

**STAFF REPORT:      ENGINEERING AND PUBLIC WORKS**

**REPORT TO:**                    Infrastructure and Recreation  
Committee

**MEETING DATE:**            May 15, 2012

**REPORT NO.:**                EPW.12.018

**SUBJECT:**                    Maintenance Standards for  
Sidewalks

**PREPARED BY:**            Reg Russwurm, Director of  
Engineering and Public Works

**A.      Recommendations**

THAT Council receive Staff Report EPW.12.018, "Maintenance Standards for Sidewalks";

AND THAT Council adopt the following as the level of service for winter maintenance of sidewalks as fully described within Report EPW.12.018:

1. The service area will remain those sidewalks currently cleaned on a priority and secondary basis;
2. Priority routes will be cleared upon the accumulation of 5 cm of snow within 16 hours, secondary routes will be cleared upon the accumulation of 5 cm of snow within 24 hours, and sand/salt mix will be applied as necessary for traction;
3. Snow removal will be undertaken as a contracted service achieving the Town's minimum level of service criteria;
4. The liability risk for injury claims will be transferred to the Contractor as available to the Town in a service contract;
5. The contracted service will be bid on an annual lump sum basis for a three year term;

AND THAT Council adopt the same level of service for municipal parking lots maintained by the Roads and Drainage Division as that used for secondary sidewalks.

**B.      Background**

The Town is responsible for the provision and maintenance of sidewalks on Town road allowances and lands. As part of this responsibility, the Town should set a documented level of service that the Town will provide on sidewalks. For the purposes of this report, sidewalks are considered hard surfaced paths within a designated road allowance for the use of pedestrians. It should be noted that currently there is no winter maintenance provided on any soft surface or off-road trail, nor is this issue addressed in this report.

The current service contract for sidewalk winter maintenance has expired with the Town's Contactor. It is therefore an appropriate time to undertake an in depth review of the level of service the Town provides on sidewalks before issuing bid documents to

again engage a contractor to another three year contract. The timing for the issuance of the potential tender is midsummer with award in September.

Through Ontario Regulation 239/02 made under the *Municipal Act, 2001*, the Province of Ontario has set the Minimum Maintenance Standards for Municipal Highways. This regulation was recently revised by O.Reg. 23/10 to establish new standards for sidewalk inspection and maintenance. The relevant section of the regulation is provided as Attachment 1.

The level of service (LOS) for summer and winter maintenance on sidewalks will be considered separately within this report. Although the report is focused on sidewalks, consideration will be given to using the same standard for municipal parking lots.

### **SUMMER MAINTENANCE**

The Town's current LOS for sidewalks in the summer satisfies provincial regulation O.Reg. 239/02 for minimum maintenance standards as paraphrased for convenience below in italics.

*16.1 (1) The minimum standard for the frequency of inspecting sidewalks to check for surface discontinuity is once per year. In a case where the municipality is made aware of a surface discontinuity as a result of information from any other source an inspection of the reported surface discontinuity will be performed within five (5) working days.*

*(2) If a surface discontinuity on a sidewalk exceeds two centimetres, the minimum standard is to treat and permanently repair the surface discontinuity within 14 days after becoming aware of the fact.*

*(3) For the purpose of subsection (2), treating a surface discontinuity on a sidewalk means taking reasonable measures to protect users of the sidewalk from the discontinuity, including making permanent or temporary repairs, alerting users' attention to the discontinuity or preventing access to the area of discontinuity.*

*(4) In this section, "surface discontinuity" means a vertical discontinuity creating a step formation at joints or cracks in the surface of the sidewalk.*

To address the provincial regulation above, summer inspections are completed each year by Town staff and surface discontinuities are repaired as warranted. Corrective actions may include but are not be limited to:

- i. Temporary repair of the discontinuity by grinding or application of hot asphalt or cold patch, depending on the time of year.
- ii. Marking as soon as is practicable with luminescent spray paint to bring attention to the area until a permanent or temporary repair can be completed.

- iii. Protect or delineate the area depending on the extent of the discontinuity, either with caution tape or safety cones until it can be temporarily or permanently repaired.
- iv. Supervisory personnel may direct any further or additional action they deem required or necessary.

In addition, the Town will actively address debris (i.e. tree limbs) on a sidewalk. The Town's LOS is to deploy resources, as soon as practicable after becoming aware of the fact, to remove the debris.

Staff do not recommend a change to the LOS for summer maintenance

### **WINTER MAINTENANCE**

The Town has a responsibility to keep the sidewalks in a state of repair that is reasonable for the circumstances. Currently the Town does not have a clearly defined winter maintenance level of service for sidewalks and Ontario Regulation No. 239/02 does not address the winter maintenance of sidewalks. Staff believe winter maintenance practices for sidewalks should be developed.

