THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2023-057

A By-law to prohibit and regulate the alteration of property and movement of fill within the Township of Puslinch (Site Alteration By-law) and a By-law to repeal By-laws 2012-31, 2015-11, 2015-45, 2015-49, 2021-01, and 2021-20.

Last consolidated on October 7, 2026. The Township of Puslinch By-laws are provided online for public reference. By-laws are consolidated on an ongoing basis, but recent amendments may not be reflected in the latest consolidated version. Check the Amended History to get a complete listing of all pertinent regulations. For further information contact the Township's

WHEREAS Section 142 of the *Municipal Act, 2001,* S.O. 2001, c. 25, as amended, (hereafter referred to as the *Municipal Act*) provides that, the Corporation of the Township of Puslinch (the "Township") may pass a by-law prohibiting or regulating the alteration of property through the movement, placing, or dumping of fill, and/or the alteration of the grade of land;

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

AND WHEREAS Section 436 of the *Municipal Act* authorizes the Township to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not an order or condition is being complied with and require the production of documents and information as well as the collection of samples;

AND WHEREAS Sections 8, 9 and 11 of the *Municipal Act* permit the Township to pass by-laws necessary or desirable for municipal purposes, and paragraphs 5, 6 and 8 of Subsection 11 (2) authorize by-laws respecting the economic, social, and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS Section 23.1 of the *Municipal Act* authorizes the Township to delegate its powers to an officer, employee, or agent of a municipality;

AND WHEREAS Subsection 444(1) of the *Municipal Act* permits the Township, if satisfied that a contravention of a by-law of the Township passed under the *Municipal Act*, has occurred, to 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 which the contravention occurred, to discontinue the contravening activity;

AND WHEREAS Subsection 446 of the *Municipal Act* gives the Township the authority to direct or require a person to do a matter or, thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. For these purposes, the Township may enter upon land at any reasonable time. The Township may recover the costs of doing a matter or, thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Section 425 of the *Municipal Act* permits the Township to pass by-laws providing that any person who contravenes any by-law the Township passed under the *Municipal Act*, is guilty of an offence;

AND WHEREAS Section 426 (4) of the *Municipal Act* deems that any Person that hinders or obstructs, or attempts to hinder or obstruct, any Person who is exercising or performing a duty under this By-law created under the Act is guilty of an offence;

AND WHEREAS the Council of the Township deems it to be in the public interest to pass this By-law to regulate the alteration of property through the movement, placing, or dumping of fill, and/or the alteration of the grade of land within the Township to ensure that:

a) Groundwater and surface water quality is maintained;
b) Drainage patterns, water courses and water bodies are protected;
c) Natural heritage features, landforms and archeological resources are protected;
d) Adverse Effects are minimized;
e) Impacts to the Township's roads, Highways and infrastructure are minimized;
f) Disturbances and nuisance impacts to residents and businesses are minimized; and
g) Costs and liabilities are borne by owners and persons who undertake Site Alteration within the Township.

NOW THEREFORE the Council of the Township hereby enacts as follows:

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1. GENERAL

1.1 Short Title

(a) This By-law may be referred to as the “Site Alteration By-law”.

1.2 Administration

(a) This By-law applies to all Property in the geographical area within the Township, save and except any Property owned by the Township.

(b) The Chief Building Official in consultation with the Municipal Clerk shall be responsible for the administration of this By-law.

1.3 Delegated Authority

(a) The Chief Building Official and/or Municipal Clerk is authorized and has the delegated authority to:

(i) Approve, exempt/waive, issue, revoke, extend, renew, amend, or close a Permit and/or grant approvals of Site Alteration and impose Conditions for continuing to hold a Permit depending on the Site Alteration in addition to the requirements under this By-law;

(ii) Determine when a Public Information Meeting or a Meeting of Council is required or not required;

(iii) Determine and deem an Application as abandoned, expired, or closed;

(iv) Approve and coordinate any Site Restoration or Site Remediation works;

(v) Approve amendments to Site Alteration and Fill Management Plans;

(vi) Approve and amend Application forms and Guidelines;

(vii) Establish appropriate requirements;

(viii) Ensure compliance with section 3.8 of this By-law, including requiring appropriate testing and documentation;

(ix) Appoint a peer review consultant or other engineering, scientific and technical experts to fulfill the role or duties of an Inspector for purposes of this By-law;

(x) Require or exempt certain works from provisions of this By-law, as permitted in this By-law; and

(xi) Authorize and/or hire such agents, contractors, and other Persons to perform the work, as required.

1.4 Conflict

(a) Where there is a conflict between a provision of this By-law and a provision of any other Township by-law, the provision that establishes the highest standards to protect the health and safety of the public and natural environment shall apply. No agreement shall be deemed to provide an exemption from the requirements of this By-law unless this By-law authorizes such exemption, and the agreement specifically provides for it.

1.5 Severability

(a) If a court of competent jurisdiction declares any section, or any part of any section, of this By-law to be invalid, or to be of no force or effect, it is the intention of the Township that every other provision of this By-law be applied and enforced in accordance with its terms to the extent possible according to law.

1.6 Compliance with Other Laws

(a) This By-law, and the provisions contained within, are intended to be complimentary to federal and provincial statutes and regulations, and to other by-laws passed by the Council. If any other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.

(b) By-laws, statutes, regulations, and guidelines referenced in this By-law, including in Schedule A, include any amendments, replacements, or updates to those by-laws, statutes, regulations, and guidelines.

2. DEFINITIONS

2.1 Definitions in this By-law:

(a) “Adverse Effect” shall have the same meaning as in the *Environmental Protection Act,* R.S.O. 1990, c. E.19 and means one or more of:

(i) Impairment of the quality of the natural environment for any use that can be made of it;
(ii) Injury or damage to Property or to plant or animal life;
(iii) Harm or material discomfort to any person;
(iv) An adverse effect on the health of any person;
(v) Impairment of the safety of any person;
(vi) Rendering any Property or plant or animal life unfit for human use;
(vii) Loss of enjoyment of normal use of Property; and
(viii) Interference with the normal conduct of business.

(b) “Aggregate” has the same meaning as in the *Aggregate Resources Act*, R.S.O. 1990, c.A.8, as amended (“*Aggregate Resources Act*”).

(c) “Applicant” means the Owner or Occupier of a Property and includes a Person authorized in writing to act on behalf of the Owner of a Property to apply for a Permit.

(d) “Application” means a written submission to request or amend a Permit, in a form prescribed by the Township.

(e) “Artificial Turf” means any surface synthetic fibers made to resemble turf or other grass-like surface and used as a surface cover.

(f) “Asphalt” means a mixture of dark bituminous pitch with sand or gravel, used for surfacing roads, driveways and paths, which may include, without limitation, loose or recycled material or a contiguous surface.

(g) “Beneficial Purpose” has the same meaning as in Ontario Regulation 406/19, and, for clarity, does not include deposit of Excess Soil as the primary use of the Site, but includes the following:

(i) backfill for an excavation carried out for the purposes of any form of development,
(ii) final grading carried out for the purposes of any form of development,
(iii) achieving the grade necessary for,
    i. any development,
    ii. an undertaking related to infrastructure,
    iii. landscaping, or
    iv. another project governed by an instrument issued by a public body, or
(iv) the placement of fill to assist in the rehabilitation of the Site.

(h) "Beneficial Reuse Assessment Tool (BRAT)” has the same meaning as in Ontario Regulation 406/19.

(i) “Body of Water” means a permanent stream, river or similar watercourse or a pond or lake, but does not include a pond constructed on the property for the purpose of controlling surface water drainage.

(j) “Chief Building Official” means the Chief Building Official appointed by the Council or his/her designate.

(k) “Compost” means a mixture of various decaying organic substances, such as dead leaves or manure, used for fertilizing soil.

(l) “Conservation Authority” includes the Grand River Conservation Authority, Hamilton Conservation Authority, and Halton Conservation Authority, and any amalgamated or successor authorities.

(m) “Council” means the Council of the Township.

(n) “Condition(s)” means the mandatory performance requirements outlined in a Permit or Order and may include the requirement for monetary deposits or Security(s) in connection with the Application.

(o) “Contaminant” means any solid, liquid, gas, odor, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an Adverse Effect.

(p) “Control Plan” means documentation described in Schedule “B” required to be submitted as part of any Application for a Permit under this By-law.

(q) “Designated Official” means the Chief Building Official, Municipal Clerk, or their designates.

(r) “Drainage” means the movement of surface water toward a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means.

(s) “Dump” means the placing or depositing of Fill in a location other than where the Fill was obtained from or the movement and placing or depositing of Fill from one location on a property to another location on the same property or to a separate property, and “Dumping” has the corresponding meaning.

(t) “Erosion” means the detachment and movement of Soil, sediment, rock fragments or the like by forces such as but not limited to water, wind, ice, or gravity.

(u) “Erosion and Dust Control” means measures to control Erosion and dust generated as part of the Site Alteration to the satisfaction of the Township.

(v) “Excess Soil” has the same meaning as in Ontario Regulation 406/19.

(w) “Excess Soil Quality Standards” means Part II of the Rules for Soil Management and Excess Soil Quality Standards, as amended, and adopted by reference in Ontario Regulation 406/19.

(x) “Fill” means any type of material that can be removed from (cut) or placed on (in-fill) land and includes, but is not limited to Soil, Excess Soil, Liquid Soil, Rock, Sod, Compost, Aggregate and Topsoil.

(y) “Final Surface Material” includes, but is not limited to, concrete, brick, patio pavers (natural or manufactured), block, Asphalt, and Artificial Turf, all free of Contaminants, and does not include Fill.

(z) “Grade” means the elevation of the ground surface and shall be more particularly defined as follows:

(i) “Existing Grade” means the elevation of the existing ground surface prior to any Site Alteration and Movement of Fill, including the natural Grade prior to human activities or the Grade previously legally established such as a former approved Grade;

(ii) “Finished Grade” means the approved (final) elevation of the ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered, or Topsoil removed, in accordance with this By-law including the Final Surface Material;

(iii) “Unapproved Grade” means the elevation of the ground surface that is not an Existing Grade or Finished Grade.

(aa) “Guidelines” means the Application requirements, information, documentation and material, including Conditions requirements for a Permit, to be used for the purpose of administering this By-law. Without limiting the generality of the foregoing, the Guidelines may require the posting of deposits and/or Security(s) in connection with the Application.

(bb) "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 Township.

(cc) “Hydro-excavation” means a method of excavation that uses pressurized water, air, vacuum equipment, or a combination thereof to loosen, remove and collect Soil or other material from the ground, and includes the generation, collection and handling of any resulting slurry, Liquid Soil or similar material.

(dd) "Inspector" means any person designated by this or any other By-law of the Township as an Inspector or agent of the Township or any persons appointed for the purposes of enforcing this By-law, and includes the Chief Building Official, Building Inspectors, and By-law Enforcement Officers.

(ee) “Liquid Soil” has the same meaning as in Ontario Regulation 406/19.

(ff) “MECP” means the Ontario Ministry of the Environment, Conservation and Parks, as may be renamed from time to time.

(gg) “Movement of Fill” means any non-natural transfer of Fill from one location to another of any distance.

(hh) “Municipal Clerk” means the Township’s clerk appointed by the Council or their designate.

(ii) “Normal Farm Practice” means a practice that:

(i) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or

(ii) makes use of innovative technology in a manner consistent with proper advanced farm management practices.

(jj) “Normal Farm Practice Waiver” means a permit waiver authorized by the Designated Official in accordance with Section 5.2 of this By-law.

(kk) “Officer” means any Person designated by by-law of the Township to enforce this By-law.

(ll) “*Ontario Regulation 153/04*” means Ontario Regulation 153/04 (Records of Site Condition — Part XV.1 of the Environmental Protection Act), as amended, made under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended (“*Environmental Protection Act*”).

(mm) “*Ontario Regulation 406/19*” means Ontario Regulation 406/19 (On Site and Excess Soil Management), as amended, made under the *Environmental Protection Act*.

(nn) “Owner” means the registered Owner(s) of the Property.

(oo) “Permit” means a formal authorization issued by the Township under this By-law.

(pp) “Person” includes individuals, firms, sole proprietorships, partnerships, associations, trusts, corporations, directors and officers of corporations, trustees, and agents, and the heirs, executors, assigns or other legal representatives of a person to whom the context can apply in law.

(qq) “Project” has the same meaning as in Ontario Regulation 406/19.

(rr) “Project Area” has the same meaning as in Ontario Regulation 406/19.

(ss) “Property” means land including all buildings and structures on the land.

(tt) “Ponding” means the accumulation of surface water in an area not having Drainage therefrom where the lack of Drainage is caused by the Placing or Dumping of Fill, altering of Grade, or removing of Topsoil.

(uu) “Proposed Grade” means the proposed elevation of the ground surface of land upon which Fill is proposed to be Placed or Dumped, the Grade altered, or the Topsoil removed.

(vv) “Public Information Meeting” means an open meeting to which all members of the public are invited, for the purpose of informing the public and receiving comments regarding a proposed Site Alteration.

(ww) “Qualified Person” means a person who meets the qualifications as set out in Section 5 or 6 of Ontario Regulation 153/04.

(xx) “Quality Assurance/Quality Control Program” means a program that is designed to meet the requirements of quality assurance and quality control program under Ontario Regulation 153/04.

(yy) “*Regulation 347*” means Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management), as amended, made under the *Environmental Protection Act*.

(zz) “Retaining Wall” means a wall designed to contain and support Fill, which has a Finished Grade higher than that of adjacent lands.

(aaa) “Rock” has the same meaning as in Ontario Regulation 406/19.

(bbb) “RPRA” means the Ontario Resource Productivity and Recovery Authority.

(ccc) “Sampling and Analysis Plan” means a plan that is designed to meet the requirements of a sampling and analysis plan under Ontario Regulation 153/04 or Ontario Regulation 406/19.

(ddd) “Security” means funds held by the Township in a form and amount to be determined in accordance with the Township User Fees and Charges By-law, to secure the performance of the Owner’s obligations under this By-law and any Permit; any additional costs associated with or as a result of the Site Alteration including but not limited to Site Restoration or Site Remediation, completion of the project, deficiencies, damage to the Township roads, etc. shall be deducted from the security; further costs associated with the alteration, if incurred by the Township, shall be invoiced to the

Property Owner and may be added to the tax roll and collected in the same manner as taxes on the Property.

(eee) "Site" means a parcel or parcels of land altered or proposed to be altered by means of a Site Alteration.

(fff) "Site Alteration" means any alteration to the existing Grade of land through the removal (cut), placement (filling) or movement (relocation) of Fill.

(ggg) "Site Alteration – Commercial" means an alteration of land that meets one or more of the following criteria: (i) undertaken for commercial benefit or gain in connection with the Fill or Site Alteration itself, whether for the Owner, Occupier, Applicant, contractor or any third party, including where remuneration, compensation, tipping fees, brokerage fees, processing fees or other consideration is received for the importation, exportation, receipt, placement, storage, processing, management or handling of Fill, but does not include compensation received solely for performing construction, excavation, grading, landscaping, driveway installation, agricultural work or other site improvement work; (ii) undertaken as part of a commercial enterprise or business activity where the commercial enterprise or business activity involves, or derives revenue or other financial benefit from, the importation, exportation, receipt, placement, storage, processing, management, brokerage or other handling of Fill; for greater certainty, a Site Alteration shall not be considered a Commercial Site Alteration solely because the Owner, Occupier, Applicant or contractor is a business or is compensated for undertaking construction, excavation, grading, landscaping, agricultural or other site improvement work, where the Fill is being imported, exported or placed for the purpose of completing a bona fide project on the Property and no compensation, tipping fee, brokerage fee, processing fee or other financial benefit is received in connection with the Fill or its importation, exportation or placement, (iii) the cumulative volume of fill exceeds 10,000 cubic metres over any consecutive five (5) year period, regardless of whether the activity is undertaken for commercial benefit or gain, (iv) fill is generated through, associated with, or originates from a Soil Treatment, Soil Remediation, Soil Processing, or Soil Management Operation, (v) the Council determines that the scale, frequency of truck traffic, duration, or nature of the operation is equivalent to a Commercial Site Alteration.

(hhh) "Site Alteration - Intermediate" or "Intermediate Site Alteration" means the alteration of land where the requirement for a permit is based on: (i) a cumulative volume of fill over a five (5)-year period per property that is in the range of 350 cubic metres to 999 cubic metres of Fill, (ii) where a change in Grade is proposed to be less than 3 metres above or below the Existing Grade, and (iii) where the proposed Site Alteration area is less than 1 hectare in land size. A Permit and execution of an agreement with the Township is required for an Intermediate Site Alteration.

(iii) "Site Alteration - Large" or "Large Site Alteration" means the alteration of land based on: (i) a cumulative volume of Fill over a five (5)-year period per property that is in the range of 1,000 cubic metres to 9,999 cubic metres of Fill, (ii) where a change in Grade is proposed to be greater than 3 metres above or below the Existing Grade, or (iii) where the proposed Site Alteration area is greater than 1 hectare in land size. The approval of a Permit and execution of an agreement with the Township is required for a Large Site Alteration.

(jjj) "Site Alteration - Minor" or "Minor Site Alteration" means the alteration of land based on: (i) a cumulative volume of Fill over a five (5)-year period per property, calculated from the area of property suitable for Site Alteration (the Property area excluding buildings, structures, and fixed features) up to a maximum of 350 cubic metres, (ii) where a change in Grade is proposed to be less than 1 metres above or below the Existing Grade, (iii) where the proposed Site Alteration area is less than 1 hectare in land size, (iv) is setback a minimum of 30 metres from all property boundaries watercourses and drainage swales, (v) does not change or impact any natural drainage patterns, (vi) does not require a retaining wall, (vii) does not have slopes steeper than 3:1, and (viii) is not within an area regulated by the Conservation Authority. A Permit and execution of an agreement with the Township is required for a Minor Site Alteration.

(kkk) "Site Alteration and Fill Management Plan" means a document prepared by, or on behalf of an Owner in accordance with the Guidelines detailing such things as current Site conditions, methodology, Existing Grade, Finished Grade, and impact mitigation measures.

(lll) “Site Restoration” or “Site Remediation” means the treatment of land that has been affected by Site Alteration so that the use or condition of the land is restored to its pre-Site Alteration condition.

(mmm) “Sod” means the upper stratum of soil bound by grass and plant roots into a thick mat (turf).

(nnn) “Soil” has the same meaning as in Ontario Regulation 406/19.

(ooo) “Soil Management Operation” means a commercial business or undertaking involving the receipt, handling, tracking, storage, stockpiling, transportation, transfer, brokerage, processing, management, distribution or placement of Soil originating from one or more Source Sites, whether directly or through one or more intermediate sites, for subsequent transfer or delivery to a Receiving Site. A Soil Management Operation includes any operation where compensation, tipping fees, brokerage fees, processing fees, transportation fees or any other form of remuneration or consideration is received in connection with the receipt, handling, movement, storage, transfer, processing, management or placement of Soil.

(ppp) “Soil Processing” means the mechanical or physical handling, treatment or manipulation of Soil for the purpose of sorting, screening, separating, blending, dewatering, reducing, conditioning or otherwise preparing the Soil for reuse, transfer, placement or further treatment.

(qqq) “Soil Remediation” means the treatment or management of Soil to remove, reduce, contain, stabilize or isolate contaminants for the purpose of reducing or eliminating an adverse effect or risk to human health or the natural environment, and includes remediation undertaken in accordance with the *Environmental Protection Act*, O. Reg. 153/04, O. Reg. 406/19 or any other applicable provincial legislation or regulation.

(rrr) “Soil Treatment” means any physical, chemical or biological process applied to Soil for the purpose of altering its physical, chemical, biological, geotechnical or environmental characteristics, including to improve, stabilize, condition, remediate or otherwise change the Soil for reuse, management, processing or disposal.

(sss) “Source Site” means the property or properties from which the Fill originated and includes a “project area” as defined in Ontario Regulation 406/19.

(ttt) “Swale” means a shallow depression in the ground sloping to a place of disposal of surface water or providing a method of Drainage.

(uuu) “Topsoil” has the same meaning as in the *Municipal Act*.

(vvv) “Tree” means any species of woody perennial plant including its root system which has reached or can reach a height of at least 4.5 metres at physiological maturity, provided that where multiple stems grow from the same root system, the number of trees shall be the number of stems with discrete, apical tips.

(www) “Truckload” means 10 cubic metres of Fill.

(xxx) “Vegetation” includes any woody plant or contiguous cluster of plants, including shrubs, hedgerows, and Trees.

(yyy) “Watercourse” means a natural or constructed channel or Swale in which water flows, either continuously or intermittently with some degree of regularity.

(zzz) “Zoning By-law” means the Township’s Comprehensive Zoning By-law, as applicable and amended from time to time.

3. PROHIBITIONS AND GENERAL PROVISIONS

3.1 Prohibitions in this By-law:

(a) No Person shall conduct, undertake, cause, permit or carry out a Site Alteration on any Property within the Township without first obtaining approval in accordance with this By-law, unless otherwise exempt as set forth in this By-law.

(b) 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.

(c) Every person who contravenes any provision of this By-law is guilty of an offence.

(d) Notwithstanding any other provision of this By-law, no person shall conduct, undertake, cause, permit or carry out the deposit, temporary storage, or processing of Liquid Soil; at any Property within the Township unless approved through an Environmental Compliance Approval issued by the MECP and in compliance with Section 3.8 herein, the Township Zoning By-law, and all other applicable By-laws.

3.2 Responsibility for Other Obligations

(a) 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 applicable law.

3.3 Trees

(a) No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that could injure or destroy a Tree except in accordance with the County of Wellington Conservation and Sustainable Use of Woodlands By-law.

3.4 Groundwater

(a) 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.

3.5 Drainage / Watercourse

(a) No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that could adversely affect any Watercourse or Drainage on any Property without prior approval in accordance with this By-law including approval from any other applicable government or authority, or compliance with any other applicable law.

3.6 Unapproved Grade

(a) No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that will result in an Unapproved Grade.

3.7 Adverse Effect

(a) No Person shall conduct, undertake, cause, permit or carry out a Site Alteration that will, or can be reasonably expected to, result in an Adverse Effect.

3.8 Applicable Laws and Plans

(a) No Person shall conduct, undertake, cause, permit or carry out Site Alteration unless it complies with:

(i) This By-law;

(i) The Zoning By-law;

(ii) The Township Noise By-law;

(iii) The Township Property Standards By-law;

(iv) The Township Road Activity By-law;

(v) The Township Site Plan Control By-law;

(vi) The *Greenbelt Plan*;

(vii) *The Planning Act*, R.S.O 1990, c. P.13*;*

(viii) The requirements of a Conservation Authority with jurisdiction; and

(ix) All other applicable statutes, regulations, policies, and by-laws, including but not limited to Ontario Regulation 406/19, Regulation 347 and the Rules for Soil Management and Excess Soil Quality Standards.

3.9 False Information

(a) No person shall submit or cause or permit an application for a Permit to be submitted to the Township that is misleading or contains false information. Where it is revealed that the application for a Permit contained misleading or false information, the Designated Official may revoke the said Permit, and all work that was the subject of the revoked Permit shall immediately cease.

4. EXEMPTIONS

4.1 Exemptions in this By-law:

(a) Notwithstanding Section 3 of this By-law, this By-law does not apply to:

(i) Activities or matters undertaken by the Township, the County of Wellington, a Conservation Authority, the provincial government, or the federal government;

(ii) The placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002, as a condition to the approval of a site plan, a plan of subdivision or consent under section 41, 51 or 53, respectively, of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("*Planning Act*") or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

(iii) The placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002, as a condition to 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;

(iv) The placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

(v) The placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;

(vi) The placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land;

i. That has not been designated under the Aggregate Resources Act or a predecessor of that Act, and

ii. On which a pit or quarry is a permitted land use under a by-law passed under section 34 of the Planning Act;

(vii) The placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act;

(viii) 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 except for the removal of Topsoil for sale, exchange, or other disposition;

(ix) The use, operation, establishment, alteration, enlargement, or extension of a Waste Management System or Waste Disposal Site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;

(x) The construction, extension, alteration, maintenance, or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c.P.50, as amended;

(i) A Site Alteration where another legal instrument of the Township, such as a Planning approval, a building permit, a pool permit, or legal agreement with the Township includes a provision specifically waiving the requirement for a Permit, including:

i. A grading plan or site plan, approved by the Chief Building Official, associated with the construction of a building, accessory structure, addition and/or pool;

ii. Any Filling of an excavation to the elevation of Existing Grade following the demolition or removal of a Building for which a demolition permit has been issued by the Chief Building Official of the Township, or for which no demolition permit is required under the Building Code Act, R.S.O. 1992, c. 23;

(ii) The Site Alteration of land does not exceed a cumulative volume of 20 cubic metres (2 Truckloads) on any one property within a 12-month period and provided that the alteration does not meet the definition of Minor Site Alteration and provided that it meets all other provisions of this By-law and may include the following activities:

iii. placing of Topsoil on gardens, lawns or other grassed areas;

iv. cultivation or tilling of garden beds;

v. excavation of Fill having no significant impact on trees, ground cover, Vegetation, watercourses, or stormwater swales and not altering or creating a slope at greater than 8%;

vi. minor landscaping works which are at least 0.3 metres from any property line and do not impact Drainage patterns or cause or may cause an Adverse Effect on neighbouring properties; and

vii. minor grading or regrading or paving of legal and approved parking areas or driveways which are at least 0.3 metres from any property line and do not impact Drainage patterns or cause or may cause an Adverse Effect on neighbouring properties.

5. APPLICATION REQUIREMENTS

5.1 Normal Farm Practice Waiver

(a) A Normal Farm Practice Waiver may be applied for where:

(i) The Site Alteration is deemed to be a Normal Farm Practice in accordance with the Ministry of Agriculture, Food and Rural Affairs and to the satisfaction of the Designated Official;

(ii) All disputes will follow the Farm Practices Conflict Resolution Process as prescribed by the Ministry of Agriculture, Food and Rural Affairs;

(b) Application Requirements for a Normal Farm Practice Waiver:

(i) A complete Normal Farm Practice Site Alteration Waiver Application must be submitted to the Township using the prescribed form, as amended from time to time;

(ii) No application fee is required; however, the Owner shall be responsible for any third-party cost and recoveries if an external review is required as determined by the Designated Official;

(iii) A justification report prepared by a qualified person must be submitted demonstrating that the Site Alteration is considered a Normal Farm Practice in accordance with the Ministry of Agriculture, Food and Rural Affairs and to the satisfaction of the Designated Official and demonstrating the need for the proposed volume of Fill being imported to the Site;

(iv) Security shall be provided to the Township in a form and amount to be determined in accordance with the Township User Fees and Charges By-law;

(v) Sufficient documentation must be submitted, to the satisfaction of the Designated Official, to demonstrate that the Site Alteration will not cause an Adverse Effect;

(vi) Where the Site Alteration will involve the importation of Fill from off-site, documentation is to be provided to the Township to the satisfaction of the Designated Official including but not limited to:

i. The volume of Fill being imported from off-site in cubic metres;

ii. Documentation that the Fill complies with the parameters as set out in Section 3.8 of this By-law;

iii. Documentation pertaining to the collection and laboratory analysis of samples of the Fill;

iv. Documentation setting out the evaluation of the Fill sample results;

v. Quality Control/Quality Assurance Program; and

vi. Source Site confirmation;

vii. Documentation demonstrating that the proposed Site Alteration meets the definition of Beneficial Purpose;

(vii) A Control Plan must be completed per Schedule B, or aspects of the Control Plan as determined by the Designated Official;

(viii) All required permits or approvals by any external agency having jurisdiction are required in order for a Normal Farm Practice Site Alteration Waiver to be issued, including but not limited to the Conservation Authority, Wellington Source Water Protection, and the County of Wellington;

(ix) Submission of an approved haul route including road maintenance obligations, in accordance with the Township Road Activity By-law for the importation of Fill to or the removal of Fill from the Property;

(x) Submission of an approved schedule and timing of the Site Alteration activities such that no activities occur, at a minimum:

i. Between the hours of 7:00 p.m. and 7:00 a.m.;

ii. During any period in which a wind warning has been issued by Environment Canada;

iii. During any weather conditions where the ability to mitigate Site Alteration activity impacts is severely compromised (e.g., heavy rain, etc.); and

iv. During any situation where Site Alteration activities can unduly impact adjacent landowners (e.g., brush fires, floods, unsuitable road conditions, etc.);

(c) Approval/Refusal Process for a Normal Farm Practice Waiver:

(i) All Normal Farm Practice Site Alteration Waiver applications are subject to a staff review and comment period. Conditions not described in this By-law may form part of the Waiver;

(ii) The Normal Farm Practice Site Alteration Waiver shall be provided to the Owner by the Township's Designated Official in writing and posted on the Township website;

(iii) All Normal Farm Practice Waivers are subject to a staff review and comment period, which may form part of the Site Alteration Agreement and may include conditions not described in this By-law.

5.2 Minor Site Alteration Permit Requirements

(a) A Minor Site Alteration Permit Application may be applied for where:

(i) The cumulative volume of Fill over a five (5)-year period per property, does not exceed the maximum of 350 cubic metres (35 Truckloads) subject to the area suitable for alteration;

(ii) The maximum volume of Fill is calculated by the area of the property suitable for alteration (the Property area excluding buildings, structures, environmental features, and fixed features to a maximum of 1 hectare) multiplied by the maximum permitted volume of Fill (350 cubic metres). Example:

1ha suitable area x 350m3 = 350m3

OR

0.4ha suitable area x 350m3 = 140m3

(iii) A change in Grade is proposed to be less than 1 metres above or below the Existing Grade;

(iv) The proposed Site Alteration area is less than 1 hectare in land size;

(v) The Site Alteration is setback a minimum of 30 metres from all property boundaries watercourses and drainage swales;

(vi) The Site Alteration does not change or impact any natural drainage patterns;

(vii) The Site Alteration does not require a retaining wall;

(viii) The Site Alteration does not have slopes steeper than 3:1;

(ix) The Site Alteration is not within an area regulated by the Conservation Authority; and

(x) The Site Alteration of land does not meet the definition of Intermediate Site Alteration, provided that it meets all other provisions of this By-law;

(b) Application Requirements for Minor Site Alteration Permit:

(i) A complete Minor Site Alteration Application must be submitted using the prescribed form, as amended from time to time;

(ii) Payment of the prescribed fee as listed in the Township User Fees and Charges By-law;

(iii) The Owner shall be responsible for any third-party cost and recoveries if an external review is required as determined by the Designated Official;

(iv) Submission of sufficient documentation, to the satisfaction of the Designated Official, to demonstrate that the Site Alteration will not cause an Adverse Effect;

(v) Where the Site Alteration will involve the importation of Fill from off-site, documentation is to be provided to the Township to the satisfaction of the Designated Official including but not limited to:

i. The volume of Fill being imported from off-site in cubic metres;

ii. Documentation that the Fill complies with the parameters as set out in Section 3.8 of this By-law;

iii. Documentation pertaining to the collection and laboratory analysis of samples of the Fill;

viii. Documentation setting out the evaluation of the Fill sample results;

iv. Quality Control/Quality Assurance Program;

v. Source Site confirmation;

vi. A justification report prepared by a qualified person may be required to be submitted demonstrating the need for the proposed volume of Fill being imported to the site; and

vii. Documentation demonstrating that the proposed Site Alteration meets the definition of Beneficial Purpose;

(vi) A Control Plan must be completed per Schedule B, or aspects of the Control Plan as determined by the Designated Official;

(vii) A Site Alteration and Fill Management Plan must be prepared by a Qualified Person;

(viii) Confirmation from the Owner and Qualified Person must be submitted confirming that the Qualified Person will be present at the Property and be responsible for all activities associated with the Site Alteration at all times while activities are taking place;

(ix) Additional conditions may be included in the Permit as determined by the Designated Official;

(x) All required permits or approvals by any external agency having jurisdiction are required, including but not limited to the Conservation Authority, Source Water Protection, and the County of Wellington;

(xi) Submission of an approved haul route including road maintenance obligations, in accordance with the Township Road Activity By-law for the importation of Fill to or the removal of Fill from the Property;

(xii) Submission of an approved schedule and timing of the Site Alteration activities such that no activities occur:

i. Between the hours of 5:00 p.m. and 8:30 a.m. Monday to Friday;

ii. Anytime on a Saturday, Sunday or Statutory Holiday;

iii. During any period in which a wind warning has been issued by Environment Canada;

iv. During any weather conditions where the ability to mitigate Site Alteration activity impacts is severely compromised (e.g., heavy rain, etc.); and

v. During any situation where Site Alteration activities can unduly impact adjacent landowners (e.g., brush fires, floods, unsuitable road conditions, etc.);

(c) Approval/Refusal Process for a Minor Site Alteration Permit:

(i) All Minor Site Alteration Applications are subject to a staff review and comment period, which may form part of the Site Alteration Permit and may include conditions not described in this By-law;

(ii) Security shall be provided to the Township in a form and amount to be determined in accordance with the Township User Fees and Charges By-law to this By-law;

(iii) The Site Alteration Permit shall be provided to the Owner by the Township's Designated Official in writing and posted on the Township website.

