

District of West Vancouver



Creeks Bylaw No. 3013, 1982

Effective Date – April 26, 1982

Consolidated for Convenience Only

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Amendment Bylaw	Effective Date
Bylaw No. 3980, 1996	February 12, 1996
Bylaw No. 3925, 1995	March 27, 1995
Bylaw No. 3850, 1994	January 10, 1994
Bylaw No. 3784, 1993	January 11, 1993
Bylaw No. 3667, 1991	April 15, 1991
Bylaw No. 3492, 1989	March 20, 1989

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Creeks Bylaw No. 3013, 1982). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

District of West Vancouver

Creeks Bylaw No. 3013, 1982

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District of West Vancouver

Creeks Bylaw No. 3013, 1982

A bylaw respecting creeks and the prevention of public nuisances therein.

Amendment Bylaws: 3492, 3667, 3784, 3850, 3925 and 3980.

WHEREAS it is deemed advisable and necessary for the health, safety and protection of persons and property of the Municipality to prevent the fouling, obstructing or impeding of the flow of any creek in the Municipality and to prevent public nuisances from occurring in, on or near the bank or channel of any creek.

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver, in open meeting assembled, enacts as follows:

1. The following words whenever used in this Bylaw shall have the meaning respectively hereinafter assigned to them in this section, unless the context otherwise requires:
 - (a) “**Creek**” means a stream as defined by the *Water Act*, R.S.B.C. 1979, Chapter 429;
 - (b) “**Creek Protection Area**” means the land within twenty-five (25) feet of the top of the bank of any creek as determined by the Director of Operations;
 - (c) “**Director of Operations**” means the official the Corporation designated as such for the time being by the Council of the Municipality and includes a person appointed to assist him;
 - (d) “**Drainage Works**” means any waterworks, ditch, drain or sewer whether or not the same is situate on private property;
 - (e) “**Municipality**” means the Corporation of the District of West Vancouver;

- (f) **“Structure”** includes and wall, crib, weir, bulkhead, dwelling, garage, building, outbuilding, or any part thereof and anything of substance and conformation capable of affecting, influencing of controlling the flow of water in a creek under any circumstances and to any degree or capable of damaging, weakening, lowering or eroding the effectiveness of the bank, bed or channel of a creek to contain and withhold water, including storm or flood waters.
 - (g) **“Top of the Bank”** means the actual point on a creek bank that is the top of a stable slope thereof as shown by reference to any one or other of the five (5) illustrations (cases) on Schedule “A” hereto.
2. It shall be unlawful for any person to foul, obstruct or impede or permit anything to remain within a creek which may foul the flow of any creek or drainage works within the Municipality.
 3. It shall be unlawful for any person to construct, reconstruct, place, alter, repair or demolish any structure in, on, along or abutting bank, bed or channel of any creek without first obtaining the permission of the Director of Operations.
 4. It shall be unlawful for any person to relocate, remove or deposit or cause to be relocated, removed or deposited any said, rock, gravel or soil from or in the bank, bed or channel of any creek in the Municipality without first obtaining the permission of the Director of Operations.
 5. It shall be unlawful for any person to construct, reconstruct, place, alter, repair or demolish any structure within or to relocate, remove or deposit any sand, rock, gravel, soil, material or substance, in or from a creek protection area without first obtaining the permission of the Director of Operations.
 6. Any person applying to the Director of Operations for permission to do any of the things mentioned in Sections 3, 4 or 5 of this Bylaw shall specify in such application:
 - (a) The date of the application;
 - (b) Name, address and telephone number of applicant;
 - (c) Location of proposed work;
 - (d) Name of the owner of the property and, if the owner is not the applicant, a letter from the owner consenting to the application;

- (e) Detailed drawing or plan, by a professional civil engineer who is competent in the disciplines related to the project, clearly describing the proposed structure and the materials and type of construction to be employed which shall show cross-sections of the said proposed structure and the creek and how the design flow will be handled.
 - (f) A detailed plan of existing structures upon the property of owner near proposed structure or area of work;
 - (g) A detailed drawing or plan clearly describing any area of the relocation, removal or deposit of sand, rock, gravel or soil;
 - (h) The reason for and purpose of the work;
 - (i) The name, address and telephone number of the contractor, if any, who will do the work;
 - (j) The time required for completion of the work in calendar days;
 - (k) An estimate, by the contractor or engineer, of the cost of the work.
7. Any person to whom a permit is to be issued under this Bylaw shall first provide to the Director of Operations substantially in the form of agreement in Schedule "B" hereto:
- (i) A covenant in writing in a form and content satisfactory to the Director of Operations and registrable under the provisions of Section 215 of the *Land Title Act*, R.S.B.C. 1979, Chapter 219, that the land to which the permit appertains shall not be built upon or used except in accordance with the permit and
 - (ii) An undertaking to indemnify and hold harmless the Municipality, its servants and agents from any injury, damages, actions or causes of action which may accrue to the holder of the permit or any other person by reason of the carrying out of the works authorized thereunder.
8. The Director of Operations shall be entitled after investigating the information in an application for a permit under this Bylaw to require from the applicant any further or necessary information including the design, construction or structural detail of any part of the proposed works or soil tests.
9. The Director of Operations is hereby authorized and empowered to order and require that all the regulations and provisions of this Bylaw be carried out.

10. The Director of Operations shall inspect or cause to be inspected the construction, placing, alteration, repair or demolition of structures and the relocation, removal or deposit of sand, rock, gravel or soil from or in the banks, bed and channel of any creek or within any creek protection area for which he has issued a permit.
11. The Director of Operations, or any assistant or other person authorized by him, shall have the right of entry at all reasonable times to any premises, whether a permit has been issued under this Bylaw with respect to such premises or not, to ascertain whether the provisions of this Bylaw are being, or have been carried out or to enforce or compel the observance of the provisions thereof. It shall be unlawful for any person to interfere with or obstruct the entry of the Director of Operations or any assistant or other person authorized by him into or upon the premises when such entry is made or is attempted to be made pursuant to this section.
12. The Director of Operations shall be entitled to determine and pass upon every question relating to methods of construction and the materials used or to be used in the construction, reconstruction, placement, alteration, repair or demolition of any structure and the relocation, removal or deposit of any sand, rock, gravel or soil.
13. The Director of Operations is hereby authorized and empowered to direct the immediate suspension of all or any portion of the work on any structure in the process of construction, reconstruction, placement, alteration, repair or demolition or the relocation, removal or deposit of any sand, rock, gravel or soil by attaching a notice to that effect on the premises thereof whenever he shall find that such work is being performed or carried on without a permit first having been obtained under this Bylaw or not in accordance with a permit obtained thereunder or whenever the Director of Operations shall deem suspension of work to be necessary in order to permit the proper inspection of the work already performed or carried out or work proposed to be carried out thereon, or that the construction, reconstruction, placement, alteration, repair or demolition or the relocation, removal or deposit of sand, rock gravel or soil is being conducted or carried out or is proposed to be carried out in an unsafe manner or with, or by, the use of materials or methods not in compliance with the provisions of this Bylaw, or any permit issued in respect thereto. Such work shall not be resumed except under the written authority of the Director of Operations.
14. Whenever any structure or part thereof is or has been constructed, reconstructed, placed, altered or repaired or placed or any sand, rock, gravel or soil relocated, removed or deposited contrary to the provisions of this Bylaw the Director of Operations is hereby authorized and empowered to cause the pulling down or removal, at the expense of the owner thereof, of any such structure or part thereof or the relocation, restoration or

- removal of any sand, rock, gravel or soil so relocated, removed or deposited and the cost to the Municipality of so doing may be recovered by the Municipality as if the same were a debt due the Municipality and the amount of such cost when certified by the Director of Operations if not before paid shall be entered by the Municipality's Collector in the Collector's Roll next prepared after the receipt of the certificate and such amount may be recovered with interest at such rate as may be authorized from time to time by the *Municipal Act*, R.S.B.C. 1979, Chapter 290, Section 311, in like manner as municipal taxes.
15. No work shall be done on any premises for which a permit has been issued under this Bylaw beyond the stage indicated on such permit as requiring inspection except with the approval in writing of the Director of Operations which shall be given only after inspection shall have been made of each successive step as shown on the permit.
 16. A permit issued under the authority of this Bylaw shall not constitute any promise or guarantee, direct or implied, that the construction or work permitted, inspected or approved by the Director of Operations hereunder will be permanent and adequate to the purpose intended and the Municipality does not accept any liability or responsibility for any damage or loss suffered by the permit holder or any other person which may result from the carrying out of the work authorized by such permit.
 17. An applicant for a permit under this Bylaw shall pay fees in accordance with the Schedule "C" hereto.
 18. The issuance of a permit under this Bylaw shall not excuse the holder thereof from the duty of complying, with respect to the work authorized by such permit, with the Building Bylaw and any other Bylaw of the Municipality relating to the work authorized by such permit.
 19. A permit issued under this Bylaw may be assigned and transferred by the holder only to his successor in title of the land to which the permit appertains.
 20. A permit issued under this Bylaw shall be deemed to have lapsed and be without further force and effect if the work authorized thereby has not been fully carried out within the time specified in the permit. The Director of Operations may require the permit holder to remove any works commenced but not completed and upon the failure of the permit holder to do so the Director of Operations is hereby authorized and empowered to do so and to such removal the provisions of Section 14 shall apply, *mutatis mutandis*.

Amended by
Regulatory
Bylaw
Enforcement
and Penalty
Bylaw No.
4521, 2007

21. Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$5,000.
22. Each day that a violation continues or exists under this bylaw is a separate offence. The provisions of this Bylaw do not apply to officers, employees, agents and contractors of the municipality lawfully engaged in carrying out works for the protection of creeks, the waters therein and lands affected thereby within the municipality whether pursuant to this Bylaw or otherwise.
23. Schedules "A", "B" and "C" annexed hereto are declared an integral part of this Bylaw.
24. "West Vancouver Watercourses and the Prevention of Flood Bylaw No. 1617, 1957" is hereby repealed.
25. This Bylaw may be cited for all purposes as "West Vancouver Creeks Bylaw No. 3013".

PASSED by the Council on the 19th day of April, 1982.

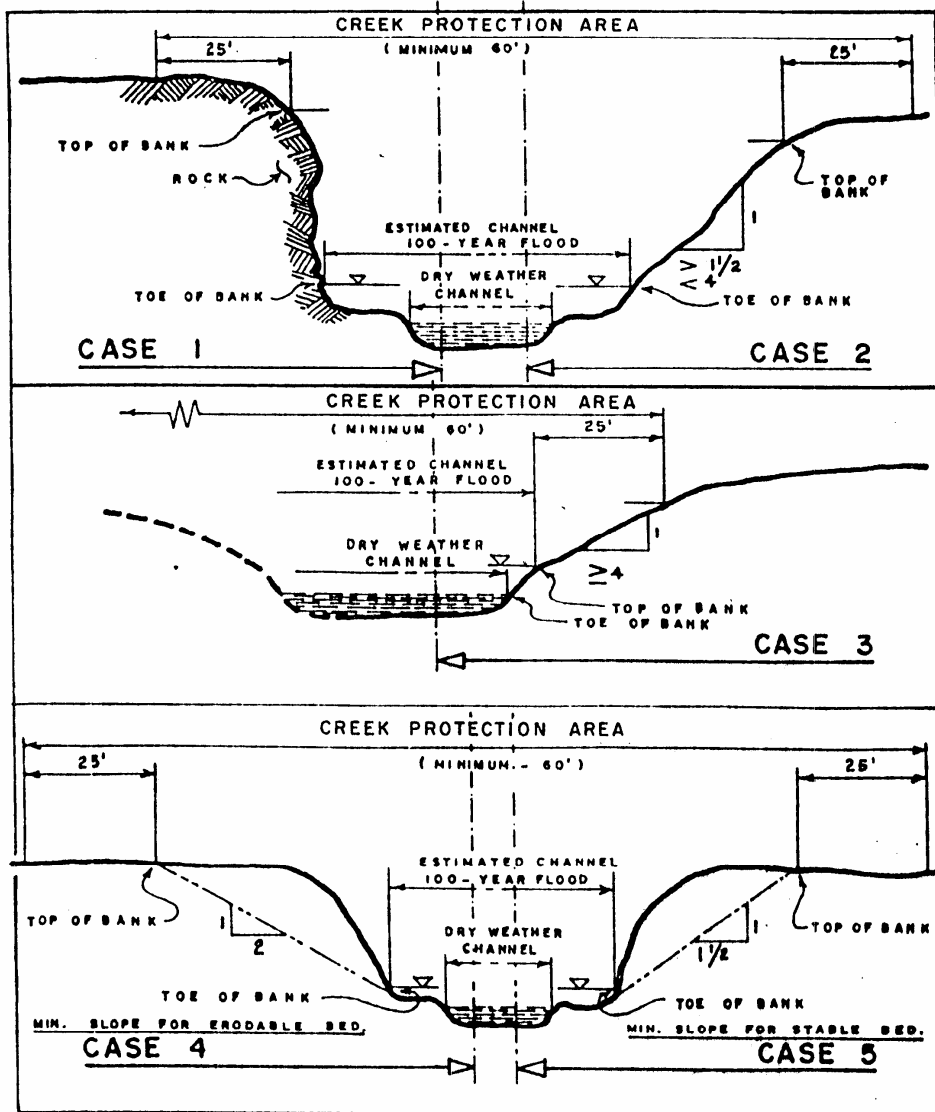
RECONSIDERED and ADOPTED by the Council on the 26th day of April, 1982.

Mayor

Municipal Clerk

Schedule "A"

SCHEDULE "A"



MUNICIPAL REQUIREMENTS FOR CREEK PROTECTION AREA

ILLUSTRATIVE EXAMPLES FOR DETERMINING "TOP OF BANK"

ENGINEERING DEPT.
NOV. 23, 1981

Schedule "B"

THIS AGREEMENT made the _____ day of _____,
A.D. 19_____

BETWEEN:

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS:

- A. The Grantor is the registered owner of all and singular that certain parcel or tract of land and premises, more particularly described in Appendix "A" hereto (hereinafter referred to as the "said lands").
- B. Section 215 of the *Land Titles Act* provides that there may be annexed to any land a condition or covenant that the land, or any specified portion thereof, is not to be built upon or is to be or is not to be used in a particular manner.

NOW THEREFORE in consideration of the sum of One Dollar (\$1.00) the receipt whereof the Grantor hereby acknowledges, THE GRANTOR COVENANTS as follows:

- (1) THAT hereafter no works shall be erected, installed or placed on the said lands within the bed and banks of

except those works shown on a plan of:

a copy of which is annexed hereto and marked Appendix "B".

- (2) It is understood and agreed to by the Grantor that the Municipality does not represent to the Grantor or to any other person that any works presently or hereafter constructed on the said lands within the bed and banks of
or the said lands themselves will not be damaged by flooding. The Grantor further covenants to hold harmless the Municipality, its servants and agents from all liability to them or to any other person which may arise by reason of such flooding.

- (3) It is understood and agreed that this covenant shall run with the said lands and shall bind the owner of the said lands from time to time and neither the Grantor nor any successor shall have any liability under this agreement after he has ceased to be an owner of the said lands.

IN WITNESS WHEREOF the Grantor has hereunto set his/her hand and seal on the day first above written.

SIGNED, SEALED and DELIVERED
By the Grantor in the presence of:

Name

Address

Occupation

Appendix “A”

FULL AND COMPLETE LEGAL DESCRIPTION

Appendix “B”

(To consist of copy of plan referred to in Clause (1)).

Schedule "C"

West Vancouver Creeks Bylaw No. 3013 (1982),
Amendment Bylaw No. 3980, 1996

SCHEDULE OF FEES:

1. For each permit issued pursuant to the bylaw:

One Hundred and Three Dollars (\$103) or One Percent (1%) of the cost of the work as estimated in accordance with section 6.