

CITY OF SURREY

BY-LAW NO. 5880

As amended by By-laws No. 6932, 11/16/81; 7139, 04/26/82; 7247, 08/09/82; 8349, 09/09/85; 9113, 08/10/87; 9663, 08/29/88; 9748, 10/17/88; 9855, 12/19/88; 10127, 07/17/89; 11252, 04/06/92; 12268, 04/25/94; 12541, 02/13/95; 12685, 09/25/95; 13736, 06/14/99; 14185, 12/04/00; 14531, 10/22/01; 14581, 12/03/01; 14935, 03/24/03; 15809, 07/28/05; 15938, 02/13/06; 16210, 01/15/07

A By-law to regulate the removal or depositing of soil from lands within the City, to require the holding of a permit for such purpose, and to fix a fee for such permit

.....

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY 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 BY-LAW PROVISIONS.

WHEREAS the Council may, pursuant to Section 930 of the Municipal Act being Chapter 290 R.S.B.C. 1979, as amended, regulate or prohibit:

- (a) the removal of soil, sand, gravel, rock or other substance of which land is composed from any lands,
- (b) the deposit of soil, sand, gravel rock or other material on any lands; and

WHEREAS it is deemed expedient that the removal or depositing of soil from or upon lands within the City be regulated;

NOW, THEREFORE, the City Council of the City of Surrey, in open meeting assembled, enacts as follows:

1. This By-law shall be cited for all purposes as "The Surrey Soil Removal and Depositing Regulation By-law, 1979, No. 5880".

2. For the purposes of this By-law:

"General Manager,

Planning and Development" means the General Manager, Planning and Development, or his designate of the City of Surrey, as duly appointed by the City Council, and shall include his duly appointed representative.

"City" means the City of Surrey.

"Depositing" means the act of moving, removing, taking or transporting soil and placing it upon a record lot on which it did not previously exist or stand.

"Other material" means:-

- a) Hog fuel, sawdust, shavings, edgings or other such waste which is the result of any manufacturing process involved in the production of lumber or other wood products, or
- b) Non-degradable construction or demolition waste such as masonry rubble or concrete rubble which can be readily compacted.

"Permit" means the written authority granted by the General Manager, Planning and Development pursuant to this By-law for the removal or depositing of soil from, or upon specified land within the City.

"Removal" means the act of moving, removing, taking or transporting soil, including soil which has been placed into a stockpile or other storage, from the record lot on which it existed or stood.

"Soil" means gravel, sand, rock, silt, clay, peat, topsoil, and all other material of which land is composed, down to and including bedrock, and in the case of a soil depositing operation shall include other material as defined herein, but in the case of a soil removal operation shall not include topsoil (as defined under the SOIL CONSERVATION ACT, and any amendment thereto), which is located in an Agricultural Land Reserve.

3.(a) Notwithstanding anything contained in this By-law and subject to all of the requirements contained in this By-law, no application to the City to remove or deposit soil on any record lot within the Agricultural Land Reserve as established by the Agricultural Land Reserve Act, R.S.C.B.C. 1979, and as amended ("the Agricultural Land Reserve") shall be considered until a separate application under the authority of the British Columbia Soil Conservation Act has been approved by the British Columbia Land Commission who may impose such requirements and restrictions as deemed necessary to maintain and preserve the agricultural capability of the record lot. Application to deposit soil on any record lot zoned for agricultural use by "Surrey Zoning By-law No. 5942" and as amended, whether or not within the Agricultural Land Reserve as established by the Agricultural Land Reserve Act, R.S.C.B.C. 1979, and as amended ("the Agricultural Land Reserve") shall comply with the requirements of Schedule "J" hereto, which schedule is hereunder annexed and made part of this By-law.

(I) This By-law shall not be construed so as to apply to:

- (a) the removal or depositing of such soil, as is necessary for the construction or installation of roads, utilities, dykes or services from or upon a dedicated public right-of-way or registered easement, or lands owned or controlled by a dyking authority or the City.
- (b) the depositing of soil where the total volume of soil deposited upon a record lot does not exceed one thousand (1000) cubic meters, or 1 meter in depth, whichever is the lesser. This exception shall not apply to the deposition of soil on agriculturally zoned property.

Except that no soil shall be deposited on any slope that exceeds one vertical to five horizontal (20 percent) nor within thirty (30) metres of the crest and toe of such slopes nor within fifty (50) metres of any watercourse unless a permit has been applied for and received

- (c) the removal or depositing of such soil as is necessary for the construction of a building for which a valid building permit has been issued. Such amounts to be removed or deposited to be clearly indicated on the plans approved for the building permit. This exception shall not apply to buildings to be constructed on agricultural zoned property.
 - (d) the soil which is removed from another property under a permit issued pursuant to this By-law and:
 - (i) becomes an ingredient or component part of processed or manufactured materials or products,
 - (ii) is stockpiled on the premises where such materials or product are processed or manufactured for inclusion in such materials or products, provided a permit was obtained for the removal of such soil from such other property if previously removed from property within the City or is soil from such other property located outside the boundary of the City.
 - (e) the removal of that amount of poor soil approved by the General Manager, Planning and Development that is necessary for the development of a site for which a soil deposition permit has been issued.
 - (f) any material from a dredging operation that is deposited directly upon a site for landfill purposes for which a soil deposition permit has been issued.
- (II) Sub-section (I) above shall not apply to soil depositing on land within the area outlined on Appendix I hereto.

4. Subject to Section 3 hereof, no person shall deposit, or cause to be deposited, or if the owner of land, permit to be deposited soil upon any parcel of land until a permit has been granted for such depositing pursuant to Section 7 hereto, and all such depositing shall conform in every respect to the regulations and requirements hereinafter set forth and shall be in accordance with the terms and conditions of the permit. The City may require a copy of the said permit to be registered in the Land Registry Office as a covenant against the land from which soil is to be removed.

5. Subject to Section 3 hereof, no person shall remove or cause to be removed or, if the owner of land, permit to be removed, soil from any parcel of land until firstly a by-law pursuant to Section 6 hereof has been adopted, and thereafter a permit has been granted for the removal pursuant to Section 7 hereof, and all such removal shall conform in every respect to the regulations and requirements hereinafter set forth and shall be in accordance with the terms and conditions of the permit and the said by-law. Where an application is to deposit soil on any land within the area outlined on Appendix "I" then such application shall, in addition to any other requirements of this By-law, provide the further information required by Schedule "H" hereto, and comply with the further requirements of the said Schedule "H".

6. The Council shall, by By-law, designate the lands within the City from which the removal of soil shall be permitted provided, however, that:-
 - (a) no such by-law shall be finally adopted until the Council has held a Public Hearing thereon, and the provisions of Section 956 of the "Municipal Act" R.S.B.C. 1960, as amended, and shall apply, mutatis mutandis, to such Public Hearing.

 - (b) The Council shall not be obligated to designate any lands from which the removal of soil shall be permitted, and may in the By-law designating any such lands include therein restrictions covering the set-back distances from property lines within which the excavation of soil shall not be permitted, the depth and grade to which such excavation may be permitted, the drainage and other works which shall be provided, and such other restrictions and regulations as it may deem fit.

 - (c) The Public Hearing shall consider the whole site for which application has been made for designation for soil removal.

- (d) Application for designation of lands for the purpose of soil removal shall be made on the form prescribed in Schedule "F" hereto, which said schedule is hereunto annexed and made part of this by-law, and such application shall be accompanied by a site plan which indicates the lands from which it is desired to remove soil and the extent of the proposed excavations.
- 7. All applications for permits shall be made in writing to the General Manager, Planning and Development in the form prescribed in Schedule "A" hereto, which said Schedule is hereunto annexed and made part of this By-law.
- 8. All permits shall be issued by the General Manager, Planning and Development and shall be in the form prescribed in Schedule "B" hereto, which said Schedule is hereunto annexed and made part of this by-law.
- 9. A permit for the removal of soil shall incorporate all restrictions and regulations included in the applicable designation by-law and the soil removal operation covered by the permit shall not exceed the limits set down in the designation by-law. A permit for removal of soil may, however, be issued from an area less than the whole area or site designated.
- 10. No permit shall be issued if the proposed removal or depositing of soil or other material would:
 - (a) endanger or otherwise adversely affect any adjacent land, structure, road, or right-of-way, or
 - (b) foul, obstruct, impede or otherwise adversely affect any stream, creek, waterway, watercourse, groundwater aquifer, waterworks, ditch, drain, sewer or other established drainage facility.
- 11. (a) Every permit shall expire twelve (12) months after the date on which it was issued. Application for renewal of a permit or part thereof shall be made in the same manner as currently prevail for a new application at the time of the said application for renewal. There shall be no obligation upon the City to renew any permit on expiry of such permit.

- (b) The owner and the contractor further agree to indemnify and hold harmless the City of Surrey, its agents, employees or offices from and against any and all claims, demands, losses, costs, damages, actions, suits or proceedings whatsoever by whomsoever brought against the City, its agents, employees or officers by reason of the City granting to the owner and contractor named herein the Surrey Removal/Deposition Permit to conduct the work in accordance with the plan submitted and as described in this application.

12. Fees, Removal Fee and Bond Payments

- (a) A permit fee of One Hundred and Eighteen Dollars (\$118.00) shall be paid at the time of application for each designation of lands for soil removal. If Council rejects the application, the permit fee is non-refundable.
- (b) The fee payable for depositing of soil or other material shall be Fifty-Nine Dollars (\$59.00) per hectare or part thereof. This fee shall be refundable if the application to deposit soil or other material is refused.
- (c) In addition to the permit fee paid upon application for designation of lands for soil removal, a removal fee of fifty-nine cents (59c) will be levied for each cubic metre of soil removed. One-twelfth of the total amount payable shall be paid prior to the issuance of a soil removal permit. Thereafter royalty payment shall be made on or before the 15th of the month for the actual amount of soil removed for the preceding calendar month. When required the permit holder shall produce to the General Manager, Planning and Development the necessary information to verify the volume of soil removed.
- (d) In the event that this payment is not made in full by the said 15th day of any calendar month for the preceding month, a penalty, in the amount of ten per centum (10%) of the amount payable, shall become due and payable, over and above the outstanding permit fee. Further, any and all permits held by the permit holder pursuant to this by-law may be revoked and become void, and upon such revocation the security deposit posted may be employed by the City to complete any outstanding works thereunder or applied against any fees still outstanding for soil actually removed.

- (e) Upon expiry of the permit, the permit holder shall within a period of ten (10) days conduct a survey to determine the actual volume of soil removed. Such volumetric computation shall be certified under the seal and signature of a Professional Engineer registered with the Association of Professional Engineers of British Columbia, or a British Columbia Land Surveyor.
- (f) Notwithstanding the preceding requirements of this section, where the nature of the soil removal or depositing operation makes the above measurement technique impractical or unworkable, the General Manager, Planning and Development may allow such alternative measuring techniques as will provide for the accurate measurement of the volume of soil removed or deposited.
- (g) As security for the full and proper compliance with the provisions of the by-law and the performance of all terms and conditions expressed in the permit the applicant shall provide a cash deposit or irrevocable letter of credit drawn upon a chartered bank, in a form acceptable to the City and in the amount of TEN THOUSAND DOLLARS (\$10,000) for each hectare or part thereof of site from or upon which soil is to be removed or deposited, which security shall be maintained in full force and effect throughout the permit period plus a period of One Hundred & Twenty (120) days after expiry of the permit. If proper compliance with the provisions of the by-law is not met by Ninety (90) days after expiry of the permit, then all forms of security shall be cashed and held by the City until such soil compliance is met.

13. (a) Construction

Any operation involving such removal or depositing of soil as is necessary for the construction of a bona-fide building project shall comply with the requirements set down in Schedule "C" hereto, which said Schedule is hereunto annexed and made part of this by-law;

- (b) All soil removal or depositing operations not covered by Clause 3(a) and Clause 13(a) shall comply with the requirements set down in Schedule "D" hereto, which said schedule is hereunto annexed and made part of this By-law.

- (c) In addition to any other requirements set down in this section or elsewhere in this by-law, the depositing of all "other material" as defined herein shall comply with the requirements set down in Schedule "E" hereto, which said Schedule is hereunto annexed and made part of this by-law;
14. All damage to City or privately owned drainage facilities, natural watercourses, roads, lanes or other City or privately owned property or facilities, resulting from a soil removal or depositing operation shall be promptly and properly repaired to the complete satisfaction of the City.
 15. Dirt, mud, debris, etc., which as a result of a soil removal or soil depositing operation is deposited on public roads so as to cause hazard or nuisance shall be removed on a daily basis. Should the permit holder fail to perform the necessary cleaning work, the City may direct others to perform this work, the cost of which shall be payable by the permit holder within fourteen (14) days of the receipt of a bill for such work from the City. Should the permit holder not pay such bills within this period of time, then the permit may be revoked and all removal or depositing of soil shall forthwith cease until all such bills have been paid.
 16. All drainage facilities, natural watercourses, and ground water aquifers shall be kept free of silt, clay, sand, rubble, debris, gravel, and all other matter or thing originating from any removal or depositing of soil, from or upon the lands, which might cause obstruction to such drainage facilities, natural watercourses or groundwater aquifers.
 17. Stockpiles of soil which are part of a soil removal or depositing operation shall be confined to the locations prescribed under the permit and shall be maintained so that they do not adversely affect or damage adjacent properties.
 18. The operation by which soil is removed or deposited shall not encroach upon, undermine, damage or endanger any adjacent property or any setback area prescribed in the permit.
 19. The permit holder or the owner of the land for which a permit has been issued, shall undertake and complete the works in accordance with the provisions of this by-law, and the terms and conditions of the permit.

20. No person shall excavate, remove or deposit soil from or upon any parcel of land:-
 - (a) beyond those boundaries set out and described in the permit.
 - (b) in greater quantities than the volume shown on the permit.
 - (c) other than the lands specifically set out and described in the permit.

21. Upon completion of soil removal or depositing operation the permit holder or the owner of the land for which a permit has been issued shall, prior to the expiry of the permit:
 - (a) protect the boundaries of all adjacent lands, dedicated rights-of-way, and utility easements from erosion or collapse, and
 - (b) complete all such works in accordance with accepted sound engineering principals, and to the satisfaction of the City, and
 - (c) submit to the General Manager, Planning and Development, plans, profiles, cross-sections, calculations and all other documentation necessary to show the finished topography of the lands from or upon which the soil has been removed or deposited and the actual quantity of soil which has been removed therefrom or deposited thereon.

22. A permit issued pursuant to this by-law or any interest in the said permit shall not be transferred or assigned. Where a permit holder sells, transfers, or otherwise disposes of the land in respect of which the permit was issued, or the soil removal or depositing business, or a majority interest therein, he shall forthwith cease to remove or deposit soil and the permit shall be deemed to have expired as so indicated in Section 11 of this by-law. Disposal of the lands by the permit holder shall in no way relieve him of any or all rectification provisions (see Schedule "D") of the permit. Additionally, the new owner shall comply with all rectification provisions.

23. For the duration of the permit, the permit shall be visibly displayed at the entrance to the lands referred to therein and shall be made available to the General Manager, Planning and Development upon request.

