

CITY OF QUESNEL
Soil Removal and Deposit Bylaw No. 1260*
Consolidated: June 1, 2015
CONSOLIDATED FOR CONVENIENCE ONLY

CONSOLIDATED FOR CONVENIENCE TO INCLUDE:

**City of Quesnel Soil Removal and Deposit Permit Bylaw Amendment Bylaw No.
1755 of 2015**

***This bylaw is a “consolidated” version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Deputy Corporate Administrator at City Hall. Plan, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.**

**CITY OF QUESNEL
BYLAW NO. 1260**

A Bylaw to provide for the application, approval, suspension or denial of Soil Removal and Deposit Permits in designated areas in the City of Quesnel pursuant to Section 930.1 of the Municipal Act.

The City of Quesnel having observed the relevant provisions of the Municipal Act, enacts the following.

PART A – TITLE:

1. This bylaw may be cited as the “City of Quesnel Soil Removal and Deposit Permit Bylaw No. 1260, 1993”.

PART B – DEFINITIONS:

2. In this Bylaw:

“Council” means the Council of the City of Quesnel.

“Deposit” means the dumping or replacement of soil or any other material including but not limited to land clearing waste, construction or other waste, on any land in the City of Quesnel.

“Qualified person” means a professional engineer with experience in geotechnical engineering.

“City of Quesnel” means the City of Quesnel or the geographical area within the boundaries of the City of Quesnel, as the context may require.

“Remove” means to take, move, excavate or transport soil from the place or location at which it was or stood, including an act which allows or causes the movement of soil from one lot to another portion of the same lot.

“Soil” means sand, gravel, rock and other substances of which land is composed.

PART C:

3. APPLICABILITY

(1) All lands within the boundaries of the City of Quesnel are subject to the conditions of this bylaw.

(2) No person shall:

(a) Remove soil from; or

(b) Deposit soil or other material on

any lands within municipal boundaries without first obtaining a Soil Removal and Deposit Permit, unless otherwise specifically permitted under this Bylaw.

4. AUTHORITY

The authority having jurisdiction for approval of permits under this bylaw shall be the Approving Officer as designated by Council.

5. ENFORCEMENT

- (1) The Approving Officer, Public Works Superintendent, Planner, Building Inspector, Bylaw Enforcement Officer or other persons so designated by resolution, are authorized at all reasonable times to enter on property that is subject to regulation under this Bylaw to ascertain whether the regulation or directions under this Bylaw are being observed.
- (2) The Approving Officer, Public Works Superintendent, Planner, Building Inspector or Bylaw Enforcement Officer may suspend work carried out under any Soil Removal or Deposit Permit if the soil removal or deposit is not being undertaken in accordance with the terms and conditions of the Permit.
- (3) The Approving Officer, Public Works Superintendent, Planner, Building Inspector or Bylaw Enforcement Officer may stop work being carried out without first obtaining a Soil Removal and Deposit Permit.

6. APPLICATION

- (1) All applications for Soil Removal and Deposit Permits shall be made to the City of Quesnel by the owner of the lands in writing on the form in the form provided from time to time by the City.
- (2) Applications shall be accompanied by a written description of the proposed soil removal or deposit and without limiting the generality of the foregoing, shall include the following information as appropriate to the site:
 - (a) Purpose, scale and volume of the proposed soil removal or deposit, and the methods to be used;
 - (b) A site plan illustrating all pertinent topographic and hydrologic features, buildings, structures, vegetation cover;
 - (c) A topographic plan with slope profiles showing the existing and proposed elevations of the property and their relations to those of the adjoining lands;
 - (d) Evidence to the City's satisfaction that the person or firm responsible is covered by liability insurance with a minimum third party coverage of \$1,000,000.00; and
 - (e) A site reclamation plan
 - (f) A certificate by a certified geotechnical or environmental engineer that the site is free of contaminated soil.
 - (g) Such further and other information as the City may require to determine whether the proposed soil removal or deposit complies with this Bylaw.
- (3) The City may require an applicant to provide at his expense, a report certified by a qualified person, agreed to by the applicant and the City, that the proposed soil removal and/or deposit will not create a danger from flooding, erosion, land slip or avalanche, or will not foul, obstruct or impeded the flow of any stream, creek, waterway, water course, water works, ditch, drain or sewer, whether or not these are situated on private property.
- (4) The City shall upon receipt of an application pursuant to this Section, in respect of an application for a permit:
 - (a) Issue the permit, including any terms and conditions of such permit, or

(b) Refuse to issue the permit if the report concludes that the soil removal and/or deposit cannot be safely undertaken, or will foul, obstruct or impede the flow of any stream, creek, water way, water course, underground stream, water works, ditch, drain or sewer.

(5) The owner shall be notified in writing of the result of their application and, in the case of rejection, the grounds for such rejection within 30 days immediately following consideration of the application.

7. APPEAL

Rejected applications may be appealed to Council within 30 days of the date of written notice by indicating in writing the reasons for appeal. Council's decision shall be rendered within 30 days of the application for appeal, and such decision shall be final.

8. FEES

Applications for a Permit shall be accompanied by payment of a fee as set out in the "City of Quesnel Comprehensive Fees and Charges Bylaw No. 1683 of 2010" as amended or repealed.

9. EXCEPTION

(1) Subject to approval in writing from the Approving Officer, Public Works Superintendent, Planner or Building Inspector, a permit may not be required where soil removal and deposit involves:

- (a) the removal of soil to provide for a foundation of a structure for which a valid building permit has been issued;
- (b) the deposit of soil or other material for the purpose of backfilling or landscaping during or after construction of a structure in respect of which a building permit has been issued; or,
- (c) the removal of soil which exceeds provincial environmental standards.

(2) No permit shall be required where the soil removal or deposit involves:

- (a) the removal or deposit of soil or other material undertaken under conditions specified in a geotechnical report accepted by the City of Quesnel in conjunction with a development permit, building permit or subdivision;
- (b) the City, its employees or its agents when soil removal and deposit of soil or other material is done in connection with their duties;
- (c) removal or deposit of soil or other material on any land that is:
 - (i) classified as managed forest land under the *Assessment Act*; or,
 - (ii) located within a license area under the *Forest Act*; and,
- (d) minor garden and yard landscaping that does not substantially alter the existing topography.

10. EXPIRATION OF PERMIT

Unless otherwise specified in the Permit, the Permit lapses one year after the date it is issued.

11. PENALTY

Every person who violates, suffers or permits a contravention or violation of this Bylaw, or who neglects to do or refrains from doing anything required to be done by

this Bylaw shall be deemed to have committed an offence and upon summary conviction shall be liable for:

- (a) the cost of repairing and restoring all the land; and,
- (b) the penalties provided by the *Offense Act*; and,
- (c) the amount of any unpaid permit fee.

12. SEVERABILITY

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

READ A FIRST TIME this 27th day of September, 1993

READ A SECOND TIME this 27th day of September, 1993

READ A THIRD TIME this 27th day of September, 1993

FINALLY ADOPTED by a majority of Council this 18th day of October, 1993

Mayor

Corporate Officer

(Schedules A, B, and C of Bylaw No. 1260 repealed by Bylaw No. 1755)