

BY-LAW NUMBER 058 - 2010
OF
THE CORPORATION OF THE MUNICIPALITY OF MEAFORD

**BEING A BY-LAW TO PROHIBIT OR REGULATE THE PLACING OR DUMPING OF
FILL, AND/OR THE ALTERATION OF THE GRADE OF LAND, IN AREAS OF THE
MUNICIPALITY OF MEAFORD**

WHEREAS Section 223.1 of the *Municipal Act* (R.S.O. 1990 Chapter M. 45), as amended, authorizes the Council of a local municipality to pass by-laws for prohibiting or regulating the placing or dumping of fill, and/or the alteration of the grade of land, in any defined area or on any class of land;

AND WHEREAS Council of the Corporation of the Municipality of Meaford deems it expedient to pass a by-law to prohibit or regulate the placing or dumping of fill and/or the alteration of the grade of land in areas of the Municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Meaford does hereby enact as follows:

1. DEFINITIONS

In this By-law,

“alter grade” means the alteration of the grade of any land by any means including the construction of a building or addition, the installation of an in-ground swimming pool, the disturbance or movement of fill, the extraction of fill, the excavation of fill, the placing or dumping of fill, landscaping, and the dredging of ponds, lakes, rivers, streams, marshes and wetlands.

“area” means the greatest horizontal floor area of a building or structure within the outside surfaces of the exterior walls.

“builder” means a Builder as defined by the *Ontario New Home Warranties Plan Act*, R.S.O. 1990, Chapter 0.31 who has an ownership interest in the lot or land to be constructed upon.

“dump” means the depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location on the same property.

“environmentally significant land” includes lands identified as:

- (i) class 1, 2, 3, 4, 5, 6, or 7 wetlands or life science area of natural and scientific interest by the Ministry of Natural Resources maps, as amended from time to time, and
- (ii) environmentally significant areas on maps prepared by any authority having jurisdiction over land in the Municipality of Meaford, as amended from time to time.

“existing grade” means the elevation of the ground surface of the lands upon which dumping and/or placing of fill is proposed prior to the dumping or placing of fill and of abutting ground surface up to 3 metres wide surrounding such lands, except that where placing or dumping of fill has occurred in contravention of this By-law, existing grade shall mean the ground surface of the lands as it existed prior to the placing or dumping of fill.

“fill” means any type of material deposited or placed on lands and includes but is not limited to sand, soil, stone, granular material, concrete, timber, stumps, asphalt, loam, sod or turf either singly or in combination.

“finished grade” means the approved elevation of the ground surface of lands upon which fill has been placed in accordance with this By-law.

“Municipality” means the Corporation of The Municipality of Meaford.

“owner” includes any person, firm or corporation shown as being the registered owner on which fill is to be placed or dumped on the lands according to assessment records as well as the tenant or occupant of such lands or a mortgagee in possession of such lands.

“permit” means a Permit issued in accordance with the provisions of this By-law.

“place” means the distribution of fill on lands to establish a finished grade higher than the existing grade.

“septic system tile field” means that component of any class of septic system where a system of pipes underneath ground level are located to dispose of effluent underneath the ground.

“soil” means material commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel, free of contamination.

“swale” means a shallow depression in the ground sloping to a place of outflow of surface water for the purpose of providing a method of drainage.

“Zoning By-law” mean the Municipality of Meaford Zoning By-law No. 60-2009, as amended.

2. PROHIBITION

- a) No person shall place or dump fill, or alter the existing grade of any land, except in accordance with the provisions of this By-law.
- b) No person shall place or dump fill, or alter the existing grade of any land that is defined as environmentally significant land.
- c) No person shall place or dump fill, or alter the existing grade prior to obtaining a permit, on any land defined and zoned as:
 - (i) Residential identified in Section 6.1 of the Zoning By-law.
 - (ii) Commercial or Industrial zone identified in Section 7.1 of the Zoning By-law.
 - (iii) Development (D), Environmental Protection (EP), Environmental Protection – Wetland (EP-W), Harbour (HAR), Institutional (I) and Open Space (OS) identified in Section 8.1 of the Zoning By-law.
- d) The provisions of this Section do not apply to:
 - i. Lands that have received approval under Section 41 of the *Planning Act*, chapter P.13, R.S.O. 1990 and amendments thereto, provided said works are in accordance with said approval.
 - ii. The use, operation, alteration or replacement of a septic system tile field that existed on the effective date of this By-law, provided that any alteration to or replacement of the septic system tile field in accordance with Part 8 of the Ontario Building Code or the *Environmental Protection Act* does not increase the land area or change the location of the system in any Environmental Protection (EP) or Environmental Protection – Wetland (EP-W) Zone;
 - iii. The construction, extension, alteration, maintenance or operation of works under Section 26 of the *Public Transportation and Highway Improvement Act*;
 - iv. The activities of the Municipality, the County of Grey, or any local board or commission of the Corporation or the County as defined by the *Municipal Act*, and any Department or Ministry of the Government of Canada or Ontario, or any Conservation Authority established by the Government of Ontario, and for the purposes of this Section shall include Ontario Hydro, gas company, telecommunication and cable companies;
 - v. A work permit has been issued by the Ministry of Natural Resources under the *Public Lands Act* or the *Lakes and Rivers Improvement Act*;

