

UNOFFICIAL CONSOLIDATION
THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW No. 4251

Consolidated for convenience with Bylaw No. 13280 and 13955

A BYLAW to regulate the removal of soil from lands within the municipality.

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "**BURNABY SOIL REMOVAL REGULATION BYLAW 1961**".

2. In this By-law unless the context otherwise requires:

"Engineer" means the Municipal Engineer from time to time of The Corporation of the District of Burnaby,

"Mineral Fill" means soil free from refuse, rubble, clay or silt and free from any undecomposed organic matter.

3. (1) No person shall remove soil from any lands within the municipality without first having a permit therefore.
- (2) Every permit shall expire and be invalid after the expiration of six months from the date of its issue.
- (3) Every such permit shall specify the lands from which soil may be removed and the permit shall be valid only for removal of soil from the lands therein described.
4. (1) Application for a permit may be made at the offices of the Engineer on forms provide for such purpose and shall be accompanied with a permit fee as set out in the Burnaby Engineering Fees Bylaw. (BYLAW NO. 13955); (Repealed Bylaw No. 13280)
- (2) Such application shall be accompanied by a two foot contour plan or plans prepared by a British Columbia Land Surveyor showing the present state of the lands, the extent of removal contemplated and, the proposed surface and topography of the land after the soil removal has been completed.
- (3) Where the lands from which the soil is to be removed are to be filled with any material thereafter the application shall state the type of fill intended to be used and the method of applying or placing same.

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- (4) Every person to whom a permit has been issued hereunder shall complete the soil removal in accordance with the contour plans submitted and shall utilize only the type of fill and the method of applying same as stated in the application for a permit.
 5. (1) No person shall remove soil from any lands within the municipality if:
 - (a) such removal will or does in any way endanger surrounding or neighbouring lands or the support thereof or thereto.
 - (b) such removal will or does make impracticable the future sub division or development of the land or surrounding or neighbouring lands.
 - (c) such removal will or does adversely affect the stability of, foul, obstruct, impede, injure or damage any drain, ditch, stream, creek, waterway, water course, sewer, highway, lane, catch basin, culvert, manhole, public right of way, or any public utility.
 - (d) the drainage of any area of the municipality will be disturbed, damaged, destroyed or diverted thereby.
 - (2) Notwithstanding the provisions of sub-section 2 a permit may be issued if precautions can be taken which will prevent any such damage or injury therein referred to. In such case before a permit will be issued the applicant may be required to:
 - (a) obtain the services of a Consultant Soil Mechanics Engineer to determine the feasibility and proper method of the proposed soil removal provided that the report of such consultant will be subject always to the interpretation and approval of the Engineer; and
 - (b) enter into an Agreement with The Corporation of the District of Burnaby agreeing to remove the soil in such quantities, and in such manner as therein specified; and
 - (c) deposit a bond to ensure that the terms of such Agreement will be fully carried out.
 - (3) If at any stage of the soil removal operations it appears that the further work as authorized by an existing permit is likely to endanger any public property or streets, easements or lanes, or create hazardous conditions, or any of the conditions mentioned in subsection (1) the permit may be revoked or the Permittee may be required as a condition to continuance of work that adequate precautions be taken to avoid any damage or danger.
6. This By-law shall not apply to:

- (a) Florists, Nursery Men and Horticulturists who supply their cold frames, glass houses or pots with soil originating from the lands upon which their business is carried on provided they replace the so excavated soil with approved mineral fill.
 - (b) Any person excavating soil for the foundation of structures for which a building permit has been duly issued provided that the soil from the excavation is disposed of on the same lot on which the excavation occurred.
7. (1) No person carrying on any soil removal operations shall permit or cause any soil to be or come in or upon any road, highway, sidewalk, ditch, drain, catch-basin or other public place so as in any way to foul, impede, obstruct, injure or damage same or cause a nuisance thereon.
- (2) Any person who encumbers, obstructs, injures, fouls, or damages any highway or portion thereof or public place if required to do so by the Engineer shall forthwith remove, remedy or repair any such injury, fouling, damage, encumbrance or obstruction.
8. Any person contravening or committing any breach of or committing any offence against any of the provisions of this By-Law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law; or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this By-law prescribed or imposed or required to be done is liable, on summary conviction, to a fine not Ten Thousand (\$10,000) Dollars or to a term of imprisonment not exceeding six (6) months, or both. (BYLAW NO. 13955)

Read a first time this 8th day of May, 1961.

Read a second time this 8th day of May, 1961.

Read a third time this 8th day of May, 1961.

Reconsidered and adopted this 15th day of May, 1961.

(SIGNED) "R. W. PRITTIE"
ACTING REEVE

(SIGNED) "J. H. SHAW"
MUNICIPAL CLERK

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