



**STAFF REPORT  
ACTION REQUIRED**

**Clearing of Snow from Sidewalks – Current Processes and Future Considerations**

<b>Date:</b>	October 27th, 2015
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Transportation Services
<b>Wards:</b>	Wards 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32
<b>Reference Number:</b>	P:/2015/ClusterB/TRA/ Toronto and East York District/ROW/pw.2015041.te.row.docx

**SUMMARY**

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The purpose of this report is to respond to a request for information regarding the existing practices and requirements regarding private snow clearance in those areas of the City where Transportation Services does not undertake to clear the public sidewalks of snow and ice.

In particular, this report discusses practices and options regarding:

- Tracking addresses with repeated snow clearance complaints;
- Proactive rather than complaint-based enforcement;
- Comparing with other cities private snow clearing enforcement practices;
- Clearing the sidewalk immediately upon inspection rather than issuing warnings;
- Charging a fee per linear metre of sidewalk to fund municipal clearing; and
- Strategies for improving compliance

**RECOMMENDATIONS**

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**The General Manager, Transportation Services recommends that:**

1. The Public Works and Infrastructure Committee receive this report for information.

## **Financial Impact**

There are no financial impacts associated with this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

At its meeting of June 10, 11, 12 and 13, 2014, City Council adopted PW31.1, entitled "Confirmation of Levels of Service for Winter Maintenance of Bikeways, Windrow Opening, Sidewalks and Accessibility for Ontarians with Disabilities Act (AODA) Compliance".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PW31.1>

At its meeting of April 9, 2015, the Public Works and Infrastructure Committee adopted PW3.14, entitled "Improving Private Sidewalk Snow Clearing", including the following recommendation:

1. Requested the General Manager of Transportation Services report to the Public Works and Infrastructure Committee on alternate methods of ensuring private snow clearing compliance and a review of Toronto's existing practices. The report to include evaluation of the following:
  - a. tracking addresses with repeated snow clearance complaints;
  - b. proactive rather than complaint-based enforcement;
  - c. comparing with other cities private snow clearing enforcement practices;
  - d. clearing the sidewalk immediately upon inspection rather than issuing warnings;
  - e. charging a fee per linear metre of sidewalk to fund municipal clearing; and
  - f. investigating other methods to increase compliance.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PW3.14>

## **ISSUE BACKGROUND**

The clearing of snow and ice from City sidewalks, where the City does not currently provide sidewalk snow clearing services is regulated by and enforced through the City's Municipal Code, Chapter 719, Snow and Ice Removal. This Chapter indicates that it is the responsibility of every owner to clear his/her sidewalk abutting his/her property within twelve (12) hours after any snowfall and to maintain it in a clear state thereafter. The Chapter further prohibits the clearing of snow from private property and depositing onto the public roadway/sidewalk/lane. If the provisions of the Municipal Code are not complied with, the City has the authority to clear the sidewalks and to add the resulting costs of this work to the Realty Tax bill of the property.

The charges to clear snow/ice during the past 2014/2015 winter season were \$6.00 per square metre for shovelling and \$3.00 per square metre for salting. In addition, owners/occupants who fail to clear snow/ice from sidewalks abutting their properties may be subject to a fine of \$125.00 (inclusive of \$25.00 victim surcharge). The fine for moving snow/ice from private property to public property is \$360.00 (inclusive of a \$65.00 victim surcharge).

The primary purpose of Transportation Services' enforcement process is to achieve compliance. Currently, By-law enforcement for failure to remove snow or ice is primarily a complaint driven process, except in areas where repeat offenders have been identified from previous years.

The existing enforcement practice is to first provide a warning for the purpose of seeking compliance. This is done by delivering a "Notice of Inspection", i.e., a warning which is left with the owner or in the mail box at the property. The delivery of the notice is not a requirement of the Municipal Code, but rather a courtesy reminder to the owners of their obligation to make the sidewalks safe.

