

**THE CORPORATION OF THE CITY OF ST. THOMAS**

**BY-LAW NO. 161-2010**

**A BY-LAW TO PROHIBIT OR REGULATE THE REMOVAL OF TOPSOIL,  
THE PLACING OR DUMPING OF FILL,  
AND THE ALTERATION OF THE GRADE OF LAND  
IN AREAS OF THE CITY OF ST. THOMAS.**

WHEREAS section 142 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that the Council of a local municipality may pass a by-law to:

- (a) prohibit or regulate the placing or dumping of fill;
- (b) prohibit or regulate the removal of topsoil;
- (c) prohibit or regulate the alteration of the grade of the land;
- (d) require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land;
- (e) impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site;

AND WHEREAS the Council of the Corporation of the City of St. Thomas is desirous of passing such a By-law;

AND WHEREAS section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law passed under the *Municipal Act, 2001*, is guilty of an offence;

AND WHEREAS section 429 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act, 2001*.

AND WHEREAS section 444 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that where a municipality is satisfied that a contravention of a by-law passed under the *Municipal Act, 2001*, has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS section 445 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under the *Municipal Act, 2001*, has occurred, the municipality may make an order require 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 do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that if a municipality has the authority under a by-law, under the *Municipal Act, 2001* or any other Act, 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 and that the municipality 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;

NOW THEREFORE the Council of the Corporation of the City of St. Thomas HEREBY ENACTS AS FOLLOWS:

## Definitions

In this By-law:

- (a) "Applicant" means the individual, corporation, firm or other entity that has applied for a Site Alteration Permit;
- (b) "By-law" means this By-law unless context of the usage suggests otherwise;
- (c) "City" means the Corporation of the City of St. Thomas;
- (d) "Control Measures" means temporary or permanent steps or construction required by the Inspector as conditions for the approval of a Site Alteration Permit;
- (e) "Control Plan" means a detailed plan which in the Inspector's discretion may be required to address those of the following as may be deemed by the Inspector to be relevant to the Site Alteration to be undertaken:
  - (i) the location and dimensions of all proposed Site Alteration;
  - (ii) the location and dimensions of all temporary Fill stockpiles;
  - (iii) the location and specifications of all Control Measures;
  - (vi) a schedule of anticipated starting and completion dates for each Site Alteration activity including the installation of all Control Measures needed to meet the requirements of this By-law and the Site Alteration Permit;
- (f) "Drainage Way" means a natural or constructed established path of drainage which facilitates the run-off of surface water toward a Watercourse;
- (g) "Dumping" or "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, as well as Fill brought onto the property;
- (h) "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity;
- (i) "Existing Grade" means the elevation of the existing ground surface of the lands upon which Dumping or Placing of Fill, or both, is proposed and of abutting ground surface up to three (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 Site Alteration;
- (j) "Fill" means any type of material deposited, moved, Dumped or Placed on lands and includes, while not limiting the generality of the foregoing, Topsoil, soil, stone, concrete, asphalt, sod or turf either singly or in combination;
- (k) "Flooding" or "Flood" means the submerging of land or a portion of land under water;
- (l) "Finished Grade" means the approved elevation of the ground surface of lands upon which a site has been altered in accordance with this By-law;
- (m) "Grade" means the elevation of the ground surface of lands;
- (n) "Incompatible Soil" means, two or more soil types which are of such a different nature that the flow or percolation of water may be affected by their combination when used as Fill, for example, clay or loam when Placed on top of sandy or gravelly soils or impervious clay subsoil when Placed on top of Topsoil;
- (o) "Inspector" means the person or persons appointed by Council of the City for the purposes of enforcing this By-law, issuing Site Alteration Permits and setting the parameters and any conditions related to that Permit;

(p) "Normal Agricultural Practices" means any activity performed on private lands by the Owner or Owner's agent that is considered by the Ministry of Agriculture, Food and Rural Affairs to be a routine or common procedure for the type of crop, soil type or general climatic conditions related to the subject property;

