

6. SNOW PLOW DRIVEWAY MARKERS

BALISES D'ENTRÉE POUR LE DÉNEIGEMENT

COMMITTEE RECOMMENDATIONS

That Council:

1. Approve the rules for snow plow driveway markers to be added to Schedule 4 – Snow Plow Contractors, of Harmonized Licensing By-law 2002-189, as detailed in Document 1;
2. Approve amendments to the Signs on City Roads By-law 2003-520, the Temporary Signs on Private Property By-law 2004-239, the Encroachment By-law 2003-446 and the Use of Care of Roads By-law 2003-498, as detailed in Document 2, associated with snow plow driveway markers; and
3. Authorize the Manager, By-law and Regulatory Services, to finalize and make minor adjustments to the by-laws described in this report.

RECOMMANDATIONS DU COMITÉ

Que le Conseil :

1. approuve les règles relatives aux balises d'entrée pour le déneigement qui seront ajoutées à l'annexe 4 – Exploitants de chasse-neige du *Règlement harmonisé sur les permis* n° 2002-189, comme il est indiqué dans le document 1;
2. approuve les modifications relatives aux balises d'entrée pour le déneigement à apporter au *Règlement sur les enseignes sur les routes de la ville* n° 2003-520, au *Règlement sur les enseignes temporaires sur les propriétés privées* n° 2004-239, au *Règlement en matière d'empiétement sur les voies publiques de la Ville* n° 2003-446 et au *Règlement sur*

l'utilisation et l'entretien des routes n° 2003-498, tel qu'il est mentionné dans le document 2;

3. **autorise le gestionnaire, Services des règlements municipaux, à mettre la touche finale et à apporter des modifications mineures aux règlements décrits dans le présent rapport.**

DOCUMENTATION/DOCUMENTATION

1. Manager, By-law and Regulatory Services report dated 14 August 2017 (ACS2017-EPS-GEN-0012)

Rapport du Gestionnaire, Services des règlements municipaux, daté le 24 août 2017 (ACS2017-EPS-GEN-0012)

2. Extract of draft Minutes, Community and Protective Services Committee, 31 August 2017.

Extrait de l'ébauche du procès-verbal, Comité des services communautaires et de protection, le 31 août 2017

**COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
REPORT 25
13 SEPTEMBER 2017**

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**COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION
RAPPORT 25
LE 13 SEPTEMBRE 2017**

**Report to
Rapport au:**

**Community and Protective Services Committee
Comité des services communautaires et de protection
31 August 2017 / 31 août 2017**

**and Council
et au Conseil :
13 September 2017 / 13 septembre 2017**

**Submitted on August 14, 2017
Soumis le 14 août 2017**

**Submitted by
Soumis par:
Roger Chapman, Manager/Gestionnaire, By-law and Regulatory Services/Services
des règlements municipaux**

**Contact Person
Personne ressource:
Elizabeth Siwicki, Strategic Initiatives Project Officer/Agent de projets, Initiatives
stratégiques, Business Support Services/Services de soutien aux activités
613-580-2424, ext. 41495, elizabeth.siwicki@ottawa.ca**

Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2017-EPS-GEN-0012

SUBJECT: SNOW PLOW DRIVEWAY MARKERS

OBJET: BALISES D'ENTRÉE POUR LE DÉNEIGEMENT

REPORT RECOMMENDATIONS

That the Community and Protective Services Committee recommend that Council:

1. Approve the rules for snow plow driveway markers to be added to Schedule 4 – Snow Plow Contractors, of Harmonized Licensing By-law 2002-189, as detailed in Document 1;
2. Approve amendments to the Signs on City Roads By-law 2003-520, the Temporary Signs on Private Property By-law 2004-239, the Encroachment By-law 2003-446 and the Use of Care of Roads By-law 2003-498, as detailed in Document 2, associated with snow plow driveway markers; and
3. Authorize the Manager, By-law and Regulatory Services, to finalize and make minor adjustments to the by-laws described in this report.

RECOMMANDATIONS DU RAPPORT

Que le Comité des services communautaires et de protection recommande au Conseil :

4. d'approuver les règles relatives aux balises d'entrée pour le déneigement qui seront ajoutées à l'annexe 4 – Exploitants de chasse-neige du *Règlement harmonisé sur les permis* n° 2002-189, comme il est indiqué dans le document 1;
5. d'approuver les modifications relatives aux balises d'entrée pour le déneigement à apporter au *Règlement sur les enseignes sur les routes de la ville* n° 2003-520, au *Règlement sur les enseignes temporaires sur les propriétés privées* n° 2004-239, au *Règlement en matière d'empiétement sur les voies publiques de la Ville* n° 2003-446 et au *Règlement sur l'utilisation et l'entretien des routes* n° 2003-498, tel qu'il est mentionné dans le document 2;
6. d'autoriser le gestionnaire, Services des règlements municipaux, à mettre la touche finale et à apporter des modifications mineures aux règlements décrits dans le présent rapport.

