

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

SOIL DEPOSIT AND REMOVAL BYLAW 2013 NO. 4975

**CONSOLIDATED FOR CONVENIENCE ONLY**

**EXPLANATORY NOTE**

Bylaw 2013 No. 4975 updates Soil Deposit and Removal Bylaw 2007 No. 4578 and incorporates a number of amendments regarding exemptions, security deposits, and requirements for permit issuance and permit compliance.

**Amending Bylaw No. 5120 – adopted May 29, 2017**

Bylaw 2015 No. 5120 updates and revises Soil Deposit and Removal Bylaw 2013 No. 4975.

**Amending Bylaw No. 5639 – adopted April 26, 2021**

Bylaw 2020 No. 5639 updates Soil Deposit and Removal Bylaw 2013 No. 4975 by including additional provisions for the deposition of soil or other material within areas designated as prone to flooding.

**Amending Bylaw No. 5724 – adopted July 12, 2021**

Bylaw 2021 No. 5724 updates Soil Deposit and Removal Bylaw 2013 No. 4975 by amending the volume fee requirements for soil or other material previously deposited without a permit.

**CONSOLIDATED BYLAW PREPARED BY THE CORPORATION OF THE TOWNSHIP OF LANGLEY FOR CONVENIENCE ONLY. THE TOWNSHIP DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.**

## THE CORPORATION OF THE TOWNSHIP OF LANGLEY

### SOIL DEPOSIT AND REMOVAL BYLAW 2013 NO. 4975

WHEREAS the *Community Charter*, S.B.C. 2003 c. 26 authorizes Council to regulate, prohibit, and impose requirements for the deposit and removal of soil and other material and also authorizes Council to make provisions regarding fees and permits, as well as different provisions for different areas, times, conditions, or circumstances for the deposit and removal of soil;

AND WHEREAS Council deems it desirable to regulate, prohibit, and impose requirements for the deposit and removal of soil and other material in the Township for the wellbeing of the residents and the environment as well as the stewardship of the Township's assets;

NOW THEREFORE, the Council of the Corporation of the Township of Langley in open meeting, ENACTS AS FOLLOWS:

#5120  
29/05/17

1. This Bylaw may be cited for all purposes as "Soil Deposit and Removal Bylaw 2013 No. 4975."

#### Definitions

2. For the purpose of this Bylaw, the following words have the following meanings:

**"Act"** means the *Agricultural Land Commission Act*, SBC 2002, c 36, as amended or replaced from time to time;

**"ALC"** means the Agricultural Land Commission;

**"ALR"** means land designated as an agricultural land reserve under the Act and includes an agricultural land reserve under a former Act;

**"Applicant"** means a person who has applied for a Permit;

#5639  
26/04/21

**"Area Prone to Flooding"** means any area subject to flooding, as shown in the Flood Prone Zone Map.

**"Council"** means the Council of the Corporation of the Township of Langley;

**"Deposit"** means the act of temporarily or permanently placing Soil or Other Material on a Property on which such Soil or Other Material did not previously exist, but does not include:

- (1) the act of placing Soil or Other Material on a Property when such Soil or Other Material is or will be sold pursuant to a valid and subsisting business license issued by the Township pursuant to the Township Business License Bylaw 2001, No. 4050, as amended or replaced from time to time; and
- (2) the act of placing, over the course of a year, up to fourteen (14) cubic metres of Soil or Other Material, in total, on a Property, so long as such Deposit is accessory to a permitted residential use of the Property, and does not, in the opinion of the Engineer:

- (i) impact the drainage or natural watercourses for or on the Property or surrounding area, or
- (ii) negatively impact the health, safety or welfare of the public;

“**Engineer**” means the person appointed by Council to the position of General Manager of Engineering, his or her designates, and Township employees acting under his or her direction;

#5639  
26/04/21

“**Flood Prone Zone Map**” means the map titled “Township of Langley: Flood Prone Zone” and published on the Township’s website, as amended or replaced by the Engineer from time to time.

“**Mines Act**” means the *Mines Act*, R.S.B.C. 1996, c. 293, as amended or replaced from time to time;

“**Other Material**” includes but is not limited to Wood Waste, construction and demolition waste, masonry rubble, concrete, asphalt, glass, unchipped lumber, drywall, biological waste, organic waste, fertilizers, manure, composts, mulches, soil conditioners, including any materials listed in Schedule D of the Township of Langley Solid Waste Management Bylaw 2011 No. 4845, as amended or replaced from time to time, but does not include Soil;

“**Permit**” means the written authority granted by the Engineer pursuant to this Bylaw for the Deposit of Soil or Other Material, or Removal of Soil;

“**Permittee**” means the holder of a Permit;

“**Professional Engineer**” means a professional engineer registered and in good standing with the Association of Professional Engineers and Geoscientists of British Columbia and maintaining professional liability and errors and omissions insurance in the amount of not less than \$2,000,000 per occurrence during the term of his or her engagement;

“**Property**” means a lot, block or other area in which land is held or into which land is subdivided and located in the Township of Langley;

“**Regulation**” means the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, B.C. Reg. 171/2002, as amended or replaced from time to time;

“**Removal**” or “**Remove**” means to take, excavate, or extract Soil from a Property on which it exists or has been Deposited, but does not include:

- (1) the act of taking, excavating or extracting Soil from a Property when such Soil is or will be sold pursuant to a valid and subsisting business license issued by the Township pursuant to the Township Business License Bylaw 2001 No. 4050, as amended or replaced from time to time; and
- (2) the act of taking, excavating or extracting, over the course of a year, up to fourteen (14) cubic metres of Soil from a Property, in total, so long as such

Removal is accessory to a permitted residential use of the Property, and does not, in the opinion of the Engineer:

- (i) impact the drainage or natural watercourses for or on the Property or surrounding area, or
- (ii) negatively impact the health, safety or welfare of the public;

**"Soil"** means clay, peat, silt, sand, gravel, cobbles, boulders, or other substance of which land is naturally composed, down to and including bedrock, but does not include Other Material;

**"Subject Property"** means the Property upon which a Permittee Deposits Soil or Other Material, or Removes Soil, pursuant to a Permit;

**"Township"** means the Corporation of the Township of Langley;

**"Township of Langley"** means the geographic area subject to regulation by the Township;

**"Wood Waste"** means wood residue in shredded form, and includes sawdust, hog fuel, bark, bark mulch, chips, slabs, shavings, trimmings, edgings, or other such waste which is the result of any manufacturing process involved in the production of lumber or other wood products, but does not include any materials listed in Schedule D of the Township of Langley Solid Waste Management Bylaw 2011 No. 4845, as amended or replaced from time to time; and

**"Zoning Bylaw"** means the Township of Langley Zoning Bylaw 1987 No. 2500, as amended or replaced from time to time.

### **Depositing and Removing**

3. No person will Deposit Soil or Other Material on, or Remove Soil from, a Property unless:
  - (a) that person has first obtained a Permit; or
  - (b) the requirement for a Permit is specifically exempted under this Bylaw.
4. Except with the prior written approval of the Engineer, no person will Deposit Soil or Other Material on, or Remove Soil from, a Property:
  - (a) on a statutory holiday; or
  - (b) on Saturday or Sunday; or
  - (c) between the hours of 7:00 p.m. and 7:00 a.m. on any day.

### **Other Material**

5. The Deposit of Other Material on a Property is prohibited, except for the following:

- (a) the Engineer may, subject to subsection (b) after receiving an application from the owner of the Property or their agent, seeking the Deposit of Other Material, identifying the composition of the Other Material, explaining the circumstances for the need to Deposit the Other Material, addressing any possible concerns regarding any effect the Deposit may have on the health, safety or welfare of the public and adjacent Properties, and the short and long term impact (whether positive or negative) on the use of the Property where such Deposit will occur, together with such other information, reports and certifications as required by the Engineer, issue a Permit for the Deposit on such terms and conditions as required by the Engineer, and such Deposit will conform in all respects with those terms and conditions;
- (b) in exercising his or her discretion under subsection (a), except in extraordinary circumstances, or as otherwise permitted in this Bylaw, the Engineer will only allow the Deposit of the following Other Material:
  - (1) concrete rubble which is used to construct roadways, is processed off-site and has a maximum diameter of 150 mm;
  - (2) asphalt rubble which is used to construct roadways, is processed off-site and has a maximum diameter of 25 mm; or
  - (3) organic waste as described in Schedule D of the Township's Solid Waste Management Bylaw 2011 No. 4845, as amended or replaced from time to time, provided that the organic waste is being temporarily Deposited for processing purposes;

### **General Permit Exemptions**

- 6. A Permit for the Deposit of Soil or Other Material, or the Removal of Soil, will not be required in the following circumstances, provided that such Deposit or Removal will be carried out in accordance with sections 11, 35 and 36 of this Bylaw, unless exempted by the Engineer:
  - (a) such Deposit or Removal is necessary for the construction, maintenance, or installation of Township infrastructure;
  - (b) such Deposit or Removal is initiated by the Township;
  - (c) such Deposit or Removal occurs on Property owned or possessed by the Township and such Deposit or Removal is approved by the Township;
  - (d) such Deposit or Removal is necessary, in the opinion of the Engineer, to deal with a significant threat to the health, safety, or welfare of the public, on such terms and conditions, as required by the Engineer, and payment has been made to the Township of some or all of the fees set out in sections 12 and 17 of this Bylaw, unless exempted by the Engineer;
  - (e) such Deposit or Removal is required as part of a project initiated by the Government of British Columbia or the Government of Canada;
  - (f) such Deposit or Removal is being carried out pursuant to a permit issued under the Mines Act;

- (g) such Deposit or Removal is in compliance with a land development project or building project on a Property where:
  - (1) the Deposit or Removal is necessary, in the opinion of the Engineer, for the project;
  - (2) the project has been approved by the Township;
  - (3) if applicable, engineering drawings and a servicing agreement for the project have been approved by the Township, or a building permit has been issued by the Township;
  - (4) sufficient security has been provided to the Township in an amount and form acceptable to the Engineer;
  - (5) a non-refundable Permit fee and volume fee calculated in accordance with section 12 of this Bylaw, as if a Permit for such Deposit or Removal is required (even if the Permit would otherwise be exempt pursuant to this section 6 (g)), has been provided to the Township, as required by the Engineer; and
  - (6) all other terms and conditions required by the Engineer have been or will be, in the opinion of the Engineer, fulfilled by or on behalf of the owner of the Property.

### **ALR Permit Exemptions**

- 7. The Deposit of Soil or Other Material on, or the Removal of Soil from, a Property located in the ALR, that is permitted pursuant to the Act or the Regulation, but where regulation by the Township is not permitted, is exempt from the application of this Bylaw, subject to:
  - (a) where the Deposit or Removal requires approval from the ALC, or that notice be given to the ALC, no exemption from this Bylaw will apply until the ALC has approved the Deposit or Removal, or notice of the Deposit or Removal has been given to the ALC, as required pursuant to the Act or the Regulation;
  - (b) if an agreement between the Township and the ALC has been entered into pursuant to section 26 of the Act, no exemption from this Bylaw will apply until the Township has approved the Deposit or Removal in accordance with that agreement; and
  - (c) the onus for establishing that a Deposit or Removal qualifies for an exemption from this Bylaw under this section is on the person seeking the exemption.

### **Council Resolution**

- 8. For the Deposit of Soil or Other Material on, or the Removal of Soil from, a Property located in the ALR, where regulation by the Township is permitted, but a resolution from Council approving the Deposit or Removal is required pursuant to the Act or the Regulation, no Permit will be issued until:
  - (a) Council has provided the required resolution; and
  - (b) unless an agreement between the Township and the ALC has been entered into pursuant to section 26 of the Act, the ALC has then approved the Deposit or Removal.

A Deposit or Removal under this section must still comply with the other provisions of this Bylaw.

9. For the Deposit of Soil or Other Material on, or the Removal of Soil from, a Property located in the ALR, where regulation by the Township is permitted, but a resolution from Council approving the Deposit or Removal is not required pursuant to the Act or the Regulation, the Deposit or Removal must still comply with the other provisions of this Bylaw.

### **Fee Exemption**

10. Subject to full compliance with all other provisions and requirements of this Bylaw, compliance with some or all of sections 11, 12 and 17 of this Bylaw may be exempted by the Engineer, on such terms and conditions as required by the Engineer.

### **All Deposits and Removals of Soil**

11. In addition to any terms and conditions contained in a Permit under this Bylaw, no person will Deposit Soil or Other Material, or Remove Soil, except in accordance with the following requirements, unless exempted by the Engineer:
  - (a) the slope or any part of an exposed face of any Deposited Soil or Other Material will not be greater than the angle of repose necessary for stability of the Soil or Other Material in question;
  - (b) the Deposited Soil or Other Material, or the Removed Soil, will not, in any way, interfere with the hydrological function and established above or below ground drainage pattern or capacity of any adjoining or reasonably adjacent Properties and will not cause the groundwater table to rise on the Subject Property or adjoining or reasonably adjacent Properties so as to cause flooding of those Properties or malfunctioning of any private sewage disposal system;
  - (c) the Deposited Soil or Other Material shall be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system will be installed which is of sufficient capacity and extent to ensure that groundwater and surface run-off will not drain into adjoining Properties at greater rates after commencement of the Deposit operation than prior to the commencement of the Deposit operation;
  - (d) where Soil or Other Material is Deposited within six (6) metres of a property line, the Deposited Soil or Other Material will be graded in such a manner so that the slope of the Deposit closest to the property line is not steeper than one (1) metre vertical to five (5) metres horizontal;
  - (e) no Soil or Other Material will be Deposited within three (3) metres of a property line;
  - (f) no Soil or Other Material will be Deposited over any dedicated highway or registered statutory right-of-way without first obtaining the approval, in writing, of the authority having jurisdiction over such highway or right-of-way, and a copy of such written approval has been provided to the Engineer;
  - (g) no Soil or Other Material will be Deposited in the immediate vicinity of any utilities or services which may be damaged by any settlement resulting from such Deposit, without first obtaining the approval, in writing, of the authority having jurisdiction over such utility or service, and a copy of such written approval has been provided to the Engineer; and

- (h) no Soil or Other Material will be Deposited over wells or private sewage disposal systems.
- (i) no Soil or Other Material may be deposited in any Area Prone to Flooding except under the following circumstances:
  - a. The Soil or Other Material is limited to the reasonable maintenance of an existing driveway on the Property, and where the deposit of Soil or Other Material will not raise the driveway by more than 25mm; or
  - b. The Applicant undertakes action to offset or otherwise respond to the possible impacts of the deposit, as determined and directed by the Engineer, at the Engineer's sole discretion, including, without limitation, a drainage report prepared by a professional engineer demonstrating no net increase in flood elevations or velocities, as acceptable to the Engineer, at the Engineer's sole discretion, and such other reports or requirements as may be required by the Engineer, at the Engineer's sole discretion.

#5639  
26/04/21

### Application for a Permit

12. Unless exempted by the Engineer, an application for a Permit must:
- (a) be made in the form provided from time to time by the Township for that purpose;
  - (b) be made by the owner of the Subject Property, or by an agent of the owner, provided that such agent provides written confirmation of their authority from the owner;
  - (c) be accompanied by sufficient information, as required by the Engineer, to adequately review and assess the proposed Deposit or Removal, including information with respect to land ownership, land use, purpose for Deposit or Removal, site conditions, Soil or Other Material characteristics, and proposed Deposit or Removal methodology;
  - (d) include a non-refundable Permit fee of:
    - (1) two hundred and fifty dollars (\$250.00) for Soil Deposits or Removals of up to six hundred (600) cubic metres or Other Material Deposits of any amount; and
    - (2) five hundred dollars (\$500.00) for Soil Deposits or Removals in excess of six hundred (600) cubic metres; and
  - (e) include a volume fee calculated at one dollar (\$1.00) per cubic metre based on the maximum permitted volume estimated under the Permit, which fee will be non-refundable, unless directed otherwise by the Engineer or Council.
13. If it is determined by the Engineer that Depositing or Removing has occurred without a valid Permit, as required by this Bylaw, all work must cease and a Permit application must be immediately submitted with a non-refundable Permit fee of twice the amount specified in section 12(d) of this Bylaw and a volume fee of triple the amount specified in section 12(e) of this Bylaw. If the aforesaid Permit application and fee is not submitted within seven (7) days of the Engineer's determination, as set out herein, or the Permit expires or is revoked, all Soil or Other Material Deposited on a Property without a Permit will forthwith be removed from the Property by the owner of the

#5724  
12/07/21

Property, or their agent, at their sole cost, unless exempted by the Engineer in their sole discretion.

14. After a preliminary review of any application for a Permit made pursuant to this Bylaw, the Engineer may require an Applicant to provide some or all of the following information, in a form and substance acceptable to the Engineer:
  - (a) a survey plan of the Subject Property, prepared by a surveyor and showing some or all of the following, as required by the Engineer:
    - (1) 0.5 metre contours or a grid of spot elevations;
    - (2) the area in which Removal or Deposit is to occur with details of the surface of the Subject Property before and after the proposed Removal or Deposit (including elevations), as the case may be;
    - (3) the location of any existing improvements, structures, or buildings on the Subject Property;
    - (4) the location of any proposed improvements, structures, or buildings on the Subject Property;
    - (5) the location of all existing watercourses, vegetation protection areas, and environmental covenant areas on or adjacent to the Subject Property;
    - (6) the location of all existing underground, surface, and aerial services and utilities on the Subject Property; and
    - (7) the existing drainage methods before Removal or Deposit, the drainage methods to be used during Removal or Deposit, and the drainage methods to be implemented following completion of the Removal or Deposit;
  - (b) a report from a Professional Engineer containing some or all of the following, as required by the Engineer:
    - (1) drawings showing the design of all permanent and temporary slopes, drainage, preload, and landscaping on the Subject Property;
    - (2) certification that the work will not injuriously affect adjacent Properties, structures, buildings, or utilities;
    - (3) certification that there will be no more settlement or subsidence of an adjoining Property, or a building or structure on an adjoining Property, than prior to the Deposit;
    - (4) certification that the Deposit, and resulting settlement or subsidence, will not prevent any use Permitted under the Zoning Bylaw;
    - (5) the exact quantity and duration of preloading necessary for the proposed development if the Deposit is required to preload land for development; and
    - (6) certification that adjoining Properties will not be subject to more flooding caused directly by storm water runoff from the Subject Property;
  - (c) the location of the Property from which Soil or Other Material is to be Removed from, in the case of Soil or Other Material Deposition, or the location of the Property to which Soil is to be Removed to, in the case of Soil Removal;
  - (d) certification that the Soil or Other Material to be Deposited, or the Soil to be Removed, meets any and all criteria established by the Engineer for the intended land use;
  - (e) a description of the haul route and schedule for trucking of Soil or Other Material;

