

BY-LAW NUMBER _____

Of The Corporation of the Municipality of Chatham-Kent

A By-law to amend By-law Number 145-2020, of The Corporation of the Municipality of Chatham-Kent respecting maintenance of boulevards on Municipal Highways.

Whereas Council of the Corporation of the Municipality of Chatham-Kent passed By-Law Number 145-2020 at its meeting on the 9th day of November, 2020;

And Whereas the Corporation of the Municipality of Chatham-Kent now deems it expedient to amend certain sections of By-Law Number 145-2020;

Now Therefore be it and is hereby enacted as By-law No. _____ of the Corporation of the Municipality of Chatham-Kent:

1. That By-law 145-2020 of the Municipality of Chatham-Kent, be amended as follows:

Section 1 is amended by adding the following definitions:

“Boulevard” means that portion of the Highway which is not a Roadway, and includes the landscaped areas and any Driveway Apron, but does not include any paved or poured hard-surface sidewalk or a curb or gutter that is not part of a Driveway Apron;

“Driveway Apron” means that portion of any driveway, parking lot, or other hard surface, whether paved, poured, laid or otherwise constituted, which extends from private property onto the Roadway.

The following new section shall be inserted after section 8:

8a. MAINTENANCE OF BOULEVARDS

8a.1 Every owner or occupier of a property on a road with a speed limit of 60km/hr or less shall maintain the grassy Boulevard portion of any Highway, or part of a Highway, that abuts their property, whether in front of, or alongside the property.

8a.2 Without limiting the generality of subsection (1), maintaining the grassy Boulevard portion of a Highway includes the following:

- (a) cutting the grass and weeds and removing the cuttings whenever the growth of grass or weeds exceeds 20 cm in height;
- (b) keeping the boulevard clean and free from:
 - i. hazardous objects or materials,
 - ii. domestic animal excrement,
 - iii. rubbish or other debris,
 - iv. holes, ruts and excavations that are actual or potential health,
 - v. fire or safety hazards, or
 - vi. anything that may attract or harbour rodents or insects

8a.3 Every owner or occupier of a property shall maintain the paved portion of a Boulevard that forms part of a Driveway Apron in front of, alongside or at the rear of the property.

8a.4 Without limiting the generality of subsection (3), maintaining the paved portion of a Boulevard includes the following:

- (a) keeping the paved portion of the Boulevard in a good state of repair so as to afford safe passage under normal use for persons and vehicles;
- (b) keeping the paved portion of the Boulevard clear of snow and ice within 24 hours of a snowfall to provide safe passage for persons and vehicles;
- (c) keeping the paved portion of the Boulevard clean and free from:
 - i. hazardous objects or materials,
 - ii. domestic animal excrement,
 - iii. rubbish or other debris, and
 - iv. holes, ruts and excavations.

8a.5 If the General Manager determines that an owner or occupier of a property has failed to maintain a Boulevard that abuts the owner or occupier's property, and the cause of that failure is not the result of the acts of a third party beyond the control of the owner/occupier, the General Manager may issue an order requiring the owner or occupier to maintain the Boulevard in accordance with this By-law.

8a.6 Where an order under subsection 8a.5 is not complied with within the time period stipulated therein, the Municipality may carry out, or cause to be carried out, any work necessary to maintain the Boulevard in accordance with this By-law, and all the costs incurred by the Municipality in undertaking this work shall be expenses owed to the Municipality by the owner or occupier of the property.

8a.7 Every owner or occupier who fails to comply with an order made under section 8a.5 is guilty of an offence.

Read a First, Second and Third Time this ____ day of _____, 2022

Original signed by:

Mayor – Darrin Canniff

Original signed by:

Deputy Clerk - Judy Smith