

Subject: Snow Plow Contractor Licensing Review

File Number: ACS2024-EPS-PPD-0002

**Report to Emergency Preparedness and Protective Services Committee on 19
September 2024**

and Council 2 October 2024

**Submitted on September 10, 2024 by Jerrod Riley, Program Manager, Public
Policy Development Branch, Emergency and Protective Services Department**

**Contact Person: Ashley Cheslock, By-law Review Specialist, Public Policy
Development Branch, Emergency and Protective Services Department**

613-580-2424 x 12791, Ashley.cheslock@ottawa.ca

Ward: Citywide

Objet : Examen du régime de permis des exploitants de chasse-neige

Numéro du dossier : ACS2024-EPS-PPD-0002

**Rapport présenté au Comité des services de protection et de préparation aux
situations d'urgence du**

19 septembre 2024

et au Conseil le 2 octobre 2024

**Soumis le 10 septembre 2024 par Jerrod Riley, gestionnaire de programme,
Services d'élaboration des politiques publiques, Direction générale des services
de protection et d'urgence**

**Personne-ressource : Ashley Cheslock, spécialiste de l'Examen des règlements,
Services d'élaboration des politiques publiques, Direction générale des services
de protection et d'urgence**

613-580-2424, poste 12791; Ashley.cheslock@ottawa.ca

Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That Emergency Preparedness and Protective Services Committee recommend that Council approve amendments to the City’s Licensing By-law (By-law No. 2002-189, as amended) pertaining to snow plow contractors, including new definitions and the replacement of Schedule 4, as described in this report and in the general form set out in Document 1.

RECOMMANDATION(S) DU RAPPORT

Que le Comité des services de protection et de préparation aux situations d’urgence recommande au Conseil municipal d’approuver les modifications à apporter au *Règlement sur la délivrance de permis* de la Ville (Règlement n° 2002-189, dans sa version modifiée) relativement aux exploitants de chasse-neige, dont les nouvelles définitions et le remplacement de l’annexe 4, selon les modalités exposées dans ce rapport et d’après la forme générale établie dans la pièce 1.

EXECUTIVE SUMMARY

This report presents the results of the Snow Plow Contractor Licensing By-law Review and recommends updates and amendments to the regulations governing the licensing of private snow plow contractors under the Licensing By-law (2002-189), as set out in Document 1, and described in this report. This regulatory review was directed by Council in the 2023-2026 By-law Review Work Plan.

Regulatory changes recommended in this report address issues of consumer protection, protection of property, and increased accessibility for residents, including:

- Creating a specific offence for prohibiting dumping snow on private property.
- Creating a specific offence for prohibiting dumping snow in an accessible parking space and imposing a 4-hour limit for snow plow contractors to clean up snow they have dumped on City property and accessible parking spaces.
- New vehicle signage standards for snow plows that comply with the City of Ottawa’s Accessibility Design standards.
- Increasing minimum insurance coverage from \$1 million to \$2 million for enhanced consumer protection.
- New measures to prevent fraudulent plate use by licensed and non-licensed operators.
- Permitting the use of metal driveway markers by licensees.

- Requiring Snow Plow Contractors and property owners to replace their damaged driveway markers and clean up any debris as a result of this damage.
- Clarifying existing exemptions to the licensing requirement, including the exemption for farmers in the rural part of the City.

The implementation of the proposed regulations would be fully funded on a cost-recovery basis through the increase of licensing fees, for the administration and enforcement of recommended by-law amendments including the new prohibitions for snow dumping on private and City property, as further described in the Discussion section of this report.

Assumption and Analysis

This review was informed by an analysis of By-law and Regulatory Services service request data, for the period of 2019-2023. This data indicated that over the span of 4 years, the main service requests received regarding snow plow contractors are related to illegal snow dumping on public and private property, with over 2,889 service requests.

Staff conducted interviews with frontline operators, supervisors, and managers for municipal snow clearing operations to inform the recommendation to allow metal driveway markers on a permanent basis. Industry consultations also supported this recommendation.

Consultations with accessibility advocates indicated that there are concerns related to the dumping of snow on sidewalks and roadways, along with concerns related to the use of broadband back-up alarm technology.

Financial Implications

The cost to administer and enforce the new provisions would be fully covered through the recommended increase of licensing fees.

Public Consultation/Input

The development of the regulations included consultation with the public and snow plow contractors and operators. The public survey, located on Engage Ottawa, was available from February until the end of March and included participation from over 1,770 residents. The public survey outlined snow dumping being the key issue. Many residents expressed concerns related to visibility and accessibility barriers for snow dumped on roadways, sidewalks, and private property. Noise related to private snow

plow operations was not a prevalent issue for residents given 87 per cent of respondents reporting not experiencing noise concerns with private snow plow contractors.

RÉSUMÉ

Dans ce rapport, nous présentons les résultats de l'Examen du *Règlement portant sur la délivrance des permis d'exploitation de chasse-neige* et recommandons d'apporter des mises à jour et des modifications aux règlements d'application régissant la délivrance des permis des exploitants de chasse-neige en vertu du *Règlement sur la délivrance de permis* (n° 2002-189), selon les modalités dont fait état la pièce 1 et selon les conditions exposées dans ce rapport. Cet examen réglementaire a été demandé par le Conseil municipal dans le Plan de travail de l'examen des règlements municipaux 2023-2026.

Les changements réglementaires recommandés dans ce rapport portent sur les questions de protection des consommateurs, de protection des biens et d'amélioration de l'accessibilité pour les résidents, dont :

- création d'un délit spécifique concernant l'interdiction de déverser de la neige sur une propriété privée;
- la création d'un délit spécifique pour déverser la neige dans les espaces de stationnement accessibles et l'imposition d'un délai limite de quatre heures dans lequel les exploitants de chasse-neige doivent déblayer la neige déversée sur le domaine municipal et dans les places de stationnement accessibles;
- les nouvelles normes de signalétique des chasse-neige qui respectent les Normes de conception accessibles de la Ville d'Ottawa;
- l'augmentation du capital minimum assuré, qui passe de un million de dollars (1 000 000 \$) à deux millions de dollars (2 000 000 \$), afin de mieux protéger les consommateurs;
- les nouvelles mesures de prévention de l'utilisation de plaques frauduleuses par les exploitants titulaires et non titulaires du permis;
- l'autorisation des entreprises titulaires du permis d'utiliser les balises d'entrée en métal;
- Obligation pour les exploitants de chasse-neige et les propriétaires fonciers de remplacer les balises d'entrée endommagées et d'en nettoyer les éventuels débris;

- les précisions à apporter aux exemptions existantes dans l'obligation de se faire délivrer le permis, dont l'exemption des agriculteurs dans la zone rurale de la Ville.

La mise en œuvre des règlements proposés serait entièrement financée selon le principe de la récupération des coûts en augmentant les droits de permis et serait consacré à l'administration et à l'application des modifications que l'on recommande d'apporter au Règlement municipal, dont les nouvelles interdictions de déverser la neige sur le domaine privé et sur le domaine municipal, selon les modalités exposées dans les détails dans la section Analyse de ce rapport.

Hypothèses et analyse

Une analyse des données sur les demandes de service des Services des règlements municipaux pour la période de 2019 à 2023 est venue éclairer cet examen. Ces données indiquaient que sur cette période de quatre ans, les principales demandes de service déposées en ce qui concerne les exploitants de chasse-neige sont liées au déversement illicite de la neige sur le domaine public et sur le domaine privé; plus de 2 889 demandes de service ont été déposées.

Le personnel a mené des entrevues avec les conducteurs de première ligne, les superviseurs et les gestionnaires pour les opérations municipales de déneigement afin d'éclairer la recommandation d'autoriser en permanence les balises d'entrée en métal. Les consultations menées auprès de l'industrie ont aussi permis d'étayer cette recommandation.

Les consultations auprès des défenseurs de l'accessibilité ont indiqué que des inquiétudes sont liées au déversement de la neige sur les trottoirs et sur la chaussée, de concert avec les inquiétudes se rapportant à l'utilisation de la technologie des avertisseurs de recul à large bande de fréquences.

Répercussions financières

Les coûts liés à l'administration et à la mise en application de ces nouvelles dispositions seront entièrement couverts par la hausse des droits de permis.

Consultation et avis du public

Dans l'élaboration des règlements d'application, nous avons consulté le public, ainsi que les exploitants de chasse-neige et les conducteurs en déneigement. Le sondage public, diffusé sur la plateforme Participons Ottawa, a été en ligne de février jusqu'à la fin de mars; plus de 1 770 résidents y ont participé. Dans ce sondage public, on

expliquait que le déversement de la neige constituait essentiellement le problème. De nombreux résidents ont exprimé des inquiétudes sur la visibilité et les obstacles dans l'accessibilité en raison de la neige déversée sur la chaussée, sur les trottoirs et sur le domaine privé. Le bruit lié aux opérations de déneigement du secteur privé n'était pas une question prépondérante pour les résidents, puisque 87 % des répondants ont fait savoir qu'ils n'avaient pas été inquiétés par le bruit des machines des exploitants de chasse-neige du secteur privé.

BACKGROUND

The City of Ottawa requires all private snow plow contractors to obtain a business licence in order to operate within the City and to additionally license each vehicle used for their snow clearing operations. There are currently 232 licensed contractors, with 2,723 licensed vehicles. The current annual cost of a license is \$363 per contractor and \$38 per vehicle. The requirements for snow plow contractor licensing are set out in Schedule 4 of the Licensing By-law (2002-189), as amended.

Legislative history

Part 4 of the *Municipal Act, 2001*, authorizes municipalities to require certain business categories to obtain a business licence and to prohibit the carrying on the business without a licence, to impose conditions as a requirement of obtaining or renewing a licence, to regulate personal property used in the business, and to suspend or refuse to grant a licence, among other business licensing powers.

Snow plow contractors have been licensed in the City of Ottawa since 2002, with regulations in this category being harmonized following amalgamation. In May 2017, Council carried Motion No. 23/4 directing staff to review the requirement for licensed snow plow contractors to replace back-up alarms with broadband technology.

In September 2017, the use of driveway markers by snow plow contractors was approved and metal driveway markers were specifically authorized as part of an ongoing pilot project (ACS2017-EPS-GEN-0012).

In June 2023, Council approved the 2023-2026 By-law Review Work, which included a review of Snow Plow Contractor Licensing (ACS-2023-EPS-PPD-0001).

Issues and concerns

The scope of this review included specific consideration of the key issues identified during the development of the 2023-2026 By-law Review Work Plan and informed by

initial consultations with the industry, including the use of broadband back-up alarms in the industry, the dumping of snow on both private and public property, and the use of metal driveway markers, among others.

Jurisdictional scan

A scan of how other municipalities regulate private snow clearing and removing activity was undertaken by staff as part of this review. When conducting the jurisdictional scan, City staff looked for examples of municipalities with similar snow accumulation levels (average of 225 centimetres per year). The scan revealed that many Ontario municipalities do not license snow plow contractors, including Guelph, Kingston London, Newmarket, Toronto, Waterloo, and York. Hamilton and Beaconsfield require snow plow contractors to have a permit to operate but it is not part of business licensing. A small number of municipalities regulate this industry through business licensing similar to the regime currently used in the City of Ottawa. Key regulatory measures noted in other jurisdictions were considered as part of this review, as follows:

- City of Vaughan requires contractors to provide clients with a copy of the by-law regulations with their contract. This report recommends this added provision for consumer protection and to increase public knowledge on the regulations.
- Vaudreuil-Dorion (Quebec) sets regulations for how high a snow pile can be on private property. The City of Ottawa has limited sites available for snow disposal, therefore it is recommended to not regulate the height of snow banks.
- Vaudreuil-Dorion (Quebec) have different licence categories based on the nature of the business, such as residential, commercial, or agriculture use. City staff have not identified a need in Ottawa to create different licensing categories of this type, so this measure was not explored further.
- Chateauguay (Quebec) retains a \$500 security deposit from snow plow contractors annually which is returned to the operator upon confirmation that there has been no damage to public property. The City explored this option to deal with the issue of plates not being returned to By-law and Regulatory Services. Given the legal and administrative implications, this report recommends using the sticker system to identify annual vehicle registration.

DISCUSSION

Regulatory Recommendations

Staff are recommending amendments to the Licensing By-law (By-law No. 2002-189) as well as Schedule 4 concerning private snow plow contractors as described below and set out in Document 1. These amendments address issues of consumer protection, protection of property, and increased accessibility for all residents. Staff are also reporting back on the previous pilot project for driveway markers and the direction to review broadband back-up alarms for this industry.

Driveway markers

This report recommends the permanent adoption of metal driveway markers for use by snow plow contractor licensees. This item is a follow-up to the Council-approved pilot project ([ACS2017-EPS-GEN-0012](#)). The purpose of driveway markers is to assist operators with identifying the width and location of their serviced driveway, as well as assisting By-law Enforcement Officers with identifying contractors. As part of this review, staff received input from the industry, By-law and Regulatory Services, and the Public Works department which overall weighed in favour of metal driveway markers being approved on a permanent basis.

Through an industry survey, snow plow contractors indicated that they mainly used fiberglass or a combination of metal and fiberglass for driveway markers. However, metal driveway markers were considered by respondents to be more durable, cost effective, and environmentally friendly as the material can be reused for several years and is easy to repair when damaged or bent.

Public Works staff advised that there are concerns with the potential for metal markers to damage equipment, and 33 per cent of responses received from the Roads Services staff survey confirmed instances where City equipment was damaged due to driveway markers. The responses also noted that the instances when damage occurred were largely due to the driveway markers not being placed in the correct location.

Based on the above, staff recommend an amendment to the current licensing regulations to create consistent and appropriate set back limits for all driveway markers, regardless of the material of the marker, of:

- 5 feet (1.52 metres) from sidewalk and
- 7 feet (2.1 metres) from edge of the roadway

This recommendation will make enforcement easier and sets a uniform distance from the right-of-way for all driveway markers. Forty-five per cent of industry respondents supported this recommendation while 40 per cent did not have an opinion on the change.

In the current regulations, there are no requirements for snow plow contractors or property owners to replace damaged driveway markers. Staff are recommending including a requirement to do so, including removal of the pieces of the marker that have been left as debris on the roadway or on private property. This recommendation reduces the risk of injury or damage to property associated with sharp broken edges sticking out of the ground or shards of material as littered debris, which can also be an environmental concern.

Industry members have expressed interest in being allowed to install driveway markers earlier in the year, as of October 1, citing earlier snow falls and frost as the main reasons for this request. Currently, the earliest date of installation of driveway markers is after October 20 and removal must occur before April 30 each year. By-law and Regulatory Services have received complaints from residents that driveway markers are an eye sore for residents. In addition, snow fall before October 20 is uncommon and the intent of the driveway markers is not for advertisement. Given these reasons, staff are recommending not changing the installation dates.

Snow storage and disposal

Issues concerning snow storage and disposal were raised by licensees and members of the public. Issues regarding unauthorized snow dumping occurrences were raised by Public Works staff. While some regulatory solutions are being recommended, staff note that this issue is broader than what could be addressed within the scope of this by-law review.

The industry has identified factors which may lead to the increase of unauthorized snow dumping occurrences, such as limited availability of snow disposal sites in Ottawa, fluctuating costs to dispose of snow at private snow disposal sites, and newer developments being approved with limited front yard space for snow storage. Unauthorized snow dumping has resulted in physical barriers for persons living with disabilities and older adults due to blocked sidewalks and roadways, as well as neighbour disputes about snow being illegally dumped on private property.

Prohibiting dumping on private property

This report recommends new provisions to explicitly prohibit dumping snow or ice on private property. Residents impacted by this issue are currently required to reach a resolution with their neighbour or pursue remedy in civil court. By-law and Regulatory Services receive between 700 to 800 service requests per year for illegal snow dumping. The public survey comments reflected a high concern for snow being dumped illegally on private property, causing damage to property, visibility issues for traffic, and safety concerns for individuals with mobility impairments. The recommended prohibitions will assist in reducing safety concerns for residents and ensure that snow plow contractors are not using private property as unauthorized snow disposal sites. Upon receiving a complaint, By-law and Regulatory Services would determine if a violation has occurred and request that the dumped snow be cleared. Enforcement tools will be applied based on the gravity of the situation.

The recommended prohibitions against snow dumping on private property will require additional enforcement capacity, which will be found within existing operations. This enforcement capacity is expected to cost \$121,000 annually (2024 rates) and would be fully funded on a cost-recovery basis through licensing fees. Staff recommend a \$18 increase to the annual licensing fee as well as a \$18 increase per snow plow vehicle. Therefore, the recommended total annual costs for snow plow contractors would be \$381 per snow plow contractor licence and \$56 per snow plow vehicle. The increase to fees has been calculated based on the number of existing licensed contractors and vehicles. Licensing fees are reviewed on an annual basis as part of the budget cycle to maintain cost recovery.

Table 1 below outlines the differences of licensing fees in comparable municipalities to the City of Ottawa:

Table 1 - Rate comparison for municipal licensing fees

Municipality	Snow Plow Contractor Licence Fees – 2024 Rates
<i>City of Ottawa</i>	\$381 (licence fee) *proposed increase \$56 (snow plow vehicle fee) *proposed increase
<i>City of Vaughan</i>	\$556.00 (initial licence fee) \$233.00 (renewal licence fee) \$10.00 (snow plow vehicle fee)
<i>Vaudreuil-Dorion</i>	\$100.00 (residential licence fee) \$100.00 (commercial licence fee) \$200.00 (commercial and residential licence fee) \$500.00 (damage security deposit)
<i>Chateauguy</i>	\$400.00 (licence fee) \$500.00 (damage security deposit)
<i>Westmount</i>	\$158.00 (snow plow vehicle fee)
<i>City of Montreal (Montreal-Nord Borough)</i>	\$50.00 (1-5 snow plow vehicle fee) \$10.00 (per additional snow plow vehicle after 5)

Protecting accessible parking spaces

Staff recommend a new provision to prohibit dumping of snow or ice on accessible parking spaces, which includes any part of the roadway, private property, or City property that is designated for parking a vehicle with an accessible parking permit.

Snow dumping and clean up timelines for snow plow contractors

Snow dumped illegally on City roadways or sidewalks is a concern raised by the Public Works department. Additionally, accessibility advocates noted the challenges to mobility created by windrows left on sidewalks from driveway clearing. To better address this issue, staff recommend a provision requiring snow plow contractors to remove any snow or ice that they have dumped onto City property or on an accessible parking

space within four hours immediately upon becoming aware of it or at the request to do so by the Chief License Inspector. This requirement will provide By-law and Regulatory Services staff with the authority to respond quickly to accessibility and safety concerns and hold snow plow contractors accountable for the clean up of snow they have dumped illegally on City property. If a snow plow contractor does not respond to the request by the Chief Licence Inspector within four hours, the contractor may be charged and the City has the power under the Use and Care of Streets By-law (By-law No. 2003-498, as amended) to recover expenses for the removal of snow dumped illegally on the highway.

Lack of snow storage and disposal sites

As part of this review, City staff explored options to address the issue raised by the industry of the lack of storage and disposal sites available for private snow plow contractors. Private snow plow contractors have the option of opening their own snow disposal site, following the requirements set out by the Province of Ontario.

Staff reviewed Montreal's model of allowing snow to be dumped on the roadway for a permit fee. During consultation with Montreal, it was identified that their snow removal budget is significantly higher than Ottawa's and they have the infrastructure to accommodate the additional volumes of private snow. Public Works staff in Ottawa advised that there is limited capacity at the current City snow disposal sites to accommodate private property snow.

The City of Ottawa owns six engineered snow disposal sites city-wide. The snow that is hauled away during snow removal is brought to one of these facilities. According to the Public Works department, due to the growth of the city, and the unpredictability of each winter season, these snow dump facilities remain closed to private snow contractors.

Public Policy Development Services met with Solid Waste Services to explore using brownfields and vacant land to store snow. However, given the strict environmental standards and monitoring requirements, this was not a viable option.

The issue of lack of snow storage and disposal sites together with any solutions to be developed to alleviate this issue are operational issues that are out of the scope of this by-law review. The concerns raised by the industry have been shared with the Planning, Development and Building department and the Public Works department.

Consumer protection

Staff are proposing three enhancements to consumer protection in the recommended regulations, as set out in Document 1 and further described below.

Increased liability protection

The current insurance requirements to obtain a snow plow contractor licence is one million dollars (\$1,000,000) Motor Vehicle Liability coverage and one million dollars (\$1,000,000) Comprehensive/Commercial General Liability coverage. There is a concern that these limits are low, given industry standards, jurisdictional research, and the risk with working on private property.

Increasing insurance coverage to two million dollars (\$2,000,000) for both Motor Vehicle Liability and Comprehensive/Commercial General Liability insurance coverage is recommended. This increase of insurance coverage would improve consumer protection and align with industry standards and align with the City's insurance requirements for similar business activities and the insurance requirements of other municipalities who regulate this type of activity.

Accessible vehicle signage requirements

The current by-law requires that snow plows have a sign on both sides of the vehicle in lettering not less than eight centimeters in height. To align with Section 5.8 of the City of Ottawa's Accessibility Design standards, the City is recommending changing this regulation to fifteen centimetres in height, colour contrast ratio of at least 2:12 with the vehicles colour, and in an Arial font. This requirement is assessed as a priority given the City of Ottawa's commitment to creating an equal, inclusive, and diverse City, and it was supported by approximately 35 per cent of industry respondents.

Reducing misrepresentation

To address ongoing issues with illicit transferring of snow plow plates or use of expired plates, the new schedule recommends prohibiting the transfer of plates and introducing an annual validation sticker which must be affixed to the plate. This will help By-law Enforcement Officers identify which plates are valid for that year. Validation stickers are already in use for other licensed vehicle categories, so this measure can be introduced quickly and with minimal costs. The plates themselves remain property of the City, so plates without a valid sticker can be seized. In this way, the recommended regulations will help to reduce the prevalence of unlicensed operators and vehicles.

Informing clients

The City of Ottawa provides consumer protection information related to snow clearing and removing on Ottawa.ca. Additionally, residents can find a list of licensed snow plow contractors on this webpage, to assist the consumer's choice of hiring a company who has a valid business licence. However, the public survey highlighted that residents would like a copy of regulations and requirements for licensed snow plow contractors for greater awareness. The current by-law does not require contractors to provide this information to their clients. Staff are therefore recommending that every snow plow contractor provide their clients with a copy of the regulations in written form or through a link to the City of Ottawa's website as provided by the Chief Licence Inspector. Industry respondents indicated 35 per cent supported providing clients with a copy of regulations, 35 per cent did not know, and 30 per cent did not support the recommended provision. This practice is currently in place in the City of Vaughan.

Administrative amendments

The recommended regulations, as set out in Document 1, include administrative and other amendments of a minor nature, as described below.

Exemptions

The by-law currently contains exemptions to the licensing requirement for certain types of persons, such as those are engaged in the business of clearing snow with a hand-held shovel or snow-blowing equipment that does not require a vehicle for operation as well as farmers who are helping their neighbours in the community. Staff recommend some modifications to these exemptions to increase clarity.

The first exemption currently states that persons engaged in the business of clearing snow with only a hand-held shovel or with a manually pushed snow-blowing equipment are exempt from obtaining a snow plow contractor licence. However, given the new types of self-propelled snow-blowing equipment on the market, it is necessary to update the wording of this exemption to include all types of snow blowing equipment that do not require a vehicle for operation.

The second exemption is to ensure that farmers in the rural area (Wards 5, 19, 20, 21) who are clearing snow to help the community do not require a business licence. This exemption was created to preserve normal farm practices, while also preventing abuse or creating inequity for licensees in urban and suburban communities. The existing regulations are not clear in terms of for-profit activity versus helping neighbours.

Therefore, the language has been updated to make a clear distinction that the exemption only applies to farmers in the rural area who are not hired to remove or clear snow. Farmers who are hired as snow plow contractors and operating a snow plow business will have to obtain a business licence and follow the requirements set out in the by-law.

Gender neutral wording

The City is committed to diversity and inclusion initiatives, including ensuring that by-laws are written in an inclusive manner. Updates have been made to the existing regulations to replace gendered wording with gender neutral wording where possible.

Noise and nuisance

Concerns about potential noise and nuisance from private snow plow clearing and removal were raised as part of Council Motion No. 23/4, and staff were directed to consider the implementation of broadband backup alarms, where appropriate, for private snow clearing equipment.

For clarity, broadband back-up alarms use a multi-frequency (“whoosh-whoosh”) sound, which is different from tonal beeping back-up alarms. Broadband back-up alarms can sometimes eliminate nuisance noise in non-hazard areas by directing the noise towards the “hazard area” located directly behind the vehicle in reverse. Some broadband back-up alarms are manufactured with a self-adjusting technology where the volume continually increases or decreases in response to the nearby environmental sound level. As part of the engagement portion of this by-law review, Public Information and Media Relations department produced a video, which demonstrates the noise each style of alarm produces.

Broadband back-up alarms were installed on 302 of the City’s snow removal fleet as part of a pilot program in 2017, with one-time funding from Council of \$120,000. In 2019, the Public Works department in coordination with Fleet Services conducted an evaluation of the pilot and concluded that broadband back-up alarms achieved the goal of reducing nuisance noise where it was not needed. Today, all City snow removal vehicles, including vehicles under the City’s snow removal contract are now required to be equipped with broadband.

Staff have reviewed noise-related issues as part of this regulatory review and consulted both members of the public as well as industry participants on the issue. Based on the following input and findings, staff do not recommend prescribing broad band back-up

alarms for licensees at this time. Noise from alarms is no longer a prevalent issue. Of the residents who responded to the public survey, 87 per cent advised that noise from private snow plow contractors is not a concern. For those respondents who indicated that noise was a problem, the nature of the noise in question was primarily from plows scraping and blowers.

Staff also note that the 2017 Council motion occurred prior to:

- The City transitioning all of its snow clearing fleet to broadband back-up alarms, thereby reducing noise further
- Members of the Accessibility Advisory Committee providing feedback that the broadband back-up alarms can be challenging for those who are hearing impaired as it can be confused as static in hearing devices as well as visually impaired individuals and guide dogs who may not recognize the sound with danger.
- The industry was not in favour of broadband back-up alarms being imposed through regulation, given the financial implications and the safety concern with residents not recognizing the sound.
- Sixty-three per cent of respondents to the survey on Engage Ottawa indicated that they do not associate the sound of broadband back-up alarm with danger.

Therefore, the City recommends continuing to monitor this issue but not regulate the use of broadband back-up alarms for private snow plow contractors.

Educational material

As part of implementation, staff recommend preparing additional educational material for the Ottawa.ca consumer protection page. This information was requested in both the public survey as well as the industry survey, with both indicating a preference for more information on snow plow contractor regulations, salt management practices, and the impacts of illegal snow dumping. This material is anticipated to be developed and posted on Ottawa.ca by January 2025.

FINANCIAL IMPLICATIONS

There are no financial implications to approving the recommendations in this report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

COMMENTS BY THE WARD COUNCILLOR(S)

This by-law applies City-wide.

ADVISORY COMMITTEE(S) COMMENTS

Staff provided a presentation on this by-law review to the Accessibility Advisory Committee on May 21, 2024. Staff provided questions to Committee members asking for their input on experiences with private Snow Plow Contractors, as well as any additional information they felt City staff should take into consideration when developing the recommended regulations. The main issues discussed were barriers created by illegal snow dumping and concerns related to broadband back-up alarms for visually and hearing-impaired individuals.

Feedback from the Accessibility Advisory Committee informed impacted the development of regulations. To reduce the safety concerns and barriers for people living with disabilities, provisions related to illegal snow dumping on accessible parking spaces and requirements for cleaning up snow dumped on City property which may create mobility barriers is recommended. In addition, changes to the vehicle signage requirements to be compliant with the City of Ottawa's Accessibility Design standards is being recommended and was a result of consultation. In addition, staff received feedback on the use of broadband back-up alarms and recommend not prescribing this technology through by-law regulations given the issues with sound recognition for those with hearing and vision impairments. As part of this review, Public Policy Development services consulted with Vision Loss Rehabilitation Canada and Canadian Guide Dogs for the Blind to provide information on the new audible broadband back-up alarm technology so it can be incorporated into their support guides for visually impaired and hearing-impaired individuals. This issue will continue to be monitored and additional consultation with people living with disabilities would be required if broadband back-up alarms would be required for private snow plow contractors.

CONSULTATION

Consultation and engagement for this review began in September 2023, starting with an examination of current regulations and recommendations for potential policy changes with internal City staff, members of Council, municipal staff from other jurisdictions, and with Snow Plow Contractors. Staff also published an Engage Ottawa webpage in

February 2024 to provide updates on the file and engage with members of the public.

Public engagement included a survey and a poll hosted on Engage Ottawa and promoted on social media. The Snow Plow Contractor Licensing review's public survey was launched on February 22, 2024, and remained open until March 31, 2024. There were 1,749 responses in English as well as 21 responses in French, resulting in 1,770 responses total. The public survey was conducted to gain a better understanding on what about the existing system works well and what areas of private snow plow contractor's operations could benefit from modified regulations. Further, the public survey offered valuable perspective on how snow plow contractors and their operations impact the lives of the City's residents.

In addition to public consultations, two industry surveys were conducted. Staff requested input from private companies and contractors in the snow plow business and sought out the expertise of those in the industry to assess potential impacts of specific policy changes. Industry surveys were hosted on MS Forms and emailed to all active snow plow contractor licensees within the city. To increase awareness, the second survey was also published on Engage Ottawa and promoted through social media. The first industry survey ran from October 17, 2023, to November 17, 2023, and it had 43 licensee respondents. The second survey, which garnered 12 licensee responses, was launched on April 19, 2024, and closed on May 31, 2024.

This review included consultations with internal City departments, including By-law and Regulatory Services; Public Works (Roads and Solid Waste); Planning, Development and Building Services; Fleet Services, and the Corporate Accessibility Office.

The Accessibility Advisory Committee, Ottawa Disability Coalition, and The Council on Aging of Ottawa were also consulted on this file to understand the possible barriers to snow clearing and removal for persons with disabilities and older adults.

Results from the engagement process are outlined in Document 2, a [What We Learned report](#) and is also published on Engage Ottawa.

ACCESSIBILITY IMPACTS

Staff are committed to ensuring that accessibility was considered during the development of the Snow Plow Contractor Licensing Review. As such, staff applied the By-law Review Accessibility Checklist to identify, consider and address accessibility impacts throughout the By-law Review Process, including during the assessment and scoping phase.

Consideration was given to potential accessibility impacts and barriers for persons with disabilities caused by licensed snow plow contractors and possible mitigation measures. Staff consulted with the Accessibility Advisory Committee, Ottawa Disability Coalition, and The Council on Aging of Ottawa for input on possible policy options, with the goal of reducing barriers to people living with disabilities and older adults. Impacts related to broadband back-up alarms and snow dumping on private and public property were taken into consideration during the development of recommended regulations, and staff recommend specific amendments to the existing regulations to increase accessibility, as discussed above in the Discussion section of this report.

All material developed for the public on Ottawa.ca and Engage Ottawa were compliant with the City's obligations under *the Accessibility for Ontarians with Disabilities Act* and the Integrated Accessibility Standards (O.Reg. 191/11). In accordance with City of Ottawa's Accessibility Policy, alternative formats and supports were made available upon request.

CLIMATE IMPLICATIONS

There are no specific climate implications with associated with the recommendation in this report.

DELEGATION OF AUTHORITY IMPLICATIONS

The Director of By-law and Regulatory Services will be authorized to administer and enforce the proposed by-law under their duties as Chief License Inspector, as set out in Section 16 of Schedule F of the Delegation of Authority By-law (2023-67), as amended. This further includes the delegated authority to issue or refuse licences, impose conditions on licences, as well as other measures to ensure public health and safety, consumer protection, and to prevent public nuisances, are set out in the Section 7 of the Licensing By-law (2002-189), as amended.

ENVIRONMENTAL IMPLICATIONS

The use of salt and other de-icer abrasives can have a significant impact on the environment. As part of this review, staff explored the potential requirement for the development of a salt management plan for snow plow contractors. Public Policy Development Services consulted with Roads Services to understand the impact of abrasives on the environment. Given that the volume of salt used by snow plow contractors is less than 500 tonnes per year, the Code of Practice for the Environmental Management of Road Salts established by the Federal Government of Canada does not apply to private snow plow contractors. Therefore, staff do not recommend requiring

snow plow contractors to develop salt management plans. Although the regulations will not provide a requirement to produce a salt management plan, staff recommend the distribution of educational material to snow plow contractors on salt management. This material will be posted on Ottawa.ca and will increase knowledge on how to reduce impacts to the environment by following best practices for abrasive application.

INDIGENOUS, GENDER AND EQUITY IMPLICATIONS

As the City of Ottawa aims to be “A City for Everyone”, staff applied the Equity and Inclusion Lens to the development of this report and its recommendations. Staff identified possible impacts on two equity seeking groups: persons with disabilities, and older adults. These are addressed in the Discussion and Accessibility Impact sections of the report. Additional consideration was given to how licensing fees and conditions may impact equity seeking groups to avoid creating undue barriers to employment in this sector and to avoid impacts on the Snow Go and Snow Go Assist program, which provides snow clearing services at reduced cost to low-income seniors.

RISK MANAGEMENT IMPLICATIONS

Staff assess that the recommended amendments to the existing licensing regulations for snow plow contractor licensees provide increased risk mitigation by addressing the issues caused by illegal snow dumping on private and public property.

RURAL IMPLICATIONS

The proposed by-law amendments set out regulations for snow plow contractors City-wide. Staff have consulted with Rural Ward Councillors and Rural Affairs regarding the minor amendments to the definition for the farmer exemption to ensure that farmers clearing snow in the rural area (Wards 5, 19, 20, and 21) to help the community do not require a licence provided they are not operating as a Snow Plow Contractor. This has been done to preserve normal farm practices while also preventing abuse or creating inequity for licensees in urban and suburban communities.

TERM OF COUNCIL PRIORITIES

This report and recommendations support Council’s strategic priority of achieving a City that is more liveable for all. The proposed by-law amendments and new provisions aim to increase consumer protection, support accessibility for all residents, and decrease nuisance and other issues caused by illegal snow dumping. do not derive from the 2023-2026 Term of Council priorities.

SUPPORTING DOCUMENTATION

The following documents immediately follow this report:

Document 1 – A by-law of the City of Ottawa to amend By-law No. 2002-189, as amended, with respect to the licensing and regulation of Snow Plow Contractors.

Document 2 – What We Learned Report

DISPOSITION

Following approval of this report's recommendations, Emergency and Protective Services together with Legal Services will prepare the required amending by-law for enactment by Council and will apply for appropriate set fines from the Province of Ontario in accordance with applicable processes. All related administrative requirements for implementation of the by-law and repeal of the existing by-law will be undertaken. In addition, education material and updates to the Consumer Protection webpage on ottawa.ca will provide residents and snow plow contractors with information related to regulations, salt management, and the impacts of snow dumping.