

THE CORPORATION OF THE CITY OF BURLINGTON

**BY-LAW 6-2003**

**A By-law to Protect and Conserve Topsoil And For Prohibiting or Regulating the Alteration of Property Within the City of Burlington**

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WHEREAS Sections 142-146 of the *Municipal Act, 2001, S.O., c.25 as amended*, provides that the Council of a local municipality may pass by-laws prohibiting or regulating the Placing or Dumping of Fill or alteration of the Grade of land in any defined area or on any class of land;

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

SHORT TITLE This by-law may be cited as the *City of Burlington Topsoil Preservation and Site Alteration By-law*.

1. DEFINITIONS

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In this By-law:

1.1. "City" means the Corporation of the City of Burlington;

1.2. "Council" means the Council of The Corporation of the City of Burlington;

1.3. “Director” and “Director of Engineering” means the Director of Engineering for the Corporation of the City of Burlington or his or her designate;

1.4. “Drainage” means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means;

1.5. “Dumping” and “Dump” means the depositing of Fill in a location other than where the Fill was obtained or the movement and depositing of Fill from one location on a property to another location on the same property;

1.6. “Erosion” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity;

1.7. “Fill” means any type of material capable of being removed from or deposited on lands;

1.8. “Grade” means the elevation of the ground surface and shall be more particularly defined as follows:

1.8.1. “Existing Grade” means the elevation of the existing ground surface of the lands upon which Dumping and/or Placing of Fill, altering of the Grade, or removing of Topsoil is proposed and of abutting ground, surface up to three (3) metres wide surrounding such lands, except that where such activity has occurred in contravention of this By-law, Existing Grade shall mean the ground surface of such lands as existed prior to the said activity;

1.8.2. “Finished Grade” means the approved elevation of ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered or Topsoil removed, in accordance with this By-law;

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

1.9. “Inspector” means any person designated by this or any other by-law of the City as an Inspector for the purposes of this By-law, and such inspectors are so designated pursuant to Schedule “D” to this By-law;

1.10. “Owner” includes any person, partnership, organization or corporation who or which is the registered owner of or controls, maintains or occupies lands;

1.11 “Permit” means a Permit that can be issued pursuant to this By-law;

1.12. “Placing and Place” means the distribution of Fill on lands to establish a Finished Grade higher than the Existing Grade;

1.13. “Ponding” means the accumulation of surface water in an area not having Drainage there from which the lack of Drainage is caused by the Placing or Dumping of Fill, altering of Grade of removing of Topsoil;

1.14. “Retaining Wall” means a wall designed to contact and support Fill which has a Finished Grade higher than that of adjacent lands;

1.15. “Site” means the lands which are the subject of an application for a Permit pursuant to this By-law;

1.16 “Soil” means material commonly known as earth, Topsoil, loam, subsoil, clay, sand or gravel;

1.17 “storm sewer” means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof under City roads and on City property;

1.18 “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.

1.19. “watercourse” means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently;

## 2. PLACING/DUMPING FILL - ALTERING GRADE – REMOVAL OF TOPSOIL

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2.1. Other than in an approved landfill site, no person shall Place or Dump, or cause or permit the Placing or Dumping, of Fill on, nor alter or cause or permit the alteration of the Grade of, any lands in the City, including any lands which are submerged under any watercourse or other body of water, or along the Lake Ontario or Burlington Bay shoreline, without having first obtained a Site Alteration Permit issued by the Director.

2.2. No person shall remove or cause or permit the removal of any Topsoil from any Site in the City of Burlington without having first obtained a Topsoil Removal Permit issued by the Director.

2.3. A person applying for a Site Alteration Permit or a Topsoil Removal Permit shall submit the following to the Director:

2.3.1. a complete application in the form attached hereto as Schedule “A”, which form may be amended from time to time by the Director;

2.3.2. the prescribed fee for a Site Alteration Permit or Topsoil Removal Permit as established from time to time by Council and detailed in Schedule “B” to this By-law;

2.3.3. a Control Plan, the requirements of which are set out in Section 2.5 of this By-law;

2.3.4. Phase I, Phase II and Phase III Environmental Site Assessment reports as required by the Director;

2.3.5. a plan showing the design details to proper scale of any Retaining Wall that the Applicant proposes or that may be required by the Director including the dimensions thereof and any materials to be used in construction of any such Retaining Wall;

2.3.6. securities in accordance with Schedule "B" to this By-law, to secure performance of the Applicant's obligations under this By-law and any Permit that is issued.