- (f) a plan describing maintenance requirements and inspection reports by the Applicant's consultant of any temporary works to prevent the Deposit of Soil or Other Material onto adjacent Properties or into nearby watercourses;
  - (g) an environmental assessment and independent monitoring of the operation;
  - (h) a traffic and road impact assessment;
  - (i) a plan showing sediment control works to be implemented to control the run-off of sediment laden water into nearby watercourses; and
  - (j) such other information as required by the Engineer to consider the application for a Permit pursuant to this Bylaw, in a form and substance acceptable to the Engineer.
15. Despite section 14 of this Bylaw, if the Engineer is of the opinion that all or part of the Subject Property and/or adjacent Properties may be subject to flooding or drainage problems, then the owner of the Subject Property or the owner's agent will provide all of the information described in subsections (a) to (j) of section 14 of this Bylaw, in a form and substance acceptable to the Engineer, unless exempted by the Engineer.
16. An application will be deemed to have been abandoned if the Applicant fails to fully and completely respond to a request by the Engineer, for documentation or information under this Bylaw, within twelve (12) months of the date the request is made. Once abandoned, the non-refundable Permit fee paid pursuant to section 12(d) of this Bylaw, the non-refundable volume fee paid pursuant to section 12(e) of this Bylaw, and any security deposit provided pursuant to section 17 of this Bylaw will, in the Engineer's sole discretion, be forfeited to the Township. If the Applicant wishes to proceed with the Deposit of Soil or Other Material, or the Removal of Soil, after any such abandonment, the Applicant must, unless exempted by the Engineer, submit a new application for a Permit and must pay an additional non-refundable Permit fee, non-refundable volume fee and, if the security deposit has been forfeited, a security deposit in accordance with section 17 of this Bylaw.

### **Permit Issuance**

17. If the Engineer is satisfied that all of the provisions of this Bylaw have been or will be complied with, the Engineer may approve the issuance of a Permit on the Subject Property with such specific terms and conditions required by the Engineer, having regard to the particular requirements of the application, the information, reports, or concerns provided by any governmental authority having jurisdiction over the Subject Property, or any concerns or issues identified in any information or reports considered by the Engineer with respect to the application. Once the issuance of a Permit has otherwise been approved by the Engineer, and unless exempted by the Engineer, the Permit will only be issued to the owner or the owner's agent, as applicable, upon the following:
- (a) payment by or on behalf of the owner to the Township of a security deposit in cash, certified cheque, or an irrevocable letter of credit in a form and substance acceptable to the Engineer, in the amount of either:
    - (1) five dollars (\$5.00) per cubic metre of Soil or Other Material proposed to be Deposited, or Soil to be Removed; or
    - (2) such other amount as determined by the Engineer to be adequate in the circumstances,

provided the amount of security deposit payable under (1) or (2) will not be less than one thousand dollars (\$1,000.00); and

