

CANADA
PROVINCE OF QUEBEC
HULL DISTRICT

MUNICIPALITY OF PONTIAC

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

BY-LAW No. 01-07

TITLED: "BY-LAW STIPULATING THE CONDITIONS TO MUNICIPALIZE ROADS"

WHEREAS the municipality often must take over the ownership and maintenance of roads which, unfortunately, do not always have the eligibility requirements in its' construction, paving and ratio of sale of fixed assets;

WHEREAS such a situation generates higher costs for repairs, completion and maintenance of said roads, which consequently must be assumed by all taxpayers as a whole;

WHEREAS the best solution to this inequity consists of laying down standards and building requirements for roads destined to be municipalized, in such as way that a road that does not meet these conditions cannot be municipalized;

WHEREAS articles 66 and 67 of the "Municipal powers Act" (2005, c.6) gives municipalities the power to regulate pertaining to transportation and roads;

WHEREAS Council wishes to adopt the present by-law no. 01-07 which stipulates the conditions to municipalize roads;

WHEREAS a notice of motion for the present by-law was given at a Council meeting held on July 11, 2006;

CONSEQUENTLY, it is

Moved by Brian Middlemiss
Seconded by Lawrence Tracey

AND RESOLVED THAT by the present by-law no. 01-07 of the Municipality of Pontiac, council orders and decrees the following:

ARTICLE 1

The preamble stated above is an integral part of the present by-law.

ARTICLE 2 - GENERAL PROVISIONS

No new road may be municipalized to then have the maintenance done on it by the municipality, if it does not meet the requirements set by the municipality, notably those in the sub-division by-law no. 178-01 as well as those set in the present by-law.

However, a private road that infringes to any provision whatsoever of article 3 (*documents to be submitted by the assignor*) or of article 6 (*conditions for building a road to be municipalized*) of the present by-law, could nevertheless be municipalized if all of the following conditions are met:

- a) The road existed before the present by-law came into force.
- b) Exception is made of the prescriptions of article 6 to which the road infringes, all other provisions of the present by-law and all of the provisions of the subdivision by-law no. 178-01 are met.

- c) The assignor has supplied all of the documents requested by Council so that it may evaluate the budget impact to municipalize a road, including its' needs pertaining to maintenance or repairs.
- d) A report in favour of municipalized roads has been previously prepared by the Public works department, studied by the U.R.C. committee (C.C.U.) and approved by the municipal Council.

ARTICLE 3 – DOCUMENTS TO BE SUBMITTED BY THE ASSIGNOR

- a) The assignor shall supply, at his expense, a plan prepared by an engineer indicating the width of the right of way, the construction limits, the location and dimensions of the pipes and culverts, the slopes, the location of curb cuts and ditches.
- b) The assignor shall have the work monitored and supervised by an engineer. For these purposes, the assignor shall supply a copy of the agreement concluded with the engineer to fulfil this requirement.
- c) The assignor shall supply, at his expense, a qualitative test report written up by an engineer, showing the grading, thickness and compaction of the foundation and the sub-foundation. The test will be done every 30 metres and at any other area requested by the designated employee or the engineer.
- d) Before the transfer of any road where a bridge has been built, the assignor shall also supply, at his expense, a report prepared by an engineer attesting to the excellent condition of the said bridge, that it is safe, that its' construction allows for the normal circulation of traffic and that it will not require any major repairs for the next 10 years.
- e) After the work has been completed, the assignor shall supply, at his expense, an attestation signed by the engineer to the effect that he has supervised the work accomplished and that the new road meets the building conditions prescribed in article 6 of the present by-law.
- f) The assignor shall supply the deed drawn up by a solicitor, attesting to the servitude of an unhampered flow of runoff water.

ARTICLE 4 – COSTS TO BE ASSUMED BY THE ASSIGNOR

- a) All costs for the construction of infrastructures, including engineering expenses for the job design and site supervision, will have been entirely assumed by the assignor.
- b) The assignor consents to yielding the infrastructure to the municipality, free of charge.
- c) The assignor assumes all conveyance fees and all other fees relating to the transfer.

ARTICLE 5 – BUDGET IMPACT OF A ROAD TO BE MUNICIPALIZED

- a) The road must be registered with the land registry office, it must be paved to the municipality's satisfaction and be ready for use as a public way.
- b) The expenses and receipts to municipalize a road which has been foreseen by the "*analysis procedure for road transfers*" used by the municipality, a municipalized road shall not generate a budgetary deficit.

ARTICLE 6 – CONDITIONS FOR BUILDING A ROAD TO BE MUNICIPALIZED

6.1 - Preparing the surface for building

The surface intended for a road must have been prepared according to the following provisions:

- a) The layout of the road must be cleared of trees on all of its' length and width and the right of way must be free of any trees, stumps, shrubs, brush, dead wood and plant debris.
- b) Vegetation situated outside the deforestation limits will have been protected from any damage or mutilation.