EXECUTIVE SUMMARY

Assumptions and Analysis

Snow plow driveway markers are currently prohibited by various City of Ottawa by-laws.

A pilot program allowing them on a trial basis and establishing guidelines for their use has been in place in recent winters. The guidelines associated with the pilot are working to achieve a consistent and orderly use of these markers; there has been a high rate of compliance and few complaints; and there are advantages to continuing to permit markers on an ongoing basis. Public feedback has identified a high degree of satisfaction with the current guidelines, along with suggestions as to how they can be improved.

This report recommends formalizing the rules for snow plow driveway markers through an addition to Schedule 4 – Snow Plow Contractors of the Harmonized Licensing By-law 2002-189 and corresponding amendments to existing by-laws.

The proposed regulations are largely the same as the current guidelines under the pilot program, which 78 per cent of survey respondents said were reasonable. The only exceptions are allowing metal markers/supports on a trial basis for the winters of 2017-2018 and 2018-2019 and an increase in the maximum number of markers permitted to accommodate a wider range of driveway configurations.

Financial Implications

There are no financial implications associated with this report.

Public Consultation/Input

Community associations, Business Improvement Area (BIA) Associations, the Ottawa Snow Contractors' Association (OSCA) and licensed snow plow contractors were sent information on the current guidelines and provided with an opportunity to provide feedback and/or complete an online survey. Staff met with a representative of OSCA at OSCA's request.

Details of the consultations and the survey were also posted to ottawa.ca and provided to Councillors.

Over 200 representations were received and considered.

RÉSUMÉ

Hypothèses et analyse

À l'heure actuelle, divers règlements municipaux de la Ville d'Ottawa interdisent les balises d'entrée pour le déneigement.

Un programme pilote dans lequel ces balises sont autorisées à titre d'essai et des lignes directrices sont établies pour encadrer leur utilisation a été mis en place au cours des derniers hivers. Les lignes directrices découlant du programme pilote visent une utilisation uniforme et ordonnée des balises. Elles ont fait l'objet d'un taux élevé de conformité et de quelques plaintes et on note des avantages à continuer à permettre les balises. Les commentaires du public révèlent un niveau élevé de satisfaction à l'égard des lignes directrices actuelles et comportent des suggestions d'améliorations à leur apporter.

Le présent rapport recommande d'officialiser les règles relatives aux balises d'entrée pour le déneigement en les ajoutant à l'annexe 4 – Exploitants de chasse-neige du *Règlement harmonisé sur les permis* n° 2002-189 et en apportant les modifications correspondantes aux règlements municipaux existants.

Les règles proposées sont en grande partie similaires aux lignes directrices actuelles du programme pilote, que 78 % des répondants au sondage ont déclaré être raisonnables. Les seules exceptions sont l'autorisation de balises de métal à titre d'essai à l'hiver 2017-2018 et l'hiver 2018-2019 et l'augmentation du nombre maximal de balises autorisé afin de tenir compte d'un plus large éventail de configurations d'entrées.

Répercussions financières

Les recommandations énoncées dans le présent rapport n'entraîneront aucune répercussion financière.

Consultation publique et commentaires

Des associations communautaires, des associations de zones d'amélioration commerciale, l'Ottawa Snow Contractors' Association (OSCA) et des exploitants de

chasse-neige autorisés ont reçu des renseignements sur les lignes directrices actuelles et ont eu l'occasion de transmettre leurs commentaires et de remplir un sondage en ligne. Le personnel a rencontré un représentant de l'OSCA à la demande de cette dernière.

Des détails sur les consultations et le sondage seront également publiés sur le site ottawa.ca et fournis aux conseillers municipaux.

Plus de 200 déclarations ont été reçues et étudiées.

BACKGROUND

Markers used by private snow plow contractors to identify their customers' driveways are prohibited by various City of Ottawa by-laws (Signs on City Roads By-law 2003-520, Temporary Signs on Private Property By-law 2004-239, Encroachment By-law 2003-446 and Use of Care of Roads By-law 2003-498). However, a pilot program has been in place during recent winters to allow them on a trial basis, subject to specific guidelines.

Marking driveways has facilitated snow clearing on private property and company information displayed on markers has been useful in identifying contractors illegally dumping snow on City streets and sidewalks. There has been a high rate of compliance with the guidelines, and relatively few complaints, during the pilot program. Most complaints have related to non-compliance with the guidelines (too early installation, too close to the street, metal markers, etc.), not the guidelines themselves.

DISCUSSION

The Need for Regulation

A number of stakeholders have asked why the City is proposing to regulate snow plow driveway markers, suggesting that they are an obvious necessity, are located on private property, and do not warrant City-imposed rules.

The City regulates various elements on and aspects of private property - such as fences, yard maintenance, signs, etc. - as well as encroachments on and the use of road allowances. This is done for a number of reasons, including public safety, avoiding

nuisances and preserving neighbourhood streetscapes. Regulations for driveway markers will ensure they are used appropriately, safely and in line with community values.

Most snow plow driveway markers are not on private property. Because driveways provide access to the travelled portion of the street from private property parcels, they typically cross a road allowance that is, in fact, City property (even though it appears to be part of the property parcel itself). The size of the road allowance varies, and could range from zero to several metres. Figure 1 below shows an aerial view of a segment of a City map, with property parcel boundaries shown in yellow. As can be seen, the road allowances extend beyond the road/sidewalk and include a portion of what residents would normally consider their private property.

Figure 1: Illustration of Property Parcels and Road Allowances



As a result, a marker placed at the end of a private driveway may, and is likely to, be on the road allowance.

Although driveway markers are currently being allowed on a trial basis through a pilot program, they are actually prohibited by the various Ottawa by-laws cited above. Permitting them as a follow-up to the pilot, as is proposed in this report, requires specific exemptions in these four by-laws and articulation of the guidelines for their safe and reasonable use. If no action is taken to establish a permanent regulatory framework, and the pilot program lapses, snow plow driveway markers will no longer be permitted.

Regulations will enable these markers to continue to be used, provide a more predictable framework for both the industry and residents and facilitate enforcement when there is non-compliance.

Best Practices

Best practices in Ontario's largest municipalities were reviewed. However, because most do not get as much snow as the City of Ottawa, the use of snow plow contractors is not as widespread and marker-specific rules unnecessary. Most other Ontario cities deal with snow plow driveway markers under their encroachment or right-of-way by-laws or policies.

Beaconsfield, Québec regulates driveway (property) markers under By-law BEAC-033. It requires that they be a minimum of 1.5 metres high. Section 8.8 of this by-law prohibits "the use of any object placed on public property closer than 1 metre to the street pavement" between November 1 and April 30.

St-Laurent, Québec (one of the boroughs in Montréal) requires that they be placed a minimum of 1.5 metres from the inside edge of the sidewalk.

Recommended Approach

The pilot program in place during recent winters has confirmed the benefits of snow plow driveway markers and shown that any potential issues associated with their use can be adequately managed.

With 69 per cent of survey respondents indicating that they use a snow plow contractor, and 65 per cent of those contractors using driveway markers, there is a need to ensure transparent, consistent and enforceable rules. This is of benefit to residents, contractors and the City.

Considerations in having rules for driveway markers are:

- Public safety (ensuring that the placement of and materials used for markers do not pose a safety hazard)
- Community values (avoiding pervasive advertising, preserving neighbourhood streetscapes)
- Protection of assets (guarding against City plow damage, property damage, etc.)
- A transparent and level playing field for snow plow contractors

78 per cent of survey respondents consider the current guidelines, applied during the pilot program, as reasonable. 90 per cent did not feel that additional restrictions were necessary. Only 3 per cent feel that driveway markers should be prohibited entirely.

Many respondents provided specific comments regarding the current guidelines. These included criticisms, support and suggestions for improvements.

These are discussed in detail by topic below, along with the rationale for the rules that are being proposed.

- ***Materials permitted***

The current guidelines under the pilot program allow markers to be wood, plastic or fibreglass.

Metal markers and supports have not been permitted due to concerns about public safety and the potential risk to City assets. Metal markers/supports are inflexible and an impact involving a person or vehicle could result in injury or damage.

Public Works and Environmental Services (PWES) raised this issue when the pilot program was being developed and remains concerned that metal markers/supports placed too close to sidewalks and roadways could pose a risk to snow and sidewalk plows and blowers. While markers made of other materials, such as plastic, wood or fibreglass, could also be hit, the impact of a metal marker is greater due to its rigidity. There have been no reported incidents of damage caused by any type of snow plow driveway marker during the pilot program. However, incidents where City crews have averted impacts by manoeuvring around marker obstacles have not been systematically reported and therefore data is not available.

Numerous comments were received during the public consultations regarding the existing prohibition of metal, most of them questioning the restriction.

Some respondents noted that other types of markers are also susceptible to breaking and could present a danger due to splinters or shards.

Many contractors said they prefer to use markers that consist of a plastic sleeve that is slipped over a metal (usually rebar) support rod. In their opinion, such markers:

- Last longer – and therefore are more cost-effective;
- Are stronger – and therefore are more likely to stay upright and less likely to break, bend or be pulled out;
- Are more aesthetically pleasing because they are more stable and tend not to lean; and
- Are more environmentally-friendly because they are recyclable and have a longer life-cycle, resulting in less waste.

