

Authority: Item 1, Planning Committee
Report: 13-005 (PED12184(a))
CM: April 10, 2013

Bill No. 098

CITY OF HAMILTON

BY-LAW NO. 13-

To Amend 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

WHEREAS Council enacted a by-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil being City of Hamilton By-law No. 03-126;

AND WHEREAS this By-law amends City of Hamilton By-law No. 03-126;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 4.4 of By-law No. 03-126 is amended by adding the following new subsection 4.4 (d.1):
 - (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.

2. Section 6 of By-law No. 03-126 is amended by adding the following new subsection 6(d.1):
 - (d.1) specifics on trucking to and from the **site** including the routes to be used and the times these routes will be used;
3. Section 6 of By-law No. 03-126 is amended by adding the following new subsection 6(u.1):
 - (u.1) the name, address, telephone number and email address of an emergency contact;
4. Section 9.1 of By-law No. 03-126 is amended by adding the following new subsection 9.1(a.1):
 - (a.1) that the proposed trucking to and from the **site** minimizes negative impacts on the public and the municipal infrastructure;
5. Subsection 9.1(g) of By-law No. 03-126 is deleted and replaced by the following new subsection 9.1(g):
 - (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 shall be obtained and proof submitted or will be obtained and submitted before the work under the **permit** is carried out; and
6. Section 9.1 of By-law No. 03-126 is amended by adding the following new subsection 9.1(h):
 - (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;
7. Section 16 of By-law No. 03-126 is amended by adding the following new subsection 16(c.1):
 - (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 or 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 **Director** after completion of a site plan approval process, modified as necessary by the **Director**, including payment of the fee for a minor site plan approval;

8. Section 16 of By-law No. 03-126 is amended by adding the following new subsection 16(h.1):

(h.1) ensure that 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 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;

9. Section 16 of By-law No. 03-126 is amended by adding the following new subsection 16(j.1):

(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 soil fertility of the **site**;

10. Section 1 of Schedule “B” to By-law No. 03-126 is amended by adding the following new subsection 1(h.1):

(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;

11. This By-law comes into force on the day it is passed.

PASSED this 10th day of April, 2013.

R. Bratina
Mayor

R. Caterini
City Clerk