

CONSOLIDATED March 28, 2022
**CONSOLIDATED FOR CONVENIENCE PURPOSES ONLY OF BYLAWS 1802, 2362, 2429,
3852**



DISTRICT OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 1802

A BYLAW TO REGULATE THE REMOVAL AND DEPOSITION OF SOIL WITHIN THE DISTRICT OF CAMPBELL RIVER.

WHEREAS pursuant to the provisions of the Municipal Act, Division 5, Section 868(d) empowers the Council of the District of Campbell River to regulate the removal and deposition of soil;

NOW THEREFORE the Council of the District of Campbell River, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the **“Soil Removal and Deposition Bylaw No. 1802, 1989”**.
2. In this Bylaw,

Act	means Municipal Act of British Columbia
Agricultural Land Reserve	means a reserve of agricultural land under Section 8 of the Land Commission
District	means the District of Campbell River
Enforcement Officer	means the Building Inspector for the District or other person or persons as Council may from time to time designate by resolution
Fill	means, without restricting the generality of this term, concrete, asphalt, wood, trees, tree branches, tree stumps, tree bark, wood, wood chips, hog fuel, sand, clay, metal, brick or any other debris or material
Owner	means the registered owner of real property
Permit	means a permit for soil removal or deposition issued pursuant to this Bylaw
Person	means any individual, corporation or partnership, party, agent, owner, occupier or holder of interest in real property
Soil	means, without restricting the generality of this term, humus, gravel, rock, rubble or other substance of which land is composed, including any fill material, but excluding potting soil mixtures and fertilizers
Soil Removal” or “Deposition	means the act of taking, depositing, moving or transporting soil from one legally defined parcel of property to another legally defined property or the disturbance of the natural grade by the removal or deposition of land on any legally defined property

3. Administration
 - 3.1 The Enforcement Officer shall be charged with the administration and enforcement of this Bylaw.
 - 3.2 The Enforcement Officer shall issue a soil removal or deposition permit for a maximum of one year; and where appropriate, in conjunction with the annual issuance of a

business licence.

- 3.3 Permits will not be issued where the permit is not in strict compliance with the Soil Conservation Act.
- 3.4 The application for a permit shall be accompanied by a fee of One Hundred Dollars (\$100.00).
- 3.5 The District may grant a permit pertaining to lands in any Agricultural Land Reserve where prior approval has been obtained from the authority having jurisdiction and the District is satisfied that removal of soil is necessary or required and is not in contravention to the Soil Conservation Act and any regulations made there under.
4. No person shall remove, deposit or cause to be removed or deposited from one legally described parcel to another legally described parcel, any soil without firstly obtaining a permit from the Enforcement Officer.
5. Each person, in making application for a permit, shall provide such information as the Enforcement Officer requires to review the application and its impact.
6. In the issuance of a permit, the Enforcement Officer may refuse to issue a permit or may cancel an existing permit if:
 - (a) the removal or deposition of soil in any way endangers surrounding or neighbouring land or the support thereof;
 - (b) the removal or deposition of soil makes impracticable the future subdivision or development of the surrounding land or neighbouring land;
 - (c) such removal or deposition of soil adversely affects the stability of, causes siltation, obstructs, impedes, fouls, degrades quality of, injures or damages any drain, ditch, stream, creek, waterway, watercourse, sewer, highway, lane, catch basin, culvert, storm drain, manhole, public right-of-way, the ocean or any public utility.
 - (d) such removal or deposition of soil causes the drainage of any area of the Municipality to be disturbed, destroyed or diverted.
7. Notwithstanding the provisions of Section 4, the Enforcement Officer shall have the power to demand the cessation and/or bring back to original state of any land where deposition or removal of soil has taken place on a singular parcel of land, if said deposition or removal of soil causes or may cause any of those things stipulated in Sections 6(a), (b), (c) or (d) of this Bylaw.
8. The permit holder shall not transfer or assign the permit or any interest therein and any purported transfer or assignment of the permit is void and of no effect.
9. The Enforcement Officer may require the posting to the District, such security as may be established by him, to assure the proper conduct of any person applying for a soil removal or deposition permit.
10. No person shall prevent, interfere with or hinder the Enforcement Officer or his duly authorized representative in the lawful performance of his duty as imposed on him pursuant to this Bylaw or prevent his entering lands for the purposes of administering or enforcing the provisions of this Bylaw.

Bylaw 2429 Oct 95, Bylaw 3852 Mar-22

11. Every person who:
 - (a) violates or who causes or allows any of the provisions of this bylaw to be violated;
 - (b) fails to comply with any of the provisions of this bylaw;
 - (c) neglects or refrains from doing anything required under this bylaw; or
 - (d) who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw;

is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction to a fine not less than \$5,000 and a maximum of \$50,000, or to imprisonment for not more than six months, or to both.

For continuing offences, each day that such violation is caused, or allowed to continue, constitutes a separate offence.

12. **“Soil Removal and Deposition Bylaw No. 602, 1978” is hereby repealed.**

13. This Bylaw shall come into force and effect on final passage hereof.

Read a first time on the 1st day of May , 1989.

Read a second time on the 1st day of May , 1989.

Read a third time on the 1st day of May , 1989.

Reconsidered, finally passed and adopted on the 15th day of May , 1989.

Original Signed by: Mayor Robert V. Ostler

Municipal Clerk: W.T. Halstead

SCHEDULE 'A'

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
• No soil removal permit	4	100.00
• No soil deposit permit	4	100.00