



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** October 19, 2015
From: Phyllis L. Carlyle **File:** 12-8060-01/2015-Vol
 General Manager, Law and Community Safety 01
Re: **Soil Management in the Agricultural Land Reserve**

Staff Recommendation

1. That the staff report titled "Soil Management in the Agricultural Land Reserve", dated October 19, 2015, from the General Manager, Law and Community Safety, be received for information.
2. That the Soil Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002 be introduced and given first, second and third readings; and
3. That the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003 be introduced and given first, second, and third readings.

Phyllis L. Carlyle
 General Manager, Law & Community Safety
 (604-247-4104)

REPORT CONCURRENCE	
ROUTED TO: Law	CONCURRENCE <input checked="" type="checkbox"/>
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

This report provides information on the following Council resolution made at the April 27, 2015 Council meeting:

That staff report titled Soil Management in the Agricultural Land Reserve, dated April 16, 2015, from the General Manager, Law and Community Safety, and the proposed Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002 and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003 be provided to the Agricultural Advisory Committee for comment.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

Maintain emphasis on community safety to ensure Richmond continues to be a safe community.

1.1 Policy and service models that reflect Richmond-specific needs.

Analysis

Agricultural Advisory Committee

On May 21, 2015 the Manger of Community Bylaws provided background information to the Agricultural Advisory Committee (AAC) and a summary of the proposed amendments to the Soil Removal and Fill Deposit Regulation Bylaw No. 8094 and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

In providing context, the AAC were advised during the meeting that:

- a ticket (adjudication violation notice) for non-compliance would in many cases be issued to the offending driver of the vehicle;
- past enforcement experience has proven that ticketing the driver was one of the most effective ways to dissuade present and future soil violations;
- land owners would be ticketed where evidence supported a violation, the charge was applicable under the circumstances, and there was a likelihood of conviction; and
- Bylaw Officers would consider ticketing both the property owner and vehicle driver when appropriate and practical.

As a result of the discussion, the AAC carried the following motion unanimously:

1. *That the recommendations in the staff report date April 16, 2015 be supported as presented; and*

2. *Violation notices (tickets) be duplicated and issued to the land owners.*

Proposed Bylaw Amendments

Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002 (“Bylaw 9002”) and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003 (“Bylaw 9003”) (Attachments 1 and 2), would introduce ticketing for illegal soil removal and deposit activities; this would permit the City to further investigate, enforce and penalize contraventions of soil removal and deposit requirements under the City’s bylaw.

Proposed Amendment Bylaw 9002 includes the following clarification and additions:

- a) A clarification that an application fee under the Bylaw 8904 is required in addition to the prescribed application fee under the *Agricultural Land Commission Act*.
- b) To assist Community Bylaw Officers in their investigative duties, an addition to the bylaw would require that a driver or alleged violator provide their name, address or valid photo identification. Currently, there are no provisions in the bylaw that require this cooperation; without this authority, the ability for Bylaw Officers to conduct timely soil investigations has been hampered.
- c) The offences and penalties section of Bylaw 8094 is amended to permit violation tickets to be issued for non-compliance with certain provisions in Bylaw 8094, including requirements under a permit process.

Proposed Bylaw 9003 sets out the amount of the penalties for violation tickets which range from \$175.00 to \$525.00. Currently, the City is only able to pursue violations of Bylaw 8094 through Provincial Court prosecution, which remains a lengthy and expensive process.

Recent Information on Soil Enforcement

Soil Watch

The City’s Soil Watch program, which was implemented on January 29, 2013, continues to provide a portal to report soil violations in the Agricultural Land Reserve (ALR). The program has raised awareness regarding soil offences in the community and assists staff with identifying violations.

Complaints of Illegal Soil Fill		
2013	2014	2015
42	26	25*

*to end of September

In 2015, with the additional funds Council approved, the City contracted the services of an agrologist. The agrologist is assisting in streamlining the permit process, monitoring soil sites for illegal activity and identifying contaminated soil areas.

The Agricultural Land Commission

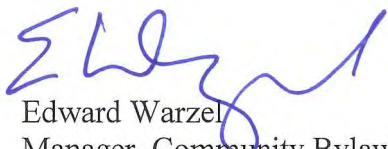
Previously, the AAC had expressed to Council that the Committee was opposed to any type of soil permitting system in the ALR. Recently, the BC Ministry of Agriculture has suggested the City act as an agent for the Agricultural Land Commission. In the past, the ALC advised that the City would have to abide by the ALC's policies if Council assumed the ALC's responsibility in relation to activity in the ALR. On October 7, 2013 the option of acting as an agent for the ALC was presented to Council.

Financial Impact

None.

Conclusion

This report provides information on the proposed recommendations for amendments to the current Soil Removal and Fill Deposit Regulation Bylaw No. 8094 and the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 that would introduce an ability to ticket offenders and have those tickets addressed through the adjudication program, rather than the courts. The adoption of the amendment bylaws will not only address many of the identified soil deposit concerns, but also balance the needs of the different communities of interest in the ALR lands. Staff is recommending adoption of these bylaw amendments.



Edward Warzel
Manager, Community Bylaws
(604-247-4601)

- Att. 1: Amendment Bylaw No. 9002
2: Amendment Bylaw No. 9003

(EBW) :ew



**Soil Removal and Fill Deposit Regulation Bylaw No. 8094,
Amendment Bylaw No. 9002**

The Council of the City of Richmond enacts as follows:

1. Soil Removal and Fill Deposit Regulation Bylaw No. 8094, as amended, is further amended:

(a) by deleting paragraph 4.1.1(a) and substituting the following:

“(a) a non-refundable application fee of Six Hundred Dollars (\$600) for the purposes of the **permit** application under this bylaw, together with the prescribed application fee under the *Agricultural Land Commission Act*.

(b) by adding the following after section 5.1.2:

“5.2 Identification

5.2.1 Upon request by the **Manager** or a **City** Bylaw Enforcement Officer:

(a) the driver or operator of a vehicle or any equipment being used for **deposit** or **removal** activity, or the person in charge of the vehicle or equipment, shall provide his or her full name and current address (including photo identification to verify this information), the full name and current address of the owner of the vehicle or equipment, the full name and current address of the person directing the **deposit** or **removal** activity, and the addresses of the **parcel** or **parcels** to or from which the **deposit** or **removal** is being transported; and

(b) a person who has allegedly contravened any provision of this bylaw shall provide his or her full name and current address and photo identification to verify this information.”

(c) by adding the following after section 7.1.1:

“7.1.2 A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

7.1.3 A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60.*"

2. This Bylaw is cited as "Soil Removal and Fill Deposit Regulation Bylaw No. 8094, Amendment Bylaw No. 9002".

FIRST READING

SECOND READING

THIRD READING

MINISTER APPROVALS

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>SL</i>
APPROVED for legality by Solicitor <i>D</i>

MAYOR

CORPORATE OFFICER



Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003

The Council of the City of Richmond enacts as follows:

- 1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following after section 1.1(1):
“(n) Soil Removal and Fill Deposit Regulation Bylaw 8094, as amended,”
2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding to the end of the table in Schedule A of Bylaw No. 8122 the content of the table in Schedule A attached to and forming part of this bylaw.
3. This Bylaw is cited as “Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9003.”

FIRST READING

SECOND READING

THIRD READING

ADOPTED

Four horizontal lines for signature or stamp.

CITY OF RICHMOND
APPROVED for content by originating Division
E.W.
APPROVED for legality by Solicitor
D

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 9003

SCHEDULE A to BYLAW NO. 8122

Designated Bylaw Contraventions and Corresponding Penalties

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
			n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Soil Removal and Fill Deposit Regulation Bylaw 8094 (2007)	Soil deposit or removal without valid permit	3.1.2	No	\$ 500.00	\$ 475.00	\$ 525.00	n/a
	Not complying with term or condition of permit	3.1.2	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or fill between the hours of 8:00 p.m. and 7:00 a.m.	5.1.1(a)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Deposit or remove soil or fill on a Sunday or any statutory holiday	5.1.1(b)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failing to properly license and insure vehicle used for hauling soil or fill	5.1.1(c)	No	\$200.00	\$175.00	\$225.00	n/a
	Failing to cover soil or fill to prevent blowing or falling from vehicle	5.1.1(d)	No	\$300.00	\$275.00	\$325.00	n/a
	Failing to repair damage to drainage, watercourse, highway or other property	5.1.1(e)	No	\$500.00	\$ 475.00	\$ 525.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Failing to keep drainage or watercourse free of soil or fill	5.1.1(f)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Removal or deposit greater than 0.5 metre within 2.5 metre of utility pole, pipeline, structure or highway without approval	5.1.1(g)	No	\$500.00	\$475.00	\$525.00	n/a
	Removal or deposit soil or fill on highway, statutory right-of-way or easement without permission	5.1.1 (h)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failure to remove temporary structures	5.1.1 (i)	No	\$200.00	\$175.00	\$225.00	n/a
	Failure to adequately fence or protect hazards	5.1.1 (j)	No	\$500.00	\$ 475.00	\$ 525.00	n/a
	Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 (k)	No	\$300.00	\$275.00	\$325.00	n/a
	Stockpiling soil or fill other than location in permit or causing damage or nuisance	5.1.1 (l)	No	\$300.00	\$275.00	\$325.00	n/a
	Allow soil to encroach, undermine, damage or endanger adjacent property or setback area	5.1.1 (m)	No	\$400.00	\$375.00	\$425.00	n/a

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Driver fail to provide required information	5.2.1(a)	No	\$200.00	\$175.00	\$225.00	n/a
	Person fail to provide name, address or photo identification	5.2.1(b)	No	\$200.00	\$175.00	\$225.00	n/a
	Prevent or obstruct entry by Manager	6.1.2	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to comply with notice of non-compliance	6.2.1	No	\$500.00	\$475.00	\$525.00	n/a