

TOWN OF LAKE COWICHAN

SIDEWALK AND BOULEVARD CARE AND MAINTENANCE

BYLAW NO. 875-2009

WHEREAS Section 176 of the *Local Government Act* authorizes the Council to exercise such corporate powers as they relate to the operation and enforcement of its regulatory authority;

AND WHEREAS in exercising such powers, it may establish any terms and conditions it considers appropriate;

AND WHEREAS it deems it appropriate to establish terms and conditions for the use of sidewalks and boulevards;

NOW THEREFORE the Council of the Town of Lake Cowichan, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as "Town of Lake Cowichan Sidewalk and Boulevard Care and Maintenance Bylaw No. 875-2009."

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

BOULEVARD means the area between the edge of the pavement or curb of the roadway, or where there is no pavement or curb from the edge of the travelled portion of the highway to the adjacent property line which may be grassed, gravelled or paved;

COUNCIL means the municipal council of the Town of Lake Cowichan;

DERELICT VEHICLE in this bylaw means any vehicle, that is not capable of operating under its own power or does not have attached licensed number plates that are current;

DRAINAGE FACILITY includes the boulevard drainage inlet, catch basin grate, culvert headwall or lawn basin inlet;

HIGHWAY means any public street, road way, bridge, trestle, lane or right of way designed or intended for or used by the general public for the passage of vehicles;

NOXIOUS WEED means any weed designated by regulations to be a noxious weed pursuant to the Weed Control Act, and all grasses and weeds exceeding a height of 30 cm (12 inches), and any other weeds prescribed as such by Council;

OCCUPIER means a person who occupies land but does not include the occupier of a unit in an apartment, hotel or institution;

OWNER has the same meaning as defined in the Local Government Act;

PEDESTRIAN FACILITY means a structure for pedestrian use including a walkway, sidewalk, stairways, ramp, and curb letdown;



PERSON means any legal person, and includes any individual, corporation, firm or partnership, as well as the heirs, executors, administrators or other legal representatives of such person, but excludes the Town.

REAL PROPERTY has the same meaning as defined in the *Local Government Act*.

SIDEWALKS means every structure designed primarily for pedestrian use, including, without limitation, a sidewalk, walkway, trail, stairway, ramp or curb letdown, any customarily travelled footpath, 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

TOWN means the Town of Lake Cowichan.

3. MAINTENANCE AND CARE OF BOULEVARDS AND SIDEWALKS

3.1 The care and maintenance every boulevard and sidewalk adjacent to any real property within the Town shall be the responsibility of the Owner of such real property, who shall keep such boulevard and sidewalk in proper, safe and tidy condition.

3.2 The owner shall:

- (a) remove accumulations of filth, rubbish, discarded materials, hazardous objects from the boulevard adjacent to his real property, and materials that may obstruct a drainage facility;
- (b) keep grassed areas trimmed and ensure the removal of all noxious weeds from the adjacent boulevard;
- (c) remove snow or ice from sidewalks bordering the property within 24 hours from cessation of a snowfall or storm event which caused such accumulation;
- (d) remove rubbish or refuse from any sidewalk bordering the real property; and
- (e) remove objects that would pose a hazard to anyone using the sidewalks.

3.3 Notwithstanding the requirement that sidewalks are for the convenience and enjoyment of pedestrian traffic, the Town will consider authorization of the use of the sidewalk adjacent to a business if the owner or occupier formally makes application and complies with the following conditions:

- (a) a minimum width of 1.2 m (4 ft.) of public sidewalk must be left fully clear and unencumbered; and
- (b) formally indemnify and hold harmless the Town, in the form prescribed by the Town, from all potential liabilities and claims which may arise from the use of the public property.

3.4 The Town will continue to provide snow clearing of sidewalks adjacent to Town property and on sidewalks adjacent to private property only where snow clearing of roadways results in excess snow being plowed onto the sidewalks. The only sidewalks referenced are sidewalks constructed immediately adjacent to the travelled portion of the roadway on collector or arterial routes. The Superintendent, Public Works and Engineering Service will prepare an annual sidewalk snow clearing plan showing the location of sidewalks which will be cleared by the Town as part of the annual snow clearing program.



4. PROHIBITIONS

4.1 No person shall:

- (a) wilfully damage any boulevard or any tree, shrub, plant, bush or hedge on any boulevard;
- (b) walk upon or cause any vehicle to be placed, parked or moved upon any boulevard that is grassed;
- (c) use any boulevard for the storage of any derelict vehicles;
- (d) use any boulevard for the storage of any material or garbage, other than that properly placed on the boulevard pursuant to garbage collection requirements of the Town;
- (e) erect any sign, fence, wall or other structure on any boulevard;
- (f) dispose of any vegetation cuttings, rubbish, discarded material or any liquid or solid waste on any boulevard or in any drainage facility;
- (g) plant any tree, hedge, bush or shrub on the boulevard which 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;
- (h) use any corrosive materials for the removal of ice or snow on sidewalks;
- (i) allow rocks, gravel, pebbles, bark mulch or other landscaping materials to be strewn on sidewalks or highways; and
- (j) allow motorised vehicles, except for those authorized for use by disabled person(s), to be operated on walking trails or sidewalks.

5. ENFORCEMENT AND PENALTIES

- 5.1 If the owner or occupier of real property fails to comply with a notice given for non-compliance of this bylaw, the Town by its employees or other persons at reasonable times, may effect the compliance specified in the notice at the expense of the person who failed to comply.
- 5.2 If the person at whose expense the compliance is carried out does not pay the costs incurred by the Town to effect compliance, the Town will add the costs to and form part of the taxes payable on the real property as taxes in arrears.
- 5.3 Any person who violates the provisions of this bylaw or permits an act or thing to be done in contravention of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000) and not less than One Hundred Dollars (\$100) a day for continuing offences and costs in default thereof.

6. REPEAL

- 6.1 That upon adoption of the bylaw, Bylaw No. 767-2003 being the "*Town of Lake Cowichan Sidewalk and Boulevard and Maintenance Bylaw No. 767-2003*" is hereby repealed.



READ A FIRST TIME on the 22nd day of September, 2009.

READ A SECOND TIME on the 22nd day of September, 2009.

READ A THIRD TIME on the 22nd day of September, 2009.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 27th day of October, 2009.

Ross Forrest
Mayor

Joseph A. Fernandez
Corporate Officer

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Sidewalk and Boulevard Care and Maintenance Bylaw No. 875-2009" as adopted on the 27th day of October, 2009.

Clerk

