



## The Corporation of the Town of Orangeville

### By-law Number 2024-001

#### **Being a By-law to prohibit or regulate the removal of topsoil, the placing or dumping of fill and the alteration of the grade of land in the Town of Orangeville (the “Site Alteration By-law”)**

Whereas Section 142 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that, without limiting Sections 9, 10, and 11 of the Municipal Act, a local municipality may pass a by-law prohibiting or regulating the placing or dumping of fill, the removal of topsoil and/or the alteration of the grade of land.

And whereas Section 142 (2) (d) and (e) of the Municipal Act further provide that a local municipality may require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of land, and may impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

And whereas Section 431 (a) and (b) of the Municipal Act further provide that a Court may make an order prohibiting the continuation of the offence and require the person convicted of that offence to correct the contravention.

And whereas the Council of The Corporation of the Town of Orangeville is desirous of enacting such a By-law.

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

#### **1. SHORT TITLE**

The short title of this By-law is the “Site Alteration By-law.”

#### **2. DEFINITIONS**

For the purposes of this by-law:

- **“Alteration”** means changes in elevation from existing grade or finished grade resulting from the placing or dumping of fill, the removal of trees or topsoil or any other action that

alters the grade of land.

- "**Drainage**" means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method.
- "**Dump**" means the depositing of fill in a location other than where the fill was obtained or the movement and depositing of fill from one location on a property to another location on the same property or on a separate property, and "Dumping" has the corresponding meaning.
- "**Erosion**" means the detachment and movement of soil, sediment, rock fragments or the like by forces such as but not limited to water, wind, ice, or gravity.
- "**Erosion and Dust Control**" means measures to control Erosion and dust generated as part of the Alteration of the site.
- "**Existing Grade**" means the elevation of the existing ground surface of the land upon which the placing, dumping, cutting or removal of fill or altering of the grade is proposed and of abutting ground surface up to three (3) meters wide surrounding such lands, except where such activity has occurred in contravention of this By-law, then the existing grade shall mean the ground surface of such lands as they existed prior to placing, dumping, cutting or removal of fill or altering of the grade requiring a permit under this By-law.
- "**Fill**" means any material deposited or placed on lands and includes soil, topsoil, stone, brick, concrete, asphalt, trees or vegetation, sod, or turf either singly or in combination.
- "**General Manager**" means the General Manager for Infrastructure Services, ("**GMIS**"), for the **Town** and includes any person delegated and authorized by the General Manager for Infrastructure Services to carry out any of the powers and/or duties of the General Manager for Infrastructure Services pursuant to this By-law.
- "**Grade**" shall be defined as follows:
  - "Proposed Grade" means the proposed finished elevation of ground surface of land upon which fill is proposed to be placed or the site is proposed to be altered. Proposed Grade and design shall have a corresponding meaning.
  - "Finished Grade" means the approved final elevation of ground surface of the land upon which fill has been placed, dumped, cut, or removed or the grade altered in accordance with this By-law and a permit. Finished grade and as built shall have a corresponding meaning.
- "**Land**" means a **lot** or any part thereof and includes a **site**.
- "**Lot**" means a parcel of **land** which is capable of being legally conveyed.
- "**Owner**" includes the registered owner of the **land** or any **person** in charge, management or control of such **land** and includes as the context requires an applicant, an operator, a permit holder, and a contractor.
- "**Officer**" means a municipal By-law Enforcement Officer, Building Inspector, GMIS or their designate or any other **person** appointed by by-law to enforce the provisions of this By-law.
- "**Permit**" means a permit issued pursuant to this by-law.

