

## **CITY OF MISSION**

### **BYLAW 6133-2022**

#### **A Bylaw to Regulate the Removal and Deposit of Soil or Other Material within the City of Mission**

WHEREAS the Council of the City of Mission may, by bylaw, regulate, prohibit and impose regulations in relation to the Removal and Deposit of Soil or Other Material within Council's jurisdiction, pursuant to Section 8(3) of the Community Charter S.B.C. 2003, c. 26;

AND WHEREAS the Council of the City of Mission may, by bylaw, establish variations, terms and conditions related to the Removal or Deposit of Soil on any land or area within Council's jurisdiction, pursuant to Section 12(1) of the Community Charter S.B.C. 2003, c. 26;

AND WHEREAS the Council of the City of Mission may, by bylaw, provide for a Permitting system to prohibit, grant, refuse, suspend, and establish terms and conditions to regulate the Removal or Deposit on any land or area within Council's jurisdiction, pursuant to Section 15(1) of the Community Charter, S.B.C. 2003, c. 26;

AND WHEREAS Section 195 of the Community Charter, S.B.C. 2003, c. 26, provides that the City of Mission Council may, by bylaw, impose rates or levels of fees for a Permit for the Removal or Deposit of Soil from or on any land or area in the City of Mission;

NOW THEREFORE under statutory powers provided by the *Local Government Act*, R.S.B.C. 2015, c. 1, and the Community Charter, S.B.C. 2003, c. 26, the Council of the City of Mission, in an open meeting assembled, ENACTS AS FOLLOWS:

#### **TITLE**

1. This Bylaw which may be cited for all purposes as "City of Mission Soil Management Bylaw 6133-2022".

#### **INTERPRETATION**

2. For the purpose of this Bylaw the following words have the following meanings
  - (a) "*Applicant*" means the *Person* applying for a *Soil Removal* and/or *Deposit Permit* and could include the *Owner* or a *Person* authorized in writing by the *Owner(s)* to act on their behalf.
  - (b) "*Aquifer*" means a water-bearing stratum of permeable rock, sand or gravel.
  - (c) "*Buffer Zone*" means a strip of undisturbed land to screen the view and sound and protect adjacent public and private land from impact.
  - (d) "*Building*" means a structure used or intended for supporting or sheltering any use or occupancy.
  - (e) "*City*" means the City of Mission.

- (f) “*Deposit*” means the Deposition of *Soil* or *Other Material* on *Lands*, whether for stockpile, storage, grading, or construction preparation of *Lands* on which *Soil* or *Other Material* did not previously exist or stand.
- (g) “*Development*” means the improvement of, or the carrying out of work on, land, including but not limited to *Building*, grading, tree Removal and demolition and, for certainty, include the Re-Development, and/or the improvement of land requiring the issuance of a Permit.
- (h) “*Engineer*” means the Director of Engineering and Public Works for the City of Mission and such other Persons authorized by the Director of Engineering and Public Works to administer this bylaw, or part thereof.
- (i) “*Lands*” means the land from which it is proposed or Permitted to *Remove* or *Deposit Soil*.
- (j) “*Letter of Completion*” means a signed and sealed letter prepared by the *Owner's Qualified Professional* confirming the *Soil Removal* or *Deposit* operation for which a *Permit* has been issued is completed in substantial compliance with the *Permit* accompanied by a reported final quantity.
- (k) “*Municipality*” means the City of Mission, the Council and its appointed representatives.
- (l) “*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) Topsoil, gravel, sand, rock, silt, clay, peat, sediment, and other natural substances containing any invasive species.
  - (vi) Topsoil, 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*.
- (m) “*Owner*” means a *Person* registered in the records of the land title office as the fee simple Owner of *Lands*, including the strata corporation in the case of *Lands* under strata Ownership.

- (n) “*Permit*” means the written authority granted by the *Engineer* for the *Removal* or *Deposit* of *Soil* from specified *Lands* within the *Municipality* upon the terms, conditions, and drawings and specifications applicable to the application for such *Removal* or *Deposit* of *Soil*.
- (o) “*Permit Holder*” means the *Applicant* to whom a *Permit* has been granted.
- (p) “*Person*” includes an *Owner*.
- (q) “*Qualified Professional*” means a *Person* who is registered or licensed 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 omission liability insurance including but not limited to a registered professional under the *Professional Governance Act* S.B.C. c.47.
- (r) “*Receiving Land*” means the *Lands* for which an application for a *Permit* is made or a *Permit* issued.
- (s) “*Remove or Removal*” means the act of removing *Soil* and/or *Other Material* from the *Lands* on which it exists, whether in the ground or in a stockpile or other storage, and ‘*Remove*’ and ‘*Removed*’ shall have a corresponding meaning.
- (t) “*ROW*” means Right of Way.
- (u) “*Restoration Works*” means those works required to comply with the drawings and data supporting the *Permit*. The proposed final grading of the *Lands* upon completion of the operation showing the method of access and methods of permanent positive gravity drainage and permanent siltation control, as approved by the *Engineer*.
- (v) “*Runoff*” means the part of precipitation which results in surface flow and in turn reaches a stream, drain, sewer, etc., either directly or indirectly.
- (w) “*Security Deposit*” means a cash, cheque, or an irrevocable automatically renewing Letter of Credit deposited with the *City* by the *Applicant* in accordance with the requirements of this Bylaw.
- (x) “*Significant Tree*” means a tree having a caliper of 20 centimetres or greater as measured at a height of 1.5 metres above ground level.
- (y) “*Soil*” means gravel, sand, silt, clay, rock, peat and other natural substances of which land is composed, including topsoil, down to and including bedrock, but excludes *Other Material*.
- (z) “*Stop Work Order*” means an order issued under section 27 of this Bylaw

### APPLICATION

3. This Bylaw applies to all *Lands* within the jurisdiction of the City of Mission.

### CONDITIONS

4. No *Person* shall *Deposit* on or *Remove Soil* or *Other Material* from *Lands* in the *City* unless that *Person* has first obtained a valid and subsisting *Permit* for such *Removal* or *Deposit* in the form set out in Schedule "C" and in accordance with the provisions of this Bylaw, unless the requirement for a valid *Permit* is specifically exempted under this Bylaw.
5. Any *Soil* or *Other Material* Deposited without a *Permit*, where such *Permit* is required in accordance with this bylaw, shall be Removed from the land by the *Owner* of the land or their agent at their cost. Such *Removal* shall be done in accordance with the provisions of this Bylaw. Failure to Remove such *Soil* or *Other Material* shall constitute an offence under this Bylaw.
6. No *Person* shall obstruct or damage any drainage facility, natural watercourse, or groundwater *Aquifer* by Removing or causing or Permitting the *Removal* of *Soil* or *Other Material*, or by Depositing or causing or Permitting the *Deposit* of *Soil* or *Other Material*.
7. Any *Person* who, in the course of a *Soil Removal* or a *Soil Deposit* or *Other Material Deposit* operation, causes or Permits damage to any drainage facility, natural watercourse, ground water *Aquifer*, highway or other City or private property shall promptly repair such damage so as to restore the said property as nearly as possible to its condition prior to the commencement of the *Soil* or *Other Material Removal* or the *Soil* or *Other Material Deposit* operation.
8. Unless authorized by the *Engineer*, no *Person* shall reverse, alter, deface, cover, Remove, or in any other way tamper with any notice, *Permit* or order posted upon, or affixed to, any job site pursuant to any provision of this Bylaw.
9. No *Person* shall interfere with or obstruct the entry of the *Engineer* while acting in the conduct of the administration of this Bylaw.

### DEPOSITING AND REMOVING SOIL AND OTHER MATERIAL WITHIN REGULATED ZONES

10. Where an application for *Removal* or *Deposit* of *Soil* or *Other Material* is proposed within the Agricultural Land Reserve, the application shall be forwarded to the Agricultural Land Commission for a determination of what requirements, terms or conditions are required under the Agricultural Land Commission Act, S.B.C. 2002, c. 36. No *Permit* exemption shall apply under Section 12 and no *Permit* shall be issued until:

- (a) The Agricultural Land Commission has granted approval after receiving and considering a resolution regarding the application from the *City's* Council; or
  - (b) The Agricultural Land Commission has indicated the proposed *Deposit* or *Removal* of *Soil* or *Other Material* is a Permitted use or specified non-farm use under the Agricultural Land Commission Act, S.B.C. 2002, c. 36.
11. This Bylaw shall be construed in a manner which is not inconsistent with the provisions of the *Mines Act* R.S.B.C. 1996 c.293. the *Environmental Management Act* S.B.C. 2003 c.53. and other statutes of Canada and the Province of British Columbia

#### PERMIT EXEMPTIONS

12. Subject to full compliance with all other provisions and requirements of this Bylaw, a *Permit* is not required where the *Removal* or *Deposit* of *Soil* or *Other Material*:
- (a) Does not exceed 100 cubic metres, approximately 10 tandem axle dump trucks in any calendar year;
  - (b) Where it is necessary in relation to the construction of a Building or works authorized by a valid building Permit issued by the City of Mission;
  - (c) On land pursuant to conditions where:
    - (i) A preliminary layout approval has been granted by the City of Mission;
    - (ii) The associated Engineered drawings have been accepted;
    - (iii) The pre-construction meeting has taken place; and
    - (iv) The applicable fees and deposits have been received by the *City*.
  - (d) Necessary for the construction, maintenance or installations of *City* infrastructure, the work is initiated by the *City* and the *Soil* or *Other Material Removal* or *Deposit* occurs at a *City* project site;
  - (e) Necessary for the construction, maintenance or installation of infrastructure owned by crown corporation, provincial or federal governments;
  - (f) Carried out for research or *Soil* testing for agricultural, farming or horticultural purposes under the auspices of the provincial government, regional district, *Municipality*, university or any other public body and only if the amount of *Soil* or *Other Material* is reasonably necessary for the research or testing;
  - (g) The *Deposit* of material is upon *Lands* designated as a landfill site for which valid and subsisting provincial approvals are held.

#### PERMIT APPLICATION

13. An application for a *Permit* must:
- (a) Be made in the form set out in Schedule A to this Bylaw;
  - (b) Include a copy of a recent land title search of the *Receiving Land* within 45 days of the application date;

- (c) Be made by the *Owner* or *Owners* of land affected by the *Removal* or *Deposit* of *Soil* or *Other Material* or by an agent of an *Owner*, provided that such agent provides written confirmation of their authority from the *Owner*;
- (d) Include a non-refundable application fee as specified in Section 24(a) of this Bylaw;
- (e) Include a refundable *Security Deposit* in cash, Bank Draft, or an Automatic Renewing Irrevocable Letter of Credit drawn on a Canadian Schedule I Chartered Bank, and Credit Unions for a term of at least one (1) year, in the amount set out in Schedule D for which the *Soil* or *Other Material* is to be *Deposited* or *Removed*, or as determined by the *Engineer* and made payable to the *City*;
- (f) For the purposes of *Depositing Soil* for pre-loading *Lands* and removing pre-loading *Soil*, the *Engineer* may require security in an amount considered necessary to guarantee the cleanliness of roads and sidewalks and to guarantee the integrity of municipal infrastructure;
- (g) Despite Section 13(e), where the *Removal* or *Deposit* of *Soil* or *Other Material* is being carried out pursuant to a Permit issued under the Mines Act, R.S.B.C. 1996, c. 293, there shall be no obligation to provide a *Security Deposit* with the *City* provided security is held by the Ministry of Energy and Mines and a copy is provided to the *City*; and
- (h) Applications shall be accompanied by either:
  - (i) A copy of a valid Permit or remediation plan issued pursuant to the Mines Act, R.S.B.C. 1996, c. 293, a valid Non-Farm Use Permit or similar approval issued by the Agricultural Land Commission, or
  - (ii) Detailed drawings, data and specifications prepared and sealed by a *Qualified Professional* to an appropriate scale showing the elevations of the *Lands* in its current state and shall contain complete information with respect to the following matters:
    - (1) The location of Buildings, structures, roads, bridges, *Significant Trees*, underground and above ground services, ditches and natural watercourses;
    - (2) The classification of all watercourses, streams, lakes, wetlands as per Section 108 of the *City's* Zoning Bylaw (5949-2020);
    - (3) The location of proposed improvements, structures or buildings;
    - (4) Tree retention areas, buffers along property boundaries, rights of ways and watercourses and proposed methods of fencing, enclosing and clearing to assure that no hazard to human or animal life exists;
    - (5) Proposed methods to control erosion, siltation on the *Lands* during excavation or *Deposit* and prevention of off-site movement of *Soil* or *Other Material*;
    - (6) The extent of *Soil* or *Other Material Removal* or *Deposit* including the proposed final grading, slopes and positive gravity drainage that will prevent drainage from impacting neighbouring properties;

- (7) Proposed access and egress to site during *Soil* or *Other Material Removal* or *Deposit* following Development and Subdivision Control Bylaw 5650-2017 Schedule M, supplemental Standard Drawing G01 and methods to maintain the *City's* roads free of dirt, mud and debris;
  - (8) In the case of *Deposit* of *Soil* or *Other Material*, a specific description of *Soils* or *Other Material* to be *Deposited* and where they are being sourced from. This shall include any certificate by an authority having jurisdiction that the operation has been approved as well as a site profile that reflects the state of the originating site prior to *Removal* of the *Soil* or *Other Material* intended for *Deposit* in the *City*. This shall also include certification by the *Qualified Professional* that the *Soil* or *Other Material* being *Deposited* in the *City* meets the applicable provincial criteria for the intended land use;
  - (9) Certification by the *Qualified Professional* that the work shall not injuriously affect adjacent land, structures, Buildings, or utilities including any effects from settling or subsidence of land; and
  - (10) A description of the haul route and schedule for trucking *Soil* or *Other Material*.
14. An application for a Permit must contain the following if requested by the *Engineer* to ensure compliance with this bylaw:
- (a) A detailed groundwater survey covering the proposed *Soil Removal* or *Soil* and *Other Material Deposit* site and all adjacent Lands;
  - (b) A Memo provided by the *Qualified Professional* confirming the details of the original *Permit* have not changed for the purpose of a *Permit* renewal; and
  - (c) A Memo provided by the *Qualified Professional* confirming the conditions of a *Permit* reinstatement have been met.

#### GENERAL CONDITIONS

15. No *Person* shall *Deposit Soil* or *Remove Soil* and *Other Material* unless in accordance with the following requirements:
- (a) The slope or any part of an exposed face of any *Deposited* or remaining *Soil* or *Other Material* shall not be greater than the angle of repose necessary for the stability of the *Soil* or *Other Material* in question as determined by the *Qualified Professional*;
  - (b) The *Deposited Soil* or *Other Material* shall not, in any way, interfere with the established above or below ground drainage pattern of any adjoining Lands not cause the groundwater table to rise on adjoining Lands so as to cause flooding or malfunctioning of any private sewage disposal system. Where necessary, measures consistent with good Engineering practice will be implemented to ensure that any interference or impact is prevented;

- (c) The *Deposited Soil* or *Other Material* shall be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system shall be installed which is of sufficient capacity and extent to ensure that groundwater and surface water will not drain into adjoining Lands at greater rates after *Deposit* of *Soil* or *Other Material* than prior to *Deposit* of *Soil* or *Other Material*;
- (d) No *Soil* or *Other Material* shall be *Deposited* over wells or private sewage disposal systems unless certified by a *Qualified Professional* that the *Deposit* shall not cause an adverse impact;
- (e) No *Soil* or *Other Material* shall be *Deposited* within 3 metres of a property line unless certified by a *Qualified Professional* that the *Deposit* shall not cause an adverse impact to the neighbouring property or natural environment;
- (f) No damage to *City* infrastructure shall occur as a result of *Soil* or *Other Material Removal* or *Deposit*. In cases where a *Security Deposit* has been placed and a *Permit* has been issued, the *Engineer* may use the *Security Deposit* to remedy any damage unless the damage is repaired by the property *Owner* on which the *Soil* or *Other Material* was *Deposited* or from which the *Soil* or *Other Material* was *Removed* within 30 days of the *Owner* being notified by the *Engineer*;
- (g) No *Soil* or *Other Material* shall be *Removed* or *Deposited* from within a Streamside Protection and Enhancement Area as defined by the *City's* Zoning Bylaw 5959-2020 unless authorized by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, or Fisheries and Oceans Canada or the Ministry of Environment & Climate Change Strategy or unless required to restore the area under an approved restoration plan;
- (h) *Soil*, *Other Material*, dirt, silt, mud or debris *Deposited* on highways or in roadside ditches as a result of the *Deposit* or *Removal* *Soil* or *Other Material* shall be *Removed* on a daily basis or as deemed necessary by the *Engineer* or Bylaw Enforcement Officer. Failure to do so, and where a *Security Deposit* has been placed and a *Permit* has been issued, is cause for the *Engineer* to use the *Security Deposit* to maintain the highway in a clean condition and to ensure ditches are able to convey clean water. The *Engineer* may specify measures to maintain highways free of *Soil*, dirt, mud, debris and *Other Material* including but not limited to wheel wash stations, siltation control structures, and collection and treatment of turbid water resulting from transportation of *Soil*;
- (i) Unless exempt in accordance with Section 12 of this bylaw, a copy of the *Soil Deposit* or *Soil Removal Permit* must be posted in a conspicuous location visible from the street at the address where the *Soil* or *Other Material Removal* or *Deposit* will occur;
- (j) Where a *Permit* is issued in accordance with this bylaw, there is no requirement to post the *Permit* where the *Removal* or *Deposit* of *Soil* or *Other Material* is being carried out pursuant to a *Permit* issued under the Mines Act, R.S.B.C. 1996, c. 293;
- (k) Unless exempt in accordance with Section 12 of this bylaw, no *Person* shall *Deposit* on or *Remove* *Soil* or *Other Material* from *Lands* in the *City*.
  - (i) On a Statutory Holiday



- (ii) On a Sunday
- (iii) Between the hours of 8 PM and 7 AM; and
- (l) Unless exempt in accordance with Section 12 of this bylaw, where the *Soil* or *Other Material* being Removed or Deposited is being transported over a highway that is not a truck route as defined in the current transportation master plan:
  - (i) The *Engineer* may require the *Applicant* to carry out a pre-hauling assessment of the condition of the highway;
  - (ii) The *Applicant* will be responsible for any damage occurring to that highway as a result of the transportation of the *Soil* or *Other Material*;
  - (iii) The *Engineer* may require the *Applicant* to complete a traffic and pedestrian safety plan to be approved by the *Engineer* prior to a Permit being issued; and
  - (iv) The *Engineer* may require the *Applicant* to deposit additional security with the *City*.

#### PERMIT ISSUANCE

16. If the *Engineer* is satisfied that all provisions of this Bylaw have been complied with, the *Engineer* may approve the issuance of a *Permit* on *Lands* described in the *Permit* with such specific terms and conditions attached thereto as are reasonably necessary to reflect the requirements of the application, the information, reports or concerns of any government authority having jurisdiction over the *Lands*, or the concerns or issues identified by the *Engineer* or in any information or reports delivered to the *Engineer* pursuant to this Bylaw.
17. Every *Owner* or their *Applicant*, shall:
- (a) Post the form, provided by the *Engineer* identifying the civic address and *Permit*, on the property in a conspicuous location that is visible from the street adjacent to the property;
  - (b) Retain the approved *Permit* plans and all supporting documents on the property until issuance of the Certificate of Completion.

#### PERMIT REFUSAL

18. The *Engineer* may refuse to issue a *Permit* if the proposed *Deposit* or *Removal* of *Soil* or *Other Material* will or is reasonably likely to:
- (a) Foul, obstruct, divert, or impede the flow of or damage or destroy any watercourse, ditch, drain, sewer, private drinking water well or other water utility on the *Lands* or any adjoining or reasonably adjacent land, whether privately or publicly owned;
  - (b) Damage, destroy or otherwise injuriously affect the established amenities of the *Lands* or of adjoining or reasonably adjacent *Lands*, including, without limitation, existing statutory rights-of-way, covenant areas, structures, Buildings or improvements;

- (c) Contravene any bylaw of the *City*;
- (d) Threaten the health, safety or welfare of the public;
- (e) Result in the use of the *Lands* in a manner inconsistent with the current zoning for the *Lands*; or
- (f) Result in excessive costs for a government to provide public utilities and works on an adjacent *Lands*.

