



# City of Port Moody

## Bylaw No. 3012

Bylaw No. 3012 is a bylaw to regulate Site Alteration, to include Deposit and Site Clearing operations in Port Moody.

The Council of the City of Port Moody enacts as follows:

### 1. Citation

This Bylaw may be cited as City of Port Moody Site Alteration Bylaw No. 3012, 2015.

### 2. Definitions and Interpretation

#### 2.1 In this Bylaw

“APPLICANT” means the legal owner of the land to which the Permit application corresponds, or the person authorized by the owner to act on their behalf;

“CITY” means the City of Port Moody;

“COUNCIL” means the municipal council of the City of Port Moody;

“DEPOSIT” means the placement of Soil upon a Parcel on which the Soil did not previously exist or stand and includes the movement of Soil from one part of the Parcel to another part of the same Parcel and, removal of the Preload shall be considered part of the deposit operation;

“ENGINEER” means the General Manager of Engineering and Parks for the City and any person designated by the Engineer to act in his or her place;

“FEES BYLAW” means the current “City of Port Moody Fees Bylaw, 2014, No. 2987” as amended from time to time;

“HIGHWAY” means every public way within the meaning of the *Transportation Act, S.B.C* and every street, road, lane, bridge, walkway, pathway, trail, viaduct and any other way open to the use of the public, other than a private right-of-way on private property;

“PARCEL” means any lot, block or other area in which land is held or into which land is subdivided but does not include a Highway;

“PERMIT” means the written authority granted by the Engineer under this bylaw for the deposit of soil upon land within the City, or the removal of soil from land within the City;

“PRELOAD” means the placement of fill material for the purposes of soil

compaction;

"PROJECT ENGINEER" means an engineer registered with the Association of Professional Engineers and Geoscientists of B.C.;

"SITE CLEARING" means the clearance of a Parcel which results in the exposure of Soil on a site and may involve the removal of Soil from a Parcel;

"SOIL" means the entire mantle of natural material above bedrock, including, but not limited to, sand, gravel, rock, silt, sediment, clay, peat, topsoil, and Preload fill.

2.2 All words and phrases that are not defined in this Bylaw must be construed in accordance with the meanings assigned to them by the *Community Charter*, *Local Government Act*, and *Interpretation Act* as the context and circumstances require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia, and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time. Headings in this Bylaw are for convenience only and do not define or limit the scope or intent of this Bylaw. If any portion of this Bylaw is found invalid by a court of competent jurisdiction, that invalid portion is severed and the remainder is deemed to continue as valid.

2.3 Schedule "A" is attached to and forms part of this Bylaw.

### 3. Restriction and Permit Requirement

3.1 A person must not Deposit Soil, or direct, cause, suffer or allow the Deposit of Soil, or conduct Site Clearing on or from land within the City except

- a) in accordance with this Bylaw; and
- b) in accordance with any and all permits and approvals required under any other enactment, the proof of which has been provided to the satisfaction of the Engineer before any work has commenced.

### 4. Permit Exemptions

4.1 A person must not Deposit Soil or undertake any Site Clearance on any land within the City, without first obtaining a Permit, unless exempted under this section.

4.2 A Permit is not required in any one or more of the following circumstances

- a) the Deposit of Soil or Site Clearing is initiated and carried out by, or on behalf of, the City;
- b) the Deposit of Soil or Site Clearing is initiated and carried out by, or on behalf of, a regional, provincial or federal agency and/or utility provider;
- c) the Deposit of Soil or Site Clearing is carried out in accordance with any and all conditions, requirements, and restrictions of approval for a subdivision or development permit, provided that the provisions of sections 5.2 (b) through (g), 9.6, 10, 11, 12, and 13 of this Bylaw are met;
- d) the Deposit of Soil or Site Clearing is carried out in accordance with any and all conditions, requirements, and restrictions of approval for a building permit, provided that the provisions of sections 5.2 (b) through (g), 9.6, 10, 11, 12, and 13 of this Bylaw are met;

