



Sidewalk Snow Clearing Provisions - Clean Property Bylaw Amendment

Date	September 22, 2021
To	Operations and Community Services Committee
From	Citizen Services
Service Area	Roadways & Transportation
Item No.	OCS21-25

RECOMMENDATION

The Operations and Community Services Committee recommends that City Council:

1. Approve the amendments to *The Clean Property Bylaw, Bylaw No. 9881* (Bylaw) as detailed in Option 1 and appendix A, effective January 1, 2022.
2. Allocate \$510,000 in the proposed 2022 General Operating Budget to fund three additional Bylaw Enforcement Officers, one administrative Bylaw position, one additional position in the Legal Services Branch and additional associated costs.
3. Instruct the City Solicitor to prepare the necessary amending bylaw to be brought forward to the October 13, 2021 meeting of City Council following the approval of these recommendations.
4. Approve these recommendations at its meeting on September 29, 2021

ISSUE

At the September 30, 2020 meeting, City Council passed report *CR20-85* approving enhancements to the Winter Maintenance Policy (Policy) through the 2021 budget process as well as directed Administration to bring options to amend *The Clean Property Bylaw (Bylaw)* with respect to sidewalk snow and ice clearing in Q3 2021.

The purpose of the report is to provide options to amend the *Bylaw* by introducing provisions related to sidewalk snow and ice clearing which require all property owners in the city to clear sidewalks

adjacent to their property, as detailed in Appendix A. If approved, the amendments to the *Bylaw* will come in effect on January 1, 2022, following a focused awareness program to inform all residents and businesses.

IMPACTS

Accessibility Impact:

Implementation of the proposed amendments to the *Bylaw* to make sidewalk snow and ice clearing responsibilities mandatory city-wide will ensure enhanced snow clearing on sidewalks across the community, making them more accessible for all users.

Administration will further strengthen existing community programs including volunteer -led snow removal programs like Snow Angels Program to provide snow clearing support to persons with physical challenges. Further details on the Snow Angels program can be found in Appendix B.

Feedback from the Accessibility Advisory Committee (AAC) was considered when proposing amendments to the *Bylaw*. Further details can be found in appendix F.

Financial Impact:

To deliver both complaint based and proactive enforcement related to sidewalk snow and ice clearing city wide, additional three Bylaw Enforcement Officer I (BEO) positions will be required, an additional administrative Bylaw position, an additional position within Legal Services Branch as well as a ticket management software at an annual cost of approximately \$510,000.

In addition to the winter season enforcement related to sidewalk snow and ice clearing, the additional BEO positions will support increased operational demands during the summer season associated with overgrown grass, vegetation and graffiti.

Winter Maintenance will support the strengthening and expansion of community run programs, like Snow Angels program, that could provide sidewalk snow and ice clearing and snow ridge reduction to support persons with physical challenges. A total of \$50,000 in grant funding is already provided by the City of Regina (City) for the Snow Angels program.

In addition, through *CR20-85*, City Council approved funding of \$35,000 to implement an enhanced communication plan annually to communicate changes to the Winter Maintenance Policy and the *Bylaw* relating to sidewalk snow and ice clearing.

Policy/ Strategy Impact:

The proposed amendments to the *Bylaw* support the Transportation Master Plan (TMP) and the *Design Regina: The Official Community Plan* (OCP), specifically:

Section D3, Transportation:

- *Goal 1 – Sustainable Transportation Choices; Offer a range of year-round sustainable transportation choices for all, including a complete street framework.*

- *Goal 2 – Public Transit; Elevate the role of public transit.*
- *Goal 3 – Integrated Transportation and Land Use Planning; Integrate transportation and land-use planning in order to better facilitate walking, cycling, and transit trips.*
- *Goal 4 – Road network Capacity; Optimize road network capacity.*
- *Goal 5 – Active Transportation; Promote active transportation for healthier communities*

The recommendations support City Council’s resolution to continue providing winter maintenance that effectively supports the health, attractiveness, and economic viability of our community.

Environmental Impacts:

The proposed amendments to the *Bylaw* will ensure more consistent sidewalk clearing during winter, encouraging walk friendly neighborhoods. Residents may be motivated to walk or use public transit more due to improved sidewalk accessibility thereby reducing the dependence on vehicles for transportation.

Risk/Legal Impacts:

The proposed *Bylaw* amendments provide details on the nature of the offence and consequence for non-compliance with the *Bylaw* as provided for in Appendix A to this report.

OTHER OPTIONS

There are no other options considered in this report.

COMMUNICATIONS

Administration will develop a comprehensive communications strategy to create awareness about several updates in the Winter Maintenance Policy, as well as changes in the *Bylaw*, relating to sidewalk snow and ice clearing. The cost of the enhanced communication plan will be funded by the winter maintenance annual operations budget and was approved by City Council as per report CR20-85.

DISCUSSION

Currently, the *Bylaw* requires owners of commercial buildings, commercial parking lots, vacant property and select apartment buildings to clear sidewalks within 24-48 hours of a snowfall. Those properties in and around the downtown area must clear the snow within 24 hours of accumulation and those properties outside the zone must clear the snow within 48 hours of accumulation. Only some properties that have a residential land use, and that are located within the area set out in *Schedule B* are included in the current *Bylaw*’s snow and ice clearing requirements. Further details can be found in Appendix D.

The City encourages residents to be a good neighbour and clear their sidewalks. Unfortunately, this does not always happen, and it creates inconsistent snow and ice clearing by property owners along

the sidewalks thereby causing accessibility challenges for pedestrians and users of the transit system.

Administration recommends Option 1: Amend *The Clean Property Bylaw* to include changes to the sidewalk snow and ice clearing responsibilities as follows:

Bylaw Amendment 1- Amend Section 6 of the Bylaw:

The proposed amendment to *Section 6* of the *Bylaw* will expand the obligation of the property owners to clear the sidewalks abutting their properties to be citywide. Namely, all properties will be required to clear snow and ice from the adjacent sidewalk with those properties in and around downtown, as identified on the map in Appendix D. Doing so within 24 hours of the end of snowfall and the remainder of the properties in the city within 48 hours.

The *Bylaw's* enforcement will be both proactive and complaint based and would come into effect on January 1, 2022.

Section 333(1)(e) of *The Cities Act* allows a municipality to pass a bylaw making property owners responsible for snow removal on public sidewalks. In reliance on that provision, the City will be able to add the cost of clearing the sidewalk to the taxes of the adjoining property in the event the property owner does not comply with the *Bylaw*.

Bylaw Amendment 2 – Amend Section 7 of the Bylaw:

The proposed amendments will include amendments to *Section 7* of the *Bylaw* to prohibit property owners from depositing snow and ice from the sidewalk onto other areas of the sidewalk, or more than 2.5 metres from the curb onto public highway or parking lane. This will ensure the entire width of the sidewalk is available for all pedestrians.

Bylaw Amendment 3 – Amend Section 16 of the Bylaw:

The proposed amendment to *Section 16* of the *Bylaw* will clarify the authority for enforcement as set out in Appendix A. As mentioned above, enforcement of the *Bylaw* will be both proactive and complaint based.

Bylaw Amendment 4 – Amend Schedule J of the Bylaw:

As part of the proposed amendments it is necessary to amend *Schedule “J” Voluntary Payments for Notice of Violation* of the *Bylaw* to update the voluntary payment and offence description for failing to clear snow and ice.

These proposed amendments will be another tool available to Bylaw Enforcement Officers to address situations of non-compliance. Further details on the proposed amendments can be found in Appendix A.

In addition, the option will ensure a notice of violation ticket (voluntary payment of \$100 per offence as per *Schedule J* of the *Bylaw*) is issued and the cost of clearing the sidewalk added to the taxes of the adjoining property in the event the property owner does not comply with the *Bylaw*.

Research of other jurisdictions in Western and Eastern Canada indicates that cities like Saskatoon, Edmonton, Calgary, Medicine Hat, Vancouver, Windsor and Hamilton have established sidewalk snow and ice clearing bylaws requiring residents and businesses to clear snow and ice from adjoining sidewalks in a stipulated timeframe. In failing to do so fines are imposed. Further details can be found in Appendix E.

Administration engaged with the Accessibility Advisory Committee (AAC) to get their feedback on the sidewalk snow clearing options considered under the *Bylaw* and how City might strengthen the current Snow Angels program to enhance accessibility. The committee members provided their support for the proposed changes in the *Bylaw*. Further details can be found in Appendix F.

DECISION HISTORY

At its meeting on September 30, 2020, City Council considered item *CR20-85 - Winter Maintenance Policy Update Report*, as part of the 2021 Budget Process. At the direction of City Council, Administration committed to bringing a report with options to amend the Bylaw, with respect to sidewalk clearing, in Q3 of 2021.

The recommendations contained within this report require City Council approval.

Respectfully Submitted,



Chris Warren, Director, Roadways & Transportation

Respectfully Submitted,



Kim Ohra, Executive Director, Citizen Services

9/8/2021

Prepared by: Neeraj Saroj, Senior Engineer, Roadways & Transportation

ATTACHMENTS

- Appendix A-Proposed Amendments to the Clean Property Bylaw
- Appendix B -Snow Angels Program
- Appendix C- CR20-85 Council Report
- Appendix D Schedule B Locations Map
- Appendix E- Other Jurisdictions- Sidewalk Snow Clearing Bylaw
- Appendix F Engagement with Accessibility Advisory Committee