



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

COUNCIL POLICY

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| TITLE: The Township Guide to Boulevard Modifications | NO. E&PW-02 |
| <u>POLICY:</u> The attached document, "The Township Guide to Boulevard Modifications" was approved by Council at the February 2, 2015 meeting. <u>PROCEDURE:</u> See attached Guide. | |

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| EFFECTIVE DATE: February 2, 2015 | APPROVED BY: Council | REFERENCE: EPW-15-006 | AMENDS: | PAGE 1 OF 1 |
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The Township Guide to Boulevard Modifications

January 2015

1229 Esquimalt Road
Esquimalt BC V9A 3P1
t. 250-414-7108
f. 250-414-7160
www.esquimalt.ca



INTRODUCTION

This guide describes the Township of Esquimalt's approach for boulevard modification and use.

FUNCTION

What is the boulevard? The right of way is divided into two main portions with the first portion being the travel corridor (road, curb and gutters). The remaining portion from the back of curb to the property line is defined as the boulevard. Its primary purpose is to allow for the installation of infrastructure (Township or other stakeholders) that provide services to the adjacent properties and the greater community. This infrastructure can be either on the surface or underground. Surface infrastructure includes such items as:

- Street furniture (i.e. bus stops, benches, garbage cans)
- Signage
- Sidewalks
- Trees
- Grass
- Utility poles
- Fire hydrants
- Walkways
- Driveways

Underground infrastructure can be either shallow or deep utilities along with their corresponding service lines. Shallow utilities are generally located within 0.5 metre (1.6 feet) of the surface with deep utilities being located at deeper depths. Underground infrastructure includes such items as:

- Gas (shallow)
- Telephone (shallow)
- Cable (shallow)
- Power (shallow)
- Potable water (deep)
- Sanitary collection (deep)
- Storm drains (deep)

The infrastructure that is located within the right of way is also broken down into two types: essential and non-essential. Essential infrastructure is a structure or conduit that provides access to the property or provides a service to the lot. (i.e. walkways, driveways, water, power, sewer, storm, telephone, cable). Non-essential infrastructure is structure or vegetation (i.e. decorative statues, vegetable garden, flowers etc) that provides benefit to one particular lot.

As well as providing a location for infrastructure, boulevards are also used to provide an aesthetically pleasing aspect to the right of way by including vegetation (i.e. grassed areas, trees) within its space.

OWNERSHIP

Who owns the boulevard? A common assumption many lot owners make is that the boulevard is a portion of their property. This assumption is incorrect; it is the Township that has ownership of the boulevard and a duty to manage it. Through its duty of management, the Township deals with three types of users. These users are: the Township, utility/service providers and the lot owners (through permit). Each of these users installs and maintains various types of essential and non-essential infrastructure right of way. The Township, through bylaws can and does assign maintenance of the various boulevard features to the adjacent lot owners (i.e. snow clearing on the sidewalk or the cutting of boulevard grass).

In order to allow access from the road surface portion of the right of way, the Township permits lot owners to install a walkway and driveway across the boulevard. The Township's duties include reviewing and granting approval to these structures to insure that they meet Township standards. The structures are constructed by the lot owner and the lot owner is responsible for the maintenance and replacement of these structures. These structures are governed by the Township's various bylaws.

STANDARD

The current standard for the surface appearance of boulevards is as follows:

- Back of curb and gutter (border)
- Grassed portion
- Boulevard trees
- Sidewalk
- Property line (border)

Between the two borders, the remaining components of the boulevard can be laid out in several arrangements which may or may not include all the components. Examples of the standard are highlighted in the following pictures.



Figure 1 - Boulevard with no sidewalk



Figure 2 - Boulevard with adjoining sidewalk



Figure 3 - Boulevard with separated sidewalk

In the pictures it can be seen that various surface infrastructure are located within the boulevard such as:

- Sidewalks,
- Signage
- Boulevard trees
- Grassed surfaces
- Power poles
- Walkway
- Driveway

MODIFICATIONS

There are instances that lot owners would like to modify the surface appearance of the boulevard. These modifications can take various forms (i.e. street furniture, different types of vegetation (edible/non-edible), parking, etc.). Issues that may arise from a modification include:

- Disruption of sight lines for vehicular movements which can include serious risk to the safety of travel corridor users
- Encroachment of vegetation on sidewalks so that it is difficult to walk on the sidewalk
- Visually unpleasing street furniture
- Violation of the Streets and Traffic Bylaw by parking on the boulevard
- Disruption of the modifications due to infrastructure removal and replacement
- Disputes between neighbours

While the Township is open to modifications being proposed by lot owners, the Township reserves the right to review and approve any proposed modifications in order to minimize possible issues or the creation of unsafe conditions for the use of the right of way in its entirety or a portion of it. The proposed modifications will be reviewed by various Township departments (i.e. Engineering, Park, Planning). Part of the review process will look at neighbourhood plans (if applicable) and insure that the proposed modification is in line with such a plan.

One thing lot owners have to understand is that a modification that is applied to a segment of boulevard can face disruption. The disruption generally comes in the form of either a surface or underground utility repair/replacement or new construction. Where this work impacts essential infrastructure, the utility owner carrying out the work will replace damaged or replace essential infrastructure in the boulevard. Non-essential infrastructure is not replaced to its original form or function.

NON-PERMITTED WORKS

Some alterations have already been carried out within the boulevard without a Boulevard Alteration Permit being issued. As the Township becomes aware of these works, the Township will approach the lot owner to enter into a Boulevard Alteration Permit.

This process will see the Township review the existing alteration. If the alteration meets the Township standards and has not created an issue, a permit will be issued. If the alteration does not meet Township standards and is creating an issue, the permit will not be issued. The Township will then pursue a course of action that sees that the alteration either be modified or removed. The work can be either carried out by the lot owner or by Township forces. The modification or removal of the alteration will be an expense that is the lot owner's responsibility.

PROCEDURE

The procedure for applying for a Boulevard Alteration Permit is as follows:

1. The lot owner would review this guide to gain an understanding of the requirements for a boulevard alteration.
2. The lot owner applies to Engineering for a Boulevard Alteration Permit.
3. The application will include a fulsome description of the proposed alteration. The description may or may not include diagrams of the proposed alteration but must show enough detail that the Township can review this information and verify permit compliance.
4. The application will be reviewed by the appropriate departments to determine how it complies with standards. It is also at this stage that the Township determines which requirements and conditions the lot owner will have to satisfy for the permit to be issued.
5. The permit is issued and the lot owner carries out the alteration.
6. The Township carries out a final inspection and sign off that the construction meets the intent of the permit.

DETAILS AND REQUIREMENTS OF THE PERMIT – FURTHER EXPLANATION

In Appendix A, a copy of the Boulevard Alteration Permit can be found. The Permit has a number of requirements and conditions that may be unfamiliar to most lot owners. This section will provide greater detail on these requirements and conditions. All these requirements and conditions form part of the Permit and are applicable to all modifications. The Township has the option to waive some of these requirements and conditions. If this option is pursued, the conditions and requirements waived will be dependent on the type of modification proposed.

Part 1 of 4 – Permit Accompaniments

1. A deposit in the form of cash, cheque, or letter of credit to meet the cost of repairing any damage which may be done to the highway during the proposed work and sufficient to ensure that the proposed work maybe be completed by the Municipality if left incomplete by the applicant.
 - i. This requirement is applied when the scope of work of the modification is extensive or has the potential to disrupt the surrounding infrastructure. Simple modifications will not require a deposit.
2. An indemnification and release of the Municipality from and against all claims, damages, and costs which may arise out of the proposed work.
 - i. The scope of work that is being proposed will not be undertaken by Township forces. The Applicant is required to enter into the waiver and release form with the Township to relieve the Township of the responsibility of the Applicant's actions. This release can be found in Part 2 of 4.
3. Proof of property damage and public liability insurance, showing Township of Esquimalt as an additional named insured, in the minimum amount of two million dollars (\$2,000,000), submitted by the general contractor and any sub-contractor in the work.
 - i. This insurance is necessary when the proposed work is substantial in nature and has the ability to affect the right of way and Municipal infrastructure. This insurance is generally carried by the General Contractor and any sub-contractors involved in the work. The scope of work of the modification will dictate whether or not this requirement is waived.
4. Assume role of Prime Contractor status for the project.
 - i. This requirement transfers the role of Prime Contractor to the Applicant from the Township. Worksafe BC has a requirement that a party is named Prime Contractor. The Prime Contractor carries the responsible and duty to insure that the work is carried out in a safety manner that meets current standards and as per a safety plan. This requirement will not be waived.

Part 2 of 4 – Waiver and Release

This is the Indemnification and release form.

Part 3 of 4 - Terms and Conditions

Under this heading, terms and conditions for various items for undertaking construction are supplied. Depending on the nature of the work, some or all of the terms and conditions maybe applicable. The Applicant will be responsible for meeting terms and conditions identified by the Township.

Fees

The nature and extent of the scope of work will determine if a fee is required or waived. The decision whether the fee will be waived or not will be made after review of the proposed scope of work. The Applicant will be notified if fee is applicable.

CONTACT US

Engineering and Public Works

Email: engineering@esquimalt.ca
Phone: 250-414-7108
Fax: 250-414-7160
Mail: Township of Esquimalt – Engineering & Public Works
1229 Esquimalt Road. 3rd Floor
Victoria, BC V9A 3P1

Community Safety Services (Bylaw Enforcement)

Email: bylaw@esquimalt.ca
Phone: 250-414-7161
Fax: 250-414-7111
Mail: Township of Esquimalt – Bylaw Officer
1229 Esquimalt Road. 3rd Floor
Victoria, BC V9A 3P1

APPENDIX A
BOULEVARD ALTERATION PERMIT

**ENGINEERING SERVICES**

1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1
 Phone (250)414-7108 Fax (250) 414-7160
 www.esquimalt.ca

**BOULEVARD
 ALTERATION PERMIT**
Part 1 of 4

An application for Permission to alter the Municipal Boulevard must be obtained by the Contractor, the Firm or the Resident responsible for the work.

