

**BY-LAW #01-2004
BOULEVARD BYLAW
TOWN OF SLAVE LAKE**

A BY-LAW OF THE TOWN OF SLAVE LAKE IN THE PROVINCE OF ALBERTA CONCERNING BOULEVARDS, FLANKAGES, UTILITY LOTS AND BOULEVARD TREES WITHIN THE TOWN OF SLAVE LAKE.

WHEREAS Section 7 of the Municipal Government Act, being Chapter M-26, 2000 permits a municipality to provide a system for the establishment and maintenance of public lands including boulevards.

NOW THEREFORE, the Council of the Town of Slave Lake enacts as follows:

1. In this Bylaw

(a) "boulevard" means

- (i) that portion of Town road lying between the curb line of a Town road and the adjacent front property line excepting that portion occupied by a constructed sidewalk, or
- (ii) where there is no curb, that portion of Town road lying between the portion of the road ordinarily travelled by vehicles and the adjacent front property line excepting that portion occupied by a constructed sidewalk and may include drainage ditches.

(b) "boulevard flankage" means

- (i) the longest dimension of the property abutting a street or an avenue.

(c) "Director of Community Services" means the Director of Community Services of the Town, or deputy, or any person authorized to be their representative.

(d) "Director of Operations" means the Director of Operations of the Town, or deputy, or any person authorized to be their representative.

(e) "owner" means the assessed owner of land abutting on Town boulevards.

(f) "occupant or tenant" means the person occupying or leasing the property at the time.

(g) "Town" means the Town of Slave Lake.

2. **Construction of Boulevard by Owner**

(a) The owner must construct the boulevard fronting or abutting his property in which case the owner must excavate, backfill and consolidate to final grade, sod or seed and perform any other work that may be necessary to construct a grass turf boulevard according to the applicable Town standards and procedures.

(b) All such work shall be entirely at the owner's expense.

3. (a) The Town may inspect all owner-constructed boulevards and may, in the event of the boulevard not being constructed in a satisfactory manner, require the owner to perform whatever work that in the opinion of the Town is necessary to rectify the construction.

- (b) If the owner of the construction of the boulevard fails to comply with the applicable Town specifications, the Town after due notice to the owner to remedy the construction, may then construct the boulevard and the cost of doing so shall be assessed against the owner's land at the then current rate.
- (c) In the event of grass crop failure or subsidence or any other unsatisfactory result, the owner will be responsible for any resodding or reseeded, filling or any other work that may be necessary to make good such faults.

4. **Grades**

Boulevard construction and maintenance of boulevard grades shall be in accordance with permit specifications.

5. **Renovations**

If a boulevard becomes badly deteriorated because of poor maintenance or any other cause, the owner or the Town may reconstruct the boulevard. Such reconstruction shall be subject to all the provisions of this bylaw regarding construction of boulevards and flankages.

6. **Grass Cutting**

When a person having occupation and control of property and whether such person is the owner, lessee, occupant, tenant or agent or the owner of the property has failed to cut the grass on a constructed boulevard or on a constructed flankage as these terms are defined in this bylaw, and the Director of Community Services has sent a written notice to such person that such grass requires cutting, and has waited a specified time from the date of the delivery of the notice to the premises but the grass has not been cut, then the Director of Community Services may cause personnel of the Town to cut the grass on the boulevard or on the boulevard flankage of such property, or on both, in which case the cost of the work shall be charged against the property as taxes due and owing and shall be collected in the same manner as other taxes.

7. **Construction of Sidewalks Crossing the Boulevards**

An owner may construct a sidewalk across the boulevard, provided the sidewalk is constructed in accordance with the Town of Slave Lake's Development Standards and Procedures, which can be obtained from the Director of Operations. In addition, the sidewalk shall be constructed to the same elevation as the Town sidewalk or curb.

8. **Location and Construction of Driveways Across Boulevards**

No owner shall locate and construct a driveway across a boulevard unless and until the construction has been authorized by the Town and the owner when applying for a permit must supply a site plan showing the proposed location and all topographical features. The Town will not issue the permit if the driveway will require the removal of, or interfere in any way with a boulevard tree except as determined by the Director of Community Services.

9. If on application of a driveway permit, the Director of Community Services grants permission of a tree removal, the owner shall bear all the costs of removal provided that:

- (a) If the tree is suitable for transplanting elsewhere in the Town, the Director of Community Services has the right to perform such work and the owner shall be responsible for all work involved.

- (b) If the tree has to be cut down, the Director of Community Services has the sole right to perform such work and the owner will be responsible for the cost of such work, plus the value of the tree.

10. **Surfacing of Boulevards**

No person shall use any surface other than grass for all or any portion of a boulevard except for sidewalk and driveway as referred to in Sections 7 and 8 unless and until permission to do so has been issued by the Director of Operations. The Director of Community Services and the Director of Operations may grant the necessary permission subject to certain specifications.

11. **Surfacing of Boulevards – Special Considerations**

The Town may allow, with written permission, the area between the Town sidewalk and your property boundary to have low maintenance landscaping; however, the first 1.0 meter behind the sidewalk must be maintained in grass. The remaining area of boulevard may include:

- (a) annual bedding plants
- (b) ground cover
- (c) bark, mulch or wood chips
- (d) seasonal planters

All seasonal planters, etc., must be removed from the boulevard no later than October 1 each year to permit snow storage.

The Town **will not** allow the following landscape materials to be used on boulevards:

- (a) shale, rock or granular materials
- (b) retaining walls
- (c) fences
- (d) hedges
- (e) permanent planters
- (f) light, fence or gate posts or any other permanent structure

If you do not have a Town sidewalk on your side of the roadway, the first 1.5 meters from the curb must be developed and maintained in grass to allow for passengers to get out of the passenger side of parked car. In addition this 1.5 meter setback will prevent damage to properties during winter ploughing operations.

If a fire hydrant is present within the boulevard in front of your property, a distance of 1.5 meters on each side and the rear of the hydrant, as well as the area all way to the sidewalk or curb must be maintained in grass. No trees, shrubs, other plantings or structures are permitted within the grassed area around the fire hydrant to ensure ease of access, visibility and maintenance.

12. **Erection of Fences on Boulevards**

No person shall erect any fence, barrier or structure of any kind on a Town boulevard, except where specifically authorized under any other Town bylaw.

13. **Utility Lots**

In this bylaw "PUL" (public utility lot) means a lot registered in the name of the Town and used for utility purposes, walkways and the installation and maintenance of utility services.

14. If a PUL is not leased to any person, the Community Services Department shall be responsible for maintenance of the utility lot.
15. If a person desires to lease a utility lot for gardening or landscaping purposes the person may apply to the Community Services Department for a lease of the utility lot.

Boulevard Trees

16. In this bylaw "boulevard trees" means all trees and shrubs planted on boulevards, lanes, sidewalks and road right-of-ways or any other public place.
17. Planting of all boulevard trees shall be carried out by the Community Services Department provided that a person may plant a boulevard tree but only with the written permission of the Director of Community Services.
18. The selection of boulevard tree types shall be at the discretion of the Director of Community Services.
19. All trees on Town property are the property of the Town and the maintenance of such trees is the responsibility of the Community Services Department. No person other than a duly authorized employee or agent of the Community Services Department shall prune, repair, clip or perform any other work on any boulevard trees.
20. The Community Services Department shall replace any tree that may die or be destroyed or be removed by the Town provided that such replacement, in the opinion of the Director of Community Services, is desirable.
21. The Community Services Department shall have the sole right to remove or cause to be removed, any boulevard tree which in the opinion of the Director of Community Services warrant such removal and in particular where the tree in any way interferes with or endangers the lines, poles, conduits, pipes, sewers, traffic control devices or other works of a municipal or other public utility.
22. The Director of Community Services shall not grant requests for the removal of a boulevard tree unless in the opinion of the Director of Community Services there are exceptional circumstances which warrant such removal, or except where another portion of this bylaw is applicable (vis, driveways). If a request for removal of a boulevard tree is granted the adjacent property owner or person requesting the removal shall be responsible for the cost of such removal, plus the value of the tree as appraised. If the tree can be transplanted elsewhere on Town property (at the Town's discretion), the owner or person requesting the removal will be responsible only for the cost of such transplanting.
23. Any signs erected on private property shall be located so that they will in no way interfere with a boulevard tree and will not necessitate pruning or thinning in addition to normal practices.
24. No person shall attach any sign or other device to any boulevard trees.

House Moving

25. The owner of any building, or part of a building, which is moved within the Town, shall be responsible for all costs for:
 - (a) repairing damage to trees and/or boulevard caused by the moving, and
 - (b) monitoring carried out by the Planning & Development Department during moving operations

Trees Broken or Uprooted During Storms

26. If a privately owned tree is broken or uprooted and the trees or portions thereof fall on a boulevard or other Town property, the owner of the tree shall be responsible for the removal thereof from the said boulevard or other Town property and if the owner fails to remove the tree within five (5) days the Community Services Department will remove the tree or portions thereof from the Town property and charge the cost to the owner. In cases where the removal must be undertaken at once for safety reasons the Community Services Department will require its immediate removal failing which the Community Services Department will remove it and charge the cost to the owner.
27. Where a tree or shrub on privately owned land in any way interferes with or endangers the lines, poles, conduits, boulevard trees, traffic control devices or other work of the Town utility the owner, agent, lessee or occupier of the privately owned land upon notification from the Director of Community Services shall be required to remove or prune such tree or shrub and if the owner, agent, lessee or occupier fails to do so the Town may remove or prune such tree or shrub and charge the cost of so doing to the owner, agent, lessee or occupier.

Default of Payment

28. In default of payment the Town may:
- (a) recover the same as a debt due to the Town, or
 - (b) charge the same against the land concerned as taxes due and owing in respect of that land and recover the same as such.

Indemnity

29. For any work done under this bylaw by anyone other than the Town, its agents or employees, the property owner, his agents or employees shall indemnify and hold harmless the Town, its agents and employees from any and all claims, risks, actions and causes of action howsoever arising from or out of the work done by such individual.

Penalties

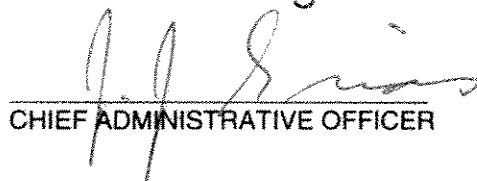
30. Failure to comply with any provision of this bylaw shall result in the issuance of a penalty tag in the amount of One Hundred Dollars (\$100.00).

That this Bylaw comes into effect upon the date of its Third and Final Reading.

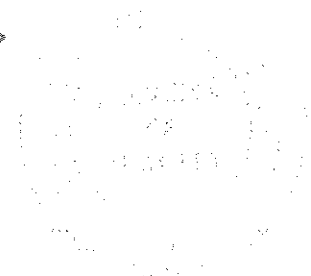
READ A FIRST TIME THIS 17th DAY OF February 2004.




MAYOR




CHIEF ADMINISTRATIVE OFFICER




READ A SECOND TIME THIS 16 DAY OF March 2004.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME THIS 16 DAY OF March 2004.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

I:60/12/03/04/Bylaw #01-2004