

HALIFAX

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Halifax, Nova Scotia
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Item No. 14.1.8
Halifax Regional Council
April 25, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: March 10, 2017

SUBJECT: Petition – Saraguay Place Snow Plowing

ORIGIN

On February 7, 2017, Halifax Regional Council passed a motion directing staff to prepare a recommendation report concerning the petition put forward by residents on Saraguay Place. The petition, endorsed by 6 of the 8 households on the street, requests that the Halifax Regional Municipality cease sidewalk snow clearing operations due to damage caused by snow removal equipment.

LEGISLATIVE AUTHORITY

Subsection 322(3) of the *Halifax Regional Municipality Charter* provides that “The Council may expend funds for the purpose of clearing snow and ice from the streets, sidewalks and public places in all, or part, of the Municipality.”

Clause 320(1)(a) of the *Halifax Regional Municipality Charter* provides that “The Council may, by by-law, require the owner, occupier or person in charge of a property to clear snow and ice from the sidewalks adjoining the property.”

Clause 4(1)(a) of By-Law S-300 -- the *Streets and Services By-Law*, provides that an “Owner, except where snow removal service is provided by the Municipality, shall remove all snow and ice, from any sidewalk which abuts any side of their property; ...”

RECOMMENDATION

It is recommended that Halifax Regional Council direct the CAO to maintain the Municipality’s existing winter sidewalk snow clearing services for Saraguay Place.

BACKGROUND

On February 7, 2017, a petition from the residents of Saraguay Place, Halifax Nova Scotia, was presented to Halifax Regional Council. The petition, endorsed by 6 of the 8 households on Saraguay, states that the sidewalk snow removal equipment is causing property damage and depositing excessive amounts of debris as a result of the equipment being too large for the sidewalk. The petitioners request that the Halifax Regional Municipality cease sidewalk snow removal operations, allowing the responsibility to revert to the homeowners.

The 2017-2021 Strategic Plan provides the following guidance on this matter:

1. Service Delivery - HRM meets the needs of the people it services, resulting in greater satisfaction with, and confidence in the municipality.
2. Social Development – HRM is a leader in building an accessible community where everyone can participate fully in life, including persons with disabilities and seniors.
3. Pedestrian Safety – Pedestrians in Halifax are provided with a safe environment in which to walk.

DISCUSSION

The sidewalk in question, measures 1.2m in width and approximately 128m in length. This does not conform to HRM's Municipal Design Guidelines (Red Book), which require sidewalks measure a minimum of 1.5m in width. The existing narrow sidewalk presents operational challenges, as the equipment currently used is designed to clear the standard width sidewalks. Going forward, mechanical equipment measuring 1.2m or less, supplemented by manual equipment and materials such as shovels, snow blowers and de-icing agents, will be used in place of the equipment currently being used. Using equipment appropriate for the sidewalk should relieve the residents' concerns around property damage and the deposition of debris.

The current sidewalk clearing contracts, which fall under tender document 14-086, are due to expire this spring. The new contracts will contain updated language, requiring all contractors use equipment appropriate for the sidewalk in question. This would mean that sidewalks measuring less than 1.5m will require specialized mechanical equipment, or that the snow be removed without the use of mechanical equipment altogether. Should there be any damage relating to snow removal, the contractor is and will continue to be responsible for the repairs. In addition to the cost of damage repairs, a liquidated damage penalty will also be levied against the contractor, should they continue to use equipment larger than the width of the sidewalk.

FINANCIAL IMPLICATIONS

As it is recommended that the existing winter sidewalk snow clearing services for Saraguay Place be maintained, there are no resulting financial implications.

RISK CONSIDERATION

Should Halifax Regional Council decide to discontinue sidewalk snow removal on Saraguay, the responsibility would revert to the residents whose property abuts the sidewalk, as per By-law S-300. Prior to approving the request, and allowing the residents to become responsible for snow clearing, many areas of risk should be considered, including:

- The impact upon potential future homeowners. It is possible that a future property owner on the street may not be willing or able to provide the sidewalk snow removal services;
- Enforcing the residents' compliance with By-Law S-300;

- The precedent that could be set for similar requests from residents on other streets; and
- Consistency of service with other streets.

COMMUNITY ENGAGEMENT

A petition of names from the property owners abutting this sidewalk has been received identifying that they request that HRM cease to provide the winter sidewalk services to the identified sidewalk. No broader community consultation has been undertaken.

ENVIRONMENTAL IMPLICATIONS

None

ALTERNATIVES

Alternatively, Halifax Regional Council could direct the CAO to cease sidewalk snow clearing operations on Saraguay Place. This is not recommended as the residents' concerns should be alleviated by using equipment appropriate to the sidewalk width.

ATTACHMENTS

Attachment 1 – Petition
Attachment 2 – Map of Area

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Trevor Harvie – Superintendent Winter Works

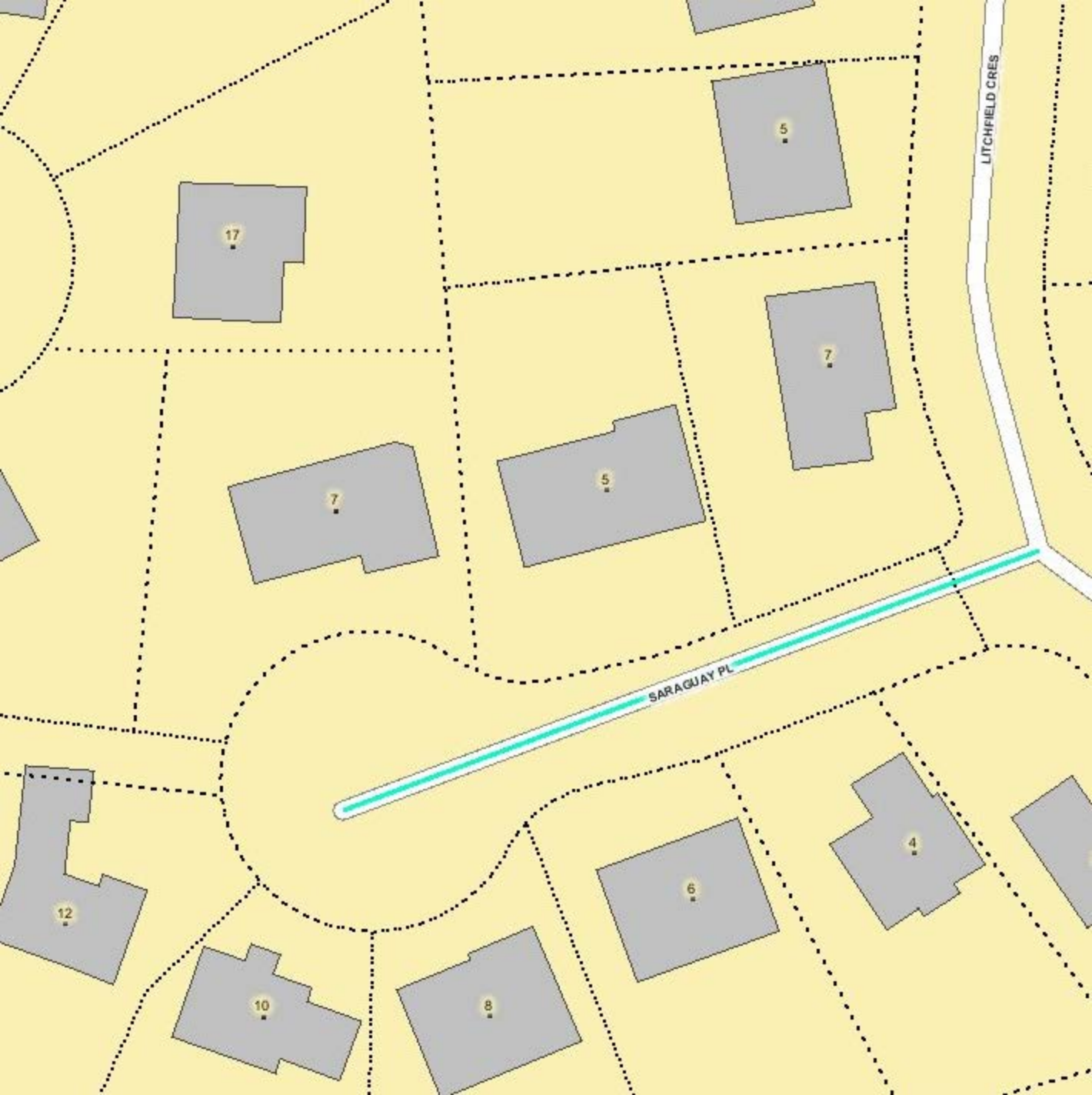
Submitted to Regional Council
February 7, 2017 by Council
Cleary [redacted]

Petition

We, the undersigned residents of Saraguay Place, Halifax, Nova Scotia wish to petition the City of Halifax to **stop the Bobcat plowing** of our communal sidewalk. Since the residents of 7 of the 8 homes residing on Saraguay Place remove the snow with their own snow removal equipment (snowblowers), therefore we find it unnecessary that the city provide this service. More importantly there is damage to our lawns, shrubs and gardens, due to the fact that the plow is significantly wider than our sidewalk (by approximately half, 32" sidewalk versus at least a 64" plow) resulting in torn up sod, damaged rose bushes and the plowed debris being dumped on private property thus causing more damage.

Yours Truly,

- [redacted] 7 Saraguay Place
- [redacted] 10 Saraguay Place.
- [redacted] 12 Saraguay Place.
- [redacted] 6 Saraguay Place
- [redacted] 4 Saraguay Place
- [redacted] 8 Saraguay Place



LITCHFIELD CRES

SARAGJAY PL

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