



DISTRICT OF SOOKE SOIL REMOVAL AND DEPOSIT BYLAW No. 860

A bylaw to regulate the removal and disposition of soils in the District of Sooke.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. Citation

This bylaw is cited as “Soil Removal and Deposit Bylaw No. 860, 2022.”

2. Definitions

In this bylaw:

District means District of Sooke;

Highway is as defined in the *Highway Act*;

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

Soil permit means a permit issued pursuant to this Bylaw, authorizing a person to remove soil from land or deposit soil on land, or both.

3. Regulations

- (1) Subject to the exemptions set out in section 4 of this Bylaw, no person shall remove soil from or deposit soil on any land within the District except as may be authorized by a valid and subsisting soil permit .
- (2) For clarity, the approval of a subdivision or issuance of a development permit or building permit shall not be construed as or amount to any form of permission to remove or deposit soil.
- (3) Permitted soil removal and deposit activities may occur between the hours of 7:00 am and 5:00 pm from Monday to Saturday, except statutory holidays, and at no other time.
- (4) No soil 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 until the District has issued a development permit authorizing the alteration of the land.
- (5) No person shall deposit or remove soil so as to:
 - (a) Endanger utilities, municipal works, surrounding or neighbouring land or the support thereof, or create or result in any hazard;

- (b) Make impracticable the future subdivision or development of surrounding or neighbouring land;
 - (c) Foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer in the District, whether or not situated on private property;
 - (d) Contravene the Agricultural Land Commission Act or any other provincial law or regulations pertaining to natural waterways and rivers or agricultural land reserves.
- (6) Every area of excavation or soils to be deposited shall be covered with not less than 300 mm 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.

4. Exemptions

- (1) A soil permit is not required for the deposit or removal, in one calendar year, of a total of less than 20 cubic metres of soil on or from a single parcel of land.
- (2) If soil is removed from a parcel of land within the geographic boundaries of the District, and substantially the entire amount of soil removed is deposited on another parcel of land within the geographic boundaries of the District, or returned to the original parcel after being processed off-site, only one (1) soil permit is required. All applicable fees, charges or expenses, including but not limited to:
- (a) Soil permit fees and damage deposits;
 - (b) Highway damage deposits; and
 - (c) Any repair costs required by this Bylaw.

but excluding fines arising from violations of this bylaw, shall be born in equal shares by the owner(s) of the parcels, and the owners shall be jointly and severally liable to the District under Section 7 of this bylaw.

- (3) If requested by the Director of Operations, any person relying on an exemption in this section, or that person's agent, must, within seven (7) days, properly execute and provide the District with a statutory declaration, in a form satisfactory to the Director of Operations, attesting that the person is currently complying with or has complied with, as the case may be, the conditions applicable to the exemption that the person is relying upon.

5. Permits

- (1) An application for a soil permit shall be submitted to the Director of Operations and shall be accompanied by:
- (a) A permit fee in the amount calculated in accordance with the Fees and

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- Charges Bylaw;
- (b) A damage deposit sufficient to pay for the cost of repairing any damage caused by the removal or deposit of soil;
 - (c) The appropriate highway damage deposit, if an equal or greater highway damage deposit has not been paid in conjunction with a building permit or subdivision application;
 - (d) The civic address and legal description of the property;
 - (e) A plan showing the start date and expected duration of the soil removal or deposit activities;
 - (f) A plan showing 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;
 - (g) The proposed routes to be taken by vehicles transporting soil to or from the land;
 - (h) 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;
 - (i) The origin or destination of the soil;
- (2) With the exception of Single Family Dwellings with less than 300m³ of soil, the following additional items are required:
- (a) A certification by a Professional Engineer to the satisfaction of the Director of Operations, 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 Director of Operations, the extent of works require accurate topographic information, or to establish property lines;
 - (d) A storm water management plan, which shall include erosion and silt control measures; and
 - (e) A dust control plan.
- (3) A Geotechnical Engineer's certification of the stability of any permanent slopes greater than 30%, and soils deposited greater than 1.20 m in depth.
- (4) Once issued, a permit shall allow the holder to remove or deposit soil in the area described in the permit for a period of twelve (12) months from the date of issuance of the permit. The applicable permit fee is set out in the District's Fees and Charges

Bylaw and shall be paid upon the issuance of the permit.

- (5) The holder of a soil permit shall repair damage to municipal works and to other property affected by the soil deposition or removal, and comply with the Traffic and Highways Regulation Bylaw and all other relevant bylaws.
- (6) The holder of a soil 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 Director of Operations. No person shall flush highway surfaces.

6. Site Access and Security

- (1) 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.
- (2) 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 Director of Operations 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

- (1) 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 District from all claims and demands whatsoever in respect of the work.

8. Enforcement

- (1) Enforcement Officers, offences, and fines are as designated by the Municipal Ticketing Information Bylaw.
- (2) This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the Community Charter.
- (3) Any person who contravenes this bylaw commits an offence and on summary conviction by a court of competent jurisdiction, is subject to a fine of not more than \$50,000.00, in addition to the costs of prosecution. Each day during which a violation, contravention, or breach of this bylaw continues is deemed to be a separate offence.

9. Severability

- (1) If a portion of this bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

10. Repeal

- (1) Bylaw No. 1473, Deposit of Soil, Prohibition Bylaw No. 2, 1986 and Bylaw No. 1472, Soil Removal, Prohibition Bylaw No. 2, 1986 are hereby repealed.

READ a FIRST, SECOND and THIRD time the 27 day of June, 2022.

ADOPTED the 25 day of July, 2022.

Original signed by

Original signed by

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer