



## Community Safety Committee

Date: Wednesday, October 10, 2007

Place: Anderson Room  
Richmond City Hall

Present: Councillor Evelina Halsey-Brandt, Chair  
Councillor Cynthia Chen, Vice-Chair (4:06 p.m.)  
Councillor Derek Dang  
Councillor Sue Halsey-Brandt (4:07 p.m.)  
Councillor Rob Howard

Also Present: Councillor Bill McNulty

Call to Order: The Chair called the meeting to order at 4:01 p.m.

### MINUTES

1. It was moved and seconded  
*That the minutes of the meeting of the Community Safety Committee held on Tuesday, July 10, 2007, be adopted as circulated.*

**CARRIED**

### NEXT COMMITTEE MEETING DATE

2. *Tuesday, November 14, 2007* (tentative date) at 4:00 p.m. in the Anderson Room.

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## LAW AND COMMUNITY SAFETY DEPARTMENT

### 3. RESTORATIVE JUSTICE PROGRAM

(Report: September 21, 2007, File No.: 1000-05-069) (REDMS No. 2246978, 2246017)

Sgt. Maria Salzl of the Richmond RCMP and Michael McCoy, Executive Director, Touchstone Family Association were available to answer questions. Sgt. Salzl advised that Touchstone Family Services has administered the restorative justice program in Richmond since 2004, and are now seeking funding to expand the current part time coordinator position to a full time position.

Discussion ensued among Committee members, City staff, and the delegation about the restorative justice program and the feasibility of the City entering into a multi-year agreement with Touchstone Family Services, during which the following was noted:

- Touchstone Family Services does not receive funding from the RCMP;
- currently Touchstone Family Services does not have the capacity to handle all referrals due to a lack of staffing and volunteers;
- the term “big box stores” refers to high volume retailers such as Superstore who encounter a high volume of shoplifting;

*(At this point Councillor Cynthia Chen entered the meeting.)*

- program facilitators are volunteers from the community, usually with a professional background, who must undergo a criminal check, and rigorous assessment process to determine suitability as a volunteer;
- upon selection, the volunteer would attend an intense three day training program, and facilitate five forums with a certified facilitator prior to conducting a forum independently;
- the program coordinator manages the program, and participates in training the volunteers, maintaining the volunteer base;

*(At this point Councillor Sue Halsey-Brandt entered the meeting.)*

- in order to use the services and become involved in the restorative justice program, retailers must provide funding;
- the program needs sustainable funding in order to focus on continued growth, promotion, and ongoing training for volunteers;
- if Council approves Traffic Fine Revenue as the source of funds for this program, it would still have to go through the regular annual budget process;

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- if the program's performance objectives and overall model are reviewed in three years time with the possibility of extending the agreement, it would be presented to Council approximately six months prior to the end of the agreement;
- at this time, Touchstone Family Services evaluates the performance of the program, and provides a report annually;
- the cost of processing an offender through the criminal justice system is 10 times more costly than putting them through the restorative justice program;
- the full time coordinator would be responsible for educating the "big box stores", and requesting grants. It was suggested that it may be more effective to partner with the RCMP and have a uniformed officer participate in the grant requests;
- Touchstone Family Services is a Richmond based organization;
- if the City enters into an agreement with Touchstone Family Services, a review clause focused on the outcome and goals of the program could be put in place;
- if the City approves funding for the program, Touchstone Family Services would continue to seek other sources of funding, and report back to the City.

It was moved and seconded

- (1) *That staff be authorized to enter into a three year agreement with Touchstone Family Services for the provision of a restorative justice program;*
- (2) *That funding for the restorative justice program in the amount of \$95,000 be considered as an additional level in the 2008 budget, providing that Touchstone Family Services and the RCMP seek funding from outside sources, and annually review of the program's success; and*
- (3) *That the funding source be the Traffic Fine Revenue received from the Province.*

**CARRIED**

#### 4. **REVISED SOIL REMOVAL AND FILL DEPOSIT REGULATION BYLAW NO. 8094**

(Report: September 15, 2007, File No.: 12-8060-20-8094) (REDMS No. 2272636, 2282568)

A revised version of Bylaw 8094, highlighting all amendments was circulated (Schedule 1).

Colleen Burke, Staff Solicitor and Jodie Shebib, Supervisor Community Bylaws were both available to answer questions. Ms. Burke reviewed the changes to the clauses listed in Bylaw 8094.

3.

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Discussion ensued among Committee members and staff regarding soil removal and fill deposit in Richmond and the following was noted:

- the City does not have the ability to regulate the standards regarding the quantity or quality of soil;
- in order to move soil in Richmond a resident would require a certificate signed by a professional Agrologist, certifying that the soil is allowable;
- Bylaw 8094 is an effective tool against complaints from residents regarding amount of fill on properties causing impact on adjacent parcels such as shifting and flooding;
- the City is not taking on any liability with respect to definitions in this Bylaw, but will be referring to provincial legislation;
- the City would benefit from having it's own facility for stock piling clean fill. Details regarding establishment of such a facility would be looked at by the Planning and Public Works Departments.

It was moved and seconded

- (1) *That the third reading of the Soil Removal and Fill Deposit Regulation Bylaw No. 8094 given on July 24, 2006, be rescinded; and*
- (2) *That Soil Removal and Fill Deposit Regulation Bylaw No. 8094, as amended, in the form set out in Attachment 1 be given third reading.*

**CARRIED**

## 5. **FUTURE FIRE SERVICE MODEL FOR BRITISH COLUMBIA**

(Report: October 11, 2007, File No.: 09-5140-01/2007-Vol 01) (REDMS No. 2285682)

Deputy Chief Geoff Lake advised that in 2006 the Fire chiefs' Association of B.C. developed a Future Fire Service Model for BC, and concluded that any further review of the fire service should include input from Councils and Chief Administrative Officers of the larger cities, as they have not been given adequate representation in the past.