#### **Winter Level of Service Review**

The Infrastructure and Recreation Committee has requested that Staff monitor and review the activities of our sidewalk winter maintenance Contractor for any potential cost savings.

Prior to the fall of 2011 the Town's patrolling of sidewalk conditions had been limited to spot inspections of a few troublesome areas in Thornbury and Clarksburg and general oversight. Areas that were known to become slippery would be spot sanded during the day by Town Staff in an effort to reduce the Contractor's hours and cut costs.

Beginning in the winter of 2011/2012, the Town began a more formalized sidewalk inspection and reporting process that is performed by both the Manager of Roads and Drainage and the Roads Foreman. Staff began actively inspecting and patrolling the sidewalks in Thornbury, Clarksburg and in the Blue Mountain Village Commercial areas on a regular basis. The Contractor was asked to reduce the level of service and respond to only significant snow events with more than 2 cm of snow (1 inch) or when sidewalks became icy/ slippery. This level of service became problematic for pedestrian access in areas such as the Thornbury Medical Center, the Library, the Hester Street parking lot and the Parkette plus the Commercial area of Bruce Street.

The Town has also had requests for increased level of service at Fire Hall No. 2 from Grey County Emergency Services Staff. These sites have a high expectation for bare surface sidewalks and parking lots.

In early December of 2011 the Town experienced two reported slip and falls on Municipal property both in Thornbury. Since the Contractor is liable for any injuries, the Contractor stated they would return to their prior level of service and once again worked to achieve a smooth and as close to a bare sidewalk surface as could be reasonably accomplished. To date there have been no further reported slip and falls.

The cost of the contracted winter maintenance for sidewalks in 2009/2010 was \$35,659 in the 2010/2011 costs were \$45,100 and 2011/ 2012 were around \$34,000 (final figures pending). The goal of Staff was to determine if a 10 to 12% saving could be found which would equate to approximately \$4,000. Staff had discussions with the Contractor to determine what cost saving could be realized through a reduction in service. It was determined that most of the Contractors' cost was tied to the fixed costs for the equipment, insurance and operator. It should be noted the operator is experienced and runs equipment all year round for the Contractor and is on salary.

The Contractor indicated that if the level of service was to be reduced and the number of billable machine hours were to be reduced, that the hourly rate for winter maintenance would go up to cover these fixed costs.

### **Comparison to Other Municipalities**

For comparison purposes, Staff investigated surrounding municipalities to determine their level of service for winter maintenance. It is noted there is little consistency among stated levels of service.

Meaford has identified that it will clear a selection of identified sidewalks within 16 hours after becoming aware of snow and ice conditions. Other non-priority routes do not have a defined LOS or response time.

Collingwood has By-law 2008-156 requiring that Property owners in the business core area must clear the sidewalk adjacent to their business by 10 am each morning. The side street or secondary sidewalks do not have a declared level of service. Staff has contacted Collingwood looking for clarification on secondary sidewalks

Wasaga Beach has 4 sidewalk classes. Sidewalk operations will begin with snow clearing on Class 1 sidewalks. As staff availability and weather conditions allow, class 2 sidewalk operations will follow. Class 3 sidewalks will be the last to be addressed. Class 4 sidewalks are not cleared. Snow clearing operations will begin as soon as possible after a storm event has ended and normally with 24 hrs from the end of a storm event.

Owen Sound has a Bylaw requiring every owner or occupant of the ground floor of a building (including hallways, laneways or alleyways adjoining the sidewalks on the streets) for snow and ice removal from the sidewalk.

City of Barrie has a By-law requiring the adjoining land to clear the sidewalk in the Commercial areas. City crews will clear priority area sidewalks once there is

accumulation of 5 cm (2 inches) and secondary areas once there is 8 cm (3.25 inches) within 24 hours and will maintain all sidewalks in a snow packed condition.

City of Vaughan will begin snow removal operations once 5 cm (2 inches) of snow has accumulated on the sidewalks. Primary sidewalks will be cleared within 8 hours, secondary sidewalks have no defined LOS or response time.

Township of Essa will begin snow clearing from sidewalks when the accumulation of snow is in excess of 7.5 cm (3 inches) and will clear the priority areas within 6 hours. Secondary areas have no defined response time and it is stated that no sand or deicing salt will be applied to the sidewalks.

City of Mississauga will begin snow clearing when accumulation of snow exceeds 15 cm (6 inches) and will clear sidewalks within 24 hours. Snow falls of 15cm to 30 cm will be cleared in 36 hours.

