

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BYLAW NUMBER 2018.64

A BYLAW TO PROHIBIT OR REGULATE THE PLACING OR DUMPING OF FILL IN THE TOWNSHIP OF RAMARA

WHEREAS Section 142(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that bylaws may be passed by Councils of local municipalities prohibiting or regulating the placing or dumping of fill in any defined area or on any class of land; prohibiting or regulating the removal of topsoil; prohibiting or regulating the alteration of the grade of the land;

AND WHEREAS Section 142 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, allows the municipality to require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land, and the municipality may impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality, relating to grading, filling or dumping, and the rehabilitation of the site.

AND WHEREAS Sections 425 and 429 of the *Municipal Act, 2001*, c.25, provide that a municipality may pass bylaws providing that a person, or a director or officer of a corporation who contravenes a bylaw of the municipality under this Act is guilty of an offence, and a municipality may establish a system of fines for offences under a bylaw of the municipality passed under this Act;

AND WHEREAS the Corporation of the Township of Ramara enacted Bylaw No. 2005.113 that prohibits or regulates the removal of topsoil within the Township of Ramara;

AND WHEREAS Policies 2.1 (Natural Heritage), 2.2 (Water), 2.6 (Cultural Heritage and Archaeology), and 3.1 (Natural Hazards) of Provincial Policy Statement 2014 provides direction regarding the provincial interest in site alteration;

AND WHEREAS Policies 4.2.2 (Natural Heritage System), 4.2.3 and 4.2.4 (Key Features) of the Growth Plan for the Greater Golden Horseshoe 2017 provide policies regarding site alteration, and Policy 4.2.9 provides policy encouraging excess soil strategies and best management practices for the management of Excess Soil;

AND WHEREAS the Lake Simcoe Protection Plan establishes policies for development and site alteration for the purpose of achieving the objectives of the Plan including policies related to natural heritage features and the management of storm water and wastewater;

AND WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c. P. 13 provides that the municipality may establish a Site Plan Control Area and may approve site plans and enter into site plan agreements, and may provide a condition of approval regarding grading or alteration in elevation or contour of the land;

AND WHEREAS Section 1.4.1.3 (1) (a) (xx) of Ontario Regulation 332/12, as amended (Building Code) provides that approved Site Plans are Applicable Law;

AND WHEREAS the Official Plan of the Township of Ramara provides policies for the planning and development of lands, buildings and structures;

AND WHEREAS Council deems it in the public interest to regulate the importation, dumping and placing of fill, and the alteration of the elevation or contour of land in all of the Township of Ramara in order to ensure:

- (a) Existing drainage patterns are maintained;
- (b) Interference and damage to watercourses or water bodies are avoided;
- (c) Groundwater and surface water quality are maintained;
- (d) Erosion and sedimentation are prevented and mitigated;
- (e) Changes to drainage or grade are appropriate to protect natural heritage features and functions, and cultural and archaeological resources;
- (f) The use of hazardous or improper fill is prevented; and,
- (g) Unanticipated drainage and site alteration changes are prevented;

AND WHEREAS Council deems it appropriate to update and revise current Bylaw No. 2012.70.

NOW THEREFORE the Corporation of the Township of Ramara enacts as follows:

The Short Title of this Bylaw is the "Site Alteration Bylaw".

PART 1 - DEFINITIONS

1.1 In this bylaw:

- (a) "Commercial Fill Operation" means a large scale site alteration that meets one or more of the following criteria:
 - i the placing or dumping of fill is for commercial benefit or gain, whether for the owner or occupier of the land or for a third party, including the placing or dumping of fill involving remuneration paid, or any other form of consideration provided, to the owner or occupier of the land or a third party, whether or not the remuneration or consideration is the sole reason for the placing or dumping of fill;
 - ii the placing or dumping of fill is for a commercial purpose;
 - iii any amount of fill is being placed or dumped;
 - iv the fill is obtained from more than one source site and there is no Fill Management Plan in effect;
 - v the fill is generated from a Temporary Excess Storage Facility, a Soil Bank Storage Site, or a Soil Processing Site that is operated under an Environmental Compliance Approval issued by the Ministry of the Environment, Conservation and Parks;
- (b) "Corporation" means the Corporation of the Township of Ramara;
- (c) "Council" means the Council of the Corporation of the Township of Ramara;

- (d) "Drainage" means the movement of water to a place of outflow;
- (e) "Dump" or "Dumping" means the depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location on the same property;
- (f) "Excess Soil" means soil that has been excavated usually for construction activities at another location and that cannot be reused on the other construction site and is transported to another location, such as a Receiving Site within the Township of Ramara;
- (g) "Existing Grade" means the elevation of the ground surface of the lands upon which dumping and/or placing of fill is proposed prior to the dumping or placing of fill and of abutting ground surfaces up to 3 metres wide surrounding such lands, except that where placing or dumping of fill has occurred in contravention of this Bylaw, Existing Grade shall mean the ground surface of the lands as it existed prior to the placing or dumping of fill;
- (h) "Fill" means any type of material deposited or placed on lands and includes, but is not limited to, topsoil, sand, soil, stone, granular material, concrete, sod or turf either singly or in combination;
- (i) "Finished Grade" means the approved elevation of the ground surface of lands upon which fill has been placed in accordance with this Bylaw;
- (j) "Import", "Importing" and "Importation" mean the action of bringing to the Receiving Site, excess soil from a different location that is the source of the soil, provided the soil is not designated as waste under the *Environmental Protection Act*;
- (k) "Inspector" means an employee of the municipality appointed by the Council of the Corporation of the Township of Ramara specifically for the administration and enforcement of this bylaw;
- (l) "Large Scale Site Alteration" means, on the Receiving Site, the dumping or placing of fill involving one thousand (1,000) cubic metres or more of fill and the alteration of the site elevation or where the elevation of site would increase or decrease by more than one (1) metre;
- (m) "Operator" means any person, firm or corporation authorized by the owner to manage or control the importing, placing or dumping of fill;
- (n) "Owner" includes any person, firm or corporation shown as the registered owner of the property on which fill is to be placed or dumped on the lands according to Assessment or Land Registry records and may include the tenant or occupant of such lands or a mortgagee in possession of such lands;
- (o) "Permit" or "Site Alteration Permit" mean a permit issued pursuant to the provisions of this Bylaw;
- (p) "Person" includes an individual, corporation, property owner, and municipality;

- (q) "Place" or "Placing" means the distribution of fill on lands to establish a Finished Grade higher than the Existing Grade;
- (r) "Ponding" means the accumulation of surface water in an area not having adequate drainage therefrom where the lack of drainage is caused by the Placing or Dumping of fill;
- (s) "Proposed Grade" means the proposed elevation of the ground surface of the lands upon which fill is proposed to be placed in accordance with this Bylaw;
- (t) "Receiving Site" means the land that is the subject of a Site Alteration Permit or other instrument, such as a Site Plan Approval or Agreement;
- (u) "Qualified Person" means a person qualified as defined within Ontario Regulation 153/04 as amended;
- (v) "Site Alteration" means activities, such as grading, excavation, removal of topsoil and the placement of fill that would change the land form and natural vegetative characteristics of a site;
- (w) "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 two (2) millimeters in size or that pass the U.S. #10 sieve;
- (x) "Soil Bank Storage Site" means a waste disposal site, other than a Temporary Soil Storage Site;
- (y) "Soil Processing Site" means a waste disposal site that is governed by an environmental compliance approval where excess soil is temporarily stored and processed for the purpose of reducing the concentration of contaminants in excess soil;
- (z) "Swale" means a shallow depression in the ground sloping to a place of outflow of surface water for the purpose of providing a method of drainage;
- (aa) "Temporary Soil Storage Site" means a waste disposal site at which excess soil is temporarily stored, and which is a location that is publicly owned or that is a privately owned site where soil excavated for a development is stored;
- (bb) "Topsoil" means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;
- (cc) "Township" means the Corporation of the Township of Ramara.

PART 2 - GENERAL REGULATIONS

- 2.1 This Bylaw applies to the entire Township of Ramara.
- 2.2 No person shall import, place or dump fill or any other deleterious material, or cause or permit fill or any other deleterious material to be imported, placed or dumped on any land within the Township of Ramara except in accordance with the provisions of this Bylaw and without first obtaining a Site Alteration Permit under this Bylaw, otherwise exempt under Part 3.
- 2.3 No person shall import place or dump fill on any lands where the existing and planned use are not consistent with the policies of Provincial Policy Statement 2014, and do not conform with or conflict with the policies of the Growth Plan for the Greater Golden Horseshoe 2017, the Lake Simcoe Protection Plan, or the Official Plan of the Township of Ramara.
- 2.4 No person shall import, place or dump fill or cause or permit fill to be imported, placed or dumped on any land within a Wellhead Protection AREA (WHPA) as identified in the Source Protection Plan and the Assessment Report for the South Georgian Bay Lake Simcoe Source Protection Region, as amended, unless such fill is tested and does not exceed the maximum contaminant levels as set out in the current version of Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*.
- 2.5 No person shall import, place or dump fill or cause or permit fill to be imported, placed or dumped on any land in or adjacent to the following areas, as defined and directed by applicable provincial plans and provincial policies, and the County of Simcoe and Township of Ramara Official Plans: significant wetlands, significant coastal wetlands, significant woodlands, significant valley lands, significant wildlife habitat, significant areas of natural and scientific interest, fish habitat, habitat of endangered species and threatened species, and adjacent to natural heritage features and functions, sensitive surface and groundwater features, hazardous lands, and any minimum vegetation protection zone, that are not consistent with Provincial Policy Statement 2014 and are not in conformity with or in conflict with the Lake Simcoe Protection Plan, and the Growth Plan for the Greater Golden Horseshoe 2017, unless otherwise exempt under Part 3.
- 2.6 Notwithstanding any other provision of this bylaw, no person shall do anything, or permit or cause the doing of anything, which results in the alteration, modification, fouling or blockage of any swale, ditch, drainage course, or part thereof, on any land unless authorized by the public authority or public agency with relevant jurisdiction.
- 2.7 Where a Site Alteration Permit has been issued pursuant to this Bylaw authorizing the placing or dumping of fill on the Receiving Site, no person shall remove, place or dump topsoil, fill or cause topsoil or fill to be removed, placed or dumped except in accordance with the plans, documents and any other information on the basis of which a permit or other instrument was issued.
- 2.8 Where a person has removed, dumped or placed topsoil, fill or caused topsoil or fill to be removed, dumped or placed on lands contrary to this Bylaw or not in conformity with a valid Permit, that person and/or the owner and/or the Permit holder will be responsible for the removal of such fill at the owner's expense.

- 2.9 Subject to the exemption in subsection 3.1, no person shall import, remove, place or dump, or cause to be imported, removed, placed or dumped, topsoil or fill on any land which results in the alteration of any grade established by a grading and drainage plan which has been approved by the Township of Ramara as part of a plan of subdivision, zoning bylaw amendment or site plan approval, without a Site Alteration Permit.
- 2.10 Subject to the exemption in subsection 3.1, no person shall remove, place or dump, or cause to be removed, placed or dumped, topsoil or fill on any land unless:
- (a) it is done at the request of or with the consent of the owner of the land where topsoil or fill is to be placed, dumped or removed;
 - (b) all fill to be dumped or placed is clean and free of trash, rubbish, glass, liquid or toxic chemicals or garbage materials;
 - (c) the drainage system for the lands is provided in accordance with the Corporation's bylaws and the Inspector is satisfied that provision has been made for surface, storm water drainage where such drainage is not provided by natural gradients or a swale; and
 - (d) the topsoil or fill is placed or dumped or removed in such a manner, or the retaining wall containing such fill is erected in such a manner, that no ponding or alteration of existing flow is caused on abutting lands.
- 2.11 No person shall place or dump, or cause to be placed or dumped fill on any land for storage purposes, unless the outside storage of such fill on the land is permitted by the Township's Zoning Bylaw.
- 2.12 This Bylaw does not apply to any dumping or filling of soil or the removal of soil on any land, without a Site Alteration Permit or other instrument, unless the proposed activity is exempt according to Section 3.1 of this Bylaw.
- 2.13 This Bylaw does not permit any person to import soil that is considered as a Waste as regulated under the *Environmental Protection Act*.
- 2.14 Subject to any Regulation under the *Environmental Protection Act*, Excess Soil shall not be imported to a Receiving Site without a valid Site Alteration Permit from the Corporation from any Temporary Excess Storage Site, Soil Bank Storage Site, or a Soil Processing Site located in the Township of Ramara or in any other municipality.
- 2.15 A Receiving Site with a valid Site Alteration Permit shall not be used for the temporary storage of Excess Soil.
- 2.16 A Commercial Fill Operation is not permitted on any property within the Township of Ramara.

PART 3 - EXEMPTIONS

3.1 THIS BYLAW IS NOT APPLICABLE TO THE FOLLOWING ACTIVITIES:

- (a) the use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of the *Environmental Protection Act, R.S.O., 1990*, c. E.19 as amended or a waste disposal or waste management system that is exempted by Regulation from said Act;
- (b) the construction, extension, alteration, maintenance, or operation of works under Section 26 of the *Public Transportation and Highway Improvement Act, R.S.O. 1990*, c. P. 50, as amended;
- (c) the placing or dumping of soil on lands for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that:
 - (i) no soil in excess of thirty (30) centimetres in depth is placed on the lands;
 - (ii) the elevation of the land within one (1) metre of any property line is not changed;
 - (iii) there is no change in the location, direction, or elevation of any natural or artificial watercourse, swale, or ditch used to drain land; and,
 - (iv) any material for deposition meets or exceeds those parameters outlined in the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*;
- (d) the placing or dumping of fill in an excavation to the elevation of existing grade following the demolition or removal of a building or structure for which a demolition permit has been issued by the Corporation;
- (e) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (f) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (I) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a bylaw passed under section 34 of the *Planning Act*;
- (g) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken as an incidental part of the drain construction under the *Drainage Act* or the *Tile Drainage Act*;

- (h) activities of the Township, the County of Simcoe, Lake Simcoe Region Conservation Authority, the Provincial Government and the Federal Government related to the establishment or maintenance of utilities and services, buildings and structures, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
- (i) the placing or dumping of fill, removal of topsoil or alteration of the grade of land 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*, as amended or as a requirement of a site plan agreement or subdivision agreement entered into with the Corporation under those sections;
- (j) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (k) fill being placed or dumped on lands for the purpose of flood erosion control to establish finished grade shown on a grading and drainage plan approved by the Conservation Authority and/or Inspector in conjunction with subdivision approval or site plan approval;
- (l) the removal of topsoil as an incidental part of a Normal Farm Practices, pursuant to the *Farming and Food Production Protection Act*, as amended, including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products, but this Bylaw is applicable to the removal of topsoil and removal, placement or replacement of substrata for sale, exchange or other disposition;
- (m) replacement of topsoil for the restoration of agricultural lands used for Normal Farm Practices, pursuant to the *Farming and Food Production Protection Act*, as amended, as an incidental part of sod farming, greenhouse operations, and nurseries for horticultural products, that shall not exceed twenty (20) centimeters annually, or at the discretion of the Inspector. Storage of topsoil shall not exceed one thousand (1,000) cubic metres;
- (n) the placing or dumping of fill, removal of topsoil or alteration of the grade of land in any area of the municipality to which a Regulation made under section 28 of the *Conservation Authorities Act* in respect of such activities is then in effect without the issuance of a Permit by the Conservation Authority, if required;
- (o) the importing, placing or dumping of fill or the removal of topsoil pursuant to the construction of a building or structure pursuant to a valid building permit which has been issued by the Chief Building Official for the erection of the building or structure, if a site plan approved by the municipality under the Site Plan Bylaw and where applicable, a site plan agreement, accompanying the building permit application provides sufficient information to determine that the importing, placing or dumping of fill or removal of topsoil conforms with the provisions of this Bylaw; however, if no site plan approval and no site plan agreement, where applicable, accompanies the building permit application, then a Site Alteration

Permit application will be required and a Site Alteration Permit under this Bylaw is issued; or

- (p) construction of an on-site sewage system pursuant to a valid building permit provided the placement or dumping of fill is consistent with the approved design or as required by the Township.

PART 4 – APPLICATION FOR SITE ALTERATION PERMIT

4.1 All submissions by any person for a Site Alteration Permit shall include:

- (a) Written consent of the registered owner of the property where the site alteration is to occur.
- (b) A complete application in the prescribed form.
- (c) The applicable Permit fee in accordance with the Fees and Charges Bylaw of the Township of Ramara.
- (d) For site alteration up to one thousand (1,000) cubic metres, the Inspector may require part or all of the Site Alteration Plan information prescribed in Schedule "B" attached to and forming part of this Bylaw.
- (e) For a Large Scale Site Alteration of one thousand (1,000) cubic metres or more, a Site Alteration Plan prepared by a Qualified Person for the lands meeting the provincial standards and containing the information prescribed in Schedule "B" attached to and forming part of this Bylaw. At the discretion of the Inspector considering the scale, duration and purpose of the proposed fill operation, a Fill Management Plan as set out in Schedule "C" may be required.
- (f) A general description of the proposed works including but not limited to the following:
 - (i) purpose of the project,
 - (ii) approximate total volume (in cubic metres) of material for importation or displacement,
 - (iii) anticipated length of time that the proposed works will be undertaken.
- (g) Certification by a Qualified Person of the source of the fill to be placed on site that the fill does not exceed the maximum contaminant levels as set out in the current version of the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the *Environmental Protection Act*.
- (h) In addition to a Site Alteration Plan, a Fill Management Plan prepared by a Qualified Person as prescribed in Scheduled "C" attached to and forming part of this Bylaw.
- (i) Written determination from the Lake Simcoe Region Conservation Authority as to whether the fill operation is within an area regulated by the Conservation Authority, and whether a Permit may be issued by the Conservation Authority for the fill.

- (j) Where trees are present in the area of proposed fill, written confirmation from the County of Simcoe Forest Conservation By-law Officer that the proposed fill area complies with the County of Simcoe's Forest Conservation Bylaw.
- (k) The location of the source of the fill and the anticipated length of time that the fill will be received at the site.
- (l) In every Site Alteration Permit application, reference is to be made to the MOECC document entitled "Management of Excess Soil - A Guide for Best Management Practices" January 2014, and to the MOECC document entitled "Rationale Document for Reuse of Excess Soil and Receiving Sites" April, 2017.

4.2 When a complete application for fill of ten thousand (10,000) cubic metres or less is received by the Inspector, the Inspector shall determine whether a public meeting may be conducted by Council to hear submissions from the public. Where an application is more than ten thousand (10,000) cubic metres, Council shall conduct a public meeting.

PART 5 – PERMIT CONDITIONS

5.1 As a condition of the Site Alteration Permit, the Inspector may require the Owner and Operator, after the Permit has been issued, to comply with one or more of the following:

- (a) Remove all topsoil from the area to be filled and stockpile on-site at such location as approved by the Inspector prior to the placing or dumping of fill and to restore the surface after filling is complete to a minimum of one hundred (100) millimetres of approved topsoil and shall be seeded.
- (b) To provide protection for the finished grade.
- (c) Ensure that fill shall not be placed around the perimeter of any existing building to an elevation higher than the ground floor level of such building, unless such building and its foundation walls are raised in a manner satisfactory to the Chief Building Official.
- (d) Ensure that no trench in which piping is laid forming part of the drainage system shall be covered and backfilled until the work has been inspected and approved by the Inspector.
- (e) Provide such protection for trees as may be required by the Inspector.
- (f) Provide such siltation and erosion control measures as may be required by the Inspector.
- (g) Ensure that the placing of the fill will not track mud onto or foul any municipal roadways.
- (h) Keep, maintain, and make available for inspection upon the request of the Inspector, the following records in a good and businesslike manner:
 - (i) date and time of each delivery of fill;
 - (ii) the point of origin of each delivery of fill;
 - (iii) the volume of each delivery of fill;
 - (iv) the content of material of each delivery of fill;

