



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 107-86

To prohibit or regulate the
placing or dumping of fill
in areas of the City of Brampton

WHEREAS section 1 of the City of Brampton Act, 1985 authorizes the Council of The Corporation of the City of Brampton to pass by-laws for prohibiting or regulating the placing or dumping of fill of any kind in any defined area or areas in the City of Brampton, other than those areas subject to regulations made under clause 28(i)(p) of the Conservation Authorities Act;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. In this by-law:
 - (a) "Commissioner" means the Commissioner of Public Works and Building of the City of Brampton, and shall include any person authorized by the Commissioner to carry out any of the powers or duties of the Commissioner pursuant to this by-law;
 - (b) "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;
 - (c) "Dumping" means the depositing of fill in a location other than where the fill was obtained and includes the movement and depositing of fill from one location on a property to another location on the same property;
 - (d) "Fill" means any type of material deposited or placed on lands and includes soil, stone, concrete, asphalt, sod or turf either singly or in combination;
 - (e) "Grade" shall be defined as follows;
 - (i) "Existing Grade" means the elevation of the existing ground surface of the lands upon which dumping and/or placing of fill is proposed and of abutting ground surface up to

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;

- (ii) "Finished Grade" means the approved elevation of ground surface of lands upon which fill has been placed in accordance with this by-law;
 - (iii) "Proposed Grade" means the proposed elevation of ground surface of land upon which fill is proposed to be placed;
- (f) "Owner" includes any person, firm or corporation controlling the lands on which fill is to be placed or dumped;
- (g) "Placing" means the distribution of fill on lands to establish a finished grade higher than the existing grade;
- (h) "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;
- (i) "Retaining Wall" means a wall designed to contain and support fill which has a finished grade higher than that of adjacent lands;
- (j) "Soil" means material commonly known as earth, top soil, loam, subsoil, clay, sand or gravel;
- (k) "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.
2. (1) No person shall place or dump fill in the areas of the City of Brampton defined and designated as environmentally sensitive by section 1.3.1 and Schedule C of the Official Plan for the City of Brampton Planning Area.
- (2) No person shall place or dump fill in areas of the City of Brampton other than those areas described in Subsection (1) of this section, without having first obtained a permit issued by the Commissioner.
- (3) The provisions of subsection (2) of this section do not apply in those areas of the City of Brampton where:
- (a) a regulation under Conservation Authorities Act respecting the placing or dumping of fill is in force;

- (b) fill is being placed on lands to establish a finished grade shown in a grading and drainage plan approved by the City of Brampton Public Works Department in conjunction with subdivision, rezoning or site plan approvals;
 - (c) a building permit has been issued by the Chief Building Official for the erection of a building or structure, and the site plan accompanying the building permit application provides sufficient information to determine that the placing or dumping of fill conforms with the provisions of this by-law;
 - (d) soil is placed on lands for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that the ground elevation of the lands is not increased by more than 25 millimetres;
 - (e) fill is placed or dumped in an excavation to the elevation of existing grade following the demolition or removal of a building or structure.
- (4) Where a permit has been issued under this by-law authorizing the placing or dumping of fill on lands, no person shall place or dump fill except in accordance with the plans, documents and any other information on the basis of which a permit was issued.
3. A person applying for a permit to dump or place fill on the lands shall submit the following to the Commissioner:
- (a) a complete application in the form prescribed by the Commissioner;
 - (b) the applicable permit fee calculated in accordance with Schedule A to this By-law;
 - (c) an accurate plan of the lands showing:
 - (i) the property lines of the lands with dimensions;
 - (ii) existing elevations in the form of contours at 1.0 metre intervals or less, with spot elevations along the property lines and 3.0 metres beyond the property line at sufficient intervals to clearly show the existing drainage patterns on the lands and on the abutting lands;
 - (iii) all existing storm sewers, ditches, swales, creeks and watercourses on the lands and on abutting lands and public highways, where

- (iv) all existing buildings, the species and size in caliper of all trees, the location of all shrubs and driveways on the lands and all easements and rights-of-way over, under, across or through the lands;
- (v) proposed final elevations and drainage system to be used upon completion of the filling operation; and
- (vi) a description of the proposed fill;
- (d) a plan showing the design details to proper scale of any retaining wall that may be required and the dimensions of any materials to be used in construction of such retaining wall.

