

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2359

A Bylaw to Regulate the Placement of Fill and Removal of Soil in the City of Courtenay

WHEREAS section 8(3)(m) of the *Community Charter* authorizes the City of Courtenay, by bylaw to regulate, prohibit and impose regulations in relation to the removal of soil and the deposit of soil or other material;

NOW THEREFORE the Council of the *City of Courtenay*, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the “Fill Placement and Soil Removal Bylaw No. 2359, 2004”.

2. Repeal

The City of Courtenay Soil Removal Bylaw No. 1099, 1974 is hereby repealed.

3. Definitions

For the purposes of this Bylaw:

Building Project means any construction that involves the erection, alteration, replacement, addition, removal, move and/or demolition of buildings, structures and all appurtenances thereto including without limitation, plumbing, sewer, drainage, septic, electrical, gas, oil, and includes all site preparation, excavation, filling and grading.

City means the Corporation of the City of Courtenay.

Deposit means the act of temporarily or permanently placing fill on any lands within the City, other than that where it originated, including a stockpile or other storage facility.

Director means the Director of Operational Services of the City or his delegate.

Fill means any ***Soil*** or ***Other Material*** defined herein brought on land within the City of Courtenay.

Other Material means:

- a) construction, building or demolition wastes such as masonry rubble, concrete rubble, asphalt, plaster, lumber, metal, shingles, glass, gyproc or any other material derived from building demolition and construction;
- b) hog fuel, sawdust, shavings, edgings, or other wood waste which results from the manufacturing process of lumber or other wood products;
- c) land clearing wood waste, consisting of stumps, brush and logs or any other waste derived from land clearing activities;
- d) waste material derived from commercial, industrial and manufacturing activities.

Permit means a permit for soil removal or for deposit of fill issued pursuant to this Bylaw.

Soil means topsoil, silt, clay, sand, gravel, cobbles, boulders, rock, peat or other substance of which natural land is composed.

4. Application

4.1 This Bylaw applies to all land within the City of Courtenay.

4.2 Where fill is to be deposited or soil is to be removed within Development Permit Areas as designated in the City of Courtenay Official Community Plan Bylaw No. 1781, 1994 and amendments thereto, requirements of the Soil Deposit Permit or Soil Removal Permit will be incorporated into the conditions of the Development Permit issued for the subject property.

5. Prohibitions

5.1 Subject to Section 6 of this Bylaw, no person will cause or permit the placement of fill on any land or removal of soil on any land within the City of Courtenay until a Permit has been granted pursuant to this Bylaw

5.2 No person will cause or permit the placement of Other Material on any land within the City of Courtenay without a valid permit or exemption under the *Waste Management Act*, and amendments thereto, and until a permit has been granted pursuant to this Bylaw.

5.3 Notwithstanding Section 5.1, no person will cause or permit the placement of fill or removal of soil from any land within the Agricultural Land Reserve unless the Provincial Agricultural Land Commission grants written approval.

5.4 Any fill placed without a permit must be removed from the land. Failure to remove the fill will constitute an offence under this Bylaw. Any soil removed from the land without a permit must be replaced on the land. Failure to replace soil will constitute an offence under this Bylaw.

6. Permit Exemptions

Provided the placement of fill or removal of soil is carried out in compliance with the relevant provisions of this Bylaw and all applicable Bylaws for the City of Courtenay; a permit will not be required:

6.1 where the fill is placed or soil is removed for construction, improvement, repair or maintenance of a highway;

6.2 where the fill is placed or soil is removed and used for the construction, improvement, repair or maintenance of public works or services undertaken by a governmental authority;

- 6.3 where fill is from or deposited on parks and municipally owned lands and is conducted by or on behalf of the City of Courtenay and in accordance with the standards of this bylaw and accepted the Sediment Control Best Management Practices outlined in Schedule “A”;
- 6.4 where the fill is placed and stored on land for the purpose of being used as an ingredient or component in the manufacture of topsoil on the same property in accordance with the standards of this bylaw and the Sediment Control Best Management Practices outlined in Schedule “A”;
- 6.5 where fill is placed as a necessary element in the construction of a work, building or structure authorized by a plumbing permit or a building permit issued by the City of Courtenay, provided such plumbing or building permit and the plans pertaining thereto disclose the placement of fill and the resulting elevations of the land in relation to the work, building or structure authorized by the plumbing permit or building permit with the extent of the fill limited to the creation of an acceptable building envelope;
- 6.6 where soil is removed from a property pursuant to a building permit, for the construction of a building foundation;
- 6.7 where fill is placed pursuant to and in accordance with the terms of a written authorization from the Ministry of Health pursuant to an application, by the owner of land on which the fill is to be placed, for a permit to install a septic field where the deposit of fill is on lands designated Agricultural Land Reserve and the placement of fill is in accordance with the Agricultural Land Reserve Act and applicable regulations;
- 6.8 where the deposit of fill is on lands designated Agricultural Land Reserve and the placement of fill is in accordance with the Agricultural Land Reserve Act and applicable regulations;
- 6.9 where the volume of fill placed on a parcel or volume of soil removed from a parcel in one calendar year does not exceed 50 m³;
- 6.10 where soil is removed from a property pursuant to a Mines Permit issued by the Ministry of Energy and Mines;
- 6.11 where fertilizers, manure, composts, mulches or soil conditioners for agriculture use, horticulture, nursery and landscaping purposes deposited in accordance with good agricultural practice as defined by the BC Ministry of Agriculture, Fisheries and Food, and the Agricultural Land Commission where the land is within the Agricultural Land Reserve;
- 6.12 where wood chips, hog fuel, bark chips, shavings, trimmings, sawdust and other wood wastes generated by sawmilling and lumber manufacturing- readily incorporated into the soil, to a maximum depth of 10 cm for agricultural, horticultural, or nursery purposes, provided the material is placed in accordance with good agricultural practice or sound landscaping practice whichever the case may be; and

- 6.13 where the fill is placed or soil is removed pursuant to a preliminary subdivision approval in respect of which subdivision examination fees have been paid, or pursuant to either a subdivision servicing agreement entered into between the owner of the land on which the fill is to be placed or soil removed and the City; provided that in all such cases the work is carried out in accordance with the terms of the preliminary subdivision approval or agreement as the case may be including any engineering plans and specifications forming part thereof and in accordance with the terms of this bylaw.

7. Permits

- 7.1 Any person who proposes to place fill on a parcel of land or remove soil from a parcel of land will first obtain a permit under this bylaw except as outlined in Section 6.
- 7.2 A permit must not be issued if the proposed placement of fill or removal of soil will:
- 7.2.1 endanger or otherwise adversely affect any adjacent land, structure, road, or right-of-way, or
 - 7.2.2 foul, obstruct, impede or otherwise adversely affect any stream, creek, waterway, watercourse, groundwater aquifer, waterworks, ditch, drain, sewer or other established drainage facility unless the owner holds a permit to do so under the Water Act or Pollution Control Act and amendments thereto.
- 7.3 A permit issued under this Bylaw is valid for a period of 12 months from the date of issuance and is non-transferable.
- 7.4 Every application for a permit must be made by the owner(s) of the land or their agent.
- 7.5 An application for a permit shall:
- 7.5.1 include a fully completed and signed application form as set out in Schedule Nos. "B-1" and "B-2" attached and hereto forming part of this Bylaw; and
 - 7.5.2 be accompanied by the applicable permit fee calculated in accordance with Schedule "C" attached and hereto forming part of this Bylaw.
- 7.6 The Director of Operational Services may refer any application for a permit to the Engineering Division, Development Services Department, provincial ministries, federal agencies or consultants for advice. The applicant may be required to provide additional detailed information to supplement the application. Where further information is required by the Director of Operational Services, the application will be deemed incomplete until the information is provided.

7.7 The owner and contractor agree to indemnify and hold harmless the City of Courtenay, its agents, employees or officers from and against any claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought against the City, its agents, employees or officers by reason of the City granting the owner and contractor named herein the Permit to conduct the work in accordance with the plan submitted and described in this application.

8. Plans and Specifications

Every application for a permit pursuant to this bylaw shall be made in writing to the Director of Operational Services and shall contain the following information:

- 8.1 the legal description and civic address of the land where the fill or soil originates;
- 8.2 the legal description and civic address of the land on which fill is to be placed or soil is to be removed;
- 8.3 the name and the address of the person applying for the permit;
- 8.4 the name, address and telephone/fax numbers of the registered owner(s) of the land on which the fill is to be placed or soil is removed. Where there is more than one registered owner, the names, addresses and telephone/fax numbers of all registered owners must be provided;
- 8.5 the exact location and depths where the fill is to be placed or soil is to be removed, defined by reference to any existing buildings, structures, improvements, and parcel boundaries all of which must be shown as a dimensioned contour sketch plan in metric units;
- 8.6 the composition of the proposed fill;
- 8.7 the proposed method of placing the fill or removing the soil;
- 8.8 the dates proposed for commencement and completion of filling or soil removal;
- 8.9 the proposed methods of access to the site during and upon completion of filling or soil removal;
- 8.10 measures proposed to prevent personal injury or property damage resulting from filling or soil removal;
- 8.11 the measures proposed to control erosion, drainage and soil stability;
- 8.12 the reclamation measures proposed to stabilize, landscape, and restore the land upon completion of filling or soil removal;
- 8.13 the location of all watercourses, waterworks, wells, ditches, drains, sewers, septic fields, catch basins, culverts, manholes, rights-of-way, public utilities and public works on or within 30 metres of the boundaries of the parcel on which fill is to be placed or soil is to be removed, and the measures to protect them;

- 8.14 the proposed routes to be taken by vehicles transporting fill to the land or soil from the land;
- 8.15 measures proposed to minimize or prevent tracking of soil or other material onto municipal streets and roads and measures for cleaning the streets and roads abutting the parcel on which fill is to be placed or soil is to be removed;
- 8.16 if the proposed depth of fill is greater than 1 m above existing ground elevations of fill site, or if the proposed fill site is on a floodplain designated pursuant to the Provincial Government Floodplain Mapping or is proposed on a slope any part of which exceeds 30%, the application will be accompanied by a survey prepared by a B.C. Land Surveyor that includes:
 - 8.16.1 contour plans to a scale not smaller than one to one thousand (1:1000), showing at one (1) metre intervals the elevations as they exist and showing one (1) metre intervals the proposed elevations of the land after filling; and
 - 8.16.2 the proposed slopes which will be maintain during and upon completion of the filling.
- 8.17 if the proposed depth of fill is greater than 1 metre above existing ground elevations of fill site, or if the proposed fill site is on a floodplain designated pursuant to the Provincial Government Floodplain Mapping or is proposed on a slope any part of which exceeds 30%, the application will be accompanied by a report prepared by a professional engineer that certifies:
 - 8.17.1 the proposed volume of fill including calculations, cross-sections and other engineering data and pertinent information used in calculating volume; and
 - 8.17.2 that there will be no more settling or subsidence of land, a building or a structure forming any part of the premises or adjoining property than prior to filling;
 - 8.17.3 that the placement of fill and resulting settlement or subsidence will not prevent any use permitted under the Corporation of the City of Courtenay Zoning Bylaw No. 1427, 1986;
 - 8.17.4 that adjoining property will not be subject to increased flooding caused directly by stormwater runoff from the fill site; and
 - 8.17.5 that also includes the assurances and undertakings of the engineer who prepared the plans and of the applicant for the permit in the form of attached to this bylaw as Schedule Nos. "D-1" and "D-2".

- 8.18 if the proposed removal of soil is greater than 1 m below existing ground elevations of the soil removal site, or if the proposed soil removal site is on a floodplain designated pursuant to the Provincial Government Floodplain Mapping or is proposed on a slope any part of which exceeds 30%, the application will be accompanied by a survey prepared by a B.C. Land Surveyor that includes:
- 8.18.1 contour plans to a scale not smaller than one to one thousand (1:1000), showing at one (1) metre intervals the elevations as they exist and showing one (1) metre intervals the proposed elevations of the land after soil removal; and
 - 8.18.2 the proposed slopes which will be maintained during and upon completion of the soil removal.
- 8.19 if the proposed removal of soil is greater than 1 m below existing ground elevations of the soil removal site, or if the proposed soil removal site is on a designated pursuant to the Provincial Government Floodplain Mapping or is proposed on a slope any part of which exceeds 30%, the application will be accompanied by a report prepared by a professional engineer that certifies:
- 8.19.1 the proposed volume of soil to be removed including calculations, cross-sections and other engineering data and pertinent information used in calculating volume; and
 - 8.19.2 that there will be no more settling or subsidence of land, a building or a structure forming any part of the premises or adjoining property than prior to soil removal;
 - 8.19.3 that the removal of soil and resulting settlement or subsidence will not prevent any use permitted under the Corporation of the City of Courtenay Zoning Bylaw No. 1427, 1986;
 - 8.19.4 that adjoining property will not be subject to increased flooding caused directly by stormwater runoff from the soil removal site and groundwater wells will not be adversely impacted by soil removal; and
 - 8.19.5 that also includes the assurances and undertakings of the engineer who prepared the plans and of the applicant for the permit in the form of attached to this bylaw as Schedule Nos. "D-1" and "D-2".
- 8.20 copies of all certificates, permits and approvals, as may be required by the Ministry of Water Land and Air Protection under the *Water Act* or the *Waste Management Act* and amendments thereto or any other authority having jurisdiction;
- 8.21 if warranted, the City may require an environmental assessment and independent monitoring of the fill operation.

9. Security Deposits

Security for the full and proper compliance with the provisions of the bylaw and the performance of all terms and conditions expressed in the permit will be required where the fill to be deposited or soil to be removed is on a slope or portion thereof that exceeds 30%, is within 50 metres of the top of bank of a watercourse, on a floodplain designated pursuant to the Provincial Government Floodplain Mapping or if the elevation of the deposited fill will be greater than 1 metre above the elevation of the site prior to soil deposit.

- 9.1 The applicant shall provide a cash deposit or irrevocable letter of credit drawn upon a chartered bank, in a form acceptable to the City and in the amount of FIVE THOUSAND DOLLARS (\$5,000) for each hectare or part thereof of a site upon which fill is to be placed or soil is to be removed, which security shall be maintained in full force and effect throughout the permit period plus a period of One Hundred & Twenty (120) days following expiration of the permit. If proper compliance with the provisions of the Bylaw is not met within ninety (90) days following the expiration of the permit, the security will be cashed and held by the City until compliance is met or use the cash to complete the work. If the cash is insufficient for the City to complete the work the applicant will pay any deficiency to the City on demand.
- 9.2 If the applicant complies with the provisions of the Bylaw and meets all the terms and conditions of the permit the City will return the deposit to the applicant within 60 days. If any letter of credit will expire prior to the applicant complying with the provisions of the permit, the applicant will deliver to the City, at least 30 days prior to its expiry, a replacement letter of credit on like terms. If the applicant fails to provide a replacement letter of credit the City will draw on the original letter of credit prior to expiration and will hold cash until a replacement letter of credit is provided or the work is successfully completed whichever occurs first.
- 9.3 Security deposit(s) must be deposited with the City prior to the issuance of a permit.

