

VILLAGE OF SILVERTON

BOULEVARD IMPROVEMENT AND REGULATION BYLAW NO. 454 - 2009

A Bylaw to regulate the improvement and maintenance of boulevards in the Village of Silverton

WHEREAS Section 39 of the *Community Charter* provides that Council may by bylaw 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 Village of Silverton, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Boulevard Improvement and Regulation Bylaw No. 454 – 2009".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"Boulevard" means the area of a highway or street between the edge of the paved or main travelled portion of the roadway and the adjacent property line, or a median situated between a divided roadway, or any part of them, and includes sidewalks, ditches and curbs.

"Boulevard Improvement Permit" means a permit approved by Council and issued by the Village in the form attached to this Bylaw as Schedule "A".

"Council" means the Council of the Village of Silverton.

"Improved Boulevard" means a Boulevard improved in accordance with the provisions of this Bylaw.

"Owner" means an owner of property, and includes an occupier.

"Village" means the Village of Silverton.

3. BOULEVARD MAINTENANCE

- (a) Every Owner of property adjacent to a Boulevard must maintain that Boulevard in a clean and safe condition at all times.
- (b) No person shall place a wall, fence, tree, shrub or hedge on a Boulevard.
- (c) Without limiting any other provision of this Bylaw, no Person shall place any thing upon, within, over or under any Boulevard that may interfere with the use and operation of snow removal equipment on a highway.

4. BOULEVARD IMPROVEMENT

- (a) No Person shall improve or otherwise alter, modify, landscape or place structures, objects or improvements of any nature upon, within, over or under any Boulevard unless that person holds a valid and subsisting Boulevard Improvement Permit.

- (b) An Owner may apply for a Boulevard Improvement Permit by submitting an application in the form attached to this Bylaw as Schedule "A".
- (c) Council may approve, reject, or approve with such conditions as it considers appropriate an application for a Boulevard Improvement Permit.
- (d) A Boulevard Improvement Permit may permit an Owner to improve a Boulevard by the planting of grass, the placement of decorative rock, or the construction of paved or concrete driveways, sidewalks or curbs, provided that such improvement or improvements are consistent with the nature and character of any improvements on the Owner's property.
- (e) An Owner that is granted a Boulevard Improvement Permit must carry out such improvements strictly in accordance with the conditions of that Boulevard Improvement Permit.
- (f) Council may revoke without compensation a Boulevard Improvement Permit if the holder of the Boulevard Improvement Permit has failed to comply with the regulations of this Bylaw or with a condition of the Boulevard Improvement Permit.
- (g) Any sidewalk, driveway or curb placed or constructed pursuant to a Boulevard Improvement Permit must not exceed the maximum grade specified in that Boulevard Improvement Permit.
- (h) Every Owner of property adjacent to an Improved Boulevard must, in addition to any other maintenance obligations set out in this Bylaw, maintain such Improved Boulevard by sufficiently watering and keeping trim any grass.

5. VILLAGE AND UTILITY COMPANY ACTION

- (a) The Village may, without notice or compensation to any person, remove or prune any tree or shrub upon a Boulevard that is deemed by Council to be a nuisance to public property or to a utility installation, or that interferes with the safe and orderly movement of vehicular or pedestrian traffic.
- (b) The Village, and any utility company serving the Village, may, without notice or compensation to any person, enter upon, disturb, and take over any Boulevard for the purpose of maintaining or constructing a utility service, including any works in connection with that utility service.

6. OFFENCES AND COST RECOVERY

- (a) A person who violates any provision of this Bylaw commits an offence and is liable, upon conviction, to the maximum penalties prescribed by the *Offence Act*, plus the costs of prosecution. Where the offence is a continuing one, each day that the offence continues shall be a separate offence.
- (b) Whenever any person is in default of doing any matter or thing required to be done under the provisions of this Bylaw, the Village, through its officers, employees or agents may do that which is required to be done, at the expense of the person in default and may recover the expense of the work done, with interest at the rate applicable thereto, including all costs, in the same manner as it may recover municipal taxes.

7. GENERAL

- (a) The headings in this Bylaw are inserted for convenience of reference only, and shall not affect the interpretation of this Bylaw.

- (b) If any provision, section, subsection or other part of this Bylaw is found to be invalid by a Court of competent jurisdiction, the provision, section, subsection or other part may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.
- (c) All schedules attached to this Bylaw form part of this Bylaw.

8. COMMENCEMENT

- (a) The provisions of this Bylaw shall take effect on May 1, 2009.

READ A FIRST TIME this 16th day of February, 2009

READ A SECOND TIME this 16th day of February, 2009

READ A THIRD TIME this 16th day of February, 2009

RECONSIDERED AND ADOPTED this 17th day of March, 2009

Mayor

Administrator

Certified a true copy of the “Boulevard Improvement and Regulation Bylaw No. 454 – 2009”

Administrator

THE VILLAGE OF SILVERTON

BYLAW NO. 454 – 2009

SCHEDULE 'A'

APPLICATION FOR BOULEVARD IMPROVEMENT PERMIT PAGE 1 OF 2

DATE OF APPLICATION: _____

NAME OF PROPERTY OWNER: _____

LEGAL DESCRIPTION OF PROPERTY: _____

STREET ADDRESS OF PROPERTY: _____

MAILING ADDRESS OF PROPERTY OWNER: _____

BRIEF DESCRIPTION OF PROPOSED BOULEVARD IMPROVEMENT:

NOTE: SKETCH PLAN OF PROPOSED IMPROVEMENT MUST BE ATTACHED TO APPLICATION FORM.

CONDITIONS OF BOULEVARD IMPROVEMENT PERMIT: (To be completed by Village Administrator)

THE VILLAGE OF SILVERTON

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SCHEDULE 'A'

APPLICATION FOR BOULEVARD IMPROVEMENT PERMIT PAGE 2 OF 2

PROPERTY OWNER:

- (a) I confirm that I have received, read and understood a copy of "Boulevard Improvement and Regulation Bylaw No. 454 – 2009".

- (b) I confirm that I have read and understood both pages of this Application for Boulevard Improvement Permit in their entirety and I agree to be bound by its terms and conditions, including any conditions that the Council of the Village of Silverton may require in connection with approval of my application.

- (c) If my application is approved and I am granted a Boulevard Development Permit, I agree that I will release, indemnify and save harmless the Village of Silverton, its elected and appointed officials, employees and agents from and against all lawsuits, damages, including damages for personal injury or death, costs, expenses, fees or liabilities which myself or any other person may incur, suffer or allege out of or in connection with the granting of the Boulevard Improvement Permit or anything done or omitted to be done in relation to the Boulevard Improvement Permit.

Signature of Property Owner: _____

Date Approved by Council: _____

Village of Silverton by its Authorized Signatory: _____