

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW NO. 11-12

BEING A BYLAW TO PERMANENTLY REGULATE THE PLACEMENT OF FILL WITHIN THE MAGNETAWAN RIVER FLOODPLAIN AND THE MAGNETAWAN RIVER PROVINCIALY SIGNIFICANT WETLAND.

WHEREAS the Municipality has authority to prohibit and regulate the placing of fill and alteration of the grade of land under Section 142 of the Municipal Act, 2000, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Ryerson enacts as follows:

1. CITATION AND SCHEDULES: This By-Law shall be cited as the “Ryerson Magnetawan River Valley Filling and Site Alteration Control By-Law”. Schedules A and A1, form part of this by-law.
2. DEFINITIONS: In this by-law, the following words and phrases have the meanings defined in this section:
 - (a) “Alter the Grade of Land” means to change the elevation of any place above sea level or to change the contour or angle at which land slopes by the use of any machine or mechanical means. Alter the Grade of Land does not include
 - (i) the erection of a structure for which a permit has been issued under the Ontario Building Code Act;
 - (ii) plowing, planting, cultivation, and harvesting incidental to normal agricultural practices; or
 - (iii) minor changes effected by the use of hand tools such as a pick or shovel.
 - (b) “Area Subject to this By-law” means those areas designated as “Magnetawan River--- Provincially Significant Wetland” and “ Magnetawan River Floodplain” on either or both of Schedules A and A1 to this by-law.
 - (c) “Fill” means to place any natural or man-made material on land for the purpose or having the effect of raising the level of such land to a higher level above sea level than that land was on the date this by-law was passed and includes moving such material to another location on the same property
 - (d) “Permit to Fill/Alter” means a paper writing signed or issued by the Clerk/ Chief Building Official or other person authorized by the Municipality expressly permitting a person to Fill or Alter the Grade of Land on specified portions of a property and includes:
 - (i) An executed Site Plan Agreement that specifies grade levels and which has been registered on title to the lands.
 - (ii) A Building Permit, issued by the Chief Building Official or his deputy, that specifies grade levels within a building envelope or specific distance from any structure which must be filled.“Permit to Fill/Alter” does NOT include a Use Permit for the installation of a septic system. A separate Permit to Fill/Alter issued by the municipality is required.
 - (e) “PSW” means Provincially Significant Wetland as defined in Schedules A and A1.
3. PROHIBITIONS:
 - (a) No person shall Fill land or Alter the Grade of Land within the Area Subject to this By-law unless such act is expressly permitted by a written Permit to Fill/Alter under this by-law.
 - (b) No person, being an owner, agent of an owner, tenant or occupier of land shall authorize or permit another person to Fill or Alter the Grade of Land within the

Area Subject to this By-law unless such act is expressly permitted by a written Permit to Fill/Alter under this by-law.

4. **POLICY CRITERIA:** The Township and its Officials shall use the following criteria in deciding whether or not to issue a Permit to Fill/Alter under this by-law:
 - (a) An Application or proposal must conform to the provisions of the Township's Official Plan and any Zoning By-law, Site Plan Agreement or Development Agreement for the land in question.
 - (b) A Permit to Fill/Alter may only be issued for the purposes of
 - (i) flood proofing the principle building(s) on a property;
 - (ii) ensuring safe access to such principle building(s); or
 - (iii) to permit the construction or repair of a septic system.
 - (c) The minimum amount of Fill necessary to achieve (b) shall be authorized, and preference shall be given to other modes of flood proofing engineered structures so as to minimize displacement of water or potential flooding of other properties.
 - (d) Every Permit to Fill/Alter shall include or be deemed to include the following provisions:
 - (i) No area designated as PSW on Schedule A or A1 or either of them may be Filled or the Grade Level Altered unless and until the Ontario Ministry of Natural Resources advises the Township in writing that it has excluded that area from the PSW.
 - (ii) Before work is commenced, the permit holder shall file with the Municipality an Erosion Control Plan acceptable to the Township providing temporary or permanent measures to ensure that fill or native soils are not allowed to wash or erode into the PSW from areas where filling or site alteration has been authorized.
 - (e) A Permit to Fill/Alter land may include such other conditions and requirements as the issuing official or Council deem necessary to satisfy other criteria in this section.
5. **REFERRAL TO COUNCIL:** Where an Official of the Township is concerned that some or all of the criteria are not met by a specific application for a Permit to Fill/Alter land, then the application may be referred to Council for final decision. Where an applicant is not satisfied with the conditions or requirements of a proposed Permit, the applicant may ask that they be reviewed by Council.
6. **EXEMPTIONS:** This By-law does not prohibit or regulate placing of Fill or alteration of the grade of land,
 - (a) Undertaken by the Township of Ryerson, a local board of the municipality, the Province of Ontario or the Government of Canada, carried out by their respective employees or contractors.
 - (b) Authorized prior to the passage of this by-law as a condition to the approval of a site plan, a plan of subdivision a consent under section 41, 51, 53 or 70.2 respectively, of the Planning Act or as a requirement of a Site Plan Agreement, Subdivision Agreement or Development Permit entered into under those sections:
 - (c) Undertaken by a transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, 1988, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
 - (d) Undertaken on land described in a licence for a pit or quarry or a permit for wayside pit or wayside quarry issued under the Aggregate Resources Act;
 - (e) 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
 - (f) Undertaken as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act. 2001, c. 25, s. 142(5); 2002, c. 17, Sched. A, s. 30 (2,3).

7. OFFENSES:

- (a) Every person who Fills land or Alters the Grade of Land within the Area Subject to this By-law without a Permit issued under this By-law is guilty of an offence.
- (b) Every person being an owner, agent of an owner, tenant or occupier of land who authorizes or permits another person to Fill or Alter the Grade of Land within the Area Subject to this By-law without a Permit issued under this by-law is guilty of an offence.
- (c) Every person, who fails to comply with any condition or requirement included in or deemed to be included in a Permit to Fill/Alter Land issued under this by-law is guilty of an offence.

8. PUNISHMENT: Upon conviction of any Offense created by this By-law under the Provincial Offenses Act or any successor thereto, every person including a corporation shall be liable to pay a fine of no less than \$500 and not more than \$100,000. Every occurrence of an action prohibited by Section 7 of this By-law shall be a separate offense.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS 3 DAY
OF APRIL ,2012

(SEAL)

Original signed by Glenn Miller

REEVE

Original signed by Judy Kosowan

CLERK