

CITY OF LANGFORD

BYLAW No. 181

A BYLAW TO REGULATE AND IMPOSE FEES FOR THE REMOVAL AND DEPOSITION OF SOILS IN THE CITY OF LANGFORD

WHEREAS pursuant to Section 8 of the Community Charter, the Council may by bylaw regulate soil deposition on and removal from any land in the City.

NOW THEREFORE, the Council of the City of Langford, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as the "City of Langford Soil Removal And Deposit Bylaw, 2004, No. 181".

2. DEFINITIONS

"City Engineer" means the person appointed to that position by the Council of the City and shall include an appointed representative;

"Commercial Soil Enterprise" means any business licensed to operate in the City and engaged in the storage and production of soils for retail sales;

"City" means the City of Langford;

"Highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a right-of-way on private property;

"Soil" means topsoil, silt, clay, sand, gravel, rock, peat or other substance of which natural land is composed.

3. REGULATIONS

- a. No person shall remove soil from or deposit soil on any land within the City without having obtained a soil removal or deposit permit from the City Engineer.
 - b. No subdivision approval, development permit or building permit authorizes the removal or deposit of soil regulated by this bylaw.
 - c. Permitted soil removal and deposit activities may occur between the hours of 7:00 am and 7:00 pm from Monday to Friday, except statutory holidays, and at no other time.
 - d. No permit shall be issued in respect of, nor shall any person remove soil from or deposit soil on, any land in a development permit area designated in the Official Community Plan Bylaw No. 150 until a development permit has been issued to authorize the alteration of the land.
 - e. No person shall deposit or remove soil so as to:
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- i. Endanger utilities, municipal works, surrounding or neighbouring land or the support thereof, or create or result in any hazard;
 - ii. Make impracticable the future subdivision or development of surrounding or neighbouring land;
 - iii. Foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer in the City, whether or not situated on private property;
 - iv. Contravene the *Soil Conservation Act* or any other provincial law or regulations pertaining to natural waterways and rivers or agricultural land reserves.
- f. Every area of excavation or soils to be deposited shall be covered with not less than four inches of topsoil, graded and sown with grass or other protective vegetation cover, unless the excavation or soils to be deposited has occurred in the course of building construction and is to be covered by a building or structure authorized by an issued building permit or landscaped in accordance with an issued building or development permit, or the City Engineer determines that the placement of topsoil and planting of vegetation is not required to control water or wind erosion.

4. EXEMPTIONS

- a. A soil deposit permit or highway damage deposit is not required under this bylaw for the removal of less than 20 cubic metres of soil from or the deposit of less than 25 cubic metres of soil on a single parcel of land over one calendar year.
- b. The deposit of soil required for road and walkway construction up to 300mm in depth from the finished grade, pipe bedding and landscaping up to 200mm in depth are exempt from the requirement for a permit under this bylaw.
- c. No fee is required if a professional engineer can certify that the quantity of soils to be removed in order to develop the site can be fully accommodated on the site or that the quantity of soils to be deposited required to develop the site can be generated from the site.

5. PERMITS

- a. An application for a permit shall be made and shall be accompanied by:
 - i. The appropriate fee in accordance with Schedule A; The percentage based fee may be reduced to the quantity based fee if a professional engineer certifies that the quantity of soils to be removed in order to develop the site or that the quantity of soils to be deposited required to develop the site results in the lesser fee;
 - ii. The appropriate highway damage deposit in accordance with Schedule A if an equal or greater highway damage deposit has not been paid in conjunction with a building permit or subdivision application;
 - iii. Information to be provided by the owner of the lands on which soil is to be deposited or from which soil is to be removed, which shall include:
 - A. The civic address and legal description of the property;
 - B. The start date and expected duration of the soil removal or deposit activities;
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- C. The location of all watercourses, waterworks, wells, ditches, drains, sewers, septic fields, catchbasins, culverts, manholes, rights-of-way, legal and geodetic survey monuments and markers, public utilities and public works on or within 30 m of the boundaries of the land, and the measures proposed to protect them;
 - D. The proposed routes to be taken by vehicles transporting soil to or from the land;
 - E. Copies of all certificates, permits and approvals as may be required by the Ministry of Water, Land and Air Protection under the Water Act or the Environmental Management Act, or by any other authority having jurisdiction over the proposed deposit or removal of soil, including completed site profile forms, with the required information about the past and present uses of the site, if the land has been used for industrial or commercial activities; and
 - F. The origin or destination of the soil;
- iv. Where the quantities of soil removal and deposit are less than 100 cubic metres, a plan in sufficient detail to indicate clearly the location of the proposed removal or deposit and the final grades;
 - v. Where the quantities of soil removal and deposit are greater than 100 cubic metres:
 - A. a certification by a Professional Engineer to the satisfaction of the City Engineer, as to the quantities of soil to be removed or deposited and the methodology of the proposed soil removal or deposition;
 - B. A contour plan or plans prepared under the direction of the Professional Engineer in sufficient detail to show the present state of the land, the extent of soil removal or deposition contemplated, and the proposed surface and topography of the land after the soil removal or deposition has been completed.
 - C. Certification by a British Columbia Land Surveyor, if in the opinion of the City Engineer, the extent of works require accurate topographic information, or to establish property lines;
 - D. A storm water management plan in accordance with Bylaw No. 500, which shall include erosion and silt control measures; and
 - E. A dust control plan; and
 - vi. A Geotechnical Engineer's certification of the stability of any permanent slopes greater than 30%, and soils deposited greater than 1,200 mm in depth.
- b. Every permit shall expire on the date that is the number of days from the start date indicated on the permit and based on Schedule "A". The City Engineer may approve up to four 90-day extensions of a permit that has not expired, on payment of the fee specified in Schedule A for each extension.
 - c. The holder of the permit shall repair damage to municipal works and to other property affected by the soil deposition or removal, and comply with Traffic Bylaw No. 33 and all other relevant bylaws.
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- d. The holder of the permit shall sweep clean all highways affected by the soil or deposit activity at the end of each working day, to the satisfaction of the City Engineer. No person shall flush highway surfaces.

6. SITE ACCESS AND SECURITY

- a. Access to any area from which soil is being removed or on which soil is being placed must be controlled at all times by a gate or other suitable device, to prevent unauthorized dumping, and the excavation or deposit site must be free of hazard and maintained hazard-free at all times.
- b. If, at any stage of a soil removal or deposit operation, it appears that work authorized by the permit is likely to endanger any utilities, bridges, drains, 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 by the City Engineer or the permittee may be required, as a condition to the continuance of the work, to take adequate precautions to prevent such danger.

7. INDEMNIFICATION

The holder of the permit shall at all times bear full responsibility for any accident which may occur or damage which may be done to any person or property whatsoever caused directly or indirectly by the work authorized by the permit, and shall save harmless and keep indemnified the City from all claims and demands whatsoever in respect of the work.

8. ENFORCEMENT

- a. The City Engineer, the Bylaw Enforcement Officer and all City employees under their direction may at all reasonable hours enter upon any land or premises in the City to determine if the provisions of this bylaw are being complied with. No person shall obstruct such entry.
- b. Upon written notice being given to a permit holder by the City Engineer or the Bylaw Enforcement Officer of a breach of this bylaw or the terms of a permit issued under this bylaw, all deposit or removal of soil shall cease until the breach is remedied.
- c. If soil is deposited on land or removed from land without a required permit, the owner of the land shall comply with this bylaw or remove or replace the soil, within seven days notice to do so from the City Engineer or Bylaw Enforcement Officer. On default by the owner, the soil may be removed or replaced by the City at the expense of the owner of the land and the costs shall be recovered in the same manner as municipal taxes.
- d. The City Engineer may suspend or revoke a permit issued under this bylaw if the permit holder violates any of the provisions of this bylaw or the terms of the permit.

9. PENALTY

Any person who violates any provision of this bylaw or fails to comply with any permit issued under this bylaw commits an offense punishable on summary conviction and shall be liable to a fine not exceeding \$10,000.

10. RELIEF

The bylaw will not affect soil deposit or removal activities related to subdivision or building permit applications made prior to the date of bylaw adoption until 6 months after the date of bylaw adoption.

A. REPEAL

City of Langford Soil Removal Bylaw No.1472 and Soil Deposition Bylaw No. 1473 are repealed.

READ A FIRST time this 1st day of March , 2004.

READ A SECOND time this 1st day of March , 2004.

READ A THIRD time this 20th day of September , 2004.

APPROVED BY THE MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES
THIS 9th OF December, 2004.

FINALLY PASSED AND ADOPTED this 20th day of December, 2004.

MAYOR

CLERK-ADMINISTRATOR

SCHEDULE A

CLASS	QUANTITY	FEE		EXPIRY
		* Soil Deposit or Removal	** Highway Damage Deposit	
A	Single Family Dwelling at Building Permit	0.1% of building permit value	\$500	120 days
B	>20m ³ <100m ³	0.5% of the building permit value or 0.5% of the cost of works and services for a subdivision OR \$35 administration fee plus \$0.50 per m ³ of soil to be removed or deposited	\$500	60 days
C	>100m ³ <500m ³	0.5% of the building permit value or 0.5% of the cost of works and services for a subdivision OR \$65 administration fee plus \$0.50 per m ³ of soil to be removed or deposited	\$750	90 days
D	>500m ³	0.5% of the building permit value or 0.5% of the cost of works and services for a subdivision OR \$100 administration fee plus \$0.50 per m ³ of soil to be removed or deposited	\$1000	120 days
E	Commercial Soil Enterprise	\$500 per operation paid at application or renewal of a business license.	na	1 year
<p>*refer to clause 5 (a) (i) to determine whether the percentage or quantity based fee applies. ** Highway damage deposit is not required if a damage deposit has already been paid in conjunction with a building permit or subdivision construction approval application.</p>				