



Report to: General Committee

Date Report Authored: April 12th, 2012

SUBJECT: Boulevard Maintenance Task Force Update Report
PREPARED BY: Bob Walter, Manager, Parks Operations ext. 4857
Bill Wiles, Manager, By-law Enforcement ext. 4851

RECOMMENDATION:

- 1) That the report titled 'Boulevard Maintenance Task Force Update Report' dated April 12th, 2012, be received; and
- 2) That Council enact the proposed a "Property and Municipal Maintenance Boulevard Maintenance By-law", as described in this report and in the form set out in Attachment 'A'; and
- 3) That Council repeal the current 'Tall Grass and Weeds on Private Lands By-law (By-law 2005-158), as amended and the Dumping By-law (By-law 140-91); and
- 4) That the municipal service fees for the administration and enforcement of this By-law shall be in accordance with the Town of Markham Fees By-law and any revisions thereto; and
- 5) That Operations and By-law Enforcement staff report back to Council at year-end on the effectiveness of the new By-law and options to consider to address property owner non-compliance; and
- 6) That Operations staff report back to Council in the spring of 2013 on the work of the cross-commission improvement project for boulevard design and construction standards, including recommendations and action plans; and
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To provide Council with an update on the Boulevard Maintenance Task Force work completed to date by the Task Force Working Group, and to obtain Council approval to:

1. Enact a by-law to prescribe standards for the maintenance of all lands and properties in the Town of Markham including the Town boulevards abutting their property, and
2. Consolidate the requirements of the Dumping By-law and the Tall Grass and Weeds By-law for the maintenance of private property in the proposed Property and Municipal Maintenance Boulevard Maintenance By-law.

BACKGROUND:**Boulevard Maintenance Task Force*****Mandate***

The Task Force was established in March 2011 comprised of several members of Council and staff. The mandate for the Task Force was to review boulevard maintenance on both regional and local roads, with the goal of improving aesthetics and weed control, and to bring forward recommendations to Council for maintaining boulevards on Town and Regional roads based on best practices.

Review of Best Practices

Service standards vary greatly from one municipality to another however, through our survey of GTA municipalities, we've determined that cut frequency ranges from 6 to 14 cuts per year (Markham standard is 14 cuts per year) with most municipalities cutting more frequently than the regional counterparts.

We had also surveyed municipalities to determine what, if any, alternative plant materials were being used or considered for alternative boulevard ground cover. Many, including Markham, have experimented with various clovers, periwinkle, pachysandra and thyme with little or no success. Staff have determined that the growth density of these types of plantings do not suppress weeds and tend to trap litter and debris. In addition these plant materials are still quite sensitive to calcium chloride.

When reviewing options for enhanced cultural practices for municipal boulevards, it was determined that this would not be sustainable due to significant increases in the cost of materials and resource requirements, as well as adverse environmental impacts caused by increase equipment use. The 2007 study conducted by Marshall, Macklin, Monaghan concluded that weeds often provide green cover where grass will not grow due to salt damage and compaction. This practice was seen to be acceptable by residents as long as the grass is mowed regularly.

Operations staff will continue to experiment with alternative ground covers in new high density areas such as Markham Centre. In addition, we are currently experimenting with two new seed mix designs, to determine resistance to both calcium chloride and drought, as a feasible alternative for boulevard turf.

Service Standards/Resourcing for Boulevard Maintenance

Currently, the Town cuts both local and regional boulevards fourteen (14) per year utilizing in-house resources comprised of mostly seasonal staff. Operations Department deploys nine (9) trim crews (comprised of 150 day staff) from April 1st to early May and from early September to the end of October. Operations utilizes a total of seventeen (17) trim crews (comprised of both 150 day staff and summer students) from early May to the end of August.

In 2011 the Region approved an enhanced service standard for boulevard grass cutting from eleven (11) cuts per year to fourteen (14) cuts per year. Since Markham was already providing a service standard of fourteen cuts per year on Regional road allowances, the enhanced service standard has had no impact on the Town's resource needs and has resulted in increased revenue of approximately \$112,000/year.

The Operations Department undertook a review of service standards for turf maintenance in 2009 and identified gaps in service delivery vs. service standards for cutting frequency ranging from every 7 to 9 days, up to 18 to 20 days. In 2010, trim crew routes and staff were re-allocated to provide more consistent service delivery across the entire Town. Using this approach, services levels were met 81% of the time. In 2011, further changes to crew routes and staff deployment were implemented to further improve performance indicator results to over 90%.