2.4. A person applying for a Permit shall, in addition to the requirements in subsection 2.3:

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(a) certify that the Fill contains no contaminants within the meaning of the *Environmental Protection Act R.S.O. 1990, c.E.19*, as amended;

(b) forever release the City from, and indemnify the City with respect to, any and all liability which may arise in the event that the Fill contains contaminants within the meaning of the *Environmental Protection Act, R.S.O. 1990, c. E.19*, as amended.

The certification required by clause (a), and the release and indemnity required by clause (b), shall be in the form pre-scribed by Schedule "A" appended to this by-law.

2.5. Control Plans are required to be submitted as part of an Application for a Permit pursuant to this By-law and shall include, where applicable:

2.5.1. a key map showing the location of the Site;

2.5.2. the Site boundaries and number of hectares of the Site;

2.5.3. the current and proposed use of the Site and the location and use of the buildings and other structures adjacent to the Site;

2.5.4. the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the Site;

2.5.5. the location of lakes, streams, wetlands, channels, ditches, other water courses and other bodies of water on the Site and within fifteen (15) metres beyond the Site boundary for sites less than 0.2 hectares, and within thirty (30) metres beyond the Site boundary for sites greater than 0.2 hectares;

2.5.6. the Regional Storm Flood Plain and Conservation Authority Fill Regulation lines, with appropriate setbacks as required by the Conservation Authority;

2.5.7. the location of the predominant soil types;

2.5.8. the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within fifteen (15) metres beyond the Site boundary for sites less than 0.2 hectares, and within thirty (30) metres beyond the Site boundary for sites greater than 0.2 hectares;

2.5.9. the location and dimensions of utilities, structures, roads, highway and paving;

2.5.10. the existing Site topography at a contour interval not to exceed 0.5 metre and to extend a minimum of fifteen (15) metres beyond the Site boundary for sites less than 0.2

hectares, and within thirty (30) metres beyond the Site boundary for sites greater than 0.2 hectares;

2.5.11. the location, diameter, species and drip line of all trees with a calliper measuring 100 mm or greater at breast height, all other vegetation is to be identified in masses showing outline of canopy created by the massing;

2.5.12. all existing vegetation 3 m outside of the subject property boundaries or property lines must be identified including City trees; individually locating all trees with a calliper measuring 100 mm or greater at breast height, all other vegetation to be identified in masses showing outlined of canopy created by the massing;

2.5.13. the proposed final elevations of the Site;

2.5.14. the location and dimensions of all proposed land disturbance;

2.5.15. the location and dimensions of all temporary soil or dirt stockpiles;

2.5.16. the location, dimensions, design details, estimated costs and design calculations of all construction Site control measures necessary to meet the requirements of this By-law;

2.5.17. a schedule of the anticipated starting and completion dates of each land disturbance or land developing activity including the installation of construction Site control measures needed to meet the requirements of this By-law;

2.5.18. provisions for the maintenance of the Site control measures during construction;

2.5.19. the scale of drawing; and

2.5.20. any other necessary information with respect to the Site.

2.6. Every Control Plan accompanying an application for a Permit under this By-law must be certified by a professional engineer who is licensed to practice in the Province of Ontario or any other qualified person approved by the Director.

2.7. Notwithstanding any other provisions of this By-law, the Director may, at his or her sole discretion, waive the requirement for a Control Plan or any part thereof, and/or may reduce the fee for a Permit under this By-law in appropriate works, after taking into consideration the proposed works, the anticipated impact on the Site and the surrounding environment.

2.8. The Director may, prior to the issuance of a Permit under this By-law, require the applicant to enter into an agreement with the City to provide security for an Applicant's obligations under this By-law and any Permit issued, and such requirements as the Director considers necessary to ensure that the work which is the subject of standards and practice, this By-law and the terms and conditions of the Permit, which agreement may be registered on title. The Mayor and the City Clerk are hereby authorized to execute any such agreement on behalf of the City.

2.9. The Director shall issue a Topsoil Removal Permit or Site Alteration Permit, as the case may be, where:

2.9.1. the Director is satisfied that the lands which are the subject of the Application are not within a prohibited area under Section 2.13 or Section 2.14 of this By-law:

2.9.2. the Director is satisfied that the Applicant has complied or will comply with all requirements of this By-law;



2.9.3. the Applicant has entered into an agreement, as referred to in Section 2.8 of this By-law, if required by the Director, and has performed all of its obligations under the agreement which are required to be performed prior to the issuance of the Permit pursuant to this By-law;

2.9.4. the Director is satisfied that the Proposed Grade and resulting Drainage pattern, the proposed design of any Retaining Wall, the type of Fill proposed to be used, if any, and the proposed method of the Placing and Dumping of fill, altering of the Grade, or removing of Topsoil, are all in accordance with proper engineering standards and practices;

2.9.5. the Director is satisfied that any Fill to be used includes:

a) for industrial and commercial sites, only Soil, stone, sod or other material acceptable to the Director and that such material is clean and free of any glass, plastics, termites, rubber, metals, liquid, garbage and/or contaminants;

b) for all other sites, only Soil and that such material is clean and free of any glass, plastics, rubber, metals, liquid, termites, garbage, concrete, asphalt and/or contaminants;

The City has the authority to require the random testing of any Fill prior to its placement upon, or removal from, the Site. The testing shall be undertaken by a qualified consultant retained by the City. The Owner/Applicant will be responsible for all costs associated with the testing.

2.9.6. the Director is satisfied that the proposed Placing or Dumping of Fill, altering of the Grade or removing of Topsoil, will not result in:

a) erosion;

b) blockage of a watercourse;

- c) siltation in a watercourse or storm sewer;
- d) contamination of a watercourse;
- e) flooding or ponding;
- f) an undue detrimental effect on the natural environment of the area, including but not restricted to Environmentally Sensitive Areas, Areas of Natural and Scientific Interest, wetlands, Lake Ontario shoreline, Burlington Bay shoreline;
- g) a detrimental effect on the quality or quantity of water in wells;
- h) hindering the orderly development of any lands;
- i) a detrimental effect on the amenities of adjacent lots; or
- j) a loss in agricultural lands in the Rural Planning Area of the City.

2.9.7. the Director is satisfied the Site will be rehabilitated to a condition which is substantially similar to or improved from the condition of the Site prior to the undertaking of the work which is the subject of the Permit.

2.9.8. the Director is satisfied that the location, height and slope of any proposed berm is acceptable.

2.10. The Director may impose terms and conditions and design guidelines upon the issuance of any Permit. In addition to any other terms or conditions or design guidelines that may be imposed by the Director, Permits shall be issued subject to the terms and conditions set out in Schedule "C" and guidelines as set out in Schedule "F" to this By-law unless exempted in writing by the Director.

2.11. The Director may require as a condition of any Permit issued pursuant to this By-law, that a Retaining wall be constructed where:

- a) Erosion onto abutting lands may occur as a result of the work which is the subject of the Permit; or

b) The Finished Grade of the Site is of a higher elevation at a property line than that of the Existing Grade at the same property line of abutting lands.

2.12. Where a Permit has been issued pursuant to this By-law, no person shall undertake the work which is the subject of the Permit except in accordance with the Permit Application, plans, documents, and other information submitted to the City upon which the Permit was issued and in accordance with the terms and conditions and design guidelines of the Permit.

2.13. Notwithstanding any other provision of this By-law, the Director shall not issue a Permit under this By-law with respect to lands in the City of Burlington defined and designated as an “Environmentally Sensitive Area” by the City’s Official Plan or the Region of Halton’s Official Plan, without the approval of Council.

2.14. Notwithstanding any other provision of this By-law, the Director shall not issue a Permit under this By-law with respect to lands in the City of Burlington defined and designated as a “Fill and/or Flood Regulated Area” by Conservation Halton pursuant to Ontario Regulation 150/90, without the approval of Conservation Halton.

2.15. Notwithstanding any other provisions of this By-law, no person shall Place or Dump, or cause or permit the Placing or Dumping of Fill, on any lands for the purpose of outside storage, unless the outside storage of such Fill on such lands is permitted by the applicable zoning by-law of the City.

2.16. Where the Director refuses to issue a Site Alteration Permit or a Topsoil Removal Permit, the applicant shall be informed in writing of the refusal by the Director. The Director may reconsider the application if additional information or documentation required by the Director is submitted by the applicant.

2.17. Notwithstanding the issuance of a Permit pursuant to this By-law, an applicant and/or Owner shall comply with all other applicable legislation.

2.18. An applicant for a Permit pursuant to this By-law, or his or her authorized agent, shall, where a Permit has been issued, request the Director to make inspections at the commencement and completion of the work which is the subject of the Permit, and shall request such further inspection as may be required by the Director.

2.19. Any Permit issued pursuant to this By-law, shall be valid for a period of 1 year from the date of issuance.

2.20. A Permit which has expired may be renewed by the Director within a six month period from the date of expiry upon the making of a written request to the Director accompanied by a payment of one-half of the original permit fee, provided that the proposed work which was the subject of the Permit, has not been revised. A Permit which has been renewed in accordance with this section shall thereafter be treated as a new Permit except that it shall not again be renewed.

2.21. If the Site for which a Permit has been issued is transferred while the Permit remains in effect and outstanding the new Owner shall prior to the closing of the transfer:

2.21.1. provide the City with its written commitment to comply with all of the conditions under which the Permit was issued; and

2.21.2. provide security in a form and amount acceptable to the Director, at which time any security previously provided by the original Permit holder pursuant to this By-law shall be released;

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

2.22. In addition to the other requirements of this By-law, no person shall Place or Dump, or cause or permit the Placing or Dumping of Fill on, or alter or cause or permit the altering of the Grade of, or remove or cause or permit the removing of any Topsoil from, any lands in the City of Burlington, including the shoreline of Lake Ontario or Burlington Bay, or any lands which are submerged under any watercourse or other body of water, unless;

2.22.1. it is done at the request of or with the consent of the Owner of the Site where the Fill is to be Placed or Dumped, the Grade altered or the Topsoil removed;

2.22.2. all fill to be used includes only Soil, stone, sod or other material acceptable to the Director and that such material is clean and free of any glass, plastics, rubber, metals, termites, liquid, garbage and and/or contaminants;

2.22.3. the Drainage system for the Site is provided in accordance with this By-law and any Permit issued pursuant thereto and as otherwise required by law, and in accordance with proper engineering standards and practices and will not result in Erosion, blockage, siltation or contamination of a watercourse, Flooding or Ponding;

2.22.4. the Fill is Placed or Dumped, any Retaining wall containing such Fill is erected, the Grade is altered, or the Topsoil is removed, in such a manner that no Flooding, Ponding, or other adverse effects are caused on other lands.

2.23. Every person to whom a Permit is issued pursuant to this By-law shall:

2.23.1. provide a Retaining Wall where required by the Director which does not encroach upon abutting lands, either above or below existing grade, and such Retaining Wall shall be constructed to the satisfaction of the Director;

2.23.2. ensure that the Finished Grade surface is protected by sod, turf, seeding for grass, vegetation, asphalt, concrete or other similar means, or combination thereof;

2.23.3. ensure that Fill shall not be Placed or Dumped around the perimeter of any existing building to an elevation higher than 150 millimetres below the ground floor level of such building, unless such building and its foundation walls are raised in a manner satisfactory to the Director;

2.23.4. ensure that no trench in which piping is laid forming part of the Drainage system shall be covered and backfilled until the work has been inspected and approved by the Director or an Inspector;

2.23.5. provide and maintain such protection for trees as may be required by the Director;

2.23.6. provide and maintain siltation control measures as may be required by the Director;

2.23.7. ensure that the work which is the subject of the Permit does not soil or otherwise foul any municipal roads and in the event that this occurs, ensure that the road or roads affected are cleaned to the satisfaction of the Director within twenty-four hours of any request by the Director for such cleaning;

2.23.8. ensure that all conditions of the Permit issued pursuant to this by-law and any requirements of this By-law are fulfilled to the satisfaction of the Director.

### 3. EXEMPTIONS

3.1. The City does not require a permit when undertaking works on City owned land or easements in favour of the City or when undertaking works on any other lands in which the City may have an interest.

3.2. Permits are not required for site alterations and/or the removal of topsoil where engineering drawings for a plan of subdivision, complete with all applicable securities, have been received in full, or where a full Site Plan Application has been received. In both cases an erosion and

sediment control plan, approved by the Director, will be required before undertaking any land disturbance.

3.3. The provisions of this By-law do not apply to,

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3.3.1. activities or matters undertaken by a municipality or a local board of a municipality;

3.3.2. the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

3.3.3. the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;

3.3.4. the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

3.3.5. 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*;

3.3.6. 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*;

3.3.7. 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*;

3.3.8. as may be permitted as prescribed by regulation.

3.4. The provisions of this By-law do not apply to 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 shall not include land contouring areas of greater than 1 ha. or alterations of ground elevations by more than 0.5m.

3.4.1. The exception in section 3.4 respecting the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition.

3.5. If a regulation is made under section 28 of the *Conservation Authorities Act* respecting the placing or dumping of fill, removal of topsoil or alteration of the grade of land in any area of the municipality, a by-law passed under this section is of no effect in respect of that area.

#### 4. ENFORCEMENT

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4.1. The administration and enforcement of this By-law shall be performed by the Director and his or her designates and by those persons designated as Inspectors under Schedule “D” to this By-law. The Director and the Inspectors shall have all powers necessary to carry out the administration and enforcement of this By-law, including the power to enter upon and inspect any lands to which this By-law applies.

4.2. Where an Owner or any other person is in contravention of this By-law, or any term or condition or design guideline of a Permit issued under this By-law, the Director may make an Order directing that the Owner or such person cease the work which is the subject of the contravention and/or require work to be done to correct the contravention, to the satisfaction of the Director, within ten (10) days of the issuance of the Order.

4.3. Where a Permit has been issued and an Owner or Applicant is in contravention of this By-law, or any term or condition or design guideline of a Permit issued under this By-law, the Director may make an Order directing the Owner or Applicant, within ten (10) days of the issuance of the Order, to take such steps as are necessary so that the work which was the subject of the Permit is completed in accordance with the Permit Application, plans, documents and other information upon which the Permit was issued under this By-law and in accordance with the terms and conditions and design guidelines of the Permit.

4.4. Any person to whom an Order is issued pursuant to this By-law shall comply with the terms of such Order.

4.5. Where the Owner to whom an Order is issued fails to perform the work required by the Order, the City may perform such work at the Owner’s expense and may recover the cost incurred in doing such work in like manner as municipal taxes.

4.6. An Owner of a Site or any other person shall permit designated Inspectors under this By-law, to enter on to the Site for the purposes of this By-law, including for the purpose of inspection to ensure compliance with this By-law and to enforce this By-law.

4.7. An Applicant shall not submit or cause or permit an Application for a Permit to be submitted to the City which is misleading or contains false information. Where it is discovered or revealed that the holder of a Permit issued under this By-law has provided misleading or false

information on the Application for a Permit, as determined by the Director, the said Permit shall be revoked by the Directed and the Permit holder shall forthwith cease all work which was the subject of the revoked Permit.

4.8. Every person other than a corporation who contravenes any provision of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for any subsequent conviction, as provided for by Section 144 (16) of the Municipal Act.

4.9. Every corporation which contravenes any provision of this By-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent conviction as provided for by Section 144 (17) of the Municipal Act.

5. GENERAL

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5.1. In the event that any provision or part of a provision in this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

ENACTED AND PASSED this 13<sup>th</sup> day of January, 2003.

MAYOR: \_\_\_\_\_

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CITY CLERK: \_\_\_\_\_

**SCHEDULE "A"**

THE CORPORATION OF THE CITY OF BURILNGTON  
APPLICATION FOR A SITE ALTERATION PERMIT  
OR TOPSOIL REMOVAL PERMIT

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THIS APPLICATION IS AUTHORIZED BY BY-LAW No. 6-2003

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1.0 PERMIT NO:

2.0 ATTACHMENTS – THIS APPLICATION MUST BE ACCOMPANIED BY:

- ✓ copies of a Control Plan certified by a Professional Engineer or other qualified person.
- ✓ The application fee.
- ✓ Security in a form and amount acceptable to the Director of Engineering\*.
- ✓ Owner's authorization if Applicant is not the Owner.
- ✓ Phase I, II and III Environmental Site Assessment reports as required by the Director of Engineering\*.

\*These items, if applicable, may be requested after submission of the application.

3.0 PROPERTY LOCATION: \_\_\_\_\_  
\_\_\_\_\_

4.0 PROPERTY SIZE (in hectares): \_\_\_\_\_  
\_\_\_\_\_

5.0 NAME OF PROPERTY OWNER: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
\_\_\_\_\_

EMAIL: \_\_\_\_\_  
\_\_\_\_\_

6.0 NAME OF AGENT: \_\_\_\_\_  
\_\_\_\_\_

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ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
\_\_\_\_\_

EMAIL: \_\_\_\_\_  
\_\_\_\_\_

7.0 WORK SCHEDULE:

START DATE: \_\_\_\_\_

END DATE: \_\_\_\_\_

CONSTRUCTION PERIOD: \_\_\_\_\_

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8.0 CONSULTING ENGINEERS: \_\_\_\_\_  
\_\_\_\_\_

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ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
\_\_\_\_\_

EMAIL: \_\_\_\_\_  
\_\_\_\_\_

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9.0 CONTRACTOR'S NAME: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
\_\_\_\_\_

EMAIL: \_\_\_\_\_  
\_\_\_\_\_

10.0 DESCRIBE THE PROPOSED WORKS.

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11.0 IF APPLICABLE, DESCRIBE THE COMPOSITION OF FILL BEING DUMPED/PLACED:

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12.0 DOES ANY PART OF THE SITE CONTAIN A WATERCOURSE, SHORELINE, FILL OR FLOOD REGULATED AREA, AS ADMINISTERED BY THE CONSERATION AUTHORITY?

\_\_\_\_\_ YES  
\_\_\_\_\_ DON'T KNOW

\_\_\_\_\_ NO

13.0 IF YES, HAVE YOU CONFIRMED THIS WITH THE CONSERVATION AUTHORITY?

\_\_\_\_\_ YES (Please attach correspondence) \_\_\_\_\_  
\_\_\_\_\_ NO

The undersigned hereby applies for a Site Alteration Permit or Topsoil Removal Permit pursuant to the provisions of City of Burlington By-law 6-2003 and agrees to comply in all aspects with the requirements of By-law 6-2003.

The undersigned hereby grants employees of the City of Burlington permission to enter the subject land to inspect the proposed work that the permit applies.

Pursuant to the By-law 6-2003, the undersigned hereby acknowledges that the sole responsibility for the completion of the work undertaken as part of this application rests entirely with the Owner. The undersigned also agrees that the total costs of all works will be entirely the responsibility of the Owner.

The undersigned certifies to the City that any and all Fill used in completing any Site Alteration contains no contaminants within the meaning of the *Environmental Protection Act*, R.S.O. 1990,c. E.19. The undersigned hereby forever releases and agrees to indemnify and save harmless the City, 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.

\_\_\_\_\_  
\_\_\_\_\_

DATE  
OWNER/APPLICANT

SIGNATURE OF

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

I, \_\_\_\_\_ being the registered Owner  
of the subject

Site(s) hereby authorize \_\_\_\_\_ to prepare, submit, and

(type or print name of agent)

act on my behalf with respect to this application.

