

District of Squamish
BYLAW NO. 2669, 2019

A bylaw to regulate the maintenance of boulevards in the District of Squamish

WHEREAS, Section 39 of the Community Charter provides that a Council may require persons to take specified actions for the purposes of maintaining the cleanliness or safety of a highway that is next to property that they own or occupy, or that is affected by property that they own or occupy;

NOW THEREFORE the Council of the District of Squamish, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “District of Squamish Frontage and Sidewalk Maintenance Bylaw No. 2669, 2019”.
2. The following bylaw and all its schedules and amendments are repealed: “District of Squamish Boulevard Bylaw No. 1619, 2000.”

3. Definitions

In this bylaw:

“Abutting” means on the front, back or sides of a property parcel.

“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.

“District” means the District of Squamish.

“Director” means the Director of Public Works

“Ditch” means any engineered structure built with in intent to convey storm water including a drainage ditch, swale or rain garden located within the right-of-way of a highway or roadway in the possession and control of the District.

“Ditch Crossing” means any driveway, culvert, or other construction spanning a ditch.

“Hazardous Condition” means a condition that would impede safe and regular circulation of vehicles, pedestrians or cyclists.

“Highway” means any public street, road, lane, bridge, viaduct, trestle and any other public way, pursuant to the definition in the Transportation Act.

“Litter” includes the following:

- i. accumulations of soil, leaves, grass clippings, branches, twigs and other vegetation or landscape materials;
- ii. refuse, other than that which is properly placed on the highway pursuant to the Traffic Bylaw, as amended;
- iii. household objects including furniture, mattresses and bathroom fixtures; and
- iv. any other object that could reasonably pose a hazard or nuisance to anyone using a boulevard, sidewalk or multi-use pathway.

“Multi-use pathway” means a highway, or 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.

“Noxious Weed” means any weed designated in the Weed Control Act, RSBC 1996, c. 487, as amended.

“Owner” means any person who is the registered owner, or owner under agreement, of real property, and includes any person in actual or apparent possession of real property under a lease, licence or agreement with another owner.

“Sidewalk” means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for the use of pedestrians, including, without limitation, a sidewalk, walkway, stairway, ramp or curb letdown, and any customarily travelled footpath, including without limitation, any footpath made of gravel, asphalt, dirt or other material and the unpaved edge adjoining any asphalt road surface where no finished sidewalk exists.

4. Sidewalk Snow and Ice Removal

4.1. Every owner, occupier or tenant of real property shall remove or cause the removal of snow and ice from sidewalks abutting the property within 12 hours of the cessation of the event which resulted in the deposit of snow or ice, regardless of whether the snow or ice was deposited on the sidewalk by natural, human, mechanical or other means. Such snow and ice is not to be deposited in an area that would impede drainage or vehicular or pedestrian traffic.

4.2. Notwithstanding Section 4.1 of this Bylaw, where the accumulation of snow and ice on a sidewalk creates a hazardous condition the owner or occupier of the real property on which the sidewalk is adjoined by shall immediately remove the accumulation of snow or ice.

4.3. Snow collected on private property shall be stored within the private property envelope. No owner, occupier or tenant of real property shall deposit snow originating from private property on District highways, roadways, sidewalks, lane, parking areas or boulevards.

5. Litter Removal

Every owner or occupier of real property must remove any litter from any sidewalk or portion of a boulevard adjacent to the owner or occupier's real property by the end of the day on which it was deposited.

6. Boulevard Maintenance

6.1. No owner or occupier of real property adjacent to a boulevard shall:

- (a) Construct any structure on the boulevard, including, without limitation, any fence, wall, gate, or retaining wall.
- (b) Erect any signage on the boulevard except as permitted by the District's Sign Bylaw.
- (c) Plant any tree, hedge, bush or shrub in a boulevard that is not listed on Schedule F of The District of Squamish Subdivision and Development Control Bylaw No. 2649, 2018 as amended and when fully grown, will or is 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, without written approval from the Director.
- (d) Otherwise landscape or apply treatment to the boulevard in a manner that will or will be likely to obstruct access to any sidewalk by pedestrians, prevent or inhibit the safe use of the highway by vehicular and cycle traffic, or prevent or inhibit the use of the boulevard for the parking of vehicles or snow storage, including the placement of large rocks, without written approval from the Director.
- (e) Plant, place or grow food crops, berries, fruit or vegetables, or other attractants for bears.
- (f) Place or install any impervious surface on any part of the boulevard, including but not limited to the installation of paved parking stalls.
- (g) Interfere with access to, bury, expose or damage any pipe, hydrant, valve box, service post, manhole or other utility infrastructure located on, in or adjacent to the boulevard.

- (h) Obstruct sight lines from driveways, sidewalks or anywhere along a highway, or when located near an intersection, obstruct driver sight lines from intersecting streets.
- (i) Damage:
 - i. Sidewalk, curb, gutter or other municipal infrastructure.
 - ii. Trees, shrubs, plants, bushes and hedges.
 - iii. Fences, or
 - iv. Highway lighting,located on any boulevard.
- (j) Dispose of any vegetation cuttings, rubbish, discarded materials or any liquid or solid waste on any boulevard.
- (k) Cut down any tree, any portion of the trunk of which is located on a boulevard, without the written approval from the Director. Replacement trees may be required.
- (l) Fill in or otherwise impede a ditch or create additional ditch crossings without written approval from the Director.
- (m) Otherwise undertake any activity or works which would alter the natural grade of the boulevard, or effect drainage patterns of the boulevard, without prior written consent of the Director, which consent is within the Director's discretion.

6.2. An owner or occupier of real property adjacent to a boulevard will ensure that:

- (a) All trees, shrubs, bushes, hedges, grass or other vegetation, other than noxious weeds, on the boulevard receive such water in compliance with the District of Squamish Outdoor Water Use Bylaw, as is necessary for the sustained growth and health of that vegetation
- (b) No noxious weeds are permitted to grow on the boulevard.
- (c) Any grass on the boulevard is not allowed to exceed 15 centimeters in height.
- (d) All hedges, trees and shrubs in the boulevard are pruned and trimmed so that a minimum vertical clearance of three (3.0) metres above the sidewalk and five (5.0) metres above the roadway, is maintained and there is no encroachment on a sidewalk; or a road, where there is no sidewalk;

- (e) No pesticides are used on the boulevard.
- (f) Where the boulevard contains rocks, gravel, pebbles or other loose materials, such materials shall be contained and none of those materials is allowed to escape from the placement within the boulevard to fall, roll, or otherwise encroach onto any sidewalk or highway.
- (g) No Hazardous or potentially hazardous conditions are allowed to develop or remain.
- (h) The owner of the land served by the ditch crossing shall ensure that there is no obstruction to the free flow of water under the ditch crossing, during the life of the installation of the ditch crossing.
- (i) The District may, with only such notice to the owner of the adjacent land as is in the opinion of the Director reasonable practicable in the circumstances, and without compensation of the owner, interfere with or remove any improvements made to or placed on a boulevard if the use of the boulevard is required for any municipal purpose. The District has no obligation to replace or restore any such improvement.

7. Bylaw Exemptions

This bylaw does not apply to the District or its officials, employees, servants or agents in carrying out a function for the purpose of the District.

8. Notice of Non-Compliance

An Authorized Person may, by written notice to an owner of real property, require the owner to comply with this Bylaw within the time specified in the notice.

9. District Effects Compliance

If the owner or occupier of real property fails to comply with a notice given pursuant to Section 8 of this Bylaw, the District, by its employees or other persons, at reasonable times, may enter on the real property and effect the compliance specified in the notice at the expense of the person who failed to comply, and to recover the cost of doing so as a debt.

10. No Interference

No person shall interfere with:

- a) An Authorized Person in the performance of his or her duties under this Bylaw,
or

- b) Any employee or other person directed by the District to carry out the terms of any notice pursuant to Section 8.

11. Enforcement

This Bylaw may be enforced:

- a) By means of a ticket issued under the District's Municipal Ticket Information System Bylaw No. 1832, 2004;
- b) By prosecution under the offence Act;
- c) By way of a bylaw notice under the Bylaw Notice Enforcement Act and bylaw of the District made under that Act; or
- d) By way of civil action as authorized by statute.

12. Offences

12.1. 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;

Or of any permit or order issued 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 to pay any further amounts that may be ordered under the Offence Act, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

12.2. For certainty, in the case of offences of a continuing nature, an offence is committed on each day during which the offence continues, and the maximum penalties imposed under this bylaw apply to each such offence.

12.3. Every person who commits an offence is liable on summary conviction to a fine not exceeding \$10,000.

12.4. Nothing in this Part precludes the District from seeking any civil remedy to which it is entitled in relation to trespass onto District property.

READ A FIRST, SECOND and THIRD time this 17th day of September, 2019.

ADOPTED this 30th day of September, 2019.

Karen Elliott, Mayor

Robin Arthurs, Corporate Officer