

VILLAGE OF PORT ALICE
BYLAW NO. 645

BOULEVARD MAINTENANCE BYLAW

WHEREAS Section 39 of the Community Charter authorizes the Council of the Village of Port Alice to enact a bylaw to regulate the maintenance and construction of municipal boulevards within the Village of Port Alice.

NOW THEREFORE the Council of the Village of Port Alice enacts as follows:

1. Repeal

That *Boulevard Protecting Bylaw No. 28, 1966*, is hereby repealed in its entirety.

2. Citation

That this Bylaw may be cited as *Boulevard Maintenance Bylaw No. 645, 2018*.

3. Interpretation

(a) In this Bylaw:

“*Authorized Person*” means any officer, employee or agent for the Village, authorized by this or any other bylaw of the Village to enforce the provisions of 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 travelled portion of a Highway to the property line.

“*Drainage Facility*” means any municipal drainage system, enclosed or open, including inlet, catch basin, grate or culvert headwall.

“*Highway*” means,

- (i) every public road, street, lane, way, trail, bridge and right-of-way designed or intended to be used by the general public for the passage of vehicles, and
- (ii) every private place or passageway to which the public for the purpose of the parking of vehicles, has access or is invited.

“*Occupier*” means a person who occupies land, but does not include the occupier of a unit in an apartment building, hotel or institution.

“*Owner*” means the Owner of real property in the Village.

“*Private Highway*” means any street, road, way, trail, bridge or other way over real property that is travelled by members of the public, whether on foot or by vehicle or cycle, that has not been dedicated as a Highway.

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

“*Village*” means the Corporation of the Village of Port Alice.

- b) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Local Government Act*, *Community Charter*, or *Land Title Act*, as context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, Bylaw or other enactment refers to that enactment as it may be amended or replaced

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from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Headings in this Bylaw are for convenience only and must not be construed as defining or limiting its scope or intent.

- c) If a court of competent jurisdiction declares any portion of this Bylaw invalid, then the invalid portion must be severed and the remainder of the Bylaw continues to remain valid.

4. Regulations

4.1 Rubbish Removal

Without any way restricting the generality of the word “rubbish”, any one or more of the following items may constitute “rubbish”, thereby requiring removal pursuant to Section 4.3 of this Bylaw:

- a) accumulations of soil, leaves, clippings, branches, twigs, and other vegetation or landscape materials;
- b) litter of any kind;
- c) garbage, other than that which is properly placed on the Sidewalk or Highway pursuant to the garbage collections requirements of the Village;
- d) compost materials, where such materials may encroach on to Boulevard or Sidewalk; and
- e) any other objects that would reasonably pose a hazard to anyone using the Boulevard.

4.2 Boulevard Construction

No Owner or Occupier of real property adjacent to a Boulevard is permitted to:

- a) construct any impervious surface on the Boulevard, including, without limitation, any fence, wall, retaining wall or rockery;
- b) erect any signage;
- c) obstruct, hinder any Drainage Facility;
- d) plant any tree, hedge, bush or shrub on the Boulevard which, when fully grown, will or is likely to have a height in excess of one metre when fully mature, or be likely to partially or wholly obstruct access to any Sidewalk by pedestrians or prevent or inhibit the safe use of the Highway by vehicular and cycle traffic;
- e) plant any tree, hedge, bush or shrub on the Boulevard which, when fully grown, will or is likely to have roots that will interfere with the function of any underground utilities, whether those utilities are owned by the Village or a private utility company.
- f) otherwise landscape the Boulevard in a manner that will or be likely to obstruct access to any Sidewalk by pedestrians or prevent or inhibit the safe use of the Highway by vehicular and cycle traffic.

4.3 Boulevard Maintenance

Every Owner or Occupier of real property shall maintain in a clean, tidy, and well-kept condition every Boulevard abutting the Highway or Private Highway 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;

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- b) keep grass areas mowed, trimmed and free of noxious weeds;
- c) keep landscaping trimmed so that driveway and intersection sight distances are unobstructed;
- d) keep landscaping from encroaching over paved roadways or gravel shoulders;

5. Prohibitions

No person shall:

- a) wilfully damage any Boulevard or any tree, shrub, plant, bush or hedge on any Boulevard;
- b) apply any vegetation cuttings, rubbish, discarded material or any liquid or solid waste on any Boulevard or in any Drainage Facility.

6. NOTICE OF NON-COMPLIANCE

- 6.1 In the event that an Authorized Person has determined there has been a violation of this Bylaw, a notice shall be served of the violation upon the Owner or Occupier of the real property.
- 6.2 A notice shall be served either in person or by registered mail to the last known address as registered with the Land Title Office.
- 6.3 All Owners or Occupiers of real property shall comply with the orders in the notice to remedy the unsightly conditions within:
 - a) seven (7) days in the case of a local Owner, or
 - b) fourteen (14) days in the case of an out-of-town Owner.

7. Enforcement

- 7.1 Failure by the Owner or Occupier of real property to undertake the work necessary to comply with the applicable sections of this Bylaw, the Village may, pursuant to Section 72 of the Community Charter, by its own forces or those of a contractor, carry out the work necessary to comply with Section 4.3 of this Bylaw at the expense of the Owner or Occupier.
- 7.2 The Village may recover the costs of undertaking the work as a debt against the person in default, which shall be invoiced to the Owner by the Village and shall be due and payable immediately. If the debt remains outstanding on December 31 in the year that the compliance was effected, pursuant to Section 17 and Section 258 (2) of the Community Charter, it shall be added to and form part of the taxes payable on the real property as taxes in arrears.

8. Offence and Penalty

- 8.1 Every person who:
 - (a) contravenes, violates or fails to comply with any provision of this Bylaw;
 - (b) suffers or allows any act or thing to be done in contravention of this Bylaw; or
 - (c) fails or neglects to do anything required to be done under this Bylaw,

Commits an offence and upon conviction, shall be liable to paying a fine of up to Ten Thousand Dollars (\$10,000) and the costs of prosecution, and to pay any further amounts and comply with any directions that may be ordered by the court. Where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

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8.2 A fine or penalty imposed for conviction of an offence is separate from and additional to any fees or charges, or costs incurred by the *Village*, that are payable under other provisions of this Bylaw.

READ A FIRST TIME THIS 28th day of February, 2018

READ A SECOND TIME THIS 28th day of February, 2018

READ A THIRD TIME THIS 28th day of February, 2018

ADOPTED ON THIS 14th day March, 2018

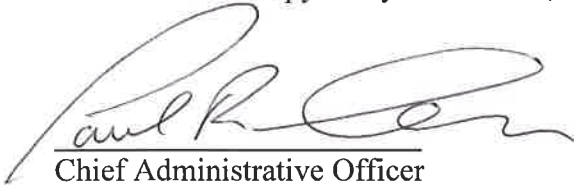


Mayor



Chief Administrative Officer

Certified a true copy of Bylaw No.645, as adopted by Council on the 14 day of MARCH, 2018.



Chief Administrative Officer