

Sidewalk Snow Removal Bylaw

Feb 18, 2020

Dear members of the Civic Works Committee,

We have been discussing sidewalk snow removal at many meetings with the goal of trying to get the sidewalks as close to clear as possible to improve mobility for everyone. Currently accumulation is the only metric that triggers sidewalk plowing and this allows small amounts of snow to coat sidewalks creating the slippery conditions we are trying to avoid. If the goal is to improve mobility for everyone, then we cannot simply wait till enough snow collects. The metrics for sidewalk plowing cannot just be accumulation,

I would like committee to support the following Motion:

That staff investigate a bylaw for London requiring residents and businesses to remove the snow from sidewalks in front of their homes like they already do in Kitchener, Hamilton, Ottawa and Toronto and also investigate other metrics for determining sidewalk snow removal in London.

In 2015 the city spent roughly \$1.5M (\$1350 per lane km/\$4 per capita) on sidewalk winter maintenance expenditures. Roads Operation and Forestry and was informed that this has since increased to \$1.8M based on a five year average. Growth funding from new installations is part of the increase.

Below are links to council reports from November 3, 2015 and July 23, 2019 that outline the Winter Maintenance Program and its support. The 2015 report provides a Summary of Sidewalk Clearing Practices for various municipalities and costs (pages 4-5), and the 2019 report (page 8) indicates additional costs associated with new installations.

(2015): <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=21181>

(2019): <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=65910>

Articles of interest:

<https://www.preszlerlaw.com/blog/what-is-the-law-in-ontario-for-clearing-snow-and-ice-from-your-premises/>

<https://www.siskinds.com/sidewalks-do-you-have-to-shovel-them/>

- **Hamilton** – Section 5 of the City of Hamilton By-law 03-296 regulates snow and ice removal from public sidewalks. It calls for home and business owners or occupants to clear such hazards from walkways – including the access ramps located at street corners. Snow and ice should be removed within 24 hours of accumulation. Snow that has been removed cannot be placed into the road or in a location that restricts access to a fire hydrant. Penalties for failure to comply include a notice of violation and fines that could reach as high as \$5,000.
- **Ottawa** – The city's Property Maintenance By-law No. 2005-208 regulates the removal of snow and ice from sidewalks. It requires owners and occupiers to clear snow and ice on their property or adjacent to their property. Ice that cannot be removed should be mediated with the use of salt, sand or gravel. Further, building owners are required to clear snow and ice that may pose a public safety hazard (such as accumulation that can fall on passersby or later melt and refreeze onto the sidewalk creating an additional slip and fall hazard) from roofs. Those who fail to clear such property hazards are issued a notice to comply. Continued violation of the regulation may result in a financial penalty.
- **Toronto** – The city's Municipal Code Chapter 719 requires residential and business property owners to clear all property-adjacent walkways of snow and ice accumulation. This must happen within 12 hours of the snowfall. Failure to comply with this city ordinance may result in a fine totaling \$125. Property owners and occupants are encouraged to use salt, sand or clay kitty litter in cases where ice is difficult to remove.
- **Kitchener** - Having a dedicated enforcement officer conducting sidewalk inspections between November and April to make sure snow is being cleared. The city clears snow from all sidewalks after a snow event when 8 cm or more falls within a 24 hour period. Designate an area of the city where there's 40 km of sidewalk and clear all the snow after every snowfall. Install sensors stations that can measure pavement surface conditions. Explore partnerships with community

groups — such as The Working Centre — to help those who are unable to clear their own sidewalks.

Other Ontario Laws Impacting Snow and Ice Removal

- Ontario's *Residential Tenancies Act* requires landlords to assume the responsibility of snow and ice removal for apartment buildings and other rental properties.
- Ontario's *Occupier's Liability Act* provides slip and fall victims the right to hold property owners and occupiers financially responsible for accidents that occur because of hazards, such as snow and ice on sidewalks.

Things to note:

- No direct mention of accumulation amounts (i.e. no cities stipulate how much snow can accumulate before they have to remove)
- The 3 municipalities of interest (Ham., Tor., and Ott.) outline various timeframes in which snow is to be removed, ranging from 12 – 36 hours
 - o There are also various stipulations about the time at which people can conduct snow removal (e.g. before 9:00 & 10:00 a.m.) for a few of the municipalities
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- There is no bylaw requiring homeowners to clear the sidewalks in front of their home (with the exception of downtown property owners).
- <http://www.london.ca/residents/Roads-Transportation/Road-Maintenance/Pages/Snow-Removal.aspx>
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Sincerely,

Steve Hillier,

Councillor Ward 14