

CITY OF NIAGARA FALLS

By-law No. 2017 - 65

A by-law to amend By-law No. 79-200, to introduce new definitions and general provisions to prohibit certain uses on the Lands identified as the source intake area for drinking water in the City of Niagara Falls (AM-2017-007).

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200 to add new definitions and general provisions to prohibit certain uses on the Lands. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Section 2 – DEFINITIONS of By-law No. 79-200 is amended by adding the following sections:
 - "2.5.0.1 "AGRICULTURAL SOURCE MATERIAL" means treated or untreated materials, as defined by the *Nutrient Management Act*, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.
 - 2.28.1 "INDUSTRIAL EFFLUENT SYSTEM" means a system which conveys and discharges the by-product from an industrial process that can contain contaminant from non-domestic wastes.
 - 2.28.2 "INTAKE PROTECTION ZONE" (IPZ) means an area vulnerable to water quality or water quantity threats surrounding a municipal surface water intake as delineated in a Sources Water Protection Plan.
 - 2.58.1 "STORMWATER MANAGEMENT FACILITY" means a facility for the treatment, retention, infiltration or control of stormwater.
 - 2.63.1 "WASTE DISPOSAL SITE" means the application of untreated septage, the storage, treatment and discharge of tailings from mines and waste disposal sites as defined under Part V of the Ontario *Environmental Protection Act* with respect to Source Water Protection.
 - 2.63.2 "WASTEWATER TREATMENT PLANT" means the part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage."
4. SECTION 4 – GENERAL PROVISIONS of By-law No. 79-200 is amended by adding the following:

"4.8.A SOURCE WATER PROTECTION: Notwithstanding any other provisions of the by-law to the contrary, the following uses shall be prohibited within the Intake Protection Zone designated IPZ1 on Sheet E6 of Schedule "A" to this by-law:

- (a) waste disposal site;
- (b) stormwater management facility or the expansion of a storm water management facility existing prior to June 13, 2017;
- (c) industrial use not permitted by this by-law prior to June 13, 2017;
- (d) commercial use not permitted by this by-law prior to June 13, 2017;
- (e) wastewater treatment plant;
- (f) industrial effluent system; and
- (g) agricultural use, including the storage or application of agricultural source material."

5. Sheet E6 of Schedule "A" of By-law No. 79-200 is amended by designating the Lands IPZ1.

Passed this thirteenth day of June, 2017.




.....
BILL MATSON, ACTING CITY CLERK

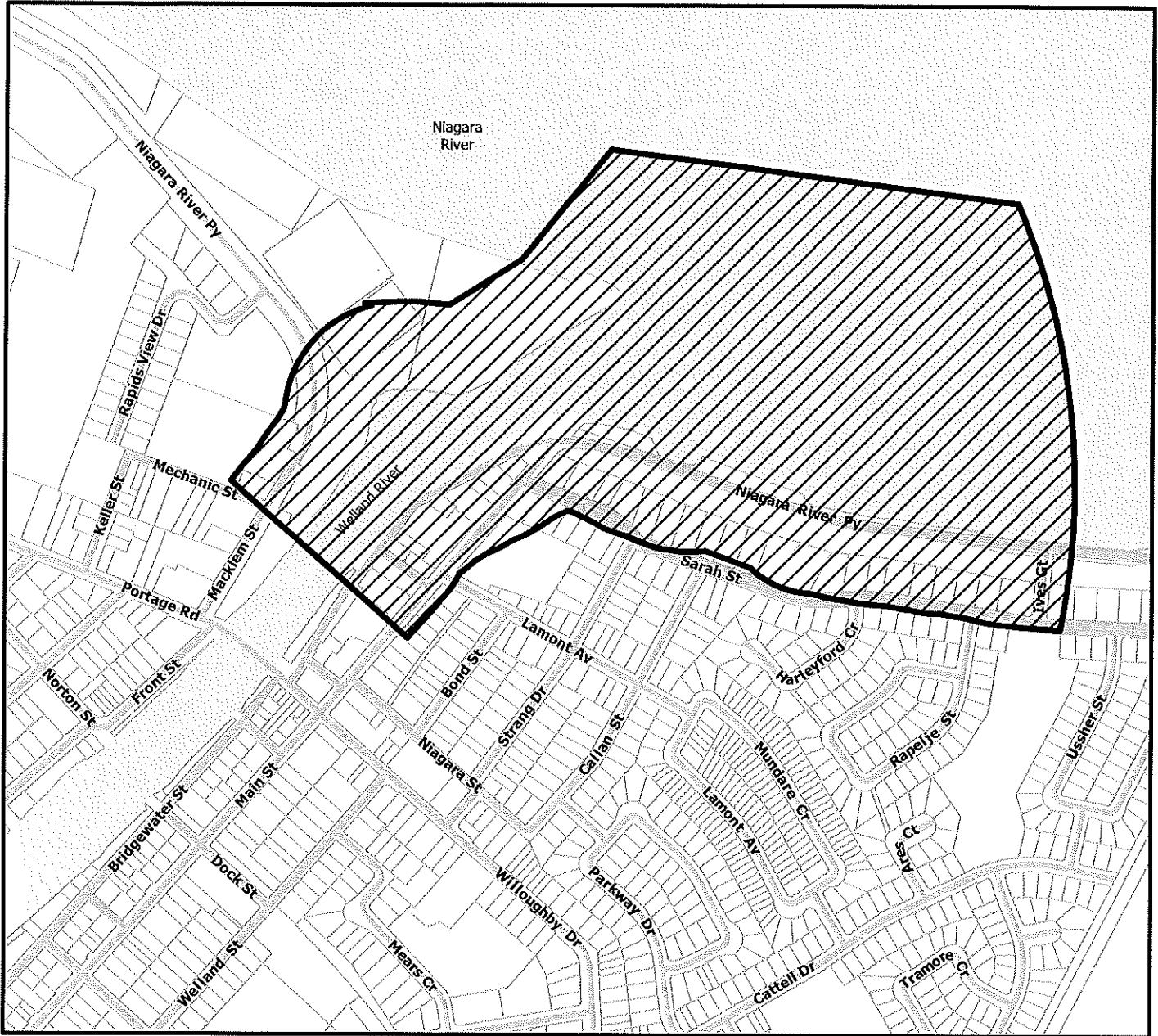


.....
JAMES M. DIODATI, MAYOR

First Reading: June 13, 2017
Second Reading: June 13, 2017
Third Reading: June 13, 2017

SCHEDULE 1 TO BY-LAW No. 2017-65

Subject Land:  Lands within the Niagara Falls Intake Protection Zone (IPZ-1) and subject to General Provision 4.8.A



Amending Zoning By-law No. 79-200

Description: Various

Applicant: City of Niagara Falls

Assessment #s: Various



1:nts

AM-2017-007