During the public consultations, snow plow contractors suggested that a greater setback from the sidewalk/curb for metal markers could alleviate any concerns about potential impacts on City equipment. If the markers were to fall over or lean toward the road allowance, they would still be sufficiently far enough from the path of plows or blowers. A limit on the size (thickness) of the metal markers/supports permitted was also suggested to mitigate potential impacts of large metal posts.

Given the actual experience under the pilot program and the feedback received, it is recommended that metal markers/supports be permitted, subject to limits on their size and minimum setbacks from sidewalks/roads as described below, on a trial basis during the winters of 2017-2018 and 2018-2019, and that their use and impact be assessed by PWES and By-law and Regulatory Services following this trial period. PWES supports the two-year trial which will serve to identify and address any issues that may arise with broad use of metal markers/supports. If there are no significant issues during this trial period, metal markers/supports should be permitted on an ongoing basis.

The following conditions are recommended for metal markers/supports:

- The metal marker/support does not exceed 10 millimetres (0.4 inches) in diameter and four (4) feet in height (measured from the ground);
- There is a cap or guard on the end of any exposed metal to prevent injury (a metal support entirely covered by a sleeve is not considered “exposed”); and

- The metal marker/support is placed a minimum of 1.5 metres (five feet) from the sidewalk (where there is a sidewalk) and 2.1 metres (seven feet) from the travelled portion of the road (where there is no sidewalk).

The sizes and setbacks from the sidewalk/road for non-metal markers/supports would remain the same as they are under the current guidelines.

- **Size**

The current guidelines specify that markers cannot exceed four (4) feet in height (measured from the ground) and four (4) inches in width.

According to the Ottawa Snow Contractors' Association (OSCA), these are standard measurements for markers supplied to snow plow contractors and satisfy most circumstances. Although there was some public feedback noting that snow levels in Ottawa can exceed four feet, potentially burying the markers, this is not perceived as a significant issue due to typical freeze/thaw cycles. Snow plow markers are usually at the edge of driveways and, as the winter progresses and driveway clearing continues to occur, they tend to remain visible even as snow accumulates.

Allowing larger (taller and/or wider) markers would exacerbate community concerns about their visual impact.

It is therefore recommended that the maximum height and width measurements remain the same as in the current guidelines, except for the maximum sizes specified for metal markers/supports as described above under "Materials".

- **Maximum number of markers**

The current guidelines allow a maximum of two markers on a property— one on either side of the driveway.

This restriction was, by far, the one that attracted the most comment from stakeholders. In particular, it was noted that:

- A maximum of two markers does not take into account the need for additional markers along long, curved or irregular driveways and where hidden hazards, such as retaining walls or steps, warranted marking.
- It is unclear as to how the maximum number of markers would apply to commercial properties, where multiple markers are required to identify curbs, medians, etc.
- An “excess of markers” is an eyesore” and neighbourhoods are being subjected to excessive advertising due to these markers.

The City needs to balance the practical considerations associated with situations where two markers may be insufficient with resident concerns about the proliferation of what they consider advertising for snow plow contractors. It is therefore proposed that:

- A maximum of two markers be permitted for each driveway access to/egress from the property (one on either side of the driveway). This will address concerns about crescent-shaped driveways with more than one entry/exit. Contractor information can continue to be displayed on these markers closest to the road to help operators identify their clients’ properties.
- An additional two markers can be placed to mark hazards (steps, landscaping features, etc.) on the property parcel (not on the right-of-way). However, these are to serve as hazard indicators only and will not be permitted to display contractor information

- ***Placement of markers***

The current guidelines require driveway markers to be placed two (2) feet (0.61 metres) from the sidewalk (where there is a sidewalk) or four (4) feet (1.22 metres) from the travelled portion of the roadway (where there is no sidewalk).

Some survey respondents felt that markers should be permitted closer to the sidewalk/roadway so they would be more visible to snow plow contractors. Some residents also noted that if the markers are closer to the curb, they would better indicate the edge of the property to City plows and prevent winter damage to lawns and other

landscaping features. OSCA said the current setbacks from sidewalks and streets are reasonable.

The placement of markers away from the sidewalk and roadway is primarily a safety issue. In addition, encroachments on City rights-of-way (including the road allowances often wrongly perceived as private property) is generally not permitted.

It is recommended that the setbacks from sidewalks/streets remain unchanged, except for metal markers/supports. Since it is proposed that these now be allowed on a trial basis, and given the higher risk they pose, the setbacks for metal markers/supports should be a minimum of five (5) feet (1.5 metres) from the sidewalk where there is a sidewalk and seven (7) feet (2.1 metres) from the travelled portion of the street where there is no sidewalk. This approach reflects feedback from contractors during the consultations.

- ***Timing***

Markers cannot currently be installed before October 20 and must be removed by April 30. The rationale for these dates is primarily based on when the ground is likely to be frozen, making installing and removing them difficult and potentially causing damage to the markers.

