

VILLAGE OF CHASE

BY-LAW NO. 171

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A BY-LAW TO REGULATE OR PROHIBIT THE REMOVAL OF SOIL, SAND, GRAVEL, ROCK OR OTHER SUBSTANCE OF WHICH LAND IS COMPOSED FROM LANDS WITHIN THE VILLAGE OF CHASE

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WHEREAS under Section 868 of the "Municipal Act", being Chapter 255 of the Revised Statutes of British Columbia, 1960 and Amending Acts, the Council of the Village of Chase by By-law regulate or prohibit the removal of soil, sand, gravel, rocks, or other substance of which land is composed from any lands within the Village, or within any area or areas within the Village, and require the holding of a permit for such purpose and fix a fee for such permit and different regulations and prohibitions may be made for different areas:

AND WHEREAS it is deemed expedient that the removal of soil, sand, gravel, rock, or other substance of which land is composed from lands within the Village be regulated;

NOW THEREFORE the Municipal Council of the Village of Chase in open meeting assembled, enacts as follows:

DEFINITIONS

That in this By-law:

"Village" shall mean the geographic area of the Village of Chase or any part thereof.

"Permit" shall mean the written authority granted by the Village, or authorized employee, for the removal of soil, sand, gravel, rock, or other substance of which land is composed from specified land within the Village upon the terms, conditions and plans and specifications applicable to the application for such removal.

"Removal" shall mean soil removed or taken from the place or location at which it was or stood, and shall include that which may temporarily be placed into a stockpile or other storage.

"Soils" shall mean soil, gravel, silts, clays, peats, or any other substance of which lands are composed, or any combination thereof.

"Topsoil" shall mean all substance of which land is composed from the surface of the land to a depth of twelve (12) inches.

1. (a) No person, firm or corporation shall remove or cause to be removed or permit the removal of any soil, sand, gravel, rock, or other substance of which land is composed or any combination thereof, until a permit for such removal is first issued by the Village of Chase, pursuant to the provisions of this by-law.  
  
(b) All removal of soil, gravel, rock, or other substance of which land is composed, or combinations thereof, shall be in accordance with the permit issued.
2. An applicant for a permit to remove soil, sand, gravel, rock, or other substance of which land is composed pursuant to the provisions of this by-law shall provide:
  - (a) The purpose for which soil, sand, gravel, rock, or other substance of which land is composed, is to be removed.
  - (b) Such further and other information as the Village or authorized employee, may require.

3. (a) Permits may be issued for any period not exceeding one year.
  - (b) The fee for a permit requiring field inspection shall be \$5.00.
  - (c) The fee for a permit requiring only office administration shall be \$1.00.
  - (d) All applications for soil removal permits shall be made in writing.
  - (e) A permit may not be transferred or assigned.
4. Applications for permits will be accepted only from the owner or owners of the land in respect of which the permit is applied for.  
A permit applies only to the removal of soil, sand, gravel, rock, or other substance of which land is composed, from the lands and premises specifically set out and described in the permit.

#### GENERAL REGULATIONS AND CONDITIONS

5. Each and every permit issued pursuant to this By-law shall be subject to the following conditions, unless otherwise specifically provided for in writing thereon:
  - (a) All damage to municipal or privately owned drainage facilities, roads, or lanes, or other municipal or privately owned property, or natural water courses, resulting from the excavation or the removal of soil, shall be repaired by the person or persons whose name appears on the Soil Removal Permit. All municipal, public and private water systems, and all drainage facilities and natural water courses shall be kept free of silt, clay, sand, rubble, debris, gravel and any other matter or thing originating from any excavation of any lands and causing obstruction to such drainage or private water systems.
  - (b) Stockpiles of soil, sand, gravel, rock, or other substance of which land is composed, shall be confined to the location prescribed and same shall be maintained so that they do not adversely affect or damage adjacent properties or buffer zones.
  - (c) No permit shall be issued if, in the opinion of the Village, or authorized employee, the proposed soil removal would adversely affect any adjacent property, road, or road allowance or watercourse.
  - (d) A continuous program of dust control must be maintained to the satisfaction of the Village or authorized employee.
6. No excavation shall be brought to a point below the level of the adjacent road allowance, however, this paragraph shall not apply to the excavation of soil, gravel, rock, or other substances of which land is composed, by the Village or its agents, or by any person or body corporate who have entered into a binding contract with the Village to develop and excavate certain defined areas of their land in a manner agreed to and approved by the Village and thereafter within a certain agreed time to convey the said lands to the Village, where such excavation is for civic, public, or recreational purposes.

- 7. The Village or authorized employee, shall have the right at all times to enter upon and inspect all lands and premises for which a permit has been issued pursuant to the provisions of this By-law.
- 8. Nothing in this By-law shall be construed so as to apply to:
  - (a) Any person in possession of a valid building permit lawfully engaged in the erection of building on lands where the removal of such soil, sand, gravel, rock or other substance of which land is composed, is necessary for the construction of basements, foundations, septic tank drain fields, or other utility installations.
  - (b) The removal and subsequent replacement of soil, sand, gravel, rock or other substance of which land is composed for the purpose of excavating ditches to install utility lines of all kinds.
- 9. Any person who violates the provisions of this by-law is liable, on summary conviction, to a penalty not exceeding one hundred dollars.
- 10. This by-law may be cited for all purposes as the "Village of Chase Soil Removal Regulation and Permit By-law No. 171, 1978."

READ A FIRST time the 23<sup>RD</sup> day of FEBRUARY, 1978.

READ A SECOND TIME this 9<sup>th</sup> day of MARCH, 1978.

READ A THIRD TIME this 25<sup>th</sup> day of MAY, 1978.

RECONSIDERED AND ADOPTED this 8<sup>th</sup> day of JUNE, 1978.

*[Signature]*  
Mayor

*[Signature]*  
Clerk

Certified a true copy of By-law No 171, cited as "Village of Chase Soil Removal Regulation and Permit By-law No. 171, 1978," as adopted by the Council of the Village of Chase on the 8<sup>th</sup> day of JUNE, 1978.

*[Signature]*  
Clerk

A true copy of By-Law No. 171 registered in the office of the Inspector of Municipalities this 14<sup>th</sup> day of July 19.78.

*[Signature]*  
Deputy Inspector of Municipalities

APPLICATION FOR SOIL REMOVAL PERMIT

I \_\_\_\_\_ OF \_\_\_\_\_  
(Full Name) (Address)

\_\_\_\_\_  
(Phone Number)

Herewith make application for the removal of soil from the area(s) within

\_\_\_\_\_  
(Village of Chase)  
having legal description: \_\_\_\_\_

The title or tenancy under which the land is occupied by me (if not the owner) is \_\_\_\_\_

The owner of the land (if not the applicant) is \_\_\_\_\_  
(full name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone Number)

And his consent in writing to such removal is herewith attached.

The soil is being removed for use elsewhere for \_\_\_\_\_

The area from which soil is to be removed is \_\_\_\_\_ square feet or acres. The maximum depth to be removed is \_\_\_\_\_ inches or feet. The maximum quantity to be removed is \_\_\_\_\_ cubic yards.

The proposed date of commencement is \_\_\_\_\_. The proposed date of completion is \_\_\_\_\_.

This application is accompanied by a fee of \$ \_\_\_\_\_.

Upon approval of this application, I hereby guarantee to fulfill the following conditions pursuant to By-law No. \_\_\_\_\_, and \_\_\_\_\_.

- (1) To pay for any damage to persons or property which, in the opinion of the local authority, was caused by me; and,
- (2) To restore the land to a condition fit and suitable for its original use.

Village of Chase Approval \_\_\_\_\_ Date \_\_\_\_\_

I, the undersigned, hereby declare that the information and statements in this application are true and that I am aware of the terms and conditions of the Regulations and the local authority and will abide by the provisions imposed by same in respect of this application.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE