

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BYLAW NUMBER 14 - 2015

BEING A BYLAW TO REGULATE SITE ALTERATIONS, PLACEMENT OF FILL AND REMOVAL OF TOPSOIL WITHIN THE TOWNSHIP OF EAST GARAFRAXA AND TO REPEAL BY-LAW 51-2009

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended authorizes local municipalities to pass bylaws prohibiting or regulating the placing or Dumping of Fill, the removal of topsoil, and the Alteration of the Grade of land;

AND WHEREAS Section 128(1) of the *Municipal Act, 2001* authorizes local municipalities 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 Section 129 of the *Municipal Act, 2001* authorizes local municipalities to prohibit and regulate with respect to noise, vibration, and dust;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS AS FOLLOWS:

1. Definitions

In this Bylaw:

“Council” means the Council of The Corporation of the Township of East Garafraxa;

“Drainage” means the movement of stormwater, whether by way of the natural characteristics of the ground surface or by artificial means;

“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;

“Engineer” means a Professional Engineer registered under the Professional Engineers Act or a partnership, association of persons or corporation that holds a Certificate of Authorization under the Professional Engineers Act, as the case may be;

“Erosion” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity;

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

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

a) “Existing Grade” means the Grade as it existed prior to any Site Alteration;

“Highway” means a common and public Highway and includes a street, bridge or other structure forming part of a Highway over or across which a Highway passes, and includes the whole of a road allowance under the jurisdiction of the Township;

“Officer” means a police Officer, a municipal enforcement Officer, the chief building official or other person appointed for the purpose of enforcement of this Bylaw;

“Owner” means the registered Owner(s) of the Site;

“Site” means the lot or lots and/or property altered or proposed to be altered by means of a Site Alteration;

“Site Alteration” means the placement or Dumping of Fill on land and/or the removal of topsoil from land;

“Surveyor” means a professional land Surveyor practicing under licence in the Province of Ontario;

“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, pursuant to Section 142 of the Municipal Act, 2001;

“Township” means The Corporation of the Township of East Garafraxa;

“Township Engineer” means an employee of the professional Engineering firm retained by the Township for Engineering purposes;

“Watercourse” means a 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 Provisions

- 2.1 No person shall cause or permit the placing of any Fill or topsoil or otherwise alter the Grade of land by causing, permitting, or performing a Site Alteration on land within the Township of East Garafraxa other than in conformity with the terms and conditions imposed under this Bylaw and the standards prescribed in this Bylaw.
- 2.2 No person shall cause or permit the removal of any topsoil or otherwise alter the Grade of land by causing, permitting, or performing a Site Alteration on land within the Township of East Garafraxa other than in conformity with the terms and conditions imposed under this Bylaw and the standards prescribed in this Bylaw.
- 2.3 No person shall cause, permit, or perform a Site Alteration on land within the Township of East Garafraxa other than in conformity with the terms and conditions imposed under this Bylaw and the standards prescribed in this Bylaw.
- 2.4 No person shall fail to obey an order issued under Section 4 of this Bylaw.
- 2.5 No person, in the performance of a Site Alteration, shall injure or destroy a tree and/or trees except to the extent that such injury or destruction is specifically authorized in writing in accordance with the provisions of this Bylaw and any other applicable Bylaws of the Township of East Garafraxa or the County of Dufferin for the protection of trees.

3. Exemptions

- 3.1 Notwithstanding Section 2 of this Bylaw, Site Alterations are permitted in the following circumstances:
 - a) Activities or matters undertaken by a municipality or public body as defined in the *Planning Act*.
 - b) Removal of topsoil which is necessarily incidental to a normal farm practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products.
 - c) Site Alteration and/or removal of topsoil that has been authorized by a subdivision agreement, pre-servicing agreement or site plan control agreement with the Township.
 - d) Placement or Dumping of Fill in an excavation to the elevation of the Existing Grade following the demolition or removal of a building and/or a structure that have been issued an active demolition permit under the Ontario Building Code Act.

- e) Excavation and backfilling within 15m of a structure which is necessarily incidental to construction of a building and/or a structure that have been issued an active building or septic permit under the Ontario Building Code Act. Such excavation and backfilling shall only be permitted to the minimum extent required in accordance with the said permit.
- f) Lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that no soil in excess of 15 cm in depth is placed on the site; the elevation of the site is not changed within 0.3 metres of any property line; and there is no change in the locations, direction or elevation of any natural or artificial Watercourse, open channel, swale or ditch used to drain the site;
- g) The placing or Dumping or removal of no more than of 15 tri-axle truck loads (approximately 300 cubic metres) of Fill on a lot or property, within any one year period, provided there is no change in the locations, direction, or elevation of any natural or artificial Watercourse, open channel, swale or ditch used to drain the land.
- h) A Site Alteration carried out pursuant to and in accordance with the terms and conditions of an Approval granted by the Township pursuant to Section 6 of this bylaw.

3.2 Notwithstanding Section 3.1, the Site Alterations set out above remain subject to the provisions of Sections 2.4 and 2.5 inclusive, Section 4, and Sections 5 to 10 inclusive of this Bylaw.

4. Orders

4.1 Order to Discontinue Activity

If an Officer has identified that a contravention of this bylaw has occurred, the Officer may make an order requiring the Owner of the Site or the person who caused or permitted a Site Alteration or injury or destruction of trees protected under this Bylaw to discontinue the activity, and the order shall set out:

- a) the municipal address or the legal description of the Site;
- b) reasonable particulars of the contravention; and,
- c) the period within which there must be compliance.

4.2 Work Order for Site Alteration Work

If an Officer has identified that a person has caused or permitted the performance of a Site Alteration in contravention of the provisions of this Bylaw, the Officer may make an order requiring work to be done to correct the contravention and the order shall set out:

- a) the municipal address or the legal description of the Site and reasonable particulars of the contravention and of the work to be done and the period within which there must be compliance with the order; and a notice stating that if the work is not done in compliance with the order within the period it specifies, the Township may have the work done at the expense of the Owner.
- b) without limiting the generality of Section 4.2(a), an Officer may issue an order under Section 4.2(a):
 - i) Requiring that the Fill Dumped or placed contrary to this Bylaw be removed by the person who Dumped or placed it or who caused or permitted it to be Dumped or placed;
 - ii) Requiring the rehabilitation of the Site from which topsoil has been removed contrary to this Bylaw;

- iii) Requiring that the Grade of the Site altered contrary to this Bylaw be restored to its original condition by the person who altered it or who caused or permitted it to be altered.

4.3 Service of Orders

- a) Orders issued by an Officer under Sections 4.1 or 4.2 shall be served personally or by prepaid registered mail to the last known address of the Owner of the Site and any other person to be served.
- b) If the Township is unable to effect service on the Owner under Section 4.3 a), a placard containing the terms of the order may be placed in a conspicuous place on the Site and the placing of the placard shall be deemed to be sufficient service of the order.

5. Work Done by the Township

5.1 If the work required by an order under Section 4.2 of this Bylaw is not done within the specified period, the Township, in addition to all other remedies it may have, may do the work at the Owner's expense and may enter upon the Site, at any reasonable time, for this purpose in accordance with the provisions of the *Municipal Act, 2001*.

5.2 The Township may recover the costs of doing a matter or thing under Section 5.1 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.

6. Requests for Approval

6.1 An Owner may request an Approval from the Township to permit a Site Alteration which would otherwise be prohibited by this bylaw.

6.2 Requests for Approval under Section 6.1 shall:

- a) be made in writing and directed to Council, care of the Clerk of the Township;
- b) include all of the requirements set out in Schedule "A" to this Bylaw;
- c) be accompanied by a non-refundable processing fee of Two Thousand Dollars (\$2,000.00) and a refundable deposit of \$20,000.00 to cover the costs the Township may incur for Engineering and other professional reviews;
- d) on the issuance of any Approval the replenishment of the refundable deposit so that the full amount of \$20,000.00 is on deposit prior to the commencement of any site alteration pursuant to the Approval; and,
- e) any unused portion of such deposit shall be refunded to the Owner without interest on completion of the Site Alteration.

6.3 Upon receipt of a written request and the fulfillment of all the requirements of Section 6.2, the Township shall:

- a) schedule a review date before Council;
- b) give the requesting Owner notice of the review date at least twenty (20) days prior to the review date; and,
- c) give all landowners within 500 metres of the Site notice of the request for Approval.

6.4 Delivery of any notice to the requesting Owner shall be made by personal delivery or registered mail. The notice shall be deemed to have been delivered on the seventh (7th) day after the date of mailing, or on the date of personal delivery.

- 6.5 The review of a request under Section 6.1 shall be held in public, and Council shall hear the requesting Owner and every other person who desires to be heard in favour of or against the request.
- 6.6 Upon reviewing a request under Section 6.1, Council shall consider whether the requested Approval:
- a) will result in maintaining or improving the overall agricultural capability or environmental quality of the Site or adjacent lands;
 - b) appropriately minimizes the scale of the Site Alteration required to achieve any such improvement;
 - c) is an incidental part of a normal agricultural practice;
 - d) is necessary to carry on a normal agricultural practice;
 - e) will maintain the general intent and purpose of this Bylaw; and,
 - f) is in the general community interest;
- 6.7 Having considered the foregoing, along with any other factors that Council may deem relevant, Council may:
- a) grant the request for Approval, including imposing such conditions as it may see fit;
 - b) deny the request for Approval; or
 - c) defer the request for Approval, including making such requests for additional information as Council may see fit.
- 6.8 Every Approval granted under this Bylaw shall be limited to a maximum total volume of material that is permitted to be Dumped, removed, or otherwise moved in the course of the approved Site Alteration. At Council's discretion, any Approval may also be subject to volume limits on a daily, monthly or other time frame basis.
- 6.9 Every Approval granted under this Bylaw shall be subject to the minimum conditions set out in Schedule "B" to this Bylaw.
- 6.10 Where the ownership of the Site for which an Approval has been granted is transferred while the Approval remains in effect, the Approval holder, prior to the completion of the transfer, shall provide written notice of both the pending transfer and the Site Alteration status to both the Township and the new Owner, and the new Owner shall within thirty (30) days of the completion of the transfer either:
- a) provide the Township with an undertaking to comply with all the conditions under which the existing Approval was issued; or,
 - b) apply for and obtain a new Approval in accordance with the provisions of this Bylaw.
- 6.11 In the event that neither the undertaking prescribed by Section 6.10 a) above, nor a complete application for a new Approval under Section 6.10 b) above, is received by the Township within the said period, the existing Approval may be revoked by the Township, and the Approval holder shall thereupon cease and desist forthwith all operations being conducted under the authority of the revoked Approval, save and except for proper clean-up of the Site Alteration works already undertaken.
- 6.12 Where it is determined that the Approval holder has provided misleading or false information on the application, or has contravened the provisions of this Bylaw or the requirements or conditions of the Approval, the Township may revoke said Approval and the Approval holder shall thereafter cease and desist all operations being conducted under the authority of the revoked Approval, save and except proper clean-up of the Site Alteration works already undertaken.

7. Haul Routes

- 7.1 On granting an Approval under Section 6, the Township may designate one or more Haul Routes to and one or more Haul Routes from a Site for the purpose of transporting Fill or other material involved in the approved Site Alteration.
- 7.2 The Township may fix an amount payable to the Township as liquidated damages for the designated Haul Route(s) or failure to use the designated Haul Route(s).
- 7.3 Trucks associated with a Site Alteration project shall not be permitted to be parked within the road right-of-way.
- 7.4 From March 1 to May 15 of every year or as otherwise determined by the Township, "half load truck restrictions" on all municipal roads will apply to the Site Alteration project.
- 7.5 Where the Highways required for use as a Haul Route(s) are not under the jurisdiction of the Township, the Applicant shall provide permission from the relevant road authority in a form acceptable to the Township prior to issuance of any Approval.
- 7.6 The holder of an Approval under Section 6 for which a Haul Route has been designated shall be responsible for ensuring that the designated Haul Routes are used by all persons travelling to or from the Site under the authority of the Approval. Any failure to do so shall constitute a contravention of this Bylaw and, in addition to any penalty imposed under Section 8, Council may, in its sole discretion, revoke the relevant Approval.

8. Penalty and Offence

- 8.1 Every person who contravenes this Bylaw is guilty of an offence pursuant to the provisions of the *Provincial Offences Act* and the *Municipal Act, 2001*, and upon conviction is liable:
- a) on a first conviction, to a fine of not more than \$10,000.00, or where the person convicted is a corporation not more than \$25,000.00;
 - b) on any subsequent conviction, to a fine of not more than \$25,000.00, or where the person convicted is a corporation not more than \$100,000.00;
- 8.2 If a person is convicted of an offence for contravening Section 2.5 or an order under Section 4.1 to stop the injuring or destruction of trees, the court in which the conviction has been entered, or any court of competent jurisdiction thereafter, may order the person to rehabilitate the Site or plant or replant trees in such manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees;
- 8.3 Schedule "C" attached hereto adopts Short Form Wording and Set Fines for the purpose of the enforcement of this Bylaw.

9. Severability

- 9.1 In the event that any particular provision or part of a provision of this Bylaw is found to be invalid or unenforceable for any reason whatsoever, then the

particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this Bylaw and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

10. Application of Other Bylaws

10.1 Compliance with this Bylaw does not relieve the applicant of the responsibility of obtaining all other approvals that may be required by the Township or any other level of government and agencies thereof or from compliance with any other bylaw, legislation or obligation.

11. Lands Regulated Under the Conservation Authorities Act

11.1 This Bylaw shall not apply to lands which are subject to a regulation made under section 28 of the *Conservation Authorities Act* respecting the placing or dumping of fill, removal of topsoil or alteration of the grade of land. Nothing in this Bylaw shall relieve any person of the obligation to comply with any such regulation.

12. Schedules

12.1 Schedules "A", "B", and "C" attached to this Bylaw form part of this Bylaw.

12.2 Schedule "C" of this Bylaw shall be effective upon approval of the Bylaw by the Regional Senior Justice of the Ontario Court of Justice.

13. Short Name

13.1 This Bylaw may be referred to as the "Fill Bylaw".

14. Repeal of Bylaw

14.1 Bylaw 51-2009 is hereby repealed.


This Bylaw shall come into force and take effect on the date of the final passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 14th DAY OF APRIL 2015.

BY-LAW READ A THIRD TIME AND PASSED THIS 14th DAY OF APRIL 2015.



Susan M. Stone, Clerk



Guy Gardhouse, Mayor

SCHEDULE "A"

REQUIREMENTS FOR APPLICATION FOR APPROVAL

1. A person applying for an Approval shall submit the following to Council:
 - (a) a complete application in writing, including proof satisfactory to the Township that the Applicant is the legal Owner of the Site, or has been authorized by the Owner of the Site to submit the application;
 - (b) the processing fee and deposit in accordance with Section 6.2 of the Bylaw;
 - (c) certified plan(s) of the Site prepared by a Professional to the satisfaction of the Township Engineer showing:
 - (i) the boundaries of the Site with dimensions;
 - (ii) existing elevations in the form of contours at 0.5 metre intervals or less, with spot elevations along the Site boundary lines and 3.0 metres beyond the Site boundary lines at sufficient intervals to clearly show the existing Drainage patterns on the Site and on the abutting lands;
 - (iii) the location of all existing underground services, including storm sewers, Watercourses and any bodies of water, on the Site and on abutting lands and Highways;
 - (iv) the location of all existing buildings or structures, all trees greater than 75 mm in calliper (which shall be identified by species), all shrubs and driveways on the Site and all easements and rights-of-way over, under, across, or through the Site;
 - (v) proposed sediment and Erosion controls that will be installed prior to Alteration of the Site;
 - (vi) proposed final elevations and the Drainage system to be used upon completion of the Site Alteration;
 - (vii) the intended use of the Site, including a description of the proposed Fill placement or Topsoil removal operation;
 - (viii) proposed measures for stabilizing the Site following Site Alteration; and
 - (ix) all existing street services, including hydro poles and other services, both above and below Grade;
 - (d) A statement of the total volume of material that is proposed to be Dumped, removed, or otherwise moved in the course of the proposed Site Alteration;
 - (e) A detailed soil management plan explaining how the requested Site Alteration (source, transportation, and receiving) will be in conformity with the best management practices set out in the Ministry of Environment document titled "Management of Excess Soil – A Guide for Best Management Practices", setting out the goals and objectives of the requested Site Alteration and demonstrating that the request appropriately minimizes the scale of Site Alteration required to achieve those goals and objectives. The soil management plan shall contain source verification and acceptability of the fill to be in compliance with MOE standards and shall include auditing and monitoring protocols, all to the satisfaction of the Township Engineer;
 - (f) A hydrogeology report to the satisfaction of the Township Engineer;
 - (g) A surface water drainage report to the satisfaction of the Township Engineer;
 - (h) An environmental impact study to the satisfaction of the Township;
 - (i) An agricultural rehabilitation plan to the satisfaction of the Township;
 - (j) A traffic impact study to the satisfaction of the Township Engineer;

- (k) A plan showing the design details to proper scale of any retaining wall that may be required, including the size, type and location of all material to be used in construction of such retaining wall, with an Engineer's signature and stamp. Such retaining wall may require a Building Permit under the Ontario Building Code;
- (l) A Haul Route Plan showing the proposed roads within the Township to be used by vehicles associated with the proposed Site Alteration;
- (m) A signed acknowledgement and direction in a form satisfactory to the Township confirming that the deposit required under Section 6.2 (d) of the Bylaw:
 1. may be drawn upon by the Township to recover liquidated damages suffered by the Township, for any failure(s) to use designated Haul Routes to and from the Site;
 2. may be drawn on to recover the cost of the Township performing or having performed:
 - a. Any required works which the Approval holder has failed to perform to the satisfaction of the Township, or
 - b. Any restoration works required to be performed on any Highway damaged as a result of the works;
 - c. Any fees incurred by the Township for supervision or inspection or enforcement of the Approval, including engineering and/or legal fees. It is acknowledged that the Township may instruct the Township Engineer at the owner's cost to carry out inspection and monitoring of the fill operations, and the deposit may be drawn on to pay for such activities.
 3. In the event that the refundable deposit is insufficient for the purposes set out in 1 to 2 above, acknowledgement that the Applicant is responsible for the payment of any excess amount(s) incurred;
 4. Shall remain in place for the duration of the Approval, and any irrevocable letter of credit and its subsequent renewal forms shall contain a clause stating that thirty (30) days' written notice must be given to the Township prior to its expiry or cancellation;
 5. In the event the Township receives notice that a letter of credit is expiring and will not be renewed, or if further or additional securities are not provided within the said thirty (30) days' notice period, the Township may draw on the current letter of credit at the discretion of the Township, any interest accruing on the realized cash security deposit shall belong to the Township and not to the Approval holder.
- (n) A release and indemnity in favour of the Township, and in a form satisfactory to the Township, with respect to any and all liability which may arise in the event that the Fill used in the Site Alteration contains contaminants within the meaning of the Environmental Protection Act, as amended;
- (o) Notwithstanding any other provisions of this Bylaw, after taking into consideration of the proposed Site Alteration and whether the applicant has otherwise conformed with this Bylaw, Council may waive any of the requirements of this Schedule, and/or reduce or waive the processing fee and/or the refundable security deposit.

SCHEDULE "B"