NOTE: All data fields must be filled out for the application to be processed. Please put N/A in any field that does not apply to this permit.

Date: _____*Please Print Clearly*

| | | | |
|---------|------|-------------|--|
| Name | | Company | |
| Address | | City | |
| Email | | Postal Code | |
| Phone | Cell | Fax | |

| | |
|--|-----------------------|
| Location of Work | |
| Type of work: | |
| Timetable Start Date and Time: | Finish Date and Time: |

I/we _____, hereby apply for permission to construct works within the limits of the road under jurisdiction of the Corporation of the Township of Esquimalt in accordance with detailed plans and specifications of the work submitted herewith.

The following are also to accompany this application:

1. A deposit in the form of cash, cheque, or letter of credit to meet the cost of repairing any damage which may be done to the highway during the proposed work, and sufficient to ensure that the proposed work may be completed by the Municipality if left incomplete by the applicant;
2. An indemnification and release of the Municipality from and against all claims, damages, and costs which may arise out of the proposed work (please see below**);
3. Proof of property damage and public liability insurance, showing Township of Esquimalt as an additional named insured, in the minimum amount of two million dollars (\$2,000,000), submitted by the general contractor and any sub-contractor involved in the work.
4. Assume role of Prime Contractor status for the project.

BOULEVARD ALTERATION PERMIT No. _____



ENGINEERING SERVICES

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**BOULEVARD
ALTERATION PERMIT**

Part 2 of 4

Waiver and Release **

* _____ in consideration of The Corporation of the
Township of Esquimalt granting * _____ permission to construction
works within the limits of a highway as per Permit No. _____ DOES HEREBY RELEASE and
DOES HEREBY COVENANT to indemnify and save harmless The Corporation of the Township of Esquimalt
of and from any and all manner of action, causes of action, claims and demands whatsoever which
* _____ or other persons may have as a result of the
works as specified herewith and agree to follow all Worker's Compensation Board Regulations.

Dated this _____ day of _____ 20____ at

SIGNED, SEALED and DELIVERED by

| | |
|----------------------|---|
| _____ |) |
| _____ |) |
| Authorized Signatory |) |
| _____ |) |
| Authorized Signatory |) |

PERSONAL INFORMATION DECLARATION: Any personal information provided in this application is collected for the purpose of administering the Local Government Act, and the bylaws of the municipality under the Local Government Act, and under the authority of those enactments. Questions about the collection of the information may be directed to the Head of Freedom of Information Officer, 1229 Esquimalt Road, Esquimalt, BC V9A 3P1, 250-414-7135.



ENGINEERING SERVICES

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**BOULEVARD
ALTERATION PERMIT**

Part 3 of 4

Terms and Conditions

- ☐ The Township reserves the right upon written notice to the property owner to have the boulevard restored to a condition acceptable to the Township at the property owner's expense.
- ☐ Maintain all traffic signs in current location. Any temporary relocation to be done by the Township of Esquimalt at the Owner's or Contractor's expense.
- ☐ Applicant or Contractor to complete a BC One call prior to commencing work (if applicable).
- ☐ Limit lane closures to the hours between 9:00 AM – 3:00PM.
- ☐ Open excavations and material/equipment stockpile to be securely barricaded and marked with flashing lights during non-working hours.
- ☐ Damage to Township of Esquimalt's services to be reported immediately. All repairs to be performed by the Township of Esquimalt personnel.
- ☐ All public and private roads, drives, boulevards, fences, etc., to be restored to "as found", or better, condition.
- ☐ Adjacent roads and sidewalks to be kept clean during construction. Costs borne by the Municipality will be billed to the applicant.

Permission has been granted for construction of the proposed works within the limit of a highway at the above-referenced location in accordance with Municipal By-laws, Construction Specifications and the above conditions.

A Boulevard Alteration Permit is required for permission to construct any works within the Municipal Road Allowance or any Municipal Right-of-Way. **Applications must be made a minimum of 7 days prior to the commencement of works.**

Contact: Engineering Services (250) 414-7108

Fees: A refundable security deposit of up to \$500.00 is required with the application. Surface restoration fees will be billed to applicant after completion if required.

Signature: _____

Date: _____



ENGINEERING SERVICES

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**BOULEVARD
ALTERATION PERMIT**

Part 4 of 4

Office Use Only

BOULEVARD ALTERATION PERMIT No. _____

Received By: _____

Date: _____

Fee: _____

Approved By: _____
(Engineering Manager)

Date: _____

Distribution

- Engineering Department
- Parks Department
- Planning Department

Approval for Release of Deposit

(Inspector)

(Engineering Manager)

(Date)

(Date)