

THE CORPORATION OF THE CITY OF GUELPH

By-Law Number (2016) - 20097

A by-law for prohibiting or regulating the alteration of property within the City of Guelph and to amend By-law Number (2007) - 18420. (Site Alteration By-law)

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

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

AND WHEREAS the City of Guelph's Official Plan has identified and defined a natural heritage system and it is in the interest of the community to protect the natural heritage features and areas that make up the natural heritage system from unnecessary alteration or destruction until such time as a final determination has been made on the need for long-term protection;

AND WHEREAS the City of Guelph's Official Plan has identified cultural heritage resources and it is in the interest of the community to protect these built heritage resources, cultural heritage landscapes and archaeological resources from unnecessary alteration or destruction until such time as a final determination has been made on the need for long-term protection;

AND WHEREAS the Council of The Corporation of the City of Guelph is desirous of enacting such a by-law,

NOW THEREFORE the Council of The Corporation of the City of Guelph hereby enacts as follows:

DEFINITIONS

1. In this by-law:
 - a) "Alteration" means changes in elevation of 100 mm or more from Existing Grade or finished Grade resulting from the Placing or Dumping of Fill, the removal of Topsoil or any other action that alters the Grade of land;
 - b) "Cease and Desist Order" means an Order issued under section 23 of this By-Law;
 - c) "City" means the Corporation of the City of Guelph;
 - d) "City Engineer" means the City Engineer of the Corporation of the City of Guelph or his/her designate;
 - e) "Council" means the Council of the City;
 - f) "Drainage" means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means;
 - g) "Dump" means the depositing of Fill in a location other than where the Fill was obtained or the movement and depositing of Fill from one location on a property to another location on the same property or on a separate property, and "Dumping" has the corresponding meaning;

- h) “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;
- i) “Erosion and Dust Control” means measures to control Erosion and dust generated as part of the Alteration of the site;
- j) “Fill” includes any type of material capable of being removed from or deposited on lands, such as but not limited to Soil, stone, sod, turf, concrete, and asphalt either singly or in combination;
- k) “Grade” means the elevation of the ground surface and shall be more particularly defined as follows:
 - i) “Existing Grade” means the elevation of the existing ground surface of the lands upon which Dumping and/or Placing of Fill, altering of the Grade, or removing of Topsoil is proposed and of abutting ground surface up to three metres wide surrounding such lands, except that where such activity has occurred in contravention of this by-law, Existing Grade shall mean the ground surface of such lands as it existed prior to the said activity;
 - ii) “Finished Grade” means the approved elevation of ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered or Topsoil removed, in accordance with this by-law;
 - iii) “Proposed Grade” means the proposed elevation of ground surface of land upon which Fill is proposed to be Placed or Dumped, the Grade altered or Topsoil removed.
- l) “Natural Heritage Features and Areas” means any significant wetlands and other wetlands, significant habitats of endangered and threatened species, significant Areas of Natural and Scientific Interest, surface water features and fish habitat, significant woodlands, significant landform, significant valleylands, ecological linkages and significant wildlife habitat, Restoration Areas, habitat of significant species and cultural woodlands as defined by the criteria in the Official Plan.
- m) “Officer” means any Person designated by by-law of the Corporation of the City of Guelph to issue permits and impose conditions under this by-law or to enforce this by-law;
- n) “Order for Removal” means an Order under section 25 of this by-law;
- o) “Owner” includes any Person who or which is the registered owner of or controls, maintains or occupies land;
- p) “Permit” means a permit that can be issued pursuant to this by-law;
- q) “Permit Holder” means a Person to whom a Permit has been issued under this by-law;
- r) “Person” includes a corporation;
- s) “Place” means the distribution of Fill on lands which has the effect of establishing a Finished Grade higher than the Existing Grade, and includes Soil stripping, and “Placing” has the corresponding meaning;
- t) “Ponding” means the accumulation of surface water in an area not having Drainage therefrom where the lack of Drainage is caused by the Placing or Dumping of Fill, altering of Grade or removing of Topsoil;

- u) “Retaining Wall” means a wall designed to contain and support Fill, which has a Finished Grade higher than that of adjacent lands;
- v) “Site” means the lands which are the subject of an application for a Permit pursuant to this by-law;
- w) “Soil” includes material commonly known as earth, Topsoil, loam, subsoil, clay, sand or gravel;
- x) “Swale” means a shallow depression in the ground sloping to a place of disposal of surface water and providing a method of Drainage;
- y) “Topsoil” means those horizons in a Soil profile containing organic material and includes deposits of partially decomposed organic matter such as peat (technically known as the ‘O’ and ‘A’ horizons);
- z) “Vegetation” includes any woody plant or contiguous cluster of plants, including trees and shrubs, hedgerows, and trees;
- aa) “Urban Forest” means plantations, woodlands, hedgerows, treed areas and individual trees outside the City’s Natural Heritage System;
- bb) “Work Order” means an Order issued under section 24 of this by-law.

PERMISSION TO ALTER A SITE

- 2. a) Other than in an approved landfill Site, no Person shall Place or Dump, or cause or permit the Placing or Dumping of Fill on, nor alter or cause or permit the Alteration of the Grade of any land in the City of Guelph, nor remove or cause or permit the removal of any Topsoil from any land in the City of Guelph, including any land which are submerged under any watercourse or other body of water, without having first obtained a Site Alteration Permit issued by the City Engineer, or if the alteration is done in accordance with a condition to the approval of a Planning Application submitted pursuant to the Planning Act.

APPLICATION REQUIREMENTS

- 3. An application for a Site Alteration Permit is not considered to be complete until all of the following are submitted to the satisfaction of the City Engineer:
 - a) a complete application in the form attached hereto as Schedule “A” which form may be amended from time to time by the City Engineer;
 - b) the prescribed fee for a Site Alteration Permit as established from time to time by Council and detailed in Schedule “B” to this by-law;
 - c) a control plan, the requirements of which are set out in section 5 of this by-law;
 - d) a plan showing the design details to proper scale of any Retaining Wall that the applicant proposes or that may be required by the City Engineer and/or is a requirement of the Ontario Building Code including the dimensions thereof and any materials to be used in construction of any such Retaining Wall;
 - e) security in a form and amount to be determined in accordance with Schedule “B” to this by-law, to secure performance of the applicant’s obligations under this by-law and any Permit that is issued;

- f) any required Permit or approval by any external agency e.g. Grand River Conservation, Ministry of Transportation, Ministry of Natural Resources, etc;
 - g) any required report by the City of Guelph or external agency including, but not limited to, archaeological assessment, vegetation analysis, environmental impact study, or geotechnical report; and
 - h) proof of permission, in writing, from all property owners that will be receiving Fill generated in accordance with the Permit.
4. An applicant shall not submit or cause or permit an application for a Permit to be submitted to the City that is misleading or contains false information. Where it is revealed that the applicant for a Permit contained misleading or false information, the said Permit may be revoked by the City Engineer and the Permit Holder shall forthwith cease all work which was the subject of the revoked Permit.

CONTROL PLANS

5. A control plan required to be submitted as part of an application for a Permit pursuant to this by-law shall include:
- a) a key map showing the location of the Site;
 - b) the Site boundaries and number of hectares of the Site
 - c) the use of the Site and the location and use of the buildings and other structures adjacent to the Site;
 - d) the location, dimensions and use of existing and proposed buildings and other structures existing or proposed to be erected on the Site;
 - e) the location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on the Site and within thirty (30) metres beyond the Site boundary;
 - f) the location of the predominant Soil types;
 - g) the location, size, species and condition of all trees 100 mm in diameter or greater at breast height, including their dripline, and the composite dripline of all other Vegetation;
 - h) the location of driveways on the lands and all easements and rights-of-way over, under, across or through the Site;
 - i) the location and dimensions of any existing and proposed storm water Drainage systems and natural Drainage patterns on the Site and within thirty (30) metres of the Site boundaries;
 - j) the location and dimensions of utilities, structures, roads, highways and paving;
 - k) the existing Site topography at a contour interval not to exceed 0.5 metres and to extend a minimum of thirty (30) metres beyond the Site boundaries;
 - l) the Proposed Grade(s) and Drainage systems(s) to be used upon completion of the work which is the subject of the Permit;
 - m) the location and dimensions of all proposed work which is the subject of the application for a Permit;

