

Retaining Walls Policy

HP-009

OBJECTIVE/PURPOSE

To provide a consistent policy that defines activities regarding the construction of Retaining Walls within the municipality of Holyrood.

PERMITS

All residents, developers or owners shall obtain the necessary permits *as prescribed by the Development Regulations or Municipalities Act, 1999* from the Town of Holyrood prior to commencement of any work or development.

No person shall erect, alter, repair, or relocate a retaining wall unless the Town approves the location and plan for the retaining wall and a permit is issued for its construction, alteration, repair and/or relocation.

RETAINING WALL CONSTRUCTION

- Retaining Walls with a height of 1.22 metres (4 feet) or greater shall be designed by a professional engineer licensed to practice in Newfoundland and Labrador. The design engineer shall provide the Town with written verification that the Retaining Wall has been constructed as per the submitted design drawings.
- Where applicable, Retaining Walls shall be equipped with a guard as required by the National Building Code of Canada.
- Retaining Walls shall not conflict with site grading requirements in new subdivisions unless approved by the Town.

- The material(s) used in the erection and repair of a Retaining Wall shall include wood, concrete, interlocking brick/block, gabion baskets or as otherwise approved by the Town.
- All wooden materials used in the erection and construction of any portion of a Retaining Wall that is located below Grade shall be pressure treated or coated with a wood preserver.
- No Person shall erect a Retaining Wall having protrusions along any exposed vertical surface.
- No Retaining Wall shall be permitted to be erected that obscures a clear view of street intersections, pedestrian pathways, driveways, or other points of access or egress of vehicles or pedestrian traffic.

LOCATION OF RETAINING WALL

- No portion of a Retaining Wall is permitted to project beyond the front boundary into the right of way of any street.
- On Flanking Streets, no portion of a Retaining Wall is permitted to project beyond either the front boundary on the Flanking Street into the right of way of any street.
- On any streets where, in the opinion of the Town, the distance between the property line and a street and/or roadside ditch is not adequate to reasonably prevent the likelihood of damaging the structure during normal maintenance, ditching or snow clearing operations, the Retaining Wall shall be set back from the property line a distance established by the Town.
- Retaining Walls are not permitted on utility easements and may only be constructed on Town easements at the discretion of the Town.

RETAINING WALL MAINTENANCE

Home/landowners who have a Retaining Wall shall maintain the Retaining Wall in a good state of repair, good state of repair shall mean:

- The Retaining Wall is complete, structurally sound, plumb and securely anchored;
- Retaining Wall components are not missing, rusted, broken, rotten in a hazardous condition;
- The Retaining Wall does not present an unsightly appearance deleterious to the adjacent land or neighbourhood.

COMPLIANCE WITH REGULATIONS

Retaining Walls that legally exists and is not in accordance with the provisions of these Regulations shall be considered a non-conforming Retaining Wall which may continue to exist provided

- The Retaining Wall is constructed within the property Owner's lot lines
- The Retaining Wall is maintained in a good state of repair, is not deemed to be a safety hazard and/or is not deemed to be an obstruction by the Council.

- A non-conforming Retaining Wall shall not be enlarged, extended, reconstructed, replaced or altered structurally with a Retaining Wall which differs in height, type, style or material used in the construction of the existing wall.
- A Retaining Wall which requires repairs, alterations and/or replacement of more than 50% of its original supporting structure must be replaced with a Retaining Wall that is constructed in accordance with this procedure.

ORDER TO REMOVE

When in the opinion of the Council a Retaining Wall, or portion of a Retaining Wall creates a safety hazard, obstruction or Nuisance Condition due to its location, height, construction material, dilapidated state of repair and/or damaged condition, the Town may issue an order to the Owner stating that the Retaining Wall or portion of the Retaining Wall be removed, repaired, relocated to correct the safety hazard, obstruction or Nuisance Condition at the Owner's expense.



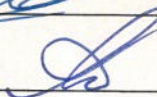
The Council and/or the Court has the power to make an order for the removal of any Retaining Wall erected contrary to the Regulations or deemed to be a safety hazard, obstruction or Nuisance Condition. Should such an order not be complied with within the time specified, the Council may remove the Retaining Wall at the Owner's expense.

DAMAGE TO RETAINING WALLS

The Council shall accept no liability, financial or otherwise for damage caused to Retaining Walls during normal maintenance operations including but not limited to snow clearing and ditching.

REVIEW

This policy will be subject to review as the Department of Infrastructure and Public Works finds it necessary given new experience or information.

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Written By:	Robert Stacey, DIFPW	Date: May 12 / 2023 
Approved By:	Gary Corbett, CAO	Date: May 12 / 2023 
Approved By:	Gary Goobie, Mayor	Date: May 12, 2023 

REVISION HISTORY			
Revise #:	Date:	Revised By:	Approved By: