



TOWNSHIP OF MELANCTHON

COMMITTEE OF THE WHOLE

AGENDA

THURSDAY, NOVEMBER 5, 2015 - 3:30 P.M.

- 1. Call to Order**
- 2. Approval of Draft Minutes - October 29, 2015**
- 3. Business Arising from the Minutes**
- 4. General Business**
 1. *Review of By-laws:*
 1. Site Alteration - 29-2004 & 40-2012
 2. On Farm Uses - 44-2012
 3. Property Standards - 46-2001
- 5. Adjournment and Date of Next Meeting**

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

SITE ALTERATION BY-LAW

BY-LAW NUMBER 29-2004

A By-law to Prohibit or Regulate the placing or dumping of fill and the alteration of the grade of land in areas of the Township of Melancthon.

Site Alteration Definition

142. (1) *In this Section, "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. 2001, c. 25, s. 142 (1).*

Powers of local municipality

142. (2) *A local municipality may,*

- (a) prohibit or regulate the placing or dumping of fill;*
- (b) prohibit or regulate the removal of topsoil;*
- (c) prohibit or regulate the alteration of the grade of the land;*
- (d) require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land;*
- (e) impose conditions of a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site;*
- (f) require that fill dumped or placed contrary to a by-law passed or a permit issued under this section be removed by the person who dumped or placed it or who caused or permitted it to be dumped or placed;*
- (g) require the rehabilitation of land from which topsoil has been removed contrary to a by-law passed or a permit issued under this section; and*
- (h) require that the grade of the land altered contrary to a by-law passed or a permit issued under this section be restored to its original condition by the person who altered it or who caused or permitted it to be altered.*
2001, c. 25, s. 142 (2).

WHEREAS Section 142 of the Municipal Act, 2001 provides that the Council of a local municipality may pass by-laws:

NOW THEREFORE, the Council of the Corporation of the Township of Melancthon hereby enacts as follows:

Definitions

1. In this By-law:
 - (a) "By-Law Enforcement Officer" shall mean the Chief Building Official of the County or the person designated to perform the duties of the Chief Building Official and/or the Appropriate Conservation Authority;
 - (b) "Corporation" means The Corporation of the Township of Melancthon;
 - (c) "Drainage" means the movement of water to a Place of Disposal, whether by way of the natural characteristics of the ground surface or by an artificial method;
 - (d) "Dump" or "Dumped" means the depositing of Fill in a location other than where the Fill was obtained and includes the movement or depositing of Fill from one location on a property to another location on the same property;

- (e) "Existing Grade" means the elevation of the existing ground surface of the lands upon which Dumping or Placing of Fill, or both, is proposed and of abutting ground surface up to three (3) metres wide surrounding such lands, except that where Placing or Dumping of Fill has occurred in contravention of this By-law, existing grade shall mean the ground surface of the lands as it existed prior to the Placing or Dumping of Fill;
- (f) "Fill" means any type of material deposited or placed on lands and includes soil, stone, concrete, sod or turf either singly or in combination;
- (g) "Finished Grade" means the approved elevation of the ground surface of lands upon which Fill has been Placed in accordance with this By-law;
- (h) "Inspector" means the By-law Enforcement Officer and the persons named in Schedule "A";
- (i) "Owner" includes the registered owner of the lands on which Fill is proposed to be Placed or Dumped or which lands are to be regraded and any person, firm or corporation controlling such lands;
- (j) "Place of Disposal" means a municipal-owned storm drainage sewer, roadside ditch, a natural watercourse, or an outlet for storm drainage approved by the Corporation;
- (k) "Placing" or "Place" or "Placed" means the distribution of Fill on lands to establish a Finished Grade different from the Existing Grade;
- (l) "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;
- (m) "Retaining Wall" means a wall designed to contain and support Fill which has a Finished Grade higher than that of adjacent lands;
- (n) "Soil" means material commonly known as earth, topsoil, loam, subsoil, clay, sand or gravel;
- (o) "Swale" means a shallow depression in the ground sloping to a Place of Disposal of surface water for the purpose of providing a method of Drainage;
- (p) "Township" means The Corporation of the Township of Melancthon.

Application of By-law

- 2. This By-law applies to the entire Township of Melancthon other than those areas which are subject to regulations made under Section 28 of the *Conservation Authorities Act*, R.S.O. 1990 c. C.27.

Exemptions

- 3. This By-law is not applicable to the following:
 - (a) activities exempted by the provisions of the Municipal Act, 2001, s. 14, as amended;
 - (b) the construction, extension, alteration, maintenance or operation of works under Section 28 of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990 c. P.50, as amended;
 - (c) the activities of the Corporation, a Ministry of the Provincial Government, the Corporation of the County of Dufferin and the Appropriate Conservation Authority related to the establishment or maintenance of utilities and services, roads, bridges, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
 - (d) to actions by any local boards as defined in the *Municipal Affairs Act* having jurisdiction within the Township;

- (e) to any action by any Crown agency as defined in the *Crown Agency Act*;
- (f) any work constituting the tillage of land pursuant to normal agricultural practices;
- (g) any work conducted pursuant to, and in accordance with the provisions of, a regulation made under clause 28(1)(i) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the Township;
- (h) any activities or matters prescribed by regulations issued pursuant to the *Municipal Act*;
- (i) any work where soil is Placed or Dumped on lands for the purpose of lawn dressing, landscaping or adding to flower beds or vegetable gardens and there is no significant change in the direction of rate of run-off to neighbouring property;
- (j) site alterations where the size of the land holding on which such fill will be placed or dumped or on which the alteration of the grade of land will take place, is less than 2,800 square metres and such land is not part, or located within 120 metres of a hazard or environmental protection zone as set out in the zoning by-law affecting the lands;
- (k) any works or projects that are covered by permits authorizing work (i.e. - septic beds, home and building construction, lane and entrance construction and maintenance, new ponds, and/or pond rehabilitation.