- n) the location and dimensions of all proposed temporary Topsoil or Fill stockpiles;
 - o) the location, dimensions, design details and specifications of all work which is the subject of the application including all Site siltation control measures or Retaining Walls necessary to meet the requirements of this by-law and the estimated cost of the same;
 - p) a schedule of the anticipated starting and completion dates of all proposed work which is the subject of the application for a Permit, including the installation of construction Site control measures needed to meet the requirements of this by-law;
 - q) provisions for the maintenance of construction site Erosion and Dust Control measures during construction and after as required;
 - r) a description of the proposed Fill; and
 - s) the scale of drawing, either 1:500 or 1:1000.
6. Every control plan accompanying an application for a Permit under this by-law must be stamped by a Professional Engineer who is licensed to practice in the Province of Ontario or any other qualified Person approved by the City Engineer.
7. Notwithstanding any other provisions of this by-law, the City Engineer may waive the requirement for a control plan or any part thereof, and/or may reduce the fee for a Permit under this by-law, after taking into consideration the proposed works, the anticipated impact on the Site and the surrounding environment.

ISSUANCE OF PERMIT

8. The City Engineer may issue a Site Alteration Permit where;
- a) the City Engineer is satisfied that the Applicant has complied or will comply with all requirements of this by-law;
 - b) the City Engineer is satisfied that the Proposed Grade and resulting Drainage pattern, the proposed design of any Retaining Wall, the type of Fill proposed to be used, if any, and the proposed method of the Placing and Dumping of Fill, altering of the Grade, or removing of Topsoil, are all in accordance with proper engineering standards and practice, and compliant with the Ontario Building Code.
 - c) the applicant confirms any Fill to be used, as defined in this by-law, is suitable for its intended use and is clean and free of any glass, plastics, rubber, metals, liquid, garbage and/or contaminants;
 - d) the City Engineer is satisfied that the proposed Placing or Dumping of Fill, altering of the Grade or removing of Topsoil, will not result in;
 - i) Erosion;
 - ii) blockage of a watercourse;
 - iii) siltation in a watercourse;
 - iv) contamination of a watercourse;
 - v) flooding or Ponding;
 - vi) a detrimental effect on any Natural Heritage Area or Feature that forms part of the City's Natural Heritage System or is part of the Urban Forest;
or
 - vii) a detrimental effect on the natural environment of the area;

- e) the City Engineer is satisfied the Site will be rehabilitated to a condition which is substantially similar to or improved from the condition of the Site prior to the undertaking of the work which is the subject of the Permit;
- f) the City Engineer is satisfied that all required external permits have been granted to the Owner;
- g) the City Engineer is satisfied that the design and installation of a Retaining Wall has been certified by a structural engineer who is licensed to practice in the Province of Ontario; and

TERMS AND CONDITIONS

- 9. The City Engineer may impose terms and conditions upon the issuance of any Permit. In addition to any other terms or conditions that may be imposed by the City Engineer, Permits shall be issued subject to the terms and conditions set out in Schedule “C” to this by-law unless exempted in writing by the City Engineer.
- 10. In addition, the City Engineer may require, as a condition of any Permit issued pursuant to this by-law, that a Retaining Wall be constructed where;
 - a) Erosion on to abutting lands may occur as a result of the work which is the subject of the Permit; or
 - b) the Finished Grade of the Site is of a higher elevation at a property line than that of the Existing Grade at the same property line of abutting lands;

The Retaining Wall design and construction shall meet the requirements of the Ontario Building Code.

- 11. Where a Permit has been issued pursuant to this by-law, no Person shall undertake the work which is the subject of the Permit except in accordance with the Permit application, plans, documents and other information submitted to the City upon which the Permit was issued and in accordance with the terms and conditions of the Permit.
- 12. Notwithstanding the issuance of a Permit pursuant to this by-law, the Permit Holder and Owner shall comply with all other applicable legislation, including but not limited to City of Guelph by-laws.
- 13. RESERVED.

