Soil Removal and Deposit Bylaw No. 1676, 2021

CONSOLIDATED FOR CONVENIENCE ONLY

EFFECTIVE DATE: March 14, 2022

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only.

This consolidation is not a legal document.

Certified copies of the original bylaws should be consulted for interpretation and application of the bylaws on this subject.

AMENDMENT BYLAW	EFFECTIVE DATE
No. 1676.01	September 8, 2025

THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1676

"A Bylaw to Provide for the Control and Management of Soil Removal and Deposit"

WHEREAS under the authority the *Community Charter,* Council may, by bylaw, regulate, prohibit and impose requirements in relation to the removal of soil and the deposit of soil or other material;

AND WHEREAS Council of the Corporation of the District of Kent has deemed it advisable to regulate the removal and/or deposit of soil and require the holding of a permit for such purposes;

NOW THEREFORE the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

1.0 CITATION

This Bylaw may be cited for all purposes as "Soil Removal and Deposit Bylaw No. 1676, 2021" and comes into effect on the date of adoption.

In the event that any provision of this bylaw is found by a Court of competent jurisdiction to be invalid for any reason, then such provision shall be severable from and have no effect on the validity of the remainder of this bylaw.

2.0 DEFINITIONS

In this Bylaw:

"Aquifer" means a water-bearing stratum of permeable rock, sand or gravel;

"Buffer Zone" means a natural strip of land not less than seven (7) metres in width to screen the view and sound of and to provide setbacks between adjacent properties and highways from soil removal or soil and other material deposit operations;

"Bylaw Enforcement Officer" means a person appointed from time to time by the Council of the District for the purpose of enforcing and carrying out provisions of this Bylaw, and shall include any Assistant Bylaw Enforcement Officer or designate so appointed;

"Deposit" means the act of moving soil and other material and placing it upon a parcel or contiguous parcels of land on which such soil and other material did not previously exist or stand, including a stockpile or other storage facility;

"District" means the District of Kent;

"District Engineer" means the Director of Engineering as appointed by the Council, and includes his/her authorized designate(s);

“Drainage Infrastructure” means a stream, ditch, slough, creek, river, lake, pond, pipe, culvert or any other natural or manmade thing used to carry, drain, transport and/or hold water;

“Engineer” means a person registered or licensed as a professional engineer under the current Engineers and Geoscientists Act;

“Highway” means every highway within the meaning of the current Transportation Act, as well as every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, every private place or passage way to which the public, for the purpose of parking or serving of vehicles, has access or is invited and shall include disabled zones, the roadway, shoulder, boulevard, ditch and sidewalk and whatever lands lie between the boundaries of the highway;

“Lot” means a real property registered as a parcel in the records of the land title office;

“Owner” means a person registered in the records of the land title office as the fee simple owner of a lot, including the strata corporation in the case of a lot under strata ownership;

“Permit” means the written authority granted pursuant to this bylaw for the removal of soil from and/or the deposit of soil and other material upon land within the District;

“Permit holder” means the person to whom the authority to carry out the activities or to supervise the carrying out of the activities for soil removal and/or deposit is granted pursuant to a valid permit. The permit holder may or may not be the owner of the property;

“Person” means an individual, association, corporation, firm, body politic, co-partnership, or similar organization, and their heirs, executors, successors and assigns or other legal representatives, whether acting alone or by a servant, agent or employee;

“Removal” means the act of removing soil from any lands, parcel or contiguous parcels of land on which it exists and shall include the removal of soil which has been placed into a stockpile or other storage on any land;

“Significant Extraction Operation” means the removal of soil where the total volume of materials removed from a lot exceeds one thousand (1,000) cubic metres, except where the removal is being carried out as part of the construction of a building or structure for which a building permit has been issued by the District or works and services pursuant to a servicing agreement entered into with the District or for any District capital infrastructure projects;

“Soil” means clay, silt, sand, gravel, cobbles, boulders, peat, organics, wood waste or other substance of which land is naturally composed, down to and including bedrock;

“Surveyor” means a person registered or licensed as a land surveyor under the current provincial Land Surveyors Act;

“Wood Waste” means waste resulting from the processing of trees into lumber or other wood products and includes sawdust, hog fuel, chips, shavings and bark.

