

**BYLAW #25-2015
BOULEVARD BYLAW
TOWN OF SLAVE LAKE**

**A BYLAW OF THE TOWN OF SLAVE LAKE IN THE PROVINCE OF ALBERTA
CONCERNING BOULEVARDS, FLANKAGES, UTILITY LOTS AND BOULEVARD
TREES WITHIN THE TOWN OF SLAVE LAKE.**

WHEREAS Section 7 of the Municipal Government Act, being Chapter M-26, 2000 permits a municipality to provide a system for the establishment and maintenance of public lands including boulevards.

NOW THEREFORE, the Council of the Town of Slave Lake enacts as follows:

1. In this Bylaw:

- a) "Boulevard"
 - i) that portion of Town road lying between the curb line of a Town road and the adjacent front property line excepting that portion occupied by a constructed sidewalk; or
 - ii) where there is no curb, that portion of Town road lying between the portion of the road ordinarily traveled by vehicles and the adjacent front property line excepting that portion occupied by a constructed sidewalk and may include drainage ditches.
- b) "Boulevard Flankage"
The longest dimension of the property abutting a street or an avenue.
- c) "Building"
Includes a structure and any part of a building or structure placed in, on or over land whether or not it is affixed to becoming transferred without special mention by a transfer or sale of land.
- d) "Council"
The Council of the Town of Slave Lake.
- e) "Director of Community Services"
The Director of Community Services of the Town, deputy, or any person authorized to be their representative.
- f) "Director of Operations"
The Director of Operations of the Town, or deputy, or any person authorized to be their representative.
- g) "Director of Planning & Development"
The Director of Planning & Development of the Town, or deputy, or any person authorized to be their representative.
- h) "Owner"
The assessed owner of land abutting the Town Boulevards.

- i) “Occupant or Tenant”
The person occupying or leasing the property at the time.
- j) “Town”
The Town of Slave Lake.

2. Construction of Boulevard by Owner

- a) The owner must construct the boulevard fronting or abutting their property in which case the owner must excavate, backfill, and consolidate to final grade, sod or seed and perform any other work that may be necessary to construct a grass turf boulevard according to the applicable Town Standards and Procedures.
- b) All such work shall be at the owner’s expense.
- c) The owner will not be assessed by the Town for boulevard construction if the owner constructs the boulevard and within the timeline specified in the Development Permit.
- d) The Town may inspect all owner-constructed boulevards and may, in the event of the boulevard not being constructed in a satisfactory manner, require the owner to perform whatever work that in the opinion of the Town is necessary to rectify the construction.
- e) If the owner of the construction of the boulevard fails to comply with the applicable Town specifications, the Town after 40 days’ notice to the owner to remedy the construction, may then construct the boulevard and the cost of doing so shall be assessed against the owner’s land at the then current rate.
- f) In the event of grass crop failure or subsidence or any other unsatisfactory result, the owner will be responsible for any resodding and reseeding, filling or any other work that may be necessary to make good such faults.

3. Construction of Boulevards by the Town

- a) The Town Community Services or Operations Department will, as directed by the CAO, excavate, backfill, level, and consolidate to final grade, seed and perform any other work that may be necessary to construct the grass turf boulevard.

4. Grades

- a) Boulevard construction and maintenance of boulevard grades shall be in accordance with development permit specifications.

5. Renovations

- a) If a boulevard becomes badly deteriorated because of poor maintenance or any other cause, the owner or the Town may reconstruct the boulevard. Such reconstruction shall be subject to all provisions of this bylaw regarding the construction of boulevards and flankages.

6. Maintenance of Boulevards

- a) A person shall maintain any boulevard adjacent to property they own or occupy by:
 - i. keeping any grass on the boulevard cut to a length of no more than 10 centimetres;
 - ii. preventing weeds or other vegetation from growing uncontrolled; and
 - iii. removing any accumulation of fallen leaves or other debris.
- b) A person shall not remove, pollard, destroy or injure any tree that is planted or growing on a boulevard.
- c) A person who having occupation and control of the property and whether such a person is the owner of the property has failed to maintain the boulevard, and the Director of Community Services has sent a written notice to such person that maintenance is needed, and has waited 15 days from the date of delivery of the notice to the premises but the maintenance has not been completed, then the Director of Community Services may cause personnel of the Town to do the maintenance work on the boulevard or on the boulevard flankage of such property, or on both, in which case the cost of the work shall be charged against the property as taxes due and owing and shall be collected in the same manner as other taxes.

7. Construction of Sidewalks Crossing the Boulevard

- a) An owner may construct a sidewalk across the boulevard, provided the sidewalk is constructed in accordance with the Town of Slave Lake's Development Standards and Procedures, which can be obtained from the Director of Operations. In addition, the sidewalk shall be constructed to the same elevation as the Town sidewalk or curb.
- b) No person shall pave all or any portion of a boulevard unless and until a permit to do so has been issued by the Planning & Development Department:
 - i. the surfacing must be constructed in a manner that is to the satisfaction of the Planning & Development Department and the Director of Operations;
 - ii. paving shall be curbed wherever such curbing may be deemed

necessary to protect Town property from damage;

- iii. where trees exist, the owner shall pave around such trees leaving a 2.5 foot radius circle of cultivated soil or grass at the base of the tree. The Community Services Department may grant permission to remove trees if in the opinion of the Community Services Department such a removal is justified;
 - iv. if on application for the sidewalk, the Community Services Department grants permission to remove a tree, the owner shall bear all costs of removal provided that:
 - the tree is suitable to be transplanted elsewhere in the Town the Community Services Department has the sole right to do the work,
 - the tree has to be cut down, the Community Services Department has the sole right to perform such work and the owner will be responsible for the cost of all the work involved,
 - the owner shall acquaint themselves with the estimated cost of such work before commencing construction.
- c) The Planning & Development Department, before issuing a boulevard crossing permit shall first have the application approved by the Community Services Department. The owner in applying for the permit shall supply a site plan showing the grades. The Planning & Development Department will not approve the permit if the sidewalk will require the removal of, or interfere in any way with a boulevard tree so as to detract from the general appearance of the area except:
- i. if the tree concerned is scheduled for removal; or
 - ii. if, in the opinion of the Community Services Department, such removal will not detract from the general appearance of the Town.

8. Maintenance of Sidewalks

- a) A person shall maintain any sidewalk adjacent to property they own or occupy clear of all snow and ice.
- b) If a person fails to comply with Section 8 (a) the Town may arrange to have the sidewalk cleared and the expenses and costs incurred by the Town for removing the snow and ice shall be paid upon demand and, if unpaid, may be added to the tax roll of the adjacent property.
- c) A person shall not deposit snow or ice upon public lands, public roads, or private property that is not their own.

- d) A person shall not place, leave or suspend a cable, rope or other object on, across or over any part of the sidewalk except for an electrical cord designed for outdoor use and only if it is left in a manner that does not cause a hazard to users of the sidewalk.

9. Location and Construction of Driveways Across Boulevards

- a) No owner shall locate and construct a driveway across a boulevard unless and until the construction has been authorized by the Planning & Development Department and the owner when applying for a permit must supply a site plan showing the proposed location and grades. The Planning & Development Department will not issue a permit if the driveway will require the removal of, or interfere in any way with a boulevard tree except as determined by the Director of Community Services.
- b) If on application of a driveway permit, the Director of Community Services grants permission of a tree removal, the owner shall bear all the costs of removal provided that:
 - i. if the tree is suitable for transplanting elsewhere in the Town, the Community Services Department has the right to perform such work and the owner shall be responsible for all the work involved;
 - ii. if the tree has to be cut down, the Community Services Department has the sole right to perform such work and the owner will be responsible for the cost of such work, plus the value of the tree.
- c) At the discretion of the Director of Planning & Development a variance may be granted to a driveway required to be built around a Town Fire Hydrant, allowing for the area around the Fire Hydrant to be surfaced other than in grass.

