

KATZIE FIRST NATION SOIL AND FILL LAW

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PREAMBLE

- A. Katzie First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. Katzie First Nation has taken over control and management of Katzie Land and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the Katzie First Nation Land Code to take effect March 29, 2017;
- C. Under section 6 of the *Land Code*, Katzie First Nation Council is authorized to enact various laws relating to lands, including laws relating to the development, conservation, protection and management of Katzie Land;
- D. Under section 23.3 of the *Land Code*, Council may authorize the Lands Director (replacement title for the Lands Manager) as a delegate of Council in the granting of an Interest of Licence in Katzie Land; this Law serves as Council's delegation of that authority;
- E. Council wishes to regulate the removal of Soil and the transport and deposit of Soil or Fill from, on or over Katzie Land.

PART 1 - CITATION, APPLICATION, DEFINITIONS AND INTERPRETATION

Citation

1. This Law may be cited as the Katzie First Nation Soil and Fill Law.

Application

2. (1) Subject to subsection (2), this Law applies to all Katzie Land.
 - (a) This Law binds the Katzie First Nation government.

Definitions

3. (1) In this Law:

"Authorization" means a written authorization issued under section 17 in a form approved by Council authorizing the removal of Soil or the transport or deposit of Soil or Fill;

"Contamination" or "Contaminated" means the presence of substances on Katzie Land or in Soil or Fill that exceed applicable standards contained in the *Contaminated Sites Regulation*;

"*Contaminated Sites Regulation*" means B.C. Regulation 375/96;

"Dripline" means the area in the Soil defined by the outermost circumference of the tree canopy;

“Enforcement Officer” means any person appointed by Council, from time to time, to administer and enforce the provision of Laws enacted by Council, and includes any delegate, the RCMP and any peace officer;

“Environmental Professional” means a person:

- (a) who is registered or licensed to practice as a professional in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association,
- (b) qualified to certify if Soil or Fill is Contaminated, and to manage the removal or deposit of Soil or Fill in compliance with this Law, and
- (c) who carries errors and omissions and liability insurance adequate for the tasks undertaken on behalf of an applicant for an Authorization;

“Fill” means any solid or liquid materials added to or existing in combination with Soil;

“General EA Requirements” means the Katzie First Nation General Requirements for Environmental Assessments;

“Katzie Land” has the same meaning as the defined “the Nation’s Land” in the Land Code;

“Land Code” means the *Katzie First Nation Land Code*;

“Lands Department” means the Katzie First Nation Lands Department or the Katzie First Nation administrative department that has responsibility over lands-related matters;

“Lands Director” means the Katzie First Nation Lands Director, or a replacement staff position assigned with the responsibilities provided at section 18 of the Land Code;

“Originating Site” means the site from which Soil or Fill is taken that is subsequently deposited on Katzie Land;

“Professional Engineer” means a person registered as a professional engineer with the Association of Professional Engineers and Geoscientist of British Columbia;

“Riparian Assessment Area” means:

- (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- (d) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
- (e) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

“Soil” means topsoil, silt, clay, sand, gravel, rock, unconsolidated mineral or organic material, or other substance of which natural land is composed;

“Subdivision, Development and Servicing Law” means the *Katzie First Nation Subdivision, Development and Servicing Law*;

“Waterbody” means a lake, pond, stream, canal, wetland, river and its tributaries, or an ocean, up to the annual high water mark, and includes a Watercourse, but does not include a sewage or waste treatment lagoon;

“Watercourse” means any natural or man-made depression with well-defined banks and a bed of 0.6 metres or more below the surrounding land serving to give direction to a current of water for at least six (6) months of the year.

(2) For the purposes of this Law, terms have the same definitions as in the Land Code.

(3) The interpretation provisions under sections 2.2 and 2.3 of the Land Code apply to this Law.

(4) Unless otherwise provided in this Act, a reference to “day” or “days” means calendar days.

Severability

4. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

5. Nothing under this Law must be rendered void or invalid by:
 - (a) an error or omission in a notice, form, Authorization or other document given or authorized under this Law; or
 - (b) a failure of Katzie First Nation, a Katzie First Nation official or their delegate to do something within the required time.

PART 2 - ADMINISTRATIVE PROVISIONS

Delegation

6. Council may authorize the Lands Director by Resolution to assign the performance of any duties of the Lands Department under this Law to any Katzie First Nation officer, employee, contractor or agent.

Lands Department

7. The duties of the Lands Department provided in this Law will be supervised by the Lands Director.

PART 3 - MANAGEMENT OF SOIL AND FILL ON KATZIE LAND

General prohibitions and requirements

8. (1) A Person must not remove Soil from or transport or deposit Soil or Fill over or on Katzie Land, or cause or allow such activities, unless all of the following requirements are complied with:

- (a) the activity is authorized by an Authorization issued under section 17 unless the activity qualifies for an exemption under section 9;
- (b) the activity will not cause Contamination, or will not otherwise contravene the standards provided in the *Environmental Management Act*, SBC 2003, c 53, the *Contaminated Sites Regulation* and associated technical and administrative guidance, protocols, procedures, bulletins or policies;
- (c) the activity will not cause or contribute to a safety hazard to a person, domestic animal, or wildlife;
- (d) the activity will not cause or contribute to the obstruction or impediment of a stream, creek, natural waterway, Watercourse, source of drinking water, waterwork, ditch, dyke, drain, or sewer;
- (e) the activity will not damage, injure, obstruct or impede any land or structure, including a highway, road, right-of-way, easement, utility, or building;
- (f) the activity is carried out in a manner that is consistent with existing uses of the land; and
- (g) the activity complies with all applicable Laws, land use plans and environmental management plans.

(2) In addition to the requirements provided under subsection (1), and without limiting the generality or interpretation of subsection (1)(b), the deposit of Soil or Fill on Katzie Land must be free from:

- (a) wood products or by-products;
- (b) peat or compost, except when used for the purposes of a garden relied on solely for personal use;
- (c) petroleum products or by-products;
- (d) concrete products or by-products;
- (e) asphalt or by-products;
- (f) construction materials or debris; or
- (g) any substances or by-products of substances that may
 - (i) adversely affect the geotechnical quality of the Fill, or

- (ii) is likely to cause Contamination, hazard or injury when in place.

Exemption from requirement for an Authorization

9. (1) Subject to this section, a Person with an Interest or Licence in the applicable parcel of Katzie Land, or who has written permission from the holder of the Interest or Licence, does not require an Authorization under section 8(1)(a) for the following activities:

- (a) the deposit of less than 10 m³ of Soil per year;
- (b) the transport or deposit of Soil that is completely contained in sealed bags with a commercial Universal Product Code and product label and purchased from a commercial store or distributor; or
- (c) an activity undertaken in accordance with an exemption prescribed in a Katzie First Nation regulation.

(2) For certainty, activities exempted from the requirement to obtain an Authorization must comply with the requirements provided at sections 8(1)(b) to 8(1)(g) and 8(2).

(3) To qualify for an exemption under subsection (1), the instrument granting the Interest or Licence in the parcel of Katzie Land upon which an activity is proposed must not prohibit the proposed activity.

(4) The Katzie First Nation government is deemed to have an Interest or Licence in Community Land.

PART 4 - APPLICATION FOR AUTHORIZATION

Applying for an Authorization

10. (1) Subject to subsection (2), a Person seeking to obtain an Authorization must submit the following to the Lands Department in the form specified by Council with any supporting documents and information:

- (a) the name, address, phone number, incorporation number (if applicable) of the Person seeking to undertake the proposed activity;
- (b) the address and the legal description of the land upon which the applicant seeks to undertake the proposed activity;
- (c) confirmation that the applicant holds an Interest or Licence in the applicable parcel of Katzie Land, or written documentation from the holder of the Interest or Licence authorizing the application;
- (d) detailed plans, data, and specifications for the proposed site, to a scale of 1:1,000 or larger, showing the contour of the ground at its current state and the proposed configuration following removal of Soil or deposit of Soil or Fill with vertical contours at intervals determined by a Professional Engineer determined in accordance with reasonable engineering standards;

- (e) identification of all pertinent topographic features, buildings, structures, utilities, including underground utilities, trees and other vegetation, roads, lanes, bridges, Watercourses and other Waterbodies;
- (f) a report prepared by an Environmental Professional in accordance with section 12 for the deposit of Soil or Fill from an Originating Site upon which activities were undertaken that are identified in Schedule 2 of the Contaminated Sites Regulation;
- (g) for the removal of any quantity of Soil or the deposit of any quantity of Soil or Fill within a Riparian Assessment Area, sufficient evidence that the deposit or removal will comply with the Riparian Areas Regulation (British Columbia);
- (h) a copy of any additional approvals required for the proposed activity including an environmental assessment approval if that is required under the General EA Requirements;
- (i) if an environmental assessment is not required under the General EA Requirements, a brief explanation of why the removal of Soil or the deposit of Soil or Fill or does not require an environmental assessment;
- (j) an acknowledgement that the applicant must allow access to individuals designated by Council or by a Law to monitor compliance with the conditions set out in an Authorization;
- (k) a signed document releasing and indemnifying Katzie First Nation against any claims in relation to the activity for which the Authorization is being sought and the land upon which the activity will be undertaken; and
- (l) the fee specified by Council, which may include fees associated with retaining engineers or other professionals to review the application.

(2) In addition to the requirements provided under subsection (1), and without limiting the Lands Department's discretion to require an applicant to provide additional information, the Lands Department may require the applicant to provide the following information related to the applicable area of Katzie Land:

- (a) to deposit Soil or Fill, a report, letter or other documentation certified by an Environmental Professional providing an analysis of laboratory samples conducted in accordance with the Contaminated Sites Regulation submitted as evidence that the Soil or Fill is not contaminated and meets or exceeds the Contaminated Sites Regulation standards for the proposed land use;
- (b) a site plan showing:
 - (i) the initial lot elevations and proposed final lot elevations in geodetic datums,
 - (ii) arrows indicating the direction of slope and drainage on affected properties before and after Soil removal or the deposit of Soil or Fill,

- (iii) the proposed methods of drainage control on the property including an analysis of the impacts of the proposed work on local drainage patterns and water quality,
 - (iv) the steepness of proposed slopes that will be maintained upon completion of the Soil removal or the deposit of Soil or Fill,
 - (v) drawings of affected land, showing parcel boundaries, Waterbodies, Watercourses, structures, vegetation, roads, paths, and culturally important features,
 - (vi) sediment and erosion control measures, in accordance with current best industry practices that will be used to prevent erosion and associated sedimentation,
 - (vii) the locations of existing Soil and vegetation that will be retained in their natural state,
 - (viii) maps and written descriptions identifying locations where Soil will be removed or Soil or Fill deposited, including the volume of the Soil or Fill and the volume of, and location where, native Soil from disturbed areas or Fill will be stockpiled, and the proposed methods of excavating and storing topsoil,
 - (ix) the proposed location of machinery, buildings, scales, and other proposed structures and improvements,
 - (x) the proposed method of extraction and processing, including sorting, washing, crushing and any other proposed processing activities, including potential nuisance effects of such activities (noise, dust, use of water, runoff), and
 - (xi) the proposed location of buffer zones and tree cover, including a minimum separation of 15 metres between Soil removal or Soil or Fill deposit and the top of bank of a Watercourse or other Waterbody;
- (c) a traffic management plan specifying:
- (i) the origin and destination of the Soil or Fill, and the route of transport between the sites,
 - (ii) the time and days of the week of removal or deposit,
 - (iii) the proposed entry and exit routes of trucks,
 - (iv) numbers and frequency of truck traffic for the proposed haul routes,
 - (v) signing and placement of traffic control devices and flaggers that will minimize safety risks and local disturbance, and
 - (vi) road cleaning activities and if necessary, repair commitments.

