

The Corporation of the City of Richmond Hill

By-Law 34-22

A By-Law to amend By-law No. 166-07 as amended, being Chapter 967 of the Municipal Code of the Corporation of the City of Richmond Hill for the regulation of dumping, Fill and Site Alteration within the City of Richmond Hill

Whereas Section 142 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes local municipalities to pass by-laws prohibiting or regulating the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land;

And Whereas on January 1st, 2008, Council of the Corporation of the City of Richmond Hill (“Council”) enacted by-law 166-07 for the regulation of dumping, fill and site alteration within the City of Richmond Hill (the “Site Alteration By-law”);

And Whereas on June 8, 2022, Council adopted the recommendations of Staff Report No. SRCS.22.06 with respect to various proposed amendments to the Site Alteration By-law.

Now Therefore The Council Of The Corporation Of The City Of Richmond Hill Enacts As Follows:

1. That the City’s Dumping, Fill, and Site Alteration By-law No. 166-07, being Chapter 967 of the Municipal Code, be amended as follows:
 - a. By adding **The Short Title of this By-law shall be the “Site-Alteration By-law”** directly below the By-law preamble.
 - b. By adding the following new definitions in alphanumeric sequence to **Article 1 – Definitions:**

Administrative Penalty By-law – defined
“Administrative Penalty By-law” means the City’s By-law No. 69-16 that establishes a system of administrative penalties, as amended or superseded.

Municipal By-law Enforcement Officer – defined
“Municipal By-law Enforcement Officer” means an individual appointed for the purpose of enforcing the provisions of this by-law or all of the by-laws of the Corporation.

Penalty Notice – defined
“Penalty Notice” means a notice in relation to a contravention of this by-law issued pursuant to the Administrative Penalty By-law.
 - c. By repealing and replacing the following definitions to **Article 1 – Definitions:**

Commissioner – defined
“Commissioner” means the person from time to time occupying the office of the Commissioner of Planning and Infrastructure Services for the Corporation, or a successor office as the case may be.

Commissioner of Parks Recreation and Culture – defined
“Commissioner of Parks Recreation and Culture” means the person from time to time occupying the office of the Commissioner of Community Services for the Corporation, or a successor as the case may be.

Council – Defined
“Council” means the Council of the Corporation.
 - d. All references to “By-law enforcement officer” be replaced with **“Municipal By-law Enforcement Officer”**

- e. Section 2.8 shall be repealed and replaced with the following:

2.8 Ponding Water

No person shall cause the ponding of water on any property.

- f. By adding the following as 2.9:

2.9 Dumping

No person shall dump or permit to be dumped any fill or debris of any kind.

- g. Section 9.3 shall be repealed and replaced with the following:

9.3 Municipal By-law Enforcement Officers

This By-law may be enforced by a Municipal By-law Enforcement Officer.

- h. Section 9.5 shall be repealed and replaced with the following:

9.5 Power of Entry

The Commissioner, an Inspector, a Municipal By-law Enforcement Officer or a police officer may enter onto any property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) The provisions of this By-law;
- b) An Order issued under this By-law;
- c) A condition of a Permit issued under this By-law, or
- d) An order under Section 431 or 438 of the Municipal Act.

- i. Section 9.6 be repealed and replaced with the following:

9.6 Inspection – Production of Documents

For the purposes of an inspection carried out pursuant to section 9.5 of this by-law the Commissioner, an inspector, a Municipal By-law Enforcement Officer, a police officer may:

- 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;
- c) Require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification, and
- d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests samples or photographs necessary for the purpose of inspection.

- j. Section 9.7 be repealed;

- k. By adding the following as Section 11.2:

11.2 Recovery Costs

The actual costs incurred in conducting the work described in Section 11.1, including any administration fees, shall be deemed to be a debt to

the Corporation and may be collected by action or added to the tax roll and collected in the same manner as municipal taxes.

- I. Section 12.1 be repealed and replaced with the following:

12.1 Contravention

Any person who contravenes any provision of this by-law or an order issued pursuant to Section 10.1 or Section 10.2 of this by-law is guilty of an offence and on conviction is liable to pay a fine as indicated in the Municipal Act pursuant to Sections 12.3 and 12.4 of this by-law.

- m. By adding the following provisions to **Article 12 - Penalty and Offence**:

12.7 Alternative to Charge

In lieu of laying a charge under the *Provincial Offences Act* for a breach of any provision of this by-law, an Inspector or Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person who has contravened this by-law in accordance with the service requirements of the Corporation's Administrative Penalty By-law. For greater certainty, the Inspector or Municipal By-law Enforcement Officer has the discretion to either proceed by way of a Penalty Notice or a charge laid under the *Provincial Offences Act*, if a Penalty Notice is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

12.8 Amount – Payment

A Person served with a Penalty Notice shall be liable to pay to the Corporation an administrative penalty in the amount specified in Schedule "A" of the Administrative Penalty By-law. An administrative penalty for a contravention of this by-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

12.9 Procedures

A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

2. That the City's Yard, Lot Clearing, Filling, Draining By-law No. 218-90, being Chapter and 1022 of the Municipal Code, be repealed.
3. Except as herein provided and as required to give effect to the amendments in this by-law, the provisions of such by-law shall continue in full force and effect without amendment.

Passed this 8th day of June, 2022.

David West
Mayor

Stephen M.A. Huycke
City Clerk