VILLAGE OF FOX VALLEY

BYLAW NO. 06-2021

A BYLAW TO ESTABLISH MINIMUM STANDARDS FOR THE MAINENANCE, CONTROL AND INSTALLATION OF BOULEVARDS IN THE VILLAGE OF FOX VALLEY.

THE COUNCIL OF THE VILLAGE OF FOX VALLEY, in the Province of Saskatchewan, enacts as follows:

Purpose

1. Pursuant to Section 8 of *The Municipalities Act*, this purpose of this Bylaw is to:
   (a) Establish minimum standards for the proper maintenance of boulevards in the Village; and
   (b) Control and regulate the installation of boulevard treatments on public land.

Definitions

2. In this Bylaw:
   (a) **"abut"** or **"abutting"** means adjacent to or touching a boulevard;
   (b) **"Act"** means *The Municipalities Act M36.1;*
   (c) **"Boulevard"** means that portion of a street between the curb line or the lateral lines of a street and the abutting property line exclusive of the sidewalk, as well as areas from the property line to any adjacent multi-use trail or walkway not within a designated park area;
   (d) **"Boulevard Treatment"** normally consisting of topsoil with turf, or seed, but may include hedges, shrubs, fences, retaining walls or other permanent fixtures;
   (e) **"Bylaw Enforcement Officer"** means any person authorized by the Village Municipal council appointed to enforce Village Bylaws pursuant to Sections 362 and 373 of the Act and the provisions of The Planning and Development Act, SS 2—7, c P-13.2;
   (f) **"Committee"** means the Executive Committee of Council or a committee designated by Council to hear appeals pursuant to this Bylaw;
   (g) **"Village"** means the Village of Fox Valley;
   (h) **"Village Lands"** means all areas or lands within the municipal boundaries of the Village that are under the care, management, or jurisdiction of the Village and/or that are vested in, owned or held by the Village;
   (i) **"Owner"** means the owner and/or occupant as defined in the Act;
   (j) **"Property"** means land or improvements, or both;
   (k) **"Tree"** means any tree on the boulevards within the boundaries of the Village that are on Village Lands;
   (l) **"Sight Triangle"** means that triangular area where two (2) streets intersect, where a driveway intersects a street or where a lane intersects a street;
   (m) **"Street"** includes all or any part of a culvert or drain or a public highway, road, lane, bridge, place, alley, square,

thoroughfare or way intended for or used by the general public for the passage of vehicles or pedestrians; and

Care and Maintenance

3.(1) The owner of any property abutting a boulevard shall be responsible for the general care and maintenance of such boulevard area including cutting grass, maintaining a neat appearance and keeping clean and free from:

(a) Weeds, refuse and litter;
(b) hazardous objects and materials;
(c) domestic animal excrement;
(d) rubbish, building material or other debris;
(e) holes, ruts and excavations that are health, fire and safety hazards;
(f) anything that would attract or harbor nuisance rodents or insects;
(g) abandoned machinery, equipment or other items;
(h)graffiti;
(i) cleaning of trees, leaves and roots;
(j) any removal of trees, leaves and roots.

(2) The owner branches and foliage of any mature tree on private property are to be trimmed from ground level to a height of 2 meters, when is or overhanging a sight triangle, 3 meters over a sidewalk or pathway and over streets. Shrubs, hedges and other plant material must be trimmed so that it is not overhanging or obstruction a sidewalk.

(3) No owner or occupant may prune or remove any public tree.

(4) All boulevard treatments are to be maintained in a neat and orderly manner with hedges, shrubs, fences and retaining walls to be in compliance with the standards contained in this Bylaw, Bylaw No. 06-21, The Boulevard Bylaw and Bylaw No. 08-18, The Nuisance Abatement Bylaw.

Boulevard Treatments

4.(1) Boulevard treatments shall not:

(a) obscure or obstruct access to fire hydrants, utility installations or post office boxes;
(b) restrict public access to any public place;
(c) block traffic devices, signage and street lighting.
(d) include hedges, fences, structures within 1 meter of a fire hydrant;
(e) affect overland drainage, or cause gutters or catch basins in the neighborhood to become blocked;
(f) inhibit or obstruct snow removal operations, including the storage of snow removed from the street or sidewalk;
(g) include fences, retaining walls, mature hedges, shrubs or plants over 0.75 meters in height when in any sight triangle;
(h) include any fruit trees, fruit bushes or vegetables;
(i) include any raised landscape features, hedges, shrubs, fences or retaining walls within 1.5 meters from the back of any curb or the edge of any street surface where there is no sidewalk to allow for unobstructed pedestrian access and snow removal;
(j) harm any boulevard tree including its roots;

(k) include any prohibited, noxious or nuisance weeds as listed in *The Weed Control Act, SS 2010, c.W-11.1*;
(l) allow vegetation to spread beyond that portion of the boulevard that is adjacent to the property;
(m) require excavating soil more than 8 centimeters;
(n) require trenching of an irrigation line more than 30 centimeters; nor
(o) involve the use of soil sterilant or herbicides with residual effects greater than thirty (30) days after application.

(2) Boulevard treatment with loose materials shall be retained with edging or a structure, not more than 15 centimeters in height, to prevent spillage onto the sidewalk, street or adjacent boulevard property.

(3) All trees planted on boulevards must be approved by Village Council.

Boulevard Treatment Permits

5.(1) A boulevard treatment permit is required for the installation of all boulevard treatments other than topsoil and grass seed. Applications are available through the Village of Fox Valley Municipal Office and must be obtained and approved prior to installation.

(2) Upon receiving an application for a permit under Section 5(1), the Administrator shall verify the information for compliance with this Bylaw and present to Council at the next regular monthly meeting for approval of the permit.

(3) When a permit to construct is issued, the following conditions apply:
(a) Property owners are responsible for contacting all utilities prior to any work on a Village boulevard; and
(b) Any vegetation planted on, items placed on or affixed to, and improvements made to the boulevard becomes the property of the Village, however it remains the responsibility of the adjacent property owner to maintain it.

(4) Upon approval of the application for a permit pursuant to this Bylaw, Council shall give notice by mail to all persons who are either registered or assessed owners of the lands immediately adjacent to the affected boulevards, notifying them that the proposed work meets the regulations of the Bylaw and has been approved by the Village.

Boulevard Work by Village

6.(1) In the event that emergency works or service connection replacements that will disturb an existing boulevard treatment are required, no notification is required to be provided to the property owner by the Village.

(2) In scheduled boulevard work, the Village will notify the property owner at least four (4) days in advance, giving them opportunity to salvage any items placed under authority of a permit.

(3) Following any Village boulevard work, the Village is responsible for restoring the boulevard to a regular boulevard treatment of topsoil and grass seed. Nothing else will be considered an expense for the Village.

(4) Following any boulevard work not needed for Village repairs, the responsibility of restoring the boulevard is on the property owner adjacent to the boulevard.

(5) The Village assumes no responsibility for the cost of repairs of any damages to any private boulevard treatment installed on public land.

Enforcement

7.(1) Bylaw enforcement officers are designated for the purpose of conducting inspections within the meaning of Section 373 of the Act and all inspections conducted pursuant to the authority of this Bylaw shall be carried out in accordance with the provisions of the Bylaw and Act.

(2) A Bylaw Enforcement Officer is hereby authorized to enter property and to inspect any premises in the Village to determine if the provision and requirements of this Bylaw are being complied with by the owner or occupant. A Bylaw Enforcement Officer may enter and inspect any property during daylight hours, with or without the consent of the owner or occupant of that property or premises.

(3) No person shall obstruct a Bylaw Enforcement Officer who is authorized to conduct an inspection under this section, or a person who is assisting an Officer.

Notice of Contravention

8.(1) Upon determining that a contravention of this Bylaw has occurred, a Bylaw Enforcement Officer may issue a notice, verbally or in writing, to the owner to remedy the contravention within such a time may be deemed necessary to correct the issue.

Issuance of an Order to Remedy Contravention

9.(1) If the notice issued pursuant to Section 8 is not complied with, an Order to Remedy Contravention ("Order") per Section 364 of the Act, shall be issued in accordance with Section 390 of the Act.

(2) An Order mentioned in Subsection 9(1) of this section shall be served on the owner:

(a) personally; or
(b) by registered mail sent to the last known address as shown on the assessment roll; or
(c) by posting on the property.

Appeal of an Order

10.(1) A person may appeal an order made pursuant to Section 9 in accordance with the procedures set forth in Section 365 of the Act. The appeal must be made to the Council within fifteen (15) days of the date of the order.

(2) The Council is herby designated as the local appeal board within the meaning of Section 365 of the Act for the purpose of hearing

appeals from Orders made pursuant to Section 9 and, for such purposes, the Council shall have authority set forth in Section 365 of the Act.

Adding Amounts to Tax Roll

11. The Village may, in accordance with Section 369 of the Act, add any unpaid expenses and costs incurred by the Village in remedying the order or a contravention of this Bylaw to the tax roll of the offending property.

Penalty for Contravention

12.(1) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than:

(a) $10,000 in the case of an individual; or
(b) $25,000 in the case of a corporation.

(2) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary of conviction before a judge.

(3) This Bylaw may be enforced, and the contravention of any provision of the Bylaw, by any court on action brought by the Village of Fox Valley, whether or not any penalty is imposed for the contravention.

(4) Conviction of a person for contravention of any provision of this Bylaw does not relieve said person from compliance with the Bylaw, and the convicting judge or justice of the peace shall, in addition to any fine imposed, order the person to perform, within a specialized period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.

(5) A person who fails to comply with an Order made pursuant to Subsection 11(4) within the period specified in the Order, is guilty of an offence and liable on summary conviction to a fine of not more than $250 for each day during which the failure continues, to imprisonment for a term of not more than ninety (90) days or to both.

Effective Date of Bylaw

13. This Bylaw comes into force and effect upon the passage thereof.

Read a first time the 9th day of November, 2021.
Read a second time the 9th day of November, 2021
Read a third time the 9th day of November, 2021

_____
MAYOR

_____
ADMINISTRATOR