REFUSAL TO ISSUE PERMIT

- 14. The City Engineer may refuse to issue a Permit when the requirements of this By-law have not been met. Where the City Engineer refuses to issue a Site Alteration Permit, the Applicant shall be informed in writing of the refusal by the City Engineer. The City Engineer may reconsider the Application if additional information or documentation required by the City Engineer is submitted by the applicant.

INSPECTIONS

- 15. Every Permit Holder shall ensure that a request is made to the City Engineer by the Permit Holder or his/her authorized agent to make inspections at the commencement and completion of the work that is the subject of the Permit, and to make any such further inspection(s) as may be required by the City Engineer.

TERM OF PERMIT AND PERMIT RENEWAL

16. Any Permit issued pursuant to this by-law shall be valid for a period of one year from the date of issuance unless revoked in accordance with this by-law.
17. A Permit which has expired may be renewed by the City Engineer within a six month period from the date of expiry upon the making of a written request to the City Engineer accompanied by a payment of one-half of the original Permit fee, provided that the proposed work which was the subject of the Permit, has not been revised. A Permit that has been renewed in accordance with this section shall therefore be treated as a new Permit except that it shall not again be renewed.

TRANSFER OF SITE

18. If registered ownership of the Site for which a Permit has been issued is transferred while the Permit remains in effect and outstanding, the new Owner shall, prior to the closing of the transfer;
 - a) provide the City with its written undertaking to comply with all of the conditions under which the Permit was issued; and
 - b) provide security in a form and amount acceptable to the City Engineer, at which time any security previously provided by the original Permit Holder pursuant to this by-law shall be released;

and failing which the Permit shall be deemed to be cancelled as of the date of the transfer.

REGULATIONS

19. In addition to the other requirements of this by-law, and notwithstanding any Permit issued under this By-law, no Person shall Place or Dump, or cause or permit the Placing or Dumping of Fill on, or alter or cause or permit the Alteration of the Grade of, or remove or cause or permit the removing of any Topsoil from any land in the City of Guelph, including any lands which are submerged under any watercourse or other body of water unless:
 - a) it is done with the consent of the Owner of the Site where the Fill is to be Placed or Dumped, the Grade altered or the Topsoil removed;
 - b) all Fill to be used includes only Soil, stone, sod or other material acceptable to the City Engineer and that such material is clean and free of any glass, plastics, rubber, metals, liquid, garbage and/or contaminants;
 - c) the Drainage system for the Site is provided in accordance with this by-law and any Permit issued hereunder and as otherwise required by law, and in accordance with proper engineering standards and practices and will not result in Erosion, blockage, siltation or contamination of a water course, flooding or Ponding;
 - d) the Fill is Placed or Dumped, any Retaining Wall containing such Fill is erected, the Grade is altered, or the Topsoil is removed, in such a manner that no flooding, Ponding, or other adverse effects are caused on other lands.
20. Every Person to whom a Permit is issued pursuant to this by-law shall, in addition to any conditions of the Permit;

- a) provide a Retaining Wall where required by the City Engineer which does not encroach upon abutting lands, either above or below Existing Grade, and such Retaining Wall shall be constructed to the satisfaction of the City Engineer, and comply with the requirements of the Ontario Building Code.
- b) ensure that the Finished Grade surface is protected by sod, turf, seeding for grass, Vegetation, asphalt, concrete or other similar means, or combination thereof;
- c) ensure that Fill shall not be Placed or Dumped around the perimeter of any existing building in contravention of the requirements of the Ontario Building Code;
- 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 City Engineer;
- e) provide such protection for trees as may be required by the City Engineer;
- f) provide siltation control measures as may be required by the City Engineer;
- g) ensure that the work that is the subject of the Permit does not soil or otherwise foul any municipal roads. In the event that this occurs, the Person to whom the Permit was issued shall, in accordance with the City's by-law to prohibit the obstructing, encumbering, injuring or fouling of highways and bridges, as amended from time to time, ensure that the road(s) affected are cleaned and reinstated to a pre-site alteration condition to the satisfaction of the City Engineer;
- h) ensure that all conditions of the Permit issued pursuant to this by-law and any requirements of this by-law are fulfilled to the satisfaction of the City Engineer;
- i) ensure the work that is the subject of the Permit does not occur in areas regulated by a Conservation Authority or approval agency without written approval of the respective regulatory agency, and in the event this occurs, ensure that the affected areas are restored to the satisfaction of the City Engineer.

