

**THE CORPORATION OF THE TOWN OF ERIN  
BY-LAW NUMBER 09-29**

A by-law to regulate site alterations,  
placement of fill and removal of topsoil  
within the Town of Erin

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c.25 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 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 TOWN OF ERIN ENACTS AS FOLLOWS:

**1. Definitions**

In this by-law:

“Council” means the Council of The Corporation of the Town of Erin;

“Director” means the Chief Building Official of the Town of Erin or designate;

“Drainage” means the movement of stormwater, 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 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 topsoil 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;

“Town” means The Corporation of the Town of Erin;

“Tree” as defined by the Wellington County Tree 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 metres 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 Town of Erin 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 by causing, permitting or performing a site alteration on land within the Town of Erin without a permit issued under this bylaw.

2.3 No person shall cause, permit or perform a site alteration on land within the Town of Erin other than in conformity with the terms and conditions of any permit issued under this by-law and the regulations prescribed in this 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 any other applicable by-laws of the Town of Erin 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) 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, Drainage Act and Electricity Act.
- b) 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.
- c) Site alteration and/or removal of topsoil where engineering drawings for a plan of subdivision, complete with all applicable securities have been received in full, or where a full site plan application has been received. In both cases an erosion and sediment control plan, approved by the Director will be required before undertaking any land disturbances.
- d) 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.
- e) Excavation and backfilling within 10m of a structure and incidental to construction of a structure that has been issued an active building or septic permit under the Ontario Building Code Act.
- f) Topdressing of lawns with topsoil not greater than 15cm and minor landscaping works which are at least 0.3 metres from any property line and do not impact drainage patterns on neighbouring properties.
- g) The placing or dumping or removal of fill involving an amount of soil of less than 100 cubic metres 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.

3.2 Notwithstanding Section 3.2, the site alterations set out remain subject to the provisions of Sections 2.2 to 2.4 inclusive, 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) completed application and any additional information prescribed by the Director as noted in Section 4.2;
- b) the applicable permit fee calculated in accordance with Schedule "D" to this by-law;
- c) site alteration plan for the lands meeting the standards and containing the information prescribed in Schedule "C" to this bylaw;
- d) 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.
- e) security in a form and amount to be determined by the Director 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;
- f) Written determination from the applicable Conservation Authority as to whether the fill operation is within an area regulated by the Conservation Authority
- g) 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 Sections 2.1 and 4.1 and the Schedules to this by-law, the Director 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 Director to grant permits or waive the requirement for permits for site alterations which do not otherwise meet the requirements of Section 5 to this by-law

## 5. Regulations – Criteria for Issuing a Permit

- 5.1 The Director 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 that the Director 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) The existing drainage shall not be altered onto any adjoining property as a result of filling.
  - c) Finished grade as a result of placing fill or topsoil shall not result in overall grades exceeding greater than 8% (12:1) from the lowest existing property boundary.
  - d) Existing trees are preserved and protected in accordance with the County of Wellington Tree by-law.
  - e) Sufficient securities have been posted with the Town of Erin to ensure completion of the project and in accordance with Schedule D of this by-law.
  - f) Public safety and nuisances, such as dust suppression or the like on abutting properties have been addressed

- g) There is no detrimental effect on the natural environment of the area; and the Director is satisfied that the land will be rehabilitated to the same or better condition than it was prior to the site alteration.

## 6. Conditions and Regulations Imposed at Discretion of Director;

6.1 The Director may issue the permit subject to such conditions as are, in the opinion of the Director, necessary to meet the criteria of approval set out in Section 5 of this by-law, to protect public safety or to 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 an agreement with the Town containing such provisions, including but not limited to the provision of security for the owner's obligations under this by-law, as the Director considers necessary to ensure that the site alteration is done in accordance with prevailing Town of Erin municipal design standards, proper engineering principles and the requirements of this by-law, which agreement may be registered on title to the lands;

## 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 for the area has been issued by Environment Canada.
- c) maintain a copy of the approved Site Alteration Plan on-site;
- d) perform work on-site in conformity with the Town of Erin 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 Town of Erin;
- 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 and 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 Director within a six month period from the date of expiry upon the making of written application to the Director and payment of the prescribed fee in Schedule "D" to this by-law.

8.4 Where it is revealed or discovered that a permit was issued based on false or misleading information, the Director 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 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 Town of Erin 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 Director in a manner that will prevent adverse impacts on abutting properties and the environment.

## **9. Officers**

9.1 The Director may delegate any of his or her duties under this by-law to an Officer.

9.3 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 specifies, 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 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 Sections 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 Town is unable to effect service on the owner under Section 10.3a), a placard containing the terms of the order may be placed in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service of the order.

### 11. Appeals to the Corporation of the Town of Erin Council

11.1 An applicant for a site alteration permit pursuant to this By-law may appeal in writing to the Council of the Town of Erin where:

- a) The Town refuses to issue a Site Alteration Permit within thirty (30) days after the refusal, or

- b) The applicant objects to a condition in an order or in the Site Alteration Permit within thirty (30) days after the issuance of the Permit.

11.2 On appeal, the Council has the same powers as the Director under this by-law and may;

- a) confirm the refusal to issue the Site Alteration Permit
- b) Issue a site alteration permit with or without conditions or
- c) affirm vary or add any conditions to the Site Alteration Permit

## 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 Town, 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 this 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, c.25*;

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 any subsequent conviction, to a fine of not more than \$100,000 as prescribed by the *Municipal Act, 2001, S.O. 2001, c.25*;

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 reestablish the trees. *p. 138(2), Municipal Act, 2001*

## 14. Severability

14.1 In the event that any particular provision or part of a provision of this bylaw 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 Director does not relieve the applicant of the responsibility of obtaining all other approvals that may be required by the Town of Erin 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.

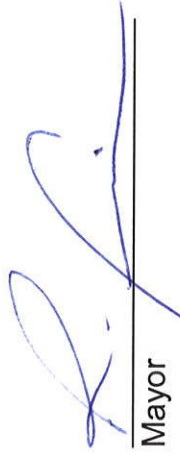
17. Short Name

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

18. Repeal

By-laws 09-24 & 92-36 are hereby repealed.

Read a First, Second and Third Time and passed June 16, 2009

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**SCHEDULE "A"**

**By-law 09-29**

**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 or any superseding by-laws of the County of Wellington related to tree protection measures.

**SCHEDULE "B"**  
**By-law 09-29**  
**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 Director.

- 1) No fill shall be placed on native topsoil. Fill areas 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 Director considers necessary, shall be protected with filter fabric, or equivalent barriers meeting design criteria, standards and specifications accepted by the Director.
- 3) Site Erosion Control: the following criteria apply to land disturbing activities that result in runoff leaving the site:
  - a) Run-off from 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 at 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 downslope 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, tarps 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, seeding, mulching, covering, or equivalent control measures. The period of time of inactivity shall be at the discretion of the Director but shall not exceed 60 days or such longer periods as deemed advisable at the discretion of the Director
  - 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 downslope sides of the site;

**SCHEDULE "C"**  
**By-law 09-29**

**Standards for Plans for Site Alteration Permit**

Two (2) certified copies of a Site Alteration Plan are required. All plans are to be metric and printed from original drawings with all information legible and clear. All plans are to be folded to 8 1/2" 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 or within 30 metres beyond the site boundary;
9. the Conservation Authority Fill Regulation lines;
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 and on adjacent lands within 10 metres of the site.
12. tree reports prepared by qualified tree consultants as may be required by the County of Wellington Tree by-law.
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 at sufficient intervals to clearly show the existing drainage patterns on the land and on 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, in 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 Director.

**SCHEDULE "D"**  
**By-law 09-29**  
**Application Fee and Security**

**1. Permit Fee Schedule**

Type of Property of Site Alteration	Permit	Renewal Fee
Residential lots and Rural Residential lots under 1 ha; includes 2 inspections add'l inspection to be charged from general security noted below at \$75.00 per inspection	\$200 + 0.10 per m <sup>3</sup> fill/topsoil placed/removed	\$200
Any other Zone than noted above	\$500 + 0.10 per m <sup>3</sup> fill/topsoil placed/removed	\$500
Review of Drainage plan, by Town's consulting engineers, as required by the Director	\$500 minimum	

Securities Requirements	Refundable Security
Residential, Zones and Rural Residential lots under 1 ha; includes 2 inspections; add'l inspection to be charged from general security at \$75.00 per inspection	\$ 3000 minimum
Agricultural, Commercial, Institutional, Industrial or Future Development fill area up to 4ha in area Includes 3 inspections, add'l inspection to be charged from general security at \$75.00 per inspection	\$ 3000 minimum *Director has discretion to increase securities for items such as, but not limited to, cost of rehabilitation, drainage, which may include 7.5cm placement of topsoil, grading, seeding, tree protection or replacement.
Agricultural, Commercial, Institutional, Industrial or Future Development fill areas greater than 4ha in area Includes 5 inspections, add'l inspection to be charged from general security at \$75.00 per inspection	\$10,000 minimum *Director has discretion to increase securities for items such as, but not limited to, cost of rehabilitation, drainage, which may include 7.5cm placement of topsoil, grading, seeding, tree protection or replacement

SCHEDULE "D" cont'd  
By-law 09-29  
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 Town.
- 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 Town prior to its expiry or cancellation.
- c) In the event that the Town 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 Town may draw on the current letter of credit at the discretion of the Director.
- d) Any interest accruing on realized cash security shall belong to the Town and not to 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 Town 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 Director, 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 Director 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 Town 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 has been fully complied with to the satisfaction of the Director, the Director shall release the applicant's general security.
5. Security held for the protection of trees shall be held until the Director 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 09-29**  
**Site Alteration Permit Application Form**

**Requirements for Submission;**

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

Where a fill area is regulated by the Conservation Authorities the following must be submitted to the Town of Erin;

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

Requirements to be completed to the Director's 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 Director
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 applicable Conservation Authority as to whether the site is within an area regulated under Ontario Regulation 160/90

SCHEDULE "E" cont'd  
By-law 09-29  
Site Alteration Permit Application Form

Work Schedule start date: \_\_\_\_\_

Anticipated Completion date: \_\_\_\_\_

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

Fill \_\_\_\_\_ m3

Topsoil \_\_\_\_\_ m3

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 Town of Erin By-law 09-29 and agree to comply in all aspects with the requirements of By-law 09-29.

The undersigned hereby grants employees of the Town of Erin permission to enter the subject land to inspect the proposed work to which the permit applies.

Pursuant to the By-law 09-29 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 Town of Erin, 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: