



City of Maple Ridge

Boulevard Maintenance Bylaw No. 7666 - 2020

Effective Date: November 10, 2020

City of Maple Ridge

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City of Maple Ridge

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A bylaw to Regulate Prohibited Construction and the Maintenance of Boulevards within the City of Maple Ridge

WHEREAS the Council of the City of Maple Ridge wishes to exercise its authority pursuant to the *Community Charter [SBC] 2003, c.26*;

AND WHEREAS the *Community Charter* authorizes Council by bylaw, to regulate prohibit and impose requirements in relation to public places;

AND WHEREAS the Council deems it expedient to provide a bylaw respecting the maintenance of boulevards within the City;

NOW THEREFORE, pursuant to sections 8(3)(b), 16, 17, 39, 62 and 194 of the *Community Charter*, the Council of the City of Maple Ridge, in open meeting assembled, **ENACTS AS FOLLOWS**:

Part 1 Citation

1.1 This bylaw may be cited as the Boulevard Maintenance Bylaw No. 7666 - 2020.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph, clause or phrase.

Part 3 Definitions

3.1 In this bylaw:

Boulevard means the area from the edge of pavement or curb of a highway, or where there is no pavement or curb from the edge of the traveled portion of the highway, to the property line of an adjoining parcel of land, and includes the space below and above the surface of the land, but excludes the sidewalk.

City means the City of Maple Ridge.

Highway means every highway within the meaning of the *Transportation Act* and amendments thereto; and includes the roadway, shoulder, boulevard, ditch and sidewalk and whatever lands lie between the boundary lines of the highway.

Noxious weeds has the same meaning prescribed in the *Weed Control Act, RSBC 1996, c 487*, as amended or replaced from time to time.

Officer means a Bylaw Officer, the Director of Bylaws & Licensing Services for the City or designate, and shall include any members of the Maple Ridge Fire Department and the Royal Canadian Mounted Police.

Occupier has the same meaning prescribed in the *Community Charter*, as amended or replaced from time to time.

Owner, in addition to any other meaning, includes:

- (i) the registered owner of the land, premises or **Property**;
- (ii) the **Occupier** of the land, premises or **Property**;
- (iii) any **Person** residing on or in the land, premises or **Property**;
- (iv) the **Person** entitled to the possession of land, premises or **Property** if there is no **Person** residing on or in the land, premises or **Property**; and
- (v) a leaseholder;

and shall include the agent of any such **Person**.

Person includes natural persons of either sex, associations, corporations, bodies politic, co-partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons.

Rubbish means decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, yard clippings, wood, glass, mattresses, crates, rags, barrels, boxes, lumber, scrap iron, tin and other metal, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, and piles of earth mixed with any of the above, or other similar substances or materials.

Sidewalk means every structure designed primarily for pedestrian use including without limitation any footpath made of concrete, gravel, asphalt, limestone, dirt or other material, and includes the unpaved edge adjoining any asphalt road surface where no finished sidewalk exists.

Part 4 Boulevard Regulations

4.1 Boulevard Construction:

4.1.1 No **Owner** of real property adjacent to a **Boulevard** shall:

- (a) plant any tree, hedge, bush, shrub or any other vegetation other than grass, on the **Boulevard**, unless authorized by the City;
- (b) construct any impervious surface on the **Boulevard** including, without limitation, any fence, wall, retaining wall or rockery;
- (c) erect any signage on the **Boulevard**;

4.2 Boulevard Maintenance:

4.2.1 Every **Owner** of real property shall maintain in a clean, tidy and well kept condition every **Boulevard** that is next to that **Owner's** real property and without limiting the generality of the foregoing shall:

- (a) remove accumulations of filth, **Rubbish**, discarded materials, hazardous objects and other materials which obstruct a drainage facility;
- (b) keep grass areas trimmed to a maximum of 30 centimetres in height, and free of **Noxious Weeds**;
- (c) keep landscaping trimmed so that driveway and intersection sight distances are unobstructed; and
- (d) keep landscaping from encroaching over paved roadways or gravel shoulders.

4.2.2 The requirements of section 4.2.1 do not apply to:

- (a) a **Boulevard** that has never been improved or landscaped beyond the pruning or trimming of natural growths of vegetation by the City in order to maintain intersection sight lines for traffic;
- (b) a **Boulevard** along the rear of an **Owner's** real property, to which the **Owner** does not have direct access from the **Owner's** rear yard.

Part 5 Prohibitions

5.1 No **Person** shall dispose of any vegetation cuttings, **Rubbish**, discarded materials or any liquid or solid waste on any **Boulevard**.

- 5.2 Notwithstanding the requirement to maintain landscaping on the **Boulevard** pursuant to section 4.2.1, no **Person** may cut down or prune any tree, shrub, brush or hedge on any **Boulevard** without first obtaining written permission of the **City**.

Part 6 Notices and City Action at Defaulter's Expense

- 6.1 **Officers** may issue in writing such notices as may be necessary to notify a **Person** of a violation or contravention of this bylaw and may order such **Person** to comply with this bylaw within a specified time, to discontinue any work or activity in contravention of this bylaw, to remove items or things, or refrain from doing such other actions and things that are in violation or contravention of this bylaw.
- 6.2 A notice issued under this bylaw may be delivered:
- (a) by hand to the person who is the addressee of the notice;
 - (b) by regular mail to the occupier or registered **Owner** of the real property to which the violation or contravention relates; or
 - (c) by posting it on the real property to which the violation or contravention relates.
- 6.3 If a **Person** to whom a notice has been issued fails to comply with such notice, the **City** may do or cause to be done such acts and things as are necessary to fulfill the requirements of the notice (including entering on the real property, if required) and may take such other measures as may be necessary to protect the public, all at the expense of such **Person**, and recover the costs incurred from that **Person** as a debt.
- 6.4 Any costs incurred by the **City** pursuant to section 6.3 may be collected in the same manner and with the same remedies as property taxes and if any such costs remain unpaid by December 31 of the year incurred, are deemed to be taxes in arrears.

Part 7 Inspection

- 7.1 An **Officer** may, in accordance with section 16 of the *Community Charter*, enter on any property at any reasonable time to ascertain whether the requirements of this bylaw, or any order issued pursuant to this bylaw, are being observed.

Part 8 Offence and Penalty

- 8.1 Any **Person** who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of or neglects to do or refrains from doing any act or thing required to be done pursuant to any provision of this bylaw or any notice issued pursuant hereto, commits an offence and shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

- 8.2 Any **Person** who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed under the *Offence Act*.

READ a first time the 27th day of October, 2020.

READ a second time the 27th day of October, 2020.

READ a third time the 27th day of October, 2020.

ADOPTED, the 10th day of November, 2020.

PRESIDING MEMBER

CORPORATE OFFICER