

ORIGINAL

The Corporation of the Town of Innisfil

By-Law No. 108-23

“Site Alteration By-law”

A By-law of The Corporation of the Town of Innisfil to prohibit and regulate the placing, dumping, cutting or removal of fill or altering of grade or drainage within the Town of Innisfil and to repeal By-law 070-22, and any amending by-laws.

Whereas Council determines it necessary to enact a By-law for prohibiting or regulating the **placing, dumping**, excavation/cutting or removal of **fill** or the altering of **grades** or **drainage** on any lands within the Corporation of the Town of Innisfil to limit interference and damage to watercourses, drainage systems and water supplies, to regulate unanticipated **drainage** and **site alterations**, to limit the use of improper **fill** and potential environmental impacts, to limit erosion arising from such changes and to limit impacts on neighbouring and surrounding properties; and

Whereas section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“the *Municipal Act, 2001*”), provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

Whereas section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001*; and

Whereas section 11 of the *Municipal Act, 2001* provides that a single-tier municipality has broad authority to pass by-laws respecting any matter it deems necessary or desirable for the public, including, *inter alia*, **Drainage** and flood control, the social and environmental well-being of the municipality; and

Whereas section 142 of the *Municipal Act, 2001*, provides that a local municipality may prohibit or regulate the **placing** or **dumping** of **fill**, the removal of **topsoil** or **fill** or alteration of the **grade** of land; and

Whereas section 426(4) of the *Municipal Act, 2001*, provides that any person that hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising power or performing a duty under this By-law is guilty of an offence.

Now Therefore the Council of the Corporation of the Town of Innisfil enacts as follows:

Page 2 of 27
By-Law No. 108-23

“Site Alteration By-law”

Contents

Section 1: Interpretation.....	3
1.1 Short Title.....	3
1.2 Repeal And Transition.....	3
1.3 Application	3
1.4 Headings.....	6
1.5 Terminology	6
1.6 Severability	6
1.7 Schedules	6
1.8 Reference To Statutes	6
1.9 Applicant’s Expense and Town’s Satisfaction	6
1.10 Delegated Authority.....	6
1.11 Town As Agent.....	7
1.12 Assumption Re Site Alteration	7
1.13 Definitions	7
Section 2: General Prohibitions.....	12
Section 3: Site Alteration Permits.....	14
3.1 Permits For Site Alteration - General	14
3.2 Permits For Site Alteration – Garden Supply Establishments	15
3.3 Permits For Site Alteration – Bona Fide Farmer.....	15
Section 4: Permit Administration	15
4.4 Permit Transfer	17
4.5 Permit Expiry And Renewal	17
4.6 Revocation of Permit.....	17
4.7 Cessation of Work.....	17
4.8 Other Approvals	17
4.9 Recovery of Costs.....	18
4.10 Pre-Consultation	18
Section 5: Enforcement.....	18
5.1 Offences.....	18
5.2 Obstruction.....	19
5.3 Right of Entry	19
5.4 Order To Discontinue	19
5.5 Order To Restore	20
5.6 Work Done By Town	20
5.7 Costs Of Work Done By Town	20
Section 6: Coming Into Force And Effect.....	21

Page 3 of 27
By-Law No. 108-23

"Site Alteration By-law"

Section 1: Interpretation

1.1 Short Title

This By-law may be cited as the "Site Alteration By-law".

1.2 Repeal And Transition

This By-law repeals Town By-law No. 070-22, but any permits issued pursuant to By-law No. 070-22, and its predecessor By-law 050-13, as amended, shall continue to be valid and binding and shall be deemed to have been issued under the former by-laws for regulatory and enforcement purposes.

Any permits or exemption agreements issued prior to the date this By-law comes into force and effect shall continue to be valid and binding. Any Applications for a permit deemed complete by the Town prior to the date of this By-law comes into force and effect shall be considered under this By-law.

1.3 Application

1.3.1 This By-law applies to all **property** within the geographical limits of the Town of Innisfil.

1.3.2 This By-law is not intended to and shall not circumvent any development approval process which is required under the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") and, without limiting the generality of the foregoing, the **permit** process shall not be used to allow for area grading and pre-servicing of subdivision lands, industrial or commercial development which would otherwise be addressed through the site plan or subdivision approval process under sections 41, 51 or 53 of the *Planning Act*.

1.3.3 The provisions of this By-law do not apply to:

- a) Activities undertaken by the Town, the County of Simcoe, the Provincial Government or the Federal Government;
- b) Activities undertaken as a condition to the approval imposed after December 31, 2002, with respect to a site plan, plan of subdivision or consent under sections 41, 51, 53, or 70.2, respectively, of the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- c) Activities undertaken as a condition to a development permit or community planning permit authorized by regulation made under the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- d) Activities undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

Page 4 of 27
By-Law No. 108-23

"Site Alteration By-law"

- e) Activities 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*, R.S.O. 1990, c. A.8;
- f) Activities 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; or
 - 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) Activities undertaken by or under order of a Conservation Authority and any works under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27 and any regulations and amendments thereto; or
- h) Activities undertaken as an incidental part of a **normal farm practice** carried on as part of an **agricultural operation**, as so determined by the Normal Farm Practices Protection Board, pursuant to the *Farming and Food Protection Act, 1998*, S.O. 1998, c. 1, as amended or replaced from time to time.
- i) Activities undertaken as an incidental part of the construction, maintenance of **drainage** works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended, or the *Tile Drainage Act*, R.S.O. 1990, c. T.8, as amended;
- j) Activities required as part of the lawful use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V – Waste Management of the *Environmental Protection Act*, R.S.O. 1990, c. E.19 (the *EPA*), as amended, or a private waste disposal site or waste management system that is exempted by regulations for that Part;
- k) Activities undertaken as an authorized part of construction or operations as identified by:
 - i. The *Mining Act*, R.S.O. 1990, c. M.14;
 - ii. The *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B;
 - iii. A Crown Agency, as defined in the *Crown Agency Act*, R.S.O. 1990, c. C.48;
 - iv. Section 26 of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c. P.50; or
 - v. A federal work or undertaking where the Town determined that the core power under which it is established would be seriously and significantly impaired by applying this By-law to the undertaking;
- l) Activities undertaken in an excavation, following the demolition or removal of a building or structure, for which a building permit has been issued by the Town provided the activity is limited to 3 metres outside the previously

Page 5 of 27
By-Law No. 108-23

“Site Alteration By-law”

existing building perimeter and the **finished grade** is the same as the previously **existing grade** at the building perimeter;

- m) The removal and **temporary storage** of **fill** as an incidental part of any construction of any form of underground services where the **fill** is removed and held for subsequent backfill replacement;
- n) Activities undertaken on **residential land** for the purpose of:
 - i. lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that the ground elevation of the land is not increased by more than 0.15m and there is no significant change in the direction or rate of **drainage** to or from neighbouring properties. Such alteration shall not take place within 0.5m of any property line. Such **placing** of **soil** shall not in any consecutive 3-month period exceed 10 m³;
 - ii. the construction of side yard walkways, adjacent to a dwelling or garage, where there is no altering of the Finished Grade and/or no change to the direction or rate of Drainage to or from neighbouring properties; or
 - iii. the top-dressing of existing granular driveways, roads or parking areas with imported granular material (including native granular, recycled aggregate, recycled asphalt or recycled concrete), provided the previously **existing grades** are being reinstated.
- o) Activities undertaken on **commercial, industrial or institutional property** for the purpose of:
 - i. Lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that the ground elevation of the lands is not increased by more than 0.15m and there is no significant change in the direction or rate of **drainage** to or from neighbouring properties. Such alteration shall not take place within 0.5m of any property line. Such **placing** of **soil** shall not in any consecutive 3-month period exceed 10m³;
 - ii. Stockpiling and use of **fill** for commercial landscaping purposes where such use is in conformity with the Town’s Zoning By-law and the regulations and policies of the governing Conservation Authority;
 - iii. Stockpiling of recycled aggregate, asphalt or concrete as part of a contractor stockpile, provided the location is in conformity with the Town’s Zoning By-law and the regulations and policies of the governing Conservation Authority;

“Site Alteration By-law”

- iv. The top-dressing of existing granular driveways, roads or parking areas with imported granular material (including natural granular, recycled aggregate, recycled asphalt or recycled concrete), provided the previously **existing grades** are being reinstated.

1.4 Headings

Any headings used in this By-law are used for convenience only and are not to be used as a means of interpretation.

1.5 Terminology

The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts and individuals, male or female, and to include singular or plural meaning where the context so requires, will in all cases be assumed as though fully expressed.

1.6 Severability

In the event that any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this By-law shall remain in full force and effect.

1.7 Schedules

The following schedules are attached to this By-law and form part of the By-law:

Schedule A Permit Conditions
Schedule B Site Alteration Standards

1.8 Reference to Statutes

References in this By-law to any statute, regulation, By-law, or any provision thereof, includes such statute, regulation, By-law, or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor statute, regulation or By-law thereto.

1.9 Applicant's Expense and Town's Satisfaction

Every provision of this By-law, and any provision made under a **permit** issued under this By-law, wherein the **applicant** is obligated in any way is deemed to include the words “at the expense of the **applicant**” and “to the Town's satisfaction”, unless specifically stated otherwise.

1.10 Delegated Authority

The authority to administer this By-law on behalf of the Town is delegated to the Manager of Development Engineering, Chief Building Official, the Manager of Land Use Planning and the Town Treasurer, acting jointly and severally, and from time to time, as well as any Town Staff acting under the authority of the aforementioned persons. Where the consent of the Town is required under this Agreement, such

Page 7 of 27
By-Law No. 108-23

"Site Alteration By-law"

consent may be obtained by the Manager of Development Engineering or the Manger of Land Use Planning, unless specifically stated otherwise.

1.11 Town As Agent

Any Work completed by the Town under this By-law for or on behalf of the **applicant**, or by reason of the **applicant** not having completed the Work in the first instance, shall be deemed to completed by the Town as agent for the **applicant** and will not, for any purpose whatsoever, be deemed as an acceptance or assumption of Works by the Town.

1.12 Assumption Re Site Alteration

Where any **site alteration** is undertaken, caused or permitted on any **property** within the Town, the **owner** of the **property** is presumed to have undertaken, caused, or permitted the **site alteration**. This assumption may be rebutted by evidence to the contrary on a balance of probabilities.

1.13 Definitions

For the purposes of this By-law, the following words shall have the meaning ascribed to herein:

"Agricultural Lands" includes all lands that are used by a farming business registered under the *Farm Registration and Farm Organizations Funding Act*, as amended, for growing of crops, including nursery and horticultural crops, raising livestock, raising of other animals for food, fur, fiber, including poultry and fish, aquaculture, apiaries, agro-forestry and maple syrup production;

"Agricultural Operation" means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

"Agreement" means a legally binding document between the Town and the Applicant that sets out the conditions under which a Large Site Alteration is permitted.

"Applicant" means any **person** making Application for a **permit** under this By-law, and includes any agent representing or working on behalf of the **applicant**;

"Bona Fide Farmer" means a **Person** whose dominant income is generated from farming activities, on an agricultural property;

"Commercial Fill Operation" means a **large site alteration**, which, in the opinion of the Town, meets one or more of the following criteria:

- a) 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 the **fill**;
- b) the **placing** or **dumping** of **fill** is for a commercial purpose;

Page 8 of 27
By-Law No. 108-23

“Site Alteration By-law”

- c) greater than ten thousand (10,000) cubic metres of **fill** is being **placed** or **dumped** within a twelve (12) month period;
- d) the **fill** is obtained from more than one source site, as defined as per O.Reg. 406/19;
- e) the **fill** is generated as a function of a waste soil, as defined as per O.Reg. 406/19, treatment and/or remediation facility, whether or not such facility is operated under an Environmental Compliance Approval issued by the Ministry of the Environment and Climate Change;

“Commercial, Industrial and Institutional Property” means land upon which the predominant use is:

- a) Business in retail, restaurants, parking facilities, office uses, hospitality, automotive, entertainment and recreation;
- b) Assembling, fabricating, manufacturing, processing, warehousing and distribution uses, repair activities, communications, utilities, transportation, storage, service trades and construction uses; or
- c) A service agency, service club, church, school, hospital or non-profit organization for social, cultural, religious, welfare, athletic or recreational purposes and that may include such facilities as youth clubs and senior centres;

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

“Drainage” means the movement of water to a water body, whether by way of natural characteristics of the ground surface or by an artificial method;

“Drainage System” means the network of watercourses, ditches, structures, underground pipes, and culverts that convey stormwater;

“Dump”, “Dumped”, “Dumping” means the depositing of imported **fill** in a location on a Site or movement and depositing of **fill** from one location on a Site to another location on the same Site;

“Environmentally Sensitive Area” means an environmentally sensitive area, natural area, ravine, core supporting area, environmental constraint area, or other area as designated in the Town’s Official Plan, as amended or the County of Simcoe’s Official Plan, as amended, used to define, describe, or delineate an area of environmental importance;

“Excavate” means to dig a hole or channel in the existing ground;

“Excess Soil” is defined as per O.Reg. 406/19 and generally means **soil** that has been excavated, typically as a result of construction activities, that cannot or will not be reused at the site where the **soil** was excavated and must be moved off site. In some cases,

Page 9 of 27
By-Law No. 108-23

"Site Alteration By-law"

excess soil may be temporarily stored at another location before the **excess soil** is brought back to be used for a beneficial reuse at the site where the **soil** was originally excavated. **excess soil** does not refer to such materials as compost, engineered **fill** products, asphalt, concrete, re-used or recycled aggregate product and/or mine tailings, other products, including **soil** mixed with debris such as garbage, shingles, painted wood, ashes, or other refuse. It may include naturally occurring materials commonly known as earth, **topsoil**, loam, subsoil, clay, sand, gravel or any combination thereof;

"Fill" means any type of material that can be removed from (cut) or placed on (in-fill) land including but not limited to, the following:

