



Corporate Procedure

Encroachment Permit

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Author: M.J. Kelly, Director of Transportation Services

References and Related Documents

- [Single Permit for Moving Heavy Vehicles Procedure](#)
- [Annual Permit for Moving Heavy Vehicles Procedure](#)
- [Entrance Permit Procedure February 2013](#)
- [Highway Traffic Act](#)
- [Specifications and Standards for Trailer Coupling](#)
- [Vehicle Weights and Dimensions for Safe, Productive and Infrastructure Friendly Vehicles](#)

Forms

- [Encroachment Permit Application](#)
- [Schedule A - Encroachment Permit Insurance Requirements](#)
- [Encroachment Permit Holdback Release Form](#)
- [Entrance/Encroachment Final Inspection Request Form](#)
- [Entrance Permit Application](#)
- [Entrance Permit Schedule A - Insurance Requirements](#)
- [Entrance Permit Holdback Release Form](#)
- [Road Permits Fee Schedule](#)
- [Permit - Single Oversize Move](#)
- [Permit - Annual Oversize Move](#)

Purpose

The purpose of this procedure is to outline the County's procedures related to encroachments within the County Road right-of-ways.

The County of Grey Transportation Services Department controls all encroachments within County Road right-of-ways. The County's control of encroachments is intended to maximize County road safety, maintain the free flow of traffic and minimize the

likelihood that an encroachment, or works related thereto, may interfere with a county road or create a County road maintenance problem.

The County will ensure that the installation of encroachments, the construction of works associated with these encroachments and the restoration of the right-of-way following the construction or alteration of an encroachment is carried out in a manner that is satisfactory to the County, and that the cost of this work is borne by the encroaching party. Municipalities are exempt from the encroachment permit fee, but are still responsible for applying for an encroachment permit.

Scope

This procedure shall outline the requirements for third party work within the County of Grey's right-of-way.

Section 1 Definitions

Commercial Encroachment - means an encroachment made by or on behalf of a commercial firm or establishment. A Commercial Encroachment may include oil pipelines, gas pipelines, fiber optic cable, overhead or underground conveyor systems, sewers, drainage or waste disposal pipes, curbs, gutters, accelerating and decelerating lanes and other installations upon, over or under the right-of-way of a county road, or landscaping within the limits of the right-of-way of a county road. Private power lines or railways without Federal Statutory authority shall be classified as Commercial Encroachments.

Encroachment - means any installation or stockpile or other work upon, over or under, or within the limits of a County road right-of-way (excluding entrances).

Encroachments may include accelerating and decelerating lanes, curbs, gutters, sidewalks, safety islands, recreational trails and crossings, sewers, water pipelines, fiber optic cable, gas pipelines, oil pipelines, conveyors or other works or structures that may during the construction, installation, or maintenance thereof obstruct, cause material to be deposited upon, enter upon, take up, bridge over, tunnel under, or in any way interfere with the land within the limits of a county road, or the roadway, or any structure forming a part of the county road. Under certain circumstances, pulpwood, logs or other material piled on the right-of-way to await loading on trucks may be considered encroachment.

Municipal Encroachment - means an encroachment made by or on behalf of a municipality. A Municipal Encroachment may include a sewer, water pipeline, sidewalk, curb and other installation upon, under or over the right-of-way of a county road.

Public Utility - means poles, wires, conduits, transformers, pipes, pipelines and any other works or structures belonging to a municipal corporation, commission or company operating under a Federal, Provincial or Municipal franchise to provide a public service.

Recreational Trail and/or Trail Crossing Encroachment - means an encroachment on behalf of a recreational organization which is a legal entity. It will include locations where a crossing over a County right-of-way, including the travelled portion of the County road, is required in order to connect established trails. It will also include sections of the County right-of-way where the organization wishes to establish a trail along the roadside where no access to adjacent land is granted, and the roadside section of trail is required to connect established trails. Snowmobile and all-terrain vehicles trails and crossings will require separate agreements.

Residential Encroachment - means an encroachment by or on behalf of a private individual or private farm or pertaining to a private structure. A Residential Encroachment may include a water pipeline, gas pipeline or other installation upon, under or over the right-of-way of a County road, or landscaping carried out within the limits of the right-of-way of a county road.

Statutory Encroachment - means an encroachment for which legal authority exists by right of Federal or Provincial legislation. These encroachments are not controlled by the *Municipal Act*. A Statutory Encroachment may include a railway, power and telephone line, gas pipeline and any other item on the County right-of-way where legal authority exists by right of Federal or Provincial legislation. A railroad with federal statutory authority shall be a Statutory Encroachment.

Section 2 General

As of the date of approval of this procedure all encroachments within the limits of a County road shall be subject to the approval of the County. An Encroachment Permit or other Permit or approval required by the County must be obtained for each encroachment before work commences.

The construction or operation of works within the limits of the right-of-way of a county road by other than the County or its agent shall be considered an encroachment. Entrances are dealt with in the entrance policy.

2.1 Permits Required

Encroachment permits are required for:

- Installation of work upon, over, under, within the County right-of-way or roadway
- Stockpile of work upon, over, under, within the County right-of-way or roadway

2.2 Encroachment Permit Application

- 2.2.1 The Encroachment Permit Application Form is available at the County Administration Building or at [County of Grey Website](#).
- 2.2.2 All applications are to be completed and delivered or mailed to the attention of the Director of Transportation Services with the application, applicable fees as found in the Fees and Services By-law and detailed plans and specifications to the satisfaction of the Director of Transportation Services.
- 2.2.3 All Encroachment Permit Applications must include a plan or drawing showing the location and extent of the proposed installation as it relates to the County road. Each plan or drawing for an installation which crosses under a County road shall include a key plan, a detail plan and a profile.
- 2.2.4 It is responsibility of the applicant to ensure that the construction of the encroachment is in accordance with the requirements of all applicable regulatory agencies having jurisdiction.
- 2.2.5 Applicants are bound by the conditions contained in the Encroachment Permit.
- 2.2.6 Depending on the complexity of the Encroachment Permit the Director of Transportation Services may also require a legal agreement.
- 2.2.7 Upon approval of the Permit, staff shall determine the insurance coverage required from among the options provided under Schedule A of this procedure.
- 2.2.8 If during the life of a permit any Acts or Regulations are enacted which affect the rights and privileges granted by a permit or agreement, the said Acts and Regulations shall apply to each permit from the date they come into force.

2.3 Conditions

Any conditions regarding encroachments shall apply to all County roads over which the County has authority under the *Municipal Act*.

2.3.1 Conditions Binding Upon Applicant

The conditions of an Encroachment Permit or Agreement shall be binding upon the applicant, heirs, executors, administrators, successors and assigns. Each permit shall continue in force until the expiry date or until notice of cancellation of the permit by the Director of Transportation Services is received.

2.3.2 Safety Measures

The owner of an encroachment must comply with all safety requirements outlined in Ontario Traffic Book 7. The following safety measures are to be taken by the owner of an encroachment.

2.3.2.1. Occupational Health and Safety Act

The owner of an encroachment, any contractor, or any worker performing work related to an encroachment, must comply with all regulations and requirements of the *Occupational Health and Safety Act*.

2.3.2.2. Portable Lane Control Signals

A portable lane control signal system shall not be located at an intersection or pedestrian crossover and shall not be located in any place or manner so as to conflict with any signal-light traffic control system. (Ontario Regulation 478/80, *Highway Traffic Act*). Portable lane control signals associated signing and the layout must be in accordance with the Traffic Control Manual for Roadway Work Operations.

2.3.2.3. Work Outside the County Road Shoulder

Where the work for an encroachment is outside the shoulders, the applicant should be informed that, where at all possible, vehicles and equipment must be parked clear of the shoulders. Prolonged parking on the shoulders will not be permitted in any circumstances. Vehicles and equipment may not be parked on the shoulders at night except in an emergency in which case they must be suitably illuminated or barricaded.

2.3.2.4. Clear Vision

Encroachments which will interfere with the clear vision of the travelling public, for example by restricting visibility at an intersection, will not be approved.

2.3.2.5. Interference with Traffic

The permanent works of an encroachment must be located in a manner that does not interfere with traffic and does not create a traffic hazard.

2.3.2.6. Unfulfilled Requirements

When the conditions of a permit are not fulfilled by the applicant, the Director of Transportation Services, if he/she considers it advisable, may do work required to put the right-of-way in a condition satisfactory to the County. The cost of this work performed by the County may be charged against the encroaching party.

