



LAKE COUNTRY

Life. The Okanagan Way.

## Highways and Boulevards Policy

No. 11.117

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### Date

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The following was adopted as Policy by **Resolution No. 11.06.145** at the **Regular Council Meeting** held on **June 21, 2011**.

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### Purpose

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The Highways and Boulevards Policy establishes and governs the principles to be followed regarding encroachments on public road rights of way within the District of Lake Country. The policy applies equally to constructed or unconstructed road rights of way. For statutory rights of way on private property, reference should be made to the wording of the agreement registered in the Land Titles Office.

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### Policy

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#### 1) Definitions

- a) The definitions of “boulevard”, “Engineer”, “District”, “highway”, “owner”, and “roadway”, are as defined in the District of Lake Country Highways and Traffic Regulation Bylaw 98-186 as may be amended or replaced from time to time.
- b) “Standard landscaping” means grass, maintained to a maximum height of 300 mm.
- c) “Non-standard landscaping” means any type of boulevard landscaping other than grass, including but not limited to shrubs, mulch, trees, and herbaceous or perennial vegetation.

#### 2) Boulevard Landscaping

- a) Property owners are permitted to landscape the boulevard, where such boulevard abuts their property parcel to the front, back or sides of the parcel, with standard landscaping, provided that:
  - i) the boulevard, including any sidewalk, is kept free of brush, noxious weeds, litter, leaves or debris and maintained in a tidy condition;
  - ii) no filling or interference with utilities, ditches, swales, gravel soaker strips or drainage structures occurs; and
  - iii) a three metre clearance is maintained from any fire hydrant or fire hydrant valve.
- b) Notwithstanding any of the above, the adjacent property owner is required to remove or mitigate any landscaping or conditions on the boulevard or road right of way that are deemed to interfere with the operation of the road right of way, in the opinion of the Engineer.

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- c) Non-standard landscaping may be permitted on a boulevard with the written permission of the Engineer, who shall have regard to:
    - i) The location of the property line and all underground utilities;
    - ii) Liability for any claims regarding injury or hazards that may be created due to non-standard landscaping; and
    - iii) Where on street parking is permitted, interference with the ability of people to open car doors or exit parked vehicles;
  - d) The Engineer District may authorize the removal of any landscaping placed in the boulevard or right of way at any time, without notice, and without any obligation for replacement.
  - e) The District will not be responsible for damages to landscaping within the boulevard or road right of way due to road maintenance activities.

### **3) Other Materials or Structures**

Permanent structures, such as retaining walls, fencing or private signs, or large rocks and pieces of wood are prohibited in the boulevard or road right of way.

### **4) Enforcement**

- a) District staff will respond to and investigate complaints of encroachment on the public road right of way, taking into account the size of the encroachment, and given the constraints of staff time and budget, will consider the following in responding:
  - i) Traffic or pedestrian hazards;
  - ii) Impediments to roadway or utility maintenance;
  - iii) Planning for, or construction of, roadway, utility, trail or park improvements;
  - iv) Impediments to the accessibility of public trails, park or foreshore;
- b) Properties that are the subject of an application for a permit or utility connection will be assessed for possible encroachments onto the public road right of way and may be required to remove or mitigate the encroachment as a condition of approval.

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Mayor

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Corporate Officer