



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Sarah Jones and Paul Lagrandeur
Position: Supervisor By-Law Enforcement and Animal Services
Director Public Works
Title / Subject: Boulevard Maintenance By-Law
Date of Report: December 1, 2023
Date of Meeting: December 4, 2023
Report No: 2023-PS-015

1.0 Issue / Origin

The Township of Brock does not have a By-Law that is specific to regulating the maintenance or obstruction of municipal boulevards. The Township of Brock Traffic By-Law #957-88-PP, a by-law to regulate vehicular traffic on highways, fire routes, private and municipal property, and to prohibit the injuring or fouling of highways and bridges, and the obstruction of ditches and culverts does regulate in section 5.6 the following: "No person shall obstruct, encumber, injure or foul any highway or bridge by any means whatsoever" and in section 5.7, "No person shall obstruct any ditch or any culvert upon any highway by any means whatsoever". However, the By-Law does not speak to the requirement of property owners to provide boulevard maintenance nor does it afford any specific enforcement measures available for By-Law Officers or Public Works to respond to complaints about the long grass, weeds or obstructions on municipal Boulevards that are the responsibility of the property owner to maintain. As such, Public Works staff are tasked with clearing the obstructions and maintaining these boulevards at the cost of all taxpayers. Enacting a by-law would provide a more efficient and cost-effective way to maintain municipal boulevards and provide an enforcement tool as well as provide property owners with clarity as to their responsibility regarding the maintenance of the boulevard.

2.0 Background

The Township of Brock has a Property Standards By-Law 1562-98-PP, which addresses maintenance standards on private property the by-law does not include any regulations regarding the maintenance of the adjacent municipal road allowance boulevard. Complaints have been received over the years that involve lack of maintenance of the adjacent boulevards including, but not limited to uncut grass and weeds, build up or dumping or debris and waste, and the installation of fences, walls or structures

within the boulevard. Boulevards fronting private properties or with side yards to private properties that are not properly maintained by the homeowner, creates pressure for the Township of Brock Public Works Department to perform services that are inconsistent with past and current practices at the expense to the taxpayer.

The *Municipal Act* provides the authority for a Municipality to enact by-laws to regulate the maintenance and use of the boulevard portion of highways under its jurisdiction and within its municipality.

The Township of Brock does not have a comprehensive by-law which:

- requires the maintenance of the boulevard adjacent to private property; and
- prohibits the installation of landscaping or improvements in the boulevard which can create safety and/or maintenance hazards.

The absence of a By-Law means there are no set fines nor any remedy for the Township, leaving negotiation and civil litigation as the only means available to obtain compliance. The introduction of a Boulevard Maintenance By-law with set fines and guidelines will provide a means to assist with compliance but also a remedy to the Township of Brock to be able to recuperate costs associated with actions completed by the Township to achieve compliance. This will reduce the need for civil action, reduce costs for the Municipality and taxpayers and will provide clarity to property owners.

3.0 Analysis

The proposed Boulevard Maintenance By-law (Attachment 1) would assist staff with the enforcement of maintenance standards for the adjacent municipal boulevard and can be used in conjunction with the Property Standards By-law 1562-98-PP.

If approved by Council, the by-law would provide the ability to create offences for those who:

- fail to maintain the adjacent boulevard vegetation abutting their property;
- fail to maintain the adjacent boulevard clear of all debris, refuse, waste or litter;
- fail to maintain the adjacent boulevard clear of any abandoned items, machinery, equipment or other items;
- install, place, permit or cause the installation or placement of a fence, post, wall, or rock; and
- install, place, plant, permit or cause the installation, placement, planting or location on an adjacent boulevard, anything that is protruding, sharp, dangerous, or anything that would obstruct or impair the vision of a vehicle operator.

4.0 Related Policies / Procedures

Township of Brock Traffic By-Law #957-88-PP

Township of Brock Property Standards By-Law #1562-98-PP

5.0 Financial / Budget Assessment

The proposed by-law will provide the Township of Brock with the proper mechanism to enforce property maintenance on the municipal boulevard. Should such maintenance not occur within the required timeline, Township staff will perform or have a contracted service perform the maintenance and charge the related costs to the property taxes, as necessary.

Enforcement of the proposed by-law will be assigned to the Township of Brock By-Law Enforcement and Animal Control Division and the Public Works Department. Staff currently investigate maintenance complaints on private property under the Property Standards By-Law and as such, it is expected the enforcement of the proposed Boulevard Maintenance By-Law will not greatly impact workload issues for the Department. In addition, the By-Law may decrease the workload currently performed by the Public Works Department, who have primarily been addressing these issues at the cost of all rate payers.

6.0 Climate Change Impacts

None

7.0 Communications

This report is presented to Council on a public agenda and available for public review through the electronic agenda website or the livestreaming of the virtual meeting.

8.0 Recommendation

1. BE IT RESOLVED THAT Report 2023-PS-015 “Boulevard Maintenance By-law”, be received; and
2. THAT Council approves the Boulevard Maintenance By-law attached to Report 2023-PS-015.