



MEMO

VILLAGE OF POINT EDWARD



MEMO RE: Winter Maintenance for Sidewalks and Paths

DATE: January 11, 2021

PREPARED FOR: Operations Committee

PREPARED BY: Operations Manager

RECOMMENDATION: THAT the Committee receive the memo titled “Winter Maintenance for Sidewalks and Paths” for future discussion at Council.

DESCRIPTION: [Click or tap here to enter text.](#)

The purpose of this memorandum is to initiate a preliminary conversation about winter maintenance on sidewalks and pathways in the Village. Due to the contentious nature of sidewalk maintenance as well as potential for liability, Public Works would appreciate direction from Council regarding acceptable levels of service for the maintenance of sidewalks and pathways during the winter months.

DISCUSSION:

1. Background

- a) Under the Municipal Act, a lower tier municipality is responsible for the maintenance of sidewalks and is liable for personal injury caused by snow or ice on a sidewalk in case of gross negligence.
- b) The village does not currently have a formal sidewalk maintenance policy or by-law. The current version of the winter operations plan adopted by the Village says that “sidewalk clearing is our organization’s responsibility” but does not go into further detail and does not address which sidewalks are being maintained.
- c) Public Works staff are currently maintaining selected sidewalks and all pathways. The route selected for maintenance has been at the discretion of staff, based on what they feel is appropriate and what is practical with the available equipment. As far as Operations Manager is aware, this has not yet been endorsed by Council. The current sidewalks being maintained are:
 - i) Lite Street (from Front St. N to Mara Street)
 - ii) Mara Street
 - iii) Michigan Avenue through downtown.
 - iv) Sidewalk in front of Bridgeview School
 - v) Sidewalk in front of Elks Park
 - vi) Sidewalk in front of Optimist Park



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- vii) Sidewalk in front of McCrae Park
 - viii) Sidewalk in front of Park on Simpson Street
 - ix) Sidewalk in front of Park on Helena Street
 - x) Sidewalk in front of Tennis Courts
 - xi) Entire Pathway network.
- d) Remaining sidewalks are either not maintained or maintained by the residents. A letter is sent out annually to remind residents that they are responsible for maintaining the sidewalk in front of their house within 24 hours of a winter event.
- e) The minimum requirement for sidewalk maintenance as per the Minimum Maintenance Standards is that snow accumulation in excess of 8 cm shall be addressed within 48 hours.

2. Limitations

a) Sidewalk Width

Sidewalks in the village primarily range in width from 36” to 48”. This width is narrower than the general standard for sidewalk width. Most municipalities are moving towards 5ft wide sidewalks to allow for easier winter maintenance.

b) Available Equipment

Current sidewalk plowing equipment has a 48” wide blade. This makes it challenging to maintain sidewalks in the winter as there very little room for operator error. Using current equipment on sidewalks 48” or narrower would result in potential damage to homeowner’s yards and potential complaints from residents. In speaking to neighbouring municipalities and contractors, there is not any suitable equipment narrower than 48” for sidewalk maintenance.

3. Recommendation

It is the recommendation of Public Works that the Village adopt a formal sidewalk and pathway winter maintenance policy that can be incorporated into the Winter Operations Planning Document. The ideal policy would depend on Council’s comfort level of exposure to liability and the availability of resources. Realistically, the Village has the following options:

a) **Option 1 – Village staff to maintain selected sidewalks and the entire pathway system, residents to maintain sidewalk in front of their house**

- i) This option would mean we continue winter sidewalk maintenance as it is being done currently. However, Council should review the current level of service and adopt it as a formal policy and pass a “Sidewalk Maintenance



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- By-law". The By-law should state that residents are required to maintain the sidewalks in front of their houses. Consideration could be given to establishing a fine for residents who are not maintaining the sidewalks in front of their residences.
- ii) Public Works Staff, CAO and Council should all be on the same page about what sidewalks are being maintained.
 - iii) Village is still liable if there is a personal injury case and a resident is not maintaining their sidewalk effectively. However, exposure to liability should be minimal.
 - iv) There will always be some residents who complain yearly about the policy, however, the number of complaints should be minimal with this option.
 - v) This is the most common option adopted by most municipalities.
- b) **Option 2 – Village staff to maintain all sidewalks and all pathways**
- i) On paper, this would mean limited liability for the Village. In reality, it will be challenging to meet this level of service with our given resources. Since the first priority for our staff is maintaining roads, and due to restrictions with maximum working hours per day, there is a possibility that adopting this policy would result in staff being unable to perform sidewalk maintenance in a timely manner during winter weather events. There is a strong possibility that adopting this option would result in having an adopted policy that the staff is unable to meet consistently, which could potentially increase the liability for the Village.
 - ii) There is potential for significant overtime for staff members. Maintaining all sidewalks will be very time consuming.
 - iii) This policy will set a precedent that may be difficult to back out from once adopted.
 - iv) There may be potential of damaging people's front yards, especially where the sidewalks are narrower than 48".
 - v) There may be a strong likelihood that more residents will complain about a damaged yard than about having to maintain sidewalks. Damage to yards will be unavoidable, regardless of how careful the operators are. This is a common issue faced by municipalities and not related to operator experience. Some municipalities choose to go ahead with maintaining sidewalks in the winter and then repair the residents' yards in spring. This can be incorporated into this option as well, but this could also result in more complaints (i.e. residents not satisfied with quality of repairs).
 - vi) Overall, it is the recommendation of Public Works that this is not a suitable strategy for the Village, given our resources and equipment.



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c) **Option 3 – Village staff to maintain selected sidewalks and close remaining sidewalks**

- i) Section 16.8 of the Minimum Maintenance Standards for Municipal Roads (MMS) allows a municipality, pursuant to its powers, to close a highway or part of a highway which could be the roadway, the sidewalk, the bicycle lane, all three asset types or any combination thereof.
- ii) The Village could choose to close the sections of sidewalks that are not being maintained. This would require passing of a by-law and additional measures like posting signage on sidewalks, and posting notices on the Village website as well as social media. Notices will indicate closure of the sidewalk and dates that the sidewalk will not be maintained.
- iii) Many municipalities choose to close a portion of their sidewalks to manage liability. It is a common strategy. For instance, City of Sarnia only maintains 50% of their sidewalks and declares the remaining “Closed”.

It is the opinion of Public Works that Options 1 and 3 are suitable options that can practically be followed by staff given our resources. It is imperative that the Village adopts a policy that can be consistently followed. To reiterate, the goal should not be to provide the highest level of maintenance. The goal should be to provide an appropriate level of maintenance that can be met consistently, while mitigating liability for the Village.

Regardless of which option is deemed suitable for the Village by Council, it should be adopted formally and included in the Winter Operations Plan.

Public Works is hoping that Council can review the options presented in this memo and come back with any clarification or questions, before adopting a formal policy on the matter.

Imran Khalid
Operations Manager