- (b) proof of general liability insurance coverage in an amount and on terms satisfactory to the Engineer being delivered to the Engineer.
18. The Engineer may refuse to issue a Permit if, in the opinion of the Engineer, the proposed Deposit of Soil or Other Material, or Removal of Soil, will or is reasonably likely to:
- (a) foul, obstruct, divert, or impede the flow of or damage or destroy any watercourse, ditch, drain, sewer, or other water utility, whether privately or publicly owned;
  - (b) damage, destroy, or otherwise injuriously affect the established amenities of the Subject Property or of adjoining or reasonably adjacent Properties, including, without limitation, existing statutory rights of way, covenant areas, structures, buildings, or improvements;
  - (c) contravene any Township bylaw, provincial law, or federal law;
  - (d) threaten the health, safety, or welfare of the public or be otherwise contrary to the public interest;
  - (e) result in the use of the Subject Property in a manner inconsistent with the current zoning for the Subject Property;
  - (f) compromise the hydrological function or drainage capacity of the Subject Property, or an adjoining or reasonably adjacent Property; or
  - (g) result in excessive costs for any governmental authority to provide public utilities, works or services to the Subject Property, or an adjoining or reasonably adjacent Property.
19. The Engineer is authorized to specify conditions consistent with the Highway and Traffic Bylaw 2010 No. 4578, as amended or replaced from time to time, for traffic control, haul routes, and utilization of Township highways in connection with a Deposit or Removal. Without limiting the foregoing, a Permittee will:
- (a) maintain a truck log detailing:
    - (1) each date upon which there is a Deposit or Removal; and
    - (2) the number of trucks and amount of Soil or Other Material Deposited, or Soil Removed, on each such date; and
  - (b) ensure that, upon request by the Engineer:
    - (1) such truck log will be available for inspection by the Engineer; and
    - (2) the driver or operator of a vehicle or any equipment being used for a Deposit or Removal, or the person in charge of the vehicle or equipment, will correctly state:
      - (A) the name and address of the driver, operator or person in charge, as applicable;
      - (B) the name and address of the owner of the vehicle or equipment;
      - (C) the name and address of the person at whose direction the Soil or Other Material is being Deposited, or Soil is being Removed; and
      - (D) the addresses of the Property or Properties to and from which the Soil or Other Material is being transported.
20. Every Permit issued will expire and cease to authorize any Deposit or Removal twelve (12) months following the date of issuance, unless an expiry date for a different term is

specified in the Permit or a renewal for the Permit has been issued in accordance with sections 22, 23 and 24 of this Bylaw.

21. Where the amount of Soil or Other Material authorized to be Deposited, or Soil authorized to be Removed, pursuant to a Permit, exceeds 600 cubic metres, or as required by the Engineer, the Permittee will, on or before the 15<sup>th</sup> day of each month throughout the term of the Permit, or other periodic intervals as may be determined by the Engineer, deliver to the Engineer a report, certified by a Professional Engineer or other person approved in advance by the Engineer, detailing the location and amount of Soil or Other Material Deposited, or Soil Removed, since the last report, and certifying that the Deposit or Removal operation is in compliance with the provisions of this Bylaw and the terms and conditions of the Permit.

### **Permit Renewal**

22. A Permit may be renewed for an additional term not to exceed twelve (12) months, at the request of the Permittee, if the Engineer determines that, after inspecting the Subject Property, the Permittee is in full compliance with the Permit, this Bylaw and any other Township bylaw relevant to the Deposit or Removal that is the subject of the Permit. A Permit may only be extended by more than twelve (12) months, or renewed more than once, if:
  - (1) the Deposit or Removal operation approved by the ALC requires a longer period of time to complete, then the Engineer may approve the extension of the Permit, or further renewal of the Permit, up to the length of time approved by the ALC; or
  - (2) the requested extension or renewal is approved by Council.
23. There is no obligation on the Township to renew any Permit upon expiry of the Permit, except where the Removal is being carried out pursuant to a Permit issued under the *Mines Act*, in which case the Permit issued under this Bylaw may be extended (annually or otherwise) as required to carry out the terms and conditions of the plan authorized under the *Mines Act*, with the concurrence of the Chief Inspector of Mines or his or her designate.
24. An Application for renewal of a Permit will be made in the same manner as provided herein for a new Permit and shall be accompanied by payment of a non-refundable renewal fee of five hundred (\$500.00) dollars, unless exempted by the Engineer.

### **Suspension of Permits**

25. The Engineer may suspend any Permit where, in the opinion of the Engineer, there is a contravention of or non-compliance with the terms and conditions of the Permit, this Bylaw, or any other Township bylaw relevant to the Deposit or Removal that is the subject of the Permit. The Permit shall remain suspended and will cease to authorize Deposit or Removal until, in the opinion of the Engineer, compliance is obtained.
26. Where a Permit is suspended, the Engineer will cause written notice of suspension to be delivered to the owner of the Subject Property by registered mail and to be posted on the Subject Property where possible. The notice will provide a general description of the reason for the suspension. Upon suspension, the Permit will cease to authorize Deposit or Removal.
27. In addition to the suspension of a Permit in accordance with this Bylaw, the Township is entitled to pursue any other rights and remedies which it may have for a

contravention of or non-compliance with the Permit, this Bylaw, or any other bylaw of the Township relevant to the Deposit or Removal that is the subject of the Permit, including, without limitation, any of the enforcement provisions contained in this Bylaw or in provincial laws.

### **Security Deposit**

28. The security deposit payable by or on behalf of the owner prior to the issuance of a Permit as required in section 17 of this Bylaw, is to secure the full and proper compliance with the provisions of the Permit and this Bylaw.
29. If the security deposit is not sufficient for the Township to rectify any contravention or non-compliance with the Permit, this Bylaw, or any other Township bylaw relevant to the Deposit or Removal that is the subject of the Permit, the owner of the Subject Property will pay any deficiency to the Township upon written demand by the Township, within seven (7) days of such demand being made by the Township.
30. If a letter of credit will expire prior to the Permittee complying with the provisions of this Bylaw, or prior to the performance of all of the terms and conditions expressed in the Permit, the Permittee will deliver to the Township, at least thirty (30) days prior to its expiry, a replacement letter of credit on the same terms, unless otherwise approved by the Engineer. If the Permittee fails to do so, the Township may realize the letter of credit and hold the security deposit in lieu thereof.
31. Where the security deposit is drawn upon for any reason, the Permittee will, within fifteen (15) days of written notice from the Township, replenish the security deposit to the amount required by section 17 of this Bylaw, unless otherwise exempted by the Engineer.
32. Subject to section 34 of this Bylaw, if the Permittee complies with the provisions of the Bylaw and performs all of the terms and conditions expressed in the Permit, the Township will have up to six (6) months, after the earlier of the expiration of the Permit and the completion of the Removal or Deposit operation covered by the Permit, to return the security deposit provided to the Township pursuant to section 17 of this Bylaw in respect of the Permit, to the Permittee, or if the Permittee is no longer authorized by the owner of the Subject Property, to the owner of the Subject Property, upon written request by the owner or the owner's agent. If the return of the security deposit provided to the Township pursuant to section 17 of this Bylaw in respect of the Permit is not requested pursuant to this section within two (2) years after the expiration of the Permit, the security deposit shall be irrevocably forfeited to the Township.
33. Upon expiry of the Permit (including any renewal thereof), or completion of the works which are the subject of the Permit, whichever occurs earlier, the Permittee, or if no longer authorized by the owner, the owner of the Subject Property, will undertake such works as required by the Engineer, including but not limited to, conducting a survey to determine the actual total quantity of Soil or Other Material Deposited, or Soil Removed, from the Subject Property, which survey and volumetric computation will be certified by a Professional Engineer or other person approved in advance by the Engineer, and submitted to the Township within thirty (30) days after the earlier of the expiration of the Permit or the completion of the works which are the subject of the Permit.

34. The Engineer will not be required to release any security, or issue a new Permit, or renew an existing Permit, until all requirements of section 33 of this Bylaw have been complied with.

### **Road Cleaning and Damage**

35. Dirt, mud, debris, and other substances, which as a result of a Deposit or Removal operation, are Deposited on public highways, will be removed on a daily basis by the Permittee. Where the dirt, mud, debris, and other substances cause a hazard or nuisance, they will be removed as directed by the Engineer.
36. Where Soil or Other Material is to be Deposited, or Soil is to be Removed, and is to be transported over a road or portion in the Township that is not a truck route as defined in the Township of Langley Highway and Traffic Bylaw 2010 No. 4758, as amended or replaced from time to time, the Permittee will be responsible for any damage occurring to that road as a result of the transportation of the Soil or Other Material.

### **ALC Notices and Orders**

37. Every person who is required to provide any notice to the ALC pursuant to the Act or Regulation concerning a Deposit or Removal will, within five (5) days of providing such notice and any subsequent amended notice, as may be applicable, provide to the Engineer a copy of such notice, along with any supporting documentation provided to the ALC.
38. Every person who receives an order from the ALC pursuant to the Act or the Regulation concerning a Deposit or Removal will, within five (5) days of receiving such order and any subsequent amended order, as may be applicable, provide to the Engineer a copy of such order from the ALC, along with any supporting documentation provided by the ALC.

### **General Provisions**

39. No person will Deposit Soil or Other Material, or Remove Soil:
  - (a) in greater quantities than the volume shown on the Permit;
  - (b) on or from a Property other than the Subject Property; and
  - (c) except in accordance with the terms of the Permit, this Bylaw and all other Township bylaws relevant to the Deposit or Removal.
40. No person will make a false statement in relation to an application for a Permit or with respect to any reports or information provided to the Engineer or the Township pursuant to this Bylaw.
41. No Permit or any interest in a Permit will be transferred or assigned, without the advance written approval of the Engineer. Unless such advance approval is provided by the Engineer, where a Permittee sells, transfers, or otherwise disposes of a Subject Property, the Permit will be revoked and returned to the Engineer, and no further Deposit or Removal will be permitted on the Subject Property unless and until a new Permit is issued for the Subject Property.
42. During the term of the Permit, each Permit will be visibly displayed in a protected, accessible, and conspicuous position at the main access point to the Subject Property

or such other location as may be required by the Engineer and will be made available to the Engineer upon request.

43. The Applicant or the Permittee, or if the Applicant or the Permittee is no longer authorized by the owner of the Subject Property, the owner of the Subject Property, as applicable, will remove all signage from the Subject Property that displays or references the Permit and/or Application for a Permit within two (2) weeks of the earliest of:

- (a) completion of the Deposit or Removal as provided for in the Permit;
- (b) expiration or revocation of a Permit;
- (c) rejection of an application for a Permit; or
- (d) a written request by the Engineer to remove said signage,

failing which, the Applicant or Permittee, as applicable, and the owner of the Subject Property irrevocably grants the Engineer permission to enter upon the Subject Property and remove and dispose of all such signage at the Engineer's sole discretion. The Applicant or Permittee, as applicable, and the owner agree to pay all costs incurred by the Engineer in taking such action, and will indemnify and hold harmless the Township, its agents, employees or officers from and against any and all claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought against the Township, its agents, employees or officers by reason of the Engineer taking such action.

### **Inspections**

44. The Engineer is authorized to, at all reasonable times, enter upon and inspect:
- (a) any Property to determine if the owner of a Property upon which a proposed Deposit or Removal operation is situated is required to obtain a Permit;
  - (b) any Property to determine if a Deposit or Removal has occurred on a Property without a valid Permit or approval of the Engineer under this Bylaw;
  - (c) any Property to inspect a truck log; and
  - (d) a Subject Property in order to ascertain whether the provisions of this Bylaw, the Permit issued pursuant thereto, or any of the Township's bylaws, are being complied with. Every Permittee, or if the Permittee is no longer authorized by the owner of the Subject Property, the owner will maintain up-to-date records sufficient to allow the progress of the Deposit or Removal operation to be monitored by the Township for compliance with the provisions of this Bylaw, the terms and conditions of the Permit, and any Township bylaws relevant to the Deposit or Removal, and such records will be made available to the Engineer upon request.

### **Repair of Damage**

45. In the event of damage to Township or privately-owned drainage facilities, natural watercourses, highways, lands, or other Township or privately-owned property or facilities, resulting from a Deposit or Removal operation, the Permittee, or an agent of the Permittee, will promptly and properly repair the damage to the satisfaction of the Engineer.

### **Drainage Facilities, Natural Watercourses and Ground Water Aquifers**

46. All drainage facilities, natural watercourses, and ground water aquifers will be kept free of Soil and Other Material originating from the Deposit of Soil or Other Material upon a Subject Property, and every obstruction or damage caused to such drainage facilities, natural watercourses, or ground water aquifers will constitute an offence under this Bylaw.

### **Enforcement**

47. If a Permittee or the owner of the Subject Property contravenes a provision of this Bylaw or a term of a Permit, or if a Property, Deposit or Removal contravenes any provision of this Bylaw, the Engineer may notify the Permittee or the owner in writing of such contravention and may instruct the Permittee or the owner to correct the contravention by a date specified in the notice. If the correction of the contravention will not be completed by the date specified in the notice, the Permittee or the owner as instructed by the Engineer must:
- (a) immediately take all reasonable steps to begin to correct the contravention;
  - (b) provide the Engineer with a schedule acceptable to the Engineer for such correction; and
  - (c) complete the correction in accordance with such schedule.
48. If a Permittee or the owner of the Subject Property fails to correct a contravention referenced in section 47 of this Bylaw, by the date specified in the notice, or otherwise instructed by the Engineer:
- (a) the Township may carry out such works and undertake such actions as the Township deems necessary to correct the contravention; and
  - (b) the Engineer may revoke the relevant Permit, which will then cease to authorize any Deposit or Removal at the Subject Property.
49. Other than in case of emergency (in the opinion of the Engineer), in which case no notice is required, the Township will give ten (10) days' written notice to the Permittee of the Township's intention to carry out works pursuant to section 48 of this Bylaw.
50. If the Township carries out works pursuant to section 48 of this Bylaw, the Permittee or the owner of the Subject Property will reimburse the Township for the Township's cost of carrying out such works, within ten (10) days of receiving a written request by the Township for such reimbursement.
51. The Township may cash and use the security deposit provided pursuant to section 17 of this Bylaw, for one or more of the following purposes:
- (a) to remedy a contravention of this Bylaw, a Permit or any other Township bylaws relevant to the Deposit or Removal that is the subject of the Permit;
  - (b) to remedy any emergency condition which, in the opinion of the Engineer, is associated with, arises from, or is the result of a contravention of this Bylaw, a Permit, or any other Township bylaw relevant to the Deposit or Removal that is the subject of the Permit, and requires immediate action;
  - (c) to satisfy any outstanding fee payable under this Bylaw, including but not limited to, any outstanding volume fee.

