

THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS

BY-LAW NO. 2001-211

**BEING A BYLAW TO PROTECT AND CONSERVE TOPSOIL
IN THE TOWNSHIP OF LANARK HIGHLANDS**

WHEREAS the *Top-soil Preservation Act*, R.S.O. 1990 Chapter T.12, provides that Councils of Municipalities may pass bylaws to regulate or prohibit the removal of topsoil;

AND WHEREAS the Council of the Corporation of the Township of Lanark Highlands deems it advisable to exercise this authority as well as to provide for the rehabilitation of lands where topsoil removal is permissible;

AND WHEREAS in accordance with Section 13 of the Restructuring Order *all bylaws and resolutions of the former municipalities and their local boards shall become the bylaws and resolutions of the new Township and its local boards and shall remain in effect in the areas of the former municipalities for five years, or until amended or repealed by the council or board of the new Township*”;

NOW THEREFORE the Council of the Corporation of the Township of Lanark Highlands ENACTS AS FOLLOWS: -

1. For the purposes of this bylaw, the following definitions and interpretations shall govern:
 - a) **Bylaw Enforcement Officer** - means the Bylaw Enforcement Officer of the Corporation of the Township of Lanark Highlands.
 - b) **Body of Water** - includes any brook, creek, stream, river, lake, pond, waterway, wetland, watercourse, ditches, canal, or other flowing or standing water.
 - c) **Clerk** - means the Clerk of the Corporation of the Township of Lanark Highlands.
 - d) **Corporation** - means the Corporation of the Township of Lanark Highlands. '
 - e) **Council** - means the Council of the Corporation of the Township of Lanark Highlands.
 - f) **Erosion** - means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - g) **Land Disturbance** - means any man-made change of the land surface including removing vegetative cover, excavating, filling, grading and construction or building or roads or parking lots.
 - h) **Lot** means a parcel of land, described in a deed or other document legally capable of conveying land, or shown as a lot or block on a registered plan of subdivision.
 - i) **Owner** means the owner whose name appears on the current assessment roll for the Corporation of the Township of Lanark Highlands.
 - j) **Person** includes a firm or corporation according to the context.
 - k) **Remove** - means to separate, take away, scrape off or stock pile topsoil.

1. Definitions con't

- l) **Roads Department** – means the Road Department for the Corporation of the Township of Lanark Highlands.
 - m) **Site** - means the area of land within a lot, from which topsoil is to be removed in accordance with the permit issued by the Council.
2. No person shall remove or permit the removal of any topsoil from any lands within the Township of Lanark Highlands unless:
- a) the exemptions contained in subsection 2(2) or 2(3) of the *Topsoil Preservation Act R.S.O. 1990, Chapter T.12* apply; or
 - b) a Topsoil Removal Permit has been issued therefore by the Corporation.
3. All applications for topsoil removal shall be in the form set out in Schedule “A” attached hereto and forming part of this bylaw and shall contain all the information required therein together with a proposal to rehabilitate the site as set out in Section 18.

The applicant shall pay to the Township of Lanark Highlands the required non-refundable application fee of \$250.00 for each 0.4 hectare of land from which the topsoil is to be removed.

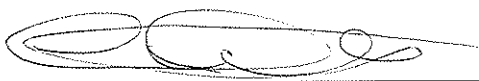
4. No permits shall be issued for the removal of topsoil from any lands for which Report 40 of the Ontario Soil Survey of soil capability for agriculture is Class 1 or 2.
5. A person desiring to remove topsoil shall make an application for a permit to the Clerk of the Township of Lanark Highlands who shall review the application and prepare a report to Council / Committee.
6. The owner of the lands or his/her authorized agent in writing shall make all applications for topsoil removal permits to the Clerk of the Corporation.
7. Notwithstanding the owner's compliance with the provisions set out in the application for permit, no permits shall be issued for the removal of topsoil, if:
- a) the site for the removal of topsoil is greater than 2.0 hectares,
 - b) the owner or predecessor in title already has or had a permit for the removal of topsoil for the same site.
 - c) the removal of topsoil from the site applied for will be detrimental to the entire lot for normal farming purposes using acceptable farming practices,
 - d) contours shall be such that internal ponding is prevented and external run-off rates are not greater than that which existed prior to topsoil removal.
8. Topsoil Removal Permits shall be valid for a period of 180 days. The Council may extend the period one or more times for an additional 180 days each time. The Council may require additional control measures, that the previously approved plan be reviewed taking into account the latest lot condition and payment of inspection fees as a condition of the extension if they are necessary to meeting the requirements of this bylaw.

9. All persons and permit holders shall ensure that at least an 8.0 cm thickness of topsoil remains to ensure the proper rehabilitation of the lands; furthermore all persons and permit holders shall ensure that no more than an 8.0 cm thickness of topsoil shall be removed from the lands subject to the permit.
10. All persons and permit holders may be required, upon the removal of topsoil as provided herein, to ensure the continuous abatement of dust including the depositing of calcium chloride or continuous application of water upon the roads located in the areas of land from which the topsoil has been removed.
11. Hauling of Topsoil:
 - a) no person or permit holder shall remove topsoil from the lands by vehicle of any means of transportation upon any public or private road except between the hours of 7:00 a.m. and 8:00 p.m. from Monday to Saturday.
 - b) all owners and permit holders shall ensure that during transportation of the topsoil upon public roads that no damage is caused to the said roads in any form whatsoever.
12. Council may refuse to grant a permit or may grant a permit for a lesser area than that applied for and may impose such conditions, as it considers reasonable and in the public interest.
13. No permit shall be issued unless Council is satisfied that the rehabilitation proposals are adequate and that there will be no impact upon drainage, or damage to roads, or danger to the public.
14. A permit issued pursuant to this bylaw shall state the area from which the permit holder may remove topsoil, the quantity which may be removed, the depth to which it may be removed and the routes on roads within the township which may be used for such purposes.
15. All permits issued pursuant to the provisions of this bylaw shall expire on the second anniversary date of the said permit; upon the expiration of the said permit, the owner shall cease to remove the topsoil which is the subject of the permit and shall immediately rehabilitate the lands from which topsoil has been removed as provided herein.
16. Council shall require the posting of security by the applicant with the Treasure of the Corporation to ensure that rehabilitation works are carried out to the required standards and to the satisfaction of the Bylaw Enforcement Officer. The amount of such security shall be set at \$250.00 per 0.4 hectare.
If a permit holder defaults in carrying out the required rehabilitation measures, Council after thirty (30) days notice in writing to the permit holder requiring his/her to do the works, and if he/she remains in default thereafter may instruct it's employees or a contractor to undertake the works and may draw on the bond or letter of credit for reimbursement. If there is any deficiency, such amount may be recovered pursuant to Section 325 of the Municipal Act in like manner as municipal taxes.

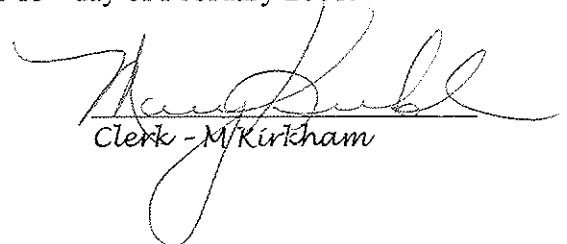
17. Council may revoke a permit issued under this bylaw at any time it is satisfied that the permit holder is not complying with the conditions of the permit. OR Where the permit was issued on mistake or false information.
18. No permit shall be issued unless Council is satisfied that the rehabilitation for the site will be carried out as follows:
 - a) The site shall be cultivated and harrowed to establish a proper seed bed;
 - b) The site shall be planted with a mixture of perennial legume and grass seed mixture and fertilized so that the entire site is covered with vegetation other than noxious weeds so as to prevent wind and water erosion within twelve (12) months after the removal of the topsoil.
19. Any person who contravenes any provision or requirement of this bylaw may be issued an Order by an employee of the Corporation advising of the contravention.
20. Every person who:
 - a) provides misleading or false information in an application under this bylaw in any statement or plan required to be produced under this bylaw;
 - b) fails to comply any Order or other requirement under this bylaw; or
 - c) contravenes any provision or requirement of this bylaw;is guilty of an offence and on conviction under the *Provincial Offences Act* R.S.O. 1990, Chapter 33, as amended, is liable to a fine not to exceed \$1,000.00 as prescribed under *the Provincial Offences Act*.
21. In the event that any particular provision or provisions or part of a provision 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 bylaw and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.
22. All former bylaws pertaining to this matter, in particular Bylaw No. 18-96 of the former Township of Lanark is and is hereby revoked.
23. All schedules attached to this bylaw shall form part of this bylaw.
24. This bylaw shall come into full force and effect with the passing thereof.

READ a FIRST and SECOND TIME this 13th day of February 2001.

READ a THIRD TIME SHORT and PASSED this 13th day of February 2001.



Mayor - L McDermott



Clerk - M Kirkham

TOWNSHIP OF LANARK HIGHLANDS

SCHEDULE 'A' to BYLAW NO. 2001- 211

APPLICATION TO REMOVE TOPSOIL

(PLEASE PRINT)

1. Name of Landowner: _____

Address: _____

Telephone Number: _____

2. Name of Contractor: _____

Address: _____

Telephone Number: _____

3. Land Affected by this application:

_____ Lot _____ Concession _____ Township _____

4. Size of Land to be extracted: _____ hectares
(or square metres _____)

5. Depth of Topsoil to be Removed _____

6. Quantity of Topsoil to be Removed: _____

7. Date of Commencement of Removal: _____

8. Date of Completion of Removal: _____

9. Hours / Days of Removal: _____
Hours Days

10. Will screening equipment be on site: _____ Yes _____ No

11. Will Topsoil be Stored on the site: _____ Yes _____ No

12. Location for Storage of Topsoil: _____

13. Current Use of Land: _____

14. Outline effect on land and drainage during and subsequent to topsoil removal:

15. Outline Township / Road Roads to be used by vehicles removing topsoil.

16. Outline in detail the proposed rehabilitation procedures for site after completion of topsoil removal:

Leveling: _____

Drainage: _____

Seeding: _____

17. Estimated cost of rehabilitation: \$ _____

18. Date for completion of rehabilitation: _____

19. Sketch of lands where topsoil removal to take place (show all roads, fences and structures and landmarks)

Lot _____ Concession _____ Township _____

20. Outline procedures for dust control during topsoil removal:

21. I _____ certify that I am the Owner of the land that is the subject of this application, for approval of Topsoil Removal and that I make oath and say (or solemnly declare) that the information contained in this application is true and that the information in the documents that accompany this application is true.

Sworn (or Declared) before me at the _____ of
in the _____ of _____ this
_____ day of _____,

Commissioner of Oaths

Signature of Applicant

~~~~~  
*Office Use Only:*

Date Received: \_\_\_\_\_ Application Number: \_\_\_\_\_

Application Fee (non-refundable): \$ \_\_\_\_\_

Approved by Council: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

