

## 5. Application for an Earthwork Permit

Every application for an Earthwork Permit shall be made in writing to the Building Inspector /Plan Checker and shall include the following:

- a) The purpose for which the earthwork will be carried out;
- b) The legal description and the area of the property or properties upon which the earthwork will take place;
- c) The quantity of soil to be removed, deposited or moved;
- d) A plan showing proposed drainage control during the operation and proposals for drainage of the site after completion of the operation;
- e) A plan showing location of any proposed stock piles and buildings;
- f) The written consent of all persons having an interest in the land upon which the earthwork is to be undertaken;
- g) The date of commencement of the earthwork and the duration thereof;
- h) Written confirmation that all existing services have been located;
- h) Such other information as may be required by the Building Inspector/Plan Checker;
- i) A permit fee in the amount of:
  - i) Earthwork volumes less than 500 m — \$25.00
  - ii) Earthwork volumes over 500 m — \$100.00

In addition, security in the form of an Irrevocable Standby Letter of Credit in the amount of \$5,000 shall be deposited with the Band which shall be held by the Band as security that the works specified in the application shall be carried out to completion in accordance with the plans and other information approved by and deposited with the Building Inspector/Plan Checker.

- j) A written description of the proposed method of access to the site, proposed public safety precautions, methods of dust control, as well as a proposed program for clean up of the access route and restoration of the lands. Wherever practical the applicant should provide plans to supplement the written description.

## 6. The explanatory statements or specifications submitted with any plans shall be certified and signed by the applicant.

- a) Upon receiving an application for a permit under this by-law, the Building Inspector /Plan Checker may inspect the subject lands and determine that the site conditions are compatible with the proposed earthwork before a permit is approved.
- b) Where required by the Building Inspector/Plan Checker, the applicant shall, at its expense and prior to permit approval, undertake geotechnical investigations of the site of the proposed work and file two copies of the report of such investigations with the Building Inspector/Plan Checker. The geotechnical investigations shall include inter alia, design recommendations pertaining to such matters as final slopes, compaction of fill, drainage measures, etc.

## 7. Notwithstanding anything contained in the application form or accompanying documents, every permit issued pursuant to this by-law shall be subject to the following conditions:

- a) All earthwork undertaken pursuant to this by-law shall be done according to the terms of approval of the Building Inspector /Plan Checker who may require a professional engineer to supervise the work.
- b) The earthworks shall be such that positive gravity drainage is at all times assured and drainage of adjacent sites is not interrupted.
- c) All damage to Reserve drainage facilities, roads, lanes or other Reserve-owned property which, in the judgement of the Building Inspector/Plan Checker, has been caused by the operation for which the permit was issued, shall be repaired at the expense of or by the permit holder. All such repairs shall be completed to the satisfaction of the Building Inspector/Plan Checker, and until so completed shall be a just and proper charge against the Bond deposited pursuant to Section 5 of this by-law.

Without limiting the generality of the foregoing, the obstruction of Reserve drainage facilities by deposit of silt, clay, sand, rubble, debris, gravel and any other matter or thing originating from the soil removal operation shall be considered as damage under this Section.

- d) All earthwork shall be subject to a continuous program of dust control to the satisfaction of the Building Inspector/Plan Checker.
8. Stockpiles shall be confined to the location prescribed and shall be maintained so that they do not adversely affect or damage adjacent property, and in no case shall the height of any stockpile exceed 3 m unless otherwise approved in writing by the Building Inspector/Plan Checker.
  9. As soon after completion of the earthwork as practicable and in no event longer than one year, all surfaces of excavations created by the earthwork shall:
    - a) be graded or sloped so that no gradient shall be steeper than 1—1/2 to 1, or as directed by the Building Inspector;/Plan Checker.
    - b) be covered with topsoil and hydro-seeded or otherwise treated as required by the Building Inspector /Plan Checker to encourage growth or regrowth of vegetation and control surface erosion;
    - c) be provided with adequate surface drainage facilities.
  10. The terms of any permit issued pursuant to this by—law shall be as directed by the Building Inspector/Plan Checker to allow sufficient time for the earthwork to be completed, but in any event shall not exceed one year.
  11. No person shall deposit upon or remove from any parcel of land a greater quantity of soil than the amount specified in the permit without having received the written approval of the Building Inspector/Plan Checker to amend the permit.
  12. The Building Inspector/Plan Checker shall have the right at all times to enter upon and inspect all lands and premises for which a valid permit has been issued pursuant to the terms of this By-law.
  13. At any time during the operation of the earthwork, the Building Inspector/Plan Checker may give notice in writing that the operation or any part thereof is in contravention of this by-law, and may further require that all work be discontinued until the applicant has complied with the conditions of the by-law.
  14. On completion of the earthwork, and prior to the approval of any further work or the issuance of any further permits for the property, the holder of a permit shall submit to the Building

Inspector/Plan Checker a report which shall confirm that the earthwork was carried out and completed in accordance with the conditions of the permit.

15. Notwithstanding Section 13, failure to comply with any of the terms and conditions of this by-law shall be considered an offence against the by-law for which the Bond deposited pursuant to Section 5 or any part or parts thereof may be forfeited.
16. Every person who commits an offence against this by-law is liable to a fine and penalty of not more than \$1,000.00 and not less than \$100.00 for each offence, and for each day that the offence continues, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act, 1979.

## EXTRAS

### 2.1 Sale of Soil

It shall be unlawful for any consumer to waste, lend, sell, give or otherwise dispose of soil supplied by the Band or permit the water to be taken or carried away for the use or benefit of others, without first obtaining written permission from the Planning and Engineering Department. Application for permission to use water for the purpose of resale is found in Schedule "E".



**KAMLOOPS INDIAN BAND**  
**EARTHWORK PERMIT**  
**APPLICATION**  
**#200 – 355 YELLOWHEAD HIGHWAY**  
**KAMLOOPS, BC V2H 1H1**

**Please attach to this permit:**

1. A plan/map showing proposed drainage control during the operation and proposals for drainage of the site after completion of the operations.
2. A plan/map showing location of any proposed stock piles and buildings.
3. Written consent of all persons having an interest in the land upon which the earthwork is to be undertaken.
4. A written description of the proposed method of access to the site, proposed public safety precautions, methods of dust control, as well as a proposed program for cleanup of the access route and restoration of the lands.

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**APPLICANT / CONTACT NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **CELL:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

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**CONTRACTOR:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **CELL:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

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**ADDRESS of EARTHWORKS:** \_\_\_\_\_

**LEGAL DESCRIPTION:** \_\_\_\_\_

**DURATION OF EARTHWORK:** \_\_\_\_\_ / \_\_\_\_\_ / **2010** **To:** \_\_\_\_\_ / \_\_\_\_\_ / **20( )**

**BUILDING PURPOSE INFORMATION:**

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\_\_\_\_\_

**QUANTITY OF SOIL TO BE:**

- REMOVED- Further detail/s:**
- ADDED - Further detail/s:**
- MOVED - Further detail/s:**