

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 28, 2022**

Item 12, Report No. 36, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 28, 2022.

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#### **12. SNOW CLEARING BY-LAW REVIEW**

**The Committee of the Whole recommends approval of the recommendations contained in the report of the Deputy City Manager, Community Services dated September 20, 2022.**

##### **Recommendations**

1. That the recommendations contained in Attachment 1 to this report be approved; and
2. That a By-law be enacted giving effect to these recommendations, in a form satisfactory to the City Solicitor.

## Committee of the Whole (2) Report

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**DATE:** Tuesday, September 20, 2022

**WARD(S):** ALL

**TITLE:** SNOW CLEARING BY-LAW REVIEW

**FROM:**

Gus Michaels, Deputy City Manager, Community Services

**ACTION:** DECISION

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### **Purpose**

In advance of the 2022 winter season, staff have reviewed Snow and Ice By-law 300-93, as amended, and are now seeking to provide greater clarity with respect to property owner responsibilities to clear snow, to establish administrative monetary penalties as an additional enforcement tool, and to enable the City to clear the snow promptly in instances where it is not done by the property owner.

### **Report Highlights**

- This report seeks to update the Snow and Ice By-law, enabling the City to issue administrative monetary penalties if snow is not cleared, as well as to promptly clear the snow if there is no voluntary compliance, and recoup costs.
- The recommendations are intended to help ensure the City's sidewalks are clear of safety hazards and safe to use.

### **Recommendations**

1. That the recommendations contained in Attachment 1 to this report be approved; and
2. That a By-law be enacted giving effect to these recommendations, in a form satisfactory to the City Solicitor.

## **Background**

Prompt and effective snow clearing is integral to enabling safe, walkable winter streets and efficient traffic flow in our city, and requires the collaborative actions of public servants, property owners and others involved in snow clearing activities. In line with the Council-approved *By-law Strategy*, staff have reviewed the Snow and Ice By-law, 300-93, as amended, for opportunities to encourage and enable prompt snow clearing, and thus safer streets for both pedestrians and motorists.

### *Snow clearing programs in Vaughan*

In addition to plowing Vaughan roads, the City provides the highly valued service of windrow clearing, in which the City clears the bottom portion of driveways for all driveways which connect to Vaughan roads. In addition, for seniors and/or persons with disabilities that make snow clearing challenging, the City also offers the Community And Home Assistance For Seniors (CHATS) Program, which enable qualified residents to have someone clear snow and ice clearing and salting on their driveway and walkways.

### *Complaints*

Between 2016 and 2021, our records show 145 complaints related to snow, so about 29 per year. Of those complaints, approximately:

- 39% are related to snow not being cleared from sidewalks, based on which updates to snow and ice removals provisions are being proposed;
- 41% related to snowplow activities, such as snow being placed on the road, clearing times, damages caused and advertising;
- 19% are related to cars on the road, blocking snow clearing.

With respect to snowplow activities, By-law and Compliance, Licensing and Permit Services (BCLPS) staff are exploring licensing of snowplow operators to address these concerns. BCLPS staff are also collaborating with other departments to address cars which are impeding snowplow clearing.

### *Timeframe for snow clearing*

The Snow and Ice By-law was enacted in 1993, requiring property owners to clear their sidewalks within 24 hours, with the option for staff to issue a penalty or clear the sidewalk at the owner's expense. A review of municipalities across Ontario, such as Richmond Hill, Markham, Toronto and Ottawa found that these by-laws require that every property owner maintain the sidewalk adjacent to his or her property clear of snow and ice, with no timeframe for removal. Staff believe this change would provide Enforcement Services officers with greater ability to provide a balanced approach to achieve compliance.

### *Tools to address prompt snow clearing*

If snow is not cleared, at present, the by-law allows the homeowner to be charged with a provincial penalty, which if challenged, can take some time to address. The Municipal Act, which gives the authority to create by-laws, states that initial provincial fines may range from \$500 to not more than \$100,000. Staff suggest enabling the municipally managed administrative monetary penalty (AMPS) of \$100, which enables a lower, non-punitive fines to be charged and if challenged, addressed in a prompt manner by the City.

