




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 22, 2022
SUBJECT/REPORT NO:	Amendment to the Snow and Ice By-law (PED22064) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kelly Beaton (905) 546-2424 Ext. 4910
SUBMITTED BY:	Monica Ciriello Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the draft By-law, attached as Appendix “A” to Report PED22064 to amend the Snow and Ice By-Law 03-296, to include a definition of “snow clearing”, be approved; and,
- (b) That this item be considered resolved and as such be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

An amendment to include a definition is occasionally required to enhance and clarify what constitutes compliance under a By-law. Staff recommend amending the Snow and Ice By-law 03-296 (By-law) to include a definition of “snow clearing” to specify the exact perimeters around the clearing area and requirements which is consistent with the City of Hamilton’s (City) approved vendor contract. Staff also considered options pertaining to the requirements for “snow clearing” around fire hydrants.

Alternatives for Consideration – see Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On October 15, 2003, City Council passed and enacted the City Snow and Ice By-Law 03-296, being a By-law to provide for the removal of snow and ice from roofs and sidewalks. This By-law replaced and consolidated the former area municipal snow and ice By-laws.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Internal consultation: Public Works: Transportation Operations & Maintenance and Fire Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Snow Clearing Definition:

Currently, the By-law does not provide for a specific definition of clearing snow and ice making it inconsistent and unclear for property owners on their responsibilities and what constitutes compliance. Staff recommend including the definition below which is consistent with the City's approved vendor contract.

“snow clearing” means to remove and clear all snow and ice to the pavement front, side or rear from the road to the lot line and pile snow on the property;

Removing Snow from Fire Hydrants:

At the Planning Committee meeting of February 1, 2022, Staff was asked to consider an amendment to the By-law for the clearing snow from or around fire hydrants. Staff reviewed applicable City By-laws, consulted with internal departments and completed a municipal jurisdictional scan.

City By-laws:

There are two City By-laws that refer to fire hydrants. Under both By-laws, the act of depositing snow that obstructs access to a fire hydrant is prohibited, this would require enforcement to observe the contravention.

The Snow and Ice By-Law 03-296

7. No owner or occupant shall throw, place, bring, or deposit snow or ice:

(a) On or immediately adjacent to a fire hydrant, or in any manner that obstructs access to a fire hydrant.

Streets By-Law 86-77

(5) Manner of Removal. In the clearing away and removal of snow and ice from sidewalks or roofs, no snow or ice shall be deposited in such manner as to obstruct drainage to any drain or sewer, or to obstruct access to any fire hydrant, and no such snow or ice shall unnecessarily be deposited upon the travelled portion of any highway.

In consultation with the Fire Department and Public Works – Transportation Operations & Maintenance, both departments were supportive of the language already provided in the two City By-laws. Staff was advised that during the spring / summer months when overgrown vegetation may be an issue, Public Works – Water Department provides residents with hydrants door knockers outlining the additional requirement under the Ontario Fire Code Regulation 388/97 which states:

“every owner shall ensure that all fire hydrants located on their property or on City property adjacent to their property are clearly visible and unobstructed at all times in accordance with the Ontario Fire Code Regulation.

Although a potential Fire Code violation, if the Fire Department is notified of a hydrant obstruction, it is referred to By-law for enforcement under the Streets By-law. Between 2019 -2021, By-law received a total of 35 complaints for hydrant obstruction, most commonly due to overgrown vegetation:

- 2019: 6 snow obstruction, 17 vegetation obstruction, 0 fence obstruction
- 2020: 0 snow obstruction, 4 vegetation obstruction, 3 fence obstruction
- 2021: 8 snow obstruction, 14 vegetation obstruction, 3 fence obstruction

By-law has received reports from the Fire Department of complainant-based areas of concern for snow and ice accumulation around hydrants, this has not resulted in health and safety issues pertaining to not having the ability to locate or access a hydrant.

Municipal Jurisdictional Scan:

City	Does the Snow and Ice By-law regulate hydrant snow clearing?
Toronto (ON)	No. The Water By-law has similar language as Hamilton that “no person shall throw, place or deposit snow or ice”.
London (ON)	No. The Water By-law mentions fire hydrants but there is no mention of snow.
Oakville (ON)	No. Fire hydrants are not mentioned in any City By-law.
Region of Peel	No. The Water By-law has similar language as Hamilton that “no person shall throw, place or deposit snow or ice”.

Based on a review of the City’s By-laws, internal consultation and a jurisdictional scan, Staff do not recommend amending the By-law to include the clearing of snow and ice around hydrants and are satisfied that other means of enforcement can be followed to ensure health and safety.

ALTERNATIVES FOR CONSIDERATION

That staff amend section 5 of the *Streets By-Law 86-77* to read:

(5) Manner of Removal. In the clearing away and removal of snow and ice from sidewalks or roofs, no snow or ice shall be deposited in such manner as to obstruct drainage to any drain or sewer, or to **accumulate and obstruct access to any fire hydrant, ensuring 1m clearance surrounding the hydrant** and no such snow or ice shall unnecessarily be deposited upon the travelled portion of any highway.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22064 – Draft By-law to amend the Snow & Ice By-law
03-296