

DATE: July 27th, 2020

REPORT NO: PD-099-20

SUBJECT: **Technical Report**
Parking, Driveway, Boulevard and Culvert Bylaw Review in Advance of a Public Meeting and Consultation Process

CONTACT: Gerrit Boerema, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- Township Planning, Building, Bylaw and Public Works Staff have had difficulty dealing with unauthorized driveway widenings, entrance construction and boulevard alterations over the past few years. It seems that no one consulted with the Township prior to widening their driveway and/or installing a sidewalk along the side effectively increasing parking space.
- A large number of residential lots throughout Smithville have altered their driveways, curbs and boulevards. There have been several complaints from residents and a number of ongoing bylaw files that have prompted this report requesting a bylaw and procedural review in order to protect the Township's assets.
- A previous discussion occurred in Confidential Session which triggered this review.
- Residents who are widening their driveways to accommodate more vehicles within their property and on the Township's boulevard could be a result of the Township's winter on-street parking prohibition and increased enforcement. Another cause could be new home designs with less frontage and smaller garages not suited for parking a vehicle (minimum garage standards already being reviewed by Township Staff through the Housekeeping Zoning Amendment Process).
- There were 250 parking violations issued over the past winter season.
- There are four bylaws that Township staff wish to review and amend to create a unified approach in dealing with driveway and boulevard alterations:
 - Zoning Bylaw 2017-70
 - Maintenance of Boulevard Bylaw 2016-64
 - Overnight Parking Prohibition Bylaw 89-2000, as amended
 - Culvert Bylaw 97-98 as amended by by-law 2002-119
- Township Staff are intending to create a clear process for members of the public to install a new driveway entrance, or alter an existing driveway or boulevard, while protecting Township assets. Township Staff also wish to explore alternative winter parking regulations allowing greater flexibility for on-street parking.
- Township staff has explored some options to address these issues. To initiate this review process a public meeting is required.

RECOMMENDATION

1. That, report PD-099-20, regarding “Technical Report, Parking, Driveway, Boulevard and Culvert Bylaw Review in Advance of a Public Meeting and Consultation Process”, dated July 27, 2020 be received; and,
2. That staff be authorized to hold a public meeting at a future Planning Building and Environment Committee Meeting or Council Meeting, and send out proper notification to all residents through local newspapers and other means so that broad consultation can occur.

ALIGNMENT TO STRATEGIC PLAN

- **Theme**
 - **Strategic Responsible Growth**
 - **Community Health and Safety**
 - **Efficient, Fiscally Responsible Operations**

BACKGROUND

Township staff have seen an increased number of residential properties expand and enlarge their driveways to accommodate more off street vehicle parking. Township staff believe that this increase is at least partly related to the Township’s prohibition of overnight parking which is typically only enforced in the winter months from November to April. There are other issues which are likely impacting the need for more vehicle parking spaces, such as secondary apartment units being constructed without going through the proper approval process, the increasing density required in new developments, the increasing amount of driving age adults per dwelling unit, and the lack of public transit.

Currently there are three bylaws that regulate what can and cannot be done in front of an individual’s dwelling as well as the process that staff take to consider driveway or boulevard alterations. The bylaws are not comprehensive and do not provide an adequate process for members of the public to consider proper expansions to their driveways or alterations to the Township’s boulevards.

Township staff are proposing that these three bylaws be reviewed and that staff prepare a new driveway and boulevard alteration bylaw and establish a process to comprehensively regulate driveways and Township boulevards to ensure protection of Township assets and a clear process for residents to alter their driveways.

CURRENT SITUATION

There are currently three bylaws that regulate driveways, culverts and boulevards, and one bylaw that regulates on-street parking. A brief summary of each bylaw and how it relates to residential parking can be found below:

Zoning Bylaw 2017-70 – Part 3.12 Parking and Loading Facilities

As mentioned previously, this review, as it relates to zoning, will be looking specifically at residential driveways within Smithville. Agricultural and hamlet driveway alterations have not appeared to be an issue as it relates to width or front yard lot coverage.