A follow up inspection is to be made within twenty-four (24) hours after the "Notice of Inspection" is issued. If the sidewalk remains snow covered the Transportation Standards Officer will issue a "Notice of By-law Infraction" and request City Road Operations crew to undertake the necessary clearing of snow and ice. Road Operations staff give priority to locations where public safety is at a greater risk.

Approximately 1,700 "Notices of Inspection" were issued during the 2014/15 winter season, of which 70 charges were laid. The results indicate that the majority of owners comply with the first "Notice of Inspection".

## **COMMENTS**

The following discussion provides comments and an evaluation of the specific requests outlined by the motion.

### **Tracking Addresses With Repeated Snow Clearance Complaints**

Staff track locations where the By-law enforcement is required via the Road Allowance Control System (RACS). A summary of infraction areas from 2013-2015 is provided as Appendix 1.

First warnings are only provided as a courtesy one time during a season. If that same address is again found to be in contravention of the By-law again during that season, or in subsequent seasons, then a "Notice of By-law Infraction" is issued immediately upon inspection. Additionally, if we do receive complaints from 311 or through Councillors, there is can be a more aggressive enforcement of the Code Chapter requirements.

In these cases staff fine repeat violators via a Part III summons, requesting a higher fine. The Courts then decide, based on the evidence and reasoning, if these fines will be upheld. Staff understand that most are, in fact, upheld.

### **Proactive Rather Than Complaint-Based Enforcement**

The enforcement staff complement within the Front Yard Parking Unit of the Right-of-Way Management section is currently staffed to provide sufficient enforcement for the various front yard parking By-laws, as well as snow related By-laws during the winter season. Currently there are 10 staff assigned to this section, with all positions currently filled.

At the request of the local Councillor, who often field complaints, staff have undertaken pro-active enforcement in certain areas and/or on particular sections of streets.

For most of the winter, the number of TSOs providing enforcement for the winter season is enough to provide a complaint based level of enforcement, which corresponds to a staffing level of approximately 0.8 TSOs per ward in the Toronto and East York district. However, during instances of larger storms, additional staff within the Right-of-Way Division are utilized to assist with inspections and enforcement of snow and ice covered sidewalks.

A more aggressive proactive enforcement practice would entail deploying TSOs to patrol on a city-wide basis, with areas of frequent enforcement complaints patrolled at a higher frequency. The 2011 National Household Survey indicated that there are 340,580 households in Toronto & East York Community Council Area, of which approximately 95,500 are in structures likely to require enforcement (ie detached, semi-detached, row housing, duplex). Patrolling this number of households within the 12-24 hours immediately following a winter storm event to identify instances of non-compliance would require a significant increase in resources.

It is estimated that in order to provide general proactive enforcement, with adequate inspections, follow ups, issuance of charges, clearing, etc., three to four Transportation Standards Officers would be required per Ward, representing a doubling or tripling of the current staff compliment.

### **Comparing With Other Cities Private Snow Clearing Enforcement Practices**

Most cities that receive snow in North America have instituted similar snow clearing By-laws, placing the responsibility to clear the sidewalks abutting their property up to those particular owners. The City of Toronto uses a 12 hour threshold to clear the sidewalks of snow and ice.

Table 1 below compares the various time thresholds for clearing the sidewalk in other North American cities. Toronto's 12 hour standard represents an acceptable balance of

safety combined with a realistic timeframe for clearance. Similar to Toronto, most other North American cities primarily utilize a complaint driven process for enforcement of ice and snow covered sidewalks. For Example, Edmonton for example utilizes 311 and an on-line system to report infractions and utilize a "warning" notice first process.

**Table 1: Snow Clearance Regulations – Selected North American Cities**

<b>City</b>	<b>Regulations</b>
Toronto, ON	To be cleared no later than 12 hours following snow fall
London, ON	To be cleared by 10:00am following snow fall
Edmonton, AB	To be cleared no later than 48 hours following snow fall
Regina, SK	To be cleared no later than 24 hours following snow fall
New York, NY	Between 7 AM and 5 PM, sidewalks must be cleared within 4 hours. Between 5 PM and 9 PM, sidewalks must be cleared within 14 hours. Between 9 PM and 7 AM, sidewalks must be cleared by 11 AM.
Chicago, IL	Before 4pm (except on a Sunday), you have 3 hours to clear After 4pm or on Sunday, clear before 10am the next day.
Boston, MA	To be cleared no later than 3 hours following snow fall, between sunrise and sunset.

### **Clearing the Sidewalk Immediately Upon Inspection Rather Than Issuing Warnings**

Allowing City staff to clear the sidewalk immediately, rather than issue Notices of Inspection, would require substantially more resources both in terms of labour and equipment. In addition, given the documentation required in order to pursue infractions through the Court system.

Under a regime where charges were filed immediately, the City would create ‘task teams’ that would combine one TSO and a two person clearing crew to process all required enforcement steps in one visit.

A single enforcement action requires a TSO to inspect the site, take "before" pictures, wait for the crews to complete the clearing, take the "after pictures", submit the paperwork for the clearing charges and then return to the office to prepare and submit the charges for processing.

Staff estimate that the total amount of time required for each location under a regime of immediate charges would be 45-60 minutes of on-site time, not including follow-up and serving of summonses, etc by the TSO. Total staff time would be 7-10 person-hours per enforcement activity.

In 2014/2015, City staff issued 70 charges arising from 1700 total “Notices of Inspection”. This indicates a high level of conformity with the ‘warning’ system currently in place, reflecting the City’s primary aim of achieving compliance.

## **Charging a Fee per Linear Metre of Sidewalk to Fund Municipal Clearing**

City staff recently evaluated the potential costs of undertaking sidewalk clearing in those areas not currently managed by the City as part of the “Confirmation of Levels of Service for Winter Maintenance of Bikeways, Windrow Opening, Sidewalks and Accessibility for Ontarians with Disabilities Act (AODA) Compliance” report (PW31.1)

In general, mechanical clearing is precluded in areas with streets less than 8 metres wide, with sidewalks less than 1.5 metres wide, with sidewalks adjacent to the street, with long-term parking adjacent to the sidewalk or with boulevards having obstructions like utility poles, planters or retaining walls adjacent to or within the sidewalk.

There are approximately 1,100 km of sidewalk in Toronto that cannot be cleared mechanically. As reported in PW31.1, staff estimate that it would cost \$9,900,000 to manually clear these locations to the same service level as mechanical clearing elsewhere in the City due to the labour intensive nature of the work.

There would be additional logistical challenges associated with such a program as approximately 360 manual crews would be required, likely composed primarily of day labourers. Given the infrequent nature of snow events, maintain certainty regarding adequate staffing levels would represent a significant operational challenge.

## **Strategies for Improving Compliance**

### **Public Service Announcements**

Each fall, the City undertakes a public relations campaign informing residents of their responsibility’s in regards to snow clearance. This campaign has typically featured a press conference in late November, media interviews as necessary throughout the season, social media materials, and ad buys in community newspapers.

This season, the City will be focused on creating a culture of unacceptability of non-compliance with snow removal regulations. The “Be Nice, Clear Your Ice” campaign that was utilized last year will be continued, with a renewed focus on distribution through social media.

Additionally, this year the City will be for the first time placing snow clearance campaign materials in Transit Shelters, utilizing advertising space that has been granted to the City.

## **Increased Hotspot Enforcement**

Proactive enforcement of known areas of frequent non-compliance has always been undertaken at the request of local Councillors. However for the 2015/2016 winter season, City staff will be undertaking an advanced review of past areas of non-compliance and will be reaching out to Councillors as necessary to review problem areas that may be suitable for proactive enforcement. Through this outreach, Councillors will have the opportunity to bring forward additional areas of concern to them, and a finalized list of areas scheduled for pro-active enforcement, subject to staff resources, will be developed.

## **CONTACT**

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## **SIGNATURE**

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## **ATTACHMENTS**

Appendix 1: 2013-2015 Violations