



New Site Alteration – Fill By-Law

November 19, 2019
PED19201

Existing By-Law 03-126

Being a By-Law for Prohibiting and Regulating the Alteration of Property Grades, the Placing of Dumping of Fill, and the removal of Topsoil

3.1 No person shall **place** or **dump fill** or remove **fill** from land, or cause or permit the **placing** or **dumping** of **fill** or removal of **fill** on any lands in the City of Hamilton, including any lands which are submerged under any **watercourse** or other body of water, without first having obtained a **permit** issued by the **Director**, unless this by-law states it does not apply or that such a **permit** is not required.

3.2 No person shall alter or cause or permit the alteration of the grade, on any lands in the City of Hamilton, including any lands which are submerged under any watercourse or other body of water, without first having obtained a **permit** issued by the **Director**, unless this by-law states it does not apply or that such a **permit** is not required.

When is a permit NOT required?

If the quantity of **fill** or **topsoil** removed or **dumped** on any one lot in any consecutive three month period exceed 8 cubic meters for each 0.125 hectares of lot area or part thereof, provided the following requirements are met:

- The placement or removal of fill does not or **will not alter the grade of any part of the lot in any location by more than 0.5m;**
- The placement or removal of fill does **not alter the grade of the lot within 3 meters of the property line by more than 0.2m;**
- The placement or removal of fill **does not obstruct the flow of water in a watercourse;**
- The placement or removal of fill **does not cause water normally contained on the lot to drain off site; and**
- All fill placed or dumped 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 other than water, asphalt garbage or contaminants.

What does this all mean?

8 cubic meters per 0.125 hectares

40 hectares (100 acres) = 2560 cubic meters = 256 truck loads



Changes in Grade?



Soil Quality



Site Alteration Investigations since 2015 Requiring 2 or more visits

Ancaster – 34

Dundas – 10

Flamborough – 120

Glanbrook – 15

Hamilton – 75

Stoney Creek – 48

**post permit issuance inspections not included*

Approximately 1200 hours.

New Site Alteration By-Law

All importation of Excess Soil
requires a PERMIT

Rural Applications

If an application for a site alteration permit is made for a site where an agricultural operation is carried on or is intended to be carried on and the proposed site alteration is part of a normal farm practice, the application shall contain;

- *the contact details of the farmer responsible for the agricultural operation;*
- *a statement of nature of the agricultural operation;*
- *the farm business registration number of the agricultural operation;*
- *a description of the normal farm practice; and*
- *any plans or evidence supporting the normal farm practice, including the qualifications of any person providing such plans or evidence.*

Rural Exemption

No permit is required for site alteration undertaken in the Rural Area,

For the purposes of improving site drainage or soil quality provided that:

1. the site alteration involves a maximum of 500 cubic metres of fill or topsoil, which may include imported fill or topsoil only from within the City of Hamilton;
2. the Director is notified of the intended site alteration at least 48 hours in advance of commencing site alteration; and
3. this exception may be used only once with respect to a property, and otherwise a permit is required.

Rural Exemption

No permit is required for site alteration undertaken in the Rural Area,

For the purposes of dredging existing ponds provided that:

1. the surface area of the existing pond is not increased;
2. the depth of the existing pond is not increased beyond its original depth; and
3. where possible, dredged fill is deposited on the same property without altering existing drainage patterns, and piles or berms of dredged fill are not created adjacent to the pond.

Rural Exemption

No permit is required for site alteration undertaken in the Rural Area,

For the purpose of maintaining existing granular driveways, roads, farm field access roads, or parking areas with appropriate imported granular material including native granular, recycled aggregate, recycled asphalt or recycled concrete provided that previously existing grades are being re-instated.

Exceptions from Permit Requirement

For the purposes of lawn maintenance, landscaping or gardening, provided that:

1. The depth of fill deposited on the site does not exceed 15 centimetres at any location;
2. There is no change in the location, direction or rate of drainage to neighbouring properties; and
3. There is no change or blockage of any swale

Pools

For pool installations, no Site Alteration Permit will be required if,

1. Any previously approved grading plan is maintained or if there is no previously approved grading plan applicable to the property, a minimum 60-centimetre strip of undisturbed ground remains along the rear and side property lines within the rear yard; and
2. Any retaining walls are limited to 0.5 metres in height, measured from existing ground elevations.

Fill From Outside Hamilton Prohibited

No person shall transport fill to a site from any other source site that is located outside the City of Hamilton.

Key Changes to Permit Requirements

- Excess Soil Management Plans
- Dust Management Plans
- Erosion and Sediment Control Plans
- Groundwater Management Plans
- Stormwater Management Plans
- Traffic Management Plans

Any other information, plans or studies the Director requires to determine whether the Site Alteration proposal complies with the By-law

Transportation of Excess Soil

Transportation of any fill from the source site will require:

- A statement of nature of the project on the source site and past uses
- Volume of fill to be transported from each source site
- Contact details of the person responsible for the project on each source site
- Detailed sampling analysis and confirmation from QP confirming soil to be transported is appropriate for re-use at receiving site

Note: a soil sampling at the receiving site will be required through the Excess Soil Management Plan

Restrictions

No Site Alteration shall be undertaken:

- On any Saturday, Sunday, or statutory Holiday
- Using highways to transport fill to or from the site except those highways approved as a haul route by the Director, and in accordance with Traffic By-Law No. 01-215.
- In contravention of the Noise By-Law No. 11-285
- At any time when a wind warning issued by Environment Canada is in effect for the area of the site; or
- During or within 48 hours of the site receiving 15mm or more of precipitation within a 24-hour period.

Restrictions

Operating hours

No deliveries shall occur between the hours of 9am and 3pm

Restrictions

Delivery Limitations

Deliveries shall be staggered such that absolutely no queuing of vehicles within the Public Right of Way.

Transition

The new by-law shall be applicable to all permit applications that on the date of enactment have not undergone a first submission review.

Conclusion

- **Exemptions based on property size and grade changes have been eliminated for the rural area. A permit will always be required. Enforcement will proceed immediately.**
- **No permits on agricultural lands unless it can be demonstrated that work is required for Normal Farm Practice**
- **Exemptions for property landscaping subject to restrictions in grade and proximity to property lines.**
- **No fill to be imported into the City of Hamilton which originated outside City Limits**