

CONSOLIDATION UPDATE: JUNE 25, 2003

THE CITY OF WINNIPEG

**BOULEVARD MAINTENANCE BY-LAW
NO. 5895/92**

**A By-law of THE CITY OF WINNIPEG to provide
for the care and maintenance of boulevards.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. This by-law may be cited as the "**Boulevard Maintenance By-law**".

- 2.1 **DEFINITIONS**

amended 8162/2002

"Boulevard" has the same meaning in this By-law as it has in *The City of Winnipeg Charter*.

"City" means The City of Winnipeg.

"Centre Medians" means the area separating the roadways of a divided highway.

"Director" means the Director of Public Works or any other employee of the City to whom the Director has delegated authority to enforce or administer all or part of this By-law.

"Extended Boulevards" means unusually wide boulevards that are designed to accommodate future street development.

"Motor Vehicle" means any self propelled vehicle.

"Person" has the same meaning in this by-law as it has in *The City of Winnipeg Charter*.

"Rearages" means boulevards on a right of way that are located at the rear of a property.

"Regional Streets Boulevards" means boulevards located on the Regional Streets System identified under Schedule E of the Streets By-law No. 1481/77.

"Traffic Islands" means unpaved, isolated areas with the public right-of-way, including cul-de-sacs and service road islands.

"Unimproved Ditches" means ditched boulevards fronting property that have not been improved by means of landscaping or by regular homeowner maintenance.

DESIGNATED EMPLOYEES

- 2(2) The Director and his or her delegates may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.¹
amended 116/2003

RESPONSIBILITY FOR MAINTENANCE

- 3(1) Subject to section 4, every owner or occupant of land in the City shall maintain boulevards that abut or flank the land that he or she owns or occupies.
- 3(2) The responsibility for maintaining a boulevard includes the responsibility to ensure that grass and other ground vegetation does not exceed 25 centimeters in length.
amended 8162/2002

CITY'S RESPONSIBILITIES

4. The City is responsible for maintaining the following boulevards:
- (a) regional streets boulevards;
 - (b) centre medians;
 - (c) traffic islands;
 - (d) unimproved ditches;
 - (e) rearages;
 - (f) extended boulevards.
- amended 8162/2002*

DAMAGE TO BOULEVARDS

5. No person shall break, dig up, or remove or in any way injure or deface the trees, shrubs, plants or turf located on a boulevard.

DEPOSIT OF WASTE PROHIBITED

6. No person shall throw or deposit any waste, refuse, or substance of any kind, upon any boulevard.

ARTICLES DETRIMENTAL TO PROPER MANAGEMENT

7. No person shall install, place or deposit anything on a boulevard which would obstruct or hinder traffic on any street or cause damage to the boulevard, or prove offensive or detrimental to the proper management of boulevards except as provided in section 8.

SOILS AND LAWN DRESSING

8. Soil and well rotted lawn dressing may be deposited on a boulevard for removal to private property, but same shall not be allowed to remain longer than seven (7) days.

BUILDING MATERIALS

9. No person shall store, place or deposit on any boulevard any building materials whatever without first obtaining permission from the Director, and any person obtaining such permission shall be held responsible for any damage which may occur to any tree, shrub or plant, or to any lawn area.

DEFACING NOTICES

10. *repealed 64/2003*

ADVERTISING MATTER

11. No person shall display or distribute advertising matter of any kind on any boulevard without permission of the City.

NO BUSINESS OF ANY KIND

12. No person shall use any boulevard for business purposes, and no business of any kind shall be carried out except such as may from time to time be approved by the Director.
amended 8162/2002

PARKING OF VEHICLES

13. No person shall cause a vehicle to be parked in such a manner as to encroach upon or damage a tree, shrub, plant or the turf on any boulevard.

MOTOR VEHICLES

14. No person shall drive a motor vehicle on, across, or along any boulevard at any place other than an authorized crossing unless permission to do so has been obtained from the Director through the street permit system.

HORSES

15. No person shall ride a horse on, across or along any boulevard.

PLANTING ON A BOULEVARD

16. No person shall plant any tree, sapling, shrub or plant of any kind on any boulevard without first obtaining the written permission of the Director.

SPACING

17. The method of planting, placement and spacing between each tree, sapling, shrub or plant shall be to the satisfaction of the Director.

OWNERSHIP

18. All trees, shrubs, saplings or plants planted in accordance with section 16 and 17 shall become the property of the City.

DAMAGE TO PLANTINGS

19. No person shall remove, destroy, cut, deface, trim any tree, shrub, sapling, or plant or sod on any boulevard except as expressly authorized by the Director.

REMOVAL

20. No tree, shrub, or sapling growing on a boulevard shall be destroyed or removed, except as ordered by the Director for reasons of disease, hazard or emergency.

MOVING BUILDINGS ON STREETS

21. No person, whether licensed or otherwise, shall move any building along the right of way in such a way as to damage any tree, shrub, sapling, plant or turf on any boulevard. In case of any possibility of damage a permit shall be obtained and funds deposited with the Director to cover estimated damages.

NEWLY CONSTRUCTED BOULEVARDS

22. Where any person, or persons propose to cross any newly constructed boulevard for the purpose of delivery or removal of furniture, household goods, or other like chattels; they shall first place planks of sufficient width, length and strength over the boulevard so that no injury to the boulevard shall result and all packing materials used in such delivery or removal shall be removed from the boulevard.

CROSSING PERMIT REQUIRED

23. No vehicle shall drive across a boulevard in order to deliver or remove any furniture, household goods or other like chattels unless first obtaining a crossing permit from the Director.
amended 8162/2002

PERMIT TO EXCAVATE

24. No person shall make an excavation deeper than 30 centimeters into the surface of any boulevard without first obtaining the necessary permit from the Director.
amended 8162/2002

INTERFERENCE WITH OFFICIALS

25. No person shall interfere with the Director in the performance of his duties imposed by this By-law.

COMPLIANCE ORDERS

26. Any order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.²
amended 8162/2002

ADDRESS FOR SERVICE OF ORDERS AND DECISIONS

27. Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property;
- (b) if the person to be served is the occupant of real property, the street address for that property; and
- (c) if the document to be served is a copy of a decision, the address provided by the person when requesting permission or applying for a permit or approval.

³

amended 8162/2002

APPEALS OF ORDERS AND DECISIONS

28. An appeal from an order to remedy a contravention of this By-law or a decision made by the Director may be appealed in accordance with *The City of Winnipeg Charter*⁴ to the Standing Policy Committee on Public Works.

amended 8162/2002

29. *repealed 8162/2002*

30. *repealed 8162/2002*

31. *repealed 8162/2002*

32. *repealed 8162/2002*

REPEAL OF EXISTING BY-LAWS

33. Upon the passing of this By-law, all By-laws, Resolutions and Orders passed prior hereto by any Area Municipality as defined in section 1 of *The City of Winnipeg Act* and still in force, relating to the use and maintenance of boulevards shall cease to have effect.

amended 6595/95

DONE AND PASSED in Council assembled, this 15th day of April, 1992.

Schedule A of By-law No. 5895/92

repealed 7766/2001

- 1 [See sections 180-181 and sections 183-188 of The City of Winnipeg Charter for information about some of the key powers given to designated employees.](#)
- 2 [See sections 180 to 184 and sections 116 and 117 of The City of Winnipeg Charter for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)
- 3 [See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.](#)
- 4 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)