

Site Alteration By-law

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The [Site Alteration By-law](#) was approved by Ottawa City Council on May 9, 2018, in order to regulate site alteration activities such as placing or dumping fill, removing topsoil, clearing or stripping vegetation, and altering the grade of land. In general, all lands within the City of Ottawa are subject to the by-law, except for lands that are already regulated by a Conservation Authority (e.g., floodplains, rivers and creeks, or in and around significant wetlands).

The by-law is intended to:

- Prevent drainage problems
- Protect the productivity of soils in areas designated in Ottawa's Official Plan as Agricultural Resource Areas
- Protect designated natural areas and other natural heritage features (such as significant woodlands and valleylands) identified in Ottawa's Official Plan in and around the urban area from negative impacts
- Establish basic rules and practices to avoid impacts to neighbours and the environment during site alteration

In most cases, residents do not need the City's approval before beginning site alteration, but they must follow the rules in the by-law. Ottawa's basic rules for site alteration can be summarised as follows:

1. Do not work on someone else's property without their permission.
2. Do not cause drainage problems for your neighbours.
3. Follow all other applicable municipal, provincial and federal rules.
4. Do not damage the productivity of soils in areas designated for agricultural use.
5. Get City approval before working in or within 30 m of significant natural areas in the area shown on Schedule B in the by-law.
6. Notify your neighbour(s) if you will be working within 10 metres of your property boundary.
7. Notify your City planner before working on a site during the development review process.
8. Control sediment and erosion, where necessary.
9. Fence off or otherwise limit your work area, where necessary, to prevent accidental damage to nearby trees, structures or properties.
10. Use clean fill.

Rules 1, 2 and 3 apply to everyone. There are exceptions to several of the other rules for yard maintenance, landscaping, farming, woodlot management, and approved developments. Additional information is provided below to help residents understand how the by-law affects them.

Please call or click before you dig! Contact Ontario One Call at 1-800-400-2255 or <https://www.on1call.com/> to find out where underground utilities such as water or sewer pipes, gas or power lines, and communications cables are on your property. It's free, and could save you from costly or dangerous mistakes.

Understanding the Rules for Site Alteration

Rule #1: Do not work on someone else's property without their permission.

If you are not sure where your property line is, refer to your [property survey](#) or contact a professional surveyor.

Rule #2: Do not cause drainage problems for your neighbours.

All residents need to be aware that changes to the surface of a property can affect the way water drains across it. It's important to be aware of local drainage patterns around your home, your property and your neighbourhood. For example, installing a patio, a pool or even a garden bed may change the way rainwater moves across your land and your neighbour's. Under the by-law, if your project affects the movement of water so that your neighbour's property no longer drains properly, then you may be required to fix the problem.

Roadside ditches and municipal drains are vital parts of the City's infrastructure and should not be altered, except through the appropriate process (see [Ditch Alteration Policy](#) or [Ditches and Drains](#) for more information). Rivers, creeks and many other watercourses are regulated by the Conservation Authorities and cannot be altered without a permit. Contact your [local Conservation Authority](#) for advice before beginning any work near a watercourse.

Rule #3: Follow all other applicable municipal, provincial and federal rules.

Here is a list of commonly applicable rules that you should be aware of:

Municipal

[Building By-law](#) (enables the City to administer and enforce the provincial Building Code Act; includes specifications for construction fencing where required)

[Fence By-law](#) (regulates the erection, maintenance, and repair of fences)

[Tree Protection By-law](#) (protects City-owned trees and natural areas – written approval is required prior to working within the [critical root zone](#) of City-owned trees)

[Noise By-law](#) (regulates noise levels, including limits on timing of work with power tools)

[Pool Enclosure By-law](#) (regulates fencing requirements for swimming pools)

[Private Approach By-law](#) (regulates construction of private driveways or access lanes connecting to City roads)

[Sewer Use By-law](#) (limits what is allowed into City sewers or ditch systems)

[Use and Care of Roads By-law](#) (regulates use of City roads, including use and maintenance of boulevards by adjacent landowners)

[Zoning By-law](#) (establishes specific land uses, as well as yard setbacks for structures and permitted lot coverage)

Provincial

[Building Code Act](#) (administered by the City; regulates the design and construction of buildings, additions, decks, septic systems)

[Conservation Authorities Act](#) (regulates work near water or wetlands – you may need a permit to work in these areas, check with your [local Conservation Authority](#))

[Drainage Act](#) (regulates municipal drains)

[Endangered Species Act](#) (protects endangered or threatened species and their habitat)

[Environmental Protection Act](#) (regulates waste disposal and protects quality of air, water, and soil)

[Fish & Wildlife Conservation Act](#) (regulates hunting and fishing, protects wildlife)

[Ontario Heritage Act](#) (protects heritage properties and archaeological resources)

[Public Lands Act](#) (regulates work in or along shorelines of lakes, rivers and streams owned by the Crown, other than the federally regulated Rideau Canal waterway)

Federal

[Department of Transport Act – Historic Canals Regulations](#) (regulate works in or along shoreline of Rideau Canal waterway)

[Fisheries Act](#) (protects fish and fish habitat)

[Migratory Birds Convention Act](#) (protects migratory birds and their nests)

[Navigation Protection Act](#) (protects navigable waterways)

Rule #4: Do not damage the productivity of soils in areas designated for agricultural use.

