

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 33-2004

A BY-LAW TO PROTECT AND CONSERVE TOPSOIL AND FOR PROHIBITING OR REGULATING THE ALTERATION OF PROPERTY WITHIN THE TOWN OF MILTON AND TO REPEAL BY-LAW NO. 23-96

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may pass a by-law prohibiting or regulating the placing or dumping of Fill, the removal of Topsoil and/or the alteration of the Grade of land;

AND WHEREAS the Council of The Corporation of the Town of Milton is desirous of enacting such a by-law, and repealing By-law No. 23-96;

NOW THEREFORE the Council of The Corporation of the Town of Milton hereby enacts as follows:

DEFINITIONS

1. In this By-law:
 - a) “Alteration” means changes in elevation of 25mm or more from existing grade or finished grade resulting from the placing or dumping of fill, the removal of topsoil or any other action that alters the grade of land;
 - b) “Cease and Desist Order” means an Order issued by an Officer to an Owner or to a person who is in contravention of this By-law, to discontinue the activity;
 - c) “Council” means the Council of the Corporation of the Town of Milton;
 - d) “DBH” means the diameter of the stem of a tree measured at a point that is 1.37 metres above ground;
 - e) “Director” means the Director of Engineering Services of the Corporation of the Town of Milton or his or her designates;
 - f) “Drainage” means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means;
 - g) “Dumping and Dump” means the depositing of Fill in a location other than where the Fill was obtained or the movement and depositing of Fill from one location on a property to another location on the same property;

- h) “Erosion” means the detachment and movement of Soil, sediment or rock fragments by water, wind, ice or gravity;
- i) “Fill” means any type of material capable of being removed from or deposited on lands, such as soil, stone, sod, turf, concrete, and asphalt either singly or in combination, as acceptable to the Director;
- j) “Grade” means the elevation of the ground surface and shall be more particularly defined as follows:
 - (i) “Existing Grade” means the elevation of the existing ground surface of the lands upon which Dumping and/or Placing of Fill, altering of the Grade, or removing of Topsoil is proposed and of abutting ground surface up to three metres wide surrounding such lands, except that where such activity has occurred in contravention of this By-law, Existing Grade shall mean the ground surface of such lands as it existed prior to the said activity;
 - (ii) “Finished Grade” means the approved elevation of ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered or Topsoil removed, in accordance with this By-law;
 - (iii) “Proposed Grade” means the proposed elevation of ground surface of land upon which Fill is proposed to be Placed or Dumped, the Grade altered or Topsoil removed.
- k) “Officer” means any person designated by this or any other by-law of the Corporation of the Town of Milton to issue permits and impose conditions and to enforce the permits, and such Officers are so designated pursuant to Schedule “D” to this By-law;
- l) “Order for Removal: means an Order from the Director or Officer to the Owner to restore the site to a condition prior to the commencement of Grading or Filling;
- m) “Owner” includes any person, partnership, organization or corporation who or which is the registered owner of or controls, maintains or occupies lands;
- n) “Permit” means a Permit that can be issued pursuant to this By-law;
- o) “Placing and Place” means the distribution of Fill on lands to establish a Finished Grade higher than the Existing Grade, and includes soil stripping;

- p) “Ponding” means the accumulation of surface water in an area not having Drainage therefrom where the lack of Drainage is caused by the Placing or Dumping of Fill, altering of Grade or removing of Topsoil;
- q) “Retaining Wall” means a wall designed to contain and support Fill which has a Finished Grade higher than that of adjacent lands;
- r) “Site” means the lands which are the subject of an application for a Permit pursuant to this By-law;
- s) “Soil” means material commonly known as earth, Topsoil, loam, subsoil, clay, sand or gravel;
- t) “Swale” means a shallow depression in the ground slopping to a place of disposal of surface water for the purpose of providing a method of drainage;
- u) “Topsoil” means those horizons in a Soil profile containing organic material and includes deposits of partially decomposed organic matter such as peat (technically known as the ‘O’ and ‘A’ horizons);
- v) “Town” means the Corporation of the Town of Milton;
- w) “Vegetation” means any woody plant or contiguous cluster of plants including trees and shrubs, including hedgerows and trees;
- x) “Work Order” means an Order issued by an Officer requiring work to be done to correct the contravention of this By-law.

PLACING/DUMPING FILL, ALTERING GRADE, REMOVAL OF TOPSOIL

2. Other than in an approved landfill site, no person shall Place or Dump, or cause or permit the Placing or Dumping, of Fill on, nor alter or cause the alteration of the Grade of any lands in the Town of Milton, including any lands which are submerged under any watercourse or other body of water, without having first obtained a Site Alteration Permit issued by the Director.
3. No person shall remove or cause or permit the removal of any Topsoil from any lands in the Town of Milton without having first obtained a Topsoil Removal Permit issued by the Director.

APPLICATION REQUIREMENTS

4. An application for a Site Alteration Permit or a Topsoil Removal Permit is not considered to be complete until the following is submitted to the Director:
 - (a) a complete Application in the form attached hereto as Schedule "A", which form may be amended from time to time by the Director;
 - (b) the prescribed fee for a Site Alteration Permit or Topsoil Removal Permit as established from time to time by Council and detailed in Schedule "B" to this By-law;
 - (c) a Control Plan, the requirements of which are set out in section 6 of this By-law;
 - (d) a plan showing the design details to proper scale of any Retaining Wall that the Applicant proposes or that may be required by the Director including the dimensions thereof and any materials to be used in construction of any such Retaining Wall;
 - (e) security in a form and amount to be determined in accordance with Schedule "B" to this By-law, to secure performance of the Applicant's obligations under this By-law and any Permit that is issued;
 - (f) a person applying for a Site Alteration Permit or Topsoil Removal Permit, for the construction of a pond for irrigation or landscape purposes, shall follow the requirements of which are set out in Schedule "E" to this By-law and other requirements as set out in this By-law;
 - (g) any required permit by any external agency e.g. Conservation Halton, Ministry of Transportation, Ministry of Natural Resources, etc.;
 - (h) any required report by the Town of Milton or external agency e.g. archeological report, vegetation analysis, environmental impact assessment, or geotechnical report.

5. An Applicant shall not submit or cause or permit an Application for a Permit to be submitted to the Town that is misleading or contains false information. Where it is discovered or revealed that the holder of a Permit issued under this By-law has provided misleading or false information on the Application for a Permit, as determined by the Director, the said Permit shall be revoked by the Director and the Permit holder shall forthwith cease all work which was the subject of the revoked Permit.

CONTROL PLANS

6. Control Plans are required to be submitted as part of an Application for a Permit pursuant to this By-law and shall include:
- a) a key map showing the location of the Site;
 - b) the Site boundaries and number of hectares of the Site;
 - c) the use of the Site and the location and use of the buildings and other structures adjacent to the Site;
 - d) the location, dimensions and use of existing and proposed buildings and other structures existing or proposed to be erected on the Site;
 - e) the location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on the Site and within thirty (30) metres beyond the Site boundary;
 - f) the Regional Storm Flood Plain and Conservation Authority Fill Regulation lines;
 - g) the location of the predominant Soil types;
 - h) the location of all trees 100mm DBH or greater, including their dripline, and the composite dripline of all other Vegetation;
 - i) the location of driveways on the lands and all easements and rights-of-way over, under, across or through the Site;
 - j) the location and dimensions of any existing and proposed storm water Drainage systems and natural Drainage patterns on the Site and within thirty (30) metres of the Site boundaries;
 - k) the location and dimensions of utilities, structures, roads, highways and paving;
 - l) the existing Site topography at a contour interval not to exceed one (1) metre and to extend a minimum of thirty (30) metres beyond the Site boundaries;
 - m) the Proposed Grade(s) and Drainage system(s) to be used upon completion of the work which is the subject of the Permit;
 - n) the location and dimensions of all proposed work which is the subject of the Application for a Permit;

- o) the location and dimensions of all proposed temporary Topsoil or Fill stockpiles;
 - p) the height of topsoil stockpiles. Such height shall not exceed 4.5 metres. Exceptions may be made depending on site specifics and allowable sloping of berm sides;
 - q) the location, dimensions, design details and specifications of all work which is the subject of the Application including all Site siltation control measures or retaining walls necessary to meet the requirements of this By-law and the estimated cost of the same;
 - r) a schedule of the anticipated starting and completion dates of all proposed work which is the subject of the Application for a Permit, including the installation of construction Site control measures needed to meet the requirements of this By-law;
 - s) provisions for the maintenance of the construction Site erosion and dust control measures during construction and after as required;
 - t) a description of the proposed Fill;
 - u) the scale of drawing, either 1:500 or 1:000;
 - v) any other information with respect to the Site required by the Director.
7. Every Control Plan accompanying an Application for a Permit under this By-law must be certified by a Professional Engineer who is licensed to practice in the Province of Ontario or any other qualified person approved by the Director.
8. Notwithstanding any other provisions of this By-law, the Director may waive the requirement for a Control Plan 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 proposed works, the anticipated impact on the Site and the surrounding environment.