- e) the Deposit involves an ingredient or component part of processed or manufactured materials or products, where such Soil is stockpiled on the premises and where such material or products are lawfully being processed or manufactured within the City and are permitted by the City's Zoning Bylaw and other applicable legislation;
- f) the Soil is stockpiled as inventory for a permitted business as a going concern and not for any other purpose;
- g) the Soil is required for the construction or maintenance of a private sewage disposal system or septic field for which any required approvals have been obtained from the Province of British Columbia or the Greater Vancouver Regional District (Metro Vancouver); or
- h) the Site Clearing, or Deposit of Soil or bark mulch, or similar wood fibre material, as a growing medium for plants and landscaping, providing that the Deposit does not exceed 150 millimetres in depth at any point on the Parcel.

4.3 For clarity, where no requirements for Deposit of Soil or Site Clearing have been established for a particular site as a condition of subdivision approval or the issuance of a development permit or building permit, as referred to in paragraphs (c) and (d) of section 4.2, the owner of the Parcel must apply for and obtain a Permit under this Bylaw before commencing the Deposit of Soil or Site Clearing.

4.4 Except as specifically set out in Section 4.2, a Permit is required where:

- a) more than 10 cubic metres of Soil is to be Deposited on a Parcel that is zoned as residential within any 24 month period;
- b) more than 20 cubic metres of Soil is to be Deposited on a Parcel zoned other than residential within any 24 month period;
- c) more than 30 cubic metres is proposed for removal as part of a Site Clearing operation from any Parcel within any 24 month period; or
- d) Site Clearing of a Parcel results in the exposure of Soil on more than 30 percent of the Parcel.

## 5. Application Requirements

5.1 Every application for a Permit shall be made in writing to the Engineer and the Applicant shall include:

- a) a non-refundable application fee in the amount specified in the Fees Bylaw;
- b) a deposit of security in accordance with the requirements of Section 6.1;
- c) evidence of insurance as required in Section 6.2; and
- d) information required under this Bylaw.

5.2 Every application for a Permit must include the following information:

- a) a description of the purpose for the proposed Deposit or Site Clearing;

- b) a statement of the estimated total volume of the Soil Deposit or removal and, in the case of a Deposit, the estimated total volume of the Deposit to remain on the Deposit site after preload removal, all as determined by the Project Engineer, and representing the likely total volume of fill required to obtain the conditions provided for by the Permit drawings;
- c) the consent in writing of the owner and any person having a registered charge against the Parcel that is the subject of the application, together with a current State of Title Certificate attesting to the ownership of the Parcel immediately prior to the date of application;
- d) proof satisfactory to the Engineer that the Applicant is in possession of all permits or approvals required under the Pollution Control Act, the Environmental Management Act and other applicable enactments;
- e) plans of the lands that are the subject of the application, prepared by a B.C. Land Surveyor or professional engineer registered in the Province of British Columbia, which shall include:
  - i) contour plans of the lands, to a scale of not less than 1:5000 metric, showing contours at a vertical interval suitable to describe the existing terrain of the Parcel and the relation to that of the adjoining lands and Highways and showing the proposed geodetic survey of Canada (G.S.C.) datum elevations of the lands after the Deposit or removal has been made.
  - ii) in the case of a Deposit for Preloading a site, plans showing the proposed elevation of the Preload, and the proposed final elevation after Preload removal; and
  - iii) where the lands are identified in Section 5.2.1 (d) of the City's Zoning Bylaw as being vulnerable to flooding, and where the Deposit is proposed to achieve that "Flood Construction Level", plans and information showing how the final G.S.C. datum elevation of the Deposit will not exceed the "Flood Construction Level" plus an allowance for long-term settlement;
- f) detailed calculations, cross-sections, and other engineering data and pertinent information used in calculating the volume of Soil to be Deposited or removed as part of a Site Clearing operation; and
- g) if required by the Engineer:
  - i) particulars of the present use, occupancy and condition of the subject Parcel and of adjacent lands which may be affected, including all pertinent topographic features, buildings, structures and tree cover existing on the lands, statutory easements, rights of way, Highways and highway allowances, foot paths, watercourses, water table drainage facilities, wells, private sewage disposal systems, fence lines, facilities existing for pedestrian and vehicular traffic (indicating the suitability of same for carrying the type and volume of traffic to be generated by the Deposit or Site Clearing operation), utilities, services, and other existing facilities;
  - ii) particulars as to how the proposed slopes will be maintained during and upon completion of the Deposit or Site Clearing operation;

- iii) proposed methods of drainage control and sediment and erosion control to meet the standards of the City's *Subdivision and Development Servicing Bylaw* and *Stream and Drainage System Protection Bylaw* for the Deposit or Site Clearing operation, both during and upon completion of the operation;
- iv) proposed methods of providing access to the lands during and after completion of the Deposit or Site Clearing operation;
- v) proposed methods of fencing, enclosing, and clearing the lands to ensure safety to humans and animals;
- vi) proposed location of stockpiles, indicating their extent and nature;
- vii) proposed location of any machinery, buildings, scales, and other structures and improvements to be located on the lands in connection with the proposed Deposit or Site Clearing operation;
- viii) proposed trucking routes, trip frequency, and traffic control measures; and
- ix) any further and other information that the Engineer considers is necessary to adequately describe the nature, extent, and impacts of the proposed Deposit or Site Clearing operation.

## 6. Security and Insurance

- 6.1 Every Applicant must, prior to the issuance of a Permit, deposit with the City's financial officer a security in the form of cash or an unconditional, irrevocable letter of credit, in a form acceptable to the Engineer and drawn on a Canadian financial institution, in an amount as specified in the Fees Bylaw. The security shall be maintained in full force and effect throughout the Permit period and thereafter as may be required by the Engineer.
- 6.2 The amount of the security will be \$1,000.00, plus \$0.50 per cubic metre of soil to be Deposited or removed from the Parcel.
- 6.3 Portions of the security deposit not required for the purposes of ensuring compliance with this Bylaw and the Permit or to repair damage to City property caused by the Deposit or Site Clearing operation, as determined by the Engineer, shall be returned to the Applicant.
- 6.4 The security, or portions thereof, may be returned to the Applicant, once operations are completed as certified by the Project Engineer and to the satisfaction of the Engineer.
- 6.5 Permit holders are required to carry comprehensive general liability coverage in the minimum amount of \$5,000,000.00 including liability for bodily injury or death and property damage for the duration of the work.

## 7. Permit Issuance/Refusal

- 7.1 On being satisfied that the an application is complete and in order, the Engineer may issue a Permit, and may impose any additional and specific terms and

conditions as the Engineer considers necessary to address any concerns or issues identified by the Engineer, or that may be noted in, or arise from, information provided as part of the application, or noted by any governmental authority having jurisdiction over the proposed work.

- 7.2 In considering whether to grant or deny issuance of any Permit under this Bylaw, or impose any requirement, term, or condition, the Engineer shall have regard for the potential of any Soil Deposit, Removal, or Site Clearing activity to negatively impact the environment, utilities, and neighbouring properties, including, but not limited to:
- a) impacts on watercourses, aquifers, wells, ditches, drains, groundwater or drainage patterns;
  - b) impacts on the amenities on the Parcel or adjacent lands including, without limitation, utilities, infrastructure, works or services located within rights-of-way, or other structures, buildings, or improvements;
  - c) impacts that may threaten the health, safety or welfare of the public;
  - d) impacts that result in the use of the Parcel in a manner inconsistent with the applicable zoning, or adversely affect the future development of other lands;
  - e) impacts that result in increased costs for any government to provide public utilities, works, or services to the Parcel or adjacent lands;
  - f) impacts that result in the Parcel or other lands becoming susceptible to erosion, flooding, slippage, landslides, slumping, or settling;
  - g) impacts that create dust, dirt, or noise which may constitute a nuisance to any other public or private lands or the community at large; and/or
  - h) conformance with all applicable municipal bylaws, or provincial or federal laws.
- 7.3 The Engineer may issue a Permit subject to the observance or fulfilment of additional conditions specified in the Permit which in the opinion of the Engineer are necessary to achieve the purposes of this Bylaw.

## 8. Expiry

- 8.1 Every Permit shall expire 12 months from the date of issue or upon such earlier date as may be specified by the Engineer.
- 8.2 In the case of a Preload, the Engineer may specify an additional timeframe, beyond 12 months, to allow for the removal of the Preload.

## 9. Renewal, Modification, Transfer, Display and Records

- 9.1 If the Deposit or Site Clearing operation authorized by a Permit are not completed before the Permit expires, as set out in paragraph 8.1 of this Bylaw, or it becomes necessary to alter or deviate from the particulars of the Permit application or

drawings submitted for a Permit, the Engineer may renew or modify the Permit upon written request of the Permit holder, subject to the following:

- a) an application to renew a Permit shall be made in the same manner and upon payment of the same fees and deposit of the same security as provided in this Bylaw for the original Permit;
- b) an application to renew a Permit shall include an application fee in the amount specified in the Fees Bylaw;
- c) the Engineer may require that the Permit holder provide additional information authorized by this Bylaw as a pre-condition to considering an application for a Permit renewal or modification; and
- d) all terms and conditions set out in the original Permit shall apply to each renewal or modification of the permit except as expressly amended or modified by the renewal or modification.

9.2 In considering an application for renewal or modification of a Permit, the Engineer may require that the Applicant provide additional information as authorized by this Bylaw.

9.3 All terms and conditions set out in the original Permit shall apply to each renewal or modification of the permit, except as expressly amended or modified with the approval of the Engineer.

9.4 In the event of a change in lot ownership, the permit may be transferred to the new owner, provided an application to amend the existing permit has been submitted. Every application to amend the Permit must include the following information: a transfer fee in the amount specified in the Fees Bylaw; confirmation that the Deposit and Site Clearing operations are to remain as approved by the Permit; and a current State of Title Certificate attesting to the change in ownership of the Parcel.

9.5 The owner of the Parcel must ensure each Permit is visibly displayed in a protected, accessible, and conspicuous position on the lands for which the permit has been issued and shall be made available to the Engineer upon request.

9.6 The owner of the Parcel must ensure that accurate and up-to-date records of the progress of the Deposit or Site Clearing operation are made and kept, sufficient to show compliance with the provisions of this Bylaw and the associated Permit, and that such records shall be made available to the Engineer upon request.

## 10. Regulations

10.1 Every person who undertakes a Deposit, or Site Clearing operation, or causes, suffers, or permits a Deposit or Site Clearing operation to be undertaken, shall comply with every Permit issued under this Bylaw, and is subject to the observance or fulfilment of the requirements, restrictions and regulations set out in Schedule "A" of this Bylaw.

## 11. Right of Entry for Inspection

- 11.1 The Engineer is hereby authorized at all reasonable times to enter upon and inspect any lands to determine whether the requirements, restrictions, regulations, terms, conditions, and directions of this Bylaw or associated Permit are being observed.
- 11.2 No person shall prevent or obstruct, or attempt to prevent or obstruct the Engineer from entering upon lands as authorized by Section 11.1.

## 12. Notice of Non-compliance

- 12.1 If the Engineer considers that a Deposit or Site Clearing operation is being carried out in contravention of this Bylaw or of a Permit issued under this Bylaw, the Engineer may, by written notice delivered to the Parcel owner or occupant or any person who is apparently engaged in or responsible for the operation, order the work to cease until such time as the Engineer is satisfied that it will or can progress in compliance with the Bylaw and Permit. The notice may include restrictions, conditions, requirements, or measures that must be met for the work to recommence, and may set out a time frame for compliance.
- 12.2 A person receiving a notice referred to in Section 12.1, shall immediately cease and cause to be ceased all Deposit or Site Clearing operations and related activities until the Engineer has indicated in writing that the work may recommence, and in that case the work may only recommence in compliance with this Bylaw, the Permit, and any restrictions, conditions, requirements or measures identified in the notice by the Engineer.

## 13. Failure to Remedy Non-compliance

- 13.1 In the event that a person having received notice of breach fails within the time specified in the notice to remedy such breach or otherwise continues to breach any provision of this Bylaw or any permit issued under this Bylaw:
  - a) the City or its appointed agents and contractors may enter upon the lands, or any part thereof, and carry out such works as may be required to remedy the breach, and the owner of the Parcel shall be responsible to pay the actual costs incurred by the City of remedying the breach, which costs shall be due and owing within 30 days of the City's invoice being delivered;
  - b) where the City's invoice remains unpaid after 30 days, the City may deduct the cost of such works from the security deposit referred to in paragraph 6.1 of this Bylaw; and
  - c) where funds deposited as security are not sufficient to cover the costs incurred by the City for remediation, the City may recover the costs, or any part of the costs, as a debt owing to the City, and without limitation, any amount that is unpaid as of December 31st in the same manner as for property taxes.

## 14. Suspension or Cancellation of Permit

14.1 If the Engineer considers that any part of this Bylaw or a Permit issued under this Bylaw has been contravened, or that a permit was issued under this Bylaw on the basis of false or misleading statements made in the permit application or a report, declaration, or record required under this Bylaw, or considers that a material fact was omitted in the application, the Engineer may:

- a) suspend in whole or in part the rights of the permit holder under the Permit;
- b) cancel the Permit; or
- c) amend or attach new conditions to a Permit.

## 15. Removal of Preload

15.1 The Applicant is required to provide the Project Engineer's certification that removal of the Preload is appropriate, and must provide the Engineer a copy of such certification prior to Preload removal.

## 16. Offences and Penalties

16.1 Any person who contravenes or violates any provision of this Bylaw or of any Permit issued under this Bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this Bylaw or any Permit issued under this Bylaw, or who fails or neglects to do anything required to be done under this Bylaw or any Permit issued under this bylaw, commits an offence and, upon conviction, may be liable to a fine of not more than \$10,000.00 and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

**Read a first time** this 8<sup>th</sup> day of September, 2015

**Read a second time** this 8<sup>th</sup> day of September, 2015

**Read a third time** this 8<sup>th</sup> day of September, 2015

**Adopted** this 29<sup>th</sup> day of September, 2015

M. E. Clay  
Mayor

D. Shermer  
Corporate Officer





# City of Port Moody

## SCHEDULE "A": REGULATIONS AND PERFORMANCE STANDARDS

1. The standards set out in this Schedule "A" apply to all Soil Deposit and Site Clearing operations in the City, whether or not a Permit is required or issued. Every person who undertakes a Deposit or Site Clearing operation, or causes, suffers, or permits a Deposit or Site Clearing operation to be undertaken, shall comply with every Permit issued under this Bylaw, and is subject to the observance or fulfilment of the following requirements, restrictions, and regulations, to the satisfaction and approval of the Engineer.

### **Engineering Principles**

2. Deposit or Site Clearing operations shall be undertaken in accordance with sound geotechnical and engineering principles to ensure that no hazard to human or animal life shall exist within the Parcel and to or from the Parcel upon which the Deposit or Site Clearing operation is occurring.

### **General**

3. Deposit or Site Clearing operations shall be limited only to the area specified in the Permit which shall be clearly marked at the site and such markings maintained for the duration of the Permit.

### **Maximum Slope**

4. The slope of any part of an exposed face, during Deposit or Site Clearing, or after the Deposit or Site Clearing is completed, shall not be greater than the angle of repose necessary for maintaining stability of the Soil in question and the slope shall be retained in accordance with good engineering practices.
5. Fill material placed on land shall not have a surface exceeding a ratio of one linear unit vertically to two linear units horizontally.

### **Stockpiling**

6. The maximum height of stockpiled Soil shall not exceed 4 metres above the lowest point of the Parcel, unless otherwise authorized by the Engineer.
7. Stockpiled Soil shall not be Deposited on a Parcel closer than 1 metre to any property line, or as otherwise determined by the Engineer.

### **Protection of Water Resources and Drainage**

8. The Deposit or Site Clearing operation shall not, in any way, interfere with the established above or below ground drainage pattern of any adjoining lands.

## Soil Deposit and Removal Bylaw

9. Where Deposit or Site Clearing is undertaken, a drainage system shall be installed of adequate capacity to ensure that groundwater or surface runoff will not drain onto adjoining lands at a greater rate than that existing prior to the commencement of the Soil operation.
10. All drainage and sewage facilities and natural watercourses, shall be kept free of silt, clay, sand, rubble, debris, gravel, and all other matter or thing originating from any Deposit or Site Clearing operations which are likely to cause fouling or obstruction to the facilities or watercourses.
11. Deposit and Site Clearing operations in proximity to a stream, as defined in City of Port Moody Zoning Bylaw, 1988, No. 1890, shall be subject to setback requirements set out in the Zoning Bylaw, and corresponding municipal, provincial and federal laws, bylaws, rules and regulations.

### **Damage Control**

12. Deposit or Site Clearing shall not encroach upon, undermine, damage, or endanger any drainage facility, natural watercourse, aquifer, Highway, or other public or private lot, or where a Permit has been issued, encroach into any non-encroachment area so prescribed in the Permit or other applicable bylaw. Where in the course of Deposit or Site Clearing any such damage occurs, corrective measures shall be, at the expense of the permit holder and to the satisfaction of the Engineer, promptly and properly completed so as to restore the property as nearly as possible to its condition prior to the commencement of the operation, except that, all repairs to City or other public authority facilities or property shall be done by the City or other public authority, at the Permit holder's expense, unless otherwise authorized by the Engineer.

### **Debris Control**

13. The applicant responsible shall take all necessary measures to contain dust, dirt, mud, or other debris generated by the Deposit or Site Clearing on the Parcel. Materials shall not be permitted to escape from the site so as to constitute a nuisance affecting any neighbouring property, Highway, or right-of-way.
14. Stockpiles shall be confined to the locations prescribed in the Permit and shall be maintained so that they do not adversely affect or damage adjacent properties or cause a nuisance to any person.

### **Transportation and Road Maintenance**

15. Every truck used for hauling associated with the permitted Deposit or Site Clearing operation shall be properly licensed and in compliance with all applicable laws and regulations governing the use and operation of the truck on a Highway.
16. Every load shall be fully and properly covered so as to prevent dust or Soil from blowing or falling from the vehicle.
17. All roads used for hauling and or any other function of the Deposit or Site Clearing operation shall be maintained in clean condition. Traffic control personnel shall be provided on the site by the Permit holder and in any other location where truck and other machinery operation may, in the opinion of the Engineer, cause a potential hazard to the public. Trucking to and

## Soil Deposit and Removal Bylaw

from the Deposit/Site Clearing site shall at all times proceed in accordance with instructions from the Engineer, pursuant to City of Port Moody Street Traffic and Public Places Bylaw, No. 1528. Such instructions shall be written except in emergency situations, in which case verbally issued trucking operational revisions shall be confirmed by the City in writing.

### **Washing, Crushing, Screening**

18. No person shall use washing, crushing or screening equipment as part of the Deposit or Site Clearing operation unless the person has obtained applicable regional and/or provincial environmental approvals and the Parcel upon which the washing, crushing or screening equipment is to be located is zoned to permit washing, crushing or screening uses.

### **Fencing**

19. For the full duration of the Deposit or Site Clearing operation, all hazards or potential hazards arising from the operation shall be adequately fenced or otherwise made inaccessible to the public or other unauthorized persons or animals, and suitable weather-proof signs shall be mounted and maintained at intervals of not greater than 30 metres around the perimeter of the Deposit or Site Clearing site with clear, legible wording to indicate any hazard, the nature of the operation, the presence of the excavation or deposit and prohibiting the entry of the public or other unauthorized persons.

### **Buildings and Structures**

20. All buildings and structures erected in connection with a Deposit or Site Clearing operation shall be temporary in nature and shall be removed upon completion of the operation.

21. Deposit or Site Clearing shall not occur adjacent to a building or structure unless the building or structure is capable of withstanding the additional loads caused by the Deposit or Site Clearing, as determined by the Project Engineer. Footings or other improvements which may be affected by any removal shall be underpinned or otherwise protected against settlement and shall be protected against soil movement in accordance with a plan prepared and supervised by the Project Engineer.

### **Highways, Utilities, Rights-of-Way and Other Infrastructure**

22. No excavation shall be undertaken within 7.5 metres of any highway, statutory right-of-way, or utility easement without first obtaining written approval from the appropriate authority. A copy of the written approval must be provided to the Engineer.

23. No Deposit greater than 0.5 metres in depth shall be undertaken within 2.5 metres of any utility pole, pipeline, structure or highway without giving prior notice to and receiving approval from the City or other authority having jurisdiction.

24. Notwithstanding 22 and 23 above, no person shall make a Deposit or undertake a removal:

- i) on or over any statutory right-of-way, easement area, or on or over any pipe, utility or service in or above the ground whether or not there is a statutory right-of-way or easement agreement registered in the appropriate Land Title Office, without first obtaining the approval in writing of the authority having jurisdiction over such statutory right-of-way, easement, pipe, utility, or service. Approval shall be on such terms and conditions as the authority having jurisdiction deems

## Soil Deposit and Removal Bylaw

necessary or desirable to prevent injury or damage to the statutory right-of-way, easement, pipe, utility, or service; and/or

- ii) within such proximity of any statutory right-of-way, easement or any pipe, utility or service in or above the ground, whether or not there is a statutory right-of-way or easement agreement registered in the appropriate Land Title Office, so as to give rise to a possibility of injury or damage to such statutory right-of-way, easement, pipe, utility, or service, without first obtaining the approval in writing of the authority having jurisdiction over such statutory right-of-way, easement, pipe, utility, or service on such terms and conditions as the authority having jurisdiction deems necessary or desirable to prevent injury or damage.

25. Where written approval is required from an authority other than the City, as referred to in subparagraphs 24 i) and ii), a copy of said approval shall be delivered to the Engineer.

### **Completion and Restoration**

26. Upon completion of Deposit or Site Clearing operations, all surfaces shall be stabilized and covered with at least 0.30 metres of topsoil and sod or a suitable rooted ground cover.

27. The finished grade of the Parcel shall, after reclamation conform to the grading plans submitted with the Permit application, or as otherwise required, and approved by the Engineer.

### **Other Legislation**

28. Persons responsible and all activity associated with Deposit and Site Clearing shall comply with applicable federal, provincial, and municipal laws, bylaws, regulations, and policies in effect during the soil deposit or removal operation.

29. Deposit or Site Clearing operations may only be carried out within the limits of time and sound levels indicated in City of Port Moody Sound Level Bylaw, 1980 as amended from time to time.

30. Site use and alteration operations shall be carried out in accordance with City Bylaws, as amended from time to time, including, but not limited to: City of Port Moody Zoning Bylaw, 1988, No. 1890; City of Port Moody Subdivision and Development Servicing Bylaw, 2010, No. 2831; City of Port Moody Stream and Drainage System Protection Bylaw, No. 2470, 2000; City of Port Moody Building and Plumbing Code Administration Bylaw, No. 2577, 2003; City of Port Moody Street Traffic and Public Places, No. 1528, 1981; City of Port Moody Official Community Plan Bylaw, No.2955, 2014; and City of Port Moody Tree Protection Bylaw, No. 2961, 2015.

