) as defined in Section 5 or 6 of Ontario Regulation 153/04.

Rock means a naturally occurring aggregation of one or more naturally occurring minerals that is 2 millimeters or larger in size or that does not pass the US No. 10 sieve.

Securities means funds held by the Township in a form and amount to be determined in accordance with Township's User Fee and Charges By-law, to secure the performance of the Owner's obligations under this By-law and any Permit; any additional costs associated with or as a result of the Site Alteration including but not limited to Site Restoration or Site Remediation, completion of the project, deficiencies, damage to the Township roads, etc. shall be deducted from the security; further costs associated with the alteration, if incurred by the Township, shall be invoiced to the Property Owner and may be added to the tax roll and collected in the same manner as taxes on the Property

Sod means the upper stratum of soil bound by grass and plant roots into a thick mat (turf).

Soil means unconsolidated naturally occurring mineral particles and other naturally occurring materials resulting from the natural breakdown of rock or organic matter by physical, chemical or biological processes that are smaller than 2 millimeters in size or that pass the US No. 10 sieve.

Site means the Property altered or proposed to be altered by means of a Site Alteration.

Site Alteration means any alteration to the Grade of land through the removal, placement or relocation of Fill.

Site Alteration and Fill Management Plan means a document prepared by, or on behalf of an Owner in accordance with the guidelines detailing such things as current Site conditions, methodology, Existing Grade, Approved Grade and impact mitigation measures.

Site Alteration, Large means any Site Alteration and Movement of Fill that does

not meet the definition of a Minor Site Alteration or a Small Site Alteration.

Site Alteration, Minor means a Site Alteration or Movement of Fill that involves no more than a maximum cumulative volume of 350 m³ in any given 12 month period.

Site Alteration, Small means any Site Alteration and Movement of Fill that is between 350 m³ and 1,000 m³ of total Site Alteration.

Soil Bank Storage Site means a waste disposal site at which excess soil is managed on a temporary basis and that is operated, by a Person who is not the project leader for all of the projects from which the Excess Soil was excavated, for the primary purpose of storing the Excess Soil from one or more projects until the Soil can be transported to a Site for final placement or disposal.

Soil Processing Site means a waste disposal site at which Excess Soil is managed on a temporary basis, that is operated for the primary purpose of processing Excess Soil in order to reduce Contaminants in the Excess Soil and at which a processing method other than a method mentioned in either subsection 6 (3) or paragraph 8 of subsection 21 (1) is used as per Ontario Regulation 406/19.

Swale means a shallow depression in the ground sloping to a place of disposal of surface water or providing a method of Drainage.

Temporary Fill Storage Site means any Property where Fill is stored above Existing Grade on a temporary basis as part of the activities of a permitted use in accordance with the Township's Zoning By-law, and could include a Soil Bank Storage Site or a Soil Processing Site.

Temporary Storage of Fill means the storage of Fill at a Temporary Fill Storage Site above Existing Grade for a period of time determined by the activities of the licensed business with the expectation that the business involves the regular Movement of Fill on to and off the Site in a manner that results in no Fill being stored longer than 18 months.

Tree means any species of woody perennial plant which has reached or can reach an average height of at least 5 metres at the physiological maturity and is larger than 50 mm diameter outside the bark of the tree measured at a point that is 1.37 metres above the ground.

Topsoil 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.

Township means the Corporation of the Township of Mulmur.

Watercourse shall have the same meaning as in the Township's Comprehensive Zoning By-law, as amended.

Zoning By-law means the Township's Comprehensive Zoning By-law, as applicable and amended from time to time.

