

CONSOLIDATED VERSION

This consolidation is prepared for convenience only;
for accurate information see by-laws as adopted by
Council.

BY-LAW NUMBER 93-19 OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE A BY-LAW TO PROHIBIT AND REGULATE THE REMOVAL OR DISTURBANCE OF PEAT WITHIN THE TOWNSHIP OF UXBRIDGE.

WHEREAS the **Township of Uxbridge Act, 1992** authorizes Council for The Corporation of the Township of Uxbridge to enact by-laws respecting the removal of peat within the Township;

AND WHEREAS, the Township deems it desirable to enact such a by-law.

NOW THEREFORE the Council of The Corporation of the Township of Uxbridge hereby enacts a by-law as follows:

Definitions:

1. In this by-law,
 - (a) "Chief Building Official" means the Chief Building Official of the Corporation, as appointed, by by-law, from time to time and shall include any person authorized by the Chief Building Official to carry out any of the powers or duties of the Chief Building Official pursuant to this by-law;
 - (b) "Corporation" means The Corporation of the Township of Uxbridge;
 - (c) "Lot" means a parcel or tract of land in one ownership and capable of being conveyed in accordance with the provisions of the **Planning Act**, as amended;
 - (d) "Owner" means the registered owner of the lands from which Peat has been, is, or will be removed;
 - (e) "Peat" means a carbonaceous deposit composed of partially decayed vegetable matter and capable of being used as a fuel when air-dried or processed by other means;
 - (f) "Soil" includes material commonly known as earth, top soil, loam, sub-soil, clay, sand or gravel.
2. This by-law applies to all lands located within the boundaries of the Township of Uxbridge.
3. This By-law is not applicable to the following activities:
 - (a) the removal of Peat as an incidental part of drain construction under the **Drainage Act**, as amended, or the **Tile Drainage Act**, as amended;
 - (b) the removal of Peat as an incidental part of the construction,

extension, alteration, maintenance or operation of works under Section 26 of the **Public Transportation and Highway Improvement Act**, as amended;

- (c) the removal of Peat as an incidental part of operations authorized under the **Aggregate Resources Act**, as amended; and
- (d) the removal of Peat as an incidental part of the activities of the Corporation, Uxbridge Hydro-Electric Commission, a Ministry of the provincial government, the regional council of The Regional Municipality of Durham, The Metropolitan Toronto and Region Conservation Authority or the Lake Simcoe Region Conservation Authority, related to the establishment or maintenance of utilities and services, roads, bridge, flood and erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
- (e) the removal of Peat by a Crown agency or Ontario Hydro;
- (f) the removal of Peat as an incidental part of any construction for which leave to construct has been granted under the **Ontario Energy Board Act**, as amended;
- (g) the removal of Peat where the quantity of Peat removed in any one Lot does not, in any consecutive three-month period, exceed five cubic metres;
- (h) the removal of Peat as an incidental part of the construction of any form of underground services where the Peat is removed and held for subsequent replacement, and thereafter, is actually replaced; and
- (i) the removal of Peat as an incidental part of the construction of a highway.

4. This by-law does not apply to the extent that,

- (a) it is inconsistent with the terms of any approval or agreement under the **Planning Act**, as amended; or
- (b) it would prevent the construction of any building, structure, driveway, loading or parking facilities permitted or required on a Lot under,
 - (i) a by-law passed by a municipality under Section 34 of the **Planning Act**, as amended,
 - (ii) an order made by the Minister of Municipal Affairs under Section 47 of the **Planning Act**, as amended, or
 - (iii) a land use regulation made under Section 4 of the **Parkway Belt Planning and Development Act**, as amended or an exemption granted under clause 23 (c) of that Act.

5. (a) No person shall remove or disturb or cause or permit to be removed or disturbed any Peat located on any lands in the Township of Uxbridge without having first obtained a permit issued by the Chief Building Official pursuant to Section 7 hereof.

- (b) No person shall remove or disturb or cause or permit to be removed or disturbed any Peat located on any lands in the Township of Uxbridge if a permit issued under Section 7 has been revoked by the Chief Building Official or has expired.

