



## Corporation of the Township of Brock

### Staff Report to the Mayor and Members of Council

**From: Sarah Jones**

**Position: Supervisor By-Law and Animal Services**

**Title / Subject: Boulevard Maintenance By-Law**

**Date of Report: May 12, 2024**

**Date of Meeting: May 27, 2024**

**Report No: 2024-PS-006**

#### 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

On December 4<sup>th</sup>, 2023 a draft of the Boulevard Maintenance By-Law was brought forward to Council and was deferred on the following basis:

- Provide clearer direction as to snow clearing on sidewalks and boulevards
- Address overgrowth of vegetation on sidewalks
- Provide clearer direction with respect to allowing “naturalization” of the boulevards
- Provide clarity with respect to the management and control of noxious weeds

Staff have updated the By-Law and have addressed a number of the above-mentioned requirements from Council for the Boulevard Maintenance By-Law.

The Township of Brock has a Property Standards By-Law 1562-98-PP, which addresses maintenance standards on private property, but 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 of 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.
- that encourages environmental stewardship

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.

#### **Snow on Boulevards**

With regard to snow clearing, staff have included a section within the By-Law that provides a requirement to the owner of the property to keep the driveway apron of the Boulevard clear of snow and ice within 24 hours of a snowfall to provide for the safe passage for persons and vehicles.

The Township Traffic Control By-Law # 957-88-PP already contains prohibitions that address persons from removing snow from private property and relocating it to the boulevard, roadway, culverts or ditches in Section 5.

Please note, this by-law does not speak to the removal of snow from sidewalks. To address the maintenance of sidewalks in the winter, the Public Works Department follows Ontario Reg. 239/02: Minimum Maintenance Standards for Municipal Highways under the Municipal Act, 2001, S.O. 2001, c. 25, sections 16.3 and 16.4.

#### **Environmental Considerations - Boulevard Garden Policy**

There is a growing trend across Canada of residents planting boulevard gardens which are encouraged by local Municipalities. Boulevard gardens can create more beautiful, interesting, and diverse streets, add character to neighbourhoods and increase feelings of community pride. They can also support environmental benefits such as increasing ecological diversity and providing bird, butterfly, and pollinator habitats. Working on the boulevard can bloom into community building, traffic calming, and healthier living. Edible plants can improve the availability of fresh, local, and sustainable food sources. These gardens are proven to have

environmental benefits, especially if they include non-invasive plants that can retain moisture, reduce lawn mowing, reduce fertilizer use and improve the health of the ecosystem. The allowance of boulevard gardens in Brock would show the Township's commitment to protection and promoting pollinator through habitat creation and management, community education and engagement and would offer the Township of Brock and opportunity to consider becoming designated a Bee City. Many municipalities throughout Ontario are taking environmental stewardship seriously and have created more opportunities for residents and have also changed many bylaws, policies and procedures to promote these endeavours such as allowing planting on boulevards, reducing pesticide use, planting fruit trees and native plants within parks and making changes to By-Laws such as property standards and clean yards to allow for more naturalization to yards as opposed to the traditional turf grass or sod.

The following are the current municipalities in Ontario that designated Bee Cities: (many of which are in the Region of Durham and our like Brock surround Lake Simcoe)

Brant, Stouffville, St. Thomas, Penetanguishene, Tillsonburg, Peterborough, Kingsville, Belleville, Tiny, Simcoe, Cambridge, Brampton, Collingwood, Midland, Blind River, Augusta, Hamilton, Orangeville, Waterloo, Timmins, Trent Hills, New Tecumseth, Mississauga, Barrie, Orillia, Severn, Oshawa, Richmond Hill, Wellesley, Guelph, Selwyn, Ajax, Mono, Newmarket, Niagara Falls, Waterloo, Kitchener, Whitby, Township of King, St. Catherines, Kawartha Lakes, Stratford, and Toronto

Staff have researched best practices in Municipalities across Ontario and Canada and have provided within the Boulevard Maintenance By-Law the option of allowing property owners to install a boulevard garden by creating a Boulevard Garden Policy and guidelines attached as Schedule "A" to the proposed Boulevard Maintenance By-Law. The policy and guidelines would provide the provisions of what is and is not permitted and are not designed to be restrictive. The Policy will include information on garden types, plant type, height restrictions and setbacks. This Policy will be required to be adhered to by any owner or person who wish to install a garden within the Boulevard and the policy allows, along with the By-Law the Township to seek remedy for properties that fail to adhere to the Policy within the Maintenance Boulevard By-Law.

This report contains the following attachments:

- Attachment 1 – Boulevard Maintenance By-Law (Draft)
- Attachment 2 – Schedule "A" - The Township of Brock Boulevard Garden Policy
- Attachment 3 – Schedule "B" - Boulevard Planting Guide
- Attachment 4 – Schedule "C" - Noxious Weed List
- Attachment 5 – Schedule "D" - Invasive Plant Species
- Attachment 6 – Schedule "E" – Part 1 Offences – Short Form Wording
- Attachment 7 – The Bee City Community Handbook

#### **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 and promote and allow for boulevard gardens that are consistent with the Boulevard Garden Policy. 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 tax roll, 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.

### **5.1 Asset Management**

N/A

## **6.0 Climate Change Impacts**

Allowing for Boulevard Gardens within the Municipality support climate action and responsible environmental stewardship by providing habitats for birds, butterflies and pollinators and encouraging the growing of native plants and eliminating invasive species. Native plants in these gardens help conserve water, reduce runoff and are low maintenance.

## **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 Conclusion**

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. In addition, the by-law offers residents the opportunity to create a Boulevard Garden that will have a positive impact on the community and environment.

## **9.0 Recommendation**

BE IT RESOLVED THAT report No. 2024-PS-006 regarding the Boulevard Maintenance By-Law be received; and

THAT Council approve the Draft By-Law and Schedules as attached.