Partial Exemption for Construction

11. (1) The requirements provided under sections 10(2)(b) and 10(2)(c) do not apply to the removal of Soil in connection with the following activities if the Person carrying out the activities does so in compliance with all requirements of this Law, the Subdivision, Development and Servicing Law and the conditions of any Authorization:

- (a) the erection of buildings where the removal of Soil is necessary for the construction of basements and foundations; or
- (b) the installation or construction of works or services where the removal of Soil is necessary for the installation or construction of works or services.

(2) The specific requirements associated with an application for an Authorization do not relieve the applicant from any other applicable requirement of the Subdivision, Development and Servicing Law.

(3) If the removal of Soil or the transport or deposit of Soil or Fill is associated with development regulated under the Subdivision, Development and Servicing Law, the applicant must confirm that they have also applied for an authorization under that law.

Professional Certification

12. (1) An application for an Authorization to deposit Soil or Fill on Katzie Land from an Originating Site upon which activities were undertaken that are identified in Schedule 2 of the Contaminated Sites Regulation must include a report from an Environmental Professional confirming the Soil or Fill from the Originating Site complies with applicable land use plans, environmental management plans and the Contaminated Sites Regulation for the land use designation for that site.

(2) The Lands Department may require an application for an Authorization under subsection (1) to include a project-specific environmental management plan and other plans, specifications, and reports required under this Law or specified by the Lands Department.

Costs

13. An applicant for an Authorization is responsible for all costs involved with the following:

- (a) completing and submitting the application;
- (b) complying with the Authorization terms and this and other applicable Laws; and
- (c) commissioning all information, conducting studies, retaining professionals, and all other costs associated with Katzie's review of the information and studies provided by the applicant.

Referral and Comment on Application

14. (1) As soon as practicable after receiving a complete application and the applicable fee under section 10(1), the Lands Department must review the application to confirm the proposed activities will comply with any applicable land use plan, environmental

management plan, Law, and with applicable federal, provincial and municipal laws and standards.

(2) For certainty, the Lands Department may retain professionals to assist in reviewing the application under subsection (1).

(3) If the application is incomplete, or the application fails to comply with the applicable plans, laws and standards under subsection (1), then the Lands Department will notify the applicant with reasons.

(4) If the application complies with the applicable plans, laws and standards under subsection (1), then the Lands Department will carry out the following within a reasonable time after the Lands Department has completed its review:

- (a) conduct a streamlined review in accordance with section 25 for an application to remove Soil from or transport or deposit Soil or Fill over or on Katzie Land, for which the Lands Department, in accordance with any applicable Katzie policies, determines is a sufficiently minor undertaking that would not warrant a full review described under paragraph (b);
- (b) for all other applications that do not qualify under paragraph (a),
 - (i) circulate the application and all relevant information and documents to Katzie First Nation administration for comment; and
 - (ii) if appropriate, refer aspects of the application to adjacent municipalities for comment.

(5) The Lands Department, in consultation with the Lands Director, will determine the length of the review period applicable to Katzie First Nation administration and adjacent municipalities under subsection (4)(4)(b) based on the complexity of the activities proposed in the application.

(6) As soon as practicable following the close of the review period determined under subsection (5), the Lands Department will provide to the Lands Director the application and all relevant information and documents, including any comments received under subsection (4)(b).

