



City of Vernon

***LANDSCAPE
MAINTENANCE
BYLAW
#5014
(CONSOLIDATED)***

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5014

A bylaw to require owners or occupiers to
maintain landscaped areas on property that
they own or occupy

WHEREAS pursuant to Section 909 of the Local Government Act the Council may require, set standards for and regulate the provision of landscaping for the purpose of masking or separating uses and preserving, protecting, restoring and enhancing the natural environment;

AND WHEREAS Council deems it necessary to require owners or occupiers of real property to maintain **landscape areas** on property that they own or occupy through removal of **weeds**, pruning of **plant materials**, maintenance of **plant materials**, maintenance of **lawn areas**, provision of **suitable irrigation**, replacement of dead or morbid **plant materials**, maintenance and replacement of **edging**, **weed barrier**, and **ground cover materials**;

NOW THEREFORE the Council of the Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “City of Vernon Landscape Maintenance Bylaw No. 5014, 2006”.
2. In this bylaw:
 - (a) “**edging**” shall mean materials of treated wood, stone, concrete, metal, or plastic installed to separate landscape areas of differing **ground cover material** and to separate landscape areas from other uses on the property.

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- (b) “**ground cover materials**” shall mean materials utilized for the covering of weed barrier in **landscape areas**, and/or acting as a weed barrier. Materials include but are not limited to Ogo-grow, fine fir mulch, bark mulch, and rock.
- (c) “**landscape areas**” shall mean areas of **planted materials** including **lawn areas**.
- (d) “**landscape professional**” shall mean the property owner, an accredited arborist, horticulturist, or landscape architect; or a person or persons possessing a minimum of five years experience in **plant material** installation and or **plant material** maintenance; or under the direct supervision of an accredited arborist, horticulturist, or landscape architect.
- (e) “**lawn areas**” shall mean areas seed planted or of sod that is comprised of grass species **plant materials**, intended to be mowed, irrigated, and otherwise maintained as required.
- (f) “**natural areas**” shall mean areas of undisturbed vegetation comprised at least 60% of natural vegetation species from the area’s natural eco-system, measured by biomass. Buffer creation adjacent to natural areas will need to be addressed on a site by site basis to ensure that the natural features, species complement and habitat protection measures appropriate for each project are addressed. Preliminary information for the identification of project specific considerations is to be taken from the EMA Strategy and the Hillside Guidelines.
- (g) “**plant materials**” shall mean trees, shrubs, grasses, vines perennials, lawns, and annuals installed or planted by persons.
- (h) “**pruning**” shall mean the cutting of shrub or tree **plant materials** according to the appropriate time of year and

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species requirements as determined and conducted by a **landscape professional**.

- (i) “**suitable irrigation**” shall mean the provision of either drip irrigation, sprinkler irrigation, or hand watering at a water volume and interval appropriate for the healthy growth of **plant materials, including the allowance for reduced irrigation during natural dormancy periods**. All irrigation systems are to be designed to ensure that the watering needs for new landscaping can be met without unnecessary watering of surrounding impervious areas, neighbouring properties or other inappropriate spaces. In addition, irrigation systems should be designed for short term use with the intention that all landscape plantings are to be self sustaining after a specific period of time after planting. The duration of necessary irrigation is to be determined on a project basis as there are many different irrigation requirement conditions throughout Vernon.
- (j) “**weed**” shall mean **plant materials** not installed by a person on the land and includes all noxious weeds as defined under the Weed Control Act.
- (k) “**weed barrier**” shall mean a layer of fabric or suitable mulch material that inhibits the growth of weeds in **landscape areas**.

3. The owners and occupiers of any and all real property within the following zones as per Zoning Bylaw #5000, as amended shall comply with the requirements of this bylaw:

- (a) R5 – Four-Plex Residential
- (b) R5A – Semi-Detached Residential (*Bylaw 5283*)
- (c) RM1 – Row Housing Residential
- (d) RM2 – Multiple Housing Residential

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- (e) RH1 – Low-Rise Apartment Residential
- (f) RH2 – Stacked Row Housing Residential
- (g) RH3 – High-Rise Apartment Residential
- (h) HR2 – Hillside Residential Multi-Family
- (i) HR3 – Hillside Residential Apartment
- (j) C1 – Neighbourhood Commercial
- (k) C2 – Transitional Commercial
- (l) C3 – Mixed Use Commercial
- (m) C4 – Street-Oriented Commercial
- (n) C5 – Community Commercial
- (o) C6 – Village Commercial
- (p) C7 – Heritage Business District
- (q) C8 – Central Business District
- (r) C9 – Regional Commercial C10 – Tourist Commercial
- (s) C11 – Service Commercial
- (t) C12 – Convention Hotel
- (u) RTC – Resort Commercial
- (v) CD1 – Comprehensive Development Area
- (w) CD2 – Comprehensive Development Area 2
- (x) CD3 – Comprehensive Development Area 3
- (y) I1 – Light Industrial
- (z) I2 – Airport Industrial
- (aa) I3 – Heavy Industrial
- (bb) I4 – Business Park
- (cc) I5 – Extraction Industrial
- (dd) P1 – Parks & Open Space
- (ee) P2 – Public Institutional
- (ff) P3 – Private Institutional
- (gg) P4 – Utilities
- (hh) P5 – Private Park

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4. All properties where there are three or less residential units the following uses as defined by Zoning Bylaw #5000, as amended are exempt from the requirements of this bylaw:

- (a) single detached housing
- (b) semi-detached housing
- (c) duplex housing
- (d) three-plex housing

5. Landscaping in riparian areas – Landscaping in riparian areas must be undertaken in conformance with the policies and best practices outlined in the Riparian Areas Regulation (RAR). This is to include review of the species selection and planting plan as part of an RAR variance approval. Setback requirements, planting plan requirements and a preliminary species list appropriate for use in a riparian area is available at http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/ImplementationGuidebook.pdf.

6. Sustainable materials: As much as possible, in areas where materials other than plants and soil are to be used in the creation of a landscape design, materials should be chosen which maximize rainwater infiltration, are inert, are complementary to the surrounding ecosystems and are made of recycled, reclaimed or reused materials.

7. The owners and occupiers of real property subject to this bylaw shall maintain all **lawn areas** to a maximum grass height of 10cm. **Lawn areas** greater than 60cm by 60cm in two dimensions that are dead, morbid or require removal due to disease shall be replaced with a seed or sod mix of similar character to the surrounding **lawn area**.

8. The owners and occupiers of real property subject to this bylaw shall take remedial action against pests and disease infestation on any and all

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plant materials. Remedial action is to be conducted or prescribed by a **landscape professional** or certified individual if required by the City Gardener.

9. The owners and occupiers of real property subject to this bylaw shall on replacement of morbid or dead **plant materials**, replacement of **ground cover materials**, replacement of **edging**, and replacement of **weed barrier**, comply with the requirements of the Landscape Standards Bylaw #5015.

10. The owners and occupiers of real property subject to this bylaw shall **prune** all **plant materials** in a manner that allows for their continued growth. **Plant materials** classified as trees in the Vernon Landscape Standard Materials Selection Guide shall have no more than one third of their annual growth pruned per year. Despite the foregoing,:

- (a) **plant materials** interfering with the visual triangle established by Traffic Bylaw #2747,
- (b) **plant materials** directly interfering with public and private sidewalks, walkways, trails, driveways, parking areas, and roadways, and
- (c) **plant materials** interfering with surface and/or over-head utilities, may be pruned to the extent necessary to eliminate the interference.

11. The owners and occupiers of real property subject to this bylaw shall in addition to section 7 **prune** all dead and diseased portions of **plant materials**. If the **pruning** of dead or diseased portions of **plant materials** results in removal of greater than 60% of the individual **plant material** measured by biomass, the replacement of the **plant material** is required.

12. All **natural areas** with a depth of greater than 5 meters and a length of greater than 7 meters, and natural areas within 15 meters of a watercourse are exempt from the requirements of this bylaw. All **natural areas**

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and **landscaped areas** within 15 meters of a watercourse are to be maintained according to any applicable maintenance standards of the Ministry of Environment.

13. The City Planner; Manager of Planning and Building Services; Manager of Operation Services; City Arborist; and Manager of Bylaw Enforcement are authorized to enforce the provisions of this bylaw.

14. The City Planner; Manager of Planning and Building Services; Manager of Operation Services; Planning Assistant, City Gardener, City Arborist, Manager of Bylaw Enforcement, and Bylaw Enforcement Officers may enter onto any land in accordance with s.16 of the Community Charter in order to inspect the land and to ascertain whether the provisions of this bylaw have been carried out.

15. No person shall interfere with or obstruct the entry of the City Planner; Manager of Planning and Building Services; Manager of Operation Services; Planning Assistant, City Gardener, City Arborist, Manager of Bylaw Enforcement, and Bylaw Enforcement Officers under section 11.

16. On default of any owner or occupier in meeting the requirements of this bylaw within sixty days of notice provided between April 1st and September 1st requiring such compliance, the City, by its workmen and others, may enter and effect such landscape maintenance at the expense of the person so defaulting. Notice of default in meeting the requirements of this bylaw provided outside of the dates between April 1st and September 1st, shall be the greater of sixty days or the period of time extending to the next May 1st. The cost of the landscape maintenance shall be charged to the owner of such real property and, if unpaid on the 31st day of December in the year in which the costs become payable by the owner, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

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17. If any section or part of this bylaw shall be held to be invalid by a Court of competent jurisdiction, the invalid portions shall be severed from the remainder of the bylaw.

READ A FIRST TIME this 11th day of September, 2006.

READ A SECOND TIME this 11th day of September, 2006.

RESCIND SECOND READING this 12th day of February, 2007.

READ A SECOND TIME, AS AMENDED, this 12th day of February, 2007.

PUBLIC INPUT held this 12th day of March, 2007.

READ A THIRD TIME this 26th day of March, 2007.

ADOPTED this 10 day of April, 2007.

Mayor:

City Clerk: