

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

BOULEVARDS BYLAW NO. 3191, 1984

A bylaw providing for the construction, maintenance and use of boulevards

**CONSOLIDATED FOR CONVENIENCE ONLY INCLUDING AMENDMENT
BYLAW NO. 3544, 1989**

WHEREAS pursuant to Section 579 of the Municipal Act a Council may by
bylaw regulate the construction and maintenance of boulevards;

AND WHEREAS pursuant to Section 582 of the Municipal Act a Council may by
bylaw regulate the uses of or involving a highway or portion of it or public place;

AND WHEREAS West Vancouver citizens are proud of and have added to the
beauty of their community by landscaping the boulevards adjoining their property;

AND WHEREAS it is deemed advisable to establish regulations concerning the
permitted and required works on and maintenance of boulevards by adjoining property
owners;

NOW THEREFORE the Council of The Corporation of the District of West
Vancouver, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as “Boulevards Bylaw No. 3191, 1984”.
2. In this Bylaw unless the context otherwise requires:
 - “Boulevard” means that part of parts of a street or lane not opened up and improved for use by vehicles or pedestrians and includes the space below and above the ground level of the boulevard;
 - “Corporation” means The Corporation of the District of West Vancouver;
 - “Director of Operations” means the Director of Operations of the Corporation;
 - “Maintenance” includes the regular mowing of grass, cutting of hedges and trimming of trees and shrubs;
 - “Owner” includes an occupier.

3. The owner of land fronting or adjoining a boulevard shall at his own expense keep the boulevard in good and safe condition. This includes tidying, pruning, trimming, mowing, weeding, watering and any other activity necessary to achieve the above stated conditions.

4. No owner of land fronting or adjoining a boulevard shall use the boulevard as a repository for the dumping or storing of earth, rock, garden leavings, gravel, lumber or other construction material, material resulting from demolition of structures or other waste or discarded materials of any kind whatsoever. For the purpose of this Section the use of a boulevard for any of the proscribed purposes shall be deemed to be a use of that boulevard by the owner of the land fronting or adjoining thereon. This Section shall not apply to materials placed or stored on the boulevard in connection with the construction of a building or other structure on the land fronting or adjoining the boulevard, provided:

- i) a valid building permit issued by the Corporation for the said construction is in place, or if it has been less than thirty (30) days since a final inspection pursuant to the building permit, and
- ii) a permit has been issued pursuant to Encroachment Control Bylaw No. 3050

and the placement or storage of the said materials does not pose a hazard or obstruction to vehicles or pedestrians.

5. The owner of land fronting or adjoining a boulevard may improve the boulevard in front of his land by sodding it with grass or seeding it with grass seed, by planting trees, shrubs, hedges and flowers, or have such other encroachments as may be permitted in conformity with Encroachment Bylaw No. 3050, all at his own expense, provided that such improvement of the boulevard does not, in the opinion of the Director of Operations, affect, interfere with, bury or unduly expose or damage any hydrant, valve box, service post, manhole or other public utility, or pose a hazard or obstruction to vehicles or pedestrians.

6. Any improvements made to a boulevard pursuant to Section 5 may be interfered with or removed by the Corporation whenever the use of the boulevard or any part thereof is required for any municipal purpose. Any entry upon the boulevard made by the Corporation under this Section or otherwise shall not impose upon the Corporation any liability to make compensation to the owner of the land fronting the boulevard or to any other person for anything done by the Corporation on that boulevard. While the Corporation shall, when possible restore the boulevard to the state or condition in which it was before it was entered upon by the Corporation for the municipal purposes aforesaid, the Corporation shall not have any liability in this regard.

7. Where the Corporation intends to remove or alter any improvements made to a boulevard the Corporation shall first give to the owner of the land abutting or adjoining said boulevard such notice as can, in the opinion of the Director of Operations, be reasonably given in which to remove or alter the said improvements.

8. Where a violation of Sections 3 or 4 occurs or where improvements are made which contravene Section 5 of this bylaw, the Director of Operations may give the owner

of the land fronting or adjoining the boulevard twenty one (21) days written notice to do such works or things, as specified in the notice as may, in the sole opinion of the Director of Operations, be necessary to bring the boulevard into conformity with the provisions of this bylaw. A notice required to be given under this Section shall be deemed to be sufficiently given if mailed to the owner by registered mail to their mailing address as indicated in the records of the Vancouver Land Title Office for the property or, by posting a copy of the notice in a conspicuous place on the property, such notice to be effective as of the time of mailing or posting. (3544)

9. Upon the failure of the owner to comply with a notice given under Section 8 the Director of Operations shall cause such works or things to be done as may be necessary to carry out the directions contained in the said notice either using the District of West Vancouver's work crews or by contracting with others to do so. The cost of doing such work or things shall constitute a charge against the property and the owner shall be billed for the same with interest at the rate of six percent (6%) per year. The amount thereof, if still unpaid by the 31st day of December of the year in which the charge is billed, shall be deemed to be taxes in arrears with respect to the property referred to in the notice given under Section 8 and shall be so entered on the Tax Roll by the District of West Vancouver's Collector. (3544)

10. Every person who, except for the purpose of undertaking and completing further improvements to a boulevard within ninety (90) days of commencement thereof, suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing anything required to be done by a provision of this Bylaw, or who willfully damages a boulevard or trees, shrubs, plants, bushes, hedges, grass or other things by which a boulevard has been improved or landscaped, shall be deemed to be guilty of an infraction of this Bylaw.

11. Every person who commits an offence against this Bylaw is liable upon conviction to a fine of not more than Five Hundred Dollars (\$500.00).