

**DISTRICT OF PORT HARDY  
BYLAW NO. 14-2005**

**A BYLAW FOR THE MAINTENANCE OF BOULEVARDS  
IN THE DISTRICT OF PORT HARDY**

WHEREAS Section 39 of the *Community Charter* provides that Council may by bylaw require persons to take specified actions for the purposes of maintaining the cleanliness or safety of a highway that is next to property that they own or occupy, or that is affected by property that they own or occupy;

AND WHEREAS Council deems it necessary to provide for such regulating;

NOW THEREFORE, the Council of the District of Port Hardy, in open meeting assembled, enacts as follows:

**1. TITLE**

This Bylaw may be cited as the "District of Port Hardy Boulevard Maintenance Bylaw No. 14-2005".

**2. DEFINITION**

In this Bylaw, unless the context otherwise requires:

*BOULEVARD* means the area of a highway between the edge of the pavement or curb of the roadway and the adjacent property line of the highway;

*DRAINAGE FACILITY* includes the boulevard drainage inlet, catch basin grate, culvert headwall or lawn basin inlet;

*NOXIOUS WEED* means any weed designated by regulations to be a noxious weed pursuant to the Weed Control Act, R.S.B.C. 1979 c.432;

*OCCUPIER* means a person who occupies land but does not include the occupier of a unit in an apartment, hotel or institution;

*PEDESTRIAN FACILITY* means a structure for pedestrian use including a walkway, sidewalk, stairs, ramp, and curb letdown;

*PESTICIDE* means any kind of material that is used to control pests, particularly insects;

*ROADWAY* means a portion of a highway approved for use for vehicular travel.

**3. DUTY TO MAINTAIN BOULEVARDS**

An Owner of land shall maintain a boulevard fronting on the land and, in particular, shall:

- (a) remove accumulations of filth, rubbish, discarded materials, hazardous objects, and materials which obstruct a drainage facility; and
- (b) keep grassed areas trimmed.

**4. DUTY TO CLEAN SIDEWALKS**

(a) An owner or occupier of real property shall:

- i) remove snow or ice from a sidewalk or footpath bordering his real property by 10:00 a.m. each day; and
- ii) remove rubbish from a pedestrian facility bordering his real property by 10:00 a.m. each day.

(b) An owner or occupier of real property shall remove snow, ice and rubbish from any roof or other part of any structure thereon adjacent to any portion of any highway or sidewalk if the snow, ice and rubbish constitute a hazard to person or property.

**5. PROHIBITIONS**

No person shall:

- (a) use any corrosive materials for the removal of ice or snow on sidewalks
- (b) wilfully damage any boulevard or any tree, shrub, plant, bush or hedge on any boulevard;
- (c) erect any sign, fence, wall or other structure on any boulevard, except with written permission of the Municipality;
- (d) apply a pesticide to any boulevard; and
- (e) dispose of any vegetation cuttings, rubbish, discarded material or any liquid or solid waste on any boulevard or in any drainage facility.

**6. CONTRAVENTION AND PENALTIES**

(a) Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.

- (b) Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of One Hundred Dollars (\$100), which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.7. If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**8. REPEAL**

Bylaw No. 903 and any amendments thereto are hereby repealed.

READ A FIRST TIME ON THE 28<sup>TH</sup> DAY OF JUNE, 2005.

READ A SECOND TIME ON THE 28<sup>TH</sup> DAY OF JUNE, 2005.

READ A THIRD TIME ON THE 28<sup>TH</sup> DAY OF JUNE, 2005.

ADOPTED ON THE 12<sup>TH</sup> DAY OF JULY, 2005.

*Original signed by:*

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DIRECTOR OF  
CORPORATE SERVICES

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MAYOR