### **Winter Maintenance Scenarios**

The Town has several factors to consider in setting and achieving the desired LOS for sidewalk winter maintenance at a reasonable level of risk and cost. The key decision points are:

1. Service Area
2. Winter Maintenance Standard
3. Execution of Work
4. Liability Risk
5. Cost Certainty

The following discussion will outline the various options under each key decision point. A preliminary Staff recommendation is provided at each decision point however the overall mix of decisions will be confirmed at the conclusion of the background discussion.

### Decision Point 1: Service Area

The amount of sidewalk that the Town will provide winter maintenance upon is at the discretion of the Town. Four primary options are given below; however it is possible for the Town to define a variant sub-set of any option.

#### Option 1: No Sidewalk Winter Maintenance

The Town has the option to not undertake any winter control activities at all on any sidewalks within the Town. All sidewalks would be considered closed from November 1 to April 15. No inspections or maintenance work would be done during this period.

The Town's cost of sidewalk maintenance will be reduced by around \$40,000 annually.

Given the Town's past practice of providing winter maintenance on sidewalks in Thornbury and Clarksburg, this reduction in the LOS will be seen to be a drastic reduction to many Town residents particularly given the Town's older demographics and winter tourism industry.

#### Option 2: Winter Maintenance to Priority Sidewalks

The Town could limit the winter maintenance to priority sidewalks only (Attachment 2). Secondary sidewalks would be considered closed and would not be plowed, maintained or inspected during the winter months. Currently the Town maintains secondary sidewalks in Thornbury and Clarksburg but nowhere else. Only the priority sidewalks in the Village Commercial Core receive winter maintenance.

A reduction in the amount of sidewalk maintenance may result in a higher hourly rate due to the loss of economies of scale. As described earlier in this report, there are fixed costs to keep equipment and manpower on standby. The overall cost however would be expected to be less. An opportunity in this option would be to find the right Contractor that would benefit from the reduced work volume.

One alternative that could be considered with this reduced scope of service is to utilise Town equipment and appropriately trained staff to affect the prescribed maintenance.

The anticipated saving by only clearing priority sidewalks could be in the \$10,000 to \$15,000 range. It is a difficult figure to estimate.

Option 3: Clear Primary and Limit Secondary Sidewalks Clearing to Thornbury and Clarksburg (Existing Condition)

The Town's current practice is to clear priority sidewalks in Thornbury, Clarksburg and the Village Commercial Core (Attachments 2) plus secondary sidewalks in Thornbury and Clarksburg (Attachment 3). This is the scope of service that the community is accustomed to and which any change will be measured against.

Option 4: Clear Primary and Secondary Sidewalks throughout Town (Expanded Service Area)

From time to time, the Town is asked by residents in the Craigleith area to expand winter maintenance to the secondary sidewalks in Craigleith like Thornbury and Clarksburg. The estimated cost to provide this service is \$50,000 to \$60,000 annually given the distance between relatively short sections of sidewalk. The Town to date has declined to enlarge the service area. As more sidewalk is constructed as part of development and assumed by the Town, there will be more pressure to provide winter maintenance on secondary sidewalks outside of those areas already done. At the same time, the economies of scale may increase to the point where expanding the area of sidewalk clearing is desired.

Staff Recommendation

Staff recommend that the Town continue to provide winter maintenance on the same sidewalks as currently done – Option 3. The key reason for this recommendation is that the community has come to expect the sidewalks are cleared in these service areas. Although the community, particularly Craigleith, would enjoy an expanded service area, the cost of the additional winter maintenance would be significant. Furthermore, the provision of year round maintenance of the sidewalks network will promote active transportation within the community because there is an expectation of usable sidewalks for utilitarian walking and for recreational purposes with an aging population.

Decision Point 2: Winter Maintenance Standard

Staff is proposing the following standards for when to undertake snow removal and to address icy conditions on sidewalks the Town has decided to maintain. The defined LOS must be realistic and achievable because the Town (or Town contractor) will be expected to consistently meet or exceed this standard. Options have not been specifically given because it is a subjective decision based on the LOS the community wishes to provide. This can be noted in the comparison to other municipalities offered earlier in this report. There is little inter-municipal consistency. The decision points in

each of the following paragraphs are underlined and italicised for convenience and are at which points Council can set a winter maintenance LOS standard.

- A. Priority Routes: Following a winter storm event, plow equipment will be dispatched to priority routes (Attachments 2 and 3) upon the accumulation of: five (5) centimeters of new snow. Plowing operations will remove snow down to a smooth snow packed surface. Priority sidewalks will be cleared within sixteen (16) hours of being dispatched. Sand/salt mix will be added at the same time to increase traction for pedestrians on icy/slippery areas.
- B. Secondary Routes: Following a winter storm event, plow equipment will be dispatched to secondary routes (Attachments 2 & 3) upon the accumulation of: five (5) centimeters of new snow. Plowing operations will remove snow down to a smooth snow packed surface. Priority sidewalks will be cleared within twenty-four (24) hours of being dispatched. Sand/salt mix will be added at the same time to increase traction for pedestrians on icy/slippery areas.
- C. The Contractor will undertake daily patrol to monitor sidewalk conditions. Town staff will monitor the Contractor's activities and conduct random inspections
- D. Apply sand/salt mix within sixteen hours to increase traction for pedestrians as the operator becomes aware of slippery conditions during non-snow events. (This is the same LOS as a Class 4 road.)
- E. Winter maintenance will begin on *November 1* in any year to *April 15* in the following year.
- F. Sidewalks not included in the defined areas shall not be maintained from *November 1* in any year to *April 15* in the following year and shall be considered closed during this period.

### Decision Point 3: Execution of Work

Under this decision point, the question of who undertakes the work is considered.

#### Option 1: Adjoining Land Owners

The Town can enact a By-law requiring adjoining residents to clear sidewalks. This would remove any maintenance costs for the Town. This alternative creates an enforcement challenge though. By-law Staff will actively need to enforce the By-law for the sidewalks to be usable by pedestrians within 24 hours.

By enacting a By-Law, the Town would save on average \$40,000 per year. The cost of education and enforcement would be relatively high for the first few years

but is expected to taper off over time. It would not be unreasonable to require 250 hours of By-law enforcement over the winter season. Staff time (250 hrs x \$70= \$17,500) plus \$2,500 to create an education and awareness program results in an estimated total annual cost of \$20,000. There is little capacity with the By-Law Division to undertake addition enforcement activities without staffing enhancements.

The LOS is expected to be less than that which would be expected from workers dedicated to clearing sidewalks to defined Town criteria.

Ensuring the sidewalks are cleared in a timely manner will be problematic for the Town's aging population and for part-time residents. Of course, residents who are unable to clear the sidewalk can hire a contractor to do the work when the snow is cleared from their own property. A bigger challenge will be getting sidewalks cleaned in front of vacant lots.

#### Option 2: Town Staff and Equipment

The Town has traditionally hired a contractor to undertake winter control on sidewalks. In order for the Town to undertake sidewalk clearing, the Town would need to obtain and dedicate sufficient resources (staff and equipment). To date the scope of work has been considered both too large and too small to be a viable alternative.

#### Option 3: Contractor

The Town has tendered for and retained a contractor in the past to undertake winter maintenance on sidewalks. Two contracts have been issued; one for the Thornbury / Clarksburg area and the other for the Village Commercial Core priority sidewalks.

This model has worked well for the Town. Part of that success is due to the contractors hired.

Furthermore, this model provides the ability to retain a specialised work force for a defined task thereby avoiding ongoing staffing overhead costs.

#### Staff Recommendation

Staff recommend that a contractor be utilised to provide winter maintenance. Requiring the adjacent property owner to maintain the sidewalk is expected to be disagreeable to the community and unworkable given the significant proportion of elderly and part-time residents compounded by the number of vacant lots. Staff feel the size of the work effort and the timing requirements better suits

contracting than using Town forces especially given the number of landscaping and similar contractors available in this area.

#### Decision Point 4: Liability Risk

Where the liability is assigned is an important decision because the cost implications can be significant if claims are paid out.

Within the Town's current service contract, the liability of slip and falls is transferred to the Contractor. It is the Contractor's insurance that is tested by any litigation. The Town of course can and will be named on a claim; however the Town's Insurer can defend or refer the claim through the service contract to the Contractor.

There are really two options when it comes to assigning liability for injuries caused by winter maintenance, or lack thereof. It is either the Town or a contractor. Although the Town can attempt to transfer responsibility to an adjoining property owner, in reality, the Town will bear primary responsibility.

The only viable means for the Town to distant itself from liability is to transfer that risk to a Contractor. The collateral to transferring the risk means the Town however must be prepared to allow the Contractor to take means they feel are appropriate to mitigate that liability provided the Contractor is achieving the Town's minimum LOS and other conditions as may be specified in the service contract. If the contract pays the Contractor hourly, the Town losses some control over the final cost.

The current Contractor has indicated that from their experience with slip and falls, the most economical business case is to work to clear sidewalks to a smooth surface as close to bare as can be achieved with their equipment and to apply sand/ salt mixture for added traction when needed. Even a small amount of snow can become packed down by foot traffic and become slippery. Freeze/ thaw events melt the snowbanks onto the sidewalks and freezing overnight creates a potential hazard the next day. Once sidewalks have been found to be slippery or have the potential to become slippery, the Contractor has responded and applied sand/salt to the sidewalks.

The cost to the Town for an 8 hour shift for the sidewalk machine is around \$500. This cost is reasonable when compared to the potential loss from a single slip or fall claim. The Town's insurance provider has indicated the cost of a slip and fall claim is \$19,000, while a broker at Noble Insurance has suggested they are closer to \$25,000 per claim. A reduction in LOS that results in a savings of say \$4,000 annually is negated quickly by a claim payment. Even the Staff time to defend the claim will be significant. As of January 1, 2012 the Town's deductible for slip and fall claims was increased from \$25,000 to \$50,000. It appears that even one successful claim against the Town would offset any savings for many years.

Staff's recommendation is to transfer the risk to a contractor if the Town proceeds with contracted service.

### Decision Point 5: Cost Certainty

Part of the decision on how to undertake winter maintenance consists of understanding cost certainty. Cost certainty is how predicable and repeatable the costs are year over year. The primary decision will be whether the work is done on an hourly basis or on a set lump sum for the season.

#### Option 1: Adjoining Land Owners

Although it is expected that there will be some initial start-up education and enforcement costs, the overall costs of having adjoining land owner clearing the sidewalks will diminish over time to the point where the costs are consistent year over year. The costs are quite predictable because the Town has direct control over the level of effort expended.

#### Option 2: Hourly

An hourly rate for winter control places the financial risk on the Town. In response to a high number of snow events or freeze /thaw events, the cost for winter maintenance will increase. Conversely, the Town will experience cost savings in a winter with a lower than average number of snow or freeze/thaw events. This is the same whether the Town utilises their own forces or a contractor.

Currently, the Town's contractor is paid on an hourly basis to clean the sidewalks. This current contractual relationship has led to the situation where the Contractor performs work to reduce their exposure to liability while the Town pays for this winter maintenance LOS through the hourly rate. The contractor's work is monitored by Staff however the decision whether or not to mobilise rests with the contractor. Staff are comfortable with this arrangement given the relationship the Town has with the current Contractor. It may be a different experience with another Contractor.

#### Option 3: Lump Sum

The highest level of cost certainty is achieved by tendering for work on a lump sum basis for a defined LOS. The financial risk is absorbed primarily by the Contractor.

Given the limited number of contractors in the Town that can and will undertake sidewalk winter maintenance, the Town will not experience pure competitive market conditions and as a result the tendering process will be unpredictable. It must be recognised that the Town will potentially experience higher costs as the Contractor passes that financial risk along to the Town. The contractor will predict the number of plowing /sanding events conservatively or otherwise

assume the financial risk of bidding too low. There is also the possibility that if a Contractor bids too low, he will be “forced” to reduce the LOS to mitigate costs.

If the Contractor was to not meet the Town’s defined LOS there would be penalty clauses in the Contract. The amount of contractor monitoring by Staff will have to increase over the current condition to ensure the LOS is being achieved. It is estimated that the Town will expend approximately \$8,600 in Staff time in either overtime or deferred work to monitor the contractor and enforce penalty clauses as warranted.

The Contractor will establish the most efficient level of service when confronted with the liability of slip and falls if the contract directs all liability for the winter sidewalk maintenance to the Contractor. The Contractor may choose to provide a higher LOS than what was prescribed by the Town as a defense against claims. The Contractor will balance the number of machine hours and cost against the potential loss from a successful slip and fall claim. The perception of over servicing the sidewalks would be seen as a benefit to the Town and not a cost.

#### Staff Recommendation

Staff recommend that the Town issue a tender for a lump sum priced contract. Along with obtaining a set price with which the Town can confidently budget, the Town will be able to gain experience with this type of contracting methodology. The Town has previously tendered this work on a three year basis with annual renewals. Staff also recommend that the next tender also be tendered for three years with annual lump sum pricing. The contract will include provisions to not continue the contract on an annual basis based on acceptable performance.

#### Municipal Parking Lots

The Town should establish a LOS for municipal parking lots. For the purpose of this report, municipal parking lots are those maintained by the Roads and Drainage Division. Staff recommend that the LOS for municipal parking lots be the same as that prescribed for secondary sidewalks. That is: following a winter storm event, equipment will be dispatched to parking lots upon the accumulation of: *five (5) centimeters of new snow*. Plowing operations will remove snow down to a smooth snow packed surface. Priority sidewalks will be cleared within *twenty-four (24) hours* of being dispatched. Sand/salt mix will be added at the same time to increase traction for pedestrians on icy/slippery areas.

