

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #595 (1980)

Being a by-law to control the removal
of topsoil from lands in the Town of
Pelham.

WHEREAS the Topsoil Preservation Act, R.S.O. 1977, Chapter 49 conveys the power to pass by-laws to prohibit or control the removal of topsoil to local municipalities;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and expedient to control the removal of topsoil within the Town of Pelham;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

(1) DEFINITIONS:-

- (a) "LOT" means a parcel of land, described in a deed or other document legally capable of conveying land, or shown as a lot or block on a registered plan of subdivision.
- (b) "TOPSOIL" means that horizon in a soil profile, known as the "A" horizon, containing organic material as defined in the Topsoil Preservation Act.
- (c) "INSPECTOR" means a person appointed by by-law by the Town to carry out the provisions of this by-law.
- (d) "COUNCIL" means the Council of the Corporation of the Town of Pelham.
- (e) "CLERK" means the Clerk of the Corporation of the Town of Pelham.
- (f) "AGRICULTURAL ENGINEER" means the person appointed by the Ministry of Agriculture & Food to carry out such duties as required.

(2) THE removal of topsoil within the boundaries of the Town of Pelham shall be by permit only.

(3) ALL applications for a permit shall be in the form as set out in Schedule "A" attached hereto and forming part of this by-law and shall contain all information required therein together with the covenant to rehabilitate as set out therein.

(4) REHABILITATION PROCEDURES:-

4.1 - Rehabilitation Procedures for Lands With An Initial Slope of More than 5%: -----

- (a) A detailed soil analysis of the remaining subsoil

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and the specifications for its rehabilitation shall be obtained from the appropriate government agency and submitted to the Town by the applicant together with proof of his compliance with the specifications contained therein.

(b) The site shall be subsoiled or chisel ploughed and worked to establish a proper seed bed and shall be seeded with mixture of perennial seeds free of noxious weeds on or before October 1st. in the same calendar year in which the lands have been stripped. Said cover crop to remain on the lands for a period of not less than 18 months.

(c) In the event that conifers are planted as the initial crop the lands shall be cleared to their original state and all the requirements for rehabilitation shall be completed to the satisfaction of the Town before any portion of the rehabilitation guarantee deposit can be refunded.

4.2 - Rehabilitation Procedures for Lands With An Initial Slope of Less Than 5%: -----

(a) All lands shall require a detailed drainage plan approved by the Agricultural Engineer to be submitted by the applicant to the Town for approval and all drainage works recommended therein shall be completed prior to the commencement of stripping.

(b) The site shall be subsoiled or chisel ploughed and manured with 22 tonnes per hectare of animal manure or 11 tonnes per hectare of poultry manure and worked to establish a proper seed bed, detailed soil analysis and the specifications for the soils further rehabilitation shall then be obtained by the applicant from the appropriate government agency and be submitted to the Town together with proof of compliance to the specifications contained therein. The site shall be seeded with a mixture of perennial seeds free of noxious weeds and containing at least 11 to 14 kilograms per hectare of Birdsfoot Trefoil and 20 kilograms per hectare of Red Fescue, all seeds to be minimum Canada No. 1 Grade and sown on or before October 1st. in the same calendar year in which the lands have been stripped. Said cover crop to remain on the lands for a period of not less than 3 years.

(c) In the event that conifers are planted as the initial crop the lands shall be cleared to their original state and all the requirements for rehabilitation shall be completed to the satisfaction of the Town before any portion of the rehabilitation guarantee deposit can be refunded.

(5) NOTWITHSTANDING the requirements of Section 4 nothing shall prevent the normal harvesting of any agricultural crop which may be produced as a product of the rehabilitation procedures.

(6) IN the event of the failure of the owner to carry out any of the provisions of this by-law or the rehabilitation covenant, the permit shall be immediately revoked and the Town, its servants or agents shall on fifteen (15) days notice in writing notify of its intention,

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and forthwith in cases of emergency, have the right to enter on the said lands, and, at the expense of the owner, do any such work as contained herein, payments for such work to be deducted from the monies on deposit as guarantee, and further, should the soil deposits be insufficient to cover the costs of such work, shall have the right to recover the additional cost thereof by action or in like manner as taxes.

(7) THIS by-law shall not apply to any person or class of persons exempted under The Topsoil Preservation Act, 1977, R.S.O. 1977, Chapter 49, as amended, from time to time.

(8) THE Owner shall enter into an agreement with the Town of Pelham covering all aspects of the stripping and rehabilitation; such agreement shall be suitable for registration on title.

(9) PENALTY:-

(i) Every person who:

(a) knowingly furnishes false information in any application under this by-law or in any statement or return required to be furnished under this by-law; or,

(b) fails to comply with any notice, direction, or other requirement under this by-law; or,

(c) contravenes any provision of this by-law shall be guilty of an offence and on Summary Conviction shall be liable to a fine of not more than One Thousand Dollars (\$1,000) exclusive of costs for each offence and every such fine shall be recoverable under The Summary Conviction Act.

(ii) Each day a violation continues may be deemed a separate offence.

(10) THIS by-law shall be in force and take effect upon the date of its passing by Council.

(11) EVERY provision of this by-law is declared to be severable from the remainder of this by-law and if any Court of competent jurisdiction shall declare any provision invalid, such declaration shall not affect the validity of the remainder thereof.

READ A FIRST TIME BY COUNCIL

THIS 25th. DAY OF FEBRUARY, 1980 A.D.

E.S. Bergerstein
MAYOR

Murray Hackett
CLERK