

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: Site Alteration By-law
Public Participation Meeting
Date: November 12, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Site Alteration By-law:

- (a) the proposed By-law attached hereto as Appendix “A” **BE INTRODUCED** at Municipal Council meeting on November 26, 2024, introduce a new Site Alteration By-Law to expand the by-law’s coverage to encompass the entire limits of the City, with specific exceptions, addressing the limitations of the existing by-law and repeal By-Law No. C.P.-1363-381.

Executive Summary

This report recommends repealing the current Site Alteration By-law and enacting the proposed By-law as attached within Appendix “A”. The purpose of this amendment is to expand the By-law’s scope to encompass the entire limits of the City, with specific exceptions, addressing the limitations of the existing By-law. The proposed changes enhance the protection of natural heritage, facilitate site alteration activities earlier in the development process, and streamline the permitting process.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

Housing and Homelessness by advancing projects that support a well-planned and growing community; faster/streamlined approvals; and protect natural heritage areas and agricultural areas for the needs of Londoners now and into the future.

Climate Action and Sustainable Growth by supporting the protection of soil quality and natural heritage health in London in alignment with the Climate Emergency Action Plan.

Analysis

1.0 Background Information

1.1 Background

On July 16, 2024, Staff brought forward the draft Site Alteration By-law update to be received by Committee and Council. Staff wanted to bring forward the draft as the scope for the By-law increased with the goal of enabling earlier site alteration activities, protecting natural heritage features and streamlining the permitting process. This by-law is being presented as part of our culture of continuous improvement. This review supports the City’s efforts to reach our housing target goals set forth in the More Homes Built Faster Act, 2022 (Bill 23), by continuing to streamline development processes.

This Site Alteration By-law update, as well as other previous delegations are part of several improvements to streamline development processes. The By-law presented today has been thoroughly review by the City as well as the development industry. As

part of Staff's initial review of the existing By-law, several issues were identified as outlined below for the need to advance this update:

- The existing By-law is specific to lands that are within an Environmental Protection Area or on any land that has Draft Plan of Subdivision approval.
- The existing By-law is restrictive for the development process, as it only allows site alteration works if a subdivision agreement is expected within four months of permit issuance.
- The existing By-law does not adequately protect all natural heritage lands from potential deleterious fill placement, grade changes that may impact stormwater runoff, specifically, those that are not within an Environmental Protection Area (ie. Environmental Review and Open Space Place Types within the Official Plan, The London Plan).
- The existing By-law does not adequately enable the advancement of works for development (i.e. Site plans, consents, etc.) to streamline and accelerate the process.

2.0 Discussion and Considerations

2.1 Overview of the Existing Site Alteration Process

Site alteration is an activity undertaken by a developer or landowner to cut and fill soil or place soil at a site to achieve a desired grade without negatively impacting adjacent properties. Landowners are entitled to alter the grade of their land, provided they do not adversely impact adjoining properties, which is a standard condition in the Draft Plan of Subdivision approval.

The current site alteration process is limited to Environmental Protection Areas or lands that are subject to a Draft Plan of Subdivision. Developers that have an approved draft plan of subdivision may request a site alteration agreement from the City as part of the engineering design review. The site alteration agreement allows the developer to proceed with pre-grading of the site prior to executing the subdivision agreement and final acceptance of the engineering drawings. Identified amount of financial security is required as part of the site alteration agreement that is sufficient to restore the site to an acceptable condition, should the subdivider not immediately return to the site to continue development. As part of this process, the developer is required to submit erosion and sediment control plans and tree preservation plans. Once all work is complete, the site alteration agreement is terminated, and security is refunded upon the subdivider entering into a subdivision agreement with the City and posting the associated subdivision security. This process was implemented to facilitate pre-grading activities on draft plan approved parcel to expedite servicing operations once drawing acceptance and execution of the subdivision agreement is complete.

The site alteration agreement process is currently voluntary on the part of the developer, with the intent of allowing developers to gain an earlier start on earth moving while they obtain all the required servicing approvals. Planning and Development Staff administer compliance of the agreement including the management of the security.

Areas including site plans, consents, variances, or regrading of sites prior to formal submission of draft plans are currently not include in the scope of the existing By-law.

2.2 Proposed Updates to the By-Law and Processes

The new Site Alteration By-law will apply to all lands within City limits, subject to certain exemptions, restrictions, and technical review requirements. These exemptions include minor site alterations such as gardening, pool and foundation excavations, normal agricultural practices, City-led activities, and routine maintenance within golf courses. Additionally, the By-law will not apply to residential lots smaller than 0.5 hectares, a threshold established based on Staff's review of comparable municipalities, where restrictions range from 0.3 to 1.0 hectares.

In addition to this, the site alteration agreement process has been reevaluated to reduce costs and administrative burdens while ensuring compliance with City standards. The revisions aim to expedite approval timelines and improve clarity in the application process for both staff and applicants. This new By-law will have the fee structure considered as part of the Fee Review that the Planning and Development Department are undertaking which is envisioned for Committee and Council consideration in Fall 2025. Prior to this fee structure being introduced, this By-law will not include a fee as a way to trial the permitting process.

The enforcement mechanisms for the revised By-law have been aligned with the City's existing enforcement practices to ensure consistency and effectiveness. These measures will follow the same protocols and standards used for other municipal By-laws, ensuring that violations are addressed promptly and equitably across the City. Enforcement will include routine inspections, responding to complaints, and proactive monitoring to ensure compliance with the By-law's requirements. Penalties for non-compliance, such as fines or orders to cease operations, will be imposed in accordance with the City's established By-law enforcement framework. This approach not only maintains uniformity in enforcement but also reinforces accountability, ensuring that site alterations are conducted responsibly and in accordance with both environmental and development regulations. Staff will be equipped with clear guidelines to interpret and apply the By-law, allowing for consistent decision-making and enforcement actions across all cases. This ensures that enforcement remains transparent, and fair.

2.3 Input from City Staff and Industry Representatives

A multidisciplinary working group comprised of City staff from various service areas was established to lead the review of the updated Site Alteration By-law. This group facilitated comprehensive consultations, including discussions with the Clerk's Office and the City Solicitor's Office, where no concerns were raised regarding the proposed revisions.

In addition, the working group engaged with representatives from the development and engineering consulting industries to gather input on the proposed amendments. Feedback has been predominantly positive, with relatively minor suggestions for improvement, which have been considered and integrated into the final draft where feasible.

Additional measures were taken to ensure a thorough review of the proposed By-law which included presenting the initial draft wording of the Site Alteration By-law to the Planning and Environment Committee on July 16, 2024. At that time, no concerns were raised by the committee.

The new Site Alteration By-law is captured within Appendix "A" which has taken into account feedback from City teams as well as the development and engineering consulting industries. Further to this, within Appendix "B" Staff have described the changes between the draft of the By-law presented on July 16, 2024, attached within Appendix "C", to the By-Law planned to be introduced at Council. The revisions made are because of these consultations that enhanced the By-law's effectiveness and its alignment with the City's broader development and environmental goals.

3.0 Financial Impact/Considerations

There is no financial impact to the City of London resulting from this By-law update. The proposed revisions will enable the City to streamline development approval processes while ensuring continued protection of natural heritage features.

As part of the Fee Review Update within Planning and Development a fee for site alteration works will be considered. In the interim, this By-law will not include a fee which will allow Staff to work through the new permitting process and incorporate enhancements.

Conclusion

This report provides the background and context for the new Site Alteration By-law, which seeks to streamline the development approval process while safeguarding natural heritage and environmental protections.

Following consultations with the development and consulting industries, and based on the positive feedback received, the attached by-law is recommended to be introduced. These revisions introduce a more streamlined and adaptable process for managing site alterations, enabling the timely and effective processing of approvals while addressing the evolving needs of the development industry. The updated by-law enhances decision-making efficiency and aligns with the City's broader objectives, fostering smoother operations for both City staff and applicants.

Prepared by: **Mustafa Almusawi**
Manager, Development Inspections

Reviewed by: **Peter Kavcic, P.Eng.**
Manager, Subdivisions and Development Inspections

Recommended by: **Heather McNeely, MCIP, RPP**
Director, Planning and Development

Submitted by: **Scott Mathers, MPA, P. Eng.**
Deputy City Manager, Planning and Economic Development

cc: Sachit Tatavarti, Solicitor
Michael Harrison, Manager, Subdivision Engineering
Brent Lambert, Manager, Development Engineering

MA/PK/HMc

Appendix "A" – Site Alteration By-Law.

Appendix "B" –Described changes between the draft and final By-Law.

Appendix "C" – Draft Site Alteration By-Law present at PEC on July 16, 2024.

Appendix “A” – Site Alteration By-law

Bill No. (number to be inserted by
Clerk's Office)
(2024)

By-law No. CP-__

A bylaw to prohibit and regulate the placing or dumping of fill, removal of topsoil and the alteration of the grade of land in the City of London and to repeal By-law No. C.P.-1363-381, as amended.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that a municipal power be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS in accordance with ‘purpose provision’ in Section 2 of the *Municipal Act, 2001*, the specific natural environment powers conferred on municipalities by Sections 135 through 147 of the aforementioned Act supplement the powers provided under Section 10 of the same Act to provide municipalities with broad and flexible discretion to create regulations necessary for the economic, social, and environmental well-being of their respective municipalities;

AND WHEREAS Section 142 of the *Municipal Act, 2001* specifically provides that by-laws may be passed by the Council of a municipality for the purposes of prohibiting and regulating the placing or dumping of fill, removal of topsoil, and the alteration of the grade of lands within its jurisdiction;

AND WHEREAS Section 425 of the *Municipal Act, 2001* provides the authority or a municipal bylaw to specify that a contravention of a by-law is an offence;

AND WHEREAS Section 436 of the *Municipal Act, 2001* an Officer may at all reasonable times enter and inspect any land to which this By-Law has application;

AND WHEREAS Section 429 of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under municipal by-laws, including but not limited to establishment of a “special fine” designed to eliminate or reduce any economic advantage or gain from contravening a by-law;

AND WHEREAS Section 444 of the *Municipal Act, 2001* and addition to any other fine or remedy authorized by this By-Law, if an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as an "Order to Discontinue Activity", requiring the Person who contravened the By-Law, or who caused or permitted the contravention, or the Owner of the land on which the contravention occurred, to discontinue the contravention;

AND WHEREAS the Council for the City of London has deemed it to be in the public interest to prohibit and regulate the placing or dumping of fill, removal of topsoil, associated vegetation, and alteration of the grade of land in the municipality and to establish a system of fines for offences under this By-Law;

AND WHEREAS the Municipal Council of The Corporation of the City of London passed By-law No. C.P.-1363-381, being a “by-law to prohibit and regulate the placing or dumping of fill, removal of topsoil and the alteration of the grade of land in the City of London”, on July 2, 1996.

AND WHEREAS it is deemed expedient to repeal By-law No. C.P.-1363-381 and all its amendments and replace it with a new by-law to prohibit and regulate the placing or dumping of fill, removal of topsoil and the alteration of the grade of land in the City of London.

NOW THEREFORE the Municipal Council of The Corporation of the City of London takes the following action:

SHORT TITLE

This By-Law will be referred to as the “Site Alteration By-Law”

Part 1 DEFINITIONS

In addition to terms defined elsewhere in the By-Law, the following terms have the following meanings under this By-Law, including its Schedules:

"Adverse Effect" shall mean one or more of impairment of the quality of the natural environment for any use that can be made of it, injury or damage to property, archeological resources, plant or animal life, harm or material discomfort to any Person, impairment of the safety of any Person, loss of enjoyment of normal use of property and interference with the normal conduct of a business.

"City" means The Corporation of the City of London.

"Council" means the Council of The Corporation of the City of London.

"Conservation Authority" means a conservation authority as defined under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27, whichever Authority or Authorities have jurisdiction over particularized land located in the City.

"Crown Agency" shall mean as defined in the *Crown Agency Act*.

"Director, Planning and Development" or "Director" shall mean the person who holds the position of Director, Planning and Development for The Corporation of the City of London, or their designate.

"Drainage" shall mean 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.

"Dumping" shall mean 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.

"Erosion and sediment controls" shall mean temporary or permanent measures implemented to prevent soil erosion and manage sediment in areas of land disturbance required as conditions for the approval of a Site Alteration Permit.

"Excess Soil" shall mean as defined in the Ontario Regulation 406/19 On-Site and Excess Soil Management made under the *Environmental Protection Act*.

"Fill" shall mean any type of material deposited or placed on lands and includes soil, stone, rock, concrete, asphalt, sod or turf, refuse and waste materials.

"Finished Grade" means the approved elevation of ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered or Topsoil Removed, in accordance with this By-Law.

“**Officer**” shall mean an employee, officer or agent of the City whose duties include conducting inspections and/or enforcing the City’s by-laws, or a police officer with London Police Services.

“**Order to Discontinue Activity**” shall mean an order made pursuant to Section 7 of this Bylaw.

“**Owner**” shall mean the registered owner of land, or their agent, or anyone acting under the direction of the owner and their agent.

“**Permit**” shall mean a permit issued by the City pursuant to the provisions of this By-Law.

“**Qualified Individual**” shall mean an individual who has the ability to assume responsibility for the design and review of works carried out under this By-Law which shall include professionals who through the rights and privileges of their professional regulatory body have the ability to assume responsibility for the assessment and design of the Site Alteration works.

“**Road Authority**” shall mean as defined in the *Public Service Works on Highways Act*, R.S.O. 1990, c. P.49.

“**Residential Lots**” shall mean any parcel of land which includes residential zoning designation under the City’s Zoning By-Law No. Z.-1, as amended.

“**Site**” shall mean the lands within the City of London which are the subject lands of an application for a Permit pursuant to this By-Law.

“**Site Alteration**” shall mean the physical changing of site conditions through the placement or Dumping of Fill, the excavation, alteration of soil, and/or alteration of the grade which may include but is not limited to: the removal of vegetative cover, including trees outside of Tree Protection Areas that are not addressed by the City’s Tree Protection Bylaw ; the compaction of soil; the obstruction of drainage facilities; the modification of watercourses, such servicing work required to support the site alteration activities; or any combination of the aforementioned activities.

“**Site Alteration Agreement**” shall mean an agreement entered into between the City and Owner as a condition of a Permit.

“**Soil**” shall mean material commonly known as earth, topsoil, loam, subsoil, clay, sand, gravel, silt, rock or fill.

“**Topsoil**” shall have the same meaning as the definition of “topsoil” under section 142(1) of the *Municipal Act*.

“**Watercourse**” shall mean a natural or constructed channel having a bed and banks or sides, in which a flow of water regularly or continuously occurs

Part 2 EXEMPTIONS

2.1 By-Law – provisions not applicable – various

The provisions of this By-Law do not apply to the following:

- (a) Site Alteration of a Municipality, Road Authority, or Crown Agency.
- (b) Any placing or dumping of fill, removal of soil, or alteration of the grade of land exempted pursuant to section 142 (5) of the *Municipal Act, 2001*.
- (c) Site alteration 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, but not including the removal of topsoil for sale, exchange or other disposition.

- (d) Residential Lots under 0.5 ha in size (see Note 1 below).
- (e) Routine maintenance activities within established golf courses.
- (f) Emergency repair work performed in consultation with the City, subject to any requirement from the Director, Planning and Development to obtain a permit for the continuation of such work.
- (g) Site Alteration authorized as a condition of approval for a site plan, plan of subdivision or consent or as a requirement of an executed development agreement, subdivision agreement or consent agreement pursuant to sections 41, 51 or 53 of the *Planning Act*, as amended.

Note 1: Exemption (d) shall not apply where site alteration is proposed on any lands within, adjacent to, or within the trigger distance requiring environmental study and area of adjacent lands of the natural heritage system. This is identified in the City's Official Plan, The London Plan, unless the lots have undergone a planning process that established appropriate and approved buffers from these areas. In such cases, site alterations may proceed in accordance with the approved buffers. However, if any encroachment into these buffers occurs, a Site Alteration Permit shall be required, and enforcement under this by-law shall apply.

Part 3 PROHIBITIONS

3.1 Site Alteration – permit required

Unless otherwise exempt under Part 2 of this By-Law, no person shall undertake, cause or permit Site Alteration on a Site without having first obtained a Permit issued by the Director, Planning and Development.

3.2 Site Alteration – in accordance with permit

Where a Permit has been issued pursuant to this By-Law, no person shall undertake Site Alteration except in accordance with the plans, conditions and any other information on the basis of which a Permit was issued.

3.3 Site Alteration –failure to comply

No person shall fail to comply with an Order to Discontinue Activity or a Work Order made under this By-Law.

Part 4 REQUIREMENTS FOR AN APPLICATION

4.1 Application requirements – permit

A person applying for a Permit shall submit the following to the Director, Planning and Development or designate:

1. A completed Permit application.
2. The permit fee, if applicable, which shall be calculated in accordance with the Fees and Charges By-Law No. A-59, as amended, and submitted in a form acceptable to the City.
3. Site Alteration drawings prepared in accordance the City's Design and Specifications and Requirements Manual, as amended and all requirements of this By-Law.
4. Confirmation through the submission of the appropriate archaeological assessments that a licenced archaeologist consultant has carried out the appropriate archaeological assessments in accordance with all applicable provincial standards, to the satisfaction of the City.
5. If works are proposed within the distances established by Table 13 from a component of the Natural Heritage System as identified by Map 5 of The London Plan, studies or reports may be required to confirm that the Site Alteration doesn't have Adverse Effect on the Natural Heritage System. Such additional reports or studies are to be completed as prescribed in the City's Design Specifications and Requirements Manual to the satisfaction of the City.

4.2 Application - approved form

Applications shall be made on the form approved by the Director, Planning and Development.

4.3 Application - general requirements

Every Permit that is issued is subject to the General Requirements as outlined in Schedule 'A' of this By-Law.

Part 5 REQUIREMENTS FOR ISSUANCE OF A PERMIT

5.1 Permit – requirements

The Director, Planning and Development shall issue a Permit where:

1. The Owner has fulfilled all requirements pursuant to this By-Law.
2. Site Alteration drawings have been accepted by the City.
3. Security is provided in a form and amount to be determined by the Director, Planning and Development in accordance with the City's Policies and By-Law's (as amended from time to time) to secure performance of the work for which the Permit was obtained and compliance with any conditions of granting the Permit.
4. Proof is provided of any other permit that may be required from the City or any external agency or person for the completion of work associated with the Site Alteration.

5.2 Permit – standard conditions

Every Permit issued under this By-Law is subject to the conditions outlined in Schedule 'A' of the Permit. The Director, Planning and Development may, in their sole discretion, waive one or more conditions after taking into consideration the proposed Site Alteration, anticipated impacts to the Site and the potential for Adverse Effects.

5.3 Permit – special conditions

The Director, Planning and Development may impose special conditions on a Permit that are reasonable, including requiring the Owner to enter into a Site Alteration Agreement with the City, to ensure that the proposed Site Alteration is consistent with the provisions of this By-Law and to minimize any Adverse Effect.

5.4 Permit – accepted site alteration drawings

Drawings accepted pursuant to the issuance of a Permit shall form part of said Permit.

5.5 Permit - validity

A Permit issued pursuant to this By-Law shall remain valid from the date specified on the Permit by the Director, Planning and Development, and shall automatically be extended annually from that date unless expressly stated otherwise on the face of the Permit or revoked by the City.

A Permit shall be closed upon either of the following:

- i. The following conditions are met to the satisfaction of the Director:
 1. All Site Alteration works have been complete;
 2. the conditions of the Permit have been fully complied with; and
 3. all outstanding orders are resolved; or
- ii. The Owner enters into a Subdivision, Consent or Development Agreement under the *Planning Act* with the City, which has been registered against the Lands and addresses the Site Alteration works.

5.6 Permit issuance – no exemption from other requirement

A Permit issued pursuant to this By-Law does not preclude the Owner's responsibility to obtain all other approvals which may be required by any level of government and /or agencies thereof.

5.7 Permit transfer – requirements

If the Site for which a Permit has been issued are transferred while the Permit remains in effect, the new owner of the lands shall either:

- (a) provide the City with an undertaking to comply with all the conditions under which the existing Permit was issued; or
- (b) apply for and obtain a new Permit in accordance with the provisions of this By-Law.

5.8 Director, Planning and Development – refer application – comment

The Director, Planning and Development, may refer any application, associated plans and information to municipal staff, public agency, advisory body and/or a Qualified Individual for comment prior to making a decision.

