

BYLAW NO. 4853, 2018

A Bylaw to Regulate the Maintenance of Boulevards in the City of Coquitlam

WHEREAS:

- A. The *Community Charter*, SBC 2003, c. 26 authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to public places and the safety of highways; and
- B. Council of the City of Coquitlam considers it desirable to adopt a new bylaw respecting the maintenance of boulevards within the City,

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

- 1.1 This Bylaw may be cited for all purposes as the “Boulevard Maintenance Bylaw No. 4853, 2018”.

2. Definitions

- 2.1 In this Bylaw, the following words have the following meanings:

“*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;

“*City*” means the City of Coquitlam;

“*City-maintained street tree*” means a tree that:

- (a) is in a *boulevard*;
- (b) is planted by the *City*, or as part of a process that is overseen by the *City*, such as development servicing; and
- (c) is inventoried and maintained by the *City*;

“*Engineer*” means the General Manager of Engineering and Public Works for the *City* from time to time and his or her designate;

“*highway*” means:

- (a) a public street, road, way, trail, *lane* and any other public way; and
- (b) a private place or passageway to which the public, for the purpose of parking or servicing vehicles, has access or is invited;

“*improved road*” means a *highway* with a curb and gutter;

“*invasive plants*” means one of the invasive plants listed in Schedule B;

“*lane*” means a *highway* that is not named;

“*multi-use pathway*” means a *highway*, or a portion of a *highway*, designed for use by pedestrians, cycles and other non-motorized conveyances and marked as such by a sign or pavement marking;

“*non- City-maintained street tree*” means a tree in a *boulevard* other than a *City-maintained street tree*;

“*noxious weeds*” has the meaning ascribed to it in the Weed Control Act, RSBC, 487, as amended;

“*Parks Manager*” means the General Manager of Parks, Recreation and Culture for the *City* from time to time and his or her designate;

“*rubbish*” includes:

- (a) accumulations of soil, leaves, grass clippings, branches, twigs and other vegetation or landscape materials;
- (b) litter of any kind;
- (c) liquid waste of any kind;
- (d) garbage, other than that which is properly placed on a *sidewalk* or *boulevard* pursuant to the garbage collections requirements of the *City*;
- (e) compost materials, where such materials may encroach onto a *boulevard*, *sidewalk* or *multi-use pathway*;
- (f) any other objects that would reasonably pose a hazard to anyone using a *boulevard*, *sidewalk* or *multi-use pathway*.

“*sidewalk*” means the portion of a *highway*, improved for the use of pedestrians, between the curb lines or the lateral lines of a *highway* and the adjacent property lines, but does not include a *multi-use pathway*; and

“*unimproved road*” means a *highway* without a curb and gutter.

2.2 In this Bylaw, the terms “include” and “including” mean “including without limiting the generality of the foregoing”.

2.3 Where a provision of this Bylaw refers to written permission or direction given by the *Engineer* or the *Parks Manager*, such permission or direction may be subject to terms and conditions specified therein.

3. Snow and Ice Removal

3.1 Every owner or occupier of real property must, within 10 hours of the cessation of any snowfall or ice storm, remove or cause to be removed any snow or ice from:

- (a) any *sidewalk* bordering the real property, regardless of whether the snow or ice became present on the *sidewalk* by natural, human, mechanical or other means;
- (b) the roof or other part of any structure on the real property, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any *sidewalk* or *highway*; and
- (c) a 1.2 m wide corridor on any *multi-use pathway* bordering the real property, regardless of whether the snow or ice became present on the *multi-use pathway* by natural, human, mechanical or other means.

4. Rubbish Removal

- 4.1 Every owner or occupier of real property must remove any *rubbish* from any *boulevard*, *sidewalk* and *multi-use pathway* bordering the real property by the end of the day on which it was deposited.

5. Boulevard Landscaping

- 5.1 No person shall install, place, grow, maintain or construct, or cause, permit or allow to be installed, placed, grown, maintained or constructed, on a *boulevard*:
- (a) pavement or impervious surfaces, except as permitted in Schedule A;
 - (b) obstacles that may cause a tripping hazard or sightline restriction for drivers cyclists, or pedestrians;
 - (c) food crops, berries, fruit or vegetables, or other attractants for bears;
 - (d) signs, except as permitted in the *City of Coquitlam Sign Bylaw No. 3873, 2008*;
 - (e) shrubs, except as permitted in Schedule A;
 - (f) artificial turf, except as permitted in Schedule A;
 - (g) retaining walls, except as permitted in Schedule A;
 - (h) irrigation systems, except as permitted in Schedule A;
 - (i) rocks or stones, except as permitted in Schedule A;
 - (j) fences;
 - (k) any other item or thing that is not listed as permitted in this Bylaw, unless permission for the item or thing has been given in writing by the *Engineer*;

- (l) any item or thing, whether it is listed in this Bylaw or not, that has been identified by the *Engineer* as a safety, operational, or environmental concern, and in respect of which the *Engineer* has notified the property owner or occupier in writing indicating the *Engineer's* requirement to remove the item or thing.

