

Fines for Failing to Clear Snow and Ice from Sidewalks

EXECUTIVE SUMMARY

Council directed Administration to add penalties for Section 67(1) offences to the Street Bylaw 20M88, including an escalating fine for second and third offences in a 12-month period. Accordingly, Administration seeks Council approval of the attached amending bylaw to ensure a fine structure is in place for the 2018-2019 winter season.

ADMINISTRATION RECOMMENDATION:

That Council give three readings to Bylaw 36M2018 (Attachment 1) to amend the Street Bylaw 20M88.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2018 June 25, as a result of the Improving Accessibility and Reducing Injuries through Snow and Ice Control Report (TT2018-0467), Council directed Administration to prepare amendments to the Street Bylaw 20M88 to include fines for failing to clear snow and ice from the public sidewalk.

BACKGROUND

Section 67(1) of the Street Bylaw 20M88 sets the requirements for private property owners to remove snow and ice from sidewalks parallel and adjacent to their properties within 24 hours after the ice and snow has been deposited. The exceptions are where the sidewalk or pathway is separated from the rest of the parcel by a developer-built retaining wall or community screening fence, or a sound attenuation barrier.

Current enforcement practice is to issue the owner/occupant of a parcel a Snow and Ice Removal Notice, which gives them 24 hours to clear the sidewalk. This approach results in compliance 89% of the time. However, if after 24 hours the sidewalk had not been cleared, the file is then sent to a contractor to clear the sidewalk at the owner's expense.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The Street Bylaw does not have a fine associated with failure to remove snow and ice from a sidewalk or pathway. Instead, costs of clearing the sidewalk are billed to the adjacent property owner. If the property owner fails to pay the invoice, these costs are added to the annual property tax bill. Fines for Section 67(1) violations will add to enforcement options on the Compliance Continuum (Attachment 2).

Administration continues to streamline the process of responding to snow and ice complaints and would value a secondary tool of fines being issued to properties who continuously create situations of snow and ice buildup on the sidewalks. Community Peace Officers (CPOs) would continue to approach each situation starting with education and leading to possible corrective action. In certain cases, a fine may be appropriate in addition to taking corrective action.

The recommended specified penalty for Section 67(1) violations is \$250, with an escalating scale for subsequent offences to the same property owner over a twelve-month period with a minimum of no less than \$150. The penalty amount is in line with other fines for contraventions on public property. Specified penalties are the prescribed amount a CPO must write a violation

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ticket for, while the minimum penalty is the lowest a court could apply for this charging section after evaluating the circumstances of each case. The minimum penalty is in line with the minimum charge for corrective action. The table below indicates the proposed fine structure and the proposed bylaw can be found in Attachment 1.

Section	Description	Minimum Penalty	Specified Penalty	Second offence in a 12-month period*	Third and subsequent offence in a 12-month period*
Section 67(1)	Owner or occupant fail to remove snow and ice from adjacent sidewalk or pathway within 24 hours	\$150	\$250	\$500	\$750

*Second, third, and subsequent charges can only be issued after conviction on previous charges

Stakeholder Engagement, Research and Communication

This report is in alignment with earlier research and engagement undertaken as part of Improving Accessibility and Reducing Injuries through Snow and Ice Control Report, TT2018-0467. In addition, Administration completed targeted engagement with CPOs, many of whom indicated that fines for Section 67(1) violations would aid in enforcement of snow and ice rules.

Strategic Alignment

In addition to Council's 2016 Pedestrian Strategy, efforts to improve winter walking conditions also align with the goals and objectives outlined in the Calgary Transportation Plan, Municipal Development Plan and the Council Priorities from Action Plan 2015-2018:

- A City that Moves. Responding to the need for a variety of affordable and efficient transportation choices.
- A Healthy and Green City. Responding to the need to encourage healthy and active lifestyles for all Calgarians.

Social, Environmental, Economic (External)

Improvements to snow and ice control in our pedestrian spaces will provide opportunities for Calgarians to be mobile during the winter season, regardless of age, gender, income or ability. Being mobile not only improves the health of individuals, it promotes independence and fosters social interaction and community awareness. A well maintained pedestrian realm promotes year-round access to employment, shopping and services, and adds value to public spaces and to the social fabric that keeps Calgary a competitive and international city built around strong neighborhoods.

Having more citizens walk is a key long-term strategy for improving air quality while reducing Calgary's per capita consumption of energy from fossil fuels, which is the dominant source of greenhouse gas emissions and air pollution at the local level.

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Financial Capacity

Current and Future Operating Budget:

There are no current or future operating costs associated with this report. Fines for Section 67(1) violations add to enforcement options on the compliance continuum which CPOs will integrate into their daily activities.

Current and Future Capital Budget:

There are no capital costs associated with this report.

Risk Assessment

Issuing fines may result in an increase to the time required to complete a file as provincial legislation requires a violation ticket for this type of offense to be served in person, unless the fine is to a registered company. A CPO would be required to exercise discretion on the application of a fine, which would support Council's direction to fine chronic problem properties. Snow and ice complaints may create a heavy caseload in winter months. Time spent tracking down property owners to issue fines will take away from a CPO's ability to investigate and remedy other files. This risk will be mitigated using the compliance continuum which focuses first on education, then a warning, and in few cases, may result in a fine.

REASON(S) FOR RECOMMENDATION(S):

This report addresses direction from Council to amend the Street Bylaw 20M88 to introduce Section 67(1) fines.

ATTACHMENT(S)

1. Attachment 1 –Bylaw 36M2018 to amend Bylaw 20M88 the Street Bylaw
2. Attachment 2 – Compliance Continuum