4. **Note: At the time of the passage of this by-law, the following are the exemptions provided for in the *Municipal Act, 2001*.**

142.(5) A by-law passed under this section does 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*, c. 25, s. 142 (5); 2002, c. 17, Sched. A, s. 30 (2, 3).

Exception

(6) A by-law respecting the removal of topsoil 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. 2001, c. 25, s. 142 (6).

Exclusion

(7) The exception in subsection (6) respecting the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition. 2001, c. 25, s. 142 (7).

Requirement for Permit

5. No person shall
- (a) Place or Dump, or cause to be Placed or Dumped, Fill on land; or,
 - (b) alter the grade of land within the Township of Melancthon,
- unless otherwise exempted from the provisions of this by-law, without obtaining a permit issued pursuant to Section 6.

Permit Application

6. Every application for a permit pursuant to this By-law shall be made in writing in the form attached hereto as Schedule "B" to the Corporation by the owner of the affected land or such owner's agent, appointed in writing by the owner, and shall include:
- (a) the name, address, phone number (and facsimile number where available) of the owner and authorized agent where applicable;
 - (b) the location and total size of the land holding affected;
 - (c) the quantity and quality of fill to be Placed or Dumped on the land, and source of same and the quantity of fill to be removed or displaced in the alteration of the grade of land;
 - (d) a detailed plan complying with the requirement set out in Schedule "C", satisfactory to the Corporation, of all work to be done including excavation, filling and grading;
 - (e) information regarding all vegetation material including trees with a calliper greater than 70 mm which will be removed or otherwise affected;
 - (f) a map detailing all lakes, streams, wetlands, ponds, channels, ditches, swales, drainage systems or other than water courses on or adjacent to the land;
 - (g) a program for erosion control, sedimentation control and rehabilitation of the land suitable to its final use and suitable to the Inspector; and,
 - (h) the permit fee as detailed in Schedule "D".

Addition of Material

7. Soil from any source in the repair of said land, notwithstanding a permit that has been issued by the Corporation of the Township of Melancthon and any subsequent work pursuant to the Environmental Protection Act is the responsibility of the landowner.

Issuance of Permits

8. The Corporation, after consultation with the appropriate Conservation Authority may issue
- (a) a PERMIT FOR THE ALTERATION OF GRADE of any land, or
 - (b) a PERMIT FOR THE DUMPING OR PLACING OF FILL on land
- within the geographic limits of the Township in the form attached hereto as Schedule "E", when the applicable requirements of the Township and the requirements of this By-law have been satisfied.

Revocation of Permits

9. A permit may be revoked by the Corporation under the following circumstances:
- If it was issued on mistaken, false or incorrect information;
 - If it was issued in error;
 - If the owner or permit holder requests in writing, that it be revoked;
 - If the terms of an agreement under this by-law have not been complied with;
 - If work authorized under the permit has not been commenced prior to its expiry date;
or
 - If an owner fails to comply with s.5 of this by-law.

Time Limit for Permits

10. A permit issued pursuant to Section 6 shall be valid for a period of ninety (90) days or one hundred and eight (180) days from the date of issuance as determined by the Corporation. A permit which is no longer valid or which has expired pursuant to this section may be renewed upon written application to the Corporation accompanied by a payment of one half of the original permit fee, provided that the previously permitted work has not been revised.

Conditions for Permits

11. The Corporation before issuing a permit in consultation with the appropriate Conservation Authority shall consider:
- (a) whether the lands which are the subject of the application for a permit are within an area where the Placing or Dumping of Fill is prohibited under the By-law or other applicable law;
 - (b) whether the applicant has fulfilled all requirements of Section 5 and Schedule "D" to this By-law;
 - (c) whether the Placing or Dumping of Fill will result in:
 - (i) soil erosion;
 - (ii) blockage of a watercourse;
 - (iii) siltation in a watercourse;
 - (iv) pollution of a watercourse;
 - (v) flooding or Ponding on abutting lands;
 - (vi) flooding or Ponding caused by a watercourse overflowing its banks;
 - (vii) a detrimental effect on any trees of a calliper of seventy-five (75) millimetres or more located on the lands; or
 - (viii) a detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and overwintering habits, and
 - (ix) any contravention of regulations, standards or guidelines established pursuant to the *Environmental Protection Act*.
- and where applicable:
- (d) whether the proposed final elevation, the resulting drainage patterns, the design of any Retaining Wall, the type of Fill to be used and the method of Placing or Dumping of Fill are all in accordance with proper engineering and environmental practices;
 - (e) whether an agreement is required to be signed and if applicable registered against title to the land; and,
 - (f) whether any security required to be deposited with, or paid to, the municipality to ensure that conditions are satisfied has been deposited or paid and that any agreement required to implement conditions imposed by the Inspector has been signed.

Agreements with Corporation

12. Wherever the By-law Enforcement Officer requires as a condition of a permit that there be

a written agreement concerning the work contemplated by the permit, such agreement shall be executed by the Owner, the Owner's authorized agents where applicable, and the Corporation, such agreement shall be executed on behalf of the Corporation by the By-law Enforcement Officer and may require that a security deposit be lodged with the Corporation equal to the cost estimate for the work authorized by the permit as approved by the By-law Enforcement Officer to guarantee that the work is completed in accordance with the permit and any related plans and documents and that the Owner shall pay the Corporation's cost of reviewing and approving the plans and work referred to in the permit.

Compliance with Plans and Conditions

13. Where a permit has been issued under this By-law, no person shall Place or Dump Fill or alter the grade of land except in accordance with the plans, documents and any other information on the basis of which the permit was issued and in compliance with any conditions imposed by the Inspector or specified in an agreement.

Minimum Standards

14. Every person who Places or Dumps Fill, or causes Fill to be Placed or Dumped, or alters the grade of land shall:
- (a) if the grading at property line involves a slope greater than 3:1 and if required by the By-law Enforcement Officer, construct a Retaining Wall to the satisfaction of the Inspector which does not encroach upon abutting lands, either above or below Existing Grade, and which is not so high as to have a significant negative impact on abutting lands; an Inspector may require that a Retaining Wall be constructed where:
 - (i) erosion of Fill on to abutting lands may occur; or
 - (ii) the Finished Grade of the lands at the property line is higher than that of the Existing Grade of the abutting lands;
 - (b) ensure that the Finished Grade surface is protected by sod, turf, seeding of grass, greenery, asphalt, concrete or such other material as the Inspector may approve, either singly or in combination;
 - (c) ensure that Fill is not placed around the perimeter of any existing building to an elevation higher than the elevation specified by the Ontario Building Code below the top of foundation of such building, unless such building and its foundation walls are raised in a manner satisfactory to the By-law Enforcement Officer;
 - (d) ensure that no trench in which piping is laid forming part of the piped Drainage system is covered and backfilled until the work has been inspected and approved by an Inspector.
 - (e) provide such protection for trees with a calliper greater than seventy-five (75) millimetres as may be required by an Inspector;
 - (f) ensure that all Fill used is clean and free of rubbish, glass, garbage, termites, organic materials, liquid and toxic chemicals and other contaminants; and
 - (g) ensure that Fill is Placed or Dumped in such a manner and any Retaining Wall supporting such Fill is erected in such a manner that no Ponding is caused on the subject lands or abutting lands and that adequate provision is made to proper surface stormwater Drainage.

Remedies for Contravention

15. Where a person has placed or Dumped Fill either in contravention of any permit given pursuant to this By-law, or, after the date that the By-law comes into effect, without a permit where a permit is required under this By-law, or contrary to any other provision of this By-law, an Inspector may make an order directing the person to do any or all of the following:

- (a) comply with the provision of this By-law;
- (b) comply with the conditions of the Permit;
- (c) cease the Placing or Dumping of Fill;
- (d) remove the Fill that has been Placed or Dumped within forty-eight (48) hours after service of the order, or such other length of time as may be specified in the order.

Consent of Owner

16. No person shall Place or Dump, or cause to be Placed or Dumped, Fill on any land or alter the grade of land unless it is done at the request of, or with the consent of, the Owner of the land affected.

Consent for Storage

17. No person shall Place or Dump, or cause to be Placed or Dumped, Fill on any land for storage purposes unless the outside storage of such Fill on the land is permitted by a written agreement between the land owner and the Corporation; such agreement shall be made by the Corporation.

Inspection

18. The Owner of the land where Fill is to be Placed or Dumped or where the grade of land is altered, or such person's authorized agent shall request an Inspector to make inspection at the commencement and conclusion of the work, and shall request such further inspection as may be required, and shall provide written evidence from all affected owners that each such owner is satisfied with the work.

Enforcement

19. The administration and enforcement of the By-law shall be performed by an Inspector, by persons authorized by an Inspector, and by such By-law Enforcement Officer of the Corporation as may be appointed by By-law of the Council of the Corporation.
20. Where a person who has been ordered to remove Fill in accordance with Section 11 fails to do so within forty-eight (48) hours, the Corporation may remove the Fill.
- 20.a. The cost of enforcement, including the professional and administrative expenses of the Corporation shall be at the expense of the Owner and the Corporation may recover the expenses incurred in so doing by action or the same may be recovered in like manner as municipal taxes.

Offence and Penalty

21. Where a person contravenes the provisions of this By-law such person is liable to a fine as established pursuant to the *Provincial Offences Act*.

Appeal to Ontario Municipal Board

22. Where,
- (a) The Corporation refuses or neglects to issue a permit under Section 4 of this By-law within forty-five (45) days after the application is received by same and after the permit fee and the supporting plans and documents referred to in Schedule "A" are received by the Inspector; or
 - (b) an Owner of the lands on which Fill is proposed to be Dumped or Placed objects to a condition in the permit,

the Owner may appeal to the Ontario Municipal Board in accordance with the applicable provisions of the *Municipal Act, 2001*.

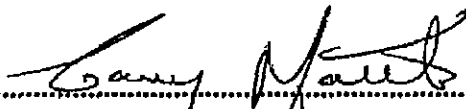
Assistance for Inspector

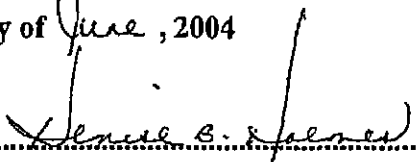
23. An Inspector shall have the right to retain the services of the Township's consulting engineer for the purposes of determining whether the requirement of Schedule "C" have been complied with, and to assist with the administration of the By-law.

General

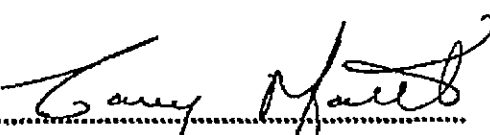
24. This By-law shall come into force and take effect upon its final passing.

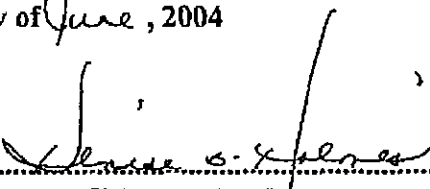
READ A FIRST AND SECOND TIME this 3rd day of June, 2004


.....
Garry Matthews - Reeve


.....
Denise Holmes - Clerk-Treasurer

READ A THIRD TIME AND PASSED this 3rd day of June, 2004


.....
Garry Matthews - Reeve


.....
Denise Holmes - Clerk-Treasurer

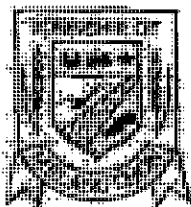
SCHEDULE "A"

To the By-law of the Corporation of Township of Melancthon prohibiting and regulating the placing or dumping of fill and the alteration of the grade on land.

Enforcement Officers

Enforcement Officers shall be the following:

- **DUFFERIN COUNTY - BY-LAW ENFORCEMENT OFFICER**
- **EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF THE NOTTAWASAGA VALLEY CONSERVATION AUTHORITY**
- **EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF THE GRAND RIVER CONSERVATION AUTHORITY**
- **EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON**



SCHEDULE "B"

To the By-law of the Corporation of the Township of Melancthon prohibiting and regulating the placing or dumping of fill and the alteration of the grade of land.

**APPLICATION FOR PERMISSION FOR FILLING OR GRADING
Pursuant to By-law No. 15-2004 of the
TOWNSHIP OF MELANCTHON**

The Township of Melancthon and the appropriate Conservation Authority will consider your application based on the information you provide below. Any false or misleading statement made on this application will render null and void any permission granted. Complete all relevant sections, date, sign and return application along with the appropriate fee (non-refundable).

Please Clearly Print All Information

Contact Information		
Property Owner's Name(s) _____		
Mailing Address _____	P/C _____	
Telephone # Home _____	Work _____	Fax _____
Applicant/Agent's Name _____		
Mailing Address _____	P/C _____	
Telephone # Home _____	Work _____	Fax _____
Property Owner Authorization (if applicant/agent is not owner) _____		
Location of Proposed Works		
Lot _____	Concession _____	Reg. Plan No. _____
Municipality _____	Watercourse Name _____	
Street Address/Emergency Address and Road _____		
Assessment Roll Number (from Tax Bill) _____		

Terms and Conditions

- Consent is given to the Township of Melancthon and the appropriate Conservation Authority, its employees and authorized representatives to access the property for the purposes of obtaining information and monitoring any approved construction.
- Permits granted by the Township of Melancthon or the appropriate Conservation Authority are not transferable.
- Approvals, permits, etc. may be required from other agencies prior to undertaking the work proposed. Authority permission, if granted for the proposed work, does not exempt the owner/agent from complying with any or all other approvals, laws, statutes, ordinances, directives, regulations, etc. that may affect the property or the use of same.
- Should the information provided on or with this application be untrue or incorrect, or become untrue or incorrect, the Township of Melancthon and appropriate Conservation Authority reserve the right to withdraw any permission granted.
- Permits contain important conditions, contractors must have a copy of the permit on-site

at all times.

- In submitting this development application and supporting documentation the applicant, hereby acknowledges and provides consent in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act that the information on this application and any supporting documentation provided by the applicant, agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

DESCRIPTION OF THE WORKS

Please check each that apply

What is the purpose of the work?

Proposed Starting Date _____ Completion Date _____

Details (Application #, Permit #)

Clearance letter required Y ___ N ___ _____

Zoning of property permits works Y ___ N ___ _____

MNR, MOE, MTO, DFO, Drainage Act Applications Y ___ N ___ _____

Drainage Agreement or Landowner Permission(s) needed Y ___ N ___ _____

Previous or current violation or court orders on property Y ___ N ___ _____

Previous Conservation Authority/Township Application Y ___ N ___ _____

Planning approval required (eg. Site Plan approval & zoning) Y ___ N ___ _____

Municipal Building Permit required Y ___ N ___ _____

Health Unit approval required Y ___ N ___ _____

Niagara Escarpment Commission App. Y ___ N ___ _____

Is all your fill remaining on site. (If answer is 'no', you must specify an address where the fill is to be removed.)
Y ___ N ___ Address _____

I/We the undersigned hereby certify to the best of my/our knowledge and belief that all of the above noted, attached and/or supporting information is correct and true. I/We further solemnly declare that I/we have read and fully understand the contents of this application, and specifically the terms and conditions, and the declaration which are written below.

Date _____

Signature _____
Applicant Owner Authorized Agent

Your application must be accompanied with the following

- A location or road map to your development
- A legal survey
- Payment of the processing fee
- A copy of any studies undertaken for the work (example: Environmental Impact Study, soil samples, well records, flood-line study, slope stability study, Fisheries Impact Assessment)
- A plan view (birds eye view of the land) showing the proposed works, your property boundaries and features of the site such as other buildings & structures, tree lines, streams, wetlands, wet areas, springs, ditches, culverts, elevation contours or existing and proposed grades (if available). Include measurements and dimensions, Show how much vegetation or tree cover is to be removed and where fill is to be placed.

**The following may also be required to support your application
(As determined by the Township of Conservation Authority) and will speed up
the time it takes to review your application.**

- A cross section (what the work will look like from the side). Your consultant or contractor can shoot the grades of the work site with a survey levelling instrument
- A topographic survey tied into a geodetic benchmark or based on a known ground elevation would be very helpful, and may be requested for some types of works.
- A written description or drawings showing the materials to be used and the proposed specifications, measurements or sizes of thing such as culverts or rock protection
- Concept, architectural or design drawings of the proposed building(s) (if available).
- A copy of any studies undertaken for the work (example: Environmental Impact Statement, Soil samples, Well records, Flood-line study, Slope stability study, Fisheries Impact Assessment).
- Photographs are very helpful (example: pictures of the watercourse's bottom and banks).
- The location and extent or perimeter of all proposed works should be staked out or flagged or marked in some way so we can easily locate it on your property when we visit.
- A written description or diagrams of how the work is to be done and how the site will be accessed by heavy equipment.
- Prepare plans or describe how sediment and erosion will be controlled during construction and for the period after construction until vegetation is established.
- Prepare plans or describe how the site is to be re-vegetated after construction, such as sod, seeding, hydro-seeding, tree & shrub plantings.
- Copies of drainage agreements (if required).

SCHEDULE "C"

To the By-law of the Corporation of the Township of Melancthon prohibiting and regulating the placing or dumping of fill and the alteration of the grade of land.

Plans for site alteration and grading or for the Placing or Dumping of Fill shall be prepared in metric measurements only to the satisfaction of the Inspector as follows:

1. Indicate: the north arrow on the plan
swales - inverts and typical cross section
all grade breaks
direction of flow arrows
title block - including lot and plan number
scale used
2. Refer all elevations to the closest municipal benchmark (metric-geodetic).
3. Show all proposed catch basins, leads, top of grade elevations and inverts.
4. Show existing contours.
5. Show regional flood lines and wetlands if applicable.
6. Show existing and proposed elevations at lot corners and all building corners.
7. Show specified building grade (i.e. highest ground elevation at outside of wall), driveway elevations, top of foundation and lowest opening in foundation.
8. Show existing and proposed road grades, lengths and elevations on all streets with symbols at grade changes indicating direction of slope.
9. Indicate all semi-detached lots with "S" on the plan.
10. Show all easements - existing and proposed.
11. Show proposed elevations along boundary of all blocks abutting single family and semi-detached lots in the subdivision.
12. Illustrate that all drainage outlets for abutting properties are maintained.
13. Show a table for a list of revisions above the title block.
14. The approval of a drainage plan is related to drainage only. It is the responsibility of the developer to ensure that the drainage plan complements the land and suits the houses to be constructed.
15. Show temporary erosion control measures to be in place during the construction period, e.g. silt fence, sedimentation traps, etc., and permanent erosion control works to be left in place after construction and lot grading is completed, e.g. siltation ponds, etc.

In the event that Retaining Wall(s) are to be constructed:

16. A scaled drawing of such Retaining Wall(s) and a description, including dimensions, of any materials to be used in the construction of such Retaining Wall(s).

SCHEDULE "D"

to the By-law of the Corporation of the Township of Melancthon prohibiting and regulating the placing or dumping of fill and the alteration of the grade of land.

The permit fees payable at the time of an application for permit pursuant to this by-law are as follows:

- | | | | |
|----|----------------------------|--|----------|
| 1. | For a <u>90-day permit</u> | - for single residential lots of record: | \$100.00 |
| | | - for all other properties | \$500.00 |

PLUS

the actual costs for the preparation and registration of any agreement that may be required.

2. For a 180-day permit, the permit fee shall be the same as for a 90-day permit PLUS \$100.00.

SCHEDULE "E"

to the By-law of the Corporation of the Township of Melancthon prohibiting and regulating the placing or dumping of fill and the alteration of the grade of land.

Permits to be issued pursuant to this By-law shall be in the following form:

Permit No.: _____



The Corporation of
THE TOWNSHIP OF MELANCTHON
R.R. # 6, Shelburne, Ontario, L0N 1S9

SITE ALTERATION PERMIT

Permission is hereby granted to:	Purpose of Work
_____	_____ Alter the Grade _____ Placing of Fill
Owner/Applicant's Name	_____
Contractor's Name	Location
_____	_____
Corporation Official Date	Lot Concession Former Municipality
_____	_____

THIS PERMIT is granted for a period of _____ Ninety (90) Days _____ One Hundred and Eighty (180) Days in accordance with the plans and specifications, filed and approved, and subject to the conditions listed on the reverse of this permit and/or the provisions of any Agreement required as a condition, and the Township of Melancthon's Site Alteration By-law No. 15-2004.

THIS PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE ON THE LANDS AND BE VISIBLE FROM THE STREET OR ROAD. IF LOST OR DEFACED, ANOTHER MUST BE OBTAINED.

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 40-2012

A BY-LAW TO AMEND SITE ALTERATION BY-LAW 29-2004

Being a By-law to amend By-law No. 29-2004 which was passed in open Council on June 3, 2004.

WHEREAS the Council of the Corporation of the Township of Melancthon deems it expedient to amend By-law No. 29-2004.

NOW THEREFORE be it resolved that the Council of the Corporation of the Township of Melancthon enacts as follows:


1. That Section 11. be renumbered as Section 11.2 and that a new Section 11.1 be inserted into the By-law as follows"

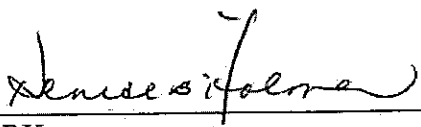
"Pursuant to Section 1(f), acceptable fill shall only be suitable materials generated within the County of Dufferin and such fill will be traceable as to source and will be subject to approval by the Township of Melancthon prior to the commencement of the placing of fill on the Applicant's property. Such fill may also be subject to the approval by a Conservation Authority if the subject property is wholly or in part within a regulated area. Applicants may be required to provide a soil analysis done by an accredited laboratory for use under this By-law.

This amendment shall take effect and come into force on the passing thereof.

By-law read a first and second time this 6th day of December, 2012.

By-law read a third time and passed this 6th day of December, 2012.


MAYOR


CLERK

BY-LAW NO. 44-2012

OF THE CORPORATION OF
THE TOWNSHIP OF MELANCTHON

WHEREAS By-law No. 12-79 as amended is the main governing Zoning By-law of the Corporation;

AND WHEREAS the Council of the Corporation of the Township of Melancthon has determined that By-law No. 12-79 should be amended to include provisions concerning on-farm business uses;

AND WHEREAS authority is granted under Section 34 of the Planning Act, to enact such amendments;

NOW THEREFORE be it enacted as a By-law of the Corporation of the Township of Melancthon the following:

1. Section 4, General Agricultural (A1) Zone, of By-law 12-79, as amended, is hereby further amended by adding the following after item h) in subsection 4.2.

“i) an on-farm business use, subject to the provisions of subsection 4.6.”

2. Section 4, General Agricultural (A1) Zone, of By-law 12-79, as amended, is hereby further amended by adding the following subsection after subsection 4.5 and renumbering subsection 4.6 as 4.7.

“4.6 ON-FARM BUSINESS USES PROVISIONS”

The following provisions shall apply with regard to an on-farm business use as permitted in the General Agricultural (A1) zone under the provisions of section 4.2.

- a) In this section, the words “secondary uses to agriculture” mean uses accessory to agriculture that support, promote, or sustain agricultural operations and production.
- b) The following uses may be permitted as on-farm business uses that are secondary uses to agriculture.
 - i. Dry manufacturing, trades and repair services other than an automobile repair shop or public garage
 - ii. Welding and machine shops.
 - iii. Wood working shops
 - iv. Band saw mills with covered storage of saw logs
 - v. Greenhouses and market gardens
 - vi. Garden centres
 - vii. Tree nurseries

- viii. Compatible commercial or retail uses including but not limited to storage and refrigeration of regional agricultural products, and production, sales and marketing of value added agricultural products derived from regional sources
 - ix. Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production
 - x. Support services that facilitate the production, marketing and distribution of agricultural products
 - xi. On-farm and off-farm sales and marketing of predominantly regional agricultural products and experiences
 - xii. Locally made arts and crafts
 - xiii. Ancillary retail sales and service activities
- c) Ancillary retail commercial sales and service activities, including accessory retail sale of products produced by the on-farm business use, shall be limited to a maximum of 10 percent of the gross floor area of the building.
 - d) Any permitted use shall require a Change of Use Certificate from the Township.
 - e) Only one permitted use is allowed on any qualifying lot.
 - f) The lot shall be eligible for the Farm Property Class tax rate and must be used for a farming business that has a current and valid Farm Business Registration number.
 - g) The minimum lot area shall be 20.23 hectares.
 - h) The minimum lot frontage shall be 150 metres.
 - i) The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4 hectares.
 - j) The use shall be located in a separate building or buildings that are not associated with any other use on the lot.
 - k) All buildings and structures shall be set back a minimum of 22.8 metres from any lot line, 121.9 metres from the closest lot line of a vacant lot having a maximum size of 4.1 hectares, and 121.9 metres from a dwelling on a separate lot.
 - l) The minimum separation distance between on-farm business uses shall be 500 metres.
 - m) The maximum combined total floor area of all buildings shall be 418.06 square metres.
 - n) All buildings shall have a peaked roof and the maximum building height shall be 9.2 metres measured vertically from the abutting finished ground level to the peak of the roof.