5.2 The costs related to removal or relocation of any item or thing in a *boulevard* in contravention of this Bylaw will be at the cost of the adjacent property owner.

6. Trees in a Boulevard

6.1 No person shall plant a tree in a *boulevard* unless permitted or directed to do so by the *Engineer* or the *Parks Manager* in writing.

6.2 No person shall dig up, remove, cut down, prune or otherwise damage a *City-maintained street tree* unless permitted or directed to do so by the *Engineer* or the *Parks Manager* in writing.

6.3 No person shall dig up, remove, cut down or otherwise damage a *non-City-maintained tree* unless permitted or directed to do so by the *Engineer* or the *Parks Manager* in writing.

6.4 Every owner or occupier of real property must prune or cause to be pruned every *non-City-maintained tree* in a *boulevard* bordering the real property:

- (a) so that any branches above a *lane* are a minimum height of 4.5 metres to allow for service vehicles to enter and exit the *lane*;
- (b) so that any branches above *sidewalks* and *multi-use pathways* are a minimum height of 2.5 metres;
- (c) so as not to restrict the visibility of any street light, traffic signal display or traffic sign; and
- (d) so as not to restrict the vision and sight lines of drivers, cyclists, and pedestrians.

7. Boulevard Maintenance

7.1 Every owner or occupier of real property must, with respect to any *boulevard* bordering the real property, ensure that:

- (a) all trees, shrubs, bushes, hedges, grass or other vegetation, other than *noxious weeds* and *invasive plants*, on the *boulevard* receive such water as is necessary for the sustained growth and health of that vegetation;
- (b) no *noxious weeds* or *invasive plants* are permitted to grow on the boulevard;
- (c) any grass on the *boulevard* is not allowed to exceed 15 centimetres in height;

- (d) no pesticides are used on the *boulevard*;
- (e) where the *boulevard* contains rocks, gravel, pebbles, bark mulch or other loose landscaping or surfacing materials, none of those materials are allowed to escape from the landscape design and fall onto any *sidewalk, multi-use pathway, or highway*; and
- (f) no hazardous or potentially hazardous situations are allowed to develop within the *boulevard* or remain once detected by reasonable inspection.

8. Notices and City Action at Defaulter's Expense

- 8.1 The *Engineer* and the *Parks Manager* 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 to do, or refrain from doing, such other actions and things that are in violation or contravention of this Bylaw.
- 8.2 A notice issued under this Bylaw may be delivered:
- (a) by hand to the person who is the addressee of the notice;
 - (b) by 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.
- 8.3 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.
- 8.4 Any costs incurred by the *City* pursuant to section 8.3 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.

9. Offences

- 9.1 Every person who violates or contravenes any provision of this Bylaw, or who causes, suffers or permits any act or thing to be done or omitted to be done in violation or contravention of this Bylaw, or who fails to comply with a notice given under this Bylaw is guilty of an offence against this Bylaw and is liable, upon summary conviction, to a fine not exceeding the maximum set out in the *Offence Act*, as amended.

9.2 In the case of a continuing offence, each day that the offence continues is deemed to be a separate offence and may be subject to a separate fine.

10. Severability

10.1 If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

11. Schedule

11.1 The following schedules are attached to, and form part of, this Bylaw:

1. Schedule "A" – Items Conditionally Permitted in Boulevards
2. Schedule "B" – Invasive Plants

12. Repeal

12.1 City of Coquitlam Boulevard Maintenance Bylaw No 3214, 1998 and all amendments thereto are hereby repealed.

READ A FIRST TIME this 30th day of April, 2018.

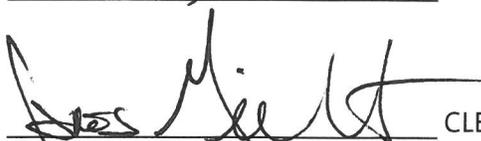
READ A SECOND TIME this 30th day of April, 2018.

READ A THIRD TIME this 30th day of April, 2018.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 7th day of May, 2018.



