

CANADA
PROVINCE OF QUEBEC
HULL DISTRICT

MUNICIPALITY OF PONTIAC

R.C.M. OF THE COLLINES-DE-L'OUTAOUAIS

BY-LAW 06-04 ABROGATES BY-LAW 02-05 **TOLERANCE ROADS**

WHEREAS on the Municipality of Pontiac' territory, certain lots or rights of way occupied as roads, are such, simply by tolerance of the owner or the occupant;

WHEREAS the majority of ratepayers on certain roads who are interested, have submitted a request that the municipality take charge of the maintenance of said road as per article 70 of "Act on municipal competences";

WHEREAS this Council deems it appropriate to follow up on the ratepayers' request;

WHEREAS a motion of the present by-law was given at a previous council meeting held on *January 17, 2006*;

WHEREAS article 6, paragraph 4 of the Municipal Code allows a municipality to contract out, within its' field of competence;

It is

Moved by Raymond Gougeon
Seconded by Brian Middlemiss

AND RESOLVED that this Council adopt the present by-law which orders and decrees the following:

ARTICLE 1

The preamble and appendix « A » are an integral part of the present by-law.

ARTICLE 2

The council orders, according to article 70 of the "Act on municipal competences" that, upon request from the majority of the ratepayers interested, the maintenance of the roads, named tolerance roads, as listed and marked in red, by sector, in Appendix « A », attached and being an integral part of the present by-law.

ARTICLE 3

According to article 6, paragraph 4 of the Municipal Code, the municipality awards the winter and summer maintenance of the said roads to the various associations of the sectors concerned

which consists of snow removal and sanding roads in winter, and in the summer, consists of laying gravel, levelling, spreading calcium and cleaning ditches, if needed, and to keep the said roads in a satisfactory condition so as to allow free circulation to emergency vehicles, snow ploughs, municipal service vehicles, among others.

ARTICLE 4

For the road maintenance cited in article 3, each sector's association, having the majority (50% + 1) of the owners requesting that the municipality take charge of the roads, will receive a sum not exceeding \$3,000.00 per kilometre.

ARTICLE 5

Each sector will receive the sums established in article 5 as follows:

- 50% payable between January 15th and 30th of the current year;
- 50% payable before December 15th of the current year upon reception of supporting documents and a final expense report if necessary.

ARTICLE 6

For the road maintenance, mentioned in article 3, each sector's association mentioned in article 4 could benefit from additional sums from the special projects budget.

ARTICLE 7

Each association will receive the additional sum(s) established in article 6, after having submitted the special project in full. The established sum is at the discretion of the municipality. The project submitted should consist of:

- the selected contractor's complete study of the project;
- the costs involved;
- the (approximate) date(s) of work

ARTICLE 8

The municipality reserves the right to refuse the request if the number of property owners involved, mentioned in article 4, does not justify the required maintenance. The notion of « tolerance road » must be applied word for word.

ARTICLE 9

The present by-law comes into effect according to law.

GIVEN IN PONTIAC (QUEBEC), *this 8th day of February, two thousand and six.*

Edward J. McCann
Maire

Sylvain Bertrand
Director general / Secretary-treasurer