

DISTRICT OF NORTH SAANICH

BY-LAW NO. 255

A By-law to regulate the removal of soil and the deposit of fill upon lands within the Municipality.

The Municipal Council of the District of North Saanich in open meeting assembled enacts as follows:

SECTION 1 DEFINITIONS

CLEAN FILL means soil free from refuse, rubble and any undecomposed organic matter.

LAND COMMISSION means the British Columbia Land Commission established under the Land Commission Act.

PERMIT means a permit for soil removal or fill deposit issued pursuant to this By-law.

SOIL means the entire mantle of unconsolidated material above bedrock other than minerals as defined in the Mineral Act or the Placer Mining Act.

SECTION 2 APPLICATION

- (a) No person shall remove soil from any lands within the municipality or deposit fill upon any lands within the municipality without being the holder of a valid and subsisting permit therefor.
- (b) This By-law shall not apply to any person removing soil or depositing fill for any of the following purposes:
 - (i) to construct an irrigation pond duly licenced under the Water Act of the Province of British Columbia;
 - (ii) to construct a septic tank disposal field under permit duly issued by the Medical Health Officer of the Capital Regional District.
 - (iii) to construct the foundation of a building or structure in respect of which a building permit has been duly issued by the municipality.

SECTION 3 PERMIT APPLICATION FORM

An application for a permit to remove soil or deposit fill shall be made on a form attached to this By-law as Schedule "A" and Schedule "B" respectively, copies of which may be obtained from the Director of Engineering Services.

SECTION 4 PERMIT FEE

An application for a permit shall be accompanied by a fee of \$25.00.

SECTION 5 PERMIT FORM

All permits issued pursuant to this By-law shall be in a form authorized by the Director of Engineering Services.

SECTION 6 PROHIBITIONS

- (a) Subject to subsection (b) of this section, no permit shall be issued for the removal of soil or the deposit of fill if:
- (i) such works would in any way endanger surrounding or neighbouring lands or the support thereof;
 - (ii) such works would make impractical the future subdivision or development of the land or surrounding or adjoining lands;
 - (iii) such works would foul, obstruct or impede the flow of any stream, creek, waterway, water course, waterworks, ditch, drain or sewer in the municipality, whether or not the same are situate on private property;
 - (iv) such works are to occur on land abutting the marine shoreline and would undermine the stability of shoreline land or alter the natural appearance and erosion processes occurring along the shoreline;
 - (v) such works are to occur on land within the Agricultural Land Reserve and have not been approved by the Land Commission pursuant to the Soil Conservation Act of British Columbia as amended from time to time.
- (b) notwithstanding subsection (a) of this section, a permit may be issued if precautions can be taken which will, in the opinion of the Director of Engineering Services, prevent the occurrences referred to in clauses (i) (ii) (iii) and (iv) of subsection (a) and provided the applicant agrees to take such precautions in a manner satisfactory to the Director of Engineering Services.

SECTION 7 SUPPORTING INFORMATION

Before a permit is issued the applicant may, for reasonable cause, be required:

- (a) to obtain the services of a Consultant Soil Mechanics Engineer to determine the feasibility and proper method of the proposed soil removal or fill deposit, provided that the report of such consultant will be subject always to the interpretation and approval of the Director of Engineering Services;
- (b) to deposit with the Director of Engineering Services a contour plan or plans prepared by a British Columbia Land Surveyor in sufficient detail to show the present state of the lands, the extent of removal or fill contemplated and the proposed surface and topography of the land after the work has been completed.

SECTION 8 SECURITY

Prior to the issuance of a permit under this By-law, the applicant shall deposit a performance bond of a surety company authorized to carry on business in the Province of British Columbia, a certified cheque payable to the District of North Saanich, or an irrevocable letter of credit in the amount of \$500.00 for each acre of the property for which the work is proposed, to ensure that the terms of the permit are fully carried out. The bond, certified cheque, or irrevocable letter of credit shall be returned to the applicant upon the Director of Engineering Services certifying in writing that the works authorized by the permit have been satisfactorily completed.

SECTION 9 SITE RESTORATION

- (a) All soil removal shall be replaced by clean fill systematically deposited and graded, except where, in the opinion of the Director of Engineering Services, it is impractical to comply.
- (b) Before any soil is removed or fill deposited, the overburden shall be stripped, stockpiled and planted in the fall of each year with a mixture of orchard grass and perennial rye grass to prevent erosion and to discourage the growth of weeds.
- (c) The final surface of land from which soil has been removed or fill deposited shall, upon completion of the work, be graded as nearly as is reasonably possible within one foot of the original surface and covered with not less than 12 inches of the overburden soil sown with a protective cover, unless the permit was issued with supporting plans showing final grades to be other than such.
- (d) The sides of the area of soil removal or fill deposit shall be sloped at an angle of 45 degrees or their natural angle of repose, whichever is the lesser.
- (e) Drainage shall be provided so that the completed works shall not be subject to flooding.

SECTION 10 ACCESS

All lands from which soil is removed or upon which fill is deposited shall be fenced in and controlled to prevent unauthorized dumping and the area shall be free of hazard and maintained hazard free at all times.

SECTION 11 SUSPENSION OF PERMIT

If, at any stage of the work authorized by a permit issued pursuant to this By-law, it appears that further work is likely to endanger any public property, streets, easements or lanes, or is likely to create conditions which would endanger the health or safety of persons or property, the permit may be revoked or the permittee may be required, as a condition to the continuance of the work, to take adequate precautions to prevent such danger.

SECTION 12 PROPERTY DAMAGE

It is the responsibility of the applicant to repair damage to property and highways incurred as a result of the work.

SECTION 13 ENFORCEMENT OFFICER

This By-law shall be administered and enforced by the Director of Engineering Services, who shall also be the Enforcement Officer pursuant to Section (7) of the British Columbia Soil Conservation Act as amended from time to time.

SECTION 14 PENALTIES

Any person guilty of an infraction of this By-law, shall upon summary conviction thereof be liable to a fine of not more than \$500.00 for each day the offence is continued, or to a term of imprisonment not exceeding six months, or both.

SECTION 15 TITLE

This By-law may be cited for all purposes as the "District of North Saanich Soil Removal and Fill Deposit By-law", (1977)".

Read a first time the 19th day of December 1977

Read a second time the 3rd day of January 1978

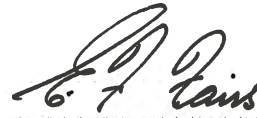
Read a third time the 16th day of January 1978

RECONSIDERED, FINALLY PASSED AND ADOPTED the 6th day

of February 1978



Mayor



Clerk



SCHEDULE A

APPLICATION NO. _____

APPLICATION FOR SOIL REMOVAL PERMIT

1. I _____ of _____
(full name) (address)

Phone #:

herewith make application for the removal of soil from the area(s) within the District of North Saanich having legal description _____

2. The title or tenancy under which the land is occupied by me (if not the owner) is _____

3. The owner of the land (if not the applicant) is _____
(full name)

Phone #:

(address)

and his consent in writing to such removal is herewith attached.

4. The soil is being removed for use elsewhere for _____

The area from which soil is to be removed is _____ square feet or acres. The maximum depth to be removed is _____ inches or feet. The maximum quantity to be removed is _____ cubic yards.

5. The proposed date of commencement is _____. The proposed date of completion is _____.

6. This application is accompanied by a fee of \$ _____.

7. Upon approval of this application, I hereby guarantee to fulfill the following conditions prior to the issuance of a permit:

- (1) To supply such security as may be requested by the District of North Saanich Enforcement Officer
- (2) To remove soil in such quantities and in such manner as is specified in the permit, and strictly in accordance with the terms and conditions of the British Columbia Soil Conservation Act, Regulations, the permit, and the District of North Saanich Soil Removal and Fill Deposit By-law
- (3) To pay for any damage to persons or property which, in the opinion of the Enforcement Officer was caused by me; and,
- (4) To restore the land to a condition fit and suitable for the following agricultural use, where the land is in the Agricultural Land Reserve:

_____ or to the following condition required by the Enforcement Officer _____

Agricultural Land Commission Approval (for land in A.L.R.) _____ date _____

8. Filed herewith are the plans and other documents required by the Regulations and the Enforcement Officer.

9. I, the undersigned, hereby declare that the information and statements in this application are true and that I am aware of the terms and conditions of the Regulations and the local authority and will abide by the provisions imposed by same in respect of this application.

APPLICANT'S SIGNATURE

DATE

SCHEDULE B

NO. _____

APPLICATION FOR PERMIT TO PLACE FILL IN AN AGRICULTURAL LAND RESERVE

1. I, _____ of _____
(full name) (address)

Phone #: _____

herewith make application to place fill in the area(s) within the District of North Saanich having legal description _____

2. The title or tenancy under which the land is occupied by me (if not the owner) is _____

3. The owner of the land (if not the applicant) is _____
(full name)

Phone #: _____

(address)

and his consent in writing to such filling is herewith attached.

4. For what purpose is fill to be placed on the property? _____

The area on which fill is to be placed is _____ square feet or acres.

The maximum depth of fill is _____ inches or feet.

The maximum quantity of fill is _____ cubic yards.

Indicate nature of fill material (rock, gravel, subsoil, etc.) _____

5. The proposed date of commencement is _____. The proposed date of completion is _____.

6. This application is accompanied by a fee of \$ _____.

7. Upon approval of this application, I hereby guarantee to fulfill the following conditions prior to the issuance of a permit:

- (1) To supply such security as may be requested by the District of North Saanich Enforcement Officer
- (2) To place the fill in such quantities and in such manner as is specified in the permit, and strictly in accordance with the terms and conditions of the British Columbia Soil Conservation Act, regulations, the permit, and the District of North Saanich Soil Removal and Fill Deposit By-law.
- (3) To pay for any damage to persons or property which, in the opinion of the Enforcement Officer was caused by me; and
- (4) To restore the land to a condition fit and suitable for the following agricultural use, where the land is in the Agricultural Land Reserve: _____

or, to the following condition required by the Enforcement Officer _____

Agricultural Land Commission Approval (for land in A.L.R.) _____ date _____

8. Filed herewith are the plans and other documents required by the regulations and the Enforcement Officer.

9. I, the undersigned, hereby declare that the information and statements in this application are true and that I am aware of the terms and conditions of the regulations and the local authority and will abide by the provisions imposed by same in respect to this application.

APPLICANT'S SIGNATURE

DATE