EXEMPTIONS

21. The provisions of this by-law do not apply to;
 - a) activities or matters undertaken by a municipality or a local board of a municipality;
 - b) the Placing or Dumping of Fill, removal of Topsoil or Alteration of the Grade of land imposed 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 site plan agreement or subdivision agreement entered into under those sections;
 - c) the Placing or Dumping of Fill, removal of Topsoil or Alteration of the Grade of land imposed as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;
 - d) 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;

- e) the Placing or Dumping of Fill, removal of Topsoil or Alteration of the Grade of land undertaken on land 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*;
 - 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 by-law 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 drain construction under the *Drainage Act* or the *Tile Drainage Act, 2001*;
 - h) topdressing of lawns with Topsoil;
 - i) cultivation or tilling of garden beds so long as such work does not have an adverse effect on existing Drainage patterns on neighbouring properties;
 - j) excavation of Soil involving an area of less than nine square metres and a depth of less than 0.5 meters having no significant impact on trees, ground cover, Vegetation, watercourses, or storm swales and not altering or creating a slope at greater than 8%;
 - k) minor landscaping works which are at least 0.3 metres from any property line and do not impact Drainage patterns on neighbouring properties.
 - l) the removal of Topsoil as an incidental part of a normal agricultural practice, including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products, provided however that this provision shall not exempt from the by-law the removal of Topsoil for sale, exchange or other disposition;
 - m) the installation of a swimming pool, provided a swimming pool permit is obtained from the City; and
 - n) routine maintenance activities within golf courses (except within Natural Heritage System areas).
22. If a regulation is made under section 28 of the Conservation Authorities Act respecting the Placing or Dumping of Fill, removal of Topsoil or Alteration of the Grade of land in any area of the City, this by-law is of no effect in respect of that area.

CEASE AND DESIST ORDER

23. Where an Owner or any other Person is in contravention of the by-law, or any term or condition of a Permit issued under this by-law, the City Engineer or an Officer may make an Order directing that the Owner or such Person cease any or all of the work immediately.

WORK ORDER

24. Where a Permit has been issued and an Owner or Permit Holder is in contravention of this by-law, or any term or condition of a Permit issued under this by-law, the City Engineer or an Officer may issue a Work Order directing the Owner or Permit Holder, within the time set out in the Order, to take such steps as are necessary so that the work which was the subject of the Permit is completed in accordance with the approved Permit, plans, documents and other information upon which the Permit was issued under this by-law and in accordance with the terms and conditions of the Permit.

ORDER FOR REMOVAL

25. Where a Permit has not been issued and any Person is in contravention of this by-law, the City Engineer or an Officer may issue an Order for Removal requiring the Person to restore the property to a condition it was prior to commencement of such work, to the satisfaction of the City Engineer, within the time set out in the Order.

COMPLIANCE WITH ORDERS

26. Any Person to whom a Cease and Desist Order, a Work Order or an Order for Removal is issued pursuant to this by-law shall comply with the terms of such Order, within the time set out therein.
27. Where an Owner of land to whom a Work Order is issued fails to perform the work required by the Order, the City, in addition to any other remedy, may perform such work at the Owner's expense and may recover the cost incurred by adding the costs to the tax roll and collecting them in the same manner as property taxes.

