



**Subject: Draft Boulevard and Snow Removal By-law**

**To: Council**

**From: Community Safety & Enforcement Department**

Report Number: 2022-70

Meeting Date: June 28, 2022

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**Recommendation:**

That Community Safety and Enforcement Department Report 2022-70 be received;

That the draft Boulevard and Snow Removal By-law attached as Appendix A to Community Safety and Enforcement Report 2022-70, be approved; and

That By-law 6902/50/21, being a By-law a By-law to Establish a System for Administrative Penalties for Non-Parking Offences within The City of Port Colborne, be amended, to remove and replace Schedule 'F' as attached as Appendix B to Community Safety and Enforcement Report 2022-70, be approved.

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**Purpose:**

The purpose of this report is to provide Council with a draft Boulevard and Snow Removal By-law and for approval of the enforcement of this by-law to be enforced via the Administrative Monetary Penalty System (AMPS).

City staff recommend a new Snow Removal By-law (attached as Appendix A) to regulate the removal of snow from private properties and roofs within the City.

The proposed by-law will also regulate the boulevard area of the road allowance where it fronts private property and define responsibilities of the private owner and the City.

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**Background:**

The municipality first passed a Snow Removal By-law on January 22, 1912, over the years it was amended and finally repealed and replaced on January 26, 1987. In November of 2009 a more detailed and enforceable by-law was approved. These by-laws required property owners to clear the snow and ice from the sidewalks adjoining

the highway. In 2010, the municipality received approval from the Regional Senior Justice for the short form wording and set fines, thus allowing officers to issue a Part 1 ticket for those violating the by-law.

The 1987 by-law provided the requirement to clear snow and ice within five hours after snowfall ends, or 9 a.m., whichever shall occur first. As the City of Port Colborne grew, so did the streets and plowing requirements, making it difficult for Public Works staff to clear sidewalks that were adjacent to municipally owned properties. So, the 1990 by-law was changed to allow for removal within 24 hours after snowfall ends.

Today, the regulations from Minimum Maintenance Standards (MMS) for Municipal Highways. O. Reg 366/18: under the *Municipal Act*, 2001, S.O. 2001, c. 25 section 16.3 regulates snow accumulation on sidewalks. The new proposed 2022 Boulevard and Snow Removal By-law reflect these requirements, such as to reduce the snow to depth less than or equal to 8 centimetres within 48 hours.

Further, the City of Port Colborne has not previously approved a Boulevard By-law; however, staff have dealt with some issues through municipal consents or requests for altering the boulevard, and City staff have dealt with damage or altering of a boulevard and have had to cut lengthy grass at the City's expense when necessary. These issues have been addressed in the boulevard portion of the by-law.

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## Discussion:

Community Safety and Enforcement staff work in conjunction with Public Works when handling snow removal, boulevards issues and grass cutting complaints.

Snow removal from sidewalks is done after primary and secondary roads, laneways, and parking lots are plowed. When a heavier snowfall does occur, more time is required to complete these tasks.

It is beneficial for the City of Port Colborne to be able to complete the tasks required within the time frames established to reduce or limit liability.

Grass cutting on inner and outer boulevards is primarily completed by the property owner to ensure a uniform look for each property. However, in the past, some property owners have refused to cut the boulevard, thus preventing uniform appearance and providing a nesting area for rodents and pests.

The proposed By-law provides numerous definitions in order to clarify the requirement of the by-law, including boulevard maintenance, landscape material, and snow clearing. "Snow clearing" is defined as the removal of snow to a depth less than or equal to 8 cm with a minimum width of 1 m. The time limit for clearing snow has been increased from 24 hours to 48 hours.

The proposed By-law has been reviewed by Risk Management and the City's Solicitor and is being presented to Council for approval.

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### **Internal Consultations:**

By-law Services confirmed with Public Works staff that they can provide the required services within the suggested time frames. Public Works staff and By-law Services staff work in conjunction to meet the Minimum Maintenance Standards to ensure that the City of Port Colborne has clean and safe areas for the general public.

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### **Financial Implications:**

There are no financial implications.

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### **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - Governance: Communications, Engagement, and Decision-Making
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### **Conclusion:**

The approval of the proposed Boulevard and Snow Removal By-law will benefit and allow for a safer and cleaner community.

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### **Appendices:**

- a. Draft copy of the proposed City of Port Colborne Boulevard and Snow Removal By-law
- b. Administrative Penalty (Non- Parking) By-law Schedule F Boulevard and Snow

Respectfully submitted,

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### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.