



# Town of Whitby By-law # 7511-19

## Amendment to the Site Alteration By-law

Being a By-law to amend The Corporation of the Town of Whitby's Site Alteration By-law # 7425-18.

Whereas section 142 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to prohibit or regulate the dumping of fill, removal of topsoil and alteration of grades;

And Whereas the Council of The Corporation of the Town of Whitby considers it desirable and necessary to prohibit or regulate the dumping of fill, removal of topsoil and alteration of grades to protect the environment, safeguard infrastructure and mitigate the impact of fill hauling on the Town's residents;

And Whereas the Council of The Corporation of the Town of Whitby considers it desirable and necessary to amend By-law # 7425-18 (the Site Alteration By-law) to properly regulate the dumping of fill, removal of topsoil and alteration of grades;

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

### 1. General

1.1. Section 3.5. of By-law # 7425-18 is hereby repealed and replaced with the following wording:

"3.5. The provisions of this by-law, with respect to the requirement to obtain a Site Alteration Permit as described in the Site Alteration Guidelines, do not apply to:

- (a) the removal of topsoil 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; and
- (b) the replacement of topsoil for the restoration of lands used for normal agricultural practices as an incidental part of sod-farming, greenhouse operations, and nurseries for horticultural products,

provided that the replacement and/or removal of topsoil is taking place on lands within an agricultural zoning category pursuant to the applicable zoning by-law, and provided that the owner of the land can demonstrate that the replacement and/or removal of topsoil is legitimately and reasonably required for the improvement of the agricultural use of the property."

**2. Effective Date**

2.1. This by-law shall come into full force and effect on the day it is passed.

By-law read and passed this 28<sup>th</sup> day of May, 2019.

A handwritten signature in cursive script that reads "Don Mitchell".

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Don Mitchell, Mayor

A handwritten signature in cursive script that reads "Chris H.".

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Christopher Harris, Town Clerk