

**UNOFFICIAL CONSOLIDATION**

**THE CORPORATION OF THE DISTRICT OF BURNABY**

**BYLAW NO. 5974**

Consolidated for Convenience with Bylaw No. 13279, 13512 and 13954

**A BYLAW to regulate the deposit of soil within the Municipality of Burnaby**

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

1. This By-law may be cited as "**BURNABY SOIL DEPOSIT BYLAW 1971**".
2. In this By-law unless the context otherwise requires:

"Corporation" means The Corporation of the District of Burnaby.

"Council" means the Council of the Corporation.

"Engineer" means the person appointed from time to time by the Council as Municipal Engineer of the Corporation and includes any person or persons delegated by the Municipal Engineer to act on his behalf.

"Municipality" means the Municipality of Burnaby.

"Person" includes any company, corporation, owner, partnership, firm, association, society or party.

"Soil" includes sand, gravel, rock and other material.

3.
  - (1) No person shall deposit soil on any land within the municipality without first having obtained a permit from the Engineer so to do.
  - (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 land upon which soil may be deposited and the permit shall be valid only for the deposit of soil on the land therein described.
4.
  - (1) Application for a permit shall be made to the Engineer on forms provided for such purpose and shall be accompanied with a permit fee as set out in the Burnaby Engineering Fees Bylaw. (BYLAW NO. 13954)

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- (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 land, the extent of deposit contemplated and the proposed surface and topography of the land after the deposit of soil has been completed.
  - (3) The applicant for a permit shall state in his application the type of soil intended to be used and the method of applying or placing same on the land.
  - (4) Every person to whom a permit has been issued hereunder shall complete the deposit of soil in accordance with the contour plans submitted and shall utilize only the type of soil and the method of applying same as stated in the application for a permit.
5. (1) No person shall deposit soil on any land within the municipality if:
- (a) such deposit of soil will or does in any way endanger any adjacent, surrounding or neighbouring land or the support thereof or thereto.
  - (b) such deposit of soil will or does make impracticable the future subdivision or development of the land or adjacent, surrounding or neighbouring land.
  - (c) such deposit of soil will or does adversely affect the stability of, foul, obstruct, impede, injure or damage any drain, ditch, stream, creek, waterway, water-course, sewer, highway, land, catch basin, culvert, manhole, public right of way, or any public utility.
  - (d) the drainage of any area in the Municipality will be disturbed, damaged, destroyed or diverted thereby.
- (2) Notwithstanding the provisions of sub-section (1) 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 deposit of soil 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 agreeing to the deposit of 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 time of the depositing of soil on any land in the Municipality it appears that further depositing as authorized by an existing permit is likely to endanger any public property, highway, or right-of-way, or to create hazardous conditions, or any of the conditions mentioned in subsection (1), the permit may be revoked by the Engineer.
6. (1) No person carrying on any soil depositing operations shall permit or cause any soil to be or come in, on or upon any road, highway, sidewalk, ditch, drain, catch-basin, public place or Corporation works or services or any part thereof so as in anyway to foul, impede, obstruct, injure or damage same or cause a nuisance therein or thereon.  
  
(2) Any person who encumbers, obstructs, injures fouls, or damages any road, highway, sidewalk, ditch, drain, catch-basin, public place or Corporation works or services or any part thereof so as in any way to foul, impede, obstruct, injure or damage same or cause a nuisance therein or thereon, if required to do so by the Engineer, shall forthwith remove, remedy or repair any such injury, fouling, damage, encumbrance or obstruction.
7. Every person who violates any of the provisions of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$10,000, and each day that the offence is continued shall constitute a separate offence.  
(BYLAW NO. 13512)

Read a first time this 4th day of October, 1971.

Read a second time this 4th day of October, 1971.

Read a third time this 12th day of October, 1971.

Reconsidered and adopted this 18th day of October, 1971.

(Signed) "ROBERT W. PRITTIE"  
MAYOR

(Signed) "J. H. SHAW"  
CLERK

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