The Town’s other Departments with parking lots have reviewed the above LOS for parking lots under their jurisdiction and will be adopting the same LOS that is being established by EPW through this Staff Report. The Library however is considering if a higher LOS is needed for the Library parking lot given their clientele.

### Summary of Recommendations

A summary of the various recommendations developed in this report are outlined below:

Staff recommend that the level of service for winter maintenance of sidewalks be:

1. The service area will remain those sidewalks currently cleaned on a priority and secondary basis;
2. Priority routes will be cleared upon the accumulation of 5 cm of snow within 16 hours, secondary routes will be cleared upon the accumulation of 5 cm of snow within 24 hours, and sand/salt mix will be applied as necessary for traction;
3. Snow removal will be undertaken as a contracted service achieving the Town's minimum level of service criteria;
4. The liability for injury claims will be the sole responsibility of the Contractor;
5. The contracted service will be bid on an annual lump sum basis for a three year term;

Furthermore, Staff recommend that the same level of service be adopted for municipal parking lots maintained by the Roads and Drainage Division as that used for secondary sidewalks.

### **C. The Blue Mountains' Strategic Plan**

Updating the Town's Minimum Maintenance Standards for sidewalks furthers the Town's Strategic Goal No. 2, "Addressing the Town's municipal infrastructure needs".

### **D. Environmental Impacts**

Routine maintenance practices are designed to have a minimal environmental impact. Contractors are requested to comply with the Town's Anti-idling Policy.

### **E. Financial Impact**

The 2012 Roads and Drainage budgeted amount for sidewalk repairs is \$10,000 with an approved enhancement of \$29,000. Surface discontinuities discovered through the annual inspection and repaired will be funded from this account. Unexpended funds will be added to reserves. Capital sidewalk repairs/ replacements will be funded from reserves.

The winter maintenance budget for clearing sidewalks in Thornbury and Clarksburg is \$40,000 annually while \$9,000 is budgeted for clearing sidewalks in Village Commercial Core.

The budgeted amount for clearing parking lots is set within the operating budgets of the various operating divisions.

During the preparation of the bid documents, Staff will consider utilising a proposal selection process whereby the vendor is scored on the overall value presented in their submission instead of only low bid. This methodology provides Staff the opportunity to assign a value to the abilities of the Contractor beyond achieving the minimum criteria outlined in the bid documents. One such criteria will be the contractors demonstrated ability to achieve a defined level of service and the ability to defend against litigation.

In the event that the tendered amount exceeds the budgeted values, the Town will have the option to allocate additional funds to the service or to re-evaluate the LOS.

#### **F. In Consultation With**

Sherri Adams, Manager of Purchasing  
Shawn Everitt, Director of Recreation  
A.J. Lake, Deputy Fire Chief  
Jim McCannell, Manager of Roads and Drainage  
John Caswell, Manager of Water and Wastewater

#### **G. Attached**

1. Ontario Regulation 239/02, Minimum Maintenance Standards for Municipal Highways.
2. Winter Sidewalk Maintenance Map - Thornbury & Clarksburg
3. Winter Sidewalk Maintenance Map - Craigeleith

Respectfully submitted,

**Reg Russwurm**

Reg Russwurm  
Director of Engineering and Public Works  
Engineering and Public Works  
Office: 519-599-3131 Ext 260  
Fax: 519-599-3664  
[russwurm@thebluemountains.ca](mailto:russwurm@thebluemountains.ca)

**Municipal Act, 2001**  
**Loi de 2001 sur les municipalités**

**ONTARIO REGULATION 239/02**  
**MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS**

**Consolidation Period:** From February 18, 2010 to the [e-Laws currency date](#).

Last amendment: O. Reg. 23/10.

*This Regulation is made in English only.*

**Sidewalk surface discontinuities**

**16.1** (1) The minimum standard for the frequency of inspecting sidewalks to check for surface discontinuity is once per year. O. Reg. 23/10, s. 10.

(2) If a surface discontinuity on a sidewalk exceeds two centimetres, the minimum standard is to treat the surface discontinuity within 14 days after becoming aware of the fact. O. Reg. 23/10, s. 10.

(3) For the purpose of subsection (2), treating a surface discontinuity on a sidewalk means taking reasonable measures to protect users of the sidewalk from the discontinuity, including making permanent or temporary repairs, alerting users' attention to the discontinuity or preventing access to the area of discontinuity. O. Reg. 23/10, s. 10.

(4) In this section,

“surface discontinuity” means a vertical discontinuity creating a step formation at joints or cracks in the surface of the sidewalk. O. Reg. 23/10, s. 10.

