



CITY OF RICHMOND

## ***BOULEVARD MAINTENANCE REGULATION***

### **BYLAW NO. 7174**

EFFECTIVE DATE – JULY 30, 2001

#### **CONSOLIDATED FOR CONVENIENCE ONLY**

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

DATE OF ADOPTION

EFFECTIVE DATE  
(If different from Date of Adoption)

Bylaw No. 9881

September 4, 2018

November 5, 2018



**Boulevard Maintenance Regulation  
Bylaw No. 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 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 metre 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.

1.3.2. Notwithstanding Section 1.2.1 above, if a **boulevard** is situated in a **riparian management area**, a property owner may not add flower beds, plant shrubbery, and ground cover in a **boulevard** unless such work is for the purposes of **enhancement** satisfactory to the **General Manager of Engineering & Public Works** or his designate.

### 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 or, 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>ENHANCEMENT</b>	means “enhancement” as defined in the Richmond Zoning Bylaw 8900, as may be amended or replaced.
<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>RIPARIAN MANAGEMENT AREA</b>	means “riparian management area” as defined in the Richmond Zoning Bylaw 8900, as may be amended or replaced.”
<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.
<b>TRAFFIC CONTROL DEVICE</b>	means a sign, line, meter, marking, space, barrier, or device; painted, placed or erected; to guide, regulate, warn or 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**”.