Design Criteria for New Developments

Through discussion at the first Task Force workshop, Community Services staff was directed to work with the Development Services Commission to determine options for boulevards in new subdivisions. This should include a review of both the quality of soil and the depth of the soil used by developers. The Operations Department is currently preparing the terms of reference for a team of staff, representing Urban Design, Parks Construction and Design, Engineering, Operations and Asset Management Departments, to undertake a cross-commission improvement project for 2012 which will focus on the following areas:

- Joint plans review and approval process
- Operations impacts (financial, environmental and customer focus),
- Life cycle impacts and reserve study updates
- Develop 'Maintenance Management Manual for new high density development areas in Markham
- Review tender specifications and design standards to promote healthy turf/plant growth
- Identify processes to improve quality control testing and inspection through construction process
- Improve final acceptance for maintenance and assumption processes.

By-law Enforcement - Current Practice

Upon receipt of a complaint regarding uncut grass on municipal boulevards, a By-law Enforcement Officer visits the site and leaves notice with the owner to cut the grass. In the absence of a By-law, there is no authority to enforce the boulevard maintenance onto the property owner. If the property owner ignores the notice, staff has no option than to dispatch our own maintenance crew to dispatch our maintenance crew to cut the grass. Repeat 'offenders' are simply added to the Operations inventory for roadside grass cutting crews to maintain.

At the conclusion of the first Task Force Workshop held in March 2011, Operations and By-law Enforcement staff were directed to review options for the Town to implement a new By-law for boulevard maintenance on abutting private properties.

OPTIONS/ DISCUSSION:

When asked to find a solution to address property owners who fail to maintain the boulevard abutting their property, staff seized the opportunity to also look at consolidating the yard maintenance standards in the existing by-laws.

Most residents and business owners throughout Markham assume responsibility for maintaining turf areas on municipal boulevards abutting their properties, however, some property owners only cut the grass within their own fenced yards or only up to the limit of the sidewalk fronting their homes. This practice creates an unsightly, unkempt appearance within the community particularly on residential corners and side lots.

Several commercial and industrial establishments have erected entrance feature walls and enhancements along the perimeter of the property limits. In some cases, property owners only maintain the area behind the walls and landscape features generating several complaints to the Town with regards to the poorly maintained boulevard areas.

Impacts of New By-law

Amendments to the Ontario *Municipal Act* now authorize municipalities to enact By-laws requiring property owners to maintain the boulevard areas abutting their private properties. Enforcement of the By-law would be similar to the current practice whereby Enforcement Officers would respond to complaints by conducting site visits and providing formal notice to the owner to cut the grass. However, if the owner chooses to ignore the notice, the Town will undertake the work and add the costs incurred (including administration and overhead) to the tax roll.

Challenges for Homeowners

Spine roads through new subdivisions (Bur Oak, Woodbine, Woodbine By-pass, etc.) are often lined with townhouse units with rear lane access to a private garages and driveways. Many of these homes feature minimal setbacks resulting in very narrow private lawns or gardens fronting the homes. In several areas along these roads the municipal boulevards abutting private property are quite wide thereby creating a challenge for homeowners to properly maintain. Considering the relatively small turf areas surrounding these homes many homeowners may not own a lawn mower. In addition, their lawn care equipment is likely stored in the rear garage forcing them to access their front yard by either carrying equipment through the house or by walking around the block.

Current Maintenance Practices

Operations and By-laws staff have recognized the challenges facing homeowners and their reluctance to maintain these large boulevard areas. Over the past several years, Operations has simply added these areas to our boulevard inventory and cut the

boulevards as part of our turf maintenance program (cut approximately once every two weeks).

With the introduction of the new By-law requiring property owners to maintain boulevard areas abutting private properties, By-laws and Operations staff will monitor effectiveness of the By-law within these designated areas and report back to Council on options to address non-compliance.

Communication Strategy

Operations and By-law Enforcement will work with Communications & Community Relations Department to develop a communications plan to inform and educate property owners on their requirements under the new By-law. Various communication tactics will be used, including: the Town website, advertising on the Town page and local newspapers, magazines (Markham Live), information post cards, tax bill inserts, PSA release to all media outlets, and a poster campaign in Community Centres and Libraries.

The Contact Centre will track and monitor resident calls.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the Town of Markham Fees By-law and any revisions thereto. Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by a Municipal Law Enforcement Officer.

Where the Town, its employees or authorized agents have performed the work required to bring a property into compliance with the By-law, all expenses incurred by the Town in doing the work as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Municipal Services: Effective regulations and legislation to prevent public nuisances and the accumulation of waste material and to control dust within the Town.

BUSINESS UNITS CONSULTED AND AFFECTED:

The following Departments were consulted during the preparation of Yard Maintenance By-law report;

- Planning and Urban Design
- Communications and Community Relations
- Legal Services

RECOMMENDED BY:

5/17/2012

X



Kimberley Kitteringham
Town Clerk

X



Nasir Kenea
Acting Commissioner, Corporate Services

5/8/2012

5/17/2012

X

Paul Ingham

Paul Ingham
Director, Operations

X



Brenda Librecz
Commissioner, Community & Fire Services

ATTACHMENTS:

Appendix 'A' – Property and Municipal Maintenance Boulevard Maintenance By-law