2.3.2.7. Work Completed by the County

When any work performed by the County in connection with an encroachment is to be charged against the owner of the encroachment, the Director of Transportation Services shall prepare an itemized statement of the work performed and invoice the owner for the cost. Failure of the owner of the encroachment to pay an invoice for work performed by the County within 60 days may result in the cancellation of the permit for the encroachment. The County may also take action to remove the works if this is considered advisable by the Director of Transportation Services.

2.3.3 Right-of-Way Must be Restored

When it is necessary during the construction, maintenance, operation or alteration of works with respect to an encroachment to interfere in any way with a County road or with the land or the roadway or any structure or other facility pertaining to a county road, the owner of the encroachment must maintain, restore or rebuild the county road, other approved utility, land, roadway, building, structure, fence, lawn, garden, shrubbery, driveway, culvert, sidewalk, curb, gutter, municipal or any other installation to the satisfaction of the County. The works relevant to the encroachment located within the limits of the right-of-way of a county road must meet the standards established or adopted by the County.

All work must be completed at the expense of the applicant and within the time limits established by the County. If a property owner complains to the County that their property has been interfered with during the installation of the encroachment, the County shall advise the owner of the encroachment of the complaint of the property owner. If after 60 days the owner of the encroachment does not resolve the complaint, the County may take steps to resolve it without further notification to the owner of the encroachment and invoice him/her for the costs incurred in restoring the property or in settling the claim.

2.3.4 Ontario Provincial Standards

The Ontario Provincial Standards have been developed to provide common standards for road work, sewer, and water main work for all Provincial and Municipal jurisdictions which carry out work in these fields. Ontario Provincial Standard Specifications (OPSS) and Ontario Provincial Standard Drawings (OPSD) have been published and issued.

The County is committed to these Ontario Provincial Standards for contract design, award and construction.

The appropriate specifications and standard drawings should be consulted for material requirements and acceptable construction procedures to be followed during installation of an encroachment.

2.3.5 Construction Restrictions

An applicant placing or altering an encroachment located within the limits of the right-of-way of a County road shall comply with the following restrictions and conditions and with any other restrictions that may be established or adopted by the County.

- a) The time(s) of day during which work shall be allowed to proceed shall be approved by the Director of Transportation Services.
- b) Except in an emergency, or unless otherwise agreed to in writing between the company and the Director of Transportation Services, where the company proposes to install or alter any works within the limits of the right-of-way of a County road, the company must give the Director of Transportation Services at least 48 hours' notice prior to commencing work.
- c) Construction equipment shall not be allowed to work on the travelled portion or on the shoulder of a County road except with the Director of Transportation Services' written approval.
- e) Construction equipment shall not travel upon the travelled portion of a county road except when it is being transported directly to a job site or when it is crossing directly from one side of a county road to the other side.
- f) Steel tracked equipment shall not be allowed to travel upon or to cross a paved County road except with the approval of the Director of Transportation Services and then only after the pavement has been protected by planks, pads, or other devices acceptable to the Director of Transportation Services.
- g) During construction, equipment, material, debris or any other material associated with the works, shall not be placed upon or left upon the shoulder or the travelled portion of a county road in a manner which in the opinion of the Director of Transportation Services may create a hazard or cause damage to the county road.
- h) All work shall be done in a manner that ensures a minimum of inconvenience to the owners of property adjoining the county road and to the travelling public.
- i) Prior to the commencement of work, the company shall notify the owner of each property involved of the time(s) of construction and of the method(s) to be used in crossing his/her driveway(s).

2.3.6 Cutting, Tunneling, Backfilling

The cutting of pavement, tunneling, backfilling, compaction of fill, and repaving of a county road with respect to an encroachment must be carried out according to the standards established or adopted by the County for this work. When it is necessary to backfill after tunneling or cutting the pavement or the roadbed, the material used as fill and any work relevant thereto, must be satisfactory to the Director of Transportation Services. All work in this connection should be observed by the official of the County.

2.3.7 Buried Works

All buried works within the road allowance must install and maintain markers in proximity of the plant. Separation: 75 m – 100 m also marking entrance and exit locations of the road allowance, including deviations (bends). Markers to state what the plant is (i.e. underground waterline) with a marker size of 0.25 m x 0.3 m, with steel stake being 1.2 m to 1.5 m above ground.

2.4 Permit Expiry

2.4.1 Expiry of Permit

Application for a new Encroachment Permit must be made at least sixty days before the expiry date of a current permit. A new application may be approved or refused by the County and any new approval is subject to the current requirements of the County. When a new application has been approved, a new permit shall be issued by the Director of Transportation Services.

When a permit for an encroachment expires and an application for a new permit has not been approved by the County, the full cost of removing the encroaching works shall be borne by the owner. In the case of municipal encroachments, the normal cost-sharing provisions of the permit will apply unless the encroachment was approved on a temporary basis, in which case the cost of removal will be borne by the owners of the municipal encroachment. The works must be removed by the owner, if the County so requires, within six (6) months after the expiry date, and the right-of-way and any works related to the county road must be left in a condition that is satisfactory to the Director of Transportation Services.

If the works which the County requires the owner to remove have not been removed within six (6) months of the expiry date, the said works and any works which are to be left in place shall become the property of the County.

In certain cases such as where the encroachment was a minor landscaping operation such as placing topsoil and seeding and no ongoing conditions were attached, the encroachment permit may be allowed to expire with no further action to be taken.

2.5 Changes to Encroachments

2.5.1 Classification Change

A change in the classification of an encroachment shall be subject to the approval of the County. Each application for change of classification must be made on the Application for Encroachment Permit.

2.5.2 Alterations, Additions or Tapping of Existing Encroachment

When, after an encroachment has been placed, the owner proposes to alter, add to, or tap into installation, application must be made for an Encroachment Permit in the normal manner and a permit must be obtained before the work is commenced.

2.5.3 Moving Existing Encroachments

An application to move an existing encroachment to another location within the limits of the right-of-way of a County road must be approved by the Director of Transportation Services. The encroachment in the new location must meet the current requirements of the County. The permit for the existing encroachment shall be cancelled and a new permit for the encroachment in the new location shall be issued. The full cost of removing and relocating an encroachment shall be borne by the owner.

2.5.4 Ownership Change

When an encroachment permit holder changes, the new owner must apply for a new permit. When a new owner proposes a change to the encroachment, the proposal change(s) shall be subject to the approval and current requirements of the County and must not be made until after the new permit has been issued or approval has been granted by the Director of Transportation Services.

2.6 Removal of Encroachment

With the exception of a Statutory Encroachment, the County on thirty days' notice may require the suspension of operations either temporarily or permanently, or the removal, alteration, relocation or abandonment of works constructed, maintained or operated within the limits of a County road regardless of the term of the applicable permit.

Upon receipt of a notice from the County, the owner of an encroachment must make suitable arrangements to remove, alter, relocate or abandon the works in accordance with the requirements of the notice. The County road right-of-way must be left in a condition that is satisfactory to the Director of Transportation Services.

2.7 Abandoned Encroachment

When the owner of an encroachment ceases operations or abandons an encroachment, at the sole discretion of the Director of Transportation Services, the owner of the encroachment may be required to remove the works and bear the cost of the removal of the works.

2.8 Cancellation of Permits

When the conditions of a permit or of an agreement have been violated, the permit or agreement may be cancelled by the County. The County may establish a time limit for the removal of the works from the right-of-way of a County road of not less than thirty days and not more than six (6) months from the date of cancellation of the permit.

In certain cases, it may be advisable to leave the works in the ground, particularly when these are located under the roadway.

Section 3 Drainage

Construction or alteration of a drainage system or any part of a drainage system within the limits of the right-of-way of a County road other than by the County must not commence until an Encroachment Permit is obtained from the County. The County may specify such conditions as it deems necessary for the granting of the permit.

3.1 Clear Water Drains

Proposed clear water piped drains such as field tile drainage, foundation drainage, roof drainage, or any other clear water piped drains, may be allowed, subject to the approval of the Director of Transportation Services if a county road is involved. An Encroachment Permit with appropriate conditions is issued to the applicant subject to the approval noted.

Existing clear water piped drains for uses as above, found outletting into County road ditches and/or storm sewers, may be allowed to continue subject to the approval of the Director of Transportation Services if a County road is involved. When such pipe drains are found, an Encroachment Permit with appropriate conditions should be issued to the owner, if approved by the County. If there is any doubt of the piped drain water being clear, see section 3.2 titled "Pollutants Entering County Road Drainage System."

3.2 Pollutants Entering County Road Drainage System

A drain or ditch carrying household or factory waste, sewage or pollutants is prohibited from entering a county road and must not be constructed in a manner whereby it opens upon a county road or is connected to a county road drainage system. Permits shall not be issued for such encroachments.

The owner of a property who allows pollutant waste or sewage to be carried onto a county road or into a county road drainage system contravenes the *Municipal Act*, the *Drainage Act*, the *Environmental Protection Act*, and in certain cases, the *Public Health Act* and could be prosecuted for such an offence under the applicable Act(s).

3.2.1 Pollutant-Carrying Drains Not Within County Work Project

When a drain has been located emitting household or factory waste or sewage upon or into the county road drainage system and the source is known, the County shall contact the owner and ask him to cease and desist. If the owner fails to remove the household or factory waste or sewage connection, the Director of Transportation Services will contact the Ministry of Environment.

3.3 Pipe Culverts and Sewers

All pipe culverts and sewers placed within the limits of the right-of-way of a County road must conform to the requirements of Ontario Provincial Standard Specifications (OPSS). Details of culvert construction including minimum wall thickness and minimum depth of cover are included.

3.4 Pipe Subdrains

Subdrains are small diameter pipes (100 mm, 150 mm and 200 mm diameter), perforated or non-perforated which are placed in strategic sub-surface locations for the purpose of collecting sub-surface water and conveying it to a proper outlet.

For County road drainage, steel and plastic (polyethylene) are the preferred pipe materials.

Details of the construction of pipe subdrains are contained in Ontario Provincial Standard Specifications (OPSS). Details of subdrain installation are contained in the 200 series for grading and 800 series for sewers of the Ontario Provincial Standard Drawings (OPSD).

3.4.1 Subdrain Outlets

Where plastic subdrain pipe outlets directly to a County road ditch, a galvanized steel CSP outlet shall be installed at the end of the plastic pipe subdrain outlet. The corrugated steel pipe section shall be a minimum length of 1.5 m and shall be fitted with a galvanized rodent grate. A condition to require placement of the outlet pipe at a minimum 0.3 m above the ditch grade may be considered advisable.

3.4.2 Subdrain Outlet Problems

An application to outlet a subdrain system onto the County road right-of-way should be examined to determine the potential downstream effect on ditches and drainage structures. In cases where a pump is to be placed outside the right-of-way but within the control area of a county road to convey water from a subdrain system to the County road drainage system

The Director of Transportation Services should be consulted to determine if additional conditions such as construction of a retention pond, rip rap, gabions, or any other conditions, may be required. If there is a possibility of downstream capacity problems with runoff as a result of the pumping operation, the County may advise the applicant to apply for improvements under the *Drainage Act*.

Section 4 Landscaping and Roadside Vegetation

All landscaping operations, including roadside vegetation management activities such as tree pruning or tree removal, performed within the right-of-way of a County road, are subject to County of Grey approvals.

An Encroachment Permit is required for such landscaping operations as placing fill for earth berms, grading material on the right-of-way, placing topsoil, or planting trees or other vegetation.

4.1 Conditions of Approvals for Landscaping

Landscape plans shall be forwarded to the Director of Transportation Services, as applicable, for review and approval before permission is granted to commence work.

Where the landscaping is to include tree planting, species shall be chosen which are suitable for the area, i.e., those that are hardy and can tolerate roadside conditions. All plantings must be completed to current County of Grey planting specifications.

4.2 Major Landscaping

Where the landscaping itself, or the resulting maintenance requirements will be extensive, it may be considered necessary to enter into a legal agreement with the encroaching party. Such a case may be where a developer will be grading a considerable part of the right-of-way, or placing extensive plantings.

When a legal agreement covering landscaping is being prepared, the following are some of the items which should be addressed:

- a) Responsibility for maintenance of the ground cover and plant material.
- b) Grass mowing and weed control requirements.
- c) Tree maintenance including watering, fertilizing, pruning, insect control (if needed), disease control (if needed) and replacement of dead trees.

4.3 Tree Pruning and Tree Removal

An application for any permit which will require the pruning or removal of trees within the right-of-way shall require an encroachment permit.

4.4 Landscape Grading

Approvals for grading revisions to existing ground should ensure that the new grade will be gradual and natural in appearance. Slopes should be no steeper than 3:1 and preferably should be 4:1 to permit mowing and other maintenance activities.

When an application to place an earth berm on the right-of-way is received, it should first be determined if the berm could be placed on private property. A second option to accepting all of the berm on the right-of-way may be to place the berm at the property limit with the fill area extending both onto private property and the right-of-way.

When part or all of an earth berm is to be placed on the right-of-way, the contours should be variable and the ends of berm should taper gradually to existing ground.

Section 5 Municipal Applications

A Municipal Council may, by resolution, apply to the Director of Transportation Services for approval to construct or reconstruct sidewalk/bicycle paths along a County road. The application shall indicate the location, type, length, width and estimated cost. The municipality shall submit a completed Application for Encroachment Permit.

The municipality shall submit an encroachment permit for volunteer work, such as flower plantings, on County Roads/Bridges for the County's consideration. The encroachment permit will ensure that the municipality is responsible for the works and that insurance is on file for the volunteers.

Municipalities are exempt from the encroachment permit fee.

Section 6 Revocation, Appeal and Costs

6.1 Revocation of Permits

6.1.1 The County may revoke an Encroachment Permit issued under this By-law for the following reasons:

- a) It was issued based on mistaken, false or incorrect information;
- b) In the opinion of the Director of Transportation Services, the construction is substantially suspended or discontinued for a period of more than one year;
- c) It was issued in error;
- d) The applicant requests in writing that it be revoked; or
- e) A condition of the Encroachment Permit has not been complied with.

6.1.2 In the event that the applicant breaches any of the conditions contained in the Encroachment Permit, the County may use its own employees or agents to complete the work required under the Encroachment Permit or to remove the encroachment works and re-instate the prior roadway condition and may collect the cost of the work pursuant to the provisions of sections 398 and 446 of the *Municipal Act, 2001*.

6.2 Appeals

6.2.1 An applicant may appeal the decision of the Director of Transportation Services with respect to the issuance of the Encroachment Permit or any of its conditions to the Transportation and Public Safety Committee.

6.2.2 The applicant is required to submit a written notice of appeal to the Director of Transportation Services which sets out the reasons for the appeal and must be accompanied by the applicable fees prescribed in Schedule "C" of the Fees and Services By-Law.

6.2.3 The decision of the Transportation and Public Safety Committee is final and binding.

6.3 Costs

- 6.3.1 All costs associated with an Encroachment Permit are the responsibility of the applicant. These costs may include, but are not limited to, applicable Encroachment Permit application fees, construction materials and labor, utilities, traffic control devices, layout, surveying, insurance, legal costs and removal of non-conforming works. Refer to the Fees and Services By-law for applicable fees.
- 6.3.2 Where an applicant fails to comply with the requirements or provisions of this by-law, the County may recover the expense by requesting that the Treasurer of the local municipality include any part of these fees and charges incurred by the County to the tax roll pursuant to the provisions of section 398 and 446 of the *Municipal Act, 2001*.
- 6.3.3 All applications must be accompanied with the payment identified on the attached fee schedule for the corresponding type of application. The payment includes a fee to administer the application and a holdback. The administration fee is not returnable. If the work is not approved the holdback will be returned. If the permit is approved the holdback will be retained until the applicant has submitted a Declaration of Encroachment Completion and Grey staff have inspected the work site and agree that the work is completed properly.
- 6.3.4 The applicant shall be responsible for paying all costs associated with municipal utility locates.

Section 7 Administration and Enforcement

- 7.1 This procedure will be administered by the Director of Transportation Services or designate except the provisions regarding recovery of costs which will be administered by the County's Director of Finance or designate.
- 7.2 This procedure shall be enforced by the persons appointed pursuant to section 15 of the *Police Services Act* and referred to in this procedure as Municipal Law Enforcement Officers.
- 7.3 No Person shall create or alter an encroachment or change the classification or use of an encroachment on a County road without first having applied for and obtained an Encroachment Permit from the County.
- 7.4 Any person who contravenes any of the provisions of this procedure is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, as amended, and such fine is recoverable under the Provincial Offences Act R.S.O. 1990 as amended.
- 7.5 If a person has been convicted of an offence under this procedure, pursuant to section 431 of the Municipal Act, 2011, the court in which the conviction has been entered may, in addition to any other penalty or other remedy imposed, make an order prohibiting the continuation or repetition of the offence.