10. Fill Deposit Requirements

Filling or soil removal will at all times be conducted in accordance with the following requirements:

- 10.1 The slope of any part of an exposed face of any fill or soil removal area will not be greater than the angle of repose necessary for stability of the fill or soil removal area.
- 10.2 The fill or soil removed will not in any way interfere with the established above or below ground drainage pattern of any adjoining lands, and will not cause the groundwater table to rise on adjoining lands so as to cause flooding or malfunctioning of a septic disposal system or contamination of a well. Where necessary, a system of interceptor or relief drains will be installed which are sufficient to compensate for any interference which might otherwise occur to established drainage patterns as a result of the fill project or soil removal project.

- 10.3 The fill or soil removal area will be graded in such a manner that positive gravity drainage is assured, and a drainage system of sufficient capacity and extent will be installed to ensure that runoff to any adjacent lands will be no greater than runoff prior to the commencement of the fill project soil removal project.
- 10.4 Fill must not be placed on or soil removed within any dedicated public right-of-way or registered easement without first obtaining the written approval of the authority having jurisdiction over the right-of-way or easement, and a copy of the written approval has been provided to the Director of Operational Services.
- 10.5 Where the natural subsoil is compressible, no fill will be placed in the immediate vicinity of any utilities or services which might be damaged by settlement of the fill without first obtaining written approval from the authority having jurisdiction over the right-of-way or easement, and a copy of the written approval has been provided to the Director of Operational Services.
- 10.6 Fill must not be placed over wells or private sewage disposal systems.
- 10.7 All damage to City or privately owned drainage facilities, natural watercourses, roads, lanes, or other City or privately owned properties or facilities, resulting from a fill project or soil removal project must be promptly and properly repaired to the complete satisfaction of the City.
- 10.8 Dirt, mud debris etc. resulting from a fill project or soil removal project which is tracked onto public roads so as to cause a hazard or a nuisance must be removed on a daily basis or as directed by the Director of Operational Services or alternate. Should the permit holder fail to do so, the City may direct others to perform this work and the cost will be the responsibility of the permit holder. The permit holder must remit all payments within 14 days of receiving the invoice(s). If the permit holder fails to remit all payments within the specified time frame, the City may draw on all or part of the irrevocable letter of credit to cover the cost of the work and/or suspend the permit until all bills have been paid, or both.
- 10.9 All drainage facilities and natural watercourses must be kept free of silt, clay, sand, rubble, debris, gravel, and all other material originating from the fill project or soil removal project, which might cause obstruction to drainage facilities and natural watercourses.
- 10.10 Stockpiles of soil which are part of a fill project or soil removal project must be confined to the locations prescribed in the permit and must be maintained in accordance with Best Management Practices so there are no adverse effects or damage to adjacent properties.
- 10.11 The placement of fill or removal of soil must not encroach upon, undermine, damage or endanger any adjacent property or any setbacks prescribed in the permit.

11. Remediation Provisions

Upon completion of filling or removal, the permit holder will forthwith:

- 11.1 Leave all surfaces of the filled area or soil removal area with a slope not greater than the grade shown on the plans filed pursuant to Section 10 and as specified in the permit.
- 11.2 Cover all surfaces of the fill with a minimum of 30 cm of topsoil and an established growth of grass or other ground cover suitable for erosion control.
- 11.3 Should the necessary remediation of the property not be completed within a period of ninety (90) days following expiration of the permit, all letters of credit held as security for the project will be cashed and all monies will be held by the City until the completion of all required works.
- 11.4 Should the permit holder not complete all the necessary rectification work to the satisfaction of the City, under the terms of the covenant registered against the property the City will enter the lands and carry out the necessary work or the work that can be completed using the total amount of the bond monies.

12. Permit Issuance and Fees

- 12.1 Every permit issued will be deemed to incorporate the plans, specifications, documents and information in the application as approved and will be incorporated into the terms and conditions of the permit. A permit will be substantially in the form of Schedule Nos. "E-1" and "E-2" attached to this bylaw.
- 12.2 A permit fee, calculated in accordance with Schedule "C" to this bylaw, shall be paid in full prior to the issuance of any permit under this bylaw.
- 12.3 Upon completion of filling or soil removal, the permit holder or the owner of the land will, prior to the expiry of the permit:
 - 12.3.1 protect the boundaries of all adjacent lands, dedicated rights-of-way, and utility easements from erosion or collapse, and
 - 12.3.2 complete all such works in accordance with accepted engineering principles to the satisfaction of the City.

13. Permit Renewal

- 13.1 Application for renewal can be made to the City as outlined. There will be no obligation upon the City to renew any permit.

- 13.2 If an applicant applies for a renewal of a fill placement permit or soil removal permit, the Director of Operational Services may issue the renewal if all applicable drawings and specifications for the fill area or soil removal area are updated as necessary to identify any material changes to site conditions and to demonstrate compliance with current bylaws and regulations and any required fees and/or security is updated.

14. Administration and Enforcement

- 14.1 This Bylaw will be administered by the Director of Operational Services or designate(s).
- 14.2 The Director of Operational Services, the Bylaw Enforcement Officer and all City employees under their direction will have the right at all reasonable hours to enter upon and inspect any land or premises in the City to determine if the provision of the Bylaw are being met.
- 14.3 In the event of a breach of any of the provisions of this Bylaw or the permit, the Director of Operational Services or the Bylaw Enforcement Officer will issue to:
- i) the owner of the lands upon which the fill is being deposited or soil removed, or
 - ii) the person placing the fill or removing the soil, or
 - iii) the applicant for the permit, or
 - iv) the holder of the permit, or
- any or all of them a notice of such breach. Any person receiving a notice of breach will forthwith cease and desist filling, or permitting the placement of any further fill upon the lands or removal of soil from the lands until the breach is remedied.
- 14.4 In the event that any person, having received a notice of breach, fails to remedy the breach within the time frame specified by the City or otherwise proceed to breach any provisions of the Bylaw and/or permit, the permit will become null and void and all monies collected with respect to, the permit, will be forfeited. Once the breach has been corrected, it will then be necessary for the permit holder to apply for and obtain a new permit and all fees set out in the Bylaw will be due and payable as a condition of permit issuance.
- 14.5 No further permit for placing fill upon any lands or removal of soil within the City will be issued to any person who has had a permit revoked, unless and until such person shall, in addition to any other security required pursuant to this Bylaw, posts an additional security up to a maximum of \$20,000 as determined necessary by the City.

14.6 Where any permit holder neglects and/or refuses to carry out the works in accordance with the permit, then in accordance with the provisions of this Bylaw and/or conditions of said permit, it will be considered an offence against the Bylaw and every day that the land and/or the required works remain in a condition contrary to the provisions of this Bylaw and/or terms and conditions of the permit, a new offence is committed and the permit holder will be liable to the penalty hereinafter provided.

15. Penalty

Every person who violates any provisions of this Bylaw or fails to comply with the terms and conditions of a permit or an order issued under this Bylaw commits an offence punishable upon Summary Conviction and will be liable to a fine of not less than \$20,000.00 and not more than the maximum penalty provided by the Offence Act and, where the offence is a continuing one, each day that offence is continued will constitute a separate offence.

16. Severability

If any section or lesser portion of this Bylaw is held invalid, it will be severed and the validity of the remaining provisions of this will not be affected.

17. Forms and Schedules

Schedules "A", "B-1", "B-2", "C", "D-1", "D-2", "E-1", and "E-2" attached to this Bylaw are incorporated herein and form part of the bylaw.

Read a first time this 21st day of June, 2004

Read a second time this 21st day of June, 2004

Read a third time this 21st day of June, 2004

Finally passed and adopted this 29th day of June, 2004

Mayor

Clerk

SCHEDULE "A"

SEDIMENT CONTROL BEST MANAGEMENT PRACTICES

The following Best Management Practices for erosion control are required as they apply to works undertaken under a Fill Placement Permit and Soil Removal Permit:

1. Try to restrict works where possible to dry weather.
2. For Sloping Terrain (between 20% to 30%):
 - interceptor ditches at 5 metre intervals vertically sediment control pond for 1.0% of total disturbed area, or in accordance with a design with a registered professional engineer with all runoff from the disturbed area directed to the pond; and
 - and as required for Other Areas
3. Other Areas:
 - poly-covering of exposed areas and stockpiles subject to erosion;
 - seeding to all disturbed areas in the growing season (prior to September 15);
 - diversion swales for all slopes exceeding 30 m. in length;
 - silt fence properly installed around all stockpiles or unvegetated fill areas;
 - gravel site access pad installed prior to fill activity;
 - gravel berm or silt fence installed beside all curb and gutter areas prior to fill activity; and
 - silt trap at all catchbasins.

SCHEDULE "B-1"

FILL PLACEMENT PERMIT APPLICATION

Application No. _____

1. I, _____ of _____
(full name) (address)

_____ hereby apply for a permit to place fill
(telephone/fax)

on the following property:

Address: _____

Legal Description: _____

2. The source(s) of the fill is(are):

Address: _____

Legal Description: _____

3. The registered owner(s) of the property on which the fill is to be placed is

_____ of _____
(full name) (address)

_____ (telephone/fax)

4. If the Applicant is not the registered owner of the property on which the fill is to be placed, then the registered owner by signing here, authorizes the Applicant to make this application.

(signature of owner(s))

5. The fill is proposed for the following reason(s):

6. The surface area of the proposed fill site is _____ hectares.

The proposed total volume of the fill is _____ cubic metres.

7. Dimensions of the fill area in metric units:

Area (length x width): _____ square metres

Depth(s): _____ metres

8. Attached hereto is a dimensioned sketch (in metric units) of the property on which the placement of fill is proposed, showing all roads adjoining the property, all existing buildings, structures and other improvements, the location of water, sewer and other utilities as well as natural watercourses, ditches, drains, manholes, culverts, catch basins and other public works on or within 30 metres of the property, the location of wells and septic fields on any adjoining properties, and the exact location and depth of the proposed fill site.

9. Attached hereto are 2 cross sectional profiles (in metric units) of the proposed fill site. One profile cutting from north to south and the other cutting east to west. All profiles must identify:

a.) the existing ground profile; and

b.) the ground profile after filling.

10. The fill is comprised of:

11. The proposed method of filling is

12. The proposed dates between which filling will take place are

_____ to _____.

13. Vehicles access to the fill site will be via

(name of street)

as shown on the sketch plan provided pursuant to Section 8 of this application.

14. The proposed route to be used in and through the City of Courtenay by vehicles delivering fill to the fill site is:

15. The following safety measures to prevent personal injury or property damage to persons or property in or about property or on adjacent roads will be implemented:

16. Filling must not cause erosion, stability or drainage problems on the property or to neighbouring properties and the following measures will be taken to achieve these objectives:

(if insufficient space, please attach a clearly marked schedule.)

17. After filling the following measures will be taken by the applicant to stabilize, reclaim, landscape and restore the property:

(if insufficient space please attach a clearly marked schedule.)

18. The following measures will be taken to prevent fill from being tracked onto municipal streets and roads, and to clean the same:

19. The following measures will be taken to protect and keep wells, natural watercourses, septic fields, water works, sewers and other utilities, drains, ditches, culverts, catch basins and other public works clear and clean of all sediment, silt, leachate or other fouling or obstruction of: (if insufficient space, please attach a clearly marked schedule.)

20. Attached, as part of this application, are the following reports, as may be required under Section 8.16 and 8.17 of this bylaw:

- BC Land Surveyor or Professional Engineer site plans
- Geotechnical Certification of Professional Engineer

I HEREBY DECLARE that the above information is correct, that it is my intention to place fill on the property in accordance with the attached plans and specifications and information, that I am aware of the provisions of the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004 and that I will abide by all applicable provisions of said by-law and such terms and conditions as may form part of any Fill Placement Permit issued pursuant to this Application.

I further agree to indemnify and hold harmless the City of Courtenay, its agents, employees or officers from and against any claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought against the City, its agents, employees or officers by reason of the City granting the owner and contractor named herein the Fill Placement Permit to conduct the work in accordance with the plan submitted and described in this application.

Date: _____

Signature of Applicant:

Applicant's Name Printed: _____

Received from: _____ this _____ day
of _____, 200__ the sum of \$ _____ for
Fee (if applicable).

Receipt No. _____

Director of Operational Services

Processing information: (to be filled out by City of Courtenay)

1. ALR Approval _____
2. Development Permit _____
3. Ministry of Water Land and Air Protection Approval _____
4. Title and Legal Description Correct _____
5. Zoning Correct _____
6. Authority of Owner Provided _____
7. Survey site plan as required _____
8. Geotechnical Certification as required _____
9. Site visit conducted _____
10. Permit Fee Receipt No. _____

SCHEDULE "B-2"

SOIL REMOVAL PERMIT APPLICATION

Application No. _____

1. I, _____ of _____
(full name) (address)
_____ hereby apply for a permit to remove soil from
(telephone/fax)

the following property:

Address: _____

Legal Description: _____

2. The registered owner(s) of the property from which soil is to be removed is
_____ of _____
(full name) (address)

(telephone/fax)

3. If the Applicant is not the registered owner of the property from which the soil is to be removed, then the registered owner by signing here, authorizes the Applicant to make this application.

(signature of owner(s))

4. The soil is to be removed for the following reason(s):

5. The surface area of the proposed soil removal site is _____ hectares.

The proposed total volume of soil to be removed is _____ cubic metres.

6. Dimensions of the soil removal area in metric units:

Area (length x width): _____ square metres

Depth(s): _____ metres

7. Attached hereto is a dimensioned sketch (in metric units) of the property from which the removal of soil is proposed, showing all roads adjoining the property, all existing buildings, structures and other improvements, the location of water, sewer and other utilities as well as natural watercourses, ditches, drains, manholes, culverts, catch basins and other public works on or within 30 metres of the property, the location of wells and septic fields on any adjoining properties, and the exact location and depth of the proposed soil removal site.

8. Attached hereto are 2 cross sectional profiles (in metric units) of the proposed soil removal site. One profile cutting from north to south and the other cutting east to west. All profiles must identify:

- a.) the existing ground profile; and
- b.) the ground profile after soil removal.

9. The soil to be removed is comprised of:

10. The proposed method of soil removal is

11. The proposed dates between which soil removal will take place are

_____ to _____.

12. Vehicles access to the soil removal site will be via

(name of street)

as shown on the sketch plan provided pursuant to Section 8 of this application.

13. The proposed route to be used in and through the City of Courtenay by vehicles removing soil from the site is:

14. The following safety measures to prevent personal injury or property damage to persons or property in or about property or on adjacent roads will be implemented:

15. Soil removal must not cause erosion, stability or drainage problems on the property or to neighbouring properties and the following measures will be taken to achieve these objectives:

(if insufficient space, please attach a clearly marked schedule.)

16. After soil removal the following measures will be taken by the applicant to stabilize, reclaim, landscape and restore the property:

(if insufficient space please attach a clearly marked schedule.)

17. The following measures will be taken to prevent soil from being tracked onto municipal streets and roads, and to clean the same:

18. The following measures will be taken to protect and keep wells, natural watercourses, septic fields, water works, sewers and other utilities, drains, ditches, culverts, catch basins and other public works clear and clean of all sediment, silt, leachate or other fouling or obstruction of:
(if insufficient space, please attach a clearly marked schedule.)

19. Attached, as part of this application, are the following reports, as may be required under Section 8.16 and 8.17 of this bylaw:

- BC Land Surveyor or Professional Engineer site plans
- Geotechnical Certification of Professional Engineer

I HEREBY DECLARE that the above information is correct, that it is my intention to remove soil from the property in accordance with the attached plans and specifications and information, that I am aware of the provisions of the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004 and that I will abide by all applicable provisions of said bylaw and such terms and conditions as may form part of any Soil Removal Permit issued pursuant to this Application.

I further agree to indemnify and hold harmless the City of Courtenay, its agents, employees or officers from and against any claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought against the City, its agents, employees or officers by reason of the City granting the owner and contractor named herein the Soil Removal Permit to conduct the work in accordance with the plan submitted and described in this application.

Date: _____

Signature of Applicant:

Applicant's Name Printed: _____

Received from: _____ this _____ day
of _____, 200__ the sum of \$ _____ for
Fee (if applicable).

Receipt No. _____

Director of Operational Services

Processing information: (to be filled out by City of Courtenay)

- | | |
|---|-------|
| ALR Approval | _____ |
| 1. Development Permit | _____ |
| 2. Ministry of Water Land and Air Protection Approval | _____ |
| 3. Title and Legal Description Correct | _____ |
| 4. Zoning Correct | _____ |
| 5. Authority of Owner Provided | _____ |
| 6. Survey site plan as required | _____ |
| 7. Geotechnical Certification as required | _____ |
| 8. Site visit conducted | _____ |
| 9. Permit Fee Receipt No. | _____ |

SCHEDULE “C”

FILL PLACEMENT PERMIT APPLICATION FEES

An application for a fill placement permit shall be accompanied by a fee of TWO HUNDRED DOLLARS (\$200.00); and twenty five cents (\$0.25) per one (1) cubic metre of fill to be deposited on a property subject to an application for a fill placement permit.

SOIL REMOVAL PERMIT APPLICATION FEES

An application for a soil removal permit shall be accompanied by a fee of TWO HUNDRED DOLLARS (\$200.00); and twenty five cents (\$0.25) per one (1) cubic metre of soil to be removed from a property subject to an application for a soil removal permit.

SCHEDULE “D-1”

**ASSURANCE OF GEOTECHNICAL DESIGN FOR FILL PLACEMENT
AND COMMITMENT FOR FIELD REVIEW**

Date (Month/Day/Year)

Director of Operational Services
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Sir:

Re: Application for Fill Placement Permit
at _____
(civic address)

I, the undersigned registered professional engineer hereby give assurance that the design, location, quality, nature, depth, volume and configuration of the fill to be deposited and works to be constructed and undertaken in support of and in relation thereto all as shown on the plans and supporting documents prepared and signed by me and attached to this letter are consistent with sound reasonable engineering fill and soil deposit practice, and when and if carried out in conformance with such plans and specifications will not constitute any reasonably foreseeable risk or hazard to persons or property.

The undersigned undertakes to conduct such supervision, testing and field review to ensure filling complies with the plans, specifications and supporting documents attached hereto.

I assure you that I have been given the authority by the owner of the lands on which the fill is to be deposited and by the applicant for the permit (if different from the owner) to stop, remove or redirect the placement of fill as required in my judgment and as required to comply with the plans, specifications and supporting documents attached hereto.

I will notify you in writing immediately if my contract for field review, testing or supervision is terminated or limited at any time before the completion of filling described in the plans, specifications and supporting documents attached hereto.

(affix professional seal)

Signature

_____(Please Print)
Name

Address

Address

I, the applicant for the Fill Placement Permit for the placement of fill at the above address, acknowledge that I have read this letter and agree with its contents. I have also reviewed the plans, specifications and supporting documents attached to this letter and agree with them. I advise you that I have given _____

(Name of registered professional)

the authority to conduct testing, field review and to supervise filling including the authority to stop the placement of fill, remove fill or redirect it as set out in this letter. I acknowledge and understand that all authority and permission to place fill under any permit issued to me pursuant to any application will automatically cease and be suspended if the registered professional's services are terminated or limited and will not be reinstated until such time as another registered professional submits to you a signed and completed letter in this form.

Witness's Signature

Signature of Applicant for Permit

Name (print)

Name (print)

Address

Address

or:

The Corporate Seal of _____

was hereto affixed in the presence of:

Authorized Signing Officer

Authorized Signing Officer

SCHEDULE “D-2”

**ASSURANCE OF GEOTECHNICAL DESIGN FOR SOIL REMOVAL
AND COMMITMENT FOR FIELD REVIEW**

Date (Month/Day/Year)

Director of Operational Services
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Sir:

Re: Application for Soil Removal Permit
at _____
(civic address)

I, the undersigned registered professional engineer hereby give assurance that the design, location, nature, depth, volume and configuration of the soil to be removed and works to be constructed and undertaken in support of and in relation thereto all as shown on the plans and supporting documents prepared and signed by me and attached to this letter are consistent with sound reasonable engineering soil removal practice, and when and if carried out in conformance with such plans and specifications will not constitute any reasonably foreseeable risk or hazard to persons or property.

The undersigned undertakes to conduct such supervision, testing and field review to ensure soil removal complies with the plans, specifications and supporting documents attached hereto.

I assure you that I have been given the authority by the owner of the lands from which the soil is to be removed and by the applicant for the permit (if different from the owner) to stop, replace or redirect the removal of soil as required in my judgment and as required to comply with the plans, specifications and supporting documents attached hereto.

I will notify you in writing immediately if my contract for field review, testing or supervision is terminated or limited at any time before the completion of soil removal described in the plans, specifications and supporting documents attached hereto.

(affix professional seal)

Signature

_____(Please Print)
Name

Address

Address

I, the applicant for the Soil Removal Permit for the removal of soil at the above address, acknowledge that I have read this letter and agree with its contents. I have also reviewed the plans, specifications and supporting documents attached to this letter and agree with them. I advise you that I have given _____

(Name of registered professional)

the authority to conduct testing, field review and to supervise the removal of soil including the authority to stop the removal of soil, replacement of soil or redirect soil removal as set out in this letter. I acknowledge and understand that all authority and permission to remove soil under any permit issued to me pursuant to any application will automatically cease and be suspended if the registered professional's services are terminated or limited and will not be reinstated until such time as another registered professional submits to you a signed and completed letter in this form.

Witness's Signature

Signature of Applicant for Permit

Name (print)

Name (print)

Address

Address

or:

The Corporate Seal of _____

was hereto affixed in the presence of:

Authorized Signing Officer

Authorized Signing Officer

SCHEDULE "E-1"

FILL PLACEMENT PERMIT NO. _____

Pursuant to the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004, permission is hereby granted to:

(Name)

of _____
(address) (telephone)

to deposit _____ cubic metres of fill upon the

(address of property)

(legal description of property)

in accordance with the provisions of the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004, Application No. _____ and the plans, specifications and other supporting documents filed therewith as approved, and initialed as approved by the permit holder, all which form a part of this Permit and constitute the terms and conditions of this Permit:

Conditions: (to be stipulated by the City of Courtenay)

This permit is issued on the condition that the permit holder fully comply with all provisions of the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004 and all terms and conditions herein of this Permit.

Received from _____ this _____ day of _____,
200____ the sum of \$ _____ as a Fill Placement Fee (if applicable).

Receipt No.: _____

This Fill Placement Permit is issued this _____ day of _____, 200____ and shall expire twelve months after the day of issuance.

Director of Operational Services

SCHEDULE "E-2"

SOIL REMOVAL PERMIT NO. _____

Pursuant to the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004, permission is hereby granted to:

(Name)

of _____
(address) (telephone)

to remove _____ cubic metres of soil from the

(address of property)

(legal description of property)

in accordance with the provisions of the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004, Application No. _____ and the plans, specifications and other supporting documents filed therewith as approved, and initialed as approved by the permit holder, all which form a part of this Permit and constitute the terms and conditions of this Permit:

Conditions: (to be stipulated by the City of Courtenay)

This permit is issued on the condition that the permit holder fully comply with all provisions of the City of Courtenay Fill Placement and Soil Removal Bylaw No. 2359, 2004 and all terms and conditions herein of this Permit.

Received from _____ this _____ day of _____,
200____ the sum of \$ _____ as a Soil Removal Fee (if applicable).

Receipt No.: _____

This Soil Removal Permit is issued this _____ day of _____, 200____ and shall expire twelve months after the day of issuance.

Director of Operational Services