

**CANADA
PROVINCE OF QUÉBEC
REGIONAL COUNTY OFFICE
OF ARGENTEUIL
TOWNSHIP OF WENTWORTH**

BY-LAW NUMBER 2012-003

**BY-LAW TO SET THE CRITERIA FOR THE UNDERTAKING OF SNOW
REMOVAL AND SANDING OPERATIONS FOR PRIVATE ROADS**

WHEREAS Article 70 of the *Municipal Powers Act* (RSQ, c C-47-1) grants to any local municipality the discretion to maintain a private road open to the public by permission of the owner or occupant, on a request by a majority of the owners or occupants of the abutting property;

WHEREAS section 244.1 of the *Act Respecting Municipal Taxation* (RSQ, F-2.1) allows the municipality to finance, by tariff, services offered to the population;

WHEREAS the Municipality wishes, by this By-Law, to establish the procedures for the undertaking of snow removal and sanding operations for private roads on the territory of the Municipality;

WHEREAS a notice of motion for this By-Law was given at the regular meeting of May 7th, 2012;

THEREFORE, the Municipality of the Township of Wentworth orders and statutes by the present By-law as follows:

Resolution adopted.

ARTICLE 1 - PREAMBLE

The preamble of the present By-Law forms an integral part of the By-Law.

ARTICLE 2 – PURPOSE OF THE BY-LAW

The purpose of the present By-Law is to determine the conditions for the undertaking of the snow removal and sanding operations on private roads by the Municipality. It also determines how these services will be charged to the owners and the beneficiaries concerned.

ARTICLE 3 - DEFINITION

Private street (private road): A private street consists of an automobile and vehicle circulation way whose base has not been transferred to a municipality or government. Excluded from a private road are alleyways giving access to a parking area, a private property, a commercial property or an access roadway to a forestry property.

ARTICLE 4 – PROCEDURE TO REQUEST SNOW REMOVAL

Any person who wishes to have the Municipality perform snow removal and sanding operations on a private road, must annually submit a petition signed by 60% of the owners or occupants on said private road. This request must be filed no later than September 1st of the year in which the commencement of the services is requested.

Only one signature per property is accepted in the event that there is more than one owner. Natural or legal persons who are owners of several lots on the private road are considered as a single owner and are permitted only one signature.

The authorization of the owner of the road property is not required.

After receiving the complete application, the file will be analyzed jointly by the administration, to conduct the validation of the names on the petition and the public works department in order to determine if the private road meets the eligibility criteria in order to make a recommendation to Council.

Following the recommendation, the Municipal Council by resolution will authorize, authorize with conditions or refuse the snow removal and sanding operations on the private road. The work will be performed by the contractor chosen by the Municipality and a contract will be signed between both parties.

ARTICLE 5 – MINIMUM REQUIREMENTS

In order to be subjected to analysis and a recommendation to the Municipal Council, the road must meet the following minimum requirements:

- Intersect a municipal or private road where there is snow removal;
- Be free of all obstructions for a width of 8 meters
- Be free of all obstructions for a height of 5 meters
- In the case of a dead-end, there must be a turnaround with a diameter of thirty (30) meters at its extremity or a place to effectively allow a three-point turn. In the case where a turnaround or three-point turn is made on private lots or driveways, a written authorisation from the owner(s) is mandatory, containing the mention that the Municipality is not responsible for damages caused by the snow removal and sanding operations;
- Be in good condition easily allowing the snow removal and sanding operations.

Despite compliancy with the minimum requirements, the Council of the Municipality of the Township of Wentworth reserves the right, in all circumstances, to accept or not the care of a private road.

ARTICLE 6 – WORK DESCRIPTION

Snow removal and sanding operations are from November 1st to April 30th each year. However, snow removal and/or sanding operations may be affected before and/or after this period.

The snow removal service consists of removing snow on a 5 metre width. The snow is pushed onto the shoulders or onto private property. Sanding operations are done when and where there is a need.

If the physical condition of the road makes it dangerous during snow removal operations for people or equipment, operations will be suspended until corrections are made to the infrastructure by the owner or occupants of the private road.

The Municipality is not liable for damages to private property caused by snow removal and sanding operations.

The Municipality awards the contract so therefore, is the only one to intervene with the entrepreneur.

ARTICLE 7 – SNOW REMOVAL SERVICE TARIFICATION

The snow removal and sanding operations of a private road will be subject to a compensation which will be determined annually within the Bylaw to Set the Tax Rates and Tariffs and Conditions of Their Collection adopted annually.

The applicable compensation is calculated on the net cost of the service plus 10% administrative fees. This compensation will be applied annually along with the property taxes and divided equally between each unit of assessment located on the private road where there is a residential, commercial, industrial, institutional, etc. main building erected.

The compensation amount may be required and charged to the owners of such main buildings as part of a sector or area where the roads are receiving the services of snow removal and sanding operations if the roads are contiguous and this method is deemed more equitable for all the ratepayers concerned.

Only in the event that snow removal and/or sanding operations are affected before and/or after the period of November 1st to April 30th, the cost of these services will be calculated and taxed as per the paragraphs above.

ARTICLE 8

In case of differences between the French and English versions, the French version prevails.

ARTICLE 9 - Coming Into Effect

The present By-Law will become effective according to the Law.

Edmund Kasprzyk
Mayor

Paula Knudsen, g.m.a.
**General Manager, Secretary-
Treasurer**

Notice of motion: May 7th, 2012
Adoption of By-Law: June 4th, 2012
Public notice: June 13th, 2012