



**CITY OF RICHMOND**

**REPORT TO COMMITTEE**

**TO:** Public Works and Transportation Committee  
**FROM:** Paul H. Lee, P.Eng.  
Manager, Engineering Planning  
**RE:** **Boulevard Maintenance Regulation**

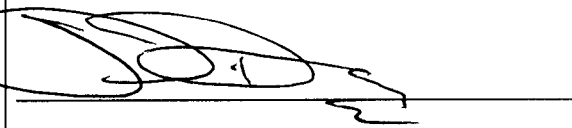
**DATE:** July 4, 2001 *To PWT - July 18, 2001*  
**FILE:** ~~8000-01~~  
*8060-20-7174*

**STAFF RECOMMENDATION**

That Bylaw No. 7174 which regulates modifications and maintenance of boulevards be given First, Second, and Third reading.

  
Paul H. Lee, P.Eng.  
Manager, Engineering Planning

Att. 1

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Transportation.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Community Bylaws and Administration .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Parks Maintenance .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
City Clerk .....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

## STAFF REPORT

### ORIGIN

On February 14, 2000 Council adopted a 'Boulevard Maintenance Bylaw, No. 7055'. The purpose of this existing bylaw is to:

1. Provide a mechanism and guidelines to allow local residents to enhance the boulevard fronting their property. This allows the residents to contribute to making the City more attractive and appealing.
2. Empower the City to act upon complaints from residents regarding specific boulevards that are not being maintained.

Since the adoption of Bylaw No. 7055 there have been a number of requests from staff to modify the bylaw and to provide a legal mechanism to recover the costs incurred by the City in carrying out the bylaw. Therefore, the attached bylaw has been created to address those concerns. In addition, the Clerk's Department is undergoing an initiative to consolidate all similar bylaws and this provided an opportunity to combine a 1954 bylaw with the proposed bylaw.

### DISCUSSION

The main changes incorporated into this new bylaw are:

1. It will provide the City with the ability to recoup, from the property owner, the cost incurred by the City to maintain the boulevard, should the property owner not undertake the improvements themselves.
2. The property owner must keep the boulevard grass trimmed to a height of not more than 20 centimetres.
3. Shrubbery, hedges and trees must be kept one meter back from a fire hydrant.
4. The City will maintain all trees that are either planted by the City or as part of a development requirement. The City also reserves the right to take ownership of any tree, planted on the City right-of-way by a property owner.
5. Rocks or gravel surfaces will be allowed on city boulevards where curb/gutter or sidewalk is present. This would allow for those properties with rock gardens, for example, to remain.
6. Properties where access to the boulevard is difficult or restricted will be exempt from maintaining the boulevard.

It should be noted that while proposed bylaw 7174 would provide the City with the authority to regulate and allow modifications to the boulevard, staff will be utilizing Policy 9016 "Unauthorized Changes or Damages To City Property" (attachment 2) to administer the bylaw. For unauthorized changes or damage to City property the policy will direct staff to:

1. Take immediate action in cases where there is an apparent threat to public safety or property.
2. Take no action if there is not a threat to public safety or property and wait until regular maintenance or capital construction is undertaken to restore it.
3. Enforce the bylaw only when the party responsible can be identified (i.e. caught in the act).

FINANCIAL IMPACT

This bylaw will allow the City to recover all costs incurred for maintaining its boulevards in the advent that the property owner fails to do so.

CONCLUSION

This bylaw addresses the concerns of staff and provides the City the authority to recover the costs to maintain the boulevard should the property owner fail to do so. Also, the additional revisions will create a bylaw that can be fairly administered through Policy 9016. Through the revisions to the existing bylaw and by following Policy 9016, staff has the ability to allow residents to enhance the boulevard and to ensure the boulevard is maintained.



Mark Minson, P.Eng.  
Project Engineer, Engineering Planning

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CITY OF RICHMOND

***BOULEVARD MAINTENANCE REGULATION***

**BYLAW NO. 7174**

EFFECTIVE DATE -

## BOULEVARD MAINTENANCE REGULATION BYLAW 7174

The Council of the City of Richmond enacts as follows:

### PART ONE: GENERAL PROVISIONS

#### 1.1 Property Owner Prohibitions

1.1.1 A property owner must not:

- (a) permit any garbage, debris or discarded materials to accumulate; or
- (b) place any hard surfaces, such as rocks, gravel, landscape ties, rails, asphalt, bricks, concrete structures or figurines,

on the **boulevard**, immediately **fronting** such owner's property.

1.1.2 The provisions of clause (b) of subsection 1.1.1 do not apply to gravel or rocks immediately adjacent to sidewalk and/or curb in residential areas.

#### 1.2 Property Owner Obligations

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

- (a) keep grass on the **boulevard** trimmed to a height of not more than 20 centimetres;
- (b) keep such **boulevard** free of brush and **noxious weeds**;
- (c) prune and trim hedges, trees and shrubs in the **boulevard**, except for those planted by the **City**, as part of a development requirement, or in accordance with sub-section 1.4.7, so that a minimum vertical clearance of 3.0 metres above the sidewalk and 5.0 metres above the **roadway**, is maintained and there is no encroachment on:
  - (i) a sidewalk; or
  - (ii) a **highway**, where there is no sidewalk;
- (d) ensure that sight lines to intersections, driveways, sidewalk, walkways, travel lanes, and visibility to all **traffic control devices** is not restricted by modifications to the **boulevard** which the property owner may undertake;

- (e) maintain any shrubbery, landscaping, and flower beds on the **boulevard** below a maximum permitted height of 0.5 metres from the **boulevard** level; and
- (f) maintain a one meter clearance for shrubbery, hedges and trees from any fire hydrant or fire hydrant valve.

1.2.2 The obligation to maintain the **boulevard** as specified in subsection 1.2.1 does not apply where in the opinion of the **General Manager of Engineering & Public Works** the property owner is unable to directly access the **boulevard** due to steep grades, walls, fences or other obstructions.

### 1.3 Property Owner Plantings in Boulevards

1.3.1 A property owner may add flower beds, plant shrubbery, and ground cover in a **boulevard** provided such additions comply with the requirements of sections 1.1 and 1.2.

### 1.4 Authority of the General Manager of Engineering & Public Works

1.4.1 The **General Manager of Engineering & Public Works** may require an owner of real property to:

- (a) remove any flower beds, plant shrubbery, and landscaping located in a **boulevard** in accordance with section 1.3, to facilitate work that the **City** will have to undertake in the vicinity;
- (b) remove any additions to the **boulevard** undertaken by the property owner; and
- (c) remove or trim any trees, shrubs, hedges, or bushes growing or standing on property adjacent to a **highway**, where in his opinion:
  - (i) the safety or convenience of the public so requires; or
  - (ii) where any such trees, shrubs, hedges or bushes become injurious to the roadbed,

by giving notice in writing to the owner or occupier of such property, in accordance with subsection 1.4.2.

1.4.2 The notice referred to in subsection 1.4.1 must specify:

- (a) the work to be undertaken by the property owner;
- (b) the period of time within which the work must be completed;

and be served in accordance with subsection 1.4.3.

1.4.3 The notice referred to in subsection 1.4.2 must be served:

- (a) on the owner of the real property from which the vegetation referred to in clauses (a), (b) or (c) of subsection 1.4.1 is to be removed or trimmed, by either:

- (i) personal service, or
- (ii) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;

provided that where the owner is a registered company, service may be accomplished according to the provisions of the *Company Act*; and

- (b) on the occupier of the real property from which the vegetation referred to in clauses (a), (b) or (c) of subsection 1.4.1 is to be removed or trimmed, by either:
  - (i) personal service,
  - (ii) delivery to a mail box or other receptacle for messages, if any, on the real property, or
  - (iii) posting on the real property; and
- (c) on any agent of the owner or occupier of the real property from which the vegetation referred to in clauses (a), (b) or (c) of subsection 1.4.1 is to be removed or trimmed, by either:
  - (i) personal service, or
  - (ii) registered mail with acknowledgement of receipt.

1.4.4 When a notice is not personally served, it is deemed to have been served on the third day after mailing, by delivering pursuant to clause (b) (ii) or by posting pursuant to clause (b) (iii) of subsection 1.4.3.

1.4.5 If the property owner, occupier or any agent of the owner or occupier does not comply with the requirements of the said notice within the period specified, the **General Manager of Engineering & Public Works** may:

- (a) direct **City** staff or a contractor acting under his direction to enter onto the property to undertake the work required specified in the notice; and
- (b) invoice the property owner or occupier for the cost of such work.

1.4.6 Where the property owner or occupier fails to reimburse the **City** as required under the provisions of subsection 1.4.5, the costs of such work, if unpaid on or before December 31<sup>st</sup> in the year in which the costs are incurred, are deemed to be taxes in arrears and will be transferred to the property tax roll.

1.4.7 The **City** has the authority to assume ownership of any tree, hedge or shrubbery in a **boulevard** for the purpose of being the sole maintainer of such tree, hedge or shrubbery.

## 1.5 Restoration of the Boulevard After Construction

1.5.1 Upon completion of any work by the **City** under the provisions of subsection 1.4.5, which required the removal of any flower beds, plant shrubbery and landscaping, the property owner may replace such vegetation with the permission of the **General Manager of Engineering & Public Works**.

## PART TWO: VIOLATIONS AND PENALTIES

2.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw, or
- (d) obstructs, or seeks or attempts to prevent or obstruct a person who is involved in the execution of duties under this bylaw,

is deemed to have committed an infraction of, or an offence against this bylaw is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

## PART THREE: INTERPRETATION

3.1 In this bylaw, the following words have the following meanings:

<b>BOULEVARD</b>	includes the portion of a <b>highway</b> between the <b>roadway</b> or <b>ditch</b> and the boundary of a parcel adjacent to the <b>highway</b> .
<b>CITY</b>	means the City of Richmond.
<b>DITCH</b>	means a drainage ditch located within the right-of-way of a <b>highway</b> in the possession and control of the <b>City</b> .
<b>FRONTING</b>	means on the front, back or sides of a parcel.
<b>GENERAL MANAGER OF ENGINEERING &amp; PUBLIC WORKS</b>	means the person appointed by Council to the position of General Manager of Engineering & Public Works, and includes a person designated as his alternate.
<b>HIGHWAY</b>	includes a developed street, road, lane, bridge, and viaduct, but does not include a private right-of-way on private property.
<b>NOXIOUS WEEDS</b>	means any weed designated by a provincial regulation to be a noxious weed, and includes seeds of a noxious weed.
<b>ROADWAY</b>	means that portion of a <b>highway</b> which is improved for use by vehicular traffic, and includes paving, underground utilities, curbs and gutters.



**TRAFFIC CONTROL DEVICE**

means a sign, line, meter, marking, space, barrier, or device; painted, placed or erected; to guide, regulate, warn, direct, restrict, control or prohibit traffic.

**PART FOUR: PREVIOUS BYLAW REPEAL**

- 4.1 Boulevard Maintenance Bylaw No. 7055 (adopted February 14<sup>th</sup>, 2000) and Tree Removal and Hedge Trimming Bylaw No. 1308 (adopted September 13<sup>th</sup>, 1954) are repealed.

**PART FIVE: SEVERABILITY AND CITATION**

- 5.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 5.2 This bylaw is cited as "Boulevard Maintenance Regulation Bylaw No. 7174".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



# City of Richmond

# Policy Manual

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Adopted by Council: Feb.26,2001

POLICY 9016

File Ref: 2270-00

**UNAUTHORIZED CHANGES OR DAMAGES TO CITY PROPERTY**

## **POLICY 9016:**

It is Council Policy that:

1. Where an unauthorized change or damage to City property which is an apparent threat to public safety or property comes to the attention of staff, the City will take immediate action to have the City property restored.
2. Where an unauthorized change or damage to City property which is not an apparent threat to public safety or property comes to the attention of staff, the City may choose not take action to have the City property restored until it becomes a threat or until City forces are undertaking regular maintenance or capital construction in the immediate vicinity.
3. Where the party responsible for unauthorized changes or damage to City property can be identified, they must restore the City property at their cost within a reasonable time as determined by the General Manager of Engineering and Public Works but not to exceed one calendar year.
4. The property owner fronting changed (unauthorized) or damaged City property will have the option of restoring the City property to an approved condition themselves, or having City forces restore the City property.
5. If City forces restore unauthorized changes or damage to City property, the City will take reasonable precautions to protect private property, but will not be responsible for any damage to privately placed improvements on the City right of way which may result from the restoration of City property.