

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 4806

**FOR THE PROVISION, MANAGEMENT AND
PROTECTION OF BOULEVARDS**

The Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

INTERPRETATION

1. In this Bylaw unless the context otherwise requires,

“Boulevard” means that portion of any highway other than the paved, improved or main travelled roadway, driveway, or sidewalk and includes any landscaped median, under the jurisdiction of the Corporation.

“Corporation” means the Corporation of the District of Saanich.

“Cycle” means every device propelled by human power upon which any person may ride, and includes velocipedes and any other similar device.

“Director of Engineering” means the Director of Engineering of the Corporation of the District of Saanich duly appointed by Council or any person authorized to act on his behalf.

“Driveway” means any access to a highway set apart and improved by grading, gravelling or any other means approved by the Director of Engineering.

“Highway” means any road, street, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.

“Landscape” means the addition of trees, lawns, plants and other natural and decorative features to the land.

“Median” means that portion of a highway situated between a divided roadway.

“Parcel” means a lot, block, or other area of land in which land is held or into which land is subdivided, but does not include any part of a highway.

“Permit” means a permit issued pursuant to this Bylaw.

“**Person**” includes a partnership, syndicate, association, corporation and the agent or trustee of a person.

“**Roadway**” means that portion of the highway constructed for use by vehicular traffic or in regular use by vehicular traffic.

“**Sidewalk**” means that portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines, improved for the use of pedestrians by the laying of concrete, asphalt, gravel, planks or other material.

“**Soil**” means soil, sand, gravel, rock or other substance of which the land is composed.

“**Street Furniture**” means man-made, above ground items that are usually found on highways, streets, lanes, rights-of-way and boulevards, including benches, kiosks, canopies, shelters and refuse receptacles.

2. Unless the context otherwise requires, wording in the singular number or masculine gender shall include the plural or feminine gender, and the converse shall apply.

PERMIT REGULATIONS

3. No person shall landscape or maintain a boulevard or any part thereof without being the holder of a valid permit issued by the Director of Engineering pursuant to this Bylaw.
4. A permit may be issued for the purpose of landscaping, maintaining, improving and caring for any boulevard by planting, tending or caring for trees, shrubs, grasses and any other plants by the owners or occupiers of land adjacent to the boulevard.
5. Every person wishing a permit must make application in writing on the prescribed form to the Director of Engineering.
6. The Director of Engineering may issue a boulevard permit and such permit shall apply in respect to one parcel or land and no more.
7. Each permit issued pursuant to this Bylaw shall be issued subject to the following conditions, without the necessity of the same being endorsed upon the permit or annexed thereto:
 - (a) Every boulevard shall be maintained in proper order and condition by the person to whom such permit has been granted.
 - (b) A permit holder may plant only those trees, shrubs, grasses and other plants listed on the approved lists of boulevard plantings maintained by the Director

of Engineering, or any other tree, shrub, grass or plant approved in writing by the Director of Engineering.

- (c) No permit holder shall erect, construct, build, place or maintain on any boulevard any fence, pavilion, tent, shelter or any temporary or permanent structure without first obtaining written permission from the Director of Engineering.
- (d) The Corporation, its servants and agents and servants and agents of B.C. Hydro and B.C. Telephone when authorized by the Corporation, may at any time, without notice and without compensation, enter upon and take over any boulevard or part thereof and cut, prune or remove anything planted, constructed, built or placed thereon.
- (e) Every boulevard may be entered upon by the Corporation, its servants and agents and servants and agents of B.C. Hydro and B.C. Telephone when authorized by the Corporation for the purpose of laying or removing pipes, sewers, drains, hydro or telephone conduit or wires, utility poles and other accessory equipment and every and any other purpose of the Corporation, without notice and without compensation to such permit holder.
- (f) Any permit granted under this Bylaw may at any time be revoked or cancelled by the Corporation without compensation. The permit holder shall receive thirty (30) days notice of such revocation or cancellation during which time the said permit holder has the right of appeal to the Municipal Council.

GENERAL REGULATIONS

- 8. It shall be unlawful for any person to wilfully damage any boulevard or any fence, shrub, hedge or plant, wall, fence, or street furniture on any boulevard without prior approval in writing from the Director of Engineering or the Municipal Council.
- 9. No person shall cut, prune, break, remove or injure or in any way destroy any tree on any boulevard without prior approval in writing from the Director of Parks and Recreation or the Municipal Council.
- 9.1 Notwithstanding any other provision in this Bylaw, an employee of the Municipality, or a contractor or an employee of a contractor hired by the Municipality may, in the course of their duties or pursuant to a contract, cut down, prune, remove or injure any tree, shrub or plant growing on a boulevard.
- 10. (a) No person, other than a permit holder, shall cut, trim, prune, break, remove or in any way destroy any shrub, grasses or any other plants on any boulevard.

- (b) A permit holder may cut, trim, prune, remove or relocate any shrub or ground cover plants to maintain the proper order and condition of such boulevard.
11. No person shall construct a rockery or place rocks on any boulevard.
 12. No person, except any person authorized by the Corporation, shall remove, dig up or excavate any soil from any boulevard.
 13. No person shall deposit any waste, litter, paper, glass, tin cans, offensive matter or any other substance of any kind on any boulevard except in the receptacles provided for such purposes.
 14. No person shall dispose of any rubbish, refuse or garbage or any other discarded material or things on any boulevard.
 15. No person shall injure, remove deface or in any way destroy any notices, signs, or regulations affixed by order or permission of the Corporation, to any thing on any boulevard.
 16. No person shall:
 - (a) Lead, ride or drive any animal on any landscaped boulevard.
 - (b) Tether any animal to any tree or shrub or the support of any tree or shrub on any landscaped boulevard.
 - (c) Tether any animal to any tree or shrub or the support of any tree or shrub on any boulevard that constitutes a hazard to traffic.
 - (d) Park or allow to be parked any vehicle boat or trailer, upon any landscaped boulevard.
 17. No person shall ride, drive, propel or move any vehicle including any trailer, cycle, roller skates, or any other velocipede over or on any boulevard unless a driveway has been constructed or reconstructed to form a suitable crossing according to the provisions set out in the "Highway Access Bylaw, 1977, No. 4020".
 18. Every person who contravenes this Bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable upon summary conviction to a fine of not less than Twenty-five Dollars (\$25.00), and not more than Five Hundred Dollars (\$500.00), and for each subsequent offence a fine of Forty Dollars (\$40.00) and not more than Five Hundred Dollars (\$500.00).
 19. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

20. Bylaw No. 719, being the "BOULEVARDS BYLAW, 1944" and all amendments thereto is hereby repealed.
21. This Bylaw may be cited for all purposes as the "BOULEVARDS MANAGEMENT BYLAW, 1982, NO. 4806".

Includes Amendment Bylaws No. 5639 and 5732