

THE CORPORATION OF THE TOWNSHIP OF SPALLUMCHEEN

BYLAW NO. 2036, 2020

A Bylaw to regulate Boulevard Maintenance within the Township of Spallumcheen

WHEREAS Part Three, Division 5 of the Community Charter, 2003, c.26 provides that Council for the *Township* of Spallumcheen may, by bylaw be granted the authority to regulate the maintenance of boulevards by or on behalf of the owners of land abutting on them;

NOW THEREFORE, the Council of the Corporation of the Township of Spallumcheen, in open meeting assembled, **ENACTS** as follows:

1. CITATION

- 1.1. This bylaw may be cited, for all purposes, as the "**Township of Spallumcheen Boulevard Maintenance Regulation Bylaw No. 2036, 2020**".

2. DEFINITIONS

- 2.1 In this bylaw the following definitions apply:

“**Abutting**” means on the front, back or sides of a property parcel.

“**Boulevard**” means that portion of a highway between the curb lines or the lateral lines of a roadway and the adjoining property or roadway, curbs, sidewalks, tree wells and ditches.

“**Non-standard landscaping**” means any type of boulevard landscaping other than grass, such as shrubs, mulch, herbaceous or perennial vegetation.

“**Noxious weed**” shall have the same meaning as defined in the Township of Spallumcheen Noxious Weed and Grass Control Bylaw No. 1974,2019, as amended.

“**Operations Manager**” means the person appointed to the position of Manager of Operations or his or her designate.

“**Highway**” means a street, road, lane, right-of-way, bridge or viaduct but does not include a private right-of-way on private property.

“**Roadway**” means the portion of the highway that is improved, designed, or ordinarily used for vehicular traffic, but does not include the shoulder.

“**Tree**” means a perennial woody plant that has secondary branches supported clear of the ground on a single main stem or trunk.

“**Tree well**” means a planting strip or cutout in a boulevard where a tree is planted.

“**Township**” means the Township of Spallumcheen.

3. GENERAL REGULATIONS

- 3.1. In regard to the boulevard abutting an owner's property, such property owner must:
- a. Keep grass boulevard, including any sidewalk, free of brush, noxious weeds, litter, leaves or debris and in a tidy condition.
 - b. Maintain the height and width of any shrubs or non-standard landscaping below a maximum height of 0.5m from the boulevard level, and trimmed to prevent growth over an adjacent sidewalk, curb, or roadway.
 - c. Maintain a one metre clearance for shrubs, hedges or vegetation from any fire hydrant or fire hydrant valve.
 - d. Not allow the landscaping to interfere with intersection sightlines.
 - e. Keep such boulevard, including any sidewalk, free of brush, noxious weeds, litter, leaves or debris and in a tidy condition.
 - f. When installing new perimeter fence(s), existing fence(s) must be removed from Township right of ways.
 - g. Notwithstanding any of the above, the adjacent property owner is required to remove or mitigate any landscaping or conditions on the boulevard that are deemed to be a hazard in the opinion of the Operations Manager.

4. ADMINISTRATION

- 4.1. A property owner may be exempt from the provisions of Part 3 if the Manager of Operations determines that:
- (a) That person is unable to access the boulevard due to steep grades; or
 - (b) That person is unable to maintain the boulevard due to the unreasonably large sized of the boulevard.
- 4.2. Non-standard landscaping is permitted by the property owner on a boulevard, under the following conditions:
- a. The property owner is responsible for locating the property line as well as all underground utilities prior to digging;
 - b. The property owner is solely liable for any claims regarding injury or hazards that may be created due to non-standard landscaping.
 - c. Shrubs and plant materials must be drought tolerant and maintained to a height less than 0.5 m above the boulevard level.
 - d. Noxious weeds or invasive plants are not permitted;

- e. If the boulevard is located next to on-street parking, the boulevard landscaping must not interfere with the ability of people to open car doors or to exit vehicles;
 - f. Decomposable mulches are permitted;
- 4.3. Hedges, rocks or gravel are not permitted to be placed by the property owner on the boulevard adjacent to a roadway, curb or a sidewalk, except:
- i) Gravel placed by **Township** personnel on the boulevard for the purposes of drainage;
 - ii) Where a sidewalk is present, gravel that is no larger than 2.5cm in diameter may be placed between the sidewalk and an adjacent property line, provided that the gravel is at least 2.5cm below the level of the sidewalk to prevent spillage on to the sidewalk; or
 - iii) Where a sidewalk is not present and a curb is located in the **boulevard**, gravel that is no larger than 2.5cm in diameter may be placed between the curb and an adjacent property line, provided that the gravel is at least 2.5cm below the level of the curb to prevent spillage on to the road.
- 4.4. The landscaping treatment by the property owner must not fill in or interfere with utilities, ditches, swales, gravel soaker strips, or drainage structures;
- 4.5. Permanent structures, such as retaining walls, fencing or private signs shall be prohibited in the boulevard; and
- 4.6. All landscaping placed in the boulevard by the property owner could be removed by the Township at any time and without notice, and will not be replaced, except with soil and grass.
- 4.7. The Township shall not be responsible for damages to boulevard landscaping due to road maintenance activities.

5. OFFENCE

- 5.1. If any person is in fault of doing any matter or thing required to be done under the provisions of this bylaw, the Township, through its officers, employees or agents may do what is required to be done, at the expense of the person in fault. Recovery of the expenses of the work done, with interest at the rate applicable thereto, including all costs, in the same manner as it may recover municipal taxes.
- 5.2. Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty as per the Municipal Ticketing Information Bylaw.
- 5.3. Each day that a person contravenes any of the provisions of this bylaw constitutes a separate and distinct offence.

6. SEVERABILITY

- 6.1. If any portion of this Bylaw is held invalid by a court of competent jurisdiction, that portion shall be severed, and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Read a FIRST time this 7th day of June, 2021.

Read a SECOND time this 7th day of June, 2021.

Read a THIRD time this 7th day of June, 2021.

ADOPTED this 21st day of June, 2021.

Certified Correct:

‘ORIGINAL SIGNED’

Cindy Graves
Corporate Officer

‘ORIGINAL SIGNED’

Christine Fraser
Mayor