

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2015-066

### PUBLIC ACCESS TO ROAD SAND POLICY

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**WHEREAS**, Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS**, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

**AND WHEREAS**, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

**1. GENERAL REGULATIONS**

**1.1 THAT**, the Public Access to Road Sand Policy, attached hereto as Schedule "A", be adopted.

**2. ULTRA VIRES**

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**3. EFFECTIVE DATE**

ENACTED AND PASSED this 8<sup>th</sup> day of December, 2015.

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Keith Kerr, Reeve

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Janie Laidlaw, Acting Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2015-066

SCHEDULE "A"



Tay Valley Township

SECTION:	NUMBER:
TR	8

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**SUBJECT: PUBLIC ACCESS TO MUNICIPAL ROAD SAND POLICY**

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**1.0 PURPOSE**

1.1 To provide an outline of the process for allowing Public Access to Municipal Road Sand for Personal Use.

**2.0 LEGISLATIVE AUTHORITY**

2.1 Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

**3.0 SCOPE**

3.1 This policy applies to Residential Dwellings and Private Roads within the Municipality.

**4.0 DEFINITIONS**

**"Residential Dwelling"** - shall mean a building occupied as the home, residence or living quarters of one or more persons and shall include Permanent, Seasonal and Limited Services Residential Dwellings and Dwelling Units.

**"Municipality"** – shall mean the Corporation of Tay Valley Township.

**"Personal Use"** – shall mean the use of Municipal Road Sand on Residential Dwelling driveways and walkways and on Private Roads.

**"Private Road"** - shall mean a road within the Municipality that has been designated as a Private Road in the current Road Naming By-Law.

**"Private Road Association"** – shall mean an organized group responsible for maintenance of a Private Road.

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<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Public Works Department	December 8, 2015	None	1 of 3

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# Tay Valley Township

<b>SECTION:</b>	<b>NUMBER:</b>
TR	8

**“Property Owner”** shall mean the person(s) that appears on the tax roll as the owner of a parcel of land. Without limiting the generality of the foregoing, an Owner may also include the person who at any time manages or receives the rent of the Property or premises whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the Property who under the terms of a lease is required to repair and maintain the Property.

**“Public Access”** – shall mean a location where Property Owners and Private Road Associations can access Municipal Road Sand.

**“Public Works Manager”** – shall mean the Public Works Manager or designate duly appointed by the Municipality.

**“Public Works Yard”** – shall mean the Municipal property immediately surrounding the Sand Sheds.

**“Restricted Access”** – shall mean a location that is restricted to only employees of the Municipality.

**“Municipal Road Sand”** – shall mean sand or sand salt mixture purchased by the Municipality for winter road maintenance.

**“Sand Shed”** – shall mean the Municipal Road Sand storage sheds located at the North Burgess and Bathurst Public Works Yards.

## 5.0 GENERAL PROVISIONS

### 5.1 Responsibility

5.1.1 The Sand Sheds shall have Restricted Access.

5.1.2 The Municipality shall ensure that the necessary signage is erected at locations with Restricted Access.

5.1.3 Public Access shall be identified at the North Burgess Public Works Yard.

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Public Works Department	December 8, 2015	None	2 of 3



# Tay Valley Township

<b>SECTION:</b>	<b>NUMBER:</b>
TR	8

- 5.1.4 Each Property Owner shall be permitted to secure a maximum of twenty-five (25) litres of Municipal Road Sand per year, per Residential Dwelling;
- 5.1.5 Each Private Road Association shall be permitted to secure a maximum of one thousand (1000) litres per year, per Private Road.
- 5.1.6 Municipal Road Sand shall be placed in the designated Public Access locations before the first weekend of December each year.
- 5.1.7 A maximum load of two (2) cubic metres of Municipal Road Sand shall be made available at a Public Access location at any one time.
- 5.1.8 The supply of Municipal Road Sand available at Public Access locations shall be replenished as required subject to operational requirements.
- 5.1.9 Municipal Road Sand shall be available on a first come, first served basis.
- 5.1.10 Property Owners and Private Road Associations shall access the Public Works Yard at their own risk.
- 5.1.11 The Municipality assumes no responsibility or liability for the use or misuse of Municipal Road Sand by a Property Owner or Private Road Association.

## 6.0 ACCOUNTABILITY FRAMEWORK

- 6.1 The Public Works Manager is responsible for ensuring compliance with this policy.

## 7.0 POLICY REVIEW

- 7.1 This Policy shall be reviewed at least once per term of Council.

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Public Works Department	December 8, 2015	None	3 of 3