2.0 Prohibitions

- 2.1 No Person shall conduct, take, cause, permit or carry out any Site Alteration or Movement of Fill on any Property without first obtaining a Permit in accordance with this By-law.
- 2.2 No Person shall perform, or cause or permit any Site Alteration or Movement of Fill that may adversely affect the quality or quantity of any surface water or groundwater, however it may exist, including all water used for or available as a source of water for agriculture or human consumption.
- 2.3 No Person shall perform, or cause or permit any Site Alteration or Movement of Fill that could adversely affect any Watercourse or Drainage on any Property without prior written approval from the Director.
- 2.4 No Person shall undertake, cause or permit any Site Alteration or Movement of Fill that will result in an Unapproved Grade or Adverse Effect.
- 2.5 No person shall conduct, undertake, cause, permit or carry out the deposit, processing or temporary storage of liquid soil (as is also prohibited by Ontario Regulation 406/19) unless approved through an Environmental Compliance Approval issued by the MECP and in compliance with all other applicable law, policies and By-laws.
- 2.6 No Person shall conduct any Site Alteration or Movement of Fill unless the Fill complies with the requirements of Ontario Regulation 406/19 and Ontario Regulation 153/04 and:
 - a) Does not contain putrescible materials.
 - b) Does not contain Contaminants that exceed the standards applicable to the Property in question, as set out in the Rules for Soil Management and Excess Soil Quality Standards which are adopted by reference in Ontario Regulation 406/19; and
 - c) Is free of termites, pests and Invasive Species including the eggs and seeds of such species.

2.7 No Person shall undertake, cause, or permit any Site Alteration or Movement of Fill on any Property unless the activity is in accordance with:

- a) The Township's Zoning By-law.
- b) The Niagara Escarpment Plan (NEP).
- c) The Green Belt Act, 2005.
- d) The requirements of any Conservation Authority having jurisdiction; and
- e) All other laws, policies and By-laws.

2.8 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law.

3.0 Exemptions

3.1 The requirement to obtain a Permit under this By-law does not apply to:

- a) Agricultural activities consistent with Normal Farm Practices including the removal of Topsoil as an incidental part of a normal Agricultural practice, such as sod-farming, greenhouse operations and nurseries for horticultural products but does not include:
 - i. the removal of Topsoil for sale, exchange or other disposition.
 - ii. the use, operation, establishment, alteration, enlargement or extension of a Waste Management System or Waste Disposal Site as defined in Part V of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended.
- b) Any Site Alteration or Movement of Fill conducted under the approval of any other legal instrument of the Township such as a Building Permit, or legal agreement with the Township which includes a provision specifically waiving the requirement of a Permit under the By-law.
- c) Infrastructure activities undertaken by the Township, the County of Dufferin, a Conservation Authority, or the Provincial or Federal government.
- d) The placing or Dumping of Fill, removal of Topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition of a Planning Act approval, or as a requirement of an agreement entered into under that legislation.
- e) The placing or Dumping of Fill, removal of Topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section.

- f) The placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land described in a licence for the operation of a pit or quarry or a permit for a wayside pit or wayside quarry as issued under the Aggregates Resources Act and Section 34 of the Planning Act.
 - g) 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.
 - h) The Site Alteration meets the definition of a Minor Site Alteration set out in this By-law and meets all other requirements of this By-law.
- 3.2 Any Person conducting Site Alteration or Movement of Fill that is exempt from requiring a Permit pursuant to s. 3.1 must be able to demonstrate to the satisfaction of the Township, at any time upon request, the applicability of the exemption in accordance with this By-law.
- 4.0 Permit Requirements**
- 4.1 Every person who applies for a Permit pursuant to this By-law shall provide the following information in writing:
 - a) a description of the Site where Site Alteration is proposed;
 - b) a Control Plan including all of the information and requirements set out in Schedule "A" to this By-law.
 - c) a completed application form in a form prescribed by the Township;
 - d)
 - e) all required fees and deposits, in accordance with the Township's User Fee and Charges By-law.
- 4.2 Notwithstanding any other provisions of this By-law, the Director may waive the requirement for a Control Plan or any part thereof, after taking into consideration the nature and scale of the proposed Site Alteration and the anticipated impact on the Site and the surrounding environment.
- 4.3 No Permit shall be issued until the Applicant has provided all information, application forms, documentation, fees, deposits, securities and agreements as required under this By-law to the satisfaction of the Township.
- 4.4 The Director may refuse to issue a Permit where the Applicant has failed to satisfy any requirement under this By-law.
- 4.5 Where a permit from the County of Dufferin or the Township is required to use any portion of the proposed haul route, the issuance of, and conformity with such

permit(s) shall be deemed to be a condition of the issuance of the Permit under this By-law.

- 4.6 The issuance of a Permit pursuant to this By-law does not exempt the Owner or Applicant from the need to obtain any approvals from applicable external agencies having jurisdiction on the Site, including but not limited to the Conservation Authority, Source Water Protection, and the County of Dufferin.
- 4.7 Based on the size and potential issues arising from the proposed Site Alteration or Movement of Fill arising from any given Application, the Director may impose such Conditions as the Director, in consultation with others, may see fit, including but not limited to:
- a) Site Alteration and Fill Management Plan prepared by a Qualified Person;
 - b) A Public Information Meeting;
 - c) A regime of sampling and testing on the Site;
 - d) The provision of Securities to the Township to ensure compliance with the requirements of this By-law as well as any Conditions;
 - e) A legal agreement with the Township; and/or
 - f) The requirement to obtain the approval of Council.
- 4.8 If a Public Information Meeting is required, all comments and concerns received shall be addressed by the Applicant and submitted to the Director for evaluation as part of the Application.
- 4.9 It shall be the responsibility of the Owner to ensure that any Site Alteration or Movement of Fill and all Fill which is Placed or Dumped under this By-law shall conform with, and meet, the requirements of this By-law and all Conditions of any applicable Permit. At any time during the term of a Permit, an Officer or Director may require evidence of such conformity, including without limiting the generality of the foregoing a requirement that the Owner and/or Permit provide evidence to the satisfaction of the Township that all any Site Alteration and all Fill which is Placed or Dumped on the Site complies with the requirements of this By-law.

5.0 Fees and Charges

- 5.1 Fees are set and payable under the Township's User Fees and Charges By-law, including but not limited to administration, security deposits and enforcement.
- 5.2 The Owner shall be responsible for and shall reimburse the Township for any costs incurred by the Township in connection with an application made under this By-law, including payment of professional fees for any external review, should the same be required as determined by the Director.

- 5.3 If work has been performed prior to the issuance of a Permit, the costs of engineering site inspection(s) for each inspection that was made, required or requested prior to the Permit being issued shall be the responsibility of the Owner.
- 5.4 If the Conditions of an Order made under this By-law are not complied with within the period specified in the Order, in addition to all other remedies it may have, the Township may undertake any activity to fulfill any of the Conditions of a Permit or Order at the Owner's expense.
- 5.5 The Township may recover its costs of remedying a violation of this By-law, including the requirements of any Permit or Orders, by invoicing the Owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

6.0 Permit Expiry

- 6.1 Site Alteration Permits will be issued for a period of one (1) year and will expire on the date set out in the Permit unless otherwise specified as a condition of the Permit.
- 6.2 An Application for a Permit will be deemed expired, and the Permit and respective file will be closed, where a period of twelve (12) months has elapsed during which:
- a) the Applicant has not provided all information, documents, fees and deposits as required by the Director including any new submissions that may be required;
 - b) the Application has been placed on hold or in abeyance; or
 - c) where no substantive submission or response has been provided by the Applicant.
- 6.3 Every Owner shall satisfy all Conditions of any Permit which has been granted, even if the Permit is expired, and shall provide the Township with the following, upon request:
- a) a letter of acknowledgment of the filing of a Record of Site Condition (in accordance with Ontario Regulation 153/04, as amended);
 - b) a completed final topographic survey confirming the Approved Grade; and
 - c) proof of satisfaction of all Permit Conditions

7.0 Permit Transfers

- 7.1 Site Alteration Permits are non-transferable. If title to the Site for which a Permit has been issued is transferred while the Permit is in effect, the Permit shall be automatically revoked unless the new Owner, at a minimum of thirty (30) days prior to the time of the transfer, provides the Township with an undertaking, to the

satisfaction of the Director, to comply with all Conditions under which the Permit was issued.

8.0 Permit Revocation

8.1 The Director may at any time revoke a Permit for any of the following reasons:

- a) It was obtained based 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 Owner and/or Applicant has failed to comply with any of the Conditions of the Permit;
- e) The Owner and/or Applicant is unwilling or unable to comply with the Conditions of an Order;
- f) The works authorized by the Permit have expired or have not been commenced within a reasonable time after the issuance of the Permit; or
- g) The works authorized by the Permit are being carried out in a manner that poses a risk to public health, safety or the environment.

9.0 Permit Amendments

9.1 The Owner and/or Applicant may submit a request to the Director for an amendment to the Permit based on proposed changes to the details of the initial Application as reflected in the Conditions.

9.2 The Owner and/or Applicant may submit a request to the Director for a renewal to the Permit if the only change from the initial Application and Conditions is the timeline and expiry date.

