REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1575

A bylaw to regulate the removal and deposit of soil from land within the electoral areas

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WHEREAS Section 327 of the *Local Government Act* authorizes a Regional District to regulate or prohibit the removal and deposit of soil and other materials on any land within the Regional District, to make different regulations and prohibitions for different areas, and to require permits and impose fees;

AND WHEREAS the Regional Board of the Regional District of Central Okanagan may, by bylaw, regulate or prohibit the removal of soil from, and deposit of soil or other material on any land within Electoral Area West and Electoral Area East of the Regional District of Central Okanagan;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting assembled, enacts as follows:

1 Title

1.1 This Bylaw may be cited as the "Regional District of Central Okanagan Soil Removal and Deposit Bylaw No. 1575, 2026".

2 Application

2.1 This Bylaw applies to the entirety of the Regional District of Central Okanagan Electoral Area West and Regional District of Central Okanagan Electoral Area East.

2.2 Nothing in this Bylaw shall preclude anyone from complying with the provisions of any other local, provincial, or federal regulations or enactment.

3 Purpose

3.1 This Bylaw has been enacted for the purpose of regulating the deposit and removal of soil and other material within the Electoral Areas of the Regional District.

4 Definitions

4.1 Within this Bylaw, the following definitions apply:

"Bylaw Enforcement Officer" means any person appointed by the Regional Board to act on matters of bylaw enforcement.

"Contaminated Soil" means the presence in soil of a hazardous waste or another prescribed substance in quantities or concentrations exceeding provincial environmental quality standards for the applicable soil quality class.

"Department Director" means the person who holds the position of Director of Development & Engineering Services, or such person designated by the Department Director to act on their behalf in their absence.

"Deposit" means the placement, storage, filling, spilling or releasing, directly or indirectly, of soil or other material on lands in the Electoral Areas where the soil or other material was not previously located.

"Land" means any land within the boundaries of the Electoral Areas including land, land within the Agricultural Land Reserve, and land covered by lakes, streams, wetlands, or watercourses.

"Permit" means a permit issued by the Department Director in accordance with Section 10 of this Bylaw.

"Prohibited Fill" means construction and demolition waste (including masonry rubble, concrete, cement, rebar, drywall, and wood waste); asphalt; glass; synthetic polymers; treated wood; and unchipped lumber.

"Electoral Areas" means Central Okanagan Electoral Area West and Central Okanagan Electoral Area East.

"Regional Board" means the board of directors of the Regional District of Central Okanagan elected or appointed to hold office.

"Regional District" means the Regional District of Central Okanagan.

"Registered Professional" means a person registered with a professional association including the Association of Professional Engineers and Geoscientists of BC, British Columbia Institute of Agrologists or other appropriately designated Qualified Professionals under the *Professional Governance Act*, because of their knowledge, training, and experience, are able to organize, supervise and perform the duties required in this Bylaw.

"Removal" means the act of removing soil from any lands in the Electoral Areas, or from any area of the Regional District, from where it existed or stood, which place, or location could include a stockpile.

"Soil (or other Material)" means soil, topsoil, sand, gravel, rock, silt, clay, peat, or any other substance of which land is composed, or any combination thereof that is clean, without contamination, natural, and non-compostable. Soil amendments intended for agricultural fertility (compost, fertilizer, manure, mulch, and soil conditioners) are not included.

"Stockpile" means a man-made accumulation of soil held in reserve for future use, distribution or removal.

"Watercourse" means a natural watercourse or source of water supply, whether usually containing water or not, groundwater, and a lake, river, creek, spring, ravine, wetland and gulch.

5 Prohibition

5.1 No person shall, unless exempted by this Bylaw, remove soil or deposit soil or other materials:

a) without a permit issued pursuant to this Bylaw, or
b) contrary to a permit issued pursuant to this Bylaw.

5.2 No person shall remove soil or deposit soil or other material on any land within the Electoral Areas unless in accordance with the *Environmental Management Act*, and amendments thereto.

6 Permit Requirements

6.1 Subject to the other terms in this Bylaw, no person shall cause or permit the deposit or removal of soil within the Electoral Areas unless the person:

a) has applied for and been issued a valid and subsisting permit for such deposit or removal;

b) carries out the deposit or removal in accordance with this Bylaw and the terms and conditions set out in the permit.

7 Permit Exemptions

7.1 A permit is not required on that land where the deposit or removal of soil:

a) is less than 100 cubic metres (m^3) of soil in a calendar year, or is in conformance with of the Agricultural Land Reserve (ALR) Use Regulation if in the ALR, and is less than 1.2 m increase in grade of the natural grade of the land;

b) is for the purpose of constructing or maintaining provincial highways, forest service roads, walkways, or trails;

c) is on land owned by, or works undertaken by, the Regional District (or its appointed agents) or its member municipalities (or their appointed agents);

d) is on land managed under the *Forest Act* or regulated under the *Highways Act* and for which a provincial soil permit has been obtained, so long as the land continues to be used as a managed forest or highway;

e) is related to the construction of buildings or structures accurately shown on scaled drawings submitted as part of the application for a building permit, and for which a building permit is in good standing;

f) is related to development in accordance with the subdivision of land and a valid preliminary layout review in place (not expired), and, if required, an issued Certificate to Commence Construction of Works as per the Regional District's *Subdivision Servicing Bylaw*;

g) is required as part of the clean-up or remediation of Contaminated Soils as directed and approved by the Ministry of Environment;

h) is required as part of a solid waste processing and disposal operation, including composting facilities, which has approval pursuant to applicable federal, provincial, and Regional District regulations and bylaws;

i) is required for the construction or maintenance of a private sewage disposal system for which a sewage disposal permit pursuant to the *Health Act* has been issued;

j) is undertaken pursuant to the *Mines Act* or under an active *Mines Act* permit issued by the designated Ministry of the Province of British Columbia;

k) involves stockpiles on land where such use is permitted under the Regional District's zoning bylaws;

l) is undertaken as flood protection works by or on behalf of a dyking authority;

m) is undertaken for the sole purpose of completing a floodplain management activity which is licensed by the Province of British Columbia;

n) is undertaken to resolve emergency situations that present an immediate danger related to flooding, erosion or other immediate threats to life or property, including removal of hazardous trees, provided Central Okanagan Emergency Management or the Regional District's Chief Administrative Officer has been informed;

o) is deposited within a pre-approved fill deposition site, approved by the Regional District; or

p) involves the movement of existing soil within the boundaries of a single legal parcel.

8 Permit Application

8.1 An application for a permit must be made on a form provided by the Regional District.

8.2 A permit application must be signed by the applicant, and

a) if the applicant is not the owner, by all owners of the soil removal parcel and the soil deposit parcel, and

b) in the case of strata property:

i. by an authorized representative(s) of the strata corporation plus the strata lot owner for the property where the soil is to be deposited or removed; and

ii. by resolution of the strata council if the soil is to be deposited or removed on common property.

9 Permit Application Fees

9.1 An application for a Permit must be submitted with the appropriate fee as prescribed by the Regional District's *Development Application Fees and Charges Bylaw.*

10 Permit Application Requirements

10.1 Unless otherwise waived by the Department Director, every application for a permit for more than 100 cubic metres (m^3) of soil shall be accompanied by a detailed report, data, and specifications for the proposed site prepared by a Registered Professional and shall contain information regarding the soil deposit or removal with respect to the following matters:

a) a detailed site plan to a scale of not more than 1:1,000 showing the contour of the ground in its current state;

b) the legal description of the property, including the name and address of the registered owner;

c) the location of the site from which soil or other material is to be removed from, in the case of soil deposition, or the location of the site to which soil or other material is to be deposited to, in the case of soil removal;

d) description of the type of soil or other material and the purpose for which the soil is to be removed, or the soil or other material is to be deposited;

e) the general description and volume of the soil or other material to be deposited or removed;

f) all features including buildings, structures, tree cover, roads, bridges, and natural watercourses;

g) land uses and designations such as ALR, zoning, floodplain areas, and environmentally sensitive areas;

h) the proposed slopes which will be maintained upon completion of the soil deposit or removal;

i) the proposed methods to control the erosion of the banks of the soil deposit or removal;

j) the proposed methods of drainage control during the deposit or removal of soil or other material;

k) the proposed methods to control noise and dust generated by the proposed deposit or removal of soil or other material;

l) the proposed methods and locations of access to the site during the deposit or removal of soil or other material;

m) the proposed grading and rehabilitation plan for the deposit or removal site of soil or other material during and upon completion of the proposed deposit and removal operation, copies of any remediation or site closure plans filed with the Ministry of Energy and Mines and any Agricultural Land Commission remediation requirements;

n) the proposed location of machinery, buildings, scales, and all other proposed structures and improvements;

o) the proposed location of buffers and tree cover, and the location and grade width of berms;

p) the proposed schedule for the deposit or removal of soil or other material, indicating the amounts to be either removed or deposited on a monthly basis;

q) the proposed routes to and from a soil deposit or removal area;

r) the traffic management plan, which would include but not be limited to a description of trucks, signage, placement of safety control devices, and other traffic control that would minimize the disturbance created;

s) copies of all other necessary approvals and permits from Federal and Provincial authorities required by statute or regulation in connection with the proposed deposit or removal of soil or other material;

t) a site reclamation plan including invasive species management plan, prepared by a Registered Professional to be incorporated in the permit.

10.2 Notwithstanding clause 10.1, where a proposal for the removal or deposit of soil or other material requires a permit under the *Environmental Management Act*, *Agricultural Land Commission Act*, *Heritage Conservation Act*, *Land Title Act*, or *Local Government Act* the Department Director may waive certain permit application requirements under clause 10.1.

11 Permit Issuance

11.1 Where:

a) a completed application for a permit under this Bylaw has been submitted;

b) the proposed soil deposit or removal set out in the application conforms with this Bylaw, all other bylaws of the Regional District, and all other applicable enactments; and,

c) the applicant for the permit has paid the Regional District the required application fees,

the Department Director may issue the permit, issue the permit with all or some conditions as per section 12.10 or refuse the permit for non-compliance with this Bylaw. In the event of a refusal, the applicant may be permitted to apply for reconsideration to the Regional Board as per the Regional District's *Development Application Procedures Bylaw.*

12 Permit Conditions

12.1 No person may deposit or remove soil or other material so as to do any of the following, except as authorized under the *Environmental Management Act*, a Solid Waste Management Plan approved under the *Environmental Management Act*, or any other provincial legislation:

a) foul, obstruct, divert, or impede the flow of or damage or destroy any watercourse, ditch, rain, sewer, or other water utility, whether privately or publicly owned;

b) damage or destroy amenities on the lands or on adjacent lands including, without limitation, any utilities, works or services, statutory rights of way, structures, buildings or improvements;

c) contravene any Regional District bylaw or provincial or federal law;

d) threaten the health and safety of the public;

e) result in the use of the permit lands in a manner inconsistent with the current zoning for the permit lands;

f) compromise the hydrological function or drainage capacity of the permit lands or adjoining lands;

g) result in soil on the land or on adjacent land becoming unstable or susceptible to erosion, slippage, landslide, slumping or settling;

h) result in excessive costs for any government to provide public utilities, works or services to the permit lands or adjoining lands;

i) permit dust, dirt or noise to escape the property boundary that may cause a private or public nuisance;

j) result in the coverage of topsoil;

k) permit the promotion of growth of invasive species on the parcel that are subject to the permit ; or

l) introduce prohibited fill on the lands.

12.2 All descriptions, plans and specifications submitted by the applicant in support of the permit application and added as a schedule to the permit by the Regional District form part of and are incorporated into the permit and the permit specifically limits soil deposit or removal in accordance with the descriptions, plans and specifications accepted by the Regional District.

12.3 The permit holder is at all times responsible for compliance with the provisions of this Bylaw and any other applicable enactment and for any claim, demand, damage, loss, costs, expense, fees or fine that may arise from a deposit or removal of soil or other material.

12.4 The permit holder shall save harmless, indemnify and keep indemnified the Regional District, its directors, officers, employees, and contractors from any claims, demands, damages, losses, costs, expenses, fees, fines, actions, proceedings whatsoever brought by persons arising from the issuance of a permit under this Bylaw with respect to the deposit or removal of soil or other material authorized under a permit.

12.5 The issuance of a permit does not constitute authority to conduct processing of soil or other material on the parcel or any part thereof if not appropriately zoned for such use.

12.6 Every permit issued pursuant to this Bylaw shall expire twelve (12) months following the date of issuance unless an expiry date for a different term is expressly specified in the permit. Every permit shall cease to authorize soil deposit or removal upon the expiry date without the necessary permit renewal in accordance with sections 13.1 and 13.2.

12.7 No permit issued pursuant to the terms of this Bylaw may be transferred, assigned, or sold.

12.8 Before a permit is issued, the applicant shall have first obtained all permits and permissions required from the Regional District and any other authority having jurisdiction.

12.9 Any soil or other material deposited without a permit (or contrary to the terms of a permit) shall be removed from the parcel by the owner of the parcel at the owner's cost. Failure to remove the soil or other material within the time period so given for the removal shall constitute an offence under this Bylaw. In the event that the owner of the parcel fails to remove the soil or other material in accordance with this section within the stated time period, the Regional District or its appointed agents may, at its sole discretion and at the expense of, as the case may be, the permit holder or the owner of the parcel, enter onto the parcel or any part thereof and carry out the work required to effect the removal of soil or other material.

12.10 The Department Director may impose conditions on a permit that restrict the location of deposit or removal and the type and volume of soil to be deposited or removed based on the information supplied by the applicant under section 10.1 of this Bylaw, to ensure the deposit or removal occurs in the manner and amount specified in the application. Where the applicant is required to submit detailed plans, data and specifications under section 10.1 of this Bylaw, the Department Director may issue the permit on conditions pertaining to subsections 10.1 a) through t) of this Bylaw to ensure the applicant deposits or removes soil in accordance with the detailed plans, data and specifications provided.

12.11 If required under the terms of the permit, upon completion of the soil deposit or removal authorized by a permit, the permit holder shall deliver to the Department Director a certificate from a Registered Professional stating that all soil deposited or removed was deposited or removed in substantial compliance with the requirements of the permit and good environmental and engineering practices.

13 Permit Renewal

13.1 A Permit for soil deposition or removal may be renewed for one additional term not to exceed twelve (12) months at the request of the applicant if the Department Director determines, after inspecting the permit parcel that the applicant is in full compliance with the permit and this Bylaw.

13.2 Application for renewal of a permit or part thereof will be made in the same manner as provided herein for a new permit, with a non-refundable renewal fee as per the Regional District's *Development Application Fees and Charges Bylaw*. The original application may be re-submitted for renewal. Provided all applicable drawings and specifications are updated as necessary to identify any material changes to site conditions and to demonstrate compliance with current bylaws and regulations.

14 Permit Revocation and Reinstatement

14.1 The Department Director may direct the immediate suspension or correction of soil or other materials deposit or removal activities by attaching a Stop Work Order notice on the premises whenever it is found that the work is not being performed in accordance with the requirements with the terms and conditions of this Bylaw or the issued permit.

14.2 Subject to section 14.1, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 14.1 until the Stop Work Order notice has been removed by the Department Director.

14.3 The notice referred to in section 14.1 must remain posted on the premises until that which is contrary to the enactments has been remedied.

14.4 The Department Director may, by delivery of a 10-day written notice to a permit holder, revoke or suspend a permit under this Bylaw where:

a) the permit holder has contravened this Bylaw, or another bylaw of the Regional District;

b) the permit holder has contravened a condition of the permit;

c) the permit was issued by the Regional District on the basis of descriptions, plans and specifications submitted by the permit holder in support of the permit application which was incorrect or misleading; or,

d) the permit holder failed or refused to comply with a stop work order made pursuant to this Bylaw.

14.5 The Regional District may reinstate a permit if the applicant provides a report from a Registered Professional confirming compliance with this Bylaw.

15 Enforcement

15.1 The Department Director, Bylaw Enforcement Officer, all Regional District employees, persons retained by the Regional District for inspection purposes, and agents of the

Regional District are authorized individually or in combination to enter at all reasonable times on any parcel to ascertain whether the provisions of this Bylaw are being observed.

15.2 For the purposes of ascertaining compliance with this Bylaw, the Department Director may require a permit holder to provide records of soil deposit or removal and/or a specified report from a Registered Professional.

15.3 In the event of a breach of a provision of this Bylaw or any permit issued pursuant hereto, the Regional District or its agents may issue a fine to:

a) the permit holder;

b) the owner or occupier of lands or upon which soil is being removed or deposited;

c) any person engaged in the soil removal, or deposit activities, or either of them, a notice of such breach. Every person receiving such notice shall forthwith cease and desist from all soil removal, or deposit activities, and every owner or occupier of land upon a notice of a breach shall thereupon cease to permit any further removal or deposit of soil or other material from or upon the lands, until such breach is remedied to the satisfaction of the Regional District.

15.4 Any person commits an offence against this Bylaw who:

a) deposits or removes soil without a permit where a permit is required;
b) violates a provision of this Bylaw
c) fails to comply with a term or condition of a permit;
d) fails to comply with an order or notice given under this Bylaw; or,
e) refuses or hinders an inspection under this Bylaw.

15.5 Any person who neglects or refuses to carry out works prescribed by the Department Director to remedy a contravention of this Bylaw commits an offence.

15.6 Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw, is guilty of an offence and

a) Pursuant to the *Local Government Act* or the *Offence Act* or both shall be liable on summary conviction to:

i) a fine not exceeding $15,000 dollars ($15,000.00), imprisonment of not more than 6 months, or both,
ii) the costs of prosecution, and
iii) any other penalty or remedy imposed or permissible pursuant to an enactment;

b) The penalties and remedies imposed under subsection a) shall be in addition to and not in substitution for any other penalty or remedy imposed by or permissible under this Bylaw or another enactment; and

c) Each day that a violation is caused or allowed to continue constitute a separate offence under this Bylaw

16 Failure to Act

16.1 Where remedial activities are not completed within the specified time as outlined within a Stop Work Order made pursuant to this Bylaw, the Department Director may order the action contained in the order to be performed by Regional District employees, or others, and the cost to the Regional District of so doing may be recovered from the land owner by the Regional District as if the same were a debt due the Regional District. The amount of such cost, when certified by the Department Director, if not before paid, shall be entered by the Regional District's Collector into the Collector's Roll next prepared after the receipt of the certificate and such amount may be recovered with interest at such rate as may be authorized from time to time by the *Local Government Act*, in like manner as municipal taxes.

17 No Duty of Care

17.1 This Bylaw does not create a duty of care on the Regional District, its Regional Board, the Department Director, staff or agents with respect to:

a) the review of, verification of, or reliance on information received for the issuance of a permit under this Bylaw;

b) the issuance of a permit in this Bylaw;

c) the inspection of, or failure to inspect, work to deposit or remove soil;

d) the enforcement, or failure to enforce the *Local Government Act*, or the provisions of this Bylaw.

18 No Cause of Action

18.1 Neither a failure to administer or enforce, nor incomplete or inadequate administration or enforcement of the *Local Government Act*, or the provisions of this Bylaw, nor any error, omission or other neglect in relation to any matters set out in this Bylaw will give rise to a cause of action in favour of any person including the owner.

19 No Warranty or Representation

19.1 A review, or failure to review, by the Department Director of technical information, specific requirements, design and construction drawings, and supporting documents provided as a condition of issuing a permit, will not, in any way, constitute a representation, warranty or statement that the undertaking of work to deposit or remove soil complies with the standards as set out in this Bylaw, *WorkSafe BC regulations*, or safe practice, and no person, including the Owner, will rely on such review or failure to review as establishing compliance with this Bylaw, other applicable regulations, or safe practice.

19.2 The issuance by the Department Director of a permit will not, in any way, constitute a representation, warranty, or statement that the undertaking of work to deposit or remove

soil in accordance with the conditions of the permit may be completed in accordance with the provisions of this Bylaw, other applicable regulations, or safe practice.

19.3 Site visits made by the Department Director, or other Regional District staff or agent, or the failure to make such site visits, will not, in any way, constitute a representation, warranty, or statement that work to deposit or remove soil has been undertaken or completed in accordance with this Bylaw, other applicable regulations, or safe practice.

20 Severability

20.1 If any section or portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalid section or portion shall be severed, and such invalidity shall not affect the remainder of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME THIS 22ND DAY OF JANUARY 2026.

AMENDED AND READ A THIRD TIME THIS 20TH DAY OF AUGUST 2026.

APPROVED BY THE MINISTER OF MINES AND CRITICAL ELEMENTS ON THE 21ST DAY OF AUGUST 2026.

APPROVED BY THE MINISTER OF ENVIRONMENT AND PARKS ON THE 11TH DAY OF SEPTEMBER 2026.

ADOPTED THIS 8TH DAY OF OCTOBER 2026.

CHAIRPERSON

CORPORATE OFFICER