**REVIEW OF REGULATION**

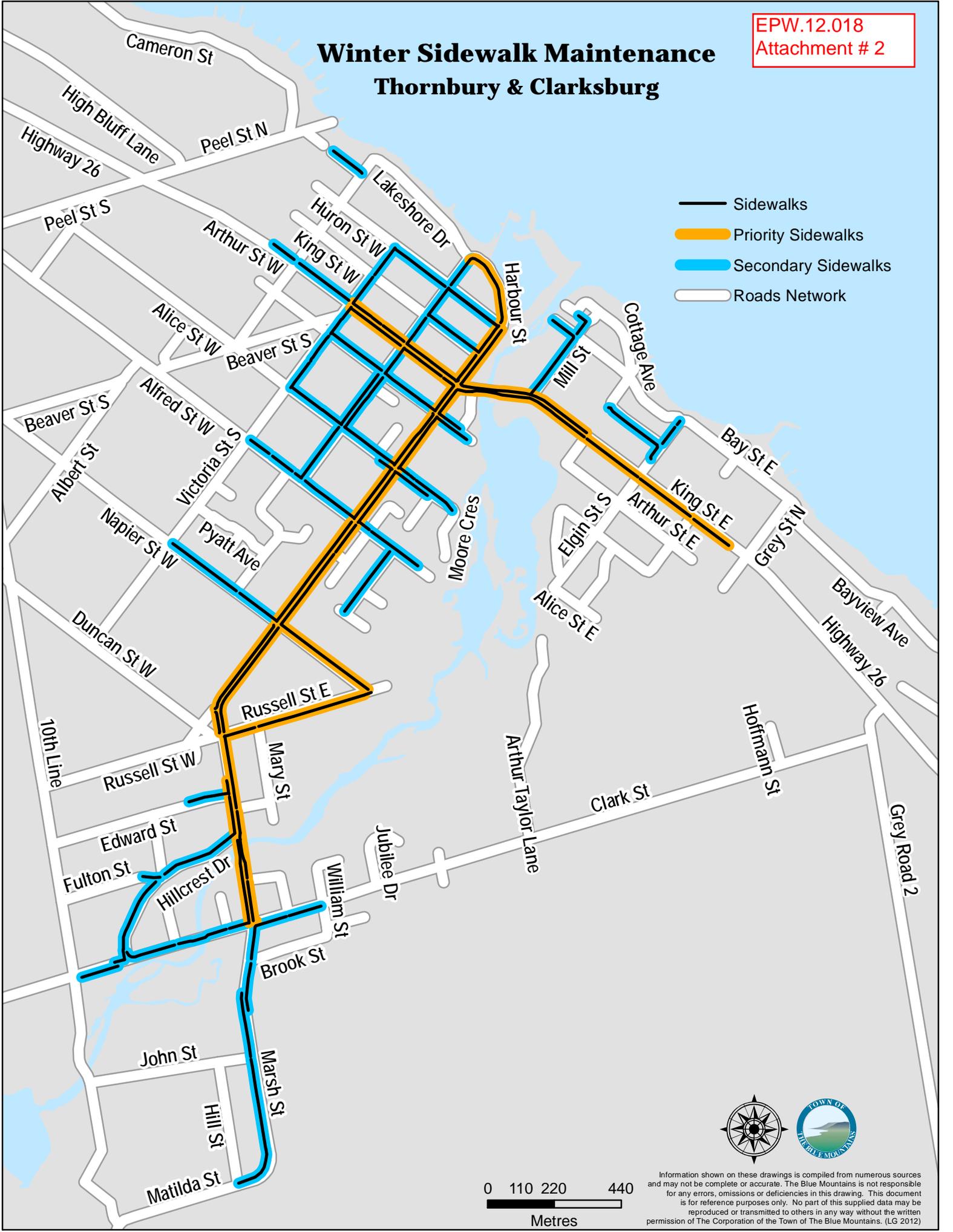
**Review**

**17.** (1) The Minister of Transportation shall conduct a review of this Regulation and Ontario Regulation 612/06 (Minimum Maintenance Standards for Highways in the City of Toronto) made under the *City of Toronto Act, 2006* every five years. O. Reg. 613/06, s. 2.

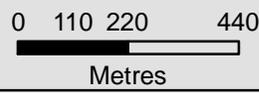
(2) Despite subsection (1), the first review after the completion of the review started before the end of 2007 shall be started five years after the day Ontario Regulation 23/10 is filed. O. Reg. 23/10, s. 11.

**18.** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 239/02, s. 18.

# Winter Sidewalk Maintenance Thornbury & Clarksburg

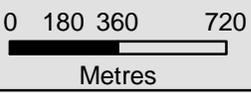
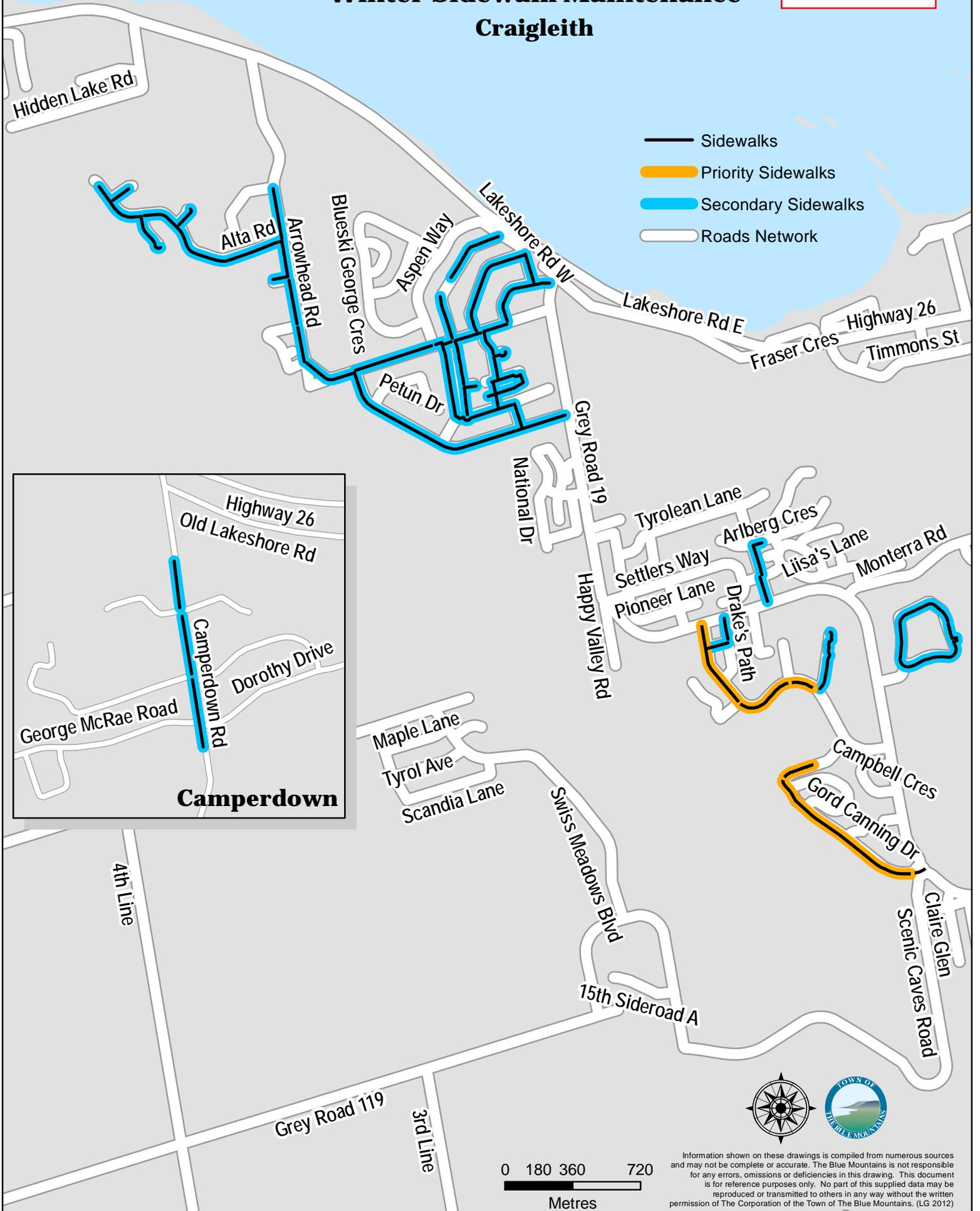


- Sidewalks
- Priority Sidewalks
- Secondary Sidewalks
- Roads Network



Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Blue Mountains is not responsible for any errors, omissions or deficiencies in this drawing. This document is for reference purposes only. No part of this supplied data may be reproduced or transmitted to others in any way without the written permission of The Corporation of the Town of The Blue Mountains. (LG 2012)

# Winter Sidewalk Maintenance Craigleith



Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Blue Mountains is not responsible for any errors, omissions or deficiencies in this drawing. This document is for reference purposes only. No part of this supplied data may be reproduced or transmitted to others in any way without the written permission of The Corporation of the Town of The Blue Mountains. (LG 2012)