



**BY-LAW NO. 2025-0009**

A By-law to prohibit or regulate Site Alteration within the Town of Halton Hills

**WHEREAS** Section 11(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, hereinafter referred to as "*the Act*" authorizes a municipality to pass a by-law respecting the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons; and

**WHEREAS** Section 11(3) of *the Act* provides that Council of a local municipality may pass by-laws respecting drainage and flood control; and

**WHEREAS** Section 23.1 of *the Act* authorizes a municipality to delegate its powers and duties under *the Act* and to delegate legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature; and

**WHEREAS** Section 128 of *the Act* authorizes a municipality to prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council, are or could become or cause public nuisances; and

**WHEREAS** Section 129 of *the Act* authorizes a municipality to prohibit and regulate with respect to noise, vibration and dust; and

**WHEREAS** Section 142 of *the Act* authorizes a municipality to pass by-laws to prohibit, regulate or require a permit for, and impose conditions upon, the placing or dumping of fill, removal of topsoil or alteration of the grade of land; and

**WHEREAS** Section 391(1) of *the Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it; and

**WHEREAS** Section 425(1) of *the Act* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under *the Act* is guilty of an offence; and

**WHEREAS** Section 429(1) of *the Act* provides that a municipality may establish a system of fines for a by-law passed under *the Act*; and

**WHEREAS** Section 436 of *the Act* provides that a municipality has power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law; and

**WHEREAS** Section 431 of *the Act* authorizes that where any by-law of a municipality under *the Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention in a manner and within a period of time that the court considers appropriate; and

**WHEREAS** Section 434.1 of *the Act* authorizes a municipality to require a person, subject to such conditions as the municipality considers appropriate to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under *the Act*, in order to assist the municipality in promoting compliance with its by-laws; and

**WHEREAS** Sections 444 and 445 of *the Act* authorizes a municipality to make orders to discontinue, or to correct, the contravention of a by-law; and

**WHEREAS** Section 446 of *the Act* provides that a municipality may proceed to do a matter or thing at a person's expense which that person is otherwise required to do under a by-law, but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same matter as taxes; and

**WHEREAS** Council for the Corporation of Town of Halton Hills deems it in the public interest to enact a By-law prohibiting or regulating the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of the land in order to ensure that:

- (a) existing drainage patterns are maintained;
- (b) changes to drainage or grade are appropriate to protect natural heritage features and areas, and archaeological resources;
- (c) interference and damage to watercourses or bodies of water is limited;
- (d) water quality is maintained;
- (e) the use of contaminated, hazardous or improper fill is prevented;
- (f) unanticipated drainage and site alteration changes are prevented;
- (g) haul routes for the transportation of fill and topsoil authorized for placement, dumping or removal will be approved to and from a site by the Director to minimize damage to Town and Region roads and minimize interference and disturbance to the Town's residents and businesses from any placement, dumping or removal;
- (h) the Town's Zoning By-law and other regulatory by-laws are complied with;
- (i) the benefits of any proposed site alteration outweigh its potential impacts on other properties and persons;
- (j) erosion and sedimentation are prevented;
- (k) the proponent of the site alteration project pays for its costs associated with the administration and enforcement of this By-law; and

**WHEREAS** the Town of Halton Hills Official Plan and the Green Belt Protection Plan have identified areas containing important natural features, and it is in the interest of the community to protect its cultural and natural heritage features and ground and surface water resources and areas from unnecessary degradation or alteration until such time as a final determination has been made on the need for long-term protection; and

**WHEREAS** Council for the Corporation of the Town of Halton Hills deems it advisable to exercise this authority, as well as provide for the rehabilitation of land, and protection of bodies of water and environmental protection areas, and to define where the removal of topsoil, or the placing and dumping of fill or alteration of grade of land is permissible;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

**1. SHORT TITLE**

1.1 The short title of this by-law is the "Site Alteration By-law".

## 2. DEFINITIONS

### 2.1 In this By-law:

“**Adjacent lands**” means any **property** that shares a **property** boundary with the **property** that is subject to an application for a **permit** or that is subject to a **permit**;

“**Adverse Effect**” means one or more of:

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to **property** or plant or animal life;
- (c) harm or material discomfort to any **person**;
- (d) an adverse effect on the health of any **person**;
- (e) impairment of the safety of any **person**;
- (f) rendering any **property** or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of **property**; and
- (h) interference with the normal conduct of business;

“**Aggregate Resources Act**” means the *Aggregate Resources Act, R.S.O. 1990, c. A. 8*, as amended;

“**Agricultural operation**” means **property** designated as an agricultural zone under the provisions of the **Town’s** Zoning By-law and any **property** where the predominant use is for agricultural purposes that are used by a farming business registered under *the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c. 21*, as amended, for growing of crops, including nursery and horticultural crops, raising livestock, raising of other animals for food, fur or fibre, including poultry and fish, aquaculture, apiaries, agro-forestry and maple syrup production;

“**Appeal Tribunal**” means a Committee or individual appointed by **Town** Council to conduct Hearings under this By-law;

“**Applicant**” means a **person** who files an application for a **permit** and includes a **permit holder** as the context requires;

“**BMP**” means Management of Excess Soil – A Guide for Best Management Practices, published by the Ministry of Environment, Conservation and Parks on April 5, 2016, and updated October 26, 2021, as amended;

“**Body of Water**” or “**Bodies of Water**” includes any bodies of flowing or standing water, whether naturally or artificially created;

“**Building Permit**” means a permit issued under the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended;

“**Contaminants**” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an **adverse effect**;

“**Contaminants of Concern**” means:

- (a) one or more **contaminants** found on, in or under a **property** at a concentration that exceeds the applicable site condition standards for the **property** set under Part IX (Site Condition Standards and Risk Assessment) of Ontario Regulation 153/04 made under Part XV.1 of the **Environmental Protection Act**; or

(b) one or more **contaminants** found on, in or under a **property** for which no applicable site condition standard is prescribed under Part IX (Site Condition Standards and Risk Assessment) of Ontario Regulation 153/04 made under Part XV.1 of the **Environmental Protection Act** and which are associated with potentially contaminating activity;

“**Conservation Authority**” means a body established pursuant to the provisions of the *Conservation Authorities Act, R.S.O. 1990, c. 27*, as amended, and includes Halton Conservation, Credit Valley Conservation, and the Grand River Conservation Authority;

“**Crushed Rock**” means a naturally occurring aggregation of one or more naturally occurring minerals that is mechanically broken down into particles that are smaller than 2 millimeters in size or that pass the US#10 sieve;

“**Date of Service**” means the date service is deemed in effect in accordance with the provisions of this By-law;

“**Development Agreement**” means a Site Plan Agreement, Pre-servicing Agreement, Subdivision Agreement, Consent Agreement or Condominium Agreement or any other development agreement entered into with the **Town** that contains provisions and conditions regarding the **undertaking** of a **site alteration** on the **lands**;

“**Director**” means the Director of Development Engineering for the **Town** or any **person** designated by the Director of Development Engineering to carry out any of the powers and duties pursuant to this By-law;

“**Drainage**” means the movement of surface water, whether by way of the natural characteristics of the ground surface or by artificial means;

“**Dump**” or “**Dumped**” or “**Dumping**” means the depositing of **fill** in a location other than the location from which the **fill** was obtained and includes the movement or depositing of **fill** from one location to another on the same **property**;

“**Electronic Hearing**” means a Hearing held by conference telephone or some other form of electronic technology allowing **persons** to hear one another;

“**Electronic Tracking Technology**” means an electronic device similar to a geographic positioning system (GPS) that is attached to a vehicle, allowing their whereabouts to be monitored and downloaded;

“**Environmental Protection Act**” means the *Environmental Protection Act, R.S.O. 1990, c. E. 19*, as amended, and its Regulations;

“**Environmentally Sensitive Areas**” means an area designated as an “Environmentally Sensitive Area” or similar designation under the **Town’s** Official Plan or Zoning By-laws, as amended;

“**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;

“**Excess Soil**” means **soil**, **crushed rock** or **soil** mixed with **rock** or **crushed rock**, that has been excavated and removed from the **source site**;

“**Fails to appear**” means failure to appear or participate by conference telephone, or some other form of electronic technology allowing **persons** to hear

one another, or in person, on the scheduled date as the case may be within ten (10) minutes of the start time of a Hearing;

“**Fill**” means any type of material **dumped** or **placed** on or removed from **lands** and includes but is not limited to **soil**, earth, **topsoil**, **excess soil**, stone, aggregate, sod, turf or any combination thereof;

“**Grade**” means the elevation of the ground surface and shall be more particularly defined as follows:

- (a) “**Existing Grade**” means the elevation of the existing ground surface of the **lands** prior to a **site alteration**;
- (b) “**Proposed Grade**” means the proposed finished elevation of ground surface of the **lands** illustrated on the control plan;
- (c) “**Approved Grade**” means the elevation of the ground surface of the **lands** as set out in a grading plan approved by the **Town** in respect of a **permit**, a **Building Permit**, or a development approval issued under the **Planning Act**;
- (d) “**Finished Grade**” means the elevation of the ground surface of the **lands** after a **site alteration**;

“**Haul Route**” means an identified **highway** route for transporting **fill** to or from the **site**;

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“**Impervious Surface**” means paved area or hardscaping such as asphalt, concrete, bricks, paver stones, other water-resistant materials;

“**Inspector**” means employee(s) of the **Town**, who administer and are appointed to enforce this By-law;

“**Key Features**” means those key hydrologic features and key natural heritage features identified in the **Town’s** Official Plan;

“**Lands**” includes a **property**, **site**, **highway** and any other lands;

“**Large Scale Site Alteration**” means a **site alteration** involving five thousand (5000) or more cubic metres of **fill** or a **site alteration** that the **Director** deems to be a large scale **site alteration** due to anticipated impacts to the **property**, **adjacent lands**, the surrounding environment and **Town** infrastructure;

“**Ministry**” means Ontario Ministry of Transportation, Ministry of Natural Resources and Forestry, Ministry of Environment, Conservation and Parks, Fisheries and Oceans Canada and any other provincial ministry or federal department or related agency or authority, as applicable;

“**NEC**” means the Niagara Escarpment Commission or any successor agency or the **lands** within the geographic limits of the Niagara Escarpment Commission as the context requires;

“**Normal Farm Practice**” means a practice, as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1*, as amended, that is carried out as part of an **agricultural operation** that:

- (a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar **agricultural operations** under similar circumstances; or
- (b) makes use of innovative technology in a manner consistent with proper advanced farm management practices; and
- (c) is not a practice that is inconsistent with a regulation made under the *Nutrient Management Act, 2002, S.O. 2002, c. 4*, as amended, or its Regulations;

“**Officer**” means a police officer, municipal law enforcement officer, **Inspector**, **Director**, or any other **person** appointed by by-law to enforce the provisions of this By-law;

