

District of West Vancouver



Soil Removal and Deposit Regulation Bylaw No. 3786, 1992

Effective Date – March 22, 1993

Consolidated for Convenience Only

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Amendment Bylaw

Bylaw No. 4703, 2011
Bylaw No. 4521, 2007
Bylaw No. 4148, 1999
Bylaw No. 4025, 1996
Bylaw No. 3981, 1996
Bylaw No. 3854, 1993

Effective Date

November 28, 2011
October 22, 2007
February 8, 1999
November 18, 1996
February 12, 1996
January 10, 1994

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Soil Removal and Deposit Regulation Bylaw No. 3786, 1992). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Soil Removal and Deposit Regulation Bylaw No.3786, 1992

Table of Contents

	Page #
Interpretation.....	1
Permit Required.....	2
Permits Not Required.....	2
Permit Applications to Engineer.....	3
Permits Expire 12 Months After Issue.....	3
Limitation of Rock Breaking.....	4
Notice of Rock Breaking.....	5
Schedule "A" Payment of Fees.....	5
Schedule "B" Requirements.....	6
No Wood Waste.....	6
<i>Waste Management Act</i> Permit Required.....	6
Special Wastes.....	6
All Damages to be Repaired.....	6
No Obstructions.....	6
Stockpiles.....	7
No Encroachment.....	7
Dust Control.....	7
Stipulations.....	7
Engineer May Inspect.....	7
Breach of Provisions.....	8
Failure to Remedy.....	8
Transitional.....	8
Schedules.....	9
Penalties.....	9
Repeal Bylaw No. 2957.....	9
Title.....	9
Schedules.....	10
Schedule A - Schedule of Fees and Security Payable before Issuance of a Soil Deposit and Removal Permit.....	11
Schedule B - Schedule of Technical Requirements for Removal or Deposit of Soil by Permit or Otherwise.....	12

Soil Removal and Deposit Regulation Bylaw No. 3786, 1992

A Bylaw to regulate the removal from and deposit of soil on lands within the Municipality, to require the holding of a permit for such purpose and to fix a fee for such permit.

Previous amendments: *Amendment Bylaws 3854, 3981, 4025, 4148, 4521, and 4703.*

WHEREAS it is deemed expedient that the removal and deposit of soil from or on lands within the Municipality be regulated;

NOW, THEREFORE, the Municipal Council of The Corporation of the District of West Vancouver in open meeting assembled, enacts as follows:

Interpretation

1. For the purposes of this Bylaw:

"**building footprint**" means the area enclosed by the exterior walls of a house or garage where they rise from the finished ground level.

"**Corporation**" means The Corporation of the District of West Vancouver.

Bylaw 4025 "**Council**" means the duly elected Council of The Corporation of the District of West Vancouver.

"**deposit**" means the act of moving soil and placing it on land or into a stockpile or other storage facility.

"**Engineer**" means the Director of Operations of the Corporation and any person or persons designated by the Director of Operations to act on his behalf.

"**Other Material**" means non-degradable construction or demolition waste such as masonry rubble, concrete rubble, asphalt and contaminated soils regulated under the *Waste Management Act*, RSBC 1979, c. 428.5, as amended. Individual pieces of such waste shall not exceed one (1) metre in length nor one (1) cubic metre in volume.

"**permit**" means the written authority granted by the Engineer pursuant to this Bylaw for the removal or deposit of soil from or on land within the District of West Vancouver.

"**removal**" means the act of removing soil from land or from a stockpile or other storage on land.

Bylaw 4025 "**rock-breaking**" means the removal of boulders or bedrock from land by drilling, blasting, percussive breaking or splitting.

Bylaw 4025 "**rock-breaking permit**" means the written authority granted by the Council pursuant to Section 6.

"**soil**" means peat, clay, silt, sand, gravel, cobbles, boulders, bedrock or other substance of which land is naturally composed, as well as "other material" (as defined above) but shall not include stumps or logs.

"**wood waste**" means wood residue in mechanically shredded form and includes sawdust, hogfuel, bark, chips, slabs, shavings, trimmings, edgings or other such waste which is the result of any manufacturing process involved in the production of lumber or other wood products.

Permit Required

2. Subject to Section 3 hereof, no person shall remove, deposit or cause to be removed or deposited, or if the owner of the land, permit to be removed or deposited, soil unless a permit has been granted for such removal or deposit pursuant to Section 4 of this bylaw and every such removal or deposit shall conform in all respects to the regulations and requirements of this bylaw and the terms and conditions of the permit.

Permits Not Required

3. Subject to compliance with all other provisions and requirements of this Bylaw, a permit shall not be required in the following circumstances:

Work On Public Lands

- (a) the removal from or deposit upon a public highway, statutory right-of-way, or other public property of such soil as is necessary for the construction or installation of a roadway, utility service, dyke, or other service thereon, or disposal or stockpiling where such work is being done with the approval of the Engineer;

Building Permit

- (b) the removal or deposit of soil, except the removal of rock by percussive

breaking or splitting, related to the construction of buildings or structures, the correct grade, depth and extent of which are shown accurately on scaled drawings submitted as part of the application for a building permit and for which a building permit has been issued and is in good standing;

Subdivision

- (c) the removal or deposit of soil related to the construction of works in accordance with engineering drawings approved by the Engineer for the subdivision of land;

Minor Works

- (d) the removal or deposit of soil, except the removal of rock by percussive breaking or splitting, where: at any point the depth of the soil removed or deposited does not exceed 1.2 metres; the unrestrained slope of the filled or excavated surface does not exceed two (2) horizontal to one (1) vertical; retaining walls associated with the work do not exceed a height of 1.2 metres measured from the natural ground elevation; and, for deposit of soil, the slope of the existing ground does not exceed fifteen percent (15%) at any point or where the existing ground is filled, the underlying natural ground surface does not exceed fifteen percent (15%) at any point.

Rock Blasting

- (e) the removal of soil resulting solely from blasting of rock under a blasting permit.

Permit Applications to Engineer

- 4. Every application for a permit shall be made in writing to the Engineer in a form satisfactory to him.

Permits Expire 12 Months After Issue

- 5. Permits issued under this Bylaw shall expire twelve (12) months from the date of issuance. Application for a new permit shall be made in the same manner and upon payment of the same fees as provided in the Bylaw for a permit.

Limitation of Rock Breaking

6.

- Bylaw 4148 (1) On land in a Single or Two Family Zone and in the residential area within Caulfeild Land Use Contract D.A.A. (all as designated, identified, delineated and shown in Zoning Bylaw No. 2200, 1968 as amended) rock breaking is prohibited except for:
- (a) the construction of buildings, garages, access driveways and parking areas as shown on plans for which a building permit has been issued and is in good standing, and for such purposes the volume of rock to be broken shall not exceed a total volume equal to 1.5 metres times the aggregate area of the footprint formed by the exterior walls of the principle building and garage as shown on the building permit plans, but in no case shall the volume be greater than 600 cubic metres;
 - (b) the installation of utilities and utility connections; and
 - (c) rock-breaking required by the certificate of a geotechnical engineer for the safe use of the site.
- Bylaw 4025 (2) Despite the provisions of Subsection 6(1), the owner of the land may apply to the Council for a rock-breaking permit to remove a volume of rock specified in the permit in order to:
- (a) facilitate the construction of a swimming pool so as to reduce the visual and auditory impact of the pool and associated mechanical equipment on surrounding properties;
 - (b) enable the principal building, garage and any accessory building or structure to be located on the site in a manner which will:
 - (i) accommodate the design and spatial relationship of the buildings so the floor levels conform to the natural contours of the site
 - (ii) eliminate or reduce the use of exposed foundation walls and structural support elements
 - (iii) minimize the visible mass of all structures as viewed from adjacent roads and properties
 - (c) enable minor terrain alteration to accommodate landscaping work or property amenity;
- but excluding in all cases, the removal of rock which substantially alters the natural grade of the site.
- (3) This section does not apply to rock-breaking required for the construction of roads or the installation of utilities and services in a subdivision.

- (4) A person seeking a rock-breaking permit shall apply to the Engineer and shall, in addition to compliance with Schedules "A" and "B", provide such information as the Engineer may require and a report from a professional engineer specializing in rock mechanics approving a plan for the removal of rock, including measures designed to prevent damage to persons or property.
- (5) The Engineer, upon receipt of a complete application, shall submit a report to Council which may include recommendations, and the Council shall consider the report and may refer the matter to the Advisory Design Panel for recommendation, make any further enquiry it deems necessary; and either grant or refuse the rock-breaking permit. In granting the permit, the Council may impose conditions it considers appropriate including, a limit on the volume of rock which may be removed, the method used to remove and disposal of the rock, compliance with the report of the professional engineer, and the kind and amount of security to be deposited with the Corporation for the due performance of the permit conditions.
- (6) The granting of a rock breaking permit does not preclude the necessity of acquiring any permit necessary under the Blasting Bylaw."
- (7) Excluding subdivision, on site rock crushing and grinding will not be permitted at any time.

Bylaw 4703,
2011

Notice of Rock Breaking

Bylaw 4703,
2011

7. Breaking of more than 20m³ of rock by percussive means is not to be undertaken until written notice has been given to the Engineer and to occupants of all dwellings or other buildings within 120m of the site of the rock breaking. The notice shall describe the work to be done, the location, the approximate quantity of rock to be broken, the expected date of commencement and estimated duration of the project. At least 48 hours notice shall be given for any project and at least one week's notice for any project expected to continue for more than 2 days.

Schedule "A" Payment of Fees

8. The fees and security payable for each permit shall be as set out in Schedule "A".

Schedule "B" Requirements

9. Any operation involving the removal or deposit of soil, whether under permit or otherwise, shall comply with the requirements set out in Schedule "B".

No Wood Waste

10. No person shall deposit, cause the deposit or permit the deposit of wood waste upon any land, save and except that wood waste not exceeding 15cm in depth may be allowed for landscaping purposes only.

Waste Management Act Permit Required

11. No person shall deposit, cause the deposit or permit the deposit of Other Material on any land, unless they have first been granted a *Waste Management Act Permit* or Approval, when such permit or approval is required, and such deposit shall be undertaken in full compliance with the terms of such permit and the terms of this bylaw.

Special Wastes

12. No person shall deposit, cause the deposit or permit the deposit of a "Special Waste" as defined under the *Waste Management Act* on any land. No person shall remove, cause the removal or permit the removal of any "Special Waste" without a permit or approval under the *Waste Management Act*.

All Damages to be Repaired

13. All damage to Municipal or privately-owned drainage facilities, natural watercourses, roads, lanes or other Municipal or privately-owned property or facilities, resulting from a soil removal or deposit operation shall be promptly and properly repaired by the permit holder or an agent or agents of the permit holder, to the complete satisfaction of the Engineer.

No Obstructions

14. All drainage facilities, natural watercourses and ground water aquifers shall be kept free of silt, clay, sand, rubble, debris, gravel and all other material or thing originating from any removal or deposit of soil, from or upon any lands, and every obstruction and all damage caused to such drainage facilities, natural watercourses or ground water aquifers shall constitute an infraction of this Bylaw and the person responsible shall on summary conviction thereof, be subject to the penalty hereinafter provided.

Stockpiles

15. Stockpiles of soil which are part of any soil removal or deposit operations shall be confined to the locations prescribed in the permit for the period of time authorized by the permit.

No Encroachment

16. No operation by which soil is removed or deposited shall encroach upon, undermine, damage or endanger any adjacent property, highway, statutory right-of-way or easement or, where a permit is required, encroach into any setback area prescribed in the said permit.