In reviewing other snow clearing by-laws across Canada, staff found a range of penalties for non-compliance with snow clearing, as listed here:

<b>CITY</b>	<b>PENALTY FOR NOT CLEARING SNOW</b>
<b>BRAMPTON</b>	\$75 to \$2000
<b>EDMONTON</b>	\$100 to \$10,000
<b>KING CITY</b>	\$100 to \$100,000
<b>MARKHAM</b>	Up to \$50,000 for a first offence, in line with the <i>Building Code Act</i>
<b>MISSISSAUGA</b>	There is a by-law to regulate snow removal for multi-residential buildings, but not detached homes. Up to \$50,000 for a first offence, in line with the <i>Building Code Act</i> .
<b>NIAGARA FALLS</b>	Up to \$1000 for a first offence, in line with the <i>Provincial Offences Act</i>
<b>OSHAWA</b>	\$75 to \$275 under AMPS, \$300 to \$25,000 under provincial regulations
<b>OTTAWA</b>	\$500 to \$10,000
<b>PICKERING</b>	\$1,000 to \$5,000 under provincial regulations
<b>RICHMOND HILL</b>	Up to \$1000 for a first offence, in line with the <i>Provincial Offences Act</i>

The proposed by-law also gives timelines upon which the City can, if snow is not removed, remove the snow and recuperate expenses from the property owner.

#### *Environmentally conscious solutions*

The current by-law requires that the homeowner “cover any slippery area with sand or salt”, however, a number of environmentally conscious alternatives have become prevalent, such as sugar beet juice, vinegar, and other products. As such, staff are suggesting adding these other “deicing substance of the equivalent or greater efficacy” as an option.

### **Previous Reports/Authority**

[City of Vaughan By-law Strategy](#). Item 3, Report No. 3, of the Priorities and Key Initiatives Committee, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

[Winter Control Costs – Roads, Sidewalks and Parking Lots](#). Item 5, Report No. 8, of the Finance, Administration and Audit Committee, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

### **Analysis and Options**

Staff have included a list of suggestions and their reasons below:

NO	CURRENT STATE	SUGGESTION	IMPACT
1	The Snow and Ice By-law has a main and amending by-law, by-laws 300-93 and 56-96.	To bring forward an updated, consolidated by-law.	To provide an easier-to-review by-law for the Vaughan residents.
2	The by-law allows property owners to have 24 hours to clear snow. This timeframe has been problematic in some instances. Several Ontario municipalities do not allow 24 hours, and instead, explain that the	To delete the provision that requires the removal of snow and ice within 24 hours and create a provision to advise that, “Every Owner shall maintain the sidewalk adjacent to his or her property clear of snow and ice.”	Staff believe this change would provide Enforcement Services officers with greater ability to provide a balanced approach to achieve compliance.

NO	CURRENT STATE	SUGGESTION	IMPACT
	property owner is responsible for clearing the snow and ice.		
3	The current by-law requires any slippery areas to be covered with sand or salt, however additional deicing substances have become available since the enactment of the by-law in 1993.	To allow slippery areas to also be covered with “other deicing substance of the equivalent or greater efficacy”.	To allow for other effective products to be used for deicing.
4	The by-law allows for provincial fines (in line with the Municipal Act, may range from \$500 to not more than \$100,000), but not Administrative Monetary Penalties (AMPS). AMPS penalties are lower than provincial fines, non-punitive and an additional tool to encourage compliance.	To allow the Snow Clearing By-law to allow Administrative Monetary Penalties and a penalty of \$100 for non-compliance with the by-law, which would still allow higher Provincial fines to be charged, such as for repeat offenders.	To provide an additional, less punitive penalty, that Enforcement Services can use to encourage compliance.