\_\_\_\_\_  
\_\_\_\_\_

DATE  
OWNER

SIGNATURE OF

Personal Information on this form is collected under the authority of The Municipal Act, 2001, S.O. 2001 c.25 as amended and will be used to process applications and issue permits for site



alterations and topsoil removal. Questions about this collection should be directed to: Senior Environmental Engineer, Engineering Department, 426 Brant Street, Burlington, ON, L7R 3Z6, 905-335-7600, extension 7576

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**OFFICE ADMINISTRATION PURPOSES ONLY**

A. LETTER OF CREDIT AMOUNT: \_\_\_\_\_  
\_\_\_\_\_

B. PERMIT FEE: \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_  
\_\_\_\_\_

C. DIRECTOR'S APPROVAL: \_\_\_\_\_  
\_\_\_\_\_

D. DATE PERMIT ISSUED: \_\_\_\_\_  
\_\_\_\_\_

EXPIRY DATE: \_\_\_\_\_

**SCHEDULE "B"**

**1.0 SITE ALTERATION PERMIT AND TOPSOIL REMOVAL PERMIT FEES**

The Fee for processing, administration and inspection for a Permit shall be as defined below.

	<b>Permit Fee</b>	<b>Renewal Fee after Permit has expired</b>
<b>SITE ALTERATION</b>		
<b>1) Alteration of a site greater than 0.2 ha.</b>	\$500.00 + \$25.00/ha	\$250
<b>2) Single residential property (Lot area less than 0.2 ha)</b>	\$80.00	\$40
<b>3) Property less than 0.2 ha containing a drainage easement or catchbasin and/or adjacent to a watercourse or shoreline</b>	\$80.00	\$40
<b>TOPSOIL REMOVAL</b>	\$500.00 + \$25.00/ hectare	\$250

## 2.0 SECURITY FOR SITE CONTROL MEASURES

An irrevocable Letter of Credit or cash may be required by the Director to cover 100% of the estimated cost to: maintain site controls; stabilize the site and undertake other works. The Letter of Credit is to be in a form acceptable to the City Treasurer.

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

In the event that the City receives notice that a Letter of Credit is expiring and will not be renewed and further or additional securities are not provided forthwith, the City may draw on the current Letter of Credit at the discretion of the Director. The Permit holder agrees that any interest accruing on the realized cash security shall belong to the City and not to the Permit holder.

3.0 It is the responsibility of the Permit Holder to obtain the approval of the Director that the Site has been adequately reinstated and stabilized in accordance with this By-law, the plans accompanying the Permit and the terms and conditions and design guidelines of the Permit; and, to request that the City carry out a final inspection of the Site and to obtain the approval of the Director that this by-law and terms and conditions of the Permit have been complied with by the permit holder.

4.0 When the provisions of Section 3.0 above have been fully complied with to the satisfaction of the Director, he or she shall release the Permit Holder's security.

### **SCHEDULE "C"**

#### PERMIT CONDITIONS

1. All Permit holders shall:

1.1 Install all control measures as identified in the approved Control Plan;

1.2 Notify the Engineering Department for an inspection of the site control measures. Approval of the site control measures is required from the Engineering Department prior to commencing any land disturbance;

1.3 Notify the Engineering Department within 48 hours of commencing any Land Disturbance;

1.4 Obtain permission in writing from the Director prior to modifying the Control Plan;

1.5 Maintain all road drainage systems, Stormwater drainage systems, control measures and other facilities identified in the Control Plan;

1.6 Repair any siltation or Erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;

1.7 Inspect the construction control measures at least once per week and after each rainfall of at least 1 centimetre and make needed repairs;

1.8 Allow employees of the City to enter the Site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the Site into compliance with the Control Plan; and

1.9 Maintain a copy of the Control Plan on the Site.

## 2. The City:

2.1 Upon the failure by the Permit holder to complete all or part of the works in the time stipulated in the Control Plan, may draw the appropriate amount from the securities posted and use the funds to arrange for the completion of the said works, or any part thereof;

2.2 Upon the failure by the Permit holder to repair or maintain a specific part of the works as requested by the City, and in the time requested, the City may at any time authorize the use of all or part of the securities to pay the cost of any part of the works it may in its or their absolute discretion deem necessary; or

2.3 In the case of emergency repairs or clean-up, the City may undertake the necessary works at the expense of the Permit holder and reimburse itself out of securities posted by the applicant or to add the cost of the works to the real property tax roll to be collected in like manner as taxes.

### **SCHEDULE “D”**

The following City employees or agents are hereby designated as Inspectors for the purposes of this By-law and authorized to carry out the administration and enforcement of this By-law:

1. Director of Engineering

### **SCHEDULE “E”**

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PERMITS required under Sections 2.1 and 2.2 are required for, but not limited to:

- A. Any topsoil removal works on sites greater than 0.2 hectare in area;
- B. Altering of grade within 0.5 metres from the property line;
- C. Removal of vegetative cover on sites greater than 0.2 hectare in area;

D. Alteration of grade on a property containing a drainage easement, catchbasin or that is next to a watercourse, Lake Ontario or Burlington Bay;

E. Residential dwelling construction on an infill lot which is not exempt under Section 3.3.2 of this By-law;

F. Proposed ponds in the Rural Planning Area of the City. Any proposed ponds in the Rural Planning Area of the City must comply with Schedule “G”;

G. Proposed residential dwellings, agricultural buildings or other buildings in the Rural Planning Area of the City;

PERMITS are not required for the removal of or installation of a swimming pool, unless condition “B” above applies.

## **SCHEDULE “F”**

### **SITE DESIGN GUIDELINES**

The following requirements shall be met on all Sites where a Permit is required:

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1. Site Dewatering: Water pumped from the Site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, swirl concentrators or other appropriate controls.

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2. Drain Inlet Protection: All rear lot storm drain inlets or any other inlets, as the Director considers necessary, shall be protected with filter fabric, or equivalent barriers meeting acceptance by the Director.

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3. Site Erosion Control: The following criteria apply to Land Disturbances that result in runoff leaving the Site:

1) Runoff from adjacent areas passing through the Site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected by filter fences being placed along the channel edges to reduce sediment reaching the channel.

2) All activities on the Site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3) Any soil or dirt storage piles containing more than one hundred cubic metres of material shall not be located within a downslope drainage length of less than ten (10) metres to a roadway or drainage channel. If remaining for more than thirty (30) days, said soil or dirt storage piles shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from soil or dirt storage piles which will be in existence for less than thirty (30) days shall be controlled by filter fence barriers around the pile.

4) Runoff from the entire disturbed area on the Site shall be controlled as follows:

(a) All disturbed ground left inactive shall be stabilized by seeding, sodding, mulching or covering, or other equivalent control measure. The period of time of inactivity shall be at the discretion of the Director but shall not exceed 30 days or such longer period as deemed advisable at the discretion of the Director;

(b) Notwithstanding paragraph 3(4)(a), a permit holder or applicant for a Permit who has applied for but not yet received a building permit or any other necessary Permit or agreement may be granted an extension to the permitted period of inactivity, at the discretion of the Director, provided that said applicant or permit holder provides satisfactory proof that he has made his best efforts to have said building or other necessary permit issued;

(c) For Sites located adjacent to existing residential areas, a sediment control fence may be required around the entire perimeter of the Site;

(d)The sediment control guidelines prepared by Conservation Halton and the Ministry of Natural Resources for the Province of Ontario are to be followed closely.

(e) For Sites with extensive fill requirements, the Director may waive the requirements for stabilization of disturbed land after thirty (30) days of inactivity provided that the sediment control measures are implemented and maintained to the satisfaction of the Director.

5) All other conditions or restrictions as required by the Director.

## **SCHEDULE “G”**

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### **Administration:**

- All pond applications on Agricultural and Rural zoned properties must be circulated to the Halton Agricultural Committee (HAAC) for comment prior to decision being made by the City of Burlington.
- Permits are not required for the dredging of existing ponds on Agricultural and Rural zoned properties, provided surface area of the pond is not increased, and the pond depth is not increased beyond its original depth.



**Design Criteria:**

Pond surface area can be maximum of 1% of the total area to be irrigated and have a maximum depth of 3 m with side slopes no steeper than 3:1.

Pond should be located a suitable distance from a water well or septic tile bed, acceptable to the Region of Halton Health Department

Proposed pond surface area larger than 1% of the total area to be irrigated, or deeper than 3 m, can be considered providing a detailed water budget analysis is submitted prepared by a qualified professional acceptable to the Director