24. The General Manager, Planning and Development shall have the right, at anytime he deems necessary, to enter upon and inspect any lands from which soil is to be, or is being, or has been removed or deposited. The permit holder shall maintain up-to-date records sufficient to allow the progress of the soil removal or depositing operation to be monitored for compliance with the provisions of this by-law and the terms and conditions of the permit, and such records shall be made available to the General Manager, Planning and Development upon request.

25. In the event of a breach of any of the provisions of this by-law or the permit, the General Manager, Planning and Development shall issue to:
- (a) the person removing or depositing the soil, or
 - (b) the owner of the lands from or upon which soil is being removed or deposited, or
 - (c) the applicant for a permit, or
 - (d) the holder of a permit, or
- any or all of them a notice of such breach. Any person receiving such notice of breach shall forthwith cease and desist from removing or depositing, or permitting the removal or depositing of any further soil from or upon the said lands until such breach is remedied.
26. In the event that any person having received such notice of breach fails, within the time set forth to remedy such breach or otherwise proceed to breach any provision of this by-law and/or the permit, the permit issued in the first instance shall become void and all monies collected, as a result of this permit, shall be forfeited. Once the breach has been corrected, it will then be necessary for the permit holder to apply for and obtain a new permit and all fees set out in the By-law shall be due and payable as a condition of issuance of the permit.
27. No further permit for removal or depositing of soil from or upon any lands within the City of Surrey, shall be issued to any person who has had a permit revoked, unless and until such person shall, in addition to any other security required pursuant to this by-law, have posted an additional security in an amount not exceeding Ten Thousand (\$10,000) Dollars.
28. Where any holder of a permit neglects and/or refuses to carry out the works or any part of them in accordance with the provisions of this By-law, and/or the terms and conditions of the said permit, it shall be an offence against this by-law, and every day that the land and/or the required works remains in a condition contrary to the provisions of this by-law, and/or the terms and conditions of the said permit, a new offence shall be committed and such permit holder shall be liable to the penalty hereinafter provided.
29. The deposition of any soil, sand, gravel, rock or other material on any lands without a permit shall be removed from the property. Failure to remove such material shall constitute an offence under this by-law.
30. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention of this by-law, or who

neglects to do or refrains from doing any act or thing required to be done or who violates any of the provisions of this by-law, shall upon Summary Conviction be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00) or to a term of imprisonment not exceeding three (3) months, or to both fine and imprisonment.

31. Appendix I outlines the area known as the "Bridgeview and South Westminster Area" for the purposes of this By-law and is attached to and forms part of this By-law.
32. Schedules "A" to "H" inclusive are attached to and form part of this By-law.
33. "The Surrey Soil Removal By-law, 1976, No. 4978" is hereby repealed.
"The Surrey Soil Removal By-law, 1976, No. 4978, Amendment By-law, 1977, No. 5148" is hereby repealed.
"The Surrey Soil Depositing Regulation By-law, 1976, No. 4982" is hereby repealed.
"The Surrey Soil Depositing Regulation By-law, 1976, No. 4982, Amendment By-law, 1978, No. 5603" is hereby repealed.
34. This By-law may be cited for all purposes as "The Surrey Soil Removal and Soil Depositing Regulation By-law, 1979, No. 5880".

PASSED FIRST AND SECOND READINGS by the City Council on the 7th day of May, A.D., 1979.

PASSED THIRD READING by the City Council on the 23rd day of July, 1979.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 30th day of July, A.D., 1979.

 "R.M. Johnston" ACTING MAYOR

 "R.N. Chester" CLERK

CITY OF SURREY

THE SURREY SOIL REMOVAL AND DEPOSITING REGULATION
BY-LAW, 1979 NO. 5880

SCHEDULE "A"

APPLICATION FOR SOIL REMOVAL/DEPOSITING PERMIT NO

1. _____ of _____
(full name) (address) (phone no.)

hereby apply for a permit to remove/deposit soil from/upon the following property:

Address: _____

Legal Description: _____ Zoning _____

2 The owner of said property is: _____
(full name)

of _____
(address) (phone no.)

3. The title or tenancy under which said property is occupied by me
(if not the owner) is _____

4. The soil is being removed/deposited for the following purpose:

5. The ground area from/upon which the soil is to be removed/deposited is _____ hectares.

The total volume of soil to be removed/deposited is _____ cubic metres.

6. Submitted herewith is the removal fee in the amount of \$ _____

7. Submitted herewith is security in the form of a cash deposit or an irrevocable letter of credit drawn upon a chartered bank in the amount of \$ _____

For the duration of the permit, the owner of the property, the permit holder or the person conducting the operation shall obtain and maintain in force, comprehensive public liability and property damage insurance in the amount of \$2,000,000 inclusive against liability for bodily injury or death and/or damage to property.

I hereby declare that the above information is correct, that it is my intention to remove/deposit soil from/upon the said property in accordance with the attached plans and specifications, that I am aware of the provisions of the Soil Removal and Depositing Regulation By-law, and that I will abide by all applicable provisions of said By-law and such other terms and conditions as may be imposed under the said By-law in respect to this, my application for a Soil Removal/Depositing Permit.