- **"Person"** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.
- **"Placing"** means the distribution of fill on lands to establish a finished grade higher or lower than the existing grade and includes soil stripping.
- **"Ponding"** means the accumulation of surface water in an area not having drainage therefrom where the lack of drainage is caused by the placing or dumping of fill.
- **"Qualified Person"** means an individual who holds a recognized designation as an engineer or geoscientist and due to their knowledge, training, and/or experience, is deemed to be qualified to perform a specified duty or render a professional opinion.
- **"Retaining wall"** means a concrete or concrete product wall or other material approved by the GMIS designed to contain and support fill which has a finished grade higher than that of adjacent lands.
- **"Site Alteration"** the alteration of the grade of land, or excavation by any means, including the clearing or stripping of vegetation or trees from the land, the compaction of Soil or the creation of impervious surfaces, or any combination of these activities, and "Alter" or "Alteration" has a corresponding meaning.
- **"Site"** means the lands which are the subject of an application for a Permit pursuant to this by-law.
- **"Soil"** includes material commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel.
- **"Swale"** means a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of drainage.
- **"Topsoil"** means those horizons in a **Soil** profile containing organic material and includes deposits of partially decomposed organic matter such as peat (technically known as the "O" and "A" horizons);
- **"Town"** means the Corporation of the Town of Orangeville

### 3. APPLICATION AND EXEMPTIONS

- 3.1 This By-law applies to all lands within the geographical area of the Town.
- 3.2 No Person shall perform, permit, or cause to be performed or permitted any Site Alteration except in accordance with the provisions of this by-law.
- 3.3 No person shall place or dump fill or alter any site or cause fill to be placed or dumped or cause any site alteration in areas of the Town other than those areas described in subsection 3.5 of this section, without having first obtained a Permit issued by the GMIS.
- 3.4 No Person shall perform, permit, or cause to be performed or permitted any Site Alteration except in accordance with the provisions of this by-law, including the standard practices criteria listed in Schedule "B".
- 3.5 The provisions of this section do not apply in those areas of the Town where:

- a) The placing or dumping of fill or alteration of the grade of land is undertaken by the municipality, local board as defined in the Municipal Affairs Act, Crown agency as defined in the Crown Agency Act, or Ontario Hydro.
- b) Emergency repair work is undertaken in consultation with the Town and subject to any requirement of the GMIS.
- c) Activities or matters are prescribed by regulation.
- d) The placing or dumping of fill, removal of topsoil or alteration of the existing grade of land is authorized as a condition to the approval of a Site Plan, a draft Plan of Subdivision or a Consent under section 41, 51 or 53, respectively, of the Planning Act and is a requirement of a Site Plan Agreement, Pre-servicing Agreement or Subdivision Agreement, Consent Agreement or Condominium Agreement entered into under those sections.
- e) The placing or dumping of fill, removal of topsoil or alteration of the existing grade of land for the construction of a building or structure is authorized pursuant to a valid building permit issued under the Ontario Building Code and the Building Code Act, 1992, S.O. 1992, c. 23, as amended, provided that the site grading plan accompanying the building permit application provides sufficient information to determine that the placing or dumping of fill conforms with the provisions of this By-law.
- f) The placing or dumping of fill, removal of topsoil or alteration of the existing grade of land for the purpose of lawn dressing, landscaping, driveway re-surfacing or adding to flower beds or vegetable gardens, provided that only soil, stone, sod, or other material acceptable to the GMIS is used and that such material is clean and free of any glass, plastics, metals, termites, invasive species and/or their eggs or seeds, concrete, asphalt, garbage or any contaminants or putrescible organic material that would degrade the pre-existing conditions of the land. In addition:
  - i. The existing grade of the land is not increased by more than ten (10) centimeters.
  - ii. There is no significant change in the direction or rate of drainage to a neighboring property.
  - iii. It does not take place within 0.6 meters of any lot line.
- g) Fill is placed or dumped in an excavation to the elevation of existing grade following the demolition or removal of a building or structure as regulated through the Building Permit Process through the Town of Orangeville.

3.6 Where a permit has been issued pursuant to this by-law authorizing site alteration and/or placing or dumping of fill on lands, no person shall conduct such site alteration or dump fill except in accordance with the plans, documents, and any other information based on which a permit was issued.

3.7 Where a person has dumped or placed fill or caused fill to be dumped or placed on lands contrary to this by-law or not in conformity with a permit being issued, that person will be responsible for the removal of such fill.

3.8 No person shall place or dump, or cause to be placed or dumped, fill on any land

which results in the alteration of any grade established by an approved Site Plan, draft Plan of Subdivision, or a Consent under section 41, 51 or 53, respectively, of the Planning Act without a Permit.

