

CAPITAL REGIONAL DISTRICT

BY-LAW NO. 1473

\*\*\*\*\*

A BY-LAW TO REGULATE OR PROHIBIT THE DEPOSIT OF FILL ON LAND WITHIN THE ELECTORAL AREAS OF LANGFORD, SOOKE, VIEW ROYAL, AND SALT SPRING ISLAND

\*\*\*\*\*

The Board of the Capital Regional District in open meeting assembled, enacts as follows:

SECTION 1 - DEFINITION

1. In this By-law:

"AUTHORITY HAVING JURISDICTION" means the Board of the Capital Regional District or the agents thereof that have authority over the subject that is regulated by this By-law.

"ENGINEER" means the Chief Engineer of the Capital Regional District or his authorized agent.

"FILL" means soil, sand, gravel, rock or other clean material free of undecomposed organic matter.

"PERMIT" means the written authority granted by the Engineer for deposit of fill on any lands within the Electoral Areas of Langford, Sooke, View Royal and Salt Spring Island.

"PERSON" means an individual, a body corporate, a firm partnership, association or any other legal entity or an employee or agent thereof.

"PROFESSIONAL ENGINEER" means a person registered as a professional engineer with the Association of Professional Engineers of British Columbia.

"REGIONAL BOARD" means the Board of Directors of the Capital Regional District.

"RESTRICTED AREAS" means the areas of land identified and shown as restricted areas on the maps attached hereto and marked Schedules "A1" and "A2" to this bylaw.

"UNSUITABLE MATERIAL" means any rubbish, derelict vehicle, metals, demolition wastes, garbage or waste materials, including containers, packages, bottles, cans or parts thereof; or any abandoned or discarded article, product, or goods of manufacture; but not including wastes of the primary processes of farming.

SECTION 2 - MEASUREMENTS

2. Where both metric and Imperial units of measurements are specified in this By-law, the metric shall prevail.

3. (a) No person shall, within the Electoral Areas of Langford, Sooke, View Royal, or Salt Spring Island.
- (i) Deposit, cause or permit to be deposited any fill on any lands lying within the restricted areas.
  - (ii) Deposit, cause or permit to be deposited unsuitable material on any lands;
  - (iii) Deposit, cause or permit to be deposited on any lands any fill until a permit for such deposit is first had and obtained from the Engineer pursuant to the provisions of this By-law. Application for the said permit shall be in the form of Schedule "B" and the permit shall be in the form of Schedule "C" attached hereto and made a part of this By-law.

SECTION 4 - APPLICATION

4. Every applicant for a permit shall file with his application detailed plans, data and specifications which may be required to be prepared by a professional engineer to a scale of 1 to 2500, and showing the contour of the land in its current state with contour intervals of not more than 2 metres (6.5 ft.), or with contours according to reasonable engineering standards, and the application shall contain information with respect to the following matters:
- (a) All pertinent topographic features, buildings, structures and tree cover.
  - (b) The proposed slopes which will be maintained upon completion of the operation.
  - (c) The methods proposed to control the erosion of the banks of the fill.
  - (d) The proposed methods of drainage control for the site during and after the operation.
  - (e) The proposed methods of access to the site during operation.
  - (f) The proposed progressive stages of filling in terms of development during the permit period showing contours specified above, grades and slopes, on separate plans for each stage including specific completion dates for each stage.
  - (g) The proposed contour of the land in its final state upon completion of the operation with contours as specified above and showing the methods of access and positive methods of permanent drainage on a separate plan.
  - (h) The proposed location of machinery, buildings, scales and all other proposed structures and improvements.

SECTION 5 - FEES

5. A permit shall allow the holder thereof to deposit fill on land described in the permit for a period of twelve (12) months from the date of issuance of the permit. The fee for each permit shall be the sum of \$100.00 per each half (0.5) hectare (1.25 acres), or part thereof contained in the area described in the permit and shall be paid upon the issuance of the permit.

