

DISTRICT OF LAKE COUNTRY

SOIL REGULATION BYLAW 95-015

CONSOLIDATED VERSION

(Includes amendments as of July 18, 2017)

This is a consolidated copy to be used for convenience only. Users are asked to refer to the District of Lake Country Soil Regulation Bylaw as amended from time to time to verify accuracy and completeness.

Amending Bylaw	Summary of Amendments	Adoption
335	<ul style="list-style-type: none">• Amend Preamble• Amend Sections 2, 4, 5, 6, 7, and 9• Delete and replace Schedule A	April 16, 2002
988	<ul style="list-style-type: none">• Delete and replace definitions of Deposit Fee and Removal Fee• Amend Section 4. (1)• Amend Sections 6. (6) i) and ii)	January 17, 2017
1009	<ul style="list-style-type: none">• Delete and replace definitions of Deposit Fee and Removal Fee• Amend Section 4. (1)• Amend Sections 6. (6) i) and ii) <p><i>*See Report to Council of July 4, 2017</i></p>	July 18, 2017

DISTRICT OF LAKE COUNTRY

BYLAW 95-015

A BYLAW TO REGULATE THE REMOVAL, DEPOSIT AND DELIVERY OF SOIL AND TO IMPOSE A FEE FOR SOIL REMOVAL OR DEPOSIT ACTIVITIES IN THE DISTRICT OF LAKE COUNTRY

Amended by
Bylaw 335

WHEREAS the Council is authorized under the Local Government Act to license and regulate businesses including the delivery of earth, sand and gravel;

Amended by
Bylaw 335

AND WHEREAS Council is authorized under the Local Government Act to regulate the removal and deposit of soil within the municipality;

NOW THEREFORE, the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. Citation

This bylaw may be cited as "Soil Regulation Bylaw 95-015".

2. Definitions

For the purposes of this bylaw:

"Agricultural Building" means a building that which is used for agricultural purposes including farming, apiaries, horticulture, silviculture, dairies, rearing of livestock, fowl and fur bearing animals, nurseries, greenhouses and commercial stables and all buildings, structures and accessory uses connected therewith;

"Buffer Zone" means a strip of land left in a natural state or landscaped for the purpose of screening a Soil Removal or Deposit area from view from a highway or from a parcel of land other than that for which a permit is issued, and to provide setbacks between adjacent properties and highways;

"Business" is as defined in Part 20 of the Local Government Act;

"Bylaw Enforcement Officer" means an officer, employee or agent of the District authorized by Council resolution to enforce the District bylaws;

"Delivery" means the transportation of soil by means of a truck including its trailer within the boundaries of the District;

"Deposit" means the act of placing soil on any lands in the District, or in any area of the District where that soil did not previously exist or stand, and includes placing of soil in a stockpile or other storage facility, or a site for the "pre-load" of soil;

"Deposit Fee" means the fee payable as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time, by the property owner or by a permit holder for the Deposit of a soil substance.

Amended by
Bylaw 335

Amended by
Bylaw 335

Amended by Bylaws
335, 988 & 1009

“District” means the municipality of the District of Lake Country;

Amended by
Bylaw 335

“District Engineer” means the Engineer of the District and the person authorized to administer this bylaw, and includes the lawful deputy of that person;

“Engineer” means a professional engineer licensed or registered to practice in British Columbia;

“Permit” means a permit to remove or deposit soil;

“Permit area” means an area within the District in respect of which a Permit has been issued;

“Permit Holder” means the person who is the holder of a valid and subsisting permit issued under this bylaw;

Amended by
Bylaw 335

“Pre-load” means the placement of soil used to achieve consolidation-settlement of compressible soils prior to building a structure so that, when the pre-load is removed and the structure is built, any further consolidation-settlement will be within the tolerance limits of the structure. Pre-load design, construction and monitoring requirements depend upon the consolidation characteristics of the underlying compressible soils, the type of structure to be built, the loads that it will apply, and the tolerance limits of the structure with respect to settlement;

Amended by Bylaws
335, 988 & 1009

“Removal Fee” means the fee payable as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time, by the property owner or by a permit holder for the Removal of a soil substance;

“Remove” means the act of removing soil from any lands in the District or from any area of the District where it existed or stood, and includes removing soil from a stockpile or other storage facility, or a site containing “preload” soil;

Amended by
Bylaw 335

“Roads Manager” means the Roads Manager of the District;

“Soil” includes earth, sand, gravel, rock, silt, clay, peat, sediment and other substances of which land is composed, or any combination thereof; and includes aggregate, topsoil or organic soils;

Amended by
Bylaw 335

“Truck” means a motor vehicle primarily designed to haul soil, and includes a single axle or tandem axle vehicle with or without a trailer.

3. Other Legislation

This bylaw shall be administered in a manner which is consistent with the provisions of the Mines Act, R.S.B.C. 1980, c.28; the Soil Conservation Act, R.S.B.C. 1979, c.391; the Waste Management Act, R.S.B.C. 1982, c.41; or other applicable statutes of the Province of British Columbia and Canada.

Amended by
Bylaw 335

4. Licensing of Business - Pursuant to Section 658 of the Local Government Act to require business licenses:

Amended by Bylaws
335, 988 & 1009

- (1) Every owner or operator of a business involved in the delivery or removal of soil shall hold a valid business license and pay an applicable fee as provided by as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time.

Amended by
Bylaw 335

5. Regulation of Business - Pursuant to Sections 653 and 654 of the Local Government Act to protect the public and prevent nuisances:

Amended by
Bylaw 335

- (1) The delivery of soil using a public road is prohibited between the hours of 9:00 p.m. and 7:00 a.m.

Section 5 (1) may be varied by permission of Council for major construction projects or by the District Engineer or the Roads Manager for emergencies.

- (2) All vehicles or containers used to deliver soil while on a public road must be covered by a tarp or top such that no material is spilled or blown on the public road or adjoining lands.
- (3) Vehicles used to remove snow or sand roads by or for the municipality are exempt from section (1) and (2) above.
- (4) Vehicles operating on Highway 97 are exempt from Section (1) above.
- (5) The crushing and screening of soil is prohibited between the hours of 6:00 p.m. and 6:30 a.m.

6. Removal and Deposit of Soil - Pursuant to Section 723 Local Government Act to regulate and issue permits

Amended by
Bylaw 335

- (1) No person shall remove or deposit, or cause to be removed or deposited, any soil from or on any land in the District or any area of the District unless that person:

- (a) has applied for and received a valid and subsisting Permit for such removal or deposit in the form set out in Schedule "A" attached to and forming part of this bylaw; and
or
- (b) carries out the removal or deposit in accordance with the terms and conditions set out in the Permit.

- (2) A permit is not required:

- (a) on a land parcel less than 0.4 ha (1 acre) in size;
- (b) for construction of a building less than 930 m² (10,011 square feet) in size, nor for the landscaping of property upon which a building of the aforementioned size is constructed or under construction.
- (c) (deleted)
- (d) (deleted)

Amended by
Bylaw 335

- (3) Every application for a Permit shall be in report form accompanied by detailed plans, data, and specifications for the proposed site to an appropriate scale showing the contour of the ground in its current state with vertical contours at such intervals as the District Engineer may determine according to reasonable engineering standards, and shall contain information in respect of the Permit area and the proposed soil removal or deposit operation in relation to the following matters:

- (a) all pertinent features including buildings, structures, tree cover, roads, lanes, bridges, and natural watercourses;

- (b) the proposed slopes which will be maintained upon completion of the operation;
- (c) the methods proposed to control the erosion of the banks of the excavation or fill;
- (d) the proposed methods of drainage control during the excavation or fill;
- (e) the proposed methods and locations of access to the site during the excavation or fill;
- (f) the proposed progressive stages of excavation or filling as at each anniversary date of issuance of the Permit showing vertical contours as specified above, grades, and slopes on a separate plan for each stage;
- (g) the proposed contour of the ground in its final state upon completion of the operation with vertical contours as specified above and showing the method of access and methods of permanent drainage on a separate plan;
- (h) the proposed location of machinery, buildings, scales, and all other proposed structures and improvements;
- (i) the proposed location of buffer zones and tree cover, and the location and grade width of berms;
- (j) water table elevations;
- (k) the proposed method of extraction and processing, including sorting, washing, crushing, and any other proposed processing activities;
- (l) the proposed routes over District highways to and from the Permit area, and the proposed hours and frequency of trucking operations;
- (m) the proposed hours during which soil will be removed from or deposited on the Permit area;
- (n) certification that the soil to be removed or deposited meets the Ministry of Environment's criteria for the intended use;
- (o) the proposed reclamation of the site;
- (p) the future land use of the site.

Amended by Bylaw 335

Amended by
Bylaw 335

- (4) The District Engineer may require that plans and specifications be prepared by a professional engineer if the permit area includes land subject to erosion, hydrological features or landslip.

- (5) Prior to issuance of the permit, Council shall give consideration to the following:

- (a) The Official Community Plan and Zoning Bylaw;
- (b) The Highways and Traffic Regulation including load restrictions;

Amended by Bylaw 335

- (c) The Soil Regulation Bylaw;
- (d) Other Municipal Bylaws;
- (e) The Soil Conservation Act and permits issued under that Act;
- (f) Permits issued under the Mines Act;
- (g) Regulations, permits and orders issued by the Ministry of Environment;
- (h) Concerns raised by adjoining property owners;
- (i) Concerns raised by the community.

Amended by
Bylaw 335

(6) Soil Removal or Deposit Fee

Removal Fee:

- i) Every Permit Holder, or any other person, who removes soil from property:
 - a) within the District for delivery to a location within District boundaries; or
 - b) located within the District for delivery to a location outside of the District boundaries:

Amended by
Bylaws 988 & 1009

shall pay to the District a Removal Fee as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time for each and every cubic metre of soil removed from the Soil Permit area.

The Removal Fee shall be paid to the District every six months and shall be based on the amount of soil removed in the preceding six month period as outlined in the requirements of Section 6 contained in this bylaw. A final, adjusted remittance shall be paid to the District based on actual volumes of soil removed during the preceding twelve months.

Deposit Fee:

- ii) Every Permit Holder, or any other person, who removes soil from a property located outside of the District boundaries for delivery to a property located within the District boundaries shall pay to the District a Deposit Fee as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time for each and every cubic metre of soil deposited on lands located within the District.

Amended by
Bylaws 988 & 1009

The Deposit Fee shall be paid to the District upon completion of the soil deposit as outlined in the Permit.

Audit

The District may audit the Permit Holder on an annual basis to determine Volumes of soil removed or deposited.

Other:

Where soil is quantified in terms of tonnes, cubic yards, or both, a conversion rate of 3,000 lb./cubic yard (or 1,780 kilograms per cubic metre) applies for the purposes of

Amended by
Bylaws 988 & 1009

calculating the Soil Removal or Deposit Fee required to be paid as set out in the District Fees Bylaw, or under any other bylaw of the District, as amended from time to time, unless the District Engineer determines another method of conversion is more applicable.

7. Enforcement

Amended by
Bylaw 335

- (1) The District Engineer, Bylaw Enforcement Officer or other municipal employees under their direction, for the purposes of administering or enforcing the provisions of this bylaw, may:
- enter a Soil Removal or Soil Deposit Area at all reasonable times and inspect all aspects of Soil Removal or Soil Deposit; or
 - enter lands in respect of which a Soil Permit application has been made; or
 - enter lands which is under suspicion of being the location of an activity or activities contrary to the provisions of this bylaw; or
- request that the records of Soil Removal or Soil Deposit volumes maintained by the Permit Holder be provided.

Amended by
Bylaw 335

8. Offences and Penalties

- (1) Any person who violates any provision of this bylaw or who permits any act or thing to be done in contravention of the bylaw, or who refuses or omits or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00.
- (2) Each day during which any violation of a provision of this bylaw is continued shall constitute a new and separate offence.

Amended by
Bylaw 335

9. Severability

- (1) If any section, subsection, sentence, clause, phrase or lesser portion of this bylaw is, for any reason, held to be invalid by a decision of any court of competent jurisdiction the invalid portion of the bylaw shall be severed and the remaining provision of this bylaw shall not be affected.
- (2) Without limiting the generality of the foregoing, where any section, subsection, sentence, clause, phrase, or lesser portion of this bylaw is held to be invalid by a decision of a court of competent jurisdiction as being inconsistent, or in conflict, with any other legislation, it shall be construed in a manner that preserves its validity and application to the broadest extent possible.

Amended by
Bylaw 335

10. Application

- (1) This bylaw comes into force and effect upon adoption and shall thereupon apply to all removal and deposit of soil, whether or not such removal or deposit commenced prior

to the adoption of this bylaw. No person shall commence or continue any Soil removal or deposit without first complying with this bylaw.

READ a first time this 18th day of *January*, 1996.

READ a second time this 8th day of *February*, 1996.

READ a third time this 14th day of *March*, 1997.

RESCINDED third reading this 27th day of *March*, 1997.

READ a third time, as amended, this 27th day of *March*, 1997.

RECONSIDERED AND ADOPTED this 15th day of *May*, 1997.

Original signed by Bob McCoubrey
Mayor

Original signed by Randall L. Rose
Clerk

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as the "District of Lake Country Soil Regulation Bylaw 95-015" as adopted by the Municipal Council on *May 15th*, 1997.

Dated at Lake Country, B. C.

Clerk

Schedule A added by Bylaw 335

**Schedule "A"
District of Lake Country**

Soil Removal or Deposit Application and Permit

Applicant Information

(to be completed by applicant)

Business Name _____

Mailing Address _____

Civic Address _____

Legal Description _____

Business Telephone _____ Home Telephone _____

General Description of Proposed Soil Removal or Deposit _____

Estimated Quantity	Type of Material	Quantity
(a) to be removed	_____	_____
(b) to be deposited	_____	_____

Applicant's Signature

Approved by Municipal Council on _____.
(date)

Soil Permit issued on _____ and valid until _____ with the following conditions:

Municipal Official

Date