- 3.9 No person shall place or dump, or cause to be placed or dumped, fill on any land unless:
- a) It is done at the request of or with the consent of the landowner where the fill is to be applied and or removed.
  - b) The fill is clean and free of trash, rubbish, glass, liquid or toxic chemicals, garbage or organic materials and is placed in compliance with MECP/EPA O-Reg 406/19 "On-site and Excess Soil Management" and or O-Reg 153/04 "Records of Site Condition".
  - c) The drainage system for the lands is provided in accordance with the Corporation's by-laws and the General Manager is satisfied that provision has been made for surface, storm water drainage where such drainage is not provided by natural gradients or a swale.

#### **4. APPLICATION FOR A PERMIT**

- 4.1 A person applying for a Permit to dump or place fill or conduct site alteration shall submit the following to the GMIS:
- a) A complete application in the form prescribed by the GMIS.
  - b) The applicable permit fee, calculated in accordance with Schedule A to this by-law.
  - c) A sediment and erosion control plan.
- 4.2 A person applying for a Permit may be required to submit a Fill Management Plan (FMP), at the discretion of the GMIS, which shall include the following:
- i. A key map showing the location of each lot, including the nearest major intersection and north arrow.
  - ii. The lot boundaries and number of hectares of each lot.
  - iii. The use of the land and the location and use of the buildings and other structures adjacent to each lot.
  - iv. The location, dimensions and use of the buildings and other structures existing or proposed to be erected on each lot.
  - v. The location of lakes, streams, wetlands, channels, ditches, other watercourses, and other bodies of water on and within a minimum of thirty (30) meters beyond each lot boundary.
  - vi. Conservation Authority Regulatory lines.
  - vii. The location of the predominant soil types.
  - viii. The species, size in caliper, and location of all trees and shrubs.

- ix. The location of all driveways, easements, and rights-of-way on, over, under, across or through each lot.
  - x. The location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of thirty (30) meters beyond each lot boundary.
  - xi. The location and dimensions of utilities, structures, roads, highways, and paving located within a minimum of thirty (30) meters beyond each lot boundary.
  - xii. The existing lot topography at a contour interval not to exceed one half of one meter and to extend a minimum of thirty (30) meters beyond each lot boundary.
  - xiii. The proposed final elevations of each lot.
  - xiv. The location and dimensions of the proposed construction area, access roads, and those areas required for placing of fill, construction equipment and materials.
  - xv. The location and dimensions of all temporary soil or dirt stockpiles.
  - xvi. The location, dimensions, design details and design calculations of all construction site erosion control measures necessary to meet the requirements of Schedule B of this by-law.
  - xvii. A schedule of the anticipated starting and completion dates of each site alteration activity including the installation of construction site erosion control measures needed to meet the requirements of Schedule B to this by-law.
  - xviii. Proposed haul routes.
  - xix. Provisions for the maintenance of the construction site erosion control and dust control measures during construction and after as required.
  - xx. The scale, either 1:500 or 1:1000, of drawing (each drawing and control plan to be in meters).
  - xxi. Any other necessary information with respect to each lot.
  - xxii. An indication on the drawing of directions of overland flow and overland flow route.
  - xxiii. For any large-scale site alteration, as may be determined by the GMIS, certification from a Qualified Person that the fill contains no contaminants within the meaning of the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended, and that no adverse effects will result.
  - xxiv. A complaint response protocol to the satisfaction of the GMIS.
- e) Proposed final elevations and drainage system to be used upon completion of the filling operation.
  - f) A description of the proposed fill.
  - g) Security in a form and amount to be determined by the GMIS to secure

performance of the work for which the permit was obtained. The General Manager may require an owner to agree that the GMIS may use the security to recover the cost of the Town performing any required work which the owner has failed to perform.

- h) An Environmental Impact Study (EIS) where the site alteration will occur on, or adjacent to lands designated as Open Space Conservation as identified in the Town's Official Plan, which shall be completed to the satisfaction of the Town.
- i) Hydrogeological Report and groundwater monitoring program where the site alteration or proposed construction activity may have impact on surface and or groundwater table(s).
- j) Provide applicable approvals from the County and the Ministry of Transportation and any other applicable government body or agency including but not limited to a letter of permission or permit from:
  - i) The applicable road authority, if different from the Town.
  - ii) Credit Valley Conservation Authority (CVC).

4.3 Upon being satisfied that the application is complete, and all the requirements of this section have been fulfilled, the GMIS will circulate, as required, the application to pertinent Town departments and external public agencies who may have an interest in providing comments.

4.4 The GMIS may require the applicant to provide notice and signage to notify surrounding properties of the application, which shall be in the form directed by the GMIS.

## **5. ISSUANCE OF A PERMIT**

5.1 The General Manager may issue a permit where they are satisfied:

- k) That the lands which are the subject of the application for a permit are not within an area where the placing or dumping of fill is prohibited.
- l) The applicant has fulfilled all requirements pursuant to this by-law.
- m) Comments received from other departments and agencies, as required, have been adequately addressed to the satisfaction of the GMIS.
- n) The applicant has entered into the agreement referred to in section 5.2 of this by-law, if required, and has performed all its obligations which the agreement requires to be performed prior to the issuance of a permit.
- o) The GMIS is satisfied that the proposed final elevations and resulting drainage pattern, the design of any retaining wall(s), the type of fill to be used, and the method of placing or dumping of fill, are all in accordance with prevailing Town of Orangeville design standards and proper engineering practice.
- p) The GMIS is satisfied that the height of any retaining wall(s), as may be required, shall not exceed one (1) meter.
- q) The GMIS is satisfied that the design and installation of any retaining wall(s), as may be required, which exceed one (1) meter in height has been certified

by an engineer.

- r) The GMIS is satisfied that the placing or dumping of fill will not result in:
  - i. Soil erosion.
  - ii. Blockage of a watercourse.
  - iii. Siltation in a watercourse.
  - iv. Pollution of a watercourse.
  - v. Flooding or ponding caused by a watercourse overflowing its banks; or
  - vi. A detrimental effect on any healthy 75 mm caliper or larger trees located on the lands.

- 5.2 The GMIS may, prior to the issuance of a permit, require the applicant to enter into an agreement which may be registered on title to the subject lands containing such requirements as the GMIS considers necessary to ensure that the placing or dumping of fill is done in accordance with prevailing Town of Orangeville design standards and proper engineering principles. Such agreement may require:
- a) That the applicant posts securities with the Town, in an amount determined by the GMIS, to ensure performance of the applicant's obligations under the agreement.
  - b) That the applicant provides the following certificates of insurance in a form satisfactory to the GMIS naming the Town as an additional insured with a coverage limit not less than five (5) million dollars:
    - i. Commercial General Liability.
    - ii. Environmental Impairment/Pollution Liability.
- 5.3 The issuing of a permit does not relieve a person from any responsibility to obtain all other approvals that may be required from any level of government or authority or agencies thereof having jurisdiction.
- 5.4 A Permit is not transferable to another lot.

## **6. TERMS AND CONDITIONS OF A PERMIT**

- 6.1 The permit issued pursuant to this by-law shall be valid to the expiry date as specified on the permit by the GMIS.
- 6.2 A permit which is no longer valid if it has expired pursuant to this by-law. The issuance of a permit by the GMIS does not preclude the applicant's responsibility to obtain all other approvals which may be required by any level of government and agencies thereof.
- 6.3 If the lands for which a permit has been issued are transferred while the permit remains in effect the new owner of the lands shall either:
- a) Provide the Town with an undertaking to comply with all the conditions under which the existing permit was issued or,
  - b) Apply for and obtain a new permit in accordance with the provisions of this by-



law.

- 6.4 The GMIS has authority to add, amend or waive the standard terms and conditions of the site alteration agreement upon taking into consideration the proposed works and the anticipated impacts to the site, neighbouring properties, and the surrounding environment.
- 6.5 The owner or authorized agent of the lands where fill is to be placed and or removed shall request that the GMIS make inspections to determine compliance with this By-law.
- 6.6 No person shall place or dump, or cause or permit to be placed or dumped any fill:
- c) In a significant wildlife, plant habitat, woodlands, environmentally sensitive area, unless it has been demonstrated to the satisfaction of the GMIS that there will be no negative impacts on it or its ecological functions.
  - d) In areas of natural and scientific interest, unless it has been demonstrated to the satisfaction of the GMIS that there will be no negative impacts on the life science feature or its ecological function, nature or earth science values.
  - e) In streams, valley lands, ponds, lakes or reservoirs unless it has been demonstrated to the satisfaction of the GMIS that there will be no negative impacts on it or its ecological functions.

