

**By-law 2016-171**

**A By-law of the City of Greater Sudbury to Amend By-Law 2009-170  
being a By-law of the City of Greater Sudbury to Regulate the  
Removal of Topsoil, the Placing or Dumping of Fill, and the  
Alteration of Grades of Land**

**Whereas** the Council of the City of Greater Sudbury deems it desirable to amend By-law 2009-170 being a By-Law of the City of Greater Sudbury to Regulate the Removal of Topsoil, the Placing or Dumping of Fill, and the Alteration of Grades of Land in order to provide for certain additional fees;

**Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:**

Replace Section 22

1. By-Law 2009-170 being a By-Law of the City of Greater Sudbury to Regulate the Removal of Topsoil, the Placing or Dumping of Fill, and the Alteration of Grades of Land is hereby amended by repealing section 22 and enacting the following section 22 in its place and stead:

"Appeal

22.-(1) An applicant may appeal a refusal to issue a Permit, a condition in a Permit, a failure to make a decision on an Application for a Permit or a revocation of a Permit to the Hearing Committee, upon by filing a request in writing with the Director and paying an administrative fee determined in accordance with the City's Miscellaneous User Fee By-law then in effect, failing which the decision of the Director is final. For the purposes of this By-law, "Hearing Committee" shall refer to the Hearing Committee established by the Council of the City pursuant to the Procedure Bylaw 2011-235, as amended or replaced.

(2) Upon receipt of the written request of the applicant, and payment of the applicable fee, the Director shall request the City Clerk to schedule a meeting of the Hearing Committee. Notice shall be given to the applicant of the day, time and place of the hearing.

(3) On the day and time set by the City Clerk or such other day and time as may be established from time to time by the City Clerk or by the Hearing Committee. The

person appealing may present evidence and make submissions to the Hearing Committee regarding the matter under appeal.

(4) At any such hearing the Hearing Committee may proceed to consider the matter, whether or not the person appealing is in attendance. The Hearing Committee shall have all the powers of the Director pursuant to this By-law. The decision of the Hearing Committee shall be final and binding and takes effect upon being rendered.”

### Enact Section 33.1

2. By-Law 2009-170 being a By-Law of the City of Greater Sudbury to Regulate the Removal of Topsoil, the Placing or Dumping of Fill, and the Alteration of Grades of Land is hereby further amended by enacting the following section 33.1 immediately after section 33 and before section 34:

#### “Attendance Fee

“33.1-(1) An attendance fee in an amount determined in accordance with the City’s Miscellaneous User Fee By-law then in effect shall be payable on a time spent basis:

- (a) for the second and each subsequent inspection conducted by a By-law Enforcement Officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and
  - (b) in the event that a By-law Enforcement Officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.
- (2) Any fee under subsection 33.1(1) shall be payable:
- (a) in accordance with the provisions of the City’s Miscellaneous User Fee By-law then in effect; and
  - (b) in addition to any fine levied upon conviction of an offence under this By-law, and whether or not there is a charge laid, and whether or not any charge laid leads to a conviction.”

#### Transition

3. Where a part of a by-law is repealed by this By-law, the repeal does not:
- (a) affect the previous operation of the part of the by-law so repealed;

- (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the part of the by-law so repealed; or
- (c) affect any offence committed against any part of the by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Effective

- 4. This By-law shall come into full force and effect upon passage.

**Read and Passed in Open Council** this 9th day of August, 2016

  
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Mayor

  
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Deputy  
Clerk