



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** March 30, 2021
From: Cecilia Achiam **File:** 12-8080-12-01/Vol 01
 General Manager, Community Safety
Re: **Proposed New Soil Deposit and Removal Bylaw No. 10200**

Staff Recommendation

1. That each of the following Bylaws be introduced and given first, second and third readings:
 - a) Soil Deposit and Removal Bylaw No. 10200;
 - b) Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw 10192;
 - c) Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw 10193; and
 - d) Consolidated Fees Bylaw No. 8636, Amendment Bylaw 10194.
2. That staff report back to Council in two years to provide a status update regarding the implementation and enforcement results following adoption of Soil Deposit and Removal Bylaw No. 10200.
3. That the Consolidated 5 Year Financial Plan (2021-2025) be amended to include the temporary Soil Bylaw Officer position, which will be funded by an increase in permit and volume fees.

Cecilia Achiam
 General Manager, Community Safety
 (604-276-4122)

Att. 9

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
Building Approvals	<input checked="" type="checkbox"/>
Engineering	<input checked="" type="checkbox"/>
Finance	<input checked="" type="checkbox"/>
Law	<input checked="" type="checkbox"/>
Parks Services	<input checked="" type="checkbox"/>
Policy Planning	<input checked="" type="checkbox"/>
Sustainability & District Energy	<input checked="" type="checkbox"/>
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO	

Staff Report

Origin

During the July 6, 2020, General Purposes meeting, the Committee made the following referral:

That staff examine the potential size of bonds in relation to soil fill applications.

During the February 8, 2021, Council Meeting, Council made the following referral:

That staff be directed to consult with the Food Security and Agricultural Advisory Committee and report back with a proposed bylaw for adoption; and

That further options and rationale for potential security deposits be provided.

This report supports Council's Strategic Plan 2018-2022 Strategy #2 A Sustainable and Environmentally Conscious City:

Environmentally conscious decision-making that demonstrates leadership in implementing innovative, sustainable practices and supports the City's unique biodiversity and island ecology.

2.1 Continued leadership in addressing climate change and promoting circular economic principles.

2.2 Policies and practices support Richmond's sustainability goals.

2.3 Increase emphasis on local food systems, urban agriculture and organic farming.

Analysis

At the February 8, 2021 Council meeting, staff provided the report "Draft New Soil Deposit and Removal Bylaw", dated January 11, 2021 (Attachment 1). Following discussions, Council provided a referral to staff to consult with the Food Security and Agricultural Advisory Committee (FSAAC) and other stakeholders, to reconsider recommendations for security bonds and bring forward a new bylaw for adoption. In response to this, and following consultation with FSAAC, staff have finalized the Soil Deposit and Removal Bylaw No.10200 (the "Proposed Soil Bylaw") intended to replace Soil Removal and Fill Deposit Regulation Bylaw No. 8094 (the "Current Soil Bylaw").

The Proposed Soil Bylaw is intended to strengthen the existing regulatory framework and will cover all lands in the City. Moving forward with the Proposed Soil Bylaw allows the City to modernize regulations and ensure that the fees collected reflect the cost to the City. Regulations and requirements within the Proposed Soil Bylaw will continue to provide support and enhance protection for Council endorsed strategies such as the Ecological Network Management Strategy, Farming First Strategy, Flood Protection Management Strategy 2019 and the Invasive Species Action Plan.

In order to support the Proposed Soil Bylaw, amendments are also proposed to the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 and the Municipal Ticket Information Authorization Bylaw No. 7321. In addition, this report identifies proposed amendments to the Consolidated Fees Bylaw No. 8636 in response to Council's referral for an increase to the refundable security deposit. These changes are described further in the sections below.

As noted above, staff have consulted with FSAAC as per Council direction. In addition, staff have also consulted with the B.C. Cranberry Growers Association and staff from the Agricultural Land Commission (ALC), Ministry of Agriculture, Food and Fisheries, Ministry of Energy, Mines and Low Carbon Innovation, and the Ministry of Environment and Climate Change Strategy. The following sections identify comments received from stakeholder organizations and Provincial ministries.

As a result of consultation, revisions to the draft bylaw were added in several areas relating to exemptions for legitimate farm practices. These changes, along with significant changes between the City's Current Soil Bylaw and the Proposed Soil Bylaw are summarized in Attachment 2.

Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw 10192

The Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 provides the Soil Bylaw Officer with the authority to issue administrative penalties of up to \$500, while providing an adjudication process for a person found to be in non-compliance to appeal a ticket/settle disputes.

Staff are proposing a number of amendments and additional ticketing measures be added to Bylaw Violation Dispute Adjudication Bylaw No. 8122. The proposed ticketing measures (Attachment 3) are a response to the enhanced enforcement measures introduced within the Proposed Soil Bylaw. The additional measures will improve the enforcement tools that may be utilized by staff in attempting to obtain compliance.

Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw 10193

The current Municipal Ticket Information Authorization Bylaw No. 7321 (the "MTI Bylaw") does not provide staff the means to issue fines for Soil Bylaw related issues. Staff are proposing to add measures within the MTI Bylaw that provides staff the authority to issue fines of \$1000. The new fines (Attachment 4) will provide staff additional enforcement measures as an option, although staff will continue to rely on education and voluntary compliance as a first step. Fines under the MTI Bylaw are forwarded to Provincial court should a dispute arise.

Consolidated Fees Bylaw No. 8636, Amendment Bylaw 10194

As per Council directive, staff have reviewed the security deposit collected by the City for soil deposit/removal permits. Staff proposed that the City increase the current maximum allowable security deposit from \$15,000 to \$200,000. Staff were further directed by Council on February 8, 2021, to review additional options and rationale for potential security deposits.

When assessing new fees for the Proposed Soil Bylaw, staff recognized a need to strike a balance between adopting measures that assist in maintaining compliance with the Proposed Soil Bylaw while at the same time not generating requirements or costs that are so restrictive as to make it impossible for property owners to develop/enhance the agricultural capability of their property. The City's security deposit is typically collected to ensure that the City has access to adequate financial resources to repair City infrastructure.

In addition to the City's security deposit, applicants are required to provide a substantial bond to the ALC prior to projects commencing. The ALC bond is collected to ensure applicants adhere to the terms of the ALC's approval and make certain the ALC has adequate financial security to ensure remediation is undertaken by the property owner if they negatively impact the agricultural capability of the property (e.g. import unapproved soil or other material). ALC bonds for past approved projects have ranged from \$60,000 to \$290,000.

Should Council adopt the recommended security deposit, it is expected that successful applicants will have upfront bond costs exceeding \$200,000 when accounting for the expected City and ALC security deposits. In consideration of the FSAAC motion (noted below) requesting that the City "strengthen enforcement while not impeding farm operations", staff recommends that the City's security deposit be capped at \$200,000 maximum.

Attachment 5 outlines the enhanced fee schedule.

Food Security and Agricultural Advisory Committee Recommendations

As per Council referral, Community Bylaws staff presented the Proposed Soil Bylaw to FSAAC on February 25, 2021. As a result of their review, several members of FSAAC expressed concerns around the clarity of language used to describe exemptions for legitimate farming activities.

Following discussion with the committee's members, staff provided additional language to address the concerns of the committee. The additional language is noted under the 'Additional Exemptions' section below. Following consultation, FSAAC unanimously passed the subsequent motion:

That the Food Security and Agricultural Advisory Committee support the Proposed Soil Deposit and Removal Bylaw as presented with the understanding that this is to strengthen enforcement without impeding farm operations.

B.C. Cranberry Growers Association

In addition to consulting with FSAAC, staff consulted with the B.C. Cranberry Growers Association (the "Association"). Upon their initial review, the Association indicated concerns relative to language within the Proposed Soil Bylaw that could negatively impact the viability of the industry (Attachment 6). Staff responded to the Association's concerns and introduced additional language which acknowledges standard practices within the industry which are permitted as per the Agricultural Land Reserve Use Regulations. The additional language is noted under the 'Additional Exemptions' section.

Subsequent to reviewing the proposed additional language, the Association confirmed in writing their satisfaction with the changes and the Proposed Soil Bylaw (Attachment 7).

Agricultural Land Commission

Staff referred the Proposed Soil Bylaw to the ALC for information purposes as the City does not require ALC approval in order to adopt the Proposed Soil Bylaw. ALC staff did not indicate any concerns that the Proposed Soil Bylaw conflicts with the *ALC Act* and/or ALR Use Regulations.

Ministry of Agriculture, Food and Fisheries

Staff referred the Proposed Soil Bylaw to the Ministry of Agriculture, Food and Fisheries for information purposes as the City does not require that the Ministry provide approval in order to adopt the Proposed Soil Bylaw. Ministry staff appreciated the opportunity to review and did not have any concerns with the Proposed Soil Bylaw.

Ministry of Energy, Mines and Low Carbon Innovation

Staff from the Ministry of Energy, Mines and Low Carbon Innovation has reviewed the Proposed Soil Bylaw. Ministry staff are of the view that the Proposed Soil Bylaw will not require the approval of the Minister as it does not prohibit soil removal.

Ministry of Environment and Climate Change Strategy

Staff from the Ministry of Environment and Climate Change Strategy has reviewed the Proposed Soil Bylaw. Should Council provide third reading for the Proposed Soil Bylaw, the Ministry will be required to review and provide official consent prior to Council adoption of the Proposed Soil Bylaw.

Soil Deposit and Removal Bylaw No. 10200 - Additional Exemptions

Following consultation with FSAAC and the B.C. Cranberry Growers Association, staff have added the following permit exemptions to section 3.3.1, outlining that a permit will not be required if any of the following circumstances apply:

- The deposit or stockpiling of fertilizer, manure, compost, soil conditioners or soil amendments is in accordance with Applicable Laws;
- The deposit or removal is in relation to the sale of soil pursuant to a valid and subsisting business license and is in accordance with Applicable Laws;
- The deposit or stockpiling of sand for berry production, if done so in accordance with ALR Regulations; and
- The deposit of soil or other material for the constructing of berms or dikes for producing cranberries, if done so in accordance with ALR Regulations.

Staffing for Soil Bylaw Enforcement

The Proposed Soil Bylaw will modernize and strengthen the regulations with respect to authorized and unauthorized soil and non-soil material deposition and soil removal within the City. As such, staff anticipate that additional staff time may be required to ensure appropriate enforcement throughout the City and that sufficient oversight of approved projects is maintained. Staff propose that temporary enforcement staff be utilized to assist the City's full-time Soil Bylaw Officer, should it become necessary, to ensure timely inspection as the volume of work increases. This decision will be reviewed during a two year review period to ascertain the effectiveness and necessity for additional resources and to determine if further funding is warranted as part of the budget process.

Financial Impact

Revenue from increased permit and volume fees is expected to range between \$50,000 to \$200,000 depending on implementation and demand for permits. It is proposed that this funding is used to offset costs of temporary enforcement staff as required. Utilizing temporary staff will ensure that there will be no impact on the budget and will provide management the opportunity to assess the workload and demand for staff time. The costs for a temporary Soil Bylaw Officer position will be approximately \$27,500 for the last three months of the year which will be funded through permit and volume fees. The Consolidated 5 Year Financial Plan (2021-2025) will be amended accordingly, as per budget policy.

Attachments 8 and 9 identify the proposed increases to permit fees and the proposed volume fee.

Conclusion

Staff recommend that Soil Removal and Fill Deposit Regulation Bylaw No. 8094 be repealed and replaced with Soil Deposit and Removal Bylaw No. 10200. In addition, staff recommend adoption of Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw 10192, Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw 10193 and the Consolidated Fees Bylaw No. 8636, Amendment Bylaw 10194.



Carli Williams, P.Eng.
Manager, Business Licence and Bylaws
(604-276-4136)



Mike Morin
Soil Bylaw Officer
(604-204-8625)

- Att. 1: RTC re. Draft New Soil Deposit and Removal Bylaw (11 Jan 2021)
- Att. 2: Table of Changes
- Att. 3: Administrative Measures Penalties for Soil Bylaw contraventions
- Att. 4: Ticketing Measures for Soil Bylaw contraventions
- Att. 5: Security Deposit fee schedule
- Att. 6: B.C. Cranberry Growers Association letter to Mayor and Council (23 Feb 2021)

March 30, 2021

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Att. 7: B.C. Cranberry Growers Association letter to Mayor and Council (05 Mar 2021)

Att. 8: Proposed Soil Deposit/Removal Application Fee and Security Deposit

Att. 9: Proposed Volume Fees



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** January 11, 2021
From: Cecilia Achiam
 General Manager, Community Safety **File:** 12-8080-12-01/Vol 01
Re: **Draft New Soil Deposit and Removal Bylaw**

Staff Recommendation

1. That the report titled "Draft New Soil Deposit and Removal Bylaw", dated January 11, 2021, from the General Manger, Community Safety, be received for information; and
2. That staff be directed to consult with the Food Security and Agricultural Advisory Committee and report back with a proposed bylaw for adoption.

Cecilia Achiam
 General Manager, Community Safety
 (604-276-4122)

Att. 6

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
Engineering	<input checked="" type="checkbox"/>
Law	<input checked="" type="checkbox"/>
Building Approvals	<input checked="" type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>
Policy Planning	<input checked="" type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>
Finance	<input checked="" type="checkbox"/>
SENIOR STAFF REPORT REVIEW	INITIALS:
	MO
APPROVED BY CAO	

Staff Report

Origin

The current Soil Removal and Fill Deposit Regulation Bylaw No. 8094 (the “Current Soil Bylaw”) is applicable to lands within the Agricultural Land Reserve (ALR) only. Staff have undertaken a detailed review of the Current Soil Bylaw and determined that there are a number of opportunities to strengthen how the City of Richmond regulates soil deposition and removal throughout the City. In addition, at the General Purposes meeting on July 6, 2020, it was requested that:

staff examine the potential size of bonds in relation to soil fill applications.

This report supports Council’s Strategic Plan 2018-2022 Strategy #2 A Sustainable and Environmentally Conscious City:

Environmentally conscious decision-making that demonstrates leadership in implementing innovative, sustainable practices and supports the City's unique biodiversity and island ecology.

2.1 Continued leadership in addressing climate change and promoting circular economic principles.

2.2 Policies and practices support Richmond's sustainability goals.

2.3 Increase emphasis on local food systems, urban agriculture and organic farming.

Analysis

Staff have reviewed the Current Soil Bylaw and determined that there are a number of opportunities to strengthen the existing regulatory framework and application beyond lands within the ALR. Staff review indicated that the security deposit, application and renewal fees collected under the Current Soil Bylaw are not sufficient given the scope and size of current and proposed projects. In addition, the regulations within the Current Soil Bylaw do not provide staff the ability to issue penalties to property owners depositing unacceptable soil or other material for unsanctioned projects. Staff have coordinated with Planning and Engineering staff, who are continuing with their ongoing work to support agriculture in Richmond and the management of soil deposition, to ensure that the changes in the Proposed Soil Bylaw are in support of Council objectives. Strengthening regulations within the Proposed Soil Bylaw will serve to protect Council endorsed strategies such as the Environmentally Sensitive Areas Management Strategy, Agricultural Viability Strategy, and the Invasive Species Action Plan.

As a result of the staff review and in response to the request from the General Purposes Committee, staff have reviewed the Current Soil Bylaw and drafted a new Soil Deposit and Removal Bylaw (the “Proposed Soil Bylaw”) to replace the Current Soil Bylaw for discussion and consultation. The Proposed Soil Bylaw is attached to this report as Attachment 1.

Moving forward with the Proposed Soil Bylaw allows the City to modernize regulations and ensure that the fees collected reflect the cost to the City. In preparing the Proposed Soil Bylaw, staff consulted and received feedback from the Agricultural Land Commission (ALC), Ministry of Agriculture, Ministry of Environment & Climate Change Strategy, Ministry of Energy, Mines, and Petroleum Resources (MEMPR). As the regulatory regime for natural resources is a specialized discipline, the City retained external legal counsel (Borden Ladner Gervais) experienced in establishing soil bylaws to provide advice on the Proposed Soil Bylaw. Both internal and external legal counsel have reviewed the Proposed Soil Bylaw.

The Food Security and Agricultural Advisory Committee (FSAAC) provides comments on the application submissions for soil deposition and removal in the ALR and have made observations and comments for regulatory and enforcement improvements. The Proposed Soil Bylaw has taken into consideration two motions passed in 2020 by the advisory committee. The FSAAC unanimously recommended a review of the Soil Bylaw and that it include applying requirements to properties exempt from the ALR Regulations (e.g. less than 2 acres). In addition, FSAAC strongly recommended that staff review the exemption in the Current Soil Bylaw for soil deposition of 100 m³ or less per year.

The following sections provide a description of how the Proposed Soil Bylaw would address the issues previously identified and overall improvements to the City's approach to regulating soil deposit and removal. The proposed changes are described in more detail in Attachment 2.

Exemptions in the Current Soil Bylaw

There are a number of exemptions within the Current Soil Bylaw that limit the ability of the City to ensure that agricultural lands within the City are not negatively impacted by authorized and unauthorized filling. Such exemptions include:

- allowing property owners to import 100 cubic metres of soil per year without requiring a permit;
- allowing the deposition of non-soil material including asphalt, concrete and construction waste;
- allowing the importation of soil to construct access roads; and
- allowing soil to be moved between contiguous parcels.

Each of these items are typically regulated by the ALC but do not require a permit from the City under the regulations in the Current Soil Bylaw. Also of note, under the current system, projects require Council approval only when approval by the ALC is required. The Proposed Soil Bylaw will require that all proposals exceeding 600m³ on ALR lands (when required as per the *ALC Act* and ALR Regulations) and on non-ALR lands must be approved by Council.

In addition, the Current Soil Bylaw applies only to lands within the ALR. The exclusion of non-ALR lands from the Current Soil Bylaw has allowed some property owners to fill unabated, potentially impacting neighbouring lands. Regulating non-ALR lands will allow the City to require permits and ensure that drainage and geotechnical concerns are addressed prior to importation or removal of soil or other material. In addition, regulating soil and other material

deposition on non-ALR lands will ensure the appropriate material is deposited and that such work does not negatively impact neighbouring lands and City infrastructure.

One permit exemption that will remain is for the placement and removal of preload material on non-ALR Lands due to the temporary nature of these operations. The Proposed Soil Bylaw will continue to regulate soil and other material deposition and soil removal from properties in the ALR to ensure that the City's regulations regarding farm homeplate and agricultural areas are respected.

Soil Deposit/Removal Permit Fees and Security Deposit

As directed by Council, staff have reviewed the security deposit collected by the City with respect to soil deposit/removal permits. The current refundable security deposit collected by the City prior to permit issuance is relatively low and may not provide adequate protection or incentive for permit holders to respect permit conditions or the regulations in the Current Soil Bylaw. Staff are proposing that the City increase the current maximum allowable security deposit of \$15,000 to \$200,000. This will bring the City in line with municipalities within the Lower Mainland and Fraser Valley (listed for comparison in Attachment 3).

In addition, staff recommend that the City increase the application fee from \$600 to \$1,000 to assist in offsetting the cost to the City for assessing proposals. The proposed fee increase would be the first increase since the Current Soil Bylaw was adopted in 2007. These fees would be reflected in an amendment to Consolidated Fees Bylaw No. 8636, subject to Council approval.

Proposed Volume Fee

The Proposed Soil Bylaw introduces the requirement for an applicant to provide a non-refundable volume fee to the City, which is to be collected prior to issuance of a soil deposit and/or removal permit. This requirement is in keeping with other municipalities within the region and will be implemented on a per cubic metre basis (comparison shown in Attachment 4). The fee will be used to offset the costs of monitoring on-going projects, which typically increase with project size.

Distinct within the proposed volume fee structure is that projects that import soil from outside of Richmond will be required to provide a higher volume fee to the City. Staff view this as an opportunity to provide an incentive for soil deposit site operators to source soil from Richmond through approved development projects within the City.

The volume fees proposed for Richmond, if approved, would be the highest in the region. However, based on information collected through past surveys of industry representatives, tipping fees being collected in Richmond are also the highest in the region. This is due to Richmond's proximity to major land development projects. When compared as a percentage of tipping fees, the volume fee proposed to be collected by Richmond is comparatively less than other municipalities. Based on projects approved by Council in 2020, revenue generated for the City could range from approximately \$50,000 to \$150,000.

Enhanced Ticketing and Increased Fines

There are two bylaws that provide authority to issue tickets for bylaw offences. The Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 provides the Soil Bylaw Officer the authority to issue administrative penalties of up to \$500, while providing an adjudication process for a person to appeal a ticket/settle disputes. However, there are currently no provisions in the Municipal Ticket Information Authorization Bylaw No. 7321 to issue fines for Current Soil Bylaw related issues. Best practice in bylaw enforcement is to have ticketing authority in both bylaws.

The Proposed Soil Bylaw will include modernized language and fines that reflect changes to Provincial regulations. Cities are now permitted to seek fines of up to \$50,000 when pursuing bylaw prosecution in Provincial Court. The Proposed Soil Bylaw will include a \$50,000 maximum fine and also a minimum fine amount. This is similar to the City's approach with other property related bylaws. Taken together the new ticketing provisions and increased fines will provide additional enforcement measures as an option, although staff will continue to rely on education and voluntary compliance as a first step.

Food Security and Agricultural Advisory Committee Recommendations

In 2020, FSAAC unanimously recommended a review of the Current Soil Bylaw and that the review include applying requirements to properties exempt from the ALR Regulations (e.g. less than 2 acres). In addition, FSAAC strongly recommended that staff review the exemption in the Current Soil Bylaw for soil deposition of 100 m³ or less per year.

The Proposed Soil Bylaw removes the exemption within the Current Soil Bylaw that allows for the importation of 100 m³ of soil per year; however, the Proposed Soil Bylaw will allow for up to 14 m³ per year without a permit. This exemption is consistent with soil bylaws in neighbouring municipalities and allows property owners two truckloads of soil per year. In addition, measures added within the Proposed Soil Bylaw will serve to better protect ALR properties that are less than 2 acres that may not be subject to the *ALC Act* and/or ALR Regulations.

This report proposes that staff receive direction from Council to consult with FSAAC on all of the regulations in the Proposed Soil Bylaw and report back with a bylaw for enactment.

Review and Inspection of Soil Deposit Permits

The Proposed Soil Bylaw continues to apply the rigorous application requirements and inspection process undertaken by the City when assessing soil deposit or removal applications. All soil deposit and removal proposals requiring approval will continue to require professional oversight and review by a Geotechnical Engineer, Drainage Engineer, Agrologist (should the property be in the ALR), and other professionals as required. Such reviews and reporting requirements, including analysis on the impact of the soil deposition on the capillary action and crop type capability, is intended to ensure that the proposed project will not negatively impact the subject property, neighbouring lands and City infrastructure. For lands in the ALR, oversight and reporting requirements provided by an Agrologist will assist in ensuring the proposal

identifies and provides supporting evidence that the project will deliver an agricultural benefit and that other options, other than soil deposition/removal, have been considered.

The reliance on professionals occurs at both the application phase and throughout the deposition or removal operation. The Soil Bylaw Officer, in conjunction with other City staff, review applications, prepare reports to Council when required and ensure that all inspection and reporting protocols are followed at all times. This includes the detailed protocol established for the “Kavanagh Project” at 14791 Westminster Highway. A list of the City’s application requirements are summarized in Attachment 5. Inspection and project oversight requirements are listed in Attachment 6 for information.

Financial Considerations

If the measures contemplated in the Proposed Soil Bylaw are approved by Council, the revenue is anticipated to increase even if the volume of permit remains stable. The increase would be due to increased permit fees, the addition of a volume fee and increased revenues from expanded ticketing. These fees would offset the costs currently being incurred by the City to administer, monitor and regulate soil movement. Each of these potential impacts to revenue are summarized below in Table 1.

