



The Corporation of The Township of King

By-Law Number 2025-048

A By-law to Amend Site Alteration By-law 2021-039, as amended, to allow staff to Regulate the Importation of Fill within the Township of King.

Whereas the Council of the Corporation of the Township of King passed By-law 2021-039 on the 26th day of April 2021, pursuant to Sections 8, 9, 11, 23.2, 142, 425, 426(4), 444(1) and 446 of the Municipal Act, 2001, S.O. 2001, c.25, as amended; and

Whereas By-law 2021-039 established regulations and prohibitions on site alteration and the movement of fill in the Township, the removal of topsoil, and the alteration of the grade of land; and

Whereas By-law 2023-050 amended 2021-039 to introduce new provisions for hard landscaping, low impact development and drainage swales, and revise requirements for issuance of a permit; and

Whereas By-law 2024-034 amended By-law 2021-039, as amended, to allow enforcement of contraventions of Another Legal Approval, currently exempted by the By-law under Section 5.1 (a); and

Whereas By-law 2025-048, deems it advisable to amend By-law 2021-039, to allow staff to further regulate the importation of fill within the Township of King;

Now Therefore the Council of The Corporation of the Township of King enacts as follows:

1. **THAT** the following be added to the 'WHEREAS' section of By-law 2021-039, as amended:

“Whereas Subsection 445(1) of the Municipal Act permits a municipality, if satisfied that a contravention of a by-law of the municipality passed under the Municipal Act has occurred, to make an Order requiring the person who contravened the by-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and”
2. **THAT** item 2.1 a) of By-law 2021-039, as amended, be revised and replaced with the following:
 - a) “Adverse Effect” as defined in Section 1 of the Environmental Protection Act, RSO 1990, c E.19 means one or more of:
3. **THAT** the existing *Hard Landscaping* definition of By-law 2021-039, as amended, be revised and replaced with the following:

“**Hard Landscaping**” means any surface covering of land that has limited permeability and restricts the infiltration of water into the natural environment, including, but not limited to any building or structure with a rooftop, porch, paved roadway, interlocking brick, pool decking, permeable pavers, patio pavers, Artificial Turf, compacted gravel, asphalt or concrete surface, or parking area. Hard Landscaping excludes pools, sod, soil, river rock, or other permeable horticultural elements.”
4. **THAT** the existing *Minor Site Alteration* definition of By-law 2021-039, as amended, be revised and replaced with the following:

“Minor Site Alteration” means a one-time maximum cumulative volume of Site Alteration per Property based on the area of Property suitable for Site Alteration (the Property area excluding buildings, structures and fixed features) calculated as follows: Area of Property suitable for Site Alteration in hectares x 200 m³ /hectare of Site Alteration, up to a maximum area of Property suitable for Site Alteration of 1.0 hectares. The maximum volume is a one-time maximum cumulative allowance. Any Site Alteration that exceeds the maximum one-time cumulative volume is prohibited without a Permit. Once this cumulative volume has been reached regardless of the timeframe over which it occurred, no further Site Alteration is allowed without a Permit.

The maximum volume calculation excludes any Site Alteration conducted under the approval of any other legal instrument of the Township, such as a Building Permit or Swimming Pool Permit.

5. **THAT** the existing *Site Alteration* definition of By-law 2021-039, as amended, be revised and replaced with the following definition:

“Site Alteration” means, but is not limited to, any alteration to the Existing Grade of a Property through the removal, placing, relocation or Movement of Fill. A Site Alteration must be justified as the most environmentally protective alternative to a specific need.

6. **THAT** the following be added to the Definition section of By-law 2021-039, as amended:

“Retaining Wall” means, a structure that holds back soil and/or other materials.

7. **THAT** the following be added to the Definition section of By-law 2021-039, as amended:

“Decorative Wall” means, a structure or feature that is for aesthetic purposes, not retaining any soil and/or other materials.

8. **THAT** the following be added as item 3.6.2 of section 3 of By-law 2021-039, as amended:

“No person shall install a retaining wall or decorative wall greater than 1 meter in height without it being designed and stamped by a Professional Engineer.”

9. **THAT** the heading for section 5, of By-law 2021-039, as amended, *Exceptions and Waivers*, be revised to state the below:

“Exceptions and Waivers from Requiring a Permit”

10. **THAT** Item 5.1.1 of Section 5.1 of By-law 2021-039, as amended, be revised, and replaced with the following:

“The period of storage is determined by the activities of the licensed business with the expectation that the business involves the regular Movement of Fill on to and off the Site in a manner that results in no Fill being stored longer than 18 months, and in no year over year net increase in Fill volume storage above Existing Grade; and,”

11. **THAT** Item 6.1 of Section 6 of By-law 2021-039, as amended, be deleted, and replaced with the following:

“The General Manager determines that the Applicant has not taken meaningful steps to adequately resolve or address deficiencies or concerns that the Township has identified in the Application”

12. **THAT** Item 8.1 of Section 8 of By-law 2021-039, as amended, be revised, and replaced with the following:

“If an Officer or the Director is satisfied that a Person has undertaken, permitted, allowed or performed a Site Alteration in contravention of the provisions of this By-law, the Conditions of a Permit, and/or an Agreement, the Officer and/or the Director may give verbal or written directions and/or issue an Order to discontinue or to perform work.”

13. **THAT** Item 10.1 of Section 10 of By-law 2021-039, as amended, be revised, and replaced with the following:

“Every Person who contravenes a provision of this By law, a Condition of a Permit, an Agreement, and/or an Order issued under this By law, is guilty of an offence, and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended or any successor legislation (“Provincial Offences Act”).”

14. **THAT** current Section 12 of By-law 2021-039, as amended, be moved to Section 13, and replaced with the following:

12 LIABILITY AND INDEMNIFICATION

12.1 The provisions of this By-law do not limit the responsibility or liability of any Person who has lawfully or unlawfully undertaken Site Alteration from any personal injury, including injury resulting in death, or Property damage resulting from such Site Alteration or from acts or omissions of such Person, or his or her agents, employees, or contractors.

12.2 Likewise, provisions of this By-law shall not be construed as acceptance by the Township, its officers, employees, or agents of any responsibility or liability whatsoever by reason of allowing such Site Alteration, approving the request for permitting such Site Alteration, or activities related to the Site Alteration.

12.3 The Township is not responsible for any damages, losses or injuries caused as a result of any Site Alteration.

Read a First and Second time this 17th day of June 2025.

Read a Third time and finally passed this 17th day of June 2025.

Steve Pellegrini
Mayor

Denny Timm
Township Clerk

(Ref. Growth Management Services – Development Division,
Report Number GMS-DEV-2025-003, Council June 17/25)

By signing this by-law on June 17, 2025, Mayor Pellegrini will not exercise the power to veto this by-law.