



**The Municipal Corporation of the
Town of Fort Erie**

BY-LAW NO. 189-2000

**BEING A BY-LAW TO ESTABLISH WINTER CONTROL
STANDARDS AND TO REPEAL BY-LAW NOS. 37-98, 184-98,
AND 188-99 (210102)**

WHEREAS Section 284 (1) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended provides that the council of the corporation that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in light of all the circumstances, including the character and location of the highway or bridge, and

WHEREAS subsection 284 (1.1) of the said Act, provides that in case of default, the corporation, subject to the *Negligence Act*, is liable for all damages any person sustains because of the default, and

WHEREAS subsection 284 (1.2) of the said Act, provides that the corporation is not liable under subsection (1) or (1.1) for failing to keep a highway or bridge in a reasonable state of repair if it did not know and could not reasonably have been expected to know about the state of repair of the highway or bridge, and

WHEREAS subsection 284 (1.3) of the said Act, provides that the corporation is not liable under subsection (1) or (1.1) for failing to keep a highway or bridge in a reasonable state of repair if it took reasonable steps to prevent the default from arising, and

WHEREAS subsection 284 (1.4) of the said Act, provides that the corporation is not liable under subsection (1) or (1.1) for failing to keep a highway or bridge in a reasonable state of repair if, at the time the cause of action arises,

- (a) minimum standards established under subsection (1.5) apply,
 - (i) to the highway or bridge, and
 - (ii) to the alleged default; and
- (b) those standards have been met. , and

WHEREAS except in case of gross negligence, a corporation is not liable for a personal injury caused by snow or ice upon a sidewalk, and

WHEREAS Report No. PW-52-2000 was approved at the Council-in-Committee meeting October 16, 2000, approving the Winter Control Plan comprised of Standards and Operational Guidelines as described in Report No. PW-52-2000 and further that Staff be directed to prepare a consolidated by-law incorporating the revised Winter Control Standards for consideration at the October 23, 2000 Regular Meeting of Council, and

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WHEREAS it is deemed expedient to establish and approve the following winter control standards;

- (a) Standard PW-RDS-S001 for Snow Plowing
- (b) Standard PW-RDS-S002 for Sanding and Salting
- (c) Standard PW-RDS-S003 for Snow Removal
- (d) Standard PW-RDS-S004 for Snow Fence Erection and Removal
- (e) Standard PW-RDS-S005 for Winter Road Patrol
- (f) Standard PW-RDS-S006 for Sidewalk Snow Plowing and Sanding
- (g) Standard PW-RDS-S007 for Parking Lots & Alleyways

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

- (1) **THAT** the following winter control standards attached hereto to this by-law as Schedules "A" through "G" be and they are hereby established, authorized and approved.
 - (a) Standard PW-RDS-S001 for Snow Plowing attached hereto as Schedule "A".
 - (b) Standard PW-RDS-S002 for Sanding and Salting attached hereto as Schedule "B".
 - (c) Standard PW-RDS-S003 for Snow Removal attached hereto as Schedule "C".
 - (d) Standard PW-RDS-S004 for Snow Fence Erection and Removal attached hereto as Schedule "D".
 - (e) Standard PW-RDS-S005 for Winter Road Patrol attached hereto as Schedule "E".
 - (f) Standard PW-RDS-S006 for Sidewalk Snow Plowing and Sanding attached hereto as Schedule "F".
 - (g) Standard PW-RDS-S007 for Parking Lots & Alleyways attached hereto as Schedule "G".
- (2) **THAT** the Director of Public Works of the Corporation of the Town of Fort Erie or designate shall be responsible for administering the winter control standards as set out in Schedules "A" to "G" inclusive as annexed hereto.
- (3) **THAT** By-law Nos. 37-98, 184-98 and 188-99 be and they are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF OCTOBER, 2000.


MAYOR


CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 2000.

Public Works Department

Winter Control Standard

PW-RDS-S001 Snow Plowing

Objectives:

- * To reduce the hazards of snow and ice accumulation.
- * To facilitate the handling of emergency services.
- * To maintain safe, passable school and public transit bus routes.
- * To reduce economic losses to the community and industry caused by workers not being able to get to their jobs.
- * To ensure cost-effective winter control snow plowing operations.

Level of Service

Level A -Goal Conditions-Bare Pavement

- * Applies to all roads identified in the priority-plowing list.
- * Surfaces will be maintained as bare as possible through the continued use of all men, equipment and materials suited to the conditions.
- * The maximum allowable snow accumulation is approximately 5 centimetres.
- * Frequency of plowing shall not exceed 2 hours.

Level B -Goal Conditions-Bare Pavement

- * Applies to all roads identified in the priority-plowing list.
- * Surfaces will be maintained as bare as possible through the continued use of all men, equipment and materials suited to the conditions.
- * The maximum allowable snow accumulation is approximately 7.5 centimetres.
- * Frequency of plowing shall not exceed 4 hours.

Level C -Goal Conditions-Snow Packed Surface

- * Applies to all other roads in the Town of Fort Erie which are not classified as A or B plowing routes.
- * The maximum allowable fresh snow accumulation is 10 centimetres.
- * Frequency of coverage shall not exceed 6 hours.
- * Surfaces shall be maintained in a snow packed condition.

SCHEDULE "B" TO BY-LAW NO. 189-2000

Public Works Department Winter Control Standard

PW-RDS-SOO2 Sanding and Salting

Objectives:

- * To minimize the hazard of icy road conditions to motorists.
- * To reduce economic losses to the community and industry caused by workers not being able to get to their jobs.
- * To facilitate the handling of emergency services.
- * To maintain safe, passable school bus routes.
- * To minimize impacts on the environment.
- * To ensure cost-effective winter control sanding operations.

Level of Service:

Level A - Goal Condition - Bare Pavement

- * Applies to all roads identified on the **Level A** plowing routes.
- * Surfaces will be maintained as bare as possible through the continued use of all assigned men, equipment and materials suited to the conditions.
- * Primary goal will be to bare pavement with minimal cost effective use of de-icing chemicals.
- * Sanding of icy areas will be performed or carried out on curves, steep grades, intersections, school areas, school bus drop off points, business areas and pedestrian crossing areas will be sanded during a storm and during icy conditions.

PW-RDS-SOO2 Sanding and Salting Continued

- * When weather and road conditions are suitable, limited amounts of salt will be applied to achieve the bare pavement.

Level B - Goal Condition - Bare Pavement

- * Applies to all roads identified on the **Level B** plowing routes.
- * Surfaces will be maintained as bare as possible through the continued use of all assigned men, equipment and materials suited to the conditions.
- * Primary goal will be to bare pavement with minimal cost effective use of de-icing chemicals.
- * Sanding of icy areas will be performed or carried out on curves, steep grades, intersections, school areas, school bus drop off points, business areas and pedestrian crossing areas will be sanded during a storm and during icy conditions.
- * When weather and road conditions are suitable, limited amounts of salt will be applied to achieve the bare pavement.

Level C - Goal Condition – Snow Packed Surface

- * Applies to all other roads in the Town of Fort Erie not covered on the priority plowing routes.
- * Sanding of icy areas will be performed or carried out on curves, steep grades, intersections, school areas school bus drop off points, business areas and pedestrian crossing areas will be sanded during a storm and during icy conditions.
- * Salt will never be applied to primed or graveled roads. Salt use will also be limited on surface treated and paved surfaces that are in a generally poor condition with extensive cracking and poor base conditions.

SCHEDULE "C" TO BY-LAW NO. 189-2000

Public Works Department
Winter Control Standard

PW-RDS-S003 Snow Removal

Objectives:

- * To prevent large accumulations of snow from reducing the required traveled portion of roads and streets.
- * To accommodate on street parking in business areas of the town.
- * To reduce the hazard to motorists and pedestrians.
- * To reduce the occurrence of drainage blockages and the possibility of road flooding.

Level of Service

- * Snow shall be removed from the designated areas as indicated as soon as possible after a storm when the windrow exceeds 60 centimetres in height.
- * Snow to be removed from priority streets and roads when windrow exceeds 1 metre in height and presents a parking hazard, a drainage problem or sight line obstruction.
- * Prior to Snow Removal Operations the area will be posted to advise the public of the work intended.

PUBLIC WORKS DEPARTMENT
WINTER CONTROL STANDARD

PW-RDS- SOO4 SNOWFENCE ERECTION AND REMOVAL

OBJECTIVES:

The major objective of snow fences are to trap and deposit blowing snow on the ground before it causes whiteouts or accumulates on the roadway.

LEVEL OF SERVICE:

Snow fence shall be erected where snow drifting across Town roadways is commonly expected.

Property owners will be contacted prior to season to advise them of the erection of fence. Snowfence can be erected on private property under the authority of Part II, Section 12 (1), of the Snow, Roads and Fence Act.

Public Works Department

Winter Control Standard

PW-RDS-S005 Winter Road Patrol

Objectives:

- * To provide regular monitoring of winter road conditions.
- * To provide a written record of conditions and actions.
- * To ensure that patrols and inspections address the essential and important aspects of conditions; and
- * To provide factual documented information in a manner that can be used in defense of future potential liability actions.

Level of Service

- * Road Surface Condition Reports (winter) should be filed for every patrol done, between November 1 and March 31. During inclement weather conditions the reports shall be on a daily basis. In the event of sustained above freezing temperatures and no new snow accumulations inspection may not be required. As a minimum, daily records of temperature and weather conditions will be filed.

Public Works Department

Winter Control Standard

PW-RDS-S006 Sidewalk Snow Plowing and Sanding

Objectives:

- * To maintain safe passable sidewalks for pedestrian traffic.
- * To reduce the number of occasions that sidewalk conditions might discourage pedestrian traffic in commercial areas, thereby creating a hardship for citizens and the business community.
- * To prevent incidents that could result in liability claims against the Town of Fort Erie.

Level of Service

- * Applies to all sidewalks identified on the priority list.
- * Sidewalks are to be maintained as bare as possible with the use of the sidewalk plow or blower.
- * Sanding will be performed as slippery conditions occur.
- * Maximum allowable accumulation is approximately 10 cm before plowing is started.
- * All sidewalks listed as priority will be plowed within 24 hours of the end of a storm.
- * At school crossings controlled by a municipal crossing guard, windrows of snow will be cleared and the crossing maintained as bare as possible.

PUBLIC WORKS DEPARTMENT
WINTER CONTROL STANDARD

PWS – RDS – S007 PARKING LOTS & ALLEYWAYS

Objectives:

- To reduce the hazards of snow and ice accumulation.
- To facilitate the provisions for emergency services.
- To maintain safe and passable routes for the public
- To ensure the cost effectiveness of winter control operations.

Level of Service:

- All parking lot and alleyways will be in the **Level “C”** road care system.
- The alleyways and lots will be those identified in the yearly contract for plowing.
- The maximum allowable snow accumulation will be 10 centimetres.
- Frequency of plowing should not exceed once every 6 hours during a storm.
- Surfaces will be maintained in a snow pack condition.