

THE RURAL MUNICIPALITY OF WEST ST. PAUL

THE TOPSOIL/LANDFILL BY-LAW'

BY-LAW NO. 2/95

Being a by-law of The Rural Municipality of West St. Paul to prohibit the removal of topsoil and to regulate the type of fill materials that may be used, and to repeal By-law No. 14/78.

WHEREAS subsection 327 (c) and (g) of The Municipal Act, R.S.M. 1988, Cap 225, provides in part as follows:

“327 The Council of any municipality may pass by-laws

(c) for controlling and regulating the type of land fill that may be used in the municipality, and the condition in which any such land fill must be at any time;

(g) for controlling, regulating, or prohibiting the removal of topsoil from lands within the municipality, and for prescribing the measures to be taken with respect to any land from which topsoil is or has been removed.”

AND WHEREAS the Council of The Rural Municipality of West St. Paul deem it expedient and in the public interest to regulate and control the type of land fill used and the removal of topsoil.

NOW THEREFORE The Council of The Rural Municipality of West St. Paul, in Council duly assembled, enacts as follows:

1.00 SHORT TITLE:

1.01 THAT this By-law be referred to as “THE TOPSOIL/LANDFILL BY-LAW”.

2.00 DEFINITIONS:

2.01 THAT unless the context otherwise requires, where used in this By-law:

2.02 “Municipality” means The Rural Municipality of West St. Paul;

2.03 “Clean Fill” means black earth or clay fill that contains no concrete, asphalt or metal rubble, or any toxic or hazardous substance of any kind;

3.00 LAND FILL:

3.01 THAT land fill used within the Municipality shall be Clean Fill only, unless approved by permit of Council;

3.02 THAT a permit may be issued by Council for the use of land fill other than Clean Fill for a purpose deemed necessary by Council at their sole discretion, and the approval shall be subject to all conditions contained within the said permit;

3.03 THAT the hauling of land fill and the raising of lot elevations shall be in accordance with the provisions of The Lot Grading By-law of the Municipality.

3.04 THAT where land fill is placed within the Municipality, the fill shall be leveled within 30 days of being placed thereon.

4.00 TOPSOIL REMOVAL:

4.01 THAT the removal of Topsoil within the Municipality is prohibited, except under the following circumstances:

4.02 Topsoil may be removed, If necessary for construction of a building, plans of which must be approved by officials of the Municipality;

4.03 Topsoil may be removed, If necessary for construction of highways, or roadways plans of which must be approved by the Council of the Municipality;

4.04 Topsoil may be removed, If necessary to construct drainage ditches, plans of which must be approved by the Council of the Municipality;

4.05 Topsoil removal for any other purpose must be approved by the Council of the Municipality.

5.00 **REMEDIAL ACTION**

5.01. **Failure to comply with conditions of permit:**

Where approval is granted under Section 3.02 or Section 4.05 herein and the conditions contained therein are not complied with in accordance with the said permit, the By-law Enforcement Officer may cause the work to be carried out by the Municipality and charge the cost of the work against the land owner and recover the cost as a debt due to the Municipality.

5.02 **Failure to level land fill material:**

Where land fill material is placed within the Municipality and the registered owner fails to comply with the provisions of Section 3.04 herein, the Bylaw Enforcement Officer may cause the work to be carried out by the Municipality and charge the cost of the work against the registered land owner and recover the cost as a debt due to the Municipality.

6.00 **PENALTY**

6.01 Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law for which no penalty is provided, is guilty of an offence and liable, on summary conviction of a fine not exceeding 500.00 in the case of an individual, or \$1,000.00 in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding one (1) month or to both such a fine and such an imprisonment.

7.00 **REPEAL**

7.01 THAT By-law No. 14/78 of The Rural Municipality of West St. Paul is hereby repealed.

DONE AND PASSED by the Council of The Rural Municipality of West St. Paul in Council duly assembled, this 12th day of January A.D. 1995.

THE RURAL MUNICIPALITY OF WEST ST. PAUL

David Oster

REEVE

M. E. Didyk

SECRETARY TREASURER/
MUNICIPAL ADMINISTRATOR

READ A FIRST TIME THIS 12th DAY OF January A..D. 1995

READ A SECOND TIME THIS 12th DAY OF January A..D. 1995

READ A THIRD TIME THIS 12th DAY OF January A.D. 1995