

The Corporation of the Township of Guelph / Eramosa

By-law Number 42/2010

A by-law to regulate site alterations, placement of fill and removal of topsoil within the Township of Guelph/Eramosa

WHEREAS *Section 142 of the Municipal Act, 2001, S.O 2001, c25* as amended authorizes local municipalities to pass by-laws prohibiting or regulating the placing or dumping of fill, the removal of topsoil; and the alteration of the grade of land;

AND WHEREAS *Section 135(1) of the Municipal Act, 2001* authorizes local municipalities to pass the by-laws to prohibit or regulate the destruction or injuring of trees;

AND WHEREAS *Section 128(1) of the Municipal Act, 2001* authorizes local municipalities to prohibit and regulate with respect to public nuisances, including matters that in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS *Section 129(1) of the Municipal Act, 2001* authorizes local municipalities to prohibit and regulate with respect to noise, vibration, and dust;

NOW THEREFORE, the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

1. Definitions

In this by-law:

“Council” means the Council of the Township of Guelph/Eramosa;

“Drainage” means the movement of storm water, whether by way of the natural characteristics of the ground surface or by artificial means;

“Dump” or “Dumping” means the depositing of fill in a location other than the location from which the fill was obtained and includes the movement or depositing of fill from one location to another on the same property;

“Engineer” means a Professional Engineer registered under the *Professional Engineers Act*, or a surveyor registered under the *Surveyors Act*, or a partnership, association of persons or corporation that holds a Certificate of Authorization under the *Professional Engineers Act* or the *Surveyors Act*, as the case may be;

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

“Fill” means any type of material deposited or placed on land and includes but is not limited to soil, earth, topsoil, stone, aggregate, asphalt, sod, turf or any combination thereof;

“Grade” at, any point on the land means the elevation of the ground surface of the land; and

- a) “Existing Grade” means the grade as it existed prior to any site alteration;

- b) "Finished Grade" means the actual grade after a site alteration; and
- c) "Proposed Grade" means the grade proposed by an applicant for a site alteration permit;

"Officer" means a police officer, a municipal law enforcement officer, by-law enforcement officer, the chief building official or other person appointed for the purpose of enforcement of this by-law;

"Owner" means the registered owner(s) of the land;

"Permit" means a permit issued under this by-law;

"Qualified Tree Consultant" means an arborist certified by the International Society of Arboriculture who has a diploma (minimum) in arboriculture or urban forestry;

"Site" means the lot or lots altered or proposed to be altered by means of a site alteration;

"Site Alteration" means the placement or dumping of fill on land, the removal of fill from land, or the alteration of the grade of land by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities;

"Surveyor" means a professional land surveyor practicing under license in the Province of Ontario;

"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;

"Township" means The Corporation of the Township of Guelph/Eramosa;

"Tree" as defined by the Wellington County By-Law 5090-09 or any superseding by-laws of the County of Wellington related to tree protection measures;

"Boundary Tree" means a tree, the trunk of which is located on or partially on adjacent property within 6 meters of the property line;

"Tree Protection Area" means the area around a tree described in Schedule "A" to this by-law;

"Watercourse" means a natural or man-made channel or swale in which a flow of water occurs, either continuously or intermittently with some degree of regularity.

2. General Prohibitions

- 2.1 No person shall cause or permit the placing of any fill or topsoil or otherwise alter the grade of land by causing, permitting or performing a site alteration on land within the Township of Guelph/Eramosa without a permit issued under this bylaw.
- 2.2 No person shall cause or permit the removal of any topsoil or otherwise alter the grade of land causing, permitting or performing a site alteration on land within the Township of Guelph/Eramosa without a permit issued under this bylaw.
- 2.3 No person shall cause, permit or perform a site alteration on land within the Township of Guelph/Eramosa other than in conformity with the terms and conditions of any permit issued under this by-law and the regulations prescribed in the by-law.

- 2.4 No person shall fail to obey an order issued under Section 10 of this bylaw.
- 2.5 No person, in the performance of a site alteration, shall injure or destroy a tree or other tree which is subject to tree protection measures as a condition of a permit issued under this by-law except to the extent that such injury or destruction is specifically authorized in writing in accordance with the provisions of this by-law and other applicable by-laws of the Township of Guelph/Eramosa or the County of Wellington for the protection of trees.

3. Exemptions

- 3.1 Notwithstanding Section 2 of this By-Law, no permit is required for the site alterations set out as follows:
- a) Filling, grading, removal of topsoil or other site alterations on property zoned Village Residential Low Density (R1), Village Residential Medium Density (R2) and Rural Residential (RR) pursuant to the Township Zoning By-law, as amended, where the property is less than 2 acres/0.81 ha in area.
 - b) Filling, grading, removal of topsoil or other site alterations on property zoned Agriculture (A) pursuant to the Township Zoning By-law, as amended, where the property is less than 2 acres/0.81 ha in area.
 - c) Activities or matters undertaken by a municipality or governmental authority as defined by the *Planning Act* or other applicable *Acts* such as but not limited to; the *Conservation Authorities Act*, *Aggregate Resources Act*, *Public Transportation and Highway Improvement Act*, *Drainage Act* and *Electricity Act*.
 - d) Removal of topsoil incidental to a normal farm practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products.
 - e) Filling, grading, removal of top soil or other site alterations on a permitted golf course where such works are incidental to the operation.
 - f) Site alteration and/or removal of topsoil where engineering drawings for an approved plan of subdivision, complete with all applicable securities have been received in full. This exemption does not include where fill is being deposited on the property from another property.
 - g) The fill is being placed or dumped in an excavation to the elevation of existing grade following the demolition or removal of a building or structure.
 - h) Excavation and backfilling incidental to construction of a structure that has been issued an active building or septic permit under the Ontario *Building Code Act*.
 - i) Topdressing of lawns with topsoil not greater than 15cm (5.9 inches).
 - j) The placing or dumping /conversion or removal of fill involving an amount of soil coverage less than the area on a property of 93 sq. m. (1000 sq. ft.) on a lot within any one year period where there is no change in the locations, direction, or elevation of any natural or

artificial watercourse, open channel, swale or ditch used to drain the land.

- k) The activities of the Township, a Ministry of the Provincial government, The Corporation of the County of Wellington and the Grand River Conservation Authority such as or including the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, parks, sports fields, fences, retaining walls, steps and lighting.
 - l) To actions by any local board as defined in the *Municipal Affairs Act* having jurisdiction within the Township.
 - m) To any action by any Crown agency as defined in the *Crown Agency Act*
- 3.2 Notwithstanding Section 3.1, the site alterations set out remain subject to the provisions of Section 7 and Sections 10 to 18 inclusive of this by-law.

4. Application for Permits

- 4.1 All submissions for a site alteration permit shall include:
- a) Written consent of registered owner of the property
 - b) Completed application and any additional information prescribed by the officer as noted in Section 4.2;
 - c) The applicable permit fee calculated in accordance with Schedule "D" to this by-law;
 - d) Site alteration plan for the lands meeting the standards and containing the information prescribed in Schedule "C" to the bylaw;
 - e) Certification of the source of the fill and/or topsoil to be placed on site and that the fill or topsoil does not exceed the maximum contaminant levels as set out in the *Environmental Protection Act*;
 - f) Security in a form and amount to be determined by the officer in accordance with Schedule "D" to secure performance of the work for which the permit was obtained and compliance with any conditions of granting the permit;
 - g) Written determination from the Grand River Conservation Authority as to whether the fill operation is within an area regulated by the Conservation Authority;
 - h) Where trees are present in the area of proposed fill, written confirmation from the County of Wellington Forester that the proposed fill area complies with the County of Wellington Tree By-law.
- 4.2 Notwithstanding Section 2.1 and 4.1 and the Schedules to this by-law, the officer may, in writing, waive the requirement for an application for a site alteration permit or any part thereof and/or may reduce the fee for a permit under this by-law in appropriate cases, after taking into consideration the nature and scale of the proposed works and the anticipated impact on the site and the surrounding environment. This Section does not permit the officer to grant permits or waive the requirement for permits for site alterations which does not otherwise meet the requirements of Section 5 to this by-law.

5. Regulations – Criteria for Issuing a Permit

- 5.1 The officer may issue a permit for a site alteration in accordance with an approved site alteration plan if the applicant has fulfilled all of the requirements of Section 4 of this by-law and the officer is satisfied that:
- a) Certification of the source of the fill or topsoil to be placed on site and that the fill or topsoil does not exceed the maximum contaminant levels as set out in the *Environmental Protection Act*.
 - b) Existing trees are preserved and protected in accordance with the Township of Guelph/Eramosa.
 - c) Sufficient securities have been posted with the Township of Guelph/Eramosa to ensure completion of the project and in accordance with Schedule D of this by-law.
 - d) Public safety and nuisances, such as dust suppression or the like on abutting properties and/or roads have been addressed.
 - e) There is no detrimental effect on the natural environment of the area; and the officer is satisfied that the land will be rehabilitated to the same or better condition that it was prior to the site alteration.

6. Conditions and Regulations Imposed at Discretion of the Officer

- 6.1 The officer may issue the permit subject to such conditions as are, in the opinion of the officer, necessary to meet the criteria of approval set out in Section 5 of this by-law, to protect public safety or prevent the creation of a public nuisance, including, without limiting the generality of the foregoing, conditions;
- a) restricting the location of access routes or staging and storage areas;
 - b) removal of topsoil prior to placing of fill;
 - c) execution of an agreement with the owner as required by Schedule C of this by-law;
 - d) prescribing erosion, siltation or construction control measures beyond the control measures specified in Schedule B;
 - e) requiring the owner, prior to the issuance of the permit, to enter into agreement with the Township of Guelph/Eramosa containing such provisions, including but not limited to the provision of security for the owner's obligations under this by-law, as the officer considers necessary to ensure that the site alteration is done in accordance with prevailing the Township of Guelph/Eramosa municipal design standards, proper engineering principles and the requirements of this by-law, which agreement may be registered on title to the lands. Such expenses associated to the above shall be the responsibility born of the applicant.

7. General Regulations and Conditions Applicable to All Permits

- 7.1 A site alteration permit holder shall;
- a) not perform a site alteration or permit the performance of a site alteration without the consent of the owner of the property;

- b) not accept fill or topsoil on-site during any period for which an inclement weather advisory or warning has been issued for the area by Environment Canada;
- c) maintain a copy of the approved Site Alteration Plan on-site;
- d) perform work on-site in conformity with the Township of Guelph/Eramosa Noise By-law;
- e) ensure that the site alteration area is stripped of topsoil and free of garbage and debris;
- f) ensure that all fill meets standards prescribed by the Ministry of the Environment for any current land use and any future land use for the lands as designated under an Official Plan;
- g) provide dust suppression measures to the satisfaction of the Township of Guelph/Eramosa;
- h) ensure that the finished grade surface is protected by sod, turf, grass seeding, greenery, asphalt, concrete or other means, either singly or in combination;
- i) ensure that no mud is tracked onto municipal roadways and that the roadways are not fouled as a result of the site alteration.

8. Expiry, Renewal, Revocation and Transfer of Permits

- 8.1 Permits issued under this by-law shall be valid for a period of one year from the date of issuance, should the fill operation not be completed in accordance with the approved site alteration plan the municipality shall draw on the letter of credit to grade, place topsoil and seed the site.
- 8.2 Notwithstanding Section 8.1 permits issued under this by-law shall expire six (6) months after the date of issuance of the permit if no work is commenced under the permit.
- 8.3 A permit which has expired may be renewed at the sole discretion of the officer within a six month period from the date of expiry upon the making of written application to the officer and payment of the prescribed fee in Schedule "D" to the by-law.
- 8.4 Where it is revealed or discovered that a permit was issued based on false or misleading information, the officer shall revoke the permit, and the owner and permit holder shall ensure that all work that was the subject of the revoked permit ceases.
- 8.5 If the title to the land for which a permit has been issued is transferred while the permit remains in effect, the permit shall be cancelled unless the new owner of the lands, within 30 days of the transfer,
 - a) provides the Township of Guelph/Eramosa with an undertaking to comply with all the conditions under which the existing permit was issued; or
 - b) applies for and obtains a new permit in accordance with the provisions of this by-law.
- 8.6 If a permit has expired or been cancelled or revoked after work has commenced and prior to the completion of the site alteration, the owner shall forthwith restore the site to its original condition or stabilize the site to the satisfaction of the officer.

9. Officers

- 9.1 Officers may, at any reasonable time enter and inspect any land to determine whether the provisions of this by-law, an order issued under this by-law, or a condition of a permit issued under this by-law have been complied with.

10. Orders

10.1 Order to Discontinue Activity

If an officer is satisfied that a contravention of this by-law has occurred, the officer may make an order requiring the owner of the land or the person who caused or permitted the placing or dumping of fill, removal of topsoil, the alteration of the grade of land or injuring or destruction of trees protected under this by-law to discontinue the activity, and the order shall set out,

- a) the municipal address or the legal description of the land; and
- b) reasonable particulars of the contravention; and
- c) the period within which there must be compliance.

10.2 Work Order for Site Alteration Work

If an officer is satisfied that a person has caused or permitted the performance of a site alteration in contravention of the provisions of this by-law, the officer may make an order requiring work to be done to correct the contravention and the order shall set out,

- a) the municipal address or the legal description of the land; and reasonable particulars of the contravention and of the work to be done and the period within which there must be compliance with the order; and a notice stating that if the work is not done in compliance with the order within the period it specified, the municipality may have the work done at the expense of the owner.
- b) without limiting the generality of section 10.2, an officer may issue an order under Section 10.2:
 - i) Requiring that the fill dumped or placed contrary to this by-law to be removed by the person who dumped or placed it or who caused or permitted it to be dumped or placed;
 - ii) Requiring the rehabilitation of land from which topsoil has been removed, contrary to this by-law or a permit issued under this bylaw;
 - iii) Requiring that the grade of the land altered contrary to this by-law be restored to its original condition by the person who altered it or who caused or permitted it to be altered.

10.3 Service of Orders

- a) Orders issued by an officer under Section 10.1 or 10.2 shall be served personally or by prepaid registered mail to the last known address of the owner of the land and any other person to be served.

- b) If the Township is unable to effect service on the owner under Section 10.3 a), a site posting containing the terms of the order may be placed in a conspicuous place on the land and the placing of the site posting shall be deemed to be sufficient service of the order.

11. Appeals to the Corporation of the Township of Guelph/Eramosa

- 11.1 An applicant for a site alteration permit or owner (or other named person) effected by an order issued pursuant to this by-law may appeal in writing to the Property Standards Committee of the Township of Guelph/Eramosa where:
 - a) The Township refuses to issue a site alteration permit within fourteen (14) days after the date of refusal, or
 - b) The applicant or owner objects to the terms or conditions in an order within fourteen (14) days after being served with the order, or
 - c) The applicant or owner objects to the terms and conditions in the site alteration permit within thirty (30) days after the issuance of the permit.
- 11.2 An owner or applicant may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the Committee within the prescribed time frame pursuant to s. 11.1 of the by-law. All notices of appeal shall be accompanied by a non-refundable payment in the amount of \$200.00 for the processing of the appeal.
- 11.3 An order that is not appealed within the 14 days shall be deemed to be confirmed.
- 11.4 On appeal, the Committee shall hear the appeal and shall have all the powers and functions of the officer, and may:
 - a) confirm, modify, or rescind the order to remove, alter or otherwise perform an action;
 - b) extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of this by-law is maintained;
 - c) direct the municipality to issue a site alteration permit where an appeal is received in respect to s. 11.1 a);
 - d) confirm the officers decision to refuse the site alteration permit application where an appeal is received in respect to s. 11.1 a);
 - e) confirm, modify or rescind the terms and/or conditions in the site alteration permit where an appeal is received in respect to s. 11.1 c).

12. Work Done by the Municipality

- 12.1 If the work required by an order under Section 10.2 of this by-law is not done within the specified period, the Township, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon land, at any reasonable time, for the purpose in accordance with the provisions of the *Municipal Act, 2001*.

The municipality may recover the costs of doing a matter or thing under subsection (1) 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.

13. Penalty and Offence

13.1 Every person who contravenes this by-law is guilty of an offence and upon conviction is liable;

- a) For contraventions of this by-law, \$5,000.00 as prescribed by the *Provincial Offences Act, R.S.O. 1990, c. P.33.*
- b) For contraventions of other provisions of this by-law;
 - i) on a first conviction, to a fine of not more than \$10,000.00;
 - ii) on any subsequent conviction, to a fine of not more than \$25,000.00 as prescribed by the *Municipal Act, 2001, S.O. 2001, c25;*
- c) Notwithstanding Section 13.1 where the person convicted is a corporation;
 - i) on a first conviction to a fine of not more than \$25,000.00;
 - ii) on a subsequent conviction, to a fine of not more than \$100,000 as prescribed by the *Municipal Act, 2001, S.O. 2001, c25;*
- d) If a person is convicted of an offence for contravening Section 2 or an order under Section 10.1 to stop the injuring or destruction of trees the court in which the conviction has been entered, or any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or plant or replant trees in such manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

13.2 Every person who hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law is guilty of an offence and upon conviction is liable to a fine in the amount of \$5000.00 as prescribed by the *Provincial Offences Act, R.S.O. 1990, c.P. 33.*

14. Severability

14.1 In the event that any particular provision or part of a provision of this by-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision 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.

15. Application of Other By-Laws

The issuance of a permit by the officer does not relieve the applicant of the responsibility of obtaining all other approvals that may be required by the Township of Guelph/Eramosa or any other level of government and agencies thereof or from compliance with any other by-law, legislation or obligation.

16. Schedules

All schedules attached to this by-law form part of this by-law.

17. Short Name

This by-law may be referred to as the "Site Alteration By-law".

18. Repeal

By-law 36/1992 of former Eramosa Township is hereby repealed.

READ three times and finally passed
this **5th** day of **July, 2010**.

Chris White, Mayor

Meaghen Reid, Clerk

SCHEDULE "A"
By-law 42/2010
County of Wellington Tree By-law

All Site Alteration permits shall comply with the requirements of the County of Wellington Tree By-law 5090-09, as amended or any superseding by-laws of the County of Wellington related to tree protection measures.

SCHEDULE "B"
By-law 42/2010
SITE DESIGN GUIDELINES

Every site alteration shall be performed in accordance with the following guidelines. The site control measures outlined in these guidelines shall be deemed to be a condition of every permit unless varied in writing by the Township.

1. No fill shall be placed on native topsoil. Fill area shall be stripped of topsoil and stockpiled and noted on site alteration plan.
2. Drain Inlet Protection: All rear lot storm drain inlets or any other inlets as the Officer considers necessary, shall be protected with filter fabric, or equivalent barriers meeting design criteria, standards and specifications accepted by the Officer.
3. Site Erosion Control: the following criteria applies to land disturbing activities that result in runoff leaving the site:
 - a) Run-off adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise the channel shall be protected by sediment control fences being placed along the channel edges to reduce sediment reaching the channel;
 - b) All activities on the site shall be conducted in a logical sequence to area of bare soil exposed by any one time;
 - c) Any fill and/or topsoil storage piles containing more than 100 cubic metres of material shall not be located within a down slope drainage length of less than ten (10) metres to a roadway or drainage channel. If remaining for more than sixty (60) days, said soil or dirt storage piles shall be stabilized by mulching, vegetative cover or other means. Erosion from fill storage piles which will be in existence for less than thirty (30) days shall be controlled by filter fence barriers around the pile;
 - d) Runoff from the entire disturbed area on the site shall be controlled as follows;
 - i) All disturbed ground left inactive shall be stabilized by seeding, mulching, covering, or equivalent control measures. The period of time of inactivity shall be at the discretion of the Officer but shall not exceed 60 days or such longer periods as deemed advisable at the discretion of the Officer.
 - e) For sites located adjacent to existing residential areas, a sediment control fence may be required around the entire perimeter of the site;
 - f) A three (3) metre wide buffer strip or sediment control fence shall be required along the perimeter of the down slope sides of the site;

SCHEDULE "C"
By-law 42/2010
Standard for Plans for Site Alteration Permit

Two (2) certified copies of a Site Alteration Plan are required. All plans are to be printed from original drawings with all information legible and clear. All plans are to be folded to 8 ½" X 11" size with title blocks visible. All elevations shall be tied to geodetic datum.

Site Alteration Plans or accompanying documentation shall include the following information:

1. a key map showing the location of the site;
2. the scale of drawing;
3. boundaries and area of the site;
4. current land use of the site and any adjacent land within 30 metres of the site;
5. the location, dimensions and use of buildings or structures existing or proposed to be erected on the site;
6. the location and use of buildings or structures on adjacent property within 30 metres beyond the site boundary;
7. the location of any easements over the property;
8. the location of bodies of water, streams, wetlands, channels, ditches, swales, other watercourses, or other natural heritage features on the site within 30 metres beyond the site boundary;
9. the Conservation Authority Regulation Limit;
10. the location of the predominant soil types;
11. the location and type of vegetative cover on the site, including the variety and dbh (diameter at breast height) of every tree on the site;
12. tree reports prepared by qualified tree consultants as may be required by the County of Wellington Tree by-laws;
13. the location and dimension of any existing and proposed storm water drainage systems, and natural drainage patterns on or within 30 metres beyond the site boundary;
14. the location and dimensions of utilities, structures, roads, highways, paving;
15. the existing grade elevations, sidewalks, walkways, easements, catch basins; at contour intervals at 1 metre and to extend a minimum of thirty (30) metres beyond the site boundary with spot elevations along the property line sufficient intervals to clearly show the existing drainage patterns on the land and abutting lands;
16. the proposed final grade elevations of the site;
17. the separated quantities of fill and topsoil to be placed or removed from the site;

18. the location and dimensions of all proposed land disturbing activities;
19. the location and dimensions of all proposed temporary stockpiles for soil and other materials;
20. the location and dimensions of all proposed access routes from highways;
21. the location and dimensions of all proposed staging areas for equipment;
22. the location, dimensions, design details of all construction site control measures necessary to meet the requirements of this By-law, including details of the proposed sediment and erosion control measures, and details of any drainage system to be used upon the completion of the site alteration;
23. details of the site rehabilitation including the type and location of all interim and permanent stabilization measures;
24. a certificate on the drawing, executed by a Registered Professional Engineer, or a Registered Ontario Land Surveyor, the following form:

“ I have reviewed plans for the construction of _____ located at _____ and have prepared this plan to indicate the compatibility of the proposal to existing adjacent properties and municipal services and it is my belief that adherence to the proposed grades as shown will produce adequate surface drainage and proper facility of the municipal services without any detrimental effect to the existing drainage patterns or adjacent properties.”
25. Such further and other information with respect to the site as may be required by the Officer

SCHEDULE "D"
 By-law 42/2010
 Application Fee and Security

1. **Permit Fee Schedule**

Type of Property Site Alteration	Permit	Renewal Fee
All properties: Includes 3 inspections additional inspections to be charged from general security noted below at \$75.00 per inspection	\$500 + 0.10 per m3 fill/topsoil placed/removed	\$500
Review of Drainage plan, by Township's consulting engineers, as required by the Officer.	\$500 minimum	

Securities Requirements	Refundable Security
All properties with fill areas with up to 4ha in area Include 3 inspections, add'l inspection to be charged from general security at \$75.00 per inspection	\$3000 minimum *Officer has discretion to increase securities for items such as, but not limited to, cost of rehabilitation, drainage, erosion protection, which may include tree protection, tree replacement, erosion control fencing, rock check dams, or straw bale dams.