MAYOR



CLERK



Schedule "A"
ITEMS CONDITIONALLY PERMITTED IN BOULEVARDS

Item	Conditions that must be met
Artificial Turf	<ul style="list-style-type: none"> • Must not be installed without permission in writing from the <i>Engineer</i> or <i>Parks Manager</i> • Must be porous to allow water and oxygen to enter the soil. • Must be kept a minimum of four metres away from tree trunks. • Must be replaced or removed by the home owner when its serviceable life is met, as determined by the <i>Engineer</i>.
Shrubs	<ul style="list-style-type: none"> • Must be 0.6m high or less when within 3 metres of the edge of a <i>highway</i>. • Must be 0.6m high or less when within 2 metres of a driveway. • Must be 0.9m high or less in all other cases. • Where no <i>sidewalk</i> or <i>multi-use pathway</i> exists, the shrubs cannot be placed in such a manner as to restrict pedestrian travel across the front of a property, parallel to the <i>highway</i>.
Retaining Walls	<p>Must not be installed unless:</p> <ul style="list-style-type: none"> • The wall is needed to replace an existing failed or failing wall, and there is no feasible option to eliminate the wall or walls; • there is no impact to <i>City</i> utilities; • there is no impact to <i>sidewalks</i>, <i>multi-use pathways</i>, parking areas or other existing or future transportation facilities; and • permission in writing is provided by the <i>Engineer</i>
Irrigation Systems	<ul style="list-style-type: none"> • Must not be installed unless permission in writing is provided by the <i>Engineer</i>.
Stepping stones or pads	<ul style="list-style-type: none"> • Must not be installed unless they are flush with the ground surface, and permission is provided by the <i>Engineer</i> in writing.
Bark mulch and other organic materials	<ul style="list-style-type: none"> • Must be contained and not spill onto the <i>sidewalk</i>, <i>multi-use pathway</i> or <i>highway</i>. • Must be used with filter fabric to deter weed growth.

<p>Impervious materials</p>	<ul style="list-style-type: none"> • Must not be used, except for driveways and pathways connecting to homes, and on shoulder areas on <i>unimproved roads</i> • Driveways and pathways connecting to homes may be constructed with impervious materials, but any new driveway or pathway, and any changes to a driveways or pathways, must be approved by the <i>Engineer</i>, in writing. • Shoulder areas on <i>unimproved roads</i> may be constructed with impervious materials, but must be a maximum of 2.5m wide, and must be approved by the <i>Engineer</i>, in writing.
<p>Rocks and aggregates when used on an <i>unimproved road</i></p>	<ul style="list-style-type: none"> • Must be contained and not spill onto the <i>sidewalk, multi-use pathway or highway</i>. • The size of the aggregate must be 19mm or less. • If used for a shoulder area adjacent to a <i>highway</i>, the shoulder area must be a maximum of 2.5 m wide.
<p>Rocks and aggregates, when used on an <i>improved road</i></p>	<ul style="list-style-type: none"> • The size of the aggregate must be between the 6 mm and 50 mm. • Must be contained and not spill onto the <i>sidewalk, multi-use pathway or highway</i>. • Must be kept a minimum of one metre from tree trunks. • Must be used with filter fabric to deter weed growth.

**Schedule “B”
INVASIVE PLANTS**

Common Name	Species Name
Himalayan blackberry	<i>Rubus armeniacus</i> (syn. <i>Rubus discolor</i>)
English ivy	<i>Hedera helix</i> and <i>Helix hibernica</i> (and varieties)
yellow lamium (syn. yellow archangel)	<i>Lamium galeobdolon</i> (syn. <i>Lamium galeobdolon</i>)
reed canary grass	<i>Phalaris arundinacea</i>
knotweed species (syn. false-bamboo)	<i>Fallopia</i> species and hybrids (syn. <i>Polygonum</i> spp.)
English holly	<i>Ilex aquifolium</i>
cherry-laurel	<i>Prunus laurocerasus</i>
spurge-laurel (syn. daphne-laurel)	<i>Daphne laureola</i>
common periwinkle (syn. Vinca)	<i>Vinca minor</i>
common hop	<i>Humulus lupulus</i>
clematis (syn. traveller’s joy)	<i>Clematis vitalba</i>
Himalayan jewelweed (syn. policeman’s helmet)	<i>Impatiens glandulifera</i>
small flowered touch-me-not	<i>Impatiens parviflora</i>
common morning-glory (syn. hedge bindweed)	<i>Convolvulus sepium</i>
common tansy	<i>Tanacetum vulgare</i>
giant hogweed (syn. giant cow-parsnip)	<i>Heracleum mantegazzianum</i>
purple loosestrife	<i>Lythrum salicaria</i>
yellow-flag iris	<i>Iris pseudacorus</i>