

**The Corporation of the Town of Essex**

**By-Law Number 2336**

**Being a By-law to Amend Bylaw 1799, as amended by By-Law  
2033, Being a By-law to Provide for the Regulation of the  
Placing and/or Dumping of Fill and the Alteration of Grade  
and/or removal of topsoil from Land in the Municipality of the  
Town of Essex (“By-Law 1799”)**

**WHEREAS** By-Law 1799 is the Town of Essex’s Comprehensive Filling By-Law regulating the Placing and/or Dumping and/or removing of topsoil on/from Land in the Municipality;

**AND WHEREAS** By-Law 1799 was amended by By-Law 2033;

**AND WHEREAS** the Council of the Corporation of the Town of Essex deems it desirable and in the best interest of the municipality to further amend By-Law 1799;

**NOW THEREFORE** be it resolved that the Council of the Corporation of the Town of Essex hereby enacts as follows:

1. **That** By-Law 1799 be amended as follows:

a. Subsection 4.3 is deleted and expunged in its entirety and replaced with the following:

“4.3. No one shall import, place, or dump over twelve hundred (1200 m<sup>3</sup>) cubic metres of fill on a property in its lifetime.”

b. Subsection 4.4 (a) be deleted and expunged in its entirety and replaced with the following:

“4.4 a.) That a satisfactory lot-grading plan detailing the existing as well as proposed grades submitted or stamped by an engineer has

been received showing the extent of the works, the volume of fill in cubic metres, the maximum elevation of the raised lands and the measures proposed to control stormwater run-off. Changes to the elevation of lands as originally designed by a professional engineer must be subsequently certified by a professional engineer.”

- c. Subsection 5.1 (i) be and added to the By-Law and state the following:

“5.1 (i) A building permit has been issued by the Chief Building Official for the erection of a building or structure, where the site plan accompanying the application for such building permit provides sufficient information to determine that the placing or dumping of fill conforms with the provisions of this By-Law.”

- d. Subsections 5.2 (i) & (j) be deleted and expunged in their entirety and replaced with the following:

“5.2 This By-law also does not apply to:

(a) Land disturbance associated with minor gardening and landscaping incidental to residential uses. Notwithstanding this exemption the Director (acting reasonably), reserves the right to make a determination as to whether any given land disturbance associated with minor gardening or landscaping incidental to residential shall be permissible as an exemption under this By-law.

(b) The removal of topsoil or placing of fill where the aggregate quantity of such removal or placement on any one lot does not exceed twenty (20) cubic meters in any period of three (3) consecutive months.”

- e. The second Section 5.2 of the By-Law shall be re-numbered as Section 5.3 and state the following:

“5.3 The requirements of Section 4 of this By-law may further be waived in writing, at the sole discretion of the Director (acting reasonably).”

- f. Subsection B 1. (b) of Schedule “A” to By-Law 1799 be deleted and expunged in its entirety and replaced with the following:

“(b) The permit application fee shall be five hundred (\$500.00) dollars.”

- g. Subsections B 4. (b)(i) & B 4. (b)(ii) of Schedule “A” to By-Law 1799 be deleted and expunged in their entirety and replaced with the following:

“(i) five hundred (\$500.00) dollars plus fifty (\$0.50) cents per cubic metre.”

**Read a first, a second and a third time and finally passed on June 3, 2024.**

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Mayor

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Clerk