## **7. VARIANCE TO TERMS AND CONDITIONS OF BY-LAW**

Notwithstanding any other provisions to this by-law, the GMIS may waive the requirement for a site alteration permit and/or reduce or waive the permit fee where they may consider it appropriate after taking into consideration the proposed works and whether the applicant has conformed with this by-law.

## **8. GENERAL REGULATIONS**

- 8.1 Every person who places or dumps fill, or alters the grade of land shall:
- f) Provide a retaining wall or other structure, as may be required, which does not encroach upon abutting lands, either above or below existing grade. Such retaining wall or structure is to be constructed to the satisfaction of the GMIS. The GMIS may require that a retaining wall be constructed where:
    - i. Erosion of fill onto abutting lands may occur.
    - ii. The finished grade of the lands at the property line is higher than that of the existing grade of the abutting lands.
    - iii. Ensure that the finished grade surface is protected by sod, turf, seeding for grass, greenery, asphalt, concrete, or other means, either singly or in combination.
    - iv. The proposed finished grade does not exceed a maximum of 3:1.
  - g) Ensure that fill shall not be placed around the perimeter of any existing building to an elevation higher than 150 millimeters below the ground floor level of such building unless such building and its foundation walls are raised

in a manner satisfactory to the GMIS.

- h) Ensure that no trench in which piping is laid forming part of the drainage system shall be covered and backfilled until the work has been inspected and approved by the GMIS.
- i) Provide such protection for trees as may be required pursuant to the Town of Orangeville's tree preservation by-law and requirements.
- j) Provide the site erosion control measures set out in Schedule B to this by-law.
- k) Ensure any fill meets Table 1 of the Rules for Soil Management and referenced in O.Reg 406/19.
- l) Not conduct any site alteration:
  - i. In contravention of the Town's Noise By-law
  - ii. Any time on a Sunday or on a statutory holiday
  - iii. During any weather conditions where the ability to mitigate site alteration activity impacts are severely compromised (i.e. heavy rain, high winds, etc.)
  - iv. That causes dust impacts on adjacent landowners; and
  - v. That causes mud tracking on roadways that cannot be controlled by the applicant to the satisfaction of the Town.

## **9. ADMINISTRATION AND ENFORCEMENT**

9.1 The administration and enforcement of this by-law shall be performed by an Officer appointed by the Council of The Corporation of the Town of Orangeville.

## **10. ORDERS**

10.1 If an Officer has reasonable grounds to believe that a contravention of this By-law or the terms and conditions of an exemption have not been complied with, the Officer may make an Order requiring the person who contravened this By-law or the conditions of an exemption or who caused or permitted the contravention to occur to:

- a) Discontinue the contravening activity; and/or
- b) Do work or take action to correct the contravention.

10.2 An Order shall set out:

- a) Reasonable particulars of the contravention adequate to identify the contravention.
- b) The location of the premise on which the contravention occurred; and
- c) either:
  - i. in the case of an Order under section 10.1, the date by which there must be compliance with the Order; or
  - ii. in the case of an Order under section 10.1, the action to be done and the date by which the action must be done.

- d) Notice that if the work is not done in compliance with the order within the period it specifies the Town may have the work done at the expense of the owner.
- 10.3 An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:
- a) the person the Officer believes contravened this By-law or the conditions of an exemption; and
  - b) such other persons affected by the Order as the Officer making the Order determines.
- 10.4 The Order shall be deemed to have been served on the fourth (4<sup>th</sup>) day after the date of mailing or on the date of personal service or on the date of email transmission.
- 10.5 An Officer who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.
- 10.6 If the owner fails to do the work required by the order within the period it specifies, the Town, in addition to all other remedies it may have, may do the work and for this purpose may enter on the land with its employees and agents.
- 10.7 Costs incurred by the Town pursuant to this by-law are a lien on the land upon the registration in the proper land registry office of a notice of lien. When the Town performs work under Section 10, it may impose an administrative fee over and above out of pocket costs. This administrative fee will be calculated at \$250 per hour of staff time, escalating in accordance with the Consumer Price Index (CPI), and with a minimum of \$500 per incident.
- 10.8 The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date payment is made.

## **11. ENFORCEMENT AND POWER OF ENTRY**

- 11.1 The enforcement of this By-law shall be conducted by an Officer.
- 11.2 An Officer or their designate may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law or an Order issued pursuant to this By-law is complied with.
- 11.3 For the purposes of an inspection under This by-law, an Officer, Inspector may:
- a) Require the production for inspection of documents or items, including drawings or specifications, that may be relevant to the property or any part thereof.
  - b) Inspect and remove documents or items relevant to the property or part thereof for the purpose of making copies or extracts.
  - c) Require information from any person concerning a matter related to a property or part thereof.
  - d) Be accompanied by a person who has special or expert knowledge in relation

to a property or part thereof.

- e) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- f) Order the owner of the property to take and supply at the owner's expense such tests and samples as may be required.

## 12. OFFENCES AND PENALTY PROVISIONS

- 12.1 Every **person** who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and the Municipal Act, as amended.
- 12.2 Any **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the and Municipal Act, as amended, to the following:
  - a) On a first offence, to a fine not more than \$50,000.00; and
  - b) On a second offence and each subsequent offence, to a fine of not more than \$100,000.00; and
  - c) In the case of continuing offence, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000.00 per day for every day in contravention and the total of all daily fines for the offence is not limited to \$100,000.00.
- 12.3 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, an **Officer** or their designate, exercising a power or performing a duty under this By-law.
- 12.4 Every **Person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.
- 12.5 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 12.6 If a **Person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed:
  - d) make an order prohibiting the continuation or repetition of the offence by the Person convicted; and/or
  - e) order the Person convicted to correct the contravention in the manner and within the period the Court considers appropriate.

**13. RESERVED**

**14. CONFLICTS**

14.1 If there is a conflict between a by-law passed under Section 142 of the Municipal Act R.S.O., 1990 and a by-law passed by an upper tier municipality, the by-law of the upper tier municipality prevails.

**15. REPEAL**

15.1 By-law 15-92 is hereby repealed.

**16. EFFECTIVE DATE**

16.1 This By-law shall come into effect on January 8, 2024.

Passed in open Council this 8<sup>th</sup> day of January 2024.



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Lisa Post, Mayor

  

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Raylene Martell, Town Clerk

## SCHEDULE A TO SITE ALTERATION BY-LAW

### Schedule of Fees

<u>TYPE OF PROPERTY WHERE FILL IS TO BE PLACED</u>	<u>PERMIT FEE</u>
Owner occupied residential property	\$ 50.00
All other types of property	\$ 250.00
Plans of Subdivision, Site Plans where topsoil removal/stockpiling and other activities, including removal of trees and vegetation.	\$1,000 & \$25.00/ha

Note 1:

Securities in the form of letter of credit or other means acceptable to the treasurer of the Town.

Note 2:

Fees will be updated and reviewed as part of the Town's Schedule of fees.

## SCHEDULE B TO SITE ALTERATION BY-LAW

### Standard Practice Criteria

The following criteria apply to site alteration caused by the placing or dumping of fill that result in runoff leaving the lot:

