



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 015-2025

BEING A BY-LAW TO PROVIDE MAINTENANCE AND PROTECTION OF BOULEVARDS WITHIN THE TOWN OF COBOURG (BOULEVARD BY-LAW) AND REPEAL BY-LAW NOS. 052-2014 AND 049-2015.

WHEREAS subsection 11(2)(6) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“the Act”), as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS subsection 11(2)(8) of the Act provides that a municipality may pass by-law respecting the protection of persons and property; and

WHEREAS subsection 27(1) of the Act grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction; and

WHEREAS subsection 28(2) of the Act, grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28(2)(a)] and all road allowances, highways, streets and lanes shown on a registered plan of subdivision [subsection 28(2)(b)]

NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:

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1.0 Definitions

“**Apron**” shall mean that section of driveway contained within the boulevard.

“**Back Lot Property**” shall mean that portion of a property where the rear yard is adjacent to a municipal road allowance.

“Boulevard” shall mean the portion of highway between a street line and the edge of the curb, or, where there is no curb, that portion of the highway which is travelled or designated to be travelled by vehicles but does not include medians, bulges or traffic islands.

“Boulevard Garden” shall mean a cultivated assortment of plants contained within a municipal boulevard. Such plants must be non woody and not noxious as defined in the *Weed Control Act R. S. O 1990 c.w.5* and deemed not to be “Herbaceous Ground Cover”.

“Dangerous Items” shall mean anything deemed to be dangerous or a public safety hazard at the discretion of the Manager of Engineering for the Town of Cobourg or designate.

“Herbaceous Ground Cover” shall mean but is not limited to, turf grass and plant materials which can be maintained at a height of 8” (20 cm) or less and deemed not to be a “Boulevard Garden”.

“Highway” shall mean a common and public highway, common and public walkway, street, road, avenue, parkway, square, place, bridge, viaduct, trestle, or any other way open to public use, and includes the area between the lateral property lines thereof.

“Lot” shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal title to the said parcel of land was lawfully and effectively conveyed or which is a whole lot as shown on a registered plan of subdivision pursuant to the provisions of the Planning Act.

“Lot Line” shall mean any boundary of a lot.

“Maintenance” shall mean an action required to maintain a boulevard within compliance of the “Boulevard By-law” including but not limited to, cutting, watering and removal of debris.

“Owner” shall mean the person or persons shown on the Land Registry Office record the records of the land at the registry office, or Municipal Tax Roll, as having title to the land or responsibility for it, as well as the tenant and person or persons lawfully in possession of, or exercising control over, the property.

“Noxious Weed” shall mean a plant that is deemed to be a noxious weed under ss. 10(2) or designated as a noxious weed under ss. 24 (a) of the *Weed Control Act*, R.S.O. 1990, c. W.5.

“Person” shall mean and include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person, and “Persons” has as corresponding meaning (with the exception of the Town of Cobourg).

“Street Line” shall mean the boundary between a lot and a highway.

2.0 General Provisions

- 2.1 This By-law shall apply to all boulevards within the boundaries of the Town of Cobourg.
- 2.2 The Owner or Occupant of any lot which abuts a Highway within the Town of Cobourg shall keep the boulevard that abuts any Lot Line of the Owner or Occupant neat and free of any and/or all rubbish and debris.
- 2.3 The Owner or Occupant of any lot which abuts a Highway within the Town of Cobourg shall ensure that a boulevard containing herbaceous ground cover shall ensure that the ground cover in said boulevard is cut and maintained at a height of no more than 8" (20cm).
- 2.4 The Owner or Occupant of any lot which abuts a Highway in the Town of Cobourg shall ensure that a Boulevard containing a Boulevard Garden shall ensure that the plants contained within the said Boulevard Garden are maintained at a height of no more than 30" (76cm). Further, the Owner or Occupant shall ensure that plant material does not obstruct or overlay any sidewalk or curb abutting the Boulevard Garden.
- 2.5 For boulevards on which the owner or occupier of commercial or residential property fronting upon any boulevard has either installed, or has allowed to remain, rocks, trees, shrubs, other types of vegetation or any other type of decorative covering or fencing, such owner or occupier shall ensure that such coverings and physical structures, in the opinion of the Director of Public Works or designate, do not obstruct, interfere with, impede, or affect the following:
- (a) Road maintenance including snow removal;
 - (b) Utility services;
 - (c) Pedestrian use of sidewalks;
 - (d) Traffic sight lines in compliance with Town of Cobourg Comprehensive Zoning By-law;
 - (e) Clearance of at least 1.5 meters from any fire hydrant or fire hydrant valve in compliance with the by-law to provide for the regulation of water supply in the Town of Cobourg ("Water Conservation By-law"); and
 - (f) Public health or safety.
- 2.6 Height of herbaceous ground cover need not be maintained in:
- (a) Areas that are designated as Environmental Protection or Agricultural under the applicable Zoning By-law;
 - (b) When a boulevard abuts public lands.
- 2.7 Every owner shall:
- (a) Maintain any hedges or fences on their property to ensure that the hedges or fences do not encroach onto the boulevard.
 - (b) Shall obtain special permission from the Municipality for the removal and/or planting of trees within the boulevard.