- a) "Aggregate" is a general term used to describe mineral materials like sand, gravel, and crushed stone. These materials can be combined with a binding agent to create compounds like concrete. Aggregates can be naturally occurring or man-made, but it's important to note that asphalt, which is used on surfaces but not below ground level, is not included in this definition.
- b) "Clean concrete and brick" refers to concrete, brick, block, and other construction materials that are made of silica and are free from any contaminants.
- c) "Compost" is a blend of different organic materials in the process of decomposition, such as dead leaves or manure. It is utilized to enrich and nourish soil as a fertilizer.
- d) "Excess Soil" refers to soil, crushed rock, or soil mixed with rock or crushed rock that has been excavated as part of a project and removed from the project area for the project;
- e) "Liquid Soil" is defined as soil that exhibits a slump greater than 150 millimeters, as determined by the Test Method for the Determination of "Liquid Waste" (slump test) outlined in Schedule 9 of R.R.O. 1990, Regulation 347 under the Environmental Act.
- f) "Rock" refers to a natural conglomeration of one or more minerals occurring naturally, which has a size of 2 millimeters or larger, or does not pass through the US No. 10 sieve.
- g) "Sod" is the upper layer of soil that is tightly interwoven with grass and plant roots, forming a dense mat or turf.
- h) "Soil" refers to loose and naturally occurring mineral particles, along with other materials that originate from the natural degradation of rock or organic matter through physical, chemical, or biological processes. These particles are smaller than 2 millimeters in size or can pass through the US No. 10 sieve.
- i) "Topsoil" is defined as the specific layers within a soil profile, typically referred to as the "O" and "A" horizons, which consist of organic material. This definition also encompasses deposits of partially decomposed organic matter, such as peat.

"Fill Management Plan" means a plan for the management of **fill** required as a condition of a **permit** issued pursuant to section 4.3.7 of this By-law;

"Fill Transfer Site" means any **property** that temporarily stores **fill** and/or any material for the purpose of drying, decanting, testing, staging, crushing, storing or screening;

"Garden Supply Establishment" means a place where young trees or other plants are grown for transplanting and for sale and may also include the sale of related accessory supplies and may include a garden centre as an accessory use;

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

Page 10 of 27
By-Law No. 108-23

"Site Alteration By-law"

- a) **"Existing Grade"** means the elevation of the existing ground surface or the lands upon which the **placing, dumping**, excavating or removal of **fill**, or altering of the **grade** is proposed. Existing **grade** shall mean the ground surface of such lands as existed prior to the any activity requiring a **permit** under this By-law;
- b) **"Proposed Grade"** means the proposed finished elevation of ground surface after **fill** is **dumped** or **placed**, the **grade** altered, or **topsoil** removed; and
- c) **"Finished Grade"** means the approved elevation of ground surface lands upon which **fill** has been **placed, dumped**, excavated or removed, or the **grade** altered in accordance with this By-law;

"Hydro-Excavation Truck" means any truck that excavates, removes, or moves **fill** with pressurized water and/or air and an air vacuum to transfer the **fill** into a tank. These trucks do not under any circumstances carry any form of waste. The material hauled in a Hydro-Excavation Truck may be referenced as: slurry, liquid **fill**, wet **fill** or **fill**;

"Inspector" means such Municipal Law Enforcement Officers or other individuals who are authorized by the Town to enforce the Town's by-laws. Inspectors shall also include such peer review consultants and other technical specialists as are designated as Inspectors by the Town under this By-law;

"Lagoon" means an artificial pool for the treatment of **liquid waste**;

"Land Disturbance" means any man-made change of the land surface including removing vegetative cover, and/or excavating, filling, or grading;

"Liquid Waste" means waste that has a slump more than 150 millimetres using the Test Method for Determination of Liquid Waste (slump test) set out in Schedule 9 of R.R.O. 1190, Reg. 347 – Waste Management, as amended;

"Normal Farm Practice" has the same meaning as defined in the *Farming and Food Protection Act, 1998*, S.O. 1998, c.1, as amended, but does not include the removal of **topsoil** for sale, exchange or disposition;

"Order" means an Order to Discontinue and/or an Order to Restore issued as per sections 5.4 and 5.5 of this By-law;

"Owner" means either the legal or beneficial owner of a Property;

"Permit" means a permit, used by the Town, expressly authorizing the importation, exportation or movement of **fill** onto or off a **property** within the Town as per the approved **fill management plan**;

- a) **"Bona Fide Farmer Permit"** means a **permit** issued by the Town under section 3.3 of this By-law.
- b) **"Garden Supply Establishment Permit"** means a **permit** issued by the Town under section 3.2 of this By-law.

Page 11 of 27
By-Law No. 108-23

"Site Alteration By-law"

"**Person**" means an individual, multiple persons, a partnership or a corporation;

"**Place**", "**Placed**", "**Placing**" means the distribution of **fill** on the Site to establish a **finished grade** higher or lower than **existing grade**;

"**Property**" means a single parcel of property legally capable of being conveyed independently of any adjacent property, or, if approved by the Town, a combination of two or more such parcels of property that are adjacent to each other;

"**Qualified Person**" means a licensed professional as stated in the *EPA* section 168.1 and further described at length in Part II of O. Reg. 153/04;

"**Record of Site Condition**" means the document filed in the Environmental Site Registry for a Property in accordance with O.Reg. 153/04, as amended;

"**Residential Land**" means land upon which the predominant use is residential;

"**Security**" or "**Securities**" means, the Performance and Maintenance Guarantee provided in the form of one or more of the following: cash or certified cheque, letter of credit, Visa or MasterCard payable to the Town of Innisfil, as further provided for under Section 9.2 hereto

"**Site**" is the **property** that is the subject of a **site alteration** and may include one or more Properties;

"**Site Alteration**" means the **placing** or **dumping** of **fill** on land, the removal of **topsoil** from land or the alteration of the **grade** of land by any means including the removal of vegetation cover, the compaction of **Soil** or the creation of impervious surfaces, or any combination of these activities;

- a) "**Minor Site Alteration**" means any **site alteration** where the total volume of **fill**, Excavation or Waste or any combination of **fill**, Excavation or Waste is less than 150 cubic metres on any Property in any 12-month period;
- b) "**Small Site Alteration**" means any **site alteration** where the total volume of **fill**, Excavation or Waste or any combination of **fill**, Excavation or Waste, is between 150 cubic metres and 1,500 cubic metres on any **property** in any 12-month period;
- c) "**Medium Site Alteration**" means any **site alteration** where the total volume of **fill**, Excavation or Waste or any combination of **fill**, Excavation or Waste is between 1,500 cubic metres and 5,000 cubic metres on any **property** in any 12-month period;
- d) "**Large Site Alteration**" means any **site alteration** where the total volume of **fill**, Excavation or Waste or any combination of **fill**, Excavation or Waste is 5,000 cubic metres or greater on any **property** in any 12-month period;

“Site Alteration By-law”

“**Site Condition Standards**” means the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the *EPA* published by the Ministry of Environment on April 15, 2011 as amended;

“**Temporary Storage**” means storage of **fill** for a period of 6 months or less;

“**Topsoil**” means the upper, outermost layer of **soil**;

“**Town**” means the Corporation of the Town of Innisfil;

“**Town Engineer**” means an employee of the Town that has been designated to act in such capacity;

“**Waste**” means any material that is not **fill**;

“**Watercourse**” means a natural or artificial channel through which **water** flows; and

“**Work**” means any labour, exertion, effect and/or materials supplied for or in relation to any **land disturbance** on a Site.

Section 2: General Prohibitions

- 2.1 Except as otherwise provided herein, no **person** shall cause or permit a **site alteration** without a **permit** issued by the **town** where required by this By-law.
- 2.2 No **person** shall have, or allow to remain, Fill on that Person’s Property that is not approved through a Permit, whether or not the Fill was placed there while the Person was the Owner of the Property.
- 2.3 Compliance with this By-law does not relieve the Owner from any responsibility to obtain all other approvals as required from any other government or authority, or compliance with any other obligations.
- 2.4 No **person** shall alter, or cause or permit to be altered, the **existing grade** of any land except in accordance with the provisions of this By-law without first obtaining a **permit** under this By-law, unless otherwise exempt under section 1.3.3.
- 2.5 No **person** shall **place, dump**, Excavate or remove any **fill** or any other deleterious material, or cause or permit **fill** or any other deleterious material to be **placed** or **dumped** on any land except in accordance with the provisions of this By-law without first obtaining a **permit** under this By-law, unless otherwise exempt under section 1.3.3.
- 2.6 No **person** shall undertake, cause, permit or allow **liquid waste** to accumulate or be present on the **property** or any part thereof.
- 2.7 Notwithstanding any other provision of this By-law, 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, watercourse, or part thereof, on any land unless authorized by the public authority or public agency with relevant jurisdiction.
- 2.8 No **person** shall do anything, or permit or cause the doing of anything, which results in **soil** erosion.

Page 13 of 27
By-Law No. 108-23

"Site Alteration By-law"

- 2.9 No **person** shall do anything, or permit or cause the doing of anything, which results in a negative impact on any **environmentally sensitive area**, Areas of Natural or Scientific Interest, or Wetlands as identified by the Lake Simcoe Region Conservation Authority (LSRCA), Nottawasaga Valley Conservation Authority (NVCA), the Ministry of Natural Resources, or the Town.
- 2.10 No **person**, in the performance of any **site alteration**, shall injure or destroy any tree, municipally-owned or privately owned, that is subject to tree protection measures except to the extent that such injury or destruction is specifically authorized in writing in accordance with the provisions of this By-law and other applicable by-laws of the Town or the County of Simcoe for the protection of trees.
- 2.11 No **person** shall conduct, undertake, cause, permit or carry out a Site Alteration that may adversely affect the quality or quantity of any surface water or groundwater however it may exist including all water used for or available as a source of water for agriculture or human consumption.
- 2.11 No **person** shall undertake, cause or permit any **site alteration** on any **property** unless it is done at the request of, and with the written consent of, the **owner** of the **property**.
- 2.12 No **person** shall **place** or **dump fill** or cause or permit **fill** to be **placed** or **dumped** unless such **fill** is tested, when applicable, in accordance with the O.Reg. 153/04, Record of Site Condition and O.Reg 406/19, On Site & Excess Soil Management.
- 2.13 No **person** shall import any **fill** onto any **property** within the **town** with the use of a **hydro-excavation truck**, except where prior written approval has been given by the **town**.
- 2.14 No **person** shall expand, widen, or raise an existing driveway or create, extend, widen or raise a secondary driveway with any **fill** material or Asphalt Grindings on any **property** within the **town** without prior written approval from the **town**.
- 2.15 No **person** shall expand, widen or raise an existing parking pad, or create a new parking pad with any **fill** material or Asphalt Grindings within the Town without prior written approval from the Town.
- 2.16 No **person** shall use any **property** within the **town** as a **fill transfer site** without approval from the **town**. This includes **temporary storage** of any **fill** material for the sale or use later on.
- 2.17 No **person** shall undertake, cause, permit or maintain a **lagoon** on any **property** within the **town**, without approval from the **town** and the Ministry of Environment, Conservation and Parks.
- 2.18 No **person** shall conduct, undertake, cause, permit or carry out Site Alteration on any Property unless the activity is in accordance with any applicable by-laws, policies, legislation, regulations, or other requirements of the Town or other government or authority, including but not limited to:
- The Town's Zoning By-Law
 - The Town's Noise By-Law
 - The requirements of a Conservation Authority
 - All other applicable regulations, policies, and By-Laws

“Site Alteration By-law”

- 2.19 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **person** who is exercising a power or performing a duty under this By-law.
- 2.20 No **person** shall fail to obey an **order** issued under this By-law.
- 2.21 Notwithstanding any other provision of this By-law, the **town engineer** may at his/her discretion require any **applicant** to enter into an agreement with the Town.

Section 3: Site Alteration Permits

3.1 Permits for Site Alteration - General

- 3.1.1 An **owner** may apply for a **permit** for any **property** within the Town unless prohibited by this By-law.
- 3.1.2 This By-law establishes four (4) levels of **site alteration** as follows:

Site Alteration Type	More than or Equal to		Less than		Permit/Agreement
Minor	0 m ³		50 m ³	Residential	Not Required
			150m ³	Other	
Small	50 m ³	Residential	1,500 m ³		Permit
	150m ³	Other			
Medium	1,500 m ³		5,000 m ³		Permit
Large	5,000 m ³		n/a		Agreement and Council Approval

- 3.1.3 If two or more **minor site alteration** applications are submitted to the **town** within a 36-month period, and such **minor site alterations** cumulatively total more than 150 cubic metres on any **property**, any such application that creates a total in excess of 150 cubic metres shall be processed as a **small site alteration**.
- 3.1.4 If two or more **small site alteration** applications are submitted to the **town** within a 36-month period and such **small site alterations** cumulatively total more than 1,500 cubic metres on any **property**, any such application that creates a total in excess of 1,500 cubic metres shall be processed as a **medium site alteration**.
- 3.1.5 If two or more **medium site alteration** applications are submitted to the **town** within a 36-month period, and such **medium site alterations** cumulatively total more than 5,000 cubic metres on any **property**, any such application that creates a total in excess of 5,000 cubic metres shall be processed as a **large site alteration**.
- 3.1.6 Notwithstanding any other provision of this By-law, the **town engineer** may at his/her discretion require any **applicant** to obtain a **permit** or enter into an agreement with the Town.

"Site Alteration By-law"

3.2 Permits for Site Alteration – Garden Supply Establishments

The Owner of a **garden supply establishment** may apply for a **garden supply establishment permit** to permit the stockpiling of **topsoil** in the ordinary course of its operation, subject to the following conditions:

- 3.2.1 That such activity does not impact the direction of **drainage** to or from neighbouring properties;
- 3.2.2 That the slope of any stockpiled **topsoil** must be in a 3:1 ratio;
- 3.2.3 That the stockpile must have an access road that is safe for trucks to pick up and deliver the **topsoil**;
- 3.2.4 That there is a visible berm around the top of the platform of the stockpile to prevent trucks from getting close to the edge; and
- 3.2.5 The **owner** must maintain records from the material source sites indicating that the imported material meets the requirements of the **site conditions standards** for Agricultural property use as specified in Part XV.1 of the *EPA*.

3.3 Permits for Site Alteration – Bona Fide Farmer

A **bona fide farmer** who is not otherwise exempt under this By-Law may apply for a **bona fide farmer permit** for **bona fide farming purposes** carrying out an **agricultural operation** on **agricultural lands placing or dumping fill**, removing **soil** or **topsoil**, or altering the **grade** of **lands**, storing **soil**, **topsoil**, or any other material greater than 1,00 m³, for a Bona Fide Farming Purpose, subject to the following conditions:

- 3.3.1 They comply with all other provisions of this By-law;
- 3.3.2 They submit an **application** to the Town, including a professional survey depicting the area to be filled, and an engineer's submission containing an estimate of the quality and quantity of **fill** to be received and any other criteria, as required by **Town Staff**;
- 3.3.3 They agree that 1,000m³ is the annual limit on the **lands**;
- 3.3.4 They produce, at their sole expense, a report or study by a Certified Agrolgist stating:
 - a) the proposed effect of the **site alteration** being completed for a **bona fide farming purpose**;
 - b) that the Land which is being altered is currently and/or will be capable of supporting an **agricultural operation**, and
 - c) that the **site alteration** will improve the production of the **agricultural operation**; and
- 3.3.5 They produce, at their sole expense, any other report or study the **town** deems necessary to satisfy the **town** that the **site alteration** is being completed for a **bona fide farming purpose**, in the **town's** sole and absolute discretion.

Section 4: Permit Administration

- 4.1 The **applicant** shall be responsible for ensuring that all provisions of this By-law, any conditions of a **permit**, and the terms of any applicable regulations, guidelines or policies made hereunder are met, and that any **site alteration** or associated Works are

Page 16 of 27
By-Law No. 108-23

"Site Alteration By-law"

performed in accordance with the provisions of this By-law and any requirements of the **town** under a **permit**.

- 4.2 An application for a **permit** under this By-law shall be in the form prescribed by the **town** from time to time, filed with the **town engineer** not less than five (5) business days in advance of any acts, **works** or **site alteration** for which the **permit** is required.
- 4.3 When applying for a Permit under this By-law, the Applicant shall provide,
 - 4.3.1 A completed application for a **permit**, signed by the **applicant** and/or **owner**;
 - 4.3.2 A record of pre-consultation. An **applicant** or **owner** applying for a **permit** shall have a pre-consultation meeting with the **town engineer**, or his or her designate, and any other **persons** or agencies that are determined necessary to review the proposal to establish if a **permit** is required and/or if a **permit** can be issued pursuant to this By-law;
 - 4.3.3 Confirmation of applicability and compliance. An **applicant** or **owner** applying for a **permit** shall review all provisions of this By-law and confirm in writing the appropriateness of applying for a **permit**, and acknowledge understanding and acceptance of the application and **permit** requirements;
 - 4.3.4 Application **permit** fee as set out in the Town's Fees and Charges By-law;
 - 4.3.5 An irrevocable letter of Credit or cash Security Deposit as per Schedule 'A' of this By-law;
 - 4.3.6 Proof of Insurance from an Insurer licensed in the Province of Ontario for Commercial General Liability Insurance for not less than five (5) million dollars (\$5,000,000) per occurrence with an annual aggregate limit of no less than ten (10) million dollars (\$10,000,000) and Environmental Liability Insurance for no less than two (2) million dollars (\$2,000,000);
 - 4.3.7 A **fill management plan** that must detail current conditions, how the Site activities will be conducted, the final site conditions, and the impact mitigation measures that will be employed, meeting the standards set out in Schedule B of this By-law. The Plan must be prepared by an appropriately qualified consultant, professionally licensed in the province of Ontario, and must be based on the background studies and site specific conditions of the **property**;
 - 4.3.8 The **applicant** must demonstrate that **soil** sampling protocols are consistent with O.Reg. 153/04 and O.Reg 406/19. The number of samples and parameters analyzed will be developed by the **qualified person**;
 - 4.3.9 Confirmation that the appropriate archaeological assessments on the **site** have been completed to the satisfaction of the Ministry of Tourism and Culture;
 - 4.3.10 Confirmation of compliance with other Regulatory Bodies. The **applicant** is responsible for meeting the requirements and/or obtaining any and all other permits required by other agencies having jurisdiction; and
 - 4.3.11 Any other information as may be required by the **town**.

“Site Alteration By-law”

4.4 Permit Transfer

If the title of the land for which the **permit** has been issued is transferred while the permit is in effect, the **permit** shall terminate and become null and void unless the new **owner** of the lands provides the Town with an undertaking to comply with all the conditions under which the existing **permit** was issued.

4.5 Permit Expiry and Renewal

4.5.1 **permits** issued pursuant to this By-law shall be valid for a period of one (1) year from the date of issuance. If a Large Site Alteration is occurring, upon the discretion of the Town, the validity of the Permit may be extended to two (2) years from the date of issuance.

4.5.2 The Town may renew the **permit** one or more times for an additional one (1) year period each time should **site alteration** and/or property rehabilitation continue past the initial **permit** timeframe.

4.5.3 **permits** issued pursuant to the By-law shall expire after ninety (90) days after the date of issuance of the **permit** if the site alteration have not commenced.

4.6 Revocation of Permit

The Town may revoke a **permit** issued pursuant to this By-law under any of the following circumstances:

- a) It was issued in error;
- b) The **permit** application and/or supporting documentation contained false, mistaken and/or misleading information;
- c) The **owner** or permit holder requests that the **permit** be revoked;
- d) The terms of the **permit** and/or Agreement have not been complied with;
- e) Work authorized under the **permit** has not commenced prior to its expiry date.

4.7 Cessation of Work

If a **permit** is expired, revoked or cancelled after work have commenced and prior to completion, the **owner** shall immediately cease all site alteration and restore the **site** to its original condition or stabilize the **site** to the satisfaction of the Town in a manner that will prevent adverse impacts on adjacent properties and the environment.

4.8 Other Approvals

The issuance of a **permit** under this By-law does not excuse the **owner** from complying with other applicable Federal, Provincial, and Municipal laws, and it does not warrant or guarantee that the **owner** will obtain any other permit or authorization from the Town or other government entity.

"Site Alteration By-law"

4.9 Recovery of Costs

- a) Costs incurred by the Town arising from any default or failure to perform the obligations and requirements under this By-law, plus interest accrued to the date payment is made at the rate of ten percent (10%) or such lesser rate as may be approved by the Town, shall be recoverable from the **owner** of the Property by action or in a like manner as taxes.
- b) Costs incurred by the Town under this By-law including interest are a lien on the Property upon registration in the proper land registry office of a notice of lien.

4.10 Pre-Consultation

An **applicant** or **owner** applying for a **permit** shall have a pre-consultation meeting with the **town engineer**, or his or her designate, and any other **persons** or agencies that are determined necessary to review the proposal to establish if a **permit** is required and/or if a **permit** can be issued pursuant to this By-law.

Section 5: Enforcement

5.1 Penalties and Offences

- a) Every **person** who contravenes any provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- b) If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- c) Every **person** who is guilty of an offence under this By-law shall be subject to the following penalties:
 - i. Upon a first conviction, to a fine of not more than \$50,000.00;
 - ii. Upon a second or subsequent conviction for the same offence, to a fine of not more than \$100,000.00;
 - iii. Upon conviction for a continuing offence, to a fine of not more than \$10,000.00 for each day or part of a day that the offence continues. The total daily fines may exceed \$100,000.00; and
 - iv. Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.
- d) For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- e) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- f) When a **person** has been convicted of an offence under this By-law, the Ontario Court of Justice or any Court of competent jurisdiction may, in addition

“Site Alteration By-law”

to any other penalty imposed on the **person** convicted, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

- g) Municipal fees for administration and enforcement activities under this By-law shall be subject to the rates and fees set out in the **town's** Fees and Charges By-law.

5.2 Obstruction

No **person** shall hinder or obstruct any enforcement officer who is exercising a power or performing a duty under this By-law.

5.3 Right of Entry

- a) **Inspectors** may, at any reasonable time, enter and inspect any lands to determine whether the provisions of this By-law, or any condition of a **permit** or Order issued under this By-law are being complied with, or whether an amendment to an issued **permit** should be issued. This power of entry does not allow the **inspector** to enter into any building being used as a residence.
- b) **Inspectors** may, at any reasonable time, enter any lands for the purpose of collecting information, taking photographs, videos, drone videos, measurements, readings and samples for audit and verification of compliance with the By-law, or the conditions of a **permit** or order issued hereunder.
- c) **Inspectors** may, at any reasonable time, request copies of reports, manifests, or other documents for the purposes of auditing compliance with this By-law or the conditions of any **permit** or order issued hereunder.
- d) **Inspectors** may require the production of documents for inspection or things relevant to the inspection, inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts.
- e) The **town engineer** may appoint the **town's** peer review consultant, or other engineering, scientific and technical experts to fulfill the role of an **inspector** for the purposes of this By-law.

5.4 Order to Discontinue

If an **inspector** is satisfied that a contravention of this By-law has occurred, the **inspector** may make an order requiring the **owner** of the land and any **person** who caused or permitted the **placing** of **dumping** of **fill**, removal of **topsoil** or alteration of the Existing **grade** of land, to discontinue the activity. That order shall set out:

- a) the municipal address and/or legal description of the **site**; and,
- b) particulars of the contravention and period within which there must be compliance.

"Site Alteration By-law"

5.5 Order to Restore

If an **inspector** is satisfied that a contravention of the By-law has occurred, the **inspector** may make an order requiring work to be done to correct the contravention. That order shall set out:

- a) the municipal address and/or legal description of the **site**;
- b) particulars of the contravention, the work to be done, and the period within which there must be compliance with the order;
- c) direction to provide immediate stabilization of all disturbed areas at the **owner's** sole expense; and,
- d) a notice stating that if the work is not done in compliance with the order within the period it specifies, the Town may have the work done at the expense of the **owner**.

5.6 Work Done by Town

If the work required by an Order under section 5.4 and/or 5.5 of this By-law is not done within the specified period, the **town**, in addition to all other remedies it may have, may do the work at the **owner's** expense and may enter upon the **site**, at any reasonable time, for this purpose.

5.7 Costs of Work Done by Town

If the costs for the work pursuant to section 5.6 are not paid to the **town** within thirty ("30") days of written demand thereof, the Treasurer may add the costs, including interest, to the tax roll for the **site** and collect them in the same manner as municipal taxes.

Section 6: Security

- 6.1 The **applicant** shall maintain or repair the **works** completed under the terms of the Permit and the conditions applicable under this By-law.
- 6.2 To guarantee the restoration of the Site, upon request of the Town, and within three (3) days of such request, the **applicant** shall deposit with the Town a Performance and Maintenance Guarantee in the form of cash, or a Letter of Credit from a Chartered Bank in a form acceptable to the Town in an amount as set out in Schedule A, or such other amount as determined in the Town's sole and absolute discretion, to cover the faithful performance of the terms of the **permit** including maintenance, repair and restoration carried out by the **applicant** and every other obligation arising under and imposed upon the **applicant** by this By-law or any Permit issued under this By-law, as determined by the Town. Such Performance and Maintenance Guarantee shall be provided prior to the issuance of any **permit** under this By-law.
- 6.3 If additional funds are required above and beyond the **security** deposit to complete the **work**, the Town may request that the **town treasurer** include any part of the fees and charges imposed by the Town to the tax roll pursuant to the provisions of sections 398 and 446 of the *Municipal Act, 2001*.

Page 21 of 27
By-Law No. 108-23

"Site Alteration By-law"

- 6.4 The **applicant** may request a reduction in the total amount of **security** being held by the Town pursuant to this By-law provided the following conditions are satisfied:
- (a) The Town is satisfied that the **obligations set out in the Permit** have been substantially completed in accordance with the Permit; and
 - (b) all accounts with the Town are in good standing.
- 6.5 Prior to any reduction in **security** being processed, the Town may request satisfactory completion the **works** under the **permit** have been certified by the Town as complete and acceptable.
- 6.6 With each request for a reduction, the **applicant** shall provide an updated estimate of the cost to complete the **works**. This estimate will be reviewed by the Town, and provided the **applicant** is not in default of any of the requirements of this By-law or the **permit**, the Town may proceed to reduce the **securities** to the amount being the cost of the **works** that have not been constructed.
- 6.7 A fifteen percent (15%) minimum holdback will be required for all completed **works** to be released upon final approval by the Town. The Town may retain part of all of the holdback if, in the opinion of the Town, the provisions of this By-law and/or the provisions contained within the Permit have not been complied with.
- 6.8 The Town may refuse to release the remaining Security pursuant to section 6.7, unless the Applicant has complied with all of its obligations under this By-law and is not in contravention of any other applicable laws.

Section 7: Coming into Force and Effect

- 7.1 This By-law shall come into force and effect on the day it is passed.

Passed this 22nd day of November 2023.



Lynn Dollin, Mayor



Patty Thoma, Clerk

“Site Alteration By-law”

Schedule A – Permit Conditions

All **permits** and Agreements will be subject to the following mandatory conditions:

- All Site Alterations must implement mitigative measures or alternative approaches in order to protect, improve, or restore sensitive surface water and groundwater features and their hydrologic function.
- All Site Alterations shall use best practices for the management of **excess soil** and **fill** generated during any Site Alteration, so as to ensure that any **excess soil** or **fill** is reused **on-site** or locally to the maximum extent possible and **fill** received at a **site** will not cause an Adverse Effect with regard to the current or proposed use of the **property** or the natural environment.
- All Site Alterations must comply with any additional conditions and requirements contained in the Town’s Official Plan.
- Submission of a completed Application Form;
- Payment of all required fees and deposits;
- Obtaining one or more insurance policies to cover activities undertaken under the Permit or Agreement in the amounts required by Section 4.3.6 of the **by-law** and to provide a certificate evidencing such insurance coverage to the Town, and naming the Town as additional insured.
- The **owner** shall, both during and following the term of the **permit** and/or **agreement**, indemnify and save harmless the Town from all costs, losses, damages, judgements, claims, demands, suits, actions, complaints or other proceedings in any manner based upon, occasioned by or attributable to anything done or omitted to be done by the **owner**, its directors, officers, employees, agents, sub-contractors or volunteers in connection with the **site alteration** conducted pursuant to the **permit** or **agreement**.
- The **placing** or **dumping** of **fill** shall not result in:
 - **Soil** erosion;
 - Blockage of a watercourse;
 - Siltation in a watercourse;
 - Pollution of a watercourse;
 - Flooding or ponding or adverse impacts on other lands;
 - Flooding or ponding caused by a watercourse overflowing its banks;
 - A detrimental effect on any trees of a caliper of seventy-five (75) millimeters or more located on the lands;
 - A detrimental effect on matters of inherent biological sensitivity such as an aquifer recharge, water quality, unusual plants or wildlife and over-wintering habits;
 - A detrimental effect on any environmentally significant lands or areas of natural or scientific interest, wetland, or wetland complex identified by the Conservation Authority or the Ministry of Natural Resources and Forestry;
 - Any contravention of regulations, standards, or guidelines established pursuant to the *EPA*;
 - Any contravention of the rules, regulations or orders of the Lake Simcoe Region Conservation Authority and/or the Nottawasaga Valley Conservation Authority;
 - A level of waste or nuisance unacceptable to the Town; or
 - Contravention of any other applicable law or regulation.

Permits may also include conditions at the discretion of Town Staff and/or Council, such as:

- Provide a **record of site condition** (even where not required by provincial regulations);
- Provide a Fill Management Plan

Page 23 of 27
By-Law No. 108-23

“Site Alteration By-law”

- Post-closure monitoring;
- Provide certain technical reports upon completion of the Site Alteration;
- Posting of signage and notices regarding the Site Alteration, providing details required by Town Staff.

Permits for site alteration within settlement areas in the Lake Simcoe watershed may also contain the following conditions, in accordance with the Town’s Official Plan (section 9.12.1):

- Increase or improve fish habitat in streams, lakes and wetlands, and any adjacent riparian areas;
- Include landscaping and habitat restoration that increase the ability of native plants and animals to use valleylands or riparian areas as wildlife habitat and movement corridors;
- Seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity or run-off into receiving streams, lakes and wetlands; and
- Establish or increase the extent and width of a vegetation protection zone adjacent to Lake Simcoe to a minimum of 30m, where feasible.

Securities shall be provided in accordance with Section 6 of this By-law in order to ensure the proper execution of Works under this By-law . Once all necessary Works are completed, the Applicant can request the Town to verify that all obligations under the Agreement have been fulfilled. Securities will be released in accordance with Section 6 of this By-law.

To determine the amount of Security required, the following formula is used:

Application Type	Internal Works	All External Works	Landscape
Industrial, Commercial, Institutional	50% of Engineering Cost Estimate	120% of Engineering Cost Estimate	50% of Landscape Cost Estimate
Residential	50% of Engineer Cost Estimate	120% of Engineering Cost Estimate	100% of Landscape Cost Estimate

Please note all external works must follow the RAP process.

“Site Alteration By-law”

Schedule B – Site Alteration Standards

The **fill management plan** (the “**Plan**”) must detail current conditions, how the **site** activities will be conducted, the final site conditions, and the impact mitigation measures that will be employed. The Plan must be prepared by an appropriately qualified consultant, professionally licensed in the province of Ontario, and must be based on the background studies and **site-specific** conditions of the **property**.

The scope of the Plan will be determined by Town Staff, but will be dependent on the size and nature of the Site Alteration to be undertaken. For example, Small Site Alterations with very little potential impact on surrounding lands or the environment may only require a Plan of limited scope and detail. Larger Site Alterations, especially those involving the importation of material from off-**site** and/or those with significant changes to Existing **grades**, will require a more comprehensive Plan.

The Plan should include (where applicable):

- **Key Map:** Provide a key map of the **site**, identifying its location, with north arrow, subject address, dimensions, structures (above and underground), significant natural features, metric scale, and appropriate legend;
- **Rationale:** Explain the purpose of the Site Alteration and provide support for why and how the site alteration conforms with good engineering and scientific practices, including what measures will be taken to ensure that the site alteration does not degrade the environmental and **drainage** conditions of the **site** and surrounding properties;
- **Schedule:** Provide a work schedule for the Site Alteration including:
 - Proposed start and end dates of all major components of the Activities, such as the start and end of the Activities in general, as well as start and end of specific activities, such as silt fencing, preparatory work, importation of Fill, changing the Existing Grade, surface cover application, etc.
 - Hours of operation, which should ensure, at a minimum, that no Activities occur:
 - Between the hours of 7pm and 7am Monday to Saturday;
 - At any time on Sundays or Statutory Holidays;
 - During any times at which a wind warning has been issued by Environment Canada;
 - During any weather conditions where the ability to mitigate negative impacts might be significantly compromised (ie. Heavy rain);
 - During any situation where Site Alteration might negatively impact adjacent landowners (ie. Fires, floods, unsuitable road conditions);
- **Grading And Drainage Plans:** Provide engineering drawings and cross-sections with sufficient topographic and site condition details to illustrate:
 - Existing topography and conditions;
 - Existing surface water flow on and around the **site**;
 - Site alteration process;
 - Proposed **finished grades** and conditions; and
 - Proposed final surface water flow on and around the **site**.
- **Fill Quality Control And Environmental Protection:** Confirm commitment to and understanding of the Town’s Fill Quality Control and Environmental Protection Process.
- **Surface Water Conditions:** Provide surface water flow conditions before, during, and after Site Alteration on and around the **site**, including:
 - Mitigation methods to be used to control erosion, sedimentation, and surface water flow during the Site Alteration;

"Site Alteration By-law"

- Impacts of the Site Alteration on surface water flow;
- Mitigation methods employed to ensure no significant deleterious impacts (blockage, siltation, contamination, flooding, increased runoff, etc.) to watercourses and surrounding properties occur as a result of the Site Alteration;
- **Groundwater Conditions:** Provide an evaluation of the potential for the Site Alteration to impact groundwater on and around the **site**, including:
 - Existing groundwater conditions;
 - Groundwater sensitivities (ie. Well head protection area, aquifer vulnerability, source water protection, groundwater discharge areas, etc.)
 - Potential impacts to groundwater;
 - Mitigation methods; and
 - Monitoring and post-Site Alteration confirmation of groundwater conditions;
- **Groundwater Well:** Provide sufficient documentation to demonstrate that the Site Alteration will not impact a groundwater well, including:
 - No Site Alteration to come within 3m of a well; or
 - Provide a report from an appropriately qualified professional that the Site Alteration will not impact the well and/or the modifications to the well will be conducted in accordance with O. Reg. 903; and
 - Maintain **drainage** away from the well, as required by O.Reg. 903;

In the case of a Large Site Alteration, the Plan must include provision of the report and compliance with O. Reg. 903, provided above;

- **Septic:** Provide sufficient documentation to demonstrate that the Site Alteration will not impact a septic system, including:
 - No Site Alteration to come within 3m of a septic system including the bed and reserve bed area; or
 - Provide a report from an appropriately qualified professional that the Site Alteration will not impact the septic system and/or the modifications to the septic system will be conducted in accordance with the Building Code; and
 - Maintain the septic system capacity of the **property** in accordance with the Building Code or the Environmental Compliance Approval (if issued for the **property**);

In the case of a Large Site Alteration, the Plan must include provision of the report and compliance with the Building Code/ECA, provided above;

- **Buildings:** Provide sufficient documentation to demonstrate that the Site Alteration will not impact a house, building or other structure for which a Building Permit would be required to construct, including:
 - No Site Alteration to come within 3m of a building or structure; or
 - Provide a report from an appropriately qualified professional that the Site Alteration will not impact a building or structure and/or the modifications to the building and/or structure will be undertaken in accordance with the Building Code to mitigate the impacts of the site alteration; and
 - Maintain the grading, **drainage** and geotechnical conditions in vicinity of all buildings and structures in accordance to the Building Code;

In the case of a Large Site Alteration, the Plan must include provision of the report and compliance with the Building Code, provided above;

- **Adjacent Properties and Public Impacts:** Provide sufficient documentation that the Site Alteration will not impact adjacent properties, including:
 - No Site Alteration to come within 5m of a neighbouring property; or
 - Provide a report from an appropriately qualified professional that the site alteration will not impact neighbouring properties and note mitigative controls employed to ensure protection of neighbouring properties; and

“Site Alteration By-law”

- Where the Site Alteration will impact a neighbouring property, provide documentation of the neighbouring property owner’s permission to carry out the activities proposed.

For all Site Alterations, the Plan should also include:

- A mechanism for public and adjacent landowner liaison;
 - Identification of potential impacts (dust, noise, traffic, etc...);
 - Proposed mitigation methods; and
 - Complaint response and resolution protocol;
- **Continued Compliance with Regulatory Agencies/Bodies:** Illustrate that the Site Alteration will maintain compliance with all regulations and requirements of all regulatory agencies and bodies having jurisdiction.
 - **Retaining Walls:** For Site Alterations requiring **retaining walls**, provide:
 - Detailed engineering design; and
 - Appropriate Building Permits.
 - **Installation Or Alteration of Sub-Surface Drainage System:** For Site Alterations involving installation or alteration of any type of sub-surface **drainage** system, provide:
 - Engineering drawings for the system; and
 - Inspection report from an appropriately **qualified person** prepared prior to covering.
 - **Trees:** For Site Alterations that may harm trees, provide:
 - Existing vegetation and tree details;
 - Proposed changes due to Site Alterations;
 - Mitigation methods to limit damage to trees;
 - Tree Restoration Plan; and
 - Where required, engage a qualified tree consultant.
 - **Surface Cover:** For Site Alterations that will result in a change to surface cover, provide:
 - **Existing grade** and surface cover conditions;
 - **Finished grade** and surface cover conditions;
 - Mitigation methods employed to minimize impervious surfaces, maximize infiltration and enhance natural vegetation and conditions; and
 - Demonstrate the existing downstream conditions will be maintained or improved;
 - **Site Security And Access:** Provide a protocol for **site** security and access control to limit potential for illegal **dumping** and unauthorized access;
 - **Noise:** Provide an assessment of potential noise impacts (machinery, tailgate banging, etc...), mitigation methods and monitoring program;
 - **Spill Contingency:** A spill contingency plan is an elaborate strategy for responding to and removing spills, specifically focusing on measures to control, contain, and recover discharges that have the potential to cause harm to the environment.
 - **Odour Control Measures:** If odours are expected, a plan for odour control measures should be in place.
 - **Vehicle and Equipment Decontamination:** The designated contractor shall inspect all vehicles, equipment, and tools before they are mobilized to the excavation zone, to confirm that they are clean and in good working order.
 - **Change In Use:** If the Site Alteration effects a post-Site Alteration change in use as defined by O.Reg. 153/04, as amended, provide:
 - Purpose and rationale of benefits for the change in land use; and
 - Documentation that the change in land use is consistent with the Town’s zoning and requirements of other agencies with jurisdiction; and
 - How a **record of site condition** will be obtained if required by O.Reg. 153/04, as amended and/or the Town.

“Site Alteration By-law”

Importation of Fill

Where the Site Alteration includes the importation of Fill from outside the **site**, the following must also be included in the Plan.

- **Soil Quality:**
 - Apply Table 1: Full Depth Background **site condition standards** for Agricultural or Other Use from the Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the *EPA*, as the default comparative criteria to evaluate the **soil** being imported from off-**site**; or
 - Provide rationale in accordance with O.Reg 406/19 and good engineering and scientific practices for the application of alternative **soil** quality for consideration by Town Staff. Any deviation from the default **soil** quality criteria must be approved by Town Staff; and
 - Provide rationale, in accordance with relevant Ministry of Environment Regulations (O.Reg 406/19., O.Reg. 153/04, O. Reg. 347, etc.), best management practices and good engineering and scientific practices, if the imported materials are not **topsoil, soil, rock, stone, clean concrete, or sod**, that the material is inert and geotechnically and environmentally suitable for the proposed purpose. The use of any inert fill material that is not **topsoil, soil, rock, stone, clean concrete, or sod** must be approved by Town Staff;
- **Evaluation:** Provide a methodology of how any imported fill will be evaluated to ensure it meets the quality requirements established for the **site**, including:
 - Source site, as defined as per O.Reg. 406/19, assessment by a **qualified person**;
 - Collection and analysis of sampled of the Fill material;
 - Evaluation of the material based on analytical results; and
 - Quality control/quality assurance procedures;
- **Documentation:** Provide a methodology of how any imported Fill will be documented and managed from Source Site to Receiving Site, including:
 - Bills of lading and tracking;
 - Receiving site assessment; and
 - Inspection and auditing;
- **Transportation Plan:** When importing or exporting fill from the Site, provide a Transportation Plan in accordance with the requirements of the Town and the County of Simcoe to manage the traffic and access to and from the Source Site and the Receiving Site. The Transportation Plan must include:
 - Haul routes;
 - Traffic control;
 - Traffic volume;
 - Road maintenance; and
 - Impacts and mitigation;
- **Mud And Dust Control:** For Site Alterations where airborne dust control could impact neighbouring properties and/or transportation routes, provide a protocol for controlling dust and mud, including:
 - Method of monitoring dust;
 - Mitigation methods to control dust; and
 - Response plan to address dust incidents.