- (1) Channelized runoff from adjacent areas passing through the lot shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected by silt fences being placed along the channel edges to reduce sediment reaching the channel.
- (2) All activities on the lot shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- (3) Any soil or dirt storage piles containing more than one hundred (100) cubic metres of material shall not be located within a downslope drainage length of less than ten (10) metres to a roadway or drainage channel. If remaining for more than thirty (30) days, said soil or dirt storage piles shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from soil or dirt storage piles in place for less than thirty (30) days shall be controlled by silt fence barriers around the pile.
- (4) Runoff from the entire disturbed area on the lot shall be controlled as follows:
  - (a) All disturbed ground left inactive shall be stabilized by seeding, sodding, mulching or covering, or other equivalent control measure. The period of inactivity shall be at the discretion of the GMIS but shall not exceed thirty (30) days or such longer period as deemed advisable at the discretion of the GMIS.
  - (b) A permit holder or applicant who has also applied for but not yet received a building permit or any other necessary permit may be granted an extension to the permit at the discretion of the GMIS, provided that efforts to obtain these permits is deemed satisfactory.
  - (c) For a lot with less than four (4) hectares disturbed at one time and slopes less than twelve (12) percent grade, silt fences or equivalent control measures shall be placed along all side slope and downslope sides of the lot.
  - (d) For a lot with four (4) or more hectares disturbed at one time or with slopes greater than twelve (12) percent grade, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1) percent of the area draining to the basin and at least one (1) metre of depth and be constructed in accordance with design specifications acceptable to the GMIS. Sediment shall be removed to maintain a depth of one (1) metre. The basins shall be designed to trap sediment greater than forty (40) microns in size, based on the Town's Storm Drainage Design Standards and requirements. It is not permitted to directly discharge the basin into receiving water streams or bodies or other storm drainage facilities. Basin discharge rate shall be

sufficiently low as to not cause erosion along the discharge channel.

- (e) For a lot located adjacent to existing residential areas, a silt fence may be required around the entire perimeter of the lots.
- (f) A three (3) metre wide buffer strip or silt fence shall be provided along the perimeter of the downslope sides of the lot.
- (g) The sediment control guidelines prepared by the Credit Valley Conservation Authority and Ministry of Natural Resources for the Province of Ontario, are to be followed.
- (h) For a lot with extensive fill requirements, the GMIS may waive the requirements for stabilization of disturbed land after thirty (30) days of inactivity provided that the sediment control measures have been implemented to the satisfaction of the GMIS.



## SCHEDULE C TO SITE ALTERATION BY-LAW

### Standard Practices for Site Alteration

- 1) Prior to commencing Site Alteration, notification shall be provided where required by parts (2) and (3) below, except in the case of:
  - a) minor landscaping or yard maintenance activities, such as the planting of trees or shrubs, the top-dressing of lawns, or the creation and maintenance of garden beds, but not including the installation of an in-ground pool; or,
  - b) Site Alteration that is incidental to a Normal Farm Practice carried out by an Agricultural Operation; or,
  - c) Site Alteration that is incidental to forest management in accordance with Good Forestry Practices; or,
  - d) urgent events, or emergencies, such as flooding or failures of private services.
- 2) Where Site Alteration is proposed to occur within 10 m of the Property boundary, the Owner or their agent shall notify the Owner or Occupant of the adjacent private Property by means of a written or posted notice.
- 3) Where Site Alteration is proposed to occur on a Property that is subject to a Planning Act application, the Owner or their agent shall provide written notification to the GMIS.
- 4) Notification referred to in parts (2) and (3) above shall include:
  - a) a clear description of the nature and purpose of the Site Alteration,
  - b) the location and extent of the area to be affected,
  - c) the anticipated duration of the work, and,
  - d) contact information for the Person or company responsible for carrying out the Site Alteration.
- 5) These practices shall apply to all Site Alteration activities, except in the case of Site Alteration associated with the implementation of a development that has been approved by the Town under either the Planning Act or the Building Code Act, which shall proceed in accordance with any applicable conditions of approval.
- 6) Sediment and erosion control measures shall be provided where necessary to prevent impacts to Natural Heritage Features, Watercourses or other surface water features, adjacent Properties, or municipal infrastructure. These measures shall be installed prior to the commencement of Site Alteration and shall be maintained in good working order until the site has stabilized, after which any such measures that are not permanent shall be removed in a manner that minimizes disturbance to the site.
- 7) Fencing or other protective measures shall be provided where necessary to clearly delimit the work area and prevent impacts to adjacent trees or other vegetation, Natural Heritage Features, Watercourses or other surface water features, adjacent Properties, or municipal infrastructure.

- 8) Such measures shall be installed prior to the commencement of Site Alteration and shall be maintained in good working order until the completion of the Site Alteration, after which any such measures that are not permanent shall be removed in a manner that minimizes disturbance to the site.
- 9) All Fill to be dumped or placed shall be clean and free of trash, rubbish, glass, liquid or toxic chemicals, hazardous waste, contamination, or other deleterious material