

PROJECT BY-LAW NUMBER 2025-005 REGARDING DRIVEWAYS AND PRIVATE ENTRANCE
CULVERTS IN THE MUNICIPALITY OF THE TOWNSHIP OF LOW

WHEREAS according to section 66 of the Municipal Powers Act, the local municipality has jurisdiction over public roads that are not managed by the Government of Quebec or the Government of Canada or any of their departments or agencies;

WHEREAS Under section 67 of the Municipal Powers Act, any local municipality may adopt by-laws to regulate any use of a public road not covered by the regulatory powers conferred on it by the Highway Safety Code (R.S.Q., chapter C-24.2);

WHEREAS under Section 68 of the Municipal Powers Act, any local municipality may regulate access to a public road;

WHEREAS it is the responsibility of owners of lots adjacent to municipal roads to construct and maintain the necessary structures for entering and exiting their properties;

WHEREAS notice of motion was given at a regular meeting of this municipal Council on June 2, 2025, to the effect that this bylaw would be submitted for approval and that the draft had been tabled;

THEREFORE, IT IS, it is ordained and decreed by the Municipal Council of the Municipality of the Township of Low and the said Council hereby ordains and decrees as follows, namely :

ARTICLE 1 – PREAMBULE

The preamble to the present by-law forms an integral part thereof.

ARTICLE 2 – APPLICATION

The enforcement of this by-law is entrusted to designated officials, namely the Foreman of the Public Works Department and the Coordinator of the Public Works Department or the Inspector. The Council may appoint one or more other persons to enforce this by-law.

ARTICLE 3 – PERMIT

Any new access to a municipal road or any new installation of a private culvert adjacent to a municipal road shall, as of the effective date of this by-law, be subject to a building permit.

- 3.1 No permit may be issued until the requirements of this by-law have been met.
- 3.2 The applicant must carry out the work in accordance with the conditions stipulated in the permit and the statements made in the application.
- 3.3 When the subject of an application complies with the provisions of this by-law and the permit fees have been paid, the permit requested will be issued by the designated official.

Any permit that contradicts this by-law is null and void.

ARTICLE 4 – EXCEPTION

The owner of a private driveway adjacent to a municipal road is not required to install a driveway culvert in the following cases:

- 4.1 When the private driveway is built above a slope and runoff water flows on either side of the private driveway into the roadside ditches.
- 4.2 When the municipal road does not have a ditch at the proposed location of the driveway construction.

ARTICLE 5 – ROLE AND POWERS OF THE DESIGNATED OFFICER

- 5.1 The authorized person has the right to visit the premises between 7 a.m. and 7 p.m. to ensure that the provisions of these regulations are being observed.
- 5.2 The authorized person may take photographs and any samples they deem necessary to ensure that the provisions of these regulations are being followed.
- 5.3 All occupants of the premises visited are required to receive the authorized person.

ARTICLE 6 – TYPE OF CULVERT

- 6.1 Any new culvert installed in a private driveway adjacent to a municipal road must be of the following type:
 - 1) Hel-Cor made of minimum 14 in grade plastic, or
 - 2) High-density double-walled corrugated polyethylene resin (Big “O”) with a smooth or corrugated interior, of at least 210 kpa quality for a private driveway. The choice of a culvert with a smooth or corrugated interior must be made according to the degree of slope of the ditch. When the ditch is located on a slope (greater than 5%), the culvert must have a corrugated interior to slow down the flow of water.
- 6.2 The diameter of these culverts must not be less than 450 mm (16 inches). In cases where flow rates are high, culverts must be designed with a diameter sufficient to not delay the flow of these water flows. A designated official may, in certain cases, require the taxpayer to install one or more private inlet culverts with a diameter exceeding the minimum required by this regulation.
- 6.3 The length of a culvert must be at least 18” x 30’ R210 grade plastic and no more than 12 meters (40 feet).

ARTICLE 7 – INSTALLATION STANDARDS

- 7.1 A culvert must allow water to flow freely during floods, ice floes, and debris flows. It must be designed to create a stable and durable crossing that provides sufficient resistance to applied loads.
- 7.2 The width between two private inlet culverts must not be less than 6 meters (20 feet).
- 7.3 When the soil has low bearing capacity, the culvert must be installed on a granular cushion under the culvert approximately 150 mm (6 inches) thick.
- 7.4 The slope of the culvert must be identical to the natural slope of the watercourse (minimum of 0.5%) and without any deflection in either the horizontal or vertical alignment.
- 7.5 The thickness of the 0-20 mm (0-3/4 inch) gravel backfill to be installed above the culvert must be sufficient to prevent the culvert from lifting during freezing and thawing and must be installed according to the culvert manufacturer's recommendations and up to the level of the road surface.
- 7.6 A private inlet culvert must be installed so that the base is level with the natural ground level to prevent standing water. No standing water areas should be created upstream or downstream of the culvert.

ARTICLE 8 – TAXPAYER RESPONSIBILITY

- 8.1 The purchase, installation, maintenance, and replacement of the culvert, construction of the private entrance, and maintenance of the structures necessary to enter and exit their property and ensure the free flow of water from the road are the responsibility of the owner concerned. The same applies when the Municipality carries out digging or cleaning work on ditches opposite the private entrance.
- 8.2 In the event that the Municipality carries out ditch digging work during road repair or reconstruction work in front of the private driveway concerned, the Municipality may, if it so desires, install the private culvert. However, responsibility reverts to the owner as soon as the work is completed.

8.3 The location of the entrance is the responsibility of the taxpayer, who must ensure that its location allows vehicles to enter and exit safely and does not interfere with traffic on public roads.

ARTICLE 9 - DISPOSITIONS

The designated officials are hereby authorized hereby authorized to require the owner of any land adjacent to a municipal road to provide, install, repair, or maintain any culvert providing access to their property. Failure to do so will result in the designated officials carrying out or arranging for the work to be carried out and claiming, in accordance with section 96 of the Municipal Powers Act, any amount corresponding to the cost of the work.

ARTICLE 10 - PRICING

The cost of the permit is set by Regulation No. 05-93 on pricing and its amendments.

ARTICLE 11 - PENALTY

- 11.1 Any legal entity or natural person who contravenes any provision of this regulation commits an offense and is liable, in addition, to pay the following fees:
- a) For a first offense, a minimum fine of \$200.
 - b) For a first repeat offense in the same calendar year, a minimum fine of \$300.
 - c) For a second repeat offense in the same calendar year, a minimum fine of \$500.
 - d) If an offense continues, it constitutes a separate offense for each day it continues, and the offender is liable to pay the fine for each day the offense continues.
- 11.2 When pronouncing sentence, the competent court may, in addition to ordering the offender to pay the fine provided for in section 11.1, order the offender to take the necessary measures to cease the nuisance and, if such measures are not taken within the prescribed time, order the municipality to take such measures at the offender's expense.

ARTICLE 12 -INTERPTETATIVES PROVISIONS

- 12.1 The masculine and singular genders are used in these rules without discrimination and include the feminine and plural to avoid excessive text.
- 12.2 PARTIAL INVALIDITY OF THE BY-LAWS
- Should any part or clause of this by-law be declared invalid by a recognized court, the validity of all other parts or clauses shall not be questioned. The Municipal council hereby declares that it adopts the by-law part by part, regardless of the fact that one or more of these parts may be declared null and void by the Court.

ARTICLE 13 - EFFECTIVE DATE

The present by-law will come into force once the formalities required by law have been completed.

Myrian Nadon
Director general and
Clerk-treasurer

Carole Robert
Mayor

Notice of motion:
Adoption of by-law:
Publication (posting) :
Coming into force:

June 2, 2025
May
May
May