- (v) confirmation by Receiving Site Qualified Person that fill is acceptable;
 - (vi) rejections of fill due to visual inspection or review of analytical results.
- (i) Where require, provide to the Inspector a report from a Qualified Person, as defined within this Bylaw, in respect to the source and nature of fill to be placed or dumped, that all fill meets standards set out in the current version of Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act for any current land use and any future land use for the land designated under an Official Plan or amendment to an Official Plan approved by Council or Council for the County of Simcoe.
 - (j) Complete and document testing using protocols based on Ontario Regulation 153/04, as amended.
 - (k) To indemnify the Corporation for any liability, costs, damages or losses incurred directly or indirectly caused by the issuing of a Permit and provide proof of insurance coverage that is satisfactory to the Township.
 - (l) Acknowledge that the Township may engage legal, engineering, hydrology, environmental, landscape or such other consultants as may be deemed appropriate by the Inspector to evaluate studies in which case the costs incurred will be charged back to the owner.

5.2 The Inspector shall issue a Permit where:

- (a) The Inspector is satisfied that the Receiving Site that is the subject of the application for a Permit is not within an area where the placing or dumping of fill is prohibited by this Bylaw.
- (b) The applicant has fulfilled all relevant requirements of Part 4 – Application for Permit of this Bylaw.
- (c) The drainage system for the lands is provided in accordance with the Corporation’s bylaws and the Inspector is satisfied that provision has been made for surface, storm-water drainage where such drainage is not provided by natural gradients or swales.
- (d) The Inspector is satisfied that the proposed final elevations and resulting drainage pattern, the design of any retaining wall, the type of fill to be used and the method of placing or dumping of fill, are all in accordance with prevailing Township standards and proper engineering practice.
- (e) The Inspector is satisfied that the placing or dumping of fill or alteration to grade of land will not result in:
 - (i) soil erosion;
 - (ii) blockage of a watercourse;
 - (iii) siltation in a watercourse;
 - (iv) pollution of a watercourse;
 - (v) flooding or ponding of abutting lands;
 - (vi) flooding or ponding caused by a watercourse overflowing its banks;

- (vii) a detrimental effect on the natural environment of the area.
 - (f) Enter into an agreement with the Township required by Part 7 that is approved by the Council of the Township of Ramara.
- 5.3 Where a Permit has been issued under this Bylaw authorizing the placing or dumping of fill, no person shall place or dump fill except in accordance with:
- (a) the plans, documents and any other information required for the approval of the Permit;
 - (b) the terms and conditions of the Permit;
 - (c) in compliance with any agreement entered into with the Township as a condition of obtaining the Permit; and
 - (d) all other provisions of this Bylaw.
- 5.4 The issuance of a Permit by the Inspector does not relieve the applicant's responsibility to obtain all other approvals which may be required by any level of government and agencies thereof.
- 5.5 Every person who places or dumps fill or alters the grade of land shall notify the Inspector of the commencement, the completion, and of the various stages of performance of the work and to make the site available for inspection.
- 5.6 The Owner of any land upon which fill is being dumped, has recently dumped, or upon which it is proposed that fill be dumped shall allow an Inspector of the Corporation to enter upon the land at reasonable times for the purpose of determining compliance with the provisions of this Bylaw.
- 5.7 Inspectors of the Corporation may inspect any land within the Township, upon which fill is being dumped, has recently been dumped, or upon which it is proposed that fill be dumped to determine compliance with the provisions of this Bylaw.
- 5.8 The administration and enforcement of this Bylaw shall be performed by the following Inspectors appointed by the Corporation: Chief Building Official, Manager of Municipal Works, Bylaw Enforcement Officer.
- 5.9 No person shall make a material change or cause a material change to be made to a plan, specification, document or other information which provided the basis for which a Permit was issued without first notifying, filing written details and obtaining the authorization of the Inspector.

PART 6 – PERMIT REVOCATION, EXPIRY AND TRANSFER OF PERMITS

- 6.1 Council may revoke a Permit for the following reasons:
- (a) it was obtained on mistaken, false or incorrect information;
 - (b) it was issued in error;
 - (c) the owner and/or applicant requests in writing, that it be revoked;
 - (d) the terms of an agreement under this Bylaw have not been complied with;

- (e) work authorized under the Permit has not been commenced prior to its expiry date;
- (f) the owner or any other person has failed to comply with the provisions of this Bylaw.

6.2 When work on land has taken place or has commenced before a Permit for that work has been issued under this Bylaw or when such work has taken place after the date upon which a Permit has expired, the fees for an application for each Permit required shall:

- (a) double the applicable Permit fee described in the Fees and Charges Bylaw of the Township,
- (b) include an additional \$250.00, in accordance with the Fees and Charges Bylaw of the Township, for each inspection that was made, required or requested prior to the Permit being issued or after the Permit has expired.

6.3 Permits issued under this Bylaw shall:

- (a) be valid for a period of one (1) year from the date of issuance, unless otherwise authorized by the Inspector in writing; or
- (b) expire six (6) months after the date of issuance if work is not commenced under the Permit, which determination shall be made at the Inspector's sole and absolute discretion and be final.

6.4 A Permit may be renewed prior to the expiry date set out in the Permit upon receipt of a complete application to the Inspector in accordance with Part 4 of this Bylaw and payment of the prescribed fees in accordance with the Fees and Charges Bylaw of the Township.

6.5 A Permit which has expired may be renewed at the sole discretion of the Inspector within three (3) months from the date of expiry upon receipt of a complete application to the Inspector in accordance with Part 4 of this Bylaw and payment of the prescribed fees in accordance with the Fees and Charges Bylaw of the Township.

6.6 If title of the land for which the Permit has been issued is transferred while the Permit remains in effect, the Permit shall terminate and become null and void unless the owner of the lands, no later than thirty (30) days from the date of the transfer of title of the land,

- (a) provides the Township with an undertaking satisfactory to the Inspector to comply with all the conditions under which the existing Permit was issued; or
- (b) applies for and obtains a new Permit in accordance with the provisions of this Bylaw.

PART 7 - AGREEMENT

7.1 Where a Large Scale Site Alteration with more than one thousand (1,000) cubic metres of fill is proposed to be placed or dumped, the owner must obtain a Permit and enter into an agreement approved by the Council of the Township of Ramara, and such agreement shall include the following conditions, including but not limited to:

- (a) retain a Qualified Person, approved by the Inspector, who shall be responsible for ensuring that the placing and dumping of fill is in accordance with reasonable engineering and environmental practices, based on Regulation 153/04 as amended site standards and is in accordance with the plan submitted by the applicant and approved by the Inspector for the Permit and Section 5 of this Bylaw.
- (b) place or dump the fill in accordance with this Bylaw;
- (c) require the Qualified Person as defined under Regulation 153/04 to report in writing to the Inspector on a regular basis or as determined by the Inspector that the placing or dumping of fill is in accordance with this Bylaw;
- (d) require that the placing or dumping of fill be completed by a specified date;
- (e) not to contaminate the natural environment and to abide by all applicable environmental laws and regulations;
- (f) provide a report to the Inspector from the Qualified Person that he/she is satisfied that the placing or dumping of fill will not result in:
 - (i) soil erosion,
 - (ii) blockage of a watercourse,
 - (iii) siltation in a watercourse,
 - (iv) pollution of a watercourse,
 - (v) flooding or ponding of abutting lands,
 - (vi) flooding or ponding caused by a watercourse overflowing its banks,
 - (vii) a detrimental effect on the natural environment of the area.
- (g) acknowledge that the Township may engage legal, engineering, hydrology, environmental, landscape or such other consultants as may be deemed appropriate by the Inspector to evaluate studies and/or agreements in which case the costs incurred will be charged back to the owner;
- (h) provide financial security satisfactory to the Township to be used to remedy or rectify any breach of this Bylaw or agreement;
- (i) indemnify the Corporation for any liability, costs, damages or losses incurred directly or indirectly caused by the issuing of a Permit and provide proof of insurance coverage that is satisfactory to the Township.

PART 8 – CONSIDERATION OF COUNCIL

- 8.1 Where a Large Scale Site Alteration involves the importing, placing or dumping of one thousand (1,000) cubic metres or more of fill on a lot, the Permit for such site alteration may only be issued by Council.
- 8.2 Compliance of a Permit issued by Council is at the sole discretion of the Inspector.
- 8.3 The Inspector may recommend to Council the revocation of such Permit for non-compliance with the Permit or required agreement.

PART 9 - ADMINISTRATION

- 9.1 An Inspector may, during daylight hours and upon producing proper identification, enter and inspect any land within the Township to which the Bylaw applies.
- 9.2 An Inspector may, in carrying out an inspection, be accompanied by an assisting person.
- 9.3 If, after inspection, the Inspector is satisfied that there is a contravention of the Bylaw, he or she shall notify the owner of the land of the particulars of the contravention by personal service, prepaid registered mail or post the property and may, at the same time, provide all occupants with a copy of the notice.
- 9.4 After giving any person served with a notice under subsection 9.3 an opportunity to appear before the Inspector and make representations in connection with it, the Inspector may make an order setting out,
- (a) the municipal address or the legal description of the land;
 - (b) reasonable particulars of the work to be done to correct the contravention and the period in which there must be compliance with the order; and
 - (c) notice that if the work is not done in compliance with the order within the period it specifies the Township may have the work done at the expense of the owner.
- 9.5 An order under subsection 9.4 shall be served personally, by prepaid registered mail or posted at the property.
- 9.6 If the person fails to do the work required by the order within the period specified, the Inspector, in addition to all other remedies it may have, may cause the work to be done and for this purpose may enter on the land with its employees and agents.
- 9.7 Costs incurred by the Township under subsection 9.6 of this Bylaw are a lien on the land upon the registration in the Land Registry Office of a Notice of Lien.
- 9.8 No person shall cause or permit the placing or dumping of fill on his or her lands in contravention of this Bylaw.
- 9.9 Notwithstanding any other provisions of this Bylaw, the Inspector may waive the requirement for a plan and/or reduce or waive the Permit fee where it considers it appropriate after taking into consideration the proposed works and any other relevant information provided by the applicant. No filling of any lands shall occur prior to a final decision of the Inspector.