Date _____

Signature of Applicant _____

CITY OF SURREY

THE SURREY SOIL REMOVAL AND DEPOSITING
REGULATION BY-LAW, 1979 NO. 5880

SCHEDULE "B"

SOIL REMOVAL/DEPOSITING PERMIT NO.

Pursuant to "The Surrey Soil Removal and Depositing Regulation By-law, 1979,
No. _____", and any amendments thereto, permission is hereby granted to

(name)

of _____

(address)

(phone no.)

to remove/deposit _____ cubic metres of soil from/upon the lands described as:-

(address of property)

(legal description of property)

in accordance with the provisions of "The Surrey Soil Removal and Depositing
Regulation By-law, 1979, No. _____", and amendments thereto, Application No.
..... and the plans, specifications, and other supporting data filed therewith, and the
following additional terms and conditions:-

This permit is issued conditional upon the permit holder fully complying with all provisions of "The Surrey Soil Removal and Depositing Regulations By-law, 1979, No. _____", and all other terms and conditions herein.

Received from _____ from _____
(type of security)

_____ No. _____ in the amount of \$ _____

as security for full and proper performance of the soil removal/depositing operation in compliance with "The Surrey Soil Removal and Depositing Regulation By-law, 1979, No. _____", and all other terms and conditions of this permit.

This permit is issued on the ___ day of _____, A.D., 19

This permit shall expire on the ___ day of _____, A.D., 19

Receipt No.

General Manager, Planning and Development

"THE SURREY SOIL REMOVAL DEPOSITING
REGULATION BY-LAW, 1979, NO. 5880"

SCHEDULE "C"

REMOVAL OR DEPOSIT OF SOIL FROM OR ON BUILDING PROJECTS

In addition to the requirements set down in the text of the by-law every operation involving such removal or depositing of soil as is necessary for the construction of a bona-fide building project shall comply with the following requirements:-

- 1) Every applicant for a permit pursuant to the by-law and this schedule shall submit with his application for a building permit the following information in sufficient detail to establish the volume of soil to be removed or deposited:-
 - (a) Plans of the lands from or upon which the applicant proposes to remove or deposit the soil, which show
 - (i) the topography and surface elevations of the site existing prior to commencement of any excavation or depositing of soil, and
 - (ii) the finished contours of the limits of the excavation or the soil deposited,
 - (b) a statement of the total volume of the soil to be removed or deposited from or upon the site along with a copy of the cross-sections, calculations, and other engineering data and pertinent information used in calculating such total volume.
- 2) Upon completion of the building project the lands from or upon which soil has been removed or deposited shall be developed in accordance with the site plan approved for issuance of the Building Permit.

Schedule D has been amended by by-laws: 9663, 29/08/88; 7139, 04/26/82, 14531, 10/22/01

"THE SURREY SOIL REMOVAL AND DEPOSITING
REGULATION BY-LAW, 1979, NO. 5880"

SCHEDULE "D"

REMOVAL OR DEPOSITING OF SOIL FROM OR UPON SITES
OTHER THAN BUILDING PROJECTS

In addition to the requirements set down in the text of the by-law, every soil removal or depositing operation, other than a soil removal or depositing operation under Schedule "C" hereto, shall comply with the following requirements:

- 1) Every applicant for a permit to remove or deposit soil pursuant to the by-law and this Schedule may be required to submit with his application any or all of the following information in sufficient detail to adequately describe the proposed operation:-
 - (a) A description of soil and the purpose for which the soil is to be removed or deposited.
 - (b) Plans of the lands from or upon which the applicant proposes to remove or deposit the soil, prepared by a B.C. Land Surveyor or Professional Engineer, which include:
 - (i) contour plans of the said lands, to a scale of not smaller than one thousand to one (1000:1), showing at one (1) metre intervals the geodetic elevations as they exist on the said lands, and the relation thereof to those of the adjoining lands and highways, and showing at one (1) metre intervals the proposed geodetic elevations of the lands after the soil has been removed therefrom or deposited thereon.
 - (ii) Full particulars of the present use, occupancy and condition of the lands from or upon which the removal or depositing of soil is proposed and of those portions of adjacent lands which might be affected by the proposed soil removal or depositing operation, including all pertinent topographic features, buildings, structures and tree cover existing thereon, highways and highway

allowances, foot paths, watercourses, water table drainage facilities, 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 removing or depositing the soil), and any utilities, services and other existing facilities.

- (iii) The proposed slopes which will be maintained during and upon completion of the removal or depositing of soil.
- (iv) The proposed methods of erosion control for the banks of the excavation or of the soil deposited, during and upon completion of the removal or depositing of soil.
- (v) The proposed methods of drainage control for the excavation or the soil deposited during and upon completion of the removal or depositing of soil.
- (vi) The proposed methods of access to the site during and upon completion of the removal or depositing of soil.
- (vii) The proposed methods of fencing, enclosing, and/or clearing the site to ensure that no hazard to human or animal life shall exist.
- (viii) The proposed progressive stages of excavation or depositing of soil in terms of annual developments showing vertical contours specified above, grades and slopes on separate plans for each stage.
- (ix) The proposed location of stockpiles indicating their extent and nature.
- (x) The proposed location of machinery, buildings, scales and other proposed structures and improvements.
- (xi) Such further and other information as may be necessary to adequately describe the proposed soil removal or depositing operation applied for.