Feedback from stakeholders on this matter varied. Residents expressed concern that the markers were up too long – in excess of 6 months – and that they looked particularly “ugly” when there was no snow on the ground. On the other hand, while most Ottawa Snow Contractors Association (OSCA) members consider October 20 a reasonable start date, some with contracts starting on November 1 felt that it gave them too small a window to install all the markers in time.

During the course of the pilot program, the earliest allowable installation date was changed from November 1 to October 20 to accommodate the issues raised with respect to frozen ground conditions. Given the concerns of residents regarding the visual impact of markers in their neighbourhoods, the fact that the current permissible time period has been manageable despite Ottawa’s unpredictable climate, and that not all markers necessarily need to be in place prior to the contract start date, it is proposed that the current earliest install/latest removal date remain unchanged.

- ***Information displayed on markers***

The guidelines specifying what information may be displayed on markers are not intended to provide snow plow contractors with advertising opportunities. Third party (off-premise) advertising is restricted in the City's sign by-laws, and not permitted on residential properties.

The current guidelines only allow the snow contractor's logo and telephone number to be displayed. The City's approach has been to allow logos and telephone numbers because they:

- serve a functional purpose for private plow operators in locating their customers' driveways; and
- facilitate quick identification of the contractor should there be an issue (such as dumping snow on roads, etc.).

A number of participants in the public consultations said they were able to call in specific complaints because the contractor was readily identifiable through the information on the marker.

During the public consultations, feedback on this issue was diverse, ranging from suggestions for a total ban on any information to be displayed, to making the information identifying the contractor mandatory, to an expansion of what is permitted.

While snow plow contractors obviously see an opportunity to publicize their services through these markers, there was considerable negative feedback received from residents about advertising in their neighbourhoods, particularly as use of driveway markers by contractors grows. Most of these driveway markers are in residential communities.

Both the Ottawa Snow Contractors' Association and individual snow plow contractors have urged the City to expand the information permitted to include company names where the company name is not the logo or part of the logo.

Third-party (off-premise) advertising is inconsistent with the City's vision for residential neighbourhoods and with community values as expressed in the feedback received

during the public consultations. On the other hand, displaying the logo and telephone number of contractors on driveway markers serves a functional role that is useful to both residents and the City.

Because this information is intended to identify the driveway for the private snow plow operator, and to facilitate enforcement, only one set of markers per driveway access/egress point needs to contain the logo and telephone number. Any other markers on the property should serve only as indicators of hazards, and do not require contractor information to be displayed.

Therefore, it is proposed that the existing rules for what information can be displayed on markers (contractor logo and telephone numbers) remain unchanged. In addition, since the proposed rules will now allow more than the current maximum of two markers in certain circumstances (as described under “Number of Markers” above), any markers other than the two permitted on either side of the driveway access/egress points, will not be permitted to display any information.

- ***Overview of Proposed Rules for Snow Plow Driveway Markers***

Table 1 below compares the guidelines under the current pilot program with the proposed rules under Schedule 4 of the Harmonized Licensing By-law.

Table 1: Comparison of Current Guidelines and Proposed Rules

| Aspect | Guideline under Current Pilot Program | Proposed Rule |
|-----------------------------------|---|---|
| Earliest marker installation date | October 20 | October 20 |
| Latest date markers to be removed | April 30 | April 30 |
| Prohibited location | Not on an outer boulevard (area between a sidewalk and the travelled portion of | Not on an outer boulevard (area between a sidewalk and the travelled portion of the |

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| | the street) | street) |
| Permitted location on property (where there is a sidewalk) | Minimum 2 feet from sidewalk | For metal markers/supports - minimum 1.5 metres (5 feet) from sidewalk (see Note 1 below). For other markers, - Minimum 0.61 metres (2 feet) from sidewalk |
| Permitted location on property (where there is no sidewalk) | Minimum 4 feet from the travelled portion of the street | For metal markers/supports - minimum 2.1 metres (7 feet) from the travelled portion of the street (see Note 1 below). For other markers - minimum 1.22 metres (4 feet) from the travelled portion of the street |
| Maximum height of marker | 4 feet, measured from the ground | 1.22 metres (4 feet), measured from the ground |
| Maximum width of marker | 4 inches | 10.1 centimetres (4 inches) For metal markers/supports, maximum 10 millimetres (0.4 inches) in diameter |
| Permitted material of marker | Wood, plastic, or fiberglass – cannot be supported by metal bars | Wood, plastic, or fiberglass. Metal permitted provided setbacks from sidewalks/roads and maximum dimensions described above are met (on a trial basis) and there is a |

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| | | cap or guard on the end of any exposed metal (not covered by a sleeve) to prevent injury |
| Maximum number of markers | 2 per property (one on either side of the driveway) | 2 per driveway access to/egress from the property (one on either side of the driveway) 2 additional markers permitted on private property, provided no information is displayed on these |
| Information permitted on marker | Company logo and telephone number only – no advertising or other information | For markers abutting the driveway access/egress point: Company logo and telephone number only – no advertising or other information For other markers: None |

Implementation

It is therefore proposed that snow plow driveway markers be formally permitted and regulations for their use, as detailed in Document 1, be incorporated in Schedule 4 of Harmonized Licensing By-law 2002-189. It is anticipated that the new rules will be in effect in time for the 2017-2018 winter season.