“**Owner**” includes the registered owner of the **property** or any **person** in charge, management or control of such **property** and includes as the context requires an **Applicant**;

“**Oral Hearing**” means a Hearing at which the parties or their representatives attend before the **Appeal Tribunal** in person;

“**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;

“**Permit**” means a current valid permit issued pursuant to this By-law;

“**Permit holder**” means a **person** who has been issued a **permit** and includes as the context requires:

- (a) the officers, directors, employees, contractors and agents of the permit holder;
- (b) the trustee, executors, administrators or other legal representative of the permit holder;
- (c) an **owner**;

“**Place**” or “**Placement**” or “**Placed**” or “**Placing**” means the cutting or moving of **fill** on **land** to establish a **finished grade** different from the **existing grade**;

“**Planning Act**” means the *Planning Act, R.S.O. 1990, c. P. 13*, as amended;

“**Prohibited area**” means an **Environmentally Sensitive Area**;

“**Property**” means a parcel of **land** which is capable of being legally conveyed or any part thereof;

“**Qualified Person**” means a licensed professional as set out in sections 5 or 6 of Ontario Regulation 153/04 or the **Environmental Protection Act** and includes other specialists such as agrologists, archaeologists, arborists, geotechnical engineer, hydrologist, and an Ontario Land Surveyor, or any other qualified consultant as determined by the **Director**;

“**Receiving Site**” means the **property** where the **fill** is transported to and includes a **site**;

“**Region**” means the Corporation of the Region of Halton or its **land** within the geographic limits of the **Town** as the context requires;

“**Rock**” means a naturally occurring aggregation of one or more naturally occurring minerals that is 2 millimeters or larger in size or that does not pass the US #10 sieve;

“**Site**” means the **property** or **properties** altered or proposed to be altered by means of a **site alteration**;

“**Site Alteration**” includes the **placing** or **dumping** of **fill** on **land**, the removal or excavation of **soil** from **land**, or the alteration of the **grade** of **land** by any means including the removal of vegetative cover, the compaction of **soil** or the creation of an **impervious surface**, or any combination of these activities;

“**Small Scale Site Alteration**” means a **site alteration** involving less than five thousand (5000) cubic metres of **fill**;

“**Soil**” means unconsolidated naturally occurring mineral particles and other naturally occurring materials resulting from the natural breakdown of **rock** or organic matter by physical, chemical or biological processes that are smaller than 2 millimeters in size that pass the US #10 sieve;

“**Source Site**” means the **property** or **properties** from which the **fill** originated from;

“**Statutory Holiday**” means New Year's Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day, Easter Sunday and any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holidays Act, R.S.O. 1990, c. R. 30*, as amended;

“**Tax Roll Address**” means the mailing address and contact information for the owner of **property** that appears in the **Town's** municipal tax assessment records;

“**Topsoil**” means those horizons in a **soil** profile, commonly known as the “O” and “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;

“**Town**” means the Corporation of the Town of Halton Hills or the **lands** within the geographic limits of the Corporation of the Town of Halton Hills as the context requires;

“**Undertake**” or “**Undertaken**” or “**Undertaking**” means to permit, allow, cause, order, direct, manage, conduct, perform, work on, **dump**, **place** or otherwise take part;

“**User Fees By-law**” means the **Town** By-law, adopted from time to time, for imposing fees or charges with respect to services or activities provided, related to costs payable, and the use of property;

“**Waste**” includes ashes, garbage, refuse, rubbish, domestic waste, industrial waste or municipal refuse and such other materials as are designated in the Regulations of the **Environmental Protection Act** as waste.

## **2. GENERAL, EXEMPTIONS AND EXCEPTIONS**

- 2.1 This By-law applies to the entire **Town** including those areas which are subject to regulations made under 28 (1) of the *Conservation Authorities Act, R.S.O. 1990, c. 27*, as amended.

- 2.2 This By-law does not apply to the activities or matters set out in Schedule “A” of this By-law titled “By-law Exemptions”.
- 2.3 Notwithstanding Section 4.1, no **permit** is required for a **site alteration** set out in Schedule “B” of this By-law titled “Permit Exemptions” provided the **site alteration** is **undertaken** in compliance with this By-law and in accordance with the requirements in Schedule “B” of this By-law.

### **3. PROOF OF PERMIT AND BY-LAW EXEMPTION**

- 3.1 Notwithstanding Section 2.3, to qualify for a **permit** exemption a **person** shall maintain and immediately produce upon request to the satisfaction of an **Officer**:
- (a) records including other permits or authorizations, photographs, measurements, invoices, test results, weigh bills, or any other document to provide proof of the applicability of the **permit** exemption and compliance with the conditions or limitations of the **permit** exemption and with any other requirements of this By-law;
  - (b) a record of the **source site**, composition and volume of any **fill, dumped or placed** on the **property**;
  - (c) any other documents deemed necessary by an **Officer**.
- 3.2 Where a **person** is unable or fails to produce documentation as required by Section 3.1, and has **undertaken** a **site alteration**, the **undertaking** of a **site alteration** shall be deemed to have been **undertaken** without a **permit**.
- 3.3 Notwithstanding Section 2.2, a **person** shall maintain and immediately produce upon request to the satisfaction of an **Officer** documents to substantiate the **site alteration** qualifies as an activity or matter set out in Schedule “A” of this By-law titled “By-law Exemptions”.

### **4. GENERAL PROHIBITIONS AND REGULATIONS**

- 4.1 No **person** shall **undertake** a **site alteration** on **lands** without a **permit**.
- 4.2 No **person** shall **undertake** a **site alteration** on any **land** unless it is done at the request of or with the consent of the registered owner of the **land**.
- 4.3 No **person** shall **undertake** a **site alteration** on **lands** other than in accordance with this By-law, a **permit**, the terms and conditions of a **permit** and the approved plans.
- 4.4 No **person** shall **undertake** a **site alteration** on **lands** other than in accordance with a Site Alteration Agreement.
- 4.5 No **person** shall **undertake** a **site alteration** on **lands** in a **prohibited area**.
- 4.6 No **person** shall transport or haul or cause to be transported or hauled **fill** on a **highway** that is not an approved **haul route**.
- 4.7 A **permit holder** shall not transport or haul or cause to be transported or hauled **fill** on a **highway** in the **Town**:
- (a) on a Saturday, Sunday or **Statutory Holiday**;
  - (b) before 7:00 a.m. or after 7:00 p.m., Monday through Friday.
- 4.8 No **person** shall **undertake** a **site alteration** in the **Town**, that alters or obstructs a watercourse, ditch, swale, **drainage** system, **Town** easement or catch basin.



- 4.9 No **person** shall **undertake a site alteration** in the **Town** that involves the **dumping, placing** or stockpiling of **fill** on **lands** that contains **contaminants of concern**.
- 4.10 No **person** shall alter or cause to be altered the **existing grade** of a **property** in way that negatively impacts **drainage** on **adjacent lands**.
- 4.11 No **person** shall fail to restore a **site** to its original condition or stabilize a **site** to the satisfaction of an **Officer**.
- 4.12 No **person** shall dump or place **waste** or cause to be dumped or placed **waste** except at a waste disposal site authorized under the **Environmental Protection Act**.
- 4.13 No **person** shall remove or cause to be removed **topsoil** for sale or exchange without a **Permit**.
- 4.14 No **person** shall alter, remove or obstruct or cause to be altered, removed or obstructed a catch basin, swale, ditch, **drainage** system or watercourse, that is subject to an easement, depicted as an **approved grade**, under the **Planning Act**, or is depicted on plans submitted in relation to an approved **Building Permit** application.
- 4.15 No **person** shall fail to display a **permit** in accordance with the provisions of this By-law.
- 4.16 No **person** shall fail to comply with an Order issued pursuant to this By-law or an Order pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.
- 4.17 No **person** shall transport, haul, **dump** or **place fill** or cause to transported, hauled, **dumped**, or **placed fill** in a manner contrary to the requirements of Ontario Regulation 406/19: On-Site and Excess Soil Management or applicable Ministry of the Environment rules, standards, policies and guidelines including **BMP**.
- 4.18 Every **person** who transports or hauls **fill** to or from a **property** within the **Town** shall produce upon request and carry at all times within their vehicle a record that includes the following information:
- (a) the address of the **source site**;
  - (b) the date and time the **fill** was loaded for transportation;
  - (c) the quantity of the **fill** in the load;
  - (d) an indication of whether the load includes salt-impacted **excess soil**;
  - (e) the name, telephone number and email address of an individual at the **source site** who may be contacted to respond to inquiries regarding the **fill** in the load, including inquiries regarding the **fill** quality;
  - (f) the name of the corporation, partnership or firm transporting the **fill**, the name of the driver of the vehicle and the number plates issued for the vehicle under the *Highway Traffic Act, R.S.O. 1990, c. H. 8*, as amended;

- (g) the address of the **receiving site**;
  - (h) the name, telephone number and email address of an individual at the **receiving site**, who may be contacted to respond to inquiries regarding the **dumping** or **placing** of **fill**.
- 4.19 Every **owner** of a **property** within the **Town** that receives **fill** shall produce upon request and always maintain a record that sets out the information required by Section 4.18.
- 4.20 No **person** shall **undertake** a **site alteration** on **lands** that are subject to an approval under Sections 41, 51 or 53 of the **Planning Act**, without an executed **Development Agreement**.
- 4.21 No **person** shall **undertake** a **site alteration** on **lands** for temporary storage purposes where the quantity of **fill** is in excess of 500 m<sup>3</sup> without a **permit**.

## 5. ADMINISTRATION AND DELEGATION OF AUTHORITY

- 5.1 The **Director** is hereby delegated authority to:
- (a) prescribe all applications, forms, notices, orders and any other documents necessary to implement this By-law and may amend such applications, forms, notices, orders and documents from time to time, as the **Director** deems necessary, provided that the contents of such applications, forms, notices, orders and documents are not in conflict, or inconsistent with this By-law;
  - (b) administer this By-law and establish any additional practices and procedures necessary to implement this By-law and may amend such practices and procedures from time to time, as the **Director**, deems necessary, provided that such practices and procedures are not in conflict, or inconsistent with this By-law;
  - (c) issue a **Permit** in accordance with the provisions of this By-law and where the **Applicant** meets the requirements of this By-law;
  - (d) revoke, suspend, refuse to issue or impose additional terms and conditions to a **Permit**, taking into consideration the grounds provided for in Section 13 of this By-law;
  - (e) add, amend or waive the **permit** application requirements, control plan requirements, the terms and conditions of a **permit**, or the terms and conditions of the Site Alteration Agreement, upon taking into consideration:
    - (i) the proposed works or activity;
    - (ii) the anticipated impacts to the **property**, **adjacent lands**, the surrounding environment, **Town** infrastructure and **normal farm practices**;
    - (iii) the economic, social and environmental well-being of the **Town**;
    - (iv) the health, safety and well-being of **persons** as a result of anticipated impacts of the **site alteration**;

- (v) achieving the purposes of this By-law including:
    - a. requiring that the **site alteration** be completed by a specific date as noted in the **permit** and Site Alteration Agreement;
    - b. adjusting the daily volume of truck loads;
    - c. adjusting the hours of operation.
  - (f) authorize an extension to, or modification of a **permit** in accordance with the provisions of this By-law.
- 5.2 Where a title to a position identified in this By-law no longer exists or is modified, the powers and duties may be exercised by a **person** deemed to have the responsibilities of the original position until such time as an amending by-law is adopted by Council.
- 5.3 Council is of the opinion that the powers delegated in this by-law are of a minor nature.

## 6. APPLICATION FOR A PERMIT

- 6.1 A **person** making an application for a **permit** for a **small scale site alteration** shall:
- (a) where required by the **Director**, arrange for a pre-consultation meeting with the **Director** and any other **persons** or agencies that the **Director** determines as necessary to review the proposed **site alteration**;
  - (b) submit a complete application in the form provided by the **Town** together with the requirements outlined in Schedule "C" of this By-law to the satisfaction of the **Director**; and
  - (c) where required by the **Director**, and prior to the issuing of a **permit**, enter into a Site Alteration Agreement with the **Town**, the registered owner of the **property**, and any other party as determined by the **Director**, in the form and in accordance of this By-law.
- 6.2 A **person** making an application for a **permit** for a **large scale site alteration** shall:
- (a) where required by the **Director**, arrange for a pre-consultation meeting with the **Director** and any other **persons** or agencies that the **Director** determines as necessary to review the proposed **site alteration**;
  - (b) submit a complete application in the form provided by the **Town** together with the requirements outlined in Schedule "E" of this By-law to the satisfaction of the **Director**; and
  - (c) prior to the issuing of a **permit**, enter into a Site Alteration Agreement with the **Town**, the registered owner of the **property**, and any other party as determined by the **Director**, in the form and in accordance with this By-law. The Site Alteration Agreement shall be registered on title to the **property** to which the Site Alteration Agreement applies at the cost of the registered owner of the **property**.
- 6.3 All tests, reports, plans, studies and documents required by this By-law and the **Director** shall be prepared in accordance with applicable **Ministry** and municipal standards, policies and guidelines.

## 7. PERMIT

- 7.1 A **Permit** shall be issued where the **Director** is satisfied:
- (a) that the requirements of this By-law have been met; and
  - (b) where a Site Alteration Agreement is required to be entered into, the Site Alteration Agreement has been registered on title of the **property**.
- 7.2 The **Director** shall not issue a **permit**:
- (a) where the **Applicant** submitted an application or other documents to the **Town** containing false statements, incorrect, or misleading information;
  - (b) where the application is incomplete.
- 7.3 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.

## **8. APPLICATION – INCOMPLETE**

- 8.1 An application shall be deemed incomplete where:
- (a) an **Applicant** fails to submit tests, reports, plans, studies, securities, insurance and any other documents as required by this By-law;
  - (b) an **Applicant** fails to provide any tests, reports, plans, studies, securities, insurance and any other documents as required by the **Director** within the time specified by the **Director**; or
  - (c) the application was submitted to the **Town**:
    - (i) over sixty (60) days ago and the **Applicant** has not provided tests, reports, plans, studies securities, insurance and any documents required; or
    - (ii) the **Applicant** has failed to make meaningful progress or take any further action as determined by the **Director** in the last thirty (30) day period.

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

- 9.1 A **permit** is subject to the terms and conditions as set out in Schedule “H” of this By-law and any other terms and conditions imposed by the **Director** and the **Appeal Tribunal**.

## **10. EXPIRY, EXTENSION AND MODIFICATION OF A PERMIT**

### Expiry

- 10.1 A **small scale alteration permit** shall be valid for a period of one (1) year from the date the **permit** is issued.
- 10.2 Notwithstanding Section 10.1, a **small scale site alteration permit** shall expire if no work is commenced within two (2) months of the date the **small scale site alteration permit** is issued.
- 10.3 A **large scale site alteration permit** shall be valid for a period of eighteen (18) months from the date the **permit** is issued.
- 10.4 Notwithstanding Section 10.3, a **large scale site alteration permit** shall expire if no work is commenced within six (6) months of the date the **large scale site alteration permit** is issued.

- 10.5 If a **permit** expires after the **site alteration** has commenced and the **site alteration** has not been completed in accordance with the **permit**, the **permit holder** shall forthwith restore the **site** to its original condition or stabilize the **site** to the satisfaction of the **Director**.

#### Extension

- 10.6 A **permit holder** may request an extension to the expiry date of a **permit** upon submitting a written request outlining the reasons an extension is required to the **Director** with payment of the extension fee in the case of:
- (a) a **small scale site alteration permit**, one (1) month in advance of the expiry date; or
  - (b) a **large scale site alteration permit**, three (3) months in advance of the expiry date.
- 10.7 The **Director** upon being satisfied with the reasons for requesting an extension may grant an extension in the case of:
- (a) a **small scale site alteration** for up to but no more than six (6) additional months; or
  - (b) a **large scale site alteration** for up to but no more than one (1) year.

#### Modification

- 10.8 A **permit holder** may, two (2) months prior to the expiry of a **permit**, request a modification to the approved plans, documents, specifications, **haul routes**, **source sites**, dates or times, or any other information approved through the issuing of a **permit**, upon submitting:
- (a) a written request outlining the reasons why the modification is required to the **Director**;
  - (b) payment of the **permit** modification fee;
  - (c) revised plans, reports and other documents and information as required and to the satisfaction of the **Director**.
- 10.9 A **Permit** is not transferable.

## 11. SECURITIES

- 11.1 Where a security deposit is required in accordance with this By-law it shall be:
- (a) in the amount to secure:
    - (i) the performance of the work for which a **permit** is issued in accordance with the approved plans, performance of work in accordance the Site Alteration Agreement, and to restore the **lands** to a condition satisfactory to the **Director** and to recover any costs to the **Town** in administering and performing or having performed the said work;
    - (ii) the performance of work for which a **permit** has expired and work has commenced but has not been completed, and to restore the **lands** to its original condition or stabilize the **lands** to a condition satisfactory to the **Director** and to recover any costs to the **Town** in administering and performing or having performed said work to restore the **land** to its original condition or stabilize the **lands**;

- (iii) the performance of work that a **permit holder** has failed to perform to the satisfaction of the **Director**;
  - (iv) the performance of repair or restoration work on a **highway** or clean up of mud tracking on a **highway**;
  - (v) the completion of work required pursuant to an Order issued pursuant to this By-law or an Order pursuant to Section 431 of the *Municipal Act, 2001, S. O. 2001, c. 25*, as amended;
  - (vi) the performance of any works on **Town** or publicly owned **lands** of any kind which service the **site**;
  - (vii) guarantee of payment to the **Town** of all inspection, consulting and other costs the **Town** may incur in connection with works required under the **permit**, the approved plans, a Site Alteration Agreement, and this By-law.
- (b) in the form of a certified cheque when the amount of the security required is under five thousand dollars, and in the form of an irrevocable letter of credit from a chartered Canadian bank in a form satisfactory to the **Director** or a certified cheque when the amount of the security required is five thousand or greater.
- (c) in the amount of 100% of the estimated costs to the satisfaction of the **Director** to:
- (i) supply, install and maintain the site control measures;
  - (ii) stabilize the **site** and **undertake** works as identified by the **Director**;
  - (iii) **undertake** the completion of work as outlined in Section 11.1 (a) (i) to (v);
  - (iv) the performance of any works on **Town** or publicly-owned **lands** of any kind which service the **site** as outlined in Section 11.1 (a) (vi);
  - (v) guarantee of payment to the **Town** as outlined in Section 11.1 (a) (vii);
- (d) in effect for the duration of the **permit**, the Site Alteration Agreement or until completion of the works and compliance with Schedule H, Section 1.30 of this By-law to the satisfaction of the **Director**, whichever is later;
- (e) in the case of an irrevocable letter of credit or a renewal thereof, contain a clause stating that thirty (30) days written notice shall be provided to the **Town** prior to its expiry or cancellation and a clause acknowledging the **Town** may draw on the current letter of credit if the registered owner of the **property** transfers the **property** to another owner before the work under the **permit** is completed and the **permit** closed and a clause acknowledging that the **Town** may draw on the current letter of credit if the authorized work under the **permit** is not completed, inspected and approved by the **Town**.
- 11.2 The **Director** may require a **permit holder** to provide an updated cost estimate from time to time, and having regard to the cost estimate, applicable **Town** policies, current unit rates, costs, inflation and such other information as the **Director** deems appropriate. The **Director** may increase the amount of securities required from time to time.
- 11.3 A **permit holder** shall provide additional securities from time to time as required by the **Director**.

- 11.4 Where the **Town** has notified the **permit holder** to complete repairs or restoration work on a **highway** or clean up of mud tracking on a **highway** and the work is not completed by the **permit holder**, the **Town** will carry out the work using the securities to cover the cost incurred, which shall include but is not limited to material, labour, equipment, contracted services, payroll and administration costs.
- 11.5 In the event, a **Permit Holder** fails to perform or complete work or make payment for matters outlined in Section 11.1 (a) the **Town** shall be at liberty to draw upon the security provided to pay the costs incurred by the **Town** for any work **undertaken** or costs incurred by it or on its behalf.
- 11.6 A **permit holder** shall immediately pay the **Town** on demand costs in an amount determined by the **Director** for any difference between the remaining securities deposit and the estimated cost to pay for the completion and rectification of any outstanding work over and above the securities held by or forfeited to the **Town**.
- 11.7 In the event the **Town** receives notice that a letter of credit is expiring and will not be renewed, or if further or additional securities are not provided within the said thirty (30) days, the **Town** may draw on the letter of credit at the discretion of the **Director**.
- 11.8 The securities may be reduced from time to time at the discretion of the **Director** but shall otherwise be held pending the completion of all works required under the **permit**, a Site Alteration Agreement, and any Order issued under this By-law or an Order pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.
- 11.9 The **Town** at the written request of the **permit holder** shall release the securities or remaining securities upon:
- (a) submission of a certificate in a form satisfactory to the **Director** from a **Qualified Person**:
    - (i) that the **finished grade** has been completed in accordance with the **permit**, the terms and conditions of a **permit**, Site Alteration Agreement and the approved plans;
    - (ii) that the finished project does not detrimentally affect **drainage** on **adjacent lands**;
    - (iii) that the finished project does not detrimentally affect the quality or quantity of water in wells on **adjacent lands**;
  - (b) a final inspection being conducted by an **Inspector**; and
  - (c) the **Director** being satisfied that the works have been completed in accordance with this By-law, the terms and conditions of the **permit**, the approved plans and the Site Alteration Agreement.
- 11.10 The **Town** may recover the costs of doing anything or matter pursuant to this By-law, a **permit**, the terms and conditions of a **permit**, or the Site Alteration Agreement by drawing on the securities posted, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- 11.11 The costs in Section 11.1 shall include interest calculated at a rate of fifteen (15) per cent per annum, calculated for the period commencing on the day the **Town** incurs the costs and ending on the day the costs, including interest, are paid in full.

11.12 Any interest accruing or realized cash security shall belong to the **Town** and not the **permit holder**.

11.13 Where the registered owner of the **property** transfers the **property** to another owner before the work under the **permit** is completed and the **permit** closed, the **permit** shall be deemed expired as of the date of the transfer of the **property**, securities forfeited to the **Town** and the **permit** closed.

11.14 If a **permit** expires or is revoked, the securities are to remain in effect until the **site** is restored to the satisfaction of the **Director**.

## 12. PERMIT – ADMINISTRATIVE SUSPENSIONS

12.1 An administrative suspension of a **Permit** without a Hearing shall be imposed for fourteen (14) days if the **Director** is satisfied that the continuation of the activity poses an immediate danger to health and safety or public nuisance to any **person** or to any **Property**, or in accordance with Section 13. Before any suspension is imposed, the **Director** shall provide the **Permit Holder** with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

12.2 An administrative suspension imposed under Section 12.1 may be imposed on such conditions as the **Director** considers appropriate.

## 13. PERMIT – GROUNDS - ADDITIONAL TERMS AND CONDITIONS, REFUSAL, REVOCATION OR SUSPENSION

13.1 An **Applicant** is entitled to a **Permit** upon meeting the requirements of this By-law except where:

- (a) the past or present conduct of any **person**, including any partner, the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the **person** will not carry on or engage in the activity in respect of which the application is made in accordance with the law or with honesty or integrity;
- (b) the **Applicant** has past breaches or contraventions of any law or any provision of this By-law or any other municipal by-law or Provincial or Federal Statute associated with the carrying on of such activity;
- (c) the **Applicant** has failed to pay an administrative penalty imposed by the **Town** or a fine or fines imposed by a Court for a conviction or a breach of this or any other **Town** by-law or provincial offence;
- (d) the **Applicant** has failed to comply with any term, condition or direction of the **Officer** or has failed to permit any investigation or inspection by the **Officer**;
- (e) the **Applicant** has failed to comply with this By-law, an Order issued in accordance with this By-law, an Order pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, a **permit**, the terms and conditions of a **permit**, the approved plans, or a Site Alteration Agreement;
- (f) the **Applicant** is carrying on or engaging in activities that are, or will be, if the **Applicant** is issued a **permit**, in contravention of this By-law, or any other applicable law;



- (g) the **Applicant** has submitted an application or other documents to the **Town** containing false statements, incorrect, incomplete, mistaken or misleading information;
- (h) the issuing of a **Permit** would be contrary to the public interest with respect to health, safety, welfare and well-being of **persons**, traffic safety or nuisance control including the impact on **adjacent lands**;
- (i) the proposed **site alteration** is not consistent with any applicable site plan approval, approval of a plan of subdivision, approval of a plan of condominium or consent;
- (j) the proposed **site alteration** will not result in the **land** being rehabilitated to the same or better condition than it was prior to the **site alteration**;
- (k) the proposed **site alteration** is not for a purpose permitted by the **Town's** Official Plan or Zoning By-law;
- (l) the proposed **site alteration** does not align with or support the goals and principles of the **BMP**;
- (m) the proposed **site alteration** does not align with or support the principles of the Ministry of Environment and Climate Change's Statement of Environmental Values;
- (n) the **permit** was issued in error; or
- (o) the **Applicant** requests in writing that it be revoked.

13.2 Where a **Permit** has been revoked, suspended, or cancelled the **Permit Holder** shall return the **Permit** to the **Director** within two (2) days of the **date of service** of the notice of the decision.

13.3 When a revoked, suspended or cancelled **Permit** has not been returned, an **Officer** may enter upon the **Property**, excluding entry into a dwelling unit, for the purpose of receiving, taking or removing the said **Permit**.

13.4 Where a **permit** has been revoked, the **permit holder** shall forthwith cease all **site alteration** work.

#### 14. **PERMIT – NOTICE – RIGHT TO HEARING – ADDITIONAL TERMS AND CONDITIONS, REFUSAL, REVOCATION OR SUSPENSION**

14.1 With the exception of Section 12, before a **Permit** is refused, revoked, suspended, cancelled or issued with terms and conditions, written notice shall be given by the **Director** to the **Applicant**.

14.2 Notice shall be served on the **Applicant** and shall:

- (a) contain sufficient information to specify the nature of, or reason for, any recommendation;
- (b) inform the **Applicant** of entitlement to a Hearing before the **Appeal Tribunal**, if a request in writing for a Hearing is returned to the **Clerk** within seven (7) days after the **date of service** of the notice; and
- (c) inform the **Applicant** that if no written request for a Hearing is received within the prescribed time, the decision of the **Director** is confirmed.

#### 15. **ESTABLISHMENT OF APPEAL TRIBUNAL**

- 15.1 The **Appeal Tribunal** is delegated authority by Council to hear and render decisions regarding:
- (a) the refusal, revocation or suspension of a **Permit**, and the imposing of terms and conditions on a **Permit**;
  - (b) appeal of an Order.
- 15.2 The decision of the **Appeal Tribunal** shall be final and not subject to further review.

## 16. REQUEST FOR HEARING

- 16.1 A **person** who has been issued an Order, or an **Applicant** for a **Permit** may request a Hearing before the **Appeal Tribunal** provided a request for a **Hearing** is:
- (a) made in writing;
  - (b) submitted to the **Clerk** together with the applicable Order Appeal or Hearing Request fee within seven (7) days after the **date of service** of the Order or the Notice to Revoke, Suspend, Refusal to Issue or Issue a **Permit** subject to terms and conditions has been served.
- 16.2 On receipt of a written request for a Hearing, the **Clerk** shall:
- (a) schedule a Hearing; and
  - (b) give the **person** who has been issued an Order or an **Applicant**, Notice of Appointment for a Hearing in accordance with this By-law at least twenty (20) days prior to the Hearing date.
- 16.3 Prior to an **Oral Hearing**, the **Clerk** shall deliver in accordance with Section 19 of this By-law, a Notice of an Appointment for a Hearing, to the **Person** that requested a Hearing, that contains:
- (a) a reference to the statutory authority under which the Hearing will be held and the purpose of the Hearing;
  - (b) the date, time and place of the Hearing;
  - (c) the date, time and method for submitting any relevant documents, photographs or videos;
  - (d) information on how to obtain disclosure; and
  - (e) a statement that if the **Person fails to appear** that the **Person** shall be deemed to have abandoned the request for a Hearing and:
    - (i) the decision of the **Director** is final; or
    - (ii) the Order issued by the **Officer** is confirmed.
- 16.4 Prior to an **Electronic Hearing**, the **Clerk** shall deliver in accordance with Section 19 of this By-law, a Notice of an Appointment for a Hearing to the **Person** that requested a Hearing, that contains:
- (a) a reference to the statutory authority under which the Hearing will be held and the purpose of the Hearing;
  - (b) the date, time and details about the manner in which the Hearing will be held;
  - (c) the date, time and method for submitting any relevant documents, photographs and videos;

- (d) information on how to obtain disclosure; and
- (e) a statement that the **Person** may, by satisfying the **Appeal Tribunal** that holding the Hearing as an **Electronic Hearing** is likely to cause the **Person** significant prejudice, require the **Appeal Tribunal** to hold the Hearing as an **Oral Hearing**, and the procedure to be followed for that purpose; and
- (f) a statement that if the **Person fails to appear** that the **Person** shall be deemed to have abandoned the request for a Hearing and:
  - (i) the decision of the **Director** is final; or
  - (ii) the Order issued by the **Officer** is confirmed.

## 17. HEARING PROCESS

- 17.1 The provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22*, as amended, shall apply to all Hearings conducted under this By-law.
- 17.2 A Hearing shall be conducted as an **Electronic Hearing** unless there is a requirement on a case-by-case basis, as determined by the **Appeal Tribunal**, to provide the Hearing through other means.
- 17.3 A Hearing shall be held in public, unless determined otherwise in accordance with the *Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22*, as amended, and the **Appeal Tribunal**, shall hear the **Applicant** and every other **person** who desires to be heard, and the **Appeal Tribunal** may give its decision orally or adjourn the Hearing and reserve its decision, but in any case the decision shall be provided in writing.
- 17.4 No decision of the **Appeal Tribunal** is valid unless it is concurred with by a majority of the members of the **Appeal Tribunal** that heard the matter, and the decision of the **Appeal Tribunal**, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur with the decision. The decision of the **Appeal Tribunal** shall be made within ten (10) days of conclusion of the Hearing.
- 17.5 Any authority or permission granted by the **Appeal Tribunal** may be for such time and subject to such terms and conditions as the **Appeal Tribunal** considers advisable and as are set out in the decision.
- 17.6 When a **person** or authorized representative **fails to appear** for a Hearing, the **Appeal Tribunal** may without a Hearing affirm that:
  - (a) the **person** is deemed to have abandoned the request for a Hearing;
  - (b) the decision of the **Director** is final; or
  - (c) the Order issued by the **Officer** is confirmed;and the matters are not subject to any further review, including a review by any court.
- 17.7 The **Clerk** shall no later than ten (10) days from the date of the **Appeal Tribunal's** decision send a copy of the decision to:
  - (a) the **Applicant**;
  - (b) each **person** who appeared in **person** or by Counsel or by Agent at the Hearing and who filed with the **Clerk** a written request for notice of the decision.

- 17.8 An authorized representative is permitted to appear on behalf of an **Applicant** or a **person** who has been issued an Order upon producing written authority.
- 17.9 An **Appeal Tribunal** conducting a Hearing under this By-law does not have jurisdiction to consider any question relating to the validity of a statute, regulation or By-law including but not limited to the constitutional applicability or operability of any statute, regulation, or By-law.

