

## VILLAGE OF ANMORE

### BYLAW NO. 81-1992

A bylaw to regulate the deposit of soil and other material upon lands within  
the Municipality

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The Municipal Council of the Corporation of the Village of Anmore, in open meeting assembled,  
ENACTS AS FOLLOWS:-

1. This bylaw may be cited as "Soil Deposit Bylaw No. 81-1992".

2. In this bylaw, unless the context otherwise requires:

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

**"Clerk"** means the Municipal Clerk for the Corporation of the Village of Anmore as appointed by the Council and includes his authorized Deputy;

**"Municipality"** means the geographic area governed by the Village;

**"Soil"** includes clay, silt, sand, gravel, rock, peat or other substance of which land is naturally composed, down to and including bedrock; but shall not include tree stumps and logs; and

**"Village"** means the Corporation of the Village of Anmore.

3. Except as hereinafter specifically provided, no person shall deposit or permit the deposit of soil or any material on any land in the Municipality.

4. Notwithstanding Section 3, and subject to the regulations hereinafter set out, where a soil deposit permit has been issued under this bylaw, the deposit of soil:

(a) that will be incorporated as part of the construction of a building or structure for which a building permit has been issued by the Village;

(b) that will form part of a lot grading and landscaping scheme in connection with a subdivision which has received preliminary approval by the Approving Officer; or

(c) that is required in writing by the Crown for reasons of health, safety or the protection of the public may be permitted on land in the Municipality.

5. Every application for a permit pursuant to this bylaw shall be made in writing to the Clerk in the form prescribed by Schedule "A" hereto.
6. Every permit pursuant to this bylaw shall be issued by the Clerk, shall be in the form prescribed by Schedule "B" hereto and shall expire not later than 90 days from the date of issue.
7. Every applicant for a permit to deposit soil pursuant to this bylaw shall submit with his application the following:
  - (a) a State of Title Certificate for the lands upon which it is intended to deposit the soil, issued not more than 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, the source of the soil and the purpose for which the soil is to be deposited;
  - (c) a statement of the estimated depth of topsoil and over-burden on the proposed soil deposit site and the estimated total volume of soil to be deposited;
  - (d) detailed calculations, cross-sections and other engineering data used in calculating the estimated volume of soil to be deposited;
  - (e) an outline of the proposed program for stripping, storage and redistribution of topsoil during and upon completion of the proposed soil deposit operation;
  - (f) an outline of the proposed grading and rehabilitation of the proposed soil deposit site during and upon completion of the proposed soil deposit operation, showing the correlation with the grades and vegetation cover of all adjacent lands;
  - (g) a detailed groundwater survey covering the proposed soil deposit site and all adjacent lands;
  - (h) when required by the Clerk, a certificate prepared by a Professional Engineer licenced to practice in British Columbia certifying that the soil to be deposited meets the requirements of all Federal and Provincial regulations regarding contaminants;
  - (i) such other material as the Clerk may require in order to determine the potential impact upon the environment of the proposed soil deposit operation;

- (j) copies of any permits and approvals of federal or provincial authorities required by the statute or regulation in connection with the proposed soil deposit operation; and Bylaw
  - (k) an application fee of \$100.00.
8. In addition to the above requirements, every applicant for a permit to deposit a volume of soil in excess of 200 cubic metres may be required to submit with his application:
- (a) plans of the lands upon which the applicant proposes to deposit the soil, by a prepared a B.C. Land Surveyor or Professional Engineer which shall include:
    - i) contour plans of the said lands, to a scale of not less than 1:1000, showing contours at a vertical interval suitable to describe the existing terrain of the said lands and the relation thereof to that of the adjoining lands and highways and showing at a vertical interval of one metre or less the proposed geodetic elevations of the lands after the soil has been deposited thereon;
    - ii) full particulars of the present use, occupancy and condition of the lands upon which the deposit of soil is proposed and of those portions of adjacent lands which may be affected by the proposed soil deposit operation, including all pertinent Topographic features, building, structures and tree cover existing thereon, highways and highway allowances, foot paths, watercourses, water table, drainage facilities, Wells, private sewage disposal systems, fence lines, facilities existing for pedestrian and vehicular traffic (indicating the suitability of same for carrying the type and volume of traffic to be generated in the deposit of the soil), utilities, services and other existing facilities;
    - iii) the proposed slopes which will be maintained during and upon completion of the deposit of the soil;
    - iv) the proposed methods of erosion control for the soil deposit, during and upon completion of the deposit of the soil;
    - v) the proposed methods of drainage control for the soil deposit during and upon completion of the deposit of the soil;
    - vi) the proposed methods of access to the lands during and upon completion of the deposit of the soil; and

- vii) such further and other information as may be necessary to adequately describe the proposed soil deposit operation; and
  - (b) detailed calculations, cross-sections and other engineering data and pertinent information used in calculating the volume of soil to be deposited.
- 9. The Clerk may refuse to issue a permit if the proposed soil deposit operation or the plans, data and specifications submitted with the application do not comply with this bylaw, or this proposed soil deposit would, in his opinion, adversely affect the environment or any adjacent property, highway, watercourse or groundwater aquifer.
- 10. Any permit issued pursuant to this bylaw may specify conditions with regard to traffic control and utilization of Municipal highways in connection with a soil deposit operation.
- 11. 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 Village an irrevocable Letter of Credit in a form acceptable to the Village in the amount of Five Thousand (\$5,000.00) Dollars for each hectare or fraction thereof of the lands upon which soil is to be deposited, up to a maximum amount of One Hundred Thousand (\$100,000.00) Dollars, which security shall be maintained in full force and effect throughout the permit period.
- 12. Where soil which is proposed to be deposited on land in the Municipality originates from outside the Municipality or which the Clerk has reason to believe that such soil may contain hazardous substances, the Clerk may require the applicant to submit with his application an analysis of samples of the soil prepared by an independent consultant satisfactory to the Clerk.
- 13. Every soil deposit operation shall comply with the following regulations and the regulations shall be deemed to be included as conditions in every soil deposit permit issued hereunder:
  - (a) the deposit of soil shall only be carried out between the hours of 7:00 a.m. to 7:00 p.m. and shall not be carried out on Sundays or Statutory Holidays;
  - (b) no soil containing any substance which is hazardous to health or safety shall be deposited on any land in the Municipality;
  - (c) the holder of a soil deposit permit shall ensure that any highway within 800 metres of the land on which soil is being deposited is kept clean of any debris resulting from the soil deposit operation;

- (d) no soil in individual pieces in excess of 0.75 cubic metres in volume shall be deposited on any land in the Municipality;
- (e) the slope of any part of any exposed face of any deposited soil shall not be greater than the angle of repose necessary for stability of the soil in question, as determined by the Municipal Engineer;
- (f) the deposited soil shall not in any way interfere with the established above or below ground drainage pattern of any adjoining lands and shall not cause the groundwater 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 deposit operation;
- (g) 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 groundwater or surface runoff will not drain into adjoining lands at greater rates than those existing prior to the commencement of the soil deposit operation;
- (h) no soil 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 Clerk;
- (i) no soil shall be deposited in the immediate vicinity of any utilities or services which may be damaged by any settlement resulting from the deposit of such soil 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 Clerk;
- (j) no soil shall be deposited over wells or private sewage disposal systems;
- (k) the finished grades 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 any grading plans submitted with the permit application and approved by the Clerk.
- (l) upon completion of the deposit of soil, every permit holder shall forthwith cover all surfaces of the deposit with an established growth of grass or other suitable rooted ground cover; and

- (m) no operation by which soil is deposited shall encroach upon, undermine, damage or endanger any adjacent property or highway or encroach into any setback area prescribed in a soil deposit permit.
14. No person shall obstruct or damage any drainage facility, natural watercourse or groundwater aquifer by depositing or causing or permitting the deposit of soil therein or thereon.
  15. Any person who in the course of a soil deposit operation causes or permits to be caused damage to any drainage facility, natural watercourse, groundwater aquifer, highway or other municipal 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 deposit operation.
  16. No person engaged in a soil deposit operation shall cause or permit dust, dirt or noise to escape therefrom, so as to constitute a nuisance to any other property.
  17. During and upon completion of every soil deposit operation, the owner of the lands upon which the soil deposit operation was carried out and any person engaged in such operation shall:
    - (a) protect the boundaries of all adjacent lands, highways, statutory rights-of-way and utility easements from erosion or collapse; and
    - (b) complete all works required by this bylaw and any permit issued pursuant hereto, in accordance with sound engineering principles, as determined by the Municipal Engineer.
  18. No permit issued pursuant to this bylaw or any interest therein shall be transferred or assigned. Where a permit holder sells, transfers or otherwise disposes of this interest in the land in respect of which a subsisting permit has been issued, he shall forthwith cease the soil deposit operations thereon, and the permit shall become void and of no effect and shall be returned to the Clerk.
  19. During the currency thereof, each permit issued pursuant to this bylaw shall be visibly displayed in a protected, accessible, conspicuous position upon the lands referred to therein and shall be made available to the Clerk upon request.
  20. Every holder of a permit issued pursuant hereto shall:
    - (a) commence the soil deposit operation with 7 days from the date of issue of the permit; and

- (b) complete all restoration requirements within 30 days after the date of completion of the project and prior to the expiration of the permit, whichever event shall occur first.
- 21. If the holder of a permit issued pursuant hereto wishes to deviate in any way from the particulars contained in his application or from the plans, data and specifications submitted therewith, he shall first make application for and receive a new permit pursuant hereto.
- 22. The Clerk is hereby authorized to all reasonable times to enter upon and inspect any lands to ascertain whether the provisions of this bylaw and any permit issued pursuant hereto are being complied with.
- 23. In the event of a breach of any provision of this bylaw or any permit issued pursuant hereto, the Clerk may issue to:
  - (a) the permit holder;
  - (b) the owner or occupier of lands upon which soil is being deposited; and
  - (c) any person engaged in a soil deposit operation;or any of them, a notice of such breach. Every person receiving a notice of a breach shall forthwith cease and desist from all soil deposit operations, and every owner or occupier of land upon receiving a notice of a breach shall thereupon prevent any further deposit of soil upon the said lands, until such breach is remedied to the satisfaction of the Village.
- 24. In the event that any person, having received a notice of a breach, fails within the time set forth therein to remedy such breach or otherwise continues to breach any provision of this bylaw or any permit issued pursuant hereto, the Council may at any time thereafter revoke any permit issued pursuant hereto and the Village may draw upon any security deposited with the Village by the permit holder and may enter upon the lands where such breach has occurred and carry out any works required to remedy such breach at the expense of any person named in the notice of breach and may deduct the cost of such works from the security deposit and, where no such security has been deposited or where the security is insufficient to cover the cost of such works, the Village may recover the costs of such works, or any part thereof, with interest at the rate of 6% per year with costs in the same manner as Municipal taxes against the lands where such breach has occurred.
- 25. This bylaw shall not apply to the deposit of soil for the construction and installation of highways and Municipal services by or on behalf of the Village.