(q) "Owner" includes the registered owner of the lands on which a Site Alteration is proposed or has occurred contrary to this By-law and any person, firm, corporation or other entity controlling or occupying such lands;

(r) "Permit" means a Site Alteration Permit issued by an Inspector;

(s) "Place of Disposal" means a municipally-owned storm drainage sewer, a roadside ditch, a natural watercourse, or an outlet for storm drainage located on privately owned lands and approved by the City;

(t) "Placing" or "Place" means the distribution of Fill on lands to establish a finished Grade different from the Existing Grade;

(u) "Ponding" means the accumulation of surface water in an area not having drainage;

(v) "Proposed Grade" means the proposed elevation of ground surface of land upon which Fill is proposed to be Placed or Dumped or the Grade otherwise altered;

(w) "Remove" means to transfer Fill or Topsoil away from a property;

(x) "Retaining Wall" means a wall designed to contain and support Fill which has a finished grade higher than that of adjacent lands;

(y) "Site Alteration" means:

- (i) Removal of Topsoil; or
- (ii) alteration of the Grade of land; or
- (iii) the temporary or permanent Placing, Dumping or Removal of any Fill, originating on the site or elsewhere; or
- (iv) the temporary or permanent placement, construction or alteration of structures on or under the land which will affect established drainage patterns; or
- (v) the changing of surface cover affecting drainage or erosion risk, including paving or removal of plants, vegetation or trees;

(z) "Site Alteration Plans" means two sets of drawings satisfactory to the inspector, one set clearly showing the Existing Grade and other existing features of the site and one set showing the Proposed Grade and other proposed changes to the property;

(z.1) "Swale" means a shallow depression in the ground sloping to a Place of Disposal of surface water for the purpose of providing a method of drainage;

(z.2) "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;

(z.3) "Watercourse" means a natural or constructed channel through which water flows including, but not limited to, rivers, streams and municipal or private storm drains;

## Exemptions

1. This By-law is not applicable to the following activities:
  - (a) 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 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;
  - (b) a Site Alteration 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* R.S.O. 1990, c. A.8;
  - (c) a Site Alteration 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*;
  - (d) 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, where a certificate of Approval has been obtained under Part V of the *Environmental Protection Act*, or a waste disposal site or waste management system that is exempted by regulation from Part V of that Act;
  - (e) actions by a municipality or any local board as defined in the *Municipal Act*, 2001, S.O. 2001, c. 25, having jurisdiction within the City of St. Thomas;
  - (f) any action by any Crown agency as defined in the *Crown Agency Act*, R.S.O. 1990, c. C.48;
  - (g) a Site Alteration of land imposed after December 31, 2002 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* R.S.O. c. P.13, approved by the City or as a requirement of a site plan agreement or subdivision agreement entered into under those sections duly executed by the City and affecting those lands;
  - (h) a Site Alteration 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*, R.S.O. c. P.13 or as a requirement of an agreement entered into under that regulation;
  - (i) a Site Alteration 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 for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
  - (j) a Site Alteration of land undertaken as an incidental part of drain construction under the *Drainage Act*, R.S.O. c. D.17, or the *Tile Drainage Act*, R.S.O. c. T.8;
  - (k) any work conducted pursuant to, and in accordance with the provisions of, a regulation made under Section 28 of the *Conservation Authorities Act* R.S.O. 1990, c. C.27, respecting the Placing or Dumping of Fill, Removal of Topsoil or alteration of the Grade of land in any area of the City of St. Thomas;
  - (l) any work where soil is Placed or Dumped on lands for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens, provided that the ground elevation of the lands is not increased by more than one hundred and fifty (150) millimetres and there is no change in the direction, rate or quality of runoff to neighbouring properties.

## **Purpose of the By-law**

2. No person shall cause or permit Site Alteration of land within the geographic limits of the City of St. Thomas unless a Permit has been issued under this By-law, or the specific Site Alteration is exempt from the provisions of this By-law.

## **Issuance of Permits**

3. An Inspector may issue a Permit for Site Alteration on land within the geographic limits of the City of St. Thomas, where the proposed Site Alteration meets the requirements of this By-law. In all cases, the City will inspect and evaluate the need for a Site Alteration Permit within ten (10) working days of receipt of the application form.
4. A Permit under this By-law does not absolve the Applicant from the responsibility to obtain other required approvals.
5. An Inspector may require an Applicant to, prior to the issuance of a Permit:
  - (a) provide an application in a form satisfactory to the City;
  - (b) provide Site Alteration Plans addressing the criteria listed in Schedule "A" to this By-law, certified by a technically qualified person where qualifications are satisfactory to the Inspector;
  - (c) enter into an agreement with the City respecting any proposed Site Alteration;
  - (d) deposit or pay security in an amount not to exceed the estimated cost of the Site Alteration;
  - (e) provide a Control Plan satisfactory to the Inspector.

## **Timeline for Permits**

6. A Permit issued pursuant to this By-law shall be valid for a period of six (6) months from the date of issuance. A Permit may be extended once, upon written application to the Inspector, prior to the date of expiry. The granting and length of any extension is at the discretion of the Inspector.

## **Condition for Permits**

7. An Inspector may issue a Permit, imposing such conditions as the Inspector feels are appropriate, when:
  - (a) the Inspector is satisfied that the lands which are the subject of the application for a Permit are not within an area where the Site Alteration is prohibited under this By-law or other applicable law;
  - (b) the Applicant has fulfilled all applicable requirements of Schedule "A" to this Bylaw;
  - (c) the Inspector is satisfied that the Proposed Grade, the resulting drainage patterns, the design of any Retaining Wall, the type of Fill to be used and the method of Placing or Dumping of Fill are all in accordance with proper engineering and environmental practices;
  - (d) the Inspector is satisfied that the Site Alteration will not result in:
    - (i) soil Erosion,
    - (ii) blockage of a Watercourse,
    - (iii) siltation in a Watercourse,
    - (iv) pollution of a Watercourse,
    - (v) Flooding or Ponding on abutting lands,
    - (vi) Flooding or Ponding caused by a Watercourse overflowing its banks,
    - (vii) a detrimental effect on any trees of a caliper of seventy-five (75)

- (viii) millimetres or more, located on the lands or on abutting lands, a detrimental effect on sensitive ground or surface water features or on significant natural features or ecological functions,
  - (ix) any contravention of regulations, standards or guidelines established pursuant to the *Environmental Protection Act R.S.O.1990 c. E.19*, or
  - (x) the fouling of, impairment of, or physical damage to, the adjacent roadway or other municipal infrastructure.
- (e) the Inspector is satisfied that the existing Topsoil is not Removed from the property, destroyed or buried by the Placement of Incompatible Soils;
  - (f) the Inspector is satisfied that the existing Topsoil will only be Removed from the site of man-made facilities such as buildings or parking lots;
  - (g) the Inspector is satisfied that potential for Erosion has been satisfactorily addressed. To accomplish this, a Control Plan may be required.
  - (h) any security required to be deposited with, or paid to, the City to ensure that conditions for a Permit are satisfied has been deposited or paid, and that any agreement required by the Inspector to implement those conditions imposed by the Inspector has been fully executed;
  - (i) all other concerns of the Inspector have been satisfied.

### **Agreements with the City**

8. Wherever an Inspector requires, as a condition of a Permit, that there be a written agreement concerning the work contemplated by the Permit, such agreement shall be executed by the Owner, by the Owner's authorized agents where applicable, and by the City. Such agreement shall be executed on behalf of the City by the Inspector and may require that:
  - (a) a security deposit be lodged with the City equal to the cost estimate for the Site Alteration authorized by the Permit, as approved by the Inspector to guarantee that the Site Alteration is completed in accordance with the Permit and any related plans and documents; and
  - (b) An approved Control Plan be followed by the Owner or specific Control Measures be implemented; and
  - (c) the Owner pay the City's costs of reviewing and approving the plans, documents and Site Alteration referred to in the Permit.

