

1991

c Pr26 Town of Whitchurch-Stouffville Act, 1991

Ontario

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CHAPTER Pr26

An Act respecting the Town of Whitchurch-Stouffville

Assented to December 19th, 1991

- Preamble The Corporation of the Town of Whitchurch-Stouffville, referred to in this Act as the Corporation, has applied for special legislation regulating the dumping of fill.
- It is appropriate to grant the application.
- Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:
- Definition **1.** In this Act, "fill" means earth, sand, rock or waste of a similar nature.
- By-laws respecting dumping of fill **2.**—(1) The council of the Corporation may pass by-laws,
- (a) for prohibiting or regulating the placing or dumping of fill in any defined areas in the Town of Whitchurch-Stouffville, other than those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;
 - (b) for requiring that a permit be obtained for the placing or dumping of fill, other than in those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;
 - (c) for prescribing conditions under which the placing or dumping of fill may be carried out under a permit issued pursuant to a by-law passed under this section; and
 - (d) for 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.
- By-law ceases to have effect (2) If a regulation is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the Town of Whitchurch-Stouffville, a by-law passed under subsection (1) ceases to have effect in that area of the Town upon the coming into force of the regulation.
- 3.** A by-law passed under section 2 does not apply to,
- By-law not applicable
- (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 *Environmental Protection Act*;
 - (b) the construction, extension, alteration, maintenance or operation of works under section 26 of the *Public Transportation and Highway Improvement Act*;
 - (c) emergency measures taken by the Corporation or The Regional Municipality of York to prevent erosion, slipping of soil or damage to trees;
 - (d) the activities of the Corporation, the Regional Council of The Regional Municipality of York or The Metropolitan Toronto and Region Conservation Authority related to the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
 - (e) aggregate, as defined in the *Aggregate Resources Act, 1989*, brought onto a pit or quarry operating under a licence or wayside permit issued under that Act as part of the operations of that pit or quarry; or
 - (f) any rehabilitation activity in a pit or quarry licensed under the *Aggregate Resources Act, 1989* and specifically addressed on the approved site plan.
- 4.**—(1) Where the Corporation refuses or neglects to issue a permit under clause 2 (1) (b) within forty-five days after the application is received by the clerk of the Corporation or an owner of land on which it is proposed that fill be placed or dumped objects to a condition in the permit, the applicant for the permit or the owner may appeal to the Ontario Municipal Board within 180 days from the expiration of the
- Appeal

forty-five days, or the issuance of the permit, as the case may be.

Decision

(2) The decision of the Board is final.

No petition

(3) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Board under subsection (1).

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

6. The short title of this Act is the *Town of Whitchurch-Stouffville Act, 1991*. Short title