5.9 Permit issuance – revocation

The Director, Planning and Development, may, at their discretion, provide notice to modify or revoke the Permit for any of the following reasons:

- (a) the Permit was obtained based on mistaken, false, incorrect information, or issued in error;
- (b) the Permit Holder has failed to comply with Permit conditions;
- (c) the Permit Holder is in non-compliance of an order issued under this By-Law;
- (d) ownership of the Site has changed, and the new Owner has complied with section 5.7 of this By-Law;
- (e) to protect the safety, health, and well-being of the community; and/or
- (f) to minimize any financial impact to the City.

Part 6 POWERS OF THE DIRECTOR

In addition to any power, duty or function prescribed in this By-Law, the Director, or designate, is authorized and has the delegated authority to:

- (a) Approve and issue Permits;
- (b) Amend or waive permit conditions or other requirements under this By-Law;
- (c) Refuse a Permit application or revoke an existing Permit. A refusal or revocation shall be accompanied by written reasons by the Director.
- (d) Approve and execute Site Alteration Agreements as a condition of Permit approval.

Part 7 ENFORCEMENT ORDERS

7.1 Power to Make Orders

This By-Law may be enforced by an Officer and/or as delegated by the Director, Planning and Development.

7.2 Order to Discontinue Activity

If an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the By-Law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention. No person shall contravene an Order to Discontinue Activity.

An Order to Discontinue Activity may include, but is not limited to, the following:

- (a) immediately desist from the activity constituting or contributing to the contravention;
- (b) leave the Site and cease the contravening activity immediately.

7.3 Work Order

If an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as Work Order, requiring the person who contravened the By-Law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention. No person shall contravene a Work Order.

A Work Order may include, but is not limited to, the following:

- (a) take immediate action to mitigate and/or remediate the impacts of the activity.

7.4 Order to Discontinue Activity or Work Order - particulars

An Order to Discontinue Activity and/or a Work Order shall set out:

- (a) the municipal address of the property on which the contravention occurred;
- (b) the date of the contravention;
- (c) the reasonable particulars of the contravention of the By-Law; and
- (d) the date by which there must be compliance with the order.

7.5 Order to Discontinue Activity or Work Order - service

The Order to Discontinue Activity and/or Work Order may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

7.6 Work Order - remedial action by the City

If an owner is required, under a Work Order under this By-Law, to do a matter or thing, then in default of it being done by the owner so required to do it, the matter or thing may be done at the owner's expense under the direction of an Officer and/or as delegated by the Director, Planning and Development.

7.7 Work Order – cost recovery

The City may recover the costs of doing a matter or thing under section 7.6 from the owner required to do it, by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.

7.8 Work Order – Lien

The amount of the costs under section 7.6, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

7.9 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.

7.10 Authority to Inspect

An Officer and/or the Director may enter onto a Site at any time for the purpose of carrying out and directing inspections that are reasonably required to determine compliance with this By-Law.

Part 8 PENALTY AND OFFENCES

8.1 Offences

- (a) Any person who contravenes any provision of this By-Law is guilty of an offence.
- (b) A director or officer of a corporation who knowingly concurs in the contravention of this By-Law is guilty of an offence.

8.2 Fines - person

Any person convicted under this By-Law is liable:

- (a) upon a first conviction, to a minimum fine of \$500.00 and a maximum fine of \$25,000.00; and
- (b) upon a subsequent conviction, to a minimum fine of \$500.00 and a maximum fine of \$50,000.00.

8.3 Fines - corporation

Despite section 8.2, where the person convicted is a corporation, the corporation is liable,

- (a) upon a first conviction, to a minimum fine of \$5,000.00 and a maximum fine of not more than \$50,000.00; and
- (b) upon any subsequent conviction, to a minimum fine \$10,000.00 and a maximum fine of not more than \$100,000.00.

8.4 Conviction

If this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

8.5 Special Fines

In addition to the penalties contained in Sections 8.2 and 8.3 of this By-Law, a special fine may be imposed for the purpose of eliminating or reducing any economic advantage or gain from the contravention of this By-Law, which may exceed \$100,000.00. With respect to Site Alteration resulting in destruction to the Natural Heritage System destruction, the special fine will be calculated to consider the cost of feature replacement and the fair market value of the economic advantage or gain obtained from the contravention.

8.6 Administrative Monetary Penalty

Each person who contravenes any provision of this By-Law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-Law A-54, be liable to pay the City an Administrative Monetary Penalty.

Part 9 EFFECTIVE DATE

9.1 Effective date

This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on November 26, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 26, 2024
Second Reading – November 26, 2024
Third Reading – November 26, 2024

SCHEDULE 'A' – General Requirements

1. The Owner shall meet all requirements of the Site Alteration By-Law.
2. The Owner agrees to complete the works proposed for Site Alteration in accordance with the plans accepted by the City of London and attached hereby to this Permit.
3. The Owner agrees to assume all risks involved in undertaking the Site Alteration, and to this end the Owner shall indemnify and save harmless the City from and against all claims arising in undertaking.
4. No Person shall perform a Site Alteration on any lands unless it is carried out at the request of or with the consent of the Owner of the Land where the Site Alteration is to occur.
5. The Owner shall obtain all necessary permits, approvals and/or certificates in conjunction with the Site Alteration activities.
6. No construction of municipal services shall commence prior to the execution of a subdivision, consent, or development agreement.
7. No other work shall commence until all pertinent approvals are in place.
8. The Owner shall comply with all relevant legislation including but not limited to *Endangered Species Act, 2007, Migratory Bird Convention Act, Fisheries Act, Environmental Protection Act, R.S.O., 1990*.
9. All imported and exported Excess Soil and Topsoil, regraded or distributed on a Site, shall be all in accordance with the requirements of the Ontario Regulation 406/19 On-Site and Excess Soil Management made under the *Environmental Protection Act*.
10. The Owner shall construct, monitor and maintain erosion and sediment control measures as required during construction to control overland flows from the Site to ensure that mud, silt, construction debris, etc. does not cause an Adverse Effect to abutting properties, in accordance with Chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City.
11. No person shall undertake any Site Alteration that may have Adverse Effect on the quality or quantity of water in a well, pond or watering hole intended for use as a source of water for agriculture or human consumption on a property with an adjoining property boundary, or any other property.
12. The existing topsoil on lands subject to Site Alterations shall be preserved by removing and stockpiling enough topsoil to provide sufficient cover to stabilize the site, as applicable. Additional topsoil may be stockpiled for future use at the discretion of the Owner.
13. The Owner agrees to protect all topsoil stockpiles within 30 days of completion of the stripping of the topsoil, or as otherwise approved by the City.
14. All Fill shall be compacted using acceptable engineering practices, as appropriate, unless it is being stockpiled on the Site for future use in accordance with all applicable by-laws and zoning for the City, and grading plans and timelines as approved by the Director, Planning and Development.
15. Any engineered fill needed to support roads, services, houses, and driveways, shall be placed under the direction of the Owner's Qualified Individual.
16. Upon completion of the Site Alteration and grading operations, or in any event, if applicable, prior to entering into a subdivision agreement with the City, the Owner's Qualified Individual; shall certify that any recommendations contained in the hydrogeological report were complied with, and any recommended remedial measures to control groundwater levels were implemented.
17. For Site Alteration on agricultural lands, a soil fertility report shall be prepared and provided, signed by a Qualified Individual, confirming that the Site Alteration will not result in a reduction in the overall soil fertility.
18. The Owner shall address and implement all archaeology requirements and the recommendations of relevant studies. If archaeological resources are discovered or identified during the Site Alteration, even after the issuance of a Permit, the Owner shall immediately cease all activity on the Site, contact the Director of Planning and Development, and take actions as defined by the City or other responsible agency to safeguard and protect the resources.

19. The Owner shall install tree protection fencing, as specified in the accepted Permit plans, prior to any Site Alteration work being undertaken on-site, to the satisfaction of the City.
20. The Owner shall ensure that where the root systems of trees to be preserved are exposed or damaged by construction work, they are neatly trimmed, and the area is backfilled with appropriate material to prevent drying and desiccation. Furthermore, the Owner shall ensure that grades around wooded areas or tree stands are not disturbed. If changes to grades around treed areas are necessary, precautions such as dry welling and root feeding may be required. Any filling and grading within the drip line of trees shall be done by hand.
21. Site Alterations shall not result in:
 - a. Interference with natural drainage processes or blockage of a watercourse.
 - b. Soil erosion, slope instability or siltation that may cause an Adverse Effect on downstream lands including pollution of a watercourse.
 - c. Flooding or other impacts on the natural hydrologic cycle, including ponding that exceeds what is specified in the City's Design and Specifications Requirements Manual.
 - d. A loss or Adverse Effect on the natural environment, including but not restricted to, lands designated as environmentally significant, in The London Plan or Zoning By-Law.
 - e. An Adverse Effect on any fish or wildlife habitat within, or adjacent to the subject site.
 - f. Drainage patterns of adjacent properties, Natural Heritage Systems or Tree Protection Areas, being adversely effected.
 - g. Undue dust problems for adjacent properties. Dust suppression measures are to be implemented during construction and impacted City streets shall be maintained clear of dirt, mud, and debris.
 - h. Any existing City road being fouled with dirt, mud or debris.
 - i. Any existing City road being used for construction access purposes except those routes designated for construction access by the Director, Planning and Development.
 - j. Any on site burning of materials without prior approval of the Fire Department and in accordance with the Open-Air Burning By-Law - F-9, as amended.
 - k. Any negative impact on groundwater levels except those which are approved by the Director, Planning and Development.
 - l. An Adverse Effect on areas of archaeological potential, artifacts, or an archaeological site.

Appendix “B” – Described changes between the draft and final By-Law

The following outlines changes made to the draft language for each of the proposed sections of the Site Alteration By-law, as presented to the Planning and Environment Committee (PEC) on July 16, 2024:

Section	Description of changes
1- Definitions	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Updated definitions in line with industry feedback by removing unused terms, and by defining terms based on language used in relevant Provincial Acts. 3. Main change was to revise the definition of Qualified Professional to Qualified Individual which addressed industry feedback.
2- Exemptions	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Removed exemption #2. 3. Revised wording for exemption #1 and #4 for clarity and to be inline of the <i>Municipal Act</i> wording.
3- Prohibitions	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Minor revised wording to headings and subsection 3.1 for clarity.
4- Requirements for An Application of a Site Alteration Permit	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout including Minor revised wording to headings and subsections 4.2 and 4.3 for clarity. 3. Add new subsection related to application form. 4. Removed subsection 4.1(4). Security covered under section 5.1(3). 5. Revised wording for subsection 4.1(5) to ensure the Natural Heritage System is protected in accordance with The London Plan policies. 6. Removed Subsection 4.4. Redundant section since the intent of this section is covered by the By-Law.
5- Issuance of Permit	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout including Minor revised wording to headings and subsections 5.1 and 5.2 for clarity. 3. Add new subsection related to permit revocation. 4. Revised wording for subsection 5.5 to provide additional flexibility and clarity.
6- Administration	<ol style="list-style-type: none"> 1. Removed section and replaced with Powers of the Director. 2. Added wording describing the Power of the Director under this By-Law.
7- Enforcement Orders	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout for clarity. 3. Relocated wording related to fines and penalties to Section 8. 4. Revised wording of headings. 5. Added a subsection related to Work Orders
8- Penalty and offences	<ol style="list-style-type: none"> 1. General grammar and punctuation. 2. Revised wording throughout for clarity. 3. Revised minimum and maximum fine limits in accordance with the <i>Municipal Act</i>. 4. Revised wording of headings. 5. Added a section related to the Administrative Monetary Penalty System.
SCHEDULE 'A' – General Requirements	<ol style="list-style-type: none"> 1. Combined Schedule A and I and revised wording for clarity and to remove redundancies.

Appendix “C” – Draft Site Alteration By-Law present at PEC on July 16, 2024.

Proposed Section	Proposed wording
1 - Definitions	<p>This section provides the meaning of certain terms used throughout the By-Law.</p> <p>"Adverse Effect" shall mean one or more of impairment of the quality of the natural environment for any use that can be made of it, injury or damage to property, archeological resources, plant or animal life, harm or material discomfort to any Person, impairment of the safety of any Person, rendering any property, plant or animal life unfit for human use, loss of enjoyment of normal use of property and interference with the normal conduct of a business</p> <p>"City" means the Corporation of the City of London</p> <p>"Council" means the Council of the Corporation of the City of London.</p> <p>"Conservation Authority" means of one or more of the Upper Thames River Conversation Authority or Lower Thames Valley Conversation Authority or Kettle Creek Conservation Authority, whichever Authority or Authorities have authority and jurisdiction over particularized land located in the City.</p> <p>"Director, Planning and Development" shall mean the person who holds the position of Director, Planning and Development for The Corporation of the City of London.</p> <p>"Drainage" shall mean 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.</p> <p>"Dumping" shall mean 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.</p> <p>Erosion and sediment controls – shall mean temporary or permanent measures implemented to prevent soil erosion and manage sediment in areas of land disturbance required as conditions for the approval of a Site Alteration Permit.</p> <p>"Fill" shall mean any type of material deposited or placed on lands and includes soil, stone, rock, concrete, asphalt, sod, or turf, refuse and waste materials.</p> <p>"Finished Grade" means the approved elevation of ground surface of lands upon which Fill has been Placed or Dumped, the Grade altered or Topsoil Removed, in accordance with this by-law.</p> <p>"Manager, Current Development" means the person who holds the position of Manager, Current Development for The Corporation of the City of London.</p> <p>"Manager, Subdivisions and Development Inspections" shall mean the person who holds the position of Manager, Subdivisions and Development Inspections for The Corporation of the City of London.</p> <p>"Officer" shall mean an employee, officer, or agent of the City whose duties include conducting inspections and/or enforcing the City's by-laws, or a police officer with London Police Services.</p> <p>"Owner" shall mean the registered owner of land, or their agent, or anyone acting under the direction of the owner and their agent.</p> <p>"Order to Discontinue Activity" shall mean an order made pursuant to Section 7 of this Bylaw.</p> <p>"Permit" shall mean a permit issued by the City pursuant to the provisions of this Site Alteration By-Law.</p> <p>"Qualified Professional" shall mean an individual who has the ability to assume responsibility for the works carried out under this by-law... <i>(Note: this definition will be further reviewed in consultation with the industry).</i></p>

	<p>“Residential Lots” shall mean any parcel of land which includes residential zoning designation under the City’s Z.1 Zoning By-Law.</p> <p>“Site” shall mean the lands which are the subject of an application for a Permit pursuant to this by-law.</p> <p>“Site Alteration” shall mean the physical changing of site conditions through the placement or Dumping of Fill, the excavation and/or alteration of soil which may include but is not limited to: the removal of vegetative cover; the compaction of soil; the creation of impervious surfaces; the obstruction of drainage facilities; the modification of watercourses, such servicing work required to support the site alteration activities; or any combination of the aforementioned activities.</p> <p>“Soil” shall mean material commonly known as earth, topsoil, loam, subsoil, clay, sand, gravel, silt, rock, or fill.</p> <p>“Topsoil” shall have the same meaning as the definition of “topsoil” under section 142(1) of the Municipal Act.</p> <p>“Watercourse” shall mean a natural or constructed channel through which water flows, but not limited to rivers, streams and municipal or private storm drains</p>
2- Exemptions	<p>This section describes the areas where the provisions of the proposed by-law do not apply.</p> <ol style="list-style-type: none"> 1. Activities of a Municipality, Road Authority, or Crown Agency as defined in the Crown Agency Act. 2. Activities authorized pursuant to a building permit issued by the City. 3. Any placing or dumping of fill, removal of soil, or alteration of the grade of land exempted pursuant to section 142 (5) of the Municipal Act. 4. Normal farm practices as defined in Section 1.1 of the Farming and Food Production Protection Act, 1998, S.O.1998, c.1, as amended or replaced. 5. Residential lots under 0.5ha in size (see Note 1 below). 6. The routine maintenance activities within established golf courses. 7. Emergency repair work performed in consultation with the city, subject to any requirement from the Director, Planning and Development to obtain a permit for the continuation of such work. 8. Activities pursuant to Owner executed development agreements, subdivision agreements, consent agreements or any other development agreements pursuant to the Planning Act. <ul style="list-style-type: none"> • Note 1: Exemption 5 shall not apply where site alteration is proposed on any lands within or adjacent to or within 30 metres of the Natural Heritage System/Tree Protection Area as identified in the London Plan.
3-Prohibitions	<p>3.1 Site Alteration – approval required. Unless otherwise exempted by this by-law, no person shall undertake site alteration without having first obtaining a permit issued by the Director, Planning and Development.</p> <p>3.2 Site Alteration – in accordance with approval Where a permit has been issued pursuant to this by-law, no person shall undertake site alteration except in accordance with the plans, conditions, and any other information on the basis of which a permit was issued.</p> <p>3.3 Failure to Comply No person shall fail to comply with an Order to Discontinue Activity or a Work Order made under this By-Law.</p>
4-Requirements for An Application of a	<p>4.1 A person applying for a permit shall submit the following to the Director, Planning and Development or designate:</p>

<p>Site Alteration Permit</p>	<ol style="list-style-type: none"> 1. a completed permit application. <i>(Note: a fillable Site alteration form is being developed and will be available to replace site alterations agreements).</i> 2. the applicable permit fee calculated in accordance with the Fees and Charges By-Law (XX); to the City in an amount and form acceptable to the City. 3. Site Alteration drawings prepared and sealed by a Qualified Professional for the Site. Site Alteration drawings shall be prepared in accordance the City’s Design and Specifications Requirements Manual and all requirements of this By-Law. 4. a cost estimate of the estimated value of the work associated with the proposed site alteration in accordance with the template and the requirements identified in the City’s Subdivision and Development Security policy, to the satisfaction of the City; <i>(Note: Site alterations security is being reviewed as part of our forthcoming Security policy update).</i> 5. confirmation that the appropriate archaeological assessments on lands deemed to have moderate to high potentials for the discovery of archaeological resources have been completed to the satisfaction of the province. 6. if located within 120m of the Natural Heritage System, studies or reports may be required to confirm that the Site Alteration is in conformity with the London Plan. Such additional reports or studies to be completed as prescribed in the City’s Design and Specifications Requirements Manual to the satisfaction of the city. <p>4.2 General Requirements</p> <ul style="list-style-type: none"> • Every permit that is issued is subject to the General Requirements as attached and identified in Schedule “A” of this by-law. <p>4.3 Coordination with The Planning & Development Process An application for a Site Alteration Permit may be processed concurrently with an application as part of a development application pursuant to the Planning Act. The drawings shall include but not be limited to alterations of grade, servicing, tree removals, and other works deemed appropriate by the City. The Owner acknowledges that any site alteration for a Site in advance of a Planning Approval shall be entirely at their own risk.</p>
<p>5-Issuance of Permit</p>	<p>5.1 Requirements The Director, Planning and Development shall issue a permit where:</p> <ol style="list-style-type: none"> 1. the applicant has fulfilled all requirements pursuant to this by-law. 2. Site Alteration drawings have been accepted by the city. 3. security in a form and amount to be determined by the Director, Planning and Development in accordance with the City’s Subdivision and Development security policy (as amended from time to time) to secure performance of the work for which the permit was obtained and compliance with any conditions of granting the permit. 4. proof of any other permit that may be required from the city (Tree Protection By-Law, Streets By-Law etc.) or any external agency or person for the completion of work associated with the site alteration. <p>5.2 Permit – Conditions - standard</p> <ul style="list-style-type: none"> • Every permit that is issued is subject to the conditions as attached in Schedule “B” of this by-law. <p>5.3 Permit – special conditions</p> <ul style="list-style-type: none"> • The Director, Planning and Development may impose special conditions on a Permit that are reasonable to ensure that the

	<p>proposed site alteration is consistent with the provisions of this by-law.</p> <p>5.4 - Permit – accepted site alteration drawings Drawings accepted pursuant to the issuance of a permit shall form part of said permit.</p> <p>5.5 - Permit valid – 2 years maximum A permit issued pursuant to this by-law shall be valid to the expiry date as specified on the permit by the Director, Planning and Development. Unless expressly stated on the face of the Permit, all Permits issued under this By-law shall expire 2 years after issuance. An extension of permit shall be at the discretion of the Director, Planning and Development. A permit shall be considered closed where a Subdivision, Consent or Development Agreement has been registered for the lands which are covered by the permit.</p> <p>5.6 - Permit issuance – no exemption from other requirement A permit issued pursuant to this by-law does not preclude the applicant’s responsibility to obtain all other approvals which may be required by any level of government and /or agencies.</p> <p>5.7 - Permit transfer – requirements If the lands for which a permit has been issued are transferred while the permit remains in effect the new owner of the lands shall either:</p> <ul style="list-style-type: none"> a. provide the City with an undertaking to comply with all the conditions under which the existing permit was issued; or b. apply for and obtain a new permit in accordance with the provisions of this by-law. <p>5.8 - Director, Planning and Development – refer application – comment The Director, Planning and Development, may refer any application, associated plans and information to municipal staff, public agency, advisory body and/or other qualified professional for comment prior to making a decision.</p>
6-Administration	<p>The administration and enforcement of this by-law shall be performed by the Director, Planning and Development. When the Director, Planning and Development is absent or their office is vacant, the Manager, Subdivisions and Development Inspections shall act in the place of the Director under this by-law and while so acting has and may exercise all the rights, power, and authority of the Director, Planning and Development as delegated by this by-law subject to the same responsibilities and limitations set out in this by-law. When both the Director, Planning and Development and the Manager, Subdivisions and Development Inspections are absent or their offices are vacant, the Manager, Current Development shall act in the place of the Director, Planning and Development under this by-law and while so acting has and may exercise all the rights, power and authority of the Director, Planning and Development as delegated by this by-law subject to the same responsibilities and limitations set out in this by-law.</p>
7-Enforcement	<p>7.1 The provisions of this By-Law shall be enforced by an Officer.</p> <p>7.2 In accordance with section 436 of the Municipal Act, an Officer may at all reasonable times enter and inspect any land to which this By-Law has application.</p> <p>7.3 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.</p> <p>7.4 Subject to section 7.6 of this By-Law, in the event that the City furthers enforcement of this By-Law by prosecution commenced under Part III of the Provincial Offences Act, each contravention of any provision of this By-Law is hereby designated a "continuing offence" pursuant to section 429(2)(a) of the Municipal Act for each day or part of a day that the offence continues.</p>

7.5 Subject to section 7.6 of this By-Law, any Person guilty of an offence, upon conviction under Part III initiated proceedings under the Provincial Offences Act is liable to the City for a fine not less than \$500.00 and not more than \$10,000.00 for each day or part of day that the offence continues, in accordance with section 429(3)2. of the Municipal Act.

7.6 Notwithstanding sections 7.4 and 7.5 of this By-Law, any Person guilty of an offence, upon conviction under proceedings commenced under Part III of the Provincial Offences Act who has participated in any manner in arranging, planning, organizing, financially supporting, carrying out or permitting, whether implicitly or expressly, the removal the existing ground surface of land without or contrary to a Permit to allow for the placing or dumping of fill without obtaining or contrary to a Permit is liable to the City for a "special fine" in the amount of \$50,000.00 in lieu of section 7.5 fines if the "special fine" amount is greater than the amount the total fine amount the convicted Person would be liable to the City for pursuant to section 7.5 at the time the conviction is entered. The "special fine" is established under the meaning and authority of section 429(2)(d) of the Municipal Act, for the purpose of eliminating or reducing any economic advantage or gain from the contravention of this By-Law.

7.7 As set out in section 431 of the Municipal Act and in addition to any other enforcement, remedy or penalty provided for in this By-Law, where a conviction has been entered in Part III proceedings under the Provincial Offences Act, the court which enters the conviction and/or any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

7.8 In accordance with section 444 of the Municipal Act and addition to any other fine or remedy authorized by this By-Law, if an Officer is satisfied that this By-Law has been contravened, the Officer may make an order, known as an "Order to Discontinue Activity", requiring the Person who contravened the By-law, or who caused or permitted the contravention, or the Owner of the land on which the contravention occurred, to discontinue the contravention.

7.9 An Order to Discontinue Activity shall set out:

1. The Person to whom it is directed.
2. The municipal address or legal description of the property on which the contravention occurred.
3. The date of the contravention.
4. The reasonable particulars of the contravention of the By-law.
5. The date by which there must be compliance with the Order to Discontinue Activity; and
6. The date on which the Order may expire.

7.10 The Order to Discontinue Activity may be served personally on the Owner or Person to whom it is directed or by regular mail to the last known address of that Owner or Person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation, partnership or other business association can be affected by registered mail to its registered corporate or business address or its publicly advertised address.

7.11 If the City is unable to effect service on the Owner under section 7.10, it shall place a placard containing the terms of the Order to Discontinue Activity in a conspicuous place on the land and may enter on the land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Order to Discontinue Activity.

7.12 In accordance with section 445 of the Municipal Act and in addition to any other fine or remedy authorized by this By-Law, if an Officer is satisfied that a contravention of the by-law has occurred, the Officer may make an order, known as a "Work Order", requiring the Owner or Person who contravened the by-law or who caused or

	<p>permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do the work to correct the contravention.</p> <p>7.13 A Work Order shall set out:</p> <ol style="list-style-type: none"> 1. The municipal address or the legal description of the land. 2. Reasonable particulars of the contravention and of the work to be done. 3. A deadline, being a specific date, for compliance with the Work Order; and 4. A notice that if the work is not done in compliance with the Work Order by the deadline, the City may have the work done at the expense of the Owner and the cost of the work may be recovered as per section 7.17 herein. <p>7.14 The Work Order may be served personally on the Owner or Person to whom it is directed or by regular mail to the last known address of that Person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation, partnership or other business association can also be affected by registered mail to its registered corporate or business address or its publicly advertised address.</p> <p>7.15 If the City is unable to effect service on the owner under section 7.14, it shall place a placard containing the terms of the Work Order in a conspicuous place on the land and may enter on the land for this purpose. The placing of the placard shall be deemed to be sufficient service of the Work Order.</p> <p>7.16 Where anything required or directed to be done in accordance with this By-Law is not done, an Officer may upon such notice as he/she deems suitable, do such thing at the expense of the Person required to do it, and in so doing may charge an administration fee as outlined within the City's current Fees By-law, as amended, or replaced.</p> <p>7.17 The City may recover such costs, as incurred by the City pursuant to this by-law from:</p> <ol style="list-style-type: none"> 1. securities provided by the Owner identified in 5.1.3. 2. by adding the costs to the tax roll and collecting them in the same manner as property taxes. 3. a lien on the land upon the registration in the proper land registry office of a notice of a lien. <p>7.18 Costs – interest accrues until payment. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date payment is made.</p> <p>7.19 Where the City proceeds pursuant to section 7.16 of this By-Law, an Officer, or any person under his or her direction may enter onto the land and with the appropriate equipment as required to bring the property into compliance with this By-Law.</p>
<p>SCHEDULE "A" – General Requirements</p>	<ol style="list-style-type: none"> 1. no Person shall perform a Site Alteration on any lands unless it is done at the request of or with the consent of the Owner of the Land where the Site Alteration is to occur. 2. the Owner shall comply with the requirements as outlined in Part 4 of this by-law. 3. the Owner shall comply with all relevant legislation including but not limited to Endangered Species Act, 2007 , Environmental Protection Act, R.S.O., 1990 Haul Routes for the transportation of Fill and Topsoil authorized for placement, dumping or removal at the Receiving Site may be designated to and/or from a Receiving Site by the Director, Planning and Development to minimize damage to the City's roads and minimize interference and/or disturbance to the City's residents and businesses in accordance with a Permit or Site Alteration Agreement issued by the City, if applicable;

