



SOIL DEPOSIT BYLAW

3550-2003

THE FOLLOWING DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "District of Mission Soil Deposit Bylaw 3550-2003" with the following amending bylaws:

Bylaw Number	Date Adopted	Section Amended
3681-2004-3550(1)	January 27, 2004	Section 7
3954-2006 (a general fees & charges amending bylaw)	December 18, 2006	Section 7(1)(e), 8(a)
5002-2008-4030(1) (general fees & charges amending bylaw)	December 15, 2008	Section 8(a)
5070-2009 (general fees & charges amending bylaw)	December 14, 2009	Section 7(e), 8(a) and 8(b)
5164-2010-3550(2)	September 7, 2010	Section 6(e)

Individual copies of any of the above bylaws are available from the Administration Department of the District of Mission. For legal purposes, copies of the original bylaws should be obtained.

DISTRICT OF MISSION

SOIL DEPOSIT BYLAW 3550-2003

A Bylaw to regulate the deposit of soil within the District of Mission

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

Title

1. This Bylaw may be cited as “District of Mission Soil Deposit Bylaw 3550-2003.”

Interpretation

2. In this bylaw, unless context otherwise requires

“*applicant*” means an *owner* or that person’s authorized agent.

“*Engineer*” means the Director of Engineering and Public Works for the District of Mission and such other persons authorized by the Director of Engineering and Public Works to administer this bylaw, or part thereof.

“*land*” means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.

“*Letter of Completion*” means a letter prepared by the *owner*’s Professional Engineer confirming the *soil* deposit operation for which a *permit* has been issued is completed in substantial compliance with that *permit*.

“*other material*” includes

- (i) construction, building or demolition wastes of any nature, including from demolition, renovation, construction or reconstruction of buildings and road works;
- (ii) hog fuel, edgings, or other wood waste which results from the manufacturing process of lumber or other wood products;
- (iii) land clearing wood waste, consisting of stumps, brush, and logs or any other material derived from land clearing activity;
- (iv) waste material derived from any commercial or industrial activity.

“*owner*” means the owner of the *receiving land*.

“*permit*” means permission or authorization in writing by the *Engineer* to deposit *soil*;

“*permit holder*” means an *applicant* to whom a *permit* has been issued.

“*person*” includes an *owner*.

“*receiving land*” means the *land* for which an application for a *permit* is made or a *permit* issued.

“*soil*” includes top soil, gravel, sand, rock, silt, clay, peat and other natural substances of which land is composed, but excludes *other material*.

Application

3. This Bylaw applies to all *land* within the District of Mission.

Administration

4. The *Engineer* may
 - (a) enter, at all reasonable times, upon any *land* for the purpose of administering this bylaw;
 - (b) issue or renew a *permit* if an *applicant* has satisfied the requirements of this bylaw;
 - (c) include special terms and conditions on a *permit*;
 - (d) revoke a *permit* if a *permit holder* causes or permits a contravention of this bylaw;
 - (e) order cessation of any work related to the deposit of soil or material in contravention of this bylaw, or any other applicable bylaw.

Prohibitions

5. No *person* shall
 - (a) except as provided in Section 6, cause or permit the deposit of *soil* on *land* without a valid *permit*;
 - (b) cause or permit the deposit of *soil* on *land* contrary to the terms or conditions of a *permit*, unless authorized by the *Engineer* in writing;
 - (c) cause or permit the deposit of *other material* on *land* unless that *person* has written approval pursuant to the Waste Management Act and until that *person* has provided a copy of such approval to the *Engineer*;
 - (d) interfere with, or obstruct the entry of, the *Engineer* on *land* in the conduct of the administration of this Bylaw;
 - (e) disobey a cessation order issued by the *Engineer* under the provisions of Section 4(e);
 - (f) cause or permit the deposit of *soil* under a *permit* until the *permit holder* has paid to the District of Mission the *permit* fees specified in Section 8;
 - (g) cause or permit *soil* or other debris to remain on any highway maintained by the District of Mission as a result of a *soil* deposit operation;
 - (h) cause or permit the deposit of *soil* on *land* under a *permit* to continue if the services of the professional engineer named on the Confirmation of Commitment by Owner and Professional Engineer submitted in support of the *permit* is withdrawn until the *owner* of the *receiving land* submits either a new Confirmation of Commitment by Owner and Professional Engineer to the *Engineer*, or the professional engineer named on the original document notifies the *Engineer* in writing that their services have been reinstated.

Exemptions

- 5164-2010-3550(2) 6. A *permit* is not required to deposit *soil*
- (a) on *land* provided the aggregate volume, in any one calendar year, does not exceed 200 cubic metres on that *land*;
 - (b) deposited by or on behalf of the District of Mission or the Provincial or Federal government;
 - (c) where it is necessary in relation to the construction of a building or works authorized under a valid building permit issue by the District of Mission;
 - (d) on *land* pursuant to conditions on a preliminary subdivision approval granted by the District of Mission;
 - (e) on *land* which is zoned commercial, institutional or industrial under the provisions of the District of Mission Zoning Bylaw.

Permit Applications

7. (1) Every application for a *permit* shall be made by an *applicant* on the form shown in Schedule "A", and be accompanied by
- (a) a formal designation by the *owner*, if the *applicant* is an agent, including the full name, address and telephone number of both parties;
 - (b) a copy of a recent land title search of the *receiving land*;
 - (c) the location, including the civic address and legal description, of the property that is the source of the soil intended to be deposited on the *receiving land*;
 - (d) a Confirmation of Commitment by Owner and Professional Engineer in the form shown on Schedule "B";
 - (e) a non-refundable application fee payable as follows:

2010 - \$170.00	2011 - \$175.00
------------------------	------------------------
 - (f) plans and specifications prepared and sealed by a Professional Engineer licensed to practice in British Columbia which contain the following information:
 - (i) a plan of the *receiving land* drawn to a scale, not smaller than one to one thousand (1:1000), showing contours using Geodetic Datum at intervals of 1 metre or less,
 - (ii) the location of all buildings, tree cover, drainage ditches and other watercourses and rights of way located on the *receiving land*,
 - (iii) the location of roads, ditches and watercourses on or abutting the *receiving land*,
 - (iv) details of the proposed slopes that are to be maintained upon completion of the *soil* deposit operation,
 - (v) details and methodology of proposed erosion control on the completed slopes of the *soil* deposited;

- (vi) details of the proposed drainage control on the *receiving land* while *soil* is being deposited;
 - (vii) details and methodology of access to the *receiving land* during *soil* deposit operation,
 - (viii) proposed location of machinery buildings and scale locations to be used throughout the *soil* deposit operation,
 - (ix) proposed buffer zones, tree retention areas and the location, grade and width of proposed berms,
 - (x) specific description and proposed metric volumes of *soil* intended for deposit, and
 - 3681-2004-3550(1) (xi) complete details of any soil removal plan relating to the site that is the source of the soil intended for deposit on *receiving land*, including without limitation, any certificate by an authority having jurisdiction that the operation has been approved, plus a site profile that reflects the state of that site prior to removal of soil intended for deposit in the District of Mission. The owner's engineer will certify that the material to be deposited is *soil* as defined in this bylaw.
- (2) The plans and specifications in Section 7(1)(f), if acceptable to the *Engineer*, shall be deemed incorporated into the terms of any issued *permit*.
- 3681-2004-3550(1) (3) No permit may authorize:
- (a) deposit of *soil* to *receiving land* in an amount exceeding the rate of 5000 meters³ per hectare;
 - (b) deposit of *soil* on *receiving land* to an overall height which will exceed 0.60 meters above natural ground elevation as measured at the property lines of the *receiving land*. If the *receiving land* has within it a rise or hummock at a elevation greater than 0.60 meters above natural ground elevation as measured at the property lines of the *receiving land*, then the permit may not authorize deposit of *soil* on that rise or hummock. This restriction is illustrated in the sketch marked Appendix 'A'; or
 - (c) delivery of *soil* to *receiving land* or deposit of *soil* on *receiving land* outside the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday, statutory holidays excepted.