SECURITY

9. The Director may, prior to the issuance of a Permit under this By-law, require the Applicant to enter into an agreement with the Town to provide security for the Applicant's obligations under this By-law and any Permit issued, and such requirements as the Director considers necessary to ensure that the work which is the subject of the Permit is completed in accordance with proper engineering standards and practice, this By-law, and the terms and conditions of the Permit.

Said agreement may be registered on title. The Mayor and the Town Clerk are hereby authorized to execute any such agreement on behalf of the Town.

ISSUANCE OF PERMIT

10. The Director shall issue a Site Alteration Permit or Topsoil Removal Permit, as the case may be, where:
 - a) the Director is satisfied that the lands which are the subject of the Application are not within a prohibited area under section 11 of this By-law;
 - b) the Director is satisfied that the Applicant has complied or will comply with all requirements of this By-law;
 - c) the Applicant has entered into an agreement, as referred to in section 9 of this By-law, if required by the Director, and has performed all of its obligations under the agreement which are required to be performed prior to the issuance of the Permit pursuant to this By-law;
 - d) the Director is satisfied that the Proposed Grade and resulting Drainage pattern, the proposed design of any Retaining Wall, the type of Fill proposed to be used, if any, and the proposed method of the Placing and Dumping of Fill, altering of the Grade, or removing of Topsoil, are all in accordance with the current Town of Milton Parks and Engineering Standards Manual and proper engineering standards and practice;
 - e) the Director is satisfied with any Fill to be used as defined in this By-law and that such material is clean and free of any glass, plastics, rubber, metals, liquid, garbage and/or contaminants;
 - f) the Director is satisfied that the proposed Placing or Dumping of Fill, altering of the Grade or removing of Topsoil, will not result in:
 - a) erosion;
 - b) blockage of a watercourse;
 - c) siltation in a watercourse;
 - d) contamination of a watercourse;
 - e) flooding or Ponding;
 - f) a detrimental effect on any Vegetation that has been designated for preservation; or
 - g) an undue detrimental effect on the natural environment of the area

- g) the Director is satisfied the Site will be rehabilitated to a condition which is substantially similar to or improved from the condition of the Site prior to the undertaking of the work which is the subject of the Permit;
 - h) the Director is satisfied that all required external permits have been granted to the Owner;
 - i) the Director is satisfied that the design and installation of a retaining wall has been certified by a structural engineer who is licensed to practice in the Province of Ontario; and
 - j) the Director is satisfied that any and all conditions of a planning approval have been cleared by the appropriate authorities.
11. Notwithstanding any other provision of this By-law, the Director may not issue a Permit under this By-law with respect to lands in the Town of Milton defined and designated as “Greenlands” in the Town of Milton Official Plan or the Region of Halton Official Plan, without the requisite approvals of the appropriate authorities.

TERMS AND CONDITIONS

12. The Director may impose terms and conditions upon the issuance of any Permit. In addition to any other terms or conditions that may be imposed by the Director, Permits shall be issued subject to the terms and conditions set out in Schedule “C” to this By-law unless exempted in writing by the Director.
13. The Director may require, as a condition of any Permit issued pursuant to this By-law, that a Retaining Wall be constructed where:
- a) Erosion on to abutting lands may occur as a result of the work which is the subject of the Permit; or
 - b) the Finished Grade of the Site is of a higher elevation at a property line than that of the Existing Grade at the same property line of abutting lands.
14. Where a Permit has been issued pursuant to this By-law, no person shall undertake the work which is the subject of the Permit except in accordance with the Permit Application, plans, documents and other information submitted to the Town upon which the Permit was issued and in accordance with the terms and conditions of the Permit.
15. Notwithstanding the issuance of a Permit pursuant to this By-law, an Applicant and/or Owner shall comply with all other applicable legislation.

ZONING BY-LAW

16. Notwithstanding any other provisions of this By-law, no person shall Place or Dump, or cause or permit the Placing or Dumping of Fill on any lands for any use, unless such use is permitted by the applicable zoning by-law of the Town, as amended from time to time.

REFUSAL TO ISSUE PERMIT

17. Where the Director refuses to issue a Site Alteration Permit or a Topsoil Removal Permit, the Applicant shall be informed in writing of the refusal by the Director. The Director may reconsider the Application if additional information or documentation required by the Director is submitted by the Applicant.

APPEAL TO ONTARIO MUNICIPAL BOARD

18. An Applicant for a Permit pursuant to this By-law may appeal to the Ontario Municipal Board where:
- a) the Town refuses to issue a permit, within 30 days after the refusal;
 - b) the Town fails to make a decision on the application, within 45 days after a complete application as described in section 4 of this By-law is received by the Director; or
 - c) the applicant objects to a condition in the permit, within 30 days after the issuance of the permit.

INSPECTIONS

19. An Applicant for a Permit pursuant to this By-law, or his or her authorized agent, shall, where a Permit has been issued, request the Director to make inspections at the commencement and completion of the work that is the subject of the Permit, and shall request such further inspection(s) as may be required by the Director.

TERM OF PERMIT AND PERMIT RENEWAL

20. Any Permit issued pursuant to this By-law shall be valid for a period of one year from the date of issuance. Notwithstanding the foregoing, a Permit issued pursuant to this By-law shall expire 180 days after the date of issuance, if the work that is the subject of the Permit has not been commenced within that 180 day period.

21. A Permit which has expired may be renewed by the Director within a six month period from the date of expiry upon the making of a written request to the Director accompanied by a payment of one-half of the original permit fee, provided that the proposed work which was the subject of the Permit, has not been revised. A Permit that has been renewed in accordance with this section shall therefore be treated as a new Permit except that it shall not again be renewed.

TRANSFER OF SITE

22. If the Site for which a Permit has been issued is transferred while the Permit remains in effect and outstanding, the new Owner shall, prior to the closing of the transfer:
- a) provide the Town 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 Director, at which time any security previously provided by the original Permit holder pursuant to this By-law shall be released;

and failing which the Permit shall be deemed to be canceled as of the date of the transfer.

REGULATIONS

23. In addition to the other requirements of this By-law, no person shall Place or Dump, or cause or permit the Placing or Dumping of Fill on, or alter or cause or permit the altering of the Grade of, or remove or cause or permit the removing of any Topsoil from any lands in the Town of Milton, including any lands which are designated as flood plain or are submerged under any watercourse or other body of water, unless:
- a) it is done at the request of or with the consent of the Owner of the Site where the Fill is to be Placed or Dumped, the Grade altered or the Topsoil removed;
 - b) all Fill to be used 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, liquid, garbage and/or contaminants;
 - c) the Drainage system for the Site is provided in accordance with this By-law and any Permit issued pursuant thereto and as otherwise required by law, and in accordance with proper engineering

standards and practices and will not result in Erosion, blockage, siltation or contamination of a water course, Flooding or Ponding;

- d) the Fill is Placed or Dumped, any Retaining Wall containing such Fill is erected, the Grade is altered, or the Topsoil is removed, in such a manner that no Flooding, Ponding, or other adverse effects are caused on other lands;
- e) all approved applications under this By-law accessing the property for the hauling of native or non-native material on a Town of Milton road shall be posted with half load restrictions at the expense of the applicant;
- f) a valid permit has been received from either Conservation Halton, the Grand River Conservation Authority or the Credit Valley Conservation Authority under the Fill construction and alteration to watercourse regulations.

24. Every person to whom a Permit is issued pursuant to this By-law shall:

- a) provide a Retaining Wall where required by the Director which does not encroach upon abutting lands, either above or below existing grade, and such Retaining Wall shall be constructed to the satisfaction of the Director;
- b) ensure that the Finished Grade surface is protected by sod, turf, seeding for grass, vegetation, asphalt, concrete or other similar means, or combination thereof;
- c) ensure that Fill shall not be Placed or Dumped around the perimeter of any existing building to an elevation higher than 150 millimetres below the ground floor level of such building, and its foundation walls are raised in a manner satisfactory to the Director;
- d) ensure that no trench in which piping is laid forming part of the Drainage system shall be covered and backfilled until the work has been inspected and approved by the Director;
- e) provide such protection for trees as may be required by the Director;
- f) provide siltation control measures as may be required by the Director;