Dust Control

17. No operation by which soil is removed or deposited shall cause a dust or dirt nuisance affecting any neighbouring property, highway, or right-of-way.

Stipulations

18. No person shall remove or deposit soil:
- (a) where a permit is required, from or upon any land other than the land specifically set out and described in the permit;
 - (b) from or upon any land owned by any other person without the permission of the owner.

Engineer May Inspect

19. The Engineer is hereby authorized at all reasonable times to enter upon and inspect any lands:
- (a) to determine if the owner of a proposed soil removal or deposit site is required to obtain a soil removal or deposit permit.
 - (b) to determine if soil removal or deposit has occurred on a parcel of land for which the owner does not have a valid soil removal or deposit permit and the owner does not qualify for an exemption from the provisions of this Bylaw.

- (c) from which soil is to be, or is being, or has been removed or deposited, in order to ascertain whether the provisions of this Bylaw and any permit issued pursuant thereto, are being obeyed. Every permit holder shall maintain up-to-date records sufficient to allow the progress of the soil removal or deposit operation to be monitored for compliance with the provisions of this Bylaw and the terms and conditions of the permit, and such records shall be made available to the Engineer upon request.

Breach of Provisions

- 20.** In the event of a breach of any provision of this Bylaw or condition set out in the permit, the Engineer may issue to the holder of the permit or the owner of lands from or upon which soil is being removed or deposited, or both, a notice of such breach. Every permit holder receiving such notice of breach shall forthwith cease and desist from all removal or deposit operations and every owner shall thereupon refuse to permit the further removal or deposit of soil from or upon the said lands until such breach is remedied to the satisfaction of the Engineer.

Failure to Remedy

- 21.**
 - (a) In the event that any person having received such notice of breach, fails within the time set forth therein to remedy such breach or otherwise proceeds to breach any provision of this Bylaw or condition of a permit, the Engineer may at any time thereafter revoke the permit. Any security deposit or fees paid pursuant to the granting of such permit shall be forfeit and may be employed by the Corporation to remedy such breach.
 - (b) If a breach of this Bylaw has occurred or is occurring on any lands, the Corporation or its appointed agents may enter upon the said lands or any part thereof and carry out the works required to remedy the breach, and the expense of doing so shall be paid by the person in breach and, if not paid within 90 days, the expense, with interest at the prescribed rate and costs, shall be recovered in the same manner as municipal taxes.

Transitional

- 22.** Where a building permit has been applied and paid for within 90 days after adoption of this bylaw, the limitation on the volume of rock that may be broken under section 6(c) of this bylaw shall not apply to work undertaken in connection with that building permit for a period of one year from the date of issue of that building permit.

Schedules

23. Schedules "A" and "B" attached hereto form part of this bylaw.

Penalties

Amended by
Regulatory
Bylaw
Enforcement
and Penalty
Bylaw No.
4521, 2007

24. Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$5,000, and is guilty of a separate offence each day that a violation continues or exists.

Repeal Bylaw No. 2957

25. "West Vancouver Soil Removal Bylaw No. 2957" is hereby repealed.

Title

26. This bylaw may be cited for all purposes as "Soil Removal and Deposit Regulation Bylaw No. 3786, 1992".

Introduced by Council on December 14, 1992.

Amended and Passed by Council on January 25, 1993

Received Approval of the Minister of Municipal Affairs in Consultation with Ministry of Energy Mines and Petroleum Resources on March 22, 1993

Reconsidered and Adopted by Council on March 22, 1993

MAYOR

MUNICIPAL CLERK

Schedules

Schedule A – Schedule of Fees and Security Payable Before Issuance of a Soil
Deposit and Removal Permit

Schedule B – Schedule of Technical Requirements for Removal or Deposit of
Soil by Permit or Otherwise

**Schedule A - Schedule of Fees and Security Payable before Issuance of a
Soil Deposit and Removal Permit**

**Soil Removal and Deposit Regulation Bylaw 3786, 1992
Amendment Bylaw 3981, 1996**

1. The fee payable upon application for a soil removal and deposit permit shall be:
 - (a) for removal of rock by percussive breaking or splitting as described in Sections 3 (b) or 3 (d) of the Bylaw \$57.00
 - (b) in all other cases including a rock-breaking permit. \$283.00
2. Prior to the issue of a soil deposit and removal permit, except for removal of rock by percussive breaking or splitting as described in Sections 3 (b) or 3 (d) of the Bylaw, the applicant shall deposit with the Corporation a damage deposit amount in the form of cash. The amount shall be the amount stipulated for a damage deposit in Building Bylaw No. 2473 (1973).
3. The deposit shall be security for the completion of all requirements under this bylaw and may be used at any time by the Corporation to secure the completion of any of these requirements as set out in Building Bylaw No. 2473 (1973).

Bylaw 4025

**Schedule B - Schedule of Technical Requirements for Removal or Deposit
of Soil by Permit or Otherwise**

Soil Removal and Deposit Regulation Bylaw 3786, 1992

**INFORMATION
REQUIRED ON A
PERMIT APPLICATION**

1. In addition to the requirements set out in the text of this Bylaw, every applicant for a soil removal or deposit permit shall submit with his application.
 - a) A description of the soil and the purpose for which the soil is to be removed or deposited.
 - b) The consent in writing of the owner.
 - c) A current title search of the lands.
 - d) The dates of commencement of the work and of completion including clean-up.
 - e) Such further and other information as may be necessary to adequately describe the proposed soil removal or deposit operation for which the permit is applied for.

**SITE PLAN IN
SUPPORT OF
PERMIT
APPLICATION**

2. The Engineer may require from the applicant for a permit plans of the lands from or upon which the applicant proposes to remove or deposit the soil, prepared by a BC Land Surveyor or Professional Engineer, which may include:
 - a) A statement from a professional engineer or a BC Land Surveyor of the volume of soil to be removed or deposited together with a copy of the calculations, cross-sections, and other engineering data and pertinent information used in calculating such estimated total volume.
 - b) Contour plans of the said lands, to a scale of not less than 1:250, showing contours at a vertical interval suitable to describe the existing terrain of the said lands, and the relation thereof to those of the adjoining lands, and highways, and showing at one (1) metre intervals the proposed geodetic elevations of the lands after the soil has been removed therefrom or deposited thereon. Cross-sections may be required as necessary to clearly show the existing and proposed ground surfaces.

Schedule B - Schedule of Technical Requirements for Removal or Deposit of Soil by Permit or Otherwise

Soil Removal and Deposit Regulation Bylaw 3786, 1992

Continued

- c) Full particulars of the present use, occupancy and conditions of the lands from or upon which the removal or deposit of soil is proposed and of those portions of adjacent lands which may be affected by the proposed soil removal or deposit operation, including all pertinent topographic features, buildings, structures and tree cover existing thereon, highways and highway allowances, foot paths, watercourses, water table, drainage facilities, wells, private sewage disposal systems, fence lines, facilities existing for pedestrian and vehicular traffic (indicating the suitability of same for carrying the type and volume of traffic to be generated in the removal or deposit of the soil), and all utilities, services and other existing facilities.
- d) The proposed slopes which will be maintained during and upon completion of the removal or deposit of the soil.
- e) The proposed methods of erosion control for the banks of the excavation or of the soil deposit, during and upon completion of the removal or deposit of the soil.
- f) The proposed methods of drainage control for the excavation or the soil deposit, during and upon completion of the removal or deposit of the soil.
- g) The proposed methods of access to the lands during and upon completion of the removal or deposit of the soil.
- h) The proposed methods of fencing, enclosing, and clearing the lands affected to ensure that no hazard to human or animal life shall exist.
- e) The location of stockpiles indicating their extent and nature and duration.
- j) The location of buildings, and other proposed structures and improvements.

**Schedule B - Schedule of Technical Requirements for Removal or Deposit
of Soil by Permit or Otherwise**

Soil Removal and Deposit Regulation Bylaw 3786, 1992

Continued

- k) Such further and other information as may be necessary to adequately describe the proposed soil removal or deposit operation for which the permit is applied for.

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| SLOPES | 3. | The slope of any part of an exposed face of any excavated or deposited soil, except bedrock, shall not be greater than two (2) horizontal to one (1) vertical, except that a steeper slope may be allowed where a Professional Engineer certifies that the face of the excavation would be stable at a steeper slope. |
| WORK NEAR
UTILITIES | 4. | No removal or deposit of soil greater than 0.5 metres in depth shall be undertaken within 2.5 metres of any utility pole, pipeline or structure or public roadway or lane, without providing the authority having jurisdiction one weeks notice in writing. |
| WORK ON
HIGHWAYS
AND RIGHTS
OF WAY | 5. | No removal or deposit shall be undertaken on a road, street, lane, footpath, highway or on a statutory right-of-way without first obtaining the permission in writing of the authority having jurisdiction over such highway or right-of-way. |
| UNDERMINING
EXCAVATION | 6. | No excavation shall extend beyond the limiting excavation face delineated by the boundaries and the maximum slopes permitted above. There shall be no excavation into the toe of such limiting excavation face. Such limiting excavation face shall comprise undisturbed natural soil and it shall not be extended by backfilling. |

**Schedule B - Schedule of Technical Requirements for Removal or Deposit
of Soil by Permit or Otherwise**

Soil Removal and Deposit Regulation Bylaw No. 3786, 1992

Continued

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| DRAINAGE | 7. | Removal and deposit operations shall, at all times, be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system shall be installed which is of sufficient capacity and extent to ensure that groundwater and surface run-off will not drain into adjoining lands at greater rates after commencement than prior to the commencement of the soil removal or deposit operations. Surface water shall not be allowed to pool anywhere within the work, provided however, that where necessary to remove sediment from surface run-off, a settling pool may be established for the duration of the operation. |
| IDENTIFY
BOUNDARIES | 8. | It shall be the responsibility of the person removing or depositing soil to establish the boundary of any rights-of-way or highways. |
| TEMPORARY
WORKS | 9. | All structures, fills or excavations erected or made in connection with a soil removal or deposit operation under this schedule shall be temporary in nature and shall be removed forthwith upon completion of the soil removal or deposit operations. |
| HAZARDS | 10. | All hazards or potential hazards arising from soil removal or deposit operations shall be adequately fenced or otherwise protected for the safety of the public. |
| MAINTENANCE
CLEAN-UP AND
COMPLETION OF
OPERATIONS | 11. | <p>During and upon completion of every soil removal or deposit operation:</p> <ul style="list-style-type: none"> a) the boundaries of all adjacent lands, highways, rights-of-way and easements shall be protected from erosion or collapse and from run off of water or mud; b) all works required by this Bylaw and any permit issued pursuant thereto shall be completed in accordance with accepted sound engineering principles and to the satisfaction of the Engineer; |

**Schedule B - Schedule of Technical Requirements for Removal or Deposit
of Soil by Permit or Otherwise**

Soil Removal and Deposit Regulation Bylaw No. 3786, 1992

Continued

- c) all surfaces of the fill or excavation other than bedrock or rock used in construction of walls shall be covered with grass or other suitable cover and the same shall be maintained so that it becomes reasonably established;
- d) all surfaces of the excavation or the soil deposit shall be left with a slope not greater than that permitted by this bylaw or as specified in the permit;
- e) any and all loose rock material created by construction on any lot, whether by excavation, drilling, blasting or other means, and having a dimension greater than 150mm, must be removed entirely from the lot, used and placed for the creation of retaining walls, or be covered by at least 300mm of soil in a stable location on the lot with such soil being capable of normal plant growth with reasonable consideration for soil settlement.