



City of Langford
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Soil Removal and Deposit Bylaw No. 1800

Consolidated to 04 September 2018

CITY OF LANGFORD

BYLAW No. 1800

A BYLAW TO REGULATE AND IMPOSE FEES FOR THE REMOVAL AND DEPOSITION OF SOILS IN THE CITY OF LANGFORD

WHEREAS pursuant to Section 8 of the Community Charter, the Council may by bylaw regulate soil deposition on and removal from any land in the City.

NOW THEREFORE, the Council of the City of Langford, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as the "City of Langford Soil Removal And Deposit Bylaw, 2017, No. 1800".

2. DEFINITIONS

"City Engineer" means the person appointed to that position by the Council of the City and shall include an appointed representative;

"Commercial Soil Enterprise" means any business licensed to operate in the City and engaged in the storage and production of soils for retail sales;

"City" means the City of Langford;

"Highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a right-of-way on private property;

"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

- a. 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 City except as may be authorized by a valid and subsisting soil permit .
 - b. 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 or remove or deposit soil.
 - c. Permitted soil removal and deposit activities may occur between the hours of 7:00 am and 7:00 pm from Monday to Friday, except statutory holidays, and at no other time.
 - d. 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 Bylaw No. 1200 until the City has issued a development permit authorizing the alteration of the land.
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- e. No person shall deposit or remove soil so as to:
 - i. Endanger utilities, municipal works, surrounding or neighbouring land or the support thereof, or create or result in any hazard;
 - ii. Make impracticable the future subdivision or development of surrounding or neighbouring land;
 - iii. Foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer in the City, whether or not situated on private property;
 - iv. Contravene the *Agricultural Land Commission Act* or any other provincial law or regulations pertaining to natural waterways and rivers or agricultural land reserves.
- f. Every area of excavation or soils to be deposited shall be covered with not less than four inches 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, or the City Engineer determines that the placement of topsoil and planting of vegetation is not required to control water or wind erosion.

4. EXEMPTIONS

- a. A soil permit is not required for the deposit or removal, in one calendar year, of a total of less than 100 cubic metres of soil on or from a single parcel of land.
- b. A soil permit is not required for the deposit of up to 300mm, measured from the finished grade, of soil required for road and walkway construction, or for the deposit of up to 200 mm of soil required for pipe bedding and landscaping.
- c. A Soil permit is not required when a volume of rock is being removed from a development site to be processed at an offsite location if that same rock, after being processed, is returned in the same or substantially the same volume to the original development site, for use exclusively on that development site. (Bylaw 1801)
- d. If Soil is removed from a parcel of land within the geographic boundaries of the City, and substantially the entire amount of soil removed is deposited on another parcel of land within the geographic boundaries of the City, only one (1) Soil permit is required, all applicable fees, charges or expenses, including but not limited to:
 - i. Soil permit fees;
 - ii. Highway damage deposits;
 - iii. Permit extension fees; and
 - iv. 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 City under Section 7 of this bylaw. (Bylaw 1801)

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- e. If requested by the City Engineer, any person relying on an exemption in this section, or that person's agent, must, within seven (7) days, properly execute and provide the City with a statutory declaration, in a form satisfactory to the City Engineer, 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. (Bylaw 1801)

5. PERMITS

- a. An application for a soil permit shall be submitted to the City Engineer and shall be accompanied by:
 - i. A permit fee in the amount calculated in accordance with Schedule A;
 - ii. The appropriate highway damage deposit in accordance with Schedule A if an equal or greater highway damage deposit has not been paid in conjunction with a building permit or subdivision application;
 - iii. The civic address and legal description of the property;
 - iv. The start date and expected duration of the soil removal or deposit activities;
 - v. 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;
 - vi. The proposed routes to be taken by vehicles transporting soil to or from the land;
 - vii. 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;
 - viii. The origin or destination of the soil;
 - b. With the exception of Single Family Dwellings with less than 300m³ of soil, the following additional items are required:
 - i. A certification by a Professional Engineer to the satisfaction of the City Engineer, as to the quantities of soil to be removed or deposited and the methodology of the proposed soil removal or deposition;
 - ii. 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.
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- iii. Certification by a British Columbia Land Surveyor, if in the opinion of the City Engineer, the extent of works require accurate topographic information, or to establish property lines;
 - iv. A storm water management plan in accordance with Bylaw No. 1000, which shall include erosion and silt control measures; and
 - v. A dust control plan.
- c. A Geotechnical Engineer's certification of the stability of any permanent slopes greater than 30%, and soils deposited greater than 1,200 mm in depth.
- d. Every Soil permit shall expire on the date that is the number of days specified in the applicable "EXPIRY" column of Schedule A from the start date indicated on the permit, and where the Soil permit has not already expired, the City Engineer may approve extensions beyond the expiry date as follows:
- i. Where a Soil permit is for a total volume less than 6000 m³, up to four (4) consecutive 90-day extensions of the Soil permit may be granted on payment of the appropriate administration fee, specified in the "Permit Fee" column of Schedule A, for each extension; and
 - ii. Where a Soil permit is for a total volume greater than or equal to 6000 m³, one (1) 90-day extension may be granted on payment of the appropriate administration fee, specified in the "Permit Fee" column of Schedule A, for each extension. If more than 180 days is required then a new permit must be applied for with both the administration fee and the appropriate volume or flat fee applicable. (Bylaw 1801)
- e. 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 Traffic Bylaw No. 33 and all other relevant bylaws.
- f. 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 City Engineer. No person shall flush highway surfaces.

6. SITE ACCESS AND SECURITY

- a. 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, and the excavation or deposit site must be free of hazard and maintained hazard-free at all times.
 - b. 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 City Engineer or the permittee may be required, as a condition to the continuance of the work, to take adequate precautions to prevent such danger.
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7. INDEMNIFICATION

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 City from all claims and demands whatsoever in respect of the work.

8. ENFORCEMENT

- a. The City Engineer, the Bylaw Enforcement Officer and all City employees under their direction may at all reasonable hours enter upon any land or premises in the City to determine if the provisions of this bylaw are being complied with. No person shall obstruct such entry.
- b. Upon written notice being given to a permit holder by the City Engineer or the Bylaw Enforcement Officer of a breach of this bylaw or the terms of a permit issued under this bylaw, all deposit or removal of soil shall cease until the breach is remedied.
- c. If soil is deposited on land or removed from land without a required permit, the owner of the land shall comply with this bylaw or remove or replace the soil, within seven days notice to do so from the City Engineer or Bylaw Enforcement Officer. On default by the owner, the soil may be removed or replaced by the City at the expense of the owner of the land and the costs shall be recovered in the same manner as municipal taxes.
- d. The City Engineer may suspend or revoke a soil permit if the permit holder violates any of the provisions of this bylaw or the terms of the permit.

9. PENALTY

Any person who violates any provision of this bylaw or fails to comply with any permit issued under this bylaw commits an offense punishable on summary conviction and shall be liable to a fine not exceeding \$10,000.

REPEAL

City of Langford Soil Removal and Deposit Bylaw No.181 is repealed.

READ A FIRST time this 8th day of June, 2017.

READ A SECOND time this 8th day of June, 2017.

READ A THIRD time this 8th day of June, 2017.

ADOPTED this 19th day of June, 2017.

MAYOR

(Certified Correct)
CORPORATE OFFICER

SCHEDULE A

CLASS	TYPE of PERMIT, based on soil volume	Permit Fee	Highway Damage Deposit (if required*)	EXPIRY
A	Greater than 100 m ³ but less than 300 m ³ , for the construction of a Single-Family Dwelling	\$250 administration fee	\$500	120 days
B	Greater than or equal to 100m ³ , but less than 500m ³	\$65 administration fee plus \$0.50 per m ³ of soil to be removed or deposited	\$750	90 days
C	Greater than or equal to 500m ³ but less than 6000m ³	\$100 administration fee plus \$0.50 per m ³ of soil to be removed or deposited to a maximum of \$3000	\$1000	120 days
D	Greater than or equal to 6000 m ³	\$100 administration fee plus a flat fee of \$3000	\$1000	90 days
E	Commercial Soil Enterprise	\$500 per operation paid at application or renewal of business license	n/a	1 year
*A highway damage deposit is not required for a soil permit if a highway damage deposit has already been paid in conjunction with a building permit or subdivision approval application for the property.				

(Bylaw 1801)

City of Langford

Soil Removal and Deposit Bylaw No. 1800

List of Amendments to Bylaw No. 1800

	Amendment	Bylaw Number	Date Adopted
1	Omnibus Amendment.	1801	04 Sept 2018

CITY OF LANGFORD

BYLAW NO. 1801

A Bylaw to Amend the City of Langford Soil Removal and Deposit Bylaw

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

PART 1: AMENDMENTS

1. City of Langford Soil Removal and Deposit Bylaw, 2017, No. 1800, is amended as follows:

(a) at the end of section 4, add subsections (c), (d) and (e) as follows:

- c. A Soil permit is not required when a volume of rock is being removed from a development site to be processed at an offsite location if that same rock, after being processed, is returned in the same or substantially the same volume to the original development site, for use exclusively on that development site.
- d. If Soil is removed from a parcel of land within the geographic boundaries of the City, and substantially the entire amount of soil removed is deposited on another parcel of land within the geographic boundaries of the City, only one (1) Soil permit is required, all applicable fees, charges or expenses, including but not limited to:
 - i. Soil permit fees;
 - ii. highway damage deposits;
 - iii. permit extension fees; and
 - iv. 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 City under Section 7 of this bylaw.
- e. If requested by the City Engineer, any person relying on an exemption in this section, or that person's agent, must, within seven (7) days, properly execute and provide the City with a statutory declaration, in a form satisfactory to the City Engineer, 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.

(b) delete and replace section 5 (d) with:

d. Every Soil permit shall expire on the date that is the number of days specified in the applicable "EXPIRY" column of Schedule A from the start date indicated on the permit, and where the Soil permit has not already expired, the City Engineer may approve extensions beyond the expiry date as follows:

i. where a Soil permit is for a total volume less than 6000 m³, up to four (4) consecutive 90-day extensions of the Soil permit may be granted on payment of the appropriate administration fee, specified in the "Permit Fee" column of Schedule A, for each extension; and

ii. where a Soil permit is for a total volume greater than or equal to 6000 m³, one (1) 90-day extension may be granted on payment of the appropriate administration fee, specified in the "Permit Fee" column of Schedule A, for each extension. If more than 180 days is required then a new permit must be applied for with both the administration fee and the appropriate volume or flat fee applicable.

2. The Bylaw is further amended in Schedule A by deleting the table in Schedule A and replacing it with the following table:

CLASS	TYPE of PERMIT, based on soil volume	Permit Fee	Highway Damage Deposit (if required*)	EXPIRY
A	Greater than 100 m ³ but less than 300 m ³ , for the construction of a Single-Family Dwelling	\$250 administration fee	\$500	120 days
B	Greater than or equal to 100m ³ , but less than 500m ³	\$65 administration fee plus \$0.50 per m ³ of soil to be removed or deposited	\$750	90 days

C	Greater than or equal to 500m ³ but less than 6000m ³	\$100 administration fee plus \$0.50 per m ³ of soil to be removed or deposited to a maximum of \$3000	\$1000	120 days
D	Greater than or equal to 6000 m ³	\$100 administration fee plus a flat fee of \$3000	\$1000	90 days
E	Commercial Soil Enterprise	\$500 per operation paid at application or renewal of business license	n/a	1 year
*A highway damage deposit is not required for a soil permit if a highway damage deposit has already been paid in conjunction with a building permit or subdivision approval application for the property.				

PART II: SHORT TITLE

This Bylaw may be cited as “Soil Removal and Deposit Bylaw, Amendment No. 1, Bylaw 1801, 2018”.

READ A FIRST TIME this 20th day of August, 2018.

READ A SECOND TIME this 20th day of August, 2018.

READ A THIRD TIME this 20th day of August, 2018.

ADOPTED this 4th day of September , 2018.

MAYOR

(Certified Correct)
CORPORATE OFFICER