The Township Zoning Bylaw 2017-70 as amended requires the following:

- For single detached and semi-detached dwelling units, 1 parking space per unit
- For a townhouse or apartment building, 1.5 spaces are required per unit.
- A standard parking spot must be a minimum of 2.7 metres wide by 6 metres in length.

The current table for driveway widths is as follows:

Table 3: Minimum and Maximum Widths for Driveways and Parking Aisles

Type of <i>Driveway or Parking Aisle</i>	Minimum Width	Maximum Width
<i>Driveways for residential uses within a settlement area with less than five (5) dwelling units (By-law 2019-63):</i>		
<i>Driveway for a dwelling with a private garage</i>	3 metres	<i>Garage width plus 0.5 metre or 50% of the lot frontage, whichever is greater, to a maximum of 6 metres</i>
<i>Driveway for a dwelling with no private garage</i>		<i>50% of the lot frontage, to a maximum of 6 metres</i>
<i>Driveways for residential uses outside a settlement area with less than five (5) dwelling units (Bylaw 2019-63):</i>		
<i>Driveway for a dwelling with a private garage</i>	3 metres	<i>Garage width plus 0.5 metre or 50% of the lot frontage, whichever is greater, to a maximum of 7.5 metres</i>
<i>Driveway for a dwelling with no private garage</i>		<i>50% of the lot frontage, to a maximum of 7.5 metres</i>
<i>Driveways for residential uses with five (5) or more dwelling units and non-residential uses.</i>		
Single traffic lane for travel in one direction	3 metres	4.5 metres
Double traffic lane for travel in one or two directions	7.5 metres	9 metres
Double traffic lane for travel in one or two directions plus one or more dedicated turning lanes where required in accordance with an approved site plan	9 metres	16 metres
<i>Parking aisles:</i>		
<i>Parking aisles for parking spaces angled 75 or 90 degrees to a line parallel to the aisle</i>	6 metres	7.5 metres
<i>Parking aisles for parking spaces angled 60 degrees to a line parallel to the aisle</i>	5 metres	
<i>Parking aisles for parking spaces angled 45 degrees to a line parallel to the aisle</i>	4 metres	
<i>Parking aisles for parallel parking spaces</i>	5 metres	

Driveways are not permitted to cover any more than 50% of a property's front yard.

Back in 2019 there was a housekeeping amendment made to the driveway provisions of the Zoning bylaw which separated driveways found within hamlets and settlement areas

verses driveways found in the agricultural area. This has allowed for wider driveways in the agricultural area.

The same bylaw amendment also added some clarification such as requiring that 50% of a property' front yard needs to be considered open landscaped area. This was added to stop residents from widening their driveways by adding sidewalks and other decorative hard surfaces which in effect were used for parking.

Definitions around landscaped area are still causing issues around interpretation and need to be reviewed. Part of the challenge is to balance resident's needs while maintain an attractive residential setting and ensuring that storm water management can still function with increased hard surfaces.

Increasing the area covered by asphalt, concrete or other impermeable or less permeable surfaces reduces the amount of infiltration (water retention in the ground after a rainfall). With many people widening driveways or adding 'sidewalks' (which are used for parking) to their front yards, the Township Stormwater Management systems could be overloaded and not handle the capacity causing localized flooding and water quality issues.

Increased driveway width can also cause traffic and pedestrian safety issues, especially if the alterations take place near an intersection.

Culvert Bylaw 97-98 amended by by-law 2002-119 (Attachment 1)

The Township Culvert Bylaw, as amended, has been the primary bylaw used for the procedure of reviewing driveway alterations and curb cuts. However, the Culvert Bylaw only provides regulations on the sizing of culverts and the associated fees and does not speak at all to driveways and curb cuts. It also does not provide any process for staff to follow when reviewing new culvert permits or culvert replacements.