3.0 EXEMPTIONS

3.1 Subject to compliance with federal and provincial legislation and all other regulations and requirements of this bylaw, a permit pursuant to this bylaw shall not be required for:

(a) the removal of such soil from, or the deposit of such soil or other material upon a District highway, park, statutory right-of-way or registered easement, as is necessary for the construction, maintenance, removal or installation of public services, such as roadways, trails, landscaping, utilities, dikes or other services provided by the District;

(b) sanitary landfill operations or solid waste transfer stations conducted or operated by the District or by Fraser Valley Regional District;

(c) the deposit within the District of wood waste not exceeding 0.6 metres in depth:

(i) on equestrian areas, including riding rings, stables and bridle paths; and,

(ii) recreation areas, including jogging paths, nature trails and walkways;

(d) the stockpiling of wood waste for agricultural purposes recognized as an acceptable farm practice by the provincial Ministry responsible for agriculture on lands within the District classified as farm land under the Assessment Act;

(e) the removal or deposit of soil or other material upon District owned parks and lands by District staff and/or volunteers working on the District's behalf;

(f) the removal or deposit of soil where the amount of soil removed or deposited from any one parcel of land in any one year does not exceed one hundred (100) cubic metres;

(g) the removal or deposit of soil required for, or incidental to, the construction of a building or facility in which the District has granted a building permit;

(h) driveways for which the District has granted a driveway permit.

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3.2 Where soil deposit or removal is on land designated agricultural under the Agricultural Land Commission Act, S.B.C. 2002, c. 36, the proponent is exempt from requiring a permit from the District of Kent provided the following conditions are met:

a) The District of Kent is notified, by way of referral, of notice of intent or application filed with the Agricultural Land Commission (ALC) for the proposed deposit or removal of fill, and that all relevant ALC regulations have been met and the proposed activity has been approved by the ALC.

b) 3.2 (a) notwithstanding, a permit may also not be required if the proponent can demonstrate that the proposed activity is exempt from ALC requirements under their own exemption clauses (e.g. under the total amount deposited requiring a notice of intent).

c) All other requirements of this bylaw are followed (including regarding setbacks, protection of water courses, and quality of the fill being deposited).

d) The soil deposit or removal is compliant with all other federal and provincial legislation.

4.0 GENERAL REQUIREMENTS

4.1 Except as provided in Section 3.0, no person shall remove or cause or allowed to be removed, soil from any land within the District until a permit has been issued for such removal pursuant to this bylaw, and every such removal shall conform in all respects to the regulations and requirements of this bylaw and the terms and conditions contained in the permit.

4.2 Except as provided in Section 3.0, no person shall deposit or cause or allow to be deposited, soil or any other material upon any land within the District until a permit has been issued for such deposit pursuant to this bylaw and every such deposit shall conform in all respects to the regulations and requirements of this bylaw and the terms and conditions contained in the permit.

4.3 Soil removal or deposit and related activities shall adhere to the Construction Hours prescribed in the District's current Noise Control Bylaw.

4.4 Soil removal and/or deposit operations must not occur within 30 metres of any drainage infrastructure without the approval of provincial and federal levels of government having jurisdiction and shall not obstruct or damage any drainage infrastructure or ground water aquifer by removing or causing or permitting the removal of soil, or by depositing or causing or permitting the deposit of soil.

4.5 The District may refuse to issue a permit if the proposed soil removal and/or deposit operation, or the plans, data, and/or specifications submitted with the application do not comply with this bylaw, or if the proposed soil removal and/or soil deposit would, in the District's opinion, adversely affect the environment or any adjacent properties, highways, right-of-ways, utilities, drainage infrastructure or the ground water aquifer.

4.6 Any permit issued pursuant to this bylaw may specify conditions with regard to traffic control and utilization of District highways in connection with a soil removal and/or deposit operation.

4.7 All hazards or potential hazards arising from soil removal and/or deposit operations shall be adequately fenced or otherwise protected for the safety of the public, and suitable weather-proof signs shall be mounted and maintained at intervals of not greater than sixty (60) metres around the perimeter of any excavation with clear, legible wording to indicate the hazard, the nature of the operation and prohibiting the presence of the public and all unauthorized persons.

4.8 Stockpiles of soil which are part of any soil removal and/or deposit operation for which a permit has been issued pursuant to this bylaw shall be confined to the locations prescribed in the permit.

4.9 No operation by which soil is removed and/or deposited shall encroach upon, undermine damage or endanger any adjacent property or highway or, where a permit has been issued pursuant to this bylaw, encroach into any setback area prescribed in the permit.

4.10 Any person who, in the course of a soil removal and/or a soil deposit operation, causes or permits to be caused damage to any drainage infrastructure, ground water aquifer, highway or other District or private property shall promptly repair such damage so as to restore the said property as nearly as possible to its condition prior to the commencement of the soil removal or the soil or deposit operation.

4.11 No person shall make a false statement in an application under this bylaw.

4.12 No permit issued pursuant to this bylaw or any interest shall be transferred or assigned. Where a permit holder sells, transfers or otherwise disposes of their interest in the land in respect to which a subsisting permit has been issued, they shall immediately cease the soil removal or deposit operations and the permit shall become void and of no effect and shall be returned to the District.

4.13 If the holder of a permit issued pursuant to this bylaw wishes to deviate in any way from the particulars contained in the application or from the plans, data and specifications submitted, he/she shall first make application for and receive a new permit pursuant to this bylaw.

4.14 Erosion and Sediment Control best management practices acceptable to the District Engineer must be employed and include measures to retain sediment laden water onsite and provide for removal of accumulated soils from District roadways.

4.15 Any water discharging from the soil removal and/or deposit site must maintain a total suspended solids (TSS) level not greater than 25 mg/L during dry weather and less than 75 mg/L during the wet season, turbidity levels must not be greater than 20 NTU, and pH of the water discharged from the site should fall between 6.0 and 9.0. Effluent outside this range must be neutralized prior to discharge.

4.16 No person engaged in a soil removal and/or deposit operation shall cause or permit dust, dirt or noise to escape so as to constitute a nuisance to any other property.

4.17 The District is hereby authorized at all reasonable times to enter upon and inspect any lands to ascertain whether the provisions of this bylaw and any permit issued pursuant to this bylaw are being complied with.

4.18 Soil which is removed from one site, in the District, and deposited on another site, in the District, shall be accepted as one project and shall only be subject to one fee.

4.19 Each permit issued pursuant to this bylaw shall be visibly displayed in a protected, accessible, conspicuous position upon the lands referred to, and shall be made available to the District Engineer upon request.

4.20 Owners or occupiers of property abutting on a highway where soil removal operations are to occur shall not allow or permit any vehicle used in soil removal operations to deposit, throw, spill or track any earth, soil, sand, gravel, clay, peat or any other materials or combination of materials upon a District highway.

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4.21 No person shall deposit or cause or permit to be deposited any material other than soil, wood waste, masonry rubble, concrete rubble, or asphalt rubble, upon any land other than: a) a sanitary landfill; b) a solid waste transfer station; or c) a construction and demolition waste landfill;

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4.22 No personal shall deposit or cause to be deposited soil or other material in individual pieces in excess of 1 m in length or 0.75 m^3 in volume;

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4.23 In the event of a breach of any provision of this bylaw or any provision of this bylaw or any permit issued pursuant to this bylaw, the Bylaw Enforcement Officer may issue to a) the permit holder; b) the owner or occupier of lands from which soil is being removed or deposited; and c) any person engaged in a soil removal or deposit operation, a notice of such breach. Every person receiving a notice of such a breach shall immediately cease all soil removal or deposit operations, and every owner or occupier of land, upon receiving a notice of a breach, shall prevent any further removal or deposit until such breach is remedied to the satisfaction of the District;

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4.24 Every person holding a permit pursuant to this bylaw shall maintain accurate up to date records of the progress of the soil removal or deposit operation sufficient to show compliance with the provisions of this bylaw and the permit; and such records shall be made available to the District upon request.