Phyllis Carlyle, General Manager, Law & Community Safety explained that the model currently used for fire service does not address the eight municipalities with populations over 100,000. She believed that the Councils of these municipalities should be given a separate discussion forum by the Solicitor General to consider the challenges faced by urban fire agencies in comparison to rural fire agencies.

Discussion ensued about the feasibility of including professionals such as lawyers, accountants, and engineers, and advice was provided that the focus is on reviewing the relationship between agencies such as ambulance services and fire services. Ms. Carlyle suggested that a report highlighting a potential model for a staff consultation process could be presented to Committee in the future.

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Further discussion ensued during which it was disclosed that a full review of the current fire service model has not taken place since the 1970's. Most cities have automatic systems that allow fire trucks to be dispatched to aid neighbouring cities as required. As this is not the case at present for Richmond, if aid was required, a phone call would be placed to the Fire Chief of the neighbouring City, and if approved, a fire truck would then be dispatched. It was also noted that the City of Vancouver uses different hoses than the City of Richmond.

It was moved and seconded

*That the Solicitor General be requested to provide an opportunity for meaningful consultation into any future model for the Fire Service, with the Councils and the Chief Administrative Officers from municipalities providing service to populations of over 100,000.*

**CARRIED**

6. **RCMP LOWER MAINLAND DISTRICT INTEGRATION INITIATIVES – FORENSIC IDENTIFICATION SERVICES, POLICE DOG SERVICES, COLLISION RECONSTRUCTION AND ANALYSIS SERVICES**

(Report: September 28, 2007, File No.: 09-5350-01) (REDMS No. 2285890)

Inspector Denis Boucher, Inspector Tony Mahon and Phyllis Carlyle were available to answer questions. Discussion ensued during which several concerns and benefits, including the following were noted about the differences between the existing service model and the proposed integration initiative:

- under the current model, the City of Richmond is reimbursed funds put forth for positions in the detachment that are vacant during the year. If Richmond joins the integrated program, a cost sharing funding formula (such as the one used by the Integrated Homicide Investigative Team (IHIT), and the Emergency Response Team (ERT)) will be put in place, and in the event of a vacant position, Richmond would receive back only a percentage of the funds;
- a highly trained and centrally co-located Collision Reconstruction Analysis Team made up of approximately 23 total members would be beneficial because (i) the expertise of the members would be combined, (ii) coordination of calls would be more manageable, and (iii) deployment of a team of two or three members instead of an individual may result in a reduction in time required to clear an accident scene, having less impact on traffic;
- Permanent locations and shift pattern are currently being explored by the project manager, and a report could be provided upon selection of a particular site;



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- the integration program will take away some highly qualified individuals from Richmond and share them with other communities;
- the integration program will provide Richmond and other communities with support 24 hours a day;
- integration is beneficial for the organization, particularly when dealing with labour shortages, however it is not always beneficial to the community;
- the integration program provides better coordination for investigating crimes that effect multiple communities, such as a homicide that has been planned in one community, executed in another, and completed by disposing of the body in a third community;
- the integration program will save Richmond money by sharing the cost of expensive specialized equipment for traffic and forensic services which may have been inaccessible in the past.

Ms. Carlyle advised that implementation of performance measures indicating the service and costs before and after integration would need to be put in place. Performance reports on the progress of IHIT and ERT are forthcoming from the RCMP.

In answer to questions regarding cancellation of the integration program, advice was provided that once integration takes place, it is highly unlikely that the integration could be unravelled, unless the RCMP and other municipalities all agree that the service model is not beneficial. It was also advised that the final decision regarding cancellation of a specific portion of the program would be up to the RCMP.

In answer to a query, Inspector Boucher expressed that in his opinion the perceived loss of control due to members being taken out of the Richmond Detachment, may be viewed as the most negative aspect to the integration program.

It was moved and seconded

**(1) That the funding in the amount of \$59,543 be included in the 2008 Budget for the following three integration initiatives:**

- a) FIS (Forensic Identification Services);**
- b) PDS (Police Dog Services) and;**
- c) Collision Reconstruction and Analysis Services**

**(2) That the Lower Mainland District be requested to implement the additional performance measures recommended by staff.**

The question on the motion was not called, as the request was made that Part (1) be separated into three parts, and that each part be dealt with separately.

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The question on Part (1) (a) was called, and it was **CARRIED** with Cllr. Dang opposed.

The question on Part (1) (b) was called, and it was **CARRIED** with Cllr. Dang opposed.

The question on Part (1) (c) was called, and it was **CARRIED**.

The question on Part (2) was called, and it was **CARRIED**.

## 7. **FIRE CHIEF BRIEFING**

(Oral Report)

- a) Deputy Chief Geoff Lake reported that the Hydro electrical safety program, which is in its second year, is very successful, and 22 inspections have taken place since September 17, 2007. The program is self supportive and will be continued.
- b) Deputy Lake provided an update regarding the progress of the Fire Department's new recruits, advising that the three week familiarization process has been completed; the recruits are on shift; overtime has been reduced considerably; and the Richmond Fire-Rescue's Recruitment strategy was approved by the Human Rights Tribunal.

