



Erosion and Sediment Control By-law 512-91

**A By-law to Protect and Conserve Top Soil
(amended by-law 394-93)**

WHEREAS the Topsoil Preservation Act, chapter 504, R.S.O. 1980 provides that Councils of Municipalities may pass by-laws to regulate or prohibit the removal of Topsoil;

AND WHEREAS the Council of The Corporation of the City of Mississauga deems it advisable to exercise this authority as well as to provide for the rehabilitation of lands where Topsoil removal is permissible;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
 - (1) “Body of water” includes any brook, creek, stream, river, lake, pond, waterway, water course, canal, or other flowing or standing water;
 - (2) “City” means The Corporation of the City of Mississauga;
 - (3) “Commissioner” means the Commissioner of the Transportation and Works Department for The Corporation of the City of Mississauga or his designate;
 - (4) “Council” means the Council of The Corporation of the City of Mississauga;
 - (5) “Erosion” means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
 - (6) “Land Disturbance” means any man-made change of the land surface including removing vegetative cover, excavating, filling, grading, and construction or building of roads or parking lots.
 - (7) “Site” means the lands on which it is proposed that Topsoil be moved or removed;
 - (8) “Topsoil” means that horizon in a soil profile known as the “A” horizon, containing organic material;
 - (9) “Transportation and Works Department” means the Transportation and Works Department for The Corporation of the City of Mississauga.
2. No person or corporation shall remove or permit the removal of any topsoil from any land within the City unless:
 - (1) the exemptions contained in subsection 2(2) or 2(3) of the Topsoil Preservation Act, R.S.O. 1990, c.T.12 apply;
 - (2) the removal is from land, the area of which is less than one (1) hectare; or
 - (3) an Erosion and Sediment Control Permit has been issued therefor by the Commissioner.

3. Notwithstanding the exemptions contained in subsection 2(1) and 2(2) of this By-law no person or corporation shall remove or permit the removal of topsoil from any land adjacent to any size body of water without having been issued a Erosion and Sediment Control Permit by the Commissioner.
4. To obtain a Erosion and Sediment Control Permit the owner of the land or his authorized agent shall sign and file an application by completing the form, established from time to time, by the Commissioner.
5. Every application for a Erosion and Sediment Control Permit shall be accompanied by:
 - (1) an Erosion and Sediment Control Plan in accordance with section 6;
 - (2) the prescribed fee for the Erosion and Sediment Control Permit as established, from time to time, by City Council as detailed in Schedule "A" to this By-law; and
 - (3) a Letter of Credit as detailed in Schedule "A" to this By-law.
6. The Erosion and Sediment Control Plan accompanying an application for a Erosion and Sediment Control Permit shall include:
 - (1) a key map showing the location of the site;
 - (2) the site boundaries and number of hectares of the site;
 - (3) the use of the land and the location and use of the buildings and other structures adjacent to the site;
 - (4) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
 - (5) the location of lakes, streams, wetlands, channels, ditches, other water courses and other bodies of water on and within thirty (30) metres beyond the site boundary;
 - (6) the Regional Storm Flood Plain and Conservation Authority Fill Regulation lines;
 - (7) the location of the predominant soil types;
 - (8) the location and type of vegetative cover;
 - (9) the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within thirty (30) metres beyond the site boundary;
 - (10) the location and dimensions of utilities, structures, roads, highways and paving;
 - (11) the existing site topography at a contour interval not to exceed one half of one metre and to extend a minimum of thirty (30) metres beyond the site boundary;
 - (12) the proposed final elevations of the site;
 - (13) the location and dimensions of all proposed land disturbing activities;
 - (14) the location and dimensions of all temporary soil or dirt stockpiles;
 - (15) the location, dimensions, design details and design calculations of all construction site control measures necessary to meet the requirements of this By-law;

- (16) a schedule of the anticipated starting and completion dates of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this By-law;
 - (17) Provisions for the maintenance of the construction site control measures during construction including a mud tracking prevention program which describes the procedures for mud tracking prevention and road clean up and designates a contact person(s) directly responsible for such a program throughout each land disturbing or land developing activity.
 - (18) the scale of drawing; and
 - (19) any other necessary information with respect to the site.
 - (20) details of the site rehabilitation including the type and location of all interim and permanent stabilization measures.
7. Every Erosion and Sediment Control Plan accompanying an application for a Erosion and Sediment Control Permit must be certified by a professional engineer who is licensed to practise in the Province of Ontario or any other qualified person approved by the Commissioner.
 8. Notwithstanding any other provisions of this By-law, the Commissioner may waive the requirement for a Erosion and Sediment Control Plan and/or may reduce the fee for a Erosion and Sediment Control Permit in appropriate cases after taking into consideration the cost of the proposed works, the anticipated impact on the adjacent body of water and the use of the property.
 9. All applications for a Erosion and Sediment Control Permit shall meet the site design guidelines as set out in Schedule "B" to this By-law.
 10. The Commissioner shall issue a Erosion and Sediment Control Permit where the requirements of this By-law are met and where the Commissioner is satisfied that no damage will occur as a result of erosion, sedimentation or flooding and that the land will be rehabilitated to the same or better condition than it was in at the time prior to the removal of the topsoil for which the Erosion and Sediment Control Permit is issued.
 11. Were the Commissioner refuses to issue a Erosion and Sediment Control Permit, the applicant shall be informed in writing of the refusal and may be required to provide additional information if the application is to be given further consideration.
 12. Erosion and Sediment Control Permits issued are subject to the conditions contained in Schedule "C" to this By-law.
 13. Erosion and Sediment Control Permits shall be valid for a period of 180 days. The Commissioner may extend the permit one or more times for an additional 180 days each time. The permit holder must apply for a permit extension 30 days prior to the permit expiring. The Commissioner may require additional control measures and inspection fees as a condition of the extension if they are necessary to meet the requirement of the By-law.
 14. All sedimentation basins and other control measures necessary to meet the requirements of this By-law shall be in place prior to any land disturbance of the site unless otherwise approved by the Commissioner. These measures shall be maintained by the Erosion and Sediment Control Permit holder or subsequent landowner during the period of land disturbance in a manner satisfactory to the Commissioner to insure adequate compliance with the requirements of this By-law and to prevent damage occurring as a result of erosion, sedimentation or flooding.

15. Employees of the Transportation and Works Department shall inspect sites for which Erosion and Sediment Control Permits have been issued for compliance with the approved Erosion and Sediment Control Plan.
16. The issuance of a Erosion and Sediment Control Permit by the Commissioner does not preclude the applicant's responsibility to obtain all other approvals which may be required by any level of government and agencies thereof.
17. If the property for which a Erosion and Sediment Control Permit has been issued is transferred while the Erosion and Sediment Control Permit remains in effect the new owner shall either:
 - (1)
 - (a) provide the City with an Undertaking agreeing to comply with all the conditions under which the existing Erosion and Sediment Control Permit was issued; and
 - (b) provide a Letter of Credit in accordance with the requirements of Schedule "A" to this By-law.or;
 - (2) apply for and obtain a new Erosion and Sediment Control Permit in accordance with the provisions of this By-law.
18. No notices of contravention or charges will be laid under this By-law with respect to properties that are under development at the time of the enactment of this By-law unless thirty (30) days written notice to comply with the By-law has been mailed by the Commissioner to the property owner(s) listed on the assessment roll
19. Where it is revealed or discovered that the holder of a Erosion and Sediment Control Permit has provided misleading or false information on the application, the Erosion and Sediment Control Permit issued under this By-law shall be revoked by the Commissioner and the Erosion and Sediment Control Permit holder shall thereafter cease and desist forthwith all operations being conducted under the authority of the revoked Erosion and Sediment Control Permit.
20. Any person or corporation who contravenes any provision or requirement of this By-law may be issued a Notice of Contravention by an employee of the Transportation and Works Department advising of the contravention.
21. Every person or corporation who:
 - (1) provides misleading or false information in an application under this By-law in any statement or plan required to be produced under this By-law;
 - (2) fails to comply with any notice of contravention or other requirement under this By-law; or
 - (3) contravenes any provision or requirement of this By-law and every director or officer of a corporation who concurs in such production, failure or contravention is guilty of an offence and on conviction under the provincial Offences Act, R.S.O. 1980, c.400, as amended, is liable to a fine of \$5,000.00 as prescribed under the Provincial Offences Act.
22. All Schedules attached to this By-law shall form part of this By-law.

23. In the event that any particular provision or provisions or part of a provision is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.
24. This By-law shall come into force and effect upon the passing of the By-law by Council.
25. This By-law shall be known as the Erosion and Sediment Control By-law.

ENACTED AND PASSED this 21st day of October, 1991.

Signed by: Hazel McCallion, Mayor

Signed By: T.L.Julian, City Clerk

SCHEDULE 'A' TO BY-LAW 512-91

1. Erosion and Sediment Control Permit FEES

The fee for processing, administration and inspection for a 180 day permit is Five Hundred Dollars (\$500.00) plus Twenty-Five Dollars (\$25.00) per hectare.

2. LETTER OF CREDIT FOR SITE CONTROL MEASURES

An irrevocable Letter of Credit to cover 100% of the estimated cost of site control measures is required. The Letter of Credit is to be in a form acceptable to the City Treasurer.

- (1) The Letter of Credit must remain in effect for the full duration of the permit. Any Letter of Credit and its subsequent renewal forms shall contain a clause stating that thirty (30) days written notice must be given to the City prior to its expiry or cancellation.
- (2) In the event that the City receives notice that a Letter of Credit is expiring and will not be renewed, or, if further or additional securities are not provided within the said thirty (30) days, the City may draw on the current Letter of Credit at the discretion of the Commissioner. The Erosion and Sediment Control Permit holder agrees that any interest accruing on the realized security shall belong to the City and not to the Erosion and Sediment Control Permit holder.
- (3) It is the responsibility of the permit holder:
 - (1) to provide proof satisfactory to the Commissioner that the site has been adequately reinstated and stabilized in accordance with this By-law and the Erosion and Sediment Control Plan accompanying the Erosion and Sediment Control Permit; and
 - (2) to request that the City carry out a final inspection to confirm that all relevant terms of this By-law have been complied with.
 - (3) When the provisions of subsections (1) and (2) of this section have been fully complied with to the satisfaction of the Commissioner, he shall release the applicant's Letter of Credit.
 - (4) The Letter of Credit may be reduced from time to time at the discretion of the Commissioner, for sites in which a Servicing Agreement has been executed with the City, the securities held through the Letter of Credit may be transferred to and held with the Servicing Letter of Credit under appropriate circumstances.

SITE DESIGN GUIDELINES

The following requirements shall be met on all sites where a Erosion and Sediment Control Permit is required to remove topsoil:

