



**Authority:** Item 9, Planning and Economic  
Development Committee  
Report; 05-010 (PD05097)  
CM: May 11, 2005

**Bill No. 115**

**CITY OF HAMILTON**

**BY-LAW NO. 05-115**

**To Amend the Site Alteration By-law No. 03-126**

**WHEREAS** Council deems it necessary to amend By-law No. 03-126 dealing with site alteration, filling and removal of topsoil, to make housekeeping and other changes;

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

1. Clause (u) of Section 2 of By-law No. 03-126 is repealed and replaced with the following:

“(u) **“watercourse”** means an identifiable depression in the ground in which a natural flow of water regularly or continuously occurs”.

2. Clause (e) of section 3.3 of By-law No. 03-126 is repealed and replaced with the following:

“(e) all **fill placed** or **dumped** includes only soil, stone, sod or other material acceptable to the **Director** and that such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, asphalt, garbage or contaminates.”

3. Section 4.3 of By-law No. 03-126 is repealed and replaced with the following:

“4.3 The **Director** shall so far as practical cause notice of the application and of the date the application will be considered to be mailed to adjacent property owners within 150 meters of the subject property where the

subject property is in either the Urban Areas or Rural Settlement Areas both of which areas are as identified in the Regional Official Plan of the former Regional-Municipality of Hamilton-Wentworth as amended from time to time, and in the case where the subject property is not found in either of those two areas, then notices shall be mailed to the adjacent property owners within 600 meters of the subject property.”

4. Clause (c) of section 9.1 of By-law No. 03-126 is repealed and replaced with the following:

“(c) That any **fill** proposed to be **placed** or **dumped** includes only soil, stone, sod or other material acceptable to the **Director** and that such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, asphalt, garbage or contaminates.”

5. Section 13 of By-law No. 03-126 is repealed and replaced with the following:

“**13.** An expired **permit** may be renewed for a period of not longer than one year, within a six month period from the expiry date, upon the original applicant making a written request to the **Director** accompanied by the payment of one-half of the original **permit** fee.”

6. Clause (b) of section 15 of By-law No. 03-126 is repealed and replaced with the following:

“(b) all **fill placed** or **dumped** includes only soil, stone, sod or other material acceptable to the **Director** and such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, asphalt, garbage or contaminates.”

7. Clause (j) of section 16 of By-law No. 03-126 is repealed and replaced with the following:

“(j) ensure that all **fill placed** or **dumped** includes only soil, stone, sod or other material acceptable to the **Director** and that such material is clean

and free of any glass, plastics, rubber, metals, termites, liquid other than water, asphalt, garbage or contaminates.']

8. That the introductory words of section 20 of By-law No. 03-126, being all words prior to clause (a) of that section, are repealed and replaced with the following:

“20. Upon application for an issuance of a **permit**, the property **owner** shall permit entry and inspection of the **site** at all reasonable times, to take **fill** samples for the purpose of determining whether material used for fill includes only soil, stone, sod or other material acceptable to the **Director** and such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, asphalt, garbage or contaminates. For the purposes of an inspection under this section the **Director** may:”

9. Section 21 of By-law No. 03-126 is repealed and replaced with the following:

“21. Costs incurred by the City under section 19 of this By-law together with interest accrued may be registered against the land, collected by action or in like manner as taxes as is provided for the Municipal Act, S. O. 2001, chapter 25 as amended.”

10. Schedule "A" of By-law No. 03-126, respecting fees, is repealed and replaced with the following:

“Schedule “A” to By-law No. 03-126

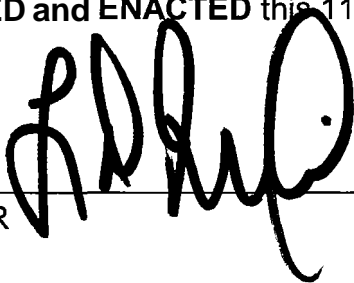
#### Fees and Requirements for Site Alteration Permits

- 1.1 Subject to clause 1.2 of this Schedule below, the processing, administration and inspection fees applicable to an application for a site alteration permit, due upon application, are \$200.00 for a property of less than two hectares in area and not used for commercial or industrial purposes; and \$500.00 for a property of two hectares or more in area plus \$25.00 per hectare of the area where the site is proposed to be altered.

- 1.2 Pursuant to section 13 of the By-law, the fee for an extension request made within six months of the expiry of a permit shall be one-half of the original permit fee, and if made beyond six months shall be calculated under clause 1.1 of this Schedule above.
- 1.3 Where an agreement is required by the Director pursuant to Section 8 of this By-law and is required to be registered on title, it is the responsibility of the owner to register the agreement on title prior to the issuance of the permit, and the owner or applicant shall be responsible for all costs of such registration or discharge of the agreement from the title.”
11. Clause 2(a) of Schedule “B” to By-law No. 03-126 is hereby amended by replacing the word “sit” with the word “site”.
12. In all other respects By-law No. 03-126 is confirmed without change.
13. This by-law comes into force and effect upon enactment.

**PASSED and ENACTED** this 11th day of May, 2005.

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MAYOR



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CLERK