SCHEDULE "D" cont'd
By-law 42/2010
Application Fee and Security

2. Security for Site Control Measures

- a) Where required, security shall be in the form of cash, certified cheque or a letter of credit in a form acceptable to the Township.
- b) Any letter of credit must remain in effect for the 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 Township prior to its expiry or cancellation.
- c) In the event that the Township receives notice that a letter of credit is expiring and will not be renewed, or if further or additional securities are not provided within the said thirty (30) days, the Township may draw on the current letter of credit at the discretion of the Officer.
- d) Any interest accruing on realized cash security shall belong to the Township and not the permit holder.
- e) The general security may be used for:
 - i) cleanup of mud tracking of the road or restoration of any municipal works. The owner will be notified of the required cleanup, and if the work is not completed by the owner, the Township will carry out the work using the security money to cover the cost plus 25% of the value of the work to cover the administration cost
 - ii) the completion or rectification of work required under the permit;
 - iii) the completion of work required under an order issued under Section 10 of this By-law;
- f) The general security may be reduced from time to time at the discretion of the Officer, but shall otherwise be held pending the completion of all works required under the permit and any order issued under this by-law.

3. Responsibilities of the Permit Holder

- a) to provide proof satisfactory to the Officer that the site has been adequately reinstated and stabilized in accordance with this By-law and the plan accompanying the Permit;
- b) to provide a certificate of a consulting engineer or surveyor that the elevations have been completed in accordance with the plans submitted and the finished project does not detrimentally affect drainage on adjacent properties.
- c) to request that the Township carry out a final inspection to confirm that all relevant terms of this by-law have been complied with.

4. When the provisions of paragraph 3 of this by-law and all work required under the permit or any order have been fully complied with to the

satisfaction of the Officer, the Township shall release the applicant's general security.

5. Security held for the protection of trees shall be held until the Officer is satisfied that no trees were injured or destroyed as a result of the site alteration in accordance with the County of Wellington Tree by-law.

SCHEDULE "E"
By-law 42/2010
Site Alteration Permit Application Form

Requirements for Submission:

1. Application form with owners signed authorization
2. Application fee
3. Site Plan including all requirements noted in Schedule D
4. Soil Analysis and/or Phase I, II, III Site Assessment reports
5. Written determination from the Grand River Conservation Authority as to whether the fill/topsoil placement of removal is within an area regulated by the Conservation Authority

Where a fill area is regulated by the Grand River Conservation Authority submitted by the Township of Guelph/Eramosa;

1. Conservation Authority Permit
2. Approved Site Plan of fill area
3. Estimate of quality of material to be placed or removed from site
4. Security in the form of a Letter of Credit or certified cheque for road cleaning as established by the Officer.

Requirements to be completed to the Officers satisfaction prior to the Fill Permit Issuance;

1. Application Fee
2. Security in the form of Letter of Credit or certified cheque as determined by the Officer
3. Written confirmation from the County of Wellington Forester that the proposed fill area complies with the Wellington Tree By-law.

Property Location: _____

Property Size: _____

Property Owner: _____

Address: _____

Phone No: _____

Email: _____

Agent:

Address: _____

Phone No: _____

Email: _____

*Attach written determination from the Grand River Conservation Authority as to whether the site is within an area regulated under *Ontario Regulation 150/06*

Work Schedule start date:

Anticipated Completion date:

Total quantity of material anticipated to be placed or removed from the site

m3 Fill _____

m3 Topsoil _____

Source & Type of Fill Material: _____

*Attach soil analysis/Record of Site Condition

Owner Authorization

I/we, the undersigned hereby apply for a Site Alteration Permit/Fill placement or Topsoil Removal Permit pursuant to the provisions of the Township of Guelph/Eramosa By-law 42/2010 and agree to comply in all aspects with the requirements of By-law 42/2010.

The undersigned hereby grants employees of the Township of Guelph/Eramosa permission to enter the subject land to inspect the proposed work to which the permit applies.

Pursuant to By-law 42/2010 the owner 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 hereby forever releases and agrees to indemnify and save harmless the Township of Guelph/Eramosa, 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/topsoil is determined to contain contaminants.

Signature of Owner(s)

Date