

**THE CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC  
BY-LAW NO. 13-01**

**(Including amendments by bylaw 5-02)**

**TOPSOIL REMOVAL BY-LAW**

**A BY-LAW TO REGULATE OR PROHIBIT THE REMOVAL OF TOPSOIL**

**AND WHEREAS** Section 2 of the Topsoil Preservation Act, enables the council of a municipality to pass a by-law for regulating or prohibiting the removal of topsoil in the municipality or in any area or areas thereof defined in the by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC ENACTS AS FOLLOWS:**

1. That in this By-law,
  - a) **CLERK** shall mean the Clerk of the Township of Strathroy-Caradoc;
  - b) **COUNCIL** shall mean the Council of the Corporation of the Township of Strathroy-Caradoc;
  - c) **COUNTY** shall mean the Corporation of the County of Middlesex;
  - d) **LOT**, shall mean a parcel or tract of land:
    - i) which is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 50(4) of the Planning Act. R.S.O. 1990, as amended, or any predecessor or successor of such section, not to be a registered plan of subdivision; or,
    - ii) which is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.
  - e) **MUNICIPALITY** shall mean the Corporation of the Township of Strathroy-Caradoc;
  - f) **SITE** shall mean the area of a lot from which topsoil is proposed to be removed;
  - g) **PERMIT** shall mean a permit, in the form of Schedule "A" attached hereto and forming part of this By-law, for the removal of topsoil from lands in the Township of Strathroy-Caradoc;*(as amended by bylaw 5-02-Jan 7 2002)*
  - h) **PERSON** shall include an individual, an association, a firm, a partnership, an incorporated company, municipal corporation, agent, or trustee and their heirs, executors, or other legal representatives of a person to whom the context of this By-law applies according to law;
  - i) **TOPSOIL** shall mean the horizon in a soil profile containing organic material and known as the "A" horizon.
2. That in this By-law, unless the context requires or specifies otherwise:
  - a) words used in the singular number include the plural number;
  - b) words used in the plural number include the singular number;
  - c) the particular shall supercede the general;

- d) any Act or Regulation of the Province referred herein shall include any amendments or revisions made thereto or any subsequent Act or Regulation enacted in place thereof.
3. That no *person* shall remove or permit the removal of any topsoil from lands in the Township of Strathroy-Caradoc (*as amended by bylaw 5-02-Jan 7 2002*) unless such *person* has applied for and obtained a *permit* from the *Municipality* with the exception of the following circumstances:
  - 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;
  - b) the removal of *topsoil* as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act;
  - c) the removal of *topsoil* as an incidental part of operations authorized under the Aggregate Resources Act;
  - d) the removal of *topsoil* as an incidental part of operations authorized under the Mining Act;
  - e) the removal of *topsoil* by a Crown agency or Ontario Hydro;
  - f) the removal of *topsoil* by the *County* or by the *Municipality*,
  - g) the removal of *topsoil* as an incidental part of any construction for which leave to construct has been granted pursuant to the Energy Board Act;
  - h) the removal of *topsoil* as an incidental part of the construction of any form of underground services where the *topsoil* is removed and held for subsequent replacement;
  - i) the removal of *topsoil* as an incidental part of any construction for which a permit has been issued pursuant to the Building Code Act or as an incidental part of any excavation for which approval has been issued by the *Municipality*; (as amended by bylaw 5-02-Jan 7 2002)
  - j) the removal of *topsoil* where the quantity of *topsoil* removed in any one *lot* does not, in any consecutive three-month period, exceed five cubic metres; and
  - k) the removal of *topsoil* as an incidental part of the construction of a public highway.
4. That an application for a *permit* shall be made to the *Clerk* of the *Municipality*, or such other *person* as *Council* may from time to time appoint, during normal business hours.
5. That only the registered owner of a *lot*, or agent of the owner duly authorized in writing, from which the removal of top soil is being applied for, may submit an application for a *permit* in accordance with Section 3 of this By-law.

6. That an application for a *permit* shall be completed and signed by the owner and submitted to the Clerk along with following:
  - a) a site plan as described in Schedule "A" and prepared and stamped by a geotechnical engineer;
  - b) a copy or photocopy of the deed describing the registered owner of the subject *lot*,
  - c) the required fee;
  - d) a security deposit in the amount of five thousand dollars (\$5,000) in a form acceptable by the *Municipality*, to ensure due performance and returnable to the owner, without interest, upon the completion of the removal of topsoil from the *site* and the rehabilitation of the said *site* to the satisfaction of the *Municipality*.
7. That the issuance of a *permit* shall be subject to the following conditions:
  - a) a minimum of fifteen (15) centimetres of *topsoil* be retained with the said fifteen (15) centimetres of *topsoil* measured in a natural un-compacted state;
  - b) rehabilitation of the *site*, through the planting of a mixture of perennial and/or seeds of grasses and/or legumes and fertilized such that the entire *site* from which *topsoil* has been removed is covered with non-pernicious weed vegetation so as to prevent wind and water erosion during dry seasons.
8. A *permit* issued in accordance with this By-law may lapse after six (6) months from the date of issuance unless the owner demonstrates, to the satisfaction of the *Municipality*, that the approved work is being proceeded with.
9. That any *person* who provides false information in an application for a *permit* or removes *topsoil* without a *permit* issued by the *Municipality* or in a manner contrary to any requirement of this By-law or who causes or who violates any provision of this By-law or causes or permits a violation, shall be guilty of an offence and upon conviction thereof shall forfeit and pay a penalty not exceeding two thousand dollars (\$2000.00) exclusive of costs for each offence, and each day of the occurrence of the offence shall be deemed to be a separate occurrence, or to imprisonment for a term not more than (6) six months for each such offence, and every such penalty shall be recoverable under the provisions of the Municipal Act, R.S.O., 1990, and the Provincial Offences Act, R.S.O., 1990, as amended or revised from time to time.
10. That if any covenant or provision of this By-law is determined to be void or unenforceable in whole or in part, it shall not be deemed to affect or impair the validity of any other covenant or provision of this By-law and each covenant and provision of this By-law is hereby declared to be a separate and distinct covenant.
11. That this By-law may be cited as the "Topsoil Removal By-law of the Township of Strathroy-Caradoc".
12. That this By-law shall come into force and take effect upon the date of adoption.

**READ A FIRST AND SECOND TIME ON THE 15<sup>th</sup> DAY OF JANUARY, 2001**

**READ A THIRD TIME AND FINALLY PASSED ON THE 15<sup>TH</sup> DAY OF  
JANUARY, 2001.**

Original signed by Marion Loker

**CLERK**

Original signed by Mel Veale

**MAYOR**

**Please contact Building Department @ 245-1070 x236 for a copy of application  
permit.**