

# The Corporation of the Municipality of Highlands East

## Bylaw # 2018-61

### Being a Bylaw to Establish a Grant Program to Assist with Improvement Costs of Private Roads

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**Whereas** Section 10 of the Municipal Act, 2001, as amended provides that the municipality may provide any thing that the municipality considers necessary or desirable for the public, including matters dealing with highways and the health, safety and well-being of persons within the municipality;

**And Whereas** it is deemed desirable to establish a policy and criteria for authorizing an improvement road grant program for private roads;

**And Whereas** Council deems it in the best interest of the Municipality of Highlands East to provide an improvement road grant program for private roads as the program will promote year round residency, increase population and provide better access for emergency response vehicles that provide health and safety for residents;

**Now therefore the Council of the Municipality of Highlands East enacts as follows:**

#### 1. Definitions

- 1.1.1 **Approved** means approved by the municipal council;
- 1.1.2 **Corporation** means the Corporation of the Municipality of Highlands East.
- 1.1.3 **Council** means the Council of the Corporation of the Municipality of Highlands East.
- 1.1.4 **Chief Administrative Officer** means the person appointed by bylaw of the Council to act as Chief Administrative Officer of the Corporation.
- 1.1.5 **Private Road** means a road that is owned and maintained by a private individual, organization, or a company rather than by the Municipality.

- 2. Should any section, subsection, clause or provision of this bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.

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3. **That** Bylaw 2017-51 and all other bylaws, resolutions be repealed in their entirety prior to June 6, 2018.
4. **That** the Private Roads Grants policy, attached as Schedule “A” form part of this bylaw.
5. **That** this bylaw shall come into force and take effect as of July 4, 2018

**Read a first, second and third time, and finally passed this 4h day of July, 2018.**

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Dave Burton, Mayor

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Robyn Rogers, Clerk

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#### Schedule "A" - Private Roads Grant Policy

The objective of this grant is to assist and encourage the regular maintenance and improvement of private roads resulting in better accessibility for traffic.

Procedure for the authorizing of annual grants for the purpose of assisting summer road maintenance costs to property owners on private roads:

1. The property owners (including undeveloped lots) fronting and/or utilizing a specific private road must form a road maintenance group which shall include or represent at least two-thirds (2/3) of those property owners;
2. The property owners (including undeveloped lots) on which the private road is located on shall provide written permission for any work being done;
3. The grant to be provided shall be determined by Council based on the calculation of "x" factor plus "y" factor during the yearly budget process as defined in Appendix "A" of this bylaw.

"x" factor shall represent a dollar value per kilometer of roadway and "y" factor shall represent a dollar value per property owner;

4. All applications shall be forwarded to the Municipal Treasurer who shall have the responsibility/authority of determining grant eligibility and authorizing grants based on having met the following criteria:
  - a) Documentation of participation by two-thirds (2/3) of property owners in sharing the costs of road maintenance.
  - b) Presentation of paid invoices for road improvements in the current year;
  - c) Presentation of before and after pictures.
5. Grant applications must be submitted by September 30<sup>th</sup>. Grants will reimburse property owners to assist with road improvements and will be paid in one lump sum;
6. The road maintenance group will be solely responsible to oversee the administration and supervision of annual work programs and related budget and

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furthermore the Municipality will have no responsibility, obligation or exercise any degree of operational control with respect to maintenance of the affected roads;

7. Grants are not guaranteed and due to budgeting constraints may be curtailed at any time by resolution of Council;
8. Council may from time to time establish further conditions on the approval of grants that may be generally applied or specific to a particular situation.

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**Private Roads Grant Policy**

**Appendix "A"**

The grant to be provided for the improvement of private roads shall be based on the length of the roadway, and the number of properties that the roadway services.

The formula to determine the eligible amount for each roadway shall be "x" factor plus "y" factor, where "x" factor shall represent a dollar value per kilometer of roadway and "y" factor shall represent a dollar value per property owner.

"x" factor shall be equal to \$150.00 kilometer of roadway.

"y" factor shall be equal to \$10.00 property (with unique ownership).

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**APPLICATION FOR PRIVATE ROAD GRANT**

**Submission deadline September 30<sup>th</sup>**

Road Name or Location: \_\_\_\_\_

Length of Road (km): \_\_\_\_\_ (x)

Number of property owners: \_\_\_\_\_ (y)

Eligible grant: \_\_\_\_\_ (x x \$150.00) + (y x \$10.00)

Road Maintenance Group Name: \_\_\_\_\_

Number of participating property owners: \_\_\_\_\_

Total collected for summer road maintenance (current year): \_\$ \_\_\_\_\_

Group Representative:

Name: \_\_\_\_\_

Highlands East Address: \_\_\_\_\_

\_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

I certify that all of the information above is to the best of my knowledge and belief true, correct and complete.

\_\_\_\_\_

Signature of group representative

N.B. written permission from all property owners that the private road is located on must be included with the application.