



Consolidated for Convenience  
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# **SOIL REMOVAL AND DEPOSIT BYLAW NO. 7022, 1999**

**CONSOLIDATED SOIL REMOVAL AND DEPOSIT BYLAW NO. 7022, 1999**

**AMENDING BYLAW**

Bylaw No. 7513, 2003

Bylaw No. 7568, 2004

**CITY OF PRINCE GEORGE SOIL REMOVAL AND DEPOSIT BYLAW**

**NO. 7022, 1999.**

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**CITY OF PRINCE GEORGE**  
**SOIL REMOVAL AND DEPOSIT BYLAW**  
**NO. 7022, 1999.**

**A BYLAW TO REGULATE THE REMOVAL AND DEPOSIT OF SOIL**

**WHEREAS** the Municipal Act allows a local government to regulate or prohibit the removal of Soil and the deposit of soil or other materials on any Land;

**NOW THEREFORE**, the Council of the City of Prince George, enacts as follows:

**1. TITLE**

**1.1** This Bylaw may be referred to as City of Prince George Soil Removal and Deposit Bylaw No. 7022, 1999.

**2. REPEAL**

**2.1** "The Soil Removal Bylaw, Bylaw No. 3000, 1978" and all amending bylaws thereto are hereby repealed.

**3. APPLICATION**

**3.1** This Bylaw applies to any Land within the boundaries of the City of Prince George.

**4. DEFINITIONS**

**4.1** Any term not defined shall be as set out in the current edition of the Concise Oxford Dictionary. In this Bylaw:

“Aquatic Area” means any lake, river, or creek identified in Figure 1 of the document referenced as Nick Page and Matthew Child. “Identification of Fisheries Values and Protection Strategies for Aquatic and Riparian Areas in the City of Prince George,” Department of Fisheries and Oceans, 1997;

“Berm” means an embankment built of Soil for the purpose of reducing the transmission of noise emanating from Removal or Deposit Operations and for screening Removal or Deposit Operations from the view of the users of property adjacent to Removal or Deposit Operations;

"City"	means the City of Prince George;
"Council"	means the Mayor and Council of the City of Prince George;
"Crusher"	means any device or structure used, or intended to be used, to crush or break Soil;
"Deposit"	means the act of placing, storing, spilling, or releasing directly or indirectly, Soil on any Land, where the Soil did not previously exist or stand, including a stockpile or other storage facility;
"Designated Soil Removal Deposit Area"	means those areas of Land identified in Schedule A or within which a Permit for Removal or Deposit may be permitted;
"Director"	means the Director of Development Services of the City of Prince George, or a person working under the direction of the Director;
"Disturbance Area"	means that part of the Land which has been made devoid of vegetative cover, or otherwise physically altered as a result of Removal or Deposit Operations;
"Highway"	means any public street, road, lane, bridge, or walkway;
"Land"	means any land within the boundaries of the City of Prince George including land covered by lakes, streams, rivers or watercourses;
"Official Community Plan"	means the Official Community Plan of the City;
"Permit"	means a permit issued by the Director pursuant to Section 9 of this Bylaw;
"Permittee"	means a person who has received a Permit or Short Term Permit under this Bylaw;
"Prime Consultant"	means a Qualified Professional, or mine Manager pursuant to the <i>Mines Act</i> , acting as the primary contact with the Director regarding Removal or

Deposit Operations for which a Permit is required.

- "Private Service Corridor" means Land accommodating the servicing of any building or facility with any water, sewer, energy, or communications system, directly from any Highway, right-of-way, or municipal property;
- "Professional Engineer" means a person registered as a professional engineer with the Association of Professional Engineers and Geoscientists of British Columbia;
- "Public Service Corridor" means Land accommodating the collection or distribution of any water, sewer, energy, or communication system, but excludes Private Service Corridors;
- "Qualified Professional" means a person who is registered with a professional association that is regulated under a statute of British Columbia to practice in the capacities described under the sections of this Bylaw requiring a Qualified Professional, and who is qualified because of knowledge, training and experience to organize, supervise and perform the duty required in this Bylaw;
- "Reclamation Liability" means a Qualified Professional's estimate of the dollar cost of providing the required reclamation pursuant to this Bylaw;
- "Remove" or "Removal" means the act of removing Soil from any Lands in the City, or from any area of the City, from where it existed or stood, which place or location shall include a stockpile or other storage facility;
- "Removal or Deposit Operations" means any works or functions associated with, or involving, the Removal or Deposit of Soil, where a Permit or Short Term Permit is required, including excavation, filling, stockpiling, screening, on-site and off-site hauling of Soil, and reclamation;
- "Riparian Area" means the area of land within 15 metres, measured horizontally, from the visible high water mark of an Aquatic Area.

"Screener"	means a device or structure requiring a motor to sift, sort or separate Soil;
"Short Term Permit"	means a permit issued by the Director pursuant to Section 11 of this Bylaw;
"Soil"	means soil, topsoil, sand, gravel, rock, silt, clay, peat, sediment or any other substance of which land is composed, or any combination thereof;
"Stage"	means the period during which a portion of the total amount of Soil planned to be Removed or Deposited is being, or has been, Removed or Deposited;
"Stockpile"	means a man-made accumulation of Soil for future use, or distribution.

## **5. INTERPRETATION**

**5.1** Each of the guidelines outlined in "Land Development Guidelines for the Protection of Aquatic Habitat", September 1993 as co-published by the Ministry of Environment, Lands and Parks, Integrated Management Branch, and the Department of Fisheries and Oceans shall apply in the administration of this Bylaw and to any Permits or Short Term Permits issued, provided that such guideline does not conflict with a regulation of this Bylaw in which case this Bylaw shall prevail.