Private property owners wanting access to their property requiring a culvert must obtain a permit from the Township. The set fees include a \$55 inspection fee and a \$1,250 deposit. The property owners also have to provide written confirmation of insurance coverage for the work, and if the work is being done by someone other than the property owner, a certificate of workplace health and safety training must also be provided.

These requests are submitted in a standard form which is administered by Public Works. Approximately 2 years ago the form was modified to include a Planning Department approval sign off and Staff began requiring the form be submitted for all driveway alterations.

Final sign off is typically done by the Road Operations Manager and the Planner II although the bylaw does not specify who can grant approval.

Boulevard Maintenance Bylaw 2016-64 (Attachment 2)

The Boulevard Maintenance Bylaw regulates what can and cannot be done within the Township Boulevard. It requires that property owners maintain the portion of boulevard in front of their property. It also prohibits alterations to the boulevard without written permission from the Director of Planning and Building.

Section 5, Damage to Boulevards, states “No person shall damage, construct or reconstruct a sidewalk, curb, apron driveway or boulevard without written permission of the Director.”

There is no procedure or form to alter the bylaw, and the current bylaw does not require any sign off or review from the Township Public Works, although they are typically consulted.

The penalty for contravention can be an order, or the Township restoring the boulevard to its original condition at the cost of the landowner. There are no set fines for contravention of the boulevard bylaw. The by-law was written so that Township By-law Enforcement staff could address a number of long grass complaints that had been received.

Overnight Parking - Bylaw 89-2000, amended by Bylaw 2012-45 (Attachment 3)

The Township’s current Overnight Parking Bylaw 89-2000 as amended by bylaw 2012-45 regulates parking on Township streets and Regional Roads in the Township. Parking is permitted on Township Streets for no longer than 12 hours at a time. Parking is also not permitted between the hours of 2:00AM and 6:00AM.

Parking enforcement is conducted by the Township’s Bylaw Enforcement officer and by the Building Inspector during the winter months from November to April. Parking enforcement during the remainder of the year is done on a complaint basis. The idea for Overnight enforcement is to have the roads free and clear of vehicles for snow removal and salt trucks, etc.

Staff are investigating other methods of enforcement such as no on-street parking 24 hours before or after a snow event, etc.

Potential Changes

Staff have begun looking at options for addressing the issues of winter parking and driveway alterations by reviewing what other municipalities have in place. Staff have put together some alternative options for Council and the Public to consider. A summary of these options are below:

Potential Township Zoning Bylaw Amendment Options

	Current Regulation	Option 1	Option 2	Option 3	Option 4
Parking Requirement for Singles and semis	1 space per unit	1.5 spaces per unit	2 spaces per unit (tandem parking permitted)	2 spaces per unit (no tandem parking permitted)	
Parking requirement for townhouse and apartment buildings	1.5 spaces per unit	1 space per unit, 0.5 visitor spaces per unit	1.5 spaces per unit, 1 visitor space per unit	2 spaces per unit (tandem parking permitted)	2 spaces per unit (tandem parking not permitted)
Driveway width	3m minimum to a maximum of the Garage door width +0.5m or 50% of the lot frontage, whichever is greater, to a maximum of 6m	3m minimum to a maximum of the Garage door width +0.5m or 50% of the lot frontage, whichever is greater, to a maximum of 9m	3m minimum to a maximum of the Garage door width +0.5m or 50% of the lot frontage, whichever is greater, to a maximum of 12m		
Parking Space definition	Means an unobstructed area for the parking of a motor vehicle.	Means a levelled, unobstructed area for the parking of a motor vehicle.			
Language around landscaping/ hard surface etc.	In a residential zone, a minimum of 50% of the front yard shall be landscaped open space				
Landscaped open space definition	Means the calculation of the horizontal area of a <i>lot</i> covered by <i>landscaping</i> , expressed as a percentage				

