

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW 3941A-21**

A BY-LAW TO AMEND BY-LAW NO. 3941-05 TO PROHIBIT OR REGULATE THE REMOVAL OF TOPSOIL, THE PLACING OR DUMPING OF FILL, AND THE ALTERATION OF THE GRADE OF LAND WITHIN THE ENTIRE TOWN OF NIAGARA-ON-THE-LAKE

WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake passed By-law No. 3941-05 on June 13, 2005;

AND WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake passed By-law No. 5334-21 on June 21, 2021;

AND WHEREAS The Town of Niagara-on-the-Lake considers it desirable to have one administrative penalty system for all non-parking related offences;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS.

1. That By-law No. 3941-05 be amended by adding Schedule "F" attached hereto.
2. That By-law No. 3941-05 be amended by adding the following as Section 27:
 27. Any person who contravenes this By-law may be issued an administrative penalty in accordance with the AMPS By-law 5334-21 for Non-Parking Offences in accordance with Schedule "F," attached hereto and forming part of this By-law.
3. That Section 27 be renumbered to Section 28 and read as follows:

APPEAL TO ONTARIO MUNICIPAL BOARD

28. An applicant for a permit under this By-law may appeal to the ~~Ontario Municipal Board~~ *Ontario Land Tribunal*:
 - (a) If the Chief Building Official refuses or neglects to issue a permit under this By-law within forty-five (45) days after the application is received by the Chief Building Official and after the supporting plans and documents referred to in Schedule "A" are received by the Chief Building Official; or
 - (b) If the Chief Building Official refuses to issue a Permit, within 30 days of the refusal; or
 - (c) If the applicant objects to a condition in the Permit, within 30 days after the issuance of the permit.

The owner may appeal to the ~~Ontario Municipal Board~~ *Ontario Land Tribunal* in accordance with the applicable provisions of the Municipal Act, 2001, as amended.

3. That Sections 28 to Section 31 be renumbered to read as follows:

ASSISTANCE FOR CHIEF BUILDING OFFICIAL

29. The Chief Building Official shall have the right to retain the services of a consulting engineer, at the applicant's cost, for the purposes of determining whether the requirements of Schedule "A" or Schedule "B" have been complied with, and to assist with the administration of this By-law.

SEVERABILITY

30. In the event that any provision or part of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

GENERAL

31. That Township By-law 1394 is hereby repealed.
32. This By-law shall come into force and effect upon the passing of the By-law by Council.
5. That this by-law come into force and effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 30TH DAY OF AUGUST 2021

LORD MAYOR BETTY DISERO

ACTING TOWN CLERK COLLEEN HUTT

Item	Column 1 - Short Form Wording	Offence	Set Fine
Schedule "F" - Site Alteration By-law No. 3941-05			
1	Remove topsoil or riparian vegetation, place or dump or cause to be placed or dumped, fill on land or alter the grade of land or cause the grade to be altered within the Town, unless they are exempt from the provisions of this By-law	Section 2	\$500