Certain lands in the rural area and in the Greenbelt have been designated as Agricultural Resource Areas on Schedules B, C11 and C12 of the Official Plan. These lands have productive soils and are intended for farming. To help protect these soils, the by-law prohibits the removal of topsoil or any other activities that would reduce their agricultural productivity. Exceptions are provided for normal activities in these areas such as farming, approved developments and yard maintenance.

Rule #5: Get City approval before working in or within 30 m of significant natural areas in the area shown on Schedule B of the by-law.

This rule only applies to part of the City, shown on a map in the [by-law \(Schedule B\)](#). Certain woodlands and other natural areas within the City have been identified as provincially or locally significant. Many of these areas are designated as Natural Environment Areas, Urban Natural Features, or Rural Natural Features on Schedules A or B of the Official Plan. Other areas have been identified as part of the Natural Heritage System Overlay (Schedules [C11A](#), [C11B](#) and [C11C](#) in the Official Plan). To avoid or reduce negative impacts on these environmentally sensitive areas, the by-law requires landowners to consult with the City's [Planning staff](#) and obtain the City's approval before undertaking site alteration in or within

30 m of these areas. Exceptions are provided for approved developments, yard maintenance, farming and woodlot management in accordance with good forestry practices.

In some cases, the City may require an Environmental Impact Study (EIS) to be prepared in order to demonstrate how the proposed work can be completed without causing negative impacts to the natural feature or its ecological functions. The need for an EIS will be determined on a case-by-case basis in accordance with the City's [Environmental Impact Study Guidelines](#). City staff can waive the EIS requirement where minor projects are unlikely to cause negative impacts.

The by-law does not prevent landowners from cutting trees or removing woodlots that have not been identified as significant natural features in the City's Official Plan. Tree cutting is controlled under the Urban Tree Conservation By-law for privately owned trees in the urban and future urban expansion areas, and for City-owned trees throughout the City.

Not sure if this rule applies to you? Contact a Development Information Officer at one of the City's [Client Service Centres](#) to determine if your property is located within 30 m of a significant natural area.

Rule #6: Notify your neighbour(s) if you will be working within 10 metres of your property boundary.

If your proposed site alteration will occur within 10 m of your property boundary, you may need to notify the adjacent private neighbour(s) along that boundary before starting work. Notification is not required for minor landscaping or yard maintenance, farming, or woodlot management. It is also not required in cases where site alteration is urgently required to deal with events such as flooding or failures of private wells or septic facilities.

Where notification is required, it may be done in writing or by posting a sign at the entrance(s) to your property. The notice must include the following information:

- A clear description of the nature and purpose of the work (e.g., putting in a new swimming pool, patio and landscaping)
- The location and extent of the area to be affected (e.g., approximately 30m² in the back yard of 123 Any Street)
- The anticipated duration of the work (e.g., five days, beginning on Date)
- Contact information for the person or company doing the work (e.g., name and phone number for your contractor)

Notifying your neighbours does not give them the right to object to your plans. It simply ensures that they know what is going on, how long it will take, and who to call if they have any questions or concerns.

Rule #7: Notify your City planner before working on a site during the development review process.

If a developer wants to start working on a site before receiving approval from the City on their Planning Act application (e.g., Plan of Subdivision, Zoning By-law Amendment, etc.), they need to notify the City's lead planner for the file. This allows the City planner to notify the local Councillor or community association where appropriate, and enables them to better respond to any questions or concerns from the public. Notification is not required for minor landscaping or

yard maintenance, farming, or woodlot management. It is also not required in cases where site alteration is urgently required to deal with events such as flooding or failures of private wells or septic facilities.

Rule #8: Use sediment and erosion control, where necessary.

Soil that has been exposed or disturbed by site alteration activities is vulnerable to erosion by wind or water. Soil erosion is a loss for the landowner, and can also cause negative environmental impacts to local air conditions, water quality, and natural areas. Sediment and erosion control measures may be needed to keep the soil in place until the site stabilizes. For small projects on relatively flat properties, this may simply mean avoiding work during times when heavy rains or high winds are forecast. Maintaining an undisturbed buffer zone of grass or other vegetation around the work area is also helpful. For projects on slopes or near watercourses, more advanced measures such as silt fencing or straw bale check dams may be needed.

Rule #9: Fence off or otherwise limit your work area, where necessary, to prevent accidental damage to nearby trees, structures or property during the work.

The use of construction fencing to ensure public safety around building sites is regulated under the [Building By-law](#). For site alteration activities, it is also good practice to fence off or otherwise mark the limits of the work area to reduce the risk of accidental damage to nearby trees, natural areas, neighbouring properties, or infrastructure. If the work area is in the middle of an open field, with nothing nearby that could be damaged, this rule would not apply.

