



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Public Works and Transportation Committee

DATE: November 26, 1999

FROM: Jeff Day, P. Eng.
Director, Engineering

FILE: 8060-02

RE: Bylaw No. 7055 - Boulevard Maintenance Bylaw

STAFF RECOMMENDATION

That Bylaw No. `7055 which regulates modifications and maintenance of boulevards be given First, Second, and Third reading.

Jeff Day, P. Eng.
Director, Engineering

Att. 1

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Transportation	Y <input type="checkbox"/> N <input type="checkbox"/>	<hr/>
Property Use and Administration.....	Y <input type="checkbox"/> N <input type="checkbox"/>	
Parks Maintenance	Y <input type="checkbox"/> N <input type="checkbox"/>	
Law.....	Y <input type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

BACKGROUND

At the October 6, 1999, Public Works and Transportation Committee meeting, staff recommended that a 'Boulevard Maintenance Bylaw' be prepared. Upon discussing the report, Committee moved that "*staff prepare a 'Boulevard Maintenance' bylaw to regulate:*

- (a) *boulevard maintenance; and*
- (b) *modifications to existing boulevards;*

and that this bylaw be submitted to the Public Works & Transportation Committee for review and endorsement."

A copy of the October 6, 1999, "Boulevard Maintenance Bylaw" Report to Committee is attached in Appendix A.

DISCUSSION

The two key points of the proposed "Boulevard Maintenance Bylaw" are as follows:

1. Currently the City rejects all proposed modifications to existing City boulevards in accordance with the City's Zero Tolerance Policy (#9015). This will provide a mechanism and guidelines for local residents to enhance boulevards fronting their property.
2. The proposed Bylaw will empower the City to act upon complaints from residents regarding specific boulevards that are not being maintained.

During the October 6, 1999 Public Works & Transportation Committee meeting, it was recommended that all references to trees be deleted from the proposed Bylaw. Since the Committee meeting, the draft Bylaw has been modified, deleting all such references.

The draft "Boulevard Maintenance Bylaw" is attached in Appendix B.

CONCLUSION

The "Boulevard Maintenance Bylaw" will allow the City proactively respond to residents requests and complaints regarding boulevard additions and maintenance.

In addition this Bylaw will support the City in moving toward its vision to be the Most Appealing, Liveable, and Well Managed Community in Canada.

Robert Gonzalez, P.Eng.
Project Engineer

Appendix A

**“Boulevard Maintenance Bylaw”
Report to Committee, October 6, 1999**



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Public Works and Transportation Committee

DATE: September 8, 1999

FROM: Jeff Day, P. Eng.
Director, Engineering

FILE: 8060-02

RE: Boulevard Maintenance Bylaw

STAFF RECOMMENDATION

That staff prepare a "Boulevard Maintenance Bylaw" to regulate:

- 1. Boulevard maintenance; and
- 2. Modifications to existing boulevards.

Jeff Day, P. Eng.
Director, Engineering

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	SIGNATURE OF GENERAL MANAGER
Parks Maintenance	Y <input type="checkbox"/> N <input type="checkbox"/>	<hr style="border: 0; border-top: 1px solid black;"/>
Law	Y <input type="checkbox"/> N <input type="checkbox"/>	
Property Use and Administration.....	Y <input type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ORIGIN

In late 1997, the City launched a major beautification strategy. Four of the main goals of the Civic Beautification Strategy are to:

- (a) Create a more “park-like” City by “greening” streets, and providing more open spaces and parks in private development sites;
- (b) Promote beautification initiatives, which enhance civic pride and liveability;
- (c) Ensure that the planning of beautification initiatives focus on the entire urban realm including non-traditional spaces, such as, road rights-of-way and the built environment; and
- (d) Promote community involvement, partnerships and alternative sources of funding in the delivery of beautification initiatives.

In support of these goals, staff have been maximizing the size and use of boulevards and medians in road rights-of-way. To deal with these new green spaces, staff require the tools to manage their use, and provide a mechanism for local residents to enhance boulevards fronting their property. The majority of the City’s residents currently maintain grassed boulevards fronting their property without having the City enforce a bylaw; however, a few times each year, complaints are received from residents in regard to specific boulevards that are not maintained on a regular basis. The maintenance of boulevards particularly becomes an issue as the City moves towards new road standards, which include grass boulevards and tree planting separating pedestrians from traffic.

As well, City staff receive requests from residents who would like to add shrubbery or landscaping to existing City boulevards immediately fronting their property. At issue is the type and extent of planting, and landscaping that should be permitted. City staff are concerned about liability and safety issues that the planting and landscaping may cause, such as:

- Reduced sight lines (i.e. increased potential for vehicle / cyclist accidents);
- Plants growing onto the sidewalk blocking wheelchair and pedestrian’s passage; and
- Potential trip hazards for pedestrians.

BACKGROUND

Various City policies and bylaws impact works on boulevards.

City Bylaw No. 6366, Boulevard and Roadway Protection and Regulation, defines the “Boulevard” as “the portion of a highway between the roadway and boundary of a parcel adjacent to the highway, and includes without limitation any trees, landscaping, sidewalk, underground utilities or other improvement located within the boulevard”. Bylaw No. 6366 further outlines the conditions that must be met when an existing boulevard is impacted by construction activity.

City Bylaw No. 6370, Ditch Filling and Construction of Ditch Crossing Regulation, outlines the process for infilling of a ditch for the purpose of constructing a ditch crossing. Through the permit process, the property owner constructs grass boulevards.

City Bylaw No. 5870, Road and Traffic Regulations, states that snow removal from sidewalks fronting commercial or multi-family residential properties is the responsibility of the owner; however, these bylaws do not provide detail regarding regular boulevard maintenance. Currently staff deny requests for modifications to existing City boulevards in keeping with the City’s Zero Tolerance Policy (#9015), with the exception of works co-ordinated through the Partners for Beautification. Bylaw 5870 also regulates sightline requirements for corner properties, limiting the proximity and height of permitted landscaping to an intersection corner.

DISCUSSION

In order to address the above goals, the purpose of the Bylaw will be to regulate:

1. Boulevard maintenance; and
2. Modifications to existing boulevards.

Boulevard Maintenance

The property owner will be responsible for maintaining the boulevard fronting the entire property. Where a ditch fronts a property, the property owner will be responsible for the portion of boulevard on the property side. Responsibility for the road side of the boulevard will remain unchanged. The City will continue to maintain trees. Appendix A provides a detailed list of the property owner's responsibilities and the permitted boulevard modifications. Should the property owner not maintain the boulevard upon receiving written notification from the City that maintenance is required, a fine or charge will be imposed on the property owner to offset the cost of having City forces undertake the work.

The City will reserve the right to request in writing that the property owner remove all planting and landscaping within a two week period to facilitate work that the City will have to undertake in the vicinity. Upon completion of the City's work, the property owner will replace the landscaping. Should the property owner not co-operate, the City will remove or replace the landscaping to the best condition possible, accepting no liability should the restoration not be to original condition.

In the case of an emergency, the City may remove the addition and restore it to the best possible condition.

CONCLUSION

The City currently denies requests from property owners wishing to alter City boulevards fronting their property in accordance with the City's Zero Tolerance Policy. Guidelines presented in the Boulevard Maintenance Bylaw would set the regulations for boulevard maintenance and allow property owners to enhance City boulevards without raising safety or liability concerns.

The Boulevard Maintenance Bylaw would support the City in moving toward its vision to be the Most Appealing, Liveable, and Well Managed Community in Canada.

Robert Gonzalez, P.Eng.
Project Engineer

RG:mp

APPENDIX A

Boulevard Maintenance Responsibilities of the Property Owner

A property owner must:

- Remove any garbage, debris, or discarded material;
- Keep grassed and landscaped areas trimmed and free of brush and noxious weeds; and
- Prune and trim hedges, trees, and shrubs within 0.5 metres of a sidewalk to a minimum vertical clearance of 3.0 metres

Modifications to Existing Boulevards

A property owner will not be permitted to:

- Add rocks or gravel of any size or type;
- Use landscape ties or rails;
- Add raised flower / planter beds more than 0.5 metres high;
- Plant shrubbery or landscaping more than 0.5 metres high;
- Permit the shrubbery, flowers, or landscaping to grow more than 0.5 metres high;
- Plant trees that reduce vehicle sight lines;
- Trim, prune, or cut trees planted by the City on public property;
- Add hard surface areas such as asphalt, brick pavers, or concrete;
- Impact view corridors to signals or signs;
- Add landscape structures or figures of any kind;
- Allow any landscaping to grow within 0.5 metres from the back of sidewalk; and
- Modify or add to the boulevard in any way within 0.5 metres of a sidewalk.

Appendix B

Boulevard Maintenance Bylaw

BOULEVARD MAINTENANCE BYLAW 7055

The Council of the City of Richmond, in open meeting, enacts as follows:

PART ONE: GENERAL PROVISIONS

1.1 Property Owner Obligations

1.1.1 In regard to the **boulevard** immediately fronting an owner's property, such property owner must:

- (a) keep such **boulevard** trimmed and free of brush and noxious weeds;
- (b) remove any garbage, debris, or discarded materials from the **boulevard**;
- (c) prune and trim hedges, trees and shrubs on the **boulevard** to maintain a minimum clearance of 0.5 metres from a sidewalk and a minimum vertical clearance of 3.0 metres;
- (d) maintain any shrubbery, landscaping, and flower beds on the **boulevard** below a maximum permitted height of 0.5 metres from the **boulevard** level;
- (e) ensure that view corridors to traffic signals are not restricted by modifications to the **boulevard** that the property owner may undertake; and
- (f) ensure that no hard surfaces, such as rocks, gravel, landscape ties, rails, asphalt, bricks, concrete structures or figures, are placed on the **boulevard**.

1.1.2 Notwithstanding the provisions of subsection 1.1.1, a property owner may add flower beds, plant shrubbery, and landscaping in a **boulevard**, provided that a minimum 0.5 metre grass strip parallel to the sidewalk is not altered.

1.2 Authority of the City

1.2.1 Notwithstanding the provisions of section 1.1, the **City**:

- (a) reserves the right to request in writing, that the property owner remove all planting and landscaping within a two week period of such notice, to facilitate work that the **City** will have to undertake in the vicinity; and

(b) may remove any additions to the **boulevard** undertaken by the property owner and restore the **boulevard** to the best condition possible, in the case of an emergency.

1.2.2 Upon completion of any work by the **City** under the provisions of subsection 1.2.1, the property owner may replace any shrubbery, landscaping, and flower beds.

PART TWO: VIOLATIONS AND PENALTIES

2.1 Any person who contravenes any provision of this bylaw commits an offence punishable on summary conviction, and is liable to a fine equal to the **boulevard** maintenance and restoration costs incurred by the **City**.

PART THREE: INTERPRETATION

3.1 In this bylaw:

BOULEVARD

includes the portion of a **highway** between the roadway or ditch and the boundary of a parcel adjacent to the **highway**, and includes landscaping, sidewalk, underground utilities, or any other improvements located within the boulevard.

CITY

means the City of Richmond.

HIGHWAY

includes a developed street, road, lane, bridge, and viaduct, but does not include a private right-of-way on private property.

PART FOUR: CITATION

4.1 This bylaw is cited as “**Boulevard Maintenance Bylaw No. 7055**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND
_____	APPROVED for content by originating dept.

_____	APPROVED for legality by Solicitor

MAYOR

CITY CLERK