	of the lot area	
Landscaping definition	Means an outdoor area of a <i>lot</i> not covered by <i>buildings</i> or <i>structures</i> and comprised exclusively of vegetation such as grass, shrubs, flowers and trees and/or other permeable surfaces used for walks, patios, decks, fences and decorative treatments, but does not include <i>parking areas</i> or driveways.	Means the outdoor area of a <i>lot</i> not covered by <i>buildings</i> , <i>structures</i> , patios, <i>parking areas</i> or driveways and comprised exclusively of vegetation such as grass, shrubs, flowers and trees as well as permeable surfaces used for walks or decks (i.e. wood or pebbled walkways).

Potential Township Culvert Bylaw Changes

	Current	Option 1 (Preferred)	Option 2
Bylaw	Bylaw limited to culverts (new and replacement).	Replace Township Culvert Bylaw with comprehensive Entrance, Driveway and Boulevard Alteration Bylaw	Amend the culvert bylaw to include driveway alteration regulations and reference to new procedures
Fees	\$55 & \$1,250 deposit	Increase Fee	Increase Fee
Penalties	No Penalties	Add penalty for unauthorized work	Add penalty for unauthorized work
Procedure	No procedure	Create Review and Approval Procedure	Create Review and Approval Procedure
Approval	Public Works Roads Supervisor	Joint Approval (Planning, Public Works and Agency (if required))	Joint Approval (Planning, Public Works and Agency (if required))

Potential Township Maintenance to Boulevard Bylaw Changes

	Current Bylaw	Option 1 (Preferred)	Option 2
Bylaw	Bylaw is newer and provides some direction with regards to boulevard alterations	Replace Township Maintenance to Boulevard Bylaw with comprehensive Entrance, Driveway and Boulevard Alteration Bylaw	Amend the Maintenance to Boulevard Bylaw to include driveway alteration regulations and reference to new procedures
Fees	No Fee	Add Fee and Deposit	Add Fee and Deposit
Penalties	No penalties – order to re-instate boulevard (places onus on Township)	Create list of fines for unauthorized driveway and boulevard alterations	Add fines for unauthorized activity.
Procedure	No procedure or form for public	Create a new uniformed procedure for all driveway and boulevard alterations and construction	Create a new procedure limited to driveway and boulevard alterations. Create new application form.
Approvals	Director of Public Works	Joint Approval (Planning and Public Works)	Joint Approval (Planning and Public Works)

Overnight Parking Regulations

An analysis of Niagara municipal bylaws was conducted and a summary can be found in Attachment 4. There is a wide spread of how municipalities regulate on-street parking. Based on this review Township staff present the following options:

	Current Bylaw	Option 1	Option 2
Regulations	On street parking is prohibited between the hours of 2:00AM and 6:00 AM.	On street parking is prohibited 24 hrs before and after a snow event.	On street parking is prohibited during snow removal services (plowing, sanding, salting).
Enforcement	Vehicles parking on the street during this time are issued a ticket.	Vehicles parking on the street during this time may be issued a warning (ie. Your vehicle may be ticketed or towed if not moved in _____)	Vehicles parking on the street during this time may be ticketed or towed away.

		hrs.), a ticket, or towed away.	
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A draft Driveway, Entrance and Boulevard Bylaw and a draft Overnight Parking Regulation bylaw based on the preferred options by Staff will be prepared prior to a public meeting and posted on the Township’s website.

It is recommended that the Township hold a public meeting and that notice be given in the local newspapers once the Township is in a position to hold public meetings.

FINANCIAL IMPLICATIONS

Staff currently charge a \$55 dollar fee and collect a \$1,250 dollar deposit for entrance work, which originates from the Culvert Bylaw. However, as previously stated, the Culvert Bylaw is really only limited to new culverts, and does not address driveway alterations or curb cuts.

Staff are proposing an increased fee as part of the review to better offset staff time reviewing and inspecting the applications and alterations. Staff are also proposing that fines be implemented for unauthorized work as an incentive for residents to consult with the Township and seek the appropriate approval.

There will be costs associated with sending out notice to residents about the public meeting and consultation process as well as sending out notice if changes are ultimately made. Township staff will go beyond the standard newspaper notice and are proposing to notify as many residents of Smithville as possible and/or provide notices within future mailings.

Notification costs will be charged to the Planning Department operating budget.

INTER-DEPARTMENTAL COMMENTS

This report was a collaboration between Planning, Bylaw and Public Works staff to address the current issues around parking. Staff will continue to work together to present options to Council and the public at a future open house and public meeting using available formats.

CONCLUSION

Staff recommend that a public meeting be held once the Township is able to hold public meetings again (due to COVID-19) to present these potential options to the public and to Council. Township Public Works, Planning and Bylaw staff are looking to create a uniform set of guidelines to create a clear approval process and regulations for the public to alter driveways and boulevards and to alleviate some of the winter parking limitations which has led, in part, to unauthorized driveway alterations.


ATTACHMENTS

- 1. Culvert Bylaw**
- 2. Maintenance to Boulevard Bylaw**
- 3. Overnight Parking Bylaw**

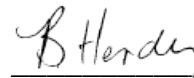
Prepared by:



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Beverly Hendry
CAO

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THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**BY-LAW NO. 97-98****BEING A BY-LAW TO REGULATE THE SIZE AND MODE
OF CONSTRUCTION OF CULVERTS.**

WHEREAS by-laws may be passed by the Council's of all municipalities pursuant to Subsection 17 of Section 207 of the Municipal Act, R.S.O. 1990, Chapter M.45 for permitting and regulating the size and mode of construction of culverts and bridges that cross any drain or watercourse situated on a highway under the jurisdiction of the Municipality;

AND WHEREAS it is deemed expedient to issue permits for and to regulate the size and mode of construction of culverts and bridges required to give access to private property over drains and watercourses situated on highways within the Township of West Lincoln.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN enacts as follows:

1. Any person requiring the construction of a culvert or bridge over a drain or watercourse within a highway in order to give access to private property, shall be permitted to have the same constructed upon application for a permit to the Corporation and the work shall be done by the Corporation.
2. The minimum diameter of any culvert or bridge shall be fifteen inches (15") and the minimum length shall be thirty feet (30') for residential and forty feet (40') for agricultural/commercial /industrial. These dimensions shall be increased by the Corporation if required by the size of the drain or watercourse, or to prevent obstruction or flooding or for reasons of safety, in the discretion of the Council.
3. The applicant shall make payment for a permit at the rate of:

15 inch culvert	\$35.00 per foot
18 inch culvert	\$40.00 per foot
21 inch culvert	\$45.00 per foot
24 inch culvert	\$50.00 per foot
Over 24 inch	on a cost plus basis

The applicant shall deposit a sum equal to the total contribution as provided hereby before such work is commenced.

4. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as prescribed under the Provincial Offences Act.
5. That this by-law shall come into effect on date of passing thereof.

6. By-law No. 86-21 is hereby repealed.

READ A FIRST TIME THIS 27th DAY OF OCTOBER, 1997.

MAYOR

CLERK

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 27TH DAY OF OCTOBER, 1997.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 97-98

**BEING A BY-LAW TO PERMIT AND REGULATE
THE SIZE AND MODE OF CONSTRUCTION OF
CULVERTS.**

**Read a first, second and third time and passed the 27th day of October,
1997.**

CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2002-119

**BEING A BY-LAW TO AMEND BY-LAW 97-98
WHICH REGULATES THE SIZE AND
MODE OF CONSTRUCTION OF
CULVERTS.**

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted By-law 97-98 to regulate the size and mode of construction of culverts;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln now deems it expedient to amend Sections 1 and 3 of By-law 97-98.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

- 1. That, Section 1 of By-law 97-98 be amended by deleting Section 1 and inserting in lieu thereof, the following new Section 1:

New Section 1:

“1. Any person requiring the construction or replacement of a culvert or bridge over a drain or watercourse within a highway in order to give access to private property, shall be permitted to have the same constructed upon application for a permit to the Corporation.”

- 2. That, Section 3 of By-law 97-98 be amended by deleting therefrom Section 3 and inserting in lieu thereof, the following new Section 3:

New Section 3:

“3. The applicant shall pay a refundable deposit of \$1,250.00 for each culvert at permit application time which shall be refunded upon inspection approval with the exception of a \$55.00 inspection fee.”

- 3. That, the binder of fees as established by By-law 2002-115 which confirms fees and charges for the Township of West Lincoln, be updated accordingly.
- 4. That this By-law shall come into force and effect on the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23rd DAY OF DECEMBER, 2002.**

MAYOR KATIE TROMBETTA

SALTER A. HAYDEN, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2016-64

A BY-LAW TO PROVIDE MAINTENANCE AND PROTECTION OF BOULEVARDS WITHIN THE TOWNSHIP OF WEST LINCOLN (BOULEVARD BY-LAW)

WHEREAS pursuant to provisions of subsection 11 (2) (6) of the *Municipal Act, 2001*, S. O. c. 25 as amended provides that a municipality may pass by- laws respecting the health, safety and wellbeing of persons;

AND WHEREAS subsection 11 (2) (8) of the *Municipal Act* provides that a municipality may pass by-laws respecting the protection of persons and property;

AND WHEREAS subsection 27 (1) of the *Municipal Act* grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction;

AND WHEREAS subsection 28 (2) of the *Municipal Act* grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28 (2) (a)] and all road allowances, highways, streets and lanes shown on a registered plan of subdivision [subsection 28 (2) (b)];

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do so under this by-law, but has failed to do so and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Township of West Lincoln wishes to ensure that boulevards within the Township are protected, maintained and do not create a hazard;

NOW THEREFORE the Municipal Council of the Corporation of the Township of West Lincoln enacts as follows:

1. INTERPRETATION

Definition(s)

"**Apron**" shall mean that section of driveway contained within the boulevard;

"**Back Lot Property**" shall mean that portion of a property where the rear yard is adjacent to a municipal road allowance;

"**Boulevard**" shall mean the portion of a highway on either side of a roadway, but does not include a sidewalk or traffic island;

"**Boulevard Garden**" shall mean a cultivated assortment of plants contained within a boulevard, but does not include Herbaceous Ground cover;

"**Dangerous Items**" shall mean anything deemed to be dangerous or a public safety hazard at the discretion of the Director of Public Works and Engineering for the Township of West Lincoln or designate;

"**Director**" shall mean the Director of Building and By-law for the Township of West Lincoln;

"Herbaceous Ground Cover" shall mean but is not limited to, Turf Grass and plant materials which are capable of being maintained at a height of 8 inches (20 cm) or less;

"Highway" shall mean a common and public Highway, common and public walkway, street, road, avenue, parkway, square, place, bridge, viaduct, trestle, or any other way open to public use, and includes the area between the lateral property lines thereof;

"Lot" shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal title to the said parcel of land was lawfully and effectively conveyed or which is a whole lot as shown on a registered plan of subdivision pursuant to the provisions of the *Planning Act*;

"Lot Line" shall mean any boundary of a lot;

"Maintenance" includes action to maintain a Boulevard including cutting, watering and removal of debris;

"Municipal Law Enforcement Officer" shall mean an employee of the Township who has been appointed by by-law to enforce the provisions of Township by-laws;

"Owner" shall mean the person or persons shown on the Land Registry Office record the records of the land at the registry office, or Municipal tax roll, as having title to the land or responsibility for it, as well as the tenant and person or persons lawfully in possession of, or exercising control over, the property;

"Noxious Weed" means a plant that is deemed to be a Noxious Weed under subsection 10 (2) of the *Weed Control Act* R.S.O. 1990 c.w.5, or designated as a Noxious Weed under clause 24(a) of the *Weed Control Act* R.S.O. 1990 c.w.5; ("mauvaise herbe nuisible")

"Roadway" shall mean the portion of a Highway that is improved, designed, or ordinarily used for vehicular traffic, and includes a curb and shoulder;

"Turf Grass" shall mean a perennial strand of plant that can form turf and withstand mowing, traffic and/or wear;

2. GENERAL PROVISIONS

2.1 This By-law shall apply to all Boulevards within the Township of West Lincoln.

3 GENERAL MAINTENANCE

3.1 Every Owner of a lot which abuts a Highway shall keep the Boulevard neat and free of any and/or all rubbish or debris.

3.2 (a) Every Owner of a lot which abuts a Highway shall ensure that a Boulevard containing Herbaceous Ground Cover is cut and maintained to a height of no more than 20 cm (8 inches).

(b) No person shall plant or permitted to be planted a Herbaceous Ground Cover on a Boulevard or section of a Boulevard that is regularly maintained by the Township.

3.3 (a) Every Owner of a lot which abuts a Highway shall ensure that an abutting Boulevard containing a Boulevard Garden is maintained to a height of no more than 76 cm (30 inches).

- (b) Every Owner of a lot which abuts a Highway shall ensure that an abutting Boulevard containing a Boulevard Garden does not obstruct or overlay any sidewalk or curb abutting the Boulevard Garden.
 - (c) Every Owner of a lot which abuts a Highway shall ensure that an abutting Boulevard containing a Boulevard Garden is free from Noxious Weeds and woody plants.
- 3.4 Every Owner of a lot which abuts a Highway shall ensure that any plantings on a Boulevard are at least 3 metres away from a municipal fire hydrant.
- 3.5 Notwithstanding the provisions of Section 3.2, the height of Herbaceous Ground Cover need not be maintained in:
- 1) areas that are designated as Environmental Protection or Agriculture under the applicable Zoning By-law;
 - 2) where a Boulevard abuts public lands.
- 3.6 Every Owner shall:
- 1) maintain any hedges or fences on their property to ensure that the hedges or fences do not encroach onto the Boulevard;
 - 2) shall obtain permission from the Township for the removal and/or planting of trees within the Boulevard;
 - 3) not alter an area of the Boulevard that is regularly maintained by the Township.
- 3.7 Subject to any permission granted by the Township, on a Boulevard abutting his or her property, no Owner shall install rocks, trees, shrubs, or any other type of vegetation or decorative covering that interferes with, impedes, or affects the following:
- 1) Road Maintenance including snow removal;
 - 2) Utility services;
 - 3) Pedestrian use of sidewalks;
 - 4) Traffic sight lines in compliance with the Township of West Lincoln Zoning By-law;
 - 5) Clearance of at least 3 metres from any fire hydrant or fire hydrant valve in compliance with the by-law to provide for the regulation of water supply in the Township of West Lincoln ("Water Conservation By-law");
 - 6) Public health or safety.

4 MUNICIPAL WORKS ON BOULEVARDS

- 4.1 (a) The Township or any other authorized utility reserves the right to excavate any Boulevard for the repair of any infrastructure.
- (b) The Township will provide written notice to an Owner in advance of any Township work on a Boulevard.
- (c) Any restoration of a Boulevard after municipal works is at the discretion of the Township and, where plants are removed from a Boulevard, the Township shall not be responsible for the costs associated with replanting, with the exception of the restoration of Turf Grass.

5 DAMAGE TO BOULEVARDS

- 5.1 No person shall damage, construct or reconstruct a sidewalk, curb, Apron driveway or Boulevard without the written permission of the Director.
- 5.2 For the purposes of Section 5.1, "Person" shall not include the Township, the Regional Municipality of Niagara, a utility or a contractor hired by the Township, Region or utility.