(c) Not alter an area of the boulevard that is regularly maintained by the municipality.

- 2.8 The Town or any other authorized utility reserves the right to excavate any boulevard for the repair of any infrastructure. The Town of Cobourg will attempt to contact and notify the homeowner in advance. Any restoration is at the discretion of the Town of Cobourg and if any plants are removed the Town will not incur the expense to replant.
- 2.9 The Engineering Department shall be responsible for the provisions of this By-law.

3.0 Penalty

- 3.1 Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and the Act, as both may be amended from time to time.
- 3.2 No Person shall fail to comply with any provision or standard of this By-law.
- 3.3 No Person shall fail to comply with a Work Order issued pursuant to this By-law.
- 3.4 Administrative Penalty Process By-law 079-2022 applies to each administrative penalty issued pursuant to this By-law.
- 3.5 Each Person who contravenes any provision of this By-law or fails to comply with an Order issued in accordance with this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 079-2022, be liable to pay to the Town an administrative penalty in the amount of;
- (a) \$175 for the remainder of the first day on which the contravention occurs; and
- (b) \$275 for each subsequent day on which the contravention continues.

4.0 Inspection

- 4.1 An Officer acting under this By-law may, at any reasonable time, enter and inspect any property, including all buildings and structures thereon, to determine any one or both of the following:
- (a) Whether there is compliance with this By-law; and
- (b) Whether there is compliance with any order made under this By-law.

5.0 Severability

- 5.1 If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Town that all remaining sections, clauses or provision of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provision thereof may have been declared invalid.

6.0 Exemptions

- 6.1 This By-law shall not apply where the Obstruction is permitted under a valid and binding encroachment agreement or permit between a Person and the Town of Cobourg.
- 6.2 This By-law shall not apply to any sign that is in compliance with the Town of Cobourg Sign By-law.

7.0 Work Order

- 7.1 A By-law Enforcement Officer may enter upon any land or property at any reasonable time with proper identification to determine if the owner is complying with the provisions of this by-law and may take photographs of the property's condition.
- 7.2 Where an Officer is satisfied that an Owner has failed to comply with any provision of this By-law, the Officer may make a Work Order requiring the Owner to do work to correct the contravention.
- 7.3 A Work Order shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention; and
 - (b) the work to be done and the date by which the work must be done.

8.0 Service

- 8.1 Service of any document, including an order, under this By-law may be given in writing in any of the following ways and is effective:
- (a) when a copy is personally delivered to the Person to whom it is addressed;
 - (b) on the third (3rd) day after a copy's sent by regular mail or registered mail to the Person's last known address;
 - (c) upon sending a copy by e-mail transmission to the Person's last known e-mail address;
 - (d) where service is unable to be done under ss. 8.1 (a) or (b), or (c) notice may be given by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relate and shall be deemed to be sufficient service on the Owner or Occupant.
 - (e) on the date a copy is placed on or affixed in any manner to a Person's motor vehicle

9.0 Failure To Comply

- 9.1 Where an owner, having been served with a Work Order, fails to comply with the Work Order within the time specified, a By-law Enforcement Officer or the Town's employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the property at a reasonable time and carry out any or all of the work described in the Work Order.

10.0 Recovery Of Costs

10.1 Where the Town, its employees or authorized agents have performed the work required to bring the property into compliance with the By-law, all expenses incurred by the Town in doing the work as well as any related fees, shall be deemed to be a debt to the Town and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.

11.0 Short Title

11.1 This by-law may be cited as the “Boulevard By-Law”

12.0 Repeal

12.1 By-law Nos. 052-2014 and 049-2015 are hereby repealed.

That this By-law shall come into effect on the 26th day of March, 2025.

READ and finally passed in Open Council this 26th day of March, 2025.

“Lucas Cleveland”

Lucas Cleveland, Mayor

“Brent Larmer”

Brent Larmer, Clerk