**5.2** Where any provisions of this Bylaw would be invalid as either being inconsistent with or in conflict with any Provincial or Federal legislation requiring either consistency or that municipal bylaws not be in conflict, then such provisions shall be construed in a manner that preserves the validity and application of the provisions to the broadest extent possible. A provision of this Bylaw is not necessarily inconsistent with or in conflict with any Provincial legislation merely because it enacts a higher or more onerous standard or requirement provided a person may comply with both such Bylaw provision and the Provincial legislation.

## **6. RESTRICTIONS**

**6.1** No person shall Remove or Deposit unless:

- (a) a Permit or Short Term Permit has been issued for that Removal or Deposit pursuant to this Bylaw; or
- (b) that Removal or Deposit is allowed without a Permit or Short Term Permit by

Section 7 of this Bylaw;

- 6.2** Where a Permit or Short Term Permit has been issued for Removal or Deposit, no person shall Remove or Deposit except in compliance with the terms of the Permit or Short Term Permit, and this bylaw; and
- 6.3** No person shall Remove or Deposit on any Land identified as a Natural Environment or Hazardous Condition Development Permit Area unless that Removal or Deposit is in accordance with a valid Development Permit.

**7. EXEMPTIONS FROM PERMIT REQUIREMENT**

- 7.1** Removal or Deposit is allowed without a Permit or Short Term Permit, subject to compliance with Sections 6.3 and 13.2 of this Bylaw, where Removal or Deposit on that Land:
  - (a) is by a florist, nurseryman, horticulturist or farmer and such soil is required and used on lands upon which that person carries on such trade, purpose or use;
  - (b) is required for the erection of a building or structure on that Land provided a valid building permit has been issued for that building or structure;
  - (c) is required to create or maintain a Private Service Corridor, a driveway, or a paved parking area for which a building permit or development permit is not required, and which is necessary to accommodate a permitted use on that Land;
  - (d) occurs on a Highway right-of-way, and is required for construction or maintenance of the Highway;
  - (e) occurs on a Public Service Corridor and is required for its creation or maintenance;
  - (f) involves less than 100 cubic metres of Soil per legal parcel of Land per year;
  - (g) is in accordance with a preliminary layout approval, approved by the City;
  - (h) is required to assess Soil quantity and type;
  - (i) involves Stockpiles only, where such stockpiles are part of a business for which a valid business license exists;
  - (j) is performed by, or on behalf of, the City in the creation or maintenance of a public trail or recreation facility, in the reclamation of a Disturbance Area, or in association with any other public works function.

- (k) is required as part of a solid waste processing and disposal operation which has approval pursuant to federal, provincial or municipal regulations or bylaws; or
- (l) is required as part of the clean-up or remediation of Contaminated Soils as directed or approved by the Minister of Environment, Lands and Parks.

## **8. DESIGNATION**

**8.1** A Permit may be issued to Remove or Deposit only on Land identified as a Designated Soil Removal or Deposit Area in Schedule "A" which is attached to, and made a part of, this Bylaw.

**8.2** Every application to amend Schedule "A" shall be submitted to Council on the prescribed form available from the Director, and shall be accompanied by a non-refundable application fee as set out in Section 18.5 of this Bylaw.

**8.3** No amendments to Schedule "A" shall be adopted until Council has held a hearing.

**8.4** Notice of the hearing identified in Section 8.3 shall:

- (a) state the time, date, location, and purpose of the hearing; and state the legal description of the Land that is the subject of the hearing;
- (b) be published in not less than 2 consecutive issues of a local newspaper the last publication to appear not less than 3 nor more than 10 days before the public hearing;
- (c) be mailed or otherwise delivered at least 10 days before the public hearing to the applicant, the owners and tenants in occupation of the Land that is the subject of the hearing, and the owners, and tenants in occupation of all Land within 30 metres of any portion of Land that is the subject of the hearing; and
- (d) be posted on a sign that is legible at a distance of 10 metres and is located on the Land which is the subject of the application at the location which is visible to the most public.

**8.5** Applications to amend Schedule "A", on the form provided by the Director, shall contain all of the following.

- (a) The purpose of the Removal or Deposit.
- (b) The legal description/s of the Land on which the Removal or Deposit is to occur.

- (c) The name, address, and signature of the applicant.
- (d) The written consent of the Land owner if the Land owner is not the applicant.
- (e) A current Title Search for the Land.
- (f) A site plan showing:
  - i. the legal boundaries of the Land and all existing pertinent natural and man-made features including buildings, structures, tree cover, Highways, watercourses, ponds, wells, springs, fence lines, easements, Public Service Corridors, and Private Service Corridors;
  - ii. the existing vertical contours of the Land at a scale of 1:1000 or larger, with a contour interval of two (2) metres or less; and
  - iii. the proposed final vertical contours after Removal or Deposit at a scale of 1:1000 or larger, with a contour interval of two (2) metres or less.
- (g) The proposed access location and haul route to and from the Deposit or Removal Land;
- (h) The estimated volume in cubic metres of Soil to be Removed from or Deposited on the Land in total, and the data used to calculate the quality and quantity of Soil to be Removed or Deposited;
- (i) The proposed future use of the Land following reclamation, and the manner by which reclamation shall prepare the Land for future use; and
- (j) Any other information required by the Director.

## **9. PERMITS**

**9.1** Upon application for a Permit, on the form provided by the Director, the Director may issue a Permit only on Land identified as a Designated Soil Removal or Deposit Area, provided there is compliance with all provisions of this Bylaw.

**9.2** Every application for a Permit shall be accompanied by a non-refundable application fee as set out in Section 18.1 of this Bylaw.

**9.3** Applications for a Permit shall contain all of the following.

- (a) The purpose of the Removal or Deposit.