6 ENFORCEMENT

- 6.1 Municipal Law Enforcement Officers are hereby authorized and empowered to enforce the provisions of this By-law.
- 6.2 Municipal Law Enforcement Officers and persons under their direction may, at any reasonable time, enter onto lands within the Township to determine if the provisions of this By-law are being complied with or may enter onto any lands within the Township to carry out remedial actions required to bring the property into conformity with this By-law.
- 6.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

7 EXEMPTIONS

- 7.1 This By-law shall not apply where the obstruction is permitted under a valid and binding encroachment agreement or permit between a person and the Township of West Lincoln.
- 7.2 This By-law shall not apply to any sign that is in compliance with the Township of West Lincoln Sign By-law.

8 ORDERS

- 8.1 Where:

- 1) A person damages a Boulevard by any means; or
- 2) A Boulevard is not maintained in accordance with the requirements of this By-law

the Township may serve an Order directing that steps be taken to repair the damage or comply with the By-law.

- 8.2 Every person shall repair, remove or clean up all contraventions identified in an Order within the time period set out in the Order.

9 SERVICE

- 9.1 Service of any document, including an order, under this By-law may be given in writing in any of the following ways and is effective:
- 1) When a copy is delivered to the person to whom it is addressed;
 - 2) On the 5th day after a copy is sent by registered mail to the person's last known address;
 - 3) Where service is unable to be done under subsections 6.1 (a) or (b), notice maybe

given by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relate and shall be deemed to be sufficient service on the Owner or Occupant.

10 FAILURE TO COMPLY

10.1 Where an Owner, having been served with an Order, fails to comply with the Order within the time specified, the Township may enter onto the property at a reasonable time and carry out any or all of the work described in the Order, and recover the costs of doing so by adding the cost to the tax roll of the real property adjoining the Boulevard and collecting the cost in the same manner and with the same priority as municipal taxes.

11 PENALTY

11.1 Every person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine recoverable under the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

12 SEVERABILITY

12.1 If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Township that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

13 EFFECTIVE DATE

13.1 This By-law shall come into full force and effect upon the date of its passing.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 18th
DAY OF JULY, 2016.**

MAYOR DOUGLAS JOYNER

CAROLYN LANGLEY, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2012-45

**BEING A BY-LAW TO AMEND BY-LAW 89-2000 WHICH
REGULATES TRAFFIC AND PARKING ON TOWNSHIP
ROADS**

WHEREAS the Council of the Corporation of the Township of West Lincoln enacted By-law 89-2000 to regulate traffic and parking on Township Roads;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln now deems it expedient to amend Section 205.01.11 and Schedule C1 of By-Law 89-2000, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, Section 205.01.11 in Part II of the said By-Law No. 89-2000 be deleted and the following revised Section 205.01.11 be inserted in lieu thereof:

205.01.11 Between the hours of 2:00 a.m. and 6 a.m. within the location as set out in Schedule "C1" of this By-Law.
2. That, Schedule "C1" (Parking Prohibitions) of the said By-Law No. 89-2000, as amended, be deleted and the attached new Schedule C1 be inserted in lieu thereof.
3. That, By-Law No. 99-94 be and is hereby repealed.
4. That, this By-Law shall come into force and take effect on November 1, 2012 and only when the necessary signs have been erected in accordance with regulations under the Highway Traffic Act.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 25th
DAY OF JUNE, 2012.**

MAYOR DOUGLAS JOYNER

CAROLYN LANGLEY, CLERK

SCHEDULE "C1"
of By-law 89-2000
(As amended by By-law 2012-45)

PARKING PROHIBITIONS – 2:00 a.m. to 6:00 a.m.

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>		<u>COLUMN 4</u>
		FROM	TO	DAY

"ON ALL ROADS UNDER THE JURISDICTION OF THE TOWNSHIP OF WEST LINCOLN"