



SIDEWALKS, STREETS AND BOULEVARDS PROTECTION BYLAW BYLAW NO. 91-052

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on January 22, 2026 up to Bylaw No. 26-005)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

No. 91-52

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaw No. 98-017 and 26-005)

to revise and consolidate the provisions of the Sidewalks and Boulevards Protection Bylaw and to include provisions for the regulation of soil removal.

Pursuant to the provisions of Sections 579, 582, 734 and 930.1 of the Municipal Act, R.S.B.C. 1979, c. 290, the Municipal Council of the Corporation of the City of Victoria enacts as follows:

1. This Bylaw may be cited as the "SIDEWALKS, STREETS AND BOULEVARDS PROTECTION BYLAW."
2. Whenever any damage is done to the pavement or surface of a street, to sewers, drains, water lines, sprinkler systems, underground conduits, or wiring; to any sidewalk, any sidewalk crossing, curb, gutter, or any street fixture or improvement; to any boulevard, tree, shrub or grass erected, planted or maintained by the City, the person who causes the damage shall forthwith, on demand, pay to the City the reasonable cost incurred by the City in repairing the damage.
3. Where any damage as described in Section 2 has been done by any builder or other contractor in the course of construction, demolition, or addition to any building or structure on land adjacent to any street, sidewalk or boulevard, the builder or contractor and the owner of the land are jointly and severally liable to the City for the costs of repair.
4. (1) The costs referred to in Sections 2 and 3 are the costs of labour, equipment rental, and material directly attributable to the repairs, including the removal of debris, plus an amount equal to 13% of the labour, equipment rental, and material costs to cover clerical and other indirect and overhead costs of the City.

- (2) In this Bylaw, "repair" includes the replacement of any items mentioned in Section 2.
- (3) Where a tree is mutilated or destroyed and the Director of Parks and Recreation determines that it needs replacing, the cost of repair shall include an amount for the value of the tree as calculated by the Director of Parks and Recreation in the manner established by the International Society for Arboriculture.
- (4) A certificate setting out the cost of any repair and signed by the City Engineer or, where applicable, the Director of Parks and Recreation shall be prima facie evidence of the correctness of the cost.

5. Where, in the opinion of the City Engineer, or the Director of Parks and Recreation, any proposed work for which a building permit or a demolition permit is required may result in damage to one or more of the items mentioned in Section 2, or may result in any spillage or deposit of soil upon any of the items mentioned in Section 2, the City Engineer shall not issue a building or demolition permit until:

(a) the applicant, with the exception of the applicant who has paid a deposit pursuant to Section 6, has deposited with the City

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(i) a damage deposit in accordance with Schedule D of the Works and Services Bylaw; and

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(ii) where damage to any grass, shrub or tree may occur, a damage deposit equal to the value of the shrubs and grass as determined by the Director of Parks and Recreation and 100% of the value of any tree as determined by the Director of Parks and Recreation in accordance with Section 4.

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6. When there is to be an excavation at the site of a proposed work for which a building permit or a demolition

permit is required and a hypothetical cut-slope line drawn at a 1:1 slope from the base of the excavation, on its outside perimeter towards the street, intersects the surface of the property beyond a point 1.0 m from the street boundary, the City Engineer shall not issue a building or demolition permit until the applicant has deposited with the City a damage deposit in accordance with Schedule D of the Works and Services Bylaw.

7. (1) Where any damage as described in Section 2 occurs:

(a) as soon as it is practicable to do so, the City Engineer, or the Director of Parks and Recreation where applicable, shall cause the damage to be repaired by the City; or

(b) with the permission of the City Engineer, or the Director of Parks and Recreation where applicable, repairs may be carried out by a licensed contractor on behalf of the applicant or the owner, provided the repairs are done to the City's standards and specifications.

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(2) If the damage is repaired by the City, the City shall be entitled to deduct its costs, as determined in Section 4, from the total of the damage deposits made pursuant to the Services Bylaw.

8. (1) If during the work there is a spillage or deposit of soil upon any of the items mentioned in Section 2, the applicant or the owner shall immediately remove said spillage or deposit upon being instructed to do so by the City.

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(2) If the applicant or the owner does not remove the spillage or deposit forthwith, the City, by its employees and others, may effect the removal at the joint and several expense of the applicant and the owner and the costs for doing so shall be deducted from the total of the damage deposits made pursuant to the Works and Services Bylaw.

(3) The costs referred to in this bylaw for the removal

of a spillage or deposit of soil are the costs of labour and equipment rental directly attributable to the removal plus an amount equal to 13% of the labour and equipment rental to cover clerical and other indirect and overhead costs of the City.

- (4) A certificate setting out the cost of any removal and signed by the City Engineer shall be prima facie evidence of the correctness of the cost.
- 9.
- (1) If, in the opinion of the City Engineer, a proposed work for which a building permit or a demolition permit is required is likely to result in material other than soil being spilled or deposited on any of the items mentioned in Section 2, the City Engineer shall not issue a building or demolition permit until the applicant has deposited with the City a damage deposit in accordance with Schedule D of the Works and Services Bylaw.
 - (2) This requirement is in addition to the requirements of Section 5.
 - (3) If during the work there is a spillage or deposit of material other than soil on any of the items mentioned in Section 2, the applicant or the owner shall immediately remove said spillage or deposit upon being instructed to do so by the City.
 - (4) If the applicant or the owner does not remove the spillage or deposit forthwith, the City, by its employees and others, may effect the removal at the joint and several expense of the applicant and the owner and the costs for doing so shall be deducted from the total of the damage deposits made pursuant to this bylaw.
 - (5) The costs referred to in this Section for the removal of a spillage or deposit of material other than soil are the costs of labour and equipment rental directly attributable to the removal plus an amount equal to 13% of the labour and equipment rental to cover clerical and other indirect and overhead costs of the City.

(6) A certificate setting out the cost of any removal and signed by the City Engineer shall be prima facie evidence of the correctness of the cost.

10. Notwithstanding anything to the contrary contained in the preceding Sections, no person may cut down, mutilate or prune any tree growing on any highway without the prior written consent of the Director of Parks and Recreation.

11. Any person contravening the provisions of the preceding Section is guilty of an offence and liable, on conviction, to the penalties prescribed by the Offence Act.

12. Bylaw No. 82-11, the Sidewalks and Boulevards Protection Bylaw and any amendments are repealed.

13. (1) With the prior permission of the Director of Parks and Recreation, a person may do any of the following acts on a boulevard:

(a) plant a tree, shrub, bush or hedge;

(b) remove, destroy, cut or trim a tree, shrub, bush or hedge;

(c) place material on, under, or against a tree, shrub, bush, or hedge.

(2) Plantings on a boulevard must be carried out in accordance with the horticultural policies established by the City's Director of Parks and Recreation.

(3) The City's Director of Parks and Recreation must give permission for the purposes of subsection (1)(a) only if the planting would not

(a) create a hazard to the safety of persons, and

(b) be likely to damage public property, or private property legally located on the boulevard.

- (4) The City's Director of Parks and Recreation must give permission for the purposes of subsection subsections (1)(b) and (c) only if the permitted action
 - (a) would not create a hazard to the safety of persons,
 - (b) would not be likely to damage public property, or private property legally located on the boulevard, and
 - (c) other than a permitted destruction, would not endanger or destroy the life of the tree, shrub, bush, or hedge.

Passed and received third reading by the Municipal Council the day of _____, 1991.

Reconsidered and adopted by the Municipal Council the day of _____, 1991.

CITY CLERK

MAYOR