



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Public Works & Transportation Committee
FROM: Jeff Day, P. Eng.
Director, Engineering
RE: **Boulevard Maintenance Bylaw**

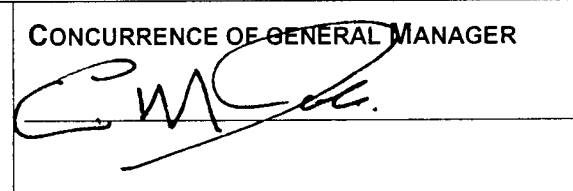
DATE: November 21, 2000
FILE: 6060-00

STAFF RECOMMENDATION

That Bylaw No. 7174 which regulates modifications and maintenance of boulevards be given first, second, and third reading.

For 
Jeff Day, P. Eng.
Director, Engineering

Attach:

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

BACKGROUND

In 1999, under Council direction, staff created a 'Boulevard Maintenance Bylaw, Bylaw No. 7055' to regulate boulevard maintenance and modifications to existing boulevards, which was adopted on February 14, 2000.

Since the adoption of Bylaw No. 7055 there have been a number of requests from staff to expand its authority and to provide a legal mechanism to recover costs incurred by the City in enforcing the bylaw. Therefore, the attached new 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 them an opportunity to combine a 1954 bylaw with this new one.

DISCUSSION

The main objectives of the original "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). The bylaw provides a mechanism and guidelines for local residents to enhance boulevards fronting their property.
2. The Bylaw empowers the City to act upon complaints from residents regarding specific boulevards that are not being maintained.

The main changes incorporated into this new bylaw are:

1. It will provide the City with the authority to bill the property owner the cost for the City to maintain the boulevard (e.g., trim grass) should the property owner not undertake the improvements themselves upon expiry of the date specified in the notice. If the bill is not paid, the amount will be placed on the property owner's taxes.
2. The City will maintain (i.e., prune) all trees that are planted by the City or as part of a development requirement. The City also reserves the right to take ownership of any tree, planted by a property owner, on the City right-of-way.
3. The property owner must maintain a one-meter clearance for shrubbery, hedges and trees from any fire hydrant.

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. In order to effectively manage this bylaw, an additional inspector position has been requested as part of the 2001 additional budget request. It is anticipated that the overhead costs charged on forced cleans should recover the majority of staff administration costs.

CONCLUSION

This bylaw addresses the concerns of staff by providing the City the authority to recover the costs to maintain the boulevard should the property owner fail to do so. In addition, the proper care of City trees will be ensured through the stewardship of the City.

In order for the public to be aware of these new responsibilities, staff will develop an awareness program through the use of an information pamphlet, the City Notice Board and the City's Website.



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.

1.2 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 clearance of 0.5 metres from:
 - (i) a sidewalk; or
 - (ii) a **highway**, where there is no sidewalk;

and a minimum vertical clearance of 3.0 metres above the sidewalk and 5.0 metres above the **roadway**, is maintained;

- (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; and
- (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.

1.3 Property Owner Plantings in Boulevards

1.3.1 Notwithstanding the provisions of sections 1.1 and 1.2, a property owner may add flower beds, plant shrubbery, and ground cover in a **boulevard**, provided that a minimum 0.5 metre grass strip parallel to:

- (a) the sidewalk; or
- (b) a **highway**, where there is no sidewalk

is not altered.

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 all flower beds, plant shrubbery, and landscaping located in the **boulevard** under 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** has the authority to:

- (a) have **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 in question for the reimbursement of 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 cost of such work, if unpaid on or before December 31st in the year in which the costs are incurred, is 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:

BOULEVARD	includes the portion of a highway between the roadway or ditch and the boundary of a parcel adjacent to the highway .
CITY	means the City of Richmond.
DITCH	means a drainage ditch located within the right-of-way of a highway in the possession and control of the City .
FRONTING	means on the front, back or sides of a parcel.
GENERAL MANAGER OF ENGINEERING & PUBLIC WORKS	means the person appointed by Council to the position of General Manager of Engineering & Public Works, and includes a person designated as his alternate.
HIGHWAY	includes a developed street, road, lane, bridge, and viaduct, but does not include a private right-of-way on private property.
NOXIOUS WEEDS	means any weed designated by a provincial regulation to be a noxious weed, and includes seeds of a noxious weed.
ROADWAY	means that portion of a highway 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 14th, 2000) and Tree Removal and Hedge Trimming Bylaw No. 1308 (adopted September 13th, 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

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

MAYOR

CITY CLERK