1. **Site Dewatering:** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, swirl concentrators or other appropriate controls. If the water is demonstrated to have no particles greater than 40 microns in size, then dewatering operations may be conducted provided the water is not permitted to discharge directly into receiving bodies of water or streams.
2. **Drain Inlet Protection:** All rear lot storm drain inlets or any other inlets as the Commissioner considers necessary, shall be protected with filter fabric, or equivalent barriers meeting accepted design criteria, standards and specifications accepted by the Commissioner.
3. **Site Erosion Control:** The following criteria apply to land disturbing activities that result in runoff leaving the site:
 - (1) Run-off from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected by sediment control fences being placed along the channel edges to reduce sediment reaching the channel.
 - (2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
 - (3) Any soil or dirt storage piles containing more than one hundred cubic metres of material shall not be located within a downslope drainage length of less than ten (10) metres to a roadway or drainage channel. If remaining for more than thirty (30) days, said soil or dirt storage piles shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from soil or dirt storage piles which will be in existence for less than thirty (30) days shall be controlled by filter fence barriers around the pile.
 - (4) Runoff from the entire disturbed area on the site shall be controlled as follows:
 - (a) All disturbed ground left inactive shall be stabilized by seeding, sodding, mulching or covering, or other equivalent control measure. The period of time of inactivity shall be at the discretion of the Commissioner but shall not exceed 30 days or such longer period as deemed advisable at the discretion of the Commissioner.
 - (b) Notwithstanding paragraph 3(4) (a), a Erosion and Sediment Control Permit holder or applicant for a Erosion and Sediment Control Permit who has also applied for but not yet received a building permit or any other necessary permit may be granted an extension to the permitted period of inactivity, at the discretion of the Commissioner, provided that said applicant or permit holder provides satisfactory proof that he has made his best efforts to have said building or other necessary permit issued.
 - (c) For sites with less than four (4) hectares disturbed at one time and with slopes less than twelve (12) percent grade, sediment control fences or equivalent control measures shall be placed along all downslope sides of the site.

SCHEDULE 'B' TO BY-LAW 512-91

- (d) For sites having a drainage area of more than four (4) hectares disturbed at one time or with slopes greater than twelve (12) percent grade, one or more sedimentation basins should be constructed. The basins shall be designed to trap sediment particles greater than 40 microns in size and be constructed in accordance with the City of Mississauga Erosion and Sediment Control Design Standards. The basin discharge rate shall be sufficiently low as to not cause erosion along the discharge channel.
- (e) For sites located adjacent to existing residential areas, a sediment control fence may be required around the entire perimeter of the site.
- (f) A three (3) metre wide buffer strip or sediment control fence shall be provided along the perimeter of the downslope sides of the site.
- (g) The sediment control guidelines prepared by the Credit Valley Conservation Authority and the Ministry of Natural Resources for the Province of Ontario dated April, 1991, are to be followed closely.
- (h) For sites with extensive fill requirements, the Commissioner may waive the requirements for stabilization of disturbed land after thirty (30) days of inactivity provided that the sediment control measures have been implemented to the satisfaction of the Commissioner.

SCHEDULE 'C' TO BY-LAW 512-91

Erosion and Sediment Control Permit CONDITIONS

1. All Erosion and Sediment Control Permit holders shall:
 - (1) Notify the Transportation and Works Department within 48 hours of commencing any land disturbing activity;
 - (2) Notify the Transportation and Works Department of the completion of any control measures within fourteen (14) days after their installation;
 - (3) Obtain permission in writing from the Commissioner prior to modifying the Erosion and Sediment Control Plan;
 - (4) Install all control measures as identified in the approved Erosion and Sediment Control Plan;
 - (5) Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Erosion and Sediment Control Plan;
 - (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities;
 - (7) Inspect the construction control measures at least once per week and after each rainfall of a least 1 centimetre and make needed repairs;
 - (8) Allow employees of the Transportation and Works Department to enter the site for the purpose of inspecting for compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sediment Control Plan; and
 - (9) Maintain a copy of the Erosion and Sediment Control Plan and Erosion and Sediment Control Permit on the site.

2. The City:
 - (1) Upon the failure by the Erosion and Sediment Control Permit holder to complete all or part of the works in the time stipulated in the Erosion and Sediment Control Plan, may draw the appropriate amount from the securities posted and use the funds to arrange for the completion of the said works, or any part thereof;
 - (2) Upon the failure by the Erosion and Sediment Control Permit holder to repair or maintain a specific part of the works as requested by the City, and in the time requested, the City may at any time authorize the use of all or part of the securities to pay the cost of any part of the works it may in its or their absolute discretion deem necessary; or
 - (3) In the case of emergency repairs or clean-up, the City may undertake the necessary works at the expense of the Erosion and Sediment Control Permit holder and reimburse itself out of securities posted by the applicant.