19. If the *Engineer* refuses to grant a *Permit*, the *Applicant* may appeal this decision to the *City's Council*.

#### PERMIT EXPIRATION

20. Every *Permit* shall be valid for twelve (12) months from the date of issue.

#### PERMIT RENEWAL

21. Application for renewal or amendment of a *Permit* shall be made in the same manner and upon payment of the same fees as imposed in Section 24(a) for a new *Permit*. All final quantities of *Soil* or *Other Material* must be reported and paid for prior to issuance of *Permit* renewal.

#### PERMIT TRANSFER

22. In the event of a change in *Lands* Ownership, the *Permit* may be transferred to the new *Owner* provided:

- (a) An application to transfer the existing *Permit* has been submitted and approved in writing by the *Engineer* and evidence reflecting the new Ownership and the security and insurance requirements is acceptable to the *City*; and
- (b) The non-refundable *Permit* transfer fee in Section 24(b) is paid.

#### PERMIT CLOSURE

23. Every holder of a *Permit* issued pursuant to this bylaw shall:

- (a) complete all restoration requirements within six months after the date of completion of the project and prior to the expiration of the *Permit*, whichever event shall occur first;
- (b) Provide a Letter of Completion to the *City Engineer* for review and acceptance;
- (c) Upon acceptance of the Letter of Completion a final inspection will be conducted by the *City Engineer*; and

- (d) Provided no outstanding deficiencies are identified by the *City Engineer*, the Security Deposit will be authorized for release.

## FEES

24. The following fees apply to *Deposit* and *Removal* of *Soil* or *Other Material*:

- (a) Every application for a *Soil Deposit* or *Removal Permit*, renewal of an existing *Permit* or an amendment to an existing *Permit* must be accompanied by a non-refundable fee as set out in Schedule D;
- (b) Every application to transfer an existing *Permit* to a new *Owner* must be accompanied by a non-refundable fee as set out in Schedule D;
- (c) Every *Permit Holder* shall pay to the *City* a *Soil Deposit* and *Removal* remittance fee as set out in Schedule D
  - i. *Applicants* can choose to pre-pay these fees at the Application stage or otherwise pay the remittance fee monthly.
  - ii. A holder of a *Soil Removal* or *Soil Deposit Permit* shall keep and maintain daily logs of the quantity of *Soil* or *Other Material* Removed or *Deposited*.
  - iii. The *Soil Removal* or *Deposit Permit Holder* shall submit to the *City* on or before the 15<sup>th</sup> day of each month during the term of the *Permit* and on the 15<sup>th</sup> day of the month following the expiration of the *Permit* a report showing the quantity of *Soil* removed or *Deposited* from the *Lands* during the previous month; and
- (d) All *Soil Removal* fees payable pursuant to this Bylaw shall be paid by the *Permit Holder* on or before the 15<sup>th</sup> day of the month following the month in which the *Soil* or *Other Material* was Removed or *Deposited*;

25. The *City* may conduct truck counts, aerial or field surveys of the *Lands* to aid in the calculation of the quantity of *Soil* Removed or *Deposited*. In the event a discrepancy of greater than 10% between the *Soil Removal* or *Deposit* figure submitted by the *Permit Holder* relative to the *City's* survey figure, the higher figure will be used for the calculation of the *Soil Removal* or *Deposit* fees.

26. Actual quantities of *Soil* or *Other Material* Removed or *Deposited* pursuant to a *Permit* issued under the Mines Act, R.S.B.C. 1996, c.293, shall be determined annually. For this purpose, the *Permit Holder* shall, within thirty (30) days of the end of each calendar year during which *Soil* or *Other Material* was Removed or *Deposited*, submit an annual statement of *Soil* Removed or *Deposited* certified by a certified accountant (Certified General Accountant, Certified Management Accountant or Chartered Accountant), and the *Permit* fees payable by the *Permit Holder* shall be adjusted accordingly.

