

Committee of the Whole (1) Report

DATE: Tuesday, November 22, 2022

WARD(S): ALL

TITLE: LICENSING BY-LAW AMENDMENTS, SNOWPLOW
CONTRACTORS

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

As staff continue to review and revise the City's regulatory by-laws as part of its Council-approved By-law Strategy, staff identified a need to make amendments to City's Licensing by-law and to introduce a new type of licence for snowplow contractors. This report seeks approval for a series of Licensing By-law amendments.

Report Highlights

- Improvement of by-laws support a number of Term of Council Strategic Priorities, including good governance, citizen experience and operational performance.
- The City's current consolidated Licensing By-law was approved by Council in June 2022 and is constantly undergoing improvement and introduction of new business categories, accommodation of changing business needs, and enhancement of administrative processes.
- This report proposes amendments to, among other things, introduce a new type of business licence for snowplow contractors, define some specific terms in the by-law and add specific requirements for other contractors to the City's Licensing By-law and to introduce a licensing fee for snowplow contractors to the City's Fees and Charges By-law.

Recommendations

1. THAT the City's Licensing By-law be amended to introduce requirements for snowplow contractors and snowplow operators;
2. THAT the City's Licensing By-law be amended to state additional similar requirements for other contractors;
3. THAT the City's Licensing By-law be amended to define specific terms in the By-law and make other technical amendments;
4. THAT the City's Fees and Charges By-law be amended to introduce a specific application fee for snowplow contractors and for snowplow vehicles' placards;
5. THAT the recommendations in Attachment 1 of this report be adopted in their substantive form; and
6. THAT all by-law amendments be enacted giving effect to these recommendations, in a form satisfactory to the City Solicitor.

Background

The current consolidated version of the City's Licensing By-law was approved by Council in June 2022. The by-law provides a licensing system for certain businesses in order to ensure the health and safety of persons, the protection of consumers and the mitigation of nuisances. The by-law sets licence application and renewal requirements, provides a system for reviewing, approving or refusing, suspending and appealing licences. The Licensing By-law is constantly undergoing improvement and, due to its complexity and depth, staff have been undertaking the by-law review for the Licensing By-law in stages, with its consolidation in June being the first stage of the major review. Staff are constantly accommodating changing business needs and introducing new business categories. Through this report, staff are addressing a number of complaints received from the citizens on improper snow removal and issues connected with hired snowplow contractors in the City.

Previous Reports/Authority

- [Licensing By-law 122-2022](#) (approved by Council on June 28, 2022);
- [Fees and Charges By-law 158-2021](#) (approved by Council on December 9, 2021).

Analysis and Options

The City's Licensing By-law provides licensing requirements for various types of contractors including landscapers, pavers, fence installers, pool installers and renovators. For the safety of citizens and consumer protection, staff decided to explore the possibility of regulation of another type of contractors – snow removal businesses. BCLPS conducted

an analysis of the City's complaints data and a cross-jurisdictional scan of licensing regulations in other municipalities.

Cross-scan:

BCLPS has conducted a cross-jurisdictional scan, comparing licensing requirements for snowplow contractors in multiple municipalities in Ontario. This scan identified three municipalities in Ontario who are already regulating snow removal business. They include Ottawa, Oakville and Barrie. Two of these municipalities regulate snowplow contractors under general landscaper licence, while Ottawa has a separate licence for this type of business. The cost of the licence varies from \$245 to \$567 with an average cost of licence being \$387, while Ottawa charges additional \$36 per every snowplow vehicle. Most municipalities ask for the equipment to be in a good condition, for commercial liability insurance, registration for every snowplow and not to deposit snow or ice on municipal property. Also, Ottawa precisely state that no snowplow vehicle shall obstruct municipal right of the way. Oakville requires signing a contract with the customer prior to commencing any work and to have the company's name on every vehicle used in the business, as well as on all forms, contracts and invoices. Ottawa also has an age requirement – eighteen years old for the operators.

Complaints' data (2017-2022):

Since 2017 and up to the current moment, BCLPS received 369 snow-related complaints. Eight complaints derived from the snow being removed in the afterhours or causing too much noise. Five complaints were connected with snowplow equipment either not parked properly or blocking the way. Twelve complaints derived from snow removal advertising signs placed in improper places. The remaining 344 complaints were connected with illegal dumping of snow in various places, including public and private property. Details on complaints are as follows:

- Snow dumping on the road/public or private property – 344
- Snow removal signs/advertising signs – 12
- Snowplow equipment not parked properly/blocking the way – 5
- Noise caused by snow removal – 5
- Snow removal in the afterhours – 3

Based on the input received from internal consultations with other departments, complaint and enforcement data and the jurisdictional comparison of the municipalities above, staff explored a number of options in each area to arrive at its conclusions and make its recommendations to Council. These recommendations were reviewed by other departments including Transportation and Fleet Management Services Department, Parks, Forestry and Horticulture Operations Department and Legal Services Department.

Recommendations

Staff are proposing amendments to the Business Licensing By-law to introduce a new type of licence for snowplow contractors. Also, staff recommend providing additional similar requirements for existing types of licensed contractors. The proposed amendments include:

- 1) requirement for the contractors to provide and sign a contract with a customer prior to commencing any work. Such requirement will ensure that customers are aware of the work and price, as well as to keep contractors accountable. Also, prior to providing such contract, the contractor would be required to inform the customers of all relevant City by-laws and requirements;
- 2) defining such terms as governmental entity, road allowance, snowplow, snowplow operator, snowplow contractor and boulevard appurtenance for clarity and transparency purposes;
- 3) additional requirements for fence and pool installers, renovators, landscapers and pavers, such as: not to create hazardous conditions, maintain equipment in good state of repair and putting business's name, phone number and address on all forms, invoices and advertising materials. This will ensure customers' and general public safety and contractors' accountability;
- 4) exceptions from the licensing requirements for those people who provide neighbourly assistance or provide snow removal services with the help of manually-operated or pushed machines and shovels. This will ensure that people who provide snow removal services pro bono will not be affected by these regulations. Other licence exceptions include snowplow contractors hired by the City for municipal work or those who have been approved under CHATS Snow Removal Program, as long as they do not provide any other snow removal services except for those within the scope of CHATS Program. This will ensure public snow clearing work is not affected and people will be able to use CHATS program without any interference;
- 5) requirement for every snowplow contractor to have placards attached to their vehicles with company's name and City's licence number, so such businesses can be held accountable and can be easily tracked by enforcement services in case of any violations;
- 6) requirement for snowplow contractors and operators not to create hazardous conditions and not to deposit snow or ice on any road allowance or other municipal property or to obstruct the access to boulevard appurtenances. This will ensure easy access for public works and emergency crews in the event of emergency situations.

Also, it will ensure public safety. Another condition of a licence is not to deposit snow or ice on private property without obtaining prior consent of the property's owner. This will reduce number of complaints from the neighbours on illegal snow dumping;

- 7) obligation for snowplow contractors to remove any snow or ice which was illegally deposited. In case, it's not being done, the City may issue a notice, provide remedial work and charge the contractor for the City's expenses;
- 8) requirement for the snowplow contractors to keep all equipment in a good state of repair for public safety.

Also, staff propose to add initial and renewal fees for snowplow contractors to the City's Fees and Charges By-law in line with the fee amount for other contractors – \$467 (initial) and \$219 (renewal). As well, staff recommend adding a fee for snowplow vehicles' placards – seven dollars, in line with other contractors' vehicles.

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those already discussed in this report.

Conclusion

The proposed amendments and recommendations are intended to provide better safety to the public, ensure easy access to municipal right of way and public boulevard appurtenances and also to address dumping concerns. This can be achieved by regulating snowplow contractors and introducing specific requirements for this type of business. The provided recommendations will support City of Vaughan Council priorities such as good governance and maintaining safety in the community.

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

Attachment

1. Proposed By-law Amendments.

Prepared by

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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