6. A person applying for a permit to remove or disturb Peat on any lands within the

Township of Uxbridge shall submit the following to the Chief Building Official:

- (a) a complete application in the form prescribed by the Chief Building Official, signed by the Owner of the land, with a copy of that application to be submitted to the Corporation's Clerk accompanied by the Owner's written authorization to the Corporation for entry onto the lands by the Corporation's servants, employees or agents for the purposes of inspection and administration of this By-law;
- (b) the applicable permit fee calculated in accordance with Schedule "A" to this By-law;
- (c) an accurate plan of the lands showing:
 - (i) the property lines of the lands with dimensions and the number of hectares of each Lot;
 - (ii) all existing buildings, the species and size in calliper of all trees, the location of all shrubs and driveways on the lands and of all easements and rights-of-way over, under, across or through the Lot;
 - (iii) the location of the Peat to be removed or disturbed;
 - (iv) the existing and proposed uses of the lands;
 - (v) the location of lakes, streams, wetlands, channels, ditches, other water courses or bodies of water within 100 metres of any Lot boundary;
 - (vi) the Regional Storm Floodplain and Conservation Authority Fill Regulation lines;
 - (vii) the existing Lot topography at a contour interval not to exceed one- half of one metre and to extend a minimum of 30 metres beyond each Lot boundary;
 - (viii) the proposed final elevation of each Lot;
 - (ix) an indication on the drawing of directions of overland flow and overland flow route; and
 - (x) such other information as may be required by the Chief Building Official;
 - (xi) detailed erosion and sediment control measures that will be taken by the applicant during the course of the removal or disturbance of the Peat.
- (d) a description of the Peat proposed to be removed or disturbed, the purpose for the removal, together with a statement of the amount of Peat to be removed and the time period within which such removal or disturbance shall be undertaken;
- (e) if requested by Council, confirmation in writing, from the Conservation Authority having jurisdiction over the lands upon or from which the Peat will be removed or disturbed, that they have reviewed the proposal for the removal or disturbance of Peat and advising whether they have any objection or comment with respect to the proposal, together with the conditions, if any, that the Conservation Authority recommends be imposed upon the issuance of the permit;

- (f) if requested by Council, confirmation in writing, from the road authority having jurisdiction over any road abutting any lot upon or from which the Peat will be removed or disturbed, that they have reviewed the proposal for the removal or disturbance of Peat and advising whether they have any objection or comment with respect to the proposal, together with the conditions, if any, that the road authority recommends be imposed upon issuance of the permit.
 - (g) a certified true copy of the Transfer/Deed of Land showing the Owner of the Lot which is the subject of the application; and
 - (h) an irrevocable standby letter of credit issued by a Schedule "A" chartered bank in an amount sufficient to rehabilitate the Lot in accordance with Section 16 hereof, in a form and amount satisfactory to the Chief Building Official.
7. The Chief Building Official shall issue a permit, subject to such conditions as he or she feels are appropriate provided:
- (a) the applicant has fulfilled all requirements of Section 6 of this By-law;
 - (b) the method of removing or disturbing of Peat is in accordance with proper engineering and environmental practices; and
 - (c) the removal or disturbance of Peat will not result in:
 - (i) soil erosion;
 - (ii) a detrimental effect on any vegetation located on the lands; or
 - (iii) a detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and overwintering habitats, important wildlife habitat and fish habitat;
 - (iv) a detrimental affect on the drainage of abutting lands;
 - (v) diminished levels of safety or unacceptable levels of noise or dust on the Lot or in the area due to an increased amount of traffic, including truck traffic, or due to the nature of the said traffic.
8. (a) The Chief Building Official may revoke any valid permit issued under this By-law if it is determined that:
- (i) false or misleading information was included on the application;
 - (ii) any Peat is removed or disturbed in contravention of this By-law and/or any permit issued thereunder;
 - (iii) an irrevocable standby letter of credit from a Schedule "A" Chartered Bank as required by Section 6 hereof, is not filed with the Township prior to the removal or disturbance of any Peat.
- (b) Upon revoking a permit pursuant to this By-law, the Chief Building Official shall notify the Owner and the applicant, if different than the Owner, by prepaid registered mail at the address or addresses included on the application or by personal delivery and upon receipt thereof, the Owner of the Lot and the applicant shall ensure that no further Peat is removed or disturbed on or from the Lot.