Fees and Security

- 3954-2006
5002-2008-4030(1)
5070-2009
- 8.
- (a) In addition to the non-refundable application fee specified in Section 7(e), every *permit holder* shall, prior to the deposit of any *soil* on *receiving land*, pay to the District of Mission a volumetric soil deposit fee as follows:

2010	2011
\$0.44 per cubic metre	\$0.45 per cubic metre
\$0.236 per metric tonne	\$0.241 per metric tonne

of *soil* intended to be deposited.
 - (b) Should a *permit* lapse or be revoked under the provisions this bylaw it may be renewed by the *Engineer* upon application and receipt of a non-

refundable fee \$155.00 (2010) and \$160.00 (2011), plus the difference between the volumetric *soil deposit permit* fee amount previously paid and that of the current *permit* fee payable.

- (c) Prior to the issuance of a *permit* to an *applicant* the *owner* shall deposit with the District of Mission security in the amount of \$5000.00 for the first hectare or portion thereof of *receiving land*, plus an additional \$5000.00 for each additional hectare or portion thereof of *receiving land*. Such security shall be in the form of cash or an Irrevocable Letter of Credit, in a form satisfactory to the District of Mission.
- (d) The District of Mission
 - (i) may use the security deposit or any portion of it where, in the opinion of the *Engineer*, a *permit holder* has contravened a provision of this bylaw or any term or condition of a *permit* and use it to pay for any associated legal costs or any repair made by it or on its behalf to public property, including street cleaning;
 - (ii) will return the balance of the security within 90 calendar days of receipt of a *Letter of Completion*.

Permits

- 9. Unless otherwise specified on a *permit*
 - (a) a *permit* shall only be valid for a period of 12 months from the date it was issued;
 - (b) a *permit* shall lapse if the *soil deposit* operation has not commenced within 90 calendar days from the date it was issued.

Owner's Responsibility

- 10. The granting of a *permit* does not in any way give permission to or relieve the *owner* of the *receiving land* of sole responsibility for carrying out a *soil deposit* operation, or having it carried out, in accordance with the requirements of
 - (a) this and any other applicable bylaw,
 - (b) any applicable Federal or Provincial Act or regulation, and
 - (c) any covenant, easement or right-of-way registered against the *receiving land*.

Neither the issuance of a permit under this bylaw, or the receipt and review of plans and specifications shall constitute a representation or warranty that the proposed soil deposit will not have unintended effects upon the subject property or upon neighbouring land owners. The provisions of this bylaw and the resources of the Municipality do not extend to the protection of owners of any property, to the assumption of any responsibility for the protection of any property, or to providing any warranty or assurance of the success of the proposed soil deposit program or to the absence of any unintended deleterious affects upon the subject property or upon owners of neighbouring properties.

Penalty

11. Every *person* who

- (a) violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence, and each day that a violation is caused or allowed to continue shall constitute a separate offence;
- (b) commits an offence under this Bylaw shall be liable on summary conviction to the penalty prescribed in the Offence Act.

Severability

12. If a Court finds any part of this Bylaw invalid, such decision shall not affect the validity of the remaining parts of this Bylaw.

READ A FIRST TIME this 3rd day of February, 2003

READ A SECOND TIME this 3rd day of February, 2003

READ A THIRD TIME this 3rd day of February, 2003

RECEIVED THE APPROVAL OF the Minister of Community, Aboriginal and Women's Services
this 11th day of June, 2003

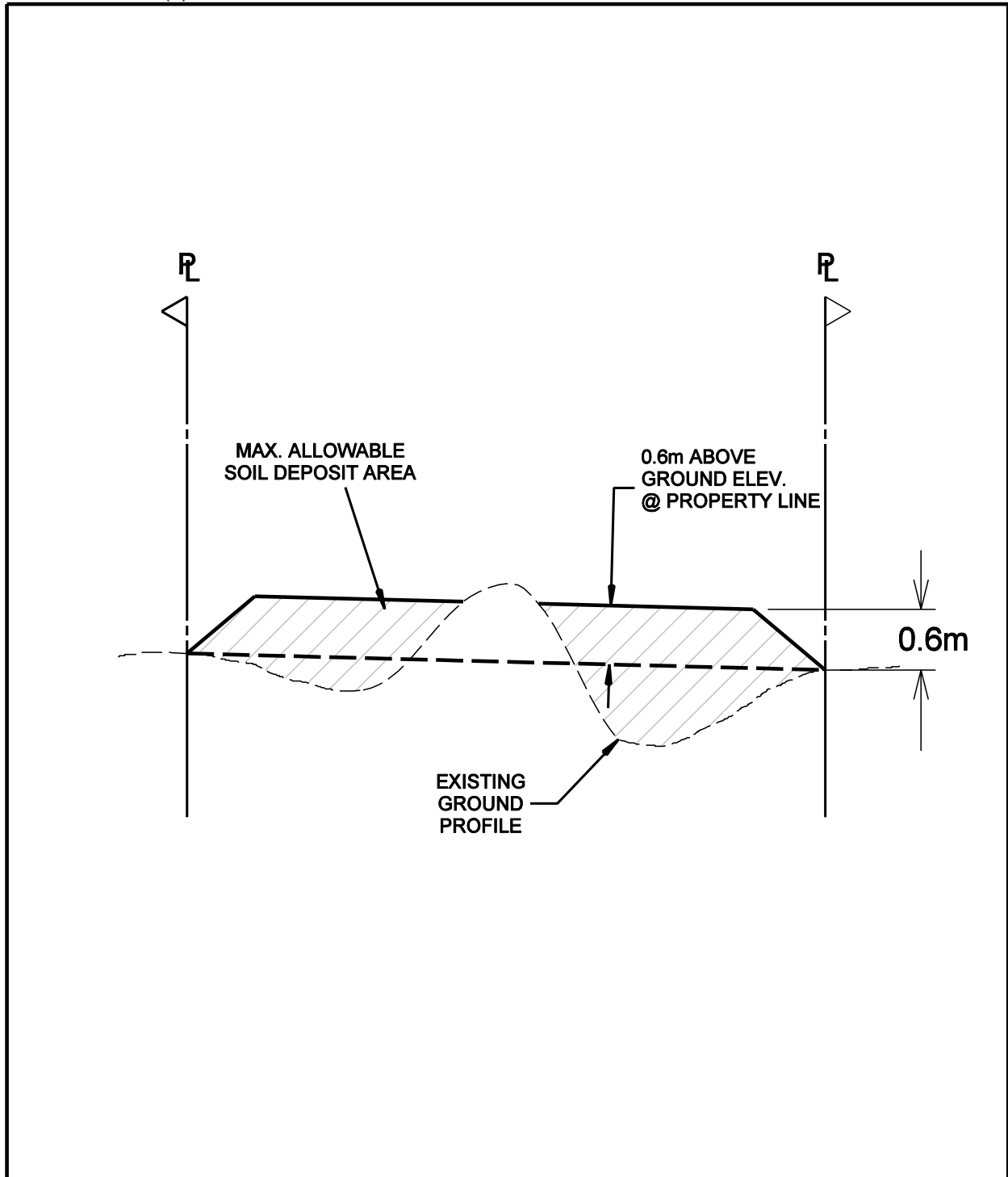
ADOPTED this 7th day of July, 2003

(original signed by
Acting Mayor Joan MacLatchy)
MAYOR

(original signed by Dennis Clark)
DIRECTOR OF CORPORATE
ADMINISTRATION

APPENDIX 'A'

3681-2004-3550(1)



DESIGNED	DISTRICT OF MISSION	DATE	JAN. 2004
DRAWN R.S.		SCALE	N.T.S.
CHECKED		FILE	i:\mapping\misc mapping
APPROVED		DWG. NO.	
APPENDIX 'A'		BYLAW 3550-2003	

DISTRICT OF MISSION
SOIL DEPOSIT BYLAW 3550-2003

SCHEDULE 'A'

SOIL DEPOSIT APPLICATION AND PERMIT

Applicant Information (To be filled out by applicant)

Name of Applicant (If company, insert company name and individual representative applying on behalf of company) _____

Applicant's address _____

Contact telephone number _____

Project description _____

LAND IDENTIFICATON INFORMATION

Legal description _____

Civic address _____

LAND OWNERSHIP

Registered owner _____

Address of owner _____

Lease Holder _____

Address of Lease Holder _____

SOIL DEPOSIT INFORMATION (to be prepared by registered professional engineer)

Estimated quantity to be deposited _____

Type of material _____

Estimate prepared by _____
Signature

Seal

Date _____

CONSULTANT'S INFORMATION

Attached, as part of this application, is the following information as provided for in Section 5 of this bylaw:

(Title)	(Author)	(Date)
---------	----------	--------

- 1.
- 2.
- 3.

I, _____, as applicant on my own behalf, or as authorized signatory for the applicant (print company name)

make application.

I confirm that the applicant has the authority to deposit the soil substance as provided by in this application.

Declared the _____ day of _____, 20____.

Signature of applicant

Authorized signature of owner

NOTE: The issuance of this permit does not relieve the permit holder from complying with all applicable Federal and Provincial laws.

This Soil Deposit Permit is issued pursuant to the District of Mission Soil Deposit Bylaw No. 3550-2003

District Engineer (signature)

Date

DISTRICT OF MISSION

SOIL DEPOSIT BYLAW 3550-2003

SCHEDULE 'B'

CONFIRMATION OF COMMITMENT BY OWNER AND PROFESSIONAL ENGINEER

Re: Design and Field Review by a Professional Engineer who is registered or licensed to practise in the Province of B.C. as a professional engineer under the Engineers and Geoscientists Act.

Date: _____

Director of Engineering and Public Works
District of Mission
Box 20, 8645 Stave Lake Street
Mission, BC
V2V 4L9

Dear Sir/Madame:

Re: _____

(print civic address of project / **receiving land**)

The undersigned has retained _____ as a professional engineer to coordinate the design work and field reviews required for the project.

"field review" shall mean those reviews of the soil deposit operation at a **receiving land**, that a professional engineer in his or her professional discretion considers necessary to ascertain whether the soil deposit operation substantially complies in all material respects with the provisions of District of Mission Soil Deposit Bylaw 3550-2003, good engineering practises and with the plans and supporting documents prepared by him or her for which an application was made for a **permit**.

The **owner** and professional engineer have read and acknowledge their responsibility(s) under the provisions of District of Mission Soil deposit Bylaw 3550-2003, including the provisions of Section 5(h) of the Bylaw.

The undersigned professional engineer certifies that he or she is a professional engineer licensed to practice in British Columbia and that he or she will notify the Director of Engineering and Public Works for the District of Mission if no longer retained by the **owner** or have withdrawn their service.

Professional Engineer

Owner

Name of Professional Engineer

Owner's Name

Signature

Signature (If owner is a corporation, the signature of a signing officer must be given here)

or

Owner's Authorized Agent

Signature (A copy of the document that appoints the agent must be attached)

Date

Date

Address

Address

