

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 419
(as recommended by Staff May 28, 2008)

A BYLAW TO IMPOSE FEES FOR PERMITS AND AUTHORIZE THE REMOVAL AND DEPOSIT OF SOIL AND TO PROHIBIT CERTAIN REMOVAL OF SOIL WITHIN THE SALT SPRING ISLAND LOCAL TRUST AREA

WHEREAS the Salt Spring Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Salt Spring Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 3 of the *Islands Trust Act* establishes that the object of the Islands Trust is to preserve and protect the Trust area and its unique amenities and environment for the benefit of the residents of the Trust area and of British Columbia generally;

AND WHEREAS Section 29 of the *Islands Trust Act* authorizes the Local Trust Committee to adopt Soil Removal and Deposit bylaws under Section 723 of the *Local Government Act* and Section 9 of the *Community Charter*;

AND WHEREAS SECTION 723 of the *Local Government Act* authorizes a Local Trust Committee to regulate and prohibit the Removal of Soil including sand, gravel and rock, and the Deposit of Soil and other materials on any land within the Local Trust Area, to make different regulations and prohibitions for different areas, and to require permits and impose fees;

AND WHEREAS the Salt Spring Island Local Trust Committee wishes to prohibit the Removal of Soil in certain circumstances in the Salt Spring Island Local Trust Area, and impose permit fees and soil removal fees;

NOW THEREFORE the Salt Spring Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as the "Salt Spring Island Local Trust Area Soil Removal and Deposit Fees and Prohibition Bylaw, No. 419".

1.0 Interpretation

- 1.1 Italicized terms in this Bylaw shall be interpreted in accordance with Salt Spring Island Local Trust Area Soil Removal and Deposit Regulation Bylaw, No. 418.

2.0 Fees for Permits

- 2.1 The fee for each *permit to remove soil, rock or topsoil* issued under Salt Spring Island Local Trust Area Soil Removal and Deposit Regulation Bylaw, No. 418 shall be \$250.00 for volumes less than 5000m³ and \$1,100.00. ~~for volumes of 5000m³ or more.~~

Comment: Removed calculation of fee by \$0.50 added two flat fees

- 2.2 The fee for each *permit to deposit soil or rock or topsoil* issued under Salt Spring Island Local Trust Area Soil Removal and Deposit Regulation Bylaw, No. 418 shall be \$250.00 for volumes less than 5000m³ and \$1,100.00. ~~for volumes of 5000m³ or more.~~

Comment: Removed calculation of fee by \$0.50 added two flat fees

- 2.3 [The *permit* fee to renew a permit to *remove* or *deposit* *soil*, *rock* or *topsoil* issued under the Salt Spring Island Local Trust Area Soil Removal and Deposit Bylaw No. 418 shall be 30% of the original *permit* fee. Comment: Added June 5 by LTC
- 2.4 [When a *deposit* or *removal* activity involves both *removal* and *deposit* operations on the same lot there shall only be one *permit* fee. The fee shall be calculated for the combined total of the *volumes* to be *removed* or *deposited*. Comment: New section for combined permits
- 2.5 [If a report provided to the Islands Trust in accordance with section 8.0 of Salt Spring Island Local Trust Area Soil Removal And Deposit Regulation Bylaw No. 418 indicates that the *volume* of *soil*, *rock* or *topsoil* removed or *deposited* pursuant to the *permit* is greater than the *volume* on the basis of which the *permit* fee was paid, the *permit holder* shall recalculate the *permit* fee in accordance with this section 2.0 and remit any additional *permit* fee to the Islands Trust with the report. Comment: Section added on recommendation of lawyer

3.0 Soil Removal Prohibitions

- 3.1 No person shall *remove* any *soil* composed of *peat*, minerals or coal from anywhere in the Salt Spring Island Local Trust Area.
- 3.2 No person shall *remove* any *soil*, *rock* or *topsoil* from the area below the *natural boundary* of the sea in the Salt Spring Island Local Trust Area.

----- Comment: Removed schedule A

5.0 Offences

- 5.1 An offence is committed against this Bylaw by every person who:
 - 5.1.2 violates any of the provisions of this Bylaw, or
 - 5.1.3 allows any act or thing to be done in contravention or violation of this Bylaw, or
 - 5.1.4 being the owner or occupier of a *lot*, fails to prevent any other person from contravening any part of this Bylaw by conducting any prohibited activity on that *lot*, or
 - 5.1.5 fails to comply with any order or notice given under this Bylaw.

6.0 Penalties

- 6.1 Every person who commits an offence under this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000.
- 6.2 Each day of any violation, contravention or breach of this Bylaw shall be deemed to be a separate and distinct offence.
- 6.3 Nothing in this Bylaw shall limit the Salt Spring Island Local Trust Committee from pursuing any other remedy that would otherwise be available for a contravention of the bylaw.

