



## THE CORPORATION OF THE TOWN OF PENETANGUISHENE

### Policy for the Maintenance Of Retaining Wall Structures

#### 1. **Policy Purpose**

To provide a policy for the maintenance of Retaining Wall Structures that are located on municipal property in the Town of Penetanguishene or that have been constructed by the Town of Penetanguishene.

#### 2. **Policy – Private Property Owner Responsibilities**

- a. Each private property owner which has a retaining wall structure(s) situated within their property limits is responsible for any maintenance or repairs to the retaining wall(s).
- b. Each private property owner that requires repairs to a retaining wall structure(s) situated on their property shall acquire all necessary permits to allow for the repair or replacement of the retaining wall(s) (ie. Road Occupancy Permit, Site Alteration Permit and Building Permit etc.).

#### 3. **Policy – Town Responsibilities**

- a. The Town is responsible for the repair, replacement or construction of any retaining wall(s) that are located on Town property and that were constructed by the municipality.
- b. If a retaining wall was constructed in error on Town property by a private property owner(s) the maintenance or replacement of the retaining wall is the responsibility of the private property owner(s). If an encroachment agreement(s) or other agreement is in place between the municipality and the private property owners regarding the retaining wall the terms and conditions of the agreement will take precedence.
- c. If a retaining wall was constructed in error onto abutting private property(s) by the Town the maintenance or replacement of the retaining wall(s) is the responsibility of the Town. If an encroachment agreement or other agreement is in place between the municipality and the private property owner(s) regarding the retaining wall the terms and conditions of the agreement will take precedence.
- d. The Town may construct or cause to be constructed a retaining wall to maintain grade separations between the Town right-of-way and private property.
- e. Any and all repairs or replacements of Town owned retaining walls will be in accordance with all applicable codes and regulations.

**5. Delegation & Dispute**

The Director of Public Works or designate of The Corporation of The Town of Penetanguishene is delegated the responsibilities related to the administration of this policy. Any dispute from the public regarding the decision of the Director, or any other provision of this policy, shall be referred to the Transportation and Environmental Services Section Committee or other designated body of Council, who shall make a determination regarding the issue.