4. The Commissioner shall issue a permit where:

- (a) the Commissioner is satisfied that the lands which are the subject of the application for permit are not within an area where the placing or dumping of fill is prohibited under subsection 2(1) of this by-law;
 - (b) the applicant has fulfilled all requirements of section 3 of this by-law; and
 - (c) the Commissioner is satisfied that the proposed final elevations and resulting drainage pattern, 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 practice.
 - (d) the Commissioner is satisfied that the placing or dumping of fill will not result in:
 - (i) soil erosion;
 - (ii) blockage of a watercourse;
 - (iii) siltation in a watercourse;
 - (iv) pollution of a watercourse;
 - (v) flooding or ponding caused by a watercourse overflowing its banks, or
 - (vi) a detrimental effect on any healthy 75 m.m. caliper trees located on the lands;
5. (1) The permit issued pursuant to section 4 shall be valid for a period of one year from the date of issuance but shall expire after 6 months from the date of issuance if work has not been commenced.
- (2) A permit which is no longer valid or which has expired pursuant to subsection 1 of this section may be renewed within a six month period from the date of expiry upon the making of written application to the Commissioner accompanied by a payment of one half of the original permit fee, provided that the proposed work has not been revised.

6. 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 the applicable zoning by-law of The Corporation of the City of Brampton.

7. No person shall place or dump, or cause to be placed or dumped, fill on any land which results in the alteration of any grade established by a grading and drainage plan which has been approved by the City of Brampton Public Works Department as part of subdivision, rezoning or site plan approval, without a permit.

8. No person shall place or dump, or cause to be placed or dumped, fill on any land unless:

- (a) it is done at the request of or with the consent of the owner of the land where the fill is to be placed or dumped;
- (b) all fill to be used is clean and free of trash, rubbish, glass, liquid or toxic chemicals, garbage or organic materials;
- (c) the drainage system for the lands is provided in accordance with the Corporation's by-laws and the Commissioner is satisfied that provision has been made for surface, storm-water drainage where such drainage is not provided by natural gradients or a swale; and
- (d) the fill is placed or dumped in such a manner, or the retaining wall containing such fill is erected in such a manner, that no ponding is caused on abutting lands.

10. Every person who places or dumps fill shall:

- (a) provide a retaining wall which does not encroach upon abutting lands, either above or below existing grade, such retaining wall to be constructed to the satisfaction of the Commissioner. The Commissioner may require that a retaining wall be constructed where:
 - (i) erosion of fill onto 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 be protected by sod, turf, seeding for grass, greenery, asphalt, concrete or other means, either singly or in combination;
- (c) ensure that fill shall not be placed around the perimeter of any existing building to an elevation higher than 150 millimeters below the ground floor level of such building, unless such building and its foundation walls are raised in a manner satisfactory to the Commissioner; and

- (d) ensure that no trench in which piping is laid forming part of the drainage system shall be covered and backfilled until the work has been inspected and approved by the Commissioner; and
- (e) provide such protection for trees as may be required by the Commissioner.

10. The owner of the lands where fill is to be placed or dumped or his authorized agent shall request the Commissioner to make inspections at the commencement and conclusion of the work, and shall request such further inspection as may be required.

11. The administration and enforcement of this by-law shall be performed by the Commissioner, by such persons authorized by the Commissioner, and by the by-law enforcement officers of the City of Brampton as may be appointed by by-law of the Council of The Corporation of the City of Brampton.

12. (1) Where a person has placed or dumped fill in contravention of subsections 2 (1), or 2(2) or section 7 of this by-law, the Commissioner may make an order directing that the person to cease the placing or dumping of fill, and to remove the fill that has been placed or dumped within the time specified in the order.

(2) Where a person has placed or dumped fill contrary to subsection 2(4), the Commissioner may make an order directing that person to take such steps as are necessary so that the placing or dumping of fill is done in accordance with the plans, documents and other information on the basis of which a permit was issued under this by-law. The Commissioner may on the order specify the time for compliance with the order.

(3) Any person to whom an order is issued pursuant to subsections (1) and (2) of this section shall comply with the terms of the order.

12. Any person who contravenes the provisions of this by-law is guilty of an offence, and upon conviction is liable to a penalty not to exceed Two Thousand Dollars (\$2,000.00) exclusive of costs.

READ A FIRST, SECOND and THIRD TIME and PASSED in Open Council this 26th day of May , 1986.


KENNETH G. WHILLANS, MAYOR


LEONARD J. MIKULICH, CLERK

APPROVED
AS TO FORM
DEPT.
PTON

10/1/86

SCHEDULE A TO BY-LAW

TYPE OF PROPERTY
WHERE FILL IS TO BE PLACED

PERMIT FEE

Owner occupied residential property

\$ 50.00

All other types of property

\$125.00