

Town of Springdale

Winter Damage Policy

Objective: To set reasonable limits on the damages that may be attributed to necessary municipal winter operations.

Rationale: For many years, the Town absorbed the costs of repairs made to local taxpayers' properties to correct a variety of damages related to normal snow removal activities. It became apparent that there were many unavoidable and recurrent problems that could be anticipated. It was also felt that the Town's liability must be limited to those instances of truly extraordinary damage. A policy thereby was required to discourage development in those areas where damage is most likely to occur.

Policy: **Effective in 1996, the Town of Springdale will be responsible for damages in only those cases where the following criteria are satisfied:**

a) damage must be due to actual physical contact of snowclearing equipment;

b) damage must be located more than 33' from the centre line for properties off Main Street, Little Bay Road, Route 390, and in the Industrial Park, or more than 20' from the centre line for properties fronting on any other routes in town; and,

c) markers must have been in place clearly indicating the corners of the property in question.

The Town also strongly recommends that any resident wishing to install fencing across the front of their property, consider constructing the fence in such a fashion that it may be removed for the winter season. (Refer to fencing policy below).

Procedures: Claims for winter damages will be accepted up until May 15th each year. Applications must be made in writing and should be directed to the Superintendent of Public Works.

[Adopted 23 May 1995. Incorporates amendments of 23/05/95 (Council); and 15/06/95 (Public Works Committee) - 19/06/95 (Council).]

Fences:

In accordance with Section 51 (4) & (5) of the General Development Standards, Town of Springdale Development Regulations 2006, the following policy shall apply to winter damage claims:

- a. Damages: - The Town shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.

- b. Order to Remove Fence: - When in the opinion of the Town, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specific time in order to correct the safety hazard or obstruction, and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified period of time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

Approved by council on July 3, 2007.