5.0 APPLICATION REQUIREMENTS

5.1 Every application for a permit pursuant to this bylaw shall be made in writing to the District in the form prescribed by Schedule “A”, and shall specify the type of permit requested, either:

(a) Type “A” - Annual Renewable Soil Removal Permit; or
(b) Type “B” - Temporary Soil Removal or Deposit Permit.

5.2 Every applicant shall submit with the application the following:

(a) a State of Title Certificate for the lands from or upon which it is intended to remove the soil and/or to deposit the soil issued not more than seven (7) days prior to the date of application and where the applicant is not the owner of the said lands, the consent in writing of the owner of the said lands;

(b) a description of the type of soil or other material and the purpose for which the soil is to be removed and/or deposited;

(c) a statement of the estimated depth of topsoil and over-burden on the proposed soil removal and/or deposit site;

(d) the estimated total volume of soil to be removed and/or deposited;

(e) when required by the District Engineer detailed calculations, cross-sections and other engineering data used in calculating the estimated volume of soil to be removed or deposited prepared by a qualified Engineer;

(f) statement of the proposed use of the lands from or upon which it is intended to remove the soil or to deposit the soil after the completion of the proposed soil removal or soil or other material deposit operation;

(g) outline of the proposed program for stripping, storage and redistribution of topsoil during and upon completion of the proposed soil removal or deposit operation;

(h) outline of the proposed grading and rehabilitation of the proposed soil removal or soil deposit site during and upon completion of the proposed soil removal or deposit operation, showing the correlation with the grades and vegetation cover of all adjacent lands;

(i) when required by the District Engineer a detailed ground water survey covering the proposed soil removal or soil deposit site and all adjacent lands prepared by a qualified Engineer or geoscientist;

(j) a site drawing or sketch depicting distances to adjacent property lines, structures, buildings, fences, tree cover, bridges, drainage infrastructure, driveway accesses, private wells, septic facilities, public utilities, existing right-of-ways, roads and proposed Buffer Zones;

(k) a drawing or sketch depicting erosion and sediment control measures being implemented to ensure turbid water does not enter District drainage infrastructure;

(l) when required by the District Engineer a drawing and/or sketch depicting haul routes and dated photographs of roads used in the hauling operation;

(m) when required by the District Engineer an erosion and sediment control plan prepared by a qualified Engineer that includes monitoring and reporting;

(n) when required by the District Engineer, a certificate prepared by an Engineer certifying that the soil or to be deposited meets the requirements of all federal and provincial regulations regarding contaminants;

(o) such other information as the District Engineer may require in order to determine the potential impact upon the environment of the proposed soil removal or soil and other material deposit operation; and,

(p) copies of any permits and approvals of federal or provincial authorities including environmental agencies and the Agricultural Land Reserve required by statute or regulation in connection with the proposed soil removal or soil deposit operation.

6.0 ADDITIONAL REQUIREMENTS

6.1 In addition to the requirements set out in Section 5.0, every application for a type “A” permit shall be accompanied by detailed plans, data and specifications prepared by a British Columbia Land Surveyor or a Professional Engineer licensed to practice in British Columbia, drawn to a scale of 1:1000 or larger, covering the proposed soil removal site and all adjacent lands, showing the contours of the said lands in their current state at vertical intervals sufficient to accurately depict the existing grades and including information with respect to:

(a) The proposed slopes which will be maintained upon completion of the operation;

(b) The methods proposed to control the erosion of the banks of the excavation;

(c) The proposed methods of drainage and erosion and sedimentation control during the excavation;

(d) the proposed methods of access to the site during the excavation and the proposed haul routes;

(e) the proposed methods of fencing, enclosing and clearing to minimize hazards to human or animal life;

(f) the proposed progressive stages of excavation in terms of annual development, showing vertical contours as specified above, grades and slopes on a separate plan for each stage;

(g) the proposed contour of the land in its final state upon completion of the operation, with vertical contours as specified above, showing the methods of access and positive methods of permanent drainage on a separate plan;
(h) the proposed location of machinery, buildings, scales and all other proposed structures and improvements;

(i) the proposed location of stockpiles, including their size and height;

(j) the proposed locations of Buffer Zones and tree cover and the proposed location and grade width of berms;

(k) water table elevations;

(l) analysis of the material to be removed, prepared by an Engineer, to determine its suitability for removal or other use;

(m) and any other information as may be necessary to describe the proposed operation.