TERMS AND CONDITIONS OF APPROVAL

1. a) An Approval shall remain valid for a period of one (1) year from the date of issuance but shall expire six (6) months after the date of issuance if work under the Approval has not yet commenced.
- b) An Approval which is no longer valid or has expired may, at the sole discretion of the Township, be renewed for a six (6) month period from the date of invalidity or expiry provided that the proposed work has not been revised and that the holder is not in contravention of the requirements of this Bylaw.
- c) A request under Subsection (b) shall be made in writing to the Township accompanied by payment of a \$1,000 processing fee.
2. All Approvals shall contain the following conditions:
 - a) The issuance of an Approval does not relieve the holder or any other person from the responsibility to obtain any other approval(s) that may be required from any level of government or authority having jurisdiction or any agency thereof.
 - b) A Site Alteration Approval is not transferable to another Site.
 - c) Every Site Alteration shall be done at the request of, or with the consent of, the Owner of the Site where the proposed Site Alteration is to be performed.
 - d) All Fill to be Dumped or placed shall be clean and free of waste, asphalt, trash, rubbish, glass, liquid or toxic chemicals, hazardous waste or contaminants as defined in the *Environmental Protection Act*.
 - e) No Site Alteration shall directly or indirectly cause ponding or alteration of existing surface water flow or Drainage on abutting lands.
 - f) Where required by the Township, the finished Grade surface on the Site shall be protected from Erosion by sod, turf, seeding for grass, greenery, asphalt, concrete, or other means either singly or in combination, within two months of completion of the Site Alteration, or as specified by the Township.
 - g) All trenches in which piping is laid as part of any Drainage system shall be inspected by the Township prior to backfilling the excavation.
 - h) Erosion and sedimentation control measures shall be provided around all disturbed areas in a manner satisfactory to the Township prior to the commencement of the Site Alteration, and shall be maintained in good working order until the Site has stabilized.
 - i) All Fill shall be properly compacted using acceptable Engineering practices, unless it is being stockpiled on the Site for future use.
 - j) The Approval holder and Owner shall ensure that natural Drainage or any natural or human-made Watercourse or water body is not altered in such a manner that will negatively affect other property or the environment.
 - k) If archaeological resources are discovered or identified during any Site Alteration, the Owner, or Approval holder shall immediately cease all activity on the property and contact the Township and Ministry of Tourism, Culture and Sport.

- l) No Site Alteration shall be performed:
 - i) on any Saturday or Sunday, or Statutory Holiday;
 - ii) using Highways to access or egress from the Site except those Highways designated Haul Routes;
 - iii) before 8:30 a.m. or after 3:00 p.m. during any weekday Monday through Friday using Highways to access or egress from the Site;
 - iv) in contravention of the Township's *Noise Bylaw 43-2004*;
 - v) that exceeds either the volume limit(s) imposed under Section 6.8 of this Bylaw;
 - vi) prior to submitting to the Township a schedule of the anticipated starting and completion dates for each Site Alteration activity including the schedule for the use of the designated Haul Routes;
 - vii) prior to submitting to the Township a submission detailing Site Erosion control measures and dust control measures that will be implemented and maintained during and following construction, as required.
- m) A Site Alteration performed pursuant to an Approval shall not detrimentally affect the quality or quantity of water in wells on the subject property and on adjacent properties.
- n) The Owner and Occupant of the Site and any Approval holder shall ensure that all vehicles to and from the Site follow the designated Haul Routes to and from the Site.

3. Every Approval holder shall:

- a) provide proof satisfactory to the Township that the Site has been adequately reinstated and stabilized in accordance with this Bylaw and the plan accompanying the Approval;
- b) give notice to the Township to carry out a final inspection to confirm that all relevant terms of this Bylaw have been complied with;
- c) following the completion of the Site Alteration, and before the release of any deposit or portion thereof, provide a statement of an Engineer or Surveyor retained by the Approval holder certifying that:
 - i) the grading has been completed in accordance with the plans submitted;
 - ii) the finished project does not detrimentally affect Drainage on adjacent properties; and,
 - iii) the finished project does not detrimentally affect the quality or quantity of water in wells on adjacent properties;
- d) prior to commencement of the Site Alteration under an Approval, certify that the Fill introduced to the Site contains no contaminants as defined in the *Environmental Protection Act*, as amended;
- e) keep all Highways free of debris originating from the Site Alteration; and,
- f) during performance of a Site Alteration, perform the following minimum procedures:
 - i) at least once per day, scrape all Highways that have been fouled; and,
 - ii) at least once each week on Friday night or Saturday morning, clean all Highways that have been fouled.

SCHEDULE "C"

PART 1 PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Cause or permit the placing of Fill on a property	2.1	\$350.00
2	Cause or permit the removal of topsoil on a property	2.2	\$350.00
3	Cause or permit Site Alteration on a property	2.3	\$350.00