

AS AMENDED BY:
By-law Number 8435, January 27, 1986
By-law Number 9289, February 15, 1988
By-law Number 9318, March 7, 1988
By-law Number 10277, May 22, 1990
By-law Number 10600, March 4, 1991
By-law Number 11751, February 28, 1994

B I L L
No. 129
1 9 8 1

B Y - L A W N U M B E R 6938

A BY-LAW RESPECTING THE PLACING OR
DUMPING OF FILL IN THE CITY OF WINDSOR

Passed the 4th day of May, 1981.

WHEREAS Section 1 of The City of Windsor Act, 1980, authorizes the Council of The Corporation of the City of Windsor, by by-law, to prohibit or regulate the placing or dumping of fill;

AND WHEREAS it is deemed expedient to pass this by-law;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. In this by-law,
 - (a) "Building Commissioner" means the Building Commissioner of The Corporation of the City of Windsor, and shall include any person authorized by the Building Commissioner to carry out any of the powers or duties of the Building Commissioner, pursuant to this by-law;
 - (b) "Commissioner of Works" means the Commissioner of Works of The Corporation of the City of Windsor;
 - (c) "Drainage" means the drainage of water to place of disposal whether by way of the natural characteristics of the ground surface or by an artificial method;
 - (d) "Dumping" means depositing of fill in a location other than where the fill was obtained;
 - (e) "Fill" means soil, stone, concrete, asphalt, sod or turf either singly or in combination;
 - (f) "Grade" shall be defined as follows:
 - (i) "Existing Grade" means the elevation of existing undisturbed round surface at property lines of the lands upon which dumping and/or placing of fill is proposed and of abutting ground surface up to 3 metres wide surrounding such lands;
 - (ii) "Finished Grade" means the authorized elevation of ground surface on lands upon which fill has been placed;
 - (iii) "Proposed Grade" means the proposed elevation of ground surface of land upon which fill is proposed to be placed;
 - (g) "Owner" means any person, firm or corporation controlling the lands on which fill is to be placed or dumped;
 - (h) "Placing" means the distribution of fill on lands to establish a finished grade higher than the existing grade;
 - (i) "Ponding" means the accumulation of surface water in an area normally low or an area caused by fill not having drainage therefrom;

- (j) "Retaining Wall" means a wall designed to contain and support fill having a finished grade higher than that of the adjacent lands;
 - (k) "Soil" means material commonly known as earth, top soil, loam, subsoil, clay, sand or gravel;
 - (l) "Swale" means a man-made shallow depression in the ground sloping to a place of disposal for the purpose of providing a method of drainage.
- 2.
- (1) No person shall place or dump fill or permit fill to be placed or dumped in the City of Windsor without firstly having obtained a permit issued by the Building Commissioner.
 - (2) The provisions of this by-law do not apply in those areas of the City of Windsor where
 - (a) a regulation under The Conservation Authorities Act, 1970, c. 78, respecting the placing or dumping of fill is in force;
 - (b) finished grades and surface drainage requirements have been established by a subdivision grading plan approved by the Building Commissioner and Commissioner of Works;
 - (c) a building permit has been issued by the Building Commissioner for the erection of a building or structure, and the accompanying site plan provides sufficient information for the said Building Commissioner to determine that the placing or dumping of fill conforms to the regulations established by this by-law;
 - (d) soil is placed on lands for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided however, that the existing ground elevation within 1 metre of the property line of the said lands is not increased by more than 25 millimetres;
 - (e) fill is placed or dumped in an excavation to the elevation of the existing grade following the demolition or removal of a building or structure;
 - (f) work is being carried out by or for the City of Windsor or any public utility or utility company in the installation of services or the building of roads.
- 3.
- (1) The Building Commissioner may issue a permit where
 - (a) application has been filed in the prescribed form, and such application shall be accompanied by the following, namely:
 - (i) where the parcel of land is in excess of 900 metres squared, a plan of survey prepared by an Ontario Land Surveyor showing the existing grades at the perimeter property lines of the lands and of the abutting ground surface up to 3 metres wide surrounding the lands, the location of any municipal ditch and the location and dimensions of any underground easement;
 - (ii) a plot plan to a suitable scale on durable paper showing thereon elevations of proposed grades, the proposed drainage system and a description of the proposed fill;
 - (iii) a plan showing the design details to suitable scale on durable paper of any retaining wall required by the terms of this by-law, and the dimensions and material make-up of such retaining wall; and,

- (iv) the permit fee is paid in accordance with the amounts set out in Schedule "A" to this by-law.
4. No person shall place or dump fill or permit to be placed or dumped except in accordance with the plans, documents and any other information in the basis of which a permit was issued.
 5. The permit shall expire if
 - (a) the work authorized by such permit is not commenced within 6 months from the date of issue, or
 - (b) after commencement of the work authorized by the permit, work is suspended or abandoned for a period of 6 months or more;

provided however, that a permit may be renewed within a 6 month period beginning from the date of expiry upon the making of written application to the Building Commissioner and payment is made equal to one-half of the permit fee paid upon the issuance of the original permit, provided that, the proposed work has not been revised.
 6. The Building Commissioner may exercise all powers necessary for the administration of this by-law, and without limiting the generality of the foregoing, he may enter upon any property at all reasonable times to ascertain whether the provisions of this by-law are complied with and to enforce and to enforce and carry into effect all such provision.
 7. No fill shall be placed or dumped on any land for storage purposes.
 8. No person shall place or dump or cause to be placed or dumped, any fill on any land unless
 - (a) it is done at the owner's request or with the owner's consent;
 - (b) all fill is clean and free of trash, rubbish, glass, garbage or organic materials; and
 - (c) the drainage system is provided in accordance with the Corporation's by-laws, and in a manner satisfactory to the Building Commissioner where
 - (i) surface, storm-water drainage is not provided by natural gradients or by a swale; or
 - (ii) ponding shall be caused on abutting lands by the placing, dumping of fill or by the construction of a retaining wall containing such fill.
 9. A person placing or dumping fill shall inform the Building Commissioner at the time the work commences, and such work shall be completed not later than two weeks from the date of commencement, unless otherwise permitted by the said Building Commissioner.
 10. Every person who places or dumps fill shall provide the following, namely,
 - (1) a retaining wall which does not encroach on abutting lands, either above or below existing grade and is constructed in a manner satisfactory to the Building Commissioner where,
 - (a) erosion of such fill onto abutting lands may occur; or
 - (b) the finished grade of the property line of the lands is higher than that of the existing grade of the abutting lands;

- (2) the finished grade surface be protected by sod, turf, seeding for grass, greenery, asphalt, concrete or other means either singly or in combination;
 - (3) that fill shall not be placed around the perimeter of any existing building to an elevation higher than 150 millimetres below the ground-floor level of such building, unless such building and its foundation walls are raised in a manner satisfactory to the Building Commissioner; and,
 - (4) that no trench in which piping is laid forming part of the drainage system shall be covered or backfilled until the work has been inspected and approved by the Building Commissioner.
11. The owner or his authorized agent shall request the Building Commissioner to make an inspection when the work commences and such further inspections during the progress of such work as may be appropriate in the circumstances.
 12. Every person who contravenes any of the provisions of this by-law (Chapter) is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the Provincial Offences Act. **(inserted B/L 10277, May 22/90)**
 13. This by-law shall come into force and take effect on the day of the final passing thereof.

(signed) "A. H. Weeks"
MAYOR

(signed) "J. B. Adamac"
CLERK

First Reading - May 4, 1981
Second Reading - May 4, 1981
Third Reading - May 4, 1981

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Schedule "A"

TO BY-LAW NUMBER 6938

The permit fees for placing and/or dumping fill shall be based upon the area of the lands under consideration, namely;

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|-----|--------------------------------------------------|------------------------------------------|
| (a) | Minimum fee | \$50.00 |
| (b) | From 500 square meters to
1,000 square meters | \$50.00 plus \$0.05 per
square meter |
| (c) | Greater than 1,000 square
meters | \$50.00 plus \$0.03 per
square meters |