

**ADMINISTRATIVE ORDER NUMBER 2020-014-OP  
RESPECTING BOULEVARD GARDENS**

**WHEREAS** abutters are often responsible for maintenance of certain areas of the right of way immediately adjacent to their properties in accordance with the HRM Streets By-law;

**AND WHEREAS** some abutters would prefer to plant vegetation other than sods;

**AND WHEREAS** the Municipality is responsible to ensure public safety, access to the public and ongoing maintenance and municipal operations in the HRM right of way;

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

**Short Title**

1. This Administrative Order may be known as the “*Boulevard Gardens Administrative Order*.”

**Purpose**

2. The purpose of this Administrative Order is to set guidelines for the placement of boulevard gardens within the municipally owned public right of way.

**Interpretation**

3. In this Administrative Order,

(a) “abutter” means the owner, lessee, or occupier of any premises or lot in the Municipality which abuts a street, and where the premises or lot has been registered as a condominium under the *Condominium Property Act*, includes the condominium corporation which manages the premises or lot;

(b) “By-law” means By-law S-300, the *Streets By-law*;

(c) “core area” means that portion of the Halifax Regional Municipality for which the Municipality has assumed responsibility for the maintenance of public streets;

(d) “Engineer” means the Engineer of the Halifax Regional Municipality and includes a person acting under the supervision and direction of the Engineer;

(e) “Municipality” means the Halifax Regional Municipality;

(f) “roadway” means that portion of a street between the curb lines or the travelled portion of a street designed for vehicular travel;

(g) “sidewalk” means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway; and

(h) "street" means all public streets, roads, lanes, sidewalks, thoroughfares, bridges, and squares, and all curbs, gutters, culverts and retaining walls in connection therewith and without restricting the generality of the foregoing includes the full right of way width.

**Application**

4. This Administrative Order shall apply to those areas of the Halifax Regional Municipality located within the core area.

**Location of Boulevard Gardens**

5. Residents may only place or cause to be placed a boulevard garden abutting their property.

6. Boulevard gardens are not permitted:

- (a) within centre medians or traffic islands, or
- (b) adjacent to accessible parking spaces.

7. Boulevard gardens are only permitted in the space between the front lot line and either:

- (a) the curb;
- (b) the back slope of the ditch; or
- (c) 1.0m from the edge of the shoulder where no ditch is present;

8. No part of any boulevard garden shall be located within 1.0 m of:

- (a) a utility pole;
- (b) a fire hydrant;
- (c) a municipal tree;
- (d) a bus shelter;
- (e) a bus stop pad; or
- (f) any other structure within the boulevard.

**Design and Installation of Boulevard Gardens**

9. Structures such as a planter box or irrigation system, whether permanent or temporary, are not permitted.

10. Digging shall not extend deeper than 30 cm below grade and shall be completed with hand tools only.

11. No person shall plant, or cause to be planted,

- (a) trees, woody plants, or climbing vines, or
- (b) an invasive species, as identified in Schedule A,

in any boulevard garden.

- 12. Soil in boulevard gardens must be at grade with the surrounding area.
- 13. No hardscaping, rocks, or stone mulch is permitted as part of any boulevard garden.

#### **Maintenance of Boulevard Gardens**

- 14. Maintenance and general up keep of any boulevard garden shall be the responsibility of the abutter.
- 15. No plants shall be permitted to overhang or encumber streets or sidewalks.
- 16. The maximum height of any vegetation in a boulevard garden shall be kept under 1.0m, except for any area within 5.0m from an intersection or a marked crosswalk where the maximum height of any vegetation in a boulevard garden shall be kept under 0.6m.

#### **Damage to Boulevard Gardens**

- 17. The Municipality shall not be responsible for any damages caused to any boulevard garden once installed, including, but not limited to, damage caused by road operations and maintenance, snow removal, or by vandalism, theft, or any other circumstance.
- 18. A utility acting under a Streets and Services permit issued under the By-law shall not be responsible for any damages caused to any boulevard garden once installed, including, but not limited to, damage caused by work, maintenance or emergency repairs.

#### **Indemnity**

- 19. The Municipality assumes no responsibility for the installation, maintenance, or replacement of boulevard gardens.

#### **Schedules**

- 20. Any Schedule attaches hereto shall form part of this Administrative Order.

Done and passed in Council this 23<sup>rd</sup> day of March, 2021.

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Mayor Mike Savage

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Simon Ross-Siegel, Acting Municipal Clerk

I, Simon Ross-Siegel, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on March 23<sup>rd</sup>, 2021.

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Simon Ross-Siegel, Acting Municipal Clerk

Notice of Motion:  
Approval:  
Effective Date:

February 9, 2021  
March 23, 2021  
March 27, 2021

## Schedule A

The following plant materials are considered invasive species under this Administrative Order:

Number	Common Name	Latin Nomenclature (Genus, Species)
1	Coltsfoot	<i>Tussilago farfara</i>
2	Common Burdock	<i>Arctium minus</i>
3	Giant Hogweed	<i>Heracleum mantegazzianum</i>
4	Goutweed	<i>Aegopodium podagraria</i>
5	Himalayan Balsam (aka Policeman's Helmet)	<i>Impatiens glandulifera</i>
6	Japanese Knotweed	<i>Polygonum cuspidatum</i>
7	Multiflora Rose (aka Rambler Rose)	<i>Rosa multiflora</i>
8	Purple Loosestrife	<i>Lythrum salicaria</i>
9	Scotch Broom	<i>Cytisus scoparius</i>
10	Wild Parsnip	<i>Pastinaca sativa</i>
11	Yellow Floating Heart	<i>Nymphoides peltatum</i>
12	Japanese Barberry	<i>Barberis thunbergii</i>
13	Garlic Mustard	<i>Alliaria petiolata</i>
14	Glossy Buckthorn	<i>Frangula alnus</i>
15	Oriental Bittersweet	<i>Celastrus orbiculatus</i>
16	Common Horsetail	<i>Equisetum arvense</i>
17	Marsh Horsetail	<i>Equisetum palustre</i>