

**Consolidated based on January 2020 amendments.
This consolidation is prepared for convenience only. For accurate reference, recourse
should be had to the Original By-law and approved corresponding amendments.**

THE CORPORATION OF HALDIMAND COUNTY

By-law No. 1664/16

Being a site alteration by-law to regulate the placing or dumping of fill in Haldimand County

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may pass a by-law prohibiting or regulating the placing or dumping of fill, requiring that a Permit be obtained for the placing or dumping of fill and imposing conditions to a Permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping;

AND WHEREAS Haldimand County deems it expedient and in the public interest to enact a by-law to regulate the dumping of Fill;

NOW THEREFORE, Council of the Corporation of Haldimand County enacts as follows:

PART I - DEFINITIONS

1. In this By-law:

- a) "**Agricultural Lands**" means,
 - (i) land upon which agriculture is a permitted use pursuant to the applicable zoning by-law(s); and
 - (ii) land which is being used for agriculture at the time of application of a Permit.
- b) "**Conservation Authority**" means the Grand Erie Conservation Authority, Niagara Peninsula *Conservation Authority* or Long Point Region Conservation Authority.
- c) "**County**" means the Corporation of Haldimand County.
- d) "**Complete Application**" means an application and contents described in Part VI of this By-law.
- e) "**Dump, Dumped Or Dumping**" means the depositing of Fill in a location other than where the Fill was obtained.
- f) "**Fill**" means any type of material deposited or placed on lands and, without limiting the generality of the foregoing, includes soil, stone, concrete, construction materials/rubble, asphalt, sod or turf either singly or in combination thereof.
- g) "**General Manager**" means the General Manager, Engineering & Capital Works of the County and shall include any person authorized by the General Manager to carry out any

of the powers or duties of the General Manager pursuant to this By-law. (amended Bylaw 2120-20- January 14, 2020)

- h) **“Haul Route”** means roads designated by the County for the purposes of ingress or egress to a Site Alteration as a condition of a Permit.
- i) **“Lot”** shall mean a parcel of land which can be legally conveyed.
- j) **“Municipal Law Enforcement Officer”** means a person or persons appointed by Council to enforce the provisions of this By-law; and a Police Officer.
- k) **“Normal Agricultural Practices”** means any activity performed on private lands by an owner or the owner’s agent that is considered by the Ministry of Agriculture, Food and Rural Affairs to be a routine or common procedure for the type of crop, soil type or general climatic conditions relating to the subject property.
- l) **“Order”** means an Order issued under this By-law to discontinue a site alteration or to remediate lands to correct a contravention.
- m) **“Owner”** means the registered owner of a Lot or any person having control or management of such lands.
- n) **“Permit”** means a Permit issued pursuant to the provisions of this By-law.
- o) **“Road(s)”** 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 County.
- p) **“Road Damage Deposit”** means security provided in accordance with the provisions of Haldimand County User Fee By-law to cover the cost of repairing damage to municipal property caused as a result of work undertaken as part of a Permit.
- q) **“Site Alteration Permit Fee”** means the application fee.
- r) **“Security”** means security to ensure the fulfillment of the terms of a Permit or to cover the cost of repairing damage to municipal property as a result of work undertaken under a Permit which is posted pursuant to a Site Alteration Agreement.
- s) **“Site”** means the Lot or Lots altered or proposed to be altered by a Site Alteration.
- t) **“Site Alteration”** means the Dumping or placing of Fill, on a Lot by any means.
- u) **“Site Alteration Agreement”** means an agreement between an Owner and the County as a condition of obtaining a Permit under this By-law.

- v) “**Site Plan**” means a set(s) of drawings that clearly indicates the area on the Lot subject to Site Alteration along with the property lines.
- w) “**Topsoil**” means those horizons in a soil profile, commonly known as “O” and “A” horizons, containing organic material and includes deposits of partially decomposed organic material such as peat.
- x) “**Zoning By-law**” means a by-law passed under Section 34 of the *Planning Act* applicable to lands within Haldimand County.

PART II - SHORT TITLE

- 2. This By-law may be cited and known as the “Site Alteration By-law”.

PART III - SCOPE

- 3. This By-law shall apply to all Site Alterations within the County, unless a Conservation Authority has made a regulation under Section 28 of the Conservation Authorities Act applicable to the Site, or unless specifically excluded pursuant to this By-law.

PART IV - GENERAL PROHIBITIONS AND REGULATIONS

- 4. No person shall cause, permit, perform or carry out a Site Alteration without first obtaining a Permit from the County to do so.
 - 1. No person shall cause, permit perform or carry out a site alteration with out first enduring that a Permit from the County has been issued; (amended by Bylaw 2120-20- January 20, 2023)
 - 2. No person shall transport Fill or Topsoil to a Site from any location outside the geographic limits of the County; (amended by Bylaw 2124-20- January 22, 2023)
 - 3. No person shall cause, permit, perform or carry out a Site Alteration on any Saturday, Sunday or statutory holiday; (amended by Bylaw 2120-20- January 20, 2023)
- 5. Where a Permit has been issued under this By-law authorizing a Site Alteration, no persons shall undertake or permit a Site Alteration exception in accordance with:
 - a) The Site Plan(s), documents or other material filed in support of the issuance of the Permit;
 - b) The conditions attached to the Permit;
 - c) Compliance with the terms of any Agreement with the County entered into under this By-law; or

- d) The provisions of this By-law.
- 6. No person shall modify an approved Site Alteration without approval of the General Manager.
- 7. No person shall place or Dump Fill, or cause or permit the Placing or Dumping of Fill unless such Fill complies with the Ministry of Environment standards for clean Fill, as described in the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended.
- 8. No person shall fail to comply with an Order issued under this By-law.
- 9. No person shall obstruct a Municipal Law Enforcement Officer carrying out an inspection under this By-law.

Part V - EXEMPTIONS

- 10. This By-law is not applicable to the following:
 - a) activities or matters undertaken by a municipality or a local board of a municipality;
 - b) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - c) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;
 - d) 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;
 - e) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
 - f) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and

- (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*; or
 - 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*.
11. A Permit is not required for:
- a) A Site Alteration involving an amount of soil less than fifty (50) cubic metres on a Lot within any one year period; (Amended by Bylaw 2021-20- January 14, 20-2020)
 - ~~b) A Site Alteration on a Lot that is less than five (5) acres or 2.02 hectares in area; (amended by Bylaw 2021-20- January 14, 2020)~~
 - c) Site Alteration for improving the soil capability for agricultural purposes on Agricultural Lands as part of a Normal Agricultural Practice;
 - d) A Site Alteration that is incidental to a grading requirement under the Ontario Building Code for the construction or demolition of a building or structure for which a building permit has been issued or for the purpose of constructing a driveway, parking lot or assembly area accessory to a building or structure for which a building permit has been issued;
 - e) A Site Alteration for a septic disposal system where a permit has been issued by the County or Ministry of the Environment in accordance with Part 8 of the Ontario Building Code;
 - f) A Site Alteration on lands for the purpose of flood or erosion control to establish finished grade shown on a grading and drainage plan approved by the Conservation Authority.

PART VI - ADMINISTRATION AND REQUIREMENTS FOR ISSUANCE OF A PERMIT

12. The General Manager shall be responsible for the administration of this By-law.
13. Every Owner applying for a Permit shall submit to the General Manager:
- a) A completed application form in the form as prescribed by the General Manager;
 - b) The applicable Site Alteration Permit fee, as set out in the County's User Fee By-law.
 - c) A Road Damage Deposit as set out in the County's User Fee By-law, where the Site Alteration involves Fill in excess of fifty (50) cubic metres of Fill but not more than two hundred and fifty (250) cubic metres of Fill.(amended by Bylaw 2120-20- January 14, 2020)

- d) Where the Site Alteration involves in excess of two hundred and fifty (250) cubic metres of Fill, a Site Alteration Agreement in the form as outlined in Schedule "A" to this By-law;
- e) A description of the Fill proposed to be dumped or placed including a detailed description of the source of the Fill, the quantity of the Fill and the proposed placement of the Fill;
- f) A Site Alteration Plan satisfactory to the General Manager, accurately indicating the following:
 - (i) The property lines of the lands and location on the property of the Site Alteration with dimensions;
 - (ii) All existing storm sewers, ditches, swales, creeks, watercourses and wetlands on the lands and on abutting lands and public Roads;
 - (iii) All Woodlands on the Site and of all easements and right-of-way's over, under, across or through the Site;
 - (iv) All existing buildings and driveways on the lands;
- g) Proof of permission with respect to the placement or dumping of the Fill from the grantee of any easement on the Site impacted by a Site Alteration;
- h) Where applicable, copies of any approval required from any other agency, including but not limited to, Grand River Conservation Authority, Niagara Peninsula Conservation Authority, Long Point Region Conservation Authority, Ministry of Transportation, or the Ministry of Natural Resources;
- i) The proposed haul route;
- j) Any other study, report, plan or material related to the application as deemed necessary by the General Manager to constitute a Complete Application.
- k) Notwithstanding Section 4.2, the General Manager may approve a Permit for the importation of Fill or Topsoil from a source site that is located outside the geographical limits of the County subject to Site specific approvals by the General Manager. Every Application for a permit for Fill or Topsoil importation shall provide:
 - a) The address and legal description of each source site outside the limits of the County;
 - b) A statement of the nature of the project on each source site outside the limits of the County that is generating the fill to be transported to the site;
 - c) The volume of fill to be transported to the site from each source site outside the limits of the County;

- d) The contact details for the person responsible for the project on each source site outside the limits of the County;
- e) The past uses of each sources site outside the limits of the County;
- f) A copy of the detailed sampling and analysis plan for all fill excavated from each sources site outside the limits of the County, and confirmation from a qualified person retaining by the registered owner of the source site outside the limits of the County stating that the fill to be transported to the site is suitable for use at the site;
- g) A letter from the registered owner of the site outside the limits of the County confirming (a) to (f);
- h) The proposed haul routes, daily truck volume and hours of operation of truck traffic to and from the site.

Section 13.(k)(a-h) Amended by Bylaw 2124-20, January 22, 2020

14. An applicant for a Permit, shall, in addition to the requirements of Section 13 above:

- a) Certify that the Fill contains no contaminants within the meaning of the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended; and
- b) Forever and unconditionally release and indemnify the County with respect to any and all liability which may arise in the event that the Fill contains contaminants within the meaning of the *Environmental Protection Act* and any successor legislation.

15. The certificate and release and indemnity required by Section 14 above, shall be in the form prescribed by the General Manager from time to time.

PART VII - ISSUANCE OF A PERMIT

16. The General Manager shall review or cause to be reviewed a complete Permit application. In reviewing the application the General Manager may seek comments from any other agency she/he deems necessary as part of a Complete Application.

17. The General Manager shall issue a Permit where:

- a) The Applicant has fulfilled the requirements of this By-law, including the payment of all applicable fees, charges, securities and deposits;
- b) Where required, the Applicant has entered into the Site Alteration Agreement referred to in section 13(c);
- c) The General Manager is satisfied that the Site is not within an area where the Site Alteration is prohibited under this By-law or any other applicable law.

18. The General Manager shall not issue more than one Permit per calendar year for any given Site. (amended 2120-20- January 14, 2020)

PART VIII - CONDITIONS ON PERMITS AND HAUL ROUTES

19. As a condition of the issuance of a Permit, the General Manager may require an Owner of the Site which is the subject of the Permit to comply with one or more of the following:

- a) Notify the General Manager in writing within forty-eight (48) hours of commencing any work under the permit;
- b) Notify the General Manager in writing within forty-eight (48) of the completion of the work under the permit;
- c) Maintain the Road providing ingress and egress to the Site in the same condition that existed prior to the commencement of the work;
- d) Keep all Roads providing ingress and egress to the Site free from any damage, equipment or material or mud tracked onto the Road arising from any works undertaken as a result of the Permit;
- e) Remediate and clean up forthwith any material or mud tracked onto the Road where required to do so by County staff;
- f) Ensure that any dust control measures are in place so as to restrict and limit the blowing of dust onto any adjacent lands;
- g) Keep and maintain and make available to the General Manager the following records:
 - (i) The full and complete legal name and business name if different from the legal name of each hauler;
 - (ii) The point of origin of each delivery of Fill;
 - (iii) The content of material of each delivery of Fill; and
 - (iv) Any other information required by the General Manager.
- h) Install temporary signage in accordance with Ministry of Transportation's Ontario Traffic Manual (OTM) Book 7 regulations on all Roads immediately adjacent to the Site where Fill is being Dumped or placed;
- i) Ensure that any machinery operating on a Road or any person directing traffic on a Road does so in a manner acceptable to the General Manager and in accordance with all other applicable law;
- j) Ensure that Fill placed or Dumped on the Site is in accordance with the Permit, the Site Plan and all other applicable law;

- k) Enter into a Site Alteration Agreement where the Site Alteration involves Fill in excess of two hundred and fifty (250) cubic metres, which may require the posting of additional securities to secure the maintenance of the Roads that are used by trucks delivering or removing Fill in a state of repair and free from dust and mud;
 - l) Comply with any other conditions imposed by the General Manager.
20. In addition to section 19 above, the County may designate one or more Haul Routes to be used to and from a Site for the Site Alteration as a condition of a Permit issued under this By-law.
21. Every Owner who is issued a Permit under this By-law shall be responsible for ensuring that the designated Haul Routes are used by any person coming to or from the Site for works carried out under the Permit and any failure to do so shall be a contravention of this By-law.
22. The County may engage legal, engineering or other technical consultants the General Manager deems necessary in order to evaluate and/or review studies and/or agreements or to provide assistance to the General Manager in respect of an application and ensuing Site Alteration in which case such costs shall be charged back to the applicant.
23. The County may draw on a Road Damage Deposit or a Security in order to remedy any breach of the provisions of this By-law, the conditions of a Permit, or any other obligation of the Owner relating to the Permit.
24. The issuance of a Permit under this By-law does not relieve an Owner or any other person from compliance with the By-law or any other applicable law.

PART IX - SUSPENSION, REVOCATION, TRANSFER AND EXPIRY OF A PERMIT

25. A Permit issued pursuant to the provisions of this By-law may be revoked by the General Manager or a Municipal Enforcement Officer under any of the following circumstances:
- a) If the Permit was issued on mistaken, misleading, false or incorrect information;
 - b) Where the Owner is in contravention of a condition to the Permit, a provision of this By-law, or a provision of the Site Alteration Agreement, where one has been entered into.
26. The General Manager shall, once a permit application has been reviewed, identify the period of time required to complete the Site Alteration and indicate the period of time that the permit shall be valid for and providing an expiry date for the Permit. (Amended 2120-20 January 14, 2020)
27. Should a Permit expire, the Permit holder is not entitled to a refund of any Site Alteration Permit paid pursuant to this By-law.

28. A Permit which has expired may be renewed within a six (6) month period following the date of expiry upon submission of a new application to the General Manager accompanied by a payment of the Site Alteration Permit referred to in Section 13 (b), provided that the previously permitted work has not been revised.
29. A Permit may be cancelled upon written request from the Owner to the General Manager. A Site Inspection will be conducted to ensure that no work has commenced and that the Site is in an acceptable condition, and at the discretion of the General Manager, a refund of the Site Alteration Permit may be made.
30. If title to the land for which a Permit has been issued is transferred while the Permit remains in effect, the Permit shall be cancelled unless the new Owner, within thirty (30) days of the transfer:
 - a) Provides the County with an undertaking agreeing to comply with all conditions and agreements under which the existing Permit that was issued; or
 - b) Applies for and obtains a new Permit in accordance with the provisions of this By-law.

PART X - ORDERS

31. For the purpose of ensuring compliance with this By-law, a Municipal Law Enforcement Officer may, at all reasonable times, enter upon and inspect any land to determine whether or not the following are being complied with:
 - a) this By-law;
 - b) a condition of a Permit;
 - c) a provision of the Site Alteration Agreement or a direction or order made under this By-law; or
 - d) a prohibition order made under s. 431 of the *Municipal Act, 2001*.
32. A Municipal Law Enforcement Officer may, for the purposes of the inspection under Section 31:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information in writing or otherwise as required by the officer from any person concerning a matter related to the inspection; or

- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
33. Any cost incurred by the County in exercising its authority to inspect under Section 32 (d) including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the Owner or occupant of the property where the inspection takes place.
34. a) If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the Owner of land or the person who caused or permitted a Site Alteration to discontinue the activity and the Order shall set out:
- (i) the municipal address or the legal description of the Site;
 - (ii) reasonable particulars of the contravention; and
 - (iii) the period within which there must be compliance.
- b) If a Municipal Law Enforcement Officer is satisfied that a person has caused or permitted the performance of a Site Alteration in contravention of the provisions of this By-law, the officer may make an Order requiring work to be done to correct the contravention and the Order shall set out:
- (i) the municipal address or the legal description of the Site;
 - (ii) reasonable particulars of the contravention and the work to be done;
 - (iii) the period within which there must be compliance; and
 - (iv) A notice stating that if the work is not done in compliance with the Order within the period as specified, the County may have the work done at the expense of the Owner.
35. a) Orders issued by a Municipal Law Enforcement Officer under Section 34 shall be served personally or by registered mail to the last known address of the Owner of the land and to any other person to be served.
- b) If an Order is served by registered mail, the service shall be deemed to have been made on the fifth day after the date of mailing.
36. Upon completion of the work to correct the contravention by or on behalf of the County under Section 34(b), the County shall have a lien on the land for the amount spent in excess of any Security applied to correct the contravention and the amount shall be deemed to be municipal property taxes and may be added to the tax roll and collected in the same manner and with the same priority as municipal property taxes as provided for by statute.

PART XI - PENALTY AND OFFENCE

37. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:
- a) On a first conviction, to a fine of not more than \$10,000; and
 - b) On any subsequent conviction, to a fine of not more than \$25,000.
38. Notwithstanding Section 37 above, where the person convicted is a Corporation, the maximum penalty that may be imposed is:
- a) On a first conviction, to a fine of not more than \$25,000; and
 - b) On any subsequent conviction, to a fine of not more than \$50,000.
39. In addition to any fine or any other penalty, any person who is convicted of contravening a provision of this By-law, the terms or conditions of a Permit issued pursuant to this By-law or any Order issued pursuant to this By-law as amended, may be ordered by a Court of competent jurisdiction at the expense of the person to:
- a) Rehabilitate the land;
 - b) Remove the Fill placed or dumped;
 - c) Restore the grade of the land to its original condition.

PART XII - SEVERABILITY

40. Should a Court of competent jurisdiction declare any provision of this By-law to be invalid or of no force and effect, the provision is deemed severable from this By-law and it is the intention of the County that the remainder of the By-law shall survive and be applied and enforced in accordance with its terms to the extent possible under the law.

PART XIII - ENACTMENT

41. This By-law shall come into force and effect on the date of passing.

READ a first and second time this 2nd day of May, 2016.

READ a third time and finally passed this 2nd day of May, 2016.

MAYOR

CLERK

SCHEDULE "A" to By-law 1664/16

SITE ALTERATION AGREEMENT

THIS AGREEMENT made, in triplicate, this day of

BETWEEN:

Haldimand County

(hereinafter may be referred to as the "County")

OF THE FIRST PART

And

(hereinafter may be referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of the property municipally known as _____ in Haldimand County, Ontario and described in Appendix "1" attached hereto (hereinafter referred to as the "Property") in this Agreement;

AND WHEREAS Sections 142 through 144 of the Municipal Act, 2001, (hereinafter referred to as the "Act") authorizes Council of municipalities to pass a by-law prohibiting or regulating the placing or Dumping of Fill, the removal of Topsoil, the alteration of the grade of land and requiring a Permit and requiring restoration and rehabilitation of the Site in the event of contravention of the By-law;

AND WHEREAS Section 9 provided that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 391 of the Municipal Act, 2001, authorizes a municipality to impose fees or charges on persons, for services or activities provided or done by or on behalf of it or for the use of its property including property under its control and add fees and charges imposed by the municipality to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes;

AND WHEREAS the Owner intends to alter the grade of the Property in accordance with the Site Alteration By-law and has applied for a Permit pursuant to that Site Alteration By-law;

AND WHEREAS the Owner intends to use the County's Road for the ingress and egress for the purposes of bringing Fill onto the property pursuant to that Site Alteration By-law;

AND WHEREAS all capitalized terms herein have the same meaning as in the Site Alteration By-law (being By-law No. XXX and referred to as the Site Alteration By-law) unless otherwise defined herein;

NOW, THEREFORE that in consideration of the application for the Permit and after review of the application and of the covenants hereinafter set forth the parties hereto mutually covenant and agree as follows:

1. SITE ALTERATION OF PROPERTY

- 1.1 The Owner agrees that, within six (6) months from the date of the Permit, issued pursuant to the Site Alteration By-law (hereinafter referred to as the "Permit"), all placing or Dumping, of Fill onto the Property shall be completed in accordance with the Site Alteration By-law and the Site Plan as previously approved.
- 1.2 It is the responsibility of the Owner:
 - 1.2.1 To obtain the approval of the General Manager to obtain a Permit in accordance with the Site Alteration By-law and comply with all the terms and conditions of the Site Alteration By-law and the Permit; and
 - 1.2.2 To request that the County carry out a final inspection of the Haul Routes and to obtain the approval of the General Manager that this By-law and the terms and condition of the Permit have been complied with.
- 1.3 The Owner agrees that the works described in clause 1.1 and 1.2 above will be completed on or before _____, 20____ .
- 1.4 The Owner acknowledges and agrees that the County has no control over and is not responsible or liable for any adverse effects or damage resulting from clauses 1.4.1 to 1.4.9 on the Owner's property or neighboring property or any other property as a result of the Permit:
 - 1.4.1 Soil erosion;
 - 1.4.2 Blockage of a watercourse;
 - 1.4.3 Siltation in a watercourse;
 - 1.4.4 Pollution of a watercourse;
 - 1.4.5 Flooding or ponding on adjacent lands;
 - 1.4.6 Flooding or ponding caused by a watercourse overflowing its banks;
 - 1.4.7 A detrimental effect on any trees;
 - 1.4.8 A detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and overwintering habitats;
 - 1.4.9 Injury or destruction of municipal trees.
- 1.5 The Owner acknowledges, accepts and agrees that, the Owner is responsible for any and all damage(s) to the Road(s) resulting from the ingress and egress of vehicles involved in the placing or Dumping of Fill respecting the Site Alteration.

2.0 SITE ALTERATION PERMIT

- 2.1 The Owner acknowledges and agrees that no Permit will be issued by the County:
 - 2.1.1 Until the Owner has paid all required fees and deposited the Security; or

2.1.2 If the Owner is in default under the Site Alteration By-law or any other applicable law.

3.0 SECURITY FOR PERFORMANCE

3.1 The Owner is to deposit with the County at the time of execution of this Agreement a Security in the amount of \$2,500 by way of cash for:

3.1.1 All damages to Roads caused or resulting from the ingress or egress to the Site to which the Owner has been issued a Permit pursuant to the Site Alteration By-law; and

3.1.2 Performance of any other provision required by the Site Alteration By-law, the Permit or this Agreement. (collectively referred to as the "Obligations").

3.2 In the event that the amount of Obligations result in repairs or costs beyond the Security posted in 3.1, the Owner agrees and accepts that the County will impose a fee for and equal to, the repair or costs and will:

3.2.1 Hold the Owner responsible and liable for all the costs to repair the Road(s), and

3.2.2 Assign the repairs for the Road(s) damage to a contractor in accordance with the County's Procurement Policy, and

3.2.3 The cost of the Road(s) damage repairs will become a fee imposed by the County and such fee, will be added to the tax roll of the property and collect such fee in the same manner as municipal taxes.

3.3 In the event of default the Owner agrees and consents to permit forces hired by the County to enter upon the Property and undertake the works to be done under this Agreement, unencumbered and without restriction in any manner.

4.0 COVENANTS TO RUN WITH THE LANDS

4.1 All covenants and conditions set forth in this Agreement are and shall be deemed to be covenants running with the Property and it is hereby agreed between the parties of the First and Second Parts:

4.1.1 That every covenant and condition herein to the benefit of and is binding upon the parties of the First and Second Parts hereto and their heirs, executors, administrators, successors and assigns; and

4.1.2 That when the context so requires or permits the singular number is to be read as if the plural were expressed and the masculine gender as if the feminine or neuter, as the case may be, were expressed.

5.0 RELEASE OF ROAD DAMAGE DEPOSIT OR LETTER OF CREDIT

5.1 When the obligations set out in this Agreement have been fulfilled, including receipt, satisfactory to the General Manager that the provisions of this Agreement have been fully complied with, the Owner 's Security or the balance of the Owner's Security shall be released.

6.0 MUNICIPAL FREEDOM OF INFORMATION

6.1 The Owner acknowledges that this Agreement and any information or documents provided to the County may be released pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. This acknowledgement shall not be construed as a waiver of any right to object to the release of this Agreement or any information.

IN WITNESS WHEREOF the parties hereto have duly set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

HALDIMAND COUNTY:

Per:

TOWN CLERK/ GENERAL MANAGER PUBLIC WORKS

DATE

I, have authority to bind the Corporation. (**Schedule "A" Site Alteration Agreement** Legal description of land)

WITNESS

DATE

OWNER

DATE

“APPENDIX 1”

PROPERTY SUBJECT TO PERMIT

TO: [INSERT OWNERS NAME]
[ADDRESS]
[Town], Ontario
[Postal Code]

PROPERTY:

Roll Number:

Address:

Legal

Description:

now in Haldimand County