### **Requirements of Permit**

9. All Permits will require the Applicant to:
  - (a) notify the Inspector ten (10) working days prior to commencing Site Alteration;
  - (b) provide the Inspector with the name, phone number and fax number of an emergency contact person;
  - (c) notify the Inspector of completion of any Control Measures within two (2) days after their installation;
  - (d) obtain permission in writing from the Inspector prior to modifying the Control Plan;
  - (e) maintain all road drainage systems, stormwater drainage systems, Control Measures and other facilities identified in the Control Plan;
  - (f) repair as needed any siltation or Erosion damage to adjoining surfaces, Drainage Ways and Watercourses which have resulted from the Site Alteration. The extent and nature of such repairs may be determined by the Inspector at the Inspector's full and final discretion;
  - (g) inspect the Control Measures and maintain an inspection log after each rain of 1

centimetre or more and at least once a week and undertake needed repairs;

- (h) ensure that during all Site Alteration a copy of the Control Plan is on site; and
- (i) provide written evidence satisfactory to the Inspector that the Site Alteration has been completed in accordance with the Permit. The Inspector may require that such written evidence be provided by a qualified person (consulting engineer or technician) who is qualified to issue a certificate and may require an as-constructed drawing showing that all new elevations are in compliance with the approved design grades in this regard.

### **Compliance with Plans and Conditions**

10. Where a Permit has been issued under this By-law, no person shall cause or permit any Site Alteration except in accordance with the plans, documents and any other information on the basis of which the Permit was issued, and in compliance with any conditions imposed by the Inspector.

### **Minimum Standards**

11. Every person who causes or permits any Site Alteration shall:
- (a) if required by the Inspector, construct a Retaining Wall to the satisfaction of the Inspector which does not encroach upon abutting lands, either above or below Existing Grade, and which is not so high as to have a significant negative impact on abutting lands. The Inspector may require that a Retaining Wall be constructed where:
    - (i) Erosion of Fill onto abutting lands may occur;
    - (ii) the Finished Grade of the lands at the property line is higher than that of the Existing Grade of the abutting land;
  - (b) ensure that the Finished Grade surface is protected by sod, turf, seeding of grass, greenery, asphalt, concrete or such other material as the Inspector may approve, either singly or in combination;
  - (c) ensure that Fill is not Placed around the perimeter of any existing building to an elevation higher than one hundred and fifty (150) millimetres below the top of foundation of such building, unless such building and its foundation walls are raised in a manner satisfactory to the Inspector;
  - (d) ensure that no piped connection to the City of St. Thomas culverts, ditches or sewer system is covered and backfilled until the work has been inspected and approved by the Inspector;
  - (e) ensure such protection for trees as may be required by the Inspector;
  - (f) ensure that all Fill used is clean and free of rubbish, glass, garbage, termites, organic materials, liquid and toxic chemicals and other contaminants;
  - (g) ensure that Fill is Placed or Dumped in such a manner and any Retaining Wall containing such Fill is erected in such a manner that no Ponding is caused on the subject lands or abutting lands and that adequate provision is made for proper surface stormwater drainage.
  - (h) ensure that following completion, the permitted site alteration works are maintained continually so as not to impede the existing drainage pattern of surrounding properties.

