



# Town of Whitby By-law # 7158-16

## Fill Control By-law Amendment

Being a By-law to amend By-law 5849-06, known as the Fill Control By-law.

Whereas pursuant to Subsection 142(2) of the Municipal Act, 2001, S.O. 2001, c.25, a municipality may pass a by-law to regulate the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

- 1.1. That Section 1, Definitions, is amended by adding thereto the following definition;  
  
"land development site' means lands that will be subject to a site plan agreement, subdivision agreement or other development agreement to be entered into with the Town pursuant to the provisions of the Planning Act;"
- 1.2. That subsection 5(2)(b) of the Fill Control By-law be amended as follows; and,  
  
"The Commissioner shall not issue a permit unless the land use to which the proposed work pertains is permitted by the applicable by-law passed under the Municipal Act or the Planning Act, except for land development sites within the West Whitby Secondary Plan Area; and,"
- 1.3. That Schedule E, Road Damage Contribution / Inspection Fees to By-law 5849-06, is hereby amended as described in Schedule A hereto attached.

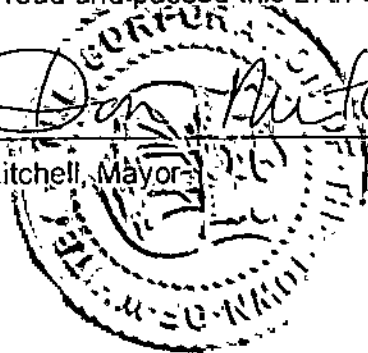
### 2. Effective Date

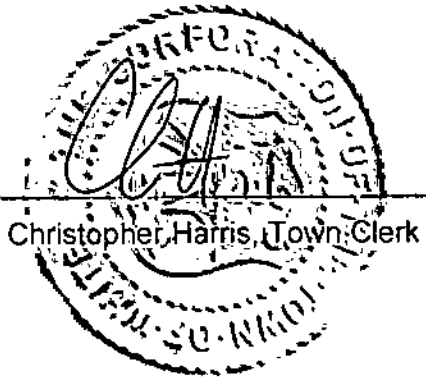
- 2.1. The provisions of this by-law shall come into force and take effect on the passing thereof.

By-law read and passed this 27th day of June, 2016.

A handwritten signature in cursive script that reads "Don Mitchell".

Don Mitchell, Mayor





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Christopher Harris, Town Clerk

# Schedule A

Schedule E, Road Damage Contribution / Inspection Fees to By-law 5849-06, is hereby amended:

## Land Development Sites

Land developers are required to provide a financial security equivalent to the applicable road damage contribution / inspection fee in lieu of the road damage contribution / inspection fee. This security will be held for 2 years following which the security will either be released, drawn upon or continue to be held as follows:

- 1) Released should the land developer enter into a development agreement with the Town within 2 years of the date of the fill permit and no major road damages have occurred as a result;
- 2) Drawn upon and used as road damage contribution / inspection fee should a development agreement not be entered into with the Town within 2 years of the date of the fill permit; or,
- 3) Continue to be held as security at the sole discretion of the Commissioner of Public Works provided the developer can demonstrate that a development agreement is actively being pursued.