

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

BY-LAW NUMBER 2014-003-001

**BY-LAW TO MODIFY 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, c. F-2.1) allows the municipality to finance, by tariff, services offered to the population;

WHEREAS not by obligation but in the interests of public safety, the Municipality wishes to provide the undertaking of snow removal and sanding in order to facilitate the access of emergency vehicles on private roads;

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 October 6th, 2014;

WHEREAS a copy of the present By-Law was given to the members of Council at least two (2) days prior to the meeting and that all Council members present declared having read the draft by-law and waive its reading;

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 – BY-LAW REPLACED

The present By-Law replaces By-Law Number 2014-003 and its amendments.

ARTICLE 3 – 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 4 - 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 5 – PROCEDURE TO REQUEST SNOW REMOVAL, DECISION AND RENEWAL

Any person who wishes to have the Municipality perform snow removal and sanding operations on a private road, must submit a petition signed by the majority of the owners or occupants on the contiguous lots or the lots served by the road. This request must be filed and deposited at the Municipal Office no later than September 1st of the year in which the commencement of the service 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, contiguous lots or lots served by the roads 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 or refuse the snow removal and sanding operations on the private road, with or without conditions.

The execution of the snow removal will be continued year after year until such time as the majority of the owners or occupants say otherwise.

ARTICLE 6 – MINIMUM REQUIREMENTS

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

- Must benefit from snow removal for at least the last 5 years;
- Must be accessible at all times and not be equipped with a gate, fence or similar structure;
- 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 7 – EXECUTION AND INTERRUPTION OF WORK

The work will be performed by the contractor chosen by the Municipality.

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

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

ARTICLE 8 – DAMAGE TO PROPERTY

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

ARTICLE 9 – SNOW REMOVAL TARIFICATION

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

This compensation will be applied annually along with the property taxes and divided equally between each unit of assessment located on the private road or on a road served by this road and where there is main building erected.

Compensation may also be applied and levied on each unit of assessment on which the main building is erected and part of a sector or area served , when the roads that are the subject of snow removal and sanding operations are contiguous to their way and that this method is considered more equitable for all taxpayers concerned.

Under no circumstances can the contribution of the Municipality, at the term of this present By-law could not exceed 1% of the expected budget revenues and 50% of the net cost of the service for each private road served by the Municipality.

ARTICLE 10 - LANGUAGE

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

ARTICLE 11 – FINAL DISPOSITION

Any help from the Municipality granted under this Regulation shall not be construed as acceptance of ownership of a road or giving access to dedication. The Municipality expressly denies any such dedication.

ARTICLE 12 – COMING INTO EFFECT

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

Marcel Harvey
Mayor

Natalie Black
General Manager, Secretary-
Treasurer

Notice of motion: October 6th, 2014
Adoption of By-Law:
Public notice: