

Bylaw 1-2022 Sidewalk Clearing Bylaw (Repeals Bylaw 36-2013)**Report Purpose**

To provide Council with a draft bylaw amending the current sidewalk clearing bylaw and information pertaining to options to address current winter trail maintenance service levels.

Recommendations

1. THAT Bylaw 1-2022 Sidewalk Clearing Bylaw, a bylaw requiring snow and ice to be removed from privately maintained sidewalks within 48 hours, be given first reading.
2. THAT Bylaw 1-2022 be given second reading.
3. THAT Bylaw 1-2022 be considered for third reading.
4. THAT Bylaw 1-2022 be given third reading.
5. THAT Winter Maintenance Policy SER-009-026 and County service levels for winter trail maintenance be reviewed, as outlined in the January 18, 2022 Transportation and Agriculture Services report, and that administration provide a report for Council's consideration by the end of the third quarter of 2022 with a revised policy and corresponding budget amendments.

Our Prioritized Strategic Goals

Goal 1 - Build strong communities to support the diverse needs of residents

Goal 2 - Manage, invest and plan for sustainable municipal infrastructure

Goal 9 - Continuously improving the way we work, as one organization, in an agile and sustainable manner

Report

Council directed administration to draft a bylaw requiring owners to clear sidewalks of snow within 48 hours.

The current sidewalk clearing bylaw has been structured to match the requirements for residents with the current standards for the County to clear the County-owned trails and sidewalks. This alignment has made it consistent but has introduced conditions within residential areas where some sidewalks become a challenge for pedestrians. Currently failure to clear the snow within the eight days following the initial snow accumulation results in a notice being issued requiring the snow and ice to be removed; if the notice is not adhered to, cost of remedial work plus 50% administrative fee may be charged. The County can also enforce with a violation tag and fine for failure to comply with the bylaw.

Currently there are between 60 – 175 complaints per year, as shown in Enclosure 1. Of these complaints, approximately 60% required initiation of the bylaw process and on average 18% required some form of enforcement.

A review of neighbouring municipalities shows the majority require sidewalks to be cleared within 48 hours. The enforcement and fines for an infraction vary and some do not have a detailed inspection program in place to enforce bylaws.

The draft Bylaw 1-2022 (Enclosure 2) requires the owner of a property to remove all snow and ice from every sidewalk along the front yard and side yard of the property within 48

hours following the snow or ice deposit. If the ice cannot be removed, a non-slip material must be applied within the 48 hours. New to this draft, if a non-slip material is added, the owner must remove the ice and snow within 96 hours. This draft also provides flexibility to support programs such as snow busters and to address times of significant challenging weather events. If Council chooses to pass this new bylaw, administration is prepared to enforce the provisions of the bylaw through an effective communication and education process, as outlined in Enclosure 1.

Council also directed administration to review the feasibility with costs of the County increasing the trail and sidewalk snow clearing to 48 hours for Priority 1 and 2 and 96 hours for Priority 3 and 4.

The current service level for the 220 km of County-maintained trails and sidewalks is eight days, though historically crews have been able to have the trails open within five days, using a priority system. All trails are opened and then crews come back to widen and apply a non-slip material. Based on the feedback received last season and to date, work has been done on implementing efficiencies to more quickly and safely maintain the sidewalks and trails within the existing budget. It would not be possible to increase the service level to 96 hours without a budget amendment.

Most municipalities have identified a service level of addressing Priority 1 and 2 trails to a similar standard of 48 hours, though priority definitions and length vary. The detailed breakdown of this review is summarized in Enclosure 1.

It is believed that the best course of action is to address the trail and sidewalk service level as part of the 2022 Winter Maintenance Policy (SER-009-026) update, which will occur in Q2 of 2022. This would allow a review of current service levels and the priority system for trails with input from residents through a public engagement as well as discussions with stakeholders such as the Accessibility Advisory Committee. This input from County residents and stakeholders will then be brought back in Q3 to Council with the proposed policy update and budgetary impacts of those changes. This approach allows for a better understanding of customer need and ensures that the priority system and required resources match the needs of our community.

Even if Council approved increasing service levels for trails today, Transportation and Agriculture Services (TAS) would not be able to implement the changes required until the next winter season as additional staff and equipment would be required. For the remainder of the 2022 winter season, TAS will continue to optimize the resources on hand and within the current budget to focus on opening the trail network as quickly as possible and then continue with the cleanup and ice control after completion.

Council and Committee History

December 7, 2021	THAT administration prepare a draft replacement bylaw for Council's consideration on January 18, 2022 for Bylaw 36-2013 – Sidewalk Clearing Bylaw, along with a report with cost implications and a review of sidewalk clearing timelines from comparable regional municipalities, to implement the following requirements: <ul style="list-style-type: none">• owners to clear sidewalks within 48 hours; (provision effective immediately upon passage)• the County to clear Priority 1 (Centre in the Park and Bethel Transit Centre) and Priority 2 (Adjacent to school zones and
------------------	--

- major County facilities) sidewalks and trails within 48 hours; and
 - the County to clear Priority 3 (Along major arterial roadways, collector roadways and trail linkages within residential areas and rural hamlets) and Priority 4 (paths within neighbourhoods that interconnect residential streets) sidewalks and trails within 96 hours.
- September 17, 2019 Bylaw 36-2013 Removal of Snow and Ice from Sidewalks within the County– proposed amendments were approved
- June 11, 2019 Council approved: THAT administration prepare a report by the end of September 2019 on possible amendments to Bylaw 36-2013 – Removal of Snow and Ice from Sidewalks within the County, the report to include:
- Feasibility of requiring that owners must clear sidewalks within 48 hours,
 - Feasibility of the County assuming responsibility for clearing sidewalks on side yards on roadways,
 - Information on best practices from other municipalities, including priority systems for clearing different types of sidewalks and trails, and the costs associated with the options provided.

Other Impacts

Policy: Winter Maintenance Policy – Roads, Sidewalks, and Parking lots SER-009-026

Legislative/Legal: Bylaw 36-2013 Sidewalk Clearing Bylaw

Interdepartmental: Legislative and Legal Services

Master Plan/Framework: n/a

Communication Plan

The County is prepared to commence a communications plan to residents should Council approve the proposed revision to the Sidewalk Clearing Bylaw. The proposed communications plan will include a broad awareness campaign across all platforms. We have also developed two options for communication and enforcement. We will focus on an education-first approach during the first few months the bylaw goes into effect. Also, we will provide friendly notice letters to educate and inform all residents of this change. Enforcement of the bylaw would be to work with residents and give time to clear sidewalks without a fine. We will also look at placing message boards throughout the community notify residents of the bylaw change.

Enclosures

- 1 Sidewalk bylaw and trail clearing presentation
- 2 Draft Bylaw 1-2022 Sidewalk Clearing Bylaw
- 3 Bylaw 36-2013 Sidewalk Clearing Bylaw