	<ol style="list-style-type: none"> 4. All imported Fill and Topsoil, regraded or distributed on a Receiving Site, shall be all in accordance with the requirements of O.Reg. 406/19. 5. No person shall undertake any Site Alteration that may adversely affect the quality or quantity of water in a well, pond or watering hole intended for use as a source of water for agriculture or human consumption on a property with an adjoining property boundary, or any other property. 6. The existing Topsoil on lands subject to Site Alterations shall be preserved by removing and stockpiling it for use as final cover prior to the performance of any Site Alteration work, as applicable. 7. The Director, Planning and Development may restrict the hours of operation and days of operation permitted beyond those restrictions found in this By-Law. 8. The Director, Planning and Development may restrict the daily volume of truckloads to ensure adequate Municipal oversight of the operations, ensure traffic safety and to address reasonable concerns regarding quality-of-life issues for residents along the Haul Route and in the vicinity of the proposed Site Alteration works. 9. All Fill shall be properly compacted using acceptable engineering practices, as appropriate, unless it is being stockpiled on the Site for future use in accordance with all applicable by-laws and zoning for the City, and grading plans and timelines as approved by the Director, Planning and Development. 10. For Site alteration on Agricultural Lands, a soil fertility report, signed by an Engineer/soil scientist, confirming that the Site Alteration will not result in a reduction in the overall soil fertility. 11. Such Site Alterations shall not result in: <ol style="list-style-type: none"> a. interference with natural drainage processes or blockage of a watercourse. b. soil erosion, slope instability or siltation that may cause an adverse effect on downstream lands. c. pollution of a watercourse' d. flooding, ponding, or other impacts on the natural hydrologic cycle. e. A loss or adverse effect on the natural environment, including but not restricted to lands designated as environmentally significant, however expressed in the London Plan or Zoning By-law, including designations of areas as environmentally sensitive, environmental protection, as being of environmental concern and as being ecologically significant; and f. an adverse effect on any fish or wildlife habitat within, or adjacent to the subject site. g. drainage patterns of adjacent properties being adversely disturbed. h. undue dust problems for adjacent properties. i. any existing City Street being fouled with dirt, mud, or debris. j. any existing City Street being used for construction access purposes except those routes designated for construction access by the Director, Planning and Development. k. any on site burning of materials without prior approval of the Fire Department. l. any negative impact on groundwater levels except those which are approved by the Director, Planning and Development. m. Detrimental effect on the quality and quantity of water in a well n. an Adverse Effect on areas of archaeological significance;
<p>SCHEDULE "B" - Permit</p>	<ol style="list-style-type: none"> 1. The Owner shall meet all requirements of this by-law.

Conditions -
Standard

2. The Owner agrees to complete the works proposed for site alteration in accordance with the plans accepted by the City of London and attached hereby to this permit.
3. The Owner agrees to assume all risks involved in undertaking the site alteration, and to this end the Owner shall indemnify and save harmless the City from and against all claims arising in undertaking.
4. If archaeological resources are discovered or identified during the Site Alteration, even after the issuance of a Permit, the Owner shall immediately cease all activity on the Site and contact the Director, Planning and Development and take such actions as defined by the Director, Planning and Development or other responsible agency to address, safeguard, and protect the resources.
5. The Owner shall obtain all necessary permits, approvals and/or certificates in conjunction with the site alteration activities (e.g. Hydro One Networks Incorporated, Ministry of the Environment Certificates, City's Tree Protection By-Law Permit, Permit of Approved Works, water connection, water taking, crown land, navigable waterways, approval: Upper Thames River Conservation Authority (UTRCA), Kettle Creek Conservation Authority (KCCA), Department of Fisheries and Oceans (DFO), Ministry of Natural Resources (MNR), Ministry of the Environment, Conservation and Parks (MECP), City, etc.).
6. No construction of municipal services shall commence prior to the execution of a subdivision, consent, or development agreement.
7. No other work shall commence until all pertinent approvals are in place.
8. The drainage patterns of adjacent properties shall not be changed which will adversely affect adjacent properties, Natural Heritage Systems or Tree Protections Areas.
 - a. No on-site burning of material or any other type of burning shall take place without prior approval of the Fire Department and in accordance with the Open-Air Burning By-law - F-9, as amended.
9. Sufficient precautions shall be taken, as outlined in chapter 10 of the City's Design Specifications and Requirements Manual, to prevent erosion resulting from activities associated with this permit, all to the satisfaction of the City.
10. The Owner shall construct erosion and sediment control measures as required during construction to control overland flows from the Site to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City.
11. Prior to any work on the site, the Owner shall implement all temporary and permanent erosion and sediment control measures identified in the accepted site alteration drawings and shall have these measures established all to the satisfaction of the City. The erosion and sediment control measures shall be maintained and operated as intended during all phases of construction.
12. In the event that the staging of this site alteration differs to that as set out in the accepted engineering drawings, the Owner shall facilitate an update to drawings as per chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City.
13. ESC monitoring reports shall be submitted to developmentinspections@london.ca in accordance with chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City.

14. The Owner shall ensure that ESC measures are installed, monitored, and maintained in accordance with chapter 10 of the City's Design Specifications and Requirements Manual, all to the satisfaction of the City.
15. Upon completion of the site alteration and grading operations, or in any event prior to entering into a subdivision agreement with the City, the Owner's Qualified Professional shall certify that any recommendations contained in the hydrogeological report were complied with, and any recommended remedial measures to control groundwater levels were implemented.
16. Dust suppression measures are to be implemented during construction.
17. All existing city streets shall be maintained clear of dirt, mud, and debris.
18. Any engineered fill needed to support roads, services, houses, and driveways, shall be placed under the direction of the Owner's Qualified Professional.
19. The Owner agrees to protect all topsoil stockpiles within 30 days of completion of the stripping of the topsoil, or as otherwise approved by the city.
20. The Owner shall ensure that where the root systems of trees to be preserved are exposed or damaged by construction work, they shall be neatly trimmed, and the area shall be backfilled with appropriate material to prevent drying and desiccation.
21. The Owner shall ensure the grades around wooded areas or tree stands shall not be disturbed. If it is necessary to change grades around treed areas to be preserved, the subdivider may be required to take precautions such as dry welling and root feeding. Filling and grading within the drip line of trees shall be done by hand.
22. This permit may be closed and associated security released when all the following conditions have been met:
 - a. full compliance with this Permit and/or.
 - b. a Subdivision, Consent or Development Agreement has been registered for the Lands.
23. The Owner shall install tree protection fencing, per accepted Tree Protection Plan, prior to any work being undertaken on-site, to the satisfaction of the City.