SECTION 6 - CONDITIONS

6. (a) Permits shall be issued only on application in writing from the registered owner in fee-simple of the land in respect of which the permit is applied for. Application shall be made to the Engineer for a permit and payment for the permit shall be according to Section 5 hereof. The Engineer shall refuse to issue a permit if the plans, data and specifications do not meet satisfactory engineering standards and the requirements of this By-law.
- (b) Each and every permit issued pursuant to this By-law does not authorize:
- (i) Damage to drainage facilities roads, or lands, or other property or natural water courses.
  - (ii) Obstructions to drainage facilities or natural water courses with silt, clay, sand, gravel, rubble, debris, or any other matter or thing originating from any deposit of fill.
  - (iii) The operations by which fill is deposited to encroach upon, under or physically damage any property.
  - (iv) Alteration or diversion of natural water courses, except with approval of the comptroller of Water Rights as provided for in the Water Act of the Province of British Columbia.
  - (v) The size and configuration of the fill deposit to be such as neither to affect adversely the air, light or view of adjoining or adjacent properties, nor to alter substantially the appearance or nature of the surrounding area.
  - (vi) Fill or any part thereof to be deposited or permitted to remain within eight (8) metres of any road allowance.
  - (vii) Fill or part thereof to be deposited or permitted to remain within fifteen (15) metres from the natural boundary of a stream.
- (c) The finished slope of the fill shall have a maximum slope of one (1) metre (3.3 ft.) rise in two (2) metres (6.5 ft.) of run.
- (d) Access to any area on which fill is being deposited shall be controlled at all times by a gate or other suitable device to prevent unauthorized dumping.
- (e) All access roads to and on the lands on which soil is being deposited shall be treated with material or substance which is not harmful to farm crops to lay the dust on the said access roads. The use of the material or substance to settle dust which is injurious to any farm crop or crops shall constitute an infraction of this by-law and any permit or renewals thereof issued hereunder may be cancelled by the engineer.
- (f) A permit applies only to the deposit of fill in the area(s) specifically set out and described in the permit.
- (g) No person shall engage in the deposit of fill or operation of any kind whatsoever on any Sunday or Statutory Holiday. No deposit of fill or operations shall occur except between the hours of 7:00

## SECTION 7 - ADMINISTRATION

7. (a) The Engineer may give notice to any person of a breach of any of the provisions of this By-law, or a permit issued pursuant thereto; and such person shall forthwith cease and desist from depositing any further fill until such breach is remedied.
- (b) Where the Engineer determines that a person has contravened the terms or conditions of a permit, or is placing fill on land without a permit, he may:
- (i) Suspend the permit until he is satisfied that the contravention has ceased; or
  - (ii) Cancel the permit if he is satisfied that the person has, by reason of the contravention, put it beyond his power to comply with the terms and conditions of the permit; or
  - (iii) Order the person to stop the contravention; or
  - (iv) Order the person who caused fill to be placed on the land without a permit or in contravention of the terms or conditions of the permit, to remove the fill.
  - (v) Cancel the permit if entry to the fill site by Engineer or authorized agent is denied.

## SECTION 8 - EXCLUSIONS

8. Nothing in this By-law shall be construed so as to apply to:
- (a) Any person lawfully engaged in the erection of buildings or the installation or construction of works or services on lands where the deposit of fill is necessary for the construction of basements and foundations of the said buildings or the installation or construction of the said works or services.
  - (b) The deposit of fill not exceeding twenty (20) cubic metres (26 yd<sup>3</sup>) in a calendar year other than in the restricted areas.
  - (c) Any fill deposit carried out on land as a result of instruction from the Federal or Provincial Government, or any agency thereof.
  - (d) The relocation of soil by the registered owner in fee-simple or occupier of any land within the boundaries of such land.
  - (e) Any gravel pit which is operated under a reclamation permit issued pursuant to the Mines Act of the Province of British Columbia.

## SECTION 9 - BONDS

9. As security for the due and proper compliance with all of the requirements and conditions of this By-law, every person shall, before receiving a permit or a renewal of a permit for deposit of fill, provide a cash deposit or irrevocable letter of credit drawn upon a chartered bank, in a form acceptable to the Engineer in the amount of \$500.00 for each half hectare (1.25 acre) or part thereof of site upon which fill is to be deposited, which security shall be maintained in full force and effect throughout the permit period.

SECTION 10 - VIOLATIONS AND PENALTIES

10. (a) No person shall do any act or suffer or permit any act or thing to be done in contravention of this By-law.
- (b) Every person who contravenes this By-law, by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 and not more than \$1,000.00 for a first offence and for each subsequent offence to a fine of not less than \$200.00 and not more than \$1,000.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- (c) The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by this By-law or any other statute, law or regulation.

SECTION 11 - REPEAL

11. By-law No. 179 is hereby repealed except insofar as it repeals any other By-law.

SECTION 12 - TITLE

12. This By-law may be cited as "Deposit of Soil, Prohibition By-law No. 2, 1986".

READ A FIRST TIME THIS 27th day of August 1986  
READ A SECOND TIME THIS 27th day of August 1986  
READ A THIRD TIME THIS 22nd day of October 1986  
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS 16th day of September 1987  
RECONSIDERED AND FINALLY ADOPTED THIS 28th day of October 1987

Certified a true and correct copy of By-law No. 1473

MAR 15 1995

Date

Carmen Thiel

Secretary

[Signature]  
CHAIRMAN

Wm M. Jordan  
SECRETARY