## 18. ORDERS AND REMEDIAL ACTION

- 18.1 If an **Officer** has reasonable grounds to believe that a contravention of this By-law has occurred, the **Permit**, the terms and conditions of a **Permit**, the approved plans, or a Site Alteration Agreement have not been complied with, the **Officer** may make an Order requiring the **person**, to:
- (a) discontinue the contravening activity,
  - (b) do or take any action to correct the contravention.
- 18.2 An Order under Section 18.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention; and
  - (b) the location of the **land** on which the contravention occurred; and
  - (c) either:
    - (i) in the case of an Order under Section 18.1 (a), the date by which there must be compliance with the Order; or
    - (ii) in the case of an Order under Section 18.1 (b), the action to be done and the date by which the action must be done.
- 18.3 An Order made under this By-law shall be served to:
- (a) the **person** the **Officer** believes contravened this By-law, a **permit**, the terms and conditions of a **permit**, the approved plans, or the Site Alteration Agreement; and
  - (b) such other **persons** affected by the Order as the **Officer** making the Order determines.
- 18.4 An Order under Section 18.1 (b) may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into effect.
- 18.5 An Order under this By-law that is not appealed within the time referred to in Section 16.1 (b) shall be final and not subject to further review.
- 18.6 In default of any work required by an Order under Section 18.1 (b) being done by the **person** directed or required to do it, the work may be done by the **Town** at the **person's** expense. For the purposes of this section, the **Town** and its employees, contractors, suppliers of goods and services, agents and representatives may enter upon **lands** at any reasonable time.

## 19. SERVICE

- 19.1 A document, notice, decision or Order issued in accordance with this By-law, shall be served using one or more of the following methods of service noted in Column A below and is deemed served on the date noted in Column B below:

COLUMN A Method of Service	COLUMN B Deemed Date of Service
Personal	Date personally delivered to <b>Person</b> to whom it is addressed
Posted in a conspicuous place on the property	Date posted on the property
Email	Date email is sent to the <b>Person's</b> last known email address
Regular/Registered Mail	Five (5) days after the date of mailing to the <b>Person's</b> last known mailing address

- 19.2 For the purposes of this By-law, a **Person's** last known address and electronic mail address includes an address and electronic mail address provided by the **Person** to the **Town** as may be required by a form, practice or policy under this By-law and includes a **tax roll address**.
- 19.3 Where service is affected by multiple methods, the **date of service** shall be on the earliest applicable date.

## 20. ENFORCEMENT AND PENALTY PROVISIONS

- 20.1 The enforcement of this By-law shall be conducted by an **Officer**.
- 20.2 An **Officer** may enter on **lands** at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- the By-law is complied with;
  - a **Permit**, or the terms and conditions of a **Permit**, or the approved plans, or a Site Alteration Agreement are complied with;
  - a direction or Order of the **Town** pursuant to the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, or made under this By-law is complied with; or
  - an Order pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, is complied with.
- 20.3 For the purposes of an inspection under this By-law, an **Officer** may:
- require the production for inspection of documents or things relevant to the inspection;
  - inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - require information from any **person** concerning a matter related to the inspection; and
  - 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.

- 20.4 All documents and records shall be kept in a good and business-like manner for review by an **Officer** at their request.
- 20.5 A sample taken under this By-law shall be divided into two parts, and one part shall be delivered to the **person** from whom the sample is taken, if the **person** so requests at the time the sample is taken and provides the necessary facilities.
- 20.6 If a sample is taken under this By-law and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the **person** from whom the sample was taken.
- 20.7 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 20.8 Every **person** who contravenes any provision of this By-law, including failing to comply with an Order issued pursuant to this By-law, or an Order issued pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001*, as amended, 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, 2001, S.O. 2001*, as amended.
- 20.9 Any **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law, or an Order issued pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001*, as amended, 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 *Municipal Act, 2001, S.O. 2001*, 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
- 20.10 Every **person** who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 20.11 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 20.12 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.
- 20.13 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.
- 20.14 If a **Person** convicted of an offence for contravening a provision of this by-law or an Order made under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the **person**, to correct the contravention in such manner and within such period as the court considers appropriate, including but not limited to,
- (a) rehabilitating the **land**;

- (b) removing the **fill, dumped or placed** contrary to the by-law, the **permit**, the terms and conditions of the **permit**, the approved plans or the Site Alteration Agreement;
- (c) restoring the **grade** of the **land** to its original condition;
- (d) replace damaged trees and shrubs including any silvicultural treatment necessary to re-establish the trees;
- (e) requiring the submission of documents or drawings prepared by a **Qualified Person** to recommend the remedial work to be completed and to require completion of the remedial work;
- (f) prohibiting the continuation or repetition of the contravention.

20.15 AMPS By-law – Non-Parking being By-law 2024-XXX, as amended, applies to this By-law. Every **Person** who contravenes a provision of this By-law designated in Schedule R of By-law 2024-XX, as amended, shall upon the issuing of a penalty notice be and is liable to pay to the **Town** an administrative penalty in the amount set out in By-law 2024-XXX, as amended.

## 21. FEES

- 21.1 The fees for a **Permit**, extension or modification of a **permit**, appeal of an Order, or a Hearing request fee shall be as prescribed in the **Town's User Fees By-law**.
- 21.2 The fees for a **Permit**, extension or modification of a **permit**, appeal of an Order, or a Hearing request fee are payable upon submission of an application, request or appeal.
- 21.3 Where the application for a **Permit** has been deemed incomplete, or where a **Permit** has been revoked, suspended or cancelled, the fees paid by the **Applicant**, in the respect of the application for a **Permit**, shall not be refunded.
- 21.4 The fees for a request for an extension or modification of a **permit**, appeal of an Order or a Hearing request fee shall not be refunded whether the said request is granted or not or whether the Order is confirmed, modified, rescinded or the time for complying with the Order is extended.

## 22. SCHEDULES

- 22.1 The Schedules to this By-law are incorporated into and form part of this By-law.

## 23. SEVERABILITY

- 23.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the **Town** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

## 24. SINGULAR AND PLURAL USE

- 24.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural, where applicable.

## 25. TRANSITION

- 25.1 A Site Alteration Permit issued pursuant to By-law 2017-0040, as amended, that has not yet expired as of the date this By-law comes into effect shall be governed by this By-law.

- 25.2 A Site Alteration Permit issued pursuant to By-law 2017-0040, as amended, that has expired, but has not yet been closed, as of the date this By-law comes into effect shall continue to be governed by By-law 2017-0040, as amended.
- 25.3 An Order issued pursuant to By-law 2017-0040, as amended, shall be deemed to be an Order issued pursuant to this By-law and all the provisions of this By-law shall apply.
- 25.4 Where a contravention of By-law 2017-0040, as amended, has not been rectified at the time this By-law comes into effect, an Order pursuant to this By-law may be issued.
- 25.5 Any action commenced pursuant to By-law 2017-0040, as amended, shall continue until such matter is finalized in the applicable Court.

**26. REPEAL**

- 26.1 That By-law 2017-0040 and By-law 2023-0039 are hereby repealed upon this By-law coming full force and effect.

**27. EFFECTIVE DATE**

- 27.1 This By-law shall come into full force and effect on April 1, 2025.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 24<sup>th</sup> day of March, 2025.

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MAYOR – ANN LAWLOR

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TOWN CLERK – VALERIE PETRYNIAK



**SCHEDULE "A" to BY-LAW 2025-0009  
BY-LAW EXEMPTIONS**

1. This By-law does not apply to:
  - (a) activities or matters **undertaken** by a Crown Agency as defined in the *Crown Agency Act, R.S.O. 1990, c. C. 48*, as amended, the **Town** or the **Region** or a local board of the **Town** or the **Region**;
  - (b) a **site alteration**:
    - (i) imposed after December 31, 2002 as a condition to the approval of a Site Plan, a Plan of Subdivision or a Consent under section 41, 51 or 53, respectively, of the **Planning Act** or as a requirement of a **Development Agreement** entered into under those sections;
    - (ii) imposed after December 31, 2002 as a condition to a Development Permit authorized by regulation made under section 70.2 of the **Planning Act** or as a requirement of **Development Agreement** entered into under that regulation;
    - (iii) **undertaken** by a Transmitter or Distributor, as those terms are defined in section 2 of the *Electricity Act, 1998, S.O. 1998, c. 15*, as amended, for the purpose of constructing and maintaining a Transmission System or a Distribution System, as those terms are defined in that section;
    - (iv) **undertaken** on **lands** described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the **Aggregate Resources Act**;
    - (v) **undertaken** on **land** in order to lawfully establish and operate or enlarge any pit or quarry on **land**,
      - a) that has not been designated under the **Aggregate Resources Act** or a predecessor of the **Aggregate Resource Act**, and
      - b) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the **Planning Act**;
    - (vi) **undertaken** as an incidental part of drain construction under the *Drainage Act, R.S.O. 1990, c. D. 17*, as amended, or the *Tile Drainage Act, R.S.O. 1990, c. T. 8*, as amended;
  - (c) a **site alteration** that is an authorized part of construction or operations as identified by:
    - (i) the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15*, Schedule B, as amended or any successor legislation thereto; or
    - (ii) the use, operation, establishment, alteration, enlargement or extension of a waste disposal site within the meaning of Part V of the **Environmental Protection Act**;
  - (d) the removal of **topsoil** as an incidental part of a **normal farm practice** taking place as part of an **agricultural operation**, provided that the removal is not for sale, exchange or disposal of the **topsoil**.

**SCHEDULE “B” to BY-LAW 2025-0009  
PERMIT EXEMPTIONS**

1. Permit Exemptions - General

1.1 Notwithstanding Section 4.1 of this By-law, a **site alteration permit** is not required for a **site alteration** on a **property** that is **undertaken** in compliance with this By-law and provided the requirements below are met:

- (a) for the installation of a swimming pool, including decking, that does not take place within 0.6m of any **property** line, provided that the **existing grades** are restored and maintained, and a pool enclosure permit is obtained from the **Town** pursuant to Pool Enclosure By-law 2009-0028, as amended, or any successor thereto;
- (b) for emergency repair work performed in consultation with the **Director**, subject to any requirement from the **Director** to obtain a **permit** for the completion of the emergency work and **site alteration** restoration and clean up.

2. Permit Exemptions - Land Use - Rural

2.1 Notwithstanding Section 4.1 of this By-law, a **site alteration permit** is not required for a **site alteration** on a **property** within the Rural Area of the **Town**, that is **undertaken** in compliance with this By-law and provided the requirements below are met:

- (a) the **dumping, placing** or removal of **topsoil** for the purpose of lawn maintenance, landscaping or adding to flower beds or vegetable gardens provided that the **approved grade** (or **existing grade**, where there is no **approved grade**) of the **lands** is not increased by more than 0.15m, there is no significant change in the direction or rate of **drainage** to or from **adjacent lands**; the **site alteration** does not take place within 0.6m of any **property** line, and the cumulative total of the **topsoil** to be **placed** or **dumped** pursuant to all applicable **permit** exemptions does not exceed in any consecutive six (6) month period 14.5m<sup>3</sup>;
- (b) the construction of walkways along side yards, adjacent to a dwelling or garage, provided that there is no altering of **grades, drainage** patterns or **drainage** within 0.6m of the **property** line;
- (c) maintenance of driveways, roads, or parking areas with imported asphalt or granular material (including native granular, recycled aggregate, recycled asphalt or recycled concrete), provided **existing grades** are being reinstated, the size of the driveway, road or parking area is not increased; the dimensions remain unaltered, and the cumulative total of the **fill placed** or **dumped** pursuant to all applicable **permit** exemptions does not exceed in any consecutive twelve (12) month period 20m<sup>3</sup>.

