

1994

c Pr1 Glanbrook (Township of) Act, 1994

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CHAPTER Pr1

An Act respecting the Township of Glanbrook

Assented to March 31, 1994

Preamble	<p>The Corporation of the Township of Glanbrook, referred to in this Act as the Corporation, has applied for special legislation to prohibit or regulate the dumping of fill.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>(a) the person entering upon the land shall give the owner or occupant of the land reasonable notice of the proposed entry;</p> <p>(b) upon request, the person entering upon the land shall produce identification and state that the entry is being made under the authority of the by-law; and</p> <p>(c) the person entering upon the land may do so only to carry out an inspection or the work necessary to correct a contravention of the by-law.</p>	
By-law respecting dumping of fill	<p>1. (1) The council of the Corporation may pass by-laws,</p> <p>(a) prohibiting or regulating the placing or dumping of fill in any defined areas in the Township of Glanbrook, other than those areas subject to regulations made under clause 28 (1) (f) of the <i>Conservation Authorities Act</i>;</p> <p>(b) prohibiting or regulating the alteration of the grade of land in connection with the placing or dumping of fill in the defined areas;</p> <p>(c) requiring that a permit be obtained for the placing or dumping of fill in the defined areas;</p> <p>(d) requiring grading plans acceptable to the Township as a condition of issuing such a permit;</p> <p>(e) prescribing conditions under which the placing or dumping of fill may be carried out under such a permit;</p> <p>(f) requiring that fill dumped or placed contrary to a by-law passed or permit issued under this section be removed by the person who dumped or placed it or who caused or permitted it to be dumped or placed;</p> <p>(g) authorizing the Corporation or its agent to enter upon land during daylight hours and carry out an inspection or effect the work necessary to correct a contravention of such a by-law or permit.</p>	<p>(3) Costs incurred by the Corporation under a by-law passed under clause (1) (g) are a lien and charge upon the land; the lien is created upon the Corporation registering in the proper land registry office a notice claiming the lien and charge conferred by this subsection.</p> <p>(4) The lien is in respect of all costs that are payable at the time the notice is registered.</p> <p>(5) The lien has priority over all encumbrances and claims registered after or attached to the land after the notice is registered.</p>	<p>Creation of a lien</p> <p>Amount of lien</p> <p>Status of lien</p>
Entry upon lands	<p>(2) A by-law passed under clause (1) (g) shall provide that,</p>	<p>2. If a regulation is made under clause 28 (1) (f) of the <i>Conservation Authorities Act</i> respecting the placing or dumping of fill in any area of the Township of Glanbrook, a by-law passed under section 1 ceases to have effect in that area upon the coming into force of the regulation.</p> <p>3. A by-law passed under section 1 does not apply to,</p> <p>(a) the use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the <i>Environmental Protection Act</i>;</p> <p>(b) waste, a waste disposal site or waste management system that is exempted by regulation from Part V of the <i>Environmental Protection Act</i>;</p> <p>(c) the construction, extension, alteration, maintenance or operation of works under section 26 of the <i>Public Transportation and Highway Improvement Act</i>;</p>	<p>By-law ceases to have effect</p> <p>By-law not applicable</p>

- (d) the activities of the Corporation, The Regional Municipality of Hamilton-Wentworth, conservation authorities, school boards, Crown agencies as defined in the *Crown Agency Act* and Ontario Hydro;
- (e) persons operating a pit or quarry who are in possession of a valid licence or permit issued under the *Aggregate Resources Act*;
- (f) the construction, improvement, alteration and maintenance of drainage works as defined in the *Drainage Act* or the *Tile Drainage Act*; or
- (g) normal farm practices as defined in the *Farm Practices Protection Act* as carried out by agricultural operations as defined in that Act.

Conflicting by-laws

4. If there is a conflict between a by-law passed under section 1 and a by-law passed by the Regional Council of The Regional Municipality of Hamilton-Wentworth under paragraph 135 of section 210 of the *Municipal Act*, the by-law of The Regional Municipality of Hamilton-Wentworth prevails.

5. (1) If the Corporation refuses or neglects to issue a permit under a by-law passed under clause 1 (1) (c) within forty-five days after the application is received by the clerk of the Corporation or the applicant objects to a condition in the permit, the applicant may appeal to the Ontario Municipal Board within 180 days from the expiration of the forty-five days, or the issuance of the permit, as the case may be.

Appeal

(2) The decision of the Board is final.

Decision final

(3) Sections 43 and 95 of the *Ontario Municipal Board Act* do not apply to a decision of the Board on an appeal under subsection (1).

Same

(4) The Board may, without a hearing, correct an error in a decision made under this section if the error is of a typographical, clerical or similar nature.

Errors

6. This Act comes into force on the day it receives Royal Assent.

Commencement

7. The short title of this Act is the *Township of Glanbrook Act, 1994*.

Short title