



**Regional District of Central Kootenay  
SOIL REMOVAL AND DEPOSIT  
PERMIT BYLAW No. 1183, 1996**

**CONSOLIDATED FOR CONVENIENCE  
ONLY AND HAS NO LEGAL SANCTION**

**Adopted: March 22, 1997**



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

**SOIL REMOVAL AND DEPOSIT PERMIT BYLAW No. 1183, 1996**

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**LIST OF AMENDMENTS TO REGIONAL DISTRICT OF CENTRAL KOOTENAY SOIL  
REMOVAL AND DEPOSIT PERMIT BYLAW NO. 1183, 1996 UP TO (see date at bottom of  
last page of amendments) WHICH ARE INCLUDED IN THIS CONSOLIDATED VERSION OF  
THE BYLAW**

<b>Bylaw No. File No.</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
1975 4600-27-Z0802- RDCK-MTI	December 13, 2008	Amend Enforcement Regulations	To allow Municipal Ticketing on violations to the bylaw.

**December 13, 2008**



# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## BYLAW No.1183, 1996

A bylaw to provide for the application, approval, suspension or denial of soil Removal and Deposit Permits in designated areas in the Regional District of Central Kootenay, pursuant to Section 723 of the Municipal Act.

The Regional District of Central Kootenay, having observed the relevant provisions of the Municipal Act, enacts the following:

### PART A

#### 1. TITLE

- a) This Bylaw may be cited as the **Regional District of Central Kootenay Soil Removal and Deposit Permit Bylaw No.1183, 1996.**

### PART B

#### 1. DEFINITIONS

- a) In this Bylaw:
- b) "Board" means the Board of the Regional District of Central Kootenay.
- c) "Deposit" means the dumping or placement of soil, such as land clearing waste, construction or other waste, on any land in the Regional District or its successors office.
- d) "Qualified Professional" means a professional engineer with experience in geotechnical or mining engineering as appropriate.
- e) "Regional District" means the Regional District of Central Kootenay or the geographical area within the boundaries of the Regional District, as the context may require.
- f) "Remove" means to take, move, excavate, or transport soil from the place or location at which it was or stood, including an act which allows or causes the movement of soil from one lot to another portion of the same lot.

- g) "Soil" means sand, gravel, rock, peat or other substances of which land is composed.

## **PART C**

### **1. APPLICABILITY**

- a) All lands within Electoral Areas "I" and "J-Lower Arrow/Columbia" of the Regional District of Central Kootenay are designated Soil Removal and Deposit Permit Areas.
- b) No person shall:
  - i) remove soil from; or
  - ii) deposit soil or other material on

any land within a designated Soil Removal and Deposit Permit Area without first obtaining a Soil Removal and Deposit Permit, unless otherwise specifically permitted under this Bylaw.
- c) The requirements of this Bylaw are exclusive of all Mines Act requirements and applicants are advised to contact the Regional Office of the Ministry of Employment and Investment, Energy and Minerals Division.

### **2. ENFORCEMENT**

- a) The Chief Building Inspector, Building Inspector, a Bylaw Enforcement Officer, or other persons appointed to perform their duties, are authorized at all reasonable times to enter on property that is subject to regulation under this bylaw to ascertain whether the regulations or directions under this bylaw are being observed.
  - i) Notwithstanding Section 2(a), a mine manager may, in the fulfilling of his obligations pursuant to the Mines Act temporarily withhold authorization to enter the worksite providing he describes to RD staff the reasons why access is unsafe and what is being done to remedy the unsafe situation.
- b) The Chief Building Inspector, Building Inspector, or Bylaw Enforcement Officer, or other persons appointed to perform their duties, may order the suspension of work carried out under any Soil Removal or Deposit Permit if the soil removal or deposit is not being undertaken in accordance with the terms and conditions of the Permit.

### **3. APPLICATION**

- a) All applications for Soil Removal and Deposit Permits shall be made to the Board of the Regional District of Central Kootenay by the owner of the lands or the owner's authorized agent, in writing on the form prescribed in Schedule A, attached hereto and forming part of this Bylaw.
  
- b) An application for a Permit shall be accompanied by detailed plans, data and specifications for the proposed site and adjacent areas prepared by a Qualified Professional and shall include the following information:
  - i) purpose, scale and volume of the proposed soil removal or deposit, and the methods to be used;
  
  - ii) a site plan illustrating all pertinent topographic and hydraulic features, buildings, structures, vegetation cover;
  
  - iii) a topographic plan with slope profiles showing the existing and proposed elevations of the property and their relations to those of the adjoining lands;
  
  - iv) the proposed methods of drainage control during and after the excavation or fill;
  
  - v) proposed methods to control dust, noise, and visual impacts to adjacent lands;
  
  - vi) the proposed methods of providing landscape screening if applicable;
  
  - vii) the proposed methods of access to the site during the excavation;
  
  - viii) evidence to the Regional District's satisfaction that the person or firm responsible is covered by comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence; and
  
  - ix) such further and other information as the Regional District may require to determine whether the proposed soil removal or deposit complies with this bylaw.

- c) The owner shall, prior to undertaking the removal or deposit of soil that significantly deviates from the plans, data and specifications required for the application, retain a Qualified Professional to determine if these deviations are in substantial compliance with the requirements of the Permit and good engineering practices.
- d) Upon completion of the soil removal or deposit works deliver to the Planning Manager or persons appointed to perform his or her duties a certificate from the Qualified Professional stating that all works have substantially complied with the requirements of the Permit and good engineering practices.
- e) The Regional District may, upon receipt of an application pursuant to this Section, in respect of an application for a permit:
  - i) notify all adjacent property owners of the proposed soil removal or deposit to solicit comments, concerns and recommendations and, if deemed necessary, call for a public information meeting;
  - ii) issue the permit, including any terms and conditions derived from the plans, data and specifications referred to in Section 3(c), in the form prescribed in Schedule B, attached hereto and forming part of this bylaw; or
  - iii) refuse to issue the permit if the report concludes that the soil removal and/or deposit cannot be safely undertaken, or will foul, obstruct or impede the flow of any stream, creek, spring or other domestic water source, waterway, watercourse, potentially active flood channel, waterworks, ditch, drain, or sewer, or disturb ground water, or will cause significant land use conflict on adjacent or nearby properties.

#### **4. CONDITIONS**

- a) The Permit may prescribe as conditions of approval requirements such as; setbacks from property lines, landscape buffers, fencing, hours of operation and reclamation measures.

#### **5. REFUSAL**

- a) Where an application for soil removal and deposit permit has been considered by the Board, the owner shall be notified in writing of the



issuance of the permit or refusal, and in the case of refusal, the grounds of such refusal, following the consideration by the Board.

## 6. FEES

- a) Except as otherwise provided in the Bylaw, applications for a Permit shall be accompanied by the prescribed fee as follows:

Total Fee

- |    |   |          |
|----|---|----------|
| b) | Soil Removal and Deposit Permit   | \$300.00 |
| c) | A \$150.00 partial refund shall be made if the permit application is refused. |          |

## 7. EXCEPTION

- a) No permit shall be required where the soil removal or deposit involves:
- i) removal of less than 350 m<sup>3</sup> of soil within any 12 month period, except in areas that are designated as Special Policy Areas in Regional District of Central Kootenay Floodplain Bylaw No. 1000, 1993, and amendments thereto or replacements thereof;
  - ii) removal of less than 350 m<sup>3</sup> of soil to provide for a foundation of a structure for which a valid building permit has been issued;
  - iii) the removal or deposit of soil by a florist, nursery worker, horticulturist or farmer and such soil is used on lands upon which that person carries on such trade, purpose or use;
  - iv) deposit of soil or other material for the purpose of backfilling or landscaping during or after the construction of a structure in respect of which a building permit has been issued;
  - v) the removal or deposit of soil that is allowed for a mineral exploration or development project which has a permit pursuant to Section 10 of the Mines Act;
  - vi) removal or deposit of soil or other material on any land that is:
    - a) classified as managed forest land under the Assessment Act,

- b) located within a license area under the Forest Act, or
- c) regulated under the Highways Act

so long as the land continues to only be used for that purpose.

- vii) the removal or deposit of soil or other material undertaken under conditions specified in a geotechnical report accepted by the Board of the Regional District of Central Kootenay in conjunction with a development permit, building permit or subdivision;
- viii) removal or deposit of soil under the Soil Conservation Act;
- ix) removal or deposit of soil authorized under the Waste Management Act.

## 8. EXPIRATION OF PERMIT

- a) The terms of the Permit will specify the expiry date of the Permit. Every person wishing to continue with the removal or deposit of soil after the expiry date of the Permit must submit a new Soil Removal & Deposit Permit application along with applicable fees.

## 9. VIOLATION, PENALTY AND OFFENCE

Bylaw 1975

- a) Any person who:
  - Violates any of the provisions of this Bylaw commits an offence;
  - Causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
  - Neglects or omits to do anything required under this Bylaw;
  - Carries out, causes, or permits to be carried out any use, construction or subdivision in a manner prohibited by or contrary to any of the provisions of this Bylaw;
  - Fails to comply with an order, direction or notice given under this Bylaw; or
  - Prevents or obstructs or attempts to prevent or obstruct the authorized entry of a bylaw enforcement officer onto property;
- b) Any person who violates bylaw provisions may, on summary conviction, be liable to a minimum penalty of not less than two hundred dollars (\$200.00), plus the cost of prosecution, pursuant to the *Offence Act of British Columbia*.

- c) Penalties will double upon the third and subsequent offences.
- d) The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.
- e) Penalties are subject to the conditions of the RDCK Municipal Ticket Information Utilization Bylaw No. 1907, 2007.
- f) Each day's continuance of an offence under this bylaw constitutes a new and distinct offence.

