

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2001-19

BEING A BY-LAW TO REGULATE AND/OR PROHIBIT THE REMOVAL OF TOPSOIL FROM LAND IN THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER.

WHEREAS the Council of the Corporation of the Municipality of French River deems it expedient and necessary to regulate and/or prohibit the removal of topsoil from land in the Municipality of French River;

AND WHEREAS pursuant to the provisions of Section 2 of the Topsoil Preservation Act, R.S.O. 1990, by-laws may be passed by Councils of municipalities for regulating and/or prohibiting the removal of topsoil from land in the municipality or in any area or areas thereof defined in the by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:

1. For the purpose of this By-law, the following definitions shall apply:
 - a) Definitions:
 - (i) “Corporation” or “Municipality” means the Corporation of the Municipality of French River;
 - (ii) “Council” means the Council of the Corporation of the Municipality of French River;
 - (iii) “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;
 - (iv) “Topsoil” means that horizon in a soil profile, known as the “A” Horizon, containing organic material.
 - b) No person, firm, corporation, contractor or others shall, save and except for any exemptions provided for herein, remove topsoil from any lot within the Municipality of French River.

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- c) Section 2 herein notwithstanding, the provisions of this by-law shall not apply to the following:
- (i) the removal of topsoil as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products;
 - (ii) the removal of topsoil as an incidental part of drain construction under the “Drainage Act” or the “Tile Drainage Act”;
 - (iii) the removal of topsoil as an incidental part of operations authorized under the “Pits and Quarries Act”,
 - (iv) the removal of topsoil by a Crown agency or Ontario Hydro;
 - (v) the removal of topsoil by the Municipality for its own purposes;
 - (vi) the removal of topsoil as an incidental part of any construction for which leave to construct has been granted pursuant to the “Ontario Energy Board Act”;
 - (vii) the removal of topsoil as an incidental part of the construction of any form of underground services where the topsoil is removed and held for subsequent replacement;
 - (viii) the removal of topsoil as an incidental part of the construction of a public highway
- d) The provisions of this by-law shall not apply to the extent that:
- (i) they are inconsistent with the terms of any approval or agreement under the “Planning Act”; or
 - (ii) they would prevent the construction of any building, structure, driveway, loading or parking facilities permitted or required on a lot pursuant to:
 - 1) - a by-law passed pursuant to Section 34 of the “Planning Act”;
 - 2) - an order made by the Minister of Housing pursuant to the “Planning Act”.
- e) Any person, firm, corporation, contractor or others contravening the provisions of this by-

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law is guilty of an offence and, on conviction therefor, may be fined up to a maximum of \$5,000.00 for each offence (The Municipal Act, R.S.O. 1980, Sec. 321).

2. Schedule "A" attached hereto shall form part of this By-law and that non-refundable fee of \$0.00 per application be paid at the Municipal Office upon receiving any application until July 01/02, where it will be \$10.00 per application until July 01, 2003 where after an application will be a \$25.00 non-refundable fee.
3. This By-law shall be administered by Council and it may employ the services of such persons as are necessary to administer and enforce the By-law.
4. This By-law shall take effect and come into full force on the date of its enactment.

READ A FIRST AND SECOND TIME ON THIS 20th DAY OF JUNE, 2001

READ A THIRD TIME AND FINALLY PASSED ON THIS 18th DAY OF JULY, 2001

SCHEDULE "A"

***amended June 19, 2002 - By-law 2002-20**

APPLICATION TO REMOVE TOPSOIL

1. NAME OF LAND OWNER _____
(Please print)
ADDRESS _____

PHONE NUMBER _____
2. NAME OF CONTRACTOR _____

ADDRESS _____

PHONE NUMBER _____
3. LAND AFFECTED BY APPLICATION _____
Lot Concession
4. NUMBER OF ACRES _____
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 USED ON SITE _____ YES _____ NO
11. WILL TOPSOIL BE STORED ON SITE _____ YES _____ NO
12. LOCATION FOR STORAGE OF TOPSOIL _____
13. CURRENT USE FOR LAND _____
13.1 HAS THE LAND BEEN CULTIVATED IN THE LAST TWO YEARS
_____ YES _____ NO

14. OUTLINE AFFECT ON LAND AND DRAINAGE DURING AND SUBSEQUENT TOPSOIL REMOVAL

15. OUTLINE TOWNSHIP ROADS TO BE USED BY VEHICLES REMOVING TOPSOIL

16. OUT LINE IN DETAIL PROPOSED REHABILITATION PROCEDURES FOR SITE AFTER COMPLETION OF TOPSOIL REMOVAL

Leveling _____

Drainage _____

Seeding _____

17. ESTIMATED COST OF REHABILITATION _____

18. DATE OF COMPLETION OF REHABILITATION _____

19. LOCATION OF TOPSOIL REMOVAL (show all roads, fences and structures and landmarks on land)

Lot _____

Concession _____

Soil excavation starts at 60' from the center of any public road right-of-way or allowance.

20. OUTLINE PROCEDURES FOR DUST CONTROL DURING TOPSOIL REMOVAL

I certify that I am the Owner named in the application and the information in the said application and the site plan and specifications submitted herein is true and correct in every respect and no relevant information has been withheld.

I make this solemn Declaration conscientiously believing it to be true and know that it is of the same force and effect as if made under oath, and by Virtue of the Canada Evidence Act.

Declared before me at the _____

of _____ in the District of _____

on this _____ day of _____, 20__.

CLERK

OWNER

OFFICE USE ONLY

APPLICATION APPROVED BY COUNCIL _____
Date

AMOUNT OF LETTER OF CREDIT, PERFORMANCE BOND _____

COUNCIL CONDITIONS _____