## 8. **RCMP/OIC BRIEFING**

(Oral Report)

- a) RCMP Operations Support Officer (OSO), Tony Mahon updated the Committee on the progress of the bicycle squad (initiated on June 1, 2007):
  - five officers from two community policing stations have been relocated to the bike patrol squad;
  - two employees now manage the two community policing stations, including the volunteers;
  - the RCMP bike patrol squad is comprised of eight members, operating as two teams of four, one team scheduled on day shift, and the other on afternoon shift;
  - the focus is on differentiating between offenders who are prolific (have a history of being in and out of prison), and those who are priority (just starting to commit crimes);
  - bike patrol officers can develop better relationships with offenders, resulting in opportunities to help the offenders by sending them to drug rehabilitation or counselling;
  - bike patrol officers carried out 131 checks of known criminals, arrested 10 people on outstanding warrants, restored six stolen vehicles, and attended 17 first response calls;

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- the bike patrol officers are training volunteers to go out on bikes. Volunteers have a visible role assisting in many ways, including special events and patrolling parking lots for unlocked vehicles;
  - the public should feel comfortable approaching the police. The bike squad is more accessible and easier to interact with than officers in vehicles. The public has reacted positively to the bike patrol squad;
  - it is expected that the bike patrol squad will be fully staffed within three months.
- b) OSO Mahon provided an update on the Hamilton East Richmond area, and spoke about the progress made by the fulltime policewoman dedicated to the area, including the following:
- the RCMP pamphlet is now displayed throughout the community;
  - a letter, written by Officer In Charge (OIC), Ward Clapham regarding his commitment to the community is published in the Hamilton Newsletter, and two pages in the newsletter are dedicated to the RCMP's search for volunteers;
  - the policewoman has been attending Hamilton Community Board meetings;
  - the RCMP has partnered with the Youth Justice Program;
  - there has been an increase in patrols in the area, and the RCMP has been liaising with the New Westminster Police Department;
  - as part of the positive ticketing program, a local business has agreed to reward kids with free pizza for positive participation within the community;
  - the RCMP auxiliary are circulating pamphlets that provide information regarding grow operations.

Upon conclusion, OSO Mahon advised that the policewoman in the Hamilton area may be moving onto a more specialized position, however another outstanding candidate will be taking over her position.

- c) OSO Mahon reported that in recent months, Richmond has had a fairly costly problem with arson at local schools, school playgrounds and businesses. Seven individuals (one adult and six youth) have been apprehended, and a total of 27 charges have been laid. The incidents are not all associated with each other, and some may have been copy cat crimes.

Upon concluding his updates, OSO Mahon announced his plans to retire from the RCMP after 35 years of service. The Chair thanked him for his years of outstanding service and remarked that he will be greatly missed.



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9. **OTHER ITEMS**

The Chair introduced Cynthia Lockrey to the Committee, Ms. Lockrey has assumed the role of Senior Manager, Media Relations, the position previously held by Ted Townsend. Ms. Lockrey gave the Committee a brief overview of her related experience in Ontario as the city of London's Emergency Information Officer. She will be working closely with Richmond's Emergency Services Team, being the main contact providing communication to citizens, with Kim Decker and Ted Townsend as backup contacts.

10. **MANAGER'S REPORT**

Victor Wei, Director of Transportation, advised the Committee of an upcoming memo to Council which will address issues such as the placement of newspaper boxes and street furniture as part of the streetscape design of No. 3 Road to best accommodate the Canada Line.

Mr. Wei further advised the Committee that the City bus shelter contract currently with Jim Pattison will expire in early July 2008, and a new contract will need to be secured.

## ADJOURNMENT

It was moved and seconded  
*That the meeting adjourn(6:43 p.m.).*

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the Community Safety Committee of the Council of the City of Richmond held on Wednesday, October 10, 2007.

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Councillor Evelina Halsey-Brandt  
Chair

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Shanan Dhaliwal  
Committee Clerk



## Soil Removal and Fill Deposit Regulation Bylaw No. 8094

The Council of the City of Richmond enacts as follows:

### PART ONE – APPLICATION

#### 1. Application

- 1.1 This bylaw applies only to lands located within an **agricultural land reserve**, as defined in this bylaw.
- 1.2 Nothing in this bylaw precludes or relieves a person from complying with the provisions of the *Agricultural Land Commission Act* and regulations or any other applicable local, provincial or federal enactment or regulation.

### PART TWO – INTERPRETATION

#### 2. Interpretation

2.1 In this bylaw:

**AGRICULTURAL LAND RESERVE**

means the area of land within the City of Richmond designated as protected agricultural land under the *Agricultural Land Commission Act*, as amended, and shown in the hatched areas outlined in bold in Schedule “A”, which is attached and forms part of this bylaw.

**BC LAND SURVEYOR**

means a person who is listed as a practicing member under Section 34(1) of the *Land Surveyors Act*, as amended.

**CITY**

means the City of Richmond.

**COMMISSION**

means the Provincial Agricultural Land Commission established under the *Agricultural Land Commission Act*, as amended.

**COUNCIL**

means the municipal council of the City of Richmond.

<b>DEPOSIT</b>	means to place, store, pile, spill or release, directly or indirectly, <b>fill</b> on a parcel or contiguous <b>parcels</b> of land where that <b>fill</b> did not exist or stand previously and includes a <b>stockpile</b> .
<b>EXISTING FARM</b>	means a <b>parcel</b> that has been previously operated as a <b>farm</b> in compliance with the <i>Agricultural Land Commission Act</i> and a <b>parcel</b> designated as a <b>farm</b> operation through property assessment and property tax designation.
<b>FARM</b>	means a <b>parcel</b> for farming purposes, such as farming of plants and animals, and includes a <b>farm</b> business or <b>farm</b> operation as specified in the <i>Farm Practices Protection (Right to Farm) Act</i> .
<b>FILL</b>	means a <u>deposit comprised of soil or permitted material</u> or combination thereof.
<b><u>GUIDELINES FOR FARM PRACTICES INVOLVING FILL</u></b>	means the document published by the <i>Ministry of Agriculture and Lands</i> , which outlines standard practices of agricultural <b>fill</b> , as amended.
<b>HIGHWAY</b>	includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private property or any other public right-of-way as defined in Part 1 of the <i>Transportation Act</i> .
<b>MANAGER</b>	means Manager, Community Bylaws and any person designated by the Manager to act in Manager's place.
<b>PARCEL</b>	means any lot, block or other area in which land is held or into which land is subdivided but does not include a <b>highway</b> .
<b>PERMIT</b>	means an authorization to remove <b>soil</b> or <b>deposit fill</b> issued under this bylaw.
<b><u>PERMITTED MATERIAL</u></b>	includes:  (a) any material that <u>is</u> listed in the <u><i>Guidelines for Farm Practices Involving Fill</i></u> , or that <u>is</u> used as specified in the <u><i>Guidelines for Farm Practices Involving Fill</i></u> ;

- (b) any material not specified in (a) that is certified in writing, as a standard farm practice, by a Professional Agrologist in a form acceptable to the Manager; and
- (c) any material that is authorized for deposit as fill at a specified location by the Commission pursuant to Section 20 (3) of the Agricultural Land Commission Act, as amended.

**PROFESSIONAL AGROLOGIST**

means a person who is a member in good standing under Section 15 of the *Agrologist Act*, as amended.

**PROFESSIONAL ENGINEER**

means a person who is a certified member under Section 20 of the *Engineers and Geoscientists Act*, as amended.

**PROVINCIAL ENACTMENT**

means an enactment of the Province of British Columbia.

**REMOVAL**

means to remove **soil** from a **parcel** or contiguous parcels of land on which it exists or has been deposited.

**SOIL**

means topsoil, sand, gravel, rock, silt, clay, peat or any other substance of which land is composed, or any combination thereof;

**STOCKPILE**

means a man-made accumulation of **soil** held in reserve for future use, **deposit** or **removal**.

**WOODWASTE**

means a wood by-product as defined under the *Code of Agricultural Practice for Waste Management* and includes hog fuel, mill ends, wood chips, bark and sawdust but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends.

## **PART THREE – RESTRICTIONS AND EXEMPTIONS**

### **3.1 Restrictions**

- 3.1.1 Subject to a Provincial enactment and any procedure, authorization or permission thereunder, no person shall **deposit soil**, or cause, suffer or permit the **deposit of soil** on any land within the **agricultural land reserve** except in accordance with this bylaw.

3.1.2 Except as otherwise provided in this bylaw, but subject to any procedure, authorization, or permission respecting activity regulated under an applicable Provincial enactment, no person shall carry out, cause, suffer or permit the **removal** of soil from, or the **deposit** of fill on, any land located within the **agricultural land reserve** without first making application for and obtaining a **permit** from the City, and every such deposit or removal shall conform in all respects to the requirements and regulations of this bylaw and the terms and conditions of the **permit**.

### 3.2 Exemptions

3.2.1 Despite Section 3.1.2, a **permit** is not required where the **deposit** or **removal**:

- (a) (i) is related to, or carried out in connection with, an existing “**farm use**” or “**non-farm use**” supported by a “**Notice of Intent**”, as defined in the *Agricultural Land Commission Act* and submitted and acknowledged pursuant to that Act;
- (ii) is for an approved **farm practice** as defined in the *Guidelines for Farm Practices Involving Fill* on an **existing farm operation**; and
- (iii) is outlined in a “**Soil Removal or Fill Deposit Notice**”, identified in Schedule “**B**”, which is attached and forms part of this bylaw, and is submitted to the **City** for an **existing farm operation**, as indicated by their property assessment and property tax designation, a minimum of five (5) business days prior to scheduled **soil removal** or **fill deposit**;
- (b) will not:
  - (i) exceed One Hundred (100) cubic metres in volume on or from a single **parcel** over one calendar year; and
  - (ii) exceed one (1) metre in depth at any point; and
  - (iii) be carried out for more than One (1) month in duration;
- (c) is by a floriculturalist or horticulturist on lands owned by that person or business and in connection with such trade or business;
- (d) is required for the erection of a building or structure under a valid building permit or development permit issued by the **City**, where the **deposit** or **removal** is in accordance with the approved drawings submitted as part of the application for the building permit;
- (e) is related to the construction of works and services for a subdivision where the **deposit** or **removal** is in accordance with the approved drawings submitted as part of the application for subdivision;



- (f) is required to create, maintain or repair a private road, driveway, paved parking area, dyke or any **highway** or statutory right-of-way necessary to accommodate a permitted use on the property;
- (g) is required for the construction, maintenance or repair of utility works within a **highway** or municipal works, by or on behalf of the **City**;
- (h) involves the movement of existing **soil** within the boundaries of a single **parcel** or contiguous parcels of land;
- (i) is required for the construction or maintenance of a private sewage disposal system or septic field for which a permit has been granted; or
- (j) involves the open storage or stockpiling of **soil** or **woodwaste** intended to be processed and removed in connection with a lawful use of the land on which they are stored.

## PART FOUR – PERMIT APPLICATION PROCESS

### 4.1 Application Requirements

4.1.1 Every application for a **permit** shall be made in writing to the **Manager** using the “Application for Soil Removal / Fill Deposit” provided for that purpose by the **City**, identified in Schedule “C”, which is attached and forms part of this bylaw and shall include:

- (a) a non-refundable application fee of Six Hundred Dollars (\$600.00);
- (b) a security deposit in accordance with the requirements of Section 4.2.1;
- (c) the following documents, plans and information relating to the proposed **removal** or **deposit** operation:
  - (i) evidence, satisfactory to the **Manager**, that an applicable application for **soil removal** or **fill deposit** has been made under the *Agricultural Land Commission Act*, as amended, and approved by the **Commission**;
  - (ii) a description of the composition and volume of the **soil** to be removed or **fill** to be deposited as prepared by a **Professional Agrologist**;
  - (iii) the street location, legal description and a copy of the title search of the **parcel**;
  - (iv) the consent in writing of the registered owner or owners of the **parcel**;
  - (v) a plan in reasonable detail indicating clearly the location of the proposed **deposit** or **removal** and all pertinent topographic features, including existing buildings, structures, watercourses and tree cover;

- (vi) the depths and proposed slopes which will be maintained upon completion of a **removal** or **deposit**;
- (vii) the methods proposed to control the erosion of the banks of a **removal** or **deposit**;
- (viii) the proposed methods of drainage control for the site during and after a **removal** or **deposit**;
- (ix) the proposed methods of access to the **removal** or **deposit** site during the operation including a scale map of the proposed routing and scheduling of truck and vehicular traffic;
- (x) evidence, satisfactory to the **Manager**, that all requirements have been met under the City's *Boulevard and Roadway Protection and Regulation Bylaw No. 6366*, as amended;
- (xi) evidence, satisfactory to the **Manager**, that all requirements have been met under the City's *Tree Protection Bylaw No. 8057* as amended;
- (xii) the location and size of any buffer zones necessary to provide a visual and sound barrier between the **permit** area and adjacent lands, parks, roads, **highways** and other uses;
- (xiii) the proposed methods of noise and dust control during the **removal** or **deposit** operation, in compliance with the City's *Public Health Protection Bylaw No. 6989*, as amended;
- (xiv) the proposed completion dates for all **removal** or **deposit** operations;
- (xv) where requested by the **Manager**, site plans prepared by a **BC Land Surveyor** or **Professional Engineer** which plans may be required to show or include, without limitation, a statement of the volume of **soil** to be removed or **fill** to be deposited along with the calculations, cross-sections and other data and information used in calculating estimated total volume, site contours, particulars as to the present use and occupancy of the **parcel**, proposed slopes, pertinent topographic features, buildings, highways, watercourses and all other structures, utilities and facilities;
- (xvi) an indemnity in favour of the **City**, in the form prescribed, indemnifying and saving harmless the **City**, its agents, employees, officers and servants, from and against all claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought by reason of, or arising from, the issue by the **City** of a **permit** under this bylaw to conduct the proposed **deposit** or **removal** operation; and

- (xvii) such further and other information as the **Manager** determines is necessary to adequately describe the nature and extent of the **removal** or **deposit** operation.

## 4.2 Security

- 4.2.1 Prior to the issuance of a **permit**, every applicant must deposit with the **City**, security in the form of cash or an unconditional, irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the **Manager**, in an amount equal to Twenty Dollars (\$20.00) per cubic metre of **soil** to be removed or **fill** to be deposited, based on the volume as outlined in the applicable reports submitted under Section 4.1.1 (c)(ii) and Section 4.1.1(c)(xv), to a maximum of Ten Thousand Dollars (\$10,000.00), to ensure full and proper compliance with the provisions of this bylaw and all terms and conditions of the **permit**.
- 4.2.2 That portion of the security deposit not required for the foregoing purposes or to repair damage to **City** property caused by the **removal** or **deposit** operations shall be returned to the applicant upon receipt of a final report, in a form acceptable to the **Manager**, from the **Professional Agrologist** and the **Professional Engineer** providing applicable documentation under Section 4.1.1(c)(ii) and Section 4.1.1(c)(xv) respectively and confirming that all aspects of the original **removal** or **deposit** operation have been fulfilled. Any assessment of damage to **City** property or the costs of necessary repairs will be provided by the General Manager, Engineering & Public Works or designate.

## 4.3 Permit Issuance

- 4.3.1 Subject to Section 4.3.2, where:
- (a) an application for a **permit** complies with the requirements of this bylaw;
  - (b) the proposed **removal** or **deposit** complies with this bylaw and all other applicable **City** bylaws;
  - (c) the proposed **removal** or **deposit** has been approved by the **Commission**; and
  - (d) the **Manager**, having regard to the documents, plans and information submitted with the application for a **permit**, is of the opinion that the **deposit** or **removal** operation can be carried out safely, without undue nuisance or interference to adjacent parcels or the public, or damage or injury to persons or property;
- the **Manager** may issue a **permit**.
- 4.3.2 The **Manager** must not issue a **permit** where the proposed **removal** or **deposit** could reasonably be expected to:
- (a) reduce, damage or otherwise adversely affect the long-term agricultural viability of the **parcel** which is the subject of the **permit** or any adjacent or nearby **parcel**;

- (b) endanger, damage or otherwise adversely affect any adjacent parcel, structure, highway, easement, utility works and services or right-of-way;
- (c) foul, obstruct, impede or otherwise adversely affect any stream, creek, waterway, watercourse, groundwater aquifer, waterworks, ditch, drain, sewer or other established drainage facility; or
- (d) endanger or otherwise adversely affect an environmentally sensitive area.