10. Surfacing of Boulevards

- a) No person shall use any other surface other than grass for all or any portion of the boulevard except for sidewalk and driveway as referred to in Sections 7, 8, and 9 unless and until permission to do so has been approved by the Director of Planning & Development.
- b) The Town may allow, with written permission, the area between the sidewalk and your property boundary to have low maintenance landscaping; however, the first 1.0 meters behind the sidewalk must be maintained in grass. The remaining area of the boulevard may include:
 - Gardens
 - Annual Bedding Plants
 - Ground Cover
 - Bark, Mulch, or Wood Chips
 - Seasonal Planters – all seasonal planters, etc. must be removed

from the boulevard no later than October 1 each year to permit snow storage.

The Town **will not** allow the following landscape materials to be used on boulevards:

- Shale, rock or granular materials
 - Retaining walls
 - Fences
 - Hedges
 - Permanent Planters
 - Light, fence or gate posts or any other permanent structure.
- c) If you do not have a Town sidewalk on your side of the roadway, the first 1.0 meters from the curb must be maintained in grass to allow for passengers to get in and out of the passenger side of a parked car. In addition this 1.0 meter setback will prevent damage to properties during winter ploughing operations.
- d) If a fire hydrant is present within the boulevard in front of your property, a distance of 1.0 meters on each side and the rear of the hydrant, as well as the area all the way to the sidewalk or curb must be maintained in grass. No trees, shrubs, other plantings or structures are permitted within the grassed area around the fire hydrant to ensure ease of access, visibility and maintenance.

11. Erection of Fences on Boulevards

- a) No person shall erect any fence, barrier or structure of any kind on a Town boulevard, except where specifically authorized under any other Town bylaw.

12. Utility Lots

- a) In this bylaw "PUL" (public utility lot) means a lot registered in the name of the Town and used for utility purposes, walkways and the installation and maintenance of utility services.
- b) The Community Services Department shall be responsible for maintenance of the utility lot.

13. Boulevard Trees

- a) In this bylaw "boulevard trees" means all trees and shrubs planted on boulevards, lanes, sidewalks, and road right-of-ways or any other public place.
- b) Planting of all boulevard trees shall be carried out by the Community Services Department.

- c) The selection of boulevard trees types shall be at the discretion of the Director of Community Services.
- d) All trees on Town property are the property of the Town and the maintenance of such trees is the responsibility of the Community Services Department. No other person, other than a duly authorized employee or agent of the Community Services Department shall prune, repair, clip, or perform any other work on any boulevard trees.
- e) The Community Services Department shall replace any tree that may die or be destroyed or be removed by the Town provided that such replacement, in the opinion of the Director of Community Services, is desirable.
- f) The Community Services Department shall have the sole right to remove or cause to be removed, any boulevard tree which in the opinion of the Director of Community Services warrant such removal and in particular where the tree in any way interferes with or endangers the lines, poles, conduits, pipes, sewers, traffic control devices to other works of a municipal or other public utility.
- g) The Director of Community Services shall not grant requests for the removal of a boulevard tree unless in the opinion of the Director of Community Services there are exceptional circumstances which warrant such removal, or except where another portion of this bylaw is applicable (driveways). If a request for removal of a boulevard tree is granted the adjacent property owner or person requesting the removal shall be responsible for the cost of such removal, plus the value of the tree as appraised. If the tree can be transplanted elsewhere on Town property (at the Town's discretion), the owner or person requesting the removal will be responsible only for the cost of such transplanting.
- h) Any signs erected on private property shall be located so that they will in no way interfere with boulevard trees and will not necessitate pruning or thinning in addition to regular practices.
- i) No person shall attach any sign or other devices to any boulevard or flankage trees or within Community Services.

14. House Moving

- a) The owner of any building, which is moved within the Town, shall be responsible for all costs for:
 - i. repairing damage to trees and/or boulevard as caused by the moving, and
 - ii. monitoring carried out by the Operations Department during moving operations.

15. Trees Broken or Uprooted During Storms

- a) If a privately owned tree is broken or uprooted and the trees or portions thereof fall on a boulevard or other Town property, the owner of the tree shall be responsible for the removal thereof from the said boulevard or other Town property and if the owner fails to remove the tree within five (5) days the Community Services Department will remove the tree or portions thereof from the Town property and charge the cost to the owner. In cases where the removal must be undertaken at once for safety reasons the Community Services Department will remove it and charge the cost to the owner.
- b) Where a tree or shrub on privately owned land in any way interferes with or endangers the lines, poles, conduits, boulevard trees, traffic control devices or other work of the Town utility the owner, agent, lessee or occupier of the privately owned land upon notification from the Director of Community Services shall be required to remove or prune such tree or shrub and if the owner, agent, lessee, or occupier fails to do so the Town may remove or prune such tree or shrubs and charge the cost of doing so to the owner, agent, lessee, or occupier.

16. Powers of the Directors

- a) Without restricting any other power (i.e. any Director), duty, or function granted by this bylaw, a Director may:
 - i. carry out any inspections to determine compliance with this bylaw;
 - ii. take any steps or carry out any actions required to remedy a contravention of this bylaw;
 - iii. take any steps or carry out any actions required to remedy a contravention of this bylaw;
 - iv. establish investigation and enforcement procedures with respect to residential, commercial, industrial, or other types of property and such procedures may differ depending on the type of property in question;
 - v. establish areas where activities restricted by this bylaw are permitted;
 - vi. establish forms for the purpose of this bylaw;
 - vii. issue permits with such terms and conditions as are deemed appropriate;
 - viii. establish the criteria to be met for a permit pursuant to this bylaw; and
 - ix. delegate any powers, duties or functions under this bylaw to an employee of the Town.

17. Orders to Remedy Contravention

- a) If a Director finds that a person is contravening this bylaw, that Director may, by written order in accordance with Section 545 of the Municipal Government Act, require any person responsible for the contravention to remedy it.
- b) The order may:
 - i. direct a person to stop doing something, or to change the way in which the person is doing it;
 - ii. direct a person to take any action or measures necessary to remedy the contravention of the bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of this bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
 - iii. state a time within which the person must comply with the directions;
 - iv. state that if the person must comply with the directions within a specified time, the Town will take action or measure at the expense of the person.
- c) The expenses and costs of an action or measure taken by the Town under this section are an amount owing to the Town by the person in contravention of this bylaw.
- d) The Town may, in accordance with the Municipal Government Act, add to the tax roll of a property, unpaid expenses and costs referred to in subsection (b) if the person who owns the property contravened this bylaw and the contravention occurred on all or a part of the property.
- e) In default of payment the Town may:
 - i. recover the same as debt due the Town; or
 - ii. charge the same against the land concerned as taxes due and owing in respect of that land and recover the same as such.
- f) For any work done under this bylaw by anyone other than the Town, its agents, or employees, the property owner, his agents or employees shall indemnify and hold harmless the Town, its agents and employees from any and all claims, risks, actions and causes of action howsoever arising from or out of the work done by such an individual.
- g) Failure to comply with any provision of this bylaw shall result in the issuance of a penalty tag in the amount of Three Hundred Dollars (\$300.00).

That Bylaw #04-2015 is hereby rescinded on the date of enactment of this Bylaw.

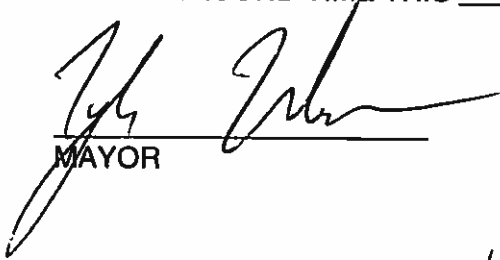
That this Bylaw comes into effect upon the date of its Third and Final Reading.

READ A FIRST TIME THIS 1 DAY OF December 2015 A.D.


MAYOR

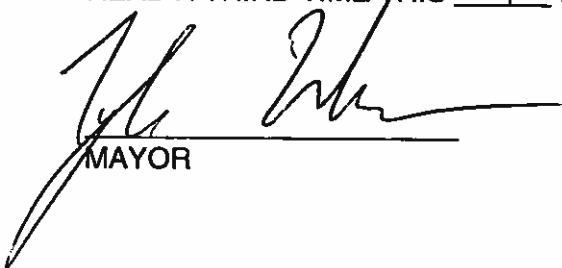

CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME THIS 1 DAY OF December 2015 A.D.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME THIS 1 DAY OF December 2015 A.D.


MAYOR


CHIEF ADMINISTRATIVE OFFICER