



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
SUPPLEMENTARY AGENDA**

2017 BUDGET DELIBERATIONS

Monday, January 9, 2017

5:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

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Pages

4. REPORTS - 2017 BUDGET

4.4 Sidewalk Winter Control Program

It is recommended that:

1. The report from the Manager of Public Works dated December 21, 2016 regarding Sidewalk Winter Control Program **BE RECEIVED**;
2. The moratorium placed on enforcement of Bylaw 2005-04 being a by-law respecting the removal of snow and ice from the sidewalks on the highways in front of, alongside or at the rear of occupied or unoccupied premises **BE WAIVED**;
3. The Manager of Public Works **BE AUTHORIZED** to implement the proposed pilot program for enhanced winter sidewalk maintenance for 2016/2017.
4. The Manager of Public Works **BE DIRECTED** to bring back a report to Council after the 2016/17 Winter Control season with costing and findings of the 2016/17 season.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life

Author's Name: Eric Chamberlain	Report Date: December 21, 2016
Author's Phone: 519 736-3664 ext. 2312	Date to Council: January 9, 2017
Author's E-mail: echamberlain@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Sidewalk Winter Control Program

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Public Works dated December 21, 2016 regarding Sidewalk Winter Control Program **BE RECEIVED**;
2. The moratorium placed on enforcement of Bylaw 2005-04 being a by-law respecting the removal of snow and ice from the sidewalks on the highways in front of, alongside or at the rear of occupied or unoccupied premises **BE WAIVED**;
3. The Manager of Public Works **BE AUTHORIZED** to implement the proposed pilot program for enhanced winter sidewalk maintenance for 2016/2017.
4. The Manager of Public Works **BE DIRECTED** to bring back a report to Council after the 2016/17 Winter Control season with costing and findings of the 2016/17 season.

2. BACKGROUND:

During the 2015 winter control season, Administration attempted to utilize and enforce the Council approved sidewalk removal By-law 2005-04 (attached), which requires that residents clear the sidewalk adjacent to their property of snow and ice within 12 hours of a 5 centimeter snow fall. Commercial owners have a higher standard of compliance as per article 4(a) of the By-law. The objectives of the By-law are defined as follows:

OBJECTIVES:

- a) To provide safe walking areas for the prevention of unnecessary injury to pedestrians due to slips and falls.
- b) To enable seniors in our community to remain mobile in the winter months without the fear of injuring themselves due to slips and falls.
- c) To help provide for a safe environment for all commercial employees who make their rounds on foot on our sidewalks and also schoolchildren walking to and from school.
- d) To provide safe sidewalks for all year tourist promotion

There were inconsistencies in meeting the objectives of the By-law due to lack of cooperation from residents in the effort to get the sidewalks cleared and salted. Predominantly this became a significant concern with properties along Front Road as the amount of snow deposited by the County's plowing operations was significant during snow fall events. As a result of resident complaints, Council opted to place a moratorium on enforcement of By-law 2005-04. On December 14, 2015, Council approved the following motion:

"That:

- 1. The report from the Manager of Public Works and Manager of Licensing and Enforcement dated December 2, 2015, regarding Moratorium on Enforcement of Snow Removal By-law 2005-04 BE RECEIVED;*
- 2. A MORATORIUM BE PLACED on enforcement of Snow Removal By-law #2005-40; and,*
- 3. The Public Works Department and Parks Department BE DIRECTED to complete sidewalk winter maintenance on a complaint basis. "*

Council further directed that Public Works and Parks resources be utilized to complete sidewalk winter maintenance on Front Road. As a result of this moratorium the following situation has been created:

1. Residents are **NOT** relieved of their duties as required by the By-law. However, Council has temporarily removed Administrations authority to enforce the By-law and in effect has limited Administrations ability to gain compliance.
2. Furthermore, Council has unknowingly created an inequity in the Town as an implicit benefit is being received by those residents residing on Front Road North. They receive sidewalk snow removal service without question while other residents in Town are subject to receive this service only through a complaint process.

3. DISCUSSION:

In complying with By-law 2005-04 Public Works and Parks staff maintained sidewalks on or adjacent to Town owned properties and wide pathways. These works are completed in accordance with the By-law. In addition, crews maintain the sidewalks and pathways throughout the parks in the downtown core and sidewalks identified by resident complaints. In the 2015/16 winter control season, the Town received 4 complaints and conducted service on 1 sidewalk. The 2016/17 winter control is underway with the moratorium placed on the enforcement of sidewalk snow removal approved on December 14, 2015. Since the introduction of this program the Town has spent 45 man hours addressing this issue. Last year saw 8 man hours which is minor as a result of a limited number of snow events. The 2016/17 winter is expected to have significantly more events and Town resources and staff may not be able to address the situation in a timely manner in light of the By-law time line requirements.

Without the enforcement component of By-law 2005-40 the Town is limited in its ability to gain compliance from residents as it relates to snow removal. Although a majority of residents comply with the requirements of the By-law, the moratorium places the Town at a disadvantage. The Town has approximately 58 km of sidewalks including all pathways on Town properties and parks. In theory the present moratorium approved by Council can result in all sidewalks becoming the responsibility of the Town to clear and maintained should residents call and file a complaint as was included in the motion adopted by Council.

In light of this situation Administration is requesting that Council consider the following for the 2016/17 winter control season:

1. **Do nothing and maintain the direction issued in 2015.** In this scenario the Town will continue sidewalk snow removal as per 2015 with the Town completing Front Road North only and all others on a complaint basis. This direction may place additional stress on Town resources as the Town may not be able to meet the duties of the By-law should the number of complaints increase. If this is the case, Council may wish to extend the timeline requirements of sidewalk snow removal compliance. Additional resources may be required in this scenario based on the number of events and equipment available.
2. **Waive the Moratorium and allow for Enforcement.** In this scenario should Council feel that Front Road North should be a municipal responsibility, Council may establish it as a designated route for Public Works and Parks to address on a priority basis. This scenario allows for the maintenance of Front road and minimizes the amount of financial and physical resources the Town will require as those parties not complying with the By-law will be subject to enforcement and penalties.
3. **Undertake a Town-wide sidewalk snow removal program.** In this scenario the Town will undertake snow removal for municipal sidewalks. Additional financial and physical resources will be required as the Town will need to ensure equipment and resources are procured for each snow event. This would be a significantly enhanced level of service offered to the residents of the Town. The sidewalk snow removal operation will be as followed:

- Salting and plowing of the Downtown Core sidewalks will commence before regular business hours.
- Then major collector sidewalks.
- Then residential subdivisions.
- The goal is to complete sidewalk snow removal or salting within 24 hours of the end of the snowfall event.

Administration believes that Scenario 1 is not a viable option and exposes the Town to significant liability and should therefore not be considered going forward. Scenario 2 and 3 are more viable courses of action as they mitigate the Town's liability however require additional resources. Scenario 2 has the least cost implication while Scenario 3 has more cost implications. However, Administration believes the waiving of the moratorium on enforcement of the By-law is required in both scenarios. The Manager of Roads and Fleet has solicited information from local municipalities on their winter control sidewalk programs. The following table provides Council with the level of service and municipal resources allocated to sidewalk winter control.

Municipality	Approved Snow Removal By-law	Level of Service and Resources
Town of Essex	By-law 1108	<ul style="list-style-type: none"> • Only completes snow removal on sidewalks in designated business area of the downtown core. • Service contracted out. • Commercial owners are required to remove snow within 4 hours • Residential owners are required to remove snow within 12 hours
Town of Tecumseh	By-law 2016-06	<ul style="list-style-type: none"> • Completes has designated the snow removal of 35 km of approximately 80 km of sidewalks through the town. • One (1) Trackless MT6 with attachments and Bobcat. The Bobcat is too big for sidewalks and only works on paths. • It takes Tecumseh staff 16-24 hours to make a single pass over 35 km of sidewalks. • Commercial owners are required to remove snow within 4 hours • Residential owners are required to remove snow within 12 hours
Town of Lakeshore	82-2001	<ul style="list-style-type: none"> • Contracts out 38 km of sidewalks and trails.
Town of LaSalle	No By-law	<ul style="list-style-type: none"> • Commencing a winter control for sidewalks this year.
Municipality of Leamington	No By-law	<ul style="list-style-type: none"> • Town completes approximately 75

		<p>km of sidewalks. They do not clear trails. Trails are designated “Recreational Trails”.</p> <ul style="list-style-type: none"> • 3 John Deere utility tractors each with a plow and salter, 1 snow blower attachment if needed • It takes Leamington staff 8-12 hours to make a single pass over 75 km of sidewalks. • Town goal is to have snow removal on sidewalks completed within 24 hours
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Due to the potential liability surrounding sidewalk winter control maintenance and the current moratorium placed on the enforcement of By-law 2005-04, Administration believes it is necessary for Council to provide direction on this issue.

4. RISK ANALYSIS:

The Town is liable for gross negligence in the case of a claim as a result of snow and ice accumulation on sidewalks. Over the past 5 years, the Town has not been involved in any slip and fall claims involving sidewalks during the winter snow removal season.

Most sidewalks are municipally owned; therefore to properly mitigate the risk to the Town, the responsibility to clear them should fall with the Town. Municipalities do have the authority under the Municipal Act to establish sidewalk snow removal by-laws in order to assist the Town in this endeavor, however this does not transfer the risk to the adjacent property owner, it is used to assist in the safe travel of pedestrians during winter conditions.

Should Council wish to undertake a Town wide snow removal program proper policies and procedures for the removal of snow on municipal sidewalks will be required. This will safeguard the Town against cases where injuries occur, and negligence is in question. This course of action may come with financial and resource risk and political criticism, however it will significantly address any questions surrounding gross negligence.

5. FINANCIAL MATTERS:

Currently, Public Works has rented a Trackless machine with blower, plow and salter attachments to maintain sidewalks on Front Road North and those received on a complaint basis. The rental cost is \$3,100 per month for 4 months. This cost is funded under the Winter Control operating budget. In an effort to obtain better information on the costing of this initiative and resident feedback, Administration recommends that a pilot program be undertaken in 2016/17 for sidewalk winter control maintenance. Should Council wish to move forward with this program the Town will maintain the 58 kilometres of sidewalk for the remainder of the winter control season and accurately determine the cost and resources required to provide this enhanced level of service. Administration has identified the need to rent three machines each with a plow and

salter in order to complete this task. For Council's information, Administration has provided the cost of purchasing or renting machines as follows:

Machine	Purchase	Renting (per month)
Trackless Machine	\$118,200.00 – Unit with upgrades \$6,200.00 - V-Plow \$6,500.00 – Salter \$9,400.00 – Snow Blower \$4,100.00 – Truck Chute Total - \$144,400.00 excluding HST	\$3,100.00 excluding HST Unit, V-Plow, Salter, Snow Blower and Truck Chute
John Deere Tractor	\$30,000 - \$35,000 – Unit with plow \$4,100.00 - Salter	

Should Council approve this increased level of service for the remainder of 2017 the Town will rent an additional 2 trackless machines at a cost of \$18,600 (\$3,100 x 2 machines x 3 months). This may result in unfavorable variance at year end on the winter control budget in public works in 2017 however it will allow the Town to provide more accurate costing and the resources required per event. Based on the rental of additional equipment and potential labour costs associated with the program, Administration believes the cost of the pilot program will be **approximately \$30,000 to \$60,000 for the 2016/17 season.**

Upon completion of the winter control season for 2017, Administration will bring a report to Council for consideration and final decision on level of service. Amendments to the By-law will be made at that time as well.

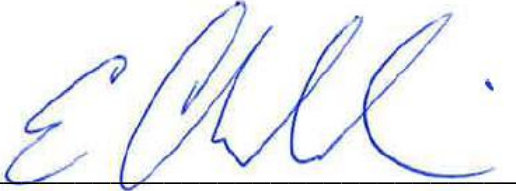
6. CONSULTATIONS:

There were no consultations.

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7. **CONCLUSION:**

In an effort to address the sidewalk winter control program and to mitigate the Town's gross negligence in cases of claims as a result of snow and ice accumulation on sidewalks, Administration recommends a **pilot program** for 2016/17 for sidewalk winter control and the waiver of the moratorium. Under this program, the Town will perform winter control operations on all Town sidewalks, should the program be successful and approved by Council as an established service level proper policies and procedures for the removal of snow on municipal sidewalks will be established to safeguard the Town and ensure the safety of pedestrians.



Eric Chamberlain
Manager of Roads and Fleet

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