TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: CITY WIDE  

COMMITTEE DATE: August 13, 2013  

SUBJECT/REPORT NO: Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(b)) (City Wide) (Outstanding Business List Item)  

PREPARED BY: John Lane  
905 546-2424 Ext. 1372  
John Morgante  
905 546-2424 Ext. 4883  
Jason Thompson  
905 546-2424 Ext. 3933  
Bill Young  
905 546-2424 Ext. 2469  

SIGNATURE:  

RECOMMENDATION  

(a) That the amending by-law changing the delegated authority in the Site Alteration By-law No. 03-126 from the Director of Building Services to the Senior Director of Growth Management effective January 1, 2014, which is attached as Appendix “A” to Report PED12184(b) and prepared in a form satisfactory to the City Solicitor, be passed.  

(b) That items “Z”, “AA” and “BB” respecting Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and further Amended by By-law No. 11-262 (PED12184(a)) be identified as complete and removed from the Planning Committee’s Outstanding Business List.
EXECUTIVE SUMMARY

At the April 2, 2013 Planning Committee meeting, staff was directed to report back with a flow chart showing the enforcement process for site alterations when a complaint is received; the historical analysis of enforcement on grading complaints, stop work orders or charges and other related information for the period from January 2011 to December 2012; and, the number of complaints, the time it took to bring the developer into compliance and how many charges were laid with respect to mud tracking in new subdivisions over the last two years.

Alternatives for Consideration – Not applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: Growth Management staff will monitor and report back on staff resource implications as it relates to the enforcement process for site alterations, grading complaints and mud tracking.

Staffing: Staff resources will be impacted subject to the level of enforcement and time taken to respond to mud tracking and dust complaints.

Legal: The recommendations have no legal implications.

HISTORICAL BACKGROUND

At the April 2, 2013 Planning Committee meeting, staff was directed to report back to Planning Committee by October 1, 2013 to address the following resolutions:

- Staff were further directed to report back with a flow chart showing the enforcement process starting with initial contact for complaints through to charges or other remedies and that the report include any necessary amendments to the Site Alteration By-law (See Appendix “B”),

- Staff were further directed to report back with a historical analysis of enforcement on grading complaints, orders issues, stop work orders or charges and any other related information from the period between January 2011 and December 2012 (See Appendix “C”); and,

- Staff were further directed to report back on a number of complaints on mud tracking in new subdivisions over the last two years; the amount of time it took to bring the developer into compliance; the number of repeated times on any one site after compliance was met; and how many charges were laid.
Chronology:

April 2, 2013: Report PED12184(a) brought forward to Planning Committee to amend Site Alteration By-law No. 03-126, as amended by By-law No. 05-115 and further amended by By-law No. 11-262.

April 2, 2013: After the resolutions of Planning Committee a Departmental Working Group was established to review the historical analysis, define opportunities and prepare a report for Planning Committee.

April 10, 2013: Council passed By-law No. 13-098 approving the proposed amendments to the Site Alteration By-law as discussed at the April 2, 2013 Planning Committee.

May 2, 2013: The Department Working Group met to discuss their findings and clarify the necessary steps and actions to bring a report to the August 13, 2013 Planning Committee.

May 28, 2013: Follow up meeting to discuss the report and review the historical analysis, flow charts and other details required for the completion of the report scheduled for the August 13, 2013 Planning Committee.

June 17, 2013: Follow up meeting to review, edit and finalize the report for the August 13, 2013 Planning Committee Meeting.

POLICY IMPLICATIONS

The City of Hamilton currently regulates the placement of fill material, grading and mud tracking through the City’s Site Alteration By-law, Property Standards By-law, the Subdivision Agreement process and Engineering Design Guidelines.

RELEVANT CONSULTATION

Legal Services and Public Works Operations Division were consulted in preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. Proposed Amendment to Site Alteration By-law No. 03-126 (See Appendix “A”)

In the current Site Alteration By-law the authority to administer and enforce the By-law is to the Director Building Services Division or his/her designate(s). As a
result of future changes to the administration and enforcement of the Site Alteration By-law, the Senior Director Growth Management Division or his/her delegate(s) should be the delegated authority. Therefore staff is requesting that the definition of “Director” under Section 2 (d) “Definitions and Interpretation” of Site Alteration By-law No. 03-126 be amended to the following:

- “Director” means the Senior Director of Growth Management of the City of Hamilton or his/her designate(s).

The amendment comes into force on January 1, 2014. This will allow for an appropriate transition of administration duties to occur.

No other amendments are necessary with respect to enforcement as the By-law contains all of the tools, including orders to comply and orders to do work, authorized by the Municipal Act, 2001.

2. Site Alteration Enforcement Process

The site alteration enforcement process is set out in the flow chart attached as Appendix “B” to this Report. The process includes an inspector attending at the property to investigate and determine whether there is an infraction or not and the steps taken to deal with the complaint. In many instances the inspector is unable to determine the extent of the infraction due to the complaint being received after the grading works have been substantially completed resulting in the inspector not being able to determine the original ground elevations of the subject property.

Hamilton City Council recently amended the Site Alteration By-law to address various concerns raised by the public concerning berms. Berms have now been specifically defined, (a ratio of height vs. width and steepness of slope) and will no longer be treated the same as typical ‘change in grade’ Site Alteration Permit applications. A minor site plan application process has been prescribed when land owners wish to erect berms that are greater than 2 metres in height. This process is a similar process as the Site Alteration Permit application process (see Appendix “D”) but includes a broader circulation for comments and more intensely scrutinizes the proposal, (as per by-law 13-098).

3. Site Alteration Statistics - January 2011 to December 2012 (See Appendix “C”)

From January 1, 2011 to December 31, 2012, 31 Site Alteration Permits were issued: for 15 permits, the alteration has been completed in accordance with the permit; for 15 permits, the alteration is still on-going; one permit was cancelled.
During this time period, there were a total of 121 action requests received and investigated. Of the 121 action requests, for 93 of them it was determined that there was no change in grade, grade changes were minor and did not trigger a Site Alteration Permit or there was insufficient evidence to pursue enforcement.

The remaining 28 action requests were found to be enforceable: for 23 action requests, there has been compliance with the property being restored to its original condition or the appropriate permits obtained and the alteration carried out in accordance with those permits; for four action requests, there are outstanding Orders to Comply which will result in charges if compliance is not achieved by the deadline; for one action request, an Order to Comply was issued and, when compliance was not achieved by the deadline, a charge was laid which resulted in a successful prosecution.

4. Grading Policy

As of October 2011, the Growth Management Division of the Planning and Economic Development Department has undertaken a comprehensive update of the City’s grading policy. The fundamental policy issues that have been updated include:

- The grading approval process (standards and requirements);
- Education; and,
- Enforcement.

Specific enhancements to the development approval process include:

- Enhancements to the existing grading policy including clarifications to fundamental policy issues applicable to the development approval process;
- A new component for education of the public; and,
- Enhanced enforcement abilities of these requirements for new development by more aggressive involvement of City staff.

For the “post development” condition (i.e. in existing established areas), improved ways of addressing grading, poor drainage and swale blockage issues among landowners have been implemented. The first being the Residential Drainage Assistance Program which has been implemented as a two year pilot project to assist homeowners with drainage concerns and based on the premise of the City facilitating engineering studies to determine the cause, effect, and solutions to identified drainage problems in established neighborhoods.
Furthermore, in accordance with the February 13, 2013 City Council directive to undertake a two year pilot program to enforce the Property Standards By-law to restore swales where there is an easily identifiable obstruction, the By-Law has been amended to require all properties to comply with the approved grading plan for their respective developments.

Key Improvements

1) The grading approval process for new developments requires that:
   a. The backfill around the dwelling sit for one full winter prior to the lot being eligible for certification.
   b. An as-built plot plan must be submitted with a grading certificate.
   c. The lot is inspected by the Growth Management Division to ensure the all aspects of the grading policy have been adhered to.
   d. Once the grading is found to be acceptable, the property owner is given a copy of the as-built plot plan, grading certificate and lot grading brochure detailing the owner’s obligations with respect to maintaining drainage on the property.

2) Enforcement of Blocked Swales (Pilot Program):
   a. No longer referred to as a civil matter where there is an easily identifiable obstruction and an approved grading plan for the neighbourhood exists.
   b. Municipal Law Enforcement has the ability since one temporary full time employee will be added to assess the blockage and take appropriate action, including Orders to Comply or fines.
   c. All available lot grading plans have been scanned and are in the process of being digitally archived.

3) Residential Drainage Assistance Program (RDAP):

For matters in older neighbourhoods that are not enforceable under current City By-Laws, a resident assistance program has been established (RDAP) where the City of Hamilton would still not interfere with civil matters; however, the City would be able to provide residents access to professional engineering services that may provide direction on how to best resolve the situation.
5. Mud Tracking

From January 2012 to May 2013, approximately 80 complaints related to mud tracking and dust created by subdivision construction operations have been directed to the Growth Management Division. The majority of the complaints received are from residents located on connecting streets outside the subdivision work area and are burdened with mud and dust being tracked out by construction vehicles typically during the home construction phase of development and lifted by traffic. This number may be higher as most complaints are directed via email through the Councillor's office; or from various departments and the division currently does not have the software and/or protocols in place to effectively track and monitor complaints. The totals per Ward are detailed in the table below.

<table>
<thead>
<tr>
<th>Ward</th>
<th>No. of Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>12</td>
</tr>
<tr>
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<td>9</td>
</tr>
<tr>
<td>9</td>
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<td>10</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>30</td>
</tr>
<tr>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
</tr>
</tbody>
</table>

*Wards with zero values omitted.

The division will be adopting the AMANDA software to aid in the tracking and implementation of a process for following through on mud tracking and dust control complaints, in addition to issues related to grading, drainage and site alteration.

Municipal Law Enforcement – Street By-Law No. 86-77

Complaints relating to Site Plan Applications, Site Alteration Permits and infill residential development are typically directed to Municipal Law Enforcement as these projects typically front existing streets and there are no agreements in place or securities collected through these applications specific to mud tracking and dust control. However, under the City’s Streets By-Law there is an obligation to ensure mud and debris is not tracked on to a public highway.
As per the City’s “Streets By-Law” No. 86-77, a Municipal Law Enforcement officer may charge a vehicle operator or business owner where the officer has witnessed the vehicle spill or track mud, soil or building materials while leaving or entering a property onto a city street. A ticket can be issued in the amount of $103.75 per occurrence with a maximum fine of $2,000. It should be noted that this by-law has not been updated since amalgamation and is only enforceable within the original City of Hamilton limits. Public Works is currently working on an update on this by-law with a report coming forward in 2014-2015.

**Growth Management Division – Subdivision Agreement**

Through the registered subdivision agreement, a developer is obligated to prevent earth and debris from being tracked onto streets both inside and outside of the development area. As per section 1.33 item b) of the subdivision agreement,

“Where earth, debris and building materials are allowed by the Owner to accumulate on any of the aforementioned streets, either inside or adjacent to the land, the Owner shall forthwith clean the said streets and remove the debris and materials.”

Should a developer neglect the obligation detailed in section 1.33 of the Subdivision Agreement, staff will direct the developer’s consulting engineer, in writing (see Appendix “E”), to immediately make arrangements to have the streets cleaned by whatever method is suitable at the time, and provide staff with a reasonable time frame as to when the cleaning will take place.

Typical street cleaning methods include:

1. **Scraping** - The use of tractor-loader or backhoes or hand tools to remove as much of the material as possible from the road surface. Scraping should be done every day and prior to flushing or the use of a commercial vacuum/sweeper.

2. **Sweeping** - Typically an attachment to a tractor-loader or backhoe. Sweeping should be done prior to flushing.

3. **Commercial Vacuum/Sweeper**

4. **Flushing** - Use is limited to above freezing temperatures.

In addition to these cleaning methods, during the pre-grading and the road construction phase of a subdivision, preventative measures such as mud mats, are commonly installed at construction entrances to ensure soils remain on construction sites. Mud mats are granular pads, comprised of clear stone to
reduce the tracking of debris and constructed at the entranceway of a construction site. Silt fences are typically installed around the perimeter of the development and will restrict construction vehicle access to the site in addition to retaining soils on site. Once the plan is registered and the road becomes a public highway, mud mats and silt fencing within the road allowance are removed.

In the event that street cleaning work has not been completed as per the City’s direction and within the time frame provided to the developer, the City may complete the work on the developer’s behalf and expense. Growth Management has consulted with Public Works Roads and Maintenance staff, who have agreed to undertake street cleaning works, subject to availability, staff and equipment, should the developer neglect to clean the roads. Staff will notify the developer in writing of the City’s intention to intervene.

As per the standard form Subdivision Agreement, the cost of the City to carry out street cleaning works on behalf of the developer will include a management fee and a liquidated damages payment relative to the cost of labour, materials and equipment to perform such work, payable to the City as a consequence of such default.

The challenges faced by the City centre upon the ability of staff to monitor and/or enforce the level of mud tracking for any given development as well as the form of development. During the construction of the internal roads and infrastructure for a subdivision, the Growth Management Division Inspection staff conduct daily inspections thus mud tracking can be thoroughly monitored; particularly on roads external to the development. Once the internal infrastructure has been completed and the construction of dwellings begin, the presence of City inspection staff shifts from that of the Growth Management Division to the Building Services Division. Consequently, any mud tracking complaints forwarded to the Growth Management Division for enforcement through the Subdivision Agreement are dealt with on a reactive basis. During the home building phase of any development, a joint effort is required between the Building Services Division, Municipal Law Enforcement and the Growth Management Division to ensure that mud tracking issues are proactively dealt with.

Another challenge faced by staff is that there may be several different home builders within any given subdivision who are not taking responsibility for their own mud tracking. During the construction of the internal infrastructure, Growth Management staff is typically dealing with one general contractor with respect to the cleanliness of the roads. Once home construction commences, there may be numerous builders and trades working within the development making enforcement much more difficult for both the City and developer. Developers have for the most part complied with the City’s request to have the streets
cleaned. That being said, some developers have not been diligent in ensuring the roads remain in a clean state but rather wait for the City to notify them of an infraction prior to taking any action.

Reduced lot sizes, rear and side-yard set-backs are also a challenge when basement excavation is occurring for any given dwelling. There is limited space in the front yards and no access to the rear yards to temporarily stockpile soils. Some builders have opted to stockpile soils in the front yard, encroaching onto the travelled portion of the road rather than trucking the material to and from an approved stockpile location.

To strengthen the requirement for Street Cleaning within the standard form Subdivision Agreement, the Growth Management Division has been including a draft plan condition for plans of subdivision, requiring the developer to submit for approval, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. More recently, and where the street cleaning plan was not a draft plan condition, staff have been requesting a plan at pre-construction meetings and will not permit the development to proceed to construction without a street cleaning plan in place (see Appendix “F”). This plan will include:

- first point of contact;
- a schedule for regular cleaning of streets that is specific to the methods to be used;
- the source of water; and,
- the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.

As an added measure, the Subdivision Agreement will be amended such that the Street Cleaning/Maintenance plan is a standard requirement for all subdivision developments.

With the Street Cleaning/Maintenance Plan, cleaning operations will be scheduled allowing staff to better respond to public inquiries; and should the developer fail to adequately follow the plan, the City may, without notification to the developer, direct the contractor to perform the works, and utilize the developer’s security to cover the cost.

In addition to the Street Cleaning Plan, Construction Management Plans are now a requirement of engineering approvals. This plan must address in detail a range of health, safety, traffic management and amenity issues relating to the construction site and adjoining community such as; construction vehicle access.
points, construction vehicle traffic routes, soil stock-pile locations and construction staging areas. The plan will also detail the point of origin for soil and fill material being imported and the destination point of same.

Challenges

Street Cleaning Contractors: In consultation with the industry is has been noted that there are very few contractors in the Hamilton area who have the equipment necessary, most notably sweeper/vacuum trucks, capable of providing the level of service required by the City. To help alleviate this issue, staff has staggered the cleaning dates throughout the week thereby limiting the number of cleanings to be performed on any given day of the week.

Engineering Design: The amount of individual road cuts on existing streets should be minimized as dust and mud settle in these depressions making them difficult to clean. Further to this, the use of two-stage curbs becomes problematic in keeping soil off the travelled portion of the roadway.

Home Construction Staging: Many of the larger home builders are able to build all the homes on entire streets concurrently and have all the new homeowners move in at relatively the same time, prior to the home builder moving on to the next street. This ensures that the new homeowners are moving onto a street free and clear of dust, mud, and construction debris and traffic. Unfortunately, many subdivisions may have several different smaller builders on site making this scenario very difficult to manage. Consequently, residents are moving in to their homes surrounded by other dwellings under construction.

Level of Service Expectation: Streets that are scraped, swept/vacuumed and flushed regularly typically meet the City’s service expectations. That being said, a street that was swept/vacuumed the night before will likely have mud and dust tracked onto it again by the next morning’s commute. Further to this, in a matter of a day, construction traffic will often create a thin layer of dust on the roadway, which is kicked up by traffic, and won’t be cleaned until the scheduled sweeping or flushing later in the week.

For details with respect to the Mud Tracking enforcement process see Appendix “G” to this report.

6. Comprehensive Review of the Site Alteration By-law

Over the past year and a half, the Ministry of the Environment (MOE) has been meeting with various stakeholders including municipalities, roads and waste associations, professional bodies and other provincial ministries to discuss current and future soil management regulations and options. As a result of
these discussions the MOE has prepared a draft document that provides guidance and outlines the best management practices for managing excess soils generated from redevelopment and construction projects.

Based on the research undertaken by staff it is recommended that the City’s Site Alteration By-law be comprehensively reviewed in 2014 and updated to reflect the proposed recommendations of the MOE’s guide for best management practices for soil management in Ontario and to reflect the more current site alteration by-laws of other municipalities. Also as part of the comprehensive review staff will evaluate the implication on staff resources as it relates to investigation and enforcement for site alterations within the City of Hamilton.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**CORPORATE STRATEGIC PLAN**


**Strategic Priority #1**  
A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**Strategic Priority #2**  
Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*
Strategic Objective

2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
2.2 Improve the City's approach to engaging and informing citizens and stakeholders.
2.3 Enhance customer service satisfaction.

APPENDICES / SCHEDULES

- Appendix “A”: By-law to Amend Site Alteration By-law No. 03-126
- Appendix “B”: Site Alteration Enforcement Process
- Appendix “C”: Site Alteration Statistics from 2011 to 2012
- Appendix “D”: Site Alteration Permit Process
- Appendix “E”: Street Cleaning Letter to Consultant
- Appendix “F”: Street Cleaning Program
- Appendix “G”: Mud Tracking Enforcement Process

JT/mah
CITY OF HAMILTON

BY-LAW NO.

To Amend By-law No. 03-126

Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

WHEREAS Council enacted a by-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil being City of Hamilton By-law No. 03-126;

AND WHEREAS this By-law amends City of Hamilton By-law No. 03-126;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 2(d) of By-law No. 03-126 is deleted and replaced by the following new subsection 2(d):

   (d) “Director” means the Senior Director of Growth Management, Planning and Economic Development Department, and any successor or his or her delegate;

2. Subsections 1(a) and (b) of Schedule “B” of By-law No. 03-126 is amended by replacing the words “Building and Licensing” with “Growth Management”.

3. Subsection 1(a) of Schedule “C” of By-law No. 03-126 is amended by replacing the words “Building and Licensing” with “Growth Management”.

4. Paragraph 1.2.1 of Schedule “E” of By-law No. 03-126 is amended by replacing the words “Building and Licensing” with “Growth Management”.

5. This By-law comes into force on January 1, 2014.

PASSED this ____ day of ____ , 2013.

__________________________________________________________________________
R. Bratina
Mayor

__________________________________________________________________________
Rose Caterini
Clerk
Appendix “B” to Report PED12184(b) (Page 1 of 2)

SITE ALTERATION ENFORCEMENT PROCESS CURRENTLY IN PLACE WITHIN BUILDING SERVICES

Site Alteration Complaint Received

Complaint entered into AMANDA and assigned to district Building Inspector

Building Inspector attends property to investigate

Filling or soil removal in progress

Property is NOT within jurisdictional area of a Conservation Authority

Property is within jurisdictional area of a Conservation Authority

Property is being developed under a Development Agreement, or is owned by the City

No Filling in Progress or Inadequate evidence indicating filling is in progress or Inadequate evidence indicating amount of fill being imported/removed

Notify Conservation Authority

Determine depth and volume of fill being cut or filled

Fill volume or depth triggers the need for a permit

Fill volume or depth does not trigger the need for a Site Alteration Permit

Request owner to voluntarily apply for and obtain a Site Alteration Permit be OR Remove the imported fill and restore property to original grades

Compliance Site Alteration Permit Application Made and Permit issued OR Property restored to original grades

Close Enforcement Folder

No enforcement deemed necessary or No enforcement possible or No further enforcement possible

Not guilty

Guilty (fines imposed, court orders to restore property, or obtain permit)

Contact:
 Inspection Line at 905-546-3950
Appendix “B” to Report PED12184(b) (Page 2 of 2)

SITE ALTERATION ENFORCEMENT PROCESS EFFECTIVE JANUARY 1, 2014 - GROWTH MANAGEMENT

Contacts:
Lori Rez, Growth Management Division – Development Clerk, ext. 7860
Rhita Van Ryn, Growth Management Division – Development Clerk, ext. 5339
## Site Alteration Statistics - 2011 to 2012

### Total Number of Action Requests (AR's) Received and Investigated:

<table>
<thead>
<tr>
<th>Type of Action Taken</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Enforcement Action</td>
<td></td>
</tr>
<tr>
<td>AR's found to be invalid: no action deemed necessary (i.e. no change in grade noted)</td>
<td>50</td>
</tr>
<tr>
<td>AR's found to be invalid: no action deemed necessary (only minor changes in grade detected, insufficient to trigger a Site Alteration Permit)</td>
<td>24</td>
</tr>
<tr>
<td>AR's where it was determined that there was insufficient evidence to pursue enforcement (time barred, no witnesses, unable to inspect, inspection never performed)</td>
<td>19</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>93</strong></td>
</tr>
</tbody>
</table>

### Enforcement Action

| AR's where a Site Alteration Permit was deemed necessary (voluntary compliance achieved - obtained permit) | 0 |
| AR's where a Site Alteration Permit was deemed necessary (voluntary compliance achieved - site restored to original) | 2 |
| AR's where an Order to Comply was issued and compliance was achieved, (obtained permit) | 4 |
| AR's where an Order to Comply was issued and compliance was achieved, (site restored to original) | 5 |
| AR's where an Order to Comply was issued and compliance not achieved, (resulting in a charge being laid resulting in a successful prosecution) | 1 |
| AR's where an Order to Comply was issued and compliance not achieved, (resulting in a charge being laid resulting in an unsuccessful prosecution) | 0 |
| Order to Comply still outstanding | 4 |
| Grading under Site Plan Control, Conservation Authority jurisdiction, OBC (under building permit) or Waste Management Division (not fill, rather ‘garbage and debris’) | 12 |
| **TOTAL** | **28** |

