



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2025-062

A By-law to amend By-law 2024-002 Municipal Right of Way By-law

**WHEREAS** THE Municipal Right-Of-Way By-law needs to be clarified by removing sump pumps discharge directly onto the Municipal Right Of Way as a matter of right as same always needs some prior approval by way of a development engineering or buildings approval

**AND WHEREAS** Town Council desires that “Boulevard Gardens” and “Walkways” be able to be constructed in the Town Oakville without the need for Municipal Right-Of Way Permits but in accordance with applicable regulations and for that to happen the Municipal Right of Way By-law 2024-002 must be amended:

### **COUNCIL ENACTS AS FOLLOWS:**

That the Municipal Right of Way By-law be amended by the following:

- a) Deleting Section 2.2 u, “discharge water directly onto a municipal right of way, except for the purpose of discharging water from a swimming pool or a sump pump;”

and replacing with Section 2.2 u, “discharge water directly onto a municipal right of way, except for the purpose of discharging water from a swimming pool;”

- b) Deleting Section 3.1 d), “boulevard gardens installed and maintained by a property owner in the boulevard immediately abutting the owner’s property in accordance with the Town’s Boulevard Gardening Procedure, as amended from time to time.”,

and replacing with Section 3.1 d), “boulevard gardens installed and maintained in accordance with the Boulevard Garden Regulations set out in Schedule A of this by-law; or”.

- c) Adding Section 3.1 e, “walkways installed and maintained in accordance with the Regulations For Walkways in the Municipal Right of Way set out in Schedule B of this by-law”

- d) Adding the Schedule A – Boulevard Garden Regulations to this amending by-law to be” Schedule A – Boulevard Gardening Regulations” to the Municipal Right of Way By-law 2024-002.
- e) Adding the Schedule B – Regulations For Walkways in the Municipal Right of Way to the Municipal Right of Way By-law 2024-002.
- f) Deleting Section 5.2, “Any such Permits issued under section 5.1 for activities, signs and encroachments covered by the following Town Procedures shall be issued in accordance with the following Town Procedures, as amended from time to time:
  - a) Excavation and Temporary Street Occupation Permit Procedure;
  - b) Newspaper Box Permit Procedure;
  - c) Driveway Permit Procedure;
  - d) Encroachment Agreement Procedure;
  - e) Boulevard Gardening Procedure; and
  - f) Any other Town Procedures that may be added from time to time under the Municipal Right of Ways By-law and the Use of Municipal Right of Ways and Municipal Parking Lot Policy.”,

and replacing with Section 5.2, “Any such Permits issued under section 5.1 for activities, signs and encroachments covered by the following Town Procedures shall be issued in accordance with the following Town Procedures, as amended from time to time:

- a) Excavation Permit Procedure;
- b) Newspaper Box Permit Procedure;
- c) Driveway Permit Procedure;
- d) Encroachment Agreement Procedure;
- e) Temporary Street Occupation Permit Procedure;
- f) Oversize/Overweight Vehicle Permit on a Municipal Right of Way Procedure; and
- g) Any other Town Procedures that may be added from time to time under the Municipal Right of Ways By-law and the Use of Municipal Right of Ways Policy.

PASSED this 1<sup>st</sup> day of May, 2025

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MAYOR

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CLERK

## Schedule A

# Boulevard Garden Regulations

### Purpose statement

The Boulevard Garden Regulations are the standards for installation of boulevard gardens within the municipal right of ways (MRWs) and have been created having regard for public safety, traffic egress and ingress, the availability of MRWs for boulevard gardens in conjunction with or in the face of other approved Town activities or uses of MRWs.

