

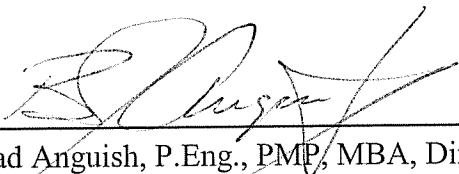


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Halifax Regional Council
February 24, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Brad Anguish, P.Eng., PMP, MBA, Director
Environmental Management Services

DATE: February 9, 2004

SUBJECT: Ice on Streets caused by Stormwater from Private Property

INFORMATION REPORT

ORIGIN

Staff

BACKGROUND

Under certain conditions, stormwater runoff or seepage from private property can cause an accumulation of ice on HRM streets and sidewalks. Public Works & Transportation (PWT) staff have identified approximately 200 locations across HRM where this is a chronic problem. These situations may result in potentially unsafe conditions on the street or sidewalk, and may be a potential liability to HRM. Also, there are ongoing maintenance costs related to ice control at these locations. Further, the use of salt at these locations can have a detrimental effect on the environment by increasing salt levels in waterways and the soil. And if a machine is required for ice control, there is sometimes resultant damage to the surface of the sidewalk or to the street.

In recognition of these various issues, staff have developed a plan to control the discharge of water which causes the accumulation of ice at the various locations.

DISCUSSION

Section 318 of the MGA states that

“Except as otherwise provided in this act, no person shall . . . (f) cause or permit water to flow over a street, except as directed by the engineer or council.”

This section of the MGA is being used and will continue to be used by staff to determine who is responsible for resolving any particular situation, generally either the private property owner or the HRM. Legal Services has been consulted by Environmental Services as to the applicability and use of this section of the MGA, and will continue to be consulted as the program continues.

As a preliminary comment, it appears that most of the problem areas will be the responsibility of the HRM to resolve, with a lesser number being the responsibility of the private property owner. This will become more clear as the program continues, and as each location is investigated in more detail.

Over the past six months or so, staff of Public Works & Transportation, Legal Services, and Environmental Management Services have been working together to develop a plan to address the 200 or so locations where ice accumulation is a chronic problem.

A brief description of the plan is outlined as follows:

1. PWT (Streets and Roads) staff are in the process of prioritizing the 200 or so locations where an ice problem exists. The criteria used in developing the priority list are public safety, public nuisance, maintenance costs, environmental impact, and HRM liability. The priority list will be used as the basis to investigate and determine the solution at each location.
2. Environmental Services staff will investigate each location and identify the cause in order to determine the responsibility of HRM and the private property owner. Environmental Services staff will consult with Legal Services where required for interpretation and applicability of the MGA.
3. Where it is determined that HRM is responsible for resolving the problem, Environmental Services staff will work with PWT staff to determine how the solution will be implemented. For small projects, the work will be carried out by PWT through the Operating Budget as allowed for in their annual work plan. For larger projects, the work will be funded through the Capital Sewers Budget. Funds have been proposed in the draft Capital Sewers Budget for 2004/05 and subsequent years.

4. Where it is determined that the private property owner is responsible for resolving the problem, a different process utilizing Section 318 of the MGA will be used. The process will involve communication with the property owner and identification of a timely and practical course of action to resolve the problem. The MGA does provide opportunity for HRM to conduct the work if the property owner does not, and then charge the costs back to the property owner. This approach is not the favoured approach but is available if needed. It is expected that staff from Environmental Services, Community Projects and Legal Services may all have a role to play if this approach is required.

Depending upon the availability of staff resources and operating and capital budgets, staff expect that it will take about three to four years for the program to address the 200 or so identified chronic locations. It is also expected that the program will be permanent in the sense that there may always be a small number of new situations that arise from time-to-time. However, new problems are expected to be few, as present development practices such as lot grading and other controls generally reduce the opportunity for these conditions to occur.

BUDGET IMPLICATIONS

Capital expenditures will be identified in the 2004/5 and future Capital Sewers Budgets.

Operating expenditures will be utilized from the approved PWT Operating Budget.

Elimination of the accumulation of ice on HRM streets and sidewalks will reduce maintenance costs currently incurred through PWT's operating budgets, and will also reduce possible exposure of HRM to claims related to accumulation of ice on HRM streets and sidewalks.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

REGIONAL PLANNING IMPLICATIONS

None.

ALTERNATIVES

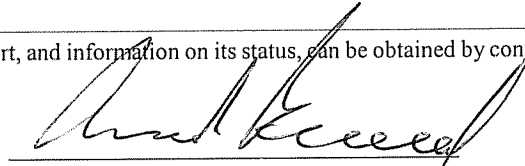
None recommended.

ATTACHMENTS

None

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

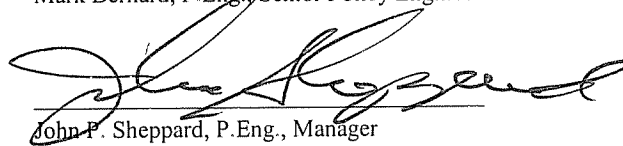
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