Lands Director Review

15. (1) Within a reasonable time of receiving the application and related materials under section 14(6), the Lands Director must:

- (a) review the application, all relevant information and documents and any comments received under section 14(4)(b);
- (b) account for the general principles and factors provided under section 21 of the Subdivision, Development and Servicing Law; and
- (c) provide to Council

- (i) the Lands Director's recommendation on whether the application should be approved or rejected with written reasons,
- (ii) the application,
- (iii) all relevant information and documents, and
- (iv) all comments received under section 14(4)(b).

(2) If the Lands Director recommends that Council approve the application, the Lands Director's recommendation

- (a) must specify the date the Authorization should expire; and
- (b) may include terms and conditions to be imposed on the Authorization.

(3) Without limiting the generality of the Lands Director's discretion to make a recommendation under subsection (1), the Lands Director's recommendation may include or relate to any applicable items provided at section 22 of the Subdivision, Development and Servicing Law.

(4) At any time prior to making a recommendation to Council under subsection (1)(c), the Lands Director may request further information including plans, reports, or other relevant material from the applicant.

(5) The Lands Director will determine whether any new information submitted by the applicant under subsection (4) should be the subject of review and comment under section 14(4)(b).

Council Decision

16. (1) Within a reasonable time following their receipt of the materials provided under section 14(1), Council must:

- (a) account for the principles and factors provided at section 21 of the Subdivision, Development and Servicing Law, all applicable information, documents and any comments received under section 14(4)(b); and
- (b) decide whether to approve or refuse to approve the application supported with written reasons.

(2) Council may approve an application with any reasonable terms or conditions that may include or relate to any applicable items provided at section 22 of the Subdivision, Development and Servicing Law.

(3) Council's approval under subsection (1) must specify the date the Authorization will expire.

(4) Council must provide notice of their decision under subsection (1) in writing to the Lands Department, which must include, if applicable, any terms or conditions of the Authorization.

Issuing an Authorization

17. Following the Lands Department's receipt of Council's decision under section 16, the Lands Department must do either of the following in accordance with Council's direction:
- (a) issue an Authorization to the applicant that shows all applicable terms or conditions, and which must include the date the Authorization expires; or
 - (b) notify the applicant that the application has been refused with a copy of Council's written reasons.

Authorizations

18. (1) A Person who has been issued an Authorization must comply with this Law, and any restrictions, requirements and conditions of the Authorization.
- (2) An Authorization allowing the deposit of Soil or Fill must only be construed as authorizing the deposit of Soil or Fill that is free from Contamination and free from the materials and substances described at section 8(2).
- (3) An Authorization must conform to an approval issued under the Subdivision, Development and Servicing Law, including an approval under the General EA Requirements, or any applicable Law.

Authorization Conditions - General

19. A Person undertaking activities pursuant to an Authorization must:
- (a) not deposit, cause or permit to be deposited any Soil or Fill upon any roads not wholly within the parcel to which the Authorization applies, or upon neighbouring properties;
 - (b) take steps to prevent dust from collecting in the air from the permitted activities;
 - (c) not deposit, cause or permit to be deposited any Soil or Fill more than 15 cm deep within the Dripline of trees 15 cm diameter at breast height or more;
 - (d) if the Authorization authorizes the removal of Soil or the deposit of Soil or Fill within a Riparian Assessment Area, the Authorization-holder must only carry out authorized activities in compliance with the *Riparian Areas Regulation*, BC Reg 376/2004; and
 - (e) not remove Soil or transport or deposit Soil or Fill outside the hours specified in the Authorization.

Authorization Conditions – Area

20. (1) An Authorization-holder must ensure stockpiles of Soil or Fill comply with the following:
- (a) be confined to the area identified in the Authorization;
 - (b) do not exceed sight lines; and

- (c) be maintained to prevent any geotechnical risks, nuisance or adverse effects to Riparian Assessment Areas or adjacent properties.

(2) An Authorization-holder must ensure that, as part of the closing procedures for the site, the lands upon or within which Soil is removed or Soil or Fill is deposited:

- (a) are covered with no less than 10 cm of topsoil in accordance with specifications by the Lands Director;
- (b) are graded to conform to applicable grading plan or specifications for the area;
- (c) are sown with non-invasive vegetation or protective cover using native vegetation wherever possible;
- (d) are controlled at all times to prevent any safety hazards or unauthorized dumping.

(3) An Authorization-holder is responsible for any damage to Katzie Land caused by any activities associated with the Authorization.

Authorization Conditions – Preloading and Grade Adjustments

21. If an Authorization authorizes the deposit of Soil or Fill for preloading and grade adjustments for buildings or roadways, or in any other case requested by the Lands Director, the Authorization-holder must obtain the services of a Professional Engineer to certify that the Soil or Fill has been appropriately deposited and compacted for the proposed use.

Authorization Conditions – Certificate

22. (1) Upon completion of the authorized activities, the Authorization-holder must deliver to the Lands Director a certificate from an Environmental Professional selected by the Lands Director confirming that all activities undertaken pursuant to the Authorization comply with the Authorization, this Law, and other applicable Laws.

(2) An Authorization-holder must maintain all required insurance until the Authorization-holder complies with subsection (1).

Authorization Conditions - Records

23. (1) An Authorization-holder must retain all records of Soil or Fill entering or Soil leaving the site for at least three years, including:

- (a) documents identifying the source and volume of Soil or Fill being transported;
- (b) tracking slips or waybills; and
- (c) certificates related to quality of the Soil or Fill, if required under this Law.

(2) An Authorization-holder must:

- (a) subject to subsection (3), ensure the following are in the possession of every person who transports any amount of Fill or more than 10 m³ of Soil in any one year to, on or over Katzie Land:
 - (i) documents identifying the source and volume of Soil or Fill being transported, which may include a tracking slip or waybill that references the applicable Authorization and identifies the source and volume of Soil or Fill being transported, and
 - (ii) certificates related to quality of the Soil or Fill, if required under this Law; and
- (b) disclose the records under subsection (1) to the Lands Director upon request.

Discretionary Conditions

24. Without limiting the Lands Director's or Council's discretion to impose discretionary conditions on an Authorization, the Lands Director may require an Authorization-holder to retain an Environmental Professional selected by the Lands Director for the duration of the Authorization to advise on the authorized activities.

Streamlined Review

25. (1) For an application that complies with the requirements provided at section 14(4), the Lands Department may, after making necessary enquiries and consulting with Katzie administration, approve an application and issue a permit or other form of Authorization to carry out an activity determined by the Lands Department to be a sufficiently minor undertaking in accordance with section 14(4)(a).

(2) The Lands Department may approve an application that qualifies under subsection (1) with any reasonable terms or conditions.

(3) Nothing in this section limits the Lands Department's discretion to require the application be reviewed in accordance with the process for all other applications described at section 14(4)(b).

No Liability

26. (1) Katzie First Nation accepts no responsibility or liability for:

- (a) ensuring that the removal of Soil or the deposit of Soil or Fill is done in such a manner that is appropriate for the existing and future uses of the land;
- (b) the presence of Contamination in Soil or Fill;
- (c) for ensuring that conditions attached to any Authorization are fully met by the Authorization-holder; or
- (d) losses incurred or damages suffered by any Person resulting directly or indirectly from Katzie First Nation's approval of activities pursuant to the Authorization.

(2) For greater certainty, the reference to “Katzie First Nation” in subsection (1) includes without limitation, its Council, employees, contractors and authorized agents.

Financial Security

27. (1) If, in the opinion of the Lands Director, an Authorization-holder has not complied with a term or condition of the Authorization, the Lands Director may:

- (a) retain such part of any financial security provided that the Lands Director believes is justified;
- (b) use all or part of the financial security retained at paragraph (a) to repair or restore the Katzie Land that has been altered or damaged as a result of the Authorization-holder’s failure to comply with the Authorization.

(2) The Lands Director must return or release any financial security provided, or any part of it that remains if any action was taken under subsection (1), upon the Lands Director being satisfied that the financial security is no longer required.

PART 5 - ENFORCEMENT

Suspending or Revoking an Authorization

28. (1) In addition to any other remedies or penalties under this Law, or any other applicable enactments, Council may, with reasonable cause and after giving notice to the holder of an Authorization:

- (a) suspend the Authorization for all or part of the year; or
- (b) revoke the Authorization.

(2) Upon suspending or revoking an Authorization under subsection (1), Council may restrict a Person from holding an Authorization issued under this Law for up to three years for reasonable cause.

(3) Without limiting the interpretation of reasonable cause under subsections (1) or (2), the following may serve as grounds to suspend or revoke a Person’s Authorization or restrict a Person’s eligibility to hold an Authorization:

- (a) the Person is convicted of any offence under any applicable enactment relating to the activity for which they are authorized, or with respect to the land identified in the Authorization; or
- (b) the Person has ceased to meet the lawful requirements to carry on the activity for which they are authorized or relating to the land identified in the Authorization.

Authority of Enforcement Officers

29. (1) Subject to a Law that addresses enforcement powers of individuals appointed to enforce a Katzie First Nation law, and without limiting an Enforcement Officer’s powers at law, an

Enforcement Officer is authorized to do the following for the purpose of ensuring compliance with this Law:

- (a) refuse entry onto Katzie Land by a vehicle if it appears that any of the requirements of this Law have not been met;
- (b) issue compliance notices;
- (c) at any reasonable time, enter on the following lands to inspect for compliance with this Law and an Authorization:
 - (i) land from which Soil has been removed,
 - (ii) land upon which Soil or Fill has been deposited, and
 - (iii) land that is subject to an Authorization;
- (d) inspect records maintained by the Authorization-holder in respect of the Soil removal or Soil or Fill deposit activities;
- (e) make any reasonable inspection, investigation or inquiry necessary to determine if this Law, an Authorization, a compliance notice, order or other instrument issued under this Law, has been complied with or contravened, or an offence is being committed or has been committed;
- (f) direct or require that the Authorization-holder take certain measures or meet certain conditions to ensure compliance with this Law or an Authorization, including, without limiting the generality of the Lands Director or an Enforcement Officer's authority, terms and conditions for transporting Soil into or out of Katzie Land, traffic control, and to prevent injury, harm, nuisance, or damage to the public, property, or the environment;
- (g) issue a stop work order to order any Person who has not received full and proper authorization under this Law to cease carrying out any activities prohibited under section 8, which includes for certainty, carrying out activities if the Person's Authorization is suspended or was revoked under section 28;
- (h) order either of the following to occur within 30 days:
 - (i) Soil removed or Soil or Fill deposited or transported in violation of this Law or an Authorization must be returned or removed, or
 - (ii) structures, works or installations implemented in violation of this Law or an Authorization must be removed.
- (i) provide to an authorized prosecutor information sufficient to initiate the prosecution of an offence; and
- (j) perform any other duties and exercise any other powers assigned or delegated to the Enforcement Officer

- (i) under this or any other Law, or
- (ii) by Council.

(2) A stop work order imposed under subsection (1)(g) may be registered in court and enforced as a court order and continues in force until the condition that led to it is remediated or until the activity that is the subject of the stop work order receives an Authorization under this Law.

(3) If a Person fails to comply with an order under subsection (1)(h) within 30 days, Council may order the Soil, Fill, structures, works or installations or other materials to be removed at the Person's expense.

PART 6 - OFFENCES AND PENALTIES

Offences

30. A Person who does any of the following commits an offence:

- (a) provides false or misleading information in order to obtain an Authorization under this Law;
- (b) carries out an activity prohibited under this Law without having first received a valid Authorization;
- (c) neglects or refrains from doing anything required to be done pursuant to the provisions of this Law;
- (d) otherwise contravenes this Law; or
- (e) obstructs, interferes with or denies access onto any land or into any building to an Enforcement Officer whose entry is authorized under this Law.

Penalties

31. (1) A Person who commits an offence or who contravenes this Law, an Authorization, or an order made by a Court pursuant to this Law is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than three months, or to both.

(2) Where any contravention of this Law is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

(3) A fine payable under subsection (1) must be remitted to Katzie First Nation by the court, after reasonable court costs have been deducted.

(4) Despite subsection (1), Council may also authorize the Lands Director, an Enforcement Officer or a designated official to issue a ticket or violation notice to impose a sanction or fine for contraventions of this Law.

(5) Outstanding monetary penalties or fines are recoverable by Katzie First Nation as a debt due to it.

(6) Subject to a Katzie First Nation land registry law or enforcement law and without limiting the application of subsection (5), Katzie First Nation may register a debt instrument for any debt owing under subsection (5) against the applicable parcel of Katzie Land in the First Nations Land Registry.

(7) The Person named in a debt instrument registered on a parcel of Katzie Land in the First Nations Land Registry may not transfer any interest or licence in the parcel until

- (a) the Person pays to the Katzie First Nation the debt amount; and
- (b) Katzie First Nation authorizes the discharge of the debt instrument from the applicable parcel.

Liability

32. (1) The granting of an Authorization does not

- (a) constitute evidence that the applicable activity is valid or legal; or
- (b) create any liability on behalf of the Katzie First Nation.

(2) The refusal to grant an Authorization does not create any liability on behalf of the Katzie First Nation.

(3) The following parties are jointly and severally liable for any structural damage, for creating a potential hazard or environmental risk, or for introducing Contamination on a parcel of land in connection with an Authorization or a matter regulated under this Law:

- (a) the Authorization-holder;
- (b) the holder of the Interest or Licence in the applicable parcel of land; and
- (c) any other Person who causes or contributes to the structural damage, potential hazard, environmental risk or the introduction of Contamination on the land.

(4) Further to section 29(3), if a Person is liable under that section and does not remediate or restore the land to standards satisfactory to Council, the Person is responsible for the cost of any remedial work and restoration, any related expenses, and administrative and professional fees and costs that may be incurred by Katzie First Nation remediating or restoring the site and any sites adjacent to the applicable parcel of land, including land located outside Katzie Land.

PART 7 - REGULATIONS

Regulations

33. (1) Council may make any regulations it considers necessary or advisable for purposes under this Law.

(2) For certainty, the powers of Council under subsection (1) include the power to make regulations:

- (a) respecting the form and content of applications, notices, reports, permits, authorizations and other documents that are required or permitted under this Law;
- (b) prescribing consultation and public input requirements in respect of applications provided for in this Law;
- (c) defining words and expressions that are used but not defined in this Law; and
- (d) generally for the purpose of giving effect to this Law.

PART 8 - GENERAL

Delivery

34. (1) A copy of an order or notice made under this Law may be delivered in any of the following ways:

- (a) in person;
- (b) by leaving a copy of the order or notice with a person who appears to be at least 16 years of age at the actual or last known address of the addressee;
- (c) by posting a copy of the order prominently on a door of a building at the actual or last known address of the addressee; or
- (d) by mailing a copy of the order to the actual or last known address of the addressee.

(2) A copy of an order or notice delivered under subsection (1) is presumed to have been received by the addressee on the fifth (5th) day after mailing.

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Coming Into Force

35. This Law comes into force on the date it is passed by Resolution after complying with section 7 of the Land Code.

THIS LAW IS HEREBY DULY ENACTED by Council on the 9th day of September, 2019, at Pitt Meadows, in the Province of British Columbia.

Quorum for Council is 3

Chief Grace Cunningham



Councillor Rick Bailey



Councillor Peter James



Councillor David Kenworthy

