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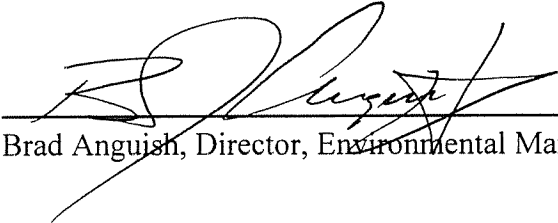


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
November 4, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Brad Anguish, Director, Environmental Management Services

DATE: October 24, 2003

SUBJECT: **Enforcement Policy for Part 1 of By-Law S-300 (Removal of Ice and Snow from Sidewalks)**

INFORMATION REPORT

ORIGIN

During a Committee of the Whole presentation concerning sidewalk snow clearing (agenda item 4) on February 18, 2003, Council was informed that staff would return to Regional Council with a comprehensive report(s) on all snow and ice operations, including sidewalks. This report deals with the sidewalks portion of HRM snow and ice operations and, more specifically, the level of enforcement that will be used to enforce Part 1 of By-Law S-300, Removal of Ice and Snow from Sidewalks. Public Works and Transportation will be addressing other aspects of snow and ice operations, including amendments to Part 1 of By-Law S-300, Removal of Ice and Snow from Sidewalks, through a separate Council report(s).

BACKGROUND

Due to the frequency of snow and ice events and the accumulation of snow during the last winter season, Councillors were contacted by citizens who were unsure of what was expected of them relative to snow and ice removal from abutting sidewalks. Based on these queries, Council requested that the issue of sidewalk snow removal be referred to the By-Law Rationalization Working Group. An assessment of the by-law was to be completed in order to provide clarity for sidewalk snow removal requirements on the part of citizens, in terms of clearing sidewalks to the bare pavement and also to determine whether some flexibility can be provided during inclement weather.

DISCUSSION

Staff of Community Projects and Public Works and Transportation determined that an enforcement policy (attached as Appendix A) for Part 1 of By-Law S-300, Removal of Ice and Snow from Sidewalks, is the best way to provide clarity and consistency for By-Law Officers in the enforcement of the by-law.

Staff considered Council's comments and designed an enforcement policy that is progressive. The policy provides more leniency for first time offenders and more severe measures of enforcement for repeat offenders.

Education of HRM's expectations relative to sidewalk snow and ice removal, will be undertaken by Public Works & Transportation through radio/television commercials. Information pamphlets will also be produced and left with first time offenders. These pamphlets will be available to citizens at the Customer Service Centres located throughout the HRM.

BUDGET IMPLICATIONS

There are no budget implications at this time.

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

N/A

ATTACHMENTS

Appendix A: Enforcement Policy for By-Law S-300, Part 1 (Sidewalk Snow and Ice Removal)

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.

Report Prepared by: Craig Horton, Project Controller, Community Projects, EMS 490-4432

Report Approved by: Allan Waye, General Manager, Community Projects, EMS 490-6484

APPENDIX A

Enforcement Policy for By-Law S-300, Part 1 (Removal of Ice and Snow from Sidewalks)

Purpose:

To provide a policy of the Halifax Regional Municipality regarding enforcement of Part 1 of By-Law S-300 (Streets), as it relates to the removal of snow and ice from sidewalks.

Policy:

- Enforcement of this by-law will be primarily reactive to complaints received.
- If, in the course of investigating a complaint on a property, and a violation is observed on a neighboring property, the appropriate enforcement actions on the neighboring property will be taken at that time;
- In determining the appropriate enforcement for each violation, a guideline of three feet wide and to bare pavement will be used to assess the condition of the sidewalk. Recent weather conditions at the time of the violation will be taken into consideration when determining the appropriate enforcement action.
- A snow and ice season relative to the enforcement policy is the time period between the first snow and ice event and the last snow and ice event from approximately October 1 through to May 1.

Enforcement Response:

- For a first time offence, the approach to achieving compliance will be through education and the issuance of a 24 hour notice to the property owner instructing them to clear the snow and ice from the sidewalk. An information pamphlet will be left on the property outlining the property owner's responsibility for sidewalk snow and ice removal. If the property owner does not comply with the 24 hour notice, the sidewalk will be cleared by the HRM. The cost of remedy will form a lien against the property.
- For a second offence, a 24 hour notice will be issued to the property owner instructing them to clear the snow and ice from the sidewalk. If the property owner does not comply, the sidewalk will be cleared by the HRM. The cost of remedy will form a lien against the property.
- For a third and subsequent offences, a 24 hour notice will be issued to the property owner instructing them to clear the snow and ice from the sidewalk. A Summary Offence Ticket will also be issued to the property owner. If the property owner does not comply, the sidewalk will be cleared by the HRM. The cost of remedy will form a lien against the property.
- When dealing with repeat offenders, consideration will be given to proceed with a prosecution, in addition to the enforcement response outlined above.