



SOIL DEPOSIT BYLAW

5506-2015

THE FOLLOWING DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "District of Mission Soil Deposit Bylaw 5506-2015" with the following amending bylaws:

Bylaw Number	Date Adopted	Section Amended
5531-2015 (a general fees & charges amending bylaw)	December 7, 2015	Section 8(e), Section 11(a)
5683-2017 (a general fees & charges amending bylaw)	December 20, 2017	Section 8(e), Section 11(a)
5800-2018 (a general fees & charges amending bylaw)	December 17, 2018	Section 8(e), Section 11
5889-2019 (a general fees & charges amending bylaw)	December 16, 2019	Section 8(e), Section 11
5868-2019-5506(1)	January 6, 2020	Section 21
5988-2020 (a general fees & charges amending bylaw)	December 7, 2020	Section 8(e), Section 11, Section 12

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
BYLAW 5506-2015

A Bylaw to regulate the deposit of soil
or other material within the District of Mission

WHEREAS a municipal council may, by bylaw, regulate, prohibit and impose regulations in relation to the deposit of soil or other material, pursuant to Section 8(3) of the *Community Charter*;

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "District of Mission Soil Deposit Bylaw 5506-2015".
2. "District of Mission Soil Deposit Bylaw 3550-2003", and all amendments thereto, are hereby repealed.

Interpretation

3. In this Bylaw, unless the context otherwise requires,
 - (a) "*applicant*" means an *owner* or that person's authorized agent.
 - (b) "*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.
 - (c) "*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.
 - (d) "*Letter of Completion*" means a letter prepared by the *owner's* Qualified Professional confirming the *soil* deposit operation for which a *permit* has been issued is completed in substantial compliance with that *permit*.
 - (e) "*other material*" includes
 - (i) construction, reconstruction, renovation, building, demolition and road works wastes of any nature;
 - (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;
 - (v) top soil, gravel, sand, rock, silt, clay, peat, sediment and other natural substances containing any invasive species;
 - (vi) top soil, gravel, sand, rock, silt, clay, peat, sediment and other natural substances containing contaminants from a Schedule 2 activity, as set out in the provincial *Contaminated Sites Regulation*.

- (f) “*owner*” means the owner of the *receiving land*.
- (g) “*permit*” means permission or authorization in writing by the *Engineer* to deposit *soil*.
- (h) “*permit holder*” means an *applicant* to whom a *permit* has been issued.
- (i) “*person*” includes an *owner*.
- (j) “*receiving land*” means the *land* for which an application for a *permit* is made or a *permit* issued.
- (k) “*Qualified Professional*” means a person who is registered by a professional association that is regulated by statute; who is in good standing with the professional association; who is qualified in the particular area with respect to which services are being provided; and, who maintains professional errors and omissions liability insurance; including but not limited to a registered professional engineer, registered professional geoscientist and registered professional agrologist.
- (l) “*soil*” includes top soil, gravel, sand, rock, silt, clay, peat and other natural substances of which land is composed, but excludes *other material*.

Application

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

Administration

- 5. 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

- 6. No *person* shall
 - (a) except as provided in Section 7, 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 done in compliance with the *Environmental Management Act*;
 - (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 5(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 *Qualified Professional* 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 *Qualified Professional* to the *Engineer*, or the *Qualified Professional* named on the original document notifies the *Engineer* in writing that their services have been reinstated.

Exemptions

- 7. 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 where:
 - (i) a preliminary layout approval has been granted by the District of Mission and
 - (ii) the associated engineered drawings have been accepted and
 - (iii) the pre-construction meeting has taken place and
 - (iv) the applicable fees and deposits have been received by the District.

Permit Applications

- 8. 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 *Qualified Professional* in the form shown on Schedule "B";

(e) a non-refundable application fee payable as follows;

Effective January 1, 2021: \$360.00

(f) plans and specifications prepared and sealed by a *Qualified Professional* 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 and erosion 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
- (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 *Qualified Professional* will certify that the material to be deposited is soil as defined in this bylaw.

9. The plans and specifications in Section 8(f), if acceptable to the *Engineer*, shall be deemed incorporated into the terms of any issued *permit*.

10. No permit may authorize delivery of *soil* to *receiving land* or deposit of *soil* on *receiving land* outside the hours of 7:00 a.m. to 8:00 p.m. Monday to Saturday, statutory holidays excepted.