### **Financial Impact**

The frequency and severity of snow fall is a key factor in anticipating the impact of the proposed, strengthened regulation. While BCLPS does not anticipate any significant financial impacts, staff will monitor the impacts of the updated by-law, if approved, and report back to Council should significant impacts be observed, and if additional resources are proposed to address them.

### **Broader Regional Impacts/Considerations**

There are no Regional implications as a result of the proposed amendments.

### **Conclusion**

A key goal of the City’s *By-law Strategy* is to ensure that by-laws are relevant, effective

and reflective of the community's current needs. The proposed amendments will support increased compliance to maintaining safe, walkable winter streets in the city, contributing to the Term of Council strategic priority of Active, Safe and Diverse Communities.

This report was developed in consultation with staff from By-law and Compliance, Licensing and Permit Services, Public Works, and Legal Services.

**For more information**, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext. 8952.

### **Attachment**

1. Recommendations.

### **Prepared by**

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783

### **Approved by**

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels, Deputy City Manager,  
Community Services

### **Reviewed by**

A handwritten signature in black ink, appearing to read "Nick Spensieri".

Nick Spensieri, City Manager

## **Recommendations**

1. To enact a new Snow Clearing By-law to repeal and replace the Snow Clearing By-law 300-93, as amended. The new by-law will be based on the existing by-law, with the changes listed that follow.
2. To add the following to the beginning of the by-law, preceding the definitions and to be numbered accordingly:

### **Short Title**

- (1) This By-law shall be known as the “Snow Clearing By-law”.

### **Applicability and Scope**

- (1) The provisions of this by-law apply to all Properties within the *City*.
- (2) Where any provision of this By-law is in conflict with a provision of any other *City* by-law, the more restrictive provision shall prevail.

### **Definition and Interpretation**

- (1) In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
- (2) Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(3) of this Bylaw. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (3) For the purposes of this by-law:



(4) To delete the following definitions:

"Commercial building" means a building used primarily for commercial uses.

"Dwelling" includes a single family detached dwelling, a semi-detached dwelling and a townhouse.

"Dwelling, semi-detached" means a building containing two attached single family dwellings with a common masonry wall dividing the two dwellings vertically.

"Dwelling single family detached" means a building containing one single family dwelling.

"Industrial building" means a building used primarily for industrial purposes.

"Institutional building" means a building used primarily for institutional purposes.

"Occupant" includes every person residing in a dwelling who is at least sixteen years of age and who is not a physically handicapped person or a senior citizen.

"Owner" means the registered owner of land.

"Physically handicapped person" means a person who is unable physically to clear snow and ice and who has filed with the city a medical certificate so stating.

"Residential building" means a building used primarily for human habitation but does not include dwellings.

"Senior citizen" means a person who has attained the age of sixty-five years and who has filed with the city proof thereof.

"Highway" means a street or highway being a provincial highway or under the jurisdiction of the regional municipality of York or assumed by the city.

"Townhouse" means a building which abuts a public street. Containing three or more attached single family dwellings each of which has direct access from the outside ground level.

(5) To add the following definitions:

"Administrative Monetary Penalties By-law" refers to the *Administrative Monetary Penalties By-law* 063-2019, as amended, or its successor by-law;

"City" means the Corporation of the *City* of Vaughan;

"Designated By-law" has the same meaning as in the *Administrative Monetary Penalties By-law*;

"Enforcement Officer" means a *Person* appointed by the Council of the *City* as a Municipal Law *Enforcement Officer*, pursuant to section 15 of the *Police Services Act*, to enforce the provisions of this By-law, or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police;

"Highway" includes a common and public *Highway*, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral *Property* lines thereof;

"Occupant" includes every *Person* living in a *Property* who is at least eighteen (18) years of age;

"Owner" means the *Owner* of a *Property*;

“Person” includes an individual, firm, corporations, association, partnership, trust, unincorporated organization or the heirs, executors, administrators or other legal representatives of a *Person*;

“Property” means a building or structure or part of a building or structure and includes its *Yard* and all mobile structures, outbuildings, and fences on the *Property*;

“Treasurer” means the Chief Financial Officer and *Treasurer* for the City, or his or her designate;

“Zoning By-law” means the Comprehensive Zoning By-law, 01-2021, or its successor; By-law;

3. To delete the current provision “cover any slippery area with sand or salt if the condition of such sidewalk remains slippery after the removal of the snow and ice” and replace it with “cover any slippery area with sand, salt or other deicing substance of the equivalent or greater efficacy, if the condition of such sidewalk remains slippery after the removal of the snow and ice”.
4. To delete the current provision “That the *Owners* of all occupied or unoccupied buildings abutting sidewalks which are on main streets, along transit routes, and in school zones, hereby constitute a class of persons pursuant to paragraph 210.63 of the *Municipal Act* and notwithstanding Section 2 hereof, the City shall clear such sidewalks of snow and ice at its expense” and replace it with “Where the *City* performs the activities referred to in section 4.0(1) at its expense, such as clearing snow at buildings abutting sidewalks on main streets, along transit routes, and in school zones, the *Owner* of a *Property* is not required to perform these activities

unless otherwise advised by the *City*. ”

5. To delete the requirement for property owners to clear snow and ice within 24 hours after snow, rain and hail has ceased, and add the provision that, “every *Property Owner* shall maintain the sidewalk adjacent to his or her property clear of snow and ice”.
6. To replace the current enforcement and fines sections with the following, numbered accordingly:

### **Orders and Enforcement**

- (1) Any *Person* who contravenes or fails to comply with any provision of this by-law is guilty of an offence.
- (2) An *Enforcement Officer* who finds a contravention of this by-law may give a written order to the *Owner* of the *Property* requiring compliance with this By-law and/or to do work to correct the contravention of this By-law within the time period specified in the order, but no sooner than twenty-four (24) hours after the order is given.
- (3) The order in 5.0(2) may be served in *Person* to whom it is directed or by registered mail to the last known address of that *Person*, in which case it shall be deemed to have been given on the fifth day after it is mailed.
- (4) If there is evidence that the *Occupant* of the *Property* is not the *Property Owner*, the order in 5.0(2) shall be served on both the *Property Owner* and the *Occupant*.
- (5) No *Person* shall hinder or obstruct or attempt to hinder or obstruct the *City* or its *Enforcement Officers* from carrying out any powers or duties under this By-

law.

## **Fines**

- (1) Every *Person* who is guilty of an offence under this By-law may be subject a fine under the *Municipal Act*, such that:
  - (a) a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
  - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all of the daily fines for the offence is not limited to \$100,000; and
  - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000, however, the total of all fines for each included offence is not limited to \$100,000.
- (2) Every Person who is issued a fine under this By-Law may request a review of the matter in accordance with the *Provincial Offences Act*.

## **Administrative Monetary Penalties**

- (1) Instead of laying a charge under the *Provincial Offences Act*, for a breach of any provisions of this By-law, an *Enforcement Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under subsection 7.0(1) and has paid the administrative monetary penalty, no

charge shall be laid against that same *Person* for the same violation.

- (3) The amount of the administrative monetary penalty for a breach under this By-law is listed is \$100.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*.
- (5) Every *Person* who is issued an administrative monetary penalty under this By-Law may request a review of the matter in accordance with the *Administrative Monetary Penalties By-law*.

### **Cost Recovery and Unpaid Fines and Penalties**

- (1) Where the *City*, its employees or authorized agents have performed the work required to bring the *Property* into compliance with the by-law, all expenses incurred by the *City* in doing the work as well as any related fees, shall be deemed to be a debt to the *City* and may be collected by the *City* or added to the tax roll for the *Property* and collected in the same manner as taxes.
- (2) The treasurer of a municipality may add any unpaid fine or administrative monetary penalty to the tax roll for any *Property* in the local municipality of which all of the *Owners* are responsible for paying the fine and collect it in the same manner as municipal taxes.

### **Designation**

- (1) Schedule 1 of the *Administrative Monetary Penalties By-law*, as amended, is hereby amended by including this By-law as a *Designated By-law*.