



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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## Legislation Details (With Text)

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### REQUEST FOR DIRECTION

**DATE:** October 06, 2015      Report No. CSS-15-014

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Blair McDonald, Director, Community Safety Services

**SUBJECT:**

Boulevard Maintenance Bylaw

#### ESSENTIAL QUESTION:

Does Council wish to enact a bylaw in order to aid in the enforcement of the type and amount of modification that can be made to the boulevard abutting privately owned property?

#### RECOMMENDATION:

That the Committee of the Whole receive Staff Report No. CSS-15-014 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a report for Council's consideration.

#### BACKGROUND:

Concerns have been raised from time to time regarding Township property in the form of boulevards. Often residents will see the boulevard land as an extension of their own property and want to make modifications or revisions to the boulevard lands. Recognizing that, at times, it can be advantageous to both the Township and the property owner to allow the property owner to change the landscaping

of the boulevard, Engineering and Public Works created a process in which the owner of land abutting the boulevard can make application to the Director of Engineering and Public Works for a boulevard alteration permit. Through this permitting process, the Director is able to ensure that both the Township's and the home owner's interests are met.

Unfortunately, in some instances, property owners or occupants will take it upon themselves to alter the boulevard landscaping without a permit. At times, these alterations are unacceptable due to many possible factors. For example, they may obstruct traffic sightlines, make access to any municipal works located within the boulevard exceedingly difficult, or not be in keeping with property maintenance standards. In these instances, there is not an effective enforcement mechanism in place to ensure compliance with the boulevard alteration permits.

As a result, in consultation with Parks and Recreation and Engineering and Public Works, a draft Boulevard Maintenance Bylaw is attached hereto for Council's consideration.

### **ISSUES:**

There have been numerous complaints to Parks and Recreation, Public Works and Bylaw Enforcement relating to boulevard use. In many instances, boulevard lands are altered with plantings, gravel, rocks, or other more permanent fixtures.

With the creation of the Boulevard Alteration Permit by Engineering and Public Works, there is a structured system in place for the Township and property owners to work in partnership to ensure that any alterations to the boulevard are in keeping with the requirements of the Township, ensuring safety and access to any municipal works within the boulevard.

In instances when a property owner or occupier has altered the boulevard without an existing permit, and working with the property owner/occupier has failed to reach agreement on what are acceptable boulevard alterations, there is no enforcement mechanism currently in place to help assure compliance. Engineering and Public works are able to return the boulevard to its original state, but there is no enforcement alternative to encourage compliance on behalf of the property owner/occupier.

The creation of a Boulevard Maintenance Bylaw will allow the permitting process to continue, but allow an intermediate option to encourage compliance and aid in the protection of the integrity of Township property.

### **ALTERNATIVES:**

1. That the COTW receive Staff Report No. CSS-15-014 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a report for Council's consideration.
2. That the COTW provide alternative direction to staff.
3. That the COTW request further information from staff.