## ENFORCEMENT

27. The *Engineer* and Bylaw Enforcement Officer is hereby authorized at all reasonable times to enter upon and inspect any *Lands*:

- (a) To determine if the Owner of a proposed *Soil* or *Other Material Deposit* or *Removal* operation is required to obtain a *Permit*;
- (b) To determine if *Removal* or *Deposit* of *Soil* or *Other Material* has occurred on a parcel of land for which the Owner does not have a valid *Permit* and the Owner does not qualify for an exemption from the provisions of this Bylaw;
- (c) From which *Soil* or *Other Material* is to be, or is being, or has been *Deposited* or *Removed*, in order to ascertain whether the provisions of this Bylaw and the *Permit* issued pursuant thereto, are being complied with. Every *Permit Holder* shall maintain up-to-date records sufficient to allow the progress of the *Deposit* or *Removal* operation to be monitored for compliance with the provisions of this Bylaw and the terms and conditions of the *Permit*, and such records shall be made available to the *Engineer* upon request;
- (d) In the event the Permitted *Lands* are operating under the authority of the Mines Act, R.S.B.C. 1996, c.293, the Mine Manager may be contacted for the purposes of accompanying the *Engineer* or Bylaw Enforcement officer on the *Lands*; or
- (e) In the event of a breach of any provision of this Bylaw or term or condition set out in the *Permit*, the *Engineer* may issue to:
  - (i) The holder of the *Permit*, or.
  - (ii) The Owner of the *Lands* upon which the *Soil* or *Other Material* is being *Deposited* or from which the *Soil* or *Other Material* is being *Removed*.
    - 1) A *Stop Work Order* that no further *Removal* or *Deposit* of *Soil* or *Other Material* occurs on or from the *Lands* unless or until the *Stop Work Order* is rescinded.
    - 2) A notice to suspend the *Permit*.
    - 3) A notice of such breach setting forth a time during which the breach must be rectified. Upon receiving such notice, the holder of the *Permit* and the Owner of the *Lands* upon which *Soil* or *Other Material* is being *Deposited* or *Removed* from, shall immediately suspend all *Deposit* and *Removal* operations upon the *Lands* until the breach is rectified to the satisfaction of the *Engineer*.

A reinstatement fee as set out in Schedule D, applies to *Permits* that are reinstated after the breach has been rectified.
- (f) In the event that any Owner having received notice of a breach, fails within the time set forth therein to remedy such breach or otherwise proceeds to breach any provision of this Bylaw or condition of the *Permit*, the *Engineer* may at any time thereafter revoke the said *Permit*. Any *Security Deposit* or fees paid pursuant to the granting of such *Permit* may be used by the City to remedy such breach. For such purpose the City or its contractors may enter upon the said *Lands* or any part thereof and carry out the works required to remedy said breach.

## OFFENCES AND PENALTIES

28. 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.

29. No Person shall conduct *Development* work on a property on which a *Stop Work Order* has been posted, as authorized under Section 27 until all applicable provisions of this Bylaw have been substantially complied with, and the *Stop Work Order* has been rescinded, in writing, by the *Engineer*.

## REPEAL

30. “District of Mission Soil Removal Bylaw 3088-1997”, and all amendments thereto, are hereby repealed.

31. “District of Mission Soil Deposit Bylaw 5506-2015”, and all amendment thereto, are hereby repealed.

## GENERAL

32. If any section or lesser portion of this Bylaw is held invalid, it shall be severed and the validity of the remaining provisions of this Bylaw shall not be affected.

33. In this Bylaw words importing the male gender include the female gender and either include the neuter and vice versa, and words importing the singular number include the plural.
34. Schedules "A", "B", "C" and "D" attached to this Bylaw are incorporated herein and form part of the Bylaw.

READ A FIRST TIME this 20<sup>th</sup> day of November, 2023

READ A SECOND TIME this 20<sup>th</sup> day of November, 2023

READ A THIRD TIME this 20<sup>th</sup> day of November, 2023

ADOPTED this \_\_\_\_ day of \_\_\_\_, 2023

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PAUL HORN  
MAYOR

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JENNIFER RUSSELL  
CORPORATE OFFICER

**SCHEDULE 'A'**  
**SOIL REMOVAL AND DEPOSIT APPLICATION**

*Applicant Information (To be filled out by Applicant)*

1. Name of Applicant: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Personal Number: \_\_\_\_\_  
Business Number: \_\_\_\_\_
  
2. Municipal Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_
  
3. Registered Owner: \_\_\_\_\_  
Address of Owner: \_\_\_\_\_  
Lease Holder: \_\_\_\_\_  
Address of Lease Holder: \_\_\_\_\_
  
4. Site Contractor: \_\_\_\_\_  
Name of Contact: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Number: \_\_\_\_\_
  
5. Design Consultant: \_\_\_\_\_  
Name of Contact: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Number: \_\_\_\_\_

6. 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) Supply letter of credit in the amount of \_\_\_\_\_
- c) Pre-Pay or submit the remittance fee on a monthly basis \_\_\_\_\_

7. **Soil Substance Removal or Deposit Information**

The Soil is being Removed/Deposited for the purpose of \_\_\_\_\_

The type of Soil or Other Material which will be Removed/Deposited is \_\_\_\_\_

The area from which the Soil is to be Deposited/Removed is \_\_\_\_\_ Hectares

The estimated amount of Soil to be Removed is \_\_\_\_\_ m<sup>3</sup>

The estimated amount of Soil to be Deposited is \_\_\_\_\_ m<sup>3</sup>

The Soil to be Removed from the Building/Development site or will be Deposited upon a property owned by and located at the following:

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

The Soil to be Deposited will be sourced from a property owned by and located at the following:

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

9. I assure that the above information is complete and accurate to the best of my knowledge:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

10. I/we, the Owner(s) of the Lands identified above, do hereby authorize the *Applicant* to apply for and obtain a Soil Removal/Deposit Permit for the Lands and accept that, in addition to the Permit Holder, the Owner(s) is/are liable for any breaches of the bylaw or Permit committed by the Permit Holder.  
**(All Owners must sign this form)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Owners' Signatures

\_\_\_\_\_  
Date



## 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 Practice in the Province of BC.

Date: \_\_\_\_\_

Director of Engineering and Public Works  
City of Mission  
7337 Welton Avenue  
Mission, BC V2V 3X1

Dear Sir/Madame:

RE: \_\_\_\_\_  
(Print Civic Address of Project)

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 Removal/Deposit operation at a **receiving/excavating land**, that a Qualified Professional in their professional discretion considers necessary to ascertain whether the Soil Removal/Deposit operation substantially complies in all material respects with the provisions of the City of Mission Soil Removal and Deposit Bylaw 6133-2022, good Engineering practices and with the plans and supporting documents prepared by them for which an application was made for a Permit.

The **Owner** and Qualified Professional have read and acknowledged their responsibility(s) under the provisions of the City of Mission Soil Removal and Deposit Bylaw 6133-2022.

The undersigned Qualified Professional certifies that they are a Qualified Professional licensed to practice in British Columbia and that they will notify the Director of Engineering and Public Works for the City 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 a document that appoints  
the agent must be attached)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE 'C'**  
**CITY OF MISSION SOIL REMOVAL AND/OR DEPOSIT PERMIT**

The Receipt of \_\_\_\_\_ paid as a Permit Fee and a Security Deposit in the amount of \_\_\_\_\_ placed with the City of Mission in compliance with the provisions of "City of Mission Soil Management Bylaw" is hereby acknowledged.

PERMISSION is hereby granted to

*Applicant's Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Contact #:* \_\_\_\_\_

to Remove an estimated quantity of \_\_\_\_\_ metres of Soil from the area(s) described as:

to Deposit an estimated quantity of \_\_\_\_\_ metres of Soil from the area(s) described as:

*Legal Description:* \_\_\_\_\_

*Civic Addresses:* \_\_\_\_\_

*Building Permit No.:* \_\_\_\_\_

in accordance with the terms and conditions of "City of Mission Soil Management Bylaw 6133-2022" and amendments thereto.

DATE PERMIT GRANTED: \_\_\_\_\_

DATE PERMIT EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
Tracy Kyle, P.Eng.

Director of Engineering and Public Works

**SCHEDULE 'D'**  
**SCHEDULE OF FEES AND SECURITY**

<b>Description</b>	<b>Effective January 1, 2024</b>
Soil Permit Fee	\$410.00
Permit Transfer Fee	\$118.00
Permit Reinstatement Fee	\$118.00
Monthly Soil Remittance Fee	
Cubic Metre Remittance (m <sup>3</sup> )	\$0.87/m <sup>3</sup>
Tonnage Remittance (t)	\$0.46/t
Soil Permit Security Deposit	
First Hectare or Portion (ha)	\$10,000.00
Each Additional Hectare or Portion (ha)	\$5,000.00