- (b) The legal description of the Land on which the Removal or Deposit is to occur.
- (c) The name, address, and signature of the applicant.
- (d) The name, mailing address, and signature of the Qualified Professional or mine Manager acting as Prime Consultant.
- (e) The written consent of the Land owner if the Land owner is not the applicant.
- (f) The plans identified in Section 9.5 of this Bylaw.
- (g) The reports identified in Section 9.6 of this Bylaw.
- (h) A current Title Search for the subject property.
- (i) Any other information required by the Director.

**9.4** The Prime Consultant shall be responsible for the co-ordination, and presentation of the information required in the plans and reports and to ensure that Removal or Deposit Operations have been designed in compliance with the requirements of the Bylaw. The Primary Consultant shall also report on the Removal or Deposit Operations as part of the annual Permit review process, or as requested by the Director.

**9.5** Plans and data for Removal or Deposit Operations on the Land on which the applicant proposes to Remove or Deposit shall be provided with input from the appropriate Qualified Professionals and shall include the following.

- (a) A site plan showing:
  - i. the legal boundaries of the Land and all existing pertinent natural and man-made features including buildings, structures, tree cover, Highways, easements, watercourses, ponds, wells, springs, fence lines, Public Service Corridors, and Private Service Corridors; and
  - ii. the existing vertical contours of the Land at a scale of 1:1000 or larger, with a contour interval of two (2) metres or less.
- (b) A progressive development and reclamation plan, in accordance with Section 9.10, showing:
  - i. the proposed sequence of Removal or Deposit by means of topographic maps with a contour interval of two (2) metres or less, representing the Land at the

end of each consecutive Stage;

- ii. the proposed timing for locations of stockpiles and berms, and the proposed locations of machinery, buildings and other structures and improvements on the Land during Removal or Deposit at each consecutive Stage; and
- iii. the proposed reclamation to be completed at the end of each consecutive Stage.

(c) A final reclamation plan showing:

- i. the legal boundaries of the Land and the proposed final conditions of the Land including natural and man-made features such as buildings, structures, tree and other ground cover, Highways, easements, watercourses, ponds, wells, springs, fence lines, Public Service Corridors, and Private Service Corridors; and
- ii. the proposed vertical contours of the Land at a scale of 1:1000 or larger, with a contour interval of one (1) metre or less.

**9.6** A report that discusses the compliance of the proposed Removal or Deposit Operation with this Bylaw shall be provided with input from the appropriate Qualified Professionals. If required by the Director, the report shall discuss the compliance of previous Removal or Deposit Operations on the Land with this Bylaw and Permit. The report must contain all of the following.

(a) The methods proposed and previously used to:

- i. control erosion, drainage, slope stability, and dust within and from the Land subject to Removal or Deposit;
- ii. control dust along the transportation route to and from the Land subject to Removal or Deposit;
- iii. control noise within and from the Land Subject to Removal or Deposit; and
- iv. visually screen the Removal or Deposit Operations from adjacent land.

(b) The fencing, enclosing methods, and signage proposed to restrict unauthorized access to the Land.

(c) The proposed access location and haul route to and from the Land subject to Deposit or Removal.

- (d) The estimated volume in cubic metres of Soil to be Removed from or Deposited on the Land in total and during consecutive Stages, with a copy of any calculations, cross-sections or other engineering data and pertinent information used in calculating such estimated total volume.
  - (e) The manner by which the Land shall be progressively brought to the final proposed contours as soon as practical.
  - (f) The proposed future use of the Land following reclamation, the manner by which the proposed reclamation prepares the Land for such future use, the proposed reclamation for the Land, and the proposed compaction levels of all Land subject to Deposit.
  - (g) An estimate of the amount of security required by this Bylaw and a detailed breakdown of the estimate.
- 9.7** The plans and reports provided pursuant to this Bylaw shall form part of any Permit or Short Term Permit issued.
- 9.8** If the application, reports or plans provided pursuant to this Bylaw indicate that the Removal or Deposit Operations may not comply with this Bylaw or any other City Bylaws, or if the information provided with an application, plans or reports is incorrect, incomplete or misleading, the Director shall refuse to issue a Permit.
- 9.9** Where an owner of Land sells, transfers or otherwise disposes of an interest in the Land for which a Permit has been issued, the new owner shall accept in writing all terms, conditions, and requirements of the Permit and this Bylaw for the Permit to remain valid.
- 9.10** Where less than 250,000 cubic metres of Soil is planned to be Removed or Deposited there shall be two consecutive stages. The first Stage involves the first half of the total amount of Soil to be Removed or Deposited and the second Stage involves the second half of the total amount of Soil to be Removed or Deposited.
- Where 250,000 cubic metres or more is planned to be Removed or Deposited there shall be three consecutive Stages. The first Stage involves the first third of the total amount of Soil to be Removed or Deposited. The second Stage involves the second third of the total amount of Soil to be Removed or Deposited. The final Stage involves the final third of the total amount of Soil to be Removed or Deposited.
- 9.11** Upon the issuance of a Permit the applicant identified in Section 9.3 (c) is the Permittee for all purposes of this Bylaw, and the City may enforce all the provisions of this Bylaw against the Permittee.

- 9.12** Upon notice in writing to the Director from the Permittee and transferee, an applicant may, upon payment of a fee as set out in Section 18.3 of this Bylaw, transfer a valid Permit to the transferee.
- 9.13** Upon notice of a transfer provided pursuant to Section 9.12 being provided to the Director, the transferee shall become the Permittee for all purposes of this Bylaw, and the City may enforce all of the provisions of this Bylaw against the transferee notwithstanding that any violation, breach or offences under this Bylaw arose or occurred prior to the transfer.
- 9.14** Notice of a transfer pursuant to Section 9.12 shall not constitute or be deemed to constitute representation by the City of the validity of the Permit, or that any actions authorized by the Permit were undertaken or completed in compliance with this Bylaw or the Permit.

## **10. ANNUAL PERMIT REVIEW**

- 10.1** Every Permit shall be reviewed annually.
- 10.2** As part of the annual Permit review the Prime Consultant shall provide the Director with a letter discussing the Removal or Deposit Operations in relation to this Bylaw and Permit during the previous year within a thirty (30) day period before the anniversary date of the issuance of a Permit.
- 10.3** As part of the annual Permit review process the plans and reports accepted as part of a Permit shall be amended and resubmitted for acceptance when:
- (a) the Removal or Deposit Operations are not in compliance with this Bylaw or Permit;  
or
  - (b) the plans and reports indicate that the Removal or Deposit Operations may result in non-compliance with this Bylaw.
- 10.4** The annual Permit review process shall be complete when, in the opinion of the Director, Removal or Deposit Operations are in compliance with the Bylaw and that the required plans and reports are correct and indicate that the Removal or Deposit Operations are in compliance with the Bylaw.

## **11. SHORT TERM PERMITS**

- 11.1** Upon application for a Short Term Permit, on the form provided by the Director, the Director may issue a Short Term Permit provided there is compliance with all provisions of this Bylaw, and that:
- (a) the legal parcel of Land is one hectare or greater, and the total amount of Soil to be

- Removed or Deposited is less than or equal to 25,000 cubic metres;
- (b) the legal parcel of Land is less than one hectare and the total amount of Soil to be Removed or Deposited is less than or equal to 10,000 cubic metres; and
  - (c) the Removal or Deposit would improve the suitability of the Land for a use permitted in the Zoning Bylaw and identified in the Official Community Plan for that Land, as determined by the Director.
- 11.2** Every application for a Short Term Permit shall be accompanied by a non-refundable application fee as set out in Section 18.2 of this Bylaw.
- 11.3** The Removal or Deposit authorized and the reclamation required in a Short Term Permit shall be complete within thirty six (36) months from the date of issue of the Short Term Permit. A second Short Term Permit may be issued provided that the total amount of Soil Removed or Deposited from the legal parcel of Land under all Short Term Permits does not exceed the amounts identified in Section 11.1 of this Bylaw.
- 11.4** Applications for a Short Term Permit shall contain the following.
- (a) The purpose of the Removal or Deposit.
  - (b) The legal description of the Land on which the Removal or Deposit is to occur.
  - (c) The name, address, and signature of the applicant.
  - (d) The written consent of the Land owner if the Land owner is not the applicant.
  - (e) The plans identified in Section 9.5 of this Bylaw.
  - (f) The reports identified in Section 9.6 of this Bylaw.
  - (g) A current Title Search for the subject property.
- 11.5** The plans and reports outlined in Sections 11.4 (e) and (f) shall be provided with an application for a Short Term Permit, unless not considered necessary by the Director to protect properties adjacent to the proposed Removal or Deposit Operations, to ensure public safety, and to protect the environment.
- 11.6** The plans and reports provided shall form part of any Short Term Permit issued.
- 11.7** If the application, reports or plans provided pursuant to this Bylaw indicate that the Removal or Deposit, or the Removal or Deposit Operations, may not comply with this Bylaw or any

other City Bylaws, or if the information provided in the application, plans or reports is incorrect, incomplete or misleading, the Director shall refuse to issue a Short Term Permit.

- 11.8** Where an owner of Land sells, transfers or otherwise disposes of his interest in the Land for which a Short Term Permit has been issued, the new owner shall accept in writing all terms, conditions, and requirements of the Short Term Permit and this Bylaw for the Short Term Permit to remain valid.
- 11.9** Upon the issuance of a Short Term Permit the applicant identified in Section 11.4 (c) is the Permittee for all purposes of this Bylaw, and the City may enforce all the provisions of this Bylaw against the Permittee.
- 11.10** Upon notice in writing to the Director from the Permittee and transferee, an applicant may upon payment of a fee as set out in Section 18.3 of this Bylaw, transfer a valid Short Term Permit to the transferee.
- 11.11** Upon notice of a transfer provided pursuant to Section 11.10 being provided to the Director, the transferee shall become the Short Term Permittee for all purposes of this Bylaw, and the City may enforce all of the provisions of this Bylaw against the transferee notwithstanding that any violation, breach or offences under this Bylaw arose or occurred prior to the transfer.
- 11.12** Notice of a transfer pursuant to Section 11.10 shall not constitute or be deemed to constitute representation by the City of the validity of the Short Term Permit, or that any actions authorized by the Short Term Permit were undertaken or completed in compliance with this Bylaw or the Short Term Permit.

## **12. SUSPENSION AND CANCELLATION**

- 12.1** The Director may suspend indefinitely in whole or in part the rights of a Permittee under a Permit or Short Term Permit, if:
- (a) there is a contravention of any term, condition, or requirement of the Permit, Short Term Permit, or this Bylaw, including start or completion dates;
  - (b) the application, plans or reports provided pursuant to this Bylaw for a Permit or Short Term Permit were misleading, false, or omitted to state a material fact the omission of which made the information or plans provided false or misleading;
  - (c) the Permittee has not paid a fee that is due pursuant to this Bylaw;
  - (d) a Permittee has not applied for an annual Permit review by the anniversary date of the issuance of a Permit, in accordance with Section 10 of this Bylaw; or

- (e) the annual Permit review process is not complete three (3) months after the anniversary date of the issuance of a Permit.
- 12.2** The Director, Bylaw Enforcement Officer, and any City employees acting under their direction must provide Notice of Suspension of a Permit or Short Term Permit to:
- (a) the Permittee;
  - (b) the owner of Lands where the Removal or Deposit is taking place; or
  - (c) the Prime Consultant for a Permit.
- 12.3** Notice of Suspension of a Permit or Short Term Permit must be provided in writing and must contain a written description of the reasons for suspension.
- 12.4** Upon Notice of Suspension, and its posting at the Site, Removal or Deposit Operations shall cease, and every Permittee, owner of Land, and person engaged in Removal or Deposit operations upon receiving Notice of Suspension of a Permit or Short Term Permit shall prevent any further Removal or Deposit operations until the suspension is removed in writing by the Director.
- 12.5** A suspension pursuant to Section 12.1 of this Bylaw shall remain in effect until the reason/s for the suspension is/are addressed to the satisfaction of the Director.
- 12.6** Council may cancel a Permit or Short Term Permit, if in Council's opinion:
- (a) there is a contravention of any term, condition, or requirement of the Permit, Short Term Permit, or this Bylaw, including start or completion dates;
  - (b) the application, plans or reports provided pursuant to this Bylaw for a Permit or Short Term Permit were misleading, false, or omitted to state a material fact the omission of which made the information or plans provided false or misleading;
  - (c) the Permittee has not paid a fee that is due pursuant to this bylaw;
  - (d) a Permittee has not applied for an annual Permit review by the anniversary date of the issuance of a Permit, in accordance with Section 10 of this Bylaw; or
  - (e) the annual Permit review process is not complete three (3) months after the anniversary date of the issuance of a Permit.
- 12.7** The Permittee may request an amendment to the Permit or Short Term Permit by amending

the plans and reports identified in Section 9.5 and 9.6 of this Bylaw as necessary to identify the amendment, and submitting the amended plans and reports to the Director for approval.

### **13. REMOVAL OR DEPOSIT CONDITIONS**

#### **13.1** Removal or Deposit Operations, requiring a Permit or Short Term Permit, must comply with all of the following conditions.

- (a) Removal or Deposit Operations must conform to this Bylaw and the issued Permits or Short Term Permit.
- (b) All damage to City and Provincial drainage facilities, Highways, Lands, or other City and Provincial property or facilities resulting from Removal or Deposit Operations shall be repaired at the expense of the Permittee.
- (c) All surface run-off on the Land shall drain by gravity to a facility on that Land adequate to deal with the runoff as required in Section 5 of this Bylaw.
- (d) Access must be from a location which minimizes the impact of Removal or Deposit Operations on local traffic and residential areas, and which minimizes the potential for damage to Highways, as approved by the Director.
- (e) Removal or Deposit Operations must occur in a manner which minimizes the impact of noise, dust and other potential nuisances on the users of adjacent Land.
- (f) Removal or Deposit Operations shall result in the site being progressively brought to final grade as soon as practical, and any area brought to final grade that is not used for Removal or Deposit Operations must be reclaimed according to Section 15.1 within one year of being brought to final grade.
- (g) Where the total amount of Soil proposed for Removal or Deposit exceeds 25,000 cubic metres, the Removal or Deposit Operations, except berms, fences, erosion or siltation control devices, and the access route, must be separated by a minimum setback of:
  - i. 100 metres from the boundary of any Land which is zoned for any urban or suburban residential use;
  - ii. 50 metres from the boundary of any Land which is zoned for any urban or suburban residential use provided that a Berm is developed along the length of the setback as close to Removal or Deposit Operations as possible;
  - iii. 50 metres from any Highway right-of-way;

- iv. 10 metres from the boundary of any Land which abuts that Land unless the written permission of the adjacent Land owner is obtained, allowing a reduced setback.
- (h) Where the total amount of Soil proposed for Removal or Deposit under a Permit is less than 25,000 cubic metres, the Removal or Deposit Operations, except berms, fences, erosion or siltation control devices, and the access route, must be separated by a minimum setback of 10 metres from the boundary of any other Land unless the written permission of the adjacent Land owner is obtained allowing a reduced setback.
- (i) Where a Permit or Short Term Permit has been issued for two or more abutting parcels of Land a setback between those parcels is not required.
- (j) Removal or Deposit may take place within the specified setback areas just prior to the end of each Stage if:
  - i. Removal or Deposit in the setback area is required to grade the Land in a manner suitable for future use and is in accordance with the final reclamation plan provided pursuant to Section 9.5(c); or
  - ii. Removal or Deposit is required to create or remove berms within the setback area.
- (k) Where the total amount of Soil proposed for Removal or Deposit exceeds 25,000 cubic metres the Removal or Deposit Operations on that Land must be screened from adjacent Land use by a Berm, the design and configuration of which must be developed to effectively reduce noise from Removal or Deposit Operations, and visually screen the Land.
- (l) Unless specified in the Permit or Short Term Permit, the Permittee shall allow Removal or Deposit Operations to occur only during the following times.
  - i. Monday through Friday inclusive, from 6:00 a.m. to 10:00 p.m.; and
  - ii. Saturday, Sunday and statutory holidays from 9:00 a.m. to 7:00 p.m.
- (m) Unless specified in the Permit the Permittee shall allow a Screener or Crusher to operate only during the following times:
  - i. Monday through Friday inclusive, from 6:00 a.m. to 7:00 p.m.; and
  - ii. Saturday, Sunday and statutory holidays from 9:00 a.m. to 7:00 p.m.

- (n) A Screener or Crusher shall
  - i. be surrounded by a Berm, the elevation of the crest of which is not below the elevation of the top of the Screener or Crusher, and the design, configuration and location of the Berm shall be developed to effectively reduce noise from the Screener or Crusher and Removal or Deposit Operations; and
  - ii. not be located within 200 metres of the Boundary of any Land on which is located any residential or commercial development.

**13.2** All Removal or Deposit, and Removal or Deposit Operations, including Removal or Deposit described in Section 7, must comply with all of the following conditions.

