

BY-LAW NUMBER 182-2024

OF

THE CORPORATION OF THE CITY OF BRANTFORD

Being a By-law to amend By-law 70-2010, being a By-law to adopt various City of Brantford Policies and to create a Corporate Policy Manual by amending to repeal Public Works policy 012 – Petition Policy for New Sidewalks

WHEREAS, at its meeting of June 7, 2010, City Council passed By-law 70-2010, being a By-law to adopt various policies of the City of Brantford and to create a Corporate Policy Manual, which policies are attached as Appendix “A” to By-law 70-2010; and

WHEREAS City Council, at its meeting held on December 17, 2024, adopted the recommendations set out in Report No. 2024-462 as presented to the Committee of the Whole – Operations, which report recommended, among other things, that the Public Works Policy 012 – Petition Policy for New Sidewalks be repealed;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD HEREBY ENACTS AS FOLLOWS:

1. Appendix “A” of By-law 70-2010 is hereby amended to repeal Public Works Policy 012 – Petition Policy for New Sidewalks, attached hereto as Schedule ‘A’.
2. This By-law shall come into force effective immediately.

READ A FIRST TIME: December 17, 2024

READ A SECOND TIME: December 17, 2024

PASSED: December 17, 2024

MAYOR

CLERK

Schedule "A"



POLICY MANUAL

POLICY NUMBER: PUBLIC WORKS-012

SUBJECT: PETITION POLICY FOR NEW SIDEWALKS

POLICY STATEMENT: (Purpose/Objective)

Purpose

To adopt a policy for conducting petitions in the community regarding the construction of new sidewalks along residential streets and collector streets through established residential areas with existing public roadways where no sidewalk exists. This policy covers the procedure for initiating and tabulating surveys by petition regarding proposed new sidewalks in a roadway improvement project and new sidewalks requested by citizens.

Context

Sidewalks are constructed typically in the capital program as part of roadway improvement projects on local, collector and arterial roads. The main goals of the sidewalk program are to improve:

- Safety,
- Continuity of the sidewalk system,
- School connectivity,
- Recreation and park connectivity,
- Transit access, and
- Multiple land use connectivity.

Sidewalks also provide neighbourhood connectivity, encourage people to walk, provide recreation space for walking and jogging, space for children on bicycles and tricycles and provide informal meeting places for neighbours. Sidewalks are constructed for the benefit of the neighbourhood and the community in which the sidewalk is situated. It is important, therefore, in addition to the factors set out above, to consider the requirements of the community when the City decides when and where to build New Sidewalks on existing roadways.

Policy Statement

When considering the construction of New Sidewalks on existing residential streets the City will consider the requirements of Potential Users of the sidewalk in the community in addition to the criteria set out in the Official Plan, Transportation Master Plan, the Charter of Walkability and any other criteria approved by Council. The requirements of Potential Users of the proposed New Sidewalk will be determined by way of a survey by Petition conducted by the City.

RELATED POLICY PROCEDURES/GUIDELINES:

1.0 DEFINITIONS:

- 1.1 Affected Area: all properties located within 120 metres from the centre of the right of way along the proposed New Sidewalk limits.
- 1.2 New Sidewalks: new concrete sidewalks in established residential neighbourhoods at locations without an existing sidewalk.
- 1.3 Petition: a written request by the City for a response from a Potential User regarding the requirement for a New Sidewalk.
- 1.4 Potential Users: resident or occupant at a single municipal property or unit in a multi-unit property within the Affected Area who is at least 18 years old.

2.0 PETITIONS

- 2.1 The City will obtain information on the needs of users in the community by conducting a survey by Petition using a Petition Questionnaire Form.
- 2.2 The City will conduct a survey by Petition:
 - i. prior to constructing a New Sidewalk; or
 - ii. upon request of any city resident.

2.3 Any City of Brantford resident may obtain a Request for Petition Form from City Hall and submit the Request for Petition Form to the General Manager of Engineering and Operational Services, a member of City Council or to the Mayor's office.

2.4 The completed Request for Petition Form must be received by the General Manager Engineering and Operational Services before July 1st in the year prior to the proposed year of construction of the New Sidewalk.

2.5 Upon receiving a completed Request for Petition Form the City will conduct a survey by Petition in the Affected Area.

3.0 SURVEY BY PETITION PROCESS

3.1 When conducting a survey by Petition the City will:

1. Prepare and deliver an introductory letter for the project to Potential Users and registered owners of all affected properties.
2. Prepare a Petition Questionnaire Form; including a description of the location of the proposed New Sidewalk, a section for the name and address of the Potential User, a section to oppose or support the New Sidewalk, an area for comment, information on returning the Petition Questionnaire Form to the City and the deadline for returning the Petition Questionnaire Form.
2. Leave one copy of a Petition Questionnaire Form with a postage-paid stamped envelope for response at each municipal property and at each unit in a multi-unit property within the Affected Area.
3. Where the municipal property is a rental property, a copy of the Petition Questionnaire Form with a postage-paid stamped envelope for response will also be sent to the registered owner of the property.
4. Provide additional Petition Questionnaire Forms upon request, within the Affected Area.
5. Prepare and deliver a follow-up reminder letter to Potential Users and registered owners of all affected properties from which a response has not been received, in advance of the deadline for returning the Petition Questionnaire Form.

4.0 DEADLINE TO RECEIVE COMPLETED PETITION

The deadline to receive completed Petitions will be no later than August 30th in the year prior to the year of construction of the project for which the Petition is requested.

5.0 CALCULATION OF PETITION QUESTIONNAIRE FORMS

- 5.1 A single municipal property gets one vote, unless it is a multi-unit property in which case 1 vote from each unit will be counted. Each Potential User residing or occupying a municipal property or unit at a property is entitled to respond to the Petition Questionnaire Form. Multiple Petition Questionnaire Forms received from a single municipal property or unit in a multi-unit property will be prorated to provide one vote for each property or unit. Each Potential User must provide their name and address to confirm their eligibility to respond to the Petition Questionnaire.
- 5.2 Registered owners of rental properties will also be given one vote in respect of each municipal property owned in the Affected Area.
- 5.3 All completed Petition Questionnaire Forms received by the deadline will be considered.
- 5.4 Each Petition Questionnaire Form response will be counted as YES or NO.
- 5.5 A majority consisting of 50% plus 1 votes of the responses received is required for the consideration of the New Sidewalk by the General Manager of Engineering and Operational Services.

6.0 EVALUATION OF NEW SIDEWALK PETITION INITIATED BY CITY RESIDENT

- 6.1 Where the results of the survey by Petition initiated by a city resident indicate that the community is in favour of a New Sidewalk the City will further evaluate the proposed New Sidewalk on the following basis:
1. the proposed sidewalk must connect to an existing walk,
 2. the proposed sidewalk must provide a point of destination from residential areas such as shopping centres, playgrounds, parks, schools, transit stops, and places of worship,
 3. the proposed sidewalk must be cost effective; that is, it must not require any costly and extensive reconstruction of existing site,
 4. the current pedestrian and vehicular traffic must justify the proposed sidewalk,
 5. history of vehicular and pedestrian accidents,
 6. environmental impact
 7. feasibility
 8. available funding, and

9. any other criteria for the construction of sidewalks approved by Council.

6.2 Where a proposed New Sidewalk meets the criteria set out by the City it will be prioritized and placed on the list of candidate projects to be constructed when funding becomes available.

6.3 Petition Questionnaires Forms and the results of any survey by Petition will be kept and considered for a period of 5 years from August 30th of the year the survey by Petition was conducted.

7.0 PETITIONS WHERE SIDEWALK ALREADY PLANNED

7.1 Where the results of the survey by Petition determine that a New Sidewalk is not required by the community, but where other important considerations such as those set out in the Official Plan, Transportation Master Plan, Charter of Walkability or any other important criteria approved by Council indicate that a New Sidewalk should be constructed, Council will decide whether the New Sidewalk will be constructed.

8.0 COST OF CONSTRUCTION OF NEW SIDEWALK

8.1 There will be no charge to the property owners for construction of New Sidewalks.

9.0 FORMS

9.1 A Request for Petition Form will be prepared and approved by the General Manager of Engineering and Operational Services. The General Manager of Engineering and Operational Services may approve such changes to the Request for Petition Form as may be required from time to time.

9.2 A Petition Questionnaire Form will be prepared and approved by the General Manager of Engineering and Operational Services. The General Manager of Engineering and Operational Services may approve such changes to the Petition Questionnaire Form as may be required from time to time.

10.0 AUTHORITY

10.1 The authority to administer this policy is delegated by Council to the General Manager of Engineering and Operational Services Commission.

Date of Enactment: March 8, 2010	Related By-law Number/Staff Report Number: EN2010-018 70-2010 (consolidation)
Review and Amendment Dates: June 2010 (consolidation)	Department Responsible for Review: Engineering Department
Date of Next Review: 2013	Applicable Legislation/Legislative Authority: