



BY-LAW 569 - 2019
Regarding snow removal

WHEREAS Articles 65 and following of the Municipal powers Act pertaining to snow removal;

WHEREAS the provisions of Articles 497 and 626 of the Highway Safety Code;

WHEREAS a notice of motion was given by Councillor Jean Dutil at the regular meeting of March 13th, 2019;

WHEREAS THAT a draft by-law was presented at the regular meeting of March 13th, 2019;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. ***Preamble*** - The preamble forms an integral part hereof.
2. ***Goal*** - The present by-law is meant to decree snow removal and winter maintenance of the Municipality's roads network for vehicle traffic, establish a service which Council deems appropriate for each case and determine, when deemed necessary, that the snow be blown or put onto private properties whether they are built on or not, as long as the necessary precautions have been determined in such cases in order to avoid damages to anyone or to property.

CHAPTER 2 : DEFINITIONS

3. ***Terms used*** – In applying this by-law, the following words are defined as follows unless otherwise indicated :

« ***snow removal*** » : The entire operation which consists of removing snow and keep roads open during and during precipitation;

« ***Right-of-way*** » : Designates a parallel space of 7.7 meters from the center of the roadway;

« ***Contractor*** » : Designates any moral or private person who obtains the granting of a contract by Council's resolution for snow removal and the winter maintenance of roads network;

« ***Winter maintenance*** » : Term used for snow removal, clearing, de-icing, sanding and removing of sand operations as well as for any other operation necessary to provide clear roads during winter conditions;

« ***Snow guard*** » : Designates a part protecting a lot and private property from snow spatter. The snow guard ensures that the snow or ice remains on municipal property.

« ***Material*** » : The word « material » designates any equipment or installation susceptible of receiving snow during snow removal operations.

« ***Representative*** » : The Director of Public works.

CHAPTER 3 : GENERAL SNOW REMOVAL OF ROADS AND PUBLIC ROADWAYS

4. ***Snow on private properties*** – The winter maintenance must be done in such a way as to throw, blow, push or put precipitation found on the Municipality's roadway onto private property.

5. ***General orientation*** – Whenever possible, winter maintenance must avoid that precipitation found on the Municipality's roadway be thrown, blown, pushed or put into private entrances for vehicles or pedestrians.

6. ***Property owners precautions*** – In order to avoid damages caused to properties from snow being thrown, blown, pushed or put onto private properties during snow removal operations on public roads, the following precautions must be taken by citizens.

The owner or occupant of the property located along the frontage of the road must, between October 1st and April 30th of each year:

a) along the road : Install snow fences, barriers or other protection strong enough and made to property protect trees, shrubs and other plants as well as any equipment susceptible of being damaged;

b) on private property : Install snow fences, barriers or other protection strong enough to property protect and clearly indicate with a sign, the presence of trees, shrubs or other plants as well as equipment susceptible of being damaged;

7. ***Responsibility in case of absence of precautions*** – In the case of non-respect of Article 6, the Municipality **cannot be held responsible** for the material prejudice caused to the owner or occupant of a property.

8. ***Positioning of vehicles and equipment*** – Vehicles or equipment must not be placed at less than one meter and a half (1.5) from the Municipality's road right-of-way.

Every property owner, tenant or occupant having disposed of an item within the limited stipulated in paragraph 1, does so at his own risk and perils.

9. ***Costs relating to measures of protection*** – The setting-up of measures of protection is done at the cost of the property's owner, tenant or occupant, whichever the case.

CHAPTER 4 : FIRE HYDRANTS

10. ***Accessibility*** – Fire hydrants must be accessible at all times in order to protect the population.

11. ***Snow removal delay*** – Fire hydrants must be cleared of snow within 72 hours following a snowfall.

12. ***Minimal clearing*** – Furthermore, at all times, the maintenance of a fire hydrant must correspond to a minimal clearing of 45 cm from the top.

CHAPTER 5 : APPLYING THE BY-LAW

13. ***Infringements*** – Under the provisions of the present by-law, constitutes a nuisance, the fact of:

- a) throwing, blowing, pushing, putting or tolerating that snow is thrown, blown, pushed from a private entrance onto a public road maintained by the Municipality, on all or part of;

- b) to remove, or cover in any way, the sand or any other substance or abrasive spread on sidewalks or certain part of the road on any public road;
- c) to throw or allow that is thrown, or that spreads onto a road, any substance susceptible of freezing or produce ice, unevenness or obstacles on sidewalks and/or road;
- d) to put snow on the public roadway in such a way as to obstruct road signage or the visibility triangle at an intersection;
- e) during the period of thaw or warmer climate, to thrown, blow, push or put snow or ice on a public roadway.

14. **Representatives and agents able to apply the by-law** – Any municipal inspector, director of public works or foreman as well as any police officer or agent serving the Municipality's territory and able to have the present by-law respected and may issue a notice of infringement to anyone infringing upon the present by-law.