3. Permit Exemptions - Land Use – Rural – Agricultural Use Zoning

3.1. Notwithstanding Section 4.1 of this By-law, a **site alteration permit** is not required for a **site alteration** on a **property** zoned for an agriculture use within the Rural Area of the **Town**, that is **undertaken** in compliance with this By-law and provided the requirements below are met:

- (a) **dumping, placing** or removal of **topsoil** for an **agricultural operation** provided that the **approved grade** (or **existing grade**, where there is no **approved grade**) of the **lands** is not increased by more than 0.15m, there is no significant change in the direction or rate of **drainage** to or from **adjacent lands**; the **site alteration** does not take place within 0.6m of any **property line**, and the cumulative total of the **topsoil** to be **placed** or **dumped** pursuant to all applicable **permit** exemptions does not exceed in any consecutive six (6) month period 29m<sup>3</sup>;
- (b) the dredging of an existing pond on a **property** zoned for an agricultural use within the Rural Area, provided the surface area of the pond is not increased and the pond depth is not increased beyond its original depth and no piles or berms of dredged material is created adjacent to the pond. Where possible, the dredged material should be worked into adjacent fields without changing **drainage** patterns.

#### 4. Permit Exemptions – Land Use – Urban – Residential Use Zoning

- 4.1. Notwithstanding Section 4.1 of this By-law, a **site alteration permit** is not required for a **site alteration** on a **property** zoned for residential use within the Urban Area of the **Town**, that is **undertaken** in compliance with this By-law and provided the requirements below are met:
  - (a) the **dumping, placing** or removal of **topsoil** on the for the purpose of lawn maintenance, landscaping or adding to flower beds or vegetable gardens provided that the **approved grade** (or **existing grade**, where there is no **approved grade**) of the **lands** is not increased by more than 0.15m, there is no significant change in the direction or rate of **drainage** to or from **adjacent lands**; the **site alteration** does not take place within 0.6m of any **property line**, and the cumulative total of the **topsoil** to be **placed** or **dumped** pursuant to all applicable **permit** exemptions does not exceed in any consecutive six (6) month period 5m<sup>3</sup>;
  - (b) the construction of walkways along side yards, adjacent to a dwelling or garage, provided that there is no altering of **grades, drainage** patterns or **drainage** within 0.6m of the **property line**;
  - (c) maintenance of driveways, roads, or parking areas with imported asphalt or granular material (including native granular, recycled aggregate, recycled asphalt or recycled concrete), provided **existing grades** are being reinstated, the size of the driveway, road or parking area is not increased; the dimensions remain unaltered, and the cumulative total of the **fill placed** or **dumped** pursuant to all applicable **permit** exemptions does not exceed in any consecutive twelve (12) month period 5m<sup>3</sup>.

#### 5. Permit Exemptions - Land Use – Industrial, Commercial, Employment or Institutional Zoning

- 5.1 Notwithstanding Section 4.1 of this By-law, a **site alteration permit** is not required for a **site alteration** on a **property** zoned for industrial, commercial, employment or institutional use, that is **undertaken** in compliance with this By-law and provided the requirements below are met:

- (a) the **dumping, placing** or removal of **topsoil** on the for the purpose of lawn maintenance, landscaping or adding to flower beds or vegetable gardens provided that the **approved grade** (or **existing grade**, where there is no **approved grade**) of the **lands** is not increased by more than 0.15m, there is no significant change in the direction or rate of **drainage** to or from **adjacent lands**; the **site alteration** does not take place within 0.6m of any **property line**, and the cumulative total of the **topsoil** to be **placed** or **dumped** pursuant to all applicable **permit** exemptions does not exceed in any consecutive six (6) month period 5m<sup>3</sup>;
- (b) the construction of walkways along side yards, adjacent to a dwelling or garage, provided that there is no altering of **grades, drainage** patterns or **drainage** within 0.6m of the **property line**;
- (c) maintenance of driveways, roads, or parking areas with imported asphalt or granular material (including native granular, recycled aggregate, recycled asphalt or recycled concrete), provided **existing grades** are being reinstated, the size of the driveway, road or parking area is not increased; the dimensions remain unaltered, and the cumulative total of the **fill placed** or **dumped** pursuant to all applicable **permit** exemptions does not exceed in any consecutive twelve (12) month period 20m<sup>3</sup>;
- (d) the stockpiling of **soil**, compost, and related landscaping materials for commercial landscaping purposes, provided said **property** is permitted to store landscaping materials for sale to the public by the **Town's** Zoning By-laws, the **Conservation Authority** regulations, and **NEC** policies, where applicable;
- (e) the stockpiling of recycled aggregate, asphalt or concrete as part of a contractor's yard, provided said **land** use is permitted by the **Town's** Zoning By-laws, the **Conservation Authority** regulations, and **NEC** policies, where applicable.

## SCHEDULE "C" to BY-LAW 2025-0009

### SMALL SCALE SITE ALTERATION APPLICATION REQUIREMENTS

1. In addition to the requirements set out in Section 6.1 of this By-law, a **person** making application for a **small scale site alteration** shall submit to the satisfaction of the **Director**:
  - (a) a Plan which meets the requirements set out in Schedule "D" of this By-law;
  - (b) proof of any permit or consent required to **undertake** the **site alteration** from the:
    - (i) **Conservation Authority**;
    - (ii) **NEC**;
    - (iii) **Region**;
    - (iv) **Ministry**; and
    - (v) any other government body or agency.
  - (c) a proposed **haul route**;
  - (d) an indemnity, in a form approved by the **Director**, which releases and indemnifies the **Town** with respect to any and all liability which may arise in the event that any **fill** contains **contaminants of concern** or the **site alteration** causes damage to **adjacent lands**;
  - (e) signed authorization(s) of a grantee(s) of any easement(s) on the **property** accepting the **placing** or **dumping** of **fill** or other **site alteration** on or abutting the easement;
  - (f) documentation from a **Qualified Person** that the **fill** to be **dumped** or **placed** on the **property** meets the standards:
    - (i) prescribed by the **Ministry**;
    - (ii) of the **Environment Protection Act**; and
    - (iii) the Rules for Soil Management and Excess Soil Quality Standards published by the **Ministry**;for the current **land** use and any future **land** use under the **Town's** Official Plan or approved amendment to the **Town's Official Plan**;
  - (g) a cost estimate having regard for the applicable **Town** policies and such other information as the **Director** deems appropriate prepared by a **Qualified Person** of the amount of securities required to meet the requirements of Section 11 of this By-law;
  - (h) provide securities in the amount confirmed by the **Director** and in a form of a letter of credit or certified cheque in accordance with this By-law;
  - (i) the required **permit** fee.
2. In addition to the requirements set out in Section 6.1 of this By-law, a **person** making application for a **small scale site alteration** shall submit as required by the **Director** and to the satisfaction of the **Director**:
  - (a) proof of ownership of the **property**;

- (b) provide a certificate of insurance naming the **Town** as an additional insured with Commercial General Liability coverage with a limit not less than five (5) million dollars;
- (c) a proposed **haul route**;
- (d) payment for any costs incurred by the **Town** for the engagement of a **Qualified Person** that is deemed necessary by the **Director**, to evaluate tests, reports, plans, studies, documents and agreements including but not limited to peer review, quality control/assurance, inspection, sampling, borehole testing and operational compliance review;
- (e) any other tests, reports, plans, studies and documents prepared by a **Qualified Person**, deemed necessary by the **Director**, to evaluate the **permit** application;
- (f) where the **site alteration** is proposed as part of a **normal farm practice**, proof that the **property** is part of an **agricultural operation**, including documents such as tax returns and Ontario farm business registration providing proof of farm income and such additional documents, information or reports necessary to provide proof that the proposed **site alteration** is part of a **normal farm practice**.

## SCHEDULE "D" to BY-LAW 2025-0009

### STANDARDS FOR SMALL SCALE PLANS

1. An **Applicant** shall submit a Plan and all other accompanying plans and drawings in PDF format or other format as determined by the **Director** which shall include:
  - (a) the **property** and **site** boundaries with dimensions;
  - (b) the location, diameter, species and drip line of all trees on the **property** with a caliper measuring one hundred (100) millimeters or greater measured at height of 1.37 metres above ground, and all other vegetation and field crops are identified in masses showing the outline of the canopy or vegetation limit created by the massing;
  - (c) all existing vegetation three (3) metres beyond the **property** lines including **Town** trees, individually locating all trees with a caliper measuring one hundred (100) millimeters or greater measured at height of 1.37 metres above ground. All other vegetation to be identified in masses showing the outline of canopy or vegetation limit created by the massing;
  - (d) the locations of all driveways on the **property** and of all easements and rights-of-way over, under, across or through the **property**;
  - (e) the location, dimensions, elevations and use of the buildings and structures existing or proposed to be erected on the **property**;
  - (f) proposed sediment and **erosion** controls that will be installed prior to commencement of the **site alteration** on the **property**;
  - (g) **proposed grades** and the **drainage** system to be used upon completion of the **site alteration**;
  - (h) the intended use of the **property**, including a description of the proposed **fill placement** or **topsoil** removal operation;
  - (i) all existing above ground infrastructure including street services, light standards, hydro poles and transformers, cable television and telephone pedestals, fire hydrants and valves; and
  - (j) all existing above and below **grade** utilities and infrastructure including catch basins, manholes, ditches, swales, **drainage** courses, storm sewers, **bodies of water**, watercourses, **key features** and **environmentally sensitive areas** on the **property** and on **adjacent lands** and **highways**.
2. An **Applicant** shall submit a topographic survey certified by a licensed Professional Engineer or Ontario Land Surveyor showing existing elevations in the form of contours at 0.5 metre intervals or less, with spot elevations along the **property** boundary lines and 3.0 metres beyond the **property** boundary lines at sufficient intervals to clearly show the existing **drainage** patterns on the **property** and on the **adjacent lands** in PDF format or other format as determined by the **Director** in accordance with the standards outlined below.
3. An **Applicant** shall submit a scale drawing certified by a licensed Professional Engineer of any proposed retaining wall including a description, location, dimensions and materials to be used in the construction of such retaining wall
4. All plans and drawings:

- (a) are to be in metric and appropriate scale with all information legible and clear;
  - (b) elevations shall be tied to existing benchmarks and be related to geodetic datum.
5. For the purposes of Sections 2 and 3, a certificate on the Survey, Drawing and Plan, executed by a registered Professional Engineer or a registered Ontario Land Surveyor shall be in the following form:
- “I have reviewed plans for the construction of (fill in the blank) located at (fill in the blank) and have prepared and reviewed this Plan or Survey to indicate the compatibility of the proposed grades with existing adjacent lands and municipal services. It is my belief that adherence to the proposed grades, as shown, will produce adequate surface drainage and proper facility of the municipal services without any detrimental effect to the existing drainage patterns or adjacent lands.”



**SCHEDULE “E” to BY-LAW 2025-0009  
LARGE SCALE SITE ALTERATION APPLICATION REQUIREMENTS**

1. In addition to the requirements set out in Section 6.2 of this By-law, a **person** making application for a **large scale site alteration** shall submit to the satisfaction of the **Director**:
  - (a) a Control Plan prepared by a **Qualified Person** which meets the requirements as outlined in Schedule “F” to the satisfaction of the **Director**;
  - (b) proof of ownership of the **property**;
  - (c) proof of any permit or consent required for the completion of the works associated with the **site alteration** from the:
    - (i) **Conservation Authority**;
    - (ii) **NEC**;
    - (iii) **Region**;
    - (iv) **Ministry**; and
    - (v) any other governmental body of agency;
  - (d) an indemnity, in a form approved by the **Director**, which releases and indemnifies the **Town** with respect to any and all liability which may arise in the event that any **fill** contains **contaminants of concern** or the **site alteration** causes damage to **adjacent lands**;
  - (e) signed authorization(s) of a grantee(s) of any easement(s) on the **property** accepting the **placing** or **dumping** of **fill** or other **site alteration** on or abutting the easement;
  - (f) specific details regarding the proposed **haul route** including the dates and times the **haul routes** will be used including the daily volume of truck loads;
  - (g) a Fill Management Plan prepared by a **Qualified Person** that follows and is in accordance with the **Ministry** rules, standards, policies and guidelines including **BMP** requirements;
  - (h) a Consultation and Engagement Plan that outlines when and how **adjacent property** owners and other identified parties will be notified and provided with information specific to the soil management activities;
  - (i) where the **property** abuts another municipality, proof of notification of the **large scale site alteration** to that municipality;
  - (j) documentation from a **Qualified Person** that the **fill** to be **dumped** or **placed** on the **property** meets the standards:
    - (i) prescribed by the **Ministry**; and
    - (ii) of the **Environment Protection Act**; and
    - (iii) the Rules for Soil Management and Excess Soil Quality Standards published by the **Ministry**;for the current **land** use and any future **land** use under the **Town’s Official Plan** or approved amendment to the **Town’s Official Plan**;
  - (k) certification from a **Qualified Person** that the **fill** contains no **contaminants of concern**, and that no **adverse effects** will result from the **large scale site alteration**;

- (l) provide a certificate of insurance naming the **Town** as an additional insured with Commercial General Liability coverage with a limit not less than five (5) million dollars;
- (m) a cost estimate having regard for the applicable **Town** policies and such other information as the **Director** deems appropriate, prepared by a **Qualified Person**, of the amount of securities required to meet the requirements of Section 11 of this By-law;
- (n) provide securities in the amount confirmed by the **Director** and in a form of a letter of credit or certified cheque in accordance with this By-law;
- (o) payment for any costs incurred by the **Town** for the engagement of a **Qualified Person**, deemed necessary by the **Director**, to evaluate tests, reports, plans, studies, documents, and agreements including but not limited to peer review, quality control/assurance, inspection, sampling, borehole testing and operational compliance review;
- (p) any other tests, reports, plans, studies and documents, prepared by a **Qualified Person**, to evaluate the **permit** application, including but not limited to:
  - (i) environmental **soil** tests, and **soil** permeability tests to ensure the permeability of any **fill** to be used as part of a **site alteration** does not result in a reduction of the **soil** quality of the **property** or does not have an **adverse effect** on the existing underlying native **soil**. The testing of **fill** shall be performed by a certified environmental laboratory;
  - (ii) an Archaeological Assessment;
  - (iii) Phase I, Phase II and/or other Environmental Assessment reports;
  - (iv) Pre-Assessment information relating to the groundwater on the **property** and a Ground Water Monitoring Plan;
  - (v) Sub-watershed Study;
- (q) where the **site alteration** is proposed as part of a **normal farm practice**, proof that the **property** is part of an **agricultural operation**, including documents such as tax returns and Ontario farm business registration providing proof of farm income and such additional documents, information or reports necessary to provide proof that the proposed **site alteration** is part of a **normal farm practice**;
- (r) the required **permit** fee.

## SCHEDULE "F" to BY-LAW 2025-0009

### STANDARDS FOR LARGE SCALE CONTROL PLANS

1. An **Applicant** shall submit a Control Plan and all other accompanying plans and drawings in PDF format or any other format as determined by the **Director** in accordance with the standards outlined below.
2. All plans and drawings:
  - (a) are to be in metric with all information legible and clear;
  - (b) elevations shall be tied to existing **Town** benchmarks and be related to geodetic datum.
3. A certificate on the Control Plan, executed by a registered Professional Engineer or a registered Ontario Land Surveyor shall be in the following form:

"I have reviewed plans for the construction of (fill in the blank) located at (fill in the blank) and have prepared and reviewed this Site Alteration Control Plan to indicate the compatibility of the proposed grades with existing adjacent lands and municipal services. It is my belief that adherence to the proposed grades, as shown, will produce adequate surface drainage and proper facility of the municipal services without any detrimental effect to the existing drainage patterns or adjacent lands."
4. A Control Plan, or accompanying documentation or plans shall include the following information:
  - (a) a key plan showing the location of the **property** and a minimum of thirty (30) metres beyond the **property**;
  - (b) the **property** and **site** boundaries with dimensions and the number of hectares of the **property** and **site**;
  - (c) the current and proposed use of the **property**;
  - (d) the location of any **Key Features** and **Environmentally Sensitive Features** on and within one hundred and twenty (120) metres of the **property**;
  - (e) the location of any wetlands, floodplains, shoreline, top of bank features and approximate **Conservation Authority** regulation limits, and the regulatory limits of the **NEC** on and within one hundred and twenty (120) metres of the **property**;
  - (f) the location, dimensions, elevations and use of the buildings and structures existing or proposed to be erected on the **property**;
  - (g) the location, dimensions and use of buildings and structures within thirty (30) metres of the **property**;
  - (h) all existing above ground infrastructure including street services, light standards, hydro poles and transformers, cable television and telephone pedestals, fire hydrants and valves on the **property** and on **adjacent lands** and **highways**;
  - (i) all existing above and below **grade** utilities and infrastructure including catch basins, manholes, ditches, swales, **drainage** courses, storm sewers, **bodies**

**of water** and watercourses, on the **property** and on **adjacent lands** and **highways**;

- (j) the location of all driveways on the **property** and of all easements and rights-of-way over, under, across or through the **property**;
- (k) the location, dimensions and invert elevations of any source water protection areas, existing and proposed storm water drainage systems, swales, ditches, **Town** easements, sewers, drainage pipes, culverts, inlet chambers, drainage tiles, septic beds and natural drainage patterns within fifteen (15) metres of the **property** lines for a **site** 0.2 ha or less, and thirty (30) metres of the **property** lines for a **site** greater than 0.2 ha;
- (l) the location of any lakes, streams, channels, watercourses or wetlands within fifteen (15) metres of the **property** lines for a **site** 0.2 ha or less, and thirty (30) metres of the **property** lines for a **site** greater than 0.2 ha;
- (m) any proposals that may be necessary to eliminate potential **drainage** problems on the **property** and on **adjacent lands**;
- (n) the location, diameter, species and drip line of all trees on the **property** with a caliper measuring one hundred (100) millimeters or greater measured at height of 1.37 metres above ground, and all other vegetation and field crops are identified in masses showing the outline of the canopy or vegetation limit created by the massing;
- (o) all existing vegetation three (3) metres beyond the **property** lines including **Town** trees, individually locating all trees with a caliper measuring one hundred (100) millimeters or greater measured at height of 1.37 metres above ground. All other vegetation to be identified in masses showing the outline of canopy or vegetation limit created by the massing;
- (p) **proposed grades** and **drainage systems** to be used upon completion of the **site alteration**;
- (q) the location and dimensions of all proposed **land** disturbing activities, including construction access roads;
- (r) the location and dimensions of all proposed temporary **fill** stockpiles;
- (s) the location, dimensions, height and slopes of any proposed berms;
- (t) the location and dimensions of all proposed staging areas for equipment;
- (u) the location, dimensions, design details, design calculations and estimated costs for the supply, installation and maintenance of the site control measures necessary to meet the requirement of this By-law;
- (v) details regarding **erosion** control measures and dust control measures that will be implemented and maintained during and following the **site alteration**;
- (w) details regarding the provisions of regular maintenance of the site control measures during the **site alteration**;
- (x) all tree protection measures to be taken during the **site alteration**;
- (y) a schedule of the proposed commencement and completion dates of each **land** disturbing or **land** developing activity including the installation of site **erosion** control measures;

- (z) all proposed ground covering to be used for the **site** restoration, including seed mix if grass, upon completion of the **site alteration**;
  - (aa) specific details regarding the proposed **haul route** including the dates and times the **haul routes** will be used including the daily volume of truck loads;
  - (ab) the quantity of **fill** to be received on the **property**;
  - (ac) a Site Dewatering Plan.
5. An **Applicant** shall submit a scale drawing certified by a licensed Professional Engineer of any proposed retaining wall including a description, location, dimensions and materials to be used in the construction of such retaining wall.
  6. An **Applicant** shall submit a topographic survey certified by a licensed Professional Engineer or Ontario Land Surveyor showing existing elevations producing a 0.5 metre contour interval, defining all material and man-made features, including top and bottom of slopes, **drainage** patterns, tree lines, buildings, and stockpiles on the **property** and within thirty (30) metres of the **property** to clearly show the detailed existing topography of the **property** and the **adjacent lands**.

