



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 052-2014

A BY-LAW TO PROVIDE, MAINTENANCE AND PROTECTION OF BOULEVARDS WITHIN THE TOWN OF COBOURG (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 well being 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)];

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

**1.0 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 highway between a street line and the edge of the curb, or, where there is no curb, that portion of the highway which is travelled or designated to be travelled by vehicles but does not include medians, bulges or traffic islands.

“Boulevard Garden” shall mean a cultivated assortment of plants contained within a municipal boulevard. Such plants must be non woody and not noxious as defined in the *Weed Control Act R.S.O. 1990 c.w.5* and deemed not to be “Herbaceous Ground Cover”

“Dangerous Items” shall mean anything deemed to be dangerous or a public safety hazard at the discretion of the Manager of Engineering for the Town of Cobourg or designate;

“Herbaceous Ground Cover” shall mean but is not limited to, turf grass and plant materials which can be maintained at a height of 8” (20 cm) or less and deemed not to be a “Boulevard Garden”

“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” shall mean an action required to maintain a boulevard within compliance of the “Boulevard By-law” including but not limited to, cutting, watering and removal of debris.

“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) 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”)

“Person” shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person, and “Persons” has a corresponding meaning, (with the exception of the Town of Cobourg);

“Street Line” shall mean the boundary between a lot and a highway.

2.0 GENERAL PROVISIONS

2.1 This By-law shall apply to all boulevards within the boundaries of the Town of Cobourg.

2.2 The Owner or Occupant of any lot which abuts a Highway within the boundaries of the Corporation of the Town of Cobourg shall keep the Boulevard that abuts any Lot Line of the Owner or Occupant neat and free of any and/or all rubbish and debris.

2.3 The Owner or Occupant of any lot which abuts a Highway within the Town of Cobourg shall ensure that a boulevard containing herbaceous ground cover shall ensure that the ground cover in said boulevard is cut and maintained at a height of no more than 20 cm (8 inches).

- 2.4 The Owner or Occupant of any lot which abuts a Highway in the Town of Cobourg shall ensure that a Boulevard containing a Boulevard Garden shall ensure that the plants contained within the said Boulevard Garden are maintained at a height of no more than 76 cm (30 inches). Further, the Owner or Occupant shall ensure that plant material does not obstruct or overlay any sidewalk or curb abutting the Boulevard Garden.
- 2.5 The Owner/Occupant of any lot which abuts a Highway in the Town of Cobourg shall leave a 1.5 metre clearance around any/all municipal fire hydrants; 2.5 If an Owner and/or Person damages the boulevard by any means or is in default of the provisions of this By-law, a letter will be sent from the Town to remedy the situation, or by posting, and, if no action is taken by the Owner within ninety-six (96) hours, the Town may repair the damage or take remedial action to cut and trim the grass, weeds, herbaceous plants and other vegetation growing on the boulevard and charge the cost for same back to the Owner and/or Person causing the damage.
- 2.6 Height of herbaceous ground cover need not be maintained in:
- a) areas that are designated as Environmental Protection or Agriculture under the applicable Zoning By-law;
 - b) when a boulevard abuts public lands.
- 2.7 Every owner shall:
- a) maintain any hedges or fences on their property to ensure that the hedges or fences do not encroach onto the boulevard;
 - b) shall obtain special permission from the Municipality for the removal and/or planting of trees within the boulevard;
 - c) not alter an area of the boulevard that is regularly maintained by the municipality.
- 2.8 The Town or any other authorized utility reserves the right to excavate any boulevard for the repair of any infrastructure. The Town of Cobourg will attempt to contact and notify the homeowner in advance. Any restoration is at the discretion of the Town of Cobourg and, if any plants are removed the Town will not incur the expense to replant.
- 2.9 The Engineering Department shall be responsible for the provisions of this By-law.
- 3.0 PENALTY**
- 3.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to charges of the cost, including administration charges, to repair damage or maintain the boulevard caused by the Owner and/or Person.

4.0 SEVERABILITY

4.1 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 Town 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.

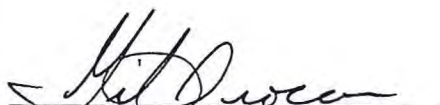
5.0 REPEAL


5.1 By-law No. 028-2013 is hereby repealed.

6.0 EFFECTIVE DATE

6.1 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 in Open Council
This 12th day of May, 2014.


MAYOR


MUNICIPAL CLERK