- o) All business operations, storage and loading spaces shall be located within fully enclosed buildings.
- p) There shall be a landscaped buffer strip provided between the use and the nearest open public road. The landscaped buffer strip shall consist of either a minimum 2 metre wide continuous strip of land containing or planted with at least one row of coniferous trees having a minimum height of 2 metres and spaced at a maximum of 3 metre centres or containing a continuous 2 metre high tight board fence. Where necessary, driveways and walkways may cross this landscaped buffer strip. Where existing vegetation provides the equivalent of this buffer, no further planting or fencing is required.
- q) The use shall comply with the applicable noise emission standards of the Ministry of the Environment and, where necessary, acoustic fencing, berms or other mitigation measures shall be provided to ensure that off-site sound levels generated by the use meet those standards.
- r) The use shall be operated by the owner of the lot and a maximum of four employees.
- s) The use shall be not be offensive, obnoxious or dangerous to the neighbours or the area by reason of: the emission of light, heat, fumes, noise, vibration, gas, dust, smoke, fire, odour, air or water borne waste or pollution; interference with radio or television; or the significant increase in vehicle traffic due to frequency of deliveries by commercial carriers or patron parking.
- t) There shall be no advertising other than a non-illuminating sign having a maximum size of 1 square metre.
- u) Any permitted on-farm business use shall operate only during any part of the following time periods: between 7:00 a.m. and 7:00 p.m. on Mondays to Fridays and between 8:00 a.m. and 5:00 p.m. on Saturdays.”

3. This by-law shall take effect and shall come into force pursuant to the provisions of and regulations made under the Planning Act.

READ A FIRST AND SECOND TIME THIS 6th DAY OF December, 2012,
Bill Hill Denise Folmer
 MAYOR CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF January, 2013
Bill Hill Denise Folmer
 MAYOR CLERK

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 46-2001

Being a by-law prescribing standards for the maintenance and occupancy of property within the Township of Melancthon, prohibiting the occupancy and use of any property that does not conform to the prescribed standards, and requiring property that does not conform to the standards to be repaired and maintained to conform or the property to be cleared of all buildings, structures, debris or refuse and the land to be left graded and level.

WHEREAS under Section 15.1(3) of the Building Code Act, S. O 1992, c. 23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Township of Melancthon includes provisions relating to property conditions;

AND WHEREAS the Council of the Township of Melancthon deems it appropriate and expedient to pass a by-law under the said statute;

AND WHEREAS Council and municipal staff will act on only signed written complaints submitted to the municipal office or to the office of the Property Standards Officer, if different from the municipal office;

AND WHEREAS Section 15.6(1) of the Building Code Act, S. O. 1992, c. 23, requires that such a by-law shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon hereby enacts as follows:

1.0 TITLE AND SCOPE

1.1 This By-law may be referred to as "The Property Standards By-law".

1.2 For the purposes of this by-law property shall mean a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto, mobile buildings or structures, accessory buildings, outbuildings and vacant lots.

1.3 The provisions of this by-law and the standards for the maintenance and occupancy of property established herein shall apply to all property within the Township of Melancthon.

1.4 No person shall use or occupy, or permit the use or occupancy of any property that does not conform to the standards established in this by-law.

1.5 The owner of any property which does not conform to the standards established in this by-law shall repair and maintain such property to conform to these standards, or shall clear the site of all buildings, structures, debris or refuse and leave it in a graded and leveled condition.

2.0 YARDS

2.1 Every yard and every vacant lot shall be kept clean and free from:

- a. Rubbish, garbage or debris and objects or conditions that might create a health, fire or accident hazard;
- b. Wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise, farm or land use permitted and lawfully situated on the property;
- c. Stored materials such as tires, lumber or pesticides unless it is necessary for the operation of a business enterprise, farm or land use permitted and lawfully situated on the property;
- d. Dilapidated or collapsed structures or partially constructed structures which are not currently under construction; and,
- e. Injurious insects, termites, rodents, vermin or other pests.

3.0 YARD DRAINAGE AND SURFACE CONDITIONS

3.1 Surface conditions of yards shall be maintained so as:

- a. To prevent ponding of storm water other than in an approved stormwater detention or retention pond;
- b. To prevent instability or erosion of soil;
- c. To prevent surface water run-off from entering buildings;
- d. To prevent roof drainage from being directed to stairs, walkways or other properties;
- e. To prevent sewage of any kind from being discharged onto the surface of the ground including into a natural or artificial surface drainage system;
- f. To provide for safe passage under normal use and weather conditions, day or night; and,
- g. To be kept free of rodents, vermin or other pests.

4.1 GARBAGE DISPOSAL

4.1 Every building or property that involves uses or activities which generate garbage shall provide a sufficient number of suitable receptacles to contain all garbage and refuse. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition.

4.2 All garbage shall be promptly placed in said container for storage until removed from the property.

4.3 All storage areas for said garbage containers shall be screened from public view.

5.0 BUILDING STANDARDS AND MAINTENANCE

- 5.1 Every part of any building shall be maintained in a safe and structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight as may be put on it through normal use. Building materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 5.2 Exterior building walls and components shall be maintained in good repair free from cracked, broken, rotten, loose or warped masonry, stucco and other defective cladding or trim.
- 5.3 All exterior surfaces shall be composed of materials which provide adequate protection from the weather.
- 5.4 The exterior of the foundation walls of buildings shall be maintained in structurally sound condition.
- 5.5 Buildings shall be kept free of rodents, vermin and other pests at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act and the associated regulations.
- 5.6 Openings, including windows, that might permit the entry of rodents, vermin or other pests shall be appropriately screened or sealed.
- 5.7 Roofs of buildings and their components shall be maintained in a weathertight condition so as to prevent the leakage of water into the building and shall be free from loose or unsecured objects or materials.
- 5.8 Outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks and other defects which may constitute accident hazards. Stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 6.0 ADMINISTRATION AND ENFORCEMENT
- 6.1 Council shall appoint a Property Standards Officer to be responsible for the administration and enforcement of this by-law.
- 6.2 The Property Standards Officer will act on only signed written complaints submitted to the municipal office or to the office of the Property Standards Officer, if different from the municipal office.
- 6.3 The Property Standards Officer may, upon producing proper identification, enter upon any property at any reasonable time for the purpose of inspecting the property to determine:
 - (a) whether the property conforms to the standards prescribed in this by-law; or
 - (b) whether there is compliance with an order made under this by-law and the provisions of the Building Code Act, S.O. 1992, c.23, as amended.
- 6.3 If the Property Standards Officer finds that a property does not conform with any of the standards prescribed in this by-law, the Officer may make an order,
 - (a) stating the municipal address or the legal description of such property;

- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
 - (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and,
 - (d) indicating the final date for giving notice of appeal from the order.
- 6.4 Council shall establish a Property Standards Committee consisting of such persons, not fewer than three, as Council considers advisable, to hold office for a term of office concurrent with that of Council.
- 6.5 Each member of the Property Standards Committee shall receive an honorarium of \$45 for attendance at Property Standards Committee meetings.
- 6.6 An owner or occupant of property who has been served with an order made under the provisions of subsection 6.3 of this by-law or subsection 15.2(2) of the Building Code Act, S.O. 1992, c.23, as amended, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of said committee within 14 days after being served the order.
- 6.7 If an appeal is taken, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Property Standards Officer and may,
- (a) confirm, modify or rescind the order to demolish or repair;
 - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan are maintained.
- 6.8 The Township or any owner or occupant or person affected by a decision of the Property Standards Committee may appeal to a judge of the Ontario Court (General Division) by notifying the clerk of the Township in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision.
- 6.9 In accordance with the provisions of the Building Code Act, S.O. 1992, c.23, as amended, on an appeal of a Property Standards Committee decision, the judge of the Ontario Court (General Division) has the same powers and functions as the Property Standards Committee.
- 6.10 When no appeal is taken within the time prescribed or after an appeal pursuant to subsections 6.6 or 6.8 is completed, the order shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- 6.11 A Property Standards Officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in this by-law may issue a certificate of compliance to the owner.

- 6.12 If an order is not complied with the Township may cause the property and buildings to be repaired or demolished accordingly.
- 6.13 For the purposes of subsection 6.12, employees or agents of the Township may enter the property without a warrant in order to repair or demolish the property.
- 6.14 The Township or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Township in the reasonable exercise of its powers under subsection 6.12.
- 6.15 The Township shall have a lien on the subject property for the cost of the repair or demolition under subsection 6.12 and the amount shall be deemed to be municipal real property taxes and may be added by the Township clerk to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
- 6.16 If, upon inspection of a property or building, the Property Standards Officer is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any person, the Property Standards Officer may make an order containing particulars of the order and requiring remedial repairs or other work to be carried out immediately to terminate the danger. The provisions of section 15.7 of the Building Code Act, S.O. 1992, c.23, as amended, shall apply with regard to such an order.

7.0 PENALTIES

7.1 Any person or corporation who fails to comply with an order made under subsection 6.3 or otherwise contravenes this By-law shall be guilty of an offence and is liable upon conviction to a maximum fine of \$5,000 for a first offence and to a maximum fine of \$10,000 for a subsequent offence.

8.0 VALIDITY

8.1 If part of this by-law is for any reason held to be invalid, the remainder of the by-law shall remain in effect until repealed.

8.2 Where a provision of this by-law conflicts with the provisions of another by-law in force within the Township, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

READ A FIRST AND SECOND TIME THIS 6th DAY OF December, 2001.

Garry Macell
REEVE

Debbie B. Palmer
CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 6th DAY OF December, 2001.

Garry Macell
REEVE

Debbie B. Palmer
CLERK