### Regulations

1. A boulevard garden must be located within a boulevard portion of the MRW that is adjacent to the private property owned or leased by the person planting and maintaining the boulevard garden. ("boulevard gardener").
2. The adjoining property to the boulevard garden must be within an assumed subdivision
3. A boulevard garden placed within the boulevard area of a municipal right of way. can only be located within the public boulevard space directly abutting the lands owned or leased by the boulevard gardener. It is the responsibility of the boulevard gardener to locate the property line through a legal survey if requested by the Director to do so.
4. It is the responsibility of the boulevard gardener to locate all utilities/servicing, such as gas, phone, Hydro, cable etc., prior to commencing any work on the boulevard garden. (Call before you dig Ontario One Call: 1-800-400-2255). The boulevard gardener must be able to present the information to the Director when requested. Any damage to the utilities/servicing or town assets is the responsibility of the boulevard gardener who installed the boulevard garden.
5. Boulevard gardens must not pose a danger to the public, compromise drainage, impair any sightlines, or adversely affect the delivery of municipal right of way maintenance activities.
6. Boulevard gardens shall only use low maintenance, drought and salt tolerant plants. Invasive plant material is not acceptable. See [Boulevard Gardening](#) section on Town's webpage (Community Climate Action -> scrolled down to "Protect the environment" -> click "Planting a boulevard or pollinator garden" -> see "Boulevard gardening" section).
7. Plant height can vary depending on location of the boulevard garden.

- a. In general, plant material shall not exceed 0.9 m (3.0 ft) in height above the elevation of the adjacent roadway.
  - b. Despite regulation 7a above, plants in corner lot sight areas shall be no higher than 0.8 m (2.5 ft) above the elevation of the nearest point on the adjacent roadway.
  - c. Plants shall not overhang the sidewalk or pose a hazard to users of same.
  - d. Fire hydrants must be easily visible and accessible from both the street and sidewalk. Despite regulations 7a and 7b above, plant material shall be maintained no taller than 15 cm (6 in) in height within 1.5 m (5 ft) of hydrants.
  - e. Utility structures also require easy access and the areas around them are very likely to be excavated, thus only easily replaced plant material is permissible and, despite regulations 7a, 7b and 7d above, plant material shall not exceed 15 cm (6 in) in height within 0.9 m (3.0 ft) of a utility structure.
  - f. Roadside ditches and drainage swales provide an important function to convey storm water safely away. Plant material shall not interfere with proper water flow. It is the boulevard gardener's responsibility to ensure that proper drainage is in no way impaired.
  - g. Street trees require special care. No plants, including lawn grasses, shall be grown within 0.45 m (1.5 ft) of a street tree. No new soil shall be placed within 0.45 m (1.5 ft) of a street tree. Tree health cannot be compromised from planting near a street tree.
- 8. Boulevard gardens are intended to provide growing spaces for plant material and as such there must be a minimum of hard surfacing materials. If hardscaping is used, it must not interfere with sightlines, sidewalk snow-clearance, access to utilities, and safe pedestrian movement (No hardscaping may project more than 10 cm above the nearest grade.
  - 9. Permanent installations such as in-ground irrigation systems are not permitted.
  - 10. Raised planters shall not be used to contain the boulevard garden.
  - 11. The boulevard garden shall be at grade with any adjacent sidewalk edge to minimize movement of mulch or inorganic materials and prevent gaps that could cause pedestrians to trip. The adjoining owner is responsible for maintaining this level.

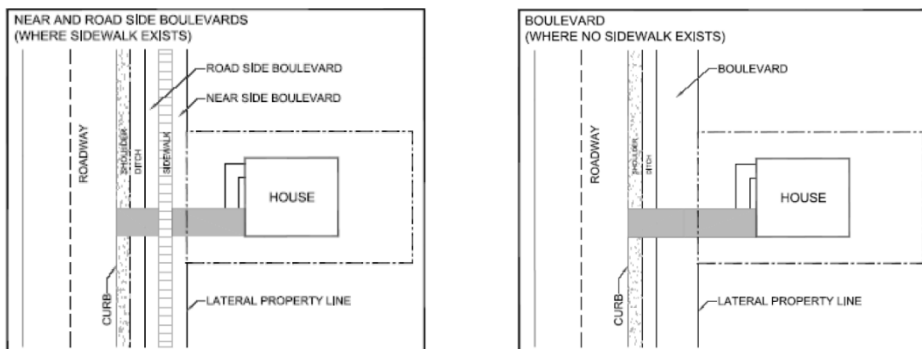
12. Localized mounding may be permitted however the height restrictions set out in Regulation 7 cannot be exceeded and shall (in the case of mounded areas) be interpreted as a total height restriction which considers the height of both the mound and plant material.
13. Compost-based mulch is recommended within the boulevard garden area and tree bed area to inhibit weed growth, provide nutrients and retain moisture.
14. A boulevard garden shall not be used as a parking area. If the boulevard garden is used as a parking area, the adjoining property owner will be instructed to remove the boulevard garden and return the area to a grassed condition.
15. The adjoining property owner accepts full responsibility for the boulevard garden and assumes all risk related to its presence, including any damages to same arising out of any works undertaken by the Town, authorized works by others or damages resulting from any accident within the municipal right of way.
16. The Town or authorized person(s) will endeavour to provide advance notice to the adjoining property owner of works that have the potential of negatively impacting the boulevard garden, thereby providing the adjoining property owner or his/her tenant, whomever is the boulevard gardener, an opportunity to salvage their boulevard garden material prior to the work commencement. In the case of emergency work, where time is of the essence; such notice shall not be provided. Upon completion of the works, the Town or authorized person(s) will restore the boulevard to grade and advise the adjoining property owner that the boulevard garden may be reinstate at the adjoining property owner's expense within 30 days, else the Town or authorized person(s) will topsoil and sod the boulevard area.
17. The Director may require the removal of a boulevard garden at any time for any reason the Director determines in his/her sole discretion that is necessary and will provide notice of such required removal to the adjoining property owner after which the adjoining property owner must remove or arrange for the removal of the boulevard garden within 5 calendar days of receipt of the notice.
18. The Director may direct the repair or alteration of any boulevard garden within the municipal right of way which:
  - a. has not been installed in accordance with these regulations, or
  - b. has not been maintained in accordance with these regulations or any other applicable law, regulations, and by-laws, or
  - c. causes a safety risk.

19. By planting a boulevard garden, the boulevard gardener and the adjacent property owner if not the boulevard gardener both assume all risk, responsibility and expense associated with any boulevard garden located on the municipal right of way is the responsibility of the adjoining property owner.
20. In the event an adjoining property owner refuses to or fails to remove or properly remediate or arrange to remove or remediate an improperly installed boulevard garden as directed, the Director is authorized to remove the boulevard garden and/or perform the remediation works as deemed necessary. All costs incurred by the Town in performing such work may be invoiced to the adjacent property owner with a 20% administrative fee. Outstanding invoices may be added to property tax bills as “other charges”.

Non-compliance with these Regulations may lead to enforcement action in accordance with the Municipal Right of Way By-law 2024-002, as amended.

## Definitions

**Boulevard**, for the purpose of these Regulations, means the grass or earthed area(s) between the roadside curb or in the case of no curb, the back slope of the roadside ditch/swale and the adjacent property line.



**Corner Lot Sight Area** means that part of a boulevard adjacent to a corner lot that is bound by the edge of pavement of the intersecting streets and a line extending through the points on each lateral property line measured 9.0 metres from the point of intersection of the lateral property lines.



**Director**, for the purpose of this schedule, means the Director of the Transportation and Engineering Department of the Town of Oakville or his/her designate.

**Hardscaping** means paving stones, boulders, stones, gravel, concrete asphalt, rail, or any other hard materials.

Unless otherwise noted, all definitions are as defined in the Municipal Right of Way By-law 2024-002, as amended.



## Schedule B

# Regulations For Walkways in the Municipal Right of Way (“Walkway Regulations”)

### Purpose statement

The Walkway Regulations are standards for installation of walkways within the municipal right of ways (MRWs) and have been created having regard for public safety, traffic egress and ingress, the availability of MRWs for walkways in conjunction with or in the face of other approved Town activities or uses of MRWs.

### Regulations

A walkway within the municipal right of way must meet the following regulations to the satisfaction of the Director:

1. No person shall install more than one walkway that connects a private property to the municipal right of way.
2. No person shall install a walkway within the municipal right of way with a width greater than 1.5 metres.
3. No person shall install a walkway between the municipal sidewalk and the roadway.
4. No person shall cut a curb or install a depressed curb for a walkway.
5. No person shall park a vehicle on a walkway.
6. No person shall install a walkway parallel to the roadway.
7. No person shall install a walkway adjoining the driveway apron. A minimum sodded separation of 0.3 m between the driveway and walkway is required.
8. A culvert pipe is required for a walkway that extends over a municipal ditch to meet the edge of roadway.

### Definitions

**Director**, for the purpose of these Regulations, means the Director of the Transportation and Engineering Department of the Town or his/her designate.

Unless otherwise noted, all definitions are as defined in the Municipal Right of Way By-law 2024-002, as amended.