5.3 Intermediate Site Alteration Permit Requirements

(a) An Intermediate Site Alteration Permit Application may be applied for where:

(i) The cumulative volume of Fill over a five (5) year period per property, does not exceed the maximum of 1000 cubic metres (100 Truckloads);

(ii) A change in Grade is proposed to be less than 3 metres above or below the Existing Grade;

(iii) The proposed Site Alteration area is less than 1 hectare in land size; and

(iv) The Site Alteration of land does not meet the definition of Large Site Alteration, provided that it meets all other provisions of this By-law;

(b) Application Requirements for an Intermediate Site Alteration Permit:

(i) A complete Intermediate Site Alteration Application must be submitted using the prescribed form, as amended from time to time;

(ii) Payment of the prescribed fee as listed in the Township User Fees and Charges By-law;

(iii) The Owner shall be responsible for any third-party cost and recoveries if an external review is required as determined by the Designated Official;

(iv) Sufficient documentation, to the satisfaction of the Designated Official, must be submitted to demonstrate that the Site Alteration will not cause an Adverse Effect;

(v) Where the Site Alteration will involve the importation of Fill from off-site, documentation is to be provided to the Township to the satisfaction of the Designated Official including but not limited to:

i. The volume of Fill being imported from off-site in cubic metres;

ii. Documentation that the Fill complies with the parameters as set out in Section 3.8 of this By-law;

iii. Documentation pertaining to the collection and laboratory analysis of samples of the Fill;

iv. Documentation setting out the evaluation of the Fill sample results;

v. Quality Control/Quality Assurance Program;

vi. Source Site confirmation;

vii. A justification report prepared by a qualified person may be required to be submitted demonstrating the need for the proposed volume of Fill being imported to the site; and

viii. Documentation demonstrating that the proposed Site Alteration meets the definition of Beneficial Purpose;

(vi) A Control Plan completed per Schedule B, or aspects of the Control Plan as determined by the Designated Official;

(vii) If Site-specific standards for Soil quality acceptance have been developed using the MECP's Beneficial Reuse Assessment Tool (BRAT), a copy of the BRAT model input and output and a signed statement by the Qualified Person that prepared the BRAT model must be submitted;

(viii) If Site-specific standards for Soil quality acceptance have been developed using a risk assessment pursuant to the requirements in the Rules for Soil Management and Excess Soil Quality Standards, a copy of the risk assessment and a signed statement by the Qualified Person that prepared the risk assessment model must be submitted;

(ix) A Site Alteration and Fill Management Plan must be prepared by a Qualified Person;

(x) Confirmation from the Owner and Qualified Person must be submitted confirming that the Qualified Person will be present at the Property and be responsible for all activities associated with the Site Alteration at all times while activities are taking place;

(xi) Additional conditions may be included in the Permit as determined by the Designated Official;

(xii) All required permits or approvals by any external agency having jurisdiction are required, including but not limited to the Conservation Authority, Source Water Protection, and the County of Wellington;

(xiii) Submission of an approved haul route including road maintenance obligations, in accordance with the Township Road Activity By-law for the importation of Fill to or the removal of Fill from the Property;

(xiv) Submission of an approved schedule and timing of the Site Alteration activities such that no activities occur:

i. Between the hours of 5:00 p.m. and 8:30 a.m. Monday to Friday;

ii. Anytime on a Saturday, Sunday or Statutory Holiday;

iii. During any period in which a wind warning has been issued by Environment Canada;

iv. During any weather conditions where the ability to mitigate Site Alteration activity impacts is severely compromised (e.g., heavy rain, etc.); and

v. During any situation where Site Alteration activities can unduly impact adjacent landowners (e.g., brush fires, floods, unsuitable road conditions, etc.);

(c) Approval/Refusal Process for an Intermediate Site Alteration Permit:

(i) All Intermediate Site Alteration Applications are subject to a staff review and comment period, which may form part of the Site Alteration Agreement and may include conditions not described in this By-law;

(ii) A legal agreement between the Owner and the Township shall be executed and registered on title and released from title upon successful completion of all required work as outlined in the Permit and at the direction of the Designated Official;

(iii) Security shall be provided to the Township in a form and amount to be determined in accordance with the Township User Fees and Charges By-law to this By-law;

(iv) The Site Alteration Permit shall be provided to the Owner by the Township's Designated Official in writing and posted on the Township website.

5.4 Large Site Alteration Permit Requirements

(a) A Large Site Alteration Permit Application may be applied for where:

(i) The cumulative volume of Fill over a five (5) year period per property, does not exceed the maximum of 10,000 cubic metres (1000 Truckloads); or

(ii) A change in Grade is proposed to be greater than 3 metres above or below the Existing Grade; or

(iii) The proposed Site Alteration area is greater than 1 hectare in land size; and

(iv) The Site Alteration of land does not meet the definition of Major Site Alteration provided that it meets all other provisions of this By-law;

(b) Application Requirements for a Large Site Alteration Permit:

(i) A complete Large Site Alteration Application must be submitted using the prescribed form, as amended from time to time;

(ii) Payment of the prescribed fee as listed in the Township User Fees and Charges By-law;

(iii) The Owner shall be responsible for any third-party cost and recoveries if an external review is required as determined by the Designated Official;

(iv) Sufficient documentation must be submitted, to the satisfaction of the Designated Official, to demonstrate that the Site Alteration will not cause an Adverse Effect;

(v) Where the Site Alteration will involve the importation of Fill from off-site, documentation is to be provided to the Township to the satisfaction of the Designated Official including but not limited to:

i. The volume of Fill being imported from off-site in cubic metres;

ii. Documentation that the Fill complies with the parameters as set out in Section 3.8 of this By-law;

iii. Documentation pertaining to the collection and laboratory analysis of samples of the Fill;

iv. Documentation setting out the evaluation of the Fill sample results;

v. Quality Control/Quality Assurance Program;

vi. Source Site confirmation;

vii. A justification report prepared by a qualified person is required to be submitted demonstrating the need for the proposed volume of Fill being imported to the site; and

viii. Documentation demonstrating that the proposed Site Alteration meets the definition of Beneficial Purpose;

(vi) A Control Plan must be completed per Schedule B, or aspects of the Control Plan as determined by the Designated Official;

(vii) If Site-specific standards for Soil quality acceptance have been developed using the MECP's BRAT, a copy of the BRAT model input and output and a signed statement by the Qualified Person that prepared the BRAT model must be submitted;

(viii) If Site-specific standards for Soil quality acceptance have been developed using a risk assessment pursuant to the requirements in the Rules for Soil Management and Excess Soil Quality Standards, a copy of the risk assessment and a signed statement by the Qualified Person that prepared the risk assessment model must be submitted;

(ix) A Site Alteration and Fill Management Plan prepared by a Qualified Person;

(x) Confirmation from the Owner and Qualified Person must be submitted confirming that the Qualified Person will be present at the Property and be responsible for all activities associated with the Site Alteration at all times while activities are taking place;

(xi) Additional conditions may be included in the Permit as determined by the Designated Official;

(xii) All required permits or approvals by any external agency having jurisdiction are required, including but not limited to the Conservation Authority, Source Water Protection, and the County of Wellington;

(xiii) Submission of an approved haul route including road maintenance obligations, in accordance with the Township Road Activity By-law for the importation of Fill to or for the removal of Fill from the Property;

(xiv) Submission of an approved schedule and timing of the Site Alteration activities such that no activities occur:

i. Between the hours of 5:00 p.m. and 8:30 a.m. Monday to Friday;

ii. Anytime on a Saturday, Sunday, or Statutory Holiday;

iii. During any period in which a wind warning has been issued by Environment Canada;

iv. During any weather conditions where the ability to mitigate Site Alteration activity impacts is severely compromised (e.g., heavy rain, etc.); and

v. During any situation where Site Alteration activities can unduly impact adjacent landowners (e.g., brush fires, floods, unsuitable road conditions, etc.);

(c) Approval/Refusal Process for a Large Site Alteration Permit:

(i) Once a complete application has been received, all property owners within a 120-metre radius of the subject property shall be notified of the details of the project;

(ii) All Large Site Alteration Applications are subject to a 30-day comment period commencing when neighbour notification takes place;

(iii) All Large Site Alteration Applications are subject to a staff review of public comments received which may form part of the Site Alteration Agreement and may include conditions not described in this By-law;

(iv) A legal agreement between the Owner and the Township shall be executed and, where permitted by the Land Registry Office, registered on title, but shall be binding regardless of title registration. and released from title upon successful completion of all required work as outlined in the Permit and at the direction of the Designated Official;

(v) Security shall be provided to the Township in a form and amount to be determined in accordance with the Township User Fees and Charges By-law to this By-law;

(vi) The Site Alteration Permit shall be provided to the Owner by the Township's Designated Official in writing and posted on the Township website;

(vii) The Township CAO may request that certain Large Site Alteration Applications be considered by the Council prior to final approval.

5.5 Commercial Site Alteration Permit Requirements

(a) A Commercial Site Alteration Permit Application may be applied for where:

(i) The alteration is undertaken for commercial benefit or gain in connection with the Fill or Site Alteration itself, whether for the Owner, Occupier, Applicant, contractor or any third party, including where remuneration, compensation, tipping fees, brokerage fees, processing fees or other consideration is received for the importation, exportation, receipt, placement, storage, processing, management or handling of Fill, but does not include compensation received solely for performing construction, excavation, grading, landscaping, driveway installation, agricultural work or other site improvement work;

(ii) The alteration is undertaken as part of a commercial enterprise or business activity where the commercial enterprise or business activity involves, or derives revenue or other financial benefit from, the importation, exportation, receipt, placement, storage, processing, management, brokerage or other handling of Fill; for greater certainty, a Site Alteration shall not be considered a Commercial Site Alteration solely because the Owner, Occupier, Applicant or contractor is a business or is compensated for undertaking construction, excavation, grading, landscaping, agricultural or other site improvement work, where the Fill is being imported, exported or placed for the purpose of completing a bona fide project on the Property and no compensation, tipping fee, brokerage fee, processing fee or other financial benefit is received in connection with the Fill or its importation, exportation or placement;

(iii) The cumulative volume of fill exceeds 10,000 cubic metres (1000 Truckloads) over any consecutive five (5) year period, regardless of whether the activity is undertaken for commercial benefit or gain;

(iv) The fill is generated through, associated with, or originates from a soil treatment, soil remediation, soil processing, or soil management operation; or

(v) Council determines that the scale, frequency of truck traffic, duration, or nature of the operation is equivalent to a Commercial Site Alteration;

and where each of the following conditions is met:

(vi) The subject lands are expressly zoned to permit the Commercial Site Alteration activities including all proposed ancillary uses where applicable;

(vii) The Owner provides a valid and active Environmental Compliance Approval (ECA) issued by the MECP authorizing such activities where applicable; and,

(viii) The Owner confirms that all monitoring reports, documentation, etc., associated with any other permit or license (including but not limited to an ECA or ARA licence) shall be submitted to the Township at a cadence outlined in the Commercial Site Alteration Agreement between the Owner and the Township.

(b) Application Requirements for a Commercial Site Alteration Permit:

(i) A complete Commercial Site Alteration Application must be submitted using the prescribed form, as amended from time to time;

(ii) Payment of the prescribed fee as listed in the Township User Fees and Charges By-law;

(iii) The Owner shall be responsible for any third-party cost and recoveries if an external review is required as determined by the Designated Official;

(iv) Sufficient documentation must be submitted, to the satisfaction of the Designated Official, to demonstrate that the Site Alteration will not cause an Adverse Effect;

(v) Where the Site Alteration will involve the importation of Fill from off-site, documentation is to be provided to the Township to the satisfaction of the Designated Official including but not limited to:

i. The volume of Fill being imported from off-site in cubic metres;

ii. The Applicant shall provide a declaration identifying all compensation, remuneration, consideration, royalties, tipping fees, lease payments, or other financial benefit to be received by the Owner, Occupier, Applicant, or any other Person in connection with the Commercial Site Alteration, including where compensation is calculated on a per cubic metre basis. Where compensation is based on the volume of Fill imported/exported, the Applicant shall disclose the amount payable per cubic metre of Fill and the estimated total compensation expected to be received over the term of the Permit.

iii. Documentation that the Fill complies with the parameters as set out in Section 3.8 of this By-law;

iv. Documentation pertaining to the collection and laboratory analysis of samples of the Fill;

v. Documentation setting out the evaluation of the Fill sample results;

vi. Quality Control/Quality Assurance Program;

vii. Source Site confirmation;

viii. Planning approvals confirmation, to the satisfaction of the Township;

ix. Where the proposed operation requires an ECA or any other approval, permit, licence, or authorization under the Environmental Protection Act or other applicable legislation, the Applicant shall provide a copy of the valid approval and demonstrate, to the satisfaction of the Township, that the proposed operation complies with all applicable terms and conditions of such approval;

x. A justification report prepared by a qualified person is required to be submitted demonstrating the need for the proposed volume of Fill being imported to the site;

xi. Documentation demonstrating that the proposed Site Alteration meets the definition of Beneficial Purpose; and

xii. Any additional information required by the Designated Official and/or Council.

(vi) A Control Plan completed per Schedule B;

(vii) If Site-specific standards for Soil quality acceptance have been developed using the MECP's BRAT, a copy of the BRAT model input and output and a signed statement by the Qualified Person that prepared the BRAT model must be submitted;

(viii) If Site-specific standards for Soil quality acceptance have been developed using a risk assessment pursuant to the requirements in the Rules for Soil Management and Excess Soil Quality Standards, a copy of the risk assessment and a signed statement by the Qualified Person that prepared the risk assessment model must be submitted;

(ix) A Site Alteration and Fill Management Plan must be prepared by a Qualified Person;

(x) Confirmation from the Owner and Qualified Person that the Qualified Person will be present at the Property and be responsible for all activities associated with the Site Alteration at all times while activities are taking place;

(xi) Additional conditions may be included in the Permit as determined by the Designated Official and/or Council;

(xii) All required permits or approvals by any external agency having jurisdiction are required, including but not limited to the Conservation Authority, Source Water Protection, MECP, Ministry of Natural Resources (MNR), and the County of Wellington;

(xiii) Submission of an approved haul route including road maintenance obligations, in accordance with the Township Road Activity By-law for the importation of Fill or for the removal of Fill from the Property;

(xiv) Submission of an approved schedule and timing of the Site Alteration activities such that no activities occur:

i. Between the hours of 5:00 p.m. and 8:30 a.m. Monday to Friday;

ii. Anytime on a Saturday, Sunday, or Statutory Holiday;

iii. During any period in which a wind warning has been issued by Environment Canada;

iv. During any weather conditions where the ability to mitigate Site Alteration activity impacts is severely compromised (e.g., heavy rain, etc.); and

v. During any situation where Site Alteration activities can unduly impact adjacent landowners (e.g., brush fires, floods, unsuitable road conditions, etc.);

(c) Approval/Refusal/Renewal Process for a Commercial Site Alteration Permit:

(i) Once a complete application has been received, a Public Information Meeting shall be scheduled;

(ii) All property owners within a 120-metre radius of the subject property shall be notified of the details of the project and notified of the scheduled Public Information Meeting;

(iii) Council approval is required for all Commercial Site Alteration Applications;

(iv) All Commercial Site Alteration Applications are subject to a 30-day comment period commencing when neighbour notification takes place;

(v) All Commercial Site Alteration Applications are subject to a staff review of public comments received which may form part of the Site Alteration Agreement and may include conditions above and beyond those explicitly described in this By-law;

(vi) Subject to Council approval, a legal agreement between the Owner and the Township shall be executed and, where permitted by the Land Registry Office,

registered on title, but the agreement shall be binding regardless of title registration. The agreement may be released from title upon successful completion of all required work as outlined in the Permit and at the direction of the Designated Official and or Council;

(vii) A Commercial Site Alteration Permit shall expire one (1) year from the date of issuance unless revoked earlier. A renewal shall only be considered where:

vi. A complete application for renewal is submitted to the Township and a permit is issued no later than the existing permit period expiry date;

vii. No orders remain outstanding;

viii. Confirmation from the Township that all terms and conditions of the agreement required by section 5.5(c)(vi) have been satisfied to the satisfaction of the Township;

ix. All fees have been paid;

x. Securities remain in good standing;

xi. Reporting and monitoring requirements have been satisfied;

xii. There are no unresolved contraventions of this By-law or Permit conditions; and

xiii. The Designated Official is satisfied the operation has demonstrated ongoing compliance.

(viii) Security shall be provided to the Township in a form and amount to be determined in accordance with the Township User Fees and Charges By-law;

(ix) The Site Alteration Permit shall be provided to the Owner by the Township's Designated Official in writing and posted on the Township website;

(x) A Permit may be refused when the requirements of this By-law have not been met. Where the Designated Official/Council refuses to issue a Site Alteration Permit, the applicant shall be informed in writing of the refusal. The Application may be reconsidered, if additional information or documentation required by the Designated Official is submitted by the applicant.

6. ABANDONMENT, EXPIRY, RENEWAL, TRANSFER, REVOCATION, AMENDMENT AND CLOSURE OF PERMITS

6.1 Abandoned Application

(a) An Application for a Permit will be deemed abandoned and the Application and respective file will be closed, where a period of twelve (12) months has elapsed during which:

(i) The Person applying for a Permit has not provided all information, documents, fees and deposits as required by the Designated Official including any new submissions that may be required;

(ii) The Application has been placed on hold or in abeyance; or

(iii) The Application has not seen meaningful progress through submissions towards the issuance of a Permit.

6.2 Expiry

(a) A Permit for all types of Site Alteration will be issued for a period of one year and expires on the date set out in the Permit unless otherwise specified as a condition of the Permit.

(b) Every Owner shall satisfy all Conditions of the Permit, even if the Permit is expired, and shall also provide the Township with the following at the discretion of the Designated Official:

(i) A letter of acknowledgment of the filing of a Record of Site Condition (in accordance with Ontario Regulation 153/04, as amended);

(ii) A completed final topographic survey confirming the Approved Grade; and

(iii) Proof of completion of all Permit Conditions.

6.3 Transfer

(a) If title to the Property for which a Permit has been issued is transferred while the Permit is in effect, the Permit shall be automatically revoked unless the new Owner, prior to the time of the transfer, provides the Township with an undertaking, to the satisfaction of the Director, to comply with all Conditions under which the Permit was issued.

6.4 Revocation

(a) The Designated Official may at any time and without notice revoke a Permit for any of the following reasons:

(i) It was obtained based on mistaken, false or incorrect information;

(ii) It was issued in error;

(iii) The Property Owner and/or Permit holder requests in writing that it be revoked;

(iv) The Permit holder has failed to comply with any of the Conditions of the Permit or Agreement; or

(v) The Permit holder is unwilling or unable to comply with the Conditions of an Order.

6.5 Amendment

(a) An Applicant or Owner may submit a request to the Designated Official for an amendment to a Permit based on proposed changes to the details of the initial Application as reflected in the Conditions.

6.6 Renewal

(a) An Applicant or Owner may submit a request to the Designated Official for a renewal of a Permit if the only change from the initial Application and Conditions is the timeline and expiry date.

6.7 Closure

(a) A Permit is considered closed when all the Conditions and Orders related to the Permit have been fulfilled to the satisfaction of the Designated Official, at which time all unexpended deposits and securities held by the Township shall be released to the Applicant unless an agreement specifies otherwise.

7. ENFORCEMENT

7.1 Inspectors and Designated Official

(a) This By-law may be enforced by Inspectors and/or the Designated Official. Without limiting/restricting any other power, duty or function granted by this By-law, Inspectors and/or the Designated Official may: give direction, issue an Order to discontinue or to perform work and further give verbal or written direction and may enter Property and/or carry out and direct whatever inspections, are reasonably required to determine compliance with this By-law. Failure to permit inspection constitutes grounds for suspension or revocation of a permit.

(b) An Inspector and/or the Designated Official may issue an Order under this By-law to any Person believed to be contravening or have contravened any provision of this By-law.

(c) An Order may include but is not limited to:

(i) Immediately desist from the activity constituting or contributing to such contravention; and

(ii) Take immediate action to mitigate and/or remediate the impacts of the activity.

7.2 Entry and Inspection

(a) Inspectors and the Designated Official may, at any reasonable time:

(i) Enter and inspect Property to determine compliance with the provisions of this By-law, or any Condition of a Permit, or Order issued under this By-law. This power of entry does not allow entry into any dwelling;

(ii) Enter the Property to collect information, take photographs, videos, measurements, readings and samples (air, surface water, groundwater, soil, materials, etc.);

(iii) Require the production of copies of reports, manifests or other documentation for the purposes of auditing any Site Alteration or compliance with the Conditions of a Permit, agreement or Order; and

(iv) 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.

7.3 Duty to Identify

(a) Where an Inspector has reasonable grounds to believe that an offence has been committed by a Person, the Inspector may require the name, address, and proof of identity of that Person, and the Person shall supply the required information.

7.4 Obstruction

(a) No Person shall hinder or obstruct or attempt to obstruct the Designated Official Inspector, or person in the discharge of duties under this By-law as required by the Designated Official or Inspector in order to bring a Property into compliance with this By-law or an Order issued under this By-law.

(b) No person shall provide false information in any statement, whether orally, in writing or otherwise, made to an Inspector or the Designated Official.

(c) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Inspector or Designated Official who is exercising a power or performing a duty under this By-law.

7.5 Obey Order

(a) No Person shall fail to obey an Order issued under this By-law.

7.6 Presumption

(a) Where any Site Alteration occurs, is undertaken, caused, or permitted on any Property, the Owner of the Property is presumed to have undertaken, caused, or permitted the Site Alteration to occur, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

8. ORDERS

8.1 Contravention

(a) If an Inspector or the Designated Official is satisfied that a person has undertaken, caused, permitted, allowed, or performed a Site Alteration in contravention of the provisions of this By-law, the Conditions of a Permit, and/or an agreement pursuant to this By-law, the Inspector may issue an Order requiring work to be done to correct the contravention.

(b) Orders issued shall contain the municipal address and/or the legal description of the Property, and shall set out:

(i) Reasonable particulars of the contravention, the work to be done, any work or action required to cease or be undertaken to rectify the contravention, and the period within which there must be compliance with the Order; and

(ii) Notification that if the work or action is not done, or ceased, as the case may be, in compliance with the Order within the period specified, the Township may have the work done at the expense of the Owner and seek penalties as set out in this By-law.

8.2 Order Served

(a) Orders issued by an Inspector under this By-law shall be served as follows:

(i) Personally, or by prepaid registered mail to the last known address of the Owner, the Permit holder and any other Person to whom the Order is issued; or

(ii) If the Township is unable to effect service on the Owner, a placard containing the terms of the Order may be placed in a conspicuous place on the Property and the placing of the placard shall be deemed to be service of the Order.

8.3 Order Deemed to be Served

(a) If an Order is served on a Person by registered mail, it shall be deemed to have been served on the Person on the fifth (5^{th}) day after the mailing of the order, which deemed service may be rebutted by the Person proving, on a balance of probabilities, that they did not receive the Order.

(b) An Order may also be issued to a new Owner in any case where ownership of the Property has changed but the offence continues or remains.

9. WORK DONE BY THE TOWNSHIP

9.1 Remedial Action

(a) If the Conditions of an Order made under this By-law are not complied with within the period specified in the Order, in addition to all other remedies it may have, the Township may undertake any activity to fulfill any of the Conditions of a Permit or Order at the Owner's expense and may enter upon Property at any reasonable time for this purpose.

10. PENALTY AND OFFENCE

10.1 Offence

(a) Every Person who contravenes: (i) any provision of this By-law, (ii) a Condition of a Permit issued under this By-Law, and/or (iii) an Order issued under this By-law, is guilty of an offence and upon conviction is liable to the penalties provided for in this By-law and provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

(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.

10.2 Penalties

(a) Every Person who is guilty of a non-continuing offence under this By-law shall be subject to the following penalties:

(i) Upon a first conviction under this By-law, to a fine of not less than $500 and not more than $50,000 per offence;

(ii) Upon a second or subsequent conviction under this By-law, to a fine of not less than $500 and not more than $100,000 per offence.

(b) Every Person who is guilty of a continuing offence under this By-law shall upon conviction be subject to a fine of not less than $500 and not more than $10,000 for each day or part of a day that the offence continues up to a maximum of $100,000 per continuing offence.

(c) When a Person has been convicted of an offence under this By-law, the Ontario Court of Justice or any Court of competent jurisdiction thereafter may, in addition to any other penalty or remedy imposed on the Person convicted, make an Order:

(i) prohibiting the continuation or repetition of the offence by the Person convicted; and/or

(ii) requiring the Person convicted to remove material from, repair or rehabilitate, at the convicted Person's expense, a property or undertaking to achieve compliance with this By-law within such reasonable time as the Court orders.

(d) The Township may recover its costs of remedying a violation of this By-law by invoicing the Owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll, and the exercise of any other available remedy.

(e) Sections 3 and 7, inclusive of all subsections thereunder, of this By-law are hereby designated as parts of this By-law to which the Administrative Monetary Penalty System By-law applies.

(f) Any person shall, upon issuance of a penalty notice for a contravention of this By-law, in accordance with the Administrative Monetary Penalty System By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Monetary Penalty System By-law.

(g) All the provisions of this by-law continue to apply in the Provincial Offences Act in addition to the Designated Provisions of this by-law.

(h) Where a person has not paid the administrative penalty within 30 days in accordance with the Administrative Monetary Penalty System By-law, the Township may add the administrative penalty to the tax roll for any property for which the owner or owners are responsible for paying the administrative penalty under Section 434.2.

11. TRANSITION PROVISION

(a) All Site Alteration Permits issued by the Township prior to the coming into force of the prior Site Alteration By-law 2023-057, for which permits were current and valid on the day By-law 2023-057 came into force, shall remain current and valid under By-law 2023-057 as if the Site Alteration Permit had been issued under By-law 2023-057, whether or not such Site Alteration Permit would be authorized under By-law 2023-057 or this By-law;

(b) All Site Alteration Permits issued by the Township pursuant to prior By-law 2023-057 for which permits are current and valid on the day this By-law comes into force, shall remain current and valid under this By-law as if the Site Alteration Permit had been issued under this By-law, whether or not such Site Alteration Permit would be authorized under this By-law;

(c) A Site Alteration Permit Application received but not issued by the Township, prior to the coming into force of this By-law, shall be issued in accordance with this By-law;

(d) Any Site Alteration activities undertaken without a valid permit issued prior to the coming into force of this By-law, shall be subject to the provisions and regulations of this By-law.

12. EFFECTIVE DATES & REPEAL OF PREDECESSOR BY-LAW

(a) By-laws 2023-057 is hereby repealed.

(a) This By-law shall come into force and effect upon its passage.

READ a FIRST time this ___day of _____, 2026

READ a SECOND time this ___ day of _____, 2026

READ a THIRD time and FINALLY PASSED this ____ day of _____, 2026.

_____

James Seeley, Mayor

_____

Courtenay Hoytfox, Clerk

SCHEDULE "A"

REFERENCES
REGULATIONS, STANDARDS AND GUIDELINES

1. Environmental Protection Act, R.S.O. 1990, c. E.19 - https://www.ontario.ca/laws/statute/90e19

2. Ontario Ministry of the Environment, Conservation and Parks, Management of Excess Soil – A Guide for Best Management Practices - https://www.ontario.ca/page/management-excess-soil-guide-best-management-practices

3. Ontario Ministry of the Environment, Conservation and Parks, Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act (July 1, 2011) - https://www.ontario.ca/page/soil-ground-water-and-sediment-standards-use-under-part-xv1-environmental-protection-act

4. Ontario Regulation 153/04: Record of Site Condition - https://www.ontario.ca/laws/regulation/040153

5. Regulation 347: General – Waste Management - https://www.ontario.ca/laws/regulation/900347

6. Ontario Regulation 406/19: On-site and Excess Soil Management - https://www.ontario.ca/laws/regulation/190406#BK5

7. Ontario Ministry of the Environment, Conservation and Parks Rules for Soil Management and Excess Soil Quality Standards - https://www.ontario.ca/page/rules-soil-management-and-excess-soil-quality-standards

8. Ontario Ministry of the Environment, Conservation and Parks Excess Soil Beneficial Reuse Assessment Tool (BRAT) - https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fprod-environmental-registry.s3.amazonaws.com%2F2020-12%2FBeneficial%2520Reuse%2520Assessment%2520Tool_BRAT%2520%2528Dated%252008%2520Dec%25202020%2529_0.xlsx&wdOrigin=BROWSELINK

9. Ontario Water Resources Act, R.S.O. 1990, c. O.40 – https://www.ontario.ca/laws/statute/90o40

10. Ontario Provincial Water Quality Objectives - https://www.ontario.ca/page/water-management-policies-guidelines-provincial-water-quality-objectives

11. County of Wellington Conservation and Sustainable Use of Woodlands By-law 5115-09

12. Aggregate Resources Act R.S.O. 1990, c.A.8, - https://www.ontario.ca/laws/statute/90a08

13. Invasive Species Act, 2015, S.O.2015, c.22 - https://www.ontario.ca/laws/statute/15i22

14. Endangered Species Act, 2007, S.O. 2007, c. 6 https://www.ontario.ca/laws/statute/07e06

15. Clean Water Act, 2006, S.O. 2006, c. 22 https://www.ontario.ca/laws/statute/06c22

16. Municipal Act, 2001, S.O. 2001, c. 25 https://www.ontario.ca/laws/statute/01m25

SCHEDULE “B”

CONTROL PLANS

1. A control plan(s) required to be submitted as part of any Application for a Permit pursuant to this By-law shall include, among other things, the following:

   (a) a key map showing the location of the Site;

   (b) the Global Positioning System (GPS) coordinates of the centroid of the Site in terms of easting and northing;

   (c) the Site boundaries and number of hectares of the Site;

   (d) the use of the Site and the location and use of the buildings and other structures adjacent to the Site;

   (e) the location, dimensions and use of existing and proposed buildings and other structures existing or proposed to be erected on the Site;

   (f) the location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on the Site and within thirty (30) metres beyond the Site boundary;

   (g) the location of the predominant Soil types;

   (h) the location size, species, and condition of all Trees as define in this By-law, including their dripline, and the composite dripline of all other Vegetation;

   (i) the location of driveways on the lands and all easements and rights-of-way over, under, across or through the Site;

   (j) the location and dimensions of any existing and proposed stormwater Drainage systems and natural Drainage patterns on the Site and within thirty (30) metres of the Site boundaries;

   (k) the location and dimensions of utilities, structures, roads, rights-of-ways, easements, highways, and paving;

   (l) the existing Site topography at a contour interval not to exceed 0.5 metres and to extend a minimum of thirty (30) metres beyond the Site boundaries;

   (m) the Proposed Grade(s) and Drainage system(s) to be used upon completion of the work which is the subject of the Permit;

   (n) the location and dimensions of all proposed work which is the subject of the Application for a Permit;

   (o) the location and dimensions of all proposed temporary Topsoil or Fill stockpiles;

   (p) the location, dimensions, design details and specifications of all work which is the subject of the Application including all Site Erosion and Dust Control measures or Retaining Walls necessary to meet the requirements of this By-law and the estimated cost of the same;

   (q) a schedule of the anticipated starting and completion dates of all proposed work which is the subject of the Application for a Permit;

   (r) a list of the type of equipment and machinery that will be used during the Site Alteration process including the expected days and times of operation in accordance with this By-law;

   (s) provisions for the maintenance of construction Site Erosion and Dust Control measures during construction and after, as required;

   (t) typical notes on the final rehabilitation plan to indicate the final ground cover materials, type and size of Vegetation to be planted, depth of Topsoil, Tree removals or Tree protection measures;

   (u) proposed Site access location(s) and haul route(s) to and within the Site;

(v) a description of the quality and source of the proposed Fill with confirmation that the Fill meets the applicable Excess Soil Quality Standards for the Site;

(i) if Site-specific standards for Soil quality acceptance have been developed using the MECP's Excess Soil Beneficial Reuse Assessment Tool (BRAT), a copy of the BRAT model input and output and a signed statement by the Qualified Person preparing the BRAT model;

(ii) If Site-specific standards for Soil quality acceptance have been developed using a risk assessment pursuant to the requirements in the Rules for Soil Management and Excess Soil Quality Standards, a copy of the risk assessment and a signed statement by the Qualified Person that prepared the risk assessment model must be submitted;

(w) a Sampling and Analysis Plan for the source of the proposed Fill;

(x) a Quality Assurance/Quality Control Program;

(y) the scale of drawings, either 1:500 or 1:1000;

(z) operational procedures manual;

(aa) for Site to receive greater than 10,000 m3, and where required by the provisions of Ontario Regulation 406/19, as amended, file a notice on the Excess Soil Registry operated by RPRA; and

(bb) all other information as deemed necessary or required by the Designated Official.

2. Where a permit from the County of Wellington or the Township is required to use any portion of the proposed haul route, the issuance of, and conformity with such permit(s) shall be deemed to be a condition of the issuance of the Permit under this By-law.

3. It shall be the responsibility of the Owner to ensure that all Fill which is Placed or Dumped under this By-law shall conform with, and meet, the requirements of this By-law and all conditions of the Permit. At any time during the term of the Permit, an Inspector or the Designated Official may require evidence of such conformity, including without limiting the generality of the foregoing a requirement that the Permit Holder provide evidence to the satisfaction of the Designated Official that each Truckload complies with the requirements of this By-law.

4. Every control plan accompanying an Application for a Permit under this By-law must be stamped by a Qualified Person approved by the Designated Official.

5. Notwithstanding any other provisions of this By-law, the Designated Official may waive the requirement for a Control Plan or any part thereof, after taking into consideration the proposed works, the anticipated impact on the Site and the surrounding environment.

AMENDMENT HISTORY

SITE ALTERATION BY-LAW

DATE (Y/M/D)	BY-LAW	AUTHORITY	CONSOLIDATED
2025/08/05	2025-045	Item 9.3.1 Report ADM-2025-014 – AMPS Policy Approval Update	✓