9. Where a permit has been issued under this By-law authorizing the removal or disturbance of Peat on lands, no person shall remove or disturb Peat or permit or cause Peat to be removed or disturbed from any lands within the Township of Uxbridge, except in accordance with the plans, documents and any other information on the basis of which the permit was issued and in compliance with any conditions imposed upon the issuance of the permit.
10. The permit issued pursuant to Section 7 shall be valid for the period stipulated in the permit, which period shall not exceed one year and the permit shall not be transferable or assignable to any person not named on the permit.
11. No person shall remove or disturb or cause to be removed or disturbed Peat on any land unless it is done at the request of or with the consent of the Owner of the land upon which the Peat is located.
12. Every person who removes or disturbs, or causes or permits to be removed or disturbed any Peat located on any lands within the Township of Uxbridge shall provide such protection for trees and vegetation located on the lands as may be required by the Chief Building Official and no person shall remove or disturb, or cause to be removed or disturbed any Peat on any lands in the Township of Uxbridge until such time as this condition has been complied with.
13. The Owner of lands from which Peat is to be removed or disturbed or the Owner's authorized agent shall request the Chief Building Official to make inspection of such lands at the commencement and conclusion of the work authorized by the permit, and shall request such further inspection as may be required.
14. The administration and enforcement of this By-law shall be performed by the Chief Building Official or by persons authorized by the Chief Building Official, and by such by-law enforcement officers of the Corporation as may be appointed by by-law of the Council of the Corporation.
15. Where a person has removed or disturbed Peat, or caused or permitted the removal or disturbance of Peat in contravention of any permit given pursuant to this By-law, without a permit where a permit is required under this By-law, after a permit has been revoked, or contrary to any other provision of this By-law, the Chief Building Official may make an order revoking the permit if a permit has been issued, or directing the person to do any or all of the following:
 - (a) comply with the conditions of the permit and this By-law;
 - (b) cease removing or disturbing the Peat or cease permitting or causing the Peat to be removed or disturbed;
 - (c) replace the Peat that has been removed or disturbed within forty-eight (48) hours after service of the order, or such other length of time as *may* be specified in the order;
 - (d) rehabilitate the lands in accordance with Section 17;
 - (e) and such order *may* be served upon the person to whom the order has been issued either personally, or by prepaid registered mail to the person's last known address, in which case it shall be deemed to have been properly served five (5) days following the mailing of the order in the manner described herein.

16. (a) If a person who has been ordered to do or perform any matter or thing pursuant to Section 15 fails to do so within forty-eight (48) hours of receiving such an order, the Corporation *may* do or perform the thing or matter at the expense of such person and the Corporation *may* recover the expenses incurred in so doing by action or the same *may* be recovered in like manner as municipal taxes.
- (b) Any person who fails to comply with an order issued pursuant to Section 15 or any person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to a maximum fine of \$5,000.00, imposed and recoverable pursuant to the **Provincial Offences Act**, as amended.
17. The Owner of lands from or upon which Peat is removed or disturbed pursuant to a permit issued under Section 7 shall rehabilitate the said lands within thirty (30) days of the expiry of the permit or within thirty (30) days of the revocation of the permit, provided that within that period of time a new permit has not been issued, to either of the following standards:
- (a) according to a rehabilitation plan approved by Council; or
- (b) according to the following:
- (i) all areas from which Peat has been removed or disturbed shall be levelled and smoothly graded, cultivated and harrowed to establish a seed bed; and
- (ii) all areas from which Peat has been removed or disturbed shall be planted with a mixture of native perennial seed and fertilized so that the entire area will be covered with vegetation rather than weeds, sufficient to prevent wind and water erosion.
18. Where,
- (a) the Chief Building Official refuses or neglects to issue a permit under Section 7 of this By-law within ten (10) days after the application is received by the Corporation's Clerk and the Chief Building Official and after the permit fee and the supporting plans and documents referred to in Section 6 are received by the Chief Building Official;
- (b) an Owner of the lands on which Peat is proposed to be removed or disturbed objects to a condition in the permit; or
- (c) the Chief Building Official revokes a permit under Section 8 of this By-law;

the Owner may appeal to the Council for the Corporation within twenty (20) days from the expiration of the ten (10) days, or the issuance of the permit, or the revocation as the case may be and Council may confirm, reverse or vary the decision of the Chief Building Official in accordance with the provisions of this By-law and shall have the same powers and obligations as the Chief Building Official hereunder.

19. Where,
- (a) Council, after reviewing the Chief Building Official's decision pursuant to Section 18 refuses or neglects to issue a permit within thirty-five (35) days of

the Chief Building Official making a decision under Section 18;

- (b) an Owner of the lands on which Peat is proposed to be removed or disturbed objects to a condition in the permit imposed by Council; or
- (c) Council upholds the revocation of a permit;

the Owner may appeal to the Ontario Municipal Board within one hundred and eighty (180) days from the expiration of the thirty-five (35) day period referred to in subsection (a), or the issuance of the permit or the revocation as the case may be and the decision of the Ontario Municipal Board shall be final.

- 20. If any provision of this By-law, or the application thereof to any person or circumstance, is invalid, the invalidity shall not affect other provisions or application of this By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable.

READ A FIRST, SECOND and THIRD time and finally passed this 8th day of March, 1993.

SCHEDULE •A•

FEES FOR PERMITS TO REMOVE OR DISTURB PEAT

Application fee for permit to remove or disturb Peat \$500.00 per Lot

Fee for renewal of a permit issued pursuant to Section 7 \$200.00 per each renewal