10.0 Permit Closures

10.1 A Permit is considered closed when all Conditions and Orders related to the Permit have been fulfilled to the satisfaction of the Director, at which time all unexpended deposits and securities held by the Township shall be released to the Applicant unless an agreement specifies otherwise.

11.0 Entry and Inspection

11.1 Without limiting any other power, duty or functions under this By-law, the Officer and/or Director may enter onto any Property to carry out inspections reasonably required to determine compliance with this By-law and/or the Conditions of a Permit or Order, or to give verbal or written directions concerning compliance with the same.

11.2 The Officers and the Director may, at any reasonable time:

- a) Collect information, take photographs, videos, measurements, readings and samples (air, surface water, groundwater, soil, materials, etc.);
- b) Require the production of copies of reports, manifests or other documentation for the purpose of auditing compliance with the Conditions of a Permit or Order;
- c) Require the production of documents for inspection or things relevant to the inspection, inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and
- d) Be accompanied by such other Person(s), as they deem necessary to properly carry out their duties under this By-law.

12.0 Enforcement and Orders

- 12.1 Where any Site Alteration or Movement of Fill occurs, is undertaken, caused or permitted on any Property, the Owner of the Property is presumed to have undertaken, caused, or permitted the Site Alteration and Movement of Fill to occur, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 12.2 Enforcement of any violation of this By-law shall be performed by the Officer.
- 12.3 If an Officer is satisfied that a Person has undertaken, caused, permitted, allowed or performed Site Alteration in contravention of the provisions of this By-law, the Conditions of a Permit, and/or an agreement pursuant to this By-law, the Officer may issue an Order in accordance with the Municipal Act, 2001, as amended.
- 12.4 Orders issued shall contain the municipal address and/or legal description of the Property and shall set out:
 - a) Reasonable particulars of the contravention, the work to be done, any work or action required to cease or be undertaken to rectify the contravention, and the period of time within which there must be compliance with the Order; and
 - b) Notification that, if the work or action is not done, or ceased, in compliance with the Order and the specified period of time, the Township may have the work done at the expense of the Owner and seek penalties as outlined in this By-law.
- 12.5 Any remedial work that is ordered through an Order to discontinue work or an Order to perform work as necessary to ensure compliance with this By-law shall be done in accordance with a Qualified Professional's report/plan that shall be submitted to the Township within the period of compliance provided for in the Order.
- 12.6 An Order is not deemed to be complied with until the Qualified Professional's report/plan has been approved by the Township, which may include a review by

a third party retained by the Township and the remedial work has been completed to the satisfaction of the Township.

12.7 Orders issued pursuant to this By-law may be served personally, and/or by registered mail, and/or by email to the last known address or email address of:

- a) the Owner;
- b) the Applicant; and
- c) any other Person required to be served.

12.8 If the Township is unable to effect service on the Owner, a placard containing the terms of the Order may be placed in a conspicuous place on the Property and the placing of the placard shall be deemed to be service of the Order.

12.9 If an Order is served by registered mail, it shall be deemed to have been served on the 5th day after mailing of the Order, which deemed service may be rebutted by the Person proving, on a balance of probabilities, that they did not receive the Order.

12.10 An Order may also be issued to a new Owner in any case where ownership of the Property has changed but the non-compliance or other offence continues or remains.

13.0 Obstruction

13.1 No Person shall hinder or obstruct or attempt to obstruct the Director or Officer, or any person in the discharge of duties under this By-law or any Person completing works on Property, as required by the Director or Officer to bring a Property into compliance with this By-law or an Order issued under this By-law.

13.2 No person shall provide false information in any statement, whether orally, in writing or otherwise, made to an Officer and/or the Director.

14.0 Penalty and Offence

14.1 Every Person or director or officer of a corporation who contravenes, or who knowingly concurs in the contravention of a provision of this By-law, a Condition of a Permit or an Order issued under this By-law, is guilty of an Offence and on conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c. P.33.

14.2 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing Offence for each day or part of a day that the Order is not complied with.