- (c) A statement of the volume of soil to be removed or deposited along with a copy of the calculations, cross-sections, and other engineering data and pertinent information used in calculating such estimated total volume.
 - (d) The consent in writing of any mortgagee, unpaid vendor or owner of the lands from or upon which it is intended to remove or deposit the soil along with a current Certificate of Encumbrances attesting to the ownership of the said lands immediately prior to the date of application.
- 2) Excavations shall at all times be conducted in accordance with the following requirements:
- (a) All excavation and pit operation shall be carried out in strict compliance with requirements of the Workers' Compensation Act, the Mines Regulation Act and such other applicable legislation as may be enacted from time to time by the Province of B.C. or the Dominion of Canada; and in any case must be operated in a safe and prudent manner. The General Manager, Planning and Development may require a Certification from a Professional Engineer that the excavation is being carried on in a safe and prudent manner.
 - (b) No excavation shall be undertaken within ten (10) metres of any new dedicated right-of-way or utility easement without first obtaining the approval in writing of the authority having jurisdiction over such right-of-way or easement, and a copy of such written approval shall be submitted to the General Manager, Planning and Development.
 - (c) No excavation shall be undertaken within ten (10) metres of any property line about the perimeter of the soil removal site, except that, where an adjoining property has already been excavated, the excavation may (with the written approval of the owner of the said adjoining property) be continued across the property line with the said adjoining property to tie in with the said existing excavation, subject to the maximum slopes permitted above. A copy of such written approval shall be submitted to the General Manager, Planning and Development.
 - (d) The excavation shall not extend beyond the limiting excavation face delineated by the minimum setbacks and the maximum slopes permitted above. There shall be no excavation into the toe of such limiting excavation face. Such limiting excavation face shall comprise undisturbed natural soil and it shall not be permitted to excavate beyond such limiting excavation face by backfilling.

- (e) As the excavation progresses the face of the excavation shall be progressively restored to the condition called for under Section 7 of this schedule so that the unrestored portion of the finished excavation face is no longer than one hundred (100) metres at any one time.
 - (f) Excavations shall at all times be graded in such a manner that positive gravity drainage is assured throughout, and surface water shall not be allowed to pool anywhere within the excavation, except, where necessary to remove sediment from surface run-off, a settling pool may be established for the duration of a soil removal operation. Surface run-off shall drain by gravity to the lowest point in the excavation and thence to a natural watercourse or a public drainage facility having adequate capacity for the purpose. The excavation shall not lower the effective water table at wells on any other property without the written consent of the owner of such property, a copy of such written consent to be submitted to the General Manager, Planning and Development.
 - (g) Both vertical and horizontal survey control lines are to be established and maintained at all times during the currency of the permit by a registered Professional Engineer or British Columbia Land Surveyor.
- 3) The depositing of soil shall at all times be conducted in accordance with the following requirements:-
- (a) The slope of any part of an exposed face of any deposited soil shall not be greater than the angle of repose necessary for stability of the soil in question.
 - (b) 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 a septic disposal system or contamination of a 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 depositing operation.
 - (c) The deposited soil shall be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system shall be installed which is of sufficient capacity and extent to ensure that no more run-off will flow onto any adjoining lands than used to prior to the commencement of the soil depositing operation.

- (d) No soil shall be deposited over any dedicated public right-of-way or registered easement without first obtaining the approval, in writing, of the authority having jurisdiction over such right-of-way or easement, and a copy of such written approval shall be submitted to the General Manager, Planning and Development.
 - (e) Where the natural subsoil is compressible no soil shall be deposited in the immediate vicinity of any utilities or services which might be damaged by any settlement resulting from the depositing of such soil without first obtaining the approval, in writing, of the authority having jurisdiction over such right-of-way or easement, and a copy of such written approval shall be submitted to the General Manager, Planning and Development.
- 4) All buildings and structures erected in connection with a soil removal or depositing operation under this schedule shall be temporary in nature and shall be removed forthwith upon completion of the soil removal or depositing operation.
 - 5) No person shall use washing, crushing or screening equipment in connection with a soil removal or depositing operation under this schedule, unless such person shall have obtained a Pollution Control Board Permit or Exemption, and the lands upon which such washing, crushing or screening equipment are to be located are zoned for that use.
 - 6) All hazards or potential hazards arising from a soil removal or depositing operation shall be adequately fenced or otherwise made inaccessible to the public or other unauthorized persons, and suitable weather-proof signs shall be mounted and maintained at intervals of not greater than seventy-five (75) metres around the perimeter of the excavation with clear, legible wording to indicate any hazard, the nature of the operation, the presence of the excavation and prohibiting the presence of the public or other unauthorized persons.
 - 7) Rectification Provisions

Upon completion of the removal or depositing of soil, every permit holder shall forthwith:-

- (a) Leave all surfaces of the excavation or the soil deposited with a slope not greater than the grade shown on the plans filed pursuant to Section 1(b) of this Schedule and as specified in the permit.
- (b) Cover all surfaces of the excavation with fifteen (15) centimeters of

topsoil and an established growth of grass or other suitable rooted ground cover.