## 10. SEVERABILITY

- a) If any Section or portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalid Section or portion shall be severed and such invalidity shall not affect the remainder of this bylaw.

## PART D

### 1. ADOPTION

**READ A FIRST TIME** this 25th day of May, 1996.

**READ A SECOND TIME** this 25th day of May, 1996.

**READ A THIRD TIME** this 26th day of April, 1997.

**APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING** this 20th day of May, 1997.

**ADOPTED** this 24th day of May, 1997.

\_\_\_\_\_  
"H. Cunningham"  
Chairperson

\_\_\_\_\_  
"B. Baldigara"  
Secretary

I hereby certify that this is a true and correct copy of **SOIL REMOVAL AND DEPOSIT PERMIT BYLAW No. 1183, 1996** as read a third time by the Regional District of Central Kootenay on the 26th day of April, 1997.

DATED at Nelson, B.C., this \_\_\_\_\_ day of \_\_\_\_\_, 199 .

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Secretary

I hereby certify that this is a true and correct copy of **SOIL REMOVAL AND DEPOSIT PERMIT BYLAW No. 1183, 1996.**

DATED at Nelson, B.C., this            day of            , 199 .

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Secretary

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**SCHEDULE A TO BYLAW No. 1183, 1996**  
**APPLICATION FOR SOIL REMOVAL AND DEPOSIT PERMIT**

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION

*This form is to be completed in full and submitted with all requested information to the Regional District of Central Kootenay, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4*

*Phone: (250) 352-6665 Toll free: 1-800-268-7325 Fax: (250) 352-9300*

**Authorized Agent and Registered Owners**

I/We Agent's Name: \_\_\_\_\_

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

Telephone: Business \_\_\_\_\_ Home \_\_\_\_\_

Fax \_\_\_\_\_

Registered Owner's (Name(s)) \_\_\_\_\_

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

Telephone: Business \_\_\_\_\_ Home \_\_\_\_\_

Fax \_\_\_\_\_

1. hereby apply for a permit to :  Remove soil from:  deposit soil or other material on:

\_\_\_\_\_  
\_\_\_\_\_  
(legal description of property)

2. It is my intention to remove from, or deposit soil or other material on, the said property for the following purposes:

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

3. Area from which soil or other material is to be removed or deposited: \_\_\_\_\_  
hectares.
4. The amount of soil or other materials to be removed or placed: \_\_\_\_\_ cubic  
metres.
5. Characteristics of the soil to be removed or soil or other material to be placed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. I/We enclose:

- a. The following information as required under section 3 b) of Bylaw No. 1183,  
1996:

- site plan illustrating all pertinent topographic and hydraulic features,  
buildings, structures, vegetation cover;
- a topographic plan with slope profiles showing the existing and proposed  
elevations of the property and their relations to those of the adjoining  
lands;
- the proposed methods of drainage control during and after the excavation  
or fill;
- the proposed methods of access to the site during the excavation;
- the proposed methods of providing landscape screening if applicable;
- evidence that the person or firm responsible is covered by liability  
insurance with a minimum third party coverage of \$1,000,000; and

- b. the required application fee in the amount of \$300.00.

I/We hereby declare that all of the above statement and the information contained in the  
material submitted in support of this application are to the best of my/our knowledge  
true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Agent

Where the applicant is not the property owner, the following must be signed by the registered owner:

As owner(s) of the land described in this application, I/We, hereby authorize \_\_\_\_\_ to act as the authorized agent in regard to this Soil Removal and Deposit Permit.

\_\_\_\_\_  
Date

\_\_\_\_\_  
(signature of owner(s))

\_\_\_\_\_

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(office use only)

Complete application received \_\_\_\_\_ Fee Receipt Number \_\_\_\_\_

Forwarded to Area \_\_\_\_\_ Director \_\_\_\_\_







**SCHEDULE B TO BYLAW No. 1183, 1996**

**PERMIT FOR SOIL REMOVAL AND DEPOSIT OF SOIL AND OR OTHER MATERIALS WITHIN DESIGNATED SOIL REMOVAL AND DEPOSIT PERMIT AREAS**

**SOIL REMOVAL AND DEPOSIT PERMIT No. \_\_\_\_\_**

This Soil Removal and Deposit Permit is hereby issued by the Board of the Regional District of Central Kootenay to:

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

for the: (1) removal of \_\_\_\_\_ cubic metres of soil from:

OR (2) deposit of \_\_\_\_\_ cubic metres of soil or other material on:

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

(legal description)

pursuant to the provisions of the Regional District of Central Kootenay Soil Removal and Deposit Permit Bylaw No. 1183, 1996, subject to:

- (1) the conditions set by the Board of the Regional District of Central Kootenay and as attached hereto;
- (2) when the soil removal or deposit is completed, bylaw enforcement or planning (352-6665) is to be advised; and
- (3) this Permit Expires on \_\_\_\_\_.  
(date)

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

Dated this            day of            20    .