For the purposes of making a determination under this section, the Manager may require an applicant to obtain a report by a professional engineer, scientist, technician or other person qualified under a Provincial enactment to make an assessment or recommendation on the matter and the Manager may refuse, limit, or impose conditions on a permit based on information or advice provided in such a report or reports.

#### 4.4 Expiry

- 4.4.1 Every permit shall expire twelve (12) months from the date of issue or upon such earlier date as may be specified in the permit.

#### 4.5 Renewal, Extension or Modification

- 4.5.1 If the removal or deposit operations authorized by a permit are not completed before the permit expires, or it becomes necessary to alter or deviate from the particulars of the permit application or drawings submitted for a permit, the Manager may renew, extend or modify the permit upon written request of the permit holder, subject to the following:
  - (a) a permit holder has no vested right to receive an extension, renewal or modification and the Manager may require that a new permit application be submitted;
  - (b) the permit holder shall pay a non-refundable fee of One Hundred Dollars (\$100.00)
  - (c) the application for a renewal, extension or modification is received no later than thirty (30) days before the expiry date of the existing permit;
  - (d) the Manager may renew or extend a permit for an additional period of not more than one (1) year, except where the extraction or processing of aggregate or minerals is being carried out pursuant to a valid permit issued under the Mines Act or other Provincial enactment, in which circumstance a permit may be renewed as required, but continues to be subject to all other terms and conditions of this bylaw and other applicable enactments;
  - (e) the Manager may require that the permit holder provide additional information authorized by this bylaw as a pre-condition to considering an application for a permit renewal, extension or modification; and

- (f) all terms and conditions set out in the original **permit** shall apply to each renewal, extension or modification of the **permit** except as amended or modified by the renewal, extension or modification.

## PART FIVE – REGULATIONS

### 5.1 Regulations

5.1.1 Every **removal** of **soil** or **deposit** of **fill** shall comply with, and every **permit** issued under this bylaw is subject to the observance or fulfilment of, the following requirements, restrictions and regulations, to the satisfaction and approval of the **Manager**:

- (a) no **soil removal** or **fill deposit** activities may be carried out between the hours of 8:00 p.m. and 7:00 a.m. the following morning;
- (b) no **soil removal** or **fill deposit** activities may be carried out on a Sunday or any statutory holiday;
- (c) every vehicle used for hauling **soil** or **fill** shall be properly licensed and insured and in compliance with all applicable laws and regulations governing the use and operation of the vehicle on a **highway**;
- (d) every load of **soil** or **fill** shall be fully and properly covered so as to prevent **soil**, **fill** or dust from blowing or falling from the vehicle;
- (e) all damage to drainage facilities, natural watercourses, **highways** or other public or private property shall be promptly and properly repaired to the satisfaction of the **Manager** at the expense of the **permit** holder;
- (f) all streams, creeks, waterways, natural watercourses, groundwater aquifers, waterworks, ditches, drains, sewers or other established drainage facilities shall be kept free of all **soil** or **fill** arising from or caused by the **removal** or **deposit** operations;
- (g) no **removal** or **deposit** greater than One-half (0.5) metres in depth shall be undertaken within Two and One-half (2.5) metres of any utility pole, pipeline, structure or **highway** or below overhead wires without giving prior notice to and receiving written approval from the **City** or other authority having jurisdiction;
- (h) no **removal** or **deposit** shall be undertaken on a **highway**, statutory right-of-way or easement without first obtaining the permission in writing of the **City** or other authority having jurisdiction over such **highway** or statutory right-of-way;
- (i) all structures or excavations erected or made in connection with a **removal** or **deposit** operation shall be temporary in nature and shall be removed forthwith upon completion of the operation;



- (j) all hazards or potential hazards arising from the **removal** or **deposit** operation shall be adequately fenced or otherwise protected for the safety of the public;
- (k) during and upon completion of every **removal** or **deposit** operation, the boundaries of all adjacent **parcels**, **highways**, rights-of-way and easements shall be protected from erosion or collapse and from run-off of water or mud;
- (l) all **stockpiles** of **soil** or **fill** shall be confined to the locations prescribed in the **permit** and shall be maintained so that they do not adversely affect or damage adjacent **parcels** or cause a nuisance to any person;
- (m) all **removal** or **deposit** operations must not encroach upon, undermine, damage or endanger any adjacent **parcels** or any setback area prescribed in the **permit** or a bylaw; and
- (n) all **removal** or **deposit** operations shall be limited only to the area specified in the **permit** which shall be clearly marked at the site and such markings maintained for the duration of the **permit**.

5.1.2 The **Manager** may issue a **permit** subject to the observance or fulfilment of additional conditions specified in the **permit** which in the opinion of the **Manager** are necessary to achieve the purposes of this bylaw.

## PART VI – ADMINISTRATION

### 6.1 Right of Entry for Inspection

6.1.1 Subject to any requirements of a **Provincial enactment**, the **Manager** is hereby authorized at all reasonable times to enter upon and inspect any **parcels** to determine whether the requirements, restrictions, regulations, terms, conditions and directions of this bylaw or a **permit** are being observed. For certainty, any entry by the **Manager** to a site that is a “mine” for the purposes of the *Mines Act* must be conducted in compliance with the entry provisions of the Health, Safety and Reclamation Code for Mines in British Columbia under the *Mines Act*.

6.1.2 No person shall prevent or obstruct or attempt to prevent or obstruct the **Manager** from entering upon **parcels** as authorized by Section 6.1.1.

### 6.2 Notice of Non-compliance

6.2.1 The **Manager** may give notice to any person of a breach of, or non-compliance with, any of the provisions of this bylaw or a **permit** issued thereto and such person shall immediately cease all **soil removal** or **fill deposit** activities until such breach or non-compliance is remedied to the satisfaction of the **Manager**, and every owner of a **parcel** shall refuse to permit the further **removal** of **soil** or **deposit** of **fill** from or upon the **parcel** until such time as the breach or non-compliance is remedied to the satisfaction of the **Manager**.

### 6.3 Failure to Remedy Non-Compliance

6.3.1 In the event that any person having received notice of breach fails within the time specified therein to remedy such breach, the City or its appointed agents may enter upon the parcel or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered in the same manner as municipal taxes.

### 6.4 Suspension or Cancellation of Permit

6.4.1 If:

- (a) there is a contravention of any term, condition, requirement or restriction of this bylaw or a **permit** issued under this bylaw; or
- (b) a **permit** was issued under this bylaw on the basis of statements made in the permit application or a report, declaration or record required under this bylaw, that were false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;

the **Manager** may:

- (i) suspend in whole or in part the rights of the **permit** holder under the **permit**;
- (ii) cancel the **permit**; or
- (iii) amend or attach new conditions to a **permit** with the written consent of the **permit** holder.

### 6.5 Right of Reconsideration

6.5.1 Where an applicant or owner of a **parcel** is subject to a requirement or a decision made by the **Manager** under this bylaw and is dissatisfied with the requirement or decision, the applicant or owner may apply to the General Manager, Engineering and Public Works for reconsideration of the matter within 30 days of the requirement or decision being communicated to them.

6.5.2 An application for reconsideration must be delivered in writing to the City Clerk and must set out the grounds upon which the applicant considers the requirement or decision of the **Manager** inappropriate and what, if any, requirement or decision the applicant or owner considers the General Manager, Engineering and Public Works ought to substitute.

6.5.3 The General Manager, Engineering and Public Works may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the requirement or decision of the **Manager** or substitute its own requirement or decision.

**PART SEVEN – OFFENCES AND PENALTIES**

**7.1 Offences and Penalties**

7.1.1 Any person who contravenes or violates any provision of this bylaw or any **permit** issued under this bylaw or who suffers or allows any act or thing to be done in contravention or violation of this bylaw or any **permit** issued under this bylaw, or who fails or neglects to do anything required to be done under this bylaw or any **permit** issued under this bylaw, commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars (\$10,000.00) and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

**PART EIGHT – SEVERABILITY AND CITATION**

**8.1 Severability**

8.1.1 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

**8.2 Citation**

8.2.1 This Bylaw is cited as “Soil Removal And Fill Deposit Regulation Bylaw No. 8094”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

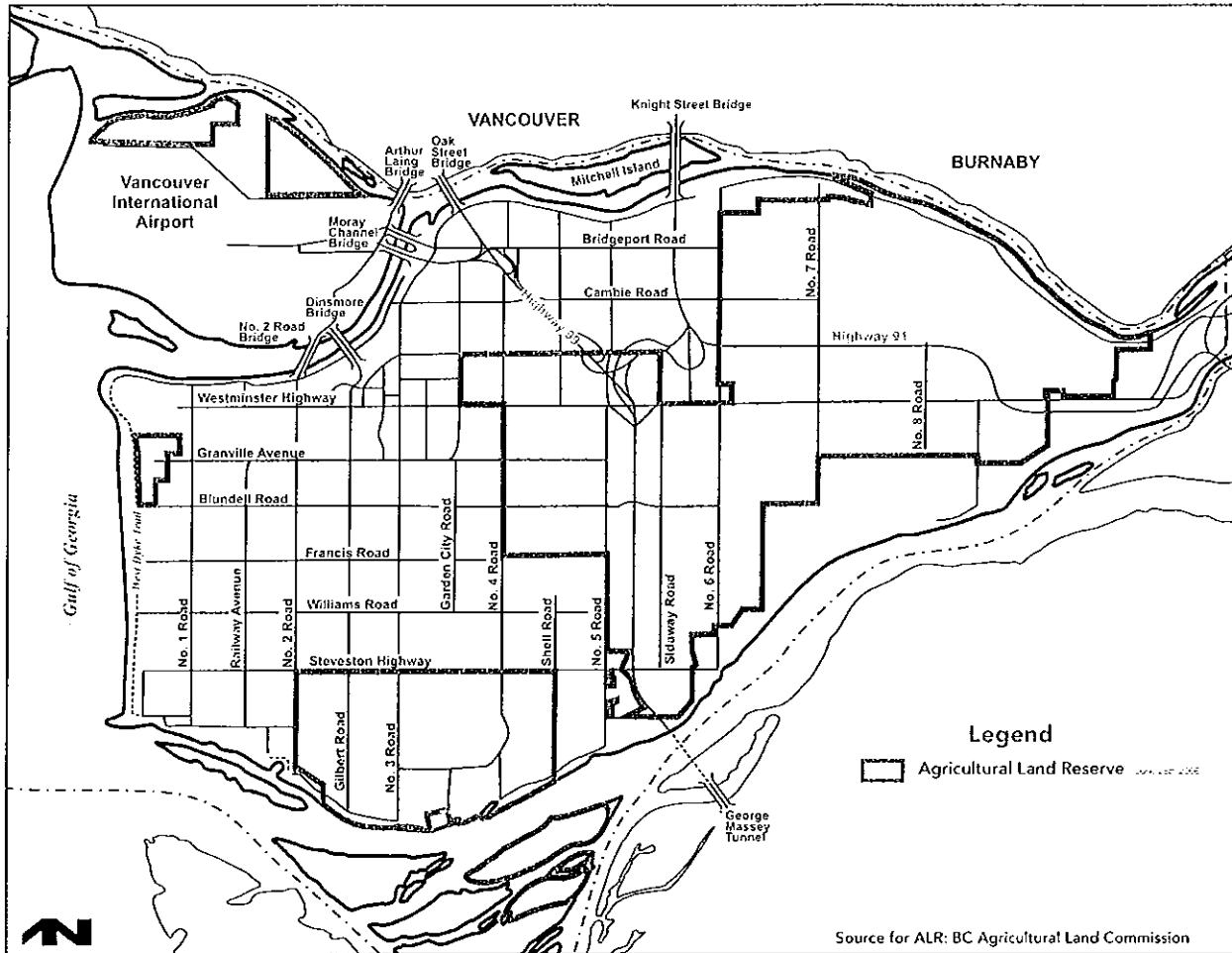
_____	CITY OF RICHMOND
_____	APPROVED for content by originating dept.
_____	APPROVED for legality by Solicitor
_____	

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

SCHEDULE A TO BYLAW NO. 8094

Agricultural Land Reserve  
City of Richmond



**SCHEDULE B to BYLAW NO. 8094**

**Notice of Soil Removal or Fill Deposit  
Existing Farm Operations - Agricultural Land Reserve**

Notice to remove soil

Notice to deposit fill

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

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

Telephone: (B) \_\_\_\_\_ (C) \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Address of Property, or Legal Description \_\_\_\_\_  
\_\_\_\_\_

Current Use of Property: \_\_\_\_\_  
\_\_\_\_\_

Adjacent Uses:      North: \_\_\_\_\_ East: \_\_\_\_\_  
                                 South: \_\_\_\_\_ West: \_\_\_\_\_

Purpose of Project (reference *Guidelines for Farm Practices Involving Fill (BC Ministry of Agriculture and Lands)*)

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

Volume: \_\_\_\_\_ cubic metres      Depth \_\_\_\_\_ metres

**Declaration:** I/We declare that:

- the information provided in this document is true and correct, to the best of my/our knowledge, and
- that any fictitious or misleading information that I/we provide may be a violation of the City of Richmond Soil Removal and Fill Deposit Regulation Bylaw No 8094 and punishable by a fine of up to \$10,000.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Print name*



SCHEDULE C to BYLAW NO. 8094

Application for Soil Removal / Fill Deposit
Proposed Farm or Non-Farm Operations - Agricultural Land Reserve

Application to remove soil

Application to deposit fill

Owner: Agent:
Address: Address:
Telephone: (B) Telephone: (B)
(C) (C)
(F) (F)
Email: Email:

Address of Property or Legal Description
Size of Property / Parcel: hectares
Current Use of Property:

Adjacent Uses: North: East: South: West:
Total Project Area: hectares
Volume of Soil or Fill: cubic metres
Depth of Soil or Fill: metres
Duration of Project: weeks / months

Type of Soil / Fill Material (reference Guidelines for Farm Practices Involving Fill (BC Ministry of Agriculture and Lands))

Purpose of Project (reference Guidelines for Farm Practices Involving Fill (BC Ministry of Agriculture and Lands))

Proposed Reclamation Measures (for soil removal projects)

**Application for Soil Removal / Fill Deposit  
Proposed Farm or Non-Farm Operations - Agricultural Land Reserve**

Has a Professional Agrologist reviewed the project and provided a written report?  Yes  No  
(If yes, please attach a copy of the report)  
(If no, please explain why) \_\_\_\_\_  
\_\_\_\_\_

Has a Professional Engineer reviewed the project and provided a written report?  Yes  No  
(If yes, please attach a copy of the report)  
(If no, please explain why) \_\_\_\_\_  
\_\_\_\_\_

Are you hereby undertaking to provide a security deposit as outlined in Section 4.2.1 of the City's Soil Removal and Fill Deposit Regulation Bylaw No 8094 (deposit is required to be in place before any permit is issued)  Yes  No

Have all requirements been met under the following City Bylaws:  
Boulevard and Roadway Protection and Regulation Bylaw No. 6366  Yes  No  
Tree Protection Bylaw No. 8057  Yes  No  
Public Health Protection Bylaw No. 6989  Yes  No  
(If yes for any, please attach confirmation)  
(If no for any, please explain why) \_\_\_\_\_  
\_\_\_\_\_

- Please attach the following documents:
- Copy of Submission to Agricultural Land Commission
  - Certificate of Title or Title Search Print
  - Map or sketch of parcel showing the proposed project
  - Map of Routing and Schedule for Vehicular Traffic
  - Any photographs
  - Other Documents as Required under Section 4.1

**Declaration:** I/We declare that:  
• the information provided in this document is true and correct, to the best of my/our knowledge, and  
• that any fictitious or misleading information that I/we provide may be a violation of the City of Richmond Soil Removal and Fill Deposit Regulation Bylaw No 8094 and punishable by a fine of up to \$10,000.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Print name*