

1. Amendments to the Use and Care of Roads By-law

Modifications apportées au Règlement sur l'utilisation et l'entretien des routes

Committee recommendations as amended

That Council approve:

1. The amendments to the Use and Care of Roads By-law No. 2003-498 and the Road Activity By-law No. 2003-445 as described in this report, and that the report be amended to read as follows:
  - a. That residential gardening will be permitted to the edge of roadway where no curb exists;
  - b. No free library box may be installed within half (0.5) metre of a roadway
2. That staff be directed to include as part of the proposed amendments to the Use and Care of Roads By-law a list of terrestrial plants prohibited from planting in right-of-ways, compiled from the Invasive Species Act, 2015, S.O. 2015, the Weed Control Act, R.S.O. 1990, c. W.5, and the Auditor General's November 2022 report concerning the management of invasive species, in addition to the other proposed restrictions in the By-law; and
  - a. that staff be directed to update the list from time to time as required; and
  - b. that staff be directed to share this list with local nurseries and retail locations

Recommandations du Comité, telle que modifiées

Que le Conseil municipal approuve:

1. les modifications apportées au Règlement sur l'utilisation et l'entretien des routes (n° 2003-498) et au Règlement sur les travaux

routiers (n° 2003-445), comme décrites dans le présent rapport, et que le rapport soit modifié comme suit :

- a. Le jardinage résidentiel sera permis au bord de la chaussée là où il n'y a pas de bordure.
  - b. Aucune boîte à livres (bibliothèque) ne peut être installée à moins d'un demi-mètre (0,5 m) de la chaussée.
2. que l'on demande au personnel d'inclure, dans le cadre des modifications proposées au Règlement sur l'utilisation et l'entretien des routes, une liste des plantes terrestres qu'il est interdit de planter dans les emprises, tirée de la Loi de 2015 sur les espèces envahissantes, L.O. 2015, de la Loi sur la destruction des mauvaises herbes, L.R.O. 1990, chap. W.5 et du rapport du vérificateur général de novembre 2022 sur la gestion des espèces envahissantes, en plus des autres restrictions proposées dans le Règlement;
- a. que l'on demande au personnel de mettre à jour la liste de temps à autre, au besoin;
  - b. que l'on demande au personnel de partager cette liste avec les pépinières et commerçants locaux.

Documentation/Documentation

1. Director's report, Right of Way, Heritage, and Urban Design Services, Planning, Real Estate and Economic Development Department, dated 26 May 2023 (ACS2023-PRE-RHU-0026)

Rapport du Directeur, Services des emprises, du patrimoine, et du design urbain, Services de la planification, des biens immobiliers et du développement économique, daté le 26 mai 2023 (ACS2023-PRE-RHU-0026)

2. Extract of draft Minutes, Transportation Committee, 22 June 2023.

Extrait de l'ébauche du procès-verbal, Comité des transports, le 22 juin 2023.

Amendments to the Use and Care of Roads By-law

File no: ACS2023-PRE-RHU-0026 – City-wide

Following a presentation, the following staff were present and responded to questions:

- Chris Warren, Specialist, By-law Review, Planning, Real Estate & Economic Development Department
- Rob Maclachlan, Program Manager, Right of Way, Planning, Real Estate & Economic Development Department
- Jennifer Therkelsen, Program Manager, Bylaw Enforcement Services, Emergency & Protective Services Department
- Alain Gonthier, General Manager, Public Works, Public Works Department

The Committee then heard from the following delegations:

- William Van Geest, Ecology Ottawa
- Yasmine Hadid
- Angela Keller-Herzog, CAFES
- Raewyn Khosla, For Our Kid's Ottawa/Gatineau
- Judith Haney
- Kathy Vandergrift
- Kate Veinot, Community Gardening Network, Just Food
- Kristi Ross, Just Food
- Moe Garahan, Just Food
- Jeff Collins

- Bill Brown
- Kari-Anne Murphy, Ottawa South Eco Action Network
- Phillipa MacDonald
- Iola Price
- Heather McLeod Kilmurray
- Marianne Ariganello

The following written submissions was received by, and is filed with the Office of the City Clerk, and distributed to Committee Members:

- K. Vandergrift, letter dated June 20, 2023
- People's Official Plan Coalition, letter dated June 20, 2023
- A. Keller-Herzog, letter dated June 21, 2023
- B. Brown, email dated June 21, 2023
- G. Trejo, email dated June 21, 2023
- I. Price, letter dated June 21, 2023
- K. Moore, letter dated June 22, 2023
- C. Murray, email dated June 23, 2023

The Committee carried the report recommendations as amended.

### **Report Recommendation(s)**

**That the Transportation Committee recommend that Council:**

- 1. Approve the amendments to the Use and Care of Roads By-law No. 2003-498 and the Road Activity By-law No. 2003-445 as described in this report.**

**Carried as amended**

**Amendment**

**Motion No. TRC 2023-06-1**

Moved by C. Kitts

**WHEREAS** with respect to report ACS2023-PRE-RHU-0026 titled **Amendments to the Use and Care of Roads By-law the Asset Management Implications** were provided after the public release of the report; and

**WHEREAS** City staff submitted revised **Asset Management Implications** to insert into Page 29 of the report;

**THEREFORE BE IT RESOLVED THAT** with respect to report ACS2023-PRE-RHU-0026 Transportation Committee accept the report, as revised, with the revised **Asset Management Implications** section on Page 29 of the report, with the following wording:

*The proposed updates to the City of Ottawa Use and Care of Roads By-law 2003-498 have several asset management implications. The following points highlight the specific implications:*

- *Integration of Best Practices: Staff considered best practices from other municipalities that permit landscaping projects, free library boxes, and pop-up retail displays within the right of way. This integration of successful approaches from other jurisdictions promotes knowledge sharing and allows for the adoption of effective strategies in asset management.*
- *Collaboration with Utility Companies: Consultations with utility companies ensure that the proposed amendments do not conflict with existing or future utility projects. This collaboration minimizes potential disruptions to utility infrastructure and promotes coordination between asset management efforts and utility operations.*
- *Maintaining Service Levels: The objective during the integration of new assets was to ensure there was no decrease in the service life, level of service, or disruption of service or maintainability for existing assets. This approach safeguards the performance and functionality of the city's infrastructure, avoiding any adverse effects on service delivery to residents and other stakeholders.*

- *Risk Assessment for Infrastructure: The report considers risks and potential damages to infrastructure within the right of way. This assessment helps identify potential vulnerabilities and develop strategies to mitigate risks, ensuring the resilience and longevity of the city's assets.*
- *Limitations on City's Responsibilities: The report clarifies that the City will not guarantee the success of, nor maintain any residential garden within the right of way. It also highlights that the City and utility companies will not be responsible for replacing or reinstating a residential garden if damaged by infrastructure installation, maintenance, repair, snow removal operations, or road maintenance activities. This clarifies the limitations on the City's obligations and reduces potential liabilities.*
- *Consideration of Stormwater Management: The report emphasizes that no gardening will be permitted within the front or back slope of a ditch due to its importance in stormwater management and drainage. This ensures that modifications or encroachments into the ditch area do not compromise its ability to effectively move stormwater, mitigating the risk of flooding and waterlogging in the neighborhood.*
- *Financial Sustainability Considerations: The proposed amendments, such as allowing residential gardening, free library boxes, and pop-up retail displays within the right of way, should include considerations for financial sustainability. Staff should assess the potential costs associated with implementing and maintaining these activities, ensuring that they are financially viable and align with the City's budgetary constraints. This evaluation will help ensure that the proposed amendments support long-term financial sustainability while providing additional options for residents and businesses within the right of way.*

*Overall, these implications demonstrate a proactive approach to asset management, considering compliance, collaboration, service levels, financial considerations, risk assessment, and the protection of critical infrastructure elements such as stormwater management systems.*