Rule #10: Use clean fill.

Soil or other fill used at a site must be clean. Provincial regulations establish limits for various contaminants. Residents should take care to obtain topsoil and other fill from reputable suppliers.

Exceptions to the Rules

The Site Alteration By-law does not apply to lands that are regulated by any of the local Conservation Authorities under the Conservation Authorities Act. This includes floodplains and significant wetlands throughout the City, as well as most other wetlands in the Mississippi Valley Conservation Authority's jurisdiction. Lands adjacent to wetlands and along watercourses are also regulated. Maps showing the regulation limits are available on [geoOttawa](#), but this information should be confirmed with your local Conservation Authority.

The by-law also does not apply to several activities that are regulated and approved under provincial legislation, such as:

- Construction or maintenance of transmission or distribution systems under the Electricity Act
- Aggregate extraction in pits and quarries licensed under the Aggregate Resources Act
- Construction, maintenance or repair of drainage works under the Drainage Act or Tile Drainage Act
- Construction and operation of waste disposal sites or waste management systems under the Environmental Protection Act

Exceptions from many of the by-law's rules have been provided for several common activities such as farming, woodlot management, implementation of approved developments, landscaping and yard maintenance. More information on these exceptions is provided below.

Farming

Under the [Farming and Food Production Protection Act](#), municipal by-laws cannot restrict normal farming practices carried out as part of an agricultural operation. Therefore, farmers are exempt from many of the rules in the by-law. Farmers need to ensure that they are not working on someone else's land without permission, and that they do not interfere with anyone else's drainage. They do not need to notify anyone or ask for the City's approval before carrying out normal farming practices, but they do need to follow rules 8 to 10 (use sediment and erosion control where necessary, protect the work area where necessary, and use clean fill). Most farmers already follow these practices in their daily work, as responsible stewards of their land.

Normal farming practices include a broad range of activities such as cultivating fields, spreading manure, harvesting crops, installing and maintaining fences, planting or removing hedgerows and windbreaks, and maintaining drainage or irrigation systems. The construction, maintenance and repair of drains under the Tile Drainage Act is exempt from the Site Alteration By-law. The incidental removal of topsoil as part of sod farming, greenhouse operations and horticultural nursery production is also legally exempt. The removal of topsoil (including peat) for sale or other disposition is not exempt, and is not allowed in designated Agricultural Resource Areas under the by-law.

Woodlot Management

Woodlot owners do not need to notify anyone or ask for the City's approval to manage their woodlot. They need to ensure that they are not working on someone else's land without permission, and that they do not interfere with anyone else's drainage. They also need to follow rules 8 to 10 (use sediment and erosion control where necessary, protect the work area where necessary, and use clean fill). Provincial and federal regulations may apply in some cases (e.g., Endangered Species Act, Migratory Birds Convention Act).

Development

Developments that have already received approval from the City under the Planning Act or Building Code Act are subject to rules 1 to 3 and must follow any applicable conditions of approval. If you will be working within 10 metres of your property boundary, you will need to notify your neighbours before starting work. If you want to start work on a site before receiving City approvals, you must notify the City planner overseeing your application and follow rules 8 to 10. Other rules in the by-law may apply depending on the location and context of the site; the City planner can assist in determining which rules apply.

Landscaping and Yard Maintenance

Landscaping and yard maintenance are exempt from several of the rules in the by-law. Landscaping refers to any activity that changes the visible features of an area of land. Landscaping may include planting, grading, patios, fences, pools or water features, and structures such as gazebos. Yard maintenance may include activities such as top-dressing lawns or filling in potholes in a private laneway.

Minor landscaping activities are exempt from most of the rules in the by-law. Residents do not need the City's approval or to notify anyone to top-dress a lawn, put in a new garden bed or plant new trees or shrubs. However, they need to follow rules 1 to 3, as well as rules 8 to 10 where appropriate. For most home gardening projects, meeting rules 8 to 10 is not difficult – do not work during extreme rain events, be careful, and use topsoil from reputable suppliers.

Major landscaping or yard maintenance projects, such as the installation of an in-ground pool or the replacement of a septic field, are not exempt from the notification requirement – if the work area is within 10 m of your property boundary, notify your neighbours. Check to see if the project would affect the critical root zone of any tree protected under the City's [Tree Protection By-law](#), and get any necessary approvals. Other regulations may apply to such projects. Contact the Ottawa Septic System Office for more information about septic fields or your local Client Service Centre for information about the City's Pool Enclosure By-law.

Contact Information

For more information about your property, or to determine if you are located within 30 m of a significant natural area, contact a Development Information Officer at one of the City's [Client Service Centres](#).

To consult the City's Planning staff regarding a proposed site alteration in or within 30 m of a significant natural area located in the area shown on [Schedule B of the by-law](#), email us at planning@ottawa.ca.

For general inquiries about the by-law and its rules, email us at planning@ottawa.ca.

If you would like to report a potential by-law violation, call 3-1-1.