

Considered at the November 21, 2023, GLC meeting

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City of Port Moody

Governance and Legislation Committee

Date: November 21, 2023
 Submitted by: Engineering and Operations Department – Operations Division
 Subject: Sidewalk and Boulevard Maintenance Bylaw Hydrant Access Amendments

Purpose

To present proposed amendments to Sidewalk and Boulevard Maintenance Bylaw to enhance requirements for property owners to ensure clear access to fire hydrants is maintained, to propose associated amendments to the fine structure in the Municipal Ticket Information Authorization (MTIA) Bylaw, and to present a new Corporate Policy regarding Hydrant Access Maintenance.

Recommended Resolution(s)

THAT staff be directed to bring draft City of Port Moody Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426, Amendment Bylaw No. 5, 2023, No. 3437, draft City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 9, 2023, No. 3438, and draft Corporate Policy – 11-52023-01 – Hydrant Access Maintenance to the November 28, 2023, Regular Council meeting for consideration as recommended in the report dated November 21, 2023, from the Engineering and Operations Department – Operations Division regarding Sidewalk and Boulevard Maintenance Bylaw Hydrant Access Amendments.

Background

Staff have identified that updates to City of Port Moody Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426 are required to clarify responsibilities for maintaining safe access to hydrants for emergency response, and to ensure that the requirements for maintaining access to hydrants that are outlined in the Fire Prevention and Emergency Response Bylaw, No. 2835 are consistent with the Sidewalk and Boulevard Maintenance Bylaw.

Discussion

The Fire Prevention and Emergency Response Bylaw, No. 2835 requires that hydrants located on private property be accessible and maintained in accordance with the specifications laid out in the Bylaw. However, these requirements for access are not included in the Sidewalk and Boulevard Maintenance Bylaw, No. 2426. Hydrants located on City property are the City's responsibility to maintain, but they are commonly located in boulevard areas which are free to be landscaped by adjacent property owners according to the Sidewalk and Boulevard Maintenance Bylaw, No. 2426. Hydrants in these areas can become inaccessible due to

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landscape construction, accumulation of materials and goods, and overgrown vegetation. These obstructions also impact use of the hydrants for water distribution system operation and maintenance.

The proposed amendments to Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426 (**Attachment 1**) result in consistent requirements to maintain access to fire hydrants on both private property and City property. These amendments align the language used in both bylaws and make clear the requirements for adjacent real property owners in ensuring unencumbered access to hydrants. The proposed amendments require a minimum 60cm clearance between the centre of any 102mm or 64mm cap located on the hydrant and the ground, and that hydrants must be readily visible from the roadway when approached in any direction, and that an area of 1.0m in radius around the hydrant be clear and free of obstructions, and that access from the edge of the road to the 1.0m clear zone around the hydrant be free of obstructions or hazards.

A proposed amendment to Municipal Ticket Information Authorization (MTIA) Bylaw, 2020, No. 3218 (**Attachment 2**), includes progressive fines for property owners who fail to keep hydrants adjacent to their property accessible in accordance with the bylaw. A summary of the changes is outlined below:

Ticketed Offence	Current Fine	Proposed Fine
Failure to Keep Fire Hydrant Clear	N/A	1 st Offence – \$100 (\$20 if paid within 30 days) 2 nd Offence – \$250 3 rd and Subsequent Offences – \$500

The proposed amendments will allow for property owners who do not comply with requirements in either Bylaw to be ticketed multiple times where unencumbered access to a hydrant is not maintained. The fines for second and third offences are consistent with the fines that correspond with the Fire and Emergency Response Bylaw, No. 2835. Ticketing revenues for the proposed offences will be directed to the water distribution system reserve that can be drawn upon for related water distribution system expenses.

A new Corporate Policy for Hydrant Access Maintenance is included for consideration as **Attachment 3**. This policy delegates authority to the General Manager of Engineering and Operations or their designate, and the Fire Chief or their designate, to direct removal of obstructions to access to hydrants located on City property.