7.0 FEES

7.1 Permit application fees shall be set out in accordance with the current Fees and Charges Bylaw and the following shall apply:

(a) Where the amount of soil removed or deposited is to be determined by weight instead of volume, the permit fees payable shall be calculated by applying the applicable conversion factor specified by the District Engineer.

(b) Permit fees shall be paid to the District on or before the 15th day of each month for soil removed or soil deposited during the previous month and shall be submitted together with reports satisfactory to the District showing the amount of soil removed or deposited during that month.

(c) Actual quantities of soil removed pursuant to a Type “A” permit shall be determined annually. For this purpose, the permit holder shall, within thirty (30) days of the end of each calendar year during which the soil was removed or deposited, submit an annual statement of soil removed or deposited certified by a certified accountant (Certified General Accountant, Certified Management Accountant or Chartered Accountant), and the permit fees payable by the permit holder for that year shall be adjusted accordingly. If a permit holder fails to submit a certified annual statement for any year, within the time period specified herein, the District may issue a stop work order and utilize the deposit to remedy the District of any and all outstanding issues and/or concerns surrounding the soil removal or deposit permit. If any permit fees payable pursuant to this bylaw are not received by the District within thirty (30) days of the due date, the District may cancel any permit under which such fees are payable.

8.0 SECURITY AND LIABILITY

8.1 Every applicant for a permit shall, prior to the issuance of a permit, as security for the full and proper compliance with the provisions of this bylaw and with all terms and conditions of the permit, deposit with the District an irrevocable Letter of Credit in a form acceptable to the District in the amount of Ten Thousand Dollars ($10,000.00) plus a further Five Thousand Dollars ($5,000.00) for each hectare or fraction thereof of the lands from which soil is to be removed or upon which soil or other material is to be deposited, up to a maximum amount of One Hundred Thousand Dollars ($100,000.00), which security shall be maintained in full force and effect throughout the permit period.

8.2 The permit holder shall save harmless and indemnify the District from any claims related to the soil removal and/or deposit operation. At all times during the soil removal, deposit and reclamation works, the permit holder shall maintain comprehensive liability insurance in the amount of $5,000,000.00 and shall name the District of Kent as a coinsured. The insurance policy shall provide that no expiry, cancellation or material change in the policy shall become effective until after thirty (30) days notice of such cancellation or change and notice shall be given to the District by registered mail. The permit holder shall deliver to the District true copies of the insurance policy and receipts. Should the permit holder fail to maintain the policy, then the District may maintain the policy, and all monies expended by the District for insurance premiums shall be charged to the permit holder.

9.0 EXCAVATION REQUIREMENTS

9.1 Every excavation shall be carried out in accordance with the following regulations:

(a) the face of the excavation, except in the immediate areas of operations, shall have a slope which is not greater than the angle of repose necessary for stability of the soil in question, as determined by the Engineer or as specified by the District Engineer;

(b) no excavation shall be undertaken within 7.5 metres of any highway, statutory right-of-way or utility easement without first obtaining the approval in writing of the authority having jurisdiction over such highway, statutory right-of-way or easement, and a copy of such written approval shall be filed with the District;

(c) a Buffer Zone shall be established such that no excavation shall be undertaken within 7.5 metres of any property boundary provided that, where adjoining lands have been excavated, the excavation may (with the written approval of the owner of the adjoining lands) be continued across the property line of the adjoining land to tie in with the existing excavation, subject to the maximum slopes permitted above. A copy of the written approval of the owner of the adjoining lands shall be filed with the District;

(d) the excavation shall not extend beyond an excavation face delineated by the minimum setbacks and the maximum slopes permitted above. There shall be no excavation into the toe of such limiting excavation face. The limiting excavation face shall comprise of undisturbed natural soil and the excavation shall not be permitted to extend beyond such limiting excavation face by backfilling;

(e) no excavation shall take place within 7.5 metres of the toe of a District dike;

(f) the working face of the excavation shall not exceed a height of 1.25 metres above the maximum safe reach of the excavating equipment being used;