Fees and Security

11. In addition to the non-refundable application fee specified in Section 8(e), every permit holder shall pay to the District of Mission a volumetric soil deposit fee as follows:

Effective January 1, 2021:

\$0.72 per cubic metre
\$0.38 per metric tonne

of *soil* intended to be deposited.
12. The *Engineer* may require the Permit Holder to submit to the District of Mission on or before the 15th day of each month during the term of the Permit and on the 15th day of the month following the expiration of the Permit a report showing the quantity of *soil* deposited on the Lands during the previous month along with a copy of the daily logs of *soil* deposited.
13. All Soil Deposit fees payable pursuant to this bylaw shall be paid by the Permit Holder at the discretion of the *Engineer* either prior to the deposit of any *soil* on *receiving land* or on or before the 15th day of the month following the month in which the *soil* was deposited.
14. Should a *permit* lapse or be revoked under the provisions of this bylaw it may be renewed by the *Engineer* upon application and receipt of a non-refundable fee of \$110 (effective January 1, 2021) plus the difference between the volumetric soil deposit *permit* fee amount previously paid and that of the current *permit* volumetric soil deposit fee payable.
15. Prior to the issuance of a *permit* to an *applicant* the *owner* shall deposit with the District of Mission security in the amount of \$5,000.00 for the first hectare or portion thereof of *receiving land*, plus an additional \$2,500.00 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 *Engineer*.
16. The District of Mission
 - (a) 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;
 - (b) will return the balance of the security within 90 calendar days of receipt of a *Letter of Completion*.
17. The volumetric soil deposit fee specified in 11 is not payable for soil deposited on *land*, which is zoned or designated as commercial, institutional or industrial under the provisions of the District of Mission Zoning Bylaw (5050-2009) or the Official Community Plan Bylaw (4052-2008).

Permits

18. Unless otherwise specified on a *permit*, a permit shall only be valid for a period of 12 months from the date it was issued.

Owner's Responsibility

19. 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*.
20. 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 District of Mission 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

21. Subject to the offence and penalties as provided under the Community Charter or Local Government Act, the following will apply:
 - (a) Any person designated as a Bylaw Enforcement Officer pursuant to the "Bylaw Notice Enforcement Bylaw 5700-2018" is hereby authorized and empowered to enforce the provisions of this Bylaw by Bylaw Notice or as otherwise provided by this Bylaw.
 - (b) a violation of any of the provisions identified in this Bylaw will be subject to the procedures, restrictions, limits, obligations and rights established in the Bylaw Notice Enforcement Bylaw 5700-2018, in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*;
 - (c) a person who:
 - (i) contravenes, violates or fails to comply with any provision of this Bylaw;
 - (ii) permits or allows any act or thing to be done in contravention or violation of this Bylaw;
or
 - (iii) fails or neglects to do anything required to be done under this Bylaw, has committed an infraction of, or an offence against, this Bylaw; and is liable on summary conviction to a fine of not more than Ten Thousand Dollars (\$10,000.00); and
 - (d) each day such infraction is caused, or allowed to continue, constitutes a separate offence.

Severability

22. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

READ A FIRST TIME this 19th day of May, 2015

READ A SECOND TIME this 19th day of May, 2015

READ A THIRD TIME this 19th day of May, 2015

ADOPTED this 17th day of August, 2015

RANDY HAWES, MAYOR

TINA PENNEY
ACTING CORPORATE OFFICER

DISTRICT OF MISSION
SOIL DEPOSIT BYLAW 5506-2015

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 IDENTIFICATION INFORMATION

Legal description _____

Civic address _____

LAND OWNERSHIP

Registered owner _____

Address of owner _____

Lease Holder _____

Address of Lease Holder _____

Upon approval of this application I/we hereby guarantee to fulfill the following conditions prior to the issuance of a permit:

- a) Pay the application fee in the amount of \$
- b) Provide the required security in a form acceptable to the Engineer \$
- c) Pre-pay or submit the Soil Deposit fee on a monthly basis \$

SOIL DEPOSIT INFORMATION (to be prepared by the Qualified Professional)

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 6h of this bylaw:

(Title)	(Author)	(Date)
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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. 5506-2015

Engineer (signature)

Date

DISTRICT OF MISSION
SOIL DEPOSIT BYLAW 5506-2015

SCHEDULE "B"

CONFIRMATION OF COMMITMENT BY OWNER AND QUALIFIED PROFESSIONAL

Re: Design and Field Review by a Qualified Professional who is registered or licensed to practise in the Province of B.C.

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 Qualified Professional 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 Qualified Professional 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 5506-2015, good engineering practices and with the plans and supporting documents prepared by him or her for which an application was made for a **permit**.

The **owner** and Qualified Professional have read and acknowledge their responsibility(s) under the provisions of District of Mission Soil Deposit Bylaw 5506-2015, including the provisions of Section 6(h) of the Bylaw.

The undersigned Qualified Professional certifies that he or she is a Qualified Professional 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 Qualified Professional

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

