

THE CORPORATION OF THE TOWNSHIP OF AMARANTH

SITE ALTERATION BY-LAW AMENDMENT

BY-LAW NUMBER 282014

BEING A BY-LAW TO AMEND BY-LAW 65-2009

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, authorizes a municipality to prohibit or regulate the dumping of fill, the removal of topsoil and alteration of grades, including the issuance of permits and imposition of conditions;

AND WHEREAS Township Council deems it advisable to amend By-law 65-2009 to provide for permits and conditions, and to make certain other amendments as set out herein.;

NOW THEREFORE, the Council of the Corporation of the Township of Amaranth hereby enacts as follows:

1. Section 1(a) of By-law 65-2009 is hereby repealed and replaced with the following:

“Fill” means any type of material deposited or placed on lands and includes soil, topsoil, aggregate material, stone, concrete, peat, sod or turf either singly or in combination;

2. The first sentence of Section 5 of By-law 65-2009 is hereby repealed and replaced with the following:

The prohibitions set out in Sections 2, 3 and 4 of this By-law do not apply to:

3. Section 5(c) of By-law 65-2009 is hereby repealed and replaced with the following:

the placing of a reasonable amount of fill in an approved building envelope, in conjunction with a building permit issued under the Building Code Act;

4. Section 5(j) of By-law 65-2009 is hereby repealed and replaced with the following:

such other activities or matters as may be authorized by a permit issued by Council pursuant to this By-law.

5. A new Section 6 is added to By-law 65-2009, as follows:

Permits

Every person who applies for a permit pursuant to this By-law shall provide the following information in writing:

- a. A description of the site where fill is proposed to be added and/or removed;
- b. Grading plans showing the current and proposed final condition of the site;
- c. The source of any fill to be imported;
- d. Chemical analysis of samples of any fill to be imported demonstrating that contaminants are not present;
- e. Estimates of the amount of fill to be removed and/or imported;
- f. Haul route(s) for truck traffic associated with the importation and/or removal of fill;
- g. Proposed hours of operation and duration for the proposed importation and/or removal of fill; and
- h. Authorization to enter the property for site inspection purposes.

6. A new Section 7 is added to By-law 65-2009, as follows:

Conditions

Unless otherwise specified in writing, every person who proceeds pursuant to a permit issued under this By-law to undertake activities otherwise prohibited by Sections 2 through 4 (hereinafter referred to as "Site Alteration"), shall abide by the following standard terms and conditions, in addition to such other terms and conditions as may be imposed by Council:

- a. Site Alteration shall be limited to the site for which a permit was issued;
 - b. Site Alteration shall only be undertaken by the person to whom the permit was issued and no permit shall be transferrable without the written approval of the Township;
 - c. Site Alteration shall only be permitted in accordance with the information submitted by the applicant under Section 6 of this By-law;
 - d. Site Alteration shall not be carried out beyond any time limit specified by Council;
 - e. Prior to any Site Alteration being carried out, the applicant shall deposit with the Township a security in a form acceptable to the Treasurer and in an amount deemed appropriate by Council, which security may be applied to any obligation of the applicant under this By-law. The unspent portion of such security shall be returned to the applicant following the expiry of the applicable permit, subject to the applicant having fulfilled all of its obligations under this By-law; and
 - f. Half load restrictions to be observed pursuant to the Township by-laws and/or the Highway Traffic Act.
7. A new Section 8 is added to By-law 65-2009, as follows:

Every person who carries out any Site Alteration pursuant to the exemptions set out in subsections 5(a) through (i), inclusive, shall ensure that only inert fill is imported into the Township by themselves and/or their agents;

8. Section 6 of By-law 65-2009 is renumbered as Section 9.
9. Section 7 is renumbered as Section 10 and amended to read as follows:

Where an Owner of land fails to do any work required by a permit issued pursuant to this By-law or pursuant to Section 9 of this By-law the Township may undertake such work and for this purpose may enter on the Owner's land with its employees and agents. The Township may recover the costs of such work from any security held in respect of the lands in question or, such costs may be added to the tax roll.

10. Section 8 is renumbered as Section 11 and amended to read as follows:

Every person who contravenes any provision of this By-law, or a condition set out in Section 7 or 8 of this By-law, or imposed by Council pursuant to this By-law, is guilty of an offence, pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33. Where the Township proceeds by way of prosecution, upon a first conviction, such person is liable to a minimum fine of \$500.00 and to a maximum fine of \$100,000.00. Every person who is convicted of the same offence for a second and any subsequent time shall be liable to a minimum fine of \$5,000.00 and to a maximum fine of \$100,000.00 for each second and subsequent conviction.

11. Sections 9 and 10 of By-law 65-2009 are hereby repealed.

12. Sections 11 through 13 are renumbered as Sections 12 through 14.

13. Schedule "A" is amended by adding the following short form penalties:

Item	Short Form Wording	Provision creating or defining offence	Set Fine
4	Failure to abide by conditions of permit	Section 7	\$350.00
5	Failure to abide by conditions of exemption	Section 8	\$350.00
6	Failure to remove fill or replace soil and restore existing grade	Section 9	\$350.00

By-law read a first and second time this 21 day of *MAY*, 2014.

By-law read a third time and passed this 21 day of *MAY*, 2014.



 HEAD OF COUNCIL



 CLERK