

Walkway Evaluation and Closure – Draft New Policy

ISSUE

This report provides a draft new policy for walkway closure requests based on experiences of residents, and consideration for an additional level of service for walkways that include graffiti removal by the City regardless of associated infrastructure ownership. How should the City proceed to best address the current situations being raised by residents?

BACKGROUND

Walkways

The Active Transportation Plan (AT Plan), approved by City Council in June 2016, identified an action item “to preserve and enhance walkways through neighbourhoods”. Walkways facilitate pedestrian movement, add to the walkability of neighbourhoods by shortening walking distances and provide connections to parks, schools, community centres, and commercial services. The AT Plan stated that the City should avoid closing walkways wherever possible.

At its Regular Business Meeting held on October 28, 2019, City Council considered a notice of motion by Councillor R. Donauer – Possible Changes to Walkway Policy and resolved:

“That the Administration report in the first quarter of 2020 on possible changes to our walkway policy or other policies that addresses maintenance, graffiti, vandalism, crime and enhancing the overall feeling of safety in our neighbourhoods including the data of all existing files.”

The Standing Policy Committee on Transportation, at its meeting held on April 6, 2020, received an information report regarding possible changes to the Walkway Policy, which stated that a follow-up report was tentatively planned for the first half of 2021.

At its Regular Business Meeting held on May 31, 2021, City Council considered the Walkway Policies and Other Program report, and resolved:

1. That Administration draft a new walkway closure policy that enables closure more easily, based on the experiences of residents;
2. That the Administration report back on an additional level of service for walkways that includes graffiti removal by the City regardless of associated infrastructure ownership; and
3. That the Administration report back with the proposed policy no later than September 2021.”

Walkway closures are currently guided by Council Policy C07-017, Walkway Evaluation and Closure, the purpose of which is:

“To establish criteria for a walkway evaluation process to be followed in cases of walkway concerns involving vandalism and threats to public safety.”

Graffiti

City Council, at its Preliminary Business Plan and Budget Meeting held on November 26, 2018, considered the Graffiti Management Program and Service Level Report and resolved:

- “1. That the current service level for graffiti management, as identified in this report, be maintained and approved; and
2. That the Administration report back in 2019 regarding the long-term funding to support the current service level, including social enterprise options.”

The above referenced report did not address graffiti removal on private property adjacent to walkways. This issue is guided by Bylaw No. 8175, Property Maintenance & Nuisance Abatement Bylaw, 2003. The bylaw includes the following direction:

“Graffiti

- 11.1 Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.”

“Fences

20. Fences shall be maintained in a safe and reasonable state of repair and free of graffiti.”

“Enforcement of Bylaw

52. (1) The administration and enforcement of this Bylaw is hereby delegated to the Fire Chief for The City of Saskatoon.”

“Order to Remedy Contraventions

54. (1) If an inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with section 328 of *The Cities Act*.
- (3) Orders given under this Bylaw shall be served in accordance with section 347 of *The Cities Act*.”

The Saskatoon Fire Department receives and triages graffiti complaints on private property. Details on the complaints are summarized below:

Graffiti	2018	2019	2020
Inspection Report Deficiencies Identified	285	213	155
Order to Remedy Contravention Provided	229	142	78

The Saskatoon Fire Department estimates that 85% of the complaints received are related to garages and fences on private property that face lanes.

Under Bylaw No. 8175, the Saskatoon Fire Department issues written orders regarding graffiti. The bylaw does not penalize the property owner as the graffiti is considered vandalism and a crime against them. Details on the current level of service provided by the Saskatoon Fire Department for graffiti removal to property owners is as follows:

- The removal of graffiti is provided at no cost to the property owner.
- The Saskatoon Fire Department has a partnership with Youth Works, who complete the graffiti cover up.
- Two conditions are that it is a graffiti cover up and not removal, and that the colour of paint is singular.
- Information is sent to the property owners with orders so that they are aware that the Saskatoon Fire Department is not charging for non-compliance.
- Some property owners have called the Saskatoon Fire Department pro-actively (prior to any complaints being received), and arrangements have been made with their consent to cover graffiti on their property.

DISCUSSION/ANALYSIS

Proposed Walkway Closure Policy Framework

A proposed new walkway closure policy framework has been developed for Committee’s consideration, that endeavours to balance the following:

- experiences of residents;
- length of the time the closure process can take;
- the cost of the process;
- the engagement of neighbours; and,
- consideration of active transportation.

A walkway closure process flowchart was developed and is shown in Appendix 1. The process includes several key components proposed to be required in the walkway closure framework. Details and suggested approaches for each component are as follows:

Stage	Item	Details	Time	Cost to Applicant
Closure request intake	Request from applicant to close walkway	Completes a form and submits	1 month	\$0
	Administration reviews request and decides merit /no merit	Potential reasons for deciding there is no merit include: <ul style="list-style-type: none"> • Applicant desires land for development purposes • Not adjacent landowner • Not a walkway • Utility conflicts 		

