



**THE CORPORATION OF THE TOWN OF HALTON HILLS**

**BY-LAW NO. 2010-0119**

A By-law to Prohibit or Regulate Site Alterations within the Town of Halton Hills and Repeal By-law No. 01-076.

**WHEREAS** Sections 11(2) and 142 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorize a municipality to pass by-laws to prohibit, regulate, or require a permit for, and impose conditions upon, the placing or dumping of Fill, removal of Topsoil or alteration of the grade of Land;

**AND WHEREAS** Sections 23.1, 23.2, 23.3 and 23.5 of the *Municipal Act, 2001* authorize a municipality to delegate certain powers and duties;

**AND WHEREAS** Sections 9, 11 and 391 of the *Municipal Act, 2001* authorize a municipality to impose fees and charges for, *inter alia*, services and activities provided or done by or on behalf of the municipality;

**AND WHEREAS** Section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter on Land to conduct inspections;

**AND WHEREAS** Sections 444 and 445 of the *Municipal Act, 2001* authorize a municipality to make orders to discontinue, or to correct, the contravention of a by-law;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001* authorizes a municipality to do a matter or thing in default of it being done by the person directed or required to do it;

**AND WHEREAS** Council for the Corporation of the Town of Halton Hills deems it in the public interest to enact a by-law for prohibiting or regulating the placing or dumping of Fill, the removal of Topsoil, and the alteration of the grade of the Land in order to ensure that:

- (a) Existing drainage patterns are maintained;
- (b) Interference and damage to watercourses or water bodies is limited;
- (c) Water quality is maintained;
- (d) Erosion and sedimentation are prevented;
- (e) Changes to drainage or grade are appropriate to protect natural heritage features and areas and archaeological resources;
- (f) The use of hazardous or improper Fill is prevented;

- (g) Unanticipated drainage and Site Alteration changes are prevented;
- (h) Haul Routes for the transportation of Fill and Topsoil authorized for placement, dumping or removal will be designated to and/or from a Site by the Director to minimize damage to the Town's roads and minimize interference and/or disturbance to the Town's residents and businesses from any placement, dumping or removal;

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

**AND WHEREAS** Council for the Corporation of the Town of Halton Hills deems it advisable to exercise this authority, as well as, provide for the rehabilitation of Lands and protect water bodies and environmental protection areas where the removal of Topsoil, or the placing and dumping of Fill or alteration of grade of the Land is permissible.

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

**SHORT TITLE**

The short title of this By-law is the *Site Alteration By-law*.

**PART I      APPLICATION**

1. This By-law does not apply to:
  - (a) activities or matters undertaken by the Regional Municipality of Halton, Town of Halton Hills, or a local board thereof;
  - (b) Site Alterations imposed after December 31, 2002, as a condition to:
    - (i) the approval of a site plan, a plan of subdivision or a consent under Sections 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;
    - (ii) 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;

- (c) Site Alterations undertaken:
- (i) 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;
  - (ii) 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*;
  - (iii) to lawfully establish and operate or enlarge any pit or quarry on Land:
    - 1) that has been designated under the *Aggregate Resources Act* or a predecessor of that Act;
    - 2) on which a pit or quarry is a permitted Land use under a by-law passed under Section 34 of the *Planning Act*;
  - (iv) as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*;
- (d) any area of the Town which is the subject of a regulation made under Section 28 of the *Conservation Authorities Act* respecting Site Alterations; and
- (e) 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, but this exception does not include the removal of Topsoil for sale, exchange or other disposition.

## **PART II     DEFINITIONS**

2. In this By-law:

***Applicant*** means any Person applying for a Permit under this By-law;

***Committee*** means the Site Alteration Committee established by the Town for the purpose of reviewing requests for variance from, or exceptions to, the prohibition under Section 6(1) of this By-law;

***Council*** means the Council for the Town;

**Director** means the Director of Infrastructure Services and Town Engineer for the Town, or his designate;

**Fill** means any type of material deposited or placed on or removed from a Site and includes but is not limited to earth, Topsoil, stone, brick, concrete, asphalt, sod or turf, either singly or in combination;

**Highway** means a common and public highway and includes a street, bridge or other structure forming part of a Highway over or across which a Highway passes, and includes the whole of a road allowance under the jurisdiction of the Town;

**Inspector** means an employee of the Town designated and appointed by the Director and authorized to administer and enforce the provisions of this By-law;

**Land** includes any private property, premises, grounds, yards or vacant lot;

**Owner** means a Person who is the registered Owner of a Site;

**Permit** means a Site Alteration Permit issued under this By-law;

**Permit Holder** means the Person who holds a Permit issued under this By-law;

**Person** includes a company, a corporation, a partnership, or an individual person, and the singular shall include the plural;

**Rural Land** means any rural or agricultural Land, or Land designated as a Non-Urban Zone or Environmental and Open Space Zone under the provisions of any zoning by-law passed by the Town pursuant to the *Planning Act*, R.S.O. 1990, chap. P13;

**Site** means Land upon which a Site Alteration is proposed;

**Site Alteration** includes the alteration of the grade; the placing, dumping, or removal of Fill in or from a Site; and the removal of Topsoil from a Site;

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

**Town** means The Corporation of the Town of Halton Hills, or the geographic area comprising the Town of Halton Hills.

### **PART III ADMINISTRATION**

3. (1) The Director shall be responsible for the administration and enforcement of this By-law.
  - (2) The Director shall:
    - (a) operate and manage a Permit system in a manner to ensure compliance with this By-law;
    - (b) carry out the procedural, policy and enforcement provisions of this By-law or any by-law related hereto; and
    - (c) engage in the issuance of Permits in accordance with this By-law.
  - (3) The Director may:
    - (a) prior to the issuance of a Permit, require the Applicant to enter into an Agreement which may be registered on title to the Site, and which will charge the Site with the performance of the obligations of the Applicant or Owner and any such Agreement may contain such requirements as the Director considers necessary to ensure that the Site Alteration is done in accordance with prevailing Town design standards proper engineering practices and the conditions attached to the permit issued;
    - (b) issue a Permit in accordance with the provisions of this By-law;
    - (c) make forms, notices, applications and documents not otherwise prescribed by this By-law to satisfy the requirements of, or to provide other information required under this By-law; and
    - (d) designate and appoint Inspectors for reviewing and enforcing contraventions in accordance with the provisions of this By-law.
  - (4) Council has determined that, in consideration of the number of people, the size of the geographic area and the time period affected by the exercise of the powers delegated by Subsection 3(3), the said powers are of a minor nature.
  - (5) The Schedules appended to this By-law are incorporated into, and form a part of this By-law.
4. The Committee, as appointed by Council for a term to run concurrent with the term of Council, shall be responsible to review requests pursuant to Section 8 of this By-law, for a variance from, or exception to, the prohibition contained in Section 6(1) of this By-law and to make recommendations to Council respecting such requests.

5. The following rules apply to the administration and application processes of this By-law:
- (1) Inspectors shall be designated and appointed by the Director and the appointment shall be consistent with the Code of Conduct prescribed by the Town *Personnel Policy Manual By-law*, and the provisions of this By-law.
  - (2) Neither the Director nor the Committee has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
  - (3) No Site Alteration shall detrimentally affect the quality or quantity of water in wells on adjacent properties.

#### **PART IV GENERAL PROVISIONS**

6. (1) Unless exemptions under Sections 1 or 7 apply, and subject to a variance or exception granted by Section 8, no Person shall carry out a Site Alteration on Rural Land in the Town.
- (2) No Person shall carry out any Site Alteration elsewhere in the Town:
- (a) without having first obtained, and thereafter continuing to hold, a valid Permit issued in accordance with this By-law; or
  - (b) in contravention of a Permit issued under this By-law.
- (3) Permits shall be in forms as provided in the Schedules to this By-law.
- (4) Every Applicant for a Permit under this By-law shall:
- (a) complete and submit the applicable form(s) as provided in the Schedules to this By-law;
  - (b) submit the Permit fee as set out in the Town's *User Fees, Licensing Fees and Service Charges By-law No. 2008-0131*, as amended; and
  - (c) provide all documentation as required under this By-law and schedules to this By-law.
- (5) An Applicant who has been refused a Permit issued under this By-law or is not satisfied with conditions attached to the permit issued, may appeal the decision of the Director by sending a notice of appeal by registered mail to the Clerk of the Town within fourteen (14) days after being notified by the Town.

- (6) An appeal under Subsection (5) shall be conducted pursuant to the provisions of the *Statutory Powers Procedure Act* R.S.O. 1990, c.S.22 and the relevant provisions of Section 13 of this By-law shall apply thereto.
- (7) Where a Permit under this section is not appealed within the time referred to in subsection (5) it shall be deemed to be final.
- (8) Any person who provides misleading or false information in an application under this By-law, or in any statement or plan required to be produced under this By-law or on any appeal under this By-law or who concurs in such an action or omission is guilty of an offence.

## **PART V EXEMPTIONS**

- 7. Notwithstanding the provisions of Section 6, a Permit is not required for a Site Alteration on a Site equal to or less than 0.5 hectare in size:
  - (a) for the installation of a swimming pool, including decking, greater than sixty (60) centimetres (24 inches) from any lot line, provided that a pool enclosure permit is obtained from the Town pursuant to Pool Enclosure By-law 2009-0028 or any successor thereto;
  - (b) for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that:
    - (i) no soil in excess of fifteen (15) centimetres (6 inches) in depth is placed on the Land;
    - (ii) the elevation of the Land within sixty (60) centimetres (24 inches) of any property line is not changed; and
    - (iii) there is no change in the location, direction or elevation of any natural or artificial watercourse, water body, open channel, swale or ditch used to drain the Land.

## **PART VI REQUESTS FOR VARIANCE OR EXCEPTION**

- 8. (1) An Owner of Rural Land may request a variance from, or exception to, the prohibition contained in Section 6(1) and, upon such a request being made, the Owner is entitled to a review of such request by the Committee.
- (2) Requests for a variance or exception under Subsection (1) shall be in writing and directed to the Committee in care of the Clerk of the Town, specifying the reasons for the variance or exception and include any documents the Owner will be relying on.

- (3) Upon receipt of a written request under Subsection (2), the Town Clerk shall:
  - (a) schedule a review before the Committee; and
  - (b) give the requesting Owner notice of the review date at least twenty (20) days prior to the hearing date.
- (4) Delivery of any notice to the requesting Owner shall be made by personal delivery or registered mail. The notice shall be deemed to have been delivered on the seventh (7<sup>th</sup>) day after the date of mailing, or on the date of personal delivery.
- (5) Notice of a review on a request under Subsection (2) shall be circulated by the Town Clerk to the Infrastructure Services Department, and the Inspector(s) appointed under this By-law for the purpose of preparing a report outlining staff's recommendation on the request.
- (6) The review of a request under Subsection (2) shall be held in public, and the Committee shall hear the requesting Owner and every other person who desires to be heard in favour of or against the request, and the Committee may adjourn the meeting or reserve its recommendation.
- (7) Upon reviewing a request under Subsection (2), the Committee shall consider whether the requested variance or exception:
  - (a) will result in maintaining or improving the overall fertility of the Site;
  - (b) is an incidental part of a normal agricultural practice;
  - (c) will maintain the general intent and purpose of this By-law; and
  - (d) the committee shall suggest any conditions which may be attached to any variance or exception requested.
- (8) At the conclusion of the review, the Committee shall submit a report summarizing the relevant facts and arguments presented by the parties in attendance, making recommendations to Council for or against the variance or exception requested, along with any appropriate conditions and setting out the reasons for such recommendations.
- (9) Council may uphold or vary the recommendations of the Committee.
- (10) An Owner who has been denied or refused a variance or exception under this Part or is not satisfied with any conditions attached, may appeal by sending a notice of appeal by registered mail to the Clerk of the Town within fourteen (14) days after being notified by the Town.



- (11) An appeal under Subsection (10) shall be conducted pursuant to the provisions of the *Statutory Powers Procedure Act* R.S.O. 1990, c.S.22 and the relevant provisions of Section 13 of this By-law shall apply thereto.
- (12) Where a decision by Council under this section is not appealed within the time referred to in Subsection (10) it shall be deemed to be final and binding.

## **PART VII HAUL ROUTES**

9. (1) The Director on permit applications under Section 6 or the Council on Exception or Variance under Section 8 may designate one or more Haul Routes to and one or more Haul Routes from a Site for the placement or dumping of Fill at the Site or the removal of Topsoil from the Site.
- (2) The Director or Council may establish the amount of the liquidated damages to the Town for failure to use designated Haul Routes.
- (3) Where the Highways are not under the jurisdiction of the Town; the Applicant shall provide permission from the road authority in a form acceptable to the Director prior to issuance of a permit.
- (4) An Owner or Occupier of Land which is subject of a Permit Applicator under Section 6 or a Variance or Exception request under Section 8 of this By-law as a condition for obtaining a permit under Section 6 of this By-law or an Exception or Variance under Section 8 of this By-law for which a designated Haul Route condition has been established shall be responsible for ensuring that the designated Haul Routes are used by any person coming to or travelling from the Site under the authority of the Permit or Exception or Variance concerned and any failure to do so shall be in contravention of this By-law for which the Owner or Occupier is liable to a fine under Section 10 (1) and/or to the revocation of the Permit or Exception or Variance concerned by the Director or Council as the cases may be.
- (5) Any person failing to use a designated Haul Route for the dumping or placing of Fill on a Site or the removing of Topsoil from a Site which is the subject of a Permit or Exception or Variance under this By-law is guilty of an offence.

## **PART VIII ENFORCEMENT**

10. (1) Every Person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine of not less than Five

Hundred Dollars (\$500.00) and not more than One Hundred Thousand Dollars (\$100,000.00).

- (2) The Owner of Land where a contravention of this By-law has occurred may be charged with and convicted of an offence under Section 6 of this By-law for which any Person is subject to be charged unless, at the time of the offence, the Site Alteration was without the Owner's consent and, on conviction, the Owner is liable to pay the penalty prescribed for the offence.
  - (3) Every Owner or occupier of Land where a contravention of this By-law has occurred shall prevent the continuation or repetition of the contravention.
- 11.**
- (1) An Inspector may enter upon Land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
    - (a) this By-law;
    - (b) A Permit, or a condition of a Permit; or
    - (c) a direction or order made under the *Municipal Act, 2001*, S.O. 2001, c.25 or this By-law.
  - (2) For the purposes of an inspection under Subsection (1) the Inspector may:
    - (a) require the production for inspection of documents or things relevant to the inspection;
    - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
    - (c) require information from any Person concerning a matter related to the inspection; and
    - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
  - (3) A receipt shall be provided for any document or thing removed under Clause (2) (b) and the document or thing shall be promptly returned after the copies or extracts are made.
  - (4) A sample taken under Clause (2)(d) shall be divided into two parts, and one part shall be delivered to the Person from whom the sample is taken, if the Person so requests at the time the sample is taken and provides the necessary facilities.
  - (5) If a sample is taken under Clause (2)(d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the Person from whom the sample was taken.

- (6) No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Inspector conducting an inspection or a Person performing corrective works under this By-law.
- 12.**
- (1) If the Inspector is satisfied that a contravention of this By-law has occurred, the Inspector may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the Land on or about which the contravention occurred to:
    - (a) discontinue the contravening activity; and/or
    - (b) do work to correct the contravention.
  - (2) Any Person who contravenes an order under Subsection (1) is guilty of an offence.
  - (3) An order under Subsection (1) shall set out:
    - (a) reasonable particulars of the contravention adequate to identify the contravention; and
    - (b) the location of the Land or elsewhere on which the contravention occurred; and
    - (c) either:
      - (i) in the case of an order under Clause (1)(a), hereof the date by which there must be compliance with the order; or
      - (ii) in the case of an order under Clause (1)(b), hereof the work to be done and the date by which the work must be done.
  - (4) An order under Clause (1)(b) may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
  - (5) In default of any work required by an order under Clause (1)(b) being done by the Person directed or required to do it, the work shall be done by the Town at the Person's expense.
  - (6) The Town may recover the costs of doing any thing or matter under Subsection (5) by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

- (7) The costs in Subsection (6) shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are paid in full.
  - (8) For the purposes of Subsection (5), the Town and its employees, agents and representatives may enter upon Land at any reasonable time.
13.
  - (1) An order under Section 12 shall be served on the Person whom the Inspector believes is contravening this By-law by personal delivery or registered mail. The order shall be deemed to have been served on the seventh (7<sup>th</sup>) day after the date of mailing or on the date of personal delivery.
  - (2) A Person who has been served with an order and who is not satisfied with the terms or conditions of the order may appeal by sending a notice of appeal by registered mail to the Clerk of the Town within seven (7) days after being served with the order.
  - (3) An appeal under Subsection (2) shall be conducted pursuant to the provisions of the *Statutory Powers Procedure Act* R.S.O. 1990, c.S.22 and the relevant provisions of Section 13 of this By-law shall apply thereto.
  - (4) An order under this section that is not appealed within the time referred to in Subsection (2) shall be deemed to be final.
14.
  - (1) Council, or a committee or hearing officer appointed by Council, shall hear any appeal under this By-law.
  - (2) Where a committee or hearing officer appointed by Council has heard any appeal, the hearing committee or officer shall submit a report summarizing the relevant evidence and arguments presented by the parties in attendance, setting out the findings of fact, making recommendations to Council and setting out the reasons for such recommendations.
  - (3) Council may uphold or vary the recommendation of the committee or hearing officer and the determination, as the case may be, shall be final and binding.
15. If a court of competent jurisdiction should declare any section or a part of this By-law to be invalid, the remainder of this By-law shall continue in force, unless the court makes an order to the contrary.
16. That Town of Halton Hills By-law No. 01-076 is hereby repealed in its entirety.

17. This By-law shall come into full force and effect on its date of passing.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 16th day of December, 2010.

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MAYOR – Rick Bonnette

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TOWN CLERK – Suzanne Jones

## SCHEDULE A

### SITE ALTERATION PERMITS

1. A Person applying for a Permit shall submit the following to the Director:
  - (a) a complete application in the form prescribed in Schedule 'B' appended to this By-law, including proof satisfactory to the Director that the Applicant is the legal Owner of the Site, or has been authorized by the Owner of the Site to submit the application;
  - (b) the prior written consent of the Owner of the Land where the Site Alteration is to take place;
  - (c) the applicable Permit fee in accordance with the Town's *User Fees, Licensing Fees & Services Charges By-law*;
  - (d) an accurate plan of the Site in accordance with the requirements set out in Schedule 'B' appended to this By-law showing:
    - (i) the property boundaries of the Site with dimensions;
    - (ii) existing elevations in the form of contours at 0.5 metre intervals or less, with spot elevations along the Site boundary lines and 3.0 metres beyond the Site boundary lines at sufficient intervals to clearly show the existing drainage patterns on the Land and on the abutting Lands;
    - (iii) the location of all existing underground plant, including storm sewers, watercourses and any bodies of water, on the Site and on abutting Lands and Highways;
    - (iv) the location of all existing buildings or structures, all trees greater than 75 mm in calliper (which shall be identified by species), all shrubs and driveways on the Site and all easements and rights-of-way over, under, across or through the Site;
    - (v) proposed sediment and erosion controls that will be installed prior to alteration of the Site;
    - (vi) proposed final elevations and the drainage system to be used upon completion of the Site Alteration;
    - (vii) the intended use of the Site, including a description of the proposed Fill placement or Topsoil removal operation; and
    - (viii) all existing street services, including light standards, hydro poles and transformers, cable television and telephone pedestals, fire hydrants and valves, catchbasins and manholes;

- (e) a plan showing the design details to proper scale of any retaining wall that may be required, including the size, type and location of all material to be used in construction of such retaining wall, with a Professional Engineer's signature and stamp;
- (f) a Haul Route Plan showing the proposed roads within the Town to be used for vehicles dumping Fill to the Site for the dumping or placement of Fill and to be used by vehicles removing Topsoil from the Site.
- (g) a refundable security:
  - (i) in the amount as prescribed in the Town's Rates and Service Charges By-law;
  - (ii) in a form acceptable to the Director to secure performance of the work for which the Permit was obtained; and
  - (iii) available to recover the cost of the Town performing or having performed:
    - 1. any required works which the Applicant or Permit holder has failed to perform to the satisfaction of the Director, or
    - 2. any restoration works required to be performed on any Highway damaged as a result of the works; and
  - (iv) available to recover the liquidated damages suffered by the Town, for any failures to use designated Haul Routes to and from the Site.
- (h) a release and indemnity in favour of the Town, and in a form satisfactory to the Director, with respect to any and all liability which may arise in the event that the Fill used in the Site Alteration contains contaminants within the meaning of the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;

- 2. (1) The refundable security provided under Paragraph 1 (e) to this Schedule shall remain in effect for the full duration of the Permit, and any irrevocable letter of credit and its subsequent renewal forms shall contain a clause stating that thirty (30) days' written notice must be given to the Town prior to its expiry or cancellation.

- (2) In the event that the Town receives notice that a letter of credit is expiring and will not be renewed, or if further or additional securities are not provided within the said thirty (30) days' notice period, the Town may draw on the current letter of credit at the discretion of the Director, and any interest accruing on the realized cash security shall belong to the Town and not to the Permit Holder.
3. Notwithstanding any other provisions of this By-law, after taking into consideration the proposed works and whether the Applicant otherwise has conformed with this By-law, the Director may waive the requirement for a plan, and/or reduce or waive the Permit fee but not the refundable security.

### **TERMS AND CONDITIONS OF PERMIT**

4.
  - (1) A Permit shall remain valid for a period of one year from the date of issuance but shall expire six (6) months after the date of issuance if work under the Permit has not yet commenced.
  - (2) A Permit which is no longer valid or has expired may, at the sole discretion of the Director, be renewed for a six (6) month period from the date of invalidity or expiry provided that the proposed work has not been revised and that the Applicant is not in contravention of the requirements of this By-law.
  - (3) A request under Subsection (2) shall be made in writing to the Director accompanied by payment of the applicable Permit fee in accordance with the Town's Rates and Service Charges By-law.
5. All Permits shall contain the following conditions:
  - (a) The issuance of a Permit does not relieve the Owner of Land, Applicant, or Permit Holder from any responsibility to obtain all other approvals that may be required from any level of government or authority having jurisdiction or any agencies thereof.
  - (b) A Site Alteration Permit is not transferable to another property.
  - (c) The work shall be done at the request of, or with the consent of, the Owner of the Lands where the proposed Site Alteration is to be performed.
  - (d) All Fill to be dumped or placed shall be clean and free of waste, asphalt, trash, rubbish, glass, liquid or toxic chemicals, hazardous waste or contaminants within the meaning of the Environmental Protection Act.
  - (e) No ponding or alteration of existing surface water flow resulting directly or indirectly from the Site Alteration shall be caused on abutting Lands.



- (f) Where required, the finished grade surface shall be protected from erosion by sod, turf, seeding for grass, greenery, asphalt, concrete, or other means either singly or in combination, within two months of completion of the Site Alteration work, or as specified by the Director.
- (g) All trenches in which piping is laid as part of the drainage system shall be inspected by the Director prior to backfilling the excavation.
- (h) Erosion and sedimentation control measures shall be provided around all disturbed areas in a manner satisfactory to the Director prior to the commencement of the Site Alteration, and shall be maintained in good working order until the Site has stabilized.
- (i) All Fill shall be properly compacted using acceptable engineering practices, unless it is being stockpiled on the Site for future use.
- (j) The Permit Holder and Owner shall ensure that natural drainage or any natural or human-made watercourse or water body is not altered in such a manner that will negatively affect other property or the environment.
- (k) If archaeological resources are discovered or identified during the Site Alteration, even after the issuance of a Permit, the Owner of Land, Applicant or Permit Holder shall immediately cease all activity on the property and contact the Director.
- (l) No Site Alteration shall be performed:
  - (i) on any Saturday or Sunday, or Statutory Holiday;
  - (ii) using Highways to access or egress from the Site except those Highways designated Haul Routes;
  - (iii) before 8:30 a.m. or after 3:00 p.m. during any weekday Monday through Friday using Highways to access or egress from the Site;
  - (iv) in contravention of the Town's *Noise By-law*;
  - (v) that exceeds one hundred (100) truck loads of Fill per day arriving at, or leaving, the Site using Highways to access or egress from the Site;
  - (vi) prior to submitting to the Town a schedule of the anticipated starting and completion dates for each Site Alteration activity including the schedule for the use of the designated Haul Routes;
  - (vii) prior to submitting to the Town a submission detailing Site erosion control measures and dust control measures that will be implemented and maintained during and following construction, as required.
- (m) A Site Alteration performed pursuant to a Permit shall not detrimentally affect the quality or quantity of water in wells on adjacent properties.
- (n) The Owner and Occupant of the Land and any Permit Holder ensures that all vehicles to and from the Site follow the designated Haul Routes to and from the Site.

6. Every Permit Holder shall:
- (a) provide proof satisfactory to the Director that the Site has been adequately reinstated and stabilized in accordance with this By-law and the plan accompanying the Permit;
  - (b) give notice to the Director to carry out a final inspection to confirm that all relevant terms of this By-law have been complied with;
  - (c) following the completion of the Works, and before the release of any deposit or portion thereof, provide a statement of a Professional Engineer or Ontario Land Surveyor retained by the Permit Holder certifying that:
    - (i) the grading has been completed in accordance with the plans submitted;
    - (ii) the finished project does not detrimentally affect drainage on adjacent properties; and
    - (iii) the finished project does not detrimentally affect the quality or quantity of water in wells on adjacent properties.
  - (d) prior to commencement of works under a Permit, certify that the Fill introduced to the Site contains no contaminants within the meaning of the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;
  - (e) keep all Highways free of debris originating from the Site Alteration; and
  - (f) during performance of a Site Alteration, perform the following minimum procedures:
    - (i) at least once per day, scrape all Highways that have been fouled; and
    - (ii) at least once each week on Friday night or Saturday morning, clean all Highways that have been fouled.

## **ISSUANCE OF PERMIT**

7. The Director may issue a Permit where:
- (a) the Director is satisfied that the Site Alteration which is the subject of the application for a Permit is not otherwise prohibited by this By-law;
  - (b) the Applicant has fulfilled all requirements of this By-law;
  - (c) the Applicant has entered into an agreement referred to in Section 3(3)(a) of this By-law, if required, and has performed all the obligations which the agreement requires to be performed prior to the issuance of a Permit;
  - (d) the Director is satisfied that the proposed grade and resulting drainage pattern, the design of any retaining wall, the type of Fill to be placed and the method of grading, are all in accordance with prevailing Town design standards and proper engineering practice;

- (e) a Professional Engineer's signature and stamp is provided on the plan submitted with the application, where the exposed height of any retaining wall is 1.0 metre or greater;
- (f) an appropriate Haul Route or Haul Routes to and from the Site have been designated by the Director for the use of Vehicles travelling to or from the Site for the purpose of dumping or placing Fill or removing Topsoil.

## **REVOCATION OF PERMIT**

- 8.** (1) Where the ownership of the Land for which a Permit has been issued is transferred while the Permit remains in effect, the Permit Holder, prior to the completion of the transfer, shall provide written notice of both the pending transfer and the Site Alteration status to both the Director and the new Owner, and the new Owner shall within thirty (30) days of the completion of the transfer either:
- (a) provide the Town with an undertaking to comply with all the conditions under which the existing Permit was issued, or
  - (b) apply for and obtain a new Permit in accordance with the provisions of this By-law.
- (2) In the event that neither the undertaking prescribed by Clause (1)(a), nor a complete application for a new Permit under Clause (1)(b), is received by the Town within the said period, the existing Permit may be revoked by the Director, and the Permit Holder shall thereupon cease and desist forthwith all operations being conducted under the authority of the revoked Permit, save and except for proper clean-up of the Site Alteration works already undertaken.
- (3) Where it is determined that the Permit Holder has provided misleading or false information on the application, or has contravened the provisions of this By-law or the requirements or conditions of the Permit, the Director may revoke said Permit and the Permit Holder shall thereafter cease and desist all operations being conducted under the authority of the revoked Permit, save and except proper clean-up of the Site Alteration works already undertaken.

**SCHEDULE B**

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Site Alteration Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_  
(YY/MM/DD)  
Permit Fee: \$ \_\_\_\_\_ Refundable Security: \$ \_\_\_\_\_  
Address of Site: \_\_\_\_\_  
Name of Owner: \_\_\_\_\_ Tel: \_\_\_\_\_  
Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

The undersigned hereby applies for a Site Alteration Permit pursuant to the provisions of Town of Halton Hills By-law No. 2010-0119.

Pursuant to the Site Alteration By-law, the undersigned hereby acknowledges that the sole responsibility for the completion of the work undertaken as part of this application including compliance with any conditions rests entirely with the Owner and/or Applicant.

The undersigned also agrees that the total costs of all works will be entirely the responsibility of the Owner.

The undersigned certifies to the Town that any and all Fill used in completing the Site Alteration contains no contaminants within the meaning of the Environmental Protection Act, R.S.O. 1990, c. E.19. The undersigned hereby releases and agrees to indemnify and save harmless the Town, its employees, representatives, agents and contractors, from and against all claims, demands, damages, causes of action, costs, expenses and other liabilities of any nature, which may arise in the event that the Fill is determined to contain contaminants.

If an agent is being used, the Owner must also complete the following:

Agent's Name: \_\_\_\_\_ Tel: \_\_\_\_\_  
Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

I, \_\_\_\_\_ being the registered Owner of the subject Site(s)

Hereby \_\_\_\_\_ to prepare, submit, and act on  
authorize \_\_\_\_\_  
(type or print name of agent)  
my behalf with respect to this application.

\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Signature of Owner/Applicant

\_\_\_\_\_  
Engineering Staff Approval

\_\_\_\_\_  
Date of Approval  
(YY/MM/DD)

The personal information on this form is collected under the authority of Section 11 of the Municipal Act, as amended. The information is used for the purpose of processing this application and administering the By-law. Questions regarding the collection of this information should be directed to the Town's Records/FOI Coordinator at [foi@haltonhills.ca](mailto:foi@haltonhills.ca).

## **Proposed Lot Grading for In-fill Construction Design and Drawing Requirements**

Two (2) copies of a lot grading plan, certified as specified below, will be required showing existing elevations of the Site, and sufficient elevations of adjacent properties to indicate existing drainage patterns. All grading plans are to be metric and printed from original drawings with all information legible and clear. All plans are to be folded to 8 ½ " x 11" size, with title blocks visible.

On this plan, the proposed building is to be superimposed, indicating the proposed elevations along with any proposals that may be necessary to eliminate potential drainage problems to the subject Site, or any adjacent property. The plan must also show all driveways, sidewalks, walkways, easements, catchbasins, along with any other features that may affect the drainage proposal.

All elevations shall be tied into existing Town benchmarks and be related to geodetic data.

A certificate on the drawing, executed by a Professional Engineer, or a Registered Ontario Land Surveyor, should be in the following form:

"I have reviewed plans for the construction of \_\_\_\_\_  
Located at \_\_\_\_\_ and have prepared this plan to indicate the compatibility of the proposal to existing adjacent properties and municipal services. It is my belief that adherence to the proposed grades, as shown, will produce adequate surface drainage and proper facility of the municipal services without any detrimental effect to the existing drainage patterns or adjacent properties."

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Signature and Stamp of Applicant's Engineer/Surveyor