### Total Number of Site Alteration Permit Applications and Issued Permits:

<table>
<thead>
<tr>
<th>Permit Status</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Alteration permits applied for</td>
<td>31</td>
</tr>
<tr>
<td>Site Alteration Permits issued</td>
<td>15</td>
</tr>
<tr>
<td>Site Alteration applications still active, (not issued to date)</td>
<td>15</td>
</tr>
<tr>
<td>Site works complete, certified and permits closed</td>
<td>6</td>
</tr>
<tr>
<td>Work still in progress, permits still active</td>
<td>9</td>
</tr>
<tr>
<td>Permits Cancelled</td>
<td>1</td>
</tr>
</tbody>
</table>
SITE ALTERATION PERMIT PROCESS CURRENTLY IN PLACE WITHIN BUILDING SERVICES

Ensure applicant has the following Information:
- Application form filled out and signed by the applicant.
- Authorization letter from the owner, if the applicant is not the owner.
- Application Fee.
- 3 copies of a Control Plan prepared by a professional engineer or other qualified person.
- Detailed estimate of the proposed site works.

Check zoning of property and ensure that the reason for the placement of the fill is not in contravention of the applicable Zoning by-law.

Determine if the property falls within the area regulated by the Niagara Escarpment Commission (NEC) or falls within the jurisdiction of any of the local Conservation Authorities (CA).

Not regulated by NEC or CA
Permit Application Accepted

Determine if berms are proposed and whether they exceed 2 metres in height.

Berms < than 2 metres
Control Plan forwarded for review and comment.

- Development Engineering
- Drainage Superintendent
- Public Works
where applicable:
- Conservation Authority/NEC
Other Government/Enforcement Agencies:
- MTO, MOE, MNR, etc...

Review Comments received. Determine if Control Plan is required to be revised and resubmitted.

Plan Approved

Determine with Director if Public Information meeting is required.

Meeting Required

Schedule Public Information Meeting

Owner to post sign on property to inform public of upcoming meeting

Create mailing list and circulate information letter to area residents informing them of meeting & inviting comments/concerns.

Hold Public Information Meeting

1 copy of signed agreement to be scanned and attached to AMANDA folder. Security and copy of signed agreement to Liz Oddi.

Meeting not required

Plan approved for berms greater than 2 metres.

Determine amount of security to be collected (75% of submitted estimate) and inform owner of amount determined by Director.

City to collect security and enter into Site Alteration Agreement with owner. Security can be in the form of cash, Letter of Credit, or personal cheque. When a personal cheque is provided the cheque must clear prior to issuing the permit.

Plan not approved. Resubmission of permit required to comply with Site Alteration By-law for berm heights.

Obtain copy of NEC Development Permit or CA Permit from Owner. Owner is exempt from obtaining a Site Alteration Permit under By-law 03-126.

Minor Variance/Re-zoning Approved

Application not accepted pending approval of a minor variance or re zoning

Minor Variance/Re-zoning Denied

Regulated
Site Alteration NOT PERMITTED

Permit Required from NEC/CA

Refer owner to NEC or CA to determine if a permit is required from the respective agency/authority.

Non-Compliance

Compliance

Permit Application Received

Owner

The process will remain the same when Growth Management assumes the Permit Process on January 1, 2014.
Appendix “D” to Report PED12184(b) (Page 2 of 2)

The following information is to be submitted for every permit application for Site Alteration.

☐ A completed Site Alteration Permit Application Form together with the applicable permit fee

☐ Three (3) copies of a scaled and dimensioned Control Plan prepared by a Professional Engineer licensed in the Province of Ontario (additional copies MAY be required) – the Control Plan shall include, but not be limited to, the following information:
  ☐ north arrow
  ☐ municipal address
  ☐ key map
  ☐ size of property (property lines)
  ☐ right-of-ways, easements and utility rights-of-way if applicable
  ☐ overhead utilities
  ☐ location of any septic system component
  ☐ size and location of all structures and buildings on the property
  ☐ location of watercourses and other bodies of water
  ☐ layout of all ground circuits and headers and entry into building
  ☐ location of all easements and right-of ways
  ☐ existing and proposed grades
  ☐ location of any retaining walls
  ☐ copy of sign to be posted on site with address, telephone number and e-mail address of emergency contact

☐ Detailed estimate of all proposed grading work, including the costs of any retaining walls and all siltation control measures

☐ Additional documentation
  ☐ Where applicable, written approval from Conservation Authority, Niagara Escarpment Commission, Ministry of Transportation or other Authority having jurisdiction.
  ☐ Written authorization of the owner where the applicant is not the owner.
  ☐ For applications with berms greater than 2 metres are subject to additional review requiring Site Plan and Grading Drawings (6 copies of each) and a fee of $1,060.00.

For additional information and to set up a free consultation meeting please contact the Building Services Division at 905-546-2720. After January 1, 2014 please contact the Growth Management Division at 905-546-2424 ext. 2155.

Planning and Economic Development Department – Building Services Division
June 27, 2013
May 21, 2013

Att: Owner

Re:  – Street Cleaning

Please arrange for the proper cleaning of roadways in the above referenced subdivision by Thursday May, 2013 including the removal of construction materials and equipment.

Should the work not be completed by the above date then by copy of this letter we authorize Public Works to complete the work at the expense of the developer, all in accordance with Section 1.33 Subsection (c) and Section 1.34 Subsection (d) of the City’s Subdivision Agreement.

J. Morgante, P.Eng.
Manager, Engineering Construction

cc: Consultant

D. Smith, Manager of Road & Maintenance, Public Works - 77 James Street N., Suite 400
January 25, 2013

City of Hamilton
Growth Management
77 James Street North, Suite 400
Hamilton ON
L8R 2K3

RE: STREET CLEANING PROGRAM

As required by the Subdivision Agreement for the Ancaster Glen, please find below the details of a plan for dealing issues related to dust control and street cleaning for the internal and external streets in and around the subdivision.

Dust Control:
Streets will be flushed as necessary. Should the weather become hot and dry Losani Homes will ensure dust is kept to a minimum.

Street Cleaning:
Street cleaning will be conducted daily by our own forces ensuring the roads are scraped at the end of every day or as necessary. A skid steer, backhoe and a sweeper attachment will be on site at all times.

Streets will be flushed and swept at the end of each week to ensure cleanliness over the weekends. A commercial vacuum sweeper will be used after the streets have been scraped followed by a water truck with street flushing capabilities.

Points of Contact:
First:
Second:

Contractor:

Water Source:
City of Hamilton Fill Up Station on Dartnall Road

I trust the above is satisfactory, however should you have any questions please do not hesitate to contact the undersigned.
MUD TRACKING ENFORCEMENT

Complaint received by MLE or Contact Centre

Call taken by Contact Centre

Officer assigned to assess situation/circumstances

Call taken by MLE

Development Related?

YES

Information forwarded to Growth Management Div.
- Lori Rez
- Rhita van Ryn

NO

Officer follows up to ensure compliance

Complaint received by Growth Management

Development Related?

YES

GM notifies consultant/developer and requests cleaning schedule.

If NOT Development related

YES

GM notifies consultant/developer and requests cleaning schedule.

If no response or if the cleaning is unsatisfactory, Developer is given a deadline to complete works.

If not cleaned by deadline, GM authorizes Public Works to clean roads at the expense of Developer.

Municipal Law Enforcement Stats on Mud Tracking

2011 # of complaints = 211
2012 # of complaints = 185

Charges: 1 in 2012

*complaints within the Old City of Hamilton and on publically assumed roads.

Growth Management Enforcement Stats on Mud Tracking

2012 # of complaints = 58
2013 # of complaints = 22 (as of May 16)

*development related complaints within amalgamated City

1 Lori Rez, Growth Management Division – Development Clerk, ext. 7860

2 Rhita Van Ryn, Growth Management Division – Development Clerk, ext. 5339