



Subject: Budget White Paper - Sidewalk Snow Operations

Report Number: OPD 23-06

Department: Operations and Development Department

Submitted by: Jonathon Graham

Meeting Type: Council Meeting

Meeting Date: Monday, January 16, 2023

RECOMMENDATION

THAT report OPD 23-06 White Paper - Sidewalk Snow Operation be received as information.

BACKGROUND

As per Council resolution #2022-408 re “That a white paper report be brought forward to council in regards to the costs associated with residential sidewalk plowing and any risks that may with removing the program”, staff is providing Council with an overview of the Town of Tillsonburg’s sidewalk operations as it relates to snow removal to evaluate the legal risks in removing and/or reducing our current levels of service.

In regards to levels of service the Town set our standard operating procedures in 2018 by *Policy 11-003: Winter Maintenance Level of Service Policy*; furthermore, there are Provincial regulations that correlate and determine minimum standards that the Town must/should abide by via [O.Reg. 366/18: Minimum Maintenance Standard for Municipal Highways](#) (more specially section 16).

DISCUSSION

Through local sidewalk classification, which was undertaking/updated in 2018 and as identified by the attached map(s), the Town has three Classes of Sidewalk; Primary, Secondary and Other. The following are our local treatment practice by accumulation and response time as determined by *Policy 11-003*:

Snow Accumulation on Sidewalks

Class of Sidewalk	Depth	Time
Primary	5.0 cm	24 hours
Secondary	8.0 cm	48 hours
Other *	No Service	No Service

Ice Formation Prevention and Treatment of Icy Sidewalks

Class of Sidewalk	Time
Primary	24 hours
Secondary	48 hours
Other *	No Service

As identified above the Town's current practice is that all sidewalks within the classification of Primary and/or Secondary are treated where Others are not treated and generally understood to be isolated sidewalks without connection (i.e. partially completed Plans of Subdivisions and/or fragmented incompletely sidewalk networks, etc...).

Furthermore, in the sense of legal framework and consideration to reducing current levels of serves, O.Reg 366/18 has been updated/revised in recent years to include standards towards sidewalks where most notable in 2021 the Supreme Court of Canada unanimously ruled that municipal snow removal activities are not immune from negligence and or liability claims ([Nelson \(City v. Marchi\)](#)). Subsequently, O.Reg 366/18 stipulates the following serves level:

Snow:

“Section 16.3 (1) ..., the standard for addressing snow accumulation on a sidewalk(s) after the snow accumulation has ended is,

- a) to reduce the snow to a depth less than or equal to 8 centimetres within 48 hours
- b) to provide a minimum sidewalk width of 1 metre...”

Ice:

“Section 16.5 (1) ..., the standard for the prevention of ice formation on sidewalks is to,...

b) treat the sidewalk if practicable to prevent ice formation or improve traction within 48 hours ...”

Barring that many other municipalities in Ontario may not treat/clear sidewalks or have local by-laws that, attempt to, shift the onus/liability onto the fronting resident property, the Supreme Court of Canada decision does not absolve a given municipality from their “duty of care”. Therefor, sidewalk snow operations may be considered a tolerance of risk where staff is recommending that we maintain current levels of service in consideration to the precedent that has been set to date.

FINANCIAL IMPACT/FUNDING SOURCE

The Town of Tillsonburg generally transitions into Snow Operations between November 15th through to April 1st. Roughly, the Town treats 135km of sidewalk where we utilize four (4) Sidewalk Machines with various attachments that may consist of snowblowers, standard blades including the machines being outfitted with salt/sanding boxes as required.

Over the past three (3) years the Town operational cost towards Sidewalk Snow Operations reflect the following:

Sidewalk Snow Operation Expense	Budget	Actual
2022	\$151,200	\$131,321*
2021	\$151,400	\$119,098
2020	\$135,900	\$106,311

***Note:** Forecasted Year End

CORPORATE GOALS

How does this report support the corporate goals identified in the Community Strategic Plan?

- ☐ Lifestyle and amenities
- ☒ Customer service, communication and engagement
- ☐ Business attraction, retention and expansion
- ☐ Community growth
- ☒ Connectivity and transportation
- ☐ Not Applicable

Does this report relate to a specific strategic direction or project identified in the Community Strategic Plan? Please indicate section number and/or any priority projects identified in the plan.

Goal – The Town of Tillsonburg will strive for excellence and accountability in government, providing effective and efficient services, information, and opportunities to shape municipal initiatives.

Tillsonburg residents and businesses will be connected to each other, regional networks, and the world through effective traditional and digital infrastructure.

Strategic Direction – Develop a communications strategy to increase awareness of Council decisions and municipal programs, projects and services.

Develop a robust, long-term asset management plan to inform evidence-based decisions on the maintenance, rehabilitation and replacement of municipal infrastructure.

Priority Project – Municipal service review.

Town participation in regional transit initiative.

ATTACHMENTS

Appendix A – *Policy 11-003: Winter Maintenance Level of Service Policy*

Appendix B – Tillsonburg_Sidewalk_Classification & Downtown Route