**Carried**

**Amendment**

**Motion No. TRC 2023-06-02**

Moved by L. Johnson

**WHEREAS many residential streets in the outer urban area have no sidewalks or raised curbs; AND**

**WHEREAS the City of Ottawa has allowed any gravel shoulders to be taken over by grass; AND**

**WHEREAS it is common for residents to currently garden to the edge of the roadway; AND**

**WHEREAS these gardens have not caused any problems for residents, for snow clearing operations, parking, or other municipal services; AND**

**WHEREAS allowing gardens to the edge of the Right of Way in urban areas and not allowing them in outer urban areas creates an unfair and unequal status, adding an additional burden for neighbourhoods where the City has failed to build storm sewers, raised curbs, or sidewalks;**

**THEREFORE BE IT RESOLVED THAT the report be amended to read, “Residential gardening will be permitted to the edge of roadway where no curb exists.”**

For (7): C. Kitts, J. Bradley, S. Devine, G. Gower, L. Johnson, W. Lo, and A. Troster

Against (4): T. Tierney, G. Darouze, S. Desroches, and M. Luloff

**Carried (7 to 4)**

**Amendment**

**Motion No. TRC 2023-06-03**

**WHEREAS proposed changes to the City’s Use and Care of Roads By-law will allow for residential gardening opportunities within the**

right of way, and as part of this a prohibited plant species list will be required to effectively manage invasive species locally; and

WHEREAS staff are proposing that the prohibited plant species list to be included within the proposed amendments to the Use and Care of Roads By-law No. 2003-498 will incorporate by reference the Invasive Species Act, 2015, S.O. 2015, c. 22 and Weed Control Act, R.S.O. 1990, c. W.5 to provide the requirements prohibiting certain plant species within the City right of way; and

WHEREAS through the consultation process residents have requested that there be additional plant species added to the proposed prohibited list, citing the Ontario Auditor General's report on the management of invasive species which identified deficiencies in the species listed in the Invasive Species and Weed Control Acts; and

WHEREAS the City has a recommended species list to avoid planting due to their invasive tendencies, and this list could serve as a source of additional species to prohibit, pending a review by staff; and

THEREFORE BE IT RESOLVED that staff be directed to include as part of the proposed amendments to the Use and Care of Roads By-law a list of terrestrial plants prohibited from planting in right-of-ways, compiled from the Invasive Species Act, 2015, S.O. 2015, the Weed Control Act, R.S.O. 1990, c. W.5, and the Auditor General's November 2022 report concerning the management of invasive species, in addition to the other proposed restrictions in the By-law; and

BE IT FURTHER RESOLVED that staff be directed to update the list from time to time as required; and

BE IT FURTHER RESOLVED that staff be directed to share this list with local nurseries and retail locations

Carried

Amendment



**Motion No. TRC 2023-06-04**

Moved by L. Johnson

**WHEREAS many residential streets in the outer urban area have no sidewalks or raised curbs; AND**

**WHEREAS the City of Ottawa has allowed any gravel shoulders to be taken over by grass; AND**

**WHEREAS residents have built and installed little free libraries close to the edge of the road throughout College Ward; AND**

**WHEREAS these little free libraries have not caused any problems for residents, for snow clearing operations, parking, or other municipal services; AND**

**WHEREAS putting a little free library more than half a metre from the edge of the road makes them inaccessible, particularly in winter, and defeats their purpose;**

**THEREFORE BE IT RESOLVED THAT the report be amended to read, “No free library box may be installed within half (0.5) metre of a roadway.”**

**Carried**

For (7): J. Bradley, S. Desroches, S. Devine, G. Gower, L. Johnson, W. Lo, and A. Troster

Against (4): T. Tierney, C. Kitts, G. Darouze, and M. Luloff

**Carried (7 to 4)**

**DIRECTION TO STAFF (Councillor S. Devine)**

That staff be directed to report back with respect to the matter of growing food on the right-of-way before the end of Q2 2024 based on information received from Public Health Ontario