- 14.3 Every Person who is guilty of a non-continuing offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction under this By-law, to a fine of not less than \$500 and not more than \$50,000 per offence;
 - b) Upon a second or subsequent conviction under this By-law, to a fine of not less than \$500 and not more than \$100,000 per offence.
 - c) Every Person who is guilty of a continuing offence under this By-law shall upon conviction be subject to a fine of not less than \$500 and not more than \$10,000 for each day or part of a day that the offence continues up to a maximum of \$100,000 per continuing offence.
- 14.4 When a Person has been convicted of an Offence under this By-law, the Ontario Court of Justice or any Court of competent jurisdiction thereafter may, in addition to any other penalty or remedy imposed on the Person convicted, make an Order requiring remediation at the convicted Person's expense and/or prohibiting the continuation or repetition of the offence by the Person convicted.

15.0 Liability and Indemnification

- 15.1 Compliance with this By-law does not relieve the Owner from any responsibility to obtain all other approvals as required from any other government or authority, or compliance with any other obligations.
- 15.2 Nothing in this By-law limits the responsibility of liability of any Person who has lawfully or unlawfully undertaken Site Alteration from any personal injury, including injury resulting in death or Property damage resulting from such Site Alteration or from acts or omissions of such Person, or his/her agents, employees, or contractors.
- 15.3 The provisions of the By-law shall not be construed as acceptance by the Township, its officers, employees, or agents of any responsibility or liability whatsoever by reason of allowing such Site Alteration or Movement of Fill', approving the request for permitting such Site Alteration or Movement of Fill, or activities related to the Site Alteration or Movement of Fill.
- 15.4 The Township is not responsible for any damage, losses or injuries caused as a result of any Site Alteration or Movement of Fill.
- 15.5 The Applicant and Owner shall be jointly and severally responsible to indemnify and save harmless the Township, its officers, employees, and agents from all losses, damages, costs, expenses, claims, demands, actions, lawsuits, or other proceedings of every nature and kind arising from, and in consequence of activities related to Site Alteration.

16.0 Administration

- 16.1 This By-law applies to all lands within the geographical boundary of the Township of Mulmur.
- 16.2 The By-law and any agreements entered into in accordance with this By-law are administered by the Director.
- 16.3 The Director is authorized and has delegated authority to:
- a) Approve, exempt/waive, issue, revoke, extend, renew, amend, or close a Permit and/or grant approvals of Site Alteration or Movement of Fill and impose Conditions for continuing to hold a Permit depending on the Site Alteration or Movement of Fill in addition to the requirements under this By-law;
 - b) Determine when a Public Information Meeting is required;
 - c) Determine and deem an Application as abandoned, expired or closed;
 - d) Approve and coordinate any remediation work;
 - e) Approve amendments to Site Alteration, Movement of Fill, control plan and Fill Management Plans;
 - f) Approve and amend Application forms and guidelines;
 - g) Establish appropriate requirements for the issuance of a Permit;
 - h) Ensure compliance with this By-law, including requiring appropriate testing and documentation;
 - i) Appoint a peer review consultant or other engineering, scientific and technical experts, agents, contractors or other persons to perform the work as required;
 - j) Require or exempt certain works from provisions of this By-law, as permitted in this By-law; and
 - k) To authorize any Person to carry out any of the powers or duties of the Director pursuant to this By-law.

17.0 Validity, Severability and Interpretation

- 17.1 This By-law and the provisions contained within, are intended to be complementary to Federal and Provincial Statutes and Regulations, and to the By-laws passed by Council. Where there is a conflict between a provision of this By-law and a provision of any other Township By-law, the provision that establishes the highest standards to protect the health and safety of the public and natural environment shall apply.
- 17.2 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

17.3 No agreement shall be deemed to provide an exemption from the requirements of this By-law unless this By-law authorizes such exemption, and an agreement specifically provides for it.

17.4 Whenever any reference is made in the By-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

17.5 Words importing singular number shall include the plural.

18.0 Short Title

18.1 That this by-law shall be known and cited as the "Fill By-law".

19.0 Repeal

19.1 That By-law No. 4-15, being the Fill By-law, and any amendments thereto are hereby repealed.

20.0 Force and Effect

20.1 That this By-law shall come into force and effect on the date of passage.

Read a first, second, third time and finally passed this 7th day of October, 2026.

Original Signed

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Janet Horner, Mayor

Original Signed

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Roseann Knechtel, Clerk

**Schedule “A”
By-law 31 - 2026**

Control Plans

A control plan(s) required to be submitted as part of any Application for a Permit pursuant to this By-law shall include, among other things, the following:

- a) A key map showing the location of the Site.
- b) The Global Positioning System (GPS) coordinates of the centroid of the Site in terms of easting and northing.
- c) The Site boundaries and number of hectares of the Site.
- d) The use of the Site and the location and use of the buildings and other structures adjacent to the Site.
- e) The location, dimensions and use of existing and proposed buildings and other structures existing or proposed to be erected on the Site.
- f) The location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on the Site and within thirty (30) metres beyond the Site boundary.
- g) The location of the predominant Soil types on the Site.
- h) The location size, species, and condition of all Trees as defined in this By-law, including their dripline, and the composite dripline of all other Vegetation.
- i) The location of all driveways and entrances on the Site and all easements and rights-of-way over, under, across or through the Site.
- j) The location and dimensions of any existing and proposed stormwater Drainage systems and natural Drainage patterns on the Site and within thirty (30) metres of the Site boundaries.
- k) The location and dimensions of utilities, structures, roads, rights-of-ways, easements, highways, and paving.
- l) The existing Site topography at a contour interval not to exceed 0.5 metres and to extend a minimum of thirty (30) metres beyond the Site boundaries.
- m) The Proposed Grade(s) and Drainage system(s) to be used upon completion of the Site Alteration which is the subject of the Permit.

- n) The amount of Fill that is proposed to be deposited, removed or moved in the course of the proposed Site Alteration.
- o) The location and dimensions of all proposed Site Alteration which is the subject of the Application for a Permit.
- p) The location and dimensions of all proposed temporary Topsoil or Fill stockpiles.
- q) The location, dimensions, design details and specifications of all Site Alteration which is the subject of the Application including all Site Erosion and Dust Control measures or Retaining Walls necessary to meet the requirements of this By-law and the estimated cost of the same.
- r) A schedule of the anticipated starting and completion dates of all proposed Site Alteration which is the subject of the Application for a Permit.
- s) A proposed schedule and timing of the Site Alteration activities such that no activities occur:
 - i. Between the hours of 5:00 p.m. and 8:30 a.m. Monday to Friday;
 - ii. Anytime on a Saturday, Sunday or Statutory Holiday;
 - iii. During any period in which a weather warning has been issued by Environment Canada;
 - iv. During any weather conditions where the ability to mitigate Site Alteration activity impacts is severely compromised (e.g., heavy rain, etc.); and
 - v. During any situation where Site Alteration activities can unduly impact adjacent landowners (e.g., brush fires, floods, unsuitable conditions, etc.).
- t) A list of the type(s) of equipment and machinery that will be used during the Site Alteration process including the expected days and times of operation.
- u) Provisions for the maintenance of Site Erosion and Dust Control measures during Site Alteration and afterwards, as required.
- v) Provisions for maintenance of the site works with appropriate on/off site control measures during Site Alteration operations, including mud track prevention, installation of mud mats at approved entrances, road and traffic impacts, and construction noise mitigation measures.
- w) Typical notes on the final rehabilitation plan for the Site to indicate the final ground cover materials, type and size of Vegetation to be planted, depth of Topsoil, Tree removals or Tree protection measures.
- x) Proposed Site access location(s) and haul route(s) to and within the Site, including provision for road maintenance measures arising from the proposed Site Alteration and associated traffic.

- y) A description of the quality and source of the proposed Fill with confirmation that the Fill meets the applicable Excess Soil Quality Standards for the Site in accordance with the Rules for Soil Management and Excess Soil Quality Standards which are adopted by reference in Ontario Regulation 406/19.
- z) If Site-specific standards for Soil quality acceptance have been developed using the MECP's Excess Soil Beneficial Reuse Assessment Tool (BRAT), a copy of the BRAT model input and output and a signed statement by the Qualified Person preparing the BRAT model.
- aa) If Site-specific standards for Soil quality acceptance have been developed using a risk assessment pursuant to the requirements in the Rules for Soil and Excess Soil Quality Standards, a copy of the risk assessment and a signed statement by the Qualified Person that prepared the risk assessment model must be submitted.
- bb) A Sampling and Analysis Plan for the source of the proposed Fill.
- cc) A Quality Assurance/Quality Control Program.
- dd) A proposed operational procedures manual for the Site.
- ee) all other information that may be deemed necessary or required by the Director.
- ff) The scale of drawings provided shall be either 1:500 or 1:1000.
- gg) Every control plan accompanying an Application for a Permit under this By-law must be stamped by a Qualified Person approved by the Director.