- g) ensure that the work that is the subject of the Permit does not soil or otherwise foul any municipal roads. In the event that this occurs, the person to whom the Permit was issued shall, in accordance with the Town's By-law to prohibit the obstructing, encumbering, injuring or fouling of highways and bridges, as amended from time to time, ensure that the road(s) affected are cleaned to the satisfaction of the Director;
- h) ensure that all conditions of the Permit issued pursuant to this By-law and any requirements of this By-law are fulfilled to the satisfaction of the Director;
- i) ensure the work that is the subject of the Permit does not occur in areas regulated by a Conservation Authority or approval agency without written approval of the respective regulatory agency, and in the event this occurs, ensure that the affected areas are restored to the satisfaction of the Director within 60 days of any request by the Director for such restoration.

EXEMPTIONS

25. The provisions of this By-law do not apply to:

- a) activities or matters undertaken by a municipality or a local board of a municipality;
- b) the placing or dumping of Fill, removal of Topsoil or alteration of the Grade 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* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- c) the placing or dumping of Fill, removal of Topsoil or alteration of the Grade 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* or as a requirement of an agreement entered into under that regulation;
- d) the placing or dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

- e) the placing or dumping of Fill, removal of Topsoil or alteration of the Grade of land 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*,
 - f) the placing or dumping of Fill, removal of Topsoil or alteration of the Grade of land 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*; or
 - g) the placing or dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*, 2001.
26. This By-law does not apply to 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.
27. Section 26 does not include the removal of topsoil for sale, exchange or other disposition.
28. If a regulation is made under section 28 of the *Conservation Authorities Act* respecting the placing or dumping of Fill, removal of Topsoil or alteration of the Grade of land in any area of the Town, this By-law is of no effect in respect of that area.

CEASE AND DESIST ORDER

29. Where an Owner or any other person is in contravention of this By-law, or any term or condition of a Permit issued under this By-law, the Director may make an Order directing that the Owner or such person cease the work immediately.

WORK ORDER

30. Where a Permit has been issued and an Owner or Applicant is in contravention of this By-law, or any term or condition of a Permit issued under this By-law, the Director or officer may issue a Work Order directing the Owner or Applicant, within twenty-one days of the issuance of the Order, to take such steps as are necessary so that the work which was the subject of the Permit is completed in accordance with the Permit Application, plans, documents and other information upon which the Permit was issued under this By-law and in accordance with the terms and conditions of the Permit.

ORDER FOR REMOVAL

31. Where a permit has not been issued and the owner is in contravention of this By-law, the Director or an Officer may issue an Order for Removal requiring the Owner to restore the property to a condition it was prior to commencement of such work, to the satisfaction of the Director, within twenty-one (21) days of the issuance of the Order.

COMPLIANCE WITH ORDERS

32. Any person to whom a Cease and Desist Order or a Work Order is issued pursuant to this By-law shall comply with the terms of such Order.
33. Where the Owner to whom a Work Order is issued fails to perform the work required by the Order, the Town may perform such work at the Owner's expense and may recover the cost incurred in doing such work in like manner as municipal taxes.

ENFORCEMENT

34. The administration and enforcement of this By-law shall be performed by the Director and by those persons designated as Officers under Schedule "D" as attached to the By-law and may be amended from time to time by the Director.
35. The Director and Officers shall have all powers necessary to carry out the administration and enforcement of this By-law, and may, at any reasonable time, enter and inspect any land to determine whether this By-law, Cease and Desist Order or a Work Order, a condition to a Permit issued pursuant to this By-law, or a Court Order is being complied with.

SERVICE

36. Service required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail to the last known address of the Owner of the land.
37. Where service is effected by registered mail, it shall be deemed to be made on the fifth (5) day after the date of mailing.

PENALTY

38. Any person who contravenes this By-law or a Cease and Desist Order or a Work Order issued under section 29 or 30 of this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than \$10,000, and on any subsequent conviction, to a fine of not more than \$25,000.

39. Despite section 38 to this By-law, where the person convicted is a corporation, the maximum fine for a first conviction is \$50,000 and for any subsequent conviction is \$100,000.

SEVERABILITY

40. When a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

SHORT TITLE

41. This By-law may be cited as the Town of Milton Topsoil Preservation and Site Alteration By-law.

REPEAL

42. By-law No. 23-96, as amended, is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this 25th day of May, 2004.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE "B" TO BY-LAW 33-2004

1.0 SITE ALTERATION PERMIT AND TOPSOIL REMOVAL PERMIT FEES

The Town's User Fee By-law, as amended from time to time, shall set the Permit fee for processing, administration and inspection. (As amended by By-law 104-2007)

2.0 SECURITY FOR SITE CONTROL MEASURES

An irrevocable Letter of Credit or cash to cover 100% of the estimated cost as specified in section 9 of the By-law may be required by the Director. The Letter of Credit is to be in a form acceptable to the Town Treasurer.

2.1 The 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 Town prior to its expiry or cancellation.

2.2 In the event that the Town receives notice that a Letter of Credit is expiring and will not be renewed and further or additional securities are not provided forthwith, the Town may draw on the current Letter of Credit at the discretion of the Director. The Permit holder agrees that any interest accruing on the realized cash security shall belong to the Town and not to the Permit holder.

3.0 It is the responsibility of the Permit Holder:

3.1 to obtain the approval of the Director that the Site has been adequately reinstated and stabilized in accordance with this By-law, the plans accompanying the Permit and the terms and conditions of the Permit; and,

3.2 to request that the Town carry out a final inspection of the Site and to obtain the approval of the Director that this By-law and the terms and conditions of the Permit have been complied with by the Permit holder

4.0 When the provisions of section 3.0 above have been fully complied with to the satisfaction of the Director, he or she shall release the Permit holder's security.

SCHEDULE "C" TO BY-LAW 33-2004

PERMIT CONDITIONS

- 1.0 All Permit holders shall:
 - 1.1 Notify the Director in writing within 48 hours of commencing any Land Disturbance;
 - 1.2 Notify the Director in writing of the completion of any control measures within fourteen (14) days after their installations;
 - 1.3 Obtain permission in writing from the Director prior to modifying the Control Plan;
 - 1.4 Install all control measures as identified in the approved Control Plan;
 - 1.5 Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Control Plan;
 - 1.6 Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
 - 1.7 Inspect the construction control measures at least once per week and after each rainfall of at least 1 centimetre and make needed repairs;
 - 1.8 Allow employees of the Town to enter the Site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the Site into compliance with the Control Plan; and
 - 1.9 Maintain a copy of the Control Plan on the Site.
- 2.0 The Town:
 - 2.1 Upon the failure by the Permit holder to complete all or part of the works in the time stipulated in the Control Plan, may draw the appropriate amount from the securities posted and use the funds to arrange for the completion of the said works, or any part thereof;
 - 2.2 Upon the failure by the Permit holder to repair or maintain a specific part of the works as required by the Town, and in the time requested, the Town may at any time authorize the use of all or part of the securities to pay the cost of any part of the works it may in its absolute discretion deem necessary; or
 - 2.3 In the case of emergency repairs or clean-up, the Town may undertake the necessary works at the expense of the Permit holder and reimburse itself out of securities posted by the applicant or to add to the cost of the works to the real property tax roll to be collected in like manner as taxes.

SCHEDULE “D” TO BY-LAW 33-2004

The following Town employees or agents are hereby designated as Officers for the purpose of this By-law and authorized to carry out the administration and enforcement of this By-law:

- Director of Engineering Services and his/her designate.
- Municipal Law Enforcement Officers

SCHEDULE "E" TO BY-LAW 33-2004

Administration:

- All pond applications on Agricultural zoned properties must be circulated to the Halton Agricultural Advisory Committee (HAAC) for comment prior to a decision being made by the Town of Milton

Design Criteria:

- Pond surface area can be a maximum of 1% of the total area to be irrigated and have a maximum depth of 10 ft. with 3:1 side slopes.
- Pond should be located a suitable distance from a water well or septic tile bed, acceptable to the Region of Halton Health Department
- Proposed pond surface area larger than 1% of the total area to be irrigated can be considered providing a detailed water budget analysis is submitted prepared by a qualified engineer
- Proposed pond shall have regard to Section 10(f) and all provisions of this Bylaw.

Example:

Area to be irrigated = 100 acres

Permitted pond size = 1 acre in surface area with 10 ft depth and 3:1 side slopes

Volume retained = 1.3 million gallons