Municipality of Spaniard's Bay

By-Law for Takeover of Private Roads

This version was adopted by the Town Council on

June 9th, 2026.

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By-Law for Takeover of Private Roads

The following Regulations have been made by the Town Council of Spaniard's Bay under the provisions of "The Municipalities Act" and were approved on the __9__ day of __June___, 2026.

Adoption by Council

These Property Damage Policies for the Municipality of Spaniard's Bay have been approved and now adopted during a sitting of the Council on the _9_ day of __June__, 2026.

Tammy Oliver
Mayor (print name)

Vanessa Higgins
Witness (print name)

Mayor (signature)

Vanessa Higgins
Witness (signature)

1. Purpose

1.1 This Regulation establishes criteria and conditions under which Council may consider the takeover of private roads.

1.2 Nothing in this Regulation shall be construed as obligating the Municipality of Spaniards Bay to accept any private road, and the decision to assume ownership of a private road shall remain at the sole discretion of Council.

2. Application

2.1 This Regulation applies to all requests for the municipal takeover of private roads within the boundaries of the Town.

2.2 Council may impose such additional conditions, requirements, or modifications as it deems necessary in the public interest.

3. Right of Way

3.1 Where a private road is proposed for municipal takeover, the road reservation (Right of Way) shall generally have a minimum width of forty (40) feet.

3.2 Notwithstanding subsection 3.1, Council may approve a reduced Right of Way width where Council determines that:

a) existing conditions, surveyed constraints, or historical development patterns render full compliance impractical; and
b) the reduced Right of Way will not adversely affect public safety, municipal servicing, or long-term maintenance.

4. Road Construction Standards

4.1 Where deemed necessary by Council or its designate, a private road proposed for takeover must be required to be constructed or upgraded to meet minimum standards, including: a) a minimum of two (2) inches of Class "A" road gravel applied over the full length and width of the roadway.

4.2 Where paving is deemed appropriate by Council, property owner(s) shall be required that the driving surface, typically not less than twenty (20) feet in width, be paved with a minimum of two (2) inches of asphalt.

4.3 The determination of applicable construction standards shall be based on engineering judgment, anticipated traffic volumes, and long-term municipal maintenance considerations.

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5. Turnarounds

5.1 Where a private road terminates without connection to another public roadway, Council may require the provision of a suitable turnaround as a condition of takeover.

5.2 Where required, such turnaround shall generally:

a) be designed to accommodate municipal service and emergency vehicles; and
b) have an approximate diameter of one hundred (100) feet, plus or minus ten percent (±10%), or such other configuration as approved by Council or its designate.

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6. Drainage Infrastructure

6.1 Where drainage conditions warrant, Council will review each road individually and decide whether the installation, upgrading, or modification of ditches, culverts, or related drainage infrastructure to ensure satisfactory roadway performance and future maintainability.

6.2 All drainage works required under this section will need to be completed to the satisfaction of Council or its designate prior to roadway takeover, unless otherwise approved by Council.

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7. Ownership and Legal Conveyance

7.1 As a condition precedent to municipal takeover, Council Shall Require that:

a) Legal ownership of the Right of Way shall be obtained through a formal transfer process. A survey of the area must be conducted and documents submitted to the Municipality of Spaniards Bay.
b) Where necessary, permission must be obtained from Works Services and the Department of Transportation, for a tie-in to a Provincial Highway.
c) Right of Way be formally conveyed to the Town, free and clear of encumbrance, unless otherwise approved by Council.
d) All applicable fees related to the transfer shall be paid by the property owner.