- c) The topsoil or any plant debris will have been completely removed on all of the road's width and to a depth of up to 1 metre under the sub-foundation line.
- d) Rocks more than 15 cm in diameter will have been removed on all of the roads' width and to a depth of up to 30 cm.
- e) The surface intended for the road will have been levelled and perfectly drained while it is being prepared.
- f) The embankments will have been built by applying successive, compacted, separate and uniform layers, of a maximum thickness of 30 cm. The fill will have been compacted to a density equal to or greater than 90% of the one obtained by the "modified Proctor testing". The last 15 cm of fill will have been compacted to a density equal to or greater than 95% of the one obtained by the "modified Proctor testing".
- g) The crown of roadway shall have a 2% cross slope, calculated from the centre of the road.
- h) The designated employee will have been notified by the builder, of the end of the surface preparation work.

6.2 - Sub-foundation and foundation

The road sub-foundation and foundation will have been prepared according to the following provisions:

- a) The sub-foundation shall be made up of at least 180 mm of crushed stone 0 - 63 mm (0 - 2 ½), compacted to a density equal to or greater than 95% of the one obtained by the "modified Proctor testing", on a width of a minimum 8 metres. The crown of the sub-foundation shall have a 2% cross slope, calculated from the centre of the road.
- b) The foundation shall be made up of at least 150 mm of crushed stone 0 - 19 mm (0 - ¾), compacted to a density equal to or greater than 95% of the one obtained by the "modified Proctor testing", on a width of a minimum 8 metres. The crown of the foundation shall have a 2% cross slope, calculated from the centre of the road.

6.3 - Culverts

Where it is deemed necessary for the natural flow of surface water, the culverts will have been installed according to the following provisions:

- a) Only reinforced concrete, PVC, corrugated and a high-density polyethylene pipe are permitted and the pipe must comply with the standards of the "Quebec Standardisation Office".
- b) The pipe intended for curb cuts will have a minimum 300 mm in diameter and a maximum length of 12 metres, whereas the culverts crossing a road shall have a minimum diameter of 600 mm.
- c) Each curb cut which crosses a ditch shall be linked to the road by a culvert that is in compliance with the present by-law. Every link shall be situated under the foundation level, along the grade of the foundation crown on a minimum of 2 metres.
- d) When ready for the pipe, the bottom of the trench shall have a regular slope. It is prohibited to put pipe in the bottom of a muddy or flooded trench. The trench will have been drained, the bottom stabilized and solidified with the appropriate materials, before installing the foundation for the pipe.
- e) The foundation shall have a minimum thickness of 115 cm and consist of crushed stone 9 - 19 mm (¾) and be compacted to a density equal or greater than 90% of the one obtained by the "modified Proctor testing".
- f) The coating of a pipe of 610 mm in diameter or less shall reach a level of at least 30 cm above the pipe and, in the case of a pipe exceeding 610 mm, it shall reach the level of half the diameter. The coating shall be done randomly 0 - 19 mm applied in successive layers of a maximum thickness of 30 cm and mechanically packed to a density equal or greater than 90% of the one obtained by the "modified Proctor testing".
- g) The backfill for the trench, above the upper limit of the pipe's coating of crushed stone will have been done with materials coming from the excavation or any other material accepted by the municipality. These materials will have

been compacted in successive layers of a maximum depth of 60 cm and in such a way as to obtain a density equivalent to the unaltered neighbouring ground. The materials used as fill shall be free of stones larger than 30 cm, as well as pieces of frozen ground, ice and snow. The surface to be filled will have been brought and kept to the existing ground level of the vehicle entrance, following the slope of the foundation crown.

- h) The elevations approved by the municipality to ensure a uniform flow have been respected. The ditches around the pipe have been dug and profiled to the required slope in order to obtain a good drainage and an adequate transition to the pipe.
- i) The culverts may have been completed with catch walls as headers at each extremity, thus forming retaining walls. If catch walls are not available, these headers may be finished with pieces of turf. The top part of the header shall be under the foundation level, following the slope of the foundation crown, unless this installation is at least 4 metres from the road.

6.4 - Ditches

The ditches shall be installed according to the following measures:

- a) The ditches shall have a minimum depth of 600 mm lower than the centre of the road. The bank and the backslope shall have a slope varying between IV:3H and IV:2H;
- b) When the slope is greater than 5% and according to the nature of the existing soil, the ditch shall have turf or stone installed to prevent erosion. The size of the stones shall vary from 50 mm and 250 mm.

6.5 - Levels

All levels of infrastructure will have been established by the municipality and respected.

6.6 -- Streetlights

Streetlights have been installed at each road intersection with another traffic lane.

The streetlights shall be in compliance with the standards of the Bureau de normalisation du Québec (*Quebec standardization office*).

ARTICLE 7 – COMING INTO FORCE

The present by-law will come into force according to the law.

GIVEN IN PONTIAC (QUEBEC), this 13th day of February, the year *two thousand and seven*.

Edward McCann
Mayor

Sylvain Bertrand
Director general

Adopted at a meeting held on :
Under resolution number :

February 13, 2007

07-0-426