- (c) Should the necessary rectification of the property not be completed within a period of ninety (90) days after expiry of the permit, all letters of credit held as security for compliance with the conditions and provisions of the by-law shall be cashed and all monies shall be held by the City until all such necessary work is completed.

- (d) Should the permit holder not carry out all the necessary rectification work to the satisfaction of the General Manager, Planning and Development, the City under the terms of the covenant registered against the property shall enter the lands and carry out the necessary work or such work that can be completed to the total amount of the bond monies only.

"THE SURREY SOIL REMOVAL AND DEPOSITING
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SCHEDULE "E"

In addition to the requirements set down in the text of the by-law, and Schedule "C" and Schedule "D" hereto, every operation involving the depositing of other material, as defined under the by-law, shall comply with the following requirements:-

- 1) No person shall deposit or permit the depositing of other material to a depth of greater than zero decimal three (0.3) metres (one foot), upon any parcel of land within the City of Surrey (save and except an authorized sanitary land fill), unless he has first been granted a permit or approval under other regulation by the Ministry of Environment, and such depositing shall be undertaken in full compliance with the terms of such permit or regulation.

- 2) Other material may be deposited upon land in the City provided each lift is not more than one decimal zero (1.0) metres (three feet) in depth over the extent of the lift or alternatively is deposited in accordance with a placement programme designed, specified and supervised by a Professional Engineer registered in the Province of British Columbia, and a separate permit is obtained for each lift.

SCHEDULE "F"

FORM FOR REGISTRATION OF SOIL REMOVAL PERMIT

THIS INDENTURE made the day of A.D., 19 :

BETWEEN:

(hereinafter called the "Grantor")

OF THE FIRST PART:

AND:

CITY OF SURREY, a District Municipality under the "Municipal Act", of the Province of British Columbia, and having its City Offices at 14245 - 56th Avenue, in the City of Surrey, in the Province of British Columbia.

(hereinafter called the "City")

OF THE SECOND PART:

AND:

(hereinafter called the "Mortgagee")

OF THE THIRD PART:

WHEREAS:

- A. The Grantor is the registered owner of certain land (hereinafter called "the Land") situate in the City of Surrey, in the Province of British Columbia, more particularly known and described as:

- B. By the provisions of Section 215A of the Land Title Act, there may be registered as annexed to any Land, a condition or covenant in favour of the City that the Land, or any specified portion thereof, is not to be built upon or is to be or not to be used in a particular manner.

- C. The Grantor has made application to the City for a Soil Removal Permit to be issued pursuant to the Soil Removal By-law of the City which permit grants to the Grantor the right to remove soil from the Land in accordance with the conditions contained in the said permit.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada paid by the City to the party of the first part (the receipt of which is hereby acknowledged by the party of the first part):

- 1. The Grantor for itself, successors and assigns hereby covenants, promises and agrees, pursuant to Section 215A of the Land Title Act, R.S.B.C., 1979, Chapter 290 and amendments thereto (it being the intention of the parties hereto that the covenant herein contained shall be annexed to the Land) that the Grantor will use or not use the Land other than as hereinafter set forth in the Soil Removal Permit attached hereto as Schedule "A".

- 2. The City, may, at any time and without the consent of the party of the first part release or cause to be released this indenture against title to the Land in the Land Title Office and upon such release this indenture shall be discharged and of no further force and effect.

MORTGAGEE'S COVENANTS

The Mortgagee, in consideration of the payment of ONE DOLLAR (\$1.00) and other good and valuable consideration (the receipt whereof is hereby acknowledged) hereby agrees and consents to the registration of this Agreement, running with the Land and against the Land in priority to the said Mortgage Number and in the same manner and to the same effect as if it had been dated, granted and registered prior to the said Mortgage.

This indenture shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF SURREY

"THE SURREY SOIL REMOVAL AND DEPOSITING REGULATION
BY-LAW, 1979, NO. 5880"

SCHEDULE "G"

APPLICATION FOR DESIGNATION OF LANDS FOR SOIL REMOVAL

1. Pursuant to the provisions of "The Surrey Soil Removal and Depositing Regulation By-law, , No. ",

I, _____

(full name)

of _____

(address)

(phone no.)

hereby apply for designation of the following lands for the purpose of Soil Removal:

Address: _____

Legal Description: _____ Zoning _____

2. The owner of said property is: _____

(full name)

of _____

(address)

(phone no.)

3. The title or tenancy under which said property is occupied by me

(if not the owner) is: _____

4. The soil is being removed for the following purpose:

5. The ground area from which the soil is to be removed is

_____ hectares.

The maximum depth of the excavation will be _____ metres.

The total volume of soil to be removed is _____ cubic metres.

6. The proposed date of commencement is _____; proposed date of completion is _____.

7. Submitted herewith is the required administration fee in the amount of \$_____.

I hereby declare that the above information is correct, that it is my intention to remove soil from the said property in accordance with the attached plans and specifications, that I am aware of the provisions of the Soil Removal and Depositing Regulation By-law, and that I will abide by all applicable provisions of said By-law and such other terms and conditions as may be imposed under the said By-law and/or the public hearing pursuant thereto in respect to this, my application for designation of lands for the purpose of Soil Removal.

Date _____ Signature of Applicant _____

IN WITNESS WHEREOF the parties have executed this indenture under seal under the hands of their respective proper signing officers in that behalf as of the day and year first above written.

The Corporation Seal of)
)
 was)
 hereunto affixed in the)
 presence of:)
)
 _____)
)
 _____)
)

The Corporate Seal of)
 THE CITY OF SURREY)
 was hereunto affixed in)
 the presence of its duly)
 authorized officers:)
)
)
 _____)
 Mayor)
)
 _____)
 Clerk)

The Corporate Seal of)
 was)
 hereunto affixed in the presence)
 of its duly authorized officers:)
)
)
)
 _____)
 _____)

"THE SURREY SOIL REMOVAL AND DEPOSITING
REGULATION BY-LAW, 1979, No. 5880"

SCHEDULE "H"

DEPOSITING OF SOIL IN THE "BRIDGEVIEW AND SOUTH WESTMINSTER
AREA"

In addition to the requirements set down in the text of the By-law, and Schedules "C", "D" and "E" hereto, every operation involving the depositing of soil within the region of the City of Surrey known as the Bridgeview and South Westminster Area defined as the shaded area on Appendix 1 attached hereto shall comply with the requirements of Schedule "H" hereto.

- (1) Every applicant for a permit pursuant to the By-law and this Schedule shall submit with his application the following information in sufficient detail to establish the volume of soil to be deposited:-
 - (a) Plans of the lands upon which the applicant proposed to deposit the soil, which show
 - (i) the topography and surface elevations of the site existing prior to commencement of any depositing of soil, and
 - (ii) the finished contours of the limits of the soil deposited.
 - (b) A statement of the total volume of the soil to be deposited upon the site along with a copy of the cross-sections, calculations, and other engineering data and pertinent information used in calculating such total volume.
- (2) No soil shall be deposited to an elevation greater than two decimal seven four (2.74) metres (9.0 feet) Geodetic Survey Canada nor within eight decimal zero (8.0) metres (25 feet) of any front property line or within eight decimal zero (8.0) metres (25 feet) of any City storm sewer or City sanitary sewer unless such deposit is in accordance with a placement programme designed, specified and supervised by a Professional Engineer registered in the Province of British Columbia, whose design shall be further subject to the satisfaction of the General Manager, Planning and Development.

Schedule J has been amended by by-laws: 13736, 06/14/99; 11252, 04/06/92; 12685, 09/25/95; 15809, 07/28/05

"THE SURREY SOIL REMOVAL AND DEPOSITING
REGULATION BY-LAW, 1979, No. 5880
SCHEDULE "J"

DEPOSITING OF SOIL ON AGRICULTURALLY ZONED PROPERTY

In addition to the requirements set down in the text of the By-law and Schedules "C", "D", "E" and "H" hereto, every operation involved in the depositing of soil and other material on agriculturally zoned property shall comply with the requirements of Schedule "J" hereto.

1. Where the land upon which soil is to be deposited is within the Agricultural Land Reserve, approval to deposit soil shall firstly be granted by the Agricultural Land Commission as required by the Soil Conservation Act of British Columbia.
2. Soil and other material placed on agriculturally zoned property shall be equal in quality to or exceed the soil type classification of the indigenous soil as determined by the British Columbia Ministry of Agriculture, except for the following purposes:
 - (a) The construction of a building for which a building permit has been issued and which shall follow the requirements of Schedule "C" of this By-law.
 - (b) The construction of a storm retention system.
 - (c) The construction of any dyking system.
 - (d) The construction of access roads.
3. **Other Material**
 - (a) Other material may be placed for the purpose of access roads only. Other material for this use shall be hog fuel only. No other material as defined in this By-law as other material shall be permitted.

- (b) Other material shall be deposited to a maximum depth of zero decimal three (0.3) metres (1.0 feet).
- 4. Any application to deposit soil on agricultural zoned property in excess of 1,000 cubic metres shall be accompanied by a report from a Professional Agrologist to indicate the desirability of placing fill on the land.
- 5. When the volume of soil is in excess of 1,000 cubic metres the quality of soil placed on agricultural zoned property shall be supervised by a Professional Agrologist, registered pursuant to the Agrologist's Act R.S.B.C. 1979 and as amended who at completion of the filling operation shall certify that the work has been carried out in accordance with the plans and supporting documents for which a permit was issued. The City may rely upon such certification.

6. Agriculturally Zoned Property Located in Floodplain Areas

- (a) In addition to the requirements of Clauses 1 to 6, any application to deposit soil and other material upon agricultural property located within floodplain areas, as determined by the British Columbia Ministry of Environment, shall be accompanied by the following information prepared by a Professional Engineer registered in the Province of British Columbia or by a Professional Hydrologist:
 - (i) Data indicating the maximum annual flood level for the 10-year storm return period.
 - (ii) The volume of water stored on the area of land to be filled for the 10-year storm return period and the effect on adjacent properties, roads and ditches that the loss of the available storage area will have.
 - (iii) Demonstrate that the hydraulic capacity of any major water course is not diminished by the filling during the 10-year storm event.
 - (iv) Demonstrate how the water for the 10-year storm return period can be dissipated without affecting the neighbouring properties, roads and ditches and, if necessary, provide an alternate retention system for this water.