## SCHEDULE "G" to BY-LAW 2025-0009

### SITE DESIGN GUIDELINES

1. A **permit holder** shall adhere to the following site design guidelines when **undertaking a site alteration**:
  - (a) Site Dewatering: water pumped from the **site** shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, swirl concentrators or other appropriate controls.
  - (b) Drain Inlet Protection: catch basins, all rear **property** storm drain inlets or any other inlets, shall be protected with filter fabric, or equivalent barriers meeting design criteria, standards and specifications accepted by the **Director**.
  - (c) Site **Erosion** Control: The following criteria apply to **land** disturbances that result in stormwater runoff leaving the **property** or draining onto the **property** from **adjacent lands**:
    - (i) runoff from adjacent areas passing through the **property** shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected by sediment control fences or other approved means being placed along the channel edges to reduce sediment reaching the channel;
    - (ii) all activities on the **property** shall be conducted in a logical sequence to minimize the area of bare **soil** exposed at any one time;
    - (iii) any **fill** storage piles containing more than 100 m<sup>3</sup> of material shall not be located within a downslope **drainage** length of less than ten (10) metres to a **highway** or **drainage** channel. If remaining for more than thirty (30) days, said **fill** storage piles shall be stabilized by mulching, vegetative cover, tarps or other means. **Erosion** from **fill** storage piles which will be in existence for less than thirty (30) days shall be controlled by sediment control fence barriers or other approved means around the pile;
    - (iv) runoff from the entire disturbed area on the **property** shall be controlled as follows:
      - a. all disturbed ground left inactive shall be stabilized by seeding, sodding, mulching, covering, or other equivalent control measures. The period of time of inactivity shall be at the discretion of the **Director**, but shall not exceed thirty (30) days or such longer periods as deemed advisable at the discretion of the **Director**;
      - b. notwithstanding paragraph 1 (c) (iv) (a), a **permit holder** who has applied for but not yet received a **building permit** or any other necessary **permit**, may be granted an extension to the permitted period of inactivity, at the discretion of the **Director**, provided that the **permit holder** provides satisfactory proof that he has made his best efforts to obtain a **building permit** or other necessary permit;

- c. for **properties** located adjacent to existing residential areas, a sediment control fence may be required around the entire perimeter of the **site**;
- d. for **sites** having **drainage** area of more than two hectares disturbed at one time or with slopes greater than twelve (12) percent **grade**, one or more sediment basins shall be constructed in accordance with any applicable **Town** design standards and proper engineering principles;
- e. the sediment control requirements of the applicable **Conservation Authority** and **Ministry** are to be followed.

(d) All other conditions or restrictions as required by the **Director**.

## SCHEDULE "H" to BY-LAW 2029-0009

### PERMIT – TERMS AND CONDITIONS

1. A **permit holder** shall comply with the following terms and conditions:
  - 1.1 **Fill** shall meet the standards:
    - (a) prescribed by the **Ministry**; and
    - (b) of the **Environment Protection Act**; and
    - (c) the Rules for Soil Management and Excess Soil Quality Standards published by the **Ministry**;  
  
for the current **land** use and any future **land** use under the **Town's Official Plan** or approved amendment to the **Town's Official Plan**.
  - 1.2 All **fill dumped** or **placed** on the **property** shall meet the standards approved through the issuing of a **permit**.
  - 1.3 All **fill dumped** or **placed** on the **property** shall be clean and free of **waste**.
  - 1.4 The **site alteration** shall not directly or indirectly cause ponding or alteration of existing **drainage**, or any natural or human-made watercourse or **body of water**, surface water flow or negatively affect **adjacent lands**, the quality and quantity of water in wells, or the environment.
  - 1.5 Ensure the **finished grade** surface is protected by sod, seeding for grass, vegetation, asphalt, concrete or other similar means, or combination thereof and where grass seed is used, prior written approval of the seed mix is required from the **Director** prior to seeding.
  - 1.6 All **fill** shall be properly compacted using acceptable engineering practices, unless it is being stockpiled on the **property** for future use.
  - 1.7 All **highways** are to be kept free of debris.
  - 1.8 Complete the **site alteration** in accordance with the **permit**, the terms and conditions of a **permit**, the approved plans, the Site Alteration Agreement, and this By-law.
  - 1.9 During performance of a **site alteration**, perform the following minimum procedures to the satisfaction of the **Director**:
    - (a) at least once per day, scrape all **highways** that have been fouled;
    - (b) at least once each week on Friday night or Saturday morning, clean all **highways** that have been fouled; and
    - (c) clean a **highway** that has been fouled within twelve (12) hours of a request being made by the **Director**.
  - 1.10 Maintain valid insurance in effect until a final inspection is conducted by the **Inspector**, and the **Director** is satisfied that the **site alteration** has been completed in accordance with the **permit**, the terms and conditions of a **permit**, the approved plans, the Site Alteration Agreement, and this By-law.
  - 1.11 Implement, inspect and maintain the works, facilities, installations, structures and features identified on the approved plans, in good condition and repair.



- 1.12 Implement, inspect and maintain all required environmental control and monitoring devices identified on the approved plans, in good condition and repair.
- 1.13 Implement prior to commencement of the **site alteration**, **erosion** control measures identified on the approved plans and in accordance with the guidelines for **erosion** control measures of the applicable **Conservation Authority** and **Ministry**.
- 1.14 Inspect **erosion** control measures at least once per week and after each rainfall of one (1) centimeter or greater and maintain the **erosion** control measures in good working order for the duration of the **permit**.
- 1.15 Implement and maintain dust control measures in accordance with the approved plans.
- 1.16 Maintain a copy of the **permit**, all approved plans and associated records required under this By-law and the Fill Management Plan for a minimum of seven (7) years after the completion of the **site alteration**.
- 1.17 No **site alteration** shall be performed:
  - (a) on any Sunday or **Statutory Holiday**;
  - (b) before 7:00 a.m. or after 7:00 p.m., Monday through Friday;
  - (c) before 8:00 a.m. or after 6:00 p.m., on a Saturday;
  - (d) using **highways** to access or egress from the **property** except those **highways** designated as part of the approved **haul route**;
  - (e) during any period in which a wind warning for the area has been issued by Environment Canada for the **Town**;
  - (f) during or within twenty-four (24) hours of the **Town** receiving 15 millimetres or more of precipitation within a twenty-four (24) hour period;
  - (g) during any weather conditions where the ability to mitigate **site alteration** activity impacts is severely compromised (e.g. heavy rain, thick fog, etc.);
  - (h) during any situation where **site alteration** activities would likely adversely impact **adjacent properties** (e.g. brush fires, floods, unsuitable road conditions, dust, etc.);
  - (i) in contravention of the **Town's** Noise By-law.
- 1.18 Permit or cause **fill** to be transported or hauled on a **highway** to the **property**:
  - (a) on a Saturday, Sunday or **Statutory Holiday**;
  - (b) before 7:00 a.m. or after 7:00 p.m., Monday through Friday.
- 1.19 Contact the **Director**:
  - (a) forty-eight (48) hours prior to commencement of the **site alteration** to arrange for an inspection;
  - (b) to arrange for an inspection for all trenches in which piping is laid as part of the **drainage** system prior to backfilling the excavation and at stipulated intervals as determined by the **Director**;

- (c) immediately, if archaeological resources are discovered or identified and immediately cease all activity on the **property**;
  - (d) immediately, to notify the **Director** of any change in the **Qualified Person** retained by the **Applicant**;
  - (e) to carry out a final inspection to confirm that all work has been completed in accordance with the By-law, the **permit**, the approved plans and where applicable the Site Alteration Agreement.
- 1.20 Construct retaining wall, safety fences or any other structures as may be required to ensure the safety and stability of the **site alteration** and obtain any other permits as may be required prior to commencing work.
- 1.21 Install and maintain all tree protection measures required by the approved Control Plan prior to commencing the **site alteration**.
- 1.22 Upon request of the **Director**, conduct and submit any other tests, reports, plans, studies and documents, prepared by a **Qualified Person**, in accordance with **Ministry** standards, policies and guidelines including but not limited to:
- (i) environmental **soil** tests, and **soil** permeability tests to ensure the permeability of any **fill** to be used as part of a **site alteration** does not result in a reduction of the **soil** quality of the **property** or does not have an **adverse effect** on the existing underlying native **soil**. The testing of **fill** shall be performed by a certified environmental laboratory;
  - (ii) an Archaeological Assessment;
  - (iii) Phase I, Phase II and/or other Environmental Assessment reports;
  - (iv) Pre-Assessment information relating to the groundwater on the **property** and a Ground Water Monitoring Plan;
  - (v) Sub-watershed Study.
- 1.23 If required by the **Director**, ensure the use of **electronic tracking technology** by those hauling or transporting **fill**.
- 1.24 To obtain all other approvals required for the **site alteration** from the applicable government or authority or agencies thereof having jurisdiction.
- 1.25 To forthwith restore the **site** to its original condition or stabilize the **site** to the satisfaction of the **Director**, where a **permit** expires and the **permit holder** commenced but did not complete the **site alteration**.
- 1.26 Comply with the Site Design Guidelines in Schedule "G" of this By-law;
- 1.27 Ensure the transportation, hauling, **dumping** or **placing** of **fill** in compliance with the requirements of Ontario Regulation 406/19: On-Site and Excess Soil Management or applicable Ministry of the Environment rules, standards, policies and guidelines including the **BMP**.
- 1.28 Display a **permit** in a conspicuous place at the entrance of the **property**.
- 1.29 Immediately rehabilitate the **site** including replanting in accordance with the approved plans.
- 1.30 Following the completion of the **site alteration** submit to the **Director**:

- (a) an “As Built” Control Plan from the Professional Engineer or Ontario Land Surveyor, who completed the certificate on the Control Plan, who shall visit the **site** and record the required elevations to verify that the **grading** has been completed in accordance with the **grading plans** submitted and that the completed **site alteration** does not detrimentally affect **drainage** on **adjacent lands**; and
  - (b) certification of compliance with Ontario Regulation 406/19: ON-SITE AND EXCESS SOIL MANAGEMENT and applicable Ministry of Environment rules, standards, policies and guidelines from a **Qualified Person** retained by the **Applicant**.
- 1.31 Maintain a daily record of deliveries, in a format acceptable to the **Director** including:
- (a) the date of each delivery of **fill**;
  - (b) the address of the **source site**;
  - (c) the **haul routes**;
  - (d) the volume of each delivery of **fill**/the quantity of **fill** in the load;
  - (e) the content of material of each delivery of **fill**, including the **dumping** and **placement** location of **fill** on the **site**; and
  - (f) any other information required by the **Director**.
- 1.32 Upon request of the **Director** provide an updated cost estimate for the **site alteration** prepared by a **Qualified Person**, having regard to the cost estimate, applicable **Town** policies, unit rates, costs, inflation and such other information as the **Director** deems appropriate.
- 1.33 Upon request of the **Director** provide additional securities in the amount and in the form of a letter of credit or certified cheque as determined by the **Director**.
- 1.34 Immediately pay the **Town** on demand costs in an amount determined by the **Director** for any difference between the remaining securities deposit and the estimated cost to pay for the completion and rectification of any outstanding work over and above the securities held by or forfeited to the **Town**.
- 1.35 Submit payment for any costs incurred by the **Town** for the engagement of a **Qualified Person**, that is deemed necessary by the **Director**, to evaluate tests, reports, studies, documents and agreements including but not limited to peer review, quality control/assurance, inspection, sampling, borehole testing and operational compliance review.