

ATTACHMENT A – DESCRIPTION OF ENFORCEMENT TOOLS

Warning Letters: (not specified in Bylaw)

- For issues not posing an immediate threat to Township drainage structures or downstream water quality.
- Advises Developer / Owner of deficiencies of ESC works, design or maintenance that must be addressed.
- Sets timeframe in which deficiencies must be addressed.
- Informs Developer / Owner that if issues are not addressed, further enforcement actions will occur.

Notice to Comply: (specified in Bylaw)

- A notice to comply letter requires the receiver (developer / owner) to remediate a significant non-compliance issue within 24 hours (or longer if explicitly stated by TOL) of receipt.
- All other site construction work must cease, except for that required to achieve compliance.
- Must be served in person, or via registered mail (considered served 3 days after being mailed).
- Can also be used in any cases where the validity of the permit or other bylaw provisions such as maintaining security, retaining Qualified Monitor etc. are not met.

Tickets: (noted in Bylaw, and specified in Township MTI Bylaw 4481, Schedule 24)

- Act as a specific deterrence against repeat offenders.
- Assist Township in covering costs of extra monitoring required for repeat offenders.
- Amount and Offence specified in Township MTI Bylaw as:
 - Discharge Sediment \$1000
 - Excess Turbidity levels \$1000
 - Construction without ESC Permit \$500
 - Failure to Maintain ESC Facilities \$500
 - Construction before Letter of Appointment \$500
 - Failure to Maintain Logbook \$250
- Where tickets are challenged, they result in a Provincial Court hearing.
- Tickets regarding turbidity levels must be followed up by sample verification in an independent laboratory.

Security Draw: (specified in Bylaw)

- Allows Township cost recuperation for undertaking work deemed necessary to protect drainage infrastructure from the action (or lack of) of the developer/owner.
- Does not prevent other, concurrent legal remedy.
- Can only be used where Permittee fails to comply with Notice to Comply.

Stop Work Order: (specified in Bylaw)

- Utilized to stop work that is causing significant, current impact on downstream water quality. (i.e. excavating foundations during significant rain storms).
- All Construction activities are halted based on visual inspection and/or field turbidity measurement.
- Construction may not continue until water quality and/or condition of ESC controls are repaired or reworked to the satisfaction of the Township.

Summary Conviction: (specified in Bylaw)

- Information sworn in provincial court, penalties for approved charges range from \$2000-\$10,000 per offence, per day.
- Each day for which an offence continues is usually treated as a separate offence.
- Courts will examine facts of the case to determine if a Bylaw infraction has occurred. Where it has, penalties are normally imposed to achieve the following goals:
 - Remove all profitability from the criminal action.
 - Impose a penalty (usually financial) significant to the size of the infraction and the size of the company.

- Send a message to other, similar businesses considering similar criminal activity.