Owners or occupiers of real property adjacent to a hydrant located on City property will be notified if access to a hydrant is deemed to be encumbered by the General Manager of Engineering and Operations or their designate, or the Fire Chief or their designate, and they are required to undertake to remove the encumbrance. If compliance with bylaw requirements is not achieved, the City will undertake removal of the encumbrance and recover costs from the adjacent real property owner or strata corporation. Owners or occupiers of real properties that do not comply with bylaw requirements may be both ticketed and billed for City costs.

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Other Option(s)

1. THAT the report dated November 21, 2023, from the Engineering and Operations Department – Operations Division regarding Sidewalk and Boulevard Maintenance Bylaw Hydrant Access Amendments be received for information.
2. THAT staff be directed to revise the proposed bylaw amendments based on feedback from the Governance and Legislation Committee and submit revised bylaw amendments for consideration.

If the amendments to these bylaws are not approved, staff will continue to seek compliance from adjacent property owners on a voluntary basis or identify suitable alternative methods or Bylaws to address challenges to emergency response.

Financial Implications

The proposed amendments do not impact operating budgets or capital budgets.

Communications and Civic Engagement Initiatives

If these amendments are approved, staff will begin the process of updating the City's website and social media channels to reflect these requirements. Staff may develop additional information and materials, including warning letters, as part of bylaw enforcement activities.

Council Strategic Plan Goals

The recommendations in this report align with the following Council Strategic Plan Goal(s):

- Strategic Goal 1.1 – Prioritize Core Services; and
- Strategic Goal 1.2 – Ensure Financial Sustainability.

Attachment(s)

1. Draft City of Port Moody Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426, Amendment Bylaw No. 5, 2023, No. 3437.
2. Draft City of Port Moody MTIA Bylaw, 2020, No. 3218, Amendment Bylaw No. 9, 2023, No. 3438.
3. Draft Corporate Policy – 01-5600-2023-01 – Hydrant Access Maintenance.

Report Authors

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Report Approval Details

Document Title:	Sidewalk and Boulevard Maintenance Bylaw Hydrant Access Amendment.docx
Attachments:	<ul style="list-style-type: none"> - Attachment 1 - Draft Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426, Amendment Bylaw No. 5, 2023, No. 3437.pdf - Attachment 2 - Draft City of Port Moody MTIA Bylaw, 2020, No. 3218, Amendment Bylaw No. 9, 2023, No. 3438.pdf - Attachment 3 - Draft Corporate Policy - 11-5600-2023-01 - Hydrant Access Maintenance.pdf
Final Approval Date:	Nov 14, 2023

This report and all of its attachments were approved and signed as outlined below:

Jeff Moi, General Manager of Engineering and Operations - Nov 8, 2023

Stephanie Lam, City Clerk and Manager of Legislative Services - Nov 9, 2023

Lindsay Todd, Manager of Communications and Engagement - Nov 9, 2023

Paul Rockwood, General Manager of Finance and Technology - Nov 9, 2023

Tim Savoie, City Manager - Nov 14, 2023

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City of Port Moody

Bylaw No. 3437

A Bylaw to amend City of Port Moody Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426 to regulate the construction and maintenance of boulevards by or on behalf of the owners of land fronting on them.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited at "City of Port Moody Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426, Amendment Bylaw No. 5, 2023, No. 3437".

2. Amendments

- 2.1 City of Port Moody Sidewalk and Boulevard Maintenance Bylaw, 1999, No. 2426 is hereby amended by adding the following definition in section 2:

"*Hydrant*" means fire hydrant that is part of the City's water distribution system;

- 2.2 Bylaw No. 2426 is further amended by adding the following section 3.3:

"3.3 An owner or occupier of land shall maintain a *boulevard* so as to:

- a) provide and maintain a minimum 60cm clearance between the centre of any 102mm or 64mm cap, located on the *hydrant*, and the ground to provide adequate clearance for cap removal;
- b) ensure that an area of at least 1.0m radius around the *hydrant* is maintained clear and is free from obstructions and *plantings*;
- c) ensure that *hydrants* are readily visible from the *roadway* when approached in any direction;
- d) ensure that access from the edge of the travelled portion of the road to the 1.0m radius around the *hydrant* is clear and free of obstructions and *plantings* as determined by the General Manager of Engineering and Operations or their designate, or the Fire Chief or their designate."

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Attachment 1

3. Severability

- 3.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

Read a first time this ___ day of ____, 2023.

Read a second time this ___ day of ____, 2023.

Read a third time this ___ day of ____, 2023.

Adopted this ___ day of ____, 20__.

M. Lahti
Mayor

S. Lam
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3437 of the City of Port Moody.

S. Lam
City Clerk

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City of Port Moody

Bylaw No. 3438

A Bylaw to amend City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 to add a fine for failure to regulate the construction and maintenance of boulevards by or on behalf of the owners of land fronting on them.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 9, 2023, No. 3438”.

2. Amendments

- 2.1 City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 is amended by adding the following fines in Schedule 2 for the Sidewalk and Boulevard Maintenance Bylaw, No. 2426:

Sidewalk and Boulevard Maintenance Bylaw, No. 2426	Section(s)	Full Penalty (paid after 30 days)		Discounted Penalty (paid within 30 days)	
Failure to Keep Fire Hydrant Clear	4.3	1 st Offence	\$100.00	1 st Offence	\$20.00
		2 nd Offence	\$250.00		
		3 rd and Subsequent Offence	\$500.00		

3. Severability

- 3.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

Read a first time this ___ day of ____, 2023.

Read a second time this ___ day of ____, 2023.

Read a third time this ___ day of ____, 2023.

Adopted this ___ day of ____, 20__.

Attachment 1
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Attachment 2

M. Lahti
Mayor

S. Lam
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3438 of the City of Port Moody.

S. Lam
City Clerk

Corporate Policy

100 Newport Drive, Port Moody, BC, V3H 5C3, Canada
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Section:	Engineering and Operations	11
Sub-Section:	Water Supply and Distribution	5600
Title:	Hydrant Access Maintenance	2023-01

Related Policies

Number	Title
Bylaw Link	City of Port Moody Sidewalk and Boulevard Maintenance Bylaw

Approvals

Approval Date:	Resolution #:
Amended:	Resolution #:
Amended:	Resolution #:
Amended:	Resolution #:

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Corporate Policy Manual

Hydrant Access Maintenance

Policy

The General Manager of Engineering and Operations and the Fire Chief, or their designates, are authorized to remove any objects preventing access to fire hydrants on City property in accordance with the requirements specified in the City of Port Moody Sidewalk and Boulevard Maintenance Bylaw.

Definitions

“Boulevard” means the area of a highway between the edge of pavement, sidewalk, and/or curb of the roadway and the adjacent property line.

“Occupier” means a person who occupies the land but is not the registered Owner.

“Owner” has the same meaning as “Owner” defined in the *Community Charter*, and includes an agent authorized in writing by the Owner to act on their behalf.

“Real Property” means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.

“Parcel” has the same meaning as “Parcel” as defined in the *Community Charter*.

Procedures

1. Requirements for Owners or Occupiers of Real Property to maintain unencumbered access to fire hydrants on adjacent Boulevards are prescribed in the City of Port Moody Sidewalk and Boulevard Maintenance Bylaw.
2. All ticketing fees collected through enforcement of the Sidewalk and Boulevard Maintenance Bylaw shall be deposited in a reserve dedicated to water distribution system operation and maintenance or replacement.
3. The General Manager of Engineering and Operations and the Fire Chief and their designates are authorized to direct the removal of objects preventing access to fire hydrants where:
 - a. the Owner or Occupier of the adjacent Real Property has failed to maintain access to the hydrant in accordance with the Sidewalk and Boulevard Maintenance Bylaw; or
 - b. access to the hydrant is required for operation and maintenance of the water distribution system or response to an emergency.
4. City costs to maintain access to hydrants may be recovered from the dedicated reserve.
5. Where Owners or Occupiers of Real Property adjacent to Boulevards are notified of the requirements of the Sidewalk and Boulevard Maintenance Bylaw, actual costs to ensure unencumbered access to hydrants on the Boulevard may be billed directly to the property.

Monitoring/Authority

The General Manager of Engineering and Operations and the Fire Chief or their designates are responsible for implementation, administration, customer service, and communications related to this policy.