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Keep your hedges trimmed: Town cracking down on encroachments onto public property

If you have a hedge growing over a sidewalk or street, you might want to get those trimmed as the Town of Aurora is set to crack down on encroachments onto streets and infrastructure.

Sitting at the Committee level last week, Council gave the thumbs-up to bringing forward a new bylaw which will give municipal staff enforcement tools for various means of encroachment, including overgrown vegetation on private property to construction equipment left on the road during builds and renovations.

The new bylaws are, in part, in direct response to a specific property where a cedar hedge has become significantly overgrown to the extent it is now impeding pedestrian access to the nearby sidewalk. The hedge has now grown to such an extent that complete removal, rather than trimming, is the only option, according to staff.

?Private landscaping and plant materials are the most common and benign encroachments that occur on the Municipal Road Right-of-Way,? said Al Downey, Aurora's Director of Operations. ?There is minimal distinction between the exact boundary between private and public properties due to non-existent reference lines. The condition often results in private property owners straying from their property boundaries with various landscaping works.

?For the most part, these encroachments are considered very benign and cause little or no concern to the municipality or to the public. Many of these plantings tend to improve the neighbourhood streetscape and add value to the overall property aesthetics. As such, our Roads and Bylaw Enforcement Staff take no action in approaching property owners who have plant material encroaching onto the municipal road right of way. To do so, would be a monumental and needless task which would lead to discontent with most property owners.?

But, every once in a while, action has to be taken for reasons of liability and risk to the public, he continued. These situations include overgrown plants, trees and other landscaping features ?causing a visual or physical obstruction? to a roadway or sidewalk.

Most of these cases can be resolved by the property owner, but there are some cases, he said, where the Town needs to step in.

?There are few bylaws currently in force at the Town that in various ways address encroachments, occupancy and fouling of Town highways,? said Mr. Downey.

New features in the bylaw, should it be approved by Council once presented, will allow property owners to apply for permission for certain encroachments, provided they meet safety standards, but it will also provide staff with ?various powers? to enforce the bylaw in cases of non-compliance.

?We're trying to present a bylaw that Council can support the enforcement of and we're also trying to make sure that it is clear what our intent is and it is also clear to the public what our reasoning is and why we're doing what we're asking to be done,? Mr. Downey told Council last week. ?We continue to have problems with encroachment and now? there is a process put in front of Council that [departments] say seems fair, that seems appropriate, we understand the reasoning behind that and we now know the steps that are being taken in order to do that so that we can move forward with the removal of these encroachments, which is our ultimate goal: compliance.?

As for construction equipment and other instances of the ?fouling? of roadways, these include dumping gravel on Town property, which Mr. Downey said has become an issue, but although there is a current bylaw against that it is not often enforceable.

?We don't believe there is a process in place that would allow someone to come in, foul the road and still keep it safe,? said Mr. Downey, citing kids walking behind dumpsters and playing in piles of gravel or dirt when work is not in progress. ?There are a

number of concerns. If they are looking to have materials delivered to the site, we are asking for them not to place it on the roadway.?

While Council was largely positive towards the proposed changes, a potential problem down the line was pointed out by Councillor Wendy Gaertner.

?We're expecting a lot of infill development, so anybody who is going to be doing infill in older neighbourhoods ? they are going to be expected to put everything on the actual property?? she asked. ?This could become a greater problem and bylaw would correct that, if it is enforced. So, the long and short of it is anyone who is doing an infill project is expected to put all their development equipment onto the property they are developing.?

By Brock Weir