

**THE CORPORATION OF THE TOWNSHIP OF STRONG**  
**BY – LAW #2005 - 1517**

BEING a By – Law to Regulate the Operations of  
Pits and Quarries in the Township of Strong

**WHEREAS** Section 124 of the Municipal Act, 2001 authorizes the Municipality to pass bylaws for regulating the operation of Pits and Quarries within the Municipality.

**NOW THEREFORE** the Council of the Corporation of the Township of Strong **hereby ENACTS AS FOLLOWS :**

Section 1 – Definitions

In this by – law the following definitions shall apply :

- 1.1 “Aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, and rock other than metallic ores.
- 1.2 “Holiday” shall mean a holiday as defined in the Interpretation Act of Ontario.
- 1.3 “Operate” when used in relation to a pit or quarry includes all activities associated with pit or quarry that are carried out on land from which aggregate is being excavated.
- 1.4 “Person” means an individual, a partnership, a corporation, a municipality, a public authority or other group or body but does not include the Corporation of the Township of Strong.
- 1.5 “Pit” means land or land under water from which unconsolidated aggregate is being or has been excavated and that has not been rehabilitated but does not mean land or land under water excavated for a building or other work on the excavation site.
- 1.6 “Quarry” means land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated but does not mean land or land under water excavated for a building or other work on the excavation site.
- 1.7 “Rehabilitate” means to treat land from which aggregate has been excavated so that the use or condition of the land,
  - a) is restored to its former use or condition or
  - b) is changed to another use or condition that is or will be compatible with the use of adjacent land.
- 1.8 “Site” means the lands used for the operation of a pit or quarry.
- 1.9 “Township” means the Corporation of the Township of Strong.

Section 2 – Application

- 2.1 No person shall operate a pit or quarry on land except in compliance with the provisions of this by-law, any other applicable by-law of the Township and all Provincial and Federal legislation or regulation.
- 2.2 Nothing in this by-law is intended to make lawful any operation of a pit or quarry which would otherwise be unlawful under a zoning by-law, other by-law or Provincial and Federal legislation or regulation.
- 2.3 This By-law shall not apply to the excavation of aggregate by an individual or group of individuals for use by the individual or group of individuals but not for resale or commercial purposes.

Section 3 – Hours of Operation

No person shall permit the operation of any machinery or equipment in connection with a pit or quarry, other than water pumping equipment:

- a) On a holiday or
- b) On any day except Monday to Friday – 7am to 6pm during the months of June, July, August and until the second Monday of September each year; and All other Months of the Year – Operation Hours shall be 6am to 8pm.
- c) Saturday Exception: Trucks and Loaders shall be allowed to operate from the pit 8am to 1pm on Saturdays. NO CRUSHER OPERATIONS WILL BE ALLOWED ON SATURDAYS.

#### Section 4 – Setback Limits

- 4.1 In this section “Excavation Setback Area” of a site means the area Within,
- a) 50 metres from the Boundary of the site.
  - b) 215 metres from any part of the Boundary of the site that abuts land in use for residential purposes on the date of the passing of this by-law.
  - c) 215 metres from any part of the Boundary of the Site that abuts land restricted to residential use by a zoning by-law.
- 4.2 No person shall excavate aggregate within the Excavation Setback Area of a Site.
- 4.3 No person shall pile aggregate, topsoil or overburden, locate any processing plant or place, build or extend any building or structure within:
- a) 50 metres from the Boundary of the site;
  - b) 215 metres from any part of the boundary of the site that abuts,
    - i) land in use for residential purposes on the date of the passing of this by-law
    - ii) land restricted to residential use by a zoning by-law
- 4.4 The preceding subsection 4.3 does not apply with respect to earth berms that are intended to screen adjoining lands from the operation on the site.
- 4.5 The preceding subsections do not apply to any excavations, buildings or structures that existed on the date of the passing of this by-law.

#### Section 5 – Screening and Berming

- 5.1 The Operator of a Pit or Quarry, within one year following the date of the passing of this by-law, shall plant and thereafter maintain a screen of trees adequate to obstruct the view of the pit or quarry within the Excavation Setback Area as defined in the preceding section.
- 5.2 Any trees planted in compliance with section 5.1 shall be of a species and type capable of attaining a minimum height of 6 metres and shall have growth characteristics and be of sufficient density to ultimately form a thick continuous visual screen.
- 5.3 In lieu of the screen of trees required under the preceding subsections, an operator may construct and maintain an earth berm within the Excavation Setback Area having a minimum vertical height of 1.25 metres from base to crest and such berm shall be sloped and vegetated so as to prevent erosion.

