

STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to update the provisions of the Streets and Traffic Bylaw to permit and regulate gardening on boulevards.

Under its statutory powers, including:

- (a) sections 8, 35 to 36, 39, 40, 62 and 64 of the *Community Charter*;
- (b) sections 124 of the *Motor Vehicle Act*; and
- (c) section 14 of the *Victoria City Act, 1919*

the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "STREETS AND TRAFFIC BYLAW, AMENDMENT BYLAW (NO. 6)".

Streets and Traffic Bylaw Amendments

- 2 Section 103A of Bylaw No. 09-079, the Streets and Traffic Bylaw is amended as follows:

- (a) in subsection (3), by adding the following paragraph (d) after paragraph (c):

"(d) boulevard gardening to the extent permitted pursuant to subsection (10)";

- (b) by adding the following subsection (10) after subsection (9):

"(10) A person may plant or maintain a garden on a boulevard, provided:

- (a) the person owns or occupies the property immediately adjacent to the portion of boulevard which the person is gardening,
- (b) the person provides the City's Director of Parks and Recreation written notice of that person's intention to garden in the boulevard 30 days prior to commencing any gardening activities,
- (c) the notice set out in paragraph (b) includes the person's full name, address and telephone number where that person can be contacted,
- (d) the person does not
 - (i) install any permanent structures on the boulevard, including but not limited to irrigation systems and affixed ornaments,

- (ii) cut or otherwise damage the roots, trunks, bark or branches of the boulevard trees, or
 - (iii) affix signs, trellises or other objects to a boulevard tree,
- (f) none of the garden beds:
 - (i) exceed 8m in length or width, or
 - (ii) are raised in excess of 45cm,
- (g) all plants and garden beds are at least:
 - (i) 60cm from any curb adjacent to a permitted parking area, and
 - (ii) 1.5m from fire hydrants, utility poles, bus shelters, concrete bus pads,
- (h) none of the garden plants:
 - (i) impede sightlines for pedestrians or vehicles.
 - (ii) hang over or grow into a street or sidewalk,
- (i) upon receiving notice from the City's Director of Parks and Recreation that any or all of the garden obstructs or interferes with the sight-lines, mobility or safety of vehicles or pedestrians, the person trims, alters or removes the boulevard garden, or portions thereof, to the satisfaction of the City's Director of Parks and Recreation,
- (j) the person keeps the garden well-maintained, and
- (k) that when the garden maintenance stops, that person removes the garden and returns the area to the state it was in immediately before the garden was planted.

- (11) If a person who planted or maintained a boulevard garden does not comply with subsection (10), the City may, at any time, cause the boulevard garden area to be brought into compliance, and that person shall pay to the City the fee specified in Schedule "F" of this bylaw."

- 2. Schedule F of Bylaw No. 09-079, the Streets and Traffic Bylaw is amended by adding the following before "107, 109(1)(b)":

" 103A(11) All expenses incurred by the City to bring the boulevard garden into compliance with this bylaw "

READ A FIRST TIME the _____ day of _____ 2016.

READ A SECOND TIME the _____ day of _____ 2016.

READ A THIRD TIME the _____ day of _____ 2016.

ADOPTED on the _____ day of _____ 2016.

CITY CLERK

MAYOR