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Stage	Item	Details	Time	Cost to Applicant
Assessment	Potential Issues Review	<ul style="list-style-type: none"> Assign file manager Contact other adjacent property owners Resident provides documents of experiences for a minimum of 1 year Impact assessment of the walkway closure to the active transportation network Internal stakeholder feedback 	1 year to document + 2 months to prepare report and present to SPCT	\$0
	Provide Decision Report to Standing Policy Committee on Transportation (SPCT)	<ul style="list-style-type: none"> Property owners within impacted area to be notified of request to close, specific location, and date of SPCT meeting Notification provided 10 days in advance of SPCT via delivered flyer and a poster notice in the walkway 		
Public Right-of-Way Closure	Applicant action items	<ul style="list-style-type: none"> Retain registered land surveyor Agree to pay the value of the land Notify all utility companies and other stakeholders (land surveyor will complete) Gain approval of plan of subdivision from Planning and Development Provide file manager all the information in a timely manner 	Typically, 4-8 months	<ul style="list-style-type: none"> Land surveyor costs – approx. \$5,000 to \$10,000 Land – assessed value City Solicitors' fees – \$2,000 Admin fee - \$1,000
	Administration action items	<ul style="list-style-type: none"> Prepare public right-of-way closure report for a City Council Public Hearing Advertise publicly 10 days in advance of the hearing Flyer delivered to impacted neighbours 10 days in advance of hearing and notice posted in the walkway 		\$0
Physically close walkway	Receive ownership certificate from ISC	<ul style="list-style-type: none"> Payment of all fees is due Land surveyor completes ISC registration 	Dependant on applicant's payment of fees, and ISC backlog for processing	\$0

The following clarifications are provided:

- Adjacent property owner(s) can apply. Consent from other adjacent property owner(s) is not required.
- The walkway land will be equally offered to adjacent property owners if the SPCT resolves to proceed with the public right-of-way closure process.
- The policy framework references 'impacted area'. This will be determined by the Administration and will typically differ for each request.

There are several benefits to the proposed policy framework:

- It is based on the resident’s experiences, removing the requirement for a determination by Saskatoon Police Services before proceeding.
- There is less reliance on the neighbourhood to support the closure thus making it easier to do so. Stakeholders such as neighbours and schools will have an opportunity to provide input.
- Active transportation network is considered.
- There is no cost for the applicant until after the initial report to the Standing Policy Committee on Transportation. If the resolution provided by City Council for the initial report supports closing the walkway, the applicant may have some sense of the outcome before paying the various expenses in the public right-of-way closure process.

There are also potential negative outcomes:

- Contentious debates could occur between people at the initial Standing Policy Committee on Transportation and at the Public Hearing meeting of City Council.
- A viable active transportation connection is closed impacting people who use the connection notably those who use accessibility and mobility infrastructure.
- Requires multiple formal meetings (City Council and Standing Policy Committee on Transportation) for proponents and stakeholders.

Graffiti Vandalism

To establish a new level of service for removal of graffiti on fences adjacent to walkways would require creating a new program. The objectives of the program would be as follows:

- Proactively searching for graffiti on private property, as opposed to waiting for complaints or requests from residents and property owners.
- Allow more flexibility for colours.
- Perhaps provide a quicker cover up graffiti, depending on the uptake of the program by the public.

The following outlines the preliminary identified program components that would require consideration and subsequent approval for resources, prior to starting a new program.

Item	Details	Stakeholders
Staffing requirements	It is estimated that two seasonal staff (or one full-time equivalent) would be required.	<ul style="list-style-type: none">• Department responsible for the program
Equipment requirements	It is estimated that one work truck, a pressure washer, paint, brushes, etc. would be required.	<ul style="list-style-type: none">• Department responsible for the program
Communication Plan	Determined at the appropriate time.	<ul style="list-style-type: none">• Communications• Department responsible for the program
Financial	It is anticipated that the program would cost approximately \$100,000 per season to operate. There is no current funding source; it is anticipated the source of funding would be property taxes.	<ul style="list-style-type: none">• Finance• Department responsible for the program

To deliver the program it is estimated that \$100,000, including two seasonal FTEs would be required. No department has excess capacity in terms of staff, equipment, or funding available to deliver this new program. It is not envisioned that the Saskatoon Fire Department would provide this new program.

The new program could be provided as a pilot project, with a report after one year of providing the enhanced service. The report could include items such as program usage, financial review in terms of was it funded appropriately, and feedback from residents.

FINANCIAL IMPLICATIONS

The financial impact to the Administration if directed to implement the new walkway evaluation and closure policy is the loss of the application fee at the start of the process. The financial impacts to potential residents wishing to close a walkway have been previously detailed in this report. Capital Project #2234 - Walkway Management can fund up-to-two applications per year in the existing budget allocation. Redirecting these funds to address closure requests will reduce the funds available for walkway updates, such as bollards, surface improvements, illumination, drainage repairs, etc. Additional funding may be required if more applications are received.

To develop a graffiti removal program for private property adjacent to walkways, the cost is estimated at \$100,000 annually.

SOCIAL IMPLICATIONS

There are potential positive and negative social outcomes if walkways close due to anti-social behaviour in the walkway. The immediate adjacent landowner(s) will benefit from the closure by eliminating the space where the anti-social behaviour can occur. Counter to this, the benefit of a transportation connection used by people in the neighbourhood would be lost, negatively impacting their life by requiring them to find alternate modes of transportation or requiring longer time to travel to a destination, particularly for people who use accessibility or mobility infrastructure, or children.

LEGAL IMPLICATIONS

To close a walkway, which is public right-of-way, requires a road closure bylaw resolved by City Council through the public hearing process in accordance with *The Cities Act*.

OTHER IMPLICATIONS

There are no environmental or privacy implications identified.

NEXT STEPS

At present no additional steps are planned by the Administration. Several potential next steps available to City Council are:

1. Receive the report as information.
2. Provide a resolution adopting the Proposed Council Policy C07-017 – Walkway Evaluation and Closure attached in Appendix 2.
3. Provide a resolution to bring forward the new graffiti removal program to the 2022-23 Multi-Year Budget Process.

APPENDICES

1. Walkway Evaluation and Closure Process Flowchart
2. Proposed Council Policy C07-017 – Walkway Evaluation and Closure

Report Approval

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