#### Section 6 – Maintenance Standards

- 6.1 The operator of a pit or quarry shall ensure that:
- a) Any building, structure or processing plant on the site is maintained in a good state of repair and the site is kept in an orderly condition;
  - b) All Test Holes on the site are fenced immediately after being dug and refilled and regraded to the natural land contour level within 10 days from the time of the completion of the digging;
  - c) Each entrance to, and exit from, the site is located so as to provide at the point of intersection with any highway, a clear view of the highway in both directions;
  - d) Site triangles are provided having sides of 6 metres from the point of intersection of the entrance/exit and the highway and that no structures, fill or vegetation shall be permitted to excess of 1 metre above the grade of the abutting highway in such site triangles;
  - e) All internal combustion engines located and operated within the site are properly fitted with sound-muffling equipment equal to the manufacturer’s specifications or better, and all equipment is operated so as to avoid any nuisance due to noise;
  - f) All highways within 300 metres of the site, or any access roads within the site, are treated with oil, calcium chloride, or other dust-controlling substance, except water, as often as is necessary to control dust and whenever requested by the Council of the Corporation of the Township of Strong;
  - g) All scrap on the site is collected in areas on the site that are further that 50 metres from the boundary of the site and is removed from the site on an ongoing basis. For the purpose of this subsection, “scrap” means all waste material, refuse and debris,

- h) and includes scrap metal or lumber, discarded machinery, equipment and motor vehicles, fallen trees and tree stumps.

### Section 7 – Rehabilitation

- 7.1 The operator of a pit or quarry shall rehabilitate the site in accordance with the provisions hereinafter set out.
- 7.2 The operator of a pit or quarry shall ensure that,
- a) No material except topsoil or subsoil is brought onto the site for sloping, grading or other rehabilitation of the site unless the overburden from the site is insufficient for those purposes;
  - b) All topsoil and subsoil stripped in the operation of the site is used in the rehabilitation of the site;
  - c) Adequate vegetation is planted and maintained to control erosion of any topsoil replaced on the site;
  - d) When the site is finally rehabilitated, the excavation face,
    - i) of any pit has a slope that is at least 3 horizontal metres for every vertical metre
    - ii) of any quarry has a slope that is at least 2 horizontal metres for every vertical metre
  - e) No aggregate, overburden, topsoil or subsoil except material in an earth berm, is moved from the Excavation Setback Area as previously defined;
  - f) All excavated areas have soil in sufficient quantity and depth to raise and maintain a healthy growth of plants adequate to bind the soil;
  - g) All berms are removed and regraded to the natural contour level of the land.
- 7.3 The operator of a pit or quarry shall, as part of the rehabilitation, remove from the pit or quarry and the land used therewith surrounding the pit or quarry, or from that portion of the pit or quarry not being excavated, all structures and equipment used in the operation of the pit or quarry save and except fences;
- 7.4 The operator of a pit or quarry shall replant any forest cover removed to create the pit or quarry with 3 year old seedling trees at a minimum number of 300 trees to each acre;
- 7.5 The operator of a pit or quarry shall, as a part of the rehabilitation, grade the floor of the pit or quarry so that it has a gradient of less than 2 metres vertical in 30 metres horizontal and all protruding rocks and boulders are covered;
- 7.6 In addition to the foregoing, the operator of a pit or quarry shall rehabilitate the pit in accordance any plans filed with the Township which plans form part of an Operator's Agreement hereinafter set out. Such plans may require progressive rehabilitation.

### Section 8 – Operator's Agreement

- 8.1 Prior to amending the Township's zoning by-law to permit the establishment of a pit or quarry, or an extension to an existing pit or quarry, the proposed operator shall make application therefor and shall enter into an Operator's Agreement with the Township.
- 8.2 Every application shall be accompanied by a site plan signed by the applicant which must show:
- a) A general description of the proposed site, including lot and concession lines, if any;
  - b) The shape, dimensions and hectarage of the proposed site;
  - c) The use of the land and the location and use of the buildings and other structures within 150 metres of the proposed site of the pit or within 500 metres of the proposed site of the quarry;
  - d) The location, dimensions and use of buildings and other structures existing or proposed to be erected on the proposed site;
  - e) The location of the excavation setback limits;
  - f) The location and type of existing and proposed fences;

- g) The location and existing and proposed tree screens;
- h) The location of earth berms, if applicable;
- i) The location and size of existing and proposed stockpiles of topsoil, subsoil and overburden and the location and size of proposed aggregate stockpile areas;

#### Section 8 – Operator’s Agreement ( cont’d )

- 8.2
- j) The existing and estimated final elevation of the proposed site;
  - k) Every existing and proposed entrance to and exit from the proposed site;
  - l) Any existing surface water on and surrounding the proposed site and proposed water diversion, storage and drainage facilities on the site and points of discharge to surface waters;
  - m) Subject to available information, the location of water wells on and within 300 metres of the proposed site;
  - n) The maximum depth of excavation and whether it is intended to excavate below water table;
  - o) The direction of operation of the pit or quarry;
  - p) The progressive rehabilitation and final rehabilitation plans;
  - q) Any other necessary information respecting the proposed site.

8.3 An Operator’s Agreement shall contain:

- a) A statement that the operator shall comply with the provisions of this by-law
- b) A statement that the operator shall operate and rehabilitate the pit or quarry in accordance with the site plan, this by-law and the Operator’s Agreement;
- c) A statement that the operator shall be responsible for all reasonable costs of the Township incurred with respect to the application, any re-zoning, the preparation of the Operator’s Agreement, including survey, engineering, planning and legal costs;
- d) A consent of the operator and if required the registered owner of the site to the registration of the Operator’s Agreement against the title of the lands to which it applies.

8.4 An Operator’s Agreement may contain:

- a) Additional site specific regulations with respect to the proposed pit or quarry;
- b) Additional operation or rehabilitation requirements;
- c) Requirements relating to haul routes;
- d) Requirements relating to the provision of Township road improvements and sign postings;
- e) The requirement of the posting of security to ensure compliance with the Operator’s Agreement and the rehabilitation of the pit or quarry;
- f) Such other matters as the Council of the Township deems appropriate.

#### Section 9 – Existing Pits or Quarries – Site Plan

9.1 The operator of a pit or quarry existing on the date of the passing of this by-law shall file with the Clerk of the Township on or before the first day of June 1996, a site plan signed by the operator which must show:

- a) A general description of the site, including lot and concession lines if any;
- b) The shape, dimensions and hectarage of the site;
- c) The location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- d) The existing and proposed excavation and setback limits;

- e) The location and size of existing stockpiles of topsoil, subsoil and overburden and the location and size of aggregate stockpile areas;
- f) The existing elevations of the site;
- g) The existing entrances to and exits from the site;
- h) Any existing surface water on the site and existing water diversion, storage and drainage facilities on the site and points of discharge to surface waters;

Section 9 – Existing Pits or Quarries – Site Plan ( cont'd )

- 9.1 i) Any action taken by the operator to rehabilitate the pit or quarry in accordance with Section 7 of this by-law.
- 9.2 The operator of every pit or quarry shall file with the Clerk of the Township on or before the 1<sup>st</sup> day of June 1997 and each year thereafter a revised site plan showing any changes made to the pit or quarry in the year immediately preceding or a Declaration stating the no changes have been made to the said site plan.

Section 10 – General

- 10.1 This by-law in no way relieves any person from complying with any other by-law of the Township including any zoning by-law and shall not in any way limit or restrict the Council of the Township in exercising its discretion respecting an application to amend the Township Zoning By-law to permit a pit or quarry or the extension to a pit or quarry;
- 10.2 If any provision of this by-law is for any reason held to be invalid by a Court of competent jurisdiction it is hereby declared to be the intention of the Council of the Township that all remaining provisions shall continue to be in full force and effect notwithstanding that one or more provisions shall have been declared to be invalid.

Section 11 – Penalty

- 11.1 Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and upon conviction shall be liable to the fines and penalties prescribed by the Provincial Offences Act.
- 11.2 Where this by-law requires any matter or thing be done and there is default of its being done by the person directed or required to do it, such matter or thing may be done by the Township at the person's expense and the Township may recover the expense incurred in doing it by action or in like manner as municipal taxes.

**READ A FIRST AND SECOND TIME THIS 13<sup>th</sup> DAY OF DECEMBER 2005 .**

**READ A THIRD TIME AND FINALLY PASSED ON A MOTION BY JOHN NEWSTEAD .**

**AND SECONDED BY SALLY HARPER THIS 13<sup>TH</sup> DAY OF DECEMBER 2005**

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**Stephen R. Rawn, Mayor**

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**Diana Georgie, Clerk**

**CERTIFIED** to be true copy of By-Law  
 No. 2005 – 1517 enacted in open Council  
 This 13<sup>th</sup> day of December, 2005

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 Clerk