

# Memo



**Date:** October 1, 2010  
**File:** 6130-00  
**To:** City Manager  
**From:** Ian Wilson, Park Services Manager  
**Subject:** Boulevard Maintenance Bylaw

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## **Recommendation:**

THAT Council rescinds City of Kelowna Boulevard Maintenance Bylaw No. 5708-84, Bylaw No. 9585, being Amendment No. 1 to Maintenance of Boulevards Bylaw No. 5708-84 and Policy No. 16 - Road Right-of-Way Landscaping & Maintenance Policy;

AND THAT Council give reading consideration to Bylaw No. 10425, being "Maintenance of Boulevards by Owners of Land Abutting Thereon".

## **Purpose:**

At the June 28, 2010 Council meeting, Council received a report regarding proposed updates to the Boulevard Maintenance Bylaw. Proposed changes are now being brought forward for Council consideration.

## **Background:**

A number of different policies and bylaws currently govern boulevards in Kelowna (summarized below under "Existing Policy"). During the June 28, 2010 Council meeting, staff recommended that at least two of these documents, Boulevard Maintenance Bylaw 5708-84 and Road Right of Way Landscaping Council Policy 16, be updated and consolidated into a single Boulevard Bylaw. Working together with other City staff, Park Services has coordinated the writing of a new Boulevard Maintenance Bylaw, No. 10425.

The original Bylaw has been substantially revised and re-written, although the original intent (maintenance of the boulevard by the adjacent owner) has not changed. Following is a summary of key changes in the new Bylaw:

- Updated definitions: all definitions in this section have been revised or added;
- Boulevard maintenance: the adjacent property owner is still responsible for maintenance of the boulevard, but maintenance expectations have been clarified, for example to specify the maximum height of weeds or grass, as well as expectations regarding sightlines or hazards;
- The new bylaw contains a provision to grant an exception to the requirement to maintain a boulevard if the boulevard is not accessible or unreasonably large;
- The use of "non-standard landscaping" (i.e. xeriscape or landscaping other than lawn) is now permitted, as long as it adheres to certain conditions. A list of recommended plants will be placed on the city website;
- Boulevard landscaping must not interfere with the primary functions of the boulevard (e.g. drainage, utilities, public access), and permanent structures are prohibited;
- The City reserves the right to remove landscaping or structures if necessary, and the City is not responsible for damages due to road maintenance activities; and

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- The bylaw contains the standard provisions for a maximum fine of \$10,000 plus costs of prosecution.

**Internal Circulation:**

Al Dixon, Bylaw Services  
Steve Muenz, Development Services  
Don Degen, Utility Services  
Darryl Astofooroff, Transportation Services  
Carla Stephens, Community and Media Relations  
Terry Barton, Infrastructure Planning

**Existing Policy:**

Boulevard Maintenance issues touch upon many different city bylaws, policies and departments such as the following:

- Boulevard Bylaw 5708-84 (maintenance of boulevards);
- Subdivision, Development and Servicing Bylaw 7900 (construction standards for new boulevards, this bylaw is currently under review);
- Municipal Properties Trees Bylaw 8042 (maintenance and protection of trees on boulevards);
- Noxious Weed and Grass Control Bylaw 8133 (removal or mowing of noxious weeds and grasses);
- Road Right of Way Landscaping Council Policy 16 (renovation and landscaping of older boulevards);
- Nuisance Trees and Shrubs Bylaw 6469-89 (deals with hedges and vegetation that grow out over the sidewalk or roadway); and
- Pesticide Regulation Bylaw 9920 (cosmetic pesticides may not be used unless applied by a certified applicator).

**Considerations not applicable to this report:**

**Financial/Budgetary Considerations:**

**Alternate Recommendation:**

**Community & Media Relations Comments:**

**Legal/Statutory Authority:**

**Legal/Statutory Procedural Requirements:**

**Personnel Implications:**

**External Agency/Public Comments:**

Submitted by:



Ian Wilson, Park Services Manager

Approved for inclusion:



(Joe Creron, Director, Civic Operations)

CC: Stephen Fleming, City Clerk  
John Vos, General Manager Community Services