### **Remedies for Contravention**

12. Where a person has caused or permitted Site Alteration without a Permit, or where Site Alteration has occurred on an Owner's lands in contravention of any Permit issued pursuant to this By-law, or contrary to any provision of this By-law, an Inspector may make an order directing the person and the Owner to do any or all of the following:
- (a) comply with the conditions of the Permit and/or this By-law;

- (b) cease the Site Alteration;
- (c) Remove the Fill that has been Placed or Dumped within forty-eight (48) hours after service of the order, or such other length of time as may be specified in the order;
- (d) rehabilitate the property, which may be required in a specified time period and which may take the form of:
  - leveling and regrading of affected lands;
  - planting of trees;
  - the replacement of Topsoil (minimum of 10 cm depth) and stabilization by either sodding, hydroseeding, mulching or such other methods as may be directed by the Inspector.

### **Consent of Owner**

13. No person shall cause or permit Site Alteration unless it is done at the request of, or with the consent of, the Owner of the land affected.

### **Permit Storage**

14. No person shall Place or Dump Fill, or cause Fill to be Placed or Dumped, on any land for storage purposes unless the outside storage of such Fill on the land is permitted by a Permit in accordance with this By-law and a written agreement between the Owner and the City, to be executed by an Inspector on behalf of the City.

### **Assistance for Inspector**

15. An Inspector shall have the right to retain the services of a consulting engineer for the purposes of determining whether the requirements of Schedule "A" of this By-law or other requirements of this By-law have been complied with, and/or to assist with the administration of this By-law.

### **Transfer of Property**

16. If registered ownership of the property subject to a Permit issued under this By-law is transferred while the Permit remains in effect and outstanding, the new Owner shall, prior to the closing of the transfer:

- (a) provide the City with its written undertaking to comply with all of the conditions under which the Permit was issued; and
- (b) provide security in a form and amount acceptable to the Inspector, at which time any security previously provided by the original Permit holder pursuant to this By-law shall be released;

failing which, the Permit shall be deemed to be revoked as of the date of the transfer.

### **Revocation of Permit**

17. A Site Alteration Permit may be revoked by an Inspector:

- (a) where a Permit is issued in error;
- (b) where an Owner requests;
- (c) pursuant to section 16 above; or
- (d) where the Inspector determines that an Order under section 12 has not been complied with; or



(e) where the conditions of a Permit issued under this By-law have not been complied with.

## **Enforcement**

18. The administration and enforcement of this By-law shall be performed by an Inspector, by persons authorized by an Inspector, by the Director, Environmental Services & City Engineer for the City, or by such By-law Enforcement Officers of the City as may be appointed by by-law of the Council of the City. An Inspector may, at any reasonable time, enter and inspect a property subject to a Permit or otherwise apparently undergoing Site Alteration to determine compliance with this By-law, providing that nothing herein authorizing an Inspector to enter a building that is a residence without the permission of the resident:
- (a) Upon the failure by the Permit holder to complete all or part of the Site Alteration in the time stipulated in the Permit or Site Alteration Plan, the City may draw the appropriate amount from the security posted and use the funds to arrange for the completion of the said Site Alteration, or any part thereof;
  - (b) Upon the failure by the Permit Holder to repair or maintain a specific part of the Site Alteration or anything related to the Site Alteration, 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 security to pay the cost of any part of the Site Alteration it may in the City's absolute discretion deem necessary; or
  - (c) 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 security posted by the permit holder.
19. Where it has been discovered that an Applicant for a Site Alteration Permit pursuant to this By-law has provided misleading or false information on the application, the Permit issued under this By-law shall become null and void and the City may order or direct that any persons, corporation, firm or other entity conducting Site Alteration which was based on this misleading or false information, forthwith shall cease and desist all operations and make appropriate reparation as directed by an Inspector.
20. Where a person who has been ordered to Remove Fill, install Control Measures or perform restoration, repair or clean-up fails to do so within forty-eight (48) hours, the City may have the work that was ordered to be done completed at the expense of such person and the City may recover the expenses incurred in so doing by action or by adding the expenses to the tax roll for the subject property and to be collected in the same manner as property taxes, or by drawing the expenses from the security deposit under this By-law. Before the City enters on the land to do said work, the Owner shall be given reasonable notice appropriate to the circumstances.

## **Offence and Penalty**

21. Where a person or corporation contravenes or permits or causes the contravention of any provision of this By-law, such person or corporation is guilty of an offence and, upon conviction, shall be liable to a set fine for the offence listed in Schedule "B" or otherwise pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, is liable to a maximum fine of \$100,000.
22. Every contravention of this By-law is hereby designated as a continuing offence and for each day or part of a day that the offence continues, a person or corporation is liable to a maximum fine of \$10,000. The total for all daily offences is not limited to \$100,000.

## Appeal to Ontario Municipal Board

23. Where:

- (a) an Inspector refuses or neglects to issue a Permit under this By-law within forty-five (45) days after the application is received by the Inspector and after the completed supporting plans and documents referred to in Schedule "A" of this By-law are received by the Inspector; or
- (b) an Owner of the lands on which Site Alterations are proposed objects to a condition or conditions in the Permit;

the Owner may appeal to the Ontario Municipal Board in accordance with the applicable provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.

## Severability

24. In the event a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of the By-law shall continue in force and effect.

## Service of Documents

25. Any service of documents required to be given under this By-law is sufficiently given if delivered personally or sent by regular mail to the address shown on the last revised assessment roll or the last known address of the Owner. If service cannot be effected by either of the preceding methods, after reasonable attempts have been made, service may be effected by posting the notice or order on the affected property.

26. Where service is effected by regular mail, it shall be deemed to be made on the fifth (5) day after the date of mailing. Where service is given by posting on the property, it shall be effective the day posted.

## Registration on Title

27. An Inspector is permitted to register any agreement required under this By-law with the accompanying Site Alteration Plan or Control Plan required for issuance of a Permit, on the title of the property which is subject to the agreement.

## General


28. This By-law shall come into force and take effect upon its final passing.

READ a First and Second time this 1st day of November, 2010.

READ a Third time and Finally passed this 1st day of November, 2010.

  
Wendell Graves, City Clerk

  
Cliff Barwick, Mayor

  
TOM JOHNSTON, ACTING MAYOR

## SCHEDULE "A"

A person applying for a Site Alteration Permit pursuant to this By-law shall provide to the Inspector the following as **required**:

**YES NO**

- |                       |                       |     |  |
|-----------------------|-----------------------|-----|--|
| <input type="radio"/> | <input type="radio"/> | (a) | a complete application in the form prescribed by the Inspector;  |
| <input type="radio"/> | <input type="radio"/> | (b) | a description of the proposed Site Alteration including a description of the source of any Fill which is to be Dumped or Placed; and |
| <input type="radio"/> | <input type="radio"/> | (c) | if the Inspector so requests, a set of accurate plans meeting some, or all, of the requirements set out below,                       |

To indicate proposed changes, Site Alteration Plans are required including one set that clearly shows the existing grade and other existing features of the site and one set that shows the proposed grade and other proposed changes to the property. Plans for Site Alteration and grading or for the Placing or Dumping of Fill shall be prepared in accordance with accepted standards of drawing such plans, must be to the satisfaction of the Inspector, in accordance with the City of St. Thomas Municipal Servicing Standards and include and/or note the following particulars of the site and surrounding area:

- |                       |                       |   |  |
|-----------------------|-----------------------|---|--|
| <input type="radio"/> | <input type="radio"/> | - | a title block – including municipal address, lot and plan number, contract information, date and scale used;   |
|                       |                       | - | a location map with north arrow;   |
|                       |                       | - | property lines and dimensions;   |
|                       |                       | - | the current and proposed use of the site;  |
|                       |                       | - | dimensions and use of any existing or proposed buildings or structures on or adjacent to the site;   |
|                       |                       | - | existing and proposed elevations with contours at 0.5 metre intervals or less;   |
|                       |                       | - | spot elevations along property lines at 10 metres beyond the property;   |
|                       |                       | - | the predominant soils;   |
|                       |                       | - | any environmental contamination on the site;   |
|                       |                       | - | all wetlands as defined in the Provincial Policy Statement, 2005   |
|                       |                       | - | all woodlots;  |
|                       |                       | - | all vegetative cover;  |
|                       |                       | - | all drains; including invert elevations at regular intervals   |
|                       |                       | - | all channels; including invert elevations at regular intervals   |
|                       |                       | - | all ditches; including invert elevations at regular intervals  |
|                       |                       | - | all Swales; including invert elevations at regular intervals   |
|                       |                       | - | all Watercourses or water bodies;  |
|                       |                       | - | all fish habitat;  |
|                       |                       | - | all regulatory floodline and Conservation Authority Fill regulation lines;   |
|                       |                       | - | all utilities;   |
|                       |                       | - | all roads or other hard surfaced or graveled areas;  |
|                       |                       | - | the proposed stormwater management system and the existing and final elevations of the site with direction of flow arrows.   |
| <input type="radio"/> | <input type="radio"/> |   | The Control Plans must show the temporary Control Measures to be in place during the Site Alteration e.g., silt fence, sediment traps, etc., and permanent Control Measures to be left in place after Site Alteration and lot grading is completed e.g., siltation/sediment control ponds etc. |

**SCHEDULE "B"**

**Part 1 Provincial Offences Act**

**Set Fine Schedule**

By-law No. 161-2010

**A BY-LAW TO PROHIBIT OR REGULATE THE REMOVAL OF TOPSOIL,  
THE PLACING OR DUMPING OF FILL,  
AND THE ALTERATION OF THE GRADE OF LAND  
IN AREAS OF THE CITY OF ST. THOMAS**

<b>Item</b>	<b>Short-form wording</b>	<b>Provision creating or defining offence</b>	<b>Set Fine</b>
1.	Cause or permit Site Alteration without Permit	2	\$400.00

NOTE: The general penalty provision for the offences listed above is section 21 of By-law No,161- 2010, a certified copy of which has been filed.

CITY OF ST. THOMAS

SITE ALTERATION AND GRADING APPLICATION FORM

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No: Residence \_\_\_\_\_ Fax: \_\_\_\_\_

Business \_\_\_\_\_

Applicant/Agent's Name (if different from owner): \_\_\_\_\_

Address: Phone No: Residence: \_\_\_\_\_ Fax: \_\_\_\_\_

Description of Property

Municipal Address: \_\_\_\_\_

Business: \_\_\_\_\_

Brief Legal Address: Lot: \_\_\_\_\_ Plan: \_\_\_\_\_

Other: \_\_\_\_\_ (attach survey if available)

Description of Proposed Work (please make applicable provisions)

- Do you propose to add Fill to the property? Yes/No
- Do you propose to alter the grading of the property? Yes/No
- Do you propose to remove soils from the property? Yes/No
- Do you propose to construct Retaining Wall(s)? Yes/No

Please describe Nature of Proposed Works

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(please attach Site Alteration Plans, which is two sets of drawings, one set that clearly shows the existing grade and exiting features of the site and one set that shows the proposed grade and other proposed changes to the property. )

Please Answer the Following Questions

- Is there a registered flood and/or fill line on or adjacent to the property? Yes/No
- Is there a significant natural area or fish habitat on or adjacent to this property? Yes/No
- Has the property ever been used for industrial/ commercial/institutional purposes? Yes/No
- Will elevations be altered at any property boundary? Yes/No

**FOR OFFICE USE ONLY**

**STAFF COMMENTS**

Application Date Received: \_\_\_\_\_

Application Date Inspected: \_\_\_\_\_

Agreement Required: Yes/No \_\_\_\_\_ (attach agreement if applicable)

Permit Issued: Yes/No \_\_\_\_\_

More Information Required: Yes/No \_\_\_\_\_ (attach requesting information if applicable)

Security Required: Yes/No \_\_\_\_\_

Conditions Added: Yes/No/Attach Permit \_\_\_\_\_