Table 1 – Summary of Proposed Revenue Increase


	Collected in 2020	Annual Estimate if Proposed Soil Bylaw is Enacted
Application Fees	\$7,000	\$10,000
Tickets and Fines	\$4,000	\$10,000
Volume Fee	N/A	\$50,000 to \$150,000

Financial Impact

None.

Conclusion

In conjunction with direction from Council and FSAAC, staff have identified a number of opportunities to strengthen the City’s approach to regulating soil deposit and removal. These measures include: modernizing the bylaw, closing unintended loop holes, expanding the requirement of permits beyond ALR lands, adjusting application fees to reflect cost recovery and increasing fines and penalties to promote compliance. Staff recommend that the Proposed Soil Bylaw described in this report be presented to FSAAC for input and that staff report back with a bylaw for adoption.



Carli Williams, P.Eng.
 Manager, Business Licence and Bylaws
 (604-276-4136)

January 11, 2021

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Att. 1: Draft New Soil Bylaw

Att. 2: Comparison of Current Soil Bylaw to Proposed Soil Bylaw

Att. 3: Proposed Soil Deposit/Removal Application Fee and Security Deposit

Att. 4: Proposed Volume Fees

Att. 5: Soil Deposit and Removal Application Requirements Checklist

Att. 6: City Inspection and Project Oversight Protocols and Requirements

Comparison of Current Soil Bylaw to the Proposed Soil Bylaw

Part	Section	Proposed Change in New Soil Bylaw	Current Soil Bylaw No. 8094
1	Application	To apply to all lands (ALR & non-ALR) in the City.	Only applies to lands within the ALR.
2	Definitions		
	Deposit	Language is expanded so that the deposit of other material, not just soil, is regulated	Language applies only to soil and does not reference other material (ie. construction waste).
	End Site	A defined term so that all sites receiving soil or other material will be regulated. Term employed within the Bylaw to delineate from 'Source Site'	Not defined.
	Environmentally Sensitive Area	Means those areas designated for the purpose of protecting and enhancing the environmental resources and ecosystem services which are critical components in maintaining the City's natural attributes and liveability as designated by the 2041 Official Community Plan.	Not defined.
	Fill	Term is removed and replaced by more specific definitions of soil and other material.	Means a deposit comprised of soil or permitted material or combination thereof.
	Other Material	A new term that includes, but is not limited to, woodwaste, construction and demolition waste, masonry rubble, concrete, asphalt, glass, unchipped lumber, drywall, biological waste, organic waste, including any materials listed in the <i>Solid Waste and Recycling Regulation Bylaw No. 6803</i> , but does not include soil.	Not defined.
	Preload	Means soil deposited on a property to increase the substrate's bearing capacity to support the designed loads of a proposed building or structure on the property.	Not defined.
	Riparian Management Area	Has the meaning ascribed to it in the Zoning Bylaw.	Not defined.

	Security Deposit	Means a deposit in the form of cash, cheque or an unconditional, irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the General Manager.	Not defined.
	Soil	means topsoil, cobbles, boulders, sand, gravel, rock, silt, clay, peat, or any other substance of which land is naturally composed, above bedrock, but does not include Other Material.	Means topsoil, sand, gravel, rock, silt, clay, peat or any other substance of which land is composed, or any combination thereof.
	Stop Work Order	Means a written or verbal notification ordering the owner and permittee (if different from the owner) to stop the deposit and/or removal activities.	Not defined.
	Watercourse	Has the meaning ascribed to it in the Zoning Bylaw.	Not defined.
3.2	Deposit of Other Material	Adding language that allows the City to regulate the deposition of non-soil material ("Other Material").	Not defined. Bylaw does not provide staff the authority to fine or issue a stop work and/or removal order when construction waste has been deposited on properties in the ALR.
3.3	General Permit Exemptions	Permit exemption limit capped at 14 cubic metres of soil over the course of a calendar year.	100 cubic metres per calendar year.
		Permit exemption limit reduced to 0.25 metres in depth when depositing 14 cubic metres of soil over the course of a calendar year.	1 metre in depth.
		Permit exemption provided when the deposit or removal is in relation to the sale of soil pursuant to a valid and subsisting business license and is in accordance with Applicable Laws.	Floriculturist or horticulturist not required to obtain a permit prior to depositing and/or removing material on lands owned by that person or business and in connection with such trade or business.
		Exemption amended such that material can be deposited or removed only for maintenance or repair of an access road, driveway, paved parking area, berm, or dike on private property.	Allows a property owner to import material 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”.
		Exemption amended such that the deposit or removal is exempted if undertaken by the City or a Governmental Authority.	Permit exempted if material is required “for the construction, maintenance or repair of utility works within a highway or municipal works, by or on behalf of the City”.
3.3	General Permit Exemptions	Exemption amended such that the deposit or removal involves the movement of soil existing within the boundaries of a single property.	Permit exempted if moving “existing soil within the boundaries of a single parcel or contiguous parcels of land”.
		Exemption amended such that the deposit or stockpiling of woodwaste is exempted if done so in accordance with the provisions of the <i>Code of Practice for Agricultural Environmental Management</i> .	Permit exempted if it “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”.
		Exemption added: “The deposit or stockpiling of fertilizer, manure, compost, soil conditioners or soil amendments is in accordance with Applicable Laws.”	N/A
		Exemption added: “The deposit or stockpiling of sand for berry production, if done so in accordance with ALR Regulations.”	N/A
		Exemption added: “The deposit of soil or other material for the constructing of berms or dikes for producing cranberries, if done so in accordance with ALR Regulations.”	N/A
		Exemption added: “The deposit is undertaken within a landfill and is in compliance with all applicable laws”.	N/A
		Added language within the ‘General Permit Exemption’ section that stipulates that permit exemptions do not apply within an Environmentally	N/A

		<p>Sensitive Area, Riparian Management Area, Watercourse and/or deposition or removal of soil or other material violates any Environmental Laws.</p> <p>In addition, that general permit exemptions granted under the Bylaw do not apply to a subject property that is non-compliance with any City bylaws.</p>	
3.5	Council Resolution	A Council resolution shall be required for proposals exceeding 600m ³ on ALR lands (when required as per the <i>ALC Act</i> and ALR Regulations) and on non-ALR lands.	N/A
4.1	Permit Application Requirements	<p>Application fee:</p> <ul style="list-style-type: none"> • Less than 100 cubic metres - \$0 • 100 to 600 cubic metres - \$600 • Exceeding 600 cubic metres - \$1,000 <p>To be specified in the Consolidated Fees Bylaw.</p>	Application fee - \$600.
		Formal language added regarding requirement to provide a drainage plan prepared by Professional Engineer.	N/A
		Formal language added regarding requirement to provide a geotechnical report prepared by Professional Engineer.	N/A
		Formal language added regarding requirement to provide a report prepared by a Qualified Agrologist for properties in the ALR.	Current language: "A description of the composition and volume of the soil to be removed or fill to be deposited as prepared by a Professional Agrologist".
		Formal language added regarding requirement to provide a Farm Plan prepared by a Qualified Agrologist for properties in the ALR.	N/A
4.2	Security Deposit	\$5.00 per cubic metre (\$200,000 max.; \$15,000 min.). To be specified in the Consolidated Fees	\$15,000 maximum.

		Bylaw.	
4.3	Depositing of Soil and Other Material and Removal of Soil	Soil importation/removal will be restricted on weekends and statutory holidays unless specifically exempted in the permit. Hours to be restricted between 7:00pm and 7:00am.	Soil importation/removal currently restricted on Sundays and statutory holidays. Hours currently restricted between 8:00pm and 7:00am.
4.4	Permit Issuance - Volume Fee	Adopting a non-refundable volume fee to be collected from the applicant by the City to be collected on permits issued over 100 cubic metres. To be specified in the Consolidated Fees Bylaw.	N/A
4.7	Permit Renewal, Extension, or Modification	Permit Renewal Fee - \$300. To be specified in the Consolidated Fees Bylaw.	Permit Renewal Fee - \$100.
7.1	Enforcement	Formalizes the Stop Work Order and Removal Order process and remediation requirement.	Current process allows City to issue an order to cease activities and require a remedy to obtain compliance.
7.1.1	Enforcement - Application Fee	Application fee to be twice the amount if application is submitted following the unauthorized deposit of soil or other material or soil removal.	N/A
7.1.4	Enforcement - Payment for Remedial Works	If the City carries out works, the owner of the subject property will reimburse the City for the City's cost of carrying out such works, plus a 20% administrative fee.	Current language does not allow the City to recover administrative or overhead costs for carrying out remedial works on the owner's behalf.
9.1.1	Offences and Penalties	Clause added to allow for issuance of Municipal Ticket Information, with fines of \$1,000 per offence.	Currently only Bylaw Violation Notices can be issued.
9.1.2	Offences and Penalties - Bylaw Prosecution	\$50,000 maximum fine; \$1,000 minimum.	\$10,000 maximum fine; no minimum.

SCHEDULE A to BYLAW NO. 10192

Schedule – Soil Deposit and Removal Bylaw No. 10200							
Designated Bylaw Contraventions and Corresponding Penalties							
A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Period of Time from Receipt (inclusive)	n/a	n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Deposit or remove soil without a valid permit or approval	3.1.1	No	500.00	475.00	525.00	n/a
	Deposit other material without a valid permit or approval	3.2.1	No	500.00	475.00	525.00	n/a
	Failure to pay a security deposit deficiency	4.2.2	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 f	No	500.00	475.00	525.00	n/a
	Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 g	No	500.00	475.00	525.00	n/a
	Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 h	No	500.00	475.00	525.00	n/a

Schedule – Soil Deposit and Removal Bylaw No. 10200

Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Deposit soil or other material over well or private sewage disposal system	4.3.1 i	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material between the hours of 7 00 p.m. and 7 00 a.m.	4.3.1 j	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 k	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 l	No	500.00	475.00	525.00	n/a
	Making a false statement	4.5.1	No	500.00	475.00	525.00	n/a
	Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 a	No	500.00	475.00	525.00	n/a
	Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 b	No	500.00	475.00	525.00	n/a
	Failure to remove a temporary structure	5.1.1 c	No	500.00	475.00	525.00	n/a

Schedule – Soil Deposit and Removal Bylaw No. 10200

Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Failure to adequately fence or protect hazards	5.1.1 d	No	500.00	475.00	525.00	n/a
	Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 e	No	500.00	475.00	525.00	n/a
	Allow soil or other material to encroach, undermine, damage or endanger adjacent property or setback area	5.1.1 f	No	500.00	475.00	525.00	n/a
	Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 g	No	500.00	475.00	525.00	n/a
	Failure to post the permit placard	5.1.1 h	No	500.00	475.00	525.00	n/a
	Deposit or removal interferes with a hydrological function	5.1.1 i	No	500.00	475.00	525.00	n/a
	Prevent or obstruct entry by the General Manager	6.1.1	No	500.00	475.00	525.00	n/a
	Failure to maintain or provide records	6.1.2	No	500.00	475.00	525.00	n/a
	Failure to comply with a stop work order	7.1.1	No	500.00	475.00	525.00	n/a

Schedule – Soil Deposit and Removal Bylaw No. 10200

Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Failure to cease activities	7.1.1 a	No	500.00	475.00	525.00	n/a
	Failure to correct a contravention	7.1.1 b	No	500.00	475.00	525.00	n/a
	Failure to remove soil or other material	7.1.1 c	No	500.00	475.00	525.00	n/a
	Failure to remediate	7.1.1 d	No	500.00	475.00	525.00	n/a
	Failure to submit an application	7.1.1 e	No	500.00	475.00	525.00	n/a
	Failure to repair damage	7.1.7	No	500.00	475.00	525.00	n/a
	Failure to remove an obstruction	7.1.8	No	500.00	475.00	525.00	n/a
	Failure to clean a highway	7.1.9	No	500.00	475.00	525.00	n/a
	Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	No	500.00	475.00	525.00	n/a

Bylaw No. 10193

SCHEDULE A to BYLAW NO. 10193

SCHEDULE B 11A		
Soil Deposit and Removal Bylaw No. 10200		
Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Deposit or remove soil without a valid permit or approval	3.1.1	1,000
Deposit other material without a valid permit or approval	3.2.1	1,000
Failure to pay a security deposit deficiency	4.2.2	1,000
Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 f	1,000
Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 g	1,000
Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 h	1,000
Deposit soil or other material over well or private sewage disposal system	4.3.1 i	1,000
Deposit or remove soil or other material between the hours of 7 00 pm and 7 00 am	4.3.1 j	1,000
Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 k	1,000
Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 l	1,000
Making a false statement	4.5.1	1,000
Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 a	1,000
Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 b	1,000
Failure to remove a temporary structure	5.1.1 c	1,000
Failure to adequately fence or protect hazards	5.1.1 d	1,000
Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 e	1,000

SCHEDULE B 11A		
Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Allow soil or other material to encroach, undermine, damage, or endanger adjacent property or setback area	5.1.1 f	1,000
Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 g	1,000
Failure to post the permit placard	5.1.1 h	1,000
Deposit or removal interferes with a hydrological function	5.1.1 i	1,000
Prevent or obstruct entry by the General Manager	6.1.1	1,000
Failure to maintain or provide records	6.1.2	1,000
Failure to comply with a stop work order	7.1.1	1,000
Failure to cease activities	7.1.1 a	1,000
Failure to correct a contravention	7.1.1 b	1,000
Failure to remove soil or other material	7.1.1 c	1,000
Failure to remediate	7.1.1 d	1,000
Failure to submit an application	7.1.1 e	1,000
Failure to repair damage	7.1.7	1,000
Failure to remove an obstruction	7.1.8	1,000
Failure to clean a highway	7.1.9	1,000
Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	1,000

Bylaw 10194

SCHEDULE A to Bylaw No. 10194

Soil Deposit and Removal Bylaw No. 10200 Fees

Section	Description	Fee
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 100 cubic metres to 600 cubic metres)	\$600.00
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 600 cubic metres)	\$1,000.00
Section 4.2.1	Security Deposit	\$5.00 per cubic metre (\$15,000 minimum to a maximum of \$200,000)
Section 4.4.1 (d)	Volume Fee – Soil Removal	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>within</u> the City)	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>outside</u> the City)	\$2.00 per cubic metre
Section 4.7.1 (b)	Soil and Other Material Deposit or Soil Removal Permit Renewal Fee	\$300.00

B.C. Cranberry Growers Association

21538 - 87B Avenue, Langley, BC V1M 2E6
Tel: 604.309.9868 www.bccranberrygrowers.com

February 23, 2021

Mayor and Council
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Delivered by email: <https://www.richmond.ca/contact/departments/council.htm>

RE: DRAFT NEW SOIL DEPOSIT AND REMOVAL BYLAW

Mayor and Council;

This letter is in response to the above mentioned Draft New Soil Deposit and Removal Bylaw, dated 2021.01.11, directed by your General Manager, Community Safety.

With forty percent of BC's cranberry acreage located in Richmond, the BC Cranberry Growers Association (BCCGA) is concerned that the proposed New Bylaw will threaten and undermine Council's Strategic Plan 2018-2022 Strategy #2: *A Sustainable and Environmentally Conscious City*, namely items 2.1, 2.2 and 2.3:

- 2.1 Continued leadership in addressing climate change and promoting circular economic principles;*
- 2.2 Policies and practices support Richmond's sustainability goals;*
- 2.3 Increase emphasis on local food systems, urban agriculture and organic farming.*

Our concern regards the proposed implementation of application and permitting requirements for the addition of "***clean sand as a top-dress for berry production, if the total annual volume of soil removed or fill placed is 100 m³/ha or less***";. This practice is currently considered an "**Exempted Activity**", under the Placement of Fill or Removal of Soil in the ALR. (ALC Bulletin 07: SOIL OR FILL USES IN THE ALR, March 22, 2019).

Clean sand is used as a widely accepted, cranberry industry best management practice to mitigate and control insect and disease pests, and encourage healthy cranberry root establishment. If the BCCGA interprets the proposed bylaw correctly, the changes proposed would add prohibitive expense to an accepted agronomic practice that growers would avoid or postpone, reducing the health and viability of their operation.

Depth of sand applied for agronomic benefit per application is generally limited to ¾ to 1" and occurs every second or third year, not appreciably changing the soil profile and certainly not "dumping" of soil as we believe Council or the FSAAC is concerned about.

B.C. Cranberry Growers Association

21538 - 87B Avenue, Langley, BC V1M 2E6

Tel: 604.309.9868 www.bccranberrygrowers.com

We hope this input regarding the proposed New Bylaw is useful in your deliberations and that it conforms with Council's Sustainability Strategy.

Sincerely,



Michael Wallis
Executive Director

- cc. Cecilia Achiam, GM, Community Safety;
. Carli Williams, Manager, Business Licenses & Bylaws;
. Kelly Greene, MLA Richmond-Steveston;
. Henry Yao, MLA Richmond Centre;
. Aman Singh, MLA Richmond-Queensborough

B.C. Cranberry Growers Association

21538-87B Avenue, Langley, BC V1M 2E6

Tel: 604.309.9868 www.bccranberrygrowers.com

March 5, 2021

Mayor and Council
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Delivered by email: <https://www.richmond.ca/contact/departments/council.htm>

RE: DRAFT NEW SOIL DEPOSIT AND REMOVAL BYLAW

Mayor and Council;

This letter pertains to correspondence submitted February 23, 2021, in relation to the City of Richmond's proposed new soil deposit and removal bylaw.

That letter addressed concerns regarding language and intent of the new bylaw, raising industry concerns that commonly accepted agricultural practices would be impacted by permit requirements and tipping fees.

I would like to thank the City's quick response from staff regarding this issue, explaining and clarifying both the language and intent of the proposed bylaw. Your staff, particularly Mike Morin, Soil Bylaw Officer, reached out immediately to address our concerns in an urgent and professional manner.

The BC Cranberry Growers Association appreciate Richmond's recognition of the importance of the cranberry industry within its municipal boundaries and looks forward to many more years of cooperative sustainability.

Yours truly



Michael Wallis
Executive Director

- cc. Cecilia Achiam, GM, Community Safety;
- . Carli Williams, Manager, Business Licenses & Bylaws;
 - . Kelly Greene, MLA Richmond-Steveston;
 - . Henry Yao, MLA Richmond Centre;
 - . Aman Singh, MLA Richmond-Queensborough

Local Government Application Fee and Security Deposit Table

Local Government	Application Fee	Security Deposit	Permit Renewal Fee
Richmond	\$600	\$15,000 max.	\$100
Richmond (proposed)	\$0 - up to 99m ³ \$600 - 100 to 600m ³ \$1,000 - Over 600m ³	\$5.00 per m ³ (\$15,000 min. to \$200,000 max)	\$0 - up to 99m ³ \$300 - 100 to 600m ³ \$500 - Over 600m ³
Abbotsford	No amount charged	\$10,000 + \$5,000 per ha (\$15,000 min. to \$100,000 max.)	No amount charged
Chilliwack	\$250	\$5,000 max.	No amount charged
Delta	\$500 (non-ALR lands) \$100 (ALR lands)	\$0.50 per m ³ (\$100,000 max.)	\$500 (non-ALR lands) \$100 (ALR lands)
Maple Ridge	\$50 - Up to 350m ³ \$350 - 351 to 5,000m ³ \$750 - Over 5,000m ³	\$1,000 - up to 350m ³ \$5,000 min. - over 350m ³ \$2.00 per m ³ for up to 20,000m ³ \$1.00 per m ³ over 20,000m ³	\$50 - up to 350m ³ \$175 - over 350m ³ \$375 - over 5,000m ³
Pitt Meadows	\$250	\$5.00 per m ³ (no max.)	\$100
Surrey	\$741	\$5.00 per m ³	\$741 \$281 - permit transfer fee
Township of Langley	\$250 - Up to 600m ³ \$500 - Over 600m ³	\$5.00 per m ³ (\$1,000 min.)	\$500

Notes: A security deposit is typically refundable unless drawn upon by the City to address issues of non-compliance or damage to City infrastructure due to soil deposit and/or removal operations.

COR staff most recent review of Soil Bylaws from neighbouring municipalities occurred in July 2020

Local Government Volume Fee Table

Local Government	Volume Fee (per m ³) *Typical load equals 7m ³	Approximate Tipping Fee (\$ per load)	Volume Fee as a Percentage of Tipping Fee
Richmond	No amount charged	\$75-\$100	0%
Richmond (proposed)	\$1.00 (removal) (\$7.00 per load) \$1.00 (deposit) Soil sourced within Richmond (\$7.00 per load) \$2.00 (deposit) Soil sourced from outside of Richmond (\$14.00 per load)	\$75-\$100	9.3%-7% 9.3%-7% 18.6%-14%
Abbotsford	\$0.67 (\$4.69 per load)	\$35-\$50	13%-9%
Chilliwack	\$0.50 (\$3.50 per load)	\$35-\$50	10%-7%
Delta	\$0.50 (\$3.50 per load)	\$50-\$70	7%-5%
Maple Ridge	\$0.50 (\$3.50 per load)	Unknown	Unknown
Pitt Meadows	\$0.50 (\$3.50 per load)	Unknown	Unknown
Surrey	\$0.57 (for removal) (\$3.99 per load)	Unknown	Unknown
Township of Langley	\$1.00 (\$7.00 per load)	\$50-\$70	14%-10%

Notes: The City of Richmond, unlike surrounding municipalities, does not currently collect a 'volume fee'. A 'volume fee' is paid directly by the permit holder to Local Government on a per cubic metre basis and should not be mistaken with a 'tipping fee'.

A 'tipping fee' is typically paid by the contractor and/or soil source site operator to the property owner/permit holder to deposit soil on the owner's property. Tipping fees are variable and can be wide ranging throughout the region as the tipping fee amount is based on the soil source location in proximity to the approved soil deposit site, type of soil, and season.

The percentage indicated in Column 3 outlines the approximate amount of income other municipalities collect as a percentage of what the property owner may receive per load via the 'tipping fee'.

COR staff most recent review of Soil Bylaws from neighbouring municipalities occurred in July 2020



**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,
Amendment Bylaw No. 10192**

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:
 - (a) deleting the reference to the “Soil Removal and Fill Deposit Regulation Bylaw 8094, as amended;” and
 - (b) adding the following to section 1.1 in alphabetical order:

“Soil Deposit and Removal Bylaw No. 10200, as amended;”

2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Schedule A by deleting Schedule – Soil Removal and Fill Deposit Regulation No. 8094, in its entirety.
3. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding the content of the table in Schedule A attached to and forming part of this bylaw as “Schedule - Soil Deposit and Removal Bylaw No. 10200” to Schedule A of Bylaw No. 8122, in alphabetical order.
4. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10192”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>LS</i>

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 10192

Schedule – Soil Deposit and Removal Bylaw No. 10200							
Designated Bylaw Contraventions and Corresponding Penalties							
A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Period of Time from Receipt (inclusive)	n/a	n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Deposit or remove soil without a valid permit or approval	3.1.1	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit other material without a valid permit or approval	3.2.1	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to pay a security deposit deficiency	4.2.2	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 (f)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 (g)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 (h)	No	\$500.00	\$475.00	\$525.00	n/a

Schedule – Soil Deposit and Removal Bylaw No. 10200

Designated Bylaw Contraventions and Corresponding Penalties

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Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Deposit soil or other material over well or private sewage disposal system	4.3.1 (i)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material between the hours of 7:00 p.m. and 7:00 a.m.	4.3.1 (j)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 (k)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 (l)	No	\$500.00	\$475.00	\$525.00	n/a
	Making a false statement	4.5.1	No	\$500.00	\$475.00	\$525.00	n/a
	Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 (a)	No	\$500.00	\$475.00	\$525.00	n/a
	Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 (b)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remove a temporary structure	5.1.1 (c)	No	\$500.00	\$475.00	\$525.00	n/a

Schedule – Soil Deposit and Removal Bylaw No. 10200

Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Failure to adequately fence or protect hazards	5.1.1 (d)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 (e)	No	\$500.00	\$475.00	\$525.00	n/a
	Allow soil or other material to encroach, undermine, damage or endanger adjacent property or setback area	5.1.1 (f)	No	\$500.00	\$475.00	\$525.00	n/a
	Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 (g)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to post the permit placard	5.1.1 (h)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or removal interferes with a hydrological function	5.1.1 (i)	No	\$500.00	\$475.00	\$525.00	n/a
	Prevent or obstruct entry by the General Manager	6.1.1	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to maintain or provide records	6.1.2	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to comply with a stop work order	7.1.1	No	\$500.00	\$475.00	\$525.00	n/a

Schedule – Soil Deposit and Removal Bylaw No. 10200

Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Soil Deposit and Removal Bylaw No. 10200	Failure to cease activities	7.1.1 (a)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to correct a contravention	7.1.1 (b)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remove soil or other material	7.1.1 (c)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remediate	7.1.1 (d)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to submit an application	7.1.1 (e)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to repair damage	7.1.7	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remove an obstruction	7.1.8	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to clean a highway	7.1.9	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	No	\$500.00	\$475.00	\$525.00	n/a



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 10193**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by adding Schedule A attached to and forming part of this bylaw as a new Schedule B 11A of Bylaw No. 7321, in alphabetical order.
2. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10193**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>LB</i>

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 10193

SCHEDULE B 11A		
Soil Deposit and Removal Bylaw No. 10200		
Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Deposit or remove soil without a valid permit or approval	3.1.1	\$1,000
Deposit other material without a valid permit or approval	3.2.1	\$1,000
Failure to pay a security deposit deficiency	4.2.2	\$1,000
Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 (f)	\$1,000
Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 (g)	\$1,000
Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 (h)	\$1,000
Deposit soil or other material over well or private sewage disposal system	4.3.1 (i)	\$1,000
Deposit or remove soil or other material between the hours of 7:00 pm and 7:00 am	4.3.1 (j)	\$1,000
Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 (k)	\$1,000
Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 (l)	\$1,000
Making a false statement	4.5.1	\$1,000
Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 (a)	\$1,000
Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 (b)	\$1,000
Failure to remove a temporary structure	5.1.1 (c)	\$1,000
Failure to adequately fence or protect hazards	5.1.1 (d)	\$1,000
Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 (e)	\$1,000

SCHEDULE B 11A		
Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Allow soil or other material to encroach, undermine, damage, or endanger adjacent property or setback area	5.1.1 (f)	\$1,000
Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 (g)	\$1,000
Failure to post the permit placard	5.1.1 (h)	\$1,000
Deposit or removal interferes with a hydrological function	5.1.1 (i)	\$1,000
Prevent or obstruct entry by the General Manager	6.1.1	\$1,000
Failure to maintain or provide records	6.1.2	\$1,000
Failure to comply with a stop work order	7.1.1	\$1,000
Failure to cease activities	7.1.1 (a)	\$1,000
Failure to correct a contravention	7.1.1 (b)	\$1,000
Failure to remove soil or other material	7.1.1 (c)	\$1,000
Failure to remediate	7.1.1 (d)	\$1,000
Failure to submit an application	7.1.1 (e)	\$1,000
Failure to repair damage	7.1.7	\$1,000
Failure to remove an obstruction	7.1.8	\$1,000
Failure to clean a highway	7.1.9	\$1,000
Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	\$1,000



**Consolidated Fees Bylaw No. 8636,
Amendment Bylaw No. 10194**

The Council of the City of Richmond enacts as follows:

1. The Consolidated Fees Bylaw No. 8636, as amended, is amended by adding Schedule A attached to and forming part of this bylaw as a new schedule to Consolidated Fees Bylaw No. 8636, in alphabetical order.
2. This Bylaw is cited as “**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10194.**”

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>LS</i>

MAYOR

CORPORATE OFFICER

SCHEDULE A to Bylaw No. 10194

Soil Deposit and Removal Bylaw No. 10200 Fees

Section	Description	Fee
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 100 cubic metres to 600 cubic metres)	\$600.00
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 600 cubic metres)	\$1,000.00
Section 4.2.1	Security Deposit	\$5.00 per cubic metre (\$15,000 minimum to a maximum of \$200,000)
Section 4.4.1 (d)	Volume Fee – Soil Removal	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>within</u> the City)	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>outside</u> the City)	\$2.00 per cubic metre
Section 4.7.1 (b)	Soil and Other Material Deposit or Soil Removal Permit Renewal Fee	\$300.00



Soil Deposit and Removal Bylaw No. 10200

The Council of the City of Richmond enacts as follows:

CITY OF RICHMOND

SOIL DEPOSIT AND REMOVAL BYLAW

NO. 10200

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**Soil Deposit and Removal Bylaw
No. 10200**

The Council of the City of Richmond enacts as follows:

PART ONE: APPLICATION

1. Application

- 1.1 This Bylaw applies to all lands located within the City of Richmond.
- 1.2 Nothing in this Bylaw precludes or relieves a person from complying with any other applicable bylaws of the **City** or all **Applicable Laws**.

PART TWO: DEFINITIONS

2. Definitions

- 2.1 For the purposes of this Bylaw, the following words have the following meanings:

ALC	means the Provincial Agricultural Land Commission established under the <i>ALC Act</i> .
ALC ACT	means the <i>Agricultural Land Commission Act</i> , S.B.C. 2002, c. 36.
ALR	means land designated as an agricultural land reserve under the <i>ALC Act</i> , and includes an agricultural land reserve under a former Act.
ALR PROPERTY	means a Property located in the ALR .
ALR REGULATIONS	means the <i>Agricultural Land Reserve General Regulation</i> , B.C. Reg. 149/2020 and the <i>Agricultural Land Reserve Use Regulation</i> , B.C. Reg. 149/220.
APPLICABLE LAWS	means all enactments, regulations, bylaws, standards, ordinances, codes, rules, orders, judgments, directions, directives, and policies enacted, adopted, issued or published by the City or a Governmental Authority which are applicable in the City .
APPLICANT	means a person who has applied for a Permit .

BUILDING	has the meaning ascribed to it in the <i>Building Regulation Bylaw No. 7230</i> .
BUILDING PERMIT	has the meaning ascribed to it in the <i>Building Regulation Bylaw No. 7230</i> .
CITY	means the City of Richmond.
CITY CLERK	means the person appointed by Council to the position having that name and includes, his or her designates and authorized agents.
CITY PERSONNEL	means the City , its agents, employees, officers and servants.
CONSOLIDATED FEES BYLAW	means the City of Richmond <i>Consolidated Fees Bylaw No. 8636</i> .
COUNCIL	means the municipal council of the City .
DEPOSIT	means the act of temporarily or permanently placing Soil or Other Material on a Property .
END SITE	means a Property approved by the City to accept Soil or Other Material . An End Site (also known as a ‘ Soil Deposit site ’ or ‘fill site’) may also be a Property that has accepted Soil or Other Material without obtaining the necessary approvals from the City or ALC .
ENVIRONMENTAL LAWS	means all Applicable Laws relating to fisheries, public health and safety, occupational health and safety, the protection or preservation of the environment, or the manufacture, operation, processing, distribution, use, treatment, storage, disposal, release, transport, handling, or remediation of contaminants as per the <i>Environmental Management Act</i> , S.B.C. 2003 c. 53, the <i>Canadian Environmental Protection Act, 1999</i> S.C. 1999, c. 33, and the <i>Fisheries Act</i> , R.S.C. 1985, c. F-14, and any other similar Applicable Laws .
ENVIRONMENTALLY SENSITIVE AREA	means those areas designated for the purpose of protecting and enhancing the environmental resources and ecosystem services which are critical components in maintaining the City’s natural attributes and liveability as designated by the <i>2041 Official Community Plan</i> .

GENERAL MANAGER	means the General Manager, Community Safety, his or her designates and authorized agents.
GOVERNMENTAL AUTHORITY	means any government, parliament, legislature, court, administrative or regulatory agency, board, tribunal or commission; any other authority or entity charged with the administration or enforcement of legal requirements or any person under the authority of any of the foregoing, other than the City .
HIGHWAY	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 .
LANDFILL	means a site approved by Council or a Governmental Authority authorized to accept the disposal of Other Material , Soil , or any material approved by a Governmental Authority .
OTHER MATERIAL	includes, but is not limited to, Woodwaste , construction and demolition waste, masonry rubble, concrete, asphalt, glass, unchipped lumber, drywall, biological waste, organic waste, including any materials listed in the <i>Solid Waste and Recycling Regulation Bylaw No. 6803</i> , but does not include Soil .
OWNER	means a person registered in the records of the Land Title Office as the fee simple owner of a Property , including the strata corporation in the case of a Property under strata ownership.
PERMIT	means the written authority granted by the General Manager pursuant to this Bylaw for the Deposit of Soil or Other Material , or the Removal of Soil .
PERMITTEE	means the holder of a Permit .
PRELOAD	means Soil Deposited on a Property to increase the substrate's bearing capacity to support the designed loads of a proposed Building or Structure on the Property .
PROFESSIONAL AGROLOGIST	means an agrologist registered and in good standing with the British Columbia Institute of Agrologists.

PROFESSIONAL ENGINEER	means a professional engineer registered and in good standing with the Engineers and Geoscientists British Columbia and maintaining professional liability and errors and omissions insurance in the amount of not less than \$5,000,000 per occurrence during the term of his or her engagement.
PROPERTY	means any lot, block or other area in which land is held or into which it is subdivided, including unopened road allowances but excluding a Highway .
QUALIFIED ENVIRONMENTAL PROFESSIONAL	means an individual who may serve as a primary qualified environmental professional for the purposes of carrying out part of an assessment under the <i>Riparian Areas Protection Regulation</i> , B.C. Reg. 178/2019.
REMOVE OR REMOVAL	means to take, excavate, or extract Soil from a Property .
RIPARIAN MANAGEMENT AREA	has the meaning ascribed to it in the <i>Zoning Bylaw</i> .
SECURITY DEPOSIT	means a deposit in the form of cash, cheque or an unconditional, irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the General Manager .
SOIL	means topsoil, cobbles, boulders, sand, gravel, rock, silt, clay, peat, or any other substance of which land is naturally composed, above bedrock, but does not include Other Material .
SOURCE SITE	means a Property in which Soil or Other Material is excavated or removed from.
STOCKPILE	means a man-made accumulation of Soil or Other Material held in storage for future use.
STOP WORK ORDER (SWO)	means a written or verbal notification from the General Manager ordering the Owner and Permittee (if different from the Owner) to stop the Deposit of Soil or Other Material and/or Soil Removal activities until further notification from the General Manager .
STRUCTURE	has the meaning ascribed to it in the <i>Building Regulation Bylaw No. 7230</i> .

SUBJECT PROPERTY

means:

- (a) the **Property** upon which the **Deposit** of **Soil** or **Other Material** has occurred or will occur (with or without a **Permit**); or
- (b) the **Property** from which the **Removal** of **Soil** has occurred or will occur (with or without a **Permit**).

TRAFFIC BYLAW

means the City of Richmond *Traffic Bylaw No. 5870*.

WATERCOURSE

has the meaning ascribed to it in the *Zoning Bylaw*.

WOODWASTE

means:

- (a) wood residue, as defined within the *Code of Practice for Agricultural Environmental Management*;
- (b) sawdust, hog fuel, bark, and bark mulch;
- (c) woods chips, slabs, shavings, mill ends, trimmings, edgings; or
- (d) other wood waste which is the result of any manufacturing process involved in the production of lumber or other wood products.

ZONING BYLAW

means the City of Richmond *Zoning Bylaw No. 8500*.

PART THREE: DEPOSITING & REMOVING

3.1 General Permit Requirements

3.1.1 No person shall **Deposit Soil** on or **Remove Soil** from a **Property**, unless:

- (a) that person has been authorized to undertake the **Deposit** or **Removal**, as applicable, by a **Permit**; or
- (b) the person does not require a **Permit** to undertake the **Deposit** or **Removal** pursuant to section 3.3.1.

3.2 Deposit of Other Material

3.2.1 No person shall **Deposit Other Material** on a **Property** unless:

- (a) that person has been authorized to undertake the **Deposit** by a **Permit**; or
- (b) the person does not require a **Permit** to undertake the **Deposit** pursuant to section 3.3.1.

3.2.2 The **General Manager** will only issue a **Permit** authorizing the **Deposit**

of the following **Other Material**:

- (a) concrete rubble which is used to construct roadways and has a maximum diameter of 150 mm;
- (b) asphalt rubble which is used to construct roadways and has a maximum diameter of 25 mm; or
- (c) any **Other Material** as determined by the **General Manager**.

3.2.3 For **Properties** in the ALR, the **General Manager** will only issue a **Permit** authorizing the **Deposit** of **Other Material** as permitted under the *ALC Act* and/or **ALR Regulations**.

3.3 General Permit Exemptions

3.3.1 Subject to section 3.3.2,a **Permit** is not required to **Deposit Soil** or **Other Material** on a **Property**, or **Remove Soil** from a **Property**, if one or more of the following circumstances apply:

- (a) the **Deposit** or **Removal** of **Soil**:
 - (i) will not exceed 14 cubic metres over the course of a calendar year;
 - (ii) does not exceed 0.25 m in height at any point; and
 - (iii) is accessory to a permitted residential use of the **Subject Property** on a non-ALR **Property**;
- (b) the **Deposit** or **Removal** is undertaken by the **City** or a **Governmental Authority**;
- (c) the **Deposit** or **Removal** is specifically authorized by a permit or other approval issued by a **Governmental Authority** in which authority to regulate is granted to that **Governmental Authority** pursuant to **Applicable Laws**;
- (d) the **Deposit** or **Removal**:
 - (i) is, in the opinion of the **General Manager**, necessary to deal with a significant threat to the health, safety, or welfare of the public, on such terms and conditions, as required by the **General Manager**; and
 - (ii) if required by the **General Manager**, payment has been made to the **City** of some or all of the fees set out in Part 4;
- (e) the **Deposit** or **Removal** is required to prepare the bearing capacity of **Soil** for the building of foundations for a **Building(s)** or **Structure(s)** on a non-ALR **Property**;
- (f) the **Deposit** or **Removal** is related to works and services for a subdivision on a non-ALR **Property**;
- (g) the **Deposit** or **Removal** of **Soil** is required for the construction or maintenance of a private sewage disposal system or septic field for which an approval has been granted by the appropriate **Governmental Authority**;

- (h) the **Deposit** or **Stockpiling** of **Woodwaste** is in accordance with the provisions of the *Code of Practice for Agricultural Environmental Management*;
- (i) the **Deposit** or **Stockpiling** of fertilizer, manure, compost, soil conditioners or soil amendments is in accordance with **Applicable Laws**;
- (j) the **Deposit** or **Removal** is in relation to the sale of **Soil** pursuant to a valid and subsisting business license and is in accordance with **Applicable Laws**;
- k) the **Deposit** or **Stockpiling** of sand for berry production, if done so in accordance with **ALR Regulations**;
- l) the **Deposit** of **Soil** or **Other Material** for the constructing of berms or dikes for producing cranberries, if done so in accordance with **ALR Regulations**;
- (m) the **Deposit** or **Removal** is required to maintain or repair an access road, driveway, paved parking area, berm, or dike on private property;
- (n) the **Deposit** or **Removal** involves the movement of **Soil** existing within the boundaries of a single **Property**; or
- (o) the **Deposit** is undertaken within a **Landfill** and is in compliance with all **Applicable Laws**.

3.3.2 Notwithstanding any other section of this Bylaw:

- (a) a **Deposit** or **Removal** which does not require a **Permit** pursuant to section 3.3.1 must comply with section 4.3.1 and sections 5.1.1(a) through 5.1.1(g);
- (b) a **Permit** will be required to **Deposit Soil** or **Remove Soil** to facilitate the **Deposit of Preload** on a **Subject Property** within the **ALR**, unless:
 - (i) a **Building Permit** or development permit for a **Building** or **Structure** to be located on the area of the proposed **Preload Deposit** or **Soil Removal** has been issued by the **City**; and
 - (ii) such **Building Permit** or development permit has not expired or been revoked before the **Soil Deposit** has been completed and the **Preload** has been removed;
- (c) subject to section 3.6.1, general **Permit** exemptions granted under the Bylaw do not apply should the **Deposit** of **Soil** or **Other Material** or **Soil Removal** be undertaken within an **Environmentally Sensitive Area, Riparian Management Area, Watercourse** or violates any **Environmental Laws**;
- (d) general **Permit** exemptions granted under the Bylaw do not apply to a **Subject Property** that is non-compliance with this Bylaw or any **City** bylaws; and

- (e) general **Permit** exemptions granted under the Bylaw do not apply to a **Subject Property** if the **Deposit** or **Removal of Soil** or **Deposit of Other Material** requires **Council** authorization as per **Applicable Laws** or any **City** bylaws.

3.4 Agricultural Land Reserve Permit Exemptions & Requirements

- 3.4.1 A **Permit** is required to **Deposit Soil** on an **ALR Property**, or **Remove Soil** from an **ALR Property**, provided the **General Manager** is of the opinion that the requirement for a **Permit** will not effectively prohibit a **Deposit** or **Removal** which is expressly permitted by the *ALC Act*, the **ALR Regulations**, or an order or approval granted pursuant thereto.
- 3.4.2 A **Permit** will not be issued for a **Deposit** or **Removal** that requires the approval of the **ALC** until the **ALC** has granted such approval.
- 3.4.3 A **Deposit** or **Removal** referred to in section 3.4.2 must be carried out in accordance with any restrictions, limits or conditions specified for the **Deposit** or **Removal** by the **ALC** or its chief executive officer.

3.5 Council Resolution

- 3.5.1 A **Council** resolution shall be required only for:
 - (a) a **Soil Deposit** or **Removal** greater than 600 cubic metres on lands within the **ALR** when required as per the *ALC Act* and **ALR Regulations**; and
 - (b) a **Soil Deposit** or **Removal** greater than 600 cubic metres on lands outside the **ALR**.

3.6 Conflict with Provincial or Federal Law or Other Permit or Approval

- 3.6.1 Notwithstanding anything to the contrary in this Bylaw, a person is exempt from compliance with a section of this Bylaw if compliance would:
 - (a) effectively prohibit an activity which is expressly permitted by a **Governmental Authority** or **Applicable Laws**; or
 - (b) cause the person to contravene a **Governmental Authority** or **Applicable Laws**.

For certainty, compliance with this Bylaw will not effectively prohibit an activity which is expressly permitted by a **Governmental Authority** or **Applicable Laws** if the section merely imposes additional requirements, conditions or restrictions on the activity.

PART FOUR: PERMIT APPLICATION PROCESS

4.1 Permit Application Requirements

- 4.1.1 Unless exempted by the **General Manager**, an application for a **Permit** must:

- (a) be made in the form provided from time to time by the **City** for that purpose;
- (b) be made by the **Owner** of the **Subject Property**, or by an agent of the **Owner**, provided that such agent has been granted written authority to act on behalf of the **Owner**;
- (c) be accompanied by sufficient information, as required or determined as necessary by the **General Manager**, to adequately review and assess the proposed **Soil** or **Other Material Deposit** or **Soil Removal**, including information with respect to land ownership, land use, purpose for **Deposit** or **Removal**, site conditions, **Soil** or **Other Material** characteristics, and proposed **Deposit** or **Removal** methodology;
- (d) include a non-refundable application fee as specified in the **Consolidated Fees Bylaw**, except that an application fee shall not be required for any application proposing to **Deposit** less than 100 cubic metres of **Soil** or **Other Material** or **Remove** less than 100 cubic metres of **Soil**;
- (e) include a Topographic Survey of the **Subject Property**, prepared by a Registered Land Surveyor;
- (f) include a certified Drainage/Irrigation Plan prepared by a **Professional Engineer**;
- (g) include a certified Geotechnical Report prepared by a **Professional Engineer**;
- (h) include, should the **Subject Property** be in the ALR, a report prepared by a **Professional Agrologist** containing some or all of the following, as determined as necessary by the **General Manager**, in relation to the **Subject Property**:
 - (i) legal description, zoning and current land use;
 - (ii) site plan/description including site photos and historical land use of the property;
 - (iii) the **Soil** characteristics/description of the **Subject Property** and current agricultural capability;
 - (iv) **Soil** management rationale/improved agricultural capability following project completion;
 - (v) the benefits that the proposed **Soil Deposit** and/or **Removal** project will provide for agricultural productivity and use;
 - (vi) **Soil** placement plan including an outline of the proposed program for stripping, storing, and redistributing topsoil during and upon completion of the proposed **Deposit** or **Removal** works on the **Subject Property**;
 - (vii) outline any limitations, conditions or recommendations to ensure agricultural integrity is maintained and improved upon completion of the project;

- (viii) proposed duration of the project; and
- (ix) Farm Plan, containing the following:
 - (1) drainage requirements/rationale;
 - (2) irrigation requirements/rationale and water sources;
 - (3) proposed agricultural operator;
 - (4) proposed planting plan with site plan;
 - (5) agricultural improvement cost estimate; and
 - (6) project income statement (5-10 years).
- (i) include certification from a **Professional Agriologist** that the **Soil** to be **Deposited** meets any and all criteria for the intended land use at the **End Site**;
- (j) include the location of the **Source Site(s)** in the case of a **Soil** or **Other Material Deposit**, or the location of the **End Site(s)** to which **Soil** is to be **Removed** to, in the case of **Soil Removal**;
- (k) include an environmental assessment and independent monitoring plan of the operation at the **Subject Property**;
- (l) include a Traffic Management Plan for trucking of **Soil** or **Other Material** to be **Deposited** at or **Removed** from the **Subject Property**;
- (m) include evidence, satisfactory to the **General Manager**, that all requirements have been met under the *Boulevard and Roadway Protection and Regulation Bylaw No. 6366* and *Tree Protection Bylaw No. 8057*;
- (n) include an Erosion and Sediment Control Plan prepared by a **Qualified Environmental Professional** showing sediment control works to be implemented on the **Subject Property** to control the run-off of sediment laden water and to prevent the **Deposit** of **Soil** or **Other Material** onto **Properties** adjacent to the **Subject Property** or into nearby **Watercourses**;
- (o) include copies of any permits and approvals issued by **Governmental Authorities**, and required by **Applicable Laws**, in connection with the proposed **Soil** or **Other Material Deposit** or **Soil Removal** operation at the **Subject Property**;
- (p) include written confirmation from the **Owner** of the **Subject Property** that the **Owner** will waive, remise, release, indemnify and save harmless the **City Personnel** from and against all claims, demands, losses, costs (including legal costs), damages, actions, suits, or proceedings whatsoever brought by reason of, or arising from, the issuance of a **Permit** by the **City** or the proposed **Deposit** of **Soil** or **Other Material** or **Removal** of **Soil**, by or on behalf of the **Owner**;

- (q) with respect only for an application for a **Permit to Deposit Other Material**, include:
 - (i) information satisfactory to the **General Manager** addressing possible concerns regarding the effect of the **Deposit of Other Material** on:
 - (1) the health, safety, or welfare of the public;
 - (2) the short and long term impact (whether positive or negative) on the use of the **Subject Property**;
 - (3) the short and long term impact (whether positive or negative) on the use of **Properties** adjacent to the **Subject Property**; and
 - (r) include any other information, reports, and certifications reasonably required by the **General Manager** to consider an application.

4.1.2 An application will be deemed to have been abandoned if the **Applicant** fails to fully and completely respond to a request by the **General Manager** for documentation or information under this Bylaw within six (6) months of the date the request is made. If the **Applicant** wishes to proceed with the **Deposit of Soil or Other Material**, or the **Removal of Soil**, after any such abandonment, the **Applicant** must, unless exempted in writing by the **General Manager**, submit a new application for a **Permit** and must pay an additional non-refundable application fee as specified in the **Consolidated Fees Bylaw**.

4.2 Security Deposit

- 4.2.1 Prior to the issuance of a **Permit**, every **Applicant** must provide a **Security Deposit** to the **General Manager**. The amount of the **Security Deposit** will be equal to the fee specified in the **Consolidated Fees Bylaw**, based on the approved volume, up to a maximum of two-hundred thousand dollars (\$200,000.00) or a lesser amount as determined by the **General Manager** to be adequate in the circumstances, provided the amount of **Security Deposit** will not be less than fifteen thousand dollars (\$15,000.00) to ensure full and proper compliance with the provisions of this Bylaw and all terms and conditions of the **Permit**.
- 4.2.2 If the **Security Deposit** is not sufficient for the **City** to rectify any contravention of this Bylaw or with the **Permit**, or any other **City** bylaw relevant to the **Deposit or Removal** that is the subject of the **Permit**, the **Owner** of the **Subject Property** will pay any deficiency to the **City** within seven (7) days of receiving a written demand for same from the **City**.
- 4.2.3 If a **Security Deposit** which takes the form of a letter of credit will expire prior to the **Permittee** complying with the provisions of this Bylaw, or prior to the performance of all of the terms and conditions expressed in the **Permit**, the **Permittee** will deliver to the **City**, at least thirty (30) days prior to its expiry, a replacement letter of credit on the same terms as the original letter of credit provided to the **City**, unless otherwise approved by

- the **General Manager**. If the **Permittee** fails to do so, the **City** may realize the letter of credit and hold the **Security Deposit** in lieu thereof.
- 4.2.4 Where the **Security Deposit** is drawn upon for any reason, the **Permittee** will, within fifteen (15) days of receipt of written notice from the **City**, replenish the **Security Deposit** to the amount required by section 4.2.1, unless exempted in writing by the **General Manager**.
- 4.2.5 Upon expiry of the **Permit** (including any renewal thereof), or completion of the project which is the subject of the **Permit**, whichever occurs earlier, the **Permittee**, or if no longer authorized by the **Owner**, the **Owner** of the **Subject Property**, will undertake any activity required by the **General Manager** to ensure that the provisions of this Bylaw, and the terms and conditions of the **Permit**, have been complied with. Such activities may include, but not be limited to, providing the following within thirty (30) days after the earlier of the expiration of the **Permit** or the completion of the project which is the subject of the **Permit**:
- (a) a topographical survey prepared by a Registered Land Surveyor identifying the finished elevations to determine the total quantity of **Soil** or **Other Material Deposited**, or **Soil Removed**, from the **Subject Property**;
 - (b) a final lot grading plan signed and sealed by a **Professional Engineer**;
 - (c) a final report from a **Professional Agrologist** confirming that the **Soil Deposit and/or Removal** project has been completed as per the conditions of the **Permit**;
 - (d) a final report(s) from a **Qualified Environmental Professional** and/or **Professional Engineer**, confirming that the **Soil Deposit** and/or **Removal** project has been completed as per the conditions of the **Permit**; and
 - (e) when applicable, written confirmation from the **ALC** that the project has been completed as per the **ALC** approval.
- 4.2.6 Subject to sections 4.2.7 and 4.2.8, upon final completion of the **Soil Deposit** and/or **Removal** project which is the subject of the **Permit**, the **City** will have up to six (6) months after the earlier of the expiration of the **Permit** and the completion of the **Deposit** and/or **Removal** project covered by the **Permit**, to return the **Security Deposit** with no interest attached. If, after making reasonable efforts, the **City** is unable to locate the individual who provided the **Security Deposit**, a non-refundable administrative fee of \$1,000 will be charged by the **City** and paid from the **Security Deposit** for each year that the **City** retains the **Security Deposit** commencing six (6) months after the earlier of the expiration of the **Permit** and the completion of the **Deposit** or **Removal** project covered by the **Permit**.
- 4.2.7 The **City** will not be required to release any **Security Deposit**, or issue a new **Permit**, or renew an existing **Permit**, until all requirements imposed by the **General Manager** pursuant to section 4.2.5 have been complied with to the satisfaction of the **General Manager**.

- 4.2.8 At the discretion of the **General Manager**, a **Security Deposit** may not be required for a **Permit** issued for the **Deposit of Soil or Other Material** or **Soil Removal** of less than 100 cubic metres.

4.3 **Depositing of Soil and Other Material and Removal of Soil**

- 4.3.1 In addition to any terms and conditions contained in a **Permit**, no person shall **Deposit Soil or Other Material**, or **Remove Soil**, except in accordance with the following requirements, unless exempted in writing by the **General Manager**:
- (a) the slope or any part of an exposed face of any **Deposited Soil or Other Material** will not be greater than the angle of repose necessary for stability of the **Soil or Other Material** in question;
 - (b) the **Deposited Soil or Other Material**, or the **Removed Soil**, will not, in any way, interfere with the hydrological function and drainage pattern or capacity of any adjoining or reasonably adjacent **Properties or Highway** so as to cause flooding of those **Properties, Highway** or malfunctioning of any private sewage disposal system;
 - (c) the **Deposited Soil or Other Material**, or the **Removed Soil**, will not, in any way, foul, obstruct, destroy, impede, divert, or otherwise adversely affect any **Watercourse**, groundwater aquifer, waterworks, drain, sewer or other established drainage facility, whether privately or publicly owned;
 - (d) the **Deposited Soil or Other Material** shall be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system will be installed which is of sufficient capacity and extent to ensure that groundwater and surface run-off will not drain into adjoining **Properties** at greater rates after commencement of the **Deposit** operation than prior to the commencement of the **Deposit** operation;
 - (e) where **Soil or Other Material** is **Deposited** within six (6) metres of a **Property** line, the **Deposited Soil or Other Material** will be graded in such a manner so that the slope of the **Deposit** closest to the **Property** line is not steeper than one (1) metre vertical to four (4) metres horizontal;
 - (f) no **Soil or Other Material** will be **Deposited** within three (3) metres of a **Property** line unless otherwise authorized by the **General Manager**;
 - (g) no **Soil or Other Material** will be **Deposited** over or **Removed** from a **City-owned Property** or a **Highway** without written authorization from the **General Manager** or, if applicable, from the **City or Governmental Authority** with jurisdiction over the **Highway**;
 - (h) no **Soil or Other Material** will be **Deposited** within three (3) metres of any utilities, railway right-of-way or services which may be damaged by any settlement resulting from such **Deposit**, without

first providing the **General Manager** with written authorization to do so from the owner or operator of such utilities, railway right-of-way or services;

- (i) no **Soil** or **Other Material** will be **Deposited** over wells or private sewage disposal systems;
- (j) no **Depositing** of **Soil** or **Other Material** or **Removal** of **Soil** may be carried out between the hours of 7:00 p.m. and 7:00 a.m. on any day;
- (k) no **Depositing** of **Soil** or **Other Material** or **Removal** of **Soil** may be carried out on a Saturday, Sunday, or any statutory holiday unless specifically exempted in the **Permit**; and
- (l) no **Soil** or **Other Material** will be **Deposited** within or **Removed** from an **Environmentally Sensitive Area** or **Riparian Management Area** except in accordance with all **City** bylaws and all **Applicable Laws**.

4.4 **Permit Issuance**

4.4.1 The **General Manager** may issue a **Permit** upon being satisfied that:

- (a) the proposed **Soil** or **Other Material Deposit** or **Soil Removal** complies with all **City** bylaws and all **Applicable Laws**;
- (b) the **Deposit** or **Removal** operation can be carried out safely, without undue nuisance or interference to adjacent **Properties** or the public, or damage or injury to persons or **Property**;
- (c) the **Deposit** or **Removal** operation will not cause a **Governmental Authority** to incur excessive costs to provide public utilities, works, or services to the **Subject Property**, or an adjoining or reasonably adjacent **Property**;
- (d) the **Applicant** has paid the **City** the non-refundable volume fee required under the **Consolidated Fees Bylaw**;
- (e) the **Applicant** has provided proof of general liability insurance coverage in an amount and on terms satisfactory to the **General Manager**; and
- (f) the **Deposited Soil** or **Other Material**, or the **Removed Soil**, will not threaten the health, safety, or welfare of the public or be otherwise contrary to the public interest.

4.4.2 A volume fee may be waived at the discretion of the **General Manager**:

- (a) if the transporting of **Soil** or **Other Material** is undertaken between adjoining **Properties** without impact or utilization of a **Highway**; or
- (b) if a **Permit to Deposit Soil** or **Other Material** or **Remove Soil** is less than 100 cubic metres.

4.4.3 A **Permit** may authorize the processing of **Other Material** on the **Subject Property**, provided this activity is permitted by **Applicable Laws**.

4.5 General Provisions

- 4.5.1 No person will make a false statement in relation to an application for a **Permit** or with respect to any reports or information provided to the **General Manager** or the **City** pursuant to this Bylaw.
- 4.5.2 No **Permit** or any interest in a **Permit** will be transferred or assigned, without the advance written approval of the **General Manager**. Unless such advance approval is provided by the **General Manager**, where an **Owner** sells, transfers, or otherwise disposes of a **Subject Property**, the **Permit** will be revoked and returned to the **General Manager**, and no further **Deposit** or **Removal** will be permitted on the **Subject Property** unless and until a new **Permit** is issued for the **Subject Property**.
- 4.5.3 The **Permittee**, or if the **Permittee** is no longer authorized by the **Owner** of the **Subject Property**, the **Owner** of the **Subject Property**, as applicable, will remove all signage from the **Subject Property** that displays or references the **Permit** within two (2) weeks of the earliest of:
- (a) completion of the **Deposit** or **Removal** as provided for in the **Permit**;
 - (b) expiration or revocation of the **Permit**; or
 - (c) a written request by the **General Manager** to remove the signage, failing which, the **Permittee**, as applicable, and the **Owner** of the **Subject Property** irrevocably grants the **General Manager** permission to enter upon the **Subject Property** and remove and dispose of all such signage at the **General Manager's** sole discretion and will indemnify and hold harmless the **City Personnel** from and against any and all claims, demands, losses, costs, damages, actions, suits, or proceedings whatsoever by whomsoever brought against the **City Personnel** by reason of the **General Manager** taking such action.
- 4.5.4 The **General Manager** is authorized to specify conditions consistent with the **Traffic Bylaw**, for traffic control, haul routes, and utilization of a **Highway** in connection with a **Permit**. Without limiting the generality of the foregoing, a **Permittee** or **Owner** may be required to maintain a truck log detailing:
- (a) each date upon which there is a **Deposit** or **Removal**; and
 - (b) the number of trucks and amount of **Soil** or **Other Material Deposited**, or **Soil Removed**, on each such date.

The **Permittee** or **Owner** will provide the truck log to **City Personnel** upon request by the **General Manager**.

4.6 Permit Expiry

- 4.6.1 Subject to section 4.7.1, every **Permit** issued shall expire and cease to authorize any **Deposit** or **Removal** twelve (12) months following the date of issue or such date as may be specified in the **Permit** or such date as may be specified in a renewal or extension of a **Permit**.

4.7 Permit Renewal, Extension, or Modifications

- 4.7.1 If the **Deposit** or **Removal** operations authorized by a **Permit** are not completed before the **Permit** expires, the **General Manager** may renew, extend, or modify the **Permit** upon written request of the **Permittee** or **Owner**, subject to the following:
- (a) there is no obligation on the **City** to renew any **Permit** upon expiry of the **Permit**, except where the **Deposit** or **Removal** is being carried out pursuant to an approval issued by the province, in which case the **Permit** may be extended (annually or otherwise) for the period of time necessary to allow for the completion of the **Deposit** or **Removal** authorized by the provincial permit or other approval;
 - (b) the **Permittee** shall pay a non-refundable **Permit** renewal fee as specified in the **Consolidated Fees Bylaw**;
 - (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** unless another date is specified by the **General Manager**;
 - (d) subject to section 4.7.1(a), the **General Manager** may renew or extend a **Permit** for an additional period of not more than one (1) year at a time; and
 - (e) the **General Manager** may require that the **Permittee** provide additional information authorized by this Bylaw as a pre-condition to considering an application for a **Permit** renewal, extension or modification.

PART FIVE: REGULATIONS

5.1 Regulations

- 5.1.1 Every **Deposit** or **Removal** 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 **General Manager**:
- (a) all damage to drainage facilities, **Watercourses**, **Highways**, or other public or private **Property** shall be promptly and properly repaired to the satisfaction of the **General Manager** at the expense of the **Owner**;
 - (b) all **Watercourses**, groundwater aquifers, waterworks, drains, sewers, or other established drainage facilities shall be kept free of all **Soil** or **Other Material** arising from or caused by the **Deposit** or **Removal** operations;
 - (c) any **Structure** erected or excavations made in connection with a **Deposit** or **Removal** operation shall be temporary in nature and shall be removed upon completion of the operation or upon request of the **General Manager**;

- (d) all hazards or potential hazards arising from the **Deposit** or **Removal** operation shall be adequately fenced or otherwise protected for the safety of the public;
 - (e) during and upon completion of every **Deposit** or **Removal** operation, the boundaries of all adjacent **Properties**, **Highways**, rights-of-way, and easements shall be protected from erosion or collapse and from run-off of water or mud;
 - (f) all **Deposit** or **Removal** operations shall be limited only to the area specified in the **Permit** which the **General Manager** may require to be clearly marked at the **Subject Property** and such markings maintained for the duration of the **Permit** and not encroach upon, undermine, damage, or endanger any adjacent **Properties** or any setback area prescribed in the **Permit** or the Bylaw;
 - (g) a **Stockpile(s)** of **Soil** or **Other Material** shall be confined to the locations prescribed in the **Permit** and shall be maintained so that they do not adversely affect or damage adjacent **Properties** or cause a nuisance to any person;
 - (h) every **Permittee** shall post a **Permit** placard in the form provided by the **General Manager** at the entrance of the **Subject Property** in a location visible to the adjacent **Highway**;
 - (i) must not, in any way, interfere with the hydrological function and drainage pattern or capacity of any adjoining **Property** or **Highway** so as to cause flooding of an adjoining **Property**, **Highway** or the malfunctioning of any private sewage disposal system; and
 - (j) must not, in any way, interfere with existing underground, surface, and aerial services and utilities.
- 5.1.2 The **General Manager** may issue a **Permit** subject to the observance or fulfilment of additional conditions specified in the **Permit** which in the opinion of the **General Manager** are necessary to achieve the purposes of this Bylaw.

PART SIX: ADMINISTRATION

6.1 Inspections

- 6.1.1 The **General Manager** is authorized to, at all reasonable times, enter upon and inspect:
- (a) any **Property** to determine if the **Owner** of a **Property** upon which a proposed **Deposit** or **Removal** operation is situated is required to obtain a **Permit**;
 - (b) any **Property** to determine if a **Deposit** or **Removal** has occurred in contravention of this Bylaw or any other **City** bylaws; and
 - (c) a **Subject Property** to ascertain whether the provisions of this Bylaw, the **Permit** issued pursuant thereto, or any of the **City's** bylaws, are being complied with.

- 6.1.2. Every **Permittee** or, if the **Permittee** is no longer authorized by the **Owner** of the **Subject Property**, the **Owner**, will maintain current records sufficient to allow the progress of the **Deposit** or **Removal** operation to be monitored by the **City** for compliance with the provisions of this Bylaw, the terms and conditions of the **Permit**, and any **City** bylaws relevant to the **Deposit** or **Removal**, and such records will be made available to the **General Manager** upon request.

6.2 Agricultural Land Commission Notices and Orders

- 6.2.1 Every person who is required to provide any notice to the **ALC** pursuant to the *ALC Act* or **ALR Regulations** concerning a **Deposit** or **Removal** will, within five (5) days of providing such notice and any subsequent amended notice, as may be applicable, provide to the **General Manager** a copy of such notice, along with any supporting documentation provided to the **ALC**.
- 6.2.2 Every person who receives an order from the **ALC** pursuant to the *ALC Act* or **ALR Regulations** concerning a **Deposit** or **Removal** will, within five (5) days of receiving such order and any subsequent amended order, as may be applicable, provide to the **General Manager** a copy of such order from the **ALC**, along with any supporting documentation provided by the **ALC**.

PART SEVEN: ENFORCEMENT

7.1 Enforcement

- 7.1.1 If an **Owner** of a **Subject Property** or a **Permittee** contravenes a provision of this Bylaw or a **Permit** condition, the **General Manager** may issue a **Stop Work Order** notifying the **Owner** and **Permittee** of such a contravention and may instruct the **Owner** and **Permittee** to correct the contravention. Such a correction may include, but not be limited to:
- (a) immediately ceasing all **Soil** or **Other Material Deposit** or **Soil Removal** activities;
 - (b) addressing any contravention of the **Permit** as specified by the **General Manager** by a date specified by the **General Manager**;
 - (c) **Removal** of unauthorized **Soil** and/or **Other Material** from the **Subject Property** by a date specified by the **General Manager**;
 - (d) remediating the **Subject Property** to a standard suitable to the **General Manager** by a date specified by the **General Manager**; and
 - (e) if requested by the **General Manager**, submit a completed **Soil** or **Other Material Deposit** and/or **Soil Removal** application with a non-refundable application fee twice the amount specified within the **Consolidated Fees Bylaw** to the **City** within five (5) business days, unless specified otherwise by the **General Manager**. Unless exempted by the **General Manager**, the **Applicant** would be

required to meet all other requirements within the Bylaw or **Permit**, should one be issued. If an application is not submitted within the specified period, the **General Manager** is authorized to stipulate the means to correct the contravention.

- 7.1.2 If the **Owner** of the **Subject Property** or a **Permittee** fails to correct a contravention referenced in section 7.1.1, by the date specified in the **Stop Work Order**, or as otherwise instructed by the **General Manager**, then:
- (a) the **City** or its appointed agents may enter upon the **Subject Property** or any part thereof and may carry out such works and undertake such actions as the **City** deems necessary to correct or remedy the contravention; and
 - (b) the **General Manager** may revoke the relevant **Permit**, which will then cease to authorize any **Deposit** or **Removal** at the **Subject Property**.
- 7.1.3 Other than in case of emergency (as determined by the **General Manager**), in which case notification from the **City** is not required, the **City** will give ten (10) days' written notice to the **Owner** of the **Subject Property** of the **City's** intention to carry out works pursuant to section 7.1.2.
- 7.1.4 If the **City** carries out works pursuant to section 7.1.2, the **Owner** of the **Subject Property** will reimburse the **City** for the **City's** cost of carrying out such works, plus a 20% administrative fee, within ten (10) days of receiving a written request by the **City** for such reimbursement. If not paid within ninety (90) days, the expense, with interest at the prescribed rate and costs, shall be recovered in the same manner and with the same remedies as municipal taxes or as per section 7.1.5.
- 7.1.5 The **City** may cash and use the **Security Deposit** provided pursuant to section 4.2.1, for one or more of the following purposes:
- (a) to remedy a contravention of this Bylaw, a **Permit** or any other **City** bylaws relevant to the **Deposit** or **Removal** that is the subject of the **Permit**;
 - (b) to remedy any emergency condition which, in the opinion of the **General Manager**, is associated with, arises from, or is the result of a contravention of this Bylaw, a **Permit**, or any other **City** bylaw relevant to the **Deposit** or **Removal** that is the subject of the **Permit**, and requires immediate action; and
 - (c) to satisfy any outstanding fee payable under this Bylaw, including but not limited to, any outstanding volume fee as determined by a final topographical survey.
- 7.1.6 The **City** will not be liable for any damage, loss or expense of any nature or kind whatsoever, arising out of or in connection with the issuance of a **Permit**, or the **Deposit** or **Removal** of any material, or any other action by the **City** under this Bylaw.
- 7.1.7 In the event of damage to **City** or privately-owned drainage facilities, **Watercourses**, **Highways**, lands, utilities, or other **City** or privately-

owned **Property** or facilities, resulting from a **Deposit** or **Removal** operation, the **Owner**, or an agent of the **Owner**, will promptly and properly repair the damage to the satisfaction of the **General Manager**.

- 7.1.8 All drainage facilities, **Watercourses**, and ground water aquifers will be kept free of **Soil** and **Other Material** originating from the **Deposit** of **Soil** or **Other Material** upon a **Subject Property**, and every obstruction or damage caused to such drainage facilities, **Watercourses**, or ground water aquifers will constitute an offence under this Bylaw.
- 7.1.9 Dirt, mud, debris, and other substances, which as a result of a **Deposit** or **Removal** operation, are **Deposited** on a **Highway**, will be removed on a daily basis by the **Permittee**. Where the dirt, mud, debris, and other substances cause a hazard or nuisance, they are to be removed immediately by the **Owner** or **Permittee** unless otherwise directed by the **General Manager**.
- 7.1.10 Where **Soil** or **Other Material** is to be **Deposited**, or **Soil** is to be **Removed**, and is to be transported over a **Highway** or portion in the **City** that is restricted to truck traffic, as defined in the **Traffic Bylaw**, the **Permittee** will be responsible for any damage occurring to that **Highway** as a result of the transportation of the **Soil** or **Other Material**.
- 7.1.11 Section 7.1 is without prejudice to any other remedies available to the **City** under this Bylaw, under other **City** bylaws, under other **Applicable Laws**, or in equity.

PART EIGHT: COUNCIL RECONSIDERATION

8.1 Request for Reconsideration

- 8.1.1 Where an **Owner** of a **Property** or **Applicant** is subject to a requirement under this Bylaw, a decision made by the **General Manager** under this Bylaw to refuse, suspend, or revoke a **Permit**, or a decision to take remedial action pursuant to section 7.1.2, the **Owner** or **Applicant** may appeal to **City Council** for reconsideration of the matter within thirty (30) days of the requirement or decision being communicated to them.
- 8.1.2 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 **General Manager** inappropriate and what, if any, requirement or decision the **Owner** or **Applicant** considers **City Council** ought to substitute.
- 8.1.3 **City Council** may either confirm the requirement or decision of the **General Manager** or substitute its own requirement or decision.

PART NINE: OFFENCES & PENALTIES

9.1 Offences and Penalties

- 9.1.1 A violation of any of the provisions of this Bylaw or any **Permit** shall:

- (a) result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122;
 - (b) 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; and
 - (c) be subject to such fines as may be prescribed in Municipal Ticket Information Authorization Bylaw No. 7321.
- 9.1.2 Every person who contravenes any provision of this Bylaw or any **Permit** issued under this Bylaw is considered to have committed an offence against this Bylaw and is liable on summary conviction, to a fine of not less than One Thousand Dollars (\$1,000) and not more than Fifty Thousand Dollars (\$50,000), and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

PART TEN: SEVERABILITY, CITATION, & INTERPRETATION

10.1 Severability

- 10.1.1 If any part, section, subsection, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of any Court of competent jurisdiction, it will be severed and the validity of the remaining provisions of this Bylaw will not be affected.

10.2 Citation

- 10.2.1 This Bylaw is cited as “**Soil Deposit and Removal Bylaw No. 10200**”.

10.3 Interpretation

- 10.3.1 In this Bylaw:
- (a) words importing the singular number include the plural and vice versa;
 - (b) words importing the neutral gender include the masculine and the feminine genders;
 - (c) the definitions include the past, present, and future tense as applicable;
 - (d) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
 - (e) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this Bylaw and a reference to a “Part” is a reference to a Part in this Bylaw; and
 - (f) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia, as amended, revised, consolidated or replaced from time to time, and a reference to a bylaw or policy is a reference to a **City** bylaw or

policy, as amended, revised, consolidated or replaced from time to time.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>LB</i>