

## BY-LAW NO. 3285

A By-law to regulate the deposit of fill on  
lands within the Municipality

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:


- 1 That in this By-law:
  - (a) "Fill" shall mean soil, sand, gravel, rock or other material which can be used to alter the contours of land;
  - (b) "Engineer" shall mean the Engineer of The Corporation of the District of Oak Bay, or his appointee.
- 2 No person shall deposit or cause to be deposited on any lands within the Municipality any fill, until a permit for such deposit is first obtained from the Engineer pursuant to the provisions of this By-law. No permit shall be issued until the plans, data and specifications required by this By-law to be filed with the Engineer, have been approved by the Engineer.
- 3 Every applicant for a permit shall file with his application detailed plans, data and specifications showing the contour of the ground in its current state with contour intervals of not more than two (2) metres or with contours according to reasonable engineering standards, and the application shall contain information with respect to the following matters:
  - (a) All pertinent topographic features, building, structures and tree cover;
  - (b) The proposed slopes which will be maintained upon completion of the fill operation;
  - (c) The methods proposed to control the erosion of the banks of the fill;
  - (d) The proposed methods of drainage control for the site during and after the fill operation;
  - (e) The proposed methods of access to the site during the fill operation;
  - (f) The proposed progressive stages of filling in terms of development during the permit period, showing contours specified above, grades and slopes, on separate plans for each stage including specific completion dates for each stage.
  - (g) The proposed contour of the ground in its final state upon completion of the fill operation with contours as specified above and showing the methods of access and positive methods of permanent drainage on a separate plan.
- 4 A permit shall allow the holder thereof to deposit fill on land described in the permit for a period of six (6) months. The fee for each permit shall be the sum of ten dollars (\$10.00) and shall be paid upon the issuance of the permit.
- 5 Permits will be issued only on application in writing from persons having a registered interest in the land in respect of which the permit is applied. Application shall be made to the Engineer for a permit, and payment for the permit shall be according to paragraph 4 hereof. The Engineer shall refuse to issue a permit if the plans, data and specifications do not meet the requirements of this By-law.
- 6 Each and every permit issued pursuant to this By-law shall be subject to the following conditions:
  - (a) All damage to Municipal or privately-owned drainage facilities, roads, or lands, or other Municipally or privately-owned property, or natural water courses, resulting from the deposit of fill, shall be repaired. All drainage facilities and natural water courses shall be kept free of silt, clay, sand, rubble, debris, gravel and any other matter or thing originating from any deposit of fill and causing obstruction to such drainage or natural water courses. Drainage facilities or natural water courses shall not be polluted.

- 6 (b) The operations by which fill is deposited shall not encroach upon, undermine or physically damage any adjoining property.
- (c) The finished slope of the fill shall have a maximum slope of one (1) metre rise in two (2) metres of run.
- (d) The size and configuration of the fill deposit, shall be such, as neither to affect adversely the air, light and view of adjoining or adjacent properties, nor to alter substantially the appearance and nature of the surrounding area.
- 7 (a) The Engineer is hereby authorized to enter, at all reasonable times, upon any property being filled for the purpose of ascertaining whether the provisions of this By-law are being obeyed.
- (b) The Engineer may give notice to any person of a breach of any of the provisions of the By-law, or a permit issued pursuant hereto, and such person shall forthwith cease and desist from depositing any further fill until such breach is remedied.
- (c) Where the Engineer determines that a person has contravened the terms and the conditions of a permit issued pursuant to this By-law or is placing fill on land without a permit, he may:
- (i) Suspend the permit until he is satisfied that the contravention has ceased; or
  - (ii) Cancel the permit if he is satisfied that the person has, by reason of the contravention, put it beyond his power to comply with the terms and conditions of the permit; or
  - (iii) Order the person to stop the contravention; or
  - (iv) Order the person who caused fill to be placed on the land without a permit to remove the fill.
- 8 Nothing in this By-law shall be construed so as to apply to:
- (a) Any person lawfully engaged in the erection of buildings or the installation or construction of works or services on lands where the deposit of fill is necessary for the construction of basements and foundations of the said buildings or the installation or construction of the said works or services.
- (b) The deposit of fill where the amount thereof does not exceed forty (40) cubic metres.
- 9 (a) Every person who violates, contravenes or commits any breach of the provisions of this By-law shall be guilty of an offence punishable on summary conviction and shall be liable to pay a fine of, not more than One Thousand Dollars (\$1,000.00), or in default of payment thereof, imprisonment for a term not exceeding six (6) months. Each day any violation, contravention or breach of this By-law continues shall be a separate and distinct offence.
- (b) The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by this By-law.
- 10 This By-law may be cited for all purposes as the "DEPOSIT OF FILL BY-LAW, 1979".

READ a first, second and third time by the Municipal Council on APR 2 - 1979

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on APR 23 1979

  
Mayor

  
Municipal Clerk

Sealed with the Seal of  
The Corporation of the  
District of Oak Bay