

MUNICIPALITY OF PONTIAC

MRC DES COLLINES-DE-L'OUTAOUAIS

BYLAW 08-17

BYLAW 08-17 STIPULATING THE CONDITIONS FOR ASSUMING THE MAINTENANCE OF TOLERANCE ROADS

WHEREAS the term « tolerance roads », designates private inhabited roads which do not meet the requirements to be municipalized, according to the regulation in force (bylaw 01-07);

WHEREAS the Municipality is currently participating, although in a limited way, to the partial financing of certain management operations, more specifically with annual subsidies to several « Owners Associations or Resident Associations », and these associations are using the moneys for summer or winter maintenance of the tolerance roads;

WHEREAS the Municipality currently provides certain services to the residents living on tolerance roads, such as :

- Administrative services (Urban planning, recreations and others);
- Fire protection services;
- Police services via the MRC des Collines-de-l'Outaouais;
- Management of water courses via the MRC des Collines-de-l'Outaouais;
- Garbage and recycling collection services;
- Grading services for gravel surfaces, for a minimum fee, charged to the association requesting the service;

WHEREAS bylaw 01-07 « stipulating the conditions to municipalize roads » is the bylaw currently in force, the additional conditions aiming at regulating or formalizing the situation of roads designated as « tolerance roads » must therefore be registered in this bylaw;

WHEREAS sections 66 and 67 of the Municipal Powers Act (2005, c.6) empowers municipalities to regulate regarding transportation and roadways;

WHEREAS a notice of motion for this bylaw was duly given at a Council meeting held on July 11th, 2017;

CONSEQUENTLY, it is

Moved by : Thomas Howard
Seconded by : Nancy Draper-Maxsom

AND RESOLVED THAT this Council orders and decrees the following with the present amendment on the bylaw providing the conditions for assuming the maintenance of the tolerance roads of the Municipality of Pontiac:

SECTION 1

The preamble stated above is an integral part of the present bylaw.

SECTION 2 – GENERALIZATIONS

2.1 Private roads: condition of municipalization

Certain private roads may meet the standards allowing their municipalization. This type of roads must follow the requirements provided in bylaw 01-07 entitled: « Bylaw stipulating the conditions to municipalize roads ».

The other inhabited private roads that do not meet the standards allowing their municipalization are submitted to the present bylaw's requirements. They are designated as « Tolerance roads ».

2.2 Associations representing the owners (*see annex A)

The Municipality focusses on communications with the associations representing the owners rather than with individual owners or residents, this in order to standardize interventions and to give an equitable service to the citizens.

SECTION 3 – DESIGNATED SERVICES FOR ASSUMING THE RESPONSIBILITY FOR THE MAINTENANCE OF TOLERANCE ROADS

3.1 Designated services for assuming responsibility for the maintenance of tolerance roads by the Municipality

In view of the existing configuration of the tolerance roads, either:

- these roads have an encroachment of less than 15 metres, which is the minimum standards for a private sector road (RL-178-01; 3.5.5 a);
- these roads have a carriageway of less than 5 metres, which is the minimum standards for a private sector road (RL-178-01; 3.5.5 b);
- the sub-base and the base of the road do not have the required minimum thickness standards : sub-base of 180 mm (R-No 01-07; 6.3 a) and base of 150 mm (R-No 01-07; 6.3 b);
- these roads do not have adequate drainage, having no ditches or others;(R-No 01-07; 6.4);

The Municipality wishes to take charge of certain services that are currently either partially provided or not provided by the Municipality or the association. These services are :

3.1.1 Snow removal

The Municipality will provide and pay for snow removal which is currently provided by private contractors under contract with the respective associations.

The association will have to provide, if possible, the contract with the snow removal contractor for the last three years.

The Municipality will launch a call for tenders in order to choose one (or more) contractor(s) to do the snow removal, according to a similar standard of service. It is possible that in certain cases the spreading of salt and/or sand is currently done by the residents, as needed, according to the winter condition of the road.

Spreading of salt and/or sand by the Municipality via its contractor(s) will have an impact on the cost of this service, and the Municipality will include these costs in the analysis of all the services it intends to provide for each sector.

As well, in view of the width of roads and sub-standards encroachments, the use of normal snow removal equipment, such as 6 or 10 wheeler trucks with front and side blades, and abrasive spreader or grader, could be compromised. Therefore, it would be required from the tendering contractors to have lighter equipment, which would have an impact on the operating costs.

In cases of winter conditions with very heavy snowfalls causing snow accumulation on the side of the roads, therefore reducing the width of the road, the Municipality may intervene in a timely manner and widen the road by blowing or pushing the snow on private lands. The purpose of these interventions is to allow municipal equipment to carryout regular maintenance work and for the emergency vehicle to have access to the roads at all time.

3.1.2 Grading and maintenance of the roadway surface

Grading will be done by the Municipality at a frequency similar to the one currently done by the associations of each sectors.

Once the road surface is deemed ready for maintenance by the Municipality, the Municipality may refill the road at places where the support is deemed insufficient.

3.1.3 Drainage

The Municipality may dig gullies, little ditches, drainage trenches, replace or add culverts, in order to improve/solve drainage problems on certain roads; more specifically, when the absence of ditches causes problems for the roadway surface during the spring thaw or heavy rainfalls.

3.1.4 Maintenance of vegetation

If needed, the vegetation such as trees, branches, shrubs and roots encroaching on the road, will be removed by the Municipality.

SECTION 4 – APPLICATION FOR ASSUMING MAINTENANCE AND TERMS

4.1 Application for assuming maintenance and terms

Each association or group of owners is responsible for transmitting to the Municipality an application for assuming the maintenance of its roads.

4.2 Process

The Municipality will proceed with the following steps before assuming the responsibility for the maintenance of the road:

- a) Meetings between the Municipality's representatives and the associations or group of owners to discuss the existing maintenance methods carried out by the association;
- b) Study the documents submitted by the association, of which the contracts or agreements;
- c) Perform an inspection and an analysis of the road network mentioned in the application and covering the elements described at section 3 of the present bylaw;
- d) Preparation of a budgetary estimate for the annual maintenance services that will be required;
- e) Preparation of a report, including recommendations for the Council for assuming or not the maintenance of the association's roads; establishing the costs for the residents for upgrading the roads before it becomes the Municipality's responsibility ;
- f) Presentation of the report mentioned at *e)* to the residents, for each respective association. The associations will submit their commentaries to the Council if needed;
- g) Second meeting with the association to finalize the bylaw;

4.3 Terms

4.3.1 Analysis

As mentioned, following the application tabled by the association, a work meeting with the Municipality will take place in order to:

- Determine the extent of the interventions needed to make the road compliant with the minimum standards to assume the maintenance of the road;
- Presentation and discussion of the work program and schedule;
- Discuss the information given by the association;
- Discuss the projected budget for improvement work to meet standards as well as the financing modalities;
- The existing right-of-way will be discussed vs the constraints limiting road widening. In certain cases, there would be a possibility to define a widening right-of-way in the areas that are too restricted to obtain a satisfying minimum width for the operations.

4.3.2 External professionals required for the file

The Municipality may give part of the work to professionals such as engineering consultants, land-surveyors, environment specialists, or others, when required because of the nature of the element to be analyzed or studied. The fees for these services will be included in the work budget.

4.3.3 Funding for upgrading to standards

The Municipality will establish the nature of the necessary work to be done in order to assume responsibility for the maintenance, and the required budgets for each category of work. The required funding as well as the distribution for municipal contribution and contribution by local improvement taxes will also be established and discussed.

SECTION 5 - CRITERIA - TECHNICS FOR ASSUMING RESPONSIBILITY

5.1 Width

The Municipality has determined that a width of 4.5m (14.8 ft) is the minimum width for assuming responsibility of tolerance roads. Roads having less than 4.5m (14.8ft.) will be subjected to widening work according to a specification book determined by the Municipality and presented to the association.

5.2 Drainage

The Municipality will assess the drainage conditions, to see if the absence of a ditch causes a problem for the roadway surface during spring thaw, or heavy rains.

Following these inspections, corrective measures will be suggested and will be the object of a specification book determined by the Municipality and presented to the association.

Also, the cost of work will be evaluated. Drainage being an element that can quickly raise the costs, only the elements that could affect the road's lifespan and reduce the cost for future maintenance will be subjected to work.

5.3 Road surface

The Municipality will evaluate the conditions of the roadway surface, more specifically, the thickness of material of the sub-base, in order to ensure adequate seasonal grading. The absence of gravel or crushed stones will not allow adequate seasonal grading operations.

Grading will be done by the Municipality at a frequency determined by the Municipality.

The Municipality will not commit to refill systematically all roads, but rather to correct the defective zones, after an assessment.

This operation of systematic refill is part of the upgrading work.

In certain cases, the granulated surface (top coat), will be subjected to a refill of a thickness determined by the Municipality.

In cases of road widening, the part to be widened will be minimally reconstructed as follows:

- The natural soil part will be excavated to a depth of 330 mm and the bottom part of the extraction will be compacted.
- The sub-base will be 180 mm, made of MG56 crushed stones and compacted according to road construction standards.
- The base will be 150 mm, made of MG20 crushed stones and compacted according to road construction standards.

5.4 Dead end

The Municipality will assess the necessity and the feasibility to implement dead ends on roads with no way out in order to facilitate maneuverers for maintenance equipment. The dead end's geometry is done according to the road design standards **annexed hereto as Annex B**, or with suggested realistic alternatives.

5.5 Geometry

The Municipality will assess the sections of roads showing a deficient geometry, such as curves with reduced visibility, steep slopes and unstable soil, and will suggest realistic alternatives, at the best price.

SECTION 6 - OPERATION COSTS DURING THE TRANSITION PERIOD

6.1 Required work in order to assume responsibility vs. maintenance work while assuming responsibility

It is important to make a difference between the work that will be required in order to assume responsibility of the maintenance, compare to the maintenance work while assuming responsibility.

In the first case, we are talking about the Municipality assessing the cost for work to be done before assuming responsibility for the maintenance and for which funding and invoicing will be affected to the association (residents).

Once the Municipality has assumed responsibility for the maintenance, the normal operation costs will be the Municipality's responsibility or a sectorial tax, all according to the Law, as any other municipal roads.

In the event of major repair work being required, the Municipality will study each situation with the association's representatives before proceeding with any work, in order to have an adequate control on expenditures.

SECTION 7 – COMING INTO EFFECT

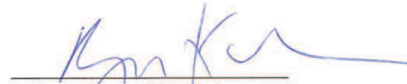
The present bylaw will come into effect according to the Law.

Carried on a divided vote

GIVEN IN PONTIAC, (QUÉBEC), this August 8th, 2017.



Roger Larose
Mayor



Benedikt Kuhn
Director General

Notice of motion : July 11, 2017

Adopted on : August 8, 2017

Notice of motion: 17-08-3214

7-1

Liste des chemins par Association
Annexe "A" du règlement # 08-17

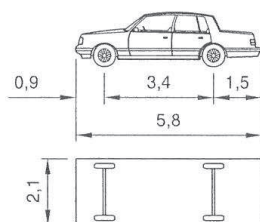
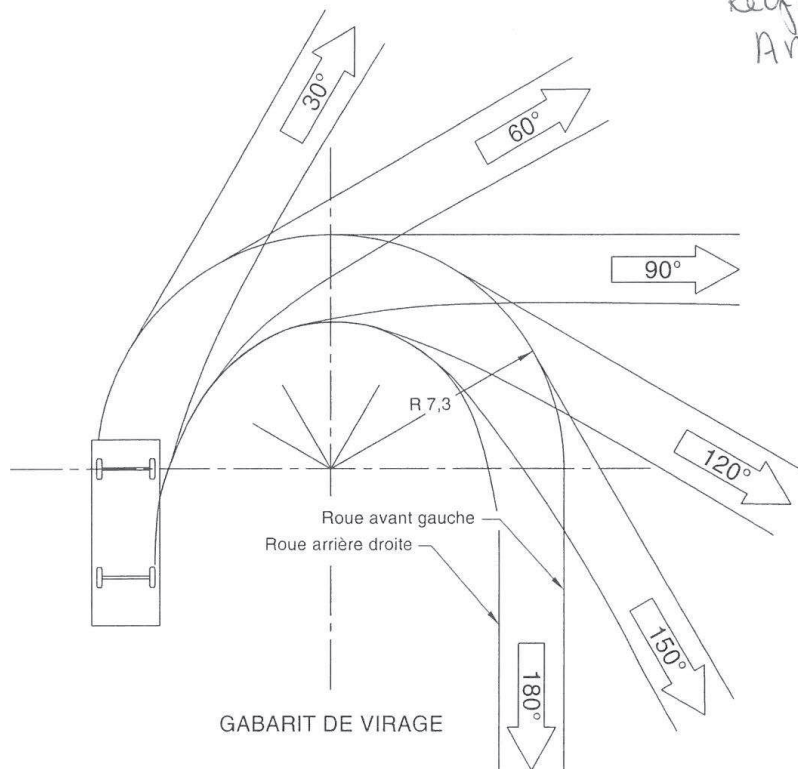
Association des propriétaires du chemin Breckenridge	Breckenridge
Association des propriétaires de la Plage Baie Noire	Avenue des Peupliers chemin des Pins Avenue des Noyers Avenue des Frenes
Association Domaine des Oies	chemin Terry-Fox chemin des Oies
Association des propriétaires de la Plage Bélisle	chemin Bord-De-L'eau chemin du Carrefour chemin Bélisle chemin Maska chemin de L'orée du Bois
Association des propriétaires de la Plage Taber	chemin Mellor chemin Russell
Association des propriétaires de la Plage J. Alexandre Desjardins	chemin Izala chemin des Huarts chemin Desjardins
Association des propriétaires du chemin Sumac	chemin Sumac
Association de la Plage Albert Tremblay	chemin Dollard chemin Bergeron chemin Charron
Association des propriétaires de la Plage Charron	chemin des Diamants chemin du Rubis chemin de la Topaze chemin des Emeraudes chemin du Saphir
Association des propriétaires de la Pointe Dion	chemin Dion
Association des propriétaires du chemin des Lilas	chemin des Lilas
Association des propriétaires de L'Héron Bleu	chemin Frazer chemin du Vallon
Association des propriétaires du chemin Allen	chemin Allen chemin du Phare
Association des propriétaires de la Baie Noire	chemin des Bouleaux chemin des Saules Avenue des Sapins chemin de la Forêt chemin Laverdure
Association des propriétaires du chemin du Phare	chemin du Phare
Association des propriétaires de la Côte McKay	chemin McKay
Association des propriétaires du chemin des Trappeurs et Clavelle	chemin Trappeurs chemin Clavelle