(g) the excavation shall at all times be graded in such a manner that positive gravity drainage is assured throughout, and surface water shall not be allowed to pool anywhere within the excavation, provided that, where necessary to remove sediment from surface run-off, a settling pool may be established for the duration of a soil removal operation. Surface run-off shall drain by gravity to the lowest point in the excavation and thence to a natural watercourse or a public drainage facility having adequate capacity for that purpose. The excavation shall not lower the effective water table at wells on any other lands without the written consent of the owner of such lands, and a copy of such written consent shall be filed with the District;

(h) the finished grade of the excavation shall, after reclamation, have a slope of not more than one vertically to three horizontally and shall conform to the grading plans submitted with the permit application and approved by the District;

(i) temporary excavations below the elevations specified in the permit may be approved by the Engineer where he/she is satisfied that such excavation would otherwise comply with this bylaw and where the excavation will be filled with soil or other material approved by the Engineer to an elevation not lower than that specified in the permit within a period stipulated by the Engineer; and,

(j) no excavation shall be carried out into the aquifer.

10.0 DEPOSIT REQUIREMENTS

10.1 The deposit of soil shall be carried out in accordance with the following regulations:

(a) the slope of any part of any exposed face of any deposited soil or other material shall not be greater than the angle of repose necessary for stability of the soil or other material in question, as established by the Engineer and depicted on the plans approved by the District;

(b) the deposited soil or other material shall not in any way interfere with the established above or below ground drainage pattern of any adjoining lands and shall not cause the ground water table to rise on adjoining lands so as to cause flooding or malfunctioning of any private sewage disposal system or contaminate any well. Where necessary, a system of interceptor or relief drains shall be installed which is sufficient to compensate for any interference which might otherwise occur to such established drainage pattern as a result of the soil or other material deposit operation;

(c) the deposited soil shall be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system shall be installed which is of sufficient capacity and extent to ensure that ground water or surface run-off will not drain into adjoining lands at greater rates than those existing prior to the commencement of the soil or other material deposit operation;

(d) no soil or other material shall be deposited over any highway, statutory right-of-way or utility easement without first obtaining the approval in writing of the authority having jurisdiction over such highway, statutory right-of-way or easement, and a copy of such written approval shall be filed with the District;

(e) no soil or other material shall be deposited in the immediate vicinity of any utilities, drainages, watercourses or services which may be damaged by any settlement resulting from the deposit of such soil or other material without first obtaining the approval in writing of the authority having jurisdiction over such utilities or services, and a copy of such written approval shall be filed with the District;

(f) no soil or other material shall be deposited over wells or private sewage disposal systems;

(g) the finished grade of the deposited soil shall, upon completion of the deposit operation, have a slope of not more than one vertically to three horizontally and shall conform to the grading plans submitted with the permit application and approved by the District; and,

h) Depositing soil or other material containing contaminants and/or hazardous waste, as defined in the *Environmental Management Act,* is strictly prohibited. This includes and is not limited to asphalt, glass, polymers, unchipped lumber, construction waste and demolition waste.

11.0 DEPOSIT OF WOOD WASTE

11.1 In addition to the regulations contained in this bylaw, every operation involving the deposit of wood waste, except those exempt from the requirement to obtain a permit under Section 3.0 and hereof, shall comply with the following regulations:

(a) no person shall deposit or suffer or permit the deposit of wood waste onto any lands within the District unless an Engineer has certified that such deposit is required for the purpose of providing a stable base on which to deposit soil or other material and has specified the volume, depth and type of the wood waste material required for such base layer;

(b) a perimeter berm, built so as to completely surround the wood waste deposit site, shall be constructed prior to the deposit of the wood waste base layer. All vegetation within the berm strip shall be removed prior to constructing the berm. The berm shall be a minimum of 0.6 metre in thickness at the crest of the completed berm and shall be composed entirely of compacted, inert and essentially impermeable soil;

(c) as the depositing of wood waste advances across the site, the exposed face of wood waste shall not extend more than ten (10) metres beyond the completed section of the wood waste base layer. The exposed face of wood waste shall not exceed fifty (50) metres in length and shall not be allowed to remain uncompleted for periods longer than seven (7) days. The base layer shall be considered complete when the wood waste has been covered with a layer of essentially impermeable inert soil which is a minimum of 0.6 metres in compacted thickness;

(d) the completed section of wood waste base layer shall be graded to divert surface water run-off away from the exposed active face of the wood waste and shall be compacted so as to prevent the creation of voids;

(e) an effective perimeter drainage system shall be provided and maintained around the entire soil or other material deposit site; and

(f) a leachate control program shall be established by the Engineer and maintained so as to effectively prevent any degradation of water quality in perimeter ditches, natural watercourses, ground water aquifers and all other bodies of water caused by the deposit of such wood waste.

12.0 SITE REINSTATEMENT

12.1 Upon completion of the removal of or the deposit of soil every permit holder shall immediately:

(a) leave all surfaces of the excavation or deposit with a slope not greater than the grade shown on the plans submitted with the permit application and not greater than that specified in the permit; and

(b) cover all surfaces of the excavation or deposit with an established growth of grass or other suitable rooted ground cover.

13.0 INSPECTIONS

13.1 The Bylaw Enforcement Officer may, at reasonable times and in a reasonable manner, enter on or in a property, building, or other premises where excavation appears to be conducted to inspect or investigate to determine whether the requirements of this bylaw are being observed and to administer and enforce this bylaw.

13.2 If the Bylaw Enforcement Officer believes that it is necessary or advisable in the circumstances, in determining whether a permit should be issued, or in entering a premises, conducting and inspection, or enforcing this bylaw, the Bylaw Enforcement Officer may seek information from, consult with, or be accompanied and assisted by any of the following persons:

(a) Police officer or other peace officer;
(b) Engineer;
(c) Geomorphologist;
(d) Biologist;
(e) A member of the District's fire department;
(f) Building Inspector;
(g) A person who is qualified under a statute or by an occupational, trades, or professional standards body to assess, supervise, act, give direction or make orders or recommendations on the soil removal and/or deposit or an aspect of it that is the subject of the inspection or enforcement process; or
(h) Another person who, in the opinion of the Bylaw Enforcement Officer, would have the knowledge, skill or expertise relevant and necessary to making a determination as to matters pertaining to the business at issue.

14.0 OFFENSE AND PENALTY

14.1 No person shall interfere with, obstruct, or impede the Bylaw Enforcement Officer in issuing a ticket or bylaw notice or otherwise carrying out his or her duties in accordance with this bylaw, and it is an offence for any person to interfere with a Bylaw Enforcement Officer in the enforcement of this bylaw.

14.2 Every person who contravenes, fails or violates any of the provisions of this bylaw, who suffers or permits any act to be done in violation of this bylaw, or who fails or neglects to do anything required to be done by any provision of this bylaw, commits an offence, and each day that the offence continues shall constitute a separate offence.

14.3 This bylaw may be enforced by way of a ticket issued under the Bylaw Notice Enforcement Bylaw, Municipal Ticket Information Bylaw, or as a legal proceeding in Provincial Court or Supreme Court.

14.4 A person convicted of an offence under this bylaw is liable to pay:
a) a fine not exceeding the maximum identified in the Bylaw Notice Enforcement Bylaw;
b) a fine not exceeding the maximum identified in the Municipal Ticket Information Bylaw; or
c) a fine not exceeding $10,000.00 for each offence; and
d) Without limiting other remedies authorized by law, a contravention of this bylaw may be dealt with by proceedings brought into the BC Supreme Court for an order to enforce, prevent, or restrain a contravention.

15.0 SEVERABILITY

15.1 If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

16.0 REPEAL

16.1 "Soil Removal Bylaw No. 1491, 2017" and all amending bylaws thereto are hereby repealed.

READ A FIRST TIME this 19th day of July 2021.

READ A SECOND TIME this 19th day of July 2021.

READ A THIRD TIME this 19th day of July 2021.

FINALLY PASSED AND ADOPTED this 14th day of March, 2022.

CERTIFIED CORRECT:

Sylvia Pranger, Mayor

Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE AND CORRECT COPY
of "Soil Removal and Deposit Bylaw No. 1676, 2021"
adopted on the 14th day of March, 2022.

Clair Lee, Director of Corporate Services