PART 10 - PENALTY AND OFFENCE

- 10.1 Any person, other than a corporation, who contravenes the provisions of this Bylaw, the terms or conditions of a Permit issued pursuant to this Bylaw, or an order issued pursuant to this Bylaw and Section 444(1) or 445(1) of the *Municipal Act, 2001*, as amended, is guilty of an offence and, upon conviction, is liable:
- (a) on a first conviction, to a fine of not more than \$10,000; and
 - (b) on any subsequent conviction to a fine of not more than \$25,000.

10.2 A corporation that contravenes any provision of this Bylaw, the terms or conditions of a Permit issued pursuant to this Bylaw, or an order issued pursuant to this Bylaw and Section 444(1) or 445(1) of the *Municipal Act, 2001*, as amended, is guilty of an offence and, upon conviction, is liable:

- (a) on a first conviction, to a fine of not more than \$50,000; and
- (b) on any subsequent conviction to a fine or not more than \$100,000.

10.3 In addition to any fine or any other penalty, any person who is convicted of contravening a provision of this Bylaw, the terms or conditions of a Permit issued pursuant to this Bylaw, or an order issued pursuant to this Bylaw and Section 444(1) or 445(1) of the *Municipal Act, 2001*, as amended, may be ordered by a court of competent jurisdiction at the expense of the person to:

- (a) rehabilitate the land;
- (b) remove the fill placed or dumped;
- (c) restore the grade of the land to its original condition.

PART 11 – INTERPRETATION AND VALIDITY

11.1 If a court of competent jurisdiction declares to be invalid, unenforceable, illegal or beyond the powers of Council to enact, any provisions or parts of any provisions of this Bylaw, it is the intention of Council in enacting this Bylaw that the remainder of this Bylaw shall be deemed to be separate and independent therefrom and that the remainder of this Bylaw shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

11.2 Any references to a statute, regulation, bylaw or other legislation or statutory instrument in this Bylaw shall include such statute, regulation, bylaw or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

PART 12 – SCHEDULES

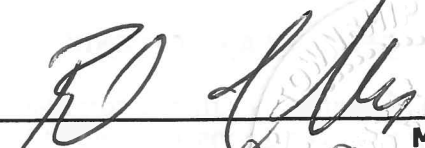
12.1 Schedule "A", "B" and "C" are attached to and form part of this Bylaw.

PART 13 – FORCE AND EFFECT

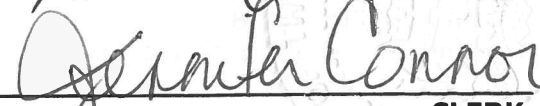
13.1 Bylaw No. 2012.70 is hereby repealed and replaced.

13.2 This Bylaw shall come into force and take effect upon the date of passing.

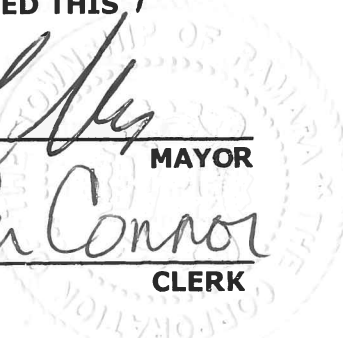
BYLAW READ A FIRST SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF October, 2018



MAYOR



CLERK



SCHEDULE "A"

TOWNSHIP OF RAMARA SITE ALTERATION BYLAW

FINES

DESCRIPTION Short form wording	SECTION	SET FINE
Place or dump fill without a Permit	2.2	\$500
Place or dump fill on lands according to Section 2.2	2.3	\$500
Place or dump fill in a Wellhead Protection Area without fill testing	2.4	\$500
Place or dump fill in a key natural heritage feature, key hydrologic feature, and any minimum vegetation protection zone	2.5	\$500
Store fill in a prohibitive zone	2.11	\$500

SCHEDULE "B"

TOWNSHIP OF RAMARA SITE ALTERATION BYLAW

STANDARD FOR SITE ALTERATION PLAN FOR PERMIT

Ten (10) copies of a Site Alteration Plan and documentation are required. All plans are to be printed from original drawings with all information legible and clear. All elevations shall be tied to geodetic datum.

Site Alteration Plans and accompanying documentation shall include the following information:

1. A key map showing the location of the site;
2. The scale of drawing;
3. Boundaries and area of the site;
4. Current and designated land use of the site and any land within one hundred twenty (120) metres of the site;
5. The locations, dimensions and uses of buildings or structures existing and proposed to be erected on the site;
6. The locations and uses of buildings or structures on property within one hundred twenty (120) metres beyond the site boundary;
7. The location of any easements or other restricted covenants registered over the property;
8. The locations of bodies of water, streams, wetlands, channels, ditches, swales, other watercourses, or other natural heritage features on the site and within one hundred twenty (120) metres beyond the site boundary;
9. For fill quantity less than 1,000m³, existing spot elevations on three (3) metre grids across the lands and three metres beyond the property lines to clearly show the existing drainage patterns on the lands and on the abutting lands; and for fill amounts greater than 1,000m³, a topographic survey at one metre contour intervals certified by a professional engineer or Ontario Land Surveyor defining all material and man-made features, including top and bottom of slopes, drainage patterns, tree lines, buildings, and stockpiles on the lands and within thirty (30) metres on abutting lands and water bodies;
10. Proposed final elevations and drainage system (which may include swales, ditches, tile and pipe, etc.) to be used upon completion of the filling operation;
11. Sediment and erosion control measures that will be installed prior to filling of the lands;
12. Other known site features and structures such as access roads, driveways, culverts, utilities, poles, pavement, curbs, fences, etc.;
13. Hours and Days of the fill operation;
14. The proposed Haul Route to be used during the fill operation;
15. A study indicating the forecast traffic volumes of vehicles entering and exiting the site during peak operating periods and daily including any potential impacts on sensitive land uses within 120 metres of the proposed site access;
16. If required by the Inspector, an Environmental Impact Statement;

17. A study indicating proposed public road improvements along the haul route;
18. Buffer areas between the proposed fill area and any sensitive land uses within one hundred twenty (120) metres to provide mitigation for potential noise, air and visual impacts;
19. Restoration details (i.e. detail site stabilization measures such as topsoil, seed, sod, hydro-seed and associated timing, etc.);
20. Such further information, studies and documentation with respect to the site as may be required by the Inspector.

SCHEDULE "C"

TOWNSHIP OF RAMARA SITE ALTERATION BYLAW

STANDARD FOR FILL MANAGEMENT PLAN FOR PERMIT

Ten (10) copies of a Fill Management Plan and documentation are required. All plans are to be printed from original drawings with all information legible and clear.

Fill Management Plans shall include the following information:

1. The overall condition and operation of the Receiving Site;
2. Copies of any documentation regarding Municipal, Provincial or Conservation Authority licences/permits, or applications for permits that apply to the Site;
3. Demonstration how the proposed fill operation is consistent with Provincial Policy Statement 2014, and in conformity with the Growth Plan for the Greater Horseshoe 2017, the Lake Simcoe Protection Plan, and the Official Plan of the Township of Ramara;
4. Identification of appropriate soil quality and soil types for excess soil to be received at the Site as determined by the Qualified person based on site location, site sensitivity, proposed land use project at the Site, Surface and Groundwater use and sensitivity, pre-existing site conditions, or other factors to demonstrate there is no likelihood of adverse effects from the fill operation;
5. Proposed mitigation measures regarding air quality, operational noise, groundwater protection, protection of natural heritage features and functions, protection of cultural heritage and archaeological resources;
6. Site secure measures during the fill operation;
7. Vehicle traffic and traffic management plan for vehicle access and along the haul route identified by the Inspector, during the fill operation;
8. Storm Water Management to prevent flooding and ponding on the site and off-site;
9. Erosion control and surface water run-off control to prevent drainage and sediment discharge off-site and to demonstrate that fill will remain on the site;

10. Protocol to be administered by the Receiving Site Qualified Person for imported excess soil specifying:

Each incoming load of excess soil has documentation signed by the Source Site Qualified person that includes appropriate and representative soil analysis of the soil quality according to Provincial Standards;

Visual and olfactory inspections of each incoming load of excess soil to screen for odour, visible staining or debris;

Contingency measures to be imposed by the Qualified Person for rejected loads of Excess Soil;

Procedures for the prevention of introducing invasive plant and animal species.

11. Audit Sampling Protocol consisting of:

Sampling of Excess Soil sufficient to produce qualitative results that are representative of the volume of Excess Soil received from each Source Site;

Contingency plan to identify action to be taken by the Qualified Person in the event that audit sampling or other information identifies concerns with the soil quality from the Source Site.

12. Protocol for soil segregation and placement on the Site to identify where Excess Soil from each incoming load from the Source Site is placed for purposes of assessment, if required.

13. A Record Keeping System for tracking each incoming load of excess soil including records of:

Date and time of day of the arrival of the load at the Receiving Site;

Date and time of day when Qualified Person inspected the load at the Receiving Site;

Name and location of the Source Site of each incoming load;

Volume of Excess Soil in each load received;

Certified documentation from the Source Site Qualified Person, including soil analysis results, for each incoming load;

Confirmation by the Receiving Site Qualified Person that the incoming Excess Soil is acceptable for receipt at the Site;

Record of rejections of any loads of Excess Soil resulting from visual and olfactory inspection and review of soil analysis results received;

Documentation by the Qualified Person that the Excess Soil was received and that the quantity and quantity received met the required standards.

14. A Sign posted along the frontage of each public road abutting the subject Site visible to the public indicating the project's contact name and telephone numbers and/or e-mail addresses; and hours of fill operation,