ENFORCEMENT

28. a) The administration and enforcement of this by-law, including all permits issued hereunder, shall be performed by the City Engineer and by those Persons designated as Officers by by-law of the City, as may be amended from time to time.
29. a) The City Engineer and any Officers may, at any reasonable time, enter and inspect any land to determine whether this by-law, a Cease and Desist Order, a Work Order or an Order for Removal, a condition to a Permit issued pursuant to this by-law, or a Court Order relating to this by-law is being complied with.
- b) For purposes of an inspection under (a), the City Engineer and Officer may;
- i) require the production for inspection of documents or things relevant to the inspection;
 - ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts
 - iii) require information from any Person concerning a matter related to the inspection; and
 - iv) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- c) No Person shall obstruct the City Engineer or an Officer in carrying out an inspection or exercising his or her powers or duties under this by-law.

- d) No Person shall fail to produce any information required by the City Engineer or an Officer pursuant to clause 29(b) of this by-law.

SERVICE

30. Any service required to be given under this by-law is sufficiently given if delivered personally or sent by registered mail to the Owner at the last known address of the Owner of the land.
31. Where service is effected by registered mail, it shall be deemed to be made on the fifth (5) day after the date of mailing.

PENALTY

32. Every Person who contravenes this By-law is guilty of an offence.
33. RESERVED.
34. In accordance with Subsection 429(3) of the Municipal Act, 2001, every Person who is convicted of an offence under this By-law is liable to pay a fine of not less than five hundred dollars (\$500) and not more than One Hundred Thousand Dollars (\$100,000). Every Person who contravenes the provisions of this By-Law or permits the contravention of this By-Law on lands which they Own is subject to be charged unless, at the time of the offence, the Site Alteration was without the Owner's consent and the Owner is liable to pay the penalty prescribed for the offence.

SEVERABILITY

35. In the event a court of competent jurisdiction declares any section or part of this by-law invalid, the remainder of this by-law shall continue in force and effect.

SHORT TITLE

36. This by-law may be cited as the City of Guelph Site Alteration By-law.

PASSED this TWENTY-SIXTH day of SEPTEMBER 2016.



CAM GUTHRIE - MAYOR

STEPHEN O'BRIEN - CITY CLERK

APPLICATION FOR A SITE ALTERATION PERMIT

**THIS APPLICATION IS AUTHORIZED BY BY-LAW NUMBER (2007)-18420
AND THE PERSONAL INFORMATION ON THIS FORM IS COLLECTED
UNDER THE AUTHORITY OF THE MUNICIPAL FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY ACT R.S.O. 1990, c. M. 56**

1.0 PERMIT NO. _____ 2.0 APPLICATION FOR: SITE ALTERATION PERMIT

3.0 ATTACHMENTS – THIS APPLICATION MUST BE ACCOMPANIED BY:

- Copies of a control plan certified by a Professional Engineer or other qualified person as deemed by the City.
- The application fee.
- Security in a form and amount acceptable to the City Engineer.
- Owner’s authorization if Applicant is not the Owner.
- Any required external agency permit.
- Any required report (contact the City Engineering Department for list of required reports).

4.0 PROPERTY LOCATION: _____

PROPERTY SIZE: _____ ac. USE/PROPOSED USE OF PROPERTY: _____

NAME OF PROPERTY OWNER: _____

ADDRESS: _____ CITY: _____

POSTAL CODE: _____

PHONE: _____ FAX: _____

5.0 NAME OF AGENT: _____

ADDRESS: _____ CITY: _____

POSTAL CODE: _____

PHONE: _____ FAX: _____

6.0 WORK SCHEDULE: START DATE: _____ END DATE: _____

7.0 CONSULTING ENGINEERS: _____

ADDRESS: _____ CITY: _____

POSTAL CODE: _____

PHONE: _____ FAX: _____

8.0 CONTRACTOR’S NAME: _____

ADDRESS: _____ CITY: _____

POSTAL CODE: _____

PHONE: _____ FAX: _____

9.0 DESCRIBE THE COMPOSITION OF FILL BEING DUMPED/PLACED;

By-law (2016) – 20097
Schedule “B”

1.0 SITE ALTERATION PERMIT FEES

In 2016, the fee for processing, administration and inspection for a Permit shall be three hundred dollars (\$300) plus fifty dollars (\$50) per hectare. Fees for future years beyond 2016 shall be outlined in the City’s User Fee By-Law.

2.0 SECURITY FOR SITE ALTERATION MEASURES

The City Engineer *may*, prior to the issuance of a Permit under this By-law, require the applicant to enter into an agreement with the City to provide security in the form of an Irrevocable Standby Letter of Credit or other agreement acceptable to the Director of Finance, for the applicant’s obligations under the By-law and any Permit issued, and such requirements as the City Engineer considers necessary to ensure that the work which is the subject of the Permit is completed in accordance with proper engineering standards and practice, this By-law, and the terms and conditions of the Permit. Said agreement may be registered on title. The Mayor and the City Clerk are hereby authorized to execute any such agreement on behalf of the City.

2.1 The Irrevocable Standby Letter of Credit or agreement must remain in effect for the full duration of the Permit. Any Irrevocable Standby Letter of Credit or agreement and its subsequent renewal forms shall contain a clause stating that thirty (30) days written notice must be given to the City prior to its expiry or cancellation.

2.2 The Irrevocable Standby Letter of Credit shall contain a clause stating that in the event that the City receives notice that an Irrevocable Standby Letter of Credit is expiring and will not be renewed and further or additional securities are not provided forthwith, the City may draw on the current Irrevocable Standby Letter of Credit at the discretion of the City Engineer. The Permit Holder agrees that any interest accruing on the realized cash security shall belong to the City and not to the Permit Holder.

3.0 It is the responsibility of the Permit Holder:

3.1 to obtain the approval of the City Engineer that the Site has been adequately reinstated and stabilized in accordance with this by-law, the plans accompanying the Permit and the terms and conditions of the Permit; and,

3.2 to request that the City carry out a final inspection of the Site and to obtain the approval of the City Engineer that this by-law and the terms and conditions of the Permit have been complied with by the Permit Holder.

4.0 When the provisions of section 3.0 above have fully complied with to the satisfaction of the City Engineer, he or she shall release the Permit Holder’s security.

PERMIT CONDITIONS

1.0 All Permit Holders shall:

- 1.1 Notify the City Engineer in writing within 48 hours of commencing any Land Disturbance;
- 1.2 Notify the City Engineer in writing of the completion of any control measures within fourteen (14) days after their installations;
- 1.3 Obtain permission in writing from the City Engineer prior to modifying the control Plan;
- 1.4 Install all control measures as identified in the approved control Plan;
- 1.5 Maintain all road Drainage systems, stormwater Drainage systems, control measures and other facilities identified in the control plan;
- 1.6 Repair any siltation or Erosion damage to adjoining surfaces and Drainageways resulting from land developing or disturbing activities;
- 1.7 Inspect the construction control measures at least once per week and after each rainfall of at least 1 centimetre and make needed repairs during active construction. Inspections should be documented in weekly or monthly reports, and the reports shall be made available to the City upon request;
- 1.8 Allow employees of the City to enter the Site for the purpose of inspecting for compliance with the control plan or for performing any work necessary to bring the Site into compliance with the control plan; and
- 1.9 Maintain a copy of the control plan on the Site.
- 1.10 Notify all residents in writing, within a 120 metre radius of the site, 5 business days before commencement of the work. The notification should include providing appropriate contact information for normal and emergency conditions.
- 1.11 Following issuance of a permit, the Applicant shall have a copy of the permit available on site during all works.

2.0 The City:

- 2.1 Upon the failure by the Permit Holder to complete all or part of the works in the time stipulated in the control plan, may draw the appropriate amount from the securities posted and use the funds to arrange for the completion of the said works, or any part thereof;
- 2.2 Upon the failure by the Permit Holder to repair or maintain a specific part of the works as required by the City, and in the time requested, the City may at any time authorize the use of all or part of the securities to pay the cost of any part of the works it may in its absolute discretion deem necessary; or
- 2.3 In the case of emergency repairs or clean-up, the City may undertake the necessary works at the expense of the Permit Holder and reimburse itself out of securities posted by the applicant or to add to the cost of the works to the real property tax roll to be collected in like manner as taxes.