



# Hamilton

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**Welcome to  
The City of Hamilton  
Planning Committee  
Tuesday, April 2, 2013**

## **PED1184(a)**

**Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262, City Wide (Outstanding Business List Item).**

**Presenter: Jason Thompson**



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## Excerpts showing Amendments

### CITY OF HAMILTON

#### BY-LAW NO. 03-126

#### Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

4.4 A person applying for a **Permit** shall submit the following to the **Director**:

- (d.1) if the **site** is designated Agriculture, Rural and/or Specialty Crop under the Rural Hamilton Official Plan, a soil fertility report that:
  - (i) confirms the site alterations will not result in a reduction of the overall soil fertility of the **site**; and
  - (ii) is prepared and signed by:
    - 1. a person who holds a licence, limited licence or temporary licence under the Professional Engineers Act; or
    - 2. a person who holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario.

6. A control plan required under this by-law shall include the following:

- (d.1) specifics on trucking to and from the site including the routes to be used and the times these routes will be used;
- (u.1) the name, address, telephone number and email address of an emergency contact;

9.1 A **permit** shall be issued where the **Director** is satisfied:

- (a.1) that the proposed trucking to and from the **site** minimizes negative impacts on the public and the municipal infrastructure;



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- (g) that the work proposed under the **permit** does not involve contravention of the Environmental Protection Act, R.S.O. 1990, c. E.19, the Ontario Heritage Act, R. S. O. 1990, c. 0.18, zoning or land use by-laws, the Building Code Act, S. O. 1992 c. 23, the Planning Act, R.S.O. 1990, c. P.13, Municipal Act, S. O. 2001, c. 25, the Drainage Act, R.S.O. 1990, c. D.17. and the Federal Fisheries Act, R.S.C. 1985, c. F-14 or any applicable regulations passed under these acts including R.R.O. 1990, Reg 347 entitled “General – Waste Management”, passed under the Environmental Protection Act, R.S.O. 1990, c. E.19. Where such acts, regulations or by-laws require approval such approval is obtained and proof submitted or will be obtained and submitted before the work under the **permit** is carried out; and
- (h) that the work proposed under the **Permit** will meet the standards set out in the applicable Table in “Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the *Environmental Protection Act*” (Ministry of the Environment, April 15, 2011) as amended or replaced from time to time.
16. Every person to whom a **Permit** is issued shall:
- (c.1) despite the City of Hamilton Storm Drainage Policy and the City of Hamilton Development Engineering Guidelines, both as amended or replaced from time to time, ensure that **fill placed** or **dumped** within 6 metres of a property line shall:
- (i) not exceed a maximum height of 2 metres; and
- (ii) meet existing elevations at property lines with slopes no greater than 33% grade (3H to 1V),

unless exempted in writing by the Senior Director of Growth Management after completion of a site plan approval process, modified as necessary by the Senior Director of Growth Management, including payment of the fee for a minor site plan approval;

- (h.1) ensure that the work which is the subject of the Permit meets the standards set out in the applicable Table in “Soil, Ground Water and Sediment Standards for Us Under Part XV.1 of the *Environmental Protection Act*” (Ministry of the Environment, April 15, 2011) as amended or replaced from time to time;



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- (j.1) ensure, if the site is designated Agriculture, Rural and/or Specialty Crop under the Rural Hamilton Official Plan, that the site alterations do not result in a reduction of the overall soil fertility of the **site**;

#### **SCHEDULE "B" TO BY-LAW NO. 03-126**

1. All **permit** holders shall:
  - (h.1) post at each entrance to the site in a conspicuous place the name, address, telephone number and email address of the emergency contact;



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