

**CONSOLIDATED FOR CONVENIENCE**

**CITY OF PORT MOODY**

**BYLAW NO. 2426**

**A bylaw, pursuant to s.542 of the *Municipal Act*, R.S.B.C. 1996, c. 323**

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WHEREAS section 542 of the Municipal Act R.S.B.C. 1996, c. 323 provides that a Council may, by bylaw, regulate the construction and maintenance of boulevards by or on behalf of the owners of land fronting on them; and may require the owner or occupier of real property to remove snow, ice or rubbish from sidewalks and foot paths bordering the property.

NOW THEREFORE the Council of the City of Port Moody in open meeting assembled, enacts as follows:

**1. Title**

This Bylaw may be cited for all purposes as "Sidewalk and Boulevard Maintenance Bylaw, 1999", No. 2426.

**2. Definitions**

In this Bylaw

*"Boulevard"* means the area of a highway between the edge of pavement, sidewalk and/or curb of the roadway and the adjacent property line;

*"roadway"* means a portion of a highway improved for use for vehicles or bicycle travel;

*"drainage facility"* includes boulevard drainage inlet, catchbasins grate, culvert headwall or lawn basin inlet;

*"sidewalk"* means a structure for pedestrian use including a walkway, footpath, sidewalk, stairs, ramp and curb letdowns;

*"occupier"* means a person who occupies the land but is not the registered owner;

*"noxious weed"* means any weed designated by the weed control regulation to be a noxious weed pursuant the Weed Control Act R.S.B.C. 1996, c 487;

*"Plantings"* means any tree, shrub, bush or hedge installed as a natural or improved landscape treatment;

### 3. Duty to Maintain Boulevards

- 3.1 An owner or occupier of land shall maintain a *sidewalk* and *boulevard* and in particular shall:
- a) Remove accumulations of filth, leaves, rubbish, discarded materials, hazardous objects and materials which obstruct a drainage facility;
  - b) in keeping with the reasonable standard of maintenance in the area, keep grassed areas trimmed and free of all weeds including *noxious weeds*;
  - c) keep in good repair and up to City standards all driveway crossings;
  - d) trim and maintain *plantings* on or adjacent to a highway.
- 3.2 The obligation to maintain *sidewalks* and *boulevards* as set out in Section 3.1 shall be limited to the extent that it shall not apply where the owner or occupier of real property adjacent to a *sidewalk* and/or *boulevard* is unable to directly access the *sidewalk* and/or *boulevard* due to steep grades, walls, fences or other obstructions which prevent direct access as determined by the Director of Operations.

The owner or occupier shall not be responsible for landscape maintenance and grass cutting in areas where soft landscaping including grass is provided adjacent to commercial or industrial sites or where there isn't a residence on the adjacent property, all as determined by the Director of Operations.

### 4. Duty to Clean Sidewalks

- 4.1 An owner or occupier of real property shall remove snow or ice from *sidewalks* bordering the property within 24 hours from cessation of a snowfall or storm event which caused such accumulation. An owner or occupier shall not use equipment which could cause damage to the *boulevard* or *sidewalk* due to the excess weight of the equipment or sharp edges which could cause abrasions or scrapes of the finished surface of the *sidewalk*.

Amended  
by Bylaw  
No. 3114

Wherever excess snow has been plowed on sidewalks, adjacent to City property, the Director of Operations or designate will provide snow clearing of sidewalks on a priority basis within 24 hours of snow fall. The only sidewalks referenced are sidewalks constructed immediately adjacent to the travelled portion of the roadway on collector or arterial routes. The Director of Operations will prepare an annual sidewalk clearing plan showing the location of sidewalks which will be cleared by the City as part of the annual snow clearing program.

Amended  
by Bylaw  
No. 2827

- 4.2 Despite section 4.1, for all sidewalks on Priority Pedestrian Routes identified in Schedule A, which is attached hereto and forms part of this Bylaw, owners or occupiers of real property abutting such sidewalks shall remove all accumulated snow or ice from sidewalks on Priority Pedestrian Routes bordering the property by 10:00am every day.

Amended  
by Bylaw  
No. 3114

## **5. Failure to Complete Work**

If the owner or occupier of real property fails to complete the work required under Sections 3 or 4 above, the City may complete the work at the owner's expense. The cost of any work done by the City will be assessed to the Owner. The costs shall be due and payable by December 31 of the year in which said costs were incurred and if unpaid on that date shall be deemed to be taxes in arrears and shall promptly be entered on the tax roll pursuant to the Municipal Act.

## **6. Offenses and Penalty**

Any person who violates any provision of this Bylaw or who neglects or fails to do anything required to be done by this Bylaw commits an offense under this Bylaw. In addition to being subject to any remedies or penalties specifically provided for in this Bylaw, such person is also subject to prosecution and upon summary conviction for such offense is subject to a fine of not more than \$5,000.00 for each and every offense.

Each day that a violation of the Bylaw occurs or continues constitutes a separate offense.

## **7. Severability**

If any section, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

<b>BYLAW 2426 ADOPTED</b>	April 27, 1999
<b>AMENDMENT Bylaw No. 2827</b>	Oct 27, 2009
<b>AMENDMENT Bylaw No. 3114</b>	Nov 28, 2017

Schedule A  
Priority Pedestrian Routes

<b>Street Name</b>	<b>Section</b>	<b>Sides</b>
St. Johns Street / Barnet Highway	from Queens Street to Coquitlam Border / Balmoral Drive	North and South
Clarke Street	from Queens Street to Moody Street	South
Dewdney Trunk Road	from St. Johns Street to Viewmount Drive	North and South
Moody Street	from Clarke Street to St. Johns Street	East and West
Hugh Street	from Spring Street to St. Johns Street	East
Williams Street	from Spring Street to St. Johns Street	East and West
Murray Street / Guildford Way	from Klahanie Drive (West) to Ungless Way	North and South
loco Road	from Ungless Way to Barnet Highway	East and West
Ungless Way	from loco Road to Guildford Way	South