- (a) All drainage facilities, Highways, and sidewalks shall be kept free of Soil and all other matter or thing originating as a result of Removal or Deposit, or Removal or Deposit Operations.
- (b) Removal or Deposit, or Removal or Deposit Operations, shall not undermine, or directly or indirectly contribute to the damage of any Highway or adjacent property.
- (c) Removal or Deposit, or Removal or Deposit Operations, shall not directly or indirectly result in the sedimentation or disturbance of an Aquatic Area, or its Riparian Area.
- (d) Removal or Deposit, or Removal or Deposit Operations, must not result in the creation of dust or noise which constitutes a nuisance at law.
- (e) No garbage, metal, wood, slash, or roots shall be buried or otherwise disposed of on Land unless:
  - i. solid waste processing and disposal is a permitted use on that Land and the required approvals from all regulatory agencies have been obtained; or
  - ii. wood, roots or slash are in the form of chips, shavings or sawdust and are distributed in a manner which shall readily decay; or
  - iii. the roots or slash are buried in an area that is designated Open Land in the Official Community Plan, it can be demonstrated that the deposit shall not negatively affect future development or use of the site, and the location and amount of the buried material is recorded and provided to the Director.
- (f) The Removal or Deposit of Contaminated Soil shall not occur contrary to the Waste

Management Act.

- 13.3** Council may amend a Permit to allow Removal or Deposit Operations contrary to Section 13.1 (l) and Section 13.1 (m) for up to thirty days per year, when the following conditions are met.
- (a) An application is made to the Director, on the form provided by the Director.
  - (b) It must be demonstrated that the amendment to the Permit is necessary to meet a demand for aggregate which is required within a limited time frame for a specific large project, and cannot be met under the restrictions in Section 13.1 (l) and Section 13.1 (m) of this Bylaw.
  - (c) It must be demonstrated that the Removal or Deposit Operations are to be undertaken in a manner which shall not have a significant negative impact on adjacent land use.

#### **14. SEDIMENT AND EROSION CONTROL**

- 14.1** Sedimentation and erosion control devices shall be maintained on the Land as necessary for their continuing proper function throughout the life of a Permit.
- 14.2** Sedimentation and erosion control revegetation shall be maintained on the Land as necessary for their continuing survival throughout the period of a Permit plus a period of one (1) year after the expiration of a Permit.

#### **15. RECLAMATION**

- 15.1** Every Permittee and owner of Land for which a Permit or Short Term Permit is issued shall ensure that the Land subject to the Permit or Short Term Permit is reclaimed according to the following.
- (a) The final topography, slopes, Soil compaction and other site conditions are suitable for the Land use identified for the Land in the Official Community Plan.
  - (b) All surfaces of the Disturbance Area shall have a maximum slope of 3:1 (horizontal:vertical), unless the immediately surrounding natural slope is greater than 3:1, in which case the slope of the Disturbance Area may conform to the slope of the surrounding land. In no case may the slope be steeper than 2:1, or the slope necessary for stability of the Soil in question.
  - (c) All surfaces of the Disturbance Area that are not a Highway or building site shall consist of Soil suitable to support a self sustaining rooted ground cover.

- (d) All surfaces of the Disturbance Area that are not a Highway or building site shall be covered with a growth of suitable grass, shrubs, trees, or other suitable rooted ground cover, either by seeding, or planting.
  - (e) The Land shall be cleared of equipment, machinery, or scrap materials.
  - (f) All reclamation shall be performed according to this Bylaw, all other City bylaws, and the Permit issued.
  - (g) All structures not suitable for the proposed future use of the Land identified in the Official Community Plan shall be cleared from the Land.
- 15.2** Topsoil or other fine Soils from the site of Removal or Deposit Operations shall be saved on that same site for use in reclamation unless it can be demonstrated that the reclamation required can be achieved without this Soil.
- 15.3** All Disturbance Areas shall be fully reclaimed according to the provisions of Section 15 within a period of twelve (12) months after the cancellation or expiry of a Permit or Short Term Permit, or the completion of Removal or Deposit permitted under a Permit of Short Term Permit.
- 15.4** Land may be exempted from compliance with Sections 15.1(c) & (d) of this Bylaw for up to three years following the cancellation of a Permit or the completion of Removal or Deposit permitted under a Permit of Short Term Permit if all of the following conditions are met.
- (a) The Land is designated in the Prince George Official Community Plan, and is zoned, for residential use (excluding rural residential), commercial use, or industrial use.
  - (b) A reclamation plan, approved by the Director, is prepared which is sufficient to control erosion of Disturbance Areas and to ensure that the conditions in Section 13.2 of this Bylaw shall be met.
  - (c) The reclamation identified in the plan required pursuant to Section 15.4 (b) must be completed within one (1) year of the acceptance of that plan by the Director.
  - (d) The total amount of security for the Land area exempted from Sections 15.1(c) & (d) of this Bylaw shall remain with the City in accordance to Section 17 until: that Land is developed for urban or suburban residential use, commercial use or industrial use; the exempted reclamation is provided; or the City uses the security to perform the reclamation.
- 16. INTERIM RECLAMATION**

- 16.1** Upon application, on the form provided by the Director, the Director may exclude Land from Section 15.1 of this Bylaw for up to three years by approving an interim reclamation plan.
- 16.2** An interim reclamation plan may be approved by the Director if all of the following conditions are met.
- (a) It is demonstrated that there remains in excess of 25,000 cubic metres of marketable Soil to be removed.
  - (b) The interim reclamation plan indicates that the proposed interim reclamation measures shall be sufficient to control erosion of Disturbance Areas and that the Conditions on Section 13.2 of this Bylaw shall be met.
  - (c) The total amount of security deposit required shall remain with the City in accordance to Section 17 until the reclamation required pursuant to Section 15.1 has been completed.
  - (d) The reclamation identified in the interim reclamation plan shall be performed as outlined in the interim reclamation plan within a period of 12 months of the approval of that plan.
- 16.2** The interim reclamation plan and the exemption from section 15.1 of this Bylaw shall not remain valid and in effect if a Permit is cancelled.

## **17. SECURITY**

- 17.1** Prior to issuance of a Short Term Permit or Permit, and the completion of an annual Permit review, an applicant is required to provide the City with a security in the form of cash, certified check, or irrevocable letter of credit with an automatic extension issued by a financial institution acceptable to the City. The security shall be held by the City and the letter of credit shall be maintained as good and valid security by the Permittee at all times as required by the Bylaw. The security amount required shall be adjusted annually and shall be:
- (a) an amount equivalent to the Reclamation Liability determined by a Qualified Professional during the two month period prior to the anniversary date of the issuance of a Short Term Permit or Permit, acceptable to the Director; or
  - (b) \$5,000 for each and every hectare, or part thereof, of Disturbance Area with a slope of less than 3:1 (horizontal:vertical), and \$7,000 for every hectare, or part thereof, of Disturbance Area with a slope equal to or greater than 3:1, that is not reclaimed to

the standard or condition shown on the plans submitted as part of the Permit, determined during the two month period prior to the anniversary date of the issuance of a Short Term Permit or Permit.

- 17.2** In no case shall the security provided under this Section equal less than \$5,000.00 per hectare of Disturbance Area, or part thereof. In no case shall a Permit be issued prior to a security of at least \$5,000.00 being provided to the City.
- 17.3** In the event that the City expends any part of the required security the Permittee shall, within one (1) calendar month of notification of such expenditure, provide the City with security to bring the total amount of security held by the City to the full amount required under Section 17.1.
- 17.4** In the event that the Permittee fails to renew or replace any letter of credit and deliver such renewal or replacement to the City within 14 days prior to the expiry of any letter of credit then held by the City, the City may draw down the entire amount of the then current letter of credit without notice to the Permittee and the City shall hold the monies as security pursuant to this bylaw.
- 17.5** If the Permittee does not comply with the terms and conditions of the Permit, Short Term Permit, or the provisions of this Bylaw, within one month following a request for compliance by the Director, the security may be forfeited to the City and may be used to remedy a non-compliance, reclaim the property, or repair any damage to City property resulting from Removal or Deposit Operations.
- 17.6** In the event that a Short Term Permit or Permit is cancelled by Council the security shall be forfeited to the City, in whole or in part, and may be used at any time to remedy a non-compliance, repair any damage to City property resulting from Removal or Deposit Operations, or reclaim the property.
- 17.7** The security may be used at any time for the cleaning of Soil or other debris from Highways, sidewalks, boulevards, or drainage facilities which may be required as a result of the Removal or Deposit Operations.
- 17.8** The security shall be returned to the Permittee provided that:
- (a) the Disturbance Area has been reclaimed in accordance with the Bylaw; and
  - (b) the Director has received a report, to the satisfaction of the Director, from the Qualified Professional acting as prime consultant in the case of a Permit, and from the Permittee in the case of a Short Term Permit, confirming that the Disturbance Area has been reclaimed in accordance with the Bylaw and Permit or Short Term Permit.

- 17.9** Within 30 days of receiving the report required under Section 17.8, the Director must:
- (a) return the security to the Permittee; or
  - (b) reject the report and give written notice to the Permittee of the deficiencies in the report or in the reclamation performed.
- 17.10** If the Permittee has not remedied the deficiencies referred to in Section 17.9(b) to the satisfaction of the Director within 90 days of receipt of the notice pursuant to Section 17.9(b) the security may be forfeited to the City and may be used to carry out any required reclamation work.
- 17.11** Section 17 of this Bylaw does not apply when the applicant for a Permit or Short Term Permit is the City.
- 17.12** The Director may consider a request by an applicant or Permittee, as the case may be, for a reduction in security of up to fifty percent where an equivalent amount of security has been deposited with the Provincial government respecting reclamation of the Lands which would have the effect of reducing the Reclamation Liability of the Lands, provided that the Director receives written conformation from the Province that the security held by the Province shall not be released without the approval of the Director.

## **18. FEES**

The fees and charges levied in this bylaw are set out in schedule [“A-12” of the “City of Prince George Comprehensive Fees and Charges Bylaw No. 7557, 2004”](#).

## **19. ASSESSMENTS AND INSPECTIONS**

- 19.1** The Director, Bylaw Enforcement Officer, and all City employees under their direction may for the purposes of administering or enforcing the provisions of this Bylaw enter upon the Land:
- (a) which is identified in an application for designation as a Designated Soil Removal or Deposit Area, or in an application for a Permit or Short Term Permit, or is the Land identified in an issued Permit or Short Term Permit, at all reasonable times and inspect the property and all aspects of Soil Removal or Deposit, and Soil Removal or Deposit Operations. Where a Mine Manager is responsible for restricting access to a mine site pursuant to the *Mines Act* the Mine Manager must be given a minimum of 3 hours notice prior to inspection; or
  - (b) which is under suspicion of being the location of activities contrary to this Bylaw.

**20. ENFORCEMENT**

- 20.1** Any person who does not comply with this Bylaw, Permit, or Short Term Permit shall, in addition to any penalties levied by this Bylaw, compensate the City for any damage to City drainage facilities, Highways, or other City property or facilities that occurs as a result of Removal or Deposit or Removal or Deposit Operations.
- 20.2** If a person does not comply with this Bylaw, Permit, or Short Term Permit the City, its agents, or contractors may enter upon the Lands and carry out any works required to remedy such non-compliance, or repair any resultant damage.
- 20.3** Any person who does not comply with this Bylaw, Permit, or Short Term Permit commits an offence, and is punishable according to the Offence Act, and shall be liable to the penalties imposed thereunder.
- 20.4** Any person who does not comply with this Bylaw, Permit, or Short Term Permit upon summary conviction, shall be liable to a penalty up to five thousand dollars (\$5,000.00) for each offence.
- 20.5** Where an offence is a continuous one, each day that the offence is continued shall constitute a separate offence.

**21. SEVERABILITY**

- 21.1** If any section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid or illegal by a decision of any Court of competent jurisdiction it shall be severable. Such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this Bylaw.

**22. INDEMNITY**

- 22.1** In consideration of the City issuing to the Permittee a Permit or Short Term Permit pursuant to the Soil Removal and Deposit Bylaw to conduct Removal or Deposit Operations on the Land, the Permittee hereby agrees to indemnify and save harmless the City and its elected officials, employees, agents, successors and assigns from all loss, damage, costs, actions, suits, debts, accounts, claims, and demands which the City or any of its elected officials, employees, agents, successors, and assigns may suffer or incur or be put to arising out of or in connection with anything done or omitted to be done on the Land pursuant to the Permit or Short Term Permit by the Permittee or any person for whom the Permittee is responsible in law.

READ A FIRST TIME THE **11<sup>TH</sup>** DAY OF **JANUARY** , **1999**.

READ A SECOND TIME THIS THE **11<sup>TH</sup>** DAY OF **JANUARY** , **1999**.

First two readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

READ A THIRD TIME AND AMENDED THIS THE **25<sup>TH</sup>** DAY OF **OCTOBER** , **1999**.

Third reading as amended passed by a **majority** decision of Members of City Council present and eligible to vote.

I hereby certify that the foregoing is a true copy of an original Bylaw as passed by three readings of the same as outlined above.

Allan Chabot  
CITY CLERK

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS PURSUANT TO THE PROVISIONS OF SECTION 723 OF THE MUNICIPAL ACT THIS THE **19<sup>TH</sup>** DAY OF **APRIL** , **2000**.

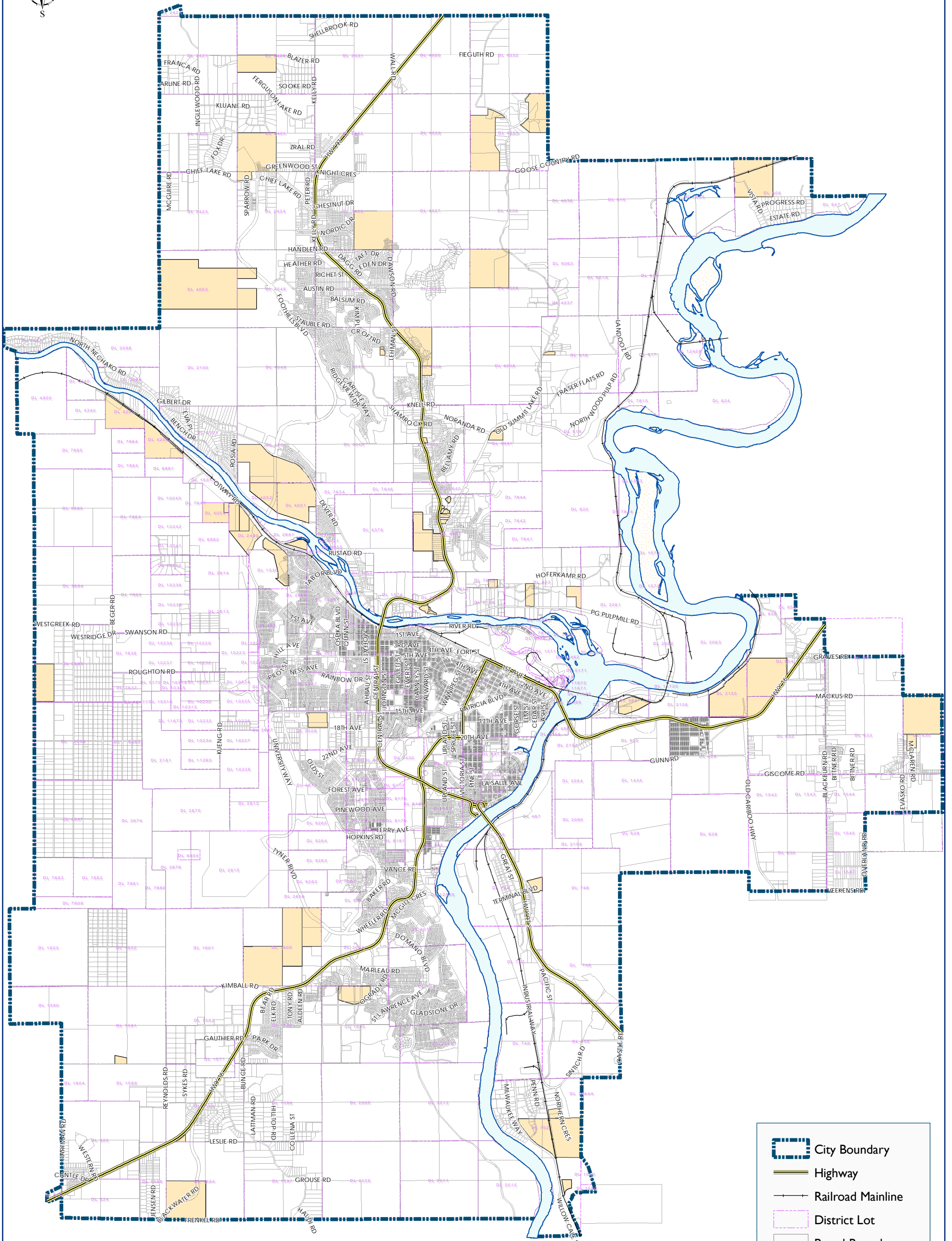
**As Per Statutory Approval Attached**

\_\_\_\_\_  
MINISTER OF MUNICIPAL AFFAIRS

ADOPTED THIS THE **15<sup>TH</sup>** DAY OF **MAY** , **2000**, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

\_\_\_\_\_  
**Dan Rogers**  
ACTING MAYOR

\_\_\_\_\_  
**Allan Chabot**  
CLERK



- City Boundary
- Highway
- Railroad Mainline
- District Lot
- Parcel Boundary
- Island
- River
- Soil Removal Areas