Association des résidents de la Plage Albert-Tremblay	Avenue du Marais Avenue de la Vieille-Pompe Avenue des Voiliers Avenue des Vacanciers Avenue des Quatres-Saisons
Association des propriétaires du chemins des pêcheurs	chemin des Pêcheurs
Association du chemin Lac des Loups	chemin Gauvin
Association Baie Pontiac	chemin de la Coriande chemin du Cari chemin du Cerfeuille chemin du Gingembre
Association Pointe-aux-Roches, Plage Léo Allen	chemin Pointe-aux-Roches chemin D'En-Haut
Association des résidents de la Plage François Tremblay	Avenue des Tourterelles Avenue des Geais-Bleus Avenue des Mesanges chemin des Alouettes Avenue des Colombes chemin des Herons chemin des Chardonnerets chemin de la Servitude chemin des Mallards chemin des Grues chemin des Goelands chemin des Outardes Avenue des Bosquets chemin des Fauvettes chemin des Colibris chemin des Hirondelles chemin des Perdrix
Association des propriétaires de la Pointe-Indienne	chemin de la Pointe-Indienne
Association des propriétaires du chemin Royal	chemin Royal
Association des propriétaires du chemin Kennedy	chemin Kennedy

DESSIN NORMALISÉ

GABARIT DE MOUVEMENT
DE VIRAGE
(VOITURE DE TOURISME – CAR)

NORME



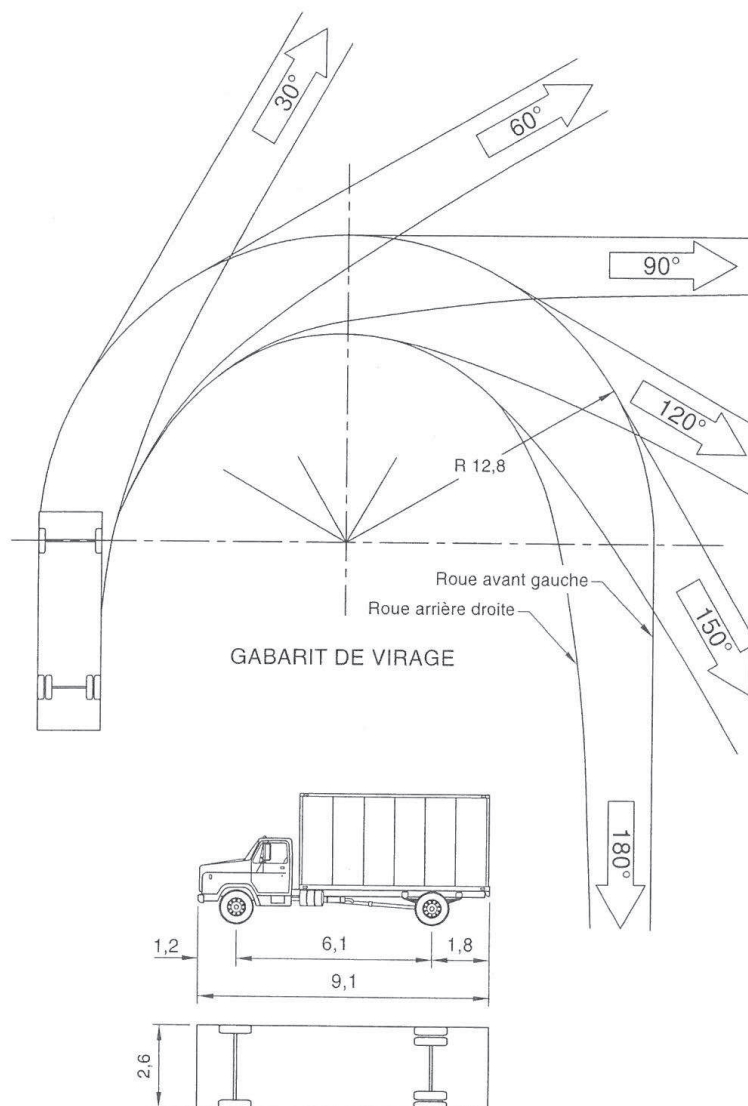
VOITURE DE TOURISME (CAR)

Note :

- les cotes sont en mètres.

GABARIT DE MOUVEMENT
DE VIRAGE
(CAMIONS ET AUTOBUS – SU)

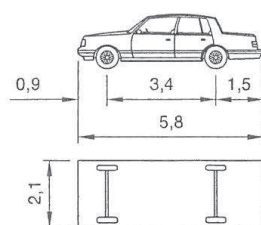
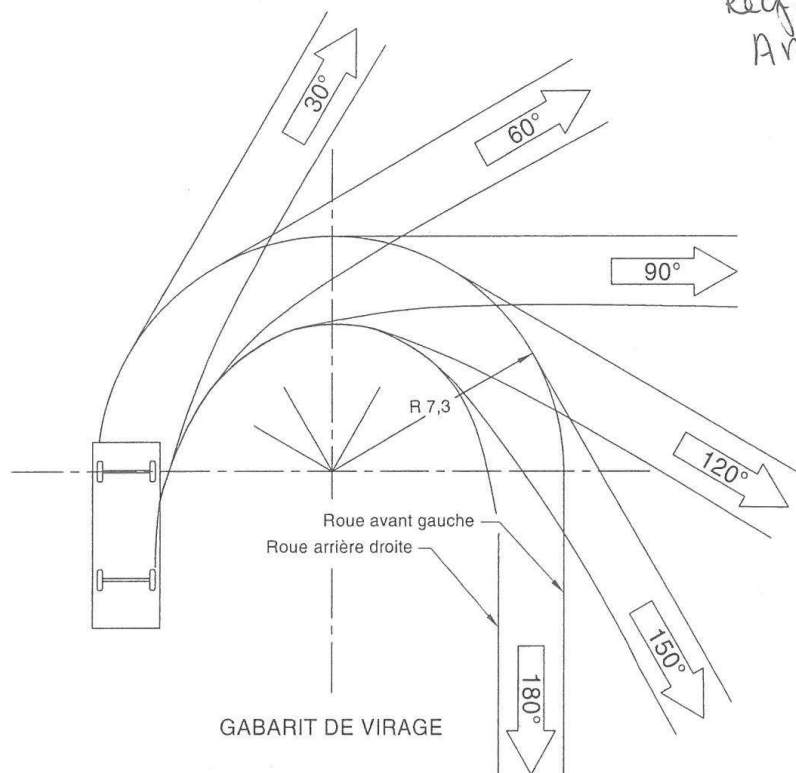
NORME



Note :
— les cotes sont en mètres.

GABARIT DE MOUVEMENT
DE VIRAGE
(VOITURE DE TOURISME – CAR)

NORME



VOITURE DE TOURISME (CAR)

Note :

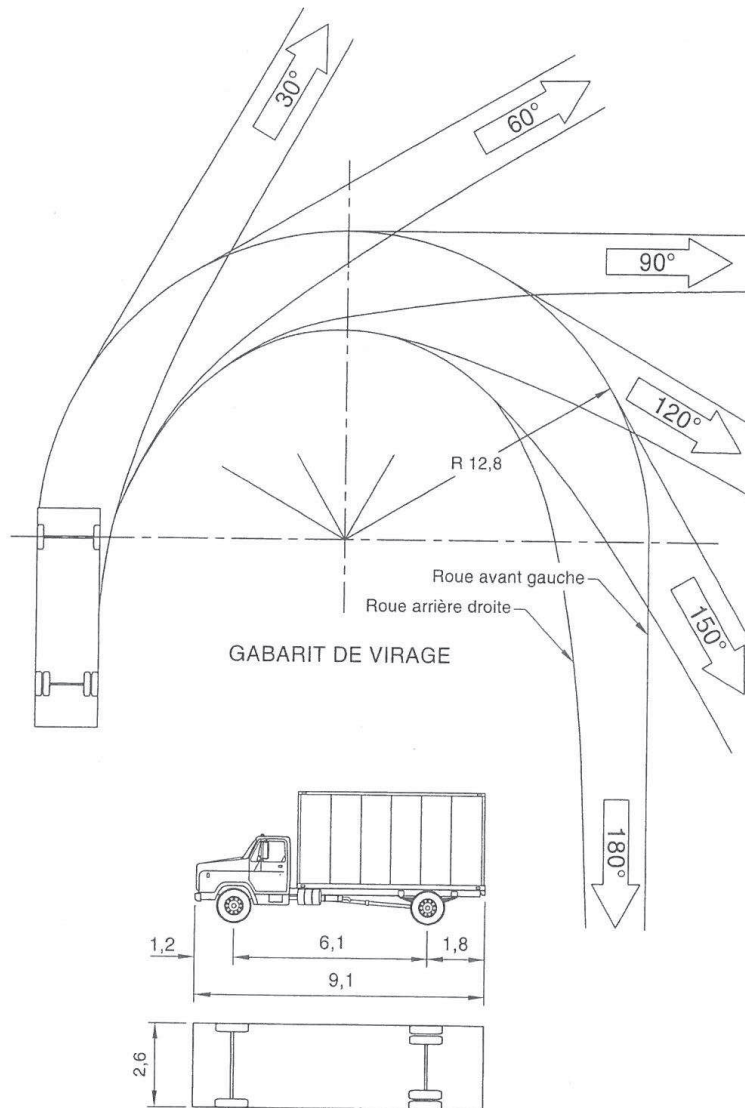
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Tome
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Date
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DESSIN NORMALISÉ

GABARIT DE MOUVEMENT DE VIRAGE (CAMIONS ET AUTOBUS – SU)

NORME



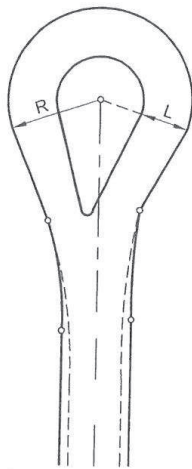
GABARIT DE VIRAGE

CAMIONS ET AUTOBUS (SU)

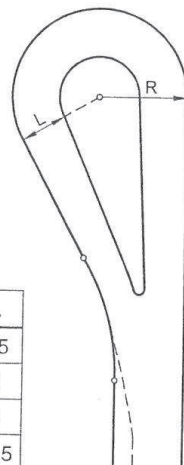
Note :
– les cotes sont en mètres.

**CULS-DE-SAC
(MILIEU RURAL)**

NORME

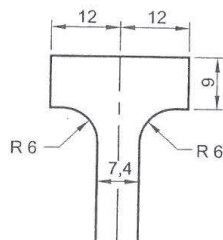


CIRCULAIRE

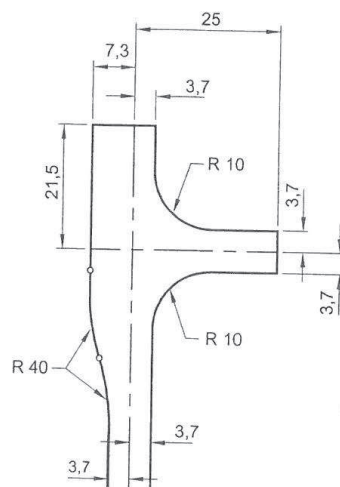


DÉCENTRÉ

Type de véhicule	R	L
CAR	9	5,5
SU	13,5	8
WB-15	14,5	9
WB-17	15,5	10,5



ENT
(pour véhicules de types CAR et SU)



AVEC EMBRANCHEMENT
(pour véhicules de types CAR et SU)

Notes :

- accorder une attention particulière au déneigement (manœuvres des camions);
- les cotes sont en mètres.