It is also recommended that the by-laws currently prohibiting markers be amended to exempt them, as detailed in Document 2.

RURAL IMPLICATIONS

The implications of this report are City-wide.

CONSULTATION

Licensed snow plow contractors, the Ottawa Snow Contractors' Association (OSCA), community associations and Business Improvement Area (BIA) Associations were provided details of the consultation in an e-mail which included a link to an online survey, with a reminder e-mail sent eight days before the deadline for feedback. Notice of the consultation was also posted to ottawa.ca, where interested parties were invited to submit comments by e-mail or to complete the online survey.

Staff also met with the President of OSCA, who provided comments on behalf of the association's 25 members.

Information on the initiative was also provided to Councillors, the Public Works and Environmental Services department, and the Planning, Infrastructure and Economic Development department (ROW).

The public feedback received is summarized in Document 3.

COMMENTS BY THE WARD COUNCILLOR(S)

The implications of this report are City-wide.

ADVISORY COMMITTEE(S) COMMENTS

There are no Advisory Committee implications.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Formalizing the guidelines for snow plow driveway markers that have been in place on a trial basis during 2015-2016 and 2016-2017 ensures transparency regarding rules

governing the use, location, materials and information displayed on these markers to the benefit of all stakeholders.

The proposed restrictions on materials and placement help protect the City's snow clearing and removal equipment and contribute to public safety.

Formal rules will facilitate enforcement in the event of non-compliance.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report. The proposed trial period and conditions for metal-supported markers will contribute to protecting the City's snow removal/clearing equipment from damage.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report has an impact on Term of Council Governance, Planning and Decision Making priority GP2 – advance management oversight through tools and processes that support accountability and transparency. Formalizing the guidelines in the snow plow driveway markers pilot program will provide transparency in governance, ensure a level playing field for snow plow contractors and facilitate enforcement when there is non-compliance.

SUPPORTING DOCUMENTATION

Document 1 – Proposed Addition to Definitions and Schedule 4 (Snow Plow Contractors) of Harmonized Licensing By-law 2002-189

Document 2 – Proposed Amendments to Additional By-laws

Document 3 – Summary of Public Feedback

DISPOSITION

Emergency and Protective Services, along with any other relevant departments, will implement Council directions emanating from this report, as appropriate.

Upon City Council approval, staff of the City Clerk and Solicitor department and Emergency and Protective Services department will prepare the required by-law amendments for enactment by Council.

Staff will also apply to the Province of Ontario for the required set fines for offences, as required, as per the process set out by the Ministry of the Attorney General.

Document 1 – Proposed Additions to Definitions and Schedule 4 (Snow Plow Contractors) of Harmonized Licensing By-law 2002-189

Definition:

Snow plow driveway marker means a temporary, non-illuminated indicator or guide inserted with a vertical orientation into the ground on private property or a City right of way that serves to mark the edge of a driveway for a licensed snow plow contractor, and which is permitted under and complies with Schedule 4 of the Harmonized Licensing By-law 2002-189

DRIVEWAY MARKERS

1. No snow plow contractor shall install driveway markers on a property unless they comply with the following requirements:

| Aspect | Requirement |
|--|---|
| Earliest marker installation date | October 20 |
| Latest date markers to be removed | April 30 |
| Prohibited location | Not on an outer boulevard (area between a sidewalk and the travelled portion of the street) |
| Permitted location on property (where there is a sidewalk) | For metal markers/supports - minimum 1.5 metres (5 feet) from sidewalk (see Note 1 below). For other markers, - minimum 0.61 metres (2 feet) from sidewalk |
| Permitted location on property (where there is no sidewalk) | For metal markers/supports - minimum 2.1 metres (7 feet) from the travelled portion of the |

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| | <p>street (see Note 1 below).</p> <p>For other markers - minimum 1.22 metres (4 feet) from the travelled portion of the street</p> |
| Maximum height of marker | 1.22 metres (4 feet), measured from the ground |
| Maximum width of marker | <p>10.1 centimetres (4 inches)</p> <p>For metal markers/supports – 10 millimetres (0.4 inches) in diameter (see Note 1 below)</p> |
| Permitted material of marker/support | <p>Wood, plastic, or fiberglass</p> <p>Metal permitted provided setbacks from sidewalks/roads and maximum dimensions described above are met. (see Note 1 below) and there is a cap or guard on the end of any exposed metal (not covered by a sleeve) to prevent injury</p> |
| Maximum number of markers | <p>2 per driveway access to/egress from the property (one on either side of the driveway)</p> <p>2 additional markers permitted on private property, provided no information is displayed</p> |
| Information permitted on marker | <p>For markers abutting the driveway access/egress point - Company logo and telephone number only; no advertising or other information</p> <p>For other markers: None</p> |

Note 1: Metal markers/supports are permitted on a trial basis for the winters of 2017-2018 and 2018-2019.

Document 2 – Proposed Amendments to Additional By-laws

Temporary Signs on Private Property By-law 2004-239

1. Add definition of “snow plow driveway marker”, as follows: “Snow plow driveway marker” means a temporary, non-illuminated indicator or guide inserted with a vertical orientation into the ground on private property or a City right of way that serves to mark the edge of a driveway for a licensed snow plow contractor, and which is permitted under and complies with Schedule 4 of the Harmonized Licensing By-law 2002-189
2. Amend definition of “sign” to exclude “snow plow driveway marker”, as follows: "sign" means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea, but does not include a “snow plow driveway marker”

Signs on City Roads By-law 2003-520

1. Add definition of “snow plow driveway marker”, as follows: “Snow plow driveway marker” means a temporary, non-illuminated indicator or guide inserted with a vertical orientation into the ground on private property or a City right of way that serves to mark the edge of a driveway for a licensed snow plow contractor, and which is permitted under and complies with Schedule 4 of the Harmonized Licensing By-law 2002-189
2. Amend definition of “sign” to exclude “snow plow driveway marker”, as follows: "sign" means any visual medium used to convey information by way of words, pictures, graphics, emblems or symbols, or any device used for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea, but does not include a “snow plow driveway marker”

Encroachment By-law 2003-446

1. Add definition of “snow plow driveway marker”, as follows: “Snow plow driveway marker” means a temporary, non-illuminated indicator or guide inserted with a vertical orientation into the ground on private property or a City right of way that serves to mark the edge of a driveway for a licensed snow plow contractor, and which is permitted under and complies with Schedule 4 of the Harmonized Licensing By-law 2002-189
2. Under Section 2, EXEMPTIONS, add (i) “snow plow driveway marker”

Use and Care of Roads By-law 2003-498

1. Add definition of “snow plow driveway marker”, as follows: “Snow plow driveway marker” means a temporary, non-illuminated indicator or guide inserted with a vertical orientation into the ground on private property or a City right of way that serves to mark the edge of a driveway for a licensed snow plow contractor, and which is permitted under and complies with Schedule 4 of the Harmonized Licensing By-law 2002-189
2. Under Section 4 EXEMPTIONS, add: (4) Section 3 does not apply to a snow plow driveway marker permitted by Schedule 4 of the Harmonized Licensing By-law 2002-189.

Document 3 – Summary of Public Feedback

Public Consultations

An e-mail was sent to all community associations, Business Improvement Area (BIA) associations, and licensed snow plow contractors on June 27, 2017, providing details of the consultation, along with a link to the online survey. Organizations with no e-mail contact were provided this information by regular mail. Feedback was requested by July 20, 2017.

Notice of the consultation was also included in the June 29, 2017 Public Service Announcement “Have your say on upcoming and ongoing City projects”.

Feedback Received

Twenty (23) e-mails were received from stakeholders providing feedback from individuals, companies and/or community and BIA associations consolidating comments they received from members.

Staff met with a representative of the Ottawa Snow Contractors’ Association (OSCA) who provided feedback on behalf of the group’s 25 members.

193 respondents completed the online survey, which included three general questions, and four questions about the current guidelines.

1. Are you:

- A resident (90%)
- A commercial business (3%)
- A snow plow contractor (4%)
- Other (Community associations, Business Improvement Area (BIA) Associations) (3%)

2. Do you use a snow plow contractor to clear your driveway?

- Yes (69%)

- No (27%)
 - Not applicable (4%)
3. If you use a snow plow contractor, does s/he use driveway markers?
- Yes (65%)
 - No (6%)
 - Not applicable (30%)
4. The current guidelines are reasonable:
- I agree (78%)
 - I do not agree (22%)
5. Should there be additional restrictions?
- No (90%)
 - Yes (10%)
6. Should driveway markers be prohibited entirely?
- Yes (3%)
 - No (83%)
 - Comments (14%)

7. Do you have any additional comments?

55 comments were received in response to this question (see summary of feedback by topic below)

Summary of Topic-specific Feedback

- **General Comments**

- Some respondents questioned why the City should regulate snow plow markers since they are on “private property”, and/or suggested that resources be applied to more significant issues.
 - Many respondents felt that markers are a “necessity” in an Ottawa winter, that they facilitate snow clearing from private driveways and prevent damage to lawns and landscaping.
 - One respondent said the markers make operators’ jobs easier and reduces the amount of time they spend searching for clients’ driveways.
 - Many respondents feel that the current guidelines under the pilot program are reasonable.
 - Many respondents felt that markers are “eyesores” and “visual noise” that are an excuse for contractor advertising.
 - Some respondents expressed appreciation for the consultation process and the opportunity to provide feedback.
 - Several respondents complained that private snow plow contractors dumped snow on the road and/or at the end of their driveways, and asked that this be better monitored/enforced.
 - One respondent said that rules for snow plow contractors should respect the Noise By-law (i.e. no blowing before 6 a.m.)
- **Materials**
 - There was a large number of comments received on this aspect.
 - Several respondents said restrictions on metal supports is wasteful – that wood, plastic or fiberglass markers are easily broken in the cold and have to be replaced more often. Metal is stronger, lasts longer and is recyclable, making it more environmentally friendly.
 - Some contractors noted that metal supports are no more dangerous than fiberglass which splinters and creates shards that could cause injury. They are more stable and less likely to be pulled out, bent or damaged.
 - A contractor suggested increased setbacks from sidewalks/curbs to address the risk to City snow plowing/blowing equipment (5 feet instead of 2). If the 4 foot metal marker falls over, it would still be short of where the plows might come into contact with it.

- Many residents said they had seen metal markers in use by both snow plow contractors and property owners and that they did not create any problems.
- OSCA members would prefer if metal supports were permitted as this would give them the flexibility to use whichever material is best suited for a particular site.
- **Timing** (earliest installation date/date by which markers must be removed)
 - Contractors expressed concerns that the October 20 installation date created challenges in servicing clients with contracts starting November 1.
 - Residents and contractors noted that Ottawa's climate is unpredictable and that there should be flexibility in the install/remove dates.
 - Residents felt the 6 months+ time the markers are permitted to remain in place is too long – that they should be installed later and removed earlier.
 - Both residents and contractors felt that the install/remove dates should be actively enforced.
- **Number of markers permitted**
 - A large number of comments flagged issues with the maximum of two (2) markers currently permitted, particularly for long, irregular or curved driveways and where hidden hazards, such as retaining walls or steps, warranted marking.
 - OSCA recommended two markers per driveway entrance (for example, with a U-shaped or circular driveway permitted to have four markers). They also questioned how the maximum number of markers would apply to commercial properties, where multiple markers are required to identify curbs, medians, etc.
 - Some residents felt that “an excess of markers is an eyesore” and/or expressed concerns that neighbourhoods were being subjected to excessive advertising due to the information permitted to be displayed on markers.
- **Size**
 - Contractors noted that the size of markers should be the same for all companies to ensure fair competition.
 - Some residents felt they are too big (high/wide) and asked that they be less visually obtrusive or prohibited entirely.

- Some residents felt they are too short given the amount of snow Ottawa receives.
- OSCA noted that markers typically come in standard sizes, and that the stipulated maximums conform with the standard. OSCA also expressed the view that there is an aesthetic benefit to uniformity in appearance and size.
- **Placement of markers**
 - A number of residents felt that markers should be permitted closer to the travelled road/curb so that they would be more visible to snow plow contractors. Some also noted that if the markers are closer to the curb, they would better indicate the edge of the property to City plows and prevent damage to lawns and other landscaping features.
 - OSCA said the current setbacks from sidewalks and streets are generally reasonable. It was noted, however, that the setbacks should be smaller in the urban core where it could, in fact, be beneficial to City plowing operations since the edges of the property would be more readily identifiable.
- **Information displayed on markers**
 - Many residents felt that allowing the logos and phone numbers of contractors to be displayed on markers was helpful in identifying them if and when they dump snow on the street. They can call the contractor directly, or report them to the City.
 - Many residents suggested all advertising, including logos and phone numbers, be prohibited, and that the markers should only be indicators. They felt the only reason for this information is advertising/promotion, and that it causes “visual garbage”. There was also a suggestion that “aggressive colours” be banned.
 - Contractors said they find the company information useful for the operators to be able to locate their customers’ driveways (particularly if there is a new operator).
 - Contractors noted that the markers served a dual purpose in identifying their clients’ driveways, as well as for advertising, which is especially important to small local businesses.

- Some residents suggested the name and telephone number be mandatory, not operational, as it assists in identifying contractors.
- OSCA said they would also like to see company names permitted in addition to logos and telephone numbers. They noted that logos do not lend themselves to the shape of markers, which are long and narrow, resulting in a small display of the company identification. Having the company name running down the side, or wording such as “snowblowing” would provide the best identification model. They recommended a 5-year phase-in of any rules that limit the information displayed to logos and telephone numbers, as many existing markers also include names and other information.