- vi. A work authorized by the Grey Sauble Conservation Authority under the *Conservation Authorities Act*;
- vii. The placing or dumping of fill and/or the alteration of the existing grade of the land in an area zoned Residential in the Zoning By-law, which is related to the erection of a building having an area of less than 60 square metres or the construction of an addition having an area less than 60 square metres or the installation of a privately-owned outdoor swimming pool provided there is no change in the location, direction or elevation of any natural or artificial watercourse, open channel, swale or ditch used to drain land;
- viii. Fill that is placed or dumped in an excavation to the elevation of the existing grade at the immediate perimeter of the excavation following the demolition or removal of a building or structure;
- ix. The placing or dumping of fill and/or the alteration of the existing grade of the land where said land is subject to the provisions of an Agreement entered into between the owner of the lands and the Municipality respecting the placing or dumping of fill and/or alteration of the existing grade of the land; and,
- x. When soil is placed on lands for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided the finished grade of any portion of the lands is not increased by more than 15 centimetres (6 inches), or where soil is added to a contained flower bed or landscape planter provided there is no change in the location, direction or elevation of any natural or artificial watercourse, open channel, swale or ditch used to drain land.

3. TRANSITION

The provisions of Section 2. (c) of this By-law with respect to the requirement for a permit are effective three months after the date of the passing of this By-law.

4. ADMINISTRATION, FEES AND SECURITY DEPOSITS

- (a) The fee for a permit required pursuant to Section 2.(c) of this By-law shall be \$120.00 except that no fee shall apply where the permit is issued in conjunction with a permit issued pursuant to the provisions of the *Building Code Act*, Chapter B.13, R.S.O. 1990 and amendments thereto.
- (b) Drainage and grading plans, prepared by a Professional Engineer or a Professional Engineering Firm or an Ontario Land Surveyor or an Ontario Land Surveying Firm, are required to be provided in conjunction with an application for a permit demonstrating how the roof, foundation and surface drainage of the lot are to be accommodated without adversely affecting adjacent properties and demonstrating compliance with Overall Drainage and Grading Plans of the

Subdivision (if applicable).

- (c) As a condition of any permit required pursuant to Section 2.(c) of this By-law, a security deposit in the amount of \$1,500.00 must be provided so as to ensure that the grading and drainage is completed in accordance with the Permit and this By-law and to ensure that any damages to a Municipal right-of-way or Municipal property, including a sidewalk, boulevard or road, are rectified.
- (d) Prior to the release of the security deposit referred to in Section 4.(c) of this By-law, the Professional Engineer or Professional Engineering Firm or, the Ontario Land Surveyor or Ontario Land Surveying Firm, must certify that the drainage and grading of the land has been completed in accordance with the drainage and grading plan for which the permit has been issued.
- (e) In the event that damage occurs to any Municipality right-of-way or Municipal property as a result of any activity or activities regulated by this By-law, the owner shall be liable for, and shall bear all costs for repairing any such damage and the security deposit referred to in Section 4.(c) may be used by the Municipality to rectify the damage.
- (f) Notwithstanding Section 4 (c), where a Builder proposes to construct three or more dwellings within a Plan of Subdivision or Condominium at one time and such lots that the dwellings are to be constructed upon are within a portion of the Plan that has been registered, the security deposit to be provided to the Municipality shall be calculated as follows:
 - i. First lot \$1,500.00
 - ii. Second Lot \$750.00
 - iii. Subsequent Lots \$500.00
- (g) Notwithstanding Section 4(c), where there is an existing Agreement in place that identifies a different amount of security required for drainage, the lesser amount shall apply.

5. CONFLICT

If there is a conflict between this By-law and a By-law passed by the Council of the County of Grey, the By-law of the County of Grey prevails.

6. ENFORCEMENT

Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a penalty as provided in the *Provincial Offences Act*.

7. SEVERABILITY

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

READ a FIRST and SECOND time this 21st day of June, 2010.

READ a THIRD time and finally passed this 21st day of June, 2010.

Original Signed by

Francis Richardson, *Mayor*

Original Signed by

Pamela Fettes, *Clerk*