15. **Special measures to facilitate snow removal** – Any municipal inspector, director of public works or foreman can give the property owner or tenant a verbal or written notice to undertake :

- a) the removal of any obstruction to winter maintenance, specifically a vehicle, equipment or any other object that is susceptible of hindering snow removal operations;
- b) the removal of snow or ice thrown, blown, pushed or put onto a public road by the property owner or tenant.

In this case, the property owner or tenant must remove the obstruction within **two (2) hours** after having received the notice or the Municipality will proceed with its removal, at the property owner or tenant's cost.

These costs are recoverable by the Municipal court.

The respect of the present article cannot constitute a means of defence to an infringement to the present by-law.

16. **Complaints or comments** – No individual may stop a snow removal operator within the exercise of his duties in order to complain. .

All complaints must be addressed to the Public works department.

17. **Special powers regarding traffic** – Any duly authorized municipal officer can interrupt traffic on the road during snow removal operations in order to facilitate the execution of the work being done.

18. **Snow guards** – Any duly authorized municipal officer may install snow guards on private properties if necessary, without causing, as much as possible, prejudice to property owners or tenants of these properties.

In no case, must snow guards be placed in front of houses, buildings, yards, paths or access roads to properties.

19. **Council's instructions** – Council may, by resolution, give appropriate instructions with regards to the method of winter maintenance of roads and other public thoroughfare.

These instructions binds the Municipality's officers and any party interested in the concerned work.

20. **Existing front road** – Council may, by resolution, ordain that an existing front road be included in winter maintenance.

21. **Inclusion of a new front road** – Council may, by resolution, allow the inclusion of winter maintenance of the new front road built as per the norms of the Policy regarding the construction of infrastructures.

22. **New non-municipalized infrastructure** – Council may make an agreement with the owner of a new non municipalized infrastructure for the reimbursement of expenses for the surplus of work stipulated in the present article.

23. **Exclusion** – Any road or private thoroughfare is excluded from the Municipality's winter maintenance under the condition that the Quebec Municipal works Act or any resolution from Council adopted in accordance to the Municipal powers Act.

24. **Infringements** – Whomever contravenes to a provision of the present by-law commits an offence.

Whomever commits a first offence is liable to a fine of at least one hundred dollars (\$ 100) and of a maximum of three hundred dollars (\$ 300) if it pertains to a physical person and of at least two hundred dollars (\$ 200) and of a maximum of six hundred dollars (\$ 600) if it pertains to a legal entity.

Whomever commits a second offence to the same provision within a period of two (2) years of the first offence is liable to a fine of at least two hundred dollars (\$ 200) and of a maximum of six hundred dollars (\$ 600) if it pertains to a physical person and of at least four hundred dollars (\$ 400) and of a maximum of one thousand two hundred dollars (\$ 1,200) if it pertains to a legal entity.

Whomever commits a subsequent offence to the same provision within a period of two (2) years of the first offence is liable to a fine of at least three hundred dollars (\$ 300) and of a maximum of nine hundred dollars (\$ 900) if it pertains to a physical person and of at least six hundred dollars (\$ 600) and of a maximum of one thousand eight hundred dollars (\$ 1,800) if it pertains to a legal entity.

In every case, the costs of proceedings are applicable.

25. **Continued offence** – In the case of a continued offence, each day constitutes a separate infringement.

CHAPTER 6 : FINAL PROVISIONS

26. **Frequency of sidewalk maintenance** – The maintenance of sidewalks must be done, by the latest, after an average precipitation of 3 cm of snow.

27. **Frequency of fire hydrant maintenance** – The maintenance of fire hydrants consists of ensure that they are de-iced and in proper running order at all times.

Should there be damage to a fire hydrant, the Fire department will be notified as soon as possible. .

28. **Agreements and safety measures** – In order to avoid damages to anyone and to properties during operations, the following precautions have been taken by the Public works department and any contractor retained by the Municipality to ensure snow removal, as necessary :

- a) the equipment is operated by competent personnel;

- b) with the exception of a blower used with a multifunctional tractor or any other equipment of the same dimension, if, occasionally, certain blowers having larger dimensions should be used, they must always follow a flagman or supervisor able to direct the operators of any risk of damages to anyone or property.

29. ***Supervisor aboard a vehicle*** – In accordance to the pertinent provisions of the Quebec Highway safety Code or any other Law regarding to the same subject, every flagman or supervisor stipulated in Article 28 is authorized to travel aboard a vehicle on the entire municipal roads network.

30. ***Abrogations*** – This by-law repeals and replaces by-laws 401-2005 and 539-2016.

31. ***Entering into effect*** - The present by-law enters into effect as per the Law.

Timothy Watchorn
Mayor

Hugo Lépine
Director general - Secretary-treasurer