

**TOWN OF MAGRATH**  
**BYLAW # 1266**  
**(Care and Use of Boulevards and/or Lanes)**  
**Consolidated up to Bylaw 1304**

A Bylaw of the Town of Magrath in the Province of Alberta to provide for the care of Boulevards and/or Lanes.

WHEREAS Section 7 of the Municipal Government Act, Statutes of Alberta, provides that the council of a Town may pass bylaws regulating the care of boulevards and/or Lanes;

NOW THEREFORE, the Council of the Town of Magrath, in the Province of Alberta duly assembled, thereby enact as follows:

NAME OF BYLAW

1. This bylaw may be cited as the Care and Use of Boulevards and/or Lanes Bylaw.

DEFINITIONS

2. For the purpose of this Bylaw, the following words mean:
  - a. "Act" means
    - i. the Municipal Government Act, RSA 2000, Chapter M-26, Section 541, as amended;
  - b. "Administrator"
    - i. means the Chief Administrative Officer of the Town of Magrath
  - c. "Boulevard" means;
    - i. the strip of ground between the edge of a private property and the road;
  - d. "Control" means
    - i. to inhibit the growth or spread or,
    - ii. destroy;
  - e. "Council" means
    - i. the Municipal Council of the Town of Magrath;
  - f. "Designated Officer" means
    - i. the Chief Administrative Officer, or
    - ii. Bylaw Enforcement Officer, or
    - iii. R.C.M.P. Officer, or
    - iv. Community and Development Officer, or

- v. Peace Officer;
  - g. "Destroy" means
    - i. to kill all growing parts, or
    - ii. to render reproductive mechanisms non-viable;
  - h. "Lane" means
    - i. alley, public road allowance, or well-defined public passageway;
  - i. "Order" means
    - i. a written order in accordance with subsection 545 of the Act
  - j. "Owner" means
    - i. the person who is registered under the Land Titles Act as the owner of the land
  - k. "Storage" means
    - i. to have in place for more than 72 hours continuously.
  - l. "Town" means
    - i. the Municipal Corporation of the Town of Magrath;
  - m. "Parking" means
    - i. to park an automobile that is insured and registered for less than 72 hours.
3. Every Owner or occupant of any property or premises within the Town must maintain the Boulevard and/or Lane in a neat and tidy manner by:
- a. Controlling noxious weeds or plants.
  - b. Destroy prohibited noxious weeds
  - c. Mow or control the spread of dandelions
  - d. Cutting boulevard and alley grass according to Bylaw 1169 – Dangerous and Unsightly Bylaw.
  - e. Providing adequate irrigation to newly seeded Boulevards and/or Lanes to prevent the drying out of soils for a minimum period of thirst (30) days or until the grass has become firmly established.
  - f. Snow Removal and Parking Restrictions according to Bylaw 1158 – Traffic Bylaw.
  - g. Notwithstanding the other provisions of this Bylaw, the Town of Magrath and its servants and agents may at any time without notice and without compensation to any person:
    - i. Enter on, break up, alter and use any boulevard;
    - ii. Construct works through, under or over any boulevard;

- iii. Cut, prune, disturb, damage or remove any landscaping or street furniture within a boulevard, or any other thing planted, constructed, installed, built or placed within a boulevard.
  - h. The obligation to maintain boulevards may be waived where based on the written application by the parcel owner the determination of the CAO or his/her designate is that: the owner or occupier of a parcel is unable to safely access the boulevard due to steep grades, or the size of the boulevard is unreasonably larger than comparable lots for the property owner to maintain, or the boulevard forms part of a protected waterway or drainage system, provided that the foregoing exception does not apply in circumstances where the owner or occupier of the parcel, or a previous owner or occupier, has altered the parcel or the boulevard to the detriment of the owner's or occupier's ability to access or maintain the boulevard.
- 4. No Boulevard shall be used for the following:
  - a. Storing of automobiles, trucks, buses or for any other equipment or structure.
  - b. The storage or dumping of rubbish, garbage, leaves, lawn, trees, animal feed (including hay and straw bales), landscaping aggregates including soil or other plant refuse.
  - c. The storing or parking of unattached trailers is prohibited at all times as per Bylaw # 1158 – Traffic Bylaw
  - d. Pedestrian (with the exemption on sidewalks), bicycle, motorbike, automobile, horse or other such traffic that could deface, destroy or otherwise damage the Boulevard.
- 5. No Lane shall be used for the following:
  - a. Storing of parking of automobiles, trucks, trailers, buses or for any other equipment or structure.
  - b. The storing or parking of unattached trailers is prohibited at all times as per Bylaw # 1158 – Traffic Bylaw
  - c. The storage or dumping of rubbish, garbage, leaves, lawn, trees, animal feed (including hay and straw bales), or landscaping aggregates including soil or other plant refuse.
- 6. Any Owner who desires to improve the boulevard above the measures outlined in Section 3 may apply in writing to the Town of Magrath Chief Administrative Officer (CAO) for approval. Applicants must at their own expense, provide such information as the CAO deems necessary or desirable for the purpose of evaluating the application including, without limitations, photos of the existing boulevard, plans, drawings, specifications and species of plants. The CAO or his/her designate may approve, approve with additional conditions or deny the application.

7. Property owners will not be compensated for any accidental damage to boulevard improvements by Town employees during the normal course of their duties.
8. Any person who damages or causes to be damaged any Boulevard within the Town shall be subject to a fine as outlined in Appendix A or any other amount deemed necessary by the Designated Officer to re-establish the Boulevard(s) to its previous condition.
9. The Designated Officer may:
  - a. Require the Owner to remedy any condition of the boulevard or Land it if is in contravention or fails to comply with this Bylaw
  - b. If the Owner fails, neglects, or refuses to remedy the conditions as directed by the Designated Officer, the Town may cause such work to be done as deemed necessary and charge the cost of the work to the Owner.
  - c. If an Owner is in default of a payment the Town may:
    - i. Recover the cost as a debt due to the Municipality, or
    - ii. Charge the cost against the land concerned as taxes due and owing in respect of the land and recover the cost as such, or
    - iii. Make any other provisions that the Designated Officer considers necessary to carry out the purposes of this Bylaw.
10. An Owner, person, company or corporation who receives a denial under Section 6 or an Order under Section 8 of this Bylaw may request by written notice, within 14 days after the date the order is received, that Council review the decision.
11. This bylaw comes into force on the day it is passed.

Read for a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Read for a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Read for a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Signed copy available at Town Office

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## Appendix A

### Fees

1. Boulevard and Lane